

Respect for Animal Life in the Book of Leviticus. How *Green* Were the Priestly Authors?

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ABSTRACT

The article engages with Leviticus 11 and with some of the ways in which it has been used in the ecotheological debate. Leviticus 11 is part of the Priestly text and Priestly theology has mostly been criticised for its legalism and ritualism as well as for its stifling of spontaneity. Recently our understanding of the priestly worldview has vastly improved and scholars tend to show more appreciation of the priestly cosmology, where Israel finds its place amongst other nations, but where there is also a place for animals in relation to humanity. The well-known Torah scholar Jacob Milgrom has insisted for more than forty years that there is an ethical system of "reverence for life" behind these laws. And the anthropologist Mary Douglas has argued that a respect for animal life is part and parcel of the priestly world-view and is clearly expressed in the priestly sacrificial system. This article attempts to critically engage with these two contributions to biblical scholarship.

A INTRODUCTION

It should come as no surprise that more and more biblical scholars are entering the debate on eco-ethics. The debate on global warming and the destruction of our world is heating up in the public sphere and everybody has at least heard of "global warming," even if there are some who go against scientific consensus and have been labelled "denialists." For many years concepts such as the "integrity of creation" have also been used in ecumenical circles and more and more churches are getting involved in the discussion. As Van Dyk puts it:

Fortunately during the past thirty years, and especially since the Moscow challenge, some Christian theologians and congregations have cultivated a new appreciation for "green" matters.¹

Christianity and theologians are thus getting onto the bandwagon.² Few would disagree that these are all good developments, although many would

¹ Peet van Dyk, "Challenges in the Search for an Ecotheology," *OTE* 22/1 (2009): 186-204. The "Moscow challenge" he refers to emerged in 1990. See Van Dyk, "Challenges," 187. See also Gunther Wittenberg, "In Search of the Right Metaphor: A Response to Peet van Dyk's 'Challenges in the Search for an Ecotheology': Part One: Metaphor and Dominion," *OTE* 23/2 (2010): 427-453.

² See Willie S. van Heerden, "Taking Stock of Old Testament Scholarship on Environmental Issues in South Africa: The Main Contributions and Challenges," *OTE* 22/3

think that it is probably too little too late. Part of this issue is still the fact that many think that Christianity is partly to blame. The sentiments aired by Lynn White³ in the 1960s on the complicity of Christianity in creating this ecological crisis are still very much with us.⁴ Conradie has actually identified two trends with regard to the study of the Bible and the ecological debate: (a) some scholars attempted to defend Christianity against White's accusations; and (b) others have been looking for "ecological wisdom" in the Bible.⁵ Thus much of what biblical scholars do could be described as a kind of apologetics against the charges levelled by White. Yet even if we were only to set out looking for "ecological wisdom" in the Bible, hermeneutically this search would not be a simple search. In some of these studies one does get the impression that there is a real danger that we might end up forcing texts into saying things about modern-day debates which are really foreign to biblical texts and thus the old problem of anachronism arises. One example will suffice:

In a recent article by Ademiluka⁶ on Leviticus 11-15 one often gets the impression that the Priestly authors knew a great deal about modern medical science. The following two sentences from the introduction will illustrate the problem:

These regulations [i.e. Lev 11-15] contain aspects mandating proper care of the *environment* in order to prevent *infection* and the spread of existing disease. Although the primary aim was ritual cleanness, the concern for environmental *hygiene* makes an ecological interpretation of the text possible.⁷ [my italics]

Words such as "infection" and "hygiene" are contemporary terms used by modern medical science which presuppose a certain understanding of germs

(2009): 695-718, for an overview of the contributions made to this debate by Old Testament scholars from South Africa. Initially Van Heerden ("Taking Stock," 695) says that "what has been done cannot be regarded as more than tentative initial explorations." Later, he ("Taking Stock," 714) concludes his article by describing South African Old Testament scholarship in the ecotheological debate as "green," meaning "fresh on the scene and beginning to find its way." We are thus entering uncharted territory.

³ Lynn White, "The historical roots of our ecological crisis," *Science* 155 (1967): 1203-1207.

⁴ See Joseph Blenkinsopp, *Treasures Old & New: Essays in the Theology of the Pentateuch* (Grand Rapids: Eerdmans, 2004), 37-38. Blenkinsopp does not think that White's criticism was fair. He would rather agree with James Barr that the worst exploitation of nature occurred "under the reign of a liberal humanism."

⁵ Ernst M. Conradie, "Towards an ecological Biblical hermeneutics," *Scriptura* 85 (2004): 124-126.

⁶ Solomon O. Ademiluka, "An Ecological Interpretation of Leviticus 11-15 in an African (Nigerian) Context," *OTE* (2009): 525-534.

