

PETER ALTMANN

Banned Birds

Archaeology and the Bible



Mohr Siebeck

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Edited by

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The Birds of Leviticus 11
and Deuteronomy 14

Mohr Siebeck

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Preface

This monograph grew out of a small study as part of the larger Sinergia Swiss National Science Foundation grant for the University of Zurich, University of Lausanne, and Tel Aviv University cooperative project “The History and Archaeology of the Pentateuch,” directed by Israel Finkelstein, Oded Lipschits, Christophe Nihan, Thomas Römer, and Konrad Schmid. My sub-area of study for this expansive project, happily shared with Anna Angelini of Lausanne and Abra Spiciarich of Tel Aviv, focused on the dietary laws from zooarchaeological, composition-critical, philological, ancient Near Eastern comparative, text-critical, and Second Temple reception-historical perspectives. Needless to say, the range of approaches far exceeds my own limited expertise.

As I began researching the birds of Lev 11/Deut 14, I quickly came to the end of modern scholarship on them: we know little, and limits to research abound, especially on attempts to penetrate the identifications of the birds. However, I suspect that these creatures may provide more than a mere footnote on the dietary prohibitions and perhaps on larger conceptions of developments in Israelite religion as well.

I am grateful to the leaders of the Sinergia project, especially Konrad Schmid and Christophe Nihan, who invited me to take part in the larger project and allowed me to investigate the dietary laws as a specific focus. Christophe Nihan has led our sub-group with enthusiasm and scholarly insight, while allowing us to develop the research questions (and answers!) according to our own understandings of the data. I have enjoyed the many hours spent with Abra Spiciarich and Anna Angelini discussing the detailed questions surrounding these seemingly distant prohibitions. They are both brilliant women!

I have had the opportunity to work out various ideas and reflections of this volume in earlier venues, especially at the Sinergia meeting in Tel Aviv in Dec. 2016 and in a joint paper with Abra Spiciarich in the “Meals in the HB/OT” session of the Nov. 2017 SBL Annual Meeting in Boston.

The discussion that follows has benefited from the expertise of many friends and colleagues; conversations with Jonathan Greer, Deirdre Fulton, Jürg Hutzli, and Dalit Rom-Shiloni on specific questions have significantly improved the study.

Aren Wilson-Wright was especially kind to review my philological investigations. His insights have benefited the discussion greatly. Rebekah Walton

generously read the entire manuscript and provided feedback. Walter Houston was kind enough to read the finished manuscript and indicate a number of weak points in the argument and language. Any remaining infelicities certainly arise from my own shortcomings.

The unflagging curiosity of my wife, Birgit, and children, Elianah and Reuben, about the animals in our own immediate surroundings – rabbits, mustangs, quail, field mice, coyotes, geese, owls, hawks, and blue jays – have helped me develop eyes to see and the desire to understand the ways in which the realia and meanings of animals, and birds in particular, seep into the biblical texts. I experience a richer life as a result of their vision.

The gift – challenges and all – provided by the return to living close to my parents, Fred and Jill Altmann, and sister, Niki Kobs (and John, Mia, and Calder of course!), has created and safeguarded the time, space, and energy to undertake this project far from the traditional academic environment. As I look out my window in Reno, NV, and see several prohibited animals (black-tailed jackrabbit and red-tailed hawk), I'm reminded of the often-overlooked ways my thinking takes its cues from my physical surroundings. For God's glory.

Reno, May 21, 2019

Peter Altmann

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Abbreviations

Abbreviations not found in *The SBL Handbook of Style*, Second Edition are listed below.

