

Were women, too, allowed to offer sacrifices in Israel? Observations on the meaning and festive form of sacrifice in Deuteronomy¹

Georg Braulik OSB

Universität Wien, Österreich

Research Fellow of Dirk J Human Professor in Biblical Studies

University of Pretoria

Abstract

Although the question whether women in Israel were also allowed to present offerings stands in accordance with modern ways of thought and speech, it is not self-evident at all. This is immediately proved in the example of the sacrificial hermeneutics of the early church and of a precise semantics of biblical statements on sacrifice. The view on sacrifices and their presenters thus gained, is then illustrated by means of the pilgrimage feast which was conducted by the family of Elkanah at the sanctuary in Shiloh (1 Sm 1). The function which was given to women in the ancient Israelite sacrificial cult was also taken up by the centralisation of the cult by king Josiah and by Deuteronomy. It is now to be found in the pilgrimage schema of the Deuteronomical festival theory. Moreover, the meal proves itself to be the structure of meaning of the sacrifice. The right of women, too, can only be determined within the framework of this liturgical communal meal.

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1. WOMEN AND THE SACRIFICIAL CULT IN MODERN HISTORY OF RESEARCH

To this day, different opinions reign *within Biblical Science* as to whether, according to the Old Testament, women too were allowed to offer sacrifices within the cult of YHWH². In our modern consciousness, this is primarily the decisive question when the equal rights and the integration of women into Israel's religious world and worship are taken into consideration. A century ago, research already began to deal intensively with the position of women in the ancient Israelite religion. We owe the first full investigation to Ismar J Peritz, who thought, in 1898, "That women brought sacrifice in old Israel and also in later time is so evident that an attempt to prove it seems an act of supererogation."³ His observations culminated in the conclusion "that in the act of sacrifice women enjoyed equal rights with men."⁴ But other exegetes, who usually granted Israelite women various religious activities, disagreed with this theory.⁵

The discussion of the role of women in ancient Israel commenced again in the sixties of this century. In this second period of research, especially Clarence J Vos has argued in favour of women offering sacrifices.⁶ The hitherto last contribution to "The

² In the following I apply the term "cult" non-specifically and as synonymous to "liturgy". The time of the Old Testament is certainly no "preliturgical" one, so that its cult does not deserve the designation "liturgy", as Michael Kunzler (*Die Liturgie der Kirche* [Lehrbücher zur katholischen Theologie 10; Paderborn: Bonifatius, 1995] 70) argues in agreement with Jean Corbon (*Liturgie aus dem Urquell* [Theologia romanica 12; Einsiedeln: Johannes, 1981] 163f). His argument contradicts the self-understanding of the Old Testament religious service when he says (*loc cit* 71f), again citing Corbon (*loc cit*): "Der Kult des alttestamentlichen Bundesvolkes ist 'Ausdruck einer religiösen Antwort des Menschen'. Aber zu dem Eigentlichen der Liturgie, des Werkes Gottes für die Vielen, ist es noch nicht gekommen: Der Mensch ist in die Begegnung zwischen Gott und geschaffener Welt noch nicht integriert, die eigentliche Begegnung von Gabe und Empfang bleibt der Zukunft vorbehalten".

³ "Women in the Ancient Hebrew Cult," *JBL* 17 (1898) 111-148, 126.

⁴ *Ibid*, 127.

⁵ For example Max Löhr, *Die Stellung des Weibes zu Jahwe-Religion und -Kult* (BWAT 1,4; Leipzig: Hinrichs, 1908) 48f, and Georg Beer, *Die soziale und religiöse Stellung der Frau im israelitischen Altertum* (Tübingen: Mohr [Siebeck], 1919) 38.

⁶ *Woman in Old Testament Worship* (Delft: Judels & Brinkman, 1968) 80: "From the material concerning the prescribed sacrifices one cannot say that woman was considered cultically inferior to man." See also 147-151. Susan T Foh judges similarly, *Women and the Word of God. A Response to Biblical Feminism* (Philipsburg / New Jersey: Presbyterian & Reformed Publishing Co, 1979) 79-84.

Place of Women in the Israelite Cultus” comes from Phyllis Bird.⁷ Until this day, she has most intensively reflected on this topic both methodologically and inter-culturally. Bird reaches the following conclusion: “Animal slaughter and sacrifice, as an action of the worshipper, was reserved to males – as elsewhere generally – but this appears to have been the sole specific exclusion or reservation.”⁸ Actually, nothing else might be expected, for the cultic role of men and women might only reflect the usual allocation of responsibilities between sexes, which is also often decisive in society. While on the one hand, the public sphere with its institutions might have belonged to men, the domestic sphere on the other hand, might have belonged to women.⁹ “Males occupy the positions of greatest authority, sanctity, and honour and perform tasks requiring technical skill and training.”¹⁰ As for the rest, Israel might have shared its basic institutional cultic forms with the cultures surrounding it.¹¹ Probably, the exclusion of women from offering sacrifices might have changed gradually from a general practice into a principle and in the end became the exclusive privilege of priests. Biblical texts hitherto cited in favour of women’s sacrificial acts, might not carry the onus. In particular, the handing over of offerings to the priest might not yet be a sacrificial act *per se* but might be required of all that offer sacrifices. Yet, in the case of the purification offering after having given birth to a child (Lv 12:6-7) or after discharge of blood (Lv 15:29-30) for instance, a woman might bring an animal to the priest, but it might be the priest who offers it and thus make

⁷ *Missing Persons and Mistaken Identities. Women and Gender in Ancient Israel* (Overtures to Biblical Theology; Minneapolis: Augsburg Fortress, 1997) 81-102. The article was first published in *Ancient Israelite Religion. Essays in Honor of Frank Moore Cross* (Ed by Patrick D Miller/Paul D Hanson/S Dean McBride; Philadelphia: Fortress, 1987) 397-419.

⁸ *Ibid.*, 99. Urs Winter reaches similar results in *Frau und Göttin. Exegetische und ikonographische Studien zum weiblichen Gottesbild im Alten Israel und in dessen Umwelt* (OBO 53; Freiburg/Schweiz: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 1987) 38-40. He also criticizes the investigations of Peritz and Vos into the religious stance of women outside the specific sacrificial laws as being barely interested in the historic-critical question and as being exegetically too superficial - indeed even as being partially defective. He furthermore points to the fact that praxis could often deviate from law (40-69). Altogether, the Old Testament might rather suggest “*daß die JHWH-Religion die Bedürfnisse der israelitischen Frauen eben doch nicht befriedigte und es in dieser Hinsicht in Israel einen eklatanten Unterschied zwischen Mann und Frau gab.*” The absence of a female priesthood is already a clear indication thereof (68f).

⁹ Bird, “Place,” 86f.

¹⁰ *Ibid.*, 93.

¹¹ *Ibid.*, 94.

atonement for the woman. Further, the one who partakes of a sacrificial meal might participate in the cult, but might not yet execute a sacrificial act. Manoah's wife, to whom a messenger of God appeared (Jdg 13), and Hannah, Elkanah's wife (1 Sm 1), might repeatedly be cited as women who had offered sacrifices. But in reality it might have been Manoah who prepared the offering and offered it instead of his unnamed wife (Jdg 13:19). Likewise, Elkanah might have sacrificed at Shiloh and given portions of the meal to his two wives Hannah and Peninnah as well as to all of their children (1 Sm 1:4).¹²

In this article I intend to answer the question referring to sacrifice and to a specific group of people offering sacrifices – the women. As the short survey (1) of the history of research has shown, this corresponds with the usual way of thinking and speaking until today, but it is not self-evident at all. Therefore, I verify the formulation of the question against modern sacrificial hermeneutics and sacrificial terminology (2). I illustrate the subtly differentiated view of sacrifice and sacrificer thus gained, against the example of the pilgrimage feast celebrated by Elkanah's family in the sanctuary at Shiloh (3). The function of women in the sacrificial cult of ancient Israel was also taken up (4) by the centralisation of the cult of King Josiah and by Deuteronomy. Now it has its place (5) in the pilgrimage scheme of the Deuteronomic festal theory. There, the meal proves to be the structure of meaning of the sacrifice (6). The rights of women can only be determined within the framework of this liturgical communion of the meal (7).

2. COMMENTS ON SACRIFICIAL HERMENEUTICS AND SACRIFICIAL TERMINOLOGY

All studies that up to this day have engaged themselves with the sacrificial cult, commence, as far as I see it, from a *double assumption*: In the first instance, they expressly or inclusively fix the "presentation of the sacrifice" to a specific ritual act. This, for instance, could consist in the slaughtering of the sacrificial animal, pouring out the blood or sprinkling the blood against the altar, or in the burning of its fat. The ritual "validity" of the sacrifice would then be attributed to this single act. Therefore, in the second instance,

¹² Ibid, 93 n 34.

only the person executing this act is reckoned to be the actual sacrificer. However, why the act of sacrifice was concentrated in one act alone, and why specifically this act would be decisive for the presentation, is not substantiated. Furthermore, it is not taken into consideration that the meaning of a cult is not always to be inferred from the ritual itself, especially not when it is isolated from its context and only the elements of the act are considered, apart from the texts. Finally, one must not overlook the fact that an old ritual could also be reinterpreted and awarded a new meaning.

Indeed, the currently predominant sacrificial hermeneutics may correspond to a modern, largely legally characterised way of thought. This does not do justice to the phenomenon of the cult. I want to explain this by means of a short *excursus into the Eucharistic anaphora*.¹³ It is namely quite possible, that our concept of sacrifice is unconsciously influenced by a medieval understanding of the Mass or Communion. According to the view that has developed unto this day, the words instituting the Communion or the “establishing words of Christ” constitute only the Eucharistic offering and sacrament, and not the anaphora or liturgy in its entirety.¹⁴

In the view of the history of liturgy, this was not the case. According to the oldest authentic tradition, as it is for example testified to in the anaphora of the apostles Addai and Mari, the institution narrative or institutional words could still be absent in the

¹³ Martin Stuflesser has recently traced its development and sacrificial subject-matter in word and gesture in *Memoria Passionis. Das Verhältnis von lex orandi und lex credendi am Beispiel des Opferbegriffs in den Eucharistischen Hochgebeten nach dem II. Vatikanischen Konzil* (MThA 51; Altenberge: Oros, 1998) 233-294.

¹⁴ See Reinhard Meßner, “Einige Probleme des eucharistischen Hochgebets,” *Bewahren und Erneuern. Studien zur Meßliturgie. Festschrift für Hans Bernhard Meyer SJ zum 70. Geburtstag* (Hrsg v Reinhard Meßner / Eduard Nagel / Rudolf Pacik; ITS 42; Innsbruck: Tyrolia, 1995) 174-201. His theses were critically received by Stuflesser, *Memoria*, 257-276.

anaphora. The Eucharist did not depend on this formula.¹⁵ In principle, the same goes for the Eucharistic anaphorae that contained an institution narrative. Even the “Roman canon”, that is, the text that for many centuries used to be decisive for the Roman mass liturgy, still reflects this anaphoric hermeneutics of late antiquity. I shall first outline it and then continue to indicate the later process of interpretation.

