

PETER ALTMANN

Banned Birds

Archaeology and the Bible



Mohr Siebeck

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The Birds of Leviticus 11
and Deuteronomy 14

Mohr Siebeck

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

ISBN 978-3-16-158163-2 / eISBN 978-3-16-158164-9

DOI 10.1628/978-3-16-158164-9

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

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

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The book was typeset by Martin Fischer in Tübingen using Minion typeface, printed on non-aging paper by Laupp & Göbel in Gomaringen, and bound by Buchbinderei Nädele in Nehren. Published by Mohr Siebeck Tübingen, Germany. www.mohrsiebeck.com

Printed in Germany.

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 טהור / תמא in Deut 14:11–20, while the term שקץ 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־חַיַּת הָאָרֶץ], and on (2) every bird of the air [כָּל־עוֹף הַשָּׁמַיִם], on (3) everything that creeps on the ground [בְּכָל אֲשֶׁר תֵּרַמֵּשׁ הָאֲדָמָה], and on (4) all the fish of the sea [וּבְכָל־דְּגַי הַיָּם]; into your hand they are delivered. (Gen 9:2, NRSV)⁴

This is the law pertaining to (1) land animal [הַבְּהֵמָה] and (2) bird [וְהָעוֹף] and (3) every living creature that moves through the waters [וּכְל נֶפֶשׁ חַיָּה הַרְמֶשֶׁת בַּמַּיִם] and (4) every creature that swarms upon the earth [וְלִכְל נֶפֶשׁ הַשְּׂרָצָה עַל הָאָרֶץ] (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 ἔρπετόν, 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: *זאת 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: *זאת־אלה תשקצו מן־העוף לא יאכלו*¹⁶: 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 swarmer” then begins in Lev 11:20 (*כל שרץ העוף*) *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 *טָמֵא* 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

growth appear in the Leviticus version.¹⁹ These coincide with the four sections in Gen 9:2 and Lev 11:46. However, the four categories in Lev 11:2–23 *differ* from the other four-part structures in that the swarmers are flyers, rather than those “on the earth.”

This discussion indicates the flexibility and flux within the biblical categories for flyers/birds. In the main, all flyers appear lumped together, but especially Lev 11:20–23 separates out a further category, the “small flyers,” or more appropriately the “winged swarmers.” As a result, interpreters that see Lev 11:2–23 as part of the same P strata found in Gen 1 would need to explain why the two texts conceptualize the animal world differently. Furthermore, those viewing Lev 11 as the source text for Deut 14 should grapple with the different presentation of Lev 11:20–23.

1.1 Terms and Classifications for “Bird”

The remainder of this larger section divides into a discussion of terms for “bird,” fowling, human use of birds, birds and religion (with subsections on sacrifice, divine images, and birds in religious conceptions of the world and symbolic systems), and avian metaphors.²⁰

1.1.1 עוף: Flyer

While discussing terms for a title like “bird” appears otiose, its relevance emerges through comparison of Deut 14:11, which uses צפור for what one should not eat, while Lev 11:13 has העוף.²¹ The significance arises later in the chapters: Deut 14:19–20 then states:

וּכְלֵי שָׂרֵץ הָעוֹף טְמֵא הוּא לָכֶם לֹא יֵאָכְלוּ 19: And every flying swarmer, it is unclean for you.
They may not be eaten.
כֹּל־עוֹף טְהוֹר טָהוֹר תֹּאכְלוּ 20: Every clean flyer you may eat.

Lev 11 has indicated that it consisted of a classification of the entire animal kingdom; this system is primarily based on a division into three separate realms (land, water, air), though a further distinction is made between עוף, “birds”, and שָׂרֵץ הָעוֹף, winged swarmers.”

¹⁹ For more detailed comments, see below, Chap. 4.

²⁰ Except for the detailed discussion of the types of birds that will appear in conjunction with the philological discussions, I am generally following the approach of Peter Riede, “Vogel,” *WiBiLex*, n.d., <https://www.bibelwissenschaft.de/wibilex/das-bibellexikon/lexikon/sachwort/anzeigen/details/vogel/ch/7c35f3e0d8086bb593f2e09540d09dac/>. Berner organizes his article in *EBR* according to region, though within the section on the OT/HB he follows a similar structure, omitting discussion of individual species and genera.

²¹ The difficulty is recognized by Philip J. Budd, *Leviticus* NCB (London; Grand Rapids, MI: Pickering; Eerdmans, 1996), 168. He states, “The word *birds* can be used for all creatures of the air, including insects (vv. 20, 21, 23; Deut. 14:19). More usually it clearly has the narrower connotation (*sic!*) *birds* (e. g., Gen. 8:20; 1 Sam. 17:44; 2 Sam. 21:10 ...)” [emphasis original].

These designations parallel the ones in Lev 11:20, which, however, appear to have inserted a significant amount of text, such that it becomes the “flying swarmers” that *walk on the ground* [lit. upon four] that are unclean, except for those like locusts that have hinged knees in vv. 21–23.

The differences between these verses, when read synchronically, indicate that some distinctions can be made between “large flyers” (צפור), “flying swarmers” (שרץ העוף), and “all flyers” (כל־עוף) in Deut 14:11, 19–20 (but this is not the case for Lev 11:20–23 as argued above). Presumably the first two categories demarcate sub-categories of “flyers.”²²

This is but one example of determining the importance of the *kinds* of terms that are employed to designate categories. In terms of the philology of the broader comparative Semitic context, the verbal form *ʿp* likely appears in Arslan Tash KAI 27:27 and 28 in verbal and nominal forms.²³ The nominal form *ʿpt* stands parallel to *llyn* “night demons,” which certainly provides a sinister implication of the term not readily apparent in the Hebrew contexts.

It may also be attested in KAI 222B 33 (Sefire); but in this context one might also read *ʿp* II (“to grow weary”). The verb appears several times in Ugaritic with the basic meaning “to fly” in the G.²⁴ The nominal form *ʿp* is also extant from Ugarit, both in masculine (*ʿpmm*, a m.p. noun + enclitic *m*) and feminine (*ʿpt*)²⁵ forms, meaning “birds of the sky (KTU 1.22 I 11) as well as “perishing” in a broken context (1.18 IV 42). Thus, the Ugaritic and West Semitic evidence adds little to our understanding beyond what one might already deduce from the biblical texts themselves. The term can refer to flying creatures in general or more specifically to birds.

1.1.2 צפ(ו)ר: *Flyer*

As for the likely onomatopoeic *ʿsp(w)r*,²⁶ it is attested in Punic (Marseilles Tariff: KAI 69:12, 15),²⁷ while the plural absolute appears as *ʿsyprm* in a broken context in Neo-Punic Trip 51:7.²⁸ The context of KAI 69 clearly deals with animals brought for cultic offerings. The text identifies several categories – *ʿspr*, *ʿgmn*

²² Note the similar comment by James W. Watts, *Leviticus 1–10*, HCOT (Leuven: Peeters, 2013), 219.

²³ Cf. Frank Moore Cross and Richard J. Saley, “Phoenician Incantations on a Plaque of the Seventh Century B. C. from Arslan Tash in Upper Syria,” *BASOR* 197 (1970): 46–47 and n. 36.

²⁴ *DULAT*, 173: *KTU* 1.19 III 44; 1.10 II 11; 1.10 II 23; 1.13:8. There is one appearance of a *polel* (1.4 II 10), which is rendered “To fly (around someone) > to attempt to seduce, bewitch” (ibid).

²⁵ Also in KAI 10:5 (Yehaumilk, 5th–4th cent. BCE, Phoenician). Most interpreters understand the term to mean “winged disk”; cf. *DNWSI*, 878.

²⁶ Riede, *Im Spiegel der Tiere*, 201. The term sounds like the whirring of wings.

²⁷ Also in line 11 in a broken context.

²⁸ Tripolitanian Inscription 51; cf. Giorgio Levi Della Vida, “Ostrakon Neopunico Dalla Tripolitania,” *Orientalia* 33 (1964): 1–14.

and ṣṣ . Unfortunately, all identifications of the latter two remain speculative.²⁹ However, this text uses the term ṣpr as a broader term that can be modified into sub-categories.

In Deir Alla Combination I, a notoriously difficult text to reconstruct out of a multitude of small plaster fragments from eighth century BCE Transjordan, the term appears in line 11.³⁰ Some attempt to see a more specific identification in this term, especially “sparrow,” to go along with the readings of ywn as “dove” and drr as “swallow” earlier in the line.³¹ Such use, if correctly identified, diverges from that in KAI 69. Finally, in Official Aramaic the cognate term ṣnpr is extant in Ahiqar, where in line 82 it appears to have a smaller bird in view.³²

The corresponding – not cognate – term in Ugaritic is ṣr , cognate to Akk. iṣṣū-ru . This general term appears in Ugaritic for birds as food (4.751:5) and sacrifice (1.105.24 among many others).³³

This detailed evidence indicates at least two Hebrew terms, (w)p and $\text{ṣpr/ṣnpr/ṣypr/ṣpwr}$, can designate the general category of “flying creatures” or “birds” in West Semitic languages.³⁴ This conclusion suggests the possibility for some variety in their scope of meaning and for some sub-categories. This distinction bears some importance for the dietary prohibitions. For Deut 14, צפור must include “large flyers,” given that a number of birds in the list that follows are quite expansive.³⁵ As a result, narrowing צפור to something akin to “sparrow,” as one might do for Deir Alla Combination I, cannot obtain. This category in Deut 14:12–18 basically includes all birds + bats. However, in Ps 84:4 [ET: 3] the term more likely indicates smaller birds that find sanctuary in the temple, often translated “sparrow” given the parallel term is דרור : “swallow(?)”.³⁶ This combination also appears in Prov 26:2 concerning birds given to quick flight. “Large flyer” also likely takes on further specificity in Lev 14:4–7, 49–53, where the term concerns a pair of birds used in a ritual concerning skin/scale growths on humans or houses.

²⁹ I will discuss the importance of the possible meanings and implications below, 1.3 Cultic Use of Birds.

³⁰ Line 9 according to C. L. Seow, “West Semitic Sources,” in *Prophets and Prophecy in the Ancient Near East*, ed. Peter Machinist, WAW 12 (Atlanta: SBL, 2003), 210.

³¹ *Ibid.*, 211. Also see DNWSI, 973 for similar readings.

³² Lines numbered according to CAL. According to DNWSI, 973, it is line 98. H. L. Ginsberg translates (ANET, 428): “For a word is a bird: once released, no man can re[capture it].” It also appears in several other lines (186, 198), but the broken context renders it useless for drawing out any further connotations of the term.

³³ DULAT, 177–78.

³⁴ In addition to Akkadian influenced ṣr in Ugaritic.

³⁵ Contrast Driver, “Birds in the Old Testament I,” 6. He understands it to mean “‘twitterers’ ... and so stands for all the passerine birds [those with three toes pointing forward and one back, facilitating perching] and many, if not most, other small birds which are not specifically named.”

³⁶ Alice Parmelee, *All the Birds of the Bible: Their Stories, Identification and Meaning* (New York: Harper, 1959), 161–62. This provides some further justification for the translation of the term as sparrow in the Deir Alla combination.

Therefore, the detailed nature of these flyers may rather emerge from the context and not from the term itself.

One might argue that the most appropriate rendering of the term for Deut 14:11 arises on analogy with the Ugaritic *ʕr*, indicating “edible birds.” As a result, Deut 14:11 would read: “Every clean edible bird you may eat.” Opposing this understanding would be the question of whether the text/audience would view the list of prohibited birds as edible. That is, unless “clean” and “edible [bird]” more or less express the same content, in which case their combination then has the effect of providing emphasis (as a tautology). However, this relationship between the two terms is unlikely, given the 3.m.p. pronoun in v. 12a, *וזה אשר לא-תאצלו* (*uזה מהם*) (“But these you shall not eat from them”). Thus a general rendering of “large flyers” (i. e., birds + bat) represents the appropriate level of taxonomy for *צפור* *šippôr* in Deut 14:11, given that the term parallels *עוף* in the statement of v. 20: *כל-עוף טהור תאכלו* (“every clean flyer you may eat”), where only the terms for bird/large flyer are different, though in v. 20 the category has grown to include the smaller flyers, *כל שרץ העוף* (“every flying swarmer”) as well.

1.1.3 גוזל: *Young Bird*

A final category of “flyers” in the HB/OT may occur in *גוזל*, a term extant only in Gen 15:9 and Deut 32:11. While *HALOT* translates “young eagle” for the Deuteronomy passage, the bird serves as part of Abraham’s offering in Genesis. This datum shows that “eagle” is extrinsic to the core of the meaning: *HALOT* renders the term “turtledove” for Gen 15:9,³⁷ though this has little textual justification. Comparative evidence suggests “young pigeon” (Arab., Syr.), and Driver opts for the appropriate rendering of the term as the non-specific “young bird.”³⁸ So, this term views the flyers in a different manner, focused on their state of immaturity.

1.1.4 שרץ העוף: *The Small Flyer*

The smaller flyers, while not the focus of this monograph, provide a contrast with those of the larger varieties of flyers in Lev 11:13–19/Deut 14:12–18. They are designated by *שרץ העוף* in both Deut 14:19 and Lev 11:20, providing more of a challenge, given that the precise meaning of *שרץ* remains disputed. The root appears in verbal (*qal*) and nominal forms. Comparative Semitic languages attest Akk. “to clutch, clasp”; Syr. “to creep”; and Eth. “to sprout, shoot, bud” for the verbal form.³⁹ *HALOT* offers “creep, move, swarm” as the basic definition,

³⁷ *HALOT*, 182.

³⁸ Driver, “Birds in the Old Testament I,” 6. This is much preferable to Staubli’s attempt to see this as a wild partridge, cf. Thomas Staubli, “Hühneropfer im Alten Israel: Zum Verständnis von Lev 1,14 im Kontext der Antiken Kulturgeschichte,” in *The Books of Leviticus and Numbers*, ed. Thomas Römer, BETL 215 (Leuven: Peeters, 2008), 363.

³⁹ From *HALOT*, 1655.

though “teeming” appears in its explanations of specific passages. The subjects for the verb circle around frogs, aquatic wildlife, humans (Gen 9:7) or the Israelites (Exod 1:7), as well as the Nile or land itself (Gen 1:20–21; Exod 7:28; Ps 105:30). BDB provides the basic rendering “swarm, teem.”⁴⁰ *Gesenius*¹⁸ agrees with “kriechen, wimmeln,” which becomes “sich vermehren, fortpflanzen.”⁴¹

For the nominal form, comparative evidence basically only yields Eth. “offspring, twig.” BDB renders the Hebrew noun as a collective, “swarmers, swarming things,” noting that it applies to aquatic animals, small reptiles and quadrupeds, and in Deut 14:19/Lev 11:20–21 to insects.⁴² *HALOT* agrees, providing a longer explanation: “swarm, a mass of small animals or reptiles which naturally occur in large numbers.”⁴³

One reason for my attention to these terms arises from the secondary literature devoted to them with regard to Lev 11. M. Douglas’ *Leviticus as Literature* makes a significant shift from her earlier work: rather than the *mode of movement* marking the distinction for these animals, she argues that Leviticus designates the swarmers as culturally shunned in response to their incredible fertility:

They are symbols of fruitfulness in animal creation. Eating the teeming creatures offends God’s avowed concern for fertility. The ancient association of the temple with fertility supports the idea that harming the teeming creatures is wrong.⁴⁴

Douglas’ focus on fertility has garnered some interest: Ruane follows this logic of the shunning of an animal because of its fertility in her interpretation of the pig. She notes, “Although the criteria of cud chewing and cloven hooves are the stated rationale for the cleanness of land animals, it is also the case that almost all types of unclean land animals such as rodents, dogs, cats, rabbits, reptiles, and amphibians, bear in multiples.”⁴⁵ However, as she goes on to remark, this criterion neither applies to air nor sea creatures (nor to camels and a couple other land animals!).⁴⁶ The number of exceptions calls the applicability of this criterion into question, at least as a *primary* distinction, and, as she mentions, it does not provide assistance for understanding the reason for the differentiation between birds. The prolific nature of some clearly acceptable birds (doves and pigeons, partridges, and geese) mitigates against her proposal.

One can critique Douglas’ revised attempt to interpret the logic behind the shunning of the swarmers as something positive, in part from the observation that Lev 11:10 includes שָׂרִץ animals in both aquatic animals permitted and

⁴⁰ BDB, 1057.

⁴¹ *Ges*¹⁸, 1413.

⁴² BDB, 1057.

⁴³ *HALOT*, 1656.

⁴⁴ Mary Douglas, *Leviticus as Literature* (Oxford: Oxford University Press, 1999), 168.

⁴⁵ Nicole J. Ruane, “Pigs, Purity, and Patrilineality: The Multiparity of Swine and Its Problems for Biblical Ritual and Gender Construction,” *JBL* 134 (2015): 493.

⁴⁶ *Ibid.*, 497.

among those prohibited from consumption.⁴⁷ There is also some question whether the core meaning of שרץ concerns fertility rather than locomotion. Whitekettle contends that the basic distinction of the category of שרץ animals lies in their “sprawling stance.”⁴⁸ His argument accounts for the evidence from the alternate term used at some points for describing this category: רמש (e. g., Gen 1:20–21). However, locomotion seems too restrictive a category to encompass all the uses of שרץ, so fertility can also designate the key feature, such as for its uses for humans in Gen 9:7; Exod 1:7.

1.1.5 עיט: Bird of Prey

Moving to a different sub-category of flyers – in this case large flyers, Hebrew also attests to a categorical term often understood as “birds of prey”: עיט for which BDB takes the basic verbal root to mean “scream, shriek,” based especially on Arabic comparative evidence.⁴⁹ In Ugaritic, however, the term indicates an edible animal.⁵⁰ HALOT instead compares to Arabic *gāṭa* (“to hide, with a cognate substantive, within a *gawṭun* hide, hole, dip”).⁵¹ According to this Arabic comparative term, some indicators lead *away* from some kind of attacking connotation, thus reducing the likelihood that “bird of prey” renders the term appropriately. While עיט does not appear in the dietary laws, the rendering “bird of prey” fits well with many interpretations of the implicit reasoning behind the outlawing of most of the large flyers as birds of prey, thus making its meaning relevant for the dietary prohibition texts.

The nominal term appears eight times with variable connotations.⁵² The contexts of Gen 15:11 and Ezek 39:4 indicate that the birds can eat either carrion or be otherwise carnivorous. In Ezek 39:4 the phraseology presents the interpreter with some difficulties. A number of terms for birds receive the corpses of Gog’s armies: לעיט צפור כליכנף. Zimmerli understands צפור כליכנף as “nähere

⁴⁷ See Houston, “Towards an Integrated Reading of the Dietary Laws of Leviticus,” 156. Note the broad critique of Douglas’ new interpretation in this essay.

⁴⁸ Whitekettle, “Rats Are Like Snakes,” 354. He goes on to explain (ibid., 355): “In Land Animals with a sprawling stance, the limbs move beside the body with limb segments (e. g., the femur or foot) describing horizontal ellipses relative to the shoulder and hip ...” Note also his comment (ibid., 359): “In summary, the locomotion of legless Land Animals involves movement that is either exclusively or largely confined to a horizontal plane relative to the ground.”

⁴⁹ BDB, 743; Driver, “Birds in the Old Testament I,” 5–6.

⁵⁰ DULAT, 192 notes that the corresponding Ugaritic term, ʾt, only appears several times, usually in broken contexts, and it remains unclear whether it concerns a bird or a fish. It refers to an edible animal (!) according to the context in 4.247.24, where it is part of an administrative list containing other edible animals and bread.

⁵¹ HALOT, 816, referencing James Barr, *Comparative Philology and the Text of the Old Testament* (Oxford: Clarendon, 1968), 128–29, where the play on the double mention of עיט ‘ayit – homonyms in this case – in the verse is discussed.

⁵² Gen 15:11; Job 28:7; Isa 18:6 (2×); Isa 46:11; Jer 12:9 (2×); Ezek 39:4.

Beschreibung” for לעיט.⁵³ If this were the case, then עיט would equal “every winged flyer,” which would make the term into a very general term for “bird.” Gesenius instead understands the preposition ל as doing double duty, so the expression means “for predatory birds, for birds of every winged flyer.”⁵⁴ Here the context clearly points to carrion consumption, which accords with the contextual understanding of לצפור כל-כנף in 39:17. This reading provides both some explanation of עיט as well as a new wrinkle in the possible meaning of צפ(ו)ר! These connotations for עיט fit well with Gen 15:11, where the same creatures try to snatch away the animal offerings that Abram lays out (including צפור).

In Jer 12:9, the category of bird is described along with what might be a hyena (צבוע) to indicate the kind of behavior that “my inheritance [is] for/to me” (העיט) לי (צבוע נחלתי לי). A second alternative is a “speckled” bird of prey, as a G passive participle of the root צבעע, “soak, dye” from Akkadian and found in later Semitic languages. It is difficult to determine if this behavior concerns Yahweh’s people as a whole or rather Jeremiah’s relations more specifically because both appear in the close context, but the Judahites as a whole seems more likely. In any case, Yahweh or Jeremiah is alive, so it does not necessarily indicate the consumption of carrion. Depending on the species of hyena, if that be the better reading, diets can range from primarily scavenging to primarily hunting. However, both seem to be options for all species of hyena. The comparison in Jer 12:9b “The עיט surround it” (העיט סביב עליה) focuses more specifically on the method of approaching or acquiring the food, rather than the nature of the food itself.

If one opts for “speckled,” then the term may instead denote something that makes a creature stand out from the rest of its species, and is therefore attacked because it is different.

The more readable Isa 46:1a may offer some insight.

קרא ממזרח עיט	Calling from the east, an <i>‘ayit</i> ,
מארץ מרחק איש עצתו	from a faraway land, a man of my counsel

After comparing the Babylonian divine images with Yahweh (vv. 1–9), Yahweh declares in v. 10 that his plan will take place. The first concrete image of this plan consists of his calling the עיט from the east, paralleled in the following line as “the man of his (K)/my (Q) counsel from a distant land,” indicating Cyrus.⁵⁵ One possible connection arises from the likelihood that Cyrus’s standard consisted of the mythological *shahbaz* bird, the “royal falcon.”⁵⁶ One might certainly expect

⁵³ Walther Zimmerli, *Ezekiel 25–48*, BKAT 13.2 (Neukirchen-Vluyn: Neukirchener Verlag, 1969), 929.

⁵⁴ GKC, § 119 hh. Cf. similar expressions in Gen 1:21; 7:14; Ezek 17:23; and 39:17.

⁵⁵ Peter Riede, “Raubvogel,” *WiBiLex*, n.d., <https://www.bibelwissenschaft.de/stichwort/32727/>.

⁵⁶ A. Shapur, “Derafs” *Encyclopedia Iranica*, <http://www.iranicaonline.org/articles/derafs>, originally published: 1994, last updated: 2011. This article is available in print: Vol. VII, Fasc. 3, 312–15. He notes “Xenophon in *Cyropaedia* (Book VII, C.1) as: ‘... and the word went down

that the emblem of the conquering and reigning Achamaenids would intend to depict some strength and aggressiveness.

The term עֵיט also appears in Isa 18:6, where its status as “bird of prey” remains questionable. The context of Isa 18:6 concerns the judgment of Cush, but here the image consists of an orchard: at the time when blossoms develop into unripe fruit (בָּסֵר in v. 5), pruning will take place. These pruned branches, presumably with fruit, comprise the analogy for what is left “for the *bird* of the mountains” (לְעֵיט הַרִים).⁵⁷ The imagery indicates a frugivorous rather than a carnivorous bird, paralleled in the subsequent lines by the beast of the earth. The bird summers upon the berries, while the beast winters upon them. However, given the judgment context of the oracle, one might argue that the imagery of a carrion-consuming bird has bled into the picture because the analogy of the birds and beasts feasting on berries becomes colored by the prophecy’s meaning: in fact, they will feast on human corpses.

The appearance of the term in Job 28:7 has completely different connotations, set in parallel with אֵיה. Both birds apparently seek wisdom, but neither of the two types can find the source of wisdom. The אֵיה has an eye that cannot see in this context, suggesting that the bird was generally known for having much better vision than others creatures, yet even it cannot find wisdom’s source. Just how the עֵיט should know the path receives no elaboration. Presumably its eyes also possess the ability to see objects from a considerable distance, similar to the אֵיה (falcon?).⁵⁸

There are two (possibly three) appearances of the denominative verb: in 1 Sam 14:32 Q; 15:19; and 25:14. In the first two, the context calls for some kind of ravenous falling upon, likely in the manner of birds falling upon a meal. In 1 Sam 25:14, on the other hand, the verb describes Nabal’s treatment of David’s messengers in a negative manner, which HALOT renders as “to shout at, address angrily.”⁵⁹

Given the diversity of varying biblical usages of the noun עֵיט, describing the semantic field of the term as “bird of prey” still does fit most scenarios. Some contexts certainly imply carrion consumption (Gen 15:11; Ezek 39:4; note the similar implication for use of the verb). Jeremiah 12:9 might allow for a carnivorous conception, emphasizing, however, the manner of a circling attack. Job

*the lines, ‘Eyes on the standard and steady marching!’ The standard was a golden eagle, with outspread wings, borne aloft on a long spear-shaft, and to this day such is the standard of the Persian king’ (however, here he is describing Artaxerxes II’s standard at Cunaxa).” Cf. Xenophon, *Anabasis* 1.10.12; see a similar eagle on the chariot of Darius III; Curtius Rufus, 3.3.16.*

⁵⁷ JPS renders “kites of the hills.” Most English translations offer “birds of prey” (NRSV, NIV, ESV, NASV), though “ravenous birds” (i. e., JPS 1917) also appears. Some opt for the non-descript “fowls of the mountains/hills” (KJV; NET); in German, LUT has “Geier,” and ZB offers “Raubvögeln.” LXX simply renders πετεινοῖς (birds), which fits the context well.

⁵⁸ See below 3.2.

⁵⁹ HALOT, 816.

28:7 focuses on the bird’s acute sight, and Isa 46:11 on the attacking posture of Cyrus the Great exemplified in the royal standard. However, the two uses of the term in Isa 18:6 suggest the consumption of fruit, though the underlying analogy to dead human corpses may have supplied the reason for the choice of this category of bird.

Let me now apply this discussion to the dietary laws. Given that many interpreters deduce the carnivorous nature of a majority of the forbidden birds as the reason for their status as unclean (Deut)/shunned (Lev), it is striking that the designation טֵעַ does not appear in the lists of Lev 11/Deut 14. One might wonder why? One explanation, fitting well with Milgrom’s rationale on the rejection of carnivorous animals,⁶⁰ is that טֵעַ addresses a broad category of birds, while Lev 11/Deut 14 concern themselves with more specific family, genus, or species designations. Yet, if this categorical term could simplify the prohibited birds in the same way as the criteria given for the large land animals and aquatic creatures, it seems its use would offer the easiest solution. As a result, the absence of this term provides an argument (though from silence) against Milgrom’s basic premise.

However, the Ugaritic evidence, if in fact a cognate and referring to the same kinds of birds, raises a serious question about the feasibility of consumption. If the ʾt denotes a bird consumed in Ugarit, which manifests considerable similarity to consumption practices in ancient Israel, then one might conclude that Lev 11/Deut 14 *permit* the general consumption of this category of fowl for Israelites as well! I choose caution with regard to this assertion, however, given the large body of scholarly tradition that would fit some of the unclean/shunned birds from Deut 14/Lev 11 into the larger category of עֵיט. Most likely the lack of criteria for prohibition of large flyers should simply indicate that there was not a *single* trait (or very short list) that would lead to prohibition. Furthermore, the terms in Ugaritic from the Late Bronze Age and Hebrew from the Iron Age may have shifted in their meaning.

1.1.6 Summary

This section has investigated the various Hebrew terms for “birds/flyers” or sub-categories of birds. The term עוֹף indicates the broadest term for “flyers,” going beyond “bird” and also including insects. Limiting the category – at least in some contexts – is צפּוֹר, which can suggest something akin to a sparrow, while indicating broad groupings of flyers in others. In any case, the comparative evidence suggests that both these terms include edible birds. Thirdly, the few appearances of גּוֹזֵל point toward a category of “young flyer.”

Two further categorical terms are שֶׂרָץ and עֵיט. The former has elicited considerable discussion around the question of whether it primarily indicates a mode

⁶⁰ Jacob Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991), 701.

of locomotion or rather fertility. In some cases, the evidence leans in favor of locomotion, given that this rendering also accounts for the closely related term רמש, while in others, only fertility seems appropriate. Finally, the biblical use of עיט largely indicates a carnivorous type of bird that can have incredible vision and a circling type of approach. However, Isa 18:6 and the Ugaritic evidence point in a different direction, that of a frugivorous bird that found its way to the (Ugaritic) table.

1.2 Bird Depictions in the Hebrew Bible

Looking at birds in general in the Hebrew Bible is of course a large task in and of itself. Riede, who offers the most extensive work in this regard in recent decades, considers birds according to their genus/specie types, how they were caught, their uses (for humans), religious uses, and metaphorical connections.⁶¹ Following his lead, this section will consider the ways that flyers appear throughout the biblical material in an attempt to understand their place in the larger thought world of the literature. Key issues include their relationships with God, humans, other animals, and among themselves. This broad overview provides the larger context for the kinds of associations with birds that could lead to the role of some types in the cult on one hand, and the exclusion of others from consumption on the other.

First, in terms of their larger place in the world and in relation to God, birds receive their own realm for life in Gen 1:20, though they must touch down on earth, as perhaps noted in 1:22 (cf. Ezek 38:20; Hos 2:18; 4:3), rendering them participants in the events on earth. A similar notion of a separate realm belonging to the birds – though not birds alone – likely stands behind the comparisons between certain Mesopotamian kings' exploits and the realms of birds. For example, both Shamshi-Adad V and Assurbanipal proclaim that they passed through regions where not even wild animals and birds dwell. The desert especially constitutes such a region.⁶²

They receive the same punishment and deliverance as humans and beasts in the flood narrative in Gen 6:7 (cf. 7:21, 23) and 7:3.⁶³ Birds, then, are co-creatures with humans (and beasts) and covenant partners along with Noah as well. Furthermore, their punishment in the flood suggests that they possess a level of responsibility for the violence that led to the divine destruction through water. Hosea 4:1–3 pronounces a similar shared punishment: because of a panoply of

⁶¹ For an overview see Riede, "Vogel." Much of his further work on animals is collected in Riede, *Im Spiegel der Tiere*.

⁶² See CAD I: 210–11 for sources from the reign of Tiglath-Pileser I until Assurbanipal.

⁶³ Detailed discussion of this theme appears in Schellenberg, *Der Mensch, das Bild Gottes?*, 39–42.



Fig. 1: Ancient Egyptian bird-catchers from Thebes, Tomb of Nakht, 52, 1420–1411 BCE. Plate 48 from Nina M. Davies, *Ancient Egyptian Paintings*, 1936.

iniquities reminiscent of the Ten Commandments, everything dwelling in the land, including beasts of the field and birds of the heavens will languish.

However, alongside their mutual responsibility, humans receive dominion over the fowl in 1:26–28, and humans name them in 2:20. Birds become afraid of humans in 9:2, while still participating in the Noachic covenant in 9:10.

Second, perhaps the most dominant conceptualization of birds in ancient Israel appears in a number of biblical texts that play on the relative weakness of most birds in comparison to humans. Comparison with a captured bird in the Psalms can express the worshipper's helplessness (Pss 74:19; 124:7). Proverbs (6:5) compares a person who stands surety for another with a bird caught in a snare. In fact, the Hebrew Bible frequently employs the motif of fowling: the world from which the texts emerged clearly imagines certain strains of birds as rather helpless and easily captured. For example, in Qoh 9:12 a person's end surprises them in the same way as a fowler's trap suddenly snags a bird (see a similarly surprising capture for a young man by an adulterous woman in Prov 7:23).

Fowling took place from the Middle Stone Age onward, also with the use of bow and arrow, as one would expect.⁶⁴ And, unlike the intent to capture fowl primarily for food, hunting could also serve as a royal pastime, likely for other reasons than to promote the image of the king's strength. This motivation appears in

⁶⁴ Elisabeth Osten-Sacken, *Untersuchungen zur Geflügelwirtschaft im Alten Orient*, OBO 272 (Fribourg, Switz.: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 2015), 36.

several Neo-Assyrian palace reliefs that show archers hunting *small* birds, therefore less likely to show the king's ability to prevail over a ferocious opponent.⁶⁵

A third category concerns meanings that arise from birds' interactions with their young. This image seemingly contrasts sharply with fowl as weak, generally shown as the bird hovering in protection. The most prominent representations in this category consist of images of the protection given by a parental bird's wing. Related are the *nešer* ("eagle, vulture") fluttering over its young. This symbolism arises from the relative helplessness of baby and young birds coupled with the adult instinct to protect their young. The images provide apt analogies for the description of the divine care for humans.

One such text is Isa 31:5, where God acts like flying birds (כצפורים עפות) to protect Jerusalem. Further similar avian imagery appears in conjunction with God in numerous circumstances, especially in relation to the protective wing, as in Pss 17:8; 36:8 [ET: 7]; 57:2 [ET: 1]; 61:5 [ET: 4]; 63:8 [ET: 7]; 91:4; and Ruth 2:12.⁶⁶ The protective wings of cherubim over the Ark perhaps also deserve mention (e. g., Exod 25:20; 37:9; 1 Kgs 8:7).

In a rather striking narrative that portrays birds in a different type of protective role, ravens also take on the role of divine provider for Elijah, bringing him bread and meat twice daily (1 Kgs 17). Identified as unclean in Deut 14:14 (shunned in Lev 11:15 MT),⁶⁷ they nonetheless can bear food for the prophet, demonstrating Elijah's state of extreme helplessness.

While the overarching image in these texts presents the notion of a powerful bird, it likely develops in conjunction with the rather helpless nature noted above for a bird's eggs or young. Thus, the protective image relates closely with the notion of an adult bird protecting its young.

Fourth, some texts note the special proximity of some birds to God. This association could arise from several mutually supporting images. On the one hand is the association of deities with the heavens (Qoh 5:2 "for God is in heaven, and you upon earth"). Since birds ascended higher in the ancient world than any other living creature, they come nearer to the divine realm than other beings. On the other hand, small birds make their nests in small niches of large buildings. The largest buildings of the ancient Near East tended to house the gods, again underlining the close proximity of some birds with the divine realm.⁶⁸ Psalm 84:3–5 [ET: 2–4] highlights this connection:

⁶⁵ See the discussion of a royal bird-hunting party from Sargon II's Khorsobad palace and Assurbanipal's North Palace in *ibid.*, 139–41.

⁶⁶ For representative iconographic depictions from eighth-century BCE Arslan Tash and Iron I Egypt, see Keel, *Die Welt der altorientalischen Bildsymbolik*, 171.

⁶⁷ However, not in early LXX manuscripts. See discussion below, in 3.3.

⁶⁸ Note the similar appearance of birds in temples in Mesopotamia as early as Ur II Gudea, where a kind of pigeon/dove (tu^{musen}) live in Eninnu's temple. Cf. Osten-Sacken, *Untersuchungen zur Geflügelwirtschaft*, 298.

My self longs, and even faints for the courts [חצרות] of Yahweh.
 My heart and my body cry praise to the living god.
 Even the bird [צפור] has found a house,
 And the swallow [דרור] a nest for itself to lay her young – your altars,
 O Yahweh of the armies, my king and my God.
 Happy are those dwelling in your house, they will continue to praise you.

In this text, the worshiper pines for structures that make up the sanctuary complex in which especially birds find places not only to dwell, but also to raise the next generation in safety. As a result of their dwellings in sanctuaries, such birds could bring messages from the divine world to humans: Figurines of doves/pigeons appear throughout the iconography of ancient Mesopotamia, Syria, Mycenaean locations, and Turkey in close connection with deities, most often goddesses, at times even on their shoulder or head. Placing these attestations together with Anat's role as winged messenger in the Baal Cycle, the dove may take on a special role as messenger from Yahweh in Ps 68:12–14 to announce a victory.⁶⁹ Further is the connection that continued for millennia between goddesses of love and the dove.⁷⁰

Within these foundational categories – or perhaps better stated: constructed on the foundation of these categories, the Hebrew Bible conceptualizes and contextualizes birds in a number of ways. Most prominent for the present discussion include cultic and religious associations, militaristic connections, and fantastic birds.

1.3 Cultic Use of Birds

Within the broader biblical context of these images, the religious use of birds as sacrificial animals seemingly lies at the opposite end of the pendulum from birds declared unclean or abhorrent. My discussion of sacrificial use of birds informs the understanding about clean/unclean birds by way of describing the contrast. Their place in cultic practice relates to (1) their sometimes proximity to humans

⁶⁹ Othmar Keel and Urs Winter, *Vögel als Boten: Studien zu Ps 68, 12–14, Gen 8, 6–12, Koh 10, 20 und dem Aussenden von Botenvögeln in Ägypten*, OBO 14 (Fribourg, Switz.: Universitätsverlag, 1977), 34–36. Cf. *ibid.*, 78: “Wenn die Göttin als Freudenbotin auch nirgends deutlich in Vogelgestalt erscheint, so ist doch die Affinität der Göttin zum Vogel, besonders zur Taube (Ikongraphie), einerseits und ihre Funktion als Freudenbotin andererseits bezeugt und das stützt sowohl die Annahme, die Freudenbotinnen (מבשרות) in Ps 68,12 seien mit den Tauben in Ps 68,14 identisch, wie auch die Annahme, die Taube der fernen Götter in Ps 56,1 bezeichne Anat oder Astarte in Taubengestalt und in ihrer Funktion als Botin für die fernen Götter.” They note (*ibid.*, 109–42) similar associations in Egypt for the announcement of a victory or enthronement. More recently, see also Schroer, *Die Tiere in der Bibel*, 78–79. However, the evidence is not as clear as these authors' suggest. Cf. Izak Cornelius, “Astarte,” *IDD*.

⁷⁰ Cf. Peter Riede, “Taube,” *WiBiLex*, September 2010, <https://www.bibelwissenschaft.de/stichwort/32559/>.

in reliance on humans for food and protection, (2) their usefulness to humans, and (3) their relative weakness that allows for humans to trap them. Sacrifice arises as one of their key purposes in the story of Noah (7:3 – a non-P text), though not the only one, as they also serve as “instruments” to verify the receding of the floodwaters. Their depiction as offerings begins in earnest in Gen 15:10 and becomes a regular part of the Sinai sacrificial system in Lev 1:14; 7:26; 14:4–7, 49–53.⁷¹ However, the ritual texts generally identify only two categories of birds as appropriate for sacrifice: the תור and the יונה.⁷² Naturally neither of these categories of birds appears on the prohibited lists in Deut 14/Lev 11, indicating that in the stages of composition when *at least* Lev 11 appears together with Lev 1–7, they belong to the clean and edible birds. One important question with regard to the identification of the nature of these birds lies in whether they were domesticated or wild birds. Answering this question will illuminate the Israelite/biblical connection between the cult and animal (here: avian) world.⁷³

The general view of scholarship is summed up by Houston, who proposes, “I think we can reasonably assume that doves were kept as domestic birds, especially since otherwise they would be the only wild victim permitted in the sacrificial codes of Ugarit and Leviticus ...”⁷⁴ This argument develops simply from a logical presupposition about the relationship between the table and the altar (or rather: domicile and the altar): Because people supposedly raised all other sacrificial items in Ugarit and biblical texts (Israel/Judah) as *domesticated animals*, this must have been the case for the birds (which Houston assumes are doves and pigeons) as well.⁷⁵

⁷¹ I am not implying that Gen 7:3; 15:10 represent the earliest historical texts. At this point I simply present an overview in terms of the order of appearance in the direction of reading.

⁷² The one exception is the mention of the גחל “young bird” in Gen 15:9. For more detail on this type of fowl, see above 1.1.3.

⁷³ A more developed form of the following argument appears in Spiciarich and Altmann, “Chickens, Partridges, and the /Tor/.”

⁷⁴ Houston, *Purity and Monotheism*, 188. Similarly Oded Borowski, “Animals in the Religions of Syria-Palestine,” in Collins, *A History of the Animal World*, 412. He surmises: “The large quantity of birds that must have been required for sacrifices suggests that the Israelites were not relying on captured birds, but that the majority were probably raised under controlled conditions. However, no columbaria or other installations related to bird-keeping earlier than the Hellenistic period have been discovered in Palestine.” See further the similar assumption in Jacob Milgrom, “Ethics and Ritual: The Foundations of the Biblical Dietary Laws,” in *Religion and Laws: Biblical, Judaic and Islamic Perspectives*, ed. Edwin B. Firmage, Bernard G. Weiss, and John W. Welch (Winona Lake, IN: Eisenbrauns, 1990), 178–80. He asserts that the “domesticated” and “unblemished” belong to the Lord as sacrifices, citing Lev 22:17–25. The problem with this assertion is that it omits reference to birds.

⁷⁵ The discussion below will challenge the assertion that only domesticated animals were sacrificed in the Levant and elsewhere. Note Milgrom, *Leviticus 1–16*, 720. He claims the wild species of *ʾyl* and *ʾhmr* appear in the Ugaritic sacrificial list of CTA 61 (= KTU 2.9 = UDB 2.9); however, the more recent UDB, 562 does not offer this reading and should therefore be omitted from the discussion. In any case, as Milgrom notes (*ibid.*), deer remains were found in an Iron Age I–II cultic context at Dor.

Milgrom's landmark commentary argues that the development toward sacrifice of solely domestic animals represents a "conscious effort to restrict the sacrificial quadrupeds to a narrower range of edible animals, namely, the domestic species, as a model for the differentiation between priests and Israelites."⁷⁶ He maintains that the purpose for this distinction lies in this analogy between consumption habits and holiness – that is, allowed proximity to the deity. In the same way that sacrificial animals represent a subcategory of those allowed for Israelite consumption, a distinction is also made between clean and unclean (or abhorrent [שקץ]) animals. This distinction functions, according to Milgrom, as an analogy of the separation between Israel (only clean animals for consumption) and the rest of humanity (all animals, but not their blood because of the prohibition in Gen 9). Milgrom unfortunately does not consider the merits of this same analogy in his discussion of the birds. Because he assumes that the Lev 11 treatise on the birds comes from the same compositional layer as vv. 2b–8 (on the large quadrupeds), one would expect the same conception to carry through: only *domesticated* birds should be available for sacrifice.

Watts also accepts this presupposition: "Since P permits only domestic animals on the altar, [Lev] 1:14 makes the best sense if it refers to the two major categories of domesticated food birds in the ancient Near East, chickens and pigeons."⁷⁷ Thus, while he changes out one of the kinds of fowl (chickens instead of doves), he maintains the underlying premise. As support he refers to the *Hellenistic period* dove industry in Israel, yet no evidence exists of such practice earlier, except one dovecote in the Transjordan near Amman, likely from the Iron Age II.⁷⁸

Borowski goes so far as to claim, "There is no question that, during the Iron Age, some birds were domesticated or were raised under controlled conditions."⁷⁹ Now, while considerable evidence for *some* domesticated fowl in the larger region exists (see below, chap. 2), support for the domestication of *these* particular birds proves harder to find. As support, however, he turns to the biblical text, citing 1 Kgs 5:2–3 [ET: 4:22–23] and Jer 5:27–28. What do these texts

⁷⁶ Milgrom, *Leviticus 1–16*, 720. Similarly Rolf Rendtorff, *Leviticus*, BKAT 3 (Neukirchen-Vluyn: Neukirchener Verlag, 2004), 26. He states, "Darin wird zugleich eine Einschränkung sichtbar: Von den Haustieren werden nur die Nutztiere genannt, die auch als eßbar gelten, ..." However, Rendtorff takes this as a possible indication (*ibid.*, 73) that vv. 14–17, which address the avian offering, represent an addition. Specifically on the types of birds, Rendtorff writes (*ibid.*, 74): "In V [14]b. wird dieser allgemeine Ausdruck [עוף] jedoch eng begrenzt auf zwei Arten von Tauben. ... Dies hat seinen Grund vermutlich darin, daß Tauben die einzigen Vögel waren, die in Israel in der alttestamentlichen Zeit domestiziert und als Hausvögel neben die Haustiere treten."

⁷⁷ Watts, *Leviticus 1–10*, 219–20.

⁷⁸ Randa Kakish, "Evidence for Dove Breeding in the Iron Age: A Newly Discovered Dovecote at 'Ain Al-Baida/'Amman," *Jordan Journal for History and Archaeology* 6 (2012): 175–93.

⁷⁹ Oded Borowski, *Every Living Thing: Daily Use of Animals in Ancient Israel* (Walnut Creek, CA: Altamira, 1998), 152.

say? The first text intends to depict Solomon's glory by means of a description of his table:

ויהי לחם-שלמה ליום אחד שלשים כר	(2) Now Solomon's provisions for one day were 30
סלת וששים כר קמח	measures of fine flour, and 60 measures of flour.
רעי עשרה בקר בראים ועשרים בקר	(3) 10 fattened cattle and 20 pasture cattle, and
100 herd animals, beside some deer, gazelle, and	
זבובים וצבאי ויחמור	
זבובים וצבאי ויחמור	fallow deer, and fattened fowl

Windham agrees with Borowski, arguing that the "fattened fowl" (ברבורים) (אבוסיים) of 1 Kgs 5:2-3 [ET: 4:22-23] could point to domesticated birds.⁸⁰ One might perhaps draw support from the appearance of the birds in the Leviticus offering instructions that point to readily available fowl available for purchase.⁸¹

The depiction in Jer 5:26-28 offers similar data in this regard:

כי-נמצאו בעמי רשעים	(26) For wicked (ones) are found among my people,
ישור כשך יקושים	he lies in wait like ones setting snares,
הציבו משחית אנשים ילכדו:	they set a trap; they capture men.
ככלוב מלא עוף	(27) Like a cage full of birds,
כן בתיהם מלאים מרמה	thus their houses are filled with treachery.
עליכן גדלו ויעשירו:	In this way they become great and wealthy.
שמנו עשתו ...	(28) They become fat [and] sleek ...

Verses 27-28 depict birds as captive and fattened. However, if v. 26 is justifiably added to the context, then the caged birds appear of a wild variety, caught by trapping. For the metaphorical sense of the text to be understood, the captive men at the end of v. 26 must originally have maintained some sense of freedom that the wicked took away from them in the same way that a fowler ensnares wild birds.

Taking the two texts together, the fattened birds of 1 Kgs 5:3 [ET: 4:23] and the comparison of those ensnared by the wicked with fattened birds in cages in Jer 5:26-28 do indicate that birds *in some way* could be kept for food. However, there is more than one way for birds to come into the seller's possession. Why not consider capture as an option, given the iconographic evidence for capture, force feeding in Egypt, and textual evidence in Jer 5:26?

The Egyptians domesticated a small number of bird species, though they trapped many other kinds of birds. Most of these birds took part in great semi-annual migrations from the colder regions of Asia and Europe to Africa in the fall months (of the Northern Hemisphere) and from Africa back north in the spring. Ancient Egyptians kept great numbers of them for consumption in pens after

⁸⁰ The meaning of this phrase remains unclear. Cf. HALOT, 154: states "onomatopoeic word," and then cites Noth, *Könige*, 58: "not to explain any more," going on to note other suggestions such as cuckoo, goose, and young chicken.

⁸¹ Mary Ruth Windham, "An Examination of the Relationship between Humans and Animals in the Hebrew Bible" (Ph.D. diss., Harvard University, 2012), 39.

capture until eating them.⁸² Thus one might envision a continuum between the completely wild animal or bird, then perhaps birds or animals trapped and kept for consumption, those tamed, and at the other end of the spectrum, animals like cattle and sheep, which were bred and raised in domestic settings.

In fact, this raises the question of definitions: what does one mean by *domestication*, and how does one identify a *domesticated* species? Providing a summary of the biological identifiers of domestication, C. Driscoll et al. remark:

Hard definitions are elusive because domestication is a continuous transition, attributes differ by species, and genes and environment interact to produce selectable characteristics that may vary with circumstance. However, an interconnected and characteristic suite of modifiable traits involving physiology, morphology and behavior are often associated with domestication. Critically, all domesticates manifest a remarkable tolerance of proximity to (or outright lack of fear of) people. Reproductive cycle changes such as polyestrousness and adaptations to a new (and often poorer) diet are typical. Common physical and physiological recurrences among domesticated mammals include: dwarfs and giants, piebald coat color, wavy or curly hair, fewer vertebrae, shorter tails, rolled tails, and floppy ears or other manifestations of neoteny (the retention of juvenile features into sexual maturity). Behaviorally too, domestication is not a single trait but a suite of traits, comprising elements affecting mood, emotion, agnostic and affiliative behavior, and social communication that all have been modified in some way.⁸³

To summarize and apply this definition to the discussion of birds in the ancient Near East, specifically the southern Levant associated with the biblical texts, several indicators of *domestication* could play a significant role:

- (1) Tolerance of proximity to humans, in the sense that the animal will not flee proximity to humans if given the opportunity,
- (2) Change in reproductive cycle,
- (3) Adaptation of diet,
- (4) Changes or accentuations of specific physiological features,⁸⁴
- (5) Behavioral changes.

However, of these changes, very few appear in the currently available material, iconographic, or textual sources. Changes in the physiological features of cattle, sheep, goats, and horses set these animals off from their wild counterparts. This

⁸² See below, 2.2 for more detail.

⁸³ Carlos A. Driscoll, David W. Macdonald, and Stephen J. O'Brien, "From Wild Animals to Domestic Pets, an Evolutionary View of Domestication," *Proceedings of the National Academy of Sciences* 106.Supplement_1 (2009): 9972.

⁸⁴ Abra Spiciarich has suggested in personal communication that changes in bone structure represents one of the major identifiable developments in the faunal record of the chicken population in the past 1,000 years would be analogous to what one might hope to find in the ancient record. Salonen perhaps argues for such a change evident in the *philology* of Akkadian for the "turtledove" (See below, 2.3). For similar conclusions to my own, see Osten-Sacken, *Untersuchungen zur Geflügelwirtschaft*, 21.

is not the case for pigeons/doves. Likewise, one might suggest increased docility for the herd and flock animals. Criteria 2–3 play little role in available sources.

The first criterion of proximity to humans does appear in ancient sources. With regard to birds, the need to cage the birds in Jer 5:26–28 could disqualify these birds from being domestic. On the flip side, the use of domesticated geese in Egypt to lure wild fowl into the reach of the fowler in iconographic depictions shows a special relationship between humans and these animals. Furthermore, while perhaps outside these specific categories, the *introduction* of the chicken (*Gallus gallus*) by humans to the ancient Near East over the course of the second millennium BCE indicates the domesticated nature of this species.

Therefore, the question of *which* birds fall into the various categories of consumed birds in the pre-Hellenistic periods also proves significant. According to the faunal remains gathered to date, the goose, particularly the graylag goose, stands as the best candidate for “domesticated,” better than the chicken or dove/pigeon (*Columba* species). In Egypt and in Mesopotamia, temple records and specific terms indicate the keeping of geese.⁸⁵ Remains of the goose constitute the most frequently found avian remains in the southern Levant for a domesticated bird, though they do not feature prominently in the Bible. Their possible appearance in 1 Kgs 5:3 [ET: 4:23] marks the sole place they might be found. Furthermore, they were clearly domesticated in Egypt.

Given that the domestic chicken (*Gallus gallus*) is not native to the southern Levant, their appearance does suggest human involvement and therefore assumedly domestication as well. However, as I will discuss below, their remains only become prominent in the territory of Israel/Judah in the *Hellenistic period*.

It is more difficult to apprehend the status of the pigeon/dove (*Columba livia*) with regard to domestication because their faunal remains lack features that distinguish between the domestic and wild varieties. The best support for any domestication comes from Akkadian philology (and the Transjordanian dovecote), which I will discuss below.

