

## THE PRE-MOSAIC TITHE: ISSUES AND IMPLICATIONS

by  
Mark A. Snoeberger\*

In Leviticus 27 the Mosaic Law expressly commands the practice of tithing, codifying it for all Israel as a combined act of spiritual service and economic obligation for the advancement of the nation. This codification, however, was by no means the birth of the tithe, but a new expression of the ancient Near Eastern tithe infused with theological significance for the new political entity of Israel.<sup>1</sup>

The payment of tithes was no novel practice, having been performed for centuries by both biblical figures and pagans alike. It is well attested that the tithe<sup>2</sup> was present in the very earliest of cultures—Roman, Greek, Carthaginian, Cretan, Silician, Phoenician, Chinese, Babylonian, Akkadian, and Egyptian—stretching back to the earliest written records of the human race.<sup>3</sup> This extra-biblical practice of tithing must, of course, be considered when searching for the origin of the tithe. Was the tithe a divinely conceived custom, original with Yahweh and unique in its expression, or was tithing a divine adaptation of an originally pagan custom, bequeathed with theological significance by divine fiat? Further, was the tithe an act of worship alone, or a demonstration of political subservience: a primitive form of taxation? Or was it a combination of the two?

Many scholars (including most liberals) contend that the levitical

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\*Mr. Snoeberger is Director of Library Services at Detroit Baptist Theological Seminary in Allen Park, MI.

<sup>1</sup>Henry Landsell, *The Sacred Tenth or Studies of Tithe-Giving, Ancient and Modern*, 2 vols. (Grand Rapids: Baker, 1955), 1:56.

<sup>2</sup>The author intends the term in its technical sense—a tenth. As John E. Simpson notes of the nearly universal pagan practice of tithing, “the amount so given was almost invariably one-tenth” (*This World’s Goods* [New York: Revell, 1939], p. 88). Cf., however, Joseph M. Baumgarten, “On the Non-literal Use of *ma’āšer/dekatē*,” *Journal of Biblical Literature* 103 (June 1984): 245–51.

<sup>3</sup>Landsell, *Sacred Tenth*, 1:1–38; Arthur Babbs, *The Law of the Tithe As Set Forth in the Old Testament* (New York: Revell, 1912), pp. 13–24; E. B. Stewart, *The Tithe* (Chicago: Winona Publishing Co., 1903), pp. 7–13.

institution was borrowed strictly from early contemporary heathen practices.<sup>4</sup> On the other pole, some, generally more conservative, scholars contend that the universality of the tithe and the failure of attempts to discover its origin within secular sources point to a much more ancient practice—one instituted by God at the very dawn of human history.<sup>5</sup>

To make either claim, one must look to the early chapters of Genesis for clues to the genesis of the tithe. If, indeed, concrete evidence for its origin can be discovered here, one can be assured that the tithe originated with God and that it was revealed by him from the very earliest times to mankind. Failure to discover the origin here does not rule out the possibility of divine origin, but it does render the origin of the tithe an argument from silence for either position. It is, therefore, the purpose of this essay to probe the OT material, beginning with the sacrificial practices of Cain and Abel, continuing with the unprecedented payment of tithes by Abram to the priest of the most high God, Melchizedek, and concluding with Jacob's intention to tithe, for clues to the genesis of the pre-Mosaic tithe. We will then decide whether sufficient evidence exists to confirm its divine origin, then discuss briefly its relationship to the levitical tithe and its continuing applicability (or non-applicability) today.

#### THE GIVING PRACTICES OF CAIN AND ABEL (GENESIS 4:3–7)

So it came about in the course of time that Cain brought an offering to the LORD of the fruit of the ground. Abel, on his part also brought of the firstlings of his flock and of their fat portions. And the LORD had regard for Abel and for his offering; but for Cain and for his offering He had no regard. So Cain became very angry and his countenance fell. Then the LORD said to Cain, "Why are you angry? And why has your countenance fallen? If you do well, will not *your countenance* be lifted up? And if you do not do well, sin is crouching at the door; and its desire is for you, but you must master it."<sup>6</sup>

In an attempt to establish the continuity of the tithe throughout human history, several older conservative scholars adopted an alternative

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<sup>4</sup>H. Jagersma, "The Tithes in the Old Testament," in *Remembering All the Way*, Oudtestamentische Studien XXI (Leiden: Brill, 1981), pp. 116–28; Marvin E. Tate, "Tithing: Legalism or Benchmark?" *Review and Expositor* 70 (Spring 1973): 153; *Encyclopaedia Judaica*, s.v. "Tithe," by M. Weinfeld; *The Interpreter's Dictionary of the Bible*, s.v. "Tithe," by H. H. Guthrie, Jr. Included in this group are all those who view Israel's "cultus" as evolutionary and not revelational.

<sup>5</sup>Landsell, *Sacred Tenth*, 1:38; Babbs, *Law of the Tithe*, pp. 24–25.

<sup>6</sup>All Scripture quotations, unless otherwise noted, are taken from the 1995 edition of NASB.

text and translation to affirm that Cain's and Abel's sacrifices establish tithing as early as Genesis 4. The LXX reading of verse 7 apparently reflects the Hebrew  $\text{לִנְתַחֵם}$  (to dissect or divide) rather than the MT's  $\text{לִפְתַחֵם}$  (reflected in NASB's "at the door"). The resulting English translation of verse 7 identifies Cain's sin as his failure to "divide rightly." Furthering this conclusion is an alternate reading of a NT text, Hebrews 11:4, namely, that "Abel offered unto God a *more abundant*<sup>7</sup> sacrifice than Cain." The conclusion drawn from these combined readings is that Cain's sin was specifically a failure to give an adequate percentage of his income to God. The percentage, it is deduced, must be none other than a tithe.<sup>8</sup> This understanding is not unreasonable, as it follows the reading of the LXX, the text (though not the interpretation) of the early church fathers.<sup>9</sup> However, the difficulty of this reading and the high degree of accuracy of the MT at this point have led most modern commentators to reject this reading out of hand,<sup>10</sup> and with it the implied reference to proportional tithing by Abel.

### The Occasion

The preceding discussion does not render the Cain and Abel incident as having no value to the discussion of the tithe. On the contrary, herein is the first recorded instance of an offering presented to God in the OT—offerings that would later be expanded to include the tithe.<sup>11</sup>

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<sup>7</sup>The term in question,  $\text{πλεΐονα}$ , includes in its range of meaning both the qualitative idea of excellence and the quantitative idea of abundance (BAGD, p. 689), though most NT commentators have understood the usage in Hebrews 11:4 to be qualitative, that is, "a better sacrifice."

<sup>8</sup>Landsell, *Sacred Tenth*, 1:40–41; Babbs, *Law of the Tithe*, p. 25.

<sup>9</sup>Clement, *The First Epistle of Clement* 4, in *The Ante-Nicene Fathers*, ed. Alexander Roberts and James Donaldson, 1st series, reprint ed., 10 vols. (Grand Rapids: Eerdmans, 1977), 1:6; Irenaeus, *Against Heresies* 4.18.3, in *The Ante-Nicene Fathers*, 1:485; Tertullian, *An Answer to the Jews* 2, in *The Ante-Nicene Fathers*, 2:153; See also the note on 1:40 of Landsell's *Sacred Tenth* for a survey of other patristic support.

<sup>10</sup>E. A. Speiser, *Genesis*, 2nd ed., AB (Garden City, NY: Doubleday, 1978), p. 32. Most commentators follow the MT without even entertaining the LXX reading in their discussions (e.g., S. R. Driver, *The Book of Genesis* [London: Methuen & Co., 1904], p. 65; Franz Delitzsch, *A New Commentary on Genesis*, 2 vols., trans. Sophia Taylor, reprint of 1888 ed. [Minneapolis: Klock & Klock, 1978], pp. 181–83; Victor P. Hamilton, *The Book of Genesis*, 2 vols., NICOT [Grand Rapids: Eerdmans, 1990, 1995], 1:225–26; and Gordon J. Wenham, *Genesis*, 2 vols., WBC [Waco, TX: Word, 1987, 1994], 1:96–106). Claus Westermann gives an otherwise complete list of philological options for the verse, but does not view the LXX reading as worthy of mention (*Genesis*, 3 vols., Continental Commentaries [Minneapolis: Augsburg, 1984–95], 1:299–301).

