

Part VI

Recognition and Appreciation of Other Life-Forms or Species

In addition to laws that directly call for humane treatment or conservation of animals and birds, certain other laws reflect appreciation of diverse animal, bird, and marine species. Portions of two codes distinguish between species or subspecies that may be eaten and those that may not. Another code mandates preservation of different genetic strains. Recognition and appreciation of distinctive species and their characteristic or noteworthy traits and abilities can be seen in many nonlegal biblical texts.

A. "Clean" and "Unclean" Animals

Some 120 different kinds of animals are named in the Bible, including thirty-seven species of mammals, thirty-eight varieties of birds, and twelve types of reptiles.¹²⁹ Two sets of laws provided that Israelites or Jews might eat some, but not most of these animals. The more extended PC version is considered here first.

1. Lev 11:1–47: The Longer List

The distinction between "clean" and "unclean" animals appears, in the J tradition, as early as Gen 7:2–9, and specifies the numbers of pairs of animals Noah was to take onto the ark. From the standpoint of the P tradition, however, such distinction was introduced much later—so far as Israelite or Jewish dietary practices were concerned—in the law God gave Moses at Mt. Sinai. Lev 11:1–47 purports to record that law.

Animals that Israelites or Jews might eat included: all "beasts" with parted hooves (or "cloven" feet) that chew their cud; "everything in the waters" with fins and scales; and implicitly, all birds except several enumerated species,¹³⁰ and "winged insects that go on all fours," provided they "have legs above their feet with which to leap," namely, locusts,¹³¹ crickets, and grasshoppers.

Creatures not to be eaten included four-footed animals that neither have cloven hooves nor chew their cud, notably camels, badgers, hares, and swine;¹³² whatever is in the water, but lacks both fins and scales; and certain birds (for example: eagles, ospreys, kites, falcons, ravens, ostriches, falcons, night-hawks, other hawks, sea gulls, cormorants, ibises, "water hens," pelicans, vultures, storks, herons, "hoopoes," and bats [misclassified here as birds]). Insects "that go upon all fours" were considered "unclean." Likewise, all kinds of "swarming things," including weasels, mice, lizards, geckos, crocodiles, chameleons, "whatever goes on its belly," and "whatever has many feet," might not be eaten (Lev 11:29–30, 41–42).

Some of these restrictions may derive from health or sanitary considerations as well as from more ancient dietary customs or prejudices. Moreover, since the Israelites were to be a holy ("clean" or "separate") people, it was fitting for them to eat only what God declared to be "clean."¹³³ Unclean animals were not, however, expendable. They were not to be destroyed or exterminated just because they could not be eaten or otherwise used by human beings. As was explicitly the case in the P flood story where all kinds of land and air creatures were preserved, so here, implicitly, the "unclean" animal species were seen as valued by God and worthy of existence, even though they were not considered to be edible.¹³⁴

2. Deut 14:3–20: The Shorter List

This Deuteronomic list is briefer, less detailed, and may be earlier than the PC version in Lev 11:1–47.¹³⁵ The lists are so similar as to suggest that either one derived from the other, or that both drew upon a common source. Nevertheless, there are some differences. Deuteronomy 14 names several animals that may be eaten which are not specifically listed in Leviticus 11, such as, oxen, sheep, goats, harts, gazelles, roebucks, wild goats, ibexes, antelopes, and mountain sheep.

Among birds that may not be eaten, the Deuteronomic list includes buzzards and identifies both the "the little and the great owl," while Leviticus 11 includes two bird species missing in the Deuteronomic list, the falcon and the ibis. The Deuteronomic list also lacks any mention of four-footed animals that go on their paws (Lev 11:27) or of the "swarming things" named in Lev 11:29–30, such as, weasels, mice, lizards, geckos, crocodiles, and chameleons. The Deuteronomic law bars "all winged insects" (Deut 14:19), while Leviticus 11 allows some winged insects to be eaten (Lev 11:20–23).

As with Leviticus 11, so also in Deuteronomy 14, unclean animals were not said to be worthless, nor were they to be destroyed. They were simply not to be eaten.

