

ONCE AGAIN SEETHING A KID IN ITS MOTHER'S MILK

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Dietary codes are essential determinants of identity the world over: every aspect of food preparation and consumption is potentially subject to regimentation that shapes individual and collective behavior. For millennia, Jews have distinguished themselves from others by their adherence to dietary constraints adapted and expanded from ancient biblical legislation. More recently, the manner in which they observe or neglect those constraints has become a primary marker of intra-Jewish denominational difference.¹

Among the biblical dietary restrictions that undergird Jewish practice, a law that stands out is the thrice-repeated prohibition of seething a kid in its mother's milk. Practically everything about that law cries out for comment and interpretation, and although the call has been answered in abundance, consensus concerning the meaning and purpose of the regulation remains elusive. It may be worthwhile to summarize the issues yet again, to offer detailed comment on a few of them in the light of traditional and modern commentary, and to argue for what seems to be the most productive path towards understanding.

The first two iterations of the law occur in closely related passages in Exodus 23:17-19 // Exodus 34:23-26. In both cases, the kid law is included in a set of prescriptions immediately following a summary of required festival observances. The latter text appears to be an expansion of the former, as the

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¹ See in general Seth D. Kunin, *We Think What We Eat: Neo-structuralist Analysis of Israelite Food Rules and Other Cultural and Textual Practices* (JSOTSup 412; N.Y.: T & T Clark, 2004), pp. 29-103; John Cooper, *Eat and Be Satisfied: A Social History of Jewish Food* (Northvale, NJ: Jason Aronson, 1993); David C. Kraemer, *Jewish Eating and Identity Through the Ages* (N.Y.: Routledge, 2007).

following side-by-side comparison indicates. Differences are shown typographically: in the Exodus 34 passage, italics designate changes in wording; the outline font attribute marks additions:²

Exodus 23:17-19

(יז) שְׁלֹשׁ פְּעָמִים בַּשָּׁנָה יֵרָאֶה
כָּל זָכוֹרֶךָ אֶל פְּנֵי הָאֱדֹן יְדֹדְךָ:

(יח) לֹא תִזְבַּח עַל חֲמִץ דָּם זִבְחִי
וְלֹא יֵלִין חֶלֶב חֲגִי עַד בִּקְרָא: (יט)
רֵאשִׁית בְּכוּרֵי אֲדָמָתְךָ תָּבִיא בֵּית
יְדֹדְךָ אֱלֹהֶיךָ לֹא תִבְשֵׁל גְּדֵי בַחֲלָב
אֲמוֹ:

¹⁷Three times a year all your
males shall appear before the
Sovereign, the Lord.

¹⁸You shall not offer the
blood of My sacrifice with
anything leavened; and the
fat of My festal offering
shall not be left lying until

Exodus 34:23-26

(כג) שְׁלֹשׁ פְּעָמִים בַּשָּׁנָה יֵרָאֶה כָּל
זָכוֹרֶךָ אֶת פְּנֵי הָאֱדֹן יְדֹדְךָ אֱלֹהֵי
יִשְׂרָאֵל:

(כד) כִּי אֲזַרְיֶשׁ גּוֹיִם מִפְּנֵיךָ
וְהִרְחַבְתִּי אֶת גְּבֻלְךָ וְלֹא יִחַמְדּוּ
אִישׁ אֶת אֶרְצְךָ בְּעֹלְתְךָ לְרֵאוֹת
אֶת פְּנֵי יְדֹדְךָ אֱלֹהֶיךָ שְׁלֹשׁ פְּעָמִים
בַּשָּׁנָה:

(כה) לֹא תִשְׁחַט עַל חֲמִץ דָּם זִבְחִי
וְלֹא יֵלִין לְבִקְרָא זֶבַח חַג הַפֶּסַח: (כו)
רֵאשִׁית בְּכוּרֵי אֲדָמָתְךָ תָּבִיא בֵּית
יְדֹדְךָ אֱלֹהֶיךָ לֹא תִבְשֵׁל גְּדֵי בַחֲלָב
אֲמוֹ:

²³Three times a year all your
males shall appear before the
Sovereign Lord, the God of
Israel. ²⁴I will drive out
nations from your path and
enlarge your territory; no one
will covet your land when you
go up to appear before the
Lord your God three times a
year.

²⁵You shall not *offer* the blood
of My sacrifice with anything
leavened; and the sacrifice *of
the Feast of Passover* shall not
be left lying *until* morning.

² NJPS here and (mostly) throughout. Unless otherwise noted, Hebrew texts are derived from *The Torah CD-ROM Library (Taklitor torani)*, v. 16 (Jerusalem: D.B.S., 2010). Citation of the Tetragrammaton as יְדֹדְךָ is a convention of that collection.

morning.¹⁹The choice first fruits of your soil you shall bring to the house of the Lord your God. You shall not boil a kid in its mother's milk.

²⁶The choice first fruits of your soil you shall bring to the house of the Lord your God. You shall not boil a kid in its mother's milk.

Exod 23:18-19 looks at first glance like an appendix to the festival legislation in vv. 14-16, but as Houtman comments, "The point at issue is the relation of the appendix to the cultic calendar. The question is whether the appendix consists of independent stipulations without connection with the three annual feasts or of regulations that are linked to the festivals."³ That question is mooted by the subsequent occurrences of the law: the reiteration in Exodus 34 retains the association with the festivals, while the one in Deuteronomy 14 (below) does not.

In Exodus 23, assuming that vv. 18-19 do contain festival regulations, a distributive interpretation may connect the individual laws to particular festivals as follows:⁴

v. 14: "three times a year"	→	v. 17: "three times a year"
v. 15: Unleavened Bread	→	v. 18: no leaven with sacrifice
v. 16a: Harvest	→	v. 19a: first fruits
v. 16b: Ingathering	→	v. 19b: kid law

The scheme is suggestive, and Exodus 34:25 undoubtedly identifies the "festival" of 23:18 with Passover. But it is strange

³ Cornelis Houtman, *Exodus* (HCOT; 4 vols.; Leuven: Peeters, 1993-2002), 3:259. From a rhetorical-critical point of view, the issue is whether the parallelism of "three times" (שלוש רגלים אשלוש פעמים), vv. 14, 17) provides closure for the unit in vv. 14-17 or indicates that vv. 18-19 are continuous with the festival laws. There is no introductory formula in ch. 34 comparable to 23:14, but the status of 34:23 is problematic nonetheless (closure or continuity?), especially considering the intrusive v. 24, where the echo of "three times" is found. The paragraph divisions that I have adopted suggest continuity.

⁴ So already Isaac Abarbanel on Exod 23:18-19: וכיון שהגיד שלשת וכוונתו להגיד שלשת החגים ההם, נתן בכל אחד מהם משפט מיוחד ("having told of those three festivals, he assigned a particular law to each one of them"). More recently, see Joe M. Sprinkle, *The Book of the Covenant: A Literary Approach* (JSOTSup 174; Sheffield: JSOT Press, 1994), pp. 188-90.

that the author specifies “Passover” as opposed to “Unleavened Bread” (34:18), and however one explains that oddity,⁵ the fact remains that Exodus 34 does not explicitly delimit the other supplementary regulations in relation to corresponding festivals. The connection of first fruits with Harvest (=Shavuot) is logical but not necessary,⁶ and the association of the kid law with Ingathering is even more tenuous.

Unless the fall festival originally took place later than the date fixed by the priestly calendars (Lev 23:34, Num 29:12), the association of the kid law with that occasion may run afoul of animal husbandry. Using traditional methods of flock management and depending on grazing conditions, the usual mating season in Israel and environs for both sheep and goats is at its peak in late summer. Since the gestation period is approximately 150 days, most birthing would take place too late for the fall festival.⁷ Menahem Haran’s suggestion that a few animals might have been conceived and born earlier amounts to special pleading.⁸

⁵ Most likely it is a late interpolation of an exegetical character; it reflects an ongoing concern to combine the originally disparate festivals of Unleavened Bread and Passover. See, e.g., Jan A. Wagenaar, *Origin and Transformation of the Ancient Israelite Festival Calendar* (Beihefte zur Zeitschrift für Altorientalische und Biblische Rechtsgeschichte 6; Wiesbaden: Harrassowitz, 2005), p. 40.

⁶ The first-fruit offering of Lev 2:14 is not explicitly connected to any festival, and may not even be obligatory. See Ibn Ezra ad loc., but contrast Jacob Milgrom, *Leviticus 1-16* (AB 3; N.Y.: Doubleday, 1991), pp. 192-93.

⁷ In a study conducted in the 1960s, H. Epstein and A. Herz examined fertility records for eight breeds of goat either indigenous to or imported into Israel. All breeds, whether local or imported, kidded at the end of winter or in early spring (“Fertility and Birth Weights of Goats in a Subtropical Environment,” *The Journal of Agricultural Science* 62 [1964], pp. 237-44). See in general S. Hirsch, *Sheep and Goats in Palestine* (Tel Aviv: Palestine Economic Society, 1933); also H. Epstein, “Awassi Sheep,” *World Animal Review* 44 (1982), pp. 11-27 (esp. 19-20).

⁸ “Seething a Kid in Its Mother’s Milk,” *JJS* 30 (1979), pp. 23-35, esp. 34-35, followed by Sprinkle, 190. See also Nahum Sarna, *Exodus* (JPS Torah Commentary; Philadelphia: Jewish Publication Society, 1991), p. 147.

