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You Shall Not Boil a Kid in its Mother's Milk (Exod. 23:19b; Exod. 34:26b; Deut. 14:21b): A Figure of Speech?

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Abstract

This is a new proposal as to the meaning and genesis of that classically enigmatic text, "You shall not boil a kid in its mother's milk" (Exod. 23:19b; Exod. 34:26b Deut. 14:21b). The author, after surveying the many, disparate, and often ingenious suggestions that have been put forward over more than two millennia as to the meaning of the prohibition, turns to the context (in each case involving regulations about the bringing of firstfruits of the grain harvest) as the prime key to the interpretative puzzle. On this basis he hypothesizes that the expression "boil a kid in its mother's milk" was a figure of speech used by the Hebrews to refer to a common peasant farmer's tactic for resisting oppression: the practice of secretly making up a portion of the yearly rent obligation—when possible—with surplus grain from the previous year's harvest. Two ideas create the points of contact for the metaphor: (1) the idea of mixing of parent and child generations, and (2) the idea of going back to get a second contribution from the parent which has already paid its obligation by contributing its offspring. Exegetical and archaeological evidence is adduced in support of the proposal, together with evidence about the life cycle of metaphors in language and culture.

Keywords

Exod. 23:19b, Exod. 34:26b, Deut. 14:21b, You shall not boil a kid in its mother's milk, holiness code, ANE agriculture, peasant life, peasant survival tactics, firstfruits, harvest, metaphor, figures of speech

"You Shall Not Boil a Kid in its Mother's Milk": State of the Question

It is evident that our command has puzzled interpreters from very early times. In attempting to trace the thread of interpretation history back

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as far as we can, we already find some clues to interpretative activity in the LXX Greek translation of the Pentateuch in the early 3rd century BCE. Here, following the NRSV rendering,[1] are the MT and LXX renderings of Exod. 34:26:

> The best of the first fruits of your ground you shall bring to the house of the LORD your God. You shall not boil a kid in its mother's milk.
>
> רֵאשִׁית בִּכּוּרֵי אַדְמָתְךָ תָּבִיא בֵּית יְהוָה אֱלֹהֶיךָ לֹא־תְבַשֵּׁל גְּדִי בַּחֲלֵב אִמּוֹ
>
> τὰ πρωτογενήματα τῆς γῆς σου θήσεις εἰς τὸν οἶκον κυρίου τοῦ θεοῦ σου. οὐ προσοίσεις ἄρνα ἐν γάλακτι μητρὸς αὐτοῦ.

Notice that whereas the Hebrew of the command (identical in all three of its occurrences) has לֹא־תְבַשֵּׁל, "do not boil/cook," the LXX has οὐ προσοίσεις [from προσφέρω], "do not bring forward [= present as an offering]" here in Exod. 34:26. The parallel passages in the LXX (Exod. 23:19 and Deut. 14:21) do not make this interpretative rendering, but simply say οὐχ ἑψήσεις [from ἕψω, "boil"] ἄρνα[2] ἐν γάλακτι μητρὸς αὐτοῦ: "Do not boil a lamb in its mother's milk." The information to be noted here is that the LXX translator(s) of Exod. 34:26 (or at least some early copyists)[3] understood the command, "do not boil a kid in its mother's milk" as something forbidden *in the specific context of bringing your offering of firstfruits* into the house of YHWH your God. They did not, in other words, understand it as a general dietary principle. To them, "a lamb/kid cooked in its mother's milk" was not an acceptable *offering* in the context of offering your *firstfruits*. See also the LXX ms K reading of Exod. 23:19, which adds the comment, "Because [when] someone does this sort of offering, it is hateful and a transgression to the God of Jacob," and LXX Codex Freer on Deut. 14:21: "For one who does this, it is as though he offers a mole, because it is unclean-

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1) Unless otherwise noted, quotations of the Hebrew Bible will be from the NRSV.

2) Note that the "kid" appears to have become "a lamb" in all three occurrences. More accurately, ἄρνα is generic for new offspring of sheep and goats in the vocabulary of the LXX translators. See J.M. Sasson, "Ritual Wisdom? On 'Seething a Kid in Its Mother's Milk,'" in U. Hübner and A. Knauf (eds.), *Kein Land für sich allein* (FS M. Weippert; OBO, 186; Freiburg: Univeritätsverlag, 2002), 296 nt. 6.

3) Some mss have the expected οὐχ ἑψήσεις.

ness to the God of Jacob." Both of these may stem from a translator's Hebrew text identical or similar to material unique to the Samaritan Pentateuch's text of Exod. 23:19b:

כי עשׂה זאת כזבח שׂכח ועברה היא לאלהי יעקב

> Because if you do this, it will be [regarded] as a forgetful [i.e. thoughtless?] sacrifice, and as insolence[4] to the God of Jacob.

On the basis of the parallels, there is good reason to think that the Samaritan Pentateuch's rendering, with its treatment of our verse as referring to an offering, reveals an interpretative tradition that lies *upstream* of the LXX. What might tradents' reasoning be for this line of interpretation? Conceivably, they reckoned that a *lamb/kid* could be brought "to the house of YHWH your God" at the time of the new grain offering, as an offering of firstfruits of the flock. If they surmised, based on the immediate context in the two Exodus passages, that the *kid* being referred to was its mother's first offspring, then it would have stood to reason that if combined with its mother's milk, it would no longer be a proper offering of firstfruits. Why? Because it would now be a mixture of two generations, one new and one old. We will see evidence of this same line of thinking when we look at the Targums.

But intervening in time between the LXX and the commital of the Targums to writing we have interpretative comments by the great Jewish philosopher and commentator Philo of Alexandria (20 BCE–50 CE). Philo says,

> [Moses] looked on it as grossly improper that the substance which fed the living animal should be used to season or flavor it after its death.[5]

Philo prefaces this statement by saying that Moses was a person of great ethical sensitivity and aptitude for giving virtuous advice, and after it Philo goes on to say that it would be fine to cook any kind of meat in any kind of milk product, since there are various kinds of each—and

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4) Or, alternatively, "transgression," as LXX ms K interprets the word עברה.

5) See *On the Virtues*, 142-44 (quoting 143).

plenty of individual animals to choose from. But to make a mother goat or sheep supply the milk that cooks her own offspring—well, that exhibits a "callous and perverse disposition that is irreverent and lacks all feeling of compassion."[6]

It is evident from his remarks that Philo understands our proscription relatively literally and narrowly,[7] and that he understands it on its own as a general restriction on culinary practices, rather than attempting to make sense of it by appeal to the particular context of offering of firstfruits.

The Christian theologian Clement of Alexandria (c.150–215 CE), taking a leaf from Philo's book, extols the wisdom of Moses and the Law, and cites our proscription as an example of compassion towards animals. He says,

> … the Law expressly commands, "But neither shalt thou seethe a lamb in its mother's milk." For the nourishment of the living animal, it is meant, may not become sauce for that which has been deprived of life; and that, which is the cause of life, may not co-operate in the consumption of the body. And the same law commands "not to muzzle the ox which treadeth out the corn: for the labourer must be reckoned worthy of his food."[8]

The Targums, the often paraphrastic and sometimes midrashic translations of the Hebrew Scriptures into Aramaic, give evidence of a

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6) *On the Virtues*, 144.

7) It seems that Philo may, in using the words "season or flavor", be taking the expression to refer to preparing the kid's flesh by combining it with a milk-based sauce at some stage in cooking (cf. "stroganoff" etc.). This seems a reasonable surmise on his part, since liquid milk, if actually used as a medium for boiling, foams up, boils over, and readily burns. See further nt. 44, below.

8) *Miscellanies* (= *Stromata*) 2.18, from *ANF* II. Various Christian authors follow Philo and Clement in what is sometimes termed the "humanitarian" interpretation, e.g. Augustine of Hippo, Thomas Aquinas (*Summa theologica* 1a2ae, 102.6 [4]), Luther, Calvin. Many Jewish commentators also endorse a humanitarian motive for the command, e.g. 12th century scholars R. Samuel ben Meir (Rashbam), Bekhor Shor and Ibn Ezra, Abravanel (15th cent.), and A.J. Heschel in 20th century. On this see N. Sarna, *Exodus* (JPS Torah Commentary; Philadelphia: Jewish Publication Society, 1991), *in loc.*

different interpretative stream in relation to our text.[9] Here are their renderings of our texts,[10] beginning with Exod. 23:19:

> The earliest of the firstfruit of your land you should bring to the Temple of the Lord your God; do not consume meat with milk. (Onqelos)[11]
>
> The beginning of the first fruits of your produce you shall bring to the sanctuary of the Lord, your God. My people, children of Israel, you shall not boil and you shall not eat flesh with milk, mixed together, lest my anger be enkindled against you and we boil your bundled wheat, the wheat and the straw mixed together. (Neofiti 1)[12]
>
> The best of the first fruits of the fruits of your land you shall bring to the sanctuary of the Lord, your God. My people, house of Israel, you are not permitted either to boil or to eat meat and milk mixed together, lest my anger be enkindled and I boil your grain, wheat and straw, the two of them together. (Pseudo-Jonathan)[13]

Here is Exod. 34:26:

> The earliest of the firstfruit of your land you should bring to the Temple of the Lord your God; do not consume meat with milk. (Onqelos)[14]

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9) Reaching stable written form by the 3rd century of the common era, the Targums give evidence of oral traditions long established by that time.

10) All quotations are from the series, The Aramaic Bible: The Targums (gen. eds. K. Cathcart, M. Maher, and M. McNamara; Wilmington, DE: Michael Glazier, 1987ff.). C.J. Labuschagne notes that the Samaritan Targum does not generalize the command. See Labuschagne, "'You Shall Not Boil a Kid in Its Mother's Milk': A New Proposal for the Origin of the Prohibition," in *The Scriptures and the Scrolls* (FS A.S. Van der Woude; ed. F.G. Martinez *et al.*; VTSup, 49; Leiden: Brill, 1992), 6-17 (7).

