

THE MOSAIC LAW.

IN recent years much has been learned of the civilization, which developed in early times in Mesopotamia. In Babylon, laws, appropriate to a vast and wealthy agricultural nation, which was engaged, also, largely in commerce, had been developed many centuries before the authentic history of other peoples begins. This civilization was Semitic. A great light, where formerly but dim reflections had been seen, was thrown upon this jurisprudence by the discovery, in 1901, of the codification of the laws of Babylonia, which was promulgated by King Hammurabi about 2350 B. C.

Migration from Babylonia occurred from time to time, and settlements were early made in the countries bordering on the Mediterranean. The Canaanites of the Bible were descendants of such immigrants. Likewise, perhaps before 1500 B. C., a clan or family (being the Biblical Abraham), left Ur of the Chaldees (situated in the Euphrates valley), and migrated southwesterly. Pursuing a pastoral life, they multiplied and later settled in Egypt, where they became subject to the ruling power. About 1200 B. C., they freed themselves from the Egyptian bondage, and, under the leadership of their great prophet, Moses, led a nomadic life for some years in the deserts of Arabia.

Thereupon, they entered Canaan as a militant nation, seeking to conquer the country. There ensued some two centuries of incessant warfare. The Israelites during this time were never united; they frequently fought one another; at times they ruled the Canaanites among whom they dwelt, and again, they were subject to Canaanitish dominion. Their rulers (styled Judges in the Bible narrative), were, in political authority and social standing, similar, perhaps, to Arab sheiks.

Only gradually did the Israelites adopt agricultural pursuits and, to a greater or less extent, the customs and laws of the more civilized people of the land. About 1030 B. C., under the leadership of Saul, the beginnings of a nation appear. That the Israelites had not conquered Palestine during the period of the Judges is clear, when we remember that Jerusalem was first occupied under the rule of David, the King. Solomon, as a monarch, was the first in the history of Israel who was comparable in power or wealth with the other rulers of southwestern Asia. As is usual in history, this nomadic people developed into a centralized nation only after the lapse of centuries. Shortly after Solomon's reign, the nation fell apart, and during almost four centuries biblical history follows the course of the two

kingdoms of Judah and Israel. Thereupon, during the sixth century B. C., occurred the conquest, ending in the Babylonian exile. The remnants of the nation, after the hardships of exile, returned to Palestine and occupied that country, with varying fortunes, until, not long before the beginning of the Christian Era, it became a Province of the Roman Empire.

A knowledge of the history of the Jewish people, of which the foregoing is but a brief reminder, is necessary to an understanding of its jurisprudence.

The laws of Israel are found scattered through the first five books of the Bible, which collectively are known as the Pentateuch. However, other portions of the Bible are of great value in explaining the history of Israel's jurisprudence. The laws take up only a small part of the Pentateuch. The five books contain, also, historical narrative, biography, poetry and other literature. Confining our attention solely to the legal portions of the Pentateuch, and bearing in mind the history of the Jewish people, from the migration of Abraham to the time of the Babylonian exile, one cannot fail to be surprised at what we find there. Mingled together, with no apparent chronological sequence, are laws of a nomadic people and laws of an agricultural nation; laws reflecting a simple ritual and laws portraying an elaborate ceremonial; laws denouncing what other laws commend; laws recognizing a primitive political organization, and laws regulating the elaborate social structure incident to a monarchy; and finally, laws reflecting a low moral standard, with others of the loftiest ethical tone.¹

¹The diverse character of the laws of the Pentateuch is illustrated by the following:

(1) In matters of substantive law.

(a) The law of compensation appears in the later (Priestly) code.

5 Numb. 6 to 8.

In the earlier codes, *lex talionis* prevails.

21 Ex. 23 to 25 (primitive).

19 Deut. 21 (Deuteronomic).

(b) Inheritance in the female line.

27 Numb. 1 to 11.

The case of the daughters of Zelophehad.

Earlier descent was in the male line only, and primogeniture, to a limited extent, was recognized.

