Distribution Agreement

In presenting this thesis or dissertation as a partial fulfillment of the requirements for an advanced degree from Emory University, I hereby grant to Emory University and its agents the non-exclusive license to archive, make accessible, and display my thesis or dissertation in whole or in part in all forms of media, now or hereafter known, including display on the world wide web. I understand that I may select some access restrictions as part of the online submission of this thesis or dissertation. I retain all ownership rights to the copyright of the thesis or dissertation. I also retain the right to use in future works (such as articles or books) all or part of this thesis or dissertation.

Signature:

_____ _____

Timothy Scott Clark Date

Firstfruits and Tithe Offerings in the Construction and Narratives of the Hebrew Bible

By

Timothy Scott Clark
Doctor of Philosophy
Graduate Division of Religion
Hebrew Bible

_____
Brent A. Strawn
Advisor

_____
Joel M. LeMon
Committee Member

_____
Carol A. Newsom
Committee Member

Accepted:

_____
Lisa A. Tedesco, Ph.D.
Dean of the James T. Laney School of Graduate Studies

_____
Date

Firstfruits and Tithe Offerings in the Construction and Narratives of the Hebrew Bible

By

Timothy Scott Clark
B.A., Yale University, 1996
M.A., St. Vladimir's Orthodox Theological Seminary, 2000

Advisor: Brent A. Strawn, Ph.D.

An Abstract of
A dissertation submitted to the Faculty of the
James T. Laney School of Graduate Studies of Emory University
in partial fulfillment of the requirements for the degree of
Doctor of Philosophy
Graduate Division of Religion
Hebrew Bible
2014

Abstract

Firstfruits and Tithe Offerings in the Construction and
Narratives of the Hebrew Bible
By Timothy Scott Clark

This dissertation explores the literary evolution of firstfruits and tithe offerings in the Hebrew Bible as they are employed to shape the covenantal duties and cultic, political, and social identification of "Biblical Israel." It analyzes the presentation of these offerings in four major blocks of text: 1) the Covenant Code and Privilege Law in Exodus, 2) Priestly and Holiness corpora in Leviticus and Numbers, 3) Deuteronomy, and 4) the Exilic and Post-Exilic texts of Ezekiel, Nehemiah, and Chronicles. It examines how these institutions are articulated at critical moments in the Hebrew Bible's narrative to establish the social boundaries, means of communication, and mutual obligations within Israelite society and between Israel and Yahweh. It also explores how the Hebrew Bible uses firstfruits and tithes both to recapitulate and encapsulate the content of Israel's covenant with Yahweh and also to proleptically authorize it. Finally, it shows the special place of firstfruits and tithes in the construction and reconstruction of Israel as "a kingdom of priests and a holy nation," according to each text's very specific social vision. This study will explore how those agendas are articulated and advanced for the Hebrew Bible's reading communities within a coherent canonical context.

Firstfruits and Tithe Offerings in the Construction and Narratives of the Hebrew Bible

By

Timothy Scott Clark
B.A., Yale University, 1996
M.A., St. Vladimir's Orthodox Theological Seminary, 2000

Advisor: Brent A. Strawn, Ph.D.

A dissertation submitted to the Faculty of the
James T. Laney School of Graduate Studies of Emory University
in partial fulfillment of the requirements for the degree of
Doctor of Philosophy
Graduate Division of Religion
Hebrew Bible
2014

Acknowledgments

Many people and institutions have made it possible for me to embark on and finish this project, which has taken far longer than I ever would have envisioned at its beginning. I wish first and foremost to thank the entire Hebrew Bible department of the Graduate Division of Religion at Emory University for their remarkable support throughout this process. Special gratitude is due to my advisor, Brent Strawn, whose encouragement, advice, and practical support kept this project alive against all odds; Carol Newsom, who expertly walked me through administrative and other hurdles; Bill Gilders, whose incisive commentary on early chapters helped to shape critical parts of the dissertation; and Joel LeMon, whose long friendship and gracious agreement to join in the work of the dissertation committee have both been a great aid to bringing this work to its denouement. Without their guidance and encouragement, this project would never have reached its conclusion, and I owe all of them an incalculable debt. Beyond Emory, numerous institutions and individuals were instrumental in providing research support. Eleana Silk and the library of St. Vladimir's Orthodox Theological Seminary gave me significant assistance over several years, and the Walsh Library at Fordham University's Rose Hill campus and the Harvard Divinity Library were also generous in allowing me access to their collections. The Tantur Ecumentical Institute in Jerusalem, Israel, provided living quarters and research space during the Fall semester of 2012 and through most of 2013, and the library at the École Biblique in Jerusalem offered two invaluable months of intensive research in their collections at the end of 2013. Finally, I wish to acknowledge my enormous appreciation for my wife, Shoshanna, and to all of the rest of my family, who never lost faith in me through years of struggling with the project, and have now finally seen me through to the end.

Table of Contents

Chapter 1

Introduction

Exploring firstfruits and tithe offerings in the Hebrew Bible presents an interpreter with the significant challenge of analyzing twin institutions that are subject to dramatic changes over the span of these collected texts. Variations in ritual employment, terminology, and narrative settings all conspire to complicate a simple definition and classification of these institutions and their purposes. While previous studies addressing the terminology and historical ancient Near Eastern contexts of firstfruits and tithes have clarified some issues regarding their employment in the texts of the Hebrew Bible, recent developments in the study of biblical and ancient Near Eastern ritual and legal narratives have opened new possibilities for exploring the shaping of these cultic institutions within the biblical text.[1]

---

[1] Peter Altmann, *Festive Meals in Ancient Israel: Deuteronomy's Identity Politics in Their Ancient Near Eastern Context* (BZAW 424; Berlin: de Gruyter, 2011); idem, "Feast, Famine, and History: The Festival Meal Topos and Deuteronomy 26:1-15," *ZAW* 124 (2012): 555-567; Shimon Bar-On, "The Festival Calendars in Exodus XXIII 14–19 and XXXIV 18–26," *VT* 48 (1998): 160–195; Bryan D. Bibb, *Ritual Words and Narrative Worlds in the Book of Leviticus* (LHBOTS 480; New York: T&T Clark, 2008); Aelred Cody, "'Little Historical Creed' or 'Little Historical Anamnesis?'" *CBQ* 68 (2006): 1-10; Michael Dietler and Brian Hayden, eds., *Feasts: Archaeological and Ethnographic Perspectives on Food, Politics and Power* (Washington: Smithsonian Institute Press, 2001); William K. Gilders, *Blood Ritual in the Hebrew Bible: Meaning and Power* (Baltimore: Johns Hopkins University Press, 2004); Ithamar Gruenwald, *Rituals and Ritual Theory in Ancient Israel* (BRLJ 10; Leiden: Brill, 2003); Walter J. Houston, "Rejoicing Before the Lord: The Function of the Festal Gathering in Deuteronomy," in *Feasts and Festivals* (ed. Christopher Tuckett; CBET 53; Leuven/Walpole, Mass.: Peeters, 2009), 1-13; David Janzen, *The Social Meanings of Sacrifice in the Hebrew Bible* (BZAW 344; Berlin: de Gruyter, 2004); Gerald A. Klingbeil, *Bridging the Gap: Ritual and Ritual Texts in the Bible* (BBRSup 1; Winona Lake, Ind.: Eisenbrauns, 2007); Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Fortress Press, 1995); Nathan MacDonald, *Not Bread Alone: The Uses of Food in the Old Testament* (Oxford/New York: Oxford University Press, 2008); idem, *What Did the Ancient Israelites Eat? Diet in Biblical Times* (Grand Rapids: Eerdmans, 2008); Jacob Milgrom, "The Firstfruits Festivals of Grain and the Composition of Leviticus 23:9-12," in *Tehillah le-Moshe: Biblical and Judaic Studies in Honor of Moshe Greenberg* (eds. Mordechai Cogan, Barry L. Eichler, and Jeffrey H. Tigay; Winona Lake, Ind: Eisenbrauns, 1997), 81-90; Christophe Nihan, "Festival Calendars in Leviticus 23, Numbers 28-29, and the formation of 'Priestly' Literature," in *Books of Leviticus and Numbers*. (ed. Thomas Römer; BETL 215; Leuven/Dudley, Mass: Leuven University Press, 2008), 177-231; Tzvi Novick, "Law and Loss: Response to Catastrophe in Numbers 15," *HTR* 101 (2008): 1-14; Saul M. Olyan, *Rites and Rank: Hierarchy in*

This study builds on these advances in order to explore firstfruits and tithes as they are used in the biblical text in order to advance narratives that are intended – either in actuality or in imagination – to be experienced in a communal setting. More specifically, it seeks to investigate how these two institutions are developed within the edited Hebrew Bible to fashion the cultic, political, and social identification of the congregations that it addresses. (These include both assemblies that exist as characters within the constructed narratives and also extra-textual communities that draw their ultimate religious identity from the parameters of the scriptural canon.) In the process, it examines how firstfruits and tithes are articulated at critical moments in the Hebrew Bible's narrative to establish the social boundaries, means of communication, and mutual obligations both within Israelite society and between Israel and Yahweh, exploring how those agendas are conceptualized and advanced within a coherent canonical context.

The Hebrew Bible uses firstfruits and tithes both to recapitulate and encapsulate the content of Israel's covenant with Yahweh and also to proleptically authorize it. The literary formation and dissemination of firstfruits and tithes telegraphs to its audiences narrative scenarios in which the "natural" course of human existence is mediated through the construction of ideal social structures and natural orders communicated by the

---

Biblical Representations of Cult (Princeton: Princeton University Press, 2000); Tamara Prosic, "Annual Festivals in the Hebrew Bible II: Perspective from Ritual Studies," *Religion Compass* 4 (2010): 727-36; John C. Reeves, "The Feast of the Firstfruits of Wine and the Ancient Canaanite Calendar," *VT* 42 (1992): 350-61; Jeffrey Stackert, "The Holiness Legislation and its Pentateuchal Sources: Revision, Supplementation, and Replacement," in *The Strata of the Priestly Writings: Contemporary Debate and Future Directions* (ed. Sarah Shectman and Joel S. Baden; ATANT 95; Zürich: Theologischer Verlag Zürich, 2009) 173-90; Jan Wagenaar, *Origin and Transformation of the Ancient Israelite Festival Calendar* (BZABR 6; Wiesbaden: Harrasowitz, 2006); James W. Watts, *Reading Law: The Rhetorical Shaping of the Pentateuch* (The Biblical Seminar 59; Sheffield: Sheffield Academic Press, 1999); idem, *Ritual and Rhetoric in Leviticus: From Sacrifice to Scripture* (Cambridge; New York: Cambridge University Press, 2007); David P. Wright, *Ritual in Narrative: The Dynamics of Feasting, Mourning, and Retaliation Rites in the Ugaritic Tale of Aqhat* (Winona Lake, Ind.: Eisenbrauns, 2001); Bruce Wells, "What is Biblical Law: A Look at Pentateuchal Rules and Near Eastern Practice," *CBQ* 70 (2008): 223-43.

material content and physical enactment of ritual action. The rituals that transmit this information are not performed as physical ceremonies, but promulgated as texts. They are therefore not open to interpretation as rites susceptible to anthropological probing and field investigation, but rather as components of a (now) fixed corpus of literature. This literature interacts with its audiences via these textual rituals in order to promote, over the course of its narrative development, the theological agendas of its authors or editors. This agenda, however, is encapsulated in texts that are designed – both within the narrative and outside of it – to be publically proclaimed and assimilated. Therefore, the message of the text and the rites that it describes or prescribes can only be revealed by engagement with the audience that listens to its words both within and without the biblical narrative, as the text is designed to be communally consumed both as a practical matter of transmission and as a feature of its interior narrative logic. In many cases, the texts cannot speak in their full voices unless they are directed orally – either actually or in imagination – toward an audience that conceives of itself as a distinct and coherent congregation.[2] This fact of the public reading of texts is a crucial feature of the analysis below.

The various biblical texts at issue in the present study differ dramatically in their content, style, and narrative settings, and they employ a wide variety of strategies in

---

[2] Since ancient literary documents were generally composed with an ear for their public presentation, this mode of transmission should be kept in mind in any consideration of the texts' structure and intention. As James W. Watts has pointed out regarding the intended mode of delivery for Pentateuchal texts, "the tradition of public law readings points out the *rhetorical* function of law in ancient Israel. The accounts of readings depict these texts as influencing the audience's thoughts and persuading them to alter their behavior…One may reasonably expect that texts composed for such [rhetorical] use would display a concern for oral delivery and aural reception in their structure and contents. To the extent that the Pentateuch preserves the form of ancient Israelite law, one may expect it to also display such concerns" **(**"Rhetorical Strategy in the Composition of the Pentateuch," *JSOT* 68 [1995]: 3). See also his "Public Readings and Pentateuchal Law," *VT* 45 (1995): 540-57; idem, *Reading Law*; and idem, *Ritual and Rhetoric*, 184-214.

articulating their agendas. Yet despite the gulfs in social location and theology that separate them from each other, they also demonstrate some remarkable consistencies. The challenge of this work is not primarily the construction of an ethnographic study of the original applications and development for firstfruits and tithes (a task that has been attempted by others), but exploring the ways in which these related offerings have been appropriated from their historical and literary backgrounds and shaped to advance the narrative purposes of the text and the institutional interests of its authors. This research assumes that firstfruits and tithe offerings were a regular part of ancient Israelite cultic practice, as both institutions are attested across a large temporal swath of biblical literature. The fact of firstfruits and tithes within ancient Israelite and Judahite practice is therefore unremarkable as a distinguishing feature of the cult. What deserves deeper reflection is the way in which common ritual elements from the cultic structure were employed as part of a textual strategy to articulate support for a plethora of dissimilar institutional structures that were ultimately melded together into a lengthy edited document, a document designed to project at least the appearance of narrative and ideological coherence.

When reading the ritual texts with the principles above in mind, three major features of firstfruits and tithe offerings in the Hebrew Bible will become apparent. First, firstfruits and tithes often act as a kind of ritual seal for the legal/covenantal texts that contain them. They are frequently used not simply in order to demonstrate proper ritual or legal behavior for their audiences, but in many cases also to compel them toward compliance. Mere participation in the reading, as part of a real or imagined assembly (or, as is often the case in religious communities, as part of both), obligates hearers to comply

with the text's stipulations of legal codes;[3] they garner assent from large congregational groups without requiring individual "signatures" from each member of the congregation. Indeed, the compliance of the congregation *as a group* is an essential feature of these ritual readings, even as the offerings themselves are frequently explicitly demanded from individuals.

Second, firstfruits and tithes are closely intertwined with the creation of ideal social orders.[4] The giving and receiving of the offerings not only marks who fits where in the social hierarchy of the texts, but also fleshes out issues of the relationship of community members to Yahweh. For example, in Deuteronomy, the Levitical recipients of tithe offerings are both Yahweh's human representatives in the cult and also physical manifestations of Israel's relationship to Yahweh; their reception of tithes reifies this status.[5] In Priestly and Holiness documents, Israel is socially organized not simply to demonstrate good moral and ethical order, but also to preserve the possibility of communicating across the divine/profane boundary; here again, firstfruits and tithe offerings provide a material realization of theological concepts. Properly understanding the role of these offerings in creating social orders within the texts is therefore an important step in appreciating the theological and social concerns of the texts' authors.

---

[3] Public hearing in a liturgical setting, or private devotional reading, is itself a ritual act that can obligate the hearer to acceptance of the text's requirements. The "conventional utterance" of calling a reader or congregation to attention before a text establishes the expectation that the text is being articulated in order to establish obligation. The reading of the text in such a setting – and the audience's participation through listening – may constitute the "performance" that is required for rituals to have efficacy. Cf. Ray A. Rappaport, *Ritual and Religion in the Making of Humanity* (CSSCA 110; Cambridge: Cambridge University Press, 1999), 111-19. As Rappaport observes, "Records or descriptions of liturgies performed in Ur and Thebes survive but they are merely *about* liturgies not themselves liturgies. They are remains of the dead, for the liturgical orders they recall are no longer given life and voice by the bodies and breath of men" (118). On the other hand, insofar as the biblical text is transmitted as part of a liturgical order (either public or private), "the words of liturgy can connect that which is present to the past, or even to the beginning of time, and to the future, or even to time's end" (152).

[4] On social orders within biblical texts generally, see Olyan, *Rites and Rank*.

[5] Deut 14:27-29; 26:12-15. See Chap. 4.

Third, this study will demonstrate how the textual presentation of firstfruits and tithes encourages the corporate audience not only to abide by their covenant with Yahweh, but also to corporately fashion itself after the image of its deity. Many of the texts below present these offerings as gifts that not only breach the wall between the sacred and profane, but also that between established members of society and those on its fringes. In so doing, they force their audiences to embrace the mutuality of their obligations toward their divine patron and those that they owe to the ones who have no ordered place in their community; the former is impossible to fulfill without attending to the latter. This hortatory feature of the offerings is directed both toward the particular literary communities envisioned by the text, and also toward any congregation that understands itself as part of the ongoing nation of "Israel."[6]

1.1 The Starting Point: Eissfeldt and the Cultic Development model.

It is impossible to begin any discussion of firstfruit and tithe offerings without reference to Otto Eissfeldt's 1917 dissertation *Erstlinge und Zehnten im Alten Testament*, which provides both a rich trove of information and interpretation regarding the offerings and a consistently applied methodology for understanding and analyzing the sacrificial institutions of the biblical text.[7] Eissfeldt's methodological assumption, expressed succinctly in his subtitle – *ein Beitrag zur Geschichte des Israelitisch-Judischen Kultus* – was that the biblical text could be used as historical evidence for recreating stages of institutional change in the cultic hierarchy and offices. His research sought primarily to

---

[6] MacDonald, *Not Bread Alone*, 93-96.

[7] Otto Eissfeldt, *Erstlinge und Zehnten im Alten Testament:ein Beitrag zur Geschichte des Israelitisch-Judischen Kultus* (BWAT 22; Leipzig: J.C. Hinrichs, 1917).

further understanding of the development of the firstfruits and tithe offerings as part the historical progress of Israelite cultic institutions, as reconstructed through analysis of the literary seams and inconsistencies of the biblical text.

Eissfeldt primarily addressed three historical and linguistic problems concerning firstfruits, points that had largely dominated the academic scholarship in the century and a half preceding his work:

1. He attempted to create a rigorous definition of the relationship between the two primary terms for firstfruits, *rē'šît* and *bikkûrîm*. He asserted that the terminology found in Exodus was developed first, later simplified in Deuteronomy, and finally differentiated and made into different technical terms in the Priestly literature.
2. He sought to explain the contrasts (real or apparent) between the tithe offerings required in Deuteronomy and those determined for the Levites in the Priestly literature.[8]
3. He endeavored to articulate the historical relationship between the two major cultic forms of the firstfruits offering, *rē'šît* and *bikkûrîm*, and the tithe offering.[9]

---

[8] Eissfeldt noted that an earlier generation of scholarship on the topic had assumed – in line with contemporary general assumptions about Pentateuchal literature – that the Priestly understanding of tithe offerings were developed first. Later analysts pointed to the underdeveloped Deuteronomy cult system – where Levites do not receive fixed portions or seem to have fixed responsibilities – and argued that the Priestly system, with its more refined system of responsibilities, was probably developed later; the greater precision of tithe offering quantities and distribution is attributable to this heightened specialization (ibid., 7-9).

[9] Eissfeldt pointed out that, at the time of his writing, there was no major consensus on whether firstfruits were developed from the tithe offering or the reverse, although all commentators assumed that one is certainly dependent on the other. He himself claimed that his investigation of the evidence showed that there was no need to think that one term was dependent on the other. Instead, these two sacrifices grew out of obvious cultic needs, although he asserted that the firstfruits offering had a higher "cultic value" than tithes, while the conception of the tithe offering underwent a variety of changes (ibid., 9-10, 156).

Eissfeldt defined all of these problems in strictly historical-critical terms: his work was interested virtually exclusively with the development of firstfruits as a ritual institution in ancient Israel and Judah, and with the evolution of the priestly office and its prerogatives.[10] Given his methodological leanings, he was highly critical of the harmonizing approach of the Mishna and other halakhic sources, along with early critical scholars who, he claimed, simply followed the lead of halakhic texts (either wittingly or unwittingly) in presenting their reconstructions of the cultic system.[11]

Eissfeldt's method and results have much to recommend them, and serve to manifest noteworthy differences in the terminology and ritual practice of firstfruits and tithes in various layers of the biblical text. However, uncritical employment of his method in subsequent research presented two major areas for concern. First, as Gerald Klingbeil has noted, while "historically, modern interpreters of the Hebrew Bible have been more concerned with establishing dates and development patterns of the texts," such an approach "has sometimes led them to set aside the *meaning* of the involved rituals."[12] Eissfeldt was generally interested in uncovering the historical evolution of the Israelite cultus. What those developments portended, whether historically or literarily, was at best a secondary concern. Second, while he closely pursued textual and philological details of the rites, he mostly ignored the literary shaping of the documents, seeing them as not relevant to his analysis. For Eissfeldt, ritual texts aimed primarily to advocate specific

---

[10] While largely supporting Wellhausen's general theory of the development of Israelite religion, he concluded in his dissertation that his investigation of firstfruits and tithes had shown that the Israelite priesthood achieved a much higher level of power at an earlier stage than hypothesized by Wellhausen. Ibid., 166.

[11] Ibid., 3.

[12] Klingeil, *Bridging the Gap*, 64 (italics added). Klingbeil has also noted some of the distinctive conceptual and ideological problems in Wellhausen's approach to ritual, problems shared by many of his late nineteenth- and early twentieth-century successors. (ibid., 116-18.)

cultic goals, and he assumed that they could be understood as a relatively accurate reflection of actual or desired cultic practice. He largely neglected the literary and social significance of the rituals in the narratives within which they were embedded, or the manner in which they might transcend the function of historical reporting to exercise ritual effects on later audiences.[13]

Recently, a number of studies have been published that have significantly advanced the understanding of food in biblical texts, and have touched on the literary presentations of both firstfruits and tithes. Nathan MacDonald has explored themes related to food presentation in general, with a special chapter especially devoted to Deuteronomy.[14] This chapter especially emphasizes the importance of the concept of the land and its relationship to food in the covenant, as well as the exhortations for Israel to imitate Yahweh's own actions in its use and distribution of food.[15] Peter Altmann has also looked explicitly at correspondences between food and eating in Deuteronomy and the ancient Near East, with a special focus on the tithe offering of Deut 14:22-29, which he evaluates in a historical and political context that he traces to Judah's vassal relationship to early seventh-century Assyria.[16] In a later article, he has also addressed festival meals in Deut 26:1-15 (which he dates to a later period than Deut 14:22-29), arguing they function as a contrast to Israel's "perishing" ancestor and as a command to look out for the welfare of presently "perishing" Israelites.[17] Jeffrey Stackert, while concerned in his book more with the relationships between the Covenant Code,

---

[13] David P. Wright has helped to pioneer the field of narrative rituals, and has sketched some of the basic approaches to understanding the use of ritual in narrative in ancient Near Eastern texts, in his research on the ritual texts in the Ugaritic *Aqhat* epic. See Wright, *Ritual in Narrative*.

[14] MacDonald, *Not Bread Alone*.

[15] Ibid., 77-78.

[16] Altmann, *Festive Meals*, 2011.

[17] Altmann, "Feast, Famine, and History."

Deuteronomy, and the Holiness school, has produced an analysis of the tithe offering in both Deut 14:22-29 and Lev 18:20-32. Stackert understands the tithe law in the Pentateuch to be a product of Deuteronomy, where it is a special prerogative of the Levitical class. The H law in Lev 18:20-32 is drawn directly from its Deuteronomic predecessor, where it is modified according to H's theological concerns to give the Levites a special intermediate position between the priestly class and the rest of the Israelite congregation.[18] All of these authors are far more concerned than Eissfeldt with understanding firstfruits and tithe offerings as they function in their literary context, and how they themselves are used to mold that context.

1.2 The Goal of this Dissertation

In contrast to Eissfeldt's efforts at detailing the firstfruits and tithe rituals of the Hebrew Bible as historical artifacts, and in sympathy with the approaches addressed above, this dissertation evaluates the institution primarily through two complementary lenses. First, I seek to investigate firstfruits as a *textual ritual*. Textual rituals are rituals that operate *only* in the reading or hearing of a text, as opposed to rituals that are performed or might have been performed.[19] They are designed to be reported as narrative actions or stipulated as legislation, rather than physically replicated. Although they may reflect contemporary, reconstructed, or ideal ritual practices, they are not intended to be enacted as physical rituals directly from the page. Literature containing textual ritual or ritual regulations is not simply a type of breviary, but a *narrative expressed as ritual or*

[18] Stackert, *Rewriting the Torah*, 165-208. He also claims that it is not possible to determine chronological priority between Lev 27:30-33 and Num 18:20-32 (ibid., 198).

[19] See Gilders, *Blood Ritual*, 8-9.

ritual law. Bryan Bibb has recently explicated this thesis as it applies to Leviticus, observing that, while ritual texts in Leviticus *may* have originated as part of a discrete and identifiable ritual complex (although it is difficult to tell), "the ritual aspect does not survive as an identifiable ritual text, and . . . the narrative itself bears ritual significance within and beyond its story-telling."[20] Since the rites of textual rituals are only accessible to us through the medium of the text, their reception is critically shaped by the graphic context in which they are ensconced. Understanding how they operate entails a close analysis of what is included and omitted from the text that explicates and defines the ritual.[21]

Second, the bulk of this study will evaluate particular textual rituals as they function within the larger literary contexts that surround them. The expanded contexts of firstfruits and tithe rituals often constitute narratives of origins and renewal (consider, for example, the lengthy Priestly foundational rituals described at Sinai, or the historiographies encapsulating the legal code of Deuteronomy that detail Israel's turmoil in Egypt and the wilderness). Textual rituals both respond to and shape these manifold tellings of Israel's story. They advance narrative by defining the terms of Israel's contract with Yahweh, shaping the community's social structure, and conditioning the response of its characters. But they may also transcend their written environment by actualizing the ritual for the audience within its special textual setting. Textual descriptions of rituals constitute their own miniature narratives, each having its own point of view and interacting in unique ways with the larger story.

---

[20] Bibb, *Ritual Words*, 35.
[21] Gilders, *Blood Ritual*, 9.

1.3 Textual Rituals

Textual ritual is either the prescription or description of a structured series of formalized literary actions – interpreted either overtly by exegetical texts or implicitly through symbolic motifs or literary structure – that are designed to impart information to internal actors and external audiences about the conventional states of ritual actors.[22] These actors are not limited to those who actually perform or observe ritual acts as characters within the text, but may equally be those outside of the text who partake of the ritual by receiving it either aurally or visually.

Recognizing the textual aspect of biblical rituals, and the duality of internal and external audiences, is critical to the hermeneutical task. The cases of ritual that will be dealt with here are interesting because of the very limited amount of information that can be gleaned from the text. When observing or participating in a performed rite, one has the opportunity to constantly change the point of focus, noticing any detail of speech, movement, smell, or other display that might lend meaning or nuance to the rite. The experience of the ritual is very much in control of the observer, who may choose what elements are to be examined and what significance to ascribe to the collected data. Confinement of ritual to a text changes the perceptual process, as it is the text that now dictates precisely what the observer can sense.[23] The positioning of the text in a surrounding narrative critically informs the reception of the ritual; what the ritual author

---

[22] "Conventional" states are conditions that are only created and maintained by the agreement of all parties. E.g., people who are considered "married" are so designated both because they undertaken a marriage rite, and because the communities in which they exist have decided to recognize this rite as having legal and social force; the rite is ineffective in creating conventional states if the theoretical validity of the condition that the rite creates is not accepted by the surrounding society. (For an obvious recent case study in the norms undergirding conventional marriage states, see the ongoing social and legal reconsideration of same-sex marriage.) For the underlying theory of conventional status, see Rappaport, *Ritual and Religion*, 107-15.

[23] Klingbeil, *Bridging the Gap*, 52-54, 66-68; Gilders, *Blood Ritual*, 9.

allows the reader to experience in the ritual is directly tied (even if not by authorial intention) to the messages and motifs imparted by the literary environment.[24]

Ritual texts of the Bible are not only recorded but also edited and organizationally re-structured by their tradents, and the narrative strategies employed by the texts' editors need to be taken into account in their decipherment. When formulating their ritual texts, the authors of the Hebrew Bible made choices about what to include from their sources and how to present them in the text that largely determined the resulting theological vision. What is *selected* for inclusion in biblical ritual texts is as important, if not more so, than any associated theological commentary.[25] This is particularly obvious in the P and H writings, where the selection and presentation of materials are all the data points that the audience possesses in trying to make sense of ritual. (Priestly theology in many of its aspects may be said to be comprised simply of the selection and ordering of ritual documents.)[26] Even in texts that are more recognizably "narrative," however, the simple

---

[24] Gruenwald posits an important role for ritual "insiders" in determining and articulating those materials that deserve heightened consideration in analysis of ritual material, and notes that authors of the textual rituals of the Hebrew Bible often act in the same manner as modern scholars of ritual theory in their selection of material. He notes, "[the scholar] is not only in charge of their selection but also of their modes of explication and assessment . . . these selections, whether made arbitrarily or not, constitute the scholar's own idiosyncratic 'theology,' that is to say, the scholar's special relationship to the rituals he is studying is contextualized in his own research ontology." Gruenwald cautions that one should be careful to avoid using biblical texts as proofs for independently created theories about ritual, but instead pay attention to the ways that biblical rituals are actually presented in their textual confines in order to come to conclusions about what theories the texts themselves are advancing (*Rituals and Ritual Theory*, 192).

[25] Ibid., 194. In this regard, Gruenwald particularly critiques the work of Henri Hubert and Marcel Mauss on sacrifice, charging that, at least regarding their use of the texts in the Hebrew Bible, they selected texts that would conform to their own sacrificial theory, instead of analyzing first the particular demands of each of the individual sacrificial regimens (ibid., 196-97). Cf. Hubert and Mauss, *Sacrifice: Its Nature and Function* (trans. W.D. Halls, with forward by E.E. Evans-Pritchard; Chicago: University of Chicago Press, 1964); trans. of Henri Hubert and Marcel Mauss, "Essai sur la nature et la fonction du sacrifice," *Année sociologique* 2 (1899): 29-138.

[26] Gruenwald, in talking about the ways in which different ritual texts should be evaluated, notes that the precise language used in describing each ritual is as important as the specific ritual acts that are performed (*Rituals and Ritual Theory*, 192). One should also heed Gilders' caution, drawing on Wolfgang Iser's work, that audiences of texts virtually inevitably engage in narrative "gap-filling," attempting to reconcile perceived discrepancies or fissures in the author's presentation by unconsciously inserting their own additions to the story. The ultimate meaning of the text, therefore, is in certain ways as much

manner in which ritual practice is documented is highly relevant to comprehending the author or editor's theological purpose.

1.4 Ritual and the Problems of Institutional Formation

The constructions of rituals in the biblical text and by the reader are directed toward a specific end: the creation and maintenance of effective institutional structures in the receiving congregation that serve to propagate the text's values and theology.[27] In a society or sub-society with strongly functioning institutions, incoming information can be placed more or less automatically into a pre-existing structure of knowledge about the world. Institutions allow people to know, in broad strokes and without the paralyzing burden caused by constant analysis of unclassifiable data, who are their friends and enemies and how they should conceive of social and political relationships within their community.[28]

---

audience-determined as it is author-determined (Gilders, *Blood Ritual*, 10; citing Iser, "The Reading Process: A Phenomenological Approach," in *Reader-Response Criticism from Formalism to Post-Structuralism* [ed. Jane P. Tompkins; Baltimore: Johns Hopkins University Press, 1980], 50-69). As Iser has noted elsewhere, "Apperception can only take place in phases, each of which contains aspects of the object to be constituted, but none of which can claim to be representative of it. Thus the aesthetic object cannot be identified with any of its manifestations during the time-flow of the reading. The incompleteness of each manifiestation necessitates syntheses, which in turn bring about the transfer of the text to the reader's consciousness" (idem, *The Act of Reading: A Theory of Aesthetic Response* [Baltimore: Johns Hopkins University Press, 1978], 109).

[27] The wide variety of institutional structures that have actually resulted in communities that adhere to biblical texts are a good demonstration of Iser's point above that the full expression of a text's meaning rests ultimately with its audience. Nevertheless, the institutions that do result from particular readings have a great practical impact in shaping the understandings that are possible in subsequent readings. Readers shaped by the institutions of Hasidic Judaism, Roman Catholicism, or evangelical Protestantism will inevitably interpret the same text in significantly different fashions. Even readers from the same religious tradition will uncover different nuances in the text suggested by their own local contexts.

[28] Mary Douglas has described the strategies by which institutions establish their authority within groups and create the "cognitive conventions" that allow them to perpetuate themselves. Through these conventions, institutions themselves take control over most of the quotidian elements of human decision-making, and provide a classificatory scheme by which individuals can usefully incorporate new data about their lives and surroundings. Whether the resulting conclusions are supported by critical evidence is mostly beside the point in understanding an institution's effectiveness; it is the ordering properties of institutional

Provision for the offering and distribution of firstfruits and tithes is one of the many critical ways in which the biblical texts delineate social division and structure the social order.[29] By making clear to the performers in the text what they are obliged to do, and by transmitting these standards to the text's audience, the moral judgments that underlie the them are automatically confirmed (even if the text's receivers fail to execute them).[30] The rituals and narratives that create these obligations are critical to the establishment of social order and to setting guidelines for how the recipients of ritual performances or texts should act, or at least in providing material from which these recipients can create their own social obligations. They articulate the text's priorities regarding social divides and confirm particular hierarchies or separations as both necessary and even desirable.

The social models that are created by the ritual narratives may be attenuated without the constant application and consequent reinforcement of these conventions. However, if conventions are most effectively supported through application and reapplication of their standards, then their originators face a chicken-and-egg problem: how can an institution fashion behavior or impose cognitive presuppositions without the compulsive force of long social habit? The simple desire for a social convention to exist is not enough to compel unquestioned adherence to its ideology; if everyone can easily see that a particular action is simply a constructed convention, it will either collapse

---

decisions, not their justice, that is at stake here. See Mary Douglas, *How Institutions Think* (Syracuse: Syracuse University Press, 1986), 59-63. See also Janzen, *Social Meanings*, 34-35, 63-64.

[29] As Saul Olyan points out, biblical texts telegraph social distinctions especially through depictions of who in the texts has access to items or spaces that are specially privileged (*Rites and Rank,* 8, 31-33).

[30] As Rappaport notes, "liturgical orders provide criteria in terms of which events – behavior and history –may be judged. As such, liturgical orders are intrinsically correct or moral" (*Ritual and Religion*, 133).

under the unsupported weight of its demands, or, more likely, never be established.[31] This fact poses a difficulty for the authors of virtually all of the biblical texts that will be addressed here, since many of the texts under consideration seek to change or replace prevailing social and legal conventions.

These texts solve this problem by propagating analogies between their classificatory paradigms and the observed order of the natural world.[32] By fashioning an argument that their requirements exist because of their congruence with the objective state of nature, institutions gain assent for their classificatory and behavioral schema. In the Hebrew Bible, firstfruits and tithe offerings are part of an aggressive effort to re-script the order of community life into a ritual and social order mandated by a deity who demonstrates full control over the natural order. The proper offering of firstfruits and tithes spurs the natural world to great productivity on behalf of the donor or his community. On the other hand, a failure to provide them, or to carry out the legal provisions that the offerings obligate one to perform, brings natural catastrophe.

Essential to evaluating any ritual strategy is identifying the key natural and social indices that the ritual is structured to address. Indices are signs, either natural or artificial, that offer true information about underlying conditions.[33] Natural indices are directly related to the conditions that produce them: wilting plants send the message that there is probably little water in the soil and that the gardener needs to pull out the watering can. On the other hand, the lit yellow light on a gasoline gauge in an automobile, while

---

[31] Douglas, *Institutions*, 52-53.
[32] Ibid.
[33] See Rappaport's discussion of indices and their history of analysis (*Ritual and Religion*, 50-68).

generally a true index, is not a natural signal, since it does not invariably indicate the underlying condition (the light may be malfunctioning).

Biblical ritual texts use symbols to provide indexical cues that can help their audiences mark and evaluate the social positions of individuals and groups within the polities envisaged by textual narratives.[34] They provide a multitude of indexical signals that can be interpreted by those familiar with both the "language" of the ritual and its objects and with the underlying social situation that the ritual addresses.[35] However, the text's ritual symbols do not have single, unambiguous meanings. Instead, ritual symbols are by their nature both multi-vocal and ambiguous.[36] The variety of ideas inherent in the symbols of firstfruits and tithes can easily be expanded and refracted to fit remarkably different situations, taking on different meanings depending on the contexts in which they are found.[37] This property of ritual symbols will be on constant display in this study. Both firstfruits and tithes are simply food, and can (and are) used in the Hebrew Bible to denote feasting, abundance, satiety, gluttony, wantonness, status, fealty, submission, privation, starvation, disease and death. Given their extraordinary simplicity and flexibility, how these offerings are read is tremendously dependent both on the particularities of their local narratives, and on the structures of the larger legal and narrative complexes in which they reside.

---

[34] It is important to note that the text itself does not require specific social outcomes. Instead, whatever clues to their own social existence are taken by the audience are the result of an interaction between already-existing social structures and norms and the creative reading and application of the text. These various combinations may yield a nearly limitless variety of social possibilities, yet also create structures that may nevertheless legitimately be claimed to be based upon the underlying biblical text.

[35] Rappaport, *Ritual and Religion*, 111.

[36] Klingbeil, *Bridging the Gap*, 20; Gilders, *Blood Ritual,* 9; David I. Kertzer, *Ritual, Politics and Power* (New Haven: Yale University Press, 1988), 11.

[37] Janzen has especially emphasized the need for greater attention to ritual context in the Hebrew Bible (*Social Meanings*, 32-33).

1.5 Plan of Research

This study will address the literary employment of firstfruits and tithe rituals in four major blocks of text: 1) Exodus; 2) Leviticus and Numbers; 3) Deuteronomy; and 4) Ezekiel, Nehemiah and Chronicles. These texts have been selected not according to their compositional order or as a witness to an evolving Israelite cultic structure, but as representative of four major trends in the use of firstfruits and tithe offerings: Pre-Deuteronomic, Priestly and Holiness, Deuteronomic, and Post-Exilic. While remaining cognizant when necessary of the probable diachronic order in which these texts were produced,[38] the study follows the canonical order of the Hebrew Bible in order to emphasize the exegetical possibilities and evolutions created when firstfruits and tithes are read as pieces of a developing story, rather than narratively displaced instantiations of ancient Near Eastern cultic practice.

Chapter Two considers Exodus 23 and 34, the first two instances of firstfruits offering in the Pentateuch, which also represent the chronologically earliest attestations of the firstfruits offering.[39] Part of exemplary legal documents that are modeled in some fashion on one or several other known ancient Near Eastern legal corpora, they are used by their compilers to close out the legal stipulations of their respective codes. In both cases, they also play a role as the audience's functional affirmation and agreement to the codes that have been read. In this capacity, they demonstrate how legal codes can create and advance a narrative using primarily contract stipulations. Furthermore, they manifest

---

[38] While a consensus position of the diachronic order of biblical texts continues to be difficult to find, Stackert's thesis in *Rewriting the Torah* that H depends on the Covenant Code and Deuteronomy (even while creating legislation intended to supplant them) is compelling, and where diachronic analysis is an issue below I follow this order of textual production.

[39] Exodus 34, despite the probability that it is a late H revision and interpolation of Exodus 23, nevertheless changes very little of that document's language or structure, and so can still in some senses be considered an "early" text. See Bar-On, "Festival Calendars."

the inherent symbolic aspects of firstfruits offerings that make them uniquely suitable as a contract seal.

Chapter Three addresses three major issues are presented by the texts of Leviticus, Numbers, and Ezekiel. First, firstfruits demonstrate the difficulty of assimilating the somewhat anomalous firstfruits offering into the Priestly cultic and festival structure. The Priestly authors employ creative literary strategies to ensure that firstfruits are both accepted as legitimate offerings, but simultaneously given no real place within their offering paradigm. Ezekiel proves willing to eliminate the offering altogether when it fails to match the requirements of the Babylonian year, while H is eager to resurrect it, give it pride of place in their festival structure, and use it as a commentary on the themes of structural decay and renewal that are so important to the Holiness school. By linking firstfruits to the Sabbath and to the Jubilee, H makes firstfruits one of the cornerstones of its ritual theology.

Second, the firstfruits and tithe offerings are both an important measure of social status and a vital indicator of Israel's ability to communicate with Yahweh. The bringing of firstfruits in Numbers emphasizes the necessary responsibilities that all of the people of Israel are required to exercise toward Yahweh and his cult; the people are not allowed to divest responsibility for their actions to the priestly and Levitical hierarchy. The tithe offerings counterbalance this affirmation of the people's direct responsibility to Yahweh by demonstrating that the existence of the priestly hierarchy is not simply a cultic adiaphoron. While the people must adhere to the covenant, effective communication between Israel and Yahweh is impossible without the existence of cultic intermediaries, and particularly without the Levitical class to function as a bridge between the people and

their priestly representatives. Through its careful division and distribution from the people up through the cultic hierarchy, the tithe offering ritually and physically reifies the theoretical distinctions between Israel's cultic classes; simultaneously, it makes effective communication and cooperation with Yahweh attainable.

Finally, tithe offerings are used in Leviticus to emphasize the material obligations of the people to Yahweh and, by extension, to Yahweh's sanctuary. The tithe offerings of Leviticus express the tangible importance of the sanctuary by detailing the percentages of objects from the land that are owed to the sanctuary, and the processes that must be used for obtaining them. The size and economic value of the tithe demonstrates the central place of the sanctuary in Israel's polity, and provides a kind of physical "weightiness" for the cultic regulations that have occupied the rest of the book of Leviticus.

Chapter Four considers Deuteronomy, the entire literary structure of which is built around firstfruits and tithes. The law code at its center culminates with the presentation of these offerings, and they are crucial to the code's promulgation and acceptance by its audience. It proffers them as a kind of contract consideration, physically transmitted only within the text but applicable all of its audiences. Deuteronomy's literary conceit as a long Mosaic sermon to an assembled congregation makes it a special exemplar of the interaction between the text's internal and external hearers, and of the ways in which firstfruits and tithe offerings may have a ritual effect on audiences who are not physically enacting the rites themselves. The address to the imagined characters of the text is refracted out to the physical assemblies that receive it through the text's public reading, and the text encourages these audiences to accept (in whatever fashion) the validity of Deuteronomy's legal covenant as though they stand in the place of its internal audience.

Deuteronomy uses firstfruits and tithe offerings to define Israel in terms of its legal covenant with Yahweh. Motifs of food and productive land are used throughout to emphasize the physical sustenance that flows from Yahweh's covenant. The offering of the firstfruits at the end of the legal code marks the offerer's acknowledgment of the treaty's benefits and his implicit acceptance of the consequences of transgressing it. However, the bounty that comes from the covenant does not extend to all of the people; Deuteronomy both anticipates and even explicitly establishes certain social groups that will remain or become dispossesed. Tithe offerings in particular are used to explore the symmetry between Israel's relationship with Yahweh and the relationships between Israel's society as a whole and its internally dispossessed peoples (particularly the Levites). Those dependent groups that receive tithes mirror Israel's dependence on Yahweh, and thereby allow Israel to approach Yahweh by imitating his actions.

Finally, tithe offerings are used in Deuteronomy to demonstrate the fecundity of the cult. Whereas tithes are typically understood as a way for the population to support the cult, Deuteronomy inverts this conventional understanding, and makes them into the mechanism through which the central sanctuary physically supports the people. In all of their manifestations in Deuteronomy, firstfruits and tithes will be shown to be important not because of their role in regulating the proper order of Israelite society within the text, or as a roadmap for future practice, but because of their literary contributions to defining Israel's relationship to Yahweh and to itself.

In Chapter Five, the exilic and post-exilic examples of Ezekiel, Nehemiah and Chronicles provide excellent examples of firstfruits and tithe texts that are cognizant not simply of the cultural traditions and narratives that precede them, but of the actual texts

created by earlier generations. Ezekiel partially reprises Deuteronomy's concern with the tithe, using it to demonstrate the tithe offerer's fidelity to the book's cultic vision. Nehemiah recapitulates and amplifies many of the major historiographical themes developed in Deuteronomy, most particularly Israel's possession of a land that was prepared for extraordinary agricultural fertility from the moment that it was occupied. It uses the historiography, and the congregation's pledge that is predicated on this story, to re-inscribe what its author views as necessary social distinctions for Israel. Chronicles uses the tithe offering to build on Deuteronomy's insight regarding the fertility of the Israelite cult; tithes multiply incessantly in order to demonstrate the sustaining power of a properly functioning ritual complex. These post-exilic reconfigurations of Israel's history capitalize on and refine previously articulated literary understandings of the place of firstfruits and tithes in Israel's legal and ritual structure, demonstrating the ongoing flexibility and power of these unique rites.

Chapter 2

The Covenant Code and the Privilege Law (Exod 23:19a; 34:26a)

The earliest texts relevant to this study, both in their canonical and diachronic order, are the doubled instructions to offer firstfruits found in the Covenant Code (CC) and the Privilege Law (PL) of Exodus.[1] These texts employ firstfruits not only as an essential closing and summation of the narrative legal structure, but also as an implicit pledge by all of the text's audiences to carry out the commands of the text (a literary technique that is elaborately developed by the authors of Deuteronomy; see Chapter 4). The ways in which the authors of CC and PL utilized the firstfruits to advance their narrative goals in textual readings evince a high level of sensitivity to the ways in which this offering could be deployed to heighten rhetorical messages within a legal composition.

This exploration of firstfruits in Exodus analyzes them as existing in a body of literature that constitutes the formulation of a contract between Yahweh and Israel and that spans, at the least, Exodus 19-34. It does not presume that all of the texts in this corpus are from the same hand or even the same school; even putting aside the obviously

---

[1] Although questions about the absolute and relative dating of these passages have been raised over the past several decades, I find no reason to challenge here the theory that CC pre-dates all of the other biblical firstfruits rites in this study. The dating of PL is more problematic (it may be the result of later reworking and harmonizations by D or P/H), but it is clearly drawn from the parallel text in CC, and is intended to function as part of its native literary context (as opposed to simply being imported wholesale from another source). This is amply demonstrated by Shimon Bar-On, who also provides a deep review of early scholarship ("Festival Calendars"). For a helpful review of the constitution of Exod 34:11-26 and its relationship to its parallel in the Covenant Code, see Erhard Blum, "Das sog. 'Privilegrecht' in Exodus 34,11-26: ein Fixpunkt der Komposition des Exodusbuches?" in *Studies in the Book of Exodus: Redaction, Reception, Interpretation*, (ed. Marc Vervenne; BETL 126; Louven: Peeters, 1996), 347-66, and idem, *Studien zur Komposition des Pentateuch* (BZAW 189; Berlin: de Gruyter, 1990), 67-70 and 369-75. For the literary development of Exodus 34 and the likely provenance of CC, see David M. Carr, *The Formation of the Hebrew Bible: A New Reconstruction* (New York: Oxford University Press, 2011), 262-65, 470-72.

Priestly contributions of Exodus 25-31, the text evinces significant levels of addition and redaction. Even Exod 22:17-23:19 and 34:17-26, the pericopes that most closely concern this study, are almost certainly added to the text at significantly different periods, with PL most likely representing a much later insertion than CC.[2] While it is impossible to understand the texts as having been originally conceived together, they are obviously used together within the scope of Exodus 19-34 to advance a coherent narrative centered around a mutually agreed-upon set of contract stipulations.

In Exodus 21-23 and 34, firstfruits instructions are found at the end of defined bodies of divine legislation that are presented within the narrative as legal requirements laid down by Yahweh for Israel.[3] Both codes find in their conclusions the directive, "The choice firstfruits of your soil you will bring to the house of Yahweh your God (*rēʾšît bikkûrê ʿadmātĕkā tābîʾ bêt yhwh ʾĕlōhêkā*) (Exod23:19a/34:26a)." This instruction is sandwiched between two other, apparently competing, stipulations. In each instance, prior to the firstfruits command, the text instructs on the proper preparation and disposition of sacrifices and the festal/Passover offering.[4] Immediately following in both cases, there is the famously puzzling coda, "You will not boil a kid in its mother's milk" (23:19b; 34:25b).[5] Despite apparent similarities and coherences with rites often assumed

---

[2] See Bar-On, "Festival Calendars," 188.

[3] The placement of the firstfruits at the end of this text is tremendously important in assessing its legal function; as Peter Altmann observes, "first fruits … appear at the end of each Pentateuchal law corpus (Exod 23,19; cf. Exod 34,26; Lev 23,10; Num 18,12), which may imply that this was a standard ending for the ancient Israelite law treatise" ("Feast, Famine, and History," 557 n. 8).

[4] These texts are slightly varied between the sources, indicating that the editor in Exodus 34 has updated his text to reflect changes in Israel's cultic structure. "You will not sacrifice (*tizbaḥ*) with leaven the blood of my sacrifice, and you will not leave overnight the fat of my festival offering until morning. (23:18a)/You will not slaughter (*tišḥaṭ*) with leaven the blood of my sacrifice, and you will not leave overnight until the morning the sacrifice of the Passover festival" (34:25a).

[5] The command concerning the kid also appears in Deut 14:21, though in that case it does not follow the two instructions found here. Instead, it is followed in Deuteronomy by a series of dietary laws,

to be connected to the festival calendars that precede them in both CC and PL, these final three laws form their own discrete literary unit,[6] and their ritual connection to festival legislation is in fact dubious.[7]

These contract narratives evince two startling features: (1) an immediate, uncritical embrace of Yahweh's law code in advance of its promulgation, and (2) an equally immediate violation of the most fundamental terms of the code even before it has been formally codified. Yahweh himself offers the contract on the basis of the stature that he has gained in delivering Israel from Egypt; accepting the terms of CC is the expected second step that Israel must take to be counted as Yahweh's particular people (Exod 19:4-5). Although Israel is not thereby required to accept Yahweh's proffer (*wĕ'atâ 'im-šāmô'a tišmĕ'û bĕqōlî ûšmartem 'et-bĕrîtî wihyîtem lî sĕgūllâ mikkol-hā'ammîm*, 19:5), it nevertheless pre-accepts his terms (*dabbēr-'attâ 'immānû wĕnišmā'â wĕ'al-yĕdabbēr*

---

although it is immediately preceded by a command not to consume animals that have not been properly slaughtered, an instruction roughly paralleling that found in Exod 22:30.

[6] While the proximity to festival legislation has encouraged interpreters to find connections between the festivals in 23:14-17 and the instructions in 23:18-19, if the intention of the text were to correlate the latter's demands to the former verses, it is reasonable to assume that the relevant instructions would have simply been interwoven into the festival system, rather than leaving the connection vague and undefined by placing the all of the ritual instructions after the festival block. Cf. alternate structures proposed by Wolfgang Oswald, "Die EG-Erzählung als Gründungsurkunde der judäischen Bürgergemeinde," in *Law and Narrative in the Bible and in Neighbouring Ancient Cultures* (ed. Klaus-Peter Ada, Friedrich Avemarie and Nili Wazana; FAT 54; Tübingen: Mohr Siebeck, 2012), 35-51, 42; J. Halbe, *Das Privilegrecht Jahwes Ex 34,10-28: Gestalt und Wesen, Herkunft und Wirken in vordeuteronomischer Zeit* (FRLANT 114; Vandenhoeck & Ruprecht: Göttingen, 1975), 421, 438; Joe M. Sprinkle, *The Book of the Covenant: A Literary Approach* (JSOTSup 174; Sheffield: Sheffield Academic Press, 1994), 187-91; and Ludger Schwienhorst-Schönberger, *Das Bundesbuch (Ex 20,22-23,33): Studien zu seiner Entstehung und Theologie* (BZAW 188; Berlin: de Gruyter, 1990), 401-06.

[7] It is reasonable to assume that if the authors of these texts had wished to offer specific comment on the ritual conduct of the festival legislation, they would have made the connections between the festival calendars and the particular instructions of 23:18-19/34:25-26 less opaque. Furthermore, the paucity of information in these instructions strongly indicates that the authors of these texts were not terribly interested in providing anything approaching comprehensive ritual guidelines. The brevity of the texts points to their role as being exemplary representations of particular actions and qualities the congregation should embrace, rather than some sort of cryptic ritual handbook.

'immānû 'ĕlōhîm pen-nāmût, 20:19) before it has even subjected them to review.[8] Since the congregation proleptically stipulates that it will abide by the regulations of CC, the reading of the text cannot serve simply as a means of assessing the justice or wisdom of CC's terms. Instead, the assembly's familiarization with the legal code in the narrative serves as a simultaneous affirmation of the code's wisdom and assimilation of its terms; it is a moment of teaching, rather than of judicious contract evaluation. Despite the forward loading of the proffer and acceptance, in order to retain legal validity, consideration must still be provided in order to accomplish the regular requirements of contract law.

Furthermore, despite the people's eager acceptance of Yahweh's terms even before they are given, this narrative also features an almost immediate breaking of the contract, which then requires an additional supplement in order to re-establish the severed legal relationship. Strangely, PL's contractual "supplement" largely consists of a shortened and slightly re-worked version of CC. As it stands in the present narrative, it is less a new legal requirement than a recapitulation and consequent intensification of the previous one. Unlike CC, Yahweh does not offer Israel a choice to accept PL's terms, nor do the people ever engage in the type of ritual sealing agreement found in Exod 24:3-8. Instead, PL's directives are simply presented to Israel as a fait accompli; the previous agreement is assumed to be valid, if temporarily in abeyance due to Israel's disobedience.

2.1 The Covenant Code

CC is presented as direct speech from Yahweh to Moses, and is divided into two main parts. The first, extending from 21:1-22:18, consists entirely of casuistic legislation

---

[8] James Watts, "Reader Identification and Alienation in the Legal Rhetoric of the Pentateuch," *BibInt* 7 (1999): 101-112, 107.

virtually identical in style and content to classic Mesopotamian codes of the previous millennium.[9] A significant change in the style and content of CC begins with the triple set of commands in 22:17, which all curtly recommend a death sentence for those violating representative demands of the Yahwistic cult, and concludes with the instruction, "One who sacrifices to gods other than Yahweh alone will be proscribed (*yāḥŏrām*)."[10] After this point, the regulations are differentiated from the previous legislation through their hortatory style and their acknowledgement of a larger narrative of Israel's existence in Egypt and its future acquisition of Canaan and expulsion of the Canaanite population. Every single regulation or exhortation from 22:19 onward involves content that is either specific to the Yahwistic cult or blatantly hortatory.[11] The style of these latter regulations is largely apodictic, forsaking the casuistic if/then phraseology for a direct, unrestricted command style, and the text itself is broadly chiastic:[12]

---

[9] David P. Wright has recently evaluated CC as a seventh-century legal treatise modeled explicitly on the Laws of Hammurabi, and modified by its authors to advance a brand of Yahwistic religion operating in the context of Assyrian vassalship (*Inventing God's Law: How the Covenant Code of the Bible used and Revised the Laws of Hammurabi* [New York: Oxford University Press, 2009]). Note David Carr's agreements with Wright's basic thesis, but also challenge to his (according to Carr) late dating (*Formation*, 470-71).

