

PETER ALTMANN

ANNA ANGELINI

# To Eat or Not to Eat

*Archaeology and Bible*

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**Mohr Siebeck**

# Archaeology and Bible

Edited by

Israel Finkelstein (Tel Aviv) · Deirdre Fulton (Waco, TX)  
Oded Lipschits (Tel Aviv) · Christophe Nihan (Münster)  
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Peter Altmann and Anna Angelini

# To Eat or Not to Eat

Studies on the Biblical Dietary Prohibitions

Mohr Siebeck

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The prepress production of this book and the eBook were published with the support of the Swiss National Science Foundation.

ISBN 978-3-16-163657-8 / eISBN 978-3-16-163658-5

DOI 10.1628/978-3-16-163658-5

ISSN 2698-4520 / eISSN 2698-4539 (Archeology and Bible)

The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliographie; detailed bibliographic data are available at <https://dnb.dnb.de>.

Published by Mohr Siebeck Tübingen, Germany, 2024. [www.mohrsiebeck.com](http://www.mohrsiebeck.com)

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The book was typeset by Martin Fischer in Tübingen using Minion typeface. It was printed on non-aging paper and bound by AZ Druck und Datentechnik in Kempten.

Printed in Germany.

## Preface

This volume is part of a larger Swiss National Science Foundation Sinergia Project entitled “The History of the Pentateuch: Combining Literary and Archaeological Approaches,” conducted by a number of scholars as a collaborative effort between the Universities of Zurich, Lausanne, and Tel Aviv. In this context, our research focused on a sub-area of study, the food laws of the Pentateuch. We wish to express our deepest gratitude to Konrad Schmid and Christophe Nihan: by inviting us to work together on this project, they set the foundation for a solid and long-term collaboration that has extended well beyond this specific area of study into a mutually-enriching friendship.

The present collection generally consists of essays that were conceived and composed by the stated author (the introduction, written by both of us, represents an exception), but which have received considerable feedback from the other person. As a result, the reader may at times detect variation and disagreement in points of view and with respect to the articulation of different interpretations. Yet we hope that the publication of these essays in the form of a co-written book provides an additional scholarly resource that might provoke further debate over underexplored areas of scholarship alongside new methodological frameworks.

This volume complements and extends our previous work on the topic of biblical dietary laws, especially the volumes *Banned Birds*, written by Peter Altmann, *Archaeology and Bible 1* (Tübingen: Mohr Siebeck, 2019) and *Food Taboos and Biblical Prohibitions*, edited by Peter Altmann, Anna Angelini, and Abra Spiciarich, *Archaeology and Bible 2* (Tübingen: Mohr Siebeck, 2020). We are grateful to the editors of the series *Archaeology and Bible*, Israel Finkelstein, Deirdre Fulton, Oded Lipschits, Christophe Nihan, Thomas Römer, and Konrad Schmid, for accepting these volumes.

Some of the essays were previously presented on different occasions. Earlier versions of the essay “Dietary Laws in the Second Temple Period: The Evidence from the Dead Sea Scrolls” were presented during the meeting “History of Pentateuch: Combining Literary and Archaeological Approaches” at the University of Tel Aviv in December 2016 and at the Göttingen-Lausanne workshop, held at the University of Göttingen in June 2017. The essays “Traditions and Texts: The ‘Origins’ of the Dietary Prohibitions of Lev 11 and Deut 14” and “A Table for Fortune: Abominable Food and Forbidden Cults in Isaiah 65–66” were presented during the SBL annual meeting in Denver in November 2022. The theology faculty of the University of Halle-Wittenberg graciously hosted a lecture of an earlier version of “Aquatic Creatures in the Dietary Laws: What the Biblical and

Ancient Eastern Contexts Contribute to Understanding Their Categorization” in 2019. Finally, “A Deeper Look at Deut 14:4–20 in the Context of Deuteronomy” was previously presented at the SBL annual meeting in San Diego in November 2019.

In his capacity as supervisor of the sub-project on the Food Laws of the Pentateuch, Christophe Nihan offered fruitful critique and generously provided suggestions throughout the project. His guidance has resulted in methodological rigor and numerous stimulating discussions.

Konrad Schmid provided ongoing encouragement to us to bring this project to completion even after the end of project funding and despite our far-flung geographical locations.

We are especially grateful to Julia Rhyder. She has critiqued, confirmed, and pursued many of the ideas presented in the volume in her own scholarship, which we receive as a wonderful honor. She was also instrumental in supporting an open access publication grant from the Swiss National Science Foundation for the volume.

Janling Fu greatly improved the readability of the volume through copyediting and also compiled the indices.

Additional colleagues graciously interacted with earlier versions of the essays. Our thanks go to George Brooke, Jonathan Greer, Ido Koch, Nathan MacDonald, Fabio Porzia, Alessandra Rolle, Jan Rückl, Harald Samuel, and Abra Spiciarich.

Zurich and Reno, September 20th 2023

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## Chapter 1

# The Dietary Laws of Lev 11 and Deut 14: Introducing Their Ancient and Scholarly Contexts

(*Peter Altmann and Anna Angelini*)

In his essay “The Analytical Language of John Wilkins,” Jorge Luis Borges highlights the challenges or rather arbitrariness involved in classifying the animals of the world by pointing to a (fictional) “Chinese encyclopedia entitled *Celestial Empire of Benevolent Knowledge*.” He continues:

On those remote pages it is written that animals are divided into (a) those that belong to the Emperor, (b) embalmed ones, (c) those that are trained, (d) sucking pigs, (e) mermaids, (f) fabulous ones, (g) stray dogs, (h) those that are included in this classification, (i) those that tremble as if they were made, (j) innumerable ones, (k) those drawn with a very fine camel’s hair brush, (l) others, (m) those that have just broken a flower vase, (n) those that resemble flies from a distance.<sup>1</sup>

While many ancient and modern interpreters of the (animal) world and its relationship with humanity have sought order in internal and external reality, the questionable logic of such attempts appears quite clearly in the range of interpretations given for the dietary prohibitions found in Lev 11 and Deut 14. Are such attempts – to use Borges’ terms – merely “arbitrary and conjectural”?<sup>2</sup> Such a question necessarily plunges each willing reader into the depths of philosophical inquiry without guaranteeing a uniform answer. Nonetheless, to continue with Borges, “But the impossibility of penetrating the divine scheme of the universe cannot dissuade us from outlining human schemes, even though we are aware that they are provisional.”<sup>3</sup>

Borges provides us with the philosophical underpinning for the following volume and this essay in particular. (1) The sections below outline the ways some interpreters have approached the biblical dietary prohibitions and attempted to classify them. (2) It also takes a step back to place these approaches within the broader perspectives on human-animal relations on display in the biblical texts.

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<sup>1</sup> Jorge Luis Borges, “The Analytical Language of John Wilkins,” in *Other Inquisitions 1937–1952*, trans. Ruth L. C. Simms (Austin: University of Texas Press, 1964), 103.

<sup>2</sup> *Ibid.*, 104.

<sup>3</sup> *Ibid.*

After these foundational discussions, (3) it then narrows in to focus first on the nature of alimentary restrictions in general (4) and then meat in particular. (5) The most extensive section provides an introduction to the guiding questions for the volume's remaining essays, (6) and the essay finally suggests some directions for further research.

## 1. A Methodological View of the History of Scholarship

When considering the biblical, ancient Near Eastern, and early Judean context for the dietary laws of Lev 11 and Deut 14, a brief look at the history of scholarship from this angle can provide an entrance into the conversation. The history of scholarship might be divided into epochs by the work of Mary Douglas.<sup>4</sup> From this perspective, there were pre-Douglas approaches, the work of Mary Douglas beginning in 1966, and post-Douglas approaches. Within historical-critical scholarship, various composition-critical theories existed prior to the structuralist interpretation by Douglas. This diversity continues into the present, and such theories do not relate as directly to Douglas's work. Furthermore, interpreters had devised diverse explanations for the laws much earlier. Common directions included bans on the basis of hygiene (e.g., Maimonides), developments from taboos of sacred animals (W. Robertson-Smith); moral-symbolic interpretations of animals (even from the Hellenistic period, with the *Letter of Aristaeus*), as well as prohibitions due to the roles animals played in foreign cults (e.g., Origen, M. Noth, and R. de Vaux).<sup>5</sup>

Mary Douglas's *Purity and Danger* marks a watershed, though her own position subsequently changed over the years. Her seminal chapter on the dietary laws of Lev 11 in this volume offers a structural interpretation: in short, she argues that the meaning of dietary prohibitions consists of maintaining boundaries with regard to group identity. Specifically, she defines the unclean as dirt, or, to use other words, matter out of place.<sup>6</sup> Based on her conclusion that dirt was something in the wrong place, she further contends that "Defilement is never an isolated event. It cannot occur except in view of a systematic ordering of ideas. Hence any piecemeal interpretation of the pollution rules of another

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<sup>4</sup> Especially Mary Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* (London: Routledge & Kegan Paul, 1966).

<sup>5</sup> For helpful overviews and bibliography see Walter Houston, *Purity and Monotheism: Clean and Unclean Animals in Biblical Law*, JSOTSup 140 (Sheffield: JSOT Press, 1993), 69–81. It can also be insightful to relate these approaches to the broader human-animal categories of animism, totemism, naturalism, and analogy described by Philippe Descola, *Beyond Nature and Culture*, trans. Janet Lloyd (Chicago: University of Chicago Press, 2013), 233–42 for a summary.

<sup>6</sup> Douglas, *Purity and Danger*, 2. As a brief note on terminology, we use the terms clean/unclean and pure/impure and their derivatives interchangeably in this volume.

culture is bound to fail.”<sup>7</sup> These two combined elements proved persuasive for large swaths of subsequent scholarship.

Embracing much of her approach, Jacob Milgrom develops it further with detailed biblical scholarship. He contributes several further elements. First, he sees biblical dietary laws as a “system” – thus following Douglas – that incorporates diachronic and synchronic elements, namely some earlier Priestly layers followed by later layers belonging to the more broadly communal and ethically-oriented Holiness School. He specifically proposes an ethical system that understands the rationale for the dietary laws as *imitatio Dei* in reverence for life.<sup>8</sup>

While they might modify the reason for the prohibitions or further refine Milgrom’s system, the majority of subsequent investigations continue to espouse the same approach.<sup>9</sup> The structuralist approach has merit in that it integrates the study of the biblical dietary laws within the broader religious and cultural contexts from which they arise. However, this approach also encounters some limitations in that it considers the laws themselves as forming a coherent and comprehensive “system.” As we have demonstrated in detail elsewhere, such a view does not always find confirmation in the texts themselves.<sup>10</sup>

Walter Houston, who has undertaken the most sustained investigation of Lev 11 and Deut 14 in modern scholarship, represents a post-Douglas turn that varies in terms of methodology from Douglas and Milgrom. Houston’s presentation allows for different purposes of the laws at different times in different texts: within their *specific literary* contexts. In other words, he argues that the reasons for prohibitions diverge in the two collections: for Deuteronomy the

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<sup>7</sup> *Ibid.*, 41.

<sup>8</sup> Note the very name of the article – Jacob Milgrom, “Biblical Diet Laws as an Ethical System,” *Int* 17 (1963): 288–301. See also his “Ethics and Ritual: The Foundations of the Biblical Dietary Laws,” in *Religion and Laws: Biblical, Judaic and Islamic Perspectives*, ed. Edwin B. Firmage, Bernard G. Weiss, and John W. Welch (Winona Lake, IN: Eisenbrauns, 1990), 187; *Leviticus 1–16: A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991), 733.

<sup>9</sup> E.g., Jonathan Burnside, “At Wisdom’s Table: How Narrative Shapes the Biblical Food Laws and Their Social Function,” *JBL* 135 (2016): 223–45; Beate Ego, “Reinheit und Schöpfung: Zur Begründung der Speisegebote im Buch Leviticus,” *ZABR* 3 (1997): 131–44; Edwin B. Firmage, “The Biblical Dietary Laws and the Concept of Holiness,” in *Studies in the Pentateuch*, ed. John A. Emerton (Leiden: Brill, 1990), 177–208; Ronald S. Hendel, “Of Sacred Leopards and Abominable Pigs: How Common Practice Becomes Ritual Law,” *Bible Review* 16 (2000): 8; Thomas Hieke, *Leviticus*, HTKAT (Freiburg im Breisgau: Herder, 2014); Naphtali S. Meshel, “Food for Thought: Systems of Categorization in Leviticus 11,” *HTR* 101 (2008): 203–29; Naphtali S. Meshel, “Pure, Impure, Permitted, Prohibited: A Study of Classification Systems in P,” in *Perspectives on Purity and Purification in the Bible*, ed. Baruch J. Schwartz et al., LHBOTS 474 (New York: Bloomsbury, 2014), 32–42.

<sup>10</sup> See Peter Altmann and Anna Angelini, “Purity, Taboo and Food in Antiquity. Theoretical and Methodological Issues,” in *Food Taboos and Biblical Prohibitions*, ed. Peter Altmann, Anna Angelini, and Abra Spiciarich, *Archaeology and Bible* 2 (Tübingen: Mohr Siebeck, 2020), 9–13.

prohibitions arise based on “‘what self-respecting people do not touch’. In P [the Priestly writings of Lev 11] ... ‘the biblical assumption that man was originally a vegetarian.’”<sup>11</sup> In fact, he then goes on to combine *materialist* and *structuralist* points of view,<sup>12</sup> i. e., articulating ecological factors intertwined with cultural explanations, and concluding that there is no “one system.”<sup>13</sup> This very insight proves essential for the studies that follow in our own work: While Houston does not argue – and nor do we – that an unending number of explanations necessarily comes into play for the dietary prohibitions, he posits (or returns to) the possibility of varied explanations within the diachronic developments and receptions of the texts of Lev 11 and Deut 14.

However, social anthropology provides a further impulse for overcoming both the traditional structuralist approach to the study of dietary laws and a rigid opposition between materialistic and cultural explanations. In this field of study, new paradigms have emerged to analyze the interactions between humans and animals: such paradigms challenge traditional Western anthropocentrism and promote a repositioning of the relationship between humans and non-humans within specific environmental contexts. As such, they have the potential to bring methodological renovation in related fields as well and deserve attention. We will now turn to consider these.

## 2. Human-Animal Relationships in Ancient Israel

A surprising omission when it comes to Hebrew Bible scholarship on the dietary laws is the overlap between studies on animals in the Hebrew Bible more broadly and the dietary prohibitions. For example, the prominent studies of Peter Riede (2002), Annette Schellenberg (2011), and Ken Stone (2018) hardly mention Lev 11 or Deut 14:3–20.<sup>14</sup> Instead, the dietary laws largely find their place solely in discussions of animals in religion, especially related to sacrifice. We embrace the

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<sup>11</sup> Houston, *Purity and Monotheism*, 76–77. For the formulation of P, Houston is quoting Milgrom, “Biblical Diet Laws as an Ethical System,” 288.

<sup>12</sup> *Ibid.*, 20. He states, “Theological and legal systems such as that of the Priestly Code do not emerge out of a void; they must be seen in the context of the social realities of their time; and these realities cannot necessarily be read off from the system itself.” See *ibid.*, 23, “With dietary customs, it would be surprising if material factors such as ecology had nothing to do with them.”

<sup>13</sup> Contra Milgrom. Instead, he compares the lists to language, suggesting that study of the history of the language is essential to understanding such matters as why a dog is called “dog” (Houston, *Purity and Monotheism*, 24.)

<sup>14</sup> Peter Riede, *Im Spiegel der Tiere: Studien zum Verhältnis von Mensch und Tier im alten Israel*, OBO 187 (Fribourg; Göttingen: Academic Press Fribourg; Vandenhoeck & Ruprecht, 2002); Annette Schellenberg, *Der Mensch, das Bild Gottes? Zum Gedanken einer Sonderstellung des Menschen im Alten Testament und in weiteren altorientalischen Quellen*, ATANT 101 (Zurich: TVZ, 2011); Ken Stone, *Reading the Hebrew Bible with Animal Studies* (Stanford, CA: Stanford University Press, 2018).

importance of the latter, but perhaps the former – the broader context of human-animal relations – can also provide insight?

The rise of human-animal studies or the “animal turn” in recent decades has highlighted how many societies do not construe the relationship between “nature” and “culture” in the same way as Western culture. Such studies rely on so-called “post-structuralist” approaches,<sup>15</sup> such as those developed especially by the anthropologists Philippe Descola and Eduardo Viveiros de Castro. These approaches show that some cultural contexts do not conceive of the relationship between “nature” and “culture” as a radical division, but as a continuum in which humans do not always hold a distinctive position.

In this regard, Descola lays out four basic categories: animism, totemism, analogism, and naturalism. While naturalism asserts that humans share the same physicality of animals but differ in their interiority, animism instead proposes that humans and non-human animals share the same interiority but differ in their physical materiality. Totemism’s groupings do not follow either of these binaries, but it instead connects some humans with some animals on the basis of specific, identifiable characteristics. Analogism, finally, links all entities together through multiple connections separated by small, graduated distinctions.<sup>16</sup>

Viveiros de Castro challenges the traditional divide between nature and culture in his theories of perspectivism and multinaturalism.<sup>17</sup> He shows how the Western world conceives of the relationship between nature and culture as a substantial unity of nature (based on the universality and stability of the objects) *versus* a multiplicity of cultures (derived from the diversity and singularity of the subjects). On the contrary, Amerindian societies conceive this relationship in inverted terms, hence implying a relationship between multiple natures and a single culture. While the works of Descola and Viveiros de Castro on the relations between the human and non-human world consider the whole biosphere, they bear a specific impact when it comes to the hierarchical understanding of the relationship between humans and animals.

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<sup>15</sup> When using this label, one should keep in mind several methodological *caveats*. First, different from structuralism, none of the authors who are considered the initiators of a “post-structuralist” line of thinking ever applied this term to their work. On the views of the early proponents of post-structuralistic approaches, such as Bourdieu, Foucault, and others, see Craig Lundy, “From Structuralism to Poststructuralism,” in *The Edinburgh Companion to Poststructuralism*, ed. by Benoît Dillet, Iain MacKenzie, and Robert Porter (Edinburgh: Edinburgh University Press, 2013), 69–92. Moreover, post-structuralist approaches do not stand necessarily in opposition to structuralist approaches. Rather, they often pursue structuralist methods to an extreme end. On Philippe Descola’s dependence on Claude Lévi-Strauss see, e.g., Philippe Descola, “Sur Lévi-Strauss, le structuralisme et l’anthropologie de la nature. Entretien avec Marcel Hénaff,” *Philosophie* 98 (2008): 8–36.

<sup>16</sup> For a clear overview, see Descola, *Beyond Nature and Culture*, e.g., 201.

<sup>17</sup> Eduardo Viveiros de Castro, “Perspectivisme et multinaturalisme en Amérique indigène,” *Journal des anthropologues* (2014): 138–39, consulted on April 30th 2019.



In this regard, the new epistemological frameworks introduced by social anthropology have impacted other fields of research, including archaeology and more specifically zooarchaeology, in several ways.<sup>18</sup> These disciplines are renewing their way of thinking about central topics such as domestication, offering stimuli to revise the fundamental distinction between the categories of “wild” and “domestic.”<sup>19</sup> This distinction also plays a large role in the analysis of the biblical food prohibitions, which neither necessarily nor always match the modern divide between these two notions. Moreover, by adopting an integrative approach that combines zooarchaeological analysis with concerns related to social, symbolic, and ritual dimensions, zooarchaeologists have identified food prohibitions as one of the most promising areas of study in which such an integrative approach can and should be pursued.<sup>20</sup> It is, indeed, even more surprising that this aspect has hardly garnered any attention to date, especially in light of the popularity exerted by the “animal turn” in Hebrew Bible studies,<sup>21</sup> as well as the broad interest in the topic of “nature” in biblical research.<sup>22</sup>

Given this new theoretical vista, it becomes necessary to consider whether the presupposition of the distinction between nature and culture remains justified as a conceptual framework for the dietary prohibitions in the Hebrew Bible, or if, perhaps, different perspectives can illuminate the biblical texts. Biblical studies, largely a modern, Western discipline, has generally adopted the nature–culture dichotomy.<sup>23</sup> In fact, the emerging discipline of human-animal studies often sees this dichotomy as growing out of a biblical foundation in the biblical creation narratives.<sup>24</sup> One could even say that biblical texts have contributed in several ways to construct the opposition between “human culture” and “animal nature.”

However a number of studies emphasize the closer and variegated relationships between humans and animals in antiquity as a whole and in biblical texts

<sup>18</sup> Nick J. Overton and Yannis Hamilakis, “A Manifesto for a Social Zooarchaeology. Swans and Other Beings in the Mesolithic,” *Archaeological Dialogues* 20 (2013): 111–36; Benjamin Alberti, “Archaeologies of Ontology,” *Annual Review of Anthropology* 45 (2016): 163–79; Brian Boyd, “Archaeology and Human–Animal Relations: Thinking through Anthropocentrism,” *Annual Review of Anthropology* 46 (2017): 299–316.

<sup>19</sup> See, e.g., Boyd, “Archaeology and Human–Animal Relations,” 305–7.

<sup>20</sup> Overton and Hamilakis, “Manifesto for Social Zooarchaeology,” 116–17; Boyd “Archaeology and Human–Animal Relations,” 305.

<sup>21</sup> See, for an assessment, Phillip Sherman, “The Hebrew Bible and the Animal Turn,” *CurrBR* 19 (2020): 36–63.

<sup>22</sup> See, for example, the project *Dictionary of Nature Imagery in the Bible* lead by Dalit Rom Shiloni at the University of Tel Aviv (<https://dni.tau.ac.il>).

<sup>23</sup> As noted recently by Stone, *Reading*, 4.

<sup>24</sup> Margo DeMello, *Animals and Society: An Introduction to Human-Animal Studies* (New York: Columbia University Press, 2012), 302–3, interprets these texts as declaring humans and animals “separate creations” and, in the wake of Augustine, belonging to “different ontological levels.”

in particular.<sup>25</sup> These suggest that there is no such thing as “the biblical view” of human-animal relations; rather, a broad diversity of approaches is reflected in the Hebrew Bible. In this regard, the priority given to the creation account of Gen 1 should not lead to a hasty dismissal of such diversity. For example, following traditions in ancient Near Eastern cultures at large, some biblical texts mirror the threatening nature of, e. g., lions and bears that contributed to human’s respect for them (2 Sam 17:10; Amos 5:19). This respect appears despite prohibitions against consuming them. This category of fear/respect does not line up exactly with the prohibitions in Lev 11/Deut 14, though, because the same view appears for the wild ox (Deut 33:17), which Israelites were permitted to consume. Thus, a different way of constructing the relationship between nature and culture already appears at the foundation of the supposed system.

Another divergence from the views of Gen 1–2 appears in, for example, Eccl 3:19–21, which presents humans and animals with equal status by according them both the same breath and the shared fate of death.<sup>26</sup> Humans and animals also share ethical responsibility for the destructive flood according to Gen 6:12: *כל בשר*, “every flesh,” has corrupted itself.<sup>27</sup> Likewise, God concludes the “Noahic” covenant in Gen 9:9–17 with Noah and his sons, and also *בעוף בערף ובבהמה ובכל חית הארץ*, “with the birds, with the beasts, and with all the living creatures of the earth.” This animistic tendency also appears most blatantly in the tale of Balaam and his jenny, to which Num 22:28–29 accords both speech and logical reasoning. While these elements can be read through naturalism to classify this narrative and Gen 3 as fictional fables,<sup>28</sup> both talking animals also are able to perceive knowledge of the divine realm that humans in the narratives cannot. Slightly different in focus is Ps 104, which decenters humanity and places it on the same level as other created entities. Such a view culminates in Job 38–41: This text represents an animated cosmos which escapes human understanding and in which humans play no role. In this regard, it stands at the opposite pole to Gen 1.<sup>29</sup>

These diverse approaches to animals within the texts of the Hebrew Bible broaden the possible interpretive stances of underlying origins of the prohibition of consumption of various animals in Lev 11/Deut 14 and subsequent readings and appropriations of these prohibitions in the early history of their reception.

<sup>25</sup> Riede, *Im Spiegel der Tiere*, 2; Schellenberg, *Mensch*, 22.

<sup>26</sup> Schellenberg, *Mensch*, 317.

<sup>27</sup> This expression includes humans and animals here, and also in Gen 6:13, 17; 7:21; 9:11, 15, but not elsewhere as noted by Schellenberg, *Mensch*, 40 n. 39.

<sup>28</sup> As noted by Stone, *Reading*, 96.

<sup>29</sup> Schellenberg, *Mensch*, 308–9.

### 3. The Hebrew Bible Context of Food and Drink Restrictions

With this short discussion of methodology in the history of scholarship in hand, a broad view of the various texts addressing dietary concerns in the Hebrew Bible can provide further context before turning to the focus on the meat of animals that is the focus of the texts of Lev 11 and Deut 14. The Hebrew Bible puts forth a number of distinctions with regard to food consumption. One level of differentiation in food consumption occurs in terms of the continuum of common versus elite consumption.<sup>30</sup> In ancient Israel and the presentation of the Hebrew Bible, differences often concern the presence or lack of food, its quantity, and the quality of food, especially meat.<sup>31</sup>

Second, several texts indicate that the *place* and *time* of consumption can render it appropriate or inappropriate. The first consideration in this regard again has to do with the consumption of meat, specifically whether it can be consumed away from a/the Yahwistic sanctuary.<sup>32</sup> Some variance exists among the pentateuchal legal texts about whether the meat of animals, and of which animals, may be consumed outside of sanctuary precincts. Leviticus 17:1–9, ostensibly addressed to the Israelite camp at Sinai, requires the people to slaughter those animals that could be sacrificial feasts (זֶבֶח; of cattle, sheep, and goats) at Yhwh’s sanctuary, thereby making them into sacrificial feasts for Yhwh. Verse 3 states: “If anyone of the house of Israel slaughters an ox or a lamb or a goat in the camp, or slaughters it outside the camp ...” The danger named by the text is that the Israelites might otherwise celebrate these feasts in honor of other deities (v. 7: to the goat-demons). Although Lev 17:9 designates this practice as a permanent ordinance, Deut 12:15, 21–22 (presumably at least the former is an earlier text) allows the consumption of the same animals within the gates of Israelite settlements, in the same manner that the meat from wild animals (which were unacceptable for offerings) would be eaten. On the level of the narrative, there is a different ordinance while on the move as the camp of Yhwh versus when settled in the land given as an inheritance by Yhwh.

<sup>30</sup> For example, in Late Bronze Age (1500–1200 BCE) Egypt, commoners ate goose (as apparently did elites in Canaan), though the elite of Egypt avoided it. See Ido Koch, “Goose Keeping, Elite Emulation and Egyptianized Feasting at Late Bronze Lachish,” *TA* 41 (2014): 161–79. Regardless of the tension between elite and common consumption, however, the notion that the ability to choose to reject various edible substances *generally* assumes that there is enough acceptable food available (at least in the short term).

<sup>31</sup> For detailed discussions, see Peter Altmann, “Feast and Famine – Lack as a Backdrop for Plenty,” in *Feasting in the Archaeology and Texts of the Hebrew Bible and Ancient Near East*, ed. Peter Altmann and Janling Fu (Winona Lake, IN: Eisenbrauns, 2014), 149–78; idem, “Meat: I. Ancient Near East and Hebrew Bible/Old Testament,” *EBR* 18:251–52.

<sup>32</sup> These elements also emerge as important for the produce from newly planted trees, which can only be consumed in the fourth year as part of a celebration and then in mundane consumption in year five according to Lev 19:23–25.

Another issue with regard to time and place is the question of what one might consume when in a foreign land. Hosea 9:3–5 connects Israel’s unfaithfulness as a cause for the impending consequence of eating impure food in Assyria. Hosea compares this consumption with mourners who eat when they should be fasting.<sup>33</sup> This issue also appears in Daniel and his friends’ request to dine solely on vegetables and water in Dan 1:8–16, and this tension may arise from their aversion to meat offered to Babylonian deities.<sup>34</sup> While generally speaking it was the *ingredients* of a meal that rendered it clean or unclean in the OT, there are several texts that indicate that the *method of preparation* could also make a difference.<sup>35</sup> Within the chapters focused on the dietary prohibitions there is the prohibition of Deut 14:21b, not to boil a kid in/by its mother’s milk, which also appears twice in Exodus. Ezekiel protests God’s command to cook a barley cake over human excrement saying: “My person was never defiled ...” (Ezek 4:14).<sup>36</sup>

Turning to the ingredients themselves, while less prominent in the Hebrew Bible discourse as a whole, there is a tension surrounding the consumption of meat in general, such that a strand of quasi vegetarian thinking appears in various texts of the Primeval History of Genesis (esp. Gen 1; 2–3; 9) and also implied in Isa 11:1–9 (and 65:25).<sup>37</sup> Only in Gen 9:1–7 does the essential relationship between humans and animals change.<sup>38</sup> After reaffirming the cultural mandate from 1:28, Gen 9:2–3 proclaims that animals now become afraid of humans, who receive the freedom to eat *any* animal. The sole stipulation is that humans not eat animal blood (9:4), which this text equates with the animal’s life. The prohibition against the consumption of blood separates Israel at least from its Mesopotamian neighbors. Also important about this stipulation is its placement in the context of a narrative concerning Noah and his children, that is, the entirety of

<sup>33</sup> Hosea intertwines the unclean nature of this food with the lack of the exiles ability to bring offerings to a Yahwistic sanctuary, especially to the inability to pour out drink (wine) offerings and bring meat sacrifices for communal consumption (זבחים). These two elements – meat and wine – were the quintessential ingredients for festive enjoyment. Hosea may, then, have viewed it as inappropriate to partake in (cultic) celebration in a foreign land, given that the exile was instead viewed as a place and time of mourning (cf. Ps 137; Zech 7:1–3; 8:19).

<sup>34</sup> Cf., perhaps, Tob 1:10–11. See below Angelini, “A Table for Fortune,” 149–50.

<sup>35</sup> A comparable concern for preparation appears in a Hittite text, CTH 264, translated by Jörg Klinger, “Instruktion für Tempelbedienstete,” *TUAT Erg.*, 73–81 (here 74): “Ferner sollen die, die das tägliche Dickbrot bereiten, sauber sein. ... Wenn sie es nicht sind, lasst sie es nicht bereiten. ... Ferner darf ein Schwein und ein Hund nicht an die Tür der Küche kommen.”

<sup>36</sup> As an example of a famine food eaten in a city under siege.

<sup>37</sup> While Isa 11:1–9 does not directly address *human* eating, it expounds an image of peace by envisioning a fundamental change in the animal world: carnivorous animals will eat grass and straw like their herbivore prey. The implication is that meat consumption is equated with violence. The same theme reappears in Isa 65:25, which like Isa 11:1–9 details a vision of a peaceful eschatological world.

<sup>38</sup> According to Gen 1:29–30 (implicit also perhaps in Gen 2), humans and land animals were originally created as vegetarians. This logic continues through the canonical narrative until after the Flood.

humanity alive at that point. This narrative setting suggests that it should be in effect for *all* humanity, not only for Israel. The broad audience contrasts sharply with the context for Lev 11 and especially Deut 14, which differentiate between the Israelites and other peoples.<sup>39</sup>

Returning to the topic of plant consumption, most biblical texts concerning dietary prohibitions focus on meat (including fowl, fish, and insect) consumption, leaving aside any mention of prohibited plant material.<sup>40</sup> The Garden of Eden where the Tree of Knowledge is forbidden presents one exception, but this ordinance is motivated by a different polarity (life and death, rather than clean and unclean). A second exception of a prohibition of plant consumption makes an appearance in a discourse using the categories of clean and unclean in Deut 26:14, which displays clear connections with a cult of the dead. Finally, Lev 19:23–25 forbids the consumption of the fruit of newly planted trees in the land for three years.<sup>41</sup> Their fruit transitions to the sanctuary (and its personnel) in year four in that it may be consumed as part of a sacred celebration. In year five and onwards it becomes available for common consumption.

In addition to the broad focus on the regulated consumption of meat in the dietary laws, wine (or more generally, alcohol) consumption understandably received some attention as well, though notably less than meat. Its primary significance comes as an identity marker for the Rechabites, on-duty priests, and those taking a Nazirite vow.

The refusal of fermented drinks by the Rechabites appears in Jer 35, which serves as an acceptable practice that the prophet uses as a comparison. Jeremiah offers the Rechabites wine, knowing that they are bound by the practice of their clan to deny it. They refuse (35:6–7) out of respect for their ancestor, who commanded them, among other things, to abstain from wine. Abstinence is, therefore, only one of several identity markers for the group, all of which fit with a nomadic way of life. However, in this particular situation, the clan is residing in Jerusalem out of fear of Nebuchadnezzar and the Babylonian army. There are, then, circumstances under which the Rechabites were willing to abandon part of the stipulations of group affiliation – yet a simple offer of wine by the prophet Jeremiah was hardly enough to lead them to give up their abstinence from

<sup>39</sup> However, the prohibition on blood is also found in connection to offerings, tied specifically to blood's connection with the animal's life (Lev 17:10–16); it may not be consumed by anyone living among the Israelite community (including foreigners in v.12, thus keeping with the prohibition of Gen 9:4).

<sup>40</sup> This distinction has been pointed out by Erhard S. Gerstenberger, "Speisetabus (Lev 11; Dtn 14): Ängste und Hoffnungen," in *Essen und Trinken in der Bibel: Ein literarisches Festmahl für Rainer Kessler zum 65. Geburtstag*, ed. Michaela Geiger, Christl M. Maier, and Uta Schmidt (Gütersloh: Gütersloher Verlagshaus, 2009), 180.

<sup>41</sup> For discussion of the difficult philological issues in these verses see Jacob Milgrom, *Leviticus 17–22: A New Translation with Introduction and Commentary*, AB 3A (New York: Doubleday, 2000), 1677–84.

alcohol. Jeremiah goes on to praise the Rechabites, and in contrast to condemn the actions of Judah and Jerusalem because they have rejected the proclamations of the prophets (who would, by analogy, play the role of the ancestor that set the terms for the clan).

A final example of a dietary constraint concerns the Nazirite vow in Num 6 (also the prophet Samuel; cf. 1 Sam 1 and Samson in Judg 13 and 16). This individual choice serves as a special mode by which a *lay person* (male or female, notably) could set themselves apart for religious service. The Nazirite, like the Rechabite, abstained from fermented products, or in this case anything to do with grapes. However, their practices were quite similar to those of the high priest or a priest on duty in that both were also to avoid contact with corpses.<sup>42</sup>

However, none of the prohibitions discussed to this point directly concern the animal products specifically prohibited by Deut 14:4–20 and Lev 11:2–23. They instead show that dietary concerns could function broadly within the history of Israelite/Judean and early Jewish literature<sup>43</sup> – and by extension, perhaps in Israelite/Judean and Jewish societies as well – in a variety of ways. They could: (1) set sub-groups of Israelites off from others in the cases of the Rechabites, priests, and Nazirites, (2) denote proper human consumption (Gen 9), (3) function as a punishment (Hos 9), or (4) to separate Israelites/Judeans from other groups (Lev 17; Dan 1).

#### 4. Biblical Treatments of Meat Prohibitions

Within the context of broader biblical traditions concerning dietary prohibitions, this section narrows the focus to the Leviticus and Deuteronomy formulations within the compositional and religious-historical developments concerning meat

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<sup>42</sup> The Nazirite, at least for the period of time determined in his/her vow, acquires the holiness accorded to the High Priest, though without the connection to the sanctuary. Cf. Christian Frevel, *Desert Transformations: Studies in the Book of Numbers*, FAT 137 (Tübingen: Mohr Siebeck, 2020), 310.

<sup>43</sup> In traditional English usage, “Judeans” refers to the inhabitants of the province Yehud/Judea, while Jews/Jewish refers to those whose identity would not be associated with a specific location, but with forms of more universal Judaism (denoting therefore the diaspora Jews par excellence: see, e.g., Daniel R. Schwartz, *Judeans and Jews: Four Faces of Dichotomy in Ancient Jewish History* [Toronto: University of Toronto Press, 2014]). However, this issue remains disputed. Steve Mason has argued in favor of translating the Greek *Ioudaioi* as “Judeans” to respect the emic categorization of the Greco-Roman authors, according to which ethnicity was always tied to and defined by a territory (Steve Mason, “Jews, Judeans, Judaizing, Judaism: Problems of Categorization in Ancient History,” *JSJ* 38 [2007]: 457–512; see also idem, “Ancient Jews or Judeans? Different Questions, Different Answers,” [www.themarginaliareview.com](http://www.themarginaliareview.com), Aug. 26th, 2014). In this book, we adopt a chronological approach, using “Judean” referring to exilic and Hellenistic times, and “Jew/Jewish” for sources dating to Roman times.

prohibitions. It begins with the broadest and most readily accessible evidence from the biblical texts themselves.

In 1 and 2 Maccabees, abstention from swine meat becomes the defining mark par excellence for Jewish affiliation.<sup>44</sup> Accordingly, there is little question that the sacrifice or consumption of pig meat became a primary identifier for some forms of Judaism no later than the late-Hellenistic (Hasmonean) period, which provides a textual starting point for identifying the importance of at least one type of meat found in the pentateuchal prohibitions.

When did pig meat become a marker of adherence to Jewish religion? The condemnation of pig, reptile or abomination,<sup>45</sup> and mouse meat in Isa 66:17, which takes place in gardens, associates pig consumption with other rituals practiced in improper spaces and times. This text, along with Isa 65:4 (which condemns the consumption of swine meat together with other illicit cultic practices such as necromancy), dates to the Late Persian or Early Hellenistic Period.<sup>46</sup> What is striking about these Isaianic texts is that they identify pig meat as a primary means of disqualification from Yahwistic practice through a connection to foreign cults. This cultic connection may presuppose the type of connection between dietary prohibitions with Israelite identity in Deut 14:2, 21, in which swine consumption occupied a special position even within the dietary prohibitions in marking Israel's holiness because it does not chew the cud. If so, then it serves as an important indicator of the significance of the tradition of dietary prohibitions before the books of 1 and 2 Maccabees.

A final discussion of unclean versus clean animals takes place in the non-Priestly version of the Flood narrative in Gen 7:2, 8; 8:20, though 7:8's *pairs* of clean and unclean animals diverge from the *seven pairs* of clean animals in 7:2 (likely presupposed by the logic of 8:20).<sup>47</sup> Widely varying dates provide little in

<sup>44</sup> In 1 Macc 1:47 Antiochus Epiphanes directs the Gentiles and Israelites in Israel-Palestine to sacrifice pigs and other unclean animals. Describing an event under the same ruler, the Judean scribe Eleazar, in 2 Macc 6:18–20, affirms his worship of God and refusal of Antiochus' authority over him by refusing to swallow the pig meat he is force-fed, preferring instead to be killed (cf. 7:1–42). For recent discussion on this group identity marker, see Julia Rhyder, "The Jewish Pig Prohibition from Leviticus to the Maccabees," *JBL* 141 (2023), 221–41; and Yonatan Adler, *The Origins of Judaism: An Archaeological-Historical Reappraisal*, ABRL (New Haven, CT: Yale University Press, 2022), 28–49. However, this was not the only way in which the prohibitions found in Lev 11/Deut 14 were adopted. On the vastly different, non-halachic application in the Letter of Aristeas, see Anna Angelini, "The Reception and Idealization of the Torah in the Letter of Aristeas: The Case of the Dietary Laws," *HBAI* 9 (2020): 435–47.

<sup>45</sup> The term here is the general one for "abomination" (זָשׁ), but in this case it appears to concern a particular animal.

<sup>46</sup> See below Angelini, "A Table for Fortune", 154–57.

<sup>47</sup> Note the different layers accorded to these texts by Witte: 7:2; 8:20 to a "Wisdom Primeval History" and 7:8 to the work of the final redactor: Markus Witte, *Die biblische Urgeschichte: Redaktions- und theologiegeschichtliche Beobachtungen zu Genesis 1,1–11,26*, BZAW 265 (Berlin: de Gruyter, 1998), 333–34. Witte (*ibid.*, 204) places the "Wisdom Primeval History" in the sixth-fifth century. D. Carr similarly attributes 7:8 to a later, combining redactor: David M. Carr,

the way of a solid foundation, but several comments on these verses are germane. First, these texts display some overlap but also significant differences from Lev 11/Deut 14. In terms of similarities, these verses share the terminology of clean and unclean beasts (בהמה) and flyers (עוף) with both Lev 11/Deut 14. However, the swarmers (רמש) of 7:8 only appear in Lev 11:44, 46, which some interpreters attribute to secondary layers and agrees with Gen 1:26,<sup>48</sup> which thus supports the attribution of the verse to a redactor.<sup>49</sup> In any case, these swarmers do not appear in 8:20, when Noah builds an altar and offers “some of every clean beast (בהמה) and every clean bird (עוף)” as burnt offerings. The use here of *every* clean beast and bird as burnt offerings differs noticeably from the practices in D (Deut 14) and P (Lev 11). One might explain this practice along the lines of an acceptable pre-Sinai practice, corresponding to the giving of every animal for human food in Gen 9:3, in the P pendant to Gen 8:20–22. In any case, 7:2 and 8:20 offer a presentation of sacrificial and clean large land animals and flyers that proves distinct from both D and P. The sacrifice of birds does not appear at all in Deuteronomy and may be secondary in Lev 11,<sup>50</sup> which could support the later composition of this text. On the other hand, the offering of *every clean* beast and bird is different enough from both to represent a somewhat separate tradition history, which also does not view the separation of animals into categories of clean and unclean as markers of Israelite separation in the same way as this takes place in later texts. In fact, as the ancestor of all subsequent humanity, such separations of animals helps to unite humanity. As such, this viewpoint is difficult to date simply on the basis of this data.

In any case, there is evidence for the growing importance of the dietary meat prohibitions and the separations of animals into clean and unclean categories for consumption from the Persian period toward a late-Hellenistic period crescendo that continued strongly into the Roman period. However, none of the other traditions in the Hebrew Bible draw the boundaries of the categories in the same ways as the formulations of Lev 11 and Deut 14 in their respective literary contexts of the Priestly literature and Deuteronomistic corpus – which means that the best way to place these texts in the history of Israelite religion and the compositional history of the Hebrew Bible is through study of the texts themselves, their terminology, their literary contexts, and the history of their reception.

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*Reading the Fractures of Genesis: Historical and Literary Approaches* (Louisville: Westminster John Knox, 1996), 58.

<sup>48</sup> This is especially true for v. 44, commonly attributed to H, though some see v. 46 as the end of the earliest layer. On the appearance of Priestly terminology in a non-P text, see David M. Carr, *The Formation of the Hebrew Bible: A New Reconstruction* (New York: Oxford University Press, 2011), 199. He argues there that such language comes from a rather late (even Hellenistic) period.

<sup>49</sup> See the previous two notes.

<sup>50</sup> See Christophe Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus*, FAT 2/25 (Tübingen: Mohr Siebeck, 2007), 205, and sources listed there.



## 5. Questions for this Volume

Following these discussions, within the larger biblical context of dietary prohibitions and previous attempts to explore their meaning and place as rituals and texts, the contributions in this volume address several pivotal issues. A first group of issues concerns theoretical matters. Specifically, how applicable are various kinds of frameworks of meaning that have been proposed for these prohibitions? The essay entitled “Explanatory Frameworks for the Biblical Dietary Prohibitions” provides an overview of a number of approaches chosen throughout the history of interpretation. Setting in place an adequate foundational approach to the prohibitions can then open the way for reconstructing their path of development into their present contexts.

The first step in the tracing of this path, intertwined with the explanatory frameworks, concerns questions that arise regarding the *origins* of the ritual practices and of the texts. Such questions are entangled with the methodological framework in part due to the (potentially problematic) connections made between origins, original meanings of texts, and continued meaning or meanings.<sup>51</sup> In spite of the logical difficulties, it remains helpful to trace the location(s) of the dietary prohibitions within the history of ancient Israel, Judah, and early Judaism through their condensation in the biblical texts. An attempt to trace this journey appears in “From Traditions to Texts: The ‘Origins’ of the Dietary Prohibition of Lev 11 and Deut 14.”

Moving into the texts themselves, a detailed discussion of the literary context of the dietary laws in Deut 14 appears. Scholars have accorded considerable attention to the place of the dietary laws in the literary context and “system” of Priestly literature in recent decades,<sup>52</sup> a reason why such analysis need not take place here, while the place of these prohibitions in Deuteronomy has garnered less consideration.<sup>53</sup> The formulation of purity in Deut 14 in its context shows marks of close connection to Deut 7, which link the issues of idolatry, external boundaries, and exclusive Yahwism.

Furthermore, there are very few places where Deut 14 connects easily with the larger themes of Deuteronomy. In 12:15, 22; 15:22 purity deals directly with animal consumption. In chap. 12 there are animals that appear on the list of

<sup>51</sup> This logical problem is addressed in Altmann and Angelini, “Purity, Taboo and Food,” 18–23.

<sup>52</sup> Nihan, *From Priestly Torah to Pentateuch*; idem, “The Laws about Clean and Unclean Animals in Leviticus and Deuteronomy and Their Place in the Formation of the Pentateuch,” in *The Pentateuch: International Perspectives on Current Research*, ed. Thomas B. Dozeman, Konrad Schmid, and Baruch J. Schwartz, FAT 78 (Tübingen: Mohr Siebeck, 2011), 401–32; Lance Hawley, “The Agenda of Priestly Taxonomy: The Conceptualization of טמא and קדש in Leviticus 11,” *CBQ* 77 (2015): 231–49.

<sup>53</sup> However, note the recent article Albert D. Friedberg and Juni Hoppe, “Deuteronomy 14.3–21: An Early Exemplar of Rewritten Scripture?” *JSOT* 45 (2021): 422–57.

permitted animals in 14:5, yet *humans* who are *unclean* may consume them. Deuteronomy 15:22 addresses animals with some sort of defect rendering them unfit for sacrifice; the verse declares them permissible for consumption in the scattered settlements of Israel. Also concerned with eating, Deut 26:14 evinces purity concerns, and its larger context has similar themes as Deut 14.

Moving further into the texts of Lev 11 and Deut 14, one of the major differences between the texts of the two chapters themselves lies in their overlapping but divergent uses of terms for “unacceptable” foodstuffs. While Deut 14:3 opens with the term תעבה *“abomination”* and the rest of the text of Deut 14:4–20 goes on to use טמא *“impure”* and טהור *“pure,”* Lev 11 introduces a new term: שקץ *“abhorrent.”* A number of recent treatments, following Milgrom,<sup>54</sup> see טמא and שקץ as separate categories, even though they are applied to the same animals in the parallel texts of Lev 11/Deut 14 concerning the marine animals and birds. Leviticus employs שקץ for the aquatic animals and flyers in 11:10, 11, 20, after using טמא for the large land animals in vv. 4–8. Deuteronomy uses טמא consistently for all three categories in 14:4–20. The essay “The Terms שקץ *Šeqeš* and טמא *Tame*’ in Lev 11:2–23 and Deut 14:2–20: Overlapping or Separate Categories?” argues that these terms are in fact overlapping rather than separate, which aligns with the notion of a historical and diachronic development in which the texts could grow and morph in their meanings over the generations. In this way, a philological discussion plays an important role in the understanding of composition-critical questions.

A further area of inquiry concerns the role of pentateuchal dietary prohibitions outside the Pentateuch itself and in the Second Temple Period more broadly. This aspect is especially relevant as several texts dating from the Second Temple period display an increased consciousness toward food as well as an overall intensification of rules related to purity. Moreover, as we have argued above, the Hasmonean period clearly attests to the emergence of the dietary laws as a marker of Judean identity. In this regard, the essay “A Table for Fortune: Abominable Food and Forbidden Cults in Isaiah 65–66” investigates the references to dietary prohibitions outside the Pentateuch and focuses on the final chapters of Third Isaiah as a central piece of evidence. Chapters 65–66 mention illegitimate cultic practices that include sacrifice and consumption of forbidden food – notably pigs and dogs – and of impure liquids, notably blood (Isa 65:3–5; 11–12; 66:3 and 17). The essay investigates the debated background of these rites, performed in improper spaces such as gardens and tombs and the interpretation of these verses in later Hellenistic traditions (Dead Sea Scrolls and Septuagint respectively). It argues that dietary laws are chosen here to construct

<sup>54</sup> Jacob Milgrom, “Two Biblical Hebrew Priestly Terms: *Šeqeš* and *Tāmē*,” *Maarav* 8 (1992): 107–16; Meshel, “Food for Thought”; idem, “Pure, Impure, Permitted, Prohibited”; Burnside, “At Wisdom’s Table.”

a paradigmatic profile of the cultic transgressor and that these verses testify to the fact that pig consumption has already become a crucial marker of cultic impurity. However, contrary to what is often assumed, in Isa 65:3–5 pig consumption and pig sacrifice are not part of a necromantic practice, nor of a fertility rite, but constitute a distinct ritual act.

The passages from Isaiah raise the issue of the relationship between the discursive and pragmatic scopes of the references to the dietary prohibitions in the traditions of the Second Temple period. In this regard, the two functions should not be considered to stand in mutual opposition, but rather as complementing one another. The articulation between practical needs and ideological concerns in referencing food prohibitions is further explored in the essay “Dietary Laws in the Second Temple Period: The Evidence from the Dead Sea Scrolls.” This essay provides a comprehensive analysis of the references to pentateuchal dietary laws in the manuscripts found in the Qumran caves and tries to compare this evidence with the archaeological records (to the degree possible, considering the paucity of organic remains due to the site’s conditions). The analysis evinces the iconic role played by sacrificial meat in shaping the dietary rules, especially in texts like the Temple Scroll and 4QMMT. Hence, it confirms the existence of a hierarchy of meat as well as the permanence of a strict relationship between the “table” and the “altar.” Moreover, the Dead Sea Scrolls attest to an expansion of dietary laws in several new directions. Several texts elaborate upon aspects that are left more open by the Torah, such as the treatment of insects in the Damascus Document. Overall, considerable attention is paid to the practices of killing, preparing, and cooking. These texts also extend purity concerns to items that are not directly or comprehensively addressed in the Pentateuch, such as leather and liquids. In this regard, they can be fruitfully compared with evidence coming from Jewish-Hellenistic sources, such as the decree of Antiochus III reported by Josephus (*Ant.* 12.138–46).

The comparison of biblical texts with material evidence is also at the core of the essay “Aquatic Creatures in the Dietary Laws: What the Biblical and Ancient Eastern Contexts Contribute to Understanding Their Categorization.” This essay focuses on the text of the Hebrew Bible itself and addresses these oft-neglected aquatic animals while placing their prohibitions in the broader understanding of fish and other water animals throughout the neighboring cultures. This study brings together zooarcheological evidence that Judean communities did not follow the prohibitions of aquatic animals into the Hellenistic period and surveys views and practices concerning water creatures from the surrounding cultures. It puts forth the argument that the nature of the mythological sea monsters frequenting Mesopotamian, Egyptian, and Levantine literature provides the seedbed for the dietary criteria in Lev 11:9–12/Deut 14:9–10.

Addressing a later context, the role played by dietary laws in shaping Jewish identity within the broader context of the Greco-Roman world is investigated

in the essay “Looking from Outside: The Greco-Roman Discourse on the Jewish Food Prohibitions in the First and Second Centuries CE.” This essay provides a close analysis of the references to dietary laws in the Greek and Latin sources of the Imperial age between Nero and Trajan, i. e., between the two Jewish revolts (66–70 and 115–117 CE). The analysis indicates that while Greek and Roman authors did remark on some aspects of the Jewish foodways, there is no direct knowledge of a full body of dietary restrictions held by the Jews. Instead, classical sources mostly singled out the prohibition of the pig, which struck them as particularly strange and in stark contrast with their own customs. In the Roman context, avoidance of swine meat, together with circumcision and respect for Sabbath, became the stereotypical elements characterizing Jewishness, which could be either simply mocked or more severely criticized in later sources, especially in Juvenal and Tacitus. Such a critique, more than reflecting a Judeophobic attitude, expressed concerns for the spreading of “Judaizing” customs among Roman elites. In this regard, it is better seen as part of the traditional complaint on the decadence of the *mos maiorum* caused by the penetration of the “oriental” cults in Rome, rather than expressing apprehensions of a political nature. However, philosophical sources allow for discerning a second and more international context in which Jewish food prohibitions are discussed without polemical tones, where they are detached from the traditional *topoi* of the Jewish *misoxenia*. This context is reflected in the philosophical dialogues of Plutarch, which show more detailed knowledge of the Jewish dietary laws in comparison with other ancient sources. This view is also expressed in the writings of the Stoic and Sceptic philosophers, as well as in the Alexandrian allegoric writings (including Philo and 4 Maccabees). In this context, the Jewish avoidance of the pig and other animals enhanced an intellectual confrontation on multiple levels, touching upon central issues of ancient philosophical discourse. As ancient authors established a direct connection between abstention from a certain type of meat and worship of the corresponding animal, Jewish pig avoidance elicited a broader discourse on theriolatry: in this regard, the pig truly becomes a “tabooed” animal. It also served as a site for moral debate, to exemplify either the existence (Stoics) or the non-existence (Sceptics) of universal and innate values, or reason’s ability to master the passions (allegorical methodology).

The final essay, “Thinking and Performing Dietary Prohibitions,” returns to the nature of the relationship between the *practice* of rituals posited in texts and the nature of any *meaning* of those textualized rituals and the rituals themselves. In some ways the volume comes full circle with a return to the question of theory and practice. This piece draws out certain themes that reappear through the volume on a theoretical level: meaning and practice *are* or *can be* intricately related, but the nature of their connection remains complicated and, to return to the opening reference to Borges, less predictable than scholarly logic might imagine.

## 6. Widening Horizons

We wish to conclude by pointing to some issues highlighted by the present collection of studies, which represent, in our view, directions and methodological perspectives for future research.

First, while we are both trained in text-oriented disciplines, exploring the relationships between material and literary approaches, when understood in all their complexity, is mutually beneficial and should become a default practice in scholarship. The integration of material and literary evidence should go beyond mere comparisons aiming at matching one type of evidence with the other. Rather, it should take impulses from “areas of disagreement,” for these areas push both disciplines toward more refined and multicausal explanations that take various factors into account. The mapping of pig consumption between Iron Age I and II by Lidar Sapir-Hen (illustrating how the pig prohibition in biblical law reflects the world of both late monarchic and postexilic Judah, but does not reflect daily life in the Northern Kingdom of Israel in the Iron Age IIB),<sup>55</sup> served as a textbook case for us, to which other examples can now be added. The prohibition on aquatic animals stands as an exemplary study in this regard, given the continued proliferation of remains in the zooarchaeological record of presumably prohibited creatures from the Iron Age onward. As for later periods, the abundance of material evidence regarding chickens and the replacement of the traditional couple “pig-dog” with that of “chicken-dog” as a cipher for impurity in the textual record suggests the possibility that the raising of chickens might have replaced pig raising on a broader scale in the ancient Near East in the Hellenistic period. A further line of investigation emerging from the material record concerns the various iconographic depictions of animals. In the case of fish and water animals, these images provide an important supplement when attempting to understand the places that such creatures might occupy in the conceptual framework of Israelite and Judean communities.

Second, even though this volume and other work exploring the issues around dietary prohibitions in ancient Israel and later Judean and Jewish communities have made important progress, there are still many un- and under-explored areas. In this regard, the analysis of late biblical texts and Dead Sea Scrolls indicates that Second Temple Judaism and the Hellenistic period more broadly emerge as a crucial context for understanding not only the processes through which dietary

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<sup>55</sup> Lidar Sapir-Hen, “Food, Pork Consumption, and Identity in Ancient Israel,” *NEA* 82 (2019): 52–59; eadem et al., “Pig Husbandry in Iron Age Israel and Judah: New Insights Regarding the Origin of the ‘Taboo,’” *ZDPV* 129 (2013), 1–20; Max D. Price, *Evolution of a Taboo: Pigs and People in the Ancient Near East* (New York: Oxford, 2021), 126–32. For a summary of the debate see Abra Spiciarich, “Identifying the Biblical Food Prohibitions Using Zooarchaeological Methods,” in *Food Taboos and Biblical Prohibitions*, ed. Peter Altmann, Anna Angelini, and Abra Spiciarich, *Archaeology and Bible 2* (Tübingen: Mohr Siebeck, 2020), 59–60.

laws became authoritative for Jewish practice but also the mechanisms by which they expanded and become adapted to new cultural contexts. Therefore, our investigations point to the necessity of inscribing Lev 11 and Deut 14 within a broader examination including other texts addressing regulations of food, most of which were produced in this period. The Second Temple and the Hellenistic period attest to the development of several aspects related to dietary laws, related to the modes of preparation and consumption of food, the impurity of liquids, and the hierarchy of meals and commensality. Hence, this context stands as an important link between the biblical dietary laws and rabbinic halakah. In this regard, several dossiers, such as the Septuagint (henceforth LXX) and the book of Jubilees, still await detailed and comprehensive examination.

Third, while well-trodden, our volume also indicates the ongoing importance of interaction with the cultures of the broader ancient Near East and ancient Mediterranean. In this regard, our combined efforts mark a way forward for ongoing interdisciplinary research. At least two aspects related to dietary laws warrant further inquiry from a comparative perspective. (1) Our work has taken steps to place the questions surrounding dietary prohibitions within the broader context of the study of human-animal relationships, the role these relationships play in ancient religious self-perceptions, and in processes of identity formation in antiquity. (2) Attitudes toward food should be comparatively investigated not only in terms of what is consumed but also of what is avoided. For example, a comprehensive study on vegetarian practices in ancient religious cultures remains a desideratum. Because ancient societies are fundamentally sacrificial, and a sacrificial logic partly underpins the formulation of the core corpus of the dietary laws themselves, a broader study on meat avoidance could illuminate the complicated relationship between the table and the altar in different religious contexts.



## Chapter 2

# Framing the Questions: Some Theoretical Frameworks for the Biblical Dietary Prohibitions

(Peter Altmann)

One trenchant issue for the interpretation of Lev 11/Deut 14 lies in the lack of a stated theoretical framework behind the choices of the various separations of animals into categories.<sup>1</sup> In order to investigate the meaning(s) of the dietary prohibitions, this essay offers an overview of three prominent conceptual frameworks for explicating the place of dietary prohibitions in the past decades of the history of scholarship: psychological, materialist, and structuralist approaches. The final section draws together these insights in order to provide a context for the interpretive directions taken in the other studies of this volume.

### 1. Anthropological Terminology

Before delving into these divergent approaches, questions of terminology are relevant. The modern study of religious/ritual dietary prohibitions often falls under, or appears in conjunction with, the study of “taboo.” This section traces the use of the term in anthropology and problematic adoption into biblical studies, concluding with a chastened recommendation for its continued usage.

The term “taboo” has undergone considerable controversy in academic discourse. Arising from a Polynesian context, the word is rejected as a broader category by some anthropologists on the basis of its local associations. They argue that it has become reified and separated from its concrete setting.<sup>2</sup> Furthermore, one of the main problems with early usage of the term, especially with regard to the Bible, appears in the conception adopted by James George Frazer and William Robertson Smith, who argue that the sacred and the unclean

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<sup>1</sup> Cf. Tracy M. Lemos, “Where There Is Dirt, Is There System? Revisiting Biblical Purity Constructions,” *JSOT* 37 (2013): 290. For an earlier and still very helpful review of scholarship see Houston, *Purity and Monotheism*, 13–25.

<sup>2</sup> E. g., A. Radcliffe-Brown and E. Durkheim. For discussion see Valerio Valeri, *The Forest of Taboos: Morality, Hunting, and Identity among the Huaulu of the Moluccas* (Madison: University of Wisconsin Press, 2000), 44.



coalesce together under this category in ancient societies.<sup>3</sup> While the overlap does in fact take place in some instances – and may even find traction within ancient Near Eastern contexts, the sacred and the unclean remain fused in the term “taboo” in a manner that leads to problematic conclusions for the biblical dietary laws, for the categories of holy, clean, and unclean are distinct from one another in the biblical contexts.<sup>4</sup>

Any attempt to discern the usefulness of the term “taboo” necessitates a definition, or at least a delimitation of the term’s boundaries. The anthropologist Valerio Valeri surveys the meaning of the term in his monograph from 2000 as follows:

In everyday English the word *taboo* is used to refer to prohibitions of an absolute character, usually with religious or social sanctions, rather than legal or merely legal ones. The anthropological use of the term encompasses the above meanings but is much wider than they are. A taboo is *the index of certain peculiar dangers incurred by entering into contact with certain peculiar things or persons*. The dangers are usually physical (characteristic disease or misfortunes) but may also be of a more conventional nature (ritual disqualification, and so on). They are *due to powers intrinsic to the thing or person that is taboo*.<sup>5</sup>

Valeri’s exposition shows that one key factor in the anthropological conception of taboo lies in the aspect of “danger,” specifically danger related to specific types of contact. At least in his view, “taboo” cannot be reduced to prohibition,<sup>6</sup> given that it includes specific dangers from contact *along with* the scepter of religious (or social) sanctions. However, there may be something gained for the discussion of biblical dietary prohibitions in allowing for a broader definition of “taboo,” which then allows for a continuum between, e. g., “habit” and “divine injunction” to emerge.<sup>7</sup>

<sup>3</sup> Cf. Valeri, *Forest*, 43; Sigmund Freud, *Totem and Taboo: Resemblances between the Psychic Lives of Savages and Neurotics*, trans. A.A. Brill, The Standard Edition of the Complete Psychological Works of Sigmund Freud (London: Routledge & Sons, 1919), 30. This categorical error continues into current scholarship: it is quite similar to the theoretical underpinning of the connection of unclean animals with fertility and by extension with the temple and holiness in Mary Douglas, *Leviticus as Literature* (Oxford: Oxford University Press, 1999), 168. However, some justification for such a connection appears in ancient Egypt. See Youri Volokhine, “‘Food Prohibitions’ in Pharaonic Egypt: Discourses and Practices,” in *Food Taboos and Biblical Prohibitions: Reassessing Archaeological and Literary Perspectives*, ed. Peter Altmann, Anna Angelini, and Abra Spiciarich, *Archaeology and Bible 2* (Tübingen: Mohr Siebeck, 2020), 43–56.

<sup>4</sup> This is also clearly the case in the Greek context. Cf. Robert Parker, *Miasma: Pollution and Purification in Early Greek Religion* (Oxford: Clarendon, 1996), 11.

<sup>5</sup> Valeri, *Forest*, xxii. I have added the italics.

<sup>6</sup> Which, he notes, contradicts Durkheim’s use of the term, whose perspective Valeri criticizes as an undue homogenization, Valeri, *Forest*, 52. Note also the different usage by Edmund Leach, “Anthropological Aspects of Language: Animal Categories and Verbal Abuse,” in *New Directions in the Study of Language*, ed. Eric H. Lenneberg (Cambridge, MA: Massachusetts Institute of Technology Press, 1964), 23–63.

<sup>7</sup> Also recognized by Valeri, *Forest*, 61.

In any case, perhaps the most important point for interpreters of the biblical material comes in the recognition that assigning a category, whether taboo, interdict, prohibition, or otherwise on these dietary prescriptions may actually presuppose an answer to part of the question.<sup>8</sup> The use of “taboo” would indicate that the dietary regulations connect with the divine or sacred sphere, rather than existing merely on an economic one or only with respect to a group habit. “Taboo” also veers away from the legal links of “interdict.” However, one might suggest that, depending on the state of the cultural context and stage of development of the prescriptions in oral and written traditions, the proposed regulations could have fit different categories at different times and places. In some places at some times, the avoidance of eating vulture may have been a habit, while in another time or place it may have been (or become) a social prohibition or divine interdict. The directionality may also have been the reverse, at least in some cases as well.<sup>9</sup>

While quibbles over terminology can prove important, more debate exists in biblical scholarship over the *nature* and *origins* of the taboos/prohibitions, to which I now turn, dividing my discussion into several categories: psychological explanations, materialist explanations, Douglas and structuralist understandings, ancient Greek comparative evidence, and critiques of structuralism. The results of this survey also advance the question of terminology.<sup>10</sup>

## 2. Psychological Explanations

### 2.1. Freud’s Totem and Taboo

While the discussion of “taboo” has moved on considerably in the past century, I begin with Freud’s 1913 work for several reasons: (1) As a monumental figure in the history of ideas in Western culture, his interpretations provide an important touchstone for further development (especially of Julia Kristeva). (2) He places the notion of “taboo” in the center of his approach, providing an opportunity to investigate the concept and the question of its applicability to the biblical material.

Freud’s general approach to ethnology correlates the social norms of indigenous peoples with the psychological norms of some (typically neurotic) individuals in the developed West.<sup>11</sup> Based on many assumptions regarding

<sup>8</sup> Or, I would argue, perhaps part of the *diachronic development*.

<sup>9</sup> See “Traditions and Texts,” 43–65 in this volume, and, for the aquatic animals, Yonatan Adler and Omri Lernau, “The Pentateuchal Dietary Proscription against Finless and Scaleless Aquatic Species in Light of Ancient Fish Remains,” *TA* 48 (2021): 5–26.

<sup>10</sup> For another recent discussion and categorization of various types of explanations see Price, *Evolution of a Taboo*, 96–114.

<sup>11</sup> Freud, *Totem and Taboo*, 1, 45, 48.

the psychological and societal *progress* of humanity leading to the “pinnacle” of humanity in the modern West that are no longer persuasive in scholarship, Freud puts in place a fundamental analogy: modern human experience still bears, or can bear, significant similarities to ancient (“primitive”) human society: both create and maintain taboos for the purpose of allaying unconquerable anxiety.<sup>12</sup>

However, Freud runs aground with regard to the biblical dietary prohibitions when he claims: “All other varieties of taboo phenomena which have led to the attempted classifications noted above become unified if we sum them up in the following sentence: The basis of taboo is a forbidden action *for which there exists a strong inclination in the unconscious.*”<sup>13</sup> In other words, for Freud the mind has *repressed* but not *suppressed* deep longings that society must therefore declare taboo. He later even calls the purpose of taboos “self-evident.” That is, why would one need to forbid something undesirable?<sup>14</sup>

The logic here proves faulty, and neither does it hold in application to Lev 11/ Deut 14. Freud assumes that just because *some* forbidden things are desirable, this means that *all* forbidden things are desirable and no need exists to prohibit something undesirable because no one would do it. However, I fail to see how this applies to the biblical dietary injunctions, especially against consumption of flyers like the נֶשֶׁר (vulture, eagle) or the עֵטְלֵף (bat), which no one appeared to have eaten or expressed a desire to eat. Thus, taken at face value, Freud’s theory of taboo does not provide explanatory power for a number of the food prohibitions.

Freud also offers a second reason for declaring something taboo: the prohibited object exists in a state of weakness. Yet many prohibited biblical animals do not require some kind of protection due to a state of weakness in which a person might take advantage of them.<sup>15</sup> Lions, bears, shellfish, and falcons hardly fit this category in ancient Near Eastern contexts.

Finally, Freud’s theory of taboo highlights the interior experience of the person: he posits considerable anxiety around the transgression of taboos. While his analysis may be correct that such anxiety occurs for modern Western neurotics, ethnographic observation of indigenous peoples suggests a rather different situation: one might see such transgression as a misstep rather than guilty moral action. In such a case the problematic action elicits little emotion.<sup>16</sup> In view of

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<sup>12</sup> Ibid., 48. He states: “Let us now summarize the points in which the correspondence between taboo customs and the symptoms of compulsion neurosis are most clearly manifested: 1. In the lack of motivation of the commandments, 2. in their enforcement through an inner need, 3. in their capacity of displacement and in the danger of contagion from what is prohibited, 4. and in the causation of ceremonial actions and commandments which emanate from the forbidden.”

<sup>13</sup> Ibid., 54. Italics added.

<sup>14</sup> Ibid., 116–17.

<sup>15</sup> Freud offers newborns, the dead, and women as examples of this category: Ibid., 55.

<sup>16</sup> Valeri, *Forest*, 60.

this particular issue for the biblical dietary restrictions, the biblical texts provide very little insight into the emotive or existential responses of the authors, intended audience(s), or early readers of these texts.<sup>17</sup> Therefore, positing such interior ambivalence or anxiety may represent one of the chief *eisegetical* moves on the part of modern interpretation and some ancient applications, without, however, denying that such inner turmoil could occur for ancient Israelites and Judeans as shown in Ezekiel's refusal to eat food cooked over human excrement (Ezek 4:12–15).

## 2.2. Julia Kristeva's Theory of "Abjection"

Freud's line of thinking provides the grist for the mill of Kristeva's 1980 work *Powers of Horror: An Essay on Abjection*. This discussion expounds her theory of abjection, which she applies directly to the biblical dietary prohibitions.<sup>18</sup> Specifically, Kristeva builds on Freud's questionable notion of the ambivalence bound up in taboos: one both wants and rejects the object at the same time. As I show below in discussion of the work of Mary Douglas, Kristeva too locates dietary prohibitions – and other prohibitions – in the question of boundaries.<sup>19</sup> In Kristeva's view, the boundaries distinctly concern the makeup of one's self (identity):

When food appears as a polluting object, it does so as an oral object only to the extent that orality signifies a boundary of the self's clean and proper body. Food becomes abject only if it is a border between two distinct entities or territories. A boundary between nature and culture, between the human and the non-human.<sup>20</sup>

Kristeva here notes a commonplace – albeit an important one: openings in the human body often represent regions of danger and possible pollution. In Kristeva's view, pollution takes place when a subject's body is no longer separated (as a result of something entering or exiting the body) from a certain kind of object; its boundaries are transgressed.

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<sup>17</sup> Documentation of such responses only appears in, e.g., 2 Macc 6. Note also the New Testament narrative of Peter's struggle with the divine command to eat unclean foods in Acts 10:11–15.

<sup>18</sup> For previous interactions by biblical scholars with Kristeva's work on dietary laws, see Rainer Kessler, "Identität und Fremdheit und das Rein-unrein-Paradigma," *EvT* 68 (2008): 414–29; Roland Boer, "The Forgetfulness of Julia Kristeva: Psychoanalysis, Marxism and the Taboo of the Mother," *JSOT* 33 (2009): 259–76. Kessler provides some helpful critiques and comparison with Robertson-Smith's evolutionary perspectives.

<sup>19</sup> Julia Kristeva, *Powers of Horror: An Essay on Abjection*, trans. Leon S. Roudiez, Reprint edition (Columbia University Press, 1982), 4: "It is thus not lack of cleanliness or health that causes abjection but what disturbs identity, system, order. What does not respect borders, positions, rules. The in-between, the ambiguous, the composite."

<sup>20</sup> *Ibid.*, 75.

She speculates that the (psychological) origins of these pollution-related prohibitions arise from humans' pre-symbolic maternal bond. Then, as a subject moves to symbolic thinking and strives to establish her/his own identity, differentiation from the mother and what she represents proves paramount. Kristeva also relates this symbolism to cultural phenomena – to language, which marks a separation from the animalistic or nature.<sup>21</sup> Identity emerges as the subject moves to symbolic language, often viewed as the preeminent human action.<sup>22</sup> As might be expected, the focus on the maternal in Kristeva's analysis develops an emphasis on the incest prohibition.<sup>23</sup> She even goes so far as to say: "... the biblical text, as it proceeds, comes back, at the intensive moments of its demonstration and expansion, to that mytheme of the archaic relation to the mother."<sup>24</sup>

If by this it means that dietary prohibitions – and other similar prohibitions like the ones found in Lev 12–15 – concern the *development* of the (cultural/cultured) self, then it has considerable merit. As Valeri notes, "Her point that pollution is the cultural form taken by what threatens the subject because it has to do with the precultural stage – that it is the presymbolic making itself felt in the symbolic – rings true."<sup>25</sup> He continues, however, to make a further point that deserves underlining: "But it does not sound like the whole truth either."<sup>26</sup>

Placing the earliest bodily yet interpersonal relationship at the core of the issue of (dietary) taboo contains significant explanatory power. It speaks to a core

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<sup>21</sup> One might say natural, thus directly evoking the culture-nature distinction promoted by Leach, "Anthropological Aspects of Language"; cf. Michael P. Carroll, "One More Time: Leviticus Revisited," *European Journal of Sociology / Archives Européennes de Sociologie / Europäisches Archiv für Soziologie* 19 (1978): 339–46.

<sup>22</sup> A number of recent ethological studies question this presupposition, which was formulated by Condillac among others. For discussion, see Descola, *Beyond Nature and Culture*, 177.

<sup>23</sup> Kristeva, *Powers of Horror*, 59–66. On the connection between impurity in the Hebrew Bible and differentiation from the mother, she conjectures (*ibid.*, 94), "The semes that clothe the process of separation (orality, death, incest) are the inseparable lining of its logical representation aiming to guarantee the place *and* law of the One God. In other words, the place and law of the One do not exist without a *series of separations* that are oral, corporeal, or even more generally material, and in the last analysis relating to fusion with the mother. The pure/impure mechanism testifies to the harsh combat Judaism, in order to constitute itself, must wage against paganism and its maternal cults."

<sup>24</sup> *Ibid.*, 105–6. The full statement reads, "We are thus led to conclude that dietary prohibitions, just as the more abstract expressions of Levitical abominations in a logic of differences ordained by a divine 'I,' are based upon the prohibition of incest. Far from being one of the semantic values of that tremendous project of separation constituted by the biblical text, the taboo of the mother seems to be its originating mytheme. Not only because psychoanalytic discourse on the one hand and structural anthropology on the other have discovered the fundamental role of incest taboo within any symbolic organization (individual or social); but also and especially because, as we have seen, the biblical text, as it proceeds, comes back, at the intensive moments of its demonstration and expansion, to that mytheme of the archaic relation to the mother."

<sup>25</sup> Valeri, *Forest*, 110.

<sup>26</sup> *Ibid.* It seems to presuppose a singular explanation, which I critique in "Thinking and Performing Dietary Prohibitions," 239–45 below.

human experience, a point that Kessler then expands from the individual to the group formation of identity, “Es geht um die Frage, wie im nachexilischen Israel Identität entsteht.”<sup>27</sup> And, the texts of the dietary prohibitions name this concern, e. g., Deut 14:2, “For you are a people holy to the Lord your God; it is you Yhwh has chosen out of all the peoples on earth to be his people, his treasured possession” (cf. v. 21; Lev 11:44–45). However, can the intimate bond between mother and child that lies at the core of the formation of individual identity really be transferred to the formation of a group’s identity? While the differences should not be minimized, food consumption, especially at special meals, serve as core moments for the formation of group identity and relate directly to the intake of specific foods. And, in ancient Israel and the texts of the Hebrew Bible, meat served as one of these foods.<sup>28</sup>

However, there is more to the ways that humans relate to the exterior world through their bodies than identity formation. The materialist approaches to which I now turn can highlight such ways, even though the discussion later returns to structuralism, which relates more closely with Kristeva’s analysis.

### 3. Materialist Explanations

The general approach advanced by materialists consists of the assumption that, contrary to some kind of symbolic or psychological explanation, the reason for cultural practices, such as the prescribed avoidance of certain kinds of meat, arises from concrete, physical origins, often related to individual or community survival. This section investigates the claims of the foundational argument put forward by Marvin Harris and some more recent developments.

#### 3.1. Marvin Harris and the Focus on Pigs

The most widely-known materialist approach to the dietary laws appears in the work of Marvin Harris. He presents a broad, multi-cultural perspective on food prohibitions, and one of his major examples comes in the avoidance of pigs in Judaism and Islam.<sup>29</sup> He argues that this prohibition developed from an *economic* basis. Specifically, because pigs require considerable water and compete with humans for the same food, Israel and some other cultures in the Near East banned their consumption. People in these geographic and climatic

<sup>27</sup> Kessler, “Identität und Fremdheit und das Rein-unrein-Paradigma,” 423.

<sup>28</sup> For discussion of the special role of meat and feasts, see Peter Altmann, *Festive Meals in Ancient Israel: Deuteronomy’s Identity Politics in Their Ancient Near Eastern Context*, BZAW 424 (Berlin: de Gruyter, 2011), 238–40.

<sup>29</sup> Marvin Harris, *Cows, Pigs, Wars, and Witches: The Riddles of Culture*, Vintage Books. Anthropology and Sociology (New York: Vintage Books, 1975).

settings made real choices about which foods to eat. In light of these concrete realities, Harris argues that their choices arose primarily in response to the actual geographic and other material factors of their location.

While material realities do undoubtedly place concrete limits on what humans of a particular region might produce and consume, Harris' approach neither explains why pigs *were* consumed at some earlier periods in the history of the southern Levant nor why "Israelites" (among others) then chose to cease that consumption.<sup>30</sup> Furthermore, as frequently noted, there are simply too many other consumption and taboo choices that make little economic sense: the general abhorrence of eating insects in the modern West is one example. And, on the other side, some prohibitions concern items like vultures for which there is little evidence of human consumption. Therefore, while Harris' general concern about the importance of material parameters holds true, it does not suffice as an explanation for the diversity of the prohibitions in Lev 11 and Deut 14. Economics, or material explanations in general in the sense given by Harris, provides too slim of a basis for understanding the complexity of the dietary choices by human communities such as ancient Israel, Judah, and exiled Judeans.

What one does glean from Harris, however, is that concrete, material influences, whether economic or otherwise, do matter in important ways for the construction of individual and cultural experiences of taste, and textual scholars can easily overlook the significance of such influences.

### 3.2. Recent Human-Biological Approaches to Disgust

While Harris' materialist-economic approach has proven far too cursory in its analysis, thereby rendering it largely unhelpful for specific prohibitions, two more recent lines of research have opened up. First, several biblical scholars investigate evolutionary biological studies of disgust that may have ramifications for the dietary prohibitions. Yitzhaq Feder studies the *origins* and *development* of disgust, and attempts to map the appearances of disgust in the biblical texts onto the results of biological studies.<sup>31</sup> In these studies Feder adopts the evolutionary-biological identification of the origins of disgust in the attempt to avoid pathogens.<sup>32</sup>

<sup>30</sup> For several helpful recent studies see Lidar Sapir-Hen, "Food, Pork Consumption, and Identity," 52–59; eadem, "Pigs as an Ethnic Marker? You Are What You Eat," *BAR* 42 (2016): 41–43, 70. An insightful critique of Harris' approach appears in Houston, *Purity and Monotheism*, 83–93.

<sup>31</sup> Yitzhaq Feder, "Defilement and Moral Discourse in the Hebrew Bible: An Evolutionary Framework," *Journal of Cognitive Historiography* 3.1–2 (2016): 157–89; idem, "Contamination Appraisals, Pollution Beliefs, and the Role of Cultural Inheritance in Shaping Disease Avoidance Behavior," *Cognitive Science* 40 (2016): 1561–85; idem, *Purity and Pollution in the Hebrew Bible: From Embodied Experience to Moral Metaphor* (Cambridge: Cambridge University Press, 2021), 131–44. This book chapter focuses especially on the physical nature of the נֶפֶשׁ, the "gullet," which becomes defiled through consumption of improper meat.

<sup>32</sup> Feder, "Defilement and Moral Discourse," 159.

Thomas Staubli, on the other hand, maps the category with an array of Hebrew terms appearing in the Hebrew Bible, many having associations with excrement and vomiting.<sup>33</sup> These approaches provide insightful explanations for a number of types of impurity, especially those related to blood and the transmission of disease through the exchange of fluids or a stench (transmission through the air).

However, while their attentive studies provide metaphorical blending explanations,<sup>34</sup> which extend to “moral impurity,”<sup>35</sup> the dietary prohibitions sometimes prove something of a special challenge.<sup>36</sup> When the dietary prohibitions do appear in Feder’s work, he encounters difficulties in attempting to include them among the abominations.<sup>37</sup> Specifically, these investigations show that, while the current trends in evolutionary biology may account for a number of features of purity, impurity, disgust, and abomination in the Hebrew Bible, they do not offer as much help for the dietary prohibitions.

Therefore, it becomes necessary to look to a second, although somewhat earlier development arising from biological lab experiments into the functions of human and mammalian structures of taste and aversion. First, on the most basic biological level, and also incorporated into the above approach, humans are generalists when it comes to food. Having such an openness to a huge range of *possible* foods, what then helps humans recognize the differences between food and non-food? The key mode is experience.<sup>38</sup> Humans *learn* what is “disgusting.”<sup>39</sup>

Ilene Bernstein compiles the results from a wide range of investigations on human as well as rat food aversions. She notes that both of these omnivorous species primarily demonstrate aversions to proteins (animal products) rather than carbohydrates (plant products). However, rats, as a test case, showed similar repulsion for non-protein substances that had been artificially prepared with

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<sup>33</sup> Thomas Staubli, “Disgusting Deeds and Disgusting Gods: Ethnic and Ethical Constructions of Disgust in the Hebrew Bible,” *HBAI* 6 (2018): 457–87.

<sup>34</sup> Feder adopts and develops the helpful perspectives introduced to biblical studies by Thomas Kazen, “The Role of Disgust in Priestly Purity Law: Insights from Conceptual Metaphor and Blending Theories,” *Journal of Law, Religion and State* 3 (2014): 62–92. Kazen’s work shows how blending can lead to the application of one explanation to various spheres of impurity.

<sup>35</sup> This is a widely-debated category within scholarship.

<sup>36</sup> Cf. Feder, “Contamination Appraisals,” 1567.

<sup>37</sup> Feder, “Defilement and Moral Discourse,” 176–77, especially the table on p. 177 and the disconnected nature of the unclean animals.

<sup>38</sup> Paul Rozin, “Food Is Fundamental, Fun, Frightening, and Far-Reaching,” *Social Research* 66 (1999): 12, cf. 15. Also noted by Thomas Kazen, *Emotions in Biblical Law: A Cognitive Science Approach*, Hebrew Bible Monographs 36; *Studia theologica Holmiensia* 19 (Sheffield: Sheffield Phoenix, 2011), 35. For a more recent mention, see Yohan Yoo and James W. Watts, *Cosmologies of Pure Realms and the Rhetoric of Pollution* (London: Routledge, 2021), 133–39, which places the emphasis on connections between disgust and cosmologies that exceed or elude verbal articulation.

<sup>39</sup> Any extended observation of the things young children *are* willing to put in their mouths and eat provides a practical example of this phenomenon. See the recent discussion in Staubli, “Disgusting Deeds and Disgusting Gods.”



similarly strong odors. This experiment accords with Staubli's analysis of the terminology in the Hebrew Bible that concerns excrement.<sup>40</sup> This comparative result indicates that disgust relates to flavor and odor – that is, the experience of aliments before and during consumption, rather than to the post-ingestive bodily effects of animal products (like illness).<sup>41</sup> Repulsion, then, is less about the question of what makes humans sick after consumption than about what smells rotten.<sup>42</sup> This insight contradicts the perspective articulated by Staubli. Bernstein's conclusion concerning the significance of odor shows promise for the animal prohibitions from the Hebrew Bible, given the primary focus with the biblical materials (in contrast to some of the cultures in the surrounding region) on prohibitions of animal products.<sup>43</sup> It raises the question of whether any or all the types of animal products prohibited in Lev 11/Deut 14 have associations with strong, repellent odors.

At first glance, the importance that data from such biological experiments might have for the aversion or rather prohibition of *non-toxic* animal products, in our case such creatures as the pig, camel, shellfish, catfish, and ostrich, does not immediately appear from Bernstein's experiments. One helpful approach emerging from this human-biological line of reasoning, however, arises in the work of Rozin and his various associates on notions of disgust.<sup>44</sup> They investigate various aspects of disgust in humans, both in terms of human development and cross-cultural comparisons. With regard to human development, they identify three stages in the rejection of foods:

1. *Distaste*, which relates to the actual sensory experience (e.g., bitterness),
2. *Anticipated consequences*, which arise from the experience of negative effects,
3. *Disgust*, which is conceptual (in the mind) and arises from knowledge about the origins of the substance.<sup>45</sup>

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<sup>40</sup> Ibid.

<sup>41</sup> Ilene L. Bernstein, "Taste Aversion Learning: A Contemporary Perspective," *Nutrition* 15 (1999): 230.

<sup>42</sup> See also Kazen, *Emotions in Biblical Law*, 34.

<sup>43</sup> On the occasional prohibitions, also related to odor but less to meat in Mesopotamia, see especially Stefania Ermidoro, "Tabooed Animals in the Ancient Mesopotamian Diet: Prohibitions and Regulations Related to Meat in the First Millennium BCE," in *Food Taboos and Biblical Prohibitions: Reassessing Archaeological and Literary Perspectives*, ed. Peter Altmann, Anna Angelini, and Abra Spiciarich, *Archaeology and Bible 2* (Tübingen: Mohr Siebeck, 2020), 25–42; eadem, "Food Prohibition and Dietary Regulations in Ancient Mesopotamia," *Aula Orientalis* 32 (2014): 79–91.

<sup>44</sup> Paul Rozin et al., "Disgust: Preadaptation and the Cultural Evolution of a Food-Based Emotion," in *Food Preferences and Taste: Continuity and Change*, ed. Helen Macbeth, *The Anthropology of Food and Nutrition 2* (Providence: Berghahn, 1997), 65–82; April E. Fallon and Paul Rozin, "The Psychological Bases of Food Rejections by Humans," *Ecology of Food and Nutrition* 13 (1983): 15–26; Rozin, "Food Is Fundamental, Fun, Frightening, and Far-Reaching"; Paul Rozin and April Fallon, "The Psychological Categorization of Foods and Non-Foods: A Preliminary Taxonomy of Food Rejections," *Appetite* 1 (1980): 193–201.

<sup>45</sup> Rozin et al., "Food Preferences and Taste," 66–67.

All three stages relate to specific human facial expressions (the dropping of the jaw) and nausea.<sup>46</sup> These connections show how the materialist *and* the cultural (e.g., structuralist and psychological) approaches provide relevance. Disgust combines the concrete and the abstract, the innate and the learned. Specifically, Rozin argues for the central importance of the smell of death and death avoidance for the development of human categories of disgust,<sup>47</sup> which at first glance corresponds to the root explanation provided by Milgrom. He attempts to connect the various prescriptions related to purity to the avoidance of death.<sup>48</sup> Within the biblical text, this accords most readily with the prohibitions on the consumption of carrion (e.g., Lev 17:15; Deut 14:21; for the priests Lev 22:8) and slaughtered meat after a specified period of time (Exod 23:18b; 34:25). Yet despite his attempt at constructing a system, Milgrom admits that several birds do not fit with his criterion of associations, specifically the hoopoe and the bat.<sup>49</sup> At least for the hoopoe, though, an association with excrement lies at hand, so Staubli, Kazen, and Feder's perspectives may provide the key to its incorporation.<sup>50</sup>

Returning to Rozin's three categories, the one concerning the conceptuality of disgust applies quite readily to the discussion of biblical dietary prohibitions in the following way: At least in one modern society, Rozin finds that disgust develops between the ages of four and eight, which indicates that they are *learned* behaviors relating to the idea of a substance. As an example, he draws on the consumption of worms – disgusting in many societies not for their taste but for their “worminess,” whatever that may symbolize in various and divergent cultural settings<sup>51</sup> – which could undergird the educational aspect of the dietary prohibitions.

Yet the most compelling part of this approach concerns its application beyond matters of taste, which Feder also discusses in similar terms, though with the

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<sup>46</sup> Note that such reactions have a potentially materialist basis in their similarity to the gestures and physical food rejection responses in other mammals. Cf. *ibid.*, 23.

<sup>47</sup> *Ibid.*, 25. “We are persuaded of the centrality of death avoidance for disgust by two observations. One, the quintessential odor that elicits disgust is the odor of decay, that is, of death. Second, results from psychometric analyses of our disgust scale (Haidt, McCauley, and Rozin, 1994) indicate that death-related items are among the most predictive of total disgust sensitivity.... There are two other categories of disgust elicitors that do not seem to relate to our animal nature. One is interpersonal disgust, elicited by close contact with people who fall outside relatives and friends.... The final category of disgust is what we call moral. Disgust is often used as an indicator of moral disapproval, as when we say that the way X treats his wife is disgusting.”

