

Feeding the Disenfranchised, the Orphan, the Widow, the Dead

What can we understand from the archaeological evidence of cookware, pots, plates, vessels, and food remains left behind in Israelite tombs of the Iron Age? Usually found surrounding the body or deposited into a repository with the dry bones during second burial, there are no indicative inscriptions or imagery left behind in the tombs along with the foodstuffs and pottery to denote the symbolic meaning behind said grave goods. Frustrated by the lack of biblical textual and physical evidence, modern biblical scholars often utilize Near Eastern epigraphy and imagery to interpret the scanty information on Israelite funerary customs in the context of the Near Eastern beliefs with regard to feeding the dead. The following paper analyzes the validity of using a comparative model as the lens through which to view ancient Israelite practices in light of the ancient prophetic, Midrashic, Talmudic, and rabbinic sources commenting on the matter that have thus far been left out of the modern scholarly conversation debating feeding the dead in ancient Israel.

The discussion amongst biblical scholars and archaeologists with regard to “feeding the dead” in ancient Israel and Judah has been constructed based on overgeneralizations. Most apparent are the overemphasized conclusions determining the validity of labeling such mortuary practices as “ancestor worship,” drawn from comparative models. Those on both side of the debate use comparative models to the advantage of their own agendas, disregarding evidence negating the soundness of the comparisons. The distinct lack of epigraphy and illustration in Iron Age Israelite tombs makes the comparative model a dangerous tool. Not only do anthropologists and archaeologists generalize and speculate about the meanings behind inscriptions and

imagery found in tombs of other cultures, those who are biblical scholars then utilize these same suppositions regarding “similar” societies to make conjectures about Israelite beliefs. The conclusions drawn from such comparative models are commonly guesses upon guesses, conjectures upon conjectures.

Deuteronomy 26:14 has often been cited as textual evidence for a prolific death cult practice in ancient Israel due to its supposed proclamation against giving tithed foods to the dead.¹ Biblical archaeologist Elizabeth Bloch-Smith equates the injunction against feeding the dead with those against consulting the dead, both serving the general purpose of discouraging the cult of the dead.² Understanding the verse as a ban against a widespread practice of feeding the dead, Bloch-Smith concludes that the prohibition “[c]urtailing mortuary cults” is one of many late 8th century BCE prophetic and priestly attempts to limit family cult and kinship ties in order to secure their own power and livelihood. “Breaking down clan fidelities, which were fostered by ancestral cults, would strengthen the central government. Rather than acting in the interests of the clan, individuals would pledge allegiance to the king empowered by the national god.”³ Understood in such a way, Bloch-Smith and other advocates of Israelite death cult cite this Deuteronomic prohibition against giving of the tithe to the dead as evidence for the existence of ancestor worship in ancient Israel.

To appreciate the significance scholars have attributed to this biblical verse, it is important to examine the terminology used in the conversation. In 1915, Emile

¹ Elizabeth-Bloch Smith, “Death in the Life of Israel,” *Sacred Time, Sacred Place: Archaeology and the Religion of Israel*. Ed. Barry M. Gittlen. Winona Lake: Eisenbrauns, 2002, 141.

² Ibid. 130.

³ Elizabeth-Bloch Smith, *Judahite Burial Practices and Beliefs about the Dead*, Sheffield: Sheffield Academic Press, 1992, 131–2.

Durkheim proposed a definition for cult of the dead meant to be universally applicable, including “repeated standardized practices oriented toward the dead at ritual locations associated with the dead.”⁴ This definition does not necessitate ancestor worship as a prerequisite for cult of the dead; however, Durkheim determined through his study of death cult in societies that these societies believed the human personality existed in some capacity after death and that offering cult to the dead reaffirmed their connection with the “sacred beings” upon whom they depended. Based on Durkheim’s definition, Brian Schmidt suggests a differentiation between funerary rites and cult, the first being practices only occurring under certain temporary circumstances, and the second being a recurring set of practices.⁵