<sup>11</sup>The use of the word "expanded" is not intended to imply that the Israelite "cult" evolved on its own apart from the sovereign hand of God, as is asserted by many liberals

The background of this incident is meager. We are no sooner told that Cain and Abel have been born when we suddenly find the boys as men, each with the respective occupations of agriculturalist and herdsman. After a period of time, both bring an offering to Yahweh. Cain brings some of the vegetables and fruits resulting from his labor as a farmer, Abel an offering of some of his livestock. For some reason not specified in this text, Yahweh rejects the former but receives the latter.

Several obvious questions arise from the narrative. How did Cain and Abel know to bring an offering to Yahweh? What was the nature of their offering? Why was Cain's offering rejected and Abel's accepted? And, ultimately, does their gift have any bearing on the levitical tithe or on the NT believer? Naturally, a correct understanding of the term used for this offering (תִּבְנִינִי) is essential to the understanding of the purpose of the sacrifices presented in Genesis 4. We begin here in our search for the tithe in the OT.

### The Term Employed

Many have concluded that the offerings of Genesis 4 were intended as atoning, expiatory sacrifices, based on the assumption that God's displeasure with Cain's offering stemmed from his failure to give a blood sacrifice.<sup>12</sup> This theory fails on two counts. First, the term used to describe the offering, תִּבְנִינִי, is elsewhere used of a bloodless sacrifice,<sup>13</sup> and is the standard term used in the levitical code for the meal offering. Here in Genesis 4 Moses avoids using readily available, general terms that

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(see below); instead, it simply recognizes the progress of divine revelation which expands man's knowledge and adjusts his responsibilities. We need not, indeed, must not see the shadow of the Mosaic code veiled in the Cain/Abel narrative; nonetheless, this first recorded sacrifice does give us insight into God's expectations and the means by which he communicated them to early believers.

<sup>12</sup>Robert S. Candlish, *An Exposition of Genesis* (reprint ed., Wilmington, DE: Sovereign Grace Publishers, 1972), p. 65. Scofield sees the sin offering in the phrase "sin is crouching at the door." The term for sin (חַטָּאת) may refer to sin or to its sacrificial remedy, the "sin offering." Thus, Yahweh was informing Cain that he had not done well, and that his only solution was to offer a blood sacrifice (*The Scofield Reference Bible* [New York: Oxford, 1909], p. 11). The identification of this חַטָּאת as a crouching beast (זֵרֶרֶת), however, makes this option unlikely.

<sup>13</sup>J. H. Kurtz goes so far as to say that the תִּבְנִינִי was "exclusively" bloodless (*Sacrificial Worship of the Old Testament*, reprint of 1863 edition [Minneapolis: Klock & Klock, 1980], pp. 158–59), as does Hamilton (*Genesis*, 1:223), though 1 Samuel 2:17 and 26:19 indicate otherwise. The term has a broader meaning than its technical sense as a meal offering (*New International Dictionary of Old Testament Theology and Exegesis*, s.v. "תִּבְנִינִי," by Richard E. Averbeck, 2:980–87). It is best to conclude that the תִּבְנִינִי was usually bloodless, and in its prescriptive, levitical sense (which is not the case here) was always bloodless.

denote blood sacrifice (e.g.,  $\text{קָרַב}$ ). While we may not extrapolate levitical language anachronistically onto the Genesis 4 incident, Moses' usage of the same term he would later use for the meal offering strongly suggests that this sacrifice was not intended to be viewed as a sin or guilt offering.<sup>14</sup> Second, the event is predicated on the culmination (“in the course of time”— $\text{בְּיָמָיו} \text{ יָקַם}$  [v. 3]) of a lengthy period of agricultural productivity (“Abel was a keeper of flocks, but Cain was a tiller of the ground” [v. 2]), indicating that this was no ordinary expiatory sacrifice, but a special, additional offering—one of thanksgiving for God's abundant blessing.<sup>15</sup> Thus it is roughly, though not exactly, equivalent to Israel's firstfruits or meal offerings, not to their regular sin offerings or tithes.

The term  $\text{תְּרוּמָה}$ , in its non-technical usage, is also frequently associated with payment of tribute or taxes (Gen 32:13 [14 MT]; Judg 3:15, 17–18; 1 Sam 10:27). For this reason, it may be suggested that Cain and Abel's gifts were mandatory. However, the term may simply be employed “as an expression of respect, thanksgiving, homage, friendship, dependence,”<sup>16</sup> which functions do not all imply obligation.

### The Reason for Cain's and Abel's Offerings

Having deduced, then, that this was an offering additional to the ordinary expiatory sacrifices, we move on to discover why the offering was given. While biblical revelation gives us no precedent or mandate for this type of offering, God's displeasure with Cain's offering implies that Cain failed to meet some divinely revealed requirement. We have already rejected the possibilities of the inappropriate content or quantity of the sacrifice. Other options include inadequate quality in the offering,<sup>17</sup>

<sup>14</sup>Bruce K. Waltke, “Cain and His Offering,” *Westminster Theological Journal* 48 (Fall 1986): 365–66.

<sup>15</sup>I assume that the practice of expiatory sacrifices has been a theological necessity in every dispensation to effect forgiveness of sins and right standing before God. Cain's and Abel's gifts, however, did not fall into this category.

<sup>16</sup>*HALOT (in English)*, 2:601. Cf. also George B. Gray, *Sacrifice in the Old Testament: Its Theory and Practice* (New York: Ktav, 1971), pp. 16–17; *NIDOTTE*, s.v., “ $\text{תְּרוּמָה}$ ,” by Richard E. Averbeck, 2:986; and *TWOT*, s.v. “ $\text{תְּרוּמָה}$ ,” by G. Lloyd Carr, 1:514–15.

<sup>17</sup>Waltke suggests that the  $\text{וְ$  opening v. 4 is adversative, highlighting the “fat” and “firstborn” elements of Abel's sacrifice in contrast to Cain's mere offer of “some” of his fruits and vegetables (“Cain and His Offering,” p. 368; cf. also Delitzsch, *Genesis*, pp. 180–81; Hermann Gunkel, *Genesis* [Macon, GA: Mercer University Press, 1997], pp. 42–43; Allen P. Ross, *Creation & Blessing: A Guide to the Study and Exposition of Genesis* [Grand Rapids: Baker, 1988], pp. 157–58); Kenneth A. Matthews, *Genesis 1:1–11:26*, NAC (Nashville: Broadman & Holman, 1996), pp. 267–68. We note, however, that there is no equivalent of fat for Cain's offering, nor does Moses specify that Cain's offering was *not* of the firstfruits. John Sailhamer, in fact, suggests that Cain was also

deficient integrity in the offerer,<sup>18</sup> or even the simple possibility that Abel was the object of God's elective prerogative while Cain was not<sup>19</sup>—the text does not specify. The NT commentary is simply that Abel's offering was offered "in faith" while Cain's was not (Heb 11:4). This may imply that God had given explicit instructions regarding expiatory and other sacrifices;<sup>20</sup> however, this argument flows purely from silence. All that can be conclusively deduced is that Cain's sacrifice did not issue from faith, but from other, inferior, motivation.

### Conclusion

The offerings of Cain and Abel give evidence that men professing to be God-fearers, from earliest times, brought offerings to Yahweh (v. 3) from their bounty. There was, however, no percentage specified, nor any purpose delineated other than direct worship and gratitude addressed to God. Thus, there is little to link these offerings with the basis of the ensuing levitical tithe, nor to shed light on its continuing applicability. While it is possible that God may have established binding requirements for offerings in the OT apart from written revelation, we certainly cannot deduce from the Cain and Abel narrative that the tithe was among these requirements.

### ABRAM'S TITHE TO MELCHIZEDEK (GENESIS 14:17–24)

Then after his return from the defeat of Chedorlaomer and the kings who were with him, the king of Sodom went out to meet him [Abram] at the valley of Shaveh (that is, the King's Valley). And Melchizedek king of Salem brought out bread and wine; now he was a priest of God Most High. He blessed him and said, "Blessed be Abram of God Most High, Possessor of heaven and earth; And blessed be God Most High, Who has delivered your enemies into your hand." He gave him a tenth of all. The king of Sodom said to Abram, "Give the people to me and take the goods for yourself." Abram said to the king of Sodom, "I have sworn to the LORD God Most High, possessor of heaven and earth, that I will not take a thread or a

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bringing his firstfruits ("Genesis," in vol. 2 of *The Expositor's Bible Commentary*, ed. Frank E. Gaebelin [Grand Rapids: Zondervan, 1990], p. 61).