However, evidence in the biblical texts proves wanting. In addition to the two texts already discussed, Riede calls on a different text, Isa 60:8, and supposes: “Vermutlich seit dem 6. Jh. v. Chr. gab es für die domestizierten Vögel entsprechende Taubenschläge (Jes 60,8).”⁸⁶ Yet the word he translates “Taubenschläge” (“dovecote”) is אַרְבַּתֵּיהֶם, literally “their lattices/windows.” As Dalman notes in his early survey of animal usage, wild dove/pigeons stand in the foreground in the Hebrew Bible, so this verse more likely has holes in the rocks in view.⁸⁷

⁸⁵ Ibid., 197–98.

⁸⁶ Riede, “Taube.”

⁸⁷ Gustaf Dalman, *Arbeit und Sitte in Palästina: Zeltleben, Vieh- und Milchwirtschaft, Jagd, Fischfang*, vol. 6 of *Beiträge zur Förderung christlicher Theologie* 2/33 (Gütersloh: Bertelsmann, 1939), 95. Another option is that the birds had found places in the sanctuary buildings to build their nests; see Walter C. Bouzard, jr., “Doves in the Windows: Isaiah 60:8 in Light of Ancient

In any case, this discussion of the boundary between “domestic” and “wild” with regard to birds raises the question of the relationship between the *household* boundary and the altar (rather than the *table* and the altar).⁸⁸ This open question takes shape around the identification of the birds sacrificed, which birds might have been domesticated, and whether the birds sacrificed consisted of wild or domestic birds, and just what one means by “domesticated.”

On the whole, I argue that scholarship should abandon the presupposition that “Israelites” – especially according to P – only sacrificed “domestic” animals. Several lines of argument undermine this assumption. First is the fact that the Iron Age I installation at Mt. Ebal contains deer remains in what was likely a cultic setting, which shows that a sacrificial tradition bearing a number of similarities to those later appearing in the biblical texts.⁸⁹ Second, following Staubli and Watts, there are questions whether the birds are all doves (and pigeons) in the Leviticus (and Num 6:10) offering lists. Even if they are, this does not guarantee these birds were domesticated. And third, Mesopotamian and Punic evidence present alternative comparative evidence showing further use of wild animals in sacrificial settings, in contrast to the Ugaritic evidence often cited in support of the sole use of domesticated animals in sacrifice.

With regard to Mt. Ebal, the cultic sacrifice of fallow deer indicates clear use of a non-domesticated animal in the southern Levant. One might question, however, whether such action was carried out by “Israelites.” Zertal finds that much of the practice follows the (later) prescriptions found in Leviticus in terms of sacrificial and slaughtering method, though of course not the presence of fallow deer – thus explained as an early or proto- “Israelite” practice later abandoned.⁹⁰

Mesopotamian Lament Traditions,” in *David and Zion: Biblical Studies in Honor of J. J. M. Roberts*, ed. Bernard Frank Batto and Kathryn L. Roberts (Winona Lake, IN: Eisenbrauns, 2004), 307–17.

⁸⁸ There is little doubt about a connection between table and altar, as shown by Ronald Hendel, “Table and Altar: The Anthropology of Food in the Priestly Torah,” in *To Break Every Yoke: Essays in Honor of Marvin L. Chaney*, ed. R. B. Coote and N. K. Gottwald, *Social World of Biblical Antiquity* 3 (Sheffield: Sheffield Phoenix Press, 2007), 131–48; Alfred Marx, “Mahl und Mahlgemeinschaft zur Zeit des zweiten Tempels gemäss der Priesterschrift,” in *Der eine Gott und das gemeinschaftliche Mahl: Inklusion und Exklusion biblischer Vorstellungen von Mahl und Gemeinschaft im Kontext antiker Festkultur*, ed. Wolfgang Weiss, 2. corrected ed., *Biblich-Theologische Studien* 113 (Neukirchen-Vluyn: Neukirchener Theologie, 2012), 11–29. Yet this connection does not adequately demarcate the reasons for the particular animals chosen for offerings in the pentateuchal sources.

⁸⁹ Cf. Houston, *Purity and Monotheism*, 149. He notes the sacrifice of fallow deer himself. However, he fails to incorporate this datum into his conclusion that Israel only sacrificed domestic animals.

⁹⁰ Adam Zertal, “An Early Iron Age Cultic Site on Mount Ebal: Excavation Seasons 1982–1987: Preliminary Report,” *TA* 9 (1986): 105–65. Fallow deer made up approximately 10 % of the total faunal remains and 21 % in the central structure, according to Ralph K. Hawkins, “The Iron Age I Structure on Mount Ebal: Excavation and Interpretation” (Ph.D. diss., Andrews University, 2007). See pp. 101–267, for compelling arguments in support of the cultic nature of the site.

The importance of this argument here lies in the undercutting of the widely-held premise that ancients, especially the Israelites, only sacrificed domesticated animals. Similar sacrificial practice of wild animals occurred in Mesopotamia, where wild game – including bandicoot rats! – appeared at the divine table.⁹¹

Turning to the sacrificial fowl in the biblical texts, translations usually render both terms in Leviticus תור and בני יונה as types of doves or pigeons in keeping with the Septuagint and Targumic translations. However, when considering the question of domestication, while rock doves / domestic pigeons – which are the same species of *Columba livia* – appear in the archaeological record, one cannot distinguish between the wild and the domestic varieties on the basis of the zooarchaeological material examined thus far.⁹² Neither have archaeology or the study of iconography identified any structures where people kept the birds in the Levant prior to the Hellenistic period columbaria, such as those from Hellenistic period Maresha and Ramat Rahel, except for the lone exception of 'Ain al-Baida, Jordan. And this single discovery contrasts the great rise in dovecotes in the Hellenistic period.

It may be helpful to turn to comparative contexts for insight on this issue. Houlihan argues, “It is our contention then that the Egyptians were familiar with and domesticated two species of dove, the Turtle Dove [*Streptopelia turtur*] and another variety, without any neck markings, maybe the Laughing Dove [*Streptopelia senegalensis*], and commonly used one name (*mnwt*) for both.”⁹³ In support he notes that offering bearers often carry turtledoves in depictions found in tombs and sanctuaries. This evidence certainly indicates that they function as part of the sacrificial system, but it does not mean that they were domesticated.

General claims are also often made for much earlier domestication of pigeons, perhaps receiving some support from the flood narrative in Gen 8:8–12.⁹⁴ However, even though the homing abilities of pigeons are extremely well documented and appropriated throughout modern history, it could be that the help provided by these birds in ancient Israel, Egypt, and Phoenicia related more to their migratory patterns, to which Wenamun (eleventh century BCE) refers: “Do you not see the migrant birds going down to Egypt a second time?”⁹⁵ The earliest messenger role of birds comes from Medinet Habu, which depicts Ramesses III's

⁹¹ Joann Scurlock, “Animal Sacrifice in Ancient Mesopotamian Religion,” in Collins, *A History of the Animal World*, 394.

⁹² Paul Croft, “Archaeozoological Studies Section A: The Osteological Remains (Mammalian and Avian),” in *The Renewed Archaeological Excavations at Lachish (1973–1994)*, ed. David Ussishkin, Publications of the Institute of Archaeology 4 (Tel Aviv: Tel Aviv University Press, 2004), 2308.

⁹³ Houlihan, *The Birds of Ancient Egypt*, 105.

⁹⁴ Cf. Keel and Winter, *Vögel als Boten*, 80–91. The Mesopotamian traditions, as their discussion shows, focuses much more on the raven than on the dove, the addition of which appears to have been a West-Semitic adaptation brought about by the non-Priestly source.

⁹⁵ “The Report of Wenamun” trans. Miriam Lichtheim (COS 1.41:92).

Festival of Min (twelfth century BCE). In several scenes, four birds are released as messengers to the four corners of the world to announce the enthronement of the pharaoh. In this case, the birds are likely European rollers, again a bird well known for its migratory habits.⁹⁶ A similar role may have been accorded to the pigeon.

As a result, little comparative evidence supports the early domestication of the dove/pigeon even in Egypt, in spite of Houlihan's claim. In fact, Brewer instead concludes that only two fowl were domesticated, the greylag and the white fronted goose.⁹⁷ He calls upon the category of "tame" as a category between "domesticated" and "wild," proposing that the vast quantities of fowl available for consumption (and as pets) came from trapping migratory birds.⁹⁸

Applying these observations from the Egyptian context to Israel raises questions about the understanding of an inward progression through concentric circles from wild to domesticated to altar. This conception appears, for example, in Milgrom's interpretation of the animals acceptable for "food" as representing respectively the nations, Israel, and Yahweh.⁹⁹ Perhaps biblical scholars should include *at least* tame or caught animals among the categories of animals that could function as offerings in the Priestly or other texts on the basis of this first line of evidence.

For the second line of inquiry, several interpreters demur to the traditional identification of תור as turtledove.¹⁰⁰ Staubli provides the most detailed arguments against the traditional understanding: he proposes that the term instead began as the designation for a bird from the family *phasianidae* in the early layers of the Hebrew Bible and the time period of the Israelite/Judahite cult contained therein.¹⁰¹ Others, quite recently Watts's commentary on Leviticus, understand the term to refer to the domesticated chicken, *Gallus gallus*, at least in the P texts of Leviticus.¹⁰²

The main arguments against the turtledove (*Streptopelia turtur*) is as follows: why would the Hebrew Bible name two kinds of birds of the same family

⁹⁶ Keel and Winter, *Vögel als Boten*, 133–36.

⁹⁷ Douglas Brewer, "Hunting, Animal Husbandry and Diet in Ancient Egypt," in Collins, *A History of the Animal World*, 453.

⁹⁸ *Ibid.*, 435–36. Brewer surmises, "The wild bird resources of Egypt were so large that widespread domestication of birds simply may not have been as efficient as hunting and trapping."

⁹⁹ Milgrom, *Leviticus 1–16*, 719.

¹⁰⁰ The term appears 14 times: Gen 15:9; Lev 1:14; 5:7; 5:11; 12:6; 12:8; 14:22, 30; 15:29; Num 6:10; Ps 74:19; Song 2:12; Jer 8:7.

¹⁰¹ Staubli, "Hühneropfer im Alten Israel," 355–59.

¹⁰² Watts, *Leviticus 1–10*, 219. His argument seems to misunderstand Staubli's presentation when writing "Staubli (2008) argued that תור/תור originally meant 'chicken ...,' unless Watts means 'partridge' by 'wild hen.'" This confusion likely arose from the German term "Hühnervogel," which *can* mean "chicken," but which Staubli uses more broadly for partridges and various species of wild fowl in the preexilic period.

(*Columbidae*), when both the dove/pigeon and turtledove might be subsumed under the term *בני יונה/יונה*?¹⁰³ A second argument against this identification arises from the faunal evidence as well: very few positively identified remains of the turtledove species appear in the record from the Late Bronze to the Early Roman periods at all. Finally, if the assumption that Israel was only to sacrifice domestic animals were correct, then *Streptopelia turtur* would be a poor option, given that it is a migratory bird.¹⁰⁴ As a result, the question arises as to what *תור* may instead designate. Perhaps “turtledove” is an innovation by the LXX translators, as I will discuss below.

First, however, what information do the biblical text and comparative cultures provide about doves/pigeons? I begin with the undisputed term, *יונה*. The dove or pigeon (*יונה*) itself appears in HB/OT numerous times: in the flood narrative (Gen 8:8–12), offering lists (Lev 1:14; 5:7, 11; 12:6, 8; 14:22, 30; etc.), and as a term of endearment (Song 2:14; 4:1) among others. Some texts highlight their moaning sound (Isa 38:14; 59:11; Nah 2:7),¹⁰⁵ while Song 1:15; 4:1 compares the eyes of the woman lover to those of doves/pigeons.

As mentioned above, some evidence could support the domestication of this fowl, in some contexts, such as in Mesopotamia, even prior to the large columbaria constructed in the Hellenistic period and later, such as at Tel Maresha. Salonen proposes an etymology for the logogram of *sukanninu* (turtledove) – TU.GUR₄ to mean “fat dove.” He postulates that it constitutes a mix between a domesticated *Columbia livia* – Akkadian *summatu*, which Utnapishtum sends out in Gilgamesh Tablet XI’s version of the flood, and which is found in captivity from the Old Babylonian period onward¹⁰⁶ – and the wild stock dove (*Columba oenas*). He postulates that the bird becomes domesticated, rather than simply being caught and fattened. This *sukanninu* frequently ends up on the Mesopotamian table as well as in the sanctuary.¹⁰⁷ In fact, ten thousand appear on the table in Assurnasipal’s Calah banquet. However, as CAD posits, it may rather be that they were caught and then fattened, suggesting instead that they remained undomesticated:

¹⁰³ Staubli, “Hühneropfer im Alten Israel,” 362, gives relevant evidence for why this expression might be understood as a genus term.

¹⁰⁴ Contrary to what Staubli argues (ibid., 363), at least one species of non-migratory dove is found in Palestine. One is the Eurasian collared dove (*Streptopelia decaocto*). Another sometimes placed in this genus is the laughing dove (*Spilopelia senegalensis*), which Houlihan argues that Egyptians domesticated, as I note above. However, many migratory birds were caught and kept in large numbers, as depicted in Egyptian iconography.

¹⁰⁵ In Mesopotamia the *Columba livia* is *summatu*, written as tu-musen. Though often consumed, they also appear in the *Šumma Alu* omen texts, crying in someone’s house (CT 38 31 r 14; CT 38 2.41).

¹⁰⁶ CAD: S, 379.

¹⁰⁷ Salonen, *Vögel und Vogelfang*, 251, 254.

The suggestion ‘turtledove’ is based on the onomatopoeic Sum. name *tukur*; possibly the *sukanninu* is a wild dove, as it is caught by the fowler; it can also be kept and fattened ... among domestic fowl (ducks and geese), albeit in much smaller numbers.¹⁰⁸

In fact, the note of the “much smaller numbers” may be the decisive evidence in suggesting that they were *caught* rather than domesticated, also underlying the impressive nature of the 10,000 on Ashurnasirpal’s banquet table. Second, Salonen’s argument is based on the *Columba livia* itself having been domesticated, but there is little evidence for this conclusion. Finally, if one compares with Egypt, it is likely that most birds in Mesopotamia too were caught in the wild and then kept for a time to fatten them up before consumption, rather than breeding in a domestic setting and becoming domesticates.¹⁰⁹

Turning to the southern Levant, the view from the archaeological reports of avian remains also provides little in the way of support for pre-Hellenistic domestication. Analysis of the remains from Jerusalem’s City of David and Ophel have found limited pigeons/dove (*Columba livia*) from Iron Age remains.¹¹⁰ However, by the Early Roman period onward, the numbers increased dramatically.¹¹¹

A second contrary argument comes in the form of views on the contested term תור. Staubli posits that the term originates as a group of wild fowl.¹¹² He leaves unanswered which of several species of wild fowl the תור would denote, suggesting especially the black partridge (*Francolinus francolinus*, Linnaeus, 1766), the chukar partridge (*Alectoris chukar*), and the sand partridge (*Ammoperdix heyi*) as options.¹¹³ All these varieties are typically wild, which carries the abovementioned implications for the origins of the animals used in the cult and the animals on the Israelite table. In terms of comparative Semitics and philology, early in his discussion he suggests that the meaning “turtledove” only arose with the Septuagint.¹¹⁴

¹⁰⁸ CAD: S, 354.

¹⁰⁹ Brewer, “Hunting, Animal Husbandry and Diet in Ancient Egypt,” 453–54.

¹¹⁰ Liora Kolska Horwitz and Eitan Tchernov, “Bird Remains from Areas A, D, H and K,” in *City of David Excavations: Final Report*, ed. Donald T. Ariel, vol. 4 of *Excavations at the City of David 1978–1985, Qedem 35* (Jerusalem: the Institute of Archaeology, The Hebrew University of Jerusalem, 1996), 298–99; eadem, “Subsistence Patterns in Ancient Jerusalem: A Study of Animal Remains,” in *Excavations in the South of the Temple Mount*, ed. Eilat Mazar and Benjamin Mazar, Qedem 29 (Jerusalem: Institute of Archaeology, Hebrew University of Jerusalem, 1989), 144–54; Karin Tamar and Guy Bar-Oz, “Zooarchaeological Analysis of the Faunal Remains,” in *The Summit of the City of David Excavations 2005–2008: Final Reports*, ed. Eilat Mazar (Jerusalem: Shoham, 2015), 497–510.

¹¹¹ Ram Bouchnick, “Meat Consumption in Israel during the Late Second Temple Period” (Ph.D. diss, University of Haifa, 2011).

¹¹² Staubli, “Hühneropfer im Alten Israel,” 355. He writes, “Anders als bisher geglaubt, sind die in Palästina heimischen Hühnervögel (Halsbandfrankolin, Chukarhuhn und Arabisches Wüstenhuhn) unter dem Namen תור im Opfersystem Israels repräsentiert und gehörten demzufolge auch zur Speise des Volkes und der Gottheit.”

¹¹³ *Ibid.*, 361.

¹¹⁴ *Ibid.*, 358.

Later in his discussion, however, he appears rather to argue that Jer 8:7 bears witness to a change of meaning for the term within the biblical material itself.¹¹⁵

Given the apparent difficulties within Staubli's own article itself, what does the biblical material indicate? Within the biblical evidence, several important considerations occur. First, in non-sacrificial texts (which are few), Ps 74:19a could imply some kind of a domesticated bird: אֶל־תִּתֵּן לַחַיִּית נַפְשׁ תּוֹרֵךְ (May you not give to the wild beast the life of your *tôr*). However, within the context of the psalm, which emphasizes God's sovereignty over all of creation in the past, another interpretation also appears plausible. In support of allowing for the possibility of a wild bird for the תּוֹר, v. 14 speaks of God giving the Leviathan as food to the "inhabitants (עַם, lit. *people*) of the wild" in the past. Because Leviathan does not fit the category of "domesticated animal," and the psalmist fears God's similar treatment of himself, God's תּוֹר, the comparison's emphasis lies instead in that the human psalmist is much more vulnerable than mighty Leviathan, yet their plights could be similar.

Some help may arise from the comparative Semitic evidence that Staubli points to, which is discussed more thoroughly by Salonen. Salonen identifies the Akkadian *tarru*, *darru* (logogram: DAR.MUŠEN) as either the black francolin (*Francolinus francolinus*), the see-see partridge (*Ammoperdix griseogullaris*), or the rock partridge (*Alectoris chukar*).¹¹⁶ CAD, on the other hand, demurs to identify *tarru* as a partridge, or any other particular bird, for that matter. However, it is clear that *tarlugallu* (written DAR.LUGAL.MUŠEN: "royal *tarru* bird") means, or at least came to mean, "rooster."¹¹⁷

Several further pieces of evidence from Akkadian texts provide insight for the biblical discussion. First, in Old Babylonian period Mari, one caught the DAR.MUŠEN and bound them together, indicating that they were not domesticated.¹¹⁸ In spite of this wild character, the term also acquires some religious associations, though not as an offering.¹¹⁹

However, while "turtledove" can appear with the writing TU.GUR₄ (or similar Sumerogram) in Akkadian, the term for "turtledove," as discussed above is quite

¹¹⁵ Ibid., 364.

¹¹⁶ Salonen, *Vögel und Vogelfang*, 151. CAD T:241. Where Driver ("Birds in the Old Testament II," 130) came up with Akk. *turtu* meaning turtledove is unclear when compared with CAD.

¹¹⁷ Ibid., 237. Black and Al-Rawi note that the term likely appears in Akkadian *prior* to the introduction of the *Gallus gallus*. In this case, it was applied to the chicken while earlier denoting other (or another) similar birds. See J. A. Black and F. N. H. Al-Rawi, "A Contribution to the Study of Akkadian Bird Names," *Zeitschrift für Assyriologie und Vorderasiatische Archäologie* 77.1 (1987): 199 and n. 6. Also note the more recent discussion of Osten-Sacken, *Untersuchungen zur Geflügelwirtschaft*, 433–36.

¹¹⁸ Arm IV 9.6–7.

¹¹⁹ In terms of its associations, STT IX 341 and CT 41.5 connect the bird with the deity Papsukkal (a messenger god). It also appears in the omen texts of *Šumma Alu* (CT 38 31.15), where a future event is foretold if it cries or rather vomits in a house.

different: *sukkanninu*. These birds eventually end up frequently on the Mesopotamian table.¹²⁰ In any case, while the term is certainly a different one, these turtledoves appear regularly in Akkadian offering lists in large numbers together with doves, in spite of their caught nature.

One can therefore conclude that these turtledoves do function as part of the offerings in Mesopotamia,¹²¹ and one option is that Mesopotamians viewed them as wild fowl that one might catch and fatten. Therefore, *domestication* did not function as a definitive boundary for the category of “sacrificial” animal, at least in Mesopotamia. If this way of thinking influences the conceptions in Israel and the Torah at all, then it may indicate some fluidity in the connection between the boundaries of the Israelite household and the boundaries of the divine table. And this obtains whether תור means “turtledove” or “partridge.” The birds definitely were highly desirable for food in Mesopotamia, given their place as one of the many birds on the menu from Ur in the early periods to Assurnasirpal’s dedication banquet for Calah.¹²²

In addition to the comparative philological evidence from Akkadian, one can garner further support for Staubli’s position in the southern Levant from the recent excavations of Ramat Rahel (several km from Jerusalem) from the late Iron Age II, which uncovered a pit of partridge bones (*Galliformes* – thus from the avian *family* of partridge, not a particular species, though this family does not include doves/pigeons) from a feasting context.¹²³ Two factors, however, mitigate the support offered by this find: First, while feasting and sanctuary sacrifice often overlap in ancient Israel, this does not appear the case in this scenario. Second, Ramat Rahel may not represent typical Judahite/Israelite practice in general, given its strong connections to Assyrian culture.¹²⁴

In any case, partridges – specifically chukar partridge (*Alectoris chukar*)¹²⁵ – made up the major portion of the avian remains of a feast. The excavators posit that after the feast the partakers then deposited the remains of the consumed animals and dishware in a pit dug especially for that purpose. These remains

¹²⁰ Salonen, *Vögel und Vogelfang*, 254.

¹²¹ See CAD S 2:353 for a list of texts.

¹²² The list includes *iššūru rabū, usu, kurkū, mesuki, qārībi, summatu*, TU.GUR₄.MUŠEN, and MUŠEN.TUR.TUR. Cf. D. J. Wiseman, “A New Stela of Aššur-Našir-Pal II,” *Iraq* 14 (1952): 24–44.

¹²³ Deirdre N. Fulton et al., “Feasting in Paradise: Feast Remains from the Iron Age Palace of Ramat Rahel and Their Implications,” *BASOR* 374 (2015): 36. The excavators have identified 38 of 42 animal bones as partridge, one from a goose, and three from a small bird, which they theorize as a songbird. Fulton et al. view fish as the main course of this festive meal.

¹²⁴ See Oded Lipschits, Yuval Gadot, and Dafna Langgut, “The Riddle of Ramat Rahel: The Archaeology of a Royal Persian Edifice,” *Transeu* 41 (2012): 67–68.

¹²⁵ I am grateful to Deirdre Fulton for clarifying this point further for me in private communication.

consisted of sheep, cattle, partridge, goose, a song bird, catfish, sea bream, and other fish.¹²⁶

The excavators explore of the meaning of the elevated consumption of fish and birds in a material fashion, suggesting that the change in the environment, that is, the planting of a paradise complete with a complicated water system, attracted a higher number of birds and provided ponds to keep fish.¹²⁷ If this is the case, then does this event demonstrate diacritical feasting of the Judahite political elite of the late seventh-early sixth century,¹²⁸ in the choice (as elites, they could choose!) of a meal with such a large percentage of fish and birds because this could more easily take place in the environs of a garden setting like Ramat Rahel? Because earlier excavations often encountered increased difficulty in recovering fish and avian remains compared to the recovery of larger mammals, feasting depictions from the surrounding cultures provide insight.

One such depiction that proves insightful appears in the menu of Ashurnasirpal II's banquet dedicating the city of Calah. It indicates that birds and fish had a lower value than quadrupeds, which appear first in the list of meat. However, numerous kinds of birds – including doves and turtledoves/partridges – then come, followed by 10,000 fish (a smaller number in comparison to the quadrupeds and fowl).

Second, in Polyaeus' recounting of Cyrus' banquet, in the middle of the list of animal meat, quite similar to their placement in Ashurnasirpal's menu, one finds:

- Four hundred fat geese.
- Three hundred turtles.
- Six hundred small birds of different kinds.
- Three hundred lambs.
- One hundred goslings.¹²⁹

While not following exactly the same progression, given that lambs and turtles mix in with the fowl, the middle location indicates items of some though not primary importance.

¹²⁶ On the significance of the inclusion of catfish, a prohibited type of water animal, see Omri Lerna, "Remains of Kosher and Non-Kosher Fish in Excavated Sites in Israel" (presented at the The Larger Context of the Biblical Food Prohibitions: Comparative and Interdisciplinary Approaches, Lausanne, 2017). See also my forthcoming discussion, "Aquatic Creatures in the Dietary Laws: What the Biblical and Ancient Eastern Contexts Contribute to Understanding Their Categorization," in *To Eat or Not to Eat?: Collected Essays on the Biblical Dietary Laws* (Tübingen: Mohr Siebeck, forthcoming). In short, catfish and shark or ray remains appear frequently in Bronze through Persian or Hellenistic sites associated with Israelites/Jews.

¹²⁷ Fulton et al., "Feasting in Paradise," 42.

¹²⁸ On the term "diacritical feast" see Michael Dietler, "Theorizing the Feast: Rituals of Consumption, Commensal Politics, and Power in African Contexts," in *Feasts: Archaeological and Ethnographic Perspectives on Food, Politics, and Power*, ed. Michael Dietler and Brian Hayden, Smithsonian Series in Archaeological Inquiry (Washington, D. C.: Smithsonian, 2001), 85–88.

¹²⁹ *Strategems* IV.3.32, from the late second century CE.

Athenaeus also provides a description of the Persian table, collected from Heracleides of Cumae which includes: “horses and camels, and oxen, and asses, and stags, and an immense number of sheep; and a great many birds too are taken; and the Arabian ostrich [οἱ τε στρουθοὶ οἱ Ἀράβιοι] (and that is a very large animal), and geese, and cocks; ...”¹³⁰ Especially of interest here is the mix of birds, though the appearance of the ostrich (στρουθός), if in fact the same as Hebrew יענה בת in the dietary prohibitions, also proves important below.¹³¹ Chickens are included, but so are geese, which, as is shown by Assurnasipal’s banquet, had been fattened for feasting for many centuries in Mesopotamia before Achaemenid rule, not to mention in Egypt. Therefore, the appearance of *Gallus gallus* in this context has little bearing on their significance in an offering context.

Finally, the third-century BCE Marseilles Tariff (*KAI* 69) written in Punic presents the fees due to priests at the Baal Zaphon sanctuary.¹³² The order of the animals demonstrates a similar situation with regard to the relative value of animals. It begins with cattle *ʾlp*, then moves to calves, then adult animals of the flock, then their young, and finally to birds. Furthermore, the payment to the priest declines each step of the way. Offering a bull costs ten shekels but a bird $3/4 + 2$ ZR.¹³³

This inscription also distinguishes between two types of birds that worshipers might bring: *ʾgnn* and *ṣṣ*. These terms remain puzzles. Donner and Röllig note that scholars generally relate the first term to the Semitic root *g-n-n*, “cover, protect,” which leads some to the conclusion of a domesticated bird, with the second term, *ṣṣ*, then extrapolated to refer to wild birds.¹³⁴ These terms, both given the precarious identification of their meaning and also their context in a *Punic* cultic setting from the third century BCE, do not feature as a central plank in my argument. However, along with other strands, they do point toward questioning the *presupposition* (rather than conclusion) by biblical interpreters of the domestic nature of the תור in the Leviticus offering texts. Staubli’s suggestion has plenty of merit once one strips away the assumption that birds for sanctuary offering had to be domestic.

¹³⁰ 4.145. This source, the *Deipnosophistae*, arose from around the turn of the third century CE as a collection of earlier sources. On the relationship of such lists of provisions with royal feasting in the Hebrew Bible see Carol Meyers, “Menu: Royal Repasts and Social Class in Biblical Israel,” in *Feasting in the Archaeology and Texts of the Hebrew Bible and Ancient Near East*, ed. Peter Altmann and Janling Fu (Winona Lake, IN: Eisenbrauns, 2014), 129–47.

¹³¹ The Greek term στρουθός typically does function as the rendering for *bat yaʾanah*. See below, 3.4., for further discussion.

¹³² Whether in Marseilles or Carthage remains unclear.

¹³³ A denomination smaller than a quarter-shekel according to *KAI* (vol. 2:85). It only appears in this inscription (*KAI* 69 lines 7, 9, 11) and *KAI* 74 line 7.

¹³⁴ *KAI* 2:85–86: “‘einschließen, schützen’ ... ‘eingeschlossener, d. h. domestizierter Vogel’ ... Im Gegensatz dazu mag צִפְרִי (צפר) ein Wildgeflügel sein (oder gegenüber den nicht mehr fliegenden Haustieren, überhaupt ‘Fliegendes ...’” Cf. *DNWSI* 1:10, 230; 2:973–74.

Staubli goes on to conjecture that the widespread introduction of domesticated chickens by the Assyrians and later the Persians led to the decline of consumption of indigenous types of partridges.¹³⁵ While *Gallus gallus* (chicken) was present earlier, as I will show below, the presence of *Alectoris chukar* (chukar partridge), the one species of partridge posited by Staubli that is actually common in the faunal record, does decline significantly beginning in the Persian period. However, the species does not disappear from the southern Levant, which poses a difficulty to the postulate that they were forgotten. More likely, in my opinion, the meaning of the term was lost in the Greek-speaking Jewish community in Egypt: chukar partridge were just never among the many types of fowl present in Egypt.¹³⁶

Turning to Watts's suggestion that the תור could include the domesticated chicken, he offers three reasons in support of his contention that domestic chickens were offered in preexilic Israel: (1) Staubli offers no good reason why תור could not include domestic chickens; (2) nowhere else does P allow for the offering of wild game; and (3) P may not be preexilic.¹³⁷ In order to evaluate this proposal, I first summarize the non-biblical evidence around the *Gallus gallus* in the region in the Iron Age and Persian period, after which I will return to his arguments.

There is little question that the southern Levantine communities display familiarity with the hen and rooster of *Gallus gallus*. The rooster appears in ancient Near Eastern iconography in Mesopotamia on a fourteenth-century BCE Assyrian ivory and in Egypt on an ostrakon from Thebes from the thirteenth century. The southern Levant boasts of a twelfth–ninth-century BCE seal from el-Jib (Gibeon) depicting a rooster. The clearest support comes in the form of the sixth century BCE seal of Ya'azanyahu from Tell en-Nasbah (Mizpah, 12 km northwest of Jerusalem), which contains the depiction of a rooster.¹³⁸ This era – the sixth–fifth century exilic and postexilic periods – constitutes the high point for iconographic depictions of roosters in the region of Israel.¹³⁹ In addition one might include two unprovenanced pieces, a scarab of two roosters facing off that dates, on the basis of the paleography of the inscribed *ḥsr/ḥrs*, to the ninth or

¹³⁵ Staubli, "Hühneropfer im Alten Israel," 365–66. As I will discuss below, his reconstruction has been proven false in one sense. Chicken were present in the southern Levant far earlier, as the zooarchaeological data and iconography shows. They were consumed as well, as cut marks indicate.

¹³⁶ As a result, one might ask when partridges stopped being offered in Israel and Judah, assuming that P does reflect the realities of sacrifice on this matter at some point in time. My discussion ends in the early Hellenistic period, so a more thorough discussion of the change, which I would posit for this period, might prove worthwhile.

¹³⁷ Watts, *Leviticus 1–10*, 220.

¹³⁸ See the forthcoming overview of the iconography in Jürg Egger, "Rooster," *IDD*. Also William F. Badè, "The Seal of Jaazaniah," *ZAW* 51 (1933): 150–56.

¹³⁹ Egger, "Rooster."

eight century (Avigad 1142) and a stamp seal impression with a rooster whose head is sunken aggressively (Avigad 13), inscribed with *lyhw'hz bn hmlk* “belonging to Jeho’ahaz, son of the king.”¹⁴⁰ In any case, when compared with the finds from Greece to Mesopotamia, the Neo-Babylonian and Persian periods emerge as the most prolific for representations of chickens (esp. roosters) in the iconographic record.

In the biblical text there is the questionable translation of Prov 30:31 זרזיר as “rooster” in many translations, though by others as “greyhound.”¹⁴¹ Similarly suspect is the translation of שכוי in Job 38:36 as rooster, for which interpreters also suggest a variety of other options.¹⁴² Even more questionable is the proposal that תכיים in 1 Kgs 10:22/2 Chr 9:21, means chicken; again, other renderings (in this case “peacock” or “ape”) prove more likely, though the term is absent from the OG, and therefore it may represent a Hellenistic period addition.¹⁴³ Therefore it is better to rely on the material and iconographic evidence.

In addition to the iconography, A. Spiciarich has recently collated the zooarchaeological data from the Late Bronze to the Early Roman periods for the avian remains.¹⁴⁴ Her data show that investigators have identified remains of *Gallus gallus* from the Iron I northern coastal site of Tell Dor (9) and the northern site of Shiloh (5), and in Iron Age (unspecified) remains from the coastal site of Tel Michal (5). From Jerusalem, the City of David excavations have yielded minimal amounts from Iron II (3: from Areas M1 + D1), and the Ophel as well (6). Moving later to Iron IIC and the Babylonian period, again a minimal amount has emerged from the Negev site of Tel ‘Ira and Jerusalem (City of David Area G = 1). The amount of chicken remains around the same percentage in Persian Yehud (Horvat Zimri = 2; City of David Area G = 1), the Negev (Tel ‘Ira = 3), and the northern site of Tel Qashish (1). In contrast, a large number appear among the massive bone assemblage in coastal Tel Michal (51) at a time when Phoenician traders and a Persian army garrison dominated the site.¹⁴⁵ In general, however, the numbers remain fairly constant at a rather low number. *Gallus gallus* bones typically make up around 2% of the animal bone remains from pre-Hellenistic sites.

¹⁴⁰ Nahman Avigad and Benjamin Sass, *Corpus of West Semitic Stamp Seals* (Jerusalem: Israel Academy of Sciences and Humanities: Israel Exploration Society: Institute of Archaeology, the Hebrew University of Jerusalem, 1997). The latter’s authenticity is suspect.

¹⁴¹ “Rooster” follows the LXX translation, ἀλέκτωρ, but the comparative Semitic evidence points in different directions: Syriac *zazī/ūrā* and Arabic *zurzūr* both mean starling, while Arabic *zirziru* means migratory locust.

¹⁴² LXX offers ποικιλτικῆν, a neologism also found in Exod 37:21 meaning “embroidered.” For a brief overview of the options and reasons against understanding the term as “rooster,” see Norman C. Habel, *The Book of Job, a Commentary*, OTL (Philadelphia: Westminster, 1985), 523.

¹⁴³ See HALOT: 1731.

¹⁴⁴ Spiciarich and Altmann, “Chickens, Partridges, and the /Tor/.”

¹⁴⁵ Ze’ev Herzog, “Michal, Tell,” *OEANES* 4:21–22.

Croft sums up both the evidence for her analysis at Lachish and the broader region aptly: “The extreme paucity of their [chicken] remains during the Iron Age indicates that chickens must not have been very common at the time at Lachish, as was also the case elsewhere.”¹⁴⁶ Nonetheless, their presence is indubitable.

The major change in their numbers comes about in the Hellenistic and especially by the early Roman period, when the abundance of *Gallus gallus* skyrockets.¹⁴⁷ The most striking find from the Hellenistic period comes from Maresha: chicken bones represent 29 % of the *total animals* found, according to the number of identified species (NISP), which includes sheep, goats, cattle, etc.¹⁴⁸ To take one prominent example from the early Roman period, they represent 38 % of the avian remains found in the City of David excavations by Horwitz and Tchernov.¹⁴⁹

What can one glean from this relatively consistent but small number of remains until the Hellenistic period? Perry-Gal et al. conclude that the change represents a shift in dietary patterns away from cockfighting and ritual activities (which they do not explain) toward consumption.¹⁵⁰ This conclusion also receives support from the depictions of roosters in seals and other iconography. I suggest that prior to the Hellenistic period, some elites alone in Israel/Judah kept a couple hens to breed roosters. Their place with the elites also aligns with the Akkadian/Sumerian designation “royal-hen” (*tarlugallu*): this animal appeared at the royal court and was accordingly identified “hen of the king.”¹⁵¹

The Lachish evidence shows that the inhabitants ate the hens quite early on as well,¹⁵² but the real interest was in roosters, likely for sport or perhaps merely to keep in the royal gardens along with other exotic animals, rather than in raising domestic chickens for consumption.¹⁵³ If they had been interested in raising

¹⁴⁶ Croft, “Lachish, The Osteological Remains (Mammalian and Avian),” 2310.

¹⁴⁷ Lee Perry-Gal, Guy Bar-Oz, and Adi Erlich, “Livestock Animal Trends in Idumaeen Maresha: Preliminary Analysis of Cultural and Economic Aspects,” *ARAM* 27 (2015): 217. They state, “This new food preference likely reflects the strong Hellenistic influences that characterizes Maresha, Tel Anafa, Sha’ar Ha’amakim and Tel Dor.”

¹⁴⁸ Lee Perry-Gal et al., “Earliest Economic Exploitation of Chicken outside East Asia: Evidence from the Hellenistic Southern Levant,” *Proceedings of the National Academy of Sciences* 112.32 (2015): 2.

¹⁴⁹ Horwitz and Tchernov, “Bird Remains from Areas A, D, H and K.” Some percentages are even higher.

¹⁵⁰ “Livestock Animal Trends in Idumaeen Maresha,” 216.

¹⁵¹ Similarly Osten-Sacken, *Untersuchungen zur Geflügelwirtschaft*, 429.

¹⁵² Very minimal evidence of egg consumption has appeared from Iron Age Ekron in microarchaeological analysis that likely has found chicken egg shell remains; see Arlene Miller Rosen, “BA’ Guide to Artifacts: Microartifacts and the Study of Ancient Societies,” *BA* 54 (1991): 97–103. She also concludes that these were items restricted for elite consumption (*ibid.*, 101).

¹⁵³ Perhaps a counter argument could be made from the numerous depictions of roosters on a pedestal in Mesopotamian iconography, which one could interpret as a cultic (offering?) association. However, these depictions may represent the deity Nusku (cf. Osten-Sacken, *Untersuchungen zur Geflügelwirtschaft*, 442–43). This association has yet to appear in the Levant,

them for food, it is likely that they would have realized sometime in the centuries between the introduction of chickens in the Middle Bronze Age and the Iron Age II that these creatures represent fowl one can easily raise for consumption.¹⁵⁴

From this evidence, I return to Watts's arguments. His third argument about the time of the emergence of P (preexilic, exilic, or postexilic) has little relevance because the drastic rise in chicken remains only takes place in the Hellenistic period. It does not appear that chickens became very widespread before this time. In any case, perhaps domestic chickens *may* have been included along with other birds as תור. However, Watts's conclusion proves difficult with regard to both the iconographic data from the Iron Age (or rather, pre-Hellenistic periods) and the related *place* of this animal in the thought world of ancient Israel: its place was as a fighting bird more so than as food.

Furthermore, he, too, is stuck with the conundrum of why the chicken would then have changed its name in Hebrew? Why does it become known under the simple term עוף or תרנגול (*tarnegol* arises clearly from the Sumerian > Akkadian term) in rabbinic literature? If one continues to hold the analogy between the human table and the divine table, then there would be good reason to *keep* them as part of the offerings, especially when one considers the change in the animal's function in the Hellenistic and Roman periods into a bird for consumption.

Third, his reliance on the extension of P's supposed limitation of the altar to domestic animals does not hold true for the dove/pigeon, so one should abandon it as a necessary criterion for the תור, whatever its identification.

Watts's proposal that the תור meant "chicken" does not represent the most viable option for a textual tradition from the preexilic, exilic, or postexilic periods. While domestic chickens *may* have been acceptable on the preexilic altar, they were not viewed primarily as food until the Hellenistic period, which engendered a massive change in the relationship between human and hen.

With regard to the תור, the best understanding of its field of meaning concerns members of the family of *Phasianidae* fowl, especially chukar partridges but also possibly including the random chicken. Thus, the term תור in the Hebrew Bible likely designates a broader category – a family and not a species.

If pressed for an explanation as to why the LXX changes the understanding of תור to turtledove, as mentioned above this may result from the lack of partridges,

and the biblical text does not emphasize roosters in the sacrificial prescriptions. Furthermore, apotropaic functions arise for roosters that, once again, remain absent from the biblical text.

¹⁵⁴ Note the evidence for use of *Gallus gallus* for purposes other than food in a number of cultures. See Naomi Sykes, "A Social Perspective on the Introduction of Exotic Animals: The Case of the Chicken," *World Archaeology* 44.1 (2012): 158–69. She notes (*ibid.*, 160): "Indeed, in the case of domestic fowl it would seem that the principal motivation for their spread from Asia was never their primary products but rather those that could be 'cropped' through life: their sound (recent genetic work on fowl from the Pacific islands suggested that sea-faring populations may have valued cockerels as 'fog horns' (Hannotte pers. comm.), perhaps for their eggs, probably for their feathers and certainly for cockfighting."

especially the chukar partridge (*Alectoris chukar*) in Egypt. This bird only spread as far as the Sinai Peninsula, and Houlihan does not even include it in his study of the birds of ancient Egyptian iconography. On the flip side, the turtledove appears in Egyptian art quite frequently.¹⁵⁵

In sum, this discussion of the cultic use of birds has shown that the distinction between wild fowl and domestic fowl in relation to the sacrificial altar proves considerably fuzzier than often proposed. The evidence in favor of this conclusion arises from a number of perspectives: (1.) non-domestic animals appear on the altars in surrounding cultures; (2.) the likelihood that the תור designates a partridge or some combination of *Phasianidae* family fowl; and (3.) the likelihood that many or even all doves/pigeons may have been caught in the wild and kept until slaughter, rather than raised domestically at all periods in the Israel and Judah until the Hellenistic period. The blurring of this distinction paves the way for the possibility, or even likelihood, that the criteria governing the determination of clean and unclean (or abhorrent) types of animal meat also display multiple perspectives rather than a singular logic.

1.4 Militaristic Connections

While the sacred fowl appear in similar texts as the polar opposite of the prohibited birds, many interpreters argue for considerably more *conceptual* proximity between the prohibited birds of Lev 11/Deut 14 and avian representations appearing in contexts of war. As noted already,¹⁵⁶ when birds appear in the numerous biblical contexts that concern battle: two themes predominate. In some cases, they display connections with the onset of the fighting itself, but in the majority of texts they mop up afterwards. In other words, they can play an important role both as a predator and in the related notion of eating the flesh of the dead after a battle.

When marking the onset of fighting, birds represent the speed of the attackers. One example concerns the עײט representing Cyrus and his army in Isa 46:11a: “Calling from the east an עײט / From a distant land, the man who carries out my (*ketiv*: his) counsel.”¹⁵⁷ Habakkuk 1:8b likewise focuses on the speed of the

¹⁵⁵ Houlihan, *The Birds of Ancient Egypt*, 103–6. As mentioned by Stefan Schorch (personal communication), a problem with this explanation lies in the understanding of תור as “turtledove” in rabbinic Hebrew.

¹⁵⁶ See 1.2 Bird Depictions in the Hebrew Bible.

¹⁵⁷ Note the similarities in Akkadian royal annals: Daniel David Luckenbill, *Historical Records of Assyria: From the Earliest Times to Sargon*, vol. 1 of *Ancient Records of Assyria and Babylonia* (Chicago: University of Chicago Press, 1926). Ashurnasirpal II compares himself and his soldiers similarly: (*ibid.*, 143, 168): “I stormed the city; my warriors flex like birds against them.” For both Ashurnasirpal (*ibid.*, 156) and Shalmaneser III (*ibid.*, 229): My warriors pursued (*lit.*, flew at) them like the (divine) Zû-bird.” On mythical birds, see the next section (1.5).

cavalry analogous to speedy birds: “Their horsemen come from far away; they fly like an eagle [נשר] swift to devour” (NRSV). A similar image appears in Lam 4:19, where the pursuers chase like נשר of the sky. The depiction of the Assyrian king and army in Isa 8:8 heaps up several images focusing primarily on Assyria as a flood; one minor image, however, concerns the outstretched wings that fill Judah. In these and several other places, such as texts and images from the larger Mesopotamian context, birds take on decidedly different connotations from those situations where they represent the prey or where they represent the protector. Different types of birds come into view. Simply stated, some birds are predators, others prey.

Birds also appear frequently at the conclusion of the battle. One example appears in Jer 7:33: “The corpses of this people will be food for the birds of the air and for the animals of the earth, and no one will frighten them away.” Somewhat opaquer is Jer 15:3, which seems to depict an order of events: first the sword, then dogs dragging away bodies, and third birds and wild animals consuming the remaining carrion. A number of similar images appear in the exilic and later images of Jeremiah (16:4; 19:7; 34:20) and Ezekiel (29:5 32:43; 39:4), but also in narratives such as the David and Goliath story in 1 Sam 17:44, 46.¹⁵⁸

Such evidence has led some scholars to the position summarized by Berner as follows, “The נשר as well as birds of prey in general (Heb. עיט) are part of the imagery of prophetic judgment scenes, where they symbolize imminent destruction ... or are referred to in order to express the impossibility of escaping the divine punishment.”¹⁵⁹ Note that Berner appears to limit these roles to the categories of birds designated as “birds of prey.”

However, the Hebrew Bible extends the image to the more general category “birds of the air” (עף השמים) found in Jer 7:33, but actually very frequently: 1 Sam 17:44, 46; 2 Sam 21:10; 1 Kgs 14:11; 16:4; 21:24; Ps 79:2; Jer 15:3; 16:4; 19:7; 34:20; Ezek 29:5. I include this exhaustive list to demonstrate that in fact the biblical texts do not limit the *kinds* of birds involved in consuming the corpses of the dead after military action, except that the birds all apparently can fly, or are associated with the heavens, presumably as flyers, in some way or another. While the specific setting concerning the post-battle scenario invariably places some limitations on the types of birds in view, the expression itself proves quite broad. Therefore, the general nature of the list should provide some pause with regard to the common conclusion that the carnivorous or carrion-eating nature

¹⁵⁸ This image also appears in Neo-Assyrian literature. On the giving of corpses to birds among other creatures, see the reference to Assurbanipal in Houston, *Purity and Monotheism*, 190.

¹⁵⁹ Christoph Berner, “Bird of Prey,” *Encyclopedia of the Bible and Its Reception* 3:1212.

of the birds led to their prohibition in Lev 11/Deut 14 as Berner and many since the Talmudic period have suggested.¹⁶⁰

1.5 Fantastic Birds

Conceptions of winged creatures extend far beyond the birds and insects found in the surrounding regions of the southern Levant, Egypt, and Mesopotamia inhabited by the Israelites and Jews. Many mythological beings also exhibited wings, contributing their weight to the notion of “birds,” “fowl,” or “avian creatures” in ancient Israel.¹⁶¹

Why include discussion of these “fantastic” birds in a study focused on unclean “real” birds? Two reasons come to mind. First, fantastic animals – that is “unreal” hybrids and monsters – connect with powerful symbolism.¹⁶² This status can often relate to their natures as “taxonomic aberrations” – animals that do not “fit” a particular culture’s classifications of animals, much like Douglas’ approach to the “unclean” in her early work.¹⁶³

Second, while one might expect a clear distinction between the mythical and the unclean, several non-pentateuchal texts associate them quite closely. Overlap appears most prominently in Isa 34:11–14, where both wild and mythical birds or creatures comprise the list of various ruin dwellers: hawk, owl, Lilith, and possibly “goat demon.”¹⁶⁴ The importance of hybridity as a conception for the “demonic” or for “evil” or just for the “powers beyond the human world” may provide some insight into the conceptual distinctions between “clean/unclean” or “shunned/welcome” in the legal texts. Houston makes this connection explicit:

There is however a special literary context in which many of the unclean species appear, including many of the birds that do not appear elsewhere outside Leviticus 11 and Deuteronomy 14, and it may enable us to use extrabiblical evidence. This is the prophetic curse of destruction, when it extends to descriptions of the deserted ruins of the doomed place,

¹⁶⁰ E. g., Christoph Berner, “Birds (I. Ancient Near East; II. Hebrew Bible/Old Testament),” *EBR* 3:1215. He states, “... it seems to be certain that most of these birds are birds of prey of some sort, and it is therefore reasonable to assume that they were categorized as impure because of their habit of eating living blood or feeding on corpses.” Note the consideration (based on the much later conclusions of *m Hul* and *Ep. Arist.* 146!) in Milgrom, “Ethics and Ritual,” 178.

¹⁶¹ Cf. Windham, “Examination of the Relationship.” She notes (*ibid.*, 76), “Any discussion of the Israelites’ relationship to the animals surrounding them should include some consideration of the fantastic animals described in the Hebrew Bible.”

¹⁶² Dan Sperber, “Why Are Perfect Animals, Hybrids, and Monsters Food for Symbolic Thought?,” *Method & Theory in the Study of Religion* 8 (1996): 147.

¹⁶³ E. g., Douglas, *Purity and Danger*, 55. There she states, “But in general the underlying principle of cleanness in animals is that they shall conform fully to their class.”

¹⁶⁴ For this understanding of שְׁעִירִים, compare Lev 17:7; 2 Chr 11:15. OG translates the term in Isa 13:21 with *daimónia*; however, the same Greek term renders צִיִּים in Isa 34:14, where the term *onokéntauroi* (donkey-centaur) renders שְׁעִירִים.

which become the habitation of many wild creatures, including a surprisingly high proportion of those that appear in our chapters as unclean. There are also passages that use the same idea of the ruins as the habitation of wild creatures, though they are not of the same genre.¹⁶⁵

The explicit connection drawn by Houston significantly raises the level of importance for the discussion of fantastic birds, especially given the increase in scholarship on this topic in biblical research.

Recent scholarship has pointed out the close association between the “hybrid” and the “monstrous” in a wide variety of cultures and ages, including those represented in the Hebrew Bible and broader ancient Near East.¹⁶⁶ The beasts in Dan 7 as well as the hybrid monstrosity of Pharaoh in Ezek 29 and 32 demonstrate how hybrid animals take on powers of mythic proportions, making them adversaries for Yahweh.¹⁶⁷

With specific application to the dietary laws, if OG correctly renders בַּת הַיַּעֲנָה as στρουθός (ostrich) in Lev 11:16/Deut 14:15,¹⁶⁸ then the hybridity of the fantastic may undergird the prohibition of the eating the meat of this creature.¹⁶⁹ As A. Angelini highlights, the monstrosity of this bird, articulated in Greek antiquity by Aristotle in the fourth century BCE, arises from its hybrid nature:

De plus, si l’autruche était dans le Proche-Orient ancien un animal inquiétant, voire monstrueux, elle était perçue dans l’Antiquité classique comme hybride hors catégorie et classée par Aristote parmi les *amphoterizontes*, les animaux ambigus qui échappent à toute classification : avec des ailes énormes qui sont pourtant incapables de la faire voler, elle fonde la légendaire rapidité de sa course sur ses longues pattes ; bipède, elle a les pieds fendus comme les quadrupèdes, et son corps est couvert de plumes comme celui des oiseaux.¹⁷⁰

Its ambiguity may have posed a problem, which would, of course, fit well with the notion of impurity as “dirt,” matter out of place, formulated in Douglas’ early work. Douglas specifically focuses on the mode of locomotion appropriate for

¹⁶⁵ Houston, *Purity and Monotheism*, 194. He points to Isa 13:21–22, ; 34:11–15; Jer 50:39; Mic 1:8; Zeph 2:14; Ps 102:7; Job 30:29; as well as *KAI* 222 A.33 (Sefire) and Deir ‘Alla Combination I.