11) Rendering is from *The Targum Onqelos to Exodus: Translated, with Apparatus and Notes* (trans. B. Grossfeld; The Aramaic Bible, 7; Wilmington, DE: Michael Glazier, 1988), 68.

12) Rendering from *Targum Neofiti 1: Exodus—Translated, with Introduction and Apparatus and Notes; Targum Pseudo-Jonathan: Exodus—Translated, with Notes* (trans. M. McNamara [Neofiti] and M. Maher [Pseudo-Jonathan]; The Aramaic Bible, 2; Wilmington, DE: Michael Glazier, 1994), 101.

13) Rendering by M. Maher, *Targum Neofiti 1: Exodus—Translated, with Introduction and Apparatus and Notes; Targum Pseudo-Jonathan: Exodus—Translated, with Notes* (trans. M. McNamara [Neofiti] and M. Maher [Pseudo-Jonathan]; The Aramaic Bible, 2; Wilmington, DE: Michael Glazier, 1994), 229.

14) *Targum Onqelos to Exodus*, trans. Grossfeld, 98.

> The beginning of the first fruits of your land you shall bring to the sanctuary of the Lord your God. My people, children of Israel, you shall not boil, and you shall not eat flesh, with milk, mixed together, lest my anger be enkindled against you and we boil your bundled wheat, the wheat and the straw mixed together. (Neofiti 1)[15]
>
> The best of the first fruits of the fruits of your land you shall bring to the sanctuary of the Lord your God. You are not permitted either to boil or to eat meat and milk both mixed together, lest my anger be enkindled against you and I destroy the fruit of your trees, with the unripe fruit, with their blossoms and leaves together. (Pseudo-Jonathan)[16]

Here is Deut. 14:21c-22:[17]

> … do not consume meat with milk. You should set aside a tenth part of all the produce of your sowing, which the field yields every year. (Onqelos)[18]
>
> My people, children of Israel, you shall not cook and you shall not eat flesh and milk mixed together, lest my anger grow strong and I cook your bundled corn, the wheat and the straw mixed together. My people, children of Israel, you shall tithe all the produce of your seeds: what you bring out and sow in the field and gather in as the produce of each year. (Neofiti 1)[19]
>
> You are not permitted to cook, even so to eat, meat and milk, the two of them mixed together. Be careful to tithe your fruit from what you produce and gather from the field year by year; but not (to take) the fruits of one year in place of another year. (Pseudo-Jonathan)[20]

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15) *Targum Neofiti 1: Exodus*, trans. McNamara, 141.

16) Trans. M. Maher, *op. cit.* nt. 13 above, 260.

17) As I will develop below, I am persuaded that our proscription belongs with the material that follows it in Deuteronomy, and only superficially relates to what precedes it. See e.g. P. Merendino, *Das deuteronomische Gesetz. Eine literarkritische, gattungs- und überlieferungsgeschichtliche Untersuchung zu Dt 12–26* (BBB, 31; Bonn: Peter Hanstein, 1969), 88-96, and B. Holwerda, *Oudtestamentische Voordrachten nagelaten door Prof. B. Holwerda.* III. *Exegese Oude Testament (Deuteronomium)* (Kampen, Netherlands: J.H. Kok, 1957), 387-88.

18) *The Targum Onqelos to Deuteronomy—Translated, with Apparatus and Notes* (trans. B. Grossfeld; The Aramaic Bible, 9; Wilmington, DE: Michael Glazier, 1988), 50.

19) *The Targum Neofiti 1: Deuteronomy—Translated, with Apparatus and Notes* (trans. M. McNamara; The Aramaic Bible, 5A; Wilmington, DE: Michael Glazier, 1988), 81-82.

20) *Targum Pseudo-Jonathan: Deuteronomy—Translated, with Notes* (trans. E.G. Clarke, with S. Magdler; The Aramaic Bible, 5B; Wilmington, DE: Michael Glazier, 1998), 44.

Strikingly, in the tradition that comes to expression in the Targums, the proscription has now been generalized across a number of interpretative axes: from the specifically cultic context to everyday food preparation and consumption; from kids and the milk of their mothers to all (edible) animals and all milk; and from boiling the one in the other to all forms of mixing, cooking or eating milk together with meat. In general, it is clear that the Targumists stand in a tradition that regards our command as a thoroughgoing dietary principle for everyday life. The Talmud follows and elaborates on this interpretation (*Ḥullin* 103b–116b, esp. 115b), as do the Midrashim, with the extension of forbidding not only eating, but deriving "any benefit" from the mixture of milk and meat. From Talmudic times onwards, this halachic tradition[21] has remained a stable and defining element of rabbinic Jewish culture. But despite the firm establishment of the rabbinic tradition, inquisitive minds have continued to be drawn into the enigma of the original meaning of and rationale for the command.

A number of non-mainstream mediaeval Jewish thinkers try approaches that keep the focus on firstfruits from the grain harvest. For example, Anan ben David (fl. ~762 CE), commonly regarded as the founder of the Karaite sect, surmises that "You shall not boil a kid in its mother's milk" refers to leaving the first fruits to ripen in the field. He takes the command metaphorically because the immediate context in Exodus 23 and 34 refers to not *delaying* your gift of firstfruits.[22] Similarly, Menaḥem ibn Saruq (10th cent.) puts forward the conjecture that גְּדִי should be read not as "a kid," but as "berries." But then what do you do with "the milk of its mother"? Menaḥem ben Solomon (early 12th cent.) expands on the idea by taking "mother's milk" as figurative for the juice of the bud that contains the berry. He reads the passage as a whole as forbidding the bringing of first fruits *before* they are ripe.[23] Despite the more or less complete rejection that such inter-

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21) I.e. this tradition of practical application.

22) See D. Frank, *Search the Scripture Well: Karaite Exegetes and the Origins of the Jewish Bible Community in the Islamic East* (EJM, 29; Leiden, Boston: Brill, 2004), p. 10 and the references there.

23) For these two references, see N.M. Sarna, *Exodus* (JPS Torah Commentary; Philadelphia: JPS, 2004), 113, citing *Maḥberet Menaḥem* (ed. H. Filipowsky; London:

preters have received for their suggestions, they deserve acknowledgment for trying an approach that takes full account of the immediate context.

Maimonides, the brilliant 12th century Torah scholar and philosopher, conjectures that our verse means, "When you come before me on your festivals, do not boil your food there in the same way that the pagans used to do."[24] Without claiming to be sure about it, he speculates that the Canaanites probably had a tradition of boiling a kid in its mother's milk during their festivals, and that the Torah command forbade the Hebrews from imitating their practice.

Through a fascinating chain of events in the 20th century, Maimonides' conjecture came for some time to be widely regarded as confirmed. It all started when the Syriologist C. Virolleaud published a study in which he transliterated and translated a cuneiform text from the great library that had been discovered a few years earlier at Ugarit.[25] The poetic text, known as CTA 23 UT 52, was dubbed "The Birth of the Gracious and Beautiful Gods." Virolleaud conjecturally reconstructed line 14 of the poem, slightly damaged, to read, "boil a kid in milk." Given that the text in general concerned matters of Canaanite cultic ritual and belief, this stood out to H.L. Ginsburg[26] and many others after him as a striking parallel to the cultic context of our proscription in Exodus and Deuteronomy, and as a striking vindication of Maimonides' guess. J. Milgrom and others have charted the rapid rise of Ginsburg's theory to nearly complete dominance on the scene of biblical scholarship.[27] Despite the excitement, the text was from

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Meoʿrerei Yeshenim, 1954), 53, and *Even Boḥan*, in *ʾOtsar ha-Sifrut*, V (ed. W. Bacher; Crakow: J. Fischer, 1896), 261-62.

24) *Guide to the Perplexed* 3.48.

25) "La naissance des dieux gracieux et beaux. Poème phénicien de Ras Shamra," *Syria* 14 (1933), 128-51. The ancient city of Ugarit (modern Ras Shamra in Syria) lies just inland of the Mediterranean Sea about 200 km north of the northern border of Israel. Ugaritic is a close sister language to ancient Hebrew.

26) H.L. Ginsburg, "Notes on 'The Birth of the Gracious and Beautiful Gods,'" *JRAS* (1935), 45-72.

27) J. Milgrom, "An Archaeological Myth Destroyed: 'You Shall Not Boil a Kid in Its Mother's Milk,'" *Bible Review* 1/3 (1985), 48-55 (48-51 and nt. 11 on p. 55). To take just one example, A. Schoors, in *Ras Shamra Parallels: The Texts from Ugarit and the Hebrew Bible* (ed. L.R. Fisher; AO, 49; Rome: EPIB, 1972), I, 29-32, says that the

northern Syria, not Canaan, and it was never in the first place asserted to concern the boiling of a kid *in its mother's milk*, the subject of our proscription. And Virolleaud had frankly characterized his reconstruction of the words themselves as "only a conjecture." The bottom eventually fell out of the apparent parallel when it became clear that cooking was not being referred to at all, and that what Virolleaud had taken to be the word "kid"—restored from a damaged place on the tablet—on further scrutiny looked a lot more likely to be the word "coriander." Back, as they say, to square one.

Trying a completely different tack, some interpreters over the centuries have gone beyond Philo's general sense of revulsion at the "callousness" of the practice, and have focused in on one particular humanitarian interpretation. It is argued that the phrase "in its mother's milk" refers to the kid/lamb being in the nursing stage with its mother. So the force of the command would be, do not cook a kid while it is "in its mother's milk," i.e. while it is still nursing. The restriction would thus be a kindness to the mother goat, who—on this theory—would suffer great pain and infection in her udder upon any abrupt separation from her nursing kid.[28] This approach, despite its appropriate regard for the well-being of domestic animals, has two flaws, each of which is independently fatal. In the first place, it causes Exod. 23:19b to be contradicted by Exod. 22:29 (30), which, standing nearby in the same legal corpus, refers to sucklings as valid offerings (cf. Lev. 22:27; 1 Sam. 7:9 also refers to a suckling as a priestly burnt offering). Secondly, as Milgrom observes, it is grammatically impossible in biblical Hebrew to refer to a suckling kid/lamb as one that is "in" its mother's milk.[29]

"biblical prohibition is certainly directed against the practice described in this [Ugaritic] text."

