

The Relation between Humans and Nonhuman Animals: Justice for Animals in Community with Humans according to the Biblical Tradition of Creation and Jewish Apocalypticism

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In her book, *Frontiers of Justice*, Martha Nussbaum critically explores three unresolved problems of social justice: doing justice to people with physical and mental impairments, extending justice to all world citizens, especially immigrants, and justice in the treatment of nonhuman animals. The third is the focus of the last section of her book, “Beyond ‘Compassion and Humanity’: Justice for Nonhuman Animals,” and it presents her critical scrutiny of the major theories of animal justice, specifically the theories of Social Contract, Utilitarianism and Capabilities. Her ideological perspective begins with John Rawls’ work on justice, but, as she already acknowledges in her Introduction, his appropriation of Kant’s social contract is not and cannot be extended into the animal kingdom. It is outside the scope of the theory of justice that he has formulated. The sufficient condition for being treated with justice requires “a moral person,” a person that has two capacities: a conception for the good and a sense of justice.¹

Immanuel Kant says very little about animals in his philosophical writings. His earlier *Lectures on Ethics*, however, discusses duties toward “animals and spirits” as obligations that are a means to an end, the end, of course, being human beings and the ethical and psychological benefits that they can derive from relationships with animals.² Accordingly, being kind to animals enlarges the human tendency of kindness to humans; cruelty to animals increases human cruelty to humans. Fundamentally, however, nonhuman animals have no intrinsic worth because they have no self-consciousness.

At the beginning of her examination of justice toward animals, Nussbaum offers her critical perspective on the Judeo-Christian tradition which, as she says, “teaches that human beings were given dominion over animals and plants.” Her use of the word “dominion” evokes, of course, the widely misinterpreted text of Gen. 1:26.

And God said, “Let us make humankind in our image, according to our likeness; and let them have *dominion* over the fish of the sea, and over the birds of the air, and over the cattle, and over all the wild animals of the earth, and over every creeping thing that creeps upon the earth.” (NRSV)

She repeats her judgment somewhat later in her discussion when she intimates that the ethical inferences that can be drawn from Darwinian evolution differ sharply from the disjunction between humans and animals in the Judeo-Christian tradition.

Rachel’s study of Darwinism and its ethical implications shows us in a very convincing way that the world is not the way the Stoics and the Judeo-Christian tradition, see it, with human beings sharply set off from the rest of nature.³

Although Nussbaum does not give her own definition of the word “dominion,” her view is that Jews and Christians, finding a natural ally in Stoicism, taught that “the capacity for reason and moral choice is the unique source of dignity in any natural being. Beings who lack that source of dignity are in an important sense outside the ethical community.”⁴

Her critique of the Judeo-Christian perspective, in relation to the term “dominion” corresponds to what has continued to be the prevailing interpretation of Gen. 1:26, at least since the Age of Enlightenment, and it may simply have been presupposed in the thinking about animals in the writings of Kant and Rawls. According to Nussbaum’s characterization of this perspective: “But animals are not regarded as participants in the ethical community, creatures in partnership with whom we ought to work out our ways of living.”⁵

It is specifically this prevailing perspective of the Judeo-Christian tradition on animals, segregated from the ethical

¹ Martha C. Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge: The Belknap Press of Harvard University Press, 2006) 331.

² Nussbaum, *Frontiers of Justice*, 329-330.

³ Nussbaum, *Frontiers of Justice*, 363.

⁴ Nussbaum, *Frontiers of Justice*, 329.

⁵ Nussbaum, *Frontiers of Justice*, 329.

community of rational, moral human beings and divorced from a necessary and indispensable partnership in the social contract of human society, that must be rectified. It is invaluable, therefore, to gain a biblical perspective on the relationship between animals and humans and to go back in time to the earliest trajectories of attitudes toward humans and animals and the concomitant dilemma of the relationship between nature and culture.

**Comparison and Contrast of the Status of Animals in the Epic of Gilgamesh and
the “J” Source of the Pentateuch
Humans and Animals in the Epic of Gilgamesh**

The Epic of Gilgamesh is the first great work in literature that originated among the Sumerians in Mesopotamia in the third dynasty of Ur around 2100 BCE. The epic is a narrative myth that mirrors, among other things, the equivocal relationship between nature and culture in the ancient Near East before the emergence of the Bible's earliest history, the so-called “J” Source of the Pentateuch. Gilgamesh, the protagonist of the epic, is the king of Uruk, whom the goddess, Aruru, in collaboration with other gods, made “two-thirds god and one third man” so that he would surpass all others in beauty, strength and courage. The arrogance of his kingship, however, is bemoaned by the people of Uruk who cry out to the gods of the city for deliverance.