[10] The regulations in 22:17-18 are not unique to CC. William H.C. Propp points out that both of these laws contain significant parallels to other cuneiform law codes, while the verses from 22:19ff., with the exception of 23:4, do not (*Exodus 19-40* [AB 2A; New York: Doubleday, 2006], 256-57). Nevertheless, the stylistic change from the previous regulations is very noticeable, and this alone recommends treating 22:17 as the beginning of a new section of CC (ibid., 147). Furthermore, the opening of this section with three separable but nonetheless related instructions mirrors the close of the CC legal code with the three instructions analyzed here.

[11] The only possible exceptions to this rule are the laws in 23:4-5, which regard proper treatment of the domestic animals of a person's enemy.

[12] I note David P. Wright's trenchant criticisms of improperly performed chiastic textual analysis in "The Fallacies of Chiasmus: A Critique of Structures Proposed for the Covenant Collection (Exodus 20:23-23:19)," *ZABR* 10 (2004): 143-68. However, the framing device noted in A/A', beginning as it does at an already well-recognized division in CC, is impossible to ignore, as are the rather obviously paired sets of stipulations for social justice at B/B'. The collection of texts in 22:28-30 on necessary cultic offerings and the avoidance of impure carrion meat all fit neatly under the category of defining Israel as a holy nation for Yahweh (as stated explicitly in 22:30), and is a convenient fulcrum to balance this textual collection on.

A: 22:17-19: (*Cultic transgression*) Triple proscription of extra-Yahwistic practices: sorcery, sexual relations with animals, and extra-Yahwistic cultic sacrifice.

B: 22:20-27: (*Social Justice*) Stipulations against financial and other mistreatment of poor and vulnerable, and against undermining divine and civil rulers.

C: 22:28-30: Israel as a "holy nation" : "first abundance" (*mĕlē'ātĕkā wĕdim'ăkā*), firstborn, and exemplary separation of profane things through avoiding consumption of carrion.

B': 23:1-12: (*Social Justice*) Stipulations against injustice committed toward enemies or marginalized; regulations on seventh years and days (with emphasis on their benefit for poor and lower classes).

A': 23:13: (*Cultic transgression*) Proscription of extra-Yahwistic worship.

23:14-17: (*Properly perfomed cult*) Directives for festival periods.

23:18: Triple cultic seal: prohibitions against improper sacrificial practices; firstfruits offerings; prohibition against boiling a kid with its mother's milk.

This text creates a series of natural analogies that implicitly explain why it is that Israel should agree to this covenant, and is therefore a vital pre-cursor to the "sealing" firstfruits instruction at the end of CC. It is primarily intended to explore the analogy Yahweh:Israel::Israel:"The Poor." In so doing, it reminds Israel that, insofar as its relationship to Yahweh is concerned, it occupies the same space as the "poor" do to the rest of Israel. Its obligation of service to Yahweh is motivated by the reality of its position of inferiority, but is also tempered by Yahweh's obligation to repay Israel's

acknowledgment of his supremacy with justice, sustenance, and restoration. Creating this analogy is an essential underpinning for the task of ritual sealing that the firstfruits command in 23:19 is designed to accomplish.

Advocacy for the poor, who rely on the powerful in society to act as their protectors, offers for Israel both an index of its national status and an analogue of its relationship with its deity.[13] It defines Israel as a nation obligated to Yahweh for its very survival; the congregation of the text, after all, is subsisting in the wilderness, where it is potential prey for a host of natural and political antagonists and where it cannot even receive the most basic sustenance without Yahweh's assistance. By instructing its audience to maintain a just relationship with marginal elements of society, and rhetorically enhancing these demands through direct reference to the congregation's own experience as a poor and marginalized group, the text creates a natural linkage between the behaviors it advocates and the proper structures of the divine order that it describes. Violating the legislation concerning the poor gnaws at the foundations of the Israelite society described in the text, since Israel is "by nature" a poor nation that survives and thrives only through the succor of its divine benefactor. Forsaking the Yahwistic cult would leave the congregation as vulnerable as the weak members of their society that the text binds them to protect.

The manipulation of rhetoric about the poor as a means of propagating the Yahwistic cult is especially clear in the promulgation of the regulations for rest on the seventh year and day (23:10-12). The text requires its audience to depend on Yahweh alone for provender during these rest periods, without giving even the appearance that

---

[13] As explored in Chap. 4, the tithe for the Levites in Deuteronomy 12:12-15 performs a similar function.

human effort has been responsible for creating their food supply. Suspending human cultivation offers a boon to the poor (and to those even lower than they: the living creatures of the field) (23:11), and forces a quiescence that will ensure that those most vulnerable to overexploitation in work – draft animals, servants, and non-Israelites – might receive a critical respite (23:12).[14]

The texts above telegraph the assertion that the Yahwistic cult should be obeyed, and other cults discarded, because of Yahweh's special relationship with "poor" Israel. The implicit connection is emphasized in the verse immediately following, "In all that I have said to you, be on guard, so that you do not bring to remembrance the names of other gods or allow them to be heard upon your lips" (23:13). The sudden recapitulation of a commandment explicitly oriented toward cultic exclusivity reaffirms the primarily cultic thrust of the legislation, but within the context of the analogues between Yahweh, Israel, and the poor already established in the legislation. In order to properly fulfill their contract with Yahweh, the same relationship that is cosmically inscribed between the deity and his people must be repeated and manifested within Israelite society itself.

Exod 22:28-30 anticipates the firstfruits command in 23:19 and adds ritual "weight" to Israel's divine establishment as a people by requiring that the first product of their crops, livestock, and their very own offspring be given as a dedicated offering to

---

[14] The seventh day in this text reflects not God's rest from the work of creation, but a break from society's work that creates an assurance that humans and animals outside the structure of established society will be provided an opportunity for nourishment. At this point the treatment of the sabbath here differs from its discussion in 20:8-11, which very directly references the P creation account from Genesis. Indeed, in the Exodus Decalogue Israel is commanded to maintain the sabbath precisely because it is an analogue to the divine act of creation. Propp, *Exodus 19-40*, 145. It also differs from the prescription in Exod 34:21, which eliminates the overt concern with rest and refreshment, but seems rather intended to guard the seventh day as a sabbath period. Bar-On, "Festival Calendars," 169.

Yahweh, and marks them as a nation that is holy to Yahweh.[15] Putting aside Israel's first things, before they can be used by the people or damaged in storage, clarifies that the text's concern with the poor is a function of its primary allegiance to Yahweh, an allegiance reified by the giving of first things. Enclosing the entire chiasm with A/A' (22:17-19/23:13), which proffers regulations against extra-Yahwistic worship and practices, compels the audience to travel from the prohibition against cultic practices outside of Yahwism, inward to a ritual expression of the Yahwistic cult exemplified by the presentation of first things, and back again to a prohibition against worship of foreign deities, which is a negative image of Yahwism. On the journey into and out of the chiasm, exemplary features of Israel's ideal internal social community are highlighted. The text thus offers the reader an efficient view of the prototypical Israelite community.

2.1.1 Cultic Demands: Festival Regulation

Once this literary vision has been established, the text turns from this chiastic summary to an explication of the festal cycle (23:14-17). Coming after A', the negative outer frame of the chiasm that demands – as the ultimate expression of Israel's

---

[15] 22:28a, *mĕlē'ātĕka wĕdim'ăkā lō' tĕ'aḥēr* is famously difficult to interpret, as both *mĕlē'â* and especially *dema'* are rare terms with roots that offer an apparently wide range of possible meanings. Both terms are related to much more widely attested words of different grammatical gender; the use of the rare gendered forms seems to be an effort to limit the meaning of the words to a more specific referent, although the lack of significant comparative context hinders the effort to find a precise meaning. *dema'* appears only here, although the closely related feminine form, *dim'â*, is found rather more widely, having the broad meaning of "(human) tear." Because of its context alongside other "first" offerings, and *dim'â*'s link elsewhere to pressed wine (Isa 16:9-10), *dema'* may be understood here broadly as "wine juice." *mĕlē'â*, though having slightly wider attestation (Num 18:27; Deut 22:9), is more difficult to understand. It is the feminine adjective of *malē'*, which means simply "full," but *mĕlē'â* seems to have a more specific meaning in its various contexts as meaning the fullness of harvests, particularly because of its link to the terms *yeqeb* (winepress) and *gōrēn* (threshing floor) in Numbers 18:27, and its apparent contextual meaning as the entire input and output of the field in Deuteronomy 22:9. The cryptic demand not to "tarry" (*'ḥr*) with these things probably expresses a requirement that the harvest should be speedily offered, before it begins either to ferment or be contaminated by rodents. This command also coheres with the requirement that the firstborn should be given on the eighth day – that is, as soon as they are ritually eligible to be separated from their parents.

"guarding" the requirements of the covenant – that the people refrain from memorializing or even speaking the names of other deities, this passage outlines the positive ritual structure of the year that the people are expected to enact. The festival year activates CC for the reader by creating a defined ritual space in which the Israelite polity that has been established by its provisions can be physically identified as a holy community. The text's requirement to bring all male Israelites together three times a year before Yahweh in a *ḥag* compels the reader to imaginatively constitute the community that is governed by CC.

The festal regulations are not overwhelmingly detailed; the main concern, expressed in the very first and the last lines of the section (22:14 and 22:17), is that there are three feasts each year that are designated as *ḥaggîm* for Yahweh.[16] Because of the very familiarity of the feasts, the text neither comments on or alters their content, and is largely content to allow them to remain simple agricultural festivals, albeit absorbed into a Yahwistic framework. Including them here initiates the orders of CC among the text's audience by creating within the text itself the worshiping community that CC governs. The chiastic portion of CC analyzed above was devoted to ensuring the sole worship of

---

[16] The descriptions of two of the feasts – the *ḥag haqqāṣîr* and the *ḥag hā'āsip* – assume that the audience is already familiar with these occasions and what should take place during them. Of the three feasts, only the first and second offer any descriptions of offerings or other ritual acts that should be performed during the feast; the final one, *ḥag hā'āsip*, is only presented as the time "when you gather your work from the field" (22:16). The feasts themselves are described using non-technical terminology (there is no mention here of the designations *šābu'ōt* and *sūkkôt*). The only exception to this rule is the *ḥag hammaṣṣôt*, which is named after the type of food that is to be consumed during the feast, and is linked by the text to the commemoration of a historical event rather than an agricultural moment. The text nevertheless presumes that its audience has already been inculcated in the *maṣṣôt* festival's primary ritual distinction, as it demands that they perform the eating of unleavened bread "as I have commanded you" (23:15). Shimon Gesundheit has recently proposed that the festival of firstfruits in Exod 23:16 is intended by the author to come at the beginning of the harvest period (essentially equivalent to the *'ōmer* rite in Lev 23:9-14), rather than, as in all other biblical festival calendars, at the end of the wheat harvest. See his *Three Times a Year: Studies on Festival Legislation in the Pentateuch* (FAT 82; Tübingen: Mohr Siebeck, 2012), 25-26, 152.

Yahweh among a community explicitly fashioned to imitate amongst themselves Yahweh's own relationship with Israel. Now, the very agricultural festivals that might otherwise have served as a platform for syncretistic worship are employed to create the community – both inside and outside the text – that will execute obedience to the Yahwistic pact.

2.1.2 Ritual Sealing of the Covenant Code

The festival calendar fashions the audience of CC into a coherent community ritually centered on the Yahwistic cult. While the festivals are critical to gathering this polity, an overt ritual signal of its obedience is crucial to legally activating the covenant that they have made. CC accomplishes this task by presenting three final, seemingly unrelated commandments at the conclusion of the festival calendar:

> 23:18: You will not sacrifice with leaven the blood of my sacrifice, and you will not leave overnight until morning the fat of my feast (*lō'-tizbaḥ 'al-ḥāmēṣ dam-zibḥî wĕlō'-yālîn ḥēleb-ḥaggî ād-bōqer*).
> 23:19a: The best of the firstfruits of your soil you will offer at the house of Yahweh your God (*rē'šît bikkûrîm 'admātĕkā tābî' bêt yhwh 'ĕlōhêkā*).
> 23:19b: You will not boil the kid with the milk of its mother (*lō'-tĕbaššēl gĕdî baḥălēb 'immô*).

Together, these commands (1) preserve physical and temporal cultic boundaries, (2) create contract consideration by presenting Yahweh with the "best of the firstfruits," and (3) ensure the integrity of Israel's offerings.

The first and last of these three instructions are prohibitions, while the central one – the requirement to offer firstfruits – is positively framed. They direct the reader's attention to issues of the proper separation of cultic categories (each commandment

requires that various edible ingredients be kept apart from each other, or that proper temporal strictures on sacrifice be observed). The items that Israel is forbidden to bring are either admixed in a way that may cause them to ferment and spoil (such as bloody offerings with *ḥāmēṣ* material), or have lost their freshness (such as festal fat left through the night, *lō'-yālîn ḥēleb-ḥaggî 'ad-bōqer*), or which have simply been improperly mixed (*lō'-tĕbaššēl gĕdî baḥălēb 'immô*). In every case, their handling in the prohibited fashion would break down boundaries that the text presumes (for reasons that are not always clear) should be left intact.[17] The previously-raised issue of boundary maintenance also strongly suggests that these closing texts are also concerned with Israel's holiness.[18]

These prohibitions are not comprehensive, but exemplary; maintaining the acceptability of sacrificial offerings acts as a proxy for obedience to the rest of CC. The instructions to carefully separate categories in the prohibited offerings acts as an index that Israel has agreed to take on the status of holiness under the Yahwistic covenant.[19]

---

[17] For example, the original intention of the prohibition against the kid boiled in its mother's milk has vexed exegetes for millennia, and its precise meaning continues to elude interpreters; as Alan Cooper concludes in his survey of ancient and modern interpreters, "the conundrum of the kid law is probably insoluble given the state of both the evidence and our knowledge," and its precise purpose may even have been unclear to the original editors of the biblical texts in which it appears. "Once Again Seething a Kid in its Mother's Milk," *JSIJ* 10 (2012): 143; see also Jack M. Sasson, "Ritual Wisdom? On 'Seething a Kid in its Mother's Milk,'" in *Kein Land für sich allein: Studien zum Kulturkontakt in Kanaan, Israel/Palastina und Ebirnâri* (ed. Ulrich Hübner and Ernst Axel Knauf; OBO 186; Göttingen: Universitätsverlag Freiburg Schweiz/Vandenhoeck and Ruprecht, 2002), 294-308. Among recent modern interpretations, see Stefan Schorch, who argues that it refers to young calves that are bound to their mother's feet during the period of suckling, "'A Young Goat in Its Mother's Milk'? Understanding an Ancient Prohibition," *VT* 60 (2010): 116-30, and a rebuttal by Phillipe Guillaume, "Binding 'Sucks': A Response to Stefan Schorch," *VT* 61 (2011): 335-37. J. Webb Mealy has also recently advanced the theory that the passage could be a lost figure of speech referring to the substitution of old grain for the new year's harvest, a category mixture that would also result in a physically inferior offering ("'You Shall Not Boil a Kid in its Mother's Milk' [Exod 23:19b; Exod 34:26b; Deut 14:21b]: A Figure of Speech?" *BibInt* 20 (2012): 35-72. Virtually all interpretations – ethical, ritual, and otherwise – focus on what is obvious on the face of the instruction: the illegitimate combination of foodstuffs or preparation techniques or times that should remain separate.

[18] While holiness is not explicitly an issue here, it was directly raised earlier in 22:30 (*wĕ'anšê-qōdeš tihyûn lî*) in connection with avoiding consumption of carrion meat.

[19] CC is not concerned with creating an actual legal structure of cultic or other boundaries within the text, as it includes only representative instructions regarding separation. Nevertheless, the concluding emphasis on practices of categorical separation that distinguish Israel from other nations is clear.

The community can be recognized in part by its adherence to a cultic code that ensures strict separation between cultic categories that are perceived by the author as incompatible with each other. The first and last commandments also exemplify Israel's commitment under CC to remain scrupulous regarding the integrity of its offerings. Categorical separation of offering materials expresses Israel's agreement not to cheat its deity by offering him physically substandard or categorically tainted sacrificial materials (or by partaking themselves in such items). By signaling fidelity in its sacrificial interactions, the text telegraphs its intention to abide by the larger structure of CC's legislation.[20]

These two imperatives of category separation and offering integrity are encapsulated and further advanced by the firstfruits offering that the framing commands enclose. Constructing a separate offering category of firstfruits requires isolating a special group of items that can be designated as "first" things.[21] While the text does not provide a procedure for determining which vegetal donations should be considered "first" or "best," it implies that such a category does exist, and that it must be specially given to Yahweh. The creation of such a special class of offerings, and its transmission at the "house of Yahweh your God" is a unique event in CC[22] that brings the relationship between Israel

---

[20] Of course, CC is a literary text that can itself be considered a proxy for a much larger set of institutional regulation.

[21] *bikkûrîm* is clearly used here as a designation for the temporally first produce of the ground; its use in a construct chain with *rē'šît* vitiates the possibility of another meaning. Further strengthening the case for *bikkûrîm* as a technical term is its usage in 23:16, where it is described as the typical offering to be brought for the "feast of the harvest" (*ḥag haqqāṣîr*); this feast is defined as "the firstfruits of your work which you sowed in the field" (*bikkûrê ma'ăśêkā 'ăšer tizra' baśśadê*).

[22] In all of CC, offerings are only required from Israel in two places: the central passage (22:28-29) of the chiasm analyzed above, and in the firstfruits offering of 23:19a; in each case, the offerings chosen are "first" offerings, both vegetal (implicitly in 22:28a, and explicitly in 23:19a) and animal (or human) (22:28b-29). While the text here refers to the "house of the Lord your God," there is no reason to assume to that it is a reference to a single cult sanctuary, but rather that the gift should be brought to any site where Yahweh's cult is celebrated. Propp, *Exodus*, 284.

and Yahweh into direct physical expression. Of these instances, an explicit mention of the place of offering is only present in the firstfruits passage of 23:19a. Therefore, 23:19a is the only place in CC that isolates an offering both by its type and by the place where it is delivered.

Second, firstfruits points to the need to provide offerings that embody a particular material integrity. The description of the firstfruits offering as "the best of the firstfruits of your soil" (*rē'šît bikkûrîm 'admātĕkā*) spotlights its physical perfection; the goods that are being brought to Yahweh are as well-chosen as they can be, and hide no corruption lying underneath a pretty veneer. The explicit demand to hand over these perfect firstfruits at a Yahwistic cult center also highlights the sacredness of the offering. Of all the possible gifts that might be considered "holy," firstfruits is the one that is chosen by the authors of CC for Israel to present to Yahweh at cultic sites, and in this unique position at the end of CC. As such, it is vested with status as *the* representative obligation of Israel, the one that overtly marks Israel's acceptance of CC's regulations and its vision of Yahweh's relationship with the people. CC itself marks Israel as a holy nation by branding it (through a legal code that provides a special set of obligations only for Israel) as separate from the surrounding nations (23:23-33). That status is reflected in the firstfruits, which must be similarly separated and elevated from the land's general produce; the firstfruits is not simply an offering, but an offering that stands apart. The separation between firstfruits and other produce is marked by the emphatic formula used here: instead of labeling the offering simply as *rē'šît* or *bikkûrîm*, it is doubly restricted as *rē'šît bikkûrê 'admātĕkā*.

This elevation of the firstfruits beyond the land's other produce not only indicates Israel's status as a nation apart from its neighbors, but also separates Yahweh from potential divine competition. By so carefully selecting the only physical material that is explicitly given to Yahweh, the text gives him the highest possible place of honor. CC certainly envisions the presence of other deities; however, it not only orders the physical destruction of their cults (23:24), but also prohibits the creation of alternative legal agreements with them (*lō' tikrōt lāhem wĕlē'lōhêhem bĕrît*, 23:32). Its acknowledgment of the possibility that Israel might recognize other gods is met by the requirement that the best possible gift that Israel can produce should be given to Yahweh. By preemptively denying this superior gift to other gods, it ensures that Yahweh will continue to be recognized as the superior deity (since whichever member of the divine realm receives the best gift is, clearly, the best god).

2.1.3 Firstfruits as Contract Consideration

Beyond the literary signals it emits, firstfruits also functions as a special form of contract consideration, a gift that is given in order to put the legal code into effect. In order to make a contract valid, some sort of concrete exchange must take place in order to show that its terms are now physically in force.[23] Firstfruits accomplishes this purpose by offering a special representative piece of Israel's harvest in order to demonstrate that it has accepted Yahweh's contract proffer.[24] The firstfruits' function as contract consideration is made especially clear when considering that, alone among all the

---

[23] Rappaport, *Ritual and Religion*, 141-42.

[24] The use of firstfruits as consideration is particularly expanded in Deuteronomy, where it is the central purpose of the rite in 26:1-11. See Chap 4.

requirements of CC, it is the only offering that is explicitly described as being brought to Yahweh's house. With all other offerings and festivals, the bringing of the gift to the sanctuary is only implied; indeed, the only other gift that is directly ordered to be given to Yahweh is the firstborn in 22:28-29.

However, the literary setting of CC complicates the status of firstfruits as contract consideration, and this difficulty dramatically increases the interpretive possibilities of the text. CC is promulgated at Sinai, a barren wilderness where Israel is only sustained through Yahweh's miraculous provision of food and water. The text offers little consideration of land or fertility, concentrating instead on images of the wilderness.[25] The surrounding Exodus narrative is very explicit about the isolation of Sinai; indeed, the importance of this isolation seems to have been recognized by the editor of Exodus, who reworked the narrative leading to CC with a short P passage that repeatedly refers to the desert remoteness of the site.[26] The Sinai regulations are given at a place far removed from human civilization, where it is impossible to link them to any practical concerns.

Because of its isolation in a non-arable territory, it is not possible for the Israelite congregation in the text to present firstfruits in order to seal the contract. This fact has significant implications for both the literary and reading audiences. For the literary audience, the contract regulations should remain in abeyance until they have traversed the liminal space of the wilderness, a fact explored in the text after the regulations of CC have ended. Only here does the text brings up the issue of the land, in Yahweh's assertion

---

[25] It is especially noticeable that there is no use of the various formulas to indicate "when you enter into the land," as are found with firstfruits in Leviticus (23:10), Numbers (15:18), and Deuteronomy (26:1).

[26] "On the third month since the going out of the sons of Israel from the land of Egypt, on this day they came into the wilderness of Sinai (*midbar sînay*). When they had journeyed from Rephidim and had come to the wilderness of Sinai (*midbar sînay*), they camped in the wilderness (*bammidbar*)," Exod19:1-2.

that he is sending a messenger "to keep you on the path (*lišmorĕkā derek*) and to bring you to the place that I have prepared" (23:20). *lišmorĕkā derek* in the verse offers the reader a double meaning: the passage can be translated not only as, "guard you (while) on the path," (cf. Gen 3:24; Ps 39:2) but also, "keep you on (according to) the path" (cf. Gen 18:19). The messenger is there not only to protect the Israelites from enemies while they are on their road, but also to prevent them from straying from the stipulations of CC; his apotropaic power is directed both outwardly and inwardly. In lieu of performing the firstfruits rite that might validate CC's contract terms, Israel is appointed an angel who is will act as a temporary pedagogue, providing guidance and discipline for Israel until CC's terms can be brought into effect.[27]

This line is followed by a list of demands for the people to obey the messenger: "Pay attention to him and obey his voice; do not rebel against him, because he will not ignore your transgressions, for my name is in him." The result of obedience is health and fertility for the populace (23:25-26), but this is not actually delivered through the medium of the land. Rather, it will come despite the treacherous tendencies of the unmanaged soil, which threatens the people with destruction through the multiplication of wild animals unless it is carefully managed; it is for this reason that Yahweh declares that the inhabitants of the land will be expelled only slowly (23:29). Even once the people have achieved their goal of entering the land, the boundary between hospitable, cultivable land and the wilderness always remains ambiguous. Since the land can never be completely

---

[27] See Hans Ausloos, "The 'Angel of YHWH' in Exod. xxiii 20-33 and Judg. ii 1-5: A Clue to the 'Deuteronom(ist)ic' Puzzle?" *VT* 59 (2008): 1-12.

separated from the wilderness, the people's reliance on their covenant with Yahweh is intensified, as the land can never become a full substitute for their deity.[28]

The properties of the firstfruits as defined above make it a particularly powerful offering for a congregation to adopt as contract consideration in the many cases that it cannot be physically provided. Unlike the more specific provisions for the firstborn, the range of material that can be considered "firstfruits" under the text's definition (*rē'šît bikkûrê 'admātĕkā*) is quite expansive. Since the text makes no particular stipulation restricting the type of produce that may be brought, provision of a firstfruits offering can be accomplished even when the most conventional agricultural materials (grain, wine, and oil) may be unavailable. The only important stipulation is that it should be provided from "your soil" (*'admātĕkā*); the firstfruits, after all, is an index of contract obedience, and Israel's sign of the contract is possession of the soil. Firstfruits also reflects the aspirational holiness of the congregation. As a portion of the community's production that is carefully selected for its wholesomeness, it is not only the first portion of what the congregation makes, but is composed of only the very best of what the community can offer. Similarly, the text has earlier declared Israel to be Yahweh's "treasured possession" (*sĕgûllâ*) by virtue of their anticipated decision to accept his covenant (19:5). By promising to make a firstfruits gift, the audience is committing itself not simply to make a simple transaction with Yahweh, but in so doing to transform itself into the form of what it is agreeing to hand over. Since the audience remains, by virtue of the text's setting, in the wilderness, it has nothing to give over to Yahweh but itself, and the gift defined in the text as the *rē'šît bikkûrê 'admātĕkā* therefore becomes analogous to the congregation.

---

[28] This is a problem that is addressed in slightly different fashion in Deuteronomy; see Chap. 4.

This handing over of the assembly to Yahweh is accomplished by the reading itself. By engaging in a communal hearing of the text (or as a single reader who imaginatively enters into such a hearing) for purposes of instruction (as opposed to simple curiosity), the congregation engages in an act that itself binds the group to contractual fulfillment, making itself holy by communal assent to the reading. By agreeing already to the contract even before its promulgation (Exod 19:8; 20:19), the congregation has indicated its assent to participate in the "liturgical" order of hearing the law. As Rappaport observes, "by performing a liturgical order the participants accept, and indicate to themselves and to others, that they accept whatever is encoded in the canon of that order."[29] The commands to execute the times of the festival calendar constitute the text's readers as an imagined community. Once this community has been brought into being, the instruction for firstfruits, which both requires advancing a refined product to Yahweh and rests between negative instructions that require the congregation to abandon unacceptable offering elements, becomes a nodal point for the congregation's self-offering and the fulfillment of the contract.

2.2 The Privilege Law

The firstfruits offering's role in ensuring that Israel's agreement to Yahweh's legal code is properly executed is magnified in the Privilege Law (PL), the short recapitulation of portions of CC found in Exodus 34:10-27 that is a response to the legal challenges created by Israel's apostasy in Exodus 32.[30] PL is entirely focused on ritual

---

[29] Rappaport, *Ritual and Religion*, 119.

[30] I am persuaded by Bar-On's assessment that PL is clearly a later adaptation from CC that is intended to fit its particular literary context ("Festival Calendars," 171, 184-85).

and sacrificial issues; the "civil" legislation that comprises most of CC is entirely absent. (Given that the passage closely follows the congregation's iconophilic deviations from CC in Exodus 32, the ritual focus is an unsurprising development.) The emphasis on separation from surrounding nations and their cults is extremely prominent in PL, with the role of the proper consumption of sacrifices being particularly pronounced.

PL consists almost entirely of a condensed version of Exod 22:28-23:19,[31] which has been re-ordered to reflect the chronology of the agricultural year. With the exceptions of framing commandments in 34:17 and 25-26, it is almost entirely an agricultural festival calendar.[32] These framing verses give a clue to the purpose of 34:25-26. V. 17 is both the implicit conclusion to the demands not to make covenants with foreign peoples or their deities (24:12-16) and an explicit response to the "calf" incident in Exodus 32, and there is good reason to believe that the editor inserted it precisely in order to serve this latter function.[33] 34:25-26, on the other hand, is the only segment of PL that is both directly drawn from CC and also not part of PL's festival calendar; it is a kind of synecdochical encapsulation of Israel's positive and negative responsibilities in Yahweh's cult. Both sides of the frame command covenant loyalty as expressed through cultic fidelity.

As with CC, PL comprises a direct speech from Yahweh to Moses. The language is drawn even more explicitly in treaty terminology, as seen in Yahweh's opening statement, "See, I am making a covenant" (*hinnê ʾānōkî kōrēt bĕrît*, Exod 34:10). While CC concluded with a peroration encouraging the people to avoid foreign nations and their

---

[31] Barring a significant expansion in 34:19, which slightly parallels 22:28-29, but reverses the order and re-categorizes the "firstborn."

[32] For a development of this thesis, see Bar-On, "Festival Calendars."

[33] Carr, *Formation*, 264 n.22.

deities, PL opens with an even more emphatic warning against foreign cults. This preamble strongly focuses on the process of making and breaking covenants; three times in seven verses, it either advocates for Yahweh's covenant with Israel, or warns against Israel being drawn into covenants with foreign peoples and, by extension, their deities.[34] This exhortation concerning the people's responsibilities in destroying the physical traces of the pre-existing cults in the land and avoiding covenantal entanglements with them ends with a short notice that also defines the context of the succeeding ritual instructions: "You will not make for yourself molten gods" (*'ĕlōhê massēkâ lō' ta'ăśê-lāk*, Exod 34:17).

The text then describes the feast of *maṣṣôt* and issues instructions (seemingly specific to *maṣṣôt*) concerning treatment of firstborn animals and humans (34:18-20). This feast dominates the ritual regulation; the other two pilgrimage times – the *ḥag šabū'ōt* and the fall harvest festival are relegated to brief mentions in 34:22. They are separated from the stipulations dealing with *maṣṣôt* by a verse imposing cessation of labor on the seventh day. Practically, this verse is placed here because of its explicit demands that no work be done "at plowing time or at harvest time" (34:21); the author wishes to assure that his audience will adhere to the sabbath regulation even at times when consistent work is critical to producing sustenance. The implication of this demand is once again to place the production of food beyond human control, and hence to

---

[34] Exod 34:10: "[Yahweh] said, 'See, I am making a covenant'" (*wayyōmer hinnēh 'ānōkî kōrēt bĕrît*); 34:12: "Be on guard, lest you make a covenant with the inhabitants of the land where you are going, so they might not be a trap in your midst" (*hiššāmer lĕkā pen-tikrōt bĕrît lĕyôšēb hā'āreṣ 'ăšer 'attâ bā 'ālêhā pen-yihyeh lĕmôqēš bĕqirbekā*); 34:14b-15: "For Yahweh your God is jealous of his name; he is a jealous god, in order that you might not make a covenant with the inhabitant[s] of the land, when they lust after their gods and sacrifice to their gods, and call to you so that you might eat [their] sacrifice" (*pen-tikrōt bĕrît lĕyôšēb hā'āreṣ wĕzānû 'āḥărê 'ĕlōhêhem wĕzābḥû lē'lōhêhem wĕqārā' lĕkā wĕ'ākaltā mizzibḥô*).

heighten the control of the Yahwistic cult being reiterated in this ritual recapitulation and the stipulation for firstfruits that will follow the festival regulations.

Indeed, the text systematically subordinates the content of these feasts to the theme of Yahweh's power over the land. Immediately after the closing commandment directing all males to appear three times a year before Yahweh, the text explains that these pilgrimages should be undertaken because, through the agency of Yahweh's protection, the people's physical security on these journeys will be secured. The verse is specifically set in causal terms; the festal events can happen "because I will disinherit the nations before you and enlarge your borders; no one will desire your land when you go up to see Yahweh your God (34:24)." The people are commanded to go three times a year to appear at Yahweh's sanctuary as a predicate to the promise that they will not be disturbed on their journey, since Yahweh will have cleared the former inhabitants of the land from their path. The festivals as articulated here are primarily an index of Yahweh's power; they are the tangible demonstration that Yahweh can and does fulfill his end of the covenantal bargain.

In return for Yahweh's protection and in recognition of his control, the audience of this treaty agrees to three stipulations that are virtually identical to those found in CC in Exod 23:18-19. As in CC, these instructions act as a seal for PL. The only significant difference is in the prohibition against allowing sacrificial animal offerings to remain unconsumed overnight, in which the commandment applies to the offering of a specific feast, *pesaḥ*, in contrast to the more general prohibition found in CC.[35] The repetition of these commandments creates a clear identity between CC and this shortened version of it.

---

[35] Bar-On asserts that this is a priestly modification to the earlier, more general prohibition found in Exod 23:18 ("Festival Calendar," 176-77).

CC was implicitly focused on ritual concerns, although these issues were often expressed in terms of social regulation. In this recapitulation of CC, which is designed to be summative of its much longer and more complex predecessor, the concentration on ritual conformity is more overt. However, this passage is not simply a "ritual" covenant that is opposed to the more "social" concerns of CC. Instead, it is a summary compression of the requirements placed upon Israel into the ritual realm. This legislation clarifies and strengthens the primary intent of CC, which was to ensure broad conformity to the Yahwistic cult. The firstfruits instruction, along with its accompanying ritual demands in 34:25-26, draws a direct connection between the two legal codes.

2.3 Conclusion

Firstfruits is Israel's quintessential offering to Yahweh in CC and PL, encapsulating the exclusive nature of their bond and Israel's obligations to Yahweh under the legal codes. The symbolic understanding of the firstfruits is tempered by the regulations of CC itself, and particularly by its equation of Yahweh's relationship to Israel with Israel's own relationship to its poor and marginal citizens. This position of inferiority places Israel in a position of supplication toward their divine benefactor, a stance that is made weighty by the concluding and sealing of CC with an instruction to create and give an offering of the highest material quality. Not only does the firstfruits manifest Israel's total dependence on Yahweh, but in implicitly denying this highest-quality offering to other deities, it also valorizes Yahweh's unique status in its cultic life. This cultic community is itself called into being by the festival regulations that precede the firstfruits instruction. Having been called into physical existence by the demands of

the Yahwistic cult, and having the safety of this gathering secured by Yahweh's power that is marshalled to protect them under the terms of the covenant, Israel communally assents to provide its best, most holy offering to its God. This notion of the holy perfection of the firstfruits will be taken up and dramatically expanded by H in the next chapter.

Chapter 3

The Priestly and Holiness Traditions

Firstfruits in CC and PL are critical to constructing Israel's covenant with Yahweh, so much so that the same institution is deployed, using very similar terms and as part of the same narrative, in texts that are not only the products of very different theological schools, but exist at opposite ends of the diachronic compositional spectrum. In the P and H texts explored in this chapter, the full theological possibilities of firstfruits and their associated offering, tithes, will be drawn out in even more dramatic fashion. These offerings do not simply perform local functions in these texts. Instead, when they are compiled together in a final document, they structure the text's readers as a sanctified community, gradually revealing the full extent of their obligations to each other, the land, and their God.[1]

Generally, three main levels of theological concern relating to firstfruits and tithes are evident in these narratives. First is an exploration of the place of the anomalous firstfruits offering(s) within the Priestly sacrificial system articulated in Leviticus 1-7 (Lev 2:11-16). Building on P's sacrificial categories, the texts also address the place and meaning of the firstfruits institution within the festival calendars, which utilize these previously established offering categories to construct elaborate systems of theological

---

[1] Israel Knohl's view of the H school as emphasizing social justice and a democratized participation in Priestly ritual, in contrast to P's more narrow and esoteric cultic concerns, has become a dominant paradigm in the understanding of P and H (even if his early dating of both P and H has been less universally received). *Sanctuary of Silence*, 168-98. See also Christophe Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus* (FAT 2/25; Tübingen: Mohr Siebeck, 478-81).

meaning through the medium of the yearly cycle of cultic worship. Finally, they explore the role of both firstfruits and tithes in establishing the ideal Israelite community.

Leviticus and Numbers are foundational texts, exploring Israel's sociological formation in the crucible of the desert. The central P texts are largely unconcerned with Israel's pre-Sinai experiences or future occupation of a national territory, even as they assume previous covenants between Yahweh and Israel's forebears. Instead, they are consumed with details of the architecture and sacrificial regulations of the *'ōhēl mô'ēd* ("Tent of Meeting"). H texts are typically more overtly cognizant than P of the social relationships between various Israelite groups, and evince greater awareness of Israel's purported origins in the exodus from Egypt and of the pending enactment of Israel's sacred obligations in settled territories outside of the wilderness.[2] The land is conceptualized as part of an extended sanctuary,[3] in which all elements of social and economic life must be continually maintained in an acceptable state of holiness.[4] As woven together in the final Pentateuchal redaction, P and H occupy themselves with molding a socially amorphous polity to conform to a discrete vision of the cultic requirements and responsibilities of Yahweh's sacred community.

Where relative dating is an issue in interpretation, my basic assumption is that P texts precede those composed by the H school.[5] For both schools, ritual instructions exist

---

[2] Joel S. Baden, "Identifying the Original Stratum of P: Theoretical and Practical Considerations," in *The Strata of the Priestly Writings: Contemporary Debate and Future Directions*. (ed. Sarah Shectman and Joel S. Baden; ATANT 95; Zürich: Theologischer Verlag Zürich, 2009), 13-30; Knohl, *Sanctuary of Silence*, 203.

[3] Stackert, "The Sabbath of the Land in the Holiness Legislation: Combining Priestly and Non-Priestly Perspectives," *CBQ* 73 (2011): 239-50, 246.

[4] Jacob Milgrom, *Leviticus* (3 vols.; AB 3-3B; New York: Doubleday, 1991-2001) 1:48.

[5] This presumption corresponds to the general theory about the relative composition and purpose of these texts advanced by Israel Knohl and Jacob Milgrom, and generally followed by subsequent commentators. While I agree with Knohl that P texts generally antecede H compositions, I do not necessarily accept his early absolute dating of these texts. Numbers 28-29, for example, seems to be a

primarily to provide rhetorical support, in the guise of liturgical direction, for their authors' theological outlook. In order to draw out the ways in which each school's distinctive theology affected their presentation of the offerings, each individual section of text will be evaluated within its own immediate textual context, in light of the characteristic ideology and literary habits of its source. While the Priestly texts contained in Exodus-Numbers are ultimately encapsulated in the general narrative of Israel presented by Genesis-Numbers, the fact that they have been placed in this situation through editorial amalgamation can make it difficult to talk about them as part of a narrative *design* of the author, rather than as a narrative *circumstance* created by the editors of the Pentateuch.[6] Attributing to the editors of these texts a narrative vision that can account for every detail of the text is probably unwise if not impossible, particularly given the daunting technical challenge of compiling such a large number of texts in the Persian period of Judah.[7] Nevertheless, as this study is ultimately interested in how firstfruits and tithes advance the edited Pentateuchal narrative and how this narrative shapes its audience, in those places where narrative design in the original sources or the editorial arrangement can be discerned, I will pay close attention to its effect on the

---

clearly exilic or post-exilic document, and much or all of P may have a similar exilic or post-exilic date. See Christophe Nihan, "Festival Calendars," 177-231; Jan Wagenaar, *Origin and Transformation*. Neverthless, the absolute dating of these documents is mostly unimportant to my analysis, and I will discuss relative dating only when it directly concerns textual interpretations.

[6] The difficulties of coming to terms with literary design in Numbers are particularly well known, with no consensus on this topic being reached. For an overview of attempts to describe the structure of Numbers, see Won W. Lee, *Punishment and Forgiveness in Israel's Migratory Campaign* (Grand Rapids, Mich: Eerdmans, 2003), 7-46.

[7] Given the scarcity and expense of writing material, it is improbable that the scribal artists combining disparate sources were able to place methodically each portion of text to adhere to a grand narrative design. David Carr has addressed the problem of the difficulties of creating completely coherent narrative texts out of a variety of different sources given the technological obstacles to creating texts during the period (*Writing on the Tablet of the Heart* [New York: Oxford University Press, 2005]). Joel S. Baden, in the process of arguing for a single Pentateuchal redactor, also recommends against viewing the Pentateuch as part of a comprehensive narrative plan, but instead as a means of preserving already existing legislation (*J, E, and the Redaction of the Pentateuch* [FAT 68; Tübingen: Mohr Siebeck, 2009], 311).

presentation and meaning of ritual texts.[8] Therefore, this chapter will address the texts in canonical rather than compositional order, so that the narrative role of these offerings can be understood.

3.1 Leviticus 2: Firstfruits within Ritual Taxonomy

While the tithe offering is a critical element of the temple society envisioned by P and H texts, its basic function as a kind of temple operating tax means that it has no necessary relationship to altar sacrifice. Such is not the case for firstfruits, which, as already seen in Exodus, was considered one of the critical offerings of the temple cult (in the case of CC and PL, an offering that was posited as representative of the comprehensive scope of Israel's covenantal obligations). Therefore, one would expect that firstfruits to be incorporated into P and H texts, particularly within P's minute detailing of the sacrificial cult in Leviticus 1-7.

The status of firstfruits in P is complicated, however, by the literary purpose of this section of text, which is to present its audience with an apparently exhaustive taxonomy of sacrifice. In contrast to other biblical depictions of firstfruits, the regulations found here are not part of a coherent rite, but rather a depiction of the *content* of the ideal firstfruits offering.[9] It is a kind of an offering "module," which can be utilized as part of rituals in the text but does not itself constitute a complete rite. Actual rituals in the

---

[8] Cf. Watts, *Reading Law*.

[9] Since they exist outside of any particular ritual structure, the instructions for the offerings in Leviticus 1-7 are not themselves rituals, but only prescribe the component parts of rituals. The text in these chapters provides its audience only with a mastery of the tools needed to perform the rites prescribed in later portions of the priestly narrative, and not with a textual ritual *per se*. For a discussion of recent research in understanding the uses of these modular structures in biblical and post-biblical rituals, see Naphtali S. Meshel, "Toward a Grammar of Sacrifice: Hierarchic Patterns in the Israelite Sacrificial System," *JBL* 132 (2013): 543-67.

Priestly corpus are composed of some combination of the sacrifices explained in these taxonomies, and are performed at particular times and places. However, the sacrifices in the block of text stretching from the beginning of the book through Leviticus 7 are presented as isolated units; while each one is extensively described, they are nevertheless devoid of larger ritual context.[10]

Leviticus 1-7 constructs the sacrificial institutions in the way in which it does in order to execute one particular aspect of its rhetorical agenda. The text draws its audience into its narrative by giving the appearance of addressing thoroughly and systematically all possible offering contingencies, de-mystifying the priestly rituals by explaining to its audience the component parts. By giving the audience priestly instructions, the text allows them to imaginatively participate in priestly formation and to experience, through the literature, an aspect of the grammar of divine communication, mediated through sacrificial offerings that is the priests' special prerogative.[11] The offering institutions found here inculcate in the audience the basic sacrificial building blocks of the priestly office that will enable the cultic system surrounding the wilderness tent to survive and thrive. The text strives to enable its audience to see and appreciate the world's order through the priestly lens by "training" them as priests through giving them the ritual instructions essential to the text's ideal priestly office.[12]

---

[10] Frank Gorman has noted that Leviticus 1-7 serves to explicate ritual function in sacred space. Coming after the end of the descriptions of the tabernacle in Exodus, the rites delineated here fill the empty ritual space with activity (or at least the promise of activity). See his *The Ideology of Ritual: Space, Time and Status in the Priestly Theology* (JSOTSupp 91; Sheffield: Sheffield Academic Press, 1990), 48-49.

[11] See Nihan's perceptive comment about the culmination of the audience's experience of divine communication in Lev 9:23-24, when the *kĕbôd-yhwh* manifests itself physically to the congregation upon the completion of the priestly ordination (*Priestly Torah*, 92).

[12] This task is implied by the section's conclusion in Leviticus 8-9 with the ordination rites for Aaron and his sons. As the nascent priests of the narrative must learn the fundamental elements of priestcraft in order to avoid the fate of Nadab and Abihu, so the textual audience is fashioned as "priests" by being granted the same information. While the sacrificial instructions are not actually described rites and

In order to accomplish this goal, the first seven chapters in Leviticus order the sacrifices according to their constructed common properties and then impose this system on all subsequent texts.[13] The effect of the taxonomy is to simplify and regularize the described sacrificial practice, making it appear to be extremely straightforward and logically ordered.[14] This objective fits a priestly agenda that has been discerned by other commentators: the creation of a highly ordered, well-delineated universe, with categories that may be easily defined and discerned.[15]

But while clear categorization of the sacrifices may advance the text's overall rhetorical objectives, this taxonomic function also significantly limits what may be said about the offerings, since commentary on the purpose of the sacrifices or any non-essential supporting detail falls outside of its purview. Items that do not fit easily within the preordained categories are irregularities that must be dealt with. The advantage of working within this structure for the priestly author is that it maintains a strong sense of the constituent elements of each of the five main sacrificial categories: *ʻōlâ*, *minḥâ*, *zebaḥ šĕlāmîm*, *ḥaṭṭāʼt*, and *ʼāšām*. The disadvantage is that it causes the irregular categories to stand out even more.[16]

---

are therefore not, strictly speaking, textual rituals, the text is using ritual components to produce priestly models in its recipients.

[13] For example, Leviticus 1 takes the *ʻōlâ*, a well-established offering found throughout the Hebrew Bible, and rigorously explicates all of the elements involved in bringing and slaughtering an animal offered under this classification, providing an orderly analysis of which animals may be brought as well as the technical processes involved in sacrificing each of them.

[14] This feature of the Hebrew Bible's sacrificial structure was already extensively commented on by Hubert and Mauss in *Sacrifice*.

[15] Gorman, *Ideology of Ritual*, 39-60.

[16] The success of P in trying to make each chapter strictly about a particular sacrificial module, and paper over any irregularities, is even evident in the analysis of modern commentators; see, e.g., Christian A. Eberhart, who sees the *minḥâ* offering as exceptional not because it includes the two anomalous firstfruits offerings, but because, unlike other sacrifices in Leviticus 1-7, it is not an animal slaughter ("A Neglected Feature of Sacrifice in the Hebrew Bible: Remarks on the Burning Rite on the Altar," *HTR* 97 [2004]: 487-93).

The terminology of Leviticus 2 must be considered in the context of its taxonomic construct. Operating within the constraints of its model, Leviticus 2 presents a primary sacrificial category of *qorban minḥâ*, provides a variety of different ways in which this offering may be prepared and then presented as a sacrifice (2:1-10), and then offers two more categories related to firstfruits: *qorban rē'šît* and *minḥat bikkûrîm*.[17] The regulations for the *qorban minḥâ* sacrifice adhere strictly to the classificatory designs of the author, beginning with the "typical" offering, which in this case is the simplest form, unbaked *sōlet*[18] mixed with oil and topped with frankincense. This is presented to the priest, who removes a portion of the flour and oil, along with all of the frankincense, and burns them on the altar, with the rest of the sacrificial grain being kept by the priest. This description of an offering of unaltered *sōlet* is followed by various other baked or fried forms of the *qorban minḥâ*, all of which share the characteristic of being comprised of *sōlet* and of being unleavened (*maṣṣâ*).[19] After the excursus on these variant forms, there is a virtual repetition of the instructions from 2:2-4, which neatly ties together the unit and ensures that the sacrificial procedures stipulated for the *sōlet* will be followed with all forms of the *qorban minḥâ*.

Using v. 11 as a bridge, the text then discusses two classes of "firstfruits": *qorban rē'šît* (2:12-13) and *minḥat bikkûrîm* (2:14-16), which are classed as a sub-entity of

---

[17] It is well-established that *minḥâ* takes on a technical meaning when used in P, simply connoting "grain offering" and forsaking the larger semantic range of "gift" found in other portions of the Hebrew Bible. This meaning is clear through context despite the fact that the technical term is utilized without explanation in P. Gary A. Anderson, *Sacrifices and Offerings in Ancient Israel: Studies in their Social and Political Importance* (Atlanta: Scholars Press, 1987); *HALOT*, *minḥâ*, 601.

[18] *sōlet* is attested primarily in P and H texts, but is also occasionally found in pre-exilic sources outside P writings (Gen. 18:6, 1 Kgs 5:2, 2 Kgs 7:1, 16, 18).

[19] The only exception to this pattern is the offering in 2:7, where, in a departure from the other *qorban minḥâ* offerings in Leviticus 2, the offering is not specifically referred to as *maṣṣâ*; the text seems to expect the reader to assume this status based on the previous verses.

qorban minḥâ.[20] These offerings disturb the taxonomic scheme, since they are by nature extraordinary and do not fit easily within the established framework. The author arranges an imperfect but workable solution to this problem by structuring the chapter in a way that creates clear distinctions between categories, separating firstfruits from regular offerings while simultaneously ensuring that they will be kept under the overall heading of the *qorban minḥâ*. This change is made clear by the bridge verse 2:11, which immediately addresses the very item that was left out of the earlier section of the chapter: items that are *ḥāmēṣ* ("leavened"), which must be excluded from being burned on the altar. *ḥāmēṣ* offerings in this passage are linked to two specific substances: *śĕ'ōr*, a rare term that probably describes a kind of sourdough "starter" substance, and *dĕbaš*, a kind of honey (either from bees or, more likely, from fruit).[21] Both items are probably included here because they are critical to fermentation that would make something *ḥāmēṣ*; *śĕ'ōr* provides the necessary yeast, while *dĕbaš* gives the yeast the sugar that enhances the fermentation process.[22]

The text clearly does not consider the *qorban rē'šît* to be part of the regular *qorban minḥâ* offering, which is why its terminology classes it separately. Based on the use of *rē'šît* elsewhere in Biblical Hebrew, it can be presumed that *qorban rē'šît* is an offering of choice goods from the harvest (as the particular harvest is not specified, it could be from either the summer fruit or the olive harvest). The use of *qorban* indicates that these substances may be part of a legitimate offering, and their textual proximity further implies that they are related to the *qorban minḥâ*. However, the change in

---

[20] Lev 2:11 points both forward and back in the passage. It affirms that the previously described offerings in 2:1-10 should be offered unleavened, but in prohibiting these offerings from being made with *śĕ'ōr* or *dĕbaš*, it sets up the discussion of the *qorban rē'šît*, which may be composed of these items.

[21] Milgrom, *Leviticus*, 1:188-90; *HALOT*, *dĕbaš,* 212-13; *śĕ'ōr*, 1301.

[22] Nihan, *Priestly Torah*, 212-14.

terminology from *minḥâ* to *rē'šît* isolates *qorban rē'šît* as its own separate offering, a fully distinct technical category on the level of *qorban minḥâ*. Yet while the command concerning *qorban rē'šît* is given in the same precise ritual terms as the directions for the *qorban minḥâ*, the authoritative tone of the language hides the fact that *no* further instruction is offered for how this offering should be implemented: unlike 2:1-10, there are no instructions for what the priest should do with them, or what should be included in the offering with them. The text is composed of only two negative stipulations: (1) a *minḥâ* offering should not be made with any *śĕ'ōr* or *dĕbaš*, since these products may not be turned to smoke (*lō'-taqṭîrû*) on the altar, and (2) *śĕ'ōr* or *dĕbaš* may be brought as *qorban rē'šît*, but they may not be offered on the altar as a *rêaḥ nîhōaḥ*.

Of course, these regulations do not really define what a *qorban rē'šît* actually is, but only permit substances that are otherwise forbidden to be offered on the altar to be given with it (which obviously implies that a *qorban rē'šît* is not an altar offering). *qorban rē'šît* seems to merit a mention only because of its function as a ritual outlet for leavened goods; the text does not consider it particularly important in its taxonomy. Since leaven and related products cannot be part of the sacrifice because of their incompatibility with the altar, the author has trouble explaining what to do with grain offerings that contain these things other than stipulating that they should not be altar offerings.[23]

---

[23]Also strange here is the sudden notice that the *qorban minḥâ* should always be offered with salt. Milgrom has suggested that all offerings, meat or grain, were probably offered with salt, although he also recognizes how few biblical texts actually refer to this practice. In an attempt at explanation, he cites Abravanel, who theorized that it was to prevent salt from being omitted from an offering because of its association as an ingredient in making bread rise (although rather than accelerating the leavening process like yeast and sugars, salt actually impedes it). See Milgrom, *Leviticus*, 1:192. It is more probable that the salting of the *minḥâ* is designed to enhance its ritual status. Ezekiel's description of the altar restoration ritual in his temple vision specifically mentions the salting by the priests of the bull and ram of the *'ōlâ*

The *minḥat bikkûrîm*, on the other hand, fits reasonably easily within the taxonomic scheme for grain offerings: it is simply a variation on the regular unleavened *qorban minḥâ*, as is clear by its designation as a *minḥâ*. *bikkûrîm* is widely used in BH to mean "firstfruits," and at first glance it would seem to be used here by P as a technical term, like *minḥâ*. Yet unlike *minḥâ*, the *minḥat bikkûrîm* articulated in Lev 2:14-16 seems to have no relationship to any of the *bikkûrîm* offerings described in other P or H texts. First, the actual offering category of *minḥat bikkûrîm*, which describes a specific kind of unleavened grain offering, is never deployed again by P or H, which speak either of *minḥâ ḥădāšâ* (Lev 23:16; Num 28:26), leavened *bikkûrîm* offered as *tĕnûpâ* (Lev 23:17-20), or of *bikkûrê kol-'ăšer bĕ'arṣām* ("firstfruits of everything in their land," Num 18:13), which clearly encompass more material than simple unleavened grain. Ezekiel also refers to the *rē'šît kol-bikkûrê kol* ("best of the firstfruits of everything," 44:30) indicating that *bikkûrîm* is often a category more extensive than simple grain. Nehemiah indicates clearly that the annual *bikkûrîm* extended to fruit as well as grain: "We will bring the *bikkûrîm* of our soil and the *bikkûrîm* of all the fruit of every tree every year to the house of Yahweh" (10:36). The stricture against adding leaven or sugars to the *bikkûrîm* is not followed in other sources, especially since many of them include (either explicitly or implicitly) fruit (a source of sugars and *dĕbaš*) as part of the *bikkûrîm*.