In the Eucharist, carried out by both the congregation and the bishop or priest presiding over them, the offering of praise, that is the anaphora, was connected to an act, namely, the presentation of the bread and wine. The anaphora thankfully praised the deeds of God in creation and in history; the memory of the paschal mystery, the account of the Last Supper constituted but one, admittedly central part of it. In this, the congregation in celebration ascertained the establishing acts of Jesus. In it, the congregation also legitimised their liturgical acts here and now, in that they could present their Eucharistic prayer and the gifts of bread and wine which were selected from everyday use, as signs of their own surrender and that they thus could connect these elements to the sacrifice of Christ.¹⁶ Upon this “sacrificial performance” of the church, the Holy Spirit was called down that He may transubstantiate the bread and wine into the body and blood of Christ, but also to transform the celebrating congregation itself. Only in the medieval scholastic explications of the Mass did the institution narrative obtain a new function: it became the “heart of the anaphora” and its key for interpretation. The anaphora in its

¹⁵ Peter Hofrichter, “Die Anaphora nach Addai und Mari in der “Kirche des Ostens” – Eucharistie ohne Einsetzungsbericht?,” *HID* 49 (1995) 143-152. The anaphora also includes an unusual epiclesis which does not call down the Holy Spirit upon the gifts in order to transubstantiate bread and wine into the body and blood of Christ, but to let the gifts become a means towards forgiveness and everlasting life. That which applies to the institutional words, thus also applies to the epiclesis (ibid 151). In the second century apocryphal Acts of Thomas and of John one can find at least six Eucharistic liturgies that display no connection to the institution narrative at all – see Cyrille Vogel, “Anaphores eucharistiques préconstantiniennes. Formes non traditionnelles” *Aug* 20 (1980) 401-410; Gerard Rouwhorst, “La célébration de l’eucharistie selon les Actes de Thomas,” *Omnnes circumadstantes. Contributions towards a history of the role of the people in the liturgy; presented to Herman Wegman on the occasion of his retirement from the Chair of History of Liturgy and Theology in the Katholieke Theologische Univ Utrecht* (Ed by C Caspers & M Schneiders; Kampen: Kok, 1990) 51-77. In conclusion, the even older witness of the “Teaching of the Twelve Apostles”/Didache is especially relevant – see, in short, Hofrichter, “Anaphora,” 147f.

¹⁶ See for instance the Canon Romanus: “Memento Domine ... et omnium circumstantium ... qui tibi offerunt hoc sacrificium laudis pro se suisque omnibus,” and the explanation of this passage by Petrus Damiani († 1072), *Opusculum* 11, *Liber qui appellatur, Dominus vobiscum. Ad Leonem eremitam*, 8 (PL 145, 237): “In quibus verbis patenter ostenditur, quod a cunctis fidelibus, non solum viris, sed et mulieribus [my emphasis] sacrificium illud laudis offertur, licet ab uno specialiter offerri sacerdote videatur ...”

entirety no longer was considered consecrative, but only the so-called “words of institution” of the account of the Last Supper. Thus, as soon as the priest pronounced the words of Christ, the point came at which the gifts were transubstantiated into the body and blood of Christ, and the sacrifice of Christ was presented. This was all connected to a specific formula and concentrated in a single “sacrificial” act of liturgy, executed by the representative member of the celebrating congregation, the priest who alone acted in Christ’s stead. All of this I present in a largely simplified and summarised way. In my view, it all amounts to the following: The institution narrative, that still laid the foundations of the presentation of the church, and the subsequent petition for the transubstantiation of the bread and wine into the body and blood of Christ in the textual structure of all anaphoras of the old church, was reinterpreted in the Middle Ages to become an isolated consecrational formula. When the priest pronounced it “in the Person of Christ”, he brought the sacrifice of Christ into the presence of the congregation and he consecrated the gifts. Such a legalising and materialising fixation of the consecrational or transubstantial moment, together with its absolutisation as hermeneutical centre of the anaphora, are today corrected in the ecumenical documents and in theological discussion.¹⁷ In this matter, not only the anaphora, but also – as was the case in the old

¹⁷ *Das Opfer Jesu Christi und seine Gegenwart in der Kirche. Klärungen zum Opfercharakter des Herrenmahls* (Hrsg v Karl Lehmann/Edmund Schlink; Dialog der Kirchen 3; Freiburg i B: Herder; Göttingen: Vandenhoeck & Ruprecht, ²1986) – the portrayal of the Old Testament sacrifice however no longer corresponds to the position of modern research; Elisabeth Hönig, *Die Eucharistie als Opfer nach den neueren ökumenischen Erklärungen* (KKTS LIV; Paderborn: Bonifatius-Verlag, 1989); Lothar Lies, *Eucharistie in ökumenischer Verantwortung* (Graz: Styria, 1996); Stuflesser, *Memoria*, especially 143-298 and there, the “Thesen zum Opfercharakter der Eucharistie” 295-298. As an illustration of the concluded controversy, I quote a few texts, that might easily be multiplied. The oldest anaphora, the Eastern-Syrian anaphora of the apostles Addai and Mari, that contains no institution narrative and whose epiclesis does not refer to the body and blood of Christ, already proves “die alte Kontroverse zwischen Katholiken und Orthodoxen, ob die Gegenwart Christi im Sakrament der Eucharistie durch die Einsetzungsworte oder durch die Epiklese bewirkt wird”, as “belanglos”. “Weder durch die eine noch durch die andere Formel, sondern durch die ganze Feier mit ihrem Hochgebet wird Christus in den eucharistischen Gaben von Brot und Wein gegenwärtig ...” (Hofrichter, “Anaphora,” 151) The Lutheran Ulrich Kühn writes: “Sofern das Abendmahl ein Geschehen von Eucharistie, Anamnese und Epiklese ist, ist es nötig, die Rezitation der Abendmahlsworte aus ihrer Isolierung zu befreien und sie wieder hineinzunehmen in das große Abendmahlsgebet, das sog “eucharistische Hochgebe”.’ (*Sakramente* [Handbuch Systematischer Theologie 11; Gütersloh: Gütersloher Verlagshaus, 1985] 303). And the (then still) reformed theologian Max Thurian explains: “Der vom Vater erbetene Heilige Geist und das von der Kirche ausgesprochene Wort Christi machen im Verlauf des im eucharistischen Hochgebet vollzogenen Memorials Brot und Wein zu Leib und Blut Christi. ... Man kann aus dem gesamten Vollzug der liturgischen Handlung keinen besonderen Augenblick herausgreifen, in dem sich die Konsekration vollzieht, und die Worte Christi (verba testamenti) und die Anrufung des Heiligen Geistes (Epiklese) auseinanderreißen.” (*Eucharistie. Einheit am Tisch des Herrn?* [Mainz: Grünewald, 1963] 256f).

church¹⁸ – the celebration of the Eucharist as a whole, are at issue. The transformation promised by Christ does not only concern bread and wine, but also the whole congregation, that in itself becomes a living sacrifice and enters into the surrender of Jesus Christ. The Eucharistic meal is no longer degraded to an action that only follows the actual act of offering, which is localised in the transubstantiation. The sacrificial character of the celebration of the Eucharist rather finds its liturgically clearest expression in the communal meal. Sacrifice and sacrament again constitute an inseparable unity.¹⁹ Applied to our theme, this understanding of the liturgical celebration in its entirety, integrating all individual actions and speech acts, calls for the following insight: The Old Testament sacrifice, too, is not to be concentrated into a single decisive sacrificial act and fixated upon a specific person that has to perform it.²⁰

Thus we assume that different actions and usually also several executants, belonged to the Old Testament sacrificial cult, too. Then, the usage of language is not to veil this understanding of sacrifice, and an *exact semantics of Biblical sacrificial*

¹⁸ Hofrichter, "Anaphora," 150, refers to Basilus the Great (*Über den Heiligen Geist* 27,66), who ascribes everything that is said in the Eucharistic liturgy, to the consecrative force: "Welcher Heilige hat uns die Anrufung (Epiklese) bei der Bezeichnung des eucharistischen Brotes und des Segensbechers schriftlich hinterlassen? Denn wir beschränken uns ja nicht auf das, woran der Apostel oder das Evangelium erinnert, sondern wir sprechen sowohl vorher als auch nachher andere (Texte), die große Kraft für das Geheimnis besitzen und die wir aus der ungeschriebenen Lehre empfangen haben" (n 29).

¹⁹ According to Lies, *Eucharistie*, 187, for example, it thus was impossible for the Council of Trent to develop this unity of sacrament and sacrifice, since the "euologische Grundkonzeption" was absent there. As a result of the modern ecumenical discussion, Lies therefore emphasizes "gegen alle Meßopfertheorien, die das eucharistische Opfer isoliert von seiner Sakramentalität betrachten," the "euologische" Sinngestalt der Eucharistie". It connects "die vier Elemente der Anamnese (Gedächtnis), der Epiklese (Herabrufung), der Koinonia (Gegenwart und Gemeinschaft) und der Prospora (Darbringung)" (186). The presentation, or the offering of the Eucharist, being only *one* element of the total form of meaning (eulogia) in the liturgical celebration, cannot be completed and imagined apart from the other.

²⁰ In view of the sacrifice, this hermeneutics concretises that which Bird, "Place," 83, generally demands for the current discussion of the roles of the sexes within the cult: "The religion of Israel was the religion of men and women, whose distinctive roles and experience require critical attention, as well as their common activities and obligations. To comprehend Israelite religion as the religion of a people, rather than the religion of males, women's roles, activities, and experiences must be fully represented and fully integrated into the discussion. What is needed is a new reconstruction of the history of Israelite religion, not a new chapter in women."

statements is being called for.²¹ When considering the *terminology* that is used, one has to pay attention to whether “a generic term, not existing in the texts and their language, is not thus imported and used on different Hebrew words and on the different courses of action and contents of meaning denoted by them.”²² What actually constitutes a “sacrifice” is only to be ascertained from the statements of the individual texts on it and from that which they take for granted for their addressees.²³ Summary as is the term “sacrifice” with reference to the different actions, is also the phrase “*to offer a sacrifice*” with a view to the actants. It suggests a single subject for the performance of the sacrifice and then creates the question as to his ritually legal competence. But, as is the case with the sacrificial acts, one must also differentiate when considering those who perform it; in this way different persons taking part in the celebration of the offering, have to be identified. The activities of the partakers surely depended on several circumstances: First of all, on the place where the cult was performed – in the private sphere of a house or in public places, on a cultic high place or in a temple where a priest usually was available; then on the time at which the celebration took place – for example, feasts could be determined seasonally or dates could be determined personally. The immediate social positions of the celebrants are of course also reflected in the actions that were provided for them on the occasion of the sacrifice: The representatives of the whole society could be at issue when all of the people partook in the service, or only the head of the family journeying to a sanctuary. The different levels of cultic “cleanness” or “holiness” could also be an important prerequisite. But not least of all, one must always, when dealing with sacrifice and sacrificer, reckon with the fact that in the course of history the liturgy has changed together with the society.

²¹ Analogically, cf the semantic analysis of the sacrificial language as an indispensable prerequisite for a correct understanding of the “sacrificial character of the Eucharist” in Stuflesser, *Memoria*, 276-285.

²² Ina Willi-Plein, *Opfer und Kult im alttestamentlichen Israel. Textbefragungen und Zwischenergebnisse* (SBS 153; Stuttgart: Kath. Bibelwerk, 1993) 26.

²³ Cf Willi-Plein, *Opfer*, 27.

