

Davide D'Amico

# ANIMALS AS SOCIAL CONSTRUCTION IN THE HEBREW BIBLE

Creation, Law, and Sacrifice

animate theologies Bd. 5  
focus



Davide D'Amico

## Animals as Social Construction in the Hebrew Bible

animate theologies *focus*

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# **Animals as Social Construction in the Hebrew Bible**

Creation, Law, and Sacrifice

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*To my mother, my guide in this zoo called the world*

# 1. Introduction

Whether or not we are aware of it, animals have always constituted – and will forever constitute – a central element of the human world. Today, as in the past, human beings are surrounded by animals; not only because we ourselves are animals, but also because our lives, as human beings, are intimately connected with those of the other living beings inhabiting planet Earth. This connection is manifested in the aspects in which animal and human lives intersect and the variety of this intersection. Animals, for example, live with humans as friendly companions and are often considered family members and, just as with members of the same family, we communicate with them, have physical contact with them and, in some cases, we take them with us when we go on vacation or even celebrate their birthdays. Man’s relationship with animals certainly does not end with the mutual companionship. Animals surround different aspects of our existence. We eat animals, or products from them, at almost every meal, and many of our clothes, shoes and accessories are made from animal skins, furs, hair, or wool. We wash, perfume, and use products tested on animals; we use drugs created and tested, most often on animal guinea pigs; our cities have zoos, parks, and aquariums where we can observe animals. We share our gardens and yards – often unknowingly – with wild animals, whose habitat is inevitably thinned by our presence. Alongside this, animals also occupy a place in our cultural and perceptual worlds. For example, animals appear in our everyday language. We refer to animals when we say someone is “as blind as a bat,” “as fearful as a rabbit,” “as busy as a bee,” or “as angry as a bumblebee.” Animals can also inspire and convey ideals, if we think of the protest and political activism movements that have been ignited by disagreement over the status and treatment of animals, activism advocating the abolition of factory

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farming, and the animal rights component in the recent climate and environmental crisis consciousness-raising movement. These I have mentioned are just a few examples where the human world and the world of other creatures are inexorably linked.<sup>1</sup>

Undoubtedly, contemporary humans are often unaware of the vast majority of animal species (especially considering that most animals are insects, accounting for more than two-thirds of all existing animal species). However, regardless of our awareness, animals share a fundamental essence of life with humans and, regardless of their enigmatic nature, have coexisted with us since time immemorial. Consequently, the history of humanity on this planet is intrinsically intertwined with our relationship with animals. The nature of this relationship and how animals have been perceived in human societies throughout history have varied over the centuries and has been conditioned by our understanding of ourselves and our position within the grand scheme of existence. Like all relationships, this relationship has a dynamic that operates in multiple directions. Thus, just as humans have a history of interactions with the animal kingdom, animals also have a history of interactions with humans.<sup>2</sup> Of course, only humans construct narratives

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<sup>1</sup> In the contemporary world, the complexity of the role of animals in societies reflects the complexity of societies themselves. Several Human-Animal Studies scholars have directed their efforts to systematize these roles by outlining the social role of animals and what assumptions underlie the human-animal relationship. For an up-to-date investigation and abundant critical bibliography, see De Mello, *Animals and Society*.

<sup>2</sup> The study of humans' relationship with animals in antiquity has become a particularly prolific field of study in recent years. Scholars of antiquity have reevaluated the importance of the animal kingdom in the ancient world and, building on this assumption, have systematically investigated the peculiar aspects of the human-animal relationship in antiquity. On this point, see Mattila, *Animals and their Relation to Gods, Humans, and Things in the Ancient World*. This interest has also interested biblical scholars in recent years who have reconsidered the role of animals in the texts of the Bible and, starting from the assumption of their importance in the society of ancient Israel, have attempted to reread the biblical texts by placing the role that animals played increasingly at the center. This methodology could illuminate aspects of the text that had hitherto remained in the shadows, offering new interpretive and research insights. For a comprehensive overview and abundant critical bibliography on these studies, see Sherman, *The Hebrew Bible and the 'Animal Turn'*, 36–63.

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and accounts of this history, and only humans possess the ability to transmit these experiences to future generations through the written word. Throughout the ages, humans have told their relationship with the animal kingdom, although these texts have pursued different intentions and taken various forms. From totemic mythologies to fairy tales, through epics to contemporary scientific ethological texts, the written word, multicolored manner, has shown aspects and insights of the human-animal relationship. Regardless of the specific literary genre, these texts share the common characteristic of offering – in a more or less direct and more or less conscious way – information about the authors’ perceptions of the animal world around them and, by extension, about the role of animals within the social framework that gave rise to such literature.<sup>3</sup> Certainly, reconstructing and discerning the essential features of this relationship from a literary text presents challenges, particularly when the narratives are contained in ancient texts as in the case of the Bible. Indeed, although attempts to describe animals existed in the ancient world,<sup>4</sup> the idea of an objective overview of the faunal environment was mostly foreign to past societies and arose in conjunction with the great explorations of the 16th century.<sup>5</sup> Not able to rely on descriptions from that time, nowadays, as far as the ancient Near East and ancient Syria-Palestine

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<sup>3</sup> From this perspective, there is recent interest in what scholars call “Historical Animal Studies”. This field of research purports to illuminate still obscure aspects of history by spotlighting the history of the relationship between humans and animals throughout the centuries. Roscher, *Handbook of Historical Animal Studies*, brings together contributions from leading experts in the field and attempts to outline the major areas of interest in the historical study of human-animal studies, such as social, cultural, political, and economic history.

<sup>4</sup> I refer first to Aristotle’s *Historia animalium* and Pliny’s *Naturalis historia*. Although these masterpieces are certainly remarkable, they are the exception rather than the custom. The ancient world knew no real systematics related to the study of the natural sciences comparable to the contemporary one. On this point, see Greene, *Natural Knowledge in Preclassical Antiquity*.

<sup>5</sup> Thanks to advances in shipbuilding techniques, the 16th century ushered in an era of great exploration. Curiosity about a natural environment different from the motherland prompted explorers to provide pioneering attempts in their reports to describe what they saw in the new worlds. With the advent of the Enlightenment, renewed scientific consciousness provided the impetus for an increasingly pointed approach to studying the natural sciences. On this topic, see Berman, *The Reenchantment of the World*, 25–133.

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are concerned, attempts to reconstruct the natural, faunal and vegetation landscape are mainly derived from the analysis of archaeological finds.<sup>6</sup> However, these kinds of sources return a fragmentary and partial picture of the natural world and do not provide much help in understanding how humans of the time related to the natural environment, including animals.

However, despite the limitations of the archaeological evidence, there is little doubt that nature influenced ancient people's understanding of the world. In the cognitive universe of the people who inhabited the cultural world of the ancient Near East—whether they were Assyrian kings, Babylonian soldiers, or authors and editors of the texts that flowed into the Bible—there was undoubtedly a perception of the world that reflected and reacted to the environment these people saw around them. By trying to filter and read the texts that describe their reality with the right hermeneutical glasses, we can understand their interaction with the natural world and their attitude toward the wildlife environment around them. However, since the intent of a text such as the Bible is not to describe the human-animal relationship in ancient Palestine, it will be necessary to rely on textual traces or, using a term coined by Carlo Ginzburg, “spies” that hint at aspects of this relationship.<sup>7</sup>

A further difficulty is the centuries or rather millennia that separate us from the world of the biblical authors and make it difficult – if not impossible – to compare the ancient and contemporary wildlife situation. From a naturalistic point of view, the impressions of those who composed and drafted the biblical texts about their surroundings can hardly be compared with today's images when looking at those territories. If one looks at the hilly areas of today's Palestine and the surrounding territory, one must sadly see that it is one of the most devastated areas on the planet.<sup>8</sup> This situation is due to several main causes: excessive anthropogenic pressure, a poor relationship

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<sup>6</sup> Attempts to reconstruct from archaeological data the landscape of the ancient Near East are many and evolving. Interesting in this context is Liverani, *Paradiso e dintorni*, in which the scholar attempts to trace the characteristics of the rural landscape of the ancient Near East from the available archaeological data.

<sup>7</sup> I refer to the insightful concept of “spy” in historical research expressed in Ginzburg, *Spie. Radici di un paradigma indiziario*, 172–174.

<sup>8</sup> On this point, see the analysis in Hoffmann, *The Geo-Political Ecology of Crisis in the Middle East*, 94–104.

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with ecology, and a highly predatory attitude toward natural resources on the part of the people who inhabit those places.<sup>9</sup> Added to this is the fact that, in several areas of that territory, they approach nature with a Western-style lifestyle, that is, extremely energy-intensive. In addition, it should be noted that the ecosystem these peoples insist on is extremely fragile, flanking the circum-Mediterranean forests of coastal areas with the aridity of the desert. The result is that today these territories are extremely poor from a naturalistic point of view.<sup>10</sup>

It would seem impossible for someone from those areas to talk about leopards, gazelle, and jaguars. It is natural to wonder where the author of Jdgs 14:6 might have seen a lion or the author of 2Kgs 2:24, the bear, or the one of Jer 13:23, the leopard. The answer is that the Palestine of 2,500 years ago was a place where the wildlife element was very different was much more thriving than it is today, a place where the natural environment provided habitat for lions, bears, gazelle and leopards. The most up-to-date studies, based on climatic-vegetational information, show us that ancient Palestine was a place where the space outside human agglomerations was quite similar to the savannah that exists today in some protected areas in southern Jordan or in portions between present-day Israel and Saudi Arabia.<sup>11</sup> The natural environment that the inhabitants of the Levant of the second and first millennia B.C.E. experienced was a world still barely experiencing human action, the world shortly after the Neolithic revolution.<sup>12</sup> In spite of the dramatic implications of the 'revolution' from the point of view of

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<sup>9</sup> See Fadil, *Eco Crisis in the Middle East*, 33.

<sup>10</sup> For a documented account of the naturalistic transformation of the Mediterranean coasts from a historical-geographical perspective, see Braudel, *The Mediterranean in the Ancient World*. See also Wilson, *he Mediterranean Environment in Ancient History*, 259–276.

<sup>11</sup> Archaeological, naturalistic, and vegetation studies have shown that ancient Palestine was a prime location for the proliferation of biodiversity of plant and animal species. For an updated study and critical bibliography, see Qumsiyeh, *Biodiversity and Environmental Conservation in Palestine*, 1–22.

<sup>12</sup> For an overview of the environmental impact the Neolithic revolution had on the natural environment of the Near East, see Simmons, *The Neolithic Revolution in the Near East*.

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environmental exploitation,<sup>13</sup> the impossibility of influencing the environment in a short time and the infinitely lower population pressure than today

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<sup>13</sup> One of the great achievements of the Neolithic revolution was the systematization of agrarian methodologies. Humans had learned that plants could be planted, and sustenance could be obtained from them. While these techniques enabled settlement and social organization development, this was devastating. Such an idea irrevocably sanctioned that the human being could eradicate everything on earth and then replace it with something of their interest. The same thing could be done with animals. Wild animals could be replaced with animals of interest to human society: oxen, sheep, goats, lambs, etc. Thus, the beginning of organized society coincided with the impacts of man on the environment. Of course, when viewed through our eyes, that kind of intervention in nature was severely limited. When compared to the dizzying pace at which the Amazon rainforest is being destroyed in Brazil in the present day to make way for beef cattle ranches, the intervention of ancient Near Eastern cultures in the environment is extremely slow. The ancient Israelites, as well as the Assyrians, Babylonians, and Egyptians – fortunately for us – were not equipped with chainsaws; therefore, their impact on the world around them was nowhere near our destructive power. However, this does not mean that this impact was nonexistent but simply occurred in an epochal time lasting hundreds or thousands of years. To bring an example, in his study of the imperial ideology of the Assyrian empire, Liverani points out how the Assyrian rulers directly intervened in the natural environment of the provinces to bring the wild “chaos” of the peripheries back into the cosmic order represented by the Assyrian empire. From a naturalistic point of view, the Assyrian interventions on the peripheries had a far from marginal impact. If, on the one hand, with the introduction of extensive irrigation and water management systems, the empire brought numerous innovations in the techniques of the time (they introduced new crops, including millet and sesame). On the other hand, installing these systems in previously pristine nature on the fringes of Mesopotamia completely subverted the previous natural system. Several texts underline the difficulties which the Assyrian colonists had to face to tame the natural element. Wild animals and hostile territories managed in some cases to greatly limit the impact of the Assyrians. Paleo-environmental studies have shown that despite its rhetoric and impressive agricultural achievements, the Assyrian Empire has sometimes been pushed back by the environment and constituents. Provincialization, although inexorable in many cases, was not an all-encompassing hegemonic process. See Liverani, *The Ideology of the Assyrian Empire*, 1979, 297–317 and Rosenzweig, *The Environmental Impact of the Neo-Assyrian Empire on its Provinces*, 49–58. To bring up another example involving the Assyrians, their hunger for ivory led to such predatory hunting that it led to the extinction of the elephant in northern Syria. See Miller, *Elephant, Ivory, and Charcoal*, 32. On the impact of the Neolithic revolution on the natural environment, see Putterman, *Agriculture, diffusion and development: Ripple effects of the neolithic*

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meant that during the second and first millennia B.C.E., the circum-Mediterranean peoples' contact with flora and fauna was extremely lively.

From the point of view of ancient man, this liveliness translated into a continuous, assiduous and intense daily association with the natural world, including the wild. The shepherd who went out with the herd might encounter the lion; leopards were dangerous to explorers; bears seriously threatened those who walked in the woods away from human agglomerations. Transposed to the literary level, using the lion, leopard and bear as compositional elements in constructing narratives was not a choice that drew on a set of fairy-tale or metaphorical images but touched readers on an experiential plane of pure reality. The lion, the bear, and the jaguar were a cause of real danger in the world of a society that sustained itself primarily on pastoralism. It is no accident that when one wanted to communicate an image in which one felt helpless or defenceless, he would say "like a flock before the lion" (cf. Mi 5:7).

The presence of animals in ancient texts is stark and real. The natural world and the animals that inhabited it were vivid in the perceptions of the inhabitants of ancient Palestine, and this continuous and assiduous perception became part of its way of narrating the life and a fundamental part of the construction of its social constellation. The idea that, as Susan Nance states, a purely "human" moment cannot be conceived for ancient societies,<sup>14</sup> including the society that produced and compiled the texts that went into the Hebrew Bible, lead to some questions. Does the tangible presence of animals for ancient humans also mean that animals are part of society and, consequently, social agents? Should social history, consequently, therefore include animals? If the answer is affirmative, is there a definite way of socially constructing animals, even indirectly, through literary texts?

The central idea, which becomes the focal point of a social history that decides to include animals as well, is the substantial redefinition of social relations and interspecific communication, ultimately accepting a broader view and a more inclusive paradigm that allows for a more comprehensive view

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revolution, 729–748; Bottema, *Man's Role in the Shaping of the Eastern Mediterranean Landscape*.

<sup>14</sup> Nance, *The Historical Animal*, 5.

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of ancient society. For animal historians, the fact that many animals lived with us as part of an interspecific relationship based, as far as ancient societies are concerned, on the absolute centrality of animals for economic life and subsistence, thus serves as an entry point for gaining a fuller picture and deeper awareness of what past societies might have been like. When the distinction between human and animal social actor status is set aside but investigated in its respective reciprocity, then the shared life of the human and the nonhuman can become the focus of inquiry and open the way to new horizons of reading and understanding. The aim of this study goes in this direction, focusing on three crucial moments that contribute to the process of shaping the perception of animals in this context.

The first chapter analyzes the portrayal of animals during their first appearance in the biblical narrative, particularly their creation described in Genesis 1. Positioned at the beginning of the Bible, these accounts serve a purpose beyond mere speculation about the origins of the universe. On a literary level, they progressively shape the narrative world within which the entire biblical narrative will develop. Moreover, they provide a theological basis for observable reality, constructing an intricate web that assigns each element of creation its proper place in the universe. At the center of this construction is humanity, considered the pinnacle of creation and the image of God. However, humans are not alone in this world; they are intricately connected to animals within the framework of the created order. This chapter explores how nonhuman creatures are included in the creation narratives and how these texts contribute to establishing the basis for the human-animal relationship.

The second chapter delves into the concept of animal property as reflected in the legal codes of the Torah. In the biblical world, as in our own, it was customary for humans to own animals. Because ancient Israel relied substantially on animal husbandry and agriculture for sustenance, the concept of animal ownership had significant economic importance. Owning animals, such as cows, sheep or goats, provided a reliable source of income through materials (wool, hides), food (meat, milk) and labour power. From an alternative perspective, this exercise of ownership, which is seen as natural and unquestioned, can be seen as a practical interpretation of the command to

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“dominate” animals in Genesis 1:28. This chapter explores how the legal codes of the Bible place the animal element within them and how animals are placed within the legal horizon of biblical Israel.

The third chapter analyzes the social construction of animals within the biblical sacrificial system and its implications for the human-animal relationship. Biblical sacrifices have been extensively studied, revealing the complex ritual practices of ancient Israel. This chapter contributes to the discussion by examining how sacrificial texts shape understanding the human-animal relationship by restoring a specific conception of the animal. Through the description of sacrificial actions in the legal texts, a distinct conceptualization of the role of sacrificial animals within the social fabric of biblical Israel emerges. After outlining the characteristics of animal sacrifice, drawing on the categories proposed by R. Girard, the chapter explores how the sacrificial system is rooted in a power dynamic in which animals are subjected to human violence. While this vulnerability is exploited and silenced in legal prescriptions, it also serves as a literary device for reflecting on human vulnerability in some prophetic texts.

By examining these particular aspects of the social construction of animals within the biblical texts, this thesis sheds light on the intricate relationships between humans and animals in ancient Israelite society as it appears from the biblical text. In this sense, this study contributes to our understanding of how these texts shaped perceptions, responsibilities, and power dynamics, providing valuable insights into the human-animal relationship in a historical and religious context.

These thematic areas (creation, law, sacrifice) because I felt that they were representative of the social construction of animals as it appears in the Bible. As will be seen in the chapters, they represent key moments in the definition of a social identity of Israel and, consequently, I felt it necessary to start here in investigating how the biblical text conceives of animals as a social construction. However, I am well aware that they do not exhaust the discourse and, of course, this study does not pretend to embrace the entire biblical range of the social construction of animals. The topic I have addressed is still in an embryonic state, and although several biblical scholars have enthusiastically embraced the animal turn in recent years, it still lacks a solid

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methodology of analysis and a critical framework to serve as a hermeneutical lens. In this sense, while the relative newness of the topic poses a challenge and necessarily vitiates the exhaustiveness of studies, it opens up numerous possibilities for future research.

In the following pages, various methodologies and hermeneutical tools will concur to construct a reading of the texts that, in some way, considers the animal element and the importance it represented in the cultural world that produced the biblical texts. It is worth emphasizing that such a reading is not intended to replace the readings and interpretations that have accompanied the biblical text for centuries. More modestly, an 'animal-oriented' hermeneutic proposes to emphasize an aspect of the text that has so far been given little consideration, in the knowledge that new questions generate new answers. The analysis that follows is developed to integrate with the acquisitions and knowledge obtained so far from biblical scholarship, hoping to contribute to a deeper understanding of the meaning of the texts and, above all, to provide a useful starting point for future studies that take into account the relationship between humans and animals and how biblical society shaped and incorporated the animal element within its meshes.

## 2. The First Beasts: Animals in the Creations Accounts

This chapter delves into an exploration of the Creation narratives found in Genesis 1–2:3 and 2:4–25 and their role in shaping the social construction of animals within a biblical context. Drawing upon an analysis of the textual features and content of these narratives, the objective is to elucidate the nature of the human-animal and God-animal relationships that emerge from a comprehensive examination of these texts. Through a comparative approach, this chapter seeks to shed light on the depiction of the natural environment as conceived in the biblical worldview prior to the creation of humankind.

In the initial stage, careful attention will be directed towards understanding the underlying concept of the natural environment as implicitly presented in the biblical text. By discerning the fundamental assumptions and perspectives regarding the natural world prior to the advent of humanity, we can gain valuable insights into the context within which the subsequent portrayal of animals unfolds.

Subsequently, the focus will shift to an in-depth analysis of the descriptions of the creation of animals within the two narratives. This examination will not only encompass the literal act of creation but also encompass the nuanced system of blessings and domestication associated with animals as depicted in these texts. By scrutinizing these aspects, we can discern the intricate layers of meaning embedded within the biblical construction of animals and its broader implications for the social imagination of this relationship.

Through this inquiry, this chapter aims to contribute to a deeper understanding of how the biblical Creation narratives actively participate in the process of socially constructing animals within ancient Israelite society. By

## 2.1 And God created animals ... Twice

unraveling the textual complexities and exploring the underlying theological implications, we can illuminate the nuanced dynamics at play and discern the profound ways in which these narratives contribute to the overall social image and conceptualization of animals within the biblical worldview.

### 2.1 And God created animals ... Twice

The literary complex found today in the first eleven chapters of the Bible unfolds narratively as a reconstruction of the universe's origins.<sup>15</sup> These pages describe the coming into being of everything that exists. In the beginning, everything is silent, still, and empty. No birds fly through the air, no fish darting in the waters, and no animals grazing the land. Step by step, the narrative adds elements to the construction of the cosmos, from the natural elements to the life forms that inhabit the world. Like most ancient Near East creation accounts, the biblical text starts at the absolute beginning. These first eleven chapters narrate the story of creation, the primordial history of the world, and the first generations of humans who inhabited it. These accounts are placed in a time preceding time and space preceding space, leading up to the building of the first empire, personified in the figure of the mighty Nimrod (Gen 10:8–12), and ending with the famous episode of the Tower of Babel in Gen 11. The seemingly simple narrative form of these accounts, in which there is no shortage of fairy tale elements such as talking animals and people who can live nearly a thousand years, should not be classified as historiographical naiveté due to the lack of scientific knowledge. Instead, the choice of narrative form offered the ancient authors an important tool to share social values, reflect on issues considered fundamental, and at the same time, express beliefs and conceptions related to the life and society in which they lived.<sup>16</sup> Thus, these narratives have the ambition to represent an etiology of

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<sup>15</sup> Although the literary complex of Gen 1–11 has a layered compositional history, scholars have long noted how the Primeval History can be understood as a coherent thematic complex. See Clines, "Theme in Genesis, 483–507; Kikawada, Quinn, *Before Abraham Was*. For a recent overview of the history of the composition of Gen 1–11 and bibliography, see Gertz, *The Formation of Primeval History*, 107.

<sup>16</sup> On this point, see Blenkinsopp, *Creation*, 33. For an analysis of the patterns and motifs in the first chapters of Genesis, see Talmon, *Literary Motifs*, 25–53.

## 2. The First Beasts

history. In essence, these chapters are not intended to explain the agent causes of the world but as a projection of the origins of current reality.<sup>17</sup>

In this context, the creation accounts in the first pages of Genesis draw a world that, as the text continues, becomes more and more like the world the reader sees around him in reality. At the narrative level, a suitable means to this end is the formula “when there was not yet ...” which through negation describes what in the real world can be experienced positively.<sup>18</sup> Elements that “have not yet” been created exist in the reader’s world and foreshadow what will happen in the narrative. Moreover, the first two chapters of Genesis do not simply give a sequential account of events. In the final form of the Bible, these accounts are placed in the first moment of a story that develops because of what happened “in the beginning.” Hence the need for these narratives to thoughtfully ground a network of interdependent relationships between the different elements of creation. At the center of this network, the text places the human being, in relation to other human beings, regarding the nature that surrounds him and, of course, in relation to the animals that inhabit creation with him. Much of the human society in which the biblical authors and editors lived was structured through interactions with animals or other humans about animals. Whether for economic, subsistence, or worship-related reasons, animals constituted a silent but inescapable presence in the daily lives of the ancient Israelites,<sup>19</sup> such that creation narratives could not ignore them.

This chapter aims to analyze how this animal presence was included in the creation narratives that make up the first two chapters of the book of Genesis today and how the text contributes to the foundation of the relationship

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<sup>17</sup> Of course, these narratives also have the interest in placing Israel in its environment both geographically and chronologically. See Prato, *Le cosmologie bibliche*, 23–56.

<sup>18</sup> As is well known, the *Enuma Elish* begins with this negative formula: “When above, the heavens had no name, when below, the earth had no name ....” It can also be found in Gen 2:4: “When no bush of the field was yet in the land and no small plant of the field had yet sprung up ....”

<sup>19</sup> Archaeology has shown how the Israelites even shared domestic spaces with their animals. A typical Israelite house consisted of two floors, the first of which was reserved for domestic animals while the second was for the owners. See Dever, *The Lives of Ordinary People in Ancient Israel*, 2012, 149–160.

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between animals and humans. However, given the textual nature of creation narratives, such an analysis cannot ignore some brief preliminary methodological considerations.

As early as the nineteenth-century systematizations, redactional criticism divides the texts of Gen 1:1–2:3 and 2:4–25 into two different accounts.<sup>20</sup> We are on relatively safe ground asserting that the current first two chapters of the book of Genesis are the editorial result of combining two originally separate creation narratives. Regarding which is older and which is more recent, scholars have differed in opinion.<sup>21</sup> To enter the debate on the dating of the two texts is beyond the scope of this study.

Although no editorial issues are analyzed, the intent of this study is not to reject the insights of diachronic text research. To deny the rift between the two texts would be absurd since it is all too evident from the narrative's surface. The attempt to eliminate contradictions by harmonizing the narratives is destined to fail. Similarly, one cannot pretend the two stories are separate realities without any relationship. Since the two narratives follow each other in the final form of Genesis, the one who approaches the text will have to ask himself at least the meaning of such a break and its effect on the final understanding of the narratives.

Thus, a reading that aims to understand the final text cannot view the two stories simply as a patchwork of two separate sources but as a reflection of a literary compositional technique. For example, in his study on biblical

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<sup>20</sup> A matter of debate is where exactly the second creation narrative begins. Already by the time of Wellhausen, *Composition des Hexateuchs*, 2–3, (see also *Prolegomena*, 315), the question was settled. He merely states, based on previous studies, that the first narrative (Q) ends in 2:4a while the second (J) begins in 2:4b. Since Wellhausen, scholars have expressed divergent positions on whether to include v.4 in the first or second creation account. These positions are summarized in Stordalen, *Genesis 2,4*. In this study, I will rely on Fisher, *Genesis*, which is based on the following division: 1:1–2:3 and 2:4–25. For a history of research into critical approaches to the text of Genesis 1–2 see Ska, *The Study of the Book of Genesis*, 3–26.

<sup>21</sup> Just to give an example, according to Hendel, *Historical Context*, 51–81, the account in Gen 2:4b–25 is to be considered older than Gen 1:1–2:4a. In contrast, Ska, *Il cantiere del Pentateuco*, 59–63, considers the account of Gen 2:4b–25 a reaction to the older account of Gen 1. For a recent discussion of this topic and bibliography see Bührer, *Am Anfang*; Carr, *The Formation of Genesis 1–11*, 17–26, 108–111, 149–152.

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narratives, Robert Alter admits the existence of two distinct narratives of creation. Still, he states “that the two narratives do not overlap but are complementary in that each gives a different kind of information about how the world began to exist.”<sup>22</sup> In essence, Alter proposes that the two different narratives are the literary product of two schools of thought, each interested in pursuing its own theological goal. The first account reflects an interest in the cosmic plane of creation and begins with an account of a primordial abyss.<sup>23</sup> Differently, the second account is interested in man as the cultivator of his land and starts with an observation that there was originally no vegetation and irrigation.<sup>24</sup> Although these stories originally developed at different times and places, today, they are found within a narrative sequence, resulting from an organic redaction of the text of Genesis. From an analytical point of view, this means that while undoubtedly a study highlighting the history of the composition of this sequence is indispensable, it is also necessary to ask what significance, from a narrative point of view and on the level of coherence, the choice of juxtaposing different traditions has. Following Alter, “the text of the creation story before us has its coherence as a signifying form that we are called to examine.”<sup>25</sup>

So, in the following pages, I will first look at how these two creation texts present the creation of animals. The two texts proceed according to two different narrative dynamics, and these dynamics start from the way of preparing the scenario for the arrival of the animals. These dynamics also affect how the relationship with animals and the space they occupy is constructed.<sup>26</sup>

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<sup>22</sup> Alter, *Art of Biblical Narratives*, 172.

<sup>23</sup> The salient features of the theological vision of reality in Gen 1 are set forth at length in Smith, *Priestly Vision*, 78–92.

<sup>24</sup> Stordalen, *Man, Soil, Garden*, 3–25, proposes that a close reading of Gen 2 indicates that the narrative nucleus is the account of how (wild and cultivated) vegetation appeared in the land, by provision of irrigation and a tilling man.

<sup>25</sup> Alter, *Art of Biblical Narratives*, 174.

<sup>26</sup> This issue in Gen 1–11 was recently discussed from a diachronic perspective by Carr, *Competing Construal*, 251–269. Here the scholar was concerned to investigate how the different textual layers that make up the Primeval History (Gen 1–11) address the construction of the human-animal relationship. Following the scholar, on the one hand, the non-P accounts involving animals in Primeval History are to be understood as part of a larger process of constructing a “patriarchal ‘Hebrew’

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Therefore, it will be shown how the creation proceeds until the arrival of the animals in the two accounts of Gen 1: 1–2: 4a and Gen 2: 4b–25 (from now on, for convenience, Gen 1 and Gen 2, respectively). It will then follow the analysis of the creation of animals in the story of Gen 1 – divided between water animals, birds, and land animals – and in the story of Gen 2. Finally, some concluding questions will be presented, highlighting two aspects of the human-animal relationship and the social construction of animals that the creation accounts presuppose. The first concerns the question of blessings in Gen 1, while the second will analyze domestic animals by comparing Gen 1 and 2.

### 2.1.1 Preparing a world for life: The Creation before the animals in Gen 1

The narrative that opens the entire Bible is a solemnly structured poem organized rhythmically into seven sections that correspond to seven days.<sup>27</sup> The style of the text is characterized by a sequence of paratactic propositions linked by the conjunction “and”. These sequences result in a repetitive and orderly style in which everything is recounted according to the same monotonous and wearying pattern. In this text, everything that happens is

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subject in relation to diverse others” (p. 255). On the other hand, the textual sections traceable to a priestly type of thinking present a worldview “that see animals as one of numerous wondrous aspects of God’s creation” in agreement with certain Psalms and prophetic texts (p. 262).

<sup>27</sup> Scholars have noted how the rhythmic structure punctuated in sevens gives the text an austere, liturgical tone. Callender, Adam in *Myth and History*, 23, states that “When isolated from its present literary context of the Pentateuch, the repetitive nature of Gen 1:1–2:4a suggests a liturgy, for which it may, in fact, have been used at some point.” Similarly, Levenson, *Creation and the Persistence of Evil*, 58, states: “Genesis 1 also has a certain liturgical flavor,” even if the author explain that “its style is far from hymnic.” Wenham, *Genesis*, 6, shows how significant words in this text recur in multiples of seven: God (35 times, i.e., seven times five), earth (21 times, i.e., seven times three), heavens/firmament (21 times), the expression “and it was so” (7 times), and “God saw that it was good” (7 times). The number seven also assumes a significant role within Mesopotamian literary traditions. On this topic see Liverani, *But in the Seventh Year*, 11–15.

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understood as a response to God's command. The command is followed by the fulfilment and God's authentication of what has happened.<sup>28</sup>

There is only one character in the scene, God, whose words the narrator reports only. Having only speech as the characterizing narrative element of one character, the act of speaking draws the reader's attention. It begins with darkness. The world of the first day is a chaotic world plunged into darkness until God's first creative act: the light. Already through the creation of light, the reader gets a glimpse of what will be God's main actions through the first four days of creation: separates and names.<sup>29</sup> Then comes firmament (רָקִיעַ), which bisects the waters that were already there. God performs a concretization from an abstract firmament by calling it Sky (vv. 6–8).<sup>30</sup>

Having separated the waters by means of the firmament/Sky, the creator leaves free a space that he will progressively order and that, finally, he will fill with living beings. The first act of this order is to concentrate all the waters under the sky into one point (v. 9). Through this action, something dry appears. God calls this dry mass appeared Earth (אֶרֶץ), and to the gathered waters, he gives the name of Sea (יָם) (v. 10). On the same day that the dry appears, God's work continues with the origin of vegetation. The earth is instructed through the command to let vegetation (דֶּשֶׁא) grow on it: "let the earth grow ... (תִּדְשֵׂא הָאָרֶץ)" (v. 11).<sup>31</sup> To this command of God, the earth responds in the first person. V. 12 begins with a waiyyqtol Hiphil of the root יָצָא (to come out), indicating that the earth itself brings forth the vegetation.<sup>32</sup>

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<sup>28</sup> See McEvenue, *The Narrative Style*, 16–17.

<sup>29</sup> The separation (בָּדַל) only occurs up to the fourth day (vv. 4.6.14.18). The process of naming (קָרָא) occurs until the third (vv. 5.8.10). The recurrence of these terms in the first four days and their absence in the last, may indicate two phases of the creative process: the first phase (vv. 1–19) is more specifically oriented to order the cosmos and to the fixation of its structural elements. In the second part of the week (vv. 20–31) the ordering intent takes a back seat to the creation of animal life, including the creation of the humans.

<sup>30</sup> See Good, *Genesis 1–11*, 10.

<sup>31</sup> Following Skinner, *Genesis*, 23–24, the term דֶּשֶׁא means "fresh young herbage," and appears to include all plants. דֶּשֶׁא is the root of "to be green," but the Hiphil form is a *hapax legomenon*. The term is perhaps coined here *ad hoc* for polyptoton.

<sup>32</sup> On this point see Joerstad, *The Hebrew Bible and Environmental Ethics*, 49. Furthermore, Gen 1:12 is the only place in the Bible that the causative form of יָצָא is

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After the general term **גשׁא** (vegetation), the classification of the flora continues in a bipartite fashion: on one side are **עשב**, i.e., vegetables and herbs edible to humans, on the other are **עץ** (trees) and the focus is clearly on fruit trees (**עץ פרי**). The distinction is made based on the method of reproduction: on one side, plants produce seed, and on the other side, plants produce fruits containing the seed. In this way, we have a form of classification – what in the natural sciences is called taxonomy – based on the plant’s reproduction criterion. The more general vegetation has been divided into two macro-categories, each further divided within itself. The text tells us that both vegetables (**עשב**), and fruit trees (**עץ פרי**), were created “in all their varieties”.<sup>33</sup> This tendency toward a form of classification will be seen again during the creation of animals. After coloring the earth green with vegetation, God turns his attention back to Sky. The fourth day of creation (vv. 14–19) is dedicated to populating the vault of heaven with luminaries (**מארת**), whose purpose is expressly stated: to separate the day from the night (v. 14) and the light from darkness (v. 18); to give light upon the earth (v. 15. 17); to be signed and for feasts, for days, and years (v. 14). Furthermore, the greater light is “to rule the day” and the lesser light “to rule the night” (v. 16).<sup>34</sup>

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used with respect to an inanimate being. All other times it refers to a living being Cf. Gen 15:5; 24:53: 43:23; 48:12; Ex 19:16; Deut 4:2; Jdg 6:19; 2Kg 11:12; 24:13; 2Cr 23:14. It is possible, according to Soggin, *Genesis 1–11*, 39, that this is a remnant of the mythical concept of the “mother earth,” which directly produces life, present in the Canaanite cultures around Israel. Similarly, for Westerman, *Genesis 1–11*, 26, Gen 1:12 represents a cultural bridge between Israel and the surrounding Canaanite cultures and connects the earth-creating activity to the origin stories of Israel’s neighbors.

<sup>33</sup> In Neville, *Differentiation in Genesis 1*, 209–226, the author proposes to translate the expression **למיני** (Gen 1:11.12.21.24.25) with “in all their varieties,” “all kind of,” or similarly. Examining all occurrences of the expression, the scholar concludes that this prepositional construction does not indicate *how* God created, rather *what* God created.

<sup>34</sup> The question of the creation of luminaries becomes central to the background of Mesopotamian beliefs around celestial bodies. As Westenholz, *Mesopotamian Astrology*, 9–20, illustrates, the sun, moon, and stars were the focus of numerous divinatory practices in Mesopotamia of the first millennium BC. Also, Carr, *The Formation of Genesis*, 11–12, connects the Hebrew word ‘signs’ (**ארת**) (v. 14) to divination. According to the author, it could be interpreted considering the *Enuma Elish*, where Marduk places the stars in the sky to provide celestial “signs” used in the

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From this point forward, the vocabulary of the narrative changes from the previous section. While the recurrence of the verb to speak (אמר) remains, the verbs related to separating (בדל) and naming (קרא) disappear. From this point on, the ordination phase, which had the characteristics of a preparatory phase for life, can be considered over. This aspect is also emphasized by the verb ברא (to create), which reappears in v. 21 for the first time since v. 1 precisely to indicate a new stage in creation.<sup>35</sup> The phase preceding the creation of the animals is in every respect a preparatory phase for life. In the first four days, God creates the basic conditions for the subsistence of living beings: space, where life can develop (earth, water, and sky); time, which regulates agricultural cycles and festivals (days, months, and years); and food, in this account shared by humans and animals (vegetation). From this point of view, the text does not worry much about distinguishing the necessary conditions of animal or human life. Somehow the text seems to recognize that the minimum characteristics of existence are the same. Nature seems equally placed to accommodate humans and animals who will be created on the fifth and sixth days. After four days, the world is ready to host life in all its expressions.<sup>36</sup>

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astral divination so important to literate Babylonian culture. In addition, tablet 4 of the astrological commentary *Šumma Šin ina tāmartīšu* (if the moon in its appearance) reported in Westenholz, *Mesopotamian Astrology*, 105–106, shows how widespread among the Babylonians was the belief that astrological phenomena had a direct influence on the fate of humans. It reads, “An eclipse of the evening watch means plague, an eclipse of the middle watch means diminishing market, an eclipse of the morning watch means the sick will recover.” Differently, the text of Gen 1 limits the functions of the sun, moon and stars to the function of separating and governing the day and night, to shed light on the earth and mark the seasonal rhythms. Moreover, these are simply lights and have no influence on human destiny.

<sup>35</sup> That a new stage of creation starting at v. 21 is also noted by Sarna, *Genesis*, 10.

<sup>36</sup> So already von Rad, *Das Erste Buch*, 36, “Nunmehr ist die Welt als Wohnstätte für Lebewesen bereitet; alle Lebensbedingungen sind gegeben, deshalb beginnt am 5. Tag die Erschaffung von Lebewesen.”

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### 2.1.2 A world made for one man: The Creation before the animals in Gen 2

The second chapter of the book of Genesis contains, as is well known, a second creation account.<sup>37</sup> This story differs from the first one in several ways. From a formal standpoint, the absence of a rhythmic organizational structure like Gen 1 immediately stands out. The sumptuous beginning of Gen 1, in which God's spirit hovers over the face of the waters, and the voice echoes the creative will of a majestic God, makes room for a God who "makes," who manipulates clay, who plants a garden. The spatial perspective is local, no longer cosmic, and even God is not so high anymore.<sup>38</sup>

In Gen 2:4, the narrator's voice starts by describing the conditions existing before the creation of the first human. These conditions seem to proceed through the description of what is missing. No vegetation on the earth; nothing has yet sprouted from the ground (v. 5a). This lack is the consequence of the other two absences. The vegetation is not there because (כִּי) God had not made it rain on the earth, and there was no human being to work the soil (v. 5b).<sup>39</sup> The text seems to imply at this point that the sprouting of vegetation would depend on the cooperation between God, who by guaranteeing fertility sends the rain, and the human being, who by working the soil aims at its maximum efficiency. However, although God had not made it rain, v. 6 reports the existence of a sort of mist (אֶרֶב) rose continuously from the earth

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<sup>37</sup> As is also known, the comparison between Gen 1 and Gen 2–3 was the starting point of the so-called "documentary hypothesis." For a complete overview of the history of the research and critical bibliography see Ska, *The study of the Book of Genesis*, 3–26.

<sup>38</sup> This has long been noted by commentators. For example, von Rad, *Genesis*, 76 notes that "while in ch. 1 creation moves from chaos to the cosmos of the old world, our creation account (Gen 2) sketches the original state as a desert in contrast to the sown." The more limited nature of the Gen 1 account is also expressed by Westermann, *Genesis*, 16 who states, "The second chapter (of Genesis) deals almost exclusively with the human race as God's Creation."

<sup>39</sup> This narrative dimension that emphasizes lacks is also noted by Wenin, *D'Adam à Abraham*, 24.

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and gave drink (שקה) to the whole face of the soil”.<sup>40</sup> The presence of red soil (אדמה) and spring to irrigate it (אד) provides God with the basis for his first creative act in this account.<sup>41</sup> In the same way that, according to the epic of Gilgamesh, the goddess Aruru wetted her hands and formed Enkidu from the earth<sup>42</sup>, in v. 7, God shapes the human being, the adam. From here on, God’s actions follow one another with a rapid sequence of five consecutive wayyiqtol. God forms (ויצר) man, blows (ויפה) a breath of life (v. 7), plants (ויטע) a garden, places (וישם) man in the garden (v. 8), causes (ויצמח) trees to sprout (v. 9). The sequence of consecutive actions, expressed in the wayyiqtol, gives the reader the idea of a creative process that takes place in a rapid succession of events and a short period. In this second account, unlike the first, there are no judgments about creation, such as “and he saw that it was good.” There are only actions, consecutive and different from each other. The idea is that a busy God following E. M. Good: “gets his hands dirty in the process of creation.”

Contrary to the Gen 1 narrative, here, human being is God’s first creative act. Similarly, in contrast to the first narrative, in which the world was prepared before living beings were created, in Gen 2, once humans are created, God is concerned with providing them with a comfortable environment in which to live. To prevent this human need, God decides not to cover the entire world with a mantle of vegetation as he had done in Gen 1, but – with a very concrete image – he plants (ויטע) a garden in an area that the text calls “Eden” and that, spatially, is located “in the East” (v. 8). Despite the word

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<sup>40</sup> The use of the verbal form yiqtol in v. 6 in reference to the mist (אד) emphasizes that the action of “rising” from the earth was repeated again and again. This use of yiqtol in a past temporal context is typically iterative and durative. See Joosten, *The Verbal System of Biblical Hebrew*, 285.

<sup>41</sup> Hebrew syntax suggests that vv. 5–6 formed the narrative background useful for understanding what follows. Based on syntactic criteria, Niccacci, *The Syntax of the Verb*, 39, distinguishes in this narrative the preparatory section, which he calls the “antecedent” (2:5–6), and the “beginning of the narrative.”

<sup>42</sup> “Aruru washed her hands, she took a pinch of clay, she threw it down in the wild” (vv. 101–102). George, *The Babylonian Gilgamesh Epic*, 545. Blenkinsopp, *Treasures Old and New*, analyzes the Gen 2–3 account against the backdrop of the Enkidu creation account in Tablet I of the Gilgamesh epic, bringing to light several points of contact.

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Eden (עֵדֵן) has often been associated with the idea of “delight” and “pleasure,” the Akkadian etymology of the term seems to designate the opposite: the steppe and the desert<sup>43</sup>. The Bible identifies the region of Eden not as the garden itself but, instead, with its geographic container: “And the Lord God planted a garden *in* Eden (עֵדֵן), in the East, and there he put the adam whom he had formed” (Gen 2:8).<sup>44</sup> The natural dimension that the text proposes in its first pages is a tension between a lush place, designed by God, and a desert environment hostile and inhospitable to life, the outside world. There are clear divergences from the Gen 1 narrative on what is created. First, God does not make all kinds of vegetation sprout but only trees. Also, except for the tree of life and the tree of knowledge, they are only trees of two types: Beautiful to see and good to eat (נְהַמְד לְמַרְאֵה וְטוֹב לְמַאֲכֹל) (v. 9).

In addition, the narrative emphasizes that the lush natural environment is not present in the garden from the beginning. Still, God decides to make these trees sprout only after placing the man in the garden (v. 9). The prosperous vegetation of the garden, made up of “beautiful and good” trees, only appears after God has placed the adam in a place designed for him. At this point, Eden’s garden (גַּן) acquires its paradisiacal dimension. The only information the narrator gives about the garden’s exterior appearance is linked to God’s initiative to make that place a perfect place for human beings. There is no doubt that trees are good to eat and pleasing to the eye just for man since animals have not yet been created. In the beginning, even though a perfect nature immediately surrounds humans, creation seems oriented to human beings.

Contrary to Gen 1, the world here is not prepared for the different forms of life that inhabit it but, on the contrary, seems to be built precisely from the

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<sup>43</sup> The etymology of Eden is still a matter for debate. Two main theories have been presented for the name Eden’s origin: (a) that it is derived from the Akkadian word *edinu*, which means “desert” or “steppe”; and (b) that it is linked to the West Semitic stem *ʿdn*, which occurs in various languages and refers to “wealth,” “abundance,” and “delight.” See Day, *From Creation to Babel*, 25–28; Millard, *The Etymology of Eden*, 103–106.

<sup>44</sup> In Gen 2 and 3, Eden is mentioned in 2:8 (garden in Eden), 2:10 (Eden), 2:14; 3:23.24 (garden of Eden). In Gen 2:9.26; 3:1.2.3 it is referred simply to as “the garden.”

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needs of only one of its inhabitants. The human being. Compared to the cosmic and universal resonance of creation in Gen 1, it is difficult not to notice a marked human-oriented vision of nature in Gen 2.



### ***EXCURSUS:** Anthropocentric or human-oriented view of nature in the creation accounts?*

The question of man's relationship with nature is undoubtedly highly topical. It involves understanding our biological roots; it also requires understanding environmental behavior, history, politics and science, and issues that affect many other fields today<sup>45</sup>. Equally central is the value placed on nature, especially considering the enormous environmental impacts of humans nowadays.<sup>46</sup>

Surprisingly, many look to the Bible, especially the book of Genesis, as the origin of this anthropocentric attitude toward nature.<sup>47</sup> Indeed, to F. Sherman, in scholarship outside the field of biblical studies, the Bible and its view of man's relationship with nature and animals are strongly anthropocentric, especially in the accounts of the world's creation in Gen 1–2.<sup>48</sup> However, what does it mean to claim that the text proposes an anthropocentric view of nature? Different authors have offered a different definition of the term 'anthropocentrism,' so it is helpful to clarify what is meant by this concept.

According to the International Encyclopedia of Environmental Politics, anthropocentrism

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<sup>45</sup> On this topic, see Kahn, *The Human Relationship with Nature*, 193ff.

<sup>46</sup> To give an example, the United Nations lists 816 animal species that have gone extinct in the past century and 11,046 species threatened with extinction. See United Nation, *Global status of biological diversity*, United Nation Commission on Sustainable Development. See <https://undocs.org/en/E/CN.17/2001/PC/18>.

<sup>47</sup> An overview of ideas about the human dominion over nature grounded in the book of Genesis is provided in Harrison, *Subduing the earth*, 86–109. See also Hoffman and Sandelans, *Getting Right with Nature*. *Anthropocentrism, Ecocentrism, and Theocentrism*, 141–162.

<sup>48</sup> Sherman, *The Hebrew Bible and the 'Animal Turn'*, 36–63.

