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A NEW SOLUTION OF THE PENTATEUCHAL PROBLEM

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During the course of some studies in Biblical Theology and Archæology through which I lead my classes in Xenia Theological Seminary, some novel, and exceedingly interesting, things appeared which I purpose now to present to biblical scholars for their consideration and criticism. The studies were strictly inductive and the final results entirely unexpected—quite as surprising, indeed, to myself, as they will be to most others. I will present these studies in the same manner and order as they were originally pursued, and allow the results to appear in their own place and speak for themselves.

In this final preparation of the studies I have had the invaluable advice, on questions of law and legal nomenclature, of Samuel Scoville, Jr., Esq., of Philadelphia, to whose patience in passing upon the legal aspects of so great a mass of evidence a great debt of gratitude is due.

In the original studies in the Theological Seminary, under the general caption "Materials of the Law," the investigations were pursued as follows:

I. First investigation:

The legal terms, noted and listed from the text itself.

(1) First among these legal terms may be noted some Descriptive words—general terms. There are a number of such general, descriptive words used in reference to the Law in the Pentateuch, some of which have also, at times, a more technical use. Of these general terms in very common use are the following:

A: LAW.

The most common and general of these legal terms is the word "Law" (Heb. **תּוֹרָה** from **יָרָה** "to cast"). The use of this word to denote the Law comes probably from the secondary sense "to throw out the hand," hence "to give directions," therefore "a law." It is used for a particular kind of law, as

the law of the Passover: Ex. 12:49; cf. also Num. 15:16, and Deut. 17:18-19. It is used for any kind of a law or laws: Ex. 18:16; 18:20; for a statute of the ceremonial law, as the law of the meat offering: Lev. 6:9 and 14 (Heb. 6:2 and 7), cf. 6:18 and 22 (Heb. 6:11 and 15) and Num. 19:14, cf. 21; and for the whole Law or a large portion of it, as in the addresses of Moses in Deuteronomy: Deut. 1:5, 4:44.

B: WORDS.

"Words" (Heb. דְּבָרִים) is another general term for laws. It is used in its most important sense of "utterances," hence "oracles," and is applied especially to the Ten Commandments, as in Ex. 24:3, 34, 1, 27 and especially 28; Deut. 5:22 and 10:4 ("The ten words"). The word is also used more generally of many laws: Ex. 24:4 ("all the words").

C: COVENANT.

The word "Covenant" (Heb. בְּרִית) is a summarizing word which is applied originally, in reference to the law, to the ten commandments: Ex. 34:28—"And he wrote upon the tables the words of the Covenant, the ten commandments"; also Deut. 4:13. Cf. Deut. 6:2, 9:9, 11, 15, where the tables of the Law are called the "Tables of the Covenant." The word "Covenant" is also used to denote the whole body of laws at any time existing under the Covenant, as in Ex. 24:7, 8; where the Covenant at Sinai is made to include all the laws made under it at that time. Cf. also Ex. 34:4-10, Lev. 26:25. In primitive times the courts were weak and needed the moral influence of a Covenant to enable them to enforce their judgment concerning rights and wrongs. In the expression "Ark of the Covenant" the word "Covenant" refers to all the laws enacted under the Covenant at Sinai: Num. 10:33 and many places.

D: TESTIMONY.

The word "testimony" (Heb. עֵדוּת or עֵרָה) is applied first to the Ten Commandments, Ex. 31:18, "Two tables of Testimony, tables of stone, written with the finger of God." Cf. Ex. 25:16; 21; 40:20, 32:15, 34:29. It occurs, also, in the same sense in the expression "Ark of the Testimony," Ex. 25:22, and many places. So, also, in the expression "Tabernacle of the testimony," Num. 1:50, 53. Finally this word "Testimony" is used in a more general way, sometimes in the plural, to denote a part of the laws, Deut. 4:45, 6:17, 6:20.