3. THE PILGRIMAGE FEAST OF SHILOH AND THE EARLY-ISRAELITE SACRIFICIAL CULT

The narrative of the pilgrimage of Elkanah and his family to Shiloh, which begins the history of Samuel's youth,²⁴ contains old and important traditions on the cultic praxis of prenatal and early national times.²⁵ In 1 Samuel 1 it portrays the course of the "yearly sacrifice" (ס"ח ח"ח ח"ח:21; 2:19; cf 1:3) and in the context of this custom, in 2:13-17 it reports on the praxis of the priests of providing for their sustenance from shares of the sacrifices. This text, too, is of an early date, but as example of the malpractices committed under the priesthood in Shiloh, it may only have been inserted secondarily into the narrative about Samuel. The tradition of 2:28a about the priestly privileges can be dated to the same time. Today, the information provided by these pericopes is mutually complementary. The familial sacrifice of Elkanah is also of interest to our theme for another reason: It was probably offered on the occasion of the autumn festival from which the feast of Tabernacles developed, which constitutes the pilgrimage feast *par excellence*, of the Deuteronomic cultic calendar.²⁶

According to 1 Samuel 1:1, Elkanah makes a pilgrimage with his family from their home town of Ramathaim, that had its own cultic high place, to the national temple

²⁴ On its literary-historical questions, see Walter Dietrich / Thomas Naumann, *Die Samuelbücher* (EdF 287; Darmstadt: Wissenschaftliche Buchgesellschaft, 1995) 7-16. In agreement with the thorough study of Peter Mommer, *Samuel. Geschichte und Überlieferung* (WMANT 65; Neukirchen-Vluyn: Neukirchener, 1991) 5-31, one can class 1 Sm 1:1-3a,4-28; 2:19-21a; 3:1b-10,(11-14), 15-19a, 19b-21; 4:1 with this history, a text which was edited in the Northern-Israelite prophetic circles of the ninth and eighth centuries, but which contains essentially older information.

²⁵ On the following, see especially Wolfgang Zwickel, *Der Tempelkult in Kanaan und Israel. Studien zur Kultgeschichte Palästinas von der Mittelbronzezeit bis zum Untergang Judas* (FAT 10; Tübingen: Mohr, 1994) 288-291 and 301. From a "feminist perspective", Carol Meyers, "Hannah and her Sacrifice: Reclaiming Female Agency," *A Feminist Companion to Samuel – Kings* (The Feminist Companion to the Bible 5; ed by Athalya Brenner; Sheffield: Academic Press, 1994) 93-104, emphasizes that Hannah's sacrifice serves as an example of female religion in Israel's early history. It could have been handed down, since "Hannah's religious actions bridge the realms of private and public religious life. Her motivation is individual, personal and wrenchingly private. Acts prompted by similar profound feelings must surely have been carried out by countless Israelite women; yet those of Hannah are uniquely visible. Biblical tradition has preserved her tale because it enters the public realm – partly because she interacts with the leading priestly figure of the day at the major shrine of the premonarchic era, and partly because her behavior adumbrates the national prominence of Samuel." (103). "Such women may be the exceptions in terms of the canonical record; but they should hardly be considered unique within the dynamics of daily life, at least in the rural context of ancient Israel." (104).

²⁶ Zwickel, *Tempelkult*, 293f.

of Shiloh. This stood under supervision of priests. Nevertheless, the head of the family was the actual master of the sacrifice (1:3-4). Thus, Elkanah slaughtered the sacrificial animal and divided it. The parts of this “slaughtering sacrifice” (זֶבַח) were cooked in the vicinity of the sanctuary (2:13). This could perhaps be the traditional and thus unspoken task of the wife.²⁷ The fat that has separated itself from the meat in the pot was scooped from the surface and was “sent up in smoke” (קָטַרְוֹן) 2:15) – probably on an own altar of smoked offerings. Elkanah gave each member of the family their own portion of the meat of the communal sacrifice. It is then eaten with liberal helpings of bread (1:24) and wine (1:14-15, 24) in the immediate vicinity of the temple. Early in the morning on the next day, they “worshipped before Yahweh” (וַיִּשְׁתַּחֲוּוּ) 1:19; cf 1:28) and then returned home to Ramah.

Right at the beginning, the narrative designs the liturgical ground structure of the pilgrimage feast, when in 1:3 it says of Elkanah:

“This man would go up from his city yearly to Shiloh to worship and to sacrifice to YHWH of Hosts (להשתחוות ולזבח ליהוה צבאות).”

The ritual consisted of two spatially and temporally distinct main parts, namely the worshipping proskynesis and the sacrifice. The text obviously strings these two actions together according to their liturgical esteem and not according to their actual sequence, for that would be the other way round: Firstly, the sacrifice takes place in the temple area and then, with the night in between (1:19) or even sooner thereafter (1:28), the pilgrimage ritual culminates in the worship “before Yahweh” in the temple building. In what follows, I shall limit myself to the part concerning the sacrifice. The *whole sacrificial performance* is thus summarised under the title “slaughtering for Yahweh” (זֶבַח 1:3) or it is summarised as “slaughtering the yearly slaughtering sacrifice (and the votive [offerings/gifts] for Yahweh” (לִזְבַּח כִּיהוָה אֶת־זֶבַח הַיָּמִים וְאֶת־נְדָרוֹ) 1:21; cf 2:19) or even as “slaughtering the bull” (שָׁחַט אֶת־הַפָּר 1:25), although this “slaughtering” consisted of several different acts, including the cooking, “smoking” and above all,

²⁷ Bird, “Place,” 95 n 37.

the shared “eating”. Are we to conclude from this, that slaughtering was the most important act and that it therefore gave its name to the whole sacrificial ritual? Then it would be conspicuous, (who it was that did the slaughtering. At first, Elkanah did it alone (וַיִּזְבַּח, 1:4). When Hannah later kept her vow, she joined Elkanah in slaughtering²⁸ (וַיִּשְׁחַטוּ²⁹, 1:25) and subsequently, both of them (וַיִּבְיְאוּ, 1:25) brought the little boy Samuel to the priest, Eli. Probably the priest only presided over the performance of the sacrifice, for which he was given a share in the sacrificial animal. Perhaps he only watched over the sanctity of the place or officiated in Shiloh primarily on account of the ark. Who it was that did the “smoking” is not mentioned at all, but the term stands in the third person plural – “they sent up in smoke” (קִטְרוּן, 2:15, 16). Thus, the subject can

²⁸ On the notable switch in gender roles in 1:1-2:21*, see Mommer, *Samuel*, 20f. Moreover, these roles are differently determined in the Masoretic text and in the Septuagint (Codex Vaticanus) as well as the preserved passage 1 Sm 1:22-2:6 in 4QSam^a (which may be the Hebrew original of the Septuagint). Stanley D Walters, “Hannah and Anna: The Greek and Hebrew Texts of 1 Samuel 1,” *JBL* 107 (1988) 385-412, has proved convincingly that the two textual traditions in 1 Samuel 1 in fact tell two stories, “two perspectives on life and godliness, even two perspectives on women.” (412). The two differing tendencies must therefore not mutually be corrected text-critically or harmonised. While the Masoretic text describes the cultic proceedings in 1:24-25 in merely two sentences, the Septuagint (Codex Vaticanus) presents them in four sentences (Walters, *loc cit* 397f, offers a textual synopsis). It reports a twofold sacrifice of “the father of Samuel”, one on the occasion of the annual pilgrimage (v 24) and one because of the handing over of the boy (v 25). The Septuagint thus excludes Hannah from the cult. On the other hand, in the Masoretic text of 1:23 to 2:1, she is the subject of eight feminine-singular verbal forms, that are only interrupted by two plural forms in 1:25 (וַיִּבְיְאוּ...וַיִּשְׁחַטוּ) “they slaughtered [the bull] and brought [the boy to Eli]”. Therefore, Hannah must have been one of the actants. Without doubt, Elkanah was another, although he is not named specifically, because the mother and child certainly did not travel alone. The Masoretic text already indicates this through the three bulls that they took with them, that is, one for each person (401). The plural forms therefore do not refer to unnamed temple officials who might have slaughtered the bull and brought Samuel to Eli – against John T Willis, for example, “Cultic elements in the story of Samuel’s birth and dedication,” *SyTh* 26 (1972) 33-61, 60. Equally, one must not make Hannah, who undoubtedly is the primary figure in the story, into the one solely slaughtering and presenting the boy – against Ralph W Klein, *1 Samuel* (WBC 10; Waco / Texas: Word Books, 1983) 2 (translation) and 3 (text-critical remarks to 24d-25d). On the components of Hannah’s sacrifice, see Carol Meyers, “An Ethnoarchaeological Analysis of Hannah’s Sacrifice,” *Pomegranates and Golden Bells. Studies in Biblical, Jewish, and Near Eastern Ritual, Law, and Literature in Honor of Jacob Milgrom* (Ed by David P Wright / David Noel Freedman/Avi Hurwitz; Winona Lake / Indiana: Eisenbrauns, 1995) 77-91.

²⁹ שָׁחַט used here instead of זָבַח, also describes “das rituelle Töten von Tieren zum Zweck einer kultischen Feier” (R E Clements, שָׁחַט, *ThWAT VII* [Hrsg v Heinz-Josef Fabry / Helmer Ringgren; Stuttgart: Kohlhammer, 1993] 1214-1218, 1215, where 1 Sm 1:25 is mentioned expressly). Against that, Willi-Plein, *Opfer*, 76, suspects that this term is used for the technical proceedings of slaughtering and that it indicates that in this context, we are not dealing with a slaughtering feast. It then remains unexplained, though, what the ingredients, namely the ephah of flour and the flask of wine (1:24) were meant for.

be neither the priest nor his servant. Furthermore, with regard to the narrative: When the man “who was slaughtering a slaughtering sacrifice” (2:13) points the servant of the priest to the fact that the meat in the pot had not yet been cooked, that the fat had not yet been separated and burned (2:15-16) and that he thus had appropriated the portion of Yahweh together with the meat for himself, then this still does not create the impression that it was a priest who usually “smoked” as if it was his right. Only 2:28 expressly mentions the “smoking” (להקטיר קטרת) probably the burning of the fat-portions, as one of the tasks of the priest.³⁰ But, to return to the narrative of the yearly pilgrimage festivals (1:1-2:21): Its sacrificial aspect is, indeed, summarily described as “slaughtering before Yahweh”. However, what is presented at length is neither the slaughtering and all that it entails, nor the smoking that is not mentioned at all in 1 Samuel 1, but the common meal. The narrative strategy suggests that the communal meal is the actual form of the sacrifice. The “slaughtering” – as did the cooking – served only for its preparation. The fat that was smoked was a “gift of homage to Yahweh”³¹ (מנחת יהוה) – God’s share of the meal. The priest received a separate portion of meat as guest of honour. The sacrifice itself, though, was the concern of all family members who shared the meal with each other at the place of God’s presence, just as they would all together pay homage to Yahweh at the end.

What was customary in Shiloh, though, did not apply absolutely everywhere, for Shiloh was a well-furnished *temple* with a developed rite. At the many *cultic high places*, for instance at the one at Ramah (1:19), there was an altar, but no priest. Such “high places”, but also other public cultic places, lead us to expect different local practices; ritual burnings might in any event only have been undertaken at some of them.³² Thus nothing forces the assumption that the “handing over of sacrificial gifts to Yahweh, and therefore

³⁰ According to Am 4:5 the offering of thanksgiving, however, was burnt by laypeople (R E Clements, ‘קטיר’, *ThWAT VII* [Hrsg v Heinz-Josef Fabry/Helmer Ringgren; Stuttgart: Kohlhammer, 1993] 10-18, 13).

