

first opens the womb." Verse 12b, however, refers only to "firstlings of your cattle that are males." Verse 13 then provides for the redemption of firstborn sons and firstlings of asses. As in Exod 34:19–20, firstling asses were to be redeemed by offering a lamb; but if not redeemed, the young ass's neck was to be broken (Exod 13:13). Another PC law, Num 18:14–20, provides that the firstlings of unclean animals, including asses, were to be redeemed by payment of five shekels, whereas firstborn cows, sheep, and goats were to be designated as "holy," that is, after they had been slaughtered, the meat was to be given to the priests and their families "as a perpetual due."

Num 3:11–13; 8:16–19: Levites Instead of Firstborn Israelites. These verses add that God took the Levites (or tribe of Levi) instead of the firstborn among the people of Israel generally, and consecrated them to be permanent assistants to the sons of Aaron, that is, in the P tradition, the priests. It may be that this provision was modeled on the story in 1 Sam 1:1–2:21. These texts in the book of Numbers provide a different explanation for Israel's abandonment of the practice of offering firstborn sons (and perhaps also daughters).

Num 3:40–45: Firstborn Cattle of the Levites Instead. Num 3:41a, 45a add that God declared to Moses that God would accept the firstborn cattle of the Levites "instead of all the firstlings among the cattle of the people of Israel." Subsequent tradition in Numbers calls for enormous numbers of sacrificial offerings, but refers to offering firstborn cattle only once (Num 18:15–18). No other biblical tradition dating after c. 400 BCE refers to firstborn offerings of any kind. Possibly Num 3:40–45 represents a shift in priestly circles away from the idea that God required the sacrifice of the firstborn cattle of all Israelites. Those of the Levites would be enough.

B. Other Laws Governing Animal Sacrifice and Slaughter
Surprisingly few other provisions regarding animal sacrifices are found in the
earlier law codes. The only other provisions in the RD are in Exod 34:25.⁶¹ These
are repeated, with slight variation, in the CC (Exod 23:18).⁶² The only other
reference to animal sacrifice in the CC is at Exod 20:24. This passage describes
the altar on which sheep and oxen were sacrificed as burnt or peace offerings.
Earlier portions of the Deuteronomic Code (Deuteronomy 5, 20–25) do not contain
laws concerning animal sacrifices.⁶³ Even the relatively recent H includes only a
few provisions regarding animal sacrifices: Lev 19:5–8; 22:17–29; 23:12–20, and
possibly 23:36–38. Deuteronomy 12–19, which provides that sacrifices are only to
be offered at the temple in Jerusalem, presents three specific sets of laws
regarding animal sacrifices besides those relating to firstborns: Deut 16:2–7 (the
"passover sacrifice"); Deut 17:1 (barring sacrifice of blemished oxen or sheep);
and Deut 18:1–3 (portions of sacrificed animals constituting "the priests' due from
the people").

1. The Deuteronomic Reform: Worship in One Place, Secular Slaughter, and Respect for Sacrificial Animals' Life
Nothing in early biblical laws or narrative indicates that the Israelites were originally required to worship in a single location. Canaanites and other indigenous peoples had worshiped their gods at numerous local shrines. So had the Israelites, it seems, until the latter part of the seventh century BCE, 64 when D was amended or expanded to require that Israelites (or Judahites) to offer sacrifices only at the one "place."

a. Deut 12:1–13:1: The One Place
Deut 12:5–7 sets forth a new requirement. The people of Israel (or Judah) are
now told that they might offer animal sacrifices only at "the place which YHWH
your God will choose out of all your tribes to put His name and make His
habitation there." Seventh century biblical readers would have recognized "the
place" as the Jerusalem temple.⁶⁵ This, and related commandments, were
probably part of the Deuteronomic Reform of c. 622 BCE. The reform was
intended to reduce rural Israelites' temptation to worship the gods associated with
these old Canaanite cult shrines. As if to drive home this new understanding, the
requirement that sacrifices may be presented only in the one place is repeated
several times in chapter 12.⁶⁶

In earlier laws set out in CC and H, there was no requirement that Passover, the feast of weeks, or the feast of booths be observed only in "the one place." According to Deut 16:1–17, however, all three of these major festivals were to only be observed in this special place, at least so far as sacrificial offerings are concerned. 68

