

Introduction

Balaam's Ass, the Babylonian Talmud, and Critical Animal Studies

REMBRANDT'S ASS

In Rembrandt's "The Prophet Balaam and the Ass," Balaam is at the center of the painting, his turbaned white hair streaming, his red cloak billowing around him.¹ With one hand Balaam pulls his donkey with a rope. In his other hand he holds a club that he is about to bring down on the recalcitrant donkey. An angel stands above Balaam in a pose that mirrors Balaam's. The angel is about to strike Balaam with a sword, but Balaam does not see him. Balaam looks at the donkey, the angel looks at Balaam, each in consternation. The two figures are a physics lesson in potential energy. Rembrandt has captured them at a moment of great dramatic tension.

In between the two human figures is the donkey. She has been brought to her knees, her saddlebag almost level with the ground, her head turned back toward Balaam as she, with terrified eyes and mouth agape, awaits the strike.² Is she looking at the angel or at Balaam? Whom does she fear more? In the painting of Balaam by Rembrandt's teacher Pieter Lastman

¹ Rembrandt Harmenszoon van Rijn, 1626, in the Musée Cognacq-Jay in Paris. The image can be viewed at www.museecognacqjay.paris.fr/en/la-collection/ass-prophet-balaam.

² The Numbers narrative describes the donkey as "crouched down under Balaam" (Numbers 22:27), which, according to Baruch Levine, suggests that the donkey either had prostrated herself before the angel or was waiting for the angel's command. The crouching is not a consequence of Balaam's blows, says Levine, though that is how Rembrandt seems to be rendering it. See Baruch A. Levine, *Numbers 21–36: A New Translation with Introduction and Commentary*, vol. 4A, The Anchor Bible (New York: Doubleday, 2000), 156–7.

the angel stands to the side of the donkey rather than above her, so it is clear that the object of the donkey's gaze is Balaam.³ The ambiguity in Rembrandt's version is only one of the ways in which the painting surpasses his teacher's.

In the lower right foreground of Rembrandt's portrait are dark furrowed leaves that suggest the vineyard described in the biblical narrative (Numbers 22:24), while in the far shadows stand the two servants who accompany Balaam (Numbers 22:22), and lit up and on higher ground wait the Moabite dignitaries who have invited Balaam at the Moabite king Balak's behest (Numbers 22:21). But it is the donkey who is meant to occupy the viewer's interest. The angel's illuminated white robe forms the background to the donkey's head and draws the eye to it. The white both of the donkey's teeth and of the documents protruding from her saddlebag match the white of the angel's robe behind them. The donkey's agitated expression contrasts with the impassive, partially obscured face of the Moabites' horse shown in the background. Our compassion is stirred for the donkey so unjustly treated.⁴

Balaam's readers are divided between those who admire him as a rare gentile prophet and those who revile him for his mission to curse Israel and his obstinacy in this scene. Rembrandt's portrait clearly falls into the second camp.⁵ For Rembrandt and his seventeenth-century Dutch audiences, Balaam would have represented the faithless persecutors of Christ, in line with conventional Christian understandings of the story, and perhaps also the contemporaneous Counter-Remonstrants in their persecution of the Remonstrants.⁶ The donkey is the figure with whom

³ Pieter Lastman, 1622, in the Israel Museum in Jerusalem. For comparison of Lastman's Balaam to Rembrandt's, see Shimon Levy, "Angel, She-Ass, Prophet: The Play and Its Set Design," in *Jews and Theater in an Intercultural Context*, ed. Edna Nahshon (Leiden: Brill, 2012), 14–17.

⁴ See discussion of this painting in Eric Jan Sluijter, *Rembrandt and the Female Nude* (Amsterdam: Amsterdam University Press, 2006), 106–7.

⁵ See Ed Noort, "Balaam the Villain: The History of Reception of the Balaam Narrative in the Pentateuch and the Former Prophets," in *The Prestige of the Pagan Prophet Balaam in Judaism, Early Christianity and Islam*, ed. Geurt Hendrik van Kooten and J. van Ruiten, Themes in Biblical Narrative Conference (Leiden: Brill, 2008), 8–9. The interpretive division begins already in the Hebrew Bible itself, as Noort discusses; see also the excursus in Jacob Milgrom, *Numbers = [Ba-Midbar]: The Traditional Hebrew Text with the New JPS Translation*, JPS Torah Commentary (Philadelphia: Jewish Publication Society, 1990), 469–71.

⁶ This interpretation of the painting is suggested by Shelley Perlove and Larry Silver, *Rembrandt's Faith: Church and Temple in the Dutch Golden Age* (University Park: Penn State Press, 2009), 28–32. The conflict between Remonstrants and Counter-Remonstrants was generated by a difference in views between two professors at Leiden University

one is meant to identify. She is the Christian in opposition to the Jew, the Remonstrant imprisoned and exiled by the Counter-Remonstrants.

BALAAAM'S RIDE

I begin this book with Balaam's donkey as Rembrandt portrays her because she captures the complexity of anthropocentrism in canonical religious texts, the subject of this book. The texts are anthropocentric, yet animal perspectives percolate up. In this introductory chapter I will stay with Balaam's donkey a little longer in order to illustrate the major currents within contemporary critical animal studies, the field on which this book draws. I will then make my way to the Babylonian Talmud, the late ancient literary work prized by Jewish law and culture, which is the primary text for this book.⁷ I will lay out the book's purpose, which is to explore the anthropocentrism that structures talmudic discourse and to tease out the animal subjectivities that have gone unseen there. The book's broader goal is to offer some new perspectives on animals and animality from the vantage point of the rabbis.

In the Balaam tale, the donkey is the literal vehicle on whom Balaam rides toward Balak and the metaphorical vehicle through which God teaches Balaam obedience.⁸ She will also be *my* vehicle for introducing the central concerns of critical animal studies. As the story begins, Balaam is traveling to King Balak, who is pressuring him to curse the people of Israel (Numbers 22:21). God is angry with Balaam for his compliance with Balak's request (Numbers 22:22).⁹ The action

and had torn apart the Dutch Reformed Church at the time that Rembrandt made this painting. While not himself a Remonstrant, Rembrandt had many ties to the group; see *ibid.*, 25. For early Christian understandings of Balaam (key texts are Revelation 2:14, 2 Peter 2:15–16, and Jude 11), see Geurt Hendrik van Kooten and J. van Ruiten, eds., *The Prestige of the Pagan Prophet Balaam in Judaism, Early Christianity and Islam*, Themes in Biblical Narrative Conference (Leiden: Brill, 2008), 233–302.

Rembrandt had many relationships with Jews, painted them in a surprisingly dispassionate mode given European painting's tradition of grotesque depiction of Jews, and sold this particular painting to a Jew named Alfonso Lopez, so one might plausibly interpret this painting also in more Judaism-friendly terms; see Steven M. Nadler, *Rembrandt's Jews* (Chicago: University of Chicago Press, 2003), 82.

⁷ On what makes animal studies "critical," see Dawne McCance, *Critical Animal Studies: An Introduction* (Albany: State University of New York Press, 2013), 4–5.

⁸ The donkey's role is described this way in Kenneth C. Way, *Donkeys in the Biblical World: Ceremony and Symbol* (Winona Lake, IN: Eisenbrauns, 2011), 187.

⁹ God is angry even though just two verses prior God tells Balaam in a dream to go to Balak. That is one feature among many suggesting to source critics that the story with

proceeds by patterns of three. The donkey tries three times to avoid the angel (Numbers 22:23, 25, 27). Each time Balaam does not see the angel and is angry at the donkey for her seemingly unwarranted stop. Over the course of the repetitions, the drama intensifies.¹⁰ The angel keeps advancing, the donkey finds herself with less and less room to move, trapped between the angel and Balaam, and Balaam grows increasingly aggressive. The drama culminates in a tête à tête between Balaam and the donkey, whose mouth God miraculously opens. God finally permits Balaam to see the angel, Balaam realizes his error and offers to turn back, but the angel urges him on to his prophetic task now that he has been prepared to speak only God's word. The story is filled with irony¹¹: a seer who cannot see, a man more stubborn than his mule, an ass who is anything but asinine.¹² At the very moment that the angel's sword is under his nose, Balaam says in exasperation that, if he had a sword, he would slay the donkey with it – an irony made visual in Rembrandt's painting. By the end of the story, the irony is resolved. The seer has learned to see; Balaam has gone from stubborn to subservient. The ass presumably goes back to being asinine, since we never hear from her again.

the donkey is an interpolation in the larger Balaam narrative. See Clinton J. Moyer, "Who Is the Prophet, and Who the Ass? Role-Reversing Interludes and the Unity of the Balaam Narrative (Numbers 22–24)," *Journal for the Study of the Old Testament* 37, no. 2 (2012): 169–74. Moyer himself argues for the donkey episode being an integrated part of the narrative. Building on Moyer's approach but arguing with his conclusions is Amos Frisch, "The Story of Balaam's She-Ass (Numbers 22: 21–35): A New Literary Insight," *Hebrew Studies* 56, no. 1 (2015): 103–13.

¹⁰ On the patterns of three and their intensification, see Way, *Donkeys in the Biblical World*, 183–4.

¹¹ On the ironies in the story, see Milgrom, *Numbers*, 469. To them can be added the gendering of the characters – the femaleness of the ass versus the maleness of the prophet – which Kirova sees as contributing to the carnivalesque dimensions of the story; see Milena Kirova, "Eyes Wide Open: A Case of Symbolic Reversal in the Biblical Narrative," *Scandinavian Journal of the Old Testament* 24, no. 1 (2010): 85–98. Kirova points to the role of the ass's female gender in the lesson of subordination that she teaches, and compares the miracle of God's opening the donkey's mouth to the miracle of God's opening wombs (the first observation is seriatim through the article; the latter point is on p. 94).

¹² I borrow that last locution about the ass from Heather A. McKay, "Through the Eyes of Horses: Representation of the Horse Family in the Hebrew Bible," in *Sense and Sensitivity: Essays on Reading the Bible in Memory of Robert Carroll*, ed. Alastair G. Hunter and Philip R. Davies (London: Sheffield Academic Press, 2002), 138. On the stereotype of the donkey as stubborn, see the cultural history in Jill Bough, *Donkey* (Chicago: University of Chicago Press, 2011).

