

## LEVITICUS 22:24: A PROHIBITION OF GELDING FOR THE LAND OF ISRAEL?

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### 1. Introduction

Contributing to a volume in memory of Jacob Milgrom is a great honor. Professor Milgrom provided me with five wonderful years of meticulous and insightful education in Hebrew Bible. I proudly tell my undergraduate students in our sweeping fifteen-week survey of the Bible (Hebrew Bible and New Testament!) how as a graduate student with Professor Milgrom we would spend the same amount of time pondering every exegetical possibility of one chapter of the book of Numbers! Further, Professor Milgrom, along with his wife Jo, offered students their warmth, generosity, and friendship. In 2008, I visited the Milgroms in Jerusalem and enjoyed their wonderful hospitality. Professor Milgrom suggested that we go on a stroll to a “surprise” destination, which turned out to be the home of the now late Moshe Greenberg, another giant of scholarship in Hebrew Bible and also a beloved former teacher. What a memory! Now, the mark of a great mentor is his or her ability to raise a new generation of scholars who dare to differ. So in the following work, while my great admiration and appreciation for the work of Professor Milgrom will be evident, my conclusion will dissent in certain ways from his own.

This research examines Lev 22:24, which restricts an Israelite’s ability to offer animals that have wounded or mutilated testicles. NJPS translates thus: “You shall not offer to the LORD anything [with its testes] bruised or crushed or torn or cut. You shall have no such practices in your own land.” The issue that provides our focus is found in verse 24b, **וּבְאֶרְצְכֶם לֹא תַעֲשׂוּ**, literally, “and in your land you shall not do.” The referent, obviously, has to be supplied from the context. While most modern commentaries

and many translations understand that the forbidden act is the sacrifice of gelded animals (so that v. 24b emphatically repeats v. 24a), traditional Jewish commentaries and some moderns see the verse as a blanket prohibition of the castration of animals. The latter possibility raises interesting issues regarding animal husbandry in ancient Israel, which will be discussed below.

## 2. Background to Leviticus 22:24

### 2.1. Terms for Cattle in the Hebrew Bible

The clarification of English terms used for cattle is helpful. The word “cow” refers to a mature female bovine, and “heifer” is the term for a young cow, especially one that has not yet had a calf. The term “calf” in English refers to the young of a cow and is neutral in terms of gender. Regarding males, there are finer distinctions. “Bull calf” is the label for a young male that will grow into a bull if it is left intact. However, if castrated, it will grow into a “steer,” and in about two or three years it will become an “ox.” While the term “ox” can be used generally for any domesticated bovine, its more correct and technical referent is a “castrated mature male of the domesticated cattle species,” either *Bos primigenius* or *Bos Taurus*.<sup>1</sup> The physical and behavioral differences between an ox and a bull will be described below.

Biblical Hebrew is much less precise than English regarding terms for cattle, which makes it difficult to determine if a given biblical text is discussing an ox, a cow, or a bull. The term **צמד בקר** is usually translated “yoke of oxen.” While the English translation might assume that the pair is castrated, the Hebrew uses the collective **בקר**, “large cattle,” which allows no such determination. **בקר** is often paired with **צאן**, “small cattle,” that is, sheep and goats, to indicate wealth in livestock.<sup>2</sup> **בקר** is a generic term,

1. T. C. Smith, “The Use of Oxen,” *BI* (1989): 70; *Merriam-Webster Collegiate Dictionary* (11th ed.; 2003), s.v. “ox,” where the first definition is “a bovine animal” and the second is “an adult castrated male domestic ox.”

2. **צאן** and **בקר** refer to cattle wealth in Gen 12:16, 13:5, 20:14, and in approximately fifty more passages in the Hebrew Bible. This is movable wealth as opposed to real estate, a distinction that is made in ancient Near Eastern and Jewish law; see C. Watkins, “NAM.RA.GUD.UDU in Hittite: Indo-European Poetic Language and the Folk Taxonomy of Wealth,” in *Hethitisch und Indogermanisch: Vergleichende Studien zur*

so that a bull is termed a **פר בן בקר** and a heifer is an **עגלת בקר**.<sup>3</sup> The term **שור** indicates a single head of large cattle, without any indication of age, gelding, or gender.<sup>4</sup> It can also be used for the female bovine, as in Lev 22:28: “However, no animal from the herd (**שור**) or flock shall be slaughtered on the same day as its young,” with **שור** used for a female herd animal where one might have expected **פרה** (cf. Exod 34:19; Num 18:17). The terms **פר** and **פרה** are used for adult bovines and indicate male and female, respectively.<sup>5</sup> **פר** is the preferred term in Priestly sacrificial texts,<sup>6</sup> which do not indicate its status as a neutered male in any way. If we assume consistency between Lev 22:24 and these Priestly texts, then **פר** signifies an intact male: a bull calf or bull. There are several other terms for large cattle in the Hebrew Bible, such as **עגל** and **עגלה**, “bull calf” and “heifer,” **מריא**, a young animal especially fattened for slaughter, and **אביר** and **אלף**, both poetic terms.<sup>7</sup> Thus, Biblical Hebrew offers the reader no specific term for the ox, the castrated male head of cattle.

## 2.2. The Gelding of Domesticated Animals: Why and How?

An Israelite farmer would be prompted to castrate his bull calf and turn it into an ox for several reasons. Oxen are more docile and can be trained

*historischen Grammatik und zur dialektgeographischen Stellung der indogermanischen Sprachgruppe Altkleinasiens*, ed. Erich Neu and W. Meid, Innsbrucker Beiträge zur Sprachwissenschaft 25 (Innsbruck: Institut für Sprachwissenschaft der Universität Innsbruck, 1979), 269–87; and Shalom Albeck, “Property,” *EncJud* 13:1146–8.

3. **פר בן בקר** for a bull calf or bull is found in Lev 4:3, 14; 16:3; 23:18, and other sacrificial texts in Exodus, Leviticus, and Numbers. **עגלת בקר** for a heifer is used in Deut 21:3; 1 Sam 16:2; and Isa 7:21.

4. Rene Peter, “*Shor et Par*: Note de Lexicographie Hebraique,” *VT* 25 (1975): 496.

5. *Ibid.*

6. *Ibid.*, 489. Peter observes that there is no indication of age in the sacrificial texts of the Torah and Ezekiel and that **פר** could refer to a bull calf, but he concludes that it generally refers to an adult (496). BDB (830) translates **פר** as “steer.” For **פר** in sacrificial texts, see Exod 29, Lev 4, 16, and Num 29.

7. **עגל** appears as a bull calf most famously in Exod 32:4 and 1 Kgs 12:28. **עגלה** is the term for the heifer used as the victim in the ritual performed in the case of an unknown murder in Deut 21:1–9. An especially fattened head of cattle is termed a **מריא** in 1 Kgs 1:19; Isa 1:11. **אביר** is used for a bull in Isa 34:7; Pss 22:13; 50:13; **אלפים** (pl. only) appears in Deut 7:13; 28:4; Prov 14:4. Smith notes that **אלף** always occurs in the plural, **אלפים**, perhaps suggesting that the animals, i.e., oxen, worked in pairs yoked together (“The Use of Oxen,” 70).

with greater facility to pull a plow or cart.<sup>8</sup> They are less prone to gore or violently attempt copulation with a nearby cow. Jonathan Fisher, who wrote during the nineteenth century about “Scripture Animals,” attests the following:

In most civilized parts of the world, Bulls, except so many as are needed for propagating, are altered usually while calves; then from about one to three years old, we call them *Steers*, after that, *Oxen*. The Ox is usually very gentle; grows to a size much larger than the Bull; is much taller, has longer horns, and the hair of his front is much less curled; so that he seems to be almost another species of animal. In this state he is exceedingly useful; he draws the wagon, the cart, and the plough, and is used for almost all kinds of draught. He is very patient in labor. He is in a sense, the wealth of the farmer.<sup>9</sup>

According to Brian Hesse, domestication of large cattle in the Near East began before 5000 BCE, and the use of oxen for plowing is already characteristic of the fourth millennium BCE.<sup>10</sup> The use of both cows and castrated bulls as working animals was also commonplace in Greek and Roman agriculture.<sup>11</sup> Compare the fact that among traditional farmers in present-day Zimbabwe castrated adult males are the main draft animals and are used “for the most arduous tasks,” although cows and bulls are sometimes used.<sup>12</sup> A farmer or herder could also castrate members of his herd so that they would not breed, in order to prevent inferior males

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8. “The castrated male of *B. Taurus* is a docile form especially useful as a draft animal in many less developed parts of the world” (*Encyclopædia Britannica Online*, s.v. “ox,” <http://www.britannica.com/EBchecked/topic/436367/ox>). “Males retained for beef production are usually castrated to make them more docile on the range or in feedlots; with males intended for use as working oxen or bullocks, castration is practiced to make them more tractable at work” (*Encyclopædia Britannica Online*, s.v. “cattle,” <http://www.britannica.com/EBchecked/topic/100077/cattle>).