¹⁶⁶ E. g., Anna Angelini, “L’Imaginaire Comparé du Démoniaque dans les Traditions de l’Israël Ancien: Le Bestiaire d’Esäe dans la Septante,” in *Entre dieux et hommes: anges, démons et autres figures intermédiaires: Actes du colloque organisé par le Collège de France, Paris, les 19 et 20 mai 2014*, ed. Thomas Römer et al., OBO 286 (Fribourg, Switz.: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 2017), 116–34, and the other contributions in this volume.

¹⁶⁷ Cf. Safwat Marzouk, *Egypt as a Monster in the Book of Ezekiel*, FAT II/76 (Tübingen: Mohr Siebeck, 2015).

¹⁶⁸ See my defense of this conclusion below, 3.4.

¹⁶⁹ Though the more difficult question might relate to ostrich eggs. The biblical dietary prohibitions do not explicitly ban them, yet were they then acceptable for consumption? I raise this question because they appear on some menus, like that of Assurnasirpal’s Calah Banquet.

¹⁷⁰ Angelini, “L’Imaginaire Comparé du Démoniaque,” 123. She references Aristotle, *On the Parts of Animals*, 697b.14–26 [4.14]; *On the Generation of Animals*, 749b.17–25.

each category of animals.¹⁷¹ However, the hybridity of a creature itself need not render it problematic, in and of itself, as I will show below.

In addition to the possible connection between the potentially problematic nature of the mixture of categories with regard to the ostrich, the biblical tradition found in Isa 34 includes several other birds appearing on the lists of Lev 11/ Deut 14: קאָת, (pelican and/or desert owl), ינשוף (hawk, owl, or ibis), ערב (raven, crow, etc.), and דייה (kite).¹⁷²

The location of the beasts and birds may prove more decisive for their categorization. The mention of Dan 7 points to the possibility of specific *locations* that indicate negative supra-human powers. The book of Daniel localizes such powers with the sea, an oft-explored motif in biblical and ancient Near Eastern studies, given the sea's connections with Yamm in Ugaritic literature and Tiamat in Mesopotamia. With regard to Mesopotamia, it is also striking that Tiamat's army in *Enuma Elish* consists of numerous hybrid creatures that she forms such as lion monsters, lion men, scorpion men, fish men, and bull men.¹⁷³ Their mixed nature underscores their ferocity.

One line of reasoning in support of this hypothesis of the hybridity of creatures contributing to their unclean/abhorrent nature arises from the *interchangeability* of the OG translations of various "beasts of the ruins" found in Isa 13:21–22 and 34:11–14. While the OG renders,¹⁷⁴ for example, בַּת יַעֲנָה, with different terms in the two passages, both terms refer to what moderns typically classify as "mythical" beings (δαίμόνια), which the OG version of the biblical texts begins to identify as negative. A second line of support comes from the nature of the location: ruins. Ruins, associated with destruction and the irreversible loss of previous civilization often resulting from divine judgment, can indicate distance from the holy sphere.¹⁷⁵ As such, the overlap with impurity clearly emerges because both exist (or should exist) at a distance from the divine presence in a sanctuary. In any case, this category also extends beyond biblical texts, appearing in Sefire I A 32–33.¹⁷⁶

With regard to threatening powers, the steppe or desert – easily associated with places of ruin – also represented places of demonic threats in Mesopotamian

¹⁷¹ Douglas, *Purity and Danger*, 55.

¹⁷² This tradition includes Zeph 2:13–15, Isa 13:19–22; 14:23; Jer 49:33 (MT; 30:28 in the LXX); 50:39–40 (MT; 27:39–40 in the LXX); See Christophe Nihan, "Les habitants des ruines dans la Bible hébraïque," in Römer, *Entre dieux et hommes*, 88–115. See below, chap. 3 for the identifications of these birds.

¹⁷³ 1.140–45; 2.28–29; 3.31–33, 90–91. Translated according to Benjamin R. Foster, "Epic of Creation," COS 1.111:392–93. Also noted by Friedhelm Hartenstein, "Cherubim and Seraphim in the Bible and in the Light of Ancient Near Eastern Sources," in *Angels*, ed. Friedrich V. Reiterer et al., Deuterocanonical and Cognate Literature Yearbook (Berlin: de Gruyter, 2007), 157.

¹⁷⁴ Assuming it is reading MT in both cases: cf. Angelini, "L'Imaginaire Comparé du Démoniaque."

¹⁷⁵ *Ibid.*, 117.

¹⁷⁶ Also noted by Houston, *Purity and Monotheism*, 194.

conceptions. The *lillu/lillutu* demons frequented such locations, much like the goat for Azazel in Lev 16:

Lamaštu est ainsi renvoyée vers “les animaux de la steppe”, auxquels elle doit servir de nourrice. Le cas d’Azazel, sorte de démon mentionné dans le rituel de Lv 16 et qui est également associé à la “steppe” ou au “désert”, atteste clairement du fait que cette conception faisait encore partie de l’imaginaire – et même, d’une certaine manière, des pratiques! – des scribes qui ont composé la BH.¹⁷⁷

However, an animal’s connection to the ruins does not operate as the *sole* factor determining their acceptability: the צבִי, gazelle, also appears in this context in the Sefire inscription (though not directly in biblical material).¹⁷⁸ Deuteronomy repeatedly highlights the acceptability of the gazelle for human consumption: it appears on the list of clean animals in 14:5, as well as an example of edible “wild” meat suitable for clean *and* unclean members of the “Israelite” community in 12:15, 22; 15:22. Solomon’s royal table also served its meat (1 Kgs 5:3 [ET] 4:23), as did Assurnasirpal II as part of his banquet to inaugurate his new capital city, Calah. Finally, Isaac not only eats wild meat, but he prefers it in Gen 27 (even if he ironically cannot taste the difference).

In sum, an overlap appears between the chaos of the places of ruin and the negative super-human powers associated with these places. Still, an animal’s presence among the ruins does not immediately render it unclean or abhorrent, as seen with the gazelle.

Hybrid mythical creatures also play positive roles in the cultic and other realms described within the Hebrew Bible and beyond.¹⁷⁹ This double role of the fantastic need not elicit surprise. Cultural theorist Dan Sperber argues

From fantastic animals to perfect or unworthy horses, symbolic representations of animals ... evoke a worse world, that of anomaly, and a better one, that of perfection. They provide a contrasted and contrasting imaginary background for knowledge of the world as it is.¹⁸⁰

In other words, fantastic, unreal animals (or hybrids of real animals with fantastic attributes) can serve to mark what a culture or individual perceives as wrong – or potentially wrong – with the world, on the one hand, and on the other, what is right.

¹⁷⁷ Nihan, “Les habitants des ruines dans la Bible hébraïque,” 103.

¹⁷⁸ A weak connection arises through the gazelle’s appearance in Isa 13:14. They do appear on the fringes along with fantastic creatures in Egypt as well; cf. Dimitri Meeks, “Fantastic Animals,” *Oxford Encyclopedia of Ancient Egypt* 1:504.

¹⁷⁹ Greek writers such as Pliny and Diodorus comment on exotic animals from Arabia, and Diodorus (2.51.2) uses the term “double animals,” meaning the bringing together of two different kinds – hybrid. See Anna Angelini, “Biblical Translations and Cross-Cultural Communication: A Focus on the Animal Imagery,” *Semitica et Classica* 8 (2015): 33–43.

¹⁸⁰ Sperber, “Why Are Perfect Animals, Hybrids, and Monsters Food for Symbolic Thought?,” 166–67.

The cherubim and seraphim in particular show how biblical texts could embrace positive roles for mythical hybrid creatures, contrasting with, for example, the Leviathan and Behemoth in Job 40–41 among others.¹⁸¹ Hartenstein points out that in the Mesopotamian sphere, such creatures – *Mischwesen* – appear in positive roles concerning (1) the symbolism of ruling and (2) protection from evil.¹⁸² As such they appear close to human and divine rulers. By taking the best attributes of various creatures, such fantastic creatures embody something better than the normal. They assumed a similar role in Egypt, where such composite creatures represent “the tentative representation of a divine, supernatural power.”¹⁸³

The cherubim are foremost among these mythical creatures within the Hebrew Bible, appearing in Gen 3:24; Ezek 1 and 10; Exod 25:18–20; 26:1, 31; 36:8, 35; 1 Kgs 6:29, 31; 7:39; 8:6–7; Ps 18:11//2 Sam 22:11; and 2 Chr 3:14. Most of these appearances take place in relationship to the inner sanctum of God’s dwelling, keeping with Hartenstein’s categories. Furthermore, these locations for the cherubim accord with their settings within the temple or royal palace, also including (paradisiacal) garden allusions found throughout the Eastern Mediterranean.¹⁸⁴

While Exod 20:4 and Deut 5:8 forbid rendering Yahweh in the form of a bird, the deity elsewhere still rides upon a cherub like the wind (Ps 18:11), and the footstool before the divinity takes that same form in Exod 25:18–20. Therefore, at least some biblical authors have little problem bringing their deity into close proximity with birds or bird-like creatures, similar to the case with other animals, whether clean (a bull in Gen 49:24; Isa 49:26) or unclean (a lion in Hos 5:14; 11:10).¹⁸⁵

As discussed below, considerable overlap exists in this category with winged creatures from the surrounding cultures, such as the *lamassu* – hybrid lions or

¹⁸¹ For one of many ways of highlighting their mythical power, Angelini points out the OG translates בְּהֵמָה differently in Job 40:25 than where it detects a reference to a domesticated animal: Angelini, “Biblical Translations and Cross-Cultural Communication.”

¹⁸² Hartenstein, “Cherubim and Seraphim in the Bible and in the Light of Ancient Near Eastern Sources,” 157. He states, “One main area where [*Mischwesen*] play an important role (apart from the sphere of demonology) is the *symbolism of ruling*, in both the realms of the divine and of humans. The addition of capabilities like flying (wings of eagles), physical power and fertility (the bull), threatening features and behaviour (e. g., the lion’s roar, talons of the eagle, scorpion’s tails, snake’s bites) and, finally, wisdom and skills (human heads) culminate in pictures of superiority. We find such beings in the Ancient Near East especially in contexts where it seemed necessary to *represent power and to prevent from evil*” [italics original].

¹⁸³ Meeks, “Fantastic Animals,” 1:504.

¹⁸⁴ For discussion and iconography, see Othmar Keel, *Die Geschichte Jerusalems und die Entstehung des Monotheismus*, Orte und Landschaften der Bibel IV, 1 (Göttingen: Vandenhoeck & Ruprecht, 2007), esp. 311–16.

¹⁸⁵ This particular bull connection of course led to problems for some, resulting in the critiques of Jeroboam and in Exod 32–34; Hos 8:5–6; etc.



Fig. 2: Eighth-century BCE Neo-Assyrian *lamassu* from King Sargon II's palace at Dur Sharukin in Assyria (now Khorsabad in Iraq). Louvre AO 19858. Image credit to Abdalla Dabdoub [CC BY-SA 4.0, <https://commons.wikimedia.org/w/index.php?curid=72261412>].

bulls. These creatures played central roles in Mesopotamian societies as beneficent demons: as protectors of thresholds, of gates, and of entrances to important spaces.¹⁸⁶

Their location at the *limen* – threshold – fits well with their dual/hybrid nature: they are half of one thing and half of another.¹⁸⁷ They appear in biblical texts as cherubim and in Egypt as sphinx.¹⁸⁸ Mesopotamia also had winged genies, how-

¹⁸⁶ Keel shows that early in the art-historical record they often appear in a different role, “Der Kerub erscheint als ein aggressives, gefährliches Wesen, das die Vegetation als Lebensgrundlage bedroht und von Göttern und Helden bekämpft ... Keruben sind also weniger als geistvolle Verkörperungen höchster Eigenschaften, sondern eher als eine Art gefährlicher Kampfhunde zu verstehen.” Keel, *Die Geschichte Jerusalems*, 279, 299.

¹⁸⁷ D. Foxvog, W. Heimpel, and D. A. Kilmer, “Lamma/Lamassu A,” *RIA* 6:447.

¹⁸⁸ T. N. D. Mettinger, “Cherubim,” *DDD*, 189–92.

ever, which appear as more human-like creatures, though they could have eagle or griffon heads.

While the cherubim imagery does develop some unique characteristics in different biblical texts (compare Ezek 8–11; 1 Kgs 6:23–27; and Exod 25), where the cherubim alternately transport, form a throne for, or protect the royal deity,¹⁸⁹ in all cases they appear in close proximity to Yahweh, suggesting their extreme holiness. Just as in these biblical texts, thrones made of (or flanked by) mythical creatures of a cherubim-like nature appear in Byblos, Hamath, and Megiddo. Again, their location at the boundary between the divine and human or the royal and common fits with their hybrid/dual human and animal forms.

Seraphim also belong to this category. Mettinger notes that they are generally conceived as winged serpents, arising from the Egyptian Uraeus serpent and found in the Southern Levant on scarabs and symbols from the Iron Age (and earlier).¹⁹⁰ In the Egyptian context, they generally function as protective genies for royal and divine figures. This understanding fits well for the appearances of the creatures in the Pentateuch.

However, significant disagreement arises with regard to their most well-known appearance, around the altar in Isaiah's vision (6:1–8), where two seraphim each have six wings. Day, building on the Uraeus connections, understands the associations of the seraphim in Isa 6 as the personification of lightning, relating them to Pss 29; 104:4; Hab 3:9; and Baal's servants from various Ugaritic texts.¹⁹¹ They have thunder-like voices and a fiery nature, and smoke accompanies their appearance. The lack of the attestation of a six-winged serpent might suggest that the author of the Isaianic text makes an adjustment in this text to fit his own purposes,¹⁹² perhaps to highlight the holiness of the place,¹⁹³ given their proximity to the ruler. As Keel points out, the many stamp seal impressions of two or four-winged Egyptianizing Uraeui from the eighth and seventh centuries BCE in Judah make a strong case for this background in Isa 6,¹⁹⁴ which likely dates to this very period.¹⁹⁵ The creatures proclaim the holiness of Yahweh, while the

¹⁸⁹ Ibid., 190–91. Connections are often made with the Nehustan of Numbers.

¹⁹⁰ Idem, "Seraphim," *DDD*, 742–44.

¹⁹¹ John Day, "Echoes of Baal's Seven Thunders and Lightnings in Psalm 29 and Habakkuk 3:9 and the Identity of the Seraphim in Isaiah 6," *VT* 29 (1979): 143–51.

¹⁹² Hartenstein, "Cherubim and Seraphim in the Bible and in the Light of Ancient Near Eastern Sources," 166.

¹⁹³ Keel, *Die Geschichte Jerusalems*, 389.

¹⁹⁴ Ibid., 386–90.

¹⁹⁵ Rather than a serpent, which has yet to appear in the archaeological record with six wings, Morenz and Schorch note that six-winged genies from Mesopotamian are attested: Ludwig D. Morenz and Stefan Schorch, "Der Seraph in der Hebräischen Bibel und in Altägypten," *Or* 66 (1997): 375–81. They go on to present significant Egyptian evidence that the seraphim in Isa 6 could have arisen from six-winged griffons that took on the role of palace guards. These mythical flyers add to the category of "protective birds" for the Hebrew Bible, serving to underscore the holiness of such creatures in this text.

prophet proclaims his unclean lips. Both the prophet and the seraphim require protection from the nearness of the divine holiness.

Bringing together this short discussion of the fantastic creatures – typically composites or *Mischwesen* – from various texts of the Hebrew Bible and beyond informs the discussion of the dietary prohibitions by noting the various possible connotations involved in the blurring of boundaries. Some of them certainly take on negative hues. These accord with Douglas’ framework and the strict adherence in *some* of the dietary prohibitions, especially those of the large land animals that typically receive the bulk of the discussion on dietary prohibitions in scholarship. Yet Lev 11/Deut 14 pronounces some of the animals appearing in such liminal contexts throughout the ancient Near East, such as the gazelle, permissible for human consumption. Furthermore, there are a number of positive if terrifying significations connected to some threshold beings in the broader geographical and cultural context. For the Bible in particular, the cherubim and seraphim show that such composite creatures enjoy close proximity to deities and royalty, often taking on protective roles. As a result, anomaly alone does not prove a decisive factor for banning specific creatures from the divine presence and rendering them unclean or abhorrent.

1.6 Conclusions

The cultural import of birds in the larger milieu of the Ancient Near East provides a number of possible directions for theorizing the categorizations of the flyers into clean/unclean (Deut 14/Lev 11) or acceptable/abhorrent (Lev 11). To begin on the most basic level, much of the above discussion serves to add layers of complexity to typical scholarly interpretation of the prohibited birds, a necessary addition due to the lack of textually explicit criteria for the prohibitions and the tenuous identifications of the types of birds that chapter 3 addresses.

The variety of general terms and contexts for the appearances of flyers in the biblical texts have revealed that birds do not fit quite as easily into the simple categories of (1) carrion-eaters/carnivores = unclean and aggressive, (2) herbivores = clean, and (3) some domesticated = sacrificial. The picture drawn by the comparative ancient Near Eastern textual and iconographic evidence points in other directions, as do the limited avian faunal remains from the Levant.

With regard to the appearance of birds in cultic settings, I have provided several lines of inquiry that call the domestic nature of the birds in the Levitical sacrificial directives into question. The import of this discussion for the dietary prohibitions lies in its demonstration that some “wild” animals appear on the biblical altar. No definitive boundary line around the altar limited it to domestic animals. In fact, the fowl most clearly domesticated prior to the Hellenistic period in the ancient Near East – geese and ducks – do not figure *at all* in the biblical

prescriptions on offerings of fowl. It is rather one category of birds known to have been caught, kept, and fed in Mesopotamia and Egypt (pigeons/doves), and another that figures less often in Mesopotamia and Egypt, especially on a large-scale basis but appears more frequently in the zooarchaeological remains in the Iron Age (partridge, though perhaps also some chicken).

The discussion of fantastic animals notes the presence of both beneficent and malevolent “demons.” Just like the case with “real” animals, not all fantastic creatures fall into one category of positive or negative, though all possess powers that can threaten humans. Some supra-animalistic hybrid creatures reside close to the deity and threaten humans due perhaps to their holiness (seraphim and cherubim), while others exemplify danger arising from some kind of evil or association with the chaos of destroyed civilization (Lilith, goat demon). While the birds associated with these places of ruin appear to be identifiable with “natural” species, their *symbolically* hybrid nature – natural and demonic – plays an important role in these contexts.

Chapter 2

Birds in Surrounding Cultures

While the previous section took the appearances of birds in the Hebrew Bible as its starting point for investigating significant pieces of the background context for the large flyers of the dietary laws (though certainly not without forays into the material culture of the southern Levant as well as comparisons with the surrounding cultures), this chapter will extend that focus outward to the relationships between human cultures and birds in the surrounding cultures of Egypt and Mesopotamia (other Levantine cultures appear where evidence is available). This discussion attempts to highlight ways that these cultures viewed birds, especially with regard to issues of prohibition. Such conceptions at times overlap with the views appearing in the biblical material, while at others they provide perspectives against which the Hebrew Bible may react.

2.1 Methodology of Comparisons

Before turning my attention to the discussions of data from various surrounding cultures, an important issue concerns the articulation of the end to which comparative views of birds in the ancient Near East might contribute.¹ The question of comparisons with other ancient Near Eastern cultures has elicited diverse responses for over a century since the Bibel-Babel debate initiated by Friedrich Delitzsch's lecture in 1902. How can biblical scholarship benefit from interaction with the writings, iconography, archaeology, and practices of the cultures and polities surrounding ancient Israel without necessarily *assuming* shared beliefs, values, and practices? The fact that the discussion continues, with various scholarly cultures (e.g., North American vs. Central European to name two of the leading camps) approaching the question differently, shows the thorny, and perhaps ultimately intractable, nature of the issue.

In this section, I seek to mark out adequate limits for vetting (removal is impossible) my and other interpreters' biases in the preference of certain comparisons over others, thereby working toward some safeguards to evaluate interpretive hypotheses.

¹ Thanks to Christophe Nihan for raising this important question.

With regard to the dietary prohibitions, scholars' attempts to identify comparisons from the surrounding cultures have proven difficult. A survey of investigations generally points to the gaping absence of easy parallels. Concerning this particular question, there have been a number of small investigations, but little systematic study.

One prominent method in response to the lack of easy parallels for the dietary prohibitions lies in the eclectic approaches represented in the likes of Milgrom's *Leviticus* commentary, Achenbach's recent article, and Houston's monograph.²

Milgrom simply pulls material from wherever he seems to find worthwhile for a particular animal without offering specific justification. For example, he often calls upon Hittite material.³ However, as an underlying justification for his pinpointing of the problem with blood consumption as the rationale for the dietary regulations, Milgrom calls upon the Sumerian narrative of Lugalbanda, stating that it contains a core truth about human psychology.⁴ More than anything else, he turns to the later explanations from rabbinic literature,⁵ though Greek and a broad panoply of other sources also appear.

He offers no contemporaneous comparative material in his presentation of the birds beyond a short mention of the appearance of *rḥm* in Deir 'Alla Combination 1.⁶ Given that there is less available in the biblical texts on the prohibited birds than any of the other categories of prohibited animals, including the lack of criteria for their prohibitions, such information might prove especially important.

Achenbach's more recent article reveals a similarly eclectic perspective. He embeds Lev 11 in the context of the broader ancient Near East and Egypt, suggesting that the biblical purity regulations have a long tradition history, even though one can only access them in their Second Temple version.⁷ He avails himself most frequently of Egyptian material with rather little more justification than stating that Egyptian perspectives are likely important, though no systematic comparison exists.⁸ To be fair, Achenbach's discussion is far more concerned

² Milgrom, *Leviticus 1–16*; Reinhard Achenbach, "Zur Systematik der Speisegebote in Leviticus 11 und in Deuteronomium 14," *ZAR* 17 (2011): 161–209; Houston, *Purity and Monotheism*.

³ Milgrom, *Leviticus 1–16*, e. g., 650, 673.

⁴ *Ibid.*, 713. He states, "As demonstrated by Hallo (1987; 1983) the Sumerian myth of Lugalbanda relates that he is the first(?) human to make the transition from vegetarian to carnivore. He is only able to assuage his reservations about killing the animal he has captured by means of a revealed ritual and a sacred meal ... Thus the guilt engendered by the slaying of animals is embedded deep in the psyche of the human race. It was, however, the innovation of the Priestly legists that converted this guilt into an ethical imperative."

⁵ *Ibid.*, 661–62.

⁶ *Ibid.*, 663. Most of his discussion concerns philological identifications, and his ancient sources in this section consist of Talmudic and later rabbinic citations.

⁷ Achenbach, "Zur Systematik der Speisegebote," 168–69.

⁸ *Ibid.*, 168 n. 15. His reference here to Adolf Erman [*Die Ägyptische Religion*, 190] that purity is required of every priest approaching or touching holy things does not offer clarity with

with the compositional history of the two texts of Lev 11 and Deut 14, along with their relationships to the similar theme of restrictions on consumption in other biblical texts (1 Sam 14:32–35; Lev 20:22–26; Gen 9:3–4; Deut 12), but he hesitates neither with regard to the Egyptian material, nor with eclectic texts from Mesopotamia.⁹

Finally, Houston also offers a wide diversity of material. He surveys the species hunted in the Levant, consumed in Babylon, appearing in Ugaritic and West Semitic offering texts, and extant in Akkadian omen texts among others. However, he focuses largely on the Levant, and his discussion on birds underscores the connections to the desert ruins tradition in Isa 13; 34 and Deir ‘Alla,¹⁰ and the overlapping terms he sees as later additions to Lev 11/Deut 14 from this prophetic tradition. However, he makes little use of Salonen’s monograph, *Vögel und Vogelfang* or works on birds in Egypt, which I will make use of extensively below.¹¹ Overall, while Houston offers a multitude of pertinent insights, he too fails to find and include a robust methodological discussion for which material should be taken as most important for the prohibitions as a whole, and especially to include much at all on the flyers.

Other scholars offer a second prominent way of dealing with this absence, choosing to limit their starting point through the initial step of delineating the origins of dietary restrictions within a particular dating and cultural schema. Only then do they address comparisons originating from the chosen time period. Upon determining the historical location for the biblical tradition, these scholars then search for parallels within that temporal and cultural schema. In and of itself, such an approach can offer many benefits, though some well-known pitfalls also arise. One such example appears in a recent article by Gerstenberger. He dates the regulations to the postexilic period, which leads him to speculate

Schließlich sind die in Lev 11 und Dtn 14 überlieferten Regeln in der nach-exilischen Zeit, wenn nicht in Gänze entstanden, dann doch mindestens abschließend geformt worden. Und da drängt sich die Frage auf, ob die Hauptmotivation der jüdischen Priester und Gemeinden bei den Reinheitsverordnungen tatsächlich die Abgrenzung von allem Kanaanäischen und Fremdkultischem gewesen ist.¹²

In this statement, Gerstenberger leaves space for the possibility that at least some of the dietary regulations stem from earlier periods, yet he locates the major

regard to the explanation of what relates certain dietary choices to purity, so this reference does not provide adequate justification for the reliance primarily on Egyptian comparative material.

⁹ Achenbach, “Zur Systematik der Speisegebote,” 197, 207–8.

¹⁰ Houston, *Purity and Monotheism*, 194–97.

¹¹ *Ibid.*, 198.

¹² Erhard S. Gerstenberger, “Speisetabus (Lev 11; Dtn 14): Ängste und Hoffnungen,” in *Essen und Trinken in der Bibel: ein literarisches Festmahl für Rainer Kessler zum 65. Geburtstag*, ed. Michaela Geiger, Christl M. Maier, and Uta Schmidt (Gütersloh: Gütersloher Verlagshaus, 2009), 185.

motivation for the stabilization and rise in authority of these prohibitions to events or traditions found in the postexilic (Persian) period.

As a result of this conclusion, instead of seeking their motivation in attempts to separate from “Canaanite and foreign cults,” he turns his attention primarily to Zoroastrian traditions.¹³ The use of these Zoroastrian perspectives on animals brings with it the reality that the information on these traditions comes from significantly later periods. And, while Gerstenberger notes that even the oldest parts of the Avesta separate animals into good and evil as part of a wide-reaching structuration of pure and impure,¹⁴ very little relates these animals or their categories to the table.

Having surveyed two approaches to the (rather insignificant and sparse) use of comparative ancient Near Eastern data, is it possible to set any helpful criteria in place for these particular texts?

Beginning quite broadly, Talmon famously formulates one attempt to limit “parallelomania,” arguing that the best comparisons take place with cultures in the same historical and geographic stream as Israel, and the comparisons should occur on a total culture level, rather than atomistically.¹⁵ These limits suggest investigation should begin with those cultures and polities closely related to “Israel” (using this term as a broad moniker for the groups behind the biblical texts throughout the centuries) during the particular eras of the production of biblical literature.

When available, data from other Levantine cultures provide the closest connections. With regard to the ritual texts appearing in Exodus–Deuteronomy, Ugaritic texts provide a close geographic polity, though the data come from the second half of the second millennium BCE, centuries or even close to a millennium before the penning of the texts themselves. However, the geographic and linguistic proximity, as well as the shared traditions with regard to mythology, increase the weight of the data from Ugarit. Yet the very example of Ugarit, with its temporal distance from the biblical texts, points to the difficulty with identifying the way in which ideas, verbal constructions, rituals, mores, and values might have been passed on. How do ritual practices, textual formations, or mythical traditions from second millennium Ugarit end up in the biblical texts of the first millennium?

This question leads into the broad methodology known in Central European scholarship under the moniker “tradition history.”¹⁶ Traditions may arise from

¹³ Ibid.

¹⁴ Ibid., 185.

¹⁵ Shemaryahu Talmon, “The ‘Comparative Method’ in Biblical Interpretation – Principles and Problems,” *VT* 29 (1977): 320–56.

¹⁶ Helpful overviews and introductions on the general contours of this Central European approach for English-based scholars appear in Odil Hannes Steck, *Old Testament Exegesis A Guide to the Methodology*, 2nd ed., RBS 39 (Atlanta, Georgia: Scholars Press, 1998). See also Thomas Krüger, “Überlegungen zur Bedeutung der Traditionsgeschichte für das Verständnis

both within and external to Israel, but precise identification of the particular ways and particular groups in which they passed from generation to generation remains quite elusive.¹⁷ However, providing some kinds of boundaries appears necessary; otherwise each scholar simply picks and chooses according to the parallels most expedient for their hypotheses.

The most secure manner in which to identify connection between cultures arises when one finds direct dependence of one (text) upon another (text). Such dependence can be suggested on the basis of shared terminology. No such *Vorlage* exists beyond the two biblical texts of dietary prohibitions.

Therefore, in order to provide something of a secure basis for comparison, I suggest building upon Talmon's criteria and looking into the manner that various cultures with geographic, temporal, and cultural proximity to "Israel" view animals. Given that all dietary prohibitions in Lev 11/Deut 14 concern animals, an appropriate step toward a "whole culture" view with regard to these texts concerns the overall approach to animals in Israel and the surrounding cultures. As important constituents of these ancient cultures, how did Egyptians, Mesopotamians, etc. view both animals as a whole, and as particular categories (e. g., species)? When the symbolic (and other) associations are within reach, interpreters can consider, second, how these associations might influence a culture's view of consuming (or touching) such animals. As a third step, might the biblical texts reveal a similar understanding in their acceptance or rejection of the consumption or touching of such a category of animals? That is, within the context of the considerations of overarching views of the animal world, one must consider that the biblical texts may *affirm*, *reject*, *qualify*, or *modify* symbolic associations of particular animals espoused in surrounding cultures.

Considerable difficulty for use of comparative data for the dietary laws in general and especially for the birds arises from the challenge of pinpointing the period of the biblical dietary laws' emergence. One might make much, for example, of the relative absence of concerns about dietary prohibitions in biblical texts prior to the Persian and Hellenistic periods.

For example, there is little question that the consumption or non-consumption of pig meat emerged as a primary identifier for adherents to Judaism no later than the Hellenistic period. In 1 and 2 Maccabees, this practice becomes the

alttestamentlicher Texte und zur Weiterentwicklung der traditionsgeschichtlichen Methode," in *Lesarten der Bibel: Untersuchungen zu einer Theorie der Exegese des Alten Testaments*, ed. Helmut Utschneider and Erhard Blum (Stuttgart: Kohlhammer, 2006), 233–45; Uwe Becker, *Exegese des Alten Testaments: ein Methoden- und Arbeitsbuch*, 2nd rev. ed., Uni-Taschenbücher 2664 (Tübingen: Mohr Siebeck, 2008), esp. 123–25.

¹⁷ Cf. the difficulty as articulated in, e. g., Krüger, "Überlegungen zur Bedeutung der Traditionsgeschichte," 241. He states, "Zudem ist anzunehmen, dass Traditionen auch ohne spezielle Trägergruppen überleben können – etwa weil sie in einer Gemeinschaft weit verbreitet sind oder weil sie in literarisch fixierter Form vorliegen und ganz unterschiedlichen Personen oder Gruppen zugänglich sind."

defining mark par excellence for Jewish affiliation.¹⁸ *When*, however, did pig meat become a marker of adherence to Jewishness? The condemnation of pig, reptile or abomination,¹⁹ and mouse meat in Isa 66:17 (dated by some to the late sixth century,²⁰ though by others much later) takes place in gardens, relating directly to some kind of foreign cultic ritual. Similarly, Isa 65:4 connects the consumption of various animals to necromancy because the eating takes place in tombs. This perspective might possibly move the rejection of the consumption of various animals – pig but also others – among Yahweh followers back several centuries.²¹

Furthermore, one may also bring in the distinctions of clean and unclean animals in the non-P version of the flood narrative in Gen 7:2–3a and 8:20.²² The dates for these non-Priestly texts remain highly contested, with views from post-Priestly,²³ to a separate non-Priestly source ending in Gen 8:21 (or 22) that is then combined with P,²⁴ to the classical J hypothesis.²⁵ Furthermore, Carr views these very verses as a mix of both: part of a separate pre-Priestly strand, with 7:3a, 8 forming part of a post-Priestly redactional edit attempting to smooth out the differences between the now combined versions by making the lists of animals more complete.²⁶ Intriguing about his view is the fact that it judges, in particular,

¹⁸ In 1 Macc 1:47 Antiochus Epiphanes directs the Gentiles and Israelites in Israel-Palestine to sacrifice pigs and other unclean animals. Describing an event under the same ruler, the Jewish scribe Eleazar, in 2 Macc 6:18–20, affirms his worship of God and refusal of Antiochus' authority over him by refusing to swallow the pig meat he is force-fed, preferring instead to be killed (cf. 7:1–42).

¹⁹ The term here is the general one for “abomination” (*šeqeš*), but in this case it appears to concern a particular animal.

²⁰ Cf. Lena-Sofia Tiemeyer, *Priestly Rites and Prophetic Rage: Post-Exilic Prophetic Critique of the Priesthood*, FAT II/19 (Tübingen: Mohr Siebeck, 2006).

²¹ What is striking about these Isaianic texts is that they also identify pig meat as a primary means of disqualification from Yahwistic practice through its connection to foreign religion.

²² The case of Gen 7:8 is more difficult. It is taken to be part of P by Westermann, *Genesis 1–11*, 580; Jan C. Gertz, “Source Criticism in the Primeval History of Genesis: An Outdated Paradigm for the Study of the Pentateuch?,” in *The Pentateuch: International Perspectives on Current Research*, ed. Thomas B. Dozeman, Konrad Schmid, and Baruch Schwartz, FAT 78 (Tübingen: Mohr Siebeck, 2011), 176. However, Carr views it as a post-P addition to a non-P text. See below.

²³ Reinhard Gregor Kratz, *Die Komposition der erzählenden Bücher des Alten Testaments: Grundwissen der Bibelkritik* (Göttingen: Vandenhoeck & Ruprecht, 2000), 259–62. See also the list in Jan C. Gertz, “The Formation of the Primeval History,” in *The Book of Genesis*, ed. Craig A. Evans, David L. Petersen, and Joel N. Lohr, VTSup 152 (Leiden: Brill, 2012), 112 n. 12.

²⁴ Gertz, “The Formation of the Primeval History,” 131–32.

²⁵ See the careful discussion by Houston, *Purity and Monotheism*, 145–48. He highlights the question of whether Noah should take aboard seven pairs of *all* birds according to Gen 7:3. While his wording (*ibid.*, 145) is somewhat unclear (“The question arises whether Gen. 7.3 really does not envisage the existence of unclean birds [it does not say ‘of all the birds’]; if so it would be in conflict with 8.20 as well as with Leviticus 11.”), the verse literally states שבעה שבעה *גם מעוף השמים* שבעה שבעה, “also from all the birds of the heavens, seven male and female ...” which is of all the birds. However, one can read this in the context of v. 2, which states “of every clean animal.”

²⁶ David McLain Carr, *Reading the Fractures of Genesis: Historical and Literary Approaches* (Louisville: Westminster John Knox, 1996), 57–59.

the addition of the sacrificial birds in Gen 7:3a as a late addition.²⁷ This may accord with the later addition of the birds to the sacrificial prescriptions in, for example, Lev 1:14–17.

There is a distinct difference between the perspective set up in Gen 7–8 and what appears in both D and P for sacrifice: unlike the limitations on appropriate animals for sacrifice in Lev 1–7 and Deut 12, the combination of Gen 7:2(–3a) and 8:20 instead foresees offerings of *every clean beast and of every clean fowl* (מכל הבהמה הטהורה ומכל העוף הטהור). Without digging further into the complexities of the compositional history of the flood narrative, I find it most likely that this conception of the sacrifice of *every clean beast and bird* precedes the ascendancy of the traditions that came to be P and D: nowhere else does the Hebrew Bible consider *all* clean animals and birds available for sacrifice,²⁸ though the action is carried out by Noah, not himself an Israelite. As a result, two different conclusions could follow: (1) the notions of clean and unclean animals come from quite early traditions of the Hebrew Bible. Or (2) the inclusion of various animals attempts to show knowledge of the sacrificial practices of other cultures, such as Egypt or Mesopotamia, which offer a wider range of animals.²⁹

While less prominent in the biblical discourse as a whole, a tension exists surrounding the consumption of meat in general, such that a strand of vegetarian-like thinking appears in various texts of the Primeval History of Genesis (esp. chaps. 1, 2–3, 9), and it is also implied in Isa 11:1–9 (and 65:25).³⁰ Only in Gen 9:1–7 does the fundamental relationship between humans and animals change.³¹ After reaffirming the cultural mandate from 1:28, Gen 9:2–3 proclaims that animals become afraid of humans, who now receive the freedom to eat *any* animal. The sole stipulation concerns human avoidance of animal blood (9:4), which equates in some way with the animal's life. The prohibition against the consumption of blood is one command that set Israel off at least from its Mesopotamian

²⁷ A position noted by Houston, *Purity and Monotheism*, 145, with reference to Westermann, *Genesis 1–11*, 427.

²⁸ Deut 12:15, 22 take a separation between *clean* animals and *sacrificial* animals for granted.

²⁹ For just two examples of birds, note that cranes and geese were offered in Mesopotamia; cf. Osten-Sacken, *Untersuchungen zur Geflügelwirtschaft*.

³⁰ While Isa 11:1–9 does not directly address *human* eating, it expounds an image of peace by envisioning a fundamental change in the animal world: carnivorous animals will eat grass and straw like their herbivore prey. The implication is that meat consumption is equated with violence. The same theme reappears in Isa 65:25, which like Isa 11:1–9 details a vision of a peaceful eschatological world. For a discussion of P in Gen 1–9 that views vegetarianism as an unstable ideal, and P's restrictions on meat consumption as part of a means for God to dwell on earth, see Houston, *Purity and Monotheism*, 255–58; idem, "Justice and Violence in the Priestly Utopia," in *Bible and Justice: Ancient Texts, Modern Challenges*, ed. Matthew J.M. Coomber (London: Equinox, 2011), 93–105. In this article he notes the *difference* in the provision of seeds and fruits for the humans versus the "greens" for the animals (*ibid.*, 95; for the ramifications, pp. 97, 100).

³¹ According to Gen 1:29–30 (implicit also perhaps in Gen 2), humans and land animals were originally created as vegetarians. This logic continues through the canonical narrative until after the flood.

neighbors.³² Also important about this stipulation is its placement in the context of a narrative concerning Noah and his children, that is, all of the humans alive at that point. This setting suggests its efficacy for *all* humanity, not only for Israel. The broad audience contrasts sharply with the context for Lev 11 and Deut 14, where a differentiation is made between the Israelites and other peoples.³³

The stipulations in Gen 9:5–6 coupled with Exod 22:28 also provide insight into one particular biblical justification for the rejection of otherwise acceptable meat: an animal that killed a human could not be consumed. However, another possibility in its rejection as food lies in the manner of the ox's death: rather than through an acceptable slaughter technique, the community stones the ox. In this scenario, the root of the method of death still arises from the animal's culpable killing of a (free) human. Such a concern is on display within the presumably earlier text of the Covenant Code (late eighth–early seventh century).³⁴

This general investigation of the *biblical* record indicates some concern for limits to animal consumption reaching back to the preexilic period, though mushrooming in the late exilic and postexilic to Hellenistic period. The biblical texts also suggest that the logic behind prohibitions of animal consumption changed over time to focus increasingly and explicitly on the rejection of foreign foods as a sign of Jewish identity.

The biblical record also shows that some kinds of dietary limits were – unsurprisingly – connected with specific cultural-ethical values throughout the biblical eras. The importance of these observations within a discussion on the methodology of cultural comparison is as follows: the ongoing concerns within the biblical texts for matters of animal consumption render it difficult to limit the investigation into comparative cultures to a specific era, making the inclusion of perspectives from cultures in contact with Israel from the preexilic through postexilic periods important.

Therefore, the following surveys cast a broad net, aiming toward general understandings of winged animals within particular cultural contexts. It thereby seeks to identify the reasons why, within these various contexts, animals (and their meat) acquired particular values. While returning in some ways to the eclectic approach criticized above, this will take place within limits and on the more reasoned foundation of a general conception of birds in the cultures. Some limits arise in this attempt to place the meaning(s) of birds for food and food prohibitions within the wider context of a culture's view of that animal as a whole.

³² Bottero has translated Old Babylonian period recipes from Akkadian that include blood as part of the broth: Jean Bottero, "The Cuisine of Ancient Mesopotamia," *BA* 48.1 (1985): 36.

³³ However, the prohibition on blood is also found in connection to offerings, tied specifically to blood that is connected with the animal's life (Lev 17:10–16), which may not be consumed by anyone residing among the Israelite community (including foreigners in v. 12, thus keeping with the prohibition of Gen 9:4).

³⁴ Cf. e.g., Jan C. Gertz, "Torah and Former Prophets," in *T & T Clark Handbook of the Old Testament*, ed. Jan C. Gertz (London: Continuum, 2012), 284.

2.2 Egypt

Birds were omnipresent in ancient Egypt, and Egyptian iconography provides a vast number of bird depictions. Some appear as food, others as pets, as pests, as wild in their native environments, and as representations or manifestations of deities and other religious symbols. In terms of food, there are ducks, geese, cranes, and doves, which are usually shown feeding, but are sometimes also being force-fed by attendants.³⁵ Not only were birds kept and fed, but fowling also caught large quantities of migratory birds. In fact, Brewer suggests that the Egyptians only raised two kinds of birds domestically (the greylag goose and the white fronted goose). They trapped the rest, mostly on their migrations through Egypt.³⁶

As a side note, a small number of birds took on the role of a pet according to Old Kingdom iconography, which may indicate some level of the significance of this category for prohibition below.³⁷ However, of more importance for my present discussion, E. Teeter notes, “Nearly every species of animal in Egypt was at some point associated with a deity, notable exceptions being the horse and the hedgehog.”³⁸ Many of the representations of deities do not fully take animal form: they are composites, for example of human bodies and animal heads.

And in terms of birds, raptors receive pride of place, beginning with the Horus falcon, but also including various other kinds of falcons and vultures. In addition, the sacred ibis often symbolizes Thoth, and many other associations appear, both for carnivorous and plant-eating birds. At times the connection with a deity coincided with a local or occasional dietary prohibition, such as in the *Calendar of Lucky and Unlucky Days*, which prohibits the consumption of birds on the twenty-second day of Thoth. This day is linked to Re’s consumption of all other deities and then vomiting them out, which results in them becoming fish and their *bas* becoming birds. As Volokhine notes, in this case the prohibitions relate to the consubstantiality of the birds with divine matter, and they are limited to that day.³⁹ Therefore, one way that a limited Egyptian prohibition on (all) birds arose – or at least came to be explained – was through a connection with specific mythic material. On analogy, one might therefore suggest that some influence

³⁵ Patrick F. Houlihan, “Animals in Egyptian Art and Hieroglyphs,” in Collins, *A History of the Animal World*, 109–10.

³⁶ Brewer, “Hunting, Animal Husbandry and Diet in Ancient Egypt,” 453. In agreement is the recent work of Osten-Sacken, *Untersuchungen zur Geflügelwirtschaft*, 22.

³⁷ Houlihan, “Animals in Egyptian Art and Hieroglyphs,” 121.

³⁸ Emily Teeter, “Animals in Egyptian Religion,” in Collins, *A History of the Animal World*, 336.

³⁹ Youri Volokhine, “So-Called ‘Dietary Prohibitions’ in Pharaonic Egypt: Discourses and Practices,” in *Food Taboos and Biblical Prohibitions: Reassessing Archaeological and Literary Perspectives*, ed. Peter Altmann, Anna Angelini, and Abra Spiciarich (Tübingen: Mohr Siebeck, forthcoming).

from similar localized prohibitions found their way into the biblical texts. This suggestion will receive attention below.

Like in much of the biblical material, fantastic composite beings can appear in liminal spaces – the crossing from life to death, or in the wild on the edges of Egyptian society.⁴⁰ The griffin, variously with a falcon's, vulture's, or eagle's head, appeared frequently as one of a number of fantastic animals. They appear on "magic wands," also found in Megiddo, whose purpose likely consisted of scaring away malevolent demons.⁴¹ Their location at Megiddo brings this practice into the Israelite heartland.

In addition to birds serving as symbolic representations of deities, the Late Period (664–332) to the Roman Period experienced a pronounced rise in animal mummifications, of the ibis and falcons most often among birds.⁴² The numbers can be quite staggering. S. Ikram reckons with 15,000 interments of ibises *per year* at Tuna el-Gebel along with significant amounts elsewhere. This reality suggests the necessity of some kind of ibis farms or holding facilities to meet the demand.⁴³ This development occurs in Egypt during the time when the texts of Deut 14 and Lev 11 may well have taken shape (the Late Period), which may heighten their importance for this study. Ikram extrapolates that these animal mummifications signify great numbers of worshippers travelling to Egyptian cultic centers for the festivals in order to give the animals over to interment. Greek foreigners in Egypt also comment on these events,⁴⁴ indicating the likelihood that Jewish residents in Egypt (e.g., from Elephantine) took notice. Thus, perhaps some kind of a link to the mummifications of vast amounts of animals may exist for the development of the biblical dietary prohibitions? If so, the link appears quite weak: the cultic usage (in this case mummification) of one or some birds of a particular sort did not necessarily result in according special significance to that category of birds *as a whole* within Egyptian society, thus diverging from the way the biblical texts view the categories of clean and unclean animals.

A final connection involving flyers comes from the category of mythical creatures in Egypt. First and foremost is the *benu*-bird, the bird of fire in conjunction with the heron/stork.⁴⁵ Associated closely with the solar deities Re and Atum, the *benu*-bird (at one point the *ba* of Re) flew over the waters before creation and was

⁴⁰ They were considered real, living among the wild antelope in deserts removed from the Nile according to Meeks, "Fantastic Animals," 1:504. This accords with the presentation of Lilith in Isa 34.

⁴¹ Meeks, "Fantastic Animals," 1:506.

⁴² Patrick F. Houlihan, "Birds," *Oxford Encyclopedia of Ancient Egypt* 1:190.

⁴³ Salima Ikram, "Speculations on the Role of Animal Cults in the Economy of Ancient Egypt," in *Apprivoiser Le Sauvage = Taming the Wild*, ed. Magali Massiera, Bernard Mathieu, and Frédéric Rouffet, Cahiers de l'ENiM 11 (Montpellier: University Paul Valéry Montpellier, 2015), 7–8.

⁴⁴ Herodotus 2.67–76.

⁴⁵ I discuss this below in 3.14.

involved in determining what was created.⁴⁶ Few other mythical winged creatures (beyond direct associations with deities) appear in Egypt, so this *benu*-bird plays a rather special role in Egypt, which could allow for its importance in the biblical dietary prohibitions, if considerations of a bird's importance in a foreign cult is deemed significant.

Returning to the question of consumption, Egyptians ate a wide variety of birds, most of which were trapped while migrating through the region. Given the seemingly inexhaustible numbers of fowl, Egyptians trapped birds and kept them for later consumption from as early as the third millennium. The ability to obtain and consume bird meat was rather common. It was, therefore, devoid of most symbolic value in terms of designating one's status. At times fowl were fed (or force fed) barley and something akin to noodles to fatten them. Throughout the pharaonic period, the most important types consisted of geese, ducks, doves, and cranes.⁴⁷

When it comes to the types of birds prohibited in the biblical material, the Egyptian perspective might prove important in a number of aspects that are investigated on a bird-by-bird basis below.⁴⁸ However several general points should be kept in mind: (1) Egyptian depictions of raptorial birds strongly influence the iconographic styles in the Levant, even though the birds themselves were also present in the Levant.⁴⁹ Therefore, at least in terms of their iconographic depiction, Egyptian conceptions prove influential. (2) No evidence exists of wide-reaching explicit prohibitions of birds from the ancient Egypt table.

2.3 Mesopotamia

Turning my attention eastward, birds also appear in a vast number of contexts in Mesopotamia. Perhaps one of the more striking, when compared to Egypt, is the use of birds in divination.⁵⁰ Even more than in Egypt, numerous avian or bird-like creatures arise as mythic entities, both as enemies (Zu/Anzu) and as protectors. Birds naturally also end up on the table.

With regard to their appearances in omen texts, birds appear quite early in the bilingual Sumerian-Akkadian series *ĪAR-ra=hubullu*, emanating from the Old

⁴⁶ Richard H. Wilkinson, *The Complete Gods and Goddesses of Ancient Egypt* (New York: Thames and Hudson, 2003), 212.

⁴⁷ Osten-Sacken, *Untersuchungen zur Geflügelwirtschaft*, 451.

⁴⁸ See chap. 3.

⁴⁹ Annie Caubet, "Animals in Syro-Palestinian Art," in Collins, *A History of the Animal World*, 225–26.

⁵⁰ For a helpful overview, see Benjamin R. Foster, "Animals in Mesopotamian Literature," in Collins, *A History of the Animal World*, 271–88.

Babylonian period, but with versions appearing until much later.⁵¹ Evidence from Hazor in the Middle Bronze period even attests to some acquaintance with this list in the Levant.⁵² The lexical series as a whole covers animals, stones, plants, and stars among other things. The birds appear in tablet 18, just after the fish (much like in the biblical material, though long after the insects, which appear on tablet 15). HAR-ra=*hubullu* does not list birds in any order similar to the biblical material, however: the long list begins with an owl (*hūa*), and after an unknown bird, the third designation is for a water fowl, perhaps a pelican or crane (*kumû*). Another owl (*qadû*) then shows up considerably later (30 birds later!) in the list. This different or perceived lack of order suggests the virtue of caution when attempting to identify some type of order in the lists of Lev 11/Deut 14.

Turning to a different genre, S. Ermidoro identifies the hemerologies as the most important source for dietary relegations and prohibitions. They mostly arise from the first millennium and describe both what one may and what one may not do on any particular day.⁵³ Of particular interest for my study might be a text like the “Babylonian Almanac,” which was intended for the common person.⁵⁴ However, birds appear quite infrequently in these texts (several times the general term for “fowl,” once a rooster, and once “pigeon”),⁵⁵ and these prohibitions concern *do et des* type actions: releasing a captured bird in order that one might be released. In fact, none of these prohibitions of fowl deal with inedible types, or with those prohibited in the biblical texts. As a result, they likely exhibit different logics. Ermidoro summarizes, “The common denominator of all these avoidances is their nature as temporary regulations, linked to very specific events which, in their turn, were motivated by religious or health reasons.”⁵⁶ The temporary nature (related to particular days) and the lack of a significant number of appearances of birds suggests that they do not prove important for the biblical conceptions, except to reveal the differences in conceptions of the connections between food avoidances and cultural settings: in following the hemerologies, Mesopotamians attempt to avoid sickness and misfortune, certainly at the hands

⁵¹ The key texts regarding animals have been published by Benno Landsberger: *The Fauna of Ancient Mesopotamia*, Materialien zum Sumerischen Lexikon 8/1–2 (Rome: Pontifical Bible Institute, 1960).

⁵² Hayim Tadmor, “A Lexicographical Text from Hazor,” *IEJ* 27 (1977): 98–102.

⁵³ Stefania Ermidoro, “Tabooed Animals in the Ancient Mesopotamian Diet: Prohibitions and Regulations Related to Meat in the First Millennium BCE,” in *Food Taboos and Biblical Prohibitions: Reassessing Archaeological and Literary Perspectives*, ed. Peter Altmann, Anna Angelini, and Abra Spiciarich (Tübingen: Mohr Siebeck, forthcoming).

⁵⁴ See the description in Alasdair Livingstone, *Hemerologies of Assyrian and Babylonian Scholars*, Cornell University Studies in Assyriology and Sumerology (CUSAS) 25 (Bethesda, MD: CDL, 2013), 2.

⁵⁵ *Ibid.*, 263–64.