(2) Besides these general, descriptive terms, which are used to denote the Law or various parts of it, there are also certain technical terms which are used to denote various kinds of laws. They are used, as the examination of all the instances shows, in a very technical way, with great exactness to denote certain groups of laws. Sometimes the technical title of a group of laws is placed at the beginning, sometimes at the end, sometimes within the group, and in some instances groups are found which have no title immediately connected with them, but which are easily classified by comparison with the many groups that have titles. Still, again, a comprehensive title is sometimes found attached to a long passage made up of several smaller groups. But wherever these titles may be placed, they are found to be used with scrupulous accuracy.

(A) JUDGMENTS:

The word "Judgments" (Heb. מִשְׁפָּטִים plu. מִשְׁפָּטִים) is literally "judgments" and was used, as the technical application of the word almost invariably shows, to denote those decisions of early judges which were afterwards followed as precedents like the cases in the Year Books under English law, or the unwritten Common Law of England. They were usually decisions of moral questions, or, as the Hebrews expressed it, questions "one with another"; literally "A man with his brother or with a stranger," Deut. 1:16.

The word "Judgment" (Heb. מִשְׁפָּט) has a wide and varied use throughout the Old Testament from which its technical use in the Pentateuch is entirely distinct. Even in the Pentateuch, alongside of the technical use of "judgment," the word has also various non-technical uses. Notwithstanding this, the technical use of the word is perfectly distinct as the following citations will show.

Ex. 21:23, 19 is a group of laws which have this title. Ex. 21:1: "Now these are the judgments which thou shalt set before them." The character of the laws entitled "Judgments" becomes perfectly clear as we examine this group in detail. They are all laws of "One with another":

Ex. 21:2-6 Refers to the Manumission of men-servants and their families.

Ex. 21:7-11 Redemption of a maid-servant.

Ex. 21:12-14 Homicide in different d

- Ex. 21: 15 Assault on a parent.
 Ex. 21: 16 Kidnapping.
 Ex. 21: 17 Cursing of Father or Mother.
 Ex. 21: 18-19 Assault.
 Ex. 21: 20-21 Homicide of a servant.
 Ex. 21: 22-25 Injury to a Pregnant Woman received during a quarrel between other persons.
 Ex. 21: 26-27 Mayhem.
 Ex. 21: 28-32 The Law of Deodands and Damages, accruing from injuries caused by domestic animals.
 Ex. 21: 33-34 Law of Negligence.
 Ex. 21: 35-36 Injury of one Domestic Animal by another.
 Ex. 22: 1 Larceny.
 Ex. 22: 2-3 Killing of a Burglar caught in the act.
 Ex. 22: 2-4 Burglary.
 Ex. 22: 5 Trespass by Domestic Animals.
 Ex. 22: 6 Negligence in regard to fire.
 Ex. 22: 7-8 Bailments.
 Ex. 22: 9 Trespass and Recovery.
 Ex. 22: 10-13 Bailments.
 Ex. 22: 14-15 Bailment of domestic animals.
 Ex. 22: 16-17 Seduction.
 Ex. 22: 18 Witchcraft.
 Ex. 22: 19 Bestiality.
 Ex. 22: 20 Impiety and the penalty.
 Ex. 22: 21 Rights of Aliens.
 Ex. 22: 22-24 Wrongs to Widows and Orphans.
 Ex. 22: 25-27 Loans and Pledges.
 Ex. 22: 28 Contempt.
 Ex. 22: 29-30 Tax Laws ("One with another," when the other is the community, the state).
 Ex. 22: 31 Personal Conduct and Food Laws.
 Ex. 23: 1 Slander and Perjury.
 Ex. 23: 2 Riot and Perversion of Justice.
 Ex. 23: 3 Perversion of Justice in behalf of the poor.
 Ex. 23: 4-5 Restoration of Lost Property.
 Ex. 23: 6-9 Perversion of Justice.
 Ex. 23: 10-11 Law as to Civil Holidays (Sabbatic Year), "One with another," when the other is the state.

- Ex. 23:12 Law as to Civil Holidays (Sabbath).
 Ex. 23:13 Blasphemy.
 Ex. 23:14-17 Law as to Civil Holidays (Feasts).
 Ex. 23:18 Blasphemy.
 Ex. 23:19 Perversion.