³¹ Willi-Plein, *Opfer*, 75.

³² Cf the - presumably - oldest different reports on the sacrificial slaughtering in 1 Sm 9:12-24; 14:31-35; 16:1-13; 20 and see also Zwickel, *Tempelkult*, 285-301, *passim*; further Matthias Gleis, *Die Bamah* (BZAW 25; Berlin-New York, 1997) 198-205.

the direct cultic-ritual contact with the godhead was at any rate the sole privilege of the priests"³³. The priest was indeed absent from most sacrifices and the "smoking" of the fat appears neither as indispensable nor as essential act of sacrifice. Neither is this surprising, because the function of the sacrifices above all had been communion of the meal with God, and through the ritual, this could be expressed in different ways.³⁴

With regard to the *sacrificers* in the *early days of the Israelite sacrificial cult* can be stated rather generally: If there was a priest, he probably was responsible for the smoking within the sacrifice. As guest of honour, he would then receive his portion of meat or the set tariff for sacrifices. Yet, sacrifices were also offered when a priest was absent, and more often that used to be the case. Especially in local sanctuaries, that could have been normal practice. When the whole family offered sacrifices there, certain functions would be fulfilled by their social representatives, without discrimination regarding sex. In a patriarchal world, that would usually be the privilege of the father as head of the family. He slaughtered the animal and gave the members of his house their portions of the meal. If there was no father of the house in a family, then it stands to reason that his functions during the sacrifice were taken over by the mother of the family.³⁵ Women, though, could otherwise also act independently in religious matters and thus many of

³³ Against Zwickel, *Tempelkult*, 290, who refers to the law of the altar Ex 20:24-26 both here and 291f, while the law of the altar indeed does not mention the priest. In its current context it in fact reveals a totally different function of the sacrifice – "la reproduction culturelle de la théophanie du Sinaï" (Alfred Marx, "La place du sacrifice dans l'ancien Israël," *Congress Volume Cambridge 1995* [Ed by J A Emerton; VT.S LXVI; Leiden: Brill, 1997] 203-217, 213). See also Exodus 34:25 (with חמץ).

³⁴ Alfred Marx, "Familiarité et transcendance. La fonction du sacrifice d'après l'Ancien Testament," *Studien zu Opfer und Kult im Alten Testament mit einer Bibliographie 1969-1991 zum Opfer in der Bibel* (Hrsg v Adrian Schenker; FAT 3; Tübingen: Mohr, 1992) 1-14. For the whole Bible see Christian Grappe/Alfred Marx, *Le sacrifice. Vocation et subversion du sacrifice dans les deux Testaments* (Essais bibliques 29; Genf: Labor et Fides, 1998).

³⁵ It may certainly not be absolutised that the social public area and its institutions were reserved for men and their leadership roles, and that the domestic sphere was the domain of women. Yet, even Bird, "Place," 87 says: "Thus leadership roles in the official cultus are rarely [italics mine] women's roles or occupied by women." Alfred Marx, *Formes et fonctions du sacrifice à YHWH d'après l'Ancien Testament* (Unpublished thesis theol prot Strasbourg, 1985) generally determines, even for the different kinds of communal sacrifices predating the priestly document, "Toute personne, homme ou femme, peut entreprendre d'offrir un sacrifice de communion" (249). On reconstructing the liturgical role of Israelite women, the level of Biblical source material should not least of all also be kept in mind: "... biblical materials are insufficient, since they are mostly centered on the male-dominated public life of Israel, and they may even distort a social reality quite different from the formal canonical stance. It is becoming increasingly clear that women everywhere have critical roles to play in religious life, even if those roles are ignored or minimized in the public record. The validity and autonomy of Hannah's actions, as an example of family religion, should not be questioned." (Meyers, Hannah, 102).

their religious actions, such as the fulfilment of a vow, had a thoroughly public character. 1 Samuel 1:25 proves that in some distinct cases, the slaughtering of the sacrificial animal was also included in this. Many portrayals confirm that women actually also performed the slaughtering in the Ancient Near East.³⁶ Does this mean that women, at least when they stood at the head of a household, were allowed to offer sacrifices? The question now proves to be too one-sided. In such a case, women were probably allowed to take over a task that would normally be performed by men within the sacrificial ritual. The sacrifice itself, though, obtained its meaning and form neither in the slaughtering nor in the pouring out of blood, nor in the smoking of fat, but together with all this, in the communion of the meal with and before God. For the sacrifice was always the concern of all persons involved, even when they “merely” took part in the communal sacrificial meal. This basic picture of the Israelite sacrificial ritual also remained decisive after a social change and a reorganisation of the local sanctuaries lead to a change of the roles of the sexes within the cult. Probably, never did this happen more distinctively than during the reforms of the Kings Hezekiah and Josiah.

4. CENTRALISATION OF THE CULT AND DEUTERONOMY

The politics of Hezekiah may have given the first impetus.³⁷ In order to protect the rural population from an expected Assyrian attack, the king resettled them in the fortified cities. Thereby, the close cohesion between the rural extended family and their soil and forefathers, was broken and this changed the structure of families. Within Hezekiah's general scheme, the centralisation of the sacrifices in Jerusalem and the abolishment or destruction of local places cities were to promote the process of the new national integration. After Sennacherib's campaign, during which only Jerusalem was spared, and

³⁶ For its discussion and literature, see Mayer I Gruber, “Women in the Cult according to the Priestly Code,” *The Motherhood of God and Other Studies* (SFSHJ 57; Atlanta / Georgia: Scholars, 1992) 49-68, 64 n 37. Thus, Ancient Oriental iconography already contradicts a fixation of roles, according to which a woman “was by nature unfitted for the sacrificing priesthood. The slaughtering of animals is contrary to her nature” - against Elizabeth Mary MacDonald, *The Position of Women as Reflected in Semitic Codes of Law* (University of Toronto Studies Oriental Series 1; Toronto 1931) 67.

³⁷ See Baruch Halpern, “Jerusalem and the Lineages in the seventh Century BCE: Kinship and the Rise of Individual Moral Liability,” *Law and Ideology in Monarchic Israel* (Ed by Baruch Halpern / Deborah W Hobson; JSOT.S 124; Sheffield: Academic Press, 1991) 11-107, 27. Gleis, *Bamah*, 149-152 had attempted to have the reform of Hezekiah evaporate into a piece of Deuteronomistic fiction. However, his argumentation is often methodically inconclusive.

the re-population of the deserted land to a certain extent by Manasseh, Josiah again followed a restorative centralisation policy and social egalisation under the crown. In Deuteronomy, his reform was expressed both legally and literarily.³⁸ The “theology of the people” that stood behind it, leads one to expect that the possibilities of women at liturgical performances were newly defined.³⁹ On this matter, however, hardly any exegetical discussion has yet taken place.⁴⁰

First of all, it is to be emphasized that *presenting sacrifices in Deuteronomy is, as before, not the concern of the priests, but of the people*. In 18:3, in the law on the priestly income, this is assumed to be a matter of course:

“And this is the right the priests have towards the people (לְעַמִּי), towards those who slaughter a slaughtering sacrificial animal (זֶבַח הַזֶּבַח), whether a bull or a lamb: They shall give to the priest the shoulder, the jawbones and the abomasum.”

This sacrifice tariff, in contrast to 1 Samuel; 2:12-17, specifies the priests' claim to maintenance and thus contains an innovation. It nevertheless still formulates the pre-Deuteronomistic law which, in the priestly law, was integrated only into the centralisation

³⁸ See Norbert Lohfink, “Gab es eine deuteronomistische Bewegung?,” id, *Studien zum Deuteronomium und zur deuteronomistischen Literatur III* (SBAB 20; Stuttgart: Kath Bibelwerk, 1995) 65-142; Georg Braulik, ‘Konservative Reform’. Das Deuteronomium in wissenssoziologischer Sicht,” *Kirchenreform* (Hrsg v Paul M Zulehner/Andreas Heller; Arbeitsstelle für Kirchliche Sozialforschung Dossier 18; Graz-Wien 1998) 163-177.

³⁹ The probe into the origin of the “brotherly ethics” of Deuteronomy is to be treated separately, because the cultic regulations nowhere use the term “brother”. The references of the Deuteronomistic code to the “brother” probably do not yet belong to the pre-exilic text. As far as social regulations are concerned (15:1-18; Ch 19-25), they were probably first formulated only by the Deuteronomistic “Decalogue redaction” of early post-exilic times. See provisionally, Georg Braulik, “Weitere Beobachtungen zur Beziehung zwischen dem Heiligkeitsgesetz und Deuteronomium 19-25,” id, *Studien zum Buch Deuteronomium* (SBAB 24; Stuttgart: Kath Bibelwerk, 1997) 183-223, especially 210-212 – against Eckart Otto, “Programme der sozialen Gerechtigkeit Die neuassyrische (an-)duraru-Institution sozialen Ausgleichs und das deuteronomische Erlaßjahr in Dtn 15*,” *ZABR* 3 (1997) 26-63, who sees “die Antwort auf die Krise des familiar begründeten Solidarethos” in an already pre-exilic “Bruderethos des Deuteronomiums, das an soziale Motive des Bundesbuches anknüpft” (31). It then remains yet unexplained, for example, why only cultic and not social offences, too, play a role in the Deuteronomistic history. What is certain, is that Deuteronomy in its final form designs a “world” in which a woman, too, is explicitly a “brother” (15:12).

⁴⁰ The “Exkurs: Zur Stellung der Frau in der Kultteilnehmerliste” of Eleonore Reuter, *Kultzentralisation. Entstehung und Theologie von Dtn 12* (BBB 87; Hain: Frankfurt/M, 1993) 147-151, too, here does not lead any further. It overlooks important matters in its overview of the subject-matter, it is often methodically and argumentatively indecisive and in the end it remains captive within the exegetical trend.

of the cult.⁴¹ The sacrificer had to hand over the “shoulder, jawbones and abomasum” of the slaughtered animal to the priest who was directly responsible, but there is nothing to indicate that the priest was thereby paid for a specific sacrificial activities. The function of the priests who were occupied at the central sanctuary rather lies in the legal area or in a general temple service. This later also applies to the Levites, who move over to Jerusalem and undertake priestly tasks in the temple. In favour of the remaining Levites living in other cities, the Deuteronomic cultic legislation wants participation in the varying liturgical feasts and celebrations in Jerusalem, especially in the communal meal. Yet, it assigns no specific own sacrificial act to them.⁴²

Only two late texts intend a task for *Priests and Levites* in the sacrificial cult. While 26:10 determined that, at the presentation of the firstfruits the farmer is supposed to place the basket with the first yields of all field crops “before Yahweh”, the officiating priest accepts it according to the then-inserted late-Deuteronomistic verses 3a, 4,⁴³ in order to place it himself “before the altar of Yahweh”. According to a late post-exilic, pro-Levitical revision of the Levi-saying in 33:10,⁴⁴ the Levites lay the “whole offering”, that however otherwise is not important in Deuteronomy, on the altar. These two restricting insertions can be disregarded in what follows.