9. Jonathan Fisher, *Scripture Animals: Natural History of the Living Creatures Named in the Bible* (Portland: William Hyde, 1834; repr., N. Y.: Westhervane, 1972), 49–50.

10. Brian Hesse, “Cattle and Oxen,” *OEANE* 1:442–43.

11. K. D. White, “Agriculture and Food,” in *Civilization of the Ancient Mediterranean: Greece and Rome*, ed. Michael Grant and Rachel Kitzinger, 3 vols. (New York: Scribner’s, 1988), 1:218.

12. John C. Barrett, “The Economic Role of Cattle in Communal Farming Systems in Zimbabwe,” 10, [www.odi.org.uk/resources/docs/5381.pdf](http://www.odi.org.uk/resources/docs/5381.pdf).

from passing on their undesirable traits. The gelding of large cattle was of great utility in the premodern world, and therefore it was a very common practice.

It appears that the docility afforded by castration would have been a desirable trait for large cattle in ancient Israel, where the ox was used for plowing, hauling carts, and threshing grain.<sup>13</sup> The Hebrew Bible offers ample testimony concerning the use of large cattle as draft animals. Cows (פרות) were used for pulling the ark of the covenant from Philistine country to Judah (1 Sam 6:7).<sup>14</sup> Large cattle (שור, בקר) participated in pulling the wagons for the initiatory gifts of the Israelite chieftains for the tabernacle (Num 7:3). The ritual production of ashes for purification demands a red cow “on which no yoke has been laid” (Num 19:2), which suggests that the opposite was the norm. The same applies to the heifer killed in a wadi in the case of an unsolved murder (Deut 21:3). The term צמד בקר, “a yoke of oxen,” assumes the use of large cattle in plowing (1 Sam 11:7; 1 Kgs 19:21; Job 1:3; 42:12). The עגלה, “heifer,” is mentioned in the context of plowing (Judg 14:18; Jer 50:11), and the phrase עגלה מלמדה (NJPS, “trained heifer”) refers to a heifer trained to plow a field (Hos 10:11). Deuteronomy refers to large cattle (שור) threshing and plowing (22:1; 25:4), and Exod 23:12 mandates that the שור rest on the Sabbath. Proverbs 14:4 praises the contribution of cattle as draft animals: “If there are no oxen [אלפים], the crib is clean, but a rich harvest comes through the strength of an ox [שור].” The words for cattle in this verse are the poetic אלפים and the common שור. The weapon used by Shamgar, son of Anat, to kill six hundred Philistines was a מלמד הבקר, a goad to discipline cattle in plowing (Judg 3:31).

The passages just cited either use terms for female bovines (עגלה or פרה) or gender-neutral terms such as בקר or שור. Therefore, we have no

13. Smith, “The Use of Oxen,” 70. Oded Borowski observes: “During the Iron Age, cattle were raised primarily for traction and for their milk and dung, and secondarily for meat, hide, and other by-products” (*Every Living Thing: Daily Use of Animals in Ancient Israel* [Walnut Creek, CA: Altamira, 1998], 74, 121–5).

14. In another context, the wagons sent by Pharaoh to bring Jacob and his sons to Egypt were probably drawn by cattle (Gen 45:21, 27; 46:5). The reiteration of wagons in that context suggests that such conveyance was exceptional, probably because the customary animal for travel and burden was the donkey. To be taken by wagons was evidently a great honor (see Borowski, *Every Living Thing*, 96–97, and the illustration from Egypt on 123).

indication if oxen, that is, castrated bulls, were utilized in ancient Israel in defiance of the traditional interpretation of the law in Lev 22:24.

Jeremiah 31:18 implies that attempts were made to train bull calves for traction: “I can hear Ephraim lamenting: ‘You have chastised me, and I am chastised, like a calf that has not been broken.’” There is a logical connection here between *בַּעֲגַל לֹא לָמַד*, “like a calf that has not been broken,” and *יִסְרַתְנִי*, “You have chastised me.” Thus, the tragic fate of the northern kingdom of Israel, represented by Ephraim, is compared to the beating inflicted on a bull calf that rebuffs attempts to discipline it. However, the imprecise nature of the Hebrew terminology can again leave the reader wondering whether this verse refers to a castrated bull calf or to an intact one.

### 2.3. The Goring Ox

Exodus 21:28–36 deals with cases involving cattle that are homicidal or bovicidal. Bernard S. Jackson calls this kind of bovine “the most celebrated animal in legal history.”<sup>15</sup> Translations differ over the rendering of *שׂוֹר* in these verses, as some have “bull” and others render “ox.”<sup>16</sup> Most commentaries offer no clarification.<sup>17</sup> Gary Rendsburg translates the expression *שׂוֹר נֹגַח* (v. 29) as “goring bull” and notes:

Most ancient Near Eastern languages, Hebrew and Akkadian among them, do not distinguish between “bull” and “ox.” Accordingly, many scholars call this case “the goring ox.” But oxen (who because they have been castrated, are quite docile) are much less likely to gore than bulls (whose strength and virility are well known).<sup>18</sup>

15. Bernard S. Jackson, “Liability for Animals: A Historico-structural Comparison,” *International Journal of the Semiotics of Law* 24 (2011): 261.

16. ASV, KJV, NRSV, and Wycliffe have “ox,” while NIV, NIRV, and the God’s Word Translation render *שׂוֹר* as “bull.”

17. William H. C. Propp uses the terms “ox” and “bull” interchangeably (*Exodus 19–40: A New Translation with Introduction and Commentary*, AB 2A [New York: Doubleday, 2006], 232–35). No other commentary that I consulted mentions the significance of the terms. James Bruckner speaks of the bull as the dangerous animal regarding vv. 28–36, but he is following the NIV, which uses the term “bull” instead of “ox” (*Exodus* [Peabody, MA: Hendrickson, 2008], 187–8).

18. Cyrus H. Gordon and Gary A. Rendsburg, *The Bible and the Ancient Near East* (New York: Norton, 1997), 155 n. 4.

On the other hand, would the owner of a bull allow his strong, virile, and potentially lethal beast to roam in a public thoroughfare where it has access to vulnerable people and other animals? If the Bible indeed speaks of a bull here, one would expect the penalty to be even harsher for a first offense because every bull should be classified as a “habitual gorer” (v. 29), the violence of which is predictable. Perhaps an ox is the subject precisely because its potential tendency to lethal destruction is more difficult to foresee. Therefore, the owner of a first-time offender “is not to be punished” (v. 28) and only suffers the loss of his beast. On the other hand, it is possible that this legislation is not grounded in quotidian reality but rather reflects ancient Near Eastern jurists’ fascination with the ambiguity of a chattel possessed of will but not full intelligence.<sup>19</sup>

### 3. The Law of Leviticus 22:24

#### 3.1. Leviticus 22:24 in Context

Leviticus 22:24 appears in legislation that is concerned with the fitness of animals to serve as victims for the עֹלָה, “burnt offering” (22:17–25). Modern scholarship assigns Lev 22 to H, the Holiness Code, which comprises Lev 17–26, while Lev 1–16 are considered to be the work of P, the “other” Priestly source.<sup>20</sup> In Lev 1–16, we find repeated demands that a

19. See Propp, *Exodus 19–40*, 232, quoting J. J. Finkelstein, “The Ox That Gored,” *TAPS* 72 (1981): 21. There Finkelstein notes that “hardly a single allusion” to an ox (or bull) harming a person or other animal can be found in tens of thousands of cuneiform documents, and it was an occurrence “rare at best.” A survey of talmudic material regarding oxen/bulls that gore also produces no anecdotal material, only theoretical discussion based on the legislation in Exod 21.