⁷ Ademiluka, "Ecological Interpretation," 525.

which the ancient authors simply did not know.⁸ The same goes for a term such as "environment," which presumes a modern-day understanding of humanity's relationship to, and dependence on, nature.⁹ Later one even hears that "the prohibition from touching putrefying animals anticipated ecological issues in modern times in the form of persons being rendered 'unclean,' not ritually but in terms of being infected with certain disease."¹⁰ How the Priestly authors anticipated our current ecological issues is not clear, but this example shows how precarious the whole exercise is of looking for "ecological wisdom" in ancient texts. There is a real danger that given the acuteness of the current ecological crisis, we might end up seeing things in the text that we want (and need) to see, but things which are not really there.

In the rest of the article I would like to explore the problem of looking for ecological wisdom in biblical texts further by engaging with Leviticus 11, which has recently been put forward as a possible source of ecological wisdom. Scholars have been looking for a rationale¹¹ behind Leviticus 11 for centuries and below I will discuss two scholars who have come up with explanations which might be useful in the ecological debate.

There is also another important issue one needs to keep in mind when one reads Leviticus 11, some "exegetical baggage" one could say. Leviticus 11 is part of the Priestly text (P). Since the days of Wellhausen the Priestly text (P) has not exactly been a respected source of theological insight for biblical scholars. Priestly theology has mostly been criticised for its legalism and ritualism as well as its stifling of spontaneity.¹² But things have changed lately. In this article I will offer the views of at least two scholars who have argued differently, namely Jacob Milgrom and Mary Douglas. Both of them have attempted to

⁸ It is clear that the Priestly authors knew that some diseases could indeed spread, but it is also clear that they had no understanding of viruses or bacteria which might cause these conditions. Many scholars would still argue that disease was understood as punishment from God. See Baruch A. Levine, *Leviticus* (Philadelphia: Jewish Publication Society, 1989), 75.

⁹ See also Van Dyk "Challenges," 195. Here he discusses the fact that some modern terms like "nature" and "culture" are not found in the Hebrew Bible. He then says: "Environmental degradation was probably not a major issue in biblical times due to the fact that, even though population densities increased significantly with the switch to an agricultural mode of existence, the density remained nonetheless so small that it never caused more than local crises."

¹⁰ Ademiluka, "Ecological Interpretation," 529.

¹¹ See Jiri Moskala, "Categorization and Evaluation of Different Kinds of Interpretation of the Laws of Clean and Unclean Animals in Leviticus 11," *Biblical Research* 46 (2001): 5-41. He identifies no fewer than 14 different reasons for these distinctions.

¹² Joseph Blenkinsopp, *The Pentateuch: An introduction to the first five books of the Bible* (New Haven: Yale University Press, 1992), 10-12.

attribute theological value to P, especially in their engagements with Leviticus 11 and the dietary laws we find there. Mary Douglas (who passed away in 2007) was well known in biblical circles ever since her *Purity and Danger* appeared in 1966.¹³ Although Douglas later abandoned her earlier ideas, she continued to offer explanations for how we should understand these distinctions. The work that I will engage with was her most recent on Leviticus, which was published in 1999.¹⁴

The work of Jacob Milgrom (who passed away in 2010) needs no introduction. His commentaries on Leviticus and Numbers speak for themselves. The work discussed below will be mostly his commentary on Leviticus, published in 1991,¹⁵ but also a later commentary by him which appeared in 2004.¹⁶ The idea which he advocates here, namely that the intention¹⁷ of the Priestly authors was to teach a certain respect for life, goes back to an article already published in 1963.¹⁸ Eventually both of these authors presented similar arguments when it comes to understanding the protected place of animals in the Priestly worldview. This article is thus a critical engagement with their work.

B JACOB MILGROM

Since 1963 Jacob Milgrom has argued that the dietary laws in Leviticus on clean and unclean fit into a wider ethical system.¹⁹ The goal of the dietary laws was "to tame the killer instinct of man."²⁰ Milgrom's most extensive exposition

¹³ Mary Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* (London: Routledge & Kegan Paul, 1966; repr., London: Routledge, 2002).

¹⁴ Mary Douglas, *Leviticus as Literature* (Oxford: Oxford University Press, 1999).

¹⁵ Jacob Milgrom, *Leviticus 1-16: A New Translation with Introduction and Commentary* (New York: Doubleday, 1991).

¹⁶ Jacob Milgrom, *Leviticus: A Book of Ritual and Ethics* (Minneapolis: Fortress Press, 2004).