BH	Biblical Hebrew
BIN	Babylonian Inscriptions in the Collection of J. B. Nies
BM	Tablets in the collection of the British Museum
CAL	Comprehensive Aramaic Lexicon (http://cal1.cn.huc.edu/)
CT	Cuneiform Texts from Babylonian Tablets in the British Museum (London 1896 ff.)
<i>DULAT</i>	Olmo Lete, Gregorio del, and Joaquín Sanmartín. <i>A Dictionary of the Ugaritic Language in the Alphabetic Tradition</i> . 2 vols. Trans. W. G. E. Watson. HdO 67. Leiden: Brill, 2004.
<i>Ges</i> ¹⁸	Wilhelm Gesenius, Herbert Donner, and Rudolf Meyer, <i>Hebräisches und aramäisches Handwörterbuch über das Alte Testament</i> , 18th ed. Heidelberg: Springer, 2013.
<i>IDD</i>	Jürg Egger et al., <i>Iconography of Deities and Demons in the Ancient Near East</i> . Leiden: Brill, forthcoming.
LUT	Luther Bibel (1984)
UDB	Jesus-Luis Cunchillos, Juan-Pablo Vita, Jose-Angel Zamora, and Raquel Cervigon, <i>Ugaritic Data Bank: The Texts</i> . Madrid: Hermeneumática, 2003.
STT	Oliver R. Gurnsey and Jacob. J. Finkelstein, <i>The Sultantepe Tablets</i> . London: British Institute of Archaeology at Ankara, 1957–1964.
YBC	Yale Babylonian Collection

Introduction

“Birds I can say nothing about, because, as I have said, they are named and not described and the translation of the name is open to doubt,” writes Mary Douglas in her classic work on the dietary prohibitions, *Purity and Danger*.¹ Can one, then, say anything meaningful about the birds in the dietary laws beyond the fact that the list prohibits certain kinds of birds, many of which avoid confident identification by current means and data available to scholarship? Biblical studies and related disciplines have certainly pushed scholarly understanding of the dietary prohibitions of Lev 11 and Deut 14 forward in the half century since Douglas’ statement, and I will provide a summary of these insights below. Nonetheless, in the most complete study of the dietary laws, Houston states,

We have throughout found it difficult to discuss the section on birds because of the lack of criteria. We need to confront this problem directly. Why are there no criteria? Our attribution of the text to a learned priestly circle makes the question more difficult to answer.²

Houston does offer significant discussion of this central question, and in fact my study begins from the foundation laid by his methodological directions and many insights. Yet the lack of criteria does not exhaust the list of difficult questions arising from this section.

Numerous perplexing issues surround the list of birds appearing in the dietary laws in Lev 11/Deut 14. Several of the key ones are: (1) which birds do the chapters consider? Many of the terms only appear in the list found in these two chapters or in some cases in a couple of other texts of the Hebrew Bible. (2) What literary growth if any stands behind the current forms of the texts? This question continues to receive different answers in current scholarship. Finally, (3) what reason(s) give(s) rise to the birds’ exclusion from clean birds (Deut 14:11) or their singling out for scorn (Lev 11:13)?³ This is the issue that Houston articulates in the quotation above, and the lack of explicit criteria has led scholars to come up

¹ Mary Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* (London: Routledge & Kegan Paul, 1966), 55.

² Walter Houston, *Purity and Monotheism: Clean and Unclean Animals in Biblical Law*, JSOT-Sup 140 (Sheffield: JSOT Press, 1993), 235.

³ In this differentiation I am alluding to the use exclusively of *טְהוֹרָה* / *תְּמֵאָה* in Deut 14:11–20, while the term *שֶׁקֶץ* appears in Lev 11:13–20. In this monograph I will provide Hebrew script for biblical Hebrew words, augmenting this with transliterations in philological discussion; Greek words appear in Greek script, while other ancient languages appear in transliteration.

with their own conclusions. In order to address these questions, after a discussion of the history of scholarship and my methodology,

- I will begin with a broad discussion of the birds in the OT/HB as a whole. This introductory foray attempts to establish the most immediate literary context, providing the most essential backdrop for discussion of the nature of this list.
- The second part of my discussion turns to the general appearances of various birds in the ancient Near East. This broader perspective fills in some of the many gaps in the biblical context with regard to the way that ancient societies in close proximity to the origins of the biblical texts tended to understand birds within their worldviews.
- The third section and bulk of this study turns to the discussion of the individual terms for types of birds in Lev 11/Deut 14 on the basis of their philology, iconography, and appearances in ancient Near Eastern texts in order to discuss further their identifications and the implications of their place within various cultural milieus.
- Section four considers the composition-critical questions of redaction and placement within their literary contexts of Lev 11/Deut 14 (with most of the emphasis on the former question of redaction in this treatment; discussion of the placement in literary context will appear in subsequent essays).⁴
- Only after these sections in chapter five will I make some suggestions about the reasons for their prohibition.