<sup>18</sup>John J. Davis, *Paradise to Prison: Studies in Genesis* (Grand Rapids: Baker, 1975), p. 99; John Calvin, *Commentaries on the First Book of Moses Called Genesis*, 2 vols., trans. John King (reprint ed., Grand Rapids: Eerdmans, 1948), 1:196; Hamilton, *Genesis*, 1:224; Driver, *Genesis*, p. 65.

<sup>19</sup>Gerhard Von Rad, *Genesis: A Commentary* (Philadelphia: Westminster, 1974), p. 104.

<sup>20</sup>Landsell, *Sacred Tenth*, 1:41.

sandal thong or anything that is yours, for fear you would say, ‘I have made Abram rich.’ I will take nothing except what the young men have eaten, and the share of the men who went with me, Aner, Eshcol, and Mamre; let them take their share.”

We move onward from Cain and Abel in our quest for the genesis of the tithe in the OT to Abram’s unprecedented tithe paid to Melchizedek, king of Salem and priest of the most high God. It is in this passage that the technical term “tithe” (מַעֲשֵׂר) is first used in Scripture, making it the first recorded instance of OT tithing. In this incident is found the most promising data for the current study, thus a large segment of the essay will be dedicated to it.

### The Occasion

In Genesis 14, Abram is informed that a band of marauding monarchs led by Chedorlaomer had sacked the pentapolis that included Sodom, where his nephew Lot was living. Many of the goods of the city had been seized, and Lot had also been taken captive. Abram gathers a small band from his household, attacks and defeats the marauders in an unlikely nighttime foray, pursues them far to the north, and recovers what had been stolen. Emboldened by Abram’s remarkable success, king Bera of Sodom travels northward to the “King’s Valley” just south of Salem to meet Abram. He is joined by the local king, Melchizedek, in the valley. King Bera begrudges Abram the spoils but asks for the recaptured citizenry. Melchizedek, identified here as a priest of the most high God (אֵלֵי־יְיָ), brings out bread and wine to refresh and reward Abram and his men, blesses Abram repeatedly, and blesses Abram’s God for the victory. As a biblically unprecedented reciprocation, Abram gives to Melchizedek a tenth of all (presumably of all the spoils). The rest of the spoils are then meted out and the incident is closed.

### The Term Employed

The Hebrew term for “tithe” (מַעֲשֵׂר) is simply the adjectival form of the number ten, עָשָׂר.<sup>21</sup> The term is used infrequently in Scripture apart from the levitical and deuteronomic legislation concerning its contribution within the assembly. The term’s employment is by no means complex, but it is precise. The tithe is an exact tenth, and is not used in a generic sense to refer to multiple types of offerings of varying amounts.<sup>22</sup>

In Ugaritic and Phoenician sources the tithe was generally paid as

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<sup>21</sup>BDB, p. 798.

<sup>22</sup>*NIDOTTE*, s.v. “מַעֲשֵׂר,” by Richard E. Averbeck, 2:1035; cf. also H. Jagersma, “Tithes in the Old Testament,” p. 117.

the standard unit of taxation owed to the throne. While priests sometimes collected this tithe, there was often no idea of worship involved—the priests were viewed as any secular recipient of the tithe would be.<sup>23</sup> Further, it is apparent that, even when the priests collected the tithe, the state, and not the religious personnel, controlled its distribution.<sup>24</sup> This is contrary to the Mosaic legal practice, where, in all recorded situations save one (1 Sam 8:15–17), the tithe was paid to Yahweh through the hand of the priest, and presumably dispensed by the same.<sup>25</sup>

The ancient Near Eastern tithe was paid to the king on everything earned by the subjects of the throne, including produce, animals, and loot won in battle. For this reason it is not unusual that Abram paid a tithe. What is unusual is the abruptness of Melchizedek's appearance, the lack of explanatory details concerning his kingship and priesthood, and the mystery surrounding his relationship to Abram. These enigmas must be resolved along with other questions, such as whether Abram was paying tithes to Melchizedek as his king or as his priest (or both) and whether the tithe Abram paid was voluntary or mandatory. A brief look at Melchizedek is in order to answer these questions.

### The Recipient of Abram's Tithe—Melchizedek

Because Abram's tithe, unlike that of the other pre-Mosaic offerings, involves a human as well as a divine recipient, and because that recipient's role seems even more prominent than Abram's in the context of the narrative, Melchizedek merits special study. Rising suddenly to prestige in verse 18 and vanishing just as suddenly a scant two verses later, Melchizedek's function raises many questions. This brief study cannot answer them all, but will endeavor to answer two: What did Melchizedek's offices entail, and what was Abram's relationship to these offices?

#### *Melchizedek as King*

Several questions must be answered concerning Melchizedek as king before conclusions may be drawn about the tithe paid him. First, what

<sup>23</sup>NIDOTTE, s.v. "מַעֲשֵׂה," by Richard E. Averbeck, 2:1035–36; M. Heltzer, "On Tithe Paid in Grain at Ugarit," *Israel Exploration Journal* 25 (1975): 124–28. Cf., however, Averbeck's remarks on the Akkadian tithe (2:1036).

<sup>24</sup>Jagersma, "Tithes in the Old Testament," pp. 123–24.

<sup>25</sup>Ibid., p. 123. This is not to say that the Mosaic tithe had no secular function—the Mosaic tithe provided poverty relief (Deut 14:28). However, its primary function was to finance "the service of the tent of meeting" and to provide for the Levites "who have no inheritance" (Num 18:21–32).

was the nature of his kingship and the extent of his realm? Second, and closely related to the first, what was Abram's political relationship to the king?

### Melchizedek's Realm

The term "king" (מֶלֶךְ) may be misleading for the reader accustomed to the pomp and prestige of present-day royalty. The fact that at least six kings occupied such a small area of southern Palestine suggests that the kingdoms were quite small and the kings little more than local chieftains<sup>26</sup> who ruled a city and the small tract of surrounding land used by his constituency. This is further attested by the fact that little extrabiblical material survives to tell us about these "kingdoms." On the other hand the marauding eastern kings were apparently much more powerful, one each from the Elamite, Amorite, Hurrian, and Hittite empires.<sup>27</sup> This is not to say, however, that these kings represented the full force of these empires, nor that these empires were in the height of their glory when the invasion occurred.

Melchizedek's realm was the city of Salem. This inexplicable shortening of "Jerusalem" has led many scholars, even conservative ones, to at least entertain the possibility that this was not Jerusalem at all, but another town, perhaps Shiloh, Shechem, or Samaria.<sup>28</sup> Since, however, Psalms 76:2 (3 MT) and 110:2, 4 identify Melchizedek's realm with "Zion," and since the common identification of the valley of יְרֵחוֹ (v. 17) is confirmed by 2 Samuel 18:18 to be the junction of the nearby Kidron and Hinnom Valleys, there is no doubt that the city was Jerusalem. There is nothing to suggest, however, that Melchizedek's reign in Jerusalem had any special significance to the narrative.<sup>29</sup> Jerusalem was no "holy city" until David's establishment of the seat of his kingdom and the tabernacle (and later Solomon's temple) there.<sup>30</sup>

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<sup>26</sup>Philip J. Nel indicates a wide range of meaning for the term, the minimum element being the exercise of rule over a realm, whether that be of a tribe, city-state, or larger territory such as a country or empire (*NIDOTTE*, s.v. "מֶלֶךְ," 2:956).

<sup>27</sup>Hamilton, *Genesis*, 1:399–400; Speiser, *Genesis*, 1:106–8.

<sup>28</sup>For an overview of the options posited, see J. A. Emerton's article, "The Site of Salem, the City of Melchizedek (Genesis xiv 18)," in *Studies in the Pentateuch*, ed. J. A. Emerton, Supplements to *Vetus Testamentum* XLI (Leiden: Brill, 1990): 45–71.

