

THE HOLINESS-CODE AND EZEKIEL

Lewis Bayles Paton

In Lev. xvii-xxvi a body of laws is found which is formally distinguished from the rest of the legislation of the Book of Leviticus by having its own special hortatory conclusion (chap. xxvi) and its own subscription, "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" (xxvi. 46). This code contains almost entirely moral and religious precepts. Ceremonial matters are introduced only when they have some peculiar social or national importance. The commandments are addressed, not to the priests, as is the case in the enclosing Levitical legislation, but to the individual Israelite; and, as in the Decalogue and the Book of the Covenant, the second person singular is used throughout.

On the negative side this legislation views morality as opposition to the practices of the heathen: "After the doings of the land of Egypt wherein ye dwelt shall ye not do, and after the doings of the land of Canaan whither I bring you shall ye not do" (xviii. 3, cf. xviii. 24-26, xx. 23f., 26, xxii. 25). On the positive side it regards all duty as summed up in the idea of holiness: "Ye shall be holy for I the Lord your God am holy" (xix. 2, 8, 24, xx. 3, 7, 26, xxi. 6f., 8, xxii. 32). This thought of the essential unity of ethical obligation and of its basis in the holiness of God is so strikingly characteristic of this body of laws that in 1877, in an article in the *Zeitschrift für Lutherische Theologie*, Klostermann gave it the happily chosen name of the "Holiness-Code." The name has since come into general use, and, for convenience of reference, I shall employ it in this article to designate the entire legislation which is contained in Lev. xvii-xxvi, and shall represent it by the abbreviation H.

The style of this code is succinct to the last degree. The laws are arranged in smaller and larger groups with great logical exactness, and these groups are closed with the formula, "I am the Lord" (twelve times); "I am the Lord your God" (eleven times); "I am the Lord who sanctify you" (six times); or "I am the Lord your God who have brought you out of the land of

Egypt " (six times). Within each subdivision the method is to lay down at the beginning a general proposition, and then to give an exhaustive enumeration of the cases in which the principle holds good. In the grouping of these minor items great skill is displayed, and instances are few where one feels that the development of thought might have been improved by another arrangement of the individual laws.

The most striking phenomenon, however, which one encounters in a study of this legislation is its unique relation to the book of the prophet Ezekiel. Ezekiel displays an affinity in thought and in expression with it which he has with no other portion of the Pentateuch, not even with Deuteronomy. The most elaborate discussion of this affinity has been given by Horst in his treatise *Lev. xvii-xxvi und Hezekiel*, Colmar, 1881. Here it will be sufficient to call attention merely to some of the more striking correspondences in diction and in thought. In the list which I subjoin I have marked with an asterisk expressions which are found only in H. and in Ezekiel.

The list is as follows: "Whatsoever man there be of the house of Israel" (Lev. xvii. 3, etc.: Ez. xiv. 4, 7); "Shed blood" (xvii. 4: Ez. xxii. 7); "To go whoring after" (xvii. 7, xx. 5, 6: Ez. xx. 30, xxiii. 30, etc.); "And I will set my face against" (xvii. 10, xx. 3, 5, 6: Ez. xiv. 8, xv. 7); "I will cut him off from the midst of his people" (xvii. 10, xx. 3, 5: Ez. xiv. 8); "He shall bear his iniquity" (xvii. 16, etc.: Ez. xiv. 10, etc.); imitation of the customs of Egypt (xviii. 3: Ez. xx. 7f.); "My judgments shall ye do and my statutes shall ye keep to walk therein" (xviii. 4, etc.: Ez. xviii. 9, etc.); "Which if a man do he shall live in them" (xviii. 5.: Ez. xx. 11, etc.); "Uncover the nakedness of one's father " (xviii. 7: Ez. xxii. 10); "Thy sister the daughter of thy father" (xviii. 9, Ez. xxii. 11); marriage with a daughter-in-law (xviii. 15: Ez. xxii. 11); "It is wickedness" (xviii. 17, xix. 29, xx. 14: Ez. xvi. 27, 43, 58, xxiii. 48f.); "Unto a woman in the defilement of her uncleanness thou shalt not approach" (xviii. 19: Ez. xviii. 6); "Defile oneself with a neighbour's wife" (xviii. 20: Ez. xviii. 6, xxii. 11); "Cause to pass through the fire" (xviii. 21: Ez. xvi, 21, xx. 26, 31); "Thou shalt not profane the name of thy God" (xviii. 21, etc.: Ez. xx. 39, xxxvi. 20, 22); "The land is defiled" (xviii. 25, 27: Ez. xxxvi. 17f., xxxvii. 23); "Abomination" (xviii. 22, 27: Ez. vii. 3, 4, 8, etc.); "My sabbaths" (xix. 3, 30, xxvi. 2: Ez. xxii. 8, etc.); "Corruption" פגול (xix. 7: Ez. iv. 14); "Thou shalt not rob" (xix. 13: Ez. xviii. 7); "Ye shall do no iniquity in judgment" (xix. 15: Ez. xviii. 8); "In righteousness shalt thou judge thy neighbour " (xix. 15:

Ez. xviii. 8); against slander (xix. 16: Ez. xxii. 9); "Stand against the blood of thy neighbour" (xix. 16: Ez. xxii. 9); "Ye shall not eat with the blood" (xix. 26: Ez. xxxiii. 25); "An alien shall ye not afflict (xix. 33: Ez. xxii. 7); just weights and measures (xix. 35f.: Ez. xlv. 10); "He shall surely be put to death" (xx. 2, 9, 27, xxiv. 16, 17, 21: Ez. xviii. 13); "The people of the land" (xx. 2: Ez. xxii. 29); "Stone with stones" (xx. 2, 27: Ez. xvi. 40, xxiii. 47); "Curseth his father or his mother" (xx. 9: Ez. xxii. 7); "Defile my sanctuary" (xx. 3: Ez. v. 11, xxiii. 38); "Hide the eyes" (xx. 4: Ez. xxii. 26); "Children of thy people" (xx. 17: Ez. xxxiii. 1); "His blood shall be upon him" (xx. 9, etc.: Ez. xviii. 13, xxxiii. 4, 5); "Separate between the clean and the unclean" (xx. 25: Ez. xxii. 26); defilements for the dead (xxi. 2f.: Ez. xliv. 25); "Make bald" (xxi. 5: Ez. xxvii. 31); "They shall not shave the edge of their beard" (xxi. 5: Ez. xliv. 20); purity in the priest's wife (xxi. 7: Ez. xliv. 22); "Profane the sanctuary of his God" (xxi. 12, 23: Ez. xxiv. 21, xxviii. 18, xliv. 7); "That which dieth of itself or is torn of beasts he shall not eat" (xxii. 8: Ez. xliv. 31); "Keep my charge" (xxii. 9: Ez. xliv. 8, 16); "To be your God" (xxii. 33: Ez. xi. 20, xiv. 11); "Branches" עֲנָבִים (xxiii. 40: Ez. xvii. 8, 23); "Ye shall not wrong one another" (xxv. 14, 17: Ez. xviii. 7); "Ye shall dwell in the land in safety" (xxv. 18, 19, xxvi. 5: Ez. xxviii. 26, xxxiv. 25, 27, 28, xxxviii. 8, 11, 14, xxxix. 26); "The land shall yield its crop"* (xxv. 19, xxvi. 4: Ez. xxxiv. 27); "Ye shall eat your fill" (xxv. 19, xxvi. 5: Ez. xxxix. 19).

In Lev. xxvi the coincidences of H. with Ez. are even more numerous and striking than in the chapters which we have just examined. The similarity which exists here is without a parallel in Old Testament literature. The coincidences are as follows: "I will give your rains in their seasons" * (xxvi. 4: Ez. xxxiv. 26); "The trees of the field shall yield their fruit" * (4: Ez. xxxiv. 27); "None shall make you afraid" (6: Ez. xxxix. 26); "I will cause evil beasts to cease out of the land" * (6: Ez. xxxiv. 25); "The sword shall not go through your land"* (6 = Ez. v. 17, xiv. 17); "I will turn unto you" (9: Ez. xxxvi. 9); "Make you fruitful and multiply you" (9: Ez. xxxvi. 11, xxxvii. 26); "I will establish my covenant with you" (9: Ez. xvi. 60, 62); "I will give my dwelling among you" * (11: Ez. xxv. 4, xxxvii. 27); "Abhor you" * (11, 15, 30, 44: Ez. xvi. 5, 45); "Walk among you" (12: Ez. xix. 6, xxviii. 14); "Broken the bars of your yoke" * (13: Ez. xxxiv. 27); "Break my covenant" (15: Ez. xvi. 59, xvii. 15f., 18f., xliv. 7); "The pride-of your,

power" (19: Ez. xxiv. 21, xxx. 6, 18, xxxiii, 28); "I will send the beast of the field among you which shall rob you of your children" * (22: Ez. v. 17, xiv. 15); "Cut off your cattle" (22: Ez. xiv. 13, 17, 19, 21, xxv. 13, xxix. 8); "Make you few" (22: Ez. xxix. 15); "Bring a sword upon you" (25: Ez. v. 17, vi. 3, xi. 8, xiv. 17); "Send the pestilence upon you" (25: Ez. xiv. 19, 21, xxviii. 23); "Break your staff of bread" (26: Ez. iv. 16, v.16, xiv. 13); "They shall deliver your bread by weight" * (26 : Ez. iv. 16); "Ye shall eat the flesh of your sons and daughters" (29: Ez. v. 10); "Destroy your high places" (30: Ez. vi. 3, 6); "Cut down your obelisks" (30: Ez. vi. 4, 6); "Cast your carcasses upon the carcasses of your idols" * (30: Ez. vi. 4, 5); "Make your cities a waste" (31: Ez. vi. 6); "The savour of your sweet odours" (31: Ez. vi. 13, xvi. 19, xx. 28, 41); "Your enemies shall be astonished" (32: Ez. xxvi. 16, xxxii. 10); "I will draw out the sword after you" (33: Ez. v. 2, 12, xii. 14); "Your land shall. be desolation" (33: Ez. vi. 14, xv. 8, xxix. 9, 12); "The land of your enemies" (34, 36, 39, 41, 44: Ez. xxxix. 27); "The land of your enemies shall eat you up" (38: Ez. xxxvi. 13, 14); "Those that are left shall pine away in their iniquity" * (39: Ez. iv. 17, xxiv. 23); "Trespassed" (40: Ez. xxxix. 23, 36); "Uncircumcised heart" (41: Ez. xlv. 7. 9); "Because even because" (43: Ez. xiii. 10, xxxvi. 3); "In the sight of the nations" * (45 : Ez. v. 8, xx. 11, 14, xxii. 16, xxviii. 25, xxxviii. 23, xxxix. 27).

The list which we have now completed is a remarkable one. Here are some ninety cases in which the expressions of H. are found in Ez. also and in which the legislation of H. is reproduced in Ez., often in the same language. Of these at least twenty are phrases which are found only in H. and in Ez. It is evident, that similarity of this sort cannot be due to a general correspondence of age or standpoint in the two writers, but points to some special literary relation between them. What is this relation?

