

ARTICLE II.

HARMONY OF THE PENTATEUCH RESPECTING
PRIESTLY DUES.

BY THE REV. HENRY HAYMAN, D. D.

PERHAPS on no part of Deuteronomy as exhibiting assumed discrepancies with the laws of Leviticus or Numbers, where they touch the same subject-matter, has greater stress been laid than on those relating to the position, functions, and provision directed for the "priest Levites," and the assignment of the tithes in particular which it contains. The principal passages on the subject are chaps. x. 8, 9; xii. 6 foll., 17; xiv. 22-29; xviii. 1-8; xxvi. 12 foll., omitting the specially judicial portion of their duties. There can hardly be a more startling contrast than that between the first superficial sense of discrepancy, and the deeper conviction of harmony and wholeness between the three books Leviticus, Numbers, and Deuteronomy, which a closer examination is apt to produce. I limit myself in this article to the subject of priestly dues, including tithes, oblations of all kinds, and their contingent perquisites.

From Deuteronomy, if that were our sole guide, we should never infer that tithes were ranked among such dues. The only precise appointment there seems to allot them to be consumed by the owners of the soil on occasions of festive rejoicing to which "the Levite" is specially to be a party, but only amongst other partakers (see Deut. xii. 6 foll., 17; xiv. 22-29; xxvi. 12 foll.). From Num. xviii. 20, 21 some critics have derived a totally different inference. There Jehovah declares himself the "inheritance" of Levi, represented in the

tithe, but subject (ver. 26) to a deduction of one-tenth—the tithe of the tithe—due “to Aaron” (ver. 28), i. e. to the priestly house *par excellence*. But the seeming conflict vanishes on a closer inspection. In Deut. xviii. 1, 2, the fire-offerings of Jehovah, and *his inheritance* are there made the portion of “the priests the Levites, the whole tribe of Levi,” with a further iterative stress on the latter term in verse 2; and similarly in Deut. x. 9 we read, Jehovah is his (Levi’s) inheritance, as Jehovah Elohim promised. The entire elucidation hinges on this term, which is at once explained by turning, as aforesaid, to Num. xviii. 20–21, where Jehovah says to Aaron: “Thou shalt have no inheritance in their land. . . . I am thy part and thine inheritance among the *b’ne* Israel. And, behold, I have given the *b’ne* Levi *all the tenth in Israel for an inheritance.*” Unless Numbers is here read into Deuteronomy the latter remains an enigma; take this passage of the “Priestly Code” (so-called) with us, and it becomes clear and coherent. Then the obscure word “inheritance,” which we otherwise stumble over in the dark, or regard as merely the encumbrance of an antiquated style of iteration, is seen to be the key-word of the whole sentence. Num. xviii. 26–28 then pursues the subject into detail¹ as regards the relations of the tithe shares of priest and Levite *inter se*, into which, however, Deuteronomy does not follow it. It was not needed for the more popular purpose of the latter book, although a differentiation of a higher and a lower office of ministers is apparent in it (as I hope to find further occasion to show). It remains, then, that the words already cited relative to “Levi,” on the first Deuteronomic mention of that tribe (Deut. x. 8, 9), “Jehovah is his *inheritance, as Jehovah Elohim promised,*” are an effective reference, repeated in xviii. 1, to the declaration also cited from Num. xviii. We

¹ But here notice that Jehovah speaks not “to Aaron,” but “to Moses” (ver. 25), as the executive head of the nation, and guardian of sacred and civil rights.

have here, then, another *vinculum* of living continuity between Deuteronomy and the "middle Pentateuch." "Inheritance" in Deuteronomy means in effect tithe property, but from Deuteronomy alone we should never know it; it could be at most only a conjecture of the critic. Only in Num. xviii. do we find it established beyond the region of guesswork. On the "fire-offerings" of Deut. xviii. 1, I will further comment anon. I proceed to the statements of Deuteronomy, as referred to above, in regard to tithes. Several references to tithes occur in chapter xii.; viz., in verses 6, 11, 17, and are to be understood in the total of "holy things" (*godashim*) summed up in verse 26. The purport of all these precepts is: (1) To ensure the due rendering of these *godashim*¹ at the central sanctuary; (2) to unite them there with a solemn festive banquet customarily held; (3) to provide for their being duly shared by the persons entitled to that privilege.²