Exodus 34 is a composite text that depends heavily on earlier material, including Exodus 23.⁹ The heart of the matter is the polemic against any and all engagement with the “inhabitants of the land” (34:12), whether it is to enter into agreements with them, participate in their practices, or intermarry with them (vv. 12-16). The obvious implication is that the immediately-following prohibition of molten gods (v. 17) and the commendation of festival observance with ancillary regulations (vv. 18-26) are conjoined to the polemic: as markers of Israelite *difference* these laws form a bulwark against assimilation. The specification of YHWH as “the God of Israel” (v. 23) and the explicit mention of Passover, the festival that defines Israelite national identity (v. 25, as opposed to the generic “festival” in 23:18) confirm that the intent of the laws in Exodus 34 is to emphasize Israel’s distinctiveness in contrast to the nations that are about to be dispossessed. While the Bible does not characterize the prohibited practices in vv. 25-26 as foreign, later commentators might have drawn that inference from the context.¹⁰

In Deuteronomy 14, the kid law is given a new setting, immediately following the list of animals that may and may not be eaten (itself parallel to the list in Leviticus 11):¹¹

(כא) לא תאכלו כל נבלה לגר אשר בשעריך תתננה
 וּבָקְלָה אוּ מִכֹּר לְנִכְרֵי כִּי עִם קְדוֹשׁ אֲתָה לִידוֹד אֱלֹהֶיךָ לֹא
 תִּבְשַׁל גְּדִי בְחֵלֶב אֱמוֹ: (כב) עִשָׂר תַּעֲשֶׂר אֶת כָּל תְּבוּאֹת

⁹ See, for example, Shimon Bar-On’s demonstration that the festival legislation in Exodus 34 is “a midrashic revision” of Exodus 23 (“The Festival Calendars in Exodus xxiii 14-19 and xxxiv 18-26,” *VT* 48 [1998], pp. 161-193 [quotation on 184]); also Houtman, *Exodus*, 3:263. On the critical discussion of Exodus 34, see the relevant essays in Matthias Köckert and Erhard Blum, eds., *Gottes Volk am Sinai: Untersuchungen zu Ex 32-34 und Dtn 9-10* (Veröffentlichungen der Wissenschaftlichen Gesellschaft für Theologie 18; Gütersloh: Chr. Kaiser, 2001), especially David Carr, “Method in Determination of Direction of Dependence: An Empirical Test of Criteria Applied to Exodus 34,11-26 and its Parallels,” pp. 107-140.

¹⁰ So explicitly the fourteenth-century exegete Levi ben Gershom (Ralbag), cited below.

¹¹ On the relationship between the lists in Leviticus 11 and Deuteronomy 14, see Milgrom, *Leviticus 1-16*, pp. 698-704.

זָרַעְךָ הַיֵּצֵא הַשָּׂדֶה שָׁנָה שָׁנָה: (כג) וְאָכַלְתָּ לִפְנֵי יְדֹד
 אֱלֹהֶיךָ בְּמָקוֹם אֲשֶׁר יִבְחַר לְשִׁכּוֹן שְׁמוֹ שָׁם מֵעַשָׂר דְּגָנְךָ
 תִּירֹשֶׁךָ וְיִצְהָרְךָ וּבְכֹרֶת בְּקֹרֶךָ וְצֹאנֶךָ לְמַעַן תִּלְמַד לַיִרְאַה
 אֶת יְדֹד אֱלֹהֶיךָ כָּל הַיָּמִים:

²¹You shall not eat anything that has died a natural death; give it to the stranger in your community to eat, or you may sell it to a foreigner. For you are a people consecrated to the Lord your God. You shall not boil a kid in its mother's milk.²² You shall set aside every year a tenth part of all the yield of your sowing that is brought from the field.²³ You shall consume the tithes of your new grain and wine and oil, and the firstlings of your herds and flocks, in the presence of the Lord your God, in the place where He will choose to establish His name, so that you may learn to revere the Lord your God forever.

The sequel to the kid law in v. 23 betrays the influence of Exod 23:26, inverting the order of the two key components (kid law/first fruits) in accordance with Seidel's Law.¹² Deuteronomy retains from Exodus the connection between the kid law and the offering of first produce, but augments the agricultural produce of Exodus 23 with firstlings of the flock as well as first pressings of wine and oil. The location of the kid law in Deuteronomy decouples it from festival legislation and recontextualizes it in two ways—as a general dietary law on the one hand, and as a concomitant of the offering of firstling animals on the other.

The preceding synopsis of the kid law in its three occurrences evokes and to some extent answers the following basic questions:

¹² According to Seidel's Law, when a later text cites an earlier one, it inverts the order of key elements or terms in the source text. The phenomenon is well documented in legal texts. See, e.g., Bernard Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (New York: Oxford, 1997), p. 196 (s.v. "Seidel's Law"); David P. Wright, *Inventing God's Law: How the Covenant Code of the Bible Used and Revised the Laws of Hammurabi* (N.Y.: Oxford, 2009), pp. 236, 458 n. 21.

- Is the milk/meat ban¹³ general or only for specific cultic/ritual situations?¹⁴
- Which term(s) is (are) the particular point(s) of emphasis?
- Why are there three occurrences?
- What is the connection to other laws in the respective contexts?
- What is (are) the rationale(s) for the law?

It is possible that the biblical authors inherited a prohibition for which they had no rationale. Each of the three contexts seems to imply a different one: a festival regulation (Exodus 23), proscription of foreign practice (Exodus 34), and a general dietary law (Deuteronomy 14), respectively. The standard Jewish approach to the interpretation of the law, however, is to generalize from it and expand upon it, in effect elaborating on the potential inherent in the law's placement in Deuteronomy 14. David Zevi Hoffmann, for example, follows the logic of R. Ashi (*b. Hul.* 114b) and states that eating meat cooked in milk manifests a specific violation of the overarching commandment

¹³ I leave aside the suggestion that the word usually translated as "milk" should be revocalized to mean "fat". (See already *b. Sanh. 4b* with Rashi and the note by Samuel Strashun [Rashash] in Vilna ed., p. 72.) For the details of the argument, see Jack M. Sasson, "Ritual Wisdom? On 'Seething a Kid in Its Mother's Milk,'" in Ulrich Hübner and Ernst Axel Knauf, eds., *Kein Land für sich Allein: Studien zum Kulturkontakt in Kanaan, Israel/Palestina und Ebirnäri für Manfred Weippert zum 65. Geburtstag* (OBO 186; Freiburg: Universitätsverlag, 2002), pp. 294-308; idem, "Should Cheeseburgers Be Kosher?" *Bib Rev* 19/6 (December 2003), 40-43, 50-51. See also Mark S. Smith, *The Rituals and Myths of the Feast of the Goodly Gods of KTU/CTA 1.23* (SBL Resources for Biblical Study 51; Atlanta: Society of Biblical Literature, 2006), pp. 53-54. While I do not find Smith's defense of Sasson convincing (and neither does he), his subsequent proposal (pp. 153-158) that the milk/meat prohibition is based on an "alimentary code" that establishes a binary opposition between the two substances is most likely correct, in my view. The problem is determining the precise nature of the opposition.

¹⁴ All consumption of meat in the Torah is cultic except in Deuteronomy (Deut 12:20-21), on which see the analysis of Levinson, *Deuteronomy*, pp. 28-43.

in Deut 14:3, “You shall not eat anything abhorrent.”¹⁵ He goes on to argue that the law actually functions as a general dietary restriction in all three of its occurrences, defending the normative rabbinic interpretation that finds concise expression in Rashi’s commentary on Exod 23:19:

לא תבשל גדי - אף עגל וכבש בכלל גדי שאין גדי אלא לשון ולד רך ממה שאתה מוצא בכמה מקומות בתורה שכתוב גדי והוצרך לפי אחריו עזים כגון אנכי אשלח גדי עזים את גדי העזים שני גדיי עזים ללמדך שכ"מ שנא' גדי סתם אף עגל וכבש במשמע ובג' מקומות נכתב בתורה א' לאיסור אכילה וא' לאיסור הנאה וא' לאיסור בישול:

You shall not boil a kid – Calves and lambs are included under the generic term “kid,” for as is evident from several occurrences in the Torah, “kid” refers to any newborn flock animal. To designate a kid specifically, the text uses the phrase גדי עזים, as in [Gen 38:17] and [27:9], indicating that the word “kid” by itself may be

¹⁵. *Das Buch Deuteronomium* (Berlin: Poppelauer, 1913), p. 206. For a contrary opinion that nevertheless yields the same conclusion with respect to Jewish law, see Ramban on Deut 14:21:

וטעם כי עם קדוש אתה לה' אלהיך דבק עם לא תבשל גדי בחלב אמו כי איננו מאכל נתעב, אבל יאסור אותו להיותנו קדושים במאכלים, או להיותנו קדושים שלא נהיה עם אכזרי לא ירחמו שנחלוב את האם ונוציא ממנה החלב שנבשל בו הבן. ואף על פי שכל בשר בחלב יכנס בלאו הזה, כי כל מינקת תקרא אם וכל יונק יקרא גדי.

The reason “you are a people consecrated to the Lord your God” is attached to “you shall not boil a kid in its mother’s milk” is that [kid in milk] is *not* abhorrent food. Rather, the Torah forbids it so that we might be “holy” with respect to foodstuffs, or so that we might not be a cruel and merciless people [cf. Jer 6:23, 50:42 for the wording], drawing milk from the mother in order to cook the offspring in it. In any case, all meat in milk is included in this prohibition, since any nursing female is called a “mother” and any nursling is called a “kid.”

(Being “holy”, in Ramban’s conception, means exercising restraint with respect to matters that are permitted; see his commentary on Gen 25:8 and esp. on Lev 19:2.)

understood to encompass calves and lambs. The law occurs in Scripture three times—once to prohibit eating, once to prohibit deriving benefit, and once to prohibit cooking.¹⁶

The two crucial elements in the interpretation are the generalization of “kid” to include all flock animals (although the reasoning may be dubious; see Rashbam below), and the notion that each occurrence of the law denotes a particular aspect of the prohibition. The prohibition of “deriving benefit,” for example, is useful for distinguishing meat cooked in milk from the meat of an animal that died a natural death: neither may be eaten, but the latter may be sold to a foreigner, presumably for the benefit of the seller (Deut 14:21).