<sup>48</sup> E.g., Jacob Milgrom, “Ethics and Ritual: The Foundations of the Biblical Dietary Laws,” in *Religion and Laws: Biblical, Judaic and Islamic Perspectives*, ed. Edwin B. Firmage, Bernard G. Weiss, and John W. Welch (Winona Lake, IN: Eisenbrauns, 1990), 189; *idem*, *Leviticus 1–16*, 732–33.

<sup>49</sup> Milgrom, *Leviticus 1–16*, 662.

<sup>50</sup> Other issues, like Milgrom's explanation with regard to marine animals, remain problematic: *ibid.*, 659–60.

<sup>51</sup> Rozin et al., “Food Preferences and Taste,” 67.

different, but perhaps related, starting point of the repelling stench related to diet rather than the avoidance of pathogens. Rozin et al. propose a historical progression outward from foods to other kinds of substances associated with disgust in various cultures: things one should not touch, poor hygiene, certain sexual practices, contact with death, and gore. They draw on approaches to metaphorical thinking like those of Lakoff and Johnson to posit the metaphorical applications of disgust, a category rooted in the realm of taste.<sup>52</sup> In these further categories, Rozin et al. bring in considerations concerning the separation between the realms of humans and animals, at least for Aristotelean and some modern approaches that see animals as receiving negative connotations compared to humans. In this case, reminders of our animal nature are unpleasant, and are to be rejected by the mind just as offensive foods are rejected by the mouth.<sup>53</sup> These considerations also appear in the Nature/Culture boundary proposed by Carroll,<sup>54</sup> though a danger of anachronism plagues this approach.<sup>55</sup>

In any case, the realm of application of the category of disgust could be thought of as having continued to grow, coming to encompass distinctions that have little to do with the separation of humans from animals, such as moral concerns. However, a link between the material and the conceptual bases for disgust appears in things related to death.<sup>56</sup> Death leads to decay, which often comes with a noxious odor. This physiological response to decay generally gives rise to an aversion to death, and likewise to gore.<sup>57</sup>

Furthermore, all these various areas can prove important for the establishment of group solidarity: shared objects of disgust bring people together.<sup>58</sup> And, as a whole, this approach combines a material (evolutionary) basis in a physiological response to bad taste or odor shared by mammals. Humans then broaden its application to a larger variety of categories, including moral repugnance and social rejection.

Such an approach can strengthen many and traditional understandings of the biblical dietary prohibitions related to death in some manner. However, Rozin's approach to disgust rests on a particular (universalizing) diachronic and

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<sup>52</sup> Ibid., 66. Cf. George Lakoff and Mark Johnson, *Metaphors We Live by* (Chicago: University of Chicago, 2003).

<sup>53</sup> Rozin et al., "Food Preferences and Taste," 70.

<sup>54</sup> Carroll, "One More Time: Leviticus Revisited." Cf. Christophe Nihan, "Forms and Functions of Purity in Leviticus," in *Purity and the Forming of Religious Traditions in the Ancient Mediterranean World and Ancient Judaism*, ed. Christian Frevel and Christophe Nihan (Leiden: Brill, 2013), 338.

<sup>55</sup> Descola, *Beyond Nature and Culture*, e.g., 172–87.

<sup>56</sup> Returning again to Milgrom's fundamental category. See above, p. 3.

<sup>57</sup> Rozin, "Food Is Fundamental, Fun, Frightening, and Far-Reaching."

<sup>58</sup> This point is demonstrated poignantly by Carly L. Crouch, "What Makes a Thing Abominable? Observations on the Language of Boundaries and Identity Formation from a Social Scientific Perspective," *VT* 65 (2015): 516–41.

evolutionary reconstruction from bodily experience and metaphorical extrapolation to social and ethical concerns. One can critique this approach because such developmental processes are intrinsically contingent on historical factors rather than presenting universal constants. Indeed, one might question whether history often develops in such a linear fashion! Furthermore, just where the biblical dietary prohibitions fall along such a spectrum as *practices* and as *texts* that originated and then continued as traditions remains unspecified in such approaches.<sup>59</sup>

The distinction between the notions of “unclean” or “abhorrent” in the biblical material and emotions also remains problematic for these approaches. “Unclean” in Leviticus and Deuteronomy does not primarily equate with a particular set of emotions, such as disgust.<sup>60</sup> This conclusion holds even though Deut 14:3 (“You shall not eat any תועבה [an abomination]”) does make this connection explicit at least at some point in the redactional process for the Deuteronomic application of the dietary prohibitions.<sup>61</sup> This critique limits the *direct* applicability of human-biological research on disgust to this formulation, perhaps indicating that it represents a secondary development that did not occur in Leviticus, at least not in the same way.

Furthermore, even in bringing these two perspectives together – the origins of disgust from infection and from stench – one still has trouble accounting for a number of distinctions concerning the dietary prohibitions, such as those between pork and beef, or crab and perch. Calling the prohibited animal שקץ or טמא therefore could only represent a secondarily-applied, *learned* notion of disgust rather than an initial association with death or a bad odor in a way that distinguished it from some other accepted meat. I return to the integration of these viewpoints below, but the discussion first requires interaction with the dominant paradigm of interpretation in biblical studies, the structuralist approaches introduced by Mary Douglas.

#### 4. Douglas and Other Structuralist Approaches to “Dirt” as Structural Anomaly

Scholarship of antiquity can easily become locked in a small number of theoretical frameworks and possible explanatory options, and this largely became

<sup>59</sup> In fact, Feder’s discussion devolves mostly into a synchronic discussion of something like a “system” in Feder, “Contamination Appraisals”; Feder, “Defilement and Moral Discourse.”

<sup>60</sup> See Douglas, *Leviticus as Literature*, 151. She states, “Unclean is not a term of psychological horror and disgust, it is a technical term for the cult, as commentators have often pointed out. To import feelings into the translation falsifies, and creates more puzzles.”

<sup>61</sup> For detailed consideration of the particular Deuteronomic formulation, see “A Deeper Look at Deuteronomy 14,” 69–72 below.

the situation for the dietary prohibitions. Douglas' groundbreaking early (1966) work provided scholars with a persuasive, quasi-universal explanation of these biblical laws as part of the larger purity ordinances. While garnering considerable critique and refinement, a number of her early conclusions continue to enjoy acceptance. One such conclusion that forms a key premise lies in her (structuralist) view that any explanation worth considering should explain all the dietary prescriptions, disallowing piece-meal theories. She states:

Defilement is never an isolated event. It cannot occur except in view of a systematic ordering of ideas. Hence any piecemeal interpretation of the pollution rules of another culture is bound to fail.<sup>62</sup>

Thus, whether one turns to Milgrom's voluminous work spanning many decades,<sup>63</sup> or to a number of quite recent evaluations of the dietary laws,<sup>64</sup> interpreters broadly prefer a *singular* kind of explanation, tending, one might argue, to prefer the criterion of Occam's razor. However, it is certainly reductive to say that *all* scholars follow Douglas' approach. Philip Budd, for one, notes in his Leviticus commentary, "It is almost certainly mistaken to attempt to identify a single explanatory factor behind the various distinctions which operate in the chapter at large."<sup>65</sup> In any case, the broad reception of Douglas' work indicates the importance of understanding the compelling aspects of her approach for so many interpreters.

#### 4.1. Mary Douglas and "Dirt as Matter out of Place"

Douglas' structuralist understanding interprets the dietary prohibitions as a system in which one cannot understand the significance of a *particular* prohibition without considering its place within the *overall* approach to animals (and pollution). So, more broadly, she argues that "our ideas of dirt also express symbolic systems and that the difference between pollution behaviour in one part of the world and another is only a matter of detail."<sup>66</sup> As a result, in the "system" of the dietary prohibitions of the Hebrew Bible, prohibitions against the

<sup>62</sup> Douglas, *Purity and Danger*, 41. However, not even Douglas herself remained convinced of her original explanatory framework: her later work provides a significantly different point of view.

<sup>63</sup> Jacob Milgrom, "Biblical Diet Laws as an Ethical System," *Interpretation* 17 (1963): 288–301; idem, "Ethics and Ritual"; idem, "Food and Faith: The Ethical Foundations of the Biblical Diet Laws," *Bible Review* 8 (1992): 5; idem, *Leviticus 1–16*, 649–738; idem, "The Composition of Leviticus, Chapter 11," in *Priesthood and Cult in Ancient Israel*, ed. Gary A. Anderson and Saul M. Olyan, JSOTSUP 125 (Sheffield: JSOT, 1991), 182–91.

<sup>64</sup> Jonathan Burnside, "At Wisdom's Table: How Narrative Shapes the Biblical Food Laws and Their Social Function," *JBL* 135 (2016): 223–45; Hawley, "The Agenda of Priestly Taxonomy"; Naphtali S. Meshel, "Pure, Impure, Permitted, Prohibited," 32–42.

<sup>65</sup> Philip J. Budd, *Leviticus*, NCB (London; Grand Rapids, MI: Pickering; Eerdmans, 1996), 182.

<sup>66</sup> Douglas, *Purity and Danger*, 35.

meat of particular animals concern the organization of the world according to the given system of the Hebrew Bible. The system serves to separate a dis-orderly world into ordered categories.<sup>67</sup> Animals that conform to the categories are viewed as, e.g., complete, perfect, clean, and holy; those animals which fit less well in the *culturally-constructed* categories take on monikers like anomalous, unclean, and prohibited.<sup>68</sup> While I affirm the importance of context for understanding individual elements of a culture, such as dietary prohibitions, the assumption of a system may extend this important theorem too far: human cultural understandings of reality remain partial, complex, and contradictory.

Turning to the details of Douglas' exposition proves less enlightening. Her attempts to identify overarching explanations for the types of boundary-crossing anomalies in the biblical texts fall short. In her early work she focuses on the nature of each category's locomotion, suggesting that acceptable creatures traveled in the manner appropriate to their life sphere (water, air, earth). However, locomotion does not explain the given criteria in Lev 11/Deut 14, nor does it help at all for the criterion-less flyers.<sup>69</sup> Later she makes similar attempts around the concern for life (and separation from death) and fertility.<sup>70</sup>

At present, Douglas' main legacy lies in her call for an explanation of the dietary prohibitions *as a whole* and in terms of *anomaly*. However, her multiple attempts at a unified solution have failed.<sup>71</sup> Her underlying push for the *meaningful* nature of the prohibitions proves praiseworthy, yet the attempt at a universal (and almost a-temporal) explanation does not adequately account for the historical development of the prohibitions, especially as they appear in their *different* forms in Lev 11 and Deut 14.

The general reduction of the meaning of these dietary prohibitions to a single and unified symbolic system proves textually and historically reductionist. Furthermore, such interpretive matrices belie the search for theoretical simplicity (e.g., Occam's razor), even though the conclusions from anthropological comparisons and the compositional layers of the texts of Lev 11 and Deut 14 may suggest that more complex solutions fit the data more appropriately.

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<sup>67</sup> Many interpreters, including Douglas, have noted the strong overlap with the P creation narrative of Gen 1 in which separation (בָּרַל in *hiphil*) constitutes one of the essential modes of creation, an action that readers then take to overlap with separating the clean and unclean (e.g., Lev 10:10).

<sup>68</sup> Douglas, *Purity and Danger*, 53–54.

<sup>69</sup> Cf. the summary of critiques in Christophe Nihan, *From Priestly Torah to Pentateuch*, 326–27.

<sup>70</sup> Douglas, *Leviticus as Literature*, 137, 168.

<sup>71</sup> However, an intriguing alternative of a "narrative logic" is put forth by Burnside, "At Wisdom's Table." For a brief discussion see Peter Altmann and Anna Angelini, "Purity, Taboo and Food," 11. Burnside assumes an implicit logic that the distinctives important for the large land animals at the beginnings of the lists of prohibited animals of Lev 11/Deut 14 carry through into the aquatic creatures and flyers.

#### 4.2. Stanley Tambiah's Emic Categories

Stanley Tambiah's work represents an early attempt to refine Douglas' formulation of animal prohibitions representing "matter out of place" without direct application to the biblical material.<sup>72</sup> His essay largely adopts Douglas' structuralist approach, arguing that the prohibitions of animals – or, more broadly, the categorizations of animals – illustrate or perhaps correspond with deeper social structures. In the case of Tambiah's analysis of a Thai village, the views of the edibility of various animals correspond to the appropriateness of sexual/marital partners (a classic structuralist connection) and the related categories of social distance.<sup>73</sup>

One of Tambiah's improvements on Douglas's work lies in his willingness to follow the emic Thai identification of more than two or three categories of animals, roughly understood as insects, domestic animals, animals of the forest, birds, and water animals.<sup>74</sup> However, the categories do not include *all* known local animals: vultures, crows, rats, and snakes somehow exist outside these major categories. These animals exhibit ambivalence with regard to the Thai classificatory system, yet this unclassified status does not immediately render these animals inedible, unlike Douglas' definition of dirt or anomaly would expect. Furthermore, the placement of these well-known animals beyond the major classifications injects more flexibility into the structure than Douglas' approach may allow.<sup>75</sup>

Tambiah provides the following summary for classification of animals with regard to the status as edible/inedible:

... the Thai villagers' relation to the animal world shows a similar complexity which expresses neither a sense of affinity with animals alone nor a clear-cut distinction and separation from them, but rather a coexistence of both attitudes in varying intensities which create a perpetual tension. And I submit that dietary regulations are intrinsic to this relationship. They provide a clue to the ritual attitude toward animals, to linking eating rules with sex rules, to man on the one hand drawing nature into a single moral universe and also at the same time vigorously separating nature from culture.<sup>76</sup>

To unpack this conclusion for biblical studies, one can highlight how several features take on importance for the culture's view on an animal's edibility: affinity and proximity. With regard to proximity, if an animal is too close (like a domestic dog or cat), one may not eat it; similarly, an animal too far removed

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<sup>72</sup> Stanley J. Tambiah, "Animals Are Good to Think and Good to Prohibit," *Ethnology* 8 (1969): 423–59.

<sup>73</sup> See *ibid.*, 452 for summarizing statements.

<sup>74</sup> *Ibid.*, 443.

<sup>75</sup> At this point one might recall Borges' analysis about human attempts at categorization discussed above, "The Dietary Laws of Lev 11 and Deut 14," 1.

<sup>76</sup> Tambiah, "Animals Are Good to Think," 455.

from human life is also inedible (tiger, elephant, or lion).<sup>77</sup> A second principle concerns affinity between types of animals: just as one should not eat a domestic cat, neither should one eat an owl, a cat-like creature with regard to its nocturnal nature.

This notion of inference displays considerable affinity with Jonathan Burnside's approach to understanding the biblical dietary prohibitions in "narrative terms." He assumes the separations made in the first section of the Lev 11/Deut 14 lists (on the large land animals) that concern eating the animals fitting into its class should apply further to both the water animals and birds: they too should act like the animals in their class with regard to diet, appearance, and means of locomotion.<sup>78</sup> However, it does not appear that Burnside allows for the same flexibility in the biblical texts that Tambiah concludes from his observations of a Thai village.

Tambiah's improvement on Douglas' framework moves in two directions: (1) allowing for the interplay of multiple factors in determining the acceptability or prohibition of aliments and (2) allowing for some animals to exist beyond the major classificatory "system." Both steps move toward showing the problem with Douglas' widely accepted notion of a singular explanation.

#### 4.3. Help from Classical Studies? Robert Parker and Miasma

Parker's monograph, *Miasma: Pollution and Purification in Early Greek Religion* allows for a small step in surveying a vast amount of material from a variety of Greek polities. It is also significant for biblical studies, given its appropriation by Jacob Milgrom.<sup>79</sup> Parker highlights a number of commonalities or at least similarities between the various Greek polities that prove suggestive for the biblical material. First, he identifies a distinction between things that make one ritually impure in the sense of *miasma*, which does not overly involve divinities, and things that count as sacrilege (*agos*), which bring divine punishment in response.<sup>80</sup> A titillating observation for biblical studies appears in his statement that "A corpse, for instance, diffuses *miasma*, but *agos* is only created if a survivor denies it the divinely sanctioned right of burial."<sup>81</sup> This differentiation suggests one way of distinguishing between ritual purity and moral guilt that may also apply for biblical material. The (late) distinction made in Num 9:1–14 between those who miss a Passover celebration for a legitimate reason such as uncleanness due to touching a corpse or being on a journey (vv. 7, 13), which indicates something like *miasma*,

<sup>77</sup> There is considerable overlap with the biblical conceptions, though there, at least some creatures *closest* to humans, that is, living in their houses, were acceptable for consumption.

<sup>78</sup> Burnside, "At Wisdom's Table."

<sup>79</sup> Cf. Jacob Milgrom, "Impurity Is Miasma: A Response to Hyam Maccoby," *JBL* 119 (2000): 729–31.

<sup>80</sup> Parker, *Miasma*, 8.

<sup>81</sup> *Ibid.*



and choosing to miss the celebration for some other reason, which should result in being cut off and bearing consequences for sin (אָטן).

Parker argues that the core of much of Greek pollution lies in connection to the things that distinguish humans from deities. For example, birth, death, and sex were banned from temples,<sup>82</sup> though certainly other factors were involved as well, given that the Greek deities were not asexual. In any case, this comparison casts Lev 11–15 in an interesting light: there, too, many of the causes of impurity arise from birth, sexuality, and death.<sup>83</sup> However, the difficulty with eating is that it is one step removed from these: eating sustains life, but it does not deal with the beginnings or ending of it.

Generally speaking, while conceptions of purity and impurity were quite developed in ancient Greece, they did not enter the animal realm with regard to blanket dietary prohibitions.<sup>84</sup> Some kinds of religious rules would call for temporary abstinence from particular foods or fasting. However, the reasons given could vary: deep sea fish were prohibited because they may have consumed human flesh;<sup>85</sup> and white roosters because they were sacred (thus in keeping with the notion of “taboo”).<sup>86</sup> All in all, Parker does not find that forbidden foods took on a sense of “fearsome and ambiguous sanctity,”<sup>87</sup> which may explain why he finds the category of “taboo” less helpful for the Greek material.

On top of this generally negative evidence, Parker draws several conclusions from the disparate Greek material: he finds Leach’s theory of proximity – which accords with the insights from Tambiah in the previous section – to provide explanatory value. Like appropriate marriage partners, animals acceptable for the table could neither be too close (e. g., pets) nor belong to realms too distant (wild beasts).<sup>88</sup> However, Parker underscores the complexity of the situation, stating that particular prohibitions relate directly to the physical reality more than to a symbolic system as a whole,<sup>89</sup> thus rejecting Douglas’s basic principle.

<sup>82</sup> Ibid., 66.

<sup>83</sup> Nihan, “Forms and Functions of Purity in Leviticus,” 327. Note also the application of the Greek categories of impurity relating to non-deity traits in Jonathan Klawans, “Pure Bodies, Domesticated Animals, and the Divine Shepherd,” in *A Communion of Subjects: Animals in Religion, Science, and Ethics*, ed. Paul Waldau and Kimberley Christine Patton (New York: Columbia University Press, 2006), 65–80.

<sup>84</sup> Parker, *Miasma*, 357. The Pythagoreans represent an early exception to this rule (ibid., 359, 361). For discussion of later developments, see below Angelini, “Looking from the Outside,” 216, 228, 234.

<sup>85</sup> Philippe Borgeaud, “Greek and Comparatist Reflexions on Food Prohibitions,” in *Purity and the Forming of Religious Traditions in the Ancient Mediterranean World and Ancient Judaism*, ed. Christian Frelve and Christophe Nihan, Dynamics in the History of Religion 3 (Leiden: Brill, 2013), 267–68.

<sup>86</sup> Parker, *Miasma*, 361.

<sup>87</sup> Ibid.

<sup>88</sup> Ibid., 363–64.

<sup>89</sup> Ibid., 365.

Stepping back to consider the larger picture, the general conception of *miasma* from Greek culture, which may well offer considerable explanatory power for biblical notions of holiness in general, neither carries over into Greek dietary prohibitions, nor appears very helpful for biblical dietary regulations. However, the Greek evidence Parker presents on food prohibitions does provide help in another way: it opens the door wider to the possibility of a *variety* of explanations for the biblical prohibitions. Such an approach finds further theoretical support in Dan Sperber's analysis, which appears in the following section.

#### 4.4. Dan Sperber's Critiques of Structuralism

A final voice that can provide an impulse to the theoretical discussion of the dietary regulations comes from Dan Sperber. Much of his general anthropological work focuses on the *transmission* of culture, which elucidates an important aspect of the biblical dietary material. As we have discussed elsewhere,<sup>90</sup> the diachronic process involved in the formation of the dietary prohibitions, the texts in which they appear, and the implementations of their practice require flexibility in their systemization. This time element precludes any complete or final structure.<sup>91</sup>

However, he also addresses the conceptualization of animals and the relationship between animals' physical capabilities and their appearances in cultural symbolic representations.<sup>92</sup> Comparative anthropology instead shows that animals are too complex, even as their material location sets interpretive limits. As such, he attempts to reconcile materialist and structuralist points of view, especially by highlighting the inability of Douglas' theory (or theories) to account for a number of concrete cultures' approaches to the animal world.

He addresses the connections between a culture's *categorization* of the animal world and the *symbolic value(s)* apportioned to animals in that culture. He finds that an animal's anomalous character does not necessarily lead to heightened symbolic value. Within individual cultures' taxonomies of animals, anomalous creatures may arise; however, anomaly *within that cultural system* in itself does not constitute a *sufficient* condition for symbolic importance. This conclusion accords with Tambiah's observations that some animals exist outside the culture's system. Sperber's insights thus loosen the connection between anomaly and meaning made by Douglas – such conceptions may operate separately from one another.

<sup>90</sup> Altmann and Angelini, "Purity, Taboo and Food," 18–19.

<sup>91</sup> Dan Sperber, *Explaining Culture: A Naturalistic Approach* (Oxford: Blackwell, 1996), 6. He notes, "There is no reason to expect human social life to exhibit the simplicity and systematicity found in physics or chemistry ..."

<sup>92</sup> Dan Sperber, "Why Are Perfect Animals, Hybrids, and Monsters Food for Symbolic Thought?" *Method & Theory in the Study of Religion* 8 (1996): 150: "But actually, as is stressed by Lévi-Strauss in *Totemism* (1963), there is no clear correlation between the practical and the symbolic significance of animals."

Furthermore, contra Douglas' view that *every* cultural symbolic system will evince anomalies – while this may in fact be the case when viewed from the *outside* (an etic perspective) – a culture's underdeveloped animal taxonomy can provide sufficient flexibility to subsume irregularities through cultural logic.<sup>93</sup> Thus, anomalies, such as the pig, do not constitute *logical* necessities: cultural categories can be manipulated either to *include* all creatures or instead to *exclude* some, thereby making them into anomalies. The latter takes place with the unclean or despised animals in Lev 11/Deut 14. Because such a step does not present a logical necessity, this leads to the question concerning the reasons for such exclusive structures.

In fact, Sperber notes a number of categories of animals highlighted for symbolic interest. Indeed, both taxonomically anomalous *and* taxonomically perfect animals received considerable symbolic interest.<sup>94</sup> That is, some animals that are *paradigmatic* for particular categories of animals can be marked off with special symbolic import: this is the case with “perfect” animals (animals without blemish) intended for the altar in numerous biblical texts. And a third category, fantastic hybrid animals, which do not fit into taxonomical systems, but rather tend to serve as *contradictions* to such systems, come into play for his discussion of animals. All three of these categories of animals prove important for the symbolism of animals in the Hebrew Bible. These three come together in the following category: “Hybrids, monsters, and perfect animals are marked exceptions to statistical knowledge.”<sup>95</sup> In this sense, all three tend to stand out. As a result, any notion of a *system* in the Hebrew Bible once again includes multiple logics at work.

## 5. Synthesis

Can these three overarching approaches combine to form a meaningful framework for explaining the biblical dietary regulations?

In the end, my discussion gleans very few positives from the classic psychological approaches offered by Freud and Kristeva. One key element from Kristeva's notion of abjection, however, lies in the articulation of consumption as the process of turning something other (outside) into the self and consumption's resulting importance for the marking, constructing, transgressing, and maintaining boundaries of *individual* or *group* boundaries and identities.<sup>96</sup> The role

<sup>93</sup> Ibid., 153. He states, “Actually, it is worth noting that ethnozoologists generally describe folk taxonomies without proper anomalies, while students of symbolism come up with as many taxonomic anomalies as there are symbolic animals.”

<sup>94</sup> Ibid., 151.

<sup>95</sup> Ibid., 161.

<sup>96</sup> Cf. also Crouch, “What Makes a Thing Abominable?” 524, who links this to the separate

239–45 of consumption is so central to human life that regulations in this area link into very early conscious and subconscious existence. Therefore, issues around consumption can be expected to pervade definitions of affiliations, boundaries, and identities.

Following Feder, I find the combination of materialist and structuralist approaches insightful. This type of combination allows for appreciation of the concrete, embodied reality of consumption and of the theoretical, (self-)reflective nature of human thought. Both of these approaches tend to work *outward* from a single idea (or reductively to a single explanation) in order to arrive at a more-or-less unified general explanation for the dietary regulations or the biblical purity laws as a whole. In this way they remain problematically within Douglas's preferred structuralist approach, or a similarly reductive linear evolutionary-biological diachronic approach. Each of these methodologies has value for the attempt to arrive at conceptual understanding of the biblical texts and their processes of diachronic change (at least with regard to the origins and developments of the practices for the evolutionary-biological line of thought) and/or geographic variations.

However, as I discuss in "Thinking and Performing Dietary Prohibitions,"<sup>97</sup> concurrent practitioners and theorists of the dietary regulations will often come to different conclusions about their place within the context of further purity regulations, the reasons for their scripturalization, and motivations for practicing them. As a result, as helpful as Feder's approach has proved to be with regard to many biblical purity regulations, his inability to subsume the dietary prohibitions under the notion of "avoidance of pathogens," and its subsequent cognitive blending and metaphorization, merits attention. Nihan similarly observes the *difference* in the conception of purity in Lev 11:2–23 from Lev (11:24 or) 12–15.<sup>98</sup>

The protruding vision of clean, unclean, abhorrent, and abominable dietary prohibitions within *both* of their literary contexts in Lev 1–15 and Deut 6–28 indicates that *multiple* lines of diachronic development, geographically diverse, and incompletely systematic synchronic understandings present the best way forward in terms of methodology. This complexity allows for: (1) attempts to understand the diachronic development of a *particular* line of explanatory thinking related to material, economic, and bodily concerns. The approach laid out by Feder and Kazen is taken into consideration, showing how the notion of "avoidance of pathogens" can extend its reach to include other prohibitions under the umbrella of "purity." (2) The exception of the dietary laws themselves to Feder's developmental explanation shows the necessity for allowing *multiple* parallel

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consumption of Egyptians and Israelites in Gen 43:32. She argues (ibid. 526), "... many of the passages that use *tw'bh* use it from the Israelites' point of view. In doing so, they often render it an approximate synonym for 'non-Israelite.'"

<sup>97</sup> Pp. 239–45 in this volume.

<sup>98</sup> Nihan, "Forms and Functions of Purity in Leviticus," 322.

and overlapping original (by the time of the biblical texts at least) conceptions of “purity.” Given the inability of one conception to account for the entirety of even the birds,<sup>99</sup> this approach also proves helpful to explain the variety within the dietary laws themselves. (3) This combination may also suggest different and overlapping symbolic meanings attributed to dietary prohibitions at various geographic locations. Finally, (4) the inclusion but non-reification of the structuralist approaches following in the wake of Douglas’ work call for repeated synchronic evaluations of the more-or-less overarching meaning(s) of the dietary prohibitions within their various contexts. These contexts include any oral or written precursors, the various stages of the written texts of Lev 11 and Deut 14 (that themselves may intertwine with memorized oral and written traditions),<sup>100</sup> and their subsequent combinations in the conceptions and practices of various texts and communities. As a result, discussion of the dietary laws should avoid reifying their meaning as universal and separated from specific texts and historical practices.

The danger of the approach laid out here lies in the threat of over-fragmentation: it does not survive Occam’s razor by suggesting that associations with mortality (e.g., Milgrom) or categorical ambivalence (Douglas) can explain the texts of Lev 11 or Deut 14. Such perspectives – which largely overlap with one another – persuasively explain significant portions of the dietary prohibitions, which should still be acknowledged. Nevertheless, my discussion calls for investigations to take the ongoing changes in each individual ancient Israelite and Judean socio-historical context into consideration in order to find answers to how that (literary) community may have understood and (perhaps) enacted the dietary prohibitions.

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<sup>99</sup> Peter Altmann, *Banned Birds: The Birds of Leviticus 11 and Deuteronomy 14*, *Archaeology and Bible 1* (Tübingen: Mohr Siebeck, 2019).

<sup>100</sup> I have in mind here the insightful discussion of the overlap of orality and textuality in the enculturation-education process described by David M. Carr, *Writing on the Tablet of the Heart: Origins of Scripture and Literature* (Oxford: Oxford University Press, 2008), 159–62.

## Chapter 3

# Traditions and Texts: The “Origins” of the Dietary Prohibitions of Lev 11 and Deut 14

(*Peter Altmann*)

What setting provides the most likely origin for the meat prohibitions described in Lev 11:2–23 and Deut 14:3–20? To investigate this question, this essay explores the nature of dietary prohibitions as practices and texts in relation to the possibilities ranging from “sanctuary cult ritual,” to “mundane custom,” to “scribal ritual.” The discussion seeks to trace the prohibitions’ coordinates within ancient Israelite life and thought. Specifically, how are dietary prohibitions to be categorized, given their location at an intersection between (1) active concrete bodily experience, (2) psycho-physiological-social notions of taste and disgust, (3) social, economic, and linguistic structures of meaning, and – in the case of the biblical proscriptions from Lev 11:2–23 and Deut 14:3–20 – (4) inscribed divine mandate. The multiple layers of the prohibitions’ embeddedness give rise to the complexity of their meanings and interpretations.

The following investigation attempts to trace whether the tradition of the prohibitions of the consumption of animal products enshrined in Lev 11/Deut 14 more likely emerged first from a cultic sanctuary setting, from the realm of mundane habitual custom as scribal exercises, or from some place in between. That is, can the prohibitions in the biblical text be viewed as, or be related to, cultic sanctuary rituals at all? And, if so, did that point of connection come at the beginning of their literary history or rather later? Or, to pose another option, did they arise from a different location, such as from household or family religious practices?

The importance of these questions arises when attempting to understand the origins and relationships of the *practices* and the *texts* and the space they occupy between everyday practice in the ancient southern Levant (and among the exiles) on the one hand, and the cultic affiliation with Yhwh and with “Israel” that they mark in the development of the biblical texts on the other. These discussions offer a step forward in locating historically the textualized prohibitions and the bodily ingestive practices: In what ways were they originally preexilic, exilic, or postexilic? Do the prohibitions first arise in Babylon as scribal textual reflections or concrete practices in order to deal with the question of how an

“Israelite” can consume food in a clean manner in a foreign land, thus providing a response to the problem voiced in, for example, Hos 9:3 “... in Assyria they shall eat impurity”?<sup>1</sup> A further question that appears is whether the developments of the practices and developments of the texts can be traced in the historical backgrounds of the texts of the Hebrew Bible through multiple forms in the final manuscripts.<sup>2</sup>

## 1. Composition-Critical Concerns

This essay does not discuss the composition-criticism of Lev 11:2–23/Deut 14:3–20 in detail, though its results hopefully provide some tangential insights into that discussion.<sup>3</sup> However, the argument here presupposes that a shared source – it is unclear whether written or oral – underlies the texts of Deut 14 and Lev 11, as I argue elsewhere.<sup>4</sup> Arguments have also been made throughout historical-critical scholarship of the past centuries and quite recently for other theories – of both Deuteronomic (T. Veijola) and Levitical (J. Milgrom/E. Otto) priority with various nuances.<sup>5</sup>

It can be said, regardless, that the relative stability of the text between the MT and the major LXX manuscripts of both Lev 11:2–23 and Deut 14:3–20, with some additions and transformations, points to a shared tradition predating the third century BCE. Furthermore, the tradition appears in contexts ascribed to different sources within the Pentateuch. Leviticus 11 is firmly planted within the

<sup>1</sup> On the possibility of a pentateuchal ritual originating as scribal reflection, cf. Nathan MacDonald, “The Hermeneutics and Genesis of the Red Cow Ritual,” *HTR* 105 (2012): 351–71; idem, “Scribalism and Ritual Innovation,” *HBAI* 7 (2018): 415–29.

<sup>2</sup> On the multiple final forms in the MT and LXX versions of Lev 11 and Deut 14, see esp. Anna Angelini and Christophe Nihan, “Unclean Birds in the Hebrew and Greek Versions of Leviticus and Deuteronomy,” in *The Text of Leviticus: Proceedings of the Third International Colloquium of the Dominique Barthélemy Institute, Held in Fribourg*, ed. Innocent Himbaza, OBO 292 (Leuven: Peeters, 2020), 39–67.

<sup>3</sup> On their place in Deuteronomy, see “A Deeper Look at Deut 14:4–20 in the Context of Deuteronomy,” 67–98 in this volume. On their place in Leviticus, see Christophe Nihan, “Laws about Clean and Unclean Animals.”

<sup>4</sup> See the more detailed argument in this volume in my “The Terms שקש *Šeqeš* and טמא *Ṭame’* in Lev 11:2–23 and Deut 14:2–20.” See also Altmann, *Banned Birds*, 118–35. This conclusion is shared by e.g., Nihan, “Laws about Clean and Unclean Animals”; Naphtali S. Meshel, “P1, P2, P3, and H: Purity, Prohibition, and the Puzzling History of Leviticus 11,” *HUCA* 81 (2010): 1–15; Eve Levavi Feinstein, “The Animal Laws before Kashrut: A System of Purity,” *TheTorah.Com*, 2015, <https://www.thetorah.com/article/the-animal-laws-before-kashrut-a-system-of-purity>. Also hinted at much earlier by August Dillmann, *Die Bücher Exodus und Leviticus*, 2nd ed., Kurzgefasstes exegetisches Handbuch zum Alten Testament 12 (Leipzig: S. Hirzel, 1880), 475.

<sup>5</sup> Timo Veijola, *Das fünfte Buch Mose: Deuteronomium: Kap. 1,1–16,17*, ATD 8,1 (Göttingen: Vandenhoeck & Ruprecht, 2004), 296–97; Milgrom, *Leviticus 1–16*, 703. Also Eckart Otto, *Deuteronomium 12–34*, HTKAT (Freiburg im Breisgau: Herder, 2016), 1294.

Priestly (P) material, while Deut 14 finds itself in the midst of a Deuteronomic-Deuteronomistic (D) context.

In any case, the presupposition of a shared source has one especially important implication for the rest of the current discussion: The following study seeks to identify the most probable origin(s) for this presupposed shared source.<sup>6</sup> I see the importance of this question lying in the following: (1) Can any of the *practices* be dated to the preexilic period – though this still leaves open the question of dating the *texts* of Lev 11/Deut 14? (2) Do these practices grow out of Yahwistic cultic practice, or is it only in the exile – when there is no sanctuary cult – that they instead to some degree *replace* sanctuary ritual, functioning as part of a process that renders Israel’s religion increasingly “portable”?

## 2. A Continuum: From “Sanctuary Ritual” to “Mundane Custom”

In order to identify the most likely *Sitz im Leben* (or *Sitz im Text/Buch*) for the origins of the practices and of the texts of the dietary prohibitions, this section lays out a continuum stretching from “sanctuary” ritual, running through “household family religion,” and ending at “mundane custom” for the possible origins and development of the dietary prohibitions into their current location within the Priestly context of Lev 11 and the Deuteronomic context of Deut 14.

Commenting on how the dietary prohibitions relate to sanctuary ritual or mundane custom calls for an explanation of some key terms. I begin with the term “ritual” that I use with regard to sanctuary rituals.<sup>7</sup> The American *Merriam-Webster Dictionary* provides the following definition: “the established form for a ceremony ... a system of rites ... a ceremonial act or action ... an act or series of acts regularly repeated in a set precise manner.”<sup>8</sup> The *Oxford English Dictionary* pushes the meaning further in the direction of something related to religion or at least a “solemn” ceremony. With these two examples in mind, several features come to the fore: a ritual consists of something active that is done in a particular, controlled, and repeatable manner. It has a specific form. It may have specifically religious connections.

In fact, the well-known anthropologist Victor Turner takes this possible link with religion a step further and asserts, “By ‘ritual’ I mean prescribed formal

<sup>6</sup> It will not aim to retrace the hypothetical process of textualization of that shared source.

<sup>7</sup> There are, of course, rituals that take place outside of sanctuaries.

<sup>8</sup> <https://www.merriam-webster.com/dictionary/ritual>. Cf. <https://en.oxforddictionaries.com/definition/ritual>. The German dictionary *Duden* defines “Ritual” as “1. a. schriftlich fixierte Ordnung der (römisch-katholischen) Liturgie”; “b. Gesamtheit der festgelegten Bräuche und Zeremonien eines religiösen Kultes;” and “2. wiederholtes, immer gleichbleibendes, regelmäßiges Vorgehen nach einer festgelegten Ordnung; Zeremoniell.” Definition 2 provides the best category for consideration of the dietary prohibitions on their own.



behavior for occasions not given over to technological routine, having reference to beliefs in mystical beings or powers.<sup>9</sup> According to Turner, there is, then, a connection between repeated formalized action and some kind of religious or mythical belief. Such an approach relies on a specific connection between the ritual *action* and the ritual's theoretical *meaning*, an approach that often leads to assumptions of singular meanings for rituals.<sup>10</sup>

A more profitable nuance lies not in the connection of the action with some kind of belief, but rather in the ways a ritual connects with and differentiates itself from mundane practice (or custom).<sup>11</sup> The reason for making this distinction lies in the observation that different practitioners can (and often will) accord divergent meanings to the same ritual practice. Thus, the technical practice – whether merely prescribed in writing or rather carried out bodily or both – of the ritual itself forms the basis for identification of a ritual, rather than any particular kind of meaning that some practitioners or observers might attach to it. As Frits Staal notes, “Ritual, then, is primarily activity. ... The important thing is what you do, not what you think, believe or say.”<sup>12</sup>

This emphasis bears similarity with recent reflections on identifying ritual in Levantine zooarchaeology.<sup>13</sup> Horwitz et al. argue that fulfilling a sufficient

<sup>9</sup> Victor Turner, *The Forest of Symbols: Aspects of Ndembu Ritual* (Ithaca, NY: Cornell University Press, 1967), 19.

<sup>10</sup> For concerns about the singularity of meaning for rituals, see “Thinking and Performing Dietary Prohibitions,” 239–45, in this volume.

<sup>11</sup> David P. Wright, “The Study of Ritual in the Hebrew Bible,” in *The Hebrew Bible: New Insights and Scholarship*, ed. Frederick E. Greenspahn (New York: New York University Press, 2008), 122.

<sup>12</sup> Frits Staal, “The Meaninglessness of Ritual,” *Numen* 26 (1979): 4. Cf. Brian Hesse, Paula Wapnish, and Jonathan Greer, “Scripts of Animal Sacrifice in Levantine Culture-History,” in *Sacred Killing: The Archaeology of Sacrifice in the Ancient Near East*, ed. Anne Porter and Glenn M. Schwartz (Winona Lake, IN: Eisenbrauns, 2012), 220. They relay the helpful definition from Roy Rappaport: “the performance of more or less invariant sequences of formal acts and utterances not entirely encoded by the performers.” His formulation leads us to focus our attention on (1) the repetitive nature of ritual, (2) the notion of ritual as performance, (3) the accompanying implication of the participation of both actors and observers in rituals, (4) the long maintained formal traditions that are included in rituals, and (5) the limits on individual expression that are set by the ritual form.”

<sup>13</sup> Liora Kolska Horwitz, Daniel M. Master, and Hadas Motro, “A Middle Bronze Age Equid Burial from Ashkelon: A Case of Ritual Interment or Refuse Disposal?” in *The Wide Lens in Archaeology: Honoring Brian Hesse’s Contribution to Anthropological Archaeology*, ed. Justin Lev-Tov, Paula Hesse, and Allan Gilbert, *Archaeobiology* 2 (London: Lockwood, 2017), 286. Horwitz et al. name a number of factors: “(1) the presence of whole, articulated animals or articulated portions of carcasses; (2) selection of specific anatomical parts; (3) selection of a particular taxon; (4) presence of exotic or rare (i. e., luxury) taxa; (5) selection of a specific age class; (6) an abundance of one sex. Common to these criteria is the selection and repeatability of a trait within a special archaeological context. Contextual features that were noted were: (7) a clear and close association with human remains and/or (8) presence of a grave/tomb or other architectural features of an unequivocal ritual nature (i. e., temple, altar, favissa etc.); (9) traces of structured and deliberate deposition versus random deposition, e. g., intrusive remains.”

quantity of observable criteria indicates the presence of ritual. The criteria pertain to performed actions that set ritual remains apart from mundane finds, rather than attempting to discern the reasons accorded to the performance of such actions. An archaeologist cannot directly observe the reasons for the performance of specific actions, so the appropriate observable focus lies on the results of actions. While my discussion begins with *textual* matter rather than zooarchaeological data, Horwitz’s theoretical approach offers a roadmap: if the texts of Lev 11/Deut 14 (and/or the actions they imply) demonstrate sufficient differentiation from normal, mundane practice, then one can justifiably speak of ritual. And such questions arise with regard to the texts themselves as well as any possible earlier practices prior to their scripturalization and their post-textual receptions in Judean communities.

Ritualized sanctuary consumption, that is “sacrificial” or better “cultic consumption,” is one pole of the continuum of sanctuary ritual – mundane practice. And the prohibitions of Lev 11/Deut 14 as dietary practices certainly move several steps away from this end of the continuum, of a specific ritual setting and ritual time with regard to a sanctuary location, or either festival or Sabbath time, for example. However, there may be other ways in which they relate to the category of “ritual,” especially ritual consumption. The dietary prohibitions of Lev 11/Deut 14 concern a single, albeit important, element of religious consumption: the *content* of the consumption. *Ritual* consumption might also include elements of the time, the place, a specific order, matters of commensality (with whom one consumes), manners, methods of preparation, or disposal (which make a minor appearance in the Hebrew Bible).<sup>14</sup>

At least for the practices mandated in the Pentateuch, the relationship between the dietary prohibitions and “cultic consumption” with its attending ritual actions proves quite complicated. Within their current biblical settings,<sup>15</sup> the dietary prohibitions of Lev 11/Deut 14 do exhibit some separation in terms of their categorization within the constructed worlds of consumption. These texts connect the envisioned practices with the larger categories of clean (טהור), unclean (טמא), abhorrence (שקץ), and abomination (תועבה), which in context could designate them as more than simply custom. However, other options besides “ritual,” especially ritual connected with an Israelite (or Judahite) sanctuary may possibly provide a more likely framework for the origins of the dietary prohibitions.

<sup>14</sup> I am referring here to matters like the avoidance of human dung as a cooking agent (Ezek 4:12–15), or disposal of offered meat (Exod 12:10; 23:18; 34:25), and the prescription to roast the Passover in Exod 12:8 (though not in Deut 16:7). Commensality appears as the cause of improper consumption in Gen 43:32; on this, see Peter Altmann “Feasting like Royalty in a Time of Famine: Reflections on the Meaning and Composition of the Feast in Gen 43:15–34,” *ZAW* 130 (2018): 349–63.

<sup>15</sup> That is, within the broader Priestly texts for Lev 11 and the Deuteronomic context for Deut 14.

A second possibility along the continuum consists of the category of “family and household religion.” In their volume on the subject, Rainer Albertz and Rüdiger Schmitt define this category as follows:

By using this combined term, we intend to ensure that the whole range of this segment of Israelite religion is included. This whole range covers the local center of family religion, or the domestic cult, and all other ritual and cultic activities wherever they are performed by the family group – whether, for example, a commemorative meal at the tombs of ancestors or a sacrificial meal in a local or even state sanctuary.<sup>16</sup>

Several features of this definition are helpful for the present discussion. Most important is the spatial overlap: The family/household carries out its practices in different locales, thereby providing for the interpenetration of sanctuary and domestic practices. Thus, there is a sense in which a ritual practice of eating meat could double as the cultic consumption of a “sanctuary ritual” by a family or household, thereby also designated as “family and household religion.” However, as addressed below (§ 5.), one basic issue raised by Albertz and Schmitt’s discussion is their surprising suggestion that no domestic consumption of animals took place.<sup>17</sup>

Third, the origins of the dietary prohibitions may instead fall more closely toward the mundane “custom” (German “Sitte” or “Brauch”) end of the spectrum. By custom in this context I intend to signify those actions that generally consist of widely-accepted practices or ways of behaving. These are the mundane or everyday actions for which attention to the details of practice (or meaning) do not take center stage in the ways for ritual as articulated above. One might designate them as more utilitarian actions.

On the basis of this continuum, one can ask: Did the early traditions of the dietary choices associated with the biblical texts differentiate themselves sufficiently from everyday practice to suggest their marked, ritualized categorization? It would also be possible that they – in whole or in part – fell closer to the pole of mundane habit and custom than sanctuary ritual, given their prescribed everyday practice in every location. Or do they emerge from a middle category such as family and household religion?

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<sup>16</sup> Rainer Albertz and Rüdiger Schmitt, *Family and Household Religion in Ancient Israel and the Levant* (Winona Lake, IN: Eisenbrauns, 2012), 54. For a detailed discussion of scholarly categories and terminology for Israelite religion, see *ibid.*, 21–56. They posit three levels – family, local, and state – that are not, however, limited to particular locations (cf. the definition above and *ibid.*, 55).

<sup>17</sup> *Ibid.*, 15. They state, “Accurate understanding of family religion also requires it to be distinguished from local religious practices, particularly because local sanctuaries have yielded firm evidence of cult activities that were distinctly different from activities conducted in domestic environments – the offering of meat during cult activities being one clear example.” I take issue with this below.

### 3. Mundane Customary Origins?

How might a possible origin for the practices in the realm of mundane custom be conceived? This hypothesis would suggest that the foods – or in this case, especially meats – consumed at a distance from Israelite sanctuaries did not arise in connection with actual sanctuary ritual practice.

One argument in favor of non-sanctuary and more mundane origins lies in the somewhat non-systematic nature of the prohibitions. As Houston states, there are ... common dietary customs that at several points appear to be independent of the formal aspect. The system is imperfect, as with the camel, or absent, as in the case of the birds, because even if it can itself create custom, it is often only in a position to shape it.<sup>18</sup>

There is little question that anomalies protrude from the system which, at minimum, indicate diachronic development, though mundane origins may be only one distinct option.<sup>19</sup> Perhaps the important distinction to be made at this point is not really whether there is some kind of preexistent custom, for it is a truism that every society has dietary prohibitions, but the key question is rather whether such customs came to be connected with preexilic Israelite sanctuary practice.

Albertz, for example, places the most important background of sanctuary practice (as well as the initial composition of Lev 11/Deut 14) in the Babylonian exile, while still acknowledging the possible earlier origins of (some of) the practices, whether in the cult sanctuary or the family.<sup>20</sup> Nihan, following Houston, sees the development of the biblical prohibitions as the movement from a dietary ethos based on custom to one intricately bound up with the (exilic) Israelite and Judean understanding of the Yahwistic cosmos.<sup>21</sup> As Nihan goes on to argue, the development of such a systematic view of animal consumption provides its adherents with an approach to a very significant category of life – food – regardless of their physical location (in the land or in exile). On this reading, the biblical dietary prohibitions come to constitute *more than* a custom, yet their relationship with the *cult* per se remains undefined, and may in fact be oppositional in that they receive their formative shaping in the absence of a sanctuary.

In this case, could the prohibitions possibly have emerged primarily in the exilic period?<sup>22</sup> One line of reasoning posits that an exiled Judean community

<sup>18</sup> Houston, *Purity and Monotheism*, 66.

<sup>19</sup> This position is taken by Levavi Feinstein, “The Animal Laws before Kashrut.”

<sup>20</sup> Rainer Albertz, *Israel in Exile: The History and Literature of the Sixth Century B.C.E.* (Atlanta: Society of Biblical Literature, 2003), 107–8, 136–37; Nihan, “Laws about Clean and Unclean Animals,” 417.

<sup>21</sup> Nihan, *From Priestly Torah to Pentateuch*, 335–36.

<sup>22</sup> This is the conclusion of Erhard S. Gerstenberger, “Speisetabus (Lev 11; Dtn 14): Ängste und Hoffnungen,” in *Essen und Trinken in der Bibel: ein literarisches Festmahl für Rainer Kessler zum 65. Geburtstag*, ed. Michaela Geiger, Christl M. Maier, and Uta Schmidt (Gütersloh: Gütersloher

attempted to differentiate itself from the cultures in which it was embedded by means of its consumption practices. Such a development clearly appears in some Hellenistic texts.<sup>23</sup>

There is little question according to the biblical texts that dietary questions provided one means of theorizing and practicing Judean identity, especially in exile, as the texts of Ezek 4:13 and Dan 1 indicate.<sup>24</sup> It is noteworthy, however, that these texts do not directly concern the consumption of unclean/abhorred meat from the animals mentioned in Lev 11/Deut 14. Furthermore, one may question whether the dietary customs of Mesopotamia (and Egypt) differ enough from those prescribed through Lev 11/Deut 14 to make the desire for Judeans to differentiate themselves from the host culture a compelling monocausal explanation. As I note below, there are some differences, but the main sources of meat appear both on the biblical (according to Lev 11/Deut 14) and the Mesopotamian and Egyptian menus.

A second, possibly more compelling motivation for the development of the Lev 11/Deut 14 tradition emerged in exile. It responded to the notion of eating in a foreign place as unclean as related in Hos 9:

They shall not remain in the land of Yhwh; but Ephraim will return to Egypt, and *in Assyria they shall eat impurity*. They shall not pour [drink-offerings of] wine to Yhwh, and their sacred feasts shall not please<sup>25</sup> him. [Such sacrifices] shall be for them like mourners' bread; all who eat it shall be defiled; for their bread shall be for their hunger [only]; it shall not come to the house of Yhwh. (Hos 9:3–5)

The idea appearing here indicates that some exiles may have desired to identify a manner of consumption in exile that would not separate them further from Yhwh,<sup>26</sup> necessitating *some* kind of clean consumption, such as that in Lev 11/Deut 14. Assuming this concern functioned as an impetus for the development of the practice, how might the exilic leaders (e.g., priests and political elite) have determined such prohibitions, if they arose in the exilic period leading to the eventual result of Lev 11/Deut 14?

The context of the unclean foods in Hos 9:3–5 connects quite closely with questions of sacrifice and sanctuary consumption. It mentions libations of wine and their sacred feasting (זבחהים). However, some of the prohibited animals

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Verlagshaus, 2009), 185. However, this motivation does not appear in every Hellenistic Jewish discussion of the dietary laws, and the *Letter of Aristeas* serves as one example as argued by Anna Angelini, "Reception and Idealization of the Torah."

<sup>23</sup> In Gerstenberger's defense, he notes that such an attempt to separate themselves from neighboring cultures first takes place in the Hellenistic period: Gerstenberger, "Speisetabus," 189.

<sup>24</sup> Cf. Nihan, *From Priestly Torah to Pentateuch*, 335–36.

<sup>25</sup> Or possibly "they shall not arrange (יערכו) sacrifices for him," following the note in BHS.

<sup>26</sup> Assuming that physical separation from the land did lead to the experience of distance from Yhwh as well, as seen, e.g., in Ps 137.

in Lev 11/Deut 14 have little to do with Israelite sanctuary ritual consumption. The clearest example here is the aquatic animals. No fish or other water creature finds its way onto a Yahwistic altar in the Bible. Thus, the only way that these distinctions between clean/unclean (Deut 14:10) or abhorrent/acceptable (Lev 11:10–11) connect with a biblical sanctuary ritual is by extension, which is certainly possible, given priestly/Priestly pushes for this kind of theoretical elaboration and comprehensiveness. For example, Konrad Schmid, who calls this style found in P “enumerative and repetitive,” summarizes: “the cult, in order to be performed, must be regulated down to the last detail.”<sup>27</sup> This regulation of detail, by extension, moves out of the cultic sanctuary setting to centrifugal consumption of meat.

A further wrinkle appears from archaeology: prohibited kinds of aquatic animals were consumed in the ancient southern Levant, especially sharks, rays, and catfish.<sup>28</sup> They appear at almost every excavated site in the Iron Age where they have been looked for. This material evidence need not indicate that the individuals or groups associated with the theorizing of sanctuary rituals could not have already considered such practices problematic. In the absence of any evidence to the contrary, it may be taken as evidence in favor either of disobedience to such prohibitions or of their very nonexistence in that period. Yet that prohibited fish were consumed also argues against the mere adoption of long-standing southern Levantine custom because the tradition of Lev 11/Deut 14 differs from that custom in this regard.

Similar arguments may arise for the birds as well. While some debate exists over the identification of the תור (‘turtle dove,’ ‘chicken,’ and ‘partridge’ are three leading options) that appears on the altar according to the Priestly texts (e. g., Lev 1:14),<sup>29</sup> fowl appear nowhere in Deuteronomy in connection with the

<sup>27</sup> Konrad Schmid, *The Old Testament: A Literary History* (Fortress Press, 2012), 148.

<sup>28</sup> Omri Lernau, “Remains of Kosher and Non-Kosher Fish in Excavated Sites in Israel” (presented at *The Larger Context of the Biblical Food Prohibitions: Comparative and Interdisciplinary Approaches*, Lausanne, 14 June, 2017). See also his Omri Lernau, “What Kinds of Fish Were Eaten in Ancient Jerusalem?” *TheTorah.Com*, 2019, <https://www.thetorah.com/article/what-kinds-of-fish-were-eaten-in-ancient-jerusalem>. There is some debate about the consumption of the sharks and rays because of the small number of their remains (all consisting of calcified cartilage centra [vertebrae] and teeth) and because a number of the centra have holes in the center such that one could wear them on a necklace. While Abra Spiciarich (personal communication) has raised this possibility, Omri Lernau (personal communication) states, “We find many such ‘centra’ as they are called but only very rarely they are perforated. So – sharks were eaten, and they are a good part of the non-kosher fish we are considering.”

<sup>29</sup> Peter Altmann and Abra Spiciarich, “Chickens, Partridges, and the /Tor/ of Ancient Israel and the Hebrew Bible,” *WO* 50 (2020): 2–30; Thomas Staubli, “Hühneropfer im Alten Israel: Zum Verständnis von Lev 1,14 im Kontext der antiken Kulturgeschichte,” in *The Books of Leviticus and Numbers*, ed. Thomas Römer, BETL 215 (Leuven: Peeters, 2008), 355–69; James W. Watts, *Leviticus 1–10*, HCOT (Leuven: Peeters, 2013).

altar, and may also be additions in the P texts.<sup>30</sup> This loosens the link between Yhwh's table (the altar) and the Israelite table of clean animals.

Identification of the bird types remains notoriously difficult, but some of the birds banned in Lev 11/Deut 14 were likely consumed. Hoopoe appear, for instance, on the Neo-Assyrian menu. The cormorant may also have ended up on the table, which most interpreters render either as שֶׁלֶךְ or as אַנְפָּה. Finally, if בַּת עֵינָה signifies the ostrich, then this represents yet one more edible fowl in the ancient Near East that appeared on the list of banned birds, where its eggs and meat were consumed.<sup>31</sup>

Aside from the ostrich, however, archaeologists have rarely found traces of these fowl in the southern Levant, and the ostrich remains appear most abundantly at Tel Michal, outside the traditional boundaries of Israel and Judah.<sup>32</sup> Therefore, unlike in the case of the water animals, the list of banned birds largely accords with consumption habits in preexilic Israel and Judah. Furthermore, the omission of bird sacrifices in Deuteronomy – positing Deuteronomy's emergence from a preexilic context, though this date is contested<sup>33</sup> – allows for a separation of appropriate fowl for consumption from the understanding of the biblical altar stipulations.

Therefore, the archaeological evidence of bird consumption in the southern Levant may be taken as support for the emergence of the dietary prohibitions as generally arising from customary practice there – though not in Egypt or Mesopotamia. The case of zooarchaeological study of aquatic creatures points away from this conclusion. In any case, such a position is more difficult to maintain with regard to the large land animals that stand at the beginning of Lev 11/Deut 14 and make up the main course of biblical animal sacrifices. Discussion of these animals comes in the following section.

#### 4. Sanctuary Ritual Origins?

This section addresses the possibility that the practices (and the texts) of the dietary prohibitions emerged from some kind of sanctuary cultic ritual setting. That is, the notion that the ritualization accorded these consumptive practices

<sup>30</sup> For discussion and references, cf. Watts, *Leviticus 1–10*, 218. On the supplemental nature of the bird sacrifices, cf. Rolf Rendtorff, *Leviticus*, BKAT 3 (Neukirchen-Vluyn: Neukirchener Verlag, 2004), 73–74.

<sup>31</sup> For detailed discussion, see Altmann, *Banned Birds*, 88–116.

<sup>32</sup> Altmann and Spiciarich, “Chickens, Partridges, and the /Tor/.”

<sup>33</sup> For my own view, cf. Altmann, *Festive Meals*, 8–36. See also Reinhard G. Kratz, *The Composition of the Narrative Books of the Old Testament*, trans. J. Bowden (London: T & T Clark, 2005), 132; Juha Pakkala, “The Date of the Earliest Edition of Deuteronomy,” *ZAW* 121 (2009): 388–401; Nathan MacDonald, “Issues and Questions in the Dating of Deuteronomy: A Response to Juha Pakkala,” *ZAW* 122 (2010): 431–35.

in Lev 11/Deut 14 reflects a particular, controlled, and distinctive practice originating in a sanctuary setting. What evidence might support the possibility that these practices arose in connection with some kind of official (regionally?) centralized, “state-sponsored,” or “state-affiliated” (they could be more or less strongly associated with one another) sanctuary or sanctuaries such as Jerusalem, Dan, Bethel, Gilgal, Hebron, etc.?

Some biblical evidence for the cultic *Sitz im Leben* of distinctions like those in Lev 11/Deut 14 can be found outside these texts in Lev 10:10–11 and Ezek 44:23:<sup>34</sup>

Now for the separating between the holy and the common, and between the unclean and the clean, and to each the Israelites all the ordinances that Yhwh spoke to them through Moses. (Lev 10:10–11)

And they [the priests] shall teach my people between the holy and the common, and make known to them between the unclean and the clean. (Ezek 44:23)

These texts locate the origins of some of the separations found in the dietary prohibition texts – the unclean and the clean (omitted is any mention of the  $\text{רָקָח}$  “abhorred”) – in the cultic setting through divine commands as intended for the priests. The cultic personnel (the priests) then bear responsibility for broadcasting the requirements to the people. However, these texts make no explicit mention of the distinctions between clean and unclean *meat*.<sup>35</sup>

A further challenge to the use of these texts as the basis for grounding the dietary prohibitions in the sanctuary (whether of an actual or merely theoretical nature, given the utopian nature of Ezek 44 as part of Ezekiel’s vision) arises in the proposed historical locations of these texts: Do they even pre-date Lev 11:2–23/Deut 14:2–20, not to mention the underlying shared tradition?<sup>36</sup> Nathan MacDonald, for example, views Ezek 44:23 as part of the third and final literary layer belonging to that chapter, which as a whole dates to the Persian period. Even if the direction of dependence is reversed, Nihan views Lev 10 as a whole as belonging to the final compositional stages of the entire book of Leviticus.<sup>37</sup> Therefore, the accordance of such distinctions to the sanctuary cultic sphere on the basis of these texts alone does not provide adequate justification for the antiquity of the tradition’s connection with a sanctuary setting.<sup>38</sup>

<sup>34</sup> Cf. Ezek 44:31; 22:26.

<sup>35</sup> Though a related instruction for the priests appears in Ezek 44:31; cf. Lev 11:39–40; Deut 14:21.

<sup>36</sup> For the literary relationships between the two texts, cf. Nihan, “Laws about Clean and Unclean Animals”; Altmann, *Banned Birds*.

<sup>37</sup> Nihan, *From Priestly Torah to Pentateuch*, 576–605.

<sup>38</sup> That is, unless one follows the thesis of a preexilic P, e.g., Jacob Milgrom, “The Antiquity of the Priestly Source: A Reply to Joseph Blenkinsopp,” *ZAW* 111.1 (1999), 10–22. While I do not doubt the preexilic origins of a number of traditions in P (see recently Jonathan S. Greer, “The ‘Priestly Portion’ in the Hebrew Bible: Its Ancient Near Eastern Context and Its Implications for the Composition of P,” *JBL* 138 [2019]: 263–84), I find the traditional (since Wellhausen)



A different justification might arise from the correlation between the meats permitted for consumption at the Israelite table in Lev 11/Deut 14 and the meats prescribed for the divine table, the altar.<sup>39</sup> Houston articulates this point clearly

My hypothesis is that the systematic classification of animals as clean and unclean for food developed at the sanctuaries (Jerusalem is not the only example) as a measure to ensure the purity of the worshippers, and was therefore naturally based on those animals that were acceptable for sacrifice.<sup>40</sup>

In other words, the distinctions between various kinds of animals – in this case likely focusing on large land animals (though maybe also some birds) – that Israelites were meant to consume in their houses was based on distinctions already made at sanctuaries. There is clear overlap – as pointed out by a wide range of interpreters – between the animals fit for sacrifice and the broader list of those permissible for Israelite consumption in Lev 11/Deut 14, especially with regard to the large land animals. That the lists of dietary prohibitions start with the same category of animals that predominates on the Yahwistic altar can be interpreted in this way.

In fact, Hos 9:3–5, discussed above, may actually serve to undergird this connection. Verse 4 especially seems to imply that because there is no legitimate sacrifice (here the term is זבחייהם, “their sacred feasts”), the exiles will become unclean through consumption. In other words, some kind of connection with an approved sanctuary appears necessary in order for regular consumption to be rendered clean.

Houston touches on a further possible body of support: if (some of) the dietary prohibitions arise from a cultic setting, then does this accord with the cultic ritual practices with foodstuffs throughout the broader ancient Near East?<sup>41</sup> In other words, even though humans have likely made customary choices with regard to

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arguments that the texts themselves more generally arose during the exilic-postexilic period to be compelling.

<sup>39</sup> On the specific correlation of divine and Israelite tables, see, among many, Milgrom, *Leviticus 1–16*, 719–26. See also the analogous constructions noted by Ronald Hendel, “Table and Altar: The Anthropology of Food in the Priestly Torah,” in *To Break Every Yoke: Essays in Honor of Marvin L. Chaney*, ed. Robert B. Coote and Norman K. Gottwald, *Social World of Biblical Antiquity 3* (Sheffield: Sheffield Phoenix Press, 2007), 131–48.

<sup>40</sup> Houston, *Purity and Monotheism*, 123.

<sup>41</sup> *Ibid.*, 238. He states: “Lev. 20.24 ff. is, like 11.44–45, part of the stream of theological reflection that has made the dietary rules symbols of the holiness of Israel. But the rules themselves are older than that theology, and, if I am right, shared in a general way at least with other priestly elites throughout the region. If my analysis of their origin is correct, it is not the outer boundary – among the animals, that between clean and unclean – that is the key to their meaning, but the inner one, that marking off the sacrificial animals and the sacred realm. It is not so much that the sacrificial animals are a subset taken out of the edible animals (though this may be true in a historical sense), but that the edible animals are an extension of the set of the sacrificial animals at a lower level of significance.”

diet since time immemorial, the thrust from cultic sanctuaries all over the Levant might have radiated outward to influence more everyday Israelite consumption.

Previous investigations have noted the close overlap of animal offerings in much of the ancient Near East. Houston states rather categorically: “So, positively, we must say that the identification of clean beasts is identical to that accepted at all major sanctuaries in the Syro-Palestinian area for at least a thousand years before the present law came into existence ...”<sup>42</sup> Ugaritic texts include some sacrifice of animals viewed as clean in Lev 11/Deut 14 but not included in Lev 1–7 as fitting for the altar, such as geese and clean wild animals, like the deer found in excavations on Mt. Ebal.<sup>43</sup> On the whole, the picture remains quite stable throughout the Levant, excluding the distinct practices in Egypt and Hatti. Houston (and originally following him, Nihan) therefore places the *origins* of the dietary laws at local sanctuaries in preexilic Israel.<sup>44</sup>

Stefania Ermidoro has shown in multiple publications that specific food avoidances in Mesopotamia arose for specific times, in connection with specific tasks and locations.<sup>45</sup> For example, she notes

The social class that was constantly involved with purity rules was the one of priests and all those individuals who frequented daily the templar buildings. They must in fact avoid all those ingredients that could have caused inconveniences to gods, and therefore they abstained from garlic, onions, cress, leeks, and everything that could have caused them halitosis, or any other negative effect.<sup>46</sup>

In other words, animal products were prohibited when a person attempted to establish purity for coming into contact with a deity – not as a matter of general prohibition but rather as etiquette.<sup>47</sup>

In the outlier of Egypt, purity concerns related to animal consumption took place primarily in connection with limited temple settings and special times.<sup>48</sup> An Egyptian became concerned with purity in relation to access to a temple or other marked zones, like funerary contexts or the afterlife.<sup>49</sup> No universal Egyptian dietary constraints appear, but certain animals could be prohibited

<sup>42</sup> Ibid., 232.

<sup>43</sup> Adam Zertal, “An Early Iron Age Cultic Site on Mount Ebal: Excavation Seasons 1982–1987: Preliminary Report,” *TA* 9 (1986): 105–65; Milgrom, *Leviticus 1–16*, 720.

<sup>44</sup> Houston, *Purity and Monotheism*, 123, 232; Nihan, *From Priestly Torah to Pentateuch*, 334. However, see more recently Nihan, “Laws about Clean and Unclean Animals,” 417.

<sup>45</sup> Ermidoro, “Food Prohibition and Dietary Regulations in Ancient Mesopotamia”; Ermidoro, “Tabooed Animals in the Ancient Mesopotamian Diet.”

<sup>46</sup> Ermidoro, “Food Prohibition and Dietary Regulations in Ancient Mesopotamia,” 88.

<sup>47</sup> Ermidoro, “Tabooed Animals in the Ancient Mesopotamian Diet.”

<sup>48</sup> Joachim Friedrich Quack, “Conceptions of Purity in Egyptian Religion,” in *Purity and the Forming of Religious Traditions in the Ancient Mediterranean World and Ancient Judaism*, ed. Christian Frevel and Christophe Nihan (Brill, 2012), 152.

<sup>49</sup> Volokhine, “‘Food Prohibitions’ in Pharaonic Egypt.”

from some nomes because that particular animal was identified with a deity whose sanctuary was located in that area.

At least with regard to pigs, both earlier Hittite and Egyptian connect consumption of swine with lower classes.<sup>50</sup> Greenfield relates this phenomenon at the later Neo-Assyrian site of Tušhan (Ziyaret Tepe), in the formerly Hittite region, with the possibility that one could raise pigs privately in one's yard without need of herding, so pigs did not carry the same indicators of status.<sup>51</sup>

Bringing together the evidence above, it seems less probable that the exilic Judean leaders enlarged age-old ancient Near Eastern traditions, especially because the biblical prohibitions on meat only differ marginally from local Mesopotamian habits.<sup>52</sup> It should be noted that these connections with Hittite and Egyptian traditions in the *conception* of purity as it relates to sanctuary entrance allows for a rather early, even Late Bronze Age onset of the tradition within the southern Levant. While this does not indicate a full-blown list of dietary prohibitions, it does show a long-term concern in the region.<sup>53</sup>

I therefore find the idea of an origin connected with traditional Yahwistic or sanctuary worship in general most compelling – the large land animals permitted demonstrate longstanding sanctuary connections, which support a *Sitz im Leben* for actual practice, or possibly the *Sitz im Buch* when related to Deut 12:13–19. This passage explicitly connects sacrificial consumption at the sanctuary with everyday meat consumption dispersed throughout the land:

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<sup>50</sup> Billie Jean Collins, "Animals in Hittite Literature," in *A History of the Animal World in the Ancient Near East*, ed. Billie Jean Collins, HdO 64 (Leiden: Brill, 2002), 249; Nicole J. Ruane, "Pigs, Purity, and Patrilineality: The Multiparity of Swine and Its Problems for Biblical Ritual and Gender Construction," *JBL* 134 (2015): 502 n. 32, with reference to B. Hesse (Brian Hesse, "Pig Lovers and Pig Haters: Patterns of Palestinian Pork Production," *Ethnobiology* 10 [1990]: 212).

<sup>51</sup> Tina Greenfield, "The Palace versus the Home: Social Status and Zooarchaeology at Tušhan (Ziyaret Tepe), a Neo-Assyrian Administrative Provincial Capital in Southeastern Turkey," *Journal of Eastern Mediterranean Archaeology and Heritage Studies* 3 (2015): 21–23. I would be remiss not to mention the further connection with fertility rituals for pigs, typically outside a particular sanctuary location, especially in Hittite and also in Greek settings, which relates to gender concerns; see Ruane, "Pigs, Purity, and Patrilineality," 501.

<sup>52</sup> Deirdre Fulton has pointed out that some dog consumption also occurred in Ashkelon, so there was generally some divergence around the edges, but the core of the diet remained quite consistent. See Deirdre N. Fulton, "Distinguishing Judah and Philistia: A Zooarchaeological View from Ramat Rahel and Ashkelon," in *Food Taboos and Biblical Prohibitions: Reassessing Archaeological and Literary Perspectives*, ed. Peter Altmann, Anna Angelini, and Abra Spiciarich, *Archaeology and Bible 2* (Tübingen: Mohr Siebeck, 2020), 87–105. For detailed discussion of the birds, see Altmann, *Banned Birds*.

<sup>53</sup> The dirtiness of the pig rendering it defiling to a temple in Mesopotamia is well documented; see Joann Scurlock, "Animal Sacrifice in Ancient Mesopotamian Religion," in *A History of the Animal World in the Ancient Near East*, ed. Billie Jean Collins, HdO 64 (Leiden: Brill, 2002), 393.

But only at the place that Yhwh will choose in one of your tribes – there you shall offer your burnt-offerings and there you shall do everything I command you. Yet whenever you desire you may slaughter and eat meat within any of your gates, according to the blessing that Yhwh your God has given you; the unclean and the clean may eat of it, as they would of gazelle or deer.... Nor may you eat within your towns the tithe of your grain, your wine, or your oil, the firstlings of your herds or your flocks, any of your votive gifts that you vow, your freewill-offerings, or your donations; these you shall eat in the presence of Yhwh your God at the place that Yhwh your God will choose ...” (Deut 12:14–15, 17–18)

The text limits the consumption of certain types of meat – those related to particular offerings – to the central sanctuary. However, it designates another acceptable category of consumption in local dwellings. This latter category is made explicit by a possibly later description in v. 15b: “the unclean and the clean may eat of it, as they would of gazelle or deer.”<sup>54</sup> While the conception of clean and unclean in Deut 12:15 differs from that in Deut 14 (or Lev 11) because the people are viewed as unclean (cf. also Hos 9:4) rather than the meat consumed, nonetheless a connection arises between consumption at sanctuary rituals and consumption linked to local residences of animals designated as clean (כַּצְבִּי וְכֵאֵיל) “like the gazelle and the deer”: Deut 12:15; cf. 14:5).

However, it should be said that the determination of permitted consumption away from the sanctuary may not identify any notion of “profane” consumption as often suggested.<sup>55</sup> Instead, perhaps the more recently investigated category of household or local religion could provide a context for the development of prohibited kinds of consumption?

## 5. The Influence of Household or Local Religion?<sup>56</sup>

A movement outside the sanctuary need not necessarily leave behind the realm of “ritual” for that of “custom,” especially given the importance of family and household religious practice in the southern Levant. Such practices indicate the overlap between mundane (“routine”) and sacred (“ritual”) practices within the confines of daily experience.<sup>57</sup> In fact, raising the consideration of household

<sup>54</sup> Cf. Altmann, *Festive Meals*, 118.

<sup>55</sup> I.e., Jacob Milgrom, “Profane Slaughter and a Formulaic Key to the Composition of Deuteronomy,” *HUCA* 47 (1976): 1–17; Kratz, *Composition*, 119.

<sup>56</sup> I am purposely leaving this category somewhat vague, rather than further subdividing the kinds of local or household religion along the lines of Albertz and Schmitt, *Family and Household Religion*, 220–24 with discussion of other classificatory systems.

<sup>57</sup> Cynthia Shafer-Elliott, “The Role of the Household in the Religious Feasting of Ancient Israel and Judah,” in *Feasting in the Archaeology and Texts of the Hebrew Bible and Ancient Near East*, ed. Peter Altmann and Janling Fu (Winona Lake, IN: Eisenbrauns, 2014), 199–221; and Francesca Stavrakopoulou, “Religion at Home: The Materiality of Practice,” in *The Wiley Blackwell Companion to Ancient Israel*, ed. Susan Niditch (Chichester: Wiley-Blackwell, 2016),

and family religion offers an opening for the importance of material studies to help identify the origins of the biblical dietary prohibitions: the presence of zoo-archaeological material in household settings connected to other assemblages of known or possible cultic artefacts could point to a third, possibly mediating location for the origins, or rather, the expansion of the dietary prohibitions.

The continuum *between* mundane custom and sanctuary ritual locates the historical development of these dietary restrictions in ancient Israel and Judaism as reflected in biblical texts and southern Levantine archaeology in their broader milieu. Specifically, following Bell, I find it helpful to consider this continuum as populated by a variety of *ritualizing* actions.<sup>58</sup> And, rather than simply operating within the binary opposition of custom and ritual (or mundane and cultic), the realm of household and/or local cult indicates a third space, one in which some practices were ritual and other mundane, but all were located primarily within the context of the localized family or household, or perhaps extended family.<sup>59</sup>

Furthermore, the category of local family and household ritual practice provides considerable overlap with foodways – the preparation and consumption of food and drink. As Carol Meyers notes, “Israelite foodways have inherent religiosity.”<sup>60</sup> As the extensive study by Albertz and Schmitt details, ritual meals were one of the main religious actions to take place across all types of Iron Age cult locations in the southern Levant, ranging from domestic cult corners to supra-regional sanctuaries.<sup>61</sup>

In his discussion of the typology of Iron Age ritual practice in Israel and the Levant, Schmitt comments on the location of domestic religious rituals in the house, stating, “The preceding chapters revealed that ritual objects were often

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351–54, provide some theoretical and archaeological examples of such overlap, also with regard to meals.

<sup>58</sup> Catherine M. Bell, *Ritual Theory, Ritual Practice* (New York: Oxford University Press, 1992), 74 relates the distinction of ritual(izing) specifically to the contrast between “sacred” and “profane”: “Rather than impose categories of what is or is not ritual, it may be more useful to look at how human activities establish and manipulate their own differentiation and purposes – in the very doing of the act within the context of other ways of acting. With this in mind, I will use the term ‘ritualization’ to draw attention to the way in which certain social actions strategically distinguish themselves in relation to other actions ... ritualization is a way of acting that is designed and orchestrated to distinguish and privilege what is being done in comparison to other, usually more quotidian, activities. As such, ritualization is a matter of various culturally specific strategies for setting some activities off from others, for creating and privileging a qualitative distinction between the ‘sacred’ and the ‘profane,’ and for ascribing such distinctions to realities through to transcend the powers of human actors.” She later (*ibid.*, 91) uses the helpful phrase “privileged differentiation” in order to describe the nature of ritualizing.

<sup>59</sup> Note again the various steps from domestic cultic practice to state-sponsored supra-regional cultic installations described in Albertz and Schmitt, *Family and Household Religion*, 242–44.

<sup>60</sup> Carol L. Meyers, *Rediscovering Eve: Ancient Israelite Women in Context* (New York: Oxford University Press, 2013), 165.

<sup>61</sup> See especially the column indicating “cult activities” in the table on Albertz and Schmitt, *Family and Household Religion*, 222–24.

assembled and arranged near fireplaces or other facilities associated with the processing and consumption of food.<sup>62</sup> That is, *the* major location for religious ritual in the everyday life of ancient Israel (and the wider Levant) was spatially connected with food. However, this does not automatically link location and practice with the consumption of meat, the primary item of importance for the dietary prohibitions. The hesitation arises on two fronts: (1) Meat was a luxury item and was not consumed on an everyday basis by the majority of the population.<sup>63</sup> (2) As Saul Olyan states unequivocally concerning family and household religion, “It is also the case that slaughter of sacrificial animals and attendant rites such as the burning of fat and organ meat and the manipulation of blood are nowhere evidenced materially for the domestic expression of first-millennium Levantine family religion, much in contrast to the rites of sanctuaries, where they were central.”<sup>64</sup> Albertz and Schmitt’s study concurs. They place animal slaughter at village shrines and city temples, village or city high places, regional sanctuaries, and supra-regional sanctuaries.<sup>65</sup> Thus, they conclude, what takes place in the sanctuaries – animal slaughter – does not also happen in the individual homes or at neighborhood shrines.

Several items in these syntheses require commentary. First, the conclusion of the absence of animal slaughter presumably rests on the lack of a suitable altar in the domestic and neighborhood setting. However, it should be noted from the biblical prescriptions (e. g., Lev 1:3–8) that sacrificial animals were slaughtered *next to* rather than *on* an altar. Second, animal bones, in large part those of the animals designated for sacrifice in the biblical prescriptions, are widespread in every archaeological excavation from the Iron Age. There seems then little *archaeological* warrant to conclude that meat was not *eaten* in preexilic domiciles in Israel and Judah,<sup>66</sup> thereby allowing for a close linkage of the “sacrificial consumption” to everyday practice.

One of the best examples of the overlap between “cult” and “household” in terms of meat consumption practices appears in the various formulations of Passover.<sup>67</sup> The texts depicting or prescribing this practice include Exod 12:1–28;

<sup>62</sup> *Ibid.*, 224.

<sup>63</sup> See, e. g., Nathan MacDonald, *What Did the Ancient Israelites Eat? Diet in Biblical Times* (Grand Rapids, MI: Eerdmans, 2008), 61–76; Altmann, *Festive Meals*, 74–107; Peter Altmann, “Diet, Bronze and Iron Age,” *The Oxford Encyclopedia of the Bible and Archaeology*.

<sup>64</sup> Saul M. Olyan, “Family Religion in Israel and the Wider Levant of the First Millennium BCE,” in *Household and Family Religion in Antiquity*, ed. John P. Bodell and Saul M. Olyan, *Ancient World – Comparative Histories* (Malden, MA: Blackwell, 2008), 116.

<sup>65</sup> Albertz and Schmitt, *Family and Household Religion*, 242–44.

<sup>66</sup> Furthermore, Jonathan Greer has suggested in private communication that it is also possible that the supposed “incense” altars found in numerous residential settings could have been used for the innards of animals (cf., e. g., Lev 3:3–5).

<sup>67</sup> See, of the many discussions, Carol L. Meyers, “Feast Days and Foodways: The Religious Dimensions of Household Life,” in *Family and Household Religion: Towards a Synthesis of Old*

34:25; Lev 23:5–8; Num 9:1–14; 28:16–25; Deut 16:1–8; 2 Kgs 23:21–23; and 2 Chr 30. Yet what is likely the earliest text discussing festive consumption at the spring Festival of Unleavened Bread appears in Exod 23:15, at the conclusion of the Covenant Code, but it does not mention the Passover at all.<sup>68</sup> The written tradition develops within the Pentateuch next into Deut 16:1–8, which combines Unleavened Bread with Passover into a single complex festive celebration taking place at the centralized sanctuary, but addressed to heads of households.<sup>69</sup> The conception of a centralized celebration also appears in 2 Kgs 23:21–23 and 2 Chr 30, and all three of these texts view the Passover celebration as a pilgrimage feast (גג). However, Exod 12:1–11 mandates that Passover take place within households, and contains significant overlap with the presentations of Passover found in Priestly (or H) texts such as Lev 23:5–8 and Num 28:16–25.<sup>70</sup> In Exod 12:3, the animal must be from the flock, in contrast with Deut 16:2, which also calls the Passover a communal feasting sacrifice (זבחה) – these animals could be boiled – in contrast with the roasting in Exod 12:8–9.

These differences reveal two different traditions.<sup>71</sup> Both the Exod 12 and Deut 16 texts, however, explicitly conceive of household units celebrating the Passover, whether at a central sanctuary or at home.<sup>72</sup> In sum, the various conceptions of Passover reveal the overlapping and divergent textual representations of the celebration, many of which focus on households as the operative groups, though alternatively taking place in peripheral settings or at the central sanctuary. They easily function as the link between centralized cultic and peripheral meat consumption.

The prescriptions in Deut 12:15, 21–22, which deal explicitly with meat consumption at a distance from the proposed central sanctuary, also fit with these archaeological data:

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*Testament Studies, Archaeology, Epigraphy, and Cultural Studies*, ed. Rainer Albertz (Winona Lake, IN: Eisenbrauns, 2014), 230–31; Altmann, *Festive Meals*, 186–96.

<sup>68</sup> On the priority of this text see Shimon Gesundheit, *Three Times a Year: Studies on Festival Legislation in the Pentateuch*, FAT 82 (Tübingen: Mohr Siebeck, 2012), 29–31; Altmann, *Festive Meals*, 194–95. Gesundheit shows in detail how Exod 34:25 updates Exod 23:18. I follow Gesundheit that Exod 34 updates Exod 23, rather than one coming from a J source and the other from an E source.

<sup>69</sup> Altmann, *Festive Meals*, 193–95.

<sup>70</sup> The repetition in Exod 12:22–28, including the Deuteronomistic language in vv. 25–27 suggests that this is a later (post)-Priestly passage. Cf. Gesundheit, *Three Times a Year*, 44–95.

<sup>71</sup> See *ibid.*, 144.

<sup>72</sup> Note, however, the conclusion by Albertz and Schmitt, *Family and Household Religion*, 427. They state: “The Feast of Passover demonstrated a particularly dynamic evolution and transformation, from originally being a familial celebration, to later becoming a feast of the official cult in the Second Temple period, the whole time maintaining important elements gleaned from its family roots, before reverting once again to a primarily family celebration after the destruction of the Second Temple.”

Yet whenever you desire you may slaughter and eat meat within any of your gates, ... (Deut 12:15)

If the place where Yhwh your God will choose to put his name is too far from you, and you slaughter as I have commanded you any of your herd or flock that Yhwh has given you, then you may eat within your gates whenever you desire. Indeed, just as gazelle or deer is eaten, so you may eat it; the unclean and the clean alike may eat it. (12:21–22)

These texts do not explicitly identify *where* within the local setting such animals should be slaughtered. In fact, the biblical texts literally say “in (any) your gates,” which could indicate a village setting rather than “in your house.” Such a reading could support Olyan, Schmitt, and Albertz’ argument, though it remains inconclusive. In any case, the practicalities of animal slaughter accord with this distinction: every large land animal mentioned in Deut 12:15, 21–22 would provide so much meat that a single nuclear or extended family or a household could hardly consume it all on their own. Thus, the number of portions call for the gathering of a larger group, which fits better as a village feast.

However, animal consumption also likely took place within households, given that animal bones are second only to ceramics in terms of their frequency and ubiquity in archaeological contexts in the southern Levant. Therefore, while little positive evidence of *slaughter* appears in individual domiciles, *consumption* did occur. And, unlike in Deut 12, ch. 14 (and Lev 11) do not address concerns of slaughter, focusing instead on the matter of consumption.

Furthermore, the perspectives on feasting in Deut 12; 14:22–27; and 16:9–15 also show the plausibility for preexilic overlap between the central sanctuary and domestic feasting rituals that can undergird a connection between the dietary prohibitions and Yahwistic sanctuary practices. These texts prescribe feasting at the central sanctuary, but in the form of household groups. One example appears in Deuteronomy’s stipulations for the Feast of Weeks:

Then you shall keep the Festival of Weeks for Yhwh your God, contributing a freewill offering in proportion to the blessing that you have received from Yhwh your God. Rejoice before Yhwh your God – you and your sons and your daughters, your male and female slaves, the Levite resident in your gates, as well as the strangers, the orphans, and the widows who are among you – at the place that Yhwh your God will choose as a dwelling for his name. (Deut 16:10–11)

The household, headed by the addressee “you,” brings and provides for their direct family, as well as those on the margins of the local village or household – the widow, orphan, foreigner, and Levite. They feast *at the sanctuary*, but *as a household*.<sup>73</sup>

In sum, what the texts of Deut 12; 14; and 16 envision amounts to the formation of an explicit interaction of supra-regional (centralized) cultic practice

<sup>73</sup> Altmann, “Feast and Famine,” 216.



with household or family consumption of the meat of specifically sanctioned animals – of the flock and herd – both in that sanctuary setting and in various local settings.

In the sacrificial feasts themselves, the menu is very limited. The menu is extended in Deut 12:15, 21–22, broadening the domestic or village consumption of the *sacrificial* species to two more members of the permitted large land animals. There is a good measure of probability that this could represent a later addition to the chapter (which is also the case for the direct mention of these animals in Deut 14:4–5, given their absence in Lev 11, thus likely marking its redactional nature in Deut 14). However – and this is the decisive point – the texts affirm a legitimization of prescribed ritual eating that relates closely to a number of the types of cultic consumption found in the typology of Albertz and Schmitt that range from the central (or supra-regional) sanctuary to domestic religious ritual. The interpenetration appears both in the texts and in the material remains. Consumption of particular large land animals, was, therefore, directly connected to Yahwistic ritual practice, and this category of animals opens the lists of the dietary prohibitions in Lev 11/Deut 14, making this household ritual context the most likely candidate for the emergence of the dietary prohibitions.

## 6. Ritual Practice and Ritual Text

While the previous section traced the development from sanctuary practice to domestic consumption through family and household religion attested both in the material remains and texts for the large land animals that open the dietary prohibitions in Lev 11:3–8/Deut 14:4–8, this same progression does not hold for the other categories of animals: aquatic creatures and birds. How do these fit the development?

No intrinsic connection with a Yahwistic sanctuary cult emerges for the aquatic animals in the texts of the Hebrew Bible.<sup>74</sup> This lack of any connection to cultic consumption instead suggests that these prohibitions came about through the extension of a ban by way of priestly scribal reflection. The consumption of several types of water animals that came to be prohibited in Lev 11/Deut 14 took place throughout Israelite, Judahite, and Yehudite territory from the preexilic period until the Persian or Hellenistic periods according to the zooarchaeological finds. This evidence indicates that if there was a known ban on consumption of certain types of aquatic creatures, it was not followed.<sup>75</sup> In terms of

<sup>74</sup> Their appearance among the material culture in the temple precincts at Tel Dan (Jonathan Greer, personal communication: the remains await detailed processing by Omri Lernau) suggests that aquatic animals did appear as side dishes in sanctuary meals.

<sup>75</sup> See “Aquatic Creatures in the Dietary Laws: What the Biblical and Ancient Eastern Con-

*practice*, the avoidance of prohibited water animals takes place quite late. The text separating water animals without both fins and scales (Lev 11:9–12/Deut 14:9–10) indicates a ritualized practice in that it is set off from common practice in the southern Levant and broader ancient Near East. Furthermore, the practice may only have developed in response to the text, rather than the text enshrining even a very localized practice.

The case with the birds also exhibits some unique features. A number of the birds represent types that no one regularly ate, such as hawks and vultures. Mention of these taxa, in contrast to the prohibitions on water animals, scripturalized common practice. However, the case of the ostrich (בת יענה), cormorant (שלך or אנפה), and hoopoe (דוכיפת) in particular suggest a more variegated and opaque situation.

