

This book is not for the philosophically faint-hearted. But it presents an intellectually credible challenge to any worldview, practical or theoretical, which offers ready-made, fix-it explanations of, or solutions for, the human situation and its dilemmas. Where there is irreconcilable difference, ‘Everyone can be brought together in a generous, all-encompassing discourse’ (p. 9), not to seek easy resolution but to work for new openings and possibilities amidst ongoing conflict, constraint and ambiguity.

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<https://doi.org/10.15664/tis.v33i1.3183>



Saul M. Olyan, *Animal Rights and the Hebrew Bible* (New York: Oxford University Press, 2023) pp. 160, ISBN 978-0197609385. £65.55

The Bible is saturated with references to non-human animals but only recently has this aspect of scripture come into focus as biblical scholars have turned their attention to animal studies.

Saul Olyan’s chief goal in this short monograph is to complexify simplistic readings of the Hebrew Bible which rely solely on Genesis 1:26–28 and Genesis 9:2–3, and which in consequence assert for human beings unfettered dominion over non-human animals, including the right to eat them. His chosen method is to select for close examination a set of texts, mostly from the Torah, Hosea and Proverbs, which shed light on the extent to which animals can be said to have the same legal rights and protections as well as some of the same duties and responsibilities as humans.

The book’s introduction gives an overview of the current legal status of animals in different jurisdictions, and of attempts to establish for animals legal personhood and legal rights. Olyan uses Gary Francione’s concept of rights as ‘a type of protection that does not evaporate [...] because of conflict with the rights of another legal person’ (p. 4). Most of the work here is done by careful and well-referenced footnotes.

Chapter One discusses two pairs of legal texts that evince a concern for animal rights. Exodus 23:10–11 mandates a fallow year in the seventh year



so that the poor of the people and the beasts of the field may eat from the uncultivated land. The next verse contains the Sabbath requirement to cease from work on the seventh day so that the ox and donkey may rest. Olyan notes that neither text allows for any contingency to overrule these requirements, which therefore constitute, on his working definition, a right. A close reading of the second pair of texts, Leviticus 25:2–7 and Deuteronomy 5:12–17 shows some modifications from the earlier pair; Olyan sees the text from Leviticus as a later reworking of Exodus 23:10–11. Domesticated animals as well as wild beasts now gain access to the food of the Sabbath year, which is for the landowner, his slaves and hired hands and ‘for your beasts and the animals that are on your land’. Deuteronomy widens the Sabbath day observance to include rest for not only ox and donkey but also ‘all your beasts’, who are listed ahead of resident aliens and male and female slaves. It is no longer working animals but all domesticated animals that are entitled to Sabbath rest.

Chapter Two reviews the evidence for animals as covenant partners in Genesis 9:8–17 and in Hosea 2:20 [Hebrew Bible numbering – 2:18 in English translations]. In Genesis, God establishes an everlasting covenant with Noah, his sons and every living thing – all those coming out of the ark; and in Hosea God explicitly promises a covenant of safety and security to animals of the field, birds of the heavens and moving things of the earth. These covenants are not quite the same as covenants made elsewhere in the Hebrew Bible; for example, the animals have done nothing to earn the covenant, and in Hosea the exact wording seems to set humans as the primary beneficiaries. Olyan also discusses the contradiction between the promised safety of animals and the text of Genesis 9:3, which promises to humans that ‘every moving thing which is alive shall be food to you’. Nevertheless, animals as covenant partners seem thereby to acquire some aspects of legal personhood, albeit a limited personhood rather than full rights to life, bodily integrity and bodily liberty.