21 Deut. 15 to 17.

25 Deut. 5 and 6.

(c) The parental authority, which, in early times, was probably without restraint; 21 Ex. 15 and 17.

later required, in capital causes, judicial approval.

21 Deut. 18 to 21.

(2) In matters of procedure etc.

(a) A Supreme Court was established at Jerusalem, perhaps, shortly before Josiah's reign.

17 Deut. 8 to 13.

How is it that a compilation of laws so incongruous can be styled the Law of Moses? A satisfactory answer is difficult, if not impossible, except upon the theory that the Pentateuch contains the customs and laws which prevailed among the Jewish people at the various stages of the development of the nation. This theory is proven beyond question by the internal evidence of the books themselves. That none of the first five books of the Bible were written at one time or by one person was first suggested to scholars by the duplication of narratives. This duplication pervades the entire Pen-

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- This was, of course, a substantial change from practice existing in early times.
- (b) The establishment of the kingship is recognized in the later codes.
17 Deut. 14 to 20.
- (c) In early times, altars for sacrifice were expressly authorized at any place.
20 Ex. 24 to 26.
Due, doubtless, to the resultant apostasy among the people, by the use of heathen altars, sacrifice and celebration of the Passover, was permitted only at Jerusalem. This change was one of the chief items in the reformation of Josiah.
12 Deut. 1 to 28.
16 Deut. 5 and 6.
- (d) In early times, the right of asylum at any altar, for one who had committed homicide (but without criminal intent) was recognized.
21 Ex. 12 to 14.
Altars (except the one at Jerusalem) having been abolished, three cities of refuge were established in the time of Josiah, in lieu of the destroyed altars.
19 Deut. 1 to 13.
Later, by the Priestly code, the number of these cities was increased to six.
35 Numb. 14 to 29.
- (3) In matters of ritual.
- (a) The Ark of the Covenant, which was actually made at Mt. Sinai, was, of course, simple. In the primitive code, we find no elaborate description of it.
10 Numb. 33 to 36.
In Deuteronomy, we read of an elaborate ark.
10 Deut. 1 to 5.
31 Deut. 24 to 26.
In the Priestly narrative, a still more elaborate ark is described.
25 Ex. 10 to 22.
- (b) The Tent of Meeting. This best illustrates the change in ceremonial. In the primitive code, the Tent of Meeting, established by Moses outside the camp is simple.
33 Ex. 5 to 11.
Its description in the Priestly narrative is more elaborate, and includes materials, etc., which are altogether foreign to life in the desert.
25 Ex. 1 to 9.
26 Ex. 1 to 33.
But the Priestly narrative is even more elaborate in its description of the furnishings of the ark.
25 Ex. 23 to 40.
27 Ex. 1 to 8.
30 Ex. 17 to 21.
30 Ex. 1 to 6.
26 Ex. 34 to 37.

tateuch. It is illustrated by the account of the giving of the law at Mount Sinai. An attentive reading of Exodus, Chapters 20 *et seq.*, shows, at least, two narratives of the giving of the law of Moses. Tables of stone are engraved with two distinct and substantially different decalogues. That contained in Chapter 34 is the Jehovistic or Judean version, being the earlier, and that found in Chapter 20 is the Elohist or Ephraimistic version of the decalogue, being the ten commandments adopted by Christianity. We find also, two narratives of the creation in the first two chapters of Genesis.

Assuming that this statement needs no further argument, it will be enough to give briefly the results of scholarly research, concerning the development of the Pentateuch.