The purpose of this article is to consider some of the modern theories on this subject and to endeavor to determine which is the most probable. The bearing of the question on Pentateuchal criticism is too obvious to require any special comment, nor does the importance of the answer which we give to it need to be emphasized. Accordingly, we may proceed immediately to the review and the critique of the several theories.

I. Graf, who first exhibited at length the correspondences between H. and Ez., came to the conclusion that they could be explained only by the supposition that Ezekiel himself was the author of Lev. xvii-xxvi; and in his famous work, *Die geschicht-*

lichen Bucher des Alten Testaments (pp.81-83), he advocated this theory with a great deal of ingenuity and learning. In a review of Graf's book (*Jahrbucher fur deutsche Theologie*, 1866, p. 150 sq.), Bertheau announced his adherence to the hypothesis. It was also adopted by Colenso (*Pentateuch*) and by Kayser (*Vorexilisches Buch der Urgeschichte Israels*).

The difficulty with this theory is, that, while it explains the similarities between H. and Ez., it does not explain the differences. The diction of H. is not the same as the diction of Ez. There are a large number of words and phrases which occur frequently in each but are not found in the other. H. differs also from Ez. in its legislation (cf. Noldeke, *Untersuchungen Zur Kritik des A, T.*, p. 63; Kuenen, *Onderzoek*, p. 277; Klostermann, *Zeitschrift fur Lutherische Theologie*, p. 433 sq.). I will not discuss these differences in detail, for Graf's hypothesis has found no general acceptance. It is now conceded with practical unanimity among the critics, that there are too many differences between Ez. and H. to suppose that Ezekiel was the author of H.

II. A modified and much more tenable form of the Grafian theory has been proposed by Horst in the treatise entitled *Leviticus xvii-xxvi und Hezekiel*. He regards Ez. not as the author of this code, in a strict sense of the word author, but as merely the collector and editor of laws which were already in existence. This theory allows for all the differences in diction and in legislation between H. and Ez., and at the same time explains the fact that Ezekiel's closest resemblances are with the hortatory portions of this code, particularly with the great closing exhortation in Lev. xxvi. There is scarcely a hortatory phrase of H. which is not found in Ez., and Lev. xxvi seems to be, as Smend calls it, "essentially a combination of phrases of Ez." A closer examination, however, reveals the fact that this theory also cannot explain all of the phenomena.

1. It does not explain the fact, that the most characteristic editorial formulre of Ez. are absent from H. If Ez. wrote H. we have a right to expect that the commandments of the Lord will be introduced here in much the same way in which they are introduced in the book of his prophecy. There is nothing in the nature of the contents of H. to compel him to abandon those set phrases with which he introduces his message to Israel in his oracles. If he was the collector, he must have put his material in some sort of a framework, and that framework we should expect to be similar to the one in which he sets his prophetic utterances. This, however, is not the case. Ez. has a number of formulae, which he uses constantly, which are never found in H. For instance, he begins more

than a hundred times with the phrase, "Thus saith the Lord Jehovah." The words, "Son of man," introduce the address of the Lord about ninety times. The introductory formula, "And the word of Jehovah came (was)," occurs thirty-nine times; "The oracle of the Lord Jehovah," eighty times; "As I live," sixteen times. None of these phrases, however, occur in H., although all are perfectly appropriate for use in that code. The last one in particular we should certainly expect to find because of the constant use by H. of **אני** "I" with some appositional expression.

Other frequent formulæ of Ez. which are not found in H. are the following: "The hand of Jehovah was upon me" (i. 3, iii. 14, 22, viii. 1, xx:xiii. 22, xxxvii. 1, xl. 1); "Lift up my hand" (xx. 5, 6, 15, 23, xxxvi. 7, xliv. 12, xlvii. 14); "Whether they will hear or whether they will forbear" (ii. 5, 7, iii. 11); "And thou hast delivered thy soul" (iii. 19, 21, xxxiii. 9, cf. xviii. 27, xxxiii. 5, xiv. 20), "For my name's sake" (xx. 9, 14, 22,44).

2. The hortatory passages in H. (Lev. xix. 25-30, ch. xx., xxii. 31-33, xxv. 18-22, xxvi. 3-45) certainly come from the hand of the collector of the legislation, and if that collector was Ez., they should correspond closely with his style. It is true, that many of the phrases of these hortatory passages are found scattered through the book of Ez., but there are also wide differences between these exhortations of H. and those of Ez. which forbid the assumption that they come from the same hand. The most fundamental difference is, that Ezekiel's exhortations are found in connection with his prophecies and not with his legislation. The code for the restored Israel in Ez. xl-xlviii is accompanied by no warnings or exhortations of any sort. How does it happen, then, that this code in Lev. xvii-xxvi, although it contains laws in regard to sacrifice and other matters which could not be obeyed in Ezekiel's day, is provided with terrible denunciations in case of disobedience?