This completes this group of laws called "Judgments." In Ex. 24:3 reference is made again to the same group as "Judgments." I have given this list in full because it so clearly shows the character of laws technically denominated "Judgments." They are uniformly laws concerning matters "One with another," either one individual with another individual or an individual with the Congregation, the Community, or the State, and always such matters "One with another" as were passed upon by the various courts. In Deut. 17: 8-13 provision is made for an appellate court for the consideration of difficult cases. This technical use of the word "Judgments" to denote this peculiar class of laws is uniform throughout the books of the Law. It is impossible to cite, at this time, all the groups of Judgments, much less the separate laws in those groups, but later under the caption "Peculiar use of words" some extraordinary laws designated by technical terms will be examined. Still later the sum of all the groups will be exhibited in a diagram. The consideration of all the groups in detail together with much of the other voluminous evidence must await a larger publication of these researches. The groups will be apparent to anyone who reads through the books of Exodus, Leviticus, Numbers and Deuteronomy with the purpose of discovering them.

(B) STATUTES:

Another of these technical terms in the Pentateuch is the word "Statutes" (Heb. **חֻק** or **חֻקִּים** and especially the plural **חֻקִּים**). These were "regulations" established by law, referring to acts not inherently wrong (*mala in se*), but made wrong by statute (*mala prohibita*). This word is used as a technical term in the Pentateuch to denote all kinds of "Regulations," but especially is used of laws of procedure, more particularly religious procedure, as the ceremonial laws, directions for the Tabernacle and its furniture and the vestments and investiture of the Priests. Generally, also, the Cer
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 out Leviticus. The distinctive character of these statutes is so

familiar that there is little need that I should take time to present any of them. A single brief passage will suffice:

Lev. 1: 3-17 The Law of the Burnt Offering.

Lev. 2: 1-3 Meat offering.

Lev. 2: 4-16 Oblations.

Lev. 3: 1-17 Oblation of the Sacrifice of a Peace Offering.

The sum of all the groups of these statutes will be exhibited in the diagram. The peculiar character of the "Statutes" as directions concerning things not familiar or not to be known as duty except by the "Statutes," as distinguished from the "Judgments" which were familiar as common decisions of judges, or recognized on principles of justice and equity, is recognized in Lev. 10: 11 where the priests were to teach to the children of Israel "all the statutes which the Lord hath spoken unto them by the hand of Moses." Again, still more clearly, the distinction between "Statutes" and "Judgments" is brought out in Deut. 4: 5-6: "Behold I have taught you statutes and judgments . . . Keep therefore and do them: for this is your wisdom and your understanding in the sight of the nations, which shall hear all these statutes, and say, Surely this great nation is a wise and understanding people." The "Nations" of the land would not wonder at the "Judgments," for they were common law and largely familiar, and recognizable upon principles of justice, but the "Statutes," being unfamiliar regulations and directions, would excite their wonder. It is true that they were to teach judgments, also, especially to the rising generation, but the distinction here observed can hardly be accidental and is exactly in accord with the technical character of the "Statutes" as an examination of all of them shows.

(C) COMMANDMENTS:

The word "Commandments" (Heb. מִצְוָה plu. מִצְוֹת) is used in a technical way of fundamental law, involving moral principles, and so was applied especially to the Ten Commandments: Ex. 24: 12 "And I will give thee tables of stone, and a law, and commandments which I have written: that thou mayest teach them." Also Deut. 5: 31 (Heb. 5: 28) and 6: 1. This word is not used with quite the exactness and technical uniformity as the other technical terms of the Pentateuch. It is occasionally used as a descriptive, general term, while "Judg-

ments" and "Statutes," when referring to groups of laws in the Pentateuch, are used always in the technical sense and never as general, descriptive terms. The word "Commandments" is used in a descriptive way in Lev. 27: 34: "These are the commandments, which the Lord commanded Moses for the children of Israel in Mount Sinai," that is, all the laws given at Sinai.

Occasionally also, other words, as דְּבָרִים "words," and בְּרִית "Covenant" are used in place of the technical term מִצְוֹת "Commandments." Deut. 4: 10, cf. Ex. 34: 28. "Laws" is also sometimes used in place of the technical term "Commandments" as in Lev. 26: 46: "These are the statutes and judgments and laws, which the Lord made between him and the children of Israel in mount Sinai by the hand of Moses."