---

offering as a key part of the seven-day rites for purging and consecrating the new altar (Ezek. 43:24). If P's goal in describing the *qorban minḥâ* in Leviticus 2 is to make it an integral part of its altar sacrificial complex, equal in holiness to the *'ōlâ* and other meat offerings, then the mention that the *melaḥ bĕrît 'ĕlōhêkā* ("salt of your covenant with God") must be provided with the *qorban minḥâ* would play a critical role in demonstrating its status. The use of the formula *melaḥ bĕrît 'ĕlōhêkā* is also similar to the phrase *bĕrît melaḥ 'ôlām hī(w)* used to seal the priestly perquisites discussed in Num 18:19. Since there are few mentions of salt for offering or covenantal purposes in the Hebrew Bible, the use of salt in Lev 2:13 buttresses the standing of both the *qorban minḥâ* as well as that of the priestly class that – because of the addition of salt to the offering – is uniquely qualified to offer it. Nihan notes that salt in antiquity was a sign of permanence, and thus offering it with the *minḥâ* is a counterpoint to offerings made with leaven or honey, which by nature decay (*Priestly Torah*, 213-14).

The location of the *minḥat bikkûrîm* in Leviticus 2 – not included with the rest of the unleavened *minḥâ* offerings in 2:1-10, but instead placed apart from them after the discussion of *ḥāmēṣ* items – demonstrates a need to distinguish it as an offering category that is nevertheless within the parameters of the standard *qorban minḥâ*. A distinction between the *qorban minḥâ* and the *minḥat bikkûrîm* is not evident on the basis of the conditional phrase (*'im-taqrîb minḥat bikkûrîm*) used to introduce the latter; the text employs the conditional *'im* instead of *kî* when it discusses any specific category of *bikkûrîm* that is not the first in the offering list. The first case of *qorban minḥâ* is introduced with *kî* (2:4); all subsequent categories are initiated by *'im* (2:5, 7).[24] While *bikkûrîm* may be a required offering elsewhere in P and H texts, there is no indication that it is here; indeed, the very point of these initial chapters of Leviticus is not to argue about the usefulness of the offerings, but to create categories for them that will describe what should be provided for various offerings and how the offering should be prepared. Therefore, it is best to assume that the text is agnostic regarding any requirement for offering the *minḥat bikkûrîm*.

The text differentiates the *minḥat bikkûrîm* offering from the leavened *qorban rē'šît* by returning to the standard offering formula for the *qorban minḥâ*: oil and frankincense are added, and a token (*'azkārâ*) of the offering is turned to smoke. No provision is made for disposing of the rest of the offering, but since the *minḥat bikkûrîm* duplicates the system already created for the *qorban minḥâ*, it is probably intended for

---

[24] The phrase introducing *minḥat bikkûrîm* in 2:11 is probably simply a resumption of the list comprising 2:4-7. Milgrom's assumption that the *minḥat bikkûrîm* offering is mandatory, based in part on the grammar of the passage, is incorrect: the leading *'im* is an expected part of legal formulations that have multiple subclasses (*Leviticus*, 1:193). See Knohl, *Sanctuary of Silence*, 24. For legal uses of *kî*/*'im*, see Bruce K. Waltke and Michael O'Connor, *An Introduction to Biblical Hebrew Syntax* (Winona Lake, Ind.: Eisenbrauns, 1989), 38.2(d).

consumption by the priests (by analogy with 2:3 and 2:10 and the P directive in 6:7-11). Consistent with the general method of the opening chapters of Leviticus, the author, while recognizing that the firstfruits offerings were more complicated than the sacrificial taxonomy that he was constructing in this chapter, nevertheless attempted to subjugate it as much as possible to the already established categories that he was creating.[25]

Nevertheless, the differences between the *qorban minḥâ* and the *minḥat bikkûrîm* are evident in the terminology used to describe the grain offering. Whereas the standard *qorban minḥâ* was composed of *sōlet*,[26] the *minḥat bikkûrîm* consists of *'ābîb qālûy bā'ēš gereś karmel* ("ears parched by fire, grits of new grain"). This is an unusual set of terms in Biblical Hebrew; while they clearly denote a set of grain offerings, each of the terms is relatively rare, and their concatenation is confined to this passage and Leviticus 23:14, which prohibits its audience from consuming *leḥem wĕqālî wĕkarmel* ("bread or roasted grain or new grain") until the offering of the first *'ōmer* of the harvest (clearly associated in that text with the barley harvest).[27] Extrapolating from the stipulations of Leviticus 23:14, it is likely that what P refers to as *minḥat bikkûrîm* is fresh grain from the new

---

[25] Cf. Baruch A. Levine, who argues that the author of Leviticus 2, writing after the festival system of Leviticus 23 was already in place, created his system of sacrifices to so that it would be possible to present firstfruits offerings on the altar ("Ritual as Symbol: Modes of Sacrifice in Israelite Religion," in *Sacred Time, Sacred Place: Archaeology and the Religion of Israel* [ed. Barry M. Gittlen; Winona Lake, Ind.: Eisenbrauns, 2002], 128-29).

[26] Milgrom, *Leviticus*, 1:179.

[27] The substance *'ābîb* is not widely attested in BH, being found only here and in Exod 9:31, where it refers to the physical structures on which the barley (*śĕ'ōrâ*) grows. However, the month of *'ābîb* is much more common, referring universally to the month in the spring when the barely would ripen; it is equivalent to the month of *nîsan*. *HALOT*, *'ābîb*. 4. *gereš* with the meaning of "grits" or "groats" is attested only here; it appears related to Arabic *jrš* and Syriac *gr(w)s'*, "to crush," as well as BH *grs* (Lam 3:16). Milgrom, *Leviticus*, 1:194; *HALOT*, *gereš*, 204. *karmel* with the meaning of "new grain" is attested here, 2 Kgs 4:42, and Lev 23:14. *HALOT*, *karmel* IV, 499.

barley harvest.[28] (It is impossible for the *minḥat bikkûrîm* to correspond to the *bikkûrîm* offering in Leviticus 23:17, since the latter is leavened and thus contradicts the requirements for *minḥat bikkûrîm* found in Leviticus 2:14-16.) Furthermore, the *minḥat bikkûrîm* is composed of "fresh grain" (*karmel*), and therefore cannot be interchanged with the standard *qorban minḥâ* offering, which is explicitly made of wheat *sōlet*.

One of the most curious features of firstfruits in Leviticus 2 is that, despite the attention that they receive in the chapter, they in fact play no role in P's cultic offering system beyond their appearance here. While most P rituals are composed of various combinations of *'ōlâ*, *minḥâ*, *ḥaṭṭā't*, etc., neither of the two firstfruits offerings are ever mentioned again in P. Even *minḥat bikkûrîm*, which by its nature and designation as *minḥâ* should be compatible with an altar offering and therefore more amenable to P's concerns than *qorban rē'šît*, is never directly mentioned again outside of this chapter. This fact leads to an obvious question: why construct regulations for these offerings at all, if the authors never intended to incorporate it into their larger ritual system?

While the answer to this question is at best an informed speculation, it is likely, given P's particular rhetorical goals, that including firstfruits offerings in its sacrificial system is part of an effort to persuade its audience of the legitimacy of its cultic system. I noted above that Leviticus 1-7 is rhetorically constructing its audience as "priests," or at least trying to get them to see the world through priestly eyes. By hearing these texts, the audience is being re-formatted to accept the offering structure that forms the centerpiece of the priests' world. The earliest audience was presumably quite familiar with firstfruits,

---

[28] While it is not from the same source, 2 Kgs 4:42 also clearly refers to *bikkûrîm* loaves as made of barley (*wĕ'îš bā' mibba'al šālišâ wayyābē' hā'ĕlōhîm leḥem bikkûrîm 'eśrîm-leḥem śĕ'ōrîm*). Knohl, *Sanctuary of Silence*, 24.

as it was both a common offering in the ancient Near East, and is demanded without elaboration in Exod 23:19, a text that clearly antedates Lev 2:11-16.[29] Eliminating the firstfruits offerings entirely would have given the appearance of a cultic system that lacked a well-known and expected offering form. This system would consequently appear to P's projected audience to be defective in scope, thus undermining its authors' rhetorical goal of convincing its audience of the superiority of their cultic vision. In order to counter this possibility, P created an offering category in which its audience could place these two familiar forms of firstfruits offerings, allowing the text to better approximate in their minds a complete and legitimate sacrificial system. Yet the firstfruits categories that P constructed to meet this goal are the literary equivalent of shell companies in modern finance: look too closely, and it becomes apparent that they have no function other than appearing to exist. The text mentions them only to persuade its audience that firstfruits has a place in P's cultic order, and to draw their attention away from its actual irrelevance to the ritual system.

This rhetorical agenda helps elucidate, among other things, the treatment of the *qorban rē'šît*, which, strangely, is introduced not by the conditional clause *kî*/*'im*, but with a prohibition against bringing *śĕ'ōr* and *dĕbaš* on the altar. These altar-prohibited items are assigned their own offering category (although they are only potential, rather than necessary, constituents of the *qorban rē'šît*), but like the *qorban minḥâ* they are treated dismissively, as there is no statement regarding their proper offering disposition. By creating a conceptual space for items that are *ḥāmēṣ*, and firmly bracketing the category with directions about what not to do with items that it contains, the text permits

---

[29] Deut 8:4 and 26:1-11 probably also antedate Leviticus 2.

the audience to believe that instructions have been given for this category, when in fact they have not been. It also sheds light on why there is no provision explaining what to do with the portion of the *minḥat bikkûrîm* that is not burned, when previous incarnations of the *qorban minḥâ* instructions were very specific about the priests receiving this remainder (compare 2:3, 10). Since the offering is not really part of the P cultic system, its final disposition was unimportant to the text's authors; presumably, they believed that simply mentioning the *minḥat bikkûrîm* as an acceptable *minḥâ* offering would be sufficient for their audience to embrace (or at least not reject) their re-orientation of the cult.

Creating a space for firstfruits (of both kinds) within the *minḥâ* offering list was an obvious challenge for P, and one that is even more remarkable because neither ever appears again in the form laid out here. The complexity of this task, and the disorder that it inevitably caused in the offering list, makes it difficult to avoid the conclusion that these offerings were incorporated into the *minḥâ* regulations because they could not be excluded without complicating the reception of P's cultic vision among the target audience. P's effort to marginalize firstfruits, however, ironically demonstrates their inherent strength as a cultic offering; including them in the offering list left open the possibility for subsequent authors to incorporate this institution in their own cultic visions. As will be clear in the texts below, the H school seized this opportunity with relish, promoting firstfruits a fundamental part of its vision for the people, land, and sanctuary of Israel.

3.2 Leviticus 19:23-25: Circumcising Firstfruits

While P concentrates on fitting firstfruits into its carefully structured composition, H is more concerned with using it as an argument to persuade Israel to mimic Yahweh's sanctity. H's concern to intimately involve Israel in participation in God's holiness, involving not only the people, but also the land and its produce, is strongly evident in Lev 19:23-25. This passage represents a significant step in Leviticus toward using the land itself not only to provide Israel with offerings to bring to Yahweh, but also to comprehensively enfold it into a physical environment that is itself suffused with sanctification.

This passage contains a number of interpretative problems. It contains two rare pieces of Biblical Hebrew vocabulary – *'rl* and *hillûlîm* – that muddy a precise understanding of the rite. Even by the notoriously unorganized standards of legislation in Leviticus 19, this regulation seems to have no particular fit with the other directions of the chapter. While most of the commands in Leviticus 19 are variations of regulations that appear in other biblical texts, vv. 23-25 are the only appearance of this instruction in any form in the entire Hebrew Bible corpus. Furthermore, it is not a command to set aside part of a single year's harvest as firstfruits, as found elsewhere in the Hebrew Bible, but a demand to exclude the entire first year's worth of viable fruit. This fruit is not offered as part of an otherwise known firstfruits rite (although the later re-written biblical texts found in Jubilees and the Temple Scroll [11QT] compile this passage together with Leviticus 23:9-22 to create a ritual setting for the firstfruits material).[30] Indeed, the

---

[30] John C. Reeves, "The Feast of the Firstfruits of Wine and the Ancient Canaanite Calendar," *VT* 42 (1992): 350-61; Joseph M. Baumgarten, "The Laws of '*Orlah* and First Fruits in the Light of Jubilees, the Qumran writings, and Targum Ps Jonathan," *JJS* 38 (1987): 195-202.

passage makes no reference whatever to any of the terminology that might ordinarily be associated with firstfruits in any other Hebrew Bible text; its only nod to festival celebration is the unclear statement that, in the fourth year, the fruit of the tree will be considered a *qōdeš hillûlîm*.[31]

The term *ʿrl* is central to the text; within v. 23 alone, the text uses the root's finite verbal, adjectival, and nominal forms: *waʿăraltem ʿārlātô ʾet-piryô šalōš šanîm yihyê lākem ʿărēlîm lōʾ yēʾākēl*.[32] The limitations of the available literary corpus make it difficult to know whether this idiom of fruit buds as *ʿārēl* is widespread in popular language, and while it makes a certain metaphorical sense as a description of young fruit buds, this text is the only place in the Hebrew Bible where *ʿrl* is used as a description for fruit in any stage of its growth. While some modern interpretations advance the meaning, drawn from a literal reading of the text, that the fruit should not be harvested in the first three years (i.e., that it should remain on the tree like an uncircumcised foreskin), this would defy a general horticultural practice of removing the buds of fruit trees during their first several years of growth, in order to direct more energy to the growing tree and increase the harvest in later years.[33] When the fruit is harvested from the tree in the fourth year, it should not be eaten as part of a regular diet but instead be given up to Yahweh (in a way that the text leaves unspecified), an action that releases subsequent harvests for

---

[31] *hillûlîm* is otherwise attested only in Judg 9:27 (*wayyaʿăśû hillûlîm*). Its association with a *ḥag* derives from the correlation of this text, which describes the *hillûlîm* being made after gathering and pressing of the grapes, with Judg 20:19-20, which explicitly labels a seemingly similar event as a *ḥag*.

[32] Athena Gorospe avers that "the idea of an uncircumcised tree is ludicrous," and that the typical translation of *ʿrl* as "forbidden" in English texts vitiates the force of the metaphor, and so weakens and misleads readers from appreciating the true value and complexity of this text (*Narrative and Identity: An Ethical Reading of Exodus 4* [BIS 86; Leiden: Brill, 2007], 129).

[33] For this reason above all, Milgrom's interpretation – that allowing the fruit to remain "uncircumcised" is an idiom that refers to removing the full bud, the covering along with the incipient fruit itself – is probably correct (*Leviticus*, 2:1678-79).

profane consumption. Only in the fifth year may the fruit be consumed as part of the people's regular diet and added to the harvest's yield (*ûbaššānâ hāḥămîšīt tō'kĕlû 'et-piryô lĕhôsîp lākem tĕbû'ātô*).[34]

Including a divine instruction to trim the fruit of the trees in the first three years demonstrates the harmony between the text's promulgations and the natural world: the text's demands in this instance are clearly sympatico with the natural realities known to any farmer. Including an idiom that literally refers to this unharvested fruit as "uncircumcised" not only demonstrates that H's regulations are in accord with nature, but it also naturalizes the constructed signals of H's cultic order – such as circumcision – while exalting the human manipulation of nature.[35] Both the pruning of fruit buds in the first three years and the offering of the fourth year's crop as a celebration for Yahweh are thereby constructed into necessary (and natural) precursors to increasing subsequent harvests' yields, actions that are not only good horticultural sense but, more importantly, wound tightly together with the text's conception of properly ordered polity and geography.

---

[34] This passage makes no explicit claims about what varieties of fruit trees it regulates other than saying it is concerned with "any food tree" (*kol-'eṣ ma'ăkāl*) (19:23). Since the only known biblical attestation for the term *hillûlîm* occurs in the context of a grape harvest (Judg 9:27); it is probably used here in Leviticus to indicate a similar harvest. *Jub*. 7:1-6, in a passage that is clearly based on Lev 19:23-25 and the festival instructions of Lev 23:9-21, constructs a narrative in which Noah plants grapes on Mt. Ararat after the ark came to rest on it. He first harvests them in the seventh month of the fourth year, but then keeps the juice from the fourth-year harvest until the seventh month of the fifth year, at which time he offers it to Yahweh in a firstfruits rite. Later in this same chapter, both olive and wine trees are explicitly considered to be part of the category of trees that bear fruit, and products from both are offered in firstfruits rites to Yahweh. 11QT offers an alternative vision for the firstfruits, separating each of three firstfruits offerings – grain, wine, and oil – from each other in fifty-day increments. For the relationship between 11QT and the counting formulas in Leviticus 23, 25, and Deuteronomy 16, see Marvin Sweeney, "Sefirah at Qumran: Aspects of the Counting Formulas for the First-Fruits Festivals in the Temple Scroll," *BASOR* 251 (1983): 61-66

[35] Douglas, *Institutions*, 52.

The introductory phrase of the firstfruits passage here points to the importance of this natural analogy. Lev 19:23 is one of only three passages in the Holiness Code to be specifically predicated on entering the land (see also Lev 23:9 and 25:2). It is therefore linked in the Holiness Code to the theme of the land as Yahweh's pure possession, which must be constantly protected from defilement through properly exercising the text's regulations. The six regulations that follow vv. 23-25 (vv. 26-31) all deal with representative aspects of abominable foreign practices; these actions earned the predecessor populations expulsion from the land because they were defiling (Lev 18:24-30, 20:22-26). Opening the passage on firstfruits with the casuistic phrase *kî-tābō'ū 'el-hā'āreṣ* points to the contrast between proper obedience to Yahweh's regulations – which by definition will preserve the land's purity – and the desecrating actions of Israel's predecessors.[36]

Of course, a defining trait of foreign nations in a variety of biblical texts is their physical uncircumcision (cf. 1 Sam 17:26, 36; 2 Sam 1:19-27).[37] In Ezekiel, the "uncircumcised" are identified repeatedly with those who have been killed violently in war, and exist in the lowest reaches of Sheol (Ezek 31:18; 32:17-30). In H texts (and in Ezekiel) variations on the term *'ārēl* refers to those, both Israelites and resident aliens, who are excluded from the covenanted community and are not open to receiving

---

[36] A related instruction in the chapter – the directive to leave some portion of the harvest in the field for the poor and the resident alien (vv. 9-10) – is nearly identical to Lev 23:22 in both content and language. Although this instruction is not predicated on *entering* the land, it is nevertheless tied to Israel's residence in the land through its opening clause, "when you harvest the harvest of your land," which is itself identical to the opening words from Lev 23:22). This regulation, with its focus on allowing the land to provide for the full spectrum of its inhabitants – and specifically resident aliens and the poor – introduces a series of commands (vv. 9-17) that likewise express Israel's obligation under the Holiness Code to treat the non-Israelite inhabitants of the land with justice.

[37] For discussion of the theoretical role of circumcision/uncircumcision in biblical texts, see Olyan, *Rites and Rank*, 64-68.

Yahweh's commands (Exod 12:43-49; Lev 26:41; Ezek 44:7-9). This text uses an agricultural idiom – the "uncircumcision" of young trees – as a way of posing a counterpoint to abominable foreign practices.

By placing the tree's fruit from the first three years off-limits, and posing this prohibition in terms of the fruit being "uncircumcised," the text poses the young tree as an analogue to the defiling practices performed by the uncircumcised nations. The fourth year, in contrast, is the first year in which the fruit may be used, but in this year it is sanctified to Yahweh. While the text does not mention "circumcising" the tree in this year, dedicating the fruit as "holy" (*qōdeš*), and then using it in celebration, lifts the land from the unclean "uncircumcised" state. The sanctification of the trees also sanctifies the land. Only in the year after this transmutation of status is the yield of the land able to "increase" (*hôsîp*) through cultivation, since the working of the land while in this state will not lead to its degradation.

If the firstfruits offerings are indeed a signal of covenant obedience, then the transformation of the fruit buds in the text from being *'ārēl* to being *qōdeš* is as important an element of the offering as the physical material itself.[38] Outside of its connotations of impurity, *'ārēl*/*'orlâ* elsewhere in the Hebrew Bible generally refers either to foreignness (the most frequent meaning)[39] or to a certain uncouthness or ineptness, denoting something that is fundamentally untamed, disordered, or stunted.[40] While the use of the

---

[38] Howard Eilberg-Schwartz, *The Savage in Judaism: An Anthropology of Israelite Religion and Ancient Judaism* (Bloomington, Ind.: Indiana University Press, 1990), 149-54; see Milgrom's objections, *Leviticus*, 2:1679. See also Francesca Stavrokopoulou, *King Manasseh and Child Sacrifice: Biblical Distortions of Historical Realities* (BZAW 338; Berlin: de Gruyter, 2004), 305-06.

[39] Using *'rl* to designate membership in a non-Israelite group, or at least a group that is outside of Israel's legal agreement with Yahweh, is a frequent meaning for this root in the Hebrew Bible: Gen 17:4; Exod 12:48; Jos 5:7, Judg 14:3, 15:18; 1 Sam 14:6, 31:4; 2 Sam 1:20, 1 Chr 10:4.

[40] Gorospe, *Narrative and Identity*, 129-30.

term by H is limited to possible attestations in Genesis 17 and this passage, the regulations that follow indicate the importance of eliminating the "foreign" *'orlâ* as the critical first step in refashioning the land as part of H's expanded sacred complex.[41] Each of the following six statutes stipulate against practices that are assumed to be either particularly foreign, incompatible with the sacred space of the temple, or both.[42]

It is the "uncircumcised" state of the fruit, and the passage from this unclean status to one compatible with holiness, that establishes this firstfruits offering as part of a larger covenant agreement between the text's hearers and Yahweh. But the import of the fruit buds as an index of the land's status lies as much (or more) in the precise idiom of the text as it does in the material symbol of the firstfruits. It is the specific language of the text that draws attention to the fruit's appearance as "uncircumcised." In identifying firstfruits of the individual tree as the opposite of *'ārēl*, and implicitly linking the removal of this uncircumcision to the enactment of the covenant between Israel and Yahweh, this text builds toward the central place taken by the institution of firstfruits in the Leviticus 23 festal calendar.

3.3 Excursus: Ezekiel's Festival Calendar

While the rituals that are provided in Ezekiel account clearly reflect a *Weltanschauung* dominated by theological concepts drawn from P, Ezekiel's apocalyptic vision is not overly concerned with maintaining a consistency with P in offering terminology or institutions. Nowhere is this more true than in the case of the festival

---

[41] Nihan notes that the passage is part of the text's effort to apportion the land according to Yahweh's own original intentions at creation (*Priestly Torah*, 47).

[42] These anti-foreign injunctions are found either in the H portions of the Leviticus text or other biblical texts that H would have known and presumably accepted.

calendar, which is radically different than that found in other books of the Hebrew Bible and strongly influenced by the Babylonian festival calendar.[43] Ezekiel presents only two festival periods during the year (designated as *ḥaggîm*), which occur during the first and seventh months, and are dominated by those that occur in the first month. It radically alters the basic three-festival structure of the festival year attested in Exodus and Deuteronomy. *pesaḥ* is preserved by name and dates during the first month, while *maṣṣôt* loses its name while retaining the requirement for the people to eat unleavened bread (45:21-22). In contrast to other biblical calendars, they follow purgation offerings that are performed on the first and seventh days of that month (45:18-20). The fall feast of the seventh to the fifteenth day of the seventh month is not designated by any name, and replicates entirely the cycle of the spring festival (45:25).

Most importantly for this study, no version of the feast of *šabū'ōt*, the primary festival for the bringing of firstfruits, is present here. The new structure of Ezekiel's calendar, ordered around purgation rites organized around the months of the equinox rather than the agricultural imperatives of Palestine, made the festival designs of the old calendar no longer applicable in a place where the exiles had no land of their own.[44] *šābu'ôt*, the only festival that was neither performed over a seven-day period (or near-

---

[43] Ezekiel's calendar certainly precedes those of Leviticus and Numbers; their struggle to reconcile Ezekiel's unique Babylonian calendar with the inheritance of the three-festival cycle is obvious in their texts. Wagenaar, *Origin and Transformation*, 121-24. On Ezekiel's potential relationship to P, see Stephen L. Cook, "Innerbiblical Interpretation in Ezekiel 44 and the History of Israel's Priesthood," *JBL* 114 (1995): 193-208.

[44] So Wagenaar: "By abandoning the agricultural implications of Pesach-Massot and Sukkot and adopting the conception of the Babylonian New Year festivals, the Israelite festival calendar became applicable to the situation of the exiles who had to make a life for themselves far away from the land and the temple of Jerusalem. In the course of the transformation of the agricultural festivals into New Year festivals (Pesach-)Massot and Sukkot inevitably had to give up their name . . . Shabuot – the third major pilgrimage festival – could not, on the other hand, enjoy a place in the semi-annual layout of a calendar oriented towards the vernal and autumnal equinoxes and was, subsequently, eleminated (sic!) from the Israelite festival calendar" (*Origin and Transformation,* 124).

equivalent) nor fell near the equinoxes, was impossible to incorporate into this new festival system and so was unceremoniously eliminated. The firstfruits offering itself, however, continued to play a significant role in Ezekiel.[45]

3.4 Leviticus 23:9-22: Dissolution and Reconstruction of the Land

This idea that the land might be converted into a space that both participates in and enables Israel's entry into Yahweh's covenant is also seen in the H text of Lev 23:9-22, the most extensive and complex case of firstfruits ritual in the whole of the Hebrew Bible. This passage, which occupies a full third of the chapter's ritual calendar, combines offering categories similar to P's – *ʻōlâ*, *ḥaṭṭāʼt*, *zebaḥ šĕlāmîm*, etc. – with additional items like the *ʻōmer* offering (vv. 9-14) and the leavened loaves of *bikkûrîm* (v. 17). It also presents an explicit system of counting the days to the celebration of firstfruits that is similar to that found for the feast of *šabūʻōt* in Deut 16:9 (and unlike Deuteronomy, provides for actual firstfruits offerings in its festival). Representing a further significant departure from parallel calendars is the coda to the holiday, which comprises a non-ritual piece of social legislation tied to the firstfruits offering's role in marking the conclusion of the grain harvest.

The firstfruits rite itself is composed of two separate occasions: the offering of the *ʻōmer* at the opening of the harvest and the presentation of *bikkûrîm* gifts fifty days later, during the day of firstfruits proper. The opening rite requires that the first *ʻōmer* of grain, designated as the *ʻōmer rēʼšît,* be collected and brought to the priest, who takes it and offers it as a *tĕnûpâ*. On the same day, a yearling lamb is offered as an *ʻōlâ*, accompanied

[45] See Chap. 5.

by *minḥâ* and *nesek* offerings. Consumption of grain from the new harvest is forbidden until these rites are completed. Seven weeks/fifty days after the completion of the *ʻōmer* rites, two leavened loaves of bread are presented to the priest as *bikkûrîm*, who offers them as *tĕnûpâ*. Along with the bread, *ʻōlâ*, *ḥaṭṭāʼt*, and *šĕlāmîm* offerings are provided. After detailing the offerings, the text instructs that the day will be considered a *miqrāʼ-qōdeš*. The instructions then close with a demand that the fields shall not be completely harvested, but that some portion should be left for poor Israelites and resident aliens.

The chapter's terminology superficially mirrors the definitions of *bikkûrîm* and *rēʼšît* offerings from Leviticus 2, but it in fact departs from them in significant ways.[46] The *ʻōmer* offering is defined in Lev 23:10 as *rēʼšît*: "then you will bring an *ʻōmer* of the *rēʼšît* of your harvest to the priest" (*wahăbēʼtem ʼet-ʻōmer rēʼšît qĕṣîrkem ʼel-hakkōhēn*). Yet the content of this offering mostly qualifies as *bikkûrîm* under the rubric developed in Lev 2:14-16: an unprocessed grain that does not include leaven or honey. The only significant distinction from the *bikkûrîm* material described in Lev 2:14-16 is that the *ʻōmer* offering does not include oil or incense (it is unclear whether the material of the *ʻōmer* is processed into meal), and it is offered as a *tĕnûpâ* rather than having a token portion turned into smoke. In 2:14-16, turning the token portion of the *bikkûrîm* into smoke made it into a fire-offering (*ʼiššê*), and thus qualified it as a type of *minḥâ*. In this text, the *ʻōmer* offering is accompanied by a *minḥâ* (which is made in the ritual into an *ʼiššê*), but because the *ʻōmer* offering itself is not made into an *ʼiššê* it does not meet the basic offering requirement for *minḥâ*.

---

[46] Milgrom, *Leviticus*, 3:2004. H texts usually concur with their P predecessors in the definition of ritual terms.

The offering actually defined as *bikkûrîm* in Lev 23:17-20 departs even more significantly from the requirements of Leviticus 2. Here, two loaves of leavened bread made from wheat *sōlet* are presented, also by means of *tĕnûpâ*. Although they, like the *bikkûrîm* in 2:14-16, are designated for the priest (by being consecrated to Yahweh), they are not turned into smoke on the altar; of course, they also violate the strictures in Lev 2:12 against offering leavened goods in this space. Furthermore, as outlined above, *bikkûrîm* offerings in Leviticus 2 are more amenable to the period of the barley harvest than the wheat harvest, in part because of the shared language between Leviticus 2:14 and dietary stipulations surrounding the *ʻōmer* in 23:14. These discrepancies indicate that, in this instance, H did not consider itself bound to the terminological categorizations of P. Nor does it slavishly follow earlier agricultural calendars, a fact most noticeable in its failure to designate the day of the *bikkûrîm* as a *ḥag* – a label that is its defining feature in both Exodus and Deuteronomy – but instead assimilates it to its own system of *miqrāʾê-qōdeŝ*. Instead, in the firstfruits ritual cycle, H demonstrates significant independence from all of its predecessors, cobbling together previous festival systems with its own constructions to make a new creation.[47]

The new ritual code of the firstfruits offering melds agriculturally-based ritual practices with P's system in an effort to enhance the authority of the offerings promoted by P's ritual structure. During both the day of the *ʻōmer* and the day of *bikkûrîm*, rituals that are clearly based on the practicalities of the harvest year are intertwined with P's system, which had required no such sensitivity to agricultural imperatives. In both cases P's contributions are obvious, but they are brought together by the text in such a way that

[47] Nihan, "Festival Calendars," 227-28.

they are inextricably entwined with the agricultural foundation with which they are combined. The problems that the editors of Leviticus 23 had in combining the agricultural aspects of the agricultural festival calendar with their own, P-inspired calendar are clear from the pains that they took to describe both the day for the *ʿōmer* and the day for the *bikkûrîm*, and in the elaborate rhetorical strategies that they used to tie the two together without inappropriately mixing them.

The pre-exilic agricultural festival calendars witnessed by Exod 23:14-17, 34:18-24, and Deut 16:1-17 did not envision festival celebrations at fixed moments of the calendar; instead, these dates were primarily aligned with the observed ripening of the crops (with the exception of the final fall harvest festival, which was partly related to the autumnal equinox). The festival calendar in Leviticus 23 represents a compromise between the festival calendars of the Deuteronomist and Yahwist and a competing calendar, designed on the Babylonian model (and evident in Ezekiel 45:18-25). The festivals of the pre-exilic calendars were organized solely around the three critical moments of the yearly harvest, while the Babylonian was constructed around the commemoration of the vernal and autumnal equinoxes and made no particular provision for the crops, pegged as it was to the solar phenomenon of the equinox. The full Leviticus calendar represents the outcome of a struggle between exilic groups wedded to the Babylonian calendar and those who had continued to utilize the three-festival seasonal calendar.[48]

---

[48] Wagenaar claims that the firstfruits feast of *šābuʿôt*, which unlike *pesaḥ/maṣṣôt* and *sûkkôt* could not be easily assimilated into the Babylonian structure, was first eliminated entirely from the P version of the Leviticus calendar, and then re-established in expanded form by a post-priestly editor (*Origin and Transformation*, 146-53). Contra Nihan, "Festival Calendars," 227-28.

3.4.1 The *ʻōmer* Rite

The *ʻōmer* rite in Leviticus 23 is unique among biblical festival calendars. Exod 23:16 considers the festival of the wheat harvest (*ḥag haqqāṣîr*) only in relation to the time of the actual culling of the crops, rather than its chronological distance from *maṣṣôt*, and provides no starting date to count the weeks toward the harvest. Deut 16:9-12, which also commands that the celebration of firstfruits take place in harmony with the observed period of harvesting, ordains that the offering take place at a specified period after the beginning of the grain harvest. However, the first cutting of the grain is not a ritual event in Deuteronomy, but rather simply the occasion for beginning the countdown toward the festival of *šabūʻōt*. Exod 34:22 (which most likely post-dates Deuteronomy) implicitly has a counting period, as its firstfruits festival is designated the *ḥag šabuʻōt*, and marks the time of the "firstfruits of the wheat harvest" (*bikkûrê qĕṣîr ḥiṭṭîm*). Num 28:26-31, as will be clear below, seems to recognize the existence of counting weeks but does not really incorporate it into its ritual system.

Therefore, where it exists outside of Leviticus 23, week-counting is a technical exercise, designed for the purpose of determining the parameters of the grain harvesting season. The firstfruits offering that accompanies the ending of this season in these other texts marks the counting's practical outcome: the close of the main period of grain harvesting.[49] In contrast, in Leviticus 23 the practical purpose of counting the weeks is sublimated into the ritual marking the harvesting of the first *ʻōmer*, and the technical act of the counting is transformed into sabbath units and applied to the *bikkûrîm* rite (vv. 15-

[49] According the Gezer calendar, this period is succeeded by the months devoted to gleaning. Wagenaar, *Origin and Transformation*, 17; Reeves, "Firstfruits of Wine," 359. This moment for gleaning is uniquely recognized in the Hebrew Bible in Lev 23:22.

16). The *ʿōmer* ritual details the bringing of specific cultic offerings and the rites for their disposition. It marks the beginning of a new period in the year, and a separation between the materials of successive grain harvests, by making the extra-ritual consumption of foodstuffs from the new harvest contingent on the completion of the rite.[50] By categorizing the grain of the harvest into distinct years, it imposes formal order on the harvest season.

Nevertheless, although the *ʿōmer* day's elevated status is confirmed by the text's instruction that the celebration of its rituals should be "an everlasting statute throughout all your generations, in all your settlements" (*ḥuqqat ʿôlām lĕdōrōtêkem bĕkōl mōšĕbōtêkem* 23:14), it is not defined as a *miqrāʾ-qōdeš*, nor is there any provision for refraining from work on that day. The text's failure to mark the day in this way sends an important ritual signal: despite its distinction, it is nevertheless still an adjunct of the main day of firstfruits. The offering of the *ʿōmer*, while marking the beginning of the harvest with a ritual event rather than a simple counting notice, remains the precursor for the day of firstfruits rather than functioning as its own distinct holiday.

This failure to mark the day of the *ʿōmer* as a *miqrāʾ-qōdeš* also means that the *ʿōmer* rite is not ritually separable from the *bikkûrîm* festival that follows. This fact is emphasized by the introduction of the entire pericope dealing with the *ʿōmer* and *bikkûrîm* rites with direct speech from Yahweh to Moses: "Yahweh said to Moses, 'Speak to the sons of Israel and say to them'" (*wayĕdabbēr yĕhwāh el-mōšê lēʾmōr dabbēr el-bĕnê yisrāʾēl wĕʾāmartā ʾălēhem*) (vv. 9-10). Similar or identical phrases also

---

[50]Although the text is not specific about the temporal provenance of the material that it prohibits, enjoining the audience against consuming *leḥem wĕqālî wĕkarmel*, the commandment would make no sense if applied to foodstuffs from the previous year. Furthermore, the reference to *karmel* points to freshly harvested grain.

introduce three other ritual segments in this chapter: the chapter itself (vv. 1-2, phrasing identical to vv. 9-10), the two non-festival holidays of the seventh month (*wayĕdabbēr yhwh el-mōšê lē'mōr dabbēr el-bĕnê yisrā'ēl lē'mōr*, vv. 23-24), and the first account of the feast of *sukkôt* (vv. 33-34, identical to vv. 23-24). The insertion of this phrase in these locations is a kind of literary "bullet point" that marks the ritual events that the chapter considers the major constitutive elements of its ritual calendar: (1) *maṣṣôt,* (2) *'ōmer*/*bikkûrîm,* (3) holidays of the first and tenth days of the seventh month, and (4) *sukkôt*.[51] The inclusion of the entire *'ōmer*/*bikkûrîm* complex of rites under one of these bullets makes it clear that the text envisions both events as one extended ritual action.

While the agricultural provenance of the firstfruits festival is emphasized by incorporating a day for the *'ōmer* and elevating its ritual status, the event is also a witness to the blending of P-inspired rites with agriculturally-based rituals. The day of the *'ōmer* is the occasion of two separate offerings: the provision of the *'ōmer* itself, (presented as a *tĕnûpâ)*, and the offering of a lamb as an *'ōlâ*, accompanied by grain and libation offerings. The text does not explicitly link the rites to each other, except by noting that the *'ôlâ* is offered on the same day as the *'ōmer* (23:12). By its statement, "on the day when you elevate the *'ōmer*, you will offer a yearling lamb without blemish to Yahweh" (*wĕ'ăšîtem bĕyôm hănîpkem 'et-hā'ōmer kebeś tāmîm ben-šĕnātô lĕ'ôlâ layhwh*), the text makes clear that the *'ôlâ* offering is *not* part of the same ritual process as the *'ōmer*. Instead, the day for the *'ōmer* is only a marker for a separate, P-inspired offering that should be given during the same day. Through this juxtaposition of rites, the text is able

---

[51] The sabbath injunctions in v. 3 are likely an interpolation designed to heighten the sabbath's status to a level equivalent to the other holy days on the calendar. Knohl, *Sanctuary of Silence*, 14-19; cf. Nihan, "Festival Calendars," 227.

to preserve both offering institutions without undermining the ritual conventions of the priestly *ʻôlâ* by improperly mixing it with the non-P *ʻōmer*.

The conclusion of the passage, however, muddies the previous distinction between the *ʻōmer* and the *ʻôlâ* by prohibiting the consumption of grain from the new harvest "until the very day, when you have brought the *qorban* of your God" (*ʻad-ʻeṣem hazzê ʻad hăbîʾăkem ʻet-qorban ʾĕlōhēkem*). By using the singular *qorban* instead of plural *qorbānôt*, and by failing to provide a specific antecedent for *qorban*, the text elides the distinction between the *ʻōmer* offering and the priestly *ʻôlâ*, suggesting (without overtly prescribing) that they should be understood as an indivisible part of the *ʻōmer* day despite their previous presentation as separate rites.

The unusual concatenation of the two rites reflects the compromise between P's spartan offering system and the valorization of agricultural rites represented by the *ʻōmer*. By transferring, via *tĕnûpâ*, a token portion of the new harvest from the offerer to Yahweh, the text recognizes that the *ʻōmer* has a justified place within the cultic system, despite its appearance as an innovation. The *ʻôlâ* and its accompanying *minḥâ*, on the other hand, is not related to the agricultural cycle, but are offerings typical of the P ritual system (note the similarity of the accompanying offerings to Numbers 28:3-10). By anchoring the *ʻōmer* offering to the priestly *ʻôlâ*, while carefully leaving them unmixed, this text manages to advance the priestly offering system while also using it to sanctify one of the critical cycles of older agricultural calendars.

3.4.2 Seven Sabbaths: Ordering Liminal Time

By declaring the observation of the *ʿōmer* rituals "an everlasting statute" but neglecting to close off this ritual occasion with a declaration of the day as a *miqrāʾ qōdeš*, the entire interval of counting down toward the day of *bikkûrîm*, which *is* a *miqrāʾ qōdeš*, is designated as a ritually significant period of time. The very act of counting is tremendously important to the ritual; its significance is underlined by the repeated injunctions to count the days between the *ʿōmer* rite and *bikkûrîm*, injunctions that fill two full verses (23:15-16). This repetition articulates the period of the count as a critical liminal period in the year; the counting emphasizes the unresolved outcome of the harvest, which could be interrupted at any time by unseasonal weather or other agricultural calamities. While the harvest period itself may be extremely busy, the text makes no explicit mention of harvest activities. Instead, the lugubrious repetition of the counting slows the ritual action to a crawl. The text's audience ends up enacting the literary equivalent of watching a pot boil, where the very concentration on the substance of the counting action both impedes and heightens anticipation for the onset of the goal.

The text itself couples the day of the *ʿōmer* rite with the counting's resolution on the day after the seventh sabbath: "You will count, from the day after the sabbath, when you offer the *ʿōmer* by *tĕnûpâ*, seven sabbaths; they will be complete [*tĕmîmōt*]. You will count until the day after the seventh sabbath, fifty days" (vv. 15-16a). The coincidence of the *ʿōmer* offering and the harvest countdown's initiation to the *minḥâ ḥădāšâ* emphasizes the task that that must be fulfilled in order to bring the promise of this first offering to fruition. The juxtaposition of "the day after the sabbath" with "the day after the seventh sabbath" emphasizes the burden of the intervening period: seven sabbaths,

simply put, is a long time. This lengthy period is made to appear greater by the combination of the number seven, which denotes completeness, with the sabbath, a numerical unit with special connotations of fulfillment and perfection.[52]

The harvest period's "perfection" is the primary theme of the passage. The perfection of the counting period in the seventh sabbath fully renews Israel's source of sustenance. It also marks the congregation's own perfection and revitalization by grain from the new harvest, the eating of which is authorized by the rites of the *'ōmer* offering (v. 14). Therefore, while the harvest period is a time of danger, it is also the time during which the people refresh themselves with grain from the new crop; the people as well as the crops "germinate" during this liminal period. Their renewal increases during the period of the counting, culminating as the harvesting of the crop ends and the people bring the "new grain offering" to Yahweh.

The text's explicit notation that the *minḥâ ḥădāšâ* offering will take place after fifty days (23:16) demonstrates the completeness of the harvest period, and affirms that the germinating harvest now lacks nothing in the way of sustenance for the people. The addition of the extra number beyond forty-nine (seven times seven) does not distort the "perfect" number signified by the seven multiples of seven but enhances it, just as children in the schoolyard know that the highest possible number is "infinity plus one."[53] The "complete" or "perfect" counting period of seven sabbaths is enhanced by the "fifty

---

[52] For the ancient Near Eastern and biblical use of the number seven, see the essays in Gotthard Reinhold, ed., *Die Zahl Sieben im Alten Orient: Studien zur Zahlensymbolik in der Bibel und ihrer altorientalischen Umwelt* (Frankfurt am Main/New York: Peter Lang, 2008).

[53] Milgrom, *Leviticus,* 3:1999. Cf. his discussion of the numbers eight and nine, ibid., 1:571. For relation to the Jubilee, see ibid., 3:2163, 66. The amplification of a number by adding another has important analogies to James Kugel's evaluation of Hebrew poetry, where the second of two parallel poetic lines subtly enhances the claim of the first – an effect given dramatic numerical form in the first two chapters of Amos. See his *The Idea of Biblical Poetry: Parallelism and its History* (New Haven: Yale University Press, 1981), 1-58.

days." This numerical enhancement finds its material expression in the "*minḥâ ḥădāšâ*," which is the logical culmination of the *ʻōmer* offering.

3.4.3 The *bikkûrîm* Rite

As on the day of the *ʻōmer* offering, on the day of *bikkûrîm* proper (vv. 15-21), P and non-P offerings are initially presented separately and then subsequently brought into partial combination. The description of the required offerings begins with the eponymous offering for the day: the two leavened loaves of bread, labeled *bikkûrîm*, that are brought from multiple dwellings throughout the land to be presented via *tĕnûpâ* (v. 17). Along with the bread, a set of *ʻōlâ* offerings are provided. Accompanying both the *bikkûrîm* and the *ʻōlâ* are one male goat (*śĕʻîr-ʻîzzîm*) as a *ḥaṭṭāʼt*, and two yearling lambs as *zebaḥ šĕlāmîm* (vv. 18-19). The text then specifies that the two lambs of the *zebaḥ šĕlāmîm* be presented by the priest via *tĕnûpâ* along with the loaves of the *bikkûrîm* offering, after which they will pass as newly consecrated objects into the priest's possession.

The text neither indicates the order in which the *bikkûrîm*, *ʻōlâ*, *ḥaṭṭāʼt*, and *zebaḥ šĕlāmîm* rites should occur, nor makes distinctions about what it means for an offering to be brought "with" (*ʻal*) the *bikkûrîm*, according to the formulation used for describing the relationship of both the *ōlâ* (*wĕhiqrabtem ʻal-halleḥem* v. 18) and the *zebaḥ šĕlāmîm* (*wĕhēnîp hakkōhēn ʼōtām ʻal-halleḥem habbikkûrîm tĕnûpâ*, v. 20). The text's order initially seems to indicate that the *ʻōlâ* offerings would be given immediately after the presentation of the *bikkûrîm* as *tĕnûpâ*; this appears to be the implicit meaning of the phrase *wĕhiqrabtem ʻal-halleḥem* at the beginning of v. 18. However, it later makes clear in v. 20, the final statement on the day's offerings, that the two lambs of *zebaḥ šĕlāmîm*,

which are not introduced until the end of the series of meat offerings in vv. 18-19, are to be presented with the bread of *bikkûrîm* by means of *tĕnûpâ*.

The first question about this text's ritual order is why it details the *'ōlâ* offerings, which have no intrinsic ritual connection to the *bikkûrîm* loaves, before the two lambs of the *zebaḥ šĕlāmîm*, which are offered as part of a *tĕnûpâ* rite with the *bikkûrîm*. Furthermore, why does it claim that both they and the *zebaḥ šĕlāmîm* should be offered "with the bread" (*'al-leḥem*), when only one of these items is actually included in a ritual act with the *bikkûrîm* loaves?

First, the expression *'al-leḥem* does not require the *'ōlâ* to be offered simultaneously with the *bikkûrîm* bread; in a similar ritual situation in Num 15:9, for example, the preposition *'al* is used to indicate only that *minḥâ* offerings are meant to accompany a meat offering in the same omnibus ritual (*wĕhiqrîb 'al-ben-habbāqār minḥâ*). Because the *'ōlâ*, *zebaḥ šĕlāmîm*, and *minḥâ* are separate categories of offering, each requiring its own offering rite, the requirement in Lev 23:18 that the *minḥâ* should be given "with" the meat offerings implicitly means that they would be presented sequentially as part of an omnibus rite, with the meat offering presumably coming first in the ritual order. Following this use of the term, we can assume that the *'ōlâ* and *hattat* offerings are not meant to be made directly with the *bikkûrîm* bread, but as part of a sequential series of offerings that together comprise a single rite.

But why does the *zebaḥ šĕlāmîm* offering come last in the series of meat offerings, when it is the one that is most closely associated with the *bikkûrîm*, which would lead one to expect that it should be presented first? An obvious answer is that the meat offerings are presented in order of their importance in the P ritual scheme, following

the order of presentation found in Leviticus 6-7.[54] Presenting the meat offerings in their "normal" order has an important advantage: it enables the *zebaḥ šĕlāmîm* to be presented as part of the regular P order of sacrifices and also as an inextricable part of the exceptional *bikkûrîm* offering. *zebaḥ šĕlāmîm* appears at the end of the offering list that constitutes vv. 18-19, directly before the instruction that it should be offered with the *bikkûrîm* bread as a *tĕnûpâ*. The textual occurrences of the distinctive H offering of this text, the *bikkûrîm*, therefore envelop the P meat offerings, and the *bikkûrîm* is ineluctably tied to the P cult by being combined with the *zebaḥ šĕlāmîm* in a *tĕnûpâ* rite. The exceptional H rite of *bikkûrîm* is legitimized by the P offerings that it surrounds in the text, and by its ritual combination with the final offering in this series.

3.4.4 Firstfruits and the Land

Firstfruits takes on such an outsized role in Leviticus 23 because this text plays a critical part in making the physical land where the people dwell an index of their relationship with Yahweh. The rite is essentially an offering for Yahweh to provide agricultural health and bounty, recognizing that unless the land is productive over the entire period of the harvest cycle, existence for the people in this promised place will become impossible. By mixing the agricultural *ʻōmer* and *bikkûrîm* offerings with a separate set of P-inspired sacrifices, the text signals that agricultural prosperity and fealty to Yahweh and his cult are inseparable. In contrast to P texts where Yahweh directly

---

[54] Leviticus 1-5, which attests a different order of sacrifices (*ʻōlâ, minḥâ, zebaḥ šĕlāmîm, ḥaṭṭāʾt, ʾāšām*) from Leviticus 6-7 (*ʻōlâ*, *minḥâ*, *ḥaṭṭāʾt*, *ʾāšām*, *zebaḥ šĕlāmîm*), groups its sacrifices into two categories: those designed for communication with Yahweh (*ʻōlâ, minḥâ, zebaḥ šĕlāmîm*), and those intended for reparation (*ḥaṭṭāʾt*, *ʾāšām*). While the order of importance within each category is indicated, the relative status of offerings across categories is not. Leviticus 6-7 does not separate offerings into categories, and so is a more reliable guide to their absolute status within the priestly schema.

attacks those who fail the requirements of the cult (e.g. Lev 10:1-3), here Yahweh's displeasure is manifested through the land itself. Rituals marking and encouraging the land's continued fructification are critical to determining Israel's status as determined by its covenant with Yahweh.

The opening statement, "When you come into the land that I am giving to you," (*kî-tābō'û 'el-hā'āreṣ*, 23:10) provides the theological underpinning of the firstfruits rite in Leviticus 23. This opening indicates that the performance of the firstfruits rites is contingent upon entering the land, and the *kî* clause introducing the firstfruits rites appears nowhere else in the chapter.[55] This concern coheres with the Holiness Code's general interest in the land, which emphasizes three related themes: (1) Israel's required submission to Yahweh as the ultimate owner of the land (Lev 25:18-19), (2) the defilement of the land that results from failing to submit to Yahweh's instructions, which is a problem for Yahweh since it is his permanent possession (see esp. Lev 18:24-30), and (3) the requirement that the order of the land's sub-division among the tribes and their constituent clans should be permanent for the period of their tenancy there (Lev 25:23-34). The Holiness Code presumes that the land is permanently owned by Yahweh and tenanted to the various Israelite tribes.[56] Yahweh's primary interest as owner of the land is to prevent its defilement, which in Lev 18:25, 28 and 20:22 would cause the land to "vomit out" (*qy'*) its tenants.[57]

---

[55] The only other festival in Leviticus 23 that mentions residence in the land is the supplement to the feast of *sukkôt*, Lev 23:39.

[56] Nihan, "Festival Calendars," 216.

[57] On the relationship of the sensitivity of the land to the violation of legal precepts, see Jonathan Vroom, "Recasting *Mišpāṭîm*: Legal Innovation in Leviticus 24:10-23," *JBL* 131 (2012): 27-44. On vomiting and its relationship to land pollution in Leviticus, see Brent A. Strawn, "On Vomiting: Leviticus, Jonah, Ea(a)rth," *CBQ* 74 (2012): 445-64, and Stackert, "Sabbath of the Land."

In Leviticus 26, the land plays an active role in Israel's fate. First, the blessings mentioned at the beginning of the chapter begin with agricultural productivity: proper quantities and timing of rains, which leads to abundant harvests (26:4-5). Only after the primary blessing of productive agricultural land does the text mention the other benefits – salvation from dangerous wildlife and marauding armies – of adhering to the covenant. The curse formulation follows a similar pattern, although in this case human illness precedes agricultural failure in the order of disasters that will befall a transgressing Israel. Finally, and most noticeably, the land's degradation, which leads to Israel's expulsion, will be paid for (*rṣh*) by the "sabbath" occasioned by its abandonment (Lev 26:34: "Then the land will pay for its sabbaths, all the days when it is desolate, while you are in the land of your enemies; then the land will rest and it will have its sabbaths restituted").The land's abuse stemming from Israel's failure to adhere to their covenant with Yahweh is the cause of their expulsion from it, and this expulsion is simultaneously the solution to that abuse. While the text does not explicitly explain the land's problems in terms of objective environmental degradation, the moral and ritual defilement caused by the Israelites achieves the same result: a damaged land is unable to support any substantial human population. Since the land's inhabitants are capable of debasing it so severely, Yahweh must be on guard against the devaluation of his prized property.

All of these concerns bear strongly on the firstfruits rites in Leviticus 23, and especially its innovative institution of reckoning harvest time by sabbaths. The dire consequences for transgressing Yahweh's statutes are not directly created by Yahweh himself, but are instead motivated by the illness of the land. The land itself does not tolerate ritual and especially moral defilement, and it responds by throwing out the ones

who have caused its sickness. By making the land itself the punishing agent, the author transforms it into the barometer of Israel's adherence to their agreement with Yahweh. The land becomes a true index of covenant fidelity, and its sickness is implicitly reflected in the firstfruits ritual, as a people who have poisoned the land so greatly will be unable to offer the firstruits that will allow them to fulfill their cultic obligations.

3.4.5 Firstfruits and Jubilee

The construction of the firstfruits cycle in Leviticus 23 on the institution of the sabbath, and its particular extension to the enhanced perfection of the fifty days, parallels the institutions of the sabbath years and the Jubilee from Leviticus 25, the culminating chapter of the Holiness Code's regulations. Such an association is probably not an accident; it is likely that the festival calendar and Jubilee regulations were intended by the editors to mirror each other.[58] The calendar draws the audience's attention to the sabbath and Jubilee institutions in Leviticus 25, which address the holiness and perfection of the land and its people in very similar ways.

The start of the Jubilee year is correlated not with the day of *bikkûrîm* but with *yôm hakkippurîm* (Lev 25:9-11). Just as *yôm hakkippurîm* is the day designated for removing inadvertent cultic transgressions and thereby bringing about the ritual renewal of the congregation, so the Jubilee repairs the inevitable entropy of Israel's original,

---

[58] Young Hye Kim, "The Jubilee: Its Reckoning and Inception Day," *VT* 60 (2010): 147-51. On the thematic use of the sabbath in the Holiness Code, see Andreas Ruwe, *Heiligkeitsgesetz und Priesterschrift: Lieteraturgeschichtliche und rechtssystematische Untersuchungen zu Leviticus 17,1-26,2* (FAT 26; Tübingen: Mohr Siebeck, 1999), 91-98, and Stackert, "Sabbath of the Land."

divinely ordained divisions of land tenure, renewing Israel's social and political order.[59] Furthermore, if the geographical order of Israel's tribes is understood as an extension of the properly ordered space of the sanctuary (see the H and H-related texts in Numbers 2 and Ezekiel 48), then the Jubilee is also responsible for maintaining the correct ordering of sanctuary space.[60] *yôm hakkippurîm* and the Jubilee perform complementary functions, which is undoubtedly why the editors of these two texts took pains to point out that the Jubilee's starting date would be on *yôm hakkippurîm* .

However, firstfruits in Leviticus 23 also shares important characteristics with *yôm hakkippurîm* and Jubilee. First, while *yôm hakkippurîm* and Jubilee are times for renewal and self-abnegation, they also represent a moment of great safety for the congregation. By definition, the dangerous disorder of the congregation is eliminated during this period, and the threat of destruction stemming from the disorder that would otherwise hang over Israel is removed. Likewise, the congregation's well-being is secured on the day of *bikkûrîm*, as it ritually marks the conclusion of the harvest cycle for grains, the most important staple crop and one of the most vulnerable to the vagaries of weather, disease, and armed incursion.

