

JACOB'S TITHE: DID JACOB KEEP HIS VOW TO GOD?

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Abstract: *Perhaps no other topic has flown under the proverbial radar of biblical commentators handling the Jacob Narrative—especially modern commentators—more than Jacob's apparent unfulfilled vow to tithe to God noted in Genesis 28:22. Did he, or did he not, fulfill his vow to pay a tenth of his goods to God? In this paper I argue that Jacob does in fact fulfill this vow when he gives his extravagant “gift” (minchāh) to his brother Esau. Based upon his rhetorical and linguistic presentation—coupled with the historical milieu—in chapters 32–33 the author of Genesis presents Esau not only as superior to Jacob but also in a God-like manner. In doing this, the author implicitly creates a scenario whereby Esau becomes the ideal candidate in the immediate context to receive Jacob's tithe. This conclusion is strengthened by the canonical precedent of Abram's tithing to Melchizedek in Genesis 14.*

Key words: *Jacob's tithe, tithing, vows, Genesis 28:20–22, Melchizedek, Genesis 32 and 33, Hebrews 7:9–10*

I. INTRODUCTION

During his encounter with God at Bethel in Genesis 28, Jacob makes a vow to God conditioned on a variety of requests he asks God to fulfill. Jacob declares that if God will be with him and protect him on his journey, and if God gives him food and clothing, and allows him to return to his father's house in safety, then Jacob will make YHWH his God (28:21–22). Part of Jacob's vow, providing God meets his “demands,” is that he would make Bethel a place of worship, literally the “house of God,” and that he would *certainly* (using an infinitive absolute in the Hebrew) tithe a tenth of all his goods to God (v. 22). In this case, this “tithe” (*āšār*) appears to be a one-time payment upon Jacob's return to Canaan in safety.¹

For the reader of any era, Jacob's declaration seems like a reasonable request even though some have argued that it smacks of Jacob's self-serving negotiations for which he is known (25:29–34).² Yet, upon closer examination, a nagging question emerges from this account in light of the overall Jacob narrative: Did Jacob keep both aspects of his vow to God? We know that God fulfilled *his* side of the requirements by protecting Jacob on his journeys to and from Haran. God also provided him with more than Jacob ever could have imagined as far as possessions go (cf. 32:10[11]). And when it comes to Jacob's promise to make Bethel a place of

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¹ Nahum Sarna, *JPS Torah Commentary on Genesis* (Philadelphia: JPS, 1989), 201.

² So, John Walton, *Genesis* (NIVAC; Grand Rapids: Zondervan, 2001), 573–74. Others see it merely as evidence of Jacob's immature faith, see for example Bill T. Arnold, *Genesis* (The New Cambridge Bible Commentary; Cambridge: Cambridge University Press, 2009), 256, 302; and Sarna, *Genesis*, 200.

worship, most scholars insist that he fulfills this in 35:1–15,³ even though God has to prompt him to do so (cf. 35:1). Indeed, Jacob's hiding of all the foreign gods and cultic jewelry in his midst under a tree at Shechem, followed by the ritual purification of his family (35:2–4) is tantamount to renouncing all allegiances to other gods in favor of YHWH.⁴ Thus, several years after arriving back in Canaan, Jacob establishes Bethel as a cult site which will later plague Israel because of their idolatry there (cf. Hos 4:15; 10:5—Beth Aven, “house of wickedness” = Bethel; Amos 5:5–6).

On the other hand, when it comes to Jacob's promise to tithe ten percent of all of his goods, the text seems to pass over it in silence; or so it would seem. Modern and ancient commentators, Jewish or otherwise,⁵ pass over this lacuna in Jacob's vow to God either without addressing it⁶ or with minimal comment.⁷ To be sure, it is surprising that most commentators do not call out Jacob for failing to keep his vow to tithe his goods. One is left wondering why there is almost complete silence on something so glaringly absent in the Jacob narrative.

In light of the scholarly ambivalence on this topic, in this paper I will argue that there seems to be a possible resolution to this problem in the narrative itself that has not been noted before. The author of Genesis may in fact present Jacob as fulfilling his tithe to God but not in the way one would expect. It appears that Jacob actually fulfills his vow to God by giving his tithe to Esau when he gives his generous gift to his brother as recorded in chapters 32 and 33. I will demonstrate my thesis along three lines of argumentation. First, I will examine the importance of fulfilling vows in the Hebrew Bible and thus the need for Jacob to fulfill *both* parts of his vow. Second, I will look at some of the scholarly solutions to this dilemma and note the strengths (where applicable) and weaknesses of these proposals. Finally, I will offer an alternative solution rooted in the author's rhetorical and linguistic presentation of the Jacob-Esau encounter of Genesis 32–33 set within its historical and canonical context.