An important, if possibly unintended consequence of the clean/unclean distinction was that numerous categories of "unclean" animals were spared the prospect of becoming food for Israelites and Jews.

B. Lev 19:19: Applied Genetics

The root meaning of "holy" (qadosh) in Hebrew has several meanings including: "separate," "distinct," "clean," or "pure." Israel was to be "separate" or different from other nations and was to distinguish carefully between what is clean and unclean (Lev 20:22–26). Maintaining important distinctions between what is clean and unclean is characteristic of H.¹³⁶ Lev 19:19, for example, bars crossbreeding different kinds of cattle. Ismar Schorsch suggests that this provision expresses "respect for the divine ordering of animate things."¹³⁷ Conservation of diverse kinds of cattle requires human attention and care. As the biblical story is told, Noah was remembered not only as forefather of all humankind, but also for undertaking the preservation of genetic diversity, namely, the conservation of all kinds of air-breathing creatures.¹³⁸

C. Non-Legal Texts

Recognition and appreciation of other life-forms (species), is not confined to laws considered in parts IV–VI of this article. Several other biblical texts express these motifs. Some of these texts are mentioned here in order to demonstrate that related laws are by no means anomalous. The "Grundnorm," or basic premise for such recognition and appreciation appears prominently in the Genesis creation stories, particularly the P version in which God declares all kinds of living creatures (and everything else that God had made) "very good;" in the Noah narrative, in which God instructs Noah to preserve enough pairs of all threatened species to assure their survival; and in the P covenant between God, Noah, and his sons, and every living creature of all flesh for all future generations.¹³⁹

In theological-ethical terms, these several texts affirm that God is the ultimate source and valuer of all that exists, and that all beings, therefore, are good. H.

Richard Niebuhr characterized such faith as "radical monotheism."¹⁴⁰ The correlative ethical or moral response is to cultivate the appreciation of, and caring for, the whole realm of being. Since living beings are both capable of flourishing and vulnerable to suffering, privation, and death, the moral life of radical monotheism or theocentric ethics¹⁴¹ particularly involves caring for living beings. Such ethics, like the ethics of reverence for life, are biocentric in nature because they are theocentric in tone; or, more precisely, living beings constitute that portion of the realm of being which is most directly subject to the effects of human activity and they therefore need special consideration or care.

Theocentric ethics are implicit in many non-legal biblical texts, particularly in the wisdom writings. Solomon, the putative author of many such writings, is remembered for applying his God-given wisdom to understanding "... what exists, the structure of the whole world and the activity of the elements; ... the natures of animals and the tempers of wild beasts ... the varieties of plants and the virtues of roots."¹⁴² In this mode, Solomon is portrayed as an exemplar of radical monotheism. Divine wisdom, this writing continues, "pervades and penetrates all things."¹⁴³ Several biblical texts report observation and appreciation of the God-given wisdom of animals.¹⁴⁴ Others reflect upon the animals' power, prudence, or other noteworthy traits.¹⁴⁵ Still others comment on the animals' parenting techniques or how they care for their young.¹⁴⁶ Wisd of Sol 12:1 declares that God's immortal spirit is in all things. Such appreciation of other life-forms accords both passages with laws relating to people's interactions with other creatures, as well as with prophetic visions of the future time of restoration, when all members of the created order will be at peace.¹⁴⁷

Part VII The Land

Whatever else may have been meant by the P tradition authorizing antediluvian humans to "subdue the earth" (Gen 1:28),¹⁴⁸ that text did not license exhaustion of the earth's resources or its degradation.¹⁴⁹ On the contrary, a land ethic is implicit (and sometimes explicit) in much of biblical law. Ultimately, the land belongs to God, not to Israel or even to all humankind. In one of its formulations, the P covenant, was said to be between God and the earth.¹⁵⁰ God cares for the earth, including, and in special ways, the land of Israel.¹⁵¹ A number of laws explicitly require that the land be allowed to rest periodically. Others call for

preventing the pollution of the land, and several others underscore the conditional and impermanent character of Israel's tenancy on the land.