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[...] literally means ‘human-centeredness.’ Originally used to characterize a worldview in which humans, rather than God, provided the central focus of reference and reverence, the term has increasingly come to be applied to attitudes, values, or practices which give exclusive or preferential concern to human interests at the expense of the interests or well-being of other species or the environment.<sup>49</sup>

Thus, an anthropocentric view is based on a highly hierarchical worldview that sees humans at its apex and legitimizes what E. Crist and B. Taylor have called “human supremacy” over nature.<sup>50</sup> The idea behind this view is that the natural, non-human world has value only because it directly or indirectly serves human interests.<sup>51</sup> AC Grayling’s definition of an anthropocentric view of nature points in the same direction:

To see everything as having humankind at the centre, or as the measure, or as the chief point of interest; to conceive of the gods as human beings writ large [ . . . ] to think that nothing has greater value than human beings, and that everything else can legitimately be bent to the service, use or interest of humanity, is to place humankind at the pinnacle of value in the world, and to privilege human existence over other kinds.<sup>52</sup>

In essence, what is typically meant by the anthropocentric view is the attitude that promotes the human being as the paradigm of the world. Being the paradigm, an anthropocentric view of nature proposes to man as the master of nature that exists only to satisfy his needs. This dominion is practically exercised as hegemony over the natural environment surrounding him and the other animal species living in contact with him.<sup>53</sup> In concrete terms,

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<sup>49</sup> Barry and Frankland, *International Encyclopedia of Environmental Politics*, 18.

<sup>50</sup> See Crist, *Abundant earth and population*, 141–153.

<sup>51</sup> McShane, *Anthropocentrism vs. Nonanthropocentrism*, 170–173.

<sup>52</sup> Grayling, *Ideas that Matter*, 27–29.

<sup>53</sup> This attitude towards nature leads to ‘speciesism’, i.e. the attitude to assign different value or different rights to living beings based on their belonging to a species.

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anthropocentrism is a vision that effectively separates man from the surrounding nature by placing man above all else.<sup>54</sup> This dimension of separation is emphasized by V. Plumwood, who points out that different “oppressive centrism” – including racism, sexism, and anthropocentrism – share several characteristics: radical exclusion, which through hierarchization labels one group as inferior and separate; homogenization, which levels all differences into a superficial and homogeneous view of the other group; denial, which labels the other as inessential; incorporation, which turns one group into a unit of measure by which the other group is evaluated; instrumentalism, which denies the independence of others by reducing them to a mere utilitarian object.<sup>55</sup> As A. L. Peterson states, anthropocentrism – like other “oppressive centrism” – actually follows the logic of domination: the differences are emphasized, and then objectification or exploitation of what is perceived as other than oneself is justified.<sup>56</sup>

Having clarified the term anthropocentrism, one may ask: does this term, so delineated, fit the human-nature relationship as presented in the creation texts in the book of Genesis? Do the texts of creation propose an “oppressive centrism” of the human over nature?

Conditioned by the philosophical debate, which saw the creation texts as much of the cause of cultural anthropocentrism, biblical scholars are beginning to take the question of the centrality of humans to nature within biblical traditions.<sup>57</sup> In recent decades, research has channelled its efforts to understand whether the biblical vision proposes a human being as the measure of

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it has been argued how speciesism can be understood as a variant of anthropocentrism. See Milligan, *Speciesism as a Variety of Anthropocentrism*, 2011, 223–244.

<sup>54</sup> This aspect of separation from nature is highlighted in the *Encyclopedia Britannica* definition in which it points out that anthropocentrism is a “philosophical viewpoint arguing that human beings are the central or most significant entities in the world. This is a basic belief embedded in many Western religions and philosophies. Anthropocentrism regards humans as separate from and superior to nature and holds that human life has intrinsic value while other entities (including animals, plants, mineral resources, and so on) are resources that may justifiably be exploited for the benefit of humankind. See Boslaugh, *Anthropocentrism*.

<sup>55</sup> See Plumwood, *Androcentrism and Anthropocentrism*, 337–38.

<sup>56</sup> See Peterson, *Being Human*, 145.

<sup>57</sup> For a critical overview see Strømme, *Biblical Animality*, 9–12.

## 2.1 And God created animals ... Twice

creation and the owner of nature. R. Simkins, for example, challenges the traditional view of the Bible as an anthropocentric book.<sup>58</sup> He argues that the interpretation that sees the Bible as promoting an anthropocentric view of creation is based on a selective reading of Scripture, in which only certain aspects have been selected and emphasized.<sup>59</sup> Following the author, a careful reading of the creation narratives presents a “theocentric worldview,” which contradicts the traditional notion that God gave man the right to govern the creation.<sup>60</sup> The vision proposed by Simkins is attractive because it can reverse the perspective. It is not the Bible itself anthropocentric, but such a reading of the Bible would be nothing more than an interpretative imposition of a culture that is already profoundly anthropocentric.<sup>61</sup>

M. Joerstad also moves in the same direction, showing how the accounts of creations present a nature that participates in God’s creativity and has precise tasks concerning the world’s order. The scholar shows how, through carefully reading the texts, we can challenge the typical idea of the hierarchical separation between man and nature typical of anthropocentrism.<sup>62</sup> The world drawn by the Bible is a world where in some cases, it is possible “be with mountains, trees, rivers, and soil, not just on them.”<sup>63</sup> The author proposes a relational vision of nature, far from the oppressive centrism that should characterize an anthropocentric vision of nature. These interpretive approaches certainly have the merit of having smoothed the angles to a thorny interpretive issue that saw the Bible as the theological pass able to legitimize a destructive attitude towards nature. However, the Bible is God’s book for men. It was written by men for men – for only men can produce written material and understand it – at a time when environmental ethics issues were not even remotely conceivable. Although the text does not allow

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<sup>58</sup> Simkins, *The Bible and Anthropocentrism*, 397–413.

<sup>59</sup> Simkins refers primarily to selective reading and an overemphasis on Gen 1 and Ps 8. cf. Simkins, *The Bible and anthropocentrism*, 400.

<sup>60</sup> Simkins, *The Bible and anthropocentrism*, 403.

<sup>61</sup> Other commentators have questioned the traditional anthropocentric reading of the Bible, which they claim is imposed rather than flowing from it. See on this topic Bernstein, *The splendor of creation*.

<sup>62</sup> See Joerstad, *The Hebrew Bible and environmental ethics*, 112.

<sup>63</sup> Deane-Drummond, *The Hebrew Bible and Environmental Ethics*, 196.

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humans a despotic attitude toward creation, to which the Bible gives spaces of its dignity, it is undoubtedly true that “from the very beginning the account of the genesis of the world, and its chronological and spatial order, focuses on the cosmos of human experience and the fate of humanity in that world.”<sup>64</sup> The focus on the human is also reflected in the conception of nature, which, although cannot be defined as anthropocentric, is clearly “*human-oriented*.”

Through the term human-oriented, on the one hand, it is possible to take into account the studies that have shown how the texts of creation do not propose a vision of nature subject to oppressive centrism of the human, at the same time, on the other hand, it is possible to emphasize that, despite exegetical efforts, the text starts from the assumption of a hierarchy given a priori. Man is not the absolute master of creation – a role reserved for God – but God creates the world in the creation narratives to meet certain human needs – at least in part. If “anthropocentrism” defines a relationship of absolute supremacy, the term “human-oriented” maintains the hierarchical setting – present in the texts – but strips the human-nature relationship of the intrinsically violent connotations that come with anthropocentrism. By eliminating violent connotations, defining nature as created human-oriented maintains the human-nature relationship in that arrangement characterized by nonviolence that distinguishes the accounts of Gen 1 and 2<sup>65</sup>.

The idea of a human-oriented nature in the first two chapters of Genesis becomes evident in the moment of the expulsion from the garden. In that situation, God announces to the man that, because of disobedience, the soil will henceforth be “cursed,” and it will be challenging to draw food from it. The moment of the expulsion inaugurates an era in which the relationship between humans and the natural environment becomes more conflictual precisely because, from that moment, nature will no longer be human-oriented. This conflictual dimension inaugurates a period in which the relationship

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<sup>64</sup> Gertz, *The Formation of Primeval History*, 107.

<sup>65</sup> The idea that creation narratives express a peaceful relationship between humans and nature is emphasized by several commentators. See Middleton, *Created in Image of Violent God?*, 341–355; Bauckham, *Humans, Animals, and the Environment in Genesis 1–3*, 175–189; McLaughlin, *A Meatless Dominion*, 144–154.

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between humans and nature is managed through relations of force that did not exist in the garden.



## 2.2 Sea monsters, swarms, and crawling creatures: The creation of animals

Having presented what happens before the creation of the animals in the two creation narratives, I will now analyze the sections that pertain specifically to the creation of the animals. The taxonomic systems of ancient Israel divided animals into three main categories: water, air, and land animals.<sup>66</sup> following the tripartite worldview of Israelite thought.<sup>67</sup> This tripartition also appears in Gen 1, so the analysis will follow the sequence proposed by the text. First the water animals, air animals and, finally, the land animals. I will then analyze the creation account of the animals in Gen 2, where the creation of the animals happens in a single moment.

### 2.2.1 What moves in water: The creation of aquatic animals

As seen above, the first four days in the Gen 1 build the essential foundation for hosting life. The recurring formula “and God said” at the beginning of the fifth day (v. 20) inaugurates the creation of the animals that inhabit the waters and those that inhabit the sky. According to the Hebrew text, vv. 20–21 states:

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<sup>66</sup> See Whitekettle, *Where the Wild Things Are*, 19.

<sup>67</sup> On the tripartite conception of the world, see Stadelmann, *The Hebrew Concept of the World*, 9–10.

## 2. The First Beasts

20 And God said	ויאמר אלהים
Let the <b>waters swarm</b> with a <b>swarm of living being</b> .	יִשְׂרְצוּ הַמַּיִם שְׂרָץ נֶפֶשׁ חַיָּה
and let fowl fly on the earth, on the face of the firmament of the sky.	וְעוֹף יְעוֹפֵף עַל־הָאָרֶץ עַל־פְּנֵי רִקְעַת הַשָּׁמַיִם
21 And created God the great sea monsters	וַיִּבְרָא אֱלֹהִים אֶת הַתַּנִּינִים הַגְּדֹלִים
and every <b>crawling living thing</b> that <b>swarms the water</b> in all their varieties	וְאֵת כָּל נֶפֶשׁ הַחַיָּה הַרֹמֶשֶׁת אֲשֶׁר שְׂרְצוּ הַמַּיִם לְמִינֵהֶם
and every winged in all their varieties.	וְאֵת כָּל עוֹף כַּנָּף לְמִינֵהוּ
And God saw that it was good.	וַיֵּרָא אֱלֹהִים כִּי טוֹב

From a structural point of view, excluding the opening and closing formulas,<sup>68</sup> the report of the fifth day is divided into two sets of corresponding items (ABA<sup>1</sup>B<sup>1</sup>) whose relationship between subunits is based on lexical and content elements. The A subunits focus on the creation of aquatic animals and are related to each other through the recurrence of the root שרץ – which recurs in verbal (יִשְׂרְצוּ) and nominal (שְׂרָץ) form in A and in verbal (שְׂרָצוּ) form in A<sup>1</sup> –, of the noun מַיִם, with the article in both A and A<sup>1</sup>, and of the expression נֶפֶשׁ חַיָּה, indeterminate in A and determinate in A<sup>1</sup>. The B subunits focus on the creation of aerial animals and are related to each other based on the root עוֹף, which recurs in nominal (עוֹף) and verbal jussive polel form (יְעוֹפֵף) in B and nominal form (עוֹף) in B<sup>1</sup>. The first series (AB) reports God's direct

<sup>68</sup> The initial formula “and God said,” and the final formula “And God saw that it was good” draw an inclusion within the description of the fifth day is articulated. On the role of inclusions in structures, see Walsh, *Style and Structure*, 57–59. However, nothing precludes the possibility of inserting the two phrases within the actual structure considering the lexical redundancy (the word אֱלֹהִים). Even including these sections would not change the structure much by becoming ABC+B<sup>1</sup>C<sup>1</sup>A. In that case, the parts referring to aquatic animals would be the “B” subunits, while those referring to flying animals would be the “C” subunits.

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speech as a command, while the second set (A<sup>1</sup>B<sup>1</sup>) reports the narrator's voice describing its fulfillment. Between the first set and the second set is an asymmetric element, the sentence "And created God the great sea monsters" (marked with "+" above). The presence of this asymmetrical element functions as a device to attract the reader's attention for at least two reasons. First, it is located in the center of the structure. Second, through the narrator's voice, it reports an element that does not appear directly in God's command, the great sea monsters.<sup>69</sup> Three actions of God punctuate the entire account of the fifth day: saying (אמר), creating (ברא), and seeing (ראה), which constitute the beginning, middle, and end of the day, respectively.

Compared to the works of the previous days, the creation of the first living beings curiously happens in a double manner. The first set (AB) indicates that the water causes these beings to appear after the divine command. Thus, as the earth produced vegetation, the waters produced the living things in it. Nevertheless, in the second set (A<sup>1</sup>B<sup>1</sup>), the text shifts to a direct creative action of God. In this verse, the text emphasizes that God "created" the different groups of living things and does so by using the verb ברא (create), which, if we leave out v. 1, is used in this text only for the creation of man (v. 27).

From a stylistic point of view, the first set (AB) takes up the rhetorical figure of the poliptoton already used in v. 11 and repeats it twice.<sup>70</sup> The first is about the swarming of the swarming beings (ישרצו ... שרצו), and the second is the flying of flying beings (ועוף יעופר). God's mode of action also confirms this stylistic element connection with v. 11. As for the plants, God had turned a direct order to the earth; this time turned to water, another element already present in creation.

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<sup>69</sup> I will focus on creating the great sea monsters later in the analysis.

<sup>70</sup> According to Brown, *Divine Act*, 24, this command is expressed using the figura etymological construction. In this linguistic construction, the verbal command is connected with the object or subject. Specifically, in v. 20, the jussive verb relates to its object. According to the scholar, this technique, also used in v. 11 and v. 15, is meant to "heightens the rhetorical artistry of the divine speech" (p. 25). Following Westermann, *Genesis*, 124, these types of constructions serve to give the text its monotonous and repetitive tone.

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Focusing on the creation of aquatic animals (subunits A), the order of God is expressed through a third person plural jussive form of the transitive verb שרץ (to swarm) and has המים (the waters) as its subject.

If waters are the subject, the object of this order is שרץ נפש חיה (swarm of living being). Compared to the LXX, in which one can hardly recognize a vocabulary inherent to aquatic beings, the root שרץ (verbal and nominal) probably possesses a broad meaning that can also be applied to beings inhabiting oceans, seas, and fresh waters.



### *EXCURSUS: Does God create water animals in the LXX?*

Before entering the subject of this excursus, a methodological clarification is necessary. The Semitic echo of the Greek text of the LXX has been one of the main aspects that have intrigued generations of scholars since the late nineteenth century.<sup>71</sup> This interest has found a particularly fruitful field in studying so-called “translation techniques”.<sup>72</sup> Efforts in this direction are primarily made to record the faithful rendering of even the most elementary particles of text, starting from the assumption (actually questionable) that the systematic lexical correspondence between the two languages – Hebrew and Greek – is to be considered the constant norm followed by translators.<sup>73</sup>

The direct consequence of this assumption is that a particularly relevant meaning for significance must match deviations from this standard.<sup>74</sup> In any case, this situation of affinity to the Semitic substratum, which in a sense facilitates comparisons between the LXX and MT, runs up against an apparent difficulty. If, on the one hand, the Greek text makes it possible to read the underlying text with sufficient clarity, on the other, the comparison takes

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<sup>71</sup> On this point, see Fernández Marcos, *Septuagint in Context*, 3–16.

<sup>72</sup> See, Sollamo, *The Study of Translation Technique*, 143–153.

<sup>73</sup> On this point see Prato, *L'antropologia riduttiva dei LXX*, 131.

<sup>74</sup> See the pages dedicated to the subject in Dogniez, *Bibliography of the Septuagint*, 47–52. See also the dedicated section in Cook and Stipp, *Studies in the Septuagint*, 37–207, and S. Olofsson, *The LXX Version*, 1990.

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place between a real text (the Greek one) and a totally hypothetical Hebrew original. In the case of significant divergences between the two texts, it becomes essential to understand when and how to reconstruct the variant. This procedure presents numerous difficulties, especially when there is no direct documentation of a possible *Vorlage* different from the MT.<sup>75</sup> The situation must therefore be judged case by case, considering the specific documentation for each text.<sup>76</sup> Thus, with great caution, I will discuss this issue concerning the divergence of the Greek versions (I will include in the discussion also the versions of A, Σ, and Θ)<sup>77</sup> dealing with the creation of aquatic animals from the MT. The attempt is not to sanction which of the lessons is the most “ancient” or “original,” which is beyond the intentions of this study, but rather to ascertain the different outcomes that different lessons have on the meaning of the text.

On a purely lexical level, what is surprising is the choice of vocabulary that the Greek versions use to describe the creation of aquatic animals in Gen 1:20–21. The ancient translator chooses, in these cases, an ambiguous lexicon that does not usually refer to aquatic animals and hardly suggests the creation of fish and animals living in the waters. The first term to be analyzed is the jussive form of the Hebrew root  $\text{שׂרץ}$  rendered in the Greek versions as follows (v. 20):

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<sup>75</sup> Fundamental in this regard is Tov, *The Text-Critical Use of Septuagint*, esp. 43–112.

<sup>76</sup> At this point it is possible to mention the documentation found at Qumran. However, from such material, it is difficult to draw general theories about the relationship between Greek and Hebrew texts. See Tov, *The Qumran Hebrew Texts and the Septuagint*, 353–368 and, in the same volume, *The Dead Sea Scrolls and the Textual History of the Masoretic Bible*, 313–324.

<sup>77</sup> I use from here on the standard abbreviations for the Greek versions of Aquila (A), Symmachus (Σ), and Theodotion (Θ). For these versions I refer to Fields’ edition, *Origenis Hexaplorum quae supersunt*. For the Greek text of the LXX, I refer to the so-called “Göttingen Septuagint,” whose text of Genesis is published in Wevers, *Genesis*.

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LXX	εξαγαγέτω τὰ ὕδατα	מִיַּצֵּא הַמַּיִם
A	εξερψατω τά υδατα	
Σ	εξερψατω τά υδατα	
Θ	εξερψατωσαν τα υδατα	

According to the divine command in LXX, the waters (τὰ ὕδατα) are to “lead out” the living beings. “Lead out” is the main meaning of the Greek verb εξαγω<sup>78</sup> and, except for two cases, throughout the rest of the book of Genesis, it is used by the Greek translator to render the Hebrew “to go out” (יָצָא).<sup>79</sup>

In contrast, of the 14 occurrences of the Hebrew verb יָרַשׁ, if we exclude Gen 1:20–21, it is never rendered with εξαγω in the entire Bible.<sup>80</sup> Then, unlike the Hebrew text, which with the root יָרַשׁ seems to refer to a kind of movement that occurs within the waters,<sup>81</sup> the Greek text suggests that God commands the waters to “lead out,” to “bring out” from the waters the living beings. The three Hexaplar versions do not appear to differ much from this image. All three versions use an aorist imperative of the verb εξερπω (to creep out). This verb adds the idea of crawling but, in each case, “out” of the

<sup>78</sup> On the meaning of the verb εξαγω in the context of the Septuagint, see Lee, *A Lexical Study of the Septuagint*, 67.

<sup>79</sup> Cf. Gen 1:24; 8:17; 11:31; 15:5; 15:7; 19:5.8.12.17; 38:24; 40:14; 43:23; 48:12. In 20:13 the Greek text uses the verb εξαγω for render the Hebrew root נָעַד (to wander). Even in this case, the word keeps the meaning of “to lead out”: When God *led me out* of my father’s house [...]. (ἐγένετο δὲ ἡνίκα ἐξήγαγέν με ὁ θεὸς ἐκ τοῦ οἴκου τοῦ πατρὸς μου [...]). The same is true for Gen 41:14, where εξαγω renders the Hebrew יָרַח, with the idea of “bringing out” the prison: Pharaoh sent. He called Joseph and they *brought him out* of the stronghold [...]. (Ἀποστείλας δὲ Φαραῶν ἐκάλεσεν τὸν Ἰωσήφ, καὶ ἐξήγαγον αὐτὸν ἐκ τοῦ ὄχυρῶματος [...]).

<sup>80</sup> In Gen 7:21 is translated with κινέω; in 9:7 with πληρώω; in Ex 1:7 is πληθύνω; in 7:28 is ἐξερεύομαι; Lev 11:29.41.42.43.46 is ἔρπω; in Ezk 46:9 is ἐκζέω; in Ps 105:30 is ἐξέρπω. In Gen 8:17, the Hebrew expression יָרַשׁ בְּאֵרֶצְךָ is not reported in the LXX.

<sup>81</sup> I will focus on the meaning of יָרַשׁ later.

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water.<sup>82</sup> The Greek versions would seem to suggest that the waters are emptied of the beings generated by the divine command to the waters. This hypothesis appears to be confirmed by the type of animals expected to “come out” of the waters. If waters are the subject, the object of this order in the MT is שרץ נפש חיה. The subject is rendered in this way by the Greek versions (v. 20):

LXX	ἐρπετὰ ψυχῶν ζωσῶν	שרץ נפש חיה
A	ερπετον ψυχης ζωσης	
Σ	ερπετα ψυχας ζωσας	
Θ	ερπετα ψυχας ζωσας	

The choice of the word ερπετον, plural in LXX, Σ, and Θ but singular in A, suggests a meaning that hardly renders the idea of fish or animals swimming in the waters. This term, connected to the verb ερπω, indicates the creeping thing, reptile, especially snakes. Nowhere in the attestations, we have available of the term does it seem to refer to forms of fish or aquatic animals.<sup>83</sup> Significantly, the times when the word translates the Hebrew שרץ, as in the case of Gen 1:20, the term ερπετον is often associated with the expression ἐπὶ τῆς γῆς (on the earth), but never with water.<sup>84</sup> When combined with the

<sup>82</sup> The verb εξερπω occurs in the LXX once (Ps 105:30) and translates the Hebrew verb שרץ. Following Muraoka, *Lexicon*, 250 εξερπω would mean “to become covered with.” However, it is difficult to attribute the action of “to cover” to this verb, given the presence of ερπω, which is always connected to the action of “to crawl” (or more generically, “to go”) and never to that of “to cover with.” See Beekes, *Etymological Dictionary of Greek*, 463. In this regard, I think it is correct to follow the indication of Liddell-Scott, *Lexicon*, 591, who, in addition to the εξερπω translations with “creep out of,” “creep forth,” “to go,” supported by numerous examples, devotes a paragraph to the occurrence of the LXX in Ps 105:30 reporting as meaning “make to come forth,” “produces.”

<sup>83</sup> Following Liddell-Scott, *Lexicon*, 691, which provide numerous examples, the term can mean “beast of animal which goes on all fours,” “creeping thing, reptile, esp. snake,” or, as the adjective, “creeping.” Never is referred to water animals.

<sup>84</sup> Gen 7:21; Lev 11:29.31.41.42.43. Several times ερπετον renders the Hebrew word רמם (both in verbal and nominal form) and again is often associated with the

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above considerations, v. 20 of the LXX does not seem to appropriately refer to the creation of fish and other water-dwelling animals. God seems to command the waters to “lead out” or “bring out” (ἐξαγω) “creeping beings” (ερπετα) who, once they leave the waters, settle on the earth as their dwelling place.

This lexical ambiguity is not resolved in v. 21 either. Some degree of uncertainty as to whether or not fish-like animals are also mentioned seems to be suggested by v. 21. God’s first creative act is the great sea monsters (τὰ κήτη τὰ μεγάλα) that appear on the scene unexpectedly since they were not mentioned in the command in v. 20. The term κῆτος, plural in v. 21, translates here the Hebrew תנינִים, a term to which a strong mythological connotation has long been recognized.<sup>85</sup> However, following Weavers, although Greek translators use the term to render both לוייתן and רהב – as well as the fish

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expression ἐπὶ τῆς γῆς: Gen 1:26.30; 6:20; 7:14; 8:17.19; Lev 20:25; Ho 2:12; Ezk 38:20. Again, the noun ερπετον is never associated with water. The only occurrence that might be an exception is an occurrence in Ps 69:34 of the verb ερπω. Here, the Hebrew יהללוהו שמים וארץ ימים וכל דמש במ is rendered in Greek αἰνεσάτωσαν αὐτὸν οἱ οὐρανοὶ καὶ ἡ γῆ, θάλασσα καὶ πάντα τὰ ἔρποντα ἐν αὐτοῖς. The Greek translator uses the verb ερπω to render the movement of the inhabitants of the sky, earth, and sea without distinction. The Hebrew text creates some ambiguity concerning whom to apply רמש because the preposition ב with a 3-person plural pronominal suffix could refer either to the whole set of heaven, earth, and seas, or only to the seas, plural in Hebrew. In contrast, in the Greek text ἐν αὐτοῖς, masculine-neutral plural, can refer only to the whole set of the sky, earth, and seas since θάλασσα is feminine and, if the verb referred only to the seas, one would expect αὐτῆ, in case θάλασσα was intended as a feminine singular, or αὐταῖς, if it was intended as dual. In this sense, the verb ερπω is more of a collective term describing movement, so it can be associated with birds, land animals, and fish and can hardly be understood as typically associated with sea animals. In this sense, the verb ερπω is more of a collective term describing movement such that it can be associated with birds, land animals, and fish and can hardly be understood as typically associated with sea animals. Also significant is the case of Lev 11:10, where in Hebrew, the term שרץ is connected to waters. The Greek text surprisingly does not use ερπετον but translates the Hebrew expression מכל שרץ המים with ἀπό πάντων, ὧν ἐρεύγεται τὰ ὕδατα, using a periphrasis around the verb ἐρεύγομαι.

<sup>85</sup> I will focus on this term in Hebrew later.

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that ate Jonah – in the text of Genesis 1 κῆτος, has lost all mythological nuances and refers only to big aquatic animals.<sup>86</sup>

Alongside the great sea monsters, which are undoubtedly aquatic, for the other creatures, the LXX repeats the same vocabulary as the v. 20, referring to πᾶσαν ψυχὴν ζῶων ἐρπετῶν ἃ ἐξήγαγεν τὰ ὕδατα (every animate being among the crawling creatures that the waters had brought forth). Resuming the previous verse, the image remains the same. God created the crawling animals that had come out of the water. Hardly the idea in the reader's mind is of the fish that dwell within the water.

However, it should be noted that God's blessing in v. 22 seems to refer to aquatic animals even though it refers only to those animals that inhabit water ἐν ταῖς θαλάσσαις (in the seas), thus leaving out all freshwater aquatic animals. This situation would suggest that the preceding terms are somehow related to those animals that can multiply in the waters of the sea. So, the question is: why choose such an ambiguous vocabulary, so strongly associated with animals that in no way can be aquatic (ἐρπετον)? Why choose a verb like ἐξαγω which, unlike the Hebrew שָׂרַשׁ, has a marked connotation of outward movement of the waters at the risk of leaving the inhabitants of the waters totally in the background?

One attempt at an answer is the hypothesis that the Hebrew יִשְׂרֹו is a variant inserted to limit the creative action of water in Gen 1:20, which is more pronounced in the Greek text. Following this path, the Greek version ἐξαγω would be more ancient, while the verb שָׂרַשׁ could represent a sort of *Tiqqun Soferim* of the MT, acting to reduce the role of the waters in the creative act.<sup>87</sup> From this perspective, aquatic animals would not even have been considered by the author of Gen 1, and their presence in the Hebrew text would be nothing more than a side effect of trying to cover up the excessively central role of the waters. This solution is not without its problems. In the case of the actual existence of this *Vorlage*, it would be necessary to

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<sup>86</sup> Weavers, *Notes on the Greek Text of Genesis*, 1993, 11. See also Brayford, *Genesis*, 218–219.

<sup>87</sup> On this point, Cook, *Genesis 1 in the Septuagint*, 1982, 25–36, argue that MT departed from an earlier non-MT LXX *Vorlage* in which the waters played a more active creative role. See also Brown, *Structure, Role, and Ideology*.

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assume a Jewish environment in which a more open cosmogony was accepted, in which God's role in the creative process could be shared with elements of nature, and that a more rigid later Jewish orthodoxy would eventually eliminate this cooperation. Then the fact remains that any attempt to reconstruct a Hebrew Vorlage is always hypothetical, especially when lacking concrete textual support.<sup>88</sup>

Suppose an alternative way is to be pursued. In that case, an attempt at an answer can be identified in a harmonizing tendency of the LXX that sees in the accounts of Gen 1 and 2 a continuum within which some degree of continuity must be found.<sup>89</sup> This tendency emerges significantly at points where the two narratives present different perspectives of the same created reality.<sup>90</sup> Regarding the creation of the animals, which occurs under other circumstances and in different ways in the two narratives, with the insertion of the particle ἔτι (still, yet), the Greek text of Gen 2:19 reconnects to the previous narrative by creating a connecting bridge between the two creative moments.<sup>91</sup> This particle adds to the verse the idea of the same creation but in a temporal sequence divided into two phases, an idea absent from the MT. Now, the second creation account lacks mention of any aquatic animal.<sup>92</sup> In a general view that seeks to maintain continuity between the two versions, which, at least in principle, are supposed to recount the same creative action, the absence of mention of the creation of fish in Gen 2:19–20 may have suggested the choice of a more ambiguous language in Gen 1:20–21. Through the ἔτι particle and language that suggests the creation of animals that do not

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<sup>88</sup> There would still remain the possibility of resorting to the documentation of Qumran of which fragments from the first and fourth caves are known, and which do not present great difficulties for the sections we are discussing. For vv. 20–21 there is evidence in 1QGen, frg. 1; 4QGen<sup>b</sup>, frg. 1 i; 4QGen<sup>g</sup>, frg. 2; 4QGen<sup>d</sup>, frg. 1. However, all Qumran evidence confirms MT by reporting the root פִּרָשׁ. For the Qumran texts, I referred to Ulrich, *Biblical Qumran Scrolls*, 1–5.

<sup>89</sup> On this aspect has focused extensively Prato, *L'antropologia riduttiva dei LXX*, 172–173.

<sup>90</sup> Prato, *L'antropologia riduttiva dei LXX*, 172–173.

<sup>91</sup> The same happens with plants in 2:9.

<sup>92</sup> The text of Gen 2:19 mentions “the animals of the fields” (τὰ θηρία τοῦ ἀγροῦ), the birds of the sky (τὰ πετεινὰ τοῦ οὐρανοῦ), and in v. 20, the domestic animals (κτιῆνος).

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remain in the water but instead come out, the specific purposes of the two realities created in the two different contexts are muted. Following this hypothesis, the absence of aquatic animals in the Greek text would have as its purpose the need to limit the discrepancies between the two creation texts compared to a Hebrew text that included these animals in God's creative work.



To better understand the meaning of שרץ in the aquatic context of Gen 1:20–21,<sup>93</sup> one may see in the root the expression of a particular aspect of animal movement, even though it is not easy to describe precisely which type of movement the text refers to. According to Cassuto, the primary meaning of the verbal root שרץ has to do with a “swift movement of many creatures who jostle one another as they proceed criss-cross in all possible directions.” This anarchic movement described by Cassuto can also be supported by an etymological note that sees in the root שרץ a Shaph’el form of the Hebrew root רוץ (to run).<sup>94</sup> Following this hypothesis, the word שרץ would indicate all those animals that, in the Israelite perception, would move quickly and in an (apparently) disarranged way, a type of consideration that can apply as much to small land animals as to groups of fish observable in the water.

Continuing to v. 21, there is an anomaly in the rhythm of the narration concerning previous creative acts. Up to this point, the text, more or less regularly, presented a pattern that proceeded with God's declaration introduced

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<sup>93</sup> The term refers not only to aquatic animals but also to flying and terrestrial animals. For flying animals identified as שרץ cf. Lev 11:20.21.23; Deut 14:19. the text also provides a list for ground animals. Belong to the שרץ השרץ על הארץ rats, mice, lizards, snakes, worms, centipedes, and spiders (Lev 11:29–30.42).

<sup>94</sup> Studies of comparative Semitic languages have long since shown the residual presence of an Š-causative in biblical Hebrew. See Brockelmann, *Grundriss Der Vergleichenden Grammatik*, 522–525; Albright, *The Old Testament and Canaanite Language*, 5–31. An illustrative study of several roots and their respective Shaph’el forms is provided in Labuschagne, *Original Shaph’el-Forms in Biblical Hebrew*, 51–64. See also Klein, *A Comprehensive Etymological Dictionary*, 683.

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by the formula ויאמר אלהים, followed by an account of creation based on what God had declared<sup>95</sup>. On the fifth day, this recurring pattern is broken.

First, we note that God's command given to water at v. 20 (ישרצו) seems to fail. One would expect that, as in v. 11 for the earth, water would be the subject of v. 21, reacting to God's direct command. Curiously, this does not occur; the description of the concrete act of creation sees God directly involved. A second curiosity is that what should have been created in v. 20 does not correspond to what is created in v. 21, where a new group appears: the תנינם הגדלים. As seen above, this creative work forms an asymmetrical element in the structure of the fifth day and is also the center of the structure. The reason for so much attention to this creative act can be understood in light of the strong mythological connotations of the term תנינם<sup>96</sup>.

With the second part of v. 21, the text returns to its structural pattern (A<sup>1</sup>) with a lexicon similar to that of v. 20 (A). By reporting the creation of all aquatic beings that are not included in the group of תנינם הגדלים, the text uses the expression "any crawling living thing that swarms in the waters" (כל נפש כל נפש) (החיה הרמשת אשר שרצו המים). Next to the expression נפש החיה, meaning "living being" animal or "man",<sup>97</sup> the expression has a nominal form of the present participle of the root רמש, conjugated to the feminine singular to agree with חיה, to which it refers. Of 17 total occurrences, the verb, רמש appears related

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<sup>95</sup> This pattern may follow different formulations, but in all cases up to v. 21, God's declaration is followed by a fulfillment that more or less precisely echoes that declaration. In v. 3, the declaration יהי אור is followed by ויהי אור. In v. 6 to the statement יהייהו רקיע בתוך המים ויהי מבדיל בין מים למים follows the narrative of the fulfillment that takes up the main words ויעש אלהים את הרקיע ויבדל בין המים אשר לרקיע ובין המים (v. 7). In v. 11 the statement of the creation of the plants תדשא הארץ is followed by v. 12 reporting the exact effect of God's word: ותוצא הארץ דשא עשב מזריע זרע למינהו ועץ עשה פרי אשר זרעו בו. למינהו וירא אלהים כי-טוב. The same occurs in v. 14 with the declaration of the creation of the luminaries and the subsequent account of the fulfillment in v. 16 with the recurrence of the same terms.

<sup>96</sup> As Skinner, *Genesis*, 28 points out, "There are strong traces of mythology in the use of the word [...] and it may have originally been the name of a class of legendary monsters such as *Ti'amat*."

<sup>97</sup> See HALOT, 712.

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to the water only in Gen 1:21, Lev 11:46, and Ps 69:35.<sup>98</sup> In all other occurrences, the term is linked to the earth element: 9 times to the word ארץ<sup>99</sup>, and 4 times to the word אדמה<sup>100</sup>. Only in one case the verb is not related to water or land but refers generically to “all beasts of the forest” (כל חיתו יער) (Ps 104:20). In this case, it is clear from the context that the verb has to do with a particular way of moving. However, since the beasts to which the verse refers live in the forest, it must be assumed that the verb refers to a way of moving on dry land.

Dictionaries consider the root רמש to be related to the movement of reptiles, thus “to crawling.”<sup>101</sup> This meaning would fit well in contexts where the term is related to the word ארץ or אדמה. Moreover, in the figurative language of the psalmist, it would also fit in, indicating the movement of wild beasts in the forest at night. In any case, these crawling living things are identified, echoing v. 20, as those moving/swarming the water (אשר שרצו המים). Why aquatic beings were identified as “crawlers” and not as “swimmers” and why the text uses a term related to crawling movement on dry land is not clear.<sup>102</sup> It is probable that this terminology included both fish and crustaceans such as crabs and similar.<sup>103</sup>

Trying to systematize a model of animal social construction from these data on aquatic creatures is difficult. What emerges from such sketchy terminology and the absence of classifying descriptions is a peripheral interest in the creatures that inhabit the aquatic environment. As Whitkettle illustrates,<sup>104</sup> the primary level of division of animals in the biblical point of view

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<sup>98</sup> In Gen 1:21 and Lev 11:46, the verb is related to “water” (מים). In Ps 69:35, it is related to the “seas” (ימים).

<sup>99</sup> Gen 1:26.28.30; 7:14.21; 8:17.19; Lev 11:44; Deut 4,18.

<sup>100</sup> Gen 7:8; 9:2; Lev 20:25; Ezk 38:20.

<sup>101</sup> See HALOT, 1246; DCH 7, 500; GHCLLOT, 942.

<sup>102</sup> In his article on the meaning of the word רמש in Habakkuk 1:14, Whitkettle, Like a Fish and Shrimp Out of Water, 500 notes the difficulty in assigning an unambiguous meaning to the term and concludes: “As for the רמש animals, being part of a contrast set would mean that their identity is defined in relation to the thing to which they stand in contrast.”

<sup>103</sup> See the meticulous analysis of Whitkettle, Like a Fish and Shrimp Out of Water, 500–502. Also, Fisher Genesis 1–11, 144 considers this term related to crustaceans such as crabs and similar.

<sup>104</sup> Whitkettle, Where the Wild Things Are, 19.

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consists of a tripartite scheme based on the animals' habitats: water, air, and land. This scheme can be found in its complete form in several places in the biblical text.<sup>105</sup> However, the text also provides a truncated version of this scheme.<sup>106</sup> In these versions, the animals most often absent are precisely the water animals, while, for example, there is no truncated scheme in which the land animals are missing from the list. Compared to the larger surrounding cultures, the poverty of interest in aquatic animals of ancient Israelites emerged strongly. The Egyptians, alongside the general term for fish (*rm*), possessed many different names for fish and fish-like for fresh and saltwater.<sup>107</sup> The Assyrians and the Babylonians were also interested in classifying the other species that inhabited the waters. In addition to the terms indicating the different species in the literary texts, the Babylonian scribes elaborated long lists of synonyms and vocabularies of rare terms, sometimes adding the corresponding word in other languages.<sup>108</sup> In contrast, previous analysis has shown how the Hebrew text uses non-specific terms when referring to aquatic animals. Even the term  $\aleph$ , which does not appear in the account of the fifth day, is a generic term. It includes animals that live in fresh or salt water without distinction and can encompass many beings, including cetaceans, crustaceans, molluscs, frogs, and so on. These beings have little in common with actual fish except for the aquatic environment in which they live.

The Israelites were not seafarers and may not have had the opportunity or interest to observe the sea creatures that inhabited it. The richness of aquatic fauna is never expressed in biblical sources, and no type of fish is ever mentioned by name. Despite the presence of a "Fish Gate" in Jerusalem (Zep 1:10;

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<sup>105</sup> Gen 1:28; Job 12:7–8; Hos 4:3; Zeph 1:3.

<sup>106</sup> Gen 2:19; 8:20; Lev 7:26; 17:13; 20:25; Job 35:11; Jer 9:9; Ezek 31:6.13; Dan 2:38; 4:9.11.18.

<sup>107</sup> See Gamer-Wallert, *Fische und Fishkulte im alten Ägypten*, 16–43, 138–139. See also Bates, *Ancient Egyptian Fishing*, 199–271. In addition, the Egyptian were great observers of water animals. Several funerary paintings have been found in which the precision in detail in drawing an extraordinary variety of different aquatic species has allowed specialists to identify the living species to which they refer. See de Moor, *In the Beginning was Fish*, 84–93.

<sup>108</sup> For a complete review, see Salonen, *Die Fischerei im alten Mesopotamien*, 145–242.

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Neh 3: 3), which suggests that fish and other aquatic creatures were sold and consumed in the city and region.<sup>109</sup> It is clear that aquatic animals in the mental perception of the biblical authors, occupied only a marginal and residual presence.

### 2.2.2 Birds flying on the vault of heaven: The creation of flying beings in Gen 1

Like the creation of the aquatic animals, the creation of the flying animals also occurs on the fifth day and, in the structure of the text above, concerns the B subunits. Compared to the creation of the water-dwelling animals, the creation of the birds maintains more general tones and does not present particular problems. The Hebrew text creates some ambiguity of understanding in attributing to the waters some role in creating the flying animals.<sup>110</sup> In any case, the term is what means typically bird (עוף). However, it can be used for all creatures that fly in the air (cf. Lev 11: 19ff), it is expressed in the singular as a collective noun. It is followed by a third person singular jussive of the verb עופף (to fly) in the polel form (v. 20). The place where the birds will fly is on the earth (על הארץ), which is followed by a chain construct that adds a specification to the previous formulation: on the face of the firmament of the sky (על פני רקיע השמים). This clarification underlines how the birds, with their flight, do not trespass beyond the firmament in a place reserved mainly for the sphere of the divine. The wording על פני רקיע can be understood as a counterpoint to ממעל לרקיע (above the firmament) where a sapphire throne

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<sup>109</sup> The consumption of fish, both salt water and fresh water, is also attested by various archaeological sources from the Iron Age. Excavations have shown a fair trade network which supplied Judea with fish and other aquatic animals for food, especially from Egypt. On this point, see Borowski, *Every Living Thing*, 172–175.

<sup>110</sup> The Greek text of the LXX, on the other hand, considers flying animals produced by water in the same way as aquatic animals (Ἐξαγαγέτω τὰ ὕδατα ἐρπετὰ ψυχῶν ζωσῶν καὶ πετεινὰ πετόμενα ἐπὶ τῆς γῆς κατὰ τὸ στερέωμα τοῦ οὐρανοῦ). Moreover, Part of the medieval tradition seems to have understood v. 20 in this sense. Ibn Ezra's commentary on Gen 1:20 states, "The meaning of *Let the waters bring forth swarms of living creatures and let fowl fly above the earth* is that the waters will produce living beings that will fly immediately."

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appears in Ezk 1:26. Consider also that the surrounding cultures understood the flight of birds as indicative of the will of the gods. This prerogative is absent from the text of Gen 1, and birds, like other creatures, inhabit the space between earth and firmament.

Verse 21 repeats v. 20 but, curiously, the author places the word “bird” alongside the word כנף (wing), and it raises the question of what kind of flying animal would be a bird without wings. The creation of birds “in all their varieties” requires only 13 words in the MT, and several commentaries practically do not even seem to notice their presence.<sup>111</sup> Focusing only on the creation account, it is surprising how little space is devoted to flying creatures. Unlike fish, which in biblical imagery all seem to belong to one indistinct genus, in other texts of the Bible, the birds are distinguished from one another by names. The list of birds in Lev 11:13–19 includes twenty species, while Deut 14:12–18 contains twenty-one,<sup>112</sup> and others can be found in other texts.<sup>113</sup> Being able to distinguish twenty or more species of birds demonstrates some observational ability and familiarity with these types of animals. In addition, a certain symbolic value is reserved for flying animals,<sup>114</sup> and birds are used in metaphorical expressions.<sup>115</sup> Unfortunately, this diversification is not reflected in Gen 1, as the only data about birds seems to be concerned with only two features: connecting them with the water element and communicating that they have wings.

Commentaries do not seem to care about the aquatic origin of birds. An attempt at an explanation is attempted by Good, who sees a desire to “keep

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<sup>111</sup> Just to give some examples, Skinner, Genesis; Speiser, Genesis; von Rad, Genesis; Westerman, Genesis; Sarna, Genesis; Arnold, Genesis, in the commentary on the fifth day, they never mention flying animals.

<sup>112</sup> The name sets match in most cases. The list in Deut 14, contains (v. 13) והדיה למינה, absent in Lev 11. Also in v. 13 the list in Deut has הראה, while Lev הדאה.

<sup>113</sup> For example, in the ritual of Lev 1:14–17 a turtledoves (תריתם) or pigeons (בני היונה) must be presented.

<sup>114</sup> The vulture (נשר) is used as a symbol of royalty in Ezk 17:3. Vulture were symbols related to the divine in Mesopotamia (cf. Ex 19:4), 80) and appear connected to royal power in several stelai. See Pritchard, *The Ancient Near East Pictures*, 301; Van Buren, *Symbols of the Gods*.

<sup>115</sup> Cf. Ex 19:4; Ps 140:5; Jer 5:26 and Prov 6:5.

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the heavens separate from the waters and the earth in such a connection”.<sup>116</sup> The specification that birds possess wings would seem to be a tautology. However, it could also be a stylistic choice of the author, who wanted to use a more poetic formula.<sup>117</sup>

As in the case of aquatic animals, considering only the text of Gen 1, flying animals are mentioned only in passing. The creation of all species of living beings that can fly occurs in a single creative moment. As with aquatic beings, the presence here seems marginal and residual. After a formula of blessing (v. 22),<sup>118</sup> the end of the fifth day is sanctioned in v. 23 by the formula “And there was evening, and there was morning, the fifth day.”

Although the analysis leads us to conclude that the author does not pay particular attention to the variety that aquatic fauna and birds offer, it must be noted that an entire day of creation is dedicated to them. The creation of these animals is significantly the first step in a work that will continue until the sixth day, and that establishes beings in their otherness, distinguishing them and placing them in their proper place in an orderly relationship with the whole so that the created world will finally appear “very good.” God’s very realization that what he has made is “good” (טוב) (v. 21) stands in dialectic with the apparent poverty of the description of the creation of these animals. Just as God contemplates and rejoices in these animate beings, the text becomes an invitation to the reader to share in the harmony inherent in the first living realities.

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<sup>116</sup> Edwin M. Good, *Genesis 1–11*, 15. In any case, the belief that there was an actual connection between birds and water is not to be dismissed out of hand. Consider that the idea that birds could live underwater was widespread until the Renaissance in Europe. In the “*Historia de gentibus septentrionalibus*” by Bishop Olaus Magnus (1562, 155–156) it is illustrated how birds spend the winter under the sea and how it is possible to catch them with fishing nets.

<sup>117</sup> The only other occurrence of the formula עוף כנף is in Ps 78:27.

<sup>118</sup> I will focus on the blessings of Gen 1:22 and 1:28 later.

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### 2.2.2 The inhabitants of earth: The creation of land animals in Gen 1

The world now has its first inhabitants and is no longer a motionless mass as it was at the beginning of creation. As was the case on the fifth day, the sixth day (vv. 24–31) is also dedicated to the creation of two living beings of the earth: the animals that inhabit the earth (vv. 24–25) and human beings (vv. 26–27). Regarding the creation of the animals of the earth, the text states:

A	24And God said	ויאמר אלהים
B	Let the earth bring forth living things in all their varieties: domesticated animals creeping beings and animals of the earth in all their varieties And it was so.	תוצא הארץ נפש חיה למינה בהמה ורמש וחיתו ארץ למינה ויהי כן
B1	25And God made the animals of the earth in all their varieties all the domestic animals in all their varieties and all the creeping things of the ground in all their varieties	ויעש אלהים את חית הארץ למינה ואת הבהמה למינה ואת כל רמש האדמה למינהו
A1	And God saw that was good.	וירא אלהים כי טוב

The creation of land animals, which occupy the first part of the sixth day, is organized according to a fairly regular structure. The opening and closing formulas (subunits A) delineate God’s action, while subunits B deal directly with the creation of the land animals. Subunit B reports God’s direct command, while B<sup>1</sup> reports its fulfillment through the narrator’s voice. B subunits are not perfectly matched. What changes in the order of the animal types created and some formulations? In B, the order is domesticated animals, creeping creatures, and the “living beings of land,” while in B<sup>1</sup> it is “living

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beings of land,” domestic animals, and creeping creatures.<sup>119</sup> Note that about the living beings of land, God’s speech in B is phrased in poetic form (חיה ארץ) with a third-person singular pronominal suffix after the word חיה replacing the article, present instead in the narrator’s account in B<sup>1</sup> (חיה (הארץ)).<sup>120</sup> Moreover, in B<sup>1</sup>, each group is accompanied by “in all their varieties,” suggesting that each type has additional subgroups.