It is true, as one would expect to find, that writing was but little known among the Jews until after they had become settled in Canaan. On the other hand, writing was well known in Babylon. As has always been true in the primitive life of a people, customs preceded law, and oral tradition preceded written history. There is no evidence that any of the laws of Moses were reduced to writing (except, perhaps, engraven upon stone, a custom which was common to other Semitic peoples) until Israel had been in Canaan for some generations, and until after the two branches of the Jewish family, that is, the tribe of Judah to the south, and of Ephraim to the north, had continued for some years a separate and sometimes hostile career. Each branch of the Israelite family retained its set of traditions and laws, of which that prevailing in the southern kingdom, known as the Jehovistic narrative, was reduced to writing about 850 B. C. The Elohist narrative, being the traditions kept sacred in the northern kingdom, was probably reduced to writing after 800 B. C. Perhaps shortly after the exile, a third narrative, known as the Priestly narrative, became current, and later these three narratives were compiled, with the Priestly narrative as the basis, resulting in the first four books of the Pentateuch. The contents of these books have been resolved into the original narratives with but little difference of opinion among Biblical scholars. At all events, the narrative, as far as concerns the legal history of the Jews, seems to be reasonably certain.

The distinctive feature in the early history of the Jewish people is the marvelous influence upon the ideals and life of the people, exerted by its great men, its prophets. Among no other people will we find a succession of men with moral and ethical ideas far in advance of their people, and, with the courage of their convictions, striving, frequently with astonishing success, to lift their beloved nation to a higher life.

It is not within the purpose of this paper to consider what, if any, part in this development is due to divine guidance. It is sufficient to say that the views herein expressed are not inconsistent with the doctrine of inspiration.

Perhaps not the first, but doubtless the greatest of these men was Moses. While it must be admitted that Moses himself wrote few, if any, of the laws contained in the Pentateuch, and that they represent the work of not one, but rather of a myriad of authors, yet he was in truth the great lawgiver of the Jewish people. It was he who molded the undisciplined and even lawless bands of, may I say, Arabian Bedoween, and by his commanding and lofty influence placed a standard before the people of Israel, which, with the aid of his successors, developed what, in many respects, is the most marvelous civilization in history.

It is apparent that Moses was not the first to enact the laws contained in the Pentateuch, for, from the Bible narrative, it appears that many of these laws and ceremonials were known to and observed by primitive people. We find that to Noah the eating of blood was prohibited,² that the distinction between clean and unclean animals was known to Noah,³ that sacrificial offering was observed by, and commended in Cain and Abel,⁴ as well as in Noah's time.⁵ Furthermore, many of the Mosaic laws were in common use among Semitic peoples during many centuries before the migration of Abraham. This is well illustrated by a comparison of the provisions of the Pentateuch with the Code of Hammurabi upon the subjects: (1) of deposit or bailment;⁶ (2) of kidnapping;⁷ (3)

²9 Gen. 4.

³7 Gen. 2

⁴4 Gen. 3 and 4.

⁵8 Gen. 20.

⁶Hammurabi Code:

"§120. If a man store his grain in the house of another and an accident happen to the granary, or the owner of the house open a bin and take grain or he raise a dispute about (or deny) the amount of grain which was stored in his house, the owner of the grain shall declare his grain in the presence of God, and the owner of the house shall double the amount of the grain which he took and restore it to the owner of the grain.

§124. If a man give to another silver, gold or anything else on deposit in the presence of witnesses and the latter dispute with him (or deny it), they shall call that man to account and he shall double whatever he has disputed and repay it.

§125. If a man give anything of his on deposit, and at the place of deposit either by burglary or pillage he suffer loss in common with the owner of the house, the owner of the house who has been negligent and has lost what was given to him on deposit shall make good (the loss) and restore (it) to the owner of the goods; the owner of the house shall institute a search for what has been lost and take it from the thief.

§126. If a man have not lost anything, but say that he has lost something, or if he file a claim for loss when nothing has been lost, he shall declare his (alleged) loss in the presence of God, and he shall double and pay for the (alleged) loss the amount for which he had made claim."

of injury to a pregnant woman;⁸ and (4) of the liability of a shep-

"§9. If a man, who has lost anything, find that which was lost in the possession of (another) man; and the man in whose possession the lost property is found say; "It was sold to me, I purchased it in the presence of witnesses;" and the owner of the lost property say; "I will bring witnesses to identify my lost property;" if the purchaser produce the seller who has sold it to him and the witnesses in whose presence he purchased it, and the owner of the lost property produce witnesses to identify his lost property, the judges shall consider their evidence. The witnesses in whose presence the purchase was made and the witnesses to identify the lost property shall give their testimony in the presence of God. The seller shall be put to death as a thief; the owner of the lost property shall recover his loss; the purchaser shall recover from the estate of the seller the money which he paid out.