A corollary to mandating worship in the one place was the requirement that the



Israelites no longer worship at the old shrines where they and their neighbors had "served their gods, upon the high mountains and upon the hills and under every green tree" (Deut 12:2). The Israelites were to "tear down" the altars and images representing or associated with the gods worshiped at these cult shrines (Deut 12:3).⁶⁹ Worship of these other gods was forbidden not only because, according to Israelite belief, God alone was the god who created everything and continues to give of creation's bounty to the people; but also because worshipers of other gods engaged in "abominable" and cruel practices.⁷⁰ Worship of Canaanite and other foreign deities often involved depraved practices that earlier Israelites had sometimes followed.⁷¹

b. Deut 12:15–16, 20–25: Secular Slaughter and Reverence Life It appears that in earlier biblical times, whenever a domestic animal was killed for food, the animal, or part of it, was to be offered to God, usually at one of the nearby cult shrines. Conversely, when an animal or agricultural sacrifice was made to God, those who made the sacrifice were permitted to eat part of it, except in the case of burnt offerings, where consumption was not allowed. The Because the old cult shrines were to be closed pursuant to the Deuteronomic Reform, new provisions in Deuteronomy 12 allowed rural Israelites to slaughter animals locally for food without religious ceremony. Those who ate the flesh of such animals, however, were still not permitted to consume the blood, for the blood is the life, and you shall not eat the life with the flesh (Deut 12:23). Instead, the animal's blood must be poured "out upon the earth like water" (Deut 12:24). Such provisions also appear in later P narratives and laws. Though animals killed for food were no longer offered to God, Deuteronomy 12 shows sensitivity to, and respect for, the life of such animals. Their life was to be returned to the ground, from which, ultimately, according to the old J creation narrative, all such creatures, along with humankind, had originally been formed (Gen 2:18–19).

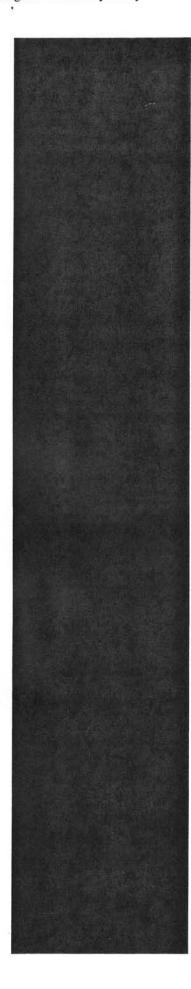
New Sacrificial Offerings in the Priestly Code
Long ago, Julius Wellhausen observed that several types of sacrificial offerings
appear for the first time in the PC.⁷⁷ A few of these new PC laws are now to be
described.

a. Ordination of Priests and Other Occasions Exodus 24–40 consists largely of Priestly laws and narratives regarding the tent of meeting or tabernacle, along with descriptions of its elaborate furnishings. The tent or tabernacle supposedly served as the sole place of worship during the period of Israel's sojourn in the wilderness.⁷⁸ In these chapters, there are surprisingly few laws regarding sacrificial offerings.

The main section devoted to sacrificial laws is Exodus 29. Its laws all relate to procedures to be followed in consecrating or ordaining Aaron's sons as priests. Numerous similar sacrificial ordinances for these and other occasions are to be found in PC portions of Leviticus and Numbers. ⁷⁹ In these laws, it appears to be generally assumed that God required sacrifices not so much because God was thereby acknowledged as the source of all life, but rather, because God was believed to delight in such offerings. These laws imply that God was pleased by such offerings, and that because of these offerings, God would overlook the shortcomings of priests and other Israelites. Whether the numerous and varied animal sacrifices described in these chapters were actually carried out during the period of Israel's sojourn in the wilderness (a time of scarcity and bare subsistence), ⁸⁰ or prior to the construction of Solomon's temple, ⁸¹ is questionable.

b. Sacrifices to Heal or Purify
Lev 14:1–54: Curing Leprosy. Various animal and bird sacrifices are described
here in connection with procedures for curing leprosy. References to guilt and sin
offerings in Lev 14:12–14, 21–22 suggest that persons with this disease were
thought to have sinned. Lev 14:30–31 suggests that atonement offerings could be
made for these transgressions. Some procedures in Lev 14:6–7, 52 indicate that
blood of sacrificial birds or animals were thought to have a cleansing or
therapeutic effect for humans suffering from this illness. See Such sacrifices,
however, may also have served as thank offerings by those who were being, or
had been, cured.

