

## PROFESSOR SMITH'S CASE.

## DRAFT FORM OF LIBEL.

"Mr. William Robertson Smith, Professor of Oriental Languages and Exegesis of the Old Testament at Aberdeen, you are indicted and accused, at the instance of the Free Presbytery of Aberdeen:—

"That whereas the publishing and promulgating of opinions which subvert the doctrine of the immediate inspiration, infallible truth, and divine authority of the Holy Scriptures, or any part or parts thereof, as set forth in the Scriptures themselves and in the Confession of Faith, or any other doctrine or doctrines herein set forth: or otherwise the publishing and promulgating of opinions which are in themselves of a dangerous and unsettling tendency, in their bearing on the doctrine of the immediate inspiration, infallible truth, and divine authority of the Holy Scriptures, or any part or parts thereof, as set forth in the Scriptures themselves and in the Confession of Faith, or in their bearing on any other doctrine or doctrines therein set forth, is an offence of a heinous nature, especially in a Professor of Divinity, and calls for such censure or judicial sentence as may be found adequate; and more particularly:—

"*Primo*—Albeit the opinion that the Aaronic priesthood, and at least a great part of the laws and ordinances of the Levitical system, were not divinely instituted in the time of Moses, and that those large parts of Exodus, Leviticus, and Numbers (which represent them as having been then instituted by God) were inserted in the inspired records long after the death of Moses.

"*Secundo*—Albeit the opinion that the book of inspired Scripture called Deuteronomy, which is professedly an historical record, does not possess that character, but was made to assume it by a writer of a much later age, who therein, in the name of God, presented in dramatic form instructions and laws as proceeding from the mouth of Moses, though these never were, and never could have been uttered by him.

"*Tertio*—Albeit opinions which lower the character of inspired writings to the level of uninspired, by entirely ignoring their divine authorship, and by representing the sacred writers as taking freedoms and committing errors like other authors; as giving explanations that were unnecessary and incorrect; as putting fictitious speeches into the mouths of their historical characters; as giving inferences of their own for facts; as describing arrangements as made use of in their complete form at a certain time which were not completed till long afterwards; and as writing under the influence of party spirit and for party purposes.

"*Quarto*—Albeit the presentation of opinions which discredit the authenticity and canonical standing of books of Scripture, either by imputing to them a fictitious character; by attributing to them what is disparaging; or by stating discrediting opinions of others, without any indication of dissent therefrom.

"*Quinto*—Albeit the opinion that the portion of Scripture known as Canticles, although included among the books which in the Confession of Faith are declared to have been immediately inspired by God, is devoid of any spiritual significance, only presents a high example of virtue in a betrothed maiden, without any recognition of the Divine law, and that its deletion from the Canon was providentially prevented by the prejudice in favor of an allegorical interpretation, to the effect that 'from verse to verse the song sets forth the history of a spiritual, and not merely of an earthly love.'

"*Sexto*—Albeit opinions which contradict or ignore testimony given in the Old Testament, and also by our Lord and His Apostles in the New Testament, to the authorship of Old Testament Scriptures, upon which authorship most momentous teaching was sometimes based.

"*Septimo*—Albeit opinions which disparage prophecy by representing its predictions as arising merely from so-called spiritual insight, based on the certainty of God's righteous purpose, and which exclude prediction in the sense of direct supernatural revelation of events long posterior to the prophet's own age.

"*Octavo*—Albeit the opinion that belief in the superhuman reality of the angelic beings of the Bible is matter of assumption rather than of direct teaching; and that angels are endowed with special goodness and insight analogous to human qualities appears as a popular assumption, not as a doctrine of revelation.

"Albeit that all these opinions, or one or other, part or parts thereof, do subvert the doctrine of the immediate inspiration, infallible truth, and divine authority of the Holy Scriptures, as set forth in the Scriptures themselves and in the Confession of Faith as aforesaid, and other doctrine or doctrines therein set forth; or otherwise, are in themselves of a dangerous and unsettling tendency in their bearing on the doctrine of the immediate inspiration, infallible truth, and divine authority of the Holy Scriptures, as set forth in the Scriptures themselves and in the Confession of Faith as aforesaid, or in their bearing on other doctrine or doctrines therein set forth.