A. The Land is God's, Not Israel's

Both creation stories (Gen 1:1–2:4a; 2:4b–24) can readily be understood to mean that God created the earth and everything in it, and therefore, all of creation belongs to God.¹⁵² That the earth belongs to God is explicitly stated in the preamble to the Covenant Code: "All the earth is mine" (Exod 19:5). This theme is implicit or explicit in numerous biblical laws and related texts.¹⁵³ For God's own purposes, God has given Israel a kind of tenancy on the land. Such tenancy, however, is to be distinguished from the kind of possession known in property law as "in fee simple absolute."

Exod 19:4–6 clearly implies that God will give the people of Israel a particular space and place on that land, provided they remain faithful to God and God's commandments. Other texts likewise express the contingent nature of Israel's occupancy of the promised land.¹⁵⁴

Deut 10:14. The language here leaves no room for doubt: "heaven and the heaven of heavens, the earth with all that is in it" belong to God. In effect, the whole creation is God's. Similar affirmations appear in several of the psalms.¹⁵⁵ The implicit corollary is that the world does not belong to humans and therefore humans are not permitted to exploit it.

Lev 25:23 states that the land ultimately belongs to God. The land referred to here is the land of promise, or Canaan. God's ownership of land, however, is not limited to that land. Other texts indicate what is already implicit in the creation narratives, that all that exists belongs to God, including the land.¹⁵⁶ Land therefore may not be sold "in perpetuity," which means that the land cannot become any person's permanent possession. The people of Israel are "strangers and guests" on this land.¹⁵⁷ People may buy and sell land, subject to laws or rights of inheritance and redemption,¹⁵⁸ but in the end, the land is God's to dispose of as God chooses. This text may also be interpreted as a form of the "land ethic." That is, the land is always to be regarded as God's gift and not something to be exploited and degraded for human gain.¹⁵⁹ Viewed in the context of biblical theocentric ethics, *Lev 25:23* could also be read to mean that the land has been provided for the benefit of other, nonhuman beings.¹⁶⁰

B. Sabbath Rest for the Land

Several biblical laws provide that the land itself was to be allowed to "rest" periodically. None of the Sabbath day commandments¹⁶¹ mentions the land's resting, but implicitly the land, itself, would rest on Sabbath days, for no one would work upon it.¹⁶²

Exod 23:10–11 provides that after six years of sowing land and gathering its yield, Israelite farmers were to let the land "rest and lie fallow" on the seventh or sabbatical year. Israelite farmers probably did not practice crop rotation or other modern soil conservation strategies. The reasoning behind this law is that the land itself desired or needed a rest after producing crops for six consecutive years. Likewise, vineyards and olive orchards were to be allowed to rest periodically (*Exod 23:11*).¹⁶³ The Jubilee Year provisions in *Leviticus 25* provided for the land to rest during the sabbatical year.¹⁶⁴

Lev 26:34–35, 43: The Exile—An Extended Sabbath for the Land. It is thought that *Leviticus 26* may conclude the Holiness Code. God, speaking presumably through Moses,¹⁶⁵ describes, in *Lev 26:3–13*, how the Israelites will prosper if they observe God's statutes and commandments. The writer of this passage, however, seems to have known that the people of Israel would fail to follow God's commandments. Verses 14–45 appear cognizant of the sixth century BCE Babylonian conquest of Judah and the subsequent exile. What would become of the land of Judah when its people were deported into exile? According to *Lev 26:34–35, 43*, that land would enjoy a long "Sabbath rest." This Sabbath rest was to serve as compensation for the Israelites'/Judahites' failure to observe the requirements that the land should rest every seventh year.¹⁶⁶ Here again, we see that the land itself was to be respected and protected against overuse.