<sup>29</sup>Contra Driver, *Genesis*, p. 164.

<sup>30</sup>In fact, the Jebusite occupation of the city until David's conquest of the city in 998 B.C., recorded in 2 Sam 5:6–8, makes it one of the last Canaanite cities to be conquered by Israel.

### Melchizedek's Royal Relationship to Abram

Since it is widely held in liberal circles that the narrative concerning Melchizedek (vv. 18–20) is a fictional, secondary insertion, very little scholarship has been spent studying the historicity of Melchizedek or the correlation of the Melchizedek pericope with the local context.<sup>31</sup> This void of serious study makes Melchizedek's relationship to the surrounding kings and to Abram difficult to discern.

Some propose that Melchizedek's was the smallest of the kingdoms in the narrative, suggested by his lack of involvement in the defensive campaign.<sup>32</sup> Perhaps he could spare no men but could provide some provisions for the victors.

Others have suggested that Salem, since it is to be associated with Jerusalem (Ps 76:2 [3 MT]; 110:2, 4), the most prominent and advantageous geographical location for a city in the region, would have been the capital of a very important city-state in Palestine.<sup>33</sup> Its presidency over the "valley of kings," apparently a very famous and important place in the ancient Near East<sup>34</sup> also suggests that Melchizedek's kingship was a powerful, even a supervisory one. Wenham suggests that his dual role as king and priest would have made him a wealthy and hence a powerful king, as evidenced by his supply of "royal fare" for Abram.<sup>35</sup> He further suggests that his supply of bread and wine was his duty as the "dominant ally."<sup>36</sup> There is no explanation given, however, why Melchizedek, if he was so dominant, did not become involved in the military action. It is also inconclusive that bread and wine were "royal fare" or that Melchizedek's wealth exceeded that of the other local kings.

It seems, therefore, unlikely that Melchizedek exercised authority as an overlord over Abram and the five western kings. This factor is of considerable importance for discussing the tithe paid by Abram—it is unlikely that the tithe represented a tribute or tax paid as a matter of duty to Abram's ruler.

### *Melchizedek as Priest*

Having established the unlikelihood that Melchizedek's regal

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<sup>31</sup>Hamilton, *Genesis*, 1:408–9, n. 4.

<sup>32</sup>H. H. Rowley, *Worship in Ancient Israel* (Philadelphia: Fortress, 1967), pp. 17–18.

<sup>33</sup>J. A. Emerton, "The Riddle of Genesis XIV," *Vetus Testamentum* 21 (October 1971): 413.

<sup>34</sup>Gunkel, *Genesis*, p. 279.

<sup>35</sup>*Genesis*, 1:316.

<sup>36</sup>*Ibid.*

authority extended over Abram, we now turn to Melchizedek's role as priest of the most high God (כֹּהֵן לְאֵל עֶלְיוֹן). We face similar questions with Melchizedek's priesthood as we did with his kingship—What was the nature of his priesthood and the extent of his authority as priest? Second, and again related to the first, what was Abram's spiritual relationship to Melchizedek?

### Melchizedek's Priesthood

Melchizedek is labeled by Moses as a כֹּהֵן—a priest. This is the first mention of a priest in the OT, though the concept was not new. A priest is someone who stands in the gap between God and man, representing man to God and God to man.<sup>37</sup> We note, then, that Abram, Noah, and presumably all godly familial heads and clan-leaders in the pre-Abrahamic era functioned as microcosmic priests in a limited capacity as primitive mediators of what would later become the theocratic kingdom.

The first consideration in the study of Melchizedek's priesthood is a very basic one—Whom was Melchizedek serving as priest? The text indicates that the deity served was called “the Most High God” (אֵל עֶלְיוֹן). What has been of considerable debate is whether this deity is to be identified with Yahweh, the God of Abraham, or with some local deity.

Liberals have generally contended that אֵל עֶלְיוֹן was a local deity.<sup>38</sup> Based on their assumption that the Hebrew religion began with Abram and over time evolved into modern Judaism, they naturally contend that a reference to Abram's Yahweh in this pericope would be anachronistic. This contention is furthered by their conclusions that the shortened names for אֱלֹהִים, אֵל, and אֵלֹהִים are very late developments,<sup>39</sup> heightening the anachronism of seeing Yahweh in Genesis 14:18–20. Further complicating the matter is the absence of the article on אֵל, suggesting that this is a local god, and not the Hebrew God. Instead, it is assumed that the use of אֵל is the widely used Semitic term for various and sundry gods, a term which Israel later borrowed as a designation for her evolving God.

This theory is fraught with bad exegesis and unbiblical assumptions. First, it must be noted that the absence of the article is common with compound names for God,<sup>40</sup> rendering its absence here ancillary to the discussion. Second, the Hebrew term אֵל עֶלְיוֹן has no secular parallels other

<sup>37</sup>NIDOTTE, s.v. “כֹּהֵן,” by Philip Jenson, 2:600.

<sup>38</sup>Speiser, *Genesis*, 1:104; Westermann, *Genesis*, 2:204; Driver, *Genesis*, p. 165; Gunkel, *Genesis*, pp. 279–80. Wenham also takes this view (*Genesis*, 1:316–17).

<sup>39</sup>Speiser, *Genesis*, 1:104.

<sup>40</sup>Delitzsch, *Genesis*, 1:409.

than a rather recently developed Phoenician god, whom Philo labeled as Ἐλιοῦν, ὁ ὕψιστος, who even liberals admit emerged long after the Israelite usage had been established (Num 24:16, Deut 32: 8, etc.). We conclude with Speiser and Gunkel that the term was not borrowed by Israel from her pagan neighbors; rather, Israel's neighbors borrowed the term from her.<sup>41</sup> Further, as Hamilton points out, the late Phoenician deity Ἐλιοῦν was the grandson of Ἐλ.<sup>42</sup> Thus, even if a correlation is attempted, it fails to give us a single god, but two separate ones. In only one other occasion in all known ancient Near Eastern literature are Ἐλ and עֵלְיִן found together—in Psalm 78:35 of the Hebrew canon, and that with reference to the God of Israel.<sup>43</sup> We conclude that there is simply no evidence for a god by the name of עֵלְיִן Ἐל in the Canaanite or any other pantheon.

Furthering this conclusion is later revelation in Psalm 110, where Melchizedek's priesthood is discussed with reference only to יהוה—neither Ἐל nor its cognates are mentioned in the entire psalm. Sealing the matter is Hebrews 5:6, 10, where the Greek equivalents of both יהוה and Ἐל (κύριος and θεός) are used interchangeably in the context of the priesthood of Melchizedek. There is no question that the עֵלְיִן Ἐל whom Melchizedek served as priest was Abram's God, the God of Israel. Indeed, as Homer Kent points out, "it is inconceivable that [Abram] would have acknowledged the priesthood of anyone other than a representative of the true God."<sup>44</sup> We add to this that Abram would never have acknowledged anyone but the one true God as the "creator of heaven and earth" and the God who gave him victory in battle (vv. 19–20).

We move on now to discuss the extent of the authority of Melchizedek's priesthood. It apparently was a common practice in the ancient Near East for a king to function as a priest for his people.<sup>45</sup> In fact, it is apparent that Abram himself functioned in much the same capacity, building altars and offering sacrifices (functions of a priest) while functioning as the leader of his clan as a "mighty prince" (נְשִׂיא אֱלֹהִים), a term translated as "king" (βασιλεύς) in the LXX version of Genesis 23:6. This is in keeping with the dispensational setting of Melchizedek's day. As yet there had been no establishment of a single central altar.

<sup>41</sup>Speiser, *Genesis*, 1:104; Gunkel, *Genesis*, p. 280.

<sup>42</sup>*Genesis*, 1:410.

<sup>43</sup>Cf. also Psalm 7:17 (18 MT) for the use of עֵלְיִן with יהוה.

<sup>44</sup>*The Epistle to the Hebrews* (Grand Rapids: Baker, 1972), p. 124.

<sup>45</sup>Gunkel, *Genesis*, p. 280; Westermann, *Genesis*, 2:204–5; Wenham, *Genesis*, 1:316.