The normative *halakhah* is embodied in the Targumim as well,¹⁷ with some interesting adaptations:

Onqelos (Exod 23:19)

ריש בכורי ארעך תיתי לבית מקדשא דיי אלהך לא תיכלון
בשר בחלב:

The best first fruits of your land you must bring to the Temple of the Lord your God. Do not eat meat with/in milk.

¹⁶ See the extensive Talmudic discussion in *b. Pes.* 21b-23b; *Qid.* 56b-57b; *Hul.* 113a-115b (Rashi's source); also Rambam, *Laws of Forbidden Foods* 9.1; *Tur/Shulhan Arukh* YD 87.1. For a comprehensive and exhaustively annotated presentation of the rabbinic sources as they relate to the biblical texts, see M. M. Kasher, *Torah Shelemah*, vol. 19, 219-27, 302-05. On the rabbinic texts, see *Entziqlopedya Talmudit*, vol. 4, cols. 690-727 (s.v. *basar be-halav*). For a provocative analysis of the “social and religious meanings” that attach to the rabbinic milk/meat ban, see Kraemer, *Jewish Eating*, pp. 40-54.

¹⁷ For a learned and thorough discussion of versional evidence and ancient witnesses to the kid law—including the Targumim and Qumran texts, but with special emphasis on the “cryptic expansion” of Exod 23:19 in the Samaritan Pentateuch—see D. Andrew Teeter, “You Shall Not Seethe a Kid in its Mother's Milk’: The Text and the Law in Early Witnesses,” *Textus* 24 (2009), pp. 37-63. The characterization of the Samaritan text is on p. 42; the text reads (p. 43), “You shall not boil a kid in its mother's milk, for doing this is like forgetting a sacrifice, and it is enragement to the God of Jacob.”

Pseudo-Jonathan (similarly Yerushalmi and Neofiti)

שירוי ביכורי פירי ארעך תיתי לבית מקדשא דיי אלהך עמי
 בית ישראל לית אתון רשאין לא למבשלא ולא למיכול בשר
 וחלב מערבין כחדא דלא יתקף רוגזי ואיבשיל עיבוריכון דגנא
 וקשא תריהון כחדא:

The choice first fruits of your land you must bring to the Temple of the Lord your God. My people, House of Israel,¹⁸ you are permitted neither to cook nor to eat meat and milk combined, lest my anger rage and I “cook” your produce,¹⁹ both wheat and chaff combined.

The paraphrase at the end of the verse is unusual for Onqelos. S.D. Luzzatto (Shada”l) classifies it among cases of translation “in the interest of the Oral Torah and rabbinic interpretation.”²⁰ In like manner, Saadia Gaon adduces the kid law to exemplify the fourth class of exceptions to his general rule that biblical verses should be interpreted literally—cases in which the literal interpretation would contradict the authoritative rabbinic tradition. In the present case, he claims, the eyewitness testimony of the sages to the actual practice justifies the expansion of “kid in its mother’s milk” to include “any meat with any dairy.”²¹

Pseudo-Jonathan et al. add the dimension of measure-for-measure punishment to the law, and also imply that combining milk with meat creates an illicit mixture, a suggestion to which I will return below. The phrase מערבין כחדא recurs in Targum Pseudo-Jonathan to Deut 22:11:

¹⁸ The Targum clarifies the fact that although the law is phrased in the singular, it is addressed to the collective.

¹⁹ I.e., destroy your harvest.

²⁰ *Ohev ger* (2nd ed.; Krakow, 1895), pp. 9-10, para. 16.

²¹ Moshe Zucker, *Saadia’s Commentary on Genesis* (N.Y.: Jewish Theological Seminary, 1984), p. 18 (Arabic), p. 192 (Hebrew). In private correspondence, Prof. Daniel Frank informed me that Saadia’s comment is “definitely polemical”, countering the attempt by Ya`qub al-Qirqisani (Karaites, first half of the tenth century) to refute the standard Rabbanite interpretation (*Kitâb al-anwâr* XII.25 [ed. Nemoj, vol. 5, pp. 1226-27]).

לא תלבֿש שעֿטָנוֹ צָמֵר וּפְשֵׁתִים יִחָדוּ :

You shall not wear cloth combining wool and linen.

לא תהוון לבשון ומשתחנן בכסו דשיע ועזיל וניז עמר
וכיתן מערבין כחדא:

Do not wear or warm yourselves with garments combining hackled, spun or woven²² wool and linen.

While in Deut 22:11 מערבין כחדא is a reasonable representation of יִחָדוּ, there is nothing in the Hebrew of Exod 23:19 to justify the appearance of the phrase in the Targum of that verse. Perhaps the Targumist sought to assimilate the kid law to the law of *shatnez*, relating the kid with milk to a quintessential illicit mixture.

Following the above preliminaries, it is now appropriate to raise the fundamental question of this paper: what is so objectionable about the practice of “boiling a kid in its mother’s milk” that it engendered a thrice-repeated prohibition? Whether the law is understood narrowly or broadly, the history of interpretation points to one or more of the following problems:²³

- The festival/sacrificial context;²⁴
- The method of preparation (“boil”);
- The specific animal (“kid”);²⁵

²² The obscure terminology is based on the rabbinic “etymology” of שעֿטָנוֹ in *m. Kil.* 9.8.

²³ There is no reason to insist on a unitary explanation. As is likely the case with the biblical dietary laws generally, an adequate explanation might conflate vestiges of old taboos and oddities of natural history with priestly ideology. See below.

²⁴ In other words, what might be acceptable everyday practice is forbidden in the cult. The available evidence suggests that the most common way to prepare meat in the ancient near east was by boiling it to make a broth or a stew. See 1 Sam 2:13; Ezek 24:3-5; Nathan MacDonald, *What Did the Ancient Israelites Eat?* (Grand Rapids: Eerdmans, 2008), pp. 32-33.

²⁵ While the identity of the animal is irrelevant for Jewish interpretation, the LXX rendering of גדי with ἀρνός (“lamb”) is

- The substance (“milk”);
- The source of the substance (“mother’s”);²⁶
- The timing;²⁷
- The general grossness or inhumanity of the practice;
- Something extrinsic (especially avoidance of pagan ritual).

Among the panoply of alternatives,²⁸ the most popular is the ethical/humanitarian explanation, with numerous variations. A classic example may be found in the commentary of Rashbam, who also provides an existential backdrop for the law:

דרך העזים ללדת שני גדיים יחד, ורגילים היו לשחוט
אחד מהם ומתוך שרוב חלב בעזים כדכתיב ודי חלב
עזים ללחמך וגוי היו רגילים לבשלו בחלב האם. ולפי
ההווה דבר הכתוב. וגנאי הוא הדבר ובליעה ורעבתנות

productive for some Patristic commentary because of the association of the lamb with Jesus. See J. Moorehead, “Cooking a Kid in Its Mother’s Milk: Patristic Exegesis of an Old Testament Command,” *Augustinianum* 37 (1997), pp. 261-271.

²⁶ The Karaite legist Elijah Bašyatchi (c. 1420-1490) ruled (contrary to Rabbanite opinion): “It is forbidden to eat an animal’s meat with milk obtained from its mother, i.e., mixed with the milk; *but it is permitted to eat meat mixed with milk definitely known not to belong to the mother* [my emphasis].” This might seem like an example of Karaite “literalism”, but actually Bašyatchi expands the scope of the kid law in several ways by analogy: the law applies to all domestic and wild animals, to combining the milk of the young with the flesh of the mother (sic), etc. For the text, see Leon Nemoy, *Karaite Anthology* (Yale Judaica Series 7; New Haven: Yale, 1952), pp. 266-67. On the use of analogical reasoning (*qiyās*) as a hermeneutical tool, see Daniel Frank, *Search Scripture Well: Karaite Exegetes and the Origin of the Jewish Bible Commentary in the Islamic East* (Études sur le Judaïsme médiévale 29; Leiden: Brill, 2004), pp. 1-32.

²⁷ A few commentators have understood the phrase *בחלב אמו* to be temporal. Thus, for example, Abraham Geiger: “das Junge darfst du nicht, wenn es noch in der Muttermilch ist, kochen” (“Die gesetzlichen Differenzen zwischen Samaritanern und Juden,” *ZDMG* 20 [1866], pp. 527-573; quotation on p. 555). For additional bibliography and critique, see Teeter, ““You Shall Not Seethe,”” pp. 48-49 with n. 32.

²⁸ Kasher collects them into eleven categories (including the possibility that there is no explanation at all) from traditional sources alone (*Torah Shelemah*, vol. 19, pp. 302-05).

לאכול חלב האם עם הבנים. ודוגמא זו באותו ואת בנו
 ושילוח הקן ללמדך דרך תרבות צוה הכתוב ולפי שברגל
 היו אוכלים בהמות הרבה הזהיר בפי רגלים שלא לבשל
 ולא לאכול גדי בחלב אמו. וה"ה לכל בשר בחלב כמו
 שפירשו רבותינו בשחיטת חולין:

Goats usually bear two kids at once.²⁹ They customarily slaughtered one of them, and since goats produce an excess of milk [cf. Proverbs 27:27], they customarily boiled the kid in its mother's milk.³⁰ The text describes the typical circumstance.³¹ It is disgusting, voracious, and gluttonous to consume the milk of the mother with her offspring. According to the same model, in [Lev 22:28] and [Deut 22:6-7] Scripture teaches you civilized behavior. Since during the pilgrimage feasts they would eat many animals, in the section concerning those festivals the Torah warned against boiling and eating a kid in its mother's milk. The same law applies to all meat

²⁹ The "optimum litter size" is indeed two kids, according to the Rutgers New Jersey Agricultural Experiment Station. See http://www.extension.org/pages/Goat_Reproduction (accessed 7/8/2012).