28) So H. Goedicke, *JNES* 42 (1983), 302-303, following a line of interpretation that goes through Augustine of Hippo and finds expression in the translation of Martin Luther ("… diweil es (noch) an seiner Mutter milch ist") and approval from the commentator E. König "… wärend es noch ein Säugling ist," (*Das Deuteronium* [KAT, 3; Leipzig, 1917], 127).

29) "'You Shall Not Boil a Kid,'" 51. One could also add that there are a number of ready solutions to the problem of a lactating doe without a living kid, such as milking the doe, letting it raise orphan kids or lambs, or lending it to a neighbor for those purposes.

Let us now consider some more recent theories. We may begin with O. Keel, who, in a fascinating monograph, argues that the forbidding of "boiling a kid in its mother's milk" stems from a deeply held sensibility that sees in the nursing mother an earthly reminder of the divine nurture of all life—including human life.[30] He demonstrates that the motif of divine nurture is symbolized by nursing animals (sometimes pictured as nursing a human being such as an Egyptian king or prince), and that this symbolism is widely expressed in early ancient Near Eastern art. Keel suggests—cutting in the opposite direction of much Jewish self-understanding on the matter—that the sensibility behind our proscription actually *unites*, rather than *separates*, ancient Israel and its ancient Near Eastern neighbors. His position is that the mother's nurture of her young through nursing is widely sensed as a paradigm of the Creator's cosmic love, cast into the very "order of creation." There is consequently something deeply abhorrent about the practice of offering a kid cooked in its mother's milk as a sacrifice.[31] It seems tempting to speculate that the Swiss Keel, countryman to Jung, may have put his finger on the secret to Philo's great vehemence.[32]

Keel's proposal of a cosmic and universalistic interpretation has a certain force, but on closer inspection it leaves far too much unexplained. His thesis gets a vigorous rebuttal from M. Haran, who insists that adducing highly general and non-specific parallels to our texts only raises questions rather than provides answers. The proof of the matter, Haran says, must lie in the realm of specific *written* texts and their literary relationships. While it may be difficult to refute an assertion of vague and general resonances between our texts and broad religious sensibilities common in the ancient world, our texts *as texts* have no ancient Near Eastern parallels. What they do have, Haran says, is parallels within the Hebrew Bible itself—parallels on the level of human compassion for and ethical treatment of animals.[33]

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30) O. Keel, *Das Böcklein in der Milch seiner Mutter und Verwandtes. Im Licht eines altorientischen Bildmotiv* (OBO, 33; Göttingen: Vandenhoeck & Ruprecht, 1980).

31) Keel, sensitive to the literary context of Exod. 23:19b, 34:26b, assumes that the "kid" is a firstborn offered in the context of the festival of firstlings.

32) See pp. 37-38 above.

33) M. Haran, "Das Böchlein in der Milch seiner Mutter und das säugende Muttertier," *TZ* 41 (1985), 135-59. Elsewhere Haran ("Seething a Kid in Its Mother's Milk,"

E.A. Knauf joins hands with Keel in positing that Israel was *embracing*, rather than *rejecting*, the practice of its Canaanite neighbors when it originally forbade "boiling a kid in its mother's milk." His view is that the practice forbidden in Exodus would not have been cultic as such, since we have no information that boiling was ever prescribed as a mode of cooking offerings in the Hebrew sacrificial system in the first place.[34] He further argues that the practice of cooking meat in milk would only need to be expressly forbidden in the context of such annual festivals as we see in Exodus 23 and 34 if at some time "meat were routinely or frequently cooked in milk at such festivals."[35] He sees the original context of the prohibition as very old, as linked to social celebrations of the third and second millenia BCE, during which specialties such as meat cooked in milk sauces would be part of the festivities. Knauf's sense of the original reasoning behind the prohibition is not at all far from Keel's: if your intent is to offer thanks for the fertility of fields, herds and flocks, it would be "tactless" and insulting to the deity to intermesh birth-giver and offspring by cooking the latter in the milk of the former.[36] Ultimately, Knauf thinks, Israel adapted and retained the traditional prohibition in context of its own festivals when it became the dominant group in Canaan.

Knauf admits that Deuteronomy does not fit the pattern of the Exodus passages. His theory is that the prohibition was re-inscribed as a general dietary rule after the exile,[37] because when the community came back to Canaan it had to function alongside a mixed population in the land that included Arabs who favored milk sauce cuisine. This new form of the regulation, Knauf thinks, was one of the postexilic community's ways of asserting its uniqueness among the nations.

JJS 30 [1979], 23-35) joins in refuting the claim of a Canaanite cultic meaning of the expression.

34) However, against this see Exod. 29:31; Lev. 6:28; 8:3; Num. 6:19; 1 Sam. 2:12-15; 2 Chron. 35:13; Ezek. 46:20, 24. Boiling seems to have been a familiar way of cooking offerings in the Israelite cultus.

35) E.A. Knauf, "Zur Herkunft un Socialgeschichte Israels. 'Das Bocken in der Milch seiner Mutter,'" *Bib* 69 (1988), 153-69.

36) Knauf, "Zur Herkunft," 155.

37) For a survey of the issues regarding the date(s) and composition-history of Deuteronomy, see T.C. Vriezen and A.S. van der Woude, *Ancient Israelite and Early Jewish Literature* (trans. B. Doyle; Leiden and Boston: Brill, 2005), 252-64.

I am inclined to agree with Knauf that the prohibition—at least in Exodus—has the scent of antiquity, but he is plainly forced to keep his reconstruction relatively vague and general. On top of this, he never does address clearly the most striking feature of the command: that a kid is not to be cooked in its *own* mother's milk.[38] Lastly, in his attempt to explain its function in the new context of Deuteronomy, he has no evidence to adduce from Deuteronomy 14 itself nor from any known conditions in Palestine at or around the time of the return from exile. The most that can be said of his suggestion is that it seems not to be impossible.

Along somewhat more traditional lines, a number of Jewish scholars have recently suggested with some cogency that the command stems from a biblical abhorrence for mixing things, and in this particular instance, the mixing of life with death.[39] They cite Lev. 19:19 and Deut. 22:5, 9-11, which certainly illustrate the general principle of

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38) B. Daube "A Note on Jewish Dietary Law," *JTS* 37 (1936), 289-91, speculates that a kid's mother's milk would have been a ready medium for cooking it in the ancient household. Not entirely consistently with this, he proposes that our texts evoke an early time of nomadism when meat would not usually have been eaten, and sacrifices of milk would have been typical. On Daube's theory, the practice of offering milky offerings, once standard in nomadic times, became obsolete in later times when "living sacrifices" became normative in Israel. Daube does not put forward a plausible explanation for why—of all possible milk-related sacrifices—the particular combined milk/meat offering of 'kid in mother's milk' should come to represent offerings of milk in general.

39) E.g. Milgrom, "'You Shall Not Boil a Kid,'" 54-55; I. Welfeld, "You Shall Not Boil a Kid in Its Mother's Milk: Beyond Exodus 23:9," *JBQ* 32 (2004), 84-90. Cf. the thoroughoing Structuralist approach of J. Soler, "The Dietary Prohibitions of the Hebrews," *New York Review of Books*, June 14, 1979, 24-30 (30). Soler proposes that our text objects to the incestuous symbolism of cooking a mother and her offspring in the same pot. But this notion utterly fails to convince. First off, the mother is not in the pot—the milk is; secondly, as Milgrom points out, the kid is not specified as male. R. Alter, "In the Community: A New Theory of Kashrut," *Commentary* 68/2 (August, 1979), 46-52, gives a good general presentation of the symbolic approach, and presents a trenchant critique of Soler's "one size fits all" Saussurian approach. More nuanced is that of Mary Douglas, *Purity and Danger* (London & New York: Routledge, 2002 [1966]). Douglas, incidentally, later drew back from her idea that the inedible animals of Leviticus were so labeled because they were conceived of as straddling symbolic classification boundaries. See her remarks *ibid.* (2002), xiii-xvi.

respecting the distinct nature of things as given, rather than combining or hybridizing them. J. Milgrom explains the application of the principle to our texts in this way:

> A substance that sustains the life of a creature (milk) should not be fused or confused with a process associated with its death (cooking)…. [T]he mother's milk, the life-sustaining food for her kid, should never become associated with its death.[40]

This is all well and good, but it does not address the principle that "boiling a kid in its mother's milk" would not have been *forbidden* unless it were *practiced*, or at least anticipated. And why should the command be linked to a command to bring the first fruits of the grain harvest to the house of YHWH your God? All of which raises the question: in what historical period, in what context, and for what purposes was it formerly practiced? A truly satisfactory explanation of a text must make sense of it not only by rationally demonstrating its coherence within a broad intertextual matrix, but also by giving an account of its placement *here*, in *this* immediate context, and "on the ground," in the real world of the historical situation behind the text. Although there is nothing obviously and fatally wrong about the "no mixing" reasoning, it fails to get firm traction on the texts and to relate them specifically and satisfyingly to their close-by textual contexts and their historical backgrounds.

C.J. Labuschagne[41] has recently come forward with yet another novel theory. He is confident that the secret to our text lies in the fact that colostrum, the new milk of the mother goat, has a reddish cast, and so appears to a lay person to have blood in it. It would not, he says, be

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40) Milgrom, "'You Shall Not Boil a Kid,'" 54-55, resonating closely with the words of Clement of Alexandria (p. 38 above) and, to a lesser extent, Philo (pp. 37-38 above). Milgrom cites in favor of the "no mixing of life and death" interpretation A. Wayne, "Why We Do Not Mix Meat and Milk," *American Examiner* (March 30, 1960), 13, and C.M. Carmichael, "On Separating Life and Death: An Explanation of Some Biblical Laws," *HTR* 69 (1976), 1-7.