20. Jacob Milgrom (*Leviticus 1–16: A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991), 1. He notes that both P and H are Priestly sources. For more on the distinction between these sources and the history of research, see Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School*, trans. Jackie Feldman and Peretz Rodman (Minneapolis: Fortress, 1995). Strong evidence supports an eighth century BCE dating for the writing of H, but it is possible that the practices it mandates predate its documentation. On the dating of H, see Jacob Milgrom, *Leviticus 17–22: A New Translation with Introduction and Commentary*, AB 3A (New York: Doubleday, 2000), 1361–64, Gordon J. Wenham, *The Book of Leviticus*, NICOT (Grand Rapids: Eerdmans, 1979), 8–13; Knohl, *Sanctuary of Silence*, 204–12. Just as the avoidance of pork in the Israelite diet predates the writing of Lev 11, so perhaps the criteria for acceptable sacrificial animals were observed long

sacrificial animal brought to the altar be תמים, without blemish” (NJPS), or “complete” (1:3, 10; 3:1, 6, 9, etc.).<sup>21</sup> However, nowhere in the corpus assigned to P can we find an indication of the defects that exclude an animal from serving as a sacrifice.<sup>22</sup> Deuteronomy 17:1 demands that a sacrificial animal be without מום, “defect,” and further defines this as כל דבר רע, literally, “anything bad”; Deut 15:19–23 demands that the Israelites devote all firstborn male small and large cattle to the Lord but excludes any animal with a מום, specifying that a lame or blind animal or one that has “any serious defect” (כל מום רע) is exempt.

Leviticus 22:22–24 is the most detailed text regarding animal defects, listing twelve physical traits that render an animal inadmissible to the altar. This list bears an obvious correspondence to 21:18–20, which enumerates the twelve kinds of blemishes that disqualify priests from service in the sanctuary. Milgrom notes the strained attempts in both lists to reach the number twelve (based on the twelve tribes and/or the twelve lunar months in a solar year?) and suggests that the common denominator of both lists is that all of the blemishes would be noticeable to any observer. Certainly the obvious nature of animal defects would be helpful to the priests, who must inspect many sacrificial animals per day (see 2 Chr 15:11; 29:32–33; 30:24; 35:7–9). An exceptional priestly defect is the “crushed testicle” (21:20), because the candidate would be clothed, but conspicuousness would not have been as crucial regarding a priest, who could have undergone a careful examination of his fitness.<sup>23</sup> Milgrom suggests that the crushed testicle

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before they were documented by H. For the dearth of pork in the Israelite diet, going back to Iron I, see William G. Dever, *What Did the Biblical Writers Know and When Did They Know It? What Archeology Can Tell Us about the Reality of Ancient Israel* (Grand Rapids: Eerdmans, 2001), 113.

21. That תמים means “complete” is clear from Lev 23:15: שבע שבתות תמימות (= weeks), “seven complete Sabbaths (= weeks).”

22. Milgrom explores P’s neglect regarding the enumeration of potential blemishes (*Leviticus 17–22*, 1873–74). He thinks that P takes them for granted, as the careful examination of the animal would be accomplished by the priest at the sanctuary. H, however, regards the examination of the animal to be the shared responsibility of the lay offerer and the priest, in accordance with H’s penchant for erasing the distinction between priests and laity (1352).

23. Middle Assyrian palace decrees mention examinations for the fitness of palace officials who must be castrated in order to enter the palace (Martha T. Roth, *Law Collections from Mesopotamia and Asia Minor*, WAW 6 (Atlanta: Scholars Press, 1995), 200, 205).

was added to the priestly list so that it would “match the animal list in kind,” an idea based on the assumption that the animal list was primary.<sup>24</sup> He initially suggests that this defect was “arbitrarily chosen” but admits that it could be based on the priest’s aversion to his gelded counterpart in Mesopotamia. The necessity of whole and functioning genitals would not be a surprising qualification for a hereditary caste such as the Israelite priesthood.

A comparison between the two lists in Lev 21:18–20 and 22:22–24 shows several direct correspondences.<sup>25</sup> However, the animal list has four defects in 22:24 that involve sexual organs, while the list for priests has only one: מְרוּחַ אֲשָׁךְ, a “crushed testicle” (21:20). That the reference is to a reproductive organ is clear from the second term in this phrase, which is unique in the Bible but has cognates in other Semitic languages.<sup>26</sup> The meaning of the first element of the phrase is disputed but clearly refers to an impairment of some sort.<sup>27</sup> While the use of four words for one kind of defect seems forced, the structure of the paragraph necessitates four terms in succession.<sup>28</sup> Furthermore, the four terms in verse 24 might reflect different methods of castration, although the use of four may be artificial because the terms overlap in meaning. For example, מְעוֹךְ refers to squeezing or crushing, and כְּתוּת means pounded but also smashed.<sup>29</sup> The two other words, נְתוּק and בְּרוּת, both denote separation and detachment.<sup>30</sup>

24. Milgrom, *Leviticus 17–22*, 1877.

25. For example, blindness and broken limbs appear in both lists as עוֹר/עוֹרָה and שֶׁבֶר/שְׁבוּר, respectively, as do שְׂרוּע (extended limb) and יִלְפַת (scabs). Several other terms have no obvious correspondence (21:20: גִּבְנָן, “hunchback”; דֶּק, “dwarf”).

26. Cognates to אֲשָׁךְ are found in Syriac and Ethiopic (BDB, 78) and Akkadian (*CAD* 7:250) and Ugaritic (*UT* 132.1.2).

27. Marcus Jastrow, *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature* (Brooklyn, NY: Traditional Press, 1903), 838; Milgrom, *Leviticus 17–22*, 1868; BDB, 598.

28. Lev 22:22 lists six kinds of defects, 22:23 has two, and 22:24 has four. This chiastically corresponds to the list of priestly defects in Lev 21, with four in 21:18, two in 21:19, and six in 21:20.

29. Targum Onkelos derives its translation of both terms from the same root, רָסַס. The root מְעַכ occurs in only two other passages, with the sense of press or squeeze (1 Sam 26:7; Ezek 23:3). The root כְּתַת is more properly translated “smash” or “pound” (Deut 9:21; Isa 2:4; Joel 4:10; Mic 1:7).

30. The word נְתוּק, a *qal* passive participle, occurs only here, but the root in the *niphal* and *piel* has the sense of “separate,” “loosen,” “detach” (Josh 4:18; Isa 5:27; Jer 2:20; 10:20; Nah 1:13). The word בְּרוּת, a *qal* passive participle, appears in Deut 23:2 for

The near identity of these pairs of terms is reflected in Rashi's comments, as interpreted by S. Gelbard, which suggest that the first element in each pair refers to an action accomplished manually, but the second member of each pair describes the same mutilation performed with a tool of some sort.<sup>31</sup> Milgrom notes that the four genital defects are listed "according to their increased severity."<sup>32</sup>

Is it possible that four different methods of gelding were actually utilized? In modern times, castration can be accomplished via physical, chemical, and hormonal methods, but physical methods are most common, and in ancient times they would have been the only way to geld an animal. "Physical" in this sense refers to the surgical removal of the testicles, their irreparable damage, or causing them to atrophy via the constriction of the blood supply.<sup>33</sup> Today this is generally accomplished by the application of an elastic band at the base of the scrotum or the use of a clamp (the Burdizzo clamp is the most common). These two methods sever the blood flow to the testes, but the surgical removal of testicles is also practiced.<sup>34</sup> As reported to me by a student who grew up on a farm, a more primitive method is quite effective: a string tied in the right place causes the organs to atrophy and fall off. Accordingly, the "crushing" implied by the first two terms in verse 24 might not denote an action done to the testicles themselves but to the blood vessels that supply the organs. *נתוק* might refer to the separation of the testes by a clamp that cuts off the blood supply but leaves them in the scrotal sack, and *כרות* indicates their

the genital defect that excludes a person from the "congregation of the Lord." In that context, the organ that is cut is probably the penis rather than the testicles, as the noun modified by *כרות* is *שפכה* כרות, from the root שפכ, "pour" (Maimonides, *Mishneh Torah, Issurey Bi'ah*, 16:1–3; Jeffrey H. Tigay, *Deuteronomy: The Traditional Hebrew Text with the New JPS Translation*, JPS Torah Commentary [Philadelphia: Jewish Publication Society, 1996], 386). The most common use of *כרת* in *qal* is with the object *ברית*, "covenant." Elsewhere it is used for cutting the hem from a garment (1 Sam 24:12) and cutting down trees or a sacred pole (1 Kgs 5:20; Judg 6:30).

31. Shemuel P. Gelbard, *Lifeshuto shel Rashi* (Petah Tikvah: Rashi, 1990), 3:362.

32. Milgrom, *Leviticus 17–22*, 1879.

33. American Veterinary Medical Association, "Backgrounder: Welfare Implications of Castration of Cattle," [http://www.avma.org/reference/backgrounders/castration\\_cattle\\_bgnd.asp](http://www.avma.org/reference/backgrounders/castration_cattle_bgnd.asp).