1 Summary of Some Previous Scholarship

As a brief note before launching into my first section, I find it appropriate to lay out some of the previous work done on these topics. The most detailed discussions on the philology and identification of the birds come from G. R. Driver,

⁴ Christophe Nihan and Anna Angelini, “Unclean Birds in the Hebrew and Greek Versions of Leviticus and Deuteronomy” (paper presented in Fribourg, Switz., 2015) discusses the text-critical differences of MT, SamP, and LXX A and B, and I will assume many of its results as part of the foundation for my discussion. On their location in Lev 11–15, see Peter Altmann and Anna Angelini, “Purity, Taboo and Food in Antiquity: Theoretical and Methodological Issues,” in *Food Taboos and Biblical Prohibitions: Reassessing Archaeological and Literary Perspectives*, ed. Peter Altmann, Anna Angelini, and Abra Spiciarich (Tübingen: Mohr Siebeck, forthcoming); Christophe Nihan, “Forms and Functions of Purity in Leviticus,” in *Purity and the Forming of Religious Traditions in the Ancient Mediterranean World and Ancient Judaism*, ed. Christian Frevel and Christophe Nihan (Leiden: Brill, 2013), 338; Christophe Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus*, FAT 2/25 (Tübingen: Mohr Siebeck, 2007), 302–40. On Deut 14 in Deuteronomy: Peter Altmann, “A Deeper Look at Deut 14:4–20 in the Context of Deuteronomy,” in *To Eat or Not to Eat?: Collected Essays on the Biblical Dietary Laws*, ed. Peter Altmann and Anna Angelini (Tübingen: Mohr Siebeck, forthcoming).

who devoted a number of articles to the topic in the 1950s.⁵ His discussions remain the touchstone for subsequent scholarship, supplementing Aharoni's earlier study on animals from 1938.⁶ Little help has arisen thus far from zooarchaeology because bird bones' size renders them quite difficult to collect without a sieve (which only became more standard quite recently),⁷ yet this data has begun to provide some additional insights into the consumption of various fowl in the Levant and broader ancient Near East. Given its relative infancy, however, this data will appear in the discussions of individual birds below, rather than as a broader section unto itself. Iconographic studies from the past several decades, especially building upon the work of the Keel school,⁸ offer new insights for the background context of Lev 11/Deut 14. I will incorporate the insights of these studies into my discussion at appropriate points.

Many discussions of animals in Israel tend to begin with modern biological analysis of the species found currently (or until the modern era) in the southern Levant.⁹ Bodenheimer's classic work on the animals in the Bible basically takes this approach; it then supplements this data with comparisons from ancient Mesopotamia, Egypt, and Greece.¹⁰

Several works on animals in Mesopotamia and Egypt provide the opportunity for a thicker description of birds in the region as a whole. In terms of philology, Salonen's painstaking though often speculative work on the Sumerian and Akkadian denominations for birds offers some help for possible identifications of

⁵ G. R. Driver, "Birds in the Old Testament: I. Birds in Law," *PEQ* 87 (1955): 5–20; idem, "Birds in the Old Testament: II. Birds in Life," *PEQ* 87 (1955): 129–40; idem, "Once Again: Birds in the Bible," *PEQ* 90 (1958): 56–58.

⁶ Yohanan Aharoni, "On Some Animals Mentioned in the Bible," *Osiris* 5 (1938): 461–78.

⁷ See, however, the recent collection of the available data by Abra Spiciarich and Lidar Sapir-Hen, presented in Abra Spiciarich and Peter Altmann, "Chickens, Partridges and the /Tor/ in Ancient Israel and the Hebrew Bible" (presented at the SBL Annual Meeting, Boston, 19 November 2017).

⁸ Othmar Keel, *Die Welt der altorientalischen Bildsymbolik und das Alte Testament: Am Beispiel der Psalmen* (Zurich: Benziger; Neukirchen-Vluyn: Neukirchener Verlag, 1972); idem and Thomas Staubli, eds., "Im Schatten deiner Flügel": *Tiere in der Bibel und im Alten Orient* (Fribourg, Switz.: Universitätsverlag, 2001); Othmar Keel and Christoph Uehlinger, *Gods, Goddesses, and Images of God in Ancient Israel* (Minneapolis: Fortress, 1998); Silvia Schroer, *In Israel gab es Bilder: Nachrichten von darstellender Kunst im Alten Testament*, OBO 74 (Fribourg, Switz.: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 1987); eadem, "Die Göttin und der Geier," *ZDPV* 111 (1995): 60–80; eadem, *Die Tiere in der Bibel: Eine kulturgeschichtliche Reise* (Freiburg im Breisgau: Herder, 2010). More broadly now eadem, *Die Eisenzeit bis zum Beginn der achämenidischen Herrschaft*, vol. 4 of *Die Ikonographie Palästinas / Israels und der Alte Orient: eine Religionsgeschichte in Bildern* (Basel: Schwabe, 2018).