³ Kenneth A. Mathews, *Genesis 11:27—50:26* (NAC 1B; Broadman & Holman, 2005), 618, 623; David W. Cotter, *Genesis* (Berit Olam; Collegeville, MI: The Liturgical Press, 2003), 258–59; John E. Hartley, *Genesis* (NIBC; Peabody, MA: Hendrickson, 2000), 298; Walton, *Genesis*, 572–73; Arnold, *Genesis*, 301–2.

⁴ Sarna, *Genesis*, 239; Walton, *Genesis*, 631, 635.

⁵ Here I am speaking specifically of the Targumim: Pseudo-Jonathan, Neofiti, and Onqelos.

⁶ For example, a few modern commentators who fail to address it include Allen P. Ross, *Creation and Blessing: A Guide to the Study and Exposition of Genesis* (Grand Rapids: Baker, 1998), 493–94, 581; Arnold, *Genesis*, 256, 301–2; Gordon Wenham, *Genesis 16–50* (WBC 2; Nashville, Thomas Nelson, 2000), 225–26, 299, 326; Victor P. Hamilton, *The Book of Genesis Chapters 18–50* (NICOT; Grand Rapids: Eerdmans, 1995), 249, 382. Cotter (*Genesis*, 217, 259) inexplicably does not even mention the tithe in either 28:22 or 35:1–15.

⁷ Mathews (*Genesis 11:27—50:26*, 623) does question this and proposes a possible solution (see below). Sarna (*Genesis*, 201) also wonders why it is not mentioned. See also Jacob Neusner, ed., *Genesis Rabbah: The Judaic Commentary to the Book of Genesis a New American Translation Volume III: Parashiyot Sixty-Eight through One Hundred on Genesis 28:10 to 50:26* (BJS 106; Atlanta: Scholars Press, 1985), 26. Cf. *Gen. Rab.* 81.1.

II. THE IMPORTANCE OF VOWS

To begin, the author of the book of Numbers spends an entire chapter discussing the importance of vow-keeping. In fact, Num 30:2[3] states: "A man who vows a vow to YHWH, or swears an oath to bind an obligation upon himself, he shall not violate his word, but everything that has come out of his mouth he shall do."⁸ In this case, the phrase "he shall not violate his word" (*lo' yachēl d'ḅārō*) has a similar grammatical construction as used for the Ten Commandments—a *lo'* negation plus the imperfect verb—and therefore denotes permanency. That is, the person cannot get out of the vow. This is supported by the author of Deuteronomy (23:21[22]), and later by the author of Ecclesiastes (5:4–5[3–4]) both of whom stress the need to keep one's vows to God. Of course we also see a similar importance placed upon keeping vows in the lives of Hannah (1 Sam 1:11–28; cf. *Gen. Rab.* 70.3), Jephthah (Judg 11:30–40), Saul (1 Sam 14:24),⁹ and Absalom (2 Sam 15:7–8). In the NT, Paul also keeps his vow to God (Acts 18:18). In the case of Jacob, Hannah, and Jephthah, all of them put some condition on God before they would fulfill their vow. The difference in the narrative related to Jacob's vow is that God had already promised to meet Jacob's needs (cf. 28:15), thus making the vow superfluous.¹⁰ In this situation, Nahum Sarna may be correct in noting that this is to be read temporally, namely, Jacob will fulfill his part of the vow *when* God has fulfilled his (cf. *Gen. Rab.* 70.4).¹¹

Jewish tradition notes that because Jacob is the first in the Bible to make a vow, all future vows in some way draw upon his example (*Gen. Rab.* 70.1–2). Nevertheless, the rabbis struggled with Jacob's delay in fulfilling his vow and insisted that the Dinah fiasco of chapter 34 was God's punishment for the delay (*Gen. Rab.* 81.1–2). In this vein, and as noted above, it seems evident that Jacob fulfilled his vow to make Bethel the house of God and a place for worship when he returned there years later and built an altar (ch. 35). Yet, because vows were so important, one can hardly imagine the author of Genesis allowing the patronym of Israel to get by without fulfilling his vow to tithe to God. Not surprisingly, some of the rabbis struggled with this very thing and did propose a solution to the lack of an explicit fulfillment of Jacob's vow to tithe. It is to this and a few other proposed solutions that I now turn.