Dissatisfied with the Durkheim’s outdated definitions, Schmidt determines further distinctions and describes more definitions of death-cult terminology. He distinguishes ancestor cult, or lineage cult, comprising “beliefs and practices directed towards dead predecessors” from cult of the dead, which he considers to be directed towards the dead in general. Ancestor worship strictly refers to “acts which reflect the beliefs that the power possessed by the ancestor is equivalent to that of a deity.” Veneration and worship of the dead are distinct from each other. In both cases the dead are believed to survive death in some capacity and have the ability to help living relatives. Worship of the dead implies a higher degree of propitiation by the living, as they are believed to be able to affect the lives of the living on their own. Those dead who are venerated are able to positively affect the living by influencing the higher deities.

⁴ Emile Durkheim, *The Elementary Forms of Religious Life: A Study in Religious Sociology*. Trans. J. Swain. London: Allen & Unwin, 1915, 63.

⁵ Brian B. Schmidt, *Israel’s Beneficent Dead: Ancestor Cult and Necromancy in Ancient Israelite Religion and Tradition*, Winona Lake: Eisenbrauns, 1996, 6.

While death and ancestor cult assume the continuation of the dead after death in some form, mortuary cult does not require this. Commemoration of the dead functions only to “perpetuate the memory of the deceased,” and only suggests that the dead continues on in the mind of the living. While the offering of gratitude, goods, services, and other gestures implies worship of powerful dead, care for and feeding of the dead implies the continuation of the dead in a weak state in which they cannot beneficially affect the living. Care and feeding of ancestors is done due to filial obligation to immediate predecessors after their death in an effort to keep them alive and keep their presence accessible.⁶ Drawing these definitions from anthropological ethnographies, Schmidt compares them to ancient Near Eastern and Israelite practices and concludes that while mortuary cult existed in these regions, ancestor cult did not.

Schmidt and Bloch-Smith champion opposing sides, as Bloch-Smith holds that the prohibition of giving tithed food to the dead is enough to make a case for ancestor worship. Understanding the word *elohim*, “divine being,” to be referring to the dead in numerous instances in the Hebrew Bible, Bloch-Smith concludes that “tithed food was considered their due.”^{7*} Bloch-Smith criticizes the hypocrisy of Schmidt’s definitions, arguing that “goods cannot be both a gift to secure favors from the powerful dead and a sign of weakness and inability to affect the living!”⁸ She believes that Schmidt emphasizes biblical texts and disregards the mounting evidence of Israelite cult of the

⁶ Ibid. 9–10.

⁷ Elizabeth-Bloch Smith, *Judahite Burial Practices and Beliefs about the Dead*, Sheffield: Sheffield Academic Press, 1992, 123.

* It is important to note that in Deuteronomy 26:14 the word מֵיִת (meit), meaning “dead” is used, not *elohim*.

⁸ Elizabeth-Bloch Smith, “Death in the Life of Israel,” *Sacred Time, Sacred Place: Archaeology and the Religion of Israel*. Ed. Barry M. Gittlen. Winona Lake: Eisenbrauns, 2002, 140.

dead found in hill-country burials and Ugaritic texts.⁹ The similarities between foodstuffs and grave goods found in Israelite and neighboring Near Eastern tombs, lead Bloch-Smith to conclude that the Israelites followed the example set by their neighbors and predecessors, and therefore the mortuary cult practices must have similar meanings: The ancient Near Easterners fed the dead as a form of propitiation and ancestor worship, and the Israelites must have believed similarly.

Citing Egyptian and Mesopotamian texts, Theodore Lewis also contests Schmidt's perspective on feeding of the dead, especially within the context of Near Eastern and Israelite practices. Not only did the Egyptians write letters to their deceased relatives, occasionally they inscribed them onto offerings bowls, underscoring the significance of the words: "Now that I am your beloved upon the earth, fight on my behalf, and intercede on behalf of my name...Remove the infirmity of my body!...I will then deposit offerings for you."¹⁰ Lewis argues that these supplications imply the belief that the Egyptian dead, whose benevolence could be gained by giving of food and offerings, were not weak and could act beneficially on behalf of the living.¹¹ Karel van der Toorn similarly expounds upon the Mesopotamian funerary banquet and food offering ritual practice known as the *kispu*, citing the closing lines of the Genealogy of the Hammurabi Dynasty, traditionally recited during the royal *kispum*:

[A]ll who have no one to care for them or to call them
come ye, eat this, drink this, and give your blessing

⁹ Ibid. 141.