While Leviticus 23:9-21 does not spell out the danger of the harvest period, its focus on the long counting between the *'ōmer* and the *bikkûrîm* demonstrates that it recognizes the jeopardy that the ripening crops face during this span. As the crop matures, it becomes more complex. The plants go from being simple seeds to an intricate organism that is capable of spawning great abundance, but they are also more vulnerable

---

[59] While the text does not explicitly set out all of the clan boundaries, the account of the daughters of Zelophehad, and particularly the final narrative passage of Numbers (36:1-12), sets out the concern with ensuring the eternal maintenance of family land holdings through the mechanism of the Jubilee.

[60] Robert S. Kawashima, "The Jubilee Year and the Return of Cosmic Purity," *CBQ* 65 (2003): 370-89.

to the corruptions of disease, vermin, weather, or human marauding; if the stalks are not cut and stored in time, their nutritive capability will be lost. The increasing danger of the field's mounting complexity is finally eliminated when the crop is reduced again to simple seeds in the harvest and threshing. The division of the harvest period into sabbath units subjects the otherwise unstable period of the harvest to the strictures of divinely structured time.

Similarly, while the Jubilee year is a safe moment when the land returns to its pristine, divinely ordained order (and is thus implicitly under Yahweh's full protection), the period between Jubilees marks a time of mounting disorder within the congregation as the initial land allocations to the people degenerate, a situation that requires periodic restitution. When the land is utilized for agriculture in the *'ōmer* and *bikkûrîm* texts, the increasing complexity of the agricultural ecosystem, while necessary, also leads to instability. The text recognizes that engaging in normal economic activity will inevitably produce winners and losers, but the problem with this practical result, aside from complications for social justice within the community, is that it elides the category markers that stabilize a properly functioning society. The macro-social side effects of Israel's necessary economic life (even within the utopian society envisioned in the text) causes a disordering of the precisely arranged temple *writ large*.[61]

The temple community relies on maintaining boundaries that approximate in the land a tribal ordering similar in its categorization function to that laid out in Numbers 2. This need to preserve the original tribal structure, in fact, is the very point of the H texts in Numbers 27:1-11 and 36:1-12 that deal with the inheritance due to Zelophehad's

---

[61] Kawashima, "Jubilee Year," 383.

daughters. In these passages, the author's concern is not with the rights of the daughters *per se*, but with the problem of inheritance customs that would permanently disfigure the pristine social landholding order that will obtain once the tribes are ensconced in the land.[62] The counting by sabbaths that leads to the Jubilee, then, points toward the preservation of this order as the divinely ordained category of the sabbath period is utilized to manage increasing levels of entropy. As the land's boundaries degenerate, the text appeals to an archetypal order of time to emphasize the promise (and obligation) to eliminate the disorder of the land at the appropriate time.

In addition to the congruence in sabbath counting, the festival cycle leading up to the day of *bikkûrîm* contains other important themes that correlate closely with ideas expressed in Leviticus 25. The firstfruits festival in Leviticus 23 is specifically related to the land; the introductory verse, "when you enter the land that I am giving to you" (*kî tabō'û 'el-hā'āreṣ 'ăšer 'ănî nōtēn lākem*), is not found anywhere else in the chapter. This opening is identical to that of Leviticus 25, and together they constitute two of only three places where such a phrase is found in the Holiness Code (the only other is in Lev 19:23, also a firstfruits passage). This preamble emphasizes the linkage between these texts and trains attention on their purpose: the proper handling and amelioration of increasingly unstable complexity in the related fields of agriculture and land ownership.

The introduction to the specific legal obligations for the Jubilee bases these requirements on its claim that "the land cannot be sold irrevocably, because the land is mine, since you are resident aliens and sojourners (*gērîm wĕtôšābîm*) with me" (Lev 25:23). It is for this reason that the population must allow land that has been sold to be

---

[62] Ibid., 379-83.

redeemed: Yahweh must always have the final right of allocation of the land, and as landlord has the right to attach conditions and limits to the land's use. This passage's comparison of the people on the land to *gērîm wĕtôšābîm* and the consequences that flow from that designation echoes the command in Lev 23:22, immediately following the conclusion of the *bikkûrîm* rites, that the people should leave a portion of the produce of their fields for the poor and the resident alien to collect (*le'ānî wĕlaggēr ta'ăzōb 'ōtām*).[63] Nowhere else in Leviticus 23 is such social legislation linked to ritual events, and the association of this demand with outsider groups presages Leviticus 25's association of the entire nation of Israel with outsiders.[64]

Even more strikingly, Lev 23:22 ends with the affirmation *'ănî yhwh 'ĕlōhêkem*, a phrase frequently used in the Holiness Code,[65] and particularly typical of Leviticus 19 and 25, the latter of which closes with this statement (25:55). The phrase is used elsewhere in Leviticus 23 only in v. 43, at the close of the calendar supplement providing additional information about the feast of *sukkôt*. Limiting the use of the phrase *'ănî yhwh 'ĕlōhêkem* in the main festival calendar to only the firstfruits cycle, and using it after an injunction drawn from the compendium of Holiness precepts that make up Leviticus 19, indicates that the author wants this ritual complex in particular to be understood against the general background of the Holiness Code: to be, in a fashion, the primary expression of the Holiness Code within the calendar.

---

[63] Cf. similar analogies between Yahweh, Israel, and the poor developed in Chap. 2.

[64] Nihan also points to the link between the firstfruits and gleaning in Lev 19:8-10 and 23-25 (*Priestly Torah*, 214).

[65] *'ănî yhwh 'ĕlōhêkem*: Lev 18:2, 4, 30; 19:2, 3, 4, 10, 25, 31, 34; 20:7, 24; 23:22, 43; 24:22; 25:17, 38, 55; 26:1, 13 // *'ănî yhwh*: Lev 18:5, 6, 21; 19:11, 14, 16, 17, 28, 30, 32, 37; 21:3, 8, 30, 33: 26:2, 45

The very process of "gleaning," again performed by outsider groups, is also similar to the actions Israel must perform during the sabbath years in Lev 25:2-7, when no planting may be done but when the people and their livestock may consume what grows naturally on the land.[66] During the sabbath year, all Israelites are functionally "poor," and the requirement that all land has to be returned to its original owners is predicated on the text's construction of all Israelites as outsiders, *gērîm wĕtôšābîm*. The injunction in Lev 23:22 reinforces the idea that all of Israel is equivalent to these outsider groups. This coda to the firstfruits cycle not only provides a measure of social justice for actual outsider groups, but works as an implicit *qal wĕḥōmer* argument. Since Israel has no inherent right to the land, the sustenance that is derived from it depends on the generosity of its divine benefactor. The entire nation, as envisioned by this text, is gathering the gleanings of the field.[67]

3.4.6 Firstfruits and H's Theological Vision

The firstfruits textual ritual in Leviticus 23 accomplishes an extraordinary number of rhetorical and theological tasks, revolutionizing the Hebrew Bible's cultic calendar and firmly placing its audience within a very particular conception of time, land, and community. It unites the older agricultural festival calendar with the imported Babylonian system, solidifying the authority of the P school while also reaching out to encompass agricultural festivals and practices not easily assimilated to P's offering system. As an occasion valorized only by its identification as a *miqrā'-qōdeš*, it substitutes H's system

---

[66] Stackert, "Sabbath of the Land," 243.

[67] Nihan points out that Leviticus 25 constructs all of Israel as a temple-state along the lines of independent temple estates known from Mesopotamia, where the people work the land under the auspices of the divine governor (*Priestly Torah*, 535).

of sacred times for the older calendars' pilgrimage cycle, while at the same time using the motifs of the agricultural cycle to promote important H theological conceptions.[68] It systematizes and sanctifies the dangerous period of the harvest, and in the process fashions both the land and its residents – the hearers of the text – into a properly ordered encampment reflective of H's vision of the ideal divine community. By linking firstfruits to the comprehensive vision of land and sanctuary constructed in the Jubilee, Leviticus 23 enhances the status of the firstfruits offering to a level not seen in any other biblical festival calendar. This text constitutes a rhetorical appeal to Israel to regard themselves and their use of the land as part of a comprehensive temple community, in which concepts of social justice and social and cultic order are inextricably bound to each other.

3.5 Leviticus 27: Affirming Covenantal Responsibilities

After using firstfruits to such powerful effect in Leviticus 23, the closing chapter of Leviticus changes the focus of attention from firstfruits to tithe offerings. This chapter presents three major issues relating to firstfruits and tithe offerings: (1) the prominent location of the tithe offering, which is the final regulation presented in the entire book of Leviticus, (2) the specific requirement for an animal tithe, which is not found in other biblical regulations on tithes, and (3) the notable absence of regulations on firstfruits, despite the chapter's focus in its latter portions on the rules governing firstborn animals, items that are deemed *ḥērem*, and tithes, all of which are usually found in conjunction with firstfruits in H texts.

Leviticus 27 concerns problems arising from the consecration (either voluntary or compulsory) and withdrawl of certain items to the service of the sanctuary complex for

---

[68] Nihan, "Festival Calendars," 215.

the support of its cultic functionaries.[69] Mainly, it focuses on the redemption of offerings already vowed to the sanctuary or those, like firstborn animals, that belong by nature to Yahweh.[70] The primary factor for deciding what may be redeemed is compatibility with the altar; anything that can be given as an altar sacrifice cannot be de-sanctified by its owner.[71] Items that are proclaimed as *ḥērem* are also irredeemable, even if they cannot be offered on the altar (e.g. human beings), since an object's designation as *ḥērem* puts something by nature beyond ordinary use, as it requires either its permanent alienation to the sanctuary or its destruction.[72]

This text cements the prerogatives of the sanctuary in the idealized Israelite polity. Thus far, Leviticus has concerned itself entirely with sketching out the sacrifices to be offered in the temple, the creation of the temple functionaries, delineations of holy space and impurity, and the regularization of relationships between various classes of holy people and objects. Generally lacking from these descriptions has been any

---

[69] Nihan argues that, contrary to the general assumptions of interpreters, Leviticus 27 is not about support for the temple complex, but about the proper compensation required for the withdrawl to the profane sphere of items that have been pledged to the sanctuary and therefore sanctified (*Priestly Torah*, 94). While his argument addresses an important feature of this text, the chapter's ending with tithe offerings – the primary source of support for the sanctuary – suggests that its central rhetorical purpose remains rooted in support for physical needs of the cult. Although the ultimate consumers of the tithe are not expressed, the purpose of tithe offerings is generally to support the sanctuary and its people, and there is no reason to believe that this is not the case here. Eissfeldt suggests that the gifts are specifically to support the Levites, as in Num 18:21-32 (*Erstlinge und Zehnten*, 87). However, his historical conflation of the two texts discounts the narrative developments apparent between the texts, and ignores the possibility of narratively purposeful refinements in tithe instructions from one text to the other.

[70] Milgrom notes that the one-fifth redemption tax is necessary as a bar to the easy transfer of sanctified items between the profane and the sacred realms (cf. Philo, *Laws* 2:37). Once something has been sanctified by a person, the tax ensures that only in situations of significant need will the donor de-sanctify consecrated offerings (*Leviticus*, 3:2382). In this way, the one-fifth tax functions similarly to penalties for pre-mature monetary withdrawal created for modern financial planning instruments (such as individual retirement accounts), which confer an ultimate benefit to the user at the price of placing certain resources beyond one's grasp (into the "sacred" realm of the federal tax code) for a specified period of time. In Leviticus, the ultimate benefit is not the monetary gift of a lower tax for retirement savings, but the maintenance of good relations with Yahweh.

[71] Milgrom, *Leviticus*, 3:2402.

[72] Cf. Ibid., 3:2417-18.

significant discussion of the continuing obligations of the people to the temple. Once the sanctuary has been constructed, its rituals delineated, and it (and the cosmological order it represents) has been dedicated through the pronouncement of blessings and curses, the requirements for the "maintenance budget" – the regulations on consecrated offerings – that will keep the system operational are explained.[73] Having already been given access to the priestly perspective of running the cultic complex, the text's hearers are now exposed to the pledges and assessments that touch every Israelite, and bind them to the sanctuary space in a very material fashion.

The instructions for the tithe offering come last in the sequence of offerings, immediately after the regulations on items declared *ḥērem*. In this text, the relative positions of the stipulations on consecrated offerings are a good index of their importance in the hierarchical structures of the sanctuary-centered cosmology; each offering's relative importance increases as the text progresses. They reach their culmination in the final three categories: firstborn animals, proscribed items, and tithes. Whereas the regulations on vows for persons, animal offerings, and consecrations of property concerned items voluntarily offered to Yahweh, this last section deals with compulsory offerings, inherently a more crucial category, since their omission will automatically place one in violation of the legislation on sanctuary maintenance.

---

[73] The chapter's position immediately before Numbers and its census of the wilderness congregation is also noteworthy. The census not only presents the names of the tribal leaders and the numbers of their followers, but also delineates their relationship to each other through the medium of their relationship to the sanctuary. Numbers 2 then refines the purely demographic information from the census as it defines the tribes by their physical location around the sanctuary, with the Levites placed at the central point. The critical position of the Levites is given even greater prominence by Numbers 3-4, which is dedicated to a careful description of the cultic duties of the various Levitical clans. Leviticus 27 anticipates the ranks revealed by this census; the consecration of goods, which will ultimately be devoted to maintaining the sanctuary's personnel, is a step in molding the hierarchical form expressed in the census.

The tithe is separated into two portions, each governed by distinct regulations. Vegetal tithes may be redeemed with the payment of the one-fifth penalty (similarly to firstling animals that are *ṭāmē'*). There are no provisions governing how the material for vegetable tithes should be selected from the entirety of agricultural produce in any given year.[74] Tithes taken from domestic flocks, on the other hand, are chosen through the automatic selection of every tenth animal that passes in a single-file line, a process that is supposed to ensure strict randomness. The discrepancy between the two different species of tithes owes to the distinct natures of these two types of agricultural product. Individual animals may vary widely in size and general fitness; therefore, the text provides a mechanism to ensure that the herder cannot tithe only the smallest and most unfit animals. While animals taken for the tithe are not intended for sacrifice (unlike, presumably, firstling offerings), no exchanges or redemptions may be made after the tithe animals are selected. Vegetal tithes, however, may be redeemed, presumably in a case where the offerer has already contracted to provide a set amount of his crop to another buyer. Since vegetal tithes are both homogenous and easily convertible into money (each bushel of wheat should represent a common monetary amount in a given year), the sanctuary will not be shortchanged if the producer makes a substitution for them. Nevertheless, in order to preserve the principle that the tithe is a holy offering, even if a fungible one, the one-fifth penalty is required.

No statements are made here concerning for whom, specifically, the tithe is intended. The text claims simply that all tithes, both vegetable and of livestock, are "holy

---

[74] The text is unclear regarding whether the vegetable tithes must be taken just from agricultural production or must also include foodstuffs gathered from wild plants, although the command that seed tithes should be taken from the "land" (*hā'āreṣ*) rather than from the "field" (*haśśādê*) suggests that it should be drawn from any vegetable food produced by Israel's physical territory. Tithes of meat, on the other hand, are specifically taken only from domesticated animals.

to Yahweh" (*qōdeš layhwh*; 26:30, 32). While this expression makes clear that the tithes are destined for the sanctuary complex, its further division and disposition amongst the sanctuary's representatives is unexplored. The lack of attention to tithe distribution is attributable to the text's overall purpose, which is to explain the congregation's offering obligations to the sanctuary and not to distinguish tasks and rank among its caretakers (a task that is largely preserved for Numbers). Furthermore, exploring the further division of the tithe would distort the coherence of the edited Pentateuchal narrative. While the priests, the central ritual actors in the sanctuary, have already been consecrated to their duties, the finer distinctions between the ranks of the Levitical sanctuary servants have not yet been fleshed out, a sorting task that will consume large portions of Numbers. This chapter serves as a bridge between the constitution of the sanctuary, with its requisite sacrifices and regulations to guard its purity (a task closed by the blessings and curses of Leviticus 26), and establishing the ranks and orders of the Israelite polity that the sanctuary anchors. It is the first place in the text in which comprehensive requirements for the ongoing provision (both voluntary and involuntary) of materials and funds are systematically defined. The text ties Israel to the sanctuary by linking its material possessions to it, and the ultimate expression of this bond is found in the comprehensiveness of the tithe.

The chapter's primary concern – the relationship of Israel's economy to the sanctuary – dictates its assessment of the tithe's importance. An offering's rank in this chapter is a combination of two different factors: its place on the scale of sacredness and its economic weight. The whole text moves in sequence from voluntary, non-essential offerings to the three necessary gifts detailed in vv. 26-33. The text clearly prioritizes the

three inherently holy offerings of firstborn animals, proscribed things, and tithes by leaving them until the end of the list. A different prioritization is shown within these three necessary offerings, however, one that is keyed to their relative economic contribution to the chapter's main task of regulating material support for the sanctuary. The tithe offerings, which produce an amount of produce that will consistently and comprehensively meets the sanctuary's needs, are the last thing, other than the final colophon in v. 34, that the audience of the text hears before Leviticus closes. The text's claim that "every tithe of the land, from seed of the land to fruit of the tree, is Yahweh's; it is holy to Yahweh," mirrors the earlier stipulation concerning firstling animals.[75] The text emphasizes comprehensiveness: the full agricultural potential of the land, without exception, is dedicated to Yahweh.[76]

By highlighting the tithe at the end of the Leviticus, the text emphasizes the communal responsibility not simply for providing the temple with offerings, but for keeping it fully supplied with everyday sustenance. Firstfruits were used previously in the book to mark the land and its people as an ordered and sanctified realm. Here at the end of the book, immediately prior to the census and tribal ordering that marks the initial

---

[75] Cf. Lev 27:26, "However, in the case of a firstborn of livestock – whatever is a firstborn – belongs to Yahweh. No one may sanctify it, whether it is an ox or a sheep, because it is Yahweh's."

[76] Regarding the amount of payment in Lev 27:30, Milgrom argues, on the basis of a similar expression in Lev 27:16, that the correct understanding of *mizzera' hā'āreṣ* is that the tithe in 27:30 is calculated according to a fixed rate based on how much seed a field requires to cultivate, rather than on the size of the harvest (*Leviticus*, 3:2382, 2397). This assertion is questionable, since tithes elsewhere seem clearly to be calculated according to harvest yield (Cf. Deut 14:22; 26:12, Num 18:26). Furthermore, Milgrom's analogy to 27:16 is flawed. While he is correct in claiming that the expression *'erkĕkā lĕpê zar'ô* refers to the amount of seed needed for cultivation, this calculation is done for the purpose of assessing the value of the land and its depreciation in the intervals of the jubilee, which encompass many years and thus requires making a general estimate of how much a given plot of land should produce over time. This is a very different exercise from measuring a land's actual production at the end of a year, which can be easily done. Furthermore, measuring the tithe on the basis of what the land has actually produced in any given year makes more sense than assigning a fixed number, since meeting a fixed rate each year would be difficult or impossible in the case of crop failure.

chapters of Numbers, tithes are used to mark the nascent community's emergence *as* a community – and a very particular one at that – and to explain the obligations that this entails. Firstfruits initiate sanctification in Leviticus. Tithes put that sanctification into practice by allowing the congregation to function as a cohesive and well-supported body, giving to the temple not a tax, but a gift that is *qōdeš layhwh*.

3.6 Numbers 15:18-21: Repairing Rebellion

The ways in which this consecration of the tithe portion of the land serves to further articulate Israel's social relationships and define the community's relationship to itself and to Yahweh is further explicated in Num 15:18-21, shortly after the conclusion of the aborted spying and conquest of the land from Numbers 13-14. Having encountered its shortcomings as a community dedicated to Yahweh's commands, the text now embarks into a series of demands designed to more closely define the congregation by exploring its ritual obligations to Yahweh and to itself.[77] This text is part of a longer set of instructions giving direction for three main types of offerings: (1) sacrifices in fulfillment of vows, freewill offerings, or sacrifices for fixed feasts, (2) firstfruits/tithe offerings, and (3) offerings to repair inadvertent transgressions. The hybrid firstfruits and tithe offering in this passage plays a critical role in advancing the assembly's growing self-definition.

Although the language of this offering requirement, referring to the stipulated donation as the "firstfruits of your baking" (*rē'šît 'ărīsōtêkem*), initially makes it appear as a firstfruits offering, it is actually a hybrid of firstfruits and tithe offerings, and unites

---

[77] David L. Stubbs, *Numbers* (SCM Theological Commentary on the Bible; London: SCM, 2009), 137-38.

important principles of both as they have been explicated in the P and H corpora. The relevant text for this study involves the congregation giving a loaf (*ḥallâ*)[78] of the *rē'šît 'ărīsâ* as a "gift" (*tĕrûmâ*) to Yahweh when it has entered the land.[79] There is no reference in this passage to anything labeled *bikkûrîm*.

The term *'ărîsâ* presents a translational problem, as it is mentioned in only two other occasions in the Hebrew Bible (always in connection with the term *rē'šît*), and always in the context of either a true firstfruits offering or a levitical tithe offering. In Ezek 44:30, where the formulation *rē'šît 'ărīsōtēkem* is also found, the *ărîsâ* offering is given to the priests, and is clearly differentiated from both *bikkūrîm* and *tĕrûmâ* (*wĕrē'šît kol-bikkûrê kol wĕtĕrûmat kol mikkōl tĕrûmôtêkem lakkōhănîm yhwh wĕrē'šît 'ărīsôtêkem tittĕnû lakkōhēn*). However, all three of these offerings are lumped as part of the same class of *rē'šît* offerings, most likely as part of the tithe offering to the Zadokite priests (cf. Num 18:12-18). In Neh 10:38, the term is again found as an offering category separate from *bikkûrîm*. There, *bikkûrîm* is part of a series of firstfruits offerings given to the priests (Neh 10:36-37), whereas the *rē'šît 'ărīsōtēkem* is a type of "choice" offering,

---

[78] It is impossible to determine whether the bread offering here is leavened or unleavened, since neither of the two most relevant descriptive terms here, *'ărîsâ* and *ḥallâ*, provide any substantial guidance on this matter. *'ărîsâ* is a rare term in Biblical Hebrew, and its employment extremely unvaried, as it is always referenced as part of a firstfruits offering; indeed, all of its uses in Biblical Hebrew are either directly linked to or derived from its appearance in Num 15:20-21. Furthermore, its cognate usage outside of Biblical Hebrew is sparse. See *CAD*, A, *arsanu*. The LXX reading of φυράμα (meaning either "dough" or "kneaded [substance]"), combined with the weight of other cognate evidence, seems to suggest that processed food, rather than simply flour, is implied here. See Martin Noth, *Numbers* (trans. James D. Martin; OTL; Philadelphia: Westminster Press, 1968), 115-16. *ḥallâ* is alternately used in P to refer to either leavened or unleavened bread; in Lev 7:12-13, it is used to refer first to unleavened and then to leavened loaves. Since the Numbers 15 passage does not specify whether the bread is leavened, it is probably not a matter of significant interest to the author. The *rē'šît 'ărīsâ* in this instance is clearly designed as a representative foodstuff, similar to the bread presented in the tent in Lev 24:5-9, that ritually enacts the commitment of the congregation to provide sustenance for its representatives.

[79] Translating as "gift," by analogy with Akkadian *riāmum, râmu*. *HALOT*, *'ărîsâ*, 883-84. LXX translates ἀφελεῖτε ἀφαίρεμα ἀφόρισμα, emphasizing the qualities of the *tĕrûmâ* as something that is set apart.

given directly as part of the priestly portion of the tithe along with the "choice" offerings of *tĕrûmâ*, fruit, wine, and oil (Neh 10:38-40).

Based on these similarities to Num 18:12-18, Ezek 44:28-30, and Neh 10:36-40, the *'ărīsâ* is a sacred donation to the priests or Levites functioning as part of the tithe. The reference to it as being "put apart" (*yārîm*) as a "gift" (*tĕrûmâ*), so that it becomes "as a gift like the gift from the threshing floor," indicates that it is part of the tithe offering: this language directly parallels that used in Num 18:24-29 to describe the Levitical tithe. The fact that the *'ărīsâ* is ultimately intended for the cult makes it equivalent to the "sacred portion" (*miqdāš*) of the tithe that the people, and in turn the Levites, are tasked with putting aside in Numbers 18 (18:19-20; 27-28).

Each of the three main segments of Numbers 15 is introduced by Yahweh's direct command to Moses to speak to Israel (*wayĕdabbēr yhwh 'el-mōšê lē'mōr dabbēr 'el bĕnê-yiśrā'ēl wĕ'āmartâ 'ălēhem*). This phrase is repeated nearly verbatim in three places in the chapter: vv. 1-2a, 17-18a, and 37-38a. It creates a division of the chapter into three portions that are respectively characterized by (1) ritual instructions for the people (vv. 1-16), (2) repair of inadvertent ritual violations and condemnation of willful contract violators (vv.17-26), and (3) establishment of physical reminders of the contract (vv. 37-41).[80] The requirement to bring the loaf of the *rē'šît 'ărīsâ* comprises the first statute of the second portion.

[80] The sole difference among these three texts occurs in v. 37, which substitutes *wayyō'mēr* for *waydabbēr*.

The stage for these ritual instructions is set by the collective failure of Israel to abide by Yahweh's directions detailed in Numbers 13-14.[81] The abject bankruptcy of the people's actions there leads to commandments designed to regularize the ritual relationship between Yahweh and the people. Previously in the P/H corpus, the people have had little role in the ritual relationship between Yahweh and Israel, which has been dominated by the responsibilities of the priests and Levites. By extending a greater degree of ritual responsibility to the people, the text seeks to repair the social failings of Israel through the imposition of regularized ritual demands, and the opening of this chapter constitutes an H counterpart to the P offering taxonomy laid down in Leviticus 1-7.[82] While P texts are typically concerned only with ritual matters that can be accomplished by the priests, the instructions of Numbers 15, explaining the proper quantities of grain, oil, and wine offerings that should accompany animal offerings and the processes of correcting inadvertent sins, are directed *solely* to the people.[83] These instructions bind the people, the land, and Yahweh together in an agreement that is expressed by the people's assent to provide proper levels of material offerings from the land.

---

[81] See Knohl on the mixed JE and H nature of the text (*Sanctuary of Silence*, 90-92). The collective failure of the people is particularly highlighted by H's contribution in 13:1-17, which outlines in detail the parties responsible for disobeying Yahweh's command to take the land. For an analysis of how the literary relationship between Numbers 13-14 and Numbers 15 affects the interpretion of the pericope of the wood-gatherer, see Tzvi Novick, "Law and Loss: Response to Catastrophe in Numbers 15," *HTR* 101 (2008): 1-14. For the place of Numbers 13-14 within the priestly narrative, see Suzanne Boorer, "The Place of Numbers 13-14 and Numbers 20:2-12 in the Priestly Narrative (Pg)," *JBL* 131 (2012): 45-63.

[82] Num 15:1-11 is the first P or H text in which offerings accompanying the slaughtered portion of a sacrifice are systematically listed, instead of being required *ad hoc* for particular rituals (cf. Leviticus 8-9 or Leviticus 23).

[83] Although the priests would presumably perform their previously-explicated cultic functions in the offering rituals, this text is concerned only with the proper quantities of offerings, provision of which can only be carried out by the people. For this reason, the instructions governing expiatory procedures that should follow the violation of the commandments do not address – in contrast to Lev 4:1-12 – transgressions by priests.

The *rē'šît 'ărīsâ* in this chapter is a critical part of this agreement with the people of Israel.[84] It affirms a previously stipulated contract: the implicit guarantee that the people will eventually be allowed into the land, in return for carefully adhering to Yahweh's rules concerning the provision of offering materiel. The *rē'šît 'ărīsâ* is not a physically large offering, and this diminution in size enhances the offering's ritual qualities, communicating that its transfer is mainly an index of the people's acceptance of Yahweh's terms and expectations of obedience. Its donation affirms the acceptance of the commands of Num 15:1-16. This fact is demonstrated by the succeeding text (15:22-36), which provides regulations for repairing inadvertent breaches to the contract and an illustrative narrative example of what may happen to contract violators. These regulations confirm the validity of the contract authorized through offering the *rē'šît 'ărīsâ*: since the contract has been recognized as being in force through the offering of the *rē'šît 'ărīsâ*, it can now be broken, and therefore statutes designed to mitigate inadvertent failings are required.

The legislation in Numbers 15 creates a clear narrative by passing the text's hearers through a series of logical ritual requirements that respond to the disobedience manifested in Numbers 13-14. By creating ritual requirements and sanctions for the *whole* congregation, it lays responsibility on all of Israel for keeping the law, but also lays the ground for the rebellion of Korah, which is grounded on a failure to properly distinguish between the rights and responsibilities of different elements of the Israelite polity. The hybrid tithe/firstfruits offering that confirms the new, congregation-wide

---

[84] The text that follows the firstfruits instructions, which details what will happen if someone mistakenly breaks the covenant, is an H version of the *ḥaṭṭā't* directions in Leviticus 4. It has separate categories for communal and individual sin, and an explicit distinction between intentional and inadvertent transgression of the covenant.

stipulations of Numbers 15 is similarly non-differentiated, as evidenced even in the difficulty of properly identifying it. In order for this polity to function effectively within its narrative parameters, greater distinctions within both the congregation and its offerings are required.

3.7 Numbers 18:12-13, 20-32: Ordering the Sacred Community

Achieving these distinctions is a prominent goal of Numbers 18, where firstfruits and especially tithe offerings play a crucial role in creating and transmitting the proper categorization of Israelite society.[85] These offerings are part of a large complex in this chapter describing sacerdotal prebends. The chapter itself is divided into three main sections: (1) an introduction that delineates the division of sanctuary labor between the priests and Levites (vv. 1-7), (2) an explication of priestly prebends (*tĕrûmâ haqqŏdāšîm*), and (3) a discussion of tithing procedures, dedicated to the role of the Levites in collecting and distributing the tithe. The middle portion of the chapter is further divided in content between priestly prebends that derive from offerings at the temple, and four types of prebends derived from goods that inherently belong to the priests. "Firstfruits" offerings, *bikkûrîm* and *rē'šît*, constitute two of these four types in this latter section.

While the offering regulations here may advance practical principles of sacrificial food consumption, their value is primarily rhetorical rather than utilitarian (the audience

[85] Much of the basic concept for this section was created before I became aware of Jeffrey Stackert's theory of Numbers 18 in *Rewriting the Torah*, which covers much of the same ground and comes to similar conclusions about the social role of the tithe in this chapter.

is not, in fact, even commanded to produce tithe offerings).[86] Food in this chapter is used as a mark of status differentiation; the hierarchical structure of Israel is further elaborated by one's consumption or abstinence from edible sacrificial material.[87] For the priests and Levites, whose special relationship with Yahwistic sancta establishes their elevated status, this special relationship is expressed most concretely through food, a substance that, because it is not just handled but ingested, is uniquely capable of establishing the gradations of their ranks.[88] The proper use of food, and its various transformations through stages of holiness, serves as a critical index of ritual proximity to Yahweh and, consequently, of rank within the polity represented here.

The entirety of Numbers 18 is a ritual response to the social disruptions centered on disputes over access to Yahwistic sancta that are described in the previous two chapters. While Numbers 16 in particular has a complicated source history, the authors of the ritual complex of Numbers 18 were certainly aware of at least the tale of the revolt of Dathan and Abiram and the other Israelite chieftains, and possibly of the entire redacted narrative.[89] Briefly, this narrative deals with the extent of access to the sanctuary that the various tribes of Israel can expect to exercise. The story begins with the tribes' rebellion

---

[86] Stackert's observation of the difference between H's conception of the tithe and Deuteronomy's is important to keep in mind; as will be shown in Chap. 4, Deuteronomy uses the tithe to make a very different social point about the Levites and their place in Israelite society (*Rewriting the Torah*, 167).

[87] The importance of food to the position of the priestly and Levitical castes is emphasized by the claim that the special association of the priests to these holy offerings is itself a "covenant of salt" (*bĕrît melaḥ*) between them and Yahweh. This expression is exceedingly rare in the Hebrew Bible, found only here, in Lev 2:13 and in 2 Chronicles 13:5. Both of the other cases in which the phrase is used are in the contexts either of firstfruits (Lev 2:13) or of the prerogatives of the priestly class (2 Chr 13:5). In Leviticus, it is employed as part of the sacrifice, inserted between discussions of the difference between *rē'šît* and *bikkûrîm* offerings. In 2 Chronicles, on the other hand, it is part of Abijah of Judah's diatribe against the kingdom of Israel. The bulk of this speech, in fact, concerns the priestly duties; it seems that it is Israel's abrogation of Aaron's rightful place in Israel's cultic hierarchy, rather than issues of the Davidic monarchy, that Abijah identifies as truly at the heart of Israel's rejection of the "covenant of salt."

[88] Cf. Num 5:11-31; Olyan, *Rites and Rank*, 29-30.

[89] Knohl asserts that the regulations in Numbers 18 precede the composition of the elements of Numbers 16 dealing with Korah's revolt, and are therefore responding only to the texts dealing with the rebellion of the chieftains (*Sanctuary of Silence*, 79-80).

against Moses and Aaron, stemming from overconfidence regarding their ability to approach the sanctuary and its holy objects, a rebellion that ends in the leaders' direct translation to Sheol. The community's overconfidence then devolves into anger against Moses and Aaron over the elimination of its leadership, leading to a second revolt that in turn spurs a plague from Yahweh, a contagion that is only resolved by Aaron's ritual intercession. Finally, the congregation receives divine affirmation of Aaron's special status (as the head of the Levitical tribe), whereupon Israel's anger resolves into existential despair over their inability to access the sanctuary and (implicitly) the promise of divine protection that this access guarantees. It is the entirety of this progress from the congregation's over-reading of its prerogatives to its final forlorn attitude that Numbers 18 is designed to address. Food offerings in his chapter, and the various sacralizations and de-sacralizations of foodstuffs, constitute a dramatic assertion of the hierarchical structure and responsibilities of the members of Israel's polity as viewed by the Holiness school.[90]

3.7.1 Firstfruits

The rebellion in Numbers 16 involves primarily disputes over holiness, and the presumption that the assertion of high levels of personal holiness imparts as a corollary status as political leaders of the community (see Dathan and Abiram's complaint that Moses and Aaron desire to "rule over us," Num 16:13). Therefore, the ritual resolution of this problem in Numbers 18 revolves around property claims for sanctified goods. The

---

[90] On the development of the relationship between Priests and Levites in Numbers 18 as a consequence of the events of Numbers 16ff., see Reinhard Achenbach, *Die Vollendung der Tora: Studien zur Redaktionsgeschichte des Numeribuches im Kontext von Hexateuch und Pentateuch* (BZABR 3; Wiesbaden: Harrasowitz Verlag, 2003), 141-43.

sacralization and desacralization of foodstuffs plays a particularly important role in the text's argument about sacerdotal hierarchy. *Rē'šît* and *bikkûrîm* appear as the first two items of a list of four categories of devoted offerings (Num 18.12-18) stipulated as belonging to the priests: the "best" (*ḥeleb*/*rē'šît*) of new oil, wine, and grain (*yiṣhār*, *tîrôš*, *dāgān*); firstfruits (*bikkûrîm*); things proscribed (*ḥērem*); and firstborn animals or the redemption price of these animals.[91] Of these four sacralized offerings, only the two firstfruits offerings are described as being brought by Israel to the sanctuary.

Each of these four categories covers a form of property that is by nature consecrated and off limits to the general congregation; these offerings may not be de-sacralized.[92] Furthermore, these offerings emphasize the priests' complete holiness and differentiation from the rest of the community. They are the rarest of all possible gifts, each one of them being either by definition a one-time possibility or the apex of agricultural production. That the priests alone are able to partake of these gifts raises their stature tremendously. In the context of a set of texts that is designed to enhance priestly authority, ending the instructions on priestly sacrificial prebends with these inherently sanctified items is a type of ritual exclamation point, sealing the extreme sanctity of the priestly class and ensuring that the previous narrative's warning against the general congregation's undue presumption regarding holy items is ritually inscribed. However, the text's critical response to Dathan and Abiram's complaint is not to exalt the priests into a position of absolute social superiority within Israel. While their position in relation

---

[91] Baruch Levine, *Numbers 1-20* (AB 4; New York: Doubleday, 1993), 446. Stackert notes the importance of the sequence of oil, wine, and grain here is the only instance of these three products outside of Deuteronomy, and that they are reversed here, demonstrating dependence of this passage on Deuteronomy's tithe laws (*Rewriting the Torah*, 179).

[92] *bikkûrîm* and the *bĕkôr* must be given over to God, both here and in other biblical legal texts. Making an object *ḥērem* devotes it irremediably to God (Lev 27:21, 29-29; Deut 7:28, 13:18; Joshua 7).

to holy things is enhanced, their political and social power is simultaneously curtailed by their inability to interact with common things. This element of the text's ritual use of foodstuffs is developed by its next topic of consideration: the tithe portion required for the Levites.

3.7.2 Tithes

The granting of tithes marks the *terminus a quo* of the Levitical service in the tent and the exclusion of other Israelites from the sanctuary grounds. The discussion of tithes begins with the discussion of the "sacred gifts" (*tĕrûmâ haqqŏdāšîm*) that must be given to the priests (18:19-20), gifts that are clearly meant as the priestly portion from the Levitical tithe. The *tĕrûmâ haqqŏdāšîm* possess irremovable sacred qualities, making it an offering that can only reside with the priests. But unlike *tĕrûmâ haqqŏdāšîm*, the tithe is considered either sacred or common, depending on the particular stage of its transmission from the people to the Levites to the priests. As such, it is an intermediate offering between the people and the priests, containing special ritual properties that are skillfully used in the text to explore the social position and function of its Levite recipients.

While the two "firstfruits" offerings above were dedicated wholly to Yahweh and were the sole province of the priests, the transmission of tithe offerings is more complicated. Whereas Eissfeldt claimed that the tithe in Numbers 18 was a simple cultic tax (as opposed to its quality as a sacred offering in Deuteronomy), this interpretation reflected his assumption that the exilic P author of the text could only have been familiar with the tithe as a tax. The tithe's actual employment in this chapter, however, does not

support this position.[93] First, the text itself implies that the tithe is sacred until it is sorted and transferred to the priests. The Levites are not allowed to utilize the tithe material until they have, in turn, offered from it their own tithe to Aaron's clan; the priestly portion of the tithe – which, like the *rē'šît* in 18:12, is drawn from the "best" (*ḥeleb*) of the tithe material – is inherently sanctified for the priests (v. 28-29). Only after this portion has been removed is the tithe is completely open for use by the Levites (vv. 30-32). Such a complicated process of transmission and de-sanctification indicates that the tithe here is a cultic offering.

Second, the tithes in this chapter, while they are designed to be used for the physical support of the Levites, are specifically labeled as an offering to Yahweh (*kî 'et-ma'śar bĕnê-yiśrā'ēl 'ăšer yārîmû layhwh tĕrûmâ nātattî*; 18:24). This designation denotes a recognition that an offering has a sacred quality (at least at its initial stage of transfer from laity to Levites), which confers special status not only on the material itself but also on its recipients. The Levites, by virtue of possessing, (even if temporarily) sacralized food given by the rest of Israel, are thereby ritually marked as a separate and elevated class in Israelite society.

The *ḥeleb* portion of the Levites' tithe – the portion ultimately intended to be transferred to the priests – does not, strictly speaking, *undergo* sanctification. Instead, it is inherently sanctified, and thus must eventually be transferred to the only members of

---

[93] While Eissfeldt rightfully noted the role that the tithe plays in the festival in Deuteronomy, he makes several assumptions about this text that cause him to draw different conclusions about its purpose. First, Eissfeldt assigns it to P, while my analysis presumes that it derives from H. Second, he assumes that the tithe here reflects an exilic environment; I believe that, whatever the chronology of the text's composition (which could easily have been pre-exilic), it is a product more of the author's narrative imagination and ideals of an Israelite polity than of the brute social facts of his environment. Finally, he takes no account of the text's narrative environment and how that may condition the understanding of the tithe (*Erstlinge und Zehnten*, 85-86).

Israelite society who can, as per Num 18:19, make use of sanctified objects: the priests. The text is very clear on this issue: 18:29 claims that the Levites should "set aside the entire gift of Yahweh from all which is given to you; from all its best part its sacred portion" (*mikkol mattĕnōtêkem tārîmû ʾēt kol-tĕrûmat yhwh mikkol-ḥelbô ʾet-miqdĕšô mimmennû*) (18:29; cf. 18:19). It stipulates again at the chapter's close that the Levites "will not incur guilt over [the tithe] when you have set aside its best portion; but do not defile the sacred portions of Israel so that you may not die" (*wĕlōʾ-tiśʾû ʿālāyw ḥēṭĕʾ baḥărîmĕkem ʾet-ḥelbô mimmennû wĕʾet-qodšê bĕnê-yiśrāʾēl lōʾ tĕḥallĕlû wĕlōʾ tāmûtû*; 18:32) This "sacred portion" (*miqdāš*) is not taken out of the tithe and then granted sacred qualities. Instead, the text envisions the *miqdāš* as having always existed within the tithe. The function of the Levites is to serve as a bridge between the partially holy tithe offering that is given over to them from the other Israelite tribes and the tithe that they in turn hand over to the priest, in which the holy and common elements have been appropriately separated.

The tithe is therefore very effectively made into a physical representation of the Levites' social function. Through the tithe, the Levites separate the other Israelite tribes from holy things that are not only inappropriate but actually dangerous for them to handle, a task that precisely fits the social role that they are given at the introduction of the tithe regulations:

> And to the Levites, look, I have given every tithe in Israel as an inheritance, a reward for their service that they are performing, the service of the Tent of Meeting, so that the Israelites will not again approach the Tent of Meeting, thereby incurring guilt and dying. But the Levite, he will perform the service of the Tent of Meeting, because they [the other tribes] would incur iniquity. This is an eternal statue for all your generations. (Num 18:21-23)

The Levites' new function answers Israel's complaint at the end of Numbers 17: "See, we pass away! We perish! All of us are perishing! Every one who draws near to Yahweh's sanctuary will die. Shall we come to our end?" Num 17:27-28). The tithe is the primary physical expression of the service that the Levites perform for Israel: keeping the laity safe from violating sancta and perishing as a result.[94] The Levites not only receive tithes in payment for their dangerous labor, but also save Israel from the dangerous sacredness of this payment itself.

The de-sacralization of the tithe after it is given to the priest acts as a sign of the mediating role of the Levites between the priests and the rest of the Israelite population. On the one hand, the Levites' affinity to the priestly class – which is of course drawn from their ranks – is demonstrated by the designation of the tithe as a *tĕrûmâ* when first offered to them as a sacred gift. But the tithe is also specifically referred to as the Levite's share of Israel's inheritance. The Levites are not to receive land as part of the covenant with Yahweh; the tithes are the direct substitute for the land of the other tribes (Num 18:23-24). Once this tithe has been fully processed, and its holy elements removed, the Levites are permitted to treat this possession in the same way that the rest of Israel treats its wealth, with no particular conditions on its use; they thereby rejoin the regular economic life of Israel, and are able to freely interact with the people. This is in contrast to regulations for the priests in this chapter, who are only allowed to share the foodstuffs that they receive with their families, and even then only with those who are ritually clean (*ṭāhôr*; 18:11).

---

[94] Dennis R. Cole, *Numbers: An Exegetical and Theological Exposition of Holy Scripture* (NAC 38; Nashville: Broadman & Holman, 2000), 294.

The close relationship between the Levites and the other tribes is particularly evident in the common phraseology describing how the Levites are to divide the tithe for the priests, and what they should do with it afterward. Before it is divided, the text claims that the tithe is the Levites' *tĕrûmâ*, a clear parallel to the *tĕrûmâ* that the non-Levitical tribes have collected and handed to the Levites. This *tĕrûmâ* should be treated "like the grain from the threshing floor and the new juice from the winepress," a reference to the raw foodstuffs that the tribes possess in the immediate aftermath of the harvest. The message is clear: the pre-sorted tithe of the Levites is exactly the same in quality as the pre-sorted harvest products of the other Israelite tribes. This congruency points to a social similarity between the two groups; both are required to divide their possessions for offering to a group with higher status relative to the sanctuary.

The great difference between the Levites and the other Israelite tribes (aside from the fact that the former receive tithes from the latter and are therefore higher on the hierarchical ladder) is the Levites' obligation and ability to divine and separate the sacred portion of the tithe that belongs to the priests alone. They receive tithes in exchange for their service in segregating the Israelite tribes from inappropriate sancta, and their reception of the tithe is in fact the quintessential performance of this very duty. Since sacred material is mixed in with the tithes that the Levites receive, it is critical that they should cull it from the rest of the offering and then transmit it to the priests, jobs that the lay Israelite tribes are unable to perform. The Levites ensure both that lay Israelites are protected from encountering sanctified objects in too great a concentration and that the

priests receive their appropriate form of sustenance.[95] The Levites thus serve the sanctuary in two directions, attending to the interior needs of the cult while protecting society outside from its extraordinary power. The social role and social reward of the Levites are thus intimately linked in the tithe offering.

While marking the Levites as mediators between Israel and holy sanctuary personnel, the tithe brands the priests as utterly separate from the non-Levitical Israelite tribes. Unlike the Levites, who separate their tithe and send a portion to the priests, the priests are not required to perform a similar operation; although not stated explicitly, the text implies that they keep in full the tithe offerings that they receive.[96] On the other hand, they are also not allowed to dispose of these offerings in whatever manner they wish, but may only dispense them to family members, who must consume them while in a pure state (18:11). The text points to this difference between the priests and the Levites in its language about their property restrictions. While the Levites will have no "inheritance/territory" (*naḥălâ*) in Israel (18:23-24), the priests are denied both *naḥălâ* and possessions (*ḥeleq*; 18:20).[97] Without the ability to treat their wealth as a non-sacred commodity, the priestly class is firmly bounded to the world of the sanctuary. They are therefore significantly hindered in taking part in the regular social life of Israel; their

---

[95] Simple contact with a sacred item appears not to be enough to cause significant harm to an Israelite unqualified to traffic in holy things. Like radioactive materials, the problem with sacred things seems to be their concentration rather than their mere presence. Too great a concentration of sacred material – such as is present in the tithe after its sorting – may be deadly, while its suffusion within the great mass of the tithe offering dilutes its potency to the degree that non-Levitical Israelites may handle it.

[96] Compare the regulations providing the priests with the "best" of the new oil, new wine, and grain in Num 18:12 with the claim that the priestly portion of the tithe is drawn from the "best" of the *tĕrûmâ yhwh* (Num 18:29, 32).

[97] The repetition of the terms *naḥălâ* or *naḥălâ*/*ḥēleq* in the discussion on priestly and Levitical property enhances the case that the extension of the term to the restrictions on priestly possessions was a deliberate choice of the author intended to create a contrast to the Levites' situation. Cf. Ezek 44:28.

elevated status as the pinnacle of the Yahwistic cult also prohibits normal relationships between them and the rest of Israelite society.

The Levites, on the other hand, are able to participate in the world outside of the cult. While they have no territorial possessions, the tithes that they receive in exchange for their mediation between the laity and the sanctuary and its personnel can be fully commoditized once the sacred portions reserved for the priests have been removed (18:30-32).[98] This, along with the fact that the Levites are required, like the lay Israelite tribes, to tithe a portion of their own tithes, further proves that the tithe is the Levites' *ḥeleq*, a kind of material possession that the priests, who neither tithe nor are allowed to transmute their wealth into commodities, lack. The implied involvement of the Levites in the extra-cultic world of traded wealth permits them to act within the ordinary sphere of the Israelite tribes, just as their cultic service places them partially within the realm of the priests. While priests and laity cannot meet on the grounds of regular economic and social interaction, the Levites transit between both realms. It is the tithe that makes this mediating role most explicit within the text; the ritual action of transmitting the tithes from laity to Levite to priest inscribes the hard facts of the social world as seen in the text.

Tithes therefore play a crucial role in defining and stabilizing the portion of the Israelite community that remains after the rebellions and plague of Numbers 16-17.[99] The ritual value of the tithe is inseparable from its role in delineating social rank and function among the various elements of Israelite society. A tithe functioning as a tax simply for

---

[98] Stackert, *Rewriting the Torah*, 178 n. 28; cf. David P. Wright, *The Disposal of Impurity: Elimination Rites in the Bible and in Hittite and Mesopotamian Literature* (SBLDS 101; Atlanta: Scholars Press, 1987), 236 n. 5.

[99] It is no surprise that the Holiness school editors of the Pentateuch first broach the subject of tithes after the various social crises depicted in Numbers 16-17.

the support of the cultic community could easily have been handed over to its recipients without being put through such a rigorous process of transfer and re-separation into holy and common portions. That the tithe system is *not* structured this way, but is instead made more complicated than a simple practical tax, signals that the tithe regulations are attempting to inscribe a particular model of social relationships on text's audience, one in which the Levites play a mediating function between the mass of lay Israelites and the very restricted class of the priesthood.

3.8 Numbers 28:26-31: Ritual Taxonomies Revisited

The increasingly fine delineations of the Israelite polity into different sacral classes culminate in Numbers 18. While firstfruits were a crucial part of advancing H's vision of the congregation, they are virtually ignored in Numbers 28-29, a text designed as a supplement to Leviticus 23.[100] This calendar is primarily interested in the regulation of sacral time, an agenda made clear in its presentation of a complete list of *mô'ădîm* (appointed offering times) encompassing daily, sabbath, and monthly offerings, along with a subset of *miqrā'ê- qŏdāšîm*.[101] The "special" *miqrā'ê- qŏdāšîm* are the three festivals of *pesaḥ*/*maṣṣôt*, *šābu'ōt*, and an eight-day *miqrā'-qōdeš* beginning on the fifteenth day of the seventh month (by extrapolation the festival of *sukkôt*, but not

---

[100] Nihan, "Festival Calendars," 229.

[101] The authorship and relative compositional chronology of the calendar's composition are unclear; Nihan's argument that it is an H composition meant to supplement the Leviticus 23 calendar the most compelling of the available suggestions Among other advantages, Nihan's model does not require, as does Wagenaar's, an improbable P revision of an H document. Nor does it suffer from the deficiencies of Knohl's model, which, regarding the firstfruits festival in particular, is hard-pressed to explain the function of the phrase *bĕŝabu'ōtêkem*. Nihan, "Festival Calendars"; Wagenaar, *Origin and Transformation*; Knohl, *Sanctuary of Silence*, 23, 44-45.

designated so in the text), and two *miqrā'ê- qŏdāšîm* celebrated on the first and tenth days of the seventh month.

For each day designated as a *miqrā'-qōdeš*, the offerings that are required for the day are always given immediately after the statement that the day "is for you a *miqrā'-qōdeš*; you will not do any hard labor." The calendar focuses on the dates when each offering should be performed, and provides a comprehensive list of the required sacrifices for these days. It elides any ritual information that falls outside of a standardized and frequently repeated list of offering requirements, and is even parsimonious in providing names or occasions for its *miqrā'ê-qŏdāšîm*.[102] Furthermore, the most significant differences between the calendar's *mô'ădîm* are rather minor items, often outside of the priestly offering requirements, that are associated with particular feasts: unleavened bread (*maṣṣâ*) for the festival week following the passover sacrifice (28:16-17); the rather unspecific requirement to bring a "new grain offering" (*minḥâ ḥădāšâ*) on the "day of the firstfruits" (*yôm-habbikkûrîm*) during the feast of *šabū'ōt* (28:26); and the command for an additional *ḥaṭṭā't* (sin offering) to go with the regular *ḥaṭṭā't hakkippurîm* (sin offering for expiation) on Yom Kippur (29:11).

Maintaining the regularity of the offering calendar is this text's absolute priority. The commemoration of the firstfruits day is associated with the bringing of a *minḥâ ḥădāšâ* ("new grain-offering"): "on the *yôm habbikkûrîm* you will offer a *minḥâ ḥădāšâ*" (Num 28:26). But there is no indication in this text that the *minḥâ ḥădāšâ* is actually offered as part of the observance of the *miqrā'-qōdeš*. Therefore, even though the only

---

[102] A fact that lends support to Nihan's supposition that the calendar is a supplement to Leviticus 23. For instance, the festival otherwise known as *sukkôt*, which takes up nearly half of the entire calendar (Num 29:12-28), is not given any name or reason for its existence.

apparent reason for making the day a *miqrā'-qōdeš* is that it is designated the *yôm habbikkûrîm*, firstfruits offerings have no specified cultic role here, only receiving a vague mention in the introduction in 28:26 in order to aid in the audience's recognition of the festival day. The firstfruits day stands out in the Numbers calendar because of this anomaly of being the only *miqrā'-qōdeš* that is not associated with a particular month and day; instead, it is linked directly to the day when firstfruits would have been brought according to the agricultural harvest (Num 28:26). Unlike the other *miqrā'ê-qŏdāšîm*, firstfruits in this calendar is a variable feast. It also sheds light on another peculiarity of the day: its designation not as a *ḥag*, like the holidays corresponding to *maṣṣôt* and *sukkôt* (both of which are celebrated on calendrically defined days, Num 28:17, 29:12), but as a simple *yôm*.[103]

This calendar's purpose is analogous to that of the offering instructions from Leviticus 1-7. The instructions in that text, disconnected from actual rituals, provided the reader with an easily comprehended frame for offering practice. In the same way, Numbers 28-29 provides a precise account of cultic time. P's interest in taxonomy, clearly evinced in Leviticus 1-7, is extended in the Numbers ritual calendar to the organization of temporal space. The focus on classifying time explains why the ritual actions of the Numbers calendar are described so uniformly. Just as the specific ritual setting of offerings was not of concern for the taxonomy in Leviticus 1-7, the ritual

---

[103] The calendar follows Leviticus 23 in failing to designate the firstfruits holidays as *ḥag*, although in Leviticus the firstfruits becomes the most important festival day. *maṣṣôt* and *sukkôt* are also not recognized by their names in Numbers 28-29, but rather by the days of the year that they encompass. The passage dealing with *sukkôt* (which is clearly the most important festival in Numbers 28-29) makes reference neither to a harvest celebration that typifies the fall festival in Exodus 23 and 34 nor to the booths that characterize it in Leviticus 23 and Deuteronomy 16.

content of the *mô'ădîm* is unimportant for Numbers 28-29.[104] Since no individual *mô'ēd* can be easily distinguished from others in the calendar on the basis of the rituals that are performed during it, the rituals themselves lose their indexical force that allows them to serve as transmitters of information about the special quality of each *mô'ēd*.