Num 19:1–22: Ashes of a Red Heifer. This law, purportedly given to Moses and Aaron in the wilderness, instructed them to slaughter an unblemished red heifer and have the old priest Eleazar sprinkle some of her blood "toward" the tent of meeting and burn the remains to ashes. The ashes could then be used to purify anyone made unclean by contact with a dead body or with a dead person's bones



or a grave site.83

In somewhat different ways, these Leviticus 14 and Numbers 19 laws adumbrate the modern anthropocentric perspective that values other life-forms solely because they are or may be potential sources of drugs or medicines beneficial to humans. Most other PC laws seem to have intended animal sacrifices primarily to serve Israelite needs by pleasing God, who, in return, was expected to be gracious to God's people. Nevertheless, it is clear that Priestly law regarded other living beings as valued by God and therefore, worthy of reverence or respect. 84

c. Lev 16:1–34: Sacrifices and the Day of Atonement
This law ordained that a bull, a male goat, and a ram were to be sacrificed in observance of the annual Day of Atonement. Another male goat was to be "presented alive before YHWH" by being "sent away into the wilderness to Azazel" (Lev 16:7–10). 85 It was believed that these animal sacrifices would make atonement for all the sins of Israel (Lev 16:34), thereby permitting the Israelites to avoid any tangible expressions of YHWH's disfavor. This belief accords with the general priestly understanding that God could be influenced favorably by proper sacrificial offerings. That God would be willing to accept the lives (life/blood) of these animals instead of requiring the lives (life/blood) of sinful Israelites, again suggests that the lives of animals and of persons were regarded as having equivalent value before God, the giver of all life.

d. Lev 17:1–9: Blood Guilt for Killing Animals for Purposes Other than as Gifts to God

Under terms of the Deuteronomic Reform, Israelites (or Judahites) were permitted to slaughter animals for food in their local towns, provided they did not eat the animals' blood. The blood of the animal was to be poured out onto the ground. In contrast, Lev 17:1–7 commands that animals—specifically, oxen, lambs, and goats—were not to be slaughtered unless they were brought "to the priest at the door of the tent of meeting" (Lev 17:4, 5). The stated rationale in Lev 17:4 is that unless this procedure was followed, "blood guilt shall be imputed to that man; he has shed blood." The implication is that unless an animal is offered to God, its slaughter violates the animal's life or its integrity as one of God's creatures. It's blood is its life (Gen 9:3–4; Lev 17:10–14). The animal's life came from God; when it is killed, its life should be returned to God. If this text is correctly attributed to the P tradition, it may be seen as an attempt to resacralize the killing of animals for food, in opposition to the secularization of slaughter allowed earlier in Deut 12:15–16, 20–25.

e. Lev 17:10–14: Animals' Blood and Reverence for Life
According to the P tradition, after the flood, God commanded Noah and his sons
(meaning, presumably, all later humankind as well), not to "eat flesh with its life,
that is, its blood" (Gen 9:4). The present Leviticus text provides a similar
explanation: "For the life of every creature is the blood of it; therefore I have said
to the people of Israel, 'You shall not eat the blood of any creature, for the life of
every creature is its blood'" (Lev 17:14). Implicitly, the blood of animals sacrificed
at God's altar is thereby returned to God (Lev 17:11). The text suggests that the
efficacy of the sacrifice is based on the value of the life contained in or constituted
by the blood, thereby making "atonement" for an individual's sins or offenses (Lev
17:11). When hunters kill a wild animal for food, they must "pour out its blood and
cover it with dust" (Lev 17:13), thereby returning it to the ground. Biblical
tradition does not contemplate, much less approve, the hunting or killing of
animals for "sport." The life/blood of animals killed for food must be respected,
either by sacrificing them on God's altar, thereby returning their life to God, or, in
the case of wild animals, which were never sacrificed to God, by pouring their
blood onto the ground. These laws were to be carried out both by Israelites and
aliens sojourning among them (Lev 17:10, 12, 13), just as Noah and his sons had
been commanded to do according to P tradition in Gen 9:4. A terser version of the
prohibition against eating blood appeared earlier in H: "You shall not eat any flesh
with the blood in it" (Lev 19:26a). Implicitly, these provisions derive from and give
expression to a sense of reverence, or at least regard for, the lives of animals
killed for food.