With the exception of these few variations in the use of the word "Commandments," מִצְוֹת, and the occasional use of דְּבָרִים, "Words," בְּרִית, "Covenant," and תּוֹרָה, "Law," to denote the Ten Commandments, there is the most exactly technical and exclusive use of these three technical law words "Commandments," "Judgments," and "Statutes" in all the law-books of the Pentateuch. Wherever at the beginning, at the end, or anywhere throughout a section of laws, reference is made to them only as "Judgments," then only "Judgments," precedents arising from early decisions of judges, making a body of laws resembling the Common Law of England, matters "One with another," usually right or wrong in themselves (*mala in se*), and always such as are administered by the courts, are found in such sections.

If the reference to a given section speaks only of "Statutes," then only statutory directions, not matters "One with another" (*mala in se*), but only so because of the statute (*mala prohibita*), being special directions of the lawgiver which were not to be anticipated by any ordinary principles of justice and equity, are to be found in those sections.

So, if only "Commandments" are mentioned in a summary of laws, then when the word is used in a technical way, The Commandments, Laws of the Decalogue, are to be found in such section.

If, on the other hand, two or more of these technical terms are used in summarizing groups of laws, then always the various

different kinds of laws indicated by the technical terms will be found in such lists of laws and no other kind of laws will be found there. Other words are sometimes used to describe "Judgments" and "Statutes," but these technical terms are never used to denote any other kind of laws than is indicated by the technical sense of these words. The few groups of laws which are not given a title are easily classified with those that have titles, because of the distinctive character of these various technical kinds of laws.

A few instances of peculiar use of these technical terms deserve special notice. The law made concerning the sweetening of the waters at Marah (Ex. 15: 23-26) is called both "Statute" and "Judgment" (A. V. "Ordinance"), and correctly so, for the directions given were not matters "One with another," but arbitrary regulations of the lawgiver, yet, in this instance, a penalty was attached to the law with promise of blessing also for obedience which gives it the character of a judgment. There are a few other instances similar to this. In some of these instances the law is called a "Statute of judgment." An examination of one instance will make it clear that this use of terms is correct. The law of the Cities of Refuge is called a "Statute of judgment" (Num. 35: 29). This law was an arbitrary statute of the lawgiver for the purpose of mitigating the harshness of the common judgment concerning homicide and so was a "Statute," but it was literally a "Statute of judgment," because it had to do altogether with a matter "One with another," a matter right or wrong in itself.

A few instances of peculiar use of these technical terms present such difficulties that they may seem to some to be exceptions to the technical use of these terms. Only two are really important; these two I will note. In Deut. 7: 11-13 it is said "Thou shalt therefore keep the commandments, and the statutes and the judgments, which I command thee this day, to do them. Wherefore it shall come to pass, if ye hearken to these judgments, and keep, and do them, that the Lord thy God shall keep unto thee the covenant and the mercy which he swore unto thy fathers, &c." Here the expression, "Harken to these judgments" might be thought to include in the word "judgments" the "commandments" and the "statutes" previously mentioned. If any one wishes to consider this an exception to the

uniformity of the use of these technical terms, I do not object. It does not seem to me to be so, for the covenant of works rested upon the "doing of righteousness," the keeping of the moral law, of which the "judgments" were the practical application, and not upon the observance of ritual of which the "statutes" gave expression. So the writer, with nice discrimination says: "If ye harken unto these judgments, that the Lord thy God shall keep unto thee the covenant."

The other important apparent exception is in Deut. 4: 5-6: "Behold I have taught you statutes and judgments . . . Keep therefore and do them; for this is your wisdom and your understanding in the sight of the nations, which shall hear all these statutes, and say, Surely this great nation is a wise and understanding people." In this passage, the word "statutes" seems at first glance to refer to both the "statutes" and the "judgments" previously mentioned. Upon closer examination, I think it will be found that here, also, there is merely a discriminating use of words. The "judgments" of Israel, being common law and well known and recognizable as in accord with principles of justice and equity, would not excite wonder among the Canaanites, but the "Statutes"—the wonderful embodiment of the revelation in the wilderness—would excite just such wonderment as that which is here mentioned.