41) "'You Shall Not Boil a Kid in Its Mother's Milk': A New Proposal for the Origin of the Prohibition," in *The Scriptures and the Scrolls* (FS A.S. Van der Woude; ed. F.G. Martinez *et al.*; VTSup, 49; Leiden: Brill, 1992), 6-17. This study has a good survey of views.

allowed to boil a kid in colostrom, which he calls "beestings", because the Israelites are neither to offer sacrifices with blood nor to eat blood in cultic or even ordinary circumstances. But after having insisted that "We must look even more closely…at the literary context and let our course be directed by the *Sitz im Leben*,"[42] Labuschagne fails to explain why there is no reference to a milky sacrifice *of any kind* being acceptable within the Israelite cultus. If, in other words, sacrifices cooked with colostrum were seen as unacceptable versions of a milk-prepared sacrifice because they—uniquely among milk-prepared sacrifices—were regarded as contaminated with blood, then where are the references to *other* milk-prepared sacrifices? And conversely, if milk-prepared sacrifices were out of the question in Israelite cultic practice from long before our texts were written down, then Labuschagne's appeal to the reddish color and supposed blood content of colostrum becomes irrelevant. There is no point in proscribing a specific instance of a practice that is flatly unacceptable in any case.

J. Sasson has recently put forward another new theory. He asserts that the matter actually becomes very straightforward when it is realized that the Hebrew word חלב, universally read here as *ḥalab*, milk, can also be vocalized as *ḥeleb*, "fat."[43] He begins by arguing, with some persuasiveness, that the verb בשׁל, traditionally translated "to boil" here, has a broader semantic range and essentially means "to cook."[44] He then reasons that in order to *cook* a kid in its mother's *fat*, you would have to slaughter both kid and doe at the same time—a practice discouraged elsewhere in the Bible (Lev. 22:27-28).[45] The proscription therefore encourages good animal husbandry practices:

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42) "A New Proposal," 9.

43) R. Isaac b. Joseph is quoted as noting this possibility—to instant dismissal—in *b. Sanh.* 4a-4b. (I am unable to follow the reasoning in *b. Sanh.* 4a-4b. Does the discussion actually assume that any rabbi had ever seriously argued for *beḥeleb*, or is the whole issue purely academic, with Exod. 23:19 being cited as a case in which the *miqra'* is obviously correct and the alternative vocalization frivolous?)

44) Sasson, "On 'Seething a Kid in Its Mother's Milk,'" 294-308 (300-301). A more popular presentation of the argument can be found in J.M. Sasson, "Should Cheeseburgers be Kosher?" *Bible Review* 19/6 (2003), 40-51.

45) He also adduces Deut. 22:6-7, which forbids taking a bird and its eggs at the same time (Sasson, "Seething a Kid," 305).

> The imprudent killing of the producer and the produced on the same occasion would lead to a serious reduction in stock, with potentially disastrous results.[46]

Here Sasson's argument reveals its weakness. How did imprudence, "serious reduction in stock," and "potentially disastrous results" come into the picture? We are, after all, talking about just one doe, and perhaps (one of) her latest kid(s). Surely prosperous owners might well be able to afford such a hypothetical luxury now and again without any particular risk. In any case, what would be gained by prohibiting a practice across the board that ordinary pastoral common sense would naturally lead people of modest means to avoid anyway? More to the point, the scriptures elsewhere say that you are not to slaughter a mother animal and her offspring on the same day (Lev. 22:27-28, in the Holiness Code), and that prohibition seems both straightforward to express and to understand. Yet Sasson is effectively hypothesizing that the authors of scripture wished to state the same simple principle in an inexplicably hyper-specific and convoluted form: "do not cook a kid in its mother's fat." But this puts him back where he started from—with a text that doesn't make very good sense on its face. Nor does Sasson's interpretation make any headway as to how such a command appears all by itself within the context of bringing offerings of firstfruits (Exod. 23:19 and 34:26). Finally, he also has to explain why the text should have been re-vocalized from this enigmatic form to the equally enigmatic "do not cook a kid in its mother's *milk.*"[47] Sasson proposes,

> The most plausible explanation…is that in selecting *ḥālāb* over *ḥēleb* there was a potential for championing an enigmatic, if not also an esoteric, interpretation of Scriptural law, one whose application would sharpen the distinctiveness of Jewish ritual practices from those of their neighbors.[48]

Such a theory—that tradents changed a relatively obscure sacred text *in order to make it even more obscure*—remains by its very logic impossible to refute. Nonetheless, it certainly seems like an explanation one

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46) Sasson, "Cheeseburgers," 50.

47) Cf. the LXX rendering, which proves that *ḥalab* was the standard vocalization at a very early date.

48) Sasson, "Seething a Kid," 306.

would only put forward as a very last resort. Perhaps Sasson's willingness to go to such lengths simply underlines the implausibility and the unsatisfying nature of all other available explanations of our proscription.

To summarize our survey, it is clear that interpreters over the centuries have labored to make some kind of plausible case as to why the Bible might specifically forbid "boiling a kid in its mother's milk." We have some people saying it is forbidden because it is obviously something no right-thinking and religiously sensitive person would do (Philo, Heschel,[49] Keel), and some people saying it would not have been forbidden unless it were a natural and normal thing to do (Daube, Knauf). It has been scrutinized on an ethical level (Philo, Haran, Milgrom, Welfeld), a cultic/religious level (Maimonides, Labuschagne), a symbolic level (Alt, Keel, Soler, Milgrom), a cultural level (Knauf), and on the level of wise husbandry (Sasson). But no one has yet explained in a satisfactory way how the command could have come into being in the first place. If not completely impossible to conceive as an actual practice,[50] boiling/cooking a kid in its mother's milk remains a peculiar-sounding and unattested practice, and it certainly looks pointless to forbid in the context of a cultic system in which milk plays no part anyway. Above all, no one has put forward a cogent reason why this unique command should, in all three of its occurrences, be associated with the command to offer the "best of the firstfruits" of the *grain harvest* to God. Despite the great intellectual ingenuity and industry of exegetes, the proscription remains as much of an enigma as ever.

Prelude to a New Solution: On the Evolution of Figures of Speech in Language

Consider the following familiar English expressions: "beg the question," "have an ax to grind," "a flash in the pan," and "to buy the farm." These expressions all have two things in common: (1) they are nonliteral figures of speech, and (2) they no longer convey (to most English speakers) what they originally conveyed when they were coined and

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49) Cited by Welfeld, "You Shall Not Boil a Kid in Its Mother's Milk," 87.

50) Cf. Daube, "A Note on Jewish Dietary Law."

gained currency in the language. "Begging the question" came into English as the name of the logical fallacy of assuming (i.e. asking your interlocutor to grant) a principle that requires demonstration;[51] now it is most commonly used to mean *to raise or prompt the question*, which is completely unrelated. "Having an ax to grind," when coined as a figure of speech, meant having an ulterior motive;[52] now most people use it to mean nursing a grudge or looking for a fight.[53] A "flash in the pan," when coined in the days of flintlock and caplock rifles, transparently suggested a fizzle, a dud, a misfire; it now connotes a dramatic but short-lived success. In WWII, the expression "buy the farm" meant to die;[54] now it is unknown by younger people, and to them, if it means anything, it means…to buy the farm.[55] Two principles about the genesis and evolution of figures of speech in language and culture in general can be gleaned from illustrations such as these.

1. Figures of speech typically arise out of a common fund of practical experience.[56] Consequently, when the shared experience that has

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51) It translates the Latin expression *petitio principii*.

52) This expression comes from an anecdote attributed to Benjamin Franklin or Charles Miner, in which the author as a young man is flattered by a stranger into turning the grindstone for him while he sharpens his ax. Thereafter, when he sees a man flattering others, he says to himself, "methinks that man has an ax to grind." On the origin of this anecdote, see *A Dictionary of Americanisms on Historical Principles* (ed. M.M. Matthews; Chicago: University of Chicago Press, 1951), 54.

53) This sense has probably arisen under the influence of similar-sounding expressions such as "sharpening your knife" and "hatchet job." Midway between the original sense and this more aggressive sense is the idea of a person who comes to a group process obsessed with a pet agenda which—like the hand grinding of a thick ax blade—is tedious and wearisome.

54) One common conjecture is that the expression arose from the common circumstance that when a U.S. soldier was killed in WWII combat, his family was given a "death benefit" that typically amounted to enough money to pay off the mortgage on the family farm (*The Facts on File Dictionary of Clichés* [New York: Facts on File, 2001], *s.v.* "Buy the Farm").

55) Ask any ten college freshmen to compose a short story in which the main character buys the farm at the end, and you will probably get eight or nine stories about agriculture.

56) O. Borowski observes, "the Bible is saturated with agricultural symbolism, similes and metaphors" ("Agriculture," *AB* 1, 95-98 [98]).

given rise to a figure of speech disappears from culture and is forgotten, the figure of speech may take on a new and independent meaning that searches for and finds its hermeneutical anchors (whether verbal, practical, or both) in an entirely different cultural context.

2. In processing language, people's first ("default") approach is to take words at face value—that is, to take them literally. If taking an expression literally does not lead to a coherent sense of the expression in its context, interpreters will tend to try out metaphorical approaches based on their own cultural and historical context. If these experiments fail to yield a satisfying sense, interpreters will revert to the literal meaning—even if unable to understand it.[57]

Lateral Thinking: Genesis of a Hypothesis

I suppose that nearly every attentive reader of the scriptures—not simply the religious teacher and the scholar—must be struck at one time or another by the utter abruptness with which the command "You shall not boil a kid in its mother's milk" pops into its context in its two occurrences in the book of Exodus. In both Exod. 23:19 and 34:26, we read the identical Hebrew words:

רֵאשִׁית בִּכּוּרֵי אַדְמָתְךָ תָּבִיא בֵּית יְהוָה אֱלֹהֶיךָ לֹא־תְבַשֵּׁל גְּדִי בַּחֲלֵב אִמּוֹ

> The choicest of the firstfruits of your ground you shall bring into the house of the Lord your God. You shall not boil a kid in its mother's milk.