3. Animal Sacrifices: Concluding Observations
One can only speculate as to the environmental impact of animal sacrifices actually carried out in biblical times. Generally there seem to have been adequate pasture lands to sustain a variety of domestic animals and enough wilderness areas for wildlife, but some of these methods may have served to keep domestic animal populations from growing too large. Conceivably, sacrificing a significant portion of these animals could have functioned indirectly to control human population growth and thus limit related environmental stresses. On the other hand, to the extent that domestic animals were raised in order to be sacrificed,



crop and grazing lands supporting their production would have reduced wilderness areas that otherwise could have provided various ecological benefits, including habitat area for wildlife.

Biblical laws requiring animal sacrifices generally presuppose the value of animal life. Thus an animal might, under prescribed circumstances, be sacrificed instead of a firstborn human; 92 and the blood of certain animals could serve to purify or purge a person or community of guilt. 93 Implicit in these provisions is an understanding that in some way, before God, animals and humans were of equal worth. 94 Moreover, laws in the three later codes specifically require that "the life" of sacrificial animals, identified with their blood, was to be preserved by returning that blood to God's altar, the ground. 95 Nevertheless, a number of biblical texts suggest that God would have preferred that the animals, which were God's anyway, be kept alive rather than sacrificed. 96 Other texts, particularly those attributed to the "classical prophets," explicitly opposed animal sacrifices. Generally these prophets emphasized that their fellow Israelites or Judahites could not evade God's demand for justice, righteousness, love, and mercy, by offering sacrifices. In short, God could not be bought off with sacrificial offerings. 97 Some texts insist that God desired alternative responses to sacrifices. They even go so far as to suggest that God wanted to eliminate animal sacrifices altogether, 98 or that God never wanted them in the first place. 99 The relatively small number of laws requiring animal sacrifices found in the earlier law codes, 100 suggests that most such laws were of relatively recent origin, and that prophets who urged that the Mosaic laws had not included a demand for sacrifices, were largely correct.

Following the Deuteronomic Reform, ¹⁰¹ animal sacrifices were to be offered only at the Jerusalem temple. Sacrificial offerings were suspended during the period of the exile (c. 586–538 BCE) and the years immediately following, when the temple remained in ruins. ¹⁰² A similar suspension occurred later when the rebuilt temple was desecrated in the time of Antiochus Epiphanes. ¹⁰³ After the Romans destroyed the temple in 70 CE, both Jews and Christians, ¹⁰⁴ adjusting their religious practices to the temple's absence, discontinued animal sacrifices altogether.

Part V Humane Legislation

Several laws found in one or more of the codes require what is commonly called the humane treatment of animals. 105 Implicit in many of these codes is the understanding that animals, even those sacrificed to God and those killed for food were to be treated with respect or consideration. A number of these laws express what Albert Schweitzer called, a "reverence for life." 106

A. New-Born Bull Calves, Lambs, Kids, and their Mothers
Laws found in both the CC and H show special sensitivity to animal mothers and their offspring. Exod 22:30 provides that a new firstborn bull calf or lamb be allowed to remain with its mother seven days before being sacrificed. 107 Lev 22:26–27 goes beyond that provision by requiring that all young bull calves, lambs, and also kids remain with their mothers for seven days prior to being offered to God. In the Leviticus text, the animals in question include all newborn bull calves, lambs, and kids, rather than simply the firstborn of these species. 108 Neither text articulates a rationale for these requests. It may be inferred, however, that both were intended to show consideration for the special relationship between newborn animals and their mothers. These laws may also reflect a concern for the health of the nursing mothers.

Lev 22:28 adds another new law that likewise seems grounded in a concern or respect for the relationship between mother animals and their young. A mother cow, sheep, or goat and her young—whatever its age 109—were not to be killed on the same day. Sensitivity to the relationship between a young animal and its mother may also have informed the ancient prohibition against boiling a kid in its own mother's milk.