⁵⁶ Stefania Ermidoro, “Food Prohibition and Dietary Regulations in Ancient Mesopotamia,” *Aula Orientalis* 32.1 (2014): 91.

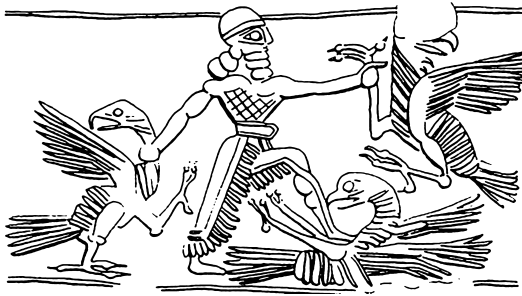


Fig. 3: Neo-Assyrian cylinder seal from the Pierpont Morgan Library, New York. Image from Othmar Keel, *Jahwes Entgegnung an Ijob*, FRLANT 121 (Göttingen: Vandenhoeck & Ruprecht, 1978), 111 fig. 49.

of the deities. The biblical prohibitions draw a less direct line between inappropriate consumption and specific divine-ordained consequence.

Turning to another possible category of influence from Mesopotamia,⁵⁷ winged mythical creatures (genies and *lamassu*) and mythicized birds (Anzu) feature prominently in sculpture and in several well-known myths. Anzu features in Sumerian and Akkadian myths as a rogue half bird-half human servant of Ea that steals the Tablets of Destiny. Most deities fear Anzu, thus leading to the rise of a hero (alternately, Ningirsu, Ninurta, or Marduk) willing to fight and ultimately defeat Anzu.⁵⁸

Furthermore, whether as mythical or not, large birds could serve as adequate opponents against which kings and heroes might demonstrate their fighting prowess. This conception appears, for example, on a Neo-Assyrian roll seal. In this case, hunting the birds served as a royal sport, well-known in many parts of the world.

The *lamassu* appearing in the Assyrian and Persian palatial settings such as those of Khorsobad (Dur Shurrakin), Nimrud (Kalhu), and Parsagadae at thresholds demonstrate the importance of animal features in the symbolic depiction of protection. Generally speaking, they display a human head, the body of an ox or lion (in this case called a sphinx), and wings. These mythical hybrids likely represent an attempt to amalgamate the best qualities of various creatures in an effort to render the palace impenetrable – if by no other means, then by scaring enemies through the size of these sculptures. As I have addressed above,⁵⁹ the

⁵⁷ As mentioned already above in section 1.5 Fantastic Birds.

⁵⁸ A different, more positive take on the Anzu bird appears in the Sumerian tradition of Lugalbanda and the Anzu Bird, where Lugalbanda takes care of the Anzu bird's chick and in return receives superhuman speed. See "Lugalbanda and the Anzu Bird," *The Electronic Text Corpus of Sumerian Literature*, <http://etcsl.orinst.ox.ac.uk/cgi-bin/etcsl.cgi?text=t.1.8.2.2#>.

⁵⁹ See above, 1.5 Fantastic Birds.

presence of hybrids need not carry negative associations. They primarily indicate power from the supernatural realm – akin to the Greek *daimon*, which can be either beneficent or maleficent.

Winged genii figurines also appear in foundation deposits, intended to carry out apotropaic functions. These winged genii (*apkallu*) appear at Kalhu and Dur-Sharrukin more than anywhere else.⁶⁰ In contrast to the *lamassu*, these winged human figures show up in the palace wall reliefs, rather than as sculptures. Though they wear human clothing, their connection with the avian realm sometimes extends beyond their wings to their possession of a bird's head.⁶¹ They represent the seven antediluvian sages, who, connected with Enki (lord of the earthly or netherworldly realms), possess a special gnosis. They appear in close proximity to the tree of life and the king in the Nimrud Northwest Palace of Ashurnasirpal II. M.-A. Ataç argues persuasively that this scene brings together their associations with Enki and the tree as the symbol of the (nether-) earthly realms and their wisdom (in contrast to the winged disc above them).⁶²

Given the *apkallu*'s connection to antediluvian wisdom *as well as* their appearance as figures, they embody connections between cosmological founding myths and the practice of kingship. These winged creatures live in the pure abode of Ea/Enki (the Apsû), and they carry a cone-shaped object called a *mullilu*, “purifier.” In the act of “purifying” the royal figure beside the sacred tree, the *apkallu* pass on their secret (antediluvian) knowledge, through which the king receives or becomes the key to fertility.⁶³

As a negative counterpart to the *apkallu*, Enuma Elish (i.130–44; ii.20–30, etc.) presents a number of monsters (*Mischwesen*) created by Tiamat to conquer the deities opposing her. As something of a surprise, these mythical beings do not include any with distinct avian features. However, in terms of possible import for the biblical dietary laws, Ataç follows the earlier observation by T. Ornan that these creatures do not appear in the same reliefs that depict the Sargonid kings. With regard to their iconographic depictions, the two literally occupy different spaces.⁶⁴ Perhaps the danger of these particular *Mischwesen* leads to their spatial

⁶⁰ Ataç comments that the *apkallu* “is the main supernatural creature that appears in the art of Ashurnasirpal II”: Mehmet-Ali Ataç, *The Mythology of Kingship in Neo-Assyrian Art* (Cambridge: Cambridge University Press, 2010), 150.

⁶¹ Or clothed in fish skin, but this appears less often in the Neo-Assyrian palaces.

⁶² Ataç, *The Mythology of Kingship in Neo-Assyrian Art*, 128–29.

⁶³ I am closely following Ataç's interpretation of the scene: *ibid.*, 159–60. However, I see no need to limit the connection between purity and fertility to some kind of “spiritual fertility” as he does. On the importance of the king for fertility and abundance, see my “Feast and Famine – Lack as a Backdrop for Plenty,” in *Feasting in the Archaeology and Texts of the Hebrew Bible and Ancient Near East*, ed. Peter Altmann and Janling Fu (Winona Lake, IN: Eisenbrauns, 2014), 149–78.

⁶⁴ Ataç, *The Mythology of Kingship in Neo-Assyrian Art*, 178. He references Tallay Ornan, “Expelling Demons at Nineveh: On the Visibility of Benevolent Demons in the Palaces of Nineveh,” in *Iraq* 66 (2004): 83–92.

separation from the Assyrian ruler. While the creatures do not take on associations with food, their separation from the pure and powerful ruler is suggestive.

The use of birds (and other animals) in divination took place by means of observing their behaviors and by means of observing their peculiarities before and after sacred slaughter.⁶⁵ Observation of bird behavior – whether of them in flight (augury) or their sounds (or lack thereof) – points, if nothing else, to the close associations and overlap between the worlds of deities, animals, and humans. Deities could speak through the means of, in other words mediated by, faunal action.

While the largest body of bird omen texts, Tablets 64–79 of the Šumma Alu collection, has yet to be published in complete form, a number of details about this collection are known. The collection, entitled “If a City Is Set on a Height,” consists of at least 107 tablets dealing mostly with private omens – those concerning individuals. Unlike the “Babylonian Almanac” hemerology, only specialists used this omen series as something of a reference work to interpret the events of everyday life.⁶⁶ Of specific importance for my discussion, the range of birds includes those both of the edible and inedible (by Hebrew Bible and assumedly also Mesopotamian standards): eagles, hawks, chickens, crows, and pigeons all appear among the identifiable varieties. The find locations indicate that the Mesopotamians, Hittites, and Persians all had some familiarity with either the standard Šumma Alu itself or some variant form of this collection – not to mention that other collections of bird omens also existed, from the Old Babylonian Period onward. In fact, the latest versions come from Uruk in the Seleucid Period, though the largest number of texts found so far arise from the Neo-Assyrian Period (i. e., Assurbanipal’s Library).⁶⁷ To give a flavor of the kinds of phenomena observed, a text, perhaps an excerpt text from Šumma Alu, apparently found near the Ishtar Gate of Babylon reads:

- i 4. If an eagle takes a pigeon in the window of a person’s house, a hand will seize that house.
- i 5. If an eagle eats a pigeon on the roof of a person’s house, an order will reach that house; on the road of the country where he goes, the man will enjoy a share (of inheritance).
- i 6–7. If an eagle eats a pigeon or a *magru* bird on the roof of a person’s house and leaves half of it, the owner of that house will enjoy a share.
- i 8. If an eagle eats a bird, either one or two, on the roof of a person’s house, the owner of that house [will enjoy (?)] an usually [*sic!*] large share.

⁶⁵ Nicla de Zorzi, “Bird Divination in Mesopotamia: New Evidence from BM 108874,” *KAS-KAL* 6 (2009): 87–88.

⁶⁶ Sally M. Freedman, *If a City Is Set on a Height: The Akkadian Omen Series Shumma Alu Ina Mele Shakin*, 2 vols., *Occasional Publications of the Samuel Noah Kramer Fund* 17 (Philadelphia: University of Pennsylvania Press, 1998), 2. She notes, “Like other omen collections, Šumma Alu developed over the course of several hundreds of years. Around the middle of the seventh century B. C., it was standardized into a series that consisted of as many as 107 tablets ... The total number of omens included in the standard series Šumma Alu was probably near 10,000.”

⁶⁷ *Ibid.*, 13–14.

...

1 10. [If ea]gles are whirling about in front of a city (while) flying, an enemy will surround that city and capture it.⁶⁸

One can glean from this kind of practice that observation of the external world, the world outside of human control, promised significant insight into the future, if one was aware of the phenomena and of their interpretation. Because a number of these phenomena likely did not take place every day, when they did occur, one would likely take notice. However, none of these omens relate specifically to the differentiations between clean and unclean, nor to human consumption. Their import for my topic is more general, simply showing the important ways that the animal world was infused with the directives and knowledge that went beyond common human insight.

A further direction of interest lies in the connections between specific birds and deities. Lambert's translation of a Neo-Assyrian period Akkadian text from Sultantepe, now part of southern Turkey (STT 341), overlaps in significant ways with a text from Nineveh (CT 41 5) and to some degree with one from Assur (KAR 125). They link certain birds with specific deities. For example:

2 The cock is the bird of Enmevarra. Its cry is, "You sinned against Tutu."

3 The francolin is the bird of Papsukkal. "Kaka has been ravaged, to the weapon ...,"⁶⁹

Another line of possible interpretative meaning for the biblical dietary material arises here: if animals are viewed as possessing too significant of a connection with another deity, then the "Israelites" might need to avoid consumption of that animal.⁷⁰ However, the inclusion in this list of both unacceptable (vulture) and acceptable (francolin) birds reduces the significance of these connections, at least with regard to these several Neo-Assyrian Akkadian texts and the tradition they represent.

Yet another perspective on birds appears in their use in medicinal and magical remedies. E. Reiner notes that texts prescribe the use of the heads of geese, eagles, water-fowl, and bats in salves for headaches and also in charms against epilepsy, among other ailments.⁷¹ Again, the use of both clean and unclean varieties limits the overall importance of these associations.

⁶⁸ Sally M. Freedman (Moren) and Benjamin R. Foster, "Eagle Omens from Šumma Alu," in *A Scientific Humanist: Studies in Memory of Abraham Sachs*, ed. Erle Leichty, Maria deJong Ellis, and Pamela Gerardi, Occasional Publications of the Samuel Noah Kramer Fund 9 (Philadelphia: Occasional Publications of the S. N. Kramer Fund, 1988), 180. The text is YBC 16934, and it has some overlap with the Šumma Alu texts Sm. 1244 (CT 41 1) and Sm. 1952 (CT 41 14)

⁶⁹ W.G. Lambert, "The Sultantepe Tablets: IX. The Birdcall Text," *Anatolian Studies* 20 (1970): 113. The line numbering follows STT 341.

⁷⁰ This logic might appear in Isa 65:4.

⁷¹ Erica Reiner, *Astral Magic in Babylonia* (Philadelphia: American Philosophical Society, 1995), 117.

With regard to a very different view of animals, especially the Neo-Assyrian rulers Sargon II and Sennacherib employed animal similes to describe their military exploits.⁷² With regard to birds, a number of images parallel those found in biblical texts. The eagle, falcon, and *anzû* bird depict the Assyrian kings' and their warriors' attacks. They swoop down on and catch their prey.⁷³

Turning to other appearances of fowl, birds appear from quite early on as part of wedding gifts, mainly as food for the celebration. In the Gudea Statue (E and G) report, the wedding gifts for my lady consists of: "Two fattened bulls, two fat sheep, ten fattened sheep, ... one ... bird, seven ...-birds, fifteen geese, seven ...-birds, sixty small birds in fifteen cages, ..." ⁷⁴ In this context, birds both for consumption and perhaps for entertainment move toward the level of mundane human practice.

The most normal interactions of humans with fowl would take place in their use as food and their offerings to the various temples. In the Neo-Babylonian period, Nebuchadnezzar proclaims that he has provided the gods Marduk and Nabu with, among other items, birds of the heavens, cranes, geese, and pigeons. Cyrus continues this practice in Mesopotamia as well.⁷⁵ And, the cranes and the pigeons were provided exclusively by fowlers – thus being caught and not raised. On the other hand, geese were kept in herds the same way as flocks, with geese-herders listed among the temple functionaries.⁷⁶ Therefore, Mesopotamian practice included offerings of a far richer assortment of birds than those in the Priestly conceptions of Lev 1–7.

In terms of human consumption, capture and maintenance of some categories of fowl, namely the same ones that turn up in offering lists, was an ongoing practice throughout every documented era of ancient Mesopotamian history. Thus, a number of wild birds as well as the domesticated goose were well-known. Numerous temple complexes had geese-herders as well as individuals responsible for the feeding of geese, ducks, cranes, and pigeons.

As a general statement for the diverse Mesopotamian material, birds clearly did not capture the Mesopotamian imagination in the same way that they did in Egypt. Birds appear far less in the iconography, yet this does not mean that they were not present in every period as food. Furthermore, at least one type, the crane, appears on the menu both for humans and for the gods, which one might not expect if focusing solely on the biblical texts with some modern sensibilities.

⁷² David Marcus, "Animal Similes in Assyrian Royal Inscriptions," *Orientalia* 46.1 (1977): 86–106.

⁷³ *Ibid.*, 94–96. I have mentioned this above in 1.4.

⁷⁴ Translation from Marten Stol, *Women in the Ancient Near East* (Berlin: de Gruyter, 2016), 113.

⁷⁵ Osten-Sacken, *Untersuchungen zur Geflügelwirtschaft*, 199 and n. 728.

⁷⁶ *Ibid.*, 453.

In addition, the expansion of the survey to include mythical birds and winged creatures leads to overlap with the category of clean/unclean. Some specific fantastic winged beings, the *apkallu*, were directly associated with ancient wisdom and purity. While, on the other hand, Anzu, the mythical enemy bird, could threaten the stability of the entire world.

2.4 Persia

Among ancient societies, perhaps only Zoroastrianism approached the Bible's level of clarity in producing distinct categories of abomination/uncleanliness and acceptability. One finds significant overlap with the biblical dietary laws: no snakes, frogs, worms, lizards, camels, mice, cats, foxes, or tigers.⁷⁷ Zoroastrianism's dualistic view attributes these creatures to the work of evil, to Ahreman. They belong to the category of "noxious creatures" (*xrafstar*), yet locusts also appear among these, in contrast at least to Lev 11. T. Daryaee relates these restrictions directly to the diet of the Persian's *other*, the nomadic Arabs – though the Persian Empire he has in view is that of the Sassinians from the first millennium CE.⁷⁸

This temporal distinction points to a continuing challenge when working with the Zoroastrian traditions – their dates. Can one attribute these practices to the time of the Achamaenids, even though the texts come from centuries if not a millennium later? De Jong states the conundrum well:

So, regardless of the system that will be outlined here, it is important to remain aware of two things: the system itself is the end-product of a long development (largely uncharted, because Zoroastrians rejected the use of writing for literary and religious purposes), not an unchanging norm ...⁷⁹

Herodotus provides some support of the possibility of exilic and postexilic Jewish familiarity with Persian Zoroastrian practice in that he himself had some knowledge of them. He writes:

... but the Magi not only kill anything, except dogs and men, with their own hands but make a special point of doing so; ants, snakes, crawling animals, birds – no matter what, they kill them indiscriminately. [1.140]

While this text does not mention *consumption* per se, it underscores the negative view of many members of the animal realm. The specific logic behind the

⁷⁷ Touraj Daryaee, "Food, Purity and Pollution: Zoroastrian Views on the Eating Habits of Others," *Iranian Studies* 45 (2012): 235.

⁷⁸ *Ibid.*, 232.

⁷⁹ Albert F. de Jong, "Purity and Pollution in Ancient Zoroastrianism," in *Purity and the Forming of Religious Traditions in the Ancient Mediterranean World and Ancient Judaism*, ed. Christian Frevel and Christophe Nihan (Leiden: Brill, 2012), 186.

rejection of consumption of these creatures, according to *later* Zoroastrian texts, lies in the notion that consumption of evil creatures leads one to become evil (a logic found in the Letter of Aristeas' discussion of the dietary prohibitions). The basis for the development of evil associations with consumption of animal products might be found here. However, the main basis for impurity in Zoroastrianism apparently had to do with what *exited* the body rather than what *entered* it.⁸⁰

Furthermore, a contrary indicator lies in the extant iconography of the Achaemenid Empire. The motifs and animals central to the Persian regime included some animals viewed negatively in the Zoroastrian system. One particular example is the lion, which bears generally demonic associations.⁸¹ Therefore, the Zoroastrian lens exerted only so much influence in the Persian Empire's view of animals.

At this point little concrete evidence has emerged to indicate that the Zoroastrian logic concerning animals may have influenced biblical reasoning about consumption of animal products in the period of the composition of the Hebrew Bible. While some intriguing parallels exist, the gulf between the cultures proves too immense – at least on the basis of current evidence – to provide a reasonable foundation for interpreting the origins of the biblical dietary prohibitions.

2.5 *The Levant*

The iconography of the Late Bronze Age onward provides some small insights into the closer context evinced in Levantine views of birds.

In her overview discussion on animals in the Levant, A. Caubet notes that animals appear as frequently as humans in the iconographic record, and clear distinctions between “real” and “invented” animals do not occur.⁸² These both represent important pieces of analysis. First, animals figure prominently into the symbolic world of the ancient Levant: they matter greatly, and humans went to considerable lengths to portray them. Second, the overlap between the real and the imagined, as suggested above, shows that conceptions of purity and impurity with regard to animals might just as well arise from so-called fantastic or “invented” animals, placing more emphasis on the question of how association with these creatures might influence the biblical dietary prohibitions.

A further insight from her study is that the ratio of an animal's appearance in iconography bears little relation to the actual fauna's abundance.⁸³ While perhaps unsurprising, such an observation guards against simple conclusions on

⁸⁰ *Ibid.*, 187.

⁸¹ Margaret Cool Root, “Animals in the Art of Ancient Iran,” in Collins, *A History of the Animal World*, 200.

⁸² Caubet, “Animals in Syro-Palestinian Art,” 211.

⁸³ *Ibid.*, 217.

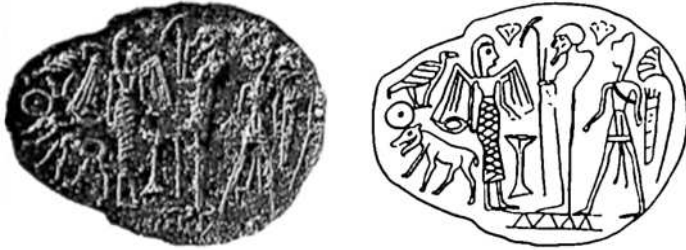


Fig. 4: Scaraboid from Akko; dated 1400–1150. Hazorea 174, Wilfrid Israel Museum,⁸⁴ following Othmar Keel, *Corpus der Stempelsiegel-Amulette aus Palästina/Israel: Von den Anfängen bis zur Perserzeit: Katalog Band I: Von Tell Abu Faraj bis 'Atlit*, OBO Series Archaeologica 13 (Fribourg, Switz.: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 1997), 531 fig. 3.

the connections between the abundance of “real” animals and their frequency in iconography – or in texts for that matter: this insight proves analogous to the biblical dietary laws. Appearance or omission from the list of Lev 11/Deut 14 need not correspond to the level of abundance in the external world of the originators or tradents of the tradition/text.⁸⁵

Generally speaking, Levantine animal iconography does not observe the boundaries found in Lev 11/Deut 14: clean animals like caprovids and bulls appear alongside lions, snakes, frogs, and turtles. In terms of flyers, outspread wings often denote protection, and goddesses may appear with such wings, e. g., on a Late Bronze scaraboid from Akko.⁸⁶

A similar conceptualization appears in biblical texts such as Deut 32:11; Ps 17:8; and 91:4. Birds of prey such as falcons and eagles frequently emerge among the depicted avifauna and reveal significant Egyptian (iconographic) influence.⁸⁷

As mentioned above, A. Spiciarich has recently collated the zooarcheological avian remains from the southern Levant from the Late Bronze to the Early Roman periods.⁸⁸ This region includes not only Israel and Judah, but also the

⁸⁴ For a short description, see Izak Cornelius, *The Many Faces of the Goddess: The Iconography of the Syro-Palestinian Goddesses Anat, Astarte, Qadesh, and Asherah c. 1500–1000 BCE*, OBO 204 (Fribourg, Switz.: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 2008), 116. See also Martin, “Theriomorphismus,” 7.

⁸⁵ This undergirds one critique of the analysis by Zohar Amar, Ram Bouchnick, and Guy Bar-Oz, “The Contribution of Archaeozoology to the Identification of the Ritually Clean Ungulates Mentioned in the Hebrew Bible,” *JHebS* 10 (2010), http://jhsonline.org/Articles/article_129.pdf.

⁸⁶ Evelyne Martin, “Theriomorphismus im Alten Testament und im Alten Orient: Eine Einführung,” in *Tiergestaltigkeit der Göttinnen und Götter zwischen Metapher und Symbol*, ed. Evelyne Martin and Michael Heries (Neukirchen-Vluyn: Neukirchener Verlag, 2012), 7. The tenth-century cult stand from Taanach provides another example of winged sphinxes (cherubim).

⁸⁷ Caubet, “Animals in Syro-Palestinian Art,” 225–26.

⁸⁸ Spiciarich and Altmann, “Chickens, Partridges, and the /Tor/.”

Transjordan, southern Syria, and the Philistine coast. While difficulties abound in bringing together the results from a wide variety of sites whose documentation varies tremendously in methodology, and according to different schools of archeological thought, her conclusions do offer significant insight.

First, taking this broad view, the domesticated goose and wild partridge appear most frequently, especially in Israel and Judah, until the Hellenistic period, with duck, pigeons/doves (*Columba livia*, but not turtledoves!), and chicken also common. A striking number of ostriches appear in the Persian period, though mostly outside the immediate region of Israel and Judah. These data support Caubet's conclusion that the number of a particular type of animal present in a region does not necessarily dictate to the same degree that animal's frequency in iconographic and literary representations. Though geese and ducks are found quite regularly in the material record, they barely, if ever, feature in the biblical texts.

Second, when simply looking at the species present, most of the suggestions for prohibited fowl in Lev 11/Deut 14 have been identified in the material record – Arabian ostrich, pelican, crane, stork, crow, cormorant, vultures, gulls, plovers, coots, owls, and herons.

Turning to the texts, narrative appearances of birds arise specifically from Ugaritic texts. Birds feature in the story of Aqhat, while briefly appearing in the Baal Cycle.

The tale of Aqhat recounts how Anat put the warrior YTPN “like a vulture [*nšr*] in her belt, like a hawk [*dīy*] in her sheath to kill and then consume Aqhat” (KTU 1.18.4.17–18).⁸⁹ In the lines that follow, Anat does just that, even circling among the vultures herself (lines 31–32). Aqhat's father, Dan'il goes on to curse various birds, asking Baal to break their wings and split open their bellies so that he might find the remains of his son and bury him. This takes place, and Dan'il finds his son in the belly of the mother of the vultures, Samal.

This surrealistic narrative highlights the antagonistic nature between humans and two kinds of birds *nšr* and *dīy*, two designations whose Hebrew cognates appear in Lev 11/Deut 14. However, these are not simply normal exemplars of those categories: the goddess Anat and her fierce warrior YTPN take their shapes, and in this shape YTPN kills Aqhat. Furthermore, a negative association arises for them because consumption by one of their number of Aqhat results in Dan'il's inability to bury his son. At least according to the narrative logic at work in this story, carrion eaters give rise to the problem of improper interment.

A similar association for birds – this time *šr* (a very general term for bird) – arises at the end of the Baal Cycle, again related to Anat. This time Anat carries out vengeance on Mot, who has consumed Baal. After splitting him with a sword and eventually grinding and then sowing him, birds come to eat his flesh and

⁸⁹ For a normalization and translation of the text, see Simon B. Parker, “Aqhat,” in *Ugaritic Narrative Poetry*, ed. Simon B. Parker, WAW 9 (Atlanta: Scholars Press, 1997), 49–80.

flyers (*npr*) to consume his parts (1.6.2.35–36).⁹⁰ In this case, the birds clean up the battlefield, similar to numerous texts of the Hebrew Bible.⁹¹

Otherwise in Ugarit, birds (*ʕr*) generally appear as part of sacrifices (1.148.9; 1.14.3.59)⁹² and part of a meal (4.751.5). *DULAT* unfortunately separates the lemma into two categories: “(1) Bird, ... (2) Espec. domestic fowl, poultry.”⁹³ There is no indication in the texts themselves that these must denote domestic birds; instead, this delineation perpetuates the same presupposition found in the biblical material that only domesticated birds were sacrificed, though I have argued that this is hardly the case.⁹⁴ Sanmartín justifies this limitation based on the juxtaposition of the term *ʕr* after *nš* in *KTU* 4.14, an offering list.⁹⁵ He takes the *nš* to be wild fowl, reasoning on a mistaken view of chicken in Mesopotamia at the time that *ʕr* is then domestic fowl, likely chicken (which is how he translates the term). Just as with the similar reasoning in *KAI* 69 above, such a hypothesis remains quite speculative.

This survey of the evidence on the conceptions of birds in the polities and cultures closest to Israel makes some small additions to the picture. First, the decidedly negative picture of carrion-eating birds emerges because they interfere with the burial of the dead. This observation confirms or perhaps even highlights expectations for the periodic appearance of those flyers in the biblical texts in association with the aftermath of battle scenes. As numerous interpreters argue, the association with death that is called unclean in the biblical texts finds some resonance here. Second, as a negative conclusion, I have shown that the presupposition of the limitation of avian sacrifice to *domestic* varieties likely proves unwarranted for Ugarit.

2.6 Conclusions

On the whole, this chapter has largely served to form a general backdrop to ways that the composers and earliest audiences of the dietary prohibitions regarding the birds might have understood the cultural connotations of these animals. In terms of methodology, I have chosen to paint with a broad brush, given that no narrow tradition history of the biblical dietary prohibitions has come to the surface. The few explicit limitations on the consumption of the meat of specific birds

⁹⁰ *DULAT*, 635 only lists this reference for the nominal form; however, the verbal form appears in several places with the meaning “fly” or “start to fly” in Ugaritic, as well as in various other Semitic languages.

⁹¹ See above 1.4.

⁹² *DULAT*, 583, renders the term *msrr* as “entrails,” while it is “pigeon” in Edward L. Greenstein, “Kirta,” in Parker, *Ugaritic Narrative Poetry*, 18.

⁹³ *DULAT*, 187.

⁹⁴ See above, 1.3 Cultic Use of Birds.

⁹⁵ Joaquín Sanmartín, “El Ordo Litúrgico *KTU* 4.1,” *AuOr* 8 (1990): 96–97.

known from the period of composition of the Hebrew Bible broadly speaking only amount to specific temporary restrictions related to specific days in Mesopotamia (in the hemerologies) or at specific cultic sites (in Egypt).

With regard to the kinds of fowl consumed, the river-based cultures of Mesopotamia and especially Egypt trapped and kept a diversity of birds for consumption: pigeons/doves, ducks, and cranes especially, while geese feature as the only species verifiably domesticated in Egypt and Mesopotamia. Notably, cranes appear in the traditional identifications of prohibited birds.

The differentiation between the cultured and wild spheres comes to light in discussions of fantastic animals, including some that were bird-like. In both Egypt and Assyria, hunting such creatures linked the sphere of the wild to the larger battle of creation with chaos, in this case exemplified in the hunting of composite real (and unreal) creatures like ostriches.

Negative associations with carrion-eating flyers carry through from the Ugaritic narrative of Aqhat and other (Mesopotamian) post battle scenes, where the work of the birds – not always identified specifically, though *nšr* and *diy* are among them – leads to the impossibility of proper burial.

Birds or bird-like creatures often represent close links between the divine sphere and human sphere in diverse manners. First, the bird-like *apkallu* and *Uraeui*, among others, appear in very close proximity to deities and royalty, serving to connect them to eternal wisdom or to protect them. Second, both Mesopotamia and Egypt attest to identifications of individual birds with specific deities. In Egypt at least, a single type of bird could be associated with various deities in different contexts, as well as the reverse (one deity with multiple birds or animals). In Mesopotamia, such correlations appear less frequently. Third, Mesopotamia links the world of humans with the divine through the media of birds (among other phenomena) in the form of observable omens. Omen manuals, the most common being various forms of the Šumma Alu collection, provided a means to discern the future through observing specific, sometimes common and other times rather rare, behaviors of birds (among other things).

Finally, I have found the connections suggested by some biblical interpreters between the biblical dietary prohibitions and Persian Zoroastrianism too tenuous to merit serious consideration. The dates of the sources and the paucity of links to consumption nullify the intriguing overlap of a kind of dualistic view of animals.

Chapter 3

The Philology and Appearances of Specific Bird Names

Before turning to the individual terms, categorization again emerges as a question. What do these twenty designations (following MT Lev 11:13–19) articulate?¹ Are they bird and bat *species*, or do they indicate the broader *genus* or *family* of birds in each case? Interpreters can easily overlook this question, presupposing (for the most part) that they are species names, thereby foreclosing on possible interpretations.² This hasty conclusion comes to light especially with regard to the ערב and נשר (raven, crow; and vulture, eagle respectively) among others.³

A related concern in the attempt to identify the nature and features of these winged creatures lies in ways interpreters understand the order of the terms and its relation to criteria for their uncleanness.

Several different assumptions often undergird the designations in scholarly interpretations. As is the case in the Talmud, and followed in spirit by Driver and Milgrom, interpreters tend to seek out some underlying category and/or sub-categories for the large flyers in order to group them together. The Talmud (m. Hul. 3.6; b. Hul. 65a) and *Pseudo-Aristeas* locate the determining factor for the birds as a whole in an extra toe, that is, one going the other way that allows the bird to seize prey.⁴ The search for criteria leads Driver (and Milgrom) to the related category of meat-eaters of some sort (raptors and owls), except for the final two flyers, the hoopoe and the bat.⁵ Driver therefore rejects the traditional identifications of the ostrich, the ibis, and the water-hen because they do not belong to a class of raptorial birds. He posits a further interpretive matrix that sets

¹ MT of Deut 14:12–18 has 21, but ראה seems most likely added through textual corruption of דאה.

² Thus, for example, Milgrom, *Leviticus 1–16*, 662. He states that *nešer* is either “eagle” or “griffon-vulture.” Must it be either/or? Perhaps the term designates a broader category, making the choice between eagle, griffon-vulture, or a further vulture (I would suggest the lappet-faced vulture) unnecessary? On the contrary, he does note this flexibility (*ibid.*, 663) for the *’oreb*. My approach builds on the “terminal taxa” and secondary level taxa designations for these terms put forward in Richard Whitekettle, “The Raven as Kind and Kinds of Ravens: A Study in the Zoological Nomenclature of Leviticus 11,2–23,” *ZAW* 117 (2006): 511.

³ See below 3.2 and 3.3.

⁴ For discussion, see Houston, *Purity and Monotheism*, 46.

⁵ Milgrom, *Leviticus 1–16*, 662; Driver, “Birds in the Old Testament I,” 7, 19.

up sub-categories, arguing that the birds appear according to size (the numbers represent the bird designations according to Lev 11) and environment:

... natural families: large *accipiters* (1–5), *corvidae* (6), larger *striges* (7–9), small *accipiters* (10), smaller *striges* (11–15), all primarily land-birds; then one bird frequenting the sea (16) and two frequenting lakes and rivers (17–18), these last two again in descending scale.⁶

He readily admits that the hoopoe and the bat elude his categories, which raises the question of whether his categories truly apply. Given the tenuous nature of his identifications, perhaps other flyers elude such easy classification as well?⁷

Houston instead suggests that the reason for the omission of a particular criterion arose from the lack of any such criteria in the late preexilic period that would group together the birds consumed in Judah (partridge, dove, pigeon, geese, and ducks), while excluding all others.⁸ This answer provides a rebuttal to the Talmudic criterion of an extra toe, though it too rests on a speculative argument from silence to provide a reason for the omission of criteria.

In any case, the lack of clear criteria leading to a scholarly consensus for the order of their appearance and the reasons for their uncleanness (Deut)/shunning (Lev) suggests that a thorough discussion of the individual terms might lead to a more solid understanding of the whole. The following discussions attempt to place the terms and the flyers they designate in their philological and cultural context within the larger ancient Near East, showing how the terms and underlying creatures fit into these worlds.

3.1 How to Apply These Philological and Tradition-Historical Investigations to the Dietary Laws: A Recapitulation

I lay out the general contours of my methodology to the application of comparative data above,⁹ so this brief section serves to bring that discussion forward and to contextualize my considerations of philological comparisons.

With regard to the use of comparative Semitic philology for the identification of birds, one must proceed with caution. The transferring of names from a known species to a new species in an attempt to place it within an accepted structure of the animal world is a well-known linguistic phenomenon.¹⁰ This challenge arises both for the determination of the meaning of a Hebrew term and for the

⁶ Driver, “Birds in the Old Testament I,” 19.

⁷ Note the similar critique by Houston, *Purity and Monotheism*, 45–46.

⁸ *Ibid.*, 47. He includes chickens, but I doubt they were consumed in large quantities at this time, for discussion, see above 1.3 Cultic Use of Birds.

⁹ See 2.1. Methodology of Comparisons.

¹⁰ One sees this phenomenon on display in the discovery of the “New World,” but it is also in at play in ancient times with the Greek expansion. As I also note below, the “re-use” of the

translation(s) into Greek and other early versions of the texts of Lev 11/Deut 14. So, while comparative philology will provide an essential tool for my investigation, its results ultimately require cross-verification with other kinds of data.

A second, also problematic means of inquiry concerns the appearances and uses of particular types of birds in comparative cultures. To some degree, the authors of the biblical texts interact with the views of flyers in the neighboring cultures. However, significant differences also emerge. For example, while Mesopotamian texts document the sacrifice of cranes, such a practice never appears in the Bible or the material culture of the ancient southern Levant.

A third avenue that sometimes provides insight comes in the appearances of the particular avian creatures in other texts of the Hebrew Bible. While the texts *may* hold the same or congruent views regarding these birds, they may also diverge.

As a result, the following discussions attempt to proceed with caution, weighing the various factors that can play into the identification of the field of meaning of the various terms in the dietary prohibition lists of the birds.

3.2 אייה – (דייה) – דאה – עזניה – פרס – נשר – *Birds of Prey*

I combine these first five birds together following the many attempts to understand the creatures they represent within a broader category of larger birds of prey (eagle, vultures, hawks, falcons, and kites of various sorts). Given that most of their exact identities remain unclear, such a categorical designation requires investigation. It also seems preferable to consider these birds as a group when attempting to comment on them from an iconographic perspective. For example, Schroer's forthcoming *IDD* entry on "vulture" does not generally identify the species of the representations more specifically, except for the griffon vulture representing the Egyptian deity Nekhbet found on Middle Kingdom Egyptian magic knives as an apotropaic symbol.¹¹

Beginning with נשר *nešer*, this term appears frequently in the Hebrew Bible outside of Lev 11:13/Deut 14:12, though nowhere else in Leviticus or the core laws of Deuteronomy. It is found in Exod 19:4; Deut 28:49; 32:11; 1 Sam 26:20; 2 Sam 1:23; Isa 40:31; Jer 4:13; 48:40; 49:16, 22; Ezek 1:10; 10:14; 17:3, 7; Hos 8:1; Obad 4; Mic 1:16; Hab 1:8; Ps 103:5; Prov 23:5; 30:17, 19; Job 9:26; 39:27; and Lam 4:19. These texts highlight a number of different aspects of the birds.

It also occurs frequently in a number of contexts in West Semitic and other comparative Semitic literature, such as Deir Alla I line 8.¹² The Akkadian

term στροθός (sparrow) for the ostrich (!) offers one surprising example. Thanks to Aren Wilson-Wright for this insight.

¹¹ Silvia Schroer, "Vulture," *IDD*.

¹² Or I 10, depending on how the lines are counted.

cognate is *našru* (though rare and likely adopted from West Semitic).¹³ The Ugaritic *nšr* clearly indicates a bird, though its more exact identity remains unclear because the focus of the texts – all narratives – is on its flight.¹⁴ Arabic *na/ISR* is, according to Lane’s Lexicon, a vulture. Across the linguistic boundaries there is much debate on the exact nature of this creature within the larger family of *Accipitridae* (which includes eagles and vultures). Riede designates the term as a *Wanderwort*, one whose original etymology is, therefore, difficult to establish, though he suggests that it is onomatopoeic, though without further elucidation.¹⁵

In Akkadian, *arû*, *erû* (logogram A_2) designates a similar field of meaning to *našru*,¹⁶ indicating imperial/steppe eagle, Lämmergeier/bearded vulture (*Gypaetus barbatus*), or snake eagle. However, *hurinnu/urinnu* also denotes an eagle or bearded vulture.¹⁷ A further term for eagles of various sorts in Akkadian is *mušku*. Its logogram $muš-ku_2$ - $muš-en$, “snake-eating bird,” leads some to identify this with the “serpent eagle,” or short-toed snake eagle (*Circaetus gallicus*).¹⁸

In terms of vultures, the *Gyps fulvus*, or griffin-vulture, appears in Akkadian as *zibu* (A_2 - $uš_{(2)}$) quite often. The *zibu* is associated with the god Nabu,¹⁹ and it often appears eating carrion.²⁰ Since there are a number of overlapping terms for members of the *Accipitridae* family in Akkadian, it is difficult to accord each with the specific species or genus. Therefore, perhaps it is unsurprising that biblical Hebrew also attests to multiple terms for birds in this category.

Turning back to Hebrew נֶשֶׁר, similar debate about the Hebrew term focuses on whether the term represents a vulture or an eagle. The LXX renders it ἀετός (eagle), and modern translations traditionally follow this rendering. A number of species of eagles do exist in modern times in the southern Levant, including white-tailed eagles (*Haliaeetus albicilla*), imperial eagles (*Aquila heliaca*), golden eagle (*Aquila chrysaetos*), lesser and greater spotted eagles (*Clanga pomarina* and *clanga*), steppe eagles (*Aquila nipalensis*), and booted eagles (*Hieraetus pennatus*). The largest of these, if that represents a determining factor in identification, are the white-tailed and the golden eagles.

¹³ Cf. CAD N2, 79. All appearances come from the Neo-Babylonian lexical lists, suggesting a loanword.

¹⁴ Cf. DULAT, 650. It appears in KTU 1.2, 1.18, and 1.19. Further cognates appear in Biblical, Targumic, and Peshitta Aramaic (*nešrā*, which CAL identifies as *Gyps fulvus*), Ge’ez (*našr* ‘eagle, raptor, hawk’), and Soqotri (*noyhir*).

¹⁵ Riede, *Im Spiegel der Tiere*, 201, 258.

¹⁶ They can be equated with one another on lexical lists.

¹⁷ Salonen, *Vögel und Vogelfang*, 185. There is a brief use made of Salonen’s volume by Houston, *Purity and Monotheism*, 198.

¹⁸ Salonen, *Vögel und Vogelfang*, 230.

¹⁹ KAR 125.6

²⁰ Salonen, *Vögel und Vogelfang*, 108. Salonen cites treaty texts among others.



Fig. 5: Griffon-vulture (*Gyps fulvus*).

By Pierre Dalous – Own work, CC BY-SA 3.0, <https://commons.wikimedia.org/w/index.php?curid=29066936>.



Fig. 6: Lappet-faced vulture (*Torgos tracheliotos negevensis*).

Image credit to Alex Kantorovich, zooinstitut.com.

However, in addition to allowing for eagle in some texts (Exod 19:4; Deut 32:11),²¹ Driver argues strongly that the term primarily designates a vulture – the griffon-vulture (*Gyps fulvus*) to be exact.

Vulture also appears as an option in BDB. In conjunction with this understanding, Driver bases his conclusion on the vulture's practice of making its nest in cliffs, rather than also utilizing trees, drawing on Job 39:27 and Jer 49:16. However, neither of these verses lead to the logical conclusion that the bird nests *solely* among the cliffs, as Driver's argument necessitates. A further reason behind his identification of the *griffon-vulture* lies in its large wingspan (2.3–2.8 m),²² somewhat larger than that of the imperial eagle (1.8–2.16 m), corresponding with the descriptions in Exod 19:4 and Ezek 17:3, 7.²³ The most favorable evidence for Driver's conclusion that the term refers to a vulture lies in the mention of "your baldness" (קרחתך) like the נשר in Mic 1:16. However, the griffon-vulture is not bald, so Driver suggests, "... for this vulture has a white patch on its head giving an appearance of baldness."²⁴ This attempted argument points to a considerable weakness in his position.

A further possibility to add into the discussion appears in the Arabian lappet-faced vulture (*Torgos [tracheliotos] negevensis*), sometimes considered a subspecies of the *Torgos tracheliotos*. It presents another, perhaps for some texts better alternative, especially in the case of Mic 1:16. This bird, once extinct in

²¹ G. R. Driver, "Once Again: Birds in the Bible," *PEQ* 90 (1958): 56; cf. idem, "Birds in the Old Testament."

²² James Ferguson-Lees and David A. Christie, *Raptors of the World* (Boston: Houghton Mifflin Harcourt, 2001), 435.

²³ Biblical references also highlight the *nešer*'s speed (2 Sam 1:23; Jer 4:13; 48:40).

²⁴ Driver, "Birds in the Old Testament I," 8.

southern Israel, is still found on the Arabian Peninsula. They are very large, boasting a wingspan of 2.8 m, have bald heads, and nest at very high altitudes. Unlike some vultures, these are known to hunt occasionally, though they primarily scavenge. These birds also appear frequently in Egyptian iconography, especially from the 18th Dynasty onward.²⁵

However, in a number of Egyptian iconographic depictions, their features merge with those of the griffon-vulture, perhaps pointing to a similar phenomenon in the philology of the Hebrew term נֶשֶׁר.²⁶

As a result, the evidence from Egyptian iconography may add its support to the idea of some flexibility in the identification of a particular *species*, suggesting that classificatory natures of vultures and eagles include a broader range, such that נֶשֶׁר could easily function as a *supraterminal* taxon.²⁷ The challenge for this hypothesis with regard to Lev 11:13/Deut 14:12 lies in the lack of the additional modifier לְמִינֵוּ ('according to its kind'), found with some other clearly identifiable supraterminal taxa (like the נֶן in Lev 11:16/Deut 14:15).

As apparent from the difference in the appellation of לְמִינֵוּ to הַאֵיָהּ in Lev 11:14 but to הַדִּיָּהּ in Deut 14:13, one might also argue that the designation נֶשֶׁר acquires secondary importance with regard to the meaning of a term as a terminal or supraterminal taxalogical designation. However, a second line of support for interpreting נֶשֶׁר as *supraterminal* appears in Prov 30:17 and Job 39:26–27. In the former נֶשֶׁר stands parallel to עֶרֶב, in the latter with נֶן, both of which more clearly indicate supraterminal designations in the dietary laws.²⁸

Turning to the importance of the taxon, the symbolic meaning of a ban on נֶשֶׁר meat extends the prohibitions beyond merely the constellation of what is (not) good to eat. No evidence of humans consuming vultures or eagles arises in ancient Israel and the surrounding areas. Therefore, the ban simply makes something *de facto* into *de jure*.

Instead, I would argue that the text likely intends more than simply the legislation of an accepted custom: the list of banned creatures in Lev 11/Deut 14 is simply too short to represent all known fauna in ancient Israel, so some reason likely exists behind the specific choices. Furthermore, the ban perhaps extends beyond negative associations with the consumption of carrion (cf. Deut 14:21;

²⁵ Houlihan, *The Birds of Ancient Egypt*, 42.

²⁶ Houlihan argues that the same scenario of an unidentifiable falcon took place for the Egyptian "Horus falcon" iconography.

²⁷ Note Houston's critique that some of Driver's identifications are too specific: "The chief objection to his result is that the identifications are too narrow, distinguishing between birds that could well have been known by a general term, and letting some similar birds through the net": Houston, *Purity and Monotheism*, 46. In support of נֶשֶׁר as a more general, supra-terminological designation, see earlier Hans-Peter Müller, "Das Problem der Tierbezeichnungen in der althebräischen Lexikographie," *SEL* 12 (1995): 137 and n. 14 for further sources.

²⁸ Note the difficulty this causes for Whitekettle, "The Raven as Kind and Kinds of Ravens," 519.

Lev 11:24–40). If that is the case, then the text might more easily – or additionally – state the criterion of a prohibition on consumption of creatures that consumed carrion and/or inclusion of the נֶגַע.

Further associations for the vulture and eagle appear in the symbolic connections in Egypt. There are settings where the goddess Nekhbet in avian form protects the Pharaoh (for Hatshepsut at El-Kab). Also, an apotropaic association comes from a depiction of the goddess as a lappet-faced vulture shaped amulet necklace uncovered very close to the body of the embalmed Tutankhamun.²⁹ Nekhbet appears in conjunction both with death and with *new life* in her form as a vulture in Egypt, as evidence of her suckling a young pharaoh in vulture head-dress, and vulture imagery on a “magic knife” intended to protect the pregnant, the young mother, and the infant.³⁰

In her summary statement, Schroer concludes there are a number of iconographic associations for the vulture: The vulture is clearly female, always associating with goddesses rather than gods, and primarily connected either with battle or with death-rebirth.³¹ The vulture’s association with Nekhbet suggests an apotropaic connection between the vulture and the complex of implications surrounding the mother-fertility goddess. In particular, the vulture in Egypt symbolized not only death, but also rebirth, appearing for this reason in conjunction with the dead.³²

Akkadian literature also provides some associations for the “eagle” (*arú, erú* = A₂) in the Šumma Alu omens. Some of the key actions one could reference about eagle behavior include the way they catch and/or eat smaller birds (pigeons), or if they gather near the front of an army.³³ However, such connections have little to do with dietary prohibitions or special attributes of eagles. They instead demonstrate one means of communication between the divine and human spheres.

Perhaps more specificity appears in similes of the eagle, falcon, and the *Anzu* bird employed especially by Assyrian kings to describe their military maneuvers. The swift flight, catching of prey, and spreading out the wings over the prey become important images for the royal description of engagement with foreign armies. Such symbolism certainly leads back in the direction of the associations with carnivorous killing.

In conclusion, a number of associations, from death-rebirth, to protection, to military attack or cleaning up the carrion from a battlefield could lie in the

²⁹ Houlihan, *The Birds of Ancient Egypt*, 42. Depictions appear on a jewel of Tutankhamun’s and “... on the innermost coffin of Yuia (fig. 58) from his Dynasty XVIII tomb in the Valley of the Kings. The lid of the coffin is decorated with a large figure of a Lappet-faced Vulture in gold inlaid with colored glass, representing the sky goddess Nut. With her wings spread across the abdominal region, she served to provide the deceased with magical protection.”

³⁰ Schroer, “Die Göttin und der Geier,” 67.

³¹ Ibid.

³² Houlihan, *The Birds of Ancient Egypt*, 42.

³³ Freedman and Foster, “Eagle Omens from Šumma Alu.”

background of the ban on the נשר in the biblical texts. Unfortunately, little directs the interpreter toward one or another of these paths.

Turning now to the second bird in the lists, the פרס *peres* only appears in Lev 11:13/Deut 14:12, of course rendering any identification quite tenuous. The Hebrew root concerns dividing or splitting, though in Arabic and Ethiopic it takes on negative hues (“kill, divide booty, destroy”), which most likely represent secondary developments.³⁴

The verbal root appears frequently in Akkadian, and its range of meaning includes “cut off, stop, block, sever, chop off, and dismember,” though it can also mean “to make a decision, investigate.”³⁵ The noun *pirsu* concerns a division or detachment of soldiers or workers, or a section of a text.³⁶ In other words, the meaning need not point in as violent a direction as Driver concludes when he states: “its name means ‘smasher’, so that it may be identified with the ‘bone-breaker.’” He states that he bases this interpretation in part on his reading of the Akkadian evidence,³⁷ but the perspective of this evidence need not be so negative. Rather, as just stated, the Arabic and Ethiopic *secondary developments* instead lead in this direction, but given their likely secondary nature, they are largely irrelevant to the biblical discussion. Driver’s conclusion actually shows his interpretive intuitions, which understand this bird as another vulture-type creature in line with his categorical understanding of the structure, given that it follows נשר and precedes עזניה, דייה/דאה, and איה.

A feminine Ugaritic form, *prst*, is uncertain, but it may appear in several contexts meaning “division” or “part” as well.³⁸ All this evidence agrees with the notion of the measure *prs* in Phoenician, the texts of Zinjirli, Official Aramaic, and Hebrew inscriptions used to measure silver, oil, and other goods such as grain.³⁹ As such, another possible interpretive direction lies in the notion of a bird that travels as part of a detachment. Such a viewpoint could fit for a carrion bird, but it could also be more appropriate for any kind of migratory bird, which would instead suggest the possibility a *non-carnivorous* or *non-carrion-eating* variety.

³⁴ HALOT, 969. See esp. Driver, “Birds in the Old Testament I,” 9–10. In personal communication Aren Wilson-Wright suggests, “If one can divide the enemy’s valuables (a slight semantic narrowing of ‘divide’) then one can also be said to have destroyed the enemy. I would reconstruct the semantic development of the Ethiopic and Arabic forms as follows: divide > divide booty (perhaps originally a specialized meaning) > destroy.”

³⁵ CAD P: 165

³⁶ The adjective *parsu* is rendered “divided, separated, secluded” (ibid., 193).

³⁷ Driver, “Birds in the Old Testament I,” 9. He cites Delitzsch, *Prolegomena*, 154, as stating “to break (bones).” See also, Royden Keith Yerkes, “The Unclean Animals of Leviticus 11 and Deuteronomy 14,” *JQR* 14 (1923): 10–11. The usage given in CAD is considerably broader, which dilutes this argument. Similar to Driver is Riede, *Im Spiegel der Tiere*, 204. Furthermore, as suggested by Walter Houston (personal communication), *qatl* forms rarely denote agents, which also weakens Driver’s suggestion.

³⁸ DULAT, 683.

³⁹ Cf. DNWSI, 940–41. In Ugaritic as a dry measure (DULAT, 682).



Fig. 7: Egyptian vulture (*Neophron percnopterus*). Image credit to MediAtta [CC BY-SA 4.0, <https://commons.wikimedia.org/w/index.php?curid=68653773>].

This alternative shows that considerable presuppositional bias goes into the identification of this first group of birds as vulture types.

The OG generally renders the term γρῦψ (though γρῦψ also appears in LXX A of Lev 11:13). The Greek terms, likely originating in an Egyptian setting, seem to make a connection with the oft-appearing griffon-vulture, with all its above-mentioned iconographic connotations in Egypt. Such a link may, however, prove more enlightening for the reception history in the Hellenistic period.