No son is left with his father, for Gilgamesh takes them all, even the children; yet the kings should be a shepherd to his people. His lust leaves no virgin to her lover, neither the warrior's daughter nor the wife of the noble....”⁶

Aruru responds by creating an equal to Gilgamesh, “his second self, stormy heart for stormy heart.” She takes “the stuff of Anu, the firstborn of the sea, and a pinch of clay, and “she lets it fall in the wilderness,” and “the noble Enkidu was created.” He is divinely intended to provide male companionship for Gilgamesh, but his origin is starkly different than that of Gilgamesh.

Enkidu is innocent of humankind, and he knows nothing of cultivated land. He lives in the wild, and there is an intimation that he has a wife and seven children. Like the materials from which he was created, he is a man of the wilderness. “He ate grass in the hills with the gazelles and he lurked with wild beasts at the water holes.” Enkidu is a vegetarian, and the wild animals are his companions. He rescues them from hunters and trappers, and on one occasion he encounters one of them at a drinking hole and terrorizes him. The trapper, hurriedly returning to his home, informs his father of his fearful experience.

“He is the strongest in the world, he is like an immortal from heaven. He ranges over the hills with wild beasts; he ranges through your land and comes down to the wells. I am afraid and dare not go near him. He fills the pits which I dig and tears up my traps set for game; he helps the beasts to escape and now they slip through my fingers.”

The father counsels his son to share this experience with Gilgamesh and request a harlot to seduce this wild man in order to end his protection of the wild animals. Gilgamesh sends a woman with the trapper, and together they await the appearance of Enkidu at a watering hole. On the third day he arrives with the herds to drink water with them and to eat grass. The woman succeeds in seducing him, and after they lie together for six days and seven nights and he is satisfied, he returns to the wild animals.

Then, when the gazelles saw him, they belted away; when the wild beasts saw him, they fled. Enkidu would have followed, but his body was bound, as though with a cord, his knees gave way when he began to run, and his swiftness was gone.

⁶ This and the following quotations are taken from N.K. Sandars, *The Epic of Gilgamesh: An English Version with an Introduction* (Middlesex, England: Penguin Books, 1973).

He goes to the woman and sits at her feet to listen to what she has to say, "You are wise, Enkidu, and now you have become like a god. Come with me. I will take you to the strong-walled Uruk, where Gilgamesh lives, who is very strong and like a wild bull he lords it over men."

Enkidu accompanies her into Uruk, a city of which it may be assumed that its culture includes domesticated animals (although nothing is said about it). As he enters its male-dominated culture, he announces, "I have come to challenge the old order, for I am the strongest here." As the personification of nature, he appears to be defying the culture that the city represents and is threatening to bring change. Gilgamesh meets him at the city gate, and they engage in combat.

He put out his foot and prevented Gilgamesh from entering the house, so they grappled, holding each other like bulls. They broke the door posts, and the walls shook, they snorted like bulls locked together.

Gilgamesh bent his knee with his foot planted on the ground and with a turn Enkidu was thrown.

The two-thirds god and one-third human prevails and defeats Enkidu, and, in submission, the one who ran with the gazelles acknowledges that the king of Uruk is "raised above all men." It is an acknowledgement of his god-like status. The two of them embrace, and "their friendship was sealed." The personification of nature has been subordinated to the power of culture. What will be the fate of the wild animals and their environment, as Enkidu surrenders to the culture of Uruk?

Gilgamesh is subsequently affirmed as the king of Uruk by a dream, and Enkidu serves as its interpreter.

The meaning of the dream is this. The father of the gods has given you kingship, such is your destiny, everlasting life is not your destiny. Because of this do not be sad of heart, do not be grieved or oppressed. He has given you power to bind and to loose, to be the darkness and the light of humankind. He has given you unexampled supremacy over the people, victory in battle from which no fugitive returns, in forays and assaults from which there is no going back. But do not abuse this power, deal justly with your servants in the palace, deal justly before Shamash.

Although subdued by Gilgamesh, Enkidu, as his companion and servant, is able to fulfill something of his challenge and introduce change in the culture of the city. He reinforces the kingship Gilgamesh by acknowledging him to be "the darkness and light of humankind" who has "unexampled supremacy over the people." Yet at the same time he appears to be identifying with the common people of Uruk, who had been oppressed and exploited by their king, and counsels him to use his power to benefit his subjects and to deal justly before their sun-god, Shamash.