According to 18:3, the *‘people’* that are distinguished from the priests thus offer their sacrifices. According to Deuteronomic understanding, the women also belonged to it. In 29:10 the women are explicitly named as legal subjects of the conclusion of the covenant in Moab, through which Israel was constituted as Yahweh’s people (29:9-14). In the same way, 31:12 names them expressly, when all Israel gathers itself at the feast of Tabernacles of the seventh year in its original equality at the central sanctuary, in order to

⁴¹ On the traditio-historical and literary-historical discussion of 18:3, see Ulrich Dahmen, *Leviten und Priester im Deuteronomium. Literarkritische und redaktionsgeschichtliche Studien* (BBB 110; Bodenheim: Philo, 1996) 277-281 and 310-314.

⁴² On the latest attempt at the reconstruction of a history of development of the Levite- and priesthood based on Deuteronomy, see Dahmen, *Leviten*, 392-405.

⁴³ Ibid, 396; cf Siegfried Kreuzer, *Die Frühgeschichte Israels in Bekenntnis und Verkündigung des Alten Testaments* (BZAW 178; Berlin - New York: de Gruyter, 1989) 150-156.

⁴⁴ Dahmen, *Leviten*, 197-201.

recall the Torah for themselves in a festal learning rite (31:10-13). In both texts however, the individual families are drawn back into the unity of the people.⁴⁵ But 18:3 in the priestly law does *not yet* suffice alone to infer from it the *express and equal right of women* to carry out the slaughtering sacrificial ritual like men.

The distinctiveness of the *Deuteronomic liturgical reform* lies in the fact that it concentrates all sacrifices, feasts and celebrations of Israel to the temple of Jerusalem as the only legitimate sanctuary of Yahweh. It is unnecessary to present everything that lead up to this, here.⁴⁶ This cultic unity, though, would surely not just guarantee cultic purity. Even the laws of centralisation are not concerned with providing legislation for the sanctuary.⁴⁷ The decisive factor might have been “the new theological basic idea of Israel’s relationship to Yahweh”⁴⁸. Deuteronomy develops it in the oldest biblical “festal theory”. It gathers all families and social strata into the real-symbolic unity of the whole people, appearing as the “family of Yahweh” (עַם יְהוָה) increased to colossal dimensions.⁴⁹ The Deuteronomic Torah includes the whole universal reality in this society “Israel”, as the “holy people” (עַם קָדוֹשׁ) of Yahweh.⁵⁰ This process of reinterpretation

⁴⁵ They are dated differently. While 29:9-14 seems to be only post-exilic (Norbert Lohfink, *Die Väter Israels im Deuteronomium. Mit einer Stellungnahme von Thomas Römer* [OBO 111; Freiburg / Schweiz: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 1991] 36-40), 31:9-13 could still belong to a Josianic-Deuteronomistic layer (Norbert Lohfink, “Die Ältesten Israels und der Bund: Zum Zusammenhang von Dtn 5,23; 26, 17-19; 27, 1.9f und 31, 9,” *BN* 67 [1993] 26-42; otherwise Dahmen, *Levitien*, 142-180).

⁴⁶ Although Reuter, *Kultzentralisation*, has brought together a lot of material on “centralisation of the cult”, she still cannot answer the question on the historical roots of Deuteronomic law - see the comprehensive discussion of the broad theses by Norbert Lohfink, “Kultzentralisation und Deuteronomium. Zu einem Buch von Eleonore Reuter,” *ZABR* 1 (1995) 117-148.

⁴⁷ Norbert Lohfink, “Opferzentralisation, Säkularisierungsthese und mimetische Theorie,” id *Studien III* 219-260, 220f.

⁴⁸ Gerhard von Rad, *Das fünfte Buch Mose. Deuteronomium* (ATD 8; Göttingen: Vandenhoeck & Ruprecht, 4th 1983) 65.

⁴⁹ Georg Braulik, id “Die Freude des Festes. Das Kultverständnis des Deuteronomium - die älteste biblische Festtheorie,” *Studien zur Theologie des Deuteronomiums* (SBAB 2; Stuttgart: Kath Bibelwerk, 1988) 161-218, 198f und 199-211 *passim*.

⁵⁰ This was convincingly proved by Lohfink, “Opferzentralisation.”

of course also changed the status of the sacrifices.⁵¹ Deuteronomy distinguishes between the so-called “profane slaughtering”⁵² for eating purposes, which is allowed always and everywhere (12:15,21), and the slaughtering for sacrificial purposes, which is connected to the central sanctuary (12:26-27). The vegetable offerings, too, have to be brought there (12:5-6). Through this revision the sacrifice that until then had been an expression of private piety and that had been presented within the personal sphere of existence, is now assigned to the realisation of the society of Israel according to the Deuteronomic theology of Yahweh’s people. What effect did this centralisation have for women? Do they, with the abolition of the local sanctuaries lose those places where, according to Phyllis Bird, they could just find “guidance, liberation and consolation”?⁵³

5. THE PILGRIMAGE SCHEME OF THE DEUTERONOMIC FESTAL THEORY

Because a legislative unifying will continuously allows itself to be detected in the liturgical reform of Deuteronomy, I can synchronically refer to the final text of the book in the following.⁵⁴ This final text establishes the ritual which overarches the individual

⁵¹ Their meaning for the Deuteronomic reform does not least of all show itself therein, that the Josianic covenantal document, as far as laws are concerned, probably did not contain social regulations but only cultic laws apart from the Decalogue and war regulations. In the further history of literary growth of the Deuteronomic code, the theme of sacrifice then might have framed the collection of laws. In the end-text at hand, the laws on the centralisation of the sacrifice (12:2-28) stand at the beginning, two rituals for sacrifice and the handing over of contributions form the conclusion (26:1-11 and 12-15).

⁵² “Dies ist aus der Sicht der vordeuteronomischen Auffassung des Sakralen formuliert. Im Sinn des Deuteronomiums wird nichts ins Profane entlassen. Der Schwerpunkt des Sakralen ist nur verlagert. Er konzentriert sich im festlich sich selbst als Jahwevolk vollziehenden Israel. Doch das bedeutet zugleich eher noch eine Ausweitung des Bereichs des Sakralen. Irgendwie gibt es in Israel nun nichts mehr, was nicht heilig wäre.” (Lohfink, “Opferzentralisation,” 245f).

⁵³ “Place,” 102. Bird however also sees that the Deuteronomic legislation especially wishes to incorporate women more strongly and directly into the religious gathering and that it defines the community in terms of laypeople, men and women. Cf Georg Braulik, “Die Ablehnung der Göttin Aschera in Israel. War sie erst deuteronomistisch, diente sie der Unterdrückung der Frau?,” id, *Studien zum Buch Deuteronomium*, 81-118.

⁵⁴ Zwickel, *Tempelkult*, 318-328, summarises the literary-critical assessment of the Deuteronomic cultic laws within modern research. As soon as he starts to analyze the aspects of content of the sacrificial texts, however, he does not distinguish between their basic material and its pre-exilic extensions, because of the only slight temporal distance between them.

sacrifices and ceremonies by using formulations which often show similarities and which only vary on demand of their context – namely the pilgrimage to the central sanctuary. It is presented in ritual terms and moulds all centralisation laws as a fixed sequence of events. Norbert Lohfink has designated this phenomenon as a “pilgrimage scheme”, and has described it at length.⁵⁵ Its ritual is more comprehensive than a mere sacrifice, but the sacrifice takes a central position in this system. The texts belonging to this new ritual framework can easily be identified by the so-called centralisation formula – “the place that Yahweh your God chooses by fixing His name there”, or similarly. In a majority of cases, this formula also constitutes the point of crystallisation around which the elements of the pilgrimage scheme unfold in greater or lesser numbers. In that matter, a fixed sequence of events constituted partly of identical verbs or verbal phrases, which is semantically recognisable in any event, is at issue here. The laws concerned, or parts thereof, are structured according to this sequence of events. “The actions at home before the pilgrimage, and the journey to the sanctuary itself, are expressed explicitly only in one part of the texts. The activities at the sanctuary change according to the theme of the particular law ... Everything almost always ends in ‘eating’ and / or ‘being joyful’. The return is not mentioned explicitly, although the paraenetical views on conduct in the period following thereafter, are a few times linked directly to the actions undertaken at the sanctuary.”⁵⁶

Of all the different activities suggested by the *verbal framework at the performance of the sacrifice*, “eating” (אכל) is by far mentioned most frequently. Of all the sacrificial elements, too, only this “having a festive meal” runs through the cultic laws with a certain regularity.⁵⁷ When the tithe of grain, wine and oil and also the firstborn of the cattle, sheep and goats are to be brought to the central sanctuary (14:22-27; 15:19-23), it is always only called a “family meal”. Wherever the invitation to “eating” in the temple is lacking, it is always possible to name a factual reason for the fact.⁵⁸ Contrary to

⁵⁵ “Opferzentralisation,” 323-240. He also presents the corresponding reference- and phrase-material in the form of tables of overview. In the following, I refer to these expositions.

⁵⁶ Ibid, 237.

⁵⁷ 12:4-7: 7; 12:13-19: 18; 12:20-28: 27; 14:22-27: 23,26; 15:19-23: 20; 16:1-8: 3,7; (18:1-8: 8).

⁵⁸ See Braulik, “Freude,” 208-211; Lohfink, “Opferzentralisation,” 238f.

“eating”, the other sacrificial acts are mentioned only sporadically and because of the context. In some cases they are normal deeds, such as “burning” (עלה, 12:14) or “presentation” (עשה) of the burnt sacrificial animals (12:27), the “pouring out” (שפך) of the blood of the slaughtering sacrificial animal (12:27; cf 12:16 and 15:23), the “slaughtering” (זבח, 16:2,5,6) and “cooking” (בשל) of the Passover animal (16:7), the “placing” (רחיף) of the basket with the firstfruits (26:4,10). This, however, is all that one finds with relation to the usual sacrificial verbs and their references in the extensive cultic legislation. This terminology certainly is insufficient to even approximately present, let alone regulate, all the actions of the sometimes rather diverse sacrificial performances, and that is evidently not at all intended either. To this aspect I shall directly return. In the pilgrimage scheme, the liturgical exceptional features are especially mentioned. For the celebration of the Passover (עשה פסח, 16,1), for instance, it is crucial to eat the unleavened bread as “the food of affliction”, in fact, “*that you may, during all of your life, recall (זכור) the day when you moved out of Egypt*” (16:3).

The whole sacrificial ceremony in the end is only the cult-dramatic performance of this remembrance of the exodus. Another example: Somebody bringing the firstfruits to the central sanctuary in a basket, there has to “confess before Yahweh” (לפני יהוה, אמר, 26:5) and “prostrate himself before Yahweh” (לפני יהוה, חוה. hišt. 26:10) – both rites are only provided for on this occasion.