¹⁰ E. Wente, *Letters from Ancient Egypt*. Atlanta: Scholars Press, 1990, 215.

¹¹ Theodore J. Lewis, "How Far Can Texts Take Us?," *Sacred Time, Sacred Place: Archaeology and the Religion of Israel*. Ed. Barry M. Gittlen. Winona Lake: Eisenbrauns, 2002, 192.

to Ammišaduqa the son of Ammiditana, King of Babylon!

“The purpose of the *kispum*, according to this text, was the obtaining of the blessing of the dead....The ‘blessing’ was mutual: the living were to bless the dead by invoking their name and presenting them with food and drink, and the dead would bless the living with peace.”¹² Lewis argues that the *kispu* ritual, including periodic giving of food offerings to placate malevolent ghosts, in conjunction with numerous texts that document the malevolence of the ghosts, proves that the Mesopotamians believed that the ghosts of the dead had power. Lewis argues that “the negative texts regarding ghosts and their power to affect the living must be part of any treatment of a cult of the dead.”¹³ Were it not for Schmidt’s qualification that the dead must act beneficially, there would be no questions that worship of the dead took place in the Near East.

While the arguments for Near Eastern worship of the dead are convincing, the argument for Israelite ancestor worship is less so. Just as Bloch-Smith argued that the prohibition of bringing the tithe to the dead implied that there were many who were doing this, so too does the prohibition against seeking the dead imply that people often sought the dead. Lewis takes this one step further, arguing that injunctions were put in place “precisely because the dead were thought to have power.”¹⁴ In line with Lewis’ argument that “negative texts regarding ghosts” should be including when considering death cults, Bloch-Smith understands Israelite cult “against the backdrop of the Mesopotamian *kispu* and the Ugaritic royal (and possibly domestic) funerary cults,”

¹² Karel van der Toorn, *Family Religion in Babylonia, Syria and Israel*. Leiden: Brill, 1996, 64–5.

¹³ Theodore J. Lewis, “How Far Can Texts Take Us?,” *Sacred Time, Sacred Place: Archaeology and the Religion of Israel*. Ed. Barry M. Gittlen. Winona Lake: Eisenbrauns, 2002, 195.

¹⁴ *Ibid.* 194.

associating the *kispu* ritual with the yearly family sacrifice mentioned by David in 1 Samuel 20:6.¹⁵ The feast of the mourners held in the *beit marzeach* (“house of mourning”) mentioned in Jeremiah 16:5–9 is also associated with the *kispu* as well as other *marzeach* rituals practiced from Ugarit to Palmyra.¹⁶

However, we have no evidence to show that the Mesopotamian *kispu* took place anywhere outside of Mesopotamia. In addition, it is a far stretch to say that a family feast (1 Samuel 20:6) and a mourners’ meal (Jeremiah 16:5–9) actually indicate that regular feast and food offerings were shared with the dead, as was the custom in Mesopotamian *kispu* rituals. As Wayne Pitard aptly points out, “[d]ifferent populations can do similar things—including making similar types of tombs or placing similar types of objects in the tomb—for entirely different reasons.”¹⁷ The abundance of inscriptions and mortuary writings found in Ugarit and Mesopotamia as compared with ancient Israel show that the cultures attributed different significances to their funerary practices and beliefs. In addition, Pitard poses the point that as of yet there is no solid archaeological evidence to suggest that the Israelites brought additional food offerings after the initial burial,¹⁸ which makes a connection between the purported Israelite practice of “feeding the dead” and the Mesopotamian *kispu* unlikely. While many more funerary writings have been found from Israel’s neighbors, no straightforward discussion of the meanings behind food

¹⁵ Elizabeth-Bloch Smith, “Death in the Life of Israel,” *Sacred Time, Sacred Place: Archaeology and the Religion of Israel*. Ed. Barry M. Gittlen. Winona Lake: Eisenbrauns, 2002, 141.

