

*The Agenda of Priestly Taxonomy
and the Conceptualization of טמא and תועב in Leviticus 11*
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Introduction

The taxonomy of animals, along with the ritual statuses of various species in Leviticus 11, demonstrates the complex structure of Priestly thought. The authors' concern with permissible animal food sources for the people of Israel is principally expressed through what gives the appearance of being exhaustive lists that systematically differentiate the animal kingdom. The primary purpose of this paper is to elucidate the priestly system of animal taxonomy in an effort to understand how the authors conceptualize טמא (“unclean”) and תועב (“detestable thing”) as identifications for different sets of animals. A secondary purpose is to investigate the possible Priestly justification for their divisions and classifications. Leviticus 11 provides very little explanation for why some animals are permissible to eat and others are not. At its base level, the Priestly authors assert that the rationale is simply because God made it so. Still, the text clues the careful reader into its underlying reasoning insofar as the taxonomy itself, with its system of differentiation and classification, demonstrates God's work of separation and Israel's place within the created cosmos. Additionally, the distinction between טמא and תועב may signal that the general taxonomic system of Leviticus 11 serves to theologically undergird Temple sacrificial practices in ancient Israel.

The Structure and Composition of Leviticus 11

Leviticus 11 is a construct of multiple literary layers. The first compositional section seems to be made up of vv 2-23, 41-42, 46-47.¹ These verses describe the basic taxonomy of the animal kingdom as it relates to dietary laws. The lists of animals specifically name several

prohibited creatures that either cause impurity (טמא) or are simply detestable beings (שקץ).² In Verses 24-40 represent a secondary compositional layer in which the focus turns from food laws to the issue of contamination communicated by the carcasses of various land animals.³

Besides the shift in focus from eating to touching, additional evidence for at least these two distinct literary layers comes from the varying descriptions of animals.⁴ The division between טמא (“unclean”) and שקץ (“detestable thing”) animals only occurs in vv 2-23, 41-42. Additionally, in this first literary stratum, טמא always describes a state of being for the living animal in relation to Israel (e.g., v 4, טמא הוא לכם). In vv 24-40, however, טמא describes both animals and people who have been contaminated. Throughout these later verses, the verbal form of טמא expresses the process of communicable impurity. Animals make people, clothes, water, vessels, food, seeds, and ovens temporarily unclean through carcass contamination.⁵

Categorization

The taxonomy of animals in Leviticus 11 begins with the classic separation in P between three created spaces: land, water, and sky. Each of these spaces is filled with animals of two kinds: swarmer and non-swarmer. The next level of sub-categorization is more distinctive to the type of animal.⁶ The non-swarmer land animals include wild and domesticated quadrupeds (both labeled בְּהֵמָה). These are further divided into three categories on the basis of eating habits and foot type. The swarming land animals and swarming sky animals are also distinguished on the basis of their leg number or type (e.g., v 20 על-אֲרְבַּע). The non-swarmer flying animals are not described at all, but the text exhaustively names twenty different birds that are generally characterized as birds of prey, so perhaps eating habits set them apart from edible, non-swarmer birds, a category not included in Leviticus 11.⁷ Both the swarming and non-swarmer water animals are divided into two categories based on whether the animal has fins

and scales (vv 9-10).⁸

The later layers of composition make a few additions to the earlier taxonomy and add one new category (see Appendix B). The first addition is in vv 29-30, which name eight four-footed land swarms, a category that is merely identified in the earlier layer (v 41). The second addition is to the quadruped category of non-hooved, cud chewers; v 27 describes them as walking on palms (הוֹלֵךְ עַל-כַּפָּיו) as opposed to hooves. This is the characteristic that distinguishes the camel, the rock badger, and the hare from other cud chewing quadrupeds (e.g., the cow) in vv 4-6. The third addition in this later layer is the category of quadrupeds that are hooved, without a split cleft, and are not cud chewers (e.g., a donkey) in v 26.⁹ The extra category is likely an editorial attempt to fill in an obvious gap in the taxonomy of the בְּהֵמָה.

Classification of Categories

Beyond this physiological taxonomy, there are six variables for classifying animal status in relation to the people of Israel. These six labels are made up of three polarities: edible or inedible, clean or unclean, detestable or not detestable.¹⁰ While there is a large degree of overlap between the three bifurcations, they are not synonymous. Most importantly, “detestable beings” (שֶׂטֶרֶט) are not labeled “unclean” (טָמֵא). The complex overlap between the various animal categories and labels is especially apparent in the “final form” of Leviticus 11 (Appendix B). The later literary layers add variables including whether a carcass may be touched or whether defilement is a permanent status or temporary. In the following paragraphs, I will discuss the six basic labels (three polarities) and examine the cases of overlap.¹¹

“Unclean” Animals

The root טָמֵא is used in two different ways in Leviticus 11: 1) adjectively, describing the

permanent status of a living animal or the temporary status of a person or thing that has been contaminated; 2) verbally, describing the communicative process of becoming unclean. In Ellen van Wolde's study on cognitive structure of the verbal form of טמא, she finds that it conceptually signifies the semantic structure [CONTAMINATION BY IMPURITY] in relation to its base [REQUIRED SEPARATION].¹² In other words, טמא only has meaning in relation to matters of separation, in which one person or object has the potential to become contaminated by another external person or object.¹³ One does not become unclean simply by making an immoral choice. The choice itself has to be accompanied by an active breach in separation by either the clean party or the unclean party.¹⁴

FOOD is one of the cognitive domains of which טמא is a part. As van Wolde would say, טמא profiles its meaning [CONTAMINATION BY IMPURITY] on the base [REQUIRED SEPARATION] in the cognitive domain [FOOD] with regard to “clean” and “unclean” animals.¹⁵ Within the [FOOD] domain, as it is laid out in Leviticus 11, all animals (חַיָּוִי) are potential food for the Israelites. Here the adjective טָמֵא marks the natural and permanent status of animals. Unlike individual animals, the Israelites move between “clean” and “unclean,” depending on their actions. An undefiled person becomes defiled by ingesting meat from a טָמֵא animal. Even if it has no tangible, harmful effects, the illicit contact concretely contaminates the eater.¹⁶ Additionally, contamination is only a concern in cultic matters of separation; the unclean person must become clean before entering the sanctuary.¹⁷

Taken as a whole, Leviticus 11 labels all land animals that do not have split hooves and chew the cud as “unclean” (טָמֵא). In the first literary stratum, however, only the quadruped non-swarmers (בְּהֵמָה) are conceptualized as clean or unclean. The camel (גְּמָל), rock badger (שָׁפָן), and hare (אַרְנָבָה) represent the “quadruped, no hooves, cud chewer, unclean” category.¹⁸ The text

does not clearly explain why foot type and chewing habits are the differentiating features, but the three named animals seem to be the only animals in Israel's immediate environment that fit within this category.¹⁹ Certainly, these three anomalous animals that differ from the clean animals by only one distinct feature serve to clarify the boundary between “clean” and “unclean.”²⁰

The second “unclean” kind of animal in the first literary layer is the split hooved, quadruped that does not chew the cud. The pig (חזיר) is the focus of this category. Indeed, it is difficult to find another animal that fits this category's criteria; thus, making it seem that the “unclean” label was applied to the split hooved, non cud chewers specifically to forbid the pig. The only reason to include this category or the cud-chewing criterion is to explicitly mark the pig as forbidden.

