

“You Shall Not Seethe a Kid in its Mother’s Milk”: The Text and the Law in Light of Early Witnesses*

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1.0 Scriptural Text and Halakhic Argumentation in 4QMMT B 38

Over one hundred and fifty years ago Abraham Geiger argued (1) that divergent halakhic perspectives on the legal status of a fetus are evident in a variety of ancient sources, including variant biblical texts and translations; and (2) that this situation reflects an inner-Jewish conflict between an older and a newer halakhah.¹ While his second claim remains the subject of debate, the first has been validated beyond any doubt by the finds in the Judean Desert. As others have noted, the Temple Scroll, 4Q270 (4QDe), and 4QMMT all attest to a view of the fetus that conflicts with such rabbinic rulings as “a fetus is considered a limb of its mother” (עובר ירך אמו) and “the slaughter of its mother renders it clean” (שחיטת אמו מטהרתו).² However,

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¹ A. Geiger, *Urschrift und Übersetzungen der Bibel in ihrer Abhängigkeit von der inneren Entwicklung des Judentums* (Frankfurt am Main: Verlag Mada, 1928 [1st ed. Breslau: Julius Hainauer, 1857]) 170-199; 436-437; 26-30 in the Heb. *Nachträge zur Urschrift* (= *Ozar Nechmad* 3 [1860]); “Zur Theologie und Schrifterklärung der Samaritaner,” *ZDMG* 12 (1858): 132-142, at 139-140; “Die gesetzlichen Differenzen zwischen Samaritanern und Juden,” *ZDMG* 20 (1866): 527-573, at 551-557, and elsewhere.

² *b. Hul* 58a and *m. Hul* 4:5, respectively, with parallels. For discussions of the Qumran evidence, see J. Baumgarten, “A Fragment on Fetal Life and Pregnancy in 4Q270,” in *Pomegranates and Golden Bells – Studies in Biblical, Jewish and Near Eastern Ritual, Law and Literature in Honor of Jacob Milgrom* (eds. D.P. Wright, D.N. Freedman and A. Hurvitz; Winona Lake: Eisenbrauns, 1995), 445-448; E. Qimron

unnoticed as yet is the significance of the 4QMMT passage with regard to Geiger's broader and more controversial claim that such halakhic disputes found articulation in the development and transmission of the Hebrew text of scripture itself.³ The composite text of this passage is reconstructed by Qimron and Strugnell as follows:

c + a + d (= 4Q396 I:1-4)

- אי]ם שוחטים במקדש] 35
 [ועל העברות אֲנַחְנוּ חֹשְׁבִים שאין לזכות א]ת האם ואת הַזֶּלַח ביום אחד 36
 ועל הַאֹכֶל אַנַּחְנוּ חֹשְׁבִים שאיכיל את הַזֶּלַח] 37
 [שבמעז אמו לאחר שחיטתו ואתם יודעים שהו]א כן וְהַדְבַּר כְּתוּב עברה vacat 38

- 35 [... ..] they do [not] slaughter in the sanctuary.
 36 [And concerning pregnant (animals)] we are of the opin[ion that] the mother and the fetus [may not be sacrificed] on the same day

and J. Strugnell, *DJD X* (Oxford: Clarendon, 1994), 157-158; Y. Sussmann, "חקר תולדות ההלכה ומגילות מדבר יהודה: הרהורים תלמודיים ראשונים לאור מגילת 'מקצת מעשי תורה,'" *Tarbiz* 59 (1989-90): 11-76, at 33, 35 [Heb.]; A. Yadin, *Scripture as Logos: Rabbi Ishmael and the Origins of Midrash* (Philadelphia: University of Pennsylvania Press, 2004), 157-158, 204; Y. Yadin, *Temple Scroll* (Jerusalem: Israel Exploration Society, 1977/83), 1:312-314, 336-338. On the broader legal issues pertaining to the status of a fetus, see V. Aptowitz, "The Status of the Embryo in Jewish Criminal Law, in Early Rabbinic Literature, in Philo and in Ancient Greek, Roman and Egyptian Law," *JQR* 15 (1924): 85-118; E. Urbach, *The Sages: Their Concepts and Beliefs* (Cambridge, Mass.: Harvard University Press, 1975), 242-254; M. Weinfeld, "Feticide: The Position of the Jewish Tradition Compared with the Positions of Other Cultures," in *Jewish Biomedical Law* (JLAS 15; ed. D.B. Sinclair; Binghamton, N.Y.: Binghamton University Press, 2005), 19-35; cf. Ch. Albeck, *ששה סדרי משנה: סדר קרישים* (Jerusalem: Mosad Bialik, 1988), 377 n. 8 [Heb.].

³ As Sussmann indicates, "with the discovery and publication of all of these hidden scrolls, the time has now come to again examine in a factual, detailed and systematic manner, one by one, the proposals and ideas of several of the great scholars (e.g., Geiger and Schechter from the pre-Tannaitic field, and Poznanski from the Qaraite) which were mostly rejected in their own time without objective consideration in their own right nor with regard to their subject matter" (Y. Sussmann, "חקר תולדות ההלכה ומגילות מדבר-יהודה," 18, n. 18).

- 37 [... ... And concerning] eating (a fetus): we are of the opinion that the fetus
- 38 [found in its (dead) mother's womb may be eaten (only) after it has been ritually slaughtered. And you know that it is] so, namely that the ruling refers (to) a pregnant animal

Given the fragmentary state of the text, much remains uncertain in this construal. Perhaps most problematic, however, is the concluding phrase, **והדבר כתוב עברה**, which the editors render "namely that the ruling refers (to) a pregnant animal." While it is clear that, in the idiom of MMT, **כתוב** does not require a *verbatim* citation to follow,⁴ this particular case presents a serious syntactic difficulty given the apparent absence of any scriptural lemma **עברה**. Since this concluding line is supposed to provide decisive support for the opinions just discussed, and since the immediately preceding lines clearly refer to Lev 22:27-29, the term **עברה** has been understood by Qimron and Strugnell, as well as most subsequent interpreters, as referring to a "pregnant female" (**עֲבֵרָה** in RH): "The syntax is awkward, but the halakhah surely concerns pregnant animals."⁵ M.

⁴ Qimron's assertion that the word **כתוב** "never introduces biblical verses" in MMT (*DJD* X, 140) was aptly qualified by M.J. Bernstein: "That **כתוב** need not introduce a quotation in 4QMMT is clear; whether it can is another issue" ("The Employment and Interpretation of Scripture in 4QMMT," in *Reading 4QMMT: New Perspectives on Qumran Law and History* [SBLSS 2; eds. J. Kampen and M.J. Bernstein; Atlanta: Scholars Press, 1996], 29-51, at 39 n. 23). It was firmly rejected, however, by G. Brooke: "This statement is difficult to comprehend, since ... nearly all the phrases which follow **כתוב** can be identified as citations of scripture, even if in somewhat adjusted forms" (G. Brooke, "The Explicit Presentation of Scripture in 4QMMT," in *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge 1995* [ed. M. Bernstein; Leiden: Brill, 1997], 67-88, at 70-71). "All in all we have what appear to be several clear explicit quotations of scripture. Some of these have undergone minor exegetical changes: abbreviation, reordering, idiomatic adjustment, harmonistic expansion, and avoidance of the divine name" (*ibid.*, 79).

⁵ Qimron and Strugnell, *DJD* X, 98; cf. 50 n. 38; 158 n. 117. Regarding this vocalization and the alternate form **עוברת**, see Y. Kutscher, "נוספות למדור המילוני," in *Archive of the New Dictionary of Rabbinical Literature*, Vol. 1 (Ramat-Gan: Bar-Ilan University, 1972), 83-89, at 84, with reference to Ch. Yalon (**מבוא לניקוד המשנה**) [Jerusalem: Mosad Bialik, 1964], 85-87 [Heb.]. The form **עברה** also seems to appear

Kister, on the other hand, rightly objected to this translation, arguing that the syntactical difficulties involved in such a reading are so great as to tip the scales in favor of an alternative understanding. He suggested instead that the term be understood as “sin” (עֲבֵרָה in RH): “It is written that this matter (i.e. the matter which the author was just discussing) is sin.”⁶ While Kister’s reading is preferable syntactically, both interpretations encounter the same difficulty. Since the term עֲבֵרָה does not occur at all in the Masoretic Pentateuch in either sense—neither as “pregnancy” nor as “transgression”—the problem remains: in either understanding, the quotative כְּתוּב must be awkwardly construed as introducing a general comment on (or deduction from) the scriptural text, and not the written wording itself.⁷

in 4Q270 (discussed below), though see also עֲבֹרָתָמָה in 4Q418 (Instruction^d) 211:3, which Strugnell and Harrington (*DJD* XXXIV) understand as “in all their pregnancy.”