³⁰ Fresh milk rarely would have been available for human consumption. Since it is not a good cooking medium, there is a reasonable possibility that חלב actually denotes cultured or fermented milk (ghee, yogurt, cheese). See MacDonald, *What Did the Ancient Israelites Eat?*, p. 35. Leonhard Bauer observes that there was little meat in the typical Palestinian diet, animals being slaughtered and cooked only for festivals or family celebrations. One method of preparation was seething the meat in yogurt, which the Palestinian Arabs termed *leben ummo*, according to Bauer (*Volksleben in Land der Bibel* [Leipzig, 1903], pp. 203-204). Claudia Roden gives a recipe for *laban ummo*, noting that in medieval Arabic cookbooks, the dish was called *madira* (*The New Book of Middle Eastern Food* [N.Y.: Random House, 2000], p. 243). For additional Arabic recipes for meat seethed in milk or yogurt, see Charles Perry, "Kitab al-Tibakhah: A Fifteenth Century Cookbook," *Petits Propos Culinaires* 21 (Nov. 1985), pp. 17-22, esp. 21-22.

³¹ Cf. *Mekhilta de-R. Yishmael*, ed. Horovitz/Rabin, p. 321 (applying the principle דבר הכתוב בהווה to several laws, including the kid law).

in/with milk, as our rabbis expounded in tractate *Hullin*.

According to Rashbam, the law applies to animals other than kids not because the word גדי refers to the young of any animal (so Rashi), but because the גדי is commonplace and therefore exemplary.³² (As recently as the 1930s the goat still was the most prevalent milk- and meat-producing animal in Palestine.)³³ In addition, “mother’s milk” might be understood as typical rather than exclusive, justifying the rabbinic broadening of the law. As Jeffrey Tigay observes, “In a society of small settlements where dairy and cattle farming were not kept separate, there was considerable likelihood that if a young animal was boiled in milk, the milk would come from its own mother.”³⁴ Extending the prohibition to all meat and dairy would forestall inadvertent violation.

The “disgusting” aspect of the practice is not self-evident, and Rashbam does not elaborate. Others, however, have done so since the dawn of biblical commentary. Thus, for example, Philo: “[Moses] held that it was grossly improper that the substance which fed the living animal should be used to season and flavor the same after its death.”³⁵ Various forms of the life/death or nurture/destruction antinomy figure prominently

³² In addition, according to Ibn Ezra (long commentary on Exod 23:19), the meat of the young goat (in contrast to the lamb) lacks moistness, “and that is why they boil the kid in milk.” He goes on to assert,

כל הרופאים מודים כי אין בשר כמוהו ואפילו לחולים התירו
שיאכלוהו. וכן אוכלים אותו בספרד ואפריקא וארץ ישראל
ופרס ובבל. גם ככה היה מנהג הקדמונים

All physicians acknowledge that there is no meat like it,
and they even permit the sick to eat it. So they eat it in
Spain and Africa and in the land of Israel and Persia and
Babylon. And such was the custom of the ancients.

³³ Cooper, *Eat and Be Satisfied*, p. 4. On the current state of sheep and goat production in Israel, see http://www.iga-goatworld.com/2009-Country-Report-from-Israel_a108.html (accessed 7/8/2012).

³⁴ *Deuteronomy* (JPS Torah Commentary; Philadelphia: Jewish Publication Society, 1996), pp. 140-141. Similarly, Abraham Ibn Ezra at the conclusion of his long commentary on Exod 23:19.

³⁵ *On the Virtues*, p. 143.

throughout the history of interpretation³⁶ alongside less common proposals.³⁷ I am inclined to agree with Smith's view that the main motivation for the law is more likely to be cultic than ethical or humanitarian.³⁸ As Max Radin wrote more than eighty years ago:

It is not necessary to refute the suggestion of apologetes, ancient and modern, that the injunction had its origin in humanitarian views like those that are common at the present day.... [W]e shall hardly expect to find such sympathy in a people trained to regard a ritual of bloody sacrifice as one of the most emphatically divine of institutions. Indeed nowhere in the Mediterranean world is there more than a trace of anything approaching modern feeling in this respect, even in those societies that for one reason or another absolutely abstained from animal food.³⁹

³⁶ See, e.g., Calum Carmichael, "On Separating Life and Death: An Explanation of Some Biblical Laws," *HTR* 69 (1976), pp. 1-7; Jacob Milgrom, "You Shall Not Boil a Kid in Its Mother's Milk," *Bib Rev* 1/3 (Fall 1985), pp. 48-55; Kunin, *We Think What We Eat*, pp. 95-96. Othmar Keel proposes that the nursing mother symbolizes divine nurture of the world; the Bible proscribes a practice that compromises life-giving nurture (*Das Böcklein in der Milch seiner Mutter und Verwandtes* [OBO 33; Freiburg: Universitätsverlag, 1980]). There is a striking anticipation of Keel's interpretation in the second of the two explanations of the law advanced by Levi ben Gershom (Ralbag). According to Ralbag, mother's milk is analogous to the "emanation" from God that nurtures the soul; it is forbidden to destroy the kid in the substance intended to feed and nurture it.

³⁷ According to Howard Eilberg-Schwartz, for example, mingling the substances of mother and son violates the incest taboo (*The Savage in Judaism* [Bloomington: Indiana U., 1990], 128-34). Propp suggests that the problem is "[c]ausing a mother to be instrumental in the eating of her son, which is but a step away from cannibalism" (*Exodus 19-40*, p. 286).

³⁸ *Goodly Gods*, p. 158.

³⁹ "The Kid and Its Mother's Milk," *AJSL* 40 (1924), pp. 209-218 (quotation on pp. 210-11). Radin understands the law to be directed against ceremonies of the Orphic-Dionysiac mysteries.

The NJPS translators who render בשל as “boil” in the kid law prefer the generic “cook” in the above two instances. The latter translation has the advantage of alleviating any inconsistency between the two texts, but is it correct?⁴³ Rashi comments on Deut 16:7, “you shall cook – roasted (צלי אש) that is, for it also is called ‘cooking’ (בישול).”

Further complications ensue when we draw 2 Chron 35:13 into the picture (concerning Josiah's Passover):

וַיִּבְשְׂלוּ הַפֶּסַח בְּאֵשׁ כַּמִּשְׁפָּט וְהִקְדִּישׁוּם בְּשָׂלוֹ בַסִּירוֹת
וַיְבַדְּדוּם וַיַּצְלִחוּם וַיְרִיצוּ לְכָל בְּנֵי הָעָם

They *roasted* [sic!] the Passover sacrifice in fire, as prescribed, while the sacred offerings they *cooked* in pots, cauldrons, and pans, and conveyed them with dispatch to all the people.

Curioser and curioser, as the NJPS translators render the same word in two different ways in the selfsame verse!⁴⁴ Pseudo-Rashi comments, “They cooked the Passover sacrifice...as prescribed—roasted (צלי אש).”⁴⁵ David Kimhi, on the other

⁴³ In other words, does בשל mean “boil” only when a liquid medium (milk, water) is specified?

⁴⁴ There is ample precedent for the inconsistency, going back to the Septuagint, which uses ὀπτᾶω, “roast, broil” at the first occurrence of בשל and ἔψω, “boil, seethe,” at the second.

⁴⁵ See Jacob Zvi Mecklenburg, *Ha-ketav ve-ha-qabbala*, on the three senses of the root בשל: “ripen/mature”, “boil”, and “cook” by any means, including roasting (following Pseudo-Rashi on 2 Chron 35:13). The common element, he suggests, is whatever makes food fit for consumption. Joseph Bekhor Shor preceded Mecklenburg in rendering בשל as “mature”, and in the first part of his interpretation he omits the method of cooking altogether:

לפי הפשט, בישול לשון גידול וגמר, כמו הבשילו אשכולותיה ענבים. והכי קאמר לא תניחנו לגדל ולגמול בחלב אמו, שתאחרנו עד שתגדלנו האם בחלבה, אלא בראשית תביאנו, דומיית תחילת הפסוק שאמר ראשית בכורי אדמתך:

According to the literal meaning, בישול means growing to maturity, as in “its clusters ripened into grapes” (Gen 40:10). What it means is, do not let it grow and be weaned on its mother's milk, tarrying until it is fully grown. Rather, bring it [as an offering] right away

(בראשית), by analogy with the beginning of the verse, which says, “the first fruits (ראשית) of your land.”

Cf. Lev 22:27: “When an ox or a sheep or a goat is born, it shall stay seven days with its mother, and from the eighth day on it shall be acceptable as an offering by fire to the Lord.” That verse is arguably the Holiness Code’s reinterpretation of the kid law. See Christophe Nihan, *From Priestly Torah to Pentateuch* (FAT² 25; Tübingen: Mohr Siebeck, 2007), 492-93 (with additional references). There is nothing humane about the delay: it is analogous either to the waiting period prior to male circumcision (Ibn Ezra) or to a period of purification following the birth, which Bekhor Shor characterizes as “separation from a place of impurity and stench.”