34. Anna Bassett, "Castration of Cattle" (Animal Welfare Approved Technical Paper No. 9, <http://animalwelfareapproved.org/wp-content/uploads/2013/07/TAFS-9-Castration-of-Cattle-v2.pdf>).

The AVMA URL appears to be dead now.

surgical removal with a knife or similar sharp tool. Thus, the four terms do somewhat approximate known physical methods of gelding utilized in the past but also today.<sup>35</sup>

### 3.2. Leviticus 22:24b: A Reiteration or an Addendum?

As noted above, some modern translations view verse 24b as a reiteration of verse 24a, thus emphasizing the ban on sacrificing animals with damaged sexual organs. Thus KJV translates: “Ye shall not offer unto the LORD that which is bruised, or crushed, or broken, or cut; neither shall ye make any offering thereof in your land.” RSV echoes this: “Any animal which has its testicles bruised or crushed or torn or cut, you shall not offer to the LORD or sacrifice within your land.” Everett Fox translates, “(One that is) bruised or smashed or torn-up or cut out (in the testicles) you are not to bring-near to Y, in your land these may not be sacrificed.”<sup>36</sup> On the other hand, most translations leave the object of the prohibition as vague as it is in the Hebrew. Thus, the New Century Version translates verse 24b: “You must not do this in your own land,” so the reader is unsure whether it is the sacrifice of the mutilated animal or the mutilation itself that is taboo. Only the God’s Word Translation renders verse 24b in accordance with ancient interpretation: “Never bring the LORD an animal that has bruised, crushed, torn out, or cut out testicles. Never do any of these things to an animal in your land.” Regarding commentaries, several make no mention of the traditional interpretation of verse 24b<sup>37</sup> and thus assume that the

35. For this opinion, see also Yehoshua Leibovitz and Jacob Licht, “גִּזְמוֹ,” *Encyclopedia Mikrait* (Jerusalem: Bialik Institute, 1971), 4:727. The apparent familiarity of Lev 22:24 with the various methods of gelding could be taken as an indication that castration of flock animals was practiced locally, so that the second half of the verse clearly could not have been an absolute ban. On the other hand, familiarity with gelding could simply reflect second-hand knowledge because other peoples with whom Israelites came into contact through trade and travel practiced it. Regarding the importation of gelded animals, see below.

36. Everett Fox, *The Five Books of Moses: Genesis, Exodus, Leviticus, Numbers, Deuteronomy* (New York: Schocken, 1995), 617.

37. Those that lack mention of this interpretive possibility include: Frank H. Gorman Jr., *Leviticus: Divine Presence and Community*, ITC (Grand Rapids: Eerdmans, 1997), 125; Philip J. Budd, *Leviticus*, NCB (Grand Rapids: Eerdmans, 1996), 311; Samuel E. Balentine, *Leviticus*, IBC (Louisville: John Knox, 1989), 171; R. K. Harrison, *Leviticus: An Introduction and Commentary*, TOTC (Downers Grove, IL:

phrase “and in your land you shall not do [thus]” refers to offering castrated animals on the altar.

Jewish tradition assumes that, in the Torah, redundancy or repetition for the sake of emphasis in divine speech is precluded.<sup>38</sup> Thus, for example, the two passages in the Torah that prohibit stealing are understood to pertain to different objects: in Exod 20:15, “you shall not steal” refers to kidnapping, but in Lev 19:11 the same words in the plural refer to the theft of impersonal objects.<sup>39</sup> Therefore, it is not surprising to find that ancient interpreters regarded verse 24b as supplementing the content of verse 24a, rather than just repeating it. Josephus writes that the gelding of men or “any other animals” is unlawful (*Ant.* 4.8). Targum Pseudo-Jonathan renders the clause in 24b: “and in your land you shall not castrate” (תסרסון). Ben Zoma, a second-century CE sage known in the Mishnah as the last of the great Bible expositors, was asked, “Is it permitted to castrate a dog?” He replied, ‘In your land you shall not do.’ This means, to none that is in your land shall you do thus” (b. *Ḥagigah* 14b; m. *Soṭah* 9:15).<sup>40</sup> The Septuagint, Vulgate, and Targum Onkelos translate literally, and thus we do not receive a precise sense of what they intend by the verb “do.”

Perhaps the opinion that castration of animals in general is prohibited by Lev 22:24 is a reflection of the postbiblical sages’ belief in the “omnificance” of the biblical text and lacks any real textual basis. On the other hand, several factors suggest that the traditional view should not be discarded too hastily. First, the general decree that “in your land you shall

InterVarsity Press, 1980), 213. Those that do express support for the more inclusive interpretation include Baruch A. Levine, *Leviticus: The Traditional Hebrew Text with the New JPS Translation*, JPS Torah Commentary (Philadelphia: Jewish Publication Society, 1989), 152; Karl Elliger, *Leviticus*, HAT 1/4 (Tübingen: Mohr Siebeck, 1966), 300; and Wenham, *The Book of Leviticus*, 295.

38. It is difficult to find in rabbinic texts an explicit statement of this fundamental assumption. James Kugel writes that the traditional view of Scripture’s perfection “led to the doctrine of ‘omnificance,’ whereby nothing in Scripture is said in vain or for rhetorical flourish” (*The Bible as It Was* [Cambridge: Harvard University Press, 1998], 21). See also Hermann L. Strack and Günter Stemberger, *Introduction to the Talmud and Midrash*, ed. and trans. Markus Bockmuehl, rev. ed. (Minneapolis: Fortress, 1996), 24.

39. Rashi quotes Mekilta Tractate Bahodesh 8 (*Mekilta de-Rabbi Ishmael*, ed. and trans. Jacob Z. Lauterbach [Philadelphia: Jewish Publication Society, 1961], 2:260).

40. Rabbinic exegesis broadens the prohibition to include nonsacrificial animals that belong to Jews even outside the Land of Israel. See Rashi on Lev 22:24, quoting m. *Qiddušin* 1:9.

not do” is not H’s usual way of emphasizing the prohibited nature of a specific act; it is used in no other verse to forbid an act previously interdicted.<sup>41</sup> Moreover, of the defects enumerated in verses 22–24, the category of genital mutilation is the only one that an owner might “do” because it enhances the value of the animal. Baruch A. Levine notes that all the others listed in verses 22–23 “are more likely congenital in nature or the result of injury.”<sup>42</sup> Thus, “you shall not do” in verse 24b refers only to the immediately preceding defects in verse 24a and not to those enumerated in verses 22–23. To designate “any of these” twelve preceding defects, verse 25 uses a different expression: **מכל אלה**.<sup>43</sup> The verb from the root **עשה** can be used for sacrifice, but in that case it generally must have **ליהוה** as indirect object, or the preposition **ל** with the category of sacrifice, or a category of sacrifice as a direct object.<sup>44</sup> None of these is the case in verse 24b.

### 3.3. Ambiguity and Deviation from Main Topic

Perhaps the clause “and in your land you shall not do” is too ambiguous to bear a consequential meaning. The verb “do” expresses the most general

41. The second-person plural imperfect of **עשה** is used with the object **מלאכה**, “work,” nine times in Lev 23. In 18:3, it is used to prohibit Israelites from “copying the practices” of Canaan and Egypt. See also 19:15, 35 with the object **עול**, “injustice”; 19:4 with **אלהי מסכה** “molten gods”; and 18:26 with **תועבות**, “abhorrent things.” The second-person plural perfect of **עשה** with *waw* consecutive is found in H in combination with the verb **שמר** and the objects “commandments” and “statutes” (**מצוות**, **חוקות**; 19:37; 20:8, 22; 22:31; 25:18; 26:3) and in the context of sacrifice with an animal as its object (23:12, 19).

42. Levine, *Leviticus*, 152.

43. Jan Joosten, *People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17–26*, VTSup 67 (Leiden: Brill, 1996), 76; Levine, *Leviticus*, 152. On the other hand, see Milgrom, *Leviticus 17–22*, 1880.