There had been no formal introduction of Abram as the priest for the world, though it had been privately revealed that his was to be the chosen line to bring blessing to all the nations. Thus it seems likely that, until this point, the dispensation of human government was in effect. God-fearers of this period approached God through their various God-fearing clan-leaders—such as Melchizedek.

This solution, however, only leads to another question. If Melchizedek had jurisdiction as priest only within his own clan (there being no biblical basis for regional high priests with hierarchical sovereignty over lesser priests) why did Abram recognize Melchizedek as his priest?

### Melchizedek's Spiritual Relationship to Abram

If Melchizedek's jurisdiction extended no further than his clan, the tithe paid by Abram to Melchizedek<sup>46</sup> seems a bit out of place. Hebrews 7:7, however, in discussing Abram and Melchizedek, insists that, "without any dispute, the lesser is blessed by the greater," thus implying that Melchizedek was in some sense greater than Abram when he blesses Abram, and, presumably, when he received tithes from Abram.

Alva J. McClain recognizes the complexity of this passage and acknowledges the possibility that "in the era before Abraham there were other kings who held a similar mediatorial authority between their subjects and the true God."<sup>47</sup> He goes on to theorize that it was "this precise point in Biblical history...[that] marks the end of an era and the beginning of a new order of things."<sup>48</sup> Melchizedek's blessing effectively heralded for the whole world that the mediatorial idea was being localized in "concrete form historically in miniature."<sup>49</sup> The theory makes Melchizedek roughly comparable to other transitional figures, such as Anna, Simeon, and John the Baptist, who, having announced the arrival

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<sup>46</sup>This essay assumes, with most commentators, that the tithe was paid by Abram to Melchizedek, although the text is perhaps less than absolutely explicit on this point. R. H. Smith contends that it was Melchizedek who paid the tithe as an attempt to bribe the warlike Abram to leave the area ("Abraham and Melchizedek," *Zeitschrift für die Alttestamentliche Wissenschaft* 77 [1965]: 134). This narrow view ignores, however, the broader context of Scripture (Hebrews 7) and the traditional understanding of the passage (LXX). J. A. Emerton objects to Smith's view, but asserts that leaving Abram as the tither contradicts verse 23, where Abram is said to have given all the spoil back to the king of Sodom ("Riddle," p. 408). But this is not what verse 23 says. It says, in fact, that Abram would not take anything that belonged to the king of Sodom. This statement does not preclude his tithing or giving the culturally accepted share owed to hired mercenaries (see below).

<sup>47</sup>*The Greatness of the Kingdom* (Grand Rapids: Zondervan, 1959), p. 50.

<sup>48</sup>*Ibid.*, p. 51.

<sup>49</sup>*Ibid.*, p. 50

of the Messiah, faded into oblivion. Representative of this view before McClain was none other than Robert S. Candlish, who, though no dispensationalist, on this one point sounds like one:

Melchizedek, as the last preserver, as it were, of the primitive patriarchal hope, hands over his function to one more highly favored than himself, in the very spirit of the Baptist—"He must increase, but I must decrease" (John 3:30). His own occupation, as a witness and standing type of the Messiah, is over; one newly called out of heathenism is to succeed and to take his place.... He hails in Abram the promised seed, and blesses him accordingly.... Thus the Patriarchal, the Abrahamic, and the Levitical dispensations appear, all of them, in their true character, as subordinate and shadowy.<sup>50</sup>

Although the theory cannot be verified (McClain and Candlish argue from silence that Melchizedek relinquished his priestly functions after this incident), there is much to commend it. The timing is correct, since Abram's call was quite recent. The public announcement is appropriate, for without it no one would have been aware of the dispensational change. The prominence of Melchizedek's delivery of blessings (ברך is employed three times in the two verses of Melchizedek's brief discourse) is also significant in light of the reciprocal blessings promised in the Abrahamic Covenant (Gen 12:1–3) to those who would bless Abram. Melchizedek's repeated blessings and his disclosure that God was blessing and being blessed<sup>51</sup> specifically through Abram announced to the listening world that Abram had been specially selected by God as his unique mediatorial representative.<sup>52</sup>

The question still remains, however, why Melchizedek was viewed as "greater" than Abram, able to give him a blessing, and worthy of receiving his tithe. The commentaries are generally silent on this issue, and the question is difficult to answer. It seems best to understand that

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<sup>50</sup>Genesis, p. 143.

<sup>51</sup>The action of blessing implied in the term ברך, as explained by Hebrews 7:7, always flows from the greater to the lesser. It is no contradiction, however, that Melchizedek "blessed" God. While active blessing (the impartation of something of value to someone) can never be offered by mortals to God, men can "bless" God in a "passive and stative sense" by speaking highly of him or attributing praise to him (*NIDOTTE*, s.v. "ברך," by Michael L. Brown, 1:764). Hebrews 7:7 is by no means at odds with Genesis 14:20.

<sup>52</sup>Victor Hamilton completely misses the point of the repeated use of ברך when he begrudges Abram his blessings while his 318 companions went unmentioned with the sarcastic comment, "As one would expect, it is the general, not the private, who gets the kudos" (*Genesis*, 1:409). It is not because Abram was the "general" that he got the "kudos"; it was because he was one with whom God had covenanted to make a great nation and to be a source of blessing to all the nations.

Melchizedek was not permanently or personally superior to Abram, but that “at that moment Melchizedek stood between God and Abram and was the better.”<sup>53</sup> Indeed, any time a person stands in the place of God his superiority is instantly, if temporarily, confirmed by virtue of the God he represents. McClain’s comments (above) may also be informative: Melchizedek, representing the authority of the old dispensation, was ceding the reins of the incipient mediatorial kingdom to its new mediator, after which time Abram became superior to Melchizedek.

We thus conclude that Abram’s recognition of Melchizedek as a superior was not because Melchizedek was some type of regional high priest, hierarchically presiding over all other lesser priests in the area. Nonetheless, *for the moment*, Melchizedek stood in the place of God, and, as such, exercised temporary spiritual authority over Abram, an authority which Abram recognized by the giving of a tithe.

### The Reason for Abram’s Tithe

In the previous section we established that the basis for Abram’s tithe was the (temporarily)<sup>54</sup> superior priesthood of Melchizedek. We now move to Abram’s purpose for giving him a tithe. Was it a social (political) function or an act of pure worship? Was it mandatory or voluntary?

Some suggest that Abram’s was a primitive payment to the deity for making him victorious in battle.<sup>55</sup> This is generally a liberal idea<sup>56</sup> and is held only by those who deny that Melchizedek was a priest of the one true God.

Others, chiefly those who view Melchizedek as a theophany, view

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<sup>53</sup>Kent, *Hebrews*, p. 129.

<sup>54</sup>By using this qualifier the author is not intending to negate the arguments of Hebrews 5–7 or Psalm 110. For typological purposes, that moment of superiority was captured by the later authors and coupled with a few of the sudden and mysterious factors surrounding the appearance of Melchizedek in Scripture to provide vivid illustrations of the superiority of Christ. As with all types there is not a one-to-one correspondence between every detail, thus it is not necessary to elevate Melchizedek to some mysterious or supernatural plane to preserve the analogy between him and Christ (as some have done by suggesting that Melchizedek’s appearance in Genesis 14 was a theophany). Melchizedek, it should be concluded, was simply a literal, historical human being whose life was directed by God to serve as a type of Christ (See Kent, *Hebrews*, pp. 124–27).

<sup>55</sup>Westermann, *Genesis*, 2:206; Speiser, *Genesis*, 1:109; Wenham, *Genesis*, 1:317.

<sup>56</sup>A more radically liberal idea, held by Gunkel (*Genesis*, p. 281) and Driver (*Genesis*, pp. 167–68), is that the character Melchizedek was pseudepigraphal, being invented, along with the legend of the Jebusite coalition, in David’s time to lend legitimacy to the establishment of his new capital in Jerusalem.

the gift as a direct act of worship to God.<sup>57</sup>

Still others suggest that the tithe was rendered to Melchizedek as his share of the spoils of battle in compensation for his role in the conquest of the four invading kings, a “postbellum distribution of the booty, in which the spoils are distributed equally between those who personally fought...and for those who for one reason or another did not actively engage in the fighting.”<sup>58</sup> This reminds us of similar incidents in Numbers 31:17 and 1 Samuel 30:21–25, where personnel left behind were afforded shares of the spoils despite their failure to actively participate in the battle.