It seems, for a reason to be mentioned later, very doubtful whether the rendering tithes at the central sanctuary or place "chosen by Jehovah to place his name there" applies to all tithes of whatever kind. But all writers on Jewish tithe from Josephus and even earlier, from the author of Tobit downward, recognize a "second tithe,"—probably spoken of specially in xii. 17 and in xiv. 23, as limited to vegetable products, and classed there with "firstlings of herds and flocks," and in xii. 6, 11 this is probably alone referred to, not that due under Num. xviii. 20, 21. In Deut. xxvi. 12 a

¹ The *godashim* are enumerated (ver. 6, 11, 17) as "burnt-offerings, sacrifices, tithes, firstlings, heave-offerings, freewill offerings, and vows" (i. e. things vowed)—not always in the same completeness or order, but amounting to these when all named are included. They will be noticed further in the text.

² These are enumerated (ver. 12, 18) as "sons, daughters, men-servants, maid-servants [i. e. of the tithe-payer], and the Levite within thy gates." In the third year's tithing, which has some exceptional features (see the text below), "the Levite, the stranger, orphan, and widow" are specially named as the participants (xiv. 28, 29; xxvi. 12, 13). Thus "the Levite" appears in both.

special appropriation of this "second tithe" every third¹ year is directed, and is here expressly so termed by the LXX² (*δεύτερον ἐπιδέκατον*).

Thus in the first and second years of each triad there would be payable the first or Levitical tithe, while the second or festival tithe would be brought to the sanctuary for festive uses, as ruled in Deut. xiv. 23-27.³ In the third year this latter would be specially applied to the permanent support of the non-proprietary classes, "Levite, stranger," etc.⁴ So throughout twice three years, and in the seventh the land had by law respite from culture, and returned, as it were, into divine property for the time (Lev. xxv. 3-7). The law of Lev. xxvii. 31-33 relates to the conditions of "redeeming" the tithe merely, and is not noticed in Deuteronomy. It is the only passage in the Law⁵ from which we precisely learn that the tithing extended to cattle.⁶ Whether cattle were

¹ This is confirmed by Amos iv. 4, whatever be the precise meaning of his phrase *דַּמְיָ תִּשְׁלַשׁ* there.

² They seem to have read *יְגֵשׁ* for *תְּגֵשׁ* of our Hebrew text there.

³ So Tobit i. 7, *τὴν δεκάτην ἐδίδουν . . . καὶ τὴν δευτέραν δεκάτην . . .* and verse 8, *καὶ τὴν τρίτην ἐδίδουν οἷς καθήκει*. And so Joseph., Ant. iv. 8, § 8 and 22, distinguishes *three* tithes; but the better opinion is probably that which views the third as a special limitation, *qua* objects, of the second. The commentators refer to the treatises of the Mishna, Peah, Ma'aseroth and Ma'aser Sheni, as establishing the same view. The law in Num. xviii. deals with the first tithe only.

⁴ It is wrong to view such rules through the distorting medium of a modern poor-law, and the social stigma supposed to attach to those who partake of its relief. In the Hebrew state the very reverse was the case. The land was Jehovah's, the chosen people his tenants, the tithes his demand on them for the rent of it (Lev. xxvii. 30). Thus the Levite, stranger, orphan, widow, were his representatives, rather than pensioners of private bounty or public provision. The right of gleaning belonged as much to Naomi as the field to Boaz.

⁵ See, however, 2 Chron. xxxi. 6.