Whereas in the earlier stratum, vv. 41-42, the land swarmers were “detestable” (רָקֵץ), in the second literary layer the land swarmers are relabeled as “unclean” (טָמֵא). Thus Priestly editors expand the category טָמֵא to include *all* land animals. In my view, the early limitation of טָמֵא food to quadruped, non-swarmers and the later Priestly expansion of the category טָמֵא to include all land animals are essential to better understanding both the origins of the taxonomic system and the theological argument of the text.

“Detestable” Animals

The identification of “detestable” (רָקֵץ) animals only occurs in the first literary level. While the non-swarming land animals (בְּהֵמָה) are separated into “clean” or “unclean” (טָמֵא), the land swarmers, sky creatures, and water creatures are all labeled as permissible to eat or “detestable things” (רָקֵץ). The meaning of רָקֵץ is closely associated with the inedibility of an

animal, but they are not synonymous.²¹ In the few other texts where *ṭereṣ* appears, it refers to the classification of animals in cultic contexts (Lev. 7:21; Ezek. 8:10; Isa. 66:17).²² The verbal form of *ṭereṣ* also intends more than “do not eat.” The more common noun *ṭereṣ* also occurs most often in cultic contexts.²³ Lev. 11:11 forbids the Israelites to eat labels a *ṭereṣ* water animal and then adds that they are to detest (*ṭereṣ*) their carcasses, indicating that the verbal form means something additional to simply not eating. The conclusion is that the nominal form, *ṭereṣ*, likely refers most specifically to an abominable or detestable animal with reference to the cult, a characteristic that generally makes the thing prohibited for food.²⁴

The significant difference between *ṭereṣ* and *ṭereṣ* is that *ṭereṣ* evokes the concept of contamination, but *ṭereṣ* is only a label of cultic disapproval. The *ṭereṣ* animals are prohibited for eating and their carcasses are not to be touched, but neither act explicitly transmits impurity. The prohibition for the *ṭereṣ* animals is to not eat or touch their carcasses; both actions transmit ritual impurity (vv 8, 24-28).²⁵ In the one instance of a *ṭereṣ* animal carcass (v 11), the command is to “detest” or “spurn” the carcass (*ṭereṣ*), which implies nothing of contagion. Indeed, there is no prohibition on touching a *ṭereṣ* animal carcass. This directly contrasts the command in v 8 not to touch the carcass of an unclean animal. For this reason Milgrom exclaims, “Paradoxically, *ṭereṣ* animals are cultically pure!”²⁶ The text prohibits eating the *ṭereṣ* animal, but it never implies that it is a defiling act. So, for example, while the vulture is *ṭereṣ*, if one were to eat it, no impurity would spread because the vulture is not an “unclean” bird. Rather, the act is simply prohibited with no indication of consequence or contagious effect.²⁷

To sum up the categorization, there are three legitimate possibilities for classification in Leviticus 11. First, there are ritually clean animals that may be eaten (e.g., the cow). Second, there are ritually unclean animals that defile the eater and so are prohibited (e.g., the camel).

Third, there are ritually clean animals that do not defile the eater, but are still not to be eaten (e.g., the vulture).²⁸

Possible Justifications for Animal Taxonomy in Leviticus 11

The theoretical underpinning of the taxonomic system of Leviticus 11 is not readily apparent. While the category differentiation explicated in the chapter is hardly arbitrary in my view, the question of why the Priestly writers identified various animals with the statuses of “unclean” or “detestable” is perplexing. The best scholarly theories take into account the system of categorization itself. As Mary Douglas says, “Defilement is never an isolated of event. It cannot occur except in view of a systematic ordering of ideas.”²⁹ It is only possible to conceptualize contamination when clear lines are drawn between “clean” and “unclean” animals. A proper explanation for the priestly divisions must address the entire system, not only explaining why animals are categorized into clean/unclean or edible/inedible, but also explicating why some forbidden animals are טמא and others are נפש.

Why “Clean” or “Unclean”?

Practical explanations

Time does not allow a full survey of scholarship on the origins of the clean/unclean system of labeling. Some, like Marvin Harris, argue that the “unclean” animals were prohibited in order to codify existing food practices in Palestine that have their origin in practical ecological and economic concerns.³⁰ The camel, for example, was excluded as “unclean” because it was not a staple food for those dwelling in Palestine anyway. Camels are not readily available and they take a long time to reproduce.³¹ Harris maintains that donkeys were not sacrificed or eaten because they served a valuable agricultural purpose. The Priestly taxonomic system of

differentiation is simply a way of stigmatizing abnormal food and subsuming food practices under the Priestly theological agenda.

As for the pig, Harris argues that raising pigs was economically and ecologically impractical in the arid hill country of ancient Israel.³² Pigs need watery, shaded areas to regulate their body temperature. Rather than feeding on high cellulose grasses, they compete with humans for food, eating plant life such as wheat, potatoes, and soybeans.³³ These factors highlight the substantial difficulties to raising pigs as a staple food in dry, hilly, deforested environments like Palestine. If this is the primary reason for the pig ban, then the “unclean” status of the pig is simply a codification of existing food practices.³⁴

The counter argument to Harris’s materialistic view is partially based on the system of taxonomy itself. The detail with which Leviticus 11 divides the animals goes far beyond practicality. It is hard to imagine the Priestly authors going to the trouble of distinguishing between water creatures with or without scales and fins, or between “unclean” and “detestable” categories, if their agenda was simply to codify existing food practices. These distinctions have more to do with the Priestly world view than with economic realities. Moreover, Leviticus 11 (and elsewhere in Leviticus) demonstrates a concern for “clean” and “unclean” distinctions that have little to do with common sense or practicality (e.g., carcass contamination, Lev. 11:8). While Harris is correct to point out that the Priestly food laws do not pose a major challenge to the expected food practices of ancient Israel or adversely affect nutritional standards, practical concerns do not explain all of the distinctions. Moreover, archaeological studies of the Middle Bronze Age have demonstrated that pigs *were* eaten in the highlands, showing that the ban on pigs was not simply an environmental issue.³⁵

Symbolic explanations

Mary Douglas proposes a symbolic understanding of the “unclean” category.³⁶ In her view, the classifications of Leviticus 11 have more to do with cultural intuition for things being in or out of place than with logic or practicality. The taxonomy is important in order to make clear the system of categorization and its anomalies (e.g., the camel). The anomalies are animals out of place and symbolically mark the line between permissible and forbidden in the human value system. For Douglas, the important point of Leviticus 11 is not the taxonomy itself, but that the system marks the boundary between wholeness and abnormal. The system of classification, with its animal bifurcations, serves to make manifest the divine distinction between holy and unholy. Douglas concludes, “By rules of avoidance holiness was given a physical expression in every encounter with the animal kingdom and at every meal.”³⁷ The animal divisions, therefore, symbolically reflect Israel as a holy people set apart from other peoples.