Chapter Three argues that a number of biblical texts ‘seem to assume that animals bear implicit duties and can be held to account for not fulfilling them’ (p. 63); Olyan describes this as a ‘most striking and surprising finding’ (p. 83). Thus the introduction to the flood narrative (Genesis 6:11–13) states that ‘all flesh had corrupted its way upon the earth’, and hence all flesh – humans and animals – must bear the punishment. There is an implicit duty on animals not to be violent and corrupting. Animals do not have full parity with the humans (Noah and his family) in

this passage, but both animals and humans are held accountable for their actions. Elsewhere, an animal which sheds human blood is considered liable and subject to execution (Genesis 9:5–6); animals which violate the Holy Mountain are held to account (Exodus 19:12–13); and an ox which kills a human being is to be executed by stoning (Exodus 21:28–32). In being held to account for their actions, animals are accorded legal personhood in respect of crime and punishment. There are, however, other passages in which it is the transgressions of a human being that result in punishment for the animals associated with them; there is no implicit fault or wrongdoing by the animals. The plagues sent against Pharaoh in Exodus 7–12, which afflicted both human beings and animals, are an example of this.

Chapter Four looks at domesticated animals and the question of ‘asymmetry’ according to the law. Olyan notes that there are many examples of differing treatment in law according to age, gender, priestly status and so on, but also other passages that treat everyone equally. Olyan cites Exodus 12:48–49, which requires resident aliens to be treated the same as natives of the land (p. 85); likewise, the eating of the Passover offering is to be performed by all of the assembly of Israel. This raises the question of whether animals are treated differently from human beings or symmetrically; the discussion here is restricted to domesticated animals. Olyan looks at four issues. In the case of consignment to eradication in *hērem* (Leviticus 27:28–29) and of the laws regarding the firstborn (Exodus 34:19–20; 22:28b–29), human and animal are treated symmetrically. Thus ‘both domesticated animals and human beings consigned to eradication are deemed “most holy” and may not be sold, redeemed or ransomed’ (p. 95). Likewise the eight-day-old offspring of both humans and sacrificial animals are to be sacrificed. Olyan’s other two examples are more complex. A defect (*mūm*) disqualifies both priest and animal in sacrificial rites, but only in the case of the animal are there some exceptions. Lastly, human beings are classified for the purpose of fulfilling vows by age and gender (Leviticus 27:1–13) but animals are classified by whether they are clean sacrificial animals or unclean and non-sacrificial.

Chapter Five turns to the question of animal welfare, starting with Proverbs 12:10. Olyan gives the verse as follows: ‘The righteous person knows the feelings (*nepeš*) of his beast [...]’ (p. 101). Clearly much depends on the translation of *nepeš* (NRSV has ‘The righteous man knows

the need of his beast [...]') and Olyan spends several pages discussing this question. His conclusion is that the verse 'more clearly than any other text in the Hebrew Bible, displays several non-rights related aspects of an animal welfare orientation' (p. 105). Other texts long considered to be evidence of a 'humane' attitude to animals are, in Olyan's view, less convincing: 'the assumption, common among some scholars, that there are many biblical texts that reflect non-rights related aspects of an animal welfare orientation must [...] be jettisoned' (p. 120). An example is the stipulation of Deuteronomy 22:6–7 that if someone comes upon a bird's nest with eggs or young in it and the mother sitting on them, 'you shall not take the mother with the young. You shall certainly send off the mother but the young you may take for yourself'. A casual analysis finds in this much-discussed passage compassion for the mother by separating her from the loss of her offspring. But Olyan judges as more persuasive arguments based on the widespread aversion of the Hebrew Bible to the mixing of familial generations, whether for sex or for food. Overall, Olyan finds that the most unanticipated finding of his analysis is 'just how few biblical texts genuinely reflect [...] a contemporary animal welfare orientation' (pp. 119–20).

Olyan does not attempt a comprehensive review of every mention of an animal in the Hebrew Bible but rather has selected for close examination a set of informative texts. He presupposes a modern scholarly view of the Bible as composed and edited by many authors over several centuries. When necessary, Olyan discusses the Hebrew words and their semantics, but ability to read Hebrew is not expected from the reader – all Hebrew words are transliterated. The issues are framed legally rather than morally or theologically. Each of the five chapters is ended by a conclusion which includes an explicit discussion of how the analysis might help (or otherwise) those who wish to advocate for animal rights or animal welfare.

Overall, this short book is an excellent addition to the literature on animal studies and the Hebrew Bible.

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<https://doi.org/10.15664/tis.v33i1.3185>