¹⁷ With regard to the issue of "authorial intention," Walter J. Houston ("Towards an Integrated Reading of the Dietary Laws of Leviticus," in *The Book of Leviticus: Composition & Reception* [ed. Rolf Rendtorff and Robert A. Kugler; Leiden: Brill, 2003], 143-144) has the following to say when he discusses the work of Philo, Milgrom and Douglas: "Their [i.e. Philo, Milgrom and Douglas] ideas of authorial intention of these laws may not be correct in all cases; but this does not necessarily mean that their proposals for interpretation are unpersuasive. Whether with postmodern interpreters in general one denies that authorial intention is the sole locus of meaning, or with E. D. Hirsch distinguishes meaning, intended by the author, from significance, discovered by the reader, the task is to find interpretation that is coherent, persuasive and illuminating."

¹⁸ Jacob Milgrom, "The Biblical Diet Laws as an Ethical System. Food and Faith," *Interpretation* 17 (1963): 288-301. In Milgrom's favour one should say that this was some years before Lynn White came onto the scene.

¹⁹ Milgrom, "Diet Laws," 288.

²⁰ Milgrom, "Diet Laws," 288.

of this position can be found in his commentary on Leviticus.²¹ He attempts to describe the "ethical foundations" of the dietary laws, but the theological claim that the objective of these laws was to teach respect for human life is still very much part and parcel of his argument.

Milgrom starts off by arguing that there are two basic theories on these laws which "merit serious consideration."²² The first is the hygienic hypothesis, which might sound a bit anachronistic, but basically amounts to saying that the ancients discovered empirically that certain animals such as pigs and hares might make one sick. Examples of scholars (both ancient and modern) who followed this kind of reasoning are plenty.²³ Milgrom counters this argument by asking where the camel would then fit in, since it is a "succulent delicacy" amongst modern-day Arabs but is prohibited in Leviticus 11.

The second explanation which Milgrom explores further is "symbolic theory,"²⁴ of which the best example was the earlier work of Mary Douglas.²⁵ According to Milgrom, Douglas "adheres to the basic teaching of Emile Durkheim that the customs and rituals of any society are reflections of its values."²⁶ This is where her main contribution lies—in the fact that she introduced this theoretical insight that "the classification of animals reflects society's values," not in the way that she applied it.²⁷ Milgrom's criticism against her theory of dirt is extensive,²⁸ but in support of her Durkheimian thesis that "animal taxonomy is a mirror of human society" he argues that this is corroborated by the Bible, especially by P.²⁹ For instance, animals possess נֶפֶשׁ like humans. Animals are also "responsible under the law." They have been included in the Covenant (Gen 9:9-10) and must keep the Sabbath.

Milgrom sums up these parallels between humans and animals schematically as follows:³⁰

²¹ Milgrom, *Leviticus 1-16*, 718-736.

²² Milgrom, *Leviticus 1-16*, 718-719.

²³ Milgrom, *Leviticus 1-16*, 719. He refers to Miamonides, Ramban and Rashbam and much more recently William Foxwell Allbright.

²⁴ Milgrom, *Leviticus 1-16*, 719.

²⁵ Douglas, *Purity*.

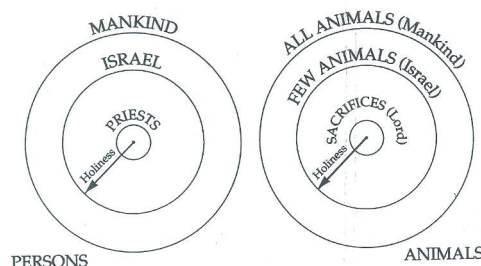
²⁶ Milgrom, *Leviticus 1-16*, 719.

²⁷ Milgrom, *Leviticus 1-16*, 721.

²⁸ Milgrom, *Leviticus 1-16*, 720-721. According to Milgrom, "her early writings are replete with errors." Many of these errors have to do with her lack of knowledge of Hebrew. He also thinks that her "theory of dirt" has been useful but not adequate, since it "throws light on the animal classification of Lev 11, but does not explain it."

²⁹ Milgrom, *Leviticus 1-16*, 720.

³⁰ Milgrom, *Leviticus 1-16*, 722.



He then adds:

In the priestly view (P and H),³¹ the tripartite division of the human race corresponds to three of its covenants with God: mankind (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 human divisions are matched by the three animal divisions: all animals are permitted to mankind, 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).³²

Milgrom further argues that deer were allowed on the altar in different sanctuaries in Ugarit and even in Canaanite and northern Israelite sanctuaries,³³ and then asks why they were excluded in the Priestly system.³⁴ This he attributes to “a conscious effort to restrict the sacrificial quadrupeds to a narrower range of edible animals, namely, the domesticated species, as a model for the differentiation between priests and ordinary Israelites.” Thus the Priestly system did not allow deer and other wild animals to be eaten, even if they complied with the two criteria stated in Leviticus 11:3.