Generally, the text seems to echo the pattern already seen in vv. 20–21. In v. 24, the earth is commanded to bring forth (תוציא) living things, but in v. 25, it is God who acts directly to make (עשה) the animals. The text provides three categories for terrestrial animals compared to aquatic and flying animals. The term רמש denotes one such group, a nominal form of a root already encountered in participle form at v. 21. This designation, expressed in the singular, is to be considered the first level of a taxonomy that indicates all creeping beings or those with legs so short that they almost touch the ground.<sup>121</sup> The way the text labels these animals is based on observing the way they move. Another group consists of the “living beings of land.” In this case, the label is based on a geographic assumption.

The expression appears in this formulation only nine times in the Bible<sup>122</sup> and seems to refer to wild animals that are dangerous to humans. They are feared (Job 5:22), and their ravenous attitude to human beings is almost proverbial.<sup>123</sup> Unfortunately, Gen 1 does not provide any list, but the Bible knows of several animals that could rightfully be mentioned under this category of ferocious animals.<sup>124</sup> The third group consists of domestic animals,

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<sup>119</sup> This difference can be explained in several ways. It is possible that there was no fixed systematic succession or that the sequence follows an order dictated by stylistic reasons. See TWAT, vol I, 525.

<sup>120</sup> On this point see Cassuto, Genesis, 54.

<sup>121</sup> See HALOT, 1246; DCH, vol. VII, 500; TWAT, vol. VII, 536.

<sup>122</sup> Gen 1:25.30; 9:10 (x2); 1Sam 17,46; Ezk 29:5; 32:4; 34:28; Job 5:22.

<sup>123</sup> An expression involving birds of the air and beasts of the earth is used as a curse formula and is intended to be an announcement to Israel of an external threat and ignominious death, with animals devouring corpses (1Sam 17,46; Ezk 29:5; 32:4; 34:28. cf. also Deut 28:26). A similar fate befalls those who practice human sacrifices (Jer 7:33; 19:7), and insistence on the desecration of corpses by wild animals is also found in 15:3 and 16:4. Cf. also Isa 18:6.

<sup>124</sup> Several passages (Judg 14:18; Prov 22:13; Am 5:19) describe the danger of lions, which were widely distributed in Palestine throughout the first millennium BCE.

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enclosed under the term *בהמה*. Through the specification “in all their varieties” (*למינה*), the text suggests that the term is to be understood as an umbrella term under which all domestic animals can be placed. However, in some biblical attestations, *בהמה* seems to refer to certain species of predators dangerous to humans. It is, therefore, worth analyzing the term more closely.



### *EXCURSUS: What means בהמה?*

When we search *בהמה* in Biblical Hebrew dictionaries, we stumble upon a peculiar situation. The word seems to have a double meaning, one opposite to the other. On the one hand, *בהמה* means “cattle,” “domestic animal,” and “breeding animal,” on the other hand, in certain situations, following Gesenius, the term could mean “wild beast, esp. carnivorous.”<sup>125</sup> Although the etymology is uncertain,<sup>126</sup> the question arises: how can a term denote both a domestic animal and, at least hypothetically, their predators?

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See Sanderson, *Living Mammals*, 161; Borowski, *Every Living Things*, 196-200. The leopard, considered by the Bible to be the fastest of all mammals (cf. Hab 1:8), is also remembered for its danger (Jer 5:6; Hos 13:7). The leopard’s ferocity became so proverbial that the expression in Isa 11:6 “the leopard will lie down with the kid ...” is used as an impossible image that can only be realized on the Day of Yhwh. Similarly, the wolf that will live peacefully with the lamb (Isa 11:6; 65:25) shows that the wolf was considered a rather dangerous encounter. Also, bears were considered dangerous (2Sam 17:8; Hos 13:8; Prov 17:12).

<sup>125</sup> See Gesenius, *Lexicon*, 1907, 96–97. Similarly, HALOT, 111–112, divides the meaning into “domestic animal,” “cattle,” and “beasts.” The ambiguity of the term is also emphasized by Clines, *Dictionary*, vol. II, 1995, 98, who in the definition of *בהמה* writes: “oft collective, beasts, as distinct from birds, fish and creeping animals (e.g. Gn 1:26; 1K 5:13), and also from humans and from wild animals (but not at, e.g. Mc 5:7; Pr 30:30).”

<sup>126</sup> Gesenius, *Lexicon*, 1907, 96, through a comparison with Arabic, connects the term to the root *בהם* “shut, impeded in speech, tongue tied, be dumb.” However, TWAT, vol. I, 524, rejects this derivation, considering more likely the one proposed by Albright, *Vetus Testamentum Sup IV*, 256ff, who links the term to the Ugaritic root *bmt* “back,” which in turn is derived from the Akkadian *bāmtu* “half” or “middle

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A contextual analysis in which the term appears may be indicative to attempt to answer this question. Since attestations of the term in a Semitic linguistic environment somewhat akin to Israel always indicate the root בהם as “domestic animal” and never “predatory animal” or “carnivorous,” it is worth focusing attention on those passages of the Bible where the term appears to have this last meaning.<sup>127</sup> Following the Lexicon of Gesenius, בהמה would indicate animals with predatory attitude in Mi 5:7, Deut 28:26, 32:24; Is 18:6 (x2), Jer 7:33, 15:3, 16:4, 19:7, 34:20, 1Sam 17:44, Prov 30:30, and Hab 2:17.<sup>128</sup>

Leaving aside Deut 32:24, Mi 5:7, Hab 2:17, and Prov 30:30, to which I will return later, it is possible to analyze the remaining recurrences in parallel since there are several lexical points of contact. These passages have in common an expression that, with some minor differences, recurs with some formularity:

Jer 7:33a	And the <b>corpse</b> of these people shall be <b>food for the birds of the sky and the beasts of the earth</b>	והיתה נבלת העם הוזה למאכל לעוף השמים ולבהמת הארץ	MT
	The <b>corpses</b> of this people shall be <b>food for the birds of the sky and for the beasts of the earth</b>	καὶ ἔσονται οἱ νεκροὶ τοῦ λαοῦ τούτου εἰς βρῶσιν τοῖς πετεινοῖς τοῦ οὐρανοῦ καὶ τοῖς θηρίοις τῆς γῆς	LXX

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part of a slope” or even “half of the back.” This derivation would also have an echo in the Hebrew בהם with the meaning of “back,” “high ground” or even “place for burial.” Similar conclusions are reached by Dahood, *Hebrew-Ugaritic Lexicography* I, 302.

<sup>127</sup> For example, in attestations in Ugarit texts, the term always means “domestic animal,” “livestock.” See del Olmo Lete and Sanmartín, *Dictionary of Ugaritic*, vol. I, 216. The same is also true in Aramaic attestations of the term. See Klein, *Etymological Dictionary*, 65.

<sup>128</sup> Gesenius, *Lexicon*, 1907, 97.

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Jer 16:4	They will die of excruciating diseases; they will not be mourned or buried, but will become like dung on the ground. They will perish by the sword and by starvation. Their <b>corpse will be food for the birds of the sky and the beasts of the earth</b>	ממותי תחלאים ימתו ולא יספדו ולא יקברו לדמן על פני האדמה יהיו ובהרב וברעב יכלו והיתה <b>נבלתם למאכל לעוף השמים ולבהמת הארץ</b>	MT
	They will die an inauspicious death, they will not be mourned and they will not be buried; they will become an example on the surface of the earth, both <b>to the beasts of the earth and to the birds of the sky</b> . With the dagger they will fall, and with famine they will be exterminated	έν θανάτῳ νοσερῶ ἀποθανοῦνται, οὐ κοπήσονται καὶ οὐ ταφήσονται· εἰς παράδειγμα ἐπὶ προσώπου τῆς γῆς ἔσονται <b>καὶ τοῖς θηρίοις τῆς γῆς καὶ τοῖς πετεινοῖς τοῦ οὐρανοῦ</b> · έν μαχαίρᾳ πεσοῦνται καὶ έν λιμῶ συντελεσθήσονται	LXX
Jer 19:7b	I will give <b>their corpse as food to the birds of the sky and the beasts of the earth</b>	ונתתי את <b>נבלתם למאכל לעוף השמים ולבהמת הארץ</b>	MT
	I will give their <b>corpses as food to the birds of the sky and the beasts of the earth</b>	καὶ δώσω <b>τοὺς νεκροὺς αὐτῶν εἰς βρῶσιν τοῖς πετεινοῖς τοῦ οὐρανοῦ καὶ τοῖς θηρίοις τῆς γῆς</b>	LXX
Jer 34:20b (LXX 41:20b)	And their <b>corpses will be food for the birds of the sky and the beasts of the earth</b>	והיתה <b>נבלתם למאכל לעוף השמים ולבהמת הארץ</b>	MT
	And their <b>carcasses shall become food for the birds of the sky and the beasts of the earth</b>	καὶ ἔσται τὰ <b>θησιμαῖα αὐτῶν βρῶσις τοῖς πετεινοῖς τοῦ οὐρανοῦ καὶ τοῖς θηρίοις τῆς γῆς</b>	LXX

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Jer 15:3b	And the <b>birds of the sky and the beasts of the earth to eat</b> and destroy	ואת עוף השמים ואת בהמת הארץ לאכל ולהשחית	MT
	<b>And the beasts of the earth and the birds of the sky for eating</b> and for destruction	καὶ τὰ θηρία τῆς γῆς καὶ τὰ πετεινὰ τοῦ οὐρανοῦ εἰς βρώσιν καὶ εἰς διαφθοράν	LXX
Deut 28:26	And your <b>corpse</b> will be <b>food for all the birds of the sky and the beasts of the earth</b> , and no one will frighten them	והיתה נבלתך למאכל לכל עוף השמים ולבהמת הארץ ואין מחריד	MT
	And your <b>corpses</b> will be <b>food for the birds of the sky and for the beasts of the earth</b> , and no one will frighten them away	καὶ ἔσονται οἱ νεκροὶ ὑμῶν κατάβρωμα τοῖς πετεινοῖς τοῦ οὐρανοῦ καὶ τοῖς θηρίοις τῆς γῆς, καὶ οὐκ ἔσται ὁ ἀποσοβῶν	LXX
1Sam 17:44	And said the Philistine to David, “Come unto me, and I will give your <b>flesh to the birds of the sky, and to the beasts of the field</b> ”	ויאמר הפלשתי אל דוד לכה אלי ואתנה את בשרך לעוף השמים ולבהמת השדה	MT
	And the allophyle said to David, “Come to me, and I will give your <b>flesh to the birds of the sky and to the animals of the earth</b> ”	καὶ εἶπεν ὁ ἀλλόφυλος πρὸς Δαυιδ Δεῦρο πρὸς με, καὶ δώσω τὰς σάρκας σου τοῖς πετεινοῖς τοῦ οὐρανοῦ καὶ τοῖς κτήνεσιν τῆς γῆς	LXX

The expression recurs almost identically in all the MT and LXX passages. In Hebrew עוף and בהמה are always singular in the constructed state, while in Greek, πετεινός, and θηρίον are always plural.<sup>129</sup> Also, in the MT, the

<sup>129</sup> Dative plural (τοῖς πετεινοῖς and τοῖς θηρίοις) in Jer 7:33; 16:4; 19:7; 34:20 (LXX 41:20); Deut 28:26; 1Sam 17:44, and accusative plural in Jer 15:3.

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sequence is always “birds” in the first place and “beasts” in the second, while in the Greek version of Jer 15:3 and 16:4, the order is reversed.

In both Hebrew and Greek, birds are always “of the sky” (השמים; τοῦ οὐρανοῦ), while beasts are always “of the earth” (הארץ; τῆς γῆς). 1Sam 17:44 is an exception because, in Hebrew, the animals are “of the field” (השדה), while in Greek they are, as in the other passages, “of the earth” (τῆς γῆς). However, in the LXX, the בהמה of the Hebrew is not θηρίον but κτήνος. In addition to birds and beasts, other lexical elements recur in the expressions. In Jer 7:33, 16:4, 17:7, 34:20, and Deut 28:26 there is the word “corpse” (גבלה) is always rendered in Greek as οἱ νεκροὶ except in Jer 34:20 (LXX 41:20) where LXX has θνησιμαῖος (carcass). In 1Sam 17:44, both Hebrew and Greek have “flesh” (בשר; σάρξ) which, considering the context, basically keeps a similar meaning.

The Hebrew root אכל (eating) in the nominal form מאכל (food) recurs in Jer 7:33, 16:4, 19:7, 34:20, and Deut 28:26, and the infinitive form (לאכל) in Jer 15:3. This root is translated into Greek in the text of Jeremiah always with βρωσις (meat) and κατάβρωμα (food) in Deuteronomy. The idea underlying all of these passages, whether through the prophetic admonition or Goliath’s threat to David, is that of not finding peace even after death.<sup>130</sup> Instead of having a proper burial, dead bodies become food for “the birds of the air and the beasts of the earth.”<sup>131</sup> The Hebrew word בהמה in these cases must necessarily refer to a type of animal capable of treating corpses as food. However, two aspects can be noted. The first is that here the term בהמה is never alone but always in the construct state and is accompanied by a specification, often “the earth,” or “the field.”. The second is that it is always found within a phrase, which recurs almost identically in all passages.<sup>132</sup>

A particular case in Isa 18:6:

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<sup>130</sup> On this point see Fischer, *Jeremia* 1–25, 320.

<sup>131</sup> Although expressed in different terms a similar idea is also found in 2Sam 21:10

<sup>132</sup> The threat of one’s corpse being displayed as food “for the birds of the air and the beasts of the earth” is also expressed in 1Sam 17:46; Ezk 29:5; Ps 79:2. Note that in these cases, although the Greek text always retains the same lexicon (πετεινός and θηρίον), in the Hebrew text it has חיה in place of בהמה.

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<p>They will all be left together to the vultures of the mountains and <b>the beasts of the earth</b>. On them the vultures will spend the summer, on them <b>all the beasts of the earth</b> will spend the winter</p>	<p>יעזבו יחדו לעיט הרים ולבהמת הארץ וקץ עליו העיט וכל בהמת הארץ עליו תחרף</p>	<p>MT</p>
<p>and leave them together to <b>the birds of the sky and to the beasts of the earth</b>. And will be gathered over them <b>the birds of sky, and all the beasts of the earth</b> will come upon him</p>	<p>καὶ καταλείψει ἅμα τοῖς πετεινοῖς τοῦ οὐρανοῦ καὶ τοῖς θηρίοις τῆς γῆς, καὶ συναχθήσεται ἐπ' αὐτοὺς τὰ πετεινὰ τοῦ οὐρανοῦ, καὶ πάντα τὰ θηρία τῆς γῆς ἐπ' αὐτὸν ἵξει.</p>	<p>LXX</p>

In this case, the Hebrew text presents an altered formula compared to previous cases. The birds of the air are replaced by a more precise indication: the mountains' vultures. Unaltered is the mention of the "beasts of the earth." However, the Greek text gives a different version of the verse, in which the formulaic sequence is maintained; the birds of the sky and the beasts of the earth are mentioned precisely as in the previous passages. Although there is no doubt that all these passages בַּמָּה do not indicate domestic animals, the idiomaticity of the expression should not be underestimated. One hypothesis is that בַּמָּה is to be understood as predatory animals only in the case it is found in this expression formula. At the same time, it means domestic animal when it appears alone.

However, they seem to be against this hypothesis, Deut 32:24, Mi 5:7, Hab 2:17, and Prov 30:30, in which the term does not appear within the formula. It is worth looking at these passages more closely.

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Deut 32:24	They will be exhausted by hunger, devoured by fever and painful plague. The tooth of Behemoth I will send against them, with the venom of crawling beings in the dust	מזוי רעב ולחמי רשף וקטב מרירי ושן בהמות אשלה בם עם חמת זחלי עפר
Mi 5:7	Then the rest of Jacob will be in the midst of many nations like a lion among the animals of the forest, like a young lion among flocks of sheep, who, if he enters, tramples and mauls and there is no escape	והיה שארית יעקב בגוים בקרב עמים רבים כאריה בבהמות יער ככפיר בעדרי צאן אשר אם עבר ורמס וטרף ואין מציל
Hab 2:17	For the violence of Labanan will cover you, and the and the plunder of cattle will terrify, for the bloodshed of humanity and the violence of the land, the city and all that dwell in her	כי חמס לבנון יכסך ושד בהמות יחיתן מדמי אדם וחמס ארץ קריה וכל ישבי בה
Prov 30:30	the lion, the strongest of animals, who does not back down in front of anyone.	ליש גבור בבהמה ולא ישוב מפני כל

Of these occurrences, it will be noted that in Prov 30:30, the context does not preclude בהמה from denoting animals in general and not just predatory or carnivorous species.<sup>133</sup> In this passage, the lion can be called the strongest of all animals, and not just of the carnivore animals. In this case, then בהמה would be understood as a collective that includes within it all animals, both wild and domestic.<sup>134</sup>

<sup>133</sup> HALOT, 111–112 and Clines, Dictionary, vol. II, 98, place these occurrences under the term “beasts.”

<sup>134</sup> A collective meaning of animal in general also recurs in Gen 6:7; Ex 9:9.25; 1Kgs 5:13; Jer 36:29.

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Similarly, in the passage in the book of Micah, the term could be understood in more general terms, avoiding circumscribing its meaning solely to predatory animals. This interpretation can be supported by the presence of parallelism within the verse, a compositional device often used within Micah's text.<sup>135</sup> In this sense, the lion among the בהמה is comparable to the young lion in the midst of a flock of sheep. The verse refers to the strength and aggressiveness of a predator who, among animals (supposedly non-carnivorous or predatory), leaves no escape to his victims. Also, in this case, nothing prohibits interpreting the word בהמה as indicating the animals of the forest in general terms and not only as ferocious beasts. In contrast, the parallelism relates these forest dwellers to "the flock of sheep," suggesting a certain degree of weakness in these animals.

Regarding the passage in Hab 2:17, it is difficult to understand it as referring to predatory animals, as Gesenius suggests. The traditional interpretation understands the term contextually to the scene evoked by the entire passage, namely, an enemy attack that, in addition to plundering, cuts down trees and kills livestock.<sup>136</sup> However, it must be recognized that the Hebrew text is not clear and has allowed some exegetes an opposing interpretation. The difficulty of the Hebrew syntax has allowed us to read the term, which in this passage recurs in the plural (בהמות) as a reference to the "Beast par excellence,"<sup>137</sup> i.e., the mythological monster named in the text of Job 40:15–24.<sup>138</sup>

A more solid connection to the monstrous בהמות is that in Deut 32:24.<sup>139</sup> In this verse, the term רשף seems to frame the lexicon toward mythological

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<sup>135</sup> See del Barco, *Syntactic structures of parallelism*, 2003, 37–53.

<sup>136</sup> Ward, *A Critical and Exegetical Commentary*, 17, states: "We cannot be certain what particular invasion of an enemy is referred to. From the earliest times, the conquerors cut the timber of Lebanon, killed its cattle, and hunted its wild beasts, as is narrated by various kings both of Babylonia and Assyria." For an overview of the position of several commentators, see Haak, *Habakkuk*, 1992, 69–71.

<sup>137</sup> See Janzen, *Mourning Cry*, 69

<sup>138</sup> It is beyond the intent of this excursus to discuss the mythological implications of the term בהמות. For an overview of studies and abundant bibliography, see DDD, 165–169.

<sup>139</sup> DDD, 165–169.

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overtones.<sup>140</sup> The literary context and the reference to a language that recalls mythological elements allow the reader to understand the reference to *בהמות* as a poetic allusion rather than a taxonomic intention that points to the term as a precise indication of a well-identified carnivorous species.

To sum up, the term *בהמה* means “domestic animal” in the vast majority of its attestations. Nevertheless, in some other occurrences, the term refers to animals capable of devouring humans or, in any case, dangerous. However, as we have seen, most of the occurrences in which the term is unequivocally linked to this meaning occur in a formula expression which, in most cases, maintains the formulary in Greek translation. This observation allows inserting the meaning of “beast, predator, carnivore” within well-defined boundaries by the formulary of the expression. As for the other occurrences (Deut 32:24, Mi 5:7, Hab 2:17, Prov 30:30), it should be noted that they all take place in literary contexts where the poetic component prevails. However, in some of them (Hab 2:17, Prov 30:30), the context does not necessarily indicate carnivorous animals but may rather refer to animals in a more general sense. In the text of Mi 5:7, if one considers the parallelism in which the term appears, one will prefer a meaning closer to that of prey rather than predator. The only occurrence in which the term certainly indicates an animal dangerous to man is Deut 32:24, where, however, a strong mythological overtone cannot be excluded.



With the creation of the land animals and the formula “And God saw that was good,” the creation of the animals in the first creation account concludes. The narrative continues with the account of the sixth day and will focus on the creation of the human being (vv. 26–27). Before proceeding to the

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<sup>140</sup> Several studies have shown that *רשף* was the name of a Syro-Canaanite deity associated with plagues. Although the Bible does not refer to this term as a deity, in some passages, it seems to be personified (cf. Hab 3:5; Ps 91:6). See Tigay, *Deuteronomy*, 308; Caquot, *Sur quelques Démons dans l’Ancien Testament*, 53–68; Fulco, *The Canaanite God Resep*. Note that medieval Jewish exegesis also interprets the term *רשף* in this passage as referring to a demon. See Rashi Commentary on Deuteronomy 32:24.

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presentation of the creation of the animals on the second day of creation, some final considerations are possible from the general scheme of the fifth and sixth days:

Day	Fifth		Sixth	
<b>Creation</b>	Water animals vv. 20–21	Aerial Animals vv. 20–21	Land animals vv. 24–25	Human beings vv. 26–27
<b>God's Judgment</b>	Good		Good	/

A first observation concerns the space humans occupy within the creation of animate beings. They are given a space identical to that of other creatures, half of a creative day. From this point of view, the text places all created beings on the same level and pays no different attention to man than to fish or livestock. A second observation concerns divine judgment. If God pronounces a positive judgment at the end of the creation of fish and flying animals (v. 21), this pattern is altered during the sixth day. God does not pronounce his judgment at the end of the creative work but in the middle of the day after the creation of the land animals. In essence, God pronounces his favorable judgment about the creation of all animals, while, for man, he makes no comment.

### 2.2.4 The creation of animals in the second creation account (Gen 2:19)

The creation of the animals and the reasons for their coming into being in the second creation account occupies the space of two verses (Gen 2:18–19):

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<p>And Yhwh God said, "It is not good for the adam to be alone. I will make him a helper in front of him."</p> <p>And he formed Yhwh God from the soil every wild animal and all the birds of the air and led them to man, to see what he would call them. Whichever way the adam called the living creatures, that would be his name.</p>	<p>ויאמר יהוה אלהים לא טוב היות האדם לבדו אעשה לו עוזר כנגדו</p> <p>ויצר יהוה אלהים מן האדמה כל חית השדה ואת כל עוף השמים ויבא אל האדם לראות מה יקרא לו וכל אשר יקרא לו האדם נפש חיה הוא שמו</p>
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God's creative initiative starts from a realization of necessity. Faced with adam's loneliness, which in his eyes "is not good" (לא טוב), God decides to provide by making him a "helper" (עוזר). The use of this term is not to be underestimated in this context. In its 20 occurrences, the term עוזר is closely related to the help God gives to his people Israel.<sup>141</sup>

Moreover, in the biblical text, this help is linked to a situation of extreme danger.<sup>142</sup> In God's mind, the animals are conceived here as succor to adam to obviate his loneliness seen as a dangerous condition. God offers man a relationship in this passage, and, significantly, it is with animals. However, as is well known, this help was not suitable for the adam (v. 20), who did not find in the animals someone who matched him (v. 20). In contrast to the divine expectation, the relationship between man and animal does not seem to work and the state of "not good" seems to persist. The question arises here of who is to blame for such non-functioning. If following the divine initiative, the animals could be a valid relief for man alone; the risk is that the impossibility of a peaceful relationship will be blamed on man. The text remains obscure in any case as to why animals do not constitute adequate help for

<sup>141</sup> Cf. Ex 18:4; Deut 33:7.26.29; Ps 20:2; 33:20; 70:5; 115:9.10.11; 121:1.2; 124:8; 146:5; Hos 13:9.

<sup>142</sup> Indicative in this regard is the explanation of the name "Eliezer" (formed from עוזר + אלי) provided in Ex 18:4: "My father's God came to my help (עוזר) and delivered me from Pharaoh's sword."

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humans. The only foothold lies in the Hebrew word נגד, which can be translated as “standing before him” or “in front of him.” This word is derived from the same Hebrew root (נגד) as the verb “to tell” or “to report.” In this sense, the lack that the animals could have had towards man could be of communicative type. The man did not find help for his loneliness that was responsive towards him.

Turning our attention to the creative moment of the animals, we notice that it takes place in a completely different way from that of Gen 1. First, it happens in a single moment and not, as in the first story, in distinct moments divided over two days. Second, all the animals come from the same common ground, the soil (האדמה).<sup>143</sup> From this point of view, the text recognizes a common origin for humans and animals, namely the soil and the divine imagination, although it is not said that God blows into them “the breath of life” as he

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143 This creates a contradiction especially in the case of the birds which, in the first story were generated from the waters. Jewish masters have already noted this aporia. For example, the Talmud (Chullin 27b:11–13) tells of a long exchange between a Roman government official and Rav Yohanan Ben Zakkai in which the official pressed the Rav on the contradiction between the two accounts: “The Gemara relates an excerpt of an exchange between a Roman government official and Rabban Yoḥanan ben Zakkai. Furthermore, the official asked Rabban Yoḥanan ben Zakkai: One verse states: “And God said: Let the waters swarm with swarms of living creeping animals, and birds will fly” (Genesis 1:20); apparently birds were created from the water. And it is written: «And from the ground the Lord God formed every beast of the field, and every bird of the air and brought them unto the man to see what he would call them» (Genesis 2:19); apparently birds were created from the land.” Rabban Yoḥanan ben Zakkai said to him: They were created from the mud. He saw his students looking at each other, wondering. He said to them: Does it trouble you that I dismissed my enemy with a flimsy pretext? It is from water that birds were created. And why does the verse state that they were formed from the ground and that God brought them to Adam? In other words, why are they mentioned in the second verse? It is not because they were actually formed from the ground, but only because they were brought to Adam so that he would call them names. And some say that Rabban Yoḥanan ben Zakkai spoke to that officer with a different formulation, i.e., he said to him that the birds were created from the water. And he stated in the first formulation, that the birds were created from the mud to his students, because it is written: “And from the ground, the Lord God formed every beast of the field, and every bird of the air” (Genesis 2:19). According to this explanation, the birds are mentioned there not only because Adam called them names, but also because they too were created from the ground.

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had done for man (v. 7).<sup>144</sup> Another key difference is that no mention is made of the animals that inhabit the waters. The narrative only mentions all the wild animals and all the birds of the sky (כל חית השדה ואת כל עוף השמים).

Thus, in sum, the creation of animals in Gen 2 is God's method to satisfy human needs. However, it seems interesting to note that in God's mind, animals could have been a similar help to what God is to Israel. Despite this, the project ends with the realization of failure. Animals seem unable to be in front of humans, perhaps because of their inability to speak in human words. In a subtle irony, it will be precisely a "communicative" animal that, at the beginning of chapter 3, will prove to be anything but a help to the first couple.

After this overview of the creation of animals in the first two chapters of Genesis, we will now analyze two aspects left hanging until now, concerning the system of blessings in Gen 1:22-28. The second discusses domestic animals in the two creation narratives.

### 2.3 "And God blessed ...": Blessing animals and humans in Gen 1:22 and 28

At the end of the creation of the aquatic and flying animals in Gen 1:20-21, we find a special feature that was not present at the end of the previous creative acts. For the first time in the biblical text, the root בֵּרַךְ, "to bless," appears here<sup>145</sup>. It is worth analyzing more closely this blessing that God addresses to the first animate beings of creation. Gen 1:22 states:

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144 The idea of a life-giving breath is attested in other texts of the Bible, (cf. Gen 7:22; Ps 104:24-30; Qoh 3:19, 21; 12:7). Furthermore, that life comes from a divine breath is a widespread conception even in the ancient Near East. See McDowell, *The Image of God in the Garden of Eden*, 48, 62, 86. An interesting reading of the issue from a gender studies perspective is provided recently by Chapman, *The Breath of Life*, 241-262.

145 For an analytical overview of blessings in the Bible see Westermann, *Der Segen in der Bibel*.

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<p>And God blessed them, saying, “Be fruitful and multiply and fill the water in the seas, and the birds multiply in the earth.”</p>	<p>ויברך אתם אלהים לאמר פרו ורבו ומלאו את המים בימים והעוף ירב בארץ</p>
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The initial wayyqtol, which expresses the action of blessing and has God as its subject (אלהים), is followed by the accusative “them” (אתם) and, through the expression לאמר, the direct speech of God begins. The first three words of the blessing contain three imperatives in the second-person plural ( פרו ( ורבו ומלאו),<sup>146</sup> while the last section contains one third-person singular jussive (ירב). The first three imperatives appear to address aquatic animals, given the reference to the waters of the seas (fresh waters are not mentioned). The last jussive refers instead to birds. In contrast to plants, whose reproductive power is included in their very creation (cf. v. 11), the act of self-reproduction of these living beings is sanctioned by a separate act.<sup>147</sup> Therefore, the blessing sanctioned by God, the first blessing ever, is linked to the reproductive capacity of animals and the sexual activity that distinguishes animals from plants.<sup>148</sup> Moreover, it is interesting to note that the ancient Jewish interpretations that flowed into the Midrash connect this first divine blessing as an attempt by God to remedy an excessive predatory attitude of man. In the midrashic commentary Genesis Rabbah, the Jewish commentators state, “Because the people diminished their numbers by hunting and eating them, they needed a blessing.”<sup>149</sup>

In addition to the blessing made to aquatic animals and birds, the sixth day also contains a second blessing, more articulated than the first and addressed to humans (v. 28):

<sup>146</sup> Following Dallaire, The Syntax, Several verb pairs involve two imperatives with the same person, gender, and number, that are semantically related and aim at producing only one result. These pairs are called idiomatic hendiadys and are commonly found in Biblical Hebrew (cf. e.g. Deut 31:6).

<sup>147</sup> See Skinner, Genesis, 1911, 28.

<sup>148</sup> As Sarna, Genesis, 9, states: “This capacity for sexual reproduction is regarded as a divine blessing.”

<sup>149</sup> See Bereshit Rabbah, 11:2. cf. Also Rashi, Genesis, 1:22.

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God blessed them and God said to them, "Be fruitful and multiply, fill the earth and subdue it, have dominion over the fish of the sea and over the birds of the air and over every living thing that crawls on the earth."	ויברך אתם אלהים ויאמר להם אלהים פרו ורבו ומלאו את הארץ וכבשה ורדו בדגת הים ובעוף השמים ובכל חיה הרמשת על הארץ
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From a grammatical point of view, the blessing addressed to man is quite similar to the blessing addressed to the animals created on the fifth day. However, the difference lies in what is added compared to the previous blessing. After the three imperatives (פרו ורבו ומלאו), identical to v. 22 except that the last refers to the earth and not the water, the text continues with two more imperatives (subdue) and רדו (have dominion). Most theories that see the biblical accounts of creation as one of the leading cultural causes of the environmental problems we find ourselves in today start from these two imperatives.<sup>150</sup> Curiously, such destructive power is found precisely within a blessing God addresses to newly created humanity. In addition to these observations, these two imperatives were the starting point for Harvey Cox's reflection in his famous "The Secular City."<sup>151</sup> The scholar considered these divine exhortations as the impetus for man's de-divinization or "loss of enchantment" with nature, implicit in the biblical idea of dominion.<sup>152</sup> Indeed,

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<sup>150</sup> Referred to these two imperatives are most of the reflections that in 1967 Lynn White Jr. published in his famous article, The historical roots of our ecologic crisis, 1203–1207. The fulcrum of White's theory was the idea that the biblical doctrine of creation opposed humanity to nature, transforming the latter into an object to be exploited at will. According to White, humanity would be encouraged by this biblical verse to dispose of nature because it had been placed in the hands of man by God himself. Modern man's lack of empathy towards the natural environment would derive from this biblical heritage. I will focus on White's theory in the next chapter.

<sup>151</sup> See Cox, The Secular City.

<sup>152</sup> It should be noted that Cox regarded this biblical conception as positive because the "loss of enchantment" with creation – typical of animist religions – had laid the groundwork for the development of natural sciences and technologies and thus, ultimately, of that secular world that humans inhabit and which Cox invites in his volume to celebrate. Domination over nature, according to Cox, was responsible for the nature-culture dualism that, although today's scholars who are more sensitive

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the divine command to subdue and dominate the earth has served in the past to legitimize the exploitation of the natural environment. To bring up one example, this command provided the basis of the ecclesiastics’ legitimacy for the New World’s exploitation and domination<sup>153</sup>. From this point of view, the gap with Native American religions, typically founded on a symbiosis with the natural element, was evident.

White’s theses focused on a dynamic dialogue involving historians, environmental scholars, and theologians<sup>154</sup>. A turning point in the debate was the appearance in a volume entitled “Ecology and Religion in History” of an essay by James Barr<sup>155</sup>, who pointed out that the biblical texts to which White referred did not deserve the authority he attributed to them<sup>156</sup>. In addition, Barr points out that the Bible has very little to say about technology and modern natural science<sup>157</sup>. In the conclusion of his contribution, the scholar states:

There is a much less direct connection between biblical faith and modern science than has been recently believed in some theological currents. Therefore, the Jewish-Christian creation doctrine is much less responsible for the ecological crisis than is suggested by arguments such as Lynn White. On the contrary, the biblical foundations of that

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to ecological issues consider one of the causes of the problems linked to the planet, at the time of the “The Secular City” was considered something undoubtedly positive.

<sup>153</sup> This question has been analyzed in Scalerio, *Dominating nature and colonialism*, 1076–1091. The use of Gen 1:26–28 as a legitimation of colonial power has been the subject of several analyses by exegetes who have applied a postcolonial hermeneutic to the biblical text. See Harrison, “Fill the Earth and subdue It’: biblical warrants for Colonization, 2005, 3–24. Regarding the use of the Gen 1:28 blessing during the colonization of New Zealand, see Ballantyne, *Genesis 1: 28 and the Languages of Colonial Improvement*.

<sup>154</sup> A complete overview is provided in Whitney, *The historical roots of our ecologic crisis’ after 50 years*, 396–410.

<sup>155</sup> Barr, *Man and Nature*.

<sup>156</sup> Barr, *Man and Nature*, 74.

<sup>157</sup> Barr, *Man and Nature*, 66.

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doctrine would tend in the opposite direction, away from a license to exploit and toward a duty to respect and protect.<sup>158</sup>

This conclusion is the point of arrival of an analysis that starts from the two imperatives peculiar to the blessing addressed to men and absent in that addressed to animals, כבש (subdue) and רדה (have dominion). Regarding the latter, the scholar writes:

Of *rada* (רדה) we should not attach much importance to the physical sense “tread out (the wine-press)” (only in Joel iv. 13); even granting that this is the same verb, it is quite another semantic department of it. We should not allow the physical sense to dominate over general usage just because physical sense are “primary.” The word means “govern, rule, have dominion,” and is used quite generally of kings ruling over certain areas, of masters controlling servants, of God ruling his land, ruling in the midst of his enemies, and so on. For instance, in I King v. 4 the verb is used to express Solomon’s dominion (expressly a peaceful dominion) over a wide area. The word is not necessary a “strong” one.<sup>159</sup>

Barr dismisses the question of the word רדה (have dominion) relatively quickly. It is therefore worthwhile, albeit briefly, to examine the meanings of this word in the biblical text. The word is frequently used to denote the act of ruling kings, princes, or governors (1Kgs 4:24; Ps 8:5,6; 72:8; 110:2; Is 14:2). However, the root offers a semantic field that indicates multiple activities from conquering and ruling foreign nations to managing plants, animals, and irrigation canals.<sup>160</sup> Focusing on its direct relationships, the term “dominion” can be used to describe the dominion of the rule of officers over workers (1Kgs 5:30; 9:23,2 1Chr 8:10), of master over servant (Lev 25:43,46, 53), a king over the people (1Kgs 5:4; Ez 34:4; Ps 72:8; Ps 110:2), or the rule of one nation over another (Lev 26:17; Num 24:19; Is 14:2,6; Ezk 29:15; Ps

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<sup>158</sup> Barr, *Man and Nature*, 73.

<sup>159</sup> Barr, *Man and Nature*, 63.

<sup>160</sup> See Zobel, *Rada*, 440ff.

### 2.3 “And God blessed ...”

68:28; Neh 9:28). Other passages provide a different nuance: 1Kgs 9:23 and 2Chr 8:10 refer to an administrative-type control of royal bureaucrats. Ps 68:28 is about God ruling on behalf of Israel, and Ezk 34:4 speaks of good rulers ruling the people like good shepherds. Important are Lev 25:43, 46, 53, which declare that we should not rule “harshly”<sup>161</sup>. The adverb “harshly” suggests that *הָרַב* (have dominion) does not contain this meaning in a definite way, but rather the root can be linked to a range of meanings that presuppose a broader analysis of the context.<sup>162</sup> In any case, there is no doubt that *הָרַב* (have dominion) establishes a hierarchical order, quite similar to that of the king over his people. It is all a matter of whether the right of the king according to biblical standards is more akin to a predatory attitude (such as that envisaged by Samuel in 1Sam 8) or whether one can, at least ideally, establish other models. Several biblical passages describe what the characteristics of a good king should be toward his people. In Ps 72:1–2, for example, the praying man asks God to grant the king righteousness (*צִדְקָה*) and justice (*מִשְׁפָּט*). This idea, which returns several times in the biblical text,<sup>163</sup> is based on a well-defined concept known both in the Bible and in the Ancient Near East and embodied in the attention to the weakest categories of society, such as the poor widows and orphans.<sup>164</sup> Therefore, royal power is based on justice and law, especially concerning the weaker classes.

Read in this light, this idea of domination seems to connect more to a conception of “responsibility” rather than an exercise of unlimited power. So, if God, in the context of a blessing, tells human beings to have dominion over

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<sup>161</sup> On this point, see Hamilton, *Genesis*, 138; Gnuse, *Human Rule Over Nature in Genesis 1*, 64–71.

<sup>162</sup> See Gregor, *Creation Revisited*, 135; Limburg, *The Responsibility of Royalty*, 125–131.

<sup>163</sup> 1Kgs 10:9; 1Chron 18:14; 2Chron 9:8; Ps 99:4; Prov 16:12; Is 32:1.16.17; 33:5; Jer 23:5.

<sup>164</sup> The relationships between biblical legislation and ancient Near Eastern texts concerning the protection of the disadvantaged social classes have been the research of subject for several decades. See on this point Adams, *The justice imperative in scripture*, 399–414; Lohfink, *Poverty in the Laws of the Ancient Near East and of the Bible*, 34–50; Fensham, *Widow, Orphan, and the Poor in Ancient Near Eastern Legal and Wisdom Literature*, 129–39; Hammershaimb, *On the Ethics of the Old Testament Prophets*, 75–101.

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the fish of the sea, the birds of the air, and the animals of the earth, one can understand this appeal from the point of view of having responsibility, just as the king has upon himself the responsibility for the weaker elements of his people.<sup>165</sup> A significant text in this regard, where the root *רדה* (have dominion) is used, is Ezk 34:4. This long chapter develops in the tones of a condemnation of the shepherds of Israel, that is, the rulers, accused of not caring for the more fragile elements of the flock. Verse 4 explicitly condemns the rulers who treated their people – the flock – with brutality and violence (ובחזקה רדיתם אתם ובפרך). Thus, exercising power with brutality and violence is condemned in the Bible. This text from the book of Ezekiel can be applied to the text of Gen 1:28 and ask whether or not God is granting humans the opportunity for brutal and violent rule over animals.<sup>166</sup>

Regarding *כבש* (subdue) it must be noted that the meaning is more incisive.

There is no doubt that *כבש* (subdue) is part of those Hebrew verbs that express hierarchical control, even at the cost of using force. In this sense, the root can convey different meanings: in war as submission of territories and their populations (cf., e.g., Num 32:22; 1Chr 22:18), and, on a personal level, submission of enslaved individuals (cf., e.g., Neh 5:5), and sexual violence (Esth 7:8). In essence, this verb presupposes a stronger subject and a weaker object.<sup>167</sup> One point to note, as Westermann notes, in Gen 1:28, the object of *כבש* (subdue) is not the animals, but only the earth<sup>168</sup>, but even this remains a small consolation. Despite some exegetes' efforts to mitigate the meaning of this term,<sup>169</sup> the root *כבש* (subdue) remains problematic for those who

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<sup>165</sup> Limburg, *The Responsibility of Royalty*, 125–131

<sup>166</sup> Note that editorial criticism and diachronic analysis of the Ezekiel texts place these texts' writing and editorial environment in a priestly context just as it does for the text of Gen 1. From this point of view the comparison of the two texts, using one to interpret the other, finds justification. See Haran, *Ezekiel, P, and the Priestly School*, 211–218; Mein, *Ezekiel as a Priest in Exile*, 199–213; Abba, *Priests and Levites in Ezekiel*, 1–9.

<sup>167</sup> TWAT, vol. IV, 58–59.

<sup>168</sup> Westermann, *Genesis*, 161

<sup>169</sup> From Barr, *Man and Nature*, 63–64 on, some interpreters have tried to link the verb “submit” in Gen 1:28 with the exhortation to cultivate the land in Gen 2:5.15.

## 2.3 “And God blessed ...”

seek in Gen 1:28 an attempt at an exhortation to ecologism. Despite the undoubted violence presupposed by this term, the initial exhortation of Barr’s suggestion applies, namely, not to assign excessive normativity to this word. Specifically, the interpretation of this verse should at least not contradict the norms contained in the legal texts or should at least take them into account. Other biblical texts seem to go differently than applying unconditional violence to creation. For example, a passage in Deut 20:19 forbids those besieging a city to destroy (שחח) trees. Even in an action of war-related subjugation (as the root כבש also sometimes indicates), the passage forbids acts of violence against part of nature because “is the tree of the country a man, to be involved in the siege?.” As is often the case, it is, therefore, best to consider the order to subdue the land in a context that considers the overall context. In a legal text in Lev 25:23, the despotism over man’s land that the passage in Gen 1:28 is supposed to presuppose is completely buffered by a statement from God who unequivocally asserts his right of ownership over the land.<sup>170</sup> It becomes difficult, in light of these statements that come directly from the voice of God, to assert that man has the right (indeed, the duty being that of Gen 1:28 an imperative) to rape the land that belongs to God.

Focusing on the blessings, the one directed at animals and the one directed at humans seem very similar, at least in the first part of the pronouncement. At a closer look, however, some differences can be seen:

1:22	And God blessed them, saying, “Be fruitful and multiply and fill the water	ויברך אתם אלהים לאמר פרו ורבו ומלאו את המים	TM
	And God blessed them, saying, “Be fruitful and multiply and fill the water...	καὶ ηὐλόγησεν αὐτὰ ὁ θεὸς λέγων Αὐξάνεσθε καὶ πληθύνεσθε καὶ πληρώσατε τὰ ὕδατα	LXX

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This proposal was developed in Hamilton, Genesis, 139, and taken up recently by Fischer, Genesis, 155.

<sup>170</sup> Lev 25:23 “The land cannot be sold forever, for the land is mine (כי לי הארץ), and you are by me as strangers and guests.”

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1:28	God blessed them and God said to them, “Be fruitful and multiply, fill the earth	ויברך אתם אלהים ויאמר להם אלהים פרו ורבו ומלאו את הארץ	TM
	And God blessed them, saying, “Be fruitful and multiply and fill the earth...	καὶ ηὐλόγησεν αὐτοὺς ὁ θεὸς λέγων Αὐξάνεσθε καὶ πληθύνεσθε καὶ πληρώσατε τὴν γῆν	LXX

The table shows how the blessings God addresses to animals and then to man are identical in Greek but different in Hebrew. The Greek text repeats the formula “And God blessed them, saying” both in v. 22, creating direct parallelism between what God pronounces for the animals of the waters and what he pronounces for human beings. However, the Hebrew text contains a seemingly minor but indicative difference. If for animals (v. 22), the text includes the words of the blessing after the phrase “And God blessed them” in the case of humans “and God said to them” is inserted (ויאמר להם אלהים). This is the first time in the Bible where communication occurs. Previously the various “and God said” reported the creative voice of God that had no interlocutor. This time the verb to say (אמר) is accompanied by the preposition ל (to). Although the difference between the two blessings is minimal – only three words – shows a big difference. If in the case of animals, God remains in the situation that had accompanied the creation up to that moment (the word being fulfilled), in the case of man, God pronounces those words to them (להם). This seems to point in the direction of seeing man as the only interlocutor of God. In any case, we must remember that although it is evident that the text establishes a certain hierarchy between man and animal (especially through the root כבש), as seen above, the “first interlocution” between man and God directs humanity toward a burden of responsibility towards creation. Thus, God’s blessing is addressed directly to the human being, who is responsible for maintaining the creation built in the previous days, which, in God’s eyes, was “very good.”<sup>171</sup>

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<sup>171</sup> See Mitchell, *The Meaning of ברך “to bless” in the Old Testament*, 62–63, and 165–166.

## 2.3 “And God blessed ...”

Despite the responsibility towards Creation, the text emphasizes a human-oriented vision.<sup>172</sup> This underlying attitude is visible considering who is blessed and who is not. If a blessing is reserved for aquatic animals, birds, and humans, nothing is reserved in this respect for land animals, created on the same day as humans. If one is looking for a reason for this lack, an answer can be attempted from the overall structure of the text of Gen 1. As Blenkinsopp points out, if we look at the organization of Creation, we see that the first day corresponds to the fourth, the second to the fifth, and the third to the sixth, giving rise to this scheme:<sup>173</sup>

<b>First Day</b>	<b>Fourth day</b>
Light; Separation of light from darkness.	Stars (sun, moon, stars); Day and Night.
<b>Second Day</b>	<b>Fifth day</b>
Firmament; Waters below and waters above.	Aquatic and flying creatures.
<b>Third Day</b>	<b>Sixth day</b>
Dry land; Separation of waters and dry land; Vegetation.	Land creatures and human beings;

The cross-linking of the days of creation places the beings created in the last three days in the proper environment for them in the first three. The stars correspond to the creation of light, the aquatic and winged creatures to the creation of the vault that separates the upper source from the abyss. Finally, on the sixth day, the earthly creatures and the human being are created, both

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<sup>172</sup> See EXCURSUS 1.

<sup>173</sup> Blenkinsopp, Creation, 3.