B. On Not Boiling a Kid in its Mother's Milk
Laws prohibiting cooking ("boiling") a kid (or young goat) in its own mother's milk
are found in the two earliest codes, RD and CC, and then again in the revised
portion of D. In each case, the law is phrased in identical terms: "You shall not boil



a kid in its mother's milk" (Exod 34:26b; 23:19b; Deut 14:21b). None of these texts provides any further explanation or rationale regarding this prohibition.

This prohibition, which is the basis for the segregation of meat and milk cuisine in later traditionalist or orthodox Judaism, may have been based initially on humane sensibilities. ¹¹⁰ It would have been too cruel to cook a little kid in its own mother's milk. Similar sensibilities expressed in other provisions in biblical law tend to corroborate this interpretation. For instance, a new firstborn male calf or lamb was to remain with his mother a full week before being sacrificed (Exod 22:29b–30). Other texts in the Covenant Code (Exod 23:4–5, 10–11, 12) express explicit concern for the interests of various animals. Several Deuteronomic texts show compassion or concern for the well-being of animals. ¹¹¹ Such concern may have prompted laws regarding the prohibition of boiling a kid in its mother's milk. Furthermore, this prohibition may also have been intended to prevent the Israelites from emulating or participating in alien religious practices. ¹¹²

C. Affirmative Duties to Care for Lost or Distressed Domestic Animals

Both the CC and D include laws that require people to assist animals at risk in certain situations. Both express this affirmative duty by using prohibitive language: "You shall refrain from" leaving the animal without helping.

Exod 23:4–5 states that just because one person hates another, that person should not take her or his hate out on the other person's domestic animal(s). So, if someone comes upon an enemy's ox, or lost or stray ass, one should bring the animal back to the home of their enemy. Or if an enemy's ass has fallen or foundered under its burden, one should help it get up again. Here "enemy" seems to be a personal, rather than a national enemy, though the principle might apply equally in the latter situation.

Deut 22:1–4. Exod 23:4–5 concerns obligations reguarding to the safe return an enemy's lost, strayed, or fallen ox or ass. A similar law in Deut 22:1–4 refers to a brother's animals. In this context, the term "brother" may have been a gender-inclusive term that, in addition to relatives, applied to friends and neighbors. The lost or strayed animals named here are oxen, sheep, and asses. Both oxen and asses were to be helped if they foundered under their burdens. Together, these laws (Exod 23:4–5 and Deut 22:1–4) express a sense of compassion for domestic animals 113 that calls for aiding and assisting all endangered animals, whether they belong to friends or to enemies.

D. Conservation: Birds and their Young

Deut 22:6–7 stipulates that when Israelites come upon a bird's nest where a mother bird is sitting upon her young, they may not take both the mother and the young. They may take the young birds, but they must let the mother go. 114 The text does not say whether the young are to be taken as food or as pets, nor does it distinguish between clean and unclean birds. 115 Presumably only the former were permitted to be eaten. The concern for sensitivity regarding the relationship between a mother animal and her young, 116 found in earlier passages, may also be present in this passage. In any event, this law was most likely prompted by conservation interests. That is, there was a recognition that to take both the mother and her young could have the effect of endangering the survival of the species. It could be assumed, however, that the mother bird played a key role for the species because she would live to hatch and raise many more broods of young. 117 Noah's ark was the classic biblical example of human engagement in wildlife conservation projects, 118 and this passage seems to support that general theme of species conservation.

E. Deut 25:4: On Not Muzzling Oxen Treading Grain
According to this law, an ox that has been harnessed to thresh or "tread out" grain is not to be muzzled. Instead, it is to be free to eat of the grain as it works. Evidently, the underlying idea is that it would be cruel to deny the ox food when it is surrounded by food. 119 Numerous other biblical texts show consideration for oxen, as well as for cattle. 120 Deut 22:10 may also reflect concern for the humane treatment of domestic animals: "You shall not plow with an ox and an ass together." Pairing animals of such different sizes and weights could be harmful to one or both of them. 121

F. Sabbath Days and Years of Rest for the Benefit of Cattle and Wildlife
That the Sabbath was to be a day of rest for domestic animals as well as for
Israelites is stipulated in both the CC and D versions of the Ten Commandments.
An additional law to the same effect also appears in the CC. The CC and H also
provide for animal welfare in laws concerning the seventh or sabbatical year of
rest.