Furthermore, Milgrom³⁵ asks the question of whether the animals were for some reason first tabooed then the criteria for this followed later, or were the criteria formulated first and then they were applied to the animals? His answer is consistently: No, the criteria came first and then the taboos. He struggles to sustain this argument with regard to pigs, since he had previously found

³¹ “H” refers to the Holiness Code which traditionally meant Leviticus 17-26. Milgrom’s H includes Leviticus 17-26, but also other texts in Exodus and Leviticus. He also dates H later than P, but before Deuteronomy. In this regard he is a member of the so-called Kaufmann School. See Milgrom, *Leviticus 1-16*, 3-13.

³² Milgrom, *Leviticus 1-16*, 722.

³³ Milgrom, *Leviticus 1-16*, 723

³⁴ One should keep in mind that Milgrom does not add the book of Deuteronomy to this argument, since he believes that Deuteronomy was written after P. As said above, Milgrom is a member of the Kaufmann school and argues that the Priestly text and the Holiness Code are both pre-exilic creations. See especially Jacob Milgrom, “The Antiquity of the Priestly Source: A Reply to Joseph Blenkinsopp,” *ZAW* 111 (1999): 10-22.

³⁵ Milgrom, *Leviticus 1-16*, 726-731.

evidence that pigs were associated with chthonic worship and could thus have been tabooed because of their association with idolatry.³⁶ With regard to pigs, one could thus argue that they were first reviled possibly because of this chthonic connection and that the criteria were developed later. Yet Milgrom does not want to acknowledge this.³⁷

Following this line of thinking, Milgrom continues to argue that the two most important antithetic terms in the priestly worldview are holy (קֹדֶשׁ) and unclean (טָמֵא).³⁸ All things which are unclean stand for the forces of death; these include carcasses/corpses, genital discharges and scale disease. He describes this as follows:

But for the purposes of this discussion, the conclusion is manifestly clear: if *tame* "impure" stands for the forces of death, then *qadosh* "holy" stands for the forces of life.³⁹

He then adds that the "list of prohibited animals must be part of the same unified and coherent dietary system whose undergirding rationale is reverence for life."⁴⁰ The purpose of these laws was to "limit the Israelite's access to the animal kingdom."⁴¹ This process to constrict Israel's access to the animal kingdom is constructed as follows:

³⁶ Milgrom, *Leviticus 1-16*, 649-652.

³⁷ In his later commentary Milgrom seems to have shifted slightly on this issue as in *Leviticus*, 109-110 he acknowledges: "Finally, it is entirely possible that some animals were renounced because of ancient taboos. Their primitive origins may have been forgotten, but their hold on society lingered. Because of these taboos, some animals may have held place on the forbidden lists without reinterpretation." See also the response of David P. Wright, "Observations on the Ethical Foundations of the Biblical Dietary Laws: A Response to Jacob Milgrom," in *Religion and Law: Biblical-Judaic and Islamic Perspectives* (Ed. Edwin B. Firmage, Bernard G. Weiss and John W. Welch; Winona Lake: Eisenbrauns, 1990), 194.

³⁸ Milgrom, *Leviticus 1-16*, 730-732. See his rather elaborate argument on the relation between the word pairs holy/common and pure/impure, especially in the light of Leviticus 10:10. In the priestly worldview these four states exist. Something which is common can be either pure or impure, but something which is holy can only be pure. Holiness and impurity cannot exist together. If the latter two were to be exposed to each other, the holy has to be purged immediately in order to become pure, otherwise it could have dire consequences for the community.

³⁹ Milgrom, *Leviticus 1-16*, 733.

⁴⁰ Milgrom, *Leviticus 1-16*, 733.

⁴¹ Milgrom, *Leviticus 1-16*, 733. Incidentally, this aspect of Milgrom's understanding has been severely criticised. How could a term like טָמֵא stand for the forces of death and at the same time be used to classify animals because of a reverence for life? Are these animals thus associated with death to protect their lives? See Houston, *Integrated Reading*, 149, who calls this a "failure of logic."

a deliberate attempt was made to limit the edible species to those quadrupeds which were bred for their flesh: cattle, sheep, and goats. Split hoofs sufficed to do the job. When, however, this criterion was found to admit the pig—an abominated creature—the criterion of chewing the cud was added.⁴²

Thus the priests set out to limit Israel's access to the animals. *First* they came up with the criterion of split hooves and then they realised that they had to add pigs since they were already reviled, and so they added the other criterion of chewing the cud. At the end the only animals that they could eat, according to Leviticus 11, were "cattle, sheep, goats, several kinds of fish, pigeons, turtledoves, several other nonraptorial birds and locusts."⁴³ This obviously limited Israel's options for food extensively and could be interpreted as an ancient effort to protect other animals.

Milgrom thus argues that the Priestly authors of Leviticus at some stage attempted to limit the number of animals that could be eaten by the Israelites. This was their purpose with these laws and in order to do that they came up with two criteria (or at least one). In Milgrom's understanding, one could thus describe the Priests as predecessors of today's "green movement." They attempted to *protect* certain animals from ending up on Israelite tables. Mary Douglas came up with similar ideas, although they differ with regards to details.