C. Against Pollution of the Land

In biblical times, toxic modern chemical and biological pollutants were unknown. Biblical law, however, did show concern about the ways in which human actions could pollute the land. A late Isaianic prophet wrote that failure—by Israel, Judah, or all humankind—to adhere to God's "everlasting covenant" by violating God's

commandments and statutes, pollutes the earth (Isa 24:5). The covenant referred to here was probably "the everlasting covenant" characterized in Gen 9:16 as the covenant "between God and every living creature of all flesh."¹⁶⁷ Biblical laws also identify other related types of pollution.

Deut 21:2–23: Keeping the Land Undeified. In biblical times, a criminal executed for committing a capital offense might afterwards be hung or impaled on a tree. This procedure was probably intended to deter others from committing such heinous offenses, but in order to keep from defiling the land, the offender's body had to be removed from the tree and buried that same day. As in Num 19:1–22, the reasoning may have been that contact with, or even proximity to, a dead body caused a person to become ritually unclean, and that others who had contact with a the contaminated person would become contaminated and spread that defilement out into the community. This law may also reflect public health concerns based on experience.

Deut 23:12–14: Sanitary Arrangements. This law prohibits the people of Israel from polluting their "camp" with their excrement. When the need to defecate arose, they were to go outside the camp to a designated area, dig a hole with their digging stick, use it, and cover it up with earth afterwards. This law was to apply during the Israelite's sojourn into the wilderness, and also, presumably, after they had entered the land of promise. Thus they were to keep their land both ritually clean, and "holy," or sanitary.¹⁶⁸ Urban sanitary arrangements, however, are not mentioned in these passages or elsewhere in the biblical tradition.

Num 35:30–34: Cleansing the Land of Bloodshed. Numbers 35 distinguishes between manslaughter and murder and requires that a murderer be put to death if more than one witness testifies to the accused's guilt, presumably at a trial of some sort.¹⁶⁹ Num 35:33–34 seems to say that human blood shed by a murderer pollutes or defiles the land, and that the only way such pollution can be removed or expiated is "by the blood of him who shed it."¹⁷⁰ The stated purpose of this law was neither retribution nor deterrence, but rather to cleanse the land.

D. Israel's Contingent Possession of the Good Land

Several texts associated with biblical law underscores the tenuous nature of Israel's occupation of the land promised to them and their forebears in the old covenants. These texts may derive from sermons or exhortation at ancient ceremonial gatherings when the law was read and the covenant renewed. In any case, they called on Israelites to adhere to God's law. God had made good on the promise to bring the Israelites into this land and now it was up to the people to remain faithful to God and to God's commandments, ordinances, and statutes.

Deut 6:3, 10–19: The Peril of Apostasy. Again Moses (or God) describes the land of Canaan as "a land flowing with milk and honey" (Deut 6:3). Moreover, it is a place of "great and goodly cities," houses, cisterns, vineyards, and olive trees (Deut 6:10–11). God, however, promises to destroy the Israelites "from off the face of the earth" if they forget God and worship other gods.¹⁷¹ The land, in this passage, is explicitly characterized as "the good land" that God had promised to give their ancestors (Deut 6:18).

Deut 8:7–20: The Peril of Autonomous Individualism. In this exhortation, Moses (or some later spokesperson for God) draws attention to the rich resources with which the promised land is blessed: brooks of water, fountains and springs, wheat, barley, vines, fig trees, pomegranates, olive trees, honey, iron and copper; it is a land in which they "will lack nothing" (Deut 8:7–9). The peril is that the Israelites might forget God and God's commandments, and, when they became prosperous, come under the illusion that their own power and might had gotten them this wealth (Deut 8:17). Those who presume to be masters of the earth are likely to lose their respect for it, along with their reverence for the God who entrusted it to them.¹⁷²

Deut 8:7–9 is the first and only text in the Bible regarding mineral removal or extraction: "a land whose stones are iron, and out of whose hills you can dig copper." The Israelites were free to use these resources, but there was no permission, much less any injunction or commandment, to use them up or degrade the environment in the process.¹⁷³

Deut 9:4–24: The Peril of Moral Complacency. Deut 9:4–6 cautions Israelites against believing that God favored them in the past and will maintain them forever in the promised land because they have been a righteous people. They have not been righteous, but rather "are a stubborn people," with a history of acting corruptly and rebelling against God (Deut 9:6–8, 12–16, 22–24, 27). The central theme in the Book of Deuteronomy is that the Israelites' conduct must change

radically for the better, or they stand to lose everything God has given to them.