⁹ This approach appears quite significant for the ongoing online work by Dalit Rom-Shiloni and Haim Moyal, *Dictionary of Nature Imagery of the Bible*, <http://dni.tau.ac.il/>, which attempts to bring together biblical material with modern and historical ornithology.

¹⁰ Friedrich Simon Bodenheimer, *Animal and Man in Bible Lands: Supplement*, Collection de Travaux de l'Académie Internationale d'Histoire des Sciences 10 (Leiden: Brill, 1960).

the biblical terms.¹¹ Houlihan has offered a similarly foundational monograph on birds in Egypt, while a more recent, multi-authored work edited by Bailleul-LeSuer provides significant updates.¹² I have found the methodological premise behind *A History of the Animal World in the Ancient Near East*, edited by Collins, particularly fruitful in that it attempts a multi-disciplinary approach – including biology, iconography, literature, and religion of the larger region – in order to set a stable foundation and context for further study of individual questions.¹³

2 Methodology

The material on birds is notoriously difficult, especially for exegetes trained primarily in biblical studies without much familiarity with biology. Assistance from ornithology promises a number of insights for the discipline of biblical studies and its focus on words rather than living animals. Learning the behaviors of actual birds can obviously provide insight into characteristics ancient Israelites and Jews took for granted about the creatures in their environment that also came to play the starring roles in Lev 11/Deut 14. However, while this approach has advantages, several disadvantages might ensue. One must be careful about assuming the stability of modern-day habits and migratory patterns back into antiquity. Especially given the general absence of significant zooarchaeological data on birds, there is little check on reading back current patterns into ancient time periods. Second, our modern taxonomical system, the Linnaean system, privileges some features of animals over others; these may diverge from the categories used in the ancient Levant. Neither of these concerns render the insights of ornithology unwarranted. As this is a significant part of the current project by Rom-Shiloni and Moyal, as well as being beyond my expertise, I look forward to their contribution to the discussion, though this study does not reflect its conclusions.

I will instead consider the questions from a different angle: I will juxtapose biblical views of the birds in the dietary laws and beyond with perspectives found in the surrounding regions of Mesopotamia and Egypt. These discussions will necessarily involve detailed discussions of the philology, which can help with issues surrounding the identifications of the creatures. However, the bigger contributions from this comparative approach may lie in the investigation of the spaces that birds populated in the concrete life and thought of the ancient Near Eastern

¹¹ Armas Salonen, *Vögel und Vogelfang im alten Mesopotamien*, *Annales Academiae scientiarum Fennicae*. Ser. B 180 (Helsinki: Suomalainen Tiedeakatemia, 1973). The possibilities of this volume are noted but not really explored by Houston, *Purity and Monotheism*, 198.

¹² Patrick F. Houlihan, *The Birds of Ancient Egypt* (Warminster: Aris and Phillips, 1986); Rozenn Bailleul-LeSuer, ed., *Between Heaven and Earth: Birds in Ancient Egypt*, OIMP 35 (Chicago: University of Chicago Press, 2012).

¹³ Billie Jean Collins, ed., *A History of the Animal World in the Ancient Near East*, HdO 64 (Leiden: Brill, 2002).

cultures. Collins offers a clear statement of the approach and the need for such investigation: “But the manner in which the peoples of the ancient Near East used animals to animate their language, mirror their world, and ultimately define themselves, is a subject that scholarship has for the most part overlooked.”¹⁴

In other words, in addition to thorough philological investigation, this volume aims to broaden the discussion beyond philology and dietary prohibitions, attempting to understand what roles these dietary prohibitions of avian meat might play in and within conceptions of self, other, world, deities, and reality as a whole in their connections in the various cultures with broader views of the avian world. This discussion will hopefully allow the specific birds in Lev 11/Deut 14 to take on new hues.