TALKING ANIMALS

Animals such as Balaam's donkey who speak in human language have a long history in western culture. From the "contest literatures" of the ancient Sumerians and Babylonians in which two animals spar over who is better, to the talking dogs of Lucian's *Dialogues of the Dead* in ancient Rome, right up to Tony the Tiger selling Frosted Flakes, speaking animals would seem to be the ultimate in what primatologist Frans de Waal calls anthropocentric anthropomorphism.¹³ Anthropomorphism – the attribution of human characteristics to the nonhuman – is not all bad, says de Waal. The continuity between human beings and other species, however minimal it may be in some cases, means that human beings can use their own experience to understand other species. Yet one must also take into account the many differences between a human being and a chimpanzee, or dog, or bat.¹⁴ De Waal suggests that an anthropomorphism that considers both continuity and difference be called "animal-centric." An example would be recognizing that a dog's "smile" may be expressing fear or submission. Anthropocentric anthropomorphism, by contrast, would presume that the dog is happy. Anthropocentric anthropomorphism imposes human systems of meaning on other species and effaces the systems that other species make for themselves. It is the difference, de Waal observes, between giving someone a gift that *they* would want and giving someone a gift that *you* would want. Animals such as Balaam's donkey who speak in human language are giving us a gift that we would want.¹⁵

Their anthropocentrism notwithstanding, animals who speak in human language do reflect a genuine desire to see the world from an animal's perspective, Karla Armbruster argues.¹⁶ Balaam's donkey, in my

¹³ On the "contest literatures," see Cameron B. R. Howard, "Animal Speech as Revelation in Genesis 3 and Numbers 22," in *Exploring Ecological Hermeneutics*, ed. Norman C. Habel and Peter L. Trudinger (Atlanta, GA: Society of Biblical Literature, 2008), 23. On anthropocentric vs. animalcentric anthropomorphism, see Frans B. M. de Waal, *The Ape and the Sushi Master: Cultural Reflections of a Primatologist* (New York: Basic Books, 2001), 74–8.

¹⁴ Echoing, "What Is It Like to Be a Bat?," in *Mortal Questions*, ed. Thomas Nagel (New York: Canto, 1979), 165–80.

¹⁵ See Karla Armbruster, "What Do We Want from Talking Animals? Reflections on Literary Representations of Animal Voices and Minds," in *Speaking for Animals: Animal Autobiographical Writing*, ed. Margo DeMello (New York: Routledge, 2013), 17–33. Armbruster cites Erica Fudge, who says that speaking animals in literature say what we want to hear, e.g., Lassie tells us she wants to come home (p. 21). Armbruster also calls speaking animals a form of "speaking for others," a practice conceptualized and critiqued by feminism (pp. 22–3).

¹⁶ See *ibid.*

reading of her, is such a case. In her dialogue with Balaam, the donkey reproaches him not only for his physical blows but also for his betrayal of their trust¹⁷:

Then the Lord opened the ass's mouth, and she said to Balaam, "What have I done to you that you have beaten me these three times?"

Balaam said to the ass, "You have made a mockery of me! If I had a sword with me, I'd kill you!"

The ass said to Balaam, "Look, I am the ass that you have been riding all along until this day! Have I been in the habit of doing thus to you?"

And he answered, "No."

Then the Lord uncovered Balaam's eyes, and he saw the angel of the Lord ...¹⁸

The donkey's opening line challenges Balaam's repeated beatings. All the donkey has done is stop walking. The punishment, if merited at all, is out of proportion to the crime. Balaam retorts that the harm done by the donkey is to Balaam's dignity ("You have made a mockery of me!") and that, in fact, the donkey deserves a worse punishment than Balaam has so far inflicted ("If I had a sword with me, I'd kill you!").¹⁹ The donkey in response reminds Balaam of her loyalty to him ("Look, I am the ass that you have been riding all along until this day! Have I been in the habit of doing thus to you?"). The response seems to put Balaam in his place. His one-word answer "No" is the turning point in the tale. At that moment God opens Balaam's eyes so that he can see the angel. The dialogue between Balaam and the donkey begins with God's opening the donkey's mouth and closes with God's opening Balaam's eyes.

The impact of the donkey's speech on Balaam is due to her (and, obviously, the storyteller's) prodigious rhetorical talents. Most of us in the

¹⁷ To see how the rabbis cleverly fill out the dialogue, see Babylonian Talmud Sanhedrin 105b and discussion in Ronit Nikolsky, "Interpret Him as Much as You Want: Balaam in the Babylonian Talmud," in *The Prestige of the Pagan Prophet Balaam in Judaism, Early Christianity and Islam*, ed. Geurt Hendrik van Kooten and J. van Ruiten, Themes in Biblical Narrative Conference (Leiden: Brill, 2008), 213–30. One of the more intriguing rabbinic interventions is the claim that Balaam has sex with his donkey every night, the product of a wordplay on the name Balaam ben Be'or that reads it as *ba'al be'ir* ("he has sexual intercourse with cattle").

¹⁸ Numbers 22:28–31.

¹⁹ The Hebrew for "You have made a mockery of me" is *הִתְעַלְלָתְּ בִּי* (*hitalalt bi*). The verb's usage elsewhere suggests not light mockery but traumatic humiliation. It is used to describe God's mockery of the Egyptians (Exodus 10:2, 1 Samuel 6:6), the rape of the concubine (Judges 19:25), Saul's fear of what the Philistines might do to him (1 Samuel 31:4), and Zedekiah's fear of what the Judeans might do to him (Jeremiah 38:19). See Milgrom, *Numbers*, 320, n. 71.

donkey's place would have responded to Balaam with some version of "Can't you see that there's an angel standing in my way?" (Most of us in Balaam's place, for that matter, would have reacted to the donkey with some version of "I must be crazy if my donkey is talking to me," but Balaam takes it in stride.) The donkey never mentions the elephant in the room (i.e., the angel in the vineyard) and instead calls attention to their own relationship.²⁰ This choice on the donkey's part – and it is a choice, since while God opens the donkey's mouth, God is not said to be putting words into it – is critical to the donkey's lesson to Balaam.²¹ Just as the donkey is subservient to his master, so too should Balaam be subservient to his master – God.

While the moral of the story is human obedience to God, the story does not skirt the subjectivity of the donkey. What does it feel like to be a donkey, the story implicitly wonders, saddled and weighed down with cargo, beaten for not going fast enough? When the donkey teaches God's lesson to Balaam, she is also teaching him, and the story's readers, about her experience as a donkey. She may be speaking God's words, but she is also speaking her own. A person can never really understand what it feels like to be a donkey, and the story evinces interest neither in how donkeys normally express themselves nor in liberating them from human servitude. When the story describes the donkey's mouth being opened, it presumes that prior to that moment the donkey's mouth was "closed," even though braying constitutes speech, albeit not a speech in which human beings are fluent.²² Moreover, the story holds up the subordination of animals to people as a model for the subordination of people to God.

²⁰ The donkey speaks of her past subservience to Balaam using unusual language (הִתְקַבְּלִי לְעִשׂוֹת לְךָ כִּי הָיִיתִי בְּעִבְרָתְךָ, *ha-hasken hiskanti la'asot lekha koh*). Milgrom understands the phrase ("Have I been in the habit of doing thus to you?") in the tradition of Targum Onkelos and Rashi; see Milgrom, *Numbers*, 320, n. 74. Highlighting the power dynamics between the donkey and Balaam, Levine renders it as "Have I ever before sought to gain an advantage by behaving towards you in such a manner?" Levine describes his translation as "merely an educated guess"; Levine, *Numbers* 21–36, 4A:142. The Rabbis point to the same root's use in 1 Kings 1:2 to describe Avishag's "warming" of David by lying with him at night, and they understand the phrase here to be a reference to the donkey's sexual relationship with Balaam (Sanhedrin 105b; see note 17). The high-flown language of the donkey may be meant to contrast ironically with the one-word simple answer to which Balaam is reduced.

²¹ God is described several times later in the narrative (Numbers 23:5, 12, 16) as putting words into Balaam's mouth, but God is not described as doing so here.

²² Levine misses this when he says that "speech comes naturally to humans, but not, of course, to animals, who are given this exceptional faculty in fables"; Levine, *Numbers* 21–36, 4A:157.

The only challenge that the donkey poses to Balaam is why he does not act more responsibly as a master. Nevertheless, the story's choice to have the donkey speak from her own position as a donkey, even if not in her own language, suggests that at the heart of the story is curiosity about the animal's experience, even if that experience serves human purposes and is wrapped up in human perspectives. It is no surprise that Rembrandt chose to portray the donkey with mouth open, at the moment that she speaks, since this is the moment in the story filled with greatest pathos. In Rembrandt's portrait and in the biblical story itself, the donkey is a vehicle, but she is also more.

CRITICAL ANIMAL STUDIES

Mainstream Jewish understandings of Balaam's ass have resisted seeing her as anything more than a vehicle.²³ Maimonides chalked the whole incident up to a dream.²⁴ These traditions of reading have solidified and in many cases amplified the anthropocentrism of the ancient texts such that the anthropocentrism seems inevitable and invisible rather than historically conditioned and actively ideological. The posthumanist perspective offered by critical animal studies brings that anthropocentrism to light, making it possible to encounter Balaam's donkey, and the talmudic animals who will be introduced in the chapters that follow, as characters in their own right even as they are trapped in human perspectives and products of them.²⁵

The story of animal studies has philosophy as its main character.²⁶ Matthew Calarco describes a shift within animal studies from its early

²³ Howard, "Animal Speech as Revelation in Genesis 3 and Numbers 22" tries to offset the anthropocentrism with theology: "For the animals to appear only as servants of *human* needs would be an unmitigated anthropocentrism. For them to be presented as agents of *divinity* is another matter" (p. 28). The animal is still a vehicle in the theological model, however.

²⁴ *Guide of the Perplexed* II:42. See discussion of Maimonides's view of animals in Hannah Kasher, "Animals as Moral Patients in Maimonides' Teachings," *American Catholic Philosophical Quarterly* 76, no. 1 (2002): 165–80.

²⁵ "Posthumanities" and "posthumanism" are interested in the implications of artificial intelligence as much as in animals. See Cary Wolfe, *What Is Posthumanism?* (Minneapolis: University of Minnesota Press, 2010); Stefan Herbrechter, *Posthumanism: A Critical Analysis* (New York: Bloomsbury Academic, 2013); Pramod K. Nayar, *Posthumanism* (Cambridge, UK: Polity, 2014). Bringing together the interests in artificial intelligences and animals is "From Cyborgs to Companion Species," in Donna Jeanne Haraway, *The Haraway Reader* (New York: Routledge, 2004), 295–320.