## 2. The First Beasts

inhabiting the earth. Unlike the fifth day, this last creation proposes two creatures that should share the same living space, the dry land. It then becomes clear why God does not pronounce the blessing “Be fruitful and multiply and fill” to the land animals. The space habitable by human beings would be precisely uninhabitable if the earth were “filled” with wild animals. From this point of view, the text proposes a human-animal relationship from the perspective of living spaces that do not contemplate coexistence. Concerning inhabiting the earth, humans and animals are alternatives to one another. This conception can be seen in other biblical passages as well. Indeed, wild animals appear in some passages describing the disappearance of human settlements. One such description is concerning the destruction of Edom in Isa 34.<sup>174</sup> From the beginning, the text describes a cosmic type of upheaval in which “the heavens are rolled up like a book” (v. 4), and the enemy land is completely annihilated. The lack of humans in the land is matched by the presence of wild animals (Isa 34:10–11):

<sup>10</sup>It shall not be quenched by day or by night, its smoke will rise forever. For all generations, it shall lie waste. No one shall pass through it. <sup>11</sup>The owl and the owl shall possess it. The ibis and the raven shall dwell there. He shall spread over it the measure of emptiness and the level of nothingness (קו תהו ואבני בהו).

The description continues with a description of all the wild animals that will take over the land once its population is eliminated (vv. 13–15).<sup>175</sup>

<sup>13</sup>Thorns shall grow over its strongholds, nettles, and thistles in its fortresses. It shall be the haunt of jackals, an abode for ostriches. <sup>14</sup>And

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<sup>174</sup> The destruction of Edom in Isaiah’s text connects within itself a complex network of allusions and mentions of animals. Since a detailed analysis of such interconnections is beyond the scope of this study, I refer to the detailed examination in Rahel, *The Nature of Animals as Portrayed in Isaiah*, 64–101.

<sup>175</sup> Wenkel, *Wild Beasts in the Prophecy of Isaiah*, 251–263, argues that the best framework for understanding the Isaianic portrayal of wild beasts having dominion over the land is the “creation mandate” of Gen 1:28. Following the scholar, animals would replace man because man is unable to exercise the dominion over nature established at the moment of his creation.

## 2.4 When animals became domestic?

wild animals shall meet with hyenas; the wild goat shall cry to his fellow; indeed, there the night bird settles and finds for herself a resting place. <sup>15</sup>There, the owl nests and lays and hatches and gathers her young in her shadow; indeed, there the hawks are gathered, each one with her mate.

The expression *תהו ובהו* used at the end of v. 11 is particularly interesting because it relates directly to Gen 1:2, expressing an idea of anti-creation<sup>176</sup>, of original chaos in which, surprisingly, animals inhabit the space left empty by human beings<sup>177</sup>.

The text of Gen 1 lays the foundations for this exclusive dialectic between man-made spaces and wild spaces, the former reserved for humans while the latter is typical of the animals of the earth. A blessing that indicates to “multiply” and to “fill the earth” addressed to both men and animals would create an overlap that would inevitably lead to a clash.

## 2.4 When animals became domestic?

An issue little considered in commentaries but central to understanding the human-animal relationship in the creation texts is the question of domesticated animals in the texts of Gen 1 and Gen 2. As seen above, the two narratives start from two different perspectives on the creation of animals. In the first tale, the animals are created independently of humans and at an earlier time. In the second account, in contrast, the animals are formed from the

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<sup>176</sup> The idea of the desert as a place of anti-creation is well expressed in Peri, *Il regno del nemico*, 173.

<sup>177</sup> This conception is also present elsewhere in the Bible. Indicative in this regard are the oracles about the destruction of Babylon in Isa 13:21–22 and Jer 50:39. A significant parallel to this type of total annihilation of enemy land is Sennacherib's destruction of Babylon (689 BC). In the annals, it is narrated how the course of the Euphrates is diverted to submerge the ruins of the city, condemning it to eternal oblivion. It is significant that the Bible takes up the motif of oblivion but associates it with the desert and wild animals and not with the waters. See Luckenbill, *Annals*, 17. The Bible also provides numerous examples where the wilderness, i.e., the ideal non-human place, is the realm of wild and dangerous animals. See Talmon, *The Desert Motif*, 31–64.

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earth to be a helper corresponding to the adam. One question left open concerns that of domesticated animals, indicated by the text with the Hebrew term *בהמה*.<sup>178</sup>

The two texts present the question of domestic animals differently. In the text of Gen 1, domestic animals are formed from the earth directly from God's order (v. 24). At the beginning of the sixth day, God says, "Let the earth bring forth living things in all their varieties: domesticated animals, creeping beings, and animals of the earth in all their varieties." What is often left without due attention is that domesticated animals are given here a priori. In the Gen 1 story, domesticated animals are not domesticated because they have undergone a process of domestication by humans, but, on the contrary, they are created directly domestic.

We see a very different situation focusing on Gen 2:19–20. The second creation account, although it reports the creation of animals in a single moment, gives the list of created animals twice:

v. 19	v. 20
כל חית השדה	לכל הבהמה
ואת כל עוף השמים	ולעוף השמים
	ולכל חית השדה

The v. 19 corresponds to what God "forms from the ground," while 20 reports what happens after the adam has given names to the animals formed by God. Through the narrator's voice, the reader interfaces with two animal classification systems, the second of which contains the addition of domesticated animals. This presence is also evidenced by the arrangement of the animals mentioned in the two lists:

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<sup>178</sup> See EXCURSUS 3.

## 2.4 When animals became domestic?

A	חית השדה	v.19
B	עוף השמים	v.19
C	<b>הבהמה</b>	v.20
B1	עוף השמים	v.20
A1	חית השדה	v.20

It is no accident that domesticated animals are at the center of the structure. By placing them in the center, the text emphasizes their appearance, which occurs only subsequent to their contact with human beings.

To try to understand this choice, the context in which this scene takes place is indicative. Also, in v. 20, it is stated that the animals in this list are not “responsive” to man, that is, they are not a help for the loneliness. In this sense, the emphasis on land animals indicates that the author wanted to emphasize that “despite” being domesticated, these animals should also not be considered responsive to man.<sup>179</sup> However, if this interpretation is correct, the text of Gen 1 indirectly establishes a ranking of animals based on proximity to humans. It will be noted that this text does not even mention aquatic animals. These are to be considered the most distant. Immediately following are the wild animals and the birds of the air, which hold an intermediate position. Closest to man are domestic animals, which share with man a large part of the hard work associated with their work.<sup>180</sup> Despite sharing aspects

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<sup>179</sup> Whitekettle, Oxen Can Plow, But Women Can Ruminates, 243–256.

<sup>180</sup> In fact, the biblical text contains several texts that recall how domesticated animals can help humans in various aspects of their lives (cf. e.g., Gen 38:13; Num 22:21–22; Deut 22:10; 1Sam 6:7–12; 1 Chr 12:40; Job 1:14; Prov 14:4; Isa 30:6). It is interesting in this regard the proposal of Whitekettle, Oxen Can Plow, But Women Can Ruminates, 253–255, who analyzing what is the lack that makes domestic animals not considered a valid help, identifies the causes in the different mental capacity that the Bible attributes to these animals (cf. e.g. Job 12,7–9; 18,3; 35,9–11; Ps 32,9; 49,21; 73,22; 106,20; Prov 7,22; 26,3; Isa 1,3; Jer 8,7; 11,19; Dan 4,11–13.22.29–33, and 5,18; Jonah 4,11). According to the author, domesticated animals cannot contribute to the formulation or execution of those plans with any intelligence or reason or initiative in an inventive, innovative or reflective manner. Instead, this capacity is fulfilled by the woman. The Israelites understood that women were intelligent and rational in ways that matched the rationality and intelligence

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related to daily life, the text points out that even domesticated animals are not considered a valid “help” for humans. It will be the creation of the woman to fill this lack and to reveal herself as the living being closest to the adam.

Put in parallel, therefore, the two stories lead to two different conceptions of domesticated animals. In the second creation account, they appear only concerning human beings. It is remarkable that, in God’s mind, domestic animals do not exist but are all created as wild animals (חיות השדה). The text of Gen 2 recognizes that an animal becomes domestic from the moment man arrives on the scene. Domestication is identified here as a process of losing the wildness of an animal, born free at the moment of creation. Domestication is thus an element related to the human being, who can exert his power over the animal he has made “domesticated.” On the other hand, the text of Gen 1 brings forth directly domesticated animals. They do not undergo any overt. They do not undergo overt domestication by humans but seem to be designed directly domestic. This conception, which at first may seem harsh towards domesticated animals, can be read from another point of view. The text places domesticated animals under the seal of God’s direct creative will. In this way, sovereignty over domestic animals, as over other living beings, can never be fully claimed by human beings because they are creatures born of God’s initiative and which God considers good. These two ways of approaching the animal question by the two narratives should not be understood as contradictory but as complementary. Each gives different information on how the relationship between man and animal is founded. In the first story, the author is interested in the cosmic plane of creation, and animals are one of the elements of a project that starts from nothing and ends with the world as the reader knows it. On the other hand, the second story is interested in man as a cultivator of his land in a more “family” perspective that begins with an observation about the lack of vegetation and irrigation and closes with the creation of a woman. The animals here are part of an organization that revolves around the man, his family, and his farmland. In some contradictory ways, the juxtaposition of these two stories calls for an explanation. How can two such distant conceptions of animals coexist? What

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of men (e.g., Gen 3:10–13; Exod 35:29; Deut 31:12; Judg 4:4–5; 1Sam 25:3; 2 Sam 14:2,22; 20:16; 2Kgs 22:14–20; Prov 1:8; 6:20; 31:26)

sense does it make to present animals as domesticated by man if they were immediately raised as products of divine will?

In this union of perspectives, obtained through combined versions of the exact moment – that of the creation of animals – it is possible to glimpse a broader vision of the relationships between man, animals, and God. In this case, the ancient author tells what the relationship with domesticated animals was perceived in his ancient society through a game of perspectives. The tension of visions is the mirror of the tension that accompanies the actual relationship between man and domesticated animals in a society that ultimately lives in continuous contact with the animal element, for better or for worse. On the one hand, animals are perceived as God's creatures, inhabitants who share with man the spaces of creation and who, together with man, are participants in God's creative will. On the other hand, they are a property,<sup>181</sup> little more than an agricultural tool. These two perceptions are simultaneous in the man-domesticated animals' relationship proposed by the text.

## 2.5 Conclusion

In this chapter, I have analyzed the two creation narratives in the sections on the creation of animals. In addition, some of the issues raised by the narrative were taken a close look at, particularly with regard to blessings and different conceptions of domestic animals. In terms of the purpose of our research, which is to investigate the ways in which biblical texts construct the social

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<sup>181</sup> I will discuss the animal property in the next chapter. The idea of ownership in Gen 2 passes through the human action of naming animals. Several commentators have interpreted in this sense the naming of animals in v. 20. For instance, Sarna, *Genesis*, 21, commenting on v. 19, states: "The narrative focuses on humankind's mastery over the animals." Similarly, Cassuto, *Genesis*, 130: "The naming of something or someone is a token of lordship." This view is also present in medieval Jewish commentators. Rashi, commenting on Gen 2:19 states: "Furthermore it teaches you here that when they were created, immediately — on the very same day — He brought them to Adam to give them names (Chullin 27b); and in the statement of the Agada (*Genesis Rabbah* 17:4) we are told that this expression יצירה means domination and subjugation, like (Deuteronomy 20:19) כי תצור אל עיר "when thou shalt besiege a city," for He subjugated them under the power of Adam."

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image of animals, the analysis of the creation narratives seems to be moving in a clear direction. The human-animal relationship in Gen 1 and Gen 2 is undoubtedly built on human-oriented hierarchical criteria. In Gen 1, as we have seen, the structure of the text devotes to the creation of animals the same textual space occupied for the creation of humans that is, half a creative day. This structural equity, which we might actually attribute more to a stylistic necessity of a rhythmic text like Gen 1 rather than to a willingness on the part of the author to put men and animals on the same level, does not correspond to content equity. This inequity emerges forcefully in the context of the blessings in Gen 1:22 and 1:28. In this case, the structure of the blessings, identical in the Greek of the LXX, has minimal but substantial differences in the Hebrew text, which identifies man as the primary and privileged interlocutor from God. This kind of process, especially when placed in a foundational context of reality such as Gen 1, becomes particularly significant from a perspective of how animals are socially constructed. They, in their different forms, are certainly the tangible manifestation of God's creativity, but the text provides for them a limited interlocation with divinity, which is manifested from the earliest moments of Creation.

If the aspect of blessings detects a certain tendency in the text to set the human-god relationship on a higher plane than the animal-god relationship, a further interesting aspect that emerged from the previous analysis concerns the human-animal relationship. The social construction of animals necessarily passes through the ways we identify them. Identifying animals as "domestic" from the moment of their creation thus has an effect on the way animals are conceived within society. As we have seen, this is what happens in the Gen 1 account in which, in v. 25 God creates the *בהמה*, which, on analysis, turns out to indicate precisely domestic animals. On the one hand, this conception reveals the author's convictions that he regards domestic animals as existing a priori, and thus a priori in a condition of subordination to humans; on the other hand, it grounds – narratively and socially – a world in which domestic animals play a role in society assigned to them already at the moment of their appearance on earth.

In the Gen 2 account, however, things change. Animals do not directly appear domesticated on the world stage. Instead, they are created seemingly

## 2.5 Conclusion

free, of the same substance as humans namely the earth (Gen 2:20). The moment of domestication occurs at the moment man assigns a name to the animals (v. 20). In this account, the social construction of animals emerges with considerable force. The way we classify animals has to do with where we live, the use we make of them, and the role these animals play in society. While it is true that the way we use animals helps define the way we classify them, the reverse is also true. The way we classify them influences our perception of them. The idea of naming domestic animals in Gen 2:20 thus constructs a boundary between man and animal that did not exist until then. By “classifying” some of the animals as domestic, man effectively establishes a hierarchy that places animals in the service of man. In addition to the way pets are thought of within society, it is possible to draw some conclusions about how the text constructs the image of other animals.

The Gen 2 account is particularly succinct. The creation of all animals is recounted in two verses and, moreover, the reference to aquatic animals is completely missing. Nevertheless, it gives us a glimpse into a type of animal worldview. Interesting is God’s unsuccessful attempt to propose animals as a help for human beings. They do not represent companionship for humans. From the point of view of social construction, this aspect contributes to the creation of a hierarchy. Humans and animals, although created of the same substance, are not in their mutual relationship “facing each other.” This difference, as seen probably motivated by the impossibility of mutual communication, is accentuated by man’s perfect matching with the woman.

The account in Gen 1, though more extensive, does not contribute much to this picture. Leaving aside even the question of dominion in Gen 1:28, which as we have seen refers more to responsibility than to a despotic tyranny over creation, as far as animals are concerned the text draws a conception that can only be sketched in part. As the textual situation of the ancient versions testifies, the vocabulary used for animals is vague and often imprecise, as indicated by the words used for the creation of aquatic animals and birds. Among the animals the text names, it is possible to create a hierarchy based on the distance of these living beings from humans in human perception and at the extreme the aquatic animals, not even mentioned. In an intermediate

## 2. The First Beasts

position are wild animals and birds. Closer to humans are domestic animals, which share living space and some heavy labor with humans.

The creation texts, in their foundational intent of reality, show the complexity of the human-animal relationship through their compositional technique. It is clear from the text that animals are not the primary concern of the biblical authors and that the intent of their creation description is not to characterize animal life. However, the lives of nonhuman creatures cannot be ignored by these texts' attempts to describe the world inhabited by humans. Although they are not central, from the way the authors talk about them it is possible to trace the image they have that becomes part of Gen 1 and 2's attempt to ground reality.

On the one hand, they are the product of God's creative act. They are considered living creatures and participate in the divine blessing. On the other, the relationship with them is concretely hierarchical. They are not God's interlocutors, they are not a valuable help for man, and their subjection, or domestication, is part of their history from the beginning. According to the author of Gen 1-2, the relationship between man and animal has been based on a dialectical tension since the origins of the world.

### 3. Human Subject and Animal Object? Animals as Property in the Biblical Law

Having showed out how the Creation texts draw a certain picture of animals at the time of their first appearance on the world stage, the next pages will investigate what kind of social construction of animals emerges from the legal texts. The purpose of the law, especially when divinely oriented, is to regulate various aspects of society by assigning each element its own dimension. Obviously, in the context of an agricultural society, animals, especially pets, constitute a central element. Indispensable to agricultural production, animals certainly constitute an asset to those who own them, and like any asset, it is the duty of the law to protect the owner. In this sense, it is possible to sketch a framework outlining the concept of animal property as it emerges from the legal texts of the Bible. Again, it must be remembered that the Bible's primary interest is not to inform the reader about the social role of animals in the society it describes. However, through some references, legal formulations, and lexical references it is possible to draw a picture, at least indicative, of how animals appear in normative contexts.

In this chapter I will focus on the concept of animal ownership in the main legal texts of the Bible. The goal is to illuminate an important aspect of the role of animals in Israelite society as it emerges from the Bible, namely that of the human-animal relationship from the perspective of ownership. After a preliminary survey of the concept of animal ownership and a contextualization of the role and ownership of domestic animals in the cultural context of the ancient Near East in the first millennium BC, I will focus on the biblical law corpora. It will be seen how the Bible proposes an idea of animal ownership that, in some circumstantial cases, challenges the absolute objectification of animals by recognizing a certain degree of agency to them.

### 3. Human Subject and Animal Object?

#### 3.1 The Bible between the dominion of nature and the ownership of animals

In 1967 in the renowned academic journal “Science” appeared an article entitled: “The Historic Roots of Our Ecologic Crisis.” The author was Lynn White Jr, a 59-year-old Princeton professor of medieval history, and it was based on his lecture at the 133rd meeting of the American Association for the Advancement of Science. In his essay, White argued that the environmental crisis was not simply the product of increasing human technological possibility but was rooted in our Western worldview. As seen in the first chapter, the foundation of his argument was that much of the responsibility for the Western anthropocentric view of the universe would lie with the Christian reading of the biblical text, especially in the creation narrative. In his explanation of Gen 1, he writes:

By gradual stages, a loving and all-powerful God had created light and darkness, the heavenly bodies, the earth, and all its plants, animals, birds, and fishes. Finally, God had created Adam and, as an afterthought, Eve to keep man from being lonely. A man named all the animals, thus establishing his dominance over them. God planned all of this explicitly for man’s benefit and rule: no item in the physical creation had any purpose save to serve man’s purposes. And although man’s body is made of clay, he is not simply part of nature: he is made in God’s image.<sup>182</sup>

In essence, according to White’s reading, the entire creation would be designed by God to be subservient to man, who could exploit it as he pleased. Absolute dominion would be manifested in the dominion over animals symbolized, among other things, by naming them. White’s vision has been very successful, becoming a vision shared by many scholars who identify in the biblical text, especially in the first chapter of Genesis, a theological

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<sup>182</sup> White, *The Historic Roots*, 1205.

### 3.1 Between the dominion of nature and the ownership of animals

legitimization of the immoderate behavior of man towards nature and, more specifically, towards animals.<sup>183</sup>

Unfortunately, many who have accepted White's proposed view are often unfamiliar with biblical Hebrew or the complexity of the text's textual and literary issues. Depending too much on translations, these scholars focus on a few individual verses, which are taken out of the overall context and assumed to be the key to reading the entire Bible. This is, for example, the case with the unfortunate Gen 1:28, which is often understood as representative of the negativity of the whole biblical view on animals. Such a reading does not consider too many peculiarities of the biblical text and reduces the interpretation to an oversimplification.

Precisely because of the desire not to counter the risk of an overly superficial reading of the biblical text, theologians and biblical scholars have sought to provide an "ecological" counter-response to White's arguments. The exegetical effort of these scholars has taken the form of an attempt to show how the biblical texts contain ecological wisdom, generally implicit and certainly not systematized, that allows for a reconsideration of the human relationship with nature.<sup>184</sup>

Despite this effort, it is discouraging that the Magisterium of the Catholic Church – presumed to be familiar with the Holy Scriptures – places animals in a position decidedly subordinate to humans. This view seems to confirm White's analysis. Although there are some openings in the direction of respect for the integrity of Creation, one must consider the worldview

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<sup>183</sup> For example, Swabe, *Animals*, 5, in her sociological work states: "The apparently tacit assumption that humans have the prerogative to exploit other creatures to their own ends has in fact found a great deal of concrete support throughout the history of European society, most particularly within the teachings of the Judaeo-Christian tradition. According to the biblical narrative of Gen 1:26-28 and Gen 9:2-3, humankind's right to have dominion over and subdue other living creatures was a God-given one." Even P. Singer, in his classical book *Animal Liberation*, gives a place of honor to Gen 1:28 in the fifth chapter entitled "Man's Dominion ... a short history of speciesism." While he recognizes that in the Garden of Eden there was no provision for killing animals, he refers directly to the biblical verse interpreting it as a green light from God to a form of despotism of human beings against other living beings. See Singer, *Animal Liberation*, 186–189.

<sup>184</sup> See Kavusa, *Ecological Hermeneutics and the Interpretation of Biblical Texts*, 229–255; Horrell, *The Ecological Challenge to Biblical Studies*, 165.

### 3. Human Subject and Animal Object?

proposed by the official documents to be fundamentally anthropocentric. An excellent example of the general attitude proposed by the Magisterium is contained in the conception of the human-animal relationship suggested by the Catechism of the Catholic Church. On the one hand, the document derives from scripture (Dan 3:79–81; Mt 6:26) the idea that humans “owe kindness” to animals, which by their mere existence give glory to God.<sup>185</sup> On the other hand, he seems to forget this kindness by asserting that, based on Gen 1:27–28, man occupies a unique place within creation and is the only living being “able to know and love his creator”.<sup>186</sup>

According to this document, this uniqueness of the human being is expressed in an attitude that has very little in the way of kindness:

God entrusted animals to the stewardship of those he created in his image. Hence it is legitimate to use animals for food and clothing. They may be domesticated to help man in his work and leisure. Medical and scientific animal experimentation is morally acceptable if it remains within reasonable limits and contributes to caring for or saving human lives.<sup>187</sup>

In addition, the catechism advises against spending too much money on animals. After having decreed that it is unworthy for man to make animals suffer needlessly – “unworthy” is a term that would require discussion – it is classified as equally unfit to spend sums of money on animals that should be destined, as a priority, to relieve the misery of men. The motivation is explicit: You can love animals, but you should not give them the love due only to humans.<sup>188</sup> Leaving aside the at least controversial association between love and sums of money that this article presents, animals are here to be considered subordinate to men, even from the point of view of the love that must be felt towards them.

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<sup>185</sup> See C.C.C. §2416.

<sup>186</sup> C.C.C. §356; §357.

<sup>187</sup> C.C.C. §2417.

<sup>188</sup> C.C.C. §2418.

### 3.1 Between the dominion of nature and the ownership of animals

Not too much better is the situation if one wants to consider the enthusiasm with which the “ecological” encyclical *Laudato si’* of the Holy Father Francis was received. Indeed, we must view the document as an important step for the church in the direction of a theological vision that integrates issues related to the environment in its reflection. However, in the 221 pages that make up the text, the word “animal” appears only 14 times, probably too little for a text that aims to overcome a utilitarian and anthropocentric vision of Creation. Even if we want to focus on the contents, it is quite disconcerting to read an encyclical that should move the Church in the direction of leaving behind an anthropocentric vision, a criticism of activists committed to animal welfare but do nothing against abortion.<sup>189</sup> The man remains the center around which every instance revolves; here, the anthropocentric point of view is far from being overcome.

Starting from these assumptions, it seems that an investigation of the social and legal construction of animals and the space within the biblical *Weltanschauung* is destined to reconfirm the conception that human beings have the right of ownership and domination over the animal kingdom.

On the one hand, there is incontrovertible evidence: anyone who tries to use the Bible as a manifesto for the post-anthropocentric struggle is destined for failure. Undeniably, the Bible reflects a view of the world that sets the human being at its center. Moreover, it would be anachronistic to search in the text for theories concerning animal ethics or post-anthropocentric approaches, which are not present in the world of the authors of the biblical text. The dominant view is clear: animals and women are subject to man’s authority, who owns them.<sup>190</sup>

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<sup>189</sup> The LS §120 states: “Since everything is interrelated, concern for the protection of nature is also incompatible with the justification of abortion. How can we genuinely teach the importance of concern for other vulnerable beings, however troublesome or inconvenient they may be, if we fail to protect a human embryo, even when its presence is uncomfortable and creates difficulties? “If personal and social sensitivity towards the acceptance of the new life is lost, then other forms of acceptance that are valuable for society also wither away.”

<sup>190</sup> It is certainly no surprise that ancient Israel, as well as other surrounding cultures, was a strongly patriarchal society. Much of the Hebrew Bible is the product of urban male elites and certainly reflects their views. A great deal of feminist exegesis in the past decades has produced a large number of critical studies aimed at

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However, on the other hand, when subjected to critical analysis, the plurality of material contained in the Bible may reveal some spaces that allow us to conceive of animals from a different perspective. Although these passages constitute a limited portion of the biblical material, they must be considered when attempting to analyze the social and legal construction of animals within the Bible.

The question of how the Bible understands animals, and the pattern of a relationship with the animal kingdom that can be inferred from it, has problematic aspects primarily related to the plural and composite nature of the text, the variety of materials it contains, and the historical and literary questions it raises. It is significant in this regard that animal-related issues and critical discussions about the Bible's view of the animal world have recently interested several specialists who have contributed to clarifying various aspects of the text on this topic.<sup>191</sup>

Although the biblical authors certainly did not have the idea of proposing the emancipation of the animal kingdom, the critical reading of the biblical texts can be conducted from a new perspective if we consider the relationship with nature that the ancient authors lived daily. Those who wrote and edited the Bible had no interest in an animal ethic, but they certainly had a deeper contact with the natural environment than most moderns. It is not far-fetched to say that the narratives and laws in the biblical text express a human community that lived an intimate relationship with other animal species.<sup>192</sup> In other words, the life experience of the ancient writers reflected in

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emphasizing this aspect, in order to produce a critical exegesis capable of challenging, in an emancipatory way, the traditional reading. The literature on the subject is vast. For the most recent contributions and updated bibliography on the subject see Scholz, *The Oxford Handbook of Feminist Approaches to the Hebrew Bible*, Yee, *The Hebrew Bible: Feminist and Intersectional Perspectives*; Koosed, *Reading the Bible as a Feminist*, 1–75.

<sup>191</sup> The critical literature on the issue of animals in the Bible has grown a great deal in recent years. I report, by way of example only, some of the most recent significant contributions: Duhan-Kaplan, *Mouth of the Donkey*; Provan, *Wisdom for animals and the cosmos*, 99–113; Block, *All Creatures Great and Small*, 283–306; Stone, *Reading the Hebrew Bible with animal studies*.

<sup>192</sup> Archaeological evidence shows us that the ancient Israelites, as well as most of the surrounding peoples, lived in close contact with animals with which there was a relationship of mutual dependence. Excavations show that even those who lived

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the stories and laws of the Bible, may have engendered an appreciation and sensitivity to the animal kingdom. This appreciation may translate, in some cases, into considering the animal to be more than just an object to be dominated and over which property rights are to be exercised no differently than for an inanimate object.<sup>193</sup>

To investigate the specificity of such an attitude, it may be useful to start from the social construction that animals have in the legal texts of the Bible. These texts, which integrate different literary genres related to the juridical and cultic sphere, express a theological vision of society that is “ultimately answerable to God.”<sup>194</sup> Because of the historical significance of these

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in urban areas, possessed open spaces adjacent to the house in which domestic animals lived. See Sasson, *Animal Husbandry in Ancient Israel*, 6–76.

<sup>193</sup> The connection between the concept of dominion and the concept of property is well expressed by a statement of the English jurist William Blackstone (1723–1780). On the question of property, in the second volume of his weighty and influential “*Commentaries on the Laws of England*,” he wrote: “There is nothing which so generally strikes the imagination, and engages the affections of mankind, as the right of property; or that sole and despotic dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe.” Since Blackstone’s time, his definition of property as exclusive domain has been cited again and again, becoming a canonical starting point for thinking about the question of property. Even today, modern legal scholars refer to it continually, whether they do so with approval or disapproval. On this topic see Rose, *Canons of Property Talk*, or Blackstone’s *Anxiety*, 66–103.

<sup>194</sup> It has been argued that the biblical law, at least in its final form, is to be understood primarily as the product of a theological vision of society elaborated by the interpretation of legal material by priestly scribes. Biblical laws therefore aim to construct an ethical society that is accountable to itself directly before God. See Burnside, *God, Justice, and Society*, xxxii. In a summary of the history of research into the sources of biblical legislation, Eckart Otto identifies primarily three roots of biblical legal history: the first are the casuistic laws, which originated in local courts and were intended to resolve conflicts between families within a community. The goal of these local courts was the suppression of violence within society. The second root of law is identified in the family and reflects the authority of the *pater familias*. Already in pre-exilic times, however, local courts assumed the legal functions capable of expressing this authority. These instructions are expressed with the apodictic laws of prohibition and injunction, the laws of capital offense – with the apodosis *môt jûmât* (Ex 21:12–17), and the prohibition of incest (Lev 18). The third, and final, root of biblical law is the cultic law, coming from a priestly hand. For a discussion and abundant critical bibliography see Otto, *The Study of Law and Ethics in the Hebrew Bible/Old Testament*, 594–621.

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corpora, the animal has come to be regarded as a “thing” or “possession” of humans. In light of such common data, it is surprising to observe how a critical reading of the legal texts of the Bible confirms that the animal is treated as a living being, even as a living being capable of suffering.

Despite the human-oriented view<sup>195</sup>, not having systematized an animal ethic does not automatically mean that those societies could not recognize that animals were beings capable of feeling emotions. In the book of Isaiah, the sheep being led to slaughter is referred to as oppressed (נגנ) and afflicted (ענה),<sup>196</sup> and In Jer 11:19, the one who leads the “gentle lamb” to the slaughter is compared to the one who conspires against his neighbor. Furthermore, in the same passage from Jeremiah, the Hebrew adjective referred to the lamb אלוף, which the LXX reports as ἄκακος, means “close friend” or “companion”.<sup>197</sup> Despite the prevailing anthropocentric view, which considers the animal world in a decidedly utilitarian way, the text allows space for awareness and sensitivity to animal life. Therefore, the purpose of the following analysis is not an anachronistic search for animal ethics in the Bible but rather an attempt to highlight these two approaches to the animal world that seem to emerge from an analysis of biblical legislation.

Starting from these assumptions, this chapter aims to show how biblical law understands the social condition of animals. The attempt shows how it can identify two main tendencies in the biblical text. On the one hand, they are considered objects; the full manifestation of this way of evaluating the animal is its belonging to the sphere of authority of a human subject. In this view, objectification is total, and the animal is treated like any other inanimate property. On the other hand, biblical law seems to leave spaces that allow for an alternative view of animals. In these spaces, the ownership of animals is somehow regulated, and so, as a consequence, its objectification is also regulated. Surprisingly, in addition to this, the Bible contains some texts that would suggest that the animal goes from the object’s status to that

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<sup>195</sup> Although some argue that the Bible presents a theocentric rather than an anthropocentric view see, Simkins, *The Bible and anthropocentrism*, 397–413. See also EXCURSUS 1 in chapter 1.

<sup>196</sup> Cf. Isa 53:7.

<sup>197</sup> Cf. Ps 55:13; Prov 2:17; 16:28; 17:9; Jer 3:4; 13:21; Mich 7:15.

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of the subject, equated in some ways to a member of human society and therefore endowed with individual responsibility. Since the biblical law is considered the place where 'the awareness of the close affinity between humans and animals found its most explicit expression in the field of cultic and civil legislation, the following analysis will focus on the legal sections of the biblical text.<sup>198</sup> The first step is to briefly systematize what ownership means when the term refers to an animal. Then we will trace the contours, as far as possible, of the attitude towards animal ownership in the context of the ancient Near East, especially in first-millennium Mesopotamia.

We will then investigate how the Bible approaches the concept of animal ownership through the categories of "acquisition," "transfer," and "responsibility." We will then proceed to identify whether these categories are always applicable and whether there are cases in which the dominant view can be challenged or, at least, limited. In the final step, conclusions will be drawn based on the analysis.

### 3.2 Outlining the concept of (animal) property

As mentioned above, Blackstone connects property to the idea of "despotic dominion" over an object, creating an immediate connection to the common notion of property. It is common to think of property as something obvious. We have things; they are our things; those things are our property. And if something is my property, then I must have the right to control it. The stuff in my possession is my property, and property law confirms my dominion over those things.

Indeed, philosophers and jurists debating what constitutes property come up against a concept so fundamental and embedded in our ordinariness that it becomes difficult to isolate and analyze.<sup>199</sup> Although the idea seems intuitive, examining the specific legal characteristics of any property right is

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198 Henry, *Das Tier im religiösen Bewußtsein des alttestamentlichen Menschen*, 37.

199 For a discussion of these issues, see Bouckaert, *What is Property?*, 775–816; Waldron, *What is private Property?*, 313–349; Snare, *The Concept of Property*, 200–206.

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useful to note how this right has undergone several variations over time and space. What we generally think of as “property” and how it is treated has changed significantly throughout time due to legislative changes; over time, some things have been recognized as property, while others have been removed from the category of property. Several scholars have argued that it is impossible to define private property<sup>200</sup>. The same scholars conclude that instead of talking about property systems, we should focus on the detailed rights that certain people have with certain objects. These rights vary significantly from case to case, from one legal system to another legal system.<sup>201</sup>

By focusing not on “what” property is – a discussion that would take this discussion away from our purposes<sup>202</sup> – but on “who” it involves, the property can be defined as the relationship of legal subjects to objects.<sup>203</sup> In other words, an umbrella is not my property but is the object of an ownership relationship between me – the owner/subject –and the umbrella – the object. Others are excluded from the direct ownership relationship with the object. The consequence of this definition is that property is understood as a network of relationships, defined exclusively about the interests of legal subjects, without reference to the claims of what its object is.<sup>204</sup> Property has within it a relational principle that raises limited issues when the relationship is between the subject and an inanimate object (such as an umbrella or a house), but that raises ethical issues if the object involved in that relationship is another living being, as in the case of an animal.<sup>205</sup> Modern legal scholars and ethicists wonder how sustainable such an objectified idea of the

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<sup>200</sup> For a review of the main position on this topic see Heller, *The Boundaries of Private Property*, 1163–1223.

<sup>201</sup> Waldron, *The Right to Private Property*, 25–27.

<sup>202</sup> For a recent discussion and critical bibliography, see Rose, *Property and persuasion*.

<sup>203</sup> See Humphrey, *Raising Questions About Property*, 1–25; Keenan, *Subversive Property*, 2010, 423–439.

<sup>204</sup> See Arnold, *The Reconstitution of Property*, 281–364.

<sup>205</sup> Although the issue can be questioned. Stone, *Should Trees Have Standing?*, argues about how the contemporary world has developed laws that provide rights for inanimate natural objects, rocks and rivers, in order to protect them from human abuse. As for ownership over animals, this raises debate among legal scholars. For a discussion and bibliography on this issue see Favre, *Animals as living property*, 65ff.

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animal is still in our day and age and how legitimate it is for humans to exercise authority over the world of animals.<sup>206</sup>

For our discussion about animals, that is, the object of the property relation, some categories object-oriented capable of outlining its characteristics are useful. The first is related to the authority of the subject on the object: the owner is entitled to exclusive physical possession of the animal. Once obtained, the owner has the right to use the animal for financial and other gains and to make contracts involving the animal. The owner, i.e., the person who obtained the animal, can sell it, bequeath it, rent it, give it away and, in some cases, even kill it.<sup>207</sup> This can be summarized as the ability to obtain and the possibility to transfer animals, precisely like an inanimate property.<sup>208</sup>

Moreover, the owner must ensure that his property/animal object does not harm other humans or their property.<sup>209</sup> In this sense, it can be said that the object of a property, to be such, cannot be invested with direct responsibility. The burden of compensation, or eventual punishment, must always fall on the subject and never on the object: under our present system, full responsibility comes with ownership.<sup>210</sup>

In this way, we have outlined three essential features that indicate the characteristics of a property object: the possibility of being acquired, the

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<sup>206</sup> The topic is well discussed in Francione, *Animals as Persons*, 38.

<sup>207</sup> In his volume on *Human Animal Studies*, De Mello argues about how the way humans categorize animals directly affects the exercise of ownership over them. If, for example, current laws do not allow me to kill my pet rabbit to eat it, I am allowed to kill the same kind of rabbit if I own a rabbit farm. Classifying the animal as a “pet” or a “farm animal” changes the options I have for action on the same animal. See De Mello, *Animal and Society*, 44–56.

<sup>208</sup> For the characterization of an object of property as something that can be “acquired” and “transferred,” I have relied on the categories proposed in the brilliant essay Epstein, *Simple Rule for a Complex World*, 53–99, conveniently readjusted to the question of animals. These categories are also similar to some of those outlined by Honoré, *Ownership*, 107–147. The author identifies and systematizes eleven main characteristics of property, among which are the right to possess, that is, to have exclusive physical control of a thing, and the right of transmissibility or the ability of things possessed to be transferred to another through sale, gift or inheritance, lease, etc.

<sup>209</sup> On this topic, see Francione, *Animals as Persons*, 38.

<sup>210</sup> Favre, *Equitable Self-Ownership for Animals*, 495; Favre, Loring, *Animal Law*, 123–144.

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possibility of being transferred, and the absence of any responsibility. The more or less nuanced presence of these characteristics and their direct applications that a legal system can manifest when applied to animals, give us a picture of the degree of objectification that the animal has in a given society. If we take Western society as an example, we will conclude that it is a society that objectifies animals. Animals can be obtained, transferred, and do not carry individual responsibility, which falls vicariously on the owner.<sup>211</sup>

One might think that by considering the focus on the care and attention of animals, especially companion animals, the degree to which animals are objectified is reduced. This is not the case. The emerging field of “animal law,” which seeks to ensure some degree of welfare for the animal, should not be confused with a change in the animal’s status from object to subject. This field of law is attempting to apply traditional property doctrines to nonhumans. There is no attempt to challenge the property paradigm through laws or regulations that recognize that animals have fundamental interests independent of human benefit that cannot be ignored<sup>212</sup>.

The ownership status does not depend on the welfarist policies implemented towards an animal/object. As G. Francione rightly states:

“The property status of nonhumans remains a substantial impediment to the meaningful protection of nonhuman interests. Although animal advocates claim that traditional welfarist strategies can protect animal interests without any significant modification of the property status of nonhumans or that welfarist strategies will lead to modification of the property status of nonhumans, the past dozen years offers no proof of either of these claims. There have been no notable improvements in animal welfare, and most changes have been linked explicitly to making animal exploitation more beneficial for humans. Making exploitation more efficient may reduce suffering in minimal ways, but the welfarist approach is rooted in the property paradigm and

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<sup>211</sup> The example of the dog bite is typical. If my dog bites someone else, I will be responsible for compensating the victim. The legal basis for this issue is discussed in Schwartzberg, *Tort law in action and dog bite liability*, 845ff.

<sup>212</sup> See Francione, *Animals, Property and Legal Welfarism*, 721ff.

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perpetuates the view that nonhumans are commodities with only extrinsic value.”<sup>213</sup>

What constitutes a change in status from object to the subject is the legal protection of the animal interest itself without that protection being rooted in the owner’s interest. In this sense, the biblical perspective of treating the flock “in the manner of a good shepherd, anxious to keep it in the best possible condition for its owner”<sup>214</sup>, does not constitute a paradigm shift from the point of view of the concept of property. The animal remains an object. That of the shepherd with his flock is undoubtedly a relationship of ownership and, thus, ultimately, domination. Moreover, dominion does not necessarily mean “despotic tyranny”; the fact that authority is exercised commendably does not detract from the fact that the ownership relationship remains distinct between subject and object. Just as the shepherd/subject exercises ownership over the flock/object, God/subject exercises ownership over Israel/object<sup>215</sup>.

That of ownership is thus a discussion that goes beyond animal protection. Securing the interests of animals means giving up the possibility of acquiring and transferring them as if they were inanimate objects. To renounce the ownership of animals also means to renounce vicarious responsibility over them since the animal would then be considered an autonomous member of society.

Before analyzing how biblical law socially constructs the image of the animal through the property, it is worth tracing, albeit briefly, the status of the animal from the point of view of property in the more general context of the ancient Near East during the first millennium BC. Some historical coordinates may help better understand the socio-cultural environment in which the biblical texts were redacted, at least in their final form.

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<sup>213</sup> Francione, *Animals as Persons*, 125-126.

<sup>214</sup> See Passmore, *Man’s Responsibility for Nature*, 9. Based on passages such as Prov 12:10 the author argues about how the Bible proposes a positive attitude toward the animal world.

<sup>215</sup> Cf. Ex 19:5; Deut 7:6; 14:2; 26:18; Ps 135:4. I will return to this point later.

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#### 3.3 Aspects of cultural context: Attitudes toward animals in I millennium Mesopotamia

Having established that the exercise of dominion over creation and, in particular, over animals has its roots in the kind of attitude the Bible proposes about the concept of property toward living creatures, it becomes legitimate to ask: How does biblical law view property rights over animals? Unfortunately, the Bible does not provide any text that directly explains ancient Israelite conceptions of ownership, much less those over animals. However, there is a rather varied terminology that seems to refer more or less indirectly to the concept of ownership. Before focusing on the biblical text, it is worth drawing the significant lines that illustrate the role of animals in the context of the ancient Near East, especially in first-millennium Mesopotamia. Drawing these lines provides a general picture of how animals have been socially perceived in the context of an environment that, in many ways, was similar to that in which the biblical writers operated. The cultures that dominated the scene of the ancient Near East during the first millennium, especially the Neo-Assyrian and the Neo-Babylonian, have left us textual material that allows us to trace, at least in the main lines, what was the attitude of these peoples towards animals, both domestic and wild.

The economy and society of Mesopotamia in the first millennium are built around agriculture and livestock. The production of handicrafts and their distribution play a minor role in societies such as the Neo-Assyrian and Neo-Babylonian. Being characterized by strong expansionist aims, the central administrations must provide for the sustenance of an increasing number of imperial officials called to administer the empire's provinces.<sup>216</sup> Because arable land was the most critical productive element and animals were required most throughout the agricultural cycle, from field preparation to

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<sup>216</sup> For a general outline of Mesopotamian economy see Postgate, *Early Mesopotamia: Society and Economy at the Dawn of History*. See also Renger, *On Economic Structure in Ancient Mesopotamia*, 157–208; Id., *Economy of Ancient Mesopotamia. A General Outline*, 187–197.

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completed product storage,<sup>217</sup> animal ownership is inextricably tied to land ownership. Also, in the first millennium, as it had been for the previous centuries, the subdivision between urban-type centers and a system of rural villages persisted in the Mesopotamian area, in which the urban centers implant themselves and from which they draw the indispensable surplus of food products.<sup>218</sup> This situation creates a two-way relationship that makes the urban-palatial centers dependent on village production but makes the villages subject to the tax-collecting action of the urban core. As regards the concreteness of the properties, these mainly belonged to the so-called “Large Organizations,” namely the palace and the temple. Large organizations owned most of the arable land and administered it to maximize profits. Soil quality determined the division of arable land, whether newly cultivated or left uncultivated. Organizations managed and controlled the most fertile portions, while lower quality fields were leased for cultivation<sup>219</sup>.

A large amount of land available to large organizations required a large number of personnel to cultivate it. Some of this land was worked by non-free laborers; these were actual state farmers and what they made from developing the fields belonged directly to the administration. Eventually, to secure a stable income, the temple and palace introduced tenant farmers, who managed part of the organizations’ wheat, barley, and orchard fields through

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<sup>217</sup> Foods derived from animals, especially domesticated animals, were secondary to plant foods and figured more prominently in the diets of the Palatine and Templar elite and as offerings for ritual purposes. Most domesticated animals were not kept for the main intent of supplying food. Sheep, and to a lesser extent goats, were kept for their wool and milk, and highly bred cattle were kept primarily for their strength as draft animals. See Charpin, Edzar, Stol, *Mesopotamien*, 949–972; Reynolds, “Food and Drink in Babylonia,” 171–183.

<sup>218</sup> See Liverani, *The Ancient Near East. History, Society and Economy*, 497–517; Stein, *The Organizational Dynamics of Complexity in Greater Mesopotamia*, 11–22; Barbanes, *Heartland and Province: Urban and rural settlement in the Neo-Assyrian Empire*.

<sup>219</sup> For example, the status of lands in the Neo-Assyrian era, especially after the “reforms” of Tiglet-pilasar III, can be reduced to three types: royal lands managed directly by the central administration or by peripheral palaces in the various provinces; royal lands given in concession to cohort officials; and private lands that entered the commercial circuit. The first two obviously represent the vast majority of cultivable lands within the boundaries of the empire. See Liverani, *The Ancient Near East*, 500.

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a concession given after a contract had been stipulated.<sup>220</sup> The Organizations, in this case, undertook to provide seeds at the beginning of the autumn season, tools for working the fields, and especially draft animals. In exchange for this provision, the one who had rented the area had to pay regularly with money and products from the field. The collectors controlled mandatory deliveries, who received a portion of the fee collected for this service.<sup>221</sup>

Focusing on the role of animals, some remarks can be made. As mentioned, large organizations were committed to providing draft animals to those who contracted to manage the arable land owned by the palace or temple. In practical terms, the administrations had to have many animals on hand ready to be supplied to the tenants. Therefore, the animals owned by the institutions had to be constantly maintained, consuming many resources. It should not be forgotten that each plough needed a team of four trained oxen to pull; such a large number of animals was only available in an institutional setting. However, even in this context, the texts record a continuous shortage of animals, even though anyone who owned herds, including the temple, was forced to pay the palace the *šibtu*, the annual state animal tax owed to the court.<sup>222</sup>

Having to provide animals to their employees who worked the fields and those to whom the fields were given to manage, the Organizations had a turnover of tens of thousands of animals per year. Thus, it is not surprising that central administrations developed counting, control, forecasting, and archiving methods that ensured the operation of the entire system involving animals.<sup>223</sup> Regarding the production of forage to sustain this vast number of animals, some archaeological data may help to understand how this system worked. The excavations conducted in the Neo-Assyrian provincial capital of Tušhan, modern Ziyaret Tepe, on the outskirts of the empire, record intense production and sorting of fodder in an agricultural system that had to

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<sup>220</sup> See Dandamayev, *The Neo-Babylonian Citizens*, 45–49.

<sup>221</sup> See Wunsch, *Neo-Babylonian Entrepreneurs*, 48–49.

<sup>222</sup> See van Driel, Klengel, Renger, *Agricultural Entrepreneurs in Mesopotamia*, 213–223.

<sup>223</sup> For an overview of the administrative system in the Neo-Babylonian era, see Jursa, *Accounting in Neo-Babylonian Institutional Archives. Structure, Usage and Implication*, 145–199.

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support both human and animal members of the Assyrian society.<sup>224</sup> Much of the site's cereal production was for animal consumption, particularly cattle, sheep, and goats<sup>225</sup>. Therefore, to meet this demand for fodder from the animals belonging to the palace, the empire was forced to manage nourishment production centrally, using fields and labor specifically for that purpose.<sup>226</sup> Having dedicated the production of several agricultural centers such as Tušhan to fodder for the empire's animals, the Neo-Assyrian administration developed a centralized organizational system for exploiting animal resources that we would have no problem defining as "intensive."<sup>227</sup> The first sign of this will of the central administration to obtain the maximum profit from the exploitation of its herds is in the strong subdivision of animal-related professions.

Connected to the figure of *šibtu* taxation is the figure of the "chief cook," who was not actually a cook but a manager entrusted with managing the livestock for the urban center (SAA 12 77 i 22–26). The chief cook was primarily concerned with the acquisition of live domestic animals. He procured livestock through the distribution of tribute revenue from the palace (SAA 11 36 i 9–11) and as tax payments from the provinces, including the *šibtu* taken from the offspring of the animals at his disposal<sup>228</sup>.