Granted, however, that Ez. might have omitted the exhortation in Ez. xl-xlviii, where it was more appropriate, and have appended it in Lev. xvii-xxvi, where it was less appropriate, the difficulty still remains unexplained, that the most frequent and most characteristic hortatory phrases of Ez. are wanting from H. A number of Ezekiel's expressions are, it is true, found in H., but they are not the expressions which are most frequent in his book and which we should most expect to find in any exhortation which he had written. Some of these recurrent phrases are the following: "My eye shall not pity and I will not spare" (v. 11, vii. 4, 9, .viii. 18, ix. 10, cf. ix. 5, xx. 17); "My hand is stretched out" (vi. 14, xiv. 9, 13, xvi. 27, xxv. 7, 13, 16, xxxv. 3); "For they are a rebellious house "

ii.5, 6, iii. 9, 26, 27, xii. 3, 25). "Behold I am against" (v. 8, xiii. 9, xxviii. 22, etc.); "I will do judgments" (v. 10, xi. 9, xxx. 14, 19); "Finish my anger upon thee" (v. 13, vi. 12, vii. 8, xx. 8, 21); "Judge according to one's way (deed)" (vii. 3, 8, xxiv. 14, xxxvi. 19); "Give one's way upon one's head" (ix. 10, xi. 21, xvi. 43, xxii. 81); "Pour out my indignation" (vii. 8, ix. 8, xiv. 19, xx. 8, 21, 84, xxii. 22, 81, xxx. 15, xxxvi. 18); "Fall by the sword" (v. 12, vi. 12, xi. 10, xvii. 21, xxiii. 25, xxiv. 21, xxv. 18, xxx. 5, 17); "Into the hand of strangers" (vii. 21, xi. 9, xxviii. 10, xxx. 12); "Go into captivity" (xii. 11, xxx. 17, 18); "And I will spread my net" (xii. 18, xvii. 20, xxxii. 8); "Scatter to every wind" (v. 2, 10, 12, xii. 14); "Scatter among the lands" (vi. 8, xii. 15, xx. 20, xxii. 15, xxix. 12, xxx. 28, 26); "Remove among the nations" (xi. 16, xii. 15, xx. 28, xxxvi. 19, cf. xi. 17, xx. 34, 41, xxv. 7, xxxiv. 12); "Turn from one's evil way" (iii. 19, xiii. 22, xxxiii. 11, cr. iii. 18; xxxiii. 8); "Give rest to my fury" (v. 18, xvi. 42, xxi. 22, xxiv. 18); "Loathe oneself" (vi. 9, xx. 43, xxxvi. 31). "The fire of my wrath" (xxi. 36, xxii. 21, 31, xxxviii. 19, cf. xxxvi. 5); "I will cut off man and beast" (xiv. 13, 17, 19, 21, xxv. 13, xxix. 5, cf. xxxvi. 11); "Remember thy way" (xvi. 61, xx. 43, xxxvi. 31); "The beast of the field. . . the fowl of the heavens" (xxix. 5, xxxi. 6, 13, xxxii. 4, xxxviii. 20); "Bear shame" (xxxii. 24f., 30, xxxiv. 29, xxxvi. 6f., 15, xxxix. 26, xliv. 18); "Turn the fate" (xvi. 53, xxix. 14, xxxix. 25).

This list is very significant. None of these phrases are found in H., but they are Ezekiel's commonest hortatory expressions and occur in his book more frequently than the phrases which he has in common with H. Evidently this fact is adverse to the hypothesis that Ez. was the author of the Holiness legislation.

Still more important is the fact, that H.'s most characteristic hortatory formulæ are not found in the book of Ez. The most frequent and most characteristic hortatory formula of H. is the simple, "I am Jehovah," which closes the minor groups of laws. Remarkably enough, this is never used by Ez. The simple formula, "His blood upon him," which occurs six times in Lev. xx, is also not used by Ez. The striking exhortation, "And thou shalt be afraid of thy God" (Lev. xix. 14, 82, xxv. 17, 36, 48), is also lacking. Other recurrent phrases of the hortatory passages of H. which are not found in Ez. are, "Eat old store" (xxv. 22, xxvi. 10); "When none pursueth" (xxvi. 17, 36, 37); "Walk contrary to me" (xxvi. 21, 23, 24, 27, 28, 40, 41); the sevenfold punishment for sin (xxvi. 18, 21, 24, 28); the depicting of flight before the enemy (xxvi. 7f., 36f.); the description of the horrors of war (xxvi. 16).

Accordingly, a comparison of the hortatory passages in H. and in

Ez., in spite of all the resemblances which it discloses, is unfavorable to the hypothesis that Ez. is the collector and editor of H.

3. A further argument against this theory may be drawn from the difference between the personal characteristics of Ez. and the editor of H. Ez. is singularly unmethodical. Accidental association of ideas seems to determine the sequence of topics in his prophecy. His legislation shows none of that fine analysis and grouping of laws which we find in H. He has a sensitive conscience and a vivid imagination, but he is not conspicuous for intellectual vigor, and there is nothing in his book to indicate that he possessed the ability to construct so clear and succinct a code as H.

Another marked characteristic of Ez. is his sense of personal responsibility (ii. 17-21, xxxiii. 1-9). In all his exhortations the thought shines through, that he warns, not only for the sake of the nation, but for his own sake, that he may "deliver his soul whether they will hear or whether they will forbear." No trace of this subjective standpoint appears in the exhortations of H. Here the preacher is wholly objective; he thinks only of the penalty which will fall upon Israel if it continues in sin, and his own personality disappears behind his message.

The differences of Ezekiel's literary method from that of the editor of H. are also unfavorable to the theory that the two are identical. It may not be fair to compare his prophecies with H. since it is natural that the styles of prophecy and of legislation should be different; but it is surely allowable to compare the legislation of Ez. xl-xlvi with H., and to expect, if Ez. was the author of both, that the literary form will be the same. The characteristic form of Ezekiel's legislation is the apocalypse. His enactments are prefaced with visions accompanied with angelic interpretation in which he receives the communications that are to be imparted to the people and beholds the objects which he afterwards describes in writing. In H. there is not a suggestion of all this. Here without any scenic preliminaries or machinery of revelation, the lawgiver simply announces the commandments in the name of the Lord.