While this last theory is attractive, it has a few flaws. First, the tithe to Melchizedek is set apart from the rest of the distribution of the spoils—the tithe occurs in verse 20, but the provisions for distribution of the spoils are not made until the very last verse of the chapter. Further, Abram’s tithe is mentioned in close proximity to Melchizedek’s priestly blessing of Abram, suggesting that his tithe-giving had a purely spiritual purpose, not a politico-cultural one. The king of Sodom clearly did not understand this exchange, and apparently thought that the division of spoils had begun in v. 20. He immediately jumped in and made his bid for the people of his city, abandoning all hope of regaining anything else. Abram’s negative response is quite revealing: he wanted no blessings, material or spiritual, from the wicked king of Sodom to becloud or overshadow the priestly blessing he had just received from Melchizedek, nor create any sense of obligation of Abram to Sodom.<sup>59</sup> As a result, he renounced all claim to the spoils. Third, Abram’s comments in verse 23, that he would not take anything that rightly belonged to the king of Sodom, seems to indicate that, after Melchizedek’s tenth and a small mercenary stipend for the efforts of Abram’s companions, the rest of the spoils went back to their previous owners. This is in contrast to the ancient Near Eastern custom. While the spoils belonged legally to Abram,<sup>60</sup> simple kindness required him to return the property to its rightful owners.

It seems most likely that the tithe was paid to Melchizedek as a voluntary reciprocation for the priestly functions performed by Melchizedek and a thank offering given to God for the success of the military excursion.<sup>61</sup> As such it represented a willing consecration of a

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<sup>57</sup>Candlish, *Genesis*, pp. 142–46.

<sup>58</sup>Hamilton, *Genesis*, 1:413.

<sup>59</sup>*Ibid.*, 1:413–14; Ross, *Creation and Blessing*, p. 300–302; Sailhamer, “Genesis,” pp. 123–24.

<sup>60</sup>Wenham, *Genesis*, 1:317.

<sup>61</sup>Delitzsch, *Genesis*, 1:410.

portion of the goods to God through the hand of the priest, in acknowledgement that the whole belonged to God.<sup>62</sup> It also represented Abram's recognition that the dispensational baton, as it were, was being passed to him by its legitimate forebear.

Why Abram chose a tenth and not some other amount is not explained. As has been already demonstrated, payment of a tenth was a universal practice in the ancient known world. We may hypothesize that God, though unrecorded in the Hebrew Scriptures, established the tenth as a general figure to be spent on priestly administration, but it may be that this amount was simply selected by Abram as a reasonable amount to fulfill sacrificial duty to God. Nor have we ruled out the idea that the custom was merely adopted from Abram's heathen neighbors. Genesis 26:5,<sup>63</sup> which informs us that Abraham obeyed God, along with all his commandments, statutes, and laws, could point to the first of these options, but there is no clear link of 26:5 with the specific statute of tithing.

We may only speculate about Melchizedek's subsequent usage of the tithes he received, but it seems likely that they went to finance the priestly services provided by Melchizedek as a mediator for God.<sup>64</sup>

### Conclusion

While Abram's tithe apparently meets with God's approval, several factors lead us to conclude that it has little bearing on the levitical tithe and on our current practice. First, the tithe mentioned here is unique to the transition between the dispensations of human government and promise and has no genuine parallels in the rest of Scripture. Second, the silence as to the origin of and the apparently voluntary nature of Abram's tithe render it unlike anything in the rest of biblical experience. Abram's tithe had a purpose, origin, and nature *distinct* from the Mosaic institution.

### JACOB'S PROMISED TITHE (GENESIS 28:18–22)

So Jacob rose early in the morning, and took the stone that he had put under his head and set it up as a pillar and poured oil on its top. He called the name of that place Bethel; however, previously the name of the city had been Luz. Then Jacob made a vow, saying, "If God will be with me and will keep me on this journey that I take, and will give me food to eat and garments to wear, and I return to my father's house in safety, then the

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<sup>62</sup>Candlish, *Genesis*, p. 142.

<sup>63</sup>See W. W. Barndollar's extensive discussion of this verse in his "The Scriptural Tithe" (Th.D. dissertation, Grace Theological Seminary, 1959), pp. 80–99.

<sup>64</sup>*Ibid.*

LORD will be my God. This stone, which I have set up as a pillar, will be God's house, and of all that You give me I will surely give a tenth to You.”

The second and only other OT mention of the tithe prior to the giving of the Mosaic Law comes in the form of a tithe promised to God by Jacob after his ladder vision at Bethel and God's reaffirmation of the Abrahamic Covenant to Jacob there (vv. 10–15). As in the Abram/Melchizedek narrative, the Hebrew term *מעשר* is used, so we are sure that it is an actual tithe in question. Since this term has already been discussed, we move directly to a study of the occasion of this promised tithe to understand its purpose and to glean insights into the validity and continuing applicability of Jacob's practice.

### The Occasion

The event comes at a particularly turbulent period in Jacob's life, a fact which weighs heavily on our study. In chapter 27, Jacob, true to his name, had completed the two-fold deception of his father and brother, and had successfully stolen the birthright away from Esau. Esau's resultant rage and apparent intent to kill Jacob for the deception led Jacob, at his mother's bidding and with the blessing of his father, to flee to the house of his uncle, Laban, until his brother's anger abated.

In route to Laban's house Jacob is arrested by a dream in the city of Luz (which he later renamed “Bethel”). In the dream, Yahweh renewed the Abrahamic Covenant with Jacob. In so doing, Yahweh confirmed to Jacob that he was the chosen son through whom the covenant blessings would flow. Jacob awakens in fear and quickly erects an altar at the site of the dream and gives a sacrifice of oil on an altar to God. Upon making the sacrifice he offers up a vow to God that he would make Yahweh his God and give him a tenth, presumably of all his possessions, so long as Yahweh spared him, provided for his needs, and prospered him during his sojourn at his uncle's residence. God was true to his promise, but there is no indication whether or not Jacob fulfilled his vow.

Again, questions arise from the narrative that affect our understanding of the promised tithe. Was Jacob's promised tithe an act of faith or part of some sort of inappropriate “bargain” made with God? If the latter, can Jacob's tithe be considered normative or foundational to the study of the tithe in the rest of the OT, or have any bearing on its practice (or non-practice) today? Whether or not the vow was actually fulfilled, what was the reason and purpose for Jacob's tithe?

### The Spiritual State of Jacob

While most evangelicals have maintained that this dream finds or at least leaves Jacob converted, there are three factors in the narrative and

one in Genesis 32 which indicate that Jacob's vow to tithe to Yahweh was an illegitimate act of worship.

First, Jacob's reaction of fright upon the appearance of Yahweh indicates an improper relationship to God. Many commentators take the reaction by Jacob to be a healthy, reverential awe of God and his description of the site as "awesome," inducing genuine worship.<sup>65</sup> If this is the case, Jacob's succeeding actions denote consecration. This is a legitimate interpretation of the terms employed. In fact, the "fear of the Lord" seems to be the OT equivalent for faith (Prov 1:7). The Hebrew root אָרַךְ ("to fear"), represented in the Jacob narrative by the Qal imperfect and niph'al participle respectively, however, has a wide range of meaning, extending from a meaning of "reverence" or "respect" on one pole to "terror" or "fright" on the other.<sup>66</sup> The present context favors the second pole.<sup>67</sup> First, whenever the term is used elsewhere of Jacob in subsequent contexts, it clearly denotes "fright," that is, fear that caused him to respond by running or conniving, rather than trusting (e.g., 31:31, 32:7, 11).<sup>68</sup> Second, Jacob's ignorance that God could be here in Luz (v. 16) may indicate that he was shocked to find God here.<sup>69</sup> Waltke and O'Connor concur, demonstrating from the emphatic adverb הִנֵּנִי that the verse conveys "a sudden recognition in contrast to what was theretofore assumed."<sup>70</sup> If this is the case, then Jacob is betraying a woeful lack of knowledge and respect for the Almighty. Third, as Hamilton points out, this is the only instance in the patriarchal narratives (except possibly 15:12) that a theophany is ever met with astonishment or fright. The other patriarchs always "took theophanies in stride."<sup>71</sup>

Further developing the "fright" idea of the term אָרַךְ is Jacob's apparent lack of faith in the explicit promises of God. After hearing the promises, Jacob makes a conditional vow whose conditions were the very promises he had just received from Yahweh. In verse 15 Yahweh promises to be with Jacob, to keep him, and bring him back to the land. Jacob responds in verse 20 that if indeed God remains with him, keeps

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<sup>65</sup>Candlish, *Genesis*, pp. 294–96; Delitzsch, *Genesis*, 2:165; Ross, *Creation and Blessing*, pp. 491–94; Wenham, *Genesis*, 2:223–25; John J. Davis, *Paradise to Prison: Studies in Genesis* (Grand Rapids: Baker, 1975), pp. 243–44.