But there is evil in the land, and it is attributed to Humbaba, a ferocious giant whose name is "Hugeness;" he is representative of the world of the forest and all the animal life that exists within it. It is suspected that this chaos monster is the cause of the sickness among the people, and perhaps it also has affected Enkidu, who, grieving over his lost power, exclaims: "I am weak, my arms have lost strength, the cry of sorrow sticks in my throat, I am oppressed by illness." Gilgamesh, aware that he, as the king of Uruk, has not made a name for himself, as his destiny decreed, determines that he must go into the forest and slay Humbaba in order to eliminate the sickness of the land and coincidentally to establish his name "stamped on bricks."

Together the two of them take the road to the forest, and Enkidu leads the way. He knows the place where Humbaba lives. After walking many leagues and crossing seven mountains, they come to the gate of the forest, and Enkidu warns Gilgamesh not to enter, "When I opened the gate, my hand lost its strength." Gilgamesh, however, encourages him, and together they enter the forest. But when he, as the king of Uruk, meets Humbaba and hears its plea for freedom, he chooses to spare it. As he confronts the guardian of the forest and its animals, he seems of necessity to be constrained to "deal justly before the sun-god Shamash?" Enkidu, however, insists that Humbaba must die, and Gilgamesh, yielding, joins Enkidu and together they slay the monster.

Enkidu, in this return to his former life in the wilderness, appears to have become so completely absorbed into the culture of Uruk, that he now inhabits, that he wants the chaos monster terminated. After Umbaba is slaughtered, they together proceed to cut down the forest that the giant, "Hugeness," guarded. While Gilgamesh fells the trees as far as the banks of the Euphrates, Enkidu clears their roots. As personifications of culture, they continue their assault on nature, and the forests

are cleared in order to continue the founding of cities and its possibilities of culture. What will be the fate of the animals and the beasts that inhabit the forest? And what is the state of the domesticated animals of the city-culture of Uruk, of which nothing is said?

When the head of Humbaba is placed before the gods, Enlil, their spokesperson, rages at them, curses them and proceeds to spread the seven splendors of Humbaba among the forces of nature, the river, the lion, the mountain, and “the dreaded daughter of the Queen of hell.”

When the time of Enkidu's death approaches, he returns to the beginning of the end of his life as a runner with the wild animals and an eater of grass. He curses the trapper who brought the harlot to the watering hole: “Let him catch least, make his game scarce, make him feeble and let his quarry escape from his nets.” And then he turns to the harlot:

“As for you, woman, with a great curse I curse you! I will promise you a destiny for all eternity. My curse shall come on you soon and sudden. You shall be without roof for your commerce, for you shall not keep house with other girls in the tavern, but do your business in places fouled by the vomit of the drunkard..... Let you be stripped of your purple dyes, for I too once in the wilderness with my wife had all the treasures I wished.”

However, when he is reminded by Shamash of all the cultural amenities he had enjoyed in Uruk: “bread fit for the gods, the wine of kings, (and here one should add the meat of the domesticated animals), magnificent garments, and Gilgamesh as a brother, he calls back his curses on the harlot and blesses her:

“Kings, princes and nobles shall adore you. On your account, a man though twelve miles off will clap his hand to his thigh and his hair will twitch. For you he will undo his belt and open his treasure and you shall have your desire: lapis lazuli, gold and carnelian from the heap in the treasury. A ring for your hand and a robe shall be yours. The priest will lead you into the presence of the gods. On your account a wife, a mother of seven, was forsaken.”

Before he dies, Enkidu, originally a vegetarian who ate grass with the wild beasts, surrenders his ambivalence in his relationship to the realms of nature and culture. On his deathbed, he pours out the bitterness of his heart to his friend, Gilgamesh, and he takes the complete responsibility of the ecological destruction they jointly carried out.

“It was I who cut down the cedar, I who leveled the forest, I who slew Humbaba and now see what has become of me.”

He tells him of the dream he had the night before. Between the roaring of the heavens and the rumbling of the earth, he stood before a “somber-faced *man-bird*” who, transformed his arms into the wings of a bird and led him to the palace of the Queen of Darkness for a revelation. There he saw the kings of the earth, “their crowns put away forever” standing “like servants to fetch baked meats in the house of dust, to carry cooked meat and cold water from the water-skin.” When he awakens, Gilgamesh, peeling off his clothes and weeping, exclaims, “the dream is to be treasured.” But it has terrorized him because it “has shown that misery comes at last to the healthy human being, and the end of life is sorrow.” With his last breath Enkidu, originally the personification of nature, informs Gilgamesh of the curse that he is now experiencing, “My friend, the great goddess cursed me, and I must die in shame. I shall not die like a man fallen in battle; I feared to fall, but happy is the man who falls in battle, for I just die in shame.”