Again, the Holiness Code is expressly assigned to Moses, but Ez. never puts his legislation into the mouth of another lawgiver. Kuenen's remarks on this subject (*Onderzoek*, p. 277) are apposite: "We are not in a position to say that Ez. would have felt a scruple against ascribing legislation to Moses, but we can say that as far as we know he never made use of this form of expression, and that *a priori* we have no right whatever to expect it of him. In xl-xlvi he makes Yahwe himself announce the regulations of the restored theocracy. What could have induced him, a few years earlier or later, to relegate similar precepts to the Mosaic age?"

The style of the hortatory portions of H., in which we should expect to find the closest resemblance to Ez., if he were the editor of this legislation, is so much superior to anything that we find in his book that it is impossible to believe that he has written these passages. Lev. xxvi in particular is one of the most dramatic and impressive addresses in the Old Testament, and although we find most of its phrases in Ez., we search his book in vain for any passage where they are combined with the literary skill which is here manifested. It is not without reason that Kuenen regards this "difference in artistic skill" as decisive against the theory that Ez. was the editor of H.

If now it be true that Ez. was neither the author nor yet the collector of H., his coincidences with this code must be explained by some theory of literary dependence of one upon the other. Which one then is dependent? On this question modern criticism is divided. Perhaps there is a majority at present in favor of the view that Ez. is the earlier, and for this reason I shall review this theory next.

III. According to the Grafian school, H. forms the bridge from Ez. to the Priestly Code, just as Ez. forms the bridge from Deuteronomy to H. In support of this theory Kuenen (*Onderzoek*, p. 279) says: "Ezekiel's assumption of the legislator's office in xl sq. is best explained on the supposition that the priestly toroth had not been codified before his time. He thus appears to be the elder." Similarly Cornill (*Einleitung*, p. 78) asks: "If Ezekiel knew H., why did he publish his own code for the future?" But one may ask quite as appropriately, why H. should have given his code after Ezekiel if the legislation of that prophet were known to him. The difficulties which arise from the differences of the two legislations are equally great, whether we suppose Ezekiel or H. to be the earlier, and it is no more unlikely that Ez. should have made laws superseding H. than that H. should have given laws superseding Ez. From general considerations of this sort nothing can be proved in regard to the relative age of the two works.

A much stronger argument is found in the fact that Ez. says nothing about a high priest and apparently has no place for him in his system of legislation, while H. discriminates sharply between the high priest and the ordinary priests and requires a degree of sanctity in the former which is not required of the latter. This, it is said, indicates a development in the direction of the Priestly Code. Ez. knows no distinction in the priesthood; in H. "the priest that is greater than his brethren" appears; and in P we find the high priest, the magnificent ruler of the sacerdotal caste. On this point more than any other emphasis is laid by the school of Graf in support of the proposition that H. is later than Ez.

This argument would be a strong one, if there were no indications of the existence of such a functionary as the high priest of H. before the time of Ez., and if there were no reason why Ez. should ignore the high priest in his system. That there was a high priest of some sort long before the time of Ez. is certain. The presiding priest, who in preexilic times was the intermediary between the king and the ordinary priest, and who in Samuel and Kings bears the name of "the priest," **kat lefoxhn**, held an hereditary office and was the leader of the sacerdotal class. Granted that he was only *primus inter pares*, the high priest of H. also is simply **הכהן הגדול מאחיו**. This greater priest of H. agrees in all the main features with the presiding priest of Samuel and Kings, and, therefore, one must either deny the truthfulness of the representation of these books, or else admit that Ezekiel's silence does not prove that the high priest had not yet come into existence. As Baudipsen very appropriately remarks (*A. T. Priesterthum*, p. 128): "It is unhistorical to infer from this absence of the high priest, as well as from the silence of Deuteronomy, that down to the Exile there was no high priest at all. The book of Kings is against it, and from the nature of the case it is evident, that for practical reasons there must have been early a head priest at Jerusalem as well as at the centres of the cultus of other peoples. At the head of the returning exiles the high priest Joshua stands with undisputed prerogatives."

The fact then is; that the absence of the high priest from Ez. does not indicate that this functionary was not yet developed, but simply that he is intentionally omitted. The reason for the omission is obvious. Ezekiel's "prince" **אִשָּׁר** is meant to take the place of the high priest. The preexilic kings never exercised such functions as Ez. assigns to this ruler, and the facts, that the prince's land adjoins the priests', that he has the right of entering the temple through the holy eastern gate, and that he has charge of the providing of sacrifices, show that he is given a quasi-priestly function. Inasmuch as he is himself brought into direct relation to the priests, there is no longer any need for the old high priest as an intermediary, and Ez. drops him out of his scheme of legislation. This omission, therefore, is due merely to an individual peculiarity of Ez. (cf. Kayser, *Jahrbucher fur protestantische Theologie*, 1881, p. 547; Horst, p. 95).

The case is similar in the law of the sabbatical year of rest for the land. Ez. apparently does not know of this institution, while H. elaborates it at great length. Here again Kuenen (*Onderzoek*, p., 278) says, that "H. shows an advance on Ez." But the sabbatical year is already enacted in the Book of the Covenant (Ex. xxiii.

10f.), and, therefore, the absence of this institution from Ez. does not indicate that it had not yet been developed but only that Ez. accidentally or intentionally omitted it. With just as much propriety Kuenen might argue that H. is in advance of Ez. because he has the feast of Pentecost which Ez. never mentions. Pentecost, however, is an integral part of all the oldest legislation; and, therefore, Ezekiel's silence is without significance. The fact is, that Ez. does not attempt to give a complete code, but presupposes a body of institutions as already in existence to which he alludes in an incidental manner. His silence, therefore, can never be construed as an indication of ignorance of any institution, particularly when, as in the case of the high priest, a reason can be seen for the omission.