For some years, whenever I read the apparently orphaned command, "You shall not boil a kid in its mother's milk," I experienced a sense of puzzlement. Then, after reading through the Pentateuch a number of times, a question and a train of thought began to percolate into my consciousness: Is this simply a peculiar and context-less dietary law in

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57) Try asking a person who has never heard of the story of Don Quixote what "tilting at windmills" is. They may know what a windmill is, and they may well know that "tilt" means to lean over. But these pieces of information will not enable them to make any sense of the expression. Understanding that "tilt" means "attack with a lance" will also not get them very far either.

these two Exodus occurrences? Or is it conceivable that, not only here, but in all three of its occurrences, I am looking at a command that concerns the proper manner (more exactly, an *improper manner*) of offering the firstfruits of the grain harvest to God? I could, of course, simply be looking at a quaint and archaic dietary command. And it could be that this command, through some mechanism irrecoverably lost in the mists of time, has become detached from its original moorings, so that it now floats in material that essentially has little or nothing to do with it. But what if the command were actually some kind of figure of speech?[58] Could it be sitting in its native context, and could it describe some kind of improper way of offering gifts of firstfruits? In that case the command would be integral with the material that immediately precedes it in the two Exodus passages, and in Deut. 14:21 the boiling a kid passage would actually belong with what follows, only being superficially linked with the material that precedes it. Following that train of thought, it seemed conceivable that the composer of Deuteronomy, assembling his various source materials like pieces of a picture puzzle so as wherever possible to group like with like, had here brought the end of a summary section on dietary laws (Deut. 14:3-21b) into contact with the beginning of a section on the offering of tithes and firstfruits—and this for the specific purpose of accommodating the unusual statement in Deut. 14:21c, "You shall not boil a kid in its mother's milk." He could easily have done this if he did not understand the proscription against boiling a kid in its mother's milk as a figure of speech, but took it literally as some kind of dietary command.[59]

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58) Cf. the approach of the mediaeval commentators Menaḥem ibn Saruq and Menaḥem ben Solomon (see p. 41 above), who also gave the immediate context the highest priority as an interpretative key to the text.

59) One could propose the alternative that a text containing dietary commands followed by commands about the offering of firstfruits got sundered at some time in the past, so that nearly all of the dietary command section got broken off, leaving the editor of Deuteronomy faced with one fragment of dietary instruction sitting apparently at the head of a section about firstfruits. But if that is the case, we are left without a reason why the boiling a kid proscription should come at the *end* of sections about firstfruits in what are presumably the earlier texts (Exodus 23 and 34)—and in neither former case does it stand as a threshold to a following section devoted to dietary commands.

The Price of Admission: Essential Elements of a Prima Facie Case for the "Figure of Speech" Hypothesis

Given that there is currently no satisfactory explanation for the command against "boiling a kid in its mother's milk," and no clear and obvious explanation of how it might function integrally within its context in its three occurrences, it seems eminently reasonable to spend some energy exploring the potential of this idea—that the expression is a figure of speech whose significance was eventually lost at some time in the period before which our textual materials came into fixed and final written form. While it may be "a stretch" on first look, surely it is not impossible on its face. So let us lay out the conditions that might reasonably be expected to obtain if we are to reach the conclusion that the expression is indeed a figure of speech functioning in its native context.

First, there should be a natural and plausible explanation for the original genesis of the figure of speech, "boiling the kid in its mother's milk." In particular, we ought to be able to point to an agricultural commerce system that the Israelites experienced as normal at some early time of their common life that could naturally give rise to some concrete and particular agricultural practice or set of practices that could be plausibly come to be referred to under the figure of speech of "boiling the kid in its mother's milk."

Secondly, given that in each of its occurrences the expression "do not boil a kid in its mother's milk" appears in immediate contact with commands about the proper offering of firstfruits to God, there would have to be, in the minds of people participating in the agricultural commerce system referred to above, an immediate and obvious connection between the expression and its application to practices within normal agricultural production and commerce on the one hand, and a particular manner of carrying out the command to bring an offering of firstfruits to God on the other hand.

Thirdly, it should be demonstrable that the manner of bringing the firstfruits suggested by the expression would clearly violate one or more of the key principles laid out in the biblical text as to how such gifts of firstfruits should be offered. "Boiling the kid in its mother's milk," after all, is something you are *forbidden* to do.

Fourthly, there ought to be a natural and plausible explanation for why and how the expression "boiling the kid in its mother's milk" should have fallen into such disuse over generations that its metaphorical weight as a figure of speech would have ceased to be understood at all anymore by anyone. Like various other biblical archaisms, it would be a boat left grounded in the sand of the textual matrix after the tide of its original significance had receded.

These four principles together create a kind of hollow interpretative space into which, if we are successful, a plausible pattern of behavior will fit precisely and satisfyingly as a positive shape.

Making the Grade: Sketch of the Positive Evidence

Let me sketch a hypothesis by attempting to build up such a "positive shape," first by appealing to a plausible context within ancient agricultural commerce, and then by hypothesizing a plausible behavior pattern within that context that meets all our criteria.

Contextual Element 1: Tenant Farming. The context that I propose is that of tenant farming or sharecropping. For example, the nominal tenant–owner relationship between peasants and the state and its various delegates in Ancient Egypt can be considered as falling into this general relationship pattern.[60] Whether the "owner" is considered to "own" the land personally and to be personally entitled to its fruits, or whether the state or even the deity is nominally considered the "owner," the general pattern remains constant: those who work the land are not considered to be its "owners," but are treated as tenants who labor on land belonging to another.[61] For the privilege of living on and

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60) For a helpful summary of land tenancy customs—i.e. customs surrounding the renting of land—in Egypt, Israel, Hur, and Babylonia, see K.H. Henrey, "Land Tenure in the Old Testament," *PEQ* 86 (1954), 5-15.

61) Gen. 47:12-26 contains the remarkable information that during a terrible seven-year famine all the agricultural lands of Egypt came into the "ownership" of the state under the administration of Jacob/Israel's son Joseph, so that Egypt's citizens (with the exception of the Egyptian priestly caste, v. 22!) no longer had the status of private landholders but were henceforth Pharaoh's "slaves." Although it is not stated in so many words, the natural assumption would be that Joseph's family, the Israelites, would be exempt from this "slave" status because of his high position in the government.

enjoying the produce of the land, they are regarded by the "system" as obligated to give up, yearly, some portion of the fruits of the land. Whether this payment is called rent, dues, taxes, or obligatory divine worship, the practical result is similar. A representative of the party in the socioeconomic position of "owner" comes at harvest time to estimate the total yield of the croplands in question, and on the basis of those calculations determines how much is "owed" by those who work on that land. Then, when harvesting and threshing begin, a representative (it could be the same person or some other person or persons)[62] measures actual grain (usually threshed and winnowed grain taken from the threshing floor and ready for milling), and transports the assessed portion away. It is not controversial to state that in general, "owners" typically squeezed as much from their "tenants" as possible.[63] And given the fact that owners stood in a position of social, economic and political power in relation to their tenants, tenants could not simply refuse to pay what their owners or landlords asserted to be their "due."[64] Instead, the more-or-less universal dance between oppressor and

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According to Exodus 1, the Israelites' protected status was lost some generations later, when a king came to power who "did not know Joseph." That king, says the writer of Exodus, forced the Israelites into the same "slave" status as all the other Egyptian peasants. (If there is a historical thread behind the story of Israel's sojourn in Egypt, this could theoretically be a reminiscence of the Hyksos invaders.)

62) In a sophisticated system, the first person would have training in land surveying and would be expert in calculating, from the condition of standing crops, the expected yield of a parcel of land. A second person would be expert in monitoring the threshing process and measuring threshed grain. Landlords in general demanded the first portion of the threshed grain, and were not content to wait until the entire harvest had been threshed and measured in bulk to calculate and assess their portion.

63) I am going to stop putting quotation marks around the terms "owner" and "tenant" for esthetic reasons. Let it be understood that these and related terms name social constructions around rights to the land, as completely distinct from supposed natural rights and responsibilities. On this subject generally, see W.R. Domeris, *Touching the Heart of God: A Social Construction of Poverty among Biblical Peasants* (London: T&T Clark, 2007).

64) E.g. an ancient Egyptian scribe's textbook paints a vivid picture of the universal peasant's experience: "The scribe [arrives]. He surveys the harvest. Attendants are behind him with staffs, Nubians with clubs. One says to him, 'Give grain.' 'There is none.' He is beaten savagely. He is bound, thrown in the well, submerged head down. His wife is bound in his presence. His children are in fetters. His neighbors abandon

oppressed would play itself out: tenants would be trying every available tactic that might suggest itself to inventive minds, in order to retain as much as possible of their hard-earned capital of grain and protect their own food security, and owners (and owners' representatives) would more or less universally be on guard against such tactics, suspiciously regarding tenants as lazy, conniving thieves and cheats.[65]

Contextual Element 2: A Good Harvest and a Surplus of Grain. For the sake of the exercise, let us begin by assuming the setting characterized under Contextual Element 1 above as the broad context for the agricultural commerce practice that will form the secular analogue for the unacceptable religious offering behavior we are seeking to discover. Let us then add to this familiar context one small complication. Let us assume that the previous year's harvest has been bountiful enough that the tenants have not reached the bottom of their grain stores, now that the current year's harvest time has come around. In a word, they have a surplus. As alluded to above, landlords are historically known for setting up obligations in such a way that their tenants will have barely enough left over after paying their obligations to feed themselves and their families for the coming year. If the landlord takes too much, the tenants will starve, and the system that enriches the landlord will suffer collapse. If the landlord takes too little, that—from the landlord's point of view—is just a plain waste of money. So in general, all things working the way they typically work, the tenants' grain stores are usually going to be running out just about the time the harvest comes in. Nonetheless, let us suppose that the previous year's crop has yielded a larger than usual harvest, and that a tail end of last year's grain still sits in the tenant's granary as harvest time approaches.

Contextual Element 3: Peasant Wisdom and the Exigencies of Survival under Oppression. Consider this hypothetical question: If you were an oppressed tenant under the circumstances just characterized, wouldn't you regard it as the better part of wisdom to hide from the landlord

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them and flee. When it's over, there's no grain [left for the poor man and his family]" (J. Pritchard, *ANET*, 2nd edn, 237).