The Numbers calendar systematizes all the *miqrā'ê-qŏdāšîm* according to an objective, tightly controlled chronological scheme regulated by a predictable calendar. Consequently, the major agricultural festivals in the text are cut off from their roots as somewhat variable, seasonally-determined celebrations in favor of rigidly fixed times. However, this agenda proved impossible to fully execute with the firstfruits festival, as its commencement was always linked to the progress of the ripening harvest, and that datum alone was important in deciding when the festival should be held. The author of the calendar had no precedent for linking the firstfruits to a pre-determined calendar date, leaving it as the only festival in the Numbers calendar not assigned a fixed day of the month.

The text eliminates any distinctiveness that the event might have specifically *as* a firstfruits rite. Strangely, after the tremendous valorization of the firstfruits in the Holiness Code, this text returns the firstfruits to the marginal position that it held in Lev 2:11-16. In both cases, texts that have a systematizing task as their main goal seem unable to accommodate firstfruits in a significant way, appearing to maintain it in their taxonomies only as a necessary remnant forced on them by the weight of prior tradition. This subordination of the firstfruits event to the rigorous temporal frame means that it is scarcely possible to speak of a firstfruits "festival" or "rite" in this text.

---

[104] Only one *mô'ēd* – the final festival of the calendar – departs significantly from the standard offering tables of the other *mô'ădîm*.

3.9 Conclusion

While the schematizations apparent in Lev 2:11-16 and Num 28:26-31 have the advantages of creating neatly defined and self-contained ritual worlds, their limitations become apparent when they must grapple with the special qualities of an offering like the firstfruits. Firstfruits exists outside of the "regular" cycle of priestly offerings in three important ways. First, it is only provided once per year, and can only be garnered from the produce taken during specific periods in the harvest. Second, and more importantly, its provision is not assured; a failed crop will eliminate the possibility of giving firstfruits, and thus create significant problems for the execution of P's idealized offering cycles. Finally, not all offerings that can be considered firstfruits are compatible with P's vision of appropriate altar offerings. P's struggles in dealing with this important but anomalous offering are clear in Lev 2:11-16, which somewhat clumsily relegates the firstfruits to a kind of appendix to the *minḥâ*, and then largely forgets about them. The tithe, as an offering that is primarily a practical levy for maintaining the cult, is not dealt with at all.

For H, the liabilities that P finds in firstfruits are turned into tremendous advantages. Whereas P concentrates on keeping the cult at a state of static holiness, H is interested in the conversion of profane objects – in its case, both the people and the land of Israel – into sacred vessels, a task that it adapts the firstfruits offering in Lev 19:23-25 to carry out. H also recognizes the constant and inevitable entropy of holy objects over time, and thus the need for an offering that will both exemplify and remedy this process. Its use and expansion of the firstfruits rite in the festival calendar of Lev 23:9-22 demonstrates a masterful employment of the inherent motifs of the firstfruits to keep Israel's land and polity ordered during a time of inherent, and dangerous, liminality.

The advantages of firstfruits in constructing a divinely ordered community are expanded by H in the tithe offering. Owing to their derivation from the land and consequent ability to function as a true index of its fertility and a consequent sign of the state of Israel's relationship with Yahweh, firstfruits rites are extremely effective in ordering and sanctifying the land of Israel and providing information to Israel about its cultic relationship to Yahweh. Tithes are able to provide much the same order to the ranks of Yahweh's sacred servants within the assembly, from the mass of lay Israelites through the highest ranks of the priests. In Lev 27:30-33, tithes are the pinnacle offering that confirms the agreement with Yahweh that has just been concluded with the blessings and curses of Leviticus 26; by imposing an offering obligation across all of Israel's economic production, they subject Israel's entire life in the land to Yahweh. Furthermore, like firstfruits, they are especially used as a response to disorder, and in Numbers 15 and 18 are skillfully employed to respond to the tears in Israel's relationship with Yahweh and internal social fabric caused by rebellion. In each of these cases, they send obvious signals to the congregation about their obligations to the cultic center and to each other, and establish proper channels of communication by creating social and ritual order within the assembly.

Chapter 4

Deuteronomy

In no other book of the Hebrew Bible does the firstfruits offering have a more thorough narrative and ideological impact than in Deuteronomy. More text is devoted to this institution in Deuteronomy than anywhere else in the Hebrew Bible, and one of the most well-known passages and institutions of the Pentateuch – the "credo" of Deut 26:5b-10 – revolves around the offering of these gifts.[1] In a book that otherwise has little to do with sacrifice or other temple offerings, firstfruits stands out for the sheer volume of words devoted to explaining what is required for the offerings themselves and for the rituals that surround their delivery.

The power and flexibility of firstfruits as a ritual symbol is particularly evident in Deut 26:1-11.[2] The firstfruits itself is a physically simple thing, comprising unprocessed agricultural goods that are differentiated from the mass of other foodstuffs only by their special selection as either the first or the best of a particular crop. This simplicity lends to the material of the firstfruits the possibility of symbolic condensation: the ability to hold within itself a great range and variety of meaningful possibilities.[3] These meanings

---

[1] Modern discussion of this pericope has been heavily influenced by Gerhard von Rad's seminal essay, "The Form-Critical Problem of the Hexateuch," in *The Problem of the Hexateuch and Other Essays* (trans. E.W. Trueman Dicken; New York: McGraw Hill, 1966), 1-78, trans. of *Das formgeschichtliche Problem des Hexateuchs*, (BWA[N]T IV/26 [78]; Stuttgart: W. Kohlhammer Verlag, 1938). For important historical background on the essay and its later scholarly deconstruction, see Bernard M. Levinson and Douglas Dance, "The Metamorphosis of Law into Gospel: Gerhard von Rad's Attempt to Reclaim the Old Testament for the Church," in *Recht und Ethik im Alten Testament* (eds. Bernard M. Levinson and Eckart Otto; Altes Testament und Moderne 13; Münster: LIT Verlag, 2004), 83-110.

[2] For the sake of convenience, in this chapter the offering in Deut 26:1-11, as the paradigmatic firstfruits rite of Deuteronomy, will be referred to simply as "the firstfruits offering" or "firstfruits." Any other reference to a firstfruits offering (such as that in Deut 18:4) will be referred to by verse.

[3] For an exploration of the theory of symbolic condensation and ambiguity, see Kertzer, *Ritual, Politics, and Power*, 11.

themselves are ambiguous, representing paradoxical possibilities and outcomes. Both of these properties of condensation and ambiguity make the firstfruits a ritual encapsulation both of the intensively memory-laden confession of Deut 26:5b-10, and, more broadly, of the claims put forward throughout the book. Because the firstfruits is naturally connected to the land's demonstrated fertility, it serves as a natural index of Yahweh's guarantee of domestic security and natural abundance for Israel.[4] It is also utilized as a means of evaluating the people's compliance with their contract with Yahweh; the ability to bring firstfruits demonstrates obedience to Deuteronomy's dictates.[5] When combined with its associated confession, these symbolic resonances make the firstfruits ritual a powerful summation and recapitulation of the congregation's responsibilities under Deuteronomy's legal code.

The narrative setting of Deuteronomy offers the reader a particular problem of interpretation, however. The book vests its rhetorical force in its status as a treaty between Yahweh and Israel, and the author takes advantage of historiographic litanies to present the firstfruits offering as both the logical culmination and linchpin of Israel's historical relationship with its deity. Israel's particular historical problem – a lack of

---

[4] Indices are signs, either natural or artificial, that offer information about underlying conditions; these signals that are vital to understanding and navigating the world. True indices may be either natural or artificial. Natural indices are directly related to the conditions that produce them; for example, wilting plants send the message that there is probably little water in the soil and that the gardener needs to pull out his watering can. The lit yellow light on a gasoline gauge in an automobile is an artificial, constructed index, even though it truly signals that only a small amount of fuel is available in the vehicle's tank and that its driver must locate a petrol station immediately.

A natural index is also by definition non-falsifiable; that is, it cannot by its nature be contrary to the truth of the underlying condition that it indicates. In the context of Deuteronomy's firstfruits ritual, having crops that can produce firstfruits is an unimpeachable signal that the land is good and fertile and that, by the logic of the Deuteronomic covenant, Yahweh is fulfilling the terms of his contract with Israel. For a discussion of theories of indexical communications, see Rappaport, *Ritual and Religion* , 55-65.

[5] Conversely, crops that fail to thrive unequivocally express that there is some problem with the land, and, by the same train of logic, that the terms of the covenant have been violated. See Deuteronomy's own explication of this dynamic in Deut 7:12-15.

arable land to use as its own – is addressed by the author not only as the center of Israel's past problems but also, ironically, as the source of future difficulties.[6] In order to bring relief to its audience, the book requires them to agree to a covenant that will permit entry into their new land (by allowing them to enlist Yahweh's strength for themselves). However, in a rather obvious tautology, it also obligates them to affirm this agreement by providing an offering and a confession that can only be produced *after* they have come to the land. This logical conundrum is solved not through the audience's physical actions, but in the ways in which the hearing of the firstfruits offering itself fashions them as a congregation. The firstfruits ritual takes a congregation defined by one status – disobedience, dispossession, and wilderness wandering – and converts it into one that is delineated not simply by the promise of the land, but by its fulfillment.

4.1 Firstfruits and the Formation of Israel

The central function of firstfruits in Deuteronomy is the construction of its audience as a new type of assembly, one that is defined by a reciprocal covenant relationship with Yahweh, and reified by its relationship to the land. Firstfruits is the ultimate symbolic expression of this new status. However, while firstfruits is intimately linked to the covenant through the medium of Deuteronomy's rhetoric, it is not in itself meaning-bearing. Outside of the specific referents created for this offering both by its larger social context and the meanings that Deuteronomy itself imposes on it, firstfruits

[6] For recent treatments of this problem, see MacDonald, *Not Bread Alone*; and Peter Altmann, "Feast, Famine, and History," 555-67.

does not signify anything outside of being organic vegetal matter.[7] Instead, it takes on weight for Deuteronomy's congregation insofar as they are trained to recognize its significance for them, and its identification of the stipulations the new order under which they will now live.

The new status that the firstfruits bestows is a "conventional" state, which comes into being only through its mutual recognition by all concerned parties.[8] Offering (or hearing the narrative of) the firstfruits changes nothing physically for the offerer/hearer, who is not healthier, wealthier, or wiser than before the initiation of the ritual action. The transformation into a new relationship with Yahweh and the land is valid only because everyone involved with the ritual agrees that it is. Furthermore, the content of the congregation's metamorphosis is mediated through the ritual symbol and actions that accomplish it. The assignment of meaning to this new conventional state is not simply random, but must be brought about through the use of ritual symbols that can be logically proposed as indices of the congregation's new conventional situation.[9] Firstfruits meets this standard not only through what it is – a natural index of a particular land's agricultural productivity – but by the literary connection of its defining ritual confessional in Deut 26:5b-10 to the book's framing rhetoric. Its numerous points of contact with Deuteronomy's larger rhetorical argument allows the firstfruits ritual to encapsulate in

---

[7] Rappaport, *Ritual and Religion*, 111-13. My approach throughout this chapter to firstfruits and its ritual implications is deeply indebted to Rappaport's theoretical contributions to ritual study and its relationship to language.

[8] For example, a person who has been made a knight in Great Britain has particular status and rights bestowed on him by virtue of mutual agreement that the convention of dubbing has transferred him from one station to another. That elevated position, however, evaporates in the United States, which does not recognize in its legal system the basis of the convention that created this new status. Similarly, initiated members of religious organizations hold conventional statuses that are only meaningful within their groups; when operating within other organizational contexts (e.g., at their workplace), the conventions designating their religious statuses are negated.

[9] As Rappaport has noted, "the indexical nature of acts signaling conventional states . . . is a consequence of their accomplishment of whatever it is that they indicate" (*Ritual and Religion*, 108).

itself the obligations and rewards that the congregation takes on itself in undertaking the rite, and thus permit quick reference to the entire code of Deuteronomy through this one ritual portal.[10]

4.1.1 Audiences for the Firstfruits Rite

The audience that will be transformed by the firstfruits ritual can be conceived of in two primary ways, both of which are important in understanding how firstfruits in the text carries out its ritual purpose. First, there is the literary audience of the text itself. Deuteronomy makes its argument to Israel before it crosses the Jordan, and thus before any of the instructions that it commands to be carried out *in the land* can be operative. It is Israel east of the Jordan that the text overtly addresses, and its instructions to them are not compiled as a rubrical handbook but as part of a treaty with their deity. The text's overt narrative goal is gaining from this group binding consent to follow the commands of the Deuteronomic law code.[11]

Of course, contemporary historical criticism is overwhelming (if not universal) in its assessment that Deuteronomy was not actually composed for its wilderness audience.[12] While Deuteronomy is set at the end of Israel's wilderness wanderings, both the reconstructed historical circumstances of its composition and the explicit language of

---

[10] See ibid., 116.

[11] Joel S. Baden has pointed out that Deuteronomy is not only the only book in the Pentateuch that overtly claims for itself authority over the congregations to which it is read, but also demonstrates external evidence (in 2 Kings) that it was considered authoritative almost immediately upon its promulgation. *J, E, and the Redaction of the Pentatech* (FAT 68; Tübingen: Mohr Siebeck, 2009), 296-99. Furthermore, Jeffrey Stackert notes that legislation authored by a divine figure (instead of a king creating law on behalf of an authorizing deity) is a novelty within its ancient Near Eastern context, and results in a text that is *by nature* irrefutable by its audience (as long as that audience accepts the legitimacy of the divine promulgator). See his *Rewriting the Torah*, 222-23.

[12] For a notable exception to the historical-critical consensus, see Kenneth Kitchen, *On the Reliability of the Old Testament* (Grand Rapids, Mich.: Eerdmans, 2003).

the document itself reveal it to be a text that is intended to be read to successive generations of audiences.[13] Deuteronomy therefore seeks to gain legal consent from virtually *any* projected audience, and the specifics of its literary setting are intended to encompass a nearly inexhaustible array of possible hearers.[14] Moses' constant use of second person address effectively elides the distinction between the literary audience and the flesh-and-blood audiences that have heard Deuteronomy since its original promulgation. The resulting fusion of the audience means that the rhetorical and legal effects of Deuteronomy's instructions – and most particularly those of the firstfruits offering – are as operative for a modern audience as they are for the projected characters of the text.

4.1.2 Deuteronomy 26:1-11 and the Deuteronomic Law Code

While the firstfruits rite in Deuteronomy 26 is generally considered part of the Deuteronomic law code of Chapters 12-26, several of the text's unique features indicate that its function within the code is distinct from that of the preceding thirteen chapters.

---

[13] Immediately after the law code's conclusion, the text directly enjoins its audience to inscribe its instructions for future consultation: Deut 27:1-8; cf. also 31:24-29. As James Watts notes, this readership relies fully on the Pentateuchal narrator as the mediator of Moses' law. See his *Reading Law*, 27.

[14] Bernard Levinson has plausibly suggested Deuteronomy's purpose as a "draft constitution," one that seeks to use law not as pure constraint, but in order to impel its recipients toward moral action. Its function may thus be conceived less as punitively coercive, but as an exercise in political philosophy, "a re-visioning of the possibilities of political, religious, and social life" ("Deuteronomy's Conception of Law as an 'Ideal Type': A Missing Chapter in the History of Constitutional Law," *Maarav* 12 [2005]: 83-119, 116). S. Dean McBride has made similar observations about Deuteronomic constitutionalism, noting that, "instead of self-authenticating oracular pronouncements or stark apodictic decrees bearing the stamp of royal office, we find this legislation making liberal appeal to the experiences and interest of an Israelite public." See his "Polity of the Covenant People: The Book of Deuteronomy," *Int* 41 (1987): 229-44 (238). In noting that rabbinic legislation based on Deuteronomy and other legal corpora of the Hebrew Bible were often already not capable of being physically fulfilled even by the time they were written, Steven D. Fraade points out the need to consider the oftentimes illegitimately opposed "legal" and "narrative" worlds of the text as part of a continuum of ongoing interpretation. See his *Legal Fictions: Studies of Law and Narrative in the Discursive Worlds of Ancient Jewish Sectarians and Sages* (JSJSup 147; Leiden/Boston: Brill, 2011), 13-14.

First, it does not seem to have any place in the regular cultic structure of the book. While its status as a firstfruits offering might suggest (in parallel with the festal occasions for firstfruits in Leviticus 23 and Numbers 28) that it should be assimilated to the *šābū'ôt* festival prescribed in 16:9-12, in Deuteronomy this feast is not designated for firstfruits, but rather is characterized by the giving of *nĕdābôt* ("voluntary offerings"). This fact precludes a linkage between the two passages, since the firstfruits of Deuteronomy 26 are not classed as *nĕdābôt* and are emphatically not voluntary.[15]

Furthermore, aside from its non-conformity with the specifics of other sacrificial instructions in Deuteronomy that might bear on firstfruits, Deut 26:1-11 is relatively precise about its rubrics (a feature that it shares in part with the tithe regulations in the chapter).[16] The instructions for observing the festivals in Deuteronomy 16 contain only

---

[15] Other ancient Near Eastern texts give evidence of voluntary gifts that were provided in conjunction with firstfruits festivals. However, even in these instances the firstfruits festival is primary, while the voluntary offerings seem to be additional, though often extensive. See the discussion of *a-ru-a* gifts by Marc van de Mieroop, "Gifts and Tithes to the Temples in Ur," in *DUMU-E_2-DUB-BA-A: Studies in Honor of Åke W. Sjöberg* (ed. Hermann Behrens, Darlene M. Loding, and Martha T. Roth; Publications of the Samuel Noah Kramer Fund 9; Philadelphia: The University Museum, 1989), 398. The closest festival corollary to Deut 26:1-11 seems to be Lev 23:10-14: "When you come to the land which I am giving to you and you harvest its harvest, then you will bring the first *'ōmer* of your harvest to the priest. He will raise the *'ōmer* before Yahweh to secure you his favor; on the day after the sabbath the priest will raise it." This passage closely parallels the opening statement found in Deut 26:1-2, as both texts explicitly mention the bringing of the firstfruits directly to the priest and the transfer of control from the offerer to the priest; they are the only biblical texts that contain this specific instruction. The similarities in the rites are so striking that that the description or underlying practice of Deut 26:1-11 may have influenced the textual composition of Lev 23:9-14. See Christophe Nihan, "Festival Calendars," 215.

[16] Although a heightened level of rubrical detail is provided for the firstfruits offering in Deuteronomy 26, on its face the text is unclear when or how often the ritual should take place. Jack Lundbom argues in favor of an annual offering and recitation of the confession during the feast of *šabū'ōt*, and envisions the ceremony as being very literally performed by one individual offerer after another. *Deuteronomy: A Commentary* (Grand Rapids, Mich.: Eerdmans, 2013), 735-36. However, his argument ignores Deuteronomy's actual designation of the *šabū'ōt* festival as a time for *nĕdābôt*, rather than firstfruits, and it is hard to imagine the assembly-line ritual process that he envisions. For comparative evidence, the closest parallel in Deuteronomy to 26:1-11 is the firstfruits offering to the priests in 18:4; however, while the similarity in terminology and (possibly) in occasion outlined above suggest that 18:4 and 26:1-11 are tied together, the correspondence is weak, with no textual indication that specifically confirms the link. Eissfeldt starkly differentiates the content of 26:1-11 from that in 18:4, noting that *rē'šît* in 26:1-11 is a reference to "first-ripened" grain and is not part of the gift to the priests, whereas the term in 18:4 is a prebend along the lines of the *zebaḥ* offerings of 18:3 (*Erstlinge und Zehnten*, 39-43). Because the

general regulations for the rituals, without precisely describing either the mechanics of the celebrations or any prescribed texts to accompany the performed rites.[17] Stipulations for tithing in 12:17-18 and 14:22-29 – both the regular yearly tithe as well as the third-year tithe to the Levites and other marginalized groups – hold some didactic content, but are concerned mostly with the ways to bring the tithe to the central sanctuary, not in how it should be presented. Meanwhile, the stipulations for sanctifying firstborn livestock (15:19-23) are confined to guidelines for slaughtering clean and blemished animals.

---

rē'šît offerings in 18:4 are explicitly prebends (either from the field or the sheep), they must be given to the priests at least every year, if not more frequently, since each harvest or shearing cycle has some portion of it that is *rē'šît* by definition (whether firstling or choice portions), and all *rē'šît* portions belong to the priests. Nevertheless, the exact dates on which these *rē'šît* offerings must be handed over are not defined explicitly or by a chronological relationship to some other important annual event. Furthermore, regarding Deuteronomy's intentions for the firstfruits offerings to the priests, note Levinson's caution that the legislation here is "almost certainly more utopian than pragmatic" ("Deuteronomy's Conception of Law," 113). In contrast, the *rē'šît* offerings in 26:1-11 are simply required to be brought "when (at an unspecified future time) you come into the land (*wĕhāyâ kî-tābô' 'el-hā'āreṣ*) that Yahweh your God is giving to you" (26:1).

The text's inexplicitness about the frequency of the offering, and failure to correlate it to a festival event or to explicate how often it is required, strongly suggests its author did not envision repeated performances. Richard D. Nelson concurs in part: "The primary goal is not to establish a recurring ceremonial obligation, but to convey the creedal declaration to the reader." However, he continues, "even though the firstfruits ceremony is explicitly described as an initial, foundational requirement, the most natural reading of the text must also assume the institution of an annual observance" (*Deuteronomy* [OTL; Louisville: Westminster John Knox Press, 2002], 307). While this may be true if one is attempting to read Deuteronomy from the point of view of a history of Israelite religion, the text actually gives no indication that the frequency of the ritual is a concern. If anything, its failure to be specific about the time of the ritual militates against this possibility. Furthermore, while it is reasonable to assume that the offering in 26:1-11 should take place sometime before the general harvest period, this is a logical deduction rather than a calendrical requirement, and cannot automatically be applied to subsequent harvests.

The use of the second person singular (*tābô'*) throughout 26:1-11 signals that the offering is supposed to be brought by an individual worshipper in his capacity as member of the Israelite polity who is covered by the stipulations of the covenant, although this is not fully dispositive regarding the firstfruits as an individual offering, as Deuteronomy is notorious for Moses' frequent switching between the second person singular and plural. However, the use of the first person singular at the beginning of the confession (*'ărammî 'ōbēd 'ābî*, 26:5) and in its close (*wĕ'attâ hinnê hēbē'tî 'et-rē'šît pĕrî*, 26:10) to bracket the first person plural found in the rest of the confession indicates that firstfruits is brought by an individual worshipper who is acting to fulfill a corporate responsibility under the covenant. However, the offering is given as a response to God's fulfillment of terms for all of Israel. The one who brings firstfruits can only do so because he has acquired land within the context of his membership in the people of Israel, and the offering is therefore a corporate requirement that must nevertheless be carried out by individual persons.

[17] As Eissfeldt notes, it is extremely difficult to correlate the rubrical information of the firstfruits festival in 26:1-11 with anything that can be found in the instructions for the festival calendar in 16:1-17 (*Erstlinge und Zehnten*, 44).

Only the firstfruits rite provides reasonably exact rubrical information regarding the manner in which the offering will be given, the order of the rite, and even some elements of ritual movement. Since Deuteronomy does not otherwise show great interest in the cult's mechanics, such a significant departure from the general tendency of the work sets this passage apart from other ritual exemplars in the law code. In addition, it is the only segment of the law code in which a member of the congregation engages in ritual dialogue with a member of the Levitical priestly caste at the book's projected cultic center.[18] It thereby represents the one unequivocal moment in the text in which the people and Yahweh (through his representative) directly exchange terms of service, along with the gifts and accompanying verbal acknowledgments.[19]

The rite also departs from others in the Deuteronomic law code by virtue of its length and detail. Other cultic prescriptions in Deuteronomy are not accompanied by

---

[18] Although the priest does not speak during this interaction, his reception of the basket and subsequent transfer of the gift to the front of the altar is a non-verbal ritual communication denoting acceptance of the offerer's affirmation that he has entered into the land that Yahweh has promised, and that Yahweh has therefore implicitly fulfilled (and is still fulfilling) the terms of the Deuteronomic covenant. The priest plays no part in the rite aside from his role as intermediary between offerer and deity. Yet the priestly role is informed by clerical responsibilities outlined elsewhere in Deuteronomy, where the levitical priests are responsible for teaching the law to the congregation (17:8-13, 18). Mark Leuchter has addresed the Levites' post-Deuteronomic loss of a strictly cultic function, which was replaced by a new role as executors of Deuteronomy's legislation ("'The Levite in Your Gates': The Deuteronomic Redefinition of Levitical Authority." *JBL* 126 [2007]: 417-36). Indeed, it is notable that the Deuteronomic instructions on priestly prebends in 18:1-5, including their reception of the *rē'šît*, are given in the context of the text's delineation of the priests' role as guardians and interpreters of the law code (a discussion which constitutes Deuteronomy's most developed exploration of priestly responsibilities). Although there is little formal action by the priest in the firstfruits rite, his role as recipient of the firstfruits and his supervision of the correct recitation of the historiographical confession suggest that the priest's role as the overseer of proper instruction is very much active in the rite.

[19] The confession of vv. 5-10 begins only after the priest transfers to the altar the material symbol of the donor's admission, "I acknowledge today to Yahweh your God that I have come to the land that Yahweh swore to our fathers to give to us" (26:3). By so doing, the priest acts as Yahweh's witness that the offerer has entered a proper statement of jurisdiction concerning his residence in the land. By bringing firstfruits as a sign that he has inherited the land and accepted the authority of the law code, and then presenting it to the priest for transference to the altar, the offerer reinforces the priest's status as the intermediary between Israel and Yahweh in matters involving the judgment and execution of the stipulations of the law code (Deut 17:2-13, 21:5). The firstfruits ceremony is the only place in Deuteronomy where the priests perform any ritual action related to the cult.

mandatory liturgical texts of any significant size. In those laws where human speech is described,[20] the purpose is never to prescribe a text to be used in conjunction with physical cultic action. Instead, it is either a generalized reflection of hypothetical personal or social desires, or used to explain the technical procedures used for clarifying and resolving disputes, rather than to advance or confirm liturgical action.[21] The speech found in these latter instances serves a literary purpose mostly confined to the careful delineation of specific legal problems.[22] This leaves the firstfruits and tithe offerings in Chapter 26 as the only places within the Deuteronomic law code that contain extended, prescribed speech performed clearly in the context of the Yahwistic cult, while the firstfruits rite is the only instance of speech in the book that takes place within an inarguably public cultic forum.[23]

Taken together, these peculiarities indicate that this passage's function is to serve as a kind of ritual summation for Deuteronomy's legal code, rather than simply another legal requirement. The unusual length and detail of the ritual, combined with its unique employment of confessional speech, suggests that this summarizing function is the

---

[20] See 12:20, 30; 13:7, 14; 15:9, 16; 17:4; 18:21; 20:3 (*'mr/lē'môr*); 13:3 (*dbr);* 20:5-9 (*'mr/dbr*); 21:7 (*'nh-'mr*).

[21] Assnat Bartor has also argued that reported discourse in biblical legislation and ancient Near Eastern legislation serves the rhetorical purpose of making the legislation "polyvocal," thus dramatizing the legal situations envisaged by the law codes. This dramatization allows the audience to explore more deeply the psychological motivations of the characters embedded in the laws, further ingraining the validity of the legal precepts that are presented. See her "The Representation of Speech in the Casuistic Laws of the Pentateuch: The Phenomenon of Combined Discourse," *JBL* 126 (2007): 231-249. For further application of her thesis to Deuteronomy's legislation, see her *Reading Law as Narrative: A Study in the Casuistic Laws of the Pentateuch* (SBLAIL 5; Atlanta: Society of Biblical Literature, 2010), 35-55, 137-41.

[22] Outside of Deuteronomy 26, the only partial exception to this rule is found in Deut 20:3, where the priest offers a short exhortation to the people encouraging them not to be fearful of their enemies, since Yahweh is unambiguously capable of securing victory for them. The speech of the priest in 20:3 is exceptional only in regard to its length; in content, it merely articulates the requirement that those who have not yet performed the steps necessary to secure one's domestic life (and, presumably, one's posterity) should do so before going to war.

[23] It is not obvious what the exact ritual context of the tithe statement is, as it is not certain from the text that it is performed in conjunction with the offering of the tithe itself.

primary motivation for its inclusion in its place at the end of the law code. Rather than simply being a ceremony described by the code, it is a ritual that is intended to end the code, sealing a legal agreement between the audience and their very immanent deity.[24]

4.1.3 Ritual and Confession: Forging a Symbol

The symbolic power of firstfruits is expressed through the gift's most overt quality: its function as an index of the fruitfulness of the land and the potential life and comfort to be gained from harvesting the land's full agricultural potential. The very act of presenting a firstfruits offering is a signal that there is potentially a much greater bounty of produce to be had from the sown crops. Nevertheless, between collecting the firstfruits and the taking of the full harvest, a variety of eventualities – most prominently unseasonal weather patterns – could destroy the crops, leaving the populace to face famine conditions despite the productive potential of the land.[25] Therefore, provision of firstfruits demonstrates recognition of the potential as well as the danger inherent in this liminal period. In order to counter the hazards of the final period of the growing season and ensure that the vital nourishment of the harvest will be procured, the best of the early production is offered both as an inducement to the deity to continue to provide the

---

[24] Georg Braulik asserts that 26:1-15, in conjunction with 25:17-19, is designed as the conclusion of the law code. Together, these two pericopes look back to the promises made at the beginning of the code in 12:9-10 and fulfill them by granting rest (*nwḥ*) from enemies and dwelling (*yšb*) in the land of inheritance (*yrš*), which signals that the code has been put into effect. See his *Die deuteronomischen Gesetze und der Dekalog: Studien zum Aufbau von Deuteronomium 12-26* (SBS 145; Stuttgart: Verlag Katholisches Bibelwerk, 1991), 112-14; see also idem, "Die Abfolge der Gesetze in Deuteronomium 12-26 und der Dekalog," in *Das Deuteronomium: Entstehung, Gestalt und Botschaft* (ed. Norbert Lohfink; BETL 68; Leuven: Leuven University Press, 1985), 252-72. Cf. David Carr's observation that "the Deuteronomy-Joshua complex is distinguished from the following books by some other features, such as the . . . promise of land to the fathers by oath, the idea that Yhwh will give Israel rest prior to land possession and an articulation of that taking possession with the verb *yrš* (versus *ntn*)" (*Formation*, 291).

[25] Tamara Prosic, "Annual Festivals in the Hebrew Bible II: Perspective from Ritual Studies," *Religion Compass* 4 (2010): 727-36.

favorable conditions necessary for a successful harvest and as a recognition of the deity's power to secure this result.[26]

In Deuteronomy, however, the firstfruits offering transcends its basic function of enticing Yahweh to aid in the production of agricultural goods. While at the simplest level it remains a ritual designed to enhance the harvest, it does so mainly by affirming continued allegiance to Deuteronomy's legal code. The liturgical speech of the confession, combined with its extra-rubrical historiographic and homiletic content, alters the standard connotations of fertility. In the process, ideological and cosmological categories from other portions of the text are absorbed and consolidated into firstfruits.[27]

This expansion of the basic ritual function of firstfruits is made manifest through historiography. As Jean-Pierre Sonnet has asserted in his work on writing in Deuteronomy, "everything in Deuteronomy is mediated by historiographic telling." [28] The book's frequent, overt interpretations of the events in Israel's recent past and projections of that history into the future are the primary vehicles through which concepts from Deuteronomy are incorporated into the symbol of the firstfruits offering. Deuteronomy 26:1-11 combines historiographic confession with the physical material

---

[26] This is not an assertion that is made by the text itself; the confession that accompanies the firstfruits explicitly claims that the offering is brought as a grateful response to Yahweh's history of generosity toward Israel. Nevertheless, providing firstfruits in the hope that it will serve an apotropaic function is a common feature of the offering, and it is therefore logical that such a meaning is implicit here and would have been understood this way, even if it is not overtly expressed by the text. See Catherine Bell, *Ritual: Perspectives and Dimensions* (New York/Oxford: Oxford University Press, 1997), 103.

[27] The theory of condensation of meaning in discrete symbols is specially operative here. While symbols often serve to condense a series of broadly-held ideas from a particular culture, in Deuteronomy the surrounding text provides an array of meanings that the text's audience would already have assumed before its engagement with the text. As Kertzer notes, "Even where individuals invent new rituals, they create them largely out of a stockpile of preexisting symbols, and the rituals become established not because of the psychic processes of the inventor but because of the social circumstances of the people who participate in the new rite" (*Ritual, Politics and Power*, 10-12). In this case, the new circumstances are created not by an actual new social situation, but by an imagined one that is imposed by the text.

[28] Jean-Pierre Sonnet, *The Book within the Book: Writing in Deuteronomy* (BIS 14; Leiden: Brill, 1997), 11.

and choreographed movement of the firstfruits ritual in order to anchor the offering within the congregation's own narrative context, and to condense that entire context within the singular point of the firstfruits. Since Deuteronomy stipulates that Yahweh will provide blessings as long as Israel remains in obedience to the Deuteronomic code (e.g., 6:3, 7:12-15; 8:1-10; 11:26-31), the simple act of gathering the firstfruits is an affirmation that Yahweh has brought Israel into the fertile and life-sustaining land that he has promised to them. The firstfruits thus becomes a non-falsifiable index of the benefits of heeding Deuteronomy's legislation, as the agricultural fertility that allows the offering of firstfruits demonstrates by itself that Israel has remained faithful.[29]

4.1.4 Firstfruits as Index of Refashioned Israel

In the scenario envisioned by the book, the congregation that is receiving Moses' final legislation is still across the Jordan.[30] Hence, the literary audience has no immediate access to the material goods that would allow them to make the offering, and therefore it seems impossible for firstfruits to play its indexical role in proving Israel's obedience. However, by incorporating in the law code's final instructions a command to carry out the firstfruits ritual after the tribes have secured their new territory, the text forces its audience to accept that its well-being in that land is contingent upon the execution of the law code's terms. Since Yahweh will only permit entry into the land if the instructions of Deuteronomy are put into practice, if they are to even gather the firstfruits that demonstrate adherence to the covenant, the members of the audience are required to

[29] An important feature of Deuteronomy's law code is that it is only executable in the land, and carries no validity until its audience has performed the commandment to conquer their promised possession. See Moshe Weinfeld, *Deuteronomy 1-11* (AB 5; New York: Doubleday, 1991), 57.

[30] On the importance of this place in Deuteronomy's literary presentation, see Nathan MacDonald, "The Literary Criticism and Rhetorical Logic of Deuteronomy I-IV," *VT* 56 (2006): 203-224.

approve the terms of the law code. Therefore, the simple agreement to carry out the firstfruits ceremony is also inherently an agreement to abide by Deuteronomy's legal precepts, even absent the actual performance of the rite.[31]

Of course, in order for the firstfruits rite to be operative, it is critical for the text to signal that its audience has already endorsed the text. Fortunately, such a signal is forthcoming in the text's conceit that its audience has already made a covenant with Yahweh at Horeb (5:2-5, 19-24). The text here explicitly notes that the people have implored Moses, "You, approach and hear all that Yahweh our God will speak and then tell to us all that Yahweh our God has spoken to you, and we will obey and perform it!" (5:24). In response, Yahweh instructs Moses to tell the people to return to their tents, while he provides to him the "whole commandment, the statutes and judgments, that you will teach them so they might do (them) in the land that I am giving them to possess" (5:28). Shortly thereafter, the text rather unsubtly ties the Deuteronomic law code to the instruction that Moses has received on the mountain, having Moses proclaim, "This is the commandment, the statutes and judgments, that Yahweh your God commanded to teach you to do in the land that you are crossing over to possess" (6:1).

---

[31] As a type of legal agreement, the textual purpose of the firstfruits ritual can be explained in part by Rappaport's observation that physical material in ritual infuses the statements and agreements of the rite with "heaviness." In discussing the employment of non-verbal communication in ritual – both in physical action and the utilization of material goods – he claims that one of the central purposes of this form of ritual signaling is to provide "weight" for verbal declarations, solidifying their value through the presence of tangible goods and the ritual actions taken in relation to them. Conventional states – whether the recognition of rank, the establishment of a marriage, or the sealing of a contract – are made substantial through material or actional indices that transform them from mere concepts into concrete *res* (*Ritual and Religion,* 141-43). By being made solid and "natural" in this way, they are linked firmly to underlying cosmological structures accepted by their audience. See Douglas, *Institutions*, 52-3. In this instance, it is the law code itself that requires weight, since the authority of the confession's historiographical claims, no matter how rhetorically persuasive, remains ephemeral unless they are made "heavy" by some material representation. By using firstfruits as its central object of ritual "weight," the text unmistakably substantiates Yahweh's dominion over Israel through ritual manipulation of an item produced through submission to and compliance with his instructions.

Since the people have already agreed to follow Moses' instructions, by a rhetorical sleight-of-hand they have also explicitly agreed to treat Deuteronomy's text as authoritative *even before assembling to hear it*.[32] By endorsing the text, they have also stipulated to the confession's central historiographical claim: that Yahweh is both capable of freeing Israel from oppression and delivering its people to a good land, and that he desires to do so. They have therefore also endorsed the implicit claim that brings ritual weight to this textual reality: they are able to bring the firstfruits because Yahweh is capable of and desires to perform these salvific actions for them. The fact that the audience offers them imaginatively, rather than physically, does not detract from the offering's status as a seal of the covenant agreement. Through simple auditory participation in the ritual, which is suggested by the book's literary conceit as a sermon (see 1:1 and 31:10-13), the audience endorses the content of the law code.

4.1.5 Israel's Perishing Father

The plight of Israel's fathers and Yahweh's response to them provides a powerful literary structure for interpreting the firstfruits offering.[33] The father himself, depicted as

---

[32] See the similar situation in Exodus analyzed in Chap. 2 of the present study.

[33] Critical to the confession is the opening statement, *'ărammî 'ōbēd 'ābî* ("my father was a perishing Aramean"). The exact sense of the verb *'bd* in this passage remains uncertain and has given rise to a wide variety of possibilities in its translation history. Current translations tend to assign it meanings ranging from "wander/go astray/be lost," to "be a fugitive," to "perish." (RSV/NRSV read "wandering"; NJPS has "fugitive"; NKJV maintains "about to perish.") Von Rad claims that the word should be understood according to its general use with straying animals, and also links it to its use in Gen 20:13 (*Deuteronomy, A Commentary* [trans. Dorothea Barton; OTL; London: SCM Press, 1996], 101; trans. of *Das fünfte Buch Mose: Deuteronomium* [Göttingen, Vandenhoeck & Ruprecht, 1964]). Similarly, Lundbom suggests "wandering" as a contrast with the present offerer's settled state (*Deuteronomy*, 726). J. Gerald Janzen strongly rejects this translation, arguing that "perishing" is vastly more appropriate in this instance ("The 'Wandering Aramean' Reconsidered," *VT* 44 [1994]: 359-375). Alan R. Millard suggests "refugee," noting that, if the father is associated with Jacob, then Jacob's fleeing to a space of political asylum, where he is free of Laban's punitive actions but nevertheless possesses no territory, fits Deuteronomy's context well, particularly because of the phrase's context within the firstfruits offering ("A

perishing but also as having the potential for abundant offspring, is the central figure of the confession. The tenuousness of his existence makes an implicit connection to the role of the firstfruits as a barometer of Israel's well-being. While the offerings brought to the sanctuary may be a sign of a bountiful harvest to come, they are presently few in number and are not yet able to sustain the offerer and his family for a full agricultural cycle. Similarly, the confession begins from the vantage point of a single imperiled ancestor, accompanied by only a few members of his household. While he has a large number of offspring, their existence on a large scale outside of their own territory is untenable, sparking oppression by the land's dominant population. The father's household (the firstfruits of Israel), initially threatened by small numbers, cannot secure its existence by multiplying in a land that it is unable to claim as its own possession. Because the father and his family lack a divine sponsor, their inherent fecundity is endangered by the conditions of their residence in Egypt.

The image of the father and his relationship to Yahweh is so important in the confession that it is repeated three times: once in the opening statement in 26:3, again in the initial declaration about the "perishing Aramean" in 26:5, and one last time in 26:7,

---

Wandering Aramean," *JNES* 39 [1980]: 153-55). This portion of the verb's semantic range is well-attested elsewhere in Biblical Hebrew, and can certainly be read as an underlying meaning here, considering that one of the central issues of Deuteronomy is the instability created by Israel's lack of a home territory. However, the result of this condition is that Israel's existence has constantly teetered on the edge of destruction, thus calling to mind the more common meaning of *'bd*, "to perish." Dwight R. Daniels points out that the expression *'ărammî 'ōbēd 'ābî* is *hapax legomenon*, and therefore almost surely has a non-Deuteronomic source ("The Creed of Deuteronomy XXVI Revisited," in *Studies in the Pentateuch* [ed. John A. Emerton; VTSup 41; Leiden: Brill, 1990], 234). Deuteronomy itself almost invariably uses *'bd* to indicate "perishing." Only once is it clearly employed to indicate "wandering," in legislation requiring a person to return lost property (22:3); its use in the Song of Moses is ambiguous (32:28). However, it unequivocally means "perish" in 4:26, 7:20, 20, 24; 8:19, 20; 9:3; 11:4, 17; 12:2, 3; 28:20, 51, 63; and 30:18; in 11:17 and 30:18, it is explicitly used in conjunction with perishing "from the land." The emphasis on "perishing" is also congruent with the content of the J/E material from Gen that the opening of the confession seems to reflect. See Janzen, "Wandering Aramean," 360-62; also Calum Carmichael, *Law and Narrative in the Bible*, (Ithaca, New York: Cornell University Press, 1985), 308-309.

when the descendants of the Aramean, in their first corporate act, cry to "Yahweh, God of our fathers." Reflecting this outsized role in the firstfruits ritual, the "fathers" are also a key point of reference in Deuteronomy, being linked particularly closely to the land and Yahweh's promise to provide land to Israel. References to Yahweh's oath or promise to give the land to the father (or, by implication, to his descendants) are found repeatedly in Deuteronomy (4:1, 37-38; 6:10-11, 18, 23; 7:12-13; 11:9; 26:3 28:11; 30:5, 20; 31:7, 20; 34:4). Furthermore, they are frequently found in conjunction with language describing agricultural blessings or other of the land's abundances.[34]

When Israel is expelled to foreign territories, the tragic result is expressed in terms of the inhabitants of these places being unfamiliar to Israel's fathers. When Deuteronomy 28:36 describes Israel being driven out of the land in the future, it is not expelled to a less productive land, but to the midst of an unfamiliar national group, "a nation which neither you nor your fathers have known." Similarly, later in the chapter the people are scattered amongst other peoples (not other lands) and must serve unfamiliar deities, again described as objects "which neither you nor your fathers have known" (28:64). In Moses' oration in Chapters 29-30, the people's projected redemption is also expressed in terms of their salvation from foreign people rather than foreign lands and a return to territory held by their fathers (30:1, 5).

This placement among unfamiliar peoples vitiates Israel's national identity. This dynamic is shown in Deuteronomy's depiction of a future where a hypothetical Israelite clan engaged in syncretism has been exiled from the land for disobedience (29:20-27). In this pericope, both later generations of the people and foreign nations comment on the

---

[34] See Thomas Römer, *Israels Väter: Untersuchungen zur Väterthematik im Deutoronomium und in der deuteronomistischen Tradition* (OBO 99; Göttingen: Vandenhoeck & Ruprecht, 1990).

devastation of the land, which is a stand-in for its invisible inhabitants, who have been "cast into another land, as it is even to this day" (29:27). The destruction of the people is mirrored in the waste of the land, which is a consequence of "transgressing the covenant that Yahweh, God of their fathers, made with them when he brought them out from the land of Egypt" (29:24). These people have been removed from the literary narrative of their existence, which within the world of the text is equivalent to being removed from existence itself.

Against this threat, the father is twice invoked in Deuteronomy as the source of Yahweh's guarantee that he will never allow Israel to be completely destroyed. Even (or especially) when Israel as a nation seems to be facing imminent demise, the text promises that Yahweh will preserve them until they return to obedience. As early as 4:31, at the conclusion of the first threat of future exile, the text asserts that expulsion will not bring an end to existence: "because Yahweh your God is a merciful God; he will not abandon you, nor will he destroy you, and he will not forget the covenant of your fathers which he swore to them" . A similar situation occurs in 30:1-5, where Moses again promises that, after future punishment through famine, war, and exile, Yahweh will collect the scattered people and reconstitute them in the land, on condition that they return to following the Deuteronomic law code. This return is again couched in terms of the fathers: "Then Yahweh your God will bring you to the land which your fathers possessed and you will possess it and he will prosper you and multiply you more than your fathers."[35] Yet despite a promise of ultimate redemption, the people's lives outside of the land will

[35] The exception to the rule that Deuteronomy never threatens complete destruction to Israel is found in 8:19-20, which promises that the people will perish if they apostasize to other deities but includes no promise either to preserve or to restore them eventually to the land. Deut 11:17 also contains a threat to destroy Israel that is unmitigated by a promise of ultimate redemption, but this passage is not as bleak as it seems, since it is limited to a warning that Israel will be removed from their land in case of disobedience.

always remain precarious; during the elucidation of the curses in Deuteronomy 28 it is pronounced that, in exile, "your lives will be dangled before you, and you will be afraid both night and day, and you will have no confidence in your lives" (28:66). Beginning the confession with the image of the father makes a claim about the firstfruits offering itself: it is a sign of Israel's perpetual but often fragile existence.

4.1.6 Egypt's Oppression and Yahweh's Salvation

The center of the confession concerns Egypt and Yahweh's acting to redeem Israel from its tribulation there. This portion of the text advances three main themes: (1) Egyptian oppression, (2) Yahweh's ability to affect the situation in Israel's favor, and (3) Israel's cry to Yahweh. The first two of these appear in numerous places throughout Deuteronomy. Egypt's oppression of Israel is routinely counterposed to Yahweh's salvation: as the Egyptians have confined Israel to servitude (*bêt ʿăbādîm*, 5:6, 6:12, 7:8, 8:14; 13:6, 11), so Yahweh has brought them to the cusp of a land where they are subjugated only to the statutes of their deity (6:10-25; 7:6-11; 8:11-18). This has been accomplished through Yahweh's superior power, manifested in Egypt by acts that were visible and effective on all parties. By coupling these themes together in the firstfruits confession, the text makes the offering itself a counterweight to the difficulties experienced by the people when they are outside of Yahweh's protection and is a sign of Yahweh's undisputed capacity to shield them from adverse powers and harsh labor. The firstfruits grow freely in a land that requires no significant work in order to be productive but only the blessing of Yahweh; it is explicitly a land that is "not like the land of Egypt

which you have come out from," which was irrigated manually, but instead a place that "drinks the water of the rain of heaven" (11:10-12).

While the motifs of Egyptian oppression and Yahwistic salvation spill out from the confession to infiltrate nearly every portion of Deuteronomy, the third theme – Israel's distressed plea for aid – is only present here, where it adds an important nuance to the other more prominent themes. It is plainly stated that being redeemed from Egypt and journeying to a new territory has occurred because the Israelites have requested Yahweh's aid. By so doing, they have obligated themselves to conform to their divine master's code of conduct. The offerer is unable to object to the obligations of the law code; it is, after all, a contract that he has entered into freely. Admitting in the confession that Yahweh's aid has been actively solicited elevates the firstfruits offering beyond the level of a simple memorial gift. Instead, it is transformed into contract consideration for the law code, compelling the offerer to act according to Yahweh's directives.

4.1.7 Israel's Land and Covenant Terms

These commands will, of course, be fulfilled in a particular type of land, one characterized in 26:9 as "a land flowing with milk and honey." Israel has been delivered to a land that is qualitatively different from its former residence; as employed here, this standardized expression contrasts the difficulties encountered in Egypt with the comparative ease and abundance of Israel's new land. Yet there is more to the land than simple ease of production. The very topography and climate of the proffered habitation allow Yahweh an immediate means of sanction if the law code is violated. The land itself, like the firstfruits, contains both the promise of abundance and the threat of penury.

This aspect of the new land leads directly to the confession's final statement, "So now, look, I have brought the firstfruits of the soil that Yahweh has given to me." This sentence is clearly causal, as emphasized by the opening phrase *'atâ hīnnēh*: the offerer has brought the firstfruits *because* Yahweh's previous actions have allowed him a physical space in which to produce them. Yet the force of the statement is not a simple expression of gratitude to a benevolent deity.[36] Instead, it functions to activate the law code through a pledge of obedience – backed by material consideration – that will both guarantee prosperity and ward off disaster. Yahweh has provided land and security in response to Israel's cry, and the offerer now presents as consideration a symbolic payment for this vital contribution to his existence.

Given the extraordinary gift that Yahweh has provided, it is remarkable that very little is required in return, as the central purpose of providing consideration in a contract is to obligate each party to the performance of the contract's terms. Non-performance of the contract should involve significant loss to the non-performing party. However, in this case, the scale of Yahweh's salvific actions toward Israel dwarf the possibility of any real remuneration for what Yahweh has done. Therefore, the only way that Israel can give physical payment is through a conventional sign that will stand in for the full compensation that it is physically unable to provide, and stand as a promise that it will recompense Yahweh in the only way that it is able: through executing Yahweh's commands.[37] As Deuteronomy makes clear continually, obedience to its instructions are

---

[36] *Contra* Patrick Miller, *Deuteronomy* (IBC; Louisville: Westminster John Knox Press, 1990), 179-82.

[37] See Rappaport, *Ritual and Religion*, 108. A more obvious example of offering material as a conventional replacement for a larger physical amount comes from Nuer societies, which will provide cucumber sacrifices in place of oxen in periods when oxen are not available or cannot be spared. See Edward Evan Evans-Pritchard, *Nuer Religion* (Oxford: Clarendon Press, 1956), 203.

the only "real" payment that Israel can possibly provide Yahweh. The firstfruits is a symbol of its willingness to undertake this obligation.[38]

4.1.8 Fruits of Life

The firstfruits offering is clearly articulated as a direct product of the soil – a status that excludes food derived from faunal slaughter[39] – and much of Deuteronomy's rhetoric serves to enhance this special relationship between the people and the earth that they are being granted through the Deuteronomic contract. Specifically, descriptions of produce garnered from the soil or harvested without slaughter from livestock are prominent throughout Deuteronomy (1:25; 6:3,11; 7:13; 8:7-9; 11:8-9; 12:14-15; 28:33, 38-40; 30:9; 32:13-14; 33:28). Although meat-producing livestock and game are occasionally introduced into this imagery, the significant majority of references are to botanical products, particularly the paradigmatic trio of grain, wine, and oil, which together formed the basis of the region's agricultural economy.[40] Deuteronomy certainly does not advocate vegetarianism, but insists that animals may be non-ritually slaughtered

---

[38] The coda to the firstfruits ceremony commands the offerer to follow up on the offering by partaking of the soil's richness with representatives of Deuteronomy's two main "outsider" classes: Levites and *gērîm* ("resident aliens"). This stipulation brings the themes of the offering full circle: as Yahweh has secured a steady supply of physical goods to Israel by granting them a fertile land, so now the members of the Israelite congregation will be required assure the material support of those in their midst who lack permanent land holdings. The ultimate sign that the covenant sealed by firstfruits continues to be fulfilled is the munificence of the covenant's "signatories," a relationship of generosity and care for the less powerful reflective of the divine consideration already demonstrated for them by Yahweh.

[39] It is certain that *rē'šît* in Deuteronomy 26 refers to non-meat agricultural products; in the phrases where the term is used it is linked to *pĕrî* ("fruit"), a word whose range excludes slaughtered goods, and *'ădāmâ*, which refers predominantly to arable ground and thus implies food grown directly from the earth. *pĕrî* is used in the Hebrew Bible only to refer to actual agricultural fruits, or metaphorically to refer to human or animal offspring (*pĕrî bĕhemâ*, Deut 28:4, 11, 51; 30:9) or to the consequences of actions or attitudes (i.e. "fruit of arrogance," Isa 10:12). It is never employed as a term to refer to meat derived from livestock or game animals (*HALOT*, *pĕrî*, 967-68). Finally, there is already a separate technical term for firstling animals (*bĕkôr*) in Deuteronomy (15:19), and it is not employed here.

[40] Avraham Faust and Ehud Weiss, "Judah, Philistia, and the Mediterranean World: Reconstructing the Economic System of the Seventh Century B.C.E.," *BASOR* 338 (2005): 71-92.

for personal consumption (12:13-16, 20-25). Yet in the rare instances outside of the law code where the text appears to be describing animals that may be used as meat, the imagery of slaughter is downplayed in favor of descriptions of the births (rather than slaughter and eating) of livestock animals, or of non-meat animal products (7:13-14; 8:13; 28:4, 11, 18, 31, 51, 53-57; 30:9; 32:13-14).

The majority of references to agricultural goods exclude livestock altogether, and those that include animals tend to describe them in terms of the multiplication of herds through birth rather than as objects for slaughter (28:4, 11, 51; 30:9). Those verses that do describe – as opposed to permitting – slaughter or non-cultic meat consumption (28.31, 53-57) are by-products of the social dislocation caused by foreign invasion. The only clear references to animal sacrifice are found either at the opening of the law code, where the text is concerned with properly executing cult centralization (12:4-28) and in the command to sacrifice on Mt. Ebal after crossing the Jordan (27:6-7); in both cases, the description of the sacrificial ritual is minimal. The most comprehensive exception to the avoidance of slaughter, the lengthy permissions for the non-cultic slaughter of animals away from the temple, is primarily concerned with the principle of centralized worship rather than with meat as sustenance (12:13-16, 20-25). The only other descriptions of slaughter are instructions for killing the *pesaḥ* sacrifice (16:2, 5-7) and the regulations for killing a heifer as a means of clearing corporate bloodguilt (21:1-9).[41]

The relative absence of animal sacrifice or slaughter comports with Deuteronomy's general rhetorical concern with life, expressed by the book's emphasis on images of fruitfulness and fecundity. Deuteronomy is not primarily concerned, as is the

---

[41] The content of the *nĕdābâ* offering in 16:10 is unclear.

Priestly code, with animal sacrifice and blood as a means of ritual expurgation of sin, so the rhetoric of life takes precedence over sacrificial processes (which, in Priestly texts, are a means of preserving life through the management of impurity). While the sacrifice of animals requires a deliberate killing of the victim, offering firstfruits only requires harvesting a token portion of that which the land has provided; extinguishing animal life is not required. Since the text is generally unconcerned with animal sacrifice but is very interested in the multiplication of life in the form of crops and livestock, it is unsurprising that a firstfruits offering is chosen as the ritual act that seals the possession of the land.