44. With **ליהוה**, see Lev 17:9; Num 29:3. With **ל** followed by the type of sacrifice, see Lev 23:12, 19; with the name of the sacrifice as the direct object, see Exod 12:48; Lev 9:7, 22; 16:9; 22:23; Num 15:3; 29:2. David Z. Hoffmann writes that **עשה** would refer to sacrifice only if it were followed by **ליהוה** (*The Book of Leviticus* [Hebrew] (Jerusalem: Rabbi Kook Institute, 1976), 2:82. On the other hand, there are several passages in which **עשה** does have a sacrificial sense without the additional phrases. See Num 28, where the verb **עשה** has the meaning “sacrifice” in vv. 4, 6, 8, 15, 23, 24, 31 and “prepare” in vv. 20, 21. See also Exod 29:39, 41; Num 15:12–14. The three texts concern sacrifices with their grain and liquid accompaniments, so perhaps some specialized terminology is employed here.

of actions, it has no specific direct object, and the locus of the action is “the land,” as opposed to a more specific designation. Furthermore, Lev 22:17–25 focuses on sacrifice, and one might wonder why an entirely new topic (gelding) would be introduced into an unrelated context.

Regarding the problem of ambiguity, it should be recognized that ambiguity is characteristic of biblical law. A few examples will suffice here, but many more could be adduced. First, מלאכה, “work,” is prohibited on the Sabbath (Exod 20:8), but nowhere is the term defined; its definition must have been supplied by Israel’s oral tradition. Second, the timing of the first day of the Omer counting is a famous dispute based on the ambiguity of the phrase ממהרת השבת in Lev 23:11, 15–16.<sup>45</sup> Third, the term אסון in Exod 21:22–23 has confounded exegetes since ancient times. If the Covenant Code wanted to clearly express the superiority of the mother’s life to that of her fetus(es), it could have used more specific terminology, such as “if the mother dies.”<sup>46</sup> Fourth, within the corpus of H, the terminology used to express sexual intercourse is euphemistic and therefore lacks specificity, which is especially surprising when we consider that acts of illicit sex are capital crimes.<sup>47</sup> Returning to Lev 22:24b, it is possible that this command was couched in general terms because the audience was already familiar with the content of the prohibition; specificity was superfluous because the first half of the verse supplied the particulars: genital mutilation.

Regarding the second objection, that the legislator is going “off topic” when he mentions gelding in the context of sacrifice, this kind of deviation is very common in biblical law in general. Compare, for example, the case of the woman who intervenes in a brawl to save her husband by grabbing the genitals of his protagonist (Deut 25:11–12), which is immediately followed by legislation against unjust weights and measures, beginning with the words, “you shall not have in your pouch a stone two stones, a large

45. Jacob Milgrom observes that “there are four interpretations of this expression which gave rise to arguably the most long-lasting schism in the history of the Jewish people” (*Leviticus 23–27: A New Translation with Introduction and Commentary*, AB 3B [New York: Doubleday, 2001], 2057).

46. Much has been written about this problematic law. The LXX departs from a simple translation of the word אסון and introduces the idea of the formed versus unformed fetus. See Propp for a recent summary of the problems (*Exodus 19–40*, 221–32).

47. The most prominent expressions in H for sexual intercourse are “to reveal nakedness,” “to lie with,” and “to take” (Lev 18:6–23; 20:11–21).

and a small” (v. 13). While one link between these two seemingly unrelated laws may be the concept of unfair advantage, another connection might be the imagery.<sup>48</sup>

A similar kind of linkage could apply to Lev 22:24. If the legislator wanted to incorporate a ban on gelding within the corpus of H, where would he insert it? Certainly Lev 22:24a, which specifies genital defects of sacrificial animals, is more relevant to a ban on gelding than any other passage in H.

There are many places within H where the topic of legislation deviates from what we would consider to be the main theme of the context. Here are a few examples. First, the worship of Molech is interjected into the catalogue of illicit sexual acts in Lev 18, linked by the keyword זרע, “seed” (v. 21). Second, in Lev 20, verses 10–21 deal with various forms of sexual misdeeds, but verses 25–27 concern dietary laws and then necromancy. Third, Lev 22 includes a time limit on eating a thanksgiving offering after two commandments dealing with sensitivity to animals (vv. 27–30). Fourth, the prohibition on loaning at interest (Lev 25:36–37) appears in a chapter dealing with sabbatical and jubilee years. Therefore, given that staying “on topic” is not a consistent priority in biblical law in general, and H in particular, we should not be surprised when Lev 22:24b deals with gelding in the context of physical blemishes of livestock.

### 3.4. The Sense of “in Your Land”

Phillip Budd thinks that the key expression for understanding Lev 22:24 is בארצכם, “in your land.” Thus, the clause might contrast what Israelites are allowed to offer with the practice in other lands.<sup>49</sup> However, it is logical to expect that the cults of other lands also demanded animals without blemish.<sup>50</sup> Moreover, Leviticus contrasts the practices in Israel with those

48. Tigay, *Deuteronomy*, 458. The principle of “free association” seems to be important in the arrangement of the legal sections of Deuteronomy (452–59).

49. Budd, *Leviticus*, 311. Elliger thinks that the verse contrasts Israelite practice with that of the Babylonians in the postexilic period (*Leviticus*, 300).

50. Milgrom, *Leviticus 1–16*, 147, regarding the term תמיים. He writes that the same requirement for an unblemished animal prevailed in Mesopotamia and refers to an Old Babylonian prayer in which the person bringing a sacrifice to Shamash and Adad declares that he is bringing a “pure sheep whose fleece has a herdsman not torn right and left” (quoting Adam Falkenstein and Wolfram von Soden, *Sumerische and akkadische Hymnen und Gebete* [Zurich: Artemis, 1953], 1:275). Whether gelded

of other peoples and lands with the legal vocabulary of “walking in” and “observing” the laws, statues, and ordinances of the Lord, compared to those of the other nations, as in 18:3–5, 26–30; 20:22–24; 26:3.<sup>51</sup> Only 26:1, like 22:24, prohibits a specific practice “in your land,” and that is placing there an *אבן משכית*, “a figured pavement.” Perhaps *בארצכם* is used here because it signifies not only “in your land” but at the same time “on your land,” as the practice, according to the same verse, was to prostrate upon the figured pavement (*להשתחות עליה*).<sup>52</sup> Thus, it seems unlikely that the reference to Israel’s land in 22:24b intends to contrast Israel’s practice with those of other nations. Rather, it extends the prohibition of castrated animals on the altar to the “doing” of castration in the land of Israel.

#### 4. Jacob Milgrom’s Analysis of Leviticus 22:24

At this point it is necessary to examine Jacob Milgrom’s analysis of the problems posed by Lev 22:24. These are verbatim his four objections to the traditional interpretation of verse 24b:

1. *Structure.* The progression gelded sacrificial animals (v. 24a), gelded non-sacrificial animals (v. 24b), and gelded sacrificial imports (v. 25) is broken.
2. *Logic.* Gelded animals for non-sacrificial use could be imported.
3. *Rationale.* Presumably, H prohibits gelded animals in all the land because it extends the holiness of the sanctuary (P) to the entire land. If so, one would rightly ask: Why doesn’t H also ban castrated humans in the land? That is, why doesn’t H extend the ban on castrated priests (21:20b) to Israelites (and resident aliens)?
4. *Economics.* As observed by Wessely (1846), gelding is essential husbandry. His observation is correct, for it can be shown that gelding is

animals were considered defective outside of Israel is unclear. Marcus Varro wrote regarding the animals for sacrifice in ancient Rome: “those who buy cattle for sacrifice do not usually demand a guaranty of soundness in the victim” (*On Agriculture* 2.5.11 [LCL, 373]).

51. In H, *בארצכם* is found again in the conditional clause, “If a stranger lives with you in your land” (Lev 19:33).

52. Victor Hurowitz describes it as “a stone slab placed in the ground” and “decorated with divine symbols.” The supplicant would bow down upon it and kiss the ground in order to have her or his wishes granted (“Wish upon a Stone: Discovering the Idolatry of the *Even Maskit*,” *BRev* 15.5 [1999]: 51)

necessary for better quality meat, for manageable beasts of burden, and for the production of wool (Wapnish and Hesse 1991: 34–35).<sup>53</sup>

On the basis of the above observations, Milgrom concludes that there was large-scale gelding in the land of Israel. If that was the case, what is the point of the prohibition of verse 24b? He very tentatively suggests “with due reserve” that “in your land” means *any other sanctuary* in your land. Thus, the prohibition is restricted to sacrifices offered at regional sanctuaries “in your land,” and this allows the exploitation of gelded beasts for common purposes.<sup>54</sup>

This interpretation invites criticism on several points. First, if “in your land” refers to regional altars, one might have expected that the term would be more common in this body of literature; regarding sacrifice, it is found only here in H. Further, the structure of verses 24–25 is not broken if seen in an alternative sequence: the altar, the land of Israel, and, finally, other lands, expressed by the term נכר (22:25).