65) For a characterization of this mutually suspicious relationship, see e.g. A.K.S. Lambton, *Landlord and Peasant in Persia* (Oxford: Oxford University Press, 1953), 263.

the fact that you had a surplus? To landlords, after all, the presence of surpluses is simply evidence that rents have been set too low. Might you not wish to find a way to secret away the surplus grain so that your granary appeared to be empty, and then engineer some way to mix the tail end of your surplus grain from last year's harvest into the piles or bags of this year's assessment, so that the landlord would get the correct volume of grain, but you would end up with the maximum amount of fresh, new grain to put up in storage for the coming year?

Fertile Ground for the Genesis of a Figure of Speech

The simple and obvious tactic just mentioned is, I want to suggest, the practice named by the figure of speech, "boiling a kid in its mother's milk." The "mother" corresponds to the previous year's harvest, which stands as the parent generation in relation to this year's grain produce. The general force of the culinary metaphor is that the main dish, the "kid," is being prepared for human consumption by calling for a second donation from its mother. To the imagination of a subsistence agriculturalist, the concept of "boiling a kid in its mother's milk" is presumably going to come across both as distasteful on one level and extravagant on another level. Distasteful because people living in intimate dependence on the land share a sense that all parties in the interdependent system of life (whether lands, crops, animals, or people) have their own proper contribution to make, their own proper weight to carry. Within such a complex and mutualistic partnership, it is not regarded as fair to put a double burden on anyone—human or non-human. It is also disgustingly extravagant in the eyes of a peasant because kid's flesh is already milder tasting and more tender than mature goat's flesh—it is a kind of gross excess to boil it in its own mother's milk to make it even more tender. But then again, that is the sort of luxury that rich landlords go for, after all! So the expression could have been coined and have come into common use among peasant agriculturalists first as a proverbial way of characterizing the callous excesses of the wealthy—and/or as a way of characterizing some supposed excess of luxury among one's poor friends and relations, along the lines of "aren't *we* starting to act like the gentry now!" A new meaning might then arise once the expression was already in common use, wherein talking about "boiling

the kid in its mother's milk" became useful as a tongue-in-cheek—perhaps even coded—way of referring to a typical mode of outmaneuvering the landlord at rent collection time.[66] "Boiling the kid" meant slipping as much as possible of last year's surplus grain (if there should be any) into this year's assessment. There could be some wry humor hiding in the expression, implying that you are supposedly making a deluxe payment, by granting the landlord some of last year's "seasoned" grain, not just this year's inferior, "unseasoned" grain. The associated mentality might be similar to that of the slave cook of an oppressive master, who takes satisfaction from secretly spitting in the boss's soup, saying, "And now, the ingredient that makes it extra-special, just for you. Ptui!"

There are practical problems to consider in trying to pull off this sort of substitution. For example, you might well have to set the children to the task of sifting and sorting last year's grain to minimize the visible presence of rodent droppings, insect detritus and dust—telltale signs of old, rather than new, grain. The grain might even have to be rinsed, jostled and dried in order to minimize the odor of rodent urine. But dependent on the particular circumstances, the days-long process of rent collection[67] would probably present to you as tenant at least some reasonable hope of an opportunity, and some workable means, of secreting a significant amount of any previous year's surplus into the assessment.[68] This is the old, old game—the game of subaltern survival that pits wits and determination to thrive against the dull and grinding force of oppression.[69]

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66) For this kind of verbal tactic, which J. Scott calls "language as infrapolitics," see *id.*, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven: Yale University Press, 1985); see also, in context of the Bible, A. Brenner, "Who's Afraid of Feminist Criticism? Who's Afraid of Biblical Humor? The Case of the Obtuse Foreign Ruler in the Hebrew Bible," *JSOT* 63 (1994), 38-55 (41).

67) Line 5 of the Gezer Calendar refers to "a month of harvesting and measuring." Cf. O. Borowski, *Daily Life in Biblical Times* (ABS; Atlanta: SBL, 2003), 27.

68) To suggest just one conceivable tactic, individuals might repeatedly scatter modest amounts of old grain around the threshing floor with the newly strewn upper stalks of grain during threshing, so that the old corn would end up being (re-)winnowed together with the new. This would at least take care of dust and insect detritus.

69) J. Scott, *Domination and the Arts of Resistance* (New Haven: Yale University Press, 1990), 192-201, discusses various peasant tactics for resisting oppressive measures

Approaching the Biblical Context: Governing Principles regarding the Proper Manner of Bringing Offerings

According to the book of Leviticus, when God freed the Israelites from oppression under Pharaoh, God became the new "owner" that they were ever thereafter required to recognize in relation to the land and its produce. For example, it is said,

> The land shall not be sold in perpetuity, for the land is mine; with me you are but aliens and tenants (Lev. 25:23).

Elsewhere God claims ownership of the entire earth:

> You have seen what I did to the Egyptians, and how I bore you on eagles' wings and brought you to myself. Now therefore, if you obey my voice and keep my covenant, you shall be my treasured possession out of all the peoples. Indeed, the whole earth is mine, but you shall be for me a priestly kingdom and a holy nation (Exod. 19:4-6).

Working together with this general principle of God's "ownership" of the land, stand the law of the tithe, the law of the ransoming of the firstborn, and the law of the firstfruits. All of these are governed by three positive shared principles:

- Your offering is to be the first portion.
- Your offering is to be complete.
- Your offering is to be pure.[70]

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related to land. He observes (p. 195) that [European] peasants "secretly harvested grain before the tithe collector arrived, opened unregistered fields … and took a variety of measures to ensure that the grain taken by the titheman was inferior and less than one-tenth of the crop. The pressure was constant, but at those rare moments when enforcement was lax, the peasantry would take quick advantage of the opportunity."

70) These three ideals can be fleshed out; for the purposes of this essay I assume that they are not controversial. Torah texts insist again and again on the principle that the *very first portion* of everything received from the ground is to be given as an offering to God. Thus Israelites are even commanded to give the first portion of *flour* to God:

> Present a cake from the first of your ground meal and present it as an offering from the threshing-floor. Throughout the generations to come you are to give this offering to the Lord from the first of your ground meal (Num. 15:20-21).

The commands regarding these kinds of offerings all share a negative principle also: *you are not to engineer a substitution in order to improve your own position*. In other words, you are not free to give something that you were coincidentally desiring to get rid of. For example, Lev. 27:32-33:

> All tithes of herd and flock, every tenth one that passes under the shepherd's staff, shall be holy to the Lord. Let no one inquire whether it is good or bad, or make substitution for it; if one makes substitution for it, then both it and the substitute shall be holy and cannot be redeemed.

See also Lev. 22:18-22:

> When anyone of the house of Israel or of the aliens residing in Israel presents an offering, whether in payment of a vow or as a freewill-offering that is offered to the Lord as a burnt-offering, to be acceptable in your behalf it shall be a male without blemish, of the cattle or the sheep or the goats. You shall not offer anything that has a blemish, for it will not be acceptable in your behalf.
>
> When anyone offers a sacrifice of well-being to the Lord, in fulfilment of a vow or as a freewill-offering, from the herd or from the flock, to be acceptable it must be perfect; there shall be no blemish in it. Anything blind, or injured, or maimed, or having a discharge or an itch or scabs—these you shall not offer to the Lord or put any of them on the altar as offerings by fire to the Lord.

The same thinking is at play in the prohibition against any person who is lame or otherwise physically damaged serving as a priest:

> No one of your offspring throughout their generations who has a blemish may approach to offer the food of his God. For no one who has a blemish shall draw near, one who is blind or lame, or one who has a mutilated face or a limb too long, or one who has a broken foot or a broken hand, or a hunchback, or a dwarf, or a man with a blemish in his eyes or an itching disease or scabs or crushed testicles. (Lev. 21:16-20)

I suggest that the central point of these provisions is that offerings to God must come out of an integrity of relationship between the worshippers and God. They must therefore be *your best*, not *your worst*. They are to be given with a whole heart and stem from a motivation to be in positive, mutual, honest relationship. God is not a mostly inattentive

oppressor entity to be periodically appeased and bought off with whatever the minimum or most convenient offering might be. God, to be blunt, does not want people's leftovers, is not pleased with white elephant gifts. Every sacrifice must be a genuine gift on the part of the giver, a gift that is new and possesses full value. A gift that has integrity will never be engineered or selected so as to contain some kind of kickback of benefit to the person who makes the offering. In order to be acceptable, the act of offering a gift must not be tinged with the selfish tendency to maximize the benefit to oneself in some way. In sum, purity in the offering extends to purity of motive.

Given these general principles, it is not surprising that various texts name and forbid tricks that are more or less predictable on the assumption that there will be a temptation to act out of mixed motives in the selection of an offering—for example, selecting the genetically defective or sterile animal, or attempting to cheat on the random selection of every tenth animal—even if the pretense put forward upon being caught is that you were trying to give the better specimen to God (Lev. 27:32).[71]

The same principle applies to the offerings of grain. As in all offerings, God strictly expects the *first* and the *best*. For example, Deut. 26:12-13, anticipating that people will be tempted to cut corners on their sacred obligations, requires those who tithe to affirm in front of YHWH that none of the first, *sacred* portion has been kept back for their own use:

> When you have finished paying all the tithe of your produce in the third year (which is the year of the tithe), giving it to the Levites, the aliens, the orphans, and the widows, so that they may eat their fill within your towns, then you shall say before the LORD your God: "I have removed the sacred portion from the house, and I have given it to the Levites, the resident aliens, the orphans, and the widows, in accordance with your entire commandment that you commanded me; I have neither transgressed nor forgotten any of your commandments…"

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71) An early story illustrating the divine strictness around this principle can be found in 1 Sam. 15, in which Saul is rejected as king for the sin of "withholding." The prophet Samuel refuses to accept Saul's excuse for not "devoting [to destruction]" the choicest spoils from his battle with the Amalekites. Saul insists that he only wished to keep the best for God, but that explanation does not fly, since God had already instructed that the way to devote the spoils to God was to destroy them.