⁶ M. Kister, “עיונים במגילת מקצת מעשי התורה ועולמה: הלכה, תאולוגיה, לשון ולוח,” *Tarbiz* 68 (1999): 317-371, at 358 n. 194 [Heb.]. In light of the broader argument put forward below, I would add further that this formulation can be contrasted with that of *Mek. Kaspā* 20 (Horowitz-Rabin 337-38): “בשר בחלב שנעברה בו עבירה” “meat with milk, in the preparation of which is transgression.” Qimron-Strugnell also mention the possibility of עֲבֵרָה here, but deem it “less probable” since “the word is not attested either in QH or in BH” (*DJD* X, 157 n. 114).

⁷ E.g., G. Brooke (“Explicit Presentation of Scripture,” 73): “We are not dealing here with a scriptural quotation but some kind of summary reference to the halakhic matters discussed in the previous lines.” A. Yadin agrees that the citation is “patently non-biblical,” but he argues that “the problem of *katuv* introducing non-biblical statements is more apparent than real, at least as far as the Rabbi Ishmael midrashim are concerned, since they *never* introduce biblical citations by *ha-katuv* (or HA-KATUV)” (*Scripture as Logos*, 161). Rather, הכתוב “clarifies the status or identity of an ambiguous biblical subject” (*ibid.*). This is a very important point of comparison. However, the formula that Yadin cites as parallel in function is syntactically quite different from MMT B 38. In the phrase “HA-KATUV speaks regarding” (הכתוב מדבר ב’/מ’), HA-KATUV is the grammatical subject of a predication (מדבר) which is modified by a prepositional phrase that *necessarily precludes* any direct citation in what follows. In MMT, on the other hand, the word כְּתוּב functions in every case either *as*, or *as part of*, a quotative frame. The fact that what follows does not precisely match the formulation of מִן is a separate issue. Scripture

All interpretations of 4QMMT B 38 put forward thus far have assumed that the biblical text under discussion is strictly Lev 22:27-29. However, it has yet to be considered that the reading עברה actually does occur in the text of the Samaritan Pentateuch (ש), and, indeed, within an expansion on the prohibition against seething a kid in its mother's milk—a passage often understood in antiquity as standing in close conceptual relationship to Lev 22:27-29.⁸ It is therefore a distinct possibility that the problematic reading in 4QMMT in fact represents a citation of this text. This initial possibility becomes a strong probability when considered in light of a detailed analysis of the Samaritan expansion itself, and against the background of a variety of supporting witnesses. As will be seen, comparative consideration of these two notoriously difficult readings results in their mutual illumination, while also suggesting broad implications for the interrelated histories of early Judaism, biblical interpretation, and textual transmission in antiquity.

2.0 Seething a Kid in its Mother's Milk and the Expansion in Exod 23:19ש

In spite of its three-fold repetition in the Pentateuch (Exod 23:19; 34:26; Deut 14:21), the original intent and background of the prohibition against "seething a kid in its mother's milk" remain remarkably obscure. Several relatively recent essays have discussed in detail the philological and legal ambiguities inherent in the formulation, along with the diverse solutions that have been offered throughout the history of interpretation.⁹ But, as

speaking *about* something is crucially dissimilar, both structurally and conceptually, to "the matter is written: x." The one is an exegetical comment on a text; the other, a citation formula appealing to a specific textual formulation in support of an argument. Strugnell and Qimron are sensitive to this problem and are therefore forced to surmise that an original כתוב בעברה "written regarding a pregnant animal" was corrupted via haplography (51 n. 38).

⁸ Exod 23:19, Lev 22:28-31, and Deut 22:6-7 all pertain to the treatment of a mother (אם) in relation to her young.

⁹ M. Haran, "Seething a Kid in its Mother's Milk," *JSJ* 39 (1979): 23-35; O. Keel, *Das Böcklein in der Milch seiner Mutter und Verwandtes: Im Lichte eines altorientalischen Bildmotivs* (OBO 33; Göttingen: Universitätsverlag Freiburg

difficult as the law may be, the cryptic expansion to Exod 23:19 in the Samaritan Pentateuch has proven still more resistant to solution.¹⁰ As M. Haran summarized, "Scholars have already been hard put [...] to explain this matter and no satisfactory solution has so far been put forward."¹¹ The passage, in its various versions, reads as follows:¹²

Schweiz/Vandenhoeck & Ruprecht, 1980); idem, "'Du wirst das Böcklein nicht in der Milch seiner Mutter kochen.' Die wechselvolle Geschichte der Auslegung eines alttestamentlichen Gebotes," *Orientierung* 45 (1981): 45-48; C. J. Labuschange, "'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. Studies in Honor of A.S. van der Woude, on the Occasion of his 65th Birthday* (VTSupp 49; eds. F. García Martínez et al.; Leiden: Brill, 1992), 6-17; J. Milgrom, "'You Shall Not Boil a Kid in Its Mother's Milk': An Archaeological Myth Destroyed," *BR* 1 (1985): 47-55; idem, *Leviticus 1-16* (AB 3A; New York: Doubleday, 1991), 737-742; J. M. Sasson, "Ritual Wisdom? On 'Seething a Kid in its Mother's Milk'," in *Kein Land für sich allein. Studien zum Kulturkontakt in Kanaan, Israel/Palästina und Ebir-nâri für Manfred Weippert zum 65. Geburtstag* (OBO 186; eds. U. Hübner and E.A. Knauf; Göttingen: Universitätsverlag Freiburg Schweiz/Vandenhoeck & Ruprecht, 2002), 294-308.

¹⁰ Z. Frankel, *Ueber den Einfluss der palästinischen Exegese auf die alexandrinische Hermeneutik* (Leipzig: J.A. Barth, 1851), 239 refers to the clause as "den wegen seines sehr dunklen Sinnes bemerkenswerthen Zusatz"; A. Geiger: "Der Zusatz ... ist sehr unklar" (ZDMG 20 [1886], 553); D.Z. Hoffmann, *Das Buch Deuteronomium* (Berlin: M. Poppelauer, 1913-1922), 204: "Merkwürdig ist der Zusatz..."; M. Haran too calls the expansion a "strange fact" ("Seething a Kid," 33 n. 28), while J. Sasson simply notes that it is "awkward" ("Ritual Wisdom," 296).

¹¹ He concludes that he too is "practically empty-handed in this matter" (ibid., 33 n. 28).

¹² Since the versions have played an important role in all scholarly attempts to understand the passage, these are also presented here. Readings are cited according to the following editions: *ⲙ*: A. Tal, *The Samaritan Pentateuch: Edited according to MS 6 (C) of the Shekhem Synagogue* (TSHLRS 7; Tel-Aviv: Chaim Rosenberg School/Tel-Aviv University, 1994); *ⲙ*^{OT}: Z. Ben-Hayyim, *The Literary and Oral Tradition of Hebrew and Aramaic amongst the Samaritans* (5 vols.; Jerusalem: The Bialik Institute and the Academy of the Hebrew Language, 1957-77); ST: A. Tal, *The Samaritan Targum of the Pentateuch: A Critical Edition* (3 vols.; TSHLRS 4; Tel-Aviv: Chaim Rosenberg School/Tel-Aviv University, 1980); *Ⲅ*: J.W. Wevers, *Deuteronomium* (Septuaginta: Vetus Testamentum Graecum Auctoritate Academiae Scientiarum Gottingensis editum. Vol. III, 2. Göttingen: Vandenhoeck & Ruprecht, 1977), and *Exodus* (vol. II, 1, 1991).

ⲙ

לֹא תִבְשֹׁל גְּדִי בְחֵלֶב אִמּוֹ

ⲙ
ⲙ^{OT} לא תבשל גדי בחלב אמו כי עשה זאת כזבח שכח ועברה היא לאלהי יעקב
lā tēbaššēl gādi bālāb immu kī ʿāši zēʾot kâzēba šāka (= כִּזְבַּח שָׁכַח)
wābārā (= וַעֲבָרָה) i lēluwwi yā:qob
"You shall not boil a kid in its mother's milk, for doing this is like
forgetting a sacrifice, and it is enagement to the God of Jacob."