⁶ Some writers regard the "firstlings" of Deut. xiv. 23, and probably also of xii. 6, as tithe animals (Dict. of Bible, ii. 1071a, 2d ed., s. v. "first-born"); but in Num. xviii. 17 and 21 "firstlings" and "tithes" belong to distinct sections. Further, Num. iii. 41, 45 takes the Levites' cattle in lieu of all the firstlings of the *b'ne* Israel.

tithed during the wilderness wandering is an obscure question. But unless we assume, with Wellhausen, verses 32 and 33 to have been added later, they would seem to have been so, as a custom familiar by use seems to be there referred to in the phrase "passeth under the rod." If so, they and the firstlings would furnish the altar,¹ and help to maintain the priesthood in the wilderness.

The "fire-offerings of Jehovah" (Deut. xviii. 1) is the most comprehensive term to express all the ordinary and stated sacrifices by fire, with the meaning here implied that a portion of them only was so consumed, the residue being reserved for the priests. Of course there were "whole burnt-offerings," to which this did not apply, and of these we have examples in Lev. i. 9, 13. In Lev. ii. 3, 10 we find portions expressly reserved to the priests. Lev. iii., after a ritual of peace-offerings, closes with the words, "All the fat is Jehovah's," implying that the rest is the priests'. In Lev. iv. the sin-offerings for a priest or the whole people require (ver. 12, 21) the victim to be burnt, but in two parts: (1) the sacrificial fat, (2) the rest; but in those for individuals the former only is prescribed (ver. 26, 31, 35), the priest, by implication, having the rest, as in vii. 7 is expressly stated, for the guilt-offering. Even in a holocaust, the hide was a priestly perquisite (ver. 8). These may suffice for instances of the varying rules. In all these Levitical chapters and in many more, the term *isshe Jehovah* or *Layovah*, "fire-offerings to Jehovah," occurs again and again. Its distribution is a strongly marked feature of the "Priests' Code." In Ex. xxix., Leviticus, and Numbers it occurs nearly sixty times, once in Josh. xiii. 14, once in 1 Sam. ii. 28, once in Deuteronomy, viz., here. I doubt if it is found anywhere else in the entire Old

¹ Amos v. 25 has sometimes been interpreted as though no such sacrifices were offered on Jehovah's altar—a total perversion of the prophet's meaning.

Testament. If it is possible for a phrase to bear the stamp of legal formality we have one so stamped here. This strongly legal phrase of the Priests' Code is thus adopted by Deuteronomy.

If we seek the reason for this term appearing in Deuteronomy which seems almost the property of the priestly vocabulary (for in Joshua it is a quotation, and in First Samuel *l.c.* the reference is expressly to priestly dues), we shall find it in the fact that, as no one could fail to perceive the presence or absence of fire, it rested on a palpable fact, and was most readily popularized of all priestly terms. And since in all the variously and minutely differentiated offerings in Exodus-Leviticus-Numbers—known as for “sin, guilt, peace,” or as simply “burnt-offerings”—fire was the prescribed or customary vehicle, the term “*isshe Jehovah*” comprehended them all. From all these some share or perquisite of the priests might be extracted; extending in some to every part except the blood and fat, in others to nothing beyond the hide, and perhaps limited in most to one leg and the brisket, often called in A. V. the “heave-shoulder” and “wave-breast.” For all these Deuteronomy uses the term. The most comprehensive passage in the Pentateuch regarding priestly dues is that of Num. xviii. 8 foll. Ritualistic rules, like that quoted from Lev. i.-iv., regulated what was in each case to be burnt, after which the residue formed a heave-offering or wave-offering, or comprehended both. The first item in the list of Num. xviii. 8 foll. is therefore (1) “heave-offerings of holy things” (ver. 8), and these are, it seems, detailed in verse 9 under their sacrificial heads, meat, sin, etc., offerings. Next come (2) “heave-offerings of their gift with all their wave-offerings”; which again are detailed in verses 12, 13, under the heads of first-fruits (described also as “all the best,” literally “the fat”) of “oil, wine and wheat” and all “first-ripe” produce in other kinds. In the next item (3) “every devoted

thing¹ in Israel," we find a term which seems explained by Lev. xxvii. 2 as devoted under "a singular vow" (see verse 21 there). The next class (4) is that of firstlings (verse 15), subject to the conditions of redemption, which follow as far as verse 18. Lastly (5) comes a phrase which seems to repeat the first in its "heave-offerings of holy things," but is probably differentiated by the further words "which the *b'ne* Israel offer to Jehovah"—meaning *spontaneously*, as distinct from legal dues, and referring probably to freewill offerings and vows.

