

A Critical Assessment of the Graf-Wellhausen Documentary Hypothesis

by
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Background

While the church has, from its earliest days, recognized that the Old Testament is a part of her heritage, there has by no means been a consensus view with regard to its interpretation. Origen, and others of the Alexandrian tradition, favored an approach to Old Testament theology that saw the entire work as an allegory—beneath any Old Testament text there could be found, if one looked hard enough, an allegorical reference to a New Testament event or person. While such a Christocentric view of the Old Testament is certainly laudable, this approach did not show respect for the fact that the books of the Old Covenant were written within a historical context by historical figures. In the formative years of the church there were various attempts made at criticism of the Old Testament both inside and outside of the church. Some with Gnostic leanings declared the Old Testament to be the creation of a lesser god than the God of the New Testament.¹ Porphyry argued against Daniel having written the work ascribed to him, and dated it to the time at which the prophecies were fulfilled (i.e., during the reign of Antiochus IV Epiphanes, 175-163 B.C). He doubted that anyone could prophecy with that degree of accuracy, so it must be an eyewitness account.² In the latter years of the first millennium A.D. there were further attacks against the chronology of the Old Testament, especially among Muslim apologists.

It was not until after the Reformation, however, that the level of attack against the fidelity of the Old Testament was raised. While there were, evidently, questions raised concerning the origins of the Old Testament books, many people looked to the church for their interpretation and for guidance in their understanding of these issues. The Reformation changed things. The authority of Rome as the interpreter of the Scriptures had been challenged. On the one hand, this meant that people recognized the fact that Scripture itself is its own interpreter. On the other hand, this also meant that, in the eyes

¹ R. K. Harrison, *Introduction to the Old Testament* (Grand Rapids, Mi.: William B. Eerdmans Publishing Co., 1969; reprint, Peabody, Ma.: Prince Press, 1999), p. 4.

²Ibid., pp. 5-6.

of some, people had license to develop their own ideas on the meaning and origin of Scriptural books apart from an external authority.³

The rise of humanism aided and guided this adverse development. Baruch de Spinoza (1632-1677), a Dutch pantheistic-rationalistic philosopher who, like many of his kind, denied the possibility of the miraculous, and hence denied the possibility of divine revelation, rejected the Mosaic authorship of the Pentateuch. While various suggestions were made as to who wrote what parts of the Pentateuch, it was Jean Astruc, a French physician who, in a 1753 work entitled *Conjectures*, proposed that Genesis (and other places in the Old Testament) can be divided based on the name for God used. Some portions utilize *Elohim* as the name for God, while others use *Jehovah* (Yahweh). Hence, one detects the presence of Elhoistic sections from the hand of one source, and Jehovistic sections from the hand of another source. J. G. Eichhorn developed Astruc's theory to the point of recognizing a distinctive stylistic difference between the Elhoistic and Jehovistic authors, even suggesting that their handiwork can be observed elsewhere beyond the book of Genesis. It is worth noting, though, that Astruc and Eichhorn at least credited Moses as the compiler of these sources.⁴

W. M. L. De Wette supported the Astruc-Eichhorn documentary theory, and added to this the notion that the copy of the Book of the Law discovered at the time of Josiah constituted the core of the book of Deuteronomy. Hence, one could identify possibly three sources at work in the Pentateuchal narrative:⁵ an Elhoistic source, a Jehovistic source, and the book of Deuteronomy. In 1853, Herman Hupfeld identified a secondary Elhoistic source; that is, a source that used the name Elohim as opposed to Jehovah, yet whose style was unlike the Elhoistic author and more like the Jehovistic author. This source was called "2nd Elohist," or E, while the former Elohist was designated "P" in light of his "priestly tendencies."⁶

³Ibid., pp. 8-9.

⁴James Orr, *Problem of the Old Testament*, (Ny.: Charles Scribner's Sons, 1906), p. 197. See footnote 5.

⁵In fact, by this time, it was popular to include Joshua with the Pentateuch to make a Hexateuch.

⁶Harrison, p. 17; Orr, pp. 198-199.

Up to this point, the Elohist document was considered to be the earliest source for the Pentateuch, and this would be dated somewhere between the time of the Judges and the time of King David. In 1866, there was a radical departure from this view when Karl Heinrich Graf published his book, The Historical Books of the Old Testament. Influenced by his teacher, Eduard Reuss, Graf proposed that, while the historical sections were relatively old, the priestly laws were inserted after the exile, and hence the basic document for the Pentateuch was not early, but late.⁷ John William Colenso (1814-1883) went further and also denied the historicity of any of the historical content of the Pentateuch's primary document. In addition to this, he postulated that the Book of the Law discovered during the reign of Josiah *was* the book of Deuteronomy, and that Chronicles was composed with the sole purpose of promoting priestly and Levitical interests.⁸ Abraham Keunen voiced his disagreement to this dating scheme. He held that the Jehovistic document was the basic source document for the Pentateuch, supplemented by the Elhoistic document, Deuteronomy, the exilic laws, and the Priestly document, which was considered to be from the time of Ezra.⁹

Finally, by way of background, it is important to note the work of Johann Karl Wilhelm Vatke (1806-1882). Vatke, applying principles of Hegelian philosophy, took the position that religions move from a primitive to a more advanced form over time. Applying this position to a study of Israelite history, and incorporating his comparative study of Canaanite and Egyptian religion, he concluded that Israel's religious life did not deteriorate from a high point at the time of Moses. Rather, it started as a primitive astral religion, and developed later into a cult of Yahweh. On this basis, he regarded most of the Pentateuchal foundational document as exilic in date.¹⁰

Julius Wellhausen

⁷Orr, p. 200.

⁸Harrison, p. 20.

⁹Ibid., pp. 20-21.

¹⁰Harrison, p. 20; Gerald Bray, Biblical Interpretation: Past & Present, pp. 280-281.

Julius Wellhausen (1844-1918) is sometimes credited with formulating the documentary hypothesis, but, as is evident from the above, his work was mainly as a popular exponent of the views coming out of the German school of the time. He studied under Ewald at the University of Göttingen, and later served as professor at Greifswald, Halle, Marburg, and Göttingen. The work that brought his views to the attention of the public was his Prolegomena to the History of Israel, first published in 1878. In this book, Wellhausen gives a brief history of how he first became interested in the documentary hypothesis:

In my early student days I was attracted by the stories of Saul and David, Ahab and Elijah; the discourses of Amos and Isaiah laid strong hold on me, and I read myself well into the prophetic and historical books of the Old Testament. Thanks to such aids as were accessible to me, I even considered that I understood them tolerably, but at the same time was troubled with a bad conscience, as if I were beginning with the roof instead of the foundation; for I had no thorough acquaintance with the Law, of which I was accustomed to be told that it was the basis and postulate of the whole literature. At last I took courage and made my way through Exodus, Leviticus, Numbers, and even through Knobel's Commentary to these books. But it was in vain that I looked for the light which was to be shed from this source on the historical and prophetic books. On the contrary, my enjoyment of the latter was marred by the Law; it did not bring them any nearer me, but intruded itself uneasily, like a ghost that makes a noise indeed, but is not visible and really effects nothing. Even where there were points of contact between it and them, differences also made themselves felt, and I found it impossible to give a candid decision in favour of the priority of the Law. Dimly I began to perceive that throughout there was between them all the difference that separates two wholly distinct worlds. Yet, so far from attaining clear conceptions, I only fell into deeper confusion, which was worse confounded by the explanations of Ewald in the second volume of history of Israel.¹¹ At last, in the course of a casual visit in Göttingen in the summer of 1867, I learned through Ritschl that Karl Heinrich Graf placed the law later than the Prophets, and, almost without knowing his reasons for the hypothesis, I was prepared to accept it; I readily acknowledged to myself the possibility of understanding Hebrew antiquity without the book of the Torah.¹²

¹¹Heinrich Ewald (1803-1875) taught that the books of the Old Testament had gone through the hands of a number of redactors, and divided them into three major works comprising the Hexateuch (pre-exilic), Judges-2 Kings (exilic), and Chronicles-Ezra-Nehemiah (post-exilic). See Gerald Bray, Biblical Interpretation: Past & Present, (Downer's Grove, Il.: Inter-Varsity Press, 1996), p. 279-280.