"Yet, true it is, and of verity, that you, the said Mr. William Robertson Smith, hold, and have promulgated opinions, all of which, or one or other, part or parts thereof, are either of such a nature, or of such a tendency, as is above expressed; and have avowed, published, and disseminated the same, or one or other, part or parts thereof, in all or some of the articles or writings, in the books or publications under-mentioned, written by you and with your consent published to the world, *videlicet*: articles 'Angel,' 'Bible,' 'Canticles,' and 'Chronicles,' in the ninth edition of the *Encyclopædia Britannica*, also article 'The Sixteenth Psalm,' in *The Expositor*, number XXIII., November, 1876; and article 'The Question of Prophecy in the Critical Schools of the Continent,' in *British Quarterly Review*, April, 1870; also 'Remarks' by Professor W. R. Smith on a memorandum of the sub-committee on the article 'Bible' in the *Encyclopædia Britannica*, published in the College Committee's report to the General Assembly, which publications being to be used in evidence against you, are lodged in the hands of the Clerk of the Presbytery, that you may have an opportunity of seeing the same; of which articles you have judicially acknow-

ledged yourself to be the author, to the said Free Presbytery of Aberdeen, at its meeting held there on the twelfth day of April, eighteen hundred and seventy-seven; which articles, or one or other of them, respectively contain an avowal, declaration, or statement and promulgation of the above described opinions; or one or other of them respectively; more particularly and without prejudice to the said generality.