Now there is not, and need not be in Deuteronomy, any list correspondent with the above. The one which is in some measure parallel to it is that of Deut. xii. 6. But, whereas in Numbers the enumeration is of what the *priests* are to *receive*—without reckoning the tithes, which are not occasional but regular, in Deuteronomy it is of what the *people* are to "bring" to the sanctuary. Among these the term "tithes" occurs, meaning probably the "second tithe" only, before referred to; since the first tithe, if assigned to the Levites territorially dispersed in their tribal cities, would more naturally be rendered on the spot. But when allowance has been made for these considerations we find a very close parallelism. Thus class 1 of the list in Numbers may be paired with "burnt-offerings and sacrifices"; class 2 with "heave-offerings of your hand." "Vows and freewill offerings" represent class 5, and probably include class 3; while "firstlings" have their place expressly in both lists (4). But we see how the finer technicalities of Numbers are sunk in the broadly graded order of Deuteronomy, "meat, sin, etc., offerings," and "wave-offerings," all disappearing in its more summary generalizations.

The fact that part of Deut. xviii. 3 is quoted nearly

¹ The well-known word הָרַם , with cognate verb הָרַם (mostly in *hiphil* form), used of whatever is "devoted," sometimes to destruction under a curse.

verbatim in 1 Sam. ii. 13, there to introduce a deliberate breach by Eli's sons of the law as here laid down, can hardly be accidental. Here "the priest's custom¹ with the people" is his "due² from the people," as laid down in Deut. xviii. 3, consisting of "the shoulder, two cheeks" (doubtless including the tongue), "and the maw" (probably the fourth stomach of the ruminant), to which selection of parts a symbolical meaning has perhaps fancifully been attached by some commentators. Whether these perquisites were additions to, or substitutes for, all or any of parts reserved for the priests by the ritual of Exodus-Leviticus-Numbers, has been much debated. But if we give due weight to the word "fire-offerings" in Deut. xviii. 1, as the perquisites in verse 3 are evidently something over and above whatever the priests enjoyed from those offerings, it seems hardly doubtful that they are additions,³ the rather as the "first shearing of thy sheep" is unquestionably an addition to "the first-fruits⁴ of corn, wine, and oil" (verse 4), which form, as we saw above, an important item in the dues, as fixed in Num. xviii. 12. The phrase "custom with the people" clearly means "with the individual Israelite" coming with a sacrifice on his private account—

¹ The word curiously reflects the English use of the word "customs" which we retain still for the oldest trade-dues levied by the Crown, and which, although now for centuries depending on and regulated by statute, yet carry us back to that period when statute was not. Somewhat similarly the word "excise" reflects the ideas of the LXX translators in their rendering of "heave-offerings" (תְּרוּמָה) by ἀφαιρέμα or sometimes by ἀφορισμένον (Num. xviii. 24; cf. 27-29), as something cut out of, or taken away from, a larger bulk.

² The phrase is all but identical in the two, as a comparison of the Hebrew will show. By rendering "due from" in one, and "custom with" in the other, passage, the A. V. obscures this important identity.

³ The Mishna (Cholin x. 1) interprets these perquisites as relating to animals killed for food under the law of Lev. xvii. 3, 4, and the Levitical perquisites to those offered in sacrifice.

⁴ The word ראשית (lit. "beginning," as in Gen. i. 1) occurs here, and in Deut. xviii. 14, as an incidental link of implied reference.

sin-offering, vow, or what not—and does not refer to what was on a public behalf and recurrent, in the stated sacrifices. This was what enhanced, not the sin, but the scandal caused by the sin, of Eli's sons. It revolted the laity, some of whom were always present at these sacrifices thus brought of their own free will.