With respect to both of these types of animals, their addition to the shared source underlying Lev 11/Deut 14 likely results from scribal extension (*Fort-schreibung*):<sup>76</sup> it has a *Sitz im Buch*, one might say, before they become mandated practice. Hypothetically speaking, when the question came with regard to the consumption of *other* kinds of animals, answers arose on the basis of the already identified distinctions for the large land animals in the forms of criteria for water animals and a list of banned birds for the fowl. Whether these sections became part of the tradition (written or oral) in the preexilic period or later is difficult to determine, though widespread practice only appears in the postexilic or Hellenistic period.

## 7. Conclusions and a Possible Reconstruction

The dietary prohibitions of Lev 11 and Deut 14 both open with a discussion of large land animals. While this investigation does not primarily focus on the compositional development of these written texts, it is, nonetheless, striking that this category of animals, the very one identified with the sacrificial animals in (preexilic) Deuteronomy (ch. 12) and presumably in the earliest versions of Leviticus (e.g., ch. 1), should lead the discussion on clean and unclean/abhorrent types of this category of animals. Furthermore, the ubiquity of the zooarchaeological remains of such animals in domestic as well as sanctuary settings underscores an overlap in consumptive practices between centralized and peripheral locations. The difference in the situation with both the aquatic and avian animals points

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texts Contribute to Understanding Their Categorization,” 129–47 in this volume and the recent summary article of Adler and Lernau, “Pentateuchal Dietary Proscription.”

<sup>76</sup> As such it might fit with the “legal expansions without introductory formulae” category in Michael Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon, 1985), 187–97.

to the complex development of the tradition as a whole, which likely includes scribal expansion for the second (water) and third (avian) sections.

As far as a reconstruction, assuming the possibility that a historical event of cult centralization like the Josianic reform took place,<sup>77</sup> then the practice of the dietary prohibitions can be read profitably in light of such a reform – though they become part of Deuteronomy much later.<sup>78</sup> The centripetal and centrifugal interplay of households making pilgrimages to the central place for sanctuary cultic feasts (Deut 12:14, 17–18; 16:1–15) and then providing a specific *Yahwistic* blessing (Deut 12:15a) on the domestic consumption of the meat of the same large land animals offers a specific lens for understanding and categorizing localized meat consumption. This category may not be sacrificial in the sense that it is not related to an altar, but it remains Yhwh-sanctioned (“according to the blessing that Yhwh your God has given you ...” Deut 12:15).<sup>79</sup> The re-conceptualization of “sacred consumption” could make room for what came to be identified as the clean/unclean (or abhorred for some animals in Lev 11) distinctions, first in a shared source, and subsequently in Lev 11/Deut 14. As a result, it is possible to affirm, with some modification, Houston’s connection of the dietary prohibitions to preexilic (regional or supra-regional) sanctuaries mentioned above for the large land animals.

In any case, (1) a likely historical location for these *Yahwistic* prohibitions is found in the connection of local ritual practice with a *Yahwistic* sanctuary cultic setting in a supra-regional location by means of its interplay with local ritual consumption as seen in Deut 12. (2) Then, the (or an) early universalization arises in terms of the place for the practice of these prohibitions from their application *in lieu of* sanctuary cultic practice (in exile) or as a practice connected to the *land of Yhwh* (for those in the land). In addition, geographical separation from a *Yahwistic* sanctuary could give rise to the call for scribal theorizing including bans on certain water and air creatures for more localized practice by those seeking replacements for *Yahwistic* ritual practices.<sup>80</sup> Thus, for these latter categories, a trajectory developed from text to practice, rather than the other way around.

<sup>77</sup> For my own view and discussion of earlier scholarship, see Altmann, *Festive Meals*, 8–11, 32–33.

<sup>78</sup> For more discussion, see “A Deeper Look at Deut 14:4–20 in the Context of Deuteronomy,” 67–98 in this volume.

<sup>79</sup> Albertz and Schmitt, *Family and Household Religion*, 18. They argue that the Josianic reform reached deeply into the practice of local (both family household and village) cultic practice, seeking to place it all under the control of the official (state-sponsored) cult. Whether this need be the state-sponsored cult or not may be debated, especially given the emphasis on the household actions.

<sup>80</sup> Help from a theoretical perspective here comes from the summary of Bourdieu’s perspective by Catherine M. Bell, *Ritual: Perspectives and Dimensions* (Oxford: Oxford University Press, 1997), 78, “rituals as strategic practices for transgressing and reshuffling cultural categories in order to meet the needs of real situations.”

In this reconstruction, the focus of the “ritual action,” (either in the theorizing about rituals or in concrete ingestion) moves decisively from sanctuary to household practice, raising the profile of the household for Yahwistic ritual practice. As a result, the peripheral households move more deeply into the sphere of “sanctioned religion.” However, as noted above, such ritualization does not represent something especially new, at least in terms of the category of the overlap between sacred and mundane in daily practice: such overlap occurred widely in the socio-materially constructed spaces of the household in the ancient southern Levant.



## Chapter 4

# A Deeper Look at Deut 14:4–20 in the Context of Deuteronomy

(Peter Altmann)

Ambivalence has long circled around the place of the dietary prohibitions in the compositional history of the book of Deuteronomy.<sup>1</sup> Their terminology of clean-unclean, while not quite completely singular within the book, does not accord with the terms or turns of phrase generally viewed as central to the Deuteronomic-Deuteronomistic tradition.<sup>2</sup> On the other hand, animal consumption plays an important – if not central – role in the book’s purpose and theology. Given these well-known factors, how can one understand the significance and historical location of the dietary prohibitions in Deuteronomy?

This study considers the role of the overall passage on the dietary prohibitions in Deut 14:4–20 as part of its immediate context of 14:1–2, 3, 21 and within Deuteronomy as a whole. The internal composition of Deut 14:4–20 also presents a number of questions with regard to its compositional integrity or growth as well as its relationship with Lev 11:2–23, which require a separate investigation, especially because the nature of the terminology is largely determined by its content.<sup>3</sup> In spite of this internal status, there are a number of terminological and thematic issues concerning the place of the section within the wider book of Deuteronomy. Specifically,

1. How does the language of Deut 14:4–20 fit with the embedding verses of 14:1–2, 3, and 21?
2. How can the clean-unclean terminology from vv. 4–20 combine with the terminology of abomination (תועבה) in v. 3, which appears in other places in Deuteronomy?

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<sup>1</sup> A good example appears in A. D. H. Mayes, “Deuteronomy 14 and the Deuteronomic World View,” in *Studies in Deuteronomy: In Honour of C.J. Labuschagne on the Occasion of His 65th Birthday*, ed. Florentino García Martínez et al. (Leiden: Brill, 1994), 181.

<sup>2</sup> Cf. the well-known list found in the appendix of Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Clarendon, 1972). Deut 14:3–20 hardly make an appearance at all in the book: cf. *ibid.*, 180–81 n. 3 and 226–27, where they are described as borrowed from Leviticus.

<sup>3</sup> I have addressed the more neglected section on the flyers (Deut 14:14–20) in Altmann, *Banned Birds*. See also the various other essays in this volume.

3. With respect to the frame of vv. 1–2 and 21, one finds both the inclusio “For you are a holy people to Yhwh your God ... [to be for him a treasured people]” in vv. 2, 21 and the ban on mourning rites and broader consumption practices. How should one evaluate these themes with regard to the links they provide to elsewhere within the book (7:6; 26:18–19) and also to extra-Deuteronomic texts?
4. The notions of clean and unclean only otherwise surface in 12:15, 22; 15:22; 23:10; 24:4; and 26:14. How do these texts relate to 14:4–20?
5. The concluding prohibition of 14:21 against boiling a kid reaches beyond Deuteronomy, connecting with Exod 23:19 (and 34:26), while the first ordinance of the verse (on eating an animal carcass) shares a concern found in numerous biblical law collections. How do these texts fit together?
6. Eating and drinking play profound roles within the law collection (cf. Deut 12; 14:22–29; 15:19–16:17; 26:1–15). Several of the specific animals mentioned as permitted in 14:4–5 also appear in 12:15, 22 (צבאי and איל) and 15:20 (שור). What connections can be discerned between these texts?

The following sections address each of these points in turn. After the individual investigations, the concluding section summarizes the results on the thematic and compositional embedding of Deut 14:1–21 in the book of Deuteronomy.

### 1. The Language of Deut 14:1–2, 3, 21 and 4–20

The dietary prohibitions proper begin with the opening statement in v. 4: זאת הבהמה אשר תאכלו “These<sup>4</sup> [are] the beasts that you may eat ...” They continue to address large animals through v. 8, aquatic animals in vv. 9–10, and flyers framed by an inclusio in 11–20. While displaying some differences concerning the mention of various details and the ways that clean and unclean animals in each category are determined, the subject and overarching terminology of the three sections remains consistent. They each begin (1.) with a proclamation of which animals one may eat (vv. 4, 9, 11), followed (2.) by a statement on which ones should not be consumed (vv. 7a, 10a, 12), and finally (3.) a statement that the prohibited animals are unclean (the end of v. 7, v. 10b, v. 19).<sup>5</sup> Despite the differences within each of the categories, these features provide a shared structure.

<sup>4</sup> I translate the singular feminine demonstrative זאת as plural for the smoothness of the English, understanding it as a collective.

<sup>5</sup> In v. 19 it directly addresses the small flyers, but it contains the consistent *structural* element. This distinction does weaken the argument, but I find that it still contains an important insight into the three-part structure of the Deuteronomic edition (vs. the four-part structure of Lev 11:2–23).

The section as a whole concludes with the *inclusio* on the permission to consume clean flyers in v. 20. That verse takes on a secondary role as the conclusion of vv. 4–20 as a whole by constructing a frame of clean animals together with those mentioned in v. 4, even though this structuring element remains less developed.

When looking to the immediate context of these verses, one of the most foundational issues concerns the nature of the relationship between 14:1–2, 3, and 21 with 4–20. The sections display hardly any terminological overlap. The closest thematic relationship appears between the prohibitions on *eating* in v. 3, in vv. 4–20, and in the prohibition on *eating* from an animal carcass in v. 21, which also bears some thematic connections to the prohibition on *cooking* at the end of v. 21. In fact, even v. 3 (לא תאכל כל־תועבה) “You shall not eat any abomination”) bears only a single terminological connection with vv. 4–20: there are things that one should not *eat*. In v. 3 these are called תועבה, while vv. 4–20 designates them as טמא.

As is commonly noted, and I discuss below, the topic of food, especially meat, plays an important role in Deuteronomy. Therefore, the overarching topic of meat consumption appearing in v. 21 and vv. 4–20 – and defined contextually for v. 3 by the subsequent verses – fits in well with the overall thematic concern of Deuteronomy. However, the specific topic of clean versus unclean *animals* appears foreign to the book, and in fact fits only loosely in its context.<sup>6</sup>

## 2. Abomination and Impurity in Deut 14 and Elsewhere in Deuteronomy

One question resulting from the shared focus on eating in v. 3 and vv. 4–20 is the connection between תועבה and טמא. The use of the term תועבה “abomination” in the introduction of the dietary prohibitions in 14:3 (לא תאכל כל־תועבה) strengthens the connection between 14:4–20 and the larger context of the book of Deuteronomy. As mentioned above, the link between vv. 3 and 4–20 consists primarily of the prohibition on eating. Abomination, תועבה, does not appear in vv. 4–20.

Uncleanness appears rarely in Deuteronomy, where it primarily occurs as a personal characteristic (see, e.g., 12:15, 22; 15:22; 26:14). In 24:4, however, the

<sup>6</sup> A concentric structure of the chapter is proposed by Richard D. Nelson, *Deuteronomy: A Commentary*, OTL (Louisville: Westminster John Knox, 2002), 177. However, other than the repetition of “you are a people holy to Yhwh” in vv. 2, 21, the other elements (e.g., “do not gnash” v. 1 and “do not boil” v. 21) do not convincingly provide corresponding terms to construct a frame.



act of defiling (the verbal form **תטמא**) is linked to an *action* marked as an abomination before Yhwh:

לא־יוכל בעלה הראשון אשר־שלחה  
 לשוב לקחתה להיות לו לאשה אחרי אשר הטמאה  
 כִּי־תועבה הוא לפני יהוה  
 ולא תחטיא את־הארץ  
 אשר יהוה אלהיך נתן לך נחלה

The first husband that sent her away shall not be able to return to take her to be his wife after she has been declared *defiled*, for that is an *abomination* before Yhwh, and you shall not make the land culpable that Yhwh your God gives to you [as] an inheritance.

At a minimum, this kind of a defilement has an extremely negative status in Yhwh's view such that it is viewed by him as an abomination, on par with idolatry and abhorred cultic practices. Furthermore, this abomination would result in culpability *of the land*, a different object for impurity than in either 12:15 or ch. 14.

Outside of ch. 14 and 24:4, **תועבה** in Deuteronomy largely concerns problematic cultic practices – idolatry in 13:14 and 17:4; the material image itself in 7:25–26; 27:15; 32:16; and unacceptable types of worship in 12:31; 17:1; 18:9, 12; 20:18; 23:18.<sup>7</sup> However, there are several outliers: In 18:12 a person practicing abominable means of divination is *themselves* an abomination.<sup>8</sup> Several other practices receive the designation **תועבה**: crossdressing in 22:5 and uses of multiple sets of economic measures in 25:16, which indicate that a better base understanding for the use of this term concerns Deuteronomy's promoted sense of "Israelite" identity.<sup>9</sup>

Bringing these observations together allows for the drawing out of several implications. First, while a connection appears in one other place between the roots **תועבה** and **טמא** (24:4), that connection is of a considerably different nature than the one in 14:3 and vv. 4–20. Second, many of the attestations of **תועבה**, such as 12:31 and 18:9–12, clearly link abomination to divination or practices like sacrificing children.

However, abominable worship connects with cultic *consumption* in a small number of cases. This link arises most clearly in 17:1:

<sup>7</sup> See Staubli, "Disgusting Deeds and Disgusting Gods," for a detailed overview on "disgust," including **תועבה**.

<sup>8</sup> Understanding the pronoun **הוא** either as "he" with the consonantal MT text or "she" with the vocalized *hi(w)* leads to seeing one of these two parties as an abomination as well. However, this misses the further use of this clause, such as in Deut 17:1, where it cannot refer to a person.

<sup>9</sup> For a detailed discussion of the term, see Crouch, "What Makes a Thing Abominable?" She relates the notion of **תועבה** closely to the identification and maintenance of physical and social boundaries. This fits well with the frame in Deut 14:2, 21 of maintaining Israel's identity as a special people for Yhwh.

לא־תזבח ליהוה אלהיך שור ושה  
 אשר יהיה בו מום כל דבר רע  
 כי תועבת יהוה אלהיך הוא

Do not *have a sacrificial banquet* (תזבח) for Yhwh your God of an ox or sheep that has a defect of any bad kind, for that is the *abomination* (תועבת) of Yhwh your God.

The use of the verb זבח indicates a cultic banquet. A second possible link arises with the payment of a vow with earnings from prostitution in 23:18, if the use of that payment accords with the nature of the use of other vow payments in Deut 12:17 as destined for the cultic consumption of a sacrificial banquet. However, neither of these narrower contexts makes any mention of טמא.

Turning to the use of the category of clean/unclean, and yet another step removed, is Deut 12:15, 22; 15:21–22. Here the prohibition on sacrifice and consumption at the central sanctuary of a defective firstborn animal and permission to consume it in the local gates is appended by permission for the *clean and unclean* persons to partake. This element separates the highly charged consumption of meat from the central sanctuary. Finally, however, this stipulation of clean-unclean concerns humans rather than the animal from which the meat is taken, which separates the ordinance from 14:4–20.

These indirect links lead to an explicit connection between תועבת, טמא, and eating that arises – likely at the same time as the insertion of the dietary prohibitions into their present context – in 14:3. Placing the consumption of the meat of impure animals in the category of תועבת raises the stakes significantly for the stipulations in vv. 4–20. The connections with burning children in the fire (12:31) and a city serving a different deity (13:15 [ET:14]), which should lead to placing it under the ban (חרם), suggest strong condemnation. Yet in terms of the historical location, these texts are quite diverse, and the closest thematic comparisons come from Ezekiel (ch. 16; 18:12–24). These texts link together a number of similar issues: some examples include sacrifice of children to idols (Ezek 16:36; Deut 12:31; 18:9–12), oppression of the poor (Ezek 18:12; Deut 25:16); faulty cultic practice (Ezek 18:11; Deut 13:14; 17:4); and the divine images themselves (Ezek 7:20; Deut 7:25–26; 27:15; 32:16). However, there is one major difference – in Ezekiel the term mostly occurs in the plural. In spite of this difference, in both books the substantive represents a category for a wide variety of offenses against Yhwh. And, if the connection to Ezekiel is significant for the historical location, then *at least* Deut 14:3 would likely arise from the exilic or postexilic period.

Yet on another level, as Crouch argues, the use of תועבת in these texts within Ezekiel and Deuteronomy – as well as Gen 43:32 – indicate the importance of the definition of boundaries, often between Israelites and non-Israelites.<sup>10</sup> This

<sup>10</sup> Crouch, “What Makes a Thing Abominable?” 524.

consideration, though not as helpful for understanding the *origin* of the dietary prohibitions, does lead directly to the next step with regard to their incorporation into Deuteronomy: consideration of 14:1–2, both in their links to vv. 3, 4–20 and to other contexts in Deuteronomy and the Hebrew Bible.

### 3. Mourning Rituals in 14:1–2 and Their Link to vv. 3, 4–20

Deuteronomy 14 begins with several descriptions of the addressees enveloping prohibitions on particular mourning rituals. This section considers the mourning rituals, and the following one addresses the designations for the addressees.

The two prohibited actions in vv. 1–2 are:

לא תתגדרו  
ולא תשימו קרחה בין עיניכם  
למת

You shall not cut yourselves  
And you shall not place baldness between your eyes  
for the dead.

Some remarks on the terminology are required. The root גדר is quite rare, not appearing elsewhere in the Pentateuch.<sup>11</sup> Furthermore, there is disagreement among the lexicons and translations about the number of roots of גדר: do all the forms arise from a single root, or from two?<sup>12</sup> The root of קרחה, which is found in verbal and substantive forms, appears numerous times. Its semantic field, consisting of baldness and shaving, is more certain.<sup>13</sup>

<sup>11</sup> Deut 14:1; 1 Kgs 18:28; Jer 16:6; 41:5; 47:5; possibly also Mic 4:14.

<sup>12</sup> HALOT, 177, separates גדר I: “make incisions upon oneself” from גדר II: “band together.” BDB, 151, offers just one entry through the notion of “penetrate, attack,” though to the same effect, separating two meanings “cut oneself” and “gather in troops.” The LXX (Rahlfs and Wevers) instead reads οὐ φοιβήσατε, a hapax legomenon in the LXX, rendered “to seek oracular ecstasy” from φοιβάω in Johan Lust, ed., *Greek-English Lexicon of the Septuagint*, Rev. ed. (Stuttgart: Deutsche Bibelgesellschaft, 2003), 651. This reading is missing from several manuscripts. The term is instead rendered “to cleanse (?)” in Takamitsu Muraoka, *A Greek-English Lexicon of the Septuagint* (Louvain: Peeters, 2009), 718, which agrees with the association with purification rites according to John William Wevers, *Notes on the Greek Text of Deuteronomy* (Atlanta: Scholars Press, 1995), 240. This is also the definition given it by LS. The LXX translates the various appearances of גדר I with a range of Greek terms: ἐντομίζ “incision, gash” (Jer 16:6; in Lev 19:28; 21:5 for שרט), κατατέμνειν “to cut, gash” (1 Kgs 18:28; also in Lev 21:5 for שרט, in Isa 15:2 for גרע, and possibly in Hos 7:14 for גור), κόπτειν “to smite, cut” (Jer 41:5 MT [LXX 48:5] and 47:5 MT [LXX 29:6]; in several places also for גרע, though more often for כרת or ספר among others). Akkadian *gadādu* appears in Neo-Babylonian and Neo-Assyrian texts (cf. *AHW*, 273). The evidence seems to weigh against the notion of seeking oracular ecstasy proposed by Lust.

<sup>13</sup> The LXX uses two terms to render its various forms: φαλάκρωμα and related forms, which are only used for קרה, and forms of ξυράν, which are also used especially for terms from the root גלח.

Both of the terms from v. 1, גדר and קרה, also appear in Jer 16:6 and 47:5; גדר also appears with a synonym for “shave” (גלח) in Jer 41:5. All these texts concern mourning rituals, similar to Deut 14:1, which concludes with למת (“for the dead”). However, while the efficacy or the permissible nature of the ritual actions does not form the specific focus of the passages in Jeremiah, they are devoid of negative connotations. Furthermore, some such practices are allowed elsewhere in Deuteronomy (21:10–14).<sup>14</sup> In that text, those practicing mourning rituals are captive foreign women, which does, however, place them one step removed from prescribed “Israelite” practice. These women are permitted to shave (גלח) their heads, similar to the action 14:2 (also in Lev 21:5, where it parallels קרה). Further signs of mourning consist of clipping her nails (also 21:12) and casting off her captive’s garment (v. 13).

It appears that the rejection of a variety of mourning practices could be related to Priestly notions of holiness, especially priestly and Nazirite practices (e.g., Lev 19:27–28; 21:1–12; Num 6), where these figures were forbidden from such mourning rituals in light of their holy state.<sup>15</sup> It can also be related to the priestly ordinances in Ezek 44:20, though these do not directly address mourning practices. The connection between the avoidance of the dead and mourning on one hand, and holiness on the other, appears in Lev 21:6 as the motivation for avoidance of mourning practices (in v. 5): קדשים יהיו לאלהיהם (“they are holy to their God”) – here only for the priests (v. 1: “Speak to the priests, the sons of Aaron”).

In Deut 14:1 a prohibition is placed on two acts done on behalf of the dead (למת). In this way it links up with Deut 26:14, which concerns impurity, eating in mourning, and giving (offering) some of the tithe to/for the dead (למת). Nelson connects these to the “... relational aspects of Israel’s stature with Yhwh,” and he references Deut 8:5; 32:5, 19, 20 (and as well Exod 4:22–23; Hos 2:1 [ET 1:10]; 11:1).<sup>16</sup> One might relate the prohibition to the diffusion of priestly practice to the Israelites as a whole – clearly on display through the term קרוש. However, this connection does not explain the *reason* for this prohibition, though it apparently relates to contact with the dead.

Saul Olyan argues that the rationale for the prohibition of these particular mourning rites in Deut 14:1 relates to the possible explosive contact between mourning rites and rites of celebration. The two specific mourning rites prohibited in Deut 14:1 are those that could leave lasting marks beyond the period of mourning – cuts can leave scars, and eyebrows take a considerable amount of time to grow back.<sup>17</sup> If Olyan is correct, then this would indicate some change

<sup>14</sup> Also noted by Otto, *Deuteronomium 12–34*, 1297.

<sup>15</sup> See *Ibid.*, 1299.

<sup>16</sup> Nelson, *Deuteronomy*, 178.

<sup>17</sup> Saul M. Olyan, *Biblical Mourning: Ritual and Social Dimensions* (Oxford: Oxford University Press, 2004), 121–22.

within Deuteronomy over time, given the allowance for the captive woman to shave her head as part of a month of mourning for her family.<sup>18</sup> Presumably she would become part of Israel at the end of this month, at which point she could participate in celebratory cultic events. It may also indicate an overall diachronic change in Judahite and Judean religious-historical perspectives represented in the biblical material, given the appearance of such rites without condemnation in the texts of Jeremiah.

Eckart Otto and Jan Gertz instead relate the problem of shaving “between the eyes” (בין עיניכם) to the placement of the טטפת in Deut 6:8 (בין עיניך), with Gertz specifically connecting the prohibition on cutting to the maintenance of bodily integrity or a blood taboo.<sup>19</sup> Turning to the near context of Deut 6 is an admirable step, especially given the shared consideration of fathers and children in Deut 6 as well as 14:1 “You are children for Yhwh your God,” which introduces the prohibitions.<sup>20</sup>

On the whole, however, I find Olyan’s argument more persuasive for the context of Deut 14, though his perspective need not exclude the connection to Deut 6:8. While discussion of the “holy people” takes place below in § 5, the posited separation between mourning (the dead) and celebration links up with another important contrast: between holy and unclean. One of the main actions that holy priests or (clean) laity participate in at a sanctuary, especially the one described in Deut 12–26, concerns celebratory consumption of meat. As a result, the connections made in 14:1 with mourning, which invariably makes the person having contact with the corpse *unclean*, and 14:3, 4–20 with the consumption of *clean-unclean* meats, tie in with one another through the distinctions made between clean/holy and unclean. They relate (or are diametrically opposed) to celebratory meat consumption. This logic shows a connection to what at first glance seem the rather disparate stipulations of 14:1–2 with vv. 3, 4–20.

#### 4. “You Are Children, Belonging to Yhwh Your God”

Before discussing the central element of the “holy people” in 14:2 and 21, this section turns briefly to the rather singular, yet quite important opening clause of ch. 14: בנים אתם ליהוה אלהיכם, “You are children belonging to Yhwh your God.”

<sup>18</sup> Unless one month of hair growth would be enough to end her status of mourning and allow her to become “holy” in the sense of Deut 14:2, 21, etc. when she “joins” Israel through marriage after that month of mourning.

<sup>19</sup> Jan Christian Gertz, “Das Zerschneiden des Bandes zwischen den Lebenden und den Toten in der deuteronomisch-deuteronomistischen Literatur,” in *Tod und Jenseits im alten Israel und in seiner Umwelt*, ed. Angelika Berlejung and Bernd Janowski, FAT 64 (Tübingen: Mohr Siebeck, 2009), 559; Otto, *Deuteronomium 12–34*.

<sup>20</sup> Otto, *Deuteronomium 12–34*, 1297.

Reinhard Feldmeier and Hermann Spieckermann note the somewhat "sparsam" use of the notion of God as father in the Hebrew Bible,<sup>21</sup> tracing its innerbiblical rise from the preexilic royal theology present in 2 Sam 7:14: אָנִי אֲהִי־לּוֹ לְאָב וְהוּא יִהְיֶה־לִּי לְבֵן אֲשֶׁר בְּהַעֲוֹתוֹ וְהִכַּחֲתִיו כְּשִׁבַט אַנְשִׁים וּבִנְגַעֵי בְנֵי אָדָם "I will be a father for him, and he will be a son for me. When he sins I will punish him with the staff of men and with the blows of humans."<sup>22</sup> According to their reconstruction, the title secondarily expands to include the nation in the wake of the destruction of Judah, which is present within Deuteronomy in 1:31–32; 8:5; and 32:4–6, 18–20.<sup>23</sup> These three passages use the motif in different ways, but most important for the topic at hand is Deut 8:5. Here, Yhwh's discipline and care for the people in the wilderness (vv. 2–5) mirrors that of a father for his child. As a result, the Israelites should keep the commandments.<sup>24</sup>

Deuteronomy 14:1 – like Deut 8:5–6 – uses the depiction of the Israelites as children of Yhwh as a motivation for obedience, demonstrating some conceptual distance from the texts that use the motif as a basis for condemnation and restoration. However, while Deut 8 offers a detailed image of God as caring and disciplining the Israelites in their past, 14:1 offers none of this.

It would be intriguing to consider a different line of interpretation for this conception. If, as I argue elsewhere, the addressees of the Deuteronomic law collection are mainly the heads of households,<sup>25</sup> it may indicate that these societal leaders take over the mantle of the royal "son(s)" depicted in 2 Sam 7:14. A challenge for this point of view lies in the lack of commandments given to the royal son in 2 Sam 7. While it does assume some level of obedience (בְּהַעֲוֹתוֹ "when he sins, then I will punish him"), it does not make them explicit. In any case, if this connection is accepted, then it would add significant *royal* color to the *priestly* prohibitions on the mourning rites that follow in the second part of the verse. Given the antiquity of this motif within the royal sphere, it would have been available at any point in the compositional history, so it does not provide any determinate indications of its historical location, though the loose connection with Deut 8:5–6 points to the later layers of the book.

<sup>21</sup> Reinhard Feldmeier and Hermann Spieckermann, *Der Gott der Lebendigen: Eine biblische Gotteslehre*, Topoi Biblischer Theologie 1 (Tübingen: Mohr Siebeck, 2011), 56.

<sup>22</sup> Cf. Ps 2:7–9; 1 Chr 17:13.

<sup>23</sup> The date of Deut 32 remains quite controversial.

<sup>24</sup> In Ps 103:13 God also appears "like a father having compassion upon [his] children ...," similar to Deut 8:5. However, in the psalm there is no immediate imperative to the audience (though at the end of the psalm all should bless Yhwh). The tone is decidedly negative in Deut 1:31–32 and ch. 32, the other two texts mentioned by Feldmeier and Spieckermann (see n. 21).

The use of the parent-child metaphor as a foundation for accusing the Israelites appears numerous times elsewhere. For example, in Hos 11:1–2, God reminisces that he called forth Israel as a child from Egypt, but Israel abandoned him. A similar connection appears in Jer 3:4–5, where the prophet accuses the audience of calling God אָבִי "my father," but acting quite the contrary.

<sup>25</sup> Altman, *Festive Meals*, 209–10, 235–36.

## 5. A Holy People and Treasured Nation: Deut 7:6; 14:2, 21; 26:18

Perhaps the most important element for the historical location of Deut 14:1–21 within the book of Deuteronomy in its present form arises in the inclusio “For you are a holy people (belonging) to Yhwh your God ...” (v. 2a, 21b). In terms of its meaning, this statement picks up on the content in 14:1 that prohibits certain types of mourning customs. Proximity to the deity as his children in v. 1a, which entails restrictions on mourning rituals, corresponds to the holiness accompanying Yhwh’s choice (בחר) of them in v. 2.

The most likely underlying early tradition for these verses of Deuteronomy comes in Exod 22:30 [ET: 31], which uses ואנשי־קדש תהיון לי “For you will be holy men for me” as motivation for the avoidance of meat torn by animals. While the torn meat (טרפה) is discussed below (§ 7.1), at this point it suffices to note the connection between holiness and meat consumption made in Exod 22:30, which is a central topic for Deut 14. This prohibition appears in Exod 22:30 at the end of a section of ordinances about the bringing of various offerings to the sanctuary (vv. 28–29). It therefore regulates a transitory state for *men* while they are at a sanctuary.

Significant within the Deuteronomic context, this theme of holiness – and of “holy men” – may overlap in large part with the addressees of Deuteronomy, as the heads of households are those that bring their offerings in Deut 12; 14:22–27; and 16. Given the central role accorded to these figures in the Deuteronomic law, Deut 14 apparently circles back and answers a question left open about the requirements of holiness as connected with meat consumption. If Exod 22:30 has provided an answer for them in a sanctuary context, what would be the ongoing requirements concerning holiness and meat consumption in the peripheral “gates” (addressed obliquely in the likely earlier text of Deut 12:15)? Deuteronomy 14:2, 21 proclaim holiness as an ongoing status for the Israelites that requires appropriate habits of meat consumption among other practices.

Thus, through the mention of holiness, a bridge appears between Deut 14:1 and 2 and what becomes explicit in the likely still later text of Lev 21.<sup>26</sup> That chapter concerns stipulations for the priests (“sons of Aaron”), including limits on mourning rites in 21:5 like those in Deut 14:1.<sup>27</sup> An explicit reason given for these restrictions appears in Lev 21:6:

<sup>26</sup> And, even later, Ezek 44:20; cf. Nathan MacDonald, *Priestly Rule: Polemic and Biblical Interpretation in Ezekiel 44*, BZAW 476 (Berlin: de Gruyter, 2015), 70–71.

<sup>27</sup> Cf. also in Lev 19:26–28, though there for the Israelites as a whole (cf. v. 1). The connection with holiness appears in v. 2. For indications that Lev 19 relies on Deut 14:1–2, cf. Nihan, *From Priestly Torah to Pentateuch*, 478.

קדשים יהיו לאלהיהם  
 ולא יחללו שם אלהיהם  
 כי את־אשי יהוה  
 לחם אלהיהם  
 הם מקריבם  
 והיו קדש

They are holy to their God,  
 so they shall not profane the name of their God,  
 for the (food) offerings of Yhwh,  
 the food of their God,  
 they are bringing them.  
 So they shall be holy.

This verse highlights both the holiness of the priests as well as the holiness of the offerings that represent divine alimentation. This text from the Holiness Legislation confirms an explicit connection between the holiness of the individuals to the food given to God that these humans consume (cf. explicitly in this chapter only in v. 22).

However, Lev 21 (and Lev 19:27–28) more likely adopts and responds to Deut 14:1–2. First, it is important to note that, like Deut 14:2, the priests of Lev 21:6 are accorded the *status* of holiness, which provides the reason for their avoidance of certain practices. In contrast, Lev 19:2 makes the call to be/become holy for all Israelites into the consequence of the avoidance of certain mourning rites and other practices. An important distinction results between Israel as a whole in ch. 19 and the priests in ch. 21. Their grades of holiness are not equal.

While this status serves as a reason for the stipulations determining *priestly* behavior in Lev 21, it applies to the Israelites as a whole in Deut 14:2, 21a.<sup>28</sup> This feature sets Deut 14 apart from Priestly (and Holiness) thought, which instead views holiness directly in relation to the sanctuary.<sup>29</sup> Elsewhere in the Hebrew Bible, the holiness of an entire group also appears in relation to the

<sup>28</sup> Both of these differ from the strikingly similar connection between holiness and dietary prohibitions in Lev 11:44–45, which *commands* holiness for the Israelites as a whole: והייתם קדשים כי קדוש אני: in both cases “so you shall be holy, for I am holy.” It agrees in this way with Deut 14, but these clauses – while they correspond with the final clause of Lev 21:6 – do not *assume* Israel’s holy status like Lev 21:6a for the priests and Deut 14:2, 21a for the Israelites. This is, of course, one of the basic distinctions between Priestly and Deuteronom(ist)ic texts. Lev 11:44–45 displays considerable H terminology and turns of phrase and is accepted as an addition by H by, e.g., Milgrom, Nihan, and other interpreters.

<sup>29</sup> See Jacob Milgrom, “The Changing Concept of Holiness in the Pentateuchal Codes with Emphasis on Leviticus 19,” in *Reading Leviticus. A Conversation with Mary Douglas*, ed. John F.A. Sawyer, JSOTSup 227 (Sheffield: Sheffield Academic Press, 1996), 66. He states, “In P, only the sanctuary, its *sancta*, and those authorized to serve them (the priests) are holy by virtue of being sanctified with the sacred anointing oil (Lev. 8.10–11, 15, 20).” See also Erhard Blum, *Studien zur Komposition des Pentateuch*, BZAW 189 (Berlin: de Gruyter, 1990), 335 n. 8.



Sinai event (Exod 19:10) and other special group sacrificial contexts.<sup>30</sup> However, these texts concern punctiliar moments with temporal and spatial limits, rather than an ongoing state. There is, then, something quite different taking place in Deuteronomy.

Within Deuteronomy, this statement on Israel's holy status is not limited to the context of Deut 14. The formulation in v. 2a continues in such a manner that the verse repeats Deut 7:6 almost verbatim:

7:6: כי עם קדוש אתה ליהוה אלהיך בך בחר יהוה אלהיך להיות לו לעם סגלה מכל העמים אשר על-פני האדמה

14:2: כי עם קדוש אתה ליהוה אלהיך ובך בחר יהוה להיות לו לעם סגלה מכל העמים אשר על-פני האדמה

For you are a holy people (belonging) to Yhwh your God, [and] Yhwh [your God] chose you to be a people for himself, for a treasured people out of all the nations which are upon the face of the earth.

The only minor differences are that 7:6 adds אלהיך after the Tetragrammaton,<sup>31</sup> and 14:2 has ובך instead of simply בך in 7:6. In addition, the expression עם קדוש ליהוה אלהיך “a holy people (belonging) to Yhwh your God” appears once more in the book, in 26:19, with לעם סגלה להיות לו “to be for him a treasured people” even appearing in the preceding verse (26:18). Deuteronomy 28:9 is also quite similar: יקימך יהוה לו לעם קדוש “Yhwh will raise you up for himself (as) a holy people.” Finally, 14:21b repeats the clause כי עם קדוש אתה ליהוה אלהיך. These similarities provide strong indications regarding the historical location of Deut 14:1–21 within the book.

The repetition “For you are a people holy for Yhwh your God” in 14:2 and 21 suggests an intentional inclusio surrounding the dietary prohibitions. Furthermore, the near exact replication of 14:2 in 7:6 points to their presence in the same compositional layer (or at minimum to the literary dependence of one upon the other, though I consider the same compositional layer more likely). In 7:6 the context concerns Moses' admonition against intermingling with the nations that currently inhabit the land through the establishment of a covenant (v. 2) and intermarriage (v. 3) because they will turn the Israelites away from Yhwh (v. 4). The Israelites should instead destroy traces of their cultic practices (v. 5). Then, as a motivation for these actions, v. 6 describes the nature of the Israelites' relationship with Yhwh as a holy people for Yhwh, whom Yhwh has chosen as his treasured nation. Thus, in the case of 7:6, which repeats in Deut 14:2, the holy,

<sup>30</sup> Nelson locates the origins of the conception of the notion of a holy people in the meaning of avoiding everything repugnant (תועבה) as “... the practice of group sanctification for those preparing for a ritual (Exod 19:10, 14; 1 Sam 16:5) or military action (Deut 23:15 [ET 14])” (Nelson, *Deuteronomy*, 179).

<sup>31</sup> This word is, unsurprisingly, added in a number of manuscripts. See the textual note on this verse in *BHS*.

chosen, and treasured status of the Israelites provides the cause (motivation) for the actions prescribed in the preceding verses. The text after this verse (Deut 7:7–11) takes the discussion in a different direction, explaining the reason for God's election of the Israelites. Therefore, the text proceeds from exhortation in vv. 1–5, to the motivation for Israel to follow these prescribed actions in v. 6,<sup>32</sup> and then to the reasons for Yhwh's choice of Israel in vv. 7–8, which leads to a second motivation for obedience in vv. 9–11.

When compared with Deut 14:2, the content of Deut 7 provides some insight on the synchronic level for the avoidance of the meat of impure animals. In all three locations where *עַם קָדוֹשׁ* appears, the context uses this identification to undergird the rejection of abhorrent cultic practices: in 26:12–19 and 14:1–21 it concerns the rejection of associating eating with the dead or impurity, and in 7:6 the focus broadens to include the wider cultic practices of the peoples in the land.

There is some ambiguity in the text on whether 14:2 intends to undergird the ordinances to refrain from the mourning practices outlined in v. 1, or whether the Israelites' holiness and treasured election provides the basis for refraining from the consumption of *טָמֵא/תוֹעֵבָה* in vv. 3–21. The fact that the repetition of the statement that they are a holy nation to Yhwh forms an *inclusio* with 14:21b does provide support for the section of the dietary prohibitions to relate to the status as holy nation (cf. below on Deut 26:12–19 in § 6 as well).

On the synchronic level, 7:1–6's placement before ch. 14 provides a clear impulse for understanding the dietary prohibitions as prohibitions related to non-Yahwistic (or non-Deuteronomistic) cultic practice: ch. 7 contrasts the ways of the nations in the land with the ways prescribed for Israel.

Furthermore, the content of ch. 13 is often linked with ch. 7 because of their shared focus on rejecting associations with those who might lead one astray from Yhwh – the nations of the land in 7:1–6 and fellow Israelites in ch. 13. As Veijola states for ch. 14:

Zugleich bietet sie [VV. 1–2, 21] den Verstehenshorizont für den Inhalt des Abschnittes, in dem es um bestimmte Trauerbräuche (V.1) und Speisevorschriften (V. 3–21) geht. Die hier gegebenen Regeln sollen eingehalten werden, weil in ihnen das eigentümliche Gottesverhältnis, das Israel von anderen Völkern und deren religiösen Riten unterscheidet, seinen konkreten Ausdruck findet. Um seine Identität zu bewahren, soll sich Israel auch in so alltäglichen Dingen wie Speisen gegen die Völker abgrenzen.<sup>33</sup>

In this way, Deut 14:2, 21 interpret the dietary prohibitions as actions that set Israel apart from other nations, perhaps shifting the accent of their earlier importance. In other words, regardless of the significance that these conceptual practices bore (thus – whether physically implemented or not) prior, or outside of, the context of Deut 7:1–6 + 14:2, 21, they would now signify separation from

<sup>32</sup> Identified as well by Nelson, *Deuteronomy*, 100; Veijola, *Deut 1,1–16,17*, 199.

<sup>33</sup> Veijola, *Deut 1,1–16,17*, 295.

the “nations,” a theme that coincides with the incorporation of the prohibitions into the realm of תועבה in 14:3.<sup>34</sup>

Investigation of the term בחר continues to highlight this connection. The term usually appears in Deuteronomy with the election of a single place for the cultic centralization of worship, showing up in the prefix form.<sup>35</sup> This verb appears with the Israelites as the object in Deut 4:37 (prefix); 7:6 (suffix), 7 (*wayyiqtol*); and 10:15 (*wayyiqtol*).<sup>36</sup> Yhwh also chooses a king in 17:15 and the Levites in 18:5; 21:5.

Yhwh’s choice of Israel primarily results from the divine love for the ancestors. Deuteronomy 4:37 describes Yhwh’s choice of Israel as resulting from divine love for the ancestors, setting the choice within the context of the liberation from Egypt.<sup>37</sup> A similar backdrop appears in 7:7–8, where love of the ancestors rather than Israel’s large numbers led Yhwh to choose the people. There is some question, as I have noted above, of just how closely these verses link up with 7:1–6, where Israel’s election serves as motivation for separation from the peoples inhabiting the land. However, 10:15 itself articulates God’s love of the ancestors as the reason for the election, while the previous (10:12–13) and subsequent contexts (v. 16) include imperatives building on this parenthesis,<sup>38</sup> revealing some similarity to Deut 7:6; 14:2, 21.

Rather than the more widely accepted divine choice of an individual figure throughout the ancient Near East (a king or priest)<sup>39</sup> that also appears in the

<sup>34</sup> In terms of the broader biblical tradition, one might perhaps bring this into connection with the statement in Isa 65:3–5, culminating in v. 5’s “Those saying ... For I am too holy for you,” after providing details on problematic sacrificial feasts even involving foods proclaimed unclean in Lev 11/Deut 14 and Ezek 4:14 (cf. Isa 66:17).

<sup>35</sup> On the recent debate over the text-critical priority of the prefix יבחר (MT) or suffix בחר form associated with the SamP, cf. the balanced position of Udo Rüterswörden, *Deuteronomium*, BKAT V. 3.1 (Neukirchen-Vluyn: Neukirchener Verlag, 2011), 14–15.

<sup>36</sup> See 1 Kgs 3:8; Isa 14:1; 41:8–9; 43:10; 44:1–2; 49:7; Ps 135:4.

<sup>37</sup> This text is likely marginally later than Deut 7:6; 14:2 because of its associations with Gen 1:17–19, close connection between wisdom and Torah, and monotheistic formulations in v. 35, 37.

<sup>38</sup> On the imperative, or rather “subordinate volitional force” of the *weqatal* “circumcise” in v. 16, see Bruce K. Waltke and Michael O’Connor, *An Introduction to Biblical Hebrew Syntax* (Winona Lake, IN: Eisenbrauns, 1990), 532.

<sup>39</sup> Outside of Exod 19:5; Deut 7:6; 14:2; 26:18, the term סגולה only appears in Mal 3:17; Ps 135:4 (Jacob/Israel as God’s chosen possession); Eccl 2:8 (choice treasures of a king); and 1 Chr 29:3 (royal treasure of silver and gold). Within the context of Mal 3:16–18, the term refers to those who revere God, which is also the context in Ps 135:4. The most similar use to the Exodus and Deuteronomy uses appears in Ps 135:4, which also contains the related conception of choosing (בחר). This notion also appears in second millennium BCE Akkadian sources, where, following Moshe Weinfeld, a true believer or chosen ruler can be termed *sikiltum* (“servant, beloved, treasured possession”; cf. CAD S: 244–45). The basic meaning is “possession, acquisition,” which can be treasured when applied to a person in relation to a deity, or also the treasure or beloved *sglt* Ugaritic king of the Hittite ruler (*KTU* 2.39:7, 12); see Moshe Weinfeld, *Deuteronomy*

biblical and even Deuteronomic material, Deut 7:6; 14:2 represent a broadening of this conception to the choice of a nation.

A brief glance can be cast beyond Deuteronomy itself. The closest parallel outside of the book of Deuteronomy appears in Exod 19:5–6:

ועתה אם־שמוע תשמעו בקלי ושמרתם את־בריתי והייתם לי סגלה מכל־העמים כי־לי כל־הארץ ואתם תהיו־  
לי ממלכת כהנים וגוי קדוש אלה הדברים אשר תדבר אל־בני ישראל

And now, if you truly listen to my voice and keep my covenant, then you will be *a treasure* to me from all the nations, for the whole world belongs to me. Then you will be for me a kingdom of priests *and a holy people*. These are the words that you shall speak to the Israelites.

As Jean-Louis Ska notes, these two verses offer similar terminology to the passages in Deuteronomy, but Exod 19:5–6 appears later because it combines Deuteronomic-Deuteronomistic terminology and theology with that of other traditions. This position contrasts with those of Fishbane and others that the conditionality indicates that Exod 19:5 is the earlier text.<sup>40</sup> In this case, the conditional nature expressed by Exod 19:5 (“Now if you truly listen to my voice and keep my covenant ...”) does not easily accord with the statement of fact in Deut 7:6; 14:2, 21: “For you are a holy people to Yhwh your God.”<sup>41</sup>

Blum also points to the similar statement of Isa 62:12: וקראו להם עם־הקדוש גאולי יהוה “And they shall call them, ‘the people of the holy one, the redeemed of Yhwh’” in support of the late date for Exod 19:5.<sup>42</sup> The clause has the augmentation of the definite article, and the words are put into the mouth of (the peoples from) the ends of the earth. Within this context, the nature of these “holy people” that inhabit Zion (v. 11) parallels that of Deut 7:6, etc., except for the fact that it results a development from Israel’s separation from the nations into praise from the nations.

This section has highlighted the close connection between Deut 14:2, 21 with Deut 7:1–6, and how their connection influences the reading of Deut 14:1–21. Specifically, placing the dietary prohibitions within the context of the inclusion of Israel’s distinction as the holy nation of Yhwh renders these prohibitions “Israelite-only” practices that distinguish Israel, as Yhwh’s holy nation, from the surrounding nations. They augment the rejection of foreign cultic practices combined with the same description of Israel’s status in Deut 7.

1–11: *A New Translation with Introduction and Commentary*, AB 5 (New Haven: Yale University Press, 2008), 368.

<sup>40</sup> Fishbane, *Biblical Interpretation*, 122. Also Weinfeld, *Deuteronomy 1–11*, 367.

<sup>41</sup> Jean-Louis Ska, *The Exegesis of the Pentateuch: Exegetical Studies and Basic Questions* (Tübingen: Mohr Siebeck, 2009), 142. Cf. also Blum, *Studien zur Komposition des Pentateuch*, 170.

<sup>42</sup> Blum, *Studien zur Komposition des Pentateuch*, 171.

## 6. The Relationship between Deut 14 and 26:12–15, 16–19

Largely omitted from the previous remarks has been discussion of the various connections between Deut 14, especially vv. 1–3, 21, 22–29, and two sections of Deut 26, vv. 12–15 and vv. 16–19. There are a number of verbal connections between 14:1–2, 21 and these two sections in Deut 26, especially when compared with the remainder of the book of Deuteronomy. Eckart Otto opines, “Dtn 14,2 steht in einer theologischen Höhenlinie der nachexilischen Fortschreibung, die von Dtn 7,6 über Dtn 14,2 bis Dtn 26, 18–19 führt, wird doch Dtn 7,6 in Dtn 26, 18–19 wie in Dtn 14,2 zitiert.”<sup>43</sup> And the connections between Deut 14 and 26 go beyond the formula in 14:2 and 26:18–19 concerning Israel’s status as the holy and treasured nation. There is the obvious connection concerning the third-year tithe in 14:28–29 and 26:12, with additional details in 26:13–14. As a result, a question arises concerning the connection between Deut 14 and these two seemingly self-contained sections of Deut 26.

The combination of food and impurity surfaces in 26:14, as briefly noted above. In addition to Deut 14, notions of food and purity only appear together in 12:15, 22; 15:22; and 26:14. However, the objects of impurity are not uniform. In Deut 12:15, 22 and 15:22, while – like in Deut 14 – the topic focuses on the consumption of meat, the concern outside of ch. 14 centers on which *people* are pure/impure, rather than with the meat coming from a pure/impure animal.<sup>44</sup> In 26:14, following the proclamation of the complete delivery of the tithe in vv. 12–13 to the marginalized as appropriate for the third-year tithe, the type of food remains vague. It includes plant products when read in light of Deut 14:28–29, thus removing any connection to meat consumption. However, the impurity mentioned concerns the *person* uttering the oath at the sanctuary: “I have not set aside from it while [I was] impure” (26:14b), thus returning to the notion of an impure person rather than animal in Deut 14:3–20. The notion of refraining from actions done on behalf of the dead (למית) arises in 14:1 and 26:14, noting acceptable limits within the realm of mourning rites. In both cases the notion of holiness follows the limits on mourning: the holy nation in 14:2 and the holy part of the harvest in 26:13 (and God’s holy habitation in 26:15), though again, they diverge in their objects (a place vs. offering goods).

These verses of 26:13–14 thus introduce practices otherwise unknown in Deuteronomy. Given that they address specific attestations of behavior made at a sanctuary, their focus for the commoners’ practice at the sanctuary emphasizes a different element of the cultic events than usually found in Deuteronomy

<sup>43</sup> Otto, *Deuteronomium 12–34*, 1287–88.

<sup>44</sup> Cf. Altmann, “The Terms שקש *Šeqeš* and טמא *Tame’*,” 99–118 in this volume; Udo Rüterswörden, “Purity Conceptions in Deuteronomy,” in *Purity and the Forming of Religious Traditions in the Ancient Mediterranean World and Ancient Judaism*, ed. Christian Frevel and Christophe Nihan (Leiden: Brill, 2012), 413–28.

(e.g., Deut 12; 16). This shift in emphasis coincides together with the shift of holiness to God's habitation as Yhwh's *מְעוֹן קֹדֶשׁ*, found generally in late texts. Here the divine habitation's connection with blessing draws especially close to 2 Chr 30:27.<sup>45</sup> These observations, along with the appearance of the holy people in 7:6, suggest that 26:12–15 represents a very late supplement to Deut 14:28–29 that also incorporates links to 14:1–2, thus with awareness of the entirety of Deut 14:1–29.

While 26:16–19 diverges in its thematic focus from the previous verses, it also overlaps with Deut 14 in distinguishing Israel from the nations: 26:19: “to set you up high above *all nations*” (*גוֹיִם*), and “for him a treasured people from *all peoples*” (*מִכָּל הָעַמִּים*): the latter appears in both 26:18 and 14:2, while the former instead points forward to 28:1. Therefore, significant overlap appears especially in the terminology, but also in the content of 14:1–2, 21 with 26: 18–19.

Several factors may suggest that 26:16–19 also come late in terms of composition as a part of summarizing additions to the Deuteronomistic Collection, thus supporting their compositional reception of Deut 7:6 and 14:2. First, vv. 16–17 reach all the way back to Deut 6:6, commanding the Israelites “today ... to do these ordinances and stipulations, being careful to do them with all your heart and with all your person” (26:16) / “These words that I am commanding you today upon your heart” (6:6, cf. v. 5). The passage also points forward to 28:1, which is the only other place that Deuteronomy places Israel *above* (*עֲלִיּוֹן*) other nations (26:19). Furthermore, both sections mention listening to/obeying the divine voice (*שָׁמַע בְּקוֹל*: 26:17; 28:1). While these connections do not indicate lateness per se, they do suggest a significant arc for the book. It is, rather, the language of the treasured people in v. 18, discussed in the previous section, that calls upon a conception absent from early layers of Deuteronomy. Third, the covenantal performative speech in v. 17 presupposes a content of laws, perhaps presupposing texts like 11:32–12:1 that offer a number of synonyms for statutes or commandments (e.g., 5:31; 6:17; 8:11).<sup>46</sup>

Therefore, the connections between Deut 14:2, 21–29 and with texts from the frame of Deuteronomy with elements from Deut 26:12–15, 16–19 add yet more evidence for the late compositional location of 14:1–21 within the book of Deuteronomy that differs from the loci of holiness in earlier material, even though 26:12–15 appears to post-date 14:1–21.

<sup>45</sup> It also appears in Jer 25:30; Ps 68:6 [ET:5]; and Zech 2:17. Thanks to Christophe Nihan (personal communication) for suggesting this direction, which also appears in Otto, *Deuteronomium 12–34*, 1890.

<sup>46</sup> A number of cross-references within Deut 6–11 are listed by Nelson, *Deuteronomy*, 311.

## 7. The Stipulations of Deut 14:21 in the Context of Deut 14

Deuteronomy 14:21 (LXX 14:20) contains several different and at first glance perhaps even unrelated thoughts: what to do with *גבלה*, the motivational clause “For you are a people holy to God” discussed above, and the prohibition on boiling a kid in/at its mother’s milk. While the motivational clause fits well as part of a later layer of Deuteronomy, linking up with 7:6 and 26:19, while providing the second part of an *inclusio* with 14:2, the situation with regard to the other two stipulations proves more difficult. Locating similar reflections or language within Deuteronomy yields no help, yet these two ordinances manifest similar concerns with the Covenant Code: Exod 22:30 [LXX/ET 31]; 23:19; the late passage of Exod 34:26; the P passage of Lev 7:24–26 and the contested P/H passage of Lev 11:39–40;<sup>47</sup> the Holiness Laws in 17:15; 22:8; and Ezek 4:14; 44:31.

In terms of diachronic development, Fishbane provides an opening hypothesis that the subsequent discussion tests. He argues that Deut 14:21 combines:

... two entirely distinct rules dealing with food: one, Exod. 22:30, which is an isolated rule which adjures Israelites to refrain from eating ripped carcasses; and a second, Exod. 23:19, which concludes a series of cultic prescriptions – related to the pilgrimage festivals – with a prohibition against boiling a kid in its mother’s milk in conjunction with the feast of ingathering, the feast of Booths.<sup>48</sup>

That is, Fishbane sees Deuteronomy as innovative in its combination of these two concerns, though picking up on the placement of Exod 22:30 immediately after several cultic concerns which may change the interpretation away from Fishbane’s conclusion. Accordingly, this section serves to reconsider Fishbane’s diachronic proposal in light of the widespread treatment of these issues in the biblical texts. It investigates the meanings of these two prohibitions (1) through the method of innerbiblical interpretation, attempting to place the stipulations in their diachronic biblical context, and (2) within the immediate synchronic context of Deut 14.

### 7.1. Dealing with the *גבלה*

There are considerations on the appropriateness and consequences of eating meat from animals not slaughtered by humans that are located in most collections of legal material in the Hebrew Bible.<sup>49</sup>

First is the Covenant Code in Exod 22:30 [ET 31]:<sup>50</sup>

<sup>47</sup> Nihan sees it as an “interpolation”: Nihan, “Laws about Clean and Unclean Animals,” 412 n. 18. Milgrom calls it a “supplement” in Milgrom, *Leviticus 1–16*, 693–95.

<sup>48</sup> Fishbane, *Biblical Interpretation*, 229.

<sup>49</sup> Except Exod 34.

<sup>50</sup> While mentioning that CC is typically viewed as the earliest law collection, Sparks instead views this text as a rejection of the permission to eat *טריפה* in Lev 17:15. There are several

ואנשי־קדש תהיון לי  
 ובשר בשדה טרפה לא תאכלו  
 לכלב תשלכון אתו:

Now you will be men of holiness (belonging) to me,  
 so torn flesh in the field you shall not eat;  
 you shall throw it to the dog.

The context (vv. 28–29) addresses cultic contributions: an exhortation to bring a vegetal offering (v. 28) and firstborn children and animals (after seven days) to the sanctuary. Of note here is that the passage does not mention נבלה, but rather the related word טרפה – a rare term only appearing eight times, and never in Deuteronomy. The term טרפה is one of several nominal derivatives from טרף,<sup>51</sup> whose verbal form concerns tearing or rending (cf. e.g., Gen 37:33; Exod 22:12 [ET: 13]).<sup>52</sup>

The two terms נבלה and טרפה appear together in most of the other texts that deal with this theme: Lev 7:24; 17:15; 22:8; Ezek 4:14; and 44:3. All these texts view its consumption negatively to one degree or another. The lack of this word pair points to the tradition-historical difference of the prohibition of Exod 22:30, and likely also its antiquity compared to the others.

A second peculiarity in Exod 22:30 is that it specifically concerns only the “men,” keeping with the more masculine emphasis of the CC compared to Deuteronomy.<sup>53</sup> This formulation contrasts with both Deut 14:21, which addresses the holy “people,” and with Lev 17:15, which broadens the stipulation even further to address the “native born and non-Israelite”<sup>54</sup> (notably, Lev 22:8 and Ezek 44:31 only concern priests).

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problems with his explanation. First, the language of Exod 22:30 is quite different – other than the repetition of the term טרפה, they have little in common: there is no language of clean/unclean in Exod 22:30: Kent Sparks, “A Comparative Study of the Biblical נבלה Laws,” *ZAW* 110 (1998): 596, 598. Furthermore, in my mind, it would be quite surprising for Exod 22:30 to have been familiar with Deut 14:21 and not mention anything about the נר. For a similar view that Exod 22:30 has considerably more in common with Deut 14:21 than Lev 17:15, see Eckart Otto, *Wandel der Rechtsbegründungen in der Gesellschaftsgeschichte des antiken Israel: Eine Rechtsgeschichte des “Bundesbuches” Ex XX 22–XXIII 13*, *StudBib* 3 (Leiden: Brill, 1988), 6. Contra Otto, however, I consider the direction of dependence to run from Exod 22:30 to Deut 14:21.

<sup>51</sup> *HALOT*, 308 lists a homonym related to Arabic *ṭarufa* “to be fresh” that appears in the term טרף in Ezek 17:9, but *BDB*, 383, lists them under the same root, which seems more plausible.

<sup>52</sup> It appears in Ahiqar 97, but its form is uncertain. Cf. *DNWSI*, 430 for interpretations.

<sup>53</sup> Cf. Exod 23:17, which fits the context, while Deut 16:16 does not fit with the inclusiveness of Deut 16:9–15.

<sup>54</sup> My rendering of this term is thanks to the recent dissertation by Mark R. Glanville, “Family for the Displaced: A New Paradigm for the *Gēr* in Deuteronomy” (Ph.D. Diss., Trinity College, University of Bristol, 2016), 22. Glanville astutely notes the development in the term from the CC and Deuteronomy to the Holiness Collection (e.g., 17:15): in the former it concerns dependent strangers, in the latter non-Israelites.



A third peculiarity in this verse is its aforementioned concern with the “holiness” of the men. The root קדש does not appear elsewhere in the CC, which may awaken doubt about it belonging to early layers of the CC, rather than some type of a priestly/Priestly redaction. However, the phrase אנשי־קדש is itself quite unique. Its conception could be related to regulations on priests (cf. Lev 21–22, esp. 22:8), but the singularity of the language instead points to a separate and likely earlier point in the tradition history.

Finally, the Exod 22:30 text commands the audience to “throw the carcass to the dog.” Elsewhere in the Bible dogs consume Jezebel’s corpse and lick up Ahab’s blood in fulfillment of a judgment prophecy against them (1 Kgs 21:19–24; 22:38; 2 Kgs 9:36). This depiction falls in line with the generally shameful end of dogs consuming one’s corpse instead of it receiving proper burial (1 Kgs 14:11; 16:4; Jer 15:3).<sup>55</sup> Therefore, the connotations are decidedly negative. However, this need not imply that purity matters were in view along the lines of dogs’ scavenging nature and their resulting attachment of impurity in Lev 11:27.<sup>56</sup> Instead, the expression indicates that the טרפה should simply remain *outside* human habitations – such as in the field where they were found according to the verse – where dogs and other scavengers would dispose of them.

Now, following Fishbane’s proposal, I consider Deut 14:21a in detail before entertaining further comparisons:

לא תאכלו כל־נבלה  
לגר אשר־בשעריך תתנה  
ואכלה או מכר לנכרי

You shall not eat any carcass.

To the dependent stranger that is in your gates you may give it,  
and he may eat it, or sell it to the foreigner.

There are several important discrepancies between Exod 22:30 and Deut 14:21. First, the terminology is quite different – rather than טרפה, the prohibition concerns נבלה. Sparks argues that the נבלה need not mean a carcass *that has died of itself*, but rather simply a corpse. He contends that the absence of טרפה in Deuteronomy means that נבלה *in this context* simply means corpse. In this case, if Deuteronomy is the receiving text, then נבלה in Deut 14:21 would include the stipulation of Exod 22:30 and in fact broaden it, presumably by having both an animal killed by a predator and an animal that died of other (natural) causes. Does the evidence support this?

<sup>55</sup> The negative view of dogs is on display in the deprecations of 1 Sam 17:43; 2 Sam 3:8, and in the Amarna Letters, e. g., EA 75 and 79.

<sup>56</sup> Contra Sparks, “Comparative Study,” 598. He states, “This is precisely why BC views such a carcass as suitable only for ‘dogs’: it has been made unclean by carnivores and so should be given to species of the same class.” Dogs are understood more as scavengers in the Hebrew Bible than predators, and this is likely the meaning of this verse.

In the LXX טרפה is rendered ἀρπαγή (“seizure, robbery, booty”) in Nah 2:13 (ET:12), a term that typically renders גזל “tear off,” while טרפה is usually rendered θηριάλωτος, a neologism derived from θηρεύω “hunt, chase, catch” (Gen 31:39; Exod 22:30 [ET:31]; Lev 7:14 [MT 24]; 17:15; 22:8; Ezek 4:14; 44:31).<sup>57</sup> The more common נבלה, on the other hand, is translated by a number of terms, most commonly with θνησιμαῖον “carcass of an animal, dead body, carcass of person,” several times as νεκρός “dead, corpse,” and once as σῶμα “body.”<sup>58</sup> The Greek evidence thus supports Sparks’ contention. The terms do not overlap, and the terms rendering נבלה have a broader range of meaning that could include an animal corpse killed by a predator. Three lexical categories appear for נבלה II in Hebrew: a human corpse, an animal corpse, and the corpse of idols (only Jer 16:18).<sup>59</sup>

Within the second category, which is the relevant one here, נבלה appears *without* טרפה in Deut 14 and Lev 5:2; 11. In 5:2 the category specified is the unclean type of the animal to which the carcass belongs, an emphasis mirrored in 11:8, 11, 24, 25, 28, 35–38; Deut 14:8 (in all of the attestations in Lev 5 and 11 it concerns *touching* the carcass), *except* for 11:39–40. In these verses there is even the possibility that one might eat the carcass (cf. Lev 17:15; this is also the concern in Ezek 4:14, where it is listed along with טרפה and פגול). As a result, leaving out Lev 11:39–40, often viewed as a late addition to that chapter, all appearances of the term נבלה without טרפה relate to carcasses of unclean animals except Deut 14:21. Yet Deut 14:21 does not make this same stipulation, which would seem to be necessary on the basis of the other attestations, so it concerns the carcass of a *clean* animal as well.<sup>60</sup>

Sparks draws on established commentary tradition (“It has long been recognized ...”) to connect 14:21 with Deut 12:15–28’s blood taboo; as a result, he concludes carcass consumption is prohibited because one might consume blood.<sup>61</sup> This reasoning again draws in concerns from well beyond the close context, though this may be the best interpretive option in this situation. The more immediate justification lies in Deut 14:21b, which addresses the Israelites’ status as a holy nation. As such, the verse displays similarity to and likely represents an update of the motivation given in Exod 22:30, revamped in light of Deut 14’s theological interest of depicting holiness as something inherent to the people of Israel.

<sup>57</sup> In LXX Exod 22:13 (MT 12) it is θήρα.

<sup>58</sup> Rendered θνησιμαῖον in Lev 5:2; 7:14; repeatedly in ch. 11; 17:15; 22:8; Deut 14:8; 21; 3 Kgdms 13:25; 4 Kgdms 9:37; Ps 78 (79):2; Isa 5:25; Jer 16:18; 41 (34):20; 43 (36):30; Ezek 4:14; 44:31; νεκριμαῖος in 3 Kgdms 13:30; νεκρός in Deut 28:26; Jer 7:33; 9:22 (21); 19:7; σῶμα in Deut 21:23; Josh 9:29; often in 3 Kgdms 13.

<sup>59</sup> Cf. HALOT 664; Ges<sup>18</sup>, 775; BDB, 615, however, makes the third category a subset of the first.

<sup>60</sup> Also the view taken by Jack R. Lundbom, *Deuteronomy: A Commentary* (Grand Rapids, MI: Eerdmans, 2013), 476.

<sup>61</sup> Sparks, “Comparative Study,” 595–96.

Second, rather than “casting it to the dog,” in Deuteronomy one can give the carcass to the dependent resident stranger (גר) or sell it to the foreigner (נכרי). While the clause changes from the 2nd m. pl. address in the first clause “You shall not eat” to 2nd m. sing. “but you may give it to the dependent stranger ...,” this need not imply a different layer of composition: It is instead a stylistic move intended to emphasize the individual choice in the matter (cf. 14:25) and the need for individual, small-scale responsibility.<sup>62</sup>

Given the limited consumption of meat in ancient society in general, this is quite significant. The contrast of the three groups fits well with Deuteronomic conceptions of the boundaries of the Israelites, which are transgressed by the dependent stranger (cf. 14:28–29; 16:11, 14), whatever his heritage, while the foreigner remains outside. In 15:3; 23:20 one can exact interest from a foreigner, but not from a brother. In 17:15 one is forbidden from placing a foreign man on the Israelite throne (though this text need not be part of the earliest version of Deuteronomy).

While the CC also encourages special care for the dependent stranger, this notion does not include making a gift of an animal carcass for consumption. Therefore, Deuteronomy conceptualizes a considerable prize for the dependent stranger.

The likelihood that Exod 22:30 provides the diachronic precedent for Deut 14:21a–b receives more support by the differences between these two passages and those part of, or influenced by, Priestly streams of tradition.<sup>63</sup> This becomes apparent through a comparison with the Priestly text of Lev 7:24–26, which may be an H addition:<sup>64</sup>

וחלב נבלה וחלב טרפה יעשה לכל-מלאכה  
ואכל לא תאכלהו:  
כי כל-אכל חלב מן-הבהמה אשר יקריב ממנה אשה ליהוה  
ונכרתה הנפש האכלת מעמיה:  
וכל-דם לא תאכלו בכל מושבתיכם לעוף ולבהמה:

But fat of a carcass and fat of a torn animal one shall use for anything,  
but you shall surely not eat it.

For everyone eating the fat from the beast that one brings from them [as] an offering to Yhwh,

then the person eating will be cut off from its people.

And all blood you shall not eat in all of your dwellings of a bird and of a beast.

<sup>62</sup> Cf. Glanville, “Family for the Displaced,” 134–35.

<sup>63</sup> I also include Ezek 4:14 and 44:31 in this tradition without suggesting any necessary directions of dependence. I do not discuss these texts here because they specifically concern priestly consumption, and they do not add further to the points demonstrated with the other texts from Leviticus.

<sup>64</sup> E.g., Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Winona Lake, IN: Eisenbrauns, 2007), 49–51; Nihan, *From Priestly Torah to Pentateuch*, 262.

This passage, which continues the thought of 7:22–23, picks up both on the treatment of the offering of well-being in 3:16 and also in 7:11–21.<sup>65</sup> The former declares that all fat belongs to Yhwh; the latter concerns limits on the consumption of the animals from which one could feast as an offering of well-being. Therefore, this text brings together the concerns to fill in this legal gray area. The text also uses the word pair נבלה and טרפה, which become closely affiliated and limit the meaning of נבלה from its breadth in Deut 14:21.

The concern about meat from animals that die on their own or fall victim to predators shows up twice in the Holiness Collection proper. The first is in 17:15:

וכל-נפש אשר תאכל נבלה וטרפה באזרה ובגר  
וכבס בגדיו ורחץ במים  
וטמא עדי-הערב וטהר

Now every person that eats carcass or torn [flesh] among native or non-Israelite, then he shall launder his garment and wash with water, and he will be unclean until evening, then he becomes clean,

Key to the meaning here is that the prohibition in 17:15–16 follows, as “more a kind of appendix to the two previous laws in v. 10–14 ...”<sup>66</sup> This status brings it quite close in motivation to Lev 7:24–26. Both relate the reason for the prohibition on eating a carcass or animal torn (killed) by wild animals to the prohibition on human blood consumption in order to avoid consuming the “life” (נפש) of the creature. As often noted, the prohibition on both the native and non-Israelite in 17:15 recalls the Noahic prohibition in Gen 9:4–5.<sup>67</sup> However, Lev 17:15 goes beyond Gen 9 by equating all non-sanctuary consumption of meat with homicide (דם שפך in 17:3–5). In other words, separating meat consumption from centralized Yahwistic worship becomes extremely problematic, which is clearly different than Deuteronomy’s point of view.

Finally, there is one mention in Lev 11:39–40, generally viewed as an H insertion or a late interpolation:

וכי ימות מן-הבהמה אשר-היא לכם לאכלה  
הנגע בנבלתה יטמא עדי-הערב  
והאכל מנבלתה יכבס בגדיו וטמא עדי-הערב  
והנשא את-נבלתה יכבס בגדיו וטמא עדי-הערב

And when any beast that is food for you dies, one touching its carcass becomes unclean until evening. And one eating from its carcass shall launder his garments, and he is unclean until evening; and one lifting the carcass shall launder his clothes, and he is unclean until evening.

<sup>65</sup> Nihan, *From Priestly Torah to Pentateuch*, 258. This does not mean that vv. 22–27 could not have been an insertion, as Nihan (*ibid.*, 259) also notes.

<sup>66</sup> *Ibid.*, 406.

<sup>67</sup> Rendtorff, *Leviticus*, 168. Rendtorff also remarks (*ibid.*) that Lev 17 has a cultic setting in view, which does not appear in Gen 9 (nor in Deut 12:23–24).

This text clearly contradicts Exod 22:30 and Deut 14:21 while agreeing with Lev 17:15. The differences are as follows: First, the Holiness texts make provision for the case when an Israelite (or *ger* in 17:15) might eat a carcass from a clean animal. Exodus and Deuteronomy do not provide any way for the person to deal with the problems associated with this action, which contradicts their *holy* status. As has often been noted, in this way Deut 14:21 and Exod 22:30 instead conceive of their addressees – Israelite males in the first and all Israel in the latter – in a manner similar to the Holiness Collection’s view of the priests in Lev 22:8:

נבלה וטרפה לא יאכל  
לטמאה-בה  
אני יהוה:

Carcass and torn flesh [a priest] shall not eat,  
for impurity [is] in it.  
I am Yhwh

The prohibition is non-negotiable.

Second, the dependent stranger in particular is treated differently. Neither Exod 22:30 nor Lev 11:39–40 mention them. Deuteronomy 14:21 permits their eating without purification requirements in opposition to the regulation for the Israelites, and Lev 17:15 concedes permission for consumption by both the Israelite and dependent stranger, but they must purify themselves. As a result, the above observations indicate that the texts of Exod 22:30 and Deut 14:21 come from a different tradition as yet unconnected to the P/H texts of Leviticus.

Returning now to Deut 14:21 within the context of Deuteronomy – and given the comparisons with other biblical texts – the *fact* of Israelite holiness articulated in 14:21b appears to provide the reason for the exclusion of carcass consumption. One may only surmise that, as noted by Sparks above in accordance with earlier scholarship, the importance of Deut 12:23 emerges. Like Gen 9:4 (cf. Lev 17:11), the prohibition on eating blood may undergird the rejection of the consumption of a carcass for Deut 14:21. However, the uniqueness of the language in Exod 22:30 accompanied by certain similarities with Deut 14:21a – along with the difference in language between Deut 14:21a and the Holiness texts – confirms Fishbane’s hypothesis, at least for 14:21a, that it takes up the stipulation from the CC (Exod 22:30). Whether this might also be the case for Deut 14:21c will be addressed in the next section.

## 7.2. Boiling a Kid in/by Its Mother’s Milk

For the final stipulation of Deut 14:21, as D. Andrew Teeter skillfully demonstrates, interpretations on this thrice-appearing prohibition have differed

considerably since the ancient translations.<sup>68</sup> The repetition of this same obscure proscription in three different locations – Exod 23:19; 34:23; and Deut 14:21 – provides several challenges for interpretation. One is that the discussion often assumes that the action forbidden must necessarily have the same conceptual or symbolic meaning in all three of the different contexts.<sup>69</sup> However, there is no *a priori* reason for concluding that the motivational basis or even meaning for the prohibition needs to remain the same across the different contexts.<sup>70</sup> Nor is there an *a priori* reason for excluding the possibility that they could overlap considerably in meaning. As a result, each text requires investigation within its own (synchronic and diachronic) context.

It is of course valid to reconstruct the “original” meaning of this prohibition and argue that the meaning remains consistent through the texts. This approach characterizes the position taken by Stefan Schorch, who argues that the prohibition means “Do not boil a kid when *by* its mother’s milk.”<sup>71</sup> The same methodological approach appears in relating the prohibition to the blood taboo, as suggested in different ways by C.J. Labuschagne and Alan Cooper.<sup>72</sup> However, regardless of which of these readings might prove most compelling for an “original” Israelite practice or early written form of the prohibition, one need not assume that the original justification for the prohibition remains constant as the singular motivation for the (prescribed) avoidance of this alimentary practice throughout the texts.

In diachronic terms, recent scholarship largely views the CC that includes Exod 23:19 as the earliest law collection of the three, though this particular verse

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<sup>68</sup> D. Andrew Teeter, “‘You Shall Not Seethe a Kid in Its Mother’s Milk’: The Text and the Law in Light of Early Witnesses,” *Textus* 24 (2009): 37–63.

<sup>69</sup> As again Teeter observes, *Pesikta de-Rav Kahana* 10:9 and later Rashi (on Deut 14:21) argue that the three mentions lead to three different applications: cf. Teeter, “You Shall Not Seethe,” 58. The logic is naturally different based on the rabbinic assumption that every word of Holy Writ must have meaning and say something unique.

<sup>70</sup> Cf. “‘Thinking’ and ‘Performing’ Dietary Prohibitions: One Meaning or Many?” in this volume.

<sup>71</sup> Schorch, “‘Young Goat in Its Mother’s Milk?’”

<sup>72</sup> Casper J. Labuschagne, “‘You Shall Not Boil a Kid in Its Mother’s Milk’: A New Proposal for the Origin of the Prohibition,” in *The Scriptures and the Scrolls: Studies in Honour of A. S. van Der Woude on the Occasion of His 65th Birthday*, ed. Florentino García Martínez, A. Hilhorst, and Casper J. Labuschagne, VTSup 49 (Leiden: Brill, 1992), 6–17; similar is Alan Cooper, “Once Again Seething a Kid in Its Mother’s Milk,” *Jewish Studies* 10 (2012): 109–43. There are, of course, a number of other possibilities, but I see the above three as the most probable. For a history of scholarship, see Othmar Keel, *Das Böcklein in der Milch seiner Mutter und Verwandtes: Im Lichte eines altorientalischen Bildmotivs*, OBO 33 (Fribourg; Göttingen: Universitätsverlag; Vandenhoeck & Ruprecht, 1980). Note the detailed and balanced treatment of the once favored Ugaritic parallel that could suggest rejection of a “Canaanite” ritual in Robert Ratner and Bruce Zuckerman, “‘A Kid in Milk’?: New Photographs of ‘KTU’ 1.23, Line 14\*,” *HUCA* 57 (1986): 15–60. They (ibid., 52) conclude that one cannot rule out that possibility, but “we can be certain that the burden of analogy required to ‘prove’ this connection is too great for us to utilize the Ugaritic ‘kid in milk’ as an interpretive tool in higher critical endeavors.”

is often omitted from the core text.<sup>73</sup> The Deuteronomic laws are generally seen as second, and Exod 34 consists of revisions of Exod 23, while also containing Deuteronomistic and Priestly lemmas.<sup>74</sup> As apparent from the paragraph formatting in many modern Bible translations, however, this prohibition seems to exist somewhat separate from its contexts in the minds of many interpreters and translators.

In order to analyze the various appearances of this prohibitions, I begin with the two verses from Exodus given their similarity:

Exod 23:19: ראשית בכורי אדמתך תביא בית יהוה אלהיך לא־תבשל גדי בחלב אמו

Exod 34:26: ראשית בכורי אדמתך תביא בית יהוה אלהיך לא־תבשל גדי בחלב אמו

The best of the first fruits of your ground you shall bring [to] the house of Yhwh your God. Do not boil a kid in/by its mother's milk.

The two verses are exactly the same in content, which suggests literary dependence in one way or another.<sup>75</sup> Furthermore, in both chapters this prohibition appears after stipulations on offerings. In Exod 23:18 it relates to "... the blood of my זבחי upon leaven" and "... the fat of *my* festival (חלב חגי)." In 34:25 it is again connected to "... the blood of my זבחי upon leaven" but also to "... the sacrifice of the Feast of *Passover*" (זבח חג הפסח). Because Exod 34 often provides summaries of the laws in Exod 20–23, and on the basis of the appearance of "the Feast of *Passover*" in 34:25, the general context and specific evidence suggests that 34:25 is later. Its rationale is the specification regarding *which* festival was meant by "my festival" in 23:18. In both cases, the context continues in a different direction, so the preceding verses determine the contextual setting.

The very similar contexts point toward understanding the meaning of the prohibition in the same manner in both texts. In both, the context suggests a concern for sacred consumption: "the house of Yhwh, your God" appears immediately prior, indicating consumption at that location.

The preceding clause in both cases concerns bringing the first fruits of your *ground* to the sanctuary, and some ancient and modern interpreters take this stipulation as an indicator that the prohibition on boiling a kid is in fact

<sup>73</sup> Cf. Eckart Otto, *Rechtsgeschichte der Redaktionen im Kodex Ešnunna und im "Bundesbuch": Eine redaktionsgeschichtliche und rechtsvergleichende Studie zu altbabylonischen und altisraelitischen Rechtsüberlieferungen*, OBO 85 (Fribourg: Academic Press Fribourg, 1989); Shimon Gesundheit, *Three Times a Year*.

<sup>74</sup> On the revision of Exod 23:14–19 in Exod 34:18–26 (but without mention of this clause!), see Gesundheit, *Three Times a Year*, 36–43. The clause in Exod 23:19b is considered a postexilic addition by Otto, *Deuteronomium 12–34*, 1310 (though there is a mistake in the verse number). Deut 14:21 is seen (without explanation) as later than both texts in Exodus by Veijola, *Deut 1,1–16,17*, 301.

<sup>75</sup> Dependence on a third text would also be possible, but that option requires the presupposition of a third unknown text, which I view as the most speculative and therefore methodologically least tenable choice given their *exact* replication.

metaphorical, related (in one of a number of ways) to protecting the grain harvest. For Rashi, for example, the relationship between the two clauses is causal: one must remember to deliver the first fruits of grain, otherwise God will destroy the harvest (the kids).<sup>76</sup> This connection rests on the attempt to relate the two parts of the verse to one another, given that בכורי אדמה only refers to vegetable goods rather than animal products in the HB.

The phrase “first fruits of [our] ground” also appears in the late text of Neh 10:35. Quite similar is Num 18:13: בכורי כל־אשר בארצם “first fruits of all that is in their land,” though this reference might be viewed as more inclusive, given that this discussion of the priestly portion in the previous verses (vv. 8–12) includes portions of sacrificial meat offerings. However, Num 18:15–18 specifically mentions the firstborn of animals, thereby suggesting that v. 13’s use of בכורי does not include them.<sup>77</sup> The term בכור also appears in vv. 15–17, but in the singular form referring to an animal. Thus, given the apparently discordant referents of the prohibitions in the Exodus contexts, the attempt to understand the meaning without extending the context to include the earlier verses limits the interpretive possibilities. Rashi’s metaphorical meaning could make sense in Exod 23; 34.

In Deut 14:21, however, while the context remains similar, several key changes occur. The similarities consist, first, of a continued focus on meat consumption in the prior verses and in the first clause of v. 21. Second, there is also a link with the vegetable offerings; however, in this case they appear *after* the prohibitions on boiling a kid – as tithes of “your seed” in v. 22:

לא תאכלו כל־נבלה  
 לגר אשר־בשעריך תתננה  
 ואכלה או מכר לנכרי  
 כי עם קדוש אתה ליהוה אלהיך  
 לא־תבשל גדי בחלב אמו  
 עֲשֹׂר תַעֲשֶׂר אֶת כָּל־תְּבוּאֹת זֶרַע הַיֵּצֵא הַשָּׂדֶה שָׁנָה שָׁנָה (22)

You shall not eat any carcass;  
 to the dependent stranger that is *in your gates* you may give it  
 so he may eat it or sell [it] to the foreigner,  
 for you are a holy people for Yhwh your God.  
 Do not boil a kid in/by the milk of its mother.  
 (22) You shall surely tithe all the yield of your seed that the field brings forth, year by year.

In this situation, with the tithe that directly concerns plant products in this case (it can also include animal products, at least in the later text of Lev 27:30–33) following the kid-boiling prohibition, there is more of a break in the syntax and

<sup>76</sup> Also noted by Teeter, “You Shall Not Seethe,” 58–59.

<sup>77</sup> In fact, the plural construct form appears almost exclusively to designate plant products in the HB, except for the “first born of the poor” in Isa 14:30 – MT vocalizes them differently: the animal/human firstborn are *bākô/ôr*, while the plant first fruits are (always plural) *bikkûrîm*.



context between the stipulations on animals and on the plant products than in the Exodus texts. The infinitive absolute plus *yiqtol* “You shall surely tithe” opening v. 22 provides a break between the two. Furthermore, the locations differ: v. 21 mentions “your gates.” Coming after the non-sanctuary distinctions in vv. 3–20, the kid-boiling prohibition takes on implications for the whole land of Israel (unlike in its contexts in Exodus!). In contrast, the tithe of v. 22 moves the focus to the central sanctuary that appears definitively in vv. 23–27.<sup>78</sup>

As a result, the context of the carcass stipulation in v. 21 departs significantly from the those in Exod 23:19/34:26 in its emphasis on correct consumption of animals, especially when taking vv. 4–20 into consideration, which add further weight to this theme. The juxtaposition of Deut 14:21 with Exod 23:19/34:26 reveals that the attempt to understand the kid-boiling provision metaphorically as related to the grain harvest arises directly from the contexts in Exodus. This interpretive meaning for the decree does not fit with the context of Deut 14:21. In this case one expects a stipulation concerning meat consumption.

If one can reasonably make the assumption that Deut 14:21 is already familiar from Exod 23:19, *then*, given Deuteronomy’s proclivity to update the material from the CC,<sup>79</sup> the audience may expect some kind of connection with first fruits. This presents a problem for Deuteronomy: given the implied distance to the central sanctuary as the law collection does not include a provision for בכורים “first fruits.”<sup>80</sup> I speculate that in its attempt to update the CC, Deuteronomy instead includes the tithe, which does not make an appearance in the CC.

However, one further distinction in the meaning of the kid-boiling prohibition in Deut 14:21 takes place from its appearances in the book of Exodus concerning the setting of the prohibition. As mentioned already, in Exod 23 and 34, the context is sanctuary worship, while in Deut 14 the spatial arena for the ban on consumption expands.<sup>81</sup> Thus, the precondition for the cooking method appears in 14:1–2, 21b: “You are children for Yhwh your God, ... For you are a holy people for Yhwh your God, and Yhwh chose you to be treasured nation for him from all the nations that are upon the face of the earth” (vv. 1–2, cf. v. 21b). The holiness associated with the sanctuary in Exod 23:19a (also in 34:26a) that then marks the location for the avoidance of boiling the kid in 23:19b expands to include the whole lives of the holy people of Israel in Deut 14:21.<sup>82</sup> The cultic manner of the prohibition expands from the cultic *place* to the cultic *people*. In this way,

<sup>78</sup> For my view on the compositional history of 14:22–29, which sees vv. 22–23a, which includes the centralization formula, as part of the earliest layer of the Deuteronomistic Laws, see Altmann, *Festive Meals*, 217–20.

<sup>79</sup> The best treatment of this topic appears in Bernard M. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (New York: Oxford University Press, 1997).

<sup>80</sup> There is the “best” (ראשית) of the grain, wine, and oil in 18:3; cf. 26:2, 10.

<sup>81</sup> Cf. Thomas Hieke, *Leviticus*, HTKAT (Freiburg im Breisgau: Herder, 2014), 417.

<sup>82</sup> Cf. also Fishbane, *Biblical Interpretation*, 229.

the stipulations of 14:21a, c fit well within the context of vv. 1–20. They also serve as a bridge to v. 22 for the audience familiar with the context in Exod 23:19 that expects a stipulation on vegetable offerings, which will be addressed in the next section.

### 8. Eating in Deut 14:1–21 in the Context of Deuteronomy 13 and 14:22–27

Having investigated the various framing clauses in Deut 14:1–2, 3, and 21, this final section summarizes the previous discussion in order to consider the placement of the section within the larger preceding and following context.

The centralization ordinances in, e.g., Deut 12:13–19, are often seen as the core of the earliest version of Deuteronomy,<sup>83</sup> a layer that ostensibly includes texts such as the tithe in 14:22–27(28–29?) and the pilgrimage festivals in 16:1–15\*, among other texts. All of these texts share the concerns of eating and centralization. The establishment of the relative antiquity of 14:22–27(28–29?) therefore leads to the question of the nature of the insertion of 14:1–21 before it. Furthermore, the focus on the centralization of sanctuary meat consumption in ch. 12 raises questions about any purity standards that might accompany non-sanctuary eating of meat (cf. Exod 22:30): Can one eat meat when mourning? Which animals are permitted? Can one eat animals that are not slaughtered and die by other means?

The previous section has begun to show how the 14:21 stipulations appear in contexts related quite closely to sanctuary consumption in their Exodus counterparts. Thus, especially with regard to Exod 22:30/23:19, Deut 14:21 picks up on the preexistent *Vorlage* of these verses in the CC – confirming the position articulated by Fishbane – and combines them in order to make a transition from consumption “in the gates” back to the central sanctuary in Deut 14:22–27. Accordingly, Deut 14:1–21 is inserted before the tithe laws, and it attempts to provide a transition that would be understood by those familiar with the CC by means of the seemingly idiosyncratic kid-boiling prohibition through its connection in the CC with first fruits. Deuteronomy would then have replaced the CC tradition with the Deuteronomic tithe. When these dietary prohibitions were appended, the inclusio of the people holy for Yhwh and the kid-boiling prohibition, with its previously-known context of the first fruits in Exod 23:19, would provide a logical transitional piece. They are inverted so that the kid-boiling prohibitions comes first, allowing for the move from the animal stipulations preceding it in vv. 3–21a to those focusing on plant products found in the tithe of 14:22. This

<sup>83</sup> A detailed discussion of my views on the earliest layer of Deut 12 appears in Altmann, *Festive Meals*, 107–27.

analysis provides a plausible explanation of the compositional and resulting logical-synchronic relationship between Deut 14:1–21 and vv. 22–27.