ST¹ לא תבשל גדי בחלב אמה הלא עבד דה כדבכ אנשהו ומרגזה היא לאלהי יעקב
"You shall not boil a kid in its mother's milk, for doing this is like
forgetting a sacrifice, and it is enagement to the God of Jacob."¹³

¹³ Though the form אנשהו might be construed as an inf. abs. נִשִּׁי "to forget" (on the highly irregular forms of the inf. in SA, see R. Macuch, *Grammatik des samaritanischen Aramäisch* [Berlin: W. de Gruyter, 1982], 151-152, and 209-210 for III-weak verbs in particular), according to Tal (*A Dictionary of Samaritan Aramaic* [2 vols.; HdO 50.1/2; Leiden: Brill, 2000], 2:550), it is a feminine noun with two senses: (1) "forgetting" (as in Deut 8:19 אם אנשהו תתנשי = אם שָׁכַח הַשֶּׁכַּח = in ST [cf. אם אתנשאה תתנשי ט^O]); or (2) "contempt," citing only the reading of the present passage, Exod 23:19: כדבכ אנשהו. He appears to assign this latter, otherwise unattested sense "contempt" on the basis of the alternate reading in MS A, שחי, which he in turn derives from שוח based on Ben-Hayyim's opinion in LOT 2:593 (Tal, *DSA*, 2:877 שוח¹—though Ben-Hayyim himself is uncertain whether the word should be related to the root in the sense of "corruption, destruction" [השחתה, קלקול] or in the sense of "lack of knowledge, concealing" [העלמה]). Tal offers the same gloss for both texts (כדבכ שחי and כדבכ אנשהו): "whoever does this is like (one who) offers a sacrifice of contempt." However, his treatment of both of these terms seems problematic. As for אנשהו, it is not clear why the reading of MS A should determine the meaning of the linguistically earlier MS J. Indeed, it is difficult to accept that אנשהו means "contempt" rather than the attested meaning "forgetting," "something forgotten" when here too it stands as a translation of שכח (and cf. Abu Said's Arab. translation of ST quoted by Geiger [*ZDMG* 20:556]). As for שחי, on the other hand, it is difficult to discern any semantic bridge between the Hebrew text שכח and שוח "contempt" in ST¹. Yet the reading שחי makes excellent sense here when understood in light of the more frequent שחי/שחי "to delay," "to tarry" (Tal, *DSA*, 2:875; cf. Sokoloff *DJPA* 538-9; *DJBA* 1114). In particular, compare ST Exod 22:28: לא תשא = לא תאחר (cf. ט^{P-J} לא תשא; ט^N לא תשהן). This latter example is particularly significant since, like the first

ST^A לא תבשל גדיה בתרב אמה הלא עבד דה כרבח שחי ורגזה היא לאלהה דיעקב
 “You shall not boil a kid in *the fat* (= בִּחְלֵב)¹⁴ of its mother, for doing this is like *delaying* a sacrifice, and it is enragement to the God of Jacob.”

ⲓⲥ⁵⁸⁻⁷⁶⁷ οὐχ ἐψήσεις ἄρνα ἐν γάλακτι μητρὸς αὐτοῦ ὅτι ὁ ποιῶν τοιαύτην
 θυσίαν μῖσος καὶ παράβασίς ἐστὶν τῷ Θεῷ Ιακωβ
 “You shall not boil a lamb in its mother’s milk, for the one who makes such a sacrifice¹⁵ is *something hated* and a transgression to the God of Jacob”

Deut 14:21(20ⲉ)

ⲓⲥ^{mss} οὐχ ἐψήσεις ἄρνα ἐν γάλακτι μητρὸς αὐτοῦ ὅς γὰρ ποιεῖ τοῦτο
 ὥσει θύσει ἀσπάλακα μήνιμά ἐστὶν τῷ Θεῷ Ιακωβ
 “You shall not boil a lamb in its mother’s milk, for whoever does this is as if he should sacrifice a *blind rat*; it is enragement¹⁶ to the God of Jacob.”

half of Exod 23:19 and 34:26, this verse concerns the offering of firstfruits. Such an understanding of שחי also makes exegetical sense in connection with a base text שכח (=אנשהו): the difficult *forgotten* sacrifice is interpreted to mean a *neglected* or *delayed* sacrifice. This would reflect a similar interpretation to that known from Karaite sources, namely that בשל in this verse means “to ripen,” i.e. “to grow, to raise,” and thus לא תבשל here means do not leave a kid to grow up, i.e. do not delay “but bring him forthwith to the House of God [to be sacrificed] as the first-born [of its mother]. This is thus parallel to the preceding ‘the choicest first-fruits.’ ...This should be done on the eighth day after birth” (Al-Qirqisānī, summarizing the view of Benjamin al-Nahāwandī [9th cent.]); *trans.* Nemoy, 225 (see n. 55 below); cf. Haran, “Seething a Kid,” 28. In short, it makes most sense to regard ST^A and ST^I as meaning “forgetting” and “delaying”, respectively, and not “contempt.”

¹⁴ For discussion of this vocalization in a broader exegetical/historical context, see R. Heckl “*Helæb* oder *hālāb*? Ein möglicher Einfluss der frühjüdischen Halacha auf die Vokalisation des MT in Ex 23,19b; Ex 34,26b; Dtn 14,21b,” *ZAH* 14 (2001): 144-158, and Sasson, “Ritual Wisdom?”

¹⁵ Var. *pl.* τοιαύτας θυσίας.

2.1 "For the one who does this is כֹּזֶבֶת שִׁכַּח."

The primary difficulty for assessing the meaning and significance of the plus preserved in \mathfrak{u} lies in the word שִׁכַּח. If understood according to the ordinary Hebrew semantics of שִׁכַּח, the phrase כֹּזֶבֶת שִׁכַּח would seem to yield "like one who sacrifices *something forgotten*" (כֹּזֶבֶת שִׁכַּח, the latter being an unattested nominal form), or "like forgetting a sacrifice" (כֹּזֶבֶת שִׁכַּח). This is how the verse has been construed in the Samaritan oral tradition and the Samaritan Targum MS J.

Some modern interpreters have attempted to explain how such an obscure notion might be meaningful here. J.H. Hottinger, for example, suggested that this is a reference to *the forgotten sheaf* of Deut 24:19-21 // Lev 19:9-10; 23:22.¹⁷ Thus, שִׁכַּח would be equivalent to the technical term שִׁכַּח (= עומר שִׁכַּח) in rabbinic discussion. Clever though it is, this solution makes little sense in light of the context: "like one who *sacrifices* (זבח) the forgotten sheaf"? In R. Kittel's thinking, שִׁכַּח "something forgotten" suggested something that is of little worth or loathsome, and from this he drew the conclusion that "שִׁכַּח is nothing other than a euphemism for שִׁקָּץ 'abomination'."¹⁸ Kittel's associative logic here is difficult to follow, and it is not at all clear why שִׁקָּץ would require such a highly ambiguous circumlocution. D. Daube, on the other hand, regarded the Greek rendering ἀσπάλακα as "not very plausible," and suggested that the Hebrew phrase means, "whoever infringes the law is like one sacrificing a 'forgotten' sacrifice, i.e., a sacrifice usual in the past but long since rejected."¹⁹ In this,

¹⁶ Note the lack of representation of *waw*. This appears to undergo secondary alteration in Greek transmission: "...because it is defilement (ὅτι μίαισμα ἐστίν) to the God of Jacob" (= *lectio facilior*).

¹⁷ J.H. Hottinger, *Exercitationes Anti-Morinianae: De Pentateucho Samaritano, ejusque uidentia authentia: oppositae canonicae ejusdem authentiai* J. Morino (Zurich: J. J. Bodmer, 1644), 89.

¹⁸ R. Kittel, "Das Böcklein in der Milch der Mutter," ZAW 33 (1913): 153-154, at 154.

¹⁹ D. Daube, "A Note on a Jewish Dietary Law," JThS 37 (1936): 289-291, at 291; cf. idem, "Zur frühaltmudischen Rechtspraxis," ZAW 50 (1932): 148-159, at 158 n. 24.

he sees support for his conjecture that “in early times” nomads would not sacrifice animals, but offered up milk alone. In the history of Israelite religion, during the transition to bloody sacrifice, vestiges of the older milk offering were also preserved, Daube hypothesized. Against such a supposed background, the command not to seethe a kid in its mother’s milk “is a demand to do away with the remnants of milk-offering and present a purely living sacrifice.”²⁰ Daube left open the possibility that the words of the ω plus are authentic, and suggested that “the Jews may have eliminated them as inappropriate in a rule for food” (291). Such implausible and unfounded speculation as to the meaning of the text and its authenticity is eloquent testimony to the difficulty of the ω reading as it stands, but not its likely solution.²¹

Others have deemed שִׁכַּח as “something forgotten” to be nonsense here,²² and have therefore attempted to resolve the problem through comparative philology, textual emendation, or some combination of both. Z. Frankel, for example, argued that, whereas the ST (as typical) misunderstood ω , the addition is interpreted correctly by the “Sam.-Gk. version” attested at Exod 23:19 (μῖσος καὶ παράβασίς ἐστί).²³ According to Frankel, שִׁכַּח actually represents שִׁקַּע, which he argued is cognate with an Arabic root meaning “weariness,” “disgust,” “outrage” (*taedium, molestia, ira*), which in turn accounts for the rendering μῖσος. While this solution for the difficult word שִׁכַּח is mechanically plausible given Samaritan scribal habits, it fails to convince on the verse level. It requires an awkward syntactical construal, while shedding little light on the origin and purpose of the expansion.

There have been many, similarly unconvincing, attempts, both before and after Frankel, to explain שִׁכַּח by means of some kind of text-corrective

²⁰ Ibid., 289.

²¹ Cf. Labuschagne, “A New Proposal,” 11; Keel, *Das Böcklein*, 14, 35.