C MARY DOUGLAS

In her book *Leviticus as Literature* Mary Douglas argued that the whole of Leviticus could be projected on the grand plan of the tabernacle. This is a kind of literary structure superimposed onto the whole book. This is similar to what she proposed in 1993,⁴⁴ but the structure now looks somewhat different. Yet in both these works she proposed a similar understanding of the place of animals in the priestly worldview which she bases on a text such as Leviticus 11 (compared to Deut 14). She discusses the animals in two chapters by first focusing on the land animals, which can be either pure (טָהוֹר) or impure (טָמֵא),⁴⁵ and then all the other creatures,⁴⁶ which is where the English term "abomination" (רָעָה) enters the discussion.

With regard to the land animals, Douglas starts off by drawing attention to the fact that one point is never made in Leviticus, namely "that it is bad for the health of the body to eat any of the forbidden animals."⁴⁷ Like Milgrom,

⁴² Milgrom, *Leviticus 1-16*, 733.

⁴³ Milgrom, *Leviticus 1-16*, 735.

⁴⁴ Mary Douglas, "The forbidden animals in Leviticus," *JSOT* 59 (1993): 3-23.

⁴⁵ Douglas, *Leviticus*, 134-151.

⁴⁶ Douglas, *Leviticus*, 152-175.

⁴⁷ Douglas, *Leviticus*, 134.

she is thus not a supporter of the "hygienic" theory. She continues her discussion on these animals by questioning the common notion that the meat of the forbidden animals is "abominable, detestable, or unedifying in one way or another."⁴⁸ She then says:

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.⁴⁹

And then she quotes Psalm 145:8-9, which states that "God is compassionate for all living things."⁵⁰ For her God has made two kinds of covenants which form the foundation of his relationship with the animals. The first is in the flood narrative in Genesis 9:12-17, where God makes a covenant with the family of Noah and all the wild animals.⁵¹ The second covenant, according to her, is the one at Sinai, which she describes as the "explicit assertion of God's overlordship over the people of Israel and their livestock."⁵² This covenant specifically includes the servants and the cattle in the Sabbath observance (Exod 20:8). Leviticus actually divides animals into these two categories: on the one hand, domestic stock and, on the other hand, all the wild animals.

Her argument in the subsequent two chapters then amounts to this: the categories of "impure" for land animals and "abomination" for the other creatures do not necessarily have the pejorative connotations which modern-day readers attribute to them. These classifications should rather be seen as attempts to *protect* these creatures.

When Douglas discusses the rules against touching certain unclean dead animals, she argues that the animals on the "not to touch when dead" list are actually quite well off,⁵³ or as she puts it:

In effect the rule against touching a dead animal protects it in its lifetime. Since its carcass cannot be skinned or dismembered, most of the ways in which it could be exploited are ruled out, so it is not

⁴⁸ Douglas, *Leviticus*, 135.

⁴⁹ Douglas, *Leviticus*, 135.

⁵⁰ Douglas, *Leviticus*, 135. This is rather puzzling, since she had just referred to the "full context" as the "rest of the Pentateuch." Should she not be looking of other texts in the Pentateuch then?

⁵¹ Douglas does not seem to be familiar with the fact that this is usually regarded as part of P. See John J. Collins, *Introduction to the Hebrew Bible* (Minneapolis: Augsburg Fortress, 2004), 51-56, for a clear demarcation between the Priestly and the Yahwist sources in the flood narrative.

⁵² Douglas, *Leviticus*, 136.

⁵³ Douglas, *Leviticus*, 140-142.

worth breeding, hunting, or trapping.... The rule is a comprehensive command to respect the dead body of every land animal.⁵⁴

She concludes that section by adding that "to be classified unclean ought to be an advantage for the survival of the species."⁵⁵ This is a rather optimistic statement in the light of the penalties for such transgressions. The penalty for touching any of these forbidden animals is to be unclean until the evening. If you have carried the carcasses of these animals, you have to wash as well and will be unclean until the evening. Douglas previously acknowledged this when she said that "we should not exaggerate the penalties or the severity of the rules."⁵⁶ I cannot help but feel that this is exactly what she does a page later. She exaggerates. If the penalties were so meagre how could this law be "an advantage for the survival of the species"?

At the end of that chapter Douglas concludes once again with a plea that the term "unclean" should not be understood as pejoratively as usual:

Unclean is not a term of psychological horror and disgust; it is a technical term for the cult, as commentators have often pointed out. To import feelings into the translation falsifies, and creates more puzzles.⁵⁷

In her next chapter Douglas refers to what she calls the "other living beings" which appear in Leviticus 11:9-23.⁵⁸ Now the term "abomination" (רָעָה) enters the fray. These animals are not טְמֵאָה, they are רָעָה and for Douglas this is something different:

Uncleanness or impurity is a contagious condition of a person, place, or thing, incompatible with the service of the cult. After touching an unclean corpse the person has to wash and be unclean until evening. Contact with the corpse of a water-swearer or air-swearer is not unclean, it is an 'abomination'. No action at all is required.⁵⁹

⁵⁴ Douglas, *Leviticus*, 141.