§10. If the purchaser do not produce the seller who sold it to him, and the witnesses in whose presence he purchased it (and) if the owner of the lost property produce witnesses to identify his lost property, the purchaser shall be put to death as a thief; the owner of the lost property shall recover his loss.

§11. If the owner (claimant) of the lost property do not produce witnesses to identify his lost property, he has attempted fraud (has lied), he has stirred up strife (calumny), he shall be put to death."

22 Exodus:

"7. If a man shall deliver unto his neighbour money or stuff to keep, and it be stolen out of the man's house; if the thief be found let him pay double.

8. If the thief be not found, then the master of the house shall be brought unto the judges, to see whether he have put his hand unto his neighbour's goods.

9. For all manner of trespass, whether it be for ox, for ass, for sheep, for raiment or for any manner of lost thing, which another challengeth to be his, the cause of both parties shall come before the judges; and whom the judges shall condemn, he shall pay double unto his neighbour.

10. If a man deliver unto his neighbour an ass, or an ox, or a sheep, or any beast, to keep; and it die, or be hurt, or driven away, no man seeing it:

11. Then shall an oath of the Lord be between them both, that he hath not put his hand unto his neighbour's goods; and the owner of it shall accept thereof, and he shall not make it good.

12. And if it be stolen from him, he shall make restitution unto the owner thereof."

*Hammurabi Code:

"§14. If a man steal a man's son, who is a minor, he shall be put to death."

21 Exodus:

16. And he that stealeth a man, and selleth him, or if he be found in his hand, he shall surely be put to death.

*Hammurabi Code:

"§209. If a man strike a man's daughter and bring about a miscarriage, he shall pay ten shekels of silver for her miscarriage.

§210. If that woman die, they shall put his daughter to death.

§211. If through a stroke, he bring about a miscarriage to the daughter of a freeman, he shall pay five shekels of silver.

§212. If that woman die, he shall pay one-half mana of silver.

§213. If he strike a female slave of a man and bring about a miscarriage, he shall pay two shekels of silver.

§214. If that female slave die, he shall pay one-third mana of silver."

21 Exodus:

"22. If men strive and hurt a woman with child, so that her fruit depart from her, and yet no mischief follow: he shall be surely punished, according as a woman's husband will lay upon him; and he shall pay as the judges determine.

23. And if any mischief follow, then thou shalt give life for life.

24. Eye for eye, tooth for tooth, hand for hand, foot for foot.

25. Burning for burning, wound for wound, stripe for stripe."

herd to the owner of his flock.⁹ On the other hand it is clear that a large portion of the laws contained in the Pentateuch could not have been the product of Moses' time, because they imply a social, political and moral condition of the people, which was not attained until centuries later.

The fact that the Bible narrative speaks of these laws as being ordained by Moses is readily explained. It was usual with other Semitic peoples to attribute their laws to the Deity and through him to the chief lawgiver of the nation, entirely ignoring chronology. This was true, also, of the Jewish people, and the custom, early adopted, of attributing laws to Moses, became more and more fixed as time progressed.

The Mosaic law was evolved very much as the English common law grew. The decisions of those in authority in particular cases became the rule of action in similar causes, arising later. As appears from the narrative in Exodus, Chapter 18, Moses was for some time the sole judge among the people. Upon the visit of Jethro, his father-in-law, "It came to pass on the morrow that Moses sat to judge the people; and the people stood by Moses, from the morning unto the evening."¹⁰ In answer to Jethro's inquiry why he thus sat alone in judgment, Moses answered: "Because the people come unto me to enquire of God; when they have a matter they come unto me; and I judge between one and another, and I do make them know the statutes of God and his laws."¹¹ Thereupon, Jethro suggests that the work was too heavy for Moses to bear alone, and advises him to teach the people God's ordinances and to appoint able men to be rulers over the people "and let them judge the people at all seasons; and it shall be, that every great matter they shall bring

⁹Hammurabi Code:

"§265. If a shepherd, to whom oxen or sheep have been given to pasture, have been dishonest or have altered their price, or sold them, they shall call him to account, and he shall restore to their owner oxen and sheep tenfold what he has stolen.