There is an anticipation of Bekhor Shor’s treatment of the kid law in the view ascribed to the ninth-century Karaite Benjamin al-Nahawandi by Qirqisani, according to which בשל refers to breeding/rearing (*tarbîya*) and raising (*inshâ*). See *Kitâb al-anwâr* XII.25.2 (ed. Nemoy, 1226); reference and translation courtesy of Prof. Frank:

“Do not raise the kid on its mother’s milk,” i.e., [do not] let him grow big on his mother’s milk; bring him, rather, immediately after his birth to God’s house. This refers to the first-born (*al-bikr*). This is similar to the phrase, “the first fruits of your land:” just as it is obligatory to bring the first fruits of the ground to God’s house, so it is obligatory to bring the firstborn of the livestock, i.e. of the flocks and cattle, since the word גדי refers to both.

While it is unlikely that Bekhor Shor would have had access to the early Karaite source, there is an inkling of the interpretation in one that is rejected by Abraham Ibn Ezra (long commentary):

ויש אחר שאמר, כי טעם לא תבשל לא תאחר שיעמד עם אמו
יותר משבעה ימים; ואם כן, מה טעם להזכיר זאת המצוה פעם
אחרת

There is another who said that לא תבשל means do not tarry in allowing it to remain with its mother for more than seven days. If so, however, what is the reason for mentioning this commandment again?

Ibn Ezra even denies that בשל means “ripen” in Gen 40:10, stating that “the sun ‘cooks’ the grapes like a fire.” His comments evidently are directed against Karaite interpretation; cf. Judah Hadassi, *Eshkol ha-kofer* (Goslov, 1836), pp. 91c-d. In the continuation of his commentary, Bekhor Shor adopts a more conventional view: he argues that it would be cruel to cook the animal in the fluid that nurtured it, comparing Lev 22:28 and Deut 22:6 as laws intended to prevent cruelty. Similarly Ibn Ezra: after asserting that “there is no need for an explanation of the prohibition, which is hidden from the discerning,” he speculates that it

hand, remarks, “In no other place does **בישול** refer to roasting; [to indicate that it was in fact roasted, the text says ‘in fire’, but the rest of the ‘sacred offerings they cooked’ in water, in pots.]”⁴⁶

Since Exod 12:9 undoubtedly prohibits boiling the Passover sacrifice irrespective of the precise meaning of **בשל**, it may be legitimate to relate that text to Exod 34:25, which explicitly mentions Passover in proximity to the kid law (in contrast to its putative source, Exod 23:19). The question then is *why* boiling should be forbidden as a method of preparing sacrificial meat. I have argued elsewhere that the use of broth may be connected with the Israelite ancestor cult so excoriated by biblical authors.⁴⁷

A key text from that previous discussion is Jud 6:11-24, which describes Gideon's encounter with an “angel of YHWH” (simply “YHWH” in v. 16) beneath the “terebinth at Ophrah.” After the deity appoints Gideon to bring victory to Israel, Gideon implores his divine visitor to remain while he goes and prepares the ritual meal (6:18-21):

(יח) אֵל נָא תִמָּשׁ מִזֶּה עַד בֹּאֵי אֱלֹהֵיךָ וְהוֹצֵאתִי אֶת מִנְחָתִי
וְהִנַּחְתִּי לְפָנֶיךָ וַיֹּאמֶר אֲנֹכִי אֲשֶׁב עַד שׁוֹבֶךָ : (יט) וְגִדְעוֹן בָּא
וַיַּעַשׂ גְּדֵי עֲזִים וְאִיפַת קֶמַח מִצּוֹת הַבָּשָׂר שָׁם בַּסֶּל וְהִמְרֹק
שָׁם בַּפְּרוֹר וַיּוֹצֵא אֵלָיו אֶל תַּחַת הָאֵלֶּה וַיִּגַּשׁ : (כ) וַיֹּאמֶר
אֵלָיו מִלֶּאדָּה הָאֵלֶּהִים קַח אֶת הַבָּשָׂר וְאֶת הַמִּצּוֹת וְהִנַּח אֶל

might be intended to prevent cruelty, citing the same verses as Bekhor Shor by way of comparison.

⁴⁶ See Yitzhak Berger, *The Commentary of Rabbi David Kimhi to Chronicles: A Translation with Introduction and Supercommentary* (Brown Judaic Studies 345; Providence: Brown Judaic Studies, 2007), p. 276 with n. 1073. The harmonizing portion of the comment in square brackets does not appear in MS Paris or the printed editions. In his lexicon, Kimhi restates his opinion that all other occurrences of **בישול** denote cooking in water.

⁴⁷ For full discussion of the cultic background, particularly the relationship between the ancestor cult and the Festival of Unleavened Bread, see Alan Cooper and Bernard R. Goldstein, “Exodus and *Massot* in History and Tradition,” *Maarav* 8 (1992), pp. 15-37. On Israelite ancestor worship in general, see Francesca Stavrakopoulou, *Land of Our Fathers: The Roles of Ancestor Veneration in Biblical Land Claims* (LHBOTS 473; N.Y.: T & T Clark, 2010).

הַסֵּלַע הַלְזֵי וְאֵת הַמֶּרְק שְׂפֹךְ וַיַּעַשׂ כֵּן : (כא) וַיִּשְׁלַח מִלֶּאֱדָם
 יְדוֹד אֶת קִצֵּה הַמִּשְׁעָנֹת אֲשֶׁר בְּיָדוֹ וַיִּגַע בַּבָּשָׂר וּבַמִּצּוֹת
 וַתַּעַל הָאֵשׁ מִן הַצּוּר וַתֹּאכַל אֶת הַבָּשָׂר וְאֵת הַמִּצּוֹת
 וּמִלֶּאֱדָם יְדוֹד הַלְזֵי מֵעֵינָיו :

¹⁸Do not leave this place until I come back to You and bring out my offering and place it before You.” And He answered, “I will stay until you return.” ¹⁹So Gideon went in and prepared a kid, and [baked] unleavened bread from an ephah of flour. He put the meat in a basket and poured the broth into a pot, and he brought them out to Him under the terebinth. As he presented them, ²⁰the angel of God said to him, “Take the meat and the unleavened bread, put them on yonder rock, and spill out the broth.” He did so. ²¹The angel of the Lord held out the staff that he carried, and touched the meat and the unleavened bread with its tip. A fire sprang up from the rock and consumed the meat and the unleavened bread. And the angel of the Lord vanished from his sight.

The meal consists of a kid (meat and broth) and unleavened bread. The angel commands that the broth be “spilled out,”⁴⁸ has Gideon place the meat and bread upon a rock, arranges for a fire to consume the offerings, and promptly disappears. At this moment Gideon is able to identify his visitor, and he fears for his life. When YHWH assures Gideon that he will not die, he responds by building an altar.

In my view, an Israelite ancestor cult supplies the underpinning of the story. The terebinth, which is the property of Gideon’s father (6:11), is the site of a communal meal (like the Roman *refrigerium*) with the ancestral spirits. In order to share the meal, the ancestors would partake of the broth that was poured out on the ground. In the Gideon story, the old rite is treated ironically. Gideon’s guest was no ordinary spirit, after

⁴⁸ Cf. the innovative requirement in Deut 12:24 to “spill out” on the ground the blood of a profanely slaughtered animal (with the comments of Levinson, *Deuteronomy*, p. 49).

all, but an angel of YHWH, so instead of being used to propitiate the ancestors, the broth was merely discarded. The prohibition of “boiling”, then, might be intended to obliterate a vestige of “pagan” practice from the official Israelite cult.

While such an explanation might account for the law in Exod 12:9, it does not encompass the kid law in its totality, especially not the specification of “*mother's milk*.” The most frequently cited rationalization of the kid law as an Israelite repudiation of paganism (again without specific reference to the source of the milk) is in Maimonides' *Guide of the Perplexed* 3.48:

ואמנם איסור בשר בחלב עם היותו מזון עב מאד, בלא ספק, ומוליד מלוי רב, אין רחוק אצלי שיש בו ריח עבודה זרה, אולי כך היו אוכלים בעבודה מעבודותיה או בחג מחגיהם. וממה שמחזק זה אצלי - זכור התורה אותו שני פעמים תחילת מה שצויתה עליו עם מצות החג, שלש פעמים בשנה וגו', כאילו אמר, בעת חגכם ובואכם לבית יי אלוהיך לא תבשל מה שתבשל שם על דרך פלוני, כמו שהיו הם עושים. זהו הטעם החזק אצלי בענין איסורו - ואמנם לא ראיתי זה כתוב במה שראיתי מספרי הצאבה :

As for the prohibition of meat in milk, although it undoubtedly is gross food and overly filling, in my opinion it also is reminiscent of idolatry: perhaps they would eat it this way as part of their service, or on one of their festivals. I find support for this view in the fact that the Law mentions the prohibition for the first two times after the festival commandment, “Three times a year all your males shall appear before the Sovereign, the Lord,” as if to say, “When you come to the house of YHWH your God on your festivals, do not boil your food there the way the heathen used to do.” In my opinion, this is the most likely reason for the prohibition, but I have not seen this written in the books of the Sabeans.⁴⁹

⁴⁹ My translation of Ibn Tibbon's Hebrew (the presumptive source for Ralbag, Abarbanel, and most other commentators). For Shlomo Pines' translation of the Arabic original, see Moses Maimonides, *The Guide of the Perplexed* (Chicago: U. of Chicago, 1963), p. 599.

Since many biblical scholars have referred to Maimonides' comment from secondary or tertiary sources, two important aspects of it may have eluded them. First, his primary explanation of the *kid* law is not cultic, but medical (reasonably so, considering that he made his living as a physician): eating meat in milk is bad for the digestion.⁵⁰ Second, he presents the notion that meat in milk is “reminiscent” of idolatrous practice as speculative, unsupported by evidence.