"*Primo*—You, the said Mr. William Robertson Smith, in the aforesaid work entitled *Encyclopædia Britannica*, and at page 638a, article 'Bible,' wrote as follows, *videlicet*:—"If then the Deuteronomic legislation is not earlier than the prophetic period of the eighth and seventh centuries, and, accordingly, is subsequent to the elements of the Pentateuchal history which we have seen to be known to Hosea, it is plain that the chronology of the composition of the Pentateuch may be said to centre in the question whether the Levitico-Elohistic document, which embraces most of the laws in Leviticus, with large parts of Exodus and Numbers, is earlier or later than Deuteronomy. The answer to this question turns almost wholly on archaeological inquiries, for there is, perhaps, no quite conclusive reference to the Elohist records in the Prophets before the exile, or in Deuteronomy itself. And here arises the great dispute which divides critics, and makes our whole construction of the origin of the historical books uncertain. The Levitical laws give a graduated hierarchy of priests and Levites; Deuteronomy regards all Levites as at least possible priests. Round this difference, and points allied to it, the whole discussion turns. We know, mainly from Ezekiel xlv., that before the exile the strict hierarchical law was not in force, apparently never had been in force. But can we suppose that the very idea of such a hierarchy is the latest point of liturgical development? If so, the Levitical element is the latest thing in the Pentateuch, or, in truth, in the historical series to which the Pentateuch belongs; or, on the opposite view, the hierarchic theory existed as a legal programme long before the exile, though it was fully carried out only after Ezra. As all the more elaborate symbolic observances of the ritual law are bound up with the hierarchic ordinances, the solution of the problem has issues of the greatest importance for the theology as well as for the literary history of the Old Testament." As also in the same article, 'Bible,' pp. 634b, 635a:—"A just insight into the work of the prophetic party in Israel was long rendered difficult by traditional prejudices. On the one hand, the predictive element in prophecy received undue prominence, and withdrew attention from the influence of the prophets on the religious life of their own time; while, on the other hand, it was assumed, in accordance with Jewish notions, that all the ordinances, and almost, if not quite, all the doctrines of the Jewish Church in the post-canonical period, existed from the earliest days of the theocracy. The prophets, therefore, were conceived partly as inspired preachers of old truths, partly as predicting future events, but not as leaders of a great development, in which the religious ordinances as well as the religious beliefs of the old covenant advanced from a relatively crude and imperfect to a relatively mature and adequate form. The proof that this latter view, and not the traditional conception, is alone true to history, depends upon a variety of arguments which cannot here be reproduced. That the religious ideas of the Old Testament were in a state of growth during the whole prophetic period became manifest as soon as the laws of grammatico-historical exegesis were fairly applied to the Hebrew Scriptures. That the sacred ordinances were subject to variations was less readily admitted, because the admission involved a change of view as to the authorship of the Pentateuch; but here also the facts are decisive. . . . But perhaps the clearest proof that during the period of prophetic inspiration there was no doctrine of finality with regard to ritual law any more than with regard to religious ideas and doctrines, lies in the last chapters of Ezekiel, which sketch at the very era of the captivity an outline of sacred ordinances for the future restoration. From these and similar facts, it follows indisputably that the true and spiritual religion which the prophets and like-minded priests maintained at once against heathenism and against unspiritual worship of Jehovah as a mere national deity with mural attributes, was not a finished, but a growing system, not finally embodied in authoritative documents, but propagated mainly by direct personal efforts. At the same time these personal efforts were accompanied and supported by the gradual use of a sacred literature. Though the priestly ordinances were mainly published by oral decisions of the priests, which are, in fact, what is usually meant by the word *law* (Torah), in writings earlier than the captivity, there can be no reasonable doubt that the priests possessed written legal collections of greater or less extent from the time of Moses downwards. Again, the example of Ezekiel, and the obvious fact that the law book found at the time of Josiah contained provisions which were not, up to that time, an acknowledged part of the law of the land, makes it probable that legal provisions, which the prophets and their priestly allies felt to be necessary for the maintenance of the truth, were often embodied in legislative programmes, by which previous legal tradition was gradually modified." As also at p. 635b:—"Previous reformers had been statesmen or prophets. Ezra is a scribe, who comes to Jerusalem armed, not with a fresh message from the Lord, but with 'the book of the law of Moses.' This law book was the Pentateuch, and the public recognition of it as the rule of the theocracy was the declaration that the religious ordinances of Israel had ceased to admit of development and the first step towards the substitution of a canon or authoritative collection of Scriptures for the living guidance of the Prophetic voice." As also at p. 635d:—"But in its present shape the Pentateuch is certainly subsequent to the occupation, for it uses geographical names which arose after that time (Hebron, Dan), refers to the conquest as already accomplished (Deut. ii., 12 c.; Num. xv. 32; Gen. xii. 6), and even presupposes the existence of a kingship in Israel (Gen. xxxi. 31). And with this it agrees that though there are marked differences of style and language within the book of Joshua, each of its counterparts in some section of the Pentateuch. In the subsequent books, we find quite similar phenomena. The last chapters of Judges cannot be separated from the book of Samuel, and the earlier chapters of Kings are obviously one

with the foregoing narrative, while all these books contain passages strikingly akin to parts of the Pentateuch and Joshua (cf., for example the book of Deuteronomy, with Josh. xxi. 1 Sam. xii.; 1 Kings viii.); such phenomena not only prove the futility of any attempt to base a theory of authorship on the present division into books, but suggest that the history as we have it is not one narrative carried on from age to age by successive editions, but a fusion of several narratives which partly covered the same ground, and were combined into unity by an editor."