¹⁴ Billie Jean Collins, “Introduction,” in Collins, *A History of the Animal World*, xix.

Chapter 1

Overview of the Birds in the Old Testament/Hebrew Bible

I begin by attempting to place the “birds” within the matrix of OT/HB understandings of the animal world. On a foundational level, some debate remains over whether the OT/HB presents the world of animals as consisting of three or rather four sub-categories.¹ The three-part division comes in the Bible’s first chapter.² It both accords with the three realms of water, earth, and sky, and appears in the charge to the humans:

God blessed them, and God said to them, “Be fruitful and multiply, and fill the earth and subdue it; and have dominion over (1) the fish of the sea and over (2) the birds of the air and over (3) every living thing that moves upon the earth.” (Gen 1:28, NRSV)

A four-part categorization appears most readily in Gen 9:2 and in Lev 11:46, where the land animals are split into two categories:³

The fear and dread of you shall rest on (1) every animal of the earth [כל־חית הארץ], and on (2) every bird of the air [כל־עוף השמים], on (3) everything that creeps on the ground [בכל אשר תרמש האדמה], and on (4) all the fish of the sea [ובכל־דגי הים]; into your hand they are delivered. (Gen 9:2, NRSV)⁴

This is the law pertaining to (1) land animal [הבהמה] and (2) bird [והעוף] and (3) every living creature that moves through the waters [וכל נפש החיה הרמשת במים] and (4) every creature that swarms upon the earth [ולכל נפש השרצת על הארץ] (Lev 11:46, NRSV).

This categorization also appears within the flood narrative when three of the four categories appear, logically omitting the water creatures (Gen 6:7; 7:8; 7:23; 8:17;

¹ Cf. Peter Riede, *Im Spiegel der Tiere: Studien zum Verhältnis von Mensch und Tier im alten Israel*, OBO 187 (Fribourg, Switz.: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 2002), 216–18.

² This also seems most fitting for the poetry of Ps 8:8–9 [ET vv. 7–8]

³ Cf. Richard Whitekettle, “Rats Are Like Snakes, and Hares Are Like Goats: A Study in Israelite Land Animal Taxonomy,” *Bib* 82 (2001): 345–62. He identifies the key distinction between the two kinds of land animals as consisting of their method of propulsion: those that move *over* the land (i. e., בהמה) and those that move *along* the ground (רמש or שרץ). He notes that size may be a good rule of thumb, but it is not a surefire divider between the two land animal taxa (ibid., 347–48). See also Houston, *Purity and Monotheism*, 35. OG offers forms of ἐρπετόν, for which LSJ defines as “beast or animal which goes on all fours ... creeping thing, reptile, esp. snake.” In one case for a hound, but otherwise for reptiles, insects, snakes, and monsters.

⁴ See also Deut 4:17–18; 1 Kgs 5:13b; and Ezek 38:20. Gen 1:26 is quite similar but it divides “animal of the earth” into “cattle” and “wild animals.”

cf. 1:30).⁵ It is quite intriguing that even within accepted individual compositions, such as P, a diversity of classification systems may appear: Gen 1:28 offers a tripartite structure, while Gen 1:30 and 9:2 exhibit four categories.⁶ One might opt for a diachronic differentiation in these cases,⁷ or, on the other hand, the movement between them might simply show that the categorization remained flexible in the milieu of the formulation of this text. Finally, A. Schellenberg argues that the choices of animals in *these* two P texts (in contrast to some other P texts from the *Urgeschichte*) reflect the animosity between humans and animals in the ancient world because they leave out “cattle” (בהמה), which would not have posed a threat to humans.⁸ If she is correct, then it may be precarious to expect Gen 1:30 and 9:2 to provide foundational classifications of the animal world. However, the texts’ placements at the beginning of Genesis do call for such foundational statements, at least as they become part of longer and longer narratives. Furthermore, whether one can expect a term to designate domesticated cattle specifically at this point in the narrative remains debatable.