²⁶ Article-length accounts of animal studies include one oriented toward Continental philosophy – Cary Wolfe, "Human, All Too Human: 'Animal Studies' and the Humanities,"

years, when Peter Singer's *Animal Liberation* popularized the term "speciesism" and advocated for equal consideration for animals, to a second wave, when Derrida's "The Animal That Therefore I Am" reflected on the violence in the homogenizing term "animal" and developed an animal ethics based on alterity.²⁷ Calarco calls early thinkers like Singer the "identity theorists." They attacked the prejudice against other species at the core of classical philosophy and advocated for the

Proceedings of the MLA 124, no. 2 (2009): 564–75 – and another oriented toward history – Erica Fudge, "A Left-Handed Blow: Writing the History of Animals," in *Representing Animals*, ed. Nigel Rothfels (Bloomington, IN: Indiana University Press, 2002), 3–18. Monographs include Kari Weil, *Thinking Animals: Why Animal Studies Now?* (New York: Columbia University Press, 2012); McCance, *Critical Animal Studies*; Anthony J. Nocella et al., eds., *Defining Critical Animal Studies: An Intersectional Social Justice Approach for Liberation* (New York: Peter Lang, 2013); Paul Waldau, *Animal Studies: An Introduction* (New York: Oxford University Press, 2013); John Sorenson, *Critical Animal Studies: Thinking the Unthinkable* (Toronto: Canadian Scholars' Press, 2014); Nik Taylor and Richard Twine, eds., *The Rise of Critical Animal Studies: From the Margins to the Centre* (Abingdon, UK: Routledge, 2014); Derek Ryan, *Animal Theory: A Critical Introduction* (Edinburgh: Edinburgh University Press, 2015).

Recent readers in animal studies include Matthew Calarco and Peter Atterton, eds., *Animal Philosophy: Essential Readings in Continental Thought* (New York: Continuum, 2004); Josephine Donovan and Carol J. Adams, eds., *The Feminist Care Tradition in Animal Ethics: A Reader* (New York: Columbia University Press, 2007); Linda Kalof and Amy Fitzgerald, eds., *The Animals Reader: The Essential Classic and Contemporary Writings* (New York: Berg, 2007); Susan Jean Armstrong and Richard G. Botzler, eds., *The Animal Ethics Reader* (New York: Routledge, 2008); Jodey Castricano, ed., *Animal Subjects: An Ethical Reader in a Posthuman World* (Waterloo, ON: Wilfrid Laurier University Press, 2008); Aaron S. Gross and Anne Vallely, eds., *Animals and the Human Imagination: A Companion to Animal Studies* (New York: Columbia University Press, 2012); Louisa Mackenzie and Stephanie Posthumus, eds., *French Thinking about Animals, The Animal Turn* (East Lansing: Michigan State University Press, 2015).

For a brief but useful discussion of the significance of literary studies (like this one) to critical animal studies, see Colleen Glenney Boggs, *Animalia Americana: Animal Representations and Biopolitical Subjectivity* (New York: Columbia University Press, 2013), 19–21. She describes literature as "the site where the relationship with animals is worked out ..." where "we confront the irreducible alterity of animals that is the basis for a relationship beyond anthropomorphism" (p. 20). For more on animal studies and literary studies, see Carrie Rohman, *Stalking the Subject: Modernism and the Animal* (New York: Columbia University Press, 2012); Scott M. DeVries, *Creature Discomfort: Fauna-Criticism, Ethics and the Representation of Animals in Spanish American Fiction and Poetry* (Leiden: Brill, 2016). The classic work treating literature's contribution to thinking about animals is J. M. Coetzee, *The Lives of Animals*, Princeton Classics (Princeton, NJ: Princeton University Press, 2016).

²⁷ Matthew Calarco, *Thinking Through Animals: Identity, Difference, Indistinction* (Palo Alto, CA: Stanford University Press, 2015). This section is an encapsulation of his arguments.

inclusion of other species within the circle of moral accountability.²⁸ These theorists changed the terms of philosophical reflection by uprooting human exceptionalism and by stressing instead the features that human beings share with other animals. Singer's arguments against speciesism are, however, themselves rife with speciesism. His assumption in *Animal Liberation* is that while animals may suffer as human beings do, they are inferior creatures in most other ways. Even when corrected for speciesism, critics argue that such an approach remains logocentric, grounding its arguments in appeals to human rationality, attributing the problem of speciesism to an individual's irrational biases, and predicating the moral status of other species on their approximation to human beings. The more similar an animal is to a human, the more likely it is that identity theorists will attribute moral significance to them.

For "difference theorists," associated with the continental tradition and the postmodern rather than the analytic and the modern, the basis of ethics is not empathy with a fellow creature, but encounter with the Other. The animal demands an ethical response not because they are in some way or another the same as human beings (e.g., the capacity to suffer, to have intention, to communicate, and so forth), but because they are irreducibly different. Difference theorists see the roots of species hierarchy not, as the analytic philosophers tend to, in an individual's irrational bias on behalf of his or her own species, but in elaborate and frequently invisible infrastructures of power that maintain the privilege of the human.²⁹ Difference theorists critique the apparatus that melds all life forms other than the human into the single essence known as "the animal," and they see the human/animal binary as similar and related to other reductive binaries: white/black, male/female, straight/gay, able-bodied/disabled, culture/nature, and so forth.

²⁸ On the classical philosophical background, see Richard Sorabji, *Animal Minds and Human Morals: The Origins of the Western Debate* (Ithaca, NY: Cornell University Press, 1993). On the view of animals as *automata* promulgated by Descartes, the "villain" of the animal rights narrative if there were one, see Tom Regan, *The Case for Animal Rights* (Berkeley: University of California Press, 2004), 1–33. On Descartes's reliance on Aristotle, see Catherine Osborne, *Dumb Beasts and Dead Philosophers* (New York: Oxford University Press, 2007), 63–97.

²⁹ On the distinction between "speciesism" and "anthropocentrism," see Calarco, *Thinking Through Animals*, 25–6. For further on anthropocentrism, see Rob Boddice, ed., *Anthropocentrism: Human, Animals, Environments* (Boston: Brill, 2011).

While resolving some of the dilemmas left by the sameness theorists, the difference theorists create new ones. Where do ethics stop? If ethics extend to the ape, the toad, and the amoeba, do they extend also to the fern and flower, the rock, the grain of sand? Ethical principles require reworking if they are to incorporate so many new ethical subjects. Difference theorists also leave dormant the power of identification to shape ethics, and they leave little room for individual agency, which seems to dissolve into false consciousness within the systems of power to which these theorists point. The newest turn in critical animal studies – Calarco calls it “indistinction” – aims to recover sameness but along new lines, so that instead of seeing the ways that animals are like us, we notice how we are like them.³⁰ We might consider, with Gilles Deleuze, that we too are slabs of meat, and that the packaged meat in the butcher section of the supermarket looks remarkably like our own body parts. We might think, with Jason Hribal, of an animal’s escape from a slaughterhouse, zoo, circus, or water park not as the exercise of instinct but as a desperate break for freedom.³¹ “Indistinction” is interested in the commodification of animals within global capitalism and in the intersectionality of oppressions.³² In this set of approaches can be located the new materialism, a branch of feminist theory that returns to the material as the ground of being.³³ It tries to

³⁰ Scholars Calarco discusses under this rubric are Gilles Deleuze, Giorgio Agamben, Donna Haraway, Rosi Braidotti, Val Plumwood, Elizabeth Grosz, Jason Hribal, and Brian Massumi.

³¹ See Gilles Deleuze, *Francis Bacon: The Logic of Sensation* (Minneapolis: University of Minnesota Press, 2003); Jason Hribal, *Fear of the Animal Planet the Hidden History of Animal Resistance* (Oakland, CA: AK Press, 2010). A similar approach to Hribal’s is found in Sarah E. McFarland and Ryan Hediger, eds., *Animals and Agency: An Interdisciplinary Exploration* (Leiden: Brill, 2009).

³² Works that emphasize the overlap between critical animal studies and other critical studies like those of the environment, race, class, ethnicity, and sexuality include Mel Y. Chen, *Animacies: Biopolitics, Racial Mattering, and Queer Affect* (Durham, NC: Duke University Press, 2012); Nocella et al., *Defining Critical Animal Studies*; Kathryn Gillespie and Rosemary-Claire Collard, eds., *Critical Animal Geographies: Politics, Intersections and Hierarchies in a Multispecies World* (New York: Routledge, 2015); Claire Jean Kim, *Dangerous Crossings: Race, Species, and Nature in a Multicultural Age* (New York: Cambridge University Press, 2015); Anthony J. Nocella, Amber E. George, and J. L. Schatz, eds., *The Intersectionality of Critical Animal, Disability, and Environmental Studies: Toward Eco-Ability, Justice, and Liberation* (Lanham, MD: Lexington Books, 2017).

³³ See the collections: Stacy Alaimo and Susan Hekman, eds., *Material Feminisms* (Bloomington, IN: Indiana University Press, 2008); Diana Coole and Samantha Frost, eds., *New Materialisms: Ontology, Agency, and Politics* (Durham, NC: Duke University Press, 2010).

correct the radical constructionism of some modern feminist theory by highlighting human animality, mortality, physicality, and relationality.

Scientific research plays a critical role in animal studies. It shows in other species previously unimagined capacities to feel, think, speak, sing, learn, teach, plan, recognize, remember, share, trick, play, flirt, grieve, judge, and self-reflect.³⁴ De Waal tells the story of Binti Jua, a gorilla who saved a three-year-old boy who had fallen into the primate exhibit at the Chicago Brookfield Zoo.³⁵ As de Waal recounts it, the gorilla was seen to scoop up the boy, give him a gentle pat on the back, and send him on his way. The gorilla's kindness earned her a spot on *Time's* list of "best people" of 1996. De Waal marvels at how some scientists dismissed the gorilla's act as the product of a "confused maternal instinct" or a desire for a reward from her zookeeper. They were willing to entertain any explanation other than one that saw moral significance in the gorilla's behavior.³⁶ De Waal's work with bonobos and chimpanzees shows consistently, however, that other primates exhibit many behaviors people normally consider to be moral, such as peace-making and reconciliation. Some scientists have attributed religion to other species. Observing a chimpanzee community performing what she calls a "waterfall dance," Jane Goodall suggests that it be interpreted as a form of religious expression.³⁷ Goodall's and de Waal's work is

³⁴ Some well-known works on animal capacities include Marc Bekoff, *The Emotional Lives of Animals: A Leading Scientist Explores Animal Joy, Sorrow, and Empathy – and Why They Matter* (Novato, CA: New World Library, 2008); Jeffrey Moussaieff Masson, *When Elephants Weep: The Emotional Lives of Animals* (New York: Random House, 2009); Alexandra Horowitz, *Inside of a Dog: What Dogs See, Smell, and Know* (New York: Scribner, 2010); Barbara J. King, *How Animals Grieve* (Chicago: University of Chicago Press, 2013); Helen Macdonald, *H Is for Hawk* (New York: Grove/Atlantic, 2015); Sy Montgomery, *The Soul of an Octopus* (New York: Simon & Schuster, 2015); Jennifer Ackerman, *The Genius of Birds* (New York: Penguin, 2016); Abigail Tucker, *The Lion in the Living Room: How House Cats Tamed Us and Took Over the World* (New York: Simon & Schuster, 2016).