But these dues arising directly from sacrifices, since the latter could only be offered at the central sanctuary, contemplate a resident priesthood at that centre, whereas various other passages which we have had occasion to cite (xii. 12, 18; xiv. 27, 29; xvi. 14; xviii. 6) as clearly contemplate a provincial body of Levites in dispersion through the tribes, yet within the walls of towns—so the phrase “within the gates” at least suggests—in short, just such a distribution as would arise from the direction in Num. xxxv. 2–8 (cf. Josh. xxi. 2–42) as to Levitical cities, being executed in fact. Here then we have a religious ministry in two groups, and the case is next contemplated (Deut. xviii. 6–8) of a member of one of them seeking to change from the provincial sphere to the central. How far these groups correspond with those so clearly distinguished in Leviticus-Numbers, shall be further considered, if occasion offers.

Before passing on to that, we may observe that in the forty years' wandering some social changes evidently happened. In Num. iii. 41, 45, the Levites are cattle-owners, and (xxxv. 3) are contemplated as being so when settled in the land. In the fortieth year the two eastern tribes (for the tenure of Manasseh eastward rested on other grounds) have become the chief herdsmen, and on that fact their claim for an early settlement is founded. They had already entered into that heritage, and had placed their cattle in undisturbed possession there. Thus the law of Deut. xii. 21, which released the Israelite from killing flesh for food at the door of the tabernacle (Lev. xvii. 3, 4), was for them already a necessity, owing to distance.

In regard to the large class of sacrifices known as "peace-offerings," under which three varieties of "thank, vow, and freewill offerings" are distinguished in Lev. vii. 15, 16, there is no distinct assignment which exhausts all the parts of the victim. The fat and blood of course went to the altar (ver. 25, 27, 31), the breast or brisket and right leg are the priests' portion (ver. 30-34), the rest of the flesh is to be eaten on the same or next day (ver. 16, 17)—but by whom? We are left to infer that the worshipper partook of it, probably with his family or invited guests.¹ But this in the priestly ritual is not actually stated. It was not to the purpose of mere priestly regulation. But when we turn to Deuteronomy, which gives the popular side of the matter, we read in xii. 27, after a prohibition of the blood (ver. 23-25), a distinct permission to the worshipper, "The blood of thy sacrifices² shall be poured out upon the altar, . . . and thou shalt eat the flesh." Thus we find, conversely, that where priestly rules leave a question open Deuteronomy fills a gap in Leviticus, and both are in harmony. At the same time we see the reason why the "*b'ne* Israel," not the *b'ne* Aaron only, are, in Lev. vii. 23 foll., directly charged to observe the rules there prescribed, because they were parties in the division of the victim, and a dividend of it went by custom to them for enjoyment. The whole proves the mutual interdependence of the popular and the priestly *corpus iuris*, and shows that, without reference to Leviticus-Numbers, we cannot clearly comprehend Deuteronomy. In short, it overthrows a great deal of modern theory on the subject of the Pentateuch. Nor will it be difficult to confirm this position by a similar careful analysis of other

¹ The same observations apply to Lev. xix. 5-8 ("peace-offerings" at the offerer's "own will"), where the same injunction recurs, "it shall be eaten," etc., no doubt by the offerer and friends.

² Here again the language is general. There were, of course, holocausts, to which "thou shalt eat the flesh" would not apply. But "thy sacrifices" includes the great majority of the popular offerings which it was necessary to regulate.

parts of the Deuteronomic legislation, especially those, like the Law of the Refuge cities, on which, by reason of a difference of standpoint merely adopted by the legislator, hostile critics are wont to rely. It may be said without exaggeration that the most evidentially useful parts of Deuteronomy are its difficulties—those knots in the timber, which, while they turn the edge of the tool, attest the genuineness of the grain.