The iconography of Egypt and the Levant provide several options in support of and in addition to traditional identifications as “vulture” (OG, JPS, and NRSV), “bearded vulture” (NIV), and “black vulture” (Driver). Houlihan calls the Egyptian vulture (*Neophron percnopterus*) “... the most loathsome of all the scavenging birds, often relying on human excrement and refuse for subsistence.”⁴⁰ With such a negative and filthy reputation, perhaps this bird should be considered for one of – or at least subsumed within – the traditional “vulture” spots on the list? While this bird rarely appears in iconography, its hieroglyph is more frequent, providing an avenue for its transmission. If this species is highlighted, then the list may include some birds that were simply tagged with a reputation for filthiness, which many interpreters contend for the דוכיפת “hoopoe,”⁴¹ rather than connotations of connections with blood. Then the list becomes more heterogeneous in terms of criteria.

Along with the Egyptian vulture, other possibilities from iconography include the long-legged buzzard, a common hieroglyph that sometimes becomes difficult to distinguish from the Egyptian vulture.⁴²

Moving to the third term, the עזנייה ‘*ozniyyah*’ likewise appears nowhere except on the dietary lists. As a side note, the two versions diverge in that Lev 11:13 includes the sign of the direct object אַת, but, contrary to Moran’s analysis, this

⁴⁰ Houlihan, *The Birds of Ancient Egypt*, 40.

⁴¹ See below, 3.16.

⁴² Houlihan, *The Birds of Ancient Egypt*, 44.

does not appear to have significant composition-critical ramifications.⁴³ Turning to the meaning of the term, *HALOT* only offers translations of the LXX and Vulgate renderings: sea eagle, osprey, and black vulture.⁴⁴ The lack of any cognates for the root leaves the door open for speculation. Driver offers bearded vulture (*ossifrage*), through the creative reconstruction of a metathesis of the *zayin* and *nun*, which would then offer the root עננ, also the root for ען (“goat,” through the assimilation of the *nun*).⁴⁵ His analysis does not explain, however, why the posited root **unz* would not assimilate the /n/ just as takes place in ען.⁴⁶

Ugaritic attests to a root containing *ʿ-z-n* as a personal name in numerous texts. It also appears in syllabic texts, corresponding to *ú/uz-ze-nu/ni/na*,⁴⁷ which may, however correspond to the root *ʿ-z-z* (“to be strong”). Perhaps some kind of attempt could be made through positing an *ʾaleph/ayin* switch, thus allowing for a link to *ʾōzen* (“ear”) and wisdom? This leap allows for consideration of a bird viewed as wise.

As this speculative series of steps shows, Driver’s reach for “bone-crusher” is just as speculative as any other. A further, perhaps more plausible reconstruction is from *ʾuzn* + the singulative ending *yya*, like the term for ship *ʾoniyyâ* “ship” from *ʾonî* “fleet.” Given the lack of further leads, I simply point to the backgrounds for vultures discussed above in various contexts and remain agnostic about the more specific field of meaning for עזניה.

Beginning in Lev 11:14/Deut 14:13 the texts of the two chapters begin to diverge more significantly with the terms ראה/דיה/דאה (*daʾah/dayyah/raʾah*).

Deut 14:13: והראה ואתהאיה ודיה למינה

Lev 11:14: ואתהדאה ואתהאיה למינה

Though some translations, such as the NRSV, render the verses identically (and not without some warrant), there are several discrepancies in MT between Lev 11:14 and Deut 14:13 regarding the דאה/דיה.⁴⁸ MT of Deuteronomy manifests an apparent ד/ר text-critical mistake (ראה in place of דאה), while then at a later stage inserting דיה after איה to correct toward the Leviticus text. Now, however, it contains three rather than two terms.⁴⁹ A further difference results: in Deut 14:13, the דיה are prohibited “according to their kind,” while Lev 11:14 prohibits

⁴³ I respond in detail to this proposal below, in 4.2. Cf. W. L. Moran, “The Literary Connection between Lv 11,13–19 and Dt 14,12–18,” *CBQ* 28 (1969): 271–77.

⁴⁴ *HALOT*, 810.

⁴⁵ Driver, “Birds in the Old Testament I,” 10. Cf. Bodenheimer, *Animal and Man in Bible Lands*, 54.

⁴⁶ This also becomes a problem for the connections to the cognates brought forward with a or i-class vowels in Riede, *Im Spiegel der Tiere*, 204.

⁴⁷ *DULAT*, 196–97.

⁴⁸ And also the ראה in Deut 14:13. SamP of Deut 14:13 agrees with Lev 11:14.

⁴⁹ This situation obtains only in MT of Deut 14:13, not in SamP or OG, lending support to my text-critical reconstruction of an inner-Hebrew development. OG Deut 14:13 lacks a third bird.

the אִיָּה according to their kind. If this text-critical reconstruction is correct, then the acceptance of this change, at least in 1Masb, from the turn of the era, indicates that דִּיָּה/דָּאָה could be viewed as a *supraterminal* category of flyers. Such a reading presents the literal reading of the text, even if the reason for this form lies in the text of Leviticus having already accrued an honored (or sacred) status, rendering it unchangeable for the particular scribe, who adhered very closely to what has become MT.⁵⁰

The difference in the second radical need not pose significant problems.⁵¹ The verb ($d-ʿ-y$) also appears several times in Ugaritic with the meaning “to fly,” which opens several possible historical philological developments. One option is that the *aleph* had lost its original consonantal value, and then a *yodh* came to replace it.⁵² A second, more likely possibility lies in both Hebrew forms arising from an original *daʿyat* (*qatl* + singulative ending), which was then assimilated in two different ways. In this case, the singulative form literally means “one of the flyers/swoopers.”⁵³ This suggestion accords with the Biblical Hebrew verbal forms from the root דָּאָה $d-ʿ-h$ that appear several times and indicate “to fly, swoop down (on prey).”⁵⁴

The nominal form appears once in Ugaritic parallel to נֶשֶׁר (*KTU* 1.19 I 33) as mentioned above.⁵⁵ The plural form דִּיָּוֹת *dayyôṭ* is also attested once in biblical Hebrew outside of the dietary lists, focusing on its association with deserted places (Isa 34:15). It is the last in line of a great number of creatures that haunt the ruins of Edom. Thus, some dialectical difference or historical development of the language appears. Given the use of $d-ʿ-y$ in Ugaritic, corresponding to the term in Deut 14:13, that term remains closer to the classical spelling.

The majority of English translations render דִּיָּה/דָּאָה as “kite” of some sort.⁵⁶ LUT appears to remain true to MT and renders the two verses differently: דִּיָּה/דָּאָה as “Geier” (vulture) and רָאָה in Deut 14:13 as “Taucher” (diver). ZB opts for “Milan” (kite) in Lev 11, while its translation of Deut 14:13 manifests the struggle of remaining with MT: “den Milan, den Habicht und alle Arten von Raubvögeln” (“the kite, the hawk, and all kinds of birds of prey”) Does “Raubvogel” intend to render דִּיָּה? Like ZB, some English translations follow MT of Deut

⁵⁰ Shemaryahu Talmon, “Fragments of Two Leviticus Scrolls from Masada,” *Textus* 19 (1998): 33–37.

⁵¹ One similar scenario for an animal is the fluctuation between רִיָּם (Job 39:9) and רָאָם (Deut 33:17; Isa 34:7; etc.) for “wild ox.”

⁵² Cf. GKC § 23d–f.

⁵³ Suggested by Wilson-Wright (private communication). In this case, then the term means “swooper” in the singular, perhaps providing further support for a *supraterminal* reading of the term as a collective.

⁵⁴ *HALOT*, 207; see Deut 28:49; Jer 48:40; 49:22. Also “to glide” in Pss 18:11; 22:11.

⁵⁵ *DULAT*, 259.

⁵⁶ NRSV renders both verses identically, despite their differences in the underlying MT texts, making it difficult to discern which of the two, דִּיָּה/דָּאָה or אִיָּה, it renders as “kite” and which as “bizzard.”



Fig. 8: Black kite (*Milvus migrans*). Image credit to Dirk Hoffmanvn [CC BY-SA 4.0, <https://commons.wikimedia.org/w/index.php?curid=62505478>]. A possible identification for the דאה/דיה that can still be found wintering in Israel.

14:13 and present three birds, i. e., NIV: “the red kite, the black kite, any kind of falcon”; NAS: “and the red kite, the falcon, and the kite in their kinds”; TNK: “the kite, the falcon, and the buzzard of any variety.” The OG texts generally offer only two birds: γυψ (in LXX A of Lev 11:14 it is γυψυ, which renders פרס in LXX B of Lev 11:14 and both A and B of Deut 14:12) and ἰκτιν. LSJ renders the latter (ικτινός) “kite, *Milvus regalis*,” a species of the kite genus, which are smaller raptors that spend significant time soaring. However, in contrast to LSJ, the *regalis* species does not appear in numerous works of ornithology, which instead mention the species *Milvus milvus* (red kite), *Milvus (*migrans*) lineatus* (black-eared kite), and *Milvus (*migrans*) aegyptius* (yellow-billed kite). In Modern Hebrew, the *Milvus migrans* is the דיה שחורה, which represents an interpretation of the Greek rendering.

Next on both lists is the fifth category, the איה *’ayyah*. The designation איה appears slightly more frequently, showing up in Job (28:7; possibly also 15:23). Job 28:7 provides some detail in that it describes the creature as having keen eyesight. Otherwise, the rendering of the flyer usually derives from its relation to the woe cry אי (cf. Qoh 10:16; 4:10). Comparative evidence – often mentioned as similar for its onomatopoeic nature rather than as strict cognates – appears in Arab.: *yu’yu*, Akk.: *ayau*, and Tigr.: *’ayā*.⁵⁷ CAD notes an *ajū*, a bird in a lexical list,⁵⁸ which could represent a cognate because Akk. *a-a-u* can correspond to *aya* or *ayya* in Hebrew. Tigre *’ayā* means “falcon,” but this would again represent the change from *aleph* to *’ayin*. The Arabic *yu’yu*, which Lane defines as “A certain

⁵⁷ Cf. HALOT, 39. Riede, *Im Spiegel der Tiere*, 201.

⁵⁸ CAD A1:236, referring to K.4229:8.



Fig. 9: The Horus falcon protecting Pharaoh Nectanebo II (Thirtieth Dynasty, reigned 360–342 BCE), Metropolitan Museum 34.2.1. Image credit to Keith Schengili-Roberts [CC BY-SA 2.5 (<https://creativecommons.org/licenses/by-sa/2.5>)]. While this statue postdates the scripturalization of the biblical dietary laws, it represents a longstanding Egyptian tradition, also found much early on a statuette of Pharaoh Pepi I (Sixth Dynasty, reigned 2332–2287 BCE), flanked by the Horus falcon.

bird of prey, resembling [a] kind of hawk”⁵⁹ likely provides the most help in determining the nature of this creature. In Lev 11:14, the איה appears to have various sub-categories because it is modified by the phrase למיניו.

A further possible derivation may come from the root ’-n-y found in Ugaritic, (Hebrew אננה) meaning “groan, sigh.”⁶⁰ For the form of the bird designation, the /n/ would then have assimilated to the following consonant, which in a *qatl* noun would be ’*ayy** (’*any** > ’*ayy**). Again, a singulative *at** > *ah* ending would then be assumed, such that ’*ayy* would represent a broader superterminal designation for an individual bird *ayyah*. The Hebrew verb appears in Isa 3:26; 19:8, “to lament in grief,”⁶¹ and the nominal form ’*aniyah* “mourning” in Isa 29:2 and Lam 2:5. The איה would then literally mean “one of the mourners,” This derivation could fit well with the sound of a kite or falcon.

As seen above, the understanding of איה connects closely with that of דיה/דאה. One generally appears as “kite” (typically דיה/דאה), while the other is rendered “falcon” (TNK, NAS; LUT: “Gabelweihe” [red kite] and “Falke”).

Taking one of them as “falcon” opens up vistas of connections to Egyptian conceptualizations. Pride of place is given to the so-called “Horus falcon,” which appears more than any other bird in Egyptian iconography and hieroglyphs. Houlihan goes so far as to state, “If the Egyptians had a national bird, the ‘Horus

⁵⁹ Lane, 376.

⁶⁰ *DULAT*, 85; appearing in the Baal Cycle in *KTU* 1.3.V. 35. It is translated as a noun and vocalized ’*aniyu* in Mark S. Smith and Wayne T. Pitard, *The Ugaritic Baal Cycle*, vol. 2, VTSup 114 (Leiden: Brill, 2009), 327. In any case, the meaning of the root is secure, given that it is parallel to *ysh* “to cry.”

⁶¹ *HALOT*, 70.

Falcon' would doubtless have been it."⁶² The "Horus falcon" obviously represents Horus, the deity identified with the living king. The Egyptian depiction does not accord with a particular species of falcon, however, thereby removing this bird one step from concrete naturalistic identification.

Further connections with other deities appear for the falcon as well, such as Re-Harakhty, Amun, and Mont, so the bird can depict certain characteristics, rather than representing a particular deity one-to-one.⁶³ When appearing with outstretched wings, it suggests protection. Its attacking speed can also receive emphasis. There are, therefore, some similar symbolic meanings for the falcon in Egyptian iconography to those appearing in relation to the נשר in biblical texts – protection in Deut 32:11 and swiftness (at times in attack) in Deut 28:49; 2 Sam 1:23; and Job 9:26.

Turning to Akkadian connections for falcons, there are several terms identified with "falcons": *ḥašmar*=*kasūsu*, *sumurdū*, and *surdū*. *Kasūsu* clearly indicates a raptor, often fitting the context for a hunting falcon. It also appears in the *Šumma Alu* omens (CT 39 23.25), where *kasūsu* and *surdū* appear together. This final term, *surdū*, appears in the omen texts (CT 39 30.32) with regard to eating together with a raven, fighting with a raven in front of a king (CT 39 29.25), and also carrying prey in its beak (CT 39 38.8) among many others.⁶⁴ Salonen summarizes

Die obigen Belege schildern ausgezeichnet das Benehmen des Falken als Raubvogel, als guter Kämpfer, der den Raben tötet, als Spielkamerad andere Vögel, als schneller Flieger, der ungestüm auf seine Beute herabstürzt und sie in seinem Schnabel trägt, dazu noch als Jagdfalken, den der Vogelfänger in seiner linken Hand hält.⁶⁵

There are, therefore, many cultural and cultic associations for the falcon from Mesopotamia and especially from Egypt, whether linking it with one of the Hebrew terms discussed in this section, or below with the תחמס or גן.⁶⁶ A number of them make connections with the aggressive nature of the falcon, but other options also exist. Various cultic connections with deities in both spheres emerge, not to mention the auguries concerning their actions in the "natural" world.

As for the kites, several religious associations appear in Egypt. The Book of the Dead of Ani (Nineteenth Dynasty) depicts Isis and Nephthys as black kites (*Milvus migrans*) in these goddesses' typical role as mourners of the dead, though they appear more often as kestrels when assuming this role.⁶⁷ My research has not discovered any clear Mesopotamian appearances of these birds.

⁶² Houlihan, *The Birds of Ancient Egypt*, 48.

⁶³ Martin, "Theriomorphismus," 4–5; Houlihan, *The Birds of Ancient Egypt*, 48.

⁶⁴ Salonen, *Vögel und Vogelfang*, 259–60.

⁶⁵ *Ibid.*, 260.

⁶⁶ ZB translates גן as "Falke." See also *eššebu* below under 3.10 ינשוף : Owl, Hawk, or Ibis.

⁶⁷ Houlihan, *The Birds of Ancient Egypt*, 37–38.

In conclusion, my investigation demonstrates that the certainty with which current scholarship can identify this first group of flyers varies greatly. Considerable evidence exists for the נשר, but this situation contrasts most greatly with the appearances of the עזניה, found solely in Lev 11/Deut 14 and providing little concrete data in the way of reliable etymological meanings. Given the paltry state of the data, I find caution recommended. This caution might extend beyond the attempt to identify certain species or terms, and even to the determination that they must necessarily all represent large raptors or birds of prey in general. I see no ironclad reason motivating the necessary inclusion of five different types of birds of prey – and this number does not even include the נץ or רחמ(ה)! Just as I will argue with regard to Driver's overemphasis on types of owls for a number of terms below, perhaps a similar operation is at work in scholarly opinions for some of these terms? In short, the dearth of data indicates scholarly reliance on (1) the Greek renderings, (2) presuppositions about the way these fowl are grouped, and (3) the notion that the carnivorous or carrion-consuming nature of these birds served as the characteristic disqualifying them from the table.

3.3 ערב: *The Black Bird(s) – Crows, Rooks, and Ravens*

Leviticus 11:15 and Deut 14:14 MT address “all black birds [ערב] according to its kind [למינה].” The double emphasis of “all” and “according to its kind” only appears here in the list of birds. Numerous kinds of ravens and crows live in the southern Levant, rendering the term's function appropriate as a broader umbrella for several species.

The black bird also arises in other Hebrew Bible contexts: Noah first sends out this bird before the dove / pigeon (Gen 8:7). These birds provide sustenance for Elijah (1 Kgs 17). They accompany other animals among the ruins (Isa 34:11). They pluck out human eyes (Prov 30:17). And finally, God provides for their young (Ps 147:9; Job 38:41).

Their presence among the ruins like the יענה, קאת, and ינשוף in Isa 34:8–17,⁶⁸ all of which appear on the lists in Lev 11/Deut 14, supports the oft-made suggestion that something about dwelling among the ruins resulting from divine judgment (cf. Isa 34:8) renders these birds unclean/abhorrent.⁶⁹ A very high level of correlation is exhibited between uncleanness/abhorrence and presence in a literary tradition concerned with destruction and desolation – more certainly for the biblical texts – than one could expect by chance. But which way did the connection develop? Are the birds named as unclean *because* they inhabit, or

⁶⁸ Note the helpful categories for classification in Richard Whitekettle, “Of Mice and Wren: Terminal Level Taxa in Israelite Zoological Thought,” *SJOT* 17 (2003): 178–79.

⁶⁹ Houston, *Purity and Monotheism*, 196–97.

are believed to inhabit, desolate places, or does the literary tradition select birds recognized as unclean to play this lugubrious role?

The raven's role in meting out punishment to a disobedient child in Prov 30:17 by picking out the child's eye appears parallel to the actions of the young eagle/vulture (נשר). This juxtaposition might also support a negative view of the birds, even though they merely serve to enforce wise statutes. Their antagonistic relationship with humans in this text – or more specifically their disregard for all human superiority – renders them a threat to humanity.

Rabbinic traditions reason that the raven failed morally by not returning to Noah in Gen 8, leading God to punish it.⁷⁰ However, on the contrary, one might instead suggest that perhaps Noah released a raven first because of its ability to outsmart (“outfox”) other animals.⁷¹ Perhaps this supplies this reason why the raven did not need to return to the ark?

While the texts need not agree, such a view would accord with God's choice of the ravens to provide Elijah with bread and meat in 1 Kgs 17. Ravens have an omnivorous diet, including fruit, insects, and other animals, making them appropriate creatures for providing a *rich* diet for Elijah. It proves striking in this narrative that the birds not only bring bread, the basic requirement for human life, but also meat, generally reserved for feasts or for the elite.

The context may shed some light on the significance of the meat. The section begins (17:1) with the proclamation of a three-year drought. Immediately following, Elijah retires to the Wadi Cherith, usually identified with the Wadi al-Yabis, across the Jordan, south of Beit She'an. At this point people still have enough food to enjoy bread and meat, which the ravens steal and bring to Elijah. However, later, when the water dries up, God sends Elijah to the widow in Zarephath, Sidon (17:8). One last meal separates the woman and her son from utter hopelessness and starvation (v. 12). This depiction shows how the famine had spread throughout the region, even beyond Samaria's borders.⁷² As a result, the meat previously provided to Elijah signifies the early stages of the drought before the severity experienced from v. 8 onward extends beyond the boundaries of Israel.

The raven represents a logical pick due to its ability to snatch food from humans and animals. However, inclusion in the list of unclean animals (and reputation as a creature of the ruins and judgment) make it a surprising choice for a prophet's friend.⁷³ Perhaps Elijah, like Ezekiel, eats food prepared with unclean connotations in a time of food shortage (see Ezek 4:9–15)? However, as I will note below, such unclean connotations may have developed first in the Hellenistic

⁷⁰ See b. Sanh. 108b.

⁷¹ Debbie Blue, *Consider the Birds: A Provocative Guide to Birds of the Bible* (Nashville: Abingdon, 2013). She notes (ibid., 198), “Scientists widely agree that the raven is the smartest bird there is.”

⁷² For details on the famine in this narrative, see Altmann, “Feast and Famine.”

⁷³ Also noted by Budd, *Leviticus*, 169.

period. And in any case, Elijah does not eat the *ravens*, thereby avoiding the *actual* uncleanness associated with Lev 11/Deut 11 associated with consumption of raven meat.

While Elijah does not eat the ravens, the osteological finds from Lachish *do* indicate cultic consumption of the bird, though long before the site becomes associated with Israelites. A raven bone from the Middle Bronze palace has two clear cut marks.⁷⁴ So again, tastes may certainly have changed over time, and what seems reprehensible to the modern Western palate may be more culturally bound than expected. In fact, there may even have been development in the (cultural or cultic) tastes within the southern Levant. This bird only appears among the dietary prohibitions as a quite late addition in the Hebrew texts (see below), so perhaps the Israelite and Jewish communities did not find it abominable or unclean until even the Hellenistic period.

There is some comparative evidence for the ערב *'oreb*. Watson hesitantly identifies a possible cognate from Ugarit: *ḡrbtym*, but the context is broken, and *DULAT* refrains from rendering the term at all.⁷⁵ Given that the root has several homonyms with meanings ranging from “enter” to “surety,” Watson’s identification seems hasty.

Turning further afield does not provide much assistance for the identification of the root of the prohibition of this type of bird. In Akkadian, the *āribu/ēribu* bird appears in numerous *Šumma Alu* omens about the success of an army (CT 39 24:34) or a person setting out on a journey (CT 40 48:7). Several medical usages also appear for its head, egg, and wing.⁷⁶ These medicinal usages parallel those for ostrich eggs (see below), hardly suggesting that the bird was unclean or reviled.

Positive associations for the bird appear in the Gilgamesh flood narrative (9:152–53), where Utnapishtim sends out a raven *after* the dove and swallow, and the raven, perhaps as the cleverest, succeeds as the first bird to make its way in the postdiluvian world.

Furthermore, quite surprising from a biblical perspective is that three fledgling crows are offered to Inanna (BIN 5 115:10). This perspective again indicates the deep division in offering practices in Mesopotamia compared to the limits in biblical material.

Houlihan records that many appearances of crows appear in Egyptian iconography, noting that the best depiction concerns two crows on a Middle Kingdom (Twelfth Dynasty) piece of pectoral jewelry in a place typically reserved for

⁷⁴ Croft, “Lachish, The Osteological Remains (Mammalian and Avian),” 2309.

⁷⁵ Wilfred G. E. Watson, “Additional Names for Animals in the Ugaritic Texts,” *Historiae* 4 (2007): 98. The text is *KTU* 4.55:15 (cf. *DULAT*, 325).

⁷⁶ *CAD* A2:266 3c. CT 14 16 93084 r. 4; AMT 5, 1:14; 8, 2:7; 66, 3:22; 99, 2:18. Also Arabic *ḡurāb*, related to the root *ḡ-r-b* (be black), thus, “the black bird.”

Horus falcons. This replacement may suggest some religious importance, but little other evidence confirms the broader dissemination of this connection.⁷⁷

As Whitekettle has duly demonstrated, and I mention above, the ערב receives a singular designation in the dietary lists as the only bird labeled למינו (Lev 11:15/Deut 14:14), that is, modified both by כל and by למינו. The ערב thus belongs to the birds preceded by את in both Deut 14 and Lev 11 (while the direct object marker does not appear before a number of birds in Deut 14, esp. in vv. 12–13). Like נץ in Lev 11:16/Deut 14:15, the אנפה in Lev 11:19/Deut 14:18, and the איה in Lev 11:14 (but the דאה in Deut 14:13), the ערב takes on the descriptor “למינו” (“according to its kind(s)").

However, this term is also modified by כל, which is singular among the large flyers. It instead appears in the dietary laws as an inclusive term for broader categories, i. e., Lev 11:2, 3 (Deut 14:6), 9 (Deut 14:9), 10 (Deut 14:10), 12, 20 (Deut 14:19), 21, 23. In Deut 14:2 it modifies the nations set apart from Israel, while in Deut 14:11 it modifies the צפור to designate all flyers. As a result, the nature of the prohibited ערב is doubly determined as “all of them,” that is, “all of their kind(s).”

Whitekettle proposes that the reason for the unique situation regarding the mention of the ערב lies in an ethnobiological explanation: the Israelites understanding of their environment grew and changed over time. Initially the ערב represented a “terminal level taxon” – meaning a term for an animal at its most descriptive level (with a single term) like a “species.” He suggests that this situation appears in the uses of ערב in the flood narrative (Gen 8:7).⁷⁸ In Lev 11:15/Deut 14:14, however, Whitekettle suggests that ערב represents a *supra-terminal* classification, recognizing multiple kinds of ערב. He argues for the identification of a certain change in the linguistic understanding of the term ערב, and he places that development quite early in the pre-monarchic or united monarchy period.⁷⁹

Data unexplored by Whitekettle points to an alternative time period. A further circumstance separates the ערב from all the other birds: While present in the MT, the OG of *both* Deuteronomy and Leviticus in the versions A and B (and others) omit it. Furthermore, the Hexapla marks the Greek καὶ πάντα κόρακα καὶ τὰ ὄμοια αὐτῶ (“and every raven and its kind”) with an asterisk, indicating that it appeared in Origen’s Hebrew but not in his Greek versions.⁸⁰ The earliest material evidence for the ערב comes from a text from Masada, Mas1b (col. 4 l. 20: [את] כל ערב למינו), dating to the late first century BCE or early first century CE.⁸¹

⁷⁷ Houlihan, *The Birds of Ancient Egypt*, 133–34.

⁷⁸ Whitekettle, “The Raven as Kind and Kinds of Ravens,” 513–14. ערב otherwise appears in 1 Kgs 17:4, 6; Isa 34:11; Ps 147:9; Job 38:41; Prov 30:17; and Song 5:11, most of which I have addressed above.

⁷⁹ Whitekettle, “The Raven as Kind and Kinds of Ravens,” 523–25.

⁸⁰ For a detailed discussion, see Christophe Nihan and Anna Angelini, “Unclean Birds in the Hebrew and Greek Versions of Leviticus and Deuteronomy.”

⁸¹ Talmon, “Fragments of Two Leviticus Scrolls from Masada,” 32.

The term's absence from the best OG manuscripts leads me to suggest that the reason for its anomalous description in the Hebrew texts of Deut 14:14/Lev 11:15 does *not* arise from the ethnobiological development of Israelites' understanding of the ערב in the pre-state or united monarchy period. Rather, such development appears in the understanding of Jews in the Hellenistic period, who added this verse to the texts of Leviticus and Deuteronomy in their own time.⁸²

Further support for this conclusion arises from the views of the ערב elsewhere in the HB/OT. As mentioned above, the ערב provides food and water for Elijah after he flees from Ahab. They also appear as specific objects of God's concern (Job 38:41; Ps 147:9). Noah trusts the ערב to scout out the situation for him in Gen 8:7, though some view the ערב's failure to return negatively. The same action takes place in Gilgamesh XI, so a reason may be sought for this action long before the writing of the *Genesis* flood narrative. The comparison in Song 5:11 provides insight into one of their defining characteristics from the Israelite perspective: their black coloration.⁸³ In Prov 30:17 (picking out the offending person's eye) and Isa 34:14 (inhabiting desolated Edom along with various other birds [קאת, קפור, and ינשוף; rendered by JPS as "jackdaws," "owls," and "great owls": the קפור does not appear in Lev 11/Deut 14, but the other two birds do]), their depictions take on undoubtedly negative connotations. The evidence is, therefore, mixed as whether or why the ערב need to appear on the list of prohibited birds. Their associations with the also prohibited ינשוף, קאת, and בני-ינשר make their inclusion logical. Their bearing of food to Elijah suggests otherwise. The rest of the texts prove ambiguous with regard to this question.

In terms of the Hebrew text, the text-critical data leads to several conclusions: (1) The Hebrew texts of Lev 11/Deut 14 were not so set that they could not be altered through addition, at least in some schools of scribal transmission, into the Hellenistic period. They were important enough for a single transmitter of the text to add the ערב to the list of prohibited flyers.⁸⁴ (2) The phraseology used in this Hebrew addition points to the *expansive* and *conflationary* nature of the addition. This addition combines the designations כל למינו found in the surrounding verses. However, these two designations only appear together with regard to the ערב.

Though the Hellenistic context may offer more fertile ground for exploring the reasons for the prohibition of the ערב, its connections with carrion suggest associating it with uncleanness on that basis for a number of interpreters, a logic that may then have concretized in the Hellenistic period.⁸⁵

⁸² Reasons for this addition require further investigation in the Hellenistic period.

⁸³ Also in Akkadian, cf. CAD A2: 266: "summa qaqqad a-ri-bi šakin // šarat qaqqadišu salmat-ma if he has the head of a raven, (explained as) the hair of his head is black.

⁸⁴ For the reasons against Wevers' suggestion of *homoioloteleuton*, see Nihan and Angelini, "Unclean Birds in the Hebrew and Greek Versions of Leviticus and Deuteronomy."

⁸⁵ E. g., Driver, "Birds in the Old Testament I," 12.

The lateness of the addition of the ערב leads to a further set of questions for the lists as a whole: when do multiples of four become important? Houston, for one, notes the multiples of four in the list of ungulates, in the insects, and also among the birds, where there are twenty in number with the ערב in Leviticus, and twenty-one in Deuteronomy (including the textual confusion around ראה/דיה *ra'ah/dayyah*), which can easily be reconstructed to have twenty as well. However, if the ערב became part of the list only in the Hellenistic period, then the importance of multiples of four is regulated to this time for the fliers.⁸⁶

Thus, in conclusion, the raven/crow/black birds represent a late development within the dietary prohibitions, likely showing a concern in the early history of interpretation for the negativity of associations with carrion eating, which might grow from the logic in the literary conceptions in Deut 14:21 and Lev 11:8, 24–40. Another possibility is a problem with a bird whose intelligence was uncanny for Egyptian Jews, growing from the characteristics on display in Gen 8 and 1 Kgs 17. In the broader cultural and biblical context, ravens/crows take on some religious symbolism, but they appear more often in medical prescriptions, which offer little in the way of material that would be expected to give rise to their inclusion on the list of banned birds.

3.4 בת יענה: Ostrich or Owl?

Scholars have also contested the identification of the בת יענה. Traditionally understood as ostrich, Driver and Aharoni and some subsequent interpreters argue instead that the term indicates some kind of owl.⁸⁷ The term appears outside of Lev 11/Deut 14 in Isa 13:21; 34:13; 43:20; Jer 50:39; Mic 1:8; Job 30:29; and Lam 4:3 (the m.pl. יענים). Several biblical passages give some detail on the creature. In Mic 1:8 the mourning [אבל] of the bird stands parallel to the wailing [מספד] of jackals. In spite of statements to contrary, ostriches do make sounds similar to mourning, as do owls, so this text does not indicate one understanding over the other.

Driver's main argument in favor of an owl rests on the dwelling of the creature among ruins (Jer 50:39; Isa 13:21; 34:13). In Isa 43:20, jackals and בת יענה live in the desert, which accords with both ostrich and owl. In Job 30:29, Job joins the

⁸⁶ Houston, *Purity and Monotheism*, 48.

⁸⁷ Driver, "Birds in the Old Testament I," 12–13; Aharoni, "On Some Animals Mentioned in the Bible," 469. HALOT, 421 notes that Feliks; B. Reicke & L. Rost *Biblich-Historisches Handwörterbuch* (Göttingen: Vandenhoeck & Ruprecht, 1962–66) support the identification of an owl because of the dwelling in ruins. Also Milgrom, *Leviticus 1–16*, 663. Note the equivocation in Nihan and Angelini, "Unclean Birds in the Hebrew and Greek Versions of Leviticus and Deuteronomy," 11 n. 44. They view the association of this creature with the ruins as decisive for the original meaning having been something other than ostrich, though they locate the transition to ostrich taking place *prior* to the translation into Greek.

pair in a lonely place. As Keel notes in rebuttal, Driver's argument may take the lonely *topos* of the ruined city too literally thus equating the underlying emphasis of Isa 13:21; 34:13; and Jer 50:39 with Job 30:29. If the contrast is broadened to underline the opposition of "habited vs. uninhabited," then the ostrich fits quite well.⁸⁸

Nihan raises the issue that another term for ostrich already appears in biblical Hebrew: רַגְנִים,⁸⁹ though the term only appears in the poetic context of Job 39:13, and its identification, though fairly uniform in modern translations, also rests on a very slim basis. Perhaps this term means something different?⁹⁰ Furthermore, the poetic term may represent something other than the "normal" prosaic designation for the majestic fowl, which mitigates the importance of Nihan's argument.

In *TDOT*, Frevel concludes: "Finally, there are no convincing arguments for the translation 'owl' or 'ostrich.' The debate is really a standoff."⁹¹ However, Driver's logic does present a problem: he assumes the birds are organized according to category of carnivorous bird and then by size. He states

The next three birds, the ostrich and the night-hawk and the sea-mew, as they are traditionally rendered, raise serious difficulties; *for they are by no means of one kind and one at any rate of them does not eat flesh and so can hardly be considered ritually unclean.*⁹² (Italics added)

The reasoning is quite circular: Driver assumes there must be a relationship between these birds, and they must be carnivorous. And, because traditional translations do not fit these criteria, then the traditional translations err. He argues that the placement of this bird *must* indicate its belonging to the owls. Rejecting, or rather questioning his logic about the order of the birds uncovers the tenuous nature of his conclusion.

Furthermore, even in Driver's reasoning this creature ostensibly appears *between* the raptors and the owls, thus representing something of a transitional location. Perhaps such a location indicates a good spot for an outlier such as the ostrich? It does not fly, but it is diurnal. It represents a worthy opponent, but it subsists primarily on plants as well as some insects and invertebrates.

In terms of lexicography, several meanings may be proposed for the root *y-ʿ-n*: "greedy" appears in Syriac (*ya'nā* and *ya'īn*), "bold in battle" in Arabic (*waḡana*)

⁸⁸ Othmar Keel, *Jahwes Entgegnung an Ijob*, FRLANT 121 (Göttingen: Vandenhoeck & Ruprecht, 1978), 67–68 n. 232.

⁸⁹ Nihan, "Les habitants des ruines dans la Bible hébraïque," 96–97.

⁹⁰ The term literally means "the screaming or rejoicing one," (cf. *HALOT*, 1248), which need not be the ostrich. Note the hesitancy expressed by Leonid Kogan, "Animal Names in Biblical Hebrew: An Etymological Overview," *Babel und Bibel* 3 (2006): 292.

⁹¹ Christian Frevel, "תַּי," *TDOT*, 15:716

⁹² Driver, "Birds in the Old Testament I," 12.

and “stony country” from Arabic as well (*waʿnat*).⁹³ The final option offers the most promise, given that the Arabic word for ostrich, *abu eṣ-ṣaḥārā*, “father of the desert,” while formed from a different root, also consists of a designation of family relations coupled with a term for a deserted region.

Outside of the biblical texts, *yʿnh* also appears in Deir Alla I line 8,⁹⁴ but *bt* does not precede it, and the context is too broken to provide much insight.⁹⁵ The zooarchaeological remains from the southern Levant also indicate familiarity with these birds in the region as I will discuss below, though their remains so far are absent from the finds of the Jerusalem region in the Iron II B/C and Persian periods.

Turning to Akkadian, the term for ostrich is *lurmu* (ga-ŠIR-mu-šen), so there is no linguistic connection for the term. Neither do any of the Akkadian terms for owls provide assistance: *iṣṣūr mūši* or *ṣallalu* (long-eared owl: *Asio otus*), as well as *ḥūʾa* (owl: *Bubo bubo*).⁹⁶

On balance, I find the traditional identification more compelling: the similar formation in Arabic, the lack of compelling reason to dissociate the ostrich from uninhabited regions, and the problematic basis of Driver’s logic in understanding the term as “owl” serve as the primary basis for this conclusion.

If the term designates the ostrich, then there are a number of important connections in the neighboring cultures. The ostrich feather plays a prominent role in Egyptian iconography, representing the goddess Maʿat upon the scales of justice. It was often placed across from the heart of the deceased, determining their worthiness to enter the virtuous life hereafter. The feather as a symbol for Maat appears numerous times in stamp seals in the Levant, and the feathers themselves bore associations with royalty.⁹⁷

Consumption of ostrich products took place in a number of locations. In Mesopotamia, the royal table of Mari offered ostrich eggs. Their eggs also appear as medicine in numerous contexts.⁹⁸ Moving south, remains have also emerged from archaeological contexts in the southern Levant. They come from

⁹³ HALOT, 421. Thanks to Aren Wilson-Wright for suggestions in this direction.

⁹⁴ Following, most recently, Erhard Blum, “Die Kombination I der Wandinschrift vom Tell Deir ʿAlla: Vorschläge zur Rekonstruktion mit historisch-kritischen Anmerkungen,” in *Berührungspunkte: Studien zur Sozial- und Religionsgeschichte Israels und seiner Umwelt*, ed. Ingo Kottsieper, Rüdiger Schmitt, and Jakob Wöhrle, AOAT 350 (Münster: Ugarit-Verlag, 2008), 578.

⁹⁵ Cf. Seow, “West Semitic Sources,” 211. He argues that the term may be a prefix verbal form from *-n-h*, but that would most likely be *yʿny* (*yaʿani** becoming *yaʿnē** in biblical Hebrew) at this point in the historical development of West Semitic dialectal writing.

⁹⁶ On these, see below.

⁹⁷ Dominique Collon, “Ostrich,” *IDD*, 1–8.

⁹⁸ Cf. Salonen, *Vögel und Vogelfang*, 166. He lists AJSL XXXVI 81/2.38,85 from Middle Babylonian and from many in Neo-Babylonian, AMT 59–60; 399.3; BAM 3 Kol. II 16; 111 Kol. III 10, etc. Egyptian evidence also attests to this: Rozenn Bailleul-LeSuer, “From Kitchen to Table: The Practical Role of Birds in Ancient Egypt,” in *Between Heaven and Earth: Birds in Ancient Egypt*, ed. Rozenn Bailleul-LeSuer, OIMP 35 (Chicago: University of Chicago Press, 2012), 29.

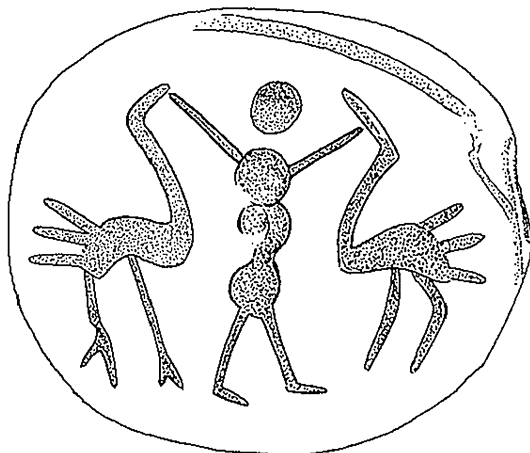


Fig. 10: “Lord of the Animals” scaraboid: A human figure holding two ostriches by the neck. Tenth century BCE from Tell Beth-Mirsim. Jerusalem, Rockefeller Museum PAM/ IAA I.9874. Image from Othmar Keel, ed., *Corpus der Stempelsiegel-Amulette aus Palästina/Israel: Von den Anfängen bis zur Perserzeit*, vol. 2, OBO Series Archaeologica 29 (Fribourg, Switz.: Universitätsverlag; Göttingen: Vandenhoeck & Ruprecht, 2010), 63 (Bet-Mirsim 45).

Iron I Beth Shemesh, Iron Age Kadesh Barnea, Late Bronze Age Tel el-‘Umayri in Jordan, and Hellenistic Tel Hesban. Most striking are the zooarchaeological remains of ostriches found in Persian and Hellenistic period Tel Michal, on the coast in northern Israel, thus located outside the territory of Yehud, where 34% of the bird remains come from ostriches.⁹⁹ The high percentage of ostriches at this primarily culturally Phoenician site, which also served as a garrison and administrative center for the Persian army, does not necessarily provide any direct connections to biblical views of the animal. However, it does suggest that there likely was consumption of the animals.

In support of this hypothesis, though only extant in the third century CE, *Deipnosophistae* of Athenaeus, this text cites the *Persika* of Heracleides the Cumaean, apparently from the third century BCE. Heracleides evidently details the preparation of Arabian ostriches as part of Persian royal banquets (4.145).¹⁰⁰

⁹⁹ See Spiciarich and Altmann, “Chickens, Partridges, and the /Tor/”; Schlomo Hellwing and Nurit Feig, “Animal Bones,” in *Excavation at Tel Michal, Israel*, ed. Ze’ev Herzog, George R. Rapp Jr., and Ora Negbi, Publications of the Institute of Archaeology 8 (Minneapolis: University of Minnesota Press; Tel Aviv: Sonia and Marco Nadler Institute of Archaeology, Tel Aviv University, 1989), 236–47.

¹⁰⁰ στρουθοὶ οἱ Ἀράβιοι – ἔστιν δὲ τὸ ζῷον μέγα “Arabian ostriches – and that is a very huge animal.”

In addition to finding their feathers and eggs in close proximity to royalty and Egyptian post-mortem judgment, ostriches made formidable foes, rendering them worthy opponents in the royal hunt. They appear in these contexts in textual and iconographic settings: on the banquet stela of Assurnasirpal II (ii.92),¹⁰¹ though it is unclear whether they are counted among the 1,000 large birds or their eggs are part of the 10,000 counted in iii.115. Keel demonstrates how depictions, from Mesopotamia and the southern Levant, incorporate ostriches into the genre of the “Lord of the animals” theme, which is often depicted with ibex, but also with ostriches.¹⁰²

Furthermore, the Eighteenth Dynasty royal tomb of Tutankhamun also contained a fan with an image embossed of the pharaoh drawing his bow to attack a pair of ostriches.¹⁰³ This characterization of ostriches as opponents, especially when taken together with their hybrid nature as flightless fowl, could easily account for their symbolic importance as well as their prohibition.

While the ostrich could serve as an opponent, Wilson-Wright and Case have recently argued that ostriches appear as objects of worship on seals from Levantine contexts. Extrapolating from this observation, they conclude that the ostrich functioned as something of a totem, which served to underscore the reason for its prohibition in Lev 11/Deut 14.¹⁰⁴ However, the connection between dietary prohibition and divine associations of animals proves difficult to establish. For starters, bovines evince links with deities in Israel and the entire ancient Near East to such a considerable degree that one would expect beef on the prohibition list according to this logic. Doves also appear in close proximity to deities such as Ishtar/Astarte as early as the third millennium,¹⁰⁵ and like cattle, they too are acceptable not only for consumption, but also as offerings (e.g., Lev 12:8).

In any case, if the *בֵּית עֵנָה* does designate the ostrich, which remains the preferable understanding, it represents a further bird prohibited by Lev 11/Deut 14 that could appear on the menu – including its eggs – in various locations in the ancient Near East, even some places in the southern Levant. However, the variety of associations for the ostrich presents a difficulty in identifying the reason or complex of reasons for its prohibition. The most potential lies in their status as a hybrid – non-flying bird. This accords with Douglas’ theory of “matter out of place,” but it does not fit with the attempt to characterize the prohibited birds as carnivorous or consumers of carrion.

¹⁰¹ Wiseman, “A New Stela of Aššur-Našir-Pal II,” 28.

¹⁰² From Iron I-II Beth-Mirsim, Beth Shemesh, Tell en-Našbeh, and others. See Keel, *Jahwes Entgegnung an Ijob*, 102–5; Collon, “Ostrich.”

¹⁰³ Houlihan, *The Birds of Ancient Egypt*, 1.

¹⁰⁴ Aren Wilson-Wright and M. L. Case, “Sacred, Yet Savory: Ostrich Iconography and Dietary Prohibitions in Ancient Israel” (presented at the SBL Annual Meeting, Baltimore, 2013).

¹⁰⁵ Othmar Keel, Max Küchler, and Christoph Uehlinger, *Orte und Landschaften der Bibel: ein Handbuch und Studien – Reiseführer zum Heiligen Land* (Einsiedeln: Benziger; Göttingen: Vandenhoeck & Ruprecht, 1984), 1:139.

If one instead takes the term as “owl” of some kind, then other associations arise. I will explore these below in connection to other terms linked more confidently with owls.

In either case, the biblical material emphasizes this creature’s location in uninhabited regions often frequented by other prohibited creatures and fantastic beings.

3.5 תחמס: Owl or Falcon?

Only extant in the dietary law texts, all identifications for the term תחמס remain hesitant. Many scholars and recent translations follow the guidance of OG γλαῦξ (owl; perhaps the *Athene noctua*, Vulg. *noctua*; “night owl”),¹⁰⁶ though some like JPS, KJV, and others opt for a hawk of some sort. The root חמס *ḥ-m-s* suggests a violent creature, which perhaps influenced Targum Ps-J’s rendering, *ḥatpītā* (“snatcher”).¹⁰⁷ This line of reasoning leads to the suggestions of “kestrel” (which include several types of falcons); ZB diverges with “Schwalbe” (swallow) though I see little justification for this rendering.

While it seems somewhat unlikely, the possible identification with some kind(s) of falcon opens the door to some connection to the significance in Egypt of the Horus falcon discussed above.¹⁰⁸ Another avenue worthy of note is the numerous mummified smaller falcons interred from the Late Dynastic and Ptolemaic periods at Saqqara and Tuna-el-Gebel. Houlihan notes, “It was believed that such prepared animals were capable of transmitting the prayers of the pious pilgrims who purchased them and who wished to petition the gods.”¹⁰⁹

If the term instead stands for an owl, on which the OG texts of Deut and Lev agree, then the identification instead opens up other, more limited connections. Owls appear frequently as hieroglyphics, but rarely in Egyptian art, providing little help.¹¹⁰

In the Akkadian context, there are a number of terms for owl. Salonen views *ḥū’a* as the *Bubo bubo*, noting that all names for this bird relate to its cry.¹¹¹

¹⁰⁶ This term also appears as the first term in Lev 11:19 in numerous OG manuscripts (A B F 15 509 121 Cyr IX 985) as noted in John William Wevers, *Leviticus* (Gottingen: Vandenhoeck & Ruprecht, 1986), 128. The *Athene nocta*, little owl, is associated with Athens and Athena, often found on Athenian coinage that begins in the late sixth century.

¹⁰⁷ Cf. Milgrom, *Leviticus 1–16*, 663. Also Achenbach, “Zur Systematik der Speisegebote,” 198. One further possibility suggested in private communication by Aren Wilson-Wright is a relationship with Ge ‘ez *ḥamasa* “to swim” and understanding the *tahmās* as some kind of water fowl.

¹⁰⁸ See above.

¹⁰⁹ Houlihan, “Birds,” 1:190.

¹¹⁰ Idem, *The Birds of Ancient Egypt*, 108–10. He comments on the “barn owl” and the “eared owl.”

¹¹¹ Salonen, *Vögel und Vogelfang*, 187.

The long-eared owl (*Asio otus*) is identified with the Akkadian *iššūr mūši*=*šallal(l)u* and *šalamdu*. The term *iššūr mūši* means “sleeping bird,” obviously appropriate for an owl. The *šallal(l)u*, like so many others of the birds on this list, appear in the *Šumma Alu* omens (CT 41 8.79) with regard to the bird entering a house. However, none of this evidence marks one type of owl more appropriate for these terms than other.

As a result, the modern interpreter receives little direct help on the reason for this category of bird’s prohibition from the table. It could arise either in connection to the bird’s nocturnal or carnivorous nature, to make two suggestions.

3.6 *השח*: Gull?

Given that *השח* only appears in the dietary law texts, the suggestions vary, and there is little evidence on which to base decisions. OG of A and B translates it as *λαρός*, “seagull,” in both Lev 11:16 and Deut 14:15, followed in NIV, NAS, ESV, JPS, and ZB. LUT opts for Kuckuck (cuckoo), also found in KJV. Driver argues for an owl of some sort,¹¹² keeping with his presupposition of the sequence of the birds, but, as I argue above, his reasoning proves circular and unconvincing.

The nominal term *שחפת* *šaḥpet* means the disease “consumption” (cf. Lev 26:16; Deut 28:22), suggesting a verbal root concerning “be weakened, impotent.”¹¹³ Extrapolating to a particular type of bird from this root has not led me to any particular hypotheses.¹¹⁴

If a gull, there are numerous possible connections to fowl appearing in Akkadian: first is *ašḫikītu pešu* or *takšīši* for *Larus cachinnans*. The former means “white *ašḫikītu*,” and texts describe its cry as louder than the harp. The bird itself is a “harbor bird.”¹¹⁵ Second is *akkannu* as *Larus argentatus* (herring gull) or *Larus canus*, compared with the donkey in terms of its cry.¹¹⁶ If a cuckoo, then the Akkadian term is *ḥarimtu*, literally “prostitute bird.”¹¹⁷

Many OG manuscripts of Lev 11:16 add “καὶ τὰ ὄμοια αὐτῶ,” consistent with SamP of Lev 11:16 and Deut 14:15’s *למינו*, though the Hexapla marks the phrase with an obelisk. These manuscripts at least understood the category of birds to have some variety, which supports an understanding of “gull,” rather than a specific owl or the cuckoo. However, too little evidence exists to draw any firm conclusions or inferences.

¹¹² Driver, “Birds in the Old Testament I,” 13, 20, suggests “long-eared owl.”

¹¹³ Cf. HALOT, 1463, *Ges*¹⁸, 1341.

¹¹⁴ BHS notes that some manuscripts of SamP have *השח*, and this root means “to pant” in Hebrew. A number of birds including gulls and vultures pant, which means that this trait does not provide precision for identifying the meaning of this term.

¹¹⁵ Salonen, *Vögel und Vogelfang*, 132–33.

¹¹⁶ *Ibid.*, 111.

¹¹⁷ *Ibid.*, 147.

3.7 פֶּגַע : Falcon or Hawk

The term פֶּגַע shows up only once outside of the dietary laws: in Job 39:26, where Yahweh's wisdom (by deduction) is what causes the פֶּגַע to soar and spread its wings southward.¹¹⁸ Majestic flight thus emerges as the emphasized and positive element of the bird's action in this text.

Translations generally agree that this term indicates a hawk of some sort. This identification corresponds to some of the evidence from OG's ἰέραξ (hawk), which does not, however, appear in Lev 11:16 of OG A.¹¹⁹ Furthermore, OG B of Deut 14:15 offers ἀρφιδιός (heron), which A of Deut 14:15 has for the following bird, כּוֹס .¹²⁰ From this bird onward, the OG of the terms diverge considerably, with OG A and B typically the same for Leviticus, while in Deuteronomy they differ both from one another and from the order of the terms in Leviticus. This data complicates identifications of the birds even further.

Both OG B of Lev 11:16 and OG A of Deut 14:15 include the descriptive phrase “καὶ τὰ ὅμοια αὐτῶ” in agreement with MT, though it does not appear in SamP. The wide variety of hawks and related birds of prey certainly accord with this description, which would again clearly mark a supra-terminal identification.

However, the appearance of a term for “hawk,” likely a supra-terminal term, causes significant difficulty for Driver's attempts to understand the order of the list,¹²¹ indicating again the problematic nature of his presuppositions. He circumvents this problem by noting that ornithologists classified hawks and owls as members of the *accipitres* family until the 1800s. However, he undermines his own argument with the observation that ancient observers too would have distinguished between nocturnal and diurnal birds!

Some Hebrew lexicons offer “falcon,”¹²² and these birds tend to fly faster and have longer wings than hawks. They also differ in their methods of attacking prey: falcons more often use their beaks, while hawks prefer their talons. Several kinds of hawks frequent modern Israel: the Levant Sparrowhawk (*Accipiter brevipes*), the European Sparrowhawk (*Accipiter nisus*), and the Hen-harrier (*Circus cyaneus cyaneus*). One might also note that buzzards, while certainly known in the Levant, do not show up prevalently in translations, so one might suggest such a rendering here (or for an earlier term).