4.1.9 Threat of Death

Deuteronomy describes the future destruction of Israel's land primarily as an agricultural catastrophe. This concentration on land conceived of as fruitful *soil* runs throughout the book and is tightly bound to the motif of Israel's fathers. Variations on the appellation "the good land/soil" (*hā'āreṣ/hā'ădāmâ haṭṭôbâ*, 1:25, 35; 4:21-22; 6:18, 8:7-10; 9:6; 11:17; 23:15-16) appear repeatedly throughout the book, emphasizing that the land is agriculturally productive; the frequency of this rhetoric within the book indicates that fertility is of particular concern for its authors. The process of exile is marked first of all by disease, unfavorable weather, and crop blight, followed by the failure of agriculture in the foreign territories where the people will reside. Although military defeat and seizure of persons and property are also symptoms of the violation of the law, it is the fruitlessness of the land that marks the onset of the catastrophe and leaves the people open to the depredations of their enemies (28:20-24, 36-42). Descriptions of the violence of the people's adversaries are couched primarily in terms of

the seizure or destruction of agricultural goods. For example, in 28:49-57, where the text envisions the attack of foreigners against the land, their first act is to destroy all agricultural products. The landless population resulting from this incursion huddles for protection in their cities, where it is forced into abject starvation, being compelled to consume their own offspring to survive. Disobedience to the law code sealed by firstfruits not only suspends the fecundity promised by the law code but actually drives it into reverse.

The root *'bd*, used so memorably in the opening of the firstfruits confession, is employed frequently in the chapters framing the law code to describe Israel perishing as a result of violating the law code (4:26; 7:21; 8:19-20). Prior to the commencement of the law code, imagery specific to the firstfruits offering is used in conjunction with a warning to the people not to transgress lest they perish. This passage is particularly interesting given its proximity to the opening of the law code and its emphasis on agricultural products.

> Then, if you heed my commandments which I am commanding you today, to love Yahweh your God and to serve him with all your heart and all your soul, then I will give the rain of your land in its time, early and late rains, and you will gather your grain and new wine and oil, and I will put grass in your field for your cattle and you will eat and be satisfied. Be on guard lest your heart be seduced and you turn aside and serve other gods and bow down to them. Then will be kindled the anger of Yahweh against you and he will restrain the heavens so that there will not be rain and the soil will not give its yield and you will perish swiftly (*wa'ăbadtem mĕhērâ*) from the good land which Yahweh is giving you. (11:13-17)

In each of these instances, the text's use of *'bd* explores the problem that the firstfruits offering is meant to address: the tenuous grasp that Israel has on existence. They promise their audience that a return to their ancestor's situation as an *'ăramî 'ōbēd* is only

prevented by their continued adherence to the terms to which they are agreeing through the firstfruits rite.

'bd is found again (twice) in 28:20-24, linked to expulsion from the land due to the failure of agricultural processes, specifically an onslaught of disease and drought. Indeed, the passage reflects a conscious reversal of the conditions found in 8:7-10 (which describe the positive side of the warning found in 8:19-20). There, the text depicted the land as well-watered, having "rivers of water, springs, and wells coming forth in the valleys and on the mountains," and used the presence of iron and copper to illustrate a land rich in material goods: "a land in whose stones are iron and from whose mountains you may hew copper." By contrast, not only is the land in 28:20-24 utterly parched, but the drought conditions are a hideous perversion of the rich metals found in 8:9, articulated by the claim that "the heavens over your head will be copper, and the earth under you iron." Moses' oration in Chapters 29-30 also ends by threatening the elimination of Israel from the soon-to-be won soil if they adopt non-Yahwistic cults: "if you turn your hearts away and do not obey, but go astray and bow to other gods and serve them, then I tell you today that you will surely perish, you will not last many days on the soil (*'ădāmâ*) which you are crossing the Jordan to go and inherit" (30:17-18). While agriculture as such is not mentioned here, the text hints at the failure of produce by substituting in 28:20 and 30:18 the term *'ădāmâ* for *'ereṣ*. *'ădāmâ*, with its direct connection to agricultural fruits (as evidenced in the invocations of the *pĕrî 'ădāmâ* in the firstfruit rite), enhances the notion of a loss of fertility (30.17-20).[42]

---

[42] While the use of *'ădāmâ* over *'ereṣ* in Deuteronomy is thought by some commentators to be inconsequential as an emphasis on the soil and agriculture, J. Gordon McConville argues persuasively that the distinction between them, while slight and dependent on context, is often important in analyzing

While agriculture is the basis of life and prosperity in the land, the text also uses the ability of vegetation to grow prolifically as a warning against disobedience to Deuteronomy's commands. The dangers of such an uncontrolled infestation are used in Moses's summary sermon in Chapters 29-30 to exhort the congregation against those who would seek to introduce worship of non-Yahwistic deities. Such people are described as a "root bearing poison and bitterness" growing in the midst of the people (29:17). Although the illicit action may be limited only to a portion of Israel ("a man or woman, or a family or a tribe," 29:17), the consequences of their failing will destroy the entire nation, regardless of their orientation toward Deuteronomic Yahwism ("the moist with the dry," 29:18). This destruction will be manifested by complete ruin of the flora-yielding soil, which will be devastated by "sulphur and salt burning all the land; it will not be sown, nor will it sprout, nor will any grass grow up in it" (29.22a). The destruction is so complete that it is compared to the fate of Sodom and Gomorrah (29:22b).

These stereotypical centers of wickedness are invoked again in 32:32, where Moses condemns those who will abandon Yahweh by comparing the fruits that they will receive with agricultural products from the devastated cities. "For from the vine of Sodom is their vine, and from the vineyards of Gomorrah / Their grapes are poisonous grapes, clusters of bitterness for them" (32:32).[43] These "negative" fruits are the flip side of the promise of life implicit in the firstfruits offering.[44]

Deuteronomic theology. "Time, Place, and the Deuteronomic Altar-Law," in *Time and Place in Deuteronomy*, (ed. J. Gordon McConville and J.G. Millar; JSOTSupp 179; Sheffield: Sheffield Academic Press, 1994), 127-30.

[43] While the origin of the Song of Moses and its relationship to Deuteronomy are unclear, the use of such striking agricultural imagery after both the firstfruits texts and the warnings of Deuteronomy 28-29 (with their employment of Sodom and Gomorrah) is conspicuous enough that it warrants consideration along with texts more clearly composed by members of the Deuteronomic school. Mark Leuchter has argued that the Song's themes, originating in Levitical circles in the northern kingdom, fit well enough into

4.1.10 Reversibility of the Fruits of Life

The fruitfulness of the land is directly the product of its inherent fertility, but nevertheless ultimately determined by the people's adherence to Yahweh's instructions. Deuteronomy 8:3 contains one of the most well known equations of the law with physical sustenance. In the wilderness, Moses asserts, "[Yahweh] humbled you and made you endure famine that he might feed you manna, which neither you nor your fathers knew, that he might instruct you that a person does not live on bread alone, but that a person lives by everything that comes out of the mouth of Yahweh." Hunger and privation beget receptiveness to Yahweh's commandments, and in Deuteronomy this willingness to accept Yahweh's statutes leads in a very real way to actual food, as Yahweh not only provides manna but also arranges residence in a fertile land in exchange for obedience to Deuteronomy's law code. The danger, however, of being granted residence in this breadbasket lies in the consequent temptation to dismiss Yahweh's commands as the goad of famine fades to a distant memory.[45]

This hazard is tempered by the climate and topography of the land, which requires regular and properly timed infusions of precipitation in order to remain agriculturally productive. This feature of the country is specifically noted in 11:10-12, which contrasts the territory with that of Egypt.

> For the land where you are going in order to possess it is not like the land of Egypt that you came out of, where you sowed your seed and you

---

the Deuteronomic agenda that it was redacted into the text in the Josianic era. "Why is the Song of Moses in the Book of Deuteronomy?" *VT* 57 (2007): 295-317.

[44] The social threat posed by disobedient members of the congregation is similar to the ritual problems posed by contagious impurity in Priestly and Holiness texts. In both cases, a small dose of rebellion against the law code has the potential to rapidly infect the entire community, excising it from Yahweh's protection and therefore from the possibility of continued existence.

[45] MacDonald, *Not Bread Alone*, 83-84.

> watered with your feet, like a vegetable garden. But the land into which you are crossing to possess is a land of mountains and valleys that drinks water from the rain of the heavens, a land that Yahweh your God is watching over (*dōrēš*). The eyes of Yahweh your God are on it continually from the beginning of the year until the end of the year. (11:10-12)

Whereas Egypt receives its sustenance from the yearly ebb and flow of the Nile – a cycle that is more dependable but also requires more work and human administration in constructing and maintaining irrigation systems – Israel's land is watered only by rains. While seasonal rains negate the need to create watering networks, it also leaves the land vulnerable to the vagaries of the yearly weather. The text in 11:12 puts this quality of the land in divine terms: it is "a land that Yahweh your God is watching over (*dōrēš*); the eyes of Yahweh your God are on it, continually from the beginning of the year until the end of the year."

The use of *dōrēš*, with its broad semantic implications of "searching" or "inquiring," to describe Yahweh's interest in the land expresses his constant vigilance of the people's adherence to his dictates. Divine inquests are ongoing, and will lead to immediate negative climate consequences in the event of statutory violations. Since the soil is nurtured directly through rain, rather than by irrigation, punishment can be carried out immediately simply by withholding precipitation.[46]

This dynamic is clearly elucidated in the next several verses, which directly assert that Yahweh will give the land rain if the people continue to serve him, but if not, he will "restrain the heavens so there will not be rain and the soil will not give its produce" (11:13-17), with the result that the people will starve and be removed from the land.

---

[46] The withholding of rain in response to severe cultic syncretism, and its immediate restoration upon the elimination of non-Yahwistic cults, is also apparent in the Elijah cycle (1 Kgs 16:29-33; 17:1-7; 18:1-46).

Freedom from excessive labor, one of the great benefits of Israel's contract with Yahweh, also entails existence on a knife's edge between plenty and famine. The implication that the produce of the field is under the direct and immediate control of Yahweh (because he manages precipitation) creates a visceral linkage between the firstfruits, obedience to the law, and the survival of the nation.

4.1.11 Geographic Liminality

Part of the firstfruits' symbolic content is liminality, since they are drawn from a potential harvest that has potential that is yet unrealized. Deuteronomy explores similar qualities of liminality in the people's experiences with the land from the very setting of the book. The productive land that the people are promised in return for performing the law code stands in contrast to the liminal spaces in which they receive the statutes: on the border of the Jordan, looking into the land that Yahweh has promised to the people. If they proceed across the Jordan, they will be in a militarily precarious situation, where defeat may spell the end of the nation itself. On the other hand, the entire nation cannot remain indefinitely east of the Jordan, since the area is too small to provide sustenance for the entire population, being sufficient only for three tribes (3:12-16). Deuteronomy 1-3 explores the implications of existence in this liminal place.[47] The new Mosaic instruction is offered in light of the events that have taken place since leaving Horeb, rather than framed in reference to events at the mountain. Israel's tour in the wilderness

[47] J.G. Millar argues that Deuteronomy 1-3 marks a critical "moment of decision" in the book, in which the national decisions of Israel in their past wanderings are explored as a preface to their pending choice to accept the book's covenant restrictions ("Living at the Place of Decision: Time and Place in the Framework of Deuteronomy," in *Time and Place in Deuteronomy*, 16-32).

provides a commentary that further enhances firstfruits' ritual function of sealing and mediating the relationship between the people, the land, and the Deuteronomic law code.

At the outset of the narrative, the people are commanded to go directly to the land (under the control of the Amorites) to conquer it. This expedition is initiated by the reconnaissance mission of twelve representatives from the tribes (an episode highly abbreviated from its parallel version in Num 13:17-33), who return bearing fruit and succinctly advise the people of the quality of the land, noting in their report only that "the land is *good*" (*ṭôbâ hā'āreṣ*), a turn of phrase that will become an ongoing theme. This is a marked change from the account in Num 13:31-33, in which the messengers (apart from Caleb) claim that the land is fruitful, but overrun by insurmountable enemies. In Numbers, it is the *messengers* who strongly advocate refraining from an attack on the land, which prompts the people to complain about having been brought into the wilderness to die. In Deuteronomy, the *people* are the party responsible for turning against Yahweh's command to invade the land.[48] While the people claim that they have been discouraged by the speech of the messengers ("our brothers have melted our hearts," 1:28), the messengers are never actually quoted arguing against conquering the land, leading to the appearance that the people are making this statement only as justification for the complaint that they have already initiated.[49] The emphasis in the passage therefore falls on the high quality of the land itself, exemplified by the fruit. The danger of the land

---

[48] As Weinfeld has noted, while in Numbers Yahweh commands the scouts to be sent to the land in order to discover its quality and the strength of its occupiers, in Deuteronomy it is the people themselves who are responsible for sending men to scout out the land, as a means of checking whether Yahweh's command to take over the land is plausible (*Deuteronomy*, 144-45).

[49] Nelson also notes the stark difference between the agents of rebellion in Numbers (the spies) and Deuteronomy (the people), and points out that in Deuteronomy, the spies are sent not at Yahweh's request, as in Num 13:1, but at the people's (Deut 1:22). Furthermore, the rebellion in Numbers is directed against Moses, whereas in Deuteronomy it is against Yahweh ("because Yahweh hates us, he brought us out of the land of Egypt." Deut 1:27) (Nelson, *Deuteronomy*, 25-26).

is in fact a feature that the people bring on themselves through their failure to abide by Yahweh's command to conquer it. The firstfruits rite replicates this dynamic through its focus on Yahweh's salvific power and the goodness of the land that the offerer has been brought to. In the confession, the goods that the offerer brings overtly signal only the positive outcome of Yahweh's intervention for Israel; however, the implication lying underneath the confession is that the sustenance the firstfruits represents will fail if they should spurn the legally enshrined requirements of their deliverer. As in the encounter with Sihon and Og, the threat of destruction is not stated as part of Yahweh's initial command, but only becomes apparent in Israel's failure to execute his instructions.

The implicit question raised by the firstfruits rite about the land's potential for sustenance or destruction is exacerbated by the opening history's exploration of the history of the other peoples in the area. After being expelled again into the wilderness, the people initially encounter Edom, Moab, and Ammon, whose land they are forbidden to take. For each of these peoples, the text (2:10-12, 20-23) offers a brief parenthetical history of their territory, listing the previous residents who have been displaced by the present occupants,[50] and presenting the coming conquest of the land as part of a pattern shared by Israel's neighbors.[51] The excurses make clear not only that other regional peoples have been displaced by outside groups, but also that, in the cases of the Ammonites and the Edomites, Yahweh was responsible for the downfall of the previous inhabitants (including people compared in stature to the formidable Anakim). Thus, the

---

[50] This list is apparently imported from an independent geographical chronicle, as evidenced by the text's claim in 2:12 that Israel has already taken the land, and by the inclusion of the conquest of Gaza by the Caphtorim, a group not otherwise mentioned in Deuteronomy, though they are identified in Jer 47:4 and Amos 9:7 as the progenitors of the Philistines.

[51] This purpose is especially striking in the case of Edom's territory; the expulsion of the Horites by Edom is directly compared with Israel's eviction of the people in the land that they possess (2:12).

well-being of the peoples of the entire region is under Yahweh's protection.[52] As the excurses make clear, any nation's possession of the land is highly tenuous, a point implicitly dramatized by the firstfruits confession and inherent in the offering's material symbolism.

The judgment signified by the firstfruits is not confined to nations, but is also personified in Deuteronomy's narrative by Moses himself.[53] In a significant departure from Num 20:6-13, the people's rebellion is cause for Yahweh's anger to be directed at Moses, who at this point is specifically told that he himself will never enter the land (1:37).[54] This change from the Numbers narrative is critical, as it establishes from the outset that Moses' role will be confined to preparing the people to enter the land through the statutes that he passes to them. Yahweh's initial promise to Moses that he will enter the land is revoked through the people's disobedience; the promise of personal blessing for his character is demolished by the people's transgressing of Yahweh's directions. Through their actions, Moses himself is transformed into a type of firstfruits; he is an index both of the promise of abundance and of the abrogation of that promise that will

---

[52] This point is strengthened later in the text during Moses' oration in 9:4-6. It is further buttressed by the text's claim between the two excurses that all of Israel's men of war perished in the wilderness (2:14-15), leaving the people bereft of protection or of an offensive force capable of seizing the land. While the claim that all the men of war died during the interval between Qadesh-barnea and the Zered may simply be a method of describing the passage of a generation and thus another way of framing the chronology of the wilderness wanderings, the reference is deployed again immediately when introducing the imminent passage of the people through the potentially hostile territory of Moab. The people are required to take this dangerous journey "after all the men of war had finished dying out from the midst of the people" (2:16). The placement and phrasing of this passage exacerbates the defenselessness of the people and their necessary reliance on Yahweh for their survival.

[53] For an extended theological treatment of Moses as a personification of Deuteronomic legislation and literary themes, see Dennis T. Olson, *Deuteronomy and the Death of Moses* (OBT 33; Minneapolis: Fortress Press, 1994).

[54] This is in contrast to the later assertion that Moses is barred from entering the land because of his failure at Meribath-Qadesh (32:48-52: cf. Num 20:1-13).

result from contract violations.[55] As the firstfruits extends a visible promise of abundance, so the initial promise of land made to the first generation of Israel (of which only Moses and Caleb remain) makes Moses a personification of the possibility – but *only* the possibility —that the people can achieve Yahweh's promise of fertile territory.[56]

The firstfruits rite does not bring the contract's material benefits automatically into being, but only obligates each party to execute its end of the agreement. Moses takes a vital first step toward a fertile land by mediating a contract that the people can adhere to and thereby acquire a fertile land. The people's violation of Yahweh's commands allows Moses to demonstrate directly through his character the physical disestablishment that will befall the people if they contravene Deuteronomy's terms. He therefore becomes the quintessential personal symbol of both the promise offered by the law and of the danger of performing contrary to Yahweh's will (or, in this case, of representing those who do). While Moses is necessary as an instrument of the instruction that will bring the people prosperity in the land, his dual role prohibits him from seeing it fully realized.

Yahweh's special command to Moses to ascend Mt. Pisgah and survey the land across the Jordan (3:23-28) augments the literary connection of the newly held ground east of the Jordan to the firstfruits offering. First, by causing Moses to view the complete scope of the land from a perch located in the first, and so far only, part of it to be acquired, the text highlights the distinction between the conquests that have already been achieved and the much vaster and more significant territory that remains to be won. The

---

[55] See also Nathan Macdonald, "Literary Criticism," 222-23.

[56] The text claims at 1:35-36 that Caleb will be the only one of Moses' generation who will see the land. 1:38 explains that Joshua will enter the land, but in contrast to Num 14:30 does not designate him as a member of the founding generation; here he is listed only as Moses' servant (*hā'ōmēd lĕpānekā*). Furthermore, the striking similarity of *kālēb* to the common noun *keleb* suggests that designating Caleb as the only member of the Exodus generation who will enter the land is intended as an unsubtle insult directed at the rest of Israel.

sheer size of the land that is yet to be taken is indicated by Yahweh's instruction to Moses to look at the land, which requires him to sweep his eyes to all four points of the compass: "Ascend the summit of Pisgah and lift your eyes westward, northward, southward, and eastward" (3:27). As the firstfruits is only a small fraction of a much larger harvest, this text emphasizes the dramatic disparity between what Israel has already inherited and that which remains to be gained.

This connection to the firstfruits is also achieved through the text's subtle invocation of the eastern land's relationship to Deuteronomy's law code. When Moses ascends Mount Pisgah, it recalls the similar situation at Horeb, where he received Yahweh's instruction on a mountain (Deut 5:24-28), and marks the territory as a special locus for the reception of instruction. Furthermore, Moses's request that Yahweh allow him to cross over to the land – and Yahweh's refusal – suggests that the Torah is also an essential component of the firstfruits offering. Deuteronomy recounts that the Torah has been promulgated in one type of liminal space (Horeb in the wilderness) and then expounds upon it in another liminal space (Israel's toehold on the land in the territories of Sihon and Og). Yet in these places the law is not fully functional, since it deals not with issues that would affect the completely nomadic population envisioned in the text but only with the problems of fixed agricultural settlements.[57] Indeed, with only a few exceptions (primarily the cities of refuge on the east side of the Jordan, established in

[57] Although the opening of Deuteronomy is somewhat vague about the location of Moses' address to the people, saying simply that it was "across the Jordan, in the land of Moab," (1:1, 5) 4:44-46 makes it clear that it takes place in the former territory of Sihon.

4:41-43 while Israel is still resident in Moab) the provisions of Deuteronomy will only be activated once Israel has taken possession of the promised territories (11:26-32).[58]

This fact that the Torah as a whole, and Deuteronomy's law code in particular, is promulgated in these liminal spaces leads to two further observations with implications for the firstfruits offering. First, although the physical restriction of the liminal space east of the Jordan means that the Torah has not been fully enacted there, certain regulations, such as the creation of the cities of refuge and the parceling out of some of the real estate promised in return for adherence to the covenant, have already come into effect. These initial moves toward fulfilling the contract represent a "down payment" by both parties toward the completion of the covenant terms. While they will be nullified if the contract is not carried out completely (the cities of refuge would become meaningless in a polity not governed by the law code, and the initial territories are too confined geographically to accommodate all the Israelite tribes), like the payment of a deposit, their establishment is a clear signal that the parties to the agreement intend to bring it to fruition. This "deposit" aspect is stongly present in the firstfruits, which express the desire to eventually bring in a full harvest. This parallel between the creation of these metaphorical "firstfruits" in the narrative and motifs already present in Deuteronomy's firstfruits rite creates an even stronger connection between the textual rite and the validity of Deuteronomy's legal contract.

Secondly, handing down the law in these liminal spaces, where it is mainly inoperative, acts as a sign that the land will ultimately be occupied and require proper

---

[58] On the temporal and spatial validity of Deuteronomy's legislation, see Norbert Lohfink's argument that Deuteronomy 12-26 is only valid legislation in the new land ("Die '*ḥuqqîm umišpātîm*' im Buch Deuteronomium und ihre Neubegrenzung durch Dtn. 12:1," *Bib* 70 [1989]: 1-27), and McConville's critique, which envisions the promise of the land and the execution of its laws there less as an end than as a constant call to obedience that will allow one to enter the land ("Time and Place," 126-32).

governance. Providing instructions in a place where there is no need for them implies *per se* that the people for whom the statutes are intended will ultimately exist in a place where they *are* required. Giving the people statutes for governing an agricultural land while they are still in a wilderness space is a way of indicating to them that their current habitation is only temporary. Presenting the people with a ritual demand for firstfruits, a demand that cannot be executed until they have entered and taken the land, offers the same signal.

Although the Torah exposes the positive aspects of firstfruits through its implicit promise that Yahweh will provide a territory where it may become functional, it also stands as a warning that disobedience will cause the people to be destroyed and their inheritance to be lost. When the people finally stand ready to enter the land west of the Jordan, Moses warns Joshua not to repeat the mistake of the people's earlier insubordination (3:21). Not directly stated, but understood because of the context, is the threat that the people will be sent back into the liminal wilderness if it fails to execute this order. This admonition is enhanced by Moses' own punishment. Being forbidden to accompany the people into the new land, which will become the source of their life under the divine covenant, Moses dies in the liminal space between the wilderness – the space where by definition life cannot be sustained – and the promise of abundant fertility in the land. The living representative of Yahweh's covenant perishes, and literally disappears from human knowledge (34:6). The text recounts that "his eye was not dulled and his vitality [had not] fled" (34:7). Yet regarding the covenant that he has played such a vital role in birthing, he remains a virtual stillborn, unable to participate in the life that it offers

despite his indispensable actions in receiving it, mediating it to the people, and preserving Israel during the covenant's gestation in the wilderness between Horeb and Nebo.[59]

4.1.12 Conclusion

By so dramatizing the susceptibility even of the law's mediator to death and evanescence (the text notes, after all, that "no one knows his gravesite until this day," 34:6), Deuteronomy illustrates the ever-present possibility that deviation from Yahweh's covenant demands will leave Israel without nourishing sustenance. By encapsulating its social and theological concerns in a simple physical symbol, and then requiring its audience to embrace those concerns through an affirmative declaration, the firstfruits ritual acts as a prism for the literary motifs of Deuteronomy. As a prism breaks up white light into its constitutive spectrum, so firstfruits, from a single concentrated element, refracts and displays Deuteronomy's panoply of desiderata while also demonstrating their coherence and their interrelationship with each other.

As a textual ritual, the firstfruits rite uses a unique combination of material offering, physical movement, and verbal confession to place its audience in the position of accepting Deuteronomy's covenant. As demonstrated above, however, its latent symbolic power is activated through its association with the literary themes of Deuteronomy itself, particularly the chapters framing the law code. The accompanying confession is not only a critical part of the rite, but assures that it incorporates literary

---

[59] The idea of "stillbirth" is used in similar fashion by Irenaeus in the *Letter of the Churches of Vienne and Lyons* (Eusebius, *Hist. eccl*. 5.1.11) regarding those formed according to the Christian covenant who nevertheless prove unable to attain its promise by accepting their martyrdom. Their ultimate refusal to accept the logic of the apostolic preaching cuts short the promise of their Christian formation and the life that should be attained through it. See John Behr, *Irenaeus of Lyon: Identifying Christianity* (Christian Theology in Context; Oxford: Oxford University Press, 2013), 201.

impulses developed throughout Deuteronomy, acting as a précis of the entire legal code and its framing histories, blessings, and curses. In its encompassing brevity, the rite summarizes the obligations of the law code and brings its audience face-to-face with Yahweh's power either to secure life through a bountiful harvest or to extinguish this promise through famine and disease. It ensures that the congregation ritually recognizes that the promise of either life or death is determined by obedience or disobedience to the Deuteronomic code. Through its recital (whether literal or as imagined by the reader) before the congregation, it behaves as a ritual seal for the law code and the fulcrum on which the reception of the book hinges.

4.2 Tithes and Israel's Perfection

As a simple matter of the space devoted to them and their detailed explication in Deuteronomy, tithes are both more well attested and more easily described than firstfruits. While in modern scholarship they have perhaps been under-appreciated in contrast to the magisterial (and historiographically interesting) firstfruits confession, tithes are a crucial complement to Deuteronomy's firstfruit offering, and play a vital role in defining the covenant relationship between Yahweh and Israel.

Regulations on tithes are found in three main places in the text: 12:10-11 and 17-18; 14:22-29; and 26:12-15. These three passages all define specific roles for tithes in Deuteronomy. As they are ordered in the text, the tithe's literary function can be summarized as: (1) introducing tithes as a component of the sacrificial structure of the centralized cult (12:10-11 and 17-18); (2) establishing properly-offered tithes as a sign that Israel is functioning as a "holy people" (14:22-29); and (3) promulgating tithes as the final validation of Israel's legal contract with Yahweh (26:12-15).

4.2.1 Definition and Disposition of *ma'ăśēr* in Deuteronomy

While the decimal root of the noun *ma'ăśēr* cannot be ignored, the tithe is not necessarily a "tenth" of one's goods. Instead, it seems to be simply a term for a tax on a flexible percentage of income or lands, although the term is probably based on the idea that the amount required was approximately a tenth of one's output.[60] When their composition is discussed at all, tithes in Deuteronomy are limited to non-perishable goods: grains, oil, wine, and wool. The material of the tithe is unsurprising when considering its origin and general function as an offering that can potentially be stored without loss of value for significant periods of time, and as a commodity that can be easily transferred into money instead of physically transported. However, unlike in Nehemiah (Neh 10:38-40) and Chronicles (2 Chr 31:11), there is no mention in Deuteronomy that anyone is actually responsible for collecting the tithes or that there are any storage facilities set aside for them.

This difference points to the most surprising feature of the tithe in Deuteronomy: its non-functionality as a mechanism of material support for the cult. Although there are explicit and implicit references in the book to cultic personnel receiving foodstuffs for their nourishment (18:1-5, 26:4), the tithe here does not function in the manner that one would expect in the ancient Near East. In ancient Near Eastern polities with enough size and administrative complexity to warrant some form of temple complex, tithes were a practical offering, acting as a tax collected by the state or, in some cases, by temple

[60] Joseph Baumgarten offers several examples from antiquity of imposts designated as tithes that did not equal ten percent of the assessed property. He claims that tithes should be understood as a blanket term for a "hieratic impost," rather than as designating the specific amount given over ("On the Non-Literal Use of *ma'ăśēr/dekatē*," *JBL* 103 [1984]: 245-61). See also Nelson, *Deuteronomy,* 184.

functionaries, and put to use for the benefit of the state, the temple, or both.[61] They were used to ensure the continuous operation of important state institutions, providing income for temple personnel and targeted relief for certain categories of people that were particularly vulnerable to financial or nutritional deprivation.[62] Certain regular offerings were also used for the care and feeding of the deity; insofar as these were required levies, they qualify as tithes.[63] Furthermore, in addition to their practical value, tithes were also an obvious symbol of one's national and cultic allegiance. Dispatching tithes to a temple complex was an index of support for the temple's deity, or at the very least a signal that the deity and its surrounding political and military apparatus was powerful enough to compel obedience from the offerer.

Yet contrary to their expected role – and even though they are used to feed Levites, who have a poorly understood role in Deuteronomy as cultic functionaries – tithes are not conceived as a temple tax in Deuteronomy. Frank Crüsemann has noted that tithes play no role in the sustenance of the priestly class, a feature that is of a piece with the general reduction in the number of sanctuary offerings required by Deuteronomy.[64] Moshe Weinfeld has also pointed out that, in contrast to Priestly and Holiness legislation (Lev 27:30-33; Num 18:21-32), in Deuteronomy the tithe continues to be owned by its offerer; there is no transfer of control to authorities at the sanctuary.[65] While the façade of

---

[61] Frank Crüsemann, "Der Zehnte in der israelitischen Konigzeit," in *Wort und Dienst* (Jahrbuch der Kirchlichen Hochschule Bielefeld 18; Bielefeld: Kirchliche Hochschule Bethel, 1985), 24-34. Tithes for temple use are often difficult to distinguish from state taxes, especially in situations where the religious and secular elements of the state were closely intertwined. See Marty E. Stevens, *Temples, Tithes, and Taxes: The Temple and the Economic Life of Ancient Israel* (Peabody, Mass.: Hendrickson, 2006), 98.

[62] Stevens, *Temples*, 167-71.

[63] Viewed through this lens, the firstfruit offering of Deut 26:1-11 is a subset of the tithe offering.

[64] *The Torah: Theology and Social History of Old Testament Law* (trans. Allan W. Mahnke; Minneapolis: Fortress Press, 1996 [German orig. 1992]), 218, 223-24.

[65] See Moshe Weinfeld, *Deuteronomy and the Deuteronomic School* (New York: Oxford University Press, 1972), 215. He notes that the same is true for the firstling offering in Deut 14:23 (ibid.,

the tithe institution as an offering to the temple complex is maintained, the reality of its disposition in Deuteronomy truly covers only one of the functions of tithes: its role as a redistributed social support for marginal members of society.[66] Nowhere does Deuteronomy give any indication that systematized cultic support is a factor in its conception of the tithe offering.[67] The practical purpose of tithes in Deuteronomy is to provide some sustenance for those members of the population who lack it due to their internal dispossession: Levites, resident aliens, orphans, and widows. This mundane function will turn out, as will be seen below, to have important didactic implications for the text's audience.[68]

4.2.2 Social Function of Deuteronomy's Tithe Law

Commentary on tithes in Deuteronomy often assumes that the regulations were supposed to accommodate some practical social purpose,[69] with the amelioration of the Levites' newly impoverished condition being a frequent suggestion.[70] Eissfeldt notes that Deuteronomy's tithe regulation is incomplete and cannot serve the functions of a regular tithe. However, he essentially dismisses the problem by asserting that Deuteronomy must have only been describing one portion of the tithe's disposition – the feasting on tithes –

216-17). The retention of both types of sacrifice by their owners, a significant difference from the practices of both J/E and P authors, emphasizes the Deuteronomist's lack of practical interest in the maintenance of cultic personnel; instead, the whole focus of the passage is on the ritual inclusion of the full Israelite community in the feast (ibid., 216, 290).

[66] Also recognized in part by Crüsemann, *Torah*, 218.

[67] The closest that Deuteronomy comes to describing a regular provision of sustenance is in 18:1-4, where the levitical priests receive a portion of all meat offerings along with vegetarian firstfruits.

[68] In Deuteronomy, this is a standardized series of terms; in each of the three instances in which the recipients of the tithe are described, the full number of recipient categories is given, and they are always provided in the same order (14:29; 26:12, 13).

[69] A supposition in evidence as early as Tobit 1:6-8, which reports multiple levels of tithes in an attempt to cover the various tithe categories that Deuteronomy leaves obscure

[70] Eissfeldt, *Erstlinge und Zehnten*, 50-51; von Rad, *Deuteronomy*, 103; Nelson, *Deuteronomy*, 186; Weinfeld, *Deuteronomic School* 55, 216.

and simply did not mention that tithes were also to be used as income for the priests at the temple.[71] Nelson, on the other hand, recognizes the "utopian flavor" of Deuteronomy's tithe law; he suggests that the text's demand that the entire tithe should be consumed at one meal could result from later additions in vv. 23 and 26 that altered the understanding of the original legislation. Nevertheless, he maintains that, despite the low concern with administrative detail, "the tithe is intended to be a standardized and dependable social support program," as opposed to occasional handouts by general citizens to marginalized people. While it is not a tax for the maintenance of the sanctuary, Nelson's "utopian" Deuteronomic tithe remains a practical piece of governance.[72]

While the tithe regulations do encourage particular care for Levites as people who lack any sort of landed wealth, Deuteronomy does not betray an overt concern with them as members of the cultic apparatus.[73] Instead, its practical accommodations for the tithe concern the transportation of large amounts of food to the central sanctuary, and are designed to address direct obstacles to the centralizing agenda, rather than as compensation for disestablished Levites. Levites do receive special consideration as a class that should not be "abandoned" (*ʿzb* 12:19, 14:27, 18:1), and they are singled out particularly because they have no *ḥēleq wĕnaḥălâ* ("portion or inheritance") with Israel (12:12, 14:27). Furthermore, they are included as participants in the tithe not only in the third year, but also in the other two years of the triennial tithe cycle (12:18). But, when the text speaks about the Levites, it does not identify them as independent cultic agents

---

[71] Eissfeldt, *Erstlinge und Zehnten*, 49-51.
[72] Nelson, *Deuteronomy*, 186-87.
[73] Even in 18:1-5, the specifically cultic role of the Levites at the sanctuary remains unclear.

who receive their regular income from tithes.[74] Instead, for the tithe of the first two years, the Levites are simply classed alongside members of the household, along with children and slaves (12:18; cf. Jdg. 17:7-13). In the case of the third year tithe, the text gives instruction that that Levites should partake of the available food because of their affinity with the other marginal elements of Israelite society (14:29).

The tithe in Deuteronomy takes on the qualities of a festal offering, and is consumed entirely at one time and place (although there is no direct indication of when this event should take place). Presumably the appropriate time for such a levy would be after the wheat harvest, but the text fails to be specific. A tantalizing clue is found in the stipulations for the festal cycle in Deuteronomy 16, where the phraseology of the tithe offering of both the first two years and of the third year appears in descriptions of the feast of *šabū'ōt* and the feast of *sukkôt*. In each case, the offerer is required to go to Jerusalem and celebrate the feast there with others. Those who are included in the festival are a combination of the groups who would participate in the two categories of tithe offerings: the offerer's children and slaves as well as Levites, *gērîm*, orphans, and widows. This feature suggests that the authors intended the tithe offering to be understood as a festal event.

4.2.3 Deuteronomy 12: Tithes and Israel's Stipulated Offerings

Deuteronomy 12 is both the opening chapter of the Deuteronomic law code and the central thesis of the work, detailing the imperative for centralized worship that is the

[74] Deut 18:5 depicts only gifts from sacrifices and firstfruits, but not from tithes.

defining feature of the entire text.[75] Tithes are first discussed in Deuteronomy here, appearing in vv. 4-7 as part of a series of offerings that are required to be brought to the central sanctuary, as opposed to the multiple cultic sites of the soon-to-be-dispossessed nations (vv. 2-3). The offerings presented represent the full range of goods that the author conceives should be brought to the cult center, and they fall into four separate categories, expressed as hendiadyses: (1) animal products, (2) vegetal products, (3) votive offerings and freewill offerings, and (4) animal firstlings. Vegetal firstfruits are not included in the categorization scheme.

The content of the categories that the text uses to conceptualize the offering material illuminates the author's understanding of how these materials fit into the sacrificial cult and into the literary narrative that the text is developing. The category of animal products is defined as *'ōlōt wĕzībaḥîm* ("burnt offerings and slaughtered sacrifices") with *zebaḥ* here being a general term for any animal that is slaughtered and is not part of an *'ōlâ*; therefore, this series is inclusive of meat offerings as devolved into these two major sub-classes. In parallel to meat offerings, vegetal offerings are denoted as *ma'śĕrōt ûtĕrūmat yad* ("tithes and offering of the hand").[76] In comparing these series, the tithe clearly corresponds to the burnt offering: it is the specific offering term that is

---

[75] As Levinson has shown (*Deuteronomy and the Hermeneutics of Legal Innovation* [New York: Oxford University Press, 1997], 34-36), this chapter redefines cultic worship through the subtle contrast of Deuteronomy's desired outcome – the restriction of sacral offerings to a fixed central sanctuary – with the suggestions of the Exodus Covenant Code that sacrifices could be offered in a variety of hallowed venues. Deuteronomy implicitly compares the Covenant Code's rules with the supposed practices of the wandering tribes in the wilderness area, which performed sacred duties without the benefit of a recognized, immobile cultic space. Deuteronomy's new rules are to come into effect when the people have come into the land and "when [Yahweh] brings rest for you from all your enemies around you and you dwell in security" (12:10).

[76] Eissfeldt makes a similar assertion about the syntactical and categorical relationship between these terms. While he expresses confidence that *tĕrūmat yad* is a vegetal offering, he concludes that the evidence does not allow a modern reader to discern what might have been meant by the technical term. However, against the prevailing opinion of his predecessors, he is adamant that it is *not* a description of firstfruits (*Erstlinge und Zehnten*, 58).

then followed by the more general categorical expression *tĕrūmat yad*. If this logic follows in the next set of terms, then *nĕdārîm wĕnidbôt* ("votive and freewill offerings") stand in a similar relationship to each other, with votives functioning as the primary offering, and freewill offerings as the categorical catchall.[77] *bĕkōrôt bāqār wĕṣō'n* ("firstlings of cattle and sheep") have no general sacrificial counterpart, being distinguished only by the type of animal from which they are derived (although it is worth noting that this has the effect of also breaking the firstling offering into two distinct types).

In the categories dealing with general meat and vegetal offerings, the specifically described offering is the most important one of its class. This is certainly true of the burnt offering, which, as a sacrifice from which no meat can be taken by the offerer, is both the most comprehensive type of meat offering (since everything is transmitted directly to Yahweh) and the one that is most important to bring to the central sanctuary, since by definition it can only function in the cult. The importance of burnt offerings to the author is apparent in the significant attention it receives in the chapter, and in the care that is taken to distinguish its treatment from that of animals slaughtered for profane purposes (vv. 13-15). The term with which it is paired, *zebaḥ*, does not exist in order to be descriptive (it is, after all, simply a term to describe any slaughtered meat), but to highlight that the *'ōlâ* is the quintessential meat offering and to encompass any other, less important animal offerings that might require special cultic treatment.

---

[77] Both the *nēder* and the *nĕdābâ* are special offerings that are given only voluntarily. Since the *nēder* fulfills a previously made and unbreakable promise to provide an offering, while the giving of a *nĕdābâ* is more flexible and contingent, *nēder* is the primary term because of the weightier obligation inherent in it.

By analogy with the burnt offering, the tithe offering in Deuteronomy is the primary form of vegetal offering. By establishing the tithe as the preeminent representative of its class, the text ensures that it is understood from the outset as a critical element in Deuteronomy's cultic framework, equivalent even to the *'ōlâ*. By further analogy, as is true with the term *zebaḥ*, the category *tĕrūmat yad* is not intended to stand for anything particular, but rather exists primarily to draw attention to the tithe, through drawing a contrast between the specific term *ma'ăśēr* and the general *tĕrūmat yad*.[78]

A series of prescribed cultic offerings appears again in vv. 8-12, arranged in a similar sequence. In this latter instruction, the descriptions for meat and vegetal offerings are identical to those found in vv. 4-7, but only *nēder* offerings remain of the offering terms from 12:6.[79] It is unclear what motivates this elision of previous sacrificial classifications; it is plausible that it is a simple matter of literary economy designed to keep the reader's attention on the results of transporting the designated offering material to the sanctuary. A further practical effect is to focus attention on the sets that remain: *'ōlōt wĕzibḥîm* and *ma'śĕrōt ûtĕrūmat yād*. The maintenance of these first two classifications in their entirety suggests that they – the categories that represent meat and vegetal offerings, respectively – are the offerings with which the text is primarily concerned.

---

[78] Cf. Eissfeldt, *Erstlinge und Zehnten*, 58. *tĕrûmâ* is also linked with *ma'ăśēr* in Mal 3:8: *wa'ămartem bammê qĕba'ănûkā hamma'ăśēr wĕhattĕrûmâ*. Note also the use of *tĕrûmâ* as a synonym for *ma'ăśēr* in Num 18:24. Baumgarten has emphasized the complementary use of these terms in these verses, and also points approvingly to W. Rudolph's assertion that, on the basis of the synonymous use in Mal 3:8, "tithes (in Mal 3:10) stand for the whole offering of natural produce" ("*ma'ăśēr/dekatē*," 246).

[79] This accords with the proposition advanced above that the *nēder* is the leading term of its category. Nevertheless, *nēder* offerings are never mentioned elsewhere in Deuteronomy, while the *nĕdābâ* is specifically ordained for the *šābū'ôt* festival in 16:10

However, this categorization regimen breaks down in vv. 13-19. Here, the text is primarily interested in (1) the disposition of the *ʻōlâ* (vv. 13-14); (2) the separation between the sacred *ʻōlâ*, which must be brought to the central sanctuary, and proper profane slaughter of animals for food (vv. 15-16); and (3) the enumeration of all other offerings that are required to be brought to the central sanctuary and instruction for their correct disposition (vv. 17-19).[80] The careful division of offerings seen above is not present here; tithe offerings are lumped together with *běkōrōt*, *nědārîm*, and *tĕrûmat yād*, the last being the same term used in conjunction with *maʻăśēr* in 12:6 and 11.[81] However, the materials of these *maʻăśēr* offerings are more carefully defined than those in vv. 4-12. Here, for the first time in the extant narrative, they are denoted as *maʻśar dĕgānĕkā wĕtîrōšĕkâ wĕyiṣhārekā* ("tithes of your grain, wine, and oil"), a set series of foodstuffs that becomes a standard Deuteronomic definition for the materials expected from the tithe offering (cf. 14:23, 18:4).[82]

Each of these three passages furthers Deuteronomy's point that tithes are offerings that must be brought to the temple complex. The emphasis on the *transportation* of the elements to the projected central sanctuary is as important as how they should be disposed of once there, as the text makes clear in vv. 2-4. The instructions explicating the materials that are to be given only at the cult center are a device for establishing the legitimacy of the one sanctuary. After initiating the law code with the naming and categorization of various types of offerings, Deuteronomy immediately

---

[80] While all of the other offering terms found in vv. 4-12 are also described in vv. 13-19, the offerings denoted by the blanket term *zebaḥ* are missing here; only the *ʻōlâ* is included by the author. This supports the supposition that the second terms from the other series in vv. 4-12 – *tĕrûmat yād* and *nědābâ* – are ordered to highlight their respective leading terms.

[81] It is noteworthy, however, that all of the other offerings in this sequence are bracketed by *maʻăśēr* and *tĕrûmat yād* (v. 17).

[82] Stackert, *Rewriting the Torah*, 179.

forces the question of *where* these should be brought, and then provides its answer in unambiguous terms.[83]

Following the command to bring the offerings to the sanctuary is always the instruction (vv. 7, 18) or implication (v. 12) that they must be *consumed* there, and that this must be done *joyfully*; in all three instances, the text uses the verb *śmḥ* when instructing on the disposal of the offerings (vv. 7, 12, 18). This requirement is a central element of Deuteronomy's geographical and political argument, and an essential buttress against the centrifugal force of local tribal politics and interests that tear constantly at the claims of the cultic center. In order to inaugurate the sanctuary as a natural rather than simply a conventional authority, Deuteronomy seeks to transmute it into the source not only of the divine name but also of earthly happiness and fulfillment. Rather than a ravenous consumer of physical offerings that must be produced by a grudging populace, joyful eating establishes the sanctuary as the font of abundance for a nation independent of the political or religious bonds of the surrounding populations.

To satisfy this primary concern, Deuteronomy concentrates on ritual outcomes rather than ritual technique. Whereas Priestly and Holiness texts are overtly concerned with architecture and, among other things, detailing the location and function of the "most holy," Deuteronomy is obsessed with natural geography and in establishing the entirety of its cultic center as what one might term the "most fertile." By so doing, it seeks to make the reasons for bringing offerings to the sanctuary center stretch beyond mere commandment and threat. The sanctuary itself becomes paradisiacal when the

---

[83] Blenkinsopp notes that the stipulations of Deuteronomy 12 form an inclusio with Deut 26:1-15, the negative confession of the latter being juxtaposed with the positive demands of the former that the offerer should eat at the central sanctuary ("Deuteronomy and the Politics of Post-Mortem Existence," *VT* 45 [1995]: 6).

reader of the text executes the offering commands that establish its priority; its natural fertility and abundance then extend outward to invigorate the land as a whole. Instead of the center being a drain on the productivity of the hinterland, it both enables its bounty and is the witness to the realization of its richness. Because of its specially constructed role in the text, it is particularly the tithe offering that allows the sanctuary to achieve this extraordinary quality.

4.2.4 Deuteronomy 14:22-29: Tithes in Covenantal Perspective.

The basic concepts of the tithe laid out in Chapter 12 are refined in 14:22-29. While the earlier description of the tithe performed a rudimentary classification for rhetorical purposes and pointed out where it should be brought, this passage defines (1) what the tithe consists of, (2) where and how often it should be brought, and (3) what should be done with it. The passage also grants provision for the monetization of offerings to facilitate their transport to the cult center (vv. 24-25), and explores what may be purchased at the sanctuary with this money (v. 26).

The tithe is the only offering outside of the festal cycle in Chapter 16 and the firstfruits offering of 26:1-11 to receive the sort of lengthy textual exposition found here. While it is assumed in Deuteronomy that the *ʻōlâ* and various other offerings will be provided, they are mentioned simply as by-products of the command to bring offerings to the central sanctuary; outside of the requirement for male firstlings in 14:23 and 15:19-23, and the instruction concerning *nědābâ* offerings for the festival of *šābuʻôt* in 16:10, they are never requested *per se*. The importance of tithes is further underlined by the text's use of the intensifying infinitive *ʻaśśēr tĕʻaśśēr* to introduce the offering (14:22).

This text is predicated on Deuteronomy's regulations regarding clean and unclean foodstuffs (14:3-21), and builds on this passage's attention to culinary propriety and its implications that proper dietary practices are the mark of an *'am qādôš* ("holy people," 14:2). In turn, the entire section on permitted and prohibited foods (14:3-21) is prefaced with a brief regulation against physically deforming the head (through gouging or shaving) as a sign of mourning.[84]

> You are children of Yahweh your God. You will not cut yourself or set baldness between your eyes because of the dead. Since you are a people holy to Yahweh your God, therefore Yahweh has chosen you for himself as a people more valuable than any people on the face of the earth (14:1-2).

This regulation is extremely odd in its placement; it is a brief notice on unacceptable funerary practices sandwiched between the long series of exhortations in Chapter 13 against allowing those who advocate syncretistic practices to remain in the land and the extensive regulations on acceptable foods in 14:3-21. It stands out even more from the text because it is bracketed by an opening declaration, "You are the children of Yahweh your God," that is not typical of Deuteronomy,[85] and is closed by an echoing causal statement, "Since you are a people holy to Yahweh your God."

Deploying such a large quantity of unusual text to couch a relatively small commandment indicates that the author here is interested in more than simply conveying displeasure over what he views as outré funeral practices. [86] Instead, regulations on

---

[84] Similar prohibitions will appear again in the context of tithe offerings in Deut 26:12-15.

[85] This sentence, unlike the following material, uses the second person plural. Blenkinsopp also notes, following Gerhard von Rad, that this statement is unique in the texts of the Hebrew Bible ("Post-Mortem Existence," 10-11; von Rad, *Deuteronomy*, 72).

[86] Nelson claims that the Holiness Code's ban on these mourning rites for priests (Lev 19:27-28) was extended by Deuteronomy to the entire population (*Deuteronomy*, 179). However, the passages that he

funeral practices – associated naturally with death but also with the religious practices of surrounding nations – both reinforce the condemnations of non-Yahwistic practices in Chapter 13 and create a bridge between them and the food-centered texts on dietary restriction and the tithe.[87] Dispensing death to the encouragers of syncretism is necessary to preserve Deuteronomy's promises of life in exchange for monolatry; instructions against improper funeral arrangements, couched between assertions of Israel's value as holy children of Yahweh, separates Israel from its neighbors while simultaneously presenting a reminder of the penalties that it will incur if it fails to maintain this dissociation.[88]

These prohibitions are followed by a series of instructions on dietary practices that form the context for the tithe offerings: they imply that since Israel is an *'am qādôš*, it must therefore set itself apart from certain foods, the consumption of which would blur the boundaries between Israel and less favored nations. The text uses these dietary regulations to put the tithe offerings in a particular context, one in which Israel's status as

---

cites from Leviticus are themselves applied to the whole community and not restricted to the priests, and his thesis is also countered by Knohl's model of the Holiness Code as an expansion of Priestly duties to the general populace (*Sanctuary of Silence*, 180-86).

[87] Other biblical texts also depict mourning rites as part of their condemnation of proscribed syncretistic practices. Hos 7:14 is particularly interesting in this regard, as it specifically ties together improper/insincere mourning with the abuse of *dāgān* and *tîrôš*, two of the agricultural products consistently associated with the tithe in Deuteronomy. Cf. also Ezek 8:14 and 1 Kgs 18:28. For improper use of food leading to syncretism, see Hos 4:10-13.

[88] On funerary practices in Israel and elsewhere in the ancient Near East, see Theodore J. Lewis, *Cults of the Dead in Ancient Israel and Ugarit* (HSM 39; Atlanta: Scholars, 1989); and Elisabeth Bloch-Smith, *Judahite Burial Practices and Beliefs about the Dead* (JSOTSup 123; Sheffield: JSOT Press, 1992). Blenkinsopp has proposed that the prohibition on funerary rites is an effort to shift religious energy away from the lineage system and toward the national cult ("Post-Mortem Existence," 11). For the deployment of the rhetoric of the dead across various biblical texts, particularly as related to assuming control over the land from foreign nations, see Alan Cooper and Bernard R. Goldstein, "The Cult of the Dead and the Theme of Entry into the Land," *BibInt* 1 (1993): 285-303. Note Saul Olyan's objections to the idea that restrictions on mourning here are related to a rejection of foreign nations through avoidance of their funerary practices (*Biblical Mourning: Ritual and Social Dimensions* [New York: Oxford University Press, 2004]), and also his caution on the limits of knowledge regarding ancient Israelite burial practices and attitudes ("Some Neglected Aspects of Israelite Interment Ideology," *JBL* 124 [2005]: 601-16).

a nation special to Yahweh is expressed most visibly and regularly through the proper offering and consumption of food. The regulations for the tithe enhance this association by cutting the bonds between Israel's nourishment and local cultic practice. The restrictions on regular food and the regulations for bringing tithe offerings are not simply a practical measure in a program of centralizing sacred authority, but an operation that definitively marks Israel as elevated and apart from its local cultural surroundings.

4.2.4.1 Tithes and Cult Centralization

The overriding goal of cult centralization helps to explain why Deuteronomy 14:24-26 introduces new regulations aimed at ameliorating the onerous burden of transporting large quantities of food to a central sanctuary through the monetization of tithe offerings. However, instead of simply informing the reader that the money representing the tithe can be redeemed for similar products at the offerer's destination, the text goes out of its way to promote the luxury of the goods that should be purchased: "You shall buy with the money anything which your soul desires: cattle or sheep or wine or liquor or anything which your soul wishes" (14:26). The text seems almost to revel in the ostentation of the feast, rejoicing in the abundance that allows its participants to virtually throw away their money (to use a modern idiom, the tithe offerer gets to spend his money like a drunken sailor).[89]

---

[89] In this way, the eating of the tithe in Deuteronomy parallels the potlatch ceremonies performed by some Native American tribes in the Northwest United States. Conspicuous dispersal of personal goods, both through destruction and, more prominently, through redistribution to others, is the point of the potlatch: the one who could afford to part with the greatest value of personal possessions was obviously the wealthiest and most powerful person at a potlatch gathering. See M. F. C. Bourdillon, "Introduction," in *Sacrifice* (ed. M .F. C. Bourdillon and Meyer Fortes; London: Academic Press, 1980), 13; Bell, *Ritual*, 120-21. Similarly, the tithe offering is typified by conspicuous, even wasteful, consumption during the sharing of goods and food among one's household.

The language of desire features prominently here; twice in this verse, the addressee is instructed to satisfy his appetites (*bĕkōl ʾăšer-tĕʾawwê napšĕkâ* and *bĕkōl ʾăšer tišʾālĕkâ napšĕkâ*). This rhetoric is part of an effort to associate the sanctuary not with compulsion but with longing. The rather explicit message is that if one travels to the sanctuary with money from the tithe offering, and thereby recognizes its rightful place as Yahweh's center, then one will receive not only basic sustenance, but high-quality food in staggering abundance.[90] Through the tithe, the central sanctuary becomes almost pardisiacal. The claims of Israel's contract are reinforced by the stark pleasures to be had through acknowledging the place of the central temple.[91]

The purpose of consuming the tithes in Jerusalem is explicitly stated in the chapter, and it is *not* in order to support the cult. Instead, tithes are to be physically moved "in order that you might learn to fear Yahweh your God forever." (14:23). When it is taken to the sanctuary (or monetized and converted there into foodstuffs), the tithe is used solely for feasting; the text makes absolutely no mention of transfer of wealth to the temple complex. Instead, it is simply designed to get the offerer into the vicinity of the sanctuary. Enjoying the bounty of the tithe with one's household in the presence of Yahweh (14:26) is the entire point of this offering. Consuming goods that are the result of Yahweh's blessing while in physical proximity to his dwelling (either actually or rhetorically) is a microcosmic expression of the benefits that accrue from following

---

[90] On the marked difference between this meal and regular meals, see Walter J. Houston, "Rejoicing Before the Lord: The Function of the Festal Gathering in Deuteronomy," in *Feasts and Festivals* (CBET 53; Leuven: Peeters, 2009), 4.

[91] Bell, in reference to the Kwakiutl potlatch in British Columbia, notes that potlatch dancers act out during the ceremony the events that led to a distant ancestor receiving the special privileges that are celebrated during the potlatch. One of the major purposes of performing the ceremony, then, is to continually re-confer these special privileges on succeeding generations, a feature that is also obvious in Deuteronomy's tithe (*Ritual*, 122).