Humans and Animals in the “J” Source of the Pentateuch

The ambivalent relationship between nature and culture that is reflected in the Epic of Gilgamesh, particularly in the personhood of Enkidu, is the world view of the Levant in which the Bible's first history was composed. The so-called “J” source of the Pentateuch, that was written to validate “the establishment of the Davidic royal house” to replace “a much less centralized political arrangement in the highlands of Palestine,” narrates a creation story, Gen. 2:4-3:34, that poses a lively

opposition to the world of Gilgamesh and Enkidu.⁷

At the very beginning, according to Gen. 2:5-6, the earth was barren, there was no rainfall, and “no plant of the field was yet on the earth,” but “a stream would rise from the earth and water the whole face of the ground.” This may be a representation of the land of Palestine that depends on irrigation instead of rainfall (in contrast to the forests of the Tigris and Euphrates rivers that may have been the setting of the Epic of Gilgamesh). In this context, the Lord God, analogous to a potter molding clay, created the human *dust from the ground* (aphar min ha adama), breathed a blast of air into its nostrils, and the human become a living being, a *nephesh chayah* (Gen. 2:7). The Lord God places him in the Garden of Eden that the Lord God had planted in order to have it tilled and maintained.

The human being is made *dirt from the ground* (adama) of the earth; he is a male, evidently like the Lord God. The garden into which he is settled is a civilized place. It has an orchard that features two trees, but initially Adam is introduced to only one of them, “the tree of the knowledge of good and evil,” and he is forbidden to eat of its fruit, “for in the day that you eat of it you shall die.” As the gardener of Eden, Adam is “a sweatless figure, a 'royal' figure.”⁸ Almost immediately the Lord God recognizes that it is not good that he should be alone and proceeds to make a helper for him as his partner by creating an entire animal kingdom, made from the same dirt as the human himself. And by implication, at least as subsequent texts emphasize, the entire animal kingdom is divinely in-breathed like the man himself.

“So *out of the ground* (min ha adama) the Lord God formed every animal of the field and every bird of the air, and brought them to the man to see what he would call them; and whatever the man called every living creature, that was its name. The man gave names to all cattle, and to the birds of the air, and to every animal of the field, but for the man there was not found a helper as his partner.” (NRSV, Gen. 2:19-20)

From the very beginning of creation, according to biblical tradition, humans are not set off from nature; they have a primeval solidarity with animals. Both are made from the ground or clay of the earth and, in a biblically oriented evolution, they serve as a biblical ground of Darwinian evolution.⁹ They are not only *physical bodies of flesh* (basar); they are identified together as *living animated life* (nephesh chayah) (living beings). According to Gen. 1:21, and Gen. 1:24, 28, “God made *every living being that moves* (kol nephesh chayah haromeset). And together they are reinforced by Job in 12:10, “In his hand the *animated life* (nephesh) of *all living things* (kol chai), and the *spirit/wind* (ruach) of every *flesh of a human being*.”

Humans and animals are linked together as *animated life* (nephesh) and *flesh* (basar), and their common life resides in the element of blood.

Just as a gazelle or deer is eaten, so you may eat it; the unclean and the clean alike may eat it. Only be sure that you do not eat the blood; for the blood is the *nephesh* (life), and you shall not eat the life with the *flesh* (basar).¹⁰ Do not eat it; you shall pour it out on the ground as water. Do not eat it so that all may go well with you and your children after you, because you do what is right in the sight of the Lord. (NRSV, Deut. 12:23-25)

The man, by naming the animals, begins the process of constituting a world. Naming is calling into being, and he is beginning to structure a world in order to create a humanizing environment for himself. Animals are his first companions, as they are in Enkidu's early life; but, in contrast, there appears to be no differentiation among them between wild and fierce. The man lives with them, and, in their coexistence, many of them may be his helpers in tilling and tending the garden. Although it is not indicated, some of the animals may be means to the human end as helpers, while others are an end in themselves.

⁷ Robert B. Coote and David Robert Ord, *The Bible's First History: From Eden to the Court of David with the Yahwist* (Philadelphia: Fortress Press, 1989), 6.