6. THE MEAL AS THE STRUCTURE OF MEANING OF THE SACRIFICE

The particularity of the cultic legislation of Deuteronomy is perhaps best explained with the help of two modern liturgical-theological concepts – the “form of meaning” and the “form of celebration”.⁵⁹ The “*form of meaning*” is the “formal dynamics (way of performance) giving meaning to a celebration and through which its individual aspects obtain their theological significance, are linked to one another and are integrated into the

⁵⁹ They are developed for the understanding of Eucharist by Hans Bernhard Meyer, *Eucharistie. Geschichte, Theologie, Pastoral* (Gottesdienst der Kirche: Handbuch der Liturgiewissenschaft 4; Regensburg: Pustet, 1989) 445f.

whole.”⁶⁰ The “*form of celebration*” then denotes “the material expression of the formal form of meaning”⁶¹, that is, all elements in which the form of meaning manifests itself – words, gestures and postures, the acts with gifts, personal and social factors, allocation of roles, ordering of the whole celebration and the sequence of its parts.⁶² “Form of meaning and form of celebration are to be distinguished, but not to be separated, because the formal form of meaning can only be extracted from the “material” of the form(s) of celebration. Conversely, the form of meaning forms the criterion for the proper form of celebration.”⁶³

Applied to the Deuteronomic cultic laws, this means that despite their analogy to ritual texts, they do not design the form of celebration of the different sacrifices or feasts, not even when these show through time and again,⁶⁴ because in the most cases the necessary directions for actions are absent, not considering subtle prescriptions in the style of the cultic casuistic of the Priestly Document at all⁶⁵. What is apparently portrayed, is that which contours the form of meaning of the sacrifices. *Hermeneutically* speaking, this in the first instance means that when Deuteronomy does not put forward a certain ritual element, one cannot yet deduce from that, that it wants to do away with that which was not mentioned.⁶⁶ A “zero statement” can concern a given fact, which of

⁶⁰ Ibid, 445. Formulated in another way: “Als ‘Sinn’-Gestalt bestimmt sie die theologische Bedeutung ... als Sinn-„Gestalt“ die formale Struktur der Feier im Ganzen und der Einzelaspekte, die für sie konstitutiv und in sie integriert sind.” (*loc cit*).

⁶¹ Ibid

⁶² Ibid, 446; further id, “Die Feiergestalt der Prex eucharistica im Licht der Rubriken zum Hochgebet,” *Gratias agamus. Studien zum eucharistischen Hochgebet (Festschrift Balhassar Fischer)* (Hrsg v Andreas Heinz / Heinrich Rennings; Freiburg: Herder, 1992) 293-314, 305.

⁶³ *Eucharistie*, 446. Meyer here however protects himself against the misconception that the matter of concern is a distinction between “inner” theological being and “outward” ceremonial expression.

⁶⁴ See Lohfink, “Opferzentralisation,” 233 n 49.

⁶⁵ Braulik, “Freude,” 190-199. However, in the following I no longer, as is the case in the mentioned article, interpret this ritual openness of the Deuteronomic liturgy “merely” as sign of the “feast” over against a “celebration”.

⁶⁶ Cf Lohfink, “Opferzentralisation,” 229 n 38: “Solange historisch gearbeitet werden soll, ist Weinfelds Weise, aus Nichtnennungen von Sachverhalten auf deren Abschaffung durch das Deuteronomium zu schließen, nicht vertretbar. Eine andere Frage wäre es, wenn nach der im Deuteronomium entworfenen “Welt”gefragt würde. Bei dieser Frage kann Schweigen über vorhandene Realitäten beredt sein.” For further examples and comments, see 226 n 28, 228, 231 and 232.

course is to be continued to be practised, but is simply of no interest within this context. In the same way, though, a “dead loss”, in its capacity as an eloquent silence, might also plead for an ideational re-evaluation of customs that had been valid until then, or it might indicate that traditions are here actually altered.⁶⁷ Furthermore, a second aspect is prevailing: That which is being laid down liturgically, must not be build up into rigid categories and dismissed as being only utopic-ideological, when they then cannot be kept.⁶⁸

According to the “new ritual” of Deuteronomy the *structure of meaning of the sacrifice* lies in *the joyful meal of all that are assembled before Yahweh*. This can already be seen in the aforementioned verbal framework, because the pilgrimage to the central sanctuary usually culminates in a “festive meal”. We can add a further four observations to this fact.

In the first instance, out of all the elements of the ritual, Deuteronomy links only the “eating” to the act of “rejoicing” (רנן), the central word of its “festal theory” and of the liturgical basis as such.⁶⁹ In this, the act of eating together always precedes that of rejoicing, so that the feast results from the meal.

The second aspect, equally typical, involves the types of sacrifice that were selected by Deuteronomy.⁷⁰ Concerning sacrifices, it only mentions that which is in

⁶⁷ The two harvest festivals show this especially clearly. Of course slaughtering took place since the earliest times, at least at the feast of Tabernacles, and at the feast of Weeks a large meal was enjoyed. Nevertheless, the laws say hardly anything about the actual order of events at the feast. At the feast of Tabernacles, it usually only means that it was to be “celebrated”, literally “feasted” (אכל) “as feast” (16:15) – see Braulik, “Freude,” 209-211. Deuteronomy had in fact however increased the content of this very feast, through the surrendering of the tithes and the firstborn (Zwickel, *Tempelkult*, 337). On the transformation of Pesach and Mazzot, now refer to the comprehensive contribution of Bernard M Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (New York – Oxford: Oxford University Press, 1997) 53-97.

⁶⁸ Georg Braulik, “Leidensgedächtnis und Freudenfest “Volksliturgie” nach dem deuteronomischen Festkalender (Dtn 16:1-17),” id *Studien zur Theologie des Deuteronomiums*, 95-121, 113f. This principle especially concerns the particulars that Deuteronomy gives on those who partake of sacrifice and feast – see below.

⁶⁹ Braulik, “Freude,” 179-187; id “Leidensgedächtnisfeier,” 108f

⁷⁰ Recently they were discussed in detail by Zwickel, *Tempelkult*, 330-335.

some way or another connected with a meal.⁷¹ The catalogue of sacrifices, just at the beginning of the cultic legislation in 12:6, is considered to be a complete enumeration, if only because of its being a set of seven.⁷² It gives the “burnt offerings” (עֲלוֹתָ – in Deuteronomy always in the plural) which are not consumed by people as the first main type. In 12:27, though, one can see what is really important here. This verse goes into the presentation of sacrificial animals for the burnt offering and for the slaughtering, that is, into the whole sacrificial cult involving animals. In both cases the blood has to be poured out on the altar as God’s share of the meal. This distinguishes the sacrifice from the “profane slaughtering”, where one is to pour the blood on the ground. While the meat of the slaughtering sacrifices is eaten by people, in the case of the burnt offering it ends on the altar, just like the blood. The term “meat” (בָּשָׂר) that is used in both cases, thus emphasizes the edible in the case of the burnt offering, but in this case it only rises to God in the smoke.⁷³ With this, the fat that is to be reserved and burnt for God, remains unmentioned. On the occasion of the Passover, which is only turned into an actual “sacrifice” at the central sanctuary in Deuteronomy, not only are all animals eligible for slaughtering allowed, but the meat is also not roasted, as is customary for a meal offering, but it is cooked (בָּשָׂל, 16:7).⁷⁴

A third aspect is connected with this, namely the Deuteronomic “cultic formula”⁷⁵. The eating of the parts of the sacrifice is never mentioned in the absolute. If they are consumed, one “has a festive meal before Yahweh, your God” (אָכַל לִפְנֵי יְהוָה אֱלֹהֵיכֶם, 12:7, 18a; 14:23, 26; 15:20), “rejoices before Yahweh” (12:12, 18b; 16:11; also 27:7), completes the presentation rite of the firstfruits “before

⁷¹ Similarly, already Moshe Weinfeld, *Deuteronomy and Deuteronomistic School* (Oxford: Clarendon Press, ²1990 [=1972]) 211-213. The same goes for the “portions of Yahweh” (חֵצֵי יְהוָה) mentioned in 18:1, that however do not present an own understanding of sacrifice, but refer to all contributions that the priests are entitled to as their share of the different sacrifices (Zwickel, *Tempelkult*, 330f).

⁷² Braulik, “Freude,” 192f; Lohfink, “Opferzentralisation,” 226 n 29.

⁷³ Cf Marx, *Formes*, 152f.

⁷⁴ Lohfink, “Opferzentralisation,” 232 n 47.

⁷⁵ Braulik, “Freude,” 212.

Yahweh” (לפני יהוה אלהיך, 26:10) together with the “homage before Yahweh” (לפני יהוה מזבח יהוה נוח) (26:4) and one “says before Yahweh” (אמר לפני יהוה אלהיך) the confession or prayer over the first-fruits or the delivery of the sacred portion (26:5, 13). This linguistic ruling is characteristic of Deuteronomy 26. In the aforementioned references, the cultic formula is not to be understood in mere metaphorical terms, but it points to a close local connection between the liturgical events and the Temple of Jerusalem.⁷⁶ Because the phrase “before Yahweh” is connected with “the place that Yahweh will choose” seven times,⁷⁷ the cultic formula does not merely double the instruction on locality, but it moreover refers to mystical depths. “The presence of Yahweh remains connected with the sanctuary – but now with the central sanctuary only. However, it is now no longer experienced in an intensified way when the sacrificial rites are executed at the altar, but in the sincerity of the prayers to be said after the presentation and in the joy of the communal festive meal following after the sacrifice”⁷⁸ Compared with this, the “for Yahweh” (ליהוה)-aspect is practically irrelevant at the sacrifice in Deuteronomy.⁷⁹ It is only the “Passover animal” that is “slaughtered for Yahweh” (זבח פסח, 16:2).⁸⁰

⁷⁶ To these 12 references, are to be added 18:7 and 19:17 (לפני יהוה), thus 14 (=2 times 7 references); on the other hand, the formula in 24:4,13 is meant metaphorically. This was last proved by Ian Wilson, *Out of the Midst of the Fire. Divine Presence in Deuteronomy* (SBL.DS 151; Atlanta / Georgia: Scholars, 1995) 131-197, in comparison to the usage of language otherwise customary in the Old Testament.

⁷⁷ The formula of choice occurs after the cultic formula in Dt 12:18a; 14:23; 15:20; 16:11, in 26:5,10 (twice) however, before the cultic formula; against that, in 12:7; 14:26 and 18:7 the “place” is referred to only with שם. See Wilson, *Divine Presence*, 143, and Georg Braulik, “Die Funktion von Siebenergruppierungen im Endtext des Deuteronomiums,” id *Studien zum Buch Deuteronomium*, 63-79, 75f.

⁷⁸ Lohfink, “Opferzentralisation,” 240.

⁷⁹ Ibid, 226 n 28 Wilson, *Divine Presence*, 148-150. On the other hand, in Hebrew, vows and feasts are rather made or celebrated ליהוה than לפני יהוה so that the use of the prepositions in 12:11; 15:19; 16:1, 2, 8, 10, 15; 16, 23:22, 24 corresponds to the usage otherwise customary in the Old Testament and does not divert from the prepositional combination לפני יהוה typical of the Deuteronomic sacrificial laws (ibid., 149). In 15:21 and 17:1 ל is preferred to לפני in order to prevent the possible implication that one is not allowed to offer the imperfect animals in the central sanctuary, but that it is allowed elsewhere (ibid., 151).

⁸⁰ The two harvest festivals are also explicitly “celebrated for Yahweh” (ועשית חג שבועות ליהוה 16:10, חגג ליהוה 16:15).

In conclusion, the groups of people that are expressly invited are decisive for the sacrificial and festive meals in the fourth instance. This we shall now directly deal with in greater detail, for it brings us to our main theme, to the question whether women, too, were allowed to offer sacrifices.