Regarding Milgrom’s third point, that H for the sake of consistency must also ban castrated people if it bans gelded animals, H can only ban from the land of Israel intentional acts, not those that are accidental. Tigay, in his comments on Deut 23:2, concludes that it is unclear whether intentional castration was practiced in Israel. He notes that in the ancient Near East, intentional castration had various purposes: for high-ranking officials, for punitive purposes, and as an element in religious ceremonies during the Hellenistic and Roman periods.<sup>55</sup> A recent evaluation of the literature suggests that this practice was not as frequent as previously thought regarding the first two of these categories.<sup>56</sup> Regarding castration in religious contexts, it is possible that the biblical authors knew nothing of this because it was so remote.<sup>57</sup> Regarding the Bible, the relevant word is סריס,

53. Milgrom, *Leviticus 17-22*, 1880.

54. *Ibid.*

55. Tigay, *Deuteronomy*, 210.

56. Luis R. Siddall, “A Re-examination of the Title *Sha Reshi* in the Neo-Assyrian Period,” in *Gilgameš and the World of Assyria: Proceedings of the Conference Held at the Mandelbaum House, the University of Sydney, 21–23 July, 2004*, ed. Joseph Azize and Noel Weeks, Ancient Near Eastern Studies Supplement 21 (Leuven: Peeters, 2007), 226–40.

57. Tigay quotes Lucian of Samosata, a second-century CE satirist, regarding the worship of the Syrian goddess. Castrated priests called “Galli” participated in orgiastic ceremonies. Lucian reports that a possessed spectator might take a sword and castrate

which interpreters have generally thought to denote a high-ranking official who was also a eunuch. However, scholars are reevaluating the identification of the סריס with a eunuch.<sup>58</sup> The only biblical text that is explicit in this regard is the postexilic Isa 56, in which case a Jew may have become a eunuch in the service of the Babylonian court.<sup>59</sup> Brevard Childs writes that, “as far as we know, castration was not practiced in Israel, either for court and harem officials or as a judicial punishment,” and notes that only Isa 56, Esther, and possibly Daniel can be used to identify the סריס with a gelded male, and all three are foreign contexts.<sup>60</sup>

Regarding the possibility of H prohibiting castrated men from the land of Israel, we should note that this corpus bans from the land various volitional actions, such as illicit sex (Lev 18 and 20), because they are considered polluting. However, regarding individuals who are impure through no fault of their own, such as those afflicted with skin disease or genital discharges, there is an expectation that at some point in the future they may achieve purity (Lev 12–16). They are banned from the camp but not from the land (Num 5:1–4). Granted that the temporary nature of their disabilities puts them in contrast to an Israelite with damaged organs, the expectation that H would have to ban from the land males who are damaged through no fault of their own if it did the same to intentionally gelded animals is not a necessity. Compare Deut 23:2, which does not banish men with genital mutilation from the land or people of Israel but rather from the “Assembly,” perhaps a national governing body of those with full citizenship.<sup>61</sup>

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himself, then “run wild through the city, bearing in his hands what he has cut off” (Herbert A. Strong and John Garstang, *The Syrian Goddess: Being a Translation of Lucian’s ‘De dea Syria,’ with a Life of Lucian* [London: Constable, 1913], 51; see further <http://www.sacred-texts.com/cla/luc/tsg/index.htm>). Dario M. Cosi refers to “the custom, widespread in the ancient Near East and in the Semitic cultures, of castrated priests” but specifically cites only the *kurgarru* of the temple of Ishtar (“Castration,” *ER* 3:110).

58. R. North, “Palestine, Administration of (Judean Officials),” *ABD* 5:87; Siddall, “Re-examination of the Title,” 229–32.

59. Siddall, “Re-examination of the Title,” 232, Tigay, *Deuteronomy*, 386 n. 25. In Isa 56 the eunuch is paired with the foreigner. Brevard S. Childs concludes that סריסים “were ... of non-Jewish origins, hence a subcategory of *bene hannekhar*” (*Isaiah*, OTL [Louisville: Westminster John Knox, 2001], 457).

60. Childs, *Isaiah*, 457. See Esth 1; Dan 1.

61. Tigay, *Deuteronomy*, 209–10.

Milgrom's fourth point, that gelding is necessary for efficient animal husbandry, is absolutely correct and consistent with the information surveyed above regarding large cattle, especially regarding their utility in plowing and pulling. If the ox was the wealth of the farmer, then the bull would be his detriment. It was wild, was difficult to discipline, and demanded care and vigilance. Regarding small cattle, Wapnish and Hesse write that a ban on gelding sheep "would have had a substantial impact on herd demographics and the system's capacity for fiber production. While intact males can be used to produce wool, it is hard to manage them in large numbers." The authors suggest that only females would have been sheared for wool, and males would have been eaten when they were young.<sup>62</sup>

If Lev 22:24b was a ban on gelding for the land of Israel, how do we harmonize this with the Israelite farmer's need for cattle for traction, his most important possession?<sup>63</sup> First, it is possible that this law is one of several examples in the Torah of idealistic legislation, similar to laws against oppressing the alien (19:33), demands for honest weights (19:36; Deut 25:13–16), or the prohibition of interest on loans among Israelites (Exod 22:24; Lev 25:36–37; Deut 23:20–21). All of these express ideals that may not have met with general compliance, so we see the development of legal strategies in later Jewish law to ameliorate the most burdensome consequences of some of these requirements.<sup>64</sup> Jacob Milgrom asserts that the Torah's laws, "far from being a guide for behavior, were, at least in part, the living code of Israel."<sup>65</sup> While this may be true, the strict enforcement of a ban on gelding, as well as other idealistic legislation, could have been thwarted easily. Oded Borowski notes that, while Lev 19:19 prohibits

62. Paula Wapnish and Brian Hesse, "Faunal Remains from Tel Dan: Perspectives on Animal Production at a Village, Urban and Ritual Center," *Archaeozoologia* 4 (1991): 34–35.

63. That cattle were the Israelite farmer's most important possession is reflected in legal texts that safeguard an Israelite's right to his possessions (Exod 20:14; 21:37; 22:8; Deut 5:14).

64. Regarding the ban on loans at interest, later Jewish law allows numerous ways to evade it (H. Cohen, "Usury," *EncJud* 16:30–31). Similar is the Torah's categorical prohibition on leavening in Israelite homes (Exod 12:15, 19) and perhaps even the Land of Israel (Deut 16:4). Later Jewish law allows the householder (and merchant) to "sell" his leavening during the seven days of Passover and "receive" it back intact after the festival, which is certainly a concession to pragmatism (H. Rabinowicz, "Sale of Hamez," *EncJud* 7:1237–38).

65. Milgrom, *Leviticus* 17–22, 1348.

breeding hybrid animals, there are ample references in the Hebrew Bible to mules and hinnies.<sup>66</sup> It is hard to imagine that there was large-scale cattle inspection to coerce compliance or that priests and Levites would have been the enforcers. Rather, the individual's conscience, the pressure of the community to conform, along other elements in the Torah that motivate compliance,<sup>67</sup> would have served to pressure an Israelite to obey.

Second, it is possible that cows were used for traction, while males were used for sacrifice and sources of meat. This accords with the demand that the *עולה* sacrifice, the animal wholly burned on the altar, be a male (Lev 1:3). Milgrom writes that the *עולה* is described first in Leviticus because of its popularity and ubiquity. Regarding the requirement that it be a male, he writes that this “would correspond to the socioeconomic reality that in all livestock-raising cultures the male animal is expendable.”<sup>68</sup> Note that the texts cited above regarding Israelite utilization of cattle for pulling a plow or cart often mention the female or use neutral terms that could include females; none speak of a *פר*.

Third, it is plausible that Israelites in the preexilic period, like their descendants, found various ways to circumvent the force of the onerous law in Lev 22:24b while adhering to its literal meaning. Milgrom notes

66. Oded Borowski, personal communication, May 13, 2013. The Hebrew terms for male and female mules are *פרד* and *פרדה*, respectively, usually mentioned in the context of royalty (2 Sam 13:29; 18:9; 1 Kgs 1:25, 33, 38, 44; 10:25; 18:5; 2 Kgs 5:17; Isa 66:20; Ezek 27:14; Ps 32:9; Ezra 2:66; Neh 7:68). A mule is the hybrid offspring of a male donkey and a female horse; a hinny is the offspring of a male horse and a female donkey. Biblical Hebrew might not distinguish between the two. Roy E. Gane (personal communication) raises the possibility that Israelites might not have viewed the interbreeding of horses and donkeys as a violation of the law because they were both equids.