These are the only particulars in which it is claimed that H. shows a more developed legislation than Ez. Apart from this supposed development, there are no literary or historical reasons for thinking that H. is later than Ez. This argument, as we have just seen, is not conclusive, and, on the other hand, there are a number of points in which it is generally conceded that the legislation of Ez. is an advance upon H. In the distribution of priestly functions, in the classification of the "holy things," in the enumeration of the sacrifices, and in the treatment of the feasts Ez. is certainly more developed than H. This fact need not be exhibited in detail, inasmuch as it is conceded by Kuenen, Baentsch (*Heiligkeitsgesetz*, Erfurt, '93), and other advocates of the priority of Ez. These critics explain it by the assertion that in these cases H. "adhered to the older tradition" (Kuenen, *Onderzoek*, p. 279).

This claim, it seems to me, destroys all value of the argument from the development of legislation. If in these cases H. followed the older tradition, although he is later than Ez., why may we not suppose that Ez. followed the older tradition in those cases in which his legislation appears to be more primitive than H.? If a more developed legislation is to be construed as an indication of a later date, when it suits the purpose of our argument, and to be dismissed as a relic of an older tradition, when it does not suit us to date the document in accord with this indication; then no certain conclusion is possible. Baentsch sets all these indications of the priority of H. aside with the remark (p. 114), that the absence of the high priest from Ez. is so much more important an indication of age that it outweighs these contrary indications and proves that H. is later than Ez. This is a striking instance of the power of a foregone conclusion. The fact is that, as far as any development is traceable in legislation, Ez. shows the later form. This fact cannot lightly be set aside by the assertion that H., although later, adheres to the older tradition.

IV. We are thrown back, accordingly, upon the only remaining hypothesis, namely, that H. is the older document and that Ez. makes use of it in his prophecy. This is the theory which is advocated by Noldeke, Klostermann, Hofmann, Riehm. In its defense the following arguments may be urged:

1. The theory has antecedent probability from the fact that Ez. is an habitual quoter. No Old Testament writer is more dependent upon his predecessors than this prophet. Lists of quotations have been given already by Noldeke (p. 68 sq.), Klostermann (p. 417 sq.), Hoffmann (*Mag. f. d. Wissenschaft d. Judenthums*, vii), Smend (*Ezechiel*, p. xxiv). It is not necessary, therefore, to prove this here in detail. On the other hand, H. has no striking points of similarity with any other Old Testament writings than Deuteronomy and Ez. If we suppose the author of H. to be the quoter, we must assume that he intentionally ignores all the rest of the Hebrew literature except these two books and that, although he had before him the complete legislation of Deuteronomy, he preferred to cull the scattered precepts of Ez. and combine them into a law code. Why he should have done this is inexplicable. On the other hand, it is easy enough to see why Ez. should have used H. more frequently than other works, if we suppose that this code was in existence in his time. Dealing specially with moral and religious duties, this code had a value during the period of the Exile which was not possessed by the ceremonial legislation, for the latter depended upon the existence of the national sanctuary. The duties prescribed in H. were such as could be carried out by those living in a foreign land. The sins against which it warned were those into which a people living among the heathen would be most likely to fall. The situation here assumed, that Israel has just come out of the land of Egypt and is about to enter the land of Canaan, had many points of analogy with the situation of the exiles. What was more natural, accordingly, than that Ez. should find in this code more material suited to his purpose than elsewhere and that he should quote from this document more frequently than from any other?

The antecedent probability, therefore, is all in favor of Ezekiel being the quoter, and it is astonishing when Cornill says, "It is as unlikely as possible that an author of the originality and scope of Ezekiel should have modeled his style on a single chapter of the Pentateuch (Lev. xxvi)." In reality Ezekiel is perhaps the least original of all the Old Testament writers. His style is similar not only to Lev. xxvi, but to all of H., and, instead of it being improbable that he should use this portion of the Pentateuch, there is nothing which he would be more likely to use.

2. Passing now from these general considerations to specific reasons for thinking that H. is prior to Ez., we observe, that the characteristic expressions of H., almost without exception, are found in Ez., while only a small proportion of the characteristic phrases of Ez. are found in H. In other words, there is a fund of expressions which are common to Ez. and to H., but outside of this fund H. has scarcely any characteristic phrases while Ez. has a large number. A list of Ezekiel's phrases which are not found in H. has been given already. This list is by no means complete, and yet how disproportionately great it is in comparison with the list of characteristic expressions of H. which are not found in Ez.! Now what is the most natural construction to put upon this fact? If H. quotes Ez., then it is hard to see why all of Ezekiel's favorite phraseology should not be used in H.; but if Ez. quotes H., then it is perfectly evident why practically all of H.'s characteristic expressions are found in Ez. One must admit, therefore, that the proportion of similarity in these two works is decidedly in favor of H. being the older work.

3. The similarity of Ez. to H. is sporadic, and this can be explained more naturally by the supposition that Ez. occasionally made use of H. than that H. selected portions of Ez. for quotation and ignored other portions which were just as important and just as appropriate. Ezekiel's coincidences with H. are found chiefly in chaps. v, vi, xiv, xviii, xx and xxii. Outside of these chapters there is an occasional use of certain stock phrases of H., but no close parallelism of thought. The similarity of H. to Ez., on the other hand, extends throughout the entire code, and although Lev. xxvi is more closely parallel to Ez. than any other portion of the code, it cannot be said that H.'s resemblance to Ez. is sporadic. How are we to interpret this? Surely it is more natural to suppose that Ez. used H. as a whole, but saw fit to quote it only occasionally, rather than that H. selected a half dozen sections of Ez., which he quoted almost entire and ignored the rest of the prophecy.