III. PROPOSED SOLUTIONS

Despite the almost complete silence on this topic, a few commentators have proposed solutions to the dilemma of Jacob's missing tithe. There are four proposals which stand out.

⁸ Unless otherwise noted, all translations are mine.

⁹ In Saul's case, the Hebrew word is not *nādar* ("vow") but rather *'alab* ("oath").

¹⁰ Although see the caution of E. Blum, *Die Komposition der Vätergeschichte* (WMANT 57; Neukirchen-Vluyn: Neukirchener, 1984), 163–64. Note the critique of Blum in John Van Seters, *Prologue to History: The Yahwist as Historian in Genesis* (Louisville: Westminster, 1992), 293–95.

¹¹ Sarna, *Genesis*, 200. Here *Genesis Rabbah* suggests the vision and vow are out of order.

1. *Jacob tithed his sons.* As just noted, the rabbis recognized the problem of a missing tithe and tried to remedy the omission by suggesting that when Jacob gave his son Levi to serve as a priest before God, he gave a tenth—of his family—to God (*Gen. Rab.* 70.7). Not surprisingly, in this same discussion the rabbis also debated how this could add up to ten percent seeing how Jacob had fourteen children (including Ephraim and Manasseh).

This proposed solution by the rabbis, however, does not seem adequate for a number of reasons. First, in the context, Jacob promises to tithe “all that God will give to me” (*w^ekōl ’āšer titten-lî*; 28:22). This seems to connote more than just offspring, if the latter was even in the mind of Jacob to begin with. Second, throughout the Hebrew Bible, tithes to God consisted of *material goods*, not people (e.g. Lev 27:30–31; Num 18:26, 28; Deut 12:6, 11; 2 Chr 31:12; Neh 10:37–38; 12:44; 13:5; Amos 4:4; Mal 3:8). In fact, the topic of tithing one’s *material possessions* is addressed extensively in the Mishnah (*m. Ma’as.* 1.1).¹² Third, the so-called “tithing” of one of his sons is never mentioned by Jacob but instead God is the one who actually chooses the Levites for service in the tabernacle (Num 3:12, 45; 8:14). Finally, if the rabbis are correct, then their concern with Jacob’s delay in choosing YHWH as his God, and Bethel as God’s holy site (*Gen. Rab.* 81.1–2; see discussion above), would pale in comparison to the delay of Levi (and his tribe) being given over to God as a priest, something that did not happen until the exodus period. In light of these issues, the rabbinic solution is untenable.

2. *Jacob’s vow is merely etiological.* During the heyday of the scholarly use of the popular diachronic critical theories (e.g. source, form, redaction criticism, etc.), scholars tended to shrug off the omission of the fulfillment of Jacob’s tithe by asserting that these texts were not only a combination of disparate sources but also served merely an etiological function which applied only to a *later* period. In this case, the promise to tithe is nothing more than a “looking forward” to Israel’s future tithing at the cult site at Bethel in the Northern Kingdom.¹³ Of interest is the fact that some have suggested that Genesis 14 and 35 actually are meant to establish the precedent for tithing in the temple in Jerusalem, the holy site of Judah, and the cult site in Bethel, the holy site of the Northern Kingdom (Amos 7:13).¹⁴

Such proposals may have been acceptable and viewed as “conclusive” in this earlier period, but today those who adopt a synchronic methodology (e.g. canonical, rhetorical, narrativ, etc.) find them less than satisfying. Indeed, as the text now stands, Jacob still is not presented as fulfilling his vow, something certainly problematic as noted above. Furthermore, normally an etiological account applying to a

¹² Jacob Milgrom, *JPS Torah Commentary Numbers* (Philadelphia: JPS, 1990), 433.

¹³ E.g. the events at Bethel in chaps. 28 and 35 and/or 32:26–29[27–30] and 35:9–10 are often seen as the same events assigned to different sources. See Blum, *Komposition*, 62–65; Eckart Otto, *Jakob in Sichem* (BWANT 110; Stuttgart: Kohlhammer, 1979), 72–77; Bruce Vawter, *On Genesis: A New Reading* (New York: Doubleday, 1977), 314–15, 363–64; Claus Westermann, *Genesis 12–36* (trans., John J. Scullion; Minneapolis: Augsburg, 1985), 458–59, 553–54; Hermann Gunkel, *Genesis* (trans. Mark E. Biddle; Macon, GA: Mercer University Press, 1997), 308–15, 365–68, 373; E. A. Speiser, *Genesis* (AB 1; New York: Doubleday, 1964), 219–20, 271; and Van Seters, *Prologue to History*, 288–98, esp. 296.