¹²Julius Wellhausen, Prolegomena to the History of Israel, (n.p. : n.d., 1878, 1883). From an e-text version available from Project Gutenberg at <http://gutenberg.net>. It appears that this book was called a "Prolegomena" since it was intended to be part one of a two-part History of Israel. The purpose of the first

From this account, one can see clearly that Wellhausen's point of departure from his earlier views was not a critical examination of the texts, but a discomfort that something did not *seem* right. It is his testimony that thanks to Ritschl, Graf, and their predecessors no doubt, he gained enlightenment that enabled him to let go of his previous convictions regarding the integrity of the Biblical text. This paper will, hopefully, demonstrate that at the root of the documentary hypothesis there is not a firmly established, historically defensible presentation of the fragmentary nature of the Torah. Rather, at its root is a theory based on the application of the naturalistic assumptions of seventeenth and eighteenth century humanists to the Biblical text. As Walter Kaiser points out, some modern proponents of the documentary hypothesis would like to wish that foundation does not exist, however it must exist for them, or the whole building collapses.¹³

In 1880, Wellhausen published an overview of his Prolegomena, which was the basis for the 1881 Encyclopaedia Britannica entry on *Israel*. The publication of this edition exposed the English-speaking world to German critical scholarship, and it caused a scandal.¹⁴ Today, however, Wellhausen's views, whether challenged, adapted, or accepted at face value, have become integral to any study of the Old Testament. Even among those who may question the existence of specific J, E, D, and P sources, the questions raised by Wellhausen have caused many to abandoned traditional, and even Biblical assertions regarding the authorship and dating of the Old Testament.¹⁵ For this reason, it is extremely vital that those engaged in Old Testament study be aware of

volume was to lay the philosophical foundation for the second.

¹³Walter Kaiser, transcript of a lecture given at the Ankerberg Theological Research Institute Orlando Apologetics Conference, 1991: Exploding the JEDP Theory or the Documentary Hypothesis, pp. 10-11. Transcript prepared by the Ankerberg Theological Research Institute, Chattanooga, Tn.

¹⁴Bray, p. 284.

¹⁵See, for example, Lester L. Grabbe, Leviticus, (Sheffield, England: JSOT Press, 1993), pp. 16-19, where Grabbe leaves the existence of a "P" document open, but maintains that Leviticus "has undergone a long period of growth with many additions and editings." He then bluntly states, "scholars are agreed on this point." Any reading of the works of Harrison, Kaiser, Archer, and others would reveal that this is far from being a universal consensus opinion among scholars.

Wellhausen's work, as well as the reasons why the documentary hypothesis as it stands today cannot be held as an adequate explanation of Pentateuchal origins. Indeed, it is important that the problems of the Graf-Wellhausen documentary hypothesis are presented to the student of the Old Testament, in the hope that, by the grace of God, his confidence in the Biblical record may be strengthened.

The critique presented in this paper will be organized in the following way: firstly, there will be a presentation of the major themes of the documentary hypothesis along with arguments in support of them. This will be followed by a critique of each of those themes. The paper will then close with some observations and conclusions. It should be noted that not every argument and not every theme apparent in the writings of documentary hypothesis supporters will be dealt with; such a task is beyond the scope of this paper. The purpose of this paper is to present the *major* themes and arguments in the hope that the refutation of these will provide the basis for critiques of others not covered.

The Elimination of the Supernatural

Wellhausen's position on the place of the supernatural and divine revelation does not seem to be as cut-and-dried as it might be to many of his modern-day followers. In his Prolegomena, he does not deny the existence of God, nor does he reject the claims of the Old Testament writers to having received the Word of God. On the other hand, his obvious willingness to move outside the Scriptures to find naturalistic answers to his questions that were, in many ways, contrary to the Scriptures shows, at best, a highly deficient view of the authority of the Word of God. Indeed, to arrive at the conclusions he arrived at, one would have to abandon completely the notion of God-breathed Scripture, given the amount of error, myth, and misrepresentation that his view necessarily demands. Nevertheless, W. Robertson Smith, in his introduction to the English translation of the Prolegomena states quite emphatically that the book is for the person "who has faith enough to see the hand of God as clearly in a long providential development as in a sudden miracle."¹⁶

¹⁶Wellhausen, Prolegomena.

What is undeniable, however, is that the foundation of the documentary hypothesis is heavily influenced by naturalistic, humanistic philosophy. Orr reports the view of Keunen, who stated that the religion of Israel is one of many religions, and not anything more; this is, apparently, the view of “modern theological science.”¹⁷ In his work, Prophets and Prophecy in Israel, Keunen states:

So soon as we derive a separate part of Israel’s religious life directly from God, and allow the supernatural or immediate revelation to intervene in even one single point, so long also our view of the whole continues to be incorrect... It is the supposition of a natural development alone which accounts for all the phenomena.¹⁸

In other words, the moment one admits the intervention of special revelation or the supernatural into the study of the Israel’s religious history, it is at that moment that one is guaranteed to come up with erroneous results. It is only by considering religious history along *natural* processes of development that one is, according to Keunen, guaranteed to come up with satisfactory results. This view was also expressed by Pfeiffer: “The Old Testament owes its origin to the religious aspirations of the Jews.”¹⁹

Prior to Pfeiffer and Keunen, Comte (1798-1857), representing what was known as the “Positivist” approach, applied a methodology to the study of religion that was founded on the premise that science, with its verifiable laws of succession and resemblance, can explain all natural phenomena without the need to appeal to the supernatural. It is evident that this approach of “positive science” greatly influenced the thinking of the liberal higher critics of the nineteenth century.²⁰

In short, the documentary hypothesis emerged out of a time of growing emphasis on the centrality of man in history and nature. This thought found its apex with Darwin’s speculations on evolution, and this incorporated itself with the view of history adopted by the proponents of this hypothesis. Such an emphasis on the importance of rationalistic thought and the preeminence of man could not tolerate a view of history that placed God

¹⁷Orr, p. 12.

¹⁸Quoted in Orr, p. 13.

¹⁹Quoted in Joseph P. Free, “Archaeology and Biblical Criticism: Part I: Is Rationalistic Biblical Criticism Dead?” Bibliotheca Sacra 113, no. 450 (1956): 126.

²⁰Harrison, pp. 351-352.

in Sovereign control, and that allowed for His guidance and intervention in the affairs of men. Their rejection of the supernatural was based on the assumption that all things happen as a result of natural phenomena, and therefore they could be assured of a natural explanation for everything.²¹

The Evolution of Religion

By the time of Wellhausen, the traditional ideas of how religious belief came about were being questioned. The conservative view that the people of Israel were always monotheistic was replaced with the idea of religion moving through an evolutionary process, starting with primitive man's belief in spirits, through ancestor worship, fetishism, totemism, magic, and then eventually to defined personifications of divinity as in polytheism, culminating in the elevating of one deity above the others in a precursor to monotheism. G. E. Wright has given a good summation of how this view of the development of religion was applied by Wellhausen and his followers:

The Graf-Wellhausen reconstruction of the history of Israel's religion was, in effect, an assertion that within the pages of the Old Testament we have a perfect example of the evolution of religion from animism in patriarchal times through henotheism to monotheism. The last was first achieved in pure form during the sixth and fifth centuries. The patriarchs worshipped the spirits in trees, stones, springs, mountains, etc. The God of pre-prophetic Israel was a tribal deity, limited in power to the land of Palestine. Under the influence of Baalism, he even became a fertility god and sufficiently tolerant to allow the early religion of Israel to be distinguished little from that of Canaan. It was the prophets who were the true innovators and who produced most, if not all, of that which was truly distinctive in Israel, the grand culmination coming with the universalism of II Isaiah. Thus we have animism, or polydemonism, a limited tribal deity, implicit ethical monotheism, and finally, explicit and universal monotheism.²²

²¹See Dr. A. Noordtzy, "The Old Testament Problem Part 1," *Bibliotheca Sacra* 97, no. 388 (1940): 471-472, who also notes the increasing tendency (unfortunately prevalent even today) for people to discuss religion in abstract terms, treating it as man's attempts to reach up to God, or some kind of divinity, and thus regarding all religions of equal worth and purpose, with no intrinsic differences.