²² Geiger: “Das ist ganz unsinnig, die Uebersetzer hatten sicher selbst vergessen, was die ursprüngliche Bedeutung des Wortes und ganzen Satzes ist” (ZDMG 20 [1866], 556); Frankel: “sinnlos” (*Einfluss*, 239).

²³ Frankel, *Einfluss*, 239.

procedure. Thus, A. Knobel²⁴ suggested either reading כחש, which he (somehow) interpreted "according to Sam. Aram. כששתא²⁵ and Syr. ܚܫܬܬܐ (weasel, polecat), or instead reading שקק on the basis of Isa 66:17.²⁶ M. Heidenheim declared Frankel's assessment "durchaus falsch," then proceeded to argue that the Greek variant at Exod 23:19 actually represents not Sam.-Gk. but authentic LXX (OG). Furthermore, he claimed that both מ and the ST are exact and correct "translations" of ὁ's μῖσος, except that the original rendering שנה (understood as equivalent to שנא) was corrupted to שכח in all known מ MSS on account of the common confusion of nun and kaph in Samaritan script.²⁷ In his vigorous critique of Heidenheim's work, S. Kohn rightly questioned what the actual purpose of the addition would be, supposing this reading were correct.²⁸ Furthermore, it remains very unclear how the putative Hebrew phrase כזבח שנא could be construed in a meaningful way here.²⁹

A. Geiger offered a more sophisticated and compelling solution, arguing that שכח should be understood here in the Aramaic sense, "to find," "be found."³⁰ In the present context, he argued, this designates an animal

²⁴ A. Knobel, *Die Bücher Exodus und Leviticus* (KeH; Leipzig: S. Hirzel, 1857).

²⁵ = כוששה, the ST translation of תנשמה in Lev 11:30; cf. Tal, *DSA* 1:384.

²⁶ אכלי בשר החזיר והשקק והעכבר; cf. also Isa 66:3 in relation to the structure of the plus in מ: שוחט השור מכה-איש זובח השעה ערף כלב מעלה מנחה דם-חזיר מוכיר לבנה מברך און. Knobel was preceded in the first suggestion by Bochart (*Hierozoicon* [1692], 1.639), who rendered כחש *macrum* "something lean, emaciated." M. Kalisch also suggested reading "a reptile" ("ל. שקק or שרץ"), without reference to Knobel (*Leviticus* [London: Longmans, Green, Reader, and Dyer, 1867/1872] 2:30-31). Cf. J. Spencer (*De Legibus Hebraeorum Ritualibus*, 1685): *rem abominandam*.

²⁷ "Sowohl der heb.-sam. Text, sowie die V.S. [=ST] haben richtig übersetzt. Sie geben genau μῖσος wieder, nur ist שכח eine sinnentstellende Leseart, die sich in allen bis jetzt bekannten MSS. findet" (*Biblioteca Samaritana: Texte aus Samaria und Studien zum Samaritanismus* [Leipzig and Weimar: Schulze, 1884-96; repr. Amsterdam: Philo, 1971], 1:XLVI).

²⁸ S. Kohn, "Zur neuesten Litteratur über die Samaritaner," *ZDMG* 39 (1885): 165-226, at 177-8.

²⁹ *Ibid.*, 177.

³⁰ A. Geiger, *ZDMG* 20 (1866), 551-557; *idem*, *Nachgelassene Schriften*, Vol. IV (ed. L. Geiger; Berlin: Louis Gerschel, 1876) 66, 126. For another remarkable case of an

“found” in its mother’s womb. He therefore glossed the verse, “For whoever does this is as if he slaughtered something found (i.e., a child found in a dead or slaughtered mother) and it is a sin to the God of Jacob.”³¹ Though he does not explicitly appeal to it, this solution finds striking support in the language pertaining to *finding* (מצא) a fetus within its slaughtered *mother* (אמו) precisely at *m. Hul.* 4:5:

השוחט את הבהמה ומצא בה בן שמנה חי או מת או בן תשעה מת קורעו ומוציא את דמו
מצא בן תשעה חי טעון שחיטה וחייב באותו ואת בנו, דברי רבי מאיר. וחכמים אומרים
שחיטת אמו מטהרתו:

If someone slaughtered an animal and found inside it an eight month old (fetus)—whether living or dead—, or a dead nine month old (fetus), he should tear it asunder and drain its blood. If he found a living nine month old (fetus), it must be slaughtered, and he is culpable under the law of “it and its young” (Lev 22:28). So R. Meir. But the Sages say: The slaughtering of its mother renders it clean.

Geiger surmised that the phrase *לא תבשל גרי בחלב אמו* was understood early on as prohibiting premature slaughter of young. The purpose of the expansion was therefore to indicate that slaughtering an animal too early

Aramaizing lexical item occurring in a legal variant-expansion (at Exod 22:4^u 4Q158), see A. Toeg, “סוגיית המבעה-הנוסח והדין בראי העדיות הקדומות,” *Tarbiz* 39/3 (1970): 223-231; 39/4 (1970): 419, esp. 224 [Heb.]. The influence of Aramaic on various forms of late Second Temple Hebrew as well as its impact on the transmission of the biblical text remains indisputable, even if overestimated by Geiger. See Z. Ben-Hayyim, *A Grammar of Samaritan Hebrew Based on the Recitation of the Law in Comparison with the Tiberian and Other Jewish Traditions* (revised English ed.; Jerusalem/Winona Lake, Ind.: Magnes /Eisenbrauns, 2000), 340-342; E. Y. Kutscher, *A History of the Hebrew Language* (ed. R. Kutscher; Jerusalem: Magnes, 1982), 104-106, 108-111; 119-120; idem, *The Language and Linguistic Background of the Isaiah Scroll (1QIsa^a)* (STDJ 6; 2nd ed.; Leiden: Brill, 1974 [Heb. original 1959]), 1-95 (esp. 23-39); 187-215; 566-567 (*et passim*); A. Sáenz-Badillos, *A History of the Hebrew Language* (trans. J. Elwolde; Cambridge: Cambridge University Press, 1993), 114-116, 134-135, 162-164 (*et passim*); E. Qimron, *The Hebrew of the Dead Sea Scrolls* (HSM 29; Atlanta: Scholars Press, 1986), 116-118.

³¹ *Nachgelassene Schriften*, IV: 66.

("while still enjoying its mother's milk") is tantamount to sacrificing an unborn animal, explicitly designating both "sin."³²

Geiger also thought that this same understanding was expressed in the Sam.-Gk. addition at Deut 14:21, which renders שֶׁכַּח as ὀσπάλακα (an unseeing animal; *mole, blind rat*); the translator, he reckoned, intended this in a "general" sense to indicate a creature deprived of vision, i.e. a fetus. In support of this initially surprising claim, he points to the fact that the characteristic feature of a fetus (נֶפֶל), whenever it is mentioned in scripture, is not having seen the sun (Ps 58:9; Job 3:16; Eccl 6:3-5). Moreover, he argues that the term אֶשֶׁת, which is juxtaposed with נֶפֶל in the difficult Ps 58:9 (נֶפֶל אֶשֶׁת בֶּל חֲזוֹ שָׁמֶשׁ), is correctly interpreted in traditional sources (T and BT) as אֶשֶׁת "mole" – an explanation still accepted by modern lexicographers.³³ "Accordingly," he concludes, "אֶשֶׁת, exactly like the Greek ὀσπάλαξ, is a designation for a child still lacking the ability to see and not for an actual mole."³⁴ The term μῆσος is a much looser translation representing a further "generalization" from this same perspective.

³² ZDMG 20 (1866) 556 (cf. *Nachgelassene Schriften* IV:66). The interpretation that בְּחֵלֶב אִמּוֹ was originally intended as a temporal clause ("while it is still a suckling") continued to find modern advocates such as S. Fararès, "לא תבשל גדי בחלב אמו" (Exode xxiii, 19; xxxiv, 26; Deut xii, 21). Une erreur de traduction dans la Bible," in *Extrait de la Revue de Linguistique* (Paris: Librairie Fischbacher, 1911), and the sequel *L'erreur de traduction prouvée par le mot בשל* (Paris: Durlacher, 1912), as well as E. König (*Das Deuteronomium* [KAT 3; Leipzig: Werner Scholl, 1917], 127). One may disagree with Haran that this interpretation is "entirely untenable" from a linguistic standpoint ("Seething a Kid," 27), but the obvious legal difficulty remains that sucklings eight days or older are explicitly declared acceptable for offering in biblical law (Exod 22:29; Lev 22:27; cf. 1 Sam 7:9). Thus, בְּחֵלֶב אִמּוֹ could not mean "while still a suckling" in the ordinary sense of the word and still be consistent with these other verses; it would have to designate a more limited period of time, i.e. the newborn period of seven days or less. This appears to be Geiger's solution.