¹⁴ So, Milgrom, *Numbers*, 432–33.

later period is noted as such by the author or editor of Genesis (e.g. 19:37, 38; 22:14; 26:33; 32:32; 47:26). A clear example of this can be found within the Jacob narrative itself. Here we find the etiology concerning the refusal of the Jewish people to eat the sciatic muscle of animals which is clearly meant to apply to a later period (32:32[33]). In light of such concerns, once again, this type of solution to the tithing dilemma is not convincing, especially for rhetorical purposes.

3. *Jacob's sacrifice at Bethel fulfilled his vow to tithe.* The third proposal is that offered by John Walton. Walton suggests that when Jacob fulfilled the first half of his vow in chapter 35 by building an altar at Bethel, thus making it a holy site, he must have tithed to God by offering sacrifices upon that same altar.

This proposal is already tenuous because Walton himself acknowledges that there is no mention of sacrifices in chapter 35.¹⁵ Despite this problem, Walton is on the right track. At least these proposed sacrifices are tangible goods being offered to God as a tithe. Nevertheless, it is hard to reconcile Jacob's vow to give a *tenth* of all his goods with a few sacrifices—if there even was more than one—offered at Bethel. In light of Jacob's great wealth, this seems an unlikely fulfillment of his vow to tithe.

4. *The false gods and jewelry hidden at Shechem are Jacob's tithe.* Kenneth Mathews suggests that Jacob tithed by hiding his family's false gods and cultic jewelry under a tree at Shechem before going to Bethel (35:2–4).¹⁶ Similar to Walton's view, Mathews's proposal does focus on Jacob's material goods and what could be argued as material wealth. Nevertheless, there are still a number of problems with this proposal.

First, even though these items *may* have been made of silver and gold, and therefore of significant value, Mathews's solution is not that satisfying in light of the fact that Jacob gives this "tithe" to no one but rather hides it under a tree (cf. Matt 25:14–30; esp. vv. 18, 24–30). Second, it hardly seems likely that wealth related to pagan gods would be a fitting tithe to God. According to later Law, trying to fulfill a vow with something that was detestable to God was not allowed (Deut 23:18[19]). Third, we are told that Jacob "hides" (*tāman*) these things under a tree (35:4).¹⁷ Is it possible that Jacob or someone from his family will return for them to redeem their value or to use them again? (cf. Josh 24:14–15). The ambiguity in the text also pushes against these goods as fulfilling Jacob's vow.

In light of these unsatisfactory solutions to the tithing dilemma, another option is required. I believe that option is to be found within the Jacob narrative itself coupled with the overall rhetorical presentation and the historical milieu of the author. To be sure, the author's subtle rhetorical agenda throughout Genesis, especially as it relates to his instructive purposes has been noted by others.¹⁸

¹⁵ Walton, *Genesis*, 572, 631; see also 636.

¹⁶ Mathews, *Genesis 11:27—50:26*, 623.

¹⁷ Walton, *Genesis*, 631.

¹⁸ E.g. David Daube, *Studies in Biblical Law* (Cambridge: Cambridge University Press, 1947, repr. 2008); Calum M. Carmichael, *Women, Law, and the Genesis Traditions* (Edinburgh: Edinburgh University Press, 1979); Calum M. Carmichael, *The Origins of Biblical Law: The Decalogue and the Book of the Covenant*

IV. AN ALTERNATE PROPOSAL

In the discussion that follows I will present another possibility for Jacob's paying of his tithe, namely, that his gift to Esau fulfilled that vow. I will do this by presenting the supportive material related to the author's rhetorical and linguistic presentation within the Jacob narrative followed by a brief look at the historical milieu in which people could pay tithes to someone other than a cultic figure such as a priest. I will finish my discussion by appealing to the canonical precedent—within the book of Genesis—of Abram's tithing to Melchizedek noted in chapter 14.

1. *The rhetorical and linguistic argument.* Rhetorically, at several points in the narrative the author seems to be alerting the reader that he understands Jacob's gift to Esau as fulfilling Jacob's promise to tithe all of his goods to God. Indeed, the author clearly presents Jacob as subservient to both God *and* Esau which would make either of them able to receive the tithe. And, as we will see, the author actually likens Esau with God. By doing this, the author implicitly offers support for Jacob's tithing to Esau. This is bolstered by Jacob's preparations and encounter with Esau in chapters 32 and 33, which have several parallels with Jacob's encounter with God when he left Canaan recorded in chapter 28.