The passage below lays out the manner in which the Levites are to fulfill their own tithing obligations. When they come into possession of all the offerings that are brought to them by their fellow Israelites, they are not to give in to the temptation to select for themselves the best quality grain and to select for divine service the less desirable grain:

> Then the LORD spoke to Moses, saying: You shall speak to the Levites, saying: When you receive from the Israelites the tithe that I have given you from them for your portion, you shall set apart an offering from it to the LORD, a tithe of the tithe. It shall be reckoned to you as your gift, the same as the grain of the threshing-floor and the fullness of the wine press. Thus you also shall set apart an offering to the LORD from all the tithes that you receive from the Israelites; and from them you shall give the LORD's offering to the priest Aaron. Out of all the gifts to you, you shall set apart every offering due to the LORD; the best of all of them is the part to be consecrated. Say also to them: When you have set apart the best of it, then the rest shall be reckoned to the Levites as produce of the threshing-floor, and as produce of the wine press. You may eat it in any place, you and your households; for it is your payment for your service in the tent of meeting. You shall incur no guilt by reason of it, when you have offered the best of it. But you shall not profane the holy gifts of the Israelites, on pain of death. (Num. 18:25-32)

What Happens When you Plug In the Puzzle Piece: Bringing the Hypothesis Home Exegetically

Let us now come back around and see what happens exegetically with our three key texts if we bring to them the assumption that "boil the kid in its mother's milk" once meant, "secretly make up a portion of this year's rent obligation with surplus grain from last year's harvest." If this is truly what the expression originally meant in context, then it stands to reason that our texts may make significantly better sense exegetically when we take this into account. For example, consider Exod. 23:19:

> The best of the first fruits of your ground you shall bring to the house of the LORD your God. Do not boil the kid in its mother's milk—i.e. no mixing in of surplus grain from the previous year!

Makes good sense—and it makes sense of what previously looked like a bit of a redundancy: רֵאשִׁית בִּכּוּרֵי אַדְמָתְךָ looks like "the first of

the firstfruits of your ground." Why the emphasis on the very first? On our hypothesis, it would be because it was once habitual for the oppressed Israelites to try to give their landlords as little as possible of their brand new grain.

In fact, although LXX of Exod. 23:9 has τὰς ἀπαρχὰς τῶν πρωτογενήματων τῆς γῆς σου ("the first portion of the firstfruits of your ground") here, the identical Hebrew statement in Exod. 34:26 simply results in τὰ πρωτογενήματα τῆς γῆς σου ("the firstfruits of your ground"), as though the translators regarded רֵאשִׁית as a redundancy. So the text now reads as a single, coherent command with a warning for the people of Israel not to perform their service to God in the self-protecting manner in which they once customarily paid their rent in the bad old days when they were oppressed tenant farmers. In the narrative world of the text, the Israelites are now free, and God, their rescuer, is the new Owner, who is generous and just. The text projects a world in which the days of having to use all their ingenuity to protect their subsistence are over.[72] A change of regime has come, and this is going to require a change of habits and orientations. On this reading there is no longer an odd orphan dietary command, and there is no longer the need to hypothesize an equally ill-fitting proscription against a random and unattested Canaanite cultic or dietary practice.

In Deut. 14:21-22 we find the same insistent tone:

> Do not boil the kid in its mother's milk—i.e. do not mix in surplus grain from the previous year: you are to strictly set aside (עַשֵּׂר תְּעַשֵּׂר) a tenth of all that your sown seed produces year by year (כֹּל־תְּבוּאַת זַרְעֶךָ הַיֹּצֵא הַשָּׂדֶה שָׁנָה שָׁנָה).

When the command as expressed positively is juxtaposed with the hypothesized sense of our key text, the positive formulation of the command can be seen to be crafted in such a way as to leave absolutely no room for the customary practice of substitution, by saying, each year you are strictly required to set aside not simply the equivalent in volume

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72) Gerald West is inclined to read across the grain here, and asks, "Are we seeing evidence of class struggle in these admonitions? Might not our texts yield up evidence that priestly elites were trying to move into the vacant economic space of the former landlords, and were being resisted?" (private communication).

of grain to a tenth of this year's harvest, but emphatically a tenth *of what is produced from what you have sown year by year*. And indeed, Targum Pseudo-Jonathan understands Deut. 14:22 in precisely this way:

> You are not permitted to cook, even so to eat, meat and milk, the two of them mixed together. Be careful to tithe your fruit from what you produce and gather from the field year by year; but not (to take) the fruits of one year in place of another year. (Pseudo-Jonathan)[73]

So does the Fragment Targum:

> My people, O Israelites, you shall separate a tithe[74] from all the yield of your seed that you plant in the field and gather in as harvest every year; Israel, My people, O Israelites, you may not tithe, in order to eat, the fruits of one year [with] the fruit of [another] year.[75]

Once again, by reading our expression as a figure of speech we find that we are no longer faced with a unique and peculiar and orphaned dietary command, nor do we have an orphan reference to an unattested Canaanite cultic or dietary practice—which looks only slightly less out of place in this context than in the two Exodus settings. Instead we discover, in Deut. 14:21c-22, a coherent and meaningful pair of statements that belong together at the head of a whole section on offerings from the harvest (Deut. 14:21c-29).

I conclude this exegetical section with a technological allusion in Leviticus that may lend some color to the picture.

> I will look with favour upon you and make you fruitful and multiply you; and I will maintain my covenant with you. You shall eat old grain long stored, and you shall have to clear out the old to make way for the new (Lev. 26:9-10).

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73) *Targum Pseudo-Jonathan: Deuteronomy*, 44. The words "to take" are supplied by the translator. I think the words more properly assumed in the ellipsis are "to tithe."

74) Lit. "tithing you shall tithe," paralleling the Hebrew.

75) Translation by M.L. Klein, *The Fragment-Targums of the Pentateuch, According to their Extant Sources*. II. *Translation* (Analecta Biblica, 76; Rome: Biblical Institute Press, 1980), 173.

The earliest grain storage structures in pre-monarchical Israel are attested to be stone-lined and/or plaster-lined underground pits with a sample storage capacity of about 7,000 liters—a size that will feed ten people for a year.[76] The Leviticus passage just quoted alludes to the fact that, in order to keep from having grain go bad from sitting indefinitely at the bottom of the pit, one has to remove any surplus grain from the previous year at harvest time in order to pour in this year's grain. Other familiar storage technologies—available to wealthy estate owners or civic authorities—do not have this problem.[77] But for the small farmer with a grain pit and a surplus, it must be rather saddening to have to finish up by pouring the older grain back into the pit on top of the fresh, especially if it has been significantly infected with rodent urine and droppings. Moreover, it must be somewhat of a let-down, no matter what the storage arrangements are, to be faced with the prospect of finishing off the old year's grain when the fresh new grain has come in. In summary, older grain is somewhat less desirable, and when underground pits are used it has to be moved out of storage to make room for the new. Both of these circumstances seem likely to sharpen the impetus for a small sharecropping farmer to find a way of slipping some or all of last year's surplus grain into the rent assessment for the current year. It has to be cleared out anyway— if possible, why not pass it off on the landlord, creditor, or tax assessor, and be rid of it altogether?

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76) One could characterize this underground storage system as top-loading and top-dispensing. It has the disadvantage of creating a first-in = last-out storage sequence. On this in general, see O. Borowski, *Agriculture in Iron Age Israel* (Winona Lake: Eisenbrauns, 1987), ch. VII, 107ff.
D.C. Hopkins, *The Highlands of Canaan* (Sheffield: Almond Press, 1985), 150-51, citing A. Demsky and M. Kochavi, "An Alphabet from the Days of the Judges," *BARev* 4 (Sept/Oct 1978), 23-30 (24), says that domestic grain pits may have been "ubiquitous" in the period of the judges.

77) For example, above-ground silos, because they are loaded at the top and dispensed from the bottom, create a first-in = first-out storage sequence. You do not have to move out the old in order to add in the new. Large-capacity domestic storage jars (pithoi, which might hold 150 liters), noted in the houses of the well-to-do, are top-dispensing, but since a household might have a significant number of them, the problem of stock rotation is naturally minimized. One just adds grain to the empty ones. The implied audience of the promise is therefore small-scale family farmers, rather than estate owners or landless agricultural workers.

Plotting the Rise and Demise of a Figure of Speech

I have argued above that "boil a kid in its mother's milk" is a figure of speech that concerns a rent assessment substitution scheme. Implicit within this hypothesis is the probability that its genesis lies within a socio-historical context of struggle between small sharecroppers and either a landlord class or something like a systematic and draconian taxation system. (The latter would typically be administrated by the former in any case.) And although it is not controversial to say that small-scale rent farming or sharecropping was widespread in the ancient Near East,[78] the key question prompted by the current hypothesis is this: Where, along the socio-historical trajectory of the particular people who developed and transmitted the traditions ultimately written down in the Covenant Code, do we find this pattern? One ready-to-hand answer lies in Canaan itself during the Late Bronze period, when the people of the land suffered virtual slavery under the dominion of the Egyptian empire and its Canaanite war-lord clients. M.L. Chaney sums up the situation in these words:

> The holders of patrimonial and prebendal estates never worked the land themselves …. The fields which they and their king or warlord were able to conquer and hold by force of arms they let out to peasant producers, who regularly paid half or more of their total production to the landlord in the form of various taxes and rents in return for access to the land. By means of this system, a ruling elite of two percent or less of the population enjoyed the privilege of controlling half or more of the total goods and services produced in the society. This elite, in turn, had every incentive and more than sufficient means to extract the largest possible "surplus" from the peasant majority, leaving it only the barest subsistence necessary to remain productive. … Such was the socioeconomic system in the alluvial plains of Canaan when Israel emerged as a separate society in the adjacent hill country.[79]

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[78] See e.g. "Pacht," in *Reallexikon der Assyriologie*; K.H. Henrey, "Land Tenure in the Old Testament," *PEQ* 86/1 (1954), 5-15, and S.H. Bess, "Systems of Land Tenure in Ancient Israel" (PhD Dissertation, University of Michigan, 1963), 2-22.