The other apparent exceptions to the technical use of these law words are of minor importance. It will be sufficient to say now that while I do not find any real exceptions whatever, the existence of such would not affect the result of the investigation, for the prevailing technical use of these words suffices to mark with striking characteristics the divisions of the law which they afford, in such a way as to be unaffected by a few exceptions. Such exceptions would not be unreasonable, if found, as writers in all languages occasionally use technical terms in a not very technical way without affecting in any way the technical character of such terms.

The result of this part of the examination may be summed up thus. The lists of laws in the Pentateuch are not always denominated at all, but are usually so, and, wherever they are denominated, the titles, "Judgments," "Statutes" and "Commandments" are used with the greatest accuracy; "Judgments" and "Statutes" with unvarying technicality. As the

word "Commandments" has also a descriptive use, its technical use is not so immediately manifest, but clearly appears upon examination.

II. Second investigation:

A second subject for investigation is the literary form of these various portions of the laws found in the Pentateuch. For the pointing out of the fundamental facts in this part of the study, and in part, for the nomenclature, I am indebted to suggestions by Harold M. Wiener, Esq., in an article in the *Princeton Review*, April 1907, and also in his book entitled "Studies in Biblical Law"; but the investigations have been followed out anew and the facts upon which the results depend all verified. For the conclusions which I make, I am alone responsible.

In their literary form, the various portions of the Pentateuchal laws may be classified as follows:

(A) MNEMONIC:

The name mnemonic describes certain groups and kinds of laws which, from their literary form, as well as from the character of the laws and the use necessarily made of them, were suited for easy memorizing. They are brief and terse, with words suited to the most succinct announcement of laws. They have also a poetic tendency in the balancing of statements, with something of a rhythmic character which is easily noticeable even in a translation. These mnemonic laws include the Ten Commandments and the Judgments, Ex.: 21:12-14, Lev. 24:17-20, and many others. The terseness of the Ten Commandments is well known.

These are manifestly such laws as were most commonly used by the courts in rendering and executing judgments, which being "Judgments," decisions of judges, undoubtedly existed, for the most part, as common law, passing from mouth to mouth, before they were written down in the Pentateuch. These laws the judges needed to know, as judges and magistrates to-day need to have in mind the most common laws. In addition to these judgments, among the mnemonic laws were, of course, the Ten Commandments, which every one needed to know.

(B) DESCRIPTIVE:

A descriptive literary style is found in laws concerning new matters of legislation and laws concerning otherwise unfamiliar

things which naturally required a descriptive statement that they might be intelligible. These are almost wholly procedural laws, such as the directions concerning the Tabernacle and its furniture and the apparel of the priests, as well as the whole body of laws given for the ceremonial of the Tabernacle. The style here is as plainly apparent in a translation as is the mnemonic character of the Commandments and the Judgments (Ex. 25:31-36; 28:6-12; 30:11-16; Lev. 13:29-37; 16:15-19).

(C) HORTATORY:

A third distinct literary form of expression, found in various groups of laws in the Pentateuch, is the Hortatory, used in the utterance of laws in public address, where there was usually something of hortatory intent. This literary form of expression of laws is found in their adaptation to the demands of public speech in the various addresses of Moses recorded in Deuteronomy. This style is just as distinct as either of the two already mentioned and is quite as apparent in an English translation as it is in the Hebrew (Deut. 4:7-10—Eloquent appeal for obedience; 20:1-4—Inspiration to patriotism; 28:15-68—Fearful description of consequences of disobedience, especially 37-44).

Here, again, in this discussion of style, it is not necessary to the argument that the Mnemonic, the Descriptive and the Hortatory should be absolutely unvarying in their distinction. It is, again, not upon absolute uniformity, but upon the degree of uniformity that the argument rests. These different styles do indisputably prevail in these various portions of the Pentateuchal Laws.

III. Third Investigation:

A third subject of investigation is the effect of these technical law words and these literary forms of expression upon the vocabulary and the divisions of the Law.