¹¹⁸ For earlier scholarship and discussion, see Riede, *Im Spiegel der Tiere*, 203.

¹¹⁹ Wevers attributes this to *homoiooteleuton* (*Leviticus*, 127).

¹²⁰ Though corrected supralinearly to ἰέραξ . Both typically mean “heron.” Based on the use of כּוֹס in Ps 102:7 [ET v. 6], it is clear that כּוֹס must concern something like an owl. See discussion below, 3.8.

¹²¹ Driver, “Birds in the Old Testament I,” 14. ZB follows his argument, translating “Sperber” (swallow hawk).

¹²² *Ges*¹⁸, 836 and *HALOT*, 714.

No attempt seems to have been made to connect the understanding of this bird with the homonym 𐤓𐤍 meaning “blossom.” If the lexicons’ “falcon” is followed, then its associations with the Egyptian imagery become prominent.¹²³

The term appears in Ugaritic as a personal name (*KTU* 4.112 II 1), which Watson relates to the bird.¹²⁴ Furthermore, one might “fly like a *nš*” (1.117.10). Most surprisingly, it also shows up as part of a provisions list followed by a general term for bird, *šr* (4.14:5, 11).¹²⁵ This administrative text found in the priest’s great house consists of eighteen lines and the section concerning the *nš* reads:

3 [...] arb' . mat . ḥswn . lth . aqhr	[...] 450 measure a commodity ¹²⁶
4 [... lth .] sbbyn . lth . ššmn . lth . šhlt	[... measure] black cumin, a measure of sesame, a measure of cress seeds.
5 [... lth .] smqm . [t]t . mat . nš . tltm . šsr	[... measure] of raisins . [6]00 <i>nš</i> . 30 birds
6 [...] ḥmšm° . [hm]r . škm	[...] 50 donkey [loads]
7 [...] – [... tt . dd .] gdl . tt . dd . š'rm	[...] [... 6 cauldronfuls] grain . 6 cauldronfuls barley
8 [... hn . w . al]p . kd . nbt . kd . šmn . mr	[... XX . and 10]00 ¹²⁷ measures of honey; a jar of myrrh-scented oil
9 [...] . kmn . lth . sbbyn	[...] of cumin, a measure of black cumin
10 [...]'t . lth . ššmn	[...]XX a measure of sesame
11 [...] . ḥšwn . tt . mat . nšḥ' swn . tt . mat . nš	[...] . garlic/onion . 600 <i>nš</i>
12 [...] l ḥmšm . ḥ[m]r . škm	[...] for 50 donkey loads ¹²⁸

The term shows up twice here, in lines 5, 11. Was it really viewed as food? This would be quite surprising if the term designates types of hawks or falcons! Perhaps instead the term did always not mean “hawk” in Ugaritic, but rather a homophone meaning an edible blossom of some sort?

Or, if hawk was the meaning, then it was intended for a special ritual, as found in an Akkadian text for the *eššebu*, hawk?¹²⁹ I do not conceive of hawks as a regular food item in the same way that raisins, sesame, and garlic show up in the list, so perhaps the type of bird indicated changed between the time of Late Bronze Ugaritic and Iron-Age–Persian period Hebrew. Rather, the key observation of the Ugaritic evidence comes from the verbal form, mentioned above, suggesting a broader term for “flyer.”

¹²³ See above sections 3.2 and 3.5.

¹²⁴ Watson, “Additional Names for Animals in the Ugaritic Texts,” 100.

¹²⁵ In 4.112:II:1–2, *bn.nš* is followed by *bn.šr*, seeming to affirm that *nš* indicates a bird of some sort.

¹²⁶ *DULAT*, 92–93 does not specify any further, though one possibility suggested is “ice.”

¹²⁷ Or: a head of cattle.

¹²⁸ *DULAT*, 815, “braying donkeys.” But since *ḥmr* can also mean (donkey-) load (see *ibid.*, 364), why not take this compound expression to state donkey load explicitly, or, more literally “braying (donkey-) load”? It could also simply be fifty donkeys of a specific type, which *DULAT* conjectures (*ibid.*). The expression only appears in this text.

¹²⁹ *Ibid.*, 646.

Turning to Akkadian, the verb *našû/nešû* (“scratch off”) does not appear to have a direct relation. Instead, Salonen also notes that the hawk – *eššebu*, most likely the migratory middle-sized *Circus cyaneus cyaneus* (hen-harrier) – was known as an unlucky bird.¹³⁰ It also appears in the *Šumma Alu* omens (38 31 Rs. 16): if the bird flies around in a house, then it will receive sweet food to eat (there is the question of whether this means the house or the hawk!). Given that it is a series of omens of bad luck, it seems more likely that the hawk takes the sweet food from the house.¹³¹ Yet another use for the *eššebu*, in this case more directly related to the question of dietary laws, is that its meat appears in a medical text as a healing agent when consumed.¹³²

In conclusion, a number of factors complicate the nature of the כּוֹס. First, it only appears once elsewhere in biblical texts. Therefore, which group of falcons, hawks, buzzards, or other attacking birds of the *Accipiter* type it designates (if any!) remains uncertain: the main descriptor is of majestic flight in both Hebrew and Ugarit.

The appearance of the Ugaritic cognate in a provisions list followed by a general term for bird points toward a bird consumed in the Northern Levant. This evidence points *away* from identifying this fowl as an *Accipiter* of any type, though it does not lead to an alternative identification, other than that it would be a bird known for its striking patterns of flight and considered food.

A possible way to make sense of this, given the otherwise unlikelihood of regular consumption of such birds, would be their use in a special medical recipe as found in Akkadian or some other such special usage outside of regular nutrition, but this seems quite unlikely given its placement on the provisions list.

In conclusion, the comparative evidence renders the typical identification even more tenuous: the OG rendering as “hawk” in Lev 11:16 and Job 39:26 contrasts with the edible Ugarit category.

3.8 כּוֹס: Owl

There is no agreement between OG of Leviticus and OG of Deuteronomy on this term or in all of the creatures that follow until the final large flyer, the bat. OG A and B mostly agree for Lev 11:17–19; however, neither the individual order of each agrees with what each manuscript has in Deut 14:16–18, nor do A and B in Deut 14:16–18 agree with one another.¹³³ To take כּוֹס as an example, both OG

¹³⁰ Salonen, *Vögel und Vogelfang*, 162. See also below on the possible connection to יִנְשׁוּף.

¹³¹ *Ibid.*, 164. See also CT 40 49.36; 41 7.35

¹³² AMT 95.2.6. In *ibid.*, 164.

¹³³ For some discussion see Houston, *Purity and Monotheism*, 48–49; Nihan and Angelini, “Unclean Birds in the Hebrew and Greek Versions of Leviticus and Deuteronomy”; Yerkes, “The Unclean Animals of Leviticus 11 and Deuteronomy 14,” 17–18.

A and B offer νυκτικόραξ (night-owl) in Lev 11:17, but in the place where the term appears in Deut 14:16 MT, OG A offers ἀρφιδίος (heron), and B has κύκνος (swan). These divergences as a whole indicate that Lev 11:17–19 represents the more stable textual tradition, while Deut 14:16–18 may have fluctuated in terms of the underlying Hebrew *Vorlage*, only coming to agree with the order of MT Leviticus (and resulting in the MT of Deuteronomy) quite late, sometime in the Hellenistic period.

Modern translations coincide with some kind of owl, following OG of Leviticus, often “little owl” (ZB and LUT: Käuzchen, Eng. screech owl).¹³⁴ The bird also appears in Ps 102:7 [ET: 6] and possibly in Zeph 2:14. Both of these texts place the bird among ruins. No attempt seems to have been made to connect the bird in some way with the homonym כוס meaning “cup, goblet,” though an interchange of the two arises in the Hittite translation of the Elkunirša and Ašertu myth. In fragment 2 (A ii 4’–16’), Astarte (or perhaps more likely Anat)¹³⁵ overhears Ašertu planning to betray Baal:

... and became a *goblet* in the hand of Elkunirša. She became an *owl* and perched on his wall. ... Astarte flew like a bird across the desert.

This myth, likely from the thirteenth century BCE,¹³⁶ demonstrates a play on the Semitic homophones, which, in the Hittite translation, provides for clear differentiation between them.¹³⁷ As a result, the Hittite evidence supports the translation as owl.¹³⁸

As “owl,” the connections to Egyptian iconography are limited. However, the southern Levant has a number of indigenous owls, including the *Strix butleri* (Hume’s owl), *Strix aluco* (Tawny owl), *Bubo ascalaphus* (Pharaoh eagle-owl), *Bubo bubo* (Eurasian eagle-owl), *Asio flammeus* (Short-eared owl), *Asio otus* (Long-eared owl), *Athene noctua* (Little owl), *Otus scops* (Common Scops owl), *Otus brucei* (Pallid Scops owl), and *Tyto alba* (Barn owl). Thus, it is not surprising that Driver identifies eight of the birds as owls,¹³⁹ even if his methodology leads him to place a few too many birds in this category!

¹³⁴ Riede suggests a possible onomatopoeic origin for the term given its similarity to a German work for owl, “Kauz”: Riede, *Im Spiegel der Tiere*, 205.

¹³⁵ Astarte is found in “Elkunirša and Ašertu,” trans. Gary Beckman (COS 1.55:149), but Anat is argued for rather persuasively by Aren M. Wilson-Wright, *Athtart: The Transmission and Transformation of a Goddess in the Late Bronze Age*, FAT II/90 (Tübingen: Mohr Siebeck, 2016), 96.

¹³⁶ Sarah Iles Johnson, *Ancient Religions* (Cambridge, MA: Harvard University Press, 2007), 176.

¹³⁷ In *ANET* (p. 519), Albrecht Goetze translates “cup,” but leaves the identification of the bird open, merely transliterating as “*ḥapupiš* bird.”

¹³⁸ Jaan Puhvel, *Words Beginning with H*, Hittite Etymological Dictionary 3 (Berlin: de Gruyter, 1991), 130–31.

¹³⁹ Driver, “Birds in the Old Testament I,” 20.

Akkadian, on the other hand, appears to have two basic terms for owls: *iššūru mūši*, also known as *hū'a*, and *šallalu*.¹⁴⁰ The first simply means “night bird,” thus giving no further specification on which kind of night bird (presumably owls). The second, *šallalu*, similarly means, literally, “sleeping bird.” As a result, Salonen’s more specific identifications of *iššūru mūši/hū'a* as *Asio otus* (Long-eared owl) and *šallalu* as *Bubo bubo* (Eurasian eagle-owl) appear overly speculative. In any case, the use of merely two basic categories to describe all the owls of Mesopotamia, which includes about the same number of indigenous species as in the Levant, indicates a possible problem with Driver’s proposition that eight of the terms in Lev 11/Deut 14 refer to owls.

While I still find “owl” most compelling for כוס, especially in light of Ps 102:7 [ET: 6], OG B of Deut 14:16 translates κῶκος (swan). This identification would allow for some more, though still limited connections. Houlihan finds it curious that swans do not show up more frequently in Egyptian depictions, given that their meat is palatable and they mate in captivity. In a Fifth Dynasty grave, an explanation of the iconography states that there were 1,225 swans, which is a small number in comparison to the 121,200 greylag geese and other edible birds present.¹⁴¹ Houlihan surmises, “Their absence might be a reflection of their rarity in the country, or perhaps they were simply considered a second-class table bird.”¹⁴² While this does not offer a broad foundation, this “second-class” nature in terms of taste could possibly have developed into abhorrence/uncleanliness in Israel.

If, on the other hand, OG A’s rendering of ἀρωδιός (heron) is pursued – though I associate this bird with אנפה, then it concerns one of the more common fowl in Egyptian iconography.¹⁴³ They helped fowlers catch other birds, perhaps engendering close human attachment to the birds. They also maintain mythological connections concerning creation.¹⁴⁴ Here again, though a slim basis, perhaps the heron’s instrumentality in fowling led to a general distaste for them as food.

3.9 שלך: Cormorant?

The term שלך appears in different places on the MT lists, and this situation is supplemented by differences in the OG translations. In Lev 11 MT and SamP it appears after כוס (the order I am following in my presentation),¹⁴⁵ but in v. 17 of Deut 14, after הרחמה.

¹⁴⁰ Also discussed above, 3.5.

¹⁴¹ Cf. Osten-Sacken, *Untersuchungen zur Geflügelwirtschaft*, 196.

¹⁴² Houlihan, *The Birds of Ancient Egypt*, 63.

¹⁴³ See discussion below, 3.15.

¹⁴⁴ See below 3.14 on חסידה.

¹⁴⁵ The Peshitta has also modified Deut 14 to follow the order of Lev 11 for the placement of *šalak*, or in Syriac *šlk nwn* ‘thrower of fish.’

Most English translations opt for cormorant; on the other hand, LUT offers “Schwan” (swan), and ZB has “Fischeule” (fisher owl, following Driver and Aharoni).¹⁴⁶ OG A and B agree with one another for Lev 11:17 in offering καταρράκτης “diver,” but they diverge for Deut 14:17: A has πορφύριων “purple gallinule” or “water heron,” while B offers νυκτικώραξ (which OG A and B of Lev have for כוס). καταρράκτης appears in OG A of Deut 14:17 for קצת, while it appears in OG B of 14:16 for תנשמת. The fact that there is so much divergence for the translations of Deut 14 from כוס to דוכיפת (vv. 16–18) indicates that they likely represent different *Vorlagen*, or rather a stable set of terms in variable order, rendering their usage in reconstructing the terms even more tenuous.

Two possible roots exist for this term in the Semitic group of languages. First is the common term meaning “throw, cast” along with the Arabic root *s-l-k*, “to save, release.” In this case, the bird could either fly in such a manner that it seems thrown, or perhaps it was used as an aid in fishing, and the fowler threw it. This understanding fits well for the cormorant. As a water fowl that fished for its sustenance, its diving could be likened to being thrown into the water.

On the other hand, it could relate to Ge‘ez *š-l-k* “walk, go” and Arabic *s-l-k* “travel, follow (a road).” If the latter, then it could potentially designate a flightless bird.¹⁴⁷

In any case, because the term for the bird only appears in the dietary lists, the biblical text itself offers little help for identification.

Following the OG translations of Lev 11:17 as καταρράκτης leads to the translation cormorant, a family of a number of species of water birds. Again, it likely signifies a larger supra-terminal category, containing more variety than a species term, even though the biblical texts do not indicate this situation with Heb. לְמִינֵהּ, and more than one species is known. In the modern Levant one finds the great cormorant (*Phalacrocorax carbo*) and the pygmy cormorant (*Microcarbo pygmaeus*). The former migrate from as far north as Norway, where they also appear on the table as a game bird. The latter, pygmy cormorant, also migrate north, but more typically toward the east.

Looking beyond the Levant, this category offers only a little traction with Egypt, though the birds appear in numerous hieroglyphic and iconographic depictions of swamp scenes.¹⁴⁸ These scenes are found primarily in burial contexts, which might suggest an association with the dead. Some evidence also exists that ancient Egyptians trained cormorants to assist them in fishing, a practice that continues into modern times.¹⁴⁹ Such actions on the part of cormorants could

¹⁴⁶ Driver, “Birds in the Old Testament I,” 15; Aharoni, “On Some Animals Mentioned in the Bible,” 470.

¹⁴⁷ My thanks again to Aren Wright-Wilson for his insight on the comparative Semitic evidence.

¹⁴⁸ Houlihan, *The Birds of Ancient Egypt*, 7–8.

¹⁴⁹ Darryl Wheye and Donald Kennedy, *Humans, Nature, and Birds: Science Art from Cave*



Fig. 11: Great cormorant (*Phalacrocorax carbo*), one type of cormorant likely identified by the גָּלְשׁ. Here found at the Eskibaraj Dam Lake, Adana, Turkey. Image credit to Zeynel Cebeci [CC BY-SA 4.0 (<https://creativecommons.org/licenses/by-sa/4.0/>)].

implies a status of “traitor” toward their fellow fowl, thus a possible reason for their negative image. Surprisingly, zooarchaeological data from Egypt indicates consumption – at least regionally in Amarna and Elephantine – of cormorant in keeping with modern practice in Norway.¹⁵⁰

However, there is plenty of connection to the Mesopotamian world, with numerous terms for the cormorant family of species. One main term is *girgilu*, which is described in one place as a “messenger of Enlil.”¹⁵¹ If one follows Salonen that *arabû* is another designation for cormorant, whose laugh sounds like “ara,” then it was seen as edible for some Mesopotamians as well.¹⁵² *AHW* notes that it represents some kind of edible waterfowl, though was not eaten during all periods.¹⁵³

The *arabû* also appears in auguries.¹⁵⁴ Other possible terms noted by Salonen are *šayyāḥu* and *laḥantu*, which pick up respectively on the bird’s laughing and the remarkable shape of the beak.¹⁵⁵

Walls to Computer Screens (New Haven: Yale University Press, 2008), 21. The reference is to a Sixth Dynasty bas-relief (the *mastaba* of Mereruka), where pelicans, cormorants, and fisherman appear working side-by-side. The practice of using cormorants to help catch fish occurs in East Asia.

¹⁵⁰ Rozenn Bailleul-LeSuer, “The Exploitation of Live Avian Resources in Pharaonic Egypt: A Socio-Economic Study” (Ph.D. diss., University of Chicago, 2016), 114.

¹⁵¹ Akk. *allāku*, in MDP II pl. 17 Kol. IV.3 (kudurru Nazimaruttaš). Cf. Salonen, *Vögel und Vogelfang*, 113.

¹⁵² Salonen, *Vögel und Vogelfang*, 102.

¹⁵³ *AHW*. 62–63; BAW 2, 97; RA 17, 146a 14.

¹⁵⁴ CT 39 20:140; CT 40 49:32. In the first its behavior is compared to that of a crow’s according to CAD A.2 209, but Salonen, *Vögel und Vogelfang*, 169, argues that this mistakes *arabūa* (cormorant) for *arabu* (raven).

¹⁵⁵ Salonen, *Vögel und Vogelfang*, 204, 224.

Finally, perhaps the closest in its translatable meaning to שלך is the Akkadian term *ṭabbi'u*, which designates a “diver,” that is, a marine bird from the root *ṭb*.¹⁵⁶

Tenuous as this may be, if the שלך may be equated with Akk. *arabû*, then this concerns another case of a bird viewed as edible in several cultures within Israel’s milieu, while it ended up on the list of fowl abhorred in Israel. This case also seems similarly strong to that of the ostrich, assuming this rendering of the term יענה, whose eggs were consumed, and stronger than evidence for the medicinal uses of the hawk (נץ), instead more on par with the case of the נץ in Ugaritic.

3.10 ינשוף: Owl or Hawk

This term, ינשוף, follows directly after כוס in Deut 14, but in Lev 11:17 is interrupted by שלך, which appears a bit later (between רחמה and חסידה) in Deuteronomy. One might argue that this takes place in Deuteronomy on the basis of its association with water. This difference in order raises another problem for Driver’s attempt at categorization.¹⁵⁷ Given the diversity in Lev 11:17–19, MT Deut 14:16–18, and OG Deut 14:16–18, it becomes more difficult to construct a single *Vorlage* with one order.

In addition to the dietary laws, ינשוף also appears in Isa 34:11 (albeit with a different vowel pointing *yanšôp*) along with several other birds, mammals, and mythical creatures that inherit the ruins of Edom (vv. 11–15). The location among the ruins points toward an owl or hawk and away from the ibis, a water bird, as found in ancient translations.

English translations have generally solidified behind the identification of “great owl,” though OG B offers ἰβίς in both Lev 11:17 and Deut 14:16, and OG A has ἰβίς in Lev 11:17 but κύκνος (swan) in Deut 14:16.¹⁵⁸ The rendering of ἰβεις in Isa 34:11 demonstrates consistency, but perhaps a re-orientation to the Egyptian context, both in terms of fowl located along the Nile and in Egyptian culture in the Hellenistic period. As mentioned above,¹⁵⁹ the ibis presents strong connections to Egypt and Egyptian mythology, in which the ibis represents the divine scribe, Thoth. As also noted earlier, swans were likely bred, but they do not appear as often as one would expect in Egyptian iconography.

In late periods – thus perhaps more important for the OG translations but still in the Persian period – Herodotus claims that killing an ibis merited the death

¹⁵⁶ Ibid., 184.

¹⁵⁷ As well as for Milgrom’s contention that Deut 14 presents a revised and simplified version of Lev 11. Why change the order?

¹⁵⁸ *AHW* 220 notes that the term appears once, in the neo-Babylonian CT 41, 7:34, but it derives the meaning from Hebrew. *CAD* E:172, reads the term as *enšubu*, and translates: “in an e.-bird enters a man’s house, there will be losses in the man’s house.”

¹⁵⁹ In section 2.2 on Egypt.

penalty in Egypt. During these same periods (Late Dynastic–Greco-Roman), huge ibis cemeteries sprung up, many buried in elaborate linen bandages.¹⁶⁰ One might therefore group them with the תחמס (if a falcon), likewise mummified in large numbers in the Late Dynastic period, and perhaps also with the cormorants appearing in iconography in burial contexts.

However, if one begins with the Akkadian evidence, a further term for “hawk” according to Salonen in Akkadian is *eššebu/ū*, perhaps philologically related to Heb. ינשוף *yanšûp* (assimilation of the /n/ and a bi-labial shift from /p/ to /b/).¹⁶¹ However, von Soden offers the alternative writing of *iššebu/ū*, which is a more plausible cognate, and he hesitatingly identifies the term as a kind of owl.¹⁶² Yet CAD only indicates that the term is a bird.¹⁶³ In any case, neo-Babylonian texts identify them with demons that shriek in the city, which bears some similarity to their negative role in Isa 34.¹⁶⁴

One final striking feature, as Bauer and Leander point out, is the non-assimilation of the *nun*, which can point to a loanword.¹⁶⁵

Also posited in the past as a cognate has been is Akk. *enšubu*.¹⁶⁶ However, it is unlikely that Hebrew /ya/ would correspond to Akkadian /e/, with /i/ being the common correlation. In any case, there is little more detail on this term, other than that it appears in an omen list in *Šumma Alu* (CT 41 7 34) about entering someone’s house, which will result in a loss in the house.¹⁶⁷

While tentative, the interpretations either of some type of owl or hawk seem preferable to ibis, given the possible Akkadian cognate evidence and the association with the deserted ruins of Edom. A secondary development in the OG to ibis could have taken place to accord with relative frequency of the ibis in Egypt, parallel to my suggested development for תור from partridge into turtledove.

3.11 תנשמת: *Swamphen?*

This lemma, תנשמת, presents significant philological difficulties. First, it only appears in the dietary laws, and second, it appears in Lev 11 both among the birds (v. 18) and also among the land swarmers in v. 30! The term most likely comes

¹⁶⁰ Houlihan, *The Birds of Ancient Egypt*, 30.

¹⁶¹ Salonen, *Vögel und Vogelfang*, 163.

¹⁶² *AHW*, 1:258.

¹⁶³ CAD, 370

¹⁶⁴ CT 16:12 i 20–21.

¹⁶⁵ Hans Bauer, Pontus Leander, and Paul Kahle, *Historische Grammatik der hebräischen Sprache*, Olms paperbacks 19 (Hildesheim: Olms, 1965), 488, § 61 re and n. 1. They suggest that this indicates a later layer in the text. In this case, it could be something akin to the nasalization of Aramaic, but unfortunately the root *y-š-p* does not yield many results.

¹⁶⁶ Cf. *AHW*, 1:220.

¹⁶⁷ Salonen, *Vögel und Vogelfang*, 161.

from the root *n-š-m*, “pant, puff,” which also yields the noun נשמה *nešamah* (breathing, breath).¹⁶⁸ For Lev 11:30, OG renders ἀσπάλαξ (blind rat; i. e., mole).¹⁶⁹ Again the lack of the assimilation of the *nun* surprises and may instead point to a non-Semitic loanword.

OG renderings of the term in Lev 11:18 are the same in A and B: πορφυρίων (purple coot or swamphen), while in Deut 14:16 they diverge: A ἴβις and B καταράκτης (diver).¹⁷⁰ Peshitta offers *kwkby* “owl.”¹⁷¹

There are numerous guesses: Driver suggests “little owl,” remaining within his set categories, though this supposition also receives support in the Peshitta’s *kwkby* (“owl”) found at this point in both texts.¹⁷² “White owl” is another common option.¹⁷³ Several translations follow OG, such as NRSV “water hen.”

I find the OG to provide the most promising direction, given the likely inclusion already of two categories of owls (כוס and נישוף). However, every marine bird must contend with the Israelite’s general topography and climatology, which include few regions of wetter climates and the likely inclusion already of שׁלף cormorant and שׁחף gull. However, swamphen are known to appear at Lake Yeruham in the northern Negev in modern times.¹⁷⁴

There are several species of *Porphyrio*, including those kept as decorative birds by Roman elites. This species, *Porphyrio porphyrio* (western swamphen), does not really frequent the Levant. The species *Porphyrio poliocephalus*, the grey-headed swamphen (only granted species status in 2015), is found from China to the Middle East, thus representing a better alternative, at least for the OG context. They frequent wetlands and are predominantly herbivores. In the ancient sources they appear frequently as stock items in wetland scenes in Egyptian iconography, generally in funerary contexts.¹⁷⁵ Again, their connection with the funerary context may have led to the shunning of this fowl, but only the slimmest level of support for such a hypothesis exists.

What is the connection between the swarmer (rat/mole) in Lev 11:30 and this flyer? The swamphen does have a distinctive sound, which can be interpreted as akin to breathing in or panting. Yet I am unclear how this would relate to a creature like the mole that spends significant time underground.

¹⁶⁸ See Riede, *Im Spiegel der Tiere*, 202.

¹⁶⁹ A possibly related term is the Akkadian *tašlamtu* (a lizard): CAD T: 290. But the connection remains suspect. How does one get from *n-š-m* to *š-l-m*? Translations tend to follow an analogous Arabic construction, which connects to “snorter” (*fahhāh*), and then extrapolate to chameleon, which, however, OG renders for כח in the same verse (Lev 11:30).

¹⁷⁰ HALOT, 1765 has made a mistake here.

¹⁷¹ Following CAL, and the terms is very rare, with only one further attestation in a commentary by Ishodad of Merv ca. 850 CE.

¹⁷² Driver, “Birds in the Old Testament I,” 20.

¹⁷³ ZB: “Schleiereule.” LUT has “Fledermaus” (bat), which I cannot make sense of.

¹⁷⁴ “Purple Swamphen / פורפיריה כחולה / *Porphyrio porphyrio*,” <http://www.tatzpit.com/Site/en/pages/inPage.asp?catID=9&subID=13&subsubID=978>

¹⁷⁵ Houlihan, *The Birds of Ancient Egypt*, 89.

The use of the same term for animals in different environments (meaning, for example, air vs. water, or desert vs. marsh) appears elsewhere in the ancient world. One example appears in an Akkadian term primarily designating a wild donkey, *akkannu*, which also clearly arises in other contexts to refer to a bird. The lexical series 𒄩AR.gud = *imrû* = *ballu* offers the explanation, according to CAD "... for the bird *akkannu* as *immēr šadi* may suggest that it was a bird characterized by a loud cry comparable to the braying of a donkey."¹⁷⁶

3.12 קאָת: Pelican and/or Desert Owl

This fowl, קאָת, the first since v. 13 in Deut 14 not preceded by תא, appears outside the dietary laws in Isa 34:11; Zeph 2:14; and Ps 102:7 [ET: 6]. In the first two, the term is paired with קפד, which does not appear in the dietary laws. In Isaiah, Ralphs LXX renders קאָת as ὄρνεα ("birds"), while in Zeph 2:14 Ralphs renders it χαμαιλέοντες (chameleon), likely to parallel קפד as "hedgehog" (cf. Isa 14:23).¹⁷⁷ In all cases Peshitta smooths out the translations, offers qq "pelican."¹⁷⁸ Modern translations differ greatly. For Isa 34:11, ZB has "Eule," LUT "Rohrdommeln" (Eng. bittern, a kind of pelican, which follows OG and Peshitta) like NASV "pelican." NIV has "desert owl," NRSV "owl," ESV "hawk," while JPS goes its own way with "jackdaw" (of the *corvid* family like a raven), which would presumably fall under the category of the ערב.¹⁷⁹

JPS remains consistent, also rendering it as "jackdaw" in Zeph 2:14, while NRSV changes to the "desert owl" found consistently in NIV. NASV and LUT follows OG with "pelican" and "Rohrdommeln." ESV changes to "owl."

The third attestation, Ps 102:7 (ET: 6; LXX 101:7), instead sets up the parallel:

דמיתי לקאת מדבר	ὠμοιώθην πελεκᾶνι ἐρημικῶ,
I was like a desert qa'at	I was like a desert pelican
הייתי ככוס חברות	ἐγενήθην ὡσεὶ νυκτικόραξ ἐν οἰκοπέδῳ, ¹⁸⁰
I was like a kos of the ruins	I became like a night-owl at the site of a house

¹⁷⁶ CAD A1:275. The term also designates a bird in the *Šumma Alu* series (CT 41.5 K.3701+). An English example appears in the "camel": there is also a "camel spider." The ancient Greek sparrow, *strouthos* provides another example for birds, as this term also comes to designate the ostrich (also termed the *strouthokamelos* or "camel sparrow").

¹⁷⁷ The homographs קפד thus represent a *second* time in which a Hebrew term designates both a bird and a land animal (also תנשמת).

¹⁷⁸ Following Payne-Smith, *Thesaurus Syriacus*, 3708.

¹⁷⁹ An intriguing direction to follow here, if jackdaw were to be correct (which I find doubtful), is that this would then provide further support the hypothesis of ערב as a Hellenistic period addition, when the meaning of קאָת had changed in the Greek to identify pelican-type variety.

¹⁸⁰ According to LS, the accentuation in Ralphs shown above is incorrect and should be οἰκόπεδῳ.

Most modern English translations for this verse have “desert owl” (though NASV sticks with pelican, and JPS changes to “great owl”) for obvious reasons. How can one imagine a “pelican” in the desert wilderness?¹⁸¹ However. The LS Greek lexicon also offers the rendering “woodpecker” for the similar term *πελεκᾶς*.

In this verse there are two terms from the unclean birds. The OG translates *תִּנְקָא* as pelican (*πελεκᾶν*) in this case, keeping with OG A and B of Lev 11:18, while A renders Deut 14:17 as *καταρράκτης* (which B offered for *תַּמְשָׁן*), and B glosses *יֶרָאֵץ* (hawk). The ancient evidence likely indicates that the identification of this bird was lost quite early.

In any case, remains of the great white pelican (*Pelecanus onocrotalus*) have appeared in archaeological contexts from the Iron I and Iron II A/B in Tel Dor,¹⁸² though this represents a very different environment from the ruins of Edom in Isa 34.

An etymological interpretation could make something of the connection to *תִּנְקָא/תִּנְקָא*, vomit (Ps 26:11; Lev 18:28; Isa 19:14; 28:8; Jer 48:26), both arising from the root *q-y-*.¹⁸³ This root for *תִּנְקָא* may indicate the adoption of the term from another Semitic dialect or language that did not undergo the linguistic change from /at/ to /ā(h)/. The wide dispersal of the root among Semitic languages provides a number of options, even though the term for the bird does not appear outside the biblical text.

The other uses of the term in the biblical text introduce associations with dogs (Prov 26:11), which also fall into the category of unclean/abhorred, and primarily with drunkenness (Isa 19:14; 28:8; Jer 48:26). This line of reasoning leads to the pelican or owls, both of which “vomit” food into the mouth of its young or as a way to expunge waste.

Some modern translations (NIV, ESV, NRS, ZB), however, often veer from the ancient identification of pelican or bittern, opting for an owl, based on the term’s appearance in a desert backdrop in Isa 34:11 and Ps 102:7 [ET: 6]. Milgrom supports this interpretation further by surmising an onomatopoeic connection with

¹⁸¹ See the similar conclusion by Nihan, “Les habitants des ruines dans la Bible hébraïque,” 94 n. 15. He writes, “Le terme *qā’āt* désigne clairement un oiseau, puisqu’il est également mentionné en Lv 11,18 et Dt 14,17 dans la liste des oiseaux impurs. Les versions anciennes (notamment LXX et Vulgate) le traduisent parfois par ‘pélican’, mais cette identification s’accorde mal avec l’espace des ruines dans la mesure où le pélican est un oiseau aquatique, . . . Ps 102,7, où le narrateur se lamente sur son apparence physique en la comparant à celle du *qā’āt midbār*, confirme qu’il doit s’agir d’un oiseau typiquement associé à la steppe ou au désert (*midbār*) et d’apparence lugubre. En général, on pense à un petit rapace du type de la chouette, et cette interprétation est probablement correcte.”

¹⁸² Noa Raban-Gerstel et al., “Early Iron Age Dor (Israel): A Faunal Perspective,” *BASOR* 349 (2008): 36, 40 on Israel’s Carmel coast (Area D2).

¹⁸³ Cognates appear in a number of languages, such as Tigre, Akkadian, Ethiopic, and Arabic.

an owl, though this is unnecessary speculation, given the presence of the root *q-y-* widely dispersed in Semitic languages.¹⁸⁴

It might, however, be quite possible to remain with “pelican” for the dietary laws and posit a second species for Isa 34:11, and, if necessary, Ps 102:7 [ET: 6] – a “desert pelican.” This second species (or category) would then designate something different that also “vomits” (regurgitates) its food to feed its young, such as a seed or insect-eating bird like a swift or a type of owl. While in danger of falling into a similar logical trap as Driver, if תּוֹשֶׁמֶת indicates some kind of waterfowl, like a swamphen, then perhaps the dietary law texts continue here with a further water bird. This suggestion may run into problems – if thinking in terms of a section of water fowl, with the next term, רָחֹם, more likely a raptor.

On the other hand, perhaps קאָק instead indicates a taxonomic term for “vomiting/regurgitating fowl,” which included both water (pelican) and desert varieties? If so, then desert owls could function well as the referent for “desert pelican,” that is an owl or swift variety.

In any case, a key characteristic of a קאָק in biblical texts lies in its association with places of ruin in Isa 34:11, Ps 102:7 [ET: 6], and Zeph 2:14. This connection, as discussed above,¹⁸⁵ links symbolically with death, destruction, and anti-civilization.

The further possibility of vomiting or regurgitation could open up another line of thinking with regard to uncleanness or abhorrence in foods. In addition to the associations with drunkenness and dogs, the verbal form also appears in relation to overeating (of honey in Prov 25:16) or consumption of the food of the stingy in Prov 23:8, as well as a curse in Job 20:15 and Lev 18:25, 28; 20:22. Unsurprisingly, the conception evokes solely negative conceptions in the biblical material.

There are two kinds of pelicans known in the surrounding regions: the Dalmatian pelican (*Pelecanus crispus*) and the Great white pelican (*Pelecanus onocrotalus*). Salonen identifies Akk. *abbunnu/appunnu* and *kumû* as terms for pelican, though others have taken the latter as “crane.”¹⁸⁶ This term also appears in an omen text,¹⁸⁷ indicating that its behavior, like so many other birds, could reveal one’s destiny.

A striking depiction of pelicans arises from the Late Bronze Egyptian Tomb of Horemheb, where Dalmatian pelicans appear caught by a fowler close to baskets

¹⁸⁴ Milgrom, *Leviticus 1–16*, 663; following Aharoni, “On Some Animals Mentioned in the Bible,” 470. Also Driver, “Birds in the Old Testament I,” 16.

¹⁸⁵ Under 1.5 Fantastic Birds.

¹⁸⁶ CAD K 535 lists both options.

¹⁸⁷ CT 41 7.57 (*Šumma Alu*). A third term is *atān nāri*, literally “river donkey.” The question is whether this refers to the appearance, through which Salonen relates it to the pelican (following *AHw*, 86 among others), or whether it refers to its cry, suggesting perhaps a swan or duck. Cf. Salonen, *Vögel und Vogelfang*, 133.



Fig. 12: “Trapper with Pelicans” [and their eggs]. Thebes, Tomb of Horemheb, Eighteenth Dynasty. Image from Nina M. Davies, *Ancient Egyptian Paintings*, vol. 1 (Chicago: University of Chicago, 1936) Pl. XLI.

of eggs. Bailleul-LeSuer assumes that both the birds *and* their eggs were destined for the table.¹⁸⁸ In this case, yet another example of a bird deemed acceptable for consumption in a neighboring culture.

3.13 רחמ(ה): Vulture?

The רחמ(ה) of Lev 11:18/Deut 14:17 is understood by Keel et al. as the Egyptian vulture (Schmutzgeier) from the Arabic *raḥam*,¹⁸⁹ which I have discussed above in conjunction with the עזניה, פרס, and נשר. They thus demonstrate the difficulty with Driver’s logic of separating the fowl according to family. Driver is forced to understand this bird as the osprey, allowing for a carnivorous bird that frequents marine rather than mountainous or other land-oriented habitats.¹⁹⁰ The ancient translations offer disparate evidence: the OG of Lev 11:16 provides swan (κύκως) for MT רחם, while for Deut 14:17 it has hoopoe (ἔπικω) for MT רחמה (which renders דוכיפת in the OG of Lev 11:19!). The differences in the OG translations indicate once again that that the *Vorlage* of Deut 14:17 (OG) diverged from Lev 11:18. Furthermore, the Peshitta translates *šrqṛq*, “bee-eater.”

¹⁸⁸ Bailleul-LeSuer, “From Kitchen to Table,” 31 n. 12.

¹⁸⁹ Keel, Küchler, and Uehlinger, *Orte und Landschaften der Bibel*, 1:156. While unstated, I presume this arises from the Arabic *raḥam* / *raḥamat* (singulative form) for “Egyptian vulture.” Thanks to Aren Wilson-Wright for this insight.

¹⁹⁰ Driver, “Birds in the Old Testament I,” 16. He states, “it has been translated ‘swan’ or even ‘peacock’ (LXX) or ‘coot’ or ‘moorhen’ (Vulg.), which are all out of the question, since none of them are raptors.” His conclusion displays the circular reasoning quite well.

The separate Semitic root *r-ḥ-m* has fallen together in Hebrew with *r-ḥ-m*, which carries meanings of love, mercy, and compassion (thus also the connection to “womb”) across a number of Semitic languages, including Akkadian, Aramaic, Hebrew, Ugaritic, and Arabic. However, little connection emerges between this well-known root and the identification of the bird, except for the Talmudic discussion (*b. Hul* 63a) of the *raḥam* with the coming of *raḥamīm* (mercy) into the world, which G. Dalman discusses.¹⁹¹ This connection, along with the Peshitta, yields an identification of the bird as the “bee eater” (*Merops apiaster*), which arrives at harvest time. A further Talmudic connection (also in *b. Hul* 63a) views the touching down rather than simply fluttering about of this bird, which is known for its cry, as a sign that the messiah will come.

Returning to the Hebrew text, this bird does not appear elsewhere in the Bible, but the plural (*rḥmn*) is found among the birds in Deir Alla I, in line 8. The context there concerns cosmic destruction, and a number of birds symbolize the vision of doom and an upside-down world. The emphasis for the *rḥmn* lies on its sound or voice (*ql*) answering (Seow: “resound”).¹⁹² The upside-down nature of the world in this text could either mean that the bird makes a terrible sound, or perhaps that it makes none at all.

Driver, and before him Saadiya, instead calls attention to Arabic *raḥamu*, which Lane understands as “white-carrion vulture,” but Dozy finds it also to have indicated the sea eagle and pelican.¹⁹³ The lexicons stick with vulture.¹⁹⁴

The singulative form in Deut 14:17 רחה may, once again, indicate that this term includes a broader category of birds. Thus, perhaps a more general category of a vulture or buzzard is best, maybe something associated with the cry.

The association in Deir Alla Combination I with the *nšr* recalls oracles of calamity in Isa 18:6; Ezek 29:5; and 39:4, where birds come and “clean up” the battlefield, or perhaps where birds themselves are the attackers, such as in Jer 12:9, where birds attack one another, or Hos 8:1 and Jer 48:40, where birds symbolize attacking armies.

In terms of symbolic connections in surrounding cultures, I point to the various connections for vultures or eagles (or buzzards) above.¹⁹⁵

¹⁹¹ Gustaf Dalman, *Arbeit und Sitte in Palästina: Jahreslauf und Tageslauf: Herbst und Winter* (Gütersloh: Bertelsmann, 1928), 1.1:164, <https://publikationen.uni-tuebingen.de/xmlui/handle/10900/43654>.

¹⁹² Seow, “West Semitic Sources,” 211. Different is Blum, “Die Kombination I der Wandinschrift vom Tell Deir ‘Alla,” 577. He reads *qn*, “nest,” rather than *ql*, “voice/sounds.”

¹⁹³ Driver, “Birds in the Old Testament I,” 16.

¹⁹⁴ *HALOT*, 1217; Ges¹⁸, 1236.

¹⁹⁵ In 3.2.

3.14 חסידה: Stork

This term, חסידה, most likely designates the stork (*Ciconia ciconia*), a large, and migratory, carnivorous bird preferring wetlands. Derivative from חסד *h-s-d* in a singulative (unitary) form, which can either indicate “shame” (Prov 14:34; 25:10; and Lev 20:17) or more commonly “faithfulness,” for the adjectival form חסיד indicates faithful or godly.¹⁹⁶ Outside the dietary laws, חסידה appears in Jer 8:7; Zech 5:9; Ps 104:17; and possibly in Job 39:13. While the term appears in Job 39:13b, the context concerns ostriches, and deducing a comparison between ostrich and stork (as done in JPS) is difficult (and perhaps omitted for this reason in NRSV), though both have large wings. Taken together, Jer 8:7 and Ps 104:17 indicate a migratory bird (“knowing its times”) that nests in fir trees. Zechariah’s vision in Zech 5:9 compares the wings of the two women he sees with the wings of the חסידה, suggesting that the wings representing a striking feature of this bird.

The OG offers the following: Jer 8:7 and Job 39:13 coin a neologism ασιδα, indicating that it read חסידה *hasidah* – from the root *h-s-d* rather than *h-s-d*, but did not know what it means. Psalm 104 (OG 103):17 reads ἐρωδιού (heron), while Zech 5:9 describes the wings of the women in the vision as those of the ἔποπος (hoopoe), which instead renders דוכיפת in Lev 11:19 and רחמה in Deut 14:17. In Lev 11:19, OG A and B have γλαυξ, but also ἀρώδιός in A and ἐρωδιός, which appears to have been followed by Peshitta’s *hwrwb*. OG Deut 14:18 A has νυκτικώραξ, and B has πελεκάν. In sum, the term’s indicated meaning appears to have gotten lost quite early.

This Greek evidence clearly goes against the identification of stork, given that ancient Greek does have a word for stork, πελαργός, and storks feature in several of Aesop’s Fables and as the linguistic (and symbolic) basis for laws to take care of aging parents. This symbolic understanding is somewhat similar to the Hebrew connection to חסד and related terms for faithfulness in connection with this bird, even if the identification of the bird went missing quite early, as seen from the neologism ασιδα.

Driver proposes two terms – stork and heron, and the two fowl do look similar.¹⁹⁷ However, they can be distinguished in flight: herons curl their neck and leave their legs hanging below them, while storks fly with necks outstretched and legs behind. I suspect that Israelites would generally have recognized the difference (better than most modern-day people).¹⁹⁸

¹⁹⁶ Cf. Keel, Küchler, and Uehlinger, *Orte und Landschaften der Bibel*, 1:160–61. They derive the name of the stork directly from the feminine of “faithfulness” and relate it to the caring for the young in Jer 8:7: “Trotz seiner Beliebtheit gehört der Storch wegen seiner tierischen Nahrung aber zu den unreinen Vögeln.” (ibid., 161).

¹⁹⁷ Driver, “Birds in the Old Testament I,” 17.

¹⁹⁸ If they still chose to categorize them together, it would render this a supra-terminal expression, like נשר and ערב among others.

Turning to the surrounding cultures, storks do not frequent Egyptian iconography and texts, so one can glean little affirmative data there.¹⁹⁹ There are, however, different terms for the two birds in Akkadian: stork is *raqraqqu/laqlaqqu*, a term reflecting its sound. Heron in Akkadian is *igirû*. However, it appears that the birds (and therefore the names) were at times mixed up in antiquity.²⁰⁰ Finally, the stork appears in omen texts in Akkadian, usually with reference to its cry. It is called the bird of the crown prince, whose cry is “Away, away, before the warrior Ninurta.”²⁰¹ This provides a possible connection to a foreign deity connected to battle, and such a connection could prove important for their shunned status in the biblical texts, though this direction is highly tenuous.

On the whole, the associations of caring for aging parents in Greek tradition with faithfulness in Hebrew speak in favor of the stork for this bird. Possible reasons for its prohibitions could lie in its carnivorous habits, which includes a wide variety of animals from insects to small mammals, though this proposal is very speculative and depends only on inferences concerning other prohibited animals.

3.15 אַנפּה: Heron

Both Hebrew MT texts list אַנפּה – appearing only in these dietary lists in the Bible – third from last on the list with a peculiarity: it is followed by the description לְמִינֵהּ, “according to its kind,” which has not appeared since Lev 11:16/Deut 14:15. If its usage describing אִיָּה/דִּיה (Lev 11:14/Deut 14:13), עֶרֶב (MT Lev 11:15/Deut 14:14), and נָךְ (Lev 11:16/Deut 14:15) provides the indication of its meaning, then the term אַנפּה means a broader category of some sort. Beginning from the Hebrew root, אִנִּיף ’-n-p suggests a connection with a particular “nose,” or beak,²⁰² or by extension with anger.

Salonen argues that the Akkadian term, *anpatu*, designates the “flamingo” (also *adaburtu*),²⁰³ which is the *closest* possible cognate. He bases the identification on the logogram for the equivalent term *adaburtu*, which is g i š . n u x (ŠIR).MUSEN: geschrieben giz-ŠIR, ist “Licht”, beachte die Schreibvarianten giz.ŠIR₄/ŠIR₅ = ^dšamaš, d. h. ‘Licht’ = “Sonnengott” ... Es ist nun eine Tatsache, die ich oft in Tiergärten beobachtet habe, dass ein Flamingoschar im Sonnenlicht wie “Flammen”, eine grosse Menge von kleinen Feuerbränden aussieht!²⁰⁴

¹⁹⁹ Houlihan, *The Birds of Ancient Egypt*, 22–24.

²⁰⁰ Salonen, *Vögel und Vogelfang*, 225.

²⁰¹ STT 341 + K. 10823 (CT 41.5: that is *Šumma Alu*). Cf. Salonen, *Vögel und Vogelfang*, 225.

²⁰² This is noted by Driver, “Birds in the Old Testament I,” 18. On this basis he identifies it as the cormorant.

²⁰³ Salonen, *Vögel und Vogelfang*, 120.

²⁰⁴ *Ibid.*, 110. CAD A 1:93 makes no such claims for *adaburtu*.

He goes on to note the similarity in European languages. The bird hardly ever appears in ancient Greek literature, which could provide an explanation for its mistranslation in the OG (see below).²⁰⁵ The distinctive beak of the flamingo also lends itself to the Hebrew derivation.

Several problems arise with this designation for the Hebrew term, however. The first lies in the appended “according to its kind.” Only the Greater Flamingo (*Phoenicopterus roseus*) type seems to frequent the Southern Levant. There are five other types, but only one of them is native to the Old World, generally limited to Sub-Saharan Africa and India (the Lesser Flamingo: *Phoenicopterus minor*). However, if one sticks with flamingo, then it does appear in *Šumma Alu*: “If a flamingo enters someone’s house ...”²⁰⁶

Neither is the flamingo well attested in ancient Egypt. One finds it primarily as a hieroglyph and rarely in iconography.²⁰⁷

Thus, a less likely option might arise in working from Akk. *abbunnu/appunnu*, in which case one would suggest a metathesis between /p/ and /n/. One might then identify this bird with a pelican, which is in fact the term that appears at this point of OG A in Deut 14:18, which also omits the description “and its kind” (καὶ τὰ ὅμοια αὐτῶ).²⁰⁸

A second problem with “flamingo,” and also with “pelican,” is that the rest of the major OG translations for the term (OG B of Deut 14:18 and OG A and B of Lev 11:19) render χαραδριός, “plover” or “thick-knee” (both of the sub-order *Charadrii*).²⁰⁹ A grouping such as the plover consists of a number of wading species, reserving pelican for ΠΑΡ, at least for Lev 11.²¹⁰

The difficulty with this identification is that plovers have short beaks, which would give up on the connection to nose. Modern English translations instead generally opt for heron (as do ZB and LUT 2017 “alle Arten von Reiheren”), retaining this connection with “nose.”²¹¹

Driver argues for cormorant, given its beak shaped like a nose for the great cormorant (*Phalacrocorax carbo*).²¹² However, this identification runs into the challenge of being only one of two types of cormorants found in the southern Levant, and the second, the pygmy cormorant, has a less pronounced beak.

²⁰⁵ According to LS on *Perseus* (www.perseus.tufts.edu), only in Aristophanes, *Birds*, 273 and the fifth century BCE *Fragmenta* of Cratinus, 114, but not for χαραδριός.

²⁰⁶ CT 41 6.20; cf., STT 400.34 for a similar text from Sultantepe.

²⁰⁷ Houlihan, *The Birds of Ancient Egypt*, 35.

²⁰⁸ For the associations in Mesopotamia and Egypt with pelicans, see above, 3.12.

²⁰⁹ From LS, <http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.04.0057%3Aentry%3Dcharadriio%2Fs>.

²¹⁰ Though one must keep in mind the difficulties of this rendering for Isa 34:11; see above, 3.12.

²¹¹ LUT 1984 opts for the fairly non-descript “Häher” (Eng. “jay”).

²¹² Driver, “Birds in the Old Testament I,” 19.

The identification as heron does accord with the range of species of heron and the long beak of the herons, though their necks appear as their most distinctive feature.

In conclusion, the best cognate – Akk. *anpatu* – suggests flamingo, but that identification stumbles with regard to the appended “according to its kind” (למינה). There is little reason to suggest a textual error akin to the issue surrounding למינה following דיה in Deut 14:13: The general divergence in the textual traditions of Deut 14:16–18 MT and OG B but agreement here (OG A does not have “according to its kind,” and it also has “pelican” rather than “plover”) supports the phrase’s early presence with אֲנַפָּה. However, OG B also agrees with MT in Deut 14:13 on the translation of יְנוּשָׁרִי (ἰβίς), even though they appear in a different order, in a case where OG A diverges (κύκνος). The general chaos of the textual traditions of Deut 14:16–18 does allow for at least אֲנַפָּה in Deut 14:18 to have omitted the modifying phrase, yet this does not explain away its consistent presence in Lev 11:19. This observation militates against the identification “flamingo,” at least as the sole referent for the term. While pelican remains an option, the semantic connection with the Akkadian cognate remains more tenuous.

I find the best option lies with the heron family of water birds, though this firmly contradicts the OG evidence. Given the multiple kinds of herons in the southern Levant as well as their prominent beaks, they fit the evidence best.

The heron (Akk. *igirû*) boasts of nine species in Iraq, and its linguistic identification as separate from the stork is fairly certain.²¹³ It is identified as “the bird of Tammuz,”²¹⁴ and it also appears in the omen texts of *Šumma Alu*.²¹⁵

Hérons are among the most frequently appearing birds in Egyptian iconography. Furthermore, they play a quite significant role in Egyptian mythology, especially in creation myths as the concrete basis for the imaginary *benu*-bird, the phoenix.²¹⁶ In these contexts the birds represent Atum rising from the chaotic waters. Like the phoenix, it appears in funerary papyri linked with rebirth, and is also linked with Osiris.²¹⁷ Finally, as a solar bird, connections with Re are often nearby.