³³ E.g. HALOT 94. T-Ps: חֲמוֹן שֶׁמֶשׁ; b. *Mo'ed Qat.* 6b: הֵיךְ נִפְּלָא וְאִשְׁתָּא דִּי סְמִיין וְלֹא חֲמוֹן שֶׁמֶשׁ. Cf. also B. Jacob, "פ' 58,9" ZAW 18 (1898): 292; 19 (1899): 164 and 351-52; F. Delitzsch, *Psalms*, 2:183; K. Seybold, "Psalm LVIII. Ein Lösungsversuch," VT 30 (1980): 53-66 [59-60].

³⁴ Geiger, ZDMG 20 (1866), 556.

In sum, according to Geiger, שכח (as “something found”) is a designation for a fetus, and this understanding underlies both the translation ἀσπάλαξ “mole” (i.e. unseeing creature), and the more general μῖσος “hateful thing.” It should be emphasized, however, that the validity of his position on שכח is not dependant on this explanation of the Sam.-Gk. traditions.³⁵

2.2 “...and it is עברה to the God of Jacob”

Besides the problematic שכח, an additional interpretive difficulty is presented by the term עברה, which is construed by some witnesses as “anger, rage” (עברה = 𐤒𐤁𐤁𐤂𐤁𐤁 = 𐤒𐤁𐤁𐤂𐤁𐤁; ST^J מרגזה; ST^A רגזה; Sam.-Gk.^{Dt 14:20} μῆνιμα) and by others as “sin, transgression” (עברה = Sam.-Gk.^{Exod 23:19} παράβασις). Frankel and Geiger each rejected the former and insisted that the latter is the correct option here; but it should nonetheless be recognized that both readings possess a certain contextual logic. (On the deliberate

³⁵ One of the key assumptions of all interpreters has been that ἀσπάλαξ relates more or less directly to the Heb. שכח or a textual variant thereof. However, we do not know that this is necessarily the case. In the book of Leviticus, for example, Wevers (with the assistance of D. Fraenkel) was able to trace 74 cases of non-Septuagintal readings attested in Catena-MSS and in Codex M marginalia directly to Sam^{Aram} (i.e. the ST of Petermann’s edition; Wevers, *Leviticus*, 31). A different situation obtains with these readings in Exodus (cf. Wevers, *Exodus*, 45: “Anders als in Lev ergeben sich keine Bezüge zwischen dem samaritanischen Targum und der anonymen Notenüberlieferung in M”), but a similar investigation has apparently not yet been carried out for Deut. It is possible that this Sam.-Gk. reading preserved at Deut 14:21(20) (in Catena-MSS and as an M-marginal note) relates to Sam^{Aram} rather than the Hebrew 𐤒. Given these circumstances, the graphic similarity between the reading of ST^J here (אנשהו) and the Aram. equivalent to ἀσπάλαξ, אשו/אשות, is suspicious (cf. Lev 11:30: 𐤒𐤕𐤔𐤕𐤕𐤕; 𐤒 ἀσπάλαξ; 𐤕𐤕𐤕𐤕 אשות). Could this be evidence that the Sam.-Gk. marginal reading in Deut 14:20 relates to Sam^{Aram} rather than 𐤒? Note that, contrary to translation at Exod 23 which renders עברה as παράβασις, the Deut 14 translation reads μῆνιμα, which also happens to correspond to Sam^{Aram} רגזה/מרגזה. On the complex issues involved, note Wevers’s comment regarding “die noch weithin ungelösten Probleme im Zusammenhang der speziellen überlieferungsgeschichtlichen Bedingungen, denen die Nicht-LXX-Lesarten unterlagen” (*Leviticus*, 31).

exploitation of the polysemic root עב"ר in a similar context, see further 4Q270 and the targumic/rabbinic traditions to be discussed below.)

2.3 Summary: The Meaning and Function of the Expansion

Given the diversity of explanations put forward, one can hardly designate a “consensus position” on the meaning and function of this supplement. It remains true, nonetheless, that the majority of modern exegetes have interpreted the addition as having been intended to compare ‘seething a kid in its mother’s milk’ to the sacrifice of an unclean, detestable animal – both being utmost abhorrent practices. This interpretation has been heavily influenced by the Gk. marginal reading ἀσπάλαξ (an unclean animal in Lev 11:30), understood in association with the conceptual parallels in Isa 66:3, 17. Furthermore, the comment that such behavior is an “outrage” or “sin” specifically *to the God of Jacob* has been widely interpreted in relation to the (once popular but now largely discredited) idea that seething a kid in its mother’s milk denotes a pagan ritual practice.³⁶ Thus, on this view, the purpose of the addition was essentially to clarify the biblical verse by

³⁶ “Die Vergleichung der Uebertretung mit dem Opfern eines unreinen Tiers, eines Greuels (Lev 11, 29), für welchen sonst der Hund genannt wird (Jes. 66,3), und die Bezeichnung *Gott Jacobs* lehren, dass es sich um einen heidnischen Religionsgebrauch handelt, der von Jehova fern bleiben soll” (Knobel, *Exodus und Leviticus*, 236-37); “Das Gebot hätte ... eine religiösen Hintergrund: ein Zusatz im Sam... bezeichnet solchen Brauch als Gräuel” (Dillmann, *Die Bücher Exodus und Leviticus* [KeH; Leipzig: S. Hirzel, 1880²], 280); “Ein Zusatz im Sa. ... stellt den Brauch ganz richtig mit den Opferung eines unreinen Tieres” (Baentsch, *Exodus-Leviticus-Numeri* [HKAT; Göttingen: Vandenhoeck & Ruprecht, 1903], 209); “Zusätzlichen Anlass, Ex 23,19 Par. als Ablehnung einer heidnischen Kultsitte zu verstehen, gab ein Zusatz zu Ex 23,19 im Samaritanischen Pentateuch” (Keel, *Das Böcklein*, 33-34). On the cultic interpretation of the biblical verse in the history of scholarship, see Haran, “Seething a Kid,” 23-27; O. Keel, *Böcklein*, 28-40; and most recently M. Smith, *The Rituals and Myths of the Feast of the Goodly Gods of KTU/CAT 1.23: Royal Constructions of Opposition, Intersection, Integration, and Domination* (Atlanta: Society of Biblical Literature, 2006), 52-56; 155-58 and the literature cited there.

But this explanation encounters major difficulties. As seen above, one must resort to unconvincing exegetical or comparative-philological association, or otherwise to textual alteration to make the word שכה mean anything approaching the required sense of ‘something detestable’ (let alone specifically “mole”). The unanimous testimony of the Samaritan tradition here remains inexplicable except as an accidental corruption of something else (e.g., שקע or שקץ). While theoretically possible, the argument as a whole is unpersuasive. Moreover, the unusual reference to “the God of Jacob” (which elsewhere occurs primarily in poetic texts) need not react against pagan ritual at all, since its presence makes excellent sense when understood in light of the literary setting of Deut 14:21:³⁷

From this observation, one might argue that the phrase *לא היה יעקב* was intended to serve as a syntactic counterpart to *יהיה אלהים*, suggesting a text-internal motivation for its inclusion.³⁸ The overall structure of the expansion would then appear to have been modeled on the previous scriptural verse.³⁹ If so, this would indicate that the generative setting of the

³⁹ This structural symmetry and the process of back-formation that created it have significant implications for our understanding of both the *poetics* and the *hermeneutics* of exegetical alteration in Hebrew manuscripts from the Second Temple period. I plan to discuss such implications in detail on another occasion. It is also worth noting the perhaps not entirely different way in which the juxtaposition of the two parts of the verse is seen as semantically relevant in rabbinic interpretation: e.g., *m. Hul.* 8:4 נאמר לא תאכלו כל נבלה ונאמר ר' יוסי הגלילי אומר נאמר לא תבשל גדי בחלב אמר את שאסור משום נבלה אסור לבשל בחלב "R. Jose the Galilean would say, 'it is written *you shall not eat anything that dies of itself*, and in the same verse it is written *you shall not seethe a kid in its mother's milk*; therefore, whatsoever

plus was the parallel in Deut 14:21, in spite of the fact that it is now preserved in Hebrew only at Exod 23:19. Such a conclusion may even receive material support from a fragment of 1QDeut^a, which appears to preserve a trace of the expansion after Deut 14:21.⁴⁰

Over against the anti-pagan interpretation of the addition, A. Geiger’s assessment remains the more attractive, both for its ability to account for the purpose and existence of this obscure textual expansion in its various forms—above all, its Hebrew form—and for its striking agreement with the testimony of other texts from the Judean Desert pertaining to halakhic conflicts regarding pregnancy and the status of a fetus.⁴¹ In Geiger’s interpretation, the supplement functionally bans the premature slaughter or sacrifice of animals, and declares this a transgression. If this understanding is correct, then, as we shall see, it is closely aligned with a legal perspective also represented in the *Temple Scroll*, 4Q270, and, as discussed above, 4QMMT. Moreover, one can discover echoes of such an exegesis preserved in rabbinic interpretation itself.

is prohibited under the law of *nebelah* it is prohibited to cook in milk” (cf. *Mekhilta Kaspā* 20: Horowitz-Rabin, 336).