First, both his departing and returning trips are couched in divine-earthly connections. For example, Jacob encounters angels on both trips. In his dream at Bethel in chapter 28, Jacob sees angels ascending and descending on a ladder (26:12), and on his return trip Jacob encounters angels at Mahanaim ("two camps"; 32:1–2[2–3]). And while Jacob's wrestling match in the night with an unknown "man" (יִשׁ) certainly has parallels with Jacob's night encounter with God twenty years earlier at Bethel (cf. 28:12–15; 32:24–30[25–31]), apart from the renaming of Jacob (cf. 32:24–29[25–30]//35:10) these accounts are not one-to-one parallels. In fact, it will not be until chapter 35 that the exact parallels between the two Bethel events come to fruition when God himself issues similar blessings (28:13–15//35:7, 11–13) and Jacob sets up a pillar as an act of worship (28:17–22//35:14–15). Therefore, rhetorically, the wrestling match between the man and Jacob serves another function. I will return to this discussion below.

Second, as recorded in chapter 32, the day before Jacob meets Esau, he prays to God for help in delivering him from his brother's wrath. After reminding God that *he* was the one who told Jacob to return to Canaan (32:9[10]), Jacob thanks God that he has prospered him while in Haran. Jacob had left Canaan with just his staff and now he has become two camps (32:10[11]). Immediately after he finishes his prayer, the author notes that Jacob set aside a "present" (*minchāh*) for his brother Esau (32:13[14]). When one examines the extravagant "gift" (*b'arakāh*;

(Ithaca, NY: Cornell University Press, 1992); Seth D. Postell, *Adam as Israel: Genesis 1–3 as the Introduction to the Torah and Tanakh* (Eugene, OR: Pickwick, 2011); Brian Neil Peterson, *Genesis as Torah: Reading Narrative as Legal Instruction* (Eugene, OR: Cascade, 2018); and idem, "Jacob's Trouble: The Shechem Fiasco and the Breaking of Covenant in Genesis 34," *B'Sac* 176 (July–September 2019): 272–91.

33:11),¹⁹ which Jacob prepares and sends to Esau, this begins to make sense. Jacob's gift includes 200 she-goats, 20 he-goats, 200 ewes, 20 rams, 30 nursing camels and their colts (another 30 animals often overlooked by commentators²⁰), 40 cows, 10 bulls, 20 female donkeys, and 10 male donkeys (vv. 14–15). These 580 animals are a substantial gift and reflect the degree to which God has blessed Jacob. If this is a "tithe," then the total number of Jacob's animals would be in the thousands. In this immediate context, the author connects the blessings of God with Jacob's setting aside of a large gift for Esau (32:14–15[15–16]). While it is clear that the gift is to pacify Esau's anger, it may have served double duty as the tithe Jacob promised to give to God. In this case, the excessive gift of 580 animals would be understandable.

Third, from a linguistic perspective, the language Jacob uses in chapters 32 and 33 for the purpose of his gift to Esau smacks of priestly terminology related to reconciliation and as such presents Esau in a priestly/God-like role. Jacob wants to "cover" (*kipper*; 32:20[21]) Esau's face, which is language of atonement (Exod 29:33; Lev 1:4; 4:20; etc.). Jacob also calls his offering to Esau a "gift" (*minchāh*), which is used to identify cereal offerings in Leviticus (Lev 2:1–14). Furthermore, the next day, Jacob feels "accepted" (*rāṣāh*; 33:10) by Esau, which is a concept that also reflects a cultic context (Lev 1:4; cf. Deut 33:11). All of these comments reflect cultic language and, as Mathews (and Wenham) concludes, "implies that Jacob makes peace with God by reconciling with Esau."²¹ Even though Jacob may not have viewed the events of the meeting in a cultic way,²² the author certainly is presenting it as such. Again, this points to the author's rhetorical purpose of showing how Jacob fulfilled his vow vis-à-vis the tithe.

Fourth, returning to the night wrestling match of chapter 32, the author draws direct connections between Jacob's interactions with the man/God in chapter 32 and Esau in chapter 33. Although various attempts have been made to identify the nebulous "man,"²³ it is evident by the end of the night that the man is an angel who represents God (cf. Hos 12:4[5]).²⁴ When the man changes Jacob's name to Israel, he notes that Jacob has wrestled with men and God and has prevailed (32:28[29]). The cryptic comment about Jacob wrestling with "men" could refer to Jacob's interactions with both Laban and Esau; however, in the immediate context of Jacob's previous prayer concerning his fear of his brother, and in light of his

¹⁹ Jacob calls the animals a "gift"/"present" (*minchāh*) in chapter 32 and then a "blessing" (*brakāh*) in 33:11 when he encounters Esau face to face. Some suggest that this is done to connect his gift with the stolen blessing in chap. 27 (27:12, 35, 36, 38, 41). Cf. Hamilton, *Genesis 18–50*, 346; Wenham, *Genesis 16–50*, 299; Arnold, *Genesis*, 289–90; Sama, *Genesis*, 230; and Westermann, *Genesis 12–36*, 510, 526. But see Ross, *Creation and Blessing*, 538, 544.