Douglas’s observations are helpful insofar as they situate the food taboos within the overall scheme of division, distinction, and ordering in Leviticus. However, the distinction between “clean” and “unclean” is not merely symbolic. Douglas recognizes neither the real concern for contagion that is expressed in טָמֵא nor the meaningful distinction between טָמֵא and טָמֵא.³⁸ Milgrom challenges Douglas’s symbolic understanding by pointing out that the reason *some* things are unclean when they are out of place is because they are associated with actual unclean items that threaten to gain access to one’s body.³⁹ The symbolism is an extension of the real contamination about which Leviticus 11 is concerned.

Theological explanations

Jacob Milgrom rejects all of the above options and argues for two separate theological explanations for the “unclean” label. First, for the three cud chewers without a split hoof (i.e., camel, rock badger, and hare), he looks to Lev. 11:44-45 and the concept of holiness for his conclusion. Since the Israelites are to be holy as God is holy, they are to emulate God’s ethical standards.⁴⁰ In Milgrom’s view, *שׂדֵי* has its antithesis in *טִמְאָה*, therefore, *טִמְאָה* becomes associated with unholy/unethical practices.⁴¹ Ritual impurity, *טִמְאָה*, also stands for “forces of death,” while *שׂדֵי* intimates “forces of life.”⁴² All of this leads Milgrom to conclude that the undergirding rationale for the dietary distinction between “clean” and “unclean” is reverence for life.⁴³ The purpose of Leviticus 11 is to limit Israel’s access to the animal kingdom.⁴⁴ This raises the question as to why God preserves and protects the “unclean” animals. Milgrom’s argument depends upon *טִמְאָה* representing forces of death, yet these very *טִמְאָה* animals that carry contagion are the ones God will safeguard.⁴⁵ In my view, Milgrom’s theological stance is logically incoherent since it imagines God protecting the “unholy” animals. He also draws in ethical connotations from H that are not clear in most of Leviticus 11.⁴⁶

Relation to Sacrifice

Although the sacrificial system is not the obvious subject of Leviticus 11, the animals that fit within the “clean” category are eligible for sacrifice, with the exception of certain wild game. It may be that the anatomical criteria that separate “clean” from “unclean” are set as a means of undergirding existing sacrificial practices. If this is the case, then the distinction between “clean” and “unclean” demonstrates the concern for potential sacrifices not defiling the temple or those within it. The physical features that mark “unclean” animals become equivalent

to “blemishes” that make an otherwise “clean” animal unfit for the altar and, by extension, the table of the people of Israel.⁴⁷ A significant obstacle for this explanation is that, according to the criteria of Lev. 11:3, wild non-sacrificial animals such as the gazelle were “clean.”⁴⁸ Throughout the chapter, there is no distinction between domestic and wild animals. The focus of Leviticus 11 clearly goes beyond what makes for an acceptable sacrifice. However, if the general criteria for the “clean” category were chosen on the basis of acceptable sacrificial animals, which all have split hooves and chew the cud, then the Priestly authors could not help labeling “clean” other animals that fit the paradigm.⁴⁹ In my view, this is the best explanation for the early “clean” and “unclean” animal division. Defilement is a Priestly concern and the named “unclean” animals mark the boundary for required separation. Where that separation matters most is in dealing with cultic matters, most explicitly at the altar. This concern for marking *טמא* animals as inedible, therefore, has its basis in concern for defiling holy places. Then by extension Israel’s ordinary diet was shaped around the anatomical criteria of those animals already eligible for sacrifice.⁵⁰

One must acknowledge that Leviticus 11 does not provide a sociological explanation of the origins of the clean/unclean labels for food. Indeed it would undercut the Priestly rhetorical point that this Torah is divinely originated. In reality, it is hard to deny that one’s religious world view is intimately entwined with cultural and environmental factors.⁵¹ While there were likely ecological and cultic factors in the system of distinction between edible and inedible, the Priestly authors are more concerned with *having* the polar categories than the reason for having them. Still the distinction between *טמא* and *טָהוֹר* in the first literary stratum indicates a distinct focus on only the *בְּהֵמָה* as potentially unclean, which indicates the close relationship with these animals and the sanctuary. It only makes sense that the Priestly authors would primarily concerned with

sacrificial practices but seek to imbed it in a creation theology. Their rhetorical point is that sacrifice is founded upon the principles of the cosmos. They are simply carrying out their duty as it is laid out in Genesis 1.

Why “clean” or “detestable”?

The division between טָמֵא and טָהוֹר is thoroughly a Priestly construct. As the taxonomic trees show, the first level of division is by the sphere within which various animals live: land, water, and sky. It is no surprise that this aligns completely with the Priestly scheme of spheres in Genesis 1.⁵² On the second day, God creates a dome to separate the waters, creating the water space and the sky space (Gen. 1:6-8). On the third day, God further distinguishes between the water and dry land. Then on the fifth day, God fills the water and sky spaces with fish and birds. On the sixth day, God creates land creatures. These divisions provide a clue to understanding the rationale for the distinction between טָמֵא and טָהוֹר as they appear in the final form of Leviticus 11. The טָהוֹר animals are associated with the second and fifth days and the טָמֵא animals are associated with the third and sixth days.⁵³ The system of differentiation in Leviticus 11 has its theological foreground in the Priestly understanding of God’s creative act.

Conclusion

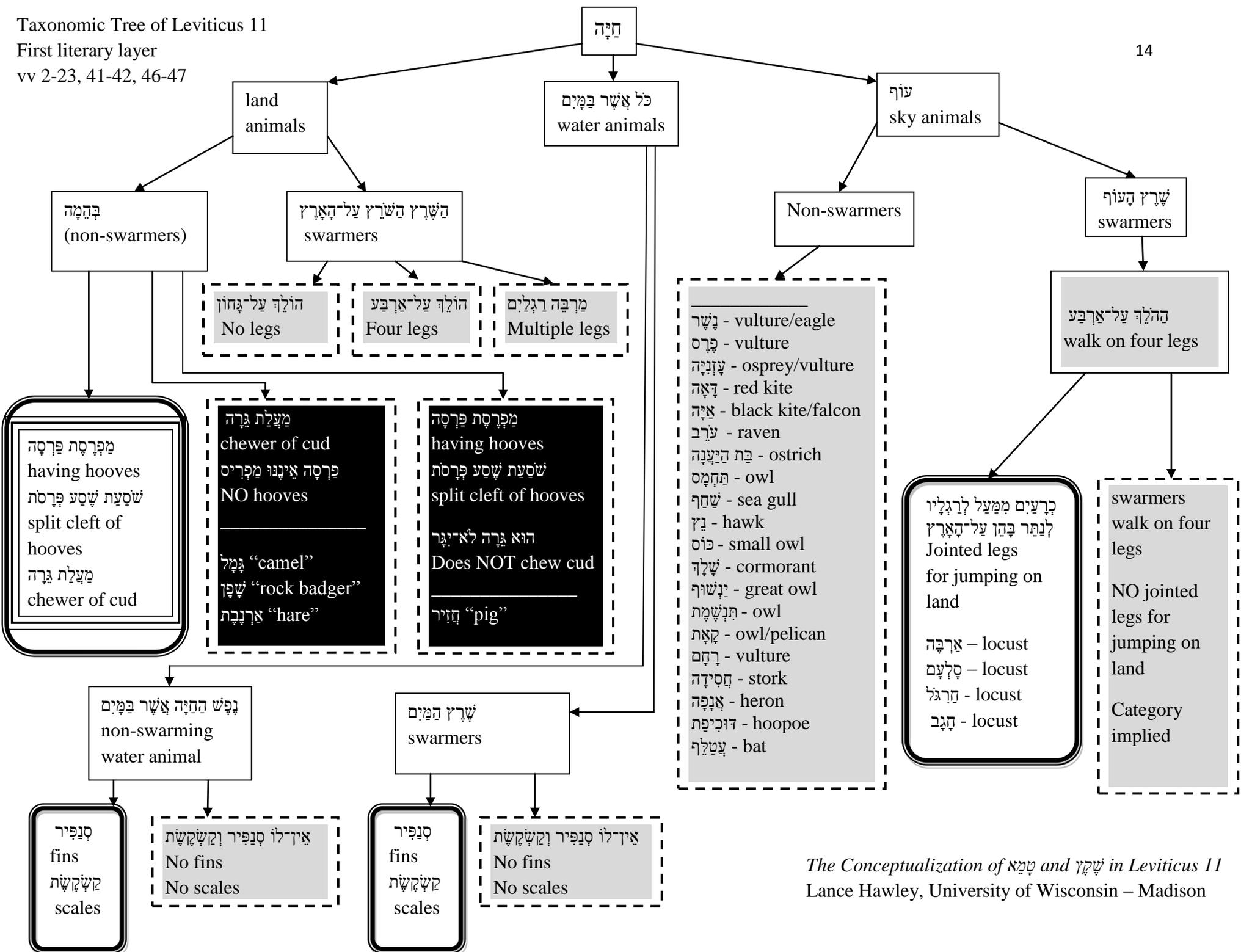
The Priestly writers demonstrate their interest in the animal kingdom at large, not limiting their concern to just animals that contaminate. Beyond the complex issues and possible explanations for the various distinguishing criteria and classifications, the text itself provides a rationale for the entire system of taxonomy, namely, so that the people will know how “to divide” (11:47, לְהַבְדִּיל). The chapter serves as a pedagogical tool, demonstrating “how to make distinctions.” The command exhibits another clear parallel between Leviticus 11 and Genesis 1.