To speculate, perhaps the connection with the death and rebirth symbolism of Tammuz offers some hint of a basis for its abhorrence in Israel? This kind of symbolic understanding could receive support from the Egyptian connections with Osiris as well. Given the overlapping symbolic connotations at different ends of the ancient Near Eastern world, this may provide one of the most secure interpretive directions for the prohibition of these flyers. Nonetheless, this kind

²¹³ CAD I/J 41–42 (cf. Salonen, *Vögel und Vogelfang*, 191).

²¹⁴ KAR 125 v. 17.

²¹⁵ VAT 13802.2; similar are VT 41 3 and CT 40 6, 9.

²¹⁶ Houlihan, *The Birds of Ancient Egypt*, 13.

²¹⁷ *Ibid.*, 15.

of symbolic significance finds little support within the biblical text itself, so it must therefore remain speculation.

3.16 דוכיפת: Hoopoe

Modern translations almost universally follow the OG's rendering of דוכיפת in Lev 11:19 – ἔποψ – to arrive at hoopoe (Ger. "Wiedehopf"; *Upupa epops*). The SamP attests דגיפת in Lev 11, and דיגפה in Deut 14: both of these can be explained as linguistic developments from the same term.²¹⁸ However both OG A and B of Deut 14:17 render רחמה as ἔποψ, while in the Deut 14:18 location of דוכיפת in OG A, one finds χαραδριός (which both OG texts of Lev 11:19 and Deut 14:18 B have for אנפה), and in B πορφύριων (which both OG texts of Lev 11:18 have for תנשמת).

The term itself concerns a non-Semitic loanword, given that it does not follow any Semitic noun patterns. Driver compares it with Egyptian *qwqwpt/d* (and Coptic *koukoupfat* or *kakoupat*),²¹⁹ all meaning the hoopoe, which I find convincing.²²⁰

If hoopoe is affirmed as this prohibited bird, then the reason for its prohibition indicates the difficulty with identifying a unified logic behind the various large flyers. The hoopoe are not birds of prey; they instead feed primarily on insects, hardly rendering it carnivorous from an ancient Israelite perspective.

Akkadian terms for the hoopoe include *re'āum*, *re'u* or *ḥaṣibāru* according to Salonen. The terms *re'āum*, *re'u* indicate a "shepherd bird." More frequent is *ḥaṣibāru*, and the logogram for *ḥaṣibāru*, KUN.LAGAB-muše n literally means "fat-tail bird," while an alternate description is *iššūr kubši* ("crested bird"). The bird is called the bird of the deity Nusku,²²¹ and it also appears in the omen texts of *Šumma Alu*, concerning whether the bird enters a house.²²² The term *ḥaṣibāru* may also appear on a Neo-Assyrian list of foods,²²³ making it a further fowl from the list deemed edible in ancient Israel's environment.

²¹⁸ The /g/ represents the change from voiceless /k/ to voiced /g/. The placement of the *yodh* in Lev 11 is simply a *mater lectiones*, while its placement in Deut before the *gimmel* must instead result from misreading of a *waw*, or possibly a different vocalization as a dialectical difference. In any case, the basic consonantal structure of the term remains quite stable.

²¹⁹ Driver, "Birds in the Old Testament I," 18.

²²⁰ CAD H does not have an entry for the Akkadian *ḥapupu*, which appears in HALOT, 216.

²²¹ CT 40 50.43; K. 10823; cf. Salonen, *Vögel und Vogelfang*, 183, 213.

²²² CT 41 7.38

²²³ Salonen, *Vögel und Vogelfang*, 183–84. He references C. H. W. Johns, *Assyrian Deeds and Documents (ADD)*, 1125 col. 2, 11:10. This evidence refutes the claim of Houston, *Purity and Monotheism*, 236. He states: "Once again, there is a markedly theoretical character to the list – it must be comprehensive, and therefore includes creatures that nobody who was not starving can have had any mind to eat, such as hoopoes and bats!" (That is, at least for hoopoes).



Fig. 13: Hoopoe (*Upupa epops*) Image credit to Zeynel Cebeci [CC BY-SA 4.0, <https://commons.wikimedia.org/w/index.php?curid=47637250>].

The hoopoe appears frequently in Egyptian iconography. Houlihan contends that Egyptians may have eaten the bird, in spite of their poor taste – in modern times one could buy their meat at markets.²²⁴ Driver picks up on their supposed unpalatability as the likely reason for their appearance on the list.²²⁵ His argument coincides with the foul-smelling liquid produced by females when they have nestlings.²²⁶

They may carry other significations. The Fifth Dynasty *mastaba* of Ptahhotep II depicts them in the hands of children, thus perhaps as pets. Furthermore, several funerary papyri and coffins depict them in sycamore trees.²²⁷ Their connection with children is limited to the Old Kingdom, however, which, along with the frequent identification of the child carrying it as the “eldest son,” leads A. Marshall to propose that it symbolically represented the designation of a particular child as the “crowned” child in the family.²²⁸ In either case, their proximity to the family might render them too close for consumption.

In conclusion, the female’s odor suggests a straightforward reason for their rejection as acceptable food in the biblical texts, though this did not carry through in the modern or possible the ancient Near East. Another possibility may be their connections with foreign deities, or simply their role as pets.

²²⁴ Houlihan, *The Birds of Ancient Egypt*, 120. Less certain about their consumption in ancient Egypt is Bailleul-LeSuer, “Exploitation of Live Avian Resources,” 178 n. 400.

²²⁵ Driver, “Birds in the Old Testament I,” 19.

²²⁶ Some have compared its odor to rotting meat.

²²⁷ Houlihan, *The Birds of Ancient Egypt*, 120.

²²⁸ Amandine Marshall, “The Child and the Hoopoe,” *Kmt* 26/2 (2015): 59–63.

3.17 עטלף: Bat

This final term, עטלף – bat – appears last in all ancient Greek versions (Gk. νυκτερίσις), returning to a stable tradition to conclude the series. However, the Peshitta in both verses offers *ἔως*, “peacock,” showing that the tradition retained some flexibility. BDB identifies the term as a clear loanword, given its quadrilateral root, suggesting a connection with the name of a type of locust in North Africa as ἀττέλεβος in Herodotus (4.172). The term also appears in the OG of Nah 3:17 for ארבה *’arbeh*, which makes this connection less likely.²²⁹

The Hebrew term appears once outside of these texts, in Isa 2:20.²³⁰ The context here is a judgment oracle that tells of people hiding in caves where they cast aside their idols to the animals who dwell there – bats and, traditionally, moles or perhaps shrews (הפרפרות).²³¹ So within the biblical texts, the emphasis for the bat is on their dwelling place in caves, associating them with darkness and a place of desolation.

Assyrian royal inscriptions use bats (*sudinnu*) to describe the actions of foreign armies engaged in furtive escape,²³² which accords them a negative connotation. Reiner also notes the use of a bat’s head in a salve for headaches.²³³

In both Akkadian and in Hebrew, the term appears, once again, to denote a super-terminal taxa, thereby including a number of specie subtypes.

Houlihan has two insights to add from Egyptian iconography. First, their appearance in an Eleventh Dynasty tomb from Beni-Hasan amidst a collection of birds indicates their classification as part of this group. Second, he takes a Hellenistic (Ptolemaic) period statuette of a bat to suggest some religious associations for the bat at this late date.

Overall, the most promising symbolic association for the bat arises from Isa 2:20: the association with a place of ruin approaches the connections for the קאת, בת יענה, and גינשוף among other creatures in the ruins. In this case, however, it suggests impending doom, rather than destruction in the past.

3.18 Preliminary Conclusions

Discussions of the individual terms have yielded a wide variety of mixed results, some of which are severely limited in their significance due to the lack of clarity surrounding individual lemmas, while others clearly bear important implications

²²⁹ There is little support for the insertion of the *lamed* proposed by Riede, *Im Spiegel der Tiere*, 176.

²³⁰ It also appears in the Septuagint in the Epistle of Jeremiah, 22.

²³¹ Cf., e. g., *HALOT*, 341.

²³² Marcus, “Animal Similes in Assyrian Royal Inscriptions,” 97.

²³³ Reiner, *Astral Magic in Babylonia*, 117.

for the larger questions surrounding the dietary laws as a whole. Many of these results go beyond or question previous approaches to the understandings of the flyers and the list.

First, while textual-criticism does not comprise the main focus of my discussion, the interest in identifying the field of meaning of the various terms for the large flyers necessitated glances at especially the Old Greek traditions. As a general note here, but discussed at length by Nihan and Angelini, the apparent stability of the list of birds between Lev 11:13b–19 and Deut 14:12b–18 does not extend to the Greek manuscripts, especially with regard to Deut 14.²³⁴ This situation indicates (1) as is well-known, that the text of Deut 14 MT likely stabilized only after the initial translation into Greek. However, (2) it also implies that the order of the flyers for sure, if not the categories of the flyers as well in this Deuteronomic textual tradition, concretize only in the fourth or later centuries BCE. However, the stability of the Leviticus list in the MT and the OG and the Deut in the MT does suggest the early stability of at least *one tradition of dietary prohibitions for flyers*. As I will argue below, this conclusion carries implications for the composition-critical analysis of the text: manuscripts only agree on the order of the first eight terms plus the bat (the final term),²³⁵ so this should mark the beginnings of composition-critical discussion.

Second, the above detailed analyses push forward understandings of the *scope* of the terms. What little discussion that has taken place about the philology of individual terms often limits their meanings to the *terminal* level, except in the case of terms followed by “according to its kind” (the *דייה* or *איה*, *ערב*, *גן*, and the *אנפה*). Beginning with *נשר*, which likely includes several eagle and vulture species, a number of the other terms could designate various *families* of birds.

Third, I have argued that one should show caution with regard to Driver’s understanding of the nature of the order of the list in MT Lev 11:13–19. His logic devolves into circular reasoning, which he himself cannot follow all the way through, especially when he comes to the hoopoe and bat. However, the system of categorization of larger to smaller types within a broader category (meant as a general loose group) of flyers, which may have merit for the first five terms (*נשר* through *איה*) – despite the inability to identify the precise nature of these terms – certainly breaks down no later than with *גן*. As a result, identifying the field of meaning for the terms from *בית יענה* onward unfortunately becomes even more precarious.²³⁶

Fourth, contrary to most prior discussions, some of these unclean/abhorred creatures *did* appear on the table in contexts in the ancient Near East. One that should perhaps not be included in this list, however, is the comparison with the *גן*

²³⁴ Nihan and Angelini, “Unclean Birds in the Hebrew and Greek Versions of Leviticus and Deuteronomy.”

²³⁵ Assuming that *הראיה* in Deut 14:13 represents a graphical error.

²³⁶ See also Houston, *Purity and Monotheism*, 45.

in Ugarit, which appears there on a list of provisions. This most likely represents a different bird than the Hebrew נָי (hawk). However, the Akk. *eššebu* (hawk) is used for medicinal purposes in Mesopotamia. Hoopoe has been for sale as food in modern Egypt, and this bird also appeared on the Neo-Assyrian menu. The cormorant also ended up on the table in some regions of ancient Egypt and Mesopotamia, a bird that most interpreters render either as שָׁלַךְ as I do, or as אֲנֹפֶה. Pelicans, if this is the קִאָת, and their eggs also appear ready for consumption in ancient Egypt. Finally, if בַּת יַעֲנָה signifies the ostrich, then this term represents yet one more fowl eaten in the ancient Near East, where its eggs and meat were consumed that the biblical text forbids.

Fifth, I have explored more fully some of the cultic and political associations that accompany these creatures in the larger environment of the composition of the biblical texts. Practically every flyer on the list – to the extent I can identify them – had acquired *some* cultic or cultural associations in the ancient Near East. However, the kinds of birds or animals – natural or mythical – with such associations are not limited in the slightest to those prohibited in these biblical texts.

One *might* suggest from the accumulated data that the prohibited birds demonstrate some kind of significant symbolic connection with the realm of death and rebirth at least in one of the major cultural contexts of the ancient Near East (Egypt or Mesopotamia). A number of the birds are carnivorous or eat carrion. Many instead acquire such connections through associations with particular deities linked to the imagery of death and rebirth, such as the black kite or various vultures with Nekhbet and Mut, the ostrich and its feather with Maat, or the heron with Dumuzi or as the phoenix (Egyptian *benu*-bird) with Osiris. Another kind of connection with death appears with the ibis, huge numbers of which are mummified during the Late Period in Egypt. The cormorant helped fisherman catch their prey. However, this hypothesis cannot bear the weight of functioning as a primary (unarticulated) criterion for prohibition of all the birds on the Lev 11/Deut 14 lists; more evidence is still required.

Of course such directions for explanations have quite ancient antecedents: Origen proposes that all animals viewed as oracular in nearby cultures were prohibited.²³⁷ My investigation of the use of birds in the *Šumma Alu* tests this line of thinking; however, the wide variety of flyers – both clean and unclean in biblical terms – negates the explanatory value of this direction.

In favor of a more general association with the realm of death and rebirth is the ability of this explanation to subsume the oft-proposed criterion of associations with dead flesh in carnivorous or carrion-eating birds. For the category of meat-eating birds fails to include all the categories of flyers included on the list. As such, this consideration manages to go beyond these types to include the

²³⁷ Ibid., 72. The reference is to Origen, *Contra Celsum* 4.93.

hoopoe, the ostrich, and maybe the bat as well, all of which do not fit the *ancient* category of carnivore.²³⁸

Perhaps the appearances of a number of these terms in prophetic woe oracle contexts both within the Bible (especially Isa 34:11–15) and without (in Deir Alla Combination I) can also contribute to this broader category of death.²³⁹ However, these texts do not move in the direction of rebirth, but rather destruction or a world turned upside-down.

In order to build on the foundational investigations of each lemma in this chapter, the next chapter will consider the composition-critical location of this section and its individual members. Chapter 5 will then provide a fuller discussion of the relationship of the prohibitions of these flyers within the context of the rest of the prohibited animals.

²³⁸ As *ibid.*, 44, notes, insects do not count.

²³⁹ See *ibid.*, 194–97. He has made a number of these connections.

Chapter 4

Composition-Critical Reflections on Lev 11 and Deut 14:3–21

4.1 An Overview of the History of Scholarship

Recent scholarship has presented four different options for the relationship between the two chapters, which I list here in order to provide an overview:

1. Veijola considers Lev 11 an expanded version of Deut 14.¹
2. Milgrom contends that Deut 14 consists of a shortened version of MT Lev 11.²
3. Nihan represents the widely-held position that Lev 11 and Deut 14 share a common source, which they both then elaborated with various details.³
4. Perhaps the most recent synthesis appears in E. Otto's Deuteronomy commentary, which returns to the priority of Lev 11, but in a staged development, rather more complex than Milgrom's reconstruction.⁴

Before analyzing the logic of each of these positions and showing how they relate to the verses on the flyers, several comments are in order.

First, regardless of which of the above four basic positions various interpreters adhere to, some consensus has emerged concerning the relationship between Lev 11:2–23 on the one hand and vv. 24–45 on the other. While differences in terminology occur (source text, P, P¹, P², P³, H), commentators generally view the verses primarily concerning *consumption* of animals in 2–23 as earlier than those concerning *contact* with them through touch in the later verses.⁵ The later verses themselves also arose at various times according to the general consensus. Milgrom, Nihan, and most view vv. 43–45 in close connection to the Holiness layer, given the similarities of v. 44's statements "For I am Yahweh your God" to

¹ Timo Veijola, *Das fünfte Buch Mose: Deuteronomium: Kap. 1,1–16,17*, ATD Teilband 8,1 (Göttingen: Vandenhoeck & Ruprecht, 2004), 295–301.

² Milgrom, *Leviticus 1–16*, 689–90. Also p. 700.

³ Christophe Nihan, "The Laws about Clean and Unclean Animals in Leviticus and Deuteronomy and Their Place in the Formation of the Pentateuch," in *The Pentateuch: International Perspectives on Current Research*, ed. Thomas B. Dozeman, Konrad Schmid, and Baruch J. Schwartz, FAT 78 (Tübingen: Mohr Siebeck, 2011), 401–32.

⁴ Eckart Otto, *Deuteronomium 12–34*, HTKAT (Freiburg im Breisgau: Herder, 2016), 1289–96.

⁵ Nihan, "The Laws about Clean and Unclean Animals," 409.

Lev 20:7; 24:22; 25:17; 26:1, 44; “you shall sanctify yourselves so that you will be holy” to Lev 20:7; and “for I am holy” in Lev 19:2; 20:26; 21:8.

Second, while further elaboration on this topic must wait for another context because it draws the discussion away from the primary focus of the birds, one question of relevance consists of the *relation between* the dietary laws (Deut 14:3–20/Lev 11:2b–23) and their larger contexts of P and D.⁶ For example, while Nihan and Milgrom (also Meshel) agree that Lev 11:(1)2–23 come from a different layer than vv. 24–38, Nihan argues that vv. 2–23 come from a source shared with D (which both then expand), while Milgrom reckons that vv. 1–23 are a part of the earliest layer of P (P¹).

Third, with only MT in hand, one does not become aware of the significant differences in the order of the lists from birds 9–18 present in OG Deuteronomy (vv. 15–18) that I have noted in the discussion of individual birds above. Nihan and Angelini appropriately conclude that this divergence represents a different tradition.⁷ And this will have important composition-critical ramifications, even as it further shows how text criticism and composition criticism overlap considerably more than traditionally thought to be the case.

Building on the text-critical foundation, Houston identifies various notions of numerical symmetry based on multiples of four: four unclean beasts in Lev 11:4–8 and four clean insects in v. 22.⁸ He also concludes that the list of birds originally contained eight unclean types. This proposal represents a change from the argument by W. Moran, which views the ten types from Deut 14 *without* תא as constituting the original list.⁹ The evidence of OG Deuteronomy militates against Houston’s conclusion: if the list of the first eight birds (through שחף; except for the ערב, which the Greek manuscripts omit) plus the bat remain stable in the OG Deuteronomy and MT of Lev/Deut + OG of Lev traditions, then the nine stable terms do not represent a multiple of four. Furthermore, one must reconsider the reasons for the uneven appearances of תא in the Deut 14 text and find Moran’s conclusion wanting.

4.1.1 Veijola: Deuteronomic Priority

T. Veijola lays out his view in his commentary on the first half of the book of Deuteronomy. He begins by positing that the entirety of the food prohibitions represents a secondary unit within the Deuteronomic laws because they demonstrate the *Numeruswechsel*. Furthermore, he sees no connection between these

⁶ On Deut 14 in D, see Altmann, “A Deeper Look at Deut 14:4–20 in the Context of Deuteronomy.” On Lev 11, see Nihan, *From Priestly Torah to Pentateuch*, 302–40.

⁷ Nihan and Angelini, “Unclean Birds in the Hebrew and Greek Versions of Leviticus and Deuteronomy,” 13.

⁸ Houston, *Purity and Monotheism*, 48.

⁹ See my discussion of Moran below.

prohibitions and the centralization in Deut 12, and no *Vorlage* for these verses appears in the Covenant Code.¹⁰ He instead proposes locating these verses close to what he sees as an exilic insertion in 12:15–16, which allow for slaughter and consumption of meat distant from the central sanctuary. In line with numerous interpreters, he takes the prohibitions in ch. 14 to represent the work of priestly instruction for the laity.¹¹

With regard to the relationship between the two chapters of Deut 14 and Lev 11, Veijola posits:

Es ist jedoch zweifelhaft, ob das Postulat einer gemeinsamen Grundlage nötig ist; denn abgesehen von der Vogelliste (Lev 11,13–19) lässt sich der Leviticus-Text als eine erweiternde und zugleich systematisierende Fassung von Dtn 14 verstehen.¹²

His argument for the dependence of Lev 11 on Deut 14 rests on the expansions concerning the banned large land animals in Lev 11:4–6/Deut 14:7 and the change in various places from טמא to שקץ. Finally, the omission of Deut 14:4–5 represents, for Veijola, a desire for systemization – such information is unnecessary and does not appear for the other categories of animals.

It is, of course, the very exception of the bird list that constitutes the object of my investigation. Veijola argues that these verses containing the types of birds in Deut 14 (vv. 12–20) constitute a secondary insertion into Deut 14. In other words, there is a back-and-forth diachronic relationship between the two chapters:

1. Deut 14:3–11
2. Lev 11:2–23
3. Deut 14:12–20

As the basis for this third step, Veijola sees the phrase מהם in Deut 14:11 as disruptive, and as borrowing from Lev 11:13's מן־העוף (which he understands as “von den Vögeln”). However, it would have made much more sense, if this was borrowed from Lev 11:13 to have begun Deut 14:11 with ואלה, rather than וזה in order to provide a plural antecedent for מהם. And there is certainly some slippage for מהם to refer to the singular (though collective) מן־העוף.

A second reason, perhaps the most important, is that Deut 14:11, 20 constitute a *Wiederaufnahme*:

- v. 11: כל־צפור טהרה תאכלו
 v. 20: כל־עוף טהור תאכלו

¹⁰ Veijola, *Deut 1,1–16,17*, 295.

¹¹ *Ibid.*, 296.

¹² *Ibid.*, 296–97.

In order to support this argument, Veijola attempts to show that עוף in v. 20, like צפור in v. 11, means “bird” and not “flyers.” However, this demonstrably goes against the reading of Deut 14, esp. v. 19.¹³

In any case, Veijola views the original text of Deut 14:3–21 to have been constructed on analogy with the divine table, and for this reason it begins with the large land animals. It then moves to water animals, and finally to the very short statement on fowl consisting only of v. 11.¹⁴ However, one may then ask how one would know which birds are clean? The earlier sections on large land and aquatic animals provide criteria, but there would neither have been criteria nor actual fowl species or categories for the fowl? Such an *Urtext* seems unlikely.

4.1.2 Milgrom: Levitical Priority

In his lengthy commentary on Leviticus, J. Milgrom sums up a lifetime of scholarship on the Priestly literature. When it comes to Lev 11 and Deut 14, he arrives at a rather simple conclusion: “... D must have had all of Lev 11 before him.”¹⁵ He provides several arguments in support.

First, he suggests that D’s concern for holiness in connection with these prohibitions arises from the similar concern in 11:43–45, commonly ascribed to H.¹⁶ Just as a quick remark, this argument assumes (contrary to Veijola, for example) that Deut 14 was composed of one piece, rather than growing in stages, with this holiness framework (in Deut 14:2, 21) representing a later addition.

Second, Milgrom takes as one of his clinching arguments the inclusion of the prohibition on *touching* the swine in Deut 14:8b, which agrees with Lev 11:8a, for touching unclean animals hardly concerns Deut 14. This is strong evidence for the supplementation of Deut 14:8 with *this* clause because it agrees with the similar expressions in Lev 11, but it is only an argument for the borrowing of *this clause*.

While Milgrom offers several other detailed arguments of some import, none of them are decisive, and some, like his reasoning for the change in D from שקץ to תמא for the marine animals and flyers, prove unpersuasive.¹⁷

More important for the discussion here are Milgrom’s reflections on the section on the birds. For the compositional history of this section, he grants the Lev 11 list priority on the basis of the appearance and usage of the phrase למיניו/ה/הו

¹³ See also my longer discussion of the terminology above, 1.1 (esp. 1.1.1 עוף).

¹⁴ Veijola, *Deut 1, 1–16, 17*, 297–98.

¹⁵ Milgrom, *Leviticus 1–16*, 703.

¹⁶ Cf. *ibid.*, 703.

¹⁷ See the detailed comments in Peter Altmann and Anna Angelini, “The Terms *Šeqeš* and *Tame’* in Lev 11:2–23 and Deut 14:2–20: Overlapping or Separate Categories?,” in *To Eat or Not to Eat?: Collected Essays on the Biblical Dietary Laws*, ed. Peter Altmann and Anna Angelini (Tübingen: Mohr Siebeck, forthcoming); Nihan, “Forms and Functions of Purity in Leviticus,” 413.

“according to its kind,” otherwise absent from Deuteronomy, suggesting that D borrows it from somewhere. And, while Milgrom does not state it explicitly, this is P’s style (cf. Gen 1), so it makes the most sense that D borrowed it from P.¹⁸

Milgrom also attempts to refute Moran’s argument for the originality of the ten fowl not preceded by אֵת¹⁹ with the argument that D would hardly leave out such prominent birds in the southern Levant as the עֵרָב “raven, crow.” However, this proposition completely disregards the evidence from the OG manuscripts of A and B, which follow an earlier form of the list that omits the raven, thereby suggesting that Milgrom may make some inapplicable presuppositions in his analysis.

Furthermore, over-reliance on MT without regard for OG A and B of Deut 14 leads Milgrom to the faulty conclusion that Deut 14:16–18 really are so close in their earliest form to Lev 11:17–19. As a result, Milgrom’s argument that Deut 14:11–20 had Lev 11:2–23 in front of it remains unconvincing.

4.1.3 Nihan: A Shared Source

The work of C. Nihan represents a return to a well-established position of a shared source for both Lev 11:2–23 and Deut 14:3–20. He points to a number of observations in support of his position.

First, the added material appearing in Deut 14:4–5 of the clean large land animals does not really make sense as either an expansion by D to Lev 11 or an omission by Lev 11. P is much more notorious for lists, so, if this had been present in Lev 11’s *Vorlage*, one would have expected Lev 11 to include it. Thus, these verses were likely absent in Lev 11’s *Vorlage*, so that *Vorlage* would not have been Deut 14, and Deut 14:4–5 represent a subsequent Deuteronomistic addition.

Second, Nihan devotes considerable attention to the presence of שֶׁקֶץ versus אֲמֹט in the section on the aquatic and avian animals in Lev 11:9–20/Deut 14:9–20. He convincingly concludes that אֲמֹט appears more likely to have been original, rendering the change in Lev 11 secondary.²⁰

However, Nihan also allows for later cross-pollination. This would make sense, for example, of the prohibition on *touching* the swine in 14:8b, so important for Milgrom’s position.²¹

¹⁸ Milgrom, *Leviticus 1–16*, 701.

¹⁹ Moran, “The Literary Connection between Lv 11,13–19 and Dt 14,12–18.”

²⁰ Nihan, “The Laws about Clean and Unclean Animals,” 412–13.

²¹ *Ibid.*, 416. Meyer seems to miss that Nihan argues this (Elias E. Meyer, “Leviticus 11, Deuteronomy 14 and Directionality,” *Journal for Semitics* 23 [2014]: 71–89). He opines (*ibid.*, 87): “Could it be possible to argue for some kind of position between Nihan and Achenbach/Milgrom? Something along the lines that ‘the authors of Leviticus 11 and Deuteronomy 14 had their eyes on some kind of *Vorlage*, but they also had their eyes on each other’? Both chapters were making use of a common *Vorlage*, but the authors of Deuteronomy 14 were highly conscious of what Leviticus 11 did with it and wanted to present a simpler version for lay people.”

Furthermore, it is this cross-pollination that forms the basis for Nihan's view of the section on the birds. He pays close attention to the Hebrew versus OG versions of this list, which, as I have also discussed in detail in chap. 3, reveal significant textual fluidity for the second half of the list of birds. Deuteronomy 14:14, 16–18 especially do not appear the same in MT as they do in OG A and B of these verses. He concludes:

Again, this observation can be more satisfactorily accounted for if we adopt the view that both Lev 11 and Deut 14 have freely adapted an earlier ritual instruction (which, in the case of the list of prohibited birds, may probably no longer be reconstructed in every detail), ...²²

However, despite the decisive insight that the list of birds remained fluid *into the Hellenistic period when the Pentateuch was translated into Greek*, Nihan's analysis nevertheless seems to operate as if Lev 11:13–19/Deut 14:12–18 functioned as stable texts within this period. His more recent collaboration with Angelini re-dresses this issue. They note that while the order varies, the terms used in the OG translations are the same.²³ Thus, one can conclude that a stable body of tradition for unclean birds existed, at least among the small group that translated Leviticus and Deuteronomy into Greek; however, this tradition did not (yet) include the raven. Thus, the almost completely identical names of birds but in different orders in the OG manuscripts point to a stable *body* of tradition, though not a stable textual order.²⁴

Might we perhaps speak of the overlap between written and oral traditions here? Or are there some other ways to account for these observations?

Finally, Nihan's discussion accords little attention to the question of why there are no criteria given for the birds, though birds also make up part of the animals designated for sacrifice. He simply suggests, "... the bird list actually replaces the criteria for distinguishing between clean and unclean species among land and water animals, and is therefore integral to the original classification."²⁵ He follows Houston in arguing that there was no set of criteria that could separate the clean from the unclean (or acceptable from abominable) birds.²⁶ I will consider this proposition in more detail below.

Could we argue for some kind of reciprocal relationship between the two chapters?" In fact, this seems to be exactly what Nihan is after, at least in terms of Deut 14 having an eye on the *Vorlage* and Lev 11.

²² Nihan, "The Laws about Clean and Unclean Animals," 416.

²³ Nihan and Angelini, "Unclean Birds in the Hebrew and Greek Versions of Leviticus and Deuteronomy," 15.

²⁴ *Ibid.*, 18.

²⁵ Nihan, "The Laws about Clean and Unclean Animals," 416 n. 24.

²⁶ Houston, *Purity and Monotheism*, 47; Nihan, *From Priestly Torah to Pentateuch*, 332–33.

4.1.4 Otto: Staged Levitical Priority

In his recent exhaustive commentary on Deuteronomy, E. Otto devotes significant attention to the question of the literary priority of Deut 14 versus Lev 11. He basically understands Deut 14:1–21 to represent a postexilic insertion into Deuteronomy on the basis of both the priestly terminology of pure and impure and the near verbatim citation of Deut 7:6 in Deut 14:2, 21.²⁷

In some ways, Otto's reconstruction stands very close to Milgrom's. Specifically, Otto also sees the phrase "after its kind" in Deut 14:13–15, 18 as indicating a Priestly origin (P^S) for Lev 11:1–23. Similarly, Otto finds the language of תהור "clean" and טמא "unclean" at home in the Priestly (P^S) Leviticus, especially in Lev 10:10–11, where the Aaronide priests receive the charge "to distinguish between the holy and the profane, and the unclean and the clean."²⁸

One problem that arises with Otto's assumption of attributing Lev 10:10–11 and Lev 11:1–23 to P^S comes with the use of the term שֶׁקֶץ in Lev 11:10, 12, 13, 20, 23 (also vv. 41–42). While תהור and טמא do appear in Lev 10:10, the term שֶׁקֶץ "abomination" does not. Therefore, this term receives no introduction in Lev 10.

Similar to Nihan, Otto rejects Milgrom's suggestion that the redactors of Deuteronomy had the entirety of Lev 11 before them because there is little reason why Deuteronomy would then only include a parallel of Lev 14:2–23 and not vv. 24–46. Contrary to Nihan, however, Otto finds the suggestion of the shared source methodologically questionable, positing instead that the postexilic redactors of Deuteronomy had access to Lev 14:1–23, 47, but not the P^S verses of 11:24–46. Similar to Römer and Meyer, Otto sees the purpose of this insertion into D as a way to bring D and P together into a Pentateuch.²⁹

However, when Otto comes to the list of birds, the analysis again takes a turn, arguing, like Veijola (see above) that the repetition of Deut 14:11 and 20 represents a *Wiederaufnahme* surrounding an insertion. Otto argues:

Da die Vogelliste in Dtn 14, 12–18 in die die Priesterschrift voraussetzende nachexilische Fortschreibung des Deuteronomiums eingefügt wurde, ist eine postredaktionelle "theokratische Bearbeitung" dafür verantwortlich, die Dtn 14 weiter an Lev 11 angleicht. Es ist unwahrscheinlich, dass die Vogelliste in der im Masoretischen Text bewahrten Fassung schon Teil der Priesterschrift in Lev 11 war. Die erheblichen Abweichungen in den Septuaginta-Handschriften von Vaticanus und Alexandrinus, die auf einen längeren Wachstumsprozess der Liste hinweisen ... sprechen dagegen.³⁰

²⁷ Otto, *Deuteronomium 12–34*, 1287–88. See my similar conclusion, Altmann, "A Deeper Look at Deut 14:4–20 in the Context of Deuteronomy."

²⁸ Cf. Lev 11:47; 20:25; Ezek 22:26; 44:23.

²⁹ Otto, *Deuteronomium 12–34*, 1293; Meyer, "Leviticus 11, Deuteronomy 14 and Directionality," 87. Meyer (*ibid.*, 72 n. 6) refers to Thomas Römer, *The So-Called Deuteronomistic History: A Sociological, Historical and Literary Introduction* (London: T & T Clark, 2007), 171.

³⁰ Otto, *Deuteronomium 12–34*, 1295.

Essentially, the differences between the OG and MT that I also address above lead Otto to view the MT version of the bird list in Lev 11 (and later Deut 14:12–18) as an addition to P. He argues that they only become part of Lev 11 quite late, such that the OG did not have it in the same form. There is considerable merit to this suggestion, whether or not it belonged to a “post-redactional ‘theocratic revision.’”

Otto argues that prior to this revision, the Deuteronomy text consisted simply of vv. 11, 20: “All clean flyers you may eat, but all swarming flyers are unclean for you. They shall not be eaten.”³¹

His explanation for such a compositional history proves less persuasive. First, why mention that one can eat all *clean birds* (כָּל־צִפּוֹר טָהוֹר), if the text neither makes mention of nor offers descriptions of *unclean birds*, but only unclean flying swarmers (v. 19: כָּל שָׂרִץ הָעוֹף טָמֵא “all flying swarmers are unclean”)? Second, he goes on to argue that the order of the animals follows their degree of importance: large land animals, aquatic animals, and birds. Like many earlier interpreters, this certainly is correct insofar as it lays the emphasis on the large land animals central for sacrifice in keeping with Deut 12 (and Lev 1–7), but it cannot explain why the water animals – keeping in mind that ancient Hebrew has no further words for mundane aquatic life than דָּג “fish”!³² – appear before the birds. Fowl, too, could (at some point) be sacrificed, and Hebrew, like its neighbors, had many terms for birds as well as considerable experience with them. Thus, avian creatures, by this logic, should precede aquatic ones.

One might point out that Deuteronomy does not specifically mention birds as offerings. Consumption of birds only appears otherwise in Deut 22:6, which forbids taking both a bird and its young or eggs. In any case, this could not explain the reason for the list’s omission and then later addition to Leviticus.

Thus, while carefully constructed in many regards, Otto’s argument fails to explain several important aspects of the two texts.

4.2 The Relationship between Lev 11 and Deut 14

Debate over the directionality of dependence or common source for the redactional growth of the prescriptions in Lev 11/Deut 14 has, therefore, continued unabated. In order to lay out my position on the list of birds, I will begin by summarizing applicable reflections from the above positions, then I will detail the comparison between the two texts (and versions) in Lev 11:13–23 and Deut 14:11–20.

³¹ Ibid., 1305.

³² Unless one turns to Leviathan, the *tannin*, and to the interpretation of the term *tehašim* in Exod 25:7, etc. as “dolphin” or “porpoise,” which is debated.

As I have also highlighted in my discussion above, the list of birds does not necessarily follow the “global view” of the rest of the earlier sections, especially the section on the large land animals. Veijola and Otto both, as a result, view the list of birds as a secondary insertion: their main support comes in the form of the use of the Priestly terminology למיני (or similar) and in the *Wiederaufnahme* of Deut 14:11, 20. They are left with rather minimal indications of *which* birds the stipulations then permitted – a decided weakness to their position. However, this discussion does highlight the difference in form of this section addressing the flyers to both preceding sections: the section addressing large land animals provides both criteria and lists of prohibited (and acceptable in Deut 14:4–5) animals. The section on aquatic creatures only provides criteria. The list on large flyers offers solely a list of prohibited animals. The short section addressing small flyers (שרץ העוף “swarming flyers”), which I take as an insertion, first to Deut 14 and later to Lev 11,³³ provides criteria and examples of acceptable animals in Lev 11 (vv. 21–22).

Only Nihan and Otto attempt to deal with the textual differences presented by the OG A and B. These differences in themselves minimize the persuasiveness of Milgrom’s contention that Deut 14 had Lev 11 MT before it.

Overall, I draw from the *agreement* in the OG of A and B on the terms included (and excluded with regard to the raven/crow) that something of a stable tradition existed in the various *Vorlagen* that led to Lev 11:13–19 MT and OG, as well as in Deut 14:12–18. However, perhaps the tradition was oral rather than written, and this prompted the variable order, or otherwise an earlier shared text allowed for the production of memory variants.³⁴

1. The introductions to the subsections are different in each of the texts:³⁵

Lev 11:13a	Deut 14:11–12a
ואת־אלה תשקצו מן־העוף לא יאכלו שקץ הוא לכם	כל־צפור טהרה תאכלו וזו אשר לא־תאכלו מהם
Now these you shall abhor from the flying [creatures], they shall not be eaten; it is abhorrent for you.	Every clean bird you may eat, but this [is] what you shall not eat from them.

In keeping with Deut 14:4, 9, and especially 20, Deut 14:11 focuses on animals permitted for consumption. In the first two cases, however, the text does not mention that one may eat the “clean” animals (land animals and fish), stating

³³ See discussion below, 4.3.

³⁴ On the notion of memory variants see David M. Carr, *Formation of the Hebrew Bible: A New Reconstruction* (New York: Oxford University Press, 2011), 18–35, 294.

³⁵ For the important detailed comparison of the versions (LXX, SamP), see Nihan and Angelini, “Unclean Birds in the Hebrew and Greek Versions of Leviticus and Deuteronomy.” I will begin from the MT of both versions, highlighting text-critical differences from the LXX when they influence my argument.

instead simply “this ... you may eat.” The addition of טהרה/טהר in 14:11, 20 suggests the logical possibility, given that the *unclean* birds appear in vv. 12–18/19, that all birds/flyers not mentioned receive the status of “clean.”³⁶ Another *logical* possibility introduced by Deut 14:11 is that there *could be* clean animals that one could not eat, at least in the aquatic and large land animal categories, for 14:4–5, 9 only state which animals one can eat, while giving the reason for prohibited animals as “they are/it is unclean for you” in vv. 7, 8, 10, 19. Most interpreters, presumably correctly, conflate the terminology for Deuteronomy of clean = allowed for consumption and unclean = prohibited for consumption. However, this does require a (small) step in logic.

As Veijola points out,³⁷ it can only be assumed from the logic of the content of Deut 14:12 what the referent is for מהם in the phrase לא תאכלו מהם. The closest referent concerns “every clean bird” in v. 11 (כל-צפור טהרה תאכלו), but this would upset the identification of clean = edible. In other words, perhaps there is another category of “unclean birds” that does not even get mentioned in the section because it is simply self-explanatory that such birds are prohibited? While I do not think this the case, the text does allow for such a reading. Instead, read in context, מהם refers to צפור, as a collective for birds.³⁸

Leviticus 11:13 takes a different tack. It focuses on what one should abhor and shun (תשקצו) rather than what one may eat because it is clean (not abhorrent). With this determination, Lev 11:13’s approach to flyers differs from its formulations for the land animals (11:2, 5–7, 8) and the fish (11:9) in several ways. The most prominent differences within these sections of Lev 11 consist in the ordinances for the land animals, which employ the term טמא for the animals one should not eat (in keeping with Deut 14 of course), while the term for addressing the sea creatures and flyers is שקץ (cf. 11:10 v. Deut 14:10).

In addition to the use of the term שקץ, Lev 11:13 also focuses the attention on what one should *not* eat (לא יאכלו), more like 11:4 than 11:2, 9. Thus, in this way, the section on the flyers differs from the previous two. Is this incidental? Something emphatic also appears in the ban of 11:13, given that it opens with the object ואת-אלה (rather than the verb), and then it states that one should shun the flyers, going on finally to make explicit that they shall not be eaten because they are abhorrent (or “shun-worthy”): לא יאכלו שקץ הם.³⁹

³⁶ Deuteronomy only accords the status of clean/unclean to humans and animals. The nominal uses of the terms טהר and טמא appear solely in 12:15, 22; 14:7, 8, 10, 11, 19, 20; 15:22; 23:10; 26:14; and 32:43. Outside of Deut 14, the terms always refer to humans.

³⁷ Veijola, *Deut 1, 1–16, 17*, 297.

³⁸ The term operates as a collective without כל in Gen 15:10; Ps 8:8; 148:10; so it need not represent a careless reference to Lev 11:13, as Veijola (*ibid.*) assumes, though that possibility also exists.

³⁹ There is a long line of interpreters who recognize the differences between these terms: cf. Naphtali Meshel, “Food for Thought: Systems of Categorization in Leviticus 11,” *HTR* 101.2 (2008): 213–14. He states, “טמא, when attributed to a species, designates ‘ritually defiling, and

In any case, a comparison of the two openings to the sections, Lev 11:13 and Deut 14:11, reveals decided differences that employ variations in terminology and also in their approach to the prohibited birds, not to mention differences from the other categories in their respective contexts of Lev 11 and Deut 14. At minimum, these contrasts point strongly in the direction of the work of different composers that shaped the subsequent material for each individual setting.⁴⁰

2. Turning to the list of “large flyers” in Lev 11:13b–19/Deut 14:12b–18 itself, Moran has laid out an important compositional argument.⁴¹ He notes that the list in Deuteronomy splits evenly between ten names without the sign of the direct object (את) and ten with it.⁴² On the contrary, the list in Lev 11 includes את for every large flyer except האנפה. Moran concludes from this data that the list in Deut 14 originally consisted of the ten members without את.⁴³ His list consists of:

הנשר והפרס והעזניה והדאה ... והתנשמת והקאת ... והחסידה והאנפה והדוכיפת והעטלף

Then, at some later point, he argues, Deuteronomy added the other ten birds *from Leviticus*.⁴⁴ Thus, he opines for a back and forth relationship between Deut 14 and Lev 11. The absence of the ערב (“crow/raven”) from the OG of *both* Deut 14 and Lev 11 fits well with Moran’s position because את also precedes ערב.⁴⁵

However, as Houston points out, Moran’s argument does not adequately account for the divergences in LXX A and B of Deut 14:16–18 (which in MT mostly parallel Lev 11:17–19).⁴⁶ Thus, neat as it appears, Moran’s criterion likely does not lead back to the earliest shared tradition. In specifics, Moran’s solution does not work for the three terms והדוכיפת והאנפה והחסידיה, which exhibit considerable instability in the OG manuscripts of Deut 14:18.

Working backwards from the text-critical material from the OG and the MT texts produces a shared stable transmitted text for the first nine terms minus ערב plus עטלף (bat) at the end for both Lev 11:13–16, 19 and Deut 14:12–15, 18, which renders the following nine terms:

also prohibited for consumption’; שקץ indicates ‘prohibited for consumption, but not ritually defiling.’” He notes that this conclusion appears in Milgrom, David Zvi Hoffmann, and the Sifra. For more detail on his view and my rejection of his particular understanding of the difference between the terms (in favor of the considerable overlap of their fields of meaning), see Altmann and Angelini, “The Terms *Šeqeš* and *Tame*’ in Lev 11:2–23 and Deut 14:2–20.

⁴⁰ Similarly Nihan, “The Laws about Clean and Unclean Animals,” 414.

⁴¹ Moran, “The Literary Connection between Lv 11,13–19 and Dt 14,12–18.”

⁴² This calculation assumes that the terms והדיה and והראה represent a textual corruption (between *daleth* and *resh*) and dittography.

⁴³ Moran, “The Literary Connection between Lv 11,13–19 and Dt 14,12–18,” 274.

⁴⁴ *Ibid.*, 276.

⁴⁵ This line of argumentation speaks against Houston’s contention, which sees multiples of four as decisive. Without the ערב, Houston’s solution becomes unsustainable, at least until quite late in the transmission process.

⁴⁶ Houston, *Purity and Monotheism*, 62.

נשר פרס עזניה דאה איה בת יענה תחמס שהף ... עטלף

Vulture 1 (+ eagle), vulture 2, vulture 3, kite?, falcon?, ostrich, owl, gull? ... bat

Moran's concern with the partial appearance of the sign of the direct object (in this list it appears four times: ואת־איה...ואת בת יענה ואת־התחמס ואת־השהף) receives no clarification from the text-critical discussion, and I do not have an alternate explanation for it, other than to suggest it is for literary variety, but I recognize the *ad hoc* nature of this argument.

All the other ten terms that occur in the large majority of the manuscripts do so in different orders. Examples from the OG include *ἰέραξ, νυκτικόραξ, καταρράκτης, ἴβις, πορφύριων, πελεκάν, κύκνος, ἐ/ἀρφιδίος, χαραδριός, and ἔποψ*. This divergence in order makes the questions of composition more complicated.

What can be concluded from this list of lemmas arising from the text-critical operations? Houston argues that the terms that appear in the same order in the major manuscripts represent the original tradition except for one exception: based on a numerological argument (that multiples of four were important in this early tradition), he opts to view the final term, the bat, as added secondarily.⁴⁷ In favor of this conclusion is its separation from the other eight terms. However, the question remains unanswered as to why all the Hebrew and OG manuscripts agree with regard to its inclusion in the final position? Perhaps the עטלף “bat” was original, but its significant difference from the other creatures (supposing this was also recognized in antiquity) repeatedly relegated it to the final position of the list?

Another possibility – supported perhaps by the slightly different ritual texts for the *same* ritual found in Ugarit,⁴⁸ or for the various descriptions of Passover in e. g., Exod 12–13 and Deut 16, is that some bearers of the tradition did not view it important to transmit the birds in the same order every time. Such an argument favors a *larger, more stable number of flyers* belonging to the earlier tradition: they simply did not appear in the same order except for the first 8* plus the last one. Perhaps this scenario fits better with an originally *oral* tradition?⁴⁹ Only at some

⁴⁷ Ibid., 47–48. His clearest statement comes on *ibid.*, 65: “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.”

⁴⁸ For example, *KTU 1.40* (RS 1.002) and related texts. Cf. Dennis Pardee, *Ritual and Cult at Ugarit*, WAW 10 (Atlanta: Society of Biblical Literature, 2002), 77–83. Along with several fragments (RS 24.270A, RS 24.270B, RS 24.650B, RS24.652G+K), he lists RS 17.100A+B, which shows “... that significant differences existed between performances” (*ibid.*, 77). This presents some important comparative support in favor of Houston's position, *Purity and Monotheism*, 64. However, the dietary prohibitions are *not* a sanctuary ritual, which does somewhat mitigate the importance.

⁴⁹ In this particular regard, I concur with Houston, *Purity and Monotheism*, 64. This conclusion leads me, however, *contra* Houston, to argue for a fuller list much earlier in *both* Lev 11 and Deut 14.

later point, taking place *after* the translations of the books into Greek, did scribes find it necessary to harmonize the Hebrew of Deuteronomy 14:16–18 back in the direction of Lev 11:17–19.

This hypothesis, if correct, may assist slightly in furthering the more solid identification of the terms: in this case the Greek renderings for the terms in Lev 11:16–19 receive more validity, at least for the time of the third century BCE when scribes ostensibly first translated Leviticus.

Another consequence of this hypothesis is that the authority of at least *this part* of the Pentateuch did not extend to the order of the details for the dietary prohibitions. Such a situation fits well for the rise of the importance of dietary distinctions increasingly manifested in the encounter with Hellenism and on display across biblical texts such as Dan 1, Judith, and Maccabees.

3. The conclusions of the lists consist of the largest differences. The most obvious coming in the divergence in treatments of the small (swarming) flyers in Lev 11:20–23 versus Deut 14:19, which the next section addresses. Furthermore, Deut 14:20 provides an overarching conclusion to the section on the flyers that has no parallel in Lev 11.

4.3 *The Small (Swarming) Flyers*

While this study has focused mainly on the large flyers – the birds and bats, the lists in both books also consist at least of a minor mention of what I would designate the “small flyers,” called *כל שרץ העוף* “every swarmer of the flyers” (Deut 14:19/Lev 11:20, 23). This section will address the added terms in Lev 11:21–22 and the compositional history of the sections.

First, in terms of current scholarly discussion, Otto argues that the section from Deut 14:11–20 originally consisted of the *clean* birds designated in v. 11 and the *unclean* swarmers in v. 19.⁵⁰ Nelson opines that Deut 14:19 can only be understood elliptically, in light of Lev 11:20–23 (thus apparently assuming Levitical priority).⁵¹ Nihan, in contrast, argues that Lev 11:20–23 seeks to set apart a few kinds of flying insects as acceptable, thereby mitigating the total ban in Deut 14:19.⁵² At the core of this disagreement, it is important to note that one key question is whether the texts clash, as stated directly by Houston as the only place where a stark opposition obtains in the two lists of prohibitions.⁵³ Nelson’s position attempts to dampen the disagreement by suggesting that Deut 14:19 requires that one understand it in light of Lev 11; he therefore solves the disagreement

⁵⁰ Otto, *Deuteronomium 12–34*, 1305.

⁵¹ Richard D. Nelson, *Deuteronomy: A Commentary*, OTL (Louisville: Westminster John Knox, 2002), 180.

⁵² Nihan, “The Laws about Clean and Unclean Animals,” 287.

⁵³ Houston, *Purity and Monotheism*, 48. Houston (*ibid.*, 65) views Lev 11:21–23 as secondary.

by means of a reading strategy. This certainly may work on the level of the final text, but it may also avoid the difficulty present in the compositional history of the texts themselves.

Several observations on the texts prove helpful in discerning the most likely option. First, Deut 14:19 begins with a *waw* that links the verse to the discussion on the large flyers in v. 18. This copula does not appear in Lev 11:20, thereby setting the statements apart more clearly as their own section in Leviticus. Both open with *כל שרץ העוף*, after which Lev 11 has a plus of *על-ארבע* (“walking upon four [legs]”), which they both follow with their respective terms for unclean (Deut) and abhorrence (Lev) + *הוא לכם*, “it is unclean/abhorrent for you.” Deuteronomy then ends with a further clause: *לא יאכלו*, which does not show up in Lev 11. Thus:

Deut 14:19: *טמא הוא לכם לא יאכלו* *וכל שרץ העוף*

Lev 11:20: *כל שרץ העוף ההלך על-ארבע שקץ הוא לכם*

In the Leviticus version, the allowance is thus made in vv. 21–22 that *some* of them can in fact be eaten. Then, v. 23 provides a *Wiederaufnahme* (resumptive repetition) of the content of Lev 11:20:

Lev 11:20: *כל שרץ העוף ההלך על-ארבע שקץ הוא לכם*

v. 23: *וכל שרץ העוף אשר לו ארבע רגלים שקץ הוא לכם*

Verse 23 actually begins with a *waw*, and then it describes the four-legged walkers as those “which to it [are] four legs,” presenting a minor difference in the description of the creatures. In any case, the repetition provides textual support for the hypothesis of the redactional nature of Lev 11:21–23.

Before drawing conclusions about the compositional history, I provide a short overview of the philology of the terms in Lev 11:22. In the MT of Lev 11:22, the four acceptable creatures are the *אורבה*, *סלעם*, *חרגל*, and *חגב*.

The LXX understands the acceptable categories of the flying swarmers as:

1. *βροῦχος*, appearing ten times for “locust.” In this text it comes first, so it is paired with *אורבה*, which it only otherwise renders in 3 Kingdoms (1 Kgs) 8:37. It most often renders *ילק*, which is absent from this passage (e.g., Joel 1:4; Ps 104[LXX 105]:34).

2. *αττάκης*, appearing only this once, and its placement in the second position would render *סלעם*.

3. *ἀρίς*, a term appearing thirty-five times for “locust” in LXX. Unfortunately, while it often represents *אורבה*, if the MT order is to be followed, then in Lev 11:22 it translates *חרגל*. Furthermore, in other texts it renders *חגב* and additional terms. The term is also relatively common outside of biblical literature.⁵⁴

⁵⁴ Including Iliad 21.12, Aristophanes, *Acharians*, 1116, and others.