⁴⁰ According to Barthélemy in *DJD* I (p. 55), frg. 11 reads: בַּחֲלֵב אִמּוֹ בֹּ. But he offers no explanation as to what the consonant בֹּ following “its mother” might indicate. In light of the above discussion, a preferable solution would be to read בַּחֲלֵב אִמּוֹ כִּי עָשָׂה זֹאת וְכוּ (equally permissible from the photographs). These observations would also appear to justify P. Kahle’s assumption that the Greek variant reading at Deut 14:21 is evidence that the addition was once found here in “vulgar” Hebrew MSS of an earlier period: “In ähnlicher Weise bietet z.B. in Exod. xxiii 19 noch einen Zusatz aus dem alten, im Samaritaner erhaltenen Vulgärtext die Handschrift k (58) und denselben Zusatz haben in der Parallelstelle, Deut. xiv 20, eine ganze Gruppe von Handschriften..., trotzdem an dieser Stelle der samaritanische Pentateuch diesen Zusatz nicht mehr hat!” (“Untersuchungen zur Geschichte des Pentateuchtextes,” *TSK* 88 [1915]: 399-439 [= *Opera Minora* (Leiden: Brill, 1956), 3-37, at 18]).

⁴¹ See n. 2 above.

3.0 Comparative Evidence

3.1 11Q19 (11QTemple^a) LII:3 – 7

ולוא תזבח לי שור ושה אשר יהיה בו כול מום רע כי תועבה המה לי ולוא
 תזבח לי שור ושה ועז והמה מלאות כי תועבה המה לי ושור ושה אותו ואת בנו
 לוא תזבח ביום אחד ולוא תכה אם על בנים

And you shall not ⁴sacrifice to me an ox or a sheep in which there is any serious blemish, for they are an abomination ⁵to me. And you shall not sacrifice to me an ox or a sheep or a goat that are pregnant, for they are an abomination to me. ⁶And you shall not kill an ox or a sheep, it and its young, in one day; and you shall not slay the mother ⁷with her young. *vacat* ⁴²

This composite of separate but thematically related scriptural citations is a classic case of interpretive “collocation” or “juxtaposition” on the part of the author of the *Temple Scroll*.⁴³ The verses are cited with only minor textual variations (Deut 17:1 + Lev 22:28; Deut 22:6), with the notable exception of line 5: “And you shall not sacrifice to me an ox or a sheep or a goat *that are pregnant, for they are an abomination to me,*” which is not found in known Pentateuchal texts. Rather, this phrase appears to represent a conceptual deduction from the preceding and following verses, articulated in the terms of Deut 17:1. The purpose of the statement is to make explicit what is (understood by the author to be) implied by these verses: (1) slaughtering pregnant animals is prohibited on the basis of Lev 22:28 and Deut 22:6 (on the assumption that “young” [בנו/בנים] includes within its scope an unborn fetus); (2) for this reason, pregnant animals, like blemished animals, are unacceptable for sacrifice, and their offering constitutes an “abomination” to God.⁴⁴

While this analysis may be accurate, and though the prohibition of pregnant animals may not reflect a specific verse in the same way that the

⁴² The translation reproduced here is that of Y. Yadin’s *editio princeps* (2:232-33).

⁴³ Cf. M.J. Bernstein and S.A. Koyfman, “The Interpretation of Biblical Law in the Dead Sea Scrolls: Forms and Methods,” in *Biblical Interpretation at Qumran* (SDSSRL; ed. M. Henze; Grand Rapids: Eerdmans, 2005), 61-87 at 67-68.

⁴⁴ Y. Yadin offers a slightly different account (*Temple Scroll* 1:312; 2:233).

others do, consider the similarity in form and function to the plus in ω when it is understood along the lines of Geiger's explanation:

לא תבשל גדי בחלב אמו כי עשה זאת כזבח שכתב ועברה היא לאלהי יעקב ω
 ולוא תזבח⁴⁵ לי שור ושה ועז והמה מלאות⁴⁶ כי תועבה המה לי TS

Though TS often clearly reflects readings close to ω and other ancient textual witnesses, determining the precise wording of its scriptural *Vorlage* is complicated by the interpretive liberties taken in its composition.⁴⁷ Whatever the case in the present instance, given the perceived relationship between Lev 22:28, Deut 22:6, and Exod 23:19 (and parallels), the conceptual and formal proximity of these two readings here is highly suggestive.

⁴⁵ On תבשל in relation to תזבח, note the rendering of σ^B at Exod 34:26: οὐ προσοίσεις ἄρνα ἐν γάλακτι μητρὸς αὐτοῦ; on גדי in relation to שור ושה note ἄρην (lamb) in this same reading (and σ at 23:19//Deut 14:21). Cf. *Mek. Kaspā* 20: רבי אומר, נאמר כאן (שמות כג יט) אמו ונאמר להלן (ויקרא כב כז) אמו, מה להלן בשור וכשב ועז הכתוב מדבר, אף כאן בשור וכשב ועז הכתוב מדבר.

⁴⁶ With regard to the relationship between בחלב אמו and והמה מלאות, note that the interpretation of בחלב אמו as meaning "while it is in its mother's womb" is preserved in PRK 10:9 (גדיים עד שהן במעי אימותיהן), a text to be discussed below.

⁴⁷ On the complex problems involved, see: G.J. Brooke, "The Temple Scroll and LXX Exodus 35-40," in *Septuagint, Scrolls, and Cognate Writings* (SBLSCS 33; eds. G.J. Brooke and B. Lindars; Atlanta: Scholars Press, 1995), 81-106; idem, "The Textual Tradition of the Temple Scroll and Recently Published Manuscripts of the Pentateuch," in *The Dead Sea Scrolls: Forty Years of Research* (eds. D. Dimant and U. Rappaport; Leiden: Brill, 1992), 261-282; L.H. Schiffman, "The Septuagint and the Temple Scroll: Shared 'Halakhic' Variants," in *Septuagint, Scrolls, and Cognate Writings*, 277-297; E. Tov, "מגילת המקדש וביקורת נוסח המקרא," in *Archaeological, Historical and Geographical Studies (Harry M. Orlinsky Memorial Volume)* (Erlsr 16; Jerusalem: Israel Exploration Society, 1982), 100-111; J.C. VanderKam, "Questions of Canon Viewed through the Dead Sea Scrolls," in *The Canon Debate* (eds. L.M. McDonald and J.A. Sanders; Peabody, Mass: Hendrickson, 2002), 91-109; idem, "The Wording of Biblical Citations in Some Rewritten Scriptural Works," in *The Bible as Book: The Hebrew Bible and the Judaean Desert Discoveries* (eds. E.D. Herbert and E. Tov; London: The British Library & Oak Knoll, 2002), 41-56; M. Zahn, "New Voices, Ancient Words: The Temple Scroll's Reuse of the Bible," in *Temple and Worship in Biblical Israel: Proceedings of the Oxford Old Testament Seminar* (LHB/OT 422; ed. J. Day; London: T & T Clark, 2005), 435-458.

3.2 4Q270 (4QD^e) 2ii: 15 – 18

Here again, we encounter a text that presumes a ban on slaughtering pregnant animals.⁴⁸

15	את פי אל או ישחט בהמה וחיה עבר[ה או אשר ישכב עם]
16	אשה הרה מקיץ דם [או יקרב א]ל ב[ח] אחיו או ישכב עם זכר
17	משכבי אשה vac עוברי א[ת] ׀ [] וא[ת]
18	בם חקק אל להעביר ב[ח]רון אפו בק[ץ]]

¹⁵ against the word of God, or one who slaughters an animal or a beast which is pregnan[t or one who lies with] ¹⁶ a pregnant woman, causing blood to stir (?) [or approaches] the daughter [of his brother or one who lies with a male] ¹⁷ as with a woman. *vacat* Those who transgress [... ..] ¹⁸ God has ordained, causing his w[rath] to be kindled during the peri[od of iniquity ...]

Of particular interest in relation to the present discussion (both with regard to the plus in ω and the passage in 4QMMT) is the diverse employment of locutions based on עב"ר. Within the same narrow context it appears to designate *pregnancy* (עבר[ה] line 15), *transgression* (עוברי א[ת] ... line 17), and *provoking the wrath of God* (ב[ח]רון אפו line 18). Insofar as the fragmentary text admits, these notions appear to be related within a particular logical sequence: those who slaughter a *pregnant* animal *transgress* against what God has commanded and thereby *provoke his wrath*. The proximity of this outlook or thematic matrix to that reflected in the addition at Exod 23:19 ω and 4QMMT B 36-38 (both of which feature עברה), as well as the passage in the Temple Scroll just discussed, is striking. Seen against this background, it is clear that the "strange" textual expansion preserved in the Samaritan Pentateuch fits perfectly within a broader stream of Second

⁴⁸ J.M. Baumgarten and J.T. Milik, *DJD XVIII* (Oxford: Clarendon, 1999), 144-145. As Baumgarten notes, "The slaughter of the pregnant animal is not specified here to be sacrificial; we may therefore take the transgression to be, not the offering of a blemished sacrifice, but the killing of mother and young simultaneously, as in the *Temple Scroll*" ("Fetal Life and Pregnancy," 447).