Israel's contract with its deity. Additionally, removing goods to the central sanctuary creates the appearance that these benefits flow directly from this place; it is the location and uniqueness of the sanctuary itself, as much as the deity who resides there, that is responsible for creating the vast wealth that is being so ostentatiously consumed.

4.2.4.2 The Third-Year Tithe

An apparent "exception" to the general tithe regulations occurs in the third year, when food is not removed from its local origins, but rather stored in place and distributed to Levites and other economically marginal characters (14:27-29).[92] The practical instruction for the third year tithe is short; the command itself simply reads, "at the end of the third year you will bring out the whole tithe of your harvest in that year and you will place it in your gates (v. 28)." This passage concentrates on the Levites, and more specifically on their status as recognized members of the contractual community who nevertheless lack a stable generator of income; the Levite "has no *ḥēleq* (or *naḥălâ*) as you do."

This regulation is a natural outgrowth of the book's covenantal fertility theology. Taking the tithe to the sanctuary in the first two years establishes this space as the source of agricultural blessing derived from the covenant. That blessing must then turn outward again and return to the land, lest the sanctuary cease to stand as a generator of abundance and become instead merely parasitical. The third year tithe demonstrates that the abundance so amply demonstrated by the sanctuary will overflow that space and reach to

[92] Nelson explains the third year tithe as an outgrowth of an older "seed tithe" law, which is then incorporated into the seven-year cycle of the remission of debts (*Deuteronomy*, 184).

every corner of the covenanted land.[93] It ensures an understanding that the cult center, when properly acknowledged, creates nourishment and wealth rather than simply requiring it.

4.2.4.3 Israel's "Imitatio Dei"

The Levites thus become representative figures for all those who are in some way part of the Israelite community but who are nevertheless excluded from the regular benefits of the covenant: *gērîm*, orphans, and widows. The Levites and the figures associated with them within the community are comparable to the father figure who will be labeled the "perishing Aramean" in 26:5. The texts dealing with these characters recognize that even within the parameters of the covenant, some will nevertheless continue to live a tenuous existence and rely on the generosity of those who are fulfilling the covenant's conditions to ensure their survival.[94]

In the analysis of Deuteronomic firstfruits, it was demonstrated that a community's failure to secure a source of nourishment is a sign that it lacks Yahweh's favor; those who transgress the contract with Yahweh are punished by having their sustenance removed. Here, however, the failure of Yahweh to provide the Levites with a stable source of food is not a punishment for them. Indeed, their behavior is not the text's concern at all. Instead, it is directed toward the rest of the Israelite community, who are supposed to fulfill their contract with Yahweh by acting *imitatio dei* toward the Levites

---

[93] For a similar mechanism of fertility flowing from the central temple, if expressed in even more fantastic fashion, see Ezek 47:1-12.

[94] See Jeffries M. Hamilton on Yahweh's care for marginal figures in Israelite society in Deuteronomy and the imperative for the members of the congregation to ensure their support (Hamilton, *Social Justice and Deuteronomy: The Case of Deuteronomy 15* [SBLDS 136; Atlanta: Scholars Press, 1992]).

and other marginal groups in Israel during the third-year tithe.[95] Just as Yahweh has provided sustenance for "poor" and perishing Israel (according to Deut 26:5-10), so the congregation that has now received this wealth must perform the same function toward the members of their society who stand in similar need.

The request for Israel to act *imitatio dei* during the third year tithe is a logical outgrowth of Deuteronomy's rhetoric, which famously requires not only external obedience to its commandments but also an emotional embrace of them and their promulgator (a requirement expressed vividly, among other places, in Deut 6:4-9 and 26:16-17).[96] This expectation of love for Yahweh and his commands implies identification with him, expressed in Deuteronomy most forcefully by the requirement that Israel adhere to Yahweh's *dĕrākîm* ("ways," 5:30; 8:2, 8:6; 9:12, 16; 10:12; 11:22, 28; 13:6; 19:9; 26:17; 28:9, 30:16; 31:29). The intensive use of this metaphor implies not only that Israel travel in the legal and moral paths that Yahweh ordains, but that in these actions it should follow Yahweh's own behavioral model.

Certainly, as formulated in Deuteronomy 14, the tithe is not primarily conceived as a fully pragmatic means of support for the Levites; its provision is too sporadic, and

---

[95] The relationship between Yahweh's "ways" and his model behavior is most strikingly seen in Deut 10:12-19, which begins by asking, "What does Yahweh your God ask from you? Just that you fear Yahweh your God by walking in all his ways and by loving him and by serving Yahweh your God with all your heart and all your soul" (Deut 10:12). The passage concludes that this demand is valid, "because Yahweh your God is the greatest of gods and the greatest of lords, the great, the strong, and the feared God, who does not show partiality and does not take a bribe, but does justice for the orphan and the widow and loves the *gēr*, giving him food and clothing. You also should love the *gēr*, because you were *gērîm* in the land of Egypt" (Deut 10:17-19). As this text shows, chief among the ways that Israel should act as Yahweh are in the provision of sustenance and clothing for the socially marginal in their midst.

[96] In this way, Deuteronomy provides an analogue to the Holiness Code's expectation that Israel will perform *imitatio dei* by fulfilling its commands and thus showing themselves to be "holy, since I, Yahweh your God, am holy" (Lev 19:2). Ian Wilson argues that, although the sacred portion of the tithe may have been left in a local settlement, the subject would still have been expected to travel to the central sanctuary to make an offering in the third year. "Central Sanctuary or Local Settlement: The Location of the Triennial Tithe Declaration (Dtn 26,13-15)," *ZAW* 120 (2008): 323-40. On love for Yahweh and Israel's reciprocity, see Susan Ackerman, "The Personal Is Political: Covenantal and Affectionate Love (*'ahēb, 'ahăbâ*) in the Hebrew Bible," *VT* 52 (2002): 437–58.

the instructions for it too vague, to qualify as a fully effective tax for supporting cultic personnel or the poor. But by assuming during this feast the deity's function of providing nourishment to those who are otherwise perishing, Israel replicates Yahweh's own munificence toward it, and in so doing creates a strong analogy between effectively operating Deuteronomic institutions and the reality of divine beneficence toward the people. Furthermore, through taking on this role through tithe offerings, the community also signals its recognition that the fruitfulness of the land derives ultimately from Yahweh's good pleasure. Israel can only microcosmically function *imitatio dei* when giving tithe offerings by also doing so macrocosmically through its stewardship of the land. As seen also in the legislative structure of the Covenant Code,[97] here again in Deuteronomy the ability to provide food becomes, again, an index of proper execution of the Yahweh's law.

4.2.5 Deuteronomy 26:12-15: Microcosm of the Covenant Society

After supporting Deuteronomy's cult centralization ideology in Chapters 12 and 14, tithe offerings disappear until 26:12-15, when they suddenly emerge after the enactment of the firstfruits ritual. This passage critically advances several of the core themes that the immediately preceding firstfruits text articulates.[98] The two texts are bound together by the proximity of similar language dealing with the disposition of food to the Levites and other vulnerable groups. The firstfruits offering passage closes with the

---

[97] See Chap. 2.

[98] The temporal relationship between the two offerings within Israel's regular festival structure is in no way at issue. Since the time and periodicity of the firstfruits offering is kept vague by the text, and by definition the third-year tithe happens only every third year, drawing conclusions about how the offerings may have been related to each other in Deuteronomy's idealized ritual world not only misses the point of the text but is also virtually impossible. *Contra* Wilson, "Triennial Tithe," 337.

instruction that the offerer is to go out to enjoy, with the Levite and the resident alien, the good things that Yahweh has provided (26:11). The subsequent verse, which opens the discussion of the third-year tithe, raises this topic again, stipulating the provision of supplies to the Levite, resident alien, orphan, and widow as the critical feature of the tithe (26:12). The next verse, which consists of the offerer's declaration that he has performed the instructions for the tithe, states again that these "outsider" groups have received the tithe donation (26:13). The offerer claims that he has cleared out the "sacred portion" – *haqqōdeš* – from his dwelling, transferred control over it to the Levites, resident aliens, orphans, and widows, and avoided eating the tithe while mourning, handling it while unclean, or giving it to the dead. He closes this confession with a plea that his actions – which he emphasizes are in accordance with Yahweh's commandments – be rewarded by divine blessing on Israel and on the earth that Yahweh has granted to them.

The rhetoric of this portion of the tithe commandments reinforces a consistent piece of Deuteronomic rhetoric: the choice of life over death that is expressed by following the law code. Properly distributing the tithe involves giving it to beneficiaries who would otherwise find their lives at risk through starvation. Supplying them with provender demonstrates the offerer's commitment to sustaining the physical existence of all members of the covenantal community, and reiterates the requirement expressed in 14:27-29 for the covenantal community to act *imitatio dei* toward its internally dispossessed members. Putting the goods of the tithe to use as part of any rite or commemoration involved with memorializing or communing with the dead (or using the tithe while unclean, with the overtones of entropy that ritual uncleanness suggests) presents a reader with an image starkly opposed to Deuteronomy's command to "choose

life!" The rhetorical appeal to life that is inherent in the ritual affirmations about the tithe, rather than concern with ritual purity itself (a subject not elsewhere very important in Deuteronomy), is the primary issue in this section of the text.

The opening stipulation about the tithe offering, with its assumption that the tithe has been provided to Levites and other disinherited figures, mirrors the end of the passage, where the offerer implores Yahweh to reciprocate with his own gifts. This mirroring continues in the confession's description of how the tithe has been disposed, and is set forth in a roughly parallel structure.

1. *Offering*: When you have completed tithing the whole tithe of your yield, in the third year, the year of the tithe, and you have given it to the Levite, the *gēr*, the orphan, and the widow, so that they might consume it in your gates, then you will say before Yahweh your god:
    a. "I have
        i. cleared the consecrated portion from the house
        ii. and given it to the Levite, the *gēr*, the orphan, and the widow,
        iii. according to your whole commandment which you commanded me.
    b. I have not
        i. transgressed your commandments
        ii. or forgotten them.
    c. I have not
        i. eaten it while mourning
        ii. or cleared it while unclean
        iii. or given anything from it to the dead;
    d. I have
        i. listened to the voice of Yahweh my God
        ii. (and) acted according to everything which you commanded me.

2. *Reciprocation*: Look down from your holy place,[99] from heaven, and bless your people Israel and the land which you gave to us, as you swore to our fathers, a land flowing with milk and honey."

Each positive element of the tithe confession has a parallel negative counterpart. The assertion that the offerer has cleared the holy tithe from the house is answered by the claim that it has not been cleared while in a state of impurity (which would be incompatible with holiness) or while mourning. The act of providing the tithe to the Levites and other dispossessed figures, which effectively extends life to them through offering sustenance, is countered by a denial that any of the tithe has been given to the dead. Both the positive and the negative actions are then affirmed to be in accordance with divine commandment; fulfillment of the whole contract is only possible through the embracing of one principle while simultaneously fully rejecting its opposite.[100]

While the confession linked to the firstfruits presented what Yahweh has done for the offerer (saved his ancestors from slavery in Egypt and provided them with land) and then displayed the offerer's response (firstfruits), this confession reverses the order, explaining what the offerer has done (provided tithes) and seeking a response from Yahweh (blessings of the people and of the soil). The firstfruits confession presented the

---

[99] It is worth noting the connection between the removal of the holy tithe from the offerer's house and Yahweh's consequent bestowal of blessing from his holy dwelling. Removing the tithe – the holiness of which is a danger to the house, since mistreating it can automatically bring severe consequences – bestows security upon the offerer's abode, since its removal means there is no longer a danger of transgressing holy boundaries. The blessings given in return for fulfilling this command are provided by Yahweh from his holy – and similarly dangerous – residence.

[100] The parallel affirmation of both positive and negative commands is a prominent feature elsewhere in Deuteronomy. Deut 26:12-15 is in fact a terse legal foreshadowing of the subsequent curse and blessing ritual on Mounts Ebal and Gerizim in Deut 27:11-28:69, an event that concludes with an attestation that the legislation in Deuteronomy constitutes a separate, additional covenant to the one made at Horeb. This theme continues in chapter 30, where the reception of both blessing and curse seems to be the prerequisite for the final consummation of Yahweh's covenant promises for the people.

offerer with a chance to provide a legal consideration for the contract; the tithe confession provides Yahweh with the opportunity to do the same. However, whereas the confession accompanying the firstfruits was of strictly cosmic degree – Yahweh's redemption of Israel from servitude and subsequent divine generosity – the confession here operates on two different scales. On the one hand, it is extremely local, with the offerer passing on Yahweh's abundance by transferring wealth to less economically privileged peers. But it also recognizes the cosmic scale of the transaction. The offerer requests that Yahweh respond to his proper giving of the third-year tithe by "bless(ing) your people Israel and the soil which you have given to us, as you swore to our fathers." The local actions of the offerer lead to benefits applied to his entire society, as the fulfillment of guarantees stretching to the foundational time of Israel's fathers.

The injunction to look after the Levite and the accompanying disinherited figures also acts as the counterpoint to Deuteronomy's constant commands to avoid assimilation with the surrounding peoples. Deuteronomy judges the fidelity of its audience by its social proximity to one of two groups: (1) true outsiders, denoted simply as the "nations which you are disinheriting," and (2) Levites and other internally disinherited groups within Israel, who are the converse of the first group. Israel is supposed to disinherit those in the first category; indeed, their dispossession is a critical feature of Israel's agreement with Yahweh. Yet in order for the agreement to be properly fulfilled, the members of the second group must receive the material benefit from the land that it is Yahweh's responsibility to provide under the contract's terms. In both cases, Yahweh makes possible the conditions for fulfilling the covenant, in the first instance by weakening the foreign nations and making them ripe for conquest, and in the second by

ensuring the land's fertility. But it is Israel's responsibility to take advantage of these favorable conditions by physically removing the helpless foreigners and putting aside for the poor in their midst sustenance from the fertile land.[101]

If the tithe commandment in Deut 26:12-15 is another way of enforcing the contractual separation from the people of the surrounding nations, it would explain the otherwise strange portion of the confession in 26:14, which declares regarding the disposition of the tithe, "I have not eaten it while mourning; I have not cleared it while unclean; I have not given anything of it to the dead." [102] These statements reflect the injunctions given in 14:1-2, which, as shown above, are linked to the tithe stipulations in that same chapter and helped to define those offerings as an index of the separation of Israel from its surroundings, as one sign of the audience's status as "holy to Yahweh" was its refusal to partake of improper funerary rituals.

Two issues arise from the repetition of these mourning restrictions in the tithe instructions in 26:14. First, Deuteronomy considers the prohibited funerary rites to be the province of the nations from which Israel must extricate itself. Even though the specific activity disavowed here – the ritual provision of tithe materials to the dead – is not that described in 14:1, both 14:1 and 26:14 deal with improper means of commemorating the

---

[101] See Chap. 2 on the similar legal requirement for Israel to ensure the economic advantages of the covenant are directed toward the poor.

[102] Nelson points out, in relation to this statement, that the tithe is a holy offering, and that therefore a statement concerning its ritual purity was required; he suggests that the text's origins are pre-Deuteronomic (*Deuteronomy*, 310). Nelson's observation is particularly trenchant in the case of the third-year tithe, which is not taken to the central sanctuary; the need to keep it ritually undefiled would not have been obvious, and so it might have needed re-affirmation as a holy offering. However, while this ritual affirmation may be an important inherent part of a historical tithe offering, its congruity with the concerns about Israel's holiness expressed earlier in 14:1-2 and the author's interest in extending those themes here are probably a more important consideration in its inclusion in this very valuable piece of textual real estate. Since Deuteronomy's concerns do not lie primarily in the area of ritual purity, it would be surprising to find the author place such importance on this matter here if there were no other reasons to do so.

dead.[103] Deuteronomy never prescribes proper funeral rites for Israel; it only prohibits improper ones, and these prohibitions are a powerful means of marking Israel as distinct from its neighbors. Since the giving of the tithe is the final act of the Deuteronomic covenant, the explicit reiteration of the ban on funeral rituals typical of outsider groups is the ultimate sign of Israel's divorce from them. Re-visiting these prohibitions is done not primarily to highlight Deuteronomy's rubrical concerns for the tithe, but to explore how the very offering of the tithe itself furthers Deuteronomy's agenda of social separation from the nations in the land.

Second, here in 26:14, the statement that the confessor has avoided these actions is juxtaposed with the affirmation that he has enacted important positive commands. Not only has the offerer avoided mixing tithe offerings with cults of the dead, but he has properly extended it to those in the community who, although dispossessed, fall under the protective aegis of the Deuteronomic covenant. By closing the statutory portion of Deuteronomy with this comparison between the dead and the living, the text's authors contrast the motifs of death and mourning with the alternate ritual messages sent by the tithe offering.

The tithe offering completes a cycle begun with the firstfruits confession above. After setting out his obedience to covenant terms, the offerer requests that Yahweh respond to his action of contractual faithfulness toward fellow Israelite community members through a cosmic reciprocation ("look down from your holy place, from heaven, and bless your people Israel and the land which you gave to us"), thereby

---

[103] The implied uncleanness of dead bodies probably also plays a role in the concatenation of these prohibitions (Nelson, *Deuteronomy*, 310). However, the text is not overt about this connection, which suggests that its concern is thematic, rather than with the legal intricacies of the ritual offerings themselves.

fulfilling an enduring promise ("as you swore to our fathers, a land flowing with milk and honey"). The human fulfillment of the tithe commandment is matched by blessings on a divine level. Once again, Deuteronomy's rhetoric depends on creating analogies: human distribution of gifts to otherwise starving dependents mirrors divine provision of land and its accompanying sustenance to an otherwise landless people.[104]

4.2.6 Deuteronomy 26:16-19: Mutual Affirmation

The concluding summation (26:16-19) continues this presentation of complementary contract promises between the people and Yahweh. The language in this passage forcefully completes the contract sealing procedure that was initiated by the firstfruits offering at the beginning of Chapter 26, building on the affirmations from the tithe confession to bind the text's audience, both internal and external, to the entirety of the Deuteronomic law code.

1. This day, Yahweh your God commands you to perform these statutes and ordinances; both keep and perform them with all your heart and all your soul.
    i. Today you have affirmed (*he'ĕmartā*) concerning Yahweh: that (he) is your God, that you will walk in his ways, that you will keep his statutes and his commandments and his ordinances, and that you will listen to his voice.

[104] See Chap. 2.

ii. And today Yahweh has affirmed (*he'ĕmîrĕkā*) concerning you: that you are his treasured people, as he said to you, and that you are keeping all his commandments.

2. Therefore he has installed you in a high station over all the nations which he made, a place of praise and fame and glory, so that you might be a people holy to Yahweh your God, as he said.

The tithe confession itself is filled with assertions by the offerer (who acts as a stand-in for both the textual character of Israel and for the actual audience of the text) that he has fulfilled specific positive and negative commandments, and ends with a request for Yahweh to reciprocate with material benefits. Moses' statement immediately following the description of the tithe offering – which returns the scene from the putative future tither to the audience gathered at the gates of the land – reprises this theme of covenant obedience and the mutual obligations that it imposes.

The text brackets the actual agreement between the parties with a final statement about Yahweh's demands and his offered payment for adhering to them. The opening bracket sets forth Yahweh's basic requirement that Israel perform the commandments in the covenant "with all your heart and all your soul" ; the closing bracket then provides Israel's "payment" for fulfilling these terms: superiority to the surrounding peoples and a special relationship with Yahweh.[105] Between, Yahweh and Israel lay out terms for each other, using the rare *hiphil* form of *'mr*.[106]

---

[105] Nelson also emphasizes the mutuality of this closing treaty language (*Deuteronomy*, 11, 311).
[106] Dennis J. McCarthy, "Covenant and Law in Chronicles-Nehemiah," *CBQ* 44 (1982): 25-44.

A surprising turn occurs in the final segment of the agreement in which *Yahweh* stipulates, as part of his treaty obligations, that Israel is in fact, at the time of the treaty's promulgation, keeping his commandments. This creates a legal recognition that, despite its many previous transgressions during its wilderness wanderings, Israel begins the period of the treaty with a clean slate, and that any prior behavior will not be held against it in adjudicating future actions. The text's use of the *hiphil* form of *'mr* is especially remarkable, since the two instances in vv. 17 and 18 are the only attestations in the Hebrew Bible of the *hiphil* of this otherwise extremely common verb, which is crucial to the promulgation of the covenant's terms. By employing the *hiphil*, the text not only places a heightened emphasis on the verb (such an unusual form is bound to call the audience's attention to it), but it also creates a double subject for the speech act involved in swearing to the contract. When the grammatical subject "speaks" in favor of a contract proposition in these sentences, he demands that the personal object of that speech also participate as a co-subject in the contract that is being agreed to.[107] In the text at hand, Moses, appearing almost as a mediator between two contract parties, proclaims that Israel has spoken in favor of having Yahweh as its deity, and has promised as a consequence to obey the statutes that Yahweh has set for it (v. 17). However, implicit in Israel's promise is Yahweh's acceptance of its offer; the affirmation is meaningless if Yahweh is uninterested in the contract terms. Therefore, Moses responds in v. 18 that Yahweh has made Israel his people, who are responsible for obeying the commandments that he has set down. Their return for this obedience will be that Yahweh will set them apart from

[107] As an extension of its well-known causative function, the *hiphil* indicates that the object of the verb is also taking an active role in its performance. Bruce Waltke and Michael O'Connor highlight this function in defining the *hiphil*'s role in relation to the often similarly used *piel*, noting that, in contrast to the passive object of the *piel*, the object of the *hiphil* verb must somehow participate in the verbal action (*Biblical Hebrew Syntax*, 434-35).

other nations and make them a people holy to himself. Once again, if Israel were uninterested in Yahweh's terms, then they would be unenforceable, his divine status notwithstanding. The use of the *hiphil* emphasizes grammatically what the agreements by each party express rhetorically: that Israel and Yahweh have mutually accepted the terms of the contract, and are now unalterably bound to them. It is the final sign that the contract has been accepted and "signed" by both parties.

4.2.7 Conclusion

The tithe in Deuteronomy is essential to completing Israel's contract with Yahweh and to defining its terms through providing a material index of Yahweh's blessings to the congregation. While firstfruits constituted a token consideration given solely to Yahweh as a demonstration of Israel's allegiance to the Deuteronomic covenant, the tithe expands the relationships of the covenant to include not only the bi-lateral relationship between the assembly and Yahweh, but also the multi-lateral relationships between all members of the community. Israel validates its tenure in the land by providing a significant offering to those in the congregation who are least able to help themselves. In the course of performing this action, the people re-affirm the contract relationship that exists between them and Yahweh by re-capitulating it in their actions toward the Levites and other marginal Israelites. The firstfruits and the tithe as presented here in Deuteronomy function critically together to ensure that Israel fulfills Yahweh's covenant in its fullness.[108]

---

[108] As Altmann asserts, "Combining the ritual declaration of a shared story with the provision of food fuses the two together so that they are part and parcel of the larger story that Deuteronomy projects for what it means to be 'Israelite' ("Feast, Famine, and History," 564).

Chapter 5

Ezekiel, Nehemiah, and Chronicles

Deuteronomy's use of firstfruits and tithes to advance covenant claims – claims binding both on Israel and on Yahweh – establishes these offerings as the linchpin of the relationship between Israel and its God. Deuteronomy also makes the rite of reading the text a critical procedure in formatting the audience according to the covenant's terms. Similar operations are at work in Ezekiel, Chronicles, and Ezra-Nehemiah, all of which share literary features that encourage presenting them together in this chapter: most prominently, a post-exilic literary setting and theologies derived predominantly from P and H texts, particularly regarding the relationship between priests and Levites.[1] Priestly themes are initiated, re-capitulated, and interpreted in these works in three separate contexts: (1) a prophetic/visionary exploration of the destruction of the old, corrupt order the plans for re-establishing a functioning ritual society (Ezekiel); (2) a quasi-autobiographical narrative about the restoration of historical norms in a contemporary environment (Ezra-Nehemiah); and (3) an exploration of antiquarian/historical cultic antecedents (Chronicles). As previously seen throughout this work, the presentation of firstfruits and tithes are controlled by the needs of the texts that surround them, even while the rituals themselves advance textual agendas.

---

[1] See Gary M. Knoppers, "Hierodules, Priests, or Janitors? The Levites in Chronicles and the History of the Israelite Priesthood," *JBL* 118 (1999): 49-72. Chronicles and Ezra-Nehemiah in particular are sympathetic interpreters of the prior efforts of the priestly tradition, rather than engines of its production.

5.1 Ezekiel

The primary firstfruits and tithe texts in Ezekiel are ensconced in the prophet's visionary account of plans for the Jerusalem temple's reconstruction and operation.[2] This text creates for the audience an ideal vision of how Israel will be constituted after the chaos and disorder of the preceding texts of Ezekiel, particularly the violence created by the apocalyptic conflict between Yahweh and Gog (Ezekiel 38-39).[3] These images of devastation are resolved by reordering the ravaged land through architectural and ritual instructions for a new priestly polity [4] Because the text is mainly occupied with creating ideal cultic structures rather than simply restoring an old order, Ezekiel is unconcerned with establishing consistency with the offering institutions recognizable in other biblical texts.[5] Nevertheless, firstfruits and tithe offerings are an important aspect of the audience's acceptance of Ezekiel's cultic vision.

---

[2] A reference to *rē'šît maś'ôtēkem bĕkol-qodšêkem* is found also in Ezek 20:40, during the resolution of Ezekiel's historiography of Israel, but it is a general description of choice offerings that will be accepted by Yahweh after the re-establishment of the holy community after the return from exile, and so has little bearing on the firstfruits in the temple vision.

[3] A wide range of Ezekiel's interpreters have shown a predilection to separate Ezekiel 38-39 from the surrounding texts, considering it to be an obviously secondary addition; see, as an example, the declaration by Rainer Albertz, stated without elaboration, that Ezekiel 38-39 "are clearly secondary" (*Israel in Exile* [trans. David Green; SBLSBL 3; Atlanta: Society of Biblical Literature, 2003], 352); see also Walter Eichrodt, *Ezekiel: A Commentary* (trans. Cosslett Quinn; OTL; London: SCM, 1970), 520. Susan Niditch, however, has vigorously asserted the place of these chapters as an important part of the temple vision's overall literary structure, claiming that the passage betrays few if any features that could conclusively separate it from the rest of the literature in the book ("Ezekiel 40-48 in a Visionary Context," *CBQ* 48 [1986]: 208-224 [220-24]).

[4]See Steven Shawn Tuell, "Ezekiel 40-42 as Verbal Icon," *CBQ* 58 (1996): 649-664, and Niditch, "Visionary Context"; cf. also Carol Newsom, who notes that the Qumran Songs of the Sabbath Sacrifice play a similar role in creating a vision of a heavenly temple that is supposed to be intellectually/mystically comprehended rather than actually constructed (*Songs of the Sabbath Sacrifice: A Critical Edition* [HSS 27; Atlanta: Scholars Press, 1985], 59).

[5] Ezekiel eliminates entirely the pre-exilic agricultural festival cycle, and its calendar most likely antedates the festival calendars in Leviticus and Numbers; see Chap. 3 above. For the problems of relating Ezekiel's vision to actual milestones in the development of the Israelite/Judahite priesthood, particularly Ezekiel 44 and Numbers 16-18, see Stephen L. Cook, "Innerbiblical Interpretation in Ezekiel 44 and the History of Israel's Priesthood," *JBL* 114 (1995): 193-208.

Firstfruits rituals in particular depart dramatically from their presentation in the Pentateuch. All of the prebends in 44:28-30 are specifically linked to the priests' function as sacrificial agents.[6] Their service to Yahweh is considered to be equivalent to their territorial allotment, being described as both a "portion" (*naḥălâ*) and a "holding" (*'ăḥuzzâ*). The repetition of these terms in parallel structure (44:28) emphasizes the quality of the priest's position; in Yahweh's new creation, being closely associated with the deity is a sure path to securing one's own life (as long as one does not violate the imperatives of purity that allow access to these benefits).[7] The text uses the matter of the offerings to make its case that the Zadokite priests are as close to Yahweh as humanly possible, and to magnify their status above that of any of their fellow temple servants.

This distinction is important when the text discusses sacrificial items that are to be given to the priests as prebends, which closely mirrors the prescriptions of Numbers 18.[8] *Only* Zadokite priests are to receive meal, sin, and guilt offerings, and items that are *ḥērem* (44:29). Firstfruits (*rē'šît kol-bikkûrê kōl*) and *tĕrûmâ* offerings (*kol-tĕrûmat kōl*) are given to the priests "from all of your *tĕrûmôt*" (*mīkkōl tĕrûmôtêkem*).[9] Finally, the

---

[6] Ezekiel makes distinctions between the majority of the Levites and the Zadokite clan, who are established as the highest tier of the holy community. The majority Levites are never referred to as "priests"; indeed, the text explicitly demands, "they will not approach me to act as my priests" (Ezek 44:13). Ezek 44:15 implies that the entire tribe of Levi once exercised priestly functions by claiming that the Zadokites are simply one tribe descended from a greater mass of "levitical priests." While the designation "levitical priests" is common in Deuteronomy as a way of referring to all Levites, in Ezekiel the disruption of Israel's cultic life has also led to a new distinction in the tribe of Levi, with the Zadokites now designated as the "levitical priests" (*hakkōhănîm halĕwiyyîm*, Ez 44:15) and exercising full priestly functions. Ezek 44:10-14, 21, 25; 46:2, 19-24. *Contra* Rodney Duke, "The Portion of the Levite: Another Reading of Deuteronomy 18:6-8," *JBL* 106 (1987): 193-201, on the Zadokite/Levite split in Ezekiel.

[7] In contrast to Deuteronomy, which exhorts its audience to support the Levites because they have no other means of income, in Ezekiel, priestly service to Yahweh is purely beneficial.

[8] See J. Gordon McConville, "Priests and Levites in Ezekiel: A Crux in the Interpretation of Israel's History," *TynBul* 34 (1983): 3-31, on the thematic links between Numbers 16-18 and Ezekiel 44.

[9] The separation of *bikkûrîm* and *tĕrûmâ* gifts from those listed in 44:29 indicate that they are both special offerings for the priests, given outside of the regular cultic cycle; the parallelism between the two suggests that they are considered to be in a category similar to each other.

priests also receive a "firstfruits of your dough" (*rē'šît 'ărisâ*), which functions as hybrid firstfruits and tithe offering.[10]

This command to bring the priests the *rē'šît 'ărisâ* is notable for two reasons. First, it is the only instruction in the series concerning prebends that uses the second person (*tittĕnû*); all of the other verbal forms in 44:29-30 are either passive or third person. The introduction to the prebends frames them with the same verb (*tittĕnû*), instructing that "you will give no holding to them (*wa'ăḥuzzâ lō'-tittĕnû*) in Israel; I am their holding" (44:28b).[11] The preceding instruction that Yahweh will be the priests' *naḥălâ* is not only a positive statement, but makes *naḥălâ* the subject, whereas *'ăḥuzzâ* in 44:28b is defined negatively the subject of *tittĕnû*.

The grammar and phrasing of these statements seems quite intentional, and although 44:28 is phrased in parallel structure, this is not simply done for poetic effect. Like the *naḥălâ* in v. 28a, things that are referred to in passive voice or in the third person in vv. 29-30 are, by analogy, also *naḥălâ*, a term that here defines the special prerogatives of the priests that come to them as an offshoot of their cultic duties.[12] Items that are *'ăḥuzzâ* – in this instance, just the *rē'šît 'ărisâ* – use the second person plural, just as

---

[10] See Num 15:18-21 and Chap. 3 above.

[11] The preceding instruction that Yahweh will be the priests' "portion" (*naḥălâ*) is not only a positive statement, but makes *naḥălâ* the subject.

[12] Generally, *naḥălâ* and *'ăḥuzzâ* are rough synonyms in BH, with a nuance of difference in their meaning that is important here. *naḥălâ* refers to property that is owned by virtue of inheritance or a division of the property gained from warfare; it is typically an inalienable possession. Generally, the emphasis in *naḥălâ* is on the *inherited quality* of the possession, as is apparent in the verbal root *nḥl*, which mainly means to take or give possession of something as an inheritance; people that receive items or lands that are *naḥălâ* maintain the qualities inherent in their traditors. *'ăḥuzzâ* is a less common term (although employed extensively in Ezek 44:28-48:22) and much less widely attested, although it is well represented in specific portions of the P and H writings (see especially Leviticus 25 and 27), where it refers to income-producing land owned by a person through inheritance, and is also inalienable, being generally handed down as part of one's patrimony. However, the emphasis in *'ăḥuzzâ* is on one's possession of the item rather than in its inherited quality (although one's *'ăḥuzzâ* is also frequently part of a person's birthright and is ultimately inalienable). This is clear in the term's verbal root *'ḥz*, which simply means to grasp or seize something and does not have the more explicit significance of inheritance. *HALOT*, *naḥălâ,* 687; *nḥl* 686-87; *'ăḥuzzâ*, 32; *'ḥz*, 31-32.

found in v. 28b. The reason for this is that the *rē'šît 'ărisâ* is not received as a product of the priest's participation in the cult; it is not part of his special inherited duties *as a priest*. Rather, it is food that is given to him to provide sustenance; it is his possession in the same way that the income from property would be. Even if this property comes to him as a consequence of being a priest, it is not something that can only be consumed or handled because he is a priest, but instead is simply a gift meant to provide physical sustenance. This difference in quality and use between the terms here means that *rē'šît 'ărisâ* should be understood in this instance primarily as a tithe offering, even if it is, at the same time, defined as a kind of firstfruits of the tithe.

Second, the reference to the "blessing on your house" (*bĕrākâ 'el-bêtĕkâ*) that comes as a result of giving the tithe is reminiscent of the similar request for a blessing that is made by the tithe donor in Deut 26:15, where he asks Yahweh to bless "your people Israel and the soil that you have give to us" on account of the tithe having been properly handed over to the appropriate parties.[13] In both cases, the tithe is not only the final step in a series of cultic duties or statements, but the offering that activates Yahweh's direct blessing on the people. Donating to the priests the choicest part of the *'ărisâ* serves to solidify their high place within the projected social structure, but also demonstrates that the offerer – or, since Ezekiel is a fully utopian vision, the reader – accepts Ezekiel's divine vision governing the proper channels of human relationship to Yahweh. It is this recognition – like the recognition of Deuteronomy's code indicated by

[13] Note Scott Hahn and John Bergsma's argument that Ezekiel often co-opts language and concepts that are special to Deuteronomy, despite its opposition to significant portions of the Deuteronomic code ("What Laws Were 'Not Good'?: A Canonical Approach to the Theological Problem of Ezekiel 20:25-26," *JBL* 123 [2004]: 201-218).

the provision of sustenance for the Levites and other economic "outsiders" – that is responsible for securing the blessing on the people.[14]

5.2 Nehemiah

While Ezekiel uses firstfruits and tithes to invite its audience to endorse the graded levels of hierarchy and status to be found within the Israelite community, Nehemiah is devoted primarily to advancing the boundaries and distinctions between the society of the returning exiles and their external opponents.[15] Unlike Numbers, where firstfruits rituals are found in the context of constant division and challenges among different classes of the community, here the people are generally united behind their leadership. While the characters of the books are not perfect in carrying out the book's reconstruction and reform, when called to account for their mistakes they offer no defense or resistance against their leadership. Problems in the community ultimately bring about a strengthening of the people's unity, by permitting those who are transgressing to reflect immediately on their sin and reject it (Neh 5:12-13; 8:13-18; 13:15-22, 23-28). At no point do the people actually protest the decisions of those acting in the interests of Yahweh's new temple and city.

Because Nehemiah focuses not on conflict within the community but on frictions with outsiders, firstfruits and tithes in Nehemiah are employed as part of an ongoing effort to heighten the distinctions between mutually exclusive national groups, rather than demarcate the lines of separation within them. Discussion of these offerings are found

---

[14] The blessing also provides an implicit contrast to the instructions of the next verse, in which priests are forbidden from consuming carrion because it is food that falls outside of the categories of *naḥălâ* and *'ăḥuzzâ* that are proper to the priests. Eating these castoff "leftovers" would be a sign that the priest has forsaken his inherited place in the cultic community; it is a sign that Ezekiel's social order is being rejected.

[15] See Janzen, *Social Meanings*, 186-87, 205-08.

primarily in Nehemiah 10, which is part of a longer passage (8:1-10:40) devoted to ritually reacquainting the people with the Mosaic Torah and demonstrating repentance for their pre-exilic transgressions of this document. Like Deuteronomy, Nehemiah uses the conceit of a ritual confession to bind its audience to its re-articulated covenant. Within this confession, it creates images of agricultural bounty and joyful feasting that are also strongly reminiscent of Deuteronomy, adapting the rhetorical strategies of its predecessor text to a new ritual audience.

The positive presence of food reveals itself near the very beginning of the covenant renewal ceremonies, which are initiated by the people's gathering together at the beginning of the seventh month and request that Ezra bring a copy of the Mosaic Torah to read to them (Neh 8:1-3). When hearing the Torah and understanding its requirements causes many of the congregation to weep in mourning, Nehemiah, Ezra, and the Levites exhort them to cease their sorrow, reasoning that the day is a holy day for Yahweh, and merits joy as a proper response (8:9). The people are then immediately commanded not only to partake of fine food and drink themselves, but also to ensure that those who do not have any food prepared should receive some share in the celebration, a rhetorical maneuver that recalls Deuteronomy's festival and sacrifice regulations (Deut 12:7, 12, 18-19; 14:27-29; 26:11-15). The text also makes explicit that their eating and celebration is caused not simply by the ritual act of the reading, but "because they understood the words that they [Ezra and the Levites] made known to them" (8:12).

Woven throughout the confession are constant references to Yahweh's provision of land and food to the tribes (9:8, 15, 20, 22, 24-25, 35-37). Alimentary references are used in order to valorize Yahweh's gift of teaching and instruction (9:13-15, 20),

emphasize the quality of the land that Israel receives (9:25, 35-36), and to emphasize the deprivation caused by rebellion, signified most strongly by the transfer of overwhelming agricultural produce to the foreign rulers that have been given the land (9:35-37). In disobeying Yahweh's commandments, the people also reject the food that is granted through the covenant, and thereby "set themselves to return to their slavery" (9:17, cf. 9:36).[16]

5.2.1 Firstfruits and Tithes in the Rededication of Israel

In the ritual text that follows, the congregation expresses its penitence by signing and sealing a pledge that obligates them to carry out specific actions designed to re-dedicate them to obeying the Mosaic Torah.[17] This text is heavily interested in the regulation of the production, distribution, and use of food by the reconstituted nation's populace. After an initial requirement restricting intermarriage (10:31), every other stipulation in the pledge is concerned in some fashion with the sacralization of food, culminating in provisions for firstfruits and firstborn (10:36-37) and instructions for the storage of firstfruits and tithes (10:38-40).[18] Ultimately, all of these requirements are

---

[16] The recycling of traditions is an extremely important part of the confession. See Mark J. Boda, *Praying the Tradition: The Origin and Use of Tradition in Nehemiah 9* (BZAW 277; Berlin: de Gruyter, 1999), and Michael W. Duggan, *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study* (SBLDS 164; Atlanta: Society of Biblical Literature, 2001).

[17] The pledge is affirmed by representatives from all classes of the new Israelite society. The broad acquiescence to the document is also indicated by its acceptance by the heads of the various Judahite clans, who exercise the power of their familial ties to obligate those who have blood or other family relationships to them to observe the pledge. See Alexei Sivertsev, "Sects and Households: Social Structure of the Proto-Sectarian Movement of Nehemiah 10 and the Dead Sea Sect," *CBQ* 67 (2005): 59-78.

[18] The other regulations restrict sale of food on the sabbath (10:32a), prohibit harvesting the land in the seventh year (10:32b), impose taxation to supply temple offerings (10:33-34), and stipulate the wood offering necessary for burning and cooking the temple sacrifices (10:35). For a variety of structural possibilities in the organization of the pledge document, see David A. Glatt-Gilad, "Reflections on the Structure and Significance of the *'amanah* (Neh 10:29-40)," *ZAW* 112 (2000): 386-95.

meant to sustain Yahweh's household, a purpose made explicit in the last line of the pledge, "We will not abandon (*na'ăzōb*) the house of our God" (10:40).[19]

This final statement recalls the role of firstfruits and tithes in Deuteronomy as a textually expressed seal for that book's law-code; the refusal to once again neglect Yahweh's house is central to Nehemiah's theology, and the concrete expression of the congregation's attention is made through food offerings, particularly the firstfruits and tithes.[20] The importance of both offerings in maintaining the congregation's pledge to attend to the temple is also made clear in 12:44-47, the conclusion to the restoration of Jerusalem and the temple begun in 11:1. This text describes the appointment of guardians for the temple storehouses that contain the firstfruits and tithe offerings, details the provisioning of temple singers and gatekeepers, and stipulates that Israel in Nehemiah's day both made its expected contributions to all of the temple servants and provided the "sacred gifts" (*maqdīšîm*) to the Levites, who in turn made their required *maqdīšîm* to the Aaronic priests from this gift.

---

[19] As seen in Num 18:12-32, Deut 26:1-15, and Ezek 44:28-30, regulations for firstfruits offering precede those for tithes. The firstfruits themselves are defined as the "firstfruits of our soil and the firstfruits of every fruit of every tree" (*bikkûrê 'admātēnû ûbikkûrê kol-pĕrî kol-'ēṣ*), a phrase that indicates two distinct classes of firstfruits: 1) products drawn from the three "imperishable" products of the land: grain, wine, and oil (cf. the definition of the products derived from *'ădāmâ* in Deut 7:13, the "tithe of the tithe" in Neh 11:40, and the offerings in 2 Chr. 31:5), and 2) the perishable class of foods taken from fruit trees (10:36). Tithes are broken into two main portions: 1) the "best" portion of the harvest, encompassing *'arīsâ* and *tĕrûmâ* (most likely intended as a dough offering, by analogy with Num 15:19-21), fruit, wine, and oil, which are destined for the priests and taken by the people directly to them (10:38a), and 2) the "tithe of our soil" (*ma'śar 'admātēnû*), comprised of grain, wine, and oil, which is given to the Levites and which must be further subdivided, with a tenth portion taken to the priestly storehouses (*liškôt*) (10:38b-40).

[20] In this case, the sealing function is even more explicit than in Deuteronomy, as the people's representatives actually produce and seal (*ḥtm*) the document (Neh 10:1). For the contractual nature of the document and its Deuteronomic model, see Blenkinsopp, *Ezra-Nehemiah* (OTL; Philadelphia: Westminster Press, 1988), 312-14.

5.2.2 Social Order Inscribed through Firstfruits and Tithes

While Nehemiah does not polemicize the division between priests and Levites in the same strong manner as Ezekiel, such distinctions do exist, and the tithe offering quietly reinforces the priest's superior position in the cultic hierarchy. As stipulated in Num 18:25-32, the Levites in Nehemiah are responsible for granting a tithe of tithes that they collect to the priests; this simple transfer is not only a practical concession to the material needs of the priestly class but also a gesture of submission. However, Nehemiah furthers the priests' control by requiring the presence of a priestly representative with the Levites as they collect their tithe offerings (10:39). Unlike Numbers, where distinctions between priests and Levites are narratively motivated by Korah's rebellion, Nehemiah's requirement is not presented as the result of any previous acrimony between the two groups. Nevertheless, the text's agenda is to ensure that the service of the temple is carried out through the proper exercise of control and oversight by members of the cultic hierarchy.

The consequences of failing to supervise the tithe are demonstrated in 13:10-13, when the Levites and other temple attendants do not receive their required prebends and are therefore forced to abandon their service.[21] This sudden breach of the obligations that the people have just agreed to occasions Nehemiah's recapitulation of the last line of the pledge document (10:40b), "Why has the house of God been abandoned?" (13:11), and he acts swiftly to restore the donations and put them under proper supervision (13:13-14).

---

[21] Nehemiah's assignation of priests to ensure that the full amount of tithes for the Levites are brought to the temple treasury suggests that the narrative of this chapter was originally the inspiration for the pledge document of Nehemiah 10, since the narrative indicates not that the priests have failed in their function but that they had never before been assigned to carry out any oversight of this matter. Further evidence for the priority of the narrative in Nehemiah 13 is found in 12:44-47, which not only claims that tithes were gathered into the temple treasury after the promulgation of the pledge but also that the people dutifully carried out the provision of prebends during the era of Zerubbabel and Nehemiah.

Since the priests are ultimately responsible for disruptions in the cult, their supervisory tasks over the Levites, who do not have the same vested interests in the maintenance of the services as the priests (the text makes it clear that when their food offerings failed they simply undertook agricultural work to feed themselves, 13:10), is both a statement of their hierarchical status and a concession to the practical realities of temple administration.

Nehemiah's last statement in the book is centered on his assertion that among the honorable deeds for which he should be remembered are his ordering of the work schedules of the temple personnel and his ensuring of the supply of the wood offering and the firstfruits (*bikkûrîm*) (13:31). Nehemiah demonstrates a high level of concern for the firstfruits and tithes as practical supports for the operations of the temple, which must be carried out by temple servants that receive a reliable income and are not thereby required to take up other employment to provide for themselves. While this consideration for feeding and caring for temple personnel is implicit elsewhere in the Hebrew Bible, Nehemiah dwells to an extended degree on the application of this rule, and on the consequences for failing to carry it out. The difference between this book, which is a historiographic recounting of the reconstruction and re-commissioning of Jerusalem's temple, and the more utopian Pentateuchal and prophetic texts dealt with above, is manifested in the large degree of attention given to the proper collection and storage of firstfruits and tithes, and a recounting of the collapse of the temple's operations when their contribution lapses. For Nehemiah, there is simply no cult without firstfruits and tithes, and no proper ordering of Israel's society is possible without them.

5.3 Second Chronicles 31:4-12

In Nehemiah, the motif of food and its effect on the congregation is a major organizing theme of the latter portion of the book. Improper appreciation for Yahweh's gifts of food, given both directly and through the land, instigates political and social trauma, leading finally to the enslavement of Israel by foreign powers; this situation is ultimately rectified in large part through the stipulations for firstfruits and tithe offerings. In Chronicles, offerings of tithes play a similar role in healing the long-standing sins of the community and restoring the material well-being of a society newly committed to proper cultic service to Yahweh. However, while Ezra-Nehemiah focused more on the ways in which the failure to provide provender could lead to cultic disintegration, in Chronicles a surfeit of foodstuffs is a signal only of blessing in response to cultic fulfillment, while the possibility of transgression receives no comment.

Both firstfruits and tithe offerings are discussed in 2 Chronicles, although there is little to separate them as distinct gifts.[22] As with firstfruits and tithes in Ezra-Nehemiah, they appear as part of a series of cultic restoration ceremonies, in this case as part of the cult reform carried out by Hezekiah. Unlike the situation in Ezra-Nehemiah, tithes are not part of any cultic commandment or pledge document. Instead, they are (re-)instituted almost as an afterthought in the text, for the very practical purpose of feeding the priests and the Levites. Despite their humble origins, the text surprises both the reader and the characters of the story with the dramatic consequences of this simple and very functional action.

---

[22] Only the term *rē'šît* is employed in 2 Chronicles to describe "firstfruits," although in the context here is certainly refers to choice offerings rather than the first production of the harvest. As Janzen observes, the Chronicler is largely uninterested in the mechanism of sacrificial performance or categories. It is the fact of sacrifice, rather than its precise delineations, that is important for the Chronicler, as it offers an index of Israel's awareness that it relies on Yahweh for protection (*Social Meanings*, 238).

The immediate context of the tithe offering is the aftermath of the *pesaḥ* and *maṣṣôt* festival called by Hezekiah (2 Chronicles 30). The people who are present at the festival respond by fanning out to destroy the illicit shrines of the land, and then returning to their own cities (31:1). As soon as this is accomplished, Hezekiah reestablishes the ranks of priests and Levites, ordering the servants of the cult so that all the service responsibilities of the temple will be fulfilled. While the creation of some special offices typical of Chronicles and Ezra-Nehemiah are discussed (particularly the temple singers), the text focuses on the reconstitution of the full sacrificial cycle, according to the calendar proposed by Numbers 28-29 (31:2-3).

Since the service obligations of this calendar encompass every day of the year, adhering to it requires the full attention of the temple's functionaries. Therefore, the next logical step is to provide for the material needs of this group, since their energies must now be directed entirely toward executing their duties to the cult. The text uses poignant language to describe this cultic service; it claims that the people must provide the priests and Levites with their portion (*mĕnāt*) "in order that they might harden themselves in the instruction of Yahweh" (*lĕma'an yeḥezqû bĕtôrat yhwh*) (31:4).[23] *mĕnāt* is a late technical term dealing with material goods, especially foodstuffs, that are turned over for cultic offerings; its use in this context is unremarkable.[24] However, the appearance of the root *ḥzq* in the *qal* form is extremely strange. While this verb is certainly not uncommon, its application in this situation, used without additional verbs to describe the adherence of

[23] A common recent translation is "devote themselves," (e.g., NRSV, NJB, NJPS) which works well in transmitting the meaning in context but does not capture the semantic heart of the verb.

[24] See the identical use of the term in Neh 12:47; 13:10. See *HALOT*, *mĕnāt*, 603.

a person to cultic or other commands, is completely unique in the Hebrew Bible.[25] Two resonances within the biblical text may account for its odd employment. First, the term obviously shares a root with the name of King Hezekiah (*yĕḥizqiyyāhû*), who has initiated the temple reform in Chronicles and specifically given orders to bring foodstuffs to the temple servants; finding the term used in this way is almost surely a wordplay with Hezekiah's name.[26] More broadly, it may also function in the same way it does in Ezekiel (*yĕḥezqē'l*). As Ezekiel is "hardened" or "strengthened" to put forth for the people his vision of a well-ordered ritual structure (Ezek 3:7-9), so the temple servants here "strengthen" themselves, through the medium of food offerings, with the encompassing ritual instructions of Yahweh.

The result of the priest's dedication is Israel's overwhelmingly positive material response to Hezekiah's call to bring the priestly and Levitical *mĕnāt*. While both *rē'šît* and *ma'ăśēr* offerings are represented, the text is less interested in what distinguishes the two offerings than it is in the fact that they are both represented. It emphasizes the people's generosity by expanding the usual list of agricultural items transported to Jerusalem. Instead of confining itself to the standard series of agricultural goods – *dāgān*, *tîrôš*, and *yiṣhār* – it also includes honey (*dĕbaš*), an agricultural luxury item, and "all of

---

[25] *HALOT ḥzq*, 302-304. A common use of this verb is as a hortatory statement linked to other verbal roots to form a complete command. It is frequently used in reference to following Yahweh's instructions, and even to instituting ritual commands, so finding it in proximity to exhortations to fulfill cultic instructions is not itself surprising. Cf. Hag 2:4; 1 Chr 28:7, 10, 20.

[26] John C. Endres observes that the use of *ḥzq* in reference to Hezekiah's repair of the temple may also have been a play on Hezekiah's name, "perhaps to underscore his role as the 'repairer' or 'strengthener,' in a theological sense" ("Theology of Worship in Chronicles," in *The Chronicler as Theologian: Essays in Honor of Ralph W. Klein* [eds. M. Patrick Graham, Steven L. McKenzie, and Gary N. Knoppers; JSOTSupp 371; London: T&T Clark, 2003], 183). The royal responsibility for cult is a prominent theme in Chronicles, which builds on ancient Near Eastern temple ideologies that closely link the fortunes of ruling houses with the proper maintenance of the cults for which they are responsible. See William Riley, *King and Cultus in Chronicles: Worship and the Reinterpretation of History* (JSOTSupp 160; Sheffield; Sheffield Academic Press, 1993), 157-68.

the yield of the field" (*wĕkōl tĕbû'at śādê*). Supporting the profusion of agricultural vocabulary, all of the material is also brought "in great quantities" (*lārōb*) (31:5). The extraordinary quantity of agricultural produce is further extended by animal offerings and "tithes of sacred things sanctified to Yahweh" (*ûma'śar qādāšîm hamměquddāšîm layhwh*, 31:6).[27] As these final products are brought in, the people begin to accumulate them in "heaps upon heaps" (*'ărēmôt ărēmôt*).

These "heaps" of edible material become the tangible signal of the prosperity caused by the people's support of the temple. As Hezekiah and his servants survey the accumulating bounty and press the priests and Levites to account for them (31:8-10), the temple servants affirm that the people's sacrifice of a portion of their crops has served not to limit their diet but to expand it beyond measure. Azariah, the Zadokite chief priest, confirms to Hezekiah, "from the time the gifts began to be brought to the house of Yahweh, [the people] have been eating and sating themselves (*'ākôl wĕšābôa'*) and leaving a great amount of leftovers (*hôtēr 'ad-lārôb*), because Yahweh has blessed his people and this great abundance is left over (*hannôtār 'et-hehāmôn hazzê*)." An investment of food in the temple has created a fantastic rate of return, as the people are blessed with virtually unlimited provisions. Adherence to Hezekiah's commandment, which allows the temple servants to carry out the provisions of the Torah, is the catalyst for an abundance of sustenance.[28]

---

[27] As Eissfeldt notes, 31:6 is a difficult verse, because it seems to claim that its subjects bring "tithes of holy things consecrated to Yahweh." However, nowhere else in the Hebrew Bible are consecrated goods *tithed*; they are always given completely over as an offering (cf. Lev 27:1-28; Num 18:12:18), and to have them given as tithes here makes little sense. Eissfeldt, while admitting that there is no good solution to the dilemma, proposes that the verse be translated that the people offered "from the items that were able to be consecrated to Yahweh their God" (*Erstlinge und Zehnten*, 106; my translation).

[28] Janzen emphasizes this point in his discussion of the response to the temple restoration sacrifices in 1 Chr 29:36, asserting, "the joy in which Israel and its priesthood offer sacrifices here appears

5.3.1 Reestablishing the Festival Calendar

The bringing of these offerings, while apparently not formalized as part of the cult, does seem to adhere roughly to the festival calendar. While there is no exact starting date, the implication is that they began soon after the completion of the *pesaḥ*/*maṣṣôt* festival, which the text notes was held in the second, rather than the first month (30:2-3; cf. Num 9:6-13), and which continued for seven days longer than usual (30:23). This would place the end of this festival at the end of the second month, and the text explicitly notes that the heaps of food that were brought as firstfruits and tithes began to increase in the third month. If the Chronicler also calculated the date of *šābu'ôt* according to the harvest regulations in either Lev 23:9-16 or Deut 16:9-10, then the rough date of the firstfruits festival should fall near the beginning of the third month, shortly after conclusion of the *maṣṣôt* festival. This is precisely when the narrative here would place both the command to bring provisions for the priests and the period when they begin to accrue in significant amounts (31:7); consequently, both *maṣṣôt* and *šābu'ôt* are implicitly tied to the surfeit of food donations. The process of accumulation continues until the seventh month, which means that it would stop at the end of the agricultural year, near the feast of *sukkôt*.