(A) These various distinct kinds of laws denoted by the technical law words "Commandments," "Judgments," and "Statutes," with their sharply different uses, naturally require somewhat different vocabularies in the statement of them exactly as they require different technical terms to denominate them. These distinct technical terms denominated different law subjects, and different *subjects* require different vocabularies quite as much as do different *authors*. Judgments laws concerning

common rights and wrongs, require quite different words for expression than do civil and ecclesiastical enactments about things only right or wrong because of a Statute. These latter naturally require descriptive language in order to make them clearly intelligible. Judgments require common words for crimes and misdemeanors, and the terms needed to express appropriate penalties. Such words will occur frequently in these portions of the law, and less frequently, or never at all, in other portions of the law. It is found to be so.

On the other hand, directions about things civil or religious will not need words expressing rights and wrongs and penalties, but will need descriptive language which will vary according to the differing nature of the particular enactments. Thus not only a different, but a much larger, vocabulary will be needed for descriptive laws, and many words denoting civil affairs and religious rites and privileges will be introduced and occur with frequency which will not occur at all in Judgments because of the absence from Judgments about rights and wrongs of these civil and religious ideas.

The Commandments also, because of the fundamental character of the principles expressed and the subjects of piety and morality presented, require vocabularies somewhat peculiar to them, but more akin to the vocabulary of the Judgment which concern morals and piety also, than to the vocabulary of the Statutes concerning things civil and religious.

(B) These various uses for which the various portions of the laws were intended, which give occasion for some being Mnemonic, some Descriptive and some Hortatory, naturally result in quite different literary styles as well as different vocabularies. Different *purposes* require different styles quite as really as do different *authors*. Thus the laws that were intended for memorizing by the judges, and those intended to give instruction concerning unknown proceedings, and those for the impassioned utterance of public address may be expected to differ greatly from each other. The Mnemonic Judgments and the Commandments, with their brevity and terseness and rhythm, present a style that is quite marked, as we have already seen. Such a style in utterance cannot but have a marked effect upon the use of words, since style is produced by choice of words as well as by arrangement of words. The Descriptive portions

of the law necessarily become more verbose and flowing even sometimes to floridness of expression, as was manifest from the passages already cited.

Last of all, the Hortatory portions of the law, with all the impassioned utterances of instruction, exhortation and moral purpose, call for just as distinct literary style in Deuteronomy as anywhere else in the literature of oratory.

(C) These sources of variations, the kinds of laws and the uses of laws, satisfactorily account for manifest differences of style and vocabulary which have oftentimes and plausibly been attributed to different authors. That different authors would account for these differences of style and vocabulary is indisputable. These different *subjects* of law which so clearly appear, and the different *purposes* in expression, which are not less distinct from each other, equally well account for such differences of style and vocabulary as have oftentimes been pointed out. Thus the facts themselves of the giving and use of these laws, when carefully examined, furnish the solution of the literary problems which they present.

IV. Fourth Investigation:

A fourth investigation is a comparison of the divisions, afforded by these various kinds and uses of laws, with the principal divisions of the current Documentary Hypothesis, the Graf-Wellhausen theory of the composition of the Pentateuch.

According to this Documentary Hypothesis, there are certain main documents. There is the J Document, whose author is known as the Jahvist, from his use of the Divine name Jahveh: An E Document, whose author is called the Elohist, from his prevailing use of the Hebrew word Elohim for God: these two documents later combined for the most part and appearing, according to the hypothesis, as one document in the Bible as we have it, and called the J-E Document. Then there were the P Document, a Priestly writing, and a D Document, whose author is called the Deuteronomist. In addition, there are some much smaller Documents pointed out by some, and the element, not document, R supplied by the redactor or redactors.

It is not necessary in this general comparison to take account of the minor documents because of their brevity, nor of the element supplied by R whose function was almost wholly to join

together the real documents of the Pentateuch. There remain, therefore, for the comparison which we wish to make, the J-E Document coupled with the small portions of J and E still pointed out, the P Document, together with H, The Holiness Code, and the D Document. While, naturally, all critics do not wholly agree in the assignment of passages, there is, in general, agreement concerning the main portions of the Pentateuch. In this comparison, I follow the divisions given by Kautzsch in his *Literature of the Old Testament* (p. 226) and shown to the eye in the Polychrome Bible edited by Professor Haupt.