Later commentators influenced by Maimonides not only accept his view, but also elaborate on it or provide details about the nature of the alleged pagan practice. Levi ben Gershon (Ralbag) remarks:

אולי היה מנהג האומות הקדומות לבשל בשר בחלב בבית עבודה זרה בבאם לחוג חגיהם, ומנעה אותנו התורה מזה; ואם לא מצאנו זה כתוב ממנהגיהם, כי רושם נימוסי האומות ההם כבר אבד לאורך הזמן ולמחלקת התורה עליהם. ולזאת הסבה אחשוב שבאה זאת האזהרה בפרשת כי תשא, כי שם יראה שכוון במצות הנזכרות בו להרחיק מעבודה זרה מפני מעשה העגל.

Perhaps it was the custom of the ancient nations to boil meat in milk in their idolatrous temples when they celebrated their festivals, and the Torah forbids this practice to us. If we do not find this written among their customs, it is because the impression left by the laws of those nations was lost over time and because of the Torah's polemic against them. I think that the admonition comes in [Exodus 34] for this reason: it appears that the commandments mentioned there are intended to distance us from idolatry in response to the sin of the Golden Calf [Exodus 32].

⁵⁰ So also eating fat: it “makes us full, ruins the digestion, and produces cold and thick blood.” The basic principle informing the dietary laws, according to Maimonides, is to forbid consumption of food that is reprehensible or objectionable (Arabic *מד'מרום* = Hebrew *מגונה*), often on medical grounds. Only in the cases of flesh cut from a living animal (Gen 9:4) and meat boiled in milk does he suggest repudiation of idolatry as a possible motive.

A fourteenth-century Yemenite author suggests that the kid law was joined to the offering of first produce because “the idolaters would offer firstling sacrifices, meat in milk, along with their first produce.”⁵¹ In his late fifteenth-century commentary on Exodus, Isaac Abarbanel augments that observation with reference to practices of his own time:

היה ממעשה עובדי עבודה זרה בזמן קבוציהם לעשות כן, רוצה לומר לבשל הגדיים בחלב בזמן אסיפת התבואות, לחשבם שבזה יתרצו לאלהיהם עד היום הזה, זה דרכם כסל למו במלכיות ספרד, שיתקבצו כל הרועים שתי פעמים בשנה להתיעץ ולעשות תקנות בעניני הרועים והצאן, וקוראים לקבוץ ההוא בלשונם מישטי"ה. ובזמן ההוא, הנה זאת חקרונה, כן היה שזה מאכלם בשר וחלב, ובשר הגדיים הם היותר נבחרים אצלם בתבשיל הזה. וכבר שאלתי ודרשתי וידעתי באמת, כי גם באי קצה הארץ הנקראת אינגאלאטיר"ה, ששם כמות מופלג מהצאן יותר מכל שאר הארצות, זה גם כן מנהגם תמיד. ואחשוב באמת, שמפני זה הזהירם יתברך, שכאשר יתקבצו בחג הסוכות לא יבשלו גדי וחלב כדרכי הגוים.

It was among the practices of the idolaters at the time of their gatherings, namely to boil kids in milk at harvest time, their thinking that in this way they would ingratiate themselves to their gods.... To this day, this is their foolish way [cf. Psalm 49:14] in the kingdoms of Spain: all the shepherds gather twice each year to take counsel and issue rulings with regard to shepherds and flocks, and they call that gathering “mixing/mingling” in their language. On that occasion (we have investigated this), their food would be meat in milk, and goat meat is considered by them to be the choicest for this meal. I also inquired and learned for a fact that in the island called “England,” where the number of flock animals is extraordinary—more than in other countries—this is their custom as well. I

⁵¹ Netanel b. Isaiah, *Nur al-zalām/Ma'or ha-afelah* (ed. J. Qafih; Jerusalem, 1957), pp. 250, 291.

truly think that for this reason God admonished [the Israelites] that when they gather for the festival of Sukkot they not boil kid in milk in the manner of the nations.⁵²

Abarbanel's younger contemporary Isaac Caro, finally, offers an imaginative reconstruction of the ritual (oddly parallel to the above comments about the Gideon story):

הוא מנהג עובדי עבודה זרה שמבשלין גדי בחלב אמו כמו שכתב הרמב"ם, ואם כן לא תבשל גדי קשור לשם אלהים אחרים לא תזכירו, ונוכל לקשרו עם ראשית בכורי אדמתך שהיו רגילים הגוים לבשל גדי בחלב ולהשליכו בשרשי האילן למהר גידולו, ואמר בהיפך יהיה שראשית בכורי אדמתך יבוא אם לא תבשל גדי בחלב אמו, ואם תבשל לא יבוא.

The idolaters customarily would boil the kid in its mother's milk as Rambam wrote. If so, "do not boil a kid" is connected with "Make no mention of the names of other gods" (Exod 23:13). And we can connect it with "the choice first fruits of your soil" because the pagans regularly would boil a kid in milk and pour [the broth] into the plant roots in order to hasten growth. The law dictates the opposite: "the choice first fruits of your soil" will come if you "do *not* boil a kid in its mother's milk;" if you do, they will not come.⁵³

⁵² Abarbanel's "inquiry" into comparative evidence came to fruition in the collection assembled by James George Frazer, *Folk-Lore in the Old Testament: Studies in Comparative Religion Legend and Law* (3 vols.; London: Macmillan, 1918), 3:111-64. See also Theodore H. Gaster, *Myth, Legend, and Custom in the Old Testament: A Comparative Study with Chapters from Sir James George Frazer's Folklore in the Old Testament* (N.Y.: Harper & Row, 1969), pp. 250-63, 388-91. Frazer concluded (pp. 161-62) that the "general purport" of the kid law was "the protection of cattle, and more especially of cows, against the harm which, on the principles of sympathetic magic, may be done them by the abuse or misapplication of their milk...."

⁵³ Isaac Caro, *Toledot Yishaq* (first ed., Constantinople, 1519).

There is no point in dwelling here on the excitement that ensued when Maimonides' surmise appeared to be confirmed by one of the Ugaritic texts.⁵⁴ The enthusiasm waned as soon as first-hand examination and better photographs of the tablet in question allowed for improved readings. As Smith observes, by the late 1970s it had become clear that the text in question could not bear the weight that had been placed upon it. "In the end," he remarks, "there was no 'kid in milk.'"⁵⁵

In my judgment, there is little or no basis for the two most prominent explanations of the kid law—as ethical/humanitarian in intent or as prohibition of a pagan practice.⁵⁶ A more promising line of interpretation may be the one foreshadowed by Pseudo-Jonathan, who implies that milk and meat constitute an illicit mixture: בשר וחלב מערבין כחדא. In his commentary on Deuteronomy 14, Abarbanel suggests that animals are forbidden for three reasons: some are "impure (even abominable) on account of their essential character" (vv. 4-20); others are impure "because of the manner of their death, for even if they might have been pure and fit for consumption, they were not ritually slaughtered" (v. 21a). The kid in milk (v. 21b) represents the third category, foods that may be permitted separately but are forbidden in combination on "account of their joining and blending" (מפאת חבורם והרכבתם).

The first full-scale interpretation that I know along those lines is in the early seventeenth-century Torah commentary *Keli yeqar* by Ephraim of Luntshits.⁵⁷

⁵⁴ See H. L. Ginsberg, "Notes on the Birth of the Beautiful Gods," *JRAS* 1935, pp. 45-72, citing Maimonides on p. 72.

⁵⁵ *Goodly Gods*, 52-53. Even if the text *had* referred to stewing a kid in milk for ritual purposes, it would have been of no help in explaining the fact that the biblical prohibition "is directed against the use of milk drawn from the animal's own dam, not against the practice in general" (Gaster, *Myth, Legend, and Custom*, 389 n. 2a).

⁵⁶ Sometimes adroitly combined, as by Amos Hakham, *Sefer Shemot* (2 vols.; Jerusalem: Mossad Harav Kook, 1991), 2:77-78.

⁵⁷ For a full intellectual biography of Luntshits, see Leonard S. Levin, *Seeing with Both Eyes: Ephraim Luntshitz and the Polish-Jewish Renaissance* (Supplements to The Journal of Jewish Thought and Philosophy 2; Leiden: Brill, 2008).

בטעם מצוה זו יצאו רוב המפרשים ללקוט ולא מצאו בה טעם מספיק, עד שייא שמצוה זו מן החקות שאין להם טעם נודע לנו. וי"א שהיה מתחילה חק לע"ז שבשלו בשר בחלב בחגים שלהם ועל כן סמך מצוה זו לחגי השנה. ויש מביאין ראיה ממ"ש והבל הביא גם הוא מבכורות צאנו ומחלביהן, שהיו רגילין לעשות עבודה מן בשר בחלב. וקרוב לשמוע שמצוה זו היא מענין איסור כלאים וערבוב הכחות.

Many commentators have gone out to glean the reason for this commandment, but they have been unsuccessful, to the point that some classify it as one of the laws that cannot be explained rationally.⁵⁸ Some say that cooking meat in milk was a pagan festival practice, which is why the commandment is attached to the festival laws. Others derive from [Genesis 4:4] proof that it was common practice to make offerings of meat with milk.⁵⁹ It makes more sense, however, to construe the law as one of the prohibitions of illicit mixtures⁶⁰ and confusion of forces.⁶¹

⁵⁸ Following the convention of classifying commandments as either "rational" or "revealed" based on whether or not their rationale may be ascertained.

⁵⁹ On חלביהן in Gen 4:4 (Abel's offering) as a reference to dairy products, see the commentary of David Kimhi (Redak) ad loc. This is a non-standard interpretation, distantly echoed in David Daube's proposal that the kid law is a relic of the displacement of milk-offerings by sacrificial meat ("A Note on a Jewish Dietary Law," *JThS* 37 [1936], pp. 289-91).