The connection with Deut 13 is more difficult to establish in diachronic terms. An indirect connection for 14:1–21 arises given similarities between Deut 13:13–18 and Deut 7, especially vv. 2–4:

- חרם language in 7:2, 26/13:15, 16
- עבד אלהים אחרים in 7:4/13:14
- חרה אף יהוה / יהוה מחרון אפו in 7:4/13:18
- תועבה in 14:3/13:15

The thematic similarity with Deut 7, as noted by Levinson, is that the apostate Israelite city in 13:13–19 that rebels against Yhwh as God (and king) should be treated just as the Israelites were to treat the Canaanite when taking possession of the land. Such cities should be completely destroyed and committed to the ban. Deuteronomy thereby makes adherence to Yhwh *the* defining characteristic of an Israelite.<sup>84</sup>

If one follows Levinson and Stackert in seeing Deut 13 as an important part of preexilic Deuteronomy,<sup>85</sup> then that identifies the *terminus ad quem* for Deut 7 and therefore also for Deut 14:1–21. However, the attribution of Deut 13:1–12 to this preexilic layer is more sustainable on the basis of close connections between, e.g., VTE § 10 (lines 108–119) and Deut 13:2–12 than it is for Deut 7:1–6 and 14:1–21.<sup>86</sup> Many interpreters also draw the same conclusion for at least 13:13–16a.<sup>87</sup> Up to this point, it is striking that no reminiscence of slavery in Egypt takes place, which could speak in favor of antiquity. Beginning in 13:16b, however, a number of additions appear: the doublets in 16a and b, the theme shared with Josh 6–8 appearing in vv. 17–18, and the general call to obedience similar to 12:1 and other texts in v. 19.

Furthermore, there are several arguments often brought against understanding some form of Deut 13 as part of the earliest version of Deuteronomy. Most

<sup>84</sup> Bernard M. Levinson, *The Right Chorale: Studies in Biblical Law and Interpretation* (Wiconna Lake, IN: Eisenbrauns, 2011), 114.

<sup>85</sup> Bernard M. Levinson and Jeffrey Stackert, “Between the Covenant Code and Esarhaddon’s Succession Treaty,” *Journal of Ancient Judaism* 3 (2012): 123–40.

<sup>86</sup> On the Akkadian background to vv. 1, 7, 9, and 10, see Levinson, *The Right Chorale*, 112–93. This essay does not address possible redactional additions within those verses. For one proposal, see Otto, *Deuteronomium 12–34*, 1234–63.

<sup>87</sup> See the chart on recent composition-critical proposals in William S. Morrow, “Have Attempts to Establish the Dependency of Deuteronomy on the Esarhaddon Succession Treaty (EST) Failed?” *HBAI* 8 (2019): 133–58.

Otto takes Deut 7:6 as the starting point of his “DtrL” redaction, which includes Deut 7:1–2, 6, 13–15; 13:13–19; 14:1–2, 3–21a; 20:1–20\*; 21:10–14; 23:10–15, cf. Eckart Otto, *Das Deuteronomium im Pentateuch und Hexateuch: Studien zur Literaturgeschichte von Pentateuch und Hexateuch im Lichte des Deuteronomiumrahmens*, FAT 30 (Tübingen: Mohr Siebeck, 2000), 255–57. Note that Otto does not include the boiling-kid prohibition of 14:21b, which I find fits in here quite well.

prominent is the way it seems to interrupt the thematic continuity of chs. 12 and 14.<sup>88</sup> Furthermore, the mention of עבד אלהים אחרים “serve other gods” often occurs in Deuteronomistic – that is, later – portions of text in Deuteronomy such as 8:19; 11:16; 28:36, 64; 29:25; and 30:17.<sup>89</sup>

Several other factors mitigate against placing Deut 7:1–6\*; 14:1–21 in the preexilic layer. First, the conception of clean/unclean stands apart from the notions developed especially in 12:15 with regard to *human* purity, suggesting that 14:1–21 may come later. Second, קדש seldom appears in Deuteronomy and never in the accepted core texts like 12:13–19; 14:22–27(29); and 16:1–17, which deal with sanctuary matters and could therefore easily have incorporated it. Third, so many Deuteronomistic expressions are present in 7:1–6 that it is implausible to separate them out from a proposed earlier layer. Most importantly, ch. 7 presupposes the larger narrative of the entrance into the land gifted by Yhwh to Israel at the expense of the Canaanite peoples (v. 1) and the commands to destroy their places of worship (v. 5; cf. 12:2–3).

On a different note, the insertion of 14:3 with its terminology of תועבה connects Deut 14:1–21 with a whole series of other texts in the book. As demonstrated above in § 2, many of these uses have links to cultic worship, several even with sanctuary consumption (17:1 and 23:18). Furthermore, they display a certain similarity to the use of the plural form of the term in Ezekiel, which could support the exilic/postexilic date of this layer of Deuteronomy. Therefore, placed upon the scales, my discussion supports the common thesis that Deut 14:1–21 should be attributed to a redactional layer of the book that includes 7:1–6\*, but also 26:12–19, and placed in the exilic/postexilic period.

The positive description of clean animals including the gazelle and the deer in 14:4–5 – which is absent from the Lev 11 counterpart to Deut 14 – picks up on the mention of these animals in Deut 12:15 (and 22). But given the different objects of pure/impure in ch. 12 versus ch. 14, ch. 14 likely comes from a compositionally later layer and exhibits a development from ch. 12. On the whole, the contrast between holiness and abomination marks one of the core thematic additions of this layer. This opposition concerns marrying (7:1–6\*), mourning customs (14:1–2; 26:14), and non-sanctuary eating practices that earlier texts of the CC had limited to sanctuary practice (14:3–21).

## 9. Summary

This essay has investigated the connections between the dietary prohibitions in Deut 14 and its surrounding context, demonstrating that the framing verses of

<sup>88</sup> See e.g. Veijola, *Deut 1,1–16,17*, 281.

<sup>89</sup> Morrow, “Attempts.”

14:1–3, 21 serve to embed the main body of the prohibitions of vv. 4–20 securely into the larger book of Deuteronomy. On the whole, vv. 4–20 themselves have little overlap with the rest of the book, and their connection with the broader context begins through the equation of impure eating with abomination (תועבה) in v. 3, a notion that appears in numerous places elsewhere in the book. Overall, the preexisting material on dietary prohibitions finds its place in Deuteronomy by means of several themes that are common to later layers of Deuteronomy. It also adopts several themes that belong to the Covenant Code, which Deuteronomy regularly seeks to update.

In terms of diachronic development, Exod 22:30, with its unique designation אֱנָשִׁי קֹדֶשׁ, may have provided the impetus for the later formulation of עַם קֹדֶשׁ that serves as the theological and composition-critical key in Deut 7:6; 14:2, 21; and 26:19. Its sanctuary connection in Exod 22 was then broadened throughout these contexts in Deuteronomy, changing it into a concern for the people's status, rather than their proximity to a sanctuary.

One connection to the narrative framing chapters of Deuteronomy comes in the fatherly relationship to Israel in Deut 8:5 also found in 14:1. Each relates to appropriate eating, but in different ways. In Deut 8:2–10 the focus lies on gratitude for the father's provision, including foodstuffs, while in 14:1–21 fatherhood equates with holiness, which should determine Israel's choices of meat. Thus, while there is some overlap in the topic, there are also significant differences in perspective.

It is especially the framing verses, 14:1–2, 21, which share much with the several other texts of Deuteronomy concerned with Israel's status as holy and separated from the nations in Deut 7; 26; and 28, which supports their redactional origins from a relatively late point in Deuteronomy's compositional history. These connections show the integration of Deut 14:1–21 into the larger thematic presentation of Israel's special relationship with Yhwh as above other peoples (14:1; 28:1), treasured (7:6; 14:2; 26:18), and holy (7:6; 14:2, 21; 26:19; 28:9), as also demonstrated through their choices related to meat consumption.

## Chapter 5

# The Terms שקץ Šeqeš and טמא Ṭame' in Lev 11:2–23 and Deut 14:2–20: Overlapping or Separate Categories?

(Peter Altmann)

The purpose of this essay is to investigate the relationship between the two terms, שקץ (abhorrent) and טמא (impure), especially on the basis of their appearance in Lev 11:2–23 and the absence of שקץ in Deut 14. I argue that the terms overlap in meaning and categorical implication rather than representing separate categories, even in the early layers of Lev 11.<sup>1</sup> The importance of this question lies in its ramifications for assessing the relative importance of *synchronic* and *diachronic* investigations of these chapters. If I am persuasive in demonstrating (1) that the terms overlap in meaning and that (2) שקץ represents a change brought about by the authors of Lev 11:2–23 to the source shared by Lev 11 and Deut 14, then the complex systems of classification constitute a *later systemization* rather than intrinsic categories of the shared source or of the Priestly text.<sup>2</sup>

Within biblical studies on P and ritual – especially in the North American context, Jacob Milgrom's work over the second half of the twentieth century has proven monumental. To take a very recent example relating to Lev 11, even while disagreeing with Milgrom on the important question concerning the direction of dependence (Deut 14 on Lev 11, the reverse, or a shared source used by both),<sup>3</sup> Lance Hawley's 2015 article, "The Agenda of Priestly Taxonomy: The Conceptualization of טמא and שקץ in Leviticus 11," still follows Milgrom's identification of the earliest layer of Lev 11 in his brief composition-critical discussion of Lev 11, and provides several brief remarks that outline his support for and digressions from Milgrom's position.<sup>4</sup>

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<sup>1</sup> Such a conclusion appears quite clear in later texts commonly attributed to H(oliness literature), such as Lev 11:43; 20:25.

<sup>2</sup> Cf. Naphtali Meshel, "Food for Thought: Systems of Categorization in Leviticus 11," *HTR* 101 (2008): 203–29.

<sup>3</sup> It was a shared source according to Hawley, "The Agenda of Priestly Taxonomy," 233 n. 4. Milgrom, *Leviticus 1–16*, 689–90, argues that D had more or less the final form of Lev 11 available.

<sup>4</sup> Cf. Hawley, "The Agenda of Priestly Taxonomy," 232. He begins the section "Leviticus 11 is a construct of multiple literary layers. According to Jacob Milgrom ..."

This adoption of Milgrom's framework proves quite problematic on several levels, however. First, like Hawley, many scholars concerned with the compositional issues in Lev 11 reject Milgrom's analysis. Such an observation may appear banal – scholarly disagreement over compositional issues is commonplace. However, the result of Hawley's adoption of some of the key points of Milgrom's analysis without sufficient argumentation is that he views both *טָמֵא* and *רָקֵשׁ* as belonging to the earliest layer.<sup>5</sup>

In following Milgrom, Hawley presupposes part of the answer to his investigation to the meaning of the terms: if one concludes (with, e.g., Christophe Nihan, but also with Hawley's own statements!) that Lev 11 and Deut 14 both modify and add to a shared source, then one might argue, as Nihan does, that the original source only contained *טָמֵא*.<sup>6</sup> However, Hawley rejects this line of thinking because he assumes (without providing justification other than that he follows Milgrom's conclusion) that vv. 41–42, which read as follows, belong to the earliest layer of Lev 11:

And all swarmers swarming upon the ground are *abhorrent* (*רָקֵשׁ*). It shall not be eaten. All walking upon [the] belly, and all going upon four, to all of multiple feet, for all swarmers swarming upon the ground, you shall not eat them, for they are *abhorrent* (*רָקֵשׁ*). (Lev 11:41–42)

However, such a position does call for justification given the diverse points of view in current scholarship.<sup>7</sup>

Hawley's supposition that the two terms belong to the same early layer proves central for his argument and for some other recent discussions of the chapter

<sup>5</sup> Hawley, "The Agenda of Priestly Taxonomy," 232–33. Hawley does provide a slim line of argumentation of his own for this conclusion (*ibid.*, 233 n. 4): because the earth swarmers are called *טָמֵא* in vv. 29–31 and *רָקֵשׁ* in vv. 41–42, then vv. 41–42 were likely present in the text before the addition of vv. 24–40, which leads to the further extrapolation that *רָקֵשׁ* belonged to the shared source. However, this conclusion already assumes that vv. 41–42 were part of the earlier stage comprising vv. 2–23. Hawley offers no support for this contention, other than the assumed appeal to authority that this was Milgrom's conclusion. In fact, while noting that others, i.e., D. P. Wright, attribute vv. 41–42 to a later layer (*ibid.*, 232 n. 1), Hawley provides no rebuttal. One can query, could both vv. 41–42 and 24–40 represent expansions of the earlier vv. 2–23? One brief argument in support of the later nature of vv. 41–42 arises from Hawley and others' suggestion of a shared source by Deut 14 and Lev 11: if they share a source, and Deut 14 does not have a statement like Lev 11:41–42, then why suppose that these verses were part of the shared source? Hawley's own logic seems to contradict his argument on this point.

<sup>6</sup> Nihan, "Laws about Clean and Unclean Animals," 410–13.

<sup>7</sup> Cf. *ibid.*, 412 n. 18. To provide yet another perspective to show the fragmented nature of scholarship, Reinhard Achenbach argues that Lev 20:22–26, with its command to the Israelites to distinguish between clean and unclean so as not to make oneself abhorrent (*תִּשְׁקָצוּ*) with large land animals, flyers, or everything moving along the ground, precedes both Lev 11 and Deut 14. Cf. Reinhard Achenbach, "Zur Systematik der Speisegebote in Leviticus 11 und in Deuteronomium 14," *ZAR* 17 (2011): 165 n. 7. For problems with his argument, see Esias E. Meyer, "Leviticus 11, Deuteronomy 14 and Directionality," *Journal for Semitics* 23 (2014): esp. 84–85.

in one particular way. It allows for the creation of a (more or less) structuralist model in which the terms signify separate categories. According to this model, the text prohibits consumption of that which is *שְׂקָשׁ*, even though such consumption does not render the eater *טָמֵא*. Yet as far as those animals that are *טָמֵא*, one must avoid both consumption and contact, for such actions do render the person impure.<sup>8</sup> My question is as follows: do these terms really designate such different and non-overlapping categories of animals?

The importance of the above distinction for this paper lies in its internal significance for determining the fields of meaning of *טָמֵא* and *שְׂקָשׁ*. If *טָמֵא* alone appears in the earliest version of the dietary prohibitions, then Lev 11 (with Priestly and Holiness authors and redactors) takes responsibility for introducing *new* distinctions with regard to dietary proscriptions: consumption of (some of) the wrong meat becomes abhorrent (*שְׂקָשׁ*), while the meat of other animals remains unclean (*טָמֵא*). In this scenario, one can explore reasons for the introduction of distinct terminology.

One may certainly reply that, regardless of the direction of dependence, two related but distinct conceptual systems for dietary prohibitions result. Deuteronomy 14's formulation offers a more straightforward categorization: the meat from some animals is clean; the meat from other animals is unclean. This passage contains little discussion of the effects of touching an unclean animal, perhaps indicating that the prohibition in v. 8 – that one may not touch the carcass of an unclean large land animal – arises from a later hand familiar with Lev 11. This is the *sole* appearance of impurity related to touch in Deut 14, while touch frequently leads to this result with *טָמֵא* in Lev 11 – especially in what many consider secondary layers of the text.<sup>9</sup>

Leviticus 11, on the other hand, presents a complex integration of *טָמֵא* and *שְׂקָשׁ* animals and their meats, further augmented by prohibitions on touching some of these animals.

This essay cannot unravel the entire complex of questions and issues surrounding the interrelationship of these terms. It approaches this question of terminology along several lines: (1) What insights emerge from the use of these terms in the rest of the Bible, and are such insights relevant for Lev 11/Deut 14? (2) What can one say about the usage of the terms within Leviticus and Deuteronomy themselves? Through these investigations, I demonstrate the similarity and overlapping nature of *שְׂקָשׁ* and *טָמֵא*, without suggesting that the terms are synonymous.

<sup>8</sup> Similar views appear earlier in, e.g., Jacob Milgrom, “Two Biblical Hebrew Priestly Terms,” 108; Meshel, “Pure, Impure, Permitted, Prohibited,” 36.

<sup>9</sup> That is, in vv. 24–45. I will not discuss these verses here in detail. Cf. the similar note on Deut 14:8 by Meyer, “Leviticus 11, Deuteronomy 14 and Directionality,” 80.



## 1. The Usage of שקש and טמא in the Rest of the Hebrew Bible and Their Relevance for Lev 11/Deut 14

One important matter within biblical scholarship arises in regard to the *context* for explaining the fields of meaning of these terms within the respective texts. What import do the uses of שקש and טמא elsewhere in biblical texts have for the meanings of these terms in Lev 11 and Deut 14? Do supposedly different authors (Priestly for some of Lev 11; Holiness for other parts of Lev 11; disputed for Deut 14; Ezekiel and its tradents; etc.) use the terms similarly? Are the verbal forms of the roots also relevant? Or, are the “conversations” in which these texts take part separate enough to conclude that the terms develop distinctly different meanings and connotations within the different corpora of the Bible? Some interpreters argue that P in particular designates special uses for the terms. A widely followed statement of this position appears in the work of Milgrom, with whom the following analysis begins.

### 1.1. Milgrom’s View of שקש and טמא

Milgrom proposes an intentional and categorical distinction between the terms שקש and טמא in Lev 11: one should not eat meat designated שקש, while one should neither eat nor *touch* a טמא animal or its meat.<sup>10</sup> In other words, Milgrom avers from the conclusion found in Houston’s monograph that the two terms represent synonyms.<sup>11</sup> Milgrom states, “Paradoxically, *šeqeš* animals are cultically pure!”<sup>12</sup> He also provides a more expansive explanation:

In short: four categories deal with *ṭameʾ* [Lev 11:2–8, 24–28, 29–38, 39–40] and four with *šeqeš* [vv. 9–12, 13–18, 19–23, 41–42]. Thus we must conclude that the two terms cannot be synonymous. To the contrary, each must possess a precise and distinct meaning. The context reveals that the difference lies in cultic law: Whatever is *ṭameʾ* transmits impurity by touch; whatever is *šeqeš* may not be eaten.<sup>13</sup>

In order to support this view, he generally dissociates the uses of שקש in Lev 11 from the rest of the Hebrew Bible,<sup>14</sup> claiming that it changes from its earliest

<sup>10</sup> Milgrom, *Leviticus 1–16*, 656. Followed by Hieke, *Leviticus*, 423; Meshel, “Pure, Impure, Permitted, Prohibited,” 35–36.

<sup>11</sup> Houston, *Purity and Monotheism*, 41–43. Also David N. Freedman and J. Welch, “שקש *šeqeš*; שקש *šeqeš*; שקש *šiqqūš*,” *TDOT* 15:466.

<sup>12</sup> Milgrom, *Leviticus 1–16*, 656; idem, “Two Biblical Hebrew Priestly Terms,” 108.

<sup>13</sup> Milgrom, “Two Biblical Hebrew Priestly Terms,” 108. Note that he does *not* say that שקש transmits impurity, but rather the opposite, that animals that are שקש are in fact pure. He cites Maimonides as support that dispels “any doubt.” Meshel fleshes out this point of view to make a balanced “classification system.”

<sup>14</sup> In “Two Biblical Hebrew Priestly Terms,” 107, Milgrom states: “The usual definition of *šeqeš* is ‘something despicable, revolting’ (e.g., Isa 66:17, Ezek 8:10, BDB, KB, but cf. below); however, this is not the meaning in the Priestly source.” Yet, he claims, Isa 66:17 makes sense

ritualistic use in P, to a metaphorical use, and then a use focused on idolatry (here for other derivatives of root  $\check{s}$ - $q$ - $\check{s}$ , though this remains unstated).<sup>15</sup>

A second development in the logic of purity also takes place in scholarship. Meshel articulates Milgrom's implicit view into a clear system:

Thus one may formulate a rule of thumb, which can serve as a working hypothesis elsewhere in priestly literature: wherever the author supplies instructions for purification from impurity, the impurity in question is "tolerated"; but where the author does not supply these instructions, the impurity is of the prohibited type. Once this characteristic is acknowledged, it is possible to demonstrate how the authors of Leviticus 11 understood the relation between impurity and prohibition.<sup>16</sup>

In other words, for Lev 11, if one eats or touches the animals that are marked טמא when living – the large land animals in vv. 4–8 – one transgresses a prohibited type (rather than a tolerated type) of instruction because no instructions for purification appear in relation to the consumption or touching of these animals.

Taking these two premises from Milgrom and those following his stream of scholarship together,<sup>17</sup> several issues arise for Milgrom, Meshel, and now Hawley's strict separation of the two terms:

First, what should one make especially of camels, which Lev 11:4 (par. Deut 14:7) considers טמא? The issue with these animals is clear in, for example, Chronicles as well as Ezra 2:67//Neh 7:69, which depict camels as beasts of burden belonging to those returning to Yehud.<sup>18</sup> What results when one of these beasts died along the way? Because no remedy appears for contact with the unclean carcass of a camel in Lev 11:4–8 according to Meshel's system, how would one be able to purify themselves from such contact, which transgresses a prohibitory instruction?

The reason for the significance of this example emerges from the use of טמא in the later part of Lev 11. In vv. 24–40 (a secondary layer of P), anyone making themselves unclean receives the command to wash their clothes and the proclamation that they remain unclean until evening (vv. 25, 28, 40). However, no cleansing ritual appears for eating or touching the camel (vv. 4–8).<sup>19</sup> And, one

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*in light of* Lev 11 (ibid., 110). Given that the *only* appearances of שקש outside P are Isa 66:17 and Ezek 8:10, it is a stretch to claim that P uses the term in an unusual manner. On what basis could Milgrom identify the "usual" meaning, especially if these texts are late enough to assume Priestly influence?

<sup>15</sup> Ibid., 115.

<sup>16</sup> Meshel, "Food for Thought," 213. He notes Milgrom's meandering journey to this position (ibid., 214 n. 40). Meshel explains away the problem of practice by mentioning that the Priestly system probably never caught on in ancient Israelite practice (ibid., 220–21).

<sup>17</sup> Meshel (ibid. 214 n. 40) even uses the term "Milgrom school."

<sup>18</sup> One might also consider Gen 24:64; 31:34, but interpreters agree much more readily on the postexilic dates for Chronicles, Ezra, and Nehemiah, placing them in the period when the dietary prohibitions increase in importance.

<sup>19</sup> And Milgrom, for one, argues that 11:26 does *not* include the animals like the camel, found in vv. 4–6: Milgrom, *Leviticus 1–16*, 667.

must assume that touch did take place, given that the Israelites/Yehudites are depicted as having kept these animals. Thus, the lack of some kind of purification ritual presents a problem, if one understands the terms as suggested by Milgrom, Meshel, and Hawley. This observation implies that there may be more overlap to the implications of these two terms than Milgrom and those who follow him suggest, and the Priestly “system” allows for more flexibility and overlap. The lack of ritual restitution in Lev 11:4–8 required the addition of vv. 24–26. The use of טמא exclusively for land animals in the secondary verses of 24–38 does reveal a difference for these animals. However, this difference need not relate to their connection to the cultic sphere. Rather, given that some of the impure large land animals (בהמה: vv. 2, 3, 26, 39) served as a means of transport or traction, they posed a specific problem for ordinary life that called for the attention it receives in this section. A categorizing impulse expands the rules on restoration after a defiling touch from the initial category of vv. 2b–8 to include all land animals explicitly in vv. 27–31.

Second, as already suggested above, Milgrom’s theory presupposes an unlikely view of the compositional history of Lev 11 and Deut 14.<sup>20</sup> He argues that Deut 14 borrowed from the complete text of Lev 11: “as D probably had the final form of Lev 11 to draw from, it cannot serve as a means of penetrating the earlier stages in the formation of Lev 11.”<sup>21</sup> Such a conclusion assumes a very particular understanding of the compositional history of the Pentateuch, which I do not deal with in detail at this point. I find this point of contention alone amounts to a fairly insurmountable difficulty for his approach, though others attempt to maintain some of its logic while abandoning the composition-critical conclusion. For the argument here, I simply note that Milgrom’s position results in the practical conclusion that Deut 14 provides little or no insight into the meanings of these terms in Lev 11. Instead, following the (to my mind more plausible) suggestion that the two texts share the same source, and that they likely cross-pollinate one another,<sup>22</sup> טמא appears to have been used throughout, with Lev 11 modifying this understanding.<sup>23</sup>

Third, Milgrom’s theory assumes that the appearances of the term שקץ or the root ק-ש in other biblical texts provide no assistance in determining the “technical” meaning of שקץ in Lev 11. By doing so, he effectively brackets out

<sup>20</sup> From which some of his “school” distance themselves. Cf. Meshel, “Food for Thought,” 223–27; idem, “P1, P2, P3, and H.”

<sup>21</sup> Milgrom, *Leviticus 1–16*, 689–90.

<sup>22</sup> This position has been put forward as a suggestion by Meyer, “Leviticus 11, Deuteronomy 14 and Directionality,” 87.

<sup>23</sup> Meshel agrees (“Food for Thought,” 224) and speaks of P in this case as the one that “coined a new, technical use of the term שקץ...” Thus he provides the special nature of P’s use of שקץ on a different foundation (P makes the change, rather than the term having already appeared in the shared source). I find Meshel’s suggestion that P introduced the term more plausible, though I do not follow his analysis of its meaning in P.

the closest related philological evidence and provides Lev 11 with a hermetically sealed space.<sup>24</sup> While terms certainly can vary in their distinctive meanings, such a drastic move requires significant justification, given that the meanings of words arise from socio-linguistic contexts, and the Hebrew Bible as a whole constitutes the primary linguistic context for texts in Lev 11. Therefore, these texts should receive attention, providing the basis to investigate the validity of Milgrom's historical conclusions with regard to שקץ.<sup>25</sup>

The closest context for philological understanding of the term שקץ arguably appears in Leviticus, in 7:21:

ונפש כי תגע בכל טמא  
בטמאת אדם או בבהמה טמאה או בכל שקץ טמא  
ואכל מבשר זבח השלמים אשר ליהוה  
ונכרתה הנפש ההוא מעמיה

A person who touches any of all [types of] uncleanness, from the uncleanness of a person or an unclean beast or all *abhorrent uncleanness*, and eats from the meat of a fellowship offering which belongs to Yhwh, then that person shall be cut off from their people.

As Milgrom notes, “The expression *šeqeš ṭameʿ* is strange.” Given his presupposition that the two terms comprise different categories, he states that the expression is “self-contradictory since a *šeqeš* is not impure but pure.”<sup>26</sup> He then notes that some early manuscripts and translations (SamP, Peshitta, T<sup>O</sup>,<sup>27</sup> and Saʿadia) have found this odd, and they instead read שרץ “swarming creature,” which fits with Lev 5:2 (“Or if a person touches anything unclean, whether the carcass of a wild beast ... or the carcass of an unclean שרץ”). However, his justification in and of itself for this reading falls short because it again assumes the conclusion *that the terms do not represent overlapping categories of animals*.

Another interpretive possibility lies in simply assuming that טמא does not mean something vastly different than שקץ here, as Houston recognizes.<sup>28</sup> The “strange” nature of this expression does not immediately render it “self-contradictory,” and not all early translations and manuscripts make the change. The LXX supports the MT, offering βδέλυγμα, which Liddell-Scott renders “abomination.”<sup>29</sup>

<sup>24</sup> See previous note.

<sup>25</sup> I agree with Milgrom that the Akkadian cognates are not the most useful parallels at this point. Cf. Milgrom, “Two Biblical Hebrew Priestly Terms,” 107.

<sup>26</sup> Milgrom, “Two Biblical Hebrew Priestly Terms,” 109.

<sup>27</sup> Rendtorff, *Leviticus*, 230, says it is T<sup>N</sup>, which is correct according to my check of the manuscript of the Vatican Library, p. 211v found on [http://digi.vatlib.it/view/MSS\\_Neofiti.1/0409?sid=80744b6fcda6b9eal74da4572fdee250](http://digi.vatlib.it/view/MSS_Neofiti.1/0409?sid=80744b6fcda6b9eal74da4572fdee250). Rendtorff writes: “Sam hat שרץ wie in 5,2, ebenso Targum Neophyti. Beide Ausdrücke finden sich in Lev 11 mehrfach eng beieinander ..., so daß sie unter dem Aspekt der kultischen Unreinheit fast äquivalent werden (vgl. J. Milgrom 425 f).”

<sup>28</sup> Houston, *Purity and Monotheism*, 40, 52.

<sup>29</sup> The LXX also uses this term to render שקוצים in Dan 9:27.

Rendtorff follows these two strong witnesses to the difficult *but understandable* text, thus preferring the *lectio difficilior*, which is methodologically preferable. With regard to Lev 5:2, one could easily imagine later copyists remembering the reading from 5:2 when they arriving at the difficult text of 7:21.

I would tentatively suggest a third solution for Lev 7:21. This appearance of both שֶׁקֶץ and טִמְאָה may be similar to the singular case of Deut 12:5, which contains both long forms of the election of Deuteronomy's chosen place formula (with לְשִׁיבֹהּ and לְשִׁכְנֹהּ). Some have argued that one of the terms originated as a gloss of the other and was placed in the manuscript margin.<sup>30</sup> At some later point, a copyist inserted it, so the text now exhibits both. In the case of Lev 7:21, this would mean that either שֶׁקֶץ or טִמְאָה was original, with the second representing a gloss that a copyist eventually placed in the text itself. If this is the case – and certainly this is a rather hypothetical reconstruction – then it provides support to the similar fields of meaning of the two terms, a situation that in any case ensued no later than H's *Fortschreibung* in Lev 11:43–44.<sup>31</sup>

You shall not make yourselves abhorrent (תִּשְׁקֲצוּ) with *all swarming swarms*. Do not make yourselves unclean (תִּטְמְאוּ) with them, and so become unclean (וְנִטְמְאתֶם) from them. For I am Yhwh your God; so you shall sanctify yourselves and you shall be holy, for holy am I. But do not defile yourselves (תִּטְמְאוּ) with *all swarms*, slinking upon the ground.

It is significant that the two verses use two different verbs with regard to what happens from the same types of creatures: in v. 43 one makes themselves detestable (תִּשְׁקֲצוּ), while in v. 44 the result is defiling (תִּטְמְאוּ) oneself – both from שֶׁרָץ (swarming creatures).

Furthermore, even if one rejects my hypothesis, Milgrom provides little evidence other than his preconceived notion that the terms must be contradictory to support his conclusion that one should follow SamP and Peshitta in reading שֶׁרָץ. As a result, I conclude the two terms – שֶׁקֶץ and טִמְאָה – do not represent completely different categories of animals; they are instead more likely overlapping – though not completely synonymous – in their fields of meaning.

Moreover, Milgrom's questionable understanding of the historical development of the texts – P > H > D – functions as the second part of his circular

<sup>30</sup> Cf. the detailed discussion and references in Simeon Chavel, "The Literary Development of Deuteronomy 12: Between Religious Ideal and Social Reality," in Dozeman, Schmid, and Schwartz, *The Pentateuch*, 306–7 n. 10.

<sup>31</sup> Note that Milgrom himself makes a similar argument for עֵרָה and קִהַל in Lev 4:13 (Milgrom, *Leviticus 1–16*, 243), suggesting that in this text it took place because of an historical development: עֵרָה fell out of use. Note the comment by Esias E. Meyer, "Dating the Priestly Text in the Pre-Exilic Period: Some Remarks about Anachronistic Slips and Other Obstacles," *Verbum et Ecclesia* 31 (2010), <http://verbumeteccllesia.org.za/index.php/VE/article/view/423/475>: "It thus seems rather unsatisfactory that a possible example of an anachronistic slip is blamed on a later editor."

reasoning. If one instead views P as later than D,<sup>32</sup> while also allowing Lev 11 (P) and Deut 14 (D) to have shared source material, then the meaning of שִׁקָץ in Lev 11 may be informed by its usage in other places in the Hebrew Bible, and thereby lead to a view of the relationship between שִׁקָץ and טָמֵא as overlapping.

### 1.2. Usage of שִׁקָץ and the Root שִׁקָץ Outside Leviticus

If there is overlap between the two terms, how can they be understood? This section investigates the field of meaning of שִׁקָץ in Lev 11 and how it may arise in relation to the use of the terms and their roots in the remainder of the Hebrew Bible.

As mentioned above, the term שִׁקָץ appears only twice outside Leviticus, in Ezek 8:10 and Isa 66:17. The LXX renders the term βδελύγματα in Ezek 8:10, though it leaves out the three previous words from the MT (תבנית רמש ובהמה), “representations of crawlers and large land animals”) likely added by a late editor uncomfortable with the reading *šeqeš* rather than *šiqqûš*,<sup>33</sup> which more easily fits this context. The emphasis on the passage lies on something *cultically* reprehensible, given that it takes place in the temple, and therefore unwelcome in the sanctuary. The LXX renders Isa 66:17 with the same term, again in relation to cultically abhorrent practices, though not in relation to the Yahwistic temple, which may allow for some equivocation. Taken together, however, these two appearances of the term add weight to the negative connections between שִׁקָץ and the sanctuary, something Milgrom tries to deny, stating:

The following hypothetical example would illuminate this difference. Someone ascends the Temple mount. The priest guarding the entrance questions him: ‘What did you eat today?’ If he answers: ‘I ate pig meat,’ the guard would reply ‘Take one step forward and I’ll smash your brains.’ However, if his answer were ‘I ate shrimps,’ [something in a שִׁקָץ category in Lev 11] he might receive a rebuke but nothing more. The guard could not block his entry into the sacred compound since cultically he is pure!<sup>34</sup>

Given Milgrom’s (and others’) denial of the possibility of an animal being both שִׁקָץ and טָהוֹר (pure) according to the Priestly texts in Leviticus (though not the later Holiness texts like Lev 11:43–45), the need to separate the meaning of שִׁקָץ in P from its meaning in other biblical texts becomes clear. The use of the term especially in Ezek 8:10 and perhaps also Isa 66:17 mitigates against such a conclusion for those texts.

Other forms of the root in the Hebrew Bible provide some additional context.<sup>35</sup> The alternate nominal term שִׁקוּץ does not appear at all in Leviticus, and it

<sup>32</sup> This essay will not address the ongoing debate over the dates of P and H relative to one another or D.

<sup>33</sup> The Greek term can render both Hebrew terms.

<sup>34</sup> Milgrom, “Two Biblical Hebrew Priestly Terms,” 109.

<sup>35</sup> In this section I am following Freedman and Welch, “שִׁקָץ Šqš; \*שִׁקָץ Šeqeš; שִׁקוּץ Šiqqûš.”

typically concerns worship of non-Yahwistic deities or problematic cultic practice, thus similar to Ezek 8:10 for שקץ. I have already noted that the same Greek term βδέλυγμα often renders both Hebrew terms, which indicates that at least by the third century BCE, their fields of meaning were taken to overlap. The only appearance of שקוץ in the Pentateuch, Deut 29:16 [ET: 17], exhibits its usual meaning, which pertains to some kind of detestable cult object:

וּתְרָאוּ אֶת־שִׁקּוּצֵיהֶם וְאֵת גְּלִלְיָהֶם עֵץ וְאֶבֶן כֶּסֶף וְזָהָב אֲשֶׁר עִמָּהֶם

Now you have seen their abhorrent things – their idols of wood and stone, of silver and gold – among them.

It often concerns an object related to improper worship (Jer 4:1; 7:30; 16:18; 32:34) or can be simply a derogatory epithet for a deity viewed as foreign, such as Astarte (2 Kgs 23:13) or Chemosh (1 Kgs 11:7).

However, in one text, Zech 9:7a, it more specifically denotes prohibited meat, albeit with a metaphorical meaning:

הִסְרָתִי דְמִיּוֹ מִפִּי  
וּשְׁקִצְיוֹ מִבֵּין שָׁנָיו

I will take away its blood from its mouth,  
and its abhorrent things from between its teeth

This text shows that the root *can* address prohibited meat, even outside of the Priestly texts.<sup>36</sup> A possible connection also appears between שקוץ, meat consumption, and a cultic space in more texts. In Jer 16:18, carcasses of שקוץ parallel abominations in “their defilement” (חללם) of Yhwh’s land, while Hos 9:10 refers to the events of Baal-peor that include improper sacred feasts (זבה). This evidence raises more doubt with regard to Milgrom’s contention that one should not take other uses of the term and its root meaning into consideration when attempting to understand the valence of the term in the Priestly (pre-H) sections of Lev 11.

If one can build on (1) the overlap in meaning between Ezek 8:10’s use of שקץ and (2) the inclusion of prohibited meat in the detestable things referred to by שקוץ for interpreting the use of שקץ in Lev 11, this increases the degree of overlap between שקץ and טמא. The most decisive evidence for this position comes from the use of the verb in Lev 11, which receives attention below.

<sup>36</sup> Note also the close connection with prohibited meat in Isa 66:3, discussed in Angelini, “A Table for Fortune,” 150–69 in this volume.

## 2. The Usage of טמא

Turning to the second term that features in the dietary prohibitions, טמא appears more broadly than שקץ in biblical texts. An object or person can be defiled by touch (Lev 5:2), such that eating a fellowship offering (שלמים) after touching an unclean (and שקץ) object can lead to the grave consequence of banishment (Lev 7:21). Thus, unlike שקץ, which always refers to the animal, persons may also be unclean.<sup>37</sup> Furthermore, structures, such as houses, may also be unclean (Lev 14:41–45; also Num 5:3; Jer 19:13), as can land itself (Num 35:34; Josh 22:19; Amos 7:17). Animals are designated “unclean” as food outside of Lev 11/Deut 14 in Lev 20:25–26; 27:11, 27; Num 18:15; Judg 13:4; Ezek 4:13; and perhaps Hos 9:3–4.

There is a distinction, however, between the uses of this term in Leviticus and Deuteronomy: Deuteronomy only designates living creatures as impure, while Leviticus allows for the land and other locations being impure.<sup>38</sup>

As a general reminder, causes of uncleanness in the Hebrew Bible include flows of *some* human fluids (semen, menstrual blood, and excrement; no mention appears of saliva, tears, or mucus), touching an animal or human corpse, human birth, skin diseases, and garment or house discoloration. Some immoral actions could also render one unclean: adultery in Num 5:11–31, remarrying in Deut 24:4 (or improper marriage in Ezra 6:21; 9:10–15), various other practices viewed as deviant in the realms of sexuality (Lev 18:8–24; Gen 34), and cultic worship (Lev 19:31; Ezek 23).<sup>39</sup> These instances offer a broader sense of the range of impurity, especially because the biblical texts themselves never provide an articulation of the reason(s) *why* something is or transmits impurity.<sup>40</sup>

## 2.1. טמא in Lev 11–15

Focusing in on the literary context, Lev 11 appears at the beginning of an enlargement of the concerns with purity and impurity in the book as a whole. Leviticus 1–7 focuses largely on the sacrificial cult proper; chs. 8–10 provide a narrative interlude, and then Lev 11–15 broadens concerns outside the sanctuary to the community. Narrowing the scope, a major break takes place between the narrative of Lev 8–10 in 10:20 and the dietary prohibitions that follow beginning in 11:1. In the sections after the concerns of food, Lev 12 declares that a post-partum woman remains impure for variable amounts of time. In chs. 13–14

<sup>37</sup> Lev 13; 15; Num 5:2; 9:6–10; 19; Deut 12:15, 22; 15:22; 26:14; Isa 35:8; 52:1; 64:6; Ezek 22:10; Hag 2:13; Lam 4:15; 2 Kgs 5; 2 Chr 23:19.

<sup>38</sup> Rütterswörden, “Purity Conceptions in Deuteronomy,” 415. However, the case with “camp” (מחנה) may not be as clear as he suggests, given that it may be “uncleanness” (an abstraction) that should be kept from entering the camp.

<sup>39</sup> Cf. Gunnel André, “טמא,” *TDOT* 5:330–42.

<sup>40</sup> *Ibid.*, “טמא,” 5:331.



impurity concerns changes on the exterior of humans (skin diseases), clothing, or buildings (mold). The final chapter of the section, Lev 15, addresses impurity due to bodily discharges.<sup>41</sup> One might, therefore, reasonably look to Lev 12–15 to investigate the significance of the concept of טָמֵא in Lev 11.<sup>42</sup>

Milgrom makes one such attempt. He combines chapters 11–15 through an ethical lens that views impurity as related to the sphere of death.<sup>43</sup> He argues that טָמֵא in P includes ingestion and touch, while H and D change this to concern only ingestion.<sup>44</sup> Another theory is favored by Carroll and Nihan: “A more comprehensive interpretation of the impurities of Leviticus 12–15 should start from the observation that they are all natural phenomena whose occurrence represents the intrusion of an anomaly in the social or cultural order.”<sup>45</sup> Whether Lev 12–15 depicts impurity as the uncontrollable irruption of natural phenomena in the community with Carroll and Nihan or if the emphasis is on connections with the sphere of death à la Milgrom, one may consider how this might influence the interpretation of the *determination* of animals as unclean/abhorrent in Lev 11.<sup>46</sup> Following Nihan’s attempt to understand the dietary restrictions within the wider context of Lev (11:24–or 12–15) fails to yield a unified conception of uncleanness for Lev 11 as *the irruption of the natural into the social*. Instead, Nihan, like numerous others, concludes that the earlier source text of Lev 11:2–23\* viewed uncleanness/abhorrence within a different matrix. Milgrom,

<sup>41</sup> Except urination and defecation.

<sup>42</sup> Cf. Nihan, *From Priestly Torah to Pentateuch*, 303.

<sup>43</sup> E.g., Milgrom, *Leviticus 1–16*, 683. He states, “Thus, it is the association with the earth, the sphere of death, that led to the exclusion of all land swarmers from Israel’s diet. This explanation, admittedly speculative for the present, will take on added force once it is demonstrated that all ritual impurity, embedded and legislated in chaps. 11–15, has this as its common denominator: the association with death.”

<sup>44</sup> *Ibid.*, 654.

<sup>45</sup> Nihan, *From Priestly Torah to Pentateuch*, 318. See, likewise, Budd, *Leviticus*, 158. Again similar in Greece: Parker, *Miasma*, 63. This bears much resemblance to the conclusions found in Michael P. Carroll, “One More Time: Leviticus Revisited,” in *Anthropological Approaches to the Old Testament* (Philadelphia: Fortress, 1985), 117–26. A number of other options certainly exist, given that the text does not elaborate on the motivations for calling such things unclean. Two others are (1) humans emulating the deity (“Be holy as I am holy”) by eschewing various foods, as Mary Douglas argues (*Purity and Danger*, 53); and (2) the prohibitions and accompanying rituals serve as reminders and symbols of the very *separation* between the deity and Israelites, in other words uncleanness surrounds functions experienced by humans but not by God. This also appears in the work of Nihan, *From Priestly Torah to Pentateuch*, 306–8. Note the argument for a parallel situation in the Greece world, according to Parker, *Miasma*, 66. He states: “By banning birth, death, and also sexuality from sacred places, the Greeks emphasize the gulf that separates the nature of god and man.”

<sup>46</sup> Nihan draws the link to *touching* dead creatures (unclean animals and clean quadrupeds) rendering persons as well as other objects unclean as the natural invading the social world, which, as he notes, forms a transition from the food prohibitions to the rest of Lev 12–15: Nihan, *From Priestly Torah to Pentateuch*, 322.

for his part, goes a similar direction, viewing Lev 11:24–38 as an attempt by the scribe inserting Lev 12–15 to link 11:2–23 to chaps. 12–15.<sup>47</sup>

However, the *differences in the meaning of טמא* in Lev 11:1–23 and the term's meaning in the rest of the section (Lev 12–15) remain: one section deals with touch *and ingestion*, while the other merely with touch.<sup>48</sup> One addresses animals, and no remedy is provided for contact and ingestion of them (11:4–8), while changes can take place to overcome the impure states of chs. 11:24–40 and Lev 12–15. Finally, and most divergent, the טמא animals in Lev 11:4–8, as well as the שקק animals in vv. 9–23 *are or remain* in their state. No change can take place for the animals, and no ritual of purification appears for those humans who contact or ingest them.

Leviticus 11 changes from foods/animals that are “impure/abhorrent for you” in vv. 2–23 to ways in which humans and other objects become or make themselves impure through contact with (touching) animals and their carcasses in vv. 24–40, widely seen as a later addition to Lev 11.<sup>49</sup> Yet animals are still declared intrinsically impure/abhorrent in a number of places in this section: in vv. 26–31 all large land animals without divided hoof and all not chewing cud, all walking on paws, specific small land swarms, and finally in vv. 41–44 all small land swarms.<sup>50</sup> This development provides good grounds for seeing these verses as later: they take up the concerns with eating found in the earlier verses and also see animals as impure/abhorrent in themselves, but the accent shifts to concerns with a person or thing becoming impure, rather than on the impurity of the animal.

Drawing on the earlier explanation found in Walter Houston's work,<sup>51</sup> Nihan argues that those animals acceptable for the Israelite altar (cattle, sheep, and goats) determined the original criteria for the broader spread that could appear on the Israelite table. Accordingly, if one follows Nihan, then the *pre-Priestly* understanding of these טמא animals in Lev 11 changes with its adoption into the new context.

<sup>47</sup> Milgrom, *Leviticus 1–16*, 690. His reasoning is as follows: “... thereby presenting a full spectrum of communicable impurity not just by humans (chaps. 12–15) but also by animals (chap. 11).”

<sup>48</sup> Furthermore, as Firmage notes, “In contrast to the rest of the system of impurity as just described, the dietary law posits the existence of non-human sources of ‘impurity’ – animals – which are moreover inherently ‘unclean.’ All the impurities listed in Lev. xii–xv and Num. xix, however, arise from man alone, and all are regarded as temporary, and subject to purification.” Cf. Edwin B. Firmage, “The Biblical Dietary Laws and the Concept of Holiness,” in *Studies in the Pentateuch*, ed. John A. Emerton (Leiden: Brill, 1990), 183.

<sup>49</sup> Milgrom, *Leviticus 1–16*, 667; Nihan, “Laws about Clean and Unclean Animals”; Meshel, “P1, P2, P3, and H.”

<sup>50</sup> The repetition between 41–42 and 43–44 on one hand and the clear conflation of שקק and טמא in v. 43 leads most interpreters to see different hands at work in these two texts.

<sup>51</sup> Houston, *Purity and Monotheism*, 37, which Nihan (*From Priestly Torah to Pentateuch*, 331–32) sees as going back to Douglas's earlier work.

Nihan does manage to combine the criteria in the broader context of P under the notion of Israel as a priestly nation, in accord with many interpreters,<sup>52</sup> which takes steps toward restoring the creational order by moving back in the direction of the prelapsarian vegetarian diet, limiting at least the kinds of meat consumed to those without anomalous forms from the general provision of consuming all kinds of meat in Gen 9.<sup>53</sup> As a result, on the level of the Priestly document, Nihan's interpretation curves back toward Douglas's notion of *imitatio dei*. However, one gap in this argument is that the limit on the kinds of meat still does not directly limit the amount of meat consumed.

In conclusion, there is overlap in the connotations and applications of טמא in Leviticus. Leviticus 11:2–23 applies the concept solely to animals (as the sources of impurity), while most of the rest of Lev 11:24–15 focuses on the things that can become unclean and on the possible processes of purifying them from impurity.

## 2.2. טמא in Deuteronomy

Now I turn to the understanding of the nature of טמא in Deuteronomy, though there is considerably less material. The first distinction with regard to טמא in Deuteronomy is that it only concerns living things. In fact, outside Deut 14, the adjective טמא only describes humans. In Deut 12:15, 22; 15:22 all "Israelites," whether clean or unclean, may eat of the meat communally offered (תזובה) throughout the gates of the land. Otherwise, the term only appears in the more obscure statement of 26:14, "I did not remove any of it [the tithe] while unclean," which, in the context of the verse may refer to some kind of participation in a funerary feast.

However, when one includes the verbal forms, two additional contexts appear. In Deut 21:23, the exposure of a criminal executed by hanging on a tree overnight will defile (תטמא) "your ground." The prohibition works against turning an execution into a public example or spectacle.<sup>54</sup> Perhaps there is some significance that the adjectival form does not appear here, but, as this statute likely arises from a somewhat different context than Deut 12–16, it may also exhibit a somewhat different conception of impurity.<sup>55</sup>

<sup>52</sup> For some of the many interpreters who draw connections between Gen 1 and Lev 11, see, e.g., Douglas, *Purity and Danger*, 55; Howard Eilberg-Schwartz, *The Savage in Judaism: An Anthropology of Israelite Religion and Ancient Judaism* (Bloomington, IN: Indiana University Press, 1990), 219; Beate Ego, "Reinheit und Schöpfung: Zur Begründung der Speisegebote im Buch Leviticus," *ZABR* 3 (1997): 140.

<sup>53</sup> Nihan, *From Priestly Torah to Pentateuch*, 339–40.

<sup>54</sup> Cf. Nelson, *Deuteronomy*, 261–62.

<sup>55</sup> The concept draws close to that of Lev 18:2–5, 24–30, where the *nations* defiled the land by their abominations (תועבה), also used in Deut 14:3 in the preface to the dietary prohibitions) of improper sexual unions in vv. 6–23, leading the *land* to become active and vomit them out. In Num 35:34 the land is also defiled. In this text it is explicitly because Yhwh dwells in the midst of the Israelites, which links the concept to the defilement of the camp (Num 5:3), the tabernacle

The verb also appears in 24:4, addressing an instance in which a man remarries a previous wife after having divorced her and she had married another man in the interim. She becomes defiled (הטמאה), which is an abomination (תועבה) to Yhwh. The connection here is quite close to Lev 18 and 20.<sup>56</sup>

Similarly, Deut 14:3 introduces the dietary rules with the general prohibition of eating abomination (תועבה). The word תועבה appears relatively often in Deuteronomy, generally indicating cultic faults that one might sum up as concerning “worshipping תועבה.” However, the term can also appear in ethical contexts, referring to non-sanctuary behaviors or speech incompatible with adherence to Yhwh, similar to the usage of the term in Proverbs.<sup>57</sup> Deuteronomy 14, by placing dietary prohibitions in the category of תועבה, broadens the category of improper worship to include practices distant for a sanctuary, thus bringing together the supposedly wisdom and the cultic dimensions of the term.<sup>58</sup>

As a whole, however, there is little material in Deuteronomy that relates impurity with consumption, especially with the *material* consumed. As such, the declaration of various categories of animals in Deut 14 as unclean points to a different conception of impurity, in itself a rather peripheral notion within the book as a whole.

### 3. The Terms in Deut 14 and Lev 11

Now, in a final step, I turn to the two passages themselves. This section demonstrates the overlap between the two terms שקץ and טמא based on their usage in the two chapters.

The Deuteronomy passage is self-contained in that the concerns of טמא “impure” and טהור “pure” only concern the consumption of animals, though incorporated into the larger flow of Deuteronomy’s law collection through the prohibition against eating תועבה in 14:3, a term that appears more frequently in

(Num 19:13), or the sanctuary (Lev 15:31; 20:3; Num 19:20). In general, these texts relate the danger of impurity to Yhwh’s presence in Israel’s midst and the election of the people of Israel.

<sup>56</sup> For detailed discussion of these chapters see Nihan, *From Priestly Torah to Pentateuch*, 430–80.

<sup>57</sup> For a cultic meaning see Deut 7:25–26; 12:31; 13:14; 17:4; 20:18. Cf. Horst D. Preuss, “תועבה, Tō’ēbā; \* תעב T’b,” *TDOT* 15:596. For a recent discussion on the general terminology and implications of disgust, including תועבה, see Staubli, “Disgusting Deeds and Disgusting Gods.”

<sup>58</sup> This is remarked on by Preuss, “תועבה,” 596, as follows: “Thus these *tō’ēbā* injunctions not only protect the purity of the cult (and not just from the practices of Israel’s neighbors; cf. 17:1) but also prohibit conduct that is ethically incompatible with Yahweh and his people (‘abomination in your midst’: 13:15 [ET: 14]). Israel must not adopt such practices (usually from its neighbors), because to do so would imperil its faith in Yahweh. ... In Dtn/Dtr texts, therefore, the use of the *tō’ēbā* concept is intimately associated with the idea of the people of God and the uniqueness and nature of Yahweh.” Discussion of the role of this term in Deut 14 also appears in “A Deeper Look at Deut 14,” 69–72 in this volume.

the book. In contrast, as discussed above, the dietary prohibitions in Lev 11 are embedded in an expansive discussion of impurity. In addition to the various impurities found in Lev 12–15, a broader discussion of impurities with regard to animals appears in Lev 11:24–45. These verses primarily address impurity from touching impure animals (mostly those impure as a result of death).

The passages of Deut 14/Lev 11 share the same terminology of טמא in addressing the large land animals (Lev 11:2b–8//Deut 14:4–8). However, the term only appears twice in this section in Deut 14 (vv. 7, 8): once concerning the camel, rock badger/hyrax, and hare, and once addressing the pig. As a result, Deut 14:8 sets off the pig from the other three.

In contrast, Lev 11 uses a form of the adjective five times: once for each of these four animals (vv. 4, 5, 6, 7) and one summary use (plural in v. 8). This distribution presents a more cohesive group of four large land animals, rather than setting the pig apart. Furthermore, the uses of the term addressing each individual creature appear in the singular, while the term in Lev 11:8 is plural, and the clause with this term, “they are impure for you,” does not appear in Deut 14:8, at the end of the section. It appears earlier, concerning the *three* creatures in v. 7, which is the only place in Deut 14 that the adjective takes a plural form: it always agrees with the number of its subject in Deut 14: plural in v. 7; singular in vv. 8, 10, 19.

One *theoretical* conclusion that I draw from this initial comparison of the two lists is that they exhibit somewhat divergent understandings of the large land animals. In the language of the anthropologist Dan Sperber, each text *transforms* the given public representation of impure large land animals in a marginally different manner.<sup>59</sup> For Lev 11, one balanced category exists, and one should neither eat nor touch any of the four animals, whereas for Deut 14, the pig stands alone. While Israelites should avoid eating all four, a reader might conclude that Israelites only need to avoid touching the pig. The separation of Deut 14:5–7 addressing the first three categories of unclean animals ends with a plural statement about those animals. The pig alone receives a declaration of טמא (sing.) in v. 8a, followed by the statement prohibition consumption of *their* (pl.) meat and touching *their* (pl.) carcass. Does the plural refer to all *four* categories, or just all members of the pig (חזיר) category? The structure suggests the latter, but the plural pronoun the former.

As a result, while the category of *touch* is also found in the Deut 14 presentation, it remains ambiguous: one might be allowed to touch some, but not all unclean animal carcasses. The question may then arise: can one touch other unclean animals, such as the unclean marine animals and unclean flyers? Deuteronomy 14, which may generally resemble the common source more closely, leaves the

<sup>59</sup> Sperber, *Explaining Culture*, e.g., 101.

question open, while the Lev 11 version provides a clearer answer – one is prohibited from touching every unclean large land animal carcass.

Following the order of the text, the touchstone argument concerning the relationship between טמא and שקץ for this discussion comes through the comparison of Lev 11:8 and 11:11:

(Lev 11:8) “From their meat you shall not eat, and their carcass you shall not touch; they are unclean [טמא] for you.”

(Lev 11:11) “Now they are abhorrent [שקץ] for you; you shall not eat from their meat, rather you shall abhor [תשקצו] their carcass.”

As a reminder, Lev 11:8 finds a parallel in Deut 14:8, but Lev 11:11 has no echo in Deut 14.<sup>60</sup> These verses in Lev 11 address different categories of prohibited animals (large land animals in v. 8 vs. aquatic animals in v. 11). The roots טמא and שקץ are parallel to each other in pronouncing the relationship of the Israelites to the animals. However, with regard to the *unclean* large land animals, v. 8 specifies that one should not *touch* their carcass. On the other hand, v. 11 specifies one should *abhor* the carcass. Houston finds טמא the “more natural word” when pollution occurs through touch, thus viewing v. 11 as an addition.<sup>61</sup> The absence of a corresponding text in Deut 14 supports this argument. Furthermore, if one builds on Sperber’s expectations (and on David Carr’s notion of good memory variants),<sup>62</sup> one might instead consider this “public representation” to contain a small transformation of the conception of dietary prohibitions.

One might, therefore, easily conclude that שקץ and טמא represent overlapping terms that present memory variants in the development of the diachronic development of the texts. However, in this case, the introduction of the term into Lev 11:10, 11, 13, 20 does not shift the meaning.

Arguing that if Lev 11:11 represents the transformed text, then שקץ may actually intend a different meaning. Nihan, like Milgrom and Meshel, proposes that the change marks creatures that *only* pollute by ingestion and not by touch.<sup>63</sup>

Meshel goes further, however, and offers the opinion that one was prohibited from touching *some* pure animals (all water creatures, including those that are

<sup>60</sup> Significant attention is accorded to this section of the text by Nihan, “Laws about Clean and Unclean Animals,” 412–13. However, his argument focuses on the point that this expansion in Lev 11:9–12 supports the conclusion that Lev 11 (like Deut 14) represents the expansion of a shared source. He does not consider in detail what it means to abhor (תשקצו) the carcass of an unacceptable sea creature.

<sup>61</sup> Houston, *Purity and Monotheism*, 42.

<sup>62</sup> Carr, *The Formation of the Hebrew Bible*, 33. He states, “Though some variations in parallel lines or sayings may be the result of error or intertextual dialogue, we have seen a preponderance of exactly the sorts of variation that scholars in non-religious disciplines have explained as the result of recall of memorized texts: exchange of synonymous words, word order variation, presence and absence of conjunctions and minor modifiers, etc.”

<sup>63</sup> Nihan, “Laws about Clean and Unclean Animals,” 410–11.

שקץ, and thus prohibited for food and those one could consume).<sup>64</sup> As a result, he creates yet *another* set of categories. Now there are: טמא animals one neither touches nor eats, שקץ animals one can touch but not eat, and שקץ animals one neither touches nor eats. I consider Meshel's interpretation an unnecessary over-complication that attempts to create an abstract synchronic structure to incorporate everything.<sup>65</sup>

I see two difficulties with Nihan's proposal of the shift in terminology to indicate a change in meaning to limit pollution to ingestion. The key text here is Lev 11:11c:

- A: "Now they are abhorrent [שקץ] for you;  
 B: you shall not eat from their meat,  
 C: rather you shall abhor [תשקצנו] their carcass."

What does it mean to abhor (שקץ pi.) the carcasses of unclean aquatic animals in this context if not to avoid touching them? The verb only occurs in Lev 11:11, 13, 43; 20:25; Deut 7:26; and Ps 22:25 [ET 24]. It takes four different objects: the reflexive נפש (11:43; 20:25), a cult object (Deut 7:26), an animal carcass (Lev 11:11 and *perhaps* v. 13, though this is not explicitly stated and could concern live birds as well), and the affliction of the afflicted (Ps 22:25).

In Lev 11:43; 20:25 one renders oneself abhorrent through some kind of improper engagement with animals. Terms from the root טמא appear in both contexts; therefore, if these texts come from H (as is commonly concluded), then any hermetically-sealed separation of these categories as advocated by Milgrom and Meshel that could have been in place has dissolved in H's writing.

Perhaps of greater interest are Ps 22:25 and Deut 7:26. In the former, the verb בזה, "to despise" precedes שקץ, perhaps supplying the most straightforward synonym: "For he has not despised (בזה), nor has he abhorred (שקץ) the affliction of the afflicted" (Ps 22:25a). The second line of the couplet reads, "Neither has he hid his face from him . . .," which expands further on what it means to despise and to abhor. In Deut 7:26 שקץ תשקצנו (you shall completely abhor it) parallels תעב תתעבנו (you shall completely abominate it), which addresses proper treatment of unacceptable cult objects – to burn them – rather than to bring them into one's house. The emphasis lies on connections to the cult, similar to the appearance of שקץ in Lev 7:21 concerning contact with an unclean שקץ combined with sacred consumption. If these comparisons indicate the contours of the meaning of שקץ in Lev 11:10–23, then Milgrom and Meshel's contentions that ingestion of such meat did not disqualify one from approaching the sanctuary lack persuasiveness.

I instead suggest that the emphasis on abhorring the carcass of the prohibited aquatic animal shifts from focusing directly on whether one can or cannot *touch*

<sup>64</sup> Meshel, "Pure, Impure, Permitted, Prohibited," 39.

<sup>65</sup> Note a similar critique by Nihan, "Laws about Clean and Unclean Animals," 411 n. 17.

the carcass to a more sanctuary-focused and global pattern of behavior in which one should rather keep them far from one's house or even burn them. The command to abhor the carcass of abhorrent water animals thus included refraining from contact. Yet the command was broader than just touch. One should treat it like unacceptable cult objects. As such, the categories of טמא and שקץ overlap in their meanings for the concrete practices with regard to the different kinds of animals in Lev 11; however, they differ in emphasis.

Finally, one must consider the reason for the change from טמא to שקץ in relation to the aquatic animals and flyers. While any argument remains speculative, the authors' thought-world no longer remained focused strictly on the southern Levant. The increased awareness of Mesopotamian and Egyptian cultic practices that included offerings and associations of such creatures could have provided an impetus for a different approach to them.<sup>66</sup> Such a development fits, though not exclusively, with the exilic-postexilic expanded view of Yhwh's reign in the response of Priestly conceptions of the world like Gen 1. The pentateuchal texts never incorporate offerings of aquatic animals, and it only adopts bird offerings in supplemental Priestly texts (in, e.g., Lev 1:14–17). The use of שקץ for these creatures in Lev 11:9–23 would not yet have conceived of bird offerings, which would instead arise before both the addition to Lev 1 and also before the addition of Lev 11:43–44, which, with the onset of bird offerings, serve to conflate the two terms completely.

#### 4. Conclusion

This proposal's persuasiveness lies in its ability to take into account both the adjectival and the verbal forms of the root שקץ that appear in Lev 11:2–23. Both שקץ in Ezek 8:10 and the inclusion of food concerns in the texts using שקוץ for broader abhorrent cultic practices allow for the uses of שקץ in Lev 11:9–23 for prohibited water animals and flyers to resonate with prohibited (foreign) worship. The argument also places the meaning of the terms שקץ and טמא within the broader diachronic development of Lev 11 and Deut 14, each in their own way, from a shared source. Furthermore, the thesis of the similarity or overlap between the terms שקץ and טמא allows for differentiation from the later H redaction, while providing an intermediary step in that direction, especially based on the still comprehensible *lectio difficilior* in Lev 7:21 of טמא שקץ. It is also able to contend that the change in Lev 11 of טמא to שקץ took place as a response by a Priestly editor in response to the avian and aquatic offerings in the exilic Judeans' surroundings. The touchstone of the discussion lies in the addition of Lev 11:11 (which has no corresponding text in Deut 14), which calls for the

<sup>66</sup> See the discussion below in "Aquatic Creatures in the Dietary Laws," 120–24.



abhorrence of the carcass of a prohibited aquatic animal. Given the importance of refraining from *touching* a carcass throughout the chapter, it is likely that the abhorrence in this verse also concerns touch. This interpretation highlights the considerable overlap of the two conceptions of שקש and טמא. As a result, it renders superfluous the complex categories introduced by Meshel in his attempt to account for the various statements about טמא and שקש animals on a synchronic plane.

## Chapter 6

# Aquatic Creatures in the Dietary Laws: What the Biblical and Ancient Eastern Contexts Contribute to Understanding Their Categorization

*(Peter Altmann)*

The criteria for discerning which water creatures the “Israelites” addressed in Lev 11 and Deut 14 were permitted to eat appear rather straightforward: they must have both fins (סנפיר) and scales (קשקשת). While some issues may arise concerning the exact meaning of the terms, as I discuss below, a more basic question concerns what impulse gave rise to these particular criteria? This essay provides an answer by considering several lines of inquiry. First, how did the inhabitants of the southern Levant in the Iron through Persian/Hellenistic periods, especially those associated with the biblical texts, view aquatic animals? Furthermore, how did the consumption and limits on their consumption fit into this larger picture? And finally, how do the dietary prohibitions on certain types of aquatic animals develop within this overarching relationship between humans and aquatic animals?

To begin with, the broad comparative context, and early Mesopotamian traditions in particular, show that aquatic animals could make up an important part of cultic offerings in particular as well as conceptions of religion and the divine world more broadly in the cultures surrounding ancient Israel and Judah. When considering water creatures as a whole, ancient Egyptians also maintained significant interest in the symbolism of the tilapia as well as the crocodile. Fish notably served as an important food source in Egypt and Mesopotamia from pre-historic times onward and consist of one of the early goods transported over long distances to the southern Levant. Finally, fish and other aquatic animals stood as representations for deities across the region. As the details below show (§ 1), these general ancient Near Eastern tendencies provide valuable insights and comparisons for the appearances of aquatic creatures in the texts of the Hebrew Bible.

Moving to a second body of evidence, Omri Lerner has concluded on the basis of his manifold zooarcheological studies of fish remains that “the taboos on ‘unclean’ sea animals took effect sometime between the destruction of the first

temple at the end of the Iron Period, and the Herodian period.”<sup>1</sup> The present study builds on the foundation of material culture set in place by Lernau (summarized below, § 2).

Third, like the rest of the Northwest Semitic evidence, the biblical texts themselves represent fish and aquatic creatures in more narrow categories. They particularly address a general category of creatures living in water and various divine or semi-divine opponents, as on display in § 3.

§§ 4.–5. investigate the texts of the dietary prohibitions on aquatic creatures in Lev 11:9–12 and Deut 14:9–10 themselves before moving to consider possible reasons for these prohibitions. On the whole, I argue that the mythical role of the sea monster undergirds the development of the biblical dietary regulations.

## 1. Water Creatures from the Iconography and Texts of Surrounding Regions

This section paints a general picture of the ways that ancient Near Eastern societies viewed the creatures of the aquatic world. It shows that the creatures of the waters feature as food, fiend, offering, and identifier of specific deities.

### 1.1. Egypt

Emily Teeter notes the ubiquitous nature of fish in ancient Egyptian life centered on the Nile. A New Kingdom text comments, “Fishes are more plentiful than the sand of the riverbanks; one cannot reach the end of them.”<sup>2</sup> Egyptians accordingly viewed fish as an unending supply of nourishment, indicating their fecund nature. The iconographic lexicon in ancient Egypt reveals a variety of types of fish. Brewer and Friedman suggest twenty-three identifiable types from funerary iconography, though they assume that ancient Egyptians were familiar with even more.<sup>3</sup>

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<sup>1</sup> Omri Lernau, “Remains of Kosher and Non-Kosher Fish” (paper presented at the “Larger Context of the Biblical Dietary Laws: Comparative and Interdisciplinary Approaches” conference, Lausanne, 14 June 2017). The updated results of this lecture have now been published as Yonatan Adler and Omri Lernau, “The Pentateuchal Dietary Proscription against Finless and Scaleless Aquatic Species in Light of Ancient Fish Remains,” *TA* 48 (2021): 5–26.

<sup>2</sup> Emily Teeter, “Animals in Egyptian Literature,” in *A History of the Animal World in the Ancient Near East*, ed. Billie Jean Collins, HdO 64 (Leiden: Brill, 2002), 252. She refers here to P. Lansing.

<sup>3</sup> Douglas J. Brewer and Renée F. Friedman, *Fish and Fishing in Ancient Egypt* (Cairo: American University in Cairo Press, 1990), 11.

Apparently, fish were the first food Egyptians ate after weaning.<sup>4</sup> While elites may have avoided fish consumption in the Old Kingdom, everyone – including gods, kings, priests and soldiers – partook in the New Kingdom and Late Period.<sup>5</sup>

The vast catches of fish from the Nile and Mediterranean gave rise to a further use. Zooarcheological evidence from the southern Levant indicates that Egypt exported fish to that region even as early as the Late Bronze Age. Studies of oxygen isotopes in fish teeth have shown that the Bardawil Lagoon off the northern Sinai provided the majority of the large number of gilt bream and Nile perch varieties of fish consumed. This was surprisingly the case *in spite of* the presence of gilt bream off the coast of the southern Levant to the north.<sup>6</sup> This evidence indicates that the super-abundance of fish allowed for their long-term export. Further evidence for export arises from texts that mention cargo boats with fresh and dried fish, especially mullet.<sup>7</sup> Herodotus (*Hist.* 2.149) comments that fish exports from Lake Moeris (northwest of the Faiyum Oasis) functioned as an important source of royal income.

In keeping with the abundance of fish, ancient Egyptian women frequently wore fish pendants. The symbolism of these pendants likely relates to the tilapia and its fertility. A significant reason for this connection, however, apparently grew out of another conception: ancient Egyptians thought that tilapia give birth through their mouths,<sup>8</sup> which also accords with their frequent depiction (also found in the southern Levant) with a lotus bloom in their mouth.

In terms of religious associations, specific types of fish could be associated with particular deities. Because mullet (mostly found in saltwater) travelled up the Nile to the First Cataract, they were seen as messengers of the Nile god Hapy in Elephantine.<sup>9</sup> In addition to symbolizing fertility, the conviction that tilapia gave birth through their mouths brought creational associations with Atum, who is imagined to have created in that manner.

Nonetheless, fish also inhabit a dangerous realm, one in which forces of chaos dwell. Tilapia, therefore, were also imagined as guiding the solar boat through the night because of their brilliant colors, thus eventually taking on associations with Horus as the one who kills the sun's enemies.<sup>10</sup> Nile catfish, which prefer

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<sup>4</sup> *Ibid.*, 17.

<sup>5</sup> *Ibid.*, 16. One should note, however, the impurity associated with fish in the Piye or Piankhy Stela from the eighth century BCE (“The Victory Stela of King Piye (Piankhy),” trans. Miriam Lichtheim, *COS* 2.7, 42–51, here 50 ll. 149–51). See below for more discussion.

<sup>6</sup> Sisma-Ventura Guy et al., “Tooth Oxygen Isotopes Reveal Late Bronze Age Origin of Mediterranean Fish Aquaculture and Trade,” *Scientific Reports* 8 (2018): 1–10.

<sup>7</sup> Brewer and Friedman, *Fish and Fishing in Ancient Egypt*, 16.

<sup>8</sup> Emily Teeter, “Animals in Egyptian Religion,” 355.

<sup>9</sup> Douglas J. Brewer, “Fish,” *Oxford Encyclopedia of Ancient Egypt* 1:533.

<sup>10</sup> Brewer, “Fish,” 1:534.

muddy waters, could similarly be viewed as guides for the solar boat through dark waters.<sup>11</sup>

One example of these dangers appears in the crocodile, whose associations prove more central for the biblical texts. On their importance in ancient Egypt, Keel goes so far as to state: “In ancient Egypt the c. (*Crocodylus niloticus Laurenti*) was extremely common and, other than serpents, probably the foremost animal in the minds of the ancient Egyptians.”<sup>12</sup> Keel extrapolates that their fearsomeness provided the basis of their connection with the divine sphere – and, more than most other animals, they were viewed as divine creatures.<sup>13</sup> While the reasons for associations with the divine world prove manifold in ancient Egypt, this mythic and divine connection emerges as quite important for discussion of the biblical texts – especially Ezek 29; 32, but perhaps also Lev 11/Deut 14.

Finally, some kinds of temporary or limited prohibitions on fish are known from Egypt. In particular, the Stele of Piye records that one was barred from entering the king’s palace on account of impurity or eating fish. The connection with Egypt may be somewhat tenuous, however, given that Piye was a Nubian ruler.<sup>14</sup> The Book of the Dead also contains restrictions on fish consumption, along with abstinence from sexual intercourse and other common practices,<sup>15</sup> which shows that actions could be prohibited in some contexts but quite acceptable in many others.

## 1.2. Mesopotamia

Attestations to fish and other aquatic life appear foremost in the early pre-Sargonic period in Mesopotamia. As Armas Salonen notes in his detailed lexical study on fish, the vast majority of texts attesting to fish in the Pre-Sargonic period consist of offerings at various temples.<sup>16</sup> Finds of fish remains from Uruk around temple complexes corroborate the textual evidence as well.<sup>17</sup>

Though most of the evidence arises from periods far earlier than the biblical texts, the Neo-Assyrian Banquet Stele of Assurnasirpal II records provision of 10,000 *nune* (fish) dishes. Their relatively late mention in the text – only preceding jerboa in terms of animal meat – likely indicates their lower status in comparison with the meat of large land animals or birds that appear earlier in

<sup>11</sup> Brewer and Friedman, *Fish and Fishing in Ancient Egypt*, 2.

<sup>12</sup> Othmar Keel, “Crocodile,” *Iconographic Dictionary of Deities and Demons*, ed. Jürg Egler et al., [http://www.religionswissenschaft.uzh.ch/idd/prepublications/e\\_idd\\_crocodile.pdf](http://www.religionswissenschaft.uzh.ch/idd/prepublications/e_idd_crocodile.pdf)

<sup>13</sup> Keel, “Crocodile.”

<sup>14</sup> Piye-Stela, l. 150–151. Cf. Quack, “Conceptions of Purity in Egyptian Religion,” 136.

<sup>15</sup> Quack, “Conceptions of Purity in Egyptian Religion,” 145.

<sup>16</sup> Armas Salonen, *Die Fischerei im alten Mesopotamien nach sumerisch-akkadischen Quellen: eine lexikalische und kulturgeschichtliche Untersuchung* (Helsinki: Suomalainen Tiedekatemia, 1970), 255.

<sup>17</sup> Salonen, *Fischerei im alten Mesopotamien*, 256.

the text. In any case, fish continued to appear on the divine table into the Neo-Babylonian period. While not the most central of foodstuffs, Nebuchadnezzar provided three fish daily for Marduk and his consort.<sup>18</sup> Fish – and turtles – were also consumed in mundane contexts. Texts further provide evidence of a number of techniques for preserving them, including smoking, or otherwise pickling with vinegar, oil, or mustard.<sup>19</sup>

However, in spite of their place on the table, various localized prohibitions of fish consumption are found for specific days. For a *namburbi* ritual (ritual of lots), for example, the king should abstain from fish, garlic, and leek for three days.<sup>20</sup> A partial prohibition may also have appeared earlier for catfish – *giritu* = *murra* – given their absence from economic texts and banning from the shrines in the Sumerian text entitled “Home of the Fish.” In contrast, however, an Assyrian viceroy expressed the desire to have these fish sent to him as a delicacy.<sup>21</sup> Finally, a prohibition on fish (and leeks) appears in a hemerology – practices for a specific day – for the seventh of the month of Tashritu (“Offering Bread Hemerology”); otherwise, one will be stung by a scorpion. Again, these prohibitions show the limited nature of such food prohibitions in a Mesopotamian context,<sup>22</sup> paralleling their appearance in Egypt.

In terms of iconography and links to the cultic sphere, fish represent Ea (Enki), and his specific fish is a giant carp. This variety of fish also maintained associations with the primordial and wise hybrid figures, the *apkallus*. These figures both appear in Mesopotamian iconography from the Ur III period until the Hellenistic period and also in the Levant, showing their ongoing and geographically broad significance. Ea (Enki), lord of the fresh water and god of wisdom and fertility for the Sumerians, could appear pictorially as a “goat-fish” – with a goat head and front legs along with a fish (carp) tail.<sup>23</sup> He is likewise represented as a fish man – a human head and torso with a fish tail – such as on an orthostat from Tell Halaf in northern Syria near the Turkish border (ca. 900 BCE).<sup>24</sup> The *apkallus*, on the other hand, often wear fish garments. They appear quite frequently in the Neo-Assyrian and Neo-Babylonian periods, thus

<sup>18</sup> Joann Scurlock, “Animal Sacrifice in Ancient Mesopotamian Religion,” 389.

<sup>19</sup> Salonen, *Fischerei im alten Mesopotamien*, 259–60.

<sup>20</sup> Ermidoro, “Food Prohibition and Dietary Regulations in Ancient Mesopotamia,” 89. There are also examples of avoidance from Old Babylonian Tell Haddad for turtles and fish among other foods because they would bring on specific illnesses.

<sup>21</sup> Salonen, *Fischerei im alten Mesopotamien*, 187. This identification contrasts with CAD G:89, “either some kind of crayfish, see *alluttu*, or a *moray* ...”

<sup>22</sup> Stefania Ermidoro, *Commensality and Ceremonial Meals in the Neo-Assyrian Period*, Antichistica 8; Studi Orientali 3 (Venice: Edizioni Ca’ Foscari, 2015), 13 n. 7. See in general M. J. Geller, “Speiseverbot A,” *RIA* 12:640–41.

<sup>23</sup> Dietrich Sahrhage, *Fischfang und Fischkult im alten Mesopotamien* (Frankfurt am Main: Lang, 1999), 182.

<sup>24</sup> VAM TH B 1488. Citadel, West-Palace, East wall of the 2nd tower, Stein Nr. 77.

suggesting their temporal proximity to the circles responsible for the composition of biblical texts. Their association with primordial wisdom and purity,<sup>25</sup> and their placement at the entrances to temples and palaces, indicate the supernatural powers attributed to these figures. This status shows their positive placement in Mesopotamian culture. Its influence on the interpretation of the biblical material could: (1) affirm that hybrid creatures were not necessarily evaluated negatively in surrounding cultures or Israel – as supported by the hybridity of cherubim and seraphim in biblical texts, while also (2) providing reasons for their rejection by biblical circles because of their associations with Mesopotamian deities. This second possibility encounters a number of difficulties, however, one being that other animals with such connections remain on the biblical menu.

### 1.3. Anatolia and the Northern Levant

Turning a bit further afield, the Hittite evidence corresponds to a certain degree with that of Egypt and Mesopotamia. Fish appear in various ritual settings. They appear on ritual menus,<sup>26</sup> as well as in expiation acts meant to carry off sin or impurity, in the case of fish, bearing it to the depths of the sea.<sup>27</sup> As a result, some associations were present that, in an Israelite context, could bring them into the realm of prohibition. However, it should also be kept in mind that the animals used in expiation rituals in the Priestly literature of the Hebrew Bible remain permissible for Israelite consumption (cf. the goat in Lev 16).

Though mostly from later contexts, Atargatis, a chief goddess of Hierapolis-Bambyce, north of Aleppo, has been identified with a half-fish half-woman representation in Hellenistic Ashkelon. Her cult included fish ponds with fish that only priests could handle, which thus points to the holy nature of these fish.<sup>28</sup>

Perhaps most surprising from this region is the relative lack of evidence from Ugarit. Little mention of aquatic creatures appears as part of a sacrificial rituals or elsewhere. In a single text, *KTU* 1.106:21–23, fish appear as part of a stew (*šbšlt dg*) in royal rituals to be carried out in a garden, apparently for the spring equinox.<sup>29</sup> A second includes a fish cake (*hlu dg*; *KTU* 1.91:12). Despite the city's location on the coast, it does not offer rich attestation of fish consumption or other symbolic reflections on mundane fish. Instead, an incredibly rich vein of scholarship has explored the appearance of *monstrous* sea creatures, especially the

<sup>25</sup> For these associations see Mehmet-Ali Ataç, *The Mythology of Kingship in Neo-Assyrian Art* (Cambridge: Cambridge University Press, 2010), 150, 159.

<sup>26</sup> Billie Jean Collins, "Animals in Hittite Literature," in Collins, *A History of the Animal World*, 249.

<sup>27</sup> Eadem, "Animals in the Religions of Anatolia," in Collins, *A History of the Animal World*, 326.

<sup>28</sup> Francis Redding Walton and Antony Spawforth, "Atargatis," *Oxford Classical Dictionary*.

<sup>29</sup> Dennis Pardee, *Ritual and Cult at Ugarit*, WAW 10 (Atlanta: Society of Biblical Literature, 2002), 53–56, 104.

constellation of Yammu/Nahar (Sea/River; *KTU* 1.2.4.14–18, 20–27) and Litan (Leviathan), the seven-headed serpent (see below, § 3.1), in the Baal Cycle texts. Future decipherment of texts may provide more information, but the absence of more textual evidence of mundane types of aquatic animals indicates that human *conceptions* of water animals lay much more in the realm of the mythical than in the everyday. That is, unlike their Egyptian and Akkadian counterparts, Ugaritic *texts* rarely had regular human consumption in view.

#### 1.4. Greece

While having no recognizable direct connections with the biblical dietary prohibitions, some biblical scholars draw on the ancient Greek conception of *miasma* to understand the biblical notions of purity and defilement.<sup>30</sup> Specifically, ancient Greeks provide several reasons for the low level of desirability accorded to fish consumption. The first simply concerns their ubiquitous nature, with a view of them as the food of the poor.<sup>31</sup> Of course this feature is not limited to the Greek realm. Second, fish were thought to consume human flesh, so eating fish indirectly made the human eater cannibalistic.<sup>32</sup>

#### 1.5. Southern Levant

The iconographic evidence from the southern Levant reveals a diversity of influences and associations. First, fish appear quite frequently as the single iconographic depiction for Hebrew-Jewish name seals,<sup>33</sup> which opposes the relatively rare appearance of these creatures in the biblical text. In addition, a number of scaraboids are in the shape of fish from this period in the southern Levant,<sup>34</sup> and rows of fish appear on cylinder seals.<sup>35</sup> Other evidence from glyptic art shows that fish – along with frogs and turtles, thus animals associated with water in general – reveal connections with the underworld.<sup>36</sup>

<sup>30</sup> See, e.g., Meshel, “Pure, Impure, Permitted, Prohibited,” 36.

<sup>31</sup> Borgeaud, “Greek and Comparatist Reflexions on Food Prohibitions,” 267.

<sup>32</sup> Parker, *Miasma*, 360.

<sup>33</sup> For details see Othmar Keel, *Von Bahan bis Tel Eton*; Vol. 2 of *Corpus der Stempelsiegel-Amulette aus Palästina/Israel: Von den Anfängen bis zur Perserzeit*, OBO Series Archaeologica 29 (Fribourg; Göttingen: Academic Press Fribourg; Vandenhoeck & Ruprecht, 2010), 20. See Jerusalem 44 (Israel Museum 75.466/1): Othmar Keel, *Von Tell el-Idham bis Tel Kitan*; Vol. 5 of *Corpus der Stempelsiegel-Amulette aus Palästina/Israel: Von den Anfängen bis zur Perserzeit*, OBO Series Archaeologica 35 (Fribourg; Göttingen: Academic Press Fribourg; Vandenhoeck & Ruprecht, 2017), 298.

<sup>34</sup> E.g., Tell el-Fara' (Far'ah)-South 151, 255, 664; Der el-Balah (Deir el-Balah) 114. Here and below the spellings follow those in Keel's classifications.

<sup>35</sup> Chirbat Ya'mun 11; Pella 89; 91; Tall (Tell) Deir Alla 44: See Jürg Egger and Othmar Keel, *Corpus der Siegel-Amulette aus Jordanien: Vom Neolithikum bis zur Perserzeit* (Fribourg; Göttingen: Universitätsverlag; Vandenhoeck & Ruprecht, 2006).

<sup>36</sup> Annie Caubet, “Animals in Syro-Palestinian Art,” in Collins, *A History of the Animal World*, 225.



Most of the imagery, however, reveals considerable Egyptian influence. One example includes a Late Bronze or Iron I stamp seal from Ashkelon that bears an upside-down catfish (*Synodontis batensoda*).

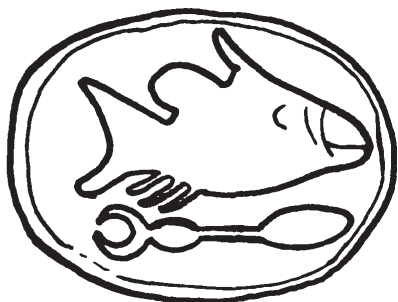


Figure 1: Upside-down catfish. Ashkelon 70. Image courtesy of Keel, *Von Tell Abu Farağ bis 'Atlit*, 717.

What is surprising about this seal is that, while it does not come from the core territory of Israel and Judah, it nonetheless contains what would later be viewed as an unclean type of animal. It should be noted, nevertheless, that nothing in the seal indicates that the fish was considered appropriate for consumption (though they were consumed throughout the southern Levant!).

A second common image adopted from Egypt is the tilapia fish with a lotus bloom in its mouth,<sup>37</sup> which I discussed above. As addressed below (§2), a great number of Egyptian tilapias were imported to the southern Levant, so appearances of its imagery are unsurprising on this account. However, the fertility symbolism, if understood in this same manner in the Levant as they were in Egypt, could easily be taken to have creational connections.

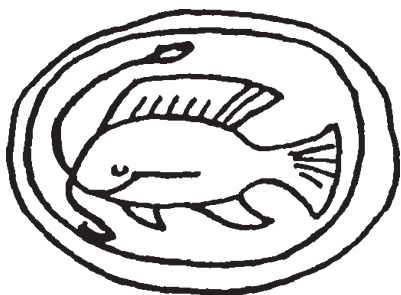


Figure 2: Tilapia with lotus bloom. Tell el- 'Ağul (Tell el-Ajjul), 131. Image courtesy of Keel, *Von Tell Abu Farağ bis 'Atlit*, 149.

<sup>37</sup> For further examples, see the reference in Othmar Keel, *Von Tell el-Farca Nord bis Tell el-Fir*, Vol. 3 of *Corpus der Stempelsiegel-Amulette aus Palästina/Israel: Von den Anfängen bis zur Perserzeit*, OBO Series Archaeologica 31 (Fribourg; Göttingen: Academic Press Fribourg; Vandenhoeck & Ruprecht, 2010), 250.

The iconographic representations provide even more variety. Phoenician influence appears in Persian-period Wadi Daliyeh. A stamp found here bears winged sea-horse iconography, which has strong connections to Tyre and Byblos.<sup>38</sup> On the other hand, a stamp seal from Ashdod from the late-Babylonian or Persian period reveals Mesopotamian influence in the “goat fish” of Ea, showing the longevity and broad distribution of this symbol.

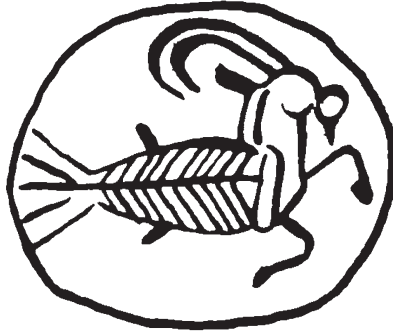


Figure 3: Seal of a goat fish. Ashdod 53: Image courtesy of Keel, *Von Tell Abu Farağ bis 'Atilit*, 681.

For, while Ashdod did not belong to Persian-period Yehud, it does indicate a relative proximity to this common Mesopotamian symbolic representation, which, in its Mesopotamian context, bears clear connections with a Mesopotamian deity.

Turning to clear depictions of consumption, in the Iron Age II Transjordan, fish could represent a delicacy. It appears as such on the ninth-eighth century cylinder seal of a banquet scene with a fish as the visual main course on top of bread.<sup>39</sup>



Figure 4: Amman, Jordan Museum (J.7218). From 9th–8th century Tell as-Sa'idiya. Image courtesy of Egger and Keel, *Corpus der Siegel-Amulette aus Jordanien*, 389.

<sup>38</sup> Wadi Daliyeh 44: Keel, *Von Bahan bis Tel Eton*, 364–65.

<sup>39</sup> See Egger and Keel, *Corpus der Siegel-Amulette aus Jordanien*, 388–89; Silvia Schroer, *Die Eisenzeit bis zum Beginn der achämenidischen Herrschaft*, Vol. 4 of *Die Ikonographie Palästinas/Israels und der Alte Orient: Eine Religionsgeschichte in Bildern* (Basel: Schwabe, 2018), no. 1671.

This scene depicts a royal figure that sits upon a throne. The raised cup points to a ritual practice, suggesting that fish did, or at least could be envisioned to, play a role in ritual consumption. Also noticeable is the tail fin and lines on the body of the fish that likely represent scales, thus depicting a fish acceptable for consumption according to Lev 11/Deut 14.