In Lev. 11:47, the hearers are instructed to divide between the “unclean” animal and the “clean” animal (לְהַבְדִּיל בֵּין הַטָּמֵא וּבֵין הַטָּהוֹר). This reflects the divine acts of separation in Genesis 1. For example, in Gen. 1:4 God separates between the light and darkness (וַיַּבְדֵּל אֱלֹהִים בֵּין הָאֹר וּבֵין הַחֹשֶׁךְ). Thus the Priestly charge in Leviticus 11 is an expression of *imitatio dei*, a command to separate and order as God has already done in the act of creation. The extensive Priestly system of classification in Leviticus 11 is an exhibition of their full belief in God’s ordered world and their desire for Israel to live out its proper place within it.

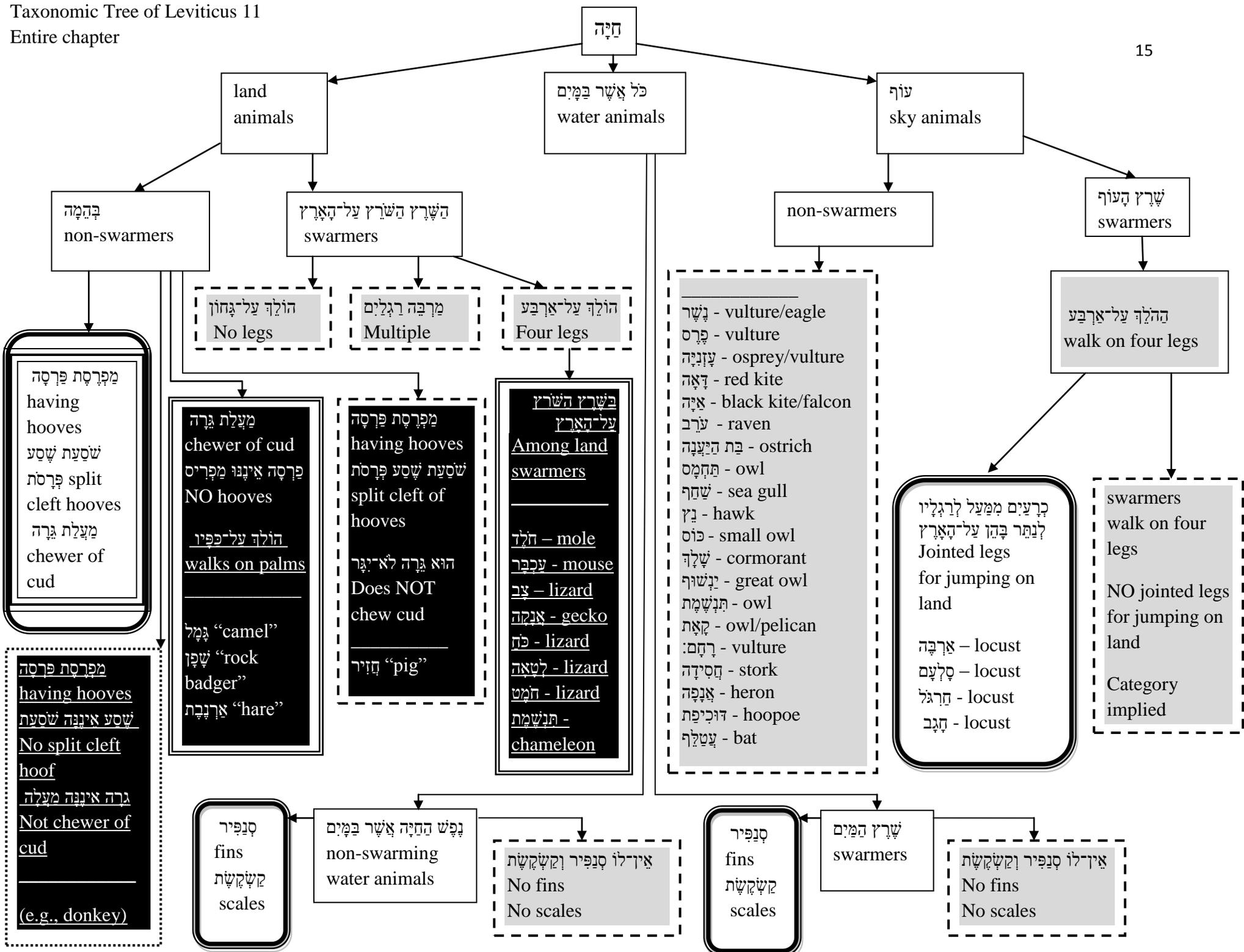
Taxonomic Tree of Leviticus 11

First literary layer

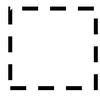
vv 2-23, 41-42, 46-47



The Conceptualization of טָמֵא and שָׁקֵץ in Leviticus 11
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Key for Taxonomic Chart



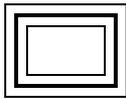
Not Permissible to eat



Permissible to eat



Unclean - טמא



Clean – טהור



Detestable - שֶׁקֶץ



Not permissible to eat and touching carcass communicates impurity



Touching carcass communicates impurity

Underlined text – Categorical information supplied by later compositional layers

Leviticus 11

1 YHWH spoke to Moses and to Aaron, saying to them, ² "Speak to the sons of Israel, saying, 'These are the animals (הַחַיָּה) that you may eat, from all the quadrupeds (הַבְּהֵמָה) that are on the earth.