§266. If a visitation of God happen to a fold, or a lion kill, the shepherd shall declare himself innocent before God, and the owner of the fold shall suffer the damage.

§267. If a shepherd be careless and he bring about an accident in the fold, the shepherd shall make good in cattle and sheep the loss through the accident which he brought about in the fold, and give them to their owner."

²² Exodus:

"10. If a man deliver unto his neighbour an ass, or an ox, or a sheep, or any beast, to keep; and it die or be hurt, or driven away no man seeing it:

11. Then shall an oath of the Lord be between them both, that he hath not put his hand unto his neighbour's goods; and the owner of it shall accept thereof, and he shall not make it good.

12. And if it be stolen from him, he shall make restitution unto the owner thereof.

13. If it be torn in pieces, then let him bring it for witness, and he shall not make good that which was torn."

¹⁰18 Exodus 13.

¹¹18 Exodus 15 and 16.

unto thee, but every small matter, they shall judge; so shall it be easier for thyself, and they shall bear the burden with thee."¹² Moses followed this advice; and the judicial system of Israel was established.

By precedent, therefore, was developed, in large part, the law of Israel.¹³ After Moses' death, other leaders of the people assumed, in greater or less degree, his authority and leadership. Upon the establishment of the monarchy, the chief judicial authority became naturally vested in the King. Later, and doubtless before the reign of Josiah in the seventh century B. C., a Supreme Court of Judicature, consisting largely of Priests and Levites, was established at Jerusalem.¹⁴

The chief circumstances that influenced the development of the Israelitish law were: (1) the change from the nomadic to an agricultural life; (2) the contact with the Canaanitic peoples; (3) the change in political and social conditions, especially those resulting from the creation of the monarchy; (4) the Babylonian exile; and (most important of all) (5) the growth of higher ethical standards of life and morality.

At no time in the history of Israel was a code of laws, enacted by legislative authority, imposed upon the people. The chronological growth of the law is, perhaps, fairly expressed in the following stages of development:

First: The time of oral law, extending to the ninth century before Christ. The law was handed down in the simplest form. The Ten Commandments, found in the 20th chapter of Exodus is only one

¹²Exodus 22.

¹³The language of the law itself suggests that its several provisions arose in the settlement of concrete cases.

"If an ox gore a man or a woman, that they die; then the ox shall be surely stoned and his flesh shall not be eaten; but the owner of the ox shall be quit," but if the owner knew the character of the ox "his owner also shall be put to death."

²¹Exodus 28 and 29.

See, also, all of:

²¹and ²²Exodus.

And especially:

²²Exodus 1, 6, 10 to 13, 14 and 15.

An examination of the codes would seem to indicate that the civil and criminal laws, to which are attached a penalty for their violation, are cast (as is shown in the above illustration) in the form of hypothetical cases; that is, in the third person. This also, is the form of all of the laws contained in the code of Hammurabi.

The religious and humane laws in the Bible narrative, which in large part, are commandments without a special sanction attached thereto, are in the form of direct command; that is, in the second person.

¹⁷Deut. 8 to 11.

of a number of decalogues contained in the Pentateuch.¹⁵ Originally, they were undoubtedly brief and simple, lending themselves readily to memorizing. From time to time, they were enlarged by explanations and other additions to their original form.

Second: The so-called primitive codes, being the laws which were contained, respectively, in the Jehovistic and the Elohist narratives, above referred to.

These codes represent the law, as it developed during the period from about 1200 to 800 B. C., as it existed, respectively, in the southern and in the northern kingdoms at the time that they were reduced to written form.