³⁵ de Waal, *The Ape and the Sushi Master*, 78–81.

³⁶ Resistance to attributing moral significance to an animal's act, and ridiculing of people who do, can be found in the recent incident in which a golden retriever saved a fawn who was drowning; note the *New York Times* headline: Sarah Maslin Nir, "Dog Praised as Hero for Saving Deer (Whether He Meant To or Not)," *The New York Times*, July 18, 2017, sec. N.Y. / Region, www.nytimes.com/2017/07/18/nyregion/dog-rescues-a-drowning-deer-and-becomes-a-social-media-hero.html.

³⁷ See Barbara J. King, "Anti-Stress Serenity Injection: The Chimpanzee Waterfall Video," *NPR.org*, accessed January 14, 2016, www.npr.org/sections/13.7/2012/03/28/149531687/anti-stress-serenity-injection-the-chimpanzee-waterfall-video. On animal

with species with whom human beings can relatively easily relate, i.e., other primates, but more and more is being observed and appreciated also about the capacities of species distant from human beings, such as in Helen MacDonald's popular and acclaimed *H Is for Hawk* and Sy Montgomery's *Soul of an Octopus*.³⁸

ANIMALITY

I use the notion of animality in this book with two aims in mind: 1) to point to this expanding way of seeing other species in relation to our own, and 2) to cultivate greater sensitivity to anthropocentrism or what Giorgio Agamben called the "anthropological machine."³⁹ With that first aim in mind, "animality" is intended to echo "personality" as an index of difference at the level of the individual. The notion of personality presumes that every person possesses their own peculiar combination of traits that makes them who they are and that distinguishes them from everyone else.⁴⁰ The notion of "animality" attributes individual significance to nonhuman persons as well, without getting tangled up in the linguistic paradox of attributing a "personality" to an animal.⁴¹ "Animality" used in this sense represents an effort to claim distinctiveness, agency, and subjectivity for individuals who belong to a species category other than the human.

The second aim of "animality" is to make anthropocentrism more visible. "Animality" in this sense points to the constructedness of species difference and to the violence done to other species and to some human

religion, see Donovan O. Schaefer, "Do Animals Have Religion? Interdisciplinary Perspectives on Religion and Embodiment," *Anthrozoös* 25, no. 1 (August 1, 2012): 173–89; Donovan O. Schaefer, *Religious Affects: Animality, Evolution, and Power* (Durham, NC: Duke University Press, 2015). On the animal in modern theories of religion, see Aaron S. Gross, *The Question of the Animal and Religion: Theoretical Stakes, Practical Implications* (New York: Columbia University Press, 2015).

³⁸ See footnote 34 for references.

³⁹ Giorgio Agamben, *The Open: Man and Animal* (Palo Alto, CA: Stanford University Press, 2004), 33–8.

⁴⁰ Personality psychology's central question is how human beings differ from each other; see Albert Ellis, Mike Abrams, and Lidia Abrams, *Personality Theories: Critical Perspectives* (Los Angeles: Sage, 2009), 1.

⁴¹ Though animal scientists do use the term "personality" this way; see Claudio Carere and Dario Maestripieri, eds., *Animal Personalities: Behavior, Physiology, and Evolution* (Chicago: University of Chicago Press, 2013). In Chapter 6, I discuss the application of the notion of "personhood" to animals.

beings by that construction.⁴² The use of the adjective “animalistic” to criticize certain human behaviors as overly aggressive or hyper-sexual demonstrates the manipulability of the notion of the animal and the flexibility of the binary of human/animal. In the discourse of animality, a person can easily end up on the animal side, and an animal on the human side. To capture this elasticity, Colleen Glenney Boggs describes a grid of four figures: the animalized animal, the humanized human, the humanized animal, and the animalized human.⁴³ The animalized animal possesses no subjectivity whatsoever; the humanized human, at the other end of the spectrum, has the monopoly on subjectivity; the humanized animal can participate in subjectivity by being considered non-“animalistic” despite her formal features as an “animal”; and, finally, the animalized human loses the claim to subjectivity and is thought of as an animal despite sharing the formal features of a human being. Animality and humanity within this grid erect boundaries, organize relationships, and justify behaviors, such as the abuse by American soldiers of Iraqi prisoners at Abu Ghraib prison, one of the subjects that Boggs considers. This notion of “animality” is linked to what de Waal calls anthropodenial, the rejection of human continuity with other species, and to a human exceptionalism that privileges not only human beings over other species but also some human beings over other ones. “Animality” used in this second sense is set to a much darker shade than “animality” used in the first sense, here representing the side of animal studies that has little to do with liking animals or even reckoning with real animals at all and that instead calls attention to the ideological deployment of species difference.⁴⁴

⁴² Weitzenfeld and Joy describe four categories of violence; see Adam Weitzenfeld and Melanie Joy, “An Overview of Anthropocentrism, Humanism and Speciesism in Critical Animal Theory,” in *Defining Critical Animal Studies: An Intersectional Social Justice Approach for Liberation*, ed. Anthony J. Nocella, John Sorenson, Atsuko Matsuoka, and Kim Socha (New York: Peter Lang, 2013), 3–27.

⁴³ See Boggs, *Animalia Americana*, 71. She is drawing on Cary Wolfe and Jonathan Elmer, “Subject to Sacrifice: Ideology, Psychoanalysis, and the Discourse of Species in Jonathan Demme’s *Silence of the Lambs*,” *Boundary 2* (1995): 141–70.

⁴⁴ See a dual approach to animality also in Michael Lundblad, “From Animal to Animality Studies,” *Proceedings of the MLA* 124, no. 2 (2009): 496–502: “I want to argue for ‘animality studies’ as a way to describe work that expresses no explicit interest in advocacy for various nonhuman animals, even though it shares an interest in how we think about ‘real’ animals. I use ‘animality’ to refer *both* to real animals and concern with their welfare and the recognition of their subjectivity, *and* to the dynamics and politics of species representation and especially to its intersectionality with race, gender, sexuality, etc.” (497)

ANIMALITY IN THE TALMUD

This book brings the multiple meanings evoked by “animality” and the multiple sides of animal studies to the animals that appear in the Babylonian Talmud. The book selects five extended passages within the Babylonian Talmud and marries each one with a contemporary animal studies perspective. Each passage has been chosen for its sustained engagement with a significant dimension of animality as I have described it. One talmudic passage is concerned with the capacities of animal cognition; another with animal moral accountability; a third with animal suffering; the fourth with the idea of the “dangerous” animal; the final passage is concerned with the status of animals as property and as things. These passages are not, for the most part, well-known, the ones pored over in yeshivas or discussed in academic works (with the exception of the passage on animal suffering, which is foundational to Jewish animal ethics and law). These are passages that seemed to me to offer new paths for thinking about animality in the Talmud and in Jewish culture more generally. By choosing these passages I hope to expand the canon and also to inspire readers of the Talmud to revisit their favorite passages from a critical animal studies perspective.

The Babylonian Talmud’s new perspectives on other species are the product of a perfect storm of forces: the new literary genre of the Babylonian Talmud, the Talmud’s cultural eclecticism, and its remove from the Jerusalem Temple. I will discuss each in turn. While having much in common with the Palestinian Talmud, the Babylonian Talmud displays a degree of abstraction and reflexivity that is unique within rabbinic literature.⁴⁵ The editorial layers of the Babylonian Talmud, the so-called Stam (for further discussion of the Stam, see the orientation to the Talmud that follows this chapter), exhibit an unprecedented interest in defining and refining categories. The talmudic editors engage in a meta-critique of law, tradition, culture, identity, and of thought itself, as Talmud scholarship in the past twenty-five years has explored.⁴⁶ This scholarship shows the

⁴⁵ See Leib Moscovitz, *Talmudic Reasoning: From Casuistics to Conceptualization* (Tübingen: Mohr Siebeck, 2002).

⁴⁶ See, for example, David Charles Kraemer, *The Mind of the Talmud: An Intellectual History of the Bavli* (New York: Oxford University Press, 1990); Jeffrey L. Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* (Baltimore: Johns Hopkins University Press, 1999); Jeffrey L. Rubenstein, *The Culture of the Babylonian Talmud* (Baltimore: Johns Hopkins University Press, 2005); Daniel Boyarin, *Socrates and the Fat Rabbis* (Chicago: University of Chicago Press, 2009); Barry S. Wimpfheimer, *Narrating the Law: A Poetics of Talmudic Legal Stories* (Philadelphia: University of Pennsylvania

Babylonian Talmud editors to be manufacturers of a new discourse that probes, expands, alters, and frequently undermines inherited traditions. Emerging scholarship is revealing the grand scope of the Stam's literary artistry, legal innovation, and self-awareness.⁴⁷ My arguments build on this work by exploring the metacritical dimensions of the Babylonian Talmud's discourse of animals and animality. The Talmud's new perspectives on other species are part of this new literary project.

Second, the Babylonian Talmud sits at a cultural crossroads. One of various tolerated minorities within the Sasanian empire, Babylonian Jews lived in a diverse, culturally rich world.⁴⁸ Scholars today are reading the Babylonian Talmud alongside ambient Zoroastrian and Syriac Christian literatures to see how those literatures might illuminate it.⁴⁹ They are also assessing the ongoing influx of Hellenistic culture not only into Palestinian rabbinic circles – that “influence” has long been studied (and the notion of “influence” problematized) – but also into Babylonian

Press, 2011); Moulie Vidas, *Tradition and the Formation of the Talmud* (Princeton, NJ: Princeton University Press, 2014).