¹⁶ Phillip J. King and Lawrence E. Stager, *Life in Biblical Israel*. Louisville: Westminster John Knox Press, 2001, 379.

¹⁷ Wayne T. Pitard, “Tombs and Offerings: Archaeological Data and Comparative Methodology in the Study of Death in Israel,” *Sacred Time, Sacred Place: Archaeology and the Religion of Israel*. Ed. Barry M. Gittlen. Winona Lake: Eisenbrauns, 2002, 149–50.

¹⁸ *Ibid.* 155.

offerings and funerary feast exists. The ambiguity of the archaeology, the Hebrew Bible and the Caananite and Ugaritic texts make the comparative model a dangerous tool.

The dangers of using comparative models become clear in the writings of Lewis. While acknowledging the benefit to analyzing Israelite inscriptions and ancient Near Eastern text in conjunction with the Hebrew Bible, he notes that “in some cases, scholars have treated the comparative sources from ancient Egypt, Mesopotamia, and Ugarit as *more influential* than the biblical texts themselves.”^{19*} He uses this as evidence for the importance of Near Eastern material in reconstructing Israelite beliefs, whereas archaeology and textual sources of Israelite religion are reliable only in order to “fine-tune” said reconstructions. In light of the frustratingly fragmented Israelite account, Lewis recognizes the inclination to extrapolate from what ancient evidence we do have and draw connections to modern Jewish beliefs, as if the religion and culture were monolithic. However, he does not identify the equally dangerous desire to connect the Iron Age Israelite culture to other Iron Age Near Eastern cultures, as if all ancient Near Easterners were practitioners of a monolithic cult of the dead.

Scholars today have disregarded traditional classical interpretations and comments on the Torah in favor of Near Eastern and Mesopotamian comparisons. Disregarding centuries of opinions from Jewish commentators, modern biblical scholars continue the tradition spanning more than 1,000 years of determining the significance of a particular verse, declaring Deuteronomy 26:14 as evidence for feeding the dead in ancient Israel: לֹא אֶכְלֵתִי בְּאֵנִי מִמֶּנּוּ וְלֹא בְעֶרְתִּי מִמֶּנּוּ בְּטֶמְאָה וְלֹא נָתַתִּי מִמֶּנּוּ לְמֵת

¹⁹ Theodore J. Lewis, “How Far Can Texts Take Us?,” *Sacred Time, Sacred Place: Archaeology and the Religion of Israel*. Ed. Barry M. Gittlen. Winona Lake: Eisenbrauns, 2002, 170.

* Italics are mine.

שְׁמַעְתִּי בְּקוֹל ד' אֱלֹהֵי עֲשִׂיתִי כְּכֹל אֲשֶׁר צִוִּיתָנִי.

This verse is commonly translated in the following way: “I did not do it in mourning, I did not consume of it in impurity, and I did not give of it [to/for] the dead. I listened to the voice of Hashem my G-d and did all that I was commanded.” It is understood that this proclamation was meant to be recited after giving the *maaser* (tithe) in the third year of a seven-year cycle. The *maaser sheni* (second tithe) was separated from one’s produce every first, second, fourth, and fifth years and brought to Jerusalem and eaten there. If it was too impractical to take the produce all the way Jerusalem, it could be sold locally and the money spent on food upon arrival in Jerusalem. Deuteronomy 14:26 describes the permissible uses of the money earned from the sale of the *maaser sheni*: “You may spend the money for whatever your soul desires—for cattle, for flocks, for wine, or for alcoholic beverage, or anything that your soul wishes; you shall eat it there before Hashem, your God, and rejoice—you and your household.”²⁰ In classic Talmudic interpretation, the common pattern of a general term, then a particular term, and then another general term restricting the use of the *maaser sheni* is understood to mean that that general terms only apply to what also applies to the particular term.