Specialized shepherds (*râi'u*) were responsible for caring for the palace livestock: texts mention "herdsman," "oxherds," "cowherds," "shepherds," "goatherds," "camel-herds," and "fowl."<sup>229</sup> The herds were strictly organized and entrusted to specialized personnel who could derive maximum

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<sup>224</sup> See Greenfield, Wicke, Matney, Integration and interpretation of architectural and faunal evidence from Assyrian Tušhanm Turkey, 47–75.

<sup>225</sup> See Greenfield, Feeding Empires. The Political Economy of a Neo-Assyrian Provincial Capital through the Analysis of Zooarchaeological Remains.

<sup>226</sup> See, Rosenzweig, Cultivating subject in the Neo-Assyrian empire, 1–28.

<sup>227</sup> Groß provides an excellent detailed and documented account of the Assyrian state organization regarding animal husbandry. See Groß, At the Heart of an Empire. The Royal Household in the Neo-Assyrian Period, 464–486.

<sup>228</sup> See Groß, Food and Drink for the Palace: The Management of Foodstuffs in Neo-Assyrian Times and Beyond," 21–45; For a comprehensive analysis of the Assyrian taxation system in comparison with that of other Mesopotamian peoples see Postgate, Taxation and Conscriptio in the Assyrian Empire, 171.

<sup>229</sup> See Groß, At the Heart of an Empire, 464–465.

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economic profit from each assignment. Although the sources do not give us a clear picture of his duties, the texts also tell us of a “chief shepherd” (rā’iu rabiū), which is certainly connected to the palace and temple circles. He, among other tasks, had to check that from the animals of the palace, the individual custodians drew as much profit as possible. The role was of primary importance because the entire economy of the empire depended on the economy related to livestock. It is, therefore, not surprising that the chief shepherd [...]Aššūr is mentioned in a list of high court officials next to the chief scribe of the palace whom he may have collaborated in recording livestock accounts (SAA 7 5 r. i 36).<sup>230</sup>

The attempt to push herd optimization to the maximum can be inferred from the presence of a specialized professional figure that the texts call mušākīlu. This word, a Š-participle form of the verb akālu (to eat), indicates the one who had the task of “fattening” the animals.<sup>231</sup> The animals a fatterer cared for came to a much worse end than those used for agricultural work. Unlike the animals that were provided to the workers of the land, the cattle and poultry destined to become food were fattened in the urban stables, passed into the hands of specialized cooks, and finally served on the tables of the king and the highest officials.<sup>232</sup>

These brief considerations can lead us to some thoughts on the attitude of the Neo-Assyrian administration towards domestic animals. They are an economic resource and, as such, must be exploited to the maximum to maximize the financial benefit they can produce. Entire sectors of human activity are dedicated precisely to this purpose. The mentality of absolute efficiency of the imperial administration, which had a considerable impact on the environment, especially in the provinces, is also reflected in the attitude towards animals. The question of whether they were property does not arise, and the Assyrian bureaucracy hardly leaves space for alternative perspectives. A considerable part of the Assyrian imperialistic project passed through

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<sup>230</sup> Luukko, *The Administrative Roles of the “Chief Scribe” and the “Palace Scribe in the Neo-Assyrian Period*, 227–256.

<sup>231</sup> The Akkadian verb mušākīlūtum indicates the act of feeding animals.

<sup>232</sup> Groß, *Food and Drink for the Palace: The Management of Foodstuffs in Neo-Assyrian Times and Beyond*, 21–45.

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decisive interventions on the territory of the provinces subjected to a process of exploitation of the environment.<sup>233</sup> As Radner has shown in a study of a prism-shaped inscription of Sargon II, royal propaganda passed through an intervention of environmental exploitation:

The well versed king, who constantly considers plans of good things and who directs his attention to the settlement of desolate steppe, to the cultivation of fallow land and to the plantation of fruit groves, contemplated causing steep rocks, from which never before green had sprouted, to produce yield. He had in mind to let furrows arise in waste barren land which had not known the plough under the previous kings.<sup>234</sup>

To transform the desolate steppe into a rich plantation, the Assyrian administration constantly needed animals to supply those who worked the land on behalf of the central administration. In addition to the necessary role concerning food production through agricultural work, the acquisition and transfer of animals was a vital part of the implementation of Assyrian imperialistic projects. The interests of the animals are not considered in the least. The exercise of property through acquisition and transfer is exercised in all its forms. The exploitation of the animal is transformed into an efficient system that goes from the macro management of herds to the particularized management of individual animals that are thus exploited as objects or fattened, killed, and eaten. The animal is here at the complete disposal of the human being. Objectification is total.

A further example can be brought in here concerning the acquisition of animals by the Assyrian ruling class. The idea of a universal empire that genuinely represents a political center that controls the rest of the world involves the concrete demonstration of this control. The Assyrian sovereigns thought it appropriate to demonstrate this supremacy by centralizing in their capitals

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<sup>233</sup> Rosenzweig, *Ordering the chaotic periphery: The environmental impact of the Neo-Assyrian empire on its provinces*, 49–58.

<sup>234</sup> Radner, *How Did the Neo-Assyrian King Perceive his Land and Its Resources?*, 233–46.

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every kind of exoticism that, in their opinion, represented the diversity that opposed the periphery to the central core. Of this nature were the famous “hanging gardens” that classical literature places in Babylon but that, in reality, were in Nineveh.<sup>235</sup> The creation of these gardens included a space dedicated to one of the Assyrian rulers’ favorite activities: hunting. The botanical garden attached to the royal palace of Nineveh Sennacherib proudly declares: “Next to the palace I planted a hectare of the botanical garden and a hectare of hunting reserve”<sup>236</sup>. The animals that were introduced in the private hunting reserve of the sovereign, as well as those destined for the imperial zoological gardens, were taken alive from the farthest provinces of the empire and placed in an exotic artificial environment that aimed to reconstruct the typical landscape of the “foreign land.” In the inscriptions of Adad-nirari II we read for example:

I captured alive nine wild bulls, very strong, with horns [...]. I sent four elephants into a trap and captured them alive; five of them I caught in a snare. In the inner city, I put together herds of lions, wild bulls, elephants, ibex deer, onagers, and ostriches.<sup>237</sup>

The capture and subjugation of wild animals from the periphery symbolized the supremacy of Assyrian power over the surrounding world. The display of these annihilated animals in cages for everyone to see had a propaganda purpose. Being taken away, caged, tied or chained, and transported to Assyrian centers of power was the fate of animals that the central authority considered exotic. They represented the savage state of the peripheries that the Assyrian intervention, through the power of its ruler, was able to subjugate. Since most social animals such as elephants, lions, monkeys, and bears guard their young and try to defend them from outside danger, to obtain these cubs, the ruler’s teams had to kill the adults (sometimes the females, but often the entire herd) so that they could then capture the cubs. To boast, as

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<sup>235</sup> Cf. Diodorus Siculus, *Bibliotheca Historica*, II, 10,1–6; See Polinger-Foster, *The Hanging Gardens of Nineveh*, 207–220.

<sup>236</sup> Grayson, *The Royal Inscriptions of Sennacherib (704-681)*, 104.

<sup>237</sup> Grayson, *Assyrian Rulers of the Early First Millennium BC*, 154.

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Assurnasirpal II does in his inscriptions, of having taken away fifty lion cubs shows that the sovereign was able to bring down whole herds of lions that, in vain, tried to defend their cubs. The exhibition of these cubs in cages completes the propaganda strategy:

I brought them (the monkeys) to my land Aššur. I bred herds of them in great numbers in Calah (and) displayed (them) to all the people of my land. With my outstretched hand and my fierce heart I captured 15 strong lions from the mountains and forests. I took away 50 lion cubs. I herded them into Calah and the palaces of my land into cages. I bred their cubs in great numbers. I captured live tigers (mindinas). I formed herds of wild bulls, elephants, lions, ostriches, male monkeys, female monkeys, wild asses, deer, aialu-deer, female bears, panthers, senkurru, beasts of the mountain (and) plain, all of them in my city Calah, I displayed (them) to all the people of my land.<sup>238</sup>

Wild animals suffered a far worse fate when not reduced to a cage and displayed for the amusement of the Assyrian palatine elite. Some deities, usually Ninurta and Nergal, ordered the ruler's actual death campaigns against wild animals.<sup>239</sup> Often the numbers reported by these inscriptions are very improbable,<sup>240</sup> but it is an indicator of the attitude of the Assyrian ruling class towards wild animals. These types of animals were symbols representing the distant territories subjugated during the Assyrian kings' military campaigns. Studies of Assyrian art have shown how propagandistic representations depicted the Assyrian king subduing animals typical of the areas where he had undertaken military expeditions.<sup>241</sup>

Assyrian kings of the ninth century undertook military expeditions into northern and western territories of Mesopotamia inhabited by specific

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<sup>238</sup> Grayson, *Assyrian Rulers of the Early First Millennium BC*, 226.

<sup>239</sup> Grayson, *Assyrian Rulers of the Early First Millennium BC*, 26; 93; 135; 226.

<sup>240</sup> Aššur-dān II claims in one outing to have killed 120 lions, 56 elephants, and 1200 wild bulls alone. 1476 animals would mean killing more than one animal per minute for 24 consecutive hours. See Grayson *Assyrian Rulers of the Early First Millennium BC*, 135.

<sup>241</sup> See Collins, *Gods, Heroes, Ritual, and Violence*, 619–644.

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species of animals, which included wild goats in mountainous terrain and fallow deer in forested areas. At the end of the eighth and seventh centuries, Assyrian kings went on campaigns of conquest into the heart of Mesopotamia. In the art of the period, there was a substantial prevalence of animals typical of the Zagros Mountains and Elam: the red deer and the gazelle.<sup>242</sup> Just as the subjugated peoples were placed under the ownership – or domination – of the conquering king, in the same way, the animals that symbolized these peoples were objects of the Assyrian king's ownership. If domestic animals were considered an economic resource and property in their own right, an exercise of ownership also exists in the Mesopotamian world regarding wild animals. They are used and objectified to obtain a human purpose, often propagandistic and related to the ruling classes.

Having outlined the concept of animal ownership and an overview of the conception of animals in the cultural milieu related to biblical Israel, it is now possible to focus on how the biblical text conceives of animal ownership.

#### 3.4 Your enemy's donkey: Animal as property in the Bible

After having outlined, at least in broad terms, the attitude towards animals in the cultural environment in which Israel lived and produced the texts that became part of the Bible, we can continue with the analysis of the concept of animal property within the legal texts of the Pentateuch.

Above, we have outlined some typical characteristics of what can be called property. These characteristics are the possibility of being acquired, transferring from one owner to another, and, finally, the absence of liability. For example, if we think of an agricultural object such as a hoe, it can be bought by the one who makes it; it can be transferred from one owner to another through buying, selling, or gifting. Also, if I use a hoe to hit another person, the responsibility will fall on the person who hits and not on the hoe. The hoe of a farmer can therefore be considered in its own right an object of the

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<sup>242</sup> See Albenda, *Assyrian Royal Hunts: Antlered and Horned Animals from Distant Lands*, 61–78.

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farmer who exercises his right of ownership over it. As we will see, Biblical law proposes an idea of the animal being considered the “object” of a property relationship in which the “subjects” are the human owners.<sup>243</sup> Indeed, what connects the various phases of biblical economic thought is probably the attention that the Torah texts devote not to “property” itself, which is a legal and financial abstraction<sup>244</sup>, but to the behavior of the owner understood as a specific person, identifiable as a subject in an ethical system.<sup>245</sup> That means that the logic of economic ownership of an object in biblical law is described as a constant identification of the “momentum” when this object becomes part of a person’s sphere of authority and responsibility. This idea is most likely based on a concept of “property” identical to that of “possession.”<sup>246</sup> The commandment “You shalt not steal” (Ex 20:15; Deut 5:19) is perhaps the most important confirmation of this principle. The property right appears as one of the principal human rights in the Decalogue, alongside the right to life (Ex 20:13; Deut 5:17) and family connections (Ex 20:12; Deut 5:16). Moreover, the commandment prohibiting theft is closely linked to the last one denying coveting one’s neighbor’s possessions (Ex 20:17; Deut 5:21), which reiterates the same principle. Thus, God himself sanctions the

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<sup>243</sup> In more precise terms, Property is defined as the relationship of legal subjects to certain objects. For example, in law, a house is not property, but the object of a property relationship between the owner, who is a legal subject, and other legal subjects. Thus, property is defined exclusively in relation to the interests of legal subjects, without reference to the interests of what is its object. See note 23.

<sup>244</sup> See Waldron, *What is Private Property?*, 313–349.

<sup>245</sup> On the idea of property in Jewish history, see Todeschini, “Proprietà ebraica, potere cristiano, storia economica, 99–120. For a general discussion of the concept of property, see Westbrook, *Property and the Family in Biblical Law*. See also Ando, Rüpke, *Between Public and Private: The Significance of the Neutral Domain (Car-melit) in Late Antique Rabbinic Literature*, 217–226.

<sup>246</sup> From a juridical point of view, the concept of property is an abstraction and indicates a situation of total power over the good (we often call it also ownership), while possession is only a factual relationship that exists between a subject and a good, because of the possibility that the first has to use the second (on which usually has a direct and physical contact). The concept of possession, more concrete, is the basis of the law on property. On this topic see Rose, *Possession as the Origin of Property*, 73–88; Waldron, *The Right to Private Property*, 26–62.

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right to own possessions, and the right of the owner to exercise authority over his possessions is a right defended by the sacred.<sup>247</sup>

Sometimes the Bible directly mentions the rights of the owner. Political power is not allowed to deny them, as the story of Naboth's vineyard shows (1Kgs 21:1–24). According to some texts, there seemed to be a suspicion of leaders and influential people who could fall into the temptation to abuse their power by appropriating what belonged to others. It is significant that to demonstrate their honesty before the people, both Moses and Samuel state that they never took away a donkey or an ox from any of the people (Num 16:15; 1Sam 12:3) and that to persuade the people of the dishonesty of a potential king, Samuel described him as someone who would appropriate the people's possessions (1Sam 8:11–20).

In this sense, Samuel's address to the people asking for a king is also interesting because it reports a list of what might be considered valuable property for the agropastoral society represented by biblical Israel. Agricultural-type possessions are listed in vv. 14–15: fields, vineyards, and olive orchards. Next, vv. 16–17 lists the living things considered property: alongside servants and female servants; we also find oxen, donkeys, and flocks.<sup>248</sup> Among what is possible to own in the world of biblical law, there are (obviously) also animals.

To understand in which way the animal in the Bible is considered an object over which property rights can be exercised, such as over a hoe, one must search for these characteristics within the legal texts of the Pentateuch. This will be the purpose of the following few pages.

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<sup>247</sup> However, Ska rightly points out that the text should not be interpreted as a defense of private property at any cost. Rather, the elements listed, when read in the context of the lives of most of the people of the biblical world, seem to be the minimal elements of a small landowner: the wife (family), the house, the servant and the maidservant, the ox, and the ass. See Ska, *Il libro sigillato e il libro aperto*, 344–345.

<sup>248</sup> In 1Sam 8:16 the Masoretic Text lists servants, female servants, the best of the young men (בְּחֹרֵיכֶם הַטֹּובִים) and your donkeys, while the LXX has “your best herd of oxen” (τὰ βουκόλια ὑμῶν τὰ ἀγαθὰ). Based on critical considerations on this passage, I consider the LXX lesson to be preferable. On this topic see Smith, *A Critical and Exegetical Commentary on the Books of Samuel*, 58.

### 3.4 Your enemy's donkey:

#### 3.4.1 From "animal" to "my animal": The acquisition of animals in biblical law

One fact that may seem curious is that the Bible is not concerned about buying and selling animals. There is no set of biblical laws regulating a possible "market for animals," which must have existed.<sup>249</sup> This absence is even more peculiar when one considers that the business of buying and selling livestock was central, as we seen above, throughout the ancient Near East since the earliest periods.<sup>250</sup> Despite the lack of an explicit reference to the marketplace, whose presence was probably considered obvious, the Bible recognizes other methods of coming into possession of an animal. To begin with, in its natural state, every animal was considered a "res nullius." Unlike a "res communis" such as the water of a stream or the air, the status of a found animal could be transformed into that of property through capture.<sup>251</sup> This characteristic of animals living in the wild can already be found in the account of Isaac's sacrifice (Gen 22). After the angel of God stopped Abraham's hand (v. 12), the text clearly says, "Then Abraham looked up and saw a ram, caught with its horns in a bush. Abraham went and took the ram and offered it as a burnt offering instead of his son" (v. 13). The narrator here has

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<sup>249</sup> That animals, especially domesticated animals, were bought is a fact confirmed by several archaeological sources. See Sasson, *Animal Husbandry in Ancient Israel*, 108–117.

<sup>250</sup> Several Palatine and Templar sources contain detailed accounts of the activity of buying and selling animals by specific attendants. The attestations of specific markets and fairs dedicated to the buy and selling of heads of livestock are testified since the III millennium in ahead. Interesting are some new acquisitions of archaeology that have shown how even animals such as dogs, used for the defense of the flocks, were bought and sold systematically in an organized trade. On this point see Price, *Canine economies of the ancient Near East*, 81–92. For a general overview of the animal market in ancient Near East see Grossman, *Pigs and the pastoral bias*, 46–62; Renger, *Trade and Market in the Ancient Near East*, 15–39; Foster, *Commercial Activity in Sargonic Mesopotamia*, 31–43.

<sup>251</sup> "Res nullius" is a typical terminology of Roman law. However, I use the term in a manner totally detached from any historical reference to Roman law and employ it in its literal meaning, i.e., those things that can abstractly be the subject of rights and that are not in the ownership of anyone. The same applies to the term "Res communis" which is used here to denote what can be considered "shared property" by anyone who can benefit from it.

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no hesitation in recounting that Abraham appropriated an animal that happened to be in front of him and over which he exercised a property right intelligent enough to allow him to kill it by offering it as a holocaust.

However, some legal texts in the biblical codes restrict the practice of appropriating any animal. Exodus 23:4 states: “When you meet your enemy’s ox or donkey missing, you must bring them back.” A somewhat similar law matches this law in Deut 22:1–3:

<sup>1</sup>You shall not see your brother’s ox or his sheep going astray and ignore them, but you shall take care to bring them back to your brother.

<sup>2</sup>If your brother does not live near you, and you do not know him, you shall take the animal into your house: it shall remain with you until your brother searches for it, and then you shall return it to him. <sup>3</sup>You shall do the same with his donkey, the same with his garment, and the same with every other object that your brother has lost and that you find. Thou shalt not pretend that thou hast not discerned them.

These two laws, when combined, effectively prohibit you from taking possession of a “lost” animal because it could belong to either your brother or your enemy. These laws show that it must not have been that uncommon to come across stray animals. This is not surprising considering that most of the population owned animals, and it was common for them to run away or be lost.<sup>252</sup> Interestingly, the two texts, taken together, extend this right to all humans (brothers and enemies) and all domesticated animals. Deut 22:2–3 also answer a question: what to do if the owner is not far away? The text provides that the one who finds the stray animal should not “ignore it” but should take care of it until the rightful owner asks about it.<sup>253</sup> This implied that finding a lost animal would require maintenance costs for that animal. Still, the text, after all, does not prohibit using that found animal for agricultural purposes or transportation. These laws limit this, the right to acquire.

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<sup>252</sup> A narrative example is 1Sam 9 where Kish, father of Saul sends his son and a servant to find the lost asses. There are also several poetic texts in which people are compared to stray animals. Cf. e.g. Isa 53:6; Jer 23:1–4; Ezk 34:4.16; Mic 4:6; Ps 119:176.

<sup>253</sup> See Tigay, Deuteronomy, 199.

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Nevertheless, this limitation seems to apply only to domesticated animals. The texts refer to ox, sheep, and donkeys. Regarding wild animals, the law's restrictions regarding acquisition do not seem to apply. The wild animal can be acquired directly from its natural environment through hunting techniques. The biblical text knows several of these techniques and tools to kill and capture wild animals. A law in Lev 17:13, for example, prescribes the Israelites and the foreigners living among them to bleed the wild animal obtained by hunting and to cover its blood with earth in case they want to eat it.<sup>254</sup> However, hunting was not always for the immediate consumption of what was hunted. The biblical text knows non-lethal hunting techniques that had the purpose of capturing the animal still alive, and that is, in essence, to acquire ownership of a “res nullius” becoming the owner of the animal caught. These techniques involved using snares and traps specific to each type of hunting, although it is difficult to reconstruct precisely the use and specificity of each of these tools. The traps called מוקש, for example, served exactly not to kill the captured animal.<sup>255</sup> Relatedly, some specific lexical forms suggest that in ancient Israel certain figures specialized in catching certain types of animals. This is what the word יקוש suggests, which seems to refer to people who specialized in capturing wild birds through the use of special traps called פח.<sup>256</sup> The purpose of these traps seems to be precisely

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<sup>254</sup> This prescription is part of a larger framework of prescriptions regarding the prohibition of consumption and contact with blood. On this point, see Rothstein, Leviticus 17, 3–4, Deuteronomy 12, 193–207.

<sup>255</sup> The term refers to a tool, probably a snare, for catching wild birds (cf. Am 2:5). However, this term is often used in a metaphorical sense in the Bible. According to this usage, the term refers to that which may represent a pitfall (cf. Ex 10:7; 23:33; 34:12; Deut 7:16; Josh 23:13; Judg 2:3; 8:27; 1Sam 18:21; Job 34:30; 40:24; Ps 64:5; 69:22; 106:36; 140:5; 141:9; Prov 12:13; 18:7; 20:25; 22:25; 29:6.25; Isa 8:14). In some passages the term metaphorically indicates the snares of death (cf. 2Sam 22:6; Ps 18:5; Prov 13:14; Prov 14:27).

<sup>256</sup> The etymology of יקש, from which both מוקש and יקוש are derived, is controversial. Some scholars have linked the root to the Aramaic *wṭq* (bind), while others connect it to the Ugaritic *jqšm* (bird hunter). In any case, about the precise meaning of the word מוקש there is no unanimity. The term is often found associated with פח, which would seem to indicate a net or snap trap (cf. Josh 23:13; Isa 8:14; Am 3:5; Ps 69:23; 140:6; 141:9). These occurrences suggesting that the two terms indicate something similar. That the term is related to the capture of wild birds is evident from Ps 124:7; Prov 35; Am 3:5. See TAWAT, vol. III, 866–870.

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to capture these birds and not to kill them on the spot. The very existence of a figure who specialized in catching wild birds suggests the possibility that the יקוּשׁ captured as many birds as possible and then resold them as egg or meat animals in markets.<sup>257</sup>

In addition to commercial and food needs, the direct reference to professional figures dedicated to catching birds is also explained by an agrarian society's need to reduce its bird population. An agricultural community impacts the wildlife of the places it intends to inhabit, and in order to make room for different types of crops, the land chosen as an agricultural field must be cleared of the wild animals that inhabit it. This results in a reduction of wildlife in the area, which will gradually be replaced with domesticated fauna, useful mainly for work. Conservation of the agricultural area thus comes at the price of a continuous reduction of wildlife around the field. Obviously, in the case of a large bird population, in the absence of firearms, the issue becomes particularly complicated. Birds must be considered a threat to a cultivated field since seeds, grains, and fruits constitute the main food for these species. This threat becomes even more critical if we consider that at the time of biblical Israel, there was no possibility of cultivating outside the expected time of sowing and harvesting (winter – end of spring).<sup>258</sup> Since capturing wild birds with a bow and arrows is particularly complicated, a professional is needed to reduce the wild bird population near the

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<sup>257</sup> Bird hunting was a common practice in ancient Israel. The movement and migration of wild birds was closely followed (cf. Jer 8:7; Song 2:12), and bird hunting seems to have been conducted with specialized tools. The mention of quail (שׁלִי) as a food resource in Ex 16:13; Num 11:32; and Ps 105:40 in connection with the desert environment of Sinai suggests the migration of birds from north to south in the fall, and it is notable that some populations in that area practice quail hunting at that time even to the present day. In addition to hunting for food some exotic birds such as parrots (תְּכֵיִת) were captured for shipment to royal palaces as a sign of luxury and prestige (1Kgs 10:22). The fowling practices practiced by the ancient Israelites described in the Biblical text reflect practices also known in the ancient Near East and sometimes represented through the iconography found in the ancient royal palaces. See ANET, 127. For a general overview of bird hunting in the Bible Borowski, *Every Living Thing*, 155–157.

<sup>258</sup> For an overview of agrarian cycles in ancient Israel see Davis, *Scripture, culture, and agriculture: An agrarian reading of the Bible*, 57–62.

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cultivated areas.<sup>259</sup> Thus, from the perspective of hunting, biblical legislation did not even pose the question of whether an animal could or could not become property, because, on the one hand, it considered this option to be obvious; on the other hand, the aspects the capture – or suppression – of wild animals in agricultural areas constituted a necessary action for the performance of agrarian cycles.

Another form of animal acquisition is not explicit but implicit in biblical legislation and concerns the right of an owner of a female animal to own its offspring. To this practice, however, the Bible knows an exception. Several legal formulations reiterate a concept concerning ownership over the offspring of livestock. Specifically, the first-born male offspring of any animal does not belong to the one who owns its parents but belongs to God.<sup>260</sup> This firstborn, as a consecrated animal (Lev 27:26), must necessarily be sacrificed (Ex 13:15).<sup>261</sup> An interesting case is the firstborn male of the donkey, for which there is the possibility of redemption with the offering of a sheep (Ex 34:20).<sup>262</sup> However, if this redemption does not take place, it will be the one who exercises the right of ownership over the animal who will have to break the neck of the donkey (Ex 13:13; 34:20). From this last case, it is particularly evident how the assumed ownership of the animal born from its animals is completely lost and how the owner must “buy back” this ownership through the ransom. A final form of acquisition under the law concerns acquisition

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<sup>259</sup> An excellent chapter explaining the coexistence of humans and birds in antiquity can be found in Mynott, *Birds in Ancient World*, 127–186.

<sup>260</sup> Cf. Ex 13:2.12.13; 22:28–29; 34:19.20; Num 8:16.17.18; 18:15; Deut 15:19.

<sup>261</sup> The legislation related to the consecration of the first born among the animals has been the subject of various analyses mainly related to the sacrificial and ritual sphere. However, in the present context, it is of interest insofar as it is able to limit the right to property. If in fact the first born of an animal birth belongs to God, it goes without saying that the owner of the parents cannot exercise the right of property on that animal. A further consequence is that the other births belong instead to the owner who can do with them as he sees fit. For a recent examination of the issue of the firstborn within the context of cultic laws and bibliography see Catasini, *Il figlio consacrato*, 107–113. Furthermore, on this topic the excellent exposition in Pedersen, *Israel. Its Life and Culture*, 313–323, is always valid.

<sup>262</sup> An overview of interpretations of the law of Ex 13:15, based on parallels in the ancient Near East and ancient Syria is provided in Way, *Donkeys in the biblical world*, 45–55.

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through war. As some formulations suggest, the animals of a conquered city become “spoils” of war (Deut 20:14). Animals, as well as women, and children, are part of what can be spared from being killed during a raid<sup>263</sup>. It is clear that here the principle of protection comes not on ethical grounds but from the fact that livestock is understood as an economic resource.

#### 3.4.2 Selling, buying, moving: Transferring animal property

In addition to the possibility of being acquired, the object of a property has the characteristic that it can be transferred. This means that whoever exercises the right of ownership over a property can transfer this right, either temporarily or permanently, to another person who will exercise the right of ownership over the object.

The transfer issue is related to the acquisition. The acquisition can involve a transfer that within the legislation is often regulated. If in the case of our analysis, the animal is seen as the object in the ownership relationship, the law strives to provide some mechanism for transferring ownership over animals. The regulation of the transfer of animals prevents the value of any, animal-whether working or used for food production-from being limited to use value for its owner. Once the exchange between the two parties is permitted, both parties involved in the “contract” can profit from the same animal, whether sold, donated, or used as collateral for a loan. As with acquisition, the transfer of animals also has to do with the existence of a buying and selling system. As noted above, biblical legislation does not regulate behavior involving the transfer of animals. There are no prescriptions concerning the procedure for purchasing an animal, and we do not have reference tables concerning different animal prices.<sup>264</sup>

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<sup>263</sup> The animals thus obtained were then divided among those who had participated in the war action. See Elgavish, *The Division of the Spoils of War in the Bible*, 247–73.

<sup>264</sup> Several texts from the administrative archives of the urban centers of the ancient Near East show how the prices of animals were fixed by indicative standards that varied according to the areas and the period. However, scholars believe that these prices were not normative but rather represented an indicative figure around

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Despite this lack of explicit mention in legal texts, some passages in the Bible suggest that the buying and selling of animals, i.e., the transfer of ownership rights, was a common practice. In addition to archaeological data testifying to animal markets in the Syro-Palestinian area,<sup>265</sup> a passage such as Ex 21:35, which concerns the case of an ox striking another ox causing its death, provides that the live animal be sold and that what is gained from the sale be divided between the two parties. A text such as this provides for a practice of buying and selling that is perfectly assimilated, even taken for granted by the reader. In some texts outside the legal codes, some features of the sale of animals can be understood. In ancient Israel, property sale was usually established by a contract that could take two forms.<sup>266</sup> The first form of contract was oral and could be formulated before witnesses in a public place. This modality can be used by Boaz, who, in Ruth 4:9–11, buys the field of Naomi, or by Abraham, who, through an oral stipulation, buys the field of Ephron in front of those who came to the city gate in Gen 23:17–18.

The second form of contract is the written one. The only example of a contract written in the biblical text is Jer 32:6–14, in which Jeremiah himself purchases a field offered for sale by his cousin Hanamel. Also, in this case, the practice provides for the presence of witnesses, and the money agreed for the transaction is weighed.<sup>267</sup>

As for the transfer of less “immovable” goods compared to a field, such as the transfer of an animal, the biblical text seems to suggest the presence of a less formalized practice. In 2Sam 24:24, David buys Araunah's threshing floor and oxen without needing any type of contract. According to what is reported in the text, all the formalities necessary for purchasing a field seen in the previous texts seem to be missing. An interesting example of the sale

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which the price of the animal must have been at the time the document was written. See Monroe, *Money and Trade*, 155–168. Unfortunately, the Bible contains no such systematization.

<sup>265</sup> See Borowski, *Daily Life in Biblical Times*, 57–67.

<sup>266</sup> For a detailed overview of contracts in ancient Israel see Silver, *Prophets and markets: The political economy of ancient Israel*, 29–35.

<sup>267</sup> The whole process described by Jeremiah reflects a contractual practice also attested in other texts. An in-depth analysis of the procedures described in Jeremiah's text is in Lundbom, *Jeremiah 21–36*, 507–509.

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of animals reported by the Bible concerns the mention of a market for “luxury animals,” which appears to be managed directly by officials of the royal palace. The text of 1Kgs 10:27–29 refers to the king’s merchants who bought valuable horses from Murzi and Kue. According to the text, the price for these animals is also reported, which must have been 150 shekels each.<sup>268</sup> Also connected to the royal palace is an extraordinary delegation called the “fleet of Tarsis” (אני תרשיש) (1Kgs 10:22) in the service of Solomon and which had the task of bringing exotic animals such as monkeys to the king’s palaces, probably to entertain the king.<sup>269</sup>

The transfer of animals had to be widespread and free of excessive formalities. The absence of particular juridical ritualizations within the legal texts and some texts in the narrative corpus suggest that the change of ownership of an animal could take place in a direct, self-regulated manner without the need for special warnings.<sup>270</sup> The text mentions other cases in which an animal can change ownership. They could be donated to make up for an offense made (Gen 12:20), they could be pledged (Gen 38:17), or they could be offered as a tribute to the king who became the owner (1Kgs 10:24). In essence. However, biblical law does not directly regulate the transfer of animals; it is clear the practice was widespread. The transfer of animals is implicit in the text, which foresees it as a fact preconceived by the reader.

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<sup>268</sup> The trade of horses was a typical activity of court merchants in various centers of the ancient Near East. Several texts show how sovereigns used them as a precious gift often used in the maintenance of diplomatic relations. On this point, see Dolce, *Equids as Luxury Gifts*, 55–75.

<sup>269</sup> The practice of conveying exotic animals to the court was widespread in the ancient Near East palace environments. For example, Assyrian court hospitality was manifested through entertaining entertainments such as music, dance, and exotic animals, as shown in various Neo-Assyrian monuments and in various textual sources. See Portuese, *Interaction Between King and Foreigners*, 150–152.

<sup>270</sup> The practice of transfer animals without the need for the typical formalities of a land exchange, such as the presence of witnesses, is also attested in the ancient Near East. See Westbrook, *Patronage in the ancient Near East*, 210–233.

## 3.4.3 Responsibility for the actions of animals

Alongside acquisition and transfer, as seen, the criterion of liability constitutes the third parameter for determining whether an object is to be considered property. Most legal systems, including biblical law, develop detailed rules of liability that establish, on the one hand, the attribution of the fault of an owner for the wrongs committed by his animals. On the other hand, the same rules establish an owner's right to be compensated for animal injuries by third parties. In this regard, potential theories of liability include several possibilities. One is to hold owners vicariously liable for the animals in their possession. Regarding this option, Ex 22:4 considers the eventuality in which an owner (בעל) allows his grazing livestock (בעירה) to graze in another's field or vineyard. In this case, the law is interested in identifying the head of the cattle's owner so that the injured party's right of indemnification can be asserted against him through compensation for the "best of his field and the best of his vineyard."<sup>271</sup> Note that in this law, the root שלח, conjugated to piel, presupposes a voluntary action on the part of the animal owner that has grazed in someone else's field.<sup>272</sup> The sense is that of a master who has voluntarily and knowingly allowed what is considered the object of his property (the livestock) to damage an object owned by others (the field or vineyard). It will not be the animal who will pay directly, but it will be the master who will compensate for the damaged part by repaying the owner of the field or vineyard with the fruits of his field. While the owner is held liable for a willful

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<sup>271</sup> Note that this law is also well known, though with different specifications, in the ancient Mesopotamian codes. In this regard, the codex of Hammurapi (§ 57–58) states: "If a shepherd, without the permission of the owner of the field and without the knowledge of the owner of the sheep, lets the sheep into a field to graze, then the owner of the field shall harvest his crop and the shepherd, who had pastured his flock there without permission of the owner of the field, shall pay to the owner twenty gur of corn for every ten gan. If after the flocks have left the pasture and been shut up in the common fold at the city gate, a shepherd let them into a field and they graze there, this shepherd shall take possession of the field which he has allowed to be grazed on, and at the harvest he must pay sixty gur of corn for every ten gan. Financial compensation for damage to fertile vineyards caused by animals is also established by Hittite laws (Hittite Laws, 79).

<sup>272</sup> See HALOT, 1514.

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trespass if the animal causes damage to another's property, biblical law, on the other hand, provides some protection towards one's animal property. Already in the Decalogue in Ex 20:17, it states that one should not covet another's property. Significantly among these properties are listed "the ox, the ass, and everything that belongs to one's neighbor." If someone covets a little too much and steals another's animal if the thief is found, he will be forced to compensate the robber for twice the value of what he stole (Ex 22:3)<sup>273</sup>. This is true even if the stolen animal had been loaned to a third party (Ex 22:6).

Restitution of double value is also expected if someone recognizes an animal that was stolen from him. To reiterate the object status of the property, note that this law applies to animals and clothing. Another compensation case involved animal damages. Ex 21:33 concerns the compensation paid to the owner of an animal that fell into a cistern left open by someone<sup>274</sup>. Compensation for the owner is also provided if an animal given into custody or for hire suffers damage (Ex 22:9–14). Even one who beats another's livestock to death must fully compensate its owner (Lev 24:18). In all cases, the animal is exempt from direct liability. The owner acquires the right of responsibility for the animal, which, as an object, becomes almost an emanation of the owner himself.<sup>275</sup> If an animal does damage, it will be the owner who will be

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<sup>273</sup> A regulation in case of theft of animals is also provided in the Code of Hammurapi (§ 8). in this case the code states: "If a man steals an ox, a sheep, a donkey, a pig, or a goat, if it belongs either to the god or to the palace, he shall give thirtyfold; if it belongs to a commoner, he shall replace it tenfold; if the thief does not have anything to give, he shall be killed."

<sup>274</sup> This law has been the subject of much rabbinic speculation. In general the discussions tend to blunt the responsibility of the one who digs the pit. In addition, Jewish teachers consider it illogical to repay an animal that may have had physical defects and precisely because of those defects does not realize the pit was dug. Of this opinion is for example, Maimonides, who formulates this statement over this law: "there is no responsibility for the death of a normal animal that could see the pit because this is like a case of force majeure, because animals usually see the impediments and avoid them." Maimonides, *Mishneh Torah*, 12:16. For a general overview of the rabbinic discussion of the passage, see Schwartz, *The Pitfalls of Exodus 21:33–34*, 314–339.

<sup>275</sup> From this perspective, the argument could also be applied to slaves. In fact, if someone had harmed a slave, it would be the master who would receive compensation because the slave is considered an object of property. See Mendelsohn, *Slavery in the Ancient Near East*, 74–88.

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punished. If an animal suffers an injury, the owner will be compensated. The animal then enters into a status of an object shared with other inanimate entities.

The categories of acquisition, transfer, and responsibility just analyzed show how biblical law enumerates animals as objects of a property relationship. Indeed, animals can be acquired and transferred, and they have no direct responsibility that inevitably falls on the owner, whether for good or ill. In this property relationship, the roles are well-defined. Animals are the object, and humans are the subjects. The biblical law that mentions animals is in near-totality, a law that pertains to the owner and is intended to protect the owner's right of ownership. As we saw above, the only interference with this principle of ownership is sacred. The law that provides for the delivery of the firstborn from the birth of animals to God interrupts the relationship of property and is inserted in the binomial Subject (human)/ Object (animal) and can change the balance<sup>276</sup>. However, although it seems that hierarchical relations fix the status of the animal as the object of property unequivocally, in the following paragraphs, we will see that there are situations in which the linearity of the scheme opens spaces for discussion.

#### 3.4.4 Are animals mere objects? Interests and acquisitions

In the previous paragraphs, we have viewed "property" as a relationship between an object and a subject who exercises the right of ownership over the object. As we have seen, the object of a property is identifiable through the categories of acquisition, transfer, and responsibility. When applied to animals in the legal corpora of the Bible, we see how the text conceives of animals as objects of a property relationship in which humans are the subjects.

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<sup>276</sup> In a recent article, Olyan showed how some of the biblical laws regarding animals place humans and animals on the same level. Examples of this include Ex 22:28–29, a version of the law of the firstborn, and Lev 27:28–29, which concerns the voluntary consignment of domesticated animals or human beings to eradication. From this point of view, the idea that, with regard to the divine sphere, the differences between man and animal at the level of Law are not over-emphasized. See Olyan, *Symmetry or Asymmetry according to the Law?*, 69–81.

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From this perspective, the social view of animals is reflected in the provisions of the Law. This Law is primarily concerned with the economic value that an animal represents. This point is particularly evident when one considers that the protection of the Law examines almost exclusively domestic animals while there are no equally precise provisions concerning wild animals. The latter was not considered socially valuable, so there was no need for special protection laws.<sup>277</sup>

Despite this, there are particular situations in the legislation of the Bible where the provisions suggest a deviation or at least a variation that seems to limit the idea that animals would be nothing more than an economic resource to be exploited for one's benefit. In some situations, there are instances in which the animal seems to enjoy specific prerogatives. These situations present a conception of the animal so particular that it constitutes an anomaly in the dominant vision of the animal as an "object of property" constructed by the text. According to jurists, the property object would be understood as something devoid of any intrinsic interest that must be respected<sup>278</sup>. In other words, although the subject may be interested in owning property, the object of property is not considered an interest-bearer *per se*. Some biblical passages seem not to fully meet this definition of the "object" of ownership. For example, the Decalogue establishes a right of equal value to humans and animals in some of his formulations. Just as it does not create a difference between a free man and slave, Ex 20:9–11 does not differentiate between humans and animals concerning Sabbath rest either.<sup>279</sup> In context, weekly rest is part of divine law and applies without distinction to all, without difference in social status, and, surprisingly, without difference in species.

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<sup>277</sup> Although the law does not deal explicitly with wild animals, the attitude toward them can be understood from other texts and the metaphorical use of some of these animals in the biblical text. According to an analysis conducted on these texts, humans should treat wild animals with kindness and respect as long as they do not pose a threat to life. See Breier, *Humans and Wild Animals in Biblical and Ancient Near Eastern Texts*, 657–672.

<sup>278</sup> The issue is examined in depth with respect to animals in Francione, *Animal, Property, and the Law*, 15–49.

<sup>279</sup> For an analysis of the relationship between humans and animals in the Decalogue see Olyan, *Symmetry or Asymmetry according to the Law?*, 69–81.

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In the case of this legal wording, the fact that the animal belongs to an owner (it is made explicit that it is “your” livestock) does not preclude the animal from being entitled to the same treatment as the owner. The need for rest is not a need of the human alone but also of the animal. During the day consecrated to God, in the sacred space, humans, and animals are equal. From a juridical point of view, the sabbatical rest is an intrinsic right of the animal that must be respected as such and enjoys divine legitimacy. This text is not the only one that seems to grant inherent rights to animals. In some formulations of biblical law, animal rights were the subject of a recent article by Saul Olyan. In his study, which considers four legal formulations (Ex 23:10–11,12; Lev 25:6–7; Deut 5:14), the scholar concludes that:

There is indeed a concern for the rights of animals evidenced in the four legal texts under consideration if by rights we mean – at least in part – entitlements guaranteed by law that are not contingent on the needs and demands of others.<sup>280</sup>

Olyan's considerations can also be extended to other legal texts contained in the biblical codes. For instance, this statement may also apply to Ex 22:30. The text is about what to do if an animal is mauled. Since it is reputed to be unclean, the flesh of a mauled animal may not be eaten. Surprisingly, Ex 22:30 does not prescribe getting rid of this meat but orders it be thrown “to the dogs.” The dogs referred to in this wording are considered in their need. Meat that is unusable to humans because of impurity can be used to feed hungry animals living on the fringes of society. It should be noted that the prescription does not provide for the discretion of the person who finds the carcass but represents actual legal wording. That this is a consideration related to the needs of dogs is evidenced by the fact that the choice to feed wild dogs does not favor the community living in the built-up area. Feeding predatory animals at the edge of the inhabited nucleus does nothing but increase the population of dangerous animals near the anthropized area. Therefore,

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<sup>280</sup> Olyan, Are there Legal Texts in the Hebrew Bible that Evince a Concern for Animal Rights?, 335.

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the choice is not entirely convenient for humans and is driven by other objectives than convenience.

Thus, these reasons are to be found in understanding a specific need of a wild animal and an attempt to satisfy it.<sup>281</sup> In fact, in these texts, the wild animal is not conceived simply as a “res nullius,” which, in the eventuality, can be reduced to the status of “object of property.” On the contrary, in these passages, the animal is recognized as a being with specific needs, and it is also man’s task, as far as possible, to try to satisfy them. In the same way that inedible meat for humans must be given to dogs, what grows in a resting field must be left at the disposal of wild animals which can feed on what produces in them.

Alongside the recognition of these needs, the total objectification of the animal is called into question through some limits placed on the acquisition process. The already examined passage of Deut 22:1–4, which prescribes bringing the lost animal back to one’s brother, equates the animal with a garment as already seen, suggesting that the animal is only one property among others. However, the law in v. 2 presupposes a confident attitude towards the found animal, which distinguishes it from other properties. Following the Law, when you find a lost animal whose owner is unknown, the law presupposes a “temporary acquisition” by the person who found the animal. In its form, the lexicon used in verse suggests a certain sense of protection.

The lost animal must be brought back (אָסַף) to the home (בֵּית) of the person who found it, waiting for the legitimate owner, who does not lose the right of ownership, to reclaim the animal. The verb אָסַף appears connected to בֵּית also in Ex 9:19, in Josh 2:18, and Jdgs 19:15.18, always in contexts of

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<sup>281</sup> The same is true of some of the legal formulations examined in Olyan’s study. Exodus 23:10–11 effectively extends a legal right to what agricultural and horticultural lands produce in the seventh year to the poor Israelites and, secondarily, to wild herbivores. The law also makes no exceptions and no contingencies against landowners or their employees may limit their right of access to the categories listed. The scholar recognizes how the formulations of Ex 23:10–11 are intended to be oriented toward wild animals. In this formulation, wild animals are equated with the indigent sections of society and given equal attention. See Olyan, *Are there Legal Texts in the Hebrew Bible that Evince a Concern for Animal Rights?*, 327–328.

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protection.<sup>282</sup> Although the animal is equated with other possessions, the presence of this lexicon presupposes special attention, which takes the form of being welcomed and kept in a state of well-being awaiting the moment of the return of the legitimate owner. A shrewdness that indeed cannot be accorded to the other inanimate objects. Although this formulation cannot be considered as a passage from the condition of the object to that of the subject for the animal, this attention is undoubtedly positive from the point of view of animal ethics. A lost domestic animal that is in a condition of danger (predators, lack of food, etc.) should be welcomed into one's home in a way that is not too dissimilar to how a stranger should be welcomed. The management costs of the animal, which may include water, food, use of pastures, and hygiene care, are borne by the person who finds the animal and is therefore "non-repayable" as no formulation provides for reimbursement from part of the rightful owner once his domestic animals have been returned. Following these legal statements, solidarity with one's brother passes through the well-being ensured for a lost animal.

The principle of acquisition is also severely limited in another passage in the book of Deuteronomy. Deut 22:6-7 states:

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<sup>282</sup> The text of Ex 9:19 takes place in the context of the attempts made by Moses to convince Pharaoh to let the people of Israel leave Egypt. In this context, God says to Moses: "Send, therefore, from now on to shelter your livestock and what you have in the field. On all the men and on all the animals that are in the country and that have not been brought back (אָסַר) into the house (בֵּית), hail will fall and they will die." The being brought back home means therefore to be protected from death caused by hail. Josh 2:18 concerns the preparation for the destruction of Jericho. The two spies, in order to repay Rahab's saving action, allow her family to be saved through the famous stratagem of the red thread outside the window. In explaining the plan to the woman they say: "when we enter the land, you will tie this string of scarlet thread to the window from which you sent us down and you will gather (אָסַר) inside the house (בֵּית), near you, your father, your mother, your brothers and all your father's family." It is clear that the context is related to the protection of Rahab's family from the destruction of the city. Jdgs 19:15 turns to the context of the well-known crime of Gibeah. Unwilling to heed the advice of the servant, the Levite decides to go on. The narrator states, "They diverted in that direction to spend the night in Gibeah. The Levite went in and stood in the town square; but no one welcomed (אָסַר) them into the house (בֵּית) for the night." Again, in this context, finding shelter for the night is connected to an idea of protection.

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6 If you come across a bird's nest in any tree or on the ground, with young ones or eggs and the mother sitting on the young or the eggs, you shall not take the mother with the young. 7 You shall let the mother go, but the young you may take for yourself, that it may go well with you, and that you may live long.

For our analysis, the verses in question reiterate that it is forbidden to simultaneously appropriately the mother and child. The text here explicitly limits the possibility of acquisition from nature. Of course, this law does not nullify the possibility of claiming a wild animal through hunting, but the law in Deut 22:4–6 imposes a sense of measure. Taking a mother together with the eggs she is hatching at that moment would mean interrupting an entire generation line. Through this ethical norm, Biblical law tries to avoid an over-exploitation of animal resources present in nature.