[79] M.L. Chaney, "Systemic Study of the Israelite Monarchy," *Semeia* 37 (1986), 53-76 (61). See also *id.*, "'Coveting your Neighbor's House' in Social Context," in *The Ten Commandments: The Reciprocity of Faithfulness* (ed. W.P. Brown; Library of Theological Ethics; Louisville: Westminster John Knox, 2004), 310.

The transition from the Late Bronze Age to the Early Iron Age saw the loss of effective centralized control as the Egyptian client system collapsed in Canaan.[80] At that time, beginning around 1200 BCE, a group that later came to identify itself in the world as the people of Israel successfully extracted itself from the crumbling economico-political matrix of the Egyptian empire and moved up into the hills in Canaan. They appear to have formed a loose society of freeholding settlers who passed down land from generation to generation in single patrilineal families.[81] Their custom held that hereditary land was inalienable. Having broken free from the economy of rent-slavery, they strongly resisted returning to it. And although many socioeconomic—and military—factors under the later Israelite and Judahite monarchies combined to put great pressure on the custom of family lands being inalienable, it is clear from many scriptural passages that this custom had such a hold on the consciousness of the people that even members of relatively elite groups supported its maintenance and/or re-establishment.[82]

It appears to be feasible that our figure of speech could have arisen in the Late Bronze Age. It could naturally have been coined—or at least understood—among those oppressed peasant farmers who ultimately migrated into the hills of Canaan around the beginning of the twelfth century BCE. The next question, however, is whether it could

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80) See, e.g., G.W. Ahlström, *The History of Ancient Palestine from the Paleolithic Period to Alexander's Conquest* (ed. D. Edelman; JSOTSup, 146; Sheffield: Sheffield Academic Press, 1993), 349-50. He speaks of "the collapse of the sociopolitical system during the upheavals at the end of the Late Bronze period, including the fall of the Egyptian empire with its control over Palestine and the trade routes..."

81) See C. Meyers, "Early Israel and the Rise of the Israelite Monarchy," in *The Blackwell Companion to the Bible* (ed. L.G. Perdue; Oxford: Blackwell, 2001), 71-81.

82) I refer to the various Torah legislation stipulating the inalienability of family lands, the various laws specifying what is to be done when the nominal inheritor dies, the stories that assume these laws and/or customs (Ruth; Jer. 32:6-25), and denunciations of those who break the custom (Job 20:18-19; 1 Kgs 21; Isa. 3:14; Mic. 2:9). Chaney says that the story of Naboth's vineyard (1 Kgs 21) is "easiest to interpret on the assumption that Israelite customary law forbade outright sale or trade" of property belonging to a family ("Bitter Bounty: Dynamics of Political Economy Critiqued by the Eighth-Century Prophets," in *The Bible and Liberation: Political and Social Hermeneutics* [ed. N.K. Gottwald and R.A. Horsley; Maryknoll, NY: Orbis, 1993], 26).

plausibly have been coined and have come into common currency at any later period. Is there any evidence that a custom of small-scale renting or sharecropping ever took root among the hill country settlers that ultimately developed into the "people of Israel"[83] and the kingdoms of Israel and Judah? In other words, did renting or sharecropping ever come to be recognized as a familiar socioeconomic relationship during the broad historical period from the Early Iron Age (c. 1200 BCE) through the Persian period? My sense from a review of the biblical and secondary literature is that there is no reference either in the historical books nor in the prophets to a custom—current or previous—of renting out land to smallholders.[84] For example, G. Wittenberg writes,

> The lucidity in the analysis of the social problems in the message of the eighth century prophets is quite remarkable. They reveal the mechanisms of dispossession which led to impoverishment of Israel's peasant community and the loss of land on the one hand, and to the agglomeration of land in the hands of a rich landowning class on the other.[85]

Wittenberg clearly lays out the various mechanisms of this transfer as described in the prophets, but *none of them concerns conversion to renter status or exorbitant rents*.

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83) There is no scholarly consensus at this writing as to the process by which or the speed with which "Israel" developed into a self-aware and self-identifying community under that name and took on the dominant sociopolitical position in Palestine. See e.g. N.K. Gottwald, "Rethinking the Origins of Ancient Israel," in *"Imagining" Biblical Worlds* (FS J.W. Flanagan; ed. D.M. Gunn and P.M. McNutt; Sheffield: Continuum, 2002), 190-201. E. Bloch-Smith and B.A. Alpert Nakhai give a useful introduction to the nature of—and the gaps in—the evidence currently available: "A Landscape Comes to Life: The Iron Age I," *Near Eastern Archaeology* 62/2 (June 1999), 62-92.

84) B. Lang appears to admit that the existence of tenancy (renting) relationships "cannot be demonstrated for the Old Testament period." See *Monotheism and the Prophetic Minority* (SWBAS, 1; Sheffield: Almond Press, 1983), 124-27 and nt. 232. Admittedly, there are a few biblical texts that show awareness of the possibility of a relationship of land tenure in return for services (e.g. Gen. 47:6; 2 Sam. 9:10). None of these texts, however, appear to be directly relevant to our question.

85) "The Tenth Commandment in the Old Testament," *JTSoA* 77 (1991), 58-60.

To take another example, J.A. Dearman says that the Hebrew Bible knows well of a "process whereby the indebted persons gradually forfeit what they own until the only thing left is to sell themselves." But that process does not pass through any identifiable stage of *renting*.[86]

D.C. Hopkins characterizes another face of oppression (cf. Isa. 5:8):

> The alienation of land, usually the most productive, decreases the farming household's ability to control a variety of ecological niches and pushes the family, which must somehow provide for its subsistence, onto poorer and poorer lands at greater distances from the village.[87]

Instead of the poor slipping into rent slavery, the growing pattern during the monarchy period seems to have been that when bad times came, small freehold farmers quickly slipped into total landlessness through a number of stages that did not include renter status. Serial famine years brought first crushing debt, then foreclosure and even slavery for farmers and their whole families.[88] By these mechanisms people could be quickly and permanently alienated from their ancestral farmlands and find themselves more or less irreversibly locked in the position of landless day-laborers.[89] People whose fields and homes were burned by marauding invaders would also more or less immediately find themselves landless—left with nothing to subsist on, they would have to migrate away from their family lands and attach themselves as slaves to anyone who could feed them. Finally, although many Judeans under the Babylonian exile of the sixth century BCE found themselves in the position

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86) See "Prophecy, Property, and Politics," *SBL 1984 Seminar Papers* (ed. K.H. Richards; SBL Seminar Papers, 23; Chico, CA: Scholars Press, 1984), 386. Dearman offers an illuminating set of charts of prophetic criticisms of economic injustice, specifying the offense, the circumstances, and the perpetrator in each case (394-97). Crushing rents are conspicuously absent from his list.

87) D.C. Hopkins, "The Dynamics of Agriculture in Monarchical Israel," in *Society of Biblical Literature 1983 Seminar Papers* (ed. K.H. Richards; Chico: Scholars Press, 1983), 201.

88) Chaney, "Bitter Bounty," 258-59.

89) Gerald West recalls that in South Africa under apartheid, those who acquired land regularly expelled the people who lived on it, with the specific purpose of breaking the Africans' sense that by right the land belonged to them and they to the land (personal communication).

of farmers who owed taxes in the form of a portion of the grain harvest, there seems to be little evidence that they experienced the typical grinding poverty of the oppressed peasant or rent farmer.[90]

All of these circumstances appear to add up to the relative likelihood that tenant farming never became the dominant experience of the Israelites from their very first transition to independence until the period during which the Pentateuch came into its final shape.[91] To put the matter succinctly, the use of our expression is more likely than not to have arisen under conditions obtaining in Canaan, Egypt, and elsewhere in the ancient Near East under the penumbra of the Egyptian Empire during the Late Bronze Age. However, once independence is achieved and those conditions no longer exist, the hourglass of cultural memory turns, and time begins to run out for our metaphorical expression, "boil a kid in its mother's milk." From that historical moment on, its metaphorical sense can only survive for perhaps three or four generations before dropping out or reverting to its (peculiar) literal sense. Therefore, at least the knowledgable use of our expression that we find in the Covenant Code (D is a different story) appears likely to stem from a time not long after the liberation, and well before the establishment of the monarchies. Such a sociohistorical provenance for the command in Exod. 23:19b (doubled in Exod. 34:26b) would best explain how the expression "boil a kid in its mother's milk" could have become completely forgotten in terms of its original significance as a figure of speech.

To summarize, it is an inevitable feature in the life of language and culture that the original meanings of figures of speech become entirely

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90) E.g. R. Albertz, *Israel in Exile: The History and Literature of the Sixth Century B.C.E.* (trans. D. Green; Atlanta: SBL, 2003), 101-102.

91) That is, this state of affairs is more likely than the alternative, but very far from certain. R.B. Coote cautions, "Little determinate is known; we must deal almost entirely in probabilities" ("Early Israel," *SJOT* [2.1991], 35-46 [39]). Archaeological evidence, to the modest extent that it exists, also supports this proposal. With the exception of palace granaries in Samaria and large grain silos and granaries located near stables, there is very little evidence of mass grain storage during the Iron II age (1000 BCE–539 BCE). See e.g. P.M. McNutt, *Reconstructing the Society of Ancient Israel* (Louisville: John Knox, 1999), 154; Borowski, *Agriculture in Iron Age Israel*, 110-11.

and permanently lost to culture over time. It need not, indeed, require more than perhaps a hundred years or so for a figure of speech with no current application to drop out of the community's vocabulary, awareness, and memory. Thus, if our hypothesis is correct, once our expression had come to be taken to be literally by Torah teachers of a much later generation, and once it came to be taught and elaborated upon according to that assumption, the hermeneutical door leading to the older, metaphorical, meaning of the expression effectively swung closed. In other words, to the extent that the literal sense of the expression—and a particular trajectory of expansion on that sense—found a more and more secure place in stable and ongoing community tradition, to this same extent the seeking of a figurative sense along a completely different trajectory became culturally occluded.