 The Sabbath Day of Rest Exod 20:10. The Sabbath law, part of the Decalogue or "Ten

Commandments,"122 stipulates that neither humans ("you, or your son, or your daughter, your manservant, or your maidservant... or the sojourner") nor cattle are to do any work on the Sabbath. Here, as elsewhere in biblical discourse, "cattle" probably refers to a variety of domestic animals. Sabbath observance serves to honor God—the one who made all creation in six days and then rested on the Sabbath or seventh day (Exod 20:11)—and to allow for the well-being of both humans and beasts through a day of rest.

Exod 23:12. This law, likewise found in the CC, states in explicit terms: "Six days you shall do your work, but on the seventh day you shall rest; that your ox and your ass may have rest, and the son of your bondmaid, and the alien, may be refreshed." The Sabbath was to be a day of rest for humans and animals alike. Presumably this law only applied to "work" animals, such as oxen, and asses, which are explicitly named here. 123 It may be assumed that other animals, such as sheep and goats, were free to go about their browsing and other customary activities on the Sabbath.

Deut 5:12–15. This version of the Sabbath law is much like that in Exod 20:8–11. In this passage, the Sabbath is specifically set apart for the people of Israel (and also sojourners) as a day of "rest." The Exodus version says that the Israelites' cattle are to do no work this day. The D version states that no work is to be done by oxen, asses, "or any of your cattle" (Deut 5:14). Exod 23:12 specified that God's people were to rest on the seventh day so that their oxen and asses might have rest. The D law, however, could be read to mean that the cattle were to rest so that the Israelites' manservants and maidservants may also rest, or otherwise be relieved of working with or tending to the cattle. Thus the D version may represent a slight shift from a theocentric to a more anthropocentric rationale. 124 From a theocentric perspective, all creation and all creatures or beings, including human beings, are affirmed to be worthy of existence and care by virtue of their relation to God, the ultimate source and valuer of all that is. From an anthropocentric perspective, humankind is the center of value or fundamental "measure of all things." What is good is what is deemed good for human beings or humankind; whatever fails this test is perceived as worthless.

A similar shift from theocentric to anthropocentric faith and ethics may be seen in another difference between the two versions of the Sabbath law. In Exod 20:11, the Sabbath is to be observed because God rested on and blessed the seventh day; in Deut 5:15, reference to rest is related to the experience of Israelites as servants in Egypt. In the Deuteronomic passage, the rationale seems to be that the Israelites should remember what it was like to be servants (or slaves) in Egypt, and therefore, ought to show kindness to their own servants by allowing them to rest on the Sabbath day. This rationale, unlike that articulated in Exod 23:12, does not specifically indicate concern for the the well-being of work animals.

2. The Sabbath Year of Rest Exod 23:10–11. This law requires that after every six years of sowing and harvesting, the land be allowed to rest and lie fallow. ¹²⁵ The stated rationale is meant to provide for the needs of both poor humans ¹²⁶ and hungry wildlife; whatever the poor left, the "wild beasts" were permitted to eat. Similar provisions appear in Lev 25:2–7.

Lev 25:2–7. As noted above, the CC provided that the seventh year should be a year of rest for the land, and that the poor and wild beasts might freely eat of its produce that year (Exod 23:10–11). Similarly, according to this H text, the land should not be worked during the seventh year, but should be allowed to "rest." Landowners, and presumably their families, other workers, servants, or slaves, were all called upon to rest. Fields were not to be sown, nor vineyards trimmed; what grew was not to be reaped, nor grapes gathered (Lev 25:4–5). What grew the seventh year would provide food not only for people, but also for "cattle" (domestic animals) and "beasts" (wildlife) alike (Lev 25:7). 127 As in the case of God's telling Noah to provide food for the animals on the ark, 128 God instructs Israel (through Moses) to make provisions for cattle and wildlife, by allowing them to graze freely throughout the seventh year on what otherwise would have been cultivated fields and tended vineyards and orchards.

According to Lev 25:8–12, the fiftith year, the year of Jubilee, would also be a time of rest for the land. There would be no sowing, reaping, or gathering. Perhaps this too, was meant to be a time when, as in the sabbatical year, "cattle" and "beasts" might freely enjoy the yield of fields, vineyards, and orchards (Lev 25:6–7).