"*Secundo*—You, the said Mr. William Robertson Smith, in the aforesaid article "Bible," and at page 637b, wrote as follows, *videlicet*:—"Now the book of Deuteronomy presents a quite distinct type of style which, as has been already mentioned, recurs, from time to time, in passages of the later books, and that in such a connection as to suggest to many critics, since Graf, the idea that the Deuteronomic hand is the hand of the last editor of the whole history from Genesis to Kings, or, at least, of the non-Levitical parts thereof. This conclusion is not stringent, for a good deal may be said in favor of the view that the Deuteronomic style, which is very capable of imitation, was adopted by writers of different periods. But even so, it is difficult to suppose that the legislative part of Deuteronomy is as old as Moses. If the law of the kingdom in Deuteronomy xvi. was known in the time of the Judges, it is impossible to comprehend Judges viii. 23, and above all 1 Samuel viii. 7. That the law of high places given in this part of the Pentateuch was not acknowledged till the time of Josiah, and was not dreamed of by Samuel and Elijah, we have already seen. The Deuteronomic law is familiar to Jeremiah, the younger contemporary of Josiah, but is referred to by no prophet of earlier date. And the whole theological standpoint of the book agrees exactly with the period of prophetic literature, and gives the highest and most spiritual view of the law, to which our Lord himself directly attaches his teaching, and which cannot be placed at the beginning of the theocratic development without making the whole history unintelligible. Beyond doubt the book is, as already hinted, a prophetic legislative programme; and if the author puts his work in the mouth of Moses, instead of giving it, with Ezekiel, a directly prophetic form, he did so not in pious fraud, but simply because his object was not to give a new law, but to expound and develop Mosaic principles in relation to new needs. And as ancient writers are not accustomed to distinguish historical data from historical deductions, he naturally presents his views in dramatic form in the mouth of Moses." As also in your said "Remarks on memorandum of the Sub-Committee on the article 'Bible,'" p. 20:—"When my position is thus discriminated from the theories of those who, like Kuenen, ascribe the origin of Deuteronomy to a pious fraud, I do not think that it will be found to involve any more serious innovation in our conception of the method of revelation than this, that the written record of the revelation of God's will which is necessary unto salvation makes use of certain forms of literary presentation which have always been thought legitimate in ordinary composition, but which were not always understood to be used in the Bible." As also at p. 21:—"It is asked whether our Lord does not bear witness to the Mosaic authorship of Deuteronomy. If this were so, I should feel myself to be on very dangerous and untenable ground. But it appears to me that only a very strained exegesis can draw any inference of authorship from the recorded words of our Saviour."

"*Tertio*—You, the said Mr. William Robertson Smith, in the article "Chronicles," *Encyclopædia Britannica*, pp. 705b, 709a, wrote as follows, *videlicet*:—"It seems safe to conclude with Ewald, Bertheau, and other cautious critics, that there is no foundation for the accusation that the chronicler invented history in the interest of his pantheistic and practical purposes. But on the other hand, it is not to be doubted that in shaping his narrative he allowed himself the same freedoms as were taken by other ancient historians, and even by early copyists; and it is the business of historical criticism to form a clear conception of the nature and limits of these freedoms with a view to distinguish in individual passages between the facts derived by the chronicler from his written sources and the literary additions, explanations, and influences, which are his own. In particular—1. His explanation of verbal and material difficulties must be critically considered. Thus, even Keil admits an error in 2 Chron. x. 36-37, where the Tarshish ships, that is, ships fit for a long voyage, which Jehoshaphat built in the Red Sea (1 Kings xxii. 48), are explained as ships voyaging to Tartessus, in Spain. Such criticism is especially necessary where remarks are introduced tending to explain away the differences in religious observances between early times and the period of the chronicler. Thus, in 1 Chron. xxi. 23 sqq., an explanation is given of the reasons which led David to sacrifice on the threshing floor of Ornan instead of going to the brazen altar at Gibeon. But it is certain that at the time of David the principle of a single altar was not acknowledged, and therefore no explanation was required. In 1 Kings iii. 3-4, Gibeon appears only as the chief of many high places, and it is difficult to avoid the conclusion that the chronicler has simply inferred from the importance of this sanctuary that it must have possessed a special legitimization which could only consist in the presence of the old brazen altar. 2. A certain freedom of literary form was always allowed to ancient historians, and need not perplex anyone who does not apply a false standard to the narrative. To this head belongs especially the introduction of speeches, like that of Abijah in 2 Chron. xiii. The speech is no doubt a free composition and would be so understood by the author's contemporaries. By such literary devices the author was enabled to point a lesson without interrupting the thread of his narrative by reflections of his own. Similar remarks apply to the psalm in 1 Chron. xvi., which is made up of extracts from Psalms cv., cxvi., cxi. A use not peculiar to the chronicler among Old Testament writers, and which must be carefully taken into account by the historical critic, is that of giving statistical information in a narrative form. . . . A different application of the same principle seems to lie in the account of the institutions of Levitical service which is introduced in connection with the transference of the ark to Jerusalem by David. The author is not concerned to distinguish the gradual steps by which the Levitical organization attained its full