For the moment one can say in summary, "At the central sanctuary, Israel as a whole is to reach pure joy before its God at the festive sacrificial meal. For Deuteronomy, this appears to be the essence of the sacrifice."⁸¹

7. COMMUNION OF THE MEAL AND THE RIGHTS ENJOYED BY WOMEN

Since the sacrifices are primarily meant to express gratitude for the blessings that Yahweh had bestowed on a family (12:7; 14:24; 16:10, 17; 26:11 [without בָּרַךְ]), all the members of a family are supposed to take part in it. Usually the resident Levites of the home village, as well as the "foreigners, orphans and widows" that are being socially integrated by Deuteronomy especially with the help of sacrifice and feast, would join them. The sacrifices brought during these family celebrations at the central sanctuary should not be classified as "private sacrifices" merely due to this "public interest" of Israel's society. Below I will deal separately with the different detailed lists of participants.

The shortest list of those who celebrate, reads as follows: "you and your family" (14:26; 15:20; cf 26:11) or "you and your families" (12:7). This formula already predates Deuteronomy and it is also still used in subsequent,⁸² but its social explosive nature, which is hidden in it, only shows itself where the cultic legislation itself interprets it by enumerating the members of a family – *verbatim*, of the "house" (בַּיִת) – in detail and by enlarging it depending on the context of the statement. According to 12:18 "you, your son and your daughter, your slave and your slave-girl, also the Levites, who have the right to live within the reach of your cities", are to participate in the sacrifice. The same series also can be found with a plural form of address (12:12). Besides the members of the family it contains the Levites who, although owning no land, must not be regarded as

⁸¹ Lohfink, "Opferzentralisation," 239.

⁸² Georg Seitz, *Redaktionsgeschichtliche Studien zum Deuteronomium* (BWANT 93; Stuttgart: Kohlhammer, 1971) 191 n 288.

section of the population that are down-at-heel and impoverished. Finally, in the case of the Feast of Weeks and the Feast of Tabernacles once more the circle of participants is enlarged beyond the Levites with the “foreigners, orphans and widows”. This trias too, typical of Deuteronomy, does not live on their own land, but is also never characterized as “poor”.⁸³ They also have to be invited to the highlights of the peasants’ year, when Israel as a whole gathers at the harvest festivals in the sanctuary of Jerusalem, as full members of “Yahweh’s family” that have equal rights. According to 16:11 and 14, “*you, your son and your daughter, your slave and your slave-girl, also the Levites, who have the right to live within the reach of your cities, and the foreigners, orphans and widows who live in your midst*”, are also to participate in the festive sacrificial meal, where Israel’s joy reaches its climax. These groups of people are also involved in the offering of the firstfruits. In this case, the regulation speaks of joy “*about all the good things Yahweh your God has given to you and your family*”, in which “*you, the Levites and the foreigners in your midst*” are to rejoice. The fact that only the “foreigners” (גֵּרִים) are named, reflects the structure of meaning of the offering of the first yields, for the creed to which it is connected in Deuteronomy, tells from Israel’s status as foreigners in Egypt. Thus, the stress on the foreigners liturgically-symbolically reflects the theological matter of concern of the cultic regulation. Just in this very case nothing is said about the form of celebration, as the firstfruits were probably offered at the Feast of Tabernacles, and it is this feast in which also the orphans and widows were to participate besides the Levites and the foreigners.⁸⁴

Concerning families, the lists intend *completeness* in all cases. Though “fathers” and “brothers”, further “neighbours” are missing from the persons that belong to an Israelite extended family, they all have their own families, and are therefore directly addressed by the “you” (sg and pl) of the laws. The more striking is the fact, that also *the ‘wife’ is not mentioned*. This means either that the free woman and family mother is also

⁸³ Deuteronomy later created an own system of care for them in its social laws that concedes a legal claim on support for these fringe groups of society, typical of the Ancient Near East and of the Bible – see Norbert Lohfink, “Das deuteronomische Gesetz in der Endgestalt – Entwurf einer Gesellschaft ohne marginale Gruppen,” id *Studien III*, 205-218.

⁸⁴ Later, it also applies analogously to the Sabbath, which is likewise justified with the liberation out of Egypt. The list of those obligated to rest, apart from the family members as well as the animals of labour in the household, again mentions only the “foreigner” (5:14). And yet, its rest from labour without doubt concerned all people in Israel, including the unchosen Levites and orphans as well as widows.

addressed with the “you”, or that, while the whole family, including the slaves, are going on pilgrimage and are “eating” the sacrificial meal “and rejoicing” in Jerusalem, she is the only one always to stay in the home village to take care of the home and to work in their stead, during that time. The second option is hardly conceivable.⁸⁵ Such an interpretation would not only contradict the old pilgrimage tradition as it is still preserved in 1 Samuel 1, but also it would contradict the same high regard for both men and women usually shown in Deuteronomy.

However, the assumption that the family simply leaves the house empty and goes to Jerusalem with all its members, seems to be problematic as well. Anyhow, it is not an impracticable “theory of an ideologist”⁸⁶ that is at issue in this order, but once more the form of meaning of the Deuteronomic cult. Regarding the concrete celebration, it is taken for granted that some people also stay at home. Thus, there is no point in favour for assuming that this in principle is the specific task of the family mother.⁸⁷ As the whole family is invited for sacrifice and feast, it is also conceivable within the world depicted by Deuteronomy that the wife goes to Jerusalem to offer at the head of her people. As was mentioned above, this already held true for pre-Deuteronomic times. For that there might have been the traditional reasons – for example, that the husband had to look after the house or that he was sick, but there were also some extreme cases, when he was prevented from participating by war or captivity. However, Deuteronomy turns the

⁸⁵ This all the more goes for the Sabbath, on which the wife, according to this interpretation, would be the only person of the house who would need to work. It is certainly just as unlikely that the wife is not mentioned in the Sabbath commandment (5:14) because she is “nicht als Arbeitskraft im Dienst der Familie betrachtet” – against Adrian Schenker, “Der Monotheismus im ersten Gebot, die Stellung der Frau im Sabbatgebot und zwei andere Sachfragen zum Dekalog,” *Text und Sinn im Alten Testament. Textgeschichtliche und bibeltheologische Studien* (OBO 103; Freiburg/Schweiz: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 1991) 187-206, 196. This interpretation of the Sabbath commandment would not explain the other references of the series. It does not tally, either. The wife certainly did “knechtische Arbeit” (against *loc cit* 196 n 17). In those days, women could even “enslave” themselves (15:12) according to Deuteronomy, in order to support themselves and their families in extreme poverty. In this context, a group of seals dating from pre-exilic times (8th to 6th centuries) which Naaman Avigad, “The Contribution of Hebrew Seals to an Understanding of Israelite Religion and Society,” *Ancient Israelite Religion*, 195-208, 205f has pointed out, are perhaps also interesting. They belonged to Israelite women and they illustrate their equal social status, for instance, in the possibility to issue valid treaties.

⁸⁶ So Georg Hölscher, “Komposition und Ursprung des Deuteronomium,” *ZAW* 40 (1922) 161-255, 184.

⁸⁷ One asks the question why Bird, “Place,” 408, only makes the participation of women in the major public feasts and celebrations dependent on the extent to which their personal and domestic circumstances allowed them. Did the same not also apply to the men?

established right, which was hitherto unwritten, into statutory law. Even more: It emancipates the free woman from her role as replacement within the socially-determined prerogative of the head of the family and elevates her to the level of her husband as having equal rights within the cult. Regardless of her position within the family, she *gets the right to be in charge of the sacrificial ritual just as the free man*, for obviously the “you” (אָוּ [sg] or אַוּ [pl]) of the list is directed towards both women and men.⁸⁸

There are some further observations in favour of this.

The *literary technique*, with which Deuteronomy emancipates women liturgically, differs clearly from the way it formulates central items on the agenda, such as the centralisation of the cult. There might be different reasons for this. At any rate, nothing is explicitly told about the fact that usually women were also allowed to be in charge of sacrifices, but legally only the crack of the door, as it were, is opened to future development. Nevertheless, Deuteronomy clearly gives expression to its intention.

In view of the stereotyped structure of the lists of the participants, one would expect that the woman is not given implicitly, but explicitly. Why is the “you” referring to a man not completed by the phrase “and your wife” – as it is the case with the “sons and daughters” or “slaves and slave-girls” – in the list? Thus, why does it not say, “you *and your wife*, your son and your daughter, your slave and your slave-girl ...?” In this verse obviously Deuteronomy deliberately uses a different phrase, for – and here I have to state more precisely a vagueness of my explanations so far – the addressed “you” does not yet belong the actual list. Deuteronomy wants to define the same legal entitlement for husband and wife to be in charge of the sacrificial ritual. At the same time, however, it wants to exclude the still dependent sons and daughters as well as the servants from this prerogative.⁸⁹ Thus, the actual list syntactically constitutes a parenthesis, which is included only there where the ritual concerns all participants, namely on “eating” and/or

⁸⁸ Cf George Adam Smith, *The Book of Deuteronomy* (The Cambridge Bible; Cambridge: University Press, 1918) 167: “Wives are not mentioned, for they are included in those to whom the law is addressed; a significant fact.”

⁸⁹ Although all social barriers are torn down at the pilgrimage feasts, a social levelling is not at issue here. One should therefore not “speak of a sort of ‘cultic Communism’” – against Zwickel, *Tempelkult*, 329.

“rejoicing”⁹⁰. If the woman had been mentioned here, the remaining finite verbs would have only the free man as addressee. Thus however, all masculine singular forms of the corresponding laws on sacrifices and feasts textually-pragmatically have to be applied to both men and women.⁹¹ Owing to the “you” referring to the woman, and her being missing in the actual list, she is singled out from the “house”⁹² and authorized for the corresponding sacrificial acts like the man. Thus, what is she allowed to do?

Disregarding the common festive meal, the law enumerates the following activities at the cultic place in the context of lists of participants (12:18; 14:26; 15:20; 16:11, 14; 26:11):

⁹⁰ Only in 12:18 does the list already join with the festive meal, since it there forms the focal point of the law in 12:13-19. In 15:20 it is only connected to the “eating”, in 12:12; 16:11,14 and 26:11 only to the “rejoicing”, because of the stress on statement.

⁹¹ Phyllis A Bird, “Translating Sexist Language as a Theological and Cultural Problem,” *Union Theological Seminary Quarterly Review* 42 (1988) 89-95, 92f, on discussing the law on Hebrew slaves Dt 15:12-18, refers to the fact that the regulations in verses 12 and 17 are explicitly extended to a “Hebrew woman” or a “maidservant”. Does one not have to conclude from these specifications that, for the legal texts of the Old Testament, “where unambiguous extension of a case to both men and women is intended, explicitly inclusive language is used” (93)? The explicit mention made of women in this very law, however has a special reason for it, which is very easily reconciled with the notion that the “you” usually “inclusively” “implies” the woman. On the forces of circumstance that were active at the formulation of the Deuteronomic law and which also exclude mention of women as additional annotation, see Norbert Lohfink, “Fortschreibung? Zur Technik von Rechtsrevisionen im deuteronomischen Bereich, erörtert an Deuteronomium 12, Ex 21,2-11 und Dtn 15,12-18,” *Das Deuteronomium und seine Querbeziehungen* (Hrsg v Timo Veijola; SFEQ 62; Göttingen: Vandenhoeck & Ruprecht, 1996) 127-171, especially 157. One is not to deduce from the reference to “the Hebrew woman” or “maidservant” that the masculine singular of legal texts is usually applied exclusively, that it thus refers to men only. The masculine forms of the sacrificial laws of Deuteronomy can absolutely be meant to be understood inclusively. The conclusion that they indeed included women, is drawn from the survey of the functioning of the lists of partakers, undertaken above. Christa Schäfer-Lichtenberger, “Beobachtungen zur Rechtsstellung der Frau in der alttestamentlichen Überlieferung,” *WuD* 24 (1997) 95-120, 96, works from the assumption “daß die in den Gesetzen und Rechtstexten gebräuchliche Anrede הָאִישׁ / אִישׁ־אֶרֶץ sich auf männliche wie weibliche Adressaten bezieht, es sei denn, dem spezifischen Inhalt des Gesetzes liegt die Unterscheidung von Mann und Frau zugrunde oder seine Erfüllung wird ausdrücklich an ein Geschlecht gebunden.” One needs only to clarify for oneself, “welche Folgen die Bestreitung der Rechtsfähigkeit der israelitischen Frau für das Verständnis und die Geltung altisraelitischer Gesetze gehabt hätte. Die Praktikabilität des Dekalogs wäre ebenso in Frage gestellt wie die Verwirklichung der Fest- und Sabbatbestimmungen, die rituellen Speisevorschriften eingeschlossen. Die Sozialbestimmungen ließen sich leicht umgehen, da die Frauen sie nicht einzuhalten hätten.”