³ You may eat all that have split-cleft hooves and chew the cud among the quadrupeds (הַבְּהֵמָה)

⁴ Only, these you are not to eat from the cud chewers or those having hooves:

the camel, for though it chews cud, it does not have hooves, it is unclean (טָמֵא) for you;

the rock badger, for though it chews cud, it does not have hooves, it is unclean (טָמֵא) for you;

and the hare, for though it chews cud, it does not have hooves, it is unclean (טָמֵא) for you

⁷and the pig, for though it has hooves that are split-cleft, it does not chew cud, it is unclean (טָמֵא) for you.⁸ You shall not eat of their flesh or touch their carcasses; they are unclean (טָמֵאִים) for you.

⁹ These you may eat from all that is in the water: all that have fins and scales in the water, in the seas or in the rivers, you may eat. ¹⁰ But that which does not have fins and scales in the seas or in the rivers from every swarmer of the water (שָׂקֵץ הַמַּיִם) and from every living animal (גִּפְּשׁ הַחַיָּה) that is in the water, they are detestable things (שָׂקֵץ) for you, ¹¹ and they shall be detestable things (שָׂקֵץ) for you; you may not eat of their flesh, and their carcasses you shall detest (תִּשְׂקָצוּ). ¹² Everything in the water that does not have fins and scales is a detestable thing (שָׂקֵץ) for you.

¹³ These you shall detest (תִּשְׂקָצוּ) from the flying creatures; they shall not be eaten; they are detestable things (שָׂקֵץ): the eagle, the vulture, the osprey, ¹⁴ the red kite, the black kite in its kind, ¹⁵ every raven in its kind, ¹⁶ the ostrich, the owl, the sea gull, the hawk in its kind, ¹⁷ the small owl, the cormorant, the great owl, ¹⁸ the owl, the pelican, the vulture, ¹⁹ the stork, the heron in its kind, the hoopoe, and the bat.

²⁰ Every swarmer flying creature (שָׂרְיָן הָעוֹף) that walks on four legs is a detestable thing (שָׂקֵץ) for you.

²¹ Only this kind you may eat from every swarmer flying creature that walks on four legs: the kind that has jointed legs above their feet to jump on the earth. ²² You may eat these from them: the locust in its kind, the locust in its kind, and the cricket in its kind, and the grasshopper in its kind. ²³ But every (other) swarmer flying creature that has four feet is a detestable thing (שָׂקֵץ) for you.

²⁴ By these you will be made unclean (תִּטְמָאוּ); anyone who touches their carcasses will become unclean (יִטְמָא) until evening, ²⁵ and anyone who picks up their carcasses shall wash his clothes and be unclean (טָמֵא) until evening.

²⁶ Concerning all the quadrupeds (הַבְּהֵמָה) which have hooves, but not a split cleft, and do not chew cud, they are unclean (טָמֵאִים) for you. Anyone who touches them will become unclean (יִטְמָא). ²⁷ And every one that walks on its palms, among all the animals (הַחַיָּה) that walk on four feet, are unclean (טָמֵאִים) for you; anyone who touches their carcasses will be unclean (יִטְמָא) until evening, ²⁸ and the one who picks up their carcasses shall wash his clothes and be unclean (טָמֵא) until evening; they are unclean (טָמֵאִים) for you.

²⁹ Now these are unclean (הִטְמָא) for you among the swarmers that swarm on the land: the mole, the mouse, the lizard in its kind, ³⁰ the gecko, the lizard, the lizard, the lizard, and the chameleon.

³¹ These are the unclean ones (הִטְמָאִים) for you among all the swarmers; anyone who touches them when they are dead will become unclean (יִטְמָא) until evening.

³² Anything on which one of them may fall when they are dead will become unclean (יִטְמָא), including any wooden vessels, or clothing, or skin, or sack-- any vessel in which work is done -- it shall be put in the water and be unclean (טָמֵא) until evening, then it becomes clean (טָהוֹר). ³³ As for every earthenware vessel into which one of the falls, all that is in it will become unclean (יִטְמָא) and you shall break it. ³⁴ Any

of the food that is permissible to eat, on which water comes, will become unclean (יִטְמָא); and any liquid which may be drunk in every vessel shall become unclean (יִטְמָא).³⁵ Everything on which part of their carcass falls will become unclean (יִטְמָא); an oven or a stove shall be torn down; they are unclean (טְמֵאִים) and unclean (טְמֵאִים) they will be for you.³⁶ Only a spring or a cistern collecting water will be clean (טָהוֹר). But the one who touches their carcass will become unclean (יִטְמָא).³⁷ If a part of their carcass falls on any seed which is to be sown, it is clean (טָהוֹר).³⁸ But if water is put on the seed and a part of their carcass falls on it, it is unclean (יִטְמָא) for you.

³⁹ If one of the quadrupeds (הַבְּהֵמָה) that is permissible for you to eat dies, the one who touches its carcass will become unclean (יִטְמָא) until evening.⁴⁰ And the one who eats some of its carcass shall wash his clothes and be unclean (יִטְמָא) until evening; and the one who picks up its carcass shall wash his clothes and be unclean (יִטְמָא) until evening.

⁴¹ Now every swarmer that swarms on the land is a detestable thing (שֶׁקֶץ), not to be eaten.

⁴² Every one that moves on its belly, or walks on four feet, and any with multiple feet, including every swarmer that swarms on the land, you shall not eat them, for they are detestable things (שֶׁקֶץ).

⁴³ Do not render yourselves detestable (אַל־תִּשְׁקְצוּ אֶת־נַפְשֵׁיכֶם) through any of the swarming things that swarm; and you shall not make yourselves unclean (תִּטְמְאוּ) with them so that you become unclean (נִטְמָתֶם).⁴⁴ For I am YHWH your God, so you must consecrate yourselves (וְהִתְקַדְשִׁתֶם) and you must be holy because I am holy. And you shall not make yourselves unclean (תִּטְמְאוּ) with any swarmer that moves on the land.⁴⁵ For I am YHWH who brought you up from the land of Egypt to be your God; so you shall be holy because I am holy.

⁴⁶ This is the law regarding the quadruped (הַבְּהֵמָה), and the flying animal (הָעוֹף), every living animal (נֶפֶשׁ הַחַיָּה) that moves in the water, and everything living thing that swarms (כָּל־נֶפֶשׁ הַשָּׂרְצָת) on the land,⁴⁷ for the purpose of making a distinction between the unclean (הַטְּמֵא) and the clean (הַטָּהוֹר), and between the animal permissible to eat (הַחַיָּה הַנֹּאכְלֹת) and the animal which is not to be eaten (הַחַיָּה אֲשֶׁר לֹא תֹאכְל).