²²G. E. Wright, "The Present State of Biblical Archaeology," *The Study of the Bible Today and Tomorrow*, pp. 89-90. Quoted in Joseph P. Free, "Archaeology and Biblical Criticism: Part III: Archaeology and Liberalism," *Bibliotheca Sacra* 113, no. 452 (1956): 333-334.

For examples of Patriarchal animism, the “higher critics” looked to passages such as Genesis 12:6 where the Lord appeared to Abram at the oak of Moreh at the site of Shechem, the oaks of Mamre in Genesis 13:18, where Abram built an altar to the Lord or the stone set up at Ebenezer by Samuel in 1 Samuel 7:12. Also, they note the numerous references to wells, and springs of water in places such as Genesis 14:7, Numbers 21:17f, and Joshua 18:17.²³ Apparently, the association of these objects with divine activity was enough to convince the “higher critics” that these things in themselves were seen by the early Israelites to have power to affect the lives of people. It was not that these were simply designated as memorials, but that God actually existed within the object.²⁴

In addition to uncovering traces of animism in the Old Testament, Wellhausen associated polytheistic tendencies with passages where place names were connected with God, Baal, sanctuaries, or Canaanite worship (e.g., Joshua 15:11; Numbers 25:3; Deuteronomy 32:13; Judges 3:7).²⁵ He also “discovered” elements of totemism in the names of people and places in the Old Testament (e.g., Rachel (“ewe”), Caleb (“dog”), Eglah (“calf”)).²⁶ Such totemism, they theorized, developed into ancestor worship. This can be seen, supposedly, in the sanctity of their burial sites (e.g., Genesis 23:1 ff.), and also in the **תַּרְפִּיִּים** or “household gods.” Some scholars associated this word with the Hebrew term **רפאים**, “shades of the departed,” implying that they represented deceased ancestors.²⁷

Among other examples of primitive religion ascribed to early Israel by the “higher critics” was human sacrifice. Keunen suggested that there was a connection between Moloch and Yahweh, since human sacrifice was a part of Moloch worship, and he saw such practice in events such as the offering of Isaac by Abraham (Genesis 22), the killing

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Harrison, p. 353.

²⁴Orr, p. 138.

²⁵Ibid., p. 354.

²⁶Totemism is the belief that there is a relationship between a clan and a group of animals or plants. See Harrison, p. 354.

²⁷Harrison, p. 355.

of the Egyptian first-born (Exodus 13:2, 11-12, and subsequently the concept of offering one's first-born or first-fruits), the slaughter of Agag by Samuel (1 Samuel 15:33), and the hanging of the seven sons of Saul (2 Samuel 21:1-14).²⁸

The latter stages of Israelite religion, according to Wellhausen, are marked by, at the very least, a henotheism, where Yahweh is regarded as the pre-eminent God above other gods for Israel—a kind of tribal god.²⁹ This eventually gave way to the ethical monotheism of the prophets.³⁰

It is evident that such an attitude toward Israelite history has a major impact on one's view of the authorship and dating of the Old Testament. Any passages that display an "advanced" monotheistic or henotheistic persuasion necessarily have to be considered to be at the very earliest pre-prophetic; certainly not of the patriarchal, and perhaps only just from the Davidic era. This would further bolster the claim that Deuteronomy is of mid-seventh century origin, since it is very strongly monotheistic (or henotheistic) in tone.³¹ It is plain to see, therefore, how important such a theory as this is to the documentary hypothesis.

The Late Date of Deuteronomy

About the origin of Deuteronomy there is still less dispute; in all circles where appreciation of scientific results can be looked for at all, it is recognized that it was composed in the same age as that in which it was discovered, and that it was made the rule of Josiah's reformation, which took place about a generation before the destruction of Jerusalem by the Chaldaeans.³²

Such was the opinion of Wellhausen, echoing the belief of De Wette that the document recovered during the reign of Josiah was nothing other than the Book of

²⁸Orr, p. 140.

²⁹Suggested, perhaps, in passages such as Psalm 97:9, "For You are the LORD Most High over all the earth; You are exalted far above all gods."

³⁰Harrison, p. 355.

³¹The Shema (Deut. 6:4-5) is only one of many examples of this.

³²Wellhausen, Prolegomena.

Deuteronomy itself (2 Kings 22). This belief was not merely asserted, but based upon a couple of observations from the text and the period. Firstly, the themes discussed in Deuteronomy reflect both the nature of the reforms that Josiah enacted, and also echo the tenor of prophetic utterance around this time (640-609 B.C.). The call for ethical purity among the people, and the call to worship in one place as opposed to many are echoed in Deuteronomy 12, 14, and 23, for example.

Wellhausen argued that the Jehovistic document lay at the foundation of Deuteronomy, but Deuteronomy itself is clearly later. This is evident from the overturning of previous laws by new ones that focus worship in a central location:

...For example, when he permits slaying without sacrificing, and that too anywhere; when, in order not to abolish the right of asylum (Exodus xxi.13, 14; 1Kings ii. 28) along with the altars, he appoints special cities of refuge for the innocent who are pursued by the avenger of blood...³³

Wellhausen thus notes the changes in legislation made in accordance with this “new attitude” toward the one true place of worship for God’s people. Since there is no body of legislation known to Israel since “the book of the Covenant” in Exodus 20-23, the sudden appearance of a document in the reign of Josiah that brings about sweeping reform seems, at least to Wellhausen, very suspicious. Some who follow Wellhausen’s view regard the book to have been a “pious fraud”—that is, certain prophets composed the work under the name of Moses in order to bring about the reforms that Josiah enacted. Others believe it to be a work that was composed in the style of Moses with no intention to deceive.³⁴ Whichever view one follows, both necessarily conclude that Deuteronomy is not a Mosaic, mid-late second millennium B.C. work.

It is critical to realize the impact of this conclusion. As James Orr notes

³³Ibid. It is of interest to note that, since the legislation focusing on this worship center (which is identified by Wellhausen as Jerusalem) begins in Deuteronomy 12, he considered the “original” book of Deuteronomy to be only the section from chapter 12 to chapter 26.

³⁴Orr, p. 249

If Deuteronomy is a work of the age of Josiah, then, necessarily, everything in the other Old Testament books which depends on Deuteronomy—the Deuteronomic revisions of Joshua and Judges, the Deuteronomic allusions and speeches in the Books of Kings, narratives of fact based on Deuteronomy—*e.g.*, the blessings and cursings, and writing of the law on stones, at Ebal, all must be put later than that age.

³⁵

Indeed, as far as questions of dating and authorship are concerned, Deuteronomy is the keystone of the whole documentary hypothesis.³⁶

The Unhistorical Nature of the Patriarchal Narratives

Naturally, if the Pentateuch cannot be dated within the lifetimes of those about whom it is written, then the very historicity of those accounts might be drawn into question. According to many who hold to the documentary hypothesis, the Patriarchs were not historical figures, but were either personifications of the various clans that bear their names, or they were works of fiction.³⁷ They point out that many of the genealogies are given by tribal or clan name, not according to the names of individuals. For example, the so-called “Table of Nations” in Genesis 10 refers constantly either to the תולדות, or “generations,” of certain people, or to the בְּנֵי, the “sons of,” certain people. This is in stark contrast to, say Jesus’ lineage as presented in Matthew 1:1-17 and Luke 3:23-38, where the genealogy is given from person to person.

In connection with the idea of the evolution of religion, the high ethical values, and “advanced” moral and religious ideals exhibited by the Patriarchs in the Pentateuch call into question their historicity. If it is to be assumed that religions evolve over many generations from primitive to complex forms, then any display of “complex” religious worship or ideals by that religion’s earliest representatives must surely be a later

³⁵Orr, pp. 249-250.

³⁶Harrison, p. 640.