[I]n the redemption of *maaser sheini* (*Devarim* 14:26): “And you should give the money into everything that you lust,” which is a general term, “into cattle and flock, wine...” which is a particular term, “and into everything that you desire,” which is a general term.... [J]ust as the

²⁰ Rabbi Nesanel Kasnett et al. *The Torah: With Ramban’s Commentary Translated, Annotated, and Elucidated*. Brooklyn: Merosah Publications, Ltd., 2008, 353.

particular term pertains to fruit and what grows from the soil, so everything else is also fruit and what grows from the soil.²¹

Understood in this way, the money from the sale of the *maaser sheni* should be spent on things that one desires, but only in the context of food. Deut. 14:26 provides background information regarding *maaser sheni* that is vital to properly analyzing Deut. 26:14.

The word order of Deut. 26:14 is also important to note. There are many debates as to the significance of adding “מִמֶּנּוּ,” (“from it”) and the significance of the change in pattern from <verb> <modifier> <מִמֶּנּוּ> to <verb> <מִמֶּנּוּ> <modifier>, and well as the exact meanings of those verbs and modifiers. In the *Sifrei*, the *Midrash Halacha* expounding upon the book of Deuteronomy and written around the 1st–2nd centuries CE, Tannaim Rabbi Eliezer and Rabbi Akiva are quoted giving their respective opinions on the meaning behind the statement “I did not give of it to/for the dead.” With the above interpretation of the *maaser sheni* in mind, Rabbi Eliezer understands the declaration in Deut. 26:14 to mean that the one fulfilling the *maaser sheni* requirement proclaims that he did not use the money from selling the tithed produce for the purpose of buying a casket and shrouds *for* a dead person. Rabbi Akiva elaborates on this point: If you are not allowed to use it in this way [for shrouds and coffin] for the dead, then you also cannot for the living. He explains that “לא נהתי ממנו,” “I did not give of it,” means that the declarer did not exchange the *maaser sheni*, even for something pure.²² Anything that would come into contact with the dead would not be considered pure, including a casket and shrouds.

²¹ Ezra Tziyon Melamed, *Aramaic-Hebrew-English Dictionary of Babylonian Talmud*, Jerusalem: The Samuel and Odette Levy Foundation, 2005, 573.

²² Rabbi Nesanel Kasnett et al. *The Torah: With Ramban’s Commentary Translated, Annotated, and Elucidated*. Brooklyn: Merosah Publications, Ltd., 2008, 646–651.

In the *Mishnah Maaser Sheni*, redacted in the 2nd century CE, an opinion similar to Rabbi Eliezer's opinion is given with regard to the meaning of "I did not give of it for the dead." According to the *Mishnah's* interpretation, this statement means that the *maaser sheni* was not used to acquire a casket or shrouds for the dead, nor was any of it given to other mourners. Meanwhile, in the *Talmud Yerushalmi*, Rabbi Eliezer is quoted again, this time speaking on behalf of Rabbi Simai, another Tanna, who apparently disagreed with Rabbi Eliezer's previously stated opinions. Rabbi Simai reportedly stated that "I did not give of it for the dead" could not have been referring to the purchasing of shrouds and a casket for the dead because a similar purchase would not have been allowed even for the living; the *maaser sheni* could not have been spent on anything other than food. Therefore, Deut. 26:14 must have been forbidding the giving of something to the dead that one would have been permitted to give to the living. Rabbi Simai poses that the verse must be referring to the act of anointing.

In the contemporary document, the *Talmud Bavli*, in tractate *Yevamos* 74a in chapter *HeArel*, Rabbi Shimon ben Lakish reports another opinion of Rabbi Simai which elaborates on his claim stated in the *Talmud Yerushalmi*: The verse teaches that one can not use *contaminated maaser sheni* for the dead and implies that it could be used *in the same manner* for the living. Anointing is then the only product of *maaser sheni* that would be the same for the dead and the living, except that the living are allowed to anoint themselves with contaminated *maaser sheni*, but are not allowed to anoint the dead with it. In addition, it cannot mean that it is prohibited to use the profits of the *maaser sheni* to acquire shrouds and a casket because it says "מִתּוֹ," "of it," which implies the *maaser sheni* was not redeemed for money.