⁹² Against Löhr, *Stellung*, 46 n 3, who considers the non-mentioning of the women as a reference to the “nebensächliche Stellung ..., welche sie gegenüber der Nachkommenschaft einnahm”. The same, against Winter, *Frau*, 31 n 156. Then the slaves and slavewomen would all the more have been the ones that were to be ignored. What is interesting for this context, is that the ninth Decalogue commandment in the version of Deuteronomy (5:21a) lifts the wife out from the rest of the “house”.

- 12:14 to “burn (עלה hi) the animals for your burnt offerings”
to “implement (עשה) everything” Moses obliges to do
- 12:27 to “prepare (עשה)⁹³ the animals for your burnt offerings on
the altar of Yahweh your God,
the meat and the blood”
to “pour (שפך niph) the blood of the animals of your burnt
offerings onto the altar of Yahweh your God”
- 14:22 “to serve up (עשר pi) the tithe of the entire harvest”
- 15:19 to “deem to be sacred to / offer (קדש hiph)⁹⁵ Yahweh your
God every firstborn male”
- 16:10 to “give (נתן) a freewill gift”
- 16:15 to “celebrate the feast” (חגג) to Yahweh
- 26:5, 13 to “say” (אמר) the prescribed creed or prayer
- 26:10 to “bring (בוא hiph) the first yields of the fruits of the land”
to “place (נח) hiph) the basket” with the firstfruits before
Yahweh
to “prostrate yourself (חשת)”.

This possibly applies analogically to the other regulations for sacrifices which for various reasons, do not specifically list the participants, or address the “you” of all Israel,

⁹³ Walter Baumgartner, *Hebräisches und aramäisches Lexikon zum Alten Testament III* (Leiden: Brill, 1983) 843.

⁹⁴ It is an open problem whether the “tithe” does not signify something like a portion that is “served” – see Norberto Airoldi, “La cosidetta ‘decima’ israelitica antica,” *Bib.* 55 (1974) 179-210.

⁹⁵ קדש hiph is encountered only in this reference in Deuteronomy, which certainly does not reckon with the inherent taboo-sanctity of the firstborn animals. This is namely proved by the possibility to temporarily exchange the firstlings for money (14:24-26). See Lohfink, “Opferzentralisation,” 230f.

as the rules for Passover do (16:1-8).⁹⁶ It is conspicuous that most of the terms for sacrifice are ritually rather vague. Obviously the structure of meaning is at issue. Nevertheless, the concrete form of the celebration probably remains open for different sacrificial acts and does not exclude the activity of several persons, because what matters to Deuteronomy in the end, is Israel as brotherly/sisterly society. "And this expresses itself above all, when the highlights of the life of Israel occur: During the festive meals at Israel's feasts. Israel is shown in its nature, as it were, in each one of the happy groups sharing their meals at the central sanctuary. All the members of Israel are together without there being any social difference. All are full of joy. In this very moment they are "before Yahweh your God". Never and nowhere Israel can be itself more closely.⁹⁷

Probably only *Deuteronomy* granted the unrestricted right to women to be in charge of the sacrificial ritual. Everything happens in a very concealed, quite cautious manner. This is also indicated by the different addressees of the regulations for the Feast of Weeks and the Feast of Tabernacles in 16:9-12, 13-15 or 16:16-17, of the summarizing obligation to go on a pilgrimage three times every year:

Three times a year all your men should go there to see the countenance of Yahweh your God at the place he chooses: at the Feast of Unleavened Bread, at the Feast of Weeks, and at the Feast of Tabernacles. One should not go there empty-handed to see the countenance of Yahweh, but everyone with his gift, which is proportionate to the blessing you received from Yahweh your God.

The literary historical categorization of this regulation is being discussed. Most likely it still reflects the pre-Deuteronomic legislation, irrespective of whether one derives its pre-history at least in 16:16 from the festival calendar of the Book of the Covenant (cf 16:16 with Exodus 23:15b, 17; 34:20b, 23),⁹⁸ or of whether one reconstructs it independent

⁹⁶ An active role for women at the Deuteronomic Passover is therefore not so "wenig wahrscheinlich" as is assumed by Winter, *Frau*, 35.

⁹⁷ Lohfink, "Opferzentralisation," 243.

⁹⁸ Bernard M Levinson, *Deuteronomy*, 90-92.

thereof.⁹⁹ It is a moot point whether Deuteronomy 16:16-17 integrated the regulations of the three annual feasts as an editorial summary of the pilgrimage calendar, or again qualified and restricted the equality mentioned there, that is, reinterpreted it from the older sacrificial practice.¹⁰⁰ The “popular liturgy” of Deuteronomy certainly continues to build on the families, but now “all your men”¹⁰¹ are explicitly obliged to do pilgrimage three times a year. If they must not come “empty-handed”, this means at least they are responsible for the sacrifice. This does not yet need to contradict 16:10, according to which the free-will gift for the Feast of Weeks is to be “given” by the man or the woman, by the “you” to whom the law addresses itself.

The question *whether women, too, were allowed to offer sacrifices in Israel*, is in accordance with modern interest, but in my lecture it has turned out to be irrelevant for Israel, or even as being asked in the wrong way. It restricts the sacrifice to one single act and debases the concelebration of those who participate in the sacrifice, as being irrelevant. However, according to Deuteronomy both men and women were allowed to be in charge of the sacrificial liturgy of their families. Yet, we do not know to what extent the Deuteronomic sacrificial and festal theory of women having equal rights and being active in the cult, too, has come true or remained a utopian programme. The cultic legislation of the Priestly Code, which now precedes this Deuteronomic theory in the direction of reading the canonical Pentateuch, probably did not contradict this right of women. Recently Mayer I Gruber could namely prove sex-neutral language as being characteristic of the Priestly Code. It may use the terms אִישׁ and אִשָּׁה in the sense of “person” in its cultic regulations, so that both men and women were allowed to carry out

⁹⁹ William S Morrow, *Scribing the Center. Organization and Redaction in Deuteronomy 14:1-17:13* (SBL.MS 49; Atlanta / Georgia: Scholars, 1995, 160-163, 207, 213).

¹⁰⁰ These redaction-critical questions are not discussed by Winter, *Frau*, 29-32, in the investigation into the position of women in the celebration of feasts. In the context of Exodus 34:23; 23:17 he practically restricts himself to the obligation of Dt 16:16, which might have – as is clear from 16:14 – “die Frauen nicht gänzlich von jeglichem Dabeisein ausgeschlossen haben”, but might have done so, “anscheinend von jeglicher aktiven Teilnahme, vor allem aber vom Opfer”.

¹⁰¹ This definition of the addressees, which differs from the customary form of address in the festal regulations, shows that, had the “you” of the preceding pilgrimage laws referred only to the men, the explicit annotation “every man” in Deuteronomy 16:16f would not have been necessary (Schäfer-Lichtenberger, “Beobachtungen,” 96 n 4).

the liturgical acts.¹⁰² Here I cannot further investigate this question. At any rate, because of the belief in Yahweh, for Israel's system of laws being in force the Deuteronomic model of society reckons with the possibility of a brotherly/sisterly world also in the liturgy.¹⁰³ This is its relevance to the New Testament church.^{104 105}

¹⁰² Mayer I Gruber, "Women," 49-68, 62f. Because of his survey, it might be clear "that P has many more positive possibilities to suggest to us about the place of women in biblical thought than we could possibly learn from the repetition of the standard cliché that P with its laws of purity led to the virtual exclusion of women from the cult. Moreover, P's awkward sentences beginning with *nepes* and ending with a verb in the impersonal third person should provide encouragement for moderns who struggle to construct nonsexist language." (ibid 66 and 68). See also Schäfer-Lichtenberger "Beobachtungen," 103.

¹⁰³ Here, those factors which according to Bird, "Place," 88, determined the position of women elsewhere in the Old Testament, namely "(1) the periodic impurity of women during their reproductive years; (2) the legal subordination of women within the family, which places the woman under the male authority of father, husband or brother, together with a corresponding subordination in the public sphere in which the community is represented by its male members; and (3) an understanding of women's primary work and social duty as family-centered reproductive work in the role of wife-mother," do not appear or are reduced. Gruber, "Women," 66 n 40, dismissed the frequent exclusion on the basis of cultic impurity because of menstruation or birth. The period of breastfeeding up to the weaning of the child, and therefore also the time in which menstruation and birth were interrupted, most of the time covered a few years – cf for example 1 Samuel 1:22-24; see further Gruber, "Breast-Feeding Practices in Biblical Israel and in Old Babylonian Mesopotamia," *The Motherhood of God*, 69-107. In Deuteronomy 12:15, 22; 15:22, cultic purity is a prerequisite which is actually indicated only quite indirectly and implicitly, in that it distinguishes the liturgical from the profane meal. For a reevaluation of cultic impurity of women in the feminist discourse, see Ina Johanne Betmartha (Petermann), "Machen Geburt und Monatsblutung die Frau 'unrein'? Zur Revisionsbedürftigkeit eines mißverständenen Diktums," *Von der Wurzel getragen. Christlich-feministische Exegese in Auseinandersetzung mit Antijudaismus* (Hrsg v Luise Schottroff/Marie-Theres Wacker; BIS 17; Leiden: Brill, 1996) 43-60.

¹⁰⁴ It is therefore no coincidence, "daß Jesus die neue Gesellschaft, die er mit seinen Jüngern beginnt, vom gemeinsamen Tisch her formt. Hier beginnt die wahre Revolution, hier beginnt die wirklich klassenlose Gesellschaft. ... Von hier aus gesehen könnte man das gesamte Ethos, das Jesus seinen Jüngern vor Augen stellt, als die 'Tischsitten der Gottesherrschaft' bezeichnen. Damit wäre nämlich klar, daß dieses Ethos kein nebeliges 'Weltethos' ist, auch keine dünne 'Civil-Religion', nicht einmal 'natürliches Sittengesetz', sondern das spezifische Ethos derer, die sich um den Tisch Jesu sammeln lassen." (Gerhard Lohfink, *Braucht Gott die Kirche? Zur Theologie des Volkes Gottes* [Freiburg i B: Herder, 1998] 227f).

¹⁰⁵ I thank Hanneke de Vos and Alfred Friedl for the translation and proof-reading of the text.