³⁷Hence, Wellhausen states, “Abraham alone is certainly not the name of a people like Isaac and Lot: he is somewhat difficult to interpret. That is not to say that in such a connection as this we may regard him as a historical person; he might with more likelihood be regarded as a free creation of unconscious art” (Prolegomena).

imposition onto the historical narrative. Wellhausen asserted that Abraham was not even spoken of until the later prophets: “In the earlier literature... Isaac is mentioned even by Amos, Abraham first appears in Isaiah xl.-lxvii.”³⁸ The implication of this statement is that the stories of Abraham come from the same period in which he is spoken of and referred to as a role model, i.e., the later prophetic era. If there are no direct references to him during the pre-exilic era, then none of the stories about him could be derived from any earlier than the exilic era. In the words of Wellhausen:

It is true, we attain to no historical knowledge of the patriarchs, but only of the time when the stories about them arose in the Israelite people; this later age is here unconsciously projected, in its inner and its outward features, into hoar antiquity, and is reflected there like a glorified mirage.³⁹

Finally, since the existence of the supernatural has been eliminated as an option for the “higher critic,” the stories of miraculous interventions in history (angelic appearances, revelatory divine messages, the parting of seas, and so forth) must be considered as mythical additions to the text in order to heighten their appeal and cast the heroes of the stories as being particularly favored by God, and, hence, to be admired and heeded. For the “higher critic,” one cannot maintain the idea of a God working in history along with an objective, scholarly approach to the Biblical text.⁴⁰

The Late Date of the Mosaic Law

Due to the assertion that religious belief evolves over time from simple to complex, the view that the Mosaic Law, or the Book of the Covenant as preserved in

³⁸Prolegomena.

³⁹Wellhausen, Prolegomena.

⁴⁰Dr. Gerald Larue made the following comment in a debate with Dr. Walter Kaiser in 1987: “Well, this is a bias, and, of course, what you deal with is interpretation. Something happens and somebody says, ‘Well, this is... because God...’ So we have Christian scholars who are higher critics who have written books called The Mighty Acts of God, dealing with the interpretation of history as God acting within the realm of man. The secular historian doesn’t utilize that kind of belief system.” (Transcript from The John Ankerberg Evangelistic Association of a debate recorded for The John Ankerberg Show, 1987: How Was the Old Testament Written? p. 6.)

Exodus 20-23 (with Exodus 20:1-17 forming the Decalogue), was composed at one time by Moses in the mid-second millennium simply had to be false. The ideas expressed in these chapters were not of a primitive religious group, but an advanced ethical people. Also, some of the legislation in these chapters (particularly chapter 22, and also, to some extent, in chapter 23) seems to reflect an agricultural situation. This best fits the post-settlement period of Israel's history, when they had already established themselves in Canaan. In light of these observations, the Book of the Covenant cannot be original with Moses, and must date somewhere in the eighth to seventh century BC.

Even relatively conservative scholars have conceded this latter point. For example, in his commentary on Exodus for the Word Biblical Commentary series, John Durham states, "That the Book of the Covenant is a disruption of the Sinai narrative sequence, and that many of its laws are more appropriate to the settled life in Canaan than to the nomadic life of the wilderness of Sinai, cannot reasonably be doubted."⁴¹ Also, Wellhausen states:

Agriculture was learned by the Hebrews from the Canaanites in whose land they settled, and in commingling with whom they, during the period of the Judges, made the transition to a sedentary life. Before the metamorphosis of shepherds into peasants was effected, they could not possibly have had feasts which related to agriculture.⁴²

The Existence of Multiple Sources/Editors/Redactors

Astruc and Eichhorn are credited with the identification of the Elohist and Jehovistic sources based on those two names of God, and the style employed when those names are used. As has already been noted, both Astruc and Eichhorn would still credit Moses as the compiler of these works and, therefore, would not have seen this as evidence of their lateness. However, what had begun with the identification of two underlying documents soon grew. Eventually multiple sources were identified for the Pentateuch (and, in time, other parts of the Old Testament). There was an early E, a late

⁴¹John I. Durham, *Exodus*, (Waco, Tx.: Word Books, 1987), p. 281.

⁴²Wellhausen, *Prolegomena*.

E, the Jehovistic document, and finally Deuteronomy. It was Graf who, utilizing existing theories, differentiated the Levitical code from the Deuteronomic, and ascribed a later date to this Levitical code. He identified the so-called “earlier” E with this Levitical, or “Priestly” code, and hence placed this E document at the end of the process. This “early” E became P, or the Priestly Code, and the sequence was amended to either E, J, D, P or J, E, D, P (there was not agreement whether the former “late” E was earlier or later than J until Kuenen gave the latter sequence his support).⁴³

While Wellhausen cannot be credited with making these divisions, he certainly developed the theory further and gave it popular voice. Much has been written on the alleged contents of these hypothetical sources. Since the documents are hypothetical, evidence is drawn from the texts of Scripture that are thought to represent each document, and these texts are considered in light of their style, the history of the region, geography, and the theory of religious evolution.

The J document is regarded as being from around 850 BC. It contains a history of Judah from creation to the settlement in Canaan. This is evident from the amount of references to territorial expansion and the rise of Judah (see, for example, Genesis 15:18; 27:40; 49:8ff.).⁴⁴ The E document is considered to be about a century later than J and fragmentary in nature. It supposedly originates from the North, given the prominence accorded to Joseph, and the cities of Bethel and Shechem (Genesis 28:17; 31:13; 33:19f.). Also, it has a distinctive religious and moralistic emphasis, as demonstrated in the story of Abraham offering Isaac. D is considered to be from the time of Josiah, and is identified, by and large, with the Book of the Law discovered during his reign (2 Kings 22:3ff.). For evidence of this, proponents of the documentary hypothesis point to the correspondence between the regulations of Deuteronomy and the nature of Josiah’s reforms. In particular, they note the emphasis on the pure worship of God’s people in one place. Finally, P consists of a variety of laws drawn from different periods in the nation’s history. The various law codes were drawn together to provide a legal basis for

⁴³Harrison, p. 501.

⁴⁴Ibid. The author acknowledges his debt to Harrison for this summary of JEDP.

the post-exilic community. Lending support to the post-exilic dating of this document is the detailed description of the Tabernacle (Exodus 25-27), and also the detailed descriptions of their complex religious rituals.

Of course, if these documents post-date Moses, then Mosaic authorship cannot be held to any of them. Indeed, the scholar holding to the documentary hypothesis will hesitate to name any particular person mentioned in the pages of Scripture as the sole author of any of these works. They would rather claim that these are documents that were passed from hand to hand through a series of editors and redactors. Information was added, or clarification given parenthetically,⁴⁵ thus altering the original text. Hence, it is the contention of the liberal scholar that the text of the Old Testament has not come to us unchanged, but has grown over generations according to the events of the time.

The basic J, E, D, and P documents were further divided and refined during the years succeeding Wellhausen's work. Smend identified two Jahwist documents, Eissfeldt identified a "Lay" source (L), Morgenstern discovered a Kenite source (K), Pfeiffer thought he had found a Southern (S) source of non-Israelite origin, and so on. However, the core JEDP sources have remain central to the theory, and are still considered at the foundation of the documentary, liberal, approach to the study of the Old Testament.

Having identified six key areas of the documentary hypothesis, the direction of this work shall now turn to offering a critique of these areas. Before beginning the critique, the reader should note that the original Graf-Wellhausen theory was constructed at a time when archaeological study was in its infancy. Had Wellhausen waited until closer to his death to publish, the reaction may have been quite different. In light of modern archaeological finds, liberal scholars today acknowledge that certain aspects of the theory once held to can no longer be considered tenable.⁴⁶ There is, however, a stubborn streak in liberalism that refuses to let go of JEDP completely, and many modern

⁴⁵For example, the account of the death of Moses at the end of Deuteronomy, or the references to certain things being so "to this day" (Genesis 19:37-38; 22:14; 47:26; Deuteronomy 2:22; 3:14, to name a few).

⁴⁶An example of this is the discovery of cuneiform writing, demonstrating that people were writing at least as early as the time of Moses, if not earlier. This overturned the prior contention that Moses could not have written the Pentateuch since writing had not been invented.

liberals still hold to the basic tenets of the theory.⁴⁷ It is the judgment of this author that the six views identified here for criticism represent popular views expounded by Wellhausen that are still maintained in many liberal circles today.