In addition to fish, crocodiles show up with some regularity in the iconographic record. They appear as the defeated foe of the “Lord of the animals” motif, found, for example, in Tell el-Ajjul.<sup>40</sup>

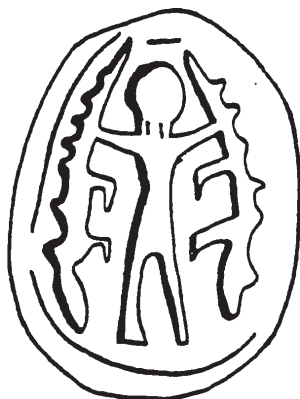


Figure 5: Tel-el 'Ağul (Tell el-Ajjul) 200 (see also Ağul 996). “Lord of the animals,” with two crocodiles. Image courtesy of Keel, *Von Tell Abu Farağ bis 'Atlit*, 171.

Crocodiles also appear in conjunction with lions, thus marking them as fearsome natural enemies.<sup>41</sup>

What can be concluded from these various depictions? First, they indicate that a *certain level of distinction* between aquatic animals was familiar to at least *some audiences* in the southern Levant in the Late Bronze to Persian periods. In particular, they would have been familiar with the clean variety of the tilapia as well as the unclean catfish. Mythic or religious associations appear with the goat-fish and the tilapia with lotus bloom, while the political connection with Tyre could have been apparent to viewers through the sea horse. Furthermore, unlike in biblical depictions, fish can appear on the ritual banquet table. In other words, viewers had a more differentiating palate than the term  $\text{גד}$  found in the Hebrew Bible, even without reaching in the direction of a *tannin* or *leviathan*. However,

<sup>40</sup> See further Jericho 13, probably from Iron IB–IIA (Keel, *Von Tell el-Idham bis Tel Kitan*, 36–37), with references also made to Achsib 15; Akko 115, 242; Bet-Schemesch 10, referring to numbers within Keel, *Corpus*, vols. 1–5.

<sup>41</sup> Also Amman Flughafen 21; Dschabal (Jabal) al-Hawayah 5; though from earlier contexts. See Eggler and Keel, *Corpus der Siegel-Amulette aus Jordanien*. In the Cisjordan, Jericho 19; Tell el-'Ağul ('Ajjul) 819, 1003; Akko 43; Tel ('Ain) Esur 12; Geser (Gezer) 155, all dated to the Middle Bronze.

considerations of fearsome aquatic animals also circulated, so the category of mundane or mythical animals related to the water was greater than simply those that could become food.

In conclusion, the iconography and Northwest Semitic terminology concerning aquatic creatures in the southern Levant during the period in which the dietary prohibitions and biblical texts took shape is quite revealing. While Akkadian attests to a plethora of terms for mundane fish, Ugaritic, Hebrew, and Aramaic do not. This is the case despite iconographic evidence *in* the southern Levant that numerous differences between types of fish and other water creatures were known. Instead, biblical Hebrew and Ugaritic mythological texts bear witness to a more developed imagination for sea monsters than the actual food from the rivers and seas that people ate.

## 2. Water Creatures in Levantine Zooarchaeology and Evidence of Consumption in Biblical Texts

The manifold zooarchaeological studies of aquatic creatures by Omri Lernau and others arising since approximately 1990 reveal a surprisingly different picture than often expected from the biblical material, especially from the texts of Lev 11 and Deut 14. First, Lernau maintains in a fairly recent study (2015) on remains from the City of David in Jerusalem, “The large assemblages of fish bones from the City of David, both in Area G and the ‘pool,’ attest to the important role fish played in the economy of the city during the entire Iron Age II, Babylonian, and early Persian periods.”<sup>42</sup> Thus, considerable evidence for the fish trade in Jerusalem shows well-developed processes of trade both from the Mediterranean (and Egypt) as mentioned above and from the Jordan River. The surprising nature of this conclusion is that fish maintain their importance despite the changes in imperial hegemony and destruction that Jerusalem experienced. There is also evidence from the Late Bronze and Iron Age I pointing to fish consumption, therefore suggesting an unbroken habit of consumption of imported (esp. Egyptian) fish from before and through the entire biblical period in locations as diverse as Lachish, Kuntillet ‘Ajrud, and Tel Yaqne’am.<sup>43</sup>

<sup>42</sup> Omri Lernau, “Fish Bones,” in *The Summit of the City of David: Excavations 2005–2008: Final Reports*, ed. Eilat Mazar (Jerusalem: Shoham, 2015), 532. See his more recent syntheses in idem, “What Kinds of Fish Were Eaten in Ancient Jerusalem?” *TheTorah.Com*, 2019, <https://www.thetorah.com/article/what-kinds-of-dish-were-eaten-in-ancient-jerusalem>; idem “Remains of Kosher and Non-Kosher Fish in Excavated Sites in Israel”; and now Adler and Lernau, “Pentateuchal Dietary Proscription.”

<sup>43</sup> A sample of other evidence comes from excavations of Middle Bronze to Iron II Lachish: Omri Lernau and Dani Golani, “The Osteological Remains (Aquatic),” in *The Renewed Archaeological Excavations at Lachish (1973–1994)*, ed. David Ussishkin (Tel Aviv: Emery and Claire Yass Publications in Archaeology, 2004), 2456–89. See also Lernau, “Fish Bones”; Guy et al.,

In contrast, the texts of the Hebrew Bible referring to consumption of fish generally arise from the postexilic period. This comes through most clearly in the references to fish on sale from Tyrian merchants in Neh 13:16. Though the possibly related name of the “Fish Gate” of Jerusalem also appears mostly in late texts (2 Chr 33:14; Neh 3:3; 12:39: שַׁעַר הַדְּגִיִּים), they refer to the building or restoration of an earlier structure, and the expression also appears in the likely preexilic text of Zeph 1:10. While certainly in accord with a much older trade connection with Egypt, the memory of fish consumption *in* Egypt only appears in the presumably postexilic text of Num 11:5.

The practice of fishing or related image likewise appears in late texts: Eccl 9:12 (“caught like fish”); Job 41:7 (fishing spears); and Ezek 47:10 (spreading nets in the new river flowing from Jerusalem). References to fisherman also occur, but only Isa 19:8: דוֹגִים may present an earlier text in its oracle against Egypt and its well-attested fishing industry.<sup>44</sup> It therefore comes as a minor surprise that the zooarchaeological evidence remains fairly consistent from the Late Bronze all the way through the Persian period according to the current evidence.

The second surprise from the zooarchaeological evidence, when beginning from a biblical point of view, especially from Lev 11/Deut 14, concerns the varieties of fish attested. While sites generally exhibit a majority of sea bream and Nile perch (e.g., from the Jerusalem Ophel excavations among others),<sup>45</sup> a plurality of sites, including Jerusalem, attest to varieties prohibited by the dietary laws. Two kinds of prohibited aquatic creatures dominate: catfish and *Elasmobranchii* (sharks and rays).<sup>46</sup>

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“Tooth Oxygen Isotopes”; Liora Kolska Horwitz et al., “The Faunal Remains and the Function of the Site,” in *Kuntillet 'Ajrud (Horvat Teman): An Iron Age II Religious Site on the Judah-Sinai Border*, ed. Ze'ev Meshel (Jerusalem: Israel Exploration Society, 2012), 327–40; Omri Lernau, “Fish Remains,” in *Ashkelon 3: The Seventh Century B.C.*, ed. Lawrence E. Stager, Daniel M. Master, and J. David Schloen (Winona Lake, IN: Eisenbrauns, 2011), 645–58; Omri Lernau, “Fish Remains from Tel Harassim,” in *The Sixth Season of Excavation at Tel Harassim (Nahal Barkai) 1995* (Tel Aviv, 1996), \*14–\*22; Hanan Lernau and Omri Lernau, “Fish Bone Remains,” in *Excavations in the South of the Temple Mount*, ed. Eilat Mazar and Benjamin Mazar, Qedem 29 (Jerusalem: The Institute of Archaeology, The Hebrew University of Jerusalem, 1989), 155–61.

<sup>44</sup> Others are Jer 16:16: הַדְּגִיִּים (+ verb with 3.m.p. suf.: דִּגְגוּם) and Ezek 47:10: דוֹגִים.

<sup>45</sup> Lernau, “Fish Bones.”

<sup>46</sup> A significant portion (70 bones) from Lachish come from sharks or rays, dating from the Middle Bronze to Iron I according to Lernau and Golani, “The Osteological Remains (Aquatic),” 2465. African Catfish (*Clarias gariepinus*) are found in excavations at the Ophel, City of David, 'En Boqe-q-amara, and Timna': see Lernau and Lernau, “Fish Bone Remains,” 155–56. These remains come from the 8th–7th centuries BCE (ibid.). Lernau states, “The picture becomes more crowded when we move to the Iron Age. Catfish are found now in almost every excavated site, including Jerusalem and Ramat Rachel in the Kingdom of Judea, and in Philistine Ashkelon – where their proportion is high. And the same is true for sharks and rays. One gets the impression that this is a period when transportation, and probably also preparing the fish products for transport, like drying and salting are better developed” in Lernau, “Remains of Kosher and Non-Kosher Fish.” See also Adler and Lernau, “Pentateuchal Dietary Proscription,” 14.

Some material evidence suggests that fish arrived in Jerusalem and other destinations largely in dried and salted form, often only consisting of meat-bearing portions (that is, without their heads). Given the need to transport them over significant distances, it would make sense to remove inedible portions prior to shipping.

While this method appears to predominate, it was not always the case. Lernau reports that remains of white grouper, which can reach over a meter in length and 25 kg, include head bones, which suggests that the transportation of the fish in its entirety to Jerusalem.<sup>47</sup> Yet even at Tel Harasim, located considerably closer, only about 15 km east of the coast, the predominance of large vertebrae from large fish appears. These indicators lead Lernau to suggest that the large fish were purchased in dried and salted form.<sup>48</sup>

While the typical varieties of Nile perch and gilt-headed bream even hold true for the remote way-station of Kuntillet 'Ajrud,<sup>49</sup> an additional find at this site in the Negev concerns a number of shells. However, they show no marks of manipulation for consumption, so the excavators considered them votive offerings.<sup>50</sup> This lack of consumption of sea creatures with shells also accords with their general place in the larger economic life of the eastern Mediterranean – as a source of dye and as a tool for polishing. The purple found in the description of the curtains for the Tabernacle (e.g., Exod 26:1) presumably comes from this industry, connected closely with Tyre.

In sum, it appears that the residents of the southern Levant, both on or near the coast in Philistia and in the inland highlands and Negev had some familiarity with water animals, especially as a source of food. Furthermore, these animals came to them primarily in a dried or salted (or some other prepared) form, though in a number of cases the heads were also transported, most likely in order to allow for identification of the type of animal. The evidence of the import of the fish from *Egypt* proves something of a surprise, showing the ongoing importance of fish as a source of consumption. Finally, the wide dispersion of prohibited varieties indicates the lack of importance – either unknown or disregarded – of the criteria in the biblical texts.<sup>51</sup> The next section will turn to the Bible in order to provide some literary context for this discrepancy between text and practice.

<sup>47</sup> Lernau and Lernau, "Fish Bone Remains," 157.

<sup>48</sup> Lernau, "Fish Remains from Tel Harassim." See also the similar phenomenon at Lachish: Lernau and Golani, "The Osteological Remains (Aquatic)."

<sup>49</sup> Horwitz et al., "The Faunal Remains."

<sup>50</sup> Ibid., 333. Levine (Baruch A. Levine, *Leviticus = Way-Yiqrá*, The JPS Torah Commentary [Philadelphia: Jewish Publication Society, 1989], 248) comments, "Crustaceans, for example, were perceived as scavengers." However, he does not provide any support for his conclusion.

<sup>51</sup> Again, as noted by Adler and Lernau, "Pentateuchal Dietary Proscription," 16, 21–22.

### 3. Sea Creatures in the Bible

What does one find when investigating the texts of the Hebrew Bible for aquatic animals? I begin by taking a deeper look at the terminology (§ 3.1), which is followed by broader discussion of key passages and themes (§ 3.2).

#### 3.1. Terminology

There are only a few ways that the Hebrew Bible refers to aquatic animals.<sup>52</sup> The most basic, and what appears in the dietary prohibitions texts, is “that which [is] in the water”: **אשר במים** (Lev 11:9//Deut 14:9). The other terms consist of **דג** “fish, aquatic creature,” on the one hand, and the more mythic **תנין** “sea monster, dragon, or crocodile,” **לוייתן** “Leviathan or sea monster,” and **רהב**, Rahab or “surger” –<sup>53</sup> though this final term can also function as an epithet for Egypt. However, none of these terms actually appear in the dietary prohibitions of Lev 11/Deut 14.

Akkadian, on the other hand, attests to a great variety of terms for aquatic creatures. While many remain undeciphered or only tenuously identified, one cannot question their ubiquitous and plural nature.<sup>54</sup> The topography of Mesopotamia, especially the southern coastal marshlands, but also the large rivers that extend to the north, made fish quite plentiful, offering considerably more types of fish than were available in the southern Levant. Even leaving aside the salt-water varieties, Salonen reckons with names for twenty-two types of freshwater animals. Of these, he concludes that the majority of the Akkadian terms designate types of carp with only eight reserved for other fish.<sup>55</sup> However, none of these terms overlap with those found in Hebrew.

Only the general term, Akkadian *nūnu*, has a Northwest Semitic counterpart from the Iron through Hellenistic Ages in the Aramaic term *nun*, which appears in Official Aramaic texts from Elephantine and elsewhere.<sup>56</sup> The term *tnn* also appears once in Aramaic with a similar meaning to the biblical sea monster,

<sup>52</sup> Milgrom attempts to explain this dearth by suggesting that there were very few fish in the Mediterranean waters off the southern Levant: *Leviticus 1–16*, 660–61. This hypothesis can be disregarded in light of maritime evidence. More intriguing, however, are his references (ibid., 656): “One commentator attributes the omission to the fact that fish ‘are hidden from human sight’ (Hazzequni). More to the point is the observation that Adam did not name the fish and, hence, their species were unknown (*Moshab Zeqenim* on v 10).”

<sup>53</sup> Isa 51:9; Ps 89:11; Job 9:13; 26:12; Sir 43:25. For a general discussion of the philology, see Anna Angelini, *Dal Leviatano al drago: mostri marini e zoologia antica tra Grecia e Levante* (Bologna: Il Mulino, 2018), 21–33.

<sup>54</sup> For detailed attempts to identify the meaning of each term, see Salonen, *Fischerei im alten Mesopotamien*.

<sup>55</sup> Salonen, *Fischerei im alten Mesopotamien*, 106. He sees the majority of names as referring to marine varieties (ibid., 84).

<sup>56</sup> See *CAL* for details; also *kwr*, which represent a Sumerian loanword into Aramaic: see DNWSI, 495.

crocodile, or dragon. Ahiqar l. 106 contains the proverb: “Soft is the tongue of a king (רכיך לשון מלך), but it breaks a dragon’s ribs (ועלעי תנין יתבר); like a plague, which is not seen.”<sup>57</sup>

Ugaritic contains several mentions of *dg* in both mythic and ritual texts, as noted above. Their distribution matches the Hebrew Bible in setting them parallel the birds of the sky (*KTU* 1.23:63; cf., e.g., Ps 8:8; Hos 4:3). However, Ugaritic also attests to an offering of fish cakes as well as fish stew. It otherwise only offers the mythic *tnn* and *ltn* (e.g., *KTU* 1.3.iii.40; 1.5.vi.51; 1.5.i.1, 28).<sup>58</sup> This is surprising, given Ugarit’s location on the coast.

As a result, the comparative philological evidence shows a general poverty of expression (for fish) in ancient Northwest Semitic languages and dialects up to the Hellenistic period. The extant terms from these corpora show more interest in possible mythic sea creatures than linguistic differentiation between mundane consumed ones. This contrasts with the Akkadian evidence, which offers a rich diversity of terms for mundane aquatic creatures. The foregoing scenario also obtains for Ugarit, a coastal city whose texts attest to fish consumption and whose inhabitants likely had considerable experience with various kinds of water animals. Therefore, it appears that the relative lack of terminology in ancient Northwest Semitic languages need not imply a corresponding ignorance about aquatic creatures. I have also demonstrated this conclusion by presenting the iconography of aquatic creatures in the Bronze through Persian-period southern Levant. Rather than positing a lack of familiarity leading to few terms, interests in the sea and its creatures merely lay elsewhere.<sup>59</sup>

Turning to the Hebrew terminology itself, one cannot determine simply on the basis of the *terminology* that the term דג truly refers only to the modern term “fish.” Texts like Gen 1:26, 28 that concern creation, those referring to judgment contexts (Ezek 38:20; Hos 4:3; Zeph 1:3), and a ban on making images of them for worship (Deut 4:18) in fact point in the direction of דג as including all aquatic creatures.

As previously mentioned, three further terms refer primarily to mythic if not mythical creatures: תנין, רהב, and לריתן, which can represent variations of one another. Leviathan appears six times, always easily understood to indicate a large sea creature or opponent of Yhwh of mythic proportions.<sup>60</sup> As such, it is

<sup>57</sup> Translation from H.L. Ginsburg: [http://www.syriacstudies.com/AFSS/Syriac\\_Articles\\_in\\_English/Entries/2007/12/12\\_THE\\_WORDS\\_OF\\_AHIQAR\\_Aramaic\\_Proverbs\\_and\\_Preccepts\\_-\\_Translator\\_H.L.\\_Ginsberg.html](http://www.syriacstudies.com/AFSS/Syriac_Articles_in_English/Entries/2007/12/12_THE_WORDS_OF_AHIQAR_Aramaic_Proverbs_and_Preccepts_-_Translator_H.L._Ginsberg.html). Otherwise, various Aramaic dialects provide evidence of a considerable variety of terms, but they are only attested much later than the texts of the Hebrew Bible.

<sup>58</sup> See discussion in George C. Heider, “Tannin,” *DDD*, 834–36.

<sup>59</sup> Contra the conclusion that Israelites were unfamiliar with fish as posited by Firmage, “The Biblical Dietary Laws and the Concept of Holiness,” 189–90.

<sup>60</sup> Isa 27:1 (2x); Pss 74:14; 104:26; Job 3:8; 40:25 [ET: 41:1].



beyond human abilities to catch with a fishhook in Job 40:25. However, Yhwh can subdue it and “give it as food to the inhabitants of the wilderness” (Ps 74:14). As on display below, this field of meaning reveals considerable overlap with the *tannin*, which it parallels in Isa 27:1.

Assuming the relative overlap in the meaning of the term throughout its various contexts, the *tannin* refers to some kind of a snake or serpent-like creature that often inhabits the waters.<sup>61</sup> It appears in Exod 7:9, 10, 12 as something that a staff could morph into when thrown, indicating the likelihood that, at least here, one can imagine the creatures as snake-like beings living upon land. In support of this understanding, in Deut 32:33, wine is compared to the venom of תנינים, which parallels the poison of asps. Finally, in Ps 91:13, the one delivered by Yhwh will “tread on lion and cobra, and trample lion and *tannin*.” No aquatic setting is required, though it need not be excluded, given that the thrust of the image lies on superiority over dangerous creatures.

Otherwise, as scholarship has discussed comprehensively,<sup>62</sup> many texts place the creature(s) in the seas. In Gen 1:21 the “great *tanninim*” represent the only named aquatic animal in the creation report (cf. Ps 148:7). Job 41:1, 7 speak of subduing it with fishhooks or harpoons and that it churns up the depths, stirring up the sea (41:31). Similarly, it possesses a double coat of armor (41:13). As great sea creatures, they can represent the greatest possible adversaries to God’s dominion (Isa 27:1, parallel to *leviathan*, and to נחש “snake”; 51:9–10, parallel to Rahab, Sea, and Deep [תהום]; in Ps 74:13 also parallel to Sea).

The mention of Ps 74 provides special insight to the topic of this essay. As Batto notes on the context of the use of the Leviathan and *tannin* within this lament over the destruction of Jerusalem and its temple, “It would appear that the Combat Myth [containing these enemies] had particular appeal to the exiles.”<sup>63</sup> In other words, the biblical texts associate these mythic beasts with conquering nations and with rulers of great empires. This connection also appears in Jer 51:34 for Nebuchadnezzar swallowing “me” like a *tannin* and in Ezek 29:3–4; 32:2 (cf. Job 7:12).<sup>64</sup>

The texts from Ezekiel draw close to an Egyptian seal from Tell eš-Šafi in the Shephelah (19th Dynasty) of Seth fighting with a horned serpent, which would represent Apophis in the Egyptian context.<sup>65</sup>

<sup>61</sup> For more discussion see Ronald F. Youngblood, “tannin,” in *TWOT*, 976. Note that I am leaving aside discussion of תן, jackal. For a possible relationship between the two terms, see Angelini, *Dal Leviatano al drago*, 26–33.

<sup>62</sup> See, e.g., Christoph Uehlinger, “Leviathan,” *DDD*, 2nd ed., 511–15; and Heider, “Tannin,” 834–36.

<sup>63</sup> Bernard Frank Batto, *Slaying the Dragon: Mythmaking in the Biblical Tradition* (Louisville: Westminster/John Knox Press, 1992), 83.

<sup>64</sup> I follow here the LXX (dragon) which accords with emendation of the Hebrew dating back to Hermann Gunkel, *Schöpfung und Chaos*, 71–77 to read תנין for תנינים in these passages.

<sup>65</sup> See Othmar Keel, *Die Geschichte Jerusalems und die Entstehung des Monotheismus*, Orte



Figure 6: Following Keel, *Die Geschichte Jerusalem*, 1:208; image courtesy of Giveon, *The Impact of Egypt on Canaan*, 97 fig. 49. Seth is depicted twice: in the middle fighting a lion, and on the left subduing the serpent.

However, not all interpreters see the sea monster related to Apophis/Leviathan as the association for pharaoh in these contexts. An alternative appears in the crocodile and thus perhaps the deity Sobek.<sup>66</sup> This fearsome creature could represent the pharaoh, as in a hymn of Thutmose III: “I let them see your majesty like a crocodile, the master of terror in the water, unapproached.”<sup>67</sup> The imagery may also represent a conflation of both sea serpent (often translated “dragon”) and crocodile.<sup>68</sup>

Both cases prove intriguing for the discussion of prohibited aquatic animals in Lev 11/Deut 14, specifically in relation to Ezek 29:3–4:

פרעה מלך־מצרים הגדול הרבץ בתוך יארו ...<sup>3</sup>  
 ונתתי חזיים בלחיך<sup>4</sup>  
 והרבקתי דגת יאריך בקשקשתיך  
 והעליתיך מתוך יאריך  
 ואת כל דגת יאריך בקשקשתיך תרבק

<sup>3</sup>Pharaoh, king of Egypt, the great *tannim*, sprawling in the midst of his Nile ...

<sup>4</sup>Now I put hooks in your jaws  
 and I will make the fish of your Nile cling on your scales  
 and I will raise you up from the midst of your Nile  
 and all the fish of your Nile *clinging to your scales*.

und Landschaften der Bibel IV, 1 (Göttingen: Vandenhoeck & Ruprecht, 2007), 208. The imagery appears frequently in Egyptian contexts: see *ibid.*, 209–10 as well.

<sup>66</sup>Margaret S. Odell, *Ezekiel*, Smyth & Helwys Bible Commentary (Macon, Georgia: Smyth & Helwys, 2017), 373–74.

<sup>67</sup>Karnak; Now in the Cairo Museum (CG 34010) Translation from Miriam Lichtheim, *The New Kingdom*, vol.2 of *Ancient Egyptian Literature* (Berkeley: University of California Press, 1976), 37, and mentioned in Millard Lind, *Ezekiel*, Believers Church Bible Commentary (Scottsdale, PA: Herald, 1996), 244.

<sup>68</sup>See Safwat Marzouk, *Egypt as a Monster in the Book of Ezekiel*, FAT 2/76 (Tübingen: Mohr Siebeck, 2015), 158–61. Marzouk, however, does not discuss the Greek rendering. See earlier Walther Eichrodt, *Ezekiel: A Commentary*, OTL (Philadelphia: Westminster, 1970), 403–4, 432.

<sup>3</sup>Φαραω τὸν δράκοντα τὸν μέγαν τὸν ἐγκαθήμενον ἐν μέσῳ ποταμῶν αὐτοῦ ...

<sup>4</sup>καὶ ἐγὼ δώσω παγίδας εἰς τὰς σιαγόνας σου

καὶ προσκολλήσω τοὺς ἰχθύς τοῦ ποταμοῦ σου πρὸς τὰς πτέρυγας σου  
καὶ ἀνάξω σε ἐκ μέσου τοῦ ποταμοῦ σου

<sup>3</sup>Pharaoh, king of Egypt, the great *dragon*, sprawling in the midst of his Nile ...

<sup>4</sup>Now I put hooks in your jaws

and I will make the fish of your Nile cling on your *wings*

and I will raise you up from the midst of your Nile

and all the fish of your Nile

This text depicts Yhwh treating the *tannin* much the same way as the Leviathan in Ps 74:14. The radical change in this text is that the creature that is drawn out of the sea and placed in the desert in the primordial myth is equated with the Egyptian pharaoh.<sup>69</sup> As such, it may point more in the direction of Apophis as representing God's antagonist rather than the pharaoh as protagonist in the form of the crocodile Sobek.<sup>70</sup> However, this distinction may not bear fruit in the analysis of בקשקשת.

The evidence from the LXX of the "scales," which in v. 4 reads πτέρυγας (from πτέρυξ), is important. The term appears numerous times in the LXX, however mostly for כנף ("wing") and once for אבר ("pinion"). The Greek term broadly concerns the wing of a bird or "anything like a wing, the flap or skirt of a coat of armour."<sup>71</sup> It therefore appears that the translator of the LXX has a significantly different conception in mind: namely a creature with wings rather than scales. In fact, the same term is used to render *fin* (Heb. סנפיר) in Lev 11:9–10/Deut 14:9–10. One might suggest some overlap in the sense that both can intend protection, as found in the appearance of a form of בקשקשת, in 1 Sam 17:5 as discussed below.

However, the translator of the LXX in Ezek 29 has something quite different in mind. Given that this is the *only* other place where either term appears with reference to an aquatic creature, the difference is quite significant. A further discrepancy between the MT and the LXX in this regard is that in addition to rendering בקשקשת once with πτέρυγας in v. 4, the LXX also omits any rendering of the second mention of בקשקשת in the verse (ואת כל דגת יאריך בקשקשתיה תרבק) / καὶ πάντας τοὺς ἰχθύας τοῦ ποταμοῦ σου). If the *tannin* in Ezek 29 should be associated with the crocodile or Apophis as a serpent,<sup>72</sup> there is little reason to associate it with πτέρυγας – wings or fins of any sort – as opposed to scales, which fit the crocodile and serpent much better than fins. This evidence indicates that

<sup>69</sup> See especially Ps 74:12: מקדם "from long ago."

<sup>70</sup> "Ezekiel, however ... associates Pharaoh with the figure of the monster, which is a source of chaos, disorder, and even death": Marzouk, *Egypt as a Monster*, 165.

<sup>71</sup> LS, 708. It also can take on metaphorical meaning for something that can protect or cover like wings.

<sup>72</sup> Snake scales on representations of Apophis appear, e.g., in Chapter 17 of the Book of the Dead illustrated on the wall of the Tomb of Innherkha, Deir el-Medina, western Thebes.

the translators of the LXX conceived the *tannin* quite differently, as something that did not have scales. This comes as a surprise, given that the LXX renders *tannin* with δράκοντα, “a snakelike animal that may be on land or in water.”<sup>73</sup> Olley, commenting on Codex Vaticanus, notes the connotation of wings, and suggests something moving in the direction of a winged dragon, which unfortunately leaves the difference from the MT without mention or explanation.<sup>74</sup> However, if this conception can be considered an option in the Hellenistic period when Ezekiel was translated, then it certainly supports the mythic connotations of the text. In any case, it does not help with the meaning of בקשקשת.

“Scales” appear once more in the biblical text, in the description of Goliath’s armor (1 Sam 17:5: שריון בקשקשים, “scaled armor”). In this case the LXX reads ἄλυσιδωτός,<sup>75</sup> which elsewhere appears only in Exod 28:22, 24 [29] for עבה, “rope, cord, cordwork.”<sup>76</sup> The final appearance of the term is of course in Lev 11/Deut 14, but these texts offer yet another term in the LXX: λεπίς, which also renders פת “sheet” in Num 16:38 (17:3). The Greek term used in Lev 11/Deut 14, λεπίς, can concern a scale or husk, or “collectively, the scales of fish” in Herodotus.<sup>77</sup> As a result there seems little reason to challenge the notion of “scales” for בקשקשת.<sup>78</sup>

What can be concluded from this discussion of the early Greek renderings of forms of בקשקשת? First, the fact that *different* terms are used in the tradition of each biblical book for the term suggests that the Hebrew term had a field of meaning that stretches beyond a single term in Greek. This is implied in the overlap of the conception in Lev 11/Deut 14 and 1 Sam 17:5 as translated in the LXX and their rendering in modern versions. This general notion of the term concerns something meant to protect the life of the creature bearing it through an interlinked, hard material, whether a giant wearing armor or aquatic creatures with a tough outer layer. On the other hand, the diversity of renderings may indicate that the translators of (some of) the texts no longer grasped its meaning. This latter option provides a better explanation for the clear change in the LXX of Ezek 29:4. The lack of wings or fins on Apophis or Sobek suggests that, whether out of misunderstanding or a simple careless replacement of one of the criteria from Lev 11/Deut 14 in Ezek 29:4 with the other, the LXX did not accurately render בקשקשת in Ezek 29:4.

<sup>73</sup> John W. Olley, *Ezekiel: A Commentary Based on Iezekiël in Codex Vaticanus*, Septuagint Commentary Series (Leiden: Brill, 2009), 439.

<sup>74</sup> Olley, *Ezekiel*, 440.

<sup>75</sup> Forms of ἄλυσις, “chain” appear in Herodotus and Euripides according to LS.

<sup>76</sup> HALOT, 783.

<sup>77</sup> LS, 469. The closely-related adjective λεπιδωτός means “scaly, covered with scales, of the crocodile” in Herodotus (*ibid.*).

<sup>78</sup> Also in support is the use of *qlp* in the Peshitta, which has a range of meaning including “bark, scale, shell, peel.”

Understanding the nature of the סנפיר “fin” also remains elusive. Unlike בקשקשת, no further attestation of סנפיר appears outside of the dietary prohibition texts. Lexicons and commentators often turn the Arabic *šufri*, “eyelash,” or less often to Akk. *s/šappartu* “shaggy skin” for insight from cognate languages.<sup>79</sup> As mentioned above, the LXX reads πτερυγίον, a term that primarily renders כנף (“wing”).<sup>80</sup> It seems quite clear that this term intends something that sticks out, supporting the understanding of “fin,” especially dorsal and adipose fins on the back or pectoral and pelvic fins on the sides.

### 3.2. General Biblical Contexts for Aquatic Creatures

Having investigated ancient Near Eastern conceptions of aquatic animals, their appearance in the zooarchaeological record and iconography of the southern Levant, and their terminology in the Hebrew Bible, this section considers their general depiction in the biblical texts. Starting at the bottom level, first, and most obviously, the aquatic creatures in general fit into the category of animals, both from a modern Western perspective and in ancient Israel. Second, they themselves constitute a group of animals with their own habitat.

They appear as a group of creatures with their own habitat in Gen 1. In the subsequent Primeval History in Gen 6–9, they are a category of animals that does not experience punishment in the flood (cf. Hos 4:3; Ps 8:8). This differentiation in the flood story leads to an important conclusion found at in the Priestly conclusion to this narrative.

Genesis 9 (P) provides several comments on the conception of aquatic creatures. Like the land animals and birds, Gen 9:2–3 likely declares aquatic creatures part of the post-diluvial human diet, though v. 2 proclaims that creatures of the air, land, and water will fear humans, while v. 3 specifically states, “Every crawling/swarming thing (רמש) that has life, to you it will be for eating ...” Support for this extension to creatures of the water comes in Hab 1:15, which sets the two in synonymous parallelism with one another.

However, a question arises in Gen 9:4: does this verse, which proclaims אך בשר בנפשו דמו לא תאכלו, “But meat/flesh with its life, its blood you may not eat,” include the internal fluid found in aquatic animals? Richard Whitekettle argues that the use of בשר in the early (Priestly) chapters of Genesis prior to 9:4 refers to land and aerial animals, and thereby suggests the continuation of the same

<sup>79</sup> HALOT, 761; Ges 18:894. See also Milgrom, *Leviticus 1–16*, 655. Jakob Levy, *Neuhebräisch und Chaldäische Wörterbuch*, 3:558 also notes a rabbinic explanation: “Sifra Schemini cap. 4 Par. 3 ... das sind die Flossfedern des Liwjathan. Nid. 51b.” BDB, 703 compares with the Aramaic סמפורין “points, nails” and suggests that, given the attestation of the verb סמר “nail,” this suggests an infixed פ. However, CAL derives this term from the Greek συμπείρω, thus pointing to a loanword. I am unaware of the infixing elsewhere in Semitic of פ.

<sup>80</sup> Num 15:38; Ruth 3:9; 1 Sam 15:27; 24:5, 6, 12; 1 Kgs 6:24; Dan Th. 9:27; several more times in Aquila; once in Origen’s Heb.: Ezek 16:8. Also once for קצה “end, edge, extremity” in Exod 36:27 (39:19).

meaning here.<sup>81</sup> As a result, it appears that, according to the understanding in the P texts, the internal fluid in fish did not constitute “blood” in the same way as the fluid in land animals and birds.<sup>82</sup> This insight may be relevant with respect to the formulation of cultic practices with animals in the Hebrew Bible and resembles a widespread ancient Israelite conception: notably, land animals appear on the Yahwistic altar in P and D, and birds in P (eventually), but aquatic animals do not. However, note that one was required to split open fish that were still living in the Dead Sea Scrolls (CD 12:13–14) and drain out the fluid on analogy with the land animals, which shows that this division no longer held true for some later Judean authors.<sup>83</sup> Likewise some evidence to the contrary arises from Classical Greece, where tuna and eels are characterized as “bloody” and thereby occasionally rendered fit for offering.<sup>84</sup>

As introduced above, Hab 1:14–16 also provides some insight into the general conception of aquatic creatures:

וַתַּעַשׂ אִדָּם כְּדֹגֵי הַיָּם<sup>14</sup>  
 כִּרְמֵשׁ לֹא מִשְׁלַל בּוֹ  
 כֻּלָּהּ בַּחֲכָה הָעֵלָה<sup>15</sup>  
 יִגְרֶהוּ בַחֲרֹמוֹ  
 וַיֹּאסְפֶהוּ בַמַּכְמֹרֶתוֹ  
 וַיַּעַל כֵּן יִשְׂמַח וַיִּגִּיל<sup>16</sup>  
 עַל כֵּן יִזְבַּח לַחֲרֹמוֹ  
 וַיִּקְטֹר לַמַּכְמֹרֶתוֹ  
 כִּי בַהֲמָה שֶׁמֶן חֵלְקוֹ  
 וּמֵאֲכָלוֹ בִּרְאָה

<sup>14</sup>And you make humans like sea creatures,  
 like swarmer that none rules over.

<sup>15</sup>All of them with a hook one hauled up,  
 one drags them away with his net  
 and gathers him with his fishing net.  
 Therefore, he enjoys and rejoices.

<sup>16</sup>Therefore he sacrifices to his net  
 and he burns incense to his fishing net  
 because for him, his portion is sumptuous  
 and his food is rich.

<sup>81</sup> Richard Whitekettle, “A Study in Scarlet: The Physiology and Treatment of Blood, Breath, and Fish in Ancient Israel,” *JBL* 135 (2016): 687 n. 2. See Gen 6:(17,) 19; 7:21; 8:17.

<sup>82</sup> See this idea earlier in Walter Houston, “Towards an Integrated Reading of the Dietary Laws of Leviticus,” in *The Book of Leviticus: Composition and Reception*, ed. Rolf Rendtorff and Robert A. Kugler, VTSup 93 (Leiden: Brill, 2003), 148.

<sup>83</sup> For more discussion, see Angelini, “Dietary Laws in the Second Temple Period,” 185–86 in this volume.

<sup>84</sup> Thanks to Christophe Nihan (personal communication) for this insight and a reference to Dimitra Mylona, *Fish-Eating in Greece from the Fifth Century BC to the Seventh Century AD: A Story of Impoverished Fishermen or Luxurious Fish Banquets?*, BAR International Series 1754 (Oxford: Archaeopress, 2008), 91.

This text depicts aquatic creatures as generally small and defenseless, such that one can catch them with hooks and nets. Walter Dietrich notes the problem portrayed here concerns the lack of a ruler (which is not always problematic) – the case envisions a leader who protects them.<sup>85</sup> The latter two verses present an enemy, identified from vv. 6–11 as the Chaldeans, who catches and then consumes them.

Perhaps akin to the conception of fish found in ancient Greek writings, the large marine creature in the book of Jonah could be considered to have “eaten” Jonah, though the text uses the term בלע “swallow” (Jonah 2:1 [ET:1:17]), which avoids notions of consumption or the process of consumption. Given the apparent size of the creature, it comes as something of a surprise that it is merely designated as דג or even גדול דג. Perhaps this choice makes clear that no connotations of a mythical chaos monster accompany the scene and that the creature instead can be understood as a means of deliverance; or, if imagined as a tilapia in line with the Egypt iconography, as means of rebirth.

By way of contrast, a similar “great fish” (ἰχθύς μέγας) attacks Tobias in Tob 6:2 [ET: 3] while Tobias washes his feet in the Tigris River. In this case, the fish falls much more easily into the category of the primordial mythic enemies of Yhwh and his worshipers that reside in the waters. As Micah Kiel argues, “A “great fish” coming out of the water and preparing to devour Tobias could be intelligible in light of the creation battle motif.”<sup>86</sup> In particular, the great creature symbolizes the evil that stands against God and God’s people. In this story, the ultimate irony is that portions of this creature become a means of healing. While the terminology of clean and unclean does not appear,<sup>87</sup> this narrative clearly indicates the types of sea creatures viewed as problematic in Judean circles at least in the Hellenistic period when this narrative originated.<sup>88</sup>

#### 4. Discussion of the Texts of Lev 11:9–12 and Deut 14:9–10

Before discussing the dietary prohibitions themselves, a short summary of the discussion so far may prove helpful. (1) The Hebrew Bible contains little differentiation of terminology for mundane aquatic creatures, much like the textual evidence from other Northwest Semitic languages. As a result, the term דג need not be limited to modern conceptions of fish, but could include all aquatic

<sup>85</sup> Walter Dietrich, *Nahum Habakuk Zefanja*, IEKAT (Stuttgart: Kohlhammer, 2014), 127, ET: 124. Dietrich (ibid., 137–38; ET: 134–35) views v.15 as part of a secondary layer that develops the image in a new direction.

<sup>86</sup> Micah D. Kiel, “*The Whole Truth*”: *Rethinking Retribution in the Book of Tobit*, LSTS 82 (London: T & T Clark, 2012), 149.

<sup>87</sup> However, Tobias is attacked while *washing*, which is suggestive.

<sup>88</sup> Dated to 250–175 BCE by Kiel, *The Whole Truth*, 13.

creatures. (2) Rather in contrast with that evidence, Akkadian offers a rich variety of names for fish and other inhabitants of the waters. (3) The iconographic evidence from the region – including the southern Levant – depicts more types of sea creatures (mundane and mythic) than those found in the biblical text. (4) The zooarchaeological data records a significant diversity of fish, sharks, rays, and even an eel. Varieties include fresh water fish from the Jordan and salt-water types, especially from Egyptian waters. The evidence also attests to the unbroken consumption of fish – of what has come to be accepted as both kosher and non-kosher types – from the Bronze Age to the Persian period.

The previous section on the other Hebrew Bible attestations of water creatures resulted in some further insights. First, Whitekettle argues that, according to the conception of the biblical texts, fish do not have “blood,” and this may provide the reason for their omission from the altar. Second is the use of the term for scales in Ezek 29:4: whether it concerns a crocodile of mythic proportions like Sobek or a similarly gigantic sea serpent like Apophis, both types of creatures have scales and live in the water. As “creatures of the sea” with scales, this may offer some insight for the particular texts concerning the dietary prohibitions on the aquatic creatures.

However, before considering these external perspectives, analysis of the texts themselves is required.

Lev 11:9–12	Deut 14:9–10
<p>אֶת־זֶה תֹאכְלוּ מִכֹּל אֲשֶׁר בַּמַּיִם  <u>כֹּל אֲשֶׁר־לוֹ סַנְפִיר וְקִשְׁקֶשֶׁת בַּמַּיִם וּבַנְּחָלִים</u>  <u>אֹתָם תֹאכְלוּ</u>  <sup>10</sup>וְכֹל אֲשֶׁר אֵינְלוֹ סַנְפִיר וְקִשְׁקֶשֶׁת  <u>בַּמַּיִם וּבַנְּחָלִים מִכֹּל שְׂרֹץ הַמַּיִם וּמִכֹּל נֶפֶשׁ הַחַיָּה אֲשֶׁר</u>  <u>בַּמַּיִם שֶׁקֶץ הֵם לָכֵם</u>  <sup>11</sup>וְשֶׁקֶץ יִהְיוּ לָכֵם מִבְּשָׂרָם לֹא תֹאכְלוּ  <u>וְאֶת־נִבְלָתָם תִּשְׂקֹצוּ</u>  <sup>12</sup><u>כֹּל אֲשֶׁר אֵינְלוֹ סַנְפִיר וְקִשְׁקֶשֶׁת בַּמַּיִם</u>  <u>שֶׁקֶץ הוּא לָכֵם</u></p>	<p>אֶת־זֶה תֹאכְלוּ מִכֹּל אֲשֶׁר בַּמַּיִם  כֹּל אֲשֶׁר־לוֹ סַנְפִיר וְקִשְׁקֶשֶׁת תֹאכְלוּ  <sup>10</sup>וְכֹל אֲשֶׁר אֵינְלוֹ סַנְפִיר וְקִשְׁקֶשֶׁת  לֹא תֹאכְלוּ  שֶׂמֶא הוּא לָכֵם</p>

<sup>9</sup>This you may eat from all that is in the water:  
All that have fins and scales in the water – in the seas and in the rivers – you may eat them.

<sup>10</sup>But all that does not have fins or scales, you may not eat. They are *abhorrent* for you.

<sup>11</sup>Now [they are] *abhorrent* for you; you may not eat from their meat, And their carcass you shall abhor

<sup>12</sup>All that does not have fins and scales in the water

It is *abhorrent* for you.

<sup>9</sup>This you may eat from all that is in the water:  
All that have fins and scales you may eat

<sup>10</sup>But all that does not have fins or scales, you may not eat.

It is *impure* for you.



The sections on the aquatic animals in the two lists of dietary prohibitions begin identically (Lev 11:9/Deut 14:9) with a pronouncement of which types of animals one may eat, which accords with the beginning of the previous section on the large land animals. In fact, every word in Deut 14:9 appears in Lev 11:9 in the same order. The only variation comes with the insertion in Lev 11:9 of **במים ובנחלים אתם** before the final word, **תאכלו**, which closes the positive sanction in both versions. This addition serves to specify that the distinction belongs to creatures from all kinds of bodies of water – both of fresh and salt water.

Similarly, Deut 14:10 and Lev 11:10 share the same opening, and Lev 11:10 then inserts a longer addition: **במים ובנחלים מכל שרץ המים ומכל נפש החיה אשר במים**. In fact, Lev 11:10–12 replicates every term in Deut 14:10 in the same order, changing **טמא** to **שקץ** in the closing statement of v. 12. There are, however, again a number of insertions, and their status as insertions is supported by the resumptive repetitions. Again, like in v. 9, v. 10b inserts a detailed description of the types of water the regulation relates to before the command about eating, **לא תאכלו**, which is pushed later to v. 11. It also gives a description of the types of creatures concerned: **מכל שרץ המים ומכל נפש החיה**. Finally, the reason is inserted: they are abhorrent.

In the Leviticus version, vv. 11–12 are entirely expansionist, except for the previously mentioned “you shall not eat.” After repeating that they are abominable, the expansion in v. 11 dictates precisely that one should not eat of *their meat*, but abhor (תשקצו) their carcass. The final verse of the section then reiterates v. 10b in abbreviated form, this time with the singular demonstrative pronoun taken from Deut 14:10. The nature of these two verses suggests that Lev 11:10–12 include a number of later additions within the context, which are underlined above.<sup>89</sup>

These observations that Deuteronomy represents the earlier version,<sup>90</sup> and the difference in “purity” terminology (טמא/שקץ) supports the priority of Deuteronomy’s טמא, especially given the awkward verb תשקצו in Lev 11:11. Specifically, one wonders what it means, practically, to שקץ their carcasses, given that the progression in the previous section on the large land animals in both Lev 11 and Deut 14 was to abstain from eating, and not to touch them (נגע: Lev 11:8; Deut 14:8).<sup>91</sup> Consulting lexicons provides something along the lines of “detest as ceremonially unclean,”<sup>92</sup> yet, given the parallel in v. 8 where “touch” נגע appears, and the use of תשקצו below in Lev 11:13 for the birds – much more accessible to highland Israelites and Judeans who could presumably touch (their carcasses) – the terminology in Leviticus appears secondary.

<sup>89</sup> See the helpful discussion referring to Elliger’s analysis of the resumptive repetition in v. 12 of v. 10, and the awkward use of the verbal form of שקץ in v. 11 in Houston, *Purity and Monotheism*, 43.

<sup>90</sup> See “Texts and Traditions,” 50–51 in this volume.

<sup>91</sup> See the longer discussion in “The Terms *Seqes* and *Tame*,” 113–17 in this volume.

<sup>92</sup> HALOT, 1646.

Moving the focus out from the comparison of the two versions of the prohibition of the water creatures themselves to consideration of the contexts, the placement of the verses on aquatic animals within the dietary prohibitions is quite curious. What logic might stand behind their position *after* the large land animals and *prior* to the birds? Many commentators, rightly in my mind, seek to connect the priority of the large land animals to sacrifice prescriptions earlier in the book of Leviticus.<sup>93</sup> But if the logic flows from sacrifice, then why put the aquatic animals next before moving to the birds? The birds should come first according to the appearance of birds in sacrifice in some pentateuchal texts (e.g., Lev 1:14; 5:7, 11; 12:6, 8; 14:22, 30; 15:14; 29; Num 6:10), although a number of commentators argue that these texts belong to later layers of P.<sup>94</sup>

This may provide some support for concluding that Lev 11:9–10 arise from a shared tradition that is earlier than the texts advocating the sacrifice of birds. This scenario could then provide one reason why the birds could come last.

In any case, as discussed above, nothing from the water ever officially made it onto the altar in the Hebrew Bible, quite in contrast to other ancient Near Eastern polities. Neither does this order seem to fit with the importance of the categories of animals for Israel, Judah, Yehud, or Judea (to name the different polities from different historical periods). The singular word דג for *mundane* aquatic creatures in Hebrew (discounting לוֹיִתָּן, לְיַמִּינִי, and רֶהֱב) in contrast to the more common mention of birds suggests this conclusion as well. As a result, the placement of the water creatures after the large land animals indicates that there likely was not a *single unified* logic carrying through the dietary prohibitions. Indeed, concerns relating to sacrifice end in v. 8 of each version.

Another option would posit that the order of *the aquatic animals and birds* follows that of Gen 1, which mentions the water creatures first. However, the acts of creation of the avian and land animals appear on the same day, and render this proposal less compelling.<sup>95</sup> In addition, the land animals of course come last in that text. So why do the aquatic animals come second? Perhaps this occurred simply from the ease of differentiation: given that a majority of water animals arrived at population centers like Jerusalem without their heads, the general conception of the creature either had those two features – fins and scales – or it did not.

<sup>93</sup> Most well-known here is Milgrom, *Leviticus 1–16*, 721–25. See also Houston, *Purity and Monotheism*, 123. Note as well the identification of this problem by Burnside, “At Wisdom’s Table,” 238. He instead views the text as moving from most common in ancient Israelite experience (land animals) to least common. This approach works well for the large land animals (see *ibid.*, 242 n. 84), but it proves less successful for the remainder, especially with the water animals preceding the flyers.

<sup>94</sup> On the redactional nature of, e.g., Lev 1:14–17 see Watts, *Leviticus 1–10*, 218; Nihan, *From Priestly Torah to Pentateuch*, 205.

<sup>95</sup> Note that fish also appear last in the list of “beasts, birds, creeping things, and water creatures (על הבהמה ועל העוף ועל הרמש ועל הדגים)” in 1 Kgs 5:13 [ET: 4:33].

One might also suggest that this portion of the text only developed in the exilic period, and consequently came as a result of increased interaction with the riverine societies of Mesopotamia and Egypt.<sup>96</sup> In this scenario, water creatures become a more plentiful and available food source, thereby bringing about reflection over *which* ones a Yahwistic community should consume. However, if these prohibitions came about in Mesopotamia, I would expect some overlap in terms of terminology, given the considerably richer terminology in Akkadian for aquatic animals. Furthermore, this hypothesis does not accord with the considerable quantities of fish bones found in the southern Levant from the Iron Age onward.<sup>97</sup> As a result, I would continue to advocate for a preexilic sanctuary setting as the probable origin of these considerations as a scribal extension, especially in light of the attestation of aquatic creatures near Dan with its sanctuary,<sup>98</sup> but this is admittedly an unsupported conjecture.

A further issue often appearing in discussions of this text is whether it was necessary to have *two* criteria; that is, did the animals need both scales *and* fins? Targumic sources suggest that all fish with scales also have fins, rendering the requirement of fins superfluous.<sup>99</sup> At least from the perspective of modern marine biology, the chitons (marine mollusks of the class *polyplacophora* sometimes known as sea cradles), have a type of scale but no fins. However, this does not necessarily provide a definitive *historical* answer to this question. Some chitons (e.g., *Chiton olivaceus*) have been found in the Mediterranean, making them in theory accessible to the ancient residents of the southern Levant.

More significant within the worldview(s) of the Hebrew Bible is the appearance of scales in Ezek 29:4 as part of the description of pharaoh as a תנין, a mythic crocodile or sea serpent. This text clearly conceives of a water creature with scales in the MT.<sup>100</sup> Furthermore, the frequent shark or ray and catfish remains in the zooarchaeological record attest to another creature known in the region with one of the two characteristics – fins but no scales. Thus, there seems little reason for debate, as long as one allows for a view that extends beyond fish for the aquatic animals, which is especially appropriate for the terminology found in Lev 11/Deut 14.

<sup>96</sup> Cf. Houston, *Purity and Monotheism*, 235.

<sup>97</sup> Adler and Lernau, "Pentateuchal Dietary Proscription," 8.

<sup>98</sup> According to Jonathan Greer (personal communication), the associate director of the excavations at Tel Dan, a number of fish remains have been recovered and are awaiting analysis.

<sup>99</sup> Milgrom, *Leviticus 1–16*, 655. He notes: "Because 'all fish that have scales also have fins' (*m. Nid.* 6:9), one need not look for scales to determine if the fish is permissible (*t. ḥul.* 3:9). Thus, the rabbis admit that the criterion of fins is superfluous (*b. Nid.* 51b)."

<sup>100</sup> It only has fins in the LXX, but this seems likely to have arisen due to a use of the wrong term from Lev 11:9–10 LXX in the LXX of Ezekiel in this verse as discussed above.

## 5. Reasons for the Prohibition?

But why were those animals excluded? Interpreters have proposed various theories concerning the separation of aquatic creatures into acceptable and abominable (clean and unclean) categories.<sup>101</sup>

One prominent theory concerns the simple notion that anything living in the water that did not possess fins and scales was not “fish-like,” and therefore prohibited. However, this approach defines “water creature” *a priori* as something fish-like, which leaves the explanation tautological.

A second global theory for the prohibition is their carnivorous nature. Douglas notes the weakness that numerous permitted animals fall into this category, including a great number of fish, and that the text makes no explicit mention of this reasoning.<sup>102</sup>

Carroll has put forth the differentiation of nature vs. culture, but he admits its lack of applicability to the water animals. He writes, “I do not see how the argument being developed here can fully account for the fact that Leviticus defines as clean those water creatures with ‘fins and scales’. Thus, for example, ‘eels’ ‘shellfish’ – both defined as unclean by this rule – do not in any obvious way blur the *Nature/Culture* distinction.”<sup>103</sup>

A more promising theory concerns the similarity between prohibited water animals and snakes.<sup>104</sup> One need not suggest something like a link to the serpent in Gen 3. A firmer foundation lies in the mythical terminology for the sea monsters of the תנין, לרייתן, and רהב, which bear clear connections to snakes in Exod 7:9, 10, 12, as well as in Ps 91:13.<sup>105</sup> While Deut 14 and the earliest layer of Lev 11 do not directly regulate snakes or snake-like creatures,<sup>106</sup> one can deduce their unclean status on the basis of the criteria for the large land animals.<sup>107</sup> While a similarity to snakes does not accord with many prohibited water creatures – sharks, rays, octopi, and many shellfish hardly resemble snakes – it does in fact take the

<sup>101</sup> For a complete overview of categories, see Jiri Moskala, “The Laws of Clean and Unclean Animals of Leviticus 11: Their Nature, Theology, and Rationale (an Intertextual Study)” (Ph.D. Diss., Andrews University, 1998), 112–49.

<sup>102</sup> Douglas, *Leviticus as Literature*, 145.

<sup>103</sup> Carroll, “One More Time: Leviticus Revisited,” 344.

<sup>104</sup> Moskala, “The Laws of Clean and Unclean Animals of Leviticus 11,” 331.

<sup>105</sup> Here פתן “cobra” is parallel to תנן.

<sup>106</sup> Most recent scholarship, whether within the European or the American-Israeli sphere, sees Lev 11:24–38 as later. For examples from just two authors, see Nihan, *From Priestly Torah to Pentateuch*, 295–98; Nihan, “Laws about Clean and Unclean Animals”; and Meshel, “P1, P2, P3, and H.”

<sup>107</sup> Moskala, “The Laws of Clean and Unclean Animals of Leviticus 11,” 331. Moskala then applies this connection with snakes to the water creatures: “the main purpose of this legislation [of the aquatic creatures] seems to be that the acceptable category of fish may not resemble a snake.” Cf., from a different perspective, Firmage, “The Biblical Dietary Laws and the Concept of Holiness,” 189.

*biblical* record into account quite comprehensively. The only aquatic creatures encountered in the texts of the Hebrew Bible that live in the water and do not have both scales and fins are the mythic *tannin*, Leviathan, and Rahab. Therefore, I propose that the dietary prohibitions in Lev 11 and Deut 14 begin from the view of the creatures of the water within an Israelite and broader Northwest Semitic tradition. With this suggestion, I am not far from a proposal by Houston:

Read within the context of the Hebrew Bible as a whole, perhaps the emphasis of the *terminology* for aquatic creatures can provide a way forward. Given that the majority of terms for dwellers of the waters concern mythic creatures that function as the enemies of Yhwh and the people, perhaps it was the *seas* or *waters* themselves that constitute something of the problem leading to dietary prohibition.<sup>108</sup>

One can interpret the actual terminology in Lev 11/Deut 14 as support for this proposal as well: it does not mention a particular type of creature, but instead mentions their habitat – the waters – which the later additions in Lev 11:9–12 emphasize further. While this proposal agrees with the oppositional nature of Sea in parallel to *tannin* in Isa 51:9 and Ps 74:13, it goes too far because some water creatures are acceptable.

Moving a step further into the realm of conjecture, perhaps one can extrapolate from the mythic serpent enemies to a similarly shaped aquatic creature, the eel.<sup>109</sup> While serpents, dragons, and crocodiles have scales but no fins, eels are the most prominent example of a water creature having no scales, and often having no pelvic or pectoral fins – thus, nothing on their sides. If this suggestion is accepted, then the basis for rejecting animals on the basis of the lack of fins and/or scales holds. From this conjectural basis of the rejection of snake-like water creatures, it becomes possible to construct the historical development of the current kashrut rules for aquatic animals.

## 6. Conclusions

In sum, the Hebrew Bible contains little differentiation of terminology for mundane aquatic creatures, much like the evidence for other Northwest Semitic languages. As a result, the term **גד** need not be limited to modern conceptions

<sup>108</sup> Houston, *Purity and Monotheism*, 235.

<sup>109</sup> As far as I am aware, Lernau's analyses have only come across a single eel, coming from Tel Yaqne'am (compare spelling from earlier of Yokne'am): "A jawbone of a freshwater eel (*Anguilla anguilla*) deriving from a specimen ca. 75 cm long was found in an Iron Age I deposit. It is possible that the eel was caught in the nearby Kishon River. This species is extremely rare in archaeological sites in Israel." See Liora Kolska Horwitz et al., "Faunal and Malacological Remains from the Middle Bronze, Late Bronze and Iron Age Levels a Tel Yaqne'am," in *Yaqne'am III: The Middle and Late Bronze Ages: Final Report of the Archaeological Excavations (1977–1988)*, ed. Amnon Ben-Tor, Doron Ben-Ami, and Ariella Livneh, Qedem Reports 7 (Jerusalem: The Institute of Archaeology, The Hebrew University of Jerusalem, 2005), 401.

of fish, but instead includes all aquatic creatures, as supported by its use in some biblical texts. Second, and quite in contrast with that evidence, Akkadian offers a rich variety of names for fish and other inhabitants of the waters. Third, the iconographic evidence from the region – including the southern Levant – depicts more types of sea creatures (mundane and mythic) than those found in the biblical text, which highlights that the inhabitants of the southern Levant were better acquainted with depictions of the variety of aquatic life than the few attestations in the Hebrew Bible suggest. Fourth, the zooarchaeological data records a significant diversity of fish, sharks, rays, and even an eel in Late Bronze through Persian period southern Levantine sites. Varieties include fresh water fish from the Jordan and saltwater types, especially from Egyptian waters. The evidence also attests to the continuous consumption of fish – of what has come to be accepted as both kosher and non-kosher types – from the Bronze Age to at least the Persian period. Therefore, there appear to be other reasons than simply a lack of knowledge for the inattention of the Hebrew Bible toward mundane water creatures.

The general Hebrew Bible attestations of water creatures resulted in some further insights. First, Whitekettle shows that, according to the conception of the biblical texts, fish do not have blood, which supports their omission from the altar. Second, the use of the term for scales in Ezek 29:4, whether it concerns a crocodile or mythic proportions like Sobek or a similarly gigantic sea serpent like Apophis, indicates why the dietary prohibitions might have keyed in on this feature for excluding “creatures of the sea” with scales. The mythical conceptions of aquatic animals from Ugaritic and Aramaic sources, along with the traditions in the Hebrew Bible and Tobit, suggest a preoccupation with dangerous and monstrous creatures from the water in the biblical imagination. Therefore, the detailed comparison and analysis of the verses on the aquatic creatures in Lev 11/ Deut 14 against the backdrop of the biblical, archaeological, and ancient Near Eastern comparative material, indicate that the best explanation for the specific prohibition of water animals without both scales and fins lies in the mythic opposition of the serpent-like sea creatures of the *tannin*, Leviathan, and Rahab to Yhwh and the Yahwistic community according to the biblical texts.



## Chapter 7

# A Table for Fortune: Abominable Food and Forbidden Cults in Isaiah 65–66

(*Anna Angelini*)

### 1. Introduction: Dietary Laws outside the Pentateuch and Isa 65–66

References to forbidden food are scattered through the Hebrew Bible, and few occurrences are found within the prophetic corpus. Hosea 9:3–5 speaks of the Israelites “eating impurity” (יאכלו טמא, Hos 9:3) in Assyria, and offering improper sacrifice, which turns out to be for them “like bread of mourning” (כלחם אונים, Hos 9:4).<sup>1</sup> In Ezek 4:13–14 Yhwh announces the impure food (לחמם טמא, Ezek 4:13) that the Israelites will be obliged to eat among the nations, while the prophet protests that he has never defiled himself by eating a נבלה or טרפה (i. e., a corpse and beast found dead, having been torn by other animals), nor any “unclean meat” (בשר פגול,<sup>2</sup> Ezek 4:14). This passage provides a parallel to the prohibitions against eating animals found dead stated in Exod 22:30; Lev 17:15; 19:7; and also included at the end of the dietary laws in Deut 14:21.<sup>3</sup> In the first chapter of the book of Daniel, the prophet at the Babylonian court abstains from the king’s menu, including the king’s wine, and adopts a healthy vegetarian diet so as not to defile himself (Dan 1:8–13). This chapter touches upon the issue of commensality between Judeans and Gentiles, which becomes a relevant topic in several postexilic narratives.

The books of Judith and Tobit reserve a special place for this theme. In both books, the avoidance of contamination with the food of the Gentiles is a cipher to measure the moral integrity of the protagonists: Judith brings her pure food (ἄρτων καθαρῶν), oil, wine, and vessels before going into the Assyrian camp

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<sup>1</sup> See Altmann, “Traditions and Texts,” p. 50, in this volume.

<sup>2</sup> On this term, which differs from those used in both Lev 11 and Deut 14, see below, p. 165.

<sup>3</sup> For an overview on this prohibition and on the secondary nature of its insertion in Deut 14:21 see the contribution of Peter Altmann in this volume: “A Deeper Look at Deut 14:4–20 in the Context of Deuteronomy,” 90–97.



(Jdt 10:5);<sup>4</sup> Tobit is proud of never having tasted the “food of the Gentiles” (τῶν ἄρτων τῶν ἔθνῶν) during his deportation in Assyria (Tob 1:10–11).<sup>5</sup> All these episodes are set in exilic contexts and thus indicate that these Israelites are, in one way or another, obliged to consume impure food and drink. In response they devise alternative solutions to overcome the problem, such as vegetarianism or fasting (e. g., Jdt 10:5; 12:1–5).<sup>6</sup>

Apart from these texts, the final chapters of the book of Isaiah (65–66) refer multiple times to consumption of food that is explicitly prohibited by pentateuchal regulations, namely in Isa 65:3–6, 66:3, 17. When compared with the other mentions of impure food in the rest of the Hebrew Bible, the Isaianic passages stand out in several regards. Instead of focusing on exile, they have Judah, and Jerusalem more specifically, in view. Moreover, they refer to the voluntary consumption of forbidden food. This aspect is significant because it suggests that the connection between food consumption and the definition of Judean identity does not only operate with respect to foreigners but within the Israelite community itself. Furthermore, most of the passages mentioned above refer generically to defiling food, either meat or drinks, but without

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<sup>4</sup> The manuscript tradition is divided in describing the contents of Judith’s food. While the major witnesses of the Greek text qualify the bread as “pure,” the Lucianic text and two Latin witnesses add the mention of cheese (ἄρτων καθαρῶν καὶ τυροῦ); two Origenian witnesses, almost all the manuscripts of the Vetus Latina and the Peshitta omit the adjective “pure” and add mention of the cheese (καὶ ἐνέβαλεν εἰς αὐτὴν τυρόν); bread and cheese are also mentioned by the Vulgate (*et panes et caseum*): see Robert Hanhart, *Judith*, Septuaginta: Vetus Testamentum Graecum VIII/4 (Göttingen: Vandenhoeck & Ruprecht, 1979), 110, *apparatus ad loc.* Based on this evidence, Pierre-Maurice Bogaert has suggested that the adjective “pure” could be secondary and that the mention of cheese is an even later addition. While the impurity of oil and wine coming from non-Jews might have been an issue from the early Hellenistic period onward, Bogaert observes that the Mishnah reports a debate on whether or not “gentile cheese” should also be considered impure (m. ‘Abod. Zar. 2:5). He then advances the hypothesis that the addition of the cheese serves to present Judith as a perfect hero who respects halakah. See Pierre-Maurice Bogaert, “La Halaka alimentaire dans le livre de Judith,” in *Nourriture et repas dans les milieux juifs et chrétiens de l’Antiquité: Mélanges offerts au Professeur Charles Perrot*, ed. Michel Quesnel, Yves-Marie Blanchard, and Claude Tassin (Paris: Cerf, 1999), 25–40. On the impurity of oil, wine, and liquids in early Jewish sources see, among others, Martin Goodman, “Kosher Olive Oil in Antiquity,” in *A Tribute to Geza Vermes*, ed. Philip R. Davies and Richard T. White (Sheffield Academic Press: Sheffield, 1990), 227–45; Joseph M. Baumgarten, “Liquids and Susceptibility to Defilement in New 4Q Texts,” *JQR* 85 (1994): 91–101; Randall D. Chesnutt, “Perceptions of Oil in Early Judaism and the Meal Formula in Joseph and Aseneth,” *JSP* 14 (2005), 113–32; Jordan Rosenblum, “Kosher Olive Oil in Antiquity Reconsidered,” *JSJ* 40 (2009): 356–65.

<sup>5</sup> Compare the prohibition of eating with Gentiles in Jub 22:16. For an analysis of these texts, see Nathan MacDonald, *Not Bread Alone: The Uses of Food in the Old Testament* (Oxford: Oxford University Press, 2008), 198–203.

<sup>6</sup> Deborah Levine Gera (*Judith* [Boston: de Gruyter, 2014], 333) notes that the food provisions prepared by Judith in Jdt 10:5 resemble those given by Abigail to David (1 Sam 25:18), and those brought by David’s entourage to celebrate his establishment as king at Hebron in 1 Chr 12:41, but without meat.

mentioning specific animals. While they certainly show a “food consciousness,” to borrow a felicitous expression from Nathan MacDonald,<sup>7</sup> their connection with pentateuchal dietary laws is opaque or at least quite generic. In this regard, it is significant that the direct parallel between Ezekiel and pentateuchal laws is found in the abstention from נבלה and טרפה, which also occurs outside the main body of dietary laws among sacrificial and priestly rules. Even in a context in which food consumption and food avoidance play a considerable role in the plot, such as the book of Judith, the closest reference to biblical dietary laws occurs in Jdt 11:12, which says only generically that the Israelites have decided to consume “all that the deity has forbidden them to eat by his laws” (πάντα ὅσα διεστείλατο αὐτοῖς ὁ θεὸς τοῖς νόμοις αὐτοῦ μὴ φαγεῖν). By contrast, and contrary to what has been sometimes affirmed,<sup>8</sup> the final chapters of Isaiah specifically recall pentateuchal dietary regulations by mentioning pig consumption multiple times (65:3; 66:3, 17); by citing an unclean rodent among those prohibited by Lev 11 (עכבר, “mouse”), and by referring to שקץ, “abhorrent things,” a term that is a priestly cipher for impurity in Lev 11.<sup>9</sup> In this regard, the mention of specific animals and the Judahite setting make Isa 65–66 comparable to the books of Maccabees, especially 1 Macc 1:47 and 2 Macc 6–7. Both texts mention pigs in a sacrificial context, although 2 Maccabees still focuses on the forced consumption that follows the profanation of the temple in Jerusalem by Antiochus IV.<sup>10</sup> I return to this comparison below.

A further distinctive feature of Isa 65–66 is that the reference to unclean food is embedded in a cultic context as part of a larger polemic against a set of rituals placed under harsh condemnation by the scribe(s) responsible for this text. Such rituals are condemned either because they are explicitly idolatrous (see, e.g., the blessing of און, “iniquity” or “idol” in Isa 66:3b), or because they are defiling in other ways (Isa 65:3–4). To be sure, other prophetic texts mentioned above, such as Hos 9, also mention impure food in a sacrificial context, and an extension of concerns for purity underpins several regulations concerning food in the literature from the Second Temple period.<sup>11</sup> In comparison with these other texts, however, the nature of the cults evoked in the Third Isaiah remains somewhat obscure, for they do not have ordinary sacrificial practice in view.

<sup>7</sup> MacDonald, *Not Bread Alone*, 198.

<sup>8</sup> See, e.g., recently Guy Darshan, “Pork Consumption as an Identity Marker in Ancient Israel: The Textual Evidence,” *JSJ* 55 (2022), 6–7.

<sup>9</sup> See, above, Altmann, “The Terms שקץ Šeqeš and טמא Ṭame’,” 113–17.

<sup>10</sup> For a detailed analysis on this episode, see Julia Rhyder, “Le porc dans les interactions d’Antiochos IV avec les Juifs: un réexamen des sources,” *RTP* 154 (2022): 389–409; idem, “Jewish Pig Prohibition.”

<sup>11</sup> See Angelini, “Dietary Laws from the Second Temple Period: The Evidence from the Dead Sea Scrolls,” in this volume.

The specific reference to pentateuchal dietary laws in Isa 65–66 and the nature of the cults in which consumption of impure food takes place constitute the point of departure for the present contribution, whose aim is twofold. It aims, first, at understanding the role played by the references to food in these passages and, on a broader level, at inquiring how references to pentateuchal dietary prohibitions evolve and are exploited in later biblical traditions. To achieve both goals, an important step is clarifying the rituals referred to in Isa 65–66. In this regard, I will address two issues still debated in scholarship. The first issue concerns the extent to which the polemics against such rituals should be interpreted literally. The second and related issue concerns the possibility of reconstructing the actual cultic practices behind textual evidence, even when one admits that these texts bear *some* references to cults that might have been in vogue at the time of the redaction. Moreover, it is worth noticing that some of the passages to be discussed underwent substantial emendation and exegesis after the earliest stage of their transmission, as witnessed already by the Isaiah Scroll found in the Qumran caves. In this regard, the LXX version proves relevant as well, not only from a text-critical perspective but also from an exegetical one.

The structure of this essay proceeds as follows. (1) I begin by presenting the textual evidence and offering several comments on the literary structure of Isa 65–66 in order to highlight the function of the references to food within this section of the book. Such references include, in addition to the texts mentioned above, also Isa 65:11–12, which condemns sacrifices to Gad and Meni. (2) I then discuss the selected passages in detail, paying attention to the pragmatic and ideological aspects of the practices mentioned in them, and (3) address the role played by the pig in these verses, in comparison with other references to pork consumption in the Hebrew Bible. (4) Afterwards, I draw attention to some changes introduced by the Greek translator that may attest to a new interpretation of the rituals, especially in Isa 65, which might, as a result, change the picture of the relationship between the consumption of impure food and idolatry. (5) I conclude by outlining some broader implications of the present study.

## 2. The References to Food in the Structure of Isa 65–66

In Isaiah 65:3–5 Yhwh complains about his people, who indulge in illicit rituals that include sacrifice in the gardens, time spent in tombs, and the consumption of pig:

העם המכעיסים אותי על-פני תמיד<sup>3</sup>  
 זבחים בגנות  
 ומקטרים על-הלבנים  
 והישיבים בקברים<sup>4</sup>  
 ובנצורים ילינו

האכלים בשר החזיר  
 (ופרק) [ומרק] פגלים כליהם  
 5האמרים קרב אליך אל־תגש־בי  
 כי קדשתיך  
 אלה עשן באפי  
 אש יקדת כל־היום

<sup>3</sup> A people who provoke me, to my face, always,  
 they sacrifice in the gardens,  
 and make smoke go up on the bricks,  
<sup>4</sup> those who sit in tombs,  
 and in secret places spend the night,  
 those who eat meat of swine  
 and their vessels are pieces (Q: a broth) of rotten meat,  
<sup>5</sup> those who say, “Do not approach me! Do not touch me!  
 For I am holier than you.”  
 They are smoke in my nose,  
 a fire which burns all day long.

Chapter 66 develops a similar topic in two passages. In v. 3 the prophet abhors improper sacrifices which include pouring pig blood:

שוחט השור מכה־איש  
 זובח השׁה ערף כלב  
 מעלה מנחה דם־חזיר  
 מזכיר לבנה מברך און  
 גם־המה בחרו בדרכיהם  
 ובשקוציהם נפשם חפצה

(The one who) slaughters an ox, kills a man,  
 (the one who) sacrifices a sheep, breaks the neck of a dog,  
 (the one who) offers a *minḥah*, (is) swine blood,  
 (the one who) offers a memorial of incense, blesses an idol!  
 Indeed, they have chosen their ways,  
 and in their disgusting practices their life seizes joy.

Isaiah 66:17 again associates rituals in the gardens with the consumption of impure animals:

המתקדשים והמטהרים אל־הגנות  
 אחר (אחד) [אחת] בתוך  
 אכלי בשר החזיר והשקץ והעכבר  
 יחדו יספו  
 נאם־יהוה

Those who sanctify and purify themselves for the gardens,  
 behind the one who is in the middle,  
 those eating meat of swine, disgusting things, and mice,  
 together they will come to an end,  
 oracle of Yhwh.

There is a scholarly consensus that Isa 65–66 belongs to one of the latest stages in the overall composition of so-called Trito-Isaiah (chs. 56–66), and even of the book of Isaiah as a whole.<sup>12</sup> The same cannot be said regarding the specific redaction of these chapters: they are considered by some scholars as consisting of two compositional units (with 66 later than 65) or even of multiple layers, while others suggest that they are best read as a literary unit, at least for the section that runs from 65:1 to 66:17.<sup>13</sup> However, redactional issues do not substantially impact my discussion, as even those authors who divide the text into different layers recognize the intertextual links between the passages under discussion and do not question their broad historical context of composition, which spans the late Persian to the early Hellenistic Period.<sup>14</sup>

As has long been noted, the fact that these passages display a strong cultic vocabulary suggests that the target of the polemic is cultic personnel, probably the priestly elite,<sup>15</sup> although, as I demonstrate below, not all the illicit rituals necessarily involve the temple. Some scholars have questioned such a restricted target because the opening verses of Isa 65 address in more general terms “a nation” (1–2), and Isa 65:3 speaks of “the people” who provoke Yhwh’s anger, which would imply a larger audience.<sup>16</sup> However, reference to a large audience remains compatible with indictments directed toward the priestly elite, as the

<sup>12</sup> For an overview, see Christophe Nihan, “L’histoire rédactionnelle du Trito-Esaïe: un essai de synthèse,” in *Les recueils prophétiques de la Bible: origines, milieux, et contexte proche-oriental*, ed. Jean-Daniel Macchi, Christophe Nihan, Thomas Römer, and Jan Rüdcl (Geneva: Labor et Fides, 2012), 201–28.

<sup>13</sup> For example, Claus Westermann (*Isaiah 40–66*, OTL [Philadelphia: Westminster Press, 1969], 306–8) and Jacques Vermeylen (*Le livre d’Isaïe: une cathédrale littéraire* [Paris: Cerf, 2014], 154–59) divided this section in several layers. Several scholars consider ch. 66 later than ch. 65: e.g., Paul D. Hanson, *The Dawn of Apocalyptic: The Historical and Sociological Roots of Jewish Apocalyptic Eschatology*, rev. ed. (Philadelphia: Fortress Press 1979), 161–63; Joseph Blenkinsopp, *Isaiah 56–66*, AB 19B (New York: Doubleday, 2003), 292–93, according to whom ch. 66 consists of a series of later additions to ch. 65; and, more recently, Ulrich Berges, *Jesaja 55–66*, HKAT (Freiburg im Breisgau: Herder, 2022), 611–12. Holders of the view this section represents a single literary unit include Odil H. Steck, “Beobachtungen zur Anlage von Jes 65–66,” in *Studien zu Tritojesaja* (Berlin: de Gruyter, 1991), 217–28; Paul A. Smith, *Rhetoric and Redaction in Trito-Isaiah: The Structure, Growth, and Authorship of Isaiah 56–66*, VTSup 62 (Leiden: Brill, 1995), 128–32; Lena-Sofia Tiemeyer, *Priestly Rites and Prophetic Rage: Post-Exilic Prophetic Critique of the Priesthood*, FAT 2/19 (Tübingen: Mohr Siebeck, 2006), 36; Nihan, “L’histoire rédactionnelle,” 224–25. Isaiah 66:18–24 is often considered a separate section that serves to close the whole book: see, e.g., Willem A. M. Beuken, “Isaiah Chapters Lxv–Lxvi: Trito-Isaiah and the Closure of the Book of Isaiah,” in *Congress Volume Leuven 1989*, ed. John A. Emerton (Leiden: Brill, 1991), 204–21.

<sup>14</sup> See, e.g., Westermann, *Isaiah*, 303, 422; Vermeylen, *Le livre d’Isaïe*, 159.

<sup>15</sup> See already Hanson, *Dawn of Apocalyptic*; Alexander Rofé, “Isaiah 66:1–4: Judean Sects in the Persian Period as Viewed by Trito-Isaiah,” in *Biblical and Related Studies Presented to Samuel Iwry*, ed. Ann Kort and Scott Morschauer (Winona Lake, IN: Eisenbrauns, 1985), 205–17; Lena-Sofia Tiemeyer, “The Haughtiness of the Priesthood (Isa 65,5),” *Bib* 85 (2004): 237–44.

<sup>16</sup> See, e.g., Smith, *Rhetoric and Redaction*, 137; Nathan MacDonald, “The Terminology of the Cult in Isaiah 56–66,” in *Writing and Re-Writing History by Destruction: Proceedings of the*

presence of a broad *imagined* audience is rhetorically essential in order for such a polemic to work.<sup>17</sup> Moreover, several studies have underscored the fact that the polemics of Isa 65–66 should be interpreted within the context of the conflicts concerning the community’s self-definition as the “true” Israel in the postexilic period. In this regard, these chapters oppose the priestly elite to the “servants” of Yhwh, those “humble in spirit” and “those who tremble before his word” (66:2), who are mentioned frequently throughout this section of the book.<sup>18</sup> Christophe Nihan has highlighted that both chapters, regardless of whether they came into existence as a literary unit or not, display parallel structures and even require a parallel reading, which is summarized in the following table.

Table 1: Food in the parallel structure of Isa 65–66

<i>Isa 65</i>	<i>Isa 66</i>
1–7 Critique of Israel (I said “I am here, I am here” to a nation that did not call on my name”): Accusation and punishment	1–6 Critique of Israel (“Where is the house you will build for me?”): Accusation and punishment
<b>3–4</b> 3 <i>A people who provoke me to my face, always, they sacrifice in the gardens, and make smoke go up on the bricks</i> 4 <i>Those who sit in tombs, and in secret places spend the night, Those who eat meat of swine and their vessels are pieces (Q: a broth) of rotten meat ...</i>	<b>3</b> <i>(The one who) slaughters an ox, kills a man, (the one who) sacrifices a sheep, breaks the neck of a dog, (The one who) offers a minḥah, (is) swine blood, (The one who) offers a memorial of incense, blesses an idol</i> <i>Indeed, they have chosen their ways, and in their disgusting practices their life seizes joy.</i>
8–16 Contrast between the “servants” and the rest of the community <b>(11–12)</b> 11 <i>You who abandon Yhwh, who forget my holy mountain, (you) that prepare a table for Gad and fill a drink for Meni,</i> 12 <i>I will destine you for the sword ...</i>	7–17 Contrast between the “servants” and the rest of the community  <b>17</b> <i>Those who sanctify and purify themselves for the gardens, behind the one who is in the middle, they eat meat of swine, disgusting things and mice,</i>

*Annual Minerva Center RIAB Conference, Leipzig, 2018*, ed. Angelika Berlejung, Aren M. Maeir, and Takayoshi M. Oshima, ORA 45 (Tübingen: Mohr Siebeck, 2022), 206–7.

<sup>17</sup> I thank Julia Rhyder for drawing my attention to this aspect.

<sup>18</sup> See Christophe Nihan, “Ethnicity and Identity in Isaiah 56–66,” in *Judah and the Judeans in the Achaemenid Period: Negotiating Identity in an International Context*, ed. Oded Lipschits, Gary N. Knoppers, and Manfred Oeming (Winona Lake, IN: Eisenbrauns, 2011), 67–104, and Rhyder, “Jewish Pig Prohibition.” But see already Joseph Blenkinsopp, “A Jewish Sect of the Persian Period,” *CBQ* 52 (1990): 5–20, and recently idem, “Trito-Isaiah (Isaiah 56–66) and the *Gōlāh* Group of Ezra, Shecaniah, and Nehemiah (Ezra 7–Nehemiah 13): Is There a Connection?” *JSOT* 43 (2019): 661–77.

<i>Isa 65</i>	<i>Isa 66</i>
	<i>together they will be put at end – oracle of Yhwh.</i>
16b/17–25 New creation: a new era is coming	18–24 Final reunion on the holy mountain
	<b>20</b> The sons of Israel will bring a <i>minḥah</i> in a clean vessel

Both chapters open with a section polemicizing against Israel, which in ch. 66 specifically targets the Jerusalem temple, condemning its wrongdoing and announcing its upcoming punishment. The core of the chapters juxtaposes the salvation of Yhwh’s “servants” to the destruction to which the rest of the community is doomed; both final sections conclude by announcing a new era, featured as a new creation (Isa 65:17–25) and inaugurated by the final reunion of the nations in Jerusalem (Isa 66:18–24, which also closes the entire book of Isaiah).

The table above provides an additional element to this overall picture. It shows how ritual food consumption is a recurring theme that crisscrosses the chapters at strategic points, reinforces their parallelism, and strengthens their reciprocal connections. As noted by Andrew Abernethy, what he calls “the negative use of the concept of eating” significantly frames Isa 65–66.<sup>19</sup> To be sure, connections are close between 65:3–5 and 66:3 and 17. The most noticeable element that recurs is the pig: swine meat is consumed in 65:4 and 66:17; swine blood is poured in 66:3. Moreover, rituals in the gardens are mentioned in 65:3 and 66:17, sanctification and purification of the priesthood appear in 65:5 and 66:17, and finally, the mention of שקץ in 66:3 and 17 reinforces the connection between these two verses.

The table above also includes a reference to Isa 65:11–12a. These verses are thematically distinct from the other passages, as they contain the accusation of worshipping other gods:

וּאִתֶּם עֹזְבֵי יְהוָה <sup>11</sup>  
הַשֹּׁכְחִים אֶת־הַר קְדְשִׁי  
הַעֹרְכִים לְגַד שֶׁלֶחֶן  
וְהַמְמַלְאִים לְמִנֵּי מִמְסַךְ:  
<sup>12</sup> וּמִנִּיתִי אֶתְכֶם לְחָרֵב  
וְכֻלְכֶם לְטִבַּח תִּכְרְעוּ ...

<sup>11</sup> So you who abandon Yhwh,  
who forget my holy mountain,  
(you) that prepare a table for Gad  
and fill a drink for Meni,

<sup>12</sup> I will destine you to the sword,  
All of you will bow down for the slaughter ...

<sup>19</sup> Andrew T. Abernethy, *Eating in Isaiah: Approaching the Role of Food and Drink in Isaiah’s Structure and Message*, BibInt (Leiden: Brill, 2014), 146–52.

However, I consider this passage worthy of inclusion in this discussion for several reasons. First, as I show below, veneration of deities other than Yhwh is a relevant theme also in Isa 65:3–5, although no god is explicitly named there. At the same time, although sharing thematic similarities with Isa 65:3–5, verses 11–12a display peculiar language, which also differs from the polemics against idolatry typical of Second Isaiah, nor does it recall the metaphors of prostitution usually adopted for speaking of veneration of foreign gods within Isaiah as a whole and elsewhere in the Hebrew Bible. Rather, these verses make use of metaphors focusing again on cultic eating and drinking: worship of Gad and Meni is expressed as “preparing the table” for the first and “filling (a cup of) mixed drink” for the second. On the other hand, sacrificial language is metaphorically used in v. 12 by Yhwh against his people, who “will be slaughtered.” Moreover, these verses are relevant from the perspective of the translator, who, as I argue below, connects this passage with the cults previously mentioned in vv. 3–5.

Finally, and in contrast with the previous passages, a reference to pure ritual food occurs in the last verses of ch. 66, announcing the vegetable offering brought by Israelites on Yhwh’s holy mountain (v. 20). Hence, the role of ritual food consumption in the overall structure of Isa 65–66 indicates that all these texts constitute a coherent unit, to which I turn now my attention.

### 3. Abominable Cults between Imagery and Practice

An issue debated in scholarship concerns the nature of the accusations put in the prophet’s mouth against the priestly elite. It is unsure whether the scribe refers to cults that were current at his time, as is assumed by a large majority of scholars, or if his intent was completely ironic, with no actual practice in view, as proposed by Paul Hanson and several others.<sup>20</sup> Even accepting that the scribe was referring to what he had, so to speak, before his eyes, the nature of these rituals remains unclear. In this regard, most scholars speak generically with regard to these verses of “syncretic cults,” ranging variously from fertility rites, mystery cults, necromancy, cults for the ancestors, dog sacrifices, to other suggestions as well. In this respect, one hypothesis of this paper is that not all the accusations must be interpreted in the same way, but one should differentiate between the passages. An argument supporting this view is that, while there are connections between these passages, these connections show escalation throughout the two chapters.

To begin with, Isa 65:3–5 mentions rituals that do not specifically involve the temple. The aim of these verses is to design a generic identity for the transgressors.

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<sup>20</sup> Hanson, *Dawn of Apocalyptic*, 147; Klaus Koenen, *Ethik und Eschatologie im Tritojesaja-buch: Eine literarkritische und redaktionsgeschichtliche Studie*, WMANT 62 (Neukirchen-Vluyn: Neukirchener Verlag, 1990), 183–94.



Those who pretend to be holy in the public sphere (“who say, ‘I am holier than you,’” v. 5), are actually involved in cultic activities that disregard the Torah in multiple and crucial aspects. First, these activities are practiced in improper spaces (sacrifices in gardens, rituals in graves, or in secluded places rather than in the temple). Second, they utilize improper paraphernalia: bricks instead of proper altars; nocturnal rites in tombs or in places set apart (נצוריים) from the community. Third, they involve ingestion of forbidden food (pig) and improper sacrificial meat (פגול).

In the following chapter, Isa 66:3 recalls all these themes but moves its focus to the temple by more specifically addressing improper cultic acts performed within this context. The first verse of ch. 66 suggests already that the temple is the main setting, where Yhwh says: “The sky is my throne, the earth is my footstool; what is the house you will build for me? What is the place of my rest?” The interpretation of v. 3 is debated because the relationship between the first and the second halves of the verse is unclear, and, as we shall see, it appears to have been unclear already in antiquity. The translation proposed above (“The one who slaughters an ox, kills a man, /the one who sacrifices a sheep, breaks the neck of a dog, /the one who offers a *minḥah*, is swine blood, /the one who offers a memorial of incense, blesses an idol!”) is based upon a reading proposed by Alexander Rofé in a seminal article.<sup>21</sup> Accepting the Masoretic Text as it stands, Rofé suggested that the first cola in each line identifies the subject: hence, the participles, “the one who slaughters an ox, sacrifices a sheep, offers a *minḥah*,” etc., define cultic personnel working in the temple. The second cola constitute the predicate and gather an exemplary list of the worst possible ritual transgressions: homicide, sacrifice of dog and pig, which are a paradigmatic couple for impurity, and idol veneration, i. e., the sum of everything that constitutes an abomination (שקץ) as stated at the end of v. 3. Furthermore v. 17, closing the oracles of doom, evokes earlier themes, such as sacrifices in the gardens (Isa 65:3) and returns to the consumption of abominable food (שקץ). In this case the pig is associated with the mouse, another animal connected par excellence with impurity. In the Hebrew Bible, mice are mentioned only among the prohibited rodents in Lev 11 and in 1 Sam 6, in connection with the golden tumors sent by the Philistines to stop the plague that had stricken their territory. Their connection with tumors and sickness strengthens their association with impurity.<sup>22</sup> Thus, v. 17 aims to create a contrast between the paraded superior holiness of the priestly class and their actual defilement. Far from being simply ironic, 66:3 and 66:17 produce an escalation of uncleanness which, building upon ch. 65, reaches the

<sup>21</sup> Rofé, “Isaiah 66:1–4.”

<sup>22</sup> As Nihan recently suggested, mice probably represent the concrete form of the golden tumors: Christophe Nihan, “Les souris d’Ashdod, le dieu Dagôn et l’Apollon Smintheus,” *RTP* 154 (2022), 433–39.

harshest moment of the polemic at the end of ch. 66. In this regard one can note the contrast between the defiling meal in 66:17, composed of swine, mice, and other impure meat, and the vegetarian *minḥah* offered in a pure vessel by chosen Israelites during the final gathering in the temple, in 66:20. Thus, the occurrence of similar themes and language, and the structural climax suggest that the practices mentioned in ch. 66 have a denigratory function rather than having actual practices in view.