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¹ Jacob Milgrom, *Leviticus 1-16*, Anchor Bible, vol. 3 (New York: Doubleday, 1991), 691-3. If vv 24-40 are an insertion, they were placed before the land swarmer of vv 41-42 are introduced. According to Milgrom, *Leviticus 1-16*, 698, the newer material was inserted before vv 41-42 so that the laws of vv 29-38 would apply to vv 41-42 and form a continuous unit on land swarmer. See David Wright, *The Disposal of Impurity: Elimination Rites in the Bible and in Hittite and Mesopotamian Literature* (Atlanta: Scholars Press, 1987), 201, for a different view of vv 41-42, who regards these verses as part of the H interpolation of vv 43-45. For an overview of the different approaches to the composition of Leviticus 11 see Naphtali Meshel, "Food for Thought: Systems of Categorization in Leviticus 11," *Harvard Theological Review* 101 (2008): 223-4.

² The category of *רָקִיעַ* is not in Deuteronomy 14. Additionally, the textual unevenness within Leviticus 11 is not as apparent in Deuteronomy 14. While the purpose of this paper is not to compare these two texts, it is clear that the parallel exists. Deuteronomy 14 may have either ironed out the difficulties of Leviticus 11 or is working from a different source text. Alternatively, Leviticus 11 may have nuanced and complicated the system of categorization in Deuteronomy 14 in order to fit the Priestly ideologies.

³ This later addition includes a list of eight land swarming rodents and reptiles (vv 29-30) that, unlike all of the animals in the first literary layer, contaminate only by carcass contact. Defilement by eating rodents and reptiles is not the issue of these intervening verses. Consumption is however the issue of vv 41-42 (the first literary layer) where the people are commanded not to eat land swarmer. Milgrom, *Leviticus 1-16*, 694, argues that vv 39-40 represent a third literary layer, serving as "an appendix" to the purification unit. He believes these verses to be later than H, since they imply a stricter rule than H, where a pure animal's carcass does not defile (Lev. 22:8). Lev. 11:39-40 form a bridge between the concern with animal contamination and the focus on prohibited foods by dealing with the case of a clean, edible quadruped that dies and becomes unclean for the one who touches it. Although I find Milgrom's argument convincing, I include these verses in the "later compositional layer" in order to simplify the distinction between the first layer and all of the later additions.

⁴ Milgrom, *Leviticus 1-16*, 693. Milgrom provides additional evidence that vv 24-40 are late, including the meaning of *בְּהֵמָה* in vv 24-28, where it seems to imply only domestic quadrupeds, but in vv 2-8 *בְּהֵמָה* includes all quadrupeds.

⁵ Leviticus 11:43-47 is also composite in nature. Verse 43 begins with the verbal form of *שָׁקַץ*, signifying the action that one does to oneself with reference to swarming animals (*אֲלֵהֶם שָׁקַץ וְאֵתֵּן שְׂרָץ הַשָּׁמַיִם בְּכַל־הַשָּׁרֵץ הַשָּׂרֵץ*). The use here is seemingly synonymous with the two occurrences of *טָמֵא* that follow (*וְלֹא תִטְמָאוּ בָהֶם וְנִטְמַתֶּם בָּם*). This verse uses both lexemes in ways that have not occurred previously in the chapter, with respect to form and meaning. The meaning of *שָׁקַץ* elsewhere does not necessitate defilement or the reflexive idea of making oneself detestable.⁵ The closest parallel to this is in H (Lev. 20:25, *אֲלֵהֶם שָׁקַץ וְאֵתֵּן שְׂרָץ הַשָּׁמַיִם בְּכַל־הַשָּׂרֵץ הַשָּׂרֵץ*). As for *טָמֵא*, v 43 contains its only occurrence in the *niph'al* in the chapter, and it takes on the specific meaning of impurity communicated by means of eating. This use of *טָמֵא* has more in common with H, which would also fit with v 45, "be holy because I am holy," a common locution in H. See Milgrom, *Leviticus 1-16*, 694, for argument that 43-45 are associated with H.

The final two verses, vv 46-47, sum up the basic taxonomy of the animal kingdom presented in the chapter and assert a general reason for the laws, namely, to divide between classes. These verses form a proper conclusion to the chapter. Milgrom, *Leviticus 1-16*, 695, associates v 46 with the earliest literary level because it lists the fundamental animal categories (i.e., water, sky, and land animals) but does not mention purification.⁵ In my view, v 47 is also part of this first compositional layer. If v 46 provides the basic categories of animals, v 47 summarizes the sub-categorical distinctions made throughout the chapter between pure (*טָהוֹר*) and impure (*טָמֵא*) and between edible (*לֶחֶם תֵּאֱכָלוּ*) and inedible (*לֹא תֵאֱכָלוּ*).

⁶ Rather than attempting to describe the chapter's full taxonomy in paragraph form, I have illustrated it in Appendixes A and B. Appendix A charts the taxonomy according to the earliest literary layer (Lev. 11:1-23, 41-42, 46-47). Appendix B charts the taxonomy of the entire chapter.

⁷ Most of the birds are very difficult to identify with much certainty. The list includes the bat (*עֹטְלוֹף*), which of course is not a bird of prey. Bats actually may fit better within the swarming category. By the methods of modern categorization they are mammals. Regardless, the point is the author's taxonomic understanding and not modern systems of classification.

⁸ As for identifying the *בְּמִים אֲשֶׁר בַּמַּיִם* "the (other) living thing which in the water" as non-swarmer water animals, the category in v 10 is in opposition to *שְׂרָץ הַמַּיִם* "swarming thing of the water." For further defense of this distinction see Milgrom, *Leviticus 1-16*, 656. The text does not name any water animals and seems generally unconcerned with this area of the taxonomy. Biblical literature as a whole demonstrates Israel's lower level of knowledge and experience with the sea than with the other two spheres of land and sky.

⁹ This verse is the primary evidence for מְפָרֶטת פְּרָסָה meaning “having a hoof” (lit. “hoofing a hoof” instead of “dividing a hoof.” If it refers explicitly to a divided hoof, there would be no differentiation with שֹׁטֵעַ פְּרָסָה (“one that splits the cleft of the hooves”). The two are clearly different features in v 26. See Milgrom, *Leviticus 1-16*, 646, 668, for the philological evidence supporting the differentiation.

¹⁰ By “inedible” I mean that Leviticus 11 commands the readers not to eat it, not that it literally could not be eaten.

¹¹ The final two verses of the chapter explain that the law (תּוֹרָה) concerning the various major categories of animals is for the purpose of distinguishing (לְהַבְדִּיל) between the unclean (הַטְּמֵא) and clean (הַטְּהוֹר), and between the edible animal (הַחַיָּה הַנֹּכַחֶלֶת) and the inedible animal (הַחַיָּה אֲשֶׁר לֹא תֹאכְלָהּ). Four of the primary categorical labels are therefore represented in the conclusion to the chapter. These two sets of differentiations always correspond throughout the chapter: clean animals are edible, and unclean animals are inedible. No animal is explicitly identified as טְהוֹר in the entire chapter, but the category is drawn out by its antonym, טְמֵא. This is clear in v 3 where the animals that have split hooves and chew the cud are permissible to eat, in opposition to the טְמֵא animals of v 4. Only the label טְמֵא is used here, but v 3 strongly implies that the permissible animals are טְהוֹר. This category would include every quadruped eligible for sacrifice (e.g., sheep) along with the certain wild animals (e.g., gazelle).