⁵⁵ Douglas, *Leviticus*, 142.

⁵⁶ Douglas, *Leviticus*, 141.

⁵⁷ Douglas, *Leviticus*, 151.

⁵⁸ Douglas, *Leviticus*, 152-175.

⁵⁹ Douglas, *Leviticus*, 151. Milgrom, *Leviticus 1-16*, 656, also distinguishes between the two terms: "There is a legal and ritual distinction between these two terms: רָעָה refers to animals whose ingestion is forbidden but which do not pollute, whereas טְמֵאָה refers to animals that, in addition, pollute by contact." For Milgrom touching these dead creatures is not forbidden. They only defile when digested.

For Douglas these terms (טָמֵא and שָׁרֵץ) are not interchangeable.⁶⁰ With regards to the animals that are regarded as שָׁרֵץ, her argument is similar to that of the previous chapter in that שָׁרֵץ should not have a pejorative meaning. She argues that the Hebrew verb שָׁרַץ usually translated as "swarming" or that the Hebrew noun שָׁרֵץ, which is often used to refer to these animals, should rather be translated with something like "teeming."⁶¹ The former term ("swarming") has too much of a negative meaning and she actually understands this action of שָׁרַץ as representing fecundity in a good sense, but this has acquired a negative meaning. Her counter-argument boils down to this:

The contrary view, pursued here, is that in chapter 11 Leviticus uses "swarm" in the positive sense, in line with the commands in Genesis to bring forth abundantly.⁶²

Eventually Douglas would like to translate שָׁרֵץ simply with "moving."⁶³ With regard to שָׁרֵץ she eventually proposes that a more neutral translation such as "to shun" should rather be used.⁶⁴ These animals are not an abomination, nor are to be abhorred; they are simply to be shunned, not because they are bad, but because they are *protected*.

Both Milgrom and Douglas thus offer similar arguments to the effect that the objective of these laws was to protect animals. Milgrom argued that the priestly authors set out to limit the amount of meat consumed by Israelites and Douglas similarly thinks that for an animal to be on either the טָמֵא or שָׁרֵץ list would have been to the advantage of that species. Both of them make it sound as if the Priestly authors were early conservationists who attempted to protect certain species.

⁶⁰ Douglas, *Leviticus*, 154. In this regard Leviticus 11:43-45 causes a problem for Douglas since both terms are used here apparently interchangeably. Later (p. 156), she acknowledges this but then falls back on source criticism which is rather unconvincing since, as Nihan says "she otherwise systematically rejects this option in her book." Christophe Nihan, *From Priestly Torah to Pentateuch* (Tübingen: Mohr Siebeck, 2007), 328 n.269.

⁶¹ Douglas, *Leviticus*, 159.

⁶² Douglas, *Leviticus*, 161.

⁶³ Douglas, *Leviticus*, 163.

⁶⁴ Douglas, *Leviticus*, 166-169. In this regard she differs from Milgrom, *Leviticus 1-16*, 656. His understanding of שָׁרֵץ is closer to the traditional understanding. See especially the Semitic cognates provided by Milgrom, which all seem to have fairly pejorative connotations; he then comments: "Thus the term שָׁרֵץ connotes something reprehensible. Yet in this chapter it bears a more precise, technical meaning." The last sentence, though, might leave the door open for Douglas's interpretation, although this part of her argument is clearly not very convincing.

D DISCUSSION

That in itself is not so far-fetched. Plenty of scholars have commented on the prohibition of eating meat in the Priestly creation narrative (Gen 1:29). In P this prohibition ends in Genesis 9:3, when after the flood the concession is made to eat any kind of living creature. In the Priestly worldview there is thus an understanding that originally people were not meant to eat animals, but apparently YHWH made peace with humanity's violent tendencies and relented after the flood. If one follows this priestly line of Genesis 1:29⁶⁵ via 9:3 to Leviticus 11, then one could agree with Nihan when he says:

In other words, 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.⁶⁶

The concept of an "ethic of limitation" as proposed by Blenkinsopp could also be used here.⁶⁷ The eating of meat is not something to be done indiscriminately. There are indeed limitations and that in itself, I think, is true and might be useful in contemporary discussions on eco-ethics, but the important question that needs to be addressed here is: *Could one really argue that it was the intention of the Priestly authors to protect the lives of the animals? Or could one really say that the rationale behind these laws has to do with reverence for animal life?*