<sup>66</sup>BDB, s.v. "אָרַךְ," p. 431.

<sup>67</sup>NIDOTTE, s.v. "אָרַךְ," by M. V. Van Pelt and W. C. Kaiser, Jr., 2:528–29.

<sup>68</sup>Hamilton, *Genesis*, 2:244.

<sup>69</sup>Ibid., 2:243–44.

<sup>70</sup>Bruce K. Waltke and M. O'Connor, *An Introduction to Biblical Hebrew Syntax* (Winona Lake, IN: Eisenbrauns, 1990), p. 670.

<sup>71</sup>*Genesis*, 2:245.

him safe, clothes and feeds him, and returns him to the land, *then* he would make Yahweh his God, pay tithes, etc.<sup>72</sup> By thus casting his conversion in the future, Jacob is apparently refusing to exercise faith at this time. Some suggest the conditional particle, ׀ (׀) (“if”) used here precludes a genuine contingency,<sup>73</sup> instead meaning “since,” or “forasmuch as,” much like the Greek first class condition. However, the grammar of this passage suggests otherwise. In his remarks about conditional clauses, Gesenius comments:

With regard to the difference between ׀ (׀) and ׀ (׀), the fundamental rule is that ׀ is used if the condition be regarded either as already fulfilled, or if it, together with its consequence, be thought of as possibility (or probability) occurring in the present or future. In the former case, ׀ is followed by the perfect, in the latter (corresponding to the Greek εἰ with the present subjunctive) by the imperfect or its equivalent (frequently in the apodosis also).<sup>74</sup>

The immediately following lead verb (׀) is in the imperfect, and all the succeeding verbs of the protasis are cast in the perfect with the ׀ consecutive (making their function equivalent to the imperfect), clearly demonstrating that the vow represents a genuine contingency.<sup>75</sup> Thus, his actions of building an altar and his promise to tithe on his livelihood are not deeds of faith; instead, they are wary, fearful acts of a trapped person to appease and “strike a bargain” with God.

To the grammatical argument we add an obvious theological one. The sheer brazenness of a mortal establishing a conditional covenant with the Almighty gives evidence to Jacob’s unconverted state. To place God under obligation to act a certain way and to stipulate that God must fulfill certain obligations *before* one consecrates himself is not an act of faith but an audacious challenge to God’s sovereignty, inspired by

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<sup>72</sup>Hamilton suggests that the latter half of verse 21 is actually part of the protasis, not part of the apodosis (*Genesis*, 2:248). As such the verses should read, “If God stays with me...protects me...gives me bread to eat and clothing to wear, and I return safely to my fathers house and *if Yahweh shall be my God*, then this stone...shall be God’s abode...and a tenth will I tithe to you” (2:237–38). This interpretation does little to change the “bargaining” arrangement proposed by Jacob.

<sup>73</sup>Candlish, *Genesis*, pp. 294–95; also Barndollar, “Scriptural Tithe,” p. 108.

<sup>74</sup>E. Kautzsch, ed., *Gesenius’ Hebrew Grammar*, 2nd English ed., rev. A. E. Cowley (Oxford: Clarendon Press, 1910), pp. 494–95. On p. 496, the very passage in question is used as an example of genuine contingency. Cf. also Waltke and O’Connor, *Hebrew Syntax*, pp. 526–27.

<sup>75</sup>Barndollar makes a serious error in affirming that “all the verbs which follow ׀ in verses 20 and 21 are perfect” (“Scriptural Tithe,” p. 108), a faulty affirmation which he uses to support his theory that there was no actual contingency in Jacob’s vow. The grammar, in fact, proves quite the opposite.

unbelief.

Finally, the events surrounding Jacob's dream at Peniel and his wrestling match there (32:24–32 [25–33 MT]) indicate that this latter event was the actual conversion of Jacob. The name change (v. 28 [29 MT]) from Jacob ("deceiver") to Israel (probably "let God rule"<sup>76</sup>) is not a mere change of name, but is representative of a change in character—from a depraved self-server to one who recognizes and submits to God's sovereignty. Likewise, Jacob's naming of the site "Peniel" ("the face of God") is not due to his struggling with God himself,<sup>77</sup> but because he has finally come to a point where he has recognized Yahweh as his God and, much to his relief, is enabled to exercise true faith in the promises made to him at Bethel so many years before.<sup>78</sup> The contention that Jacob's conversion experience took place at Peniel, then, naturally precludes its occurrence at Bethel or some prior occasion.

One notable objection to such a late conversion date for Jacob, and perhaps the reason why most commentators assume Jacob to be saved in Genesis 28, is the bequest of the Abrahamic promises to Jacob at Bethel. It is contended that God's reiteration of the Abrahamic promises to Jacob assumes his salvation. This, however, is a logical *non sequitur*. The OT teems with examples of beneficiaries of national election, even heads of the mediatorial kingdom, who were never converted (e.g., many of the judges and kings, most notably, Saul). The unconditional covenant promises given nationally to the patriarchs and their descendants had no direct bearing on their individual election to salvation (Rom 9:6). Thus it was not necessary for Jacob to have been a believer to receive the blessings of the Abrahamic Covenant.

This author, with a fair degree of confidence asserts, then, that Jacob's vow to tithe was made while he was yet unconverted. This fact, coupled with the silence as to the fulfillment of the vow render this reference to tithing a rather slender strand of evidence for affirming the foundation of the levitical tithe or asserting an ongoing tithe in our present dispensation.

### The Reason for Jacob's Promised Tithe

The fact that Jacob settled on a tithe as opposed to some other

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<sup>76</sup>Hamilton, *Genesis*, 2:334. There is a bit of debate regarding the exact meaning of this name. The scope of this essay, however, does not require interaction with the debate except to assert that the change of name signals a change of heart.

<sup>77</sup>Whether or not the "man" with whom Jacob struggled was a preincarnate form of Christ is a matter of considerable debate; however, since this is not, apparently, the source of the name "Peniel," the issue will be left unresolved.

<sup>78</sup>Hamilton, *Genesis*, 2:337.

amount may indicate that he had some prior exposure to the tithe. Jacob may have been following the lead of his grandfather or other God-fearers with whom he was acquainted. In light of Jacob's faulty view of the extent of God's presence, authority, and faithfulness to His promises and of Jacob's willingness to demean God's sovereignty by "bargaining" with Him, it is more likely that he was borrowing the tithing practice of the surrounding pagans. As with Abram, no clear conclusions may be drawn.

Nor is it certain what the purpose or method of payment was if, indeed, Jacob fulfilled his vow. While Abram still had a priest external to himself, it seems unlikely, if McClain's and Candlish's theory<sup>79</sup> is correct, that any legitimate priests of Yahweh remained to whom Jacob could pay his tithes.<sup>80</sup> Perhaps he would have consumed the tithe on an altar to Yahweh, or used it to finance priestly duties performed among his family. Again, the text gives us no sound answers.

### Conclusion

Because Jacob's promised tithe resembles, even derives from, the heathen practices of his neighbors, it adds little to our study. The basis for the levitical tithe certainly does not derive from Jacob's practice. This fact, coupled with Jacob's unconverted state and the silence of Scripture as to the fulfillment of Jacob's vow, should cause us to dismiss Genesis 28 from consideration in the quest for the genesis of the tithe.