While Rashi in 11th century CE France agreed that Deut. 26:14 speaks of buying a casket and shrouds from the profits of the *maaser sheni*, and Rambam born in the 12th century in Spain argued that “for the dead” means “I did not spend it on anything that does not sustain the body,” which includes eating, drinking and anointing,²³ Ramban in 13th century Spain drew new meaning from the early Sage’s opinions, disagreeing with Rashi and Rambam. In answer to Rashi’s simple conclusion, he responds that Rashi’s interpretation implies that you could make a similar (non-food) purchase for the living, but earlier in Deuteronomy 14:26 it states “You shall eat it there before Hashem, your God,” so this point has already made clear that the *maaser sheni* must be *eaten* and would not be repeated without reason. In addition, he disregards Rambam’s opinion totally.

Ramban elucidates Rabbi Akiva’s opinion recorded in the *Sifrei*. He believes Rabbi Akiva learned two different things: Firstly, that one cannot sell the *maaser sheni* even for something pure, here meaning edible. Secondly, “for the dead” is a continuation of the previous verse, “I have not eaten of it in my intense mourning,” thereby, one may not eat the *maaser sheni* when in intense mourning for the dead. This is in accordance with the *Mishnah Maaser Sheni*’s assumption that the *maaser sheni* cannot be given to other mourners.²⁴ Ramban says that this opinion states the casket and shrouds, even though their purchase would also be prohibited for a live person, because it is continuing the theme of grief.

While Ramban is not satisfied with this opinion, he is also dissatisfied with the Rabbi Simai’s opinion in the *Talmud Yerushalmi*. Anointing the dead seems to be

²³ Rambam, *Hilchot Maaser Sheni* 3:10.

²⁴ *Mishnah Maaser Sheni* 5:10.

consuming* the *maaser sheni* in a state of contamination, which is forbidden in the verse. However, this makes more sense to Ramban in the context of *Yevamos* 74a chapter *HeArel* in the *Talmud Bavli*: The two parts of the verse should not be separated: “I did not consume it in a state of contamination” refers to when the *maaser sheni* itself was contaminated, not to the declarer being contaminated as other opinions suggest. Since one is forbidden to eat contaminated *maaser sheni*, one might think is permissible to anoint a corpse with it, therefore the verse specifically states “I did not give of it for the dead,” meaning “I did not anoint the dead with it.” The Ramban draws the conclusion that the word “ממנו” means that the prohibition was not about something bought with the profits from selling the *maaser sheni*, but was about using the tithed food itself. In addition, the use that would be the same for the living as for the dead, and therefore had to be specifically prohibited, was anointing. Therefore, it is prohibited to anoint a corpse with contaminated *maaser sheni*.²⁵ This implies that uncontaminated oil was in fact used to anoint the dead and that this practice was not prohibited.

Both ancient and modern scholars infer from prohibitions what was permissible and what actually occurred. The verse then implies that not only was it permissible to anoint corpses in ancient Israel, the practice was widespread enough to necessitate the proclamation that one has not used contaminated *maaser sheni*, so that the Israelites would not forget that contaminated *maaser sheni* could not be used for anointing. The proclamation need only state that *maaser sheni* could not be used for the purpose of

* בְּעֶרְתִּי, translated here as “consumed,” could indicate “burning,” “eating,” “using,” or “getting rid of in some way.”

²⁵ Rabbi Nesanel Kasnett et al. *The Torah: With Ramban’s Commentary Translated, Annotated, and Elucidated*. Brooklyn: Merosah Publications, Ltd., 2008, 646–651.

anointing because it would have been generally known that anything that came into contact with the dead—including oil for anointing—would be contaminated.