Both the Old Testament Israelite community and the early Christian community represented in the New Testament, understood that only those who remained faithful to God and had regard for God's commands and purposes, would retain or inherit the blessings of life in the promised land of Canaan, or in the coming messianic age.¹⁷⁴

Part VIII

Trees and Plants

Biblical tradition consistently attributes the creation of the earth and all that grows and lives upon it to God. Biblical laws focus sometimes on the earth or land itself, and sometimes on trees and other vegetation. Texts relating to trees will be considered first.

A. Trees

According to the P narrator, trees were among the good things God had created at the beginning (Gen 1:11–12). In the J creation story, God planted the garden of Eden and caused, not only the two special trees, the tree of life and the tree of the knowledge of good and evil, to grow, but also "every tree that is pleasant to the sight and good for food" (Gen 2:9). Some texts indicate that fig trees were especially appreciated.¹⁷⁵ Ezek 47:12 anticipates that in the messianic age, "all kinds of trees for food" would grow along the banks of the river in Jerusalem. Several texts affirm that trees were valued and cared for by God while others recognize that trees played important roles in wildlife habitats.¹⁷⁶ Not only animate beings, but trees too, are among the members of the creation called upon to praise God.¹⁷⁷

1. New Orchards

Lev 19:23–25 suggests that when the Israelites came into their eventual homeland, they were expected to plant "all kinds of trees for food." The law specifies that fruit from these newly-planted trees should not be eaten during the first three years of the tree's life. Perhaps it was believed that such young trees needed all their energy in order to establish initial growth.¹⁷⁸ Though not expressly mentioned, it may have been expected that fruit left on the trees would provide food for wildlife. The fruit of the fourth year was to be set aside as a holy, or as an "offering of praise" to God. How it was to be offered is not clear: perhaps it would be taken to a local sanctuary and either placed on an altar or, as with certain other offerings, distributed to the poor and needy.¹⁷⁹ In any event, the fourth year provision expresses thanks or praise to God for providing the fertility and fruition of the trees.

2. Of Trees and War

According to Deut 20:19–20, when the Israelites besieged a city for a long time, they were not to "destroy its trees by wielding an axe against them." The first stated rationale is that the trees might later provide them with food. But then God (or Moses) asks, rhetorically, "Are the trees in the field men that they should be besieged by you?" Only trees known not to be "trees for food" could be cut down. Others were not to be destroyed wantonly, but could be cut down only for the purpose of building siege works. This law was understood to apply in warfare against cities, whether within the promised land or en route to it. Deut 20:19–20 suggests that all trees were understood to be part of God's good creation and should ordinarily be left alone to live and grow.¹⁸⁰

3. Trees and the Destruction of Asherim

The Deuteronomic Reform program called for destruction of the shrines where Canaanites, other nations, and Israelites had worshiped foreign gods "upon the high mountains and upon the hills and under every green tree" (Deut 12:1–2).¹⁸¹ Asherim were wooden posts or poles representing Asherah, a female deity in the Canaanite religion.¹⁸² Deut 12:3 notes that asherim were to be destroyed but Deut 12:2–3 says nothing about destroying the green trees associated with the old cult shrines.¹⁸³ Again, it seems, trees were to be respected and protected as part of God's good creation.