¹² Ellen van Wolde, *Reframing Biblical Studies: When Language and Text Meet Culture, Cognition, and Context* (Winona Lake: Eisenbrauns, 2009), 206-68.

¹³ van Wolde, *Reframing Biblical Studies*, 225, says, “The word *ṭimmē*’ and its designation would be unintelligible if separation and keeping apart were not taken into consideration as *ṭimmē*’s inherently included base.”

¹⁴ van Wolde, *Reframing Biblical Studies*, 259. Her conclusion is worth quoting: “We can conclude, therefore, that in contrast to common expectations, the word *ṭimmē*’ cannot be understood as expressing defilement or pollution per se, in which defilement may come from the inside or from the outside. Instead, it is to be understood as defilement that comes only from the outside. It is the immoral behavior of the Israelites that has led to their impurity, because their illicit contact with impure entities makes them impure.”

¹⁵ For a similar statement see van Wolde, *Reframing Biblical Studies*, 257-8.

¹⁶ How food came to be a means of defilement is likely in relation to actual contagions such as skin disease. Cognitive fluidity then generates the possibility of using the concept of contamination metaphorically in cognitive domains such as the land, blood, food, and foreigners. See van Wolde, *Reframing Biblical Studies*, 264.

¹⁷ Edwin Firmage, “The Biblical Dietary Laws and the Concept of Holiness,” in *Studies in the Pentateuch*, ed. J. A. Emerton (Leiden: Brill, 1990), 183.

¹⁸ The rock badger and hare are not actually cud chewers (i.e., ruminants). They are likely classified as such because of their rapid and constant movement of their jaws. See Milgrom, *Leviticus 1-16*, 648; Marvin Harris, “The Abominable Pig,” in *Community, Identity, and Ideology: Social Science Approaches to the Hebrew Bible*, ed. Charles Carter and Carol Meyers (Winona Lake: Eisenbrauns, 1996), 143-4.

¹⁹ Firmage, “Biblical Dietary Laws,” 188.

²⁰ Mary Douglas, *Purity and Danger* (London: Ark Paperbacks, 1966), 38. A third “unclean” animal category is introduced in the second literary level. This includes hooved quadrupeds that do not have split hooves and do not chew the cud (e.g., the donkey). Although the text does not say if these animals may be eaten, it labels them as “unclean,” so they can safely be identified as “inedible.” Verse 26 restricts anyone from touching one of these animals. In all likelihood, this law is about touching the carcass, since this is the predominant issue in vv 24-38.²⁰ It is unlikely that the Israelites would have been tempted to eat a donkey, but the lack of concern for marking the donkey as inedible is probably due to its having *two* degrees of separation (no split hoof and no chewing of cud) from the permissible animals instead of *one*. In other words, the donkey does not serve to clarify the boundary between clean and unclean.

²¹ There is one case where correlation between שֶׁקֶץ and inedibility is called into question. If Leviticus 11:20-23 are taken literally, then all flying swarms that have four legs are שֶׁקֶץ for the Israelites; however, locusts are permissible because they have jointed legs. This raises the issue of whether locusts are edible but שֶׁקֶץ. Some insight into this problem comes from the water animal category. All water animals without fins and scales are שֶׁקֶץ and inedible (vv 10-12). Verse twelve labels these animals שֶׁקֶץ and adds two resulting commands: the Israelites are not to eat their meat and they are to detest (תִּשְׂקֹצוּ) their carcasses. While the Priestly authors leave the door open for classifying locusts as being both detestable and edible, they do not likely intend such a category.

²² Isaiah 66:17 derides those “who eat the flesh of the pig, the *šeqes*, and the mouse” (אֲכָלֵי בֶשֶׂר הַחֲזִיר וְהַשֶּׁקֶץ) (וְהַעֲבֹרָה). Jacob Milgrom, “*šeqes* and *tāmē*,” *Maarav* 8 (1992): 110, rightly argues that this text covers all of the pertinent forbidden categories of Leviticus 11.

²³ See Deut 29:16; 1 Kgs 11:5, 7; 2 Kgs 23:13; Isa 66:3; Jer 4:1; 7:30; 13:27; 16:18; 32:34; Ezk 5:11; 7:20; 11:18, 21; 20:7, 30; 37:23; 2 Chr 15:8.

²⁴ Contra Milgrom, “šeḡeṣ and ṭāmē’,” 113-5, who argues that קָקַץ in P simply means “prohibited as food.” In his view, H extends the meaning of the verbal form to a metaphoric “revile, abominate.”

²⁵ According to the second literary layer, some carcass contamination lasts until the evening when the contaminated person washes his or her clothes (v 28). I say “some” because v 8 does not offer a solution for touching the carcass of an inedible quadruped (קָקַץ). Milgrom, *Leviticus 1-16*, 654, contends that while the carcass transmits impurity, the penalty is only incurred if one goes into the sanctuary without being cleansed, indicating that he assumes some process of purification as the atonement made in Lev. 5:5. The penalty itself is being cut off from one’s people (7:20-21). Meshel, “Food for Thought,” 216, 218, argues that there was no solution to the defilement of v 8 and that the defilement of vv 24-28 is a permissible kind of impurity. Regarding these later verses (24-28), Meshel’s case is persuasive, but the silence of v 8 in the matter of purification does not necessarily mean that there was no means of purification. Milgrom is probably right in his application of other P texts to fill in the gap here. The chapter offers no remedy for contamination by ingestion of a טָמֵא animal. The one possible exception is the carcass of a formally “clean” animal (e.g., cow). Verses 39-40 say that when an animal from the “clean” קָדָשׁ category dies and one eats its carcass, that person will be only be impure until evening. Meshel, “Food for Thought,” 212-3, demonstrates that in most cases where an act is forbidden, there is no rule for purification. His working hypothesis is as follows, “Wherever the author supplies instructions for purification from impurity, the impurity in question is ‘tolerated’; but where the author does not supply these instructions, the impurity is of the prohibited type” (213). As noted above, this hypothesis may read too much into the silence of the text.

²⁶ Milgrom, *Leviticus 1-16*, 656. Milgrom amends his view that ingesting a קָקַץ animal still defiles. In his later essay, he rightly shifts to argue that neither touching or eating a קָקַץ animal brings about impurity and incurs no guilt. See Milgrom, “šeḡeṣ and ṭāmē’,” 108-9.

²⁷ This distinction between טָמֵא and קָקַץ does not hold throughout Leviticus. In H there are “clean” and “unclean” birds (Lev. 20:25) by which one can “abominate” oneself (וְלֹא־תִשְׁקָצוּ אֶת־נַפְשֵׁיכֶם בְּבִהֵמָה וּבְעוֹף וּבְכָל אֲשֶׁר (תִּרְמַשׁ הָאֲדָמָה אֲשֶׁר־הִבְדַּלְתִּי לָכֶם לְטָמֵא). It seems that the early differentiation between טָמֵא and קָקַץ in Leviticus 11 was evened out by later priestly authors. Even in the last literary stage of Leviticus 11, the categories collapse into one. In Lev. 11:43, the verbal form of שָׁקַץ marks an action toward oneself and so implies self-defilement which is synonymous with the reflexive use of טָמֵא throughout the chapter.