²⁰ E.g. Wenham, *Genesis 16–50*, 292; Ross, *Creation and Blessing*, 538; Hamilton, *Chapters 18–50*, 325; Arnold, *Genesis*, 282; and Sama, *Genesis*, 226.

²¹ Mathews, *Genesis 11:27–50:26*, 554, see also 570. So, too, Wenham, *Genesis 16–50*, 292.

²² So, Arnold, *Genesis*, 282–83.

²³ These include: a river demon, an angel (*Tgs. Neof. and Ps.-J.* at 32.25), Esau himself, a guardian angel of Esau (*Gen. Rab.* 77.3), or God. See more by Bradford A. Anderson, "Jacob, Esau, and the Constructive Possibilities of the Other," *BTB* 49 (2019): 19.

²⁴ So, too, Arnold, *Genesis*, 283.

earlier dealings with his brother related to the blessing in chapter 27, Esau seems to be the one in view. In this case, Esau is being set up to play a God-like role in the life of Jacob. This is further supported by Jacob's words to Esau handled under my next point.

Fifth, there can be no question that God protected Jacob from possible exploitation and attacks from Laban (31:24, 42). And when Jacob met his brother Esau, it is clear that God had gone before him and paved the way. Nevertheless, the unexpected kindness and forgiveness Jacob experiences at the hands of his brother, even though Esau had threatened to kill him twenty years earlier (27:41), takes Jacob off guard. In fact, Esau's forgiveness and favorable treatment of Jacob and his entourage causes Jacob to declare that seeing the face of Esau was "like seeing the face of God" (*kir'oth p'ne 'elohim*; 33:10). It is this phrase that draws a direct parallel between Esau and God himself.²⁵ What is more, in the previous chapter Jacob names the place where he wrestled with the "man" Peniel because, he says, "I have seen God face to face" (*ra'ithi 'elohim panim 'el-panim*; 32:30[31]). The play on the words in these two phrases found here in side-by-side chapters is certainly intentional.²⁶ In this case, Jacob likens his brother to God and God's grace, which both Esau and God have extended to Jacob. Immediately on the heels of this admission, Jacob urges Esau to take his gift from his hand (33:11). Interestingly, some versions of Targum Onqelos add that Jacob's "gift" is actually an "offering" (*doron*. Gr.), which again connotes cultic language.²⁷ With Esau's acceptance of the gift, I would argue that Jacob has now fulfilled his vow to tithe to God.

This is further supported in light of the unique use of the phrase related to seeing the face of God and the way this idea is handled in the rest of the Bible. Jacob's declaration that seeing the face of Esau was like "seeing the face of God" is the only place in the Hebrew Bible that we find this exact phrase. In the Torah, while people may have close encounters with God (Exod 33:18–20) or may pray that God shine his face upon them (Num 6:25), no one ever says to another *person* that seeing them is like seeing God's face (cf. 2 Sam 14:17; 19:27). Here the author appears to be including Jacob's unique admission in order to alert the reader as to how Jacob fulfilled his promise of tithing to "God." Even if some reject this concept, there is another way to view Esau, namely, as a ruler who could accept tithes *on behalf of* God. This brings us to my next piece of supporting data.

2. *The historical milieu.* Tithing finds ample evidence in the ancient world especially in Mesopotamia.²⁸ In our immediate context, one would expect Jacob to pay tithes to a sanctuary or a priest like Abram did with Melchizedek (see more below);²⁹ however, this is not mentioned in the text. What is of interest in this regard

²⁵ So, too, Gunkel, *Genesis*, 355.

²⁶ So, too, Ross, *Creation and Blessing*, 565; Mathews, *Genesis 11:27–50:26*, 569; Hamilton, *Genesis 18–50*, 346; Cotter, *Genesis*, 251; Arnold, *Genesis*, 290 n. 463; Hartley, *Genesis*, 289; Walton, *Genesis*, 612.

²⁷ See Michael Maher trans., *The Aramaic Bible Volume 1B: Targum Pseudo-Jonathan: Genesis* (Collegeville, MN: The Liturgical Press, 1992), 116 n. 10.