One could offer at least two points of criticism. *Firstly*, one of Milgrom's students, David P. Wright, has argued that, although these laws "limit the choice" of animal, they do not "limit the amount of meat consumed or the number of animals killed."⁶⁸ Milgrom responded to this by arguing that the average Israelite could not really "afford to deplete his livestock."⁶⁹ For Milgrom this would thus not have been an issue, since most Israelites would simply not have been able to afford slaughtering animals regularly. Economics already limited the number of animals slaughtered. To this Houston had earlier

⁶⁵ It seems rather strange that neither Van Dyk, "Challenges," 190-191, nor Wittenberg, "In Search," 436-443 in their discussion of Genesis 1:28 refers specifically to 1:29. Whatever "ruling" over the animals actually meant, it did not include eating them.

⁶⁶ Nihan, *Priestly Torah*, 338.

⁶⁷ Blenkinsopp, *Treasures*, 43.

⁶⁸ Wright, "Observations," 197. See, also Edwin Firmage, "The Biblical Dietary Laws and the Concept of Holiness," in *Studies in the Pentateuch* (ed. John A. Emerton: Leiden: Brill, 1990), 195, n. 24. Firmage also differs from Milgrom by arguing that game was allowed to be eaten.

⁶⁹ Milgrom, *Leviticus 1-16*, 735.

responded: "for in that case the average Israelite did not need the lesson taught by the law, but the rich did!"⁷⁰ These laws are at most thus a limitation of choice, but the Israelites could slaughter as many of the animals which were allowed as they could afford.

A *second* concern is this: if the issue is protection of animals, or respect for their lives, why is only Israel limited to eating certain mostly domesticated animals? Milgrom himself would argue that these limitations on what to eat only applied to Israel.⁷¹ The only thing applicable to all humanity was "the blood prohibition" (which appears in H in Lev 17 and also in Lev 7:26). If the priests set out to limit the amount of meat eaten by Israel, why was this injunction only applied to Israel? If it had been intended for the protection of the animals, then it should have been applicable on *all humanity*. In Milgrom's diagram referred to above with the three circles of Priest, Israel and *All Mankind* [sic] and the parallel circles of *Sanctuary*, *Few Animals* and *All Animals*, it is clear that *All Animals* may be eaten by *All Mankind* [sic]. It thus simply does not make sense to claim that the Priestly authors wanted to protect animals, since they did not mind them being eaten by the rest of humanity. Maybe they wanted to teach "reverence for animal life," but, they clearly did not teach this to all the nations – it was taught only to Israel. I would thus venture the view that Leviticus 11 is not about protecting animals, but it is about protecting Israel.

The possibility that this was the function of these laws in Israel is already present in Milgrom's own arguments. With regard to the fact that Early Christianity abolished these dietary laws, Milgrom says:

Historians have claimed that the purpose was to ease the process of converting the gentiles. That is, at best, a partial truth. Abolishing the dietary laws, Scripture informs us, also abolishes the distinction between gentile and Jew. And that is exactly what the founders of Christianity intended to accomplish, to end once and for all the notion that God had covenanted himself with a certain people who would keep itself apart from all of the other nations. And it is these distinguishing criteria, the dietary laws (and circumcision), that were done away with. Christianity's intuition was correct: Israel's restrictive diet is a daily reminder to be apart from the nations.⁷²

The dietary laws are about protecting the boundaries between groups and not saving the animals (however laudable that aim might seem to us today). Eating certain things and not others becomes a way of expressing one's identity and the identity of the group to which one belongs. With regards to Milgrom's three

⁷⁰ Walter J. Houston, *Purity and Monotheism: Clean and Unclean Animals in Biblical Law* (Sheffield: Sheffield Academic Press, 1993), 77 n. 1.

⁷¹ Milgrom, *Leviticus 1-16*, 736.

⁷² Milgrom, *Leviticus 1-16*, 726.

circles in the diagram mentioned above, if Israel were to eat from the *Few Animals* category, this would mean that they stay within that second circle. To eat from *All Animals* would mean that they venture outside that circle into the territory of *All Mankind*.

In the same vein Nihan would argue

As such, much more than for the legislation of Lev 12-15, *the tora of Lev 11 sets apart those who practice it from the rest of humanity.* [his italics]⁷³

The dietary restrictions are about asserting separateness or "being set apart" and maintaining group identity. Similarly Smith-Christopher has argued in a chapter aptly entitled "'Purity' as nonconformity,"⁷⁴ that verses 46-47 of Leviticus 11 provide "an essential key to understanding the exilic significance of Levitical legislation about the pure and the impure."⁷⁵ The NRSV translates these verses as follows:

⁴⁶ This is the law pertaining to land animal and bird and every living creature that moves through the waters and every creature that swarms upon the earth, ⁴⁷ to *make a distinction* between the unclean and the clean, and between the living creature that may be eaten and the living creature that may not be eaten. [my italics]