²⁸ If we take into account the case of the cow that dies (vv 39-40) and thus becomes an unclean edible animal, there is a fourth possibility Meshel, “Food for Thought,” 216, illustrates this nicely.

²⁹ Douglas, *Purity and Danger*, 41.

³⁰ Harris, “Abominable Pig,” 145, says, “If the Levite priests were trying to rationalize and codify dietary laws, most of which had a basis in preexisting popular belief and practice, they needed a taxonomic principle which connected to the existing patterns of preference and avoidance into a comprehensive cognitive and theological system.” Harris’s argument is rooted in Marxist principles of social development, in which new ideas emerge as a response to changing economic conditions. See A. D. H. Mayes, “Deuteronomy 14 and the Deuteronomic World View,” in *Studies in Deuteronomy*, ed. F. Martinez and A. Hilhorst (Leiden: Brill, 1994), 172-4, for a discussion of Harris’s materialistic interpretation of religious thought in light of Marx.

³¹ Harris, “Abominable Pig,” 145.

³² Harris, “Abominable Pig,” 140-3.

³³ Harris, “Abominable Pig,” 139.

³⁴ Another possible practical reason for the “unclean” status of the pig is health risks associated with pork since pigs carry trichinosis. This argument holds little weight. Undercooked beef can spread disease just as well as undercooked pork. Moreover, the prohibition says nothing about cooking or possible health risks associated with the meat.

³⁵ Israel Finkelstein, “When and How Did the Israelites Emerge?” in *The Quest for the Historical Israel: Debating Archaeology and the History of Early Israel*, ed. Brian B. Schmidt (Atlanta: SBL, 2007), 79.

³⁶ Douglas, *Purity and Danger*, 41-57. Douglas does not differentiate between “unclean” and “detestable” classifications. For her purposes, she is interested in the more general reasons for food taboos.

³⁷ Douglas, *Purity and Danger*, 57.

³⁸ Mary Douglas, “Sacred Contagion,” in *Reading Leviticus: A Conversation with Mary Douglas*, ed. John Sawyer (Sheffield: Sheffield Academic Press, 1996), 105, has a brief discussion of קָקַץ where she attempts to limit the meaning to “forbidden for you” without any negative connotation. She is forced into this definition because she argues that the forbidden animals are equivalent to marginalized people such as the widow. Her argument is riddled

with lexical misunderstanding and logical imprecision. In any case, she lumps טָמֵא into the same framework, thus allowing for no possibility for real contagion.

³⁹ Milgrom, *Leviticus 1-16*, 721.

⁴⁰ Milgrom, *Leviticus 1-16*, 731. Of course, Milgrom recognizes that this concept of holiness in Lev. 11:44-45 and in H are later additions, but he does not take this into account in his synchronic understanding of Leviticus 11. This is problematic if the question is about the Priestly distinction between “clean” and “unclean.”

⁴¹ Milgrom, *Leviticus 1-16*, 731-2. Milgrom labels these terms “antonyms” because holiness goes beyond purity. Holiness and Impurity are “dynamic” because they both seek to control the middle ground categories of “common” and “pure.” See his diagram, 732.

⁴² Milgrom, *Leviticus 1-16*, 733.

⁴³ Milgrom, *Leviticus 1-16*, 733.

⁴⁴ In the later work of Mary Douglas, she comes to a similar conclusion, that the underlying point of Leviticus 11 is protection of animal life. See Mary Douglas, “The Forbidden Animals in Leviticus,” *Journal for the Study of the Old Testament* 59 (1993): 3-23. She compares the inedible animals to blemished people, claiming that the ethic of compassion toward one’s neighbor is at work in Leviticus 11. One of the many problems with her view includes the grouping of “the labourers, the beggars, and orphans and the defenseless widows” in with blemished or unclean people (22). In the case of the water category, Douglas says the no fins, no scales water creatures are young fish with underdeveloped features. She twists the text in order to substantiate compassion for the innocent forbidden creature.

⁴⁵ For a close critique of Milgrom’s thesis, see Walter Houston, “Towards an Integrated Reading of the Dietary Laws of Leviticus,” in *The Book of Leviticus: Composition and Reception*, ed. Rolf Rendtorff and Robert Kugler (Leiden: Brill, 2003), 149-50. Houston also supports looking to H for a rationale, however, his thesis is much more constrained. He argues that obedience to the levitical dietary code exhibits holiness and has cosmological effects. In his view, the dietary laws do not symbolize right behavior, but provide the opportunity to show it.

⁴⁶ As for the pig, Milgrom, *Leviticus 1-16*, 651, thinks it is unclean because in Hittite, Greek, and Egyptian literature it is associated with chthonic deities. He argues that it was taboo for the Hebrews because of its inclusion in foreign cultic activity. Thus, it is the only forbidden animal to which the reverence for life rationale does not apply.

⁴⁷ Firmage, “Biblical Dietary Laws,” 193.

⁴⁸ Milgrom, *Leviticus 1-16*, 733. Milgrom, 729, argues on the basis of Deut. 14:4-5 that the three domesticated quadrupeds are eligible for the altar and belong to God, while the “clean” wild animals belong to Israel. The two categories have varying levels of holiness. He then deduces that the “clean” category in Leviticus 11 only refers to non-sacrificial animals. Leviticus 11 itself makes no such distinction. I find Milgrom’s argument untenable.

⁴⁹ Firmage, “Biblical Dietary laws,” 186.

⁵⁰ This is not necessarily an argument for why טָמֵא animals are inedible, although the Priestly authors may have chosen criteria for water and sky creatures partly on the basis of the criteria for the land animals. For example, the water creatures that lack fins and scales resemble prohibited land animals to some degree (like eels resembling snakes). So טָמֵא differentiations were made on analogy with טָמֵא differentiations. Firmage, “Biblical Dietary Laws,” 189-93, makes this argument, although he does not distinguish between טָמֵא animals and טָמֵא animals, a necessary distinction in my view.

⁵¹ Mayes, “Deuteronomy 14,” 174-6, applies a theoretical model of social development to the origins of the food taboos. In his view, societies develop their world views from “a mythological fusion of social and natural phenomena” (174). Mayes’s view is better nuanced than Harris’s, because it grapples with the inseparable relationship between thought and practice. Harris, 150, does acknowledge the dialectic between ecological and religious factors insofar that he recognizes that religiously sanctioned food laws become the mark of conversion and exert force upon ecological conditions, although this happens only after the ecological factors give rise to the law.

⁵² Milgrom, “šeqeš and ṭāmē,” 110-1 ; Mary Douglas, “Forbidden Animals,” 16.

⁵³ Milgrom, “šeqeš and ṭāmē,” 110, argues that the fifth day creatures are ritually pure because they originate from the same water source from which people drink. Here, he cites Lev. 11:36, which exempts springs and wells from susceptibility to carcass contamination. Anything made of third or sixth day materials, however, is susceptible to defilement (Lev. 11:35,37-38). If Milgrom is correct, then the Priestly distinction between טָמֵא and טָמֵא is due to the necessary allowance for drinking sources to be exempt from impurity. One possible problem that

Milgrom does not deal with it in Lev. 11:41-42, where land swarms are רָרִיִּשׁ . The secondary addition (vv 29-31) may have been an effort to rectify this inconsistency, but the interpretive obstacle still remains.