⁴⁷ Examples include Shana Strauch Schick, “Intention in the Babylonian Talmud: An Intellectual History” (PhD diss., Yeshiva University, 2011); Zvi Septimus, “The Poetic Superstructure of the Babylonian Talmud and the Reader It Fashions” (PhD diss., University of California, Berkeley, 2011); Lynn Kaye, “Law and Temporality in Bavli Mo'ed” (PhD diss., New York University, 2012); Sarit Kattan Gribetz, “Conceptions of Time and Rhythms of Daily Life in Rabbinic Literature, 200–600 CE” (PhD diss., Princeton University, 2013); Ayelet Libson, “Radical Subjectivity: Law and Self-Knowledge in the Babylonian Talmud” (PhD diss., New York University, 2014); Elana Stein, “Rabbinic Legal Loopholes: Formalism, Equity and Subjectivity” (PhD diss., Columbia University, 2014).

⁴⁸ On the experience of minorities within the Sasanian Empire, see Richard E. Payne, *A State of Mixture: Christians, Zoroastrians, and Iranian Political Culture in Late Antiquity* (Berkeley: University of California Press, 2015).

⁴⁹ On the Talmud's engagement with ambient Zoroastrian culture, see work by Yaakov Elman, Shaul Shaked, Geoffrey Herman, Shai Secunda, Yishai Kiel, Jason Mokhtarian, and Sara Ronis. New collections of such work include: Carol Bakhtoz and M. Rahim Shayegan, eds., *The Talmud in Its Iranian Context* (Tübingen: Mohr Siebeck, 2010); Geoffrey Herman, ed., *Jews, Christians, and Zoroastrians: Religious Dynamics in a Sasanian Context* (Piscataway, NJ: Gorgias Press, 2014); Shai Secunda and Uri Gabbay, eds., *Encounters by the Rivers of Babylon: Scholarly Conversations between Jews, Iranians, and Babylonians in Antiquity* (Tübingen: Mohr Siebeck, 2014). See also the exchange among Robert Brody, Shai Secunda, Richard Kalmin, and Simcha Gross in *Jewish Quarterly Review* 106/2 (2016): 209–55. On reading Syriac Christian literature in conjunction with Talmud, see Adam H. Becker, “The Comparative Study of ‘scholasticism’ in Late Antique Mesopotamia: Rabbis and East Syrians,” *AJS Review* 34, no. 01 (2010): 91–113; Michal Bar-Asher Siegal, *Early Christian Monastic Literature and the Babylonian Talmud* (New York: Cambridge University Press, 2013).

ones.⁵⁰ This influx from the west would have included prior Jewish writings, such as the Septuagint, Philo and Josephus, and the Apocrypha and Pseudepigrapha, and it included the rabbinic traditions of Palestine found in the Tosefta, the Palestinian Talmud, and midrash collections.⁵¹ What happened when all the various cultural traditions encountered by the Babylonian Rabbis – eastern, western, Zoroastrian, Christian, Second Temple period Jewish, Palestinian rabbinic – commingled with each other in their views of animals? Zoroastrianism’s dualistic division of animals into beneficent or accursed would have met late antique philosophy’s debates about animal minds.⁵² Those traditions in turn would have mixed with the Hebrew Bible’s menagerie, the Mishnah’s laws of animal torts and sacrifices, and so on.⁵³ One can only imagine the cultural combustion. In producing their discourse on animals, the redactors of the Babylonian Talmud had an embarrassment of riches with which to work, and we should not be too surprised to see new lines of thinking there.

Third, the Babylonian Talmud is at a remove both chronologically and geographically from the Jerusalem Temple. The “substitution strategies”

⁵⁰ On Hellenism in the Babylonian Talmud, see Richard Lee Kalmin, *Jewish Babylonia between Persia and Roman Palestine* (New York: Oxford University Press, 2006); Richard Lee Kalmin, *Migrating Tales: The Talmud’s Narratives and Their Historical Context* (Berkeley: University of California Press, 2014); Daniel Boyarin, “Hellenism in Jewish Babylonia,” in *The Cambridge Companion to the Talmud and Rabbinic Literature*, eds. Charlotte Elisheva Fonrobert and Martin S. Jaffee, Cambridge Companions to Religion (New York: Cambridge University Press, 2007), 336–63.

On the problem of “influence,” see Michael L. Satlow, “Beyond Influence: Toward a New Historiographic Paradigm,” in *Jewish Literatures and Cultures: Context and Intertext*, ed. Anita Norich and Yaron Eliav (Providence, RI: Brown Judaic Studies, 2008), 37–54.

⁵¹ On prerabbinic Jewish writings in the Talmud, see Jenny R. Labendz, “The Book of Ben Sira in Rabbinic Literature,” *AJS Review* 30, no. 02 (2006): 347–92; Richard Kalmin, “Josephus and Rabbinic Literature,” in *A Companion to Josephus*, ed. Zuleika Rodgers and Honora Howell Chapman (Malden, MA: Wiley Blackwell, 2016), 293–304. Theoretical models for rabbinic parallels can be found in Shaye J. D. Cohen, ed., *The Synoptic Problem in Rabbinic Literature* (Providence, RI: Brown Judaic Studies, 2000).

⁵² On the classical Greek and Latin materials, see later in this chapter, and Chapter 2. On animals in Zoroastrianism, see Maria Macuch, “On the Treatment of Animals in Zoroastrian Law,” *Iranica Selecta: Studies in Honour of Professor Wojciech Skalmowski on the Occasion of His Seventieth Birthday* Silk Road Studies VIII (2003): 167–90; Mahnaz Moazami, “Evil Animals in the Zoroastrian Religion,” *History of Religions* 44, no. 4 (2005): 300–17; Richard Foltz, “Zoroastrian Attitudes toward Animals,” *Society & Animals* 18, no. 4 (2010): 367–78; Mahnaz Moazami, “A Purging Presence: The Dog in Zoroastrian Tradition,” *Anthropology of the Middle East* 11, no. 1 (Spring 2016): 20–9.

⁵³ A collection on the Hebrew Bible from a critical animal studies perspective is Jennifer L. Koosed, ed., *The Bible and Posthumanism* (Atlanta, GA: Society of Biblical Literature, 2014). On animals in the Mishnah, see references later in this chapter, and *passim* in this book.

devised by the Rabbis to fill the void left by the Temple's destruction are well-noted: repentance, good deeds, and prayer replaced purity practices and sacrificial offerings; the table replaced the altar; the seder replaced the Passover sacrifice.⁵⁴ More recently, scholars are considering the incompleteness of those strategies, with the temple and sacrifice retaining great symbolic power, and priests and purity retaining real social power.⁵⁵ Discourse about the Temple afforded the rabbis opportunity to argue for their authority, to order categories of privilege, to structure bodily experience, and to borrow from the Bible's prestige. The Babylonian Talmud

⁵⁴ See Baruch M. Bokser, "Rabbinic Responses to Catastrophe: From Continuity to Discontinuity," *Proceedings of the American Academy for Jewish Research* 50 (1983): 37–61; Baruch M. Bokser, *The Origins of the Seder: The Passover Rite and Early Rabbinic Judaism* (Berkeley: University of California Press, 1984); Steven Fine, "Did the Synagogue Replace the Temple?," *Bible Review* 12 (1996): 18–27; Dalia Marx, "The Missing Temple: The Status of the Temple in Jewish Culture Following Its Destruction," *European Judaism* 46, no. 2 (September 1, 2013): 61–78.

⁵⁵ On the symbolic power of the Temple and its cult post-70 C.E.: Michael D. Swartz, "Ritual about Myth about Ritual: Towards an Understanding of the Avodah in the Rabbinic Period," *The Journal of Jewish Thought and Philosophy* 6, no. 1 (1997): 135–55; Simon Goldhill, *The Temple of Jerusalem* (Cambridge, MA: Harvard University Press, 2005), 81ff.; Adiel Schremer, "Stammaitic Historiography," in *Creation and Composition: The Contribution of the Bavli Redactors (Stammaim) to the Aggadah*, ed. Jeffrey L. Rubenstein (Tübingen: Mohr Siebeck, 2005), 219–36; Jonathan Klawans, *Purity, Sacrifice, and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism* (New York: Oxford University Press, 2006), 175–212; Steven D. Fraade, "The Temple as a Marker of Jewish Identity before and after 70 CE: The Role of the Holy Vessels in Rabbinic Memory and Imagination," in *Jewish Identities in Antiquity: Studies in Memory of Menahem Stern*, ed. Lee I. Levine and Daniel R. Schwartz (Tübingen: Mohr Siebeck, 2009), 237–65; Tamar Jacobowitz, "Leviticus Rabbah and the Spiritualization of the Laws of Impurity" (PhD, University of Pennsylvania, 2010); Naftali S. Cohn, *The Memory of the Temple and the Making of the Rabbis* (Philadelphia: University of Pennsylvania Press, 2013); Mira Balberg, *Blood for Thought: The Reinvention of Sacrifice in Early Rabbinic Literature* (Berkeley: University of California Press, 2017).

On priests and purity practices post-70 CE: Oded Irshai, "The Role of the Priesthood in the Jewish Community in Late Antiquity: A Christian Model?," in *Jüdische Gemeinden und ihr christlicher Kontext in kulturräumlich vergleichender Betrachtung: von der Spätantike bis zum 18. Jahrhundert*, ed. Christoph Cluse, Alfred Haverkamp, and Israel J. Yuval (Hannover: Hahnsche Buchhandlung, 2003), 75–85; Philip S. Alexander, "What Happened to the Priesthood after 70?," in *A Wandering Galilean: Essays in Honour of Seán Freyne*, ed. Zuleika Rodgers, Anne Fitzpatrick McKinley, and Margaret Daly-Denton (Boston: Brill, 2009), 5–34; David Amit and Yonatan Adler, "The Observance of Ritual Purity after 70 C.E.: A Reevaluation of the Evidence in Light of Recent Archaeological Discoveries," in *Follow the Wise: Studies in Jewish History and Culture in Honor of Lee I. Levine*, ed. Zeev Weiss (Winona Lake, IN: Eisenbrauns, 2010), 121–43; Mira Balberg, *Purity, Body, and Self in Early Rabbinic Literature* (Berkeley: University of California Press, 2014); Stuart S. Miller, *At the Intersection of Texts and Material Finds: Stepped Pools, Stone Vessels, and Ritual Purity Among the Jews of Roman Galilee* (Göttingen: Vandenhoeck & Ruprecht, 2015).

creatively reimagined the Temple – its spaces, rituals, functionaries, smells and sights, the theology that it represented, the catastrophe that befell it – and put it to new uses. What did this mean for the animals that had been at the heart of Temple ritual? The Babylonian Talmud would have faced pressing questions about the role of animals in Jewish life as it moved further and further away from the reality of animal blood and guts that constituted daily routine at the Temple. Finding new perspectives on animals was a desideratum for the composers of the Babylonian Talmud in their recreation of rabbinic religion for a new time and place.