The right to acquire an animal, a characteristic part of the right of ownership, is undoubtedly possible. Still, it is not unlimited and subject to specific laws placed under the seal of divine right. The rabbinic tradition has seen in this passage a solid invitation to mercy towards the most defenseless creatures; indeed, the text seems to go in that direction<sup>283</sup>. Ibn Ezra comments on the expression “for you to be happy and enjoy a long life” by stating: “As you did not exterminate the whole nest but left its root, that is the mother, God will repay you measure by measure.”<sup>284</sup> Moreover, this expression resounds the commandment of the Decalogue, which prescribes honor the father and the mother in Deut 5:16.<sup>285</sup>

The texts create a connection between them that can be identified in terms of content in the parental relationship of humans and that of animals,

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<sup>283</sup> An overview of rabbinic interpretations of this passage is offered in Johnston, *The Least of the Commandments*, 205–215. As can be seen from this study, Jewish teachers conceived of this law as directly related to a positive attitude to be maintained toward animals.

<sup>284</sup> Ibn Ezra, *Deuteronomy*, 22:7.

<sup>285</sup> Deut 5:16 states: “Honor your father and your mother, as the Lord thy God has commanded you, that your days may be prolonged, and that you mayest be happy in the land which the Lord thy God giveth you.” The two expressions in Hebrew are connected by corresponding vocabulary. Cfr Deut 6:15: למען יאריכון ימיהך ולמען ייטב לך and Deut 22:7: למען ייטב לך והארכת ימיהם

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considered ultimately not so different. Another textual link that goes in the same direction is represented by Hos 10:14. In this passage, the prophet Hosea prophesies scenes of the destruction of the Northern kingdom due to idolatry<sup>286</sup>. A terrible vision is caused by the extermination of the “mother who stands over the children,”<sup>287</sup> an expression that is directly connected with that of Deut 22:6:

Deut 22:6	If you come across a bird's nest in any tree or on the ground, with young ones or eggs and the mother sitting on the young or the eggs, you shall not take <b>the mother over the sons</b> .	כי יקרא קן צפור לפניך בדרך בכל עץ או על הארץ אפרחים או ביצים והאם רבצת על האפרחים או על הביצים לא תקח האם על הבנים
Hos 10:14	A sound of war will rise against your people, and all your fortresses will be destroyed. How Salman devastated Beth Arbel on the day of the battle when <b>the mother over the sons</b> was smashed	וקאם שאון בעמדך וכל מבצריך יושד כשד שלמן בית ארבאל ביום מלחמה אם על בנים רטשה

The scene described by the prophet serves to evoke a scenario of extreme violence that involves the relationship between mother and children. Read on the background of the prophecy of Hosea. The connection with the passage in Deuteronomy is significant. Acquiring a mother or children in that situation is connected to an act that invokes violence and is deplorable. Regarding this study, it is worth noting that the right of acquisition has limits in some cases. These limits are sanctioned by the measure that must be had

<sup>286</sup> See Day, Hosea and the Baal cult, 202–224.

<sup>287</sup> The image of mother and son is recurrent in Hosea's prophecies. In this sense, the prophet uses this metaphor to symbolize a situation of extreme violence as the mother/son bond is understood to be particularly strong. See Angel, Rebuke your mother, 13–21.

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towards animals and the cycles of life that concern them. A generational line cannot be eradicated in the name of property rights. Furthermore, through the formula “so that you are happy and enjoy a long life,” the text recognizes that the mother/ child relationship also has its existence and legitimacy in the animal world. Echoes of this awareness seem to be suggested in passages such as Lev 22:28, where it is forbidden to slaughter a cow or a sheep on the same day as his son.<sup>288</sup> In the course of Deut 22:6–7, however, the legal prescription takes on a different meaning because the prohibition effectively invalidates the right of acquisition and, consequently, the subject’s right of ownership over the object.

#### 3.4.5 Are animals punishable by law? Reviewing animal responsibility

As seen above, biblical law offers wiggle room in consideration of animals as mere objects. Some legislation suggests some limitations on the ability of subjects (humans) to dispose of animals. The animal is considered in some cases as having specific needs. However, in other cases, the right of acquisition is questioned.

A final consideration now concerns liability. As seen above, direct responsibility does not exist when it comes to objects of property. If an object causes damage or suffers damage, the compensation would always refer to the subject, i.e., the owner. Some legal formulations suggest that the animal must take responsibility for its action in some specific cases. In this sense, outside of narrative texts and in a literary context dominated by a different literary

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<sup>288</sup> Already, Jewish exegesis understood the prescription of Lev 22:28 as geared toward kindness toward animals. The passage is considered by Philo of Alexandria, who states, “But he [Moses] brings the idea of moderation and gentleness to the sphere of irrational animals, and grants them, too, a sip of goodness, as from a sweet and grateful spring (De Virtutibus §125). For an analysis of Philo’s exegesis in relation to animals, see Berthelot, *Philo and Kindness towards Animals*, 48–65. Moreover, again according to Philo, the prohibition against sacrificing a female animal on the same day as her cub would also extend to the pregnant animal. See Alon, *On Philo’s Halakha*, 89–137.

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genre, the Bible already knows an example of an animal's legal responsibility from its first chapters. Indeed, some commentators have noted how the expulsion of the progenitors from the garden in Eden takes place in a legal context where the serpent is given procedural treatment no different from that reserved for humans.<sup>289</sup> Although the snake is not really a "normal" snake, it must be noted that it seems strange to God and the first couple that the animal is given legal treatment equal to that reserved for human beings. Surprisingly, this peculiarity, which in a certain sense is understandable within the literary genre of Gen 3, also returns in legal formulations questioning the principle that an "object" has no responsibility that the "subject" has. This is the case of the so-called law of the "goring ox" in Ex 21:28–29:

28 When an ox gores a man or a woman to death, the ox shall be stoned, and its flesh shall not be eaten, but the owner shall not be innocent. 29 But if the ox has been accustomed to gore in the past, and its owner has been warned but has not kept it in, and it kills a man or a woman, the ox shall be stoned, and its owner also shall be put to death.

This law has attracted the attention of several scholars, especially in terms of its parallels with Mesopotamian legal codes.<sup>290</sup> Aside from the interest

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<sup>289</sup> Several scholars have noted, more or less explicitly, that the scene of the "expulsion" from the garden, reflects the typical tones of a trial. Westerman, *Genesis 1–11*, 254–256, points out that the scene in Gen 3:11–13 reflects typical judicial practice with a process of Interrogation and Defense equally involving Man, Woman, and serpent. Significantly, Cassuto, *Genesis*, 149 titles the same verses "The Judgment and the Sentence" letting the legal interpretation of the scene shine through. In his commentary, Sarna, *Genesis*, 25–27, suggests reading the entire chapter through a legal lens and titles the subsections of the commentary on Gen 3:1–19 "The Transgression (vv. 1–7)," "The Interrogation (vv. 8–13)," and "The Punishment (vv. 14–19)." Similarly, von Rad, *Genesis*, 1973, 92–94, in commenting on Gen 3:14–19 refers explicitly of "trial proceedings" and "penalties."

<sup>290</sup> Scholars have long been concerned with establishing the relationship between Mesopotamian legal codes (especially the so-called "law of Eshnunna" and the famous "code of Hammurapi") and biblical law. The law concerning the behavior in case of an ox running over another ox or a man has offered itself as a privileged point of support for the study of these relations. In the various studies, however, the focus on the animal itself has remained in the background. Indicative is the incipit of Yaron, *The Goring Ox in Near Eastern Law*, 396–406 which states: "I have

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that establishing the relationships between the ancient Near Eastern legal codes and the biblical corpus of laws may generate, the text is striking when viewed through the eyes of legal responsibility. Compared to the Mesopotamian legal regulations, the biblical text contains a variation in the case of an ox striking a man or a woman. On this point, the law of Eshnunna (LE) is expressed as follows:

§53. If an ox has gored another ox and caused its death, the owners of the oxen shall divide between them the sale value of the living ox and the carcass of the dead ox.

§54. The local authorities duly notified its owner if an ox was a habitual gorer. Yet, he did not keep his ox in check, and it then gored a man and caused his death, the owner of the ox shall pay two-thirds of a mina of silver (to the survivors of the victim).

§55. He shall pay fifteen shekels of silver if it gored a slave and caused his death.

Not too different is the code of Hammurapi (CH):

§250. If an ox, while walking along the street, gored a person and caused his death, no claims will be allowed in that case.

§251. But if someone's ox was a habitual gorer, the local authority having notified him that it was a habitual gorer, yet he did not have its horns screened nor kept his ox under control, and that ox then gored a free-born man to death, he must pay one-half mina of silver.

§252. If (the victim was) someone's slave, he shall pay one-third mina of silver (to the slave's owner).

The similarities between the formulations in these codices and those in the biblical text are immediately apparent. The texts present some significant

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chosen this particular topic for discussion not so much because of its intrinsic interest, but rather because of the opportunity it gives us to see ancient Near Eastern sources in their interrelationship." A meticulous comparatistic study of between Near Eastern legal codes and biblical legislation is Finkelstein, *The Ox That Gored*, 1–89.

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divergences, focusing on the situation where an ox was to kill a human being. The LE refers to a case where a master, despite warnings from an authority, failed to restrain an ox that struck a man, killing him. In this case, the owner must financially compensate the victim's family. The value of the compensation depends on the victim's free or slave status. This case is an excellent example of how the principle of responsibility for an "object" of property acts. Nothing happens to the ox; the one who has to pay for the damage is the one who is the "subject" of the property relationship, i.e., the owner. The ox does not have the slightest responsibility for what happened.

CH does not deviate from this conception. Here, too, the ox does not have any kind of responsibility, which instead falls entirely on the "subject" owner, who will have to compensate. Moreover, it is clear that the slave is also understood as an "object." In fact, in case the "object" ox should gore the "object" slave, the compensation only concerns the subjects and never the objects.

The case of biblical law in Ex 21:28–29 is different. In the case of an ox goring a man or a woman, surprisingly, the text prescribes a reversed responsibility compared to the Mesopotamian codes. The text identifies as responsible only for the ox while explicitly stating that the ox's owner is innocent (יָקֵר). Even more surprising is that the text explicitly expresses the punishment reserved for the ox, namely, stoning. What is peculiar is that the death penalty is reserved for the ox and that this death penalty is typically reserved for human beings who have violated divine law or who have been guilty of social severe sins such as murder.<sup>291</sup> In this case, the ox is no longer considered an object because the principle of responsibility falls expressly on him, leaving the master in the status of "innocent instead." The owner's involvement occurs only if the authorities had warned him of the danger of the ox, but even in this case, the ox must be stoned and is therefore held responsible for his behavior. Also, noteworthy that the penalty for the ox does not change in case the person killed is a slave (v.32). Although this text has been interpreted as further evidence of the Bible's attention to the

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<sup>291</sup> See Bar, *Death by Stoning in the Hebrew Bible*, 789–805.

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sacredness of human life,<sup>292</sup> one cannot help but notice that here the ox is considered an actual “subject” at least legally speaking.<sup>293</sup> In the present study, it is fundamental that in this situation, the principle of responsibility, an identifying characteristic of the status of an “object,” ultimately falls away. Being a legal subject, the animal becomes de facto responsible and thus exits from its level of mere objectification. This status remains unchanged in similar situations in the Mesopotamian codes.



#### *EXCURSUS: Biblical law and the castration of animals*

Even to this day, Jewish law, developed over centuries by master rabbis, prohibits the castration of animals. The complete formulation of this law is found in Joseph Karo’s famous treatise entitled *Shulchan Aruch*, which reads:

It is prohibited to cause the loss of the seminal organs, whether regarding a human, domesticated animal, wild animal, or bird, whether kosher or not, whether in the land of Israel or the diaspora. Anyone who castrates is lashed according to the Torah in any place. Even one who castrates after castration is lashed. How so? One comes and severs the penis, another comes and severs the testicles or pulls them out, and another comes and severs the testicular tracts. Or one comes and crushes the penis, another comes and pulls out [his testicles], and another comes and severs it. All are lashed, even though the last castrator did not [truly] castrate, whether regarding a human, a domesticated animal, wild animal, or bird.<sup>294</sup>

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<sup>292</sup> This position was advocated by Finkelstein, *The Ox That Gored*, 1–89, and later taken up in several other commentaries. See Hamilton, *Exodus*, 488–490; Meyers, *Exodus*, 193–194; Sarna, *Exodus*, 127–129.

<sup>293</sup> This interpretative direction is supported by Paganini, *Das Tier als Rechtsperson*, 34–62 in which the passage in Ex 21:29 is taken to support the legal consideration of the animal as a subject.

<sup>294</sup> Karo, *Shulchan Aruch*, *Even HaEzer*, 5:11.

### 3.4 Your enemy's donkey:

Discussions on whether or not a Jew who wanted to follow the law could castrate an animal can already be found in the Babylonian Talmud:

The Gemara recounts the greatness of ben Zoma, an expert interpreter of the Torah, and could find obscure proofs: They asked ben Zoma: What is the halakha about castrating a dog? The prohibition against castration appears alongside the sacrificial blemishes, implying that it is permitted to castrate an animal that cannot be sacrificed as an offering. He said to them: The verse states, "That which has its testicles bruised, or crushed, or torn, or cut, you shall not offer to God, nor shall you do so in your land" (Leviticus 22:24), from which we learn: About any animal that is in your land, you shall not do such a thing.<sup>295</sup>

As can be seen from the quotation of ben Zoma in the Talmud, both formulations find their origin in the legislation found in Lev 22:24: "You shall not offer to the Lord, an animal with bruised or bruised or torn or cut testicles. And in your land, you will not do it."

In context, the textual section of Lev 22:17–25 refers to sacrificial offerings of small or large animals. The question appears in the second half of v. 24, where it is added: "And in your land, you will not do it." This formulation carries with it a certain ambiguity. The idea of not "doing so in the land" can be referred to either in the first half of the previous verse as a reinforcement or as a generalizing statute. The surprising thing is to note that at this point, modern research, and rabbinic interpretation diverge. Indeed, scholars do not seem to understand this second part of the verse as a separate statute but as a simple reiteration of the first part.<sup>296</sup> This understanding, however, is at odds with an exegetical principle used by the rabbis that excludes the possibility of repetitions of legal statutes within the biblical codes.<sup>297</sup> In other words, the second part of v. 24 must necessarily refer to something

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<sup>295</sup> b.Chagigah 14b:10. The translation is mine

<sup>296</sup> It is surprising that most commentaries do not even mention the possibility that the second part of the verse may refer to a prohibition of castration. The issue is only mentioned by Levine, Leviticus, 295–6 and Milgrom, Leviticus 17–22, 295.

<sup>297</sup> See Stemberger, Introduction of the Talmud and Midrash, 4.

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different from the first half and be understood as a supplement. This kind of understanding certainly had consequences for an agrarian society such as that of ancient Israel,<sup>298</sup> but what is significant is to note that in the exegetical formulations that the rabbis had of these laws, humans and animals are placed on a level of all similar.

The formulation we find in the Shulchan Aruch seems to go well beyond the input provided by the verse of Leviticus. The treaty effectively prohibits castrating “human, domesticated animal, wild animal, bird, whether kosher or not.” Likewise, the Talmud prohibits castrating any animal with a wording that does not leave much to interpretation: About “any (animal) that is in your land (לֹא תַעֲשׂוּ כָל שְׂבָאֲרָצְכֶם), you shall not do such a thing.” The principle of non-repeatability of biblical statutes therefor, therefore, rabbinic exegetes refer to this law to humans and animals in the same terms. In the same way that it is forbidden to mutilate human genitals (cf. Deut 23:29), the divine law prohibits mutilating animal ones.<sup>299</sup> The presence of this equality between man and animal has suggested that the biblical legislator extended the drama of not having offspring to animals as well.<sup>300</sup> This interpretation is certainly possible and is supported by the laws above in Deut 22:6 and Lev 22:28 that prohibit taking the mother bird with her young and killing the mother with her child on the same day.

Furthermore, in light of our study on the property, we can see that this law also undermines the rights of the subject (human) over what should be the object (the animal). Again, the owner’s possibilities are not unlimited, and the exercise of authority is directly bounded by law.



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<sup>298</sup> The issue of castration of animals in the Leviticus text and its consequences for an agrarian society are dealt with in detail in Goodfriend, Leviticus 22:24, 67–92.

<sup>299</sup> See Levine, Leviticus, 241–242.

<sup>300</sup> This position is supported by Goodfriend, Leviticus 22:24, 67–92 as a conclusion of his study.

### 3.5 Conclusion. Animal object and human subject?

This chapter explored the concept of property as applied to animals in the legal texts of the Bible.

The codes of laws collected in the Bible draw a regulated picture of society in which every party involved contributes to the social structure of God's people. It is clear that the main concern of the text is not to create regulations concerning animals. However, Biblical society, like all ancient societies, was a society in which the help of animals during work was decisive. We have seen in this chapter how Mesopotamian civilizations had structured a series of professional figures engaged in ensuring that agricultural work, necessary for the survival of the society, was always supported by the animal element that guaranteed its efficiency. Although the Bible makes no mention of these activities, even for ancient Israel animals constituted a fundamental support for agricultural efficiency. So, although the law does not mention them extensively, the presence of animals in the legal corpus emerges as implied. This extensive use of animals in agriculture makes animals primarily an economic resource that can be appropriated. The text takes this appropriation absolutely for granted and never questioned. If animals are domestic, they can be bought and traded. If they are wild, they can be acquired by hunting methods and then become the property of those who captured them. In this respect, biblical legal texts do not differ much from the conception of animals in the ancient Near East. The support of legal categories in the chapter showed how animals are conceived as objects of a property relationship in which the human being is the privileged subject. Moreover, as objects, in most cases animals do not seem to have a responsibility of their own, but rather that of the *de facto* legal subject, the human owner. This ownership is directly exercised over animals who are at the complete disposal of their owner.

However, a closer exploration of legal codes has shown that some legal formulations challenge this Object/Subject paradigm. This is the case in Ex 13:2.12–13; 22:28–29; 34:19–20; Num 8:16–18; 18:15; Deut 15:19, in which the firstborn of animals, like the firstborn of humans, do not belong to the owner of the parents but to God. In this formulation, there is no difference

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between humans and animals. Ultimately, the presence of the sacred invalidates the right of acquisition by breaking the property paradigm and thus forces a rethinking of the property relationship between humans and animals. The animal belongs to man, but there are conditions. In the same direction is the text of Deut. 22:6 in which the right of acquisition is limited in the case of encountering a bird tending its nest. These examples denote special attention in the approach to the animal world, attention mediated by the sacred and a sense of measure. The question of responsibility also challenges the view of the animal as a mere object. Indeed, the law of the goring ox provides for the direct responsibility of the animal who suffers punishment inflicted in the same way as it would be inflicted on a murderer. In this case, therefore, the animal becomes a legal subject who can be found guilty of a crime. By becoming a subject, the animal relinquishes its status as an object. In a sense, in cases where the animal is found guilty and thus punished, some responsibility of the owner is certainly recognized, but at the same time, the text seems to grant some degree of agency to the animal.

How then do legal texts contribute to the construction of a social image of animals? Biblical law is not a closed and comprehensive system that offers the reader an orderly and coherent systematics. In fact, it is just the opposite. The legal provisions contained in the Torah are not the result of a legislator's systematic deliberation, but a more or less disorganized collection of rules that were the result of complex and tortuous editorial processes. Nowhere in the Bible does a clear, systematic and precisely defined distinction between legal subjects and objects appear, and it is up to the reader to frame the characteristics of these categories. In this sense, animals-but also and especially persons and, to some extent, things-are legal persons. Animals seem to experience a dual condition. As bearers of rights and duties, and since the text accords them a degree of agency, animals are treated as legal subjects; as the property of an owner, they are perceived as legal objects. As legal subjects, they have not only rights, but also duties and responsibilities. As legal objects, they are mostly "used," but they also enjoy special protection. Although, theoretically, the legal position of animals in the Bible in the subject form seems to be able to open up to a kind of almost "animalistic" consideration-especially if one considers that since Roman law the animal was

### 3.5 Conclusion.

considered a “thing”-this fact should not obscure the fact that the concrete treatment of animals in today’s sense of animal ethics was far from correct, and we are far from being able to say that humans and animals in the Bible enjoy even comparable rights. Even in the texts in which animals act as legal subjects, it is mostly a matter of violated duties that carry the same punishment for the animal as for humans, in almost all cases the death penalty. At the same time, if one carefully examines the relevant regulations, there is no convincing reason to deny that Bible constructs a picture of the animal in which some degree of legal capacity is present. Legal subjectivity is simply assumed-obviously not always, not in all cases, and with a few exceptions with dire consequences. The modern idea that only humans can be legal subjects on the basis of their capacity to reason is thus in a sense undermined by these biblical passages. To this dual nature, subject/object, an additional factor is added. The animal firstborn laws and the one in Deut. 26 act directly on the power of the human being to exercise property rights over the animal. In this sense, even when considered an object, the animal is not exactly like an inanimate object but enjoys a status of its own.

The normative texts of the Bible thus help to construct in the reader an image of the animal that reflects the plurality of ideas that concur in the biblical text and that are based on different concepts of legal persons and different ways of framing the animal in the social context. Despite all the differences and all the concrete challenges that can be perceived in relation to the individual aspects of the texts analyzed, for the biblical texts the animal constitutes a category of its own, in which it is on the one hand a legal object in a different way from inanimate legal objects. At the same time, specific instances and situations can change its legal status by making it for all intents and purposes a legal subject within society.

## 4. The Other Side of the Altar. The Social Construction of the Animals in the Ritual Context

This chapter will investigate what kind of social construction of the animal is proposed through the institution of sacrifices and what consequences this has on the human-animal relationship. Biblical sacrifices have been the subject of countless analyses and endless efforts by scholars to understand their more profound meaning and roots. Mainly if we focus on the ritual practice, most of the research has preferred a diachronic approach to the question, outlining the origins and transformations of what the primary expression of the Israelite priestly class is. It should be noted, however, that in the endless critical literature on sacrifice and ritual, animals – which play a central role in most rituals – are always considered secondary actors.

As the biblical legal text presents, the ancient Israelite sacrifice preserves a specific conception of the relationship between man and animal. It builds in its dynamics a certain kind of representation of what the animal is for the human being. Not secondarily, the issue of biblical sacrifice is also linked to meat consumption, which, in some specific ritual expressions, acquires a sacred value.

To investigate this human-animal relationship, we will begin by outlining the framework and the forms in which biblical rituality develops in the legal sections of the Torah, in its expressions in which the killing of the animal and the consumption of its meat are present.

In a subsequent moment, an attempt will be made to understand the dynamics, principles, and power relations between man and animal within the Israelite ritual system. For this purpose, categories derived from R. Girard's

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studies on sacrifice will be used. These categories, which are reflected in the man-animal relationship as it emerges from the ritual institution presented in the legal texts, will be put in dialogue with some passages in the prophetic texts that propose a glimpse able to endorse an alternative vision of this relationship.

### 4.1 Meat eating or not meat eating? Biblical sacrifice between the kitchen and the altar

In the Babylonian Talmud, in the treatise of Pesachim, we read of a “Baraita” attributed to Rabbi Yehuda HaNasi:

The Gemara continues its discussion concerning an ignoramus. It was taught in a Baraita that Rabbi Yehuda HaNasi says: It is prohibited for an ignoramus to eat meat, as it is stated: “This is the law of the beast and the fowl” (Leviticus 11:46). He expounds: Anyone who engages in Torah study is permitted to eat the meat of animals and fowl, and anyone who does not engage in Torah study is prohibited to eat the flesh of animals or fowl.<sup>301</sup>

This passage raises some questions from a religious-historical point of view. The first is why an intellectual and spiritual circle uses eating meat as a distinctive element. The comparative study of religions – and not only religions – offers several examples that go in the opposite direction. Spiritual elites, such as the Hindu caste of Brahmins or the monastic circles of Buddhist traditions, are often characterized by the practice of a strictly vegetarian diet.<sup>302</sup>

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<sup>301</sup> Pesachim 49b:3. This section of the Talmud is taken up and commented upon in a thirteenth-century work entitled *Shulhan shel Arba* by Rabbi Bahya ben Asher. He takes up the idea that only those who study Torah may eat the flesh of animals. For a discussion on the meat consumption in rabbinic tradition see Brumberg-Kraus, *Meat-Eating and Jewish Identity*, 227–262.

<sup>302</sup> In both religious traditions, spirituality is strongly linked to asceticism and abstinence from animal flesh. For a discussion of vegetarianism in the Buddhist tradition see Stewart, *Vegetarianism and animal ethics in contemporary Buddhism*. On

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If we look at the ancient world, the Pythagorean communities followed the typical diet of the ancient ascetic schools: they abstained from wine, all animal meats, fish, and other foods such as eggs, mushrooms, and garlic, which were considered an obstacle to vigilance and purity of thought.<sup>303</sup> The aim of food asceticism for these schools of thought is primarily to become familiar with divine life without excluding respect for one's own body or other forms of life such as animals. The profound motivation is, therefore, to be found in the attempt to spiritualize the human being.<sup>304</sup> Furthermore, Western philosophical and religious traditions related to asceticism tend to reinforce through reflection on mind/body dualism the idea that vegetarianism and fasting are closer to the ideal of intellectual perfection. This tendency is also present in the Christian tradition, as seen in the renunciation of meat during Lent.<sup>305</sup>

The Talmudic statement above contains a certain degree of the problem even within the Jewish tradition. Medieval sources attributed to the circle of Spanish Kabbalists of the late thirteenth century, for example, acknowledge that the Torah's commandments to eat meat are problematic, requiring a certain degree of insight and attention in the development of exegesis. Joseph Gikatilla, a commentator who lived in the XIII and XIV centuries, suggests that killing animals for food seems to contradict God's justice.<sup>306</sup> Similarly,

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vegetarianism in the Hindu religious tradition, see Alsdorf, *The history of vegetarianism and cow-veneration in India*.

<sup>303</sup> Information on the diet of the Pythagorean communities comes to us from the Greek-speaking Syrian philosopher Giablico through the work *The Pythagorean Life* XXIV, 106. On the vegetarianism of Pythagorean communities against the backdrop of the current debate on the boundaries of anthropocentrism, see Letterio, *The Philosophical Origins of Vegetarianism*, 13–25.

<sup>304</sup> In this regard, Sabbatucci categorically excludes the idea widespread in a certain part of the scholarly tradition that Pythagorean vegetarianism was motivated by the belief that human souls could be reincarnated in animals. He states that the vegetarian practice must be considered for its capacity to confer purity, and this is how the sources attest it to us'. Sabbatucci, *Saggio sul misticismo greco*, 69–83.

<sup>305</sup> On this issue see Calvert, *A taste of Eden*, 461–481

<sup>306</sup> Gikatilla, *Shaare Orah*, vol. II, 11–12: "And now I have a great key to open this matter. What did the Lord (may He be blessed) see to command the slaughter of animals for human beings to eat in the Torah? For is it not written, "The Lord is good to all, and His mercy extends to all His works" [Ps 145:9]? And if He acts mercifully, why did He command that beasts be slaughtered for human beings to eat;

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Rabbi Bayha (XIV century) points out that eating meat is God's concession to the animal desires of humanity in our fallen state since Adam and Eve did not eat meat in Eden.<sup>307</sup> These divergent accounts already show that the eating of animal flesh in the biblical text presents problems worth examining more closely. The issue is made problematic mainly by the fact that in the legal regulations of the Bible, the consumption of meat is depicted primarily as a process of sanctification.<sup>308</sup> The prescriptions related to the consumption of animals as food always referred to a divine command addressed to the

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where is the mercy in that? But the secret is in the beginning of the verse, which said, "the Lord is good to all," good in fact, and accordingly "His mercy extends to all his works." During the creation, an agreement was reached with the cow to be slaughtered, and she said, "Good". And what was her reason? Since the cow had no higher soul to conceive of the work of HaShem and His powers, the Lord (may He be blessed), when He was creating the world, told all the beasts to stand before Him, and He said, "If you consent to be slaughtered, and to have human beings eat you, then you will ascend from the status of a beast that knows nothing to the status of a human being who knows and recognizes the Lord (may He be blessed)." And the beasts replied, "Good. His mercies are on us." Whenever a human being eats a portion of the portions of a beast, it turns into a portion of the human being. Here the beast is transformed into a person, and her slaughter is an act of mercy, for she leaves the torah of beasts and enters into the torah of human beings. Death is life for it, in that it ascends to the degree of angels—and this is the secret of "Man and beast the Lord will save" [Ps 36:8]. If you really reflect on the secret of slaughtering animals, then everything comes from the side of His mercy and love for all His creatures. And thus reflect on the reason why our rabbis said in tractate Pesahim of the Talmud, "It is forbidden for an am ha-aretz to eat meat". For it was not commanded in the Torah to slaughter a beast unless one knows the "torah of beasts, wild animals, and fowl." And whoever engages in Torah is permitted to eat meat. Thus an am ha-aretz does not eat meat because he is like a beast without a soul, and he is not commanded to slaughter a beast only so that another "beast" can eat it, but rather, if so, it [the beast] becomes like carrion and prey [i.e., forbidden, of a lower, "unfit" status]". This passage is analyzed in Brumberg-Kraus, *Meat-Eating and Jewish Identity*, 227–262.

<sup>307</sup> Bahya, *Shulhan shel Arba*, 496, quoted in Brumberg-Kraus, *Meat-Eating and Jewish Identity*, 227–262: "Consider well that human beings' food ought to have been only plants from the earth, such as grain produce and fruit, not animals; but at the time when all flesh ruined its way and all animals deserved annihilation, they were saved only by the merit of Noah, to whom animals were then permitted [to be eaten] just like the green grasses" (an allusion to Gen 9:3: "Every living creature shall be yours for food, like the green grasses, I am now giving you everything").

<sup>308</sup> On this point see Milgrom, *Leviticus*, 106–108

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Israelites to keep themselves “holy” and belonging to God (cf. Lev 11:44–47; 20:22–26; Deut 14:21).<sup>309</sup> Correct dietary practices, especially those related to the proper consumption of meaty food allow the non-priestly Israelites to participate in the category of “holiness” (שְׁדֵדִים), a category in which only Israel among the peoples can participate. The laws in the Pentateuch regulate this meat consumption and link it closely to the category of sacrifice as a means of approaching the divine.<sup>310</sup>

This first section (4.1.1) will outline the essential structures of the ritual institution in the biblical sacrifice involving the killing of animals. Subsequently (4.1.2) will focus on those sacrifices that, in addition to the animal’s death, provide those parts of it are eaten by the sacrificers.

### 4.1.1 The sacrifices and the victims. An overview of animal sacrifice

According to the prescriptions contained in Lev 1–7, the following types of bloody animal sacrifice were practiced in Israel: the burnt offering or holocaust (עֹלָה), the communion sacrifice (זֶבַח שְׁלָמִים), the atoning sacrifice (כִּפּוּר), a ritual with the immolation of a lamb or kid for the feast of Pesah (פֶּסַח).<sup>311</sup> Although all these rituals involve the killing and division of an animal, not all of them include a banquet in which the offerer, guests, and priests can participate.<sup>312</sup>

The first of these sacrifices is the burnt offering, the Hebrew name of which is etymologically related to the root עֹלָה, meaning ‘to ascend on high’. This name most likely derives from the fact that the animal is completely burnt

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<sup>309</sup> Milgrom, *Leviticus*, 115–121.

<sup>310</sup> The relationship between the consumption of meat, the sacrifice, and Israel’s identity as a holy people among the nations is well exemplified in Hayes, *Gentile Impurities and Jewish Identities*:19–22.

<sup>311</sup> For an overview and related bibliography of biblical rituals in their narrative context, see Janzen, *Priestly sacrifice in the Hebrew Bible*, 38–52.

<sup>312</sup> In this chapter, I will focus on the role of animals within the sacrificial practices of the Hebrew Bible. However, the ritual involves a definite social practice and communal significance, especially where food is shared. In the Hebrew Bible, these aspects are addressed in Janzen, *The Social Meanings of Sacrifice*.

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on the altar during the sacrificial act. The most explicit description of this ritual is found in Lev 1 and involves the following steps: the offerer lays his hand on the head of the animal victim and is killed by him outside the altar. Once the animal is killed, the priest sprinkles its blood around the altar. Next, the offerer skins the victim and cuts it into pieces. The priest placed the animal parts on the altar while the offerer washed the legs and entrails. Then everything is placed on the altar and burned. Not all biblical texts agree with this sequence of actions or with who should do what.<sup>313</sup> Ez 44:11 states that it is the task of the Levites to kill the victim and not the offerer, while in 2 Chron 29:22–24, this task seems to be the responsibility of the priests. In 2 Chron 34, it is the task of the priests to skin the animals, and in case of need, they were to be helped by the Levites. In 2Chron 35, the Levites are to skin the animals on the Feast of Pesah.

Moreover, if one considers the narrative texts in the Bible, the ritual practice for the holocaust seems to differ from that described in Leviticus.<sup>314</sup> For example, in the famous episode of the binding of Isaac in Gen 22:9–10, the narrative seems to suggest that the victim was placed bound whole on an altar on which wood had been prepared beforehand. Similarly, in 1Sam 6:14, the ritual provisions of the Levitical do not seem to be considered. In contrast, in the sacrifice of Elijah on Carmel in 1Kgs 18:33, the animal offered as a burnt offering is first cut up and later placed on the altar.

The sacrifice of communion refers to what the Hebrew means by זֶבַח שלמים.<sup>315</sup> This sacrifice indicates a ritual in which there is a communal

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<sup>313</sup> For a systematic analysis on the terminology in the various occurrences of this sacrifice and the aporias see Eberhart, A neglected feature of sacrifice in the Hebrew bible, 485–493.

<sup>314</sup> The presence of different traditions related to sacrifices and rituals in narrative texts can certainly lead to a diachronic question about the origin of these traditions. However, this topic is beyond the assumptions of this study. The question of sacrifices in the narrative texts of the Bible is addressed in Klingbeil, Bridging the Gap: Ritual and Ritual Texts in the Bible. See also Feldman, The story of sacrifice: ritual and narrative in the priestly source.

<sup>315</sup> Some commentators have suggested that two different types of sacrifice are seen here: the זֶבַח and the שלמים, which were later unified. See Rendtorff, Studien zur Geschichte, 115–21; Janowski, Erwagungen zur Vorgeschichte des Israelitischen selamim-Opfers, 231–259.

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feature, which is mainly embodied in the shared meal<sup>316</sup>. The victim, one killed and cut into pieces, is partly burnt on the altar in honor of God and partially divided between the priests and the offerer, who consumes it on the spot with his family. The ritual is described in its actions in Leviticus 3 and overlaps with the holocaust sacrifice of killing an animal.<sup>317</sup> The offerer seems to divide the animal, reserving the fat parts, entrails, and liver for God<sup>318</sup>. If the victim is a lamb, the tail is also offered to God (v. 9). The details reserved for the divinity are burnt on the altar by the priest. The book of Leviticus distinguishes three types of communion sacrifices. The first is the sacrifice of “thanksgiving” (תודה),<sup>319</sup> the second is the “voluntariness” sacrifice (נדבה),<sup>320</sup> and the third is the “votive” or “vow” offer (נדר).<sup>321</sup>

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<sup>316</sup> Numerous studies have shown the connections between the sacrificial practice exemplified in the biblical Communion Sacrifice and the Eucharistic institution. A history of the evolution of the concept is provided in Levering, *Sacrifice and community: Jewish offering and Christian Eucharist*. See also Kodell, *The Eucharist in the New Testament*. In the context of the Hebrew Bible, the communion sacrifice fits into the ritual practice of the shared meal well attested in the sacrifices of the ancient Near East. For a comparative analysis between the Bible and the ancient Near East practice, see Schmandt-Besserat, *Feasting in the ancient Near East*, 391–403.

<sup>317</sup> Has been argued about how animal killing practices are quite similar within different rituals present in the context of the ancient Near East. It should come as no surprise then those different types of sacrifice contemplate the same type of ritual killing of the animal. On this point see Pongratz-Leisten, *Ritual killing and sacrifice in the ancient Near East*, 1–33.

<sup>318</sup> Reserving the fat part of a sacrifice to the divinity was a practice known also in Mesopotamia. As Scurlock, *The Techniques of the Sacrifice of Animals*, 241–264, observes in his comparative study of sacrificial techniques in the Bible and Mesopotamia, the god’s portion consisted of the shoulder, the fat of the caul and a part of the roasted meat, which were laid, together with loaves of pita bread, on the offering table”.

<sup>319</sup> Lev 7:12.13.15; 22:29; 2Chron 29:31; 33:16; Neh 12:31.38.40; Jer 30:19; 33:11; Am 4:5.

<sup>320</sup> Ex 35:29; 36:3; Lev 22:18.21.23; 22:23; 23:38; Num 15:3; 29:39; Deut 12:6.17; 16:10; 23:23; 2Chron 31:14; Esd 1:4; 3:5; 8:28; Ps 54:6; 110:3; 119:108; Ezk 46:12; Am 4:5.

<sup>321</sup> Gen 28:20; 31:13; Lev 7:16; 22:18.2.23; 23:38; 27:2 Num 6:2.5.21; 15:3.8; 21:2; 29:39; 30:3.4.5.6.7.8.9.10.12.13.14.15; Deut 12:6.11.17.26; 23:19.22; Jdg 11:30.39; 1Sam 1:21; 2Sam 15:7.8; Isa 19:21; Jer 44:25; Nahum 2:1.

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Another type of sacrifice in which the victim is an animal is the expiatory sacrifice. The regulations referring to these sacrifices are essentially contained in Lev 4–5.<sup>322</sup> The biblical text distinguishes between an expiatory sacrifice called *חטאת*, often identified as “sacrifice for sin,” and a sacrifice called *אשם* identified as “sacrifice of reparation.”<sup>323</sup> The two Hebrew terms (*חטאת* and *אשם*) designate respectively both “sin” and “offence,” both also designate the sacrifice in expiation of sin and offence and the victims for these sacrifices.<sup>324</sup>

The central role of blood characterizes the ritual for performing these sacrifices.<sup>325</sup> In the book of Leviticus, there is very detailed information on the *חטאת* sacrifice, while there is less on the *אשם* sacrifice,<sup>326</sup> with differentiations depending on who must atone (the high priest, the community, an individual, a poor person) (Lev 4:1–35). In cases of guilt committed by the high priest or the community (vv. 3–21) – and only in these cases in the whole area of animal offerings in the temple – the blood of the slain victim is brought into the sanctuary. The high priest sprinkles the blood seven times in front of the sanctuary tent, then anoints the altar’s horns for incense and pours the rest of the blood onto the altar’s base for the burnt offering at the entrance to the temple. On this altar, the fat parts of the animal are burnt in the same manner as the communion sacrifice. What is left of the animal is burnt outside the sanctuary in a particular ash deposit (*מקום הדשן*).

For sins committed by individuals, on the other hand, the victim is offered “where the burnt offering is immolated” (v. 25), and the blood is poured out

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<sup>322</sup> Cf. also, Lev 6:17–7.10; 10:16–20.

<sup>323</sup> These sacrifices are also sometimes called *pro peccato* and *pro delicto*. See Dussaud, *Les origines cananéennes du sacrifice israélite*, 117; De Vaux, *Les sacrifices de l’Ancien Testament*, 82–100. This subdivision of expiatory sacrifice is identified and analyzed in Milgrom, *Further on the Expiatory Sacrifices*, 511–514. See also Schenker, *Once Again, the Expiatory Sacrifice*, 697–699, that maintain the same subdivision.

<sup>324</sup> Cf. Lev 4:15.13; 5:14–16; 7:17–23; 20:1–6.7.

<sup>325</sup> As I am about to describe each of these sacrifices mentions a specific dimension for the blood of the victim. In general, blood plays a central role in defining biblical sacrifices and rituals that touch on symbolic and historical meanings. On this topic, see Gilders, *Blood Ritual in the Hebrew Bible*.

<sup>326</sup> The difference is already evident on the quantitative level. The term *חטאת* appears in the Bible 269 times compared to 40 for the term *אשם*.

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at the base of the altar of the burnt offering. The meat of the animal offered by individuals is the responsibility of the priests.

Atoning sacrifices of the type *חטאת* are named and prescribed in situations where it plays an essential role, as in the case of the Day of Atonement ( *יום כפור*), reported in Lev 16. In his analysis of the sacrifices, De Vaux considered seeing the presence of two ceremonies of different origins in this narrative.<sup>327</sup> According to the scholar, the first part of the ritual is to be connected with what was previously specified for the expiation of the priest's sin and the people (for which a bull and a goat are sacrificed).<sup>328</sup> The second part, which concerns the famous "scapegoat," consists of transferring the people's sins onto a goat which is then directed into the desert to the enigmatic Azazel.<sup>329</sup>

Unlike the *חטאת*, the *אשם* sacrifice (cf. Lev 5:14–16.21.26; 7:1–7) is offered only by individuals and involves the payment of a sum corresponding to the value of what one is guilty of plus one-fifth of that value. In addition to the cases of property damage (cf. Lev 5:21–26 and Num 5:5–8),<sup>330</sup> this kind of

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<sup>327</sup> See De Vaux, *Les sacrifices des l'Ancien Testament*, 87.

<sup>328</sup> De Vaux, *Les sacrifices des l'Ancien Testament*, 87–90.

<sup>329</sup> The attempts and exegetical and around the scapegoat have produced an immense bibliography. Attempts to interpret the passage in Lev 16 are already present in apocryphal Judaic writings such as the book of Enoch where an attempt is made to explain the origins of the biblical ritual in which a goat is destined for Azazel. Much of the study has also been directed toward trying to understand the origins of this enigmatic figure, sometimes understood by exegetes as a toponym, sometimes as a demonic entity of the deserts. For a history of the interpretation of the episode see Grabbe, *The Scapegoat Tradition: A Study in Early Jewish Interpretation*, 152–167; Pinker, *A Goat to go to Azazel*, 7ff. For a study of the figure of Azazel and critical bibliography see Blair, *De-Demonising the Old Testament*.

<sup>330</sup> Lev 5:21–26 states: <sup>21</sup>When anyone sins and commits unfaithfulness toward the Lord, because he deceives his neighbor concerning deposits, pledges, or stolen property, or because he blackmails his neighbor, <sup>22</sup> or because, finding a lost thing, he lies about it and swears falsely concerning a thing in which one commits sin, <sup>23</sup> if he has so sinned, he shall be in a guilty condition. He shall make restitution for the thing stolen or obtained by blackmail, or for the deposit entrusted to him, or for the lost thing he found <sup>24</sup> or for anything for which he has sworn falsely. He shall make restitution in full, adding a fifth to it, and shall render this to the owner on the day he makes reparation. <sup>25</sup> As reparation to Yhwh, he shall bring to the priest a ram without defect, taken from the flock, corresponding to the appointed value, for the sacrifice of reparation. <sup>26</sup> The priest shall perform the rite of expiation for

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sacrifice is also prescribed in other situations: in the case of the cleansing of a leprosy patient (cf. Lev 14:10–28); in the case of the abuse of another man’s concubine (Lev 19:21–22); in the case of the re-dedication of a Nazirite (Num 6:12). In the latter case the offering consists of a lamb.

It has been noted that the distinction between *חטאת* and *אשם* sacrifice is not clear-cut.<sup>331</sup> In the *אשם*, the reparatory aspect of reparation seems to prevail, but it is impossible to clearly distinguish the faults that involve one or the other type of sacrifice<sup>332</sup>. If one excludes the purification of the leper and the consecration of the Nazirite, it would seem that the *אשם* sacrifice concerns wrongs committed against property.<sup>333</sup>

Another sacrifice involving the killing (and sharing of meat) of animals is linked to the Passover ritual. De Vaux considers this celebration to be an ancient feast linked to the annual festivities of an agrarian society.<sup>334</sup> In any case, the Bible presents Easter as a feast celebrated on the 14<sup>th</sup> of Nisan, commemorating the liberation from slavery in Egypt.<sup>335</sup> The biblical text

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him before the Lord, and he shall be forgiven, whatever fault he may have been guilty of.

In a similar way, Num 5:5–8 states: <sup>5</sup> The Lord spoke to Moses and said, <sup>6</sup> “Say to the Israelites, When a man or woman has done any sin against anyone, committing unfaithfulness against the Lord, that person will be in a guilty condition. <sup>7</sup> He will have to confess the sin he has committed. He will return in full what he was guilty of, and he will add a fifth to it and give it to the one to whom he was guilty. <sup>8</sup> But if there is no close relative to whom he is to give restitution, it is to be returned to the Lord, that is, to the priest, over and above the ram of the rite of atonement, by which atonement will be made for him”. Both situations connect sacrificial ritual is property damage in different ways. On this topic see Gese, *The Atonement*, 1981, 93–116.

<sup>331</sup> This question has been raised in the context of Jewish legislation in rabbinic reflection. Especially in the context of Halakah, the Bible does not present a clear distinction of the sphere of action of the two types of sacrifice. See Steinfeld, *The Uncertain Guilt Offering is the Difference between them* אשם תלוי איכא בנייהו (in Hebrew), 141–161.

<sup>332</sup> Steinfeld, *The Uncertain Guilt*, 155.

<sup>333</sup> Steinfeld, *The Uncertain Guilt*, 149. See also note 30.

<sup>334</sup> See De Vaux, *Les sacrifices des l’Ancien Testament*, 7–27.

<sup>335</sup> On the dating of the Passover there is another important theory that must be mentioned at this point, the one that attempts to establish the Passover s a new moon festival. Proponents of this view argue that the earliest date given for the feast in the Pentateuch is in Deut 16, where the instruction is that it be celebrated

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contains various mentions of the celebration (cf. Ex 12; Lev 23:5–8; Num 28:16–25; Deut 16:18; Josh 5:10–12; 2Kings 23:21–23; 2Chron 35:11–19; Ezr 6:19–20; Ez 45:21–24) but the most complete description of the feast is preserved in Ex 12.<sup>336</sup> In the house of each Israelite, one lamb or one kid male without defect and born that year was chosen and killed (v. 5).<sup>337</sup> The killing of the animal victim was to take place at dusk, between sunset and night (cf. Ex 12:6–10). The victim's blood was then passed on the doorposts and lintel of the door.<sup>338</sup> The animal's meat was then roasted and eaten the same night with unleavened bread and bitter herbs. Any leftovers were to be burnt. Unlike the communion sacrifice, no animal is reserved for the deity. While in Ex 12, the Passover feast is linked to and celebrated within individual households, the text of Deut 16:5–7 prescribes the obligation to celebrate the feast in the central sanctuary. It is also taken up in the text of 2Chr 30:16 and 35:11.<sup>339</sup> In these celebrations in the Temple, the blood is not sprinkled on the beams but is collected by the priests and poured out at the foot of the altar. Note, this celebration is the only one in which a precise type of dress is described: the hips are girded, one must wear sandals and carry a staff. This detail, on the one hand, links the memory of the flight from Egypt and, on the other, evokes the pastoral origins of the feast.<sup>340</sup>

From this brief overview, it is clear that the victims of these rituals are always domestic animals. They belong to the large livestock (bulls, oxen, cows,

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not on 14th Nisan, but “in the month of Abib” that is, precisely on the “new moon of Abib”. On this point, see McKay, *The Date of Passover and its Significance*, 435–447. See also Morgenstern, *The Calendar of the Book of Jubilees*, 71–74; von Rad, *Deuteronomy*, 111.

<sup>336</sup> A synoptic analysis of the different rituals of Passover in the biblical text is offered in Prosic, *Passover in biblical narratives*, 45–55.