Temple exegetical tradition—indeed, it may even be presupposed by such traditions.

3.3 Rabbinic Parallels

Given the many learned opinions discussed above, it is surprising to discover that virtually no attention seems to have been given to the Palestinian Targumim in this connection; all the more so since they too reflect an intriguing interpretive supplement to “you shall not seethe a kid in its mother’s milk”—and indeed, in the exact position of the expansion in *u*.⁴⁹ The first group below represents *לא תבשל גדי בחלב אמו*, and the second group represents an expansion:

עמי בני ישראל לא תבשולן ולא תיכלון בשר בחלב מערבין כחדא ט^N
 עמי עמי בית ישראל לית אתון רשאין לא למבשלא ולא למיכלא בשר וחלב תריהון מערבין כחדא ט^F
 עמי בית ישראל לית אתון רשאין לא למבשלא ולא למיכל בשר וחלב מערבין כחדא ט^{P-J}

דלא יתקף רוגזי עליכון וניבשל עבדריכון צירין דגנה וקשה מערבין כחדא ט^N
 דלא יתקוף רוגזי בכון ואבשל ית עיבדריכון צבורין באדריכון דגנא וקשא תריהון מערבין כחדא ט^F
 דלא יתקף רוגזי ואיבשיל עיבדריכון דגנא וקשא תריהון כחדא ט^{P-J}

ט^N My people, children of Israel, you shall not boil nor shall you eat meat and milk mixed together, lest my wrath be kindled against you and we/I boil your tied up grain, the wheat and the chaff mixed together.

ט^F My people, my people, house of Israel, you are not permitted either to boil or to eat meat and milk, both mixed together, lest my wrath be kindled against you and I boil your grain gathered on your threshing floors, the wheat and the chaff, both mixed together. (Similarly ט^{P-J})

The expansive paraphrase clearly expresses a principle of “measure for measure” (*מדה כנגד מדה*): milk and meat should not be cooked together, or else God will be provoked to wrath, and “cook” (i.e. destroy) the wheat and

⁴⁹ This formulation is repeated at all three locations (Exod 23:19; 34:26; Deut 14:21) with only very slight differences.

chaff of the harvest together. The punishment mirrors the crime. As has been noted, the reference to the harvest theme is activated by the juxtaposition of “do not seethe a kid” with firstfruits in Exod 23:19 and 34:26, and with the tithe in Deut 14:22.⁵⁰ The latter is explicitly articulated in the interpretation of the verse found in *Pesikta de-Rav Kahana* 10:9 (cf. the parallel in *Tanhuma Re’eh* 16):⁵¹

PRK 10:9 (Mandelbaum, 172).

לענין מעשרות, לא תאכלו כל נבלה לגר אשר בשעריך וג', וכת' בתריה, עשר תעשר, אלא
א' הקב"ה אל תגרמו לי לבשלן גדיים עד שהן במעי אימותיהן,⁵² שאם אין אתם מוציאים
מעשרותיכם כראוי רוח אחת של קדים אני שולח⁵³ והוא שודפתן, כמה דאת אמר ושדפה
לפני קמה

[R. Isaac said: *You shall not seethe a kid in its mother's milk* is written in three places: once for its own sake, once with regard to Torah, and once with regard to tithes." ...] With regard to tithes: *You must not eat anything that has died a natural death, etc.* [the occurrence in Deut 14:21]. And immediately after this is written: *You must give a tenth* [v. 22]. "But," said the Holy One, Blessed be He, "do not cause me to boil 'kids' while they are in their mothers' wombs. For if you do not bring forth your proper tithes, I will send forth an east wind and it will scorch them, as it says: *and blasted before it is mature* [2 Kgs 19:26 // Isa 37:27]⁵⁴

In this text, the phrase “you shall not seethe a kid in its mother’s milk” is interpreted as though standing in a direct consequential relationship with the following verse: ‘you shall not seethe a kid... *therefore* you must give a tenth.’ Bringing a tithe thus *prevents* “boiling a kid in its mother’s milk.” The

⁵⁰ D.Z. Hoffmann: “Hiermit soll der Zusammenhang mit dem vorhergehenden erklärt werden” (*Deuteronomium*, 205).

⁵¹ The midrash is also cited in a form slightly different from both PRK and Tanh by Rashi at Deut 14:22.

⁵² Note the variants that arise here: גדיים בחלב] PRK ed עד שהן במעי אימותיהן Tanh; גדיים בחלב אמותם עד שהן בחלב אימותם; כ PRK MS אמם Tanh; גדיים בחלב במעי Rashi.

⁵³ A variant brings the consequence into tighter connection with the deed: אני שולח] PRK ed אני מוציא Tanh. The citation in Rashi adds the clarification “[For if you do not bring the tithe as proper, that is] when it is near to ripening, then I am bringing...”

⁵⁴ Compare Ⓢ at Isa 37:27: דישלוק עד לא מטא למהוי שובלין “which is cooked/boiled before it produces ears of grain.”

latter is then explained as a metaphor for God destroying ("boil" = "scorch") the harvest ("kids") prematurely ("while in their mothers' wombs" = "before full grown" [לפני קמה]).⁵⁵ As Rashi indicates, the same interpretation can be applied to the juxtaposition with *bikkurim* in Exod 23:10 and 34:26.⁵⁶ It should not be overlooked that underlying this metaphorical construal is an interpretation of לא תבשל גדי בחלב אמו as meaning *do not destroy a kid prematurely in its mother's womb* (עד שהוא במעי) – i.e. as referring to a fetus during pregnancy.⁵⁷

Returning to the targumic rendering, it is clear that a similar logic underlies the addition here. However, the language is quite different (beyond the mere Aramaic exterior). In particular, it differs in the explicit mention of God's "wrath" (ולא יתקף רוגזי), the alternative vocabulary for "grain" (עיבוריכוך), and the emphasis on mixture (ער"ב). It can hardly be coincidental that in precisely these points one can detect a similar exploitation of the multivalent עב"ר encountered in relation to this verse in

⁵⁵ As Mandelbaum explains, "kids in their mothers' wombs" expresses "an allusion (רמז) to the kernels of grain within the ears" (172). Rashi's citation clarifies this ambiguity by reading "kids of grain" (גדיים של תבואה). One might contrast this metaphorical connection between kids and grain with the later Karaite philological attempt to relate גדי to מגד – an opinion mentioned and appropriately rejected by Abraham ibn Ezra (cf. L. Nemoy, "Al-Qirḡisānī: 'Thou Shalt Not Seethe a Kid in Its Mother's Milk,'" in *Open Thou Mine Eyes...* Essays on Aggadah and Judaica Presented to Rabbi William G. Braude on His Eightieth Birthday and Dedicated to His Memory [eds. H.J. Blumberg et al; Hoboken, N.J.: KTAV, 1992], 219-225 at 225; Haran, "Seething a Kid," 28 n. 16). In this connection, it is misleading that Jastrow (*Dictionary*, 211) lists "the tender grain in its husks" as a lexical meaning of גדי, based only on this passage.

⁵⁶ Rashi at Deut 14:22: וכן לענין בכורים.

⁵⁷ Though not explicit, this might reflect an interpretation of בחלב as "in the fat of" (בַּחֲלֵב; cf. ST^A) rather than the Massoretic vocalization "in the milk of" (בַּחֲלָב). The possibility of reading "fat" in this text is raised and rejected in *b. Sanh.* 4a on the basis of the "authority" (אס) of the reading tradition (cf. Jastrow, *Dictionary*, 74). For a discussion of the latter text in relation to the broader problem of the original vocalization of the term חלב in this verse (though without attention to the sources presently under discussion), see Heckl, "Helæb oder hālāb?," and Sasson, "Ritual Wisdom?".

the traditions discussed above. As the following comparison makes clear, in the targumic rendering the deed and the consequence members are tightly connected and closely correspond to the biblical lemma:

מ lemma	גדי בחלב אמו	חבשל	לא
ע deed	בשר בחלב מערבין כחדא	חבשלון = ולא תיכלון	לא
ע consequence	דגנה וקשה מערבין כחדא	עבוריכון = דלא יתקף רוגזי עליכון וניבשל	

The double underlined phrases represent double translations. For the first case, we can compare the rendering of the verse in ע^o: **לא תיכלון בשר בחלב**.⁵⁸ The second (עבוריכון צריין; ע^{p-j} עבוריכון) clearly relates to “a kid in its mother’s milk”;⁵⁹ but how exactly? In *PRK* the latter phrase is also interpreted in relation to harvest grains, but the connection between the two concepts is metaphorical and based on the notion of *pregnancy*: a kid in its mother’s milk/womb is a picture of unripe kernels of grain within their pods. Given this fact, it is of considerable interest that in Targumic Aramaic, as in Rabbinic Hebrew, עיבור can signify either “produce, grain” or “pregnancy.”⁵⁹ Thus, we may detect here a vestige of an interpretation similar to that in *PRK*. However, different than in *PRK*, the emphasis in the Palestinian Targumim in their present form is on *mixture*: cooking and consuming meat and milk together will result in God’s cooking/consumption of wheat and chaff together.⁶⁰

⁵⁸ Cf. *Mek. Kaspā* 20 (Horowitz-Rabin p. 337); *b. Hul.* 115b and related traditions (see notes in *Hor.-Rab.* 337 and *Kasher, Torah Shelema*, 19:218-219).