67. Elaine Goodfriend, “Ethical Theory and Practice in the Hebrew Bible,” in *The Oxford Handbook of Jewish Ethics and Morality*, ed. Elliot Dorff and Jonathan K. Crane (New York: Oxford University Press, 2013), 38–41.

68. Milgrom, *Leviticus 1–16*, 174. Legislation regarding the *חטאת*, “purification offering,” in Lev 4 also requires that the high priest, congregation, and prince offer male animals. Regarding the *חטאת* of the commoner, a female goat or lamb is the requirement because “a commoner is likely to keep only female animals” (ibid., 252). For the *שלמים*, “well-being” offering, a male or female is acceptable (Lev 3:1). In ancient and modern animal husbandry, the number of bulls needed to inseminate a herd is quite small, perhaps one bull for every thirty to forty cows (so Varro regarding Roman agriculture: *On Agriculture* 2.3.18 [LCL, 379]). The proportion of males to females in Jacob's gift to Esau (Gen 32:14–16) suggests that fewer males were retained.

above in his second point that gelded animals could have been imported. This is a valid point, but *using* an ox in the Land of Israel is not forbidden, only *making* one. Obeying the law while avoiding its full consequences is characteristic of later Jewish law regarding gelding: a Jew may not neuter his dog nor have a gentile neuter it for him but may purchase a neutered canine.<sup>69</sup> Perhaps such a practice can be derived from verse 25: defective animals obtained from foreigners may not be used for sacrifice, but this verse does not prohibit the acquisition of a defective animal from a foreigner for a profane purpose.<sup>70</sup> The Babylonian Talmud (b. Baba Mešī'a 90b–91a) mentions another way to circumvent the law:

Come and hear: For they [the scholars] sent to Samuel's father: What of those oxen which Arameans steal [at the instance of the owners] and castrate? He replied: Since an evasion was committed with them, turn the evasion upon them [their owners], and let them be sold! — R. Papa replied: The Palestinian scholars hold with R. Hidka, viz., that the Noachides are themselves forbidden to practice castration, and hence he [the Israelite, in instructing the heathen to do it,] violates, Ye shall not put a stumbling block before the blind [Lev 19:14].

In this case, non-Jews “steal” and castrate the cattle at the request of their owners. However, because non-Jews (Noachides) are also prohibited from gelding their animals,<sup>71</sup> Jews may not bribe them to do so lest they “place a stumbling block before the blind,” that is, induce them to transgress a prohibition that pertains to them as well. Thus, some Jews of antiquity, rather than suffer the economic hardship caused by the high price of suitable cattle for traction, utilized an overly literal reading of the law and observed it according to its letter but not its spirit.<sup>72</sup> It is not hard to imagine that

69. See Rabbi Natan Slifkin, *Man and Beast* (Brooklyn: Yashar, 2006), 241. Many Jews who obey Jewish law believe that it is permitted to temporarily “sell” their animals to non-Jews to have them neutered, but the Talmud even prohibits the “sons of Noah,” i.e., non-Jews, from emasculating their animals (ibid., 242, based on b. Sanhedrin 56b–57a.)

70. The obvious target of v. 25 is the reasoning that a sacrificial animal acquired from a foreigner does not have to meet the rigorous standards that the gift of an Israelite does. Those who opine that the verse may prohibit all animals, even unblemished ones, from other countries (Budd, *Leviticus*, 311; Gorman, *Leviticus*, 126) are wrong.

71. B. Sanhedrin 57a; see n. 68.

72. Another example relates to firstborn cattle, which have special status; they must be devoted to Israel's God and eaten at God's chosen place (Exod 13:11–13; Deut

Israelites of previous eras also would have utilized this practice in the face of restrictions that caused financial loss. Jewish law, with its rigorous Sabbath and festival restrictions and high standards of commercial ethics, offered many such opportunities for monetary privation.<sup>73</sup>

### 5. Motivation for a Prohibition of Gelding

If Lev 22:24b does indeed impose a categorical ban on the castration of nonsacrificial animals, one must question the motivation for such a highly unusual and costly practice. Elijah Schochet suggests that the ban on emasculation of animals stems from two principles: compassion (akin to other commandments regarding kindness or generosity to animals), and a desire not to trespass upon “God’s world.” Regarding the latter, he cites the Torah’s desire that an animal reproduce “according to its own kind” and abhorrence of the intermingling of species. Deuteronomy 22’s law of the mother bird expresses a concern akin to Lev 22:24, “a concern that an entire species, or family of species, created by God to endure . . . might thereby be eradicated from the earth.”<sup>74</sup> Similarly, Natan Slifkin categorizes Lev 22:24 among “commandments of sensitivity to the value of an animal’s life” and

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15:19–20). In later Jewish law, after the destruction of the Jerusalem temple, the firstborn of sacrificial animals must be given to a priest after it has attained the age of thirty days (“Firstborn,” *EncJud* 6:1310). Therefore, halakic literature deals with the question: Can a Jew sell his cow (pregnant with its firstborn) to a non-Jew for a short term, until after its delivery? In that way, the Jewish owner would not have to forfeit his property (Maimonides, *Mishneh Torah, Sefer Korbanot, Bekhorot*, ch. 4, and later responsa literature).

73. Jews may not engage in work or even contemplation of business on Sabbath and festivals (Maimonides, *Mishneh Torah, Sefer Zemanim, Shabbat*, ch. 24). Regarding ethical behavior, for example, Jewish interpretation regarding Lev 19:14 (“you shall not place an obstacle before the blind”) forbids a Jew from offering a potential customer misleading information from which the Jew would benefit (see Rashi, ad loc.).

74. Elijah Schochet, *Animal Life in Jewish Tradition: Attitudes and Relationships* (New York: Ktav, 1984), 71. Laws against the intermingling of species are found in Lev 19:19; Deut 22:9–11. The phrase, “according to its kind,” is found in Gen 1:11–12, 21, 24–25; 6:20; 7:14; Lev 11:14–16, 19, 22; Deut 14:13–15, 18. The sixteenth-century Spanish exegete Don Isaac Abarbanel suggests that castration is banned “so that this species of animal will always remain viable which is the purpose of nature, and further, that one should not alter God’s creative works” (*Perush ‘al HaTorah* [Jerusalem: Benei Arbel, 1979], 2:126).

quotes an anonymous medieval work, *Sefer Ha-Hinnukh*, which explains that gelding thwarts God's plan for a perfect, self-sustaining world.<sup>75</sup>

Genesis does indeed express the imperative that both humanity and the animal world reproduce after the flood. In 8:17, God tells Noah, "Bring out with you every living thing of all flesh that is with you: birds, animals, and everything that creeps on earth; and let them swarm on the earth and be fertile and increase." Just as the law of the goring "ox" in Exod 21 is a legal expression of Gen 9:5–6's principle that God requires vengeance on a homicidal animal, perhaps Lev 22:24b is a legal reflex of Gen 8:17's demand that animals proliferate on earth.

The prohibition of emasculation conforms to other ideas regarding animals found in the Hebrew Bible. It is evident that Israelites had a great affinity for and empathy with their animals of the flock and herd. The "flock" is the most common biblical metaphor for Israel.<sup>76</sup> Howard Eilberg-Schwartz speaks of the pastoral metaphor as the dominant one in Israelite thought and elaborates on the potent influence it had on Israelite law and practice.<sup>77</sup> The affinity reflected in the metaphor is evident in various ways. As a narrative example, Nathan's juridical parable of the poor man's lamb suggests that Israelites could empathize with the poor man's filial relationship with his flock animal.<sup>78</sup> William Propp suggests that the prohibition in Exod 23:19 of cooking a kid in its mother's milk is

75. Slifkin, *Man and Beast*, 145–46, cites Aaron ha-Levi and Gabriel Hirsch Englander, *Sefer HaHinnukh* (Vienna, 1827), commandment 291, available at [Hebrewbooks.org/38670](http://Hebrewbooks.org/38670).

76. צֶמֶד, "flock," is used for Israel in Num 27:17; 2 Sam 24:17; 1 Kgs 22:17; Jer 13:20; 23:1–4; 25:34–37; 50:6; Ezek 34; 36:37–38; Mic 2:12; 7:14; Zech 9:16; 11:4–17; 13:7; Pss 44:12; 74:1; 77:21; 78:52; 79:13; 95:7; 100:3. For other nations as flocks, see Isa 13:14; 53:6. עֶדְרָה, "flock" or "herd," is used for Israel in Isa 40:11; Jer 13:20; 31:10; Mic 2:12; Ps 78:52; Zech 10:3. Howard Eilberg-Schwartz notes that, while the docile flock is a frequent metaphor for society in the Bible, the metaphorical use of large cattle is found less often because the bull is too dangerous and unpredictable, as reflected perhaps in Ps 22:13 (*The Savage in Judaism: An Anthropology of Israelite Religion and Ancient Judaism* [Bloomington: Indiana University Press, 1990], 120).