For Smith-Christopher the root בָּדַל (translated as "make a distinction") found in verse 47 is a key term typically found in post-exilic literature; one could in fact describe it as typical of the priestly and post-priestly worldview. This term is not only about making a distinction between clean and unclean, but in making that distinction the Israelites also separated themselves from the surrounding nations. That is why the issue of purity, according to Smith-Christopher, is linked to the notion of "nonconformity" in the Persian Empire. Erhard Gerstenberger describes these laws in a similar way: "Sie dienen der Identifikation der eigenen Gruppe (Konfession) und zur Abgrenzung nach außen hin."⁷⁶

Once again the dietary laws are about maintaining boundaries between those on the inside and those on the outside. Nihan also argues:

Rather, it implies willingness to live in conformity with a certain ideal of wholeness and integrity which, according to the *tora*, is

⁷³ Nihan, *Priestly Torah*, 339.

⁷⁴ Daniel L. Smith-Christopher, *A Biblical Theology of Exile* (Minneapolis: Fortress Press, 2002), 137-162.

⁷⁵ Smith-Christopher, *Exile*, 149.

⁷⁶ Erhard S. Gerstenberger, *Das 3. Buch Mose Leviticus* (Göttingen: Vandenhoeck & Ruprecht, 1993), 133.

rooted in the cosmic order itself, and whose active observance is the distinctive mark of Israel's election amongst the nations.⁷⁷

Nihan thus uses the term "conformity," but in this sense the term refers to Israel's relation to the cosmic order itself which makes this practice a "distinctive mark of Israel." Thus one could say that an act of conformity to the cosmic order is an act of nonconformity to the Persian Empire.

I have already implied this, but most scholars (apart from those like Milgrom who belong to the Kaufmann School) would still date P in the exilic/post-exilic era and one should thus read these texts in the context of the Persian Empire as acts of nonconformity, but also as acts which maintained and protected group identity. Ultimately these acts are about being kept separate from the nations around you; the dietary rules were a strategy of nonconformity in a world where your group was in danger of losing its identity.

E CONCLUSION

To return to the debate about the Bible and ecotheology, it should be clear that I do not think that there is that much ecological wisdom to be found in Leviticus 11. Yes, there is clearly an "ethic of limitation" at work here, but it is not aimed at the protection of animals, but is rather intended to protect the boundaries between "us" and "them." Yet I do not think this is really the rationale which explains the reasons for the development of these laws. At most one could say that this is the way that these laws *functioned* in the Persian Period. In this regard Firmage would argue:

While it is true that the dietary laws served to separate Israel from her neighbors, and that the idea of separation is intimately involved in Israel's selection as a "holy" people, the concern for boundaries does not explain the method which the priests used to arrive at their definitions of clean and unclean.⁷⁸

I cannot help but agree with him. Protection of group boundaries is an outcome of the system, but not a rationale which explains how the system developed. But I am convinced that these rules had nothing to do with protecting animals and it would thus be highly problematic to use them in our current ecological debate.

With regard to Milgrom's insistence that the criteria came first and the animals were selected later, I have already shown that this becomes unconvincing when pigs are added to the list. Milgrom reluctantly seemed to acknowledge this. The best explanation to my mind is still Houston's original argument⁷⁹ "that the dietary rules found in Lev 11 and Deut 14 largely appear

⁷⁷ Nihan, *Priestly Torah*, 339.

⁷⁸ Firmage, "Biblical Dietary Laws," 195.

⁷⁹ Houston, *Purity*, 124-180.

to correspond to the accepted dietary and sacrificial customs in a dominantly pastoralist economy such as that of pre-exilic Israel."⁸⁰ These animals were simply the animals that were eaten because of geographical and other more mundane factors, and later criteria were devised to motivate this given state of affairs, criteria which incorporated these animals into the larger Priestly world-view.

With regard to the ecotheological debate, Houston still attempted to derive ecological wisdom from the laws on what is clean and unclean:

Perhaps the most important moral lesson we need to learn is that to preserve the "integrity of creation" we must discipline our appetites, place limits upon our desires, even more now that there appears to be no limit to our power to satisfy them.

This statement is relevant and true, and needs to be heard in our consumer-driven world, but *we* are concerned about the "integrity of creation" and I am not convinced that the Priestly authors of Leviticus and the rest of P were really interested in that. Yes, there is an "ethic of limitation" and, yes, there seems to be some respect for life in the stated ideal that humanity was not to eat meat. But still it seems clear from texts such as Genesis 1 that creation was something that humanity needed to tame and the earth was something that humanity needed to fill. This kind of understanding of the world is simply irrelevant today, if not outright dangerous, and we should therefore read carefully.

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⁸⁰ Nihan, *Priestly Torah*, 330.

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