A Critique of the Elimination of the Supernatural

It is often assumed in liberal scholarly circles that complete objectivity in Biblical studies is not only helpful, but also necessary.⁴⁸ However, it cannot be denied that true objectivity is impossible for anyone, since each person approaches an issue with his or her own set of presuppositions and beliefs. The scholar ought to try to approach an issue devoid of as much prejudice as possible, but complete objectivity is simply too much to ask. As much as the Christian scholar assumes supernatural intervention in history, the liberal scholar assumes the contrary. For the Christian, it would be contrary to his belief system to entertain the possibility of pure “natural” process without special revelation; the same applies for the liberal with regard to the opposite opinion.

Since the advancement of archaeology over the past one hundred years, many aspects of the liberal position have been shown to be tenuous at best. Indeed, the topics addressed in this paper have been addressed by archaeology in ways that make it more difficult for the liberal scholar to maintain the presuppositions that make his position possible. The arguments contrary to the notion of the natural, evolutionary development of religion beg the question of where the particular, and comparatively peculiar, religion of the Israelites actually originated. Questions regarding some of the unusual aspects of Israelite worship, as well as the stories of in the early chapters of Genesis need to be addressed in light of recent discoveries. It is a shame, and is often frustrating that the liberal scholars are so frequently unwilling to offer an honest agnosticism over these

⁴⁷On the John Ankerberg Show, when asked if he still holds to JEDP, Dr. Gerald Larue stated, “I utilize this as the best we have at the moment... Possibly somebody will come up with something better...” (Transcript, How Was the Old Testament Written? p. 6). Given that Dr. Larue is still subscribing to this 120-year-old theory, one is given cause to doubt that he truly believes this to be the case.

⁴⁸Lester L. Grabbe, “Fundamentalism and Scholarship,” in Barry P. Thompson (ed.), Scripture: Meaning and Method: Essays Presented to Anthony Tyrrell Hanson, (Hull, England; Hull University Press, 1987). This principle is the contention behind Grabbe’s article. He argues that Christians cannot truly be scholars since their work is biased from the outset by their faith. This author has encountered this perspective on numerous occasions.

issues, and instead attempt to assert their presuppositions all the more forcefully in spite of the evidence.

As much as the liberal scholar would like to dispense of the supernatural, and read the text as a work of human hands depicting events that happened without divine intervention, there are too many questions that he cannot adequately answer for such an assumption to be presumed fact. Questions of this nature will be raised in the proceeding pages. It must also be noted, however that as much as archaeology raises questions regarding the liberal position, archaeology by no means “proves” the existence of God, or even the truth claims of Christianity.

Many details of Hebrew history and religion have been confirmed by the spade of the excavator; yet, the main function of Biblical archaeology is to expose the human environment and furnish a properly accredited background to the study of the ancient Hebrews. It should never be expected to demonstrate the veracity of the spiritual truths implicit in the Old Testament, since archaeology is essentially a human activity and cannot therefore as such confirm theology or open the realm of faith.⁴⁹

A Critique of the Evolution of Religion

The evolutionary view of religion depends upon the idea that religious expression as a whole evolved through the various stages, noted earlier, at various points in history. According to this theory, during the time of the patriarchs, animism would have been prominent. Certainly, according to this theory, the idea that the patriarchal religion was monotheistic (or even henotheistic) could not be true. However, recent archaeological discoveries have indicated that during the time of the patriarchs, Near Eastern religion was far from animistic. Statues of deities in a triad have been found in what has been described as a temple-like structure at an excavation in Jericho. These were dated to around the third millennium B.C.⁵⁰ There is also evidence of a highly developed polytheism characteristic of the religions of Egypt and Mesopotamia at this time.

⁴⁹Harrison, p. 93.

⁵⁰Joseph P. Free, “Archaeology and Biblical Criticism: Part III: Archaeology and Liberalism” p. 334.

The Mesopotamians of this period had already applied categories of personality to the great cosmic powers that dominated their pantheon, and were worshipping them in temples that were regarded as the earthly residence of the deities.⁵¹

Also, it would serve the liberal critic well to note that, at this time, the Egyptians had a pantheon whose head god was Re, and the Canaanites had the god El as their chief deity.

From the archaeological evidence, therefore, it seems that animism was far from prevalent during the patriarchal period. Indeed, any lingering artifacts of animistic religion found during this period must be seen as the exception, and not the rule. The religion of the period was far more sophisticated than Wellhausen imagined.

With regard to the “evidences” of animism noted earlier, one must not confuse references to objects (stones, trees, rivers, etc.) that were used as symbols for the worship of such objects. No indication is given in the Old Testament texts that God could not speak to His chosen mouthpiece without the intervention of these objects. “The staff of Moses constituted the symbol of his authority and was not the source of his inspiration or power.”⁵²

The totemism that was supposedly found in the Old Testament by the higher critics is also unsupported by archaeological evidence. Totemism was practiced largely by North Americans, Africans, and Australians and there is no evidence that the practice spread further abroad. It was certainly not widespread enough to be considered a general phase that all religions passed through. While there may be evidence of Egyptian totemism, at least in some form, this appeared only in the later decadence of the religion, and was probably nothing more than simple animal worship. There is no evidence for anything like even the Egyptian practice of mummifying cats and dogs in Mesopotamia or Sumeria. The ascription of the names of animals or objects to people need be nothing more than the recognition of certain characteristics in that person reminiscent of the animal or object. Apart from further evidence of animism in the ancient Near East at this time, it is speculative at best to read anything else into these passages.

⁵¹Harrison, p. 384.

⁵²Harrison, p. 387. It is instructive to note that no images of Yahweh have ever been found.

The suggestion that human sacrifice was an acceptable part of Israelite worship is nothing short of ludicrous. The passages cited earlier do not support this view. The command to sacrifice Isaac that was issued to Abraham was clearly a test of Abraham's faith. The ritual was not completed, at the Lord's command. Furthermore, the Lord provided an acceptable sacrifice for Abraham to offer in place of his son. Samuel's killing of Agag does not bear the hallmarks of religious ritual, even though the text says it was done "before the Lord." This applies to the other passages cited, also. As for the sacrifice of Jephthah's daughter in fulfillment of the rash vow he made (Judges 11:30-40), there is doubt over whether his daughter was killed or simply offered into the service of the Lord to fulfill the vow. And even if she was killed as a sacrifice, this one incident hardly proves the rule.

... Admitting that the maiden was actually slain as a sacrifice, and not simply devoted, we may be excused... for not accepting the action of this very partially enlightened Gileadite, in a rude age, as a rule for judging of the true character of Israel's religion.⁵³

The use of the name "El" or "Baal" in place names or names of people has been cited as evidence of early ancestor worship, or polytheism, where the person is elevated to the status of deity. However, it should be observed that such name designations often occurred as a result of a theophany (e.g., Ishmael, "God hears," because God heard the cries of his mother, Hagar—Genesis 16:10), or a place of religious significance (e.g., Peniel, where Jacob wrestled with God—Genesis 32:30).⁵⁴ It is also evident from archaeological discoveries that the *teraphim*, far from being evidence of either ancestor worship or polytheism, constituted, among other things, inheritance rites. It is clear why, therefore, Rachel secretly packed the household idols when she and Jacob left Laban: she was ensuring that she would inherit her father's property.⁵⁵

⁵³Orr, p. 140.

⁵⁴Harrison, p. 392.

⁵⁵Genesis 31:34; *Ibid.*, p. 393.