In any case, “everything that is in the heavens” (Gen 9:2), or the flying things (Lev 11:46: העוף), makes up a primary level of zoological classification in the biblical conceptualization that appears as a single category in the P texts of Gen 1–11. Furthermore, within the Priestly Primeval History texts of Gen 1 and 9, along with Ps 8 and Gen 2–3, which Schellenberg identifies as the key biblical material addressing the human-animal relationship, birds/flyers play a minimal role. Genesis 1 and 9 treat them only marginally. Psalm 8 only accords half of the first hemi-stich in v. 9 to them (9aα), while even the fish (9aβ) are addressed further in 9b. The flyers of the air do appear in Gen 2:19–20 as part of the creatures led before the Adam to receive their names, though the text concerns itself for little more with regard to the animals as a whole except to show that they are unequal to humanity, necessitating the formation of the woman.⁹ They remain undifferentiated, and they do not pose any kind of threat to humanity in these key passages,¹⁰ unlike the serpent (Gen 3), the Leviathan of the waters (Job 41:1–11), or Behemoth (Job 39:15–18), to name a couple of biblical examples.

⁵ Also Lev 20:25 and Hos 2:20.

⁶ Most scholars view both Gen 1 and 9 as parts of P. This particular difference within P receives little attention. For example, it does not appear in the lengthy commentary of Claus Westermann, *Genesis 1–11*, BKAT 1.1 (Neukirchen-Vluyn: Neukirchener Verlag, 1974).

⁷ Cf. Howard Eilberg-Schwartz, *The Savage in Judaism: An Anthropology of Israelite Religion and Ancient Judaism* (Bloomington, IN: Indiana University Press, 1990), 219.

⁸ Annette Schellenberg, *Der Mensch, das Bild Gottes? Zum Gedanken einer Sonderstellung des Menschen im Alten Testament und in weiteren altorientalischen Quellen*, ATANT 101 (Zurich: TVZ, 2011), 48, 66–67.

⁹ *Ibid.*, 197.

¹⁰ The lack of threat contrasts with, for example, the role of the Anzu bird in Mesopotamian myth.

The importance of this discussion will emerge in its application to the two main passages under discussion in this volume: Lev 11 and Deut 14 do not offer the same systems of classification.

With regard to the two systems of animal classification, the early layer of Lev 11 (vv. 2–23) exhibits a four-part structure: Lev 11:2b–8 address animals moving *over* the ground (בהמה); vv. 9–12 concern aquatic creatures; vv. 13–19 consider large winged animals; and vv. 20–23 have small winged animals in mind. There is, therefore, a significant difference from the expectations set in place from Gen 1–9 and Ps 8, among others.

It should be noted; however, the text does not make a clean break between v. 19 (large flyers) and v. 20 (swarmers or small flyers): In fact, MT places a section break (*setumah*)¹¹ between vv. 20 and 21, rather than between vv. 19 and 20 or between vv. 23 and 24! I see this section break as indicating reliance on the categorization of Deut 14, where Deut 14:20 (note the similarity to Lev 11:20) indicates a subsection *within* the third section on flyers.¹² The repeat of a variation of the statement (שקץ הוא לכם), which appears at one particular location in each of the two previous sections (Lev 11:10 for water animals and v. 13 for large flyers), supports the separation of these small flyers into a category of their own.

The question of structure can also be addressed by looking at the introductions of the first three sub-sections: In Deuteronomy, all three (14:4, 9, and 11–12) include a demonstrative pronoun and a positive statement about eating some of the animals from the category:

4: זאת הבהמה אשר תאכלו This is the beast that you may eat

9: את זה תאכלו מכל אשר במים: This you may eat from everything that is in the waters.

11–12: כל צפור טהרה תאכלו וזה אשר לא תאכלו מהם: All clean birds you may eat, but this you may not eat from them.

Within the third category – the flyers – which ends in v. 20 with a restatement of v. 11, Deut 14:19 inserts a statement on the “flying swarmers” (those moving *along* the ground, following Whitekettle’s categories).¹³ Its presence in both

¹¹ Though it indicates a *continuation* from one section to the next, designating less separation than a *petuhah*. Cf. Emanuel Tov, *Textual Criticism of the Hebrew Bible*, 2nd ed. (Minneapolis: Fortress, 2001), 50–51.