<sup>337</sup> The etymology of the expression “born in the year” (בן שנה) (Ex 12:5) is uncertain. For a critical discussion see De Vaux, *Les sacrifices des l’Ancien Testament*, 10.

<sup>338</sup> It has been debated how this ritual of anointing with animal blood can be linked to apotropaic rituals in which the blood of animals had in itself the power to ward off evil spirits. See McCarthy, *Symbolism of Blood and Sacrifice*, 166–176. However, emphasis on the animal element seems absent from the biblical text, which does not emphasize the centrality of animal blood in the ritual prescription.

<sup>339</sup> For a diachronic analysis of the two celebrations, see Veijola, *The History of the Passover*, 53–75.

<sup>340</sup> De Vaux, *Les sacrifices des l’Ancien Testament*, 7–27.

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etc.) and small livestock (sheep, goats, etc.). Generally, the distribution of the animals in the ritual patterns of these sacrifices varies according to the sacrifice's size and the offerer's social rank<sup>341</sup>. To the brief review of the types of sacrifices that have an animal as a victim, a more detailed review of the victims of these sacrifices is worth accompanying. The various types of animals to be offered in the different circumstances are specified in the Levitical rituals. For the burnt offering, a male without defect is always prescribed (Lev 1:3). For the sacrifice of communion, the animal may be male or female, but always without defect (Lev 3:1). In the case of small livestock sacrifices, it is specified that either a lamb (כשב) or a goat (עז) may be offered. The burnt offering may also consist of birds (עוף) which may be turtledoves (תר) or doves (יונה) (Lev 1:14). In the case of expiatory sacrifices, the victim varies according to the rank of the expiator. For the sacrifice of חטאת, the anointed priest must offer a bull (בן בקר) without defects. The same animal is provided for the sin of the community (Lev 4:3). If the sin is committed by the "prince" (נשיא), the offering consists of a he-goat (שעיר עזים) while a she-goat without defect (שעירת עזים תמימה נקבה) (Lev 4:28) or a female lamb without blemish (כבש נקבה תמימה... כבש) (Lev 4:32) if the sin is committed by an Israelite ("a person from the people of the land") (Lev 4:27). Lev 5 specifies the occasions of sin for which atonement is to be made. In these cases, the sacrifice consists of a female animal, sheep, or goat. In the case of a lack of these animals, they may be replaced by two turtledoves or two pigeons: one expiatory and one in burnt offering. If the person is particularly poor, he may offer a flour offer (Lev 5:7.11).<sup>342</sup>

For the איש sacrifice, according to Lev 5:15, a perfect ram (איל) is always offered, and although various occasions of guilt are specified, the animal remains the same.

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<sup>341</sup> This proportionality between social status and the extent of the sacrifice is also evidenced by some Punic inscriptions. See Adamasi Guzzo, *Sacrifici e banchetti: Bibbia ebraica e Iscrizioni puniche*, 97–122.

<sup>342</sup> It has been noted that the prescription regarding the poor man offering flour is a unique case of purification through a ritual that does not require the shedding of blood. See Gurguis, *Does Leviticus 5: 11–13 Teach Forgiveness Without Shedding of Blood?*, 2045–2049.

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In the various occasions or holidays found in the normative sections and narratives, one can find sacrifices where different animals are offered, albeit in the categories mentioned above. Just to give a few examples, in 1Sam 6:14, when the Ark of the Covenant arrives at Beth Shemesh, the same cows (פִּרְיָה) used to pull the chariot are offered as a burnt offering.<sup>343</sup> In Lev 9:8–11.15, as an atonement offering for the high priest, a calf (עֵגֶל) is offered and not a bull (שׂוֹר) as would be expected.<sup>344</sup> Similarly, in Num 15:22–29, the community provides as an atonement sacrifice a goat (עֵז) (v. 24), while for the individual, a one-year female goat is offered (עֵז בַּת שְׁנָתָהּ). One example also involves Passover. As mentioned above, the designated victim was a lamb or kid (cf. Ex 12). However, de Vaux notes that in the celebration reported in Deut 16:2, the offering of large cattle is also prescribed.<sup>345</sup> Another factor of interest involving animals is the specification of their quality. Specifics on these characteristics occur in Lev 22:18–28. It is specified that the burnt offering must consist of a perfect male. The same applies to communion sacrifices in which the animal offered as a vow must be without any defect. Differently, imperfections are allowed in the case of voluntary sacrifices but only if the offerer is not a foreigner. Moreover, it is prescribed that a calf, a lamb, or a kid cannot be sacrificed before the eighth day after its birth. As discussed in the previous chapter, it is for killing her young on the same day forbidden. In addition to the rules specifically related to the ritual, Lev 11 provides a detailed and meticulous list of animals that are allowed to eat and those that are prohibited. At the same time, Lev 17 prescribes cases of impurity in offering a sacrifice or eating an animal. It follows that some edible animals were not usually offered in sacrifice.<sup>346</sup> This is the case of wild hunted

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<sup>343</sup> The ritual in ritual anomaly in 1Sam 6 represents according to Sykora, *Only Be Like the Philistine Priests!*, 702–722, a reversal of legitimate sacrificial practice suggesting a portrayal of Israelite worship as improper and idolatrous. From this perspective one can understand the aporia of the animal used as a sacrifice in comparison to the book of Leviticus.

<sup>344</sup> See Milgrom, *Leviticus 1–16*, 627–628.

<sup>345</sup> On the basis of this difference in animal offerings, the scholar hypothesizes the presence here of an attempt at reform which, however, was not followed up. See de Vaux, *Les sacrifices de l'Ancien Testament*, 87.

<sup>346</sup> On this point see Houston, *Purity and Monotheism*, 26–67.

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animals that certainly were consumed but did not represent a category suitable for sacrifice. In Lev 17:13, it is prescribed that:

Every man among the Israelites and among the foreigners who sojourn among them, whether he hunts game or fowl or eats himself, shall shed his blood and brim him with dust.

The sequence suggests a certain rituality that safeguards the rule of blood in any case.<sup>347</sup> The distinction between domestic animals – which were sacrificed – and wild animals – which were eaten but not sacrificed – thus respects the prescriptions regarding blood and is also found in Deut 15:19–23 regarding the precepts concerning the firstborn.

<sup>19</sup>Every firstborn that is born among his large cattle and his small cattle you shall give to Yhwh your God. <sup>20</sup>In Yhwh's presence, you shall eat him every year in the place Yhwh has chosen, you and your house. <sup>21</sup>But if there is a defect in it, whether lame or blind or any other bad defect, you shall not sacrifice it to Yhwh your God. <sup>22</sup>In thy gates shalt thou eat it, the pure man and the unclean together, as the gazelle and the deer. <sup>23</sup>Only his blood you shall not eat; you shall pour it on the ground like water.

### 4.1.2 Eating sacred meat. Sacrifice, animal parts, and cooking

After this brief overview of the sacrifices presented in the legal sections of the bible and the type of animal killed as an offering in such rituals, it is

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<sup>347</sup> Gilders, *Blood ritual in the Hebrew Bible, 19–24*, suggests the presence of a trace of ritual prescription even in the series of actions to be taken in the case of killing wild animals. However, in the biblical text, this sequence of actions is not properly presented as a real sacrificial ritual but as a simple prescription. In any case, it should be noted that already Dussaud, *Les origines cananéennes du sacrifice israélite*, 110, on the basis of a comparative study with the Canaanite sacrificial prescriptions, observes that it is likely that in ancient Israel, “every immolation of an animal, large or small, was assimilated to a sacrifice.”

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worthwhile to focus now on the consumption of meat in these acts of ritual offering. In addition to the prescriptions concerning the sacrifices, the normative sections of the biblical text also define the entitlements in terms of meat food for both the offerer and the priest. He performed his functions as an attendant of the cult.

As we have seen above, the offering burned with fire is characterized by the complete combustion of the slain animal. However, although not meaty food, the skin was spared from destruction by fire and became the property of the priest (Lev 7:8).<sup>348</sup>

Actual meat consumption occurs instead in the communion sacrifice and the atoning sacrifice. In these sacrifices, there is a real division between what is offered to God on the altar, what is consumed by the priests who officiate at the ritual, and the offerer.<sup>349</sup> In Lev 6:1–17, the rules of partition follow a different order than the exposition of the categories of sacrifices. The procedure for the atoning sacrifices is set forth first and then for the communion sacrifice.<sup>350</sup>

In the second case, on the one hand, "the fat that covers the bowels, all the fat that is on the bowels, the two kidneys with their fat, the fat that is on the loins, and the lobe of the liver" are reserved for the deity (cf. Lev 3:3–5). These parts are burned on the altar by the priest. To the latter are due the breast (הזה) (Lev 7:31) and the right thigh (שוק הימין) (Lev 7:32). Also, note

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<sup>348</sup> Has been proposed to see this act of skin preservation by priests as motivated by economic intent. Animal skins were in fact used for multiple purposes such as the production of clothing and the production of parchment. See Zwickel, *Fabrication, functions, and uses of textiles in the Hebrew Bible*, 187–216.

<sup>349</sup> The idea that the ritual act provided the "nourishment" of God is well attested in the ancient Near East. The meat offering was conceived as a real meal in which the divinity actively participated. See Scurlock, *Animal Sacrifice in Ancient Mesopotamian Religion*, 389–404. The idea of the biblical text departs from this direct association of sacrifice as a meal of the deity but retains some traces of the conception of sacrifice as a meal shared between offerers, priests, and deities although this concept is present in some passages. On this point see 2019, 263–284.

<sup>350</sup> Compare also the order of exposition in Num 28–29 and Lev 8–9. On the question of the order of exposition see Rainey, *The Order of Sacrifice in Old Testament Ritual*, 485–498. In this study, the author attributes the different order of exposition of the sacrifices to the different literary genres of the texts. Indeed, he divides texts of a didactic character from texts of a prescriptive character.

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that the chest attribution is called תנופה while the thigh attribution is called תרומה. These terms, which meaning respectively “contribution” and “withdrawal,” are probably part of a technical and specialized language of those who can be defined as “professionals of the cult.”<sup>351</sup> Removing the part reserved for the deity and the part that belongs to the priests, the rest of the meat belongs to the offerer and is eaten where the animal was offered. If the sacrifice is a sacrifice of praise, the meat must be consumed before the following day (Lev 7:14–15). If, on the other hand, the sacrifice is a votive or spontaneous offering, the meat may also be consumed the next day (vv. 16–18). Concerning atoning sacrifices, the offerer who is to atone may not consume the flesh of the sacrifice. In the case of expiation by the high priest or the community, when the blood is introduced into the sanctuary, no one but the deity receives portions of the animal. In this case, while God is entitled to the portions listed above, the remainder of the animal is burned outside the sanctuary in the ashes depository (cf. Lev 7:23). In other cases of atoning

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<sup>351</sup> On this point see de Vaux, *Les sacrifices des l’Ancien Testament*, 34. The hypothesis that this terminology is part of the specialized lexicon of the priestly class had already been advanced in Vincent, *Les rites du balancement (tenouphah) e du prélèvement (teroumah)*, 267–272. Although scholars link the word “תרומה” to the root “רום” (to go up), the meaning at the contextual level is connected to the idea of offering. This can already be deduced from the constructions concerning the word. In fact, it is constructed in relation to verbs directly connected to the action of offering such as the verb “to bring” (בוא) (cf. Ex 35:5.21.24; 36:3.6; Lev 10:15; Neh 10:40; 2Chron 31:10.12). To the verb “to take” (לקח) (cf. Ex 25:2; 35:5; 36:3; Lev 7:34), “to give” (נתן) (cf. Ex 30:13–15; Lev 7:32; Num 15:21; 18:8.28; 31:9.41; Ezk 44:30; 2Chron 31:14), “to offer” (קרב) (cf. Lev 7:14; Num 5:9). In addition, the word תרומה is also related to acts of offering where consumption is involved through the verb אכל (to eat) (cf. Lev 10:14; 22:12; Deut 12:17). For an in-depth analysis of the occurrences of the term see TAWAT, vol. VIII, 758ff. With regard to Tenufa, the root (NUF) is traditionally understood, on the basis of Ugaritic, as being related to forward and backward movement. Some scholars link it to the Neo-Babylonian *nūptu*, which has the meaning of “supplement”. In the Bible, the word always takes on the meaning of consecration through the offering of upliftment. This can refer either to the entire offering or simply refer to a portion. For a discussion of the possible etymological origins of the term see HALOT, 1762.

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sacrifice, the meat of the offered animal may be consumed by the male priests (Lev 7:6).<sup>352</sup>

Regarding the cooking of meat, the normative texts generally do not give specific information except for the sacrifice for Pesach. That the Passover is the only case in which meat was roasted (צלה). During the preparation of this meat, it is also prescribed not to break any bone of the animal (Ex 12:46).<sup>353</sup> Surprisingly, for the same Passover sacrifice in Deut 16:7 for the cooking of the Passover sacrifice, the verb בשל is used, which generally means “to boil” which in 2Chr 35:13 is joined by the complement באש (in the fire) which again suggests that the animal is to be roasted and not boiled.<sup>354</sup> As for the other sacrifices in which meat is eaten, it is inferred from some references that the meat was cooked inside a pot.<sup>355</sup> For example, Lev 6:21 prescribes breaking the clay pot and cleaning the bronze pot in which the meat was boiled for the atoning sacrifice. If we move into the narrative sections, Jdgs 6:19 reports that Gideon prepares a young goat and brings it ready to the

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<sup>352</sup> The rules just set forth, found in Leviticus, must not have been the same at all the Bible. In Deut 18:3 the priest receives other parts than those prescribed in Leviticus, namely, the shoulder, the jaws, and the stomach. In this regard, it is interesting to note that in 1Sam 9:23–24, during the banquet following the sacrifice officiated by Samuel on the במה, Saul receives the thigh and the tail. As we saw above, the former is the responsibility of the priest while the latter is the responsibility of Yhwh in the Levitical ritual. From this episode, it has been suggested that the parts chosen in the ritual of 1Sam 9 must have been the parts reserved for the king prior to the rule of the priesthood in the post-exilic period. See Grottanelli, *The Ideology of the Banquet*, 1981, 130, in which the scholar presents the issue and the bibliography on the subject.

<sup>353</sup> Cf. also Num 9:12. Starting from a comparative analysis with some near-eastern texts from the area of ancient Nuzi, the value of the bones has been connected with a symbolism that recalls the idea of resurrection. Zaccagni, *Divisione delle carni a Nuzi*, 1988, 97–94.

<sup>354</sup> It has been suggested that differences in meat cooking might reflect customs at different times. The attempt at 2Chron 35:13 would be to harmonize the two texts that presented different cooking methods for Passover meat. See Magness, *Conspicuous Consumption*, 33–60.

<sup>355</sup> A number of archaeological findings near sanctuaries in ancient Israel during the Iron Age have also been linked to the sacrificial practice and the cooking of the offered meat. See Maeir, *On the Meaning and Function of the Late Iron Age Judahite" Incised Handle Cooking Pots*, 43–62.

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angel of Yhwh. The text states, “put the meat in a basket and put the gravy in a jar.”

Even clearer is the description in the episode of the sin of Eli’s sons in 1Sam 2:13–15. The text relates that a servant of the two priests at the moment that an offerer offered a sacrifice came with a fork and stuck it into a pot to pull up the meat while it boiled. In addition, they required the meat to be raw and not cooked to roast it instead of burning it.



### *EXCURSUS: The Ambiguous Flesh of the Levite’s Concubine*

This brief overview, although not intended to exhaust the discussion of the phenomenon of sacrifices in the Bible, has shown how the conceptual pair edible/inedible is linked in the biblical text to the animal intended for gift and then ritually slaughtered. In the biblical world, as in the ancient world in general, the exceptionality of eating meat accentuated the symbolic values of this type of food.<sup>356</sup> Indeed, in this context, every gesture made on the animal, from its designation as a victim to its manipulation and consumption of specific parts, is endowed with semantic specificity.<sup>357</sup> There is one episode in the Bible in which the elements of sacrificial communication generally associated with animals take on particular prominence, the episode of the murder of the Levite’s concubine in Jdgs 19–21. In this episode, defined by

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<sup>356</sup> For a The sacrificial symbolism related to the consumption of meat in the sacrificial context of the Hebrew Bible see Hendel, *Sacrifice as a Cultural System*, 366–390. The symbolic importance of meat is also analyzed in Altmann, *Festive Meals in Ancient Israel*. The scholar here emphasizes how the dismemberment of the meat belonging to an animal is able to symbolize at the same time the division between the parties participating in the sacrifice and the unity of the animal from which the meat comes from. The meaty meal then becomes a means of unity among the participants in the banquet and this unity is only possible because of the specificity of animal flesh.

<sup>357</sup> The idea that sacrificial acts can be understood within a “sacred semantics” composed of those that together form a communicative message to the society and to the deity is argued in Eberhart, *A neglected feature of sacrifice in the Hebrew bible*, 485–493.

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Liverani as a “typological sample of communication,” the dismemberment of the woman’s human corpse is used as if it were an animal victim to affirm and, at the same time, refute the validity of a specific and predetermined code of meanings.<sup>358</sup>

The story is well known and takes place against the backdrop of a woman’s escape from her husband’s home in the region of Ephraim.<sup>359</sup> Returning to her father’s house in Bethlehem, she is joined by her husband, who takes her back with her father’s consent. The murder of the woman takes place on the way back. Halfway through the journey, the Levite decides to stop with his concubine and a servant in the village of Gibeah, in Benjamin, where the only one willing to offer hospitality to the travelers is a fellow countryman of the Levite, an Ephraimite. The plot immediately takes a wrong turn. A group of Gibeaites hostile to foreigners intends to rape the Levite, who then decides to “sacrifice” his concubine by handing her over to the assailants. After having raped the woman, the assailants leave her to die on the threshold of the house of the Ephraimite man who was hosting the foreigners.<sup>360</sup>

The continuation of the story is, in many ways, unexpected. Upon returning to his home with the corpse of the concubine, the Levite decides to cut up the

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<sup>358</sup> Liverani, *Messages*, 160–192.

<sup>359</sup> Obviously, the episode of Jdgs 19 has been the subject of countless studies that have produced an almost infinite bibliography. The main lines in the exegesis of the story have focused on the concept of hospitality, which in the story seems to be reversed. For example, see Lasine, *Guest and Host in Judges 19*, 37–59; Matthews, *Hospitality and hostility in Genesis 19 and Judges 19*, 3–11. Others have pointed out its obvious connections with the Sodom story, emphasizing the elements related to sexuality in the story. See, for example Niditch, *The “Sodomite” Theme in Judges 19–20*, 365–378; Stone, *Gender and Homosexuality in Judges 19*, 87–107. Also important are the re-readings from a feminist perspective of the text from the famous Tribble, *Texts of Terror*, 80–103. which still today is an important key to reading and a starting point for reflections that aim at an emancipatory approach to the text. See, for example, the recent Paynter, *Telling Terror in Judges 19: Rape and Reparation for the Levite’s Wife*.

<sup>360</sup> Naturally, this episode has generated an enormous bibliography geared toward the role of women in the narrative and the faults of the Levite and the Benjamite. A review of the positions of the various authors on the episode is beyond the scope of this excursus. For an updated bibliography and a discussion of the positions of the various authors on the episode, see Edenburg, *Dismembering the whole: composition and purpose of Judges 19–21*.

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corpse and send the pieces to each of the 12 tribes of Israel. This gesture will be in itself an entirely meaningful message, capable through the horror it provokes of moving the whole of Israel to the Levite's side to organize revenge.<sup>361</sup>

As I said above, the Levite woman is treated as a sacrificial animal to be understood effectively. The terminology used in the biblical passage is terminology related to animal sacrifice. First, the man is a Levite, a member of a priestly tribe inextricably linked to ritual practice. The Levite is described as the butcher-sacrificer who applies himself to his victim. His knife (מאכלת) is the same knife that Abraham uses as he prepares to sacrifice Isaac and that he will later use for the treatment of the substitute animal victim (cf. Gen 22:6.10).<sup>362</sup> And in the same way, the victim is bound before being placed on the altar, in the same way, the woman – although she is already dead and therefore the binding would be useless – is bound (קזק) before being cut in pieces.

The very act of “dividing into pieces” (נתח) uses technical terminology typical of the animal sacrifice of Exodus and Leviticus.<sup>363</sup> The Levite treats the woman like a sacrificial animal by performing a ritual sequence specific to bloody sacrifice.<sup>364</sup>

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<sup>361</sup> The episode occupies the entirety of chapter 19 of the book of Judges. Of particular importance for this study is v. 29: “<sup>29</sup>And when he entered his house, he took a knife, and taking hold of his concubine he divided her, limb by limb, into twelve pieces, and sent her throughout all the territory of Israel. <sup>30</sup> And all who saw it said, “Such a thing has never happened or been seen from the day that the people of Israel came up out of the land of Egypt until this day; consider it, take counsel, and speak”. The LXX text also contains in v. 30 the response of those who received the woman's pieces: “As many as saw said, ‘such a thing has never happened or been seen since the Israelites came out of the land of Egypt until now!’”.

<sup>362</sup> For an in-depth analysis of the lexicon of the two narratives, see Unterman, *The Literary Influence of The Binding of Isaac (Genesis 22) on The Outrage at Gibeath (Judges 19)*, 161–166.

<sup>363</sup> The Hebrew root נתח, both in the verbal and in the noun form, always recurs in sacrificial contexts. Cf. Ex 29:17; Lev 1:6,8,12; 8:20; 9:13; 1Sam 11:7; 1Kgs 18:23,33; Ezk 24:4.6.

<sup>364</sup> It has been argued that the episode of Jdgs 19 reflects some typical passages of sacrificial gestures found in other narrative sections of the biblical text. See Monroe, *Disembodied women: sacrificial language and the deaths of Bat-Jephthah, Cozbi, and the Bethlehemite Concubine*, 32–52.

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A parallel with another biblical episode is interesting in this context. The sending of pieces of meat is used here as a communicative system. There is another episode in the Bible that is often associated with that of the Levite's concubine. The episode is the one dealing with the war between Israel and Ammon in 1Sam 11, where Saul, to rally the tribes against the enemy, takes oxen, cuts them up, and sends the pieces throughout Israel.<sup>365</sup> The pieces are accompanied by a verbal message, "If anyone does not come out behind Saul and Samuel, the same thing will happen to his oxen." This practice could refer to a traditional practice that, through ringing the parts of a ritually quartered animal, recalled the intertribal union among the various tribes<sup>366</sup>. The verbal message, however, strips the action of a ritual background. Saul's intent seems more that of frightening through threats, an attempt that is successful if the troops are concentrated in his wake.<sup>367</sup>

In this sense, Saul's message and that of the Levite revolve around a recognized code but changing its sign.<sup>368</sup> They use a ritual gesture, that is, the dismemberment of the victim, to provoke a reaction outside the sphere of sacrifice. Fear, in the case of Saul, and horror, in the case of the Levite.

However, the difference between the two episodes is the type of meat used. In Saul's case, animal flesh is used, appropriate to a cultic practice. In Jdgs 19, the meat belongs to a human victim who replaces the animal's body. In the context of our discussion of meat consumption, we can say edible versus inedible meat. The question of edibility also explains another issue. As we have seen above in the Israelite sacrificial system, the bloody sacrifice – especially in the form of the sacrifice of communion or sacrifice of atonement – implies the division of the meat of the animals between the offerer and the priests.

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<sup>365</sup> Again, within Jdgs 19 the pieces in 1Sam 11 are indicated by the root נהג. In addition, the two episodes have several points of contact that have suggested a connection between the two texts and an allusive relationship between the two. See Milstein, Saul the Levite and His Concubine: The "Allusive" Quality of Judges 19, 95–116.

<sup>366</sup> Mario Liverani explored this aspect. According to the scholar, Saul's action recalls a well-known communicative code that is precisely identifiable among those who receive the message. See Liverani, Messages, 160–192.

<sup>367</sup> That the event is moved by fear is confirmed by 1Sam 11:7, which says, "The fear of Yhwh spread through the people and they moved as one people".

<sup>368</sup> Liverani, Messages, 160–192.

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Moreover, besides sealing the bonds between the diners, the communal meal affirms their distinction as a social group.<sup>369</sup>

In the Jdgs 19 episode, although a ritual, the text suggests a ritually among the participants is denied. Human meats, ritually slaughtered and substituted for animal meats, are used as a symbolic pretext to bring a social group together despite their dietary nature. Since it is human meat and not animal meat, it is no longer the meaty food that lays the foundation for social bonds but simply their evocation. This results in a reversed context in which the consumption of food typical of sacrifice is impossible. This situation creates a paradox that runs through the entire ritual aspect of the story of the woman and the Levite. First, the sacrificial victim is a human being replacing an animal. This produces an anomaly in the ritual action expressed at most in the impossibility of consuming the flesh of the victim – as the flesh of the sacrifice can be.<sup>370</sup> In addition, the meat, instead of being drunk in common – as one would expect from a social group that needs to restore its ties – is precluded from the possibility of edibility and compensability. Excluding animals from this process produces ungodly and depreciable. The sacrifice of the Levite, substituting the woman's meat for the meat of the sacrificial animal, violates all the rules of ritual behavior by violating and destroying all the links between sacrifice and meat eating, sharing, and commensality.

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<sup>369</sup> Has been widely argued about how sacrifices, in addition to a sacred dimension, carry a purely social meaning. Among the Israelites, and among all ancient peoples who practiced forms of public sacrifice, ritual and participation in sacrificial practices assumed a social role. The first example is the quality of the offering itself. Not all animals have the same value. Through the offered animal one is able to establish a hierarchical status among the members of the society. This differentiation is also present in the case of consuming the meat of the sacrifice. The sacred meal attached to the sacrificial ritual, on the one hand was able to affirm the unity of a certain social group. At the same time, on the other hand, sacrifice was able to establish relationships between the members of that society. This can be related to the very form of the animal killed for sacrifice. While it is true on the one hand that the sacrificial animal constitutes a single organism, it is also true on the other hand that the cooked parts of its flesh do not all have the same value. Through the value of the meat and the way it is divided among the participants establishes a certain social order. The social meanings of sacrifices in the context of the biblical texts is well analyzed in Janzen, *The Social Meanings of Sacrifice in the Hebrew Bible*.

<sup>370</sup> The ritual anomaly in Jdgs 19 was also pointed out in Bach, *Rereading the body politic: Women and violence in Judges 21, 1–19*.



## 4.2 Discussion on animals, ritual, and food. J. Milgrom, between dietary law and animals protection

As seen above, the biblical sacrificial system is interconnected with the dietary practice of regulating meaty food intake. Understanding the rationality behind killing the animal for food – also based on ritualistic principles – can be a starting point for understanding what mechanisms work in the human-animal relationship in sacrificial practice.

Among the scholars who have dealt more systematically and meticulously with the dietary laws of Leviticus, the name of Milgrom stands out. About the present study, it is interesting to note that the scholar has devoted part of his attention to the investigation of the relationship between the food system as presented in the normative sections of the Bible and a broader ethical system. Already in the first lines of one of his important studies on biblical dietary norms, he does not hesitate to compare the rules of *Kasherut* to the will of the biblical authors to mitigate the homicidal spirit inherent in man.<sup>371</sup>

Milgrom's arguments start with the idea that food laws, primarily based on the proper way to eat animals, are mainly based on two theories. The first is the hypothesis we might call "healthy" or "hygienic." It is to say that the inhabitants of ancient Israel discovered at their own expense that some animals (namely "unclean" animals) were more dangerous than others from a health point of view.<sup>372</sup>

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<sup>371</sup> Although he concedes that there are different points of emphasis, it is notable that the scholar considers it "obvious" that dietary norms have a useful moral objective to limit the human homicidal instinct: "The obvious goal of this Kashrut system of dietary laws – to tame the killer instinct of man – can be fully understood only in the light of other important emphases". Milgrom, *The Biblical Diet Laws as an Ethical System*, 388. Cf. Also Milgrom, *Leviticus 1–16*, 718–736.

<sup>372</sup> This view is widely held within classical Jewish exegesis, especially Maimonides, Ramban and Rashbam. For an overview of this position see Chan, *You Shall Not Eat These Abominable Things*, 88–105.

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Milgrom counters this traditional position by bringing the example of some animals usually consumed by the neighboring populations without these populations ever having any kind of hygienic or healthy problem.<sup>373</sup>

The second explanation of dietary laws examined by Milgrom concerns what might be called “the symbolic theory,” with Mary Douglas as its main exponent.<sup>374</sup>

Although Milgrom criticizes in many ways the “dirty theory” proposed in *Purity and Danger*, he does not completely reject the intuition underlining Douglas’s reflection.<sup>375</sup> Based on the studies of Emile Durkheim, Douglas suggests that a society’s customs and rituals reflect its ethical values and

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<sup>373</sup> The scholar brings up the example of the camel, forbidden by Leviticus but considered a prized dish and widely used within Arab communities up to the present day. See Milgrom, *Leviticus 1–16*, 719.

<sup>374</sup> In Douglas, *Purity and Danger*, 36, the scholar states t: “Where there is dirt there is system”. Essentially the scholar states that since there is an articulated system that develops around the concept of pure/impure, there is also a symbolic system upon which these constructions rest. The label “symbolic theory” is used by Milgrom himself and is so defined by the scholar: “It avers that the behavior of animals corresponds to and informs the behavior of man. The tabooed animals are those whose ways do not exemplify proper conduct. Conversely, they are adjudged to be edible if they remind man of virtue. Thus the Letter of Aristeas, probably of the second century BCE, explains that cud-chewing is the sign of a permitted animal because it teaches the importance of meditation: man should have thoughts as well as food to chew on”. See Milgrom, *Leviticus, 1–16*, 719.

<sup>375</sup> The theme of cleanliness, in its antinomies clean/dirty and pure/impure, is a fundamental point of anthropological analysis of Mary Douglas in her famous study “*Purity and Danger*”. The scholar argues that the deeper one analyzes the concepts of dirt and contamination, the more obvious it becomes that one deals with symbolic systems, which is true for all human cultures. The author considers it a mistake that Western societies connect and believe that their concept of dirt is related to hygiene and has nothing to do with religion, while that of so-called “primitive” populations would have to do with symbolism. In fact, the scholar explicitly states that dirt is never a unique, isolated event. Where there is dirt there is a system and, more precisely, a symbolic system that acts. Dirt is the byproduct of a systematic ordering and classification of reality, just as order includes the rejection of extraneous elements. This idea of dirt leads directly into the realm of symbolism and anticipates a connection to the more obvious symbolic systems of purity. Although Milgrom accepts its underlying assumptions he finds Douglas’ analysis inadequate stating, “Douglas’s theory of dirt has proved helpful but inadequate; it throws light on the animal classification of Lev 11, but does not explain it”. Milgrom, *Leviticus 1–16*, 721.

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that, consequently, the same classification of animals reflects the importance of the society that applies it.<sup>376</sup>

In essence, the conception of animals should reflect the image of human society in Israelite thought. This argument leads him to find parallels between the tripartite division of humanity in the Bible – explicit through the covenant system – and the division of the animal kingdom from a cultic perspective. Thus, he formulates his model:

In the priestly view (P and H), the tripartite division of the human race corresponds to three of its covenants with God: humankind (Gen 9:1–11, including the animals), Israel (i.e., the patriarchs, Gen 17:2; Lev 26:42), and the priesthood (Num 25:12–25; Jer 33:17–22). The three animal divisions match the three human divisions: all animals are permitted to humankind, except their blood (Gen 9:3–5); the edible few to Israel (Lev 11); and of the edible, the domesticated and unblemished qualify as sacrifices to the Lord (Lev 22:17–25).<sup>377</sup>

Milgrom intends to emphasize through this model how the biblical text – in this case, the priestly vision – can encapsulate different aspects of the world into one coherent picture. Milgrom intends to emphasize through this model how the biblical text – in this case, the priestly vision – can encapsulate different aspects of the human and animal world into one coherent picture. In this scenario, it becomes possible to link the general conceptions of the Pentateuch and the principles underlying the covenants made between God and humans to the division of the animal kingdom from the point of view of purity.

This view becomes particularly explicit when he states what conception can provide the background for human society and its representation in the animal world. Milgrom says that “the list of forbidden animals must be part of the same unified and coherent food system whose underlying logic is

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<sup>376</sup> For an overview with abundant bibliography of Durkheim’s thought on the relationship between ritual, ethics, and society, see Bellah, Durkheim and ritual, 183–210.

<sup>377</sup> Milgrom, Leviticus 1–16, 722.

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respect for life.”<sup>378</sup> Milgrom intends to emphasize through this model how the biblical text – in this case, the priestly vision – can encapsulate different aspects of the world into one coherent picture. Milgrom intends to emphasize through this model how the biblical text – in this case, the priestly vision – can encapsulate different aspects of the human and animal world into one coherent picture. In this scenario, it becomes possible to link the general conceptions of the Pentateuch and the principles underlying the covenants made between God and humans to the division of the animal kingdom from the point of view of purity.

This view becomes particularly explicit when he states what conception can provide the background for human society and its representation in the animal world. Milgrom says that “the list of forbidden animals must be part of the same unified and coherent food system whose underlying logic is respect for life.”<sup>379</sup> Here, the rationality behind the dietary laws is not sought in a symbolism linked to the concept of “uncleanliness.” Nor is it aimed through the lens of hygiene. The dietary laws would be exquisitely “animal-orientated” and have the explicit intention of “limiting the access of the Israelites to the animal kingdom.”<sup>380</sup>

Ultimately, Milgrom argues in his analysis of the dietary laws of Leviticus that the biblical authors developed this system of rules to limit the number of animals killed for feeding. Meyers is not wrong when he states that, according to Milgrom, the priests would be predecessors of the “green movement” or the “animal rights movement” in that their regulatory activity started from the assumption of preventing some animals from falling victim to the human appetite. The specifications regarding all impurity should not be read against the background of a negative preconception but, if seen from the animal point of view, are protective rules and therefore highly positive.

Regarding Milgrom’s thinking, before moving to those who have been critical of this “green” trend as a rational motivation for food standards, it is worth noting that quite similar conclusions can be found in Mary Douglas’ proposals, despite Milgrom’s distancing himself from her findings.

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<sup>378</sup> Milgrom, Leviticus 1–16, 733.

<sup>379</sup> Milgrom, Leviticus 1–16, 733.

<sup>380</sup> Milgrom, Leviticus 1–16, 733

## 4. The Other Side of the Altar



### ***EXCURSUS: Animals as food and levitical abominations. Mary Douglas and the Leviticus***

In his commentary on the first 16 chapters of the book of Leviticus, Milgrom devotes about ten pages to discussing various aspects of Mary Douglas' thought. In his analysis, Milgrom refers primarily to the proposals the anthropologist made in her famous book "Purity and Danger."<sup>381</sup> Milgrom himself summarizes the scholar's thought as follows:

Douglas came to Lev 11 via the Lele tribe of Africa, which, she discovered to her surprise, has complex dietary regulations. What did it mean, she asks, that a primitive society could develop a sophisticated system of food and taboos? She concludes that it is fundamental to human nature to order and classify nature. When earliest man had to make his way through an unknown universe, he had need of categories that would enable him to distinguish between what was beneficent and what was harmful. He had to know how to relate to any new phenomenon that confronted him. Therefore, he created criteria by which he could discern whether the phenomenon was going to be helpful or prove a danger.<sup>382</sup>

In this excursus, I would like to briefly highlight the fact that, beyond her seminal work *Purity and Danger*, Douglas has extended his analysis of the issue of animals in Leviticus in other studies worth noting.

Deep analysis can be found in a "Leviticus as Literature" study.<sup>383</sup> Using a predominantly literary approach, the scholar proposes to read Leviticus in

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<sup>381</sup> Douglas, *Purity and Danger*.

<sup>382</sup> Milgrom, *Leviticus 1-16*, 719.

<sup>383</sup> Douglas, *Leviticus as Literature*.

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the light of a structure that tends toward the centrality of the tabernacle.<sup>384</sup> About the animals, she offers an analysis of the vision of the animal world from the priestly perspective based on Lev 11. In essence, the scholar discusses the animal question in two chapters, focusing first of all on “terrestrial” animals, which, according to the text, can be pure (טהור) or impure (טמא).<sup>385</sup> She then analyzes all other creatures where the term “abomination” (שרץ) appears instead.<sup>386</sup>

In the same study, similarly to Milgrom, the scholar rejects the idea of dietary laws as a mirror of the “hygienic” theory. In this regard, she states that this theory does not find any support within the text because it never said in Leviticus: “that it is bad for the health to eat any of the forbidden animals.”<sup>387</sup>

Regarding the status of the animals, the discussion continues from a biblical principle that, according to the scholar, forms the background of the entire Pentateuch: God is compassionate toward all living beings.<sup>388</sup> His benevolence is not directed only to humans but, on the contrary, to all creatures.<sup>389</sup> To argue this assumption, Douglas recalls how God made two types of covenants that constitute the foundation of the human-animal relationship. The first is the one we have already mentioned when discussing Noah, in which, according to the scholar, God establishes a covenant between God, humans, and wild animals. On the other hand, the second alliance is that of Sinai, which she describes as an affirmation of God’s sovereignty over “Israel

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<sup>384</sup> The scholar had already proposed this reading in Douglas, *The forbidden animals in Leviticus*, 3–23.

<sup>385</sup> Douglas spends several pages in analyzing the terminology by reporting the various occurrences of the terms “pure” and “impure”. See Douglas, *Leviticus*, 134–151.

<sup>386</sup> The analysis here concerns the term שרץ, which the scholar traces back to a root related to the idea of movement. See Douglas, *Leviticus*, 153–175.

<sup>387</sup> Douglas, *Leviticus*, 134.

<sup>388</sup> She states: “Taking account of the full context, which is the rest of the Pentateuch, it would be difficult to overlook one biblical principle: God is compassionate for all living things; not only to the humans, he is good to all his creatures”. Douglas, *Leviticus*, 135.

<sup>389</sup> As an argument in the same passage, the scholar cites Ps 45:8–9, which states that “God is compassionate for all living things”. See Douglas, *Leviticus*, 135.

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and its livestock.”<sup>390</sup> According to the scholar, wild animals – through the Noachic covenant – and domestic animals – through the Sinaitic covenant – are defended in the book of Leviticus using an unquestionable category such as the covenant with God. Here, then, Douglas’ argumentation leads us to conceive the categories of “unclean” – used as we have seen for terrestrial animals – and of “abomination” – referred instead to wild animals – not necessarily as pejorative or negative.<sup>391</sup> These classifications for the ancient Israelite must have been attempts to protect these creatures from man’s hand, relegating them to the taboo, forbidden, and untouchable. Unequivocally, in the conclusions, the scholar states that “to be classified unclean ought to be an advantage for the survival of the species.”<sup>392</sup>

The perspective proposed by Douglas is interesting because it calls into question the fact that an entire legislative system that revolves around the concept of purity is, in essence, “animal-oriented.” The prohibition, the danger of impurity, and the fear of contagion through forbidden animals would have the ultimate purpose of extending a well-known principle within the Pentateuch, namely the compassion of God towards all his creatures. According to this conception, the biblical authors who conceived and produced these pages would not have a worldview decidedly projected to animals and are extremely aware of humans’ predatory nature. Douglas proposes reading the food legislation in the book of Leviticus as an attempt to mediate between the human tendency to immoderately exploit the animal kingdom and God’s merciful will toward his creatures.



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<sup>390</sup> Douglas moves her argument from the observation that the covenant explicitly includes both servants and livestock and binds them to Sabbath observance (cf. Ex 20:8). For the explanation of the two covenant see Douglas, *Leviticus*, 136.

<sup>391</sup> According to the scholar, the terms related to impurity should be referred to the technical lexicon of the cultic sphere and not with a pejorative meaning: “Unclean is not a term of psychological horror and disgust; it is a technical term for the cult, as commentators have often pointed out”. See Douglas, *Leviticus*, 151.

<sup>392</sup> Douglas, *Leviticus*, 142.

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The arguments proposed by Milgrom, which in substance are not far from that of Douglas, suggest reading the dietary prescriptions on meat consumption as an attempt that we could consciously and anachronistically define as “animalist” or, at least, “animal oriented.” The driving force would therefore be to seek in the des to limit the killing of animals by protecting, through the category of impure some species.<sup>393</sup> To this form of animalistic reading of the Levitical texts, it is worth asking a question that Meyer correctly advances in a study of the environmental attitudes of the Priestly authors: “Could one argue that it was the intention of the Priestly authors to protect the lives of the animals?”<sup>394</sup>

Indeed, some of Milgrom’s positions have been challenged through arguments worth considering. One good point comes from Wright. The scholar countered Milgrom’s thesis by stating that the laws in Leviticus do not reduce the “quantity” of animals killed but simply the choice of which animals to slaughter. Such a position can hardly be enrolled in the “respect for animal life” category.<sup>395</sup> In his commentary on Leviticus Milgrom considers this objection to his theory. He writes:

The criteria of Lev 11 only block access to the forbidden animals but not to the permitted ones. Limit are on the animal species (variety) but not on their numbers (quantity). How then can these criteria keep the Israelites from wholesale butchery? The answer is rooted in the economic realities of biblical times. The average Israelite could not afford to deplete his livestock. Eating meat was therefore reserved for special

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<sup>393</sup> Nihan proposes to read these regulations in light of an attempt to mediate between an initial – ideal but unattainable – condition of veganism (described in Gen 1:29) and a condition in which all animals are allowed indiscriminately as in Gen 9. He writes: “Lev 11 introduces the requirement of a differentiated consumption of meat, as opposed to the undifferentiated consumption characterizing Gen 9. In this regard, the legislation of Lev 11 offers to Israel the possibility of an intermediate position between the – now impossible – vegetarian ideal of origins and the general permission of feeding from all living creatures. See Nihan, *From Priestly Torah to Pentateuch*, 338.

<sup>394</sup> Meyers, *Respect for Animal Life in the Book of Leviticus*, 153.

<sup>395</sup> Wright, *Observations*, 197.

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occasions, as evidenced by the three stipulations of the Shelamim<sup>396</sup>, the sacrifice required whenever meat was sought for the table: thanksgiving, spontaneous joy, and fulfillment of a vow. Animal slaughter was thus an infrequent event in the Israelite household.<sup>397</sup>

Milgrom suggests that the limitation on the killing and consumption of animals does not need to include domestic animals as well limitation would be self-produced for economic reasons. An average Israelite would not have been able to support the killing of domestic animals economically, and the law does not need to specify this kind of situation. Unfortunately, Milgrom's explanation opens the door to the counterargument put forward by Houston, who points out that such a concept essentially penalizes only poor Israelites while opening the possibility of killing animals indiscriminately to those who are wealthier in society.<sup>398</sup> Linking the number of animal killings to the individual's wealth and status certainly cannot prove to be a push towards more significant attention to animal life or the expression of a compassionate God.

A similar critical point is raised by Meyers, who, in analyzing Milgrom's positions, asks: "if the issue is the protection of animals or respect for their lives, why is only Israel limited to eating certain mostly domesticated animals?"<sup>399</sup>

Indeed, the question captures a weakness in Milgrom's proposed arguments. Suppose the ultimate purpose of sacrificial and dietary legislation about animals is to systematize a protective policy toward non-human beings, h. How is this policy not extended to all of humanity? In other words, if the rules of diet had their rationality in protecting animals, they should be common to all humanity and not the prerogative of one people. By emphasizing the idea that the Levitical laws are addressed to the Israelites, this objection suggests that we should look at the biblical laws regarding meat

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<sup>396</sup> As seen above, communion sacrifices (שלמים) are the sacrifices that involve a ritual meal shared with the victim's flesh.

<sup>397</sup> Milgrom, *Leviticus 1-16*, 735.

<sup>398</sup> See Houston, *Purity and Monotheism*, 77.

<sup>399</sup> Meyers, *Respect for Animal Life in the Book of Leviticus*, 154.

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sacrifice and consumption with an eye toward the people of Israel and not, unfortunately, in the direction of the animals. As Nihan suggests, the purpose of these rules is to be found more in Israel's desire to distinguish itself from surrounding cultures and not, work out an animal ethic based on cultic regulations.<sup>400</sup>

That the purpose of food legislation is as an ethnic marker is also the position of Watts, who concludes a recent study of biblical food standards by stating:

Leviticus's rhetoric of lay inclusion in reasoning about food impurities encouraged acceptance of the authority of the priestly hierarchy in other matters. But it did more than that: it turned diet into a symbol of lay fidelity to Torah and of Israel's status as the People of Torah, in their own minds and increasingly in the perspective of outsiders as well. The prominent position and formulation of the food laws at the beginning of Leviticus's purity regulations to consolidate Jewish lay identity around an observant diet and her regulations that fell under lay control, such as circumcision and refraining from working on Shabbat.<sup>401</sup>

Watts' argument places dietary rules in the series of distinguishing traits used by Israel to distinguish itself as a chosen people among the nations, circumcision and observance of the Sabbath rest. Animals are not mentioned at all in Watts' conclusions and appear to be merely a means to the end of characterizing Israel among the Gentiles. Therefore, unfortunately, it does not seem justifiable to frame the rationality of laws related to sacrifice and meat eating in the sole perspective of "animalism," that is, to protect animal species from human violence. The exercise of a relationship of force in the human-animal relationship seems to be exercised in all its power within the sacrificial institution and in the consumption of meat connected to it.

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<sup>400</sup> Nihan states: "As such, much more than for the legislation of Lev 12–15, the Torah of Lev 11 sets apart those who practice it from the rest of humanity". See Nihan, *From Priestly Torah to Pentateuch*, 339.

<sup>401</sup> Watts, *Diet as Marker of Jewish Identity*, 139.

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An attempt to understand the social role played by animals in the ritual and alimentary biblical device can be made from the opposite perspective, that is, from human violence.

### 4.3 In the deepness of sacrifice: Vulnerability and the awareness of animal suffering

The difficulty of reading the biblical sacrifices, especially those reported in the normative sections, considering Milgrom's desire to lay the groundwork for the preservation of animal life, prompts the formulation of other propositions to attempt to understand the role of animals in the biblical sacrificial framework. In spite that some of the biblical prophets themselves seem to propose a particularly negative view of the sacrificial institution,<sup>402</sup> the fact remains that the ritual killing of animals remains a widespread phenomenon in biblical literature. Moreover, the biblical institution of sacrifice risks embarrassing those who seek some form of animal ethics since there is undoubtedly a form of violence towards animals in the sacrificial ritual.<sup>403</sup>

To approach an understanding concerning the social construction of biblical sacrifice and ritual-related meat consumption, the social understanding of sacrifice proposed by R. Girard will be used in this section. Although it is impossible to fully apply the theory of sacrifice advanced by the scholar to the specifics of the biblical text, it employs some useful categories to understand sacrifice in its social dimension. Useful to our analysis are the

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<sup>402</sup> Cf. Isa 1:11; 66:3; Jer 6:20; 7:21; Hos 6:6; Am 5:22; Mic 6:6–8; Ps 40:7.

<sup>403</sup> In this section, I will focus primarily on the form of sacrifice described above, that is, the ritual sacrifice in which there is the killing of the animal and, in some cases, the consumption of the meat of the animals. Other forms of killing the animal in which there are references to the sacrificial institution are not analyzed here. This is because in such forms of killing although the lexical reference to ritual sacrifice is present, they are not directly linked to the cultic institution and the ritual officiated by cult workers. One of the main examples in this sense is the  $\text{הָרַם}$  or the killing of all living beings and the total destruction during an action of the war. For an overview, see Janzen, *The Social Meanings of Sacrifice in the Hebrew Bible*, 164–176.