⁵⁹ Sokoloff *DJPA* 402; *DJBA* 840; *Jastrow Dictionary* 1065-1066. The overlapping terminology of agriculture and procreation is common throughout the ancient Mediterranean world (cf. M. Stol, *Birth in Babylonia and the Bible: Its Mediterranean Setting* [CM 14; Groningen: Styx Publications, 2000], 1-4). On the historical-etymological relationship between various senses of עב in Hebrew, see especially Kutscher, *Archive* (n. 5 above).

⁶⁰ Alternatively, Bamberger understands it to mean: “if you mix milk and meat, God will punish you by mixing the grain and chaff of your crops so tightly that you will be unable to separate them” (“Halakic Elements in the Neofiti Targum: A Preliminary Statement,” *JQR* 66 [1975]: 27-38, at 29). In either case, the point is that a detrimental mixture will occur.

The threat is not *premature* destruction but *combined* destruction. Thus, what may at one time have been related to *pregnancy* (עב"ר) now unequivocally relates to *mixture* (ער"ב), with the principle concern being dietary *kashrut*. But the overall framework of “seething a kid” provoking God’s “wrath” and resulting in punishment remains intact.⁶¹ The intriguing fact remains, then, that the targumic expansion realizes multiple semantic possibilities of עב"ר, and it does so in a supplement to the prohibition against seething a kid in its mother’s milk. Again, עב"ר does not occur in this context in מ, and it does in מ.

It would seem, then, that additional evidence for Geiger’s view that לא תבשל גדי בחלב אמו was understood by some in Jewish antiquity as pertaining to premature slaughter (as in the case of a pregnant animal or a newborn) can also be found preserved in rabbinic literature itself, though refracted through a lens that neutralizes the halakhic implications of such an interpretation.⁶²

4.0 Conclusions

It would appear that the texts discussed above—the expansion in מ, the Qumran evidence, and the rabbinic materials—have significant implications for the reading of 4QMMT mentioned at the outset of this discussion. Given the syntactical difficulties posed by understanding 4QMMT B 38 (והדבר כתוב (עברה) as anything other than a citation of a scriptural text containing the reading עברה; given the fact that the term עברה actually does occur in מ as

⁶¹ The complexity of the compositional development of the Palestinian Targumim and the difficulty of reconstructing their history are well known problems. Regarding this verse in its present targumic form, B. Levy declares the entire second half to be “undoubtedly secondary” (*Targum Neophyti 1: A Textual Study* [2 vols; Lanham: University Press of America, 1986], 1:410-411), while according to Bamberger it is “patently very old” (29).

⁶² And this is not surprising in view of the evidence. As D.Z. Hoffmann summarized, “Dagegen [d. h. gegen den Zusatz in מ - A.T.] haben es die aram. Targg., sämtliche talmudische Quellen, sowie fast alle rabbin. Kommentare als ein Verbot von Fleisch mit Milch (בשר בחלב) aufgefasst” (*Deuteronomium*, 205). Most of the relevant sources are collected in M. Kasher, *Torah Shelemah* 19:218-227.

part of a comment on the lemma “do not seethe a kid in its mother’s milk”⁶³; and given further that the latter verse was understood by at least some Second Temple Jews as relating to premature slaughter of young, as Geiger suggested, and as has been supported by further evidence here; it would seem likely that 4QMMT B 38 represents a citation of a Pentateuchal text containing the supplement now preserved in Exod 23:19^w, or at least some form of it.

In view of the curious fact that עב”ר appears as a common denominator among all the traditions surveyed above, it is tempting to speculate that perhaps the supplement in ^w itself represents a developed form of a more widespread textual variant. Given the ambiguous context(s) and the major halakhic ramifications, it is not difficult to imagine how an originally brief explicating scribal gloss such as “כי עברה” “when she is pregnant” might give rise to alternative construals in relation to *transgression*, *wrath*, or even *grain*,⁶⁴ or why, on the other hand, it might be eliminated altogether.⁶⁵

⁶³ Compare the implicit interpretation of בחלב אמו as במעי אמו in PRK with the reconstruction of the entire line of 4QMMT B 38 in Qimron and Strugnell: הולד [שבמעי אמו לאחר שחיטתו ואתם יודעים שהו] אן כן והדבר כתוב עברה.

⁶⁴ This is comparable in certain respects to the situation that obtains in Gen 3:17b ארצה הָאֲדָמָה בְּעִבּוּרְךָ “cursed be the ground because of you”—a text which Geiger also discussed in a different connection (*Urschrift*, 456). As he pointed out, early interpreters found it problematic that the seemingly innocent earth is cursed “on account of” Adam. This problem generated a variety of solutions, all related in different ways to עב”ר in the phrase בעבורך. ⲥ (ἐν τοῖς ἔργοις σου) and ⲥ’ (ἐν τῇ ἐργασίᾳ σου) appear to reflect בעבורך “in your works” (see also ⲥ at 8:21 δὲ τὰ ἔργα τῷ ἄνθρωπῳ ὡς ὅτι ὁ ἄνθρωπος ἐστὶν ὁ ἀδικῶν and Jer 14:4 καὶ τὰ ἔργα τῆς γῆς); cf. Cappellus, *Critica Sacra* (1775), 586. Geiger also suggested the alternative possibility that this reflects a reinterpretation of עבור as “grain, produce,” whereas Frankel thought it more likely that the translator simply “nicht dem Worte treu blieb” (*Einfluss*, 10). On the other hand, ⲥ’ (ἐν τῇ παραβάσει σου) and ⲥ^{P-I} [בגין בלא חויאת לך חובך] “cursed be the earth because it did not reveal your sin to you” both reflect an alternate understanding on the basis of עב”ר to *transgress*; indeed, in ⲥ^{P-I}, בעבורך is translated doubly as “on your account” and “when you sinned” (cf. PRE [Higger] “חורב,” 14; cf. A. Salvesen, *Symmachus in the Pentateuch* [JSSM 15; Manchester: University of Manchester, 1991], 15-16).

Without further textual evidence, this remains conjecture. But whatever the case, this striking commonality between \mathfrak{m} , 4QMMT, 4Q270, the Palestinian Targumim, and the Temple Scroll requires an explanation.

On the basis of his examination of explicit scriptural quotation in 4QMMT, G. Brooke concluded that "all the quotations are very close to what may be labeled the proto-MT."⁶⁶ From this fact he draws an inference of potentially major significance:

The overall alignment of the scriptural citations in MMT with the MT tradition may have implications for how the status of the MT should be viewed in the period to which the six extant copies of MMT can be dated, since it may suggest that it was that text type which those scribes deemed authoritative in halakic arguments.⁶⁷

If the analysis in the present essay is correct, that tentative conclusion cannot be maintained. By all appearances, in the case of MMT B 38 a non-MT reading is appealed to as an authoritative text form in support of a halakhic argument. In view of the specific social and literary setting of MMT—its authors, its readership, and its (real or implied) addressees⁶⁸—this conclusion demands careful consideration in efforts to understand text history and the relationship between text form and social location in the late Second Temple period.

⁶⁵ In this latter connection, note the important role this particular verse has played in rabbinic discussion relating to the issue of "reasons for the precepts" (טעמי תורה). See E. Urbach, *The Sages*, 365-399; *Midrash Tehillim* 119:6 לא ולא אמרו למה לא קן צפור יגיעו רחמין ועל טוב יזכר שמך מודים מודים משתקין *m. Ber.* 5:3; נבשל וכו' האומר על קן צפור יגיעו רחמין ועל טוב יזכר שמך מודים מודים משתקין; אותו; and 'Oṣar HaMidrashim (ed. Eisenstein), p. 491: פסיקתא, וישוב הקב"ה ומגלה להם; טעמי תורה: מפני מה אסר לנו חזיר ודם וחלב ובשר בחלב 1:660; 4:1153-1154. cf. Strack-Billerbeck, *Kommentar*,

⁶⁶ Brooke, "Explicit Presentation of Scripture," 80.

⁶⁷ *Ibid.*, 80.

⁶⁸ See S. Fraade, "To Whom It May Concern: 4QMMT and Its Addressee(s)," *RevQ* 76 (19.4) (2000): 507-526, and the literature cited there.