These forces – a new literary discourse, a rich convergence of cultures, a greater remove from ancient Temple-centered Judaism – conspired to produce unprecedented possibilities within the Babylonian Talmud for conceptualizing animals and animality. The argument of this book is, in sum, that the Babylonian Talmud created a discourse about animals that imagines them as agents and subjects in new ways, as “persons” with the capacity to exercise intention and plan for the future, to experience pleasure and be held accountable for sin, to undergo suffering even if that suffering might most often be seen as a sacrifice necessary to satisfy human wishes, and to break free of the property category into which they are usually placed. Built into this new discourse of animal personhood is an engagement with and sometimes critique of the anthropocentrism that suppresses it, an anthropocentrism that results in ideas such as “dangerous” animals and “livestock,” which hyper-animalizes the animal by representing “it” (using the grammar of objectification purposely here) as either a threat or a testament to human control. The following chapters propose that the Talmud is ripe for reading with a critical animal studies perspective, and that when we do we find waiting there a multilayered, surprisingly self-aware discourse about animals and the anthropocentrism that infuses human relationships with them. In making this case I connect to recent work on rabbinic anthropologies. I turn to those in the conclusion to consider how this book might contribute to contemporary conversations about selves and others in Jewish culture.

MICROREADING

The method that this book adopts is “microreading.” It is modeled on microhistory, which developed in Italy in the 1970s as a response to master-narrative historiography.⁵⁶ Microhistory’s aim was to reduce the

⁵⁶ See Sigurður G. Magnússon and István M. Szijártó, *What Is Microhistory? Theory and Practice* (New York: Routledge, 2013); Hans Renders and Binne de Haan, eds.,

scale of observation and to pay attention to individuals, practices, and events that would normally have been considered historically unimportant. Rather than identify the major figures and events that changed the world, as master-narratives did, microhistories situated people within their worlds and tried to make sense of them there.

Reading Talmud might seem far removed from Italian history or any historiography whatsoever because the Talmud is notoriously resistant to historical reconstructions based on it.⁵⁷ Yet microhistory is surprisingly similar in spirit to the method by which the talmudic rabbis themselves approached their literary heritage, scrutinizing each sentence, phrase, word, and letter of biblical and prior rabbinic traditions. In that same spirit, I read talmudic texts here at the microlevel. At that level one is able to find animals such as Rav Pappa's clever ox (Chapter 2) and moments such as Rava proposing that an animal can enjoy sex (Chapter 3). Microreading allows the focus to shift away from the rabbis themselves and their study houses and study habits toward the animals who inhabit their farms, fields, and domiciles. By resizing the scope, microreading has the potential to modify the macro picture of rabbinic Judaism. That being said, its goal is not necessarily to do so, since it takes the small events and marginal figures to have their own significance, not only insofar as they fit into a master narrative.

Microreading also has in mind the notion of micro-aggression, another idea that goes back to the 1970s that has recently grown popular. "Micro-aggression" came from the mental health fields to extend the category of racism to more casual forms of discrimination and marginalization. A micro-aggression might involve the implicit underestimation of a person's ability (e.g., complimenting an African American for being "articulate"), neglecting to recognize their contributions and achievements (e.g., the repeated omission of African Americans from academy-award nominations), or retaining emblems of traumatic histories of violence and oppression (e.g., the Confederate flag, buildings named after slave owners). The term was soon applied to aggressions based also on gender, sexual orientation, religion, ethnicity, physical and

Theoretical Discussions of Biography: Approaches from History, Microhistory and Life Writing (Leiden: Brill, 2014), 105–65.

⁵⁷ On the problems of reconstructing history from rabbinic sources, see Seth Schwartz, "The Political Geography of Rabbinic Texts," in *The Cambridge Companion to the Talmud and Rabbinic Literature*, ed. Charlotte E. Fonrobert and Martin S. Jaffee, Cambridge Companions to Religion (New York: Cambridge University Press, 2007), 75–96.

mental health and ability, economic circumstance, educational level, immigration status, and so forth.⁵⁸ Micro-aggressions are frequently unconscious on the part of the aggressor, who consequently tends to disavow the harm they cause. Micro-aggressions presume certain identities and practices to be normative while subtly pathologizing other ones, often grouping pathologies across category lines so that a single individual will be marginalized along multiple lines at once. Anger, depression, shame, anxiety, and a feeling of isolation are common consequences of micro-aggressions, whose accumulated effect can be devastating, especially because of their invisibility to all but the individuals who experience them.

A microreading strategy with micro-aggression in mind is able to detect in the Talmud the thoroughgoing and normative anthropocentrism that a cruder reading strategy might skim over. The microreadings in this book seek to uncover the subtle, casual ways that the Talmud objectifies, underestimates, and neglects to consider other species, along with the Talmud's obliviousness to the devastating toll of such marginalization. Micro-aggression is often not all that "micro," and that is the case with talmudic animals too, such as in the talmudic passage that imagines tying up an elephant (Chapter 6) or that encourages the wanton killing of cats (Chapter 5). These texts can be read as micro-aggressions – or full-on aggression – not only on the part of the rabbis toward the animals they describe, however, but also on the part of those animals, whose will, desire, and experience in the world seem to speak back to the rabbis within their discussions.

THE ANIMAL IN JEWISH, RELIGIOUS, AND ANCIENT STUDIES

The animal has until only recently gone below the radar of subjects considered of serious scholarly interest in Jewish studies. In the past several years critical animal studies have crept into Jewish studies, not surprisingly clustered in the area of philosophy given the primacy of philosophy in critical animal studies.⁵⁹ The most sustained dialogue between

⁵⁸ See Derald Wing Sue, *Microaggressions in Everyday Life: Race, Gender, and Sexual Orientation* (Hoboken, NJ: John Wiley & Sons, 2010).

⁵⁹ On the animal in modern Jewish thought: Diane Perpich, *The Ethics of Emmanuel Levinas* (Palo Alto, CA: Stanford University Press, 2008), 150–76; Matthew Calarco, *Zoographies: The Question of the Animal from Heidegger to Derrida* (New York: Columbia University Press, 2008), 55–77; Andrew Benjamin, *Of Jews and Animals* (Edinburgh: Edinburgh University Press, 2010); Peter Atterton, "Levinas and Our Moral Responsibility toward Other Animals," *Inquiry* 54, no. 6 (2011): 633–49. What

critical animal studies and Jewish studies comes from the field of religious studies, however: Aaron Gross's *Question of the Animal and Religion*, which is framed by the scandal of human and animal rights abuses at the Agriprocessors kosher meat plant in Iowa.⁶⁰ The most well-known Jewish engagement with contemporary thinking on animals is Jonathan

constitutes "Jewish thought" is beyond the scope of this discussion, which means that the inclusion and omission of references here is easy to quibble with.

In medieval Jewish thought: Kalman P. Bland, "Construction of Animals in Medieval Jewish Philosophy," in *New Directions in Jewish Philosophy*, ed. Aaron W. Hughes and Elliot R. Wolfson (Bloomington, IN: Indiana University Press, 2010), 175–204; David I. Shyovitz, "Christians and Jews in the Twelfth-Century Werewolf Renaissance," *Journal of the History of Ideas* 75, no. 4 (2014): 521–43; David I. Shyovitz, "How Can the Guilty Eat the Innocent? Carnivorousness and Animal Eschatology in Medieval Jewish Thought," in manuscript.

See also Roberta Kalechofsky, "Hierarchy, Kinship, and Responsibility: The Jewish Relationship to The Animal World," in *A Communion of Subjects: Animals in Religion, Science, and Ethics*, ed. Paul Waldau and Kimberley Patton (New York: Columbia University Press, 2006), 91–9; Phillip Ackerman-Lieberman and Rakefet Zalashik, eds., *A Jew's Best Friend? The Image of the Dog Throughout Jewish History* (Portland, OR: Sussex Academic Press, 2013). See also the work of Marc Epstein on medieval Jewish art, which gives substantial attention to its animal depictions: Marc Michael Epstein, "The Elephant and the Law: The Medieval Jewish Minority Adapts a Christian Motif," *The Art Bulletin* 76, no. 3 (September 1, 1994): 465–78; Marc Michael Epstein, *Dreams of Subversion in Medieval Jewish Art and Literature* (University Park: Pennsylvania State University Press, 1997); Marc Michael Epstein, *The Medieval Haggadah: Art, Narrative, and Religious Imagination* (New Haven, CT: Yale University Press, 2011).

A work of Talmud scholarship that draws on critical animal studies is Mira Beth Wasserman, *Jews, Gentiles, and Other Animals: The Talmud After the Humanities* (Philadelphia: University of Pennsylvania Press, 2017).

The one comprehensive academic work on animals in rabbinic literature is Jacob Neusner, *Praxis and Parable: The Divergent Discourses of Rabbinic Judaism: How Halakhic and Aggadic Documents Treat the Bestiary Common to Them Both* (Lanham, MD: University Press of America, 2006). That work's primary interest is differentiating the legal (halakhic) materials from the narrative and homiletical (aggadic) ones, and animals serve as the sample case for that binary. An interesting treatment from nearly a century ago of animals in rabbinic literature is that of Victor Aptowitz, "The Rewarding and Punishing of Animals and Inanimate Objects: On the Aggadic View of the World," *Hebrew Union College Annual* 3 (1926): 117–55.

General treatments of animals in Judaism not from a critical animal studies perspective (some predating it) include: Arieh Shoshan, *Ba'ale hayim be-sifrut Yisrael: ben Yebudi li-vehemto* (Rehovot, Israel: Shoshanim, 1971); Elijah Judah Schochet, *Animal Life in Jewish Tradition: Attitudes and Relationships* (Brooklyn, NY: Ktav, 1984); Shlomo Pesach Topperoff, *The Animal Kingdom in Jewish Thought* (Northvale, NJ: Jason Aronson, 1995); Ronald H. Isaacs, *Animals in Jewish Thought and Tradition* (Northvale, NJ: Jason Aronson, 2000); Natan Slifkin, *Man and Beast: Our Relationships with Animals in Jewish Law and Thought* (Brooklyn, NY: Zoo Torah; Yashar Books, 2006).