²⁸ Milgrom, *Numbers*, 432.

²⁹ See Hartley, *Genesis*, 258.

is the fact that tithing to those outside of the cult, especially to someone in a position of power, also finds precedents in ancient Ugarit (*Le Palais royal d'Ugarit* 3.147.9, 11; 16.153, 244), Tyre (Diodorus 20.14), and in the Bible.³⁰ In the two ANE examples, we find people paying tithes to kings or rulers. In 1 Samuel 8, Samuel tells the people that the king will take one tenth, that is, the "tithe" (*āšār*) from them and give it to his officials/servants (1 Sam 8:15–17). The Chronicler also notes that King Hezekiah made sure that the people's tithes were collected and stored properly for the priests (cf. 2 Chr 31:4–13). In all these examples, it is clear that the tithe could be given to a person in power and that it was at their disposal.³¹ Again, this fits well if Jacob is giving his tithe to Esau because he sees him as his superior. Not surprisingly, this concept is supported linguistically throughout chapters 32 and 33.

Esau's superior status is clearly demonstrated when Jacob offers deference to Esau in the same way a servant would to a king.³² This is manifest in his sevenfold bowing before Esau as he approaches him for the first time when he meets him again. Bowing seven times to someone is never repeated in the Bible; however, this type of bowing is attested in the Amarna Letters when a vassal king bows or pays homage to the Pharaoh (EA 286–90, 290, 292 etc.; *ANET*, 485–89).³³ This is further supported by Jacob's constant deference to Esau through his language choices. Jacob tells his servants to say to Esau that their master, Jacob, called Esau "my lord" (*ādōnî*; 32:4–5[5–6], 18[19]). Jacob also tells his servants to tell Esau that their master, Jacob, is "your servant" (*abd'kā*; 32:4[5], 10[11], 18[19], 20[21]). Jacob does the same thing himself when he actually meets Esau. Five times he calls Esau "my lord" (33:8, 13, 14 [2x], 15) and twice he defers to Esau by addressing himself to Esau as "your servant" (33:5, 14). In light of these deferential terms and actions, Jacob clearly sees Esau as his superior and could therefore pay tithes to him as a servant or vassal would to a king or a priest in the ancient Near East. Jacob's extravagant gift to Esau would thus explain why God never mentions a tithe when he later calls Jacob to go to Bethel in 35:1. Although Jacob fulfills the second part of the vow several years after returning to Canaan when he went to Bethel a second time, we can conclude that the vow to tithe of his goods was fulfilled when he first arrived in Canaan and met Esau. While some may argue that this is forcing the text beyond what it allows, my conclusion is reinforced by a similar situation earlier in the Genesis narrative, namely, Abram's encounter with Melchizedek in chapter 14.

³⁰ Milgrom, *Numbers*, 432–33; and Gunkel, *Genesis*, 313. For the Ugaritic text, see Jean Nougayrol, *Le Palais royal d'Ugarit: Textes Accadiens et Hourrites des Archives Est, Ouest et Centrales* (Paris: Imprimerie Nationale, 1955).

³¹ Milgrom, *Numbers*, 432–33.

³² So, too, Arnold, *Genesis*, 289.

³³ For example, EA 314 reads, "I indeed prostrate myself at the feet of the king, my lord, my god, my Sun, the Sun from the sky, seven times and seven times, on the back and on the stomach." So, Ellen F. Morris, "Bowing and Scraping in the Ancient Near East: An Investigation into Obsequiousness in the Amarna Letters," *JNES* 65.3 (2006): 180. Morris (pp. 184–85) presents a helpful chart identifying the motif of bowing seven times by vassals in the Amarna Letters. See also Speiser, *Genesis*, 259; and Gunkel, *Genesis*, 354.

3. *The canonical precedent.* In chapter 14 of Genesis, we find the battle between the four kings of the east and the five kings of the west. During the battle against Sodom, the kings of the east take Lot and all of his family captive. In response, Abram musters an army aided by his allies Aner, Eshcol, and Mamre, and pursues the kings of the east to a site near Damascus in the north. Once there, they mount a surprise attack and capture all of the stolen booty and bring it back. On his return trip, Abram encounters Melchizedek, king of Salem (Jerusalem) and priest of the Most High God (14:18), to whom he pays a tithe of all the plunder (14:20). While on the surface this account appears to have little to do with either the Abraham cycle or the later Jacob narrative, in fact, several points of contact appear between chapter 14 and the Jacob cycle. These include:

(1) The main characters, Abram and Jacob, are both recipients of the promise (12:1–3; 13:14–17; 15:5–7; 17:6–8; 22:17–18; 28:13–15; 35:9–12).