The situation might differ to some degree for the cults mentioned in ch. 65. To be sure, the issue remains disputed for the practices mentioned in vv. 3–5. Current hypotheses build on intertextual links within Trito-Isaiah, especially with ch. 57, and with the opening of the book, hence identifying different cults in vv. 3 and 4. Verse 3 speaks of sacrifices in the garden and of incense offered on the bricks. A first comparison can be established with Isa 57:5–7, which condemns those who “warm themselves among the terebinths and under every green tree,” and who sleep and offer sacrifices on the high mountains. Moreover, the sacrifices in the gardens recall Isa 1:29, which condemns “desire for terebinths” and “love for gardens” as shameful and deceitful.<sup>23</sup> Susan Ackerman saw a reference to fertility cults for Asherah in all these passages, as the tree is a traditional representation of the goddess.<sup>24</sup> However, no tree is mentioned in Isa 65, which means that the “sign” for Asherah is lacking.

An alternative hypothesis has Tammuz/Adonis in view, worshipped as a god of vegetation. Some scholars identify a veiled reference to Tammuz in other Isaianic passages as well, such as Isa 17:10–11 or Isa 15.<sup>25</sup> A third option is that such cults would not be “syncretic,” as they are usually understood: this means that the text might not polemicize against worship of other gods, but against unorthodox ways to worship Yhwh. However, this hypothesis is doubtful because the language of these passages includes some expressions typical of the Deuteronomistic tradition, such as “to provoke Yhwh’s anger” (Isa 65:3) and “under every green tree” (Isa 57:5), which usually refer to the veneration of other gods.<sup>26</sup> Other texts even report the practice of burning incense (קטר) to foreign gods in

<sup>23</sup> See, e.g., Jan L. Koole, *Isaiah Chapters 56–66*, HCOT (Leuven: Peeters, 2001), 414; Berges, *Jesaja*, 553–54. I agree with Shalom M. Paul (*Isaiah 40–66: Translation and Commentary*, [Grand Rapids: Eerdmans, 2012], 593), that is unnecessary to read גגות, “roofs,” instead of גנות, “gardens,” in Isa 65:3.

<sup>24</sup> Susan Ackerman, *Under Every Green Tree: Popular Religion in Sixth Century Judah*, HSM 46 (Winona Lake, IN: Eisenbrauns, 2001), 165–212.

<sup>25</sup> Brooks Schramm, *The Opponents of the Third Isaiah: Reconstructing the Cultic History of the Restoration*, JSOTSup 193 (Sheffield: Sheffield Academic Press, 1995), 156. On possible references to Adonian rituals elsewhere in Isaiah, see Matthias Delcor, “Le problème des jardins d’Adonis dans Isaïe 17,9–11 à la lumière de la civilisation syro-phénicienne,” *Syria* 55 (1978): 371–94; Corinne Bonnet, “Échos d’un rituel de type adonidien dans l’oracle contre Moab d’Isaïe (Isaïe, 15),” *SEL* 4 (1987): 101–19.

<sup>26</sup> Deut 12:2; 2 Kgs 22:17; Jer 2:20; Ezek 6:13. See already Hos 4:13, which compares sacrifices offered on the hills and under the trees with prostitution.

improper places, such as the house roofs, to provoke (כעס) Yhwh's anger.<sup>27</sup> This might also provide some grounds for understanding the meaning of the "bricks" (לבנים) mentioned in Isa 65:3, for which there is no exact parallel in the Hebrew Bible, and which are usually interpreted as altars made of bricks, following a proposal by Bernhard Duhm.<sup>28</sup> In this case, לבנים could perhaps metonymically indicate roof tiles. Based on this evidence, one can then assume that, by the time of the redaction of the oracle, the mention of open-air sacrifices and the reference to vegetation are used as a standard reference for idolatrous cults. The intertextual links with other Isaianic passages suggest that they are to be interpreted in this way also in Isa 65:3, even if the memory of the specific deity as a recipient of this sacrifice might already have been lost.

The action of "sitting in tombs" in verse 4aα is usually considered to be a reference to the cult of the dead or consulting ancestors, already mentioned in Isa 57:3–13 and for which there is material evidence in the postexilic period.<sup>29</sup> The parallel expression "spending the night in separate places" in 4aβ raises some questions, for it is unclear if נצורים is a synonym for "graves" or indicates a different space. The immediate context suggests that נצורים indicates a place which is intentionally "set apart and kept inaccessible" by the elites from the rest of the community. In this regard, while a tomb or a cemetery is certainly a "separated" place, they are not necessarily what first comes to mind with this expression. Because of this ambiguity, the expression has been interpreted variously in ancient and modern exegesis. Several scholars view both actions as referring to necromantic rituals: "sitting in the graves" and "spending the night in separate places" would then indicate a consultation with the dead that is performed at night.<sup>30</sup> This understanding might be attested in the Dead Sea Scrolls, as IQIsa<sup>a</sup> has the reading בנציריים. Indeed, Shalom Paul suggests interpreting it as the plural of נצר, "cadaver" in Isa 14:19, which would also explain the rendering in the Targums: "they reside with human cadavers."<sup>31</sup> However, this exegetical reading could also be dictated by the concern for the defilement caused by the contact with the dead. Alternatively, the night spent in separated places is regarded as a

<sup>27</sup> See especially Jer 19:13; 32:29. Compare also, with a slightly different language, 2 Kgs 23:12 and Zeph 1:5. This is not, however, a good reason to emend גן to גג ("roof") in Isa 65:3, as it has sometimes been proposed: see above, fn. 23.

<sup>28</sup> Bernhard Duhm, *Das Buch Jesaja*, HKAT 3.1 (Göttingen: Vandenhoeck & Ruprecht, 1902), 475.

<sup>29</sup> Albertz and Schmitt, *Family and Household Religion*, 459–60; For the postexilic evidence see Rachel Hachlili, *Jewish Funerary Customs, Practices and Rites in the Second Temple Period*, JSJSup 94 (Leiden: Brill, 2005). For the biblical sources see also Kerry M. Sonia, *Caring for the Dead in Ancient Israel*, ABS 27 (Atlanta: SBL Press, 2020), 165–201.

<sup>30</sup> Already, e. g., Paul Volz, *Jesaja II* (Leipzig: A. Deichert, 1932), 282; Koole, *Isaiah Chapters* 56–66, 415–16; Blenkinsopp, *Isaiah 56–66*, 271–72.

<sup>31</sup> Paul, *Isaiah 40–66*, 594.

reference to incubation rituals:<sup>32</sup> as I show in more detail below, this is clearly the interpretation of the Greek translator.<sup>33</sup> Some authors conflate these readings, intending both expressions to refer to rituals aiming at obtaining oracles from the dead, presumably ancestors, in the form of necromancy or incubation.<sup>34</sup> However, one wonders if such interpretations do not derive from ancient exegesis more than from the Hebrew text itself. As Kerry Sonia rightly observes, the practice of invoking the dead through incubation is unattested elsewhere in biblical writings and, differently from the Old Greek translation, the Hebrew text of Isa 65:4 says nothing explicit in this regard: this should prompt caution toward interpretations that are too speculative.<sup>35</sup>

When one moves to Isa 65:11–12, one reaches safer ground, not least because of the explicit naming of other deities in these verses. Gad is a well-known god associated with fortune. He becomes very popular in Roman times, but his name is attested epigraphically already in the first millennium BCE throughout the entire Levant.<sup>36</sup> In Israelite onomastics several forms include *gad* as a predicative element, thus meaning simply “fortune,” such as *Gaddiyahu* (YHWH is my fortune), *Gadda’*, and *Gaddy*.<sup>37</sup> However, nouns where Gad seems to be a stand-alone theophoric are also attested, such as עוגר, “Gad is strong” or “the force of Gad,” in Ezra 2:12. Ryan Thomas has collected similar evidence for the spreading of the cults of Gad in the first millennium BCE in Aramaic, Phoenician, and Moabite contexts.<sup>38</sup> The noun is also attested in the Hebrew Bible as a toponym in the forms בעלגד (Josh 11:17) and מגדל גר (Josh 15:37).

Information regarding Meni remains scanty, although it is not completely absent. The root *mnh*, “to divide, to assign,” is known in Hebrew and Ugaritic. Antecedents have been found in Ugaritic and Eblaite onomastics: the forms *bn.mnj*, *bn.mn*, and *bn.mnn* occur as personal names in Ugarit, and an administrative text from Ebla accounting for portions of barley contains the name of an official called *en-na-mani*, “Mani has given.”<sup>39</sup> The same deity is probably to

<sup>32</sup> Westermann, *Isaiah 40–66*, 401–2.

<sup>33</sup> See below, p. 168.

<sup>34</sup> Berges, *Jesaja 555*, who follows Ackerman, *Under Every Green Tree*, 194–95.

<sup>35</sup> Sonia, *Caring for the Dead*, 98–99.

<sup>36</sup> See Ted Kaizer “*De Dea Syria et aliis deabusque: A Study of the Variety of Appearances of Gad in Aramaic Inscriptions and on Sculptures from the Near East in the First Three Centuries A.D. (Part 1)*,” *OLP* 28 (1997), 147–66; and idem, “*De Dea Syria et aliis deabusque: A Study of the Variety of Appearances of Gad in Aramaic Inscriptions and on Sculptures from the Near East in the First Three Centuries A.D. (Part 2)*,” *OLP* 29 (1998), 33–62.

<sup>37</sup> Albertz and Schmitt, *Family and Household Religion*, 564.

<sup>38</sup> Ryan Thomas, “The God Gad,” *JAOS* 139 (2019): 307–16.

<sup>39</sup> See Massimo Baldacci, “Due antecedenti storici in Is 65,11,” *BeO* 20 (1978), 189–91. For the Ugaritic evidence see Frauke Gröndahl, “Die Personennamen der Texte aus Ugarit” (PhD Diss., Pontifical Bible Institute, 1967), 159: *mnj bn.mnj*, *bn.mnn*, *bn.mn*. The text from Ebla (TM 75.G.336, verso I, 4), has been published by Giovanni Pettinato and Paolo Matthiae, “Aspetti amministrativi e topografici di Ebla nel III millennio av. Cr.,” *RSO* 50 (1976): 5.

be associated with the goddess *mnwt/mnwtw* (Manat), who is attested in Levant at least from the time of the Nabateans by two inscriptions found in a funerary context,<sup>40</sup> and is especially worshipped in Palmyra.<sup>41</sup>

Her association with destiny and fate is clearly recognized in the Hebrew Bible, as the wordplay between the end of v. 11 (“to fill a cup for Meni”) and the beginning of v. 12 (“I destine you to the sword”) demonstrates. This evidence makes it plausible that cults of Gad and Meni were spreading in Palestine at this time and hence were known to the redactor. As I will show, the Greek translator identifies Gad and Meni with Agathodaemon and Tyche, whose cults were popular during Hellenistic times. However, it is also possible that this identification is already operative within the Hebrew text, as is suggested by the references to the actions of setting the table and filling the cup. In fact, libations to the “good demon” and the “good sort” constituted the traditional opening of Greek symposia and are well attested in Dionysian contexts.<sup>42</sup> Hence, this passage constitutes one of the earliest attestations of the “translation” of the god Gad in a Mediterranean context.

To conclude, it is not impossible that some of the rites mentioned in Isa 65 were still put into practice in postexilic times. In this regard, the polemics against Gad and Meni in Isa 65:11–12 point to deities whose popularity was growing in Hellenistic times, and as such it might address actual practice, perhaps in the so-called domestic sphere of the cult. Yet the language in Isa 65:3–4 displays features that relate to stereotypical polemics against idolatry, and Isa 65:11–12 also builds on efficacious rhetorical strategies, as the wordplay between Meni (מני) and מניתי shows. In this regard, a rigid distinction between practical and literary purposes might lead to a false dichotomy, as polemics might well mix actual and fictional practices. As mentioned above, the scope of Isa 65:3–5 is to draw an ideal profile

<sup>40</sup> CIS II, 197, 5; 198, 4.8. Compare the attestations in DB MAP E#885: <https://base-map-polytheisms.huma-num.fr/element/885>. Both inscriptions are engraved on the door of a tomb: *Mnwtw* is invoked with other deities in charge of cursing those who would sell or violate the tomb. Among the oldest epigraphic attestations, Jeanne-Marie Roche also mentions two theophoric names and a cult inscription from Tayma', an oasis in northwest Saudi Arabia (*Mnwh 'lht 'lht* “Manawat goddess of goddess”), which has been dated between the fourth and third centuries BCE (Jeanne-Marie Roche, “Introduction aux religions préislamiques d'Arabie du Nord: Recherches sur les divinités du paganisme arabe, à travers l'épigraphie et l'iconographie,” *Annuaire de l'École pratique des hautes études [EPHE], Section des sciences religieuses* 121/2014, online 13 January 2015, <http://journals.openedition.org/asr/1231>, 3–4 [INTR 2020-06-21]). However, in the database MAP the inscription is dated to the first century BCE on paleographic grounds (DB MAP S #1840).

<sup>41</sup> The goddess is represented as Nemesis with a scepter at Palmyra, and a bust of Tyche has been found in the center of a zodiac in the Nabataean temple of Khirbet el Tannur. On the cult of Manat, see also David S. Sperling, “Meni,” *DDD*, 566–68; Maria Gorea, “Considérations sur la politisation de la religion à Palmyre et sur la dévotion militaire des Palmyréniens en Dacie,” *Semitica et Classica* 3 (2010): 156–57. Toufic Fahd, “Manāt,” in *Encyclopaedia of Islam*, 2nd ed., ed. Peri Bearman et al. (Leiden: Brill, 2012), 373–74.

<sup>42</sup> Aristophanes, *Eq.* 85, 105; *Pax* 300, *Vesp.* 525.

of ritual transgression, which might have been guided by what was regarded at the time as a transgression par excellence by the Torah. As such, these transgressions either imply veneration of foreign gods or convey impurity. As for Isa 66, references to actual practice are even more difficult to detect. Here, vv. 3 and 17 escalate the polemics of the previous chapter by moving it from household rituals to the temple cult and insisting on the defiling aspect of prohibited cultic actions. Here, the mention of prohibited food plays a strategic role. I now explore this aspect in more depth by focusing on the consumption of swine meat, which occurs repeatedly in Isa 65:5; 66:3, 17.

#### 4. The Pig: A Marker for Impurity

In Isa 65:5 the reference to pig is usually interpreted as ritual consumption within the context of the rituals identified in the previous verses. In such a view, pig consumption would be a component of so-called “chthonic” rites, either rituals to promote fertility in connection with Asherah, or, as it is more often proposed, with the mortuary practices mentioned in Isa 65:4. In this regard, Rainer Albertz and Rüdiger Schmitt consider Isa 65:3–5 to describe a unified “antistructural” ritual for the dead, which would include the consumption of pig and a desecrated meal (מרק פגלים), as well as sleeping in the grave.<sup>43</sup> According to this reading, temporarily assuming the status of the dead as a social outsider and participating in his impurity would strengthen the ties with the ancestors for those participating in this ritual. This comprehensive and attractive interpretation would be substantiated by the chthonic “nature” often attributed to pig sacrifice.

It is indeed possible to find some evidence supporting this interpretation through the ancient Near East, although these data are not always easy to evaluate. As for the Mesopotamian context, Joann Scurlock has collected some evidence for pig sacrifice in nocturnal rites or in rituals connected with the dead.<sup>44</sup> She underscores that the animal was otherwise unsuitable for regular sacrifice because it was considered unclean, although it was often present in banquet contexts. As for the Levantine context more specifically, first, no extant ritual text from Ugarit mentions pig sacrifice. The situation diverges geographically with respect to Phoenicia: the ritual use of pigs in funerary contexts is better documented for sites on the western coast but are much rarer in the Levant, although even in these cases the animals seem to have served apotropaic or purification purposes more often than use as a food offering.<sup>45</sup>

<sup>43</sup> Albertz and Schmitt, *Family and Household Religion*, 459–60.

<sup>44</sup> Scurlock, “Animal Sacrifice in Ancient Mesopotamian Religion,” 392–93.

<sup>45</sup> See the recent assessment of Bruno D’Andrea, “Les suidés dans les pratiques alimentaires et rituelles du monde phénico-punique,” *Antiquités africaines* [En ligne] 55 (2019), released 24 April 2020.

The comparative material from ancient Greece is also problematic. For instance, there are examples of pig sacrifice used in Greek chthonic rituals. In this regard, the *thesmophoriae*, the Athenian festivals in honor of Demeter and Persephone are often quoted as a term of comparison. Indeed, pig sacrifice characterizes the cults of Demeter, and the purification of the *thesmophorion* by a piglet is mentioned by several ancient sources.<sup>46</sup> However, this evidence is hardly decisive: pigs and piglets are one of the most popular offerings in Greek cults because they are economical and are found in several different ritual contexts. Their affordability can also explain why piglets were frequently used in purification rituals, which, as noted by Gunnell Ekroth, were necessary in a relatively high number of circumstances, including the cleansing of temples.<sup>47</sup>

The zooarchaeological evidence is equally problematic. Pig bones have been found in several ancient Near Eastern and Egyptian burial contexts. However, these date back to the Middle Bronze or even the Early Bronze Age. This means that their historical and cultural context is too distant to be of significance here.<sup>48</sup> As for first millennium and specifically Levantine contexts, pig bones have been found in Lachish in two graves dating back to the seventh century BCE.<sup>49</sup> However, this does not yet constitute a perfect match for what are certainly postexilic texts. Although the mention of pig sacrifice could be compatible with some evidence for raising pigs in the Persian period, even in this case the data are not significant with the number of items attested in this period low in Palestine, and extremely low in Jerusalem.<sup>50</sup> Overall, the textual and archaeological evidence indicates that, although the possibility of pig consumption in mortuary or fertility contexts cannot be completely excluded, such an interpretation in Isa 65:5 remains far from assured.

In my view, the mention of the pig is better understood within the wider scope of Isa 65:3–5, considered in its literary context, i. e., to create a profile of cultic transgressors who openly contradict the Torah, and to associate such transgressions with impurity. As suggested by Christophe Nihan,<sup>51</sup> such a profile is

<sup>46</sup> *Inscriptions de Délos*, vol. 2 (nos. 372–509), ed. Félix Durrbach (Paris: Champion, 1929), no. 440, ll. 36–40, 48; Schol. in Lucian., *Dial. meretr.* 2.1: see Gunnell Ekroth, *The Sacrificial Rituals of Greek Hero-Cults in the Archaic to the Early Hellenistic Periods*, Kernos. Suppl. 12 (Liège: Centre International d'Étude de la Religion Grecque Antique, 2002), 61.

<sup>47</sup> Ekroth, *Sacrificial Rituals*, 251

<sup>48</sup> Price, *Evolution of a Taboo*, 84 and related bibliography.

<sup>49</sup> Rüdiger Schmitt, *Die Religionen Israels/Palästinas in der Eisenzeit: 12.–6. Jahrhundert v. Chr.* (Münster: Zaphon, 2020), 95.

<sup>50</sup> Philippe Guillaume, “Debunking the Latest Scenario on the Rise of the Pork Taboo,” *Études et travaux* 31 (2018), 147–49; Abra Spiciarich, “Religious and Socioeconomic Diversity of Ancient Jerusalem and its Hinterland during the 8th–2nd centuries BCE: A View from the Faunal Remains” (PhD Diss., Tel Aviv University, 2021), 120–22.

<sup>51</sup> Christophe Nihan, “The Polemic against Food Offerings to the Dead in the Hebrew Bible: A Reassessment,” Paper presented in Denver, SBL Annual Meeting, 20 November 2022.

composed of three, if not four, distinct ritual actions, all performed in an inappropriate manner: 1) sacrifice (but offered in the gardens and on bricks); 2) nocturnal rites or rites involving the dead; 3) eating, but of improper meat.

The accent placed on impurity is crucial insofar as the target of the polemics is the priesthood which lays claim to the highest degree of purity, as stated in 65:5 and again in the final verse, 66:17. Moreover, the reference to impurity is relevant for the overall polemic at the core of Third Isaiah, as one criterion within the Israelite community to distinguish between the people destined for destruction and those who will be saved, namely the “servants.” Within this frame, the pig plays a key role for the polemics conducted in these chapters, as it is the permanent element associated in each instance with other examples of unclean food, as shown in figure 7 below. In Isa 65:3, the pig is paired with פגור, a term that elsewhere in the Hebrew Bible denotes sacrificial meat that has become impure because it has been kept too long. The word also occurs in the Temple Scroll to qualify meat that is impure because the animals have been slaughtered too far from the Temple.<sup>52</sup> It is possible that in our verse פגור would generically denote impure meat, or even “rotten” meat more broadly. Isaiah 66:3 puts together pigs and dogs, a pairing traditionally associated with impurity in the ancient Near East, whose echo is still heard in the Qumran writings and in the New Testament.<sup>53</sup> Finally, 66:17 associates pig with mice and שקק more generally. It should be observed that Isa 66:3 is distinctive in comparison with the three other passages in that the focus here is placed on sacrifice rather than on consumption. Yet the connection with impurity is strongly signaled by the vocabulary employed (בשקודיהם).

Overall, pig functions as a marker for impurity throughout Isa 65–66. As such, it is the main component of a rhetorical strategy aimed at associating unlawful acts in a progressively stronger way with defilement. However, and contrary to what is often assumed, it is not, or not yet, a marker for identity *sensu stricto*. This contention could be surprising at first sight, but it could not be otherwise. Although the focus of Third Isaiah is directed precisely towards issues of ethnicity and identity, the polemic aims at establishing boundaries within the Judean community itself. In this regard, the consumption of impure food in Isa 65–66 is different from the pentateuchal regulations, as the shift has moved from daily food prohibitions to that of ritual avoidance. At the same time, however, it also differs from later texts referencing pig sacrifice, such as 1 and 2 Maccabees, where the avoidance of sacrificial pig meat has become a marker of Jewish identity vis-à-vis the foreign.

<sup>52</sup> Lev 7:18, 19:7; Ezek 4:14; 11QT 47:14, 18.

<sup>53</sup> See Angelini, “Dietary Laws in the Second Temple Period,” § 4, in this volume.



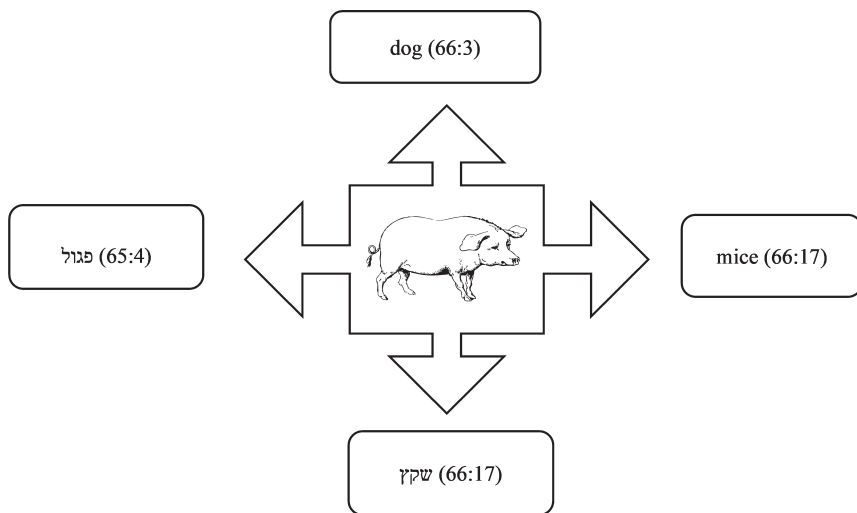


Figure 7: The role of the pig in Isaiah 65–66 (drawing: Pixabay, Free License)

### 5. The Greek Text: Sacrificing to Demons

As I have anticipated above, the Greek version of the passages under review evinces significant differences from the Hebrew text and shows a number of exegetical readings. While a full treatment of these differences lies beyond the scope of this inquiry, some choices made by the translator deserve comment. In this regard, the rendering of Isa 65:3–5, which shows a considerable degree of interpretation, is worthy of attention. In v. 3, the translator has introduced a reference to demon sacrifices:

<sup>3</sup> ὁ λαὸς οὗτος ὁ παροξύνων με ἐναντίον ἐμοῦ διὰ παντός  
αὐτοὶ θυσιάζουσιν ἐν τοῖς κήποις  
καὶ θυμιῶσιν ἐπὶ ταῖς πλίνθοις τοῖς δαιμονίοις ἃ οὐκ ἔστιν (L: τοῖς οἰκοῦσιν/καὶ τοῖς οὐκ  
οὔσιν )

<sup>4</sup> καὶ ἐν τοῖς μνήμασιν καὶ ἐν τοῖς σπηλαίοις κοιμῶνται δι' ἐνύπνια,  
οἱ ἔσθοντες κρέα ὕεια καὶ ζωμὸν θυσιῶν,  
μεμολυμμένα πάντα τὰ σκεύη αὐτῶν.

<sup>5</sup> Οἱ λέγοντες Πόρρω ἀπ' ἐμοῦ,  
μὴ ἐγγίσης μου, ὅτι καθαρὸς εἰμι.  
οὗτος καπνὸς τοῦ θυμοῦ μου,  
πῦρ καίεται ἐν αὐτῷ πάσας τὰς ἡμέρας.

<sup>3</sup> This people who provokes me, in front of me, forever,  
they sacrifice in the gardens and burn incense on the bricks for the demons which do not  
exist  
(L: for the houses/and they do not exist),

<sup>4</sup> and in graves and caves sleep for dreams,  
they who eat swine meat and broth of sacrifices,  
all their vessels are defiled.

<sup>5</sup> They who say: “far from me!  
Do not come near to me, as I am pure.”  
This is the smoke of my anger,  
A fire burns in it every day.

The Greek translator recognizes neither fertility nor other “chthonic” cults in these verses. The challenge provided by v. 3 to ancient interpretation is also reflected by a difficult rendering witnessed by the Isaiah Scroll, which is also exegetical. Instead of *על־הלבנים* (“and they make smoke go up on the bricks”), we read:<sup>54</sup>

וינקו ידיהם על האבנים

And they empty/suck their hands/penises on the stones.

As has been noted, the language here probably hints at sexually obscene acts, for “hand” is used elsewhere euphemistically to denote the male sexual organ.<sup>55</sup> In combination with the reference to people sitting “among cadavers,” the exegesis evinced in the Dead Sea Scrolls insists on the physical defiling, even frankly disgusting, aspects of the illicit practices of Isa 65. In the Alexandrian context, however, exegesis went in a different direction. The mention of gardens, bricks, and incense probably suggested the idea of an apotropaic ritual against demons, perhaps performed in a household context. In this regard, it should be noted that the Lucianic tradition has a different reading for verse 3b: some manuscripts have *τοῖς οἰκοῦσιν*, perhaps a rendering of *הישבים* at the beginning of verse 4, which otherwise would not be translated. Other manuscripts have the reading *καὶ τοῖς οὐκ οὔσιν*, which is similar in meaning to *ἄ οὐκ ἔσιν*.<sup>56</sup> The expression is marked with an obelus by Jerome, which confirms that this reading belongs to the Old Greek. Thus, *τοῖς οἰκοῦσιν* could be a secondary correction aiming at bringing the text closer to the original Hebrew.<sup>57</sup> It cannot be excluded that the

<sup>54</sup> 1QIsa<sup>a</sup> (Eugene Charles Ulrich and Peter Flint, *Qumran Cave 1.II: The Isaiah Scrolls*, DJD 32 [Oxford: Clarendon, 2010], 190). See also Donald W. Parry, *Exploring the Isaiah Scrolls and Their Textual Variants*, Supplements to the Textual History of the Bible 3 (Leiden: Brill 2019), 430.

<sup>55</sup> See the discussion in Ackerman, *Under Every Green Tree*, 170–72; Blenkinsopp, *Isaiah*, 271; Berges, *Jesaja*, 544. Frank More Cross (quoted by Hanson, *Dawn of Apocalyptic*, 141 and followed by Ackerman, *Under Every Green Tree*, 172) tried to preserve the idea of an incense ritual in this verse by advancing the hypothesis that “hand” (יד) would stand here for “palm” (כַּף), which in its turn would denote the measure of a “spoon” of incense. However, this remains an unnecessarily complicated and less probable hypothesis.

<sup>56</sup> See Joseph Ziegler, *Isaia*s, Septuaginta: Vetus Testamentum Graecum 14 (Göttingen: Vandenhoeck & Ruprecht, 1939), 360, *apparatus* 1.

<sup>57</sup> For a different interpretation, see Isaac Leo Seeligmann, “The Septuagint Version of Isaiah,” in *The Septuagint Version of Isaiah and Cognate Studies*, ed. Robert Hanhart and Hermann Spieckermann, FAT 40 (Tübingen: Mohr Siebeck, 2004), 99–100.

translator interpreted both vv. 3 and 4 as describing a single ritual, as in Greece demons were considered responsible for both dreams and divination. A reference to incubatory practices is suggested in v. 4, where the “secluded places” בַּנְצוּרִים is rendered with ἐν τοῖς σπηλαίοις, perhaps resulting from a reading בֵּין צוּרִים. The addition of δι’ ἐνύπνια is also to attribute to the translator. Hence, v. 4 reads: ἐν τοῖς σπηλαίοις κοιμῶνται δι’ ἐνύπνια (“they sleep in caverns because of the visions coming through dreams”): sleeping in caves to obtain oracles, included from the dead, is a practice attested in Greek religion.<sup>58</sup>

Furthermore, the translation of vv. 3–4 should be put in relationship with that of vv. 11–12, where Gad and Meni have clearly been transposed into Greek categories as the (Good) Fortune (τῆ τύχη), and the (Good) Demon (τῶ δαίμονι):<sup>59</sup>

<sup>11</sup> ὑμεῖς δὲ οἱ ἐγκαταλιπόντες με  
καὶ ἐπιλανθανόμενοι τὸ ὄρος τὸ ἅγιόν μου  
καὶ ἐτοιμάζοντες τῶ δαίμονι τράπεζαν  
καὶ πληροῦντες τῆ τύχη κέρασμα,  
<sup>12</sup> ἐγὼ παραδώσω ὑμᾶς εἰς μάχαιραν,  
πάντες ἐν σφαγῇ πεσεῖσθε ...

<sup>11</sup> But you that abandoned me  
and have forgotten my holy mountain,  
you prepare a table for the demon  
and fill a cup for fortune,  
<sup>12</sup> I will send you to the sword,  
You all will fall in the slaughter ...

As said, both *Agathetyche* and *Agathodaimon* were very popular deities in Hellenistic and Roman times, especially in Hellenistic Egypt, and in Alexandria in particular, where the *agathodaimon* was mythically associated with the foundation of the city.<sup>60</sup> The mention of the drink and the table in the Hebrew text might have evoked the domestic aspect of the ritual for the Good Demon and Tyche, which is well attested in Classical sources, and, as I have shown, might

<sup>58</sup> See on this, e.g., Yulia Ustinova, *Caves and the Ancient Greek Mind: Descending Underground in the Search for Ultimate Truth* (Oxford: Oxford University Press, 2009), 70. It is unnecessary, however, to correct the MT in this sense, as is still occasionally proposed (e.g., by Paul, *Isaiah* 40–66, 594). See, for a discussion, Ackerman, *Under Every Green Tree*, 195.

<sup>59</sup> I follow here the reading of Sinaitic and other manuscripts of the Alexandrian group. See Anna Angelini, *L’imaginaire du démoniaque dans la Septante: Une analyse comparée de la notion de “démon” dans la Septante et la Bible Hébraïque*, JSJSup 197 (Leiden: Brill, 2021), 82–83.

<sup>60</sup> The richest collection of sources on the *agathodaemon* is still Richard Ganschinietz, “Agathodaimon,” in PWSup 3:37–59; see also Giulia Sfameni Gasparro, “Daimôn and Tuchê in the Hellenistic Religious Experience,” in *Conventional Values of the Hellenistic Greeks*, ed. Peter Bilde (Aarhus: Aarhus University Press, 1997), 66–109. See also Joachim Schaper, “God and the Gods: Pagan Deities and Religious Concepts in the Old Greek of Isaiah,” in *Genesis, Isaiah and Psalms: A Festschrift to Honour Professor John Emerton for His Eightieth Birthday*, ed. Katharine Dell, Graham Davies, and Yee Von Koh, VTSup 135 (Leiden: Brill, 2010), 135–52.

even have been known to the redactor of the Hebrew text. The chthonic nature attributed to the *agathodaemon*, worshipped in Egypt in the form of a snake, fits the context of Isa 65 because of its reference to a ritual spent in gardens and caverns. In this respect, the demon in v. 11 echoes, or possibly even intentionally recalls, that of v. 3, where the Israelites are accused of burning incense to demons (τοῖς δαιμονίοις). In this way, the Greek translation provides a harmonizing reading focused on demonic rituals throughout ch. 65.

However, it should be noted that in the Greek reading, pig consumption does not seem to be understood as part of the ritual described in vv. 3–4, but as a separate act. The introduction of the substantive participle (οἱ ἔσθοντες // Οἱ λέγοντες) at the beginning of vv. 4 and 5 changes the balance of the parallelisms found in the Hebrew text. The syntax suggests that pig consumption is part of a different set of transgressions that concern ritual purity. In this regard, one can also consider the unusual rendering of קִטְוֹת with καθαρὸς εἰμι in verse 5. Previous studies have already underscored the Greek translator of Isaiah's particular interest for matters related to ritual purity, both regarding personal purity and the purity of the Temple.<sup>61</sup> Such an interest probably explains the translation found in 66:17, which condemns those who eat polluting meat ἐν τοῖς προθύροις, usually translated "in the porches." However, its frequent occurrence in the LXX of Ezekiel in similar contexts suggests that πρόθυρον here is probably a *terminus technicus* indicating the entrance or the external parts of the temple.<sup>62</sup> Hence, such an image highlights the horrific nature of these defiling practices.

The Greek text of Isa 66:3 contains a certain number of exegetical readings as well. It reads:

ὁ δὲ ἄνομος, ὁ θύων μοι μόσχον ὡς ὁ ἀποκτένων κύναι,  
 ὁ δὲ ἀναφέρων σεμίδαλιν ὡς αἶμα ὕειον,  
 ὁ διδοὺς λίβανον εἰς μνημόσυνον ὡς βλάσφημος·  
 καὶ οὗτοι ἐξελέξαντο τὰς ὁδοὺς αὐτῶν καὶ τὰ βδελύγματα αὐτῶν,  
 ἃ ἡ ψυχὴ αὐτῶν ἠθέλησεν.

But *the lawless one*, who sacrifices to me a calf *as if* he was killing a dog,  
 the one who raises fine flour *as if* he was raising pig blood,  
 the one who offers incense for memorial *like* a blasphemer!  
 And all these people have chosen their ways and their abominations,  
 which their soul desired.

There are two main changes with regard to the Hebrew text. First, in agreement with the ancient versions, the translator inserted a ὡς as a term of comparison between the first and the second half of each stichos. This addition, in agreement

<sup>61</sup> See David A. Baer, *When We All Go Home: Translation and Theology in LXX Isaiah 56–66* (Sheffield: Sheffield Academic Press, 2001), esp. 231–76.

<sup>62</sup> Baer, *When We All Go Home*, 196–197.

with the ancient versions,<sup>63</sup> indicates that ancient exegesis somewhat nuanced the shocking imagery of verse 3 by directing the accusation toward incorrect performance of sacrificial acts and offerings. Second, the translator qualified the transgressor of ritual laws as ἄνομος, “lawless one,” an expression with no equivalent in the Hebrew text. The ἄνομοι in the LXX of Isaiah represent the category of the wicked *par excellence* evoked throughout the book and especially in chapter 1.<sup>64</sup>

Two conclusions can be drawn from this short survey on the Greek versions of Isa 65–66. First, by insisting on the unlawful nature of ritually defiling actions, the translator strengthens the connection between transgression of the law and pollution. Moreover, in the Greek text eating pig is now explicitly paralleled with sacrificing to demons. On the one hand, this parallel is relatively unsurprising as several ancient Near Eastern sources associate demons with impurity. On the other hand, such a parallel becomes even more significant when inscribed in the larger context of the Hebrew Bible and of its Greek translation, where foreign gods are equated with demons, which starts already in the Pentateuch (Deut 32:16–17, but see also Ps 105[106 MT]:36–38, Bar 4:7).<sup>65</sup> In this regard, the translator of Isaiah exploits the reference to the cult of the “good demon,” placing it within this broader strategy of the delegitimization of foreign gods through their demonization. In this reading, pig consumption becomes aligned with practices that are not only illicit and defiling, but even demonic. Hence, one wonders if the literary strategy put into place by the Greek translator could also be read through a new political lens. In fact, the polemic against demonic cults in the Greek text of Isaiah may attest to a shift in target, from the Jerusalemite priesthood toward the priestly elite in Alexandria, or even the priesthood operating in the (not too distant) temple of Leontopolis, whose activity is contemporary to the translation of the book.

## 6. Summary and Conclusions

The search for the significance of the references to impure food in several passages of Isa 65–66 has led to a survey of the nature and the function of the rituals

<sup>63</sup> Compare 1QIsa<sup>a</sup>, Vulgate, Peshitta.

<sup>64</sup> The word translates “(the) corrupted” (משחיתים 1:4), “(the) rebels” (פשעי 1:28), “(the) wicked” (רשע 3:11), “(the) godless” (חנף 9:16), “(the) sinners” (חטאים 33:14), as well as other expressions. In Isa 1:25 and 1:31 ἄνομοι occurs also without any Hebrew equivalent. In this passage ἄνομος connects v.3 with the preceding verse by highlighting the contrast between the transgressor, on the one hand, and the poor and those who tremble at Yhwh’s word mentioned in v.2 on the other. The insertion of the dative pronoun μοι (“to me”), specifying that Yhwh is the recipient of sacrifice, is a recurring feature of the Old Greek in this chapter. See Baer, *When We All Go Home*, 70.

<sup>65</sup> Angelini, *L’imaginaire du démoniaque*, 184–201.

evoked in these chapters, especially in Isa 65:3–5 and 11–12; 66:3; and 66:17. In this regard, I have argued that, while these passages share a number of features and clear intertextual links in their polemics against the Jerusalemite priestly elite, it is possible to discern some differences between the cults mentioned in Isa 65 and those referenced in Isa 66. The polemics of Isa 65 aim to construct a paradigm of “the cultic transgressor” by mixing rhetorical accusation with actual practice. Chapter 66, which focuses more specifically on the defilement of the temple, escalates these polemics by developing the motif of impurity to an extreme hyperbole and purely with derogatory intent. The worshipping of Gad and Meni condemned in Isa 65:11–12 is consistent with the popularity gained by deities related to fortune and fate in the Hellenistic period: as such, these polemics might reflect actual practice. Moreover, the Hebrew Bible and the LXX provide the earliest attestations of an identification between the Semitic god Gad and the Greek “good demon,” which subsequently spreads across the Mediterranean. Conversely, the rituals mentioned in Isa 65:3–5 remain difficult to identify with precision, as they mix stereotyped language of idolatry with more obscure expressions. In this regard, both the evidence from the LXX and the witnesses from the Dead Sea Scrolls confirm the need for exegetical interpretations already in the early stages of the textual transmission, exegesis that develops along different lines in each tradition. However, although the precise referents behind these rituals in the Hebrew Bible remain partly obscure, they certainly imply three or even four unlawful and self-defiling actions: open-air sacrifices, mortuary practices, nocturnal rites, and the consumption of pig and of other defiling food. In this respect, the pig consumption mentioned in v. 5 is not part of a cultic meal for the dead, nor of other “chthonic” or fertility rituals; rather, it must be considered a separate act. In both chs. 65 and 66 consumption of illicit food recurs as an essential element in creating a “pollution profile,” in which the focus on defilement is explained by the priestly target of the polemics. The role that pig consumption plays through both chapters is indeed crucial, as it functions in each instance as the main marker of impurity. The Greek translator, who is unable to identify the nature of the rituals mentioned in Isa 65:3–5, but recognizes the function of Gad and Meni in Isa 65:11–12, offers a harmonized reading of the chapter by interpreting these verses as rituals against/for demons. This early interpretation sheds new light on the consumption of the pig mentioned in Isa 65:4 from two angles. On the one hand, the presence of pig reinforces the association of demons with impurity, and hence takes over a traditional ancient Near Eastern topos. On the other hand, it introduces a connection between the transgression of dietary laws, idolatry, and demonic cult that is made explicit in the Greek text.

This reading has a number of implications that are of a methodological order. In this regard, the food and drink offering to Gad and Meni are significant when read against the broader background of the spreading of the cults for Fate/

Destiny throughout the Hellenistic Mediterranean. Because the first explicit identification of Gad with Tyche occurs in a bilingual inscription of the first century CE from Palmyra,<sup>66</sup> the LXX, and possibly even the Hebrew Bible itself attest to an earlier association between these two divine powers. Therefore, this example highlights the role of the Hebrew Bible, and of the LXX as well, in retracing processes of the translation of deities in a Mediterranean context. Conversely, using comparative evidence for pig sacrifice as a key element in order to interpret the unclear aspects of the rituals referred to in Isa 65:3–5 proves methodologically dubious, as such evidence is either too scattered geographically and chronologically or too culturally specific to be conclusive. In this regard, this inquiry raises issues concerning the limits of the comparative method to elucidate difficult readings of the Hebrew text and the need for more rigorous criteria to draw pertinent cross-cultural comparison.

A further implication of this study concerns the place of Third Isaiah in the reconstruction of the evolution of the so-called “pig taboo” in ancient Israelite traditions. Several recent studies have rightly underscored how pig avoidance was not a distinctive feature of Israelite identity from the beginning; rather, it was the result of an historically gradual and multicausal process.<sup>67</sup> In this regard, Guy Darshan suggests that the pig was not granted any special status before the Hasmonean period. In his view, the increased references to abstention from swine meat in the Jewish sources from that time onward, and eventually their appearance in Greco-Roman sources as well, result from an extensive confrontation of Jews with Greeks and especially with the Roman world, where pig raising and pig consumption were extremely popular. To put it in the words of Cicero: *sus vero quid habet praeter escam?* (“What else were pigs for, if not for eating?”).<sup>68</sup> However, the evidence analyzed here from Isa 65–66 shows that at least by early Hellenistic times the pig already functions as a privileged marker for impurity. Moreover, it remains difficult to contradict the fundamental observation made by Jacob Milgrom: the pig already had a special position within the corpus of the dietary laws themselves. In Lev 11:7 the pig is listed as the last item of the list. It is the only animal which, in contrast with the three other quadrupeds quoted as paradigmatic examples (the camel, the hyrax, and the hare in Lev 11:4–6), meets the criteria of the divided hoof, but does not chew the cud. For the same reason, the pig also occupies a distinct position in the structure of Deut 14: while camel, hyrax and hare are regrouped together in v. 7, the pig is granted a separate place in v. 8. To be sure, this does not necessarily imply that one should subscribe to Milgrom’s argument that the laws have been intentionally formulated in order to

<sup>66</sup> CIS II, 3927.

<sup>67</sup> Price, *Evolution of Pig Taboo*; Darshan, “Pork Consumption”; Rhyder, “Jewish Pig Prohibition.”

<sup>68</sup> *Nat. D.* 2.160. Compare also Varro, *Rust.* 2.4.3: *Quis enim fundum colit nostrum, quin sues habeat?* (“Who of our people cultivates a farm without keeping swine?”).

exclude the pig; nevertheless, its special place stands out. Therefore, while I agree with the overall trend highlighted by Darshan, the evidence analyzed here speaks for a more nuanced reconstruction of the emergence of the pig taboo and points toward a gradual development of the symbolic role played by pig avoidance in shaping early Jewish identity. In this process, some texts constituted fundamental milestones: in my view, Isa 65–66 was one such milestone.

A final comment pertains to the broader issue raised in the introduction concerning the development of the biblical dietary laws in the Second Temple period. As is the case with biblical laws more generally, so also for dietary laws, later traditions expand the core of the pentateuchal rules in multiple directions. Some texts aim at adding precision to the contents of what can be eaten and drunk: the growing interest for the purity of liquids is certainly an example of such a tendency. Other texts pay attention to issues of commensality and care about the limits and the circumstances in which sharing food with non-Jews can (or cannot) take place. Unsurprisingly, this is the focus of several diasporic texts. Still other traditions focus on the transmission of impurity from meat to vessels and skins: several examples of this trend are found among the Dead Sea Scrolls. In a smaller group of texts, however, among which we can certainly count Isa 65–66, and also 1 and 2 Maccabees, the focus clearly remains cultic. Hence, the reference to dietary laws in such texts brings the relationship between the table and the altar to the forefront. This relationship might well have been present at the origins of the biblical dietary laws themselves, if we accept the hypothesis that they evolved from what were originally more localized cultic prescriptions.<sup>69</sup> This aspect was eventually lost in the actual pentateuchal formulations of the laws, whose specificity presents these laws as being valid independently of time and space. However, the cultic accent is “reactivated,” and even emphasized by those texts that focus primarily on temple management and control in postexilic society.

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<sup>69</sup> See Altmann, “Traditions and Texts: The ‘Origins’ of the Dietary Prohibitions of Lev 11 and Deut 14” in this volume; Altmann and Angelini, “Food Taboos and Biblical Prohibitions,” 21.





## Chapter 8

# Dietary Laws in the Second Temple Period: The Evidence from the Dead Sea Scrolls

(Anna Angelini)

### 1. Introduction: Food in the Dead Sea Scrolls and Biblical Law

The relevance of the Dead Sea Scrolls for the study of the dietary laws during the Second Temple period is based on three main factors. First, a large number of texts found among the Scrolls deal with legal matters and engage with biblical legal traditions in several ways. Second, the so-called “sectarian” texts are characterized by a very strong interest in purity. Third, archaeological records confirm that the inhabitants of the Qumran settlement followed purity regulations.<sup>1</sup>

In this context, it is therefore unsurprising that evidence from the Scrolls not only shows a reworking of the dietary laws of Lev 11 and Deut 14, but also displays additional rules that expand, modify, or integrate the dietary instructions found in the Hebrew Bible. Hence, such evidence can be illuminating in several regards. To begin with, it allows for an assessment of the perceived authority of

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<sup>1</sup> For some recent overviews discussing the relevant bibliography see Jonathan Klawans, *Impurity and Sin in Ancient Judaism* (Oxford: Oxford University Press, 2000), 43–60; Ian C. Werrett, *Ritual Purity and the Dead Sea Scrolls*, STDJ 72 (Leiden: Brill, 2007); Susan Haber, “They Shall Purify Themselves”: *Essays on Purity in Early Judaism*, Early Judaism and Its Literature (Atlanta: Society of Biblical Literature, 2008), 43–71; Ian C. Werrett, “The Evolution of Purity at Qumran,” in *Purity and the Forming of Religious Traditions in the Ancient Mediterranean World and Ancient Judaism*, ed. Christian Frevel and Christophe Nihan, Dynamics in the History of Religion 3 (Leiden: Brill, 2013), 493–518; Gudrun Holtz, “Purity Conceptions in the Dead Sea Scrolls: ‘Ritual-Physical’ and ‘Moral’ Purity in a Diachronic Perspective,” in Frevel and Nihan, *Purity and the Forming of Religious Traditions*, 519–36; Hannah K. Harrington, *The Purity and Sanctuary of the Body in Second Temple Judaism*, Journal of Ancient Judaism Supplement 33 (Göttingen: Vandenhoeck & Ruprecht, 2019); Cecilia Wassén, “Purity and Holiness,” in *T&T Clark Companion to the Dead Sea Scrolls*, ed. George J. Brooke and Charlotte Hempel (London: T&T Clark, 2018), 513–23. For archaeological evidence attesting of purity concerns see Jodi Magness, *The Archaeology of Qumran and the Dead Sea Scrolls. Second Edition* (Grand Rapids, MI: Eerdmans, 2021), esp. 168–95; idem, *Stone and Dung, Oil and Spit: Jewish Daily Life in the Time of Jesus* (Grand Rapids, MI: Eerdmans, 2011). On the relationship between the Dead Sea Scrolls and the archaeology of Qumran see § 2 below.

these laws during the Second Temple period. If the ultimate origins of the biblical laws concerning animal consumption remain difficult to detect, in the Second Temple period an increasing number of witnesses shows that food practices become foundational for Jewish identity. The relevance of such practices in establishing the boundaries of Jewish identity is already evident in several late biblical texts, such as the books of Esther, Judith, Daniel, and Tobit. In all these books, the story is set in a foreign context, and issues related to the opportunity of partaking food with non-Jews play an important role in the plot.<sup>2</sup> The main contexts in which food becomes an issue are banquets or other occasions for sharing meals: what is at stake here is the possibility of commensality more than the contents of the meal itself. Accordingly, in other Second Temple texts, such as the book of Jubilees, the prohibition of eating with the nations because of their uncleanness is even put in the mouth of Abraham in his testament to Jacob. In this context, the prohibition of commensality becomes a paradigmatic example of separation, which further elaborates the invitation to keep separate and holy by avoiding the consumption of unclean animals as stated in Lev 20 (especially vv. 24–25).<sup>3</sup>

In this regard the Dead Sea Scrolls, notably because of their focus on matters of purity, have much to contribute to the discussion. Evidence from the Scrolls displays a relationship between discursive and customary practices related to food consumption that can be contrasted with other discourses on food laws held by contemporary Jewish-Hellenistic sources, such as Josephus, as well as with archaeological evidence. Finally, insofar as materials from the Dead Sea Scrolls not only attest to a pure and simple “reception” of biblical laws but also point toward an active process of reshaping, completing, and expanding the law, they take on great importance for understanding the transition from biblical law to early Jewish halakah.

So far, scholarly attention on food consumption in the Dead Sea Scrolls has focused especially on the way in which communal meals were handled. One of the most studied sources has been the Community Rule (*Serekh haYahad*, also known as the “Manual of Discipline”), a text of composite origins preserved in various recensions and in several manuscripts, among which the most complete was found in Cave 1 (1QS). Part of this text (1QS 5:1–6:23) describes the participation of the community in a shared meal according to a rigid hierarchical

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<sup>2</sup> For an overall assessment, see MacDonald, *Not Bread Alone*, 196–218; on Esther see more specifically Jean-Daniel Macchi, “L’identité judéenne au banquet: le défi de la commensalité à l’époque hellénistique selon le livre d’Esther,” in *L’identité dans l’Écriture: hommage au professeur Jacques Briand*, ed. Olivier Artus, LD 228 (Paris: Cerf, 2009), 227–60.

<sup>3</sup> Jub. 22:16, which elaborates further on Lev 20:24–25. See Jacob Milgrom, *Leviticus 17–22*, AB 3A (New York: Doubleday, 2000), 1762; James VanderKam, *Jubilees 2: A Commentary on the Book of Jubilees 22–50*, Hermeneia (Minneapolis: Fortress, 2018), 662–63. This passage is not preserved among the Dead Sea Scrolls.

scheme and provides specific rules for new members of the community in order to access both food and drink. This section concludes with a “Penal Code” (1QS 6:24–7:25), which establishes, among other penalties, the types of transgressions implying exclusion from the meal and the length of the penalty. The description of the communal meal in 1QS has often been compared with other texts: the description of the messianic banquet found in the so-called Rule of the Congregation (1QSa 2:11–22), which bears several similarities with the shared meal of 1QS; some manuscripts found in Cave 4 and belonging to the Damascus Document (4Q266 fr. 10; 4Q270 fr. 7), which contain parts of the “Penal Code”; and the witness of Josephus on the communal meals of the Essenes (*B.J.* 2.129–133). Most attention has been devoted to the relationship between the texts and the supposed communities behind them,<sup>4</sup> the degree of purity required to access the meals,<sup>5</sup> and the extent to which such regulations align with rabbinic halakah and can be considered as anticipatory of the halakah itself.<sup>6</sup> It is still debated whether communal meals served as a substitute for the temple cult, as suggested by J. van der Ploeg, Yigael Yadin, and others, or if they should merely be viewed as an anticipation of the messianic banquet, as proposed by Lawrence Schiffman.<sup>7</sup> Insofar as the society described in these texts represented itself as an eschatological community, one could even question whether this is somehow a false alternative. However, regardless of the exact “meaning” of these meals, their social function in the Community Rule seems clear: as pointed out by Philip Davies, physical control over what the members of the sect eat and how they eat serves to reinforce the integrity of the sectarian body.<sup>8</sup>

In this context, it is relevant for our purposes to briefly mention the discussion surrounding the expressions טהרת הרבים and משקה הרבים, literally “the purity of the Many,” and “the liquids of the Many,” often translated as “the pure food” and the “pure drink” of the Many (i.e., of the Community). These expressions occur both as a pair and in isolation in 1QS. The Rule of the Community explains that a novice, but also a dissenter who has been readmitted to the Community upon repentance, are required to serve a probation time of one year

<sup>4</sup> Charlotte Hempel, “Who Is Making Dinner at Qumran?” *JTS* 63 (2012): 49–65; Philip R. Davies, “Food, Drink and Sects: The Question of Ingestion in the Qumran Texts,” *Semeia* 86 (1999): 151–63.

<sup>5</sup> Cecilia Wassén, “The (Im)Purity Levels of Communal Meals within the Qumran Movement,” *Journal of Ancient Judaism* 7 (2016): 102–22; Harrington, *Purity and Sanctuary of the Body*, 207–13.

<sup>6</sup> Davies, “Food, Drink and Sects”; Hempel, “Who is Making Dinner”; Wassén, “The (Im)Purity Levels of Communal Meals”; Harrington, *Purity and Sanctuary of the Body*, 207–13. See also Magnus, *Stone and Dung*, 77–84.

<sup>7</sup> See Lawrence Schiffman, *Sectarian Law in the Dead Sea Scrolls: Courts, Testimony and the Penal Code*, BJS 33 (Providence, RI: Brown Judaic Studies, 1983), 191–210, and related bibliography; Harrington, *Purity and Sanctuary of the Body*, 212–13.

<sup>8</sup> Davies, “Food, Drink and Sects,” 157.

before being allowed to “touch the **טהרת הרבים**,” and they must wait two years before being allowed to “touch the **משקה הרבים**” (1QS 6:16–21; 7:18–20). The same expression or very similar ones appear also in the Penal Code, where transgressors are banned from “the purity of the holy men” (**אנשי הקדש טהרת**), 5:13; 6:24–25; 7:2–3; 7:15–16; 8:16–17, 24–25). Whether these expressions denote primarily and exclusively “pure food” and “pure drink” has been a matter of debate. The analysis of the other occurrences of **טהרה** in the rest of the Qumran corpus, where the noun is widely attested, reveals that this is an overarching term which can denote both processes of purification and the state of purity of an object or a person.<sup>9</sup> Moreover, most scholars agree that in the instances in which **טהרה** and **משקה** refer to food and drink, they have a broader meaning that also includes vessels and utensils involved in the whole process of preparation and processing of food and liquids (including oil and pressed juice). This seems particularly evident in texts such as the *Tohorot* (4Q274 3 i–ii and 4Q284a, frg. 1–2), which does not deal with a banquet, but with the contamination carried by liquids and juices during harvesting.<sup>10</sup>

Three elements are worthy of note in this debate. First, both the purity of the food and the state of purity required to access it were undoubtedly important concerns for the groups responsible for these texts. Not only were they the measure demarcating access and the rejection of the members inside and outside of the community, but they also regulated several aspects of communal life. Second, although the semantic domain of **טהרה** covers various parts of the purification process, at least in some texts the word acquires a prototypical meaning related to foodstuffs (possibly including the domain of **משקה**, i. e., of liquids as well). Third, at the same time, this meaning is not restricted to food alone but extends metonymically to utensils and vessels, as the expression “touching purity” (**נגע טהרה**)<sup>11</sup> seems to suggest. As it has been observed by Friedrich Avemarie

<sup>9</sup> A detailed discussion is provided by Friedrich Avemarie, “‘Tohorat Ha-Rabbim’ and ‘Mashqeh Ha-Rabbim’: Jacob Licht Reconsidered,” in *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies* Cambridge 1995, ed. Florentino García Martínez et al., STDJ 23 (Leiden: Brill, 1997), 215–29; see also Yonder M. Gillihan, *Civic Ideology, Organization, and Law in the Rule Scrolls: A Comparative Study of the Covenanters’ Sect and Contemporary Voluntary Associations in Political Context*, STDJ 97 (Leiden: Brill, 2011), 317–24.

<sup>10</sup> See already Saul Lieberman, “The Discipline in the So-Called Dead Sea Manual of Discipline,” *JBL* 71 (1952): 199–206; Joseph M. Baumgarten, “Liquids and Susceptibility to Defilement in New 4Q Texts,” *JQR* 85 (1994): 91–101; Avemarie, “‘Tohorat Ha-Rabbim,’” 215–29; Gillihan, *Civic Ideology*, 317–24; and especially Hempel, “Who Is Making Dinner.” Pace Hannah Harrington, “What Is the Semantic Field of the Lexemes **טהר** and **טמא** in the Dead Sea Scrolls?” *RevQ* 24 (2009): 97–114 and Lawrence H. Schiffman, “Halakhic Terminology in the Dead Sea Scrolls,” *RevQ* 24 (2009): 115–33 (here 128).

<sup>11</sup> 1QS 6:16–17; 20–21. This seems to be the only way to understand the expression in some passages of the Temple Scroll such as 11QT 63:14–15 (where a captive bride must abstain for seven years from touching the “purity of the husband” and from the *shelamim* offering), as well

and others,<sup>12</sup> this is confirmed by several potsherds and earthen tags found in Masada, bearing the expression “for the purity of the holy” (הקדש לטהרה): they probably marked vessels containing products fit for temple usage and for consumption by priests.

All these regulations, however, do not show a direct correlation with biblical dietary laws. The very severe restriction concerning liquids, motivated by their higher power of contamination compared to solid food, might ultimately be derived from Leviticus, where a few verses mention the potential of contamination of liquids (Lev 11:33–34). However, in the Dead Sea Scrolls, regulations on this matter develop much further. In the contexts mentioned above where the purity of liquids is discussed, no further reference is made to the contact with unclean animals, which in Lev 11 are always mentioned as the primary cause of impurity for liquids and vessels (Lev 11:31–40). This means that the purity of liquids has developed into an autonomous matter of debate.

A second topic which has attracted scholarly attention is sacrifice. On the literary level, the reworking of biblical regulations concerning slaughtering have been well studied, especially in relation to the Temple Scroll (11QT), where sacrifice is a prominent theme.<sup>13</sup> The debate on sacrifices at Qumran has been renewed by a recent proposal of Jodi Magness.<sup>14</sup> She interprets the animal bone deposits found on the northwest and southeast sides of the site of Khirbet Qumran, whose function has long puzzled scholars, as sacrificial remains. The bones belong to clean animals: goats, sheep, lambs, calves, and cows/oxen, with a large prevalence of goats; a few gazelles; a low number of fowl, and only one unidentified fish bone.<sup>15</sup> They have been found in the vicinity of the two dining rooms, together with pottery, which includes bowls, plates, cups, and cooking pots. Her hypothesis builds on analogies between the bone deposits and the treatment of sacrificial remains in ancient Mediterranean and ancient Near Eastern sanctuaries, included Israelite sanctuaries such as Tel Dan. While Magness’s interpretation is not unanimously accepted by scholars, the resulting discussion

as in the *Tohorot* texts 4Q274 1 i 3 (prohibition for an unclean person of touching the *mishqeh*, as it would contaminate the baskets and the food they contain); Compare also 4Q284a frg. i 3 (both texts edited by Joseph M. Baumgarten, “Tohorot,” in *Qumran Cave 4/XXV. Halakhic Texts*, ed. Joseph M. Baumgarten et al., DJD 35 [Oxford: Oxford University Press, 1999], 99–103; 132–33). See Hempel, “Who Is Making Dinner,” 57–62.

<sup>12</sup> Avemarie, “Tohorat Ha-Rabbim,” 220, see also Gillihan, *Civic Ideology*, 323.

<sup>13</sup> See especially columns 52–53 and Lawrence H. Schiffman, “Sacral and Non-Sacral Slaughtering according to the Temple Scroll,” in *Time to Prepare the Way in the Wilderness*, ed. Devorah Dimant (Leiden: Brill, 1995), 69–84.

<sup>14</sup> Jodi Magness, “Were Sacrifices Offered at Qumran? The Animal Bone Deposits Reconsidered,” *Journal of Ancient Judaism* 7 (2016): 5–34; idem, *Archaeology of Qumran*, 142–60.

<sup>15</sup> Ram Bouchnik, “Meat Consumption Patterns as an Ethnic Marker in the Late Second Temple Period: Comparing the Jerusalem City Dump and Qumran Assemblages,” in *Bones and Identity: Zooarchaeological Approaches to Reconstructing Social and Cultural Landscapes in Southwest Asia*, ed. Nimrod Marom et al. (Oxford: Oxbow, 2016), 303–22; Magness, *Archaeology of Qumran*, 143–45.

together with the suggested alternative explanations (for example, that bone deposits are remains of sacrifices offered in Jerusalem but consumed at Qumran),<sup>16</sup> invite the interpreter to reconsider the relationship between the Qumran community and the temple in Jerusalem.

While the aforementioned topics touch on many aspects of so-called foodways (e.g., the role of commensality, seating hierarchies, the practice of food offerings and food preparation, and the necessary state of purity to approach the food, the value of food as blessing and its absence as a punishment), relatively little attention has been paid to the dietary laws themselves,<sup>17</sup> which have mainly been analyzed to assess their relationship with rabbinic law. This inattention is likely due to the limited evidence regarding the direct reception of the dietary laws in the Dead Sea Scrolls in comparison with other themes and issues related to purity and directly correlated with biblical law such as diseases and corpse or bodily discharges. The difficulty of framing dietary laws within the wider context of the other purity laws preserved in the Dead Sea Scrolls might also have to do with their special status. As Jonathan Klawans has observed, they escape the traditional classification between ritual and moral impurity, and tend to be treated separately as a system of their own.<sup>18</sup> However, Christophe Nihan and Julia Rhyder correctly point out that such a distinction between ritual and moral purity must be nuanced and articulated within a larger framework of pollution and purification, better conceptualized as a spectrum.<sup>19</sup> Therefore, although laws about unclean animals do not fit the model based on the dual distinction between ritual and moral impurity, they nevertheless find their place on a spectrum of pollution, and thus deserve detailed study.

<sup>16</sup> Dennis Mizzi, “The Animal Bone Deposits at Qumran,” *Journal of Ancient Judaism* 7 (2016): 51–70.

<sup>17</sup> An important exception is represented by the monograph of Werrett, *Ritual Purity*. The topic is also discussed by Magness, *Stone and Dung*, 32–53, and by a number of studies by Schiffman, such as “The Prohibition of the Skins of Animals in the Temple Scroll and *Miqsat Ma’aseh Ha-Torah*,” in *Proceedings of the Tenth World Congress of Jewish Studies: Div. A: The Bible and Its World: Jerusalem, August 16 – 24, 1989*, ed. David Assaf (Jerusalem: World Union of Jewish Studies, 1990), 191–98; idem, “Some Laws Pertaining to Animals in Temple Scroll, Column 52,” in *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies Cambridge 1995*, ed. Florentino García Martínez et al., STDJ 23 (Leiden: Brill, 1997), 167–78; idem, “Laws Pertaining to Forbidden Foods in the Dead Sea Scrolls,” in *Halakhah in Light of Epigraphy*, *Journal of Ancient Judaism Supplement* 3 (Göttingen: Vandenhoeck & Ruprecht, 2010), 65–80. See also Vered Noam, “From 4QMMT to the Rabbinic Halakhah,” in *Interpreting and Living God’s Law at Qumran: Miqsat Ma’aseh Ha-Torah, Some of the Works of the Torah (4QMMT)*, ed. Reinhard G. Kratz, SAPERE 37 (Tübingen: Mohr Siebeck, 2020), 137–59.

<sup>18</sup> Klawans, *Impurity and Sin*, 31–32, see also David P. Wright, “The Spectrum of Priestly Impurity,” in *Priesthood and Cult in Ancient Israel*, ed. Saul M. Olyan and Gary A. Anderson (Sheffield: JSOT Press, 1991), 150–81, especially 166–69.

<sup>19</sup> Christophe Nihan and Julia Rhyder, “Purity and Pollution in the Hebrew Bible: The State of the Discussion and Future Perspectives,” in *Purity in Ancient Judaism and Early Christianity*, ed. Lutz Doering, Jörg Frey, and Laura von Bartenwerffer (Tübingen: Mohr Siebeck, forthcoming), § 2.1; see also Wright, “Spectrum of Priestly Impurity.”

## 2. Methodological Remarks

In what follows I limit myself to the analysis of texts that contain reference to or an elaboration of biblical dietary laws, whether explicit or implicit. Accordingly, the corpus under investigation is mainly constituted by community compositions and closely related texts, where most of these references are found – several passages from the *Temple Scroll* (11QT), mostly chapters 46–51; a short but very detailed passage from the Damascus Document (CD 12:11–15); and several passages from the so-called Halakic letter or *Miqsat Ma'aseh ha-Torah* (4QMMT). Several other texts will also be considered, such as 4Q251 (= 4QHalakha A), a document concerned with legal matters containing ordinances on scattered topics, and 4Q158, which rearranges some pentateuchal passages, including Gen 32:26–33, a passage that refers to abstention from eating the sciatic nerve.<sup>20</sup> Because the decree of Antiochus III regarding animals forbidden in Jerusalem related by Josephus (*Ant.* 12.145–146) presents a number of parallels with the Scrolls, this source is also discussed in detail. By way of contrast, texts expounding the law within a narrative frame, such as Jubilees, will be only tangentially included in the analysis. Although the book of Jubilees deals variously with general issues related to purity and the purity of food more specifically, such as an insistence on the necessity of avoiding defilement through the consumption of blood,<sup>21</sup> or the sacrificial instructions given by Abraham to Isaac,<sup>22</sup> it does not display a particular focus on the biblical dietary laws.

In addressing these sources, I first try to identify main trends or patterns at work in the interpretation of the biblical laws, especially in what concerns the treatment of birds and insects, which is relatively well preserved in the corpus. I then address the issue of the cleanness/uncleanness of carcasses and skins; finally, I focus on the rules prescribing specific animals to be kept far from the temple or the city of Jerusalem. The analysis aims at (1) evaluating the extent to which the treatment of dietary laws in different sources is consistent, and how the possible differences should be interpreted, (2) understanding how the texts from the Scrolls articulate discursive and pragmatic aspects of the food prohibitions, i. e., ideological reasons and practical concerns, and (3) highlighting what texts from the Qumran caves can say about the normativity of biblical dietary laws in the Second Temple period.

In this regard, recent discussion on the development of the authority of written laws in the Second Temple Period provides an important methodological framework. Jonathan Vroom has suggested that scriptural authority of biblical laws is

<sup>20</sup> On the genre of this text, see George J. Brooke, “4Q158: Reworked Pentateuch<sup>a</sup> or Reworked Pentateuch A?” *DSD* 8 (2001): 219–41.

<sup>21</sup> Jub. 7:26–33; 11:11; 21:6, 18.

<sup>22</sup> Jub. 21.



composed of both epistemic and practical aspects.<sup>23</sup> Applying insights derived from legal theory, he maintains that only laws possessing preemptive force were effectively treated as “binding” and had practical authority, while other norms might have exerted only epistemic authority. The study of the interpretive strategies of the laws, so well attested in the Dead Sea Scrolls, allows identifying which ones were effectively considered as binding obligations for the community. In Vroom’s view, tendencies aiming at improving generality, clarity and consistency of biblical laws in ancient legal interpretation attest that its interpreters were sensitive to what he calls the “threats of the rule of law”, because these features correspond to the requirements of the rule of law.<sup>24</sup> Therefore, such tendencies are a sign that laws start to acquire a binding force, i. e., become an independent source of practical authority. It is therefore relevant to consider whether and to what extent dietary laws can be inscribed within this paradigm.

While such an inquiry is mainly textual in nature, comparison with archeological evidence will be integrated when such evidence is available. In this regard, there are limitations due to the absence or scarcity of zooarchaeological evidence for some animal species (namely insects, but also birds),<sup>25</sup> and to the lack of organic material from the site because of the fire that destroyed the settlement in 68 CE. While integrating archaeological evidence, I am also aware that the redactors and audience of the Dead Sea Scrolls, as well as the communities mentioned in the texts under analysis, neither necessarily nor entirely coincide with the residents of Qumran.<sup>26</sup> However, I follow the majority view in holding that some connection occurred between the caves, the texts found in them,

<sup>23</sup> Jonathan Vroom, *The Authority of Law in the Hebrew Bible and Early Judaism: Tracing the Origins of Legal Obligation from Ezra to Qumran*, JSJ.Sup 187 (Leiden: Brill, 2018).

<sup>24</sup> Vroom, *Authority of the Law*, 16–48, 70–73. The expression “rule of law” indicates that legal decisions must be determined by pre-established laws, identical for everyone and to which everyone is accountable, instead of being subjected to arbitrary discretion (“rule of persons”).

<sup>25</sup> On the difficulty in analyzing avian remains and on their limited presence in zooarchaeological assemblages, see the remarks of Abra Spiciarich in Peter Altmann and Abra Spiciarich, “Chickens, Partridges, and the /Tor/ of Ancient Israel and the Hebrew Bible,” *WO* 50 (2020): 9.

<sup>26</sup> John Collins (*Beyond the Qumran Community: The Sectarian Movement of the Dead Sea Scrolls* [Grand Rapids, MI: Eerdmans, 2010]), demonstrates that the *yahad*, the community to which the Community Rule is addressed, cannot simply be identified with one settlement in the desert, but was an association with multiple places of residence, the Qumran settlement being only one of such places. This would explain why multiple editions of the Community Rule continued to be copied and used, instead of the newer replacing the older. The community behind the Damascus Document is a family-based organization, different in several regards from the group envisaged by the Community Rule. For a historiographical overview, see Sidnie White Crawford, “The Identification and History of the Qumran Community in American Scholarship,” in *The Dead Sea Scrolls in Scholarly Perspective*, ed. Dvorah Dimant, STDJ 99 (Leiden: Brill, 2012), 11–29. A further point of complexity is represented by the lack of scholarly consensus on the function of the settlement, which has been interpreted as a fortress, a villa or manor house, a pottery production center, or a sectarian site with no permanent residents. For an assessment, see Magness, *Archaeology of Qumran*, 84–119.

and the settlement.<sup>27</sup> Therefore, such a comparison might provide additional reasons to think further about the relationship between customary practices and ideological constructions in the literary representations of the dietary laws and in their cultural value.

### 3. Main Tendencies in the Dead Sea Scroll Materials Related to Food Laws

The treatment of biblical food laws in the Dead Sea Scrolls follows the general principles according to which biblical texts are referred to in the writings found at Qumran. Therefore, the main features one encounters in the treatment of biblical dietary laws are the following: (1) the free combination and harmonization of biblical passages, according to the specific purpose or to the overall logic of the text; (2) selectivity, in that biblical passages are not quoted in their entirety, but only in chosen sections; (3) the supplementation and expansion of biblical texts.

#### 3.1 Free Combination and Harmonization

A good example of combination and harmonization of biblical passages is represented by the list of unclean birds and clean insects in the Temple Scroll (11QT 48:1–7):<sup>28</sup>

- 1 [והחסידיה והאנפה למי]נה והדוכי פת [והעטלף כול שרץ העו]ף  
2 [ההולך על ארבע] *vacat*  
3 [וואלה משרץ] הַעוֹף תוֹכְלוּ הָאֲרֵבָה לְמִינֵוּ וְהַסּוֹלֵם לְמִינֵוּ וְהַחֲרִיגוֹל  
4 לְמִינֵוּ וְהַחֲגֹב לְמִינֵוּ אֵלֶּה מִשְׂרָץ הָעוֹף תֹּאכְלוּ הַהוֹלְכִים עַל אַרְבַּע אֲשֶׁר  
5 יֵשׁ לוֹ כַרְעִים מֵעַל רַגְלָיו לְנִתּוֹר בַּהֲמָה מִן הָאָרֶץ וְלְעוֹף בְּכַנְפֵי כוֹל  
6 נְבִלָה בְּעוֹף וּבַבְּהֵמָה לֹא תֹאכְלוּ כִּי מְכֹר לְנוֹכְרֵי. וְכוֹל תּוֹעֵבָה לֹא  
7 תֹּאכְלוּ כִּי עִם קְדוֹשׁ אַתֶּה לִיהוָה אֱלֹהֵיכֶם

1 [the stork; heron, of every variety]; the hoopoe, [and the bat. All winged] [swarming things]

2 that walk on (all) four(s) *vacat*

3 [These among] the flying [insects] you may eat: the locust according to its species, the ba[ld] locust according to its species, the cri(c)ket

<sup>27</sup> Magness, *Archaeology of Qumran*, 44–46, explains that the relationship between the caves and the Qumran settlement is based on pottery (the same specific ceramic type is found in both sites) and on topographical proximity (it is necessary to pass through the settlement to reach the caves).

<sup>28</sup> Here and elsewhere, I quote text and translation (sometimes slightly modified) from Lawrence H. Schiffman and Andrew D. Gross, *The Temple Scroll*, Dead Sea Scrolls Editions (Leiden: Brill, 2021), 132–33. Here they follow Yigael Yadin's suggestion of reconstructing the list of unclean birds in the previous lines (Yigael Yadin, *The Temple Scroll: Text and Commentary*, vol. 2 [Jerusalem: Israel Exploration Society, 1983], 206–8). See also Werrett, *Ritual Purity*, 124–26. This section is not preserved by other Temple Scroll manuscripts.

4 according to its species, and the grasshopper according to its species. These among the winged insects you may eat: those that wa(l)k on (all) four(s), which  
 5 have legs above their feet, with which to leap on the ground and fly with its wings. Any  
 6 carcass of a fowl or animal you may not eat, but may sell it to a foreigner. You shall not eat  
 7 any abominable thing, for you are a holy people to Yhwh your God. *vacat*

Here the redactor reads Lev 11 and Deut 14 together, and mainly follows the wording of Deuteronomy, although with the inclusion of expressions from Leviticus (see, e.g., lines 1–2). This seems to draw from Lev 11, the only biblical text that mentions the permitted winged insects; however, at lines 6–7 the redactor adds a sentence on the prohibition of eating a נבלה (i.e., a carcass of an animal that died by itself) and on the possibility of selling it to a foreigner in language that clearly draws from Deut 14:21: “Any carcass of a fowl or animal you may not eat, but may sell it to a foreigner. You shall not eat any abominable thing, for you are a holy people to Yhwh your God”).

Sometimes laws concerning clean and unclean animals are combined with other passages dealing with sacrificial regulations. For example, fragment 12 of 4Q251 (= 4Q*Halakha A*), dated to the late first century BCE, combines various prohibitions. Lines 1–2 prohibit consumption of an animal until its eighth day, thus reinterpreting Lev 22:27–28.<sup>29</sup> Lines 3–6 forbid eating נבלה and טרפה (i.e., a torn animal, usually injured by wild beasts), contain a reference to the milk, and refer to the possibility of selling נבלה and טרפה to a foreigner: thus, they are mainly based on Deut 14:21, but also imply a reference to Exod 22:30:<sup>30</sup>

[ -- ] 1 [שור] ו[כשב ועז אשר לא שלמו] [שבעת ימים -- ]  
 2 [אשר במע] י[אמו ואל יאכל בשרו כי •].  
 3 [ה] יא אל יאכל איש בשר בהמה *vacat*  
 4 [נב]לות וטרפה אשר לא חיה כי] --  
 5 [ל] [ל] [לנכרי] [וחלבה לעשות] --  
 6 [ול] [ז] [בחה ממנו הכ] --  
 7 [ר] [חז] ב[ • ] -- ]

1 ] an ox [or] a lamb or a goat which have not completed [seven days  
 2 whi]ch is in the wom[b of] its mother. And its meat might not be eaten for [

<sup>29</sup> Lev 22:27–28: “When a calf or a lamb or a goat when is born, it shall remain seven days with its mother, and from the eighth day it shall be acceptable as an offering by fire to Yhwh. But you shall not slaughter, from the herd or the flock, an animal with its young on the same day.” Schiffman (“Laws Pertaining to Forbidden Foods,” 69–72) observes that lines 1–2 refer to two distinct prohibitions: not to eat a young animal before its eighth day (Lev 22:27), and not to eat a young in the same day of its mother (Lev 22:28).

<sup>30</sup> The edition of the text follows Lawrence H. Schiffman, “Halakhot,” in *Qumran Cave 4/XXV. Halakhic Texts*, ed. Joseph Baumgartner et al., DJD 35 (Oxford, Oxford University Press, 1999), 39; a largely restored version has been proposed by Schiffman, “Laws Pertaining to Forbidden Food,” 69–72. For an alternative reconstruction of the order of the fragments see Aharon Shemesh, “4Q251: Midrash Mishpatim,” *DSD* 12/3 (2005): 280–302. On the relationship between Exod 22:30 and Deut 14:21, see Altmann, “A Deeper Look at Deut 14:4–20,” § 7.1, in this volume.

3 ]t. A person may not eat the meat of an animal *vacat*  
 4 an]imals that have died a natural death or a torn beast that did not live, for[  
 5 ] [ ] to a foreigner[ ]and its milk, to d[o  
 6 ] and to [sl]aughter it from it,  
 7 [w]ash in [

Schiffman notes that, while the context of Lev 22:27–28 is clearly sacrificial, as the passage belongs to the specific prohibitions for priests concerning consumption of sacrifices, there is no reference to sacrifice in lines 1–2 of 4Q251:<sup>31</sup> hence this is a case in which biblical sacrificial ordinances are extended to domestic consumption. I return to this point below.

The Damascus Document (CD 12:11–15) offers another interesting example of conflation. Chapter 12 collects regulations regarding impurity that include various types of prescriptions, from sexual activities that prevent access to the temple to transgression of Sabbath and other festivities. Legislation on animals follows a section dealing with relations with gentiles (6–11): line 9 prohibits selling a clean beast or bird to a foreigner for sacrifice, probably to avoid contamination derived by an idolatrous sacrifice. Lines 11–20 list possible occasions of impurity that are shaped *grosso modo* by the structure of Lev 11: clean and unclean animals (lines 11–15); contamination of objects through contact with liquids (specifically oil, lines 16–17); and contamination through corpses (lines 17–18). The chapter concludes with the sentence “(This is) the rule for the meeting of the cities of Israel” (line 19), which, according to Steven Fraade, indicates that these laws apply to all of Israel, and not only to the communities of the camps.<sup>32</sup> The section on unclean animals contains three dietary rules that do not appear in the Hebrew Bible. Two of them take the form of a prohibition, while the last is a prescription:<sup>33</sup>

vacat 11 אל ישקץ איש את נפשו  
 12 בכל החיה והרמש לאכל מהם מעגלי הדבורים עד כל נפש  
 13 החיה אשר תרמוש במים והדגים אל יאכלו כי אם נקרעו  
 14 חיים ונשפך דמם וכל החגבים במיניהם יבאו באש או במים  
 15 עד הם חיים כי הוא משפט בריאתם vacat

(11) ... No one will defile himself (12) *with any living or creeping being* by eating them: from the larvae (or: legs)<sup>34</sup> of the bees to any living (13) creature that creeps in the water.

<sup>31</sup> Schiffman, “Laws pertaining to Forbidden Foods,” 70.

<sup>32</sup> Steven D. Fraade, *The Damascus Document* (Oxford: Oxford University Press, 2022), 109.

<sup>33</sup> These lines are also preserved in 4Q266 9 ii 1–2a, but they are in a very fragmentary state: see Werrett, *Ritual Purity*, 31–32. I quote the text from Fraade, *Damascus Document*, 108–9.

<sup>34</sup> Some scholars read “legs,” by correcting עגלי (from the root עגל, “to make round”) to רגלי, as proposed by Revel and followed by Norman Golb, “The Dietary Laws of the Damascus Covenant in Relation to Those of the Karaites,” *JJS* 8 (1957): 51–53. Saul Lieberman (“Light on the Cave Scrolls from Rabbinic Sources,” *Proceedings of the American Academy for Jewish Research* 20 [1951]: 395–404, n. 21, notes that the expression עגלא דברייתא occurs in a late Syriac manuscript registered by Payne Smith (*Thesaurus Syriacus*, s.v. עגלא). However, Golb accepts

And fish may not be eaten unless they are split open (14) while alive and their blood will be poured out.

All species of locusts must be put in fire or water (15) while they are alive, because *this is the rule of their creation*.

As observed by Ian Werrett, the redactor expounds on the laws of Leviticus by conflating two or more rulings in order to create a more explicit law.<sup>35</sup> In the case of creeping animals, whose consumption is forbidden by Lev 11:20, 23, 41–43 and Deut 14:19, he specifies some of the species covered by the category *החיה והרמש*, which includes the larvae of bees and also animals creeping in the water. As for fish, whose consumption is regulated by Lev 11:9–12 and Deut 14:9–10, he adds details concerning the mode of consumption: fish must be split open alive and the blood must be poured out before consumption. These two additional points reflect and incorporate biblical concerns found elsewhere, namely regarding the prohibition against eating a carcass (Lev 11:39–42) and the taboo on blood, attested in several biblical passages, such as Gen 9:4; Lev 17:10–14; Deut 12:16, and others, and a matter with which texts of the Second Temple period seem particularly concerned.<sup>36</sup> The third rule goes in the same direction, which prescribes that locusts must be cooked alive.

While the redactor builds on the law about creeping animals from Lev 11:20–43, the language is mixed with expressions derived from Gen 1. The first rule speaks of *החיה והרמש* (“the living or the creeping beings”), a pair that is absent from Leviticus, where the word *שרץ* is usually preferred to denote swarming animals. To be sure, the connection between Leviticus and Genesis was already established by a later redactor of Lev 11, who in Lev 11:44 mentioned the unclean creeping beings by using the word *רמש* instead of the more frequent *שרץ*.<sup>37</sup> Lev 11:47 also contains the verb *הבריל*, “separate,” “divide, distinguish,” which clearly points to the creational divine acts of Genesis. However, the redactor of the Damascus Document goes further in that he reinterprets and reaffirms the relationship between the laws of Leviticus and creation in a more explicit way: he places a reference to Genesis both at the beginning and at the end of the section of the laws dealing with clean and unclean animals, and he connects the dietary

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the emendation because the expression *רגלי הרבויים* occurs in rabbinic literature, while *מעגלי הרבויים* would be a hapax. Schiffman (“Laws Pertaining to Forbidden Foods,” 66–67) also seems inclined to accept this reading. However, such a reading does not make much sense in the context: here the purpose is more to explain what an “animal or creeping thing” is by specifying some examples of it, rather than mentioning some parts of insects which might accidentally be found in water. See further on this below.

<sup>35</sup> Werrett, *Ritual Purity*, 33–34.

<sup>36</sup> See, e.g., the recurrence of this theme in the book of *Jubilees* (n. 21 above).

<sup>37</sup> Scholars agree in seeing Lev 11 as a composite text in which verses 43–45 belong to one of the latest and post-Priestly compositional stages. It is therefore very likely that the redactor of these verses was familiar with the text of Genesis. See Milgrom, *Leviticus 1–16*, 695–96; Nihan, “Laws about Clean and Unclean Animals,” 409–10.

rules with an order going back to the beginning of creation. The expression “because this is the rule of their creation” (כי הוא משפט בריאתם) refers to a universally valid norm which, despite actually being absent from the biblical creation story, aims at providing authority for the law. This rhetorical device can be seen as part of a larger, well-attested strategy in the Dead Sea Scrolls to erase the differences between biblical and non-biblical rules. While the usual way to achieve this goal in other writings from Qumran – and more widely in writings from the Second Temple period – is to bring ordinances under the authority of Moses, or to express them as first-person divine commands,<sup>38</sup> here the redactor refers to the creational act, which in his worldview corresponds to a sort of natural law.<sup>39</sup> Such an expression compares with the prohibition of eating the sciatic nerve found in 4Q158 1–2, lines 11–13:<sup>40</sup>

11 לו השמש כאשר עבר את פנוא]ל -- .  
 12 ביום ההואה ויאמר אל תוא]כל -- .  
 13 על שתי כפות הירך עד ה]יום הזה -- .

The sun was on him when he passed Penie]l  
 on that day. And He said: you shall not ea]t  
 on the two hollows of the hip socket, until ]today

Abstention from the sciatic nerve (כף הירך) is one of the few biblical dietary laws that is not anchored in Lev 11 and Deut 14. It is instead expressed in etiological terms in Gen 32:32–33, as a result of the battle between Jacob and the angel. Moshe Bernstein observes that in 4Q158 this prohibition is reported under a divine command (“and He [= Elohim] said, you shall not eat”).<sup>41</sup> Such a process reveals, again, an attempt at strengthening the authority of a custom by transforming it into a divine injunction.

<sup>38</sup> See on this Eckhard J. Schnabel, *Law and Wisdom from Ben Sira to Paul: A Tradition Historical Enquiry into the Relation of Law, Wisdom, and Ethics*, WUNT II 16 (Tübingen: Mohr Siebeck, 1985), 184–85; Hindy Najman, *Seconding Sinai: The Development of Mosaic Discourse in Second Temple Judaism*, JSJSup 77 (Leiden: Brill, 2003); Christine Hayes, *What’s Divine about Divine Law?* (Princeton, NJ: Princeton University Press, 2015), 131–34.

<sup>39</sup> See, e.g., the translation proposed by Schiffman, “Laws pertaining to Forbidden Foods,” 65: “because that befits their nature,” and adopted by Michael Wise in *The Dead Sea Scrolls: A New Translation*, by Michael Wise, Martin Abegg, and Edward Cook, rev. ed. (San Francisco: Harper, 2005), 73 and Géza Vermès, *The Complete Dead Sea Scrolls in English*, rev. ed. (London: Penguin, 2004), 43 (“this is what their nature requires”). One can compare the expression יסוד הבריאה “the principle of the creation,” in CD 4:21, with an actual reference to Gen 1:27.

<sup>40</sup> I am quoting the text from the *editio princeps* of John M. Allegro, *Qumrân Cave 4.I (4Q158 4Q186)*, DJD 5 (Oxford: Clarendon, 1968), 1–2, which provides a “minimalist” reconstruction of the text (on this methodological approach see the remarks of Brooke, “4Q158,” 227–28). For a more extensive attempt at reconstructing these lines see Moshe J. Bernstein, “What Has Happened to the Laws? The Treatment of Legal Material in 4Q Reworked Pentateuch,” *DSD* 15 (2008): 45.

<sup>41</sup> Bernstein, “What Has Happened to the Laws,” 45–46.

### 3.2 Selectivity

Another typical feature of the references to biblical texts in the Dead Sea Scrolls is the fact that biblical law is not usually quoted in its entirety, but only in chosen sections (selectivity). Dietary laws do not constitute an exception to this trend. In addition, in these selected quotes, the order of the quotation does not necessarily follow the sequence of laws given in the Hebrew Bible. One good example, among many, is the list of unclean birds in the Temple Scroll discussed above. The remains of chapter 48 of the Temple Scroll (11QT 48:1–6) begin with what seems to be the final part of the list of unclean birds: “the cormorant, the stork, the heron, after its kind, the hoopoe, and the bat.”