77. *Ibid.*, 115–40.

78. The parable assumes that a flock animal can be considered "like a daughter" to its dotting owner, and no less a judge than the king of Israel decrees that the man who heartlessly slaughtered this cherished lambkin deserves to die. Robert Alter remarks that the parable "begins to become a little fantastic here in the interest of drawing close to the relationships of conjugal intimacy and adultery to which it refers" (*The David Story* [New York: Norton, 1999], 258). However, if the parable were too fantastic to

motivated by horror “at causing a mother to be instrumental in the eating of her young,” and this is grounded in empathy, “the ability to imagine another person as possessing feelings and rights as valid as one’s own.”<sup>79</sup> Personal names also reflect this sense of kinship, while Hebrew terms from the animal kingdom, such as אֵיל, אַבִּיר, and עֵתוּד, are used for men in leadership positions.<sup>80</sup> Several laws in the Torah concerning animals are obviously motivated by empathetic compassion.<sup>81</sup>

There are several reasons for this affinity with animals, especially of the flock and herd:

- (1) Interdependence. Humans were dependent upon their animals for meat, milk, leather, wool, fuel in the form of dung, companionship, perhaps even warmth at night, while people felt a strong pragmatic and emotional obligation to offer food, water, and protection to their dependent animals.

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be believable, it would lose its rhetorical power, as the reader expects David to have a reasonable reaction to the tale, not a completely exaggerated one.

79. Propp, *Exodus 19–40*, 286.

80. For personal names, we have Eglah, “heifer,” a wife of David (2 Sam 3:5), and the related name Eglon, king of Moab (Judg 3); Rachel, “ewe lamb”; Yael, “mountain goat”; and Leah, “bovine antelope” (so Eilberg-Schwartz, *The Savage in Judaism*, 116). For אֵיל (pl. אֵילִים) as people in leadership positions, see Exod 15:15; 2 Kgs 24:15; Ezek 17:13; 32:21. The term אַבִּיר, “mighty,” is used for bulls and horses in Isa 34:7; Pss 22:13; 50:13, but for men in 1 Sam 21:8. Israel’s God is called אַבִּיר (without the *dagesh* in the *bêt*) in Gen 49:24; Isa 1:24; 49:26; Ps 132:2. For עֵתוּד, “he-goat” (Gen 31:10; Deut 32:14) as princes or leaders, see Isa 14:9 and perhaps Ezek 34:17; 39:18.

81. Admittedly, the Torah commands the sacrifice of animals and their ritual consumption. There are (as I count them) ten nonsacrificial laws in the Torah that deal with animals, but the only statutes that are clearly motivated by compassion for animals (as opposed to other concerns) are Exod 23:11 (that the Israelite leave the produce of the sabbatical year for the poor and “wild animals”), Exod 20:10 and 23:12 (that one’s animals should rest on the Sabbath), and Deut 25:4 (an “ox” threshing grain may not be muzzled). The others have various motivating factors, perhaps including concerns about the “fusion of life and death” (so Milgrom, *Leviticus 1–16*, 741). These are Exod 23:19; 34:26; Deut 14:21; Lev 22:26–28; Deut 22:6–7. As for Deut 22:10, the prohibition of yoking an ox and an ass together, it is unclear which animal is the object of compassion. As for Exod 23:4–5 and Deut 22:1–4, which focus on livestock that have strayed or have fallen under their burdens, the object of concern is just as likely the owner.

- (2) Shared habitation. This is evident when we look at the typical Israelite dwelling during the Iron I period: the pillared or four-room house in which animals were sheltered on the first floor and their masters on the second.<sup>82</sup> Deuteronomy 22:2 commands the Israelite to gather into his house his brother's animal that has strayed. Exodus 9:20 and 1 Sam 6:10 also suggest that livestock was kept in one's house. The story of Jephthah's daughter assumes that animals were more likely than his lone daughter to emerge from the doors of his house (Judg 11:30). In 1980, I personally spent the night in a cave with a Kashmiri family who brought all their livestock inside at dusk.
- (3) Shared emotional range. Animals have emotional reactions not unlike those of humans.<sup>83</sup> This is one of the endearing qualities of animals, as they make obvious their loyalty, fear, and affection. Several passages suggest that animals even recognize God's ability to sustain them (Pss 104:27; 145:15–16; Job 38:41).
- (4) Shared fates. Phenomena such as drought, famine, locusts, plague, and invasion would have devastated people and animals together.<sup>84</sup> God's restoration of the land of Israel offers blessings to both (Deut 28:4; 30:9; Jer 31:27; 33:12–13; Ezek 36:11).
- (5) Shared origins. Evidently Israelites viewed the origin of the animal world as a manifestation of God's creative imagination, not unlike the origin of humankind. This kinship is evident in Gen 1, as both land animals and humans are created on the sixth day (1:24–31). In Gen 2, both are created (verb from root יצר) from the earth (2:7, 19).

Perhaps the ban on castration in Lev 22:24 is based on this sense of affinity and commonality that Israelites had with their domesticated animals. Just as an Israelite man would find castration anathema for himself or his son, so, too, some authorities in ancient Israel rejected it for their animals. This

82. William G. Dever, *The Lives of Ordinary People in Ancient Israel: Where Archaeology and the Bible Intersect* (Grand Rapids: Eerdmans, 2012), 156–57, 164–65.

83. See Schochet, *Animal Life in Jewish Tradition*, 51–55.

84. Lev 26:22 and Deut 28:18 specifically refer to the loss of animal life among the many dire consequences of breaking the covenant. Of course, famine that afflicts humans also results in loss of cattle feed and the subsequent demise of livestock (Lev 26:19–20; Deut 28:23–24).

may be unique to Israel because of the reverence for life characteristic of biblical law. Another aspect of the Israelite worldview possibly reflected in the ban on castration is its appreciation of the pleasures of sexuality, which should be the right of animals, as it is of humans.<sup>85</sup>

## 6. Conclusion

The goal of this work was to reevaluate the traditional interpretation of Lev 22:24b, that the clause prohibits the gelding of domesticated animals in the land of Israel. Most modern commentaries and translations view the words “and in your land you shall not do” as a reiteration of verse 24a, so that gelding is only prohibited for animals intended for the altar. This limitation allows the use of oxen for plowing and traction, a remarkably utilitarian benefit for the ancient Israelite farmer, and indeed all premodern farmers. However, the weight of the evidence presented here supports the traditional understanding of the verse, which would have placed the Israelite farmer at a disadvantage, as far fewer suitable animals would have been available for his use. Various strategies may have been utilized to overcome this obstacle, including the predominant use of cows for traction, but also the importation of oxen. The restriction of Lev 22:24b would have been motivated by the life-affirming ethos of Israel’s laws, an aspect of Scripture amply illuminated by the work of Jacob Milgrom.

85. The reference in Exod 21:10 to ענתה may refer to a married woman’s right to sexual relations. Nahum Sarna writes that this understanding of the term “would reflect a singular recognition in the laws of the ancient Near East that a wife is legally entitled to sexual gratification” (*Exodus: The Traditional Hebrew Text with the New JPS Translation*, JPS Torah Commentary [Philadelphia: Jewish Publication Society, 1991], 121; for other interpretations of this obscure term, see Propp, *Exodus 19–40*, 202–3). Another passage that could reflect the same sentiment is Deut 24:5, which refers to a newly married man’s obligation to make his wife “happy” (שָׂמַח, a *piel* verb). Certainly the Song of Songs (as part of the biblical canon), as well as the absence of any reference to celibacy in the Hebrew Bible, reflect this positive view of sexuality. Regarding the sexual pleasure of animals, perhaps Israelites projected human sensibilities onto them. The lustful nature of equine animals is mentioned in Jer 2:24; 5:8; Ezek 23:20. Animal sexuality is also mentioned in the context of bestiality (Exod 22:18; Lev 18:23; 20:15–16; Deut 27:21), and the phraseology of these laws assumes that the initiators are the human partners. However, Hittite Laws §199 refers to animals as initiators of sexual attacks on humans (trans. Harry A. Hoffner Jr. [COS 2.19:118–19]).