It is also evident from archaeological discoveries that it was entirely possible for monotheism to exist in the time of Moses, and even before that time. Evidence for this can be seen in the practice of contemporary pagan religions of the same time. For example, a Babylonian find from around 1500-1200 B.C. identifies all the major Babylonian gods with the god Marduk. In this text, Zababa is Marduk of battle, Sin is Marduk as illuminator of night, and Adad is Marduk of rain. Similar practices are observed elsewhere by scholars, even in Syria and Canaan.⁵⁶

There is much more that could be said with regard to this particular issue, and the reader is referred to the numerous articles and books on the subject. Suffice it to say that there is sufficient reason to question the evolutionary hypothesis with regard to religion. The supposition that such a development occurred is too simplistic, especially in light of the archaeological evidence. Yet, as Orr indicates, the liberal position is found also to be internally inconsistent, even aside from archaeological evidence:

How constantly, for instance, are Jephthah's words in Judges 11:24, relied on in proof that, in the time of the Judges, Jehovah sustained the same relation to Israel as Chemosh did to Moab. Yet this section is declared by the critics not to belong to the older stratum of the book of Judges, but to be a late insertion of uncertain date: certainly, therefore, on the theory, no real speech of Jephthah's... Similarly, the statement of David in 1 Samuel 26:19, that his enemies had driven him out of Jehovah's inheritance saying, "Go, serve other gods"—continually quoted in proof that to David Jehovah was only a tribal god—is, with the chapter to which it belongs, assigned by Kautzsch, with others, to a comparatively late date: is valueless, therefore, as a testimony to David's own sentiments. Is it desired, again, to prove an original connection between Jehovah and Moloch? Kuenen, to that end, accepts as "historical" the statement in Amos 5:26 that the Israelites carried about in the desert "the tabernacle of Moloch," though the whole history of the wanderings, which, in its JE parts, is allowed to be *older* than Amos, is rejected by him. A proof of bull-worship of Jehovah from ancient times is found by some in the story of the making of the golden calf in Exodus 32; yet the story is rejected as unhistorical.⁵⁷

Both in terms of archaeology and internal consistency, the theory of evolutionary development has been shown to be inadequate to enlighten the background of the Old

⁵⁶Free, "Archaeology and Biblical Criticism Part III: Archaeology and Liberalism," pp. 335-336.

⁵⁷Orr, pp. 121-122.

Testament narratives. As will become evident, the very fact that this theory can no longer be taken for granted damages, perhaps irreparably, the whole documentary hypothesis. So much has been laid upon this assumption that to tear it down destroys the whole structure.

A Critique of the Late Date of Deuteronomy

It was noted earlier that, for the liberal scholar, the dating of Deuteronomy depends largely upon placing its origin during the reign of Josiah (seventh century B.C.), and identifying it as the document recovered during that time (2 Kings 22:8). Evidence for this is supposedly found in the reforms of Josiah that followed the discovery of this document that seem to reflect the Deuteronomic legislation, in particular the centralization of Israelite worship in Jerusalem.

The difficulties with this reasoning are plain from the text itself. To begin with, nowhere does Deuteronomy make the claim that Jerusalem is to be the central place of worship. Jerusalem is not named either explicitly or implicitly. Moreover, one must question the assertion that the concern of Deuteronomy is to centralize Israelite worship, such that people could not worship elsewhere. As Harrison points out, “The real force of the contrast in Deuteronomy 12 is not between many alters of God and one, but between those of the Canaanites dedicated to alien deities and the place where the name of God is to be revered... the question is not their number but their character.”⁵⁸

It would surely be no strange thing for Hilkiah the priest to have recovered the book of Deuteronomy. As is evident from 2 Kings, both kingdoms had slipped more than once into apostasy, and it would not be surprising to learn that the Mosaic law had been lost at that time.⁵⁹ The problem comes with then hypothesizing that this book of the law was a recent creation by the hands of the prophets to force Josiah’s hand toward

⁵⁸Harrison, pp. 642-643.

⁵⁹Harrison, citing the work of Cyrus Gordon, notes that ancient Near Eastern law codes were often discarded in actual life. “Mesopotamian judges consistently omitted any reference to law codes in their court decisions, preferring instead to be guided by tradition, public feeling, and their own estimate of the situation confronting them... Thus the rediscovery of lost Sumerian legal codes some centuries after their promulgation would have constituted as complete a surprise to the contemporary Babylonians generally as the finding of the ‘book of the law’ did to Josiah” (Ibid., pp. 647-8).

reformation. This is to read more into the text than the text itself permits, and the subjective nature of such an assertion is even more obvious when the presupposition of the evolutionary nature of religion is stripped away. If the high moral nature of the Deuteronomic legislation does not necessarily place it at a late date, then there is no reason to suppose that Deuteronomy *cannot* be Mosaic.

James Orr, writing at the beginning of the twentieth century, raises some very simple yet compelling questions with regard to the liberal theory. For example, how could the priest present to the king a book purporting to be of Mosaic origin when, so to speak, the ink is still wet? Surely such a modern work would not have the look of antiquity and the king, unless he was extremely dull-witted, would not be deceived by such a clear forgery. Also, the text of 2 Kings 22 indicates an awareness of this book's existence, and the recognition of its authority when it was read. If this book were a novel invention, surely it would not have received such an eager hearing, and be recognized as *the book of the law*?⁶⁰

Moreover, as Orr correctly points out, scholars are not in agreement on either the authorship of this work, or its date. Many, including Wellhausen, Graf, Keunen, and Colenso, have no difficulty in asserting that Deuteronomy is a "pious fraud": a book written at the time of Josiah to provoke reform. Other, more conservative scholars, feeling the force of the "pious fraud" argument, wish to give the work at least some sense of antiquity, so they push its composition back to the days of Hezekiah or Manasseh. However, since they have only their conscience as a basis for this, what is there, apart from an allegiance to the evolutionary theory, that prevents them from assigning its authorship to Moses, or at least to his time?⁶¹ Also, if this work is a "pious fraud," is it one at the hands of the prophets or the priests? Does it reflect a prophetic agenda for moral reform, or a priestly agenda regarding the sanctuary, the priesthood, and the centralization of worship in Jerusalem? Orr suggests that the very fact that there would

⁶⁰Orr, p. 257-260.

⁶¹Ibid., pp. 260-261.

be a conflict of interest indicates the unified nature of the work apart from either the prophets or priests of Josiah's time.⁶²

Against the theory of a seventh-century origin for Deuteronomy, Harrison points out that Deuteronomy does, in fact, fit the situation of Israel on the brink of entering the Promised Land. The Israelites were about to enter a land that was under Canaanite rule, and the influence of Canaanite religion would be strong. For this reason, the Lord commanded Israel to destroy all traces of Canaanite worship, so that the pure worship of the Lord would not be tainted by pagan rituals (Deuteronomy 7, and 12, for example).⁶³ The Deuteronomic legislation is clearly preparatory (notice the language in 18:9; 19:1; and 26:1, for example). It is surely presumption to assume that this cannot be the case; only by denying the supernatural and asserting the evolutionary view could one doubt that this legislation was given to Moses to establish the religious framework of the people once they had settled in Canaan.

While it is possible that the reforms of Josiah were influenced in part by provisions in Deuteronomy, the purpose of Deuteronomy went well beyond the reforms of Josiah. As Harrison succinctly puts it, "To set the matter in correct perspective it need only be observed that the reformation of Josiah resulted in an abolition of idolatry, and not in the establishing of a centralized sanctuary, the latter having obtained since the days of Solomon."⁶⁴ The suggestion that the purpose of Deuteronomy was fulfilled in the reforms of Josiah surely underestimates the scope of the Deuteronomic legislation, and overestimates the scope of the reforms of Josiah.

A Critique of the Unhistorical Nature of the Patriarchal Narratives

Some of the initial objections to the assertions made regarding the supposed unhistorical nature of the patriarchal narratives have already been addressed in the discussion of the evolutionary theory and the place of the supernatural. There is more

⁶²Ibid., p. 262.

⁶³Harrison, p. 644.

⁶⁴Ibid., p. 646.

that can be said, however, of a positive nature regarding the general historicity of the accounts of the patriarchs.

It is true to say that little is known of the patriarchs themselves outside of the Scriptural record, and archaeology has not helped the Biblical scholar on that front. However, archaeology has provided the scholar with a wealth of information regarding the culture of the early- to mid- second millennium B.C. Near East that enables us to place the patriarchal narratives into this location and timeframe.