In a number of cases the standing phrases of H. occur but once in Ez. They are as follows: "Any man of the house of Israel " (Ez. xiv. 4-7), **אֵלֵּי לַם** "vanities " (xxx. 13), "I am the Lord who sanctify" (xx. 12), **גְּאֻלָּה** "redemption" (xi. 15)," And I will cut him off" (xiv. 8), "food of God" (xliv. 7), **מַמְצָר** "sale" (vii. 13), "bear sin" (xxiii. 49), **פְּגוּל** "corruption" (iv.14), "turn unto" (xxxvi. 9), **קָלַל** "revile " (xxii. 7), "draw near to a woman" (xviii. 6), **שְׂקֵץ** "loathsome thing" (viii. 10). Which is the more probable, that H. has hunted out these isolated words and phrases of Ez. and has adopted them as his standing expressions, or that

Ez. in his quotation of H. happened to insert these expressions but once?

4. Even when Ez. is most closely parallel to H. he exhibits a greater fullness of expression, which indicates that he has amplified H. First of all we may note this amplifying tendency in the case of the recurrent formulae of H. The most striking instance is Ezekiel's use of the phrase **אני יהוה**. In this simple form it never occurs in Ez., but is always accompanied with some appositive expression. One cannot help thinking that the tendency in language is for phrases to lose their force and to require to be strengthened by additional words, so that antecedently it is probable that **אני יהוה** is more primitive than **אני יהוה אלניך**. Some additions to the primitive formula are found in, H. itself. These all recur in Ezekiel, and besides them there are other additions of considerable length which are not found in H. The only fair inference from this fact is, that the process of intensifying the simple original formula has gone further in Ez. than in H. Moreover, R. uses the formulae "I am the Lord" and "I am the Lord your God" absolutely, but in Ez. they are never found without connecting words such as "for," or "ye shall know that," or the infinitive construction with **ו** which is peculiar to Ez. Here again it is more natural to suppose that the abrupt epigrammatic form of expression, as we find it in H., is the more primitive, and that Ezekiel's finished form with all of its syntactical exactness is the later.

The forceful brevity of the judgment pronounced so often in Lev. xx, **בדמיך**, is impaired in Ez. by the addition of **יהי** and this need of inserting the copula indicates a later linguistic development. The characteristic formula of H., "walk in the statutes and keep the judgments (commandments) and do them" (xviii. 3, 4, xx. 23, xxvi. 3), occurs with great frequency in Ez., but in Ez. the formula seldom stands alone, but is usually accompanied with an additional hortatory phrase (cf. Ez. v. 7, xi. 12, 20, xviii. 9). These additional phrases are also found in H., but not in combination with the formula in question. Here again it is more probable that Ez. for increased emphasis has combined two expressions of H. in his quotation rather than that H. has secured that the formula should always occur in its simple form by cutting the formulre of Ez. in two and putting the second halves in other connections. In a similar manner the simple phrase **אנה אהר** of Lev. xvii. 7, xx. 5,6, is not strong enough for Ez., but must be intensified by the addition of a variety of synonymous phrases (cf. xx. 30, xxiii. 3, 5, 19).

The formula "to profane the name of thy God;" or "to profane

my holy name," occurs in H. with stereotyped regularity (cf. Lev. xviii. 21, xix. 12, xx. 3); but in Ez. it is employed with the utmost flexibility of form and of grammatical relation. It is enlarged, it is strengthened by phrases which state in what the profanation consists, it is paraphrased in other language. Here also it is perfectly clear that H. furnishes the original upon which Ez. rings the changes.

The standing phrase of H., "And I will cut him off from the midst of his kinsfolk," is apparently more original than the two forms which occur in Ez., "I will cut him off from the midst of my people," and "I will destroy him from the midst of my people Israel." In general it may be said that all of the recurrent formulae exhibit a simpler form in H. than in Ez., and that the only natural construction which can be put upon this fact is that H. is older than Ez.

Moreover, when we compare the individual passages in which H. and Ez. correspond in thought or in diction, we find the same relation which exists in the hortatory passages. Ez. has an amplified form which shows that he has used H. as a text on which he has based his comments. For instance, in Lev. xviii. 3 we read, "After the doings of the land of Egypt wherein ye dwelt shall ye not do, and after the doings of the land of Canaan whither I bring you shall ye not do." This simple, unqualified prohibition is made the subject of the twentieth chapter of Ez. In verses 5-26 the prophet amplifies upon the theme of doing according to the doings of the land of Egypt, and in verses 27 sq. he develops the other theme of doing according to the doings of the land of Canaan. In the first section he shows at great length the circumstances under which God first gave the commandment, the details being drawn from the narratives of Exodus and Deuteronomy. He shows how Israel disobeyed the command in the wilderness and how God punished them. In H., however, we meet but this one allusion to imitation of the Egyptians. It is quite incredible, therefore, that a legislator who was following Ez. should have limited himself to this single brief proposition, if he had before him all of Ezekiel's wealth of exhortation and of historical illustration. The dependence of Ezekiel in this instance is proved by the fact that the law which forms the main theme of the chapter is combined by him with other enactments and other expressions of H. which are not combined with it in Leviticus, and which are not strictly relevant. The contrast of the Lord's statutes and judgments to the statutes and judgments of the heathen is found in H. and is natural. Ezekiel imitates this in xx. 11, 13, 16, 19, 21, 24, but he adds to it the duty of hallowing the Sabbath, which forms no true contrast to

imitation of the heathen and is not inserted in this connection in H., but among the more specific ordinances of worship at the beginning of chap. xix.