⁶⁰ An analogy of milk and meat with other illicit mixtures is suggested in *b. Pes.* 44b: the two substances may be consumed separately, but not in combination. In the case of כלאים, species that are permitted individually are prohibited when conjoined. On the cultural significance of the avoidance of "mixing," see Kraemer, *Jewish Eating*, pp. 51-54.

⁶¹ The phrase "confusion of forces" alludes to kabbalistic theurgy: וטעם ("the esoteric meaning of the prohibition of illicit mixtures is that it causes confusion of the forces on high"), according to Bahya b. Asher (a major source for Luntshits) on Deut 22:9. See at length Bahya's commentary on Lev 19:19. For specific application to the kid law, see Abraham Saba, *Tseror ha-mor* (another of Luntshits' regular sources) on Exod 23:19. Saba demonstrates by an ingenious juxtaposition of verses that the

כי ידוע שבשר העובר נולד מן הדם של הנקיבה האדום המוליד כל אודם כי משם מקורו, וכן חלב הבהמה גם כן מן הדם מקורו כי הדם נעכר ונעשה חלב, ולפי זה מן דם הבהמה יצא בשר העובר והחלב כי משם יפרדו, ואין נכון לחזור ולערבם ע"י בישול וכן ע"י אכילה כי האכילה היא ג"כ בשול באצטומכא, ואי תרו ליה כולא יומא בחלבא לית בה לאו דלא תבשל כי אינן חוזרין אל ערבובם הראשון ע"י שרייה כמו ע"י בישול בקדירה ובישול באצטומכא. . . .

It is well known that the flesh of the fetus is derived from the red blood of the female that gives rise to all that is red since that is its source.⁶² So too, the animal's milk is derived from blood that has been clarified and transformed into milk. Both the flesh of the newborn and the animal's milk, accordingly, are derived from the mother's blood. Once they have

combination of meat with dairy alludes esoterically to an illicit combination of the forces of strict justice (meat) and mercy (dairy), respectively.

⁶² The colors of various parts of the body serve as reminders of the white semen and red blood that "collaborate" in the formation of the fetus. Thus, for example, Ramban on Lev 12:2:

כי לדעתם הולד נוצר מדם הנקבה ומלובן האיש, ולשניהם יקראו זרע וכך אמרו שלשה שותפין יש בו באדם, איש מזרע בו לובן שממנו גידים ועצמות ולובן שבעין, אשה מזרעת אודם שממנו עור ובשר ודם ושער ושחור שבעין וגם דעת הרופאים ביצירה כך.

In [the rabbis'] view, the fetus is formed of female blood and male semen [lit. "whiteness"], and both are termed "seed." And so they said [*b. Nid.* 31a], "there are three partners in the formation of a human: a man ejaculates white seed from which the sinews, bones, and white of the eye are derived; a woman ejaculates 'redness' from which skin, flesh, blood, hair, and the dark part of the eye are derived." This also is the physicians' view of procreation.

The third partner in the process is God: the part of the Talmud passage that Ramban does not quote attributes to God רוח ונשמה וקלסתר פנים, "breath and life-force, facial features, the faculties of sight, hearing, and speech, locomotion, discernment, and intelligence."

been separated, they should not be recombined by cooking or by eating (since eating also is cooking in the stomach).⁶³ If one soaks the meat in milk all day there is no violation of the law “do not cook”⁶⁴ because they are not recombined by soaking as they are by cooking or digestion....

בפרשת ראה סמך מצוה זו לאסורי מאכלות, לומר לך שלא בישול לבד אסרה תורה כי אם גם אכילה, וכאן סמכה למצות בכורים כי הפירות שנתבכרו ראשונה אין ראוי לערבם עם הפירות שנתבכרו אחר כך כי אם אותן שנתבכרו ראשונה תביא בית ה' אלהיך והמותר יהיה לך, כך אין לערב הדם שנתבשל ראשונה ונתהווה ממנו העובר עם הדם שנתבשל אחר כך ונתהווה ממנו החלב כי אחר שרצה ה' בפרודם אינו רוצה בערבובם:

In [Deuteronomy 14], this commandment is attached to the forbidden foods in order to teach that the Torah prohibits not merely cooking [milk with meat] but eating it as well. It is attached to the law of first fruits because fruits that ripen first should not be combined with fruits that ripen afterwards. Rather, those that ripen first you must “bring to the house of the Lord your God,” and the rest belong to you. Similarly one must not combine the blood that ripened first, from which the fetus was formed, with the blood that ripened afterwards into the milk because God wanted them to remain separate and not in combination.

The signal advantage of Luntshits' interpretation is that it addresses head-on a perplexing detail of the kid law (why specifically *mother's* milk?) in a way that conforms to a general principle of biblical law (כלאים, “illicit mixtures”). It does so, moreover, in a manner that is consistent with widespread pre-

⁶³ It is a point of emphasis in Saba's *Tseror ha-mor* that בישול denotes digestion.

⁶⁴ No violation of the *biblical* law, that is; the soaking is rabbinically prohibited (*b. Pes. 44b* with Rashi).

scientific notions about the mechanics of reproduction,⁶⁵ although it cannot be said with certainty to what extent they were shared in Israel or elsewhere in the ancient Near East in pre-Hellenistic times.⁶⁶

According to those notions, blood is the source of all three of the primary components of reproduction and infant nurture—semen, menstrual blood, and mother's milk. Aristotle, for example, describes semen as “concocted” from the “residue” of blood;⁶⁷ menstrual blood as indicative of the incapacity of women to concoct blood into “its last stage as semen;”⁶⁸ and mother's milk as menstrual discharge “that no longer takes its natural course [following conception] but finds its way to the breasts and turns to milk.”⁶⁹ Concerning conception and gestation, Aristotle writes:

When the material secreted by the female in the uterus has been fixed by the semen of the male (this acts in the same way as rennet acts upon milk, for rennet is a kind of milk containing vital

⁶⁵ See the clear summary in Thomas Laqueur, *Making Sex: Body and Gender from the Greeks to Freud* (Cambridge, MA: Harvard, 1990), 25-62. Laqueur explains the difference between the Hippocratic (two-seed) and Aristotelian (one-seed) theories of reproduction. The former seems to have been adopted by the biblical priestly tradition and the rabbis, assuming that תזרית in Lev 12:2 was understood to mean that women literally “produce seed.” (Rashbam takes it to be an idiomatic way of saying, “she becomes pregnant,” but that is a minority view in traditional commentary.) On Leviticus 12, see Alan Cooper, “Original Sin in Jewish Guise: Ephraim of Luntshits on Leviticus 12,” *HTR* 97 (2004), pp. 445-459.

⁶⁶ For a comprehensive discussion of the ancient near eastern evidence, see Marten Stol (with F.A.M. Wiggerman), *Birth in Babylonia and the Bible: Its Mediterranean Setting* (Cuneiform Monographs 14; Groningen: Styx/Brill, 2000), pp. 1-26. On biblical vocabulary for conception, pregnancy, and childbirth, see Tarja Philip, “Menstruation and Childbirth in the Bible: Fertility and Impurity” [in Hebrew] (Hebrew University Ph.D. Dissertation, 2003), pp. 147-62.

⁶⁷ *Generation of Animals* 1.19, 726b1ff., cited from Jonathan Barnes (ed.), *The Complete Works of Aristotle* (2 vols.; Princeton: Princeton U., 1984), vol. 1, p. 1128.

⁶⁸ *Generation of Animals* 1.20, 728a18ff. (Barnes, 1130).

⁶⁹ *History of Animals* 7.3, 583a31 (Barnes, 913-14).

heat, which brings into one mass and fixes the similar material, and the relation of the semen to the menstrual blood is the same, milk and the menstrual blood being of the same nature)—when, I say, the more solid part comes together, the liquid is separated off from it, and as the earthy parts solidify membranes form all round it.⁷⁰

The analogy between conception (semen as a congealing and solidifying agent for menstrual blood) and cheese-making (rennet acting similarly on milk) finds a biblical parallel in Job 10:10-11:

הֲלֹא כְחֶלֶב תִּתִּיכֵנִי וְכַגְבֵּנָה תִּקְפִּיאֵנִי: עוֹר וּבָשָׂר תִּלְבֹּשׂנִי
וּבְעֵצָמוֹת וְגִידִים תִּשְׁכֶּכֵנִי:

You poured me out like milk, congealed me like cheese; you clothed me with skin and flesh and wove me with bone and sinews.

Georg Fohrer comments, “Für die Bildung des Embryos begegnet der Vergleich mit gerinnender Milch, der sich ebenfalls im Koran und bei den Indern findet; er ist eine altorientalische Vorstellungsform für die Entstehung des Lebens.”⁷¹ He also mentions the comparable image in Wisd 7:1-2, “In my mother’s womb I was sculpted into flesh during a ten-month’s space, curdled in blood by virile seed,” which David Winston rightly describes as “a commonplace of Greek science.”⁷²

If the Israelites understood the mother’s milk to be clarified menstrual blood and the flesh of her offspring to be formed of the same material, that fact in itself could account for the

⁷⁰ *Generation of Animals* 2.4, 739b20ff. (Barnes, 1148).

⁷¹ *Das Buch Hiob* (KAT 16; Gütersloh: Mohn, 1963), pp. 216-17.