¹² Cf. Houston, *Purity and Monotheism*, 65. He states, “I conclude that we have in Leviticus 11 and Deuteronomy 14 two distinct developments of a set of toroth approximately corresponding to what we now find in Lev. 11.2b–14, 16a, 20.” I will address his argument for the later addition of 15, 16b–19 (*ibid.*, 47–48) below. Earlier (*ibid.*, 33–35), Houston argues for a threefold division in Lev 11:2–23, wherein vv. 20–23 constitute a subsection of the fliers. A further set of animals appears in vv. 29–30 of שרץ, animals moving along the ground, but these verses come in the section of vv. 24–47*, which generally do not concern consumption, but rather touching, and is for this reason (among others) considered later. Consumption of these small land animals appears in vv. 41–42, and Houston sees this constituting a fourfold categorization.

¹³ Whitekettle, “Rats Are Like Snakes.”

books (also Lev 11:20) might suggest that it belongs to the *Vorlage*, as I will discuss below.¹⁴

However, it could also represent a late update. In Deut 14, only v. 19 addresses these “swarming flyers”; a positive statement on which of them Israelites may consume does not appear;¹⁵ and no demonstrative pronoun is found. As a result, I see Deut 14 as exhibiting a three-part structure, with the statement on the “flying creepers” representing a subsection of the “flyers.”

Turning to Leviticus, 11:2b, 9, and 13 include a demonstrative pronoun:

2b: וזאת החיה אשר תאכלו מכל־הבהמה אשר על־הארץ: This is the creature that you may eat from all the beasts which are upon the ground.

9: את־זה תאכלו מכל אשר במים: This you may eat from everything which is in the waters.

13: ואת־אלה תשקצו מן־העוף לא יאכלו¹⁶: But these you shall abhor from the flyers – they shall not be eaten.

The first two coincide in naming the permitted action, that one may eat מכול, “some of” the category of animal named. The treatment of the large flyers in v. 13 differs: it omits a statement saying one may eat some of the members in that animal category (found, however, in Deut 14:11 and 20). Given this lack of the demonstrative, a three-part structure appears foundational for this text as well.¹⁷

Treatment of the “winged swarmers” then begins in Lev 11:20 (כל שרץ העוף): “Every winged swarmer walking upon four legs: it is detestable for you”). The lack of a demonstrative pronoun and opening statement that one may eat some of the animals in the category indicates a divergence from the features of the earlier sections of the list. Given the presence of the three-part structure evident in Deut 14 as well, vv. 20–23 likely represents a secondary addition that creates a fourth category out of the shared *Vorlage*’s three (still visible in the Deuteronomy list).¹⁸ Thus, provisionally speaking, some signs of redactional

¹⁴ See Section 4.3 The Small (Swarming) Flyers.

¹⁵ Though none fit this category according to Deut 14, which represents a direct difference from Lev 11:20–23. Cf. Houston, *Purity and Monotheism*, 48.

¹⁶ SamP reads the 2mp תאכלו, smoothing out the term by turning the passive *niphal* 3mp into an active *qal* 2mp.

¹⁷ Houston, *Purity and Monotheism*, 43–48; Lance Hawley, “The Agenda of Priestly Taxonomy: The Conceptualization of טמא and שָׁקֵץ in Leviticus 11,” *CBQ* 77 (2015): 234–35. Hawley argues that each of the three spheres (land, water, air) have both “swarmers” and “non-swarmers,” seeing continuity with the Priestly system on display in Gen 1; see also Houston, *Purity and Monotheism*, 104–5. However, the “swarmers on the land” do not appear until Lev 11:29, presumably (by many interpreters) a later text. Furthermore, the discussion of water animals in vv. 9–12 does not focus on the distinction between “swarmer” and “non-swarmer” as something that matters. Therefore, Hawley reads Gen 1 too strongly into Lev 11:2–23, imputing a structure that may not be present. For Lev 11:10, cf. Houston, “Towards an Integrated Reading of the Dietary Laws of Leviticus,” in *The Book of Leviticus: Composition and Reception*, ed. Rolf Rendtorff and Robert A. Kugler, VTSup 93 (Leiden: Brill, 2003), 156. He argues, “all the swarming things of the water and all the living creatures in water’ is a hendiadys, simply describing all water creatures.” This argument also weakens Hawley’s categorization.

¹⁸ See Nihan, *From Priestly Torah to Pentateuch*, 325. He states: “The source-critical analysis of

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