To the J-E Document, including those portions attributed to J and to E, is assigned generally the book of Exodus (except chapters 25-40, assigned to the P Document), together with portions, amounting to about one-half, of the book of Numbers. To the P Document is assigned almost the whole of the book of Leviticus, except portions of the Holiness Code, the chapters of Exodus (25-40) already noted, and most of the Book of Numbers not assigned to J-E and to J and E. The D Document is the Book of Deuteronomy almost in its entirety.

When, now, comparison is made between these divisions according to the Documentary Hypothesis and the divisions afforded by the kinds and uses of laws which we have observed in this investigation, the divisions from both processes are found to be almost exactly identical. There is no more disagreement than the margin of uncertainty in the assignment of difficult passages by either method would lead us reasonably to expect. The following diagram will exhibit to the eye the divisions of the books of the Law according to the Documentary theory and underneath upon the diagram is shown, also, the divisions according to kinds and uses of laws. The extent of agreement is indicated by the chromatic scheme: agreement by red and disagreement by blue, divided agreement by both red and blue. Black dots underneath assignments indicate that scattered verses or fragments of verses are assigned by the Documentary Hypothesis to other authors. (See Diagram.)

From this diagram it appears very clearly that the J-E Document together with the scattered fragments assigned to J and E is made up very exactly of the Commandments and the Judgments found in Exodus, Numbers and Leviticus, almost wholly

Mnemonic laws, together with such narrative portions as naturally belong with these laws and are often necessary to explain the giving of the laws. The P document in these law-books is, with the utmost precision, the Statutes of Leviticus and the statutory portions of Exodus and Numbers, also, almost without exception Descriptive laws, together with the narrative portions which naturally belong with these laws and help to explain them. And, last, the D Document is with perfect exactness the Hortatory expression of all the laws, the Commandments, the Judgments and the Statutes of the Book of Deuteronomy, together with the binding thread of narrative. To the agreement there is but a single real exception, the thirty-third chapter of Deuteronomy.

It is not necessary to institute a comparison of the peculiarities of vocabulary between the documents of the Documentary Theory and the divisions indicated by those kinds and uses of laws, because, as the divisions and the documents are substantially the same, the peculiarities of vocabulary must be substantially the same also.

These studies and this comparison do not directly disprove the Documentary Theory, are not, indeed, directed immediately to that end, but they do show that it is not the only theory that satisfactorily meets the requirements of the phenomena; the studies are in accord with the known facts and they afford an equally good and complete explanation of the phenomena. But it is to be observed that the divisions made by the kinds and uses of laws not only satisfy the demands of the phenomena, but they afford precisely the same general divisions as those made by the Documentary theory, and more especially, the divisions are furnished by the facts themselves, without the necessity of calling in the aid of any suppositional element, as unknown authors and unmentioned documents. On the principle that suppositional elements are never to be introduced for the explanation of evidence when the facts, as known, afford a complete explanation of themselves, this study and its results not only afford an explanation of the facts that is probable, but indirectly renders any other theory that calls in to its aid any suppositional element exceedingly improbable. It is admitted that no theory in life or literature is proved simply by the fact

J-EDocument (+J and E)	P Document (+H)	D Document.
Exodus		Deuteronomy
Leviticus		
Numbers		33
		34

Mnemonic Laws (Commandments & Judgments) Descriptive Laws (Statutes) Hortatory Laws (Commandments, Judgments & Statutes)

Exodus		Deuteronomy
Leviticus		32
Numbers		33
		34

Red = Agreement

Blue = Disagreement

Red & Blue = Disagreement

that it works, but a theory that works without calling in the aid of any suppositional element, is more probable than one than invokes such aid.

No doubt many objections will be raised concerning the facts prescribed in this study, and, especially, against the use made of those facts. I will content myself, however, with the presentation of the results of these investigations and not anticipate here the objections that may be raised.