⁷² I have cited the text in Winston’s translation, and his notes offer many additional primary and secondary references. See *The Wisdom of Solomon* (AB 43; Garden City: Doubleday, 1979), p. 164; also Stol, *Birth in Babylonia*, pp. 12-13.

milk/meat taboo. The injunction would be a logical corollary to the general proscription of eating flesh with blood (Gen 9:4; Lev 3:17; 7:26; 17:10-14; Deut 12:15-16, 20-24).⁷³ Draining the blood of an animal is the *sine qua non* for rendering its meat fit for consumption: the process effectively desacralizes the animal by removing its life-force.⁷⁴ The kid in its mother's milk constitutes a special case: since the flesh and blood of the kid are *compositionally* indistinguishable from the milk of the mother—all of them composed of the mother's blood—merely slaughtering the kid and draining its blood are insufficient. The meat must not be recombined with what is effectively the identical substance—the life-force that may not be consumed.⁷⁵

This understanding is anticipated in an elaboration of a passage in the *Mekhilta* that is found in the early twelfth-century *Midrash Leqah Tov*. The *Mekhilta* text reads,

איסי אומר לא תאכל הנפש עם הבשר להביא בשר בחלב
שאסור באכילה

⁷³ Closest to this interpretation among modern commentators is C.J. Labuschagne, "'You Shall not Boil a Kid in Its Mother's Milk': A New Proposal for the Origin of the Prohibition," in F. García Martínez et al., *The Scriptures and the Scrolls: Studies in Honour of A. S. van der Woude on the Occasion of His 65th Birthday* (SVT 49; Leiden: Brill, 1992), pp. 6-17. Labuschagne's contention that the law prohibits the boiling of a kid in its mother's colostrum (which contains blood) is needlessly specific.

⁷⁴ See Milgrom, *Leviticus 1-16*, pp. 704-713; also idem, *Leviticus 17-22* (AB 3A; N. Y.: Doubleday, 2000), pp. 1501-1503.

⁷⁵ I am grateful to Prof. Cynthia R. Chapman for her assistance with this formulation (private communication). See now her important article on breast milk and identity, "'Oh that you were like a brother to me, one who had nursed at my mother's breasts.' Breast Milk as a Kinship-Forging Substance," *JHS* 12/7 (2012), http://www.jhsonline.org/Articles/article_169.pdf (accessed 7/6/2012). Chapman makes productive use of the anthropologist Susan Montague's work with the Trobriand Island people, who assert that people are related through mother's milk. As Chapman reports (p. 7), "Montague...discovered that according to the Trobriand understanding, breast milk enters the bloodstream of a child through digestion, making a child's blood 'compositionally identical to that of the woman whose breast milk it consumes.'"

Issi says, “you must not consume the life with the flesh” [Deut 12:23] includes milk in meat, which is forbidden for consumption.⁷⁶

In the *Mekhilta*, the Deuteronomy verse “proves” that the prohibition against cooking extends to eating, but *Leqah Tov* explicitly takes into account the identification of “the life” with “the blood” in the first part of the verse:⁷⁷

אומר לא תאכל הנפש עם הבשר להביא בשר בחלב שהוא
אסור באכילה שהרי הדם נעקר ונעשה חלב

It says, “you must not consume the life with the flesh” [Deut 12:23] to include milk in meat, which is forbidden for consumption because the blood is clarified and becomes milk.⁷⁸

The attractive simplicity of that suggestion comports nicely with Luntshits’ interpretation, and especially with his opinion that “it makes...sense to construe the law as one of the prohibitions of illicit mixtures.” That view also entails the principle that a mixture of *substances* ought to be at issue rather than a mixture of allegedly underlying *concepts* (life/death, nurture/destruction, humaneness/cruelty, licit/illicit sex, etc.); the discernment of those concepts inevitably requires a conjectural leap on the part of the interpreter.

If one *does* seek to explain the law in terms of a conceptual antinomy, however, the most attractive alternative proffered to date, in my view, is the argument put forth by Nicole Ruane in an unpublished paper that will be included in her forthcoming book on gender in biblical cultic law.⁷⁹ Ruane, strongly

⁷⁶ *Mekhilta de-R. Yishmael* on Exod 23:19, ed. Horovitz/Rabin, p. 337.

⁷⁷ Cf. also *Sifre Deuteronomy*, ed. Finkelstein, pp. 141-42, especially the note quoting Meir (Ish-Shalom) Friedmann’s comment on the passage (from his edition of the *Sifre*, 90b).

⁷⁸ *Midrash Leqah Tov* on Exod 23:19, ed. S. Buber, p. 170.

⁷⁹ “On Mothers, Milk and Meat: The Exclusion of Motherhood from Sacrifice in Some Cultic Food Laws” (cited by permission). The book is an expanded version of Ruane’s Ph.D. dissertation, “Male Without

influenced by Nancy Jay's theory of sacrifice,⁸⁰ foregrounds the maintenance of patrilineality and the subordination of the feminine as principal concerns of Israel's sacrificial cult. The naturalization and promotion of male dominance and superiority are embedded in cultic regulations by design and intention.

Ruane begins her argument concerning the kid law with the uncontroversial observation that upholding strict separation of classes or categories is a condition of Israel's remaining a "holy people" (esp. Deut 14:21). Holiness connotes being separate or set apart. In the case of the kid law, Ruane contends, the "separation" to be maintained is between the mother and the sacrificial victim, signified by milk (feminine) and meat (masculine), respectively.⁸¹ A mother animal produces two kinds of food: her milk and her offspring (=meat). Since they are available for consumption at the same time, it is reasonable to assume that they would be combined (cf. Rashbam above). Seething a kid in its mother's milk might have been acceptable quotidian practice, but in the sacrificial cult the feminine fluid could not be blended with the masculine flesh. Meat (masculine) is the officially sanctioned ritual substance in a sacred activity in which milk (feminine) has no part. In Ruane's words:

Just as the sacrificial systems codified in biblical law exclude the new human mother from cultic activity [in Leviticus 12], so they also exclude the mother animal from becoming ritual and sacrificial material....⁸² Along with the shunning of new mothers themselves, the sacrificial systems in biblical law also omit the most

Blemish: Sacrifice and Gender Ideologies in Priestly Ritual Law" (Union Theological Seminary, 2005). Since I had the privilege of supervising the dissertation, I make no pretense to objectivity about the work.

⁸⁰ Nancy Jay, *Throughout Your Generations Forever: Sacrifice, Religion, and Paternity* (Chicago: U. of Chicago, 1992).

⁸¹ Cf. Kraemer, *Jewish Eating*, pp. 48-49.

⁸² Ruane's dissertation (and forthcoming book) includes a comprehensive discussion of the gender of sacrificial victims.

motherly of foods, namely milk.... Laws concerning animal mothers control and limit the ways in which motherhood and its symbols may play a role in the socio-cultic bonds created by sacrifice. This exclusion must be taken as indicative of sacrifice's purpose of constructing a patrilineal society.

In his landmark study of the use of animals and animal products in ancient Israel, F. S. Bodenheimer comments, "Milk—mainly goat's milk—was, together with bread, the main food of the patriarchal age. Milk includes a number of milk products, such as cheese, leben (sour milk), butter, and butter milk. It is therefore surprising not to find any of these milk products to be included among the sacrificial offerings."⁸³ In the light of the forgoing discussion, the exclusion no longer should seem surprising at all.

The feminine substances that are banned from ritual use are encapsulated in the description of Canaan/Israel as אֶרֶץ זָבַת חֶלֶב וְדָבָשׁ, "land flowing with milk and honey" (Exod 3:8 and an additional 19 times in Torah and Prophets). The "land" is feminine, as are the substances that "flow" from "her" as blood "flows" from a menstruant (Lev 15:19).⁸⁴ The femininity of milk is self-evident; honey is of feminine character whether it is produced from bees (דבורה),⁸⁵ figs (תאנה),⁸⁶ or dates (תמר),⁸⁶ and Lev 2:11 prohibits the use of honey in sacrificial ritual.

⁸³ *Animal and Man in Bible Lands* (Collection de travaux de l'Académie internationale d'histoire des sciences 10; Leiden: Brill, 1960), p. 209.

⁸⁴ Etan Levine is the rare scholar who has argued that the image of "a land oozing [sic] milk and honey" is negative ("The Land of Milk and Honey," *JSOT* 87 [2000], pp. 43-57). Such a land, he claims, allows only for bare subsistence as opposed to a thriving agricultural or pastoral economy. He seems to ignore the gendered aspect of the image, however.

⁸⁵ An apiary from the biblical period was recently discovered in Israel. See Amihai Mazar et al., "Iron Age Beehives at Tel Rehov in the Jordan Valley," *Antiquity* 82 (2008), pp. 629–639.

⁸⁶ Empirical research has demonstrated that even where the gender is only grammatical, it may retain connotations of natural gender and promote sexism. See, e.g., Benjamin D. Wasserman and Allyson J.

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The conundrum of the kid law is probably insoluble given the state of both the evidence and our knowledge. We should reckon with the possibility that the law is a vestige or survival of an ancient taboo for which the explanation is irretrievably lost. It is conceivable that its *raison d'être* was unknown even to the biblical authors who recontextualized it in its three settings. There is no rationale inherent in the law itself, nor is there any reason to assume that a single underlying principle would account adequately for every detail. After reviewing the history of interpretation and the arguments on behalf of the various alternatives, my conclusion is in favor of a synthesis of Luntshits' and Ruane's approaches—a synthesis that places proper weight on both the pre-scientific natural history and the gender ideology (themselves intimately related) that arguably lie behind the law.⁸⁷

Weseley “¿Qué? Quoi? Do Languages with Grammatical Gender Promote Sexist Attitudes?” *Sex Roles* 61 (2009), pp. 634–643; Guy Deutscher, “Does Your Language Shape How You Think?” *New York Times Magazine*, August 26, 2010 (on line at <http://www.nytimes.com/2010/08/29/magazine/29language-t.html>, accessed 7/8/2012).

⁸⁷ Earlier versions of this paper were presented to the Harvard University Hebrew Bible Workshop and to the Biblical Law Group at the 2010 Annual Meeting of the Society of Biblical Literature.

<http://www.biu.ac.il/JS/JSIJ/10-2012/Cooper.pdf>