4. The final term, ὄφιομάχη is also a term that only appears this once and corresponds to חגב, but means “one who fights with snakes.”⁵⁵

It may well be that, like with the list of birds, there is some variability in the order of these insects between the Hebrew and Greek versions. In support, two terms in both the LXX (αττάκης and ὄφιομάχη) and the MT (חרגל and סלעם) only appear here in the Bible, but they do not match with regard to their orders.

The first term, ארבה, is by far the most common. It appears in the Egyptian wonders in Exod 10, in the curses of Deut 28:38 and Sefire 1 A 27 (in Old Aramaic), and in the scourges of 1 Kgs 8:37; Jer 46:23; Nah 3:15, 17; and elsewhere. Its cognates also occur in Ugaritic as *irby* and Akkadian *erbū* (*a/eribu*). Akkadian offers several different kinds of locusts by making *erib* construct to other nominal forms: *erib garābi* “lepra-covered locust” and *erib turbu’ti* “dust locust.”⁵⁶

In Ugaritic (*KTU* 1.3.II.10), something can be “above her like locusts,” suggesting flying creatures. Riede takes this term to denote fully developed locusts, alluding to the root *r-b-h* “to be many.”⁵⁷

Similarly, the second most frequent term, חגב, also has Ugaritic equivalents, especially as part of the divine name Rešep ḪGB, though this does not offer much in terms of added detail.

The third term, חרגל, appears to concern a non-Semitic root. *HALOT*, however, compares it with the Arabic *ḥarjal* and related terms as dissimilation from the root *ḥjl* II “to hop.”⁵⁸ This indicates a creature that does not fly. A cognate also appears in Akk. *irgilu* – a phonetic variant of *irgišu*, which is mixed in a ritual text with other animals.⁵⁹

Finally, there is even less information for סלעם, where the best suggestion may be the Egyptian *snḥm* or Arabic *sal’afa*.⁶⁰ Both of these suggest non-Semitic roots. One option from Semitic would be understanding the final *mem* as an enclitic, rendering the root *s-l-‘*, found in the common noun סלע *sela’*, “rock, cliff, crag” and the verb in Arabic meaning “split.”⁶¹ The exact connotation this would then bear for a type of small swarming flyer does not readily emerge.

As a result, on the path through philology and text criticism, one new insight that emerges is a divergence in order in the LXX from the MT of Lev 11:22, in a

⁵⁵ LEH, 452.

⁵⁶ Note also the terms for a certain crustacean as *erib nāri* “river locust” and *erib tāmti* “shrimp” (possibly; the term means “sea locust”). Cf. *CAD* E:289–90. There are also many other terms for them, both as constructions including *erbu* and otherwise.

⁵⁷ Riede, *Im Spiegel der Tiere*, 194. It is unclear to me whether he suggests this as the root or not. Certainly the presence of the /y/ in the Ugaritic cognate suggests that this could be the case.

⁵⁸ *HALOT*, 350. BDB, 353, “run right and left, run swiftly,” from G. W. Freytag, *Lexicon arabico-latinum* (Halis Saxonum: Schwetschke, 1830).

⁵⁹ *KAR* 91. r. 12. Cf. *CAD* I/J: 176. The term appears in *Ahw* as *ergilu* or *ergišu*. Both draw from B. Landesberger, *Fauna*. Van Soden posits “Wanderheuschrecke?”

⁶⁰ *HALOT*, 758. BDB, 701.

⁶¹ *HALOT*, 758.

way analogous to the order of the birds in Deut 14:17–19. This suggests that the text of Lev 11:22 also remained more fluid in the Hellenistic period, meaning that less standardization had taken place.

As hinted above, I am inclined to see Lev 11:21–23 as an addition to the source that became the text of Lev 11:20 and Deut 14:19. The source therefore bears more similarity to Deut 14:19 in that it contained תמא rather than שקץ. It goes beyond my insights to decide whether or not any mention appeared in the source like the “it should not be eaten” in Deut 14:19.

One might, therefore, inquire as to what such a text without the provision for consumption of locusts or grasshoppers might suggest. Such animals go missing in the list of provisions for Assurnasirpal II’s Calah banquet and from Solomon’s regular provisions (1 Kgs 4:22–23 [ET: 5:2–3]), indicating their likely lack of importance for royal cuisine. However, at least the *erbu* appear often enough in Akkadian letters, also in conjunction with royal consumption, that they were certainly far above the level of something despised, at least in Old Babylonian and Neo-Assyrian texts, not to mention as part of a soup in the Akkadian “Dream Book.”⁶²

This information on the widespread consumption of the locusts proves quite puzzling for interpreters, like Milgrom, who might view Deut 14 as the “lay version” of Lev 11. If Deut 14 meant to provide a manual for lay decision-making that attempted to summarize Lev 11, then one would expect permission to eat locusts in the Deut 14 version. Instead, the lack of information on the locusts more likely points to the impetus that led those responsible for Leviticus 11:21–23 to add this provision for completeness, fitting with the Priestly impulse for completeness on display in Gen 1.

4.4 Compositional Hypothesis

What results can be drawn together from the above analysis? First, there are significant differences that mark the inclusion of this similar material in Lev 11:13–23 and Deut 14:11–20. While the lists of birds in the MT and OG traditions basically include the same designations, enough divergence exists to suggest that the shared tradition continued to fluctuate. The most obvious textual example appears in the absence of the raven/crow from major Greek manuscripts. In addition, the different orders of the same terms in OG A and B of Deut 14, esp. vv. 16–18, indicate that the tradition remained fluid and some harmonization of the MT tradition – though never completed with regard to the placement of שלך and the text-critical infelicity in Deut 14:13 MT of והראיה – took place in the Hellenistic period.

⁶² Iii 9. Cf. CAD E: 257.

Second, moving backward in time, come the seminal questions of (1) which biblical text was primary or was there a shared source, and (2) was the section on the birds an addition?

In order to provide responses to these questions, a first category of data arises from the distinctive terminology and structures of the opening verses. In Lev 11:13 the term שֶׁקֶץ appears in both verbal and nominal forms. In the corresponding verse of Deut 14:11, not טמא but rather תהרה *tahorah* is found. This distinction constitutes a clear argument against direct borrowing in either direction, instead supporting the conjecture of a shared source of the terms for the birds. Each of the respective texts adopts the lists for their own use, though the shared use of the terminology of טמא likely suggests that this conception (and thus Deuteronomy's תהרה) derives from the shared source.

Turning now in more speculative directions, I return to the discussion on the cultic use of birds. It is quite clear that both Lev 11 and Deut 14 display considerable concern for the large land animals. In both cases this likely arises in connection to the use of the large land animals in cultic offerings. As I have noted above, the birds, however, never appear as sacrificial animals in Deuteronomy. Furthermore, good arguments exist for concluding that the appearance of fowl in Lev 1:14–17 and elsewhere in the sacrificial prescriptions in Leviticus and Numbers are secondary.⁶³

If the birds were latecomers to P's sacrificial altar, then this raises the possibility that they were perhaps also latecomers to the dietary prohibitions. As I have laid out above,⁶⁴ Lev 11:2–23 *does not* accord nearly as easily with the three-part structure of Gen 1 as interpreters often claim. Simply put, there are four categories in Lev 11:2–23. Thus, one cannot argue for the original inclusion of the flyers in Lev 11:2–23 as an attempt to maintain that tripartite structure. In other words, there may be good reason to consider the possibility that the lists, *especially* Lev 11, did not originally include the prohibitions on the flyers – large or small.⁶⁵

In any case, it seems clear that the prescriptions concerning large land animals in Lev 11:2–8/Deut 14:3–8 fit the program of *both* Lev 1–7 and Deut 12 far more than the discussions of aquatic or avian animals in Lev 11:9–23/Deut 14:9–20. However, I find it more likely that there was a tradition of acceptable and unacceptable animals for consumption that would all separate into three or four categories, though in a somewhat fluid form.⁶⁶

⁶³ For discussion see Nihan, *From Priestly Torah to Pentateuch*, 205. He argues that Lev 1:14–17 is the earliest appearance of the fowl in sacrifice in Leviticus, and it is presupposed by 5:7–10.

⁶⁴ Chap. 1.

⁶⁵ I would argue the same may have been the case for the aquatic creatures as well, given the plethora of unclean fish bones found throughout the southern Levant – in Judean-Jewish settlements as well as elsewhere, until quite late. See Lernau, “Remains of Kosher and Non-Kosher Fish in Excavated Sites in Israel.”

⁶⁶ One should note the remaining divergence in the order of the large land animals as well

Why? The main reason lies in the stipulations on the aquatic animals. At least in the literature of the Hebrew Bible, this category of animals was the *least* important in terms of foodstuffs in ancient Israel. While the archeological data for water creatures continues to grow in considerable fashion, such consumption did not appear to carry much weight for the circles concerned with these traditions. Specifically, though a number of fish bones from acceptable and prohibited species appear among archaeological remains – justifying the mention of the “Fish Gate” in Jerusalem in the postexilic texts of Neh 3:3; 12:39; 2 Chr 33:14 (and pre-exilic Zeph 1:10) – never do they constitute offering material in the Hebrew Bible, nor do they undergo any differentiation. Still, their mentions in Lev 11:9–10a and Deut 14:9–10a are almost verbatim, except for the addition in Lev 11:9c. I find it difficult to imagine separate origins for the stipulations in both texts. Putting this together with the stable inventory (albeit with a fluid order) in the list of birds in the two chapters, one arrives at a solid basis for the contention that the sections of the lists belong to the same source.

Therefore, I find the best location for the compilation of different kinds of animals – some with criteria (large land and aquatic animals) and others with lists of prohibited animals (large land animals and birds) in a shared pre-P and pre-D source – whether written or oral is difficult to establish.⁶⁷ Yet, such a determination is problematic in itself: the best argument *against* this reconstruction lies in its incredibly hypothetical nature.

In favor of such a conjecture is the considerable overlap between the two texts, which, nevertheless, does not fit exceedingly well into *either* Priestly or Deuteronomistic theological, anthropological, or cosmological conceptions. Little debate exists over the foreignness of the language of clean–unclean to Deuteronomy. It only appears elsewhere in Deut 12:15, 22; 23:10; 26:14 (also in the Song of Moses in 32:43); however, in all of these cases except for 32:43, the focus remains on the status of an *individual* person in the Israelite community. While the concept lies much closer to Priestly concerns, the overlap between אטמא and שקץ, and especially the secondary nature of שקץ in Lev 11:11, militates against the source originating in Priestly circles – that is, in those specific circles from which the Priestly document and literature arose. Rather, a more likely *Sitz-im-Leben* appears as more broadly priestly (that is, cultic and sanctuary related) settings.⁶⁸

with regard to the hare, which comes after the camel in Deut 14:7, but after the שפן (hyrax or rock badger?) in Lev 11:6.

⁶⁷ Note the discussion of the possibilities of various oral forms of the tradition in Houston, *Purity and Monotheism*, 64. However, see the critique in Nihan, “The Laws about Clean and Unclean Animals,” esp. 413 n. 20. See also above 4.2.

⁶⁸ For a considerably more detailed discussion of the origins of these prohibitions, see Peter Altmann, “The ‘Origins’ of the Dietary Prohibitions,” in *To Eat or Not to Eat?: Collected Essays on the Biblical Dietary Laws*, ed. Peter Altmann and Anna Angelini (Tübingen: Mohr Siebeck, forthcoming).

Furthermore, as Nihan and Houston argue, such an understanding allows for the possibility that each tradition – P and D – could incorporate and make additions to the received source.⁶⁹ Such a compositional history results in the distinguishing introductions in Deut 14:11–12a versus Lev 11:13a, which only fully disagree in their formulations. Similarly, the conclusion in Deut 14:20 has no counterpart in Lev 11.

Third, the lack of agreement in the categories of animals in Lev 11:2–23 with Gen 1 indicates that this body of tradition *preceded* its inclusion into P. The four categories in Lev 11 contrast with the three in Gen 1 (and Deut 14!). I would not expect such a situation to result if P formulated the categories of animals in both Gen 1 and Lev 11:2–23.⁷⁰

What I am suggesting, therefore, is that the earliest written versions of Lev 11:2–23 and Deut 14:3–20 included the stipulations on the flyers. Given the secondary reaction in Lev 11:21–23 to Deut 14:19, however, the allowance of the consumption of various locusts proves secondary *at least* to the underlying shared source of Lev 11 and Deut 14, but most likely was added when the section as a whole was brought into P.⁷¹

⁶⁹ Houston, *Purity and Monotheism*, 64–66; Nihan, “The Laws about Clean and Unclean Animals,” esp. 415.

⁷⁰ Including the later P and “H” layers of Lev 11:24–47 may alter the landscape of this discussion, but critical scholarship (whether European, Israeli, or North-American) views these verses as later, so they do not play a role in the discussion of the earliest compositional layers.

⁷¹ I tend to see it as a part of the earliest layer of P (P^G according to Central European terminology, or P¹ in Milgrom’s terms).

Chapter 5

Why Ban *These* Birds?

I now turn to the thorniest issue and simultaneously the climax of my study: why ban these particular birds? While the biblical texts do not give us one, does a unifying logic undergird the reason for their prohibition?

In short, I provide a negative answer: unlike some especially rabbinic and modern interpretations, no single logic exists to explain the prohibition of every flyer in Lev 11:13–19/Deut 14:12–18.

In taking this view, I am arguing against several prominent perspectives in current scholarship. First, my discussion opposes Milgrom's attempt to link the prohibitions on all unclean and abhorrent animals to the prohibition on eating blood, especially as indicated in Lev 17:10–14.¹ He states:

The answer surfaces in realizing that this list of prohibited animals (Leviticus 11, Deuteronomy 14) forms a unified and coherent dietary system with the blood prohibition and the prescribed slaughtering technique whose clear, unambiguous purpose is to inculcate reverence for life. Once this conclusion is granted, the enigma of the criteria for quadrupeds is resolved. Their purpose is to limit the Israelite's access to the animal kingdom.²

In other words, the large parts of the ritual laws concerning animals – slaughter, the handling of their blood, and consumption – fit together as a coherent *system*.

However, it may be taken as quite telling that his discussion, which attempts a master stroke in linking the dietary laws to the “system,” basically omits discussion of the birds: The above quote at one point explicitly limits the discussion to the quadrupeds. This omission of the birds (and water animals) may take place for good reason: in spite of his trenchant attempt to relate all the dietary laws to this basic ethical mandate, even Milgrom seems to acknowledge – elsewhere – that at least the hoopoe and bat do not fit this category.³

Otto's Deuteronomy commentary, coming several decades later, adopts and attempts to bolster Milgrom's point of view. Otto is quite aware of the position promoted by Houston that no distinguishing criteria exist for the birds. However, Otto understands Houston to mean “observable” criteria. Otto then proceeds to note that every bird in his identifications (which are quite close to mine above in

¹ Milgrom, *Leviticus 1–16*, 704.

² Milgrom, “Ethics and Ritual,” 189.

³ Citing Driver to this effect on Milgrom, *Leviticus 1–16*, 662. Also Eduard Nielsen, *Deuteronomium*, HAT 6 (Tübingen: Mohr, 1995), 3.

chap. 3), eats animals of one sort or another, though sometimes this consists of insects.⁴ There is, however, a problem with this single criterion: the chicken and partridge also eat insects, but they belong to the clean fowl.

Burnside offers what seems to be a more promising solution:

We can deduce the image of the clean bird because it is simply opposed to the unclean bird. The clean bird is one that has feathers, flies, and eats what a bird normally eats (berries, insects, and so on). What sets the norm here? The paradigm of the clean bird is implicit because it has already been derived from the fact that the clean land animals are herbivorous. Herbivorous land animals set the norm for the (unarticulated) paradigm of the clean bird.... The list of unclean birds is thus a series of worked examples of an unarticulated paradigm case of the unclean bird, that is, a bird that does not have feathers, does not fly, or does not eat what birds normally eat. The images thus confirm what the audience has already internalized. The dominant assumption is that if the birds eat what you do not eat then you can eat them. But if they eat what you can eat (i.e., land animals and fish) then you may not eat them.⁵

This approach allows Burnside to account for the ostrich, hoopoe, and bat, which Milgrom and Otto cannot. Simply put, to be acceptable, an animal must have the “normal” characteristics of animals in its category. However, a question arises for Burnside’s approach: if this is what the tradition means, why not simply state it in this manner? His argument presents the stipulations on aquatic animals in this manner:

A narrative approach, on the other hand, works as follows. As with the land animals, Lev 11:9 and Deut 14:9 establish the paradigm of the clean aquatic creature: “Everything in the waters that has *fins and scales*”⁶

In other words, the details given for distinguishing the unclean marine animals help the audience to identify a “normal” or “appropriate” water animal.

Why, instead, does the section on the flyers provide a list? Why does the text provide criteria defining the nature of a clean large land animal, certainly at least as familiar to residents of the ancient southern Levant as the flyers, but then change tactics for the birds? Why does one need to “deduce the image of a clean bird” (or non-abhorred bird in the case of Lev 11), when the image of the clean large animal appears several verses earlier? In the end, Burnside’s “narrative approach” gets us little further than the “semantic approach” he critiques.

I do find Burnside’s argument helpful in its emphasis on the fact that significant omissions exist in terms of the logic – that is, correct interpretation of the dietary stipulations requires considerable cultural understanding, especially for

⁴ Otto, *Deuteronomium* 12–34, 1306–7. The best two examples are the hoopoe and bat, banned for consumption of “Kleingetier” (critters) or insects, themselves banned in Deut 14:19.

⁵ Jonathan Burnside, “At Wisdom’s Table: How Narrative Shapes the Biblical Food Laws and Their Social Function,” *JBL* 135 (2016): 232–33. However, both humans and birds share in eating some berries and grains. This makes his criterion of the animals’ diet suspect.

⁶ *Ibid.*, 231.

the birds: these arise from what he terms a “high-context culture.” However, his argument does not adequately demonstrate that his “narrative approach” successfully inserts the necessary cultural context.

A further critique of his approach lies in its assumption of a unified logic for the prohibited animals. Such a logic may suggest itself (to him at least) from the presence of these stipulations in singular settings, but it both may not have begun in this fashion – that is, the meat of various animals may have *become* banned for divergent reasons – and such reasons may have persisted for those who composed and edited the literary versions of the texts as well. Neither Burnside – or similar uses of logic found in, e. g., Meshel – do more than *assume* the singular logic for the prohibited fowl.⁷

A similar approach appears in the earlier essay by E. Firmage. In arguing primarily against Douglas’ identification of anomaly from the typical means of locomotion for that class of animals as the basis for the criterion, Firmage adopts her logic, beginning with the large land animals and then extending it from there,⁸ in this sense much in agreement with Burnside’s later approach. With regard to the birds, Firmage declares: “There could be no doubt about the basic difference between the diet of the pigeon/dove paradigm on the one hand, and that of vultures, owls, eagles and the like on the other.”⁹

Thus, there is a clear difference between what was “clean”/“acceptable” (or sacrificial) and what was “unclean”/“abhorrent.” This statement may certainly be true as far as it goes, but several problems arise. First, as I have argued above,¹⁰ one cannot assume that the pigeon/dove alone set the paradigm for bird sacrifice in same way that the goat, sheep, and cattle do for large land animals. Unlike for the large land animals, rather than *primarily* the most prominent domestic birds (which apparently concerned geese in pre-Hellenistic periods) appearing on the altar, it is wild pigeons/doves and partridges. This observation indicates that the Priestly rituals do not evince the degree of systematization often accorded to them. This observation also undercuts Burnside’s “narrative logic.”

Second, Firmage does not – and I would suspect would find it difficult to – explain how the hoopoe or perhaps the bats (among others) fit into the paradigm of the vultures and owls. In other words, while some of the types of flyers may have differences from the pigeons, simply being a water bird (e. g., שׂוֹרֵשׁ “gull”) could not disqualify a bird, given that geese and ducks – which have an affinity for water – were often consumed in the ancient Near East and in the Iron Age southern

⁷ Meshel, “Food for Thought”; idem, “Pure, Impure, Permitted, Prohibited: A Study of Classification Systems in P,” in *Perspectives on Purity and Purification in the Bible*, ed. Baruch J. Schwartz et al., LHBOTS 474 (New York: Bloomsbury, 2014), 32–42.

⁸ Edwin B. Firmage, “The Biblical Dietary Laws and the Concept of Holiness,” in *Studies in the Pentateuch*, ed. John A. Emerton (Leiden: Brill, 1990), 185–91.

⁹ *Ibid.*, 191.

¹⁰ Also investigated at length in Spiciarich and Altmann, “Chickens, Partridges, and the /Tor/.”

Levant according to zooarchaeological reports.¹¹ Neither do they appear among the list of unclean birds, as far as I can tell.

Perhaps sensing this problem, Firmage states that for the list of unclean birds, "... we can be sure that it comprises all prohibited species."¹² While allowing that the list does not explicitly state how many *species* it concerns, he makes a considerable leap with these arguments. Why must the list be exhaustive? How can one justify that the eagle/owl/vulture paradigm differentiated itself significantly from the "clean bird" paradigm (my revised title for his "pigeon/dove paradigm," which does not adequately describe the sacrificial fowl)? However, he later states just this conclusion, "I have suggested that in the two principal categories, land animals and birds, the priests already had a general notion of what animals would be unclean, because their dissimilarity to the sacrificial paradigm was obvious."¹³

Yet this is, I have argued, precisely the problem: the paradigma contain too few dissimilarities such that one cannot articulate their differences with some single type of trait. Firmage's reliance on faulty premises about the sacrificial fowl – among other problems – undermines his conclusions.

Houston presents quite a different point of view. He argues simply that no observable criteria could subsume all clean fowl or all unclean birds:

... we must conclude from this that the unclean birds, like the clean, are *not* all of one morphological type. If criteria had been given, they would have had to be of a form or complexity quite different from what is found elsewhere in the text.¹⁴

In fact, Houston extends this point of view even further:

Why are there no criteria? Our attribution of the text to a learned priestly circle makes the question more difficult to answer... if there were any rationality in the prohibitions, the authors would have expressed it; we cannot assume with Firmage ... that merely because a criterion might have been difficult to apply they would have suppressed it. The difficulty must have been with them and not with their presumed readers.¹⁵

In other words, the circle from which this list of flyers arose did not itself know of a particular set of criteria according to which they could separate the clean from the unclean birds, so they could not pass it on in written form to their audiences. However, Houston does not suggest that the lack of criteria means that no logic for the prohibitions existed – they were not arbitrary.

Perhaps, following Meshel's analysis of Deut 14, this means that the list simply enshrines common Israelite practice? He opines, "... the status of a species as permitted or prohibited for consumption follows from its natural status as 'pure' or 'impure,' respectively. Therefore, D can simply write 'any pure bird – you may

¹¹ Ibid.

¹² Firmage, "The Biblical Dietary Laws and the Concept of Holiness," 191.

¹³ Ibid., 193.

¹⁴ Houston, *Purity and Monotheism*, 47.

¹⁵ Ibid., 235.

eat' (v. 11).¹⁶ In this case, the "natural" cleanness of a bird rendered it edible in the Deuteronomic version of the list: the "naturalness" presumes a preexistent cultural knowledge. Therefore, Meshel's point of view allows for the possibility of divergent underlying reasons for the prohibition of various types of fowl.

As such, Meshel's approach in many ways can support part of my own conclusion that (some) birds not eaten were prohibited simply because they were not eaten. This statement does, of course, present a fair amount of circularity. In any case, this represents a significant step forward in that it abandons the attempt to link the prohibitions to a single type of *ethical* logic.

Can one penetrate the logic any further? Interpreters have naturally made several other attempts.

One of the most prominent directions comes in a categorization that begins with sacrificial animals and moves toward those on the prohibited end of the spectrum (as seen above with Burnside and Firmage). As I have shown, such logic has proven most successful in relation to the large land animals that open the dietary stipulations of Lev 11/Deut 14: one begins with cattle, sheep, and goats acceptable for sacrifice, then progresses to include similar (wild) beasts like deer and gazelles, which Israelites may consume at a distance from the sanctuary (in Lev 1–16; this is of course regulated differently with regard to all allowable large land animals in Deut 12:13–23 and animals in general in Lev 17). Finally, there are the prohibited beasts that display more differences from the varieties permitted for sacrifice.

At this point I return to the expansive analysis provided by Houston. He bases the fundamental separation of the clean and unclean birds on his composition-critical analysis, which sees eight birds as original to the list: those agreed upon by the MT and LXX of both Lev 11:13–16/Deut 14:12–15 (minus the ערב): "No doubt they would be taken as representative of all birds with associations with bloodshed and the eating of blood and waste matter."¹⁷ On this basis he is then able to submit that the carnivorous and carrion-eating nature of these types was the reason for their prohibition, but the subsequent additions to the list rendered this original criterion obsolete.

This conclusion fits well with those biblical tradition that envision a strict separation between sacrificial bloodshed and any other kind of association with blood such as those concerning military death (Chronicles), decay (animals

¹⁶ Meshel, "Pure, Impure, Permitted, Prohibited," 40. He earlier (*ibid.*, 39) argues that the lists are merely enshrining common practice: "The very fact that the law lists species which, according to textual evidence as well as osteonic findings, were not commonly considered potential food in the Levant during the Late Bronze and Iron Ages (perhaps with the exception of the pig), indicates that the authors were aiming at conceptual rather than normative legislation." Cf. earlier Meshel, "Food for Thought," 212. I have shown above (see 3.18 for an overview and the individual sections in 3.2–3.16 for details) that this assumption proves false for a number of the birds and should be abandoned.

¹⁷ Houston, *Purity and Monotheism*, 236.

found dead), or even new life (Lev 12). One very important conclusion that Houston makes is that this reduction of the original list to eight kinds of birds serves to lessen the connection between the proposed original list and those animals associated with the desert haunts found in texts like Isa 34 and the Deir ‘Alla inscription.¹⁸

However, my own composition-critical discussion above challenges Houston’s conclusion. In short, the consistency of the Greek terms *mentioned* in the OG (excluding the raven) in spite of the *lack of agreement in their order* for the second half of them in OG A and B Deut 14:17–19 suggests a quite stable category of unclean flyers that could nevertheless exhibit some fluidity in their recorded order. Thus, one cannot reduce the contents of the original list to the first eight in order to identify some kind of logic to their prohibition. All nineteen (excluding the raven) deserve consideration.

By rejecting Houston’s composition-critical analysis, I essentially suggest that the simplification of the criteria for unclean/abhorrent status among the birds could not originally have arisen solely from these creatures’ associations with blood and carrion.

Before considering my analysis of the individual terms above in Chap. 3, Houston himself provides a detailed discussion on the overlap between a number of the birds – eight plus the bat – that appear in the desert wastelands in either other biblical or West Semitic inscriptional texts that proves worthy of consideration.¹⁹ These fowl include: אַנְפָּה, בַּת יַעֲנָה, רַחֲמָה (ה), דִּי (ה), יְהִשׁוּף, בּוֹס, עֵטְלִי, and קֶאֱתָ. Thus, the association of the lists in Lev 11/Deut 14 is quite strong, including close to half of the types of flyers. Nihan makes use of this association as a means for identifying several of the terms, especially the בַּת יַעֲנָה and the קֶאֱתָ, which he therefore suggests cannot denote the ostrich and pelican (and I assume he would draw the same conclusion for the אַנְפָּה).²⁰ However, as Houston notes, there is no need to ascribe any excessive care for realism to the writers of the desolation passages. They were using a tradition, and the choice of birds and beasts may have been governed more by a traditional sense of fitness for such a role – that is, by cultural attitudes of fear or contempt – than by the actual likelihood that they would inhabit desolate places.²¹

Therefore, with these perspectives in mind, I will now draw together my above individual analysis in order to synthesize the reasoning behind the banning of these particular birds.

Turning to the first grouping of five terms – most likely vultures, eagles, falcons, kites, and similar types, their banning represents the turning of an accepted

¹⁸ Ibid., 197.

¹⁹ Ibid., 195–96. See also Nihan, “Les habitants des ruines dans la Bible hébraïque.”

²⁰ Ibid., 96–98.

²¹ Houston, *Purity and Monotheism*, 197.

custom into legislated prohibition. Little evidence exists for eating eagles, vultures, kites, or falcons (גשר, פרס, נשר, אוה, אזניה, פרס, גשר) in antiquity. Therefore, explicitly naming these birds requires some other kind of logic than actually attempting to motivate people to stop consuming their meat. This conclusion finds additional support with the many other prohibited creatures that rarely or never appeared on the menu: ערב, תחמס, שחף, גן, בוס, ינשוף, תנשמת, רחמ(ה), חסידה, and עטלף. In other words, the majority of the prohibited flyers required little in the way of an explicit ban to keep them off the Israelite – or any other ancient Near Eastern – table. For these types, in other words, the implied textual mandate that the avoidance of this consumption would somehow separate the Israelites as a holy people to Yahweh (Deut 14:2, 21; cf. Lev 11:43–47; 20:25–26) makes little sense.

However, while likely no one, or very few people having access to something more than “starvation rations,” turned to the raptors or to the owls or bats for sustenance, this was not necessarily the case for all of the prohibited birds. If the *בית יענה* truly is the ostrich, as traditionally identified, and for which I have argued above (3.4), then this term represents the most obvious example of the prohibition of a bird that was enjoyed as food. Several other categories of birds appear on the margins of what one considered food: the hoopoe (דכיפת), the pelican (קאת), and the cormorant (שלד or אנפה).

These four types of fowl therefore draw much closer to considerations for some of the banned aquatic creatures. Significant evidence of a zooarchaeological nature exists for the consumption of shark and catfish, simply to name two kinds of water animals prohibited according to current understandings of Lev 11:9–12/Deut 14:9–10.²² Naturally one should also reckon the swine, the hare, and the camel among the edible and in some contexts desirable meats.²³

As an interim conclusion, then, avoidance of some of the birds could lead to separation from other people or groups. Yet such types of birds concern a minority. However, it comes to light that more than one rationale is necessary to explain the list of banned birds, though, at least at this point in the discussion, it could also be possible that there is some other kind of deeper unity that holds them together.

A second, longstanding direction in the interpretation of these passages views all of these birds, whether considered edible or not, as having particular religious or moral connections with some kinds of worship or ethics that the perspective P and D authors behind Lev 11/Deut 14 considered problematic. While one could draw support from the literary contexts of Lev 11 and especially Deut 14:1–2,

²² Lernau, “Remains of Kosher and Non-Kosher Fish in Excavated Sites in Israel.”

²³ There is more than one way to account for such cases. Perhaps the cormorant and hoopoe, for example, were not considered edible by the communities responsible for the traditions of Lev 11/Deut 14, much in the way that this may have been the case for settled Israelites in comparison with camel-eating nomadic Bedouins.

21 for this conclusion, such a perspective emerges more as a literary construct than a historical reality in ancient Israel, Judah, or exilic locations.²⁴ The problems with this interpretive direction become quite clear through the use of cattle in non-Yahwistic cultic practice, yet their acceptance as part of Yahwistic cultic practice.²⁵ Within the use of birds, the same point can be made with regard to the uses of Columba (dove) types throughout the ancient Near East and also mandated in biblical practice (Lev 1:14, etc.).

More importantly, no types of uses were made of the birds prohibited in the biblical texts in non-Yahwistic cults that separate them from other types of (clean or sacrificial) birds. Most every identifiable kind of bird appears in the Akkadian *Šumma Alu* omen texts or Egyptian representations for deities. No rhyme or reason exists here that correlates to the biblical list of prohibited birds.

One can certainly point to the special appropriations of *some* types – such as the Horus falcon and associations between death and rebirth for vultures in Egypt. However, it is difficult to locate such associations with *all* of these banned birds and only them. What I find more problematic about such a line of interpretation – or at least this line of interpretation as an *exclusive* and *singular* explanation for the banned birds (not to mention the problems that arise when attempting to extrapolate further to include the aquatic and land animals as well) – are associations of *acceptable* and even *sacrificial* fowl with particular ancient Near Eastern deities. To point out just two examples: first, Schroer notes associations of the dove/pigeon with the likes of Ishtar, Astarte, and Aphrodite.²⁶ Second are the associations in Egypt of the goose with Amun, Geb, Gengen-Wer, Hapy, and Harpokrates, often implying the desire to fly to the heavens as a goose.²⁷ This line of interpretation therefore fails to provide an adequate delimiting factor between the acceptable and prohibited types with regard to the flyers.

I suggest above that it might be possible to widen the category of associations with blood (similar to the approach taken by Milgrom) to associations with death writ large.²⁸ To re-state a caveat here, I do not maintain that the *original* and *overarching* explanation for *all* prohibited birds must be found in the *singular* explanation of each type of bird exhibiting a symbolic connection with the sphere of death: one might instead view this as a type of redactional logic emerged from the addition, perhaps, of H texts like Lev 17. For the raptors and other carnivorous

²⁴ To be clear, I am not doubting that dietary prohibitions could play something of a role in exilic contexts to set the Jews apart, as demonstrated perhaps first in Hos 9:3 and later in Dan 1, but these texts alone do not demonstrate that the reason for such avoidance had to do primarily with the *types* of meats. Other possibilities, such as the connections of such foods with other deities, exist for the problematic nature of the foodstuffs.

²⁵ Jiri Moskala, “The Laws of Clean and Unclean Animals of Leviticus 11: Their Nature, Theology, and Rationale (an Intertextual Study)” (Ph.d. diss., Andrews University, 1998), 115–17.

²⁶ Schroer, *Die Tiere in der Bibel*, 78–79.

²⁷ Houlihan, *The Birds of Ancient Egypt*, 64.

²⁸ 3.18.

and carrion-eating types – certainly subsuming a considerable number of types on the list: נֶשֶׁר and others of the family *Accipitridae*, the owls, and perhaps those consuming aquatic life such as fish or mollusks – such a connection is readily apparent. For other types of flyers, this connection may emerge from their links with *places* of death, that is, with the wasteland connections made in, e. g., Deir Alla Combination I and Isa 34. Such a sub-category adds the קָאֵת, עֵטֶלֶף, and the בַּת יַעֲנָה. A couple of words should also be said about the swamphen, which is what I have suggested as the mostly likely identification for the תַּנְשַׁמֶת in this context. One possible symbolic connection mentioned above is that they primarily appear in funerary contexts in Egypt. This observation could link them to the birds of the ruins in a broadened sense of the context of death. However, even such a variety of associations with desolate places does not, in itself, expand the symbolism sufficiently to include all of the types of birds adequately.

The creatures associated with the ruins also include “demonic” or in some way “fantastic animals,” specifically the Lilith and likely also the “goat demon” (שְׁעִיר) in Isa 34:14. This connection with fantastic animals allows for a link with the earlier overarching category posited by Douglas – the notion of anomaly.

Returning to my introduction, Douglas locates the anomaly in the animal’s mode of locomotion, though she notoriously omits discussion of the birds, stating merely: “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.”²⁹ However, she continues with a broader statement that could provide insight: “But in general the underlying principle of cleanness in animals is that they shall conform fully to their class.”³⁰ This line of interpretation of course underlies Burnside’s (and others’) reasoning, which I addressed above.

However, a different notion of conforming to their category could be the notion of conforming to the class of “solely earthly creature.” Could it be that (some of) the banned birds were identified as a result of their *Mischwesen*-associations or mixed or “fantastic” nature, especially for the ostrich? Drawing from the broader ancient Near East, this category cannot be taken as providing the only criterion. The example given above of the Egyptian goose as the means to fly up to heaven shows that an acceptable fowl could also play the role of *Grenzgänger* between human and divine spheres. Furthermore, seraphim – while not part of the discussion of edible fowl – also demonstrate that some winged beings operated as approved mediators between these spheres. Thus, as already indicated above (1.5), the category of anomaly *by itself* does not move the discussion of the banned birds forward in any significant manner.

Perhaps it *may* provide clarification in the case of the ostrich and the אֲנַפָּה, if this term represents the heron. Given the ostrich’s nature as an oft-consumed

²⁹ Douglas, *Purity and Danger*, 55.

³⁰ *Ibid.*

bird in the ancient Near East, its status as a non-flying bird could have provided the reason for its ban. However, the association with the ruins may already have been enough to move it onto this list. For the heron, the connection runs through its Egyptian association with the so-called *benu*-bird (phoenix), which represents the resurrection of Osiris. While the connection remains tenuous at best, the fact that the *benu*-bird represents the most frequent bird in Egyptian iconography increases the likelihood of the importance of this connection. While one might otherwise need to search quite diligently to find divine associations for other birds, here the connection could have been considerably better known.

The hoopoe *דכיפת* and cormorant *שלך* prove more difficult to account for in this regard. Assuming the possibility that they were eaten, some kind of specific symbolic association would likely be needed to attach them to the list of prohibitions. The hoopoe can simply be seen as “dirty,” but this clearly was not a universal association. Thus, one would have to surmise – without any evidence – that the circles responsible for the tradition of banned birds belonged to those who found it dirty, rather than to a group that considered them worthy of food. Another possibility, which could also draw near to the reason for the prohibition of the cormorant, concerns the role of the hoopoe as a pet, as depicted in Egyptian iconography. In this case, a warm connection with the bird led to the rejection of its meat.

For the cormorant, I propose that its help to the fisherman may have led to its inclusion on the list of banned birds. The reasoning here could consist of several considerations. On the one hand, it could be humans’ affinity for the bird, as just suggested for the hoopoe. On the other hand, it could be the notion of the cormorant as betraying its kind – other fowl – that led to its prohibition. The notion here is of an ethical nature, well known in the history of interpretation (e. g., Letter of Aristeas): one should not eat a creature whose traits one does not want to embody. In this case, rejection of the cormorant would mean the rejection of betrayal.

While only representing a late addition to the list, the *ערב* raven/crow does present an interesting case for the biblical perspective. It begins primarily as a positively connoted creature, given its role as helper for Elijah (and similarly for Noah).³¹ Biblical or ancient Israelite/Jewish tradition provide little indication of the process around its change into a rejected species. I would instead surmise that one should search for Hellenistic influences that led to the prohibition of this bird.

On the whole, then, how do I answer the question of the chapter as to why these twenty birds end up banned? The answer is a complex one. Now having mentioned it a number of times, I find that the data available through the various

³¹ Though here it had already long been part of the ancient Near Eastern flood tradition; see above 3.3.

means of inquiry conducted in this study suggest that no singular logic can subsume all twenty birds. In spite of the general interpretative trend from antiquity to the present, the prohibitions bring together a wide variety of creatures, likely over a longer tradition-historical formational process.

The failed attempts to subsume these birds under a single rubric need not come as a surprise, if there was a long process involved in their development into their current form. Religious ritual and cultural practices regularly change over time, and this phenomenon appears to take place with regard to this practice as well. In another context, N. MacDonald makes the similar point: “Although our first instinct may be to regard it as counter-intuitive, ritual innovation is clearly evidenced in biblical texts.”³² In fact, my study has traced a number of stops along the way, some of which became enshrined in the various extant texts of the MT and the LXX.

However, I am also suggesting that the dietary prohibitions on the birds in Lev 11/Deut 14 have an oral pre-history. While this pre-history cannot be directly accessed, the variety of the kinds of flyers on the list provide tangential support for its reality.³³ Within this perhaps predominantly oral pre-history, a flexibility existed over a period of development in which diverse sorts of creatures could be assimilated together into a list of prohibited birds. Many of the types on the list would never really have been considered “food,” so their presence on the list necessarily pointed to some other kind of reasoning for their inclusion.

To date, the best kinds of explanations for such notoriety came from their associations with death and destruction. Some brought death on other animals through their carnivorous habits. Others consumed the dead: the carrion of animals, or, in addition, also the human dead, especially after a battle. Still others were associated with places of ruin and desolation, and in this way came close to such places of death. Finally, some may also have had specific associations with death and rebirth in various cultural-religious contexts that led to their prohibition, though this does not appear to have served as a worthy rationale in a more general manner.

Yet there were some other types of birds that evince little in the way of such connections (to date). It may be that some types of birds were off limits for food because of their close relations with humans as pets or as helpers in hunting (hoopoes and cormorants).

Finally, the broad and diverse possibilities discussed in this study should provide sufficient support for the fact that some of the rationales for prohibition may simply have perished from historical memory. The authorial circles behind the shared source of Lev 11/Deut 14 itself may not even have had access to such

³² Nathan MacDonald, “Ritual Innovation and Shavu‘ot,” in *Ritual Innovation in the Hebrew Bible and Early Judaism*, ed. Nathan MacDonald, BZAW 468 (Berlin: de Gruyter, 2016), 76.

³³ In fact, this likely indicates that the bird prohibitions did not all arise within a short period of time in an exilic or postexilic context. Instead they congealed slowly over time.

reasons. As such, the accepted nature of the list – flexible as it may have been in its order – then allowed the P, D, and later H circles to attach their desired meanings to the lists. This is especially apparent in relation to the “holy people” in Deut 14:2, 21 and in the H section of Lev 11:43–45.

Conclusion

This short volume on the birds in the lists of animals prohibited for consumption in Lev 11/Deut 14 began with three questions: Which birds do the lists refer to, is there compositional growth in the passage, and why were they banned? While the volume supplies some provisional answers to these questions, it also raises a number of further issues. In sum, the significance of some parts of the discussion focuses primarily on the nature of these birds themselves. Other conclusions carry broader implications for the religious and cultural history engaged by these passages of the Bible.

First, one of the major premises of the entire study comes in the attempt to cast the net broadly in the cultural environs surrounding Israel and Judah in order to understand better the general roles of birds and the roles of specific types of birds. Previous comparative studies of these dietary prohibitions have tended to proceed quite haphazardly. While the partial nature of the ancient evidence limits comprehensive investigation, this study has drawn together a considerable number of the epigraphic, iconographic, and zooarchaeological attestations of birds and related creatures throughout Mesopotamia, the Levant, and Egypt. As such, the conclusions rest on a broad basis of historical data, which serves to minimize hasty interpretations of the nature of the birds and the reasons for their prohibition from the table.

The minimal attention devoted to the birds within the history of scholarship on the Hebrew Bible and the wide range of views on the reasons for the prohibitions of various types of animal meat has called for a thorough study of these creatures. In answer, this study provides scholarship with secure footing that reaches beyond the appearances of each of the types of birds within the Hebrew Bible – especially because some of them only appear in the dietary prohibitions.

Still within the scope of methodology and also in comparison with the surrounding cultures, this study also broadened the conception of “flyer” or “bird” to investigate possible links with mythical or fantastic beings. This discussion brought forth further issues with the notion of anomaly as a defining factor for the prohibition of birds. Specifically, the Hebrew Bible, like the iconography and texts of the larger ancient Near East, does not view all anomalous creatures negatively. Some anomalous creatures secure a special closeness to holy places seemingly on the very basis of their hybrid nature. Thus, no direct correlation exists in biblical or ancient Near Eastern thought between anomaly and impurity/abhorrence.

Broad investigations of winged creatures in the ancient Near East also rendered insights with regard to the relationships between the mundane birds and the divine sphere. Like depictions of Yahweh with eagle/vulture-like features in several biblical texts (e. g., Deut 32:11; Ps 91:4), numerous deities in Mesopotamia and Egypt can take on bird-like characteristics. In fact, both Mesopotamia and Egypt go farther than biblical conceptions and identify deities with specific types of birds. However, quite frequently multiple deities can take on the persona of the same bird. And the corollary also appears: a single deity may identify with several different types of flyers. Furthermore, these associations include birds that appear on the lists of Lev 11/Deut 14 and birds acceptable for consumption and even sacrifice (e. g., Lev 1). These observations undermine any simple or straightforward attempt to link the prohibition of the birds as an entirety with its close identification with foreign deities.

Observations of the sections of Lev 11:2–23/Deut 14:3–20 within the Hebrew Bible led to the important conclusion that the views of the animal world in Lev 11/Deut 14 do not coincide neatly with the three-fold partitioning of the animal world found in Gen 1. This observation, even on its own, indicates that the conception of the banned birds in these chapters does not immediately coincide with the dominant Priestly view of the world. Therefore, the origins of the list of banned birds – and the dietary prohibitions more broadly – arise at some distance from P. As such, these prohibitions (especially in Lev 11) do not reflect a Priestly *system* that one can immediately explain through the synchronic structure of P.

The discussion of the cultic appropriation of fowl provides further difficulties for a common conception of animals in P and of the fowl within the list of dietary prohibitions. While the classical conception of spheres of human proximity to God – priests, Israelites, the nations – may correspond to the proximity of animals to God for the large land animals – meat of some domesticates as sacrifice, meat of these and other domesticates and similar wild animals as food for Israelites, meat of all animals for the nations, this classification does not obtain for the birds (or fish). The types of birds that were domesticated for food in the pre-Hellenistic period – geese and ducks – did not end up on the altar in biblical texts (or in ancient Israel as far as the evidence suggests). Instead it was varieties of caught, wild fowl – pigeons and partridges (and perhaps the rare domesticated chicken) – that Leviticus and Numbers allow as sacrifices.

While this argument does not directly relate to the banned birds of Lev 11/Deut 14, it does undermine the cohesive nature of these prohibited flyers within a Priestly *system*. Specifically, it indicates that the logic likely at work in Lev 11:2–8/Deut 14:3–8, which begins from the altar and works its way out to the unclean large land animals from there, differs from the logic encapsulated in the identification of prohibited flyers.

The discussions of the philology and cross-cultural appearances and associations of the individual types of birds do not prove easy to summarize. However,

several pertinent points merit mention for further scholarship. First, a number of the terms likely indicate supra-terminal designations – even those not modified by a phrase such as לְמִינֵוֹ “according to its kind.” As a result, interpreters should exercise caution before attempting to identify such a term as נֶשֶׁר as *either* “vulture” or “eagle.”¹

Second, my individual analyses indicate significant biases in the widely-accepted identifications by Driver. Many of his suggestions for terms appearing later in the lists rest on the assumption that the terms largely follow an order defined in terms of specific categories such as large raptor, large owls, small raptor, small owls, etc.² My investigations show that such categorizations cannot form the basis for identification to the degree Driver proposes. Instead they often represent the largely unavoidable but nonetheless problematic expectations of the interpreter (some of which I follow for the first five terms!), and therefore exude a particular kind of circular reasoning.

Third, I have shown that some of the birds, particularly the ostrich, hoopoe, pelican, and cormorant, appeared on some tables in the ancient Near East. Therefore, the list of prohibited birds does not in all cases simply ban those creatures that ancients would in any case have avoided eating (except perhaps as so-called famine foods). This conclusion raises issues with regard to the purposes of the prohibitions. One can either conclude that the (priestly) communities responsible for the tradition of banned birds did not themselves view these types of birds edible – this simply devalues the possibility that some other communities viewed these creatures as potential food. Or one can rather conclude that the list of prohibited birds contains *some* creatures seen as potential food. This latter possibility accords with the zooarchaeological data on aquatic animals from the southern Levant as well, where ancient Israelites and Judahites, among others, displayed no qualms about consuming shark and catfish.

Turning to the composition-critical discussion, I compared several recent approaches to the two closely related lists in Lev 11:13–23 and Deut 14:11–20. In sum, I find the view that a shared (likely at first oral) source lays in the background of the Levitical and Deuteronomistic versions, and the compositional development into the current variable forms of the (MT, LXX, etc.) texts consists of back-and-forth influence. The נֶשֶׁר terminology of Lev 11:13, 20 represents a later differentiation from the טְמֵאָה terminology in Deut 14. However, the list of birds in Deut 14:11, 20 is introduced and concluded with טְהוֹרִים, also an addition to the shared source.

Perhaps the most important starting point for my perspective comes in the text-critical comparisons of the MT and OG A and B of the two texts. This data,

¹ I am certainly not the first to make this point; cf. Driver, “Birds in the Old Testament I,” 8–9. However, commentators often overlook this complexity.

² Driver, “Birds in the Old Testament I,” 19.

presented skillfully by Angelini and Nihan,³ gives rise to some significant observations: First, the ערב “raven/crow” was not a set part of the list until extremely late, given that it does not appear in either the OG A or B of Lev 11 or Deut 14. Second, the lists of the birds from גן “falcon” or “hawk” to דוביפת “hoopoe” do not appear in a set order in the OG A or B of Deut 14:15–18; however, all of the individual terms for the birds display consistency with those in OG A and B of Lev 11:16–19.⁴ This terminological agreement but divergence in order accords, on a smaller scale, with the various placements of שלך “cormorant” in the MT versions. These observations have a significant implication for considerations on the composition of the text. In contrast to Houston’s view that the original list consisted of the first nine terms minus the ערב, I argue that the earliest written versions of the list consisted of a full nineteen birds – only omitting the ערב.

Chapter five outlines various possible justifications for the banning of the various types of birds. My reasoning starts on the foundation from the composition-critical conclusion outlined in chapter four. This starting point bears weight because it indicates that *no single rationale* explains the prohibition of every type of bird in the earliest literary list. The most frequent answer in modern scholarship – that the birds are carnivorous, whether hunting live prey or subsisting on carrion – fails to explain the ostrich, hoopoe, and bats, especially in an ancient setting where insects were not viewed as animals in the same way. Another common categorization, the association of the banned birds with places of ruin, likewise fails to account for a number of the types on the list. Finally, as stated above, several of the types were viewed as food for humans in the context of some ancient Near Eastern societies. This data serves to further complicate attempts at a singular explanation for the entire list. Perhaps some type of association with death – writ large – came to represent the most comprehensive categorical explanation for the rationale behind the prohibited birds. However, this categorical suggestion most likely concerns a later redactional attempt at systematization, not to mention that it borders on becoming so vague that it lacks significant explanatory power.

This interplay between variable significations of the types of birds and later attempts (into the present day!) to understand the list of birds in particular, and the entire list of dietary prohibitions in general, in systematic manner highlights a final important implication from my study. The prohibited birds of the dietary lists offer insight into the *diachronic* and *synchronic* manners in which the ritualistic practices of the Pentateuch and more broadly the Hebrew Bible can be understood.

³ Nihan and Angelini, “Unclean Birds in the Hebrew and Greek Versions of Leviticus and Deuteronomy.” Earlier by Yerkes, “The Unclean Animals of Leviticus 11 and Deuteronomy 14.”

⁴ Except for the ἰεραξ, which does not appear in the OG A of Lev 11:16.

This study demonstrates that the reasons for the banning of the birds found in the various versions of the Lev 11/Deut 14 lists cannot be assimilated by a single logic. As such, they point to the ongoing development of the traditions now found in the texts. However, the consistency of the types of birds in the various forms of the lists indicates that much of this diversity of rationales likely arose in a period *prior* to the assimilation of all these birds into a single list.

If this is the case, then the Deuteronomic and Priestly authors adopted behavioral prescriptions that evinced divergent rationales. These authorial groups did not demonstrate the need to refine the lists in the manner most indicative of their points of view, but they instead allowed for the inclusion of some diversity that was not completely assimilated into the logic of their views of the animal spheres (I especially have P in mind here, given the viewpoint on display in Gen 1).

The evident differences between the logic for the large land animals and the logic for the birds requires a final mention. The logic underlying the large land animals chosen for sacrifices on one end of the spectrum and prohibitions of other large land animals on the other relates significantly to their proximity to humans in settled regions of the ancient southern Levant. This same logic does not prove operable in designating which birds are permissible for sacrifices and which are banned from consumption. These differences magnify themselves within the further diversity found in the Levitical (Priestly) and Deuteronomic approaches to holiness, clean and unclean, and abhorrence (whether תועבה in Deuteronomy or שקק in Lev 11).

Lastly, while one may discuss where the practices of consumption envisioned in Lev 11/Deut 14 took place on a continuum of ritual–non-ritual actions, the above study has shown that the theoretical approach continued to develop with regard to these prohibitions from their pre-Levitical and pre-Deuteronomic literary settings into their relative harmonizations and addition in some versions of the ערב in the Hellenistic period.

As a result, this study reveals a number of insights on the birds in the Hebrew Bible and the broader ancient Near East. It also contains methodological implications for reconstructions of the formulation of Lev 11/Deut 14 within their broader contexts of D and P.

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