⁶⁰ Gross, *The Question of the Animal and Religion*. The owner, Sholom Rubashkin, went to prison only on the basis of the financial malfeasance.

Safran Foer's *Eating Animals*, a memoir, meditation, and manifesto on the massive scope of daily violence against animals.⁶¹

The animal has for some time been a “person” of interest in religious studies. Peter Singer's denunciation of the Bible, Augustine, and Aquinas for their dominionist ideology has sparked prolific response from Bible scholars and Christian theologians.⁶² Studies of animals in Islam, indigenous American religions, and eastern religions have all appeared.⁶³ Some works span many religions.⁶⁴ Theoretically inflected scholarship

⁶¹ Jonathan Safran Foer, *Eating Animals* (New York: Little, Brown and Company, 2009).

⁶² Works of Bible scholarship from a Christian perspective and Christian or Christian-oriented theology include Andrew Linzey, *Animal Gospel* (Louisville, KY: Westminster John Knox Press, 2000); Laura Hobgood-Oster, *Holy Dogs and Asses: Animals in the Christian Tradition* (Urbana: University of Illinois Press, 2008); Celia Deane-Drummond and David L. Clough, eds., *Creaturely Theology: On God, Humans and Other Animals* (London: SCM Press, 2009); David L. Clough, *On Animals: Volume I: Systematic Theology* (London: A&C Black, 2012); Nicola Hoggard Creegan, *Animal Suffering and the Problem of Evil* (New York: Oxford University Press, 2013). Collections of Christian animal theology include Charles Pinches and Jay B. McDaniel, eds., *Good News for Animals? Christian Approaches to Animal Well-Being* (Maryknoll, NY: Orbis Books, 1993); Andrew Linzey and Dorothy Yamamoto, eds., *Animals on the Agenda: Questions about Animals for Theology and Ethics* (Urbana: University of Illinois Press, 1998).

⁶³ On animals in Islam, see Richard Foltz, “This She-Camel of God Is a Sign to You”: Dimensions of Animals in Islamic Tradition and Muslim Culture,” in *A Communion of Subjects: Animals in Religion, Science, and Ethics*, ed. Paul Waldau and Kimberley Patton (New York: Columbia University Press, 2006), 146–59; Sarra Tlili, *Animals in the Qur'an* (New York: Cambridge University Press, 2012); Richard Foltz, *Animals in Islamic Traditions and Muslim Cultures* (London: Oneworld, 2014); Alan Mikhail, *The Animal in Ottoman Egypt* (New York: Oxford University Press, 2013); Al-Hafiz Basheer Ahmad Masri, *Animal Welfare in Islam* (Markfield, UK: The Islamic Foundation, 2016); Alan Mikhail, “Dogs in Ancient Islamic Culture,” *OUPblog*, July 13, 2017, <https://blog.oup.com/2017/07/dogs-ancient-islamic-culture/>.

On indigenous traditions, see Howard L. Harrod, *The Animals Came Dancing: Native American Sacred Ecology and Animal Kinship* (Tucson: University of Arizona Press, 2000); Emil Her Many Horses and George P. Horse Capture, eds., *A Song for the Horse Nation: Horses in Native American Cultures* (Golden, CO: Fulcrum, 2006); Shepard Krech, *Spirits of the Air: Birds & American Indians in the South* (Athens: University of Georgia Press, 2009); Michael M. Pomedli, *Living with Animals: Ojibwe Spirit Powers* (Toronto: University of Toronto Press, 2014). On animals in eastern traditions, see Paul Waldau, *The Specter of Speciesism: Buddhist and Christian Views of Animals* (New York: Oxford University Press, 2002); Arvind Kumar Singh, *Animals in Early Buddhism* (Delhi: Eastern Book Linkers, 2006); David Jones, *Buddha Nature and Animality* (Fremont, CA: Jain, 2007); Pu Chengzhong, *Ethical Treatment of Animals in Early Chinese Buddhism: Beliefs and Practices* (Newcastle upon Tyne: Cambridge Scholars Publishing, 2014); Neil Dalal and Chloe Taylor, eds., *Asian Perspectives on Animal Ethics: Rethinking the Nonhuman* (New York: Routledge, 2014).

⁶⁴ For discussions or anthologies that span religions, see Paul Waldau and Kimberley Patton, eds., *A Communion of Subjects: Animals in Religion, Science, and Ethics* (New York: Columbia University Press, 2006); Katherine Wills Perlo, *Kinship and*

in religious studies that addresses animals includes Wendy Doniger on Hindu animal myths, Donovan Schaefer on animal religion, Jonathan Crane's collection on animal agency, and Stephen Moore's on theology.⁶⁵

Closer in place and time to the Talmud are works on the animal in Greek and Roman philosophy, Second Temple period Jewish literature, and early Christian writings.⁶⁶ Ingvild Gilhus's study of the animal in ancient Judaism, early Christianity, and late Roman imperial life combines all these

Killing: The Animal in World Religions (New York: Columbia University Press, 2009); Lisa Kemmerer, *Animals and World Religions* (New York: Oxford University Press, 2012); Celia Deane-Drummond, David L. Clough, and Rebecca Artinian-Kaiser, eds., *Animals as Religious Subjects: Transdisciplinary Perspectives* (London: Bloomsbury T&T Clark, 2013); Stephen D. Moore, ed., *Divinanimality: Animal Theory, Creaturely Theology* (New York: Fordham University Press, 2014); Barbara Allen, *Animals in Religion: Devotion, Symbol and Ritual* (London: Reaktion Books, 2016).

⁶⁵ Stella Snead, Wendy Doniger, and George Michell, *Animals in Four Worlds: Sculptures from India* (Chicago: University of Chicago Press, 1989); Wendy Doniger, *Implied Spider: Politics and Theology in Myth* (New York: Columbia University Press, 2010); Moore, *Divinanimality*; Jonathan K. Crane, ed., *Beastly Morality: Animals as Ethical Agents* (New York: Columbia University Press, 2015); Schaefer, *Religious Affects*.

⁶⁶ Sorabji, *Animal Minds*; Roger Kenneth French, *Ancient Natural History: Histories of Nature* (New York: Routledge, 1994); Stephen Thomas Newmyer, *Animals, Rights, and Reason in Plutarch and Modern Ethics* (New York: Routledge, 2006); Osborne, *Dumb Beasts and Dead Philosophers*; Stephen Thomas Newmyer, *Animals in Greek and Roman Thought: A Sourcebook* (New York: Routledge, 2011); Alastair Harden, *Animals in the Classical World: Ethical Perspectives from Greek and Roman Texts* (New York: Palgrave Macmillan, 2013).

See also the reference works: Gordon Lindsay Campbell, ed., *The Oxford Handbook of Animals in Classical Thought and Life* (New York: Oxford University Press, 2014); Kenneth F. Kitchell, Jr., *Animals in the Ancient World from A to Z* (New York: Routledge, 2014). For bibliography on animals in antiquity (stopping with 2006), see "Animals in Graeco-Roman Antiquity and Beyond," at www.telemachos.hu-berlin.de/esterni/Tierbibliographie_Foegen.pdf. See also the well-organized but now dated bibliography at the end of Sorabji, *Animal Minds*, 220–32.

Still classic are George Jennison, *Animals for Show and Pleasure in Ancient Rome* (Manchester, UK: Manchester University Press, 1937) and J. M. C. Toynbee, *Animals in Roman Life and Art* (Barnsley, UK: Pen & Sword Books, 2012). Recent work on animals in the Roman games includes Peter Nicholson, *Pure History Specials. Beasts of the Roman Games* (London: Digital Rights Group, 2009); Donald G. Kyle, *Spectacles of Death in Ancient Rome* (New York: Routledge, 2012); Roger Dunkle, *Gladiators: Violence and Spectacle in Ancient Rome* (New York: Routledge, 2013); Jerry P. Toner, *The Day Commodus Killed a Rhino: Understanding the Roman Games* (Baltimore: Johns Hopkins University Press, 2014).

More specialized studies include Cristina Mazzoni, *She-Wolf: The Story of a Roman Icon* (New York: Cambridge University Press, 2010); Steven D. Smith, *Man and Animal in Severan Rome: The Literary Imagination of Claudius Aelianus* (New York: Cambridge University Press, 2014); Porphyry, *Porphyry: On Abstinence from Killing Animals*, trans. Gillian E. Clark (London: A&C Black, 2014).

strands.⁶⁷ There is a massive body of work on ancient animal sacrifice, and substantial ancient “zooarcheology,” the study of animal remains from antiquity.⁶⁸ Some of these books, like Gilhus’s, actively inform the work in the following chapters, while others form the scholarly context for it. Together with this book all of them show that the animal is gaining ground in Jewish studies, religious studies, and the study of the ancient world.

The following chapters draw upon animal studies from other areas too, such as philosophy, law, and literature, but before turning to a brief description of the chapters and then to the chapters themselves, I would like to mention another influence upon this book, and that is my personal investment in “the animal.” I became a vegetarian at age twelve, after my sister became vegetarian; my parents soon followed. For me it began with the tiny hairs on the skin of the chicken that my sleepaway camp served at Sabbath evening dinner, causing in me a feeling of such

On ancient Jewish and Christian writings: Robert McQueen Grant, *Early Christians and Animals* (New York: Routledge, 1999); Katell Berthelot, “Philo and Kindness towards Animals (De Virtutibus 125–47),” *The Studia Philonica Annual*, no. 14 (2002): 48–65; Janet E. Spittler, *Animals in the Apocryphal Acts of the Apostles: The Wild Kingdom of Early Christian Literature* (Tübingen: Mohr Siebeck, 2008).

⁶⁷ Ingvild Sælid Gilhus, *Animals, Gods and Humans: Changing Attitudes to Animals in Greek, Roman and Early Christian Ideas* (New York: Routledge, 2006).