B. Gifts of the Land: Fruit, Grain, and Other Produce

People in biblical times knew that the land was critically important for the sustenance and flourishing of all life. Though humans were meant to till the earth,¹⁸⁴ it is God who cares for it, waters it, and causes it to bring forth of its bounty.¹⁸⁵ Biblical tradition also affirmed God's care for the land and growing

things, wholly apart from human needs or presence:

Who has cleft a channel for the torrents of rain,
and a way for the thunderbolt,
to bring rain on a land where no man is,
on a desert in which there is no man;
to satisfy the waste and desolate land,
and to make the ground put forth grass? (Job 38:25–27).¹⁸⁶

The land provided for cattle, and it was the source of all agricultural crops. Such understanding is implicit in the "cultic calendar" of agricultural harvest ceremonies.¹⁸⁷ Appreciation and respect for the land's yield comes to expression in several biblical laws and related texts. The gifts of the land were ultimately gifts from God. These gifts were to be used appropriately, and were not to be taken for granted. As previously noted, the land's bounty was to be enjoyed by biblical people and their cattle, but also by wildlife.¹⁸⁸

1. Num 13:17–33: *The Land of Milk and Honey*

Here the promised land is described as a land "that flows with milk and honey" (Num 13:27).¹⁸⁹ It was also a land of pomegranates and figs, and grapes so abundant or large that to carry a single cluster required two men with a pole (Num 13:23–24). These narratives probably date from relatively early J or E sources. Later accounts of life in the promised land do not indicate such preternatural fertility or abundance; but several biblical and inter-testamental texts do look for superabundant fruit and grain harvests in the future, messianic age.¹⁹⁰ Because the land was already occupied by Canaanites and other peoples, the Israelites would not immediately gain entrance to or ascendancy over it. The books of Joshua and Judges subsequently undertake to describe the Israelites' "conquest" of the land and their early years of tenuous settlement there.

2. *Abundant Harvests but Only on the Condition of Continuing Fidelity*

Deut 7:12–14: Righteousness and Prosperity. If the Israelites remain faithful to God and keep God's commandments, God will cause them to multiply, and will bless and multiply their fruit, produce, grain, wine, oil, and cattle. There would be no barren or infertile male or female among them or among their cattle (Deut 7:14). Again, we see the understanding that it is God who gives the increase—but only if God's people keep the covenant that God had made with them. There would be no peace or prosperity otherwise.¹⁹¹

Deut 11:8–17: Abundance and the Peril of Apostasy. Again, the land of promise is said to be "a land flowing with milk and honey" (Deut 11:9). Here, it is also said to be "a land of hills and valleys," watered by rain from heaven—"a land which YHWH your God cares for; the eyes of YHWH are always upon it, from the beginning of the year to the end of the year" (Deut 11:11–12). If the Israelites remain faithful to God, and love and serve God with all their hearts and souls, says Moses, God will continue to provide rain in season, assuring bountiful crops of grain, wine, and oil, as well as providing grass in the fields for their cattle (Deut 11:13–15). But if they worship other gods, God will "shut up the heavens" so that there would be no rain; the land will yield no fruit, and the Israelites will "perish quickly off the good land" which God had given them.¹⁹² Several other biblical texts concerning agricultural conditions in later times attribute drought and crop failure to God's disgust with the Israelites who have forgotten God by turning to other gods and failing to meet their covenant obligations.¹⁹³ Among the reasons turning to other gods is condemned, is that such worship fails to acknowledge God as the source of life and its blessings.¹⁹⁴

Lev 25:18–19: The Land will Yield its Fruit if . . . Like several other biblical traditions, this H text assures the community that the land of promise will produce abundant fruit as long as the Israelites remain faithful to God and God's laws.¹⁹⁵ It is generally understood that God is the ultimate source of all good harvests and that God's people should not presume God's favor. The implication here is that good harvests and security would last only if the people kept their covenant with God.¹⁹⁶

Deut 28:1–69: Further Blessings or Ruin? Moses (or God speaking through Moses) here exhorts the Israelites to observe all the commandments recorded in the foregoing chapters of the Deuteronomic Code.¹⁹⁷ The exhortation promises future blessings, provided the Israelites obey God's voice. These blessings would come in the form of abundant "fruit of the ground," cattle and other flocks (Deut 28:4, 11), and rain for the land in its seasons (Deut 28:12). But if the Israelites fail to obey God's voice and neglect to keep all God's commandments, vicious