The conditions of the scroll prevent one from knowing exactly what preceded this list, but it seems certain that, while at the top of the scroll there is space for the full list of the birds (and perhaps for something more), the space is not enough for the entire quotation of the unclean animals of Lev 11, nor of Deut 14. Column 48 follows col. 47, which dealt with the purity of skins to be brought in the city and in the temple. It is, therefore, possible that the beginning of col. 48 contained further details regarding the skins.<sup>42</sup> More generally, almost none of the texts from the Dead Sea Scrolls makes a single reference to forbidden or permitted quadrupeds. Insects, and possibly birds, seem to have been the main points of attention for the redactor. Further, in the Temple Scroll, the list of the unclean creeping things of the earth does not follow the list of the permitted flying insects, as one would expect from their order in Lev 11. Instead, between the two passages there is a long section dealing with defilement as caused by the presence of a human corpse in a house. As Hindy Najman and others have demonstrated, this selective reference to biblical laws reflects a typical attitude in Second Temple literature, which does not intend to replace or substitute the Torah, but to accompany it. The text is rewritten “in order to solve interpretative problems or appropriate the authority of the Mosaic Torah for its temple practices.”<sup>43</sup> Hence the entirety of the biblical dietary laws remains implicit – it is *there* in the background – but the redactor focuses attention on specific aspects that became particularly problematic for him, or possibly related to an agenda.

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<sup>42</sup> See on this Yadin, *Temple Scroll*, ad loc. See also the discussion in Werrett, *Ritual Purity*, 124–25.

<sup>43</sup> Najman, *Seconding Sinai*, 46–47. On the Temple Scroll see also Schiffman, *The Theology of the Temple Scroll*, 110, and idem, “The Temple Scroll and the Halachik Pseudepigrapha of the Second Temple Period,” in *Pseudepigraphic Perspectives: The Apocrypha and Pseudepigrapha in Light of the Dead Sea Scrolls, Proceedings of the International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 12–14 January, 1997*, ed. Esther G. Chazon, Michael Stone, and Avital Pinnick, STDJ 31 (Leiden, Brill, 1999), 121–31.

### 3.3 Supplementation and Expansion

Other current tendencies in the treatment of legal material in the Dead Sea Scrolls are supplementation and expansion. As for the dietary laws, expansions follow several directions, among which I identify three main areas: (a) issues concerning the definition and the identification of clean and unclean animals, or offering more precision on some aspect of their cleanness or uncleanness; (b) increased attention to aspects concerning slaughtering and preparation of the food; and (c) increased concerns regarding the purity of clean animals in proximity to the temple.

As for the issues of (a) the identification of clean and unclean animals, perhaps the best example comes from the passage of the Damascus Document discussed above (CD 12:12). In the second half of line 12, the expression “from larvae of the bees to any creeping creature in the water” specifies the reference from the first half of the line (והרמש החיה). While this rule certainly includes fish according to the formulation of Lev 11:10, it also extends the Levitical prohibition to the consumption of all the creatures that swarm in water, and not only to those ones which do not have scales and fins: therefore, it clarifies through the insertion of a detail that is not explicitly stated in Leviticus. As Schiffman notes, the text prohibits eating any sort of insect that is present in liquids but that may be not clearly visible to the eye, such as the larvae of the bees, and also those that may even be unintentionally ingested.

A somewhat comparable prescription is attested in the Temple Scroll. 11QT 48, lines 3–5 quotes Lev 11:21–22 on the list of permitted insects (actually in reverse order as compared to Leviticus):<sup>44</sup>

3 [ואלה משרץ] העוף תוכלו הארבה למינו והס[ל]עום למינו והחרדגו  
4 למינו והחגב למינו אלה משרץ העוף תואכלו ההולכים על ארבע אשר  
5 יש לו ברעים מעל רגליו לנתור בהמה מן הארץ ולעוף בכנפיו

3 [*These among*] the flying [*insects*] you may eat: the locust according to its species, the ba[ld] locust according to its species, the cri(c)ket

4 according to its species, and the grasshopper according to its species. These among the winged insects you may eat: those that wa(l)k on (all) four(s), which

5 have legs above their feet, with which to leap on the ground *and fly with its wings*.

In line 5 the redactor adds the expression ולעוף בכנפיו, “which fly with its wings,” absent in Lev 11:21. This addition may help, first, to complete the definition of what a clean winged insect is; not only a creature moving all four legs and having legs above its feet by which it can leap, but also something which actually flies.

<sup>44</sup> Note that Elisha Qimron and Florentino García Martínez offer a different reading of the order of the text, integrating at the beginning of 11QT 48 fragment 3 from 11Q21 (=11QTemple<sup>c</sup>): see Florentino García Martínez, “11QTemple<sup>c</sup>?” in *Qumran Cave 11/II. 11Q2–18, 11Q20–31*, ed. Florentino García Martínez, Eibert J. C. Tigchelaar, and Adam S. van der Woude, DJD 23 (Oxford: Oxford University Press, 1998), 414.



Second, it serves to ban the consumption of winged insects before they sprout wings, probably to prevent mistakes in differentiating among various types of insects.

These kinds of additions, in both the Temple Scroll and the Damascus Document, attest to a concern to make biblical definitions more explicit and clear, specifically concerning insects. This attitude makes sense if one assumes that it was intended to solve either practical problems or exegetical issues. It has been repeatedly noted that rabbinic law contradicts the traditions expressed in the prescriptions of CD 12:13–15, as the rabbis allow the consumption of water from cisterns, pits, or caves together with the larvae possibly contained in them and also permit consumption of fish or locusts whether alive or dead.<sup>45</sup> The rabbinic discussion could then represent a response to what was perceived as an overly strict interpretation of the law, such as that attested in the Damascus Document. Moreover, a passage in Matt 23:24 against scribes and pharisees, “You, blind guides, who strain the gnat, but swallow the camel!” criticizes an overly literal understanding of halakah that seems to correspond well with the directives of CD 12:12–13. However, it remains difficult to establish the extent to which these rules were actually practiced at Qumran. Magness<sup>46</sup> reports that jugs with strainer necks have been found in Masada, Jericho, and Jerusalem dating back to the first century CE, and some examples have been found in Qumran as well. The pottery shows Nabatean influence and probably served to keep out flies and other insects plaguing the Jordan Valley and Dead Sea region in the summer, but it does not seem directly connected with purity regulations. The holes are too large to strain out tiny insects like gnats, which seem referenced in this law.

In a similar way, the prohibition on the sciatic nerve stated in 4Q158 specifies that both sciatic nerves are forbidden for consumption (“two,” line 13), a detail absent from the Genesis account. Bernstein notes the existence of a rabbinic discussion on whether one or two sciatic nerves should be forbidden. As in the case of the winged insects, the locust, and the fish of the Damascus Document, the traditions preserved by the Dead Sea Scrolls stand on the more rigorous side of interpretation.<sup>47</sup> With the case of the insects, abstention from consuming the sciatic nerve is not clearly documented by archaeology. To the contrary, while zooarchaeologists note the presence of cut marks indicating butchering and preparations for consumption in the bone assemblages of Qumran, they also

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<sup>45</sup> b. Hul. 67a, *Tosefta Terumoth* 7:11. See, e.g., Lieberman, “Light on the Cave Scrolls,” 398; Golb, “Dietary Laws in the Damascus Document,” who underlines the fact that sectarian prescriptions were probably preserved by Karaite traditions, which follow similar principles; Schiffman, “Laws Pertaining to Forbidden Foods,” 66–67; Werrett, *Ritual Purity*, 35; Magness, *Stone and Dung*, 35–36.

<sup>46</sup> Magness, *Stone and Dung*, 36.

<sup>47</sup> Bernstein, “What Has Happened to the Laws?” 46.

remark on the absence of cut marks on the pelvis, which would indicate the removal of the sciatic nerve (a practice called *ניכור* in rabbinical tradition).<sup>48</sup>

Other concerns were directed toward (b) slaughtering and preparing food. In this regard, I have already presented the instructions found in CD 12:13–14 prescribing killing fish that parallels the butchery of land animals (“and fish may not be eaten unless they are split open while alive and their blood will be poured out”). The same text establishes two methods of cooking locusts that corresponds to the two main methods allowed for preparing sacrificial meat, i. e., roasting or boiling (CD 12:14–15: “All the locusts according to their species must be put in fire or water while they are alive”). It should be noted, however, that the details provided in Leviticus regarding slaughtering and cooking do not belong to the section on dietary laws, but to cultic contexts, such as Lev 17. One can infer that the redactor transformed what was initially a sacrificial prescription into a more general rule for eating, thus paying attention not only to the “table’s contents,” but also to methods of processing food by adding details on slaughtering and cooking. A similar process seems to be attested in the fragment 12 from 4Q251 discussed above, which prohibits the slaughtering or consumption of cattle before its eighth day of life. In this case as well, the original sacrificial context from which the law is derived has disappeared.<sup>49</sup>

These examples suggest the existence of a trend that transforms what originally were cultic laws into more general rules for consumption. Perhaps the most famous instance of this tendency is the law of the Temple Scroll (11QT 52–53), which combines the rules of Lev 17 and Deut 12 by “compromising” the two conflicting biblical prescriptions. The Temple Scroll prohibits non-sacral slaughter of cattle within a boundary of three day’s journey from the temple (11QT 52:13–16) and extends the priestly injunction of covering blood of Lev 17:3 to all domesticated animals slaughtered outside the temple (11QT 52:10–12).<sup>50</sup> Once again, such a tendency is not completely absent from the Hebrew Bible. An antecedent appears in the prohibition of boiling a kid in its mother’s milk, stated in the Covenant Code (Exod 23:19), which seemed to originate as a cultic prescription to be observed during pilgrimages and which

<sup>48</sup> Bouchnik, “Meat Consumption Patterns.” On the difficulties of documenting this practice in ancient bone assemblages, see the methodological remarks of Abra Spiciarich, “Religious and Socioeconomic Diversity of Ancient Jerusalem and its Hinterland during the 8th-2nd centuries BCE: A View from the Faunal Remains” (PhD Diss., Tel Aviv University, 2021), 333–35.

<sup>49</sup> See on this Erik Larson, Manfred R. Lehmann, and Lawrence Schiffman, “Halakhot” in *Qumran Cave 4/XXV. Halakhic Texts*, ed. Joseph Baumgarten et al., DJD 35 (Oxford, Oxford University Press, 1999), 40–41.

<sup>50</sup> See Yadin, *The Temple Scroll*, 231–38; Francis Schmidt, “Viandes sacrificielles et organisation de l’espace dans le judaïsme du Second Temple,” in *Food and Identity in the Ancient World*, ed. Cristiano Grottanelli and Lucio Milano (Padua: Sargon, 2004), 15–47; Schiffman, “Laws Pertaining to Animals”; Schiffman, “Sacral and Non-Sacral Slaughter”; Werrett, *Ritual Purity*, 133–36.

is later extended to the entire nation and included among the dietary laws by the redactor of Deuteronomy (Deut 14:21).<sup>51</sup> It is, however, notable that within the Dead Sea Scrolls this tendency to transform sacrificial prescriptions into dietary laws that need to be widely observed is attested in various writings, usually associated with different groups.

The third overall feature of supplementations in Dead Sea Scrolls is (c) an enlargement of concerns regarding the impurity of animals, or parts of them like hides or carcasses, in proximity to the temple. While such rules represent an expansion of concepts that originated in the book of Leviticus, none of them find any parallels, strictly speaking, among the biblical dietary laws, although they might be attested in other Jewish-Hellenistic writings, such as the “Public Statute” by Antiochus III related by Josephus. Therefore, they deserve separate analysis.

#### 4. Animals and the Purity of the Temple

The Temple Scroll devotes a certain amount of attention to the treatment of carcasses and skins, both of clean and unclean animals. In an ordinance about uncleanness deriving from contact with carcasses of swarming animals, like weasels, mice and lizards – all unclean by default – the redactor specifies that touching them transmits impurity, but also that “carrying a carcass” includes carrying its bones, hide, meat, and nails (11QT 51:4), and that each of these parts of the animal conveys impurity:<sup>52</sup>

50  
20 כול שרץ הארץ תטמאו החולד והעכבר והצב למינו והלטאה  
21 והכח והחמט והתנשמת. כול איש אשר יגע בהמה במותמה

51  
1 [ וכול היו]צא מהמ[ה] במותמה [כִּי טמאים  
2 [המה ולוא] תטמאו בהמ[ה] וכול הנוגע בהמה [במותמה יטמא  
3 ע]ד ה[ע]רב ויכבס בגדיו ורחץ [במים ובאה] השמש וטהר  
4 וכול הנושא מעצמותמה ומנבלתמה עור ובשר וצפורן וכבס  
5 בגדיו ורחץ במים ובאה השמש אחר יטהר.

50.20 all things that swarm upon the earth you shall declare unclean: the weasel, the mouse, the great lizard according to its species, the lizard,  
21 the land crocodile, the sand lizard, and the chameleon. Any person who touches them when they are dead

<sup>51</sup> The ordinance is repeated again in Exod 34:26, which seems to be the latest among the three texts. For a discussion of the relationship between the three texts and the different meaning assumed by this ordinance in each context, see Altmann, “A Deeper Look at Deut 14 in Context,” in this volume, which provides the relevant bibliography.

<sup>52</sup> 11QT 50:20–51:5.

- 51.1 [ and whatever issu]es from th[em after their death ] for [they] are impure  
 2 [and] you shall [not] defile yourselves with the[m. And anyone who touches them when] they are dead will become impure  
 3 un[til the] evening. Then he shall wash his clothes and bathe [in water, and when] the sun sets he will be pure.  
 4 And whoever carries any part of their bones, or of their carcass, hide, meat, or nail *shall wash*  
 5 *his clothes and bathe in water*, and when the sun sets he will become pure.

As in the case of winged insects, the redactor pays attention to clarify a notion, that of נבלה, by providing a more thorough definition of its implicit contents. Moreover, purification from the defilement generated through contact with such a carcass requires a ritual, which includes washing and taking a bath (l. 5), while Leviticus states that it is sufficient to wait until evening (Lev 11:30–32). To be sure, Lev 22:5–6 does prescribe a purification ritual; however, such a ritual is recommended only for priests, and it follows contact with a *living* swarming animal. Overall, the issue of impurity carried by skins appears to be particularly delicate and goes far beyond the contact with unclean animals. 11QT 47:5–18 forbids anyone to bring into “the city of the temple,” i. e., Jerusalem, the skin of sacrificial animals which have been slaughtered elsewhere, and affirms that only the skins of animals slaughtered in the temple can enter the city:

- 5 כול אשר בתוכה יהיה  
 6 טהור וכול אשר יבוא לה יהיה טהור יין ושמן וכול אוכל  
 7 וכול מושקה יהיו טהורים כול עור בהמה טהורה אשר יזבחו  
 8 בתוך עריהמה לוא יביאו לה כי בעריהמה יהיו עושים  
 9 בהמה מלאכתמה לכול צורכיהמה ואל עיר מקדשי לוא יביאו  
 10 כי כבשרמה תהיה טהרתמה ולוא תטמאו את העיר אשר  
 11 אנוכי משכן את שמי ומקדשי בתוכה כי בעורות אשר יזבחו  
 12 במקדש בהמה יהיו מביאים את יינמה ואת שמנמה וכול  
 13 אוכלמה לעיר מקדשי ולוא יגאלו את מקדשי בעורות זבחי  
 14 פגוליהמה אשר יזבחו בתוך ארצמה ולוא תטהרו עור  
 15 מתוך עריכמה לעירי כי כטהרת בשרו כן יטהרו העורות אם  
 16 במקדשי תזבחוהו וטהר למקדשי ואם בעריכמה תזבחוהו וטהר  
 17 לעריכמה וכול טהרת המקדש בעורות המקדש תביאו ולוא תטמאו  
 18 אח המקדשי ועירי בעורות פגולכמה אשר אנוכי שוכן בתוכה

- 5 everything that is in it (= i. e., Jerusalem) shall be  
 6 pure, and all that enters it shall be pure: *wine, oil, any foodstuff*,  
 7 and all *mušqē*<sup>53</sup> shall be pure. All skins of a pure animal that they will slaughter  
 8 within their cities, they shall not bring into it; but in their cities they may do  
 9 with them their work for all their needs. But into the city of my temple they shall not  
 bring (them)  
 10 for their (level of) purity is according to (the level of purity of) their meat. And you  
 shall not defile the city in which

<sup>53</sup> From the root *šqh*, probably a container in which liquids were poured.

11 I settle my Name and my temple. *But (only) the hides (of the animals) that they slaughter*  
 12 *in the temple, shall they be bringing with their wine and their oil and all*  
 13 *their foodstuffs to the city of my temple.* And they shall not defile my temple with the  
 hides of  
 14 *their abominable offerings* that they sacrifice (זבחה) through their land. And you may not  
 purify (any) hide  
 15 from your cities to (and bring it to) my city. For according to the (level of) purity of its  
 meat is the (level of) purity of the hides. If  
 16 you slaughter (זבחה) it in my temple, it (the hide) will be pure for my temple. But if you  
 will slaughter it in your cities, then it is (sufficiently) pure  
 17 for your cities (only). Therefore, you shall bring all pure (food) for the temple in hides  
 (of animals slaughtered in) the temple. You shall not render impure  
 18 my temple and my city in which I dwell, with *the hides of your abominations.*

This command exhibits a series of assumptions about animal cleanness and uncleanliness that are new when compared with biblical prescriptions. First, there is an internal classification within the sphere of clean animals according to different degrees of purity, related to the different degrees of the holiness of the place in which they are slaughtered. What is clean “for the cities” becomes a פגור from the point of view of the temple (“abominable offerings,” “hides of your abominations,” lines 14 and 18), which requires the highest state of purity. In the Hebrew Bible פגור usually denotes sacrificial meat that has become unclean because it has been kept too long; its impurity therefore bears a temporal connotation.<sup>54</sup> However, as Schiffman already notes,<sup>55</sup> in the Temple Scroll the term conveys a spatial qualification, denoting offerings that are considered improper because they have been slaughtered in the wrong place. Its meaning therefore adapts to the spatial logic concerning all the activities related to sacrifice in the Temple Scroll. Second, the rule implies establishing an explicit connection between the cleanness of an animal and the cleanness of its skin, which underlines the direct and unavoidable transmission of impurity from flesh to skin. Third, the final goal of this prohibition is to prevent such hides being used to produce vessels for bringing food, oil, and wine into the temple (lines 12–13 and 17), which indicates the possibility of the transmission of impurity from leather to liquids. This is again an expansion of a rule already outlined in Lev 11:31–32, but only for carcasses of unclean animals, while in the Temple Scroll the prohibition includes every kind of animal slaughtered in the cities.

<sup>54</sup> Lev 7:18; 19:7; Ezek 4:14. The word does not occur in other West Semitic languages, but HALOT compares the Arabic *fajula*, “to be wilted.” פגור may take on a more generic meaning already in Isa 65:4.

<sup>55</sup> Schiffman, “The Prohibition of the Skins of Animals,” 194–95.

Similar concerns *could* be attested in a section of 4QMMT, which possibly deals with the purity of hides and bones and with the possibility of making vessels out of them:<sup>56</sup>

18 [על עו]ר[ות הבק]ר והצאן שהם -- מן  
 19 [עורות]יהם כלי[ם -- אין]  
 20 [להביא]ם למקד[ש -- ].  
 21 [ -- ] ה. ואפ על עו[ר]ות ועצמות הבהמה הטמאה אין לעשות]  
 22 [מן עצמותמה] ומן ע[ו]ר[ות]מה ידות כ[ל]ים. ואף על עור נבלת]  
 23 [הבהמה] הטהורה [הנוש]א א[ו]ת(ה) נבלתה [לוא יגש לטהרת הקודש]

18 [concerning the hi]des of catt[le and sheep that they ..... from]  
 19 their [hide]s vessel[s ..... not]  
 20 [bring] them to the temp[le .....]  
 21 [.....] And concerning the hi[des and the bones of unclean animals: it is forbidden to make]  
 22 handles of [vessels from their bones] and hides. [And concerning the hide of the carcass]  
 23 of a clean [animal]: he who carries such a carcass [shall not have access to the purity of the sanctuary]...

The highly damaged state of the text, in which very few words are fully legible, prevents a certain reconstruction of its contents. However, tentatively following the restoration of the editors, Elisha Qimron and John Strugnell,<sup>57</sup> one can advance the hypothesis that the structure of the passage might have differentiated between three cases: the skins of clean animals and the permission (?) to make vessels out of them (lines 18–20); the prohibition against making vessels from the hides and bones of unclean animals (lines 21–22), which would closely parallel the rule stated in the Temple Scroll in positive terms (11QT 47:11–13); and the limitations deriving from carrying a carcass of a clean animal (which perhaps prevented accessing the “sacred food”?) in lines 22–23. This last prescription seems to be an elaboration of Lev 11:39, which states that those who touch the carcass of a clean animal are impure until evening, and it does not have a clear parallel in the Temple Scroll.<sup>58</sup> The expression טהרת הקודש (“the purity of the sanctuary,” i.e., its “sacred food and vessels”) might be compared with the

<sup>56</sup> 4QMMT B:18–23, combining 4Q394 3–7 ii, l. 2–4; 4Q395 1 12 (lines 18–20); 4Q397 frg. 1–2 l. 1–3 (l. 21–23). For lines 21–23 compare also 4Q398 frg. 1–3, l. 1–2. I follow the edition of Elisha Qimron and J. Strugnell, *Qumran Cave 4, V: Miqṣat Ma’ase Ha-Torah*, DJD 10 (Oxford: Clarendon, 1994), 48–49. For the difficulty of reconstructing this section see *ibid.*, 154–56. See the sound remarks of Werrett (*Ritual Purity*, 187–91), who warns against drawing reconstructions that are too optimistic due to the highly fragmentary state of the text. See further below, fn. 72.

<sup>57</sup> Qimron and Strugnell, *Miqṣat Ma’ase Ha-Torah*, 154–55.

<sup>58</sup> It cannot be excluded that some additional and short references to carcasses were contained in the first lines of col. 48, which have neither been preserved nor reconstructed: see Yadin, *Temple Scroll*, 205; Schiffman and Gross, *Temple Scroll*, 132–33 (lines 01–04).

expression “the purity of the sanctuary” (שְׁרָרַת הַמִּקְדָּשׁ) found in 11QT 47:17,<sup>59</sup> and has probably been restored by the editors on this basis.<sup>60</sup>

Scholars have long observed that a similar set of rules is related by Josephus (*Ant.* 12.145–146) in his account of the decree that Antiochus III, the Seleucid conqueror of Judea, proclaimed in favor of the inhabitants of Jerusalem. As a sign of respect toward Judeans, the decree forbids bringing into Jerusalem the flesh and skin of unclean animals, together with their breeding:

σεμνύνων δὲ καὶ τὸ ἱερὸν πρόγραμμα κατὰ πᾶσαν τὴν βασιλείαν ἐξέθηκεν περιέχον τάδε· μηδενὶ ἐξεῖναι ἀλλοφυλῶ εἰς τὸν περίβολον εἰσιέναι τοῦ ἱεροῦ τὸν ἀπηγορευμένον τοῖς Ἰουδαίοις, εἰ μὴ οἷς ἀγνισθεῖσιν ἔστιν ἔθιμον κατὰ τὸν πάτριον νόμον. Μηδ' εἰς τὴν πόλιν εἰσφερέσθω ἵππεια κρέα μηδὲ ἡμιόνεια μηδὲ ἀγρίων ὄνων καὶ ἡμέρων παρδάλεων τε καὶ ἀλωπέκων καὶ λαγῶν καὶ καθόλου δὲ πάντων τῶν ἀπηγορευμένων ζῴων τοῖς Ἰουδαίοις· μηδὲ τὰς δορὰς εἰσφέρειν ἐξεῖναι, ἀλλὰ μηδὲ τρέφειν τι τούτων ἐν τῇ πόλει· μόνους δὲ τοῖς προγονικοῖς θύμασιν, ἀφ' ὧν καὶ τῷ θεῷ δεῖ καλλιερεῖν, ἐπιτετράφθαι χρῆσθαι. Ὁ δὲ τι τούτων παραβὰς ἀποτινύτω τοῖς ἱερεῦσιν φθαι χρῆσθαι. Ὁ δὲ τι τούτων παραβὰς ἀποτινύτω τοῖς ἱερεῦσιν ἀργυρίου δραχμὰς τρισχιλίας.

He also published a decree through his entire kingdom in honor of the temple, which contained what follows: “It is unlawful for any foreigner to enter the enclosure of the temple, which is forbidden also to the Judeans, except to those of them who are accustomed to enter after purifying themselves, according to their ancestral custom. *Nor shall anyone bring into the city flesh of horses, or of mules, or of wild or tame asses; nor (flesh) of leopards, or foxes, or hares; and, in general, that of any animal that is forbidden for the Judeans. Nor is lawful to bring in their skins; nor even to breed any of these animals in the city.* It will be permitted to use only meat known to their forefathers, from which they can also propitiate the deity. And the one who transgresses any of these orders will pay to the priests a fine of 3,000 drachmae of silver.”

The language and the examples selected by Josephus seem to be directed toward a non-Jewish audience. Josephus tries to translate various samples of what an unclean animal could have been according to Greek and Hellenistic categories by choosing either typical riding animals, such as donkeys and horses, or exotic and luxury species that appeared to be quite popular during the Hellenistic period, such as wild asses or cheetah, or animals that could have been eaten without problem by Greeks but were considered unclean by Judeans such as foxes. Moreover, by adding the sentence μόνους δὲ τοῖς προγονικοῖς θύμασιν, ἀφ' ὧν καὶ τῷ θεῷ δεῖ καλλιερεῖν, ἐπιτετράφθαι χρῆσθαι (“It will be permitted to use only meat known to their ancestors, from which they also can propitiate the deity”), he makes the connection explicit between quadrupeds clean for consumption

<sup>59</sup> Hannah K. Harrington, “Holiness in the Laws of 4QMMT,” in *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies* (Cambridge 1995), ed. Florentino García Martínez et al., STDJ 23 (Leiden: Brill, 1997), 109–28, here 123; Wassén, “The (Im)Purity Levels of Communal Meals,” 110–13. Compare also the discussion above concerning the inscribed potsherds found in Masada.

<sup>60</sup> Compare also 4Q398 frg. 1–3 l. 2, where the expression שְׁרָרַת הַמִּקְדָּשׁ is attested.

and appropriate for sacrifice,<sup>61</sup> an equivalence that always remains implicit in the Hebrew Bible (and in the Dead Sea Scrolls as well).

Although the majority of historians have no serious reasons to question the historicity of this decree,<sup>62</sup> it remains difficult to know whether its contents as related by Josephus fully correspond to historical reality. In this regard, one can observe that in cases when reports of edicts or decrees by Josephus can be compared with other ancient accounts, he usually does not prove to be the most reliable source.<sup>63</sup> Accordingly, one can be almost certain that the decree was not promulgated “through his entire kingdom,” as Josephus claims.<sup>64</sup> Even the royal attribution of the edict is disputed, because it is not entirely clear why the king should have had a particular interest in the purity of the sanctuary of Jerusalem.<sup>65</sup> In this regard, and noting the similarities between this decree and other Seleucid proclamations that resolved local priestly conflicts within the kingdom, Sylvie Honigman advances the hypothesis that the king’s decree might have settled a dispute between the high priests and a community of foreign merchants regarding the extent of the sacred area, i.e., the area belonging to the high priest’s jurisdiction – and therefore the purity restrictions as well. The king would have favored the high priest by extending the law to the whole city of Jerusalem (or to the area within the walls).<sup>66</sup> Honigman finds confirmation of the extension of the sacred area through the entire city in 4QMMT, which indeed equates the “sacred camp” with the city of Jerusalem.

While Honigman advances a strong argument not to discard entirely the royal authorship behind this decree, the comparison with 4QMMT should be approached cautiously. The highly ideological nature of this text should caution against inferring that its statements ever found straightforward application. For instance, Matan Orian recently noted that the priestly elite could have gained

<sup>61</sup> Θύματα in classical Greek denotes sacrificial victims; however, Birkman already observed that in post-classical Greek the word can bear the broader meaning of “cattle,” which is attested in the Septuagint (Gen 43:6; 1 Sam 25:11; Prov 9:2) and in papyri (P.Cair.Zen 4. 59683; 59693; P. Köln 13 522 v l. 2). See Elie Birkman, “Une proclamation séleucide relative au temple de Jérusalem,” *Syria: Archéologie, Art et histoire* 25 (1946): 67–85, esp. 77–78.

<sup>62</sup> See, however, against its authenticity Jörg-Dieter Gauger, “Überlegungen zum Programm Antiochos’ III: Für den Tempel und die Stadt Jerusalem (Jos. Ant. Jud. 12,145–146) und zum Problem Jüdischer Listen,” *Hermes* 118 (1990): 150–64, and more recently Benedikt Eckhardt, “Kings and Temple Purity in Hellenistic and Roman Jerusalem,” in *Reinheit und Autorität in den Kulturen des antiken Mittelmeerraumes*, ed. Benedikt Eckhardt, Clemens Leonhard, and Klaus Zimmermann, Religion und Politik 21 (Baden-Baden: Ergon Verlag, 2020), 89–90.

<sup>63</sup> See chapter 9 below, 218–19.

<sup>64</sup> Maurice Sartre, *D’Alexandre à Zénobie: histoire du Levant antique: IVe siècle avant J.-C. – IIIe siècle après J.-C.* (Paris: Fayard, 2001), 309–11.

<sup>65</sup> For an assessment of the debate see Julia Rhyder, “Purity, Cult, and Empire: The Proclamation of Antiochus III Concerning the Temple and City of Jerusalem,” *Journal of Ancient Judaism* 15 (2024): 236–62.

<sup>66</sup> Sylvie Honigman, *Tales of High Priests and Taxes: The Books of the Maccabees and the Judean Rebellion against Antiochus IV* (Berkeley: University of California Press, 2014), 400–1.



an economic advantage from the trade of luxury species within the city, which would make it more difficult to justify their plea for a strict application of the purity rules.<sup>67</sup> On the other hand, the priests could also have benefitted from collecting the fine in cases of transgression. Therefore, it is difficult to make a decision on the basis of the economic profit of the priests. However, other comparative evidence invites one to consider the hypothesis that these restrictions applied only to the sacred area around the temple, the *temenos*.<sup>68</sup> Greek cultic regulations dating to Hellenistic times provide similar prescriptions for temples and sacred precincts. An inscription placed at the entrance of the sanctuary of Alektrona in Ialysos (Rhodes), dating back to the 300 BCE, prevents the entrance of horses, asses, mules, and other beasts of burden to it. Moreover, the purity regulations from an unknown sanctuary at Eresos (Lesbos), dating to the second century or the beginning of the first century BCE, prohibited watering flocks and cattle in the precinct.<sup>69</sup> As Marie Augier suggests, these animals could have defiled the area with their excrement, or by drinking the water of the sanctuary.<sup>70</sup>

In response, Schiffman's analysis points out that the specific innovations of the Temple Scroll and 4QMMT are not directly comparable with the contents of the Antiochus' edict,<sup>71</sup> for the perspective, audience, and the points of emphasis of these texts are different. However, one could even question whether the focus of 4QMMT was indeed identical with that of the Temple Scroll, considering the poor conditions of the manuscript of 4QMMT, whose reconstruction is mostly grounded on the comparison with the Temple Scroll itself.<sup>72</sup> Nevertheless, the parallels between the Josephus' report concerning Antiochus' decree, the Temple Scroll, and possibly 4QMMT witness that, in different contexts, a similar discourse develops which coordinates the dietary laws with the cleanness of animal skin, and both of these prescriptions with the strict state of purity required for Jerusalem. While such contexts remain unrelated on a literary level, insofar as the reciprocal literary dependence cannot be demonstrated, they reflect changes in tradition that run parallel to one another and reflect shared religious concerns.

<sup>67</sup> Matan Orian, "The *programmata* of Antiochus III and the Sanctity of Jerusalem," *Journal of Ancient Judaism* 11 (2020): 210–11.

<sup>68</sup> See also Victor Tcherikover, *Hellenistic Civilization and the Jews* (Philadelphia: Jewish Publication Society of America, 1959), 84–87; Florentino García Martínez and Eibert J. C. Tigchelaar, *The Dead Sea Scrolls Study Edition* (Leiden: Brill, 2000), vol. 2, 1307.

<sup>69</sup> See respectively LSCG 136/CGRN 90; LSCG 124/CGRN 181.

<sup>70</sup> Marie Augier, "Corps et objets interdits dans les sanctuaires (monde grec, Ve av. – IIIe ap. J.-C.)," *Archimède: archéologie et histoire ancienne* 7 (2020): 17.

<sup>71</sup> Schiffman, "The Prohibition of the Skin of Animals," 193.

<sup>72</sup> See, in this regard, the caution recommended by Werrett, who underlines that neither the word for "hides" nor for "bones" are fully legible and warns against the risks of circularity derived from reconstructions almost exclusively based on the Temple Scroll (Werrett, *Ritual Purity*, 187–91).

The fact that purity requirements should have been extremely rigid for the area around the temple also finds confirmation in the Scrolls themselves. In order to preserve the purity of the temple, various texts preserve a series of rules aimed at removing those animals that appear to be particularly associated with impurity from it. None of these rules are attested in the Hebrew Bible. A passage from the Temple Scroll (11QT 46:1–4) forbids unclean birds from flying over the temple and recommends that spikes be made for the wall of the court to prevent defilement:

גְּבוּלוֹ אֲשֶׁר וְלוֹ אֵי שִׁכְּ[וֹן]<sup>73</sup> ] 1  
 2 עוֹף טְמֵא עַל מִקְדָּשֵׁי וְעִשְׂיָהּ שְׁפוּדִים עַל קִיר הַחֲצֵר וְעַל נְגֵי הַשְּׁעָרִים [אֲשֶׁר]  
 3 לַחֲצֵר הַחִיצוֹנָה וְכוּל [עוֹף טְמֵא לֹא יֵרֵד לְ] הַיְהוּת בַּתוֹךְ מִקְדָּשֵׁי לְעוֹלָם] 3  
 4 וְעַד כּוֹל הַיּוֹמִים אֲשֶׁר אֲנִי שָׁ[וֹן] כֵּן בַּתוֹכֶם 4

1 [...] the [...] its border, where] [shall no]t dw[ell]  
 2 an impure bird upon [my] temp[le, that is, in the inner court, and] upon the roofs of the gates [which (lead into)]  
 3 the outer court. And every [impure bird may not descend to] be inside my temple foreve[r]  
 4 and ever, (for) all the days that I dw[e]ll in their midst.

Werrett observes that the previous passage (in col. 45) provides regulations concerning individuals affected by skin diseases, who cannot enter the city of the temple.<sup>74</sup> As two birds are used to dispatch impurity in the ritual against skin diseases in Lev 14:1–7, this could have constituted the thematic link to explain the focus on birds at this point of the scroll. His suggestion is plausible, although 11QT 46:1–4 refers specifically to unclean birds, which may hardly have been allowed for use in the impurity ritual of Lev 14. Interestingly, again, the command stated in the Temple Scroll seems to have found concrete application in the architecture of the Herodian temple, if we believe the report by Josephus: *κατὰ κορυφήν δὲ χρυσεύου ὄβελουὸς ἀνεῖχεν τεθηγγμένους, ὡς μή τιμι προσκαθεζομένω μολύνοιτο τῶν ὀρνέων*, “On its summit protruded sharp golden spikes for preventing birds from settling up it and polluting it.”<sup>75</sup> The impurity transmitted by unclean birds probably had to do both with the defilement brought by their excrement and with the fact that they eat sacrificial remains. This theme is already present in the biblical narrative: in Gen 15:11 Abraham drives away birds of prey (עֵיט), which swoop down on the carcasses of the animals he had offered to seal the divine covenant. The book of Jubilees expands this narrative by transforming the offering made by Abraham into a proper Levitical sacrifice (Jub. 14:12). Moreover, anecdotes in the book related to the impurity of birds, and of ravens in

<sup>73</sup> Qimron and Yadin read *הֵעוֹף*, but Schiffman and Gross (*Temple Scroll*, 124) could not locate these letters.

<sup>74</sup> Werrett, *Ritual Purity*, 121–23.

<sup>75</sup> Josephus, *B.J.* 5.224.

particular, multiply: they are said to be sent by Mastema to devour the seeds of the fields planted in Ur, with the purpose of reducing humanity to starvation before being driven off by Abraham (Jub. 11:11–24).<sup>76</sup>

A similar concern also justifies the prohibition of raising chickens in the temple area. The presence of chickens seems to have been an additional issue for the redactor of the Temple Scroll: a fragmentary passage previously attributed to Jubilees, but probably belonging to the Temple Scroll, prohibits bringing/raising chicken “in/into the entire temple,” an expression that one could understand as indicating the whole area surrounding the building, and perhaps also in the entire city, which is mentioned in line 2:<sup>77</sup>

] מָה [ ] 1  
 2 לְבוֹא אֶל עִירִי ]  
 3 תִּרְנַגּוּל לְזֶאֱ תַגְדָּל  
 4 בְּכוֹל הַמִּקְדָּשׁ בְּ  
 5 הַמִּקְדָּשׁ לְ

- 1 [...]  
 2 to enter my City [...]  
 3 a rooster you shall not rai[se ...]  
 4 in all of the holy area in [...]  
 5 the holy area ...[...]

Although chickens are theoretically permitted both for consumption and sacrifice, in the logic of the redactors of the Temple Scroll the purity rules that should apply for the temple and for Jerusalem are not the same as for other cities. The prohibition against raising chicken in Jerusalem “because of the holy things” (אֵין מַגְדִּילִים תִּרְנַגְלִים בִּירוּשָׁלַיִם מִפְּנֵי הַקִּדְשִׁים) is also attested in the Mishnah.<sup>78</sup> Zooarchaeological reports confirm that by the Hellenistic period, chickens were raised in large quantities throughout Palestine, Jerusalem included, and they became by far the most prevalent species of domesticated birds (chicken represents 93% of bird remains for this period). However, almost no chicken bones have

<sup>76</sup> The role of the ravens in this account contrasts with their positive function in other biblical traditions: in 1 Kgs 17:4–6 ravens bring, upon divine injunction, a daily provision of food to the prophet Elijah. One should also note that the absence of the raven from the main Greek uncials of Lev 11 and Deut 14 suggests that it was not originally included in the list of impure birds (see Angelini and Nihan, “Unclean Birds,” 45 and 59–60). An increasing concern regarding the impurity of birds of prey, and ravens more specifically, might have prompted its later inclusion in the list of prohibited birds.

<sup>77</sup> 11QT<sup>c</sup> (= 11Q21) frag. 3: Schiffman and Gross (*Temple Scroll*, 232–33), suggest column 48 or 46 as a possible location for the fragment. See also Florentino García Martínez and Eibert Tigchelaar, *The Dead Sea Scrolls Study Edition*, vol. 2 (Leiden: Brill, 2000), 1307 and E. Qimron, “The Chicken and the Dog in the Temple Scroll (11QT<sup>c</sup>),” *Tarbiz* 64 (1995), 473–76 [Hebrew]. An English version of Qimron’s article can be found at: <https://wholestones.org/chickens-and-dogs-in-the-temple-scroll-11qtc/#fn>.

<sup>78</sup> m.B. Qam 7:7, see Qimron, “The Chicken and the Dog.”

been found in cultic contexts, and in the area of the Temple Mount more specifically, the remains of partridge and turtledove/pigeon prevail.<sup>79</sup> Poultry is almost absent from the animal bone deposits in Qumran, and Magness observes that this cannot be the result of environmental factors, for poultry bones were found both at 'Ein Gedi and 'Ein Boqeq, where the climatic and environmental conditions are similar to those of Qumran.<sup>80</sup> The absence of chicken from the cultic area in Jerusalem and from the bone deposits in Qumran need not be considered proof that the prescriptions of the Temple Scroll were effectively enacted; rather, it suggests that chicken, although theoretically permitted, was not appreciated as a sacrificial offering. Conversely, the large quantity of chickens in Jerusalem during the Hellenistic and Roman periods indicates that the concerns of the redactors of the Temple Scroll and of the Mishnah regarding the purity of the temple were justified; these animals would have defiled the area, whether by their excrement or by scavenging the remains of sacrifices.<sup>81</sup>

<sup>79</sup> See Altmann and Spiciarich, "Chickens, Partridges," esp. 10–13, 25–26, 30–31.

<sup>80</sup> Magness, *Stone and Dung*, 46–48.

<sup>81</sup> *Ibid.* Observing the similarities between Temple Scroll, 4QMMT, Josephus and m. Bab. Qam 7:7, Orian ("The *programmata* of Antiochus III") provides an alternative reading. In his view, these sources reflect a coherent interpretation of the biblical ban on non-sacral slaughter, applied in Jerusalem to both Judeans and gentiles, which would have been extended to include chicken in the Temple Scroll in order to ensure that people would not consume this ritually pure, though non-sacrificial, animal. While providing several interesting observations, this all-encompassing explanation fails to convince because it goes, in my view, beyond the evidence. First, it is based on some unjustified assumptions: 1) to be meaningful for gentiles, the decree should have contained a full list of unclean animals (p. 205). However, the animals mentioned by Josephus serve as illustrative samples of species which were circulating at the time, either for practical needs (horses, asses, mules), for the value of their hides (hare, foxes), or as a luxury species typical of royal hunts (leopard). The presence of such animals in Palestine is confirmed by at least one papyrus from the Zenon Archives, in which Toubias, ruler of Transjordan, records a gift sent to the Ptolemaic king consisting of two horses, six dogs, one wild mule bred from an ass, two white Arab donkeys, two wild mules' foals, and one wild ass's foal (P.Cair.Zen.1.59075). Overall, accepting the historicity of the decree does not coincide with retaining all the words of Josephus as actually coming from the decree itself. In this regard, for example, the fine for the transgressors is probably hyperbolic; 2) at the time it was highly implausible for prohibited animals to circulate in Jerusalem, so a specific decree to forbid them, like the one mentioned in the decree, was not required (p. 212). However, neither the Hebrew Bible nor the Scrolls contain a prohibition against the circulation of such species, as the presence of mules, asses, and horses was indispensable for practical life. Rather, the aforementioned papyrus confirms that these animals were *de facto* raised in Palestine, which makes the formulation of a specific legislation for Jerusalem plausible, at least for its temple area. 3) Judeans were concerned about what gentiles might have eaten in Jerusalem: in this regard, the interpretation of Deut 12:21 in light of 4QMMT (pp. 209–10) is methodologically problematic. Second, to explain the Mishnaic prohibition and the zooarchaeological evidence that chicken was *de facto* abundantly consumed in Jerusalem, Orian postulates a change in the halakah and an annulment of the Antiochus decree, for which, however, there is no historical evidence. I think that the zooarchaeological and the comparative evidence, together with the longstanding association of dogs, chicken, and pigs with impurity in different ancient sources points toward a simpler and more straightforward explanation for the ban on chicken from the temple area.

Other “scavengers” that had to be kept outside sacrificial areas were dogs. According to a fragment from 4QMMT, dogs are forbidden from entering the holy camp because they might eat the remains of sacrificial meat and defile it:<sup>82</sup>

ואין להבי למחני הק[ו]דש כלבים שהם  
59 אוכלים מקצת [ע]צמות המ[ק]דש ו[ה]בשר ע[ל]יהם כי  
60 ירושלים היא מחנה הקודש והיא המקום  
61 שבחר בו מכול שבטי י[ש]ראל

58 and one must not let dogs enter the holy camp, since they  
59 may eat some of the bones of the sanctuary while the flesh is (still) on them. For  
60 Jerusalem is the camp of holiness, and is the place  
61 which he has chosen from among all the tribes of Israel.

4QMMT equates the camp with the city of Jerusalem and its temple, and in this regard the prescription mentioned here is certainly hyperbolic. However, the impurity of dogs is a well-attested *topos* in the ancient Near East, and their tendency to devour carcasses and lick blood is mentioned several times in the Hebrew Bible (1 Kgs 14:11; 16:4; 21:19, 24; 22:38; Ps 68:24). In Exod 22:30 they are associated with the *טרפה*, the meat of a torn animal, which is unclean. One can also consider the prohibition stated in Deut 23:19 against bringing “the salary of the prostitute or the pay of a dog” into the house of Yhwh.<sup>83</sup> In the book of 1 Kings, part of the LXX manuscript tradition, which probably goes back to the Old Greek translation, it refers to dogs and pigs that lick the blood from the corpses of Naboth (3 Kgdms 20:19 LXX<sup>L</sup> = 1 Kgs 21:19 MT) and Ahab (3 Kgdms 22:38 LXX<sup>B</sup>).<sup>84</sup> In the Gospel of Matthew (7:6) dogs and pigs are associated as

<sup>82</sup> 4QMMT B:58–59 [4Q394 8 iv 8b–12; 4Q396 1–2 ii 9b–11, 1–2 iii 1–2].

<sup>83</sup> It is unclear whether the expression should be understood literally (in which case the meaning would not be completely clear), or if *כלב* is a metaphorical or technical designation for cultic male prostitution, which seems more likely from the context. In both cases the reference to impurity seems clear. See Klawans, *Purity, Sacrifice, and the Temple*, 274–75 n. 57 and related bibliography.

<sup>84</sup> The reading *αἱ ὕεσ καὶ οἱ κύνες* in 3 Kgdms 20:19 is preserved by the Lucianic tradition (L = bdovc2e2), which is usually considered a reliable witness of the Old Greek. By contrast, in 3 Kgdms 22:38 this reading is attested in the Vaticanus (B), and missing from the Lucianic tradition (L). In both verses the Masoretic Text mentions dogs alone, and in both verses the Syro-Hexapla marks *αἱ ὕεσ* with an obelus, indicating that the expression was not found in the Hebrew text, which at Origen’s times was probably almost identical to the Masoretic Text. Guy Darshan (“Pork Consumption as an Identity Marker in Ancient Israel: The Textual Evidence,” *JSJ* 55 [2022], 15–16) suggests that in both cases the mention of pigs was already in the Hebrew *Vorlage*, from which it would have been subsequently deleted for theological reasons in order to erase any possible reference to this animal from the Hebrew Bible. While it is certainly plausible that reference to pigs was already in the *Vorlage* of 3 Kgdms 20:19, Darshan’s overall reconstruction remains dubious, in my view, for various reasons. First, in 1 Kgs 20:19 A, the Syro-Hexapla and other witnesses have dogs and pigs in the reverse order, which suggests a variation within the Greek manuscript tradition, as noted by Steven McKenzie (*1 Kings 16–2 Kings 16*, IECOT [Stuttgart: Kohlhammer, 2019], 181); this is also in agreement with the fact that the reading of the Masoretic Text is *lectio brevior*, generally preferable from a text-critical perspective.

sources of impurity (“do not give what is holy to dogs; and do not throw your pearls before swine”), and this association is well attested both in early Christian and talmudic and rabbinic literature.<sup>85</sup> However, and contrary to what one might expect, pig is never mentioned as a source of impurity in the Dead Sea Scrolls.

## 5. Summary and Conclusions: Food Laws between Discourse and Practice

Here I summarize my findings and return to the three research questions proposed in the introduction, i. e., (1) the internal consistency of the texts from the Dead Sea Scrolls regarding the treatment of the dietary laws; (2) the relationship between discursive and pragmatic aspects of the food prohibitions; and (3) the normativity of biblical dietary laws in the Second Temple period.

First, the procedures of combination, selection, and expansion analyzed so far in different sources show a diversity in focus as well as in their major concerns. This attests to a quite varied and non-monolithic scenario, despite the absence of clear examples of disagreement between the sources regarding clean and unclean animals, and contrary to what happens for other purity regulations.<sup>86</sup> Within such a scenario, some broader trends are detectable. To begin with, the treatment of the food laws in the Dead Sea Scrolls aims at developing other aspects than the contents of what can be eaten. References to dietary laws in the scrutinized sources do not serve, for the most part, to define edible or inedible animals. In most cases, this is not a matter of concern, since what can or cannot go on the table was already defined by the pentateuchal texts, which are always present as an implicit point of reference. Instead, the overarching tendency is to develop table matters in multiple new directions that bring out new potentialities embedded in biblical materials, especially – albeit not exclusively – in the “purity code” of Leviticus. Among these directions I note increased attention to aspects related to slaughtering and preparation of the food, which are attested by the concerns regarding transmission of purity from meat to hides, and consequently to

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Second, it is unclear why the mention of pigs in this context should have been problematic for the scribes, as the animals are licking blood from the corpses of Naboth and Ahab, both portrayed as negative characters in the story. This description actually reinforces their connection with impurity and would promote the ban on the pig. From this perspective, one could even surmise that pigs might have been added in the text, either in Hebrew or in Greek, due to their association with dogs as sources of impurity attested in Early Christian sources. Third, if later scribes aimed at deleting every possible reference to pigs from the Hebrew Bible, while they have left their mention in Prov 11:22?

<sup>85</sup> See also 2 Pet 2:22; the *Gospel of Thomas* 93, and other sources collected by Magness, *Stone and Dung*, 51–53, and by Joshua Schwartz, “Dogs in Jewish Society in the Second Temple Period and in the Time of the Mishnah and Talmud,” *JJS* 55 (2011): 246–77, especially 264–65.

<sup>86</sup> See in this regard the remarks of Werrett, *Ritual Purity*, 289–91.

vessels (11QT 50:20–51:5; 4QMMT B:18–23); increased concerns regarding the possible contamination carried by different kind of liquids (11QT 47:6–7; 4Q274; 4Q284a); and attention to the necessary state of purity to access food, at least in the circumstances of shared meals (4QMMT B:18–23; compare with IQS 6:24–7:25). A further potentiality exploited by the Dead Sea Scrolls is the multiple ways in which animals can defile *apart from being ingested*: in this way one can understand the definition of what must be considered as a “carcass” (גבלה), including bones, skins and flesh (11QT 51:4), and also the ban on animals that can be a source of impurity simply by circulating around the temple area, such as dogs, chickens, and even birds (4QMMT B:58–61; 11QT<sup>c</sup> 3 I, 1–5; 11QT 46:1–4).

The development of new topics, which go far beyond the Levitical prescriptions, brings up the second question, regarding the scope of such regulations. Some of them clearly have a discursive function in that they help build the utopian agenda of the redactors of specific texts. This is the case for the spatial criteria employed to define purity/impurity of animals in the Temple Scroll, which fit into the overarching scheme of the text, in which purity and sanctity are progressively measured on a scale that has the temple and the city of Jerusalem at its center. This is also possibly the case for 4QMMT, if the reconstruction of the very fragmentary text is correct. It is also clear that some of the prescriptions would have been impossible to enact and are contradicted by archaeological evidence, e. g., concerning the presence of chicken in Jerusalem. In this regard, another common trend emerging from the different sources and highlighted by scholars such as Schiffman and Harrington is the extension to the entire population of norms that applied only to priests in the Hebrew Bible, as texts like 4Q251, 11QT 52:10–12, and others suggest. The tendency toward the democratization of priestly rules evinced in the Scrolls could have been enhanced by the polemic against the Jerusalemite priesthood and by the self-representation of the Community as “temple.”<sup>87</sup> However, it is worth remembering that such a tendency is not entirely new. In a way, *all* the dietary laws of Lev 11 and Deut 14 in their final form are an essentialization of norms which, at least in part, might have had a different origin and a more local application, restricted to sacrificial contexts or derived from local customs.<sup>88</sup> The clauses concluding the presentation of dietary

<sup>87</sup> See, in this regard, 4Q174 and the implications of the expression “a sanctuary of men” (מקדש אדם) to designate the community: George Brooke, *Exegesis at Qumran. 4QFlorilegium in its Jewish Context*, JSOTSup 29 (JSOT Press: Sheffield, 1985), 184–93; idem, “Miqdash Adam, Eden and the Qumran Community,” in *Gemeinde ohne Tempel / Community without Temple: Zur Substituierung und Transformation des Jerusalemer Tempels und seines Kults im Alten Testament, antiken Judentum und frühen Christentum*, ed. Beate Ego, Armin Lange, and Peter Pilhofer (Tübingen: Mohr Siebeck, 1999), 287–90; Devorah Dimant, “4QFlorilegium and the Idea of the Community as Temple,” in *Hellenica et Judaica: hommage à Valentin Nikiprowetzky* (Leuven: Peeters, 1986), 187–89. I thank George Brooke for bringing this point to my attention.

<sup>88</sup> See Houston, *Purity and Monotheism*, 123, 232 and the discussion of Altmann and Angelini, “Purity, Taboo and Food in Antiquity,” 9–25. On a possible reconstruction of the origins and

laws in Lev 11:44–45 (“As I am Yhwh your God; sanctify yourselves therefore, and be holy, for I am holy ... you shall be holy, for I am holy”) and the opening and closing formula in Deut 14:2 and 21 (“As you are a people holy to Yhwh your God”) leave no doubt in this regard. The extension of this principle to other sacrificial rules in the Dead Sea Scrolls should, therefore, be seen in continuity with this biblical trajectory.

At the same time, other prescriptions seem to fulfill customary or exegetical needs, and can be seen as antecedents of rabbinic halakah, although not always agreeing *in content* with rabbinic halakah. The overall focus on clarifying underdetermined cases of the Hebrew Bible, such as insects and swarmers, for which more precise definitions are provided (CD 12:11–13; 11QT 48:4–5), grows out of an exegetical attitude. Although it remains difficult to confirm archeologically how many of these prescriptions would have been actually followed, there is a possibility that some of these concerns arose from the necessity of solving some “empirical” difficulties in the practice of the dietary laws. Even the ban on dogs and chickens, although certainly impossible to enact in the whole city of Jerusalem, may have arisen in response to the wide circulation of these animals, whose excrement would have defiled the area around the temple. In this regard, both the abundance of material evidence regarding chicken and the replacement of the traditional grouping “pig-dog” with that of “chicken-dog” as a cipher for impurity suggests the possibility that in Hellenistic times the raising of chickens might have replaced pig raising on a broader scale in the ancient Near East. Moreover, a comparison with Greek purity laws from the same period shows that problems concerning the pollution of sanctuaries derived by the circulation of domesticated or semi-domesticated animal species were quite common in antiquity. However, the difficulties in finding consistent confirmation of the literary evidence through archaeological data, or even the contradictions between archaeological and literary reports, as the example of the ban on the sciatic nerve (4Q158) shows, caution against too direct a correlation between discourse and practice and confirm the complexity of the relationships between the communities behind the texts and the Qumran residents. Overall, the results of this inquiry underscore the nature of “ideal law,” which is prominent in sectarian texts, even when this law reflects actual practice or contemporary thinking; ideological and pragmatic aspects do not need to be considered mutually exclusive.

The last point to be discussed is the normativity of the laws in the Second Temple period. On the one hand, biblical food regulations are an authority that directs dietary customs. On the other hand, there is room to interpret, modify, specify, and expand the content of biblical laws in new directions. Several

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development of the pentateuchal dietary prohibitions, see Altmann, “Traditions and Texts,” in this volume.



texts pay attention to increase consistency, clarity and generality, i. e., the aspects which according to legal theory are required by the rule of law. Prescriptions on winged insects in the Damascus Document add further precision to the laws while also extending them to all of Israel; in the same way, 4Q251 generalizes sacrificial rules to the entire community. The conflation of the laws concerning birds and insects from Lev 11 and Deut 14 in the Temple Scroll might also be seen as an attempt to promote a consistent reading. The Temple Scroll also adds several refinements on the rules concerning carcasses and skins. These findings confirm the trend highlighted by Vroom in his study of the Temple Scroll, that this text aims to create a version of the Torah which would meet the requirements of the rule of law. Hence, such tendencies attest to an understanding of the dietary laws as binding obligations. However, it must be noted that strategies aiming at strengthening the divine authorization of the dietary laws or at attributing a rationale to it are also attested in the Scrolls. We can ascribe to this tendency both the reference to the “order of creation” added in the law on the fish in the Damascus Document and the divine voicing assigned to the law on the sciatic nerve in 4Q158. This suggests that epistemic authority remains an important factor.

Other general trends can also be identified. They do not match Vroom’s classification, and I would tentatively categorize them under the label “iconicity of the laws.” The first is the coincidence, or even the overlap, between animals clean for consumption and for sacrifice. Such a correspondence is explicitly stated by Josephus, who, speaking of the animals admitted in Jerusalem, identifies the “meat of the ancestors” with sacrificial meat and presents it as an overall feature of the Judean diet during the Second Temple period. While the relationship between these two categories is never entirely clarified in the Hebrew Bible, quadrupeds acquire paradigmatic status in the Dead Sea Scrolls: the Damascus Document (CD 12:14–15) shows that rules for consuming and cooking fish and insects are modeled on the slaughter of quadrupeds (which, at least in the case of insects, creates a paradoxical effect). The iconic role of quadrupeds, i. e., their capacity to assume a status which is at once symbolic and paradigmatic, is also confirmed by the sacrificial regulations of the Temple Scroll, which, combining Deut 12 and Lev 17, extends the priestly injunction of covering blood to all domesticated animals slaughtered outside the temple (11QT 52:10–12).

In terms of iconicity, the second and opposite case worth noticing is the absence of the pig from the corpus. Contrary to what one might expect, there is no mention of pigs among the species that are more closely connected to impurity, and there is no mention of pigs in the Dead Sea Scrolls at all. There is no question about the avoidance of consumption of pig and other unclean animals at Qumran, for the bone deposits contained only remains of species considered clean, and a minuscule number of domesticated pigs have been found in

excavations in the region.<sup>89</sup> However, the reference to the pig prohibition is well attested in other Jewish-Hellenistic sources, such as the books of Maccabees, where the animal represents impurity “par excellence” in the account of the defilement of the Jerusalem temple by Antiochus IV Epiphanes.<sup>90</sup> Notably, some of these sources are contemporaneous with the Qumran literature, if not earlier. Early Christian texts also confirm that by the first century CE dogs and pigs were proverbially associated as examples of impure animals.<sup>91</sup> These sources show that by Hellenistic times, the pig prohibition had already emerged as a strong marker for Jewish identity, at least in sacrificial contexts. Further confirmation is given by some late biblical prophetic texts, such as Isa 65–66, which polemicalizes against people eating pig flesh and offering pig blood as a paradigmatic inversion of the proper cultic norms, probably influenced by foreign practices.<sup>92</sup> Nevertheless, such an absence of the pig from the texts found in the Qumran caves is less surprising than it might appear at first sight. The emergence of pigs as a highly charged identity marker during the Second Temple period occurs first in cultic contexts, and is associated with a direct polemical confrontation with foreign domination, especially with those cultures who were used to sacrificing pigs, i. e., the Greeks. Thereafter, it continues to develop within the context of confrontation with the Romans, for whom pigs were one of the most common animals to raise and eat.<sup>93</sup> These circumstances differ from those in which the Dead Sea Scrolls were produced and transmitted. While these texts abhor gentile sacrificial practice more generally, the community behind the Scrolls represented itself as viewing gentiles from a very distant perspective. Rather, the goal of the

<sup>89</sup> See Liora Horwitz and Jacqueline Studer, “Pig Production and Exploitation during the Classical Periods in the Southern Levant,” in *Archaeozoology of the Near East Vol. VI: Proceedings of the Sixth International Symposium on the Archaeozoology of Southwestern Asia and Adjacent Areas*, ed. Hylke Buitenhuis et al. (Groningen: ARC Publication, 2005), 222–39; Ram Bouchnik, “Meat Consumption Patterns.”

<sup>90</sup> See 1 Macc 1:44–49; 2 Macc 6:18–7:32; 4 Macc 5:5–9. The episode is also reported by Josephus, *Ant.* 12.246–54; 13.242–46 and by Diodorus, *Bibliotheca Historica*, books 34–35. On the role of the pig in these accounts see Julia Rhyder, “Le porc dans les interactions d’Antiochos IV avec les Juifs: un réexamen des sources,” *RTP* 154 (2023): 389–409. On the relationship between the different sources reporting the siege of Jerusalem by Antiochus see, among others, Katell Berthelot, *Philanthrôpia Judaica* (Leiden: Brill, 2003), 123–43. Note also my discussion in “Looking from the Outside,” p. 211 in this volume.

<sup>91</sup> In addition to the examples quoted in fn. 85, see also the fragment from Oxyrhynchus 840, 2:7, mentioning dogs and swine “which wallow night and day in a pool in Jerusalem” (on the text see François Bovon, “Fragment Oxyrhynchus 840, Fragment of a Lost Gospel, Witness of an Early Christian Controversy over Purity,” *JBL* 119 [2000]: 705–28).

<sup>92</sup> On the relationship between the taboo on the pig and Jewish identity in the Bible, which developed gradually, see most recently Rhyder, “Jewish Pig Prohibition.” On Isa 65–66 see also my essay “A Table for Fortune,” in this volume.

<sup>93</sup> Among the abundant literature on the topic, one can consult Jordan D. Rosenblum, “‘Why Do You Refuse to Eat Pork?’ Jews, Food, and Identity in Roman Palestine,” *JQR* 100 (2010): 95–110 and Misgav Har-Peled, “The Dialogical Beast: The Identification of Rome with the Pig in Early Rabbinic Literature” (PhD Diss., John Hopkins University, 2013).

polemics, at least in texts such as the Temple Scroll and 4QMMT, was mainly directed toward Jerusalem, while in other texts the focus seems to be the inner regulation of the community. As noted above, one can assume that by the Second Temple period the respect of what can be defined as the “basics” of the dietary laws *allait de soi*, so to speak, i. e., was self-evident from both a Qumranic and Jerusalemite perspective. Hence, not only does the absence of the pig become understandable, but also the overall treatment of the dietary laws in the Dead Sea Scrolls aligns with the primary interests of their redactors. Such interests were not focused on defining their own identity vis-à-vis foreigners, but in defending what they claimed to be the most correct interpretation of the law and in maintaining the highest level of purity within their communities.

## Chapter 9

# Looking from the Outside: The Greco-Roman Discourse on the Jewish Food Prohibitions in the First and Second Centuries CE<sup>1</sup>

(Anna Angelini)

### 1. Introduction: The Origins of the Greek and Roman Traditions about Food Prohibitions

It is commonly recognized that the avoidance of certain foods is a prominent feature of the Jewish religion in the views of Greek and Roman authors. More specifically, within the complex system of Jewish dietary laws, pig avoidance stands out as the most salient trait to Greek and Roman eyes. It is also well-known that such an avoidance is viewed polemically by these authors, especially in the Roman context. In this regard, scholars have rightly noted that abstention from swine meat is used to construct or reinforce identity boundaries from both perspectives, either in the representation of Jews as “others” by Romans and by the Jews positioning themselves vis-à-vis the Romans. If Jews are mocked as pig-worshippers, Rabbinic sources metonymically identify Rome and foreign domination with the pig.<sup>2</sup> Moreover, scholarship has long observed that ancient authors, especially Greek historians and ethnographers, often associate Jews with Egyptians in that both avoid pigs, even though a permanent and explicit prohibition against pig consumption is never attested in Egyptian sources.<sup>3</sup>

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<sup>1</sup> My deepest thanks to Peter Altmann for revising the English of this essay. Unless otherwise stated, the translations are my own.

<sup>2</sup> See, e.g., Peter Schäfer, *Judeophobia: Attitudes Toward the Jews in the Ancient World* (Cambridge, MA: Harvard University Press, 1997), 66–80; Jordan Rosenblum, “‘Why Do You Refuse to Eat Pork?’ Jews, Food, and Identity in Roman Palestine,” *JQR* 100 (2010): 95–110; idem, *The Jewish Dietary Laws in the Ancient World* (Cambridge: Cambridge University Press, 2016); Misgav Har-Peled, “The Dialogical Beast: The Identification of Rome with the Pig in Early Rabbinic Literature” (Ph.D. Diss., Johns Hopkins University, 2013).

<sup>3</sup> See, e.g., Cristiano Grottanelli, “Avoiding Pork: Egyptians and Jews in Greek and Latin Texts,” in *Food and Identity in the Ancient World*, ed. Cristiano Grottanelli and Lucio Milano (Padua: Sargon, 2004), 59–93; Philippe Borgeaud, “Greek and Comparatist Reflections on Food Prohibitions”; Alessandra Rolle, “‘Dimmi cosa non mangi e ti dirò chi sei’: tabù alimentari e culti di periferia nella Roma imperiale,” in *Centro e periferia nella letteratura di Roma imperiale*, ed.

Yet less attention has been devoted to the analysis of the historical, cultural, and religious contexts in which a discourse on Jewish food prohibitions develops from Hellenistic times onwards in Greek and Latin sources.<sup>4</sup> In this regard, the first significant discussion of Jewish food prohibitions in Greek literature occurs in the *Letter of Aristeas*, a Jewish pseudo-epigraphical work that provides a report of the first translation of the Hebrew Bible in Greek. The text is dated to the second century BCE by the majority of scholars.<sup>5</sup> In the narrative of Aristeas, dietary laws occupy a large section that extends to almost 45 paragraphs (§ 128–171): food, drinks, and unclean animals are considered the best examples of the Jewish νομοθεσία (“legislation”). These rules frame the entire discourse on Jewish law, which refers occasionally to other practices. Every reference to other parts of the Torah is enclosed within and introduced through the main topic of the dietary rules, with a special focus on forbidden food. Even the prohibition of idolatry (§ 134–139) appears in second position and is somehow explained through the dietary practices, for these ultimately serve to remind the Jews of their single god (§ 141). Food laws therefore come to serve as a paradigm for the entire Torah. Moreover, in the general architecture of the Letter, there is a structural correspondence between the section on dietary laws in the first half of the narrative, settled in Jerusalem, and the banquet described in the second half, located in Alexandria. This is a banquet in which the wise men from Judea happily participate, for the king commands that the tables be adapted to respect the dietary customs of Judeans (§ 182–184). Within this larger frame, dietary laws constitute a key topic that serves the agenda of the author perfectly: they demonstrate how Jewish distinctiveness can coexist with and even enhance Jewish participation in the cosmopolitan life of Hellenistic Alexandria, or, in other words, how Egyptian Jews can appropriate Hellenism while simultaneously maintaining their “Judean” identity.<sup>6</sup>

In the narrative setting of the Letter, Aristeas is a “literate Gentile” of the Ptolemaic court fascinated by Jewish customs, and the focus placed on foodways is motivated by the fact that these practices elicit curiosity for most foreigners.

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Alessia Bonadeo, Alberto Canobbio, and Elisa Romano (Pavia: Pavia University Press, 2022), 49–62. On the pig in Egyptian sources, see Yuri Volokhine, *Le porc en Égypte ancienne: Mythe et histoire à l'origine des interdits alimentaires* (Liège: Presses Universitaires de Liège, 2014). Overall, the various food avoidances which Greeks and Romans attributed to the Egyptians prove to be circumscribed to specific cultic times and places. See on this Yuri Volokhine, “Food Prohibitions’ in Pharaonic Egypt.”

<sup>4</sup> Relatively few pages are devoted to this issue by Louis Feldman, *Jew and Gentile in the Ancient World* (Princeton: Princeton University Press, 1993), 167–80; see also Schäfer, *Judeophobia*, 66–80; Rosenblum, *Jewish Dietary Laws*, 28–45.

<sup>5</sup> For an assessment of the main proposals concerning the date of the letter, see Benjamin G. Wright III, *The Letter of Aristeas* (Berlin: de Gruyter, 2015), 21–30.

<sup>6</sup> For a detailed analysis of the role played by the references to the dietary laws in the *Letter of Aristeas* with further bibliography, see Angelini, “Reception and Idealization of the Torah.”

However, is improbable that Aristeas' exposition of the dietary laws reflects actual knowledge of them in non-Jewish Greek circles. Contemporaneous Greek sources display scarce if any interest in Jewish customs. Moreover, most scholars today agree that the primary targeted audience of the Letter is the Jewish Alexandrian elite, more than the Greek society. Therefore, such a supposed "curiosity" more likely constitutes a rhetorical device to draw the attention of the audience to those aspects of the Torah considered particularly relevant for Alexandrian Jews.

Having set apart the witness coming from the *Letter of Aristeas*, two major contexts can be identified for the emergence of the traditions regarding Jewish food prohibitions. The first is represented by Greek historiography of the first century BCE and counts among its major witnesses Diodorus of Sicily, who provides an account of the siege of Jerusalem by Antiochus IV and mentions pig sacrifice in the temple of Jerusalem. This text parallels the account found in the books of Maccabees (1 Macc 1:47 and especially 2 Macc 6:18–7:42), which relates a similar history. Because the report of Diodorus is certainly based on older sources, it raises several issues related to its dependence on Posidonius and earlier historiographers, such as Hecataeus of Miletus, as well as the possible role played by Jewish historiography in the transmission of the account.<sup>7</sup>

The second historical context in which Jewish dietary prohibitions are referenced in classical sources spans the second half of the first and the early second centuries CE, i. e., between the Neronian and the Trajan reigns. In this period, sources of various kinds report or comment on Jewish dietary prohibitions – as I show below, again mostly referencing pig avoidance – from different perspectives. Other than serving as a target of Latin satirists, Jewish abstinence from swine meat is mentioned by historians and philosophers and also occurs in medical and magical texts. Such a wide range of sources allows one to speak properly of one (or more) discourse(s) developed in the Greek and Roman contexts on Jewish dietary prohibitions. Accordingly, this essay will provide a close examination of these references in the literature from the first and early second centuries CE, aiming at understanding, first, the kinds of knowledge of biblical dietary laws Greek and Roman authors could have accessed, and what role such laws played in their representation of the Jewish religion; second, the multiple uses and scopes that references to Jewish food prohibitions may have served in different ancient traditions; third, to what extent the reference to

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<sup>7</sup> This episode has been carefully analyzed by Katell Berthelot and others. Reassessing the relationship between these sources here would bring me too far from my present focus. See Katell Berthelot, *Philanthrôpia Judaica: Le débat autour de la "misanthropie" des lois juives dans l'Antiquité*, JSJSup 76 (Leiden: Brill, 2003), 123–56; idem, "Poseidonios d'Apamée et les Juifs," *JSJ* 34 (2003): 160–98. See also Anna Angelini and Christophe Nihan, "The Origin of Greek and Roman Traditions about Jewish Food Prohibitions: A Reassessment" (paper presented at the conference *Food and Identity Formation in the Iron Age Levant and Beyond*, Weltenburg, 29 April 2019), and Rhyder, "Le porc et les interactions d'Antiochos IV avec les Juifs."

food prohibitions enhanced a confrontation or a dialogue between Jewish and classical authors: to this effect, Jewish-Hellenistic authors such as Josephus and Philo are included in the discussion.

Before entering an analysis of the sources, a methodological remark is in order. I am aware that the evidence surveyed here provides only a partial picture of what must have been the complex Greco-Roman attitude toward the Jewish religion. Some of the passages under inquiry prolong or respond to discussions elaborated in the works of previous authors, which are now lost or known only fragmentarily, such as, among others, Alexander Polyhistor, Apollonius Molon, and Varro himself. The writings of Apion, the polemic referent of Josephus, probably based on the older work of Manetho, are also lost. Therefore, several sources of the first century BCE which supposedly spoke of Jews at length and may have mentioned dietary laws as an essential component of Jewish religion could be missing from the picture. This partial pool of sources means that the ultimate origins and development of the Greek and Roman discourse on Jewish food prohibitions cannot be retraced to its full extent. However, the interest of the present survey remains in offering a close analysis of the way some Jewish practices were perceived in a defined historical and cultural context, that of the imperial age between the two Jewish wars. As such, it corrects the approach of some recent works on the topic, which tend to overlook the internal diversity of the classical sources and the numerous issues related to their textual transmission, which ultimately bears on the reliability of the sources themselves.<sup>8</sup> Moreover, this survey will provide some background to understand what were perceived to be the most salient traits of the Jewish religion in the time immediately preceding the escalation of the conflict between the two cultures. In this regard, the evidence presented here helps to evaluate the complex issue concerning the extent and the modes in which Judaism was either effectively spread within or ideologically appealed to Roman society in the first and early second centuries CE.

## 2. The Greek and Latin Witnesses on Jewish Food Prohibitions in the First Century CE

Judaism is poorly attested in one of the earliest Latin works focusing on religious matters that adopts what one could call a “comparative perspective”: Jews are in fact remarkably absent from Cicero’s *Natura deorum*. However, Cicero does mention Jews in his discourse in defense of Lucius Valerius Flaccus, the administrator of the province of Asia who faced allegations of malfeasance for having

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<sup>8</sup> This is, in my view, the limit of the otherwise valuable analyses of Schäfer, *Judeophobia*, 66–80; and Rosenblum, *Jewish Dietary Laws*, 28–45.

withdrawn the right from the Jews to send their annual tribute to the temple of Jerusalem. In this context, Cicero depicts Jewish religion negatively, in very general terms, as being “incompatible with the Roman institutions” (*abhorrebat maiorum institutis*), but without providing more details.<sup>9</sup> To be sure, a witticism directed against Caecilius Niger, a freedman sympathizer of Judaism who tried to interfere in the trial against Verres, is attributed to Cicero by Plutarch:<sup>10</sup>

βέρρην γὰρ οἱ Ῥωμαῖοι τὸν ἐκτετημμένον χοῖρον καλοῦσιν. Ὡς οὖν ἀπελευθερικὸς ἄνθρωπος ἔνοχος τῷ ἰουδαίῳ ὄνομα Κεκίλιος ἐβούλετο παρῳσάμενος τοὺς Σικελιώτας κατηγορεῖν τοῦ Βέρρου, „τί Ἰουδαίῳ πρὸς χοῖρον;“ ἔφη ὁ Κικέρων.

The Romans call the castrated pig “verres.” When, accordingly, a freedman named Caecilius, who was suspected of “Judaizing,” wanted to denounce Verres himself after pushing aside the Sicilian accusers, Cicero said: “What has a Jew to do with a pig (Verres)?”

Plutarch seems here to preserve a wordplay between *verres* (pig) and Verres, which functions only in Latin and is lost in Greek. This joke would constitute the most ancient reference to the Jewish pig avoidance among Latin authors. However, several doubts surround the plausibility of the story and the possibility that the pun originates from Cicero.<sup>11</sup> Overall, the rare reference to Jews by writers of the late Republic and during the Augustan age show a very superficial knowledge of Jewish practices. Such references are, for the most part, limited to the worshipping of a “celestial” deity, circumcision, and the Sabbath, which coalesce to build the stereotype of the “Jew” in Latin poetry and in the satiric tradition, as attested, for example, in Horace, Tibullus, and Ovid.<sup>12</sup> However, while providing short sketches of the activity of the Jews in Rome, none of these authors mentions dietary regulations.

<sup>9</sup> Cic., *Pro Flacco* 69. On Cicero’s approach to Judaism see, among others, Max Radin, *The Jews among the Greeks and Romans* (Philadelphia: The Jewish Publication Society of America, 1915), 221–35; Anthony J. Marshall, “Flaccus and the Jews of Asia (Cicero ‘Pro Flacco’ 28.67–69),” *Phoenix* 29 (1975): 139–54; Miriam Ben Zeev, “The Myth of Cicero’s Anti-Judaism,” in *Religio licita? Rom und die Juden*, ed. Gorge K. Hasselhoff and Meret Strothmann (Berlin: de Gruyter, 2017), 105–34.

<sup>10</sup> Plutarch, *Cic.* 7.6.

<sup>11</sup> See the discussion in Menahem Stern, *From Herodotus to Plutarch*, vol. 1 of *Greek and Latin Authors on Jews and Judaism* (Jerusalem: The Israel Academy of Sciences and Humanities, 1976), 566; Dwora Gilula, “La satira degli Ebrei nella letteratura latina,” in *Gli Ebrei nell’impero romano*, ed. Ariel Lewin (Milan: Giuntina, 2001), 207–8.

<sup>12</sup> See, esp., Horace, *Sat.* 1.9.60–78 (on the Sabbath) and compare 1.4.139–43 (on the proselytism attributed to the Jews); 1.5.96–104 (on Jewish superstitious beliefs). Compare also Tibullus, *Elegiae* 1.3.15–18 (on the Sabbath); two short references to the Sabbath occur in Ovid, *Ars* 1.75–80, 413–16. If one trusts Augustine’s witness, a rare exception to the dominant negative consideration of Jewish religion by Roman authors is Varro. In his *Antiquitates Rerum Divinarum*, he supposedly holds a more profound and positive view of Judaism, primarily because of its aniconic cult (Augustine, *Civ.* 4.31; 19.22). See, e.g., Chiara Ombretta Tommasi, “L’incerto Dio’ degli Ebrei, ovvero i limiti della interpretatio,” *Chaoskosmos* 14 (2013): 22–25.



A possible exception is the witticism attributed to Augustus by Macrobius, *melius est Herodis porcum esse quam filium* (“better to be Herod’s pig than Herod’s son”),<sup>13</sup> pronounced when the emperor heard that all the newborns in Judea had been put to death by king Herod, including his own son. The sentence obviously hints at Jewish prohibition on the pig. However, the whole passage betrays Christian influence (notably Matt 2:16).<sup>14</sup> It is possible, although not demonstrated, that the witticism itself belonged to an older source effectively dating back to the Augustan period, subsequently elaborated by Macrobius and contaminated with later Christian sources.<sup>15</sup> On the one hand, Georg Wissowa<sup>16</sup> already demonstrated that Macrobius’s imperial *dicta* are based on older sources. On the other hand, it remains methodologically difficult to treat such statements as direct “evidence” for the early first century, especially as Augustus became the model of the “witty” emperor so that a high number of jokes were attributed to him by ancient biographers and historians.<sup>17</sup>

Leaving aside this dubious reference, one must wait until the Neronian age to find the first witnesses to the knowledge of some food abstention by Jews. A fragment attributed to Petronius’ *Satyrica* and transmitted by the *Anthologia Palatina* targets those sympathizers of Judaism who, albeit adopting Jewish customs such as the Sabbath and the worshipping of a “porcine god” (*numen porcinum*), do not have the courage to practice circumcision, and therefore are eventually expelled from the Jewish community:<sup>18</sup>

*Iudaeus licet et porcinum numen adoret  
et caeli summas advocet auriculas,  
ni tamen et ferro succiderit inguinis oram  
et nisi nodatum solverit arte caput,  
exemptus populo Graia<sup>19</sup> migrabit ab urbe  
et non ieiuna sabbata lege premet.*

<sup>13</sup> Macrobius, *Saturnalia* 2.4.11.

<sup>14</sup> See, recently, Robert Kaster, *Macrobius. Saturnalia I–II*, LCL 510 (Cambridge, MA: Harvard University Press, 2011), xxiii.

<sup>15</sup> Menahem Stern, *From Tacitus to Simplicius*, vol. 2 of *Greek and Latin Authors on Jews and Judaism* (Jerusalem: The Israel Academy of Sciences and Humanities, 1980), 666, has in mind an earlier Greek source containing a wordplay between υἱός (“son”) and ὕς (“pig”), which would be lost in Latin; see also Rolle, “Dimmi cosa non mangi,” 56–57. The possibility that the witticism is “Augustinian” is also considered by Alan Cameron, *The Last Pagans of Rome* (Oxford: Oxford University Press, 2011), 271.

<sup>16</sup> Georg Wissowa, “Analecta Macrobianae,” *Hermes* 16 (1881): 499–505.

<sup>17</sup> See the remarks of Ray Laurence and Jeremy Paterson, “Power and Laughter: Imperial Dicta,” *Papers of the British School at Rome* 67 (1999): 189–94.

<sup>18</sup> Fr. 50 Müller (1995<sup>4</sup> = 696 *Ant. Lat. Riese*), translation from Gareth Schmeling, *Petronius, Seneca. Satyricon. Apocolocyntosis*, LCL 15 (Cambridge, MA: Harvard University Press, 2020), slightly modified. The fragment is n. 47 in the edition of Bücheler (1862).

<sup>19</sup> Following Edward Courtney, *The Poems of Petronius*, American Classical Studies (Atlanta: Scholars Press, 1991), 70, Schmeling corrects *graia* to *patria* (and translates: “will move from his home city”). I retain the text of Müller.

Though a Jew worships in fact a pig-god and sends summons to the ears of high heaven, unless he also cuts around the edge of his prick, and unless he cleverly removes the knot around his dickhead, he will be banished from his people, will move from the Greek city, and break the Sabbath by not observing abstinence.

However, it should be observed that Petronian authorship is dubious, for the fragment has been included in the textual transmission of the Petronian corpus by a French sixteenth-century editor, Claude Binet, together with other fragments. Binet copied the text from the *codex Bellovacensis*, a ninth–tenth-century manuscript now lost.<sup>20</sup> Nevertheless, according to Edward Courtney the fragment “does look very Petronian,”<sup>21</sup> and Vincenzo Ciaffi suggests that, regardless of the attribution to Petronius, its composition could well date back to the middle of the first century.<sup>22</sup> Grazia Sommariva has put forward additional arguments in favor of the Petronian attribution based on linguistic parallels with other parts of the romance.<sup>23</sup> If we accept a date of the first century CE, this witness becomes relevant for a number of reasons. First, it adds pig avoidance to the already familiar clichés featuring the Jewish religion to Roman eyes, such as the Sabbath, worshipping of the heavens, and circumcision. It is worth noting that the way these practices are referred to betrays a superficial or even faulty understanding. For example, the idea that Jews fast on Sabbath (*ieiuna sabbata lege*), attested in several Greek and Latin sources, does not correspond to any biblical or early Jewish law or otherwise attested practice.<sup>24</sup> Second, this passage shows awareness of an already existing hierarchy among these practices, which places circumcision as the most distinctive and irrevocable sign of “Jewishness.” Third, the reference to the *numen porcinum* shifts the focus from dietary habits to animal worship, the underlying logic being that Jews do not consume certain animals because they worship them. This passage exploits a common *topos* of religious critique in antiquity, i. e., the theriolatry, which was already a traditional component of the Greek critique of the Egyptian religion since at least Herodotus,<sup>25</sup> and which is

<sup>20</sup> Schmeling, *Petronius*, 24. Müller is unsure whether the attribution to Petronius was already attested in this codex or was a conjecture by the editor himself (Müller, *Petronius*, 192: *Binetus utrum codicis auctoritatem secutus an sua usus coniectura Petronio tribuerit haec carmina non constat*).

<sup>21</sup> Courtney, *Poems of Petronius*, 7, see also 8–11.

<sup>22</sup> Vincenzo Ciaffi, *Petronio. Satyricon*, 2nd ed. (Turin: Einaudi, 2003), LXII and 300.

<sup>23</sup> Grazia Sommariva, “Petronio, *Satyr.* Fr. 37 e 47 Ernout,” in *Disiecti Membra Poetae*, ed. Vincenzo Tandoi (Foggia: Atlantica editrice, 1984), 120–33. If this interpretation is correct, then it becomes probable that the following fragment (51 Müller<sup>4</sup>: *Una est nobilitas argumentumque coloris/ingenui, timidus non habuisse manus*), need not be considered a separate poem, but it was instead the conclusion of fr. 50.

<sup>24</sup> See, e. g., Martial, *Epigrammata* 4.4; Suetonius, *Aug.* 76, and other sources collected by Schäfer, *Judeophobia*, 89–91.

<sup>25</sup> See, e. g., Herodotus, *Hist.* 2.65–79; Athenaeus, *Deipn.* 7.99 E–300 B who quotes 4th c. BCE comedians; Diodorus of Sicily, *Bibliotheca Historica* 1.86.1; Cic., *Nat. D.* 1.43. See Katell Berthelot, “Greek and Roman Stereotypes of Egyptians by Hellenistic Jewish Apologies, with

here directed towards Jews. However, it remains difficult to decide whether *graia urbe* would refer indeed to a Greek city, as suggested by Sommariva,<sup>26</sup> or is a satiric designation for Rome, mocked as a “Hellenized” city. This issue is not purely philological, as it bears on the broader and debated question of the existence of Jewish proselyte activity in Rome already in the first century CE, which, as I show below, is difficult to discern in ancient sources and on which one should therefore be cautious. Concerning the fragment, however, and regardless of whether *graia* refers to a Greek city or not, I agree with Louis Feldman and with Katell Berthelot, who underscore how, in order for the satiric intent to be effective, it must refer to a situation which would have been familiar to a Roman audience.<sup>27</sup>

A contemporaneous, albeit indirect, reference to Jewish abstention from certain animals comes from one of Seneca’s letters, where the philosopher recalls his juvenile attraction to Pythagorean doctrines. By adhering to Pythagoras’ teachings, Seneca practiced vegetarianism. However, he was led to stop by his father around 19 CE when the Emperor Tiberius promulgated an edict against Egyptian and Jewish cults. In that period, Seneca says, abstention from certain animals was considered proof of practicing those cults:<sup>28</sup>

*Quaeris quomodo desierim? In primum Tiberii Caesaris principatum iuventae tempus inciderat: alienigena tum sacra movebantur, et inter argumenta superstitionis ponebatur quorundam animalium abstinencia. Patre itaque meo rogante, qui non calumniam timebat sed philosophiam oderat, ad pristinam consuetudinem redii; nec difficile mihi ut inciperem melius cenare persuasit.*

Would you like to know why I gave it up? The time when I was a young man was in the early years of Tiberius’s principate. Religions of foreign origin were then being eliminated, and abstinence from animal foods was considered proof of adherence. So, at the request of my father (who did not fear opprobrium but had a hatred of philosophy), I returned to my former habits; he had no trouble, really, in persuading me to dine in better style.

While Seneca is talking about abstention from meat practiced by Pythagoreans, the edict he refers to was promulgated by Tiberius in 19 CE against Jewish and Egyptian cults: I return to its contents below. Seneca’s words attest not only to the well-known association between Jews and Egyptians in sharing some food

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Special Reference to Josephus’ *Against Apion*,” in *Internationales Josephus-Kolloquium Aarhus 1999*, ed. Jürgen U. Kalms (Münster: Lit, 2000), 192, 201–2.

<sup>26</sup> Sommariva, “Petronio,” 123.

<sup>27</sup> Louis Feldman, *Jew and Gentile in the Ancient World*, 346; Katell Berthelot, “To Convert or Not to Convert: The Appropriation of Jewish Rituals, Customs and Beliefs by Non-Jews,” in *Lived Religion in the Ancient Mediterranean World*, ed. Valentino Gasparini et al. (Berlin: de Gruyter, 2020), 497.

<sup>28</sup> Seneca, *Ep.* 108.22. I follow the edition of L.D. Reynolds, *L. Annaei Senecae ad Lucilium Epistulae Morales, Tomus II* (Oxford: Clarendon, 1965) and the translation of Margaret Graver and Anthony A. Long, *Seneca, Letters on Ethics: To Lucilius. Translated with an Introduction and Commentary* (Chicago: University of Chicago Press, 2015).

avoidances, but also to how certain aspects of the Jewish lifestyle were perceived as comparable to other ancient philosophies.

Although there is no specification of the kind of animals from which Jews abstain in Seneca's passage, the pig emerges as a marker of Jewish identity in another text of the same period, a glossary on Hippocrates compiled by the grammarian Erotianus and dedicated to his teacher Andromachus. This Andromachus was a doctor at the Neronian court: the historical and literary context is therefore the same as that of Seneca and Petronius. In his glosses on epilepsy, called *morbis sacrum*, Erotianus reports some "superstitious explanations" according to which this illness is sent by an offended god. For this reason, the therapy might consist of keeping dietary laws to appease the outraged deity. He presents the examples of pig for Jews, and of sheep or goat for Egyptians:<sup>29</sup>

θεῖόν τινές φασι τὴν ἱεράν νόσον. Ταύτην γὰρ εἶναι θεόπεμπτον ἱεράν τε λέγεσθαι ὡς θεῖαν οὔσαν. ἕτεροι δὲ ὑπέλαβον τὴν δεισιδαιμονίαν. Ἐξεταστέον γάρ, φασί, ἴποταπῶ χρήται τύπῳ ὁ νοσῶν, ἴνα, εἰ μὲν Ἰουδαῖός τις ἦ, τὰ χοίρεια ἐπ' αὐτῶ παρατηρώμεθα, εἰ δ' Αἰγύπτιος, τὰ προβάτεια ἢ αἴγεια'.