### IMPLICATIONS OF THE PRE-MOSAIC TITHE FOR PRESENT-DAY INSTITUTIONS

If tithing were confined to the Mosaic Law it would be easy to dismiss its validity today. In that the Mosaic Law has been set aside in the work of Christ (Rom 10:4, 2 Cor 3:7–11, etc.), tithing, as part of that unified legal corpus, would also be set aside.<sup>81</sup> The pre-Mosaic tithe complicates the issue, raising the possibility that the tithe might be a trans-dispensational practice, part of the moral code of God, and thus a continuing obligation for NT believers.

There can be no denial of the fact of tithing before the Law;

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<sup>79</sup>Cf. above.

<sup>80</sup>Cf., however, Barndollar, "The Scriptural Tithe," p. 111.

<sup>81</sup>To be sure, many a covenant theologian would recoil at such a statement and assert that the law is still in effect and the command to tithe is still in vogue (e.g., Edward A. Powell and Rousas J. Rushdooney, *Tithing and Dominion* [Vallecito, CA: Ross House, 1979], pp. 11–14). The scope of this essay does not include this issue, so it will be left for others to debate. Instead this section will address the continuing validity of the tithe strictly on the basis of the pre-Mosaic practice.

however, the assertion of a continuing principle necessitates more than a mere mention of the term “tithe” prior to the giving of the Law. As Pieter Verhoef, a non-dispensationalist, concedes, “a pre-Mosaic custom does not, as a matter of course, transcend the Old Testament dispensation, becoming an element of the universal and timeless moral code.”<sup>82</sup> There must also be clear evidence that the tithe was divinely mandated before the Law or somehow sourced in God’s nature. Further, there must be a parallelism between the practice of the tithe in the pre-Mosaic period and that in our present experience.

### God’s Nature and Mandate and the Pre-Mosaic Tithe

Many suggest that the universal practice of the tithe and the failure of attempts to identify its origin in the secular realm point to its divine origin and continuing practice from Adam onward.<sup>83</sup> Others do not trace the practice to Adam, but contend that God gave Abram direct revelation, and “started all over,” establishing a new precedent with Abram that was continued by Israel,<sup>84</sup> and presumably today. There are many flaws with this theory.

First, it has already been established that neither Abel’s nor Jacob’s practices are legitimate paradigms for a biblical tithe. Thus, we are left with only Abram’s practice to prove that the tithe was practiced by all God-fearers for the millennia prior to the giving of the Law. This hasty generalization from a single datum of evidence renders the argument very weak.

Second, universality of practice in the secular realm does not prove that God is the originator of the tithe. This is yet another logical *non sequitur*. It seems far more reasonable that Abraham was not acting by divine mandate, but in accordance with the ancient Near Eastern customs of his day.<sup>85</sup>

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<sup>82</sup>“Tithing: A Hermeneutical Consideration,” in *The Law and the Prophets: Old Testament Studies Prepared in Honor of O. T. Allis*, ed. John H. Skilton (Phillipsburg, NJ: Presbyterian and Reformed, 1974), p. 122.

<sup>83</sup>Landsell, *Sacred Tenth*, 1:38; Babbs, *Law of the Tithe*, pp. 24–25. E. B. Stewart further maintains that “divine acceptance...is a demonstration of a divine institution” (*The Tithe*, p. 37). This is a classic example of a *non sequitur*.

<sup>84</sup>R. T. Kendall, *Tithing* (Grand Rapids: Zondervan, 1982), p. 45; Driver, *Genesis*, p. 166; Skinner, *Genesis*, p. 269.

<sup>85</sup>This possibility in no wise reduces Israel’s religion to a conglomeration of pagan practices that evolved into a final form. God clearly created the OT Jewish legal system by divine fiat, and was by no means bound to pagan customs in his formation of the Law. On the other hand, neither was he obliged to avoid all pagan customs in the formation of the Law. Timothy H. Fisher, for instance, notes that the pagan practice of circumcision predates God’s institution of circumcision in Genesis 17 by hundreds of years (“A Study of the Old Testament Tithe,” [Th.M. Thesis, Capital Bible Seminary, 1990]

Third, there is no basis for claiming that Israel derived her practice of tithing from Abraham or Jacob. On the contrary, it is clear that “the normative significance of tithing must be considered within the context of the ceremonial law.”<sup>86</sup> Indeed, both post-pentateuchal injunctions for Israel to pay tithes reference the Law as the impetus for the injunction, not the practice of the patriarchs (Neh 10:36–39; Mal 3:7–10).

Fourth, there is never an appeal to God’s nature or to creation as a basis for tithing. How a mere percentage, apart from an explicit command, can take on moral value is impossible to establish.

Fifth and in summary, the hypotheses that the pre-Mosaic tithe had its basis in God’s command, God’s nature, or God’s approval all argue from silence.

### Parallels to the Pre-Mosaic Tithe

Another argument against the continuing applicability of the tithe is the simple lack of present-day parallels to the pre-Mosaic practice.

First, Abram’s tithe was apparently a one-time act, not a regular giving pattern. There is no record of Abram’s return to Melchizedek, and the references to his tithe in the singular in Hebrews 7:4, 6 point to a one-time gift.<sup>87</sup>

Second, Abram’s tithe was made strictly on the spoils of war seized from the coalition of eastern kings. While the Hebrew and Greek texts simply state that Abram made a tithe of “all,” this clearly cannot mean he gave Melchizedek a tenth of his entire possessions—Abram surely was not carrying such a percentage of his property on a swift military raid. It seems certain that it was only the spoils on which Abram tithed.

Third, there is no present-day recipient of a tithe that can parallel Melchizedek. The church bears little resemblance to a priest/clan-leader. Furthermore, the usage of the tithe by Melchizedek and the church (missions outreach, etc.) are dissimilar.

We conclude, then, that there is nothing in pre-Mosaic tithing practices to serve as a basis for viewing the tithe as a trans-dispensational

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p. 11, n. 1). This issue is also addressed by David G. Barker (“The Old Testament Hebrew Tithe” [Th.M. Thesis, Grace Theological Seminary, 1979], p. 131).

<sup>86</sup>Verhoef, “Tithing,” p. 122.

<sup>87</sup>Again, Barndollar shows extraordinary carelessness in his exegesis, maintaining in support of a regular tithe that “the writer of the Epistle to the Hebrews declares that Melchizedek ‘received *tithes* of Abraham’ (Heb. 7:6). The plural number of the word certainly suggests more than one visit by Abraham to Melchizedek for the purpose of the presentation of his tithes to the Lord’s high priest” (“Scriptural Tithe,” p. 60). While the King James Version does cast the tithe in verse 6 in the plural, and the Greek term for tithe, δεδεκάτωκεν (δεδεκάτωκε in the Majority Text and Textus Receptus), is inconclusive, a simple comparison with verse 4 results in a conclusion opposite Barndollar’s.

and thus a continuing principle for the NT church. There is simply no evidence to support the claim.

### CONCLUSION

In summary, this paper leaves the reader with the difficult and perhaps unsatisfying verdict that the pre-Mosaic tithe did not originate with divine revelation. In fact, the evidence suggests identifying the practice of the patriarch's pagan neighbors as the basis for patriarchal tithing practices. It is only as God placed theological significance on the tithe in Leviticus that the tithe became mandatory and meaningful.

One looks in vain for evidence of proportional giving in the Cain and Abel narrative, finding only a few short verses to even fuel the possibility that any sacrifices at all were given to God apart from expiatory sacrifices. Certainly there is insufficient evidence to support a tithe.

The first OT mention of the tithe is in the context of an extraordinary event with no parallels in the levitical system or today. Instead, it was a dispensational marker heralding the shift from the dispensation of human government to the dispensations of promise. The recipient of Abram's tithe and its purpose have no parallels in NT practice or in the levitical system.

The second OT mention of the tithe is even less helpful, as the promised tithe of Jacob is never said to have been actually paid and the giver has been demonstrated to be unconverted at the time of the vow. The recipient and purpose of Jacob's tithe, if it ever materialized, are cloaked in such obscurity that the identification of any parallels in the present-day or in the levitical system is impossible.

We conclude, therefore, that the pre-Mosaic tithe was merely a culture-bound, voluntary expression of worship reflective of the ancient Near Eastern practice of the time, and adapted by Abraham as a means of expressing gratitude and attributing glory to Yahweh.