Ez. xx is full also of the phrases of Lev. xxvi, and in all of these cases it is easier to suppose that Ez. in his exhortation has brought together things which were disconnected in H., than that H. has divided up and scattered in different portions of his code sets of phrases which are regularly combined in Ez. The wearisome repetitions of this chapter of Ez. and its extraordinary diffuseness are alone sufficient evidence that it is not the original of the epigrammatic utterance of Lev. xviii. 3, particularly when we observe that nearly all in this chapter which differs from H. is borrowed from the Pentateuchal history or from Jeremiah.

Moreover, the prophet refers to this commandment not to imitate the heathen, in such a way as to show that he had in mind a definite system of legislation which contained this precept. In verse 10f. he says that God brought Israel out of Egypt into the wilderness and gave them His "statutes and judgments which if a man do he shall live by them." Here obviously Ezekiel has specific enactments in mind. What other enactments can they be than the ones in Lev. xvii-xxvi, which uniformly speak of themselves as statutes and judgments, and of which it is said in Lev. xviii. 5 that if a man do them he shall live by them? Among these statutes and judgments given in the wilderness was the prohibition of Egyptian idolatry (Ez. xx. 7). This stands in immediate connection with the command to keep all of God's statutes and judgments in Lev. xviii. 5, and it does not occur in this specific form in any of the other codes to which Ez. might have referred. The legislation which Ez. had in mind spoke of "hallowing my sabbaths," but this is an expression which is characteristic of H. Throughout this chapter, accordingly, Ez. speaks as only a man could speak who had the legislation of H. before him in written form (cf. *Baentsch*, p. 86f.).

The chief coincidences of Ez. with the legislation of H. are found in chaps. xviii and xxii. Chap. xviii is little more than a different arrangement of precepts which are found in H. Chap. xxii enumerates many of the same precepts which are found in xviii and adds others which are also found in H. In both of these cases certain collocations of duties are favored by Ez., and are frequently repeated together with duties which are not found in H., that of giving bread to the hungry, of covering the naked with a garment, and of abstaining from eating upon the mountains or lifting up one's eyes to the idols of Israel. Now we may ask, if this catalogue of duties in Ez. is the basis of the legislation of H., why

are the laws not found in somewhat the same order in H. in which they are found in Ez., and why are they not found in combination with the other duties which Ez. emphasizes? On the supposition that Ez. quotes H., we cannot explain why the precepts of Ez. should have been scattered through H. so effectually that no two stand together, nor why the commandment to aid the poor and the prohibition of high-place worship should have been omitted. If, on the other hand, we suppose that Ez. quotes H., we can readily see how he should have made a selection out of the wealth of material offered by H. of those particular precepts which seemed to him most important.

In neither of these chapters does Ez. promulgate his precepts formally as a system of legislation, but in xviii he brings them in as illustrations of the kind of duties for which men shall be held individually responsible, and in xxii as illustrations of the crimes perpetrated by the princes of Jerusalem). Which is more likely, that a prophet in calling sinners to account should quote the words of the law, or that a lawgiver should go to the exhortations of the prophet in order to find material for his new code?

Again, in these chapters Ez. enumerates without logical order or principle, while in H. the laws are grouped with fine analytical skill; and once more we may ask, whether it is more natural to suppose that H. has classified and enlarged Ezekiel's rambling statements of duties or that Ez. in quoting the law code from memory abandoned its formal exactness of structure.

For these reasons we must admit, it seems to me, that Ez. xviii and xx necessitate the supposition that the prophet had before him at least the legislation of Lev. xviii-xix. This is admitted by Baentsch, the most recent critic of the holiness-legislation, in the following words, "On the basis of the most conscientious investigation of details, I have reached the certainty that Lev. xviii-xx is really older than Ez., and, in fact, in certain passages underlies the statements of this prophet, I mean Ez. xviii, xx, xxii, xxiii."

Even those critics who claim that Ez. is earlier than H. are compelled to admit that these particular chapters of Ez. demand the assumption of an older system of legislation as their basis. Thus Kuenen says (*Onderzoek* p. 279), "It is perfectly true that Ez. xviii. 6, 7 and xxii. 7-12 respectively imply that the commandments now contained in Lev. xviii. 19, 20, xix. 13, 15, 35, xxv. 14, 17, 36, and Lev. xix. 16, 30, 33, xx. 9, 10, etc., were by no means evolved after Ezekiel's time, but could be assumed by him as known to his cotemporaries in pretty much the same form in which we have them in P¹." This admission Kuenen hastens to

qualify, however, by the claim that here Ez. is not quoting from H., but from the sources of H. This is a weak evasion of the force of the facts. Every indication favors the view that Ez. quotes H., and there is nothing that is really adverse to this hypothesis; it is, therefore, wholly unwarranted to assume earlier sources of H. for which there is no historical evidence. This method of arguing cuts the foundation from under all historical criticism, for it makes it impossible to prove that any document is dependent upon another. By the same method it would be possible to argue that the Book of the Covenant is later than Deuteronomy, and that the apparent quotation of it in Deuteronomy is due to use, not of it, but of its sources. Until the existence of these hypothetical sources can be rendered probable, we are bound, it seems to me, to recognize that H. as we now have it was used by Ez.

I conclude this investigation, therefore, with the claim that the only theory which will explain all the facts of the relation of Ez. to Lev. xvii-xxvi is that Ez. had this legislation before him as a written code. The other questions which rise immediately when this one is settled, whether Ezekiel knew any more of Leviticus than these chapters, and how long before Ez. the holiness legislation was written, are problems which cannot be discussed within the limits of this article.

HARTFORD THEOLOGICAL SEMINARY. Lewis Bayles Paton.

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