⁶⁸ Works on animal sacrifice include: Klawans, *Purity, Sacrifice, and the Temple*; M.-Z. Petropoulou, ed., *Animal Sacrifice in Ancient Greek Religion, Judaism, and Christianity, 100 BC–AD 200* (New York: Oxford University Press, 2008); Jennifer Wright Knust and Zsuzsanna Várhelyi, eds., *Ancient Mediterranean Sacrifice* (New York: Oxford University Press, 2011); F.S. Naiden and Christopher A. Faraone, eds., *Greek and Roman Animal Sacrifice: Ancient Victims, Modern Observers* (New York: Cambridge University Press, 2012); Anne M. Porter and Glenn M. Schwartz, eds., *Sacred Killing: The Archaeology of Sacrifice in the Ancient Near East* (Winona Lake, IN: Eisenbrauns, 2012); Daniel C. Ullucci, *The Christian Rejection of Animal Sacrifice* (New York: Oxford University Press, 2012); Nicole J. Ruane, *Sacrifice and Gender in Biblical Law* (New York: Cambridge University Press, 2013); Yvonne Sherwood, “Cutting up ‘Life’: Sacrifice as a Device for Clarifying – and Tormenting – Fundamental Distinctions Between Human, Animal and Divine,” in *The Bible and Posthumanism*, ed. Jennifer L. Koosed (Atlanta, GA: Society of Biblical Literature, 2014), 247–97.

See the zooarcheological studies of Maaik Groot, *Animals in Ritual and Economy in a Roman Frontier Community: Excavations in Tiel-Passewaaij* (Amsterdam: Amsterdam University Press, 2008); Maaik Groot, *Livestock for Sale: Animal Husbandry in a Roman Frontier Zone* (Amsterdam: Amsterdam University Press, 2016).

There is extensive discussion of dog burials found in Ashkelon: Lawrence E. Stager, “Why Were Hundreds of Dogs Buried at Ashkelon?,” *Biblical Archaeology Review* 17, no. 3 (1991): 26–42; Paula Wapnish and Brian Hesse, “Pampered Pooches or Plain Pariahs? The Ashkelon Dog Burials,” *The Biblical Archaeologist* 56, no. 2 (1993): 55–80; Baruch Halpern, “The Canine Conundrum of Ashkelon: A Classical Connection,” in *The Archaeology of Jordan and Beyond: Essays in Honor of James A. Sauer*, ed. Michael D. Coogan, Lawrence E. Stager, and Joseph A. Greene (Winona Lake, IN: Eisenbrauns, 2000), 133–44; Meir Edrey, “The Dog Burials at Achaemenid Ashkelon Revisited,” *Tel Aviv* 35, no. 2 (2008): 267–82.

revulsion that I could not take another bite and have not since. In the intervening years I have augmented my story with nobler justifications for my vegetarianism – factory farming, environmental sustainability – but were those other explanations to vanish, I would still be left with that feeling described by philosopher Cora Diamond that animals are “fellow creatures” and not food.⁶⁹ Those tiny hairs would still bother me. That sense of animals as fellow-creatures was made more real for me when my then-boyfriend-now-husband and I got a dog right after I turned in my dissertation. That dog, Dulcie, has since died, and we recently welcomed a new dog into our home, and it is they whom I have in mind when I speak of dogs as having “animalities” along the lines of people’s personalities. They are individuals as much as I am. I do not pretend to be an animal saint. Dulcie and our puppy Burt were pure-breeds bought from breeders, I am a vegetarian and not a vegan, and now and then I get tired of the vegan shoe options and buy a pair of leather shoes. I agreed when my neighbors asked us to have the exterminator set rat traps in our backyard, and I will kill a mosquito if it looks like it is about to sting me. My relationship with other species is, in sum, as complex as anyone else’s. I only mean to say that for this study of animals, I have “skin in the game” and it is not a neutral subject of research. With the mass-scale slaughter of animals and the accelerating shrinkage of animal habitats – with animal experimentation going on in the rooms upstairs from my college office – neutrality hardly seems possible or desirable.

THE CHAPTERS

This chapter’s aim was to introduce the contours and contributions of critical animal studies, to argue for their relevance to the Babylonian Talmud, and to describe the current state of scholarship at the point where animal studies, Jewish studies, religious studies, and the study of antiquity converge. Following this introductory chapter is a brief orientation to the Talmud for those readers unfamiliar with that ancient Jewish literary corpus.

Chapter 2, “Animal Intelligence,” takes up a passage in Bava Qamma 34b–35a that probes the scope of animal cognition. The passage begins with a mishnah that compares the liability of a person for his own actions

⁶⁹ Cora Diamond, “Eating Meat and Eating People,” *Philosophy* 53, no. 206 (October 1978): 465–79.

to the liability of a person for his ox's actions. One case that the Mishnah mentions is setting fire to a stack of grain on the Sabbath. The talmudic commentary considers whether that case represents a purely destructive act – this does not constitute a violation of the Sabbath, according to the Mishnah – or whether the act may have some productive purpose, such as generating ashes to be used for medicinal purposes, in which case the act would constitute a Sabbath violation. The commentary goes on to claim, then to challenge, and finally to prove that an animal is capable of the step-by-step, intention-driven plan that setting a fire to produce ashes would require. In making these generous claims about animal cognition, the talmudic authors speak of a “clever ox” (*shor piq'e'ah*), and they tell a story of a particular ox who was known to assuage the pain of his toothaches by lifting the lid of a beer vat and helping himself to a swig. The talmudic editors pose rhetorical questions that project onto the reader resistance to the notion of a clever animal with human-like needs and human-like abilities to fulfill them. The redactors also set clear limits on animal cognition when they deny to animals the capacity to intend to cause shame. This chapter contextualizes the talmudic passage within ancient and modern debates about animal intelligence.

Chapter 3, “Animal Morality,” looks at the laws of bestiality in Sanhedrin 55a–b. Leviticus 20:15–16 dictates the death penalty for an animal and person who have sex with each other. The Mishnah calls for a full-scale criminal trial for the suspected couple – the person *and* the animal – and judicial execution for the couple if they are found guilty. The Mishnah's procedure would seem to imply that the animal has moral culpability akin to that of his or her human sexual partner. Yet the Mishnah elsewhere explicitly denies that an animal has the capacity to sin, claiming instead that the animal's punishment is “collateral damage” for the human partner's sin. The Talmud is left, then, with an ambiguity: Is the animal morally culpable or not? The Mishnah's procedure suggests yes, but its explicit statement suggests no. To address the ambiguity, the talmudic commentary poses a borderline case. What if the person in question is not Jewish? Does the animal still deserve to be executed? Chapter 3 argues that the question is itself ambiguous. The chapter discusses not only how various rabbis ruled on the question of the animal's culpability in this case but also how they understood the question to begin with. The chapter argues that the talmudic editors then reframed the earlier rabbinic rulings to produce an account of sin, pleasure, moral accountability, and God's judgment and mercy. This chapter considers the talmudic discussion in light of medieval and early modern

animal trials in Europe and the scholarship that has struggled to make sense of the phenomenon.

Chapter 4, “Animal Suffering,” revisits the classic discussion of animal suffering from *Bava Metzia* 22a–23a. In this chapter, I consider the complexity of human responses to animal suffering, drawing on Peter Singer’s treatment of animal suffering from the perspective of his feminist critics. The basis for the talmudic discussion is a section of Bible and Mishnah describing a burdened donkey stopped on the side of the road. The biblical and Mishnaic passages seem almost completely uninterested in the suffering of the animal; their concern is the interpersonal dynamics between the animal owner and the passersby. That lack of interest does not stop the Babylonian rabbi Rava from issuing a grand statement, based on those very passages, that animal suffering is a concern of scriptural origin. The talmudic commentary goes on to show, over and over again, that the early rabbinic texts simply do not support Rava’s claim. The early rabbinic traditions instead feature a series of cases in which animal suffering slides to the bottom of the list of priorities, even when at first glance the suffering of the animal appears to be the most pressing concern. The talmudic passage in my reading of it shows, contrary to conventional apologetics, that animal suffering is not a concern present in inherited canonical sources, and that the Talmud’s aim is for its readers to recognize this. The Talmud invites readers to see that their own sensitivity to animal suffering is spotty, and that Rava’s claim about it, though bold, is not all that convincing.

Chapter 5, “Animal Danger,” takes up several legal motifs in the Mishnah – the goring ox, a list of “dangerous” animals, and restrictions on household animals – to show that a new discourse of animal nature is being produced there. Drawing on moral panic and risk theory, I read a narrative on *Bava Qamma* 80a–b in which three rabbis attend a celebration for a baby. They become so preoccupied with the question of which rabbi should enter the room first that no one notices when a cat attacks the baby. After the cat bites off the baby’s hand, one of the rabbis issues a set of harsh legislations about cats. The danger to the baby seems to have come less from the cat, however, than from the rabbis who drew attention away from the baby and left him vulnerable. This chapter argues that the cat attack story intends to raise provocative questions about discourses of animal danger.

Chapter 6, “Animals as Livestock,” reads a talmudic passage on *Sukkah* 22b–23a in light of contemporary conversations about animal personhood. Early rabbinic teachings describe the use of a live animal to

constitute the floor or wall of a sukkah (fall festival booth) and to serve other purposes normally fulfilled by inanimate objects. When two later rabbis disagree over why an animal-walled sukkah should be prohibited, the talmudic commentary launches into an investigation of what makes an animal a bad “thing.” Is it the animal’s will? Their mortality? The animal’s body? In an epilogue, the Talmud imagines immobilizing an animal such that he could never escape, and so that his dying body would not jeopardize the stability of the sukkah. It is a grim ending to the Talmud’s reflections on animal objectification.

Chapter 7, the Conclusion, considers the contribution of this book to understanding the selves and Others that populate rabbinic literature. What impact might the animalities featured in this book have on contemporary views of the Talmud’s anthropologies? The conclusion reviews recent scholarship on the rabbinic self and Other along with Jewish pet-related practices to reflect on the challenges that animals pose to Jewish self/Other binaries.

The chapters together show that talmudic texts are deeply engaged in the problems and possibilities of animality. Colleen Glenney Boggs writes that “animals are animals in American literature and ... we have not adequately accounted for them as such.”⁷⁰ This book makes a comparable claim for the Babylonian Talmud. Boggs continues: “accounting for them as such will change how we read that literature.”⁷¹ So too will accounting for animals change how we read Talmud and, beyond that, the classic texts of western religion. For Boggs, accounting for animals means deconstructing the biopolitics of modernity; here it means returning to late antiquity and to the roots of contemporary religion, to find that it is a time neither of irredeemable speciesism nor of romanticized harmony between man and nature. Ancient texts like the Talmud allow us to take biopolitics back to its formative years, to reveal how animals came to occupy the margins of personhood and how their only partially suppressed subjectivities formed the backdrop for the emergence of the human self.

⁷⁰ Boggs, *Animalia Americana*, 29.

⁷¹ *Ibid.*