Although oil was used to anoint the dead, archaeological evidence shows that foodstuffs, vessels, and cookware were left next to corpses in tombs during primary burial. As Pitard notes, “the archaeological remains contain no clear evidence that the Israelites provided their dead with additional offerings of food or drink after burial.”²⁶ So why would foodstuffs be left with corpses during primary burial, but not when the bones were reburied during second burial? This question parallels the mystery of the *maaser* declaration: In the third year of the tithe, after setting aside the tithe, the declarer first must promise to have removed *hakodesh*, “the holy”—a word only used when referring to *maaser sheni* and no other *maaser*—and then promise to have given it to the Levites (*maaser rishon*, the first tithe, which was given yearly) and to the foreigner, the orphan, and the widow (*maaser oni*, the poorman’s tithe, given every third and sixth years), before stating that he did not remove any of it while in mourning, eat any of it while contaminated, nor give any of it to the dead. In the third year of the tithe, the declarer would have given *maaser* to the Levites every year, set aside *maaser sheni* in both of the past two years, and set aside and dispersed the *maaser oni* to the disenfranchised that year before pronouncing said proclamation. The proclamation then reminds the land-owner that his duty has been fulfilled: He have given to all those who have no way of acquiring food for themselves. These are the disenfranchised, the foreigner, the widow, and the orphan. The Levites also do not make their own money or grow their own food.

²⁶ Wayne T. Pitard, “Tombs and Offerings: Archaeological Data and Comparative Methodology in the Study of Death in Israel,” *Sacred Time, Sacred Place: Archaeology and the Religion of Israel*. Ed. Barry M. Gittlen. Winona Lake: Eisenbrauns, 2002, 155.

While the *maaser rishon* must be given to the Levites, and the *maaser oni* somehow apportioned to the foreigner, widow, and orphan, it is conceivable that the average country land-owner might misinterpret the purpose of the more ambiguous *maaser sheni*. The other two tithes are meant to feed those who cannot feed themselves due to their separated or marginalized status in society; it makes sense that the *maaser sheni* could be for a similar purpose. The household is meant to eat of the *maaser sheni*, so why not the disenfranchised of the household, too—the newly dead? In ancient Israelite tradition, a corpse still resembling a living human is still treated with respect and venerated to the degree to which it was due in life. Throughout the *Tanakh*, those who sinned in life were disrespected in death, not given proper burial and not memorialized; however, those who were righteous were anointed with spices and oils²⁷ and laid to rest with their fathers in family plots. In addition, Semachot chapters 7 and 8 delineate what could and could not be left, including ink and quill pens, meat in the summer, etc. and archaeology shows that food, vessels, and lamps were left in the tombs. As far as the texts and the archaeological evidence are concerned, such items were only left at the graves of the newly dead during primary burial.

Second burial, however, took place after the body had decomposed, leaving only dry bones. When gathered into the repository, we have no evidence of special accommodations or foodstuffs left behind at this point: The Israelites no longer thought of these bones as people. In the year between primary and secondary burial, the dead were marginalized and could not “feed” themselves. They were no longer part of their living family, but they were also not yet fully “gathered to [their] forefathers.” The

²⁷ Jer. 34:5; 2 Chr. 16:14.

living, wanting to support their deceased relatives as they transitioned to an unknown realm, would anoint the corpses with oil and leave containers, lamps, and foodstuffs in the tomb, but they would not continue to “feed the dead” once they had transitioned, their dry bones no longer recognizable as belonging to people who once lived. The prohibition against leaving any of “the holy” with the dead in conjunction with the Judahite and Israelite archaeological evidence implies the tendency of the living to leave foodstuffs with the dead during their transitory and marginalized state. Without comparing the Israelite practices with those of their neighbors, it is possible to understand the action of “feeding the dead” as a symbolic show of solidarity from dead relatives with their dearly departed transitioning to the next world. The proclamation in Deuteronomy 26:14 can be read as either an acknowledgment of a widespread practice of bringing food to the graves of the dead or as a prohibition forbidding using tithed produce to anoint the dead: Either way, there are no ancient texts not conclusive archaeological finds to suggest that foodstuffs found in Israelite graves are the manifestations of a rampant belief in the power of dead ancestors to influence the living or a continued practice of feeding the dead.