Some say that the sacred illness is of divine origin. They say that this is sent by the gods and is sacred as if it was divine. Some supposed that there is superstition. "It has to be enquired," they say, "of which type is the sick person, so that if he is a Jew, will be observed on him the (prohibition of) pig, and if he is an Egyptian, that of sheep or goat."

One can contrast this evidence with two witnesses from the so-called Greek Magical Papyri. Although these texts date to the fifth and sixth centuries CE, the knowledge they contain is more ancient. According to most scholars, the origins of this material go back at least to the first century CE, when Egypt was under Roman control. It is therefore worth recalling a Jewish recipe against demons preserved in PGM n. IV (3007–3086), which prescribes abstention from swine meat in order to be effective:<sup>30</sup>

Ὅρκίζω δέ σε, τὸν παραλαμβάνοντα τὸν ὄρκισμὸν τοῦτον, χοίριον μὴ φαγεῖν, καὶ ὑποταγήσεται σοι πᾶν πνεῦμα καὶ δαιμόνιον, ὅποῖον ἐὰν ἦν. Ὅρκίζω δὲ φύσα α' ἀπὸ τῶν ἄκρων τῶν ποδῶν ἀφαίρων τὸ φύσημα ἕως τοῦ προσώπου, καὶ εἰς κριθήσεται. Φύλασσε καθαρὸς· ὁ γὰρ λόγος ἐστὶν Ἑβραϊκὸς καὶ φυλασσόμενος παρὰ καθαρῶν ἀνδράσιν.

And I adjure you, the one who receives this conjuration, not to eat pork, and every spirit and demon, whatever sort it may be, will be subject to you. And while conjuring, blow once, blowing air from the tips of the feet up to the face, and it will be assigned. Keep yourself pure, for this charm is Hebraic and is preserved among pure men.

The spell itself is here declared as "Hebraic." In another papyrus of this kind,<sup>31</sup> the same prohibition is prescribed during a rite to be performed by an Egyptian

<sup>29</sup> Erotianus, F 33 (ed. Nachmanson 1918).

<sup>30</sup> PGM IV.3075–85.

<sup>31</sup> PGM I.105.

magician to acquire a (magical and personal) assistant in a context which bears no trace of Jewish components, and which is therefore entirely Egyptian.

The evidence analyzed so far shows that at least by the middle of the first century CE not only Jewish abstention from certain animals was “a matter of common knowledge” to Romans, to put it in Feldman’s words,<sup>32</sup> but this was also a marker of Jewish identity. Moreover, in several sources, the pig is the most important marker of such an identity. Furthermore, both the fragments from the *Satyrica* and Seneca’s letter confirm that Jewish cults begin to acquire a certain popularity in Rome, together with the undoubtedly more widespread Egyptian cults. Finally, Jewish and Egyptian cults were paired or perceived as similar in several regards, not least because of their alleged resemblance concerning abstention from certain animal species.

The attraction exercised by Jewish and Egyptian cults and their alleged proximity are confirmed by at least two pieces of evidence. The first is the edict alluded to by Seneca, whose contents are reported by other ancient sources.<sup>33</sup> Each source offers a different explanation for the reasons that prompted Tiberius to promulgate the edict, and they are still a matter of debate in modern scholarship. The target of the edict is also not entirely clear. Tacitus specifies that it was directed against 4,000 freedmen (*libertini*) who were “tainted” by Jewish and Egyptian “superstition” (*ea superstitione infecta*), and were therefore expelled to Sardinia.<sup>34</sup>

Josephus provides two distinct and “novelistic” accounts on the matter. The first episode concerns the measures taken against the cult of Isis following a sex scandal that dishonored the very highly-reputed matrona named Paulina, a follower of the Isis cult. She was led into a trap by some Egyptian priests. Although she expected to have intercourse with the god Anubis in the temple, she instead ended up sleeping with a rich Roman man who had bribed the priests to help him seduce her. When the plot came out, the priests were crucified, the temple and the statue of the goddess were destroyed. The second episode describes a scam involving another matrona, Fulvia, a sympathizer of Judaism

<sup>32</sup> Feldman, *Jew and Gentile*, 168.

<sup>33</sup> Jos., *Ant.* 18.81–84; Tacitus, *Ann.* 2.85.4; Suetonius, *Tib.* 36; Cassio Dio, *Historiae* 57.18.5a. It is unclear if the words of Philo, *Leg.* 159–161, refer to this expulsion: see Mary E. Smallwood, “Some Notes on the Jews under Tiberius,” *Latomus* 15 (1956): 322–25.

<sup>34</sup> Tacitus, *Ann.* 2.85.4: *Actum et de sacris Aegyptiis Iudaicisque pellendis factumque patrum consultum ut quattuor milia libertini generis ea superstitione infecta quis idonea aetas in insulam Sardiniam veherentur, coercendis illic latrociniis et, si ob gravitatem caeli interissent, vile damnum; ceteri cederent Italia nisi certam ante diem profanos ritus exuissent.* “Measures were taken concerning the proscription of the Egyptian and Jewish rites and a senatorial edict established that four thousand descendants of freedmen, tainted with that superstition and of suitable age, would have been shipped to Sardinia, to suppress brigandage in that place. If they succumbed to the pestilential climate, this was a cheap loss. All the others should leave Italy, unless they would have renounced their impious rites by a given date.”

whose rich offerings for the Jerusalem Temple had been stolen by two priests: because of this event, the entire Jewish community was punished with expulsion.<sup>35</sup> Although probably fictional, both accounts from Josephus hint at the fascination exerted by Egyptian and Jewish cults among the Roman matronae. This evidence suggests that elite circles had developed interest in Judaism, those from a higher social class than the *libertini* singled out by Tacitus. The fact that Roman female aristocracy was fascinated with at least some aspects of Jewish religion is also confirmed by a number of gems and jewels from this period engraved with Jewish divine names and bearing the proper names of rich Roman women.<sup>36</sup>

Finally, an isolated fragment from Dio's *Roman History*, transmitted by John of Antioch, reports the edict of Tiberius without mentioning Egyptian cults at all and speaks openly of Jewish proselytism.<sup>37</sup> Scholarship is divided on the reliability of these sources. The divergent views also depend on the evaluation of the spreading of Judaism among different social classes. Some scholars attribute the edict to governmental concerns with the spreading of these cults among the Roman aristocracy, or even by the success of alleged Jewish missionary activity as mentioned by Dio: such concerns would have pressured the authorities to try to actively debilitate the Jewish community.<sup>38</sup> Other scholars, however, rightly note the questionable reliability of the fragment from Dio, which is isolated from the context and might reflect a later reality than the one in which the edict was promulgated (and perhaps even targeting Christians rather than Jews).<sup>39</sup> Hence, they highlight economic factors, especially the crisis due to the lack of corn supply which stroked the lower classes and consequently elicited social tension and unrest.<sup>40</sup>

Erich Gruen is dubious regarding the possibility that Roman officials might have ever felt seriously threatened by the spreading of foreign cults. He associates the edict with the general discontent created by the death of Tiberius' nephew

<sup>35</sup> Jos., *Ant.* 18.81–84.

<sup>36</sup> See especially the two gems conserved at the Library of Saint Genéviève in Paris bearing the name of Vibia Paulina, studied by Attilio Mastrocinque, "Studi sulle gemme gnostiche," *ZPE* 122 (1998): 106–7.

<sup>37</sup> Cassio Dio, *Historiae* 57.18.5a: τῶν τε Ἰουδαίων πολλῶν ἐς τὴν Ῥώμην συνελθόντων καὶ συχνοῦς τῶν ἐπιχωρίων ἐς τὰ σφέτερα ἔθῃ μεθιστάντων, τοὺς πλείονας ἐξήλασεν ("As the Jews were convening in Rome in large number and were bringing many of the inhabitants to their customs, he expelled most of them").

<sup>38</sup> Smallwood, "Some Notes," 319; Feldman, *Jew and Gentile*, 94; John M. G. Barclay, *Jews in the Mediterranean Diaspora: From Alexander to Trajan (323 BCE–117 CE)* (Berkeley: University of California Press, 1996), 298–300.

<sup>39</sup> See, e.g., Margaret H. Williams, "The Expulsion of the Jews from Rome in A.D. 19," *Latomus* 48 (1989): 767–68; Claude Orrieux and Edouard Will, "Prosélytisme juif"? *Histoire d'une erreur* (Paris: Les Belles Lettres, 1992), 108–9.

<sup>40</sup> This is the hypothesis of Williams, "The Expulsion of the Jews," 765–84. Radin, *Jews among the Greeks and Romans*, 311, thought of a measure taken against fraud and illicit requests of money.

and future emperor Germanicus under mysterious circumstances in the East in the same year, and by the rumors of black magic which surrounded his illness, an event which called for a strong religious response by the government.<sup>41</sup> It might well have been the case that several circumstances coalesced to persuade Tiberius, whose politics towards Jews was so far aligned with the tolerance showed by Augustus, of the necessity of such a measure. In this regard, Chiara De Filippis Cappai notes that the concerns raised by the spreading of foreign cults among the Roman upper classes might also have been of an economic nature, for donations to temples would have created a loss of capital in a period of economic crisis. This inconvenience would not have escaped the attention of Tiberius, known to have been a careful steward of public finance.<sup>42</sup>

However, regardless of what the real reasons behind the edict might have been, of interest here is the precise way such reasons are elaborated by different ancient authors. In this respect, the report of Suetonius is also noteworthy:<sup>43</sup>

*Externas caerimonias, Aegyptios Iudaicosque ritus compescuit, coactis qui superstitione ea tenebantur religiosas vestes cum instrumento omni comburere. Iudaeorum iuventutem per speciem sacramenti in provincias gravioris caeli distribuit, reliquos gentis eiusdem vel similia sectantes urbe summovit, sub poena perpetuae servitutis nisi obtemperassent.*

He abolished foreign cults, especially the Egyptian and the Jewish rites, compelling all who were addicted to such superstitions to burn their religious vestments and all their paraphernalia. Those of the Jews who were of military age he assigned to provinces of less healthy climate, ostensibly to serve in the army; the others, either belonging to the same people or adopting similar practices he banished from the city, on pain of slavery for life if they did not obey.

Suetonius confirms the spectacular heights that foreign cults acquired in Roman eyes such that their paraphernalia had to be publicly burnt, but also the difficulty for the Romans to distinguish precisely between different religious practices and their adherents. Similarly, Edouard Will and Claude Orrieux note that the distinction between the *gens* and the *similia sectantes* points toward the existence of a milieu that could have been considered close to Judaism because of its behavior, but was not clearly identifiable even for Romans.<sup>44</sup>

The second witness confirming the popularity of Judaism in Roman society comes from the *Contra Apionem* of Flavius Josephus. In his self-defense against

<sup>41</sup> Erich S. Gruen, *Diaspora: Jews amidst Greeks and Romans* (Cambridge, MA: Harvard University Press, 2002), 29–36.

<sup>42</sup> Chiara De Filippis Cappai, *Iudaea: Roma e la Giudea dal II a.C. al II. d.C.* (Alessandria: edizioni dell'Orso, 2008), 150–57 (esp. 157). For a complex picture involving several factors see also R. F. Newbold, "Social Tension at Rome in the Early Years of Tiberius' Reign," *Athenaeum* 52 (1974): 110–43.

<sup>43</sup> Suet., *Tib.* 36, trans. Suetonius. *Lives of the Caesars, Volume I*, LCL 31 (Cambridge, MA: Harvard University Press, 1914), modified.

<sup>44</sup> Will and Orrieux, *Prosélytisme juif?* 107.

Apion's charge that the Jews abstain from pigs and other animals, he refers to the gentile imitation of Jewish customs:<sup>45</sup>

οὐ μὴν ἀλλὰ καὶ πλήθεισιν ἤδη πολὺς ζῆλος γέγονεν ἐκ μακροῦ τῆς ἡμετέρας εὐσεβείας, οὐδ' ἔστιν οὐ πόλις Ἑλλήνων οὐδητισοῦν οὐδὲ βάρβαρον οὐδὲ ἐν ἔθνος, ἔνθα μὴ τὸ τῆς ἑβδομάδος, ἦν ἀργοῦμεν ἡμεῖς, τὸ ἔθος [δὲ] διαπεφοίτηκεν καὶ αἱ νηστεῖαι καὶ λύχων ἀνακαούσεις καὶ πολλὰ τῶν εἰς βρῶσιν ἡμῖν οὐ νενομισμένων παρατετήρηται.

What is more, even among the masses for a long time there has been much emulation of our piety, and there is not one city of the Greeks, nor a single barbarian nation, where the custom of the seventh day, on which we rest, has not permeated, and where our fasts and lighting of lamps and many of our prohibitions with regard to food have not been observed.

As John Barclay notes, the expression οὐ πόλις Ἑλλήνων οὐδητισοῦν οὐδὲ βάρβαρον οὐδὲ ἐν ἔθνος most probably includes Rome as well and suggests the large-scale success of a Jewish lifestyle. While in this context Josephus mentions general "prohibitions regarding food," abstention from swine meat is an explicit target in the first book of the *Contra Apionem*, where Josephus ridicules the accusation by the Egyptian ambassador Apion, namely that Jews do not eat pork and practice circumcision, by highlighting the fact that the same practices are known to be followed by the Egyptians, and Egyptian priests more specifically.<sup>46</sup> In this way, he volleys the allegations back toward the accuser, referring to the well-known features that characterized Egyptian religion in Greek and Roman views. In this regard, the mention of Jews' dietary prohibitions by Josephus can be viewed as part of a broader strategy. This strategy, described in detail by Berthelot,<sup>47</sup> consisted in making systematic use of Roman prejudices against Egyptians to discredit Egyptian authors who wrote against the Jews to neutralize their influence in Roman society.

The apologetic nature of Josephus' work cautions against a literal interpretation of the popularity of Jewish practices, which he claims to be "universal." Nevertheless, his witness becomes meaningful when cross-referenced with the other, especially non-Jewish, sources mentioned above. Overall, these sources testify to the fact that at least some aspects of foreign cults, both Egyptians and Jewish, were indeed in "vogue" at Rome, and that over the course of the first century they might have reached different social classes. In fact, because the *Contra Apionem* probably dates around 90 CE, with Josephus one has also moved toward a different context represented by the Flavian age. This period, extending until the Trajan period (98–117 CE), sees the development of a more polemical

<sup>45</sup> Jos., *Ap.* 2.282–84, trans. John Barclay, *Against Apion*. Vol. 10 of *Flavius Josephus Online*, ed. Steve Mason (Leiden: Brill, 2007).

<sup>46</sup> Jos., *Ap.* 1.137–42. General reference to the dietary laws also occurs in 2.173–74; 2.234.

<sup>47</sup> Berthelot, "Greek and Roman Stereotypes," 214–17.



usage of the dietary laws by Latin authors, as well as the occurrence of this motif in the philosophical traditions.

Before turning to these texts, I must briefly mention that Jewish dietary habits are also criticized in Persius' fifth satire, where the poet refers to the consumption of tuna and wine during the Sabbath dinner.<sup>48</sup> Although this custom finds no correspondence whatsoever in biblical law, Persius' passage provides one of the earliest mentions of a dietary practice that became current in early Judaism, and as such is also referenced in rabbinic literature.<sup>49</sup>

### 3. The Polemic Use of Jewish Dietary Prohibitions in Juvenal and Tacitus

By the beginning of the second century CE, reference to abstention from the consumption of pig is paired with the Sabbath and circumcision in the repertoire of the weird beliefs that constituted the most salient traits of Judaism for the Romans. Moreover, as in the previous tradition, Jews continue to be a target of satiric discourse, elaborated especially by Juvenal: he attacks them in several instances and mentions their dietary habits.<sup>50</sup> In addition to Juvenal, there is an almost contemporary witness from Tacitus' excursus on the Jews in the fifth book of his *Historiae*, which complements the account of Titus' siege of Jerusalem. As noted by Gruen, this passage constitutes the longest treatment of the Jews preserved by non-Jewish sources in antiquity.<sup>51</sup> These texts have been the object of a recent analysis by Alessandra Rolle,<sup>52</sup> to which the following discussion is much indebted.

Juvenal twice references Jewish abstention from swine meat. In his sixth satire, he criticizes the marriage between the Judean governor Agrippa II and his sister, the Judean princess Berenice – who for a while was also the mistress of the

<sup>48</sup> Persius, *Sat.* 5.179–84: *at cum/Herodis venere dies unctaque fenestra/dispositae pinguem nebulam vomuere lucernae/portantes violas rubrumque amplexa catinum/cauda natat thygni, tumet alba fidelia vino,/labra moves tacitus recutitaque sabbata palles.* “But when the days of Herod come, and the lamps, wearing violets and arranged along the greasy window, spew out a fatty fog, when the tail of tuna fish swims coiling round the red bowl, when the white pitcher is bulging with wine, you silently move your lips and turn pale at the circumcised Sabbath” (trans. Susanna Morton Braund, *Juvenal and Persius*, LCL 91 [Cambridge, MA: Harvard University Press, 2004]).

<sup>49</sup> b. Ned. 6:4; b. Shabb. 118b, 119a-b. See also Feldman, *Jew and Gentile*, 164.

<sup>50</sup> Juvenal, *Sat.* 3.10–18, 290–96; 6.156–60, 542–47; 14.96–106. Jewish circumcision is also a target of Martial's satire, who, however, does not reference dietary laws: see, e.g., Schäfer, *Judeophobia*, 99–102; Gilula, “La satira degli Ebrei,” 203–7.

<sup>51</sup> Tacitus, *Hist.* 5.2–13. Gruen, “Tacitus and the Defamation of the Jews,” in *The Construct of Identity in Hellenistic Judaism: Essays on Early Jewish Literature and History* (Berlin: de Gruyter, 2018), 265.

<sup>52</sup> Rolle, “Dimmi cosa non mangi,” 54–61.

emperor Titus – as an incestuous practice. In this context, the author alludes to the fact that Jews take their shoes off when entering the temple, celebrate Sabbath, and show special mercy (*clementia*) to pigs, by avoiding their consumption and allowing them grow old:<sup>53</sup>

*hunc dedit olim  
barbarus incestae gestare Agrippa sorori,  
obseruant ubi festa mero pede sabbata reges  
et uetus indulget senibus clementia porcis.*

It (the ring) was once given by the barbarian Agrippa to his incestuous sister to wear, in the place where barefooted kings keep the Sabbath as their feast day and their traditional mercy is kind to elderly pigs.

The theme occurs again in the fourteenth satire, where Juvenal polemicizes against the faulty education given to the son by a father who adopts Jewish practices. In this context, the poet explicitly mentions the Mosaic Torah (*Iudaicum ius ... arcano volumine*). Among other habits, Juvenal notes that Jews pay the same value to porcine and human meat (*nec distare putant humana carne suillam*):<sup>54</sup>

*Quidam sortiti metuentem sabbata patrem  
nil praeter nubes et caeli numen adorant,  
nec distare putant humana carne suillam,  
qua pater abstinuit, mox et praepudia ponunt;  
Romanas autem soliti contemnere leges  
Iudaicum ediscunt et seruant ac metuunt ius,  
tradidit arcano quodcumque uolumine Moyses:  
non monstrare uias eadem nisi sacra colenti,  
quaesitum ad fontem solos deducere uerpos.  
sed pater in causa, cui septima quaeque fuit lux  
ignava et partem vitae non attigit ullam.*

Some happen to have been dealt a father who respects the sabbath. They worship nothing except the clouds and spirit of the sky. They think there is no difference between pork, which their fathers abstained from, and human flesh. In time, they get rid of their fore-skins. And with their habit of despising the laws of Rome, they study, observe, and revere the Judaic code, as handed down by Moses in his mystic scroll which tells them not to show the way to anyone except a fellow worshipper and if asked, to take only the circumcised to the fountain. But it's their fathers who are to blame, taking every seventh day as a day of laziness and separate from ordinary life.

Reference to pig avoidance is here embedded in a series of other practices: respect for the Sabbath, veneration for the sky, and circumcision. Among these practices, circumcision again occupies a prominent role, as only the circumcised

<sup>53</sup> Juvenal, *Sat.* 6.157–60, ed. and trans. Mortond Braund, *Juvenal and Persius*.

<sup>54</sup> Juvenal, *Sat.* 14.96–106, ed. and trans. Mortond Braund, *Juvenal and Persius*.

can access baptism, i.e., immersion in water (*ad fontem*). Rolle observes that such rituals, far from being simply “odd,” serve to depict the Jews as antithetical in every respect to the Romans, whose law they despise (*Romanas autem soliti contemnere leges*). The Jews are used to treating animals as humans by showing them *clementia*, a typically human virtue, and considering the consumption of pigs a “cannibal” act. Conversely, they are involved in abominable practices concerning humans, such as incest.<sup>55</sup> Extending Rolle’s argument, I note that abstinence from pig implies, in Juvenal’s view, a complete inversion of the correct hierarchical relationship between humans and animals.

The excursus from Tacitus moves along similar lines. However, it delivers a higher amount of information concerning the origins of the Jews, their history until the destruction of Jerusalem by Titus, their land, and their rites, to which the historian devotes two paragraphs. Tacitus characterizes Jewish rites as “new,” which, as Rolle notes, here means “contrary to the established rituals of the Roman tradition.”<sup>56</sup> Moreover, these rites stand in contrast not only to the Roman religious tradition but to all the other religions (*Moses ... novos ritus contrariosque ceteris mortalibus indidit*). Like Juvenal, Tacitus underscores an opposite hierarchy of values between Romans and Jews (*profana illic omnia quae apud nos sacra, rursum concessa apud illos quae nobis incesta*). By describing the most ancient among the Jewish rites, Tacitus singles out seven main aspects. He begins by recalling (1) the historiographical motif according to which the Jews had a statue of an ass in their Temple and mentions the fact that they sacrifice (2) rams and (3) bulls, in open opposition to the Egyptians. The focus on the animals offers him the chance to mention (4) Jewish abstinence from the pig, which is followed by a reference to other dietary habits, such as (5) frequent fasting and (6) consumption of unleavened bread (*panis Iudaicus*):<sup>57</sup>

*Moses quo sibi in posterum gentem firmaret, novos ritus contrariosque ceteris mortalibus indidit. Profana illic omnia quae apud nos sacra, rursum concessa apud illos quae nobis incesta. Effigiem animalis, quo monstrante errorem sitimque depulerant, penetranti sacravere, caeso ariete velut in contumeliam Hammonis; bos quoque immolatur, quoniam Aegyptii Apin colunt. Sue abstinent memoria cladis, quod ipsos scabies quondam turpaverat, cui id animal obnoxium. Longam olim famem crebris adhuc ieiuniis fatentur, et raptarum frugum argumentum panis Iudaicus nullo fermento detinetur.*

To ensure his future hold over the people, Moses introduced a new cult, which was the opposite of all other religions. All that we hold sacred they held profane, and they allowed practices which we abominate. They dedicated in the innermost part of the Temple an

<sup>55</sup> Rolle, “Dimmi cosa non mangi,” 55–56.

<sup>56</sup> *Ibid.*, 58, with examples of the use of *novi* with this meaning in Tacitus’ contemporary literature.

<sup>57</sup> Tacitus, *Hist.* 5.4.1–3, trans. David S. Levene, *Tacitus: The Histories*, Oxford World’s Classics (Oxford: Oxford University Press, 2016), based on the text established by Heinrich Heubner, *Cornelii Taciti quae supersunt. Fasciculus 1: Historiarum libri* (Berlin: Teubner, 1978).

image of the animal whose guidance had put an end to their wandering and thirst, after first killing a ram, apparently as an insult to Ammon. They also sacrifice bulls, because the Egyptians worship the bull Apis. Pigs are subject to leprosy, the foul plague with which they too were once infected; so they abstain from pork in memory of their misfortune. Their frequent fasts bear witness to the long famine they once endured, and, in token of their rushed meal, Jewish bread is made without leaven.

The digression continues with a reference to (7) the Sabbath and the Sabbatical year, which closes the presentation of the most ancient Jewish customs. The following section mentions circumcision and draws from various motifs of the *misanthropia* traditionally attributed to the Jews in antiquity: here Tacitus notes how their hostility towards other religious and ethnic groups corresponds to a strong inner solidarity. Underscoring the sectarian way of life of the Jews, Tacitus also highlights that they eat “separately” (*separati epulis*), which seems to imply that they refuse commensality.<sup>58</sup>

Two remarks are in order on this account. First, drawing on previous historiographical and ethnographical tradition,<sup>59</sup> and perhaps also by direct knowledge as a result of the spreading of the Jewish cult in Rome,<sup>60</sup> Tacitus shows awareness of more aspects related to the Jewish religion than what one sees in the other sources, although his information remains inaccurate on several matters. When it comes to dietary laws, these remain essentially reduced to pig avoidance. Second, as observed by Rolle, Tacitus is the sole Latin author to provide a historical explanation for the prohibition of the pig. Jews would abstain from it in memory of the leper by which they were infected, presumably when they were in Egypt. The belief that the pig is a carrier of leprosy and scabies is reported by various ancient authors, such as, for example, Plutarch and Aelian, to explain pig avoidance either among Jews or among Egyptians.<sup>61</sup> As noted by René Bloch, Tacitus here contradicts what he stated previously, where Jews are considered by the oracle of Ammon to be responsible for the epidemic.<sup>62</sup> This suggests, once again, that such pieces of information were part of a traditional repertoire of ethnographical knowledge on Jews.

Overall, considering the witnesses from Juvenal and Tacitus against the background of contemporary and previous traditions regarding the Jews, one can make at least three remarks. First, as noted by scholars, these sources reveal substantial misinformation: vague references to what were perceived as the strangest

<sup>58</sup> Tacitus, *Hist.* 5.5.

<sup>59</sup> On this tradition, which includes the lost works of Hecataeus of Abdera, Poseidonios, and Pompeius Trogus, see René Bloch, *Antike Vorstellungen vom Judentum: Der Judenexkurs des Tacitus im Rahmen der griechisch-römischen Ethnographie* (Stuttgart: Steiner, 2002), 27–63.

<sup>60</sup> This is the opinion of Bilhah Wardy, “Jewish Religion in Pagan Literature during the Late Republic and Early Empire,” *ANRW* II.19.1 (1979): 617.

<sup>61</sup> Plut., *Quaest. Conv.* 670–71 b. For this belief attributed to the Egyptians see Plut., *Is. Os.* 353f–354a; Aelian, *Nat. an.* 10.16. On this motif see Grottanelli, “Avoiding Pork,” 70–74.

<sup>62</sup> Bloch, *Antike Vorstellungen*, 92 cf. *Hist.* 5.3.

aspects of the Jewish cult are combined with completely invented information. Second, even Tacitus, who systematically constructs Jewish rites in opposition to Egyptian ones, confuses Jews and Egyptian customs to a considerable degree. Third, within this context, several Jewish dietary habits caught the attention of Romans as an essential and peculiar component of Jewish religion; however, the awareness of some practices such as fasting or consumption of unleavened bread remains superficial, and dietary laws are, as usual, essentially reduced to pig avoidance.

In her analysis, Rolle underscores a social component in the denigration of the Jewish religion by Juvenal and Tacitus.<sup>63</sup> The individualistic nature of the Jewish cult led both the Jews and their sympathizers far away from the *mos maiorum*, the unwritten code of social and religious norms which regulates (or should regulate) Roman customs ever since the time of the ancestors. Consequently, the sectarian nature of this cult would eventually render it incompatible with complete integration within the Roman state. One can also wonder whether the polemical attitude of these Latin writers should not be read through a political lens, against the background of the second Jewish revolt against Rome (115–117 CE), which troubled the Emperor Trajan and put him in a difficult position during his campaigns against the Parthian kingdom. However, the weight of the political component remains difficult to assess. Such a reading might hold true for Juvenal; nevertheless, even here, one must hypothesize that a polemic against foreign customs fits the literary conventions of satirical genre. As for Tacitus, the composition of the *Historiae* does not fit the context perfectly either, for they probably date before 110 CE;<sup>64</sup> this means that they were written well before the Jewish revolts, in a period of relative “quiescence.”<sup>65</sup>

To complete the picture, I observe that in this period Jewish food prohibitions are objects of debate in some philosophical texts and that their mention is not accompanied by polemical accent. I turn now to this evidence before drawing some general conclusions.

#### 4. Plutarch and The Philosophical Tradition

In the fourth book of the *Symposiaka*, Plutarch devotes one of his questions to the issue of knowing “whether the Jews abstain from pork because of respect or aversion toward it” (Πότερον οἱ Ἰουδαῖοι σεβόμενοι τὴν ὕν ἢ δυσχεραίνοντες

<sup>63</sup> Rolle, “Dimmi cosa non mangi,” 60–61.

<sup>64</sup> According to Bloch (*Antike Vorstellungen*, 129), the excursus on the Jews could date between 100–5.

<sup>65</sup> Gruen, “Tacitus and the Defamation of the Jews,” 268–69. See also the remarks of Berthelot, *Philanthrôpia Judaica*, 161–67, who notes how some traits attributed by Tacitus to the Jews are *topoi* that were also applied to other foreign people.

ἀπέχονται τῶν κρεῶν).<sup>66</sup> The participants of the banquet raise different reasons to explain either the particular τιμή that the animal enjoys or the disgust that it can elicit. Explanations are organized according to three criteria: (1) historical-etiological accounts, (2) rational-materialistic reasons, and (3) τὰ μυθικὰ,<sup>67</sup> i. e., mythological or frankly legendary explanations. (1) As a classic etiological motif of respect towards pigs, Plutarch mentions, through the voice of the guest Callistratus, that the pig taught humans how to plough with its snout. He recalls a custom that is believed to be typical of the Egyptians since at least Herodotus, according to which Egyptian farmers send out the pigs to tread down the seed after the field has been sown.<sup>68</sup> This explanation opens into a digression on the various animals which Egyptians worship or keep in high esteem.<sup>69</sup> (2) Among the materialistic explanations he evokes is the same motif mentioned by Tacitus in his account on the Jews, i. e., that the animal is a carrier of leprosy and scabies; he also mentions the dirtiness traditionally associated with it and the fact that it has a very limited downward view, which makes it appear “unnatural” (παρὰ φύσιν) and seems to point to its stupidity. (3) The mythical etiology refers to the killing of Adonis by a boar or wild pig, and implies the identification of Adonis with Dionysus, who, in some traditions, would also be identified with the god of the Jews. The debate on the origin of the tradition according to which the Jews would worship Dionysus closes the discussion and provides the background for the following question (“Who is the god of the Jews?” 671d–672c).

This discussion proves interesting for several reasons, which until now have been only partly highlighted by scholars and cannot be fully explored here. Three relevant points can be outlined. First, as Cristiano Grottanelli<sup>70</sup> demonstrates in detail, in this passage Plutarch exploits a set of well-established “porcine *topoi*”<sup>71</sup> to explain Jewish abstention from swine meat. Some of these *topoi* goes back to a “pig lore” that has parallels in ancient Near Eastern texts and in biblical texts as well, especially for what concerns the motif of the dirtiness, the impurity, and the stupidity of the pig, all of which also occur in biblical traditions.<sup>72</sup> On the contrary, other motifs, such as the value of the pig in the process of sowing fields, are exclusively of Greek and Roman origin but are applied here to the Jews or to the Egyptians in order to assess their customs from a Greco-Roman perspective. Hence, this passage confirms the potential for the animal to function as an

<sup>66</sup> Plutarch, *Quaest. conv.* 4.5 (669 e–671 c). See the full text and translation in Appendix.

<sup>67</sup> Plutarch, *Quaest. conv.* 4.5 (671 b).

<sup>68</sup> Herodotus, *Hist.* 2.14.

<sup>69</sup> Plutarch, *Quaest. conv.* 4.5 (670 a–c).

<sup>70</sup> Grottanelli, “Avoiding Pork”.

<sup>71</sup> *Ibid.*, 82.

<sup>72</sup> See, e. g., Prov 11:22 and the texts discussed by Angelini, “Table for Fortune,” pp. 163–66 in this volume.

operator to construct identity not only in strictly religious terms but also from a broader cultural perspective.

Second, this is the first and only text among those under investigation that shows awareness of Jewish prohibitions on animals other than the pig. In the dialogue, Callistratus mentions that the Jews abstain from the hare as well, and wonders whether this is because they abhor the animal as polluting and unclean (ὡς μυσερὸν καὶ ἀκάθαρτον δυσχεραίνοντας τὸ ζῷον).<sup>73</sup> While Callistratus' remark draws near to the biblical rationale for food prohibitions, and his language is even close to the biblical texts,<sup>74</sup> his explanation is considered the less plausible reason for justifying pig avoidance. The subsequent correction made by Lamprias returns to a classical motif of ethnography on the Jews. Lamprias maintains that they abstain from the hare because it resembles the ass, which they worship. In this way, he uses the accusation of worshipping an ass, mentioned by Tacitus and other ancient writers, to explain the prohibition on the hare.

Third, as one finds in Greek ethnography, Plutarch parallels the customs of the Jews to those of the Egyptians. However, he tries to make a clearer differentiation between the two, albeit not always successfully. Moreover, Plutarch's remarks are here inscribed in a broader comparative analysis, as he also mentions "indigenous" Pythagorean doctrines that prescribe abstention from certain species, and food prohibitions in vogue among the "Magi." However, the recurrence of the association between Jewish abstention from certain animal species and Egyptian theriolatry confirms again that, from a Greek or Roman perspective, the most immediate and simplest reason for justifying the avoidance of animal consumption must be their deification. As I have noted, purity concerns, while evoked by Callistratus, were considered less credible, even though the Greeks were familiar with some examples of purity regulations concerning animals within their own religious traditions.

Plutarch's discussion reflects that the avoidance of pig elicited a certain curiosity in Greek and Roman intellectual circles,<sup>75</sup> to whom it must have looked astonishing: in their view, as Plutarch says, swine meat is the most proper (τὸ δικαιότατον κρέας, 669 d–e). However, the mention of the hare and the comparison with other religious and philosophical traditions show that the issue was also becoming part of a larger debate. To be sure, while such a debate fits well in the literary genre of table talk, it also shows the potential to enhance a broader philosophical discussion on the possibilities of meat consumption and vegetarianism, which occur elsewhere in Plutarch's dialogues and are later developed by Porphyry and other philosophers.

<sup>73</sup> Plutarch, *Quaest. conv.* 4.5 (670 e). For the prohibition of the hare, see Lev 11:6; Deut 14:7.

<sup>74</sup> See, e.g., the occurrence of the late form μυσερὸν, here and in Lev 18:23.

<sup>75</sup> On the audience of the *Table Talk* see the remarks of Anastasios G. Nikolaidis, "Past and Present in Plutarch's Table Talk," in *Space, Time and Language in Plutarch*, ed. Aristoula Georgiadou and Katerina Oikonomopoulou (Berlin: de Gruyter, 2017), 257–70.

A contemporary text confirms the role played by the prohibition on the pig within philosophical debate. In a passage from the *Discourses* of Epictetus, transmitted by his disciple Arrian, the Stoic philosopher discusses preconceptions, or common notions, that constitute an important component in Stoic ethics. Preconceptions are universal and innate, and they form a consistent system of values on which everyone agrees. Disagreement arises always from the application of such preconceptions to particular instances. The philosopher provides as an example of such particular instances the conflicting viewpoints of Jews, Syrians, Egyptians, and Romans on swine meat:<sup>76</sup>

[1] Προλήψεις κοινὰ πᾶσιν ἀνθρώποις εἰσὶν· καὶ πρόληψις προλήψει οὐ μάχεται. Τίς γὰρ ἡμῶν οὐ τίθησιν, ὅτι τὸ ἀγαθὸν συμφέρον ἐστὶ † ἐστὶ καὶ αἰρετὸν καὶ ἐκ πάσης αὐτὸ περιστάσεως δεῖ μετιέναι καὶ διώκειν; τίς δ' ἡμῶν οὐ τίθησιν, ὅτι τὸ δίκαιον καλὸν ἐστὶ καὶ πρέπον; [2] πότε οὖν ἡ μάχη γίνεται; περὶ τὴν ἐφαρμογὴν τῶν προλήψεων ταῖς ἐπὶ μέρους οὐσίαις, [3] ὅταν ὁ μὲν εἴπῃ·καλῶς ἐποίησεν, ἀνδρείός ἐστιν·οὐ, ἀλλ' ἀπονενοημένος.' Ἐνθεν ἡ μάχη γίνεται τοῖς ἀνθρώποις πρὸς ἀλλήλους. [4] Αὕτη ἐστὶν ἡ Ἰουδαίων καὶ Σύρων καὶ Αἰγυπτίων καὶ Ῥωμαίων μάχη, οὐ περὶ τοῦ ὅτι τὸ ὅσιον πάντων προτιμητέον καὶ ἐν παντὶ μεταδιωκτέον, ἀλλὰ πότερόν ἐστιν ὅσιον τοῦτο τὸ χοιρείου φαγεῖν ἢ ἀνόσιον.

[1] Preconceptions are common to all men. And preconception does not conflict with preconception. For who of us does not assume that the good is “beneficial and choice worthy,” and in all cases to be strived after and pursued? Who of us does not assume that justice is fair and appropriate? [2] Where, then, does conflict arise? In applying preconceptions to particular cases. [3] As when one person says, ‘Well done, he is a brave man,’ but another says, ‘No, he is out of his mind.’ This is the source of men’s conflict with each other. [4] This is the conflict among Jews, Syrians, Egyptians, and Romans – not that what is holy should be preferred above all and in all cases pursued, but whether it is holy, or unholy, to eat this particular joint of pork.

Reading the text in its larger context cautions against the interpretation, still occasionally found in scholarship, that this excerpt mocks Jewish abstention from the pig; this is certainly not the text’s aim. Moreover, a deeper look at the context suggests that this passage is not simply a “casual reference” to the pig prohibition, as has been interpreted by Jordan Rosenblum; it can instead tell us something more.<sup>77</sup> First, the different dietary habits of Jews, Syrians, Egyptians, and Romans regarding food occur elsewhere in the first discourse of Epictetus, in a passage that prepares the subsequent discussion on preconceptions: this hints at the paradigmatic value of this example.<sup>78</sup> Second, the reference to the pig prohibition is one of two examples given by Epictetus to showcase the

<sup>76</sup> Arrian, *Epict. Diss.* 1.22.1–4, trans. Robert F. Dobbin, *Epictetus: Discourses: Book I*, Clarendon Later Ancient Philosophers (Oxford: Clarendon, 1998). On the notion of “preconception” in this passage see A.A. Long, *Epictetus: A Stoic and Socratic Guide to Life* (Oxford: Oxford University Press, 2002), 80–82.

<sup>77</sup> Rosenblum, “Why Do You Refuse to Eat Pork?” 97–98; idem, *Dietary Laws*, 31–32.

<sup>78</sup> Arr., *Epict. Diss.* 1.11.12–13.



difficulty in adapting universal values to particular cases, the second example being the well-known Homeric dispute between Achilles and Agamemnon over Chryseis, which opens the *Iliad*.<sup>79</sup> Third, as Robert Dobbin<sup>80</sup> notes, it is probable that the pig prohibition serves Epictetus here as a counterexample to contrast the critique regarding the common notions brought against Stoicism by the Sceptics. As reported by Sextus Empiricus,<sup>81</sup> who summarizes older Pyrrhonian doctrines, the Sceptics appealed to the same example, and to similar ones concerning food avoidances, to sustain the opposite view, i. e., the impossibility of the existence of common notions among men. Therefore, this passage demonstrates that among the ethnographic *topoi* exploited in philosophical discourse, dietary habits and more specifically the different views on the pig had become so popular that they were paired with what was *the* example par excellence of an unsolvable dispute within the Greek tradition (i. e., the dispute between Achilles and Agamemnon). It also shows, on a broader level, that the animal was a malleable philosophical operator to be put to use by opposite epistemological points of view.

I cannot conclude the survey of the philosophical traditions referring to food prohibitions without briefly mentioning the proceedings of the allegorical interpretation of ancient myth and poetry, known as “allegoresis,” which flourished in Alexandria between the second century BCE and the first century CE and was especially developed by the Stoics.<sup>82</sup> As noted by scholars, Jewish allegoric exegesis, as practiced by Aristobulus and especially by Philo, provided a substantial contribution to the development of the methodology of the allegoresis.<sup>83</sup> Philo’s treatment of Jewish dietary laws in his commentary on biblical laws and elsewhere constitutes an excellent example of this methodology.<sup>84</sup> Scholars have

<sup>79</sup> Arr., *Epict. Diss.* 1.22.5–8.

<sup>80</sup> Dobbin, *Epictetus*, 356–57.

<sup>81</sup> Sextus Empiricus, *Pyrr.* 3. 223: Ἰουδαῖος μὲν γὰρ ἢ ἱερεὺς Αἰγύπτιος θάττον ἂν ἀποθάνοι ἢ χοίρειον φάγοι, Λίβυς δὲ προβατείου γεύσασθαι κρέως τῶν ἀθεσμοτάτων εἶναι δοκεῖ, Σύρων δὲ τινες περιστερᾶς, ἄλλοι δὲ ἱερείων. ἰχθύς τε ἐν τισὶ μὲν ἱεροῖς θέμις ἐσθίειν, ἐν ἄλλοις δὲ ἀσεβές. Αἰγυπτίων τε τῶν σοφῶν εἶναι νενομισμένων οἱ μὲν κεφαλὴν ζώου φαγεῖν ἀνίερρον εἶναι νομίζουσιν, οἱ δὲ ὠμοπλάτην, οἱ δὲ πόδα, οἱ δὲ ἄλλο τι. “A Jew or an Egyptian priest would sooner die than eat swine’s flesh; by a Libyan it is regarded as most impious to eat sheep, by some of the Syrians to eat a dove, and by others to eat sacrificial victims. And among those who are considered the wise of the Egyptians, some consider unholy to eat the head of an animal, others the shoulder blade, others the foot, others something else.”

<sup>82</sup> For an overview, see Roberto Radice, “Introduzione,” in Ilaria Ramelli, Giulio A. Lucchetta, *Allegoria. Vol. 1: Letà classica*, Temi metafisici e problemi del pensiero antico (Milan: Vita e Pensiero, 2004), 7–45.

<sup>83</sup> See Clara Klaus Reggiani, “L’esegesi allegorica della Bibbia come fondamento di speculazione filosofica nel giudaismo ellenistico: Aristobulo e Filone Alessandrino,” *Enrahonar: Quaderns de Filosofia* 13 (1986): 31–42; Ellen Birnbaum, “Allegorical Interpretation and Jewish Identity among Alexandrian Jewish Writers,” *Neotestamentica et Philonica* (2003): 307–29; Roberto Radice, “A proposito del rapporto fra Filone e gli Stoici,” *Fortunatae* 17 (2006): 127–49.

<sup>84</sup> Philo, *Spec.* 4.100–118; see also *Agr.* 131–45 (on chewing the cud and dividing the hoof);

rightly underscored how, in Philo's exegesis, every single aspect of the biblical dietary laws serves to teach self-control against morally corrupting and unruly desire and instead to promote rational reasoning and piety.<sup>85</sup> For our purposes I only note that Philo begins commenting on the section of biblical laws devoted to dietary prescriptions by paying special attention to the pig, which, he says, provides the "most delicious" flesh: *χερσαίων μὲν οὖν τὸ συῶν γένος ἥδιστον ἀνωμολόγηται παρὰ τοῖς χρωμένοις* ("Among the land animals the species of pig is unanimously considered to be the most delicious by those who consume it").<sup>86</sup> This opening declaration attests Philo's consciousness that Jewish dietary laws are reduced for non-Jews primarily to pig avoidance. Other passages reflect his awareness in an even more explicit way, and can be considered a response to this view: one can think similarly of the famous report of his embassy to Caligula, when the emperor supposedly asked, "Why do you refuse to eat pork?"<sup>87</sup>

Philo's comments become even more interesting when examined in the light of a similar expression coming from 4 Maccabees. Unsurprisingly, the book of 4 Maccabees designates a place of importance to the metaphorical interpretation of Jewish dietary prohibitions. The composition of the book dates to the first or early second century CE, while the place of composition is debated between Judea, Syria, Egypt, and Asia Minor.<sup>88</sup> The book has as the core argument that pious reason can master passions. Accordingly, the history of Jewish martyrs who preferred to die instead of breaking their laws becomes the perfect illustration of this principle. The narrative adopts the account of Jewish martyrdom from 2 Maccabees, where the scribe Eleazar and seven anonymous young brothers are tortured and put to death for their refusal to eat pig (2 Macc 6:18–7:42) and develops it in the direction of a moral debate. The formulation is intriguing because, while differing greatly in tone from 2 Maccabees, it refers to swine

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*Her.* 239 (on insects and reptiles); *Leg.* 2.105–108; 3.138–139, *Migr.* 64–69 and *Opif.* 163–164 (on reptiles); *Post.* 148–51 (on rumination).

<sup>85</sup> See James N. Rhode, "Diet and Desire: The Logic of the Dietary Laws according to Philo," *ETL* 79 (2003): 122–33; Rosenblum, *Dietary Laws*, 52–59. Philo's allegorizing interpretation, which builds on a correspondence between external shape or behavior of the animals and moral values, hence assuming a correspondence between order of nature and divine logic, goes back to the *Letter of Aristeas* and to the Pythagorean *akousmata*: see on this Katell Berthelot, "L'interprétation symbolique des lois alimentaires dans la *Lettre d'Aristée*: une influence pythagoricienne," *JJS* 52 (2001): 253–68; Anna Angelini, "Reception and the Idealization of the Torah," 440–45.

<sup>86</sup> Philo, *Spec.* 4.101.

<sup>87</sup> *Legat.* 361. On the prominent place of the pig among the prohibited meat, see also *Agr.* 144–45.

<sup>88</sup> For an assessment of the debate on the date and provenance of 4 Maccabees see David A. DeSilva, *4 Maccabees: Introduction and Commentary on the Greek Text in Codex Sinaiticus, Septuagint Commentary Series* (Leiden: Brill, 2006), xiv–xx; Robert J. V. Hiebert, "Makkabai-on IV/4 Maccabees," in *Introduction to the Septuagint*, ed. Siegfried Kreuzer (Waco, TX: Baylor University Press, 2019), 291–92.

meat as “very excellent” (καλλίστην), and provided “by nature” (τῆς φύσεως κεχαρισμένης):<sup>89</sup>

διὰ τί γὰρ τῆς φύσεως κεχαρισμένης καλλίστην τὴν τοῦδε τοῦ ζώου σαρκοφαγίαν βδελύττη;

Why should you abhor eating the very excellent meat of this animal when nature provided it?

In Plutarch, as well as in Philo and 4 Maccabees, pork is referred to superlatively in the same way, as the most appropriate (δικαιότατον), the most delicious (ἡδιστον), and the most excellent (καλλίστην) type of meat. This similar terminology suggests that a literary strategy is at work among Jewish authors, which appropriates a Greco-Roman perspective to promote Jewish values.

## 5. Conclusions

To conclude this survey, I return to the questions raised in the introduction, which allow one to summarize the main results of the inquiry as well as outline some implications of the present study. The first question concerns (1) the knowledge of biblical dietary laws by Greek and Roman authors and the role of such laws in their representation of the Jewish religion. Based on the evidence at our disposal, dietary restrictions played no role in the first ethnographic descriptions of Jews in Early Hellenistic sources. The first knowledge of restrictions related to pig’s consumption might stem from second-century BCE historiography, in connection with the history of Antiochus’ siege of Jerusalem. While the sources of the Late Republican and Augustan age, notably the witticisms attributed to Cicero and Augustus, are dubious, by the first century CE several witnesses attest that dietary habits have become a permanent marker of Jewish religion in Greek and Roman eyes. As such, they are recognized as one of the most ancient Jewish customs and form part of a triad that associates pig avoidance with the Sabbath and circumcision as stereotypical markers of “Jewishness.” Although the knowledge of biblical dietary laws is almost exclusively limited to pig avoidance, other aspects related to the Jewish foodways occasionally elicit the attention of Latin writers, such as fasting, the Sabbath dinner, and the consumption of unleavened bread. This knowledge probably results from the direct observation of Jewish behaviors in Rome: either through contacts with the Jewish community or, perhaps more likely, by observing the “Judaizing” habits of some Romans. However, the knowledge of Jewish dietary regulations and traditions remains very superficial overall and is often biased. In this regard, the accent put on the Jewish refusal of commensality, mentioned for example by Tacitus, derives from

<sup>89</sup> 4 Macc 5:8.

previous traditions on Jewish *misoxenia*. As noted by Berthelot, this aspect might have in turn entailed a negative evaluation of the Jewish dietary laws.<sup>90</sup> Moreover, the frequent association between Jews and Egyptians in sharing food avoidance, found especially in Greek sources, confirms that these cults were not clearly distinguished by ancient authors.

A second issue concerns (2) the goals that references to Jewish food prohibitions may have served in different ancient traditions. In this regard, the evidence examined here suggests a distinction between two different contexts. The first context sees pig avoidance as a typical object of mockery of the Jews. In such settings, pig avoidance can recur as a simple joke, as can be seen in the witticism attributed to Augustus about Herod's son, or in the question addressed by Caligula to Philo. Alternatively, it can serve as a point of departure to enhance a discussion on animal worship. The veiled or open reference to theriolatry, which in the fragment attributed to the *Satyrice* remains on the level of a *divertissement* (the *numen porcinus*), could also be turned into a more serious discourse on the establishment of identity boundaries through religious practices. This is confirmed by the self-defense of Josephus against the accusations of theriolatry by Apion, certainly built in turn on older traditions attempting to position Egyptian and Jewish religions vis-à-vis Greek religion. Accordingly, the topic of pig avoidance was a particularly fitting target for Latin satire, which reaches its strongest polemical tones in Juvenal. The almost contemporary excursus on the Jews from Tacitus' *Historiae* raises the additional issue of discerning whether such polemical accents can be explained by more specific problems of a social, political, and religious nature as derived by the spread of Jewish cults in Rome by the beginning of the second century CE, and by the subsequent concerns raised among the political establishment. To be sure, Juvenal's satires are composed around the time of the Jewish revolt against Rome, and they may reflect a growing disension between Roman authorities and the Jewish community. Moreover, literary and material witnesses from this period attest to the success of the improperly called "oriental" cults among different strata of Roman society, including its higher class. Whether this grew to the point of raising apprehension in Roman religious policy, usually tolerant towards foreign cults, remains difficult to evaluate. For this, other elements also need to be considered. The Roman fascination with foreign cults like those of the Egyptians and the Jews seems limited mostly to a few eye-catching elements of both religions, which were often mixed or even confused with one another. This interest resulted in what might have been a syncretic attitude, which could have easily coexisted with the traditional practices of the Roman religion instead of aiming to replace them. Other aspects should also be taken into account: the literary conventions of the satiric genre for Juvenal; the harsh and dark humor typical of Tacitus' style; the traditionalistic approach

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<sup>90</sup> Berthelot, *Philanthrôpia Judaica*, 172.

of both authors to the issue of the “decadence” of Roman customs represented by the *mos maiorum*, and the overall tradition of “cultural snobbery”<sup>91</sup> that is a distinctive element of Greek and Roman ethnography. When these elements are considered together, they speak against an exclusively political and social reading of the polemic toward Jewish religious traditions.

The second context in which a discourse on Jewish dietary prohibitions emerges is the philosophical tradition. The dialogue of Plutarch, while showing awareness of the prohibition on the hare in addition to that on the pig, suggests that by the beginning of the second century CE the discussion on Jewish dietary restrictions was not limited to the classical motif of theriolatry, but was becoming part of a broad comparative discourse on food avoidances. This perspective associates the so-called oriental religions with other Greek religious movements perceived as peripheral in comparison with the traditional core of Greek and Roman religious practice, such as Pythagoreanism. From this perspective, not only were dietary restrictions exempt from disdain, but they were regarded with interest, or even a certain admiration.

The last question concerns the way in which (3) references to Jewish food prohibitions enhanced a confrontation or a dialogue between Jewish and Cassical authors. It seems that Jewish dietary restrictions enhanced a confrontation on two levels, which also correspond to two distinct geographical settings. The first level takes the form of “cultural opposition” and “cultural resistance” and pertains to the Roman context more specifically. In this regard, the sources analyzed here confirm that the focus on the pig crystallizes the opposition from both sides. However, such a discourse does not betray any genuine interest in or knowledge of Judaism by Roman authors. What worries Latin writers, especially Juvenal and Tacitus, is what Romans could make of Jewish practices, much more than what Jewish religion was. Moreover, their critiques address different forms of “sympathizing,” “sabbatizing,” or “judaizing” – the *similia sectantes*, to use the language of Suetonius – while there is no plain reference to a full conversion.<sup>92</sup> These observations imply the pairing of two positions often held in scholarship: that Greek and Roman authors had “Judeophobic” attitudes, on the one hand, and that Jews were highly engaging in proselyte activity, on the other. While critical voices have arisen against each of these claims,<sup>93</sup> the scholarly

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<sup>91</sup> I borrow this expression from Eric S. Gruen, “Was There Judeophobia in Classical Antiquity?” in *The Construct of Identity in Hellenistic Judaism: Essays on Early Jewish Literature and History* (Berlin: de Gruyter, 2018), 318–19.

<sup>92</sup> The passage from Cassius Dio should be dismissed, for it very likely concerns a later period.

<sup>93</sup> See Gruen, “Judeophobia”; René Bloch, “Antisemitism and Early Scholarship on Ancient Antisemitism,” in *Protestant Bible Scholarship: Antisemitism, Philosemitism and Anti-Judaism*, ed. Arjen Bakker et al. (Leiden: Brill, 2022), 41–62. On the debated issue of Jewish proselytism see, e.g., Orrieux, *Prosélytisme Juif?* and Leonard Victor Rutgers, “Attitudes to Judaism in the

debate would likely benefit from considering these phenomena in relation to one another. Indeed speaking of “Judeophobia” in antiquity might be equally anachronistic as assuming uncritically the existence of Jewish proselytism.

As for the second level of cultural confrontation, one must turn again to the philosophical tradition. The pig occurs as an example par excellence in the writings of the Stoics and Sceptics, such as Epictetus and Sextus Empiricus; moreover, it has a place of importance in the contemporary Jewish allegorical exegesis in Alexandria, and in the philosophical discourse elaborated in 4 Maccabees. These references point toward a more international context and indicate that not only abstention from pig but also the debate around it had become an established cliché, to the point that it could be used as a concrete example to illustrate different theoretical notions. These sources, in addition to the witness from Plutarch's *Table Talk*, underscore the potential for animals to act as a catalyst for a genuine intellectual dialogue. This hardly comes as a surprise, for animals are notoriously “good to think”: this means that they can activate a high number of cultural representations while at the same time remaining cognitively simple and intuitive tools. Therefore, they have a long history of serving as “philosophical” operators.<sup>94</sup> What seems rather new in this context, however, is that foodways have started to play a similar role to that of animals. Not only do they shape identity constructs and concur to reinforce identity boundaries but they turn out to be equally “good to think.”

### Appendix: Plutarch's *Moralia*, Table Talk IV, Question 5 (669e–671c)

The text and translation follow Plutarch, *Moralia*, Volume VIII: *Table-Talk*, Books 1–6., trans. P.A. Clement, H. B. Hoffleit, LCL 424 (Cambridge, MA: Harvard University Press, 1969).

Πότερον οἱ Ἰουδαῖοι σεβόμενοι τὴν ὕν ἢ δυσχεραίνοντες ἀπέχονται τῶν κρεῶν

1. Ἐπεὶ δὲ ταῦτ' ἐρρήθη, βουλομένων τινῶν ἀντικατατείνειν τὸν ἕτερον λόγον ἐκκρούων ὁ Καλλίστρατος ἔφη, “πῶς ὑμῖν δοκεῖ λελέχθαι τὸ (F) πρὸς τοὺς Ἰουδαίους, ὅτι τὸ δικαιοτάτον κρέας οὐκ ἐσθίουσιν;” “ὑπερφυῶς,” ἔφη ὁ Πολυκράτης, “ἐγὼ δὲ καὶ προσδιαπορῶ, πότερον οἱ ἄνδρες τιμῇ τινι τῶν ὕων ἢ μυσσαττόμενοι τὸ ζῶον ἀπέχονται τῆς βρώσεως αὐτοῦ· τὰ γὰρ παρ' ἐκείνοις λεγόμενα μύθοις ἔοικεν, εἰ μὴ τινας ἄρα λόγους σπουδαίους ἔχοντες οὐκ ἐκφέρουσιν.”

2. “Ἐγὼ μὲν τοίνυν,” εἶπεν ὁ Καλλίστρατος, “οἶμαι τινα τιμὴν τὸ ζῶον ἔχειν παρὰ τοῖς ἀνδράσιν· εἰ δὲ δύσμορφον ἢ ὕς καὶ θολερὸν, ἀλλ' (670 A) οὐ κανθάρου καὶ μυγαλῆς

Greco-Roman Period: Reflections on Feldman's ‘Jew and Gentile in the Ancient World,’ *JQR* 85 (1995): 361–95; for a recent assessment see Berthelot, “Convert or Not to Convert?”

<sup>94</sup> See on this Anna Angelini, “La place de l'animal dans l'étude des religions antiques,” *RTP* 154 (2022): 494–95.

καὶ κροκοδείλου καὶ αἰλούρου τὴν ὄψιν ἀτοπώτερον ἢ τὴν φύσιν ἀμουσώτερον· οἷς ὡς ἀγνωτάτοις ἱερεῖς Αἰγυπτίων ἄλλοις ἄλλοι προσφέρονται. τὴν δ' ἔτι ἀπὸ χρηστῆς αἰτίας τιμᾶσθαι λέγουσιν· πρώτη γὰρ σχίσασα τῷ προύχοντι τοῦ ῥύγχους, ὡς φασι, τὴν γῆν ἰχθὺς ἀρόσεως ἔθηκεν καὶ τὸ τῆς ὕνεως ὑψηλῆσ' ἔργον· ὅθεν καὶ τοῦνομα γενέσθαι τῷ ἐργαλείῳ λέγουσιν ἀπὸ τῆς ὕος. οἱ δὲ τὰ μαλθακὰ καὶ κοῖλα τῆς χώρας Αἰγύπτιοι γεωργοῦντες οὐδ' ἀρότου δέονται τὸ παράπαν· (B) ἀλλ' ὅταν ὁ Νεῖλος ἀπορρέῃ καταβρέξας τὰς ἀρούρας, ἐπακολουθοῦντες τὰς ὕς κατέβαλον, αἱ δὲ χρησάμεναι πάτω καὶ ὀρυχῆ ταχὺ τὴν γῆν ἔτρεψαν ἐκ βάθους καὶ τὸν σπόρον ἀπέκρυσαν. οὐ δεῖ δὲ θαυμάζειν, εἰ διὰ τοῦτο τινες ὕς οὐκ ἐσθίουσιν, ἐτέρων ζῶων μεῖζονας ἐπ' αἰτίας γλίσχραις, ἐνίων δὲ καὶ πάνυ γελοίαις, τιμὰς ἐχόντων παρὰ τοῖς βαρβάροις. Τὴν μὲν γὰρ μυγαλῆν ἐκτεθειάσθαι λέγουσιν ὑπ' Αἰγυπτίων τυφλὴν οὖσαν, ὅτι τὸ σκότος τοῦ φωτὸς ἡγοῦντο πρεσβύτερον· τίκτεσθαι δ' αὐτὴν ἐκ μυῶν πέμπτη γενεὰ νομηνίας οὕσης· ἔτι δὲ μειοῦσθαι τὸ ἦπαρ ἐν τοῖς ἀφανισμοῖς τῆς σελήνης. Τὸν δὲ λέοντα τῷ ἡλίῳ συνοικεῖουσιν, ὅτι τῶν γαμψωνύχων τετραπόδων βλέποντα τίκει (C) ὁ μόνος, κοιμᾶται δ' ἀκαρὲς χρόνου καὶ ὑπολάμπει τὰ ὄμματα καθεύδοντος· κρῆνα δὲ κατὰ χασμάτων λεοντείων ἐξιᾶσι κρουνούς, ὅτι Νεῖλος ἐπάγει νέον ὕδωρ ταῖς Αἰγυπτίων ἀρούραις ἡλίου τὸν λέοντα παροδεύοντος. τὴν δ' ἰβὶν φασιν ἐκκολαφθεῖσαν εὐθύς ἔλκειν δύο δραχμάς, ὅσον ἄρτι παιδίου γεγονότος καρδίαν· ποιεῖν δὲ τῇ τῶν ποδῶν ἀποστάσει πρὸς ἀλλήλους καὶ πρὸς τὸ ῥύγχος ἰσόπλευρον τρίγωνον. καὶ τί ἂν τις Αἰγυπτίους αἰτιῶτο τῆς τοσαύτης ἀλογίας, ὅπου καὶ τοὺς (D) Πυθαγορικοὺς ἰστοροῦσιν καὶ ἀλεκτρυόνα λευκὸν σέβεσθαι καὶ τῶν θαλαττίων μάλιστα τρίγλης καὶ ἀκαλήφης ἀπέχεσθαι, τοὺς δ' ἀπὸ Ζωροάστρου μάγους τιμᾶν μὲν ἐν τοῖς μάλιστα τὸν χερσαῖον ἐχίνον, ἐχθαίρειν δὲ τοὺς ἐνὺδρους μῦς καὶ τὸν ἀποκτείνοντα πλείστους θεοφιλῆ καὶ μακάριον νομίζεῖν; οἶμαι δὲ καὶ τοὺς Ἰουδαίους, εἴπερ ἐβδελύττοντο τὴν ἕν, ἀποκτείνειν ἄν, ὥσπερ οἱ μάγοι τοὺς μῦς ἀποκτείνουσι· νῦν δ' ὁμοίως τῷ φαγεῖν τὸ ἀνελεῖν ἀπόρρητόν ἐστιν αὐτοῖς. καὶ ἴσως ἔχει λόγον, ὡς τὸν ὄνον ἀναφήναντα πηγῆν αὐτοῖς ὕδατος τιμῶσιν, οὕτως καὶ τὴν ἕν σέβεσθαι σπόρου καὶ ἀρότου διδάσκαλον γενομένην· εἰ μὴ, Ἐνὶ Δία, καὶ τοῦ λαγωοῦ φήσει τις (E) ἀπέχεσθαι τοὺς ἄνδρας ὡς μυσερὸν καὶ ἀκάθαρτον δυσχεραίνοντας τὸ ζῶον.”

3. “Οὐ δὴτ’,” ἔφη ὁ Λαμπρίας ὑπολαβὼν, “ἀλλὰ τοῦ μὲν λαγωοῦ φείδονται διὰ τὴν πρὸς τὸν ὄνον τιμῶμενον ὑπ’ αὐτῶν μάλιστα θηρίον ἐμφέρειαν. ὁ γὰρ λαγὼς μεγέθους ἔοικε καὶ πᾶχος ἐνδεῆς ὄνος εἶναι· καὶ γὰρ ἡ χροὰ καὶ τὰ ὄτα καὶ τῶν ὀμμάτων ἡ λιπαρότης καὶ τὸ λαμυρὸν ἔοικε θαυμασίως· ὥστε μηδὲν οὕτω μικρὸν μεγάλω τὴν μορφὴν ὅμοιον γεγενῆσθαι. εἰ μὴ νῆ Δία καὶ πρὸς τὰς ποιότητας αἰγυπτιάζοντες τὴν ἀκρίβειαν τοῦ ζώου θεῖον ἡγοῦνται καὶ τὴν ἀκρίβειαν τῶν Φαισθητηρίων· ὅτε γὰρ ὀφθαλμὸς ἀτρυτός ἐστιν αὐτῶν, ὥστε καὶ καθεύδειν ἀναπεπταμένοι τοῖς ὄμμασιν, ὄξυκοῖα τε δοκεῖ διαφέρειν, ἢν Αἰγύπτιοι θαυμάσαντες ἐν τοῖς ἱεροῖς γράμμασιν ἀκοῆν σημαίνουσιν οὖς λαγωοῦ γράφοντες. Τὸ δ' ἕνιον κρέας οἱ ἄνδρες ἀφοσιοῦσθαι δοκοῦσιν, ὅτι μάλιστα πάντων οἱ βάρβαροι τὰς ἐπὶ χρωτὸς λεύκας καὶ λέπρας δυσχεραίνουσι καὶ τῇ προσβολῇ τὰ τοιαῦτα καταβόσκεισθαι πάθη (671A) τοὺς ἀνθρώπους οἴονται, πᾶσαν δ' ἕν τὴν γαστέρα λέπρας ἀνάπλεων καὶ ψωρικῶν ἐξανθημάτων ὀρώμεν, ἃ δὴ, καχεξίας τύπος ἐγγενομένης τῷ σώματι καὶ φθορᾶς, ἐπιτρέχειν δοκεῖ τοῖς σώμασιν. οὐ μὴν ἀλλὰ καὶ τὸ θολερὸν περὶ τὴν δίαίταν τοῦ θρέμματος ἔχει τινὰ πονηρίαν· οὐδὲν γὰρ ἄλλο βορβόρω χαῖρον οὕτω καὶ τόποις ῥυπαροῖς καὶ ἀκαθάρτοις ὀρώμεν, ἔξω λόγου τιθέμενοι τὰς τὴν γένεσιν καὶ τὴν φύσιν ἐν αὐτοῖς ἔχοντα τούτοις. λέγουσι δὲ καὶ τὰ ὄμματα τῶν ὕων οὕτως ἐγκεκλάσθαι καὶ κατεσπᾶσθαι ταῖς ὄψεσιν, ὥστε μηδὲν ἀντιλαμβάνεσθαι μηδέποτε τῶν ἄνω μηδὲ προσορᾶν τὸν οὐρανόν, (B) ἂν μὴ φερομένων ὑπτίων ἀναστροφῆν τινα παρὰ φύσιν αἱ κόραι λάβωσιν· διὸ καὶ μάλιστα κραυγῇ χρώμενον τὸ ζῶον ἡσυχάζειν, ὅταν οὕτω φέρηται, καὶ σιωπᾶν κατατεταμβημένον ἀηθεία τὰ οὐράνια καὶ κρείττονι φόβῳ τοῦ βοᾶν

συνεχόμενον. εἰ δὲ δεῖ καὶ τὰ μυθικὰ προσλαβεῖν, λέγεται μὲν ὁ Ἄδωνις ὑπὸ τοῦ συὸς διαφθαρῆναι, τὸν δ' Ἄδωνιν οὐχ ἕτερον ἀλλὰ Διόνυσον εἶναι νομίζουσιν, καὶ πολλὰ τῶν τελουμένων ἑκατέρω περὶ τὰς ἐορτὰς βεβαιοῖ τὸν λόγον· οἱ δὲ παιδικὰ τοῦ Διονύσου γεγονέναι· καὶ Φανοκλῆς, ἐρωτικός ἀνήρ, οὐ ... δῆπου πεποιίκεν

(C) ἢ δ' ὡς θεῖον Ἄδωνιν ὀρειφοίτης Διόνυσος ἤρπασεν, ἡγαθέην Κύπρον ἐπιχώμενος."

Whether the Jews abstain from pork because of reverence or aversion for the pig

1. When he had finished, and some of those present would have made an extended reply to his arguments, Callistratus headed them off by saying, "What do you think of the assertion that it is precisely the most proper type of meat that the Jews avoid eating?" "I heartily agree with it," replied Polycrates, "but I have another question: do they abstain from eating pork by reason of some special respect for hogs or from abhorrence of the creature? Their own accounts sound like pure myth, but perhaps they have some serious reasons which they do not publish."

2. "My impression," said Callistratus, "is that the beast enjoys a certain respect among that folk; granted that he is ugly and dirty, still he is no more absurd in appearance or crude in disposition than dung-beetle, field-mouse, crocodile, or cat, each of which is treated as sacred by a different group of Egyptian priests. They say, however, that the pig is honoured for a good reason: according to the story, it was the first to cut the soil with its projecting snout, thus producing a furrow and teaching man the function of a ploughshare. Incidentally, this is the origin, they say, of the word *hynis* (from *hys*, 'swine') for that implement. The Egyptians who cultivate the soft soil of their low-lying areas have no use for ploughing at all. After the Nile overflows and soaks their acres, they follow the receding water and unload the pigs, which by trampling and rooting quickly turn over the deep soil and cover the seed. We need not be surprised if some people do not eat pork for this reason. Other animals receive even greater honours among the barbarians for slight and in some cases utterly ridiculous reasons. The field-mouse is said to have been deified among the Egyptians because of its blindness, since they regarded darkness as superior to light; and they thought that the field-mouse was born of ordinary mice every fifth generation at the new moon, and also that its liver was reduced in size at the dark of the moon. They associate the lion with the sun because it, alone of quadrupeds that have claws, bears young that can see at birth, sleeps only for a moment, and has eyes that gleam in sleep. Egyptian fountains pour forth their water through lion mouths, because the Nile brings new water to the fields of Egypt when the sun passes through Leo. They say that the ibis when hatched weighs two drachms, as much as the heart of a new-born infant, and forms an equilateral triangle by the position of its outspread feet and bill. How could anyone blame the Egyptians for such irrationality when it is recorded that the Pythagoreans respect even a white cock, and that they abstain particularly from the red mullet and the sea anemone among marine animals? Or when we remember that the Magi, followers of Zoroaster, especially esteem the hedgehog and abominate water mice, regarding the person who kills the greatest number of the latter as blest and dear to the gods? So I think the Jews would kill pigs if they hated them, as the Magi kill water mice; but in fact it is just as unlawful for Jews to destroy pigs as to eat them. Perhaps it is consistent that they should revere the pig who taught them sowing and plowing, inasmuch as they honour the ass who first led them to a spring of water. Otherwise, so help me, someone will say that the Jews abstain from the hare because they can't stomach anything so filthy and unclean."



3. "No indeed," countered Lamprias, "they abstain from the hare because of its very close resemblance to the ass which they prize so highly. The hare appears to be simply an ass inferior in bulk and size; for its coat, ears, bright eyes, and salacity are amazingly similar, so much so that nothing small ever so closely resembled something large. Perhaps, to be sure, following the Egyptians even in their conception of traits of animals, they regard the swiftness of the creature and the keenness of its senses as something divine. For its eye is untiring: the hare even sleeps with its eyes wide open. In acuteness of hearing it is found to be unrivalled; the Egyptians admire this so much that in their hieroglyphics they draw a hare's ear to represent the idea of hearing. The Jews apparently abominate pork because barbarians especially abhor skin diseases like lepra and white scale, and believe that human beings are ravaged by such maladies through contagion. Now we observe that every pig is covered on the under side by lepra and scaly eruptions, which, if there is general weakness and emaciation, are thought to spread rapidly over the body. What is more, the very filthiness of their habits produces an inferior quality of meat. We observe no other creature so fond of mud and of dirty, unclean places, if we leave out of account those animals that have their origin and natural habitat there. People say also that the eyes of swine are so twisted and drawn down that they can never catch sight of anything above them or see the sky unless they are carried upside down so that their eyes are given an unnatural tilt upward. Wherefore the animal, which usually squeals immoderately, holds still when it is carried in this position, and remains silent because it is astonished at the unfamiliar sight of the heavenly expanse and restrained from squealing by an overpowering fear. If it is legitimate to bring in mythology too, Adonis is said to have been slain by the boar. People hold Adonis to be none other than Dionysus, a belief supported by many of the rites at the festivals of both; though others have it that he was the favourite of Dionysus. Phanocles, an erotic poet, surely knew whereof he spoke when he wrote the following lines:

And how mountain-coursing Dionysus  
seized the divine Adonis,  
as the god did visit holy Cyprus."

## Chapter 10

# “Thinking” and “Performing” Dietary Prohibitions: Why Should One Keep Them? One Meaning or Many?

(Peter Altmann)

### 1. Introduction

Claude Lévi-Strauss famously quipped with regard to animals chosen as totems that “... natural species are chosen not because they are ‘good to eat,’ but rather because they are ‘good to think.’”<sup>1</sup> Apart from some generally discredited medical explanation, biblical interpreters, too, have largely adopted this premise in their consideration of the prohibitions on the meat of certain animals in Lev 11/Deut 14; here, too, some animals are “good to reject.” But the “why?” remains debated.

Within the cornucopia of suggestions, this short discussion addresses an important, and to my mind, questionable presupposition prevalent in biblical studies that bubbles to the surface in attempts to provide plausible answers. Whether based on the assumption of the biblical texts as the work of a single divine author, the product of a unitary cultural milieu, or even in the search for original explanations, many interpretations of texts on biblical prohibitions seek to identify an *original* or *static* meaning of the actions prescribed or prohibited. In the following essay I argue that such an approach becomes considerably more problematic when the same or similar prescriptions or prohibitions appear in multiple texts.

Significant examples include texts on offerings (e.g., Lev 1–7 and Deut 12), or in the case of the discussion in this volume, of the dietary prohibitions found in Lev 11 and Deut 14, but also in Lev 20:25; Exod 23:19; and 34:26. In the case of the offerings, the P or P-influenced texts of Leviticus (and Numbers) and the Deuteronomic texts present rather different descriptions of the various offerings and their procedures (e.g., Lev 1–7; 16; Num 28–29; and Deut 12; 18:1–8). And, these differences take place not only on the level of *how* one should perform certain practices. They also suggest different reasons *for* their imagined performance. Interpretations of each set of texts follow the divergences between them

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<sup>1</sup> Claude Lévi-Strauss, *Totemism*, trans. Rodney Needham (Boston: Beacon Press, 1963), 89.

and formulate quite different conceptual understandings for the offerings of each context, resulting in, e. g., P vs. D notions of offering.<sup>2</sup> A poignant example comes in Deut 16:12, which, at the end of the prescriptions for the celebration of the Festival of Weeks, states: "Remember that you were a slave in Egypt ..." This motivation for the celebration does not appear anywhere else in relation to this feast; other texts instead relate the celebration at that time to the first fruits of the harvest (Exod 23:16; 34:22; Num 28:26–31).

However, the similarity – and sometimes even exact replication – of the stipulations in cases such as Lev 11:2–23//Deut 14:4–20 and Exod 23:19; 34:26; and Deut 14:21 has proved much more challenging within scholarly discussion with regard to allowing for divergent explanations or significance for practices. In these cases, in addition to the justified interest for the historically "earliest" (textual) meaning of such stipulations, there is a powerful allure to posit a *single* meaning – that is, explanation, rationale, motivation, or significance – for these prohibitions that provides explanatory power *across* the different texts and into ancient Israelite (and perhaps even ancient Near Eastern) cultural practice.<sup>3</sup> Is the presupposition of such a singular meaning justified?

## 2. (Envisioned) Practice and Significance and the Myth of the Singular Explanation

In order to answer this query, another question first requires attention: How do the theoretical *explanations* of cultural practices or "ritualized actions" relate to the actions of which they consist (or the perceived actions envisioned by the texts)?<sup>4</sup> For the biblical context of the dietary prohibitions, how does the

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<sup>2</sup> Cf. the stark contrasts provided by interpreters on D and P, or even P and H. One need only turn to Julius Wellhausen, *Prolegomena to the History of Israel: With a Reprint of the Article Israel from the "Encyclopaedia Britannica,"* trans. J. Sutherland Black and Allan Menzies (Edinburgh: Adam & Charles Black, 1885), 51–82, to see this on display. Wellhausen, of course, sees these distinctions as indicative of different *temporal* settings, a tradition that maintains considerable support today. One other option – though they are certainly not mutually exclusive – is spatial distinctions, with some practices coming from different sanctuaries. Even the classic attribution of an "E" source to the North and "J" to the South picks up on this line of thinking.

<sup>3</sup> Examples on the prohibition of boiling a kid in its mother's milk might include Cooper, "Once Again"; Schorch, "Young Goat in Its Mother's Milk?" For a rather creative if idiosyncratic proposal of the lost understanding of a figure of speech from the pre-monarchic period, see J. Webb Mealy, "You Shall Not Boil a Kid in Its Mother's Milk (Exod. 23:19b; Exod. 34:26b; Deut. 14:21b): A Figure of Speech?" *BibInt* 20 (2012): 35–72. For detailed discussion on the history of scholarship and the texts themselves, see my "Deeper Look," 90–95, in this volume, and Teeter, "You Shall Not Seethe."

<sup>4</sup> Most helpful on the notion of rituals *in texts* as what biblical scholars interpret, rather than rituals *in practice*, see James W. Watts, *Ritual and Rhetoric in Leviticus: From Sacrifice to Scripture* (Cambridge: Cambridge University Press, 2007).

rejection of the consumption of food, especially meat, in ancient Israel, Judah, the exile(s), Yehud, and Judea – to name the major socio-historical contexts – relate to the written conceptions found in the biblical texts?

Catherine Bell has formulated this question most profoundly for recent scholarship in her now classic work on ritual theory. While the *ritual* nature of the biblical meat prohibitions connects tenuously with ritual, I believe that Bell's insights provide insight for understanding them nonetheless. She notes that one difficulty surrounding the meanings of rituals lies in the fact that the practice of ritual resides primarily in the realm of the body, rather than in the mind, something also true for these meat prohibitions. She states, "In other words, the molding of the body within a highly structured environment does not simply express inner states. Rather, it primarily acts to restructure bodies in the very doing of the acts themselves."<sup>5</sup> Similarly, within the (envisioned) culturally structured existence prohibiting some meat, such repeated abstinence forms the "Israelite" body. Bell's point here builds on the earlier insight by F. Staal that ritual need not move outside its practice to connect to some kind of posited external rational:

A widespread but erroneous assumption about ritual is that it consists in symbolic activities which refer to something else. It is characteristic of a ritual performance, however, that it is self-contained and self-absorbed. The performers are totally immersed in the proper execution of their complex tasks.<sup>6</sup>

The observation of the primary importance of the body and its actions points to the difficulty of theorizing how the bodily practice might connect with any symbolic, interpretive, or theoretical reflection. However the human actor may feel or think about a particular action, in our case in the abstinence from meat preparation or consumption, does not arise from the (envisioned) action as a *direct* or *necessary* consequence. That is, such actions do not instill belief because an action can be, and regularly is, interpreted variably by different practitioners.<sup>7</sup> Regardless, however, of what the participants may *think* about their actions, ritual action does create something shared with other persons engaged in the (envisioned) action – either at the same place and time or at some distance of place

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<sup>5</sup> Bell, *Ritual Theory, Ritual Practice*, 100. For a critique of Bell's understanding of the body, see Jens Kreinath, "Semiose des Rituals: eine Kritik ritualtheoretischer Begriffsbildung" (PhD diss., University of Heidelberg, 2006), 126.

<sup>6</sup> Staal, "The Meaninglessness of Ritual," 3. Within biblical studies, see the similar critique by Lemos, "Where There Is Dirt," 280. She states: "If one penetrates more deeply, however, one sees that a large number of the explanations of biblical impurity texts make the assumption that rituals stem from a symbolic structure, a particular theology, or a distinct worldview. Thus, beliefs are primary and ritual practices are secondary. For example, Milgrom argues that the Priestly regard for life led substances and events associated with death to be classified as impure. Once classified as such, certain ritual practices followed. This assumption of the primacy of symbolism or of beliefs in general is at odds with the approaches and arguments most influential in contemporary ritual studies."

<sup>7</sup> Bell, *Ritual Theory, Ritual Practice*, 186.

and time, *even if* persons think in different ways about what they are doing.<sup>8</sup> Of necessity, the carrying out of ritual actions *by individuals* contributes to social relationships.<sup>9</sup>

As a result, variable conceptions may (and likely do) enter into performances of or scripturalizations of the same ritualizing actions. Frevel and Nihan make a similar point with regard to the diachronic and interactive development of purity concepts in general across cultures.<sup>10</sup> Similar actions take on disparate meanings depending on the temporal, geographical, and cultural context of their enactment. Descola shows that such divergence takes place with regard to human-animal relations based especially on different cultural conceptions of continuity in interiority and physicality between humans and animals.<sup>11</sup> My reason for developing this theoretical observation here lies in its direct relation concerning the relationship between the two texts on the dietary prohibitions in relation to their textual and cultural development as well as their practice. Leviticus 11 and Deut 14, for example, *may* mandate the same ritualizing actions – though some divergence also appears,<sup>12</sup> yet the differences in their intra-cultural temporal, geographic, textual, and/or social context suggest that divergent reflections on the actions could arise. Deuteronomy 14:2–3 connect the practices with two (ostensibly related) explanations:<sup>13</sup> (1) such meats are abominable (תועבה) in v. 3, and (2) "Israel" is Yhwh's holy, chosen, treasured possession in vv. 2, 21. Within vv. 4–20, the reason given is that the prohibited meats are "unclean for you." Similarly, the internal reasons given in Lev 11:2–23 consist of either their unclean or their detestable nature, categories that likely overlap.<sup>14</sup> In the widely-accepted later layer of v. 45 a further reason appears: "For I am Yhwh who brought you up from the land of Egypt, to be your God; you shall be holy, for I am holy." In

<sup>8</sup> This point is made in Kreinath, "Semiose des Rituals," 139–40.

<sup>9</sup> Kreinath, "Semiose des Rituals," 154. Marginal exceptions related to things like people on the autistic spectrum may exist.

<sup>10</sup> Christian Frevel and Christophe Nihan, "Introduction," in *Purity and the Forming of Religious Traditions in the Ancient Mediterranean World and Ancient Judaism*, ed. Christian Frevel and Christophe Nihan, *Dynamics in the History of Religions 3* (Leiden: Brill, 2013), 13. Their emphasis lies more on the interaction of conceptions of purity *between* cultures, but the same interactions and developments may occur *within* a particular culture as well. A further example on the margin of cultic ritual in biblical literature concerns the reason given for the Sabbath commandment in Exod 20:11 and Deut 5:15.

<sup>11</sup> Descola, *Beyond Nature and Culture*, 288–99.

<sup>12</sup> The prohibitions on flying swarms present a difference in prescribed action as well; see Lev 11:20–23 and Deut 14:19. For a similar theoretical perspective, though not worked out directly on the dietary prohibitions, see Lemos, "Where There Is Dirt," 289.

<sup>13</sup> If one reads v. 2 in conjunction to vv. 3–21, which the inclusion of v. 2 and v. 21 "For you are a people holy to the Lord your God" supports. For more discussion, see my "A Deeper Look" in this volume.

<sup>14</sup> See my "Terms שקץ Šeqeš and טמא Ṭame'," in this volume.

other words, while the rationales may be related, the dietary prohibitions need not have had one single meaning, even in ancient Israel and early Judaism.<sup>15</sup>

### 3. Knowing How and When vs. Knowing Why

To come at this discussion from another viewpoint, one quite related to the above reflections of Staal and Bell, Kreinath picks up on a different aspect of the nature of ritual knowledge as it relates to cultural or ritualizing actions of and on the body. He insightfully notes that the theoretical knowledge required for the success of ritual practice concerns knowing *how* and *when* to do certain actions:

The effectiveness and success of a ritual performance lies to a considerable degree in the extent to which the participants master ritual corporal techniques. To the degree that the completion of ritual actions is tied to the human body, every ritual performance is the embodiment of ritual knowledge and the ability to do corporal techniques. Ritual praxis is especially concerned with which actions and series of actions are performed at which time and in which way.<sup>16</sup>

Moving away from the primacy of a symbolic meaning or explanation, Kreinath's observation indicates that these kinds of practices instead require the mastery of techniques. Specifically, *when* one should perform *which* actions.

However, knowing when and how to act does not guarantee, and need not even imply, a specific singular conception for the rationale of the ritual actions. As a result, one might question, once again, whether any overarching *theory* – in this case regarding dietary prohibitions – could or should explain the actions performed in the multiple enactments (in text or practice) of a particular practice. In the case of dietary prohibitions, different practitioners of prohibitions, or prescribers of prohibitions in the case of the composers of texts, could easily theorize about the reasons for their rejection of meat differently.<sup>17</sup>

Kreinath conceives of a dynamic understanding of ritual praxis that may assist in the relationship between theory and praxis of the “same” ritual at various

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<sup>15</sup> Note the considerations in this direction with regard to pig consumption in Iron IIA versus Iron IIB in Judah in Sapir-Hen et al., “Pig Husbandry in Iron Age Israel and Judah,” 13; and more recently Sapir-Hen, “Food, Pork Consumption, and Identity in Ancient Israel,” esp. 58.

<sup>16</sup> Kreinath, “Semiose des Rituals,” 135 (my translation; original German text: “Die Wirksamkeit und das Gelingen einer rituellen Performanz beruhen in besonderem Maße darauf, inwiefern die Teilnehmer rituelle Körpertechniken beherrschen. Insofern der Vollzug ritueller Handlungen an den menschlichen Körper gebunden ist, ist jede rituelle Performanz eine Verkörperung rituellen Wissens und ein Beherrschen von Körpertechniken. In der rituellen Praxis geht es vor allem darum, zu welchem Zeitpunkt und auf welche Weise die rituellen Handlungen und Handlungssequenzen vollzogen werden.”).

<sup>17</sup> Such conclusions point to problems with interpretive methodologies like that of Mary Douglas, who calls for a unified explanation of the dietary laws. See, e.g., Douglas, *Purity and Danger*, 41. I discuss this further in “Explanatory Frameworks,” 33–40, in this volume.

times and places. He begins from a form of the question of the subject-object split from philosophy and attempts to show how both the subject and the object come together in ritual action.<sup>18</sup> He turns to the notions of *mimesis* (imitation), on the one hand, and *autopoiesis* (self-creation), on the other. In the form of *mimesis*, Krienath sees each person's ritual action taking on a more passive, objective role in *imitating* received praxis. In this way a participant undergoes influence from an earlier performance of the action. However, in the performance, each person acts as subject, *creating* their own praxis.<sup>19</sup> Each participant performs their own actions (which are never *exactly* the same as the actions of others, or exactly the same as when the same person performs the ritual at another time), yet influences from the actions of others appears as well. Each singular ritualized action, then, brings together a dynamic relationship between (1) the assumption of a practice from a tradition (and an assumed significance for that practice), and (2) the active creation in one's own embodiment of the action, pursuant to some kind of significance (related in some way to the traditional action).

However, such an action and its concomitant significance need not include verbal articulation, especially with regard to the theoretical or symbolic *rationale* of the ritual. This insight presents a theoretical problem for the biblical scholarly impulse to derive a singular symbolic explanation from the verbally articulated practices in, e.g., Lev 11/Deut 14. Nonetheless, the learning whereby certain meats are rejected (in physical practice or textual envisioning) does take place within a real cultural location consisting of a particular (if complex and only relatively systematic) symbolic universe. Therefore, the possible theoretical and symbolic possibilities for meaning of an action will mostly be limited by the available modes of meaning within that cultural matrix. Still, these possibilities for meaning could easily be multiple, which the biblical texts, even just those of the Pentateuch, demonstrate.

#### 4. Conclusion

In the end, the recognition that embodied actions and textualized, envisioned actions can have as many meanings or nuances as the times they appear does not mean that no continuity may exist at all between their various appearances.<sup>20</sup> In this way, my discussion draws limits that may, in practice, even move quite closely to the limited band of meaning that this entire investigation has criticized. However, a *result* achieved through the analysis and interrogation of various texts

<sup>18</sup> This is usually located in the duality in the work of René Descartes.

<sup>19</sup> Krienath, "Semiose des Rituals," 186.

<sup>20</sup> Following the insights of Daniel Sperber presented in my "Explanatory Frameworks," 39–40, above.

and their contexts that *concludes* that some overlap or similarity in meaning exists between, for example, Deut 14:21 and especially Exod 23:19 and 34:26, or Lev 11:2–23 and Deut 14:2–20, is quite different than the *presupposition* that, because the texts have the same wording with regard to prohibitions on eating the meat from various animals or in boiling a kid in its mother's milk,<sup>21</sup> they all prohibit such practices for exactly the same reason. In the end, *each* appearance of a stipulation concerning ritual action must be investigated on its own to establish its significance within a particular textual and historical context.

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<sup>21</sup> Assuming this is the appropriate understanding of the terms.





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