Third: The Deuteronomic code. This was probably compiled between the beginning of Josiah's reign in 639 B. C., and the great reformation in 621 B. C.¹⁶ It forms the legal part of the book of Deuteronomy, and it is the most valuable and most interesting portion of the Mosaic law. The history of the origin and of the adoption of the Deuteronomic code illustrates clearly the manner in which Israel, under the leadership of its prophets, rose, or, perhaps,

¹⁵The decalogues are usually confined to a general subject and divided equally into pentads, the first relating to one phase of the general subject, and the second pentad to another.

The following classification has been made by some Biblical scholars:

Kent Is. Laws & L. P., pp 26 to 30.

(a). Judgments:

(1) Rights of slaves.

1st Pentad—Men, 21 Ex. 2 to 6.

2nd Pentad—Women, 21 Ex. 7 to 11.

(2) Assaults.

1st Pentad—Capital, 21 Ex. 12 to 16.

2nd Pentad—Minor, 21 Ex. 18 to 21, 26 and 27.

(3) Re Domestic Animals.

1st Pentad—Injuries by animals, 21 Ex. 28 to 32.

2nd Pentad—Injuries to animals, 21 Ex. 33 to 36, 22 Ex. 1 and 4.

(4) Responsibility for Property.

1st Pentad—In general, 22 Ex. 5 to 9.

2nd Pentad—In cattle, 22 Ex. 10 and 11, 13, 14, 15-a and 15-b.

(b). Ceremonial and Humane Laws.

(1) Kindness.

1st Pentad—to Men, 22 Ex. 21 to 27.

2nd Pentad—to Animals, 23 Ex. 4, 5, 22 Ex. 2, 3, 6 and 7.

(2) Justice.

1st Pentad—Among Equals, 23 Ex. 1 to 3.

2nd Pentad—by Superiors, 23 Ex. 6 to 8.

(3) Duties to God.

1st Pentad—Worship, 20 Ex. 23 to 26.

2nd Pentad—Loyalty, 22 Ex. 28 to 31.

(4) Sacred Seasons.

1st Pentad—Command for observance, 23 Ex. 10 to 16.

2nd Pentad—Method of observance, 23 Ex. 17 to 19.

¹⁶Kent Is. L. p. 53.

was dragged, to higher ideals of life. The Deuteronomic code contains the purest and best of Israel's laws. Perhaps, three-fourths of the earlier laws are found in Deuteronomy in spirit, although not generally reproduced verbatim. The crude, and, in many respects, primitive provisions of the earlier codes²⁷ are here, in part, superseded by a softened, humane and benevolent spirit. On the other hand, it is free from the ceremonial and technical provisions of the later codes.

And yet no legislative authority prescribed the Deuteronomic code. Its compilers are unknown, but the spirit of Deuteronomy is that of the greater prophets, Amos, Hosea, Isaiah and Micah, who blessed Israel, by their lives, shortly before the reign of Josiah. The narrative in II Kings, Chapter 22, of the finding, by the Priest, Hilkiah, of the Book of the Covenant (i. e., Deuteronomy), while conducting repairs in the Temple, during the reign of Josiah; the

²⁷The character of the Deuteronomic code, and especially the provisions contained in it which are an advance upon the earlier Mosaic Law, is given by the following:

- (1) Humanity in punishment of the guilty.
 - (a) Provision for judicial supervision and moderation in punishment is found in:
 - 25 Deut. 2 and 3.
 - (b) Only the guilty person shall be punished for his offence, although, under earlier law, punishment was visited upon the criminal's entire family.
 - 24 Deut. 16.
 - (2) Protection of the poor, the dependent, and alien.
 - (a) In the taking of pledge for a debt, the creditor was prohibited from entering the house of the debtor to choose the security.
 - 24 Deut. 10 and 11.
 - He was, likewise, prohibited from taking a debtor's mill-stone in pledge.
 - 24 Deut. 6.
 - He was even required to return at even the garment of a poor debtor, which had been taken in pledge.
 - 24 Deut. 12 and 13.
 - (b) Fairness to aliens and the protection of both poor and alien was enjoined.
 - 1 Deut. 16.
 - 24 Deut. 17 and 18.
 - (c) The special rights of the laborer to his hire are recognized.
 - 24 Deut. 14 and 15.
 - (d) Tithes are to be distributed among the dependent classes.
 - 14 Deut. 22 to 27.
 - (3) This spirit of tenderness extends to animals.
 - (a) Oxen while at work must not be muzzled.
 - 25 Deut. 4.
 - (b) The taking of eggs from birds' nests even is regulated.
 - 22 Deut. 6 and 7.
 - (4) The integrity of justice is sustained.
 - (a) False swearing is prohibited under severe punishment.
 - 19 Deut. 16 to 21.
 - (b) Defiance of an order of the Supreme Court is punishable by death.
 - 17 Deut. 12 and 13.

reading of this law to the people and the enthusiasm with which the people purged themselves of their iniquities, and, for a time at least, lived up to the letter and were imbued with the spirit of this code of laws, is, perhaps, the most dramatic narrative in the Bible or in all history.

"Practically every recorded act in the great reformation under Josiah is in accord with a specific command of Deuteronomy." From that time until Nehemiah and Ezra, the life of the Jews in Palestine was regulated by this wonderful law book.¹⁸

Fourth: The several later codes, which were due largely to priestly influence. Herein are included Ezekiel's code,¹⁹ the Holiness code,²⁰ and the Priestly code with its supplements.

Ezekiel's code, written during the exile, was never formally ratified by the Jewish people. Much of it is theoretical; for instance, his division of Palestine among the several tribes. However, many of the principles, upon which he placed emphasis, and of the innovations which he advocated, were adopted by the later priestly lawgivers.

The Holiness code is similar in character to that of Ezekiel. It belongs, also, to the period of the exile.

During the two centuries following the fall of Jerusalem, in 586 B. C., which preceded the Babylonian exile, and under the same influences as produced the Holiness and the Ezekiel codes, were evolved the priestly laws, which form the legal part of the priestly narrative above referred to. These laws, relating, in large part, to ceremonial observances, are found scattered through the books of Exodus, Leviticus and Numbers.

It is probable that the Priestly code was accepted or ratified by the people in the time of Ezra, about 400 B. C., under circumstances similar to those under which the Deuteronomic code was adopted in the time of Josiah. Chapter 10 of the book of Nehemiah seems to contain the historical account of this event.

A comparative study of the particular laws of the Pentateuch would be interesting, but could not be compressed within the limits of this paper. The several codes well illustrate,²¹ in a general way, the development of jurisprudence among the Jews. The primitive codes dwell upon the fear of Jehovah; the Deuteronomic, upon his love and mercy; and the later codes upon his holiness. While the primitive codes, perhaps, emphasize the letter of the law, the Deuteronomic places emphasis upon the spirit of the law, and the later codes are devoted especially to ritual and to the ceremonial law.

¹⁸Kent Is. I. p. 33.

¹⁹Ezek. Chapters 40 to 48.

²⁰Levit. Chapters 17 to 26

A knowledge of the history of the people of Israel would lead us to expect this difference. The primitive codes are not essentially different from what we find in the early period of other Semitic peoples. Deuteronomy contains laws appropriate to the high ideals to which the people were led at the time of Josiah. The later codes bear witness to the predominance of the priesthood in the life of Israel during and after the exile. As has been well said, these later codes "represent the bridge over which the Israelitish race passed from the highly ethical and spiritual religion of the pre-exile prophets to the rigorous ritualism of the Scribes and Pharisees."²¹

For us, the importance of the Mosaic Law lies in its intimate connection with the Jewish religion and its relation to Christianity. It has, on this account, exerted an influence upon modern peoples out of proportion to its own merits, when considered simply as a system of jurisprudence.²²

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DETROIT, MICHIGAN.

²¹Kent Is. L. p. 43.

²²See Lee's Hist. Jurisp., p. 95.