(2) Both Abram and Jacob receive vast wealth in the region north, and outside of, Canaan; Jacob in Haran north of the Euphrates and Abram south of the Euphrates near Damascus when he plunders the kings of the east.

(3) Both men are willing to relinquish all, or a portion of this wealth, to someone else (14:23–24; 33:10).

(4) Both Abram and Jacob leave Canaan without their/a family but return with their/a family with them. Lot and his family are rescued and travel back to Canaan with Abram and Jacob has his immediate family with him whom he acquired while in Haran.

(5) Someone outside of the promise (Melchizedek and Esau) comes to meet the patriarch in question on their return trip from being outside of Canaan.

(6) The men to whom they give gifts/tithes (Melchizedek and Esau) are not part of the promise/covenant.

(7) Both Esau and Melchizedek are or become connected to rulers/kings (14:18; 36:15–43).

(8) Both Esau and Melchizedek have connections to God (14:20; 33:11). Melchizedek is the priest of El-Elyon and Esau is the son of Isaac, the promised son of Abraham (see more below).

(9) Both patriarchs pay tithes to these individuals.

These numerous connections are certainly not coincidental. They appear to be a part of the author's larger rhetorical agenda. Nevertheless, there is still one more nagging question to address: Why would the patriarchs pay tithes to someone outside of the promise?

As noted above, tithing to someone of royalty was common in the ancient Near East and is even attested in the words of Samuel in 1 Samuel 8.³⁴ In the context of Genesis, the reason for Abram's and Jacob's tithing to Melchizedek and Esau respectively is the lack of an established cult for the patriarchs. Now while Melchizedek is identified as a priest of El-Elyon, Esau is not identified as a cultic figure. However, as noted above, Esau is connected to the promised line, that is,

³⁴ So, too, Sarna, *Genesis*, 201.

the God of Abraham, through Isaac. Moreover, despite Esau's less-than-acceptable behavior (e.g. exogamy; cf. 26:34–35; 27:46; 28:6), Esau does receive blessings from Isaac (27:39–40) and God. To be sure, God not only blesses Esau with an extensive family lineage (Genesis 36), which God had promised to Rebekah (25:23),³⁵ God also protects Esau's line and the land of Edom when Israel were about to enter Canaan (Deut 2:4–5; 23:7[8]). In light of these God-given blessings and connections, Esau could easily function in a similar fashion as Melchizedek does for Abram.

God's acceptance of tithes being paid to someone outside of the line of promise is also noted by the author of Hebrews. Here the author points out that even Levi who *received* tithes on behalf of the people of Israel, actually *paid* tithes to God through Abraham when Abraham paid his tithe to Melchizedek (Heb 7:9–10). This happened while Levi was “still in the loins” of Abraham (Heb 7:10). As such, the author of Hebrews makes it clear that tithes can be paid to God even if the person who receives them is not in the direct line of promise.

The canonical precedent in Genesis 14 therefore adds further support to my thesis. It also may help explain why chapter 14 is included in the Abraham cycle. When this canonical precedent is added to the former two points of the historical milieu and the rhetorical and linguistic argument of the author, it becomes even more plausible to conclude that the author did in fact see Jacob's gift to Esau as fulfilling his vow to tithe to God.

V. CONCLUSION

In this article I have attempted to demonstrate that because of the importance of vows in the Hebrew Bible, one should not disregard the fact that Jacob appears to neglect the portion of his vow related to tithing to God. Instead, it is best to conclude that the author presents Jacob as having fulfilled his vow of paying tithes to God, which he promised at Bethel, by giving Esau an extravagant gift when he returned to Canaan. While the reader is not told if this was a tenth, based upon the number of animals Jacob gave to Esau (580 total), it seems logical that in light of his many years in Haran, and God's blessing on Jacob's flocks (Genesis 31), that Jacob could easily have had flocks that numbered into the thousands. This also seems to be supported by the fact that later Jacob and Esau could not live together because the land could not support their extensive flocks (36:6–8; cf. 13:1–10). What is more, as Jacob's superior, and as a person blessed of God in Genesis, Esau could therefore receive Jacob's tithe in a similar fashion as established by the precedent of Genesis 14. If this was Jacob's way of tithing, then this would explain why the author of Genesis never takes Jacob to task for failing to do so. Thus, after the second Bethel account, Jacob moves forward having fulfilled both parts of his vow to God.

³⁵ Mathews, *Genesis 11:27–50:26*, 631.