While the text does not explicitly make the offerings part of the regular festival cycle, linking the period of their initiation and growth to otherwise well-known festival dates permits the offerings to tap into a rich vein of associations between firstfruits and tithes and the divinely ordained structure of the year. The suggested association between the agricultural festival year and the bringing of firstfruits and tithes serves to re-

---

within a context of cause and effect that the Chronicler, in the mouth of Hezekiah, makes abundantly clear: proper sacrifice to YHWH is essential for the nation's survival" (*Social Meanings*, 223).

invigorate not only the temple complex but also the sacred time of the festival cycle. The people who are newly dedicated to the support of Yahweh's house and cult receive material blessings when they respond to Hezekiah's orders for the temple welfare within the confines of the ancient agricultural calendar.

5.3.2 Firstfruits and Tithes as Social Equalizers

The abundance of food also sparks another level of administrative organization. When Hezekiah sees the ever-increasing amount of offerings lying in heaps, he delivers orders to create a physical space for them (31:11). With the construction of storehouses for the goods, there is further need to appoint administrators to catalogue and dispense the gifts. In contrast to Nehemiah, where the priests were ultimately in charge of the collection and administration of the people's gifts to the temple, here the responsibility is granted to Levites, headed by Conaniah and his brother Shimei (31:12). While Ezekiel excoriated the Levites for their failure to manage the cult properly, and Nehemiah viewed Levites as at best a diffident though necessary part of the cultic hierarchy, here the trust that Hezekiah places in them in their role as administrators exemplifies their autonomous political power within the temple society.[29]

The increased role of the Levites may help to explain why the text makes no significant effort to distinguish between firstfruits and tithe offerings. Priests are still generally charged with the duties of sacrifice and performing purgation rituals for the temple (although Levites are allowed to assist them in this when the priests are too short-staffed to carry out the necessary duties; 29:16-24, 34). However, the text ensures that the

---

[29] This power is also reflected in the Levites' role in purifying the temple complex in 2 Chr 29:12-15.

Levites are also vested with a critical sphere of control in the operation of the cult. Firstfruits and tithes are one of the key channels not only for Yahweh's blessing but also for the refinement of the priestly order of the temple complex into a fully integrated polity in which the weight of serving the cult rests on all segments of its population, even as it is apportioned into different segments of responsibility.

5.3.3 Firstfruits, Tithes, and Foreign Policy

The outcome of this stewardship of the temple and the reward for establishing proper levels of food donations to the priests and Levites is found in the chapter immediately following, in which Sennacherib invades Hezekiah's kingdom. Sennacherib is defeated through a plague sent by Yahweh to decimate his army, a pestilence released in response to his denigration of Yahweh's power and unique standing among the deities of the region (32:9-22). Yet what is interesting in Sennacherib's rhetoric is his opening statement to the Judahites who have taken refuge in Jerusalem. He asks them, "In what do you trust so that you still remain in the fortress of Jerusalem? Is not Hezekiah inciting you to give yourselves to die by famine and thirst (*bĕrā'āb ûbĕṣāmā'*) by saying, 'Yahweh our God will save us from the hand of the king of Assyria?'" (32:10-11). Sennacherib then recounts the history of Hezekiah's cult reform (33:12), remaining all the while blissfully ignorant of the contradiction between his statements and the events immediately preceding his invasion.

The text, of course, strongly suggests that conquering Jerusalem by siege is impossible, since as long as the people dwell within its walls they may count on provisions from the temple complex. The people have just seen that the temple itself,

when properly served, is a source of food; their firstfruits and tithes multiplied into great quantities when they took it upon themselves to bring foodstuffs to the temple servants. Furthermore, this action was prompted by Hezekiah's command, so for the people to believe Sennacherib's taunt that Hezekiah is leading them to death through lack of sustenance is, from the text's perspective, simply ridiculous. Sennacherib's challenge to the people of Judah is doomed from its inception, since it requires the people to reject Yahweh and the city which houses his temple *despite* the recent tangible evidence that service to him, even expressed through giving up food in the form of firstfruits and tithes, produces an abundance of sustenance. In contrast to the parallel text in 2 Kings, Hezekiah in 2 Chronicles betrays no great anxiety about Sennacherib's challenge. After a single verse indicating that he, with Isaiah, has prayed to heaven about Sennacherib's threat, Yahweh immediately annihilates the invading army and sends Sennacherib home in disgrace to be slaughtered by his own family.

5.4 Conclusion

Firstfruits and tithes play essential roles in advancing the theological agendas of each of the examplars of exilic and post-exilic literature explored here. Ezekiel may eliminate the firstfruits festival from its calendar, but its regulations make the bringing of firstfruits and tithes a crucial sign of the Zadokite priesthood's new status and its cultic and social separation from the bulk of the Levitical class. At the same time, the direct demand to the text's audience that it should provide tithes to the Zadokites, and that it will receive blessing in return for this act, is a rhetorical appeal for the audience to accept the legitimacy of Ezekiel's temple vision. Nehemiah, while representing itself as a

historiographic account of Jerusalem's cultic re-foundation, also uses the distribution of firstfruits and tithes to inscribe social difference between the ranks of priests and Levites by differentiating the offerings between priests and Levites, and installing the priests as supervisors over the collection of the tithe. Unlike Ezekiel, whose utopian temple complex marks the end of Israelite history, Nehemiah engages not only the contractual promises of the people to bring the firstfruits and tithe offerings to the temple, but also the dire consequences for the cult when their pledge goes unfulfilled. The failure to bring tithes in Nehemiah threatens the entire foundation of its reconstruction project. Chronicles, on the other hand, demonstrates the dramatic existential benefits of offering firstfruits and tithes at the temple. By making a direct connection between fidelity to the physical maintenance of the cult and the overflowing sustenance that results for the people, Chronicles inscribes the temple as the source of Judah's strength. Offering tithes results not only in a satisfactorily nourished population, but also in Judah's military impregnability, and the promise of undisturbed life and peace for its people.

Chapter 6

Conclusion

Readers of the Hebrew Bible have always been presented with the interpretive challenge of a text that, as a whole, describes the national narrative of Israel and its evolving relationship with its deity, but which in its details is often fragmented, contradictory, and theologically and stylistically disparate. Even while it forms the essential textual substratum of the religious communities that rely on it, the text resists easy harmonization of its story and its institutions. Critical features of cult, governance, social life, and history are described either in ways that are opposed to data from other texts within the canon, or are simply left mostly or entirely unexpounded. The conventions of the text are often archaic. Interpretation and adaptation of the text for audiences that seek to use it to inform their own ritual and social code in a way that can be claimed to be consistent with this very complex writing is an omnipresent challenge.

Firstfruits and tithes are particularly difficult institutions for readers grappling with the Hebrew Bible, both because of the frequent vagueness about what constitutes a firstfruits offering in any given text and because of the inconsistent employment of firstfruits and tithe terminology and rituals across texts. Firstfruits is an institution so ingrained in the culture of its original audience that, in its first appearance in the Hebrew Bible (Exod 23:19), it requires no explication beyond its name; the mere requirement that Israel must bring the *rēʾšît bikkûrê ʾadmātĕkā* to Yahweh's house suffices. Its ritual authority is so great that both the Covenant Code and the Privilege Law install it as a critical sign of Israel's affirmation of Yahweh's covenant. It is so much a part of Israel's cultic expectations that even a writer so obviously disinterested in it as P cannot eliminate

it from its sacrificial structure. Its cultural currency and inherent symbolic power is so great that H resurrects it and turns it into a centerpiece of its theological vision, using it both as an extension of the sign of circumcision, and to order the congregation of Israel in ritual time. Seizing on the fortuitous seven week wheat ripening period set down in Deuteronomy, H transforms the interim period between the barley and wheat harvests into a perfect expression of its theologically-critical Sabbath cycle. Through the thematic linking of the yearly firstfruits festival to Jubilee, H uses Israel's old agricultural cycle to sanctify the land and people according to its new conceptions of holiness.

Ezekiel, even while eliminating the festival period of the firstfruits in its radical reconstruction of the sacred calendar, is nevertheless compelled to give it a critical place in structuring the visionary establishment of Israel's cultic polity. Its connection to Israel's land is such that Deuteronomy, while almost entirely neglecting the institution through most of its legal code, (except for a brief instruction at 18:4), transforms it into a ritual confession of Yahweh's great works on Israel's behalf, and the sign of the nation's obedience to the covenant.

Deuteronomy thoroughly seizes the implicit motifs of the firstfruits symbol to create a rhetorically powerful image of the possibilities both for Israel's thriving and for its withering. It recognizes that the very qualities that define firstfruits – their luxury, their rarity, and their promise of plentitude – can also be easily applied to the specific geographical area that Israel stands on the verge of possessing. Of course, these positive characteristics of firstfruits have darker aspects: luxury can turn to sloth in fulfilling the commands, rarity can indicate paucity, and the promise of much is, in fact, only a promise, and can be stripped away with an unseasonal turn of the weather. Deuteronomy

uses the image of the firstfruits juxtaposed with the extreme dependence of the land's agriculture on the seasonal fluctuations of the weather to construct a covenant agreement with Israel that is both immensely appealing and tremendously threatening.

This outstanding variety of uses is also found in the tithe offering. In its basic concept, the tithe is relatively simple: it is a tax that is required to maintain the temple services by providing it with income and its servants with sustenance. While its practical purpose is never entirely forgotten in the Hebrew Bible, the tithe transcends mere administrative utility to become an important index of social structure. The offering is ignored altogether until Leviticus, when it is employed to mark the end of the book – and the transition to Israel's counting and division into tribes at the beginning of Numbers – with Israel's emergence as a sacred community pledged to use their economic resources to support the temple complex with its consecrated offerings. When this nascent community falls into rebellion, defying Yahweh's command to drive out the inhabitants of the land, a hybrid tithe and firstfruits offering aids in reaffirming their contract with Yahweh. When it subsequently convulses in civil strife, threatening to level the carefully ordered hierarchical community that permits communication with Yahweh, tithe offerings reestablish the proper ranks of the congregational polity. In texts where ritual separation and order are the keys to communicating with Yahweh, and thus essential to the community's survival, the tithe plays a crucial role in inscribing the separation of the three major classes of the Israelite congregation into its cultic and economic life.

Deuteronomy, in contrast, uses the tithes in conjunction with the firstfruits offering and confession to enhance Israel's separation from its neighbors, and to create domestic unity. In Deuteronomy's cultic regulation (sparse though it may be), the tithe is

the vegetal counterpart to the burnt offering, the representative offering that must be brought to Yahweh's house to ensure that Israel's loyalty to the Yahwistic cult remains undivided. Yet, for all of its importance in the cult, it serves no practical function in supporting it. Deuteronomy provides no storehouses to keep the tithe in, or temple administrators to look after its proper distribution. Instead, it requires it to be consumed, in a massive feast, by the tithe donor and his household, and to be distributed to those in Israel who are dispossessed. In contrast to Leviticus and Numbers, where cultic functionaries have well-established positions in society, in Deuteronomy the Levites (along with other disposessed Israelites) depend upon the congregation to recapitulate the generosity and abundance that Yahweh has shown toward all of Israel, and bestow in turn their prosperity on them. The generosity by the congregation, in which they function *in imitatio dei* toward their economically marginalized fellows, then activates the continuation and expansion of Yahweh's physical blessings on Israel.

Exilic and post-exilic texts also emphasize the tithe's role in affirming Israel's special relationship with Yahweh, in each case in the context of restoring a cultic complex that has been destroyed or defiled. Ezekiel adopts Deuteronomy's understanding that the offerer's bringing of the tithe will bestow blessing on his house; in contrast to Deuteronomy, however, Ezekiel means the tithe to be an explicit magnification of the status and prerogatives of the priestly clan of Zadok. Nehemiah likewise asserts the tithe as an index of the Aaronide priesthood's superior cultic and social rank, but also posits it as a necessary economic transfer to the Levites, without which they cannot perform their cultic service. The tithe in Nehemiah both fulfills the written pledge signed as a precondition for re-establishing the temple, and also serves the practical function of

allowing the reconstituted temple complex the economic freedom to perform its functions. Chronicles also uses the tithe (along with the firstfruits) as a support for the temple functionaries. Of all the texts in the Hebrew Bible, it most overtly links Israel's tithe offerings to increased abundance; the heaps of tithe offerings actually begin to swell and overwhelm the ability of the temple servants and the people themselves to consume them, necessitating the construction of storehouses in which to keep them.

Because of their direct relationship to physical sustenance and the material foodstuffs that dominate the quotidian lives of their audience, as well as to the labor and resources required to produce them, firstfruits and tithes are able to transmit specific textual messages to their audiences in a way that few (or no) other sacrificial institutions of the Hebrew Bible can. As seen above, these offerings provide a special index of the benefits to be gained, and the deprivation to be hazarded, by keeping or transgressing Yahweh's covenant. The successful harvests that allow them to be brought to the temple already infuse them with the promise of Yahweh's bounty; a successfully functioning society under Yahweh's protection should have no trouble producing all of the necessary foodstuffs to fulfill cultic and social requirements and still provide copiously for their own needs. This dynamic is implied strongly in Deuteronomy, with its consistent expectations that firstfruits and tithe offerers and their households will feast joyfully with the Levite, widow, and orphan, and it is directly demonstrated in Chronicles, with its fantastically reproducing heaps of firstfruits and tithes.

The plentitude of sustenance indicated in these cases, and the social orders created by firstfruits and tithes in other texts, create compelling analogies between the institutions suggested by the text and the natural outcomes created by adhering to them. Sometimes

these analogies are immediately apparent: bringing firstfruits to the priest in Deuteronomy opens the temple grounds to a cornucopia of feasting. Other analogies require multiple texts to be read against each other: the physical benefits of supplying the tithe to the temple and its personnel in Leviticus 27 and Numbers 15 and 18 are more apparent in the context of the ritually well-ordered Sabbath harvest cycle in Leviticus 23. The positive response of the natural world to the structures created by the text assures their recipients not only that they should be established and abided by because of divine fiat, but that they also only reveal what is part of the natural order of the world.

In order for these analogies to be comprehended and acted upon, the text must be read. The ritual symbolism behind the offerings is locked inside the text, and its assessment by the audience is dictated by what the authors wish to reveal, and the contexts in which they wish to reveal it. Even simple legal injunctions like the firstfruits regulations found in the Covenant Code and the Privilege Law are governed by a rich narrative background that strongly influences how the audience receives them. What these texts "mean" is as much a function of how they are refracted by the narratives that surround them, and the form into which those narratives have shaped their audience. In the Covenant Code, for example, the audience has already been rhetorically called into being as a congregation through the legal requirement to make a pilgrimage to Yahweh's house, and prior to that has been fashioned into a community that must, by the nature of its agreement with its deity, concern itself with care for its poor. All of these features of the literary community, and by extension of the reader herself, are brought to bear on the meaning of the firstfruits instruction, which itself takes up a scarce half-verse of text.

The community that is called into being by the reading of the Covenant Code is gathered, within the text's literary setting, to hear a publically read document. This is true, to varying degrees, of almost every text under examination in this study. Hearing the text in a communal setting shapes the assembly by calling it, as one body, to execute the instructions laid out for them. These instructions require the congregation not only to act collectively to fulfill them, but also to collectively reconstitute their internal relationships to conform themselves to the text's vision of proper social life. Firstfruits and tithe offerings require varying economic redistributions within the community, and the community's reception of these stipulations in the same narrative time and space obligates them not only to Yahweh, but also to each other. While the individual donor conceived by Deuteronomy may make his firstfruits or tithe confession as an individual, the instructions that compel him to do so are received as a member of the assembly, and thus he is required to carry out its strictures as part of a communal duty.

This communal obligation lies at the heart of both firstfruits and tithe offerings, and the text's assumption of assembly-wide obedience deeply affects how its audience receives it. The instructions of these texts must be performed as a corporate body if they are to be accomplished at all. Since the participation of the entire community is required in order to keep the firstfruits and tithe commands, the text cannot be "heard" (in the broader sense of being obeyed) outside of a communal context. Its receivers are required to comprehend it as part of a social unit that extends beyond their individual sphere. The social aspect of these donations makes them ideal candidates for the sort of congregation-wide legal sealing evident in several of the texts examined above. Since firstfruits and tithes can be effectively offered only by a community, only the community as a whole

can assent to them. This reality makes it impossible for an individual hearer of the text to reject its terms. Because a corporate agreement is required even for offerings that must be brought individually, the instructions to present firstfruits and tithes do not preserve for individuals who receive the texts the option of refusing the command.

If the instructions are to be rejected, they must be rejected in a corporate act, since they can only be fulfilled – or not fulfilled – through a communal act of will and corporate action. In the texts, the commands are accepted (or not) by "Israel." But to which "Israel" do these texts actually speak? Certainly there are a variety of possible historical candidates, but reconstructing even a broad picture of an historical Israel has proven to be an increasingly challenging task. Further subdividing the Israelite polity into discrete social and political groups that may reasonably be assumed to be the audience of a given text is an even greater analytical hurdle, and owing to the paucity of clear evidence, the time, place, and compositional purposes of virtually all of the texts under investigation here are disputed. Legitimate effort has been expended in attempting to reconstruct definable historical Israels that were intended as recipients of the various documents. Nevertheless, in the end it may be more analytically productive to categorize the audience as any group that conceives of themselves in their own self-identification as "Israel," and comports itself under the operating assumption that the texts are in fact meant for them.

"Biblical Israel" can therefore be defined as less as a people than as an idea, a hypothesis that is confirmed in any assembly that receives the text within the same conceptual space as its internal addressees. Indeed, in the case at least of the Pentateuchal texts reviewed above, it is probable that even the original historical audience of the text

postdated the chronological setting of the narrative by centuries. *Every* possible audience from the time of these texts' promulgation has therefore had to creatively restyle itself as "Biblical Israel," and extrapolate the meanings of the technical demands made in these documents to meet situations far outside their purported temporal and geographical contexts. What is more important than the specific ways in which the audience articulates the application of biblical ritual stipulations to themselves is the fact that it receives them *as* a community, one that is being addressed as the Israel of the text. While close investigation of the details and context of these offerings is crucial in uncovering the ritual and legal signals that they send to the audience, the theological themes that they shed light on are far more important to the assembly's precise application of the firstfruits and tithes commands themselves (which, again, may never have been the intention of the texts' authors in the first place).

So, what possible messages do these firstfruits and tithe texts transmit to a community of "Biblical Israel" reading the text in its present arrangement? A brief survey of some of the themes in the Pentateuch explored above may bring out some possibilities for a synchronic reading that addresses the narrative evolution of the firstfruits and tithes along with Israel in the text. Beginning with the Covenant Code in Exodus, Israel is brought conceptually into existence through the institutions of the festival calendar, and then signals its acceptance of Yahweh's contract through hearing the already-affirmed demand to offer firstfruits. The contract consideration that firstfruits entails obligates Israel to a social structure in which it must reenact Yahweh's generosity toward the nation for its internally marginalized members. Firstfruits in Exodus not only seals Israel's initial covenant, but it also serves to reconstitute it in the Privilege Law after

the nation's rapid descent into apostasy. In a world awash with options for theistic worship, offering this unique gift to Yahweh as the culmination of the legal covenant that he has created for Israel confirms his place as the nation's preeminent – and functionally only – deity.

The community that seals itself (twice!) by firstfruits in Exodus as Yahweh's unique people is prepared to become Yahweh's holy people and to create a holy land. A carefully defined set of firstfruits offerings are included (somewhat artlessly) in the sacrificial definitions at the beginning of Leviticus, signaling that this institution will continue to play an important role in Israel's cultic life. The possibilities of firstfruits as a literary motif are amplified by the "circumcision" of the tree and the subsequent holy offering of its fruits in the fourth year to Yahweh; the fruits of the tree are critical to defining not only the people who offer them, but the entire land cultivated land, as a holy possession of Yahweh's. The subsequent magnification of the firstfruits rite to extend across the entire grain harvest period in the festival calendar further sanctifies the land and its seasonal times, and preserves through periods of entropy the divinely sanctioned order of the land and its people. This sanctification is answered by the new responsibility of the tithe offering introduced at the end of Leviticus; the people that have constructed a holy temple and land are now charged with maintaining it through the donation of physical goods to the cult.

A hybrid firstfruits and tithe donation is then employed in Numbers to repair the ruptures created between Yahweh and his holy community by the latter's overt rebellion against Yawheh's demand that they take possession of their land. Israel's failure in serving the ultimate purpose of the covenant is answered with the firstfruits, which is a

means of reaffirming their broken allegiance, and headlines a series of sacrifices that are the means of repairing future rendings of the its relationship with Yahweh. Dissension between Yahweh and Israel is followed by strife within the congregation itself. This social disordering is solved with the judicious employment of firstfruits and tithes to emphasize the holiness of the priestly order, but also to create a workable and stable social hierarchy within Israel. Tithes are used to manufacture social positions while allowing the possibility of communication and cooperation amongst the ritually segmented polity; they ironically unite the community by further emphasizing its proper divisions. Finally, firstfruits help to further order the ritual calendar time within which this now well-categorized community subsists.

This ritually ordered community meets a full recapitulation of its history and objectives in the final chapter of Deuteronomy's law code. Firstfruits are employed here as a symbol of the community that has been created from nothing out of Egypt and as an obvious index of that community's loyalty to Yahweh and his legal requirements. The essential signals of Israel's relationship with Yahweh shift from the sacrificial realm to the direct messages sent from the land itself – messages that the firstfruits offering is uniquely able to transmit in rapid and unambiguous fashion. The tithe offering, directed toward the marginal figures of Israelite society, returns the reader to the initial contract with Yahweh in Exodus, a contract grounded on Israel's willingness to play the part of Yahweh toward the poor in its own community.

At each point in this narrative excursion, firstfruits and tithes are used to constitute the congregation by affirming its covenantal allegiances and providing its ritual and social structure. Presented in the text as far more than simple fertility offerings or

taxes for cultic support, they force Israel to constantly face not only the limitations of its own human designs, but also the possibilities for life and abundance that can be made manifest in signaling and executing obedience to Yahweh's instructions. These offerings are crucial to creating a people of God in the text that is truly constructed in the image of God, a community that is able, despite all human weakness and mutability, to establish and maintain communication and communion with its divine patron.

Bibliography

Achenbach, Reinhard. *Die Vollendung der Tora: Studien zur Redaktionsgeschichte des Numeribuches im Kontext von Hexateuch und Pentateuch*. Beiheifte zur Zeitschrift für altorientalische und biblische Rechtsgeschichte 3. Wiesbaden: Harrasowitz Verlag, 2003.

Ackerman, Susan. "The Personal Is Political: Covenantal and Affectionate Love (*'ahēb, 'ahăbâ*) in the Hebrew Bible." *Vetus Testamentum* 52 (2002): 437–58.

Albertz, Rainer. *Israel in Exile: The History and Literature of the Sixth Century B.C.E*. Translated by David Green. Studies in Biblical Literature 3. Atlanta: Society of Biblical Literature, 2003.

Altmann, Peter. "Feast, Famine, and History: The Festival Meal Topos and Deuteronomy 26:1-15." *Zeitschrift für die alttestamentliche Wissenschaft* 124 (2012): 555-567.

———. *Festive Meals in Ancient Israel: Deuteronomy's Identity Politics in their Ancient Near Eastern Context*. Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft 424. Berlin: de Gruyter, 2011.

———. "What Do the 'Levites in your Gates' Have to Do with the 'Levitical Priests?': An Attempt at European-North American Dialogue on the Levites in the Deuteronomic Law Corpus." Pages 135-54 in *Levites and Priests in Biblical History and Tradition.* Edited by Mark Leuchter and Jeremy M. Hutton. Society of Biblical Literature Ancient Israel and Its Literature 9. Atlanta: Society of Biblical Literature, 2011.

Anderson, Gary A. *Sacrifices and Offerings in Ancient Israel: Studies in their Social and Political Importance.* Atlanta: Scholars Press, 1987.

Ausloos, Hans. "The 'Angel of YHWH' in Exod. xxiii 20-33 and Judg. ii 1-5: A Clue to the 'Deuteronom(ist)ic' Puzzle?" *Vetus Testamentum* 58 (2008): 1-12.

Baden, Joel S. *J, E, and the Redaction of the Pentateuch*. Forschungen zum Alten Testament 68. Tübingen: Mohr Siebeck, 2009.

Bar-On, Shimon. "The Festival Calendars in Exodus XXIII 14–19 and XXXIV 18–26." *Vetus Testamentum* 48 (1998): 160–195.

Bartor, Assnat. *Reading Law as Narrative: A Study in the Casuistic Laws of the Pentateuch*. Society of Biblical Literature Ancient Israel and Its Literature 5. Atlanta: Society of Biblical Literature, 2010.

———. “The Representation of Speech in the Casuistic Laws of the Pentateuch: The Phenomenon of Combined Discourse.” *Journal of Biblical Literature* 126 (2007): 231-249.

Baumgarten, Joseph M. “The Laws of ‘Orlah and First Fruits in the Light of Jubilees, the Qumran writings, and Targum Ps Jonathan.” *Journal of Jewish Studies* 38 (1987): 195-202.

———. “On the Non-Literal Use of *ma‘ăśēr/dekatē*.” *Journal of Biblical Literature* 103 (1984): 245-61.

Behr, John. *Irenaeus of Lyon: Identifying Christianity*. Christian Theology in Context. Oxford: Oxford University Press, 2013.

Bell, Catherine. *Ritual: Perspectives and Dimensions*. New York: Oxford University Press, 1997.

Bergsma, John Sietze. *The Jubilee from Leviticus to Qumran: A History of Interpretation*. Supplements to Vetus Testamentum 115. Leiden: Brill, 2007.

Bernat, David A. *Sign of the Covenant: Circumcision in the Priestly Tradition*. Society of Biblical Literature Ancient Israel and Its Literature 3. Atlanta: Society of Biblical Literature, 2009.

Bibb, Bryan D. *Ritual Words and Narrative Worlds in the Book of Leviticus*. Library of Hebrew Bible/Old Testament Studies 480. New York: T&T Clark, 2008.

Birch, Bruce C. “Divine Character and the Formation of Moral Community in the Book of Exodus.” Pages 119-35 in *Bible in Ethics*. Sheffield: Sheffield Academic Press, 1995.

Blenkinsopp, Joseph. “Deuteronomy and the Politics of Post-Mortem Existence.” *Vetus Testamentum* 45 (1995): 10-11.

Bloch-Smith, Elizabeth. *Judahite Burial Practices and Beliefs about the Dead*. Journal for the Study of the Old Testament: Supplement Series 123. Sheffield: JSOT Press, 1992.

Blum, Erhard. “Das sog. ‘Privilegrecht’ in Exodus 34,11–26: Ein Fixpunkt der Komposition des Exodusbuches?” Pages 347-66 in *Studies in the Book of Exodus: Redaction, Reception, Interpretation*. Edited by Marc Vervenne. Bibliotheca Ephemeridum Theologicarum Lovaniensium 126. Leuven: University Press, 1996.

———. *Studien zur Komposition des Pentateuch*. Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft 189. Berlin: de Gruyter, 1990.

Boda, Mark J. *Praying the Tradition: The Origin and Use of Tradition in Nehemiah 9*. Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft 277. Berlin: de Gruyter, 1999.

Boorer, Suzanne. "The Place of Numbers 13-14 and Numbers 20:2-12 in the Priestly Narrative (Pg)." *Journal of Biblical Literature* 131 (2012): 45-63.

Bourdillon, M.F.C. "Introduction." *Sacrifice*. Edited by M.F.C. Bourdillon and Meyer Fortes. New York: Academic Press, 1980.

Braulik, Georg. *Die deuteronomischen Gesetze und der Dekalog: Studien zum Aufbau von Deuteronomium 12-26*. Stuttgarter Bibelstudien 145. Stuttgart: Verlag Katholisches Bibelwerk, 1991.

Braulik, Georg. "Die Abfolge der Gesetze in Deuteronomium 12-26 und der Dekalog." Pages 252-72 in *Das Deuteronomium: Entstehung, Gestalt und Botschaft*. Edited by Norbert Lohfink. Bibliotheca ephemeridum theologicarum lovaniensium 68. Leuven: Leuven University Press, 1985.

Brin, Gershon. *Studies in Biblical Law: From the Hebrew Bible to the Dead Sea Scrolls*. Journal for the Study of the Old Testament: Supplement Series 176. Sheffield: Sheffield University Press, 1994.

Carmichael, Calum. *Law and Narrative in the Bible*. Ithaca, N.Y.: Cornell University Press, 1985.

Carr, David M. *The Formation of the Hebrew Bible*: *A New Reconstruction*. Oxford: Oxford University Press, 2011.

———. "Method in Determination of Direction of Dependence: An Empirical Test of Criteria Applied to Exodus 34, 11–26 and Its Parallels." Pages 107-140 in *Gottes Volk am Sinai: Untersuchungen zu Ex 32–34 und Dtn 9–10.* Edited by Matthias Köckert and Erhard Blum. Veröffentlichungen der Wissenschaftlichen Gesellschaft für Theologie 18. Gütersloh: Chr. Kaiser Gutersloher Verlagshaus, 2001.

———. *Writing on the Tablet of the Heart*. New York: Oxford University Press, 2005.

Cody, Aelred. "'Little Historical Creed' or 'Little Historical Anamnesis?'" *Catholic Biblical Quarterly* 68 (2006): 1-10.

Cole, Dennis R. *Numbers: An Exegetical and Theological Exposition of Holy Scripture*. New American Commentary 38. Nashville: Broadman & Holman, 2000.

Cook, Stephen L. “Innerbiblical Interpretation in Ezekiel 44 and the History of Israel’s Priesthood.” *Journal of Biblical Literature* 114 (1995): 193-208.

Cooper, Alan. “Once Again Seething a Kid in its Mother’s Milk.” *Jewish Studies, an Internet Journal* 10 (2012): 109-43.

Cooper, Alan, and Bernard R. Goldstein. “The Cult of the Dead and the Theme of Entry into the Land.” *Biblical Interpretation* 1 (1993): 285-303.

Crüsemann, Frank. *The Torah: Theology and Social History of Old Testament Law*. Translated by Allan W. Mahnke. Minneapolis: Fortress Press, 1996. Translation of *Die Tora: Theologie und Sozialgeschichte des alttestamentlichen Gezetzes*. Chr. Kaiser Verlag, 1992.

Crüsemann, Frank. “Der Zehnte in der israelitischen Konigzeit.” Pages 24-34 in *Wort und Dienst*. Bielefeld: Kirchliche Hochschule Bethel, 1985.

Daniels, Dwight R. “The Creed of Deuteronomy XXVI Revisited.” Pages 231-42 in *Studies in the Pentateuch*. Edited by John A. Emerton. Supplements to Vetus Testamentum 41. Leiden: Brill, 1990.

Dietler, Michael and Brian Hayden, eds. *Feasts: Archaeological and Ethnographic Perspectives on Food, Politics and Power*. Washington: Smithsonian Institute Press, 2001.

Douglas, Mary. *How Institutions Think*. Syracuse: Syracuse University Press, 1986.

Duggan, Michael W. *The Covenant Renewal in Ezra-Nehemiah (Neh 7:72b-10:40): An Exegetical, Literary, and Theological Study*. Society of Biblical Literature Dissertation Series 164. Atlanta: Society of Biblical Literature, 2001.

Eberhart, Christian A. “A Neglected Feature of Sacrifice in the Hebrew Bible: Remarks on the Burning Rite on the Altar.” *Harvard Theological Review* 97 (2004): 487-93.

Eichrodt, Walter. *Ezekiel: A Commentary*. Translated by Cosslett Quinn. Old Testament Library. London: Students Christian Movement Press, 1970.

Eilberg-Schwartz, Howard. *The Savage in Judaism: An Anthropology of Israelite Religion and Ancient Judaism*. Bloomington, Ind.: Indiana University Press, 1990.

Endres, John C. “Theology of Worship in Chronicles.” Pages 165-188 in *The Chronicler as Theologian: Essays in Honor of Ralph W. Klein*. Edited by M. Patrick Graham, Steven L. McKenzie, and Gary N. Knoppers. Journal for the Study of the Old Testament: Supplement Series 371. London: T&T Clark, 2003.

Eissfeldt, Otto. *Erstlinge und Zehnten im Alten Testament: Ein Beitrag zur Geschichte des israelitisch-jüdischen Kultus*. Beiträge zur Wissenschaft vom Alten Testament 22. Leipzig: J.C. Hinrichs, 1917.

Erling, Bernhard. "First-born and Firstlings in the Covenant Code." *Society of Biblical Literature Seminar Papers* 25 (1986): 470-78.

Evans-Pritchard, Edward Evan. *Nuer Religion*. Oxford: Clarendon Press, 1956.

Faust, Avraham, and Weiss, Ehud. "Judah, Philistia, and the Mediterranean World: Reconstructing the Economic System of the Seventh Century B.C.E." *Bulletin of the American Schools of Oriental Research* 338 (2005): 71-92.

Fraade, Steven D. *Legal Fictions: Studies of Law and Narrative in the Discursive Worlds of Ancient Jewish Sectarians and Sages*. Journal for the Study of Judaism: Supplement Series 147. Leiden: Brill, 2011.

Gesundheit, Shimon. *Three Times a Year: Studies on Festival Legislation in the Pentateuch*. Forschungen zum Alten Testament 82. Tübingen: Mohr Siebeck, 2012.

Gilders, William K. *Blood Ritual in the Hebrew Bible: Meaning and Power*. Baltimore: Johns Hopkins University Press, 2004.

Glatt-Gilad, David A. "Reflections on the Structure and Significance of the *'amanah* (Neh 10:29-40)." *Zeitschrift für die alttestamentliche Wissenschaft* 112 (2000): 386-95.

Gorman, Frank. *The Ideology of Ritual: Space, Time, and Status in the Priestly Theology*. Journal for the Study of the Old Testament: Supplement Series 91. Sheffield: JSOT Press, 1990.

Gorospe, Athena E. *Narrative and Identity: An Ethical Reading of Exodus 4*. Biblical Interpretation Series 86. Leiden: Brill, 2007.

Gruenwald, Ithamar. *Rituals and Ritual Theory in Ancient Israel*. Brill Reference Library of Judaism 10. Leiden: Brill, 2003.

Guillaume, Phillipe. "Binding 'Sucks': A Response to Stefan Schorch." *Vetus Testamentum* 61 (2011): 335-37.

Habel, Norman. *The Land is Mine: Six Biblical Land Ideologies*. Overtures to Biblical Theology. Minneapolis: Augsburg Fortress, 1995.

Hahn, Scott Walker, and John Sietze Bersgma. “What Laws Were ‘Not Good?’: A Canonical Approach to the Theological Problem of Ezekiel 20:25-26.” *Journal of Biblical Literature* 123 (2004): 201-218.

Halbe, Jörn. *Das Privilegrecht Jahwes Ex 34,10-28: Gestalt und Wesen, Herkunft und Wirken in vordeuteronomischer Zeit*. Forschungen zur Religion und Literatur des Alten und Neuen Testaments 114. Vandenhoeck & Ruprecht: Göttingen, 1975.

Hamilton, Jeffries M. *Social Justice and Deuteronomy: The Case of Deuteronomy 15*. Society of Biblical Literature Dissertation Series 136. Atlanta: Scholars Press, 1992.

Houston, Walter J. “Rejoicing Before the Lord: The Function of the Festal Gathering in Deuteronomy.” Pages 1-13 in *Feasts and Festivals*. Edited by Christopher Tuckett. Contributions to Biblical Exegesis and Theology 53. Leuven: Peeters, 2009.

Hubert, Henri, and Marcel Mauss. *Sacrifice: Its Nature and Function*. Translated by W.D. Halls; Chicago: University of Chicago Press, 1964. Translation of Hubert, Henri and Marcel Mauss. “Essai sur la nature et la fonction du sacrifice.” *Année sociologique* 2 (1899): 29-138.

Hundley, Michael B. *Keeping Heaven on Earth: Safeguarding the Divine Presence in the Priestly Tabernacle*. Forschungen zum Alten Testament 50. Tübingen; Mohr Siebeck, 2011.

Iser, Wolfgang. *The Act of Reading: A Theory of Aesthetic Response*. Baltimore: Johns Hopkins University Press, 1978.

———. “The Reading Process: A Phenomenological Approach,” Pages 50-69 in *Reader-Response Criticism from Formalism to Post-Structuralism*. Edited by Jane P. Tompkins. Baltimore: Johns Hopkins University Press, 1980.

Janzen, David. *The Social Meanings of Sacrifice in the Hebrew Bible*. Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft 344. Berlin: de Gruyter, 2004.

Janzen, J. Gerald. “The Wandering Aramean Reconsidered.” *Vetus Testamentum* (1994): 359-75.

Kugel, James. *The Idea of Biblical Poetry: Parallelism and its History*. New Haven: Yale University Press, 1981.

Kawashima, Robert S. “The Jubilee Year and the Return of Cosmic Purity.” *Catholic Biblical Quarterly* 65 (2003): 370-89.

Kertzer, David I. *Ritual, Politics, and Power*. New Haven: Yale University Press, 1988.

Kim, Young Hye. “The Jubilee: Its Reckoning and Inception Day.” *Vetus Testamentum* 60 (2010): 147-51.

Kitchen, Kenneth. *On the Reliability of the Old Testament*. Grand Rapids, Mich.: Eerdmans, 2003.

Klingbeil, Gerald A. *Bridging the Gap: Ritual and Ritual Texts in the Bible*. Bulletin for Biblical Research Supplements 1. Winona Lake, Ind.: Eisenbrauns, 2007.

Knohl, Israel. *The Sanctuary of Silence: The Priestly Torah and the Holiness School*. Minneapolis: Fortress Press, 1995.

Knoppers, Gary N. “Hierodules, Priests, or Janitors? The Levites in Chronicles and the History of the Israelite Priesthood.” *Journal of Biblical Literature* 118 (1999): 49-72.

Lee, Won W. *Punishment and Forgiveness in Israel’s Migratory Campaign*. Grand Rapids, Mich: Eerdmans, 2003.

Leuchter, Mark. “‘The Levite in Your Gates’: The Deuteronomic Redefinition of Levitical Authority.” *Journal of Biblical Literature* 126 (2007): 417-36.

———. “Why is the Song of Moses in the Book of Deuteronomy?” *Vetus Testamentum* 57 (2007): 295-317.

Levine, Baruch A. *Numbers 1-20*. Anchor Bible 4. New York: Doubleday, 1993.

———. “Ritual as Symbol: Modes of Sacrifice in Israelite Religion.” Pages 125-35 in *Sacred Time, Sacred Place: Archaeology and the Religion of Israel*. Edited by Barry M. Gittlen; Winona Lake, Ind.: Eisenbrauns, 2002.

Levinson, Bernard M. *Deuteronomy and the Hermeneutics of Legal Innovation*. New York: Oxford University Press, 1997.

———. “Deuteronomy’s Conception of Law as an ‘Ideal Type’: A Missing Chapter in the History of Constitutional Law.” *Maarav* 12 (2005): 83-119.

Levinson, Bernard M. and Douglas Dance. “The Metamorphosis of Law into Gospel: Gerhard von Rad’s Attempt to Reclaim the Old Testament for the Church.” Pages 83-110 in *Recht und Ethik im Alten Testament*. Edited by Bernard M. Levinson and Eckart Otto. Altes Testament und Moderne 13. Münster: LIT Verlag, 2004.

Lewis, Theodore J. *Cults of the Dead in Ancient Israel and Ugarit*. Harvard Semitic Monographs 39; Atlanta: Scholars Press, 1989.

Lohfink, Norbert. "Die '*ḥuqqîm ûmišpātîm*' im Buch Deuteronomium und ihre Neubegrenzung durch Dtn. 12:1." *Biblica* 70 (1989): 1-27.

Lundbom, Jack. *Deuteronomy: A Commentary*. Grand Rapids, Mich.: Eerdmans, 2013.

MacDonald, Nathan. "The Literary Criticism and Rhetorical Logic of Deuteronomy I-IV." *Vetus Testamentum* 56 (2006): 203-224.

———. *Not Bread Alone: The Uses of Food in the Old Testament*. Oxford: Oxford University Press, 2008.

———. *What Did the Ancient Israelites Eat? Diet in Biblical Times*. Grand Rapids, Mich.: Eerdmans, 2008.

Mayes, A.D.H. *Deuteronomy*. New Century Bible. Greenwood, S.C.: Attic Press, 1979.

McBride, S. Dean. "Polity of the Covenant People: The Book of Deuteronomy." *Interpretation* 41 (1987): 229-44.

McCarthy, Dennis J. "Covenant and Law in Chronicles-Nehemiah," *Catholic Biblical Quarterly* 44 (1982): 25-44.

McConville, J. Gordon. "Priests and Levites in Ezekiel: A Crux in the Interpretation of Israel's History." *Tyndale Bulletin* 34 (1983): 3-31.

———. "Singular Address in the Deuteronomic Law and the Politics of Legal Administration." *Journal for the Study of the Old Testament* 91 (2002): 19-36

McConville, J. Gordon, and J. G. Millar, eds. *Time and Place in Deuteronomy*. Journal for the Study of the Old Testament: Supplement Series 179. Sheffield: Sheffield Academic Press, 1994.

Mealy, J. Webb. "You Shall Not Boil a Kid in its Mother's Milk (Exod. 23:19b; Exod. 34:26b; Deut. 14:21b): A Figure of Speech?" *Biblical Interpretation* 20 (2012): 35-72.

Meshel, Naphtali S. "Toward a Grammar of Sacrifice: Hierarchic Patterns in the Israelite Sacrificial System." *Journal of Biblical Literature* 132 (2013): 543-67.

Miano, David. *Shadow on the Steps: Time Measurement in Ancient Israel*. Society of Biblical Literature Resources for Biblical Study 64. Atlanta: Society of Biblical Literature, 2010.

Mieroop, Marc van de. "Gifts and Tithes to the Temples in Ur." *DUMU-E_2-DUB-BA-A: Studies in Honor of Åke W. Sjöberg*. Edited by Hermann Behrens, Darlene M.

Loding, and Martha T. Roth. Publications of the Samuel Noah Kramer Fund 9; Philadelphia: The University Museum, 1989.

Milgrom, Jacob. "The Firstfruits Festivals of Grain and the Composition of Leviticus 23:9-12." Pages 81-90 in *Tehillah le-Moshe: Biblical and Judaic Studies in Honor of Moshe Greenberg.* Edited by Mordechai Cogan, Barry L. Eichler, and Jeffrey H. Tigay. Winona Lake, Ind.: Eisenbrauns, 1997.

———. *Leviticus*. 3 vols. Anchor Bible 3-3B. New York: Doubleday, 1991-2001.

Millard, Alan R. "A Wandering Aramean," *Journal of Near Eastern Studies* 39 (1980): 153-55.

Miller, Patrick. *Deuteronomy*. Interpretation: A Bible Commentary for Teaching and Preaching. Louisville: Westminster John Knox Press, 1990.

Moore, Stephen D. "The Levites and the Sociocultural Change in Ancient Judah: Insights from Gerhard Lenski's Social Theory." Pages 41-58 in *Social Theory and the Study of Israelite Religion: Essays in Retrospect and Prospect*. Edited by Saul M. Olyan. Resources for Biblical Study 71. Atlanta: Society of Biblical Literature, 2012.

Nelson, Richard D. *Deuteronomy*. Old Testament Library. Louisville, Ky.: Westminster John Knox Press, 2002.

Newsom, Carol A. *Songs of the Sabbath Sacrifice: A Critical Edition*. Harvard Semitic Studies 27. Atlanta: Scholars Press, 1985.

Nicholson, Ernest. "Reconsidering The Provenance of Deuteronomy." *Zeitschrift für die altestamentliche Wissenschaft* 124 (2010): 528-40.

Niditch, Susan. "Ezekiel 40-48 in a Visionary Context." *Catholic Biblical Quarterly* 48 (1986): 208-24.

Nihan, Christophe. *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus*. Forschungen zum alten Testament 25. Tübingen: Mohr Siebeck, 2007.

———. "Israel's Festival Calendars in Leviticus 23, Numbers 28-29, and the formation of 'Priestly' Literature." Pages 177-231 in *Books of Leviticus and Numbers*. Edited by Thomas Römer. Bibliotheca ephemeridum theologicarum lovaniensium 215. Leuven/Dudley, Mass: Leuven University Press, 2008.

Noth, Martin. *Numbers*. Translated by James D. Martin. Old Testament Library. Philadelphia: Westminster Press, 1968.

Novick, Tzvi. “Law and Loss: Response to Catastrophe in Numbers 15.” *Harvard Theological Review* 101 (2008): 1-14.

Olson, Dennis T. *Deuteronomy and the Death of Moses*. Overtures to Biblical Theology 33; Minneapolis: Fortress Press, 1994.

Olyan, Saul M. *Biblical Mourning: Ritual and Social Dimensions*. New York: Oxford University Press, 2004.

———. *Rites and Rank: Hierarchy in Biblical Representations of Cult*. Princeton: Princeton University Press, 2000.

———, ed. *Social Theory and the Study of Israelite Religion: Essays in Retrospect and Prospect*. Society of Biblical Literature Resources for Biblical Study 71; Atlanta: Society of Biblical Literature, 2012.

———. “Some Neglected Aspects of Israelite Interment Ideology.” *Journal of Biblical Literature* 124 (2005): 601-16.

Oswald, Wolfgang. “Die EG-Erzählung als Gründungsurkunde der judäischen Bürgergemeinde.” Pages 35-51 in *Law and Narrative in the Bible and in Neighbouring Ancient Cultures*. Edited by Klaus-Peter Ada, Friedrich Avemarie, and Nili Wazana. Forschungen zum Alten Testament 54. Tübingen: Mohr Siebeck, 2012.

Propp, William Henry. *Exodus 19-40*. Anchor Bible 2A. New York: Doubleday, 2005.

Prosic, Tamara. “Annual Festivals in the Hebrew Bible II: Perspective from Ritual Studies.” *Religion Compass* 4 (2010): 727-36.

Rad, Gerhard von. *Deuteronomy: A Commentary*. Translated by Dorothea Barton. Old Testament Library. Philadelphia: Westminster Press, 1966. Translation of *Das Fünfte Buch Mose: Deuteronomium*. Das Alte Testament Deutsch 8. Göttingen: Vandenhoeck & Ruprecht, 1964.

———. “The Form-Critical Problem of the Hexateuch.” Pages 1-78 in *The Problem of the Hexateuch and Other Essays*. Translated by E. W. Trueman Dicken. New York: McGraw Hill, 1966. Translation of *Das formgeschichtliche Problem des Hexateuchs*. Beiträge zur Wissenschaft vom Alten (und Neuen) Testament IV/26 (78). Stuttgart: W. Kohlhammer Verlag, 1938.

Rappaport, Roy A. *Ritual and Religion in the Making of Humanity*. Cambridge Studies in Social and Cultural Anthropology 110. Cambridge: Cambridge University Press, 1999.

Reeves, John C. "The Feast of the Firstfruits of Wine and the Ancient Canaanaite Calendar." *Vetus Testamentum* 42 (1992): 350-61.

Reinhold, Gotthard, ed. *Die Zahl Sieben im Alten Orient: Studien zur Zahlensymbolik in der Bibel und ihrer altorientalischen Umwelt*. Frankfurt am Main: Peter Lang, 2008.

Riley, William. *King and Cultus in Chronicles: Worship and the Reinterpretation of History*. Journal for the Study of the Old Testament: Supplement Series 160. Sheffield: Sheffield Academic Press, 1993.

Römer, Thomas. *Israels Väter: Untersuchungen zur Väterthematik im Deutoronomium und in der deuteronomistischen Tradition*. Orbis Biblicus et Orientalis 99. Göttingen: Vandenhoeck & Ruprecht, 1990.

Ruwe, Andreas. *Heiligkeitsgesetz und Priesterschrift: Lieteraturgeschichtliche und rechtssystematische Untersuchungen zu Leviticus 17,1-26,2*. Forschungen zum Alten Testament 26. Tübingen: Mohr Siebeck, 1999.

Sasson, Jack M. "Ritual Wisdom? On 'Seething a Kid in its Mother's Milk.'" Pages 294-308 in *Kein Land für sich allein: Studien zum Kulturkontakt in Kanaan, Israel/Palastina und Ebirnâri*. Edited by Ulrich Hübner and Ernst Axel Knauf. Orbis Biblicus et Orientalis 186; Göttingen: Universitätsverlag Freiburg, 2002.

Schorch, Stefan. "'A Young Goat in Its Mother's Milk?': Understanding an Ancient Prohibition." *Vetus Testamentum* 60 (2010): 116-30.

Schwienhorst-Schönberger, Ludger. *Das Bundesbuch (Ex 20,22-23,33): Studien zu seiner Entstehung und Theologie*. Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft 188. Berlin: de Gruyter, 1990.

Shectman, Sarah and Baden, Joel S., eds. *The Strata of the Priestly Writings: Contemporary Debate and Future Directions*. Abhandlungen zur Theologie des Alten und Neuen Testaments 95. Zurich: Theologischer Verlag Zürich, 2009.

Sivertsev, Alexei. "Sects and Households: Social Structure of the Proto-Sectarian Movement of Nehemiah 10 and the Dead Sea Sect." *Catholic Biblical Quarterly* 67 (2005): 59-78.

Sonnet, Jean-Pierre. *The Book within the Book: Writing in Deuteronomy*. Biblical Interpretation Series 14. Leiden: Brill, 1997.

Sprinkle, Joe M. *The Book of the Covenant: A Literary Approach*. Journal for the Study of the Old Testament: Supplement Series 174. Sheffield: Sheffield Academic Press, 1994.

Stavrokopoulou, Francesca. *King Manasseh and Child Sacrifice: Biblical Distortions of Historical Realities*. Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft 338. Berlin: de Gruyter, 2004.

Stackert, Jeffrey. "The Holiness Legislation and its Pentateuchal Sources: Revision, Supplementation, and Replacement." Pages 173-90 in *The Strata of the Priestly Writings: Contemporary Debate and Future Directions*. Edited by Sarah Shectman and Joel S. Baden. Abhandlungen zur Theologie des Alten und Neuen Testaments 95. Zurich: Theologischer Verlag Zürich, 2009.

———. *Rewriting the Torah: Literary Revision in Deuteronomy and the Holiness Legislation*. Forschungen zum alten Testament 52. Tübingen: Mohr Siebeck, 2007.

———. "The Sabbath of the Land in the Holiness Legislation: Combining Priestly and Non-Priestly Perspectives." *Catholic Biblical Quarterly* 73 (2011): 239-50.

Stevens, Marty E. *Temples, Tithes, and Taxes: The Temple and the Economic Life of Ancient Israel*. Peabody, Mass.: Hendrickson, 2006.

Strawn, Brent A. "On Vomiting: Leviticus, Jonah, Ea(a)rth." *Catholic Biblical Quarterly* 74 (2012): 445-64.

Stubbs, David L. *Numbers*. SCM Theological Commentary on the Bible. London: SCM, 2009.

Sweeney, Marvin. "Sefirah at Qumran: Aspects of the Counting Formulas for the First-Fruits Festivals in the Temple Scroll." *Bulletin of the American Schools of Oriental Research* 251 (1983): 61-66.

Tuell, Steven Shawn. "Ezekiel 40-42 as Verbal Icon." *Catholic Biblical Quarterly* 58 (1996): 649-664.

Vroom, Jonathan. "Recasting *Mišpāṭîm*: Legal Innovation in Leviticus 24:10-23." *Journal of Biblical Literature* 131 (2012): 27-44.

Wagenaar, Jan. *Origin and Transformation of the Ancient Israelite Festival Calendar.* Beiheifte zur Zeitschrift für Altorientalische und Biblische Rechtsgeschichte 6. Wiesbaden: Harrasowitz, 2006.

———. "The Priestly Festival Calendars and the Babylonian New Year Festivals: Origin and Transformation of the Ancient Israelite Festival Year." Pages 218-52 in *The Old Testament in its World*. Edited by Robert P. Gordon, and Johannes C. de Moor. *Oudtestamentische Studiën* 52. Leiden: Brill, 2005.

Waltke, Bruce K., and Michael O'Connor. *An Introduction to Biblical Hebrew Syntax*. Winona Lake, Ind.: Eisenbrauns, 1989.

Watts, James W. "Public Readings and Pentateuchal Law." *Vetus Testamentum* 45 (1995): 540-57.

———. "Reader Identification and Alienation in the Legal Rhetoric of the Pentateuch." *Biblical Interpretation* 7 (1999): 101-112.

———. *Reading Law: The Rhetorical Shaping of the Pentateuch*. The Biblical Seminar 59. Sheffield: Sheffield Academic Press, 1999.

———. "Rhetorical Strategy in the Composition of the Pentateuch." *Journal for the Study of the Old Testament* 68: (1995): 3-22.

———. *Ritual and Rhetoric in Leviticus: From Sacrifice to Scripture*. Cambridge: Cambridge University Press, 2007.

Weinfeld, Moshe. *Deuteronomy 1-11*. Anchor Bible 5; New York: Doubleday, 1991.

———. *Deuteronomy and the Deuteronomic School*. New York: Oxford University Press, 1972.

Wells, Bruce. "What is Biblical Law: A Look at Pentateuchal Rules and Near Eastern Practice." *Catholic Biblical Quarterly* 70 (2008): 223-43.

Welch, John W. "Chiasmus in Biblical Law: An Approach to the Structure of Legal Texts in the Bible." Pages 5-22 in *Jewish Law Association Studies IV*. Edited by Bernard S. Jackson. Atlanta: Scholars Press, 1990.

Westbrook, Raymond. "What is the Covenant Code?" Pages 15-36 in *Theory and Method in Biblical and Cuneiform Law*. Edited by Bernard M. Levinson. Journal for the Study of the Old Testament: Supplement Series 181. Sheffield: Sheffield University Press, 1994.

Wilson, Ian. "Central Sanctuary or Local Settlement: The Location of the Triennial Tithe Declaration (Dtn 26,13-15)." *Zeitschrift für die alttestamentliche Wissenschaft* 120 (2008): 323-40.

Wright, David P. *The Disposal of Impurity: Elimination Rites in the Bible and in Hittite and Mesopotamian Literature*. Society of Biblical Literature Dissertation Series 101. Atlanta: Scholars Press, 1987.

———. "The Fallacies of Chiasmus: A Critique of Structures Proposed for the Covenant Collection (Exodus 20:23-23:19)." *Zeitschrift für Altorientalische und Biblische Rechtsgeschichte* 10 (2004): 143-68.

———. *Inventing God's Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi*. Oxford: Oxford University Press, 2009.

———. *Ritual in Narrative: The Dynamics of Feasting, Mourning, and Retaliation Rites in the Ugaritic Tale of Aqhat*. Winona Lake, Ind.: Eisenbrauns, 2001.