To begin with, the account of creation and the flood found in Genesis 1-11 have parallels in Babylonian literature, in particular the *Atrahasis* which is dated to about 1800 B.C., though it is based on sources that are probably earlier.⁶⁵ While some might argue that this document is the source of the accounts in the early chapters of Genesis, it is unlikely that this is the case. This document, and others discovered that are like it, gives insight into the Near Eastern mindset, and the way in which such issues were being discussed at that time. The fact that Genesis 1-11 deals with the same subject matter helps us to place it in this timeframe. However, the numerous points of variation might suggest that Genesis 1-11 serves as, perhaps, an apologetic against some of the myths of creation circulating at that time. For example, in the Babylonian and Mesopotamian texts, creation occurred as a divine afterthought, and initially things were rough but gradually improved over time. The Biblical account, however, states that creation was purposeful, and the creation of man was the apex of God's creative activity. In Genesis 1-3, rather than being presented with a picture of progression from a hard to an easy life, the text indicates that man was created in perfection with all the benefits of communion with God. However, man fell from this position as a result of sin, and, from thereon, was left to work the ground (Genesis 3:17-19).⁶⁶ The portrayal of God is also different: the God of Genesis 1-11 is one, omnipotent and holy God, not the multitude of competitive, lustful gods of the other texts.⁶⁷ Further, as Gordon Wenham points out, "...until the

⁶⁵Donald J. Wiseman, "Archaeology and Scripture," Westminster Theological Journal (Philadelphia, Pa.: Westminster Seminary) 33, no. 2 (1971): 142.

⁶⁶Gordon J. Wenham, "The Place of Biblical Criticism in Theological Study," Themelios (Leicester, England: IFES) 14, no 3 (1989): 87.

⁶⁷Ibid.

discovery of the Atrahasis epic, it had hardly been appreciated that the command given to Adam to ‘be fruitful and multiply’ showed Genesis rejecting the ancient fear of a population explosion.”⁶⁸

As mentioned previously, archaeology has been unable to provide parallel accounts of the patriarchal narratives in the Scriptures. However, excavations at and around the site of the ancient royal palace at Mari, the capital of the Semitic Amorites in the eighteenth century B.C., have brought to light some interesting information. In particular, names of Biblical patriarchs were commemorated in the designation of sites such as Serug, Peleg, and Terah.⁶⁹ Also, from documents and records discovered, it is apparent that names such as Abraham, Isaac, Jacob, Laban, and Joseph were in common use at that time.⁷⁰ It is also interesting that the occurrence of these names would not fit with a later period.⁷¹

The discovery of one thousand clay tablets at the site of ancient Nuzu in central Iraq in 1925 have proven to be very valuable for detailing mid-second millennium Near Eastern customs. In a number of instances, these parallel customs recorded in Genesis.⁷² For example, the Nuzu tablets provide an example of exchanging inheritance rites for something comparatively trivial (in this case, three sheep). This parallels Esau trading his birthright to Jacob for some stew (Genesis 25: 29-34). Also, the binding nature of Isaac’s blessing, even though it was oral (Genesis 27): the Nuzu tablets confirm that, at this time in Near Eastern society, such oral blessings had legal validity. It was noted earlier that the *teraphim*, rather than indicating an allegiance to other gods, or ancestor worship of some kind, actually denoted inheritance rights. One of the Nuzu tablets shows that a son-in-law could make a legal claim for the estate of his father-in-law based on his possession of the family *teraphim*.

⁶⁸Ibid.

⁶⁹Harrison, p. 106.

⁷⁰Ibid.

⁷¹Free, “Archaeology and Biblical Criticism: Part III: Archaeology and Liberalism,” p.331.

⁷²What follows is a summary of the points made by Free (Ibid., pp. 329-330).

These tablets also indicate that it was customary for the marriage contract to require a woman unable to provide progeny for her husband to supply him with a concubine that he may not be deprived of an heir. The concubine would not have the same status within the family as the wife, but it was required that the concubine, and any children she might bear, be made a part of the family. Should the wife subsequently bear her husband a son, this son's inheritance rights would supercede those of any of the concubine's offspring.⁷³ In light of this, it is easy to see how the story of Abraham and Sarah falls neatly into the mid-second millennium Near Eastern environment (Genesis 16 and 21). It is clear that when Sarah employed the services of Hagar, this was in accordance with the custom. The hesitation that Sarah had over expelling Hagar and Ishmael is also understandable given the requirement that the concubine remain within the household. However, as Harrison notes:

...it is important in this connection to note that Sarah's action could have been defended according to the ancient Sumerian code of Lipit-Ishtar (*ca.* 1850 B.C.), one of the sources underlying the legislation of Hammurabi, which stated that the freedom received by the dispossessed slave was to be considered adequate compensation for the act of expulsion.

Finally, the story told in Genesis 23 of the burial of Sarah and Abraham's purchase of the cave of Machpelah is given context as a result of the recovery of some Hittite legal texts from Boghazköy, which is in modern-day Turkey. In the Genesis account, Abraham is seeking a place to bury his wife. He would like to use the cave of Machpelah, which belongs to Ephron the Hittite. He approaches Ephron and offers to buy the cave, which is on his property, for its full price. Ephron offers to give both the field and the cave to Abraham for his dead. Abraham insists on paying for it, and Ephron concedes, asking four hundred shekels of silver. Abraham weighs this out for him and takes possession of the property. This entire transaction takes place, as the text notes frequently, "in the hearing of the sons of Heth."

⁷³Harrison, p. 108.

This narrative has a legal air about it, and some of the details are, perhaps, a little peculiar (the repeated mention of the sons of Heth, Abraham's desire to purchase only the cave and not the full property, the mention of the trees on the property, to name a few). However, the Hittite legal texts from Boghazköy go a long way to help us understand what is going on in this passage. Firstly, Abraham's request to purchase only the cave and not the entire land could be explained by the fact that under the Hittite law, someone who purchases the entire property of the seller is bound to render feudal services of some nature to the seller. Clearly, Abraham wanted to avoid this. When Ephron insisted on selling the whole property, Abraham accepted and, according to documented custom, weighed the full amount out to Ephron in silver in the presence of witnesses. Hittite law required the transaction to be public. Finally, Hittite custom was to indicate the number of trees on the property, hence the mention of trees in the text.⁷⁴

This is just a small sampling of the archaeological information that is available to the scholar with regard to the cultural background of the patriarchal narratives. At the very least, the correspondence between the accounts in the Old Testament and the documents recovered from the ground suggest that the narratives *could* date back to the period of which they speak. It is the opinion of this writer, and many others more adept in this field of study, that the evidence is too great for there to be any further question over the subject.⁷⁵

A Critique of the Late Date of the Mosaic Law

One of the main reasons for dating the Mosaic Law to the fifth, or even fourth, century B.C. is the evolutionary theory. That is, religion was not advanced enough by this time to account for the high moral and ethical standards exhibited in the Mosaic Law. As noted previously, recent archaeological finds have given scholars reason to question the validity of the evolutionary theory of religion. There is evidence of "advanced" religious practices well into the time of Moses, and even prior to that time. As for the

⁷⁴Harrison, pp. 111-112.

⁷⁵Harrison, Archer, Kaiser, Free, and Wiseman are but a few of the Old Testament scholars who would support this claim.

high standards of the Mosaic legislation, “The standards represented by the law codes of the Babylonians, Assyrians, and Hittites... have effectively refuted this assumption.”⁷⁶

With regard to the agricultural nature of the statutes and their supposed relationship to a time of settlement, it should be remembered that the exodus journey from Egypt to Canaan should only have taken a couple of years. It would have been reasonable to plan for a settlement scenario just a few years in advance. The fact that their journey took much longer as a result of Israel’s sin (Numbers 13) was, at least as far as the Israelites were concerned, unplanned. Also, as Harrison points out, the Israelites were not ignorant of agriculture, even during their wilderness wandering:

... the Israelites at Sinai were in fact the heirs of four centuries of agricultural and pastoral experience in a rich and fertile region of the Nile delta, and... neither they nor their forefathers had ever been true desert nomads in the modern Bedouin sense... What is clear is the fact that there was certainly no need for the Israelites to be settled in Canaan before such laws and regulations could be promulgated.⁷⁷

The existence of other legal codes at the time of the exodus also lends credence to the belief that the Mosaic Law (or the book of the Covenant, as it is sometimes called) dates somewhere around 1500-1400 B.C. These other codes include the Code of Hammurabi (2000-1700 B.C.), and the Hittite and Assyrian Codes (1400-1200 B.C.), which all display evidence of being “advanced” in nature.⁷⁸

Of further interest with regard to the dating of the Mosaic Law, as well as Deuteronomy, is the discovery of various treaties and legal documents in the area of ancient Babylon. The suzerainty treaties are of particular interest, since these were treaties enacted between a great king who might rule over an empire, and a lesser king. The treaties had a covenant form, and had a specific structure during the second millennium: a prologue, a historic prelude, stipulations, instructions for preservation of the enactments, and curses and blessings that might come about as a result of keeping or

⁷⁶Burrows, *What Mean These Stones*, p. 56, cited in Free, “Archaeology and Biblical Criticism: Part III: Archaeology and Liberalism,” p. 339.