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categories of “violence” and “vulnerability.” These two categories outline the dynamics of force between sacrificers and victims.

The intensity and extent of animal exploitation challenge the category of violence.<sup>404</sup> This category seems to be mostly institutionalized in the biblical world through the institution of ritual sacrifice, whereby animals are subject to exploitation that is not only unpunished but even promoted. Even more disheartening is the fact that, although the modalities and purposes have changed, this exploitation seems to have remained unchanged in its mode of operation even in the contemporary world. There seems to be no doubt that, in biblical times as today, there is a clear distinction in the application of violence between humans and animals, that is, between those who exercise violence and those who, on the contrary, suffer it.<sup>405</sup>

As a starting point for outlining what social role is reserved for animals in the biblical ritual context can be significant the analysis of sacrifice proposed by Girard in his studies on violence and the sacred.<sup>406</sup> To understand the

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<sup>404</sup> The exploitation of animals, especially that which ends in the death of the animal, has been investigated from the point of view of human violence in numerous studies. For a recent perspective and critical bibliography see De Mello, *Animal and Society*, 280–307.

<sup>405</sup> The issue of violence against animals and the power relations that govern the relationship between humans and animals in the contemporary world is analyzed in detail in Nibert, *Animal Oppression and Human Violence*.

<sup>406</sup> R. Girard’s theory of sacrifice is varied, complex, and involves different levels. In this study, I will consider parts of the theories argued in Girard, *Violence and the Sacred*, 1977, where the scholar proposes his own anthropology of the mechanisms of the choice of victims, or “scapegoats”, which are behind all human culture. Drawing mostly from literary sources typical of Greek culture, the scholar focuses on the relationship between violence and mimesis in this study. The question underlying his investigation is: how could men escape the exponential and destructive circularity of revenge? René Girard’s answer is unequivocal: by turning collective violence against a single, a scapegoat, and by investing the latter, at the same time, with the responsibility of the crisis and its resolution, thus creating the ambivalence of the sacred. Girard’s theories, therefore, propose a complete anthropology of the sacrificial institution. As such, it is problematic when applied in its entirety to the biblical text. As will be done in this paragraph, his intentions can provide food for thought to investigate what dynamics are at play within the sacrificial institution. For an overview of Girard’s theory of sacrifice applied to the biblical text, see Milbank, *Stories of Sacrifice: From Wellhausen to Girard*, 15–46. Significantly, a recent volume investigated the ritual and religious conception of the ancient Near

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meaning of ritual sacrifice – especially the bloody sacrifice – the scholar suggests reading it from a social context. Rituals, especially with animal victims, would be the outcome of a system that channels and manages violence within a social group.<sup>407</sup>

According to Girard's theory, the bloody sacrifice responds, within human societies, to the urgency represented by the problem of containment of violence, an issue particularly pressing for the survival of the groups themselves. The scholar explains that violence essentially functions as an agent capable of exponentially propagating itself once generated.<sup>408</sup> The propagation of violence endangers the group's very existence because, without restraining methods, it would lead the group to extinction. Once generated, violence is constantly destructive, as it can generate revenue and open an endless spiral. To remedy this infinite spiral, humans have been forced to find a mechanism that provides a solution to the problem of violence. This solution, according to Girard, is the mechanism of scapegoat victimization, of which sacrifice is the ritualized and codified expression.<sup>409</sup>

How does this mechanism work in connection to the sacrificial practice? The core of the functioning of the sacrificial device is exposed in the first pages of "violence and the sacred" through the example of the episode of the madness of Ajax taken from the famous Sophoclean tragedy.<sup>410</sup> The myth tells of the Greek warrior Ajax Telamonius who, angry with the army leaders who had denied him the weapons of Achilles, assigned them instead to Ulysses, goes out at night from the camp and exterminates the livestock intended for the sustenance of the troops. Ajax, blinded by rage, confuses the poor animals with the warriors he wants to avenge. The hero's violence is vented on subjects that have nothing to do with his conflict and are extraneous to any of his hatred. The livestock, a third subject and external to the conflict and the community of the Greek army, acts as a substitute for the warriors. Interestingly, this substitute function not only appeases Ajax's fury (in the night,

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East from Girard's socio-religious theories. See Hodder, *Violence and the Sacred in the Ancient Near East*.

<sup>407</sup> Girard, *Violence*, 2.

<sup>408</sup> Girard, *Violence*, 15.

<sup>409</sup> Girard, *Violence*, 9–11.

<sup>410</sup> Girard, *Violence*, 9.

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the oxen resemble the warriors so much that the hero does not realize his mistake), but, also – an essential aspect – does not revive the spiral of violence. Killing the animals avoids revenge that would have been generated if the other warriors had been killed.<sup>411</sup>

According to Girard, “the institution of sacrifice is based on effects analogous to those produced by Ajax’s anger, but structured channeled and held in check by fixed laws.”<sup>412</sup> The purpose of sacrifice would be exactly that achieved involuntarily by Ajax, namely, to channel violence towards a point where its destructive power is mitigated. Thus, animal sacrifice takes on a precise role within the social scheme. It works as a “deceit-violence” ploy, directing the aggression within the group in a specific direction.<sup>413</sup> The direction is the one that avoids a chain of violence, thus avoiding triggering a potentially self-destructive spiral, the bloodshed that is shed in conflicts between individuals. In this way, the channeling of violence may stop the chain of retaliation – as in the case of Ajax – favoring peace to the community that unanimously performs the rituals. In short, victim sacrifice allows violence to be vented against a substitute victim. This violence is vented against someone, or something, who has no particular reason to attract the thunderbolts of the violent, other than, Girard points out, to be vulnerable and within reach.<sup>414</sup> Here then, the vulnerability of the victim becomes central to the

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<sup>411</sup> The issue of animals and sacrifices in Girard’s anthropological reflection is meticulously addressed in Stefanoni, *On Origin of the Anthropological Machine*, 284–310.

<sup>412</sup> Stefanoni, *On Origin of the Anthropological Machine*, 284–310.

<sup>413</sup> It is significant that Girard uses the biblical story of Cain and Abel to explain this concept: “Violence is not to be denied, but it can be diverted to another object, something it can sink its teeth into. Perhaps such is one of the meanings of the story of Cain and Abel. The Bible offers us no background on the two brothers except that Cain is a tiller of the soil who gives the fruits of his labor to God, whereas Abel is a shepherd who regularly sacrifices the firstborn of his herds. One of the brothers kills the other, and the murderer is the one who does not have the violence-outlet of animal sacrifice at his disposal. This difference between sacrificial and non-sacrificial cults determines, in effect, God’s judgment in favor of Abel. To say that God accepts to Abel’s sacrificial offerings but rejects the offerings of Cain is simply another way of saying – from the viewpoint of the divinity – that Cain is a murderer, whereas his brother is not”. Girard, *Violence*, 4.

<sup>414</sup> “Violence is frequently called irrational. It has its reasons, however, and can marshal some rather convincing ones when the need arises. However, no matter how

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sacrificial paradigm. In other words, sacrificial ritual replaces spontaneously in a systematized way what violence would accomplish, and this systematization targets the vulnerable victim. Ritual acts as a means of channeling aggression and visceral violence in the direction of animals, considered in this paradigm as the most defenseless beings available to humans.<sup>415</sup>

The essential characteristic of a good sacrificial victim, then, is vulnerability. This specification is expressed in a twofold sense. The first is that the victim must be weak and, that is, unable to threaten the aggressors/sacrificers. The second is that the victim must be without someone willing to take his/her side and thus initiate the spiral of violence following the victim's death. It is necessary, in short, that all members of society consider the chosen victim as "expendable." That is, in essence, someone whose murder is considered a lesser evil than the greater good of social stability. The choice of the victim must put everyone in agreement, activating the most authentic sacrificial logic, that of all against one. Only unanimity, in fact, fully realizes the situation of indefensibility of the victim, guaranteeing the salvation and harmony of the group.<sup>416</sup> Inevitably linked to the victim's vulnerability is the violence exercised by those who exploit that vulnerability. The two instances are interconnected through a relationship of coercive imposition on the life of the victim.<sup>417</sup>

Given their inseparable relationship, vulnerability and violence are the main devices that characterize the sacrificial device in the theorization proposed by Girard.

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valid they appear, these reasons cannot be taken seriously. Violence itself will discard them if the initial object remains persistently out of reach and continues to provoke hostility. When unappeased, violence seeks and always finds a surrogate victim. The creature that excited its fury is abruptly replaced by another, chosen only because it is vulnerable and close at hand". Girard, *Violence*, 2.

<sup>415</sup> On this point see Stefanoni, *La vulnerabilità dell'animale*, 4–14.

<sup>416</sup> Stefanoni, *La vulnerabilità dell'animale*, 4–14.

<sup>417</sup> The issue of animal vulnerability and the violence exercised by humans on them has been analyzed by several scholars involved in Human-Animal Studies, especially constructing effective animal ethics. For an overview of the main positions on the subject and critical bibliography, see Taylor, *The Precarious Lives of Animals*, 60-72.

### 4.3 In the deepness of sacrifice

Although Girard's theory of sacrifice does not apply in its entirety to the biblical narratives and normative sections concerning rituals, the categories of victim vulnerability and sacrificer violence represent dynamics that can be found in the power relations between those who practice sacrifice and those who undergo it.<sup>418</sup>

For example, the category of vulnerability is quite evident in a story where the mechanism of substitution is decisive for the outcomes of the plot.<sup>419</sup> Read from an "animalistic" perspective, in the story of the binding of Isaac (Gen 22), the ram that will be sacrificed by Abraham in place of his son is depicted as a completely helpless and utterly vulnerable being. It is described as entangled in brambles (v. 13) and completely in the hands of man.<sup>420</sup> Instead of being helped to free itself, its vulnerable condition is exploited by Abraham who, in order to complete the sacrifice, kills the animal on the altar without hesitation. Although the ram is a wild male animal equipped with horns, it makes no resistance and is represented in all its vulnerability before Abraham's decision to kill it.

The descriptions of the rituals proposed by the legal texts also go in the same direction. The idea that the sacrificial animal is completely in the hands of the human being is also found in the fact that in several scenes in which a sacrifice takes place, there is never any mention of the possible resistance of

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<sup>418</sup> For the purposes of this study, I will not discuss the theory of the channeling of violence but will only use some categories that emerge from Girard's thought, namely that of Vulnerability and that of Violence. The question of sacrifice as a socio-religious mechanism aimed at channelling violence in the Bible was investigated in North, *Violence and the Bible: The Girard Connection*, 1-27. See also Klavans, *Pure violence: Sacrifice and defilement in ancient Israel*, 135-157.

<sup>419</sup> The sacrifice of Isaac has been the subject of countless interpretations. Several commentators have pointed out that an element of substituting the human victim for an animal victim is evident. For an overview of these positions and a history of the interpretation of the episode, see Noort, *The Sacrifice of Isaac: the Aqedah (Genesis 22) and its interpretations*.

<sup>420</sup> The term used to indicate that the ram is "trapped" indicated by the Niphal form of the root  $\text{נָחַס}$ . The same verb in the same form is expressed in Qo 9:12 to indicate fish trapped in the net in a simile that indicates the powerlessness of human beings in the face of death.

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the animal or any kind of practical problem related to the ritual. The animal, as if it were an inanimate object, is simply taken and sacrificed.<sup>421</sup>

This animal vulnerability opens up an understanding of what humans represent in these situations. Being on the side of the killer, the human being is the one who applies violence toward an animal. This violence is particularly emphasized by the just-described vulnerability of the sacrificial animal. The sacrificial animal is thus an animal that is recognized as vulnerable and not considered dangerous at all, on which violence can be easily exercised.<sup>422</sup> Ultimately, it is based on a criterion of dangerousness that the sacrificial system distinguishes on the one hand between beings that do not count and therefore easily and with impunity immolated – animals – and, on the other hand, superior living beings that instead are to be protected – human beings.<sup>423</sup>

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<sup>421</sup> The language used in the sacrificial sections emphasizes a certain objectification of the animal. A sign of this comes from the widespread use of the verb “to take” (לָקַח) (cf. Lev 1:17; 9:3; 12:8; 14:6.10.12.24.49; 15:14.29; 16:5), referring to the animal destined to become the sacrificial victim denotes the idea that the animals represent a group from which to draw with impunity. On the construction of the social animal as an object, see the previous chapter.

<sup>422</sup> Thus, in addition to animals, considered the sacrificial victims par excellence, the sacrifices of humans are also known in the cultural milieu of the ancient Near East. Significantly, the favored categories for becoming sacrificial victims are the “fearless” humans, considered “vulnerable,” that is, the marginal categories of humans. In this human category, one finds all those who have, for various reasons, few or no social ties. This, in a society that was based on social group membership, resulted in extreme vulnerability. It is no accident that the favorite categories to be sacrificed were prisoners of war, slaves, children, young virgins, foreigners, and individuals with physical and mental disabilities. In short, individuals are considered at the extreme end of society. Note that the opposite extreme also lends itself to sacrifice. For example, the king is considered an “outlier” human being and thus, in this sense, may be a good candidate to be a sacrificial victim.

<sup>423</sup> Girard states, “Thus, it is hardly surprising that in some societies whole categories of human beings are systematically reserved for sacrificial purposes in order to protect other categories”. Among the categories proposed by Girard, also that of similarity seems to be applicable to the biblical conception of the expendable animal. In the biblical context, expendable animals are pets. Now, albeit with due reservations, these were in many respects to be considered members of human society to some extent. In a society such as that of ancient Israel, domestic animals worked the land alongside humans, provided raw materials such as wool and milk, and shared the same living spaces with humans. They were, in essence, an integral

Therefore, Girard's theories offer food for thought to understand the dynamics in the exercise of the sacrificial function in the biblical text. In the relationship of force that is outlined, human beings are only those who apply unpunished violence towards animals who express all their helplessness and vulnerability in their condition as victim. However, as will be seen in the next section, this system is not entirely blocked, and some passages may at least challenge a completely fixed view of this relationship.

### 4.4 Conclusion. Thinking of vulnerability as a shared experience

As mentioned above, the sacrificial device provides, as a relevant parameter of equality, the ability or not to harm and is fundamentally based on the force of imposition on the other like the concept of equality proposed by Hobbes.<sup>424</sup> In essence, this is an equality based on a violent parameter and containing within itself a potentially destructive element.<sup>425</sup> Whether referred to the relationship human-human or if translated into the relationship human-animal, such a system ideally admits only two possible states. On the

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part of society, so much so that, in some cases, they were even considered real legal entities. As can also be seen from the account of Isaac's binding, linked to the discourse of similarity is that of substitution. This allows animals considered – at least in part – as members of society to be expendable. It is interesting to note that reverse substitution – as seen in the case of the Levite's concubine – creates irritating situations in which the principle of similarity is subverted, creating a distorted sacrificial situation. Therefore, The expendable animal is, even in the biblical text, recognized as vulnerable and considered part of the social fabric.

<sup>424</sup> This Girardian conception of equality has points in common with the reflection of Hobbes. In fact, Hobbes was the first to have identified and supported this conception by believing that the foundation of equality is not, for example, freedom or reason, but the identical capacity to harm. Obviously, the question of equality, which is one of the pillars of Hobbes' thought, referred to the relationship between human beings and not, as in Girard's formulation, to the relationship between man and animal in the sacrificial device as a whole. Because an analysis of Hobbes' perspective on equality is beyond this study's scope, I refer to the contribution and critical bibliography in Curran, *Hobbes on Equality*, 166–187 for an in-depth study of the issue mentioned here.

<sup>425</sup> See Hoekstra, *Hobbesian Equality*, 76–112.

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one hand, a true “balance of terror,” in which individuals use their equal capacity to harm as a mutual deterrent. On the other, a kind of perpetual state of war. If the conflict is triggered, it will be long and serious because it cannot end with the final victory of any of the contenders, since they are equal of the contenders since they are equal.<sup>426</sup> If referred to the status of biblical sacrificial animals, one becomes equal, that is, one becomes part of the “Human” category – and thereby claims the right not to be sacrificed – when one is no longer vulnerable or defenseless. From this point of view, it makes sense that animals that can prey on humans, such as big cats, are considered non-sacrificial. The reference to animal sacrifice as possible, because it is based on a perpetual relationship of force towards the type of animal that is more easily harnessed, should not be considered as a peculiarity linked to an archaic sensitivity towards animal life or a conception derived from a primitive mentality. From what has been said, if the only way to get out of the situation of inferiority is somehow linked to the non-harmfulness of animals, they seem condemned to remain for a long time on this side of the “sacrificial threshold” that is still perpetuated today in the form of indiscriminate exploitation especially for economic purposes. The underlying motivation over the millennia is always the same, as much for the standardization of animal sacrifice in ancient times as for the industrialized exploitation of today in which there are forms of institutionalized violence against animals.<sup>427</sup> The key lies in the

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<sup>426</sup> Hoekstra, *Hobbesian Equality*, 76–112.

<sup>427</sup> Most of the violence exercised on animals in the contemporary world shares with the biblical sacrifice the characteristic of being “institutionalized violence” or regulated, accepted, and therefore unpunished. As De Mello points out: “In fact, animal suffering and death in the meat, clothing, and vivisection industries or through hunting and wildlife control, or those who die through overproduction and euthanasia in the pet industry is not only not considered to be a form of violence, but also socially acceptable. We can call this type of violence institutional violence. [...] Institutionalized violence toward animals refers to the so-called regular forms of violence that are part and parcel of the biomedical, agricultural, entertainment, and pet industries. The agricultural industry, which inflicts violence on billions of animals per year, and the biomedical industry, which inflicts violence on hundreds of thousands of reported animals and millions more nonreported animals, are the best examples of settings in which wide-scale violence occurs and is not seen, or thought about, by most people. Another example are state wildlife services, which kill millions of wild “pests” such as coyotes, wolves, and prairie dogs, animals that

ease with which a donkey or young calf can be harnessed, the ease with which a horse that does not run fast enough can be whipped, and the ease with which hundreds of miles of chickens can be locked in cages. The reason why animals will never cross the “sacrificial threshold” lies in the enormous imbalance of forces at play in the relationship between humans and animals. The violent overpowering is a mode of management of the relationship between humans and animals that does not end in the sacrificial context but takes different forms in the contexts in which it is declined. Read in this perspective, the “animal question” seems to have no solution, as it closed in a cycle of power relations that sees the animals as necessarily below human beings.

However, the condemnation that forces animals to remain on this side of the sacrificial threshold is another aspect worth noting. The helplessness that distinguishes these living beings can be the point of access to a dimension of “shared vulnerability” or, in other words, the acquisition of awareness of the animal condition by human beings. Of course, this mechanism cannot completely break the sacrificial mentality. However, it can become a means towards a non-violent conception of the human-animal conception based on elements that emphasize their equality. In other words, the awareness that human vulnerability is on an equal footing with animal vulnerability can be an incentive for the valorization of animal life.<sup>428</sup> This becomes possible because the opening to the awareness of the equality of human and animal vulnerabilities means for the human being to open up to the victim.

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are seen to cause problems for ranchers or homeowners. This is an example of human-centered destruction— when we disturb habitat, causing wild animals to come into contact with humans—combined with an animal-centered response: our solution is to kill those animals”. De Mello, *Animals and Society*, 281–282.

<sup>428</sup> In a certain sense, this position has points in common with the theory proposed in Singer, *Animal Liberation*. In this classic work, the author posits the capacity of animals to suffer as the founding ethical criterion for an egalitarian conception of animals. As it is known, the book aroused an intense debate destined to continue over the years. Thanks to the work of Singer began to discuss the possibility of including animals among the moral subjects, attributing to humans’ direct duties towards them. For a recent overview of the debate around Singer’s theories, see Villanueva, *Against Animal Liberation? Peter Singer and His Critics*, 5–19.

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If we step outside the sphere of the normative sacrificial sections, the Bible seems to know this commonality of experience based on the vulnerability of animals, especially domestic animals, which are more docile and, therefore, more suited to the bloody ritual. It seems to me illustrative in this regard a passage contained in Isaiah 53:7 which states:

He was abused, yet he was submissive; he did not open his mouth. He was led like a lamb to the slaughter, like a ewe that is dumb before the shearers. He did not open his mouth.	נגש והוא בענה ולא יפתח פיו כשה לטבח יובל וכרחל לפני גזויה נאלמה ולא יפתח פיו
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The servant's acceptance of affliction in the context of the "fourth servant song" in the book of Isaiah is compared to the suffering of animals that, through slaughter and shearing, are "abused" and "subjugated" to the power relationship that underlies the Human-Animal relationship. It is not secondary that because the similarity to the animal condition is associated with the verb נגש used specifically to describe the Egyptian taskmasters, oppressors of Israel before the exodus from Egypt.<sup>429</sup> To describe his suffering, the prophet places the unnamed servant at a level of vulnerability that is what is normally experienced by animals. Read from an animal-oriented perspective, the author's awareness transpires here that when a lamb is led to the slaughterhouse or a sheep is forced to be sheared, they are on the side of the victims. Although the issue is a matter of debate, it is also interesting to note that several scholars have associated the themes of this passage with the sacrificial sphere.<sup>430</sup> Blenkinsopp states:

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<sup>429</sup> Cf. Ex 3:7; 5:6.10.13.14. It is also significant that in the book of Isaiah, the term is used several times in specific reference to those who oppress (cf. Isa 3:5.12; 9:4; 14:2.4; 58:3).

<sup>430</sup> The "anonymous servant" who appears in Isa 52:13–53:12 has been the subject of numerous analyses in the history of textual interpretation. Much of the interpretation depends in essence on how scholars understand the comparison between the servant and the lamb in Isa 53:7. This comparison has led many scholars to question whether the servant was playing the role of the sacrificed animal here. In favor of this comparison there are several arguments especially based on a variety of recurring images and expressions in the textual section that could provide a link

It seems that it was the vocabulary of sacrifice that provided the prophetic author with the means for expressing this discovery about the significance of the Servant's suffering. The most explicit statement is that he served a function analogous to a reparation or trespass-offering (*'āšām* 53:10a). According to ritual prescription, the *āšām* was an animal, either a ram without blemish, a lamb, or a goat offered for sacrifice as a means of expiating for certain kinds of voluntary or involuntary sin (Lev 5:1–26[5:1–6:7]; 7:2; 14:24). The Isaian poet does not state the analogy in formal terms or explore it at length, but it is hinted at elsewhere in the poem in the image of a sheep being led to the slaughter (53:7b) and the pouring out of the life-blood (cf. Ps 141:8, the same verb, also with *nepēš*). The statement that the Servant bore the community sin also echoes the scapegoat ritual (Lev 16), in which one of the two animals is sacrificed as an atoning sin-offering (*ḥaṭṭ't*), and the other carries all the community's iniquities into a solitary, literally, "cut-off land" (*'eres gēzêrâ*), recalling the Servant's being cut off from the land of the living (*nigzar mē'eres hayyîm* 53:8b).<sup>431</sup>

The humiliation felt by the Servant in the prophet's words is linked to the animal condition, with reference to the violence suffered during a sacrifice

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to the ritual texts of the Pentateuch. Against this interpretation there is typically the criticism that the text of Isaiah lacks the priestly technical vocabulary typical of Leviticus. Curiously, the arguments for and against the interpretation of the figure of the servant as sacrificial victim seem to rest on the same arguments. According to Zimmerli, *Zur Vorgeschichte von Jes 53*, 213–221, the text of Isa 53:7 should be interpreted against the background of Lev 16, i.e., the ritual of the scapegoat. Mettinger, *A Farewell to the Servant Songs*, 41, following Zimmerli states "Several unmistakable allusions to the priestly tradition of driving the scapegoat into the wilderness to carry off the sins of the people are to be found in Isa 53". These positions have been strongly criticized by other scholars who do not see any connection of Isa 53:7 with Leviticus-type rituals. Kutsch, *Sein Leiden und Tod*, 186–7 notes that the language of Isa 53 contains no lexical reference to the text of Lev 16 and that the word used for "slaughter" (טבח) in Isa 53:7 never appears in either Leviticus or Numbers. Despite these objections, it remains that most scholars tend to note the text of Isa 53:7 at some level of allusiveness to the sacrificial institution. On the issue and for abundant critical bibliography on the debate see Schipper, *Interpreting the Lamb Imagery in Isaiah 53*, 2013, 315–325.

<sup>431</sup> Blenkinsopp, *Isaiah 40–55*, 351.

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or, in case one does not want to accept this interpretation, to the animal slaughtered for food. Here the animal is aware of its impotence and, inevitably condemned to death, silently accepts its humiliating destiny. The Servant, undoubtedly a human being, can experience an animal condition.

Another passage from prophetic literature proposes a similar view. The passage in Jer 11:19 lumps together, like Isa 53:7, the condition of human vulnerability with that of animal vulnerability:<sup>432</sup>

And I, like a friend lamb being led to the slaughter, knew not that they plotted against me, and said, "Let us cut down the tree in its full strength, let us pluck it from the land of the living; let no one remember its name any more."	ואני ככבש אלוף יובל לטבוח ולא ידעתי כי עלי חשבו מהשבות נשחיתה עץ בלחמו ונכרתנו מארץ חיים ושמו לא יזכר עוד
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Amazingly, in this passage, the prophet compares those who plot against him to those who lead the lamb to slaughter. The language with which the prophet expresses this concept is particularly significant. The lamb (כבש) is accompanied by the adjective אלוף. This word, which translations tend to translate as "amiable," "meek," or "docile," in reality in its 9 biblical attestations always has the meaning of "brotherly friend," or "companion" even in the book of Jeremiah itself (3:4 and 13:21) and, except in our case of Jer 11:19, is never referred to an animal but always to a human being.<sup>433</sup>

In short, those who lead an animal to slaughter are compared to those who plot against a friend.<sup>434</sup> In this passage, the prophet empathizes with the vulnerable condition of the animal by sharing not only the physical but also the emotional suffering of one who has been deceived by those he did not

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<sup>432</sup> Allen, Jeremiah, 144 n.17, proposes a dependency connection between the two texts: "In Isa 53:7, which may have been inspired by this text, it refers rather to unresisting compliance."

<sup>433</sup> Cf. Ps 55:13; Pr 2:17; 16:28; 17:9; Jer 3:4; 13:21; Mich 7:5. In the biblical text the term always indicates the concept of "friend", "companion", "close friend". It is interesting to note in this regard that the term shares a root with the term אלה which means "catches". See HALOT, 54.

<sup>434</sup> See Goldingay, Jeremiah, 115.

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expect. Important here is to note that the context expressed by the verb “to slaughter” (טבח) does not necessarily lead back to an exclusively sacrificial context but can also refer to the simple act of killing an animal to make food.<sup>435</sup>

Remaining in the book of Jeremiah, it is interesting to observe how the discourse can also be approached from an opposite perspective. The awareness that violence is exercised on the animal destined for the slaughterhouse is also expressed when this image is towards the enemies. Jer 12:3 states:

But you, Lord, know me and see me, you prove that my heart is with you. Pluck them out like sheep for the slaughter, sanctify them for the day of killing.	ואתה יהוה ידעתני תראני ובחנת לבי אתך התקם כצאן לטבחה והקדשם ליום הרגה
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In this passage, the prophet lashes out at those he calls “traitors” (v. 1) (בגד), invoking divine punishment for them. According to the prophet, God should treat the traitors no differently from the sheep slaughtered.<sup>436</sup> It is interesting to note that, even though the term “slaughter” (טבח) – which refers to a meaning linked to food – is simply mentioned, the term “sanctifies” (הקדשם) is present and can be understood as a link of the prophet’s invective to the

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<sup>435</sup> The passage has been explicitly linked to the sacrificial institution by Baumgartner, Jeremiah’s poems of lament, 43. A meaning related to the sphere of sacrifice is expressed instead by the same passage as it is reported in the Greek tradition of the LXX. In this passage, the Greek text reads: <sup>19</sup> ἐγὼ δὲ ὡς ἀρνίον ἄκακον ἀγόμενον τοῦ θύεσθαι οὐκ ἔγνω· ἐπ’ ἐμὲ ἐλογίσαντο λογισμὸν πονηρὸν λέγοντες Δεῦτε καὶ ἐμβάλωμεν ξύλον εἰς τὸν ἄρτον αὐτοῦ καὶ ἐκτρίψωμεν αὐτὸν ἀπὸ γῆς ζώντων, καὶ τὸ ὄνομα αὐτοῦ οὐ μὴ μνησθῆ ἔτι (But I, like an innocent lamb led to the sacrifice, did not know. They devised evil plans against me, saying, “Come, and let us throw wood into his bread, and let us wipe him out from the land of the living, and his name will no longer be remembered). In the words of the Greek text, the prophet identifies himself as a lamb being led to the place where he will be sacrificed (θύω) as an offer. This action is seen as the work of those who devise “evil plans” or “evil actions” (λογισμὸν πονηρὸν) against an innocent (ἄκακον) victim. For a critical-textual analysis of the passage, see Walsler, Jeremiah, 269.

<sup>436</sup> Metaphorically associating the enemy with an animal is common in the biblical text (cfr, for example Ps 22 and Ps 59). On this point, see Van Hecke, Metaphor in the Hebrew Bible, 48–53.

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sphere of sacrifice.<sup>437</sup> The act of killing enemies is understood here as a violent action perpetuated by God and is compared, through the image of sheep at the slaughterhouse, to the violent action of man towards the animal.

Similarly, in the evocative language of prophetic exhortation, a significant image is used in Zach 11:4–5:

4 So speaks the Lord my God, "Graze those sheep for slaughter 5 Which the buyers slaughter with impunity, and of whom the sellers say, 'Blessed be the Lord, I have grown rich', and their shepherds have no pity on them."	4 כה אמר יהוה אלהי רעה את צאן ההרגה 5 אשר קניהן יהרגן ולא יאשמו ומכריהן יאמר ברוך יהוה ואעשר ורעיהם לא יחמול עליהן
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In a comparison that superimposes the figure of Judah's ruling class on that of the shepherd, the bad leaders are compared to those shepherds who, once they have sold an animal to a buyer who will kill it, have no pity or compassion for the animal.<sup>438</sup>

Should the one who shepherds the sheep that will be destined for slaughter then have compassion on them? The term used for compassion (חמל), accompanied by the preposition על is the same as that used in Ex 2:6, when Pharaoh's daughter, having seen the little Moses crying in the basket abandoned on the banks of the Nile, had compassion (חמל על) on him and decided to save him. The same term is also used in the opposite sense. Indicative is the example of 1Sam 15:3 in which Samuel, ordering Saul to destroy Amalek completely, commands him not to have compassion for him (ולא תחמל עליו) but to kill any living thing, including women, infants, and animals. The term accompanied by the preposition על seems to refer to situations in which life and death are at stake, especially for those deemed vulnerable.<sup>439</sup>

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<sup>437</sup> See Douglas, *The Cessation of Sacrifice*, 12–31. See also Milgrom, *Concerning Jeremiah's Repudiation of Sacrifice*, 273ff.

<sup>438</sup> Although it is difficult to identify the precise people to whom the text refers, it is clear from the context that the prophetic exhortation is addressed to the ruling class of Judah. See Reventlow, *Zaccaria*, 175.

<sup>439</sup> Cf. also 1Sam 15:9.15; 23:21; 2Sam 21:7.

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Although it is clear that in Zach 11:4–5 the comparison uses the image of animals to refer to human beings, it is interesting to note the very fact that to describe the lack of pity of a ruling class, the absence of pity of a shepherd towards his sheep is pointed to. If the image was meant to elicit compassion for the weak gods, at the same time, to convey the gravity and lack of empathy of Judah's ruling class, it goes without saying that a shepherd who felt no pity for his animals sold for slaughter must have seemed equally lacking in compassion. In this way, although it is clear that the use is metaphorical and uses animal imagery to refer to entirely human events, the prophetic language suggests a certain awareness of the negative experience of animals in certain situations caused by humans. This experience, which includes the moment of the animal's death for food, sacrifice, or both, is used in a game of metaphors addressed to the reader, who through the image, can understand the vulnerability by comparing it to that of the animal destined to death.

In these examples from the prophetic texts, the instance of awareness of the animal's vulnerability emerges. As we have seen, the texts link this vulnerability to both the sacrificial sphere and the use of animals as food. When read in a mirrored perspective, the comparison with the prophet's situation considers the animal destined for slaughter (and thus to become food) or the altar (and thus destined to be a sacrificial victim) as one who suffers the violence of those who plot against him. The awareness of the vulnerability of animals emerges clearly in these passages. Humans betray the friendship (expressed through the word אֱלֹהֵי) of animals in order to perpetrate violence against them. Following the image of Isa 53:7, the animal can do nothing but remain silent. These passages, although decidedly minor, at least quantitatively, compared to the sections dealing with sacrifices-allow one consideration. Vulnerability is not only the key to sacrifice but can also be read as a fracture in this same device. This becomes possible because opening oneself to an awareness of vulnerability ultimately means opening oneself to the victim.

This opening can be a step towards a re-modulation of the human-animal relationship otherwise based only on the exercise of force. Clearly, this opening can not rebalance the obvious imbalance of power between humans and animals. However, it can help to build an alternative way to manage the

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relationship with animals: not the overpowering and exploitation but the identification and participation in their suffering.

Read from the perspective proposed by the passages in Isaiah and Jeremiah, the inability of animals to react to human exploitation no longer constitutes an authorization to use their strength with impunity to satisfy their interests. On the contrary, it should develop an ethical response to respect the animal. If it is clear that a line of fracture does not allow a departure from the sacrificial logic, it allows a ground for reflection that moves in the direction of care, defense, and those who are considered weaker. In essence, awareness can contribute to the promotion of an inclusive, anti-authoritarian attitude that seeks to create a different feeling toward animals. As in the case of the biblical prophets cited above, an attitude that emphasizes the condition of suffering and vulnerability can be one that humans and animals share, showing the intersectionality of oppression both when suffered by animals and when suffered by humans.

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At the end of this journey, one might wonder what the result of so much effort is and whether it was worthwhile to address issues that remain fundamentally marginal in such depth. There is no doubt that, perhaps unaware, the Judeo-Christian tradition, unlike other religious cultures, has also based the legitimacy of intensive exploitation of animals for its use on theological foundations. What would our relationship with animals look like today if, by chance, Buddhism had prevailed in the West? How would our culture have constructed the social image of animals if Jainism or, why not, Pythagoreanism had prevailed? It would probably be very different from what we have today. Perhaps we have an example of this in some places that are remote to us. In the Gujarat region of India, it is simply forbidden to be a carnivore and obligatory to be a vegetarian. However, in our world, things are different. Except for minor attempts at resistance, humankind has often succumbed to the instinct to overpower animals in any way possible. Whether the relationship is one of force or coexistence based on mutual respect, the history of the relationship between humans and animals is as old as our species and has had its own distinctive and specific traits over the centuries. In the different spaces and times in which human societies have sought their place in creation, contact with animals has been a constant, which becomes even more vivid if we refer to the ancient world. Through the centuries, humans have developed practices and manners to manage this relationship and have attempted to integrate the animal into their culture conceptually. This process occurred – and still occurs today – through the mechanism of the social construction of animals.<sup>440</sup>

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<sup>440</sup> An overview of the concept of “social construction” referring to animals is provided in De Mello, *The Social Construction of Animals*, 57–72. See also Stibbe, *Language, Power and the Social Construction of Animals*, 145–161.

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In these pages, I have tried to outline some aspects of the social construction of the animal as it appears in some biblical texts. Of course, as has emerged several times within the preceding pages, the Bible does not provide any systematics on the role that animals play within society. For this reason, I have decided to focus on three moments in which the role of animals in the context of the ancient society that produced the Bible emerges strongly. The first of these is Creation. The texts recounting the creation of the world contained in the book of Genesis are, as it turns out, year the purpose of grounding the reality in which the reader is immersed. Obviously, this reality also includes animals. The second moment I have chosen is the legal texts. In the biblical context, the Law is an irreplaceable norm that regulates every relationship of the human creature with God and establishes the guidelines of the relationship between humans. As indispensable elements of ancient society, the Law must somehow take into account the presence of animals. The normative sections also ground a way of understanding society and, consequently, a way of establishing the boundaries and role of the elements of society, including animals, in the context of Israel's life. The last moment I have chosen is the one related to sacrifice. The biblical ritual act is largely characterized by the bloody sacrifice with the domestic animal as the victim. In this sense, the sacrificial act establishes a certain role of the animal within society and founds a certain way of conceiving the human-animal relationship. The thread connecting these aspects, the investigation of which has necessitated the use of varied methodologies, is the common hermeneutic approach that seeks to highlight from the few footholds the text grants what space animals occupied in the mindset of the ancient biblical authors.

What kind of conclusions do we come to from such an analysis? One would expect from such an approach an obvious emancipatory attempt, along the lines of post-colonial exegesis, to take one example.

Regarding animals, if the goal is to use the Bible for a textual basis that legitimizes a liberation movement, things get particularly complicated. Although applying the lens of human-animal studies certainly has the merit of reevaluating the role of animals in biblical texts, it should not be forgotten that the Bible consists of texts that are more than two millennia old and were

produced in a society in which sensitivity to 'green' issues was not even imaginable.

As the chapters reveal, the social image of the animal, as constructed by the text, is unlikely to lay the foundation for a biblically motivated animal liberation movement.

This can be seen from the relationship the Bible establishes with the natural element and non-man-made spaces. As seen in the first chapter, in the Creation narratives, wilderness mainly constituted an enemy reality ready to take back its space as soon as anthropogenic pressure diminished and not an element to be preserved intact. This conception also emerges in the biblical account traditionally referred to as the point of most significant contact between man and nature. The famous 'garden' of Gen 2 constituted a 'planted,' 'cultivated' – and thus by nature a not natural – space amid an inhospitable and dangerous world. The "paradise," which we imagine to be a natural and unspoiled place, is a human-oriented place, an artificial place where nature and its dangers are tamed to serve humans. Further confirmation of this orientation results from an analysis of the narratives in which animals are created. The texts of Gen 1 and Gen 2 lay the foundation for the relationships among the elements of creation that will later develop throughout the Bible. Among the created elements that constitute reality, we also find animals, which in these texts make their first appearance in the theater of history. Based on these assumptions, the question I asked myself is: what kind of human-animal relationship do the creation texts construct? How do the creation narratives of the world construct the social image of the animal? What has emerged is a human-animal relationship undoubtedly built on human-oriented hierarchical criteria. Animals, in the creation narratives, are not constructed as beings equal to humans but are placed one step below. This is powerfully visible in the device of blessings pronounced in Gen 1 in which God addresses humans and animals differently, establishing with the former a direct and personal interlocution that he does not undertake with the latter.

This orientation also emerges in the mention these texts make of domestic animals, created already domestic in Gen 1 and made domestic after their first contact with humans in Gen 2. However, at the same time, an in-depth

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analysis of the terminologies and themes addressed allows for a reassessment of the power given to man over nature by God. The concept of dominion over nature and animals, as seen in the chapter, should not be interpreted as a theological pass to the destruction of the planet or legitimization of the despotic exercise of power, but rather understood as a reliance on responsibility in which man secures a future for creation.

The same trend emerges from the analysis conducted in the second chapter. First, significant is that the legal sections of the Pentateuch never address the issue of animal ownership directly. The fact that an animal can be owned and that any kind of power can be exercised over it is an obvious fact for the text, which does not even need to be made explicit. The animal, for biblical law, is at the complete disposal of its owner in a power relationship that inevitably sees it as an object.

This applies as much to domesticated animals, as to the children of those animals as to the animals in one's path. Anyone can appropriate a wild animal to eat it, work it or sacrifice it. The only limitation to this possibility is other people's property. If the animal belongs to another person, the law protects its owner by prohibiting third parties from appropriating or damaging the animal. In all other cases, animals can be bought, sold, exchanged, or destroyed like any other property. However, concerning direct liability, usually not accorded to objects but only to legal subjects, the Bible presents some opening spaces that seem to elevate animals to subject status by assigning specific sanctions to them. Let us be clear, this means that the animal is equated with man in all respects. This recognition of responsibility is granted only in certain situations and only to inflict the death penalty on them. However, from a legal point of view, this comes across as an anomaly that elevates the animal to a trialable subject and, consequently, a subject. In some passages, as Olyan has studied, it would seem that animals, wild and domestic, are even assured certain basic rights equal to the most disadvantaged classes in the community.<sup>441</sup> Although, as is obvious, we are far from being able to say that the Bible envisages a condition of equality between man and animal, such openings make it possible to reevaluate the concept of the subjectivity

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<sup>441</sup> See Olyan, *Are there Legal Texts in the Hebrew Bible that Evince a Concern for Animal Rights?*, 321–339.

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of the animal, which is understood, in this sense, not as a mere object but, on the contrary, as a subject who is recognized as having a certain capacity for the agency – in the case of penal responsibility – and the need to meet certain basic needs.

In the last chapter the setting of the biblical hierarchy that emerged in the previous chapters, which sees man above the animal, emerges strongly. The sacrificial system, if read from an animalist perspective, appears to be governed by an unequivocal power relationship in which animals are always the victims and humans are always the perpetrators. Thanks to the theoretical support of Girard's system, we have seen how pets are subjected to sacrificial device as vulnerability is the center of the system. Precisely the vulnerability of the animals chosen for the sacrifice causes the system of violence to feed itself into the sacrificial device, forcing the animals to get stuck in a vortex of death. The sacrificial device is therefore configured as the maximum expression of the relationship of strength with which the human approaches the animal. The account of how Abraham appropriated the ram in Gen 22:13 exemplifies this trend. The animal is simply taken, killed, and sacrificed without its suffering being the least considered. The ram, in its being entangled in the bush expresses in that context all the vulnerability of the sacrificial animal which, in the hands of man, cannot help but succumb. However, even in this case, the biblical text allows reflection when considered more broadly. While it is true that in legal texts the torment of the sacrificial victim is simply silenced, some expressions used in the prophetic texts suggest that the biblical authors were aware of the vulnerability and consequent suffering of their animal victims as they were led to the altar to be offered as a sacrifice. Parallelisms in which the prophet besieged by his detractors compares himself to the animals besieged by the sacrificers can be found in several prophetic texts and, in some cases, the prophet betrayed by his companions compares himself to the sacrificial animal, betrayed by those who have him grown-up who, in the end, lead him to the altar. Just as the animal is vulnerable in the face of man, the human being is vulnerable in the face of threats. In this way, these rare prophetic texts open to the possibility of sharing suffering with the animals on which we exert violence. Although it is not sufficient to affirm

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an animalist position of the Bible, certainly these prophetic openings can be interpreted as an attempt to get closer between us and other creatures.

Summing up the results, looking at the three chapters synoptically, it is possible to find a similar movement proceeding on a double track.

On the one hand, the textual evidence confirms the conceptions of the time in which the Bible was conceived, produced, and compiled. The perspective we might call animalistic is absent and could not be otherwise. Ferocious animals and wilderness are perceived by the text as hostile elements to the extent that they become, in some cases, privileged symbols of landscapes we might call hellish. Domestic animals, on the other hand, are at man's complete disposal. Considered hierarchically inferior to humans they are regarded as tools of labor, bargaining chips, and sacrificial offerings with no specific interest in their welfare except in very rare cases.

On the other hand, at the same time, the texts seem to offer some spaces for reflection that can make a minimal dent in this purely utilitarian and ruthless conception. Let it be clear, that these passages represent an insignificant percentage of the entire biblical material on animals, however, this percentage exists and therefore can be highlighted.

In the society that produced the Bible, as in our societies, the animal was socially constructed from human needs. The animal was from time to time enemy, object, and sacrifice. At the same time, however, in a hidden and sporadic way, there seems to be the idea that animals can be someone we can look in the eye, someone who can suffer because of human behavior. In the biblical text, these moments are rare, almost unique but perhaps for that reason more precious.

### 5.1 Some further directions

Although many pages have been spent, the feeling is that very little has been achieved and that there is still much work to be done. This feeling is understandable when one considers that human-animal studies in the context of biblical studies are a topic still largely to be constructed. It is worthwhile, therefore, to outline some of the possibilities that remain open at the end of this work. One potential field of future research, which still needs the

## 5.1 Some further directions

construction of solid theoretical foundations, is that of animal agency in the Bible.

The agency and social impact of animals have rapidly become central themes in both archaeology and other disciplines related to biblical studies and the ancient Near East, which, in recent years, have embraced the so-called “animal turn”<sup>442</sup>. This can be seen as part of a broader posthumanist movement that decenters humans by critically addressing their role in the world. The animal agency recognizes the ability of animals to actively engage with humans and shape both their own lives and the nature of the human-animal (nonhuman) relationship. In this relationship, animals are understood as social agents and not simply as passive objects to which humans do what they want without any kind of feedback. Just as relationships between humans, relationships with other animals can prove to be varied, complex, and even contradictory. Friendship fear, violence, amusement, admiration, respect, and indifference can all figure prominently in these relationships with animals and everyone has, at least in part, the experience them. When we talk about animal agency, we are talking about a conscious recognition that even animals are not programmed machines like computers, but they make choices following a certain will and that these choices have consequences on the kind of relationships they have with us, humans. This does not mean that they have an equal choice to humans or that humans’ interactions with animals are identical to interactions between humans, but it does mean attributing a certain level of agency to animals. At the example level, we can perceive this agency when we adapt to the specific needs of each animal, and in some cases, we see it in the way humans have to adapt to the specific needs of each species and even each animal.

Studies on animal agency in the biblical text are more unique than rare. A few more steps have been taken regarding the ancient Near East so biblical studies can use these findings as a model for outlining some future research perspectives. Studies of animal agency in the ancient Near East have shown how animals were perceived as social agents, able to influence the

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<sup>442</sup> For and overview see Ritvo, *Animal planet*, 204–220; Recht, *Animals as Social Actors*, 593–606; Tsouparopoulou, *Fierce Lions, Angry Mice and Fat-tailed Sheep*; Sherman, *The Hebrew Bible and the Animal Turn*, 36–63.

## 5. Conclusion

environment, other animals, and humans. There is no doubt that identifying animal agency in a text like the Bible can be very challenging.

However, although the fragmentary nature and specific peculiarities of the biblical text the increasing amount of research in recent years leaves room for some optimism. Despite this, however, painstaking work on the texts and systematization of animal agency in the biblical text has yet to be carried out, and its realization would be a valuable contribution to both biblical and human-animal studies.

Another unexplored avenue of research concerns the dialogue of biblical studies with the ever-growing development of zooarchaeology in the Syria-Palestine areas.<sup>443</sup> The past decades have seen a sharp increase in the interest of animal remains by archaeological disciplines. The systematic study of animal remains recovered from archaeological sites makes a major contribution to the understanding of past human life in historical and prehistoric times and the relationship humans had with animals, both wild and domestic. The breadth of the field covers many topics: environmental and faunal reconstruction, feeding habits, domestication techniques and diffusion, subsistence strategies, and ritual and religious use of animals.

Although this field of study is developing strongly, to date there is no solid dialogue between the zooarchaeology of the Syria-Palestine area and biblical scholars. Animal remains are usually unearthed in considerable quantities during archaeological excavations. As such, they potentially offer statistically reliable information about how humans interacted with their environments and with each other. These data, when compared to the biblical record, may offer insights into how biblical authors interpreted their relationship with the natural world around them and understood, in this way, their place within the world.

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<sup>443</sup> This field of study has seen a significant increase in recent years. See, for example, Sasson, *Animal husbandry in ancient Israel*; Greenfield, *The Zooarchaeology of Cult*, 108–119; Berger, *Feeding Cities?*, 13ff.

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