⁷⁷Harrison, pp. 583-584.

⁷⁸Free, “Archaeology and Biblical Criticism: Part III: Archaeology and Liberalism,” p. 338.

breaking the treaty.⁷⁹ This form fits both the pattern of the book of the Covenant (Exodus 19-24), as well as the book of Deuteronomy. It is of further interest that the treaty form changed over the following millennium such that first millennium suzerainty treaties omitted two of the aforementioned five sections.⁸⁰ If the book of the Covenant and Deuteronomy are both written in the style of a suzerainty treaty, this places them both in the second millennium, not the first millennium.

On the basis of the aforementioned evidence alone, there is, no confident basis for dating the Mosaic Law in a time period outside of the mid-second millennium B.C.

A Critique of the Existence of Multiple Sources/Editors/Redactors

From the outset, it should be stated that it is inconsistent with the testimony of the Old Testament texts themselves to deny that sources have been used, and that people other than the main author of the books worked on the texts. The problem that most conservatives have with the liberal approach is not that the liberal appeals to sources; it is that they appeal to *hypothetical* sources.⁸¹ Numbers 21:14 refers to the Book of the Wars of the Lord; 2 Samuel 1:18 refers to the book of Jashar; 1 Kings 11:41 refers to the book of the acts of Solomon. Clearly, sources were being used in the composition of these books. Sources, however, neither deny antiquity, nor do they deny authorship.

It is also evident that while, as conservatives assert, Moses wrote the major part of the Pentateuch, editorial work was done by other hands. Moses clearly did not write Deuteronomy 34, which gives an account of his death. Someone else (possibly Joshua), wrote this chapter, and, indeed, could well have written chapters 32-34, since at this point in the narrative the book of the Law was in the Ark of the Covenant.⁸² There are other points in the Old Testament where some editorializing may, arguably, have occurred.⁸³

⁷⁹Wiseman, p. 144; Walter Kaiser, "Exploding the JEDP Theory or the Documentary Hypothesis," pp. 6-7.

⁸⁰Kaiser, "Exploding the JEDP Theory or the Documentary Hypothesis," p. 6.

⁸¹Ibid., p. 4.

⁸²Harrison, p. 661.

⁸³For example, the passages referring to things being so "to this day" (e.g., Gen. 19:37; Deut. 2:22; Joshua 6:25; 1 Samuel 5:5 et al.). This is debatable since it is possible that Moses, describing a situation

However, the claims of the liberal go well beyond the occasional change or addition. As has been documented, the liberal claims that the entire basis for, at least, the Pentateuch is a collection of late documents that have been edited and worked over to fit the desires of the editor.

It should be clear that by undermining the theory of religious evolution, one of the major pillars supporting the JEDP framework has been taken away. Without this, there is no philosophical reason for dating the documents as late as Wellhausen and his followers would. The only other place that the supporters of the theory can look to support their documentary distinctions is within the style of the Biblical texts themselves.

As previously noted, Astruc differentiated the J and E documents on the basis of the names of God used. This was further developed to identify the documents on the basis of style such that J was a document originating in Judah with concerns in that area specifically, and E originated in Ephraim, and is more concerned with things pertaining to the North. However, critics are not united on this opinion, with some eminent critics placing J in the North as well as E.⁸⁴ The preference for Southern and Northern places allegedly evident in J and E respectively is simply a myth. Abraham had a home in Hebron (a J location), and yet his first home was in Bethel (an E location). Isaac lived in Beersheba according to both J and E, and E records Jacob's residence as in Hebron.⁸⁵ In short, the designations of J and E documents are purely and solely at the mercy of the scholar interpreting the texts. The subjective nature of these designations is beyond dispute, especially when the spurious presuppositions of the liberal critics are removed.

With regard to the different names of God used, Dahse studied the divine names as used in the Greek Old Testament (LXX) and discovered significant variations from

some years ago may indicate that the same was still true at the time of his writing. There are also, however, claims made that the names of certain places have been updated to reflect a more modern usage. For example, the reference to Dan in Genesis 14:14 could possibly be to the Dan that was renamed from Laish in Judges 18:29. Since Moses would not have been aware of the name change, he would have originally written "Laish," and a later hand updated it to Dan. See Kaiser and Larue, "How Was the Old Testament Written," pp. 8-9. Such changes are seen by some conservatives as no worse than the way modern Bible translators make use of dynamic equivalence.

⁸⁴Orr, p. 209.

⁸⁵Orr, p. 210.

their use in the Hebrew text.⁸⁶ This alone should be enough to question the validity of this approach. Liberal critics had also noted occasions where the divine names were combined (Yahweh-Elohim), denoting, for them, a conflation of the two sources. However, as Cyrus Gordon ably points out, compound names for a deity is not unusual in ancient Near Eastern texts. In an article he wrote for Christianity Today, Gordon cites examples of gods at Ugarit with such compound names: Qadish-Amrar, and Ibb-Nikkal. He also notes the most famous deity with a compound name, the Egyptian god Amon-Re, formed from the joining of the god of the capital city, Thebes, and Re, the universal Sun god, after the Egyptian conquest. Though comprised of the names of two gods, Amon-Re designated one god.⁸⁷

The P document, according to the liberal critics, is the Priestly document, containing details such as the measurements of the Tabernacle and Noah's Ark. This document is given a late date because of this style, which, in the eyes of the liberal critics, is characterized by this kind of attention to detail. Cyrus Gordon, again, observed that dating this document late on the basis of style is without basis in fact:

... after a four-year hiatus in my academic career during World War II... I offered a course on the Gilgamesh Epic. In the eleventh tablet I could not help noting that the Babylonian account of the construction of the Ark contains specification in detail much like the Hebrew account of Noah's Ark. At the same time, I recalled that the Genesis description is ascribed to P of Second Temple date, because facts and figures such as those pertaining to the Ark are characteristic of the hypothetical Priestly author. What occurred to me was that if the Genesis account of the Ark belongs to P on such grounds, the Gilgamesh Epic account of the Ark belonged to P on the same grounds—which is absurd.⁸⁸

Finally, it has been noted that this kind of documentary dividing had been the practice of literary critics for years before Old Testament scholars took up the art. However, literary criticism as a whole has abandoned the practice because the literary

⁸⁶Harrison, p. 30.

⁸⁷ Cyrus H. Gordon, "Higher Critics and Forbidden Fruit," Christianity Today IV, No. 4 (1959): 132-133.

⁸⁸Ibid., p. 131.

critics acknowledge the highly speculative nature of the exercise. As C. S. Lewis put it, “There used to be English scholars who were prepared to cut up *Henry VI* between half a dozen authors and assign his share to each. We don’t do that now... Everywhere, except in theology, there has been a vigorous growth of skepticism about skepticism itself.”⁸⁹ Any student of literature knows that a single author can adopt many different styles according to the needs of the work at hand. To use style, then, as a basis for distinguishing between multiple authors is, at best, a dangerous exercise, prone to error.

Conclusion

This critique has been, of necessity, brief. There is much more that could be said with regard to each of these points, and many more points could be added to these. The foregoing ought to be sufficient, though, to demonstrate that the JEDP theory, or the Graf-Wellhausen documentary hypothesis, is of no value for either the student or the scholar of the Old Testament. So much energy has been employed by liberal critics in dividing up the text of the Old Testament into alleged sources, that the beautiful unity of the whole has been lost in the editing. In the words of C. S. Lewis, “They claim to see fern-seed and can’t see a elephant ten yards away in broad daylight.”⁹⁰ The work of the Biblical scholar should be the text itself, and not hypothetical sources. Enough time has been wasted chasing shadows; may scholarship regain its taste for substance.

⁸⁹ C. S. Lewis, “Modern Theology and Biblical Criticism” (originally titled “Fern-seed and Elephants”), *The Seeing Eye* (New York: Ballantine Books, 1992), p. 217.

⁹⁰Ibid., 210.