⁸ Coote and Ord, *The Bible's First History*, 50.

⁹ It should be noted that humankind, male and female, were created on the sixth day, the same day that God “let the earth bring forth living creatures of every kind: cattle and creeping things and wild animals of the earth of every kind...”

¹⁰ The NRSV of Deut. 12:23 translates *basar* (flesh) as “meat.”

Is there an intimation in Gen. 2:19-20 that the entire animal kingdom is constituted by non-predatory animals? Is this a protological condition, and does it become the eschatological vision of Isa. 11:6-9?

The wolf shall live with the lamb, the leopard shall lie down with the kid, the calf and the lion and the fatling together, and a little child shall lead them. The cow and the bear shall graze, their young shall lie down together; and the lion shall eat straw like the ox. The nursing child shall play over the hole of the asp, and the weaned child shall put its hand on the adder's den. They shall not hurt or destroy on all my holy mountain; for the earth shall be full of the knowledge of the Lord as the waters cover the sea. (Isa. 11:6-9)

Nevertheless, as the narrator of the “J” source states, “for the man there was not found a helper as his partner.” Apparently, animals are helpers, but to what extent can they be partners? To transcend this relationship between humans and the animals, the Lord God takes a chop of flesh and bone from the first human's body, fashions it into a woman and presents her to the man. He recognizes the affinity between them and acknowledges her as “bone of my bones and flesh of my flesh.” They are both naked, and in their innocence they do not experience any shame.

Eventually the woman is attracted to the one tree in their orchard that they are prohibited from eating its fruit, the tree of the knowledge of good and evil. She is engaged by “a snake more crafty than any other wild animal” who approaches her rather than her husband, perhaps because she was not directly forbidden by God to eat of its fruit. Perhaps because she, like the harlot who tempted Enkidu, is potentially at least the personification of culture. The snake contradicts the consequence God had imposed on the disobedience of eating its fruit, “You shall not die, for God knows that when you eat of it, your eyes will be opened, and you will be like God, knowing good and evil.” Up to this moment, one might presume, that the limitations of her experience in the garden inadequately prepared her for discerning the possibilities of disobedience.¹¹ Her sense experience of the tree's fruit is overpowering:

So when the woman saw that the tree was good for food, and that it was a delight to the eyes, and that the tree was to be desired to make one wise, she took of its fruit and ate; and she also gave some to her husband who was with her, and he ate. (NRSV, Gen. 3:6)

They experience its consequence immediately: “Then the eyes of both were opened, and they knew they were naked.” In response to this new consciousness, they made loincloths for themselves to cover their sense of shame.

The Lord God discovers what has happened, curses the snake, and imposes more consequences on the woman and the man. The woman is sentenced first, because she let herself be led into temptation. Her pain in child-bearing will be intensified, and her husband will rule over her. The man, who had served as the Lord God's gardener, is afflicted with severe penalties as God curses the ground from which the man was made.

“In toil you shall eat of it all the days of your life; thorns and thistles it shall bring forth for you, and you shall eat the plants of the field. By the sweat of your face you shall eat bread until you return to the ground, for out of it you were taken; you are dirt and to dirt you shall return.” (NRSV, Gen. 3:17-19)

To prevent them from eating of the other tree, the tree of life, which is cited here for the first time, God drives them out of the royal garden of Eden. A cherubim with a flaming sword is stationed east of the garden “to guard the way to the tree of life.”

The children they bear and the generations that follow disclose the world that is reflected in the Epic of Gilgamesh. Fratricide occurs already in the first generation of Adam and Eve's offspring; Cain, a tiller of the ground, murders his brother Abel, a keeper of sheep. After God puts a protective mark on Cain to guard him from blood vengeance in a world of retaliation, he leaves the farmland and builds a city. From the bloodshed that he perpetrated, violence increases into measureless blood revenge. Five generations later, Lamech, who killed a man for wounding him cries out for seventy-sevenfold vengeance. His three sons are engaged in activities that intimate the sedentary culture of agrarian society. Jabal

¹¹ Coote and Ord, *The Bible's First History*, 58, who, in view of the repeated references to “seeing and eyes” at the beginning of this history, had not as yet attained to knowledge: “Seeing precedes knowing.”

lives in tents and raises livestock; Jubal is a musician who plays the lyre and the pipe; and Tubalcain is a blacksmith who produces bronze and iron tools.

“Warriors of renown,” analogous to Gilgamesh, begin to arise. According to Gen. 6:4 they are called Nephilim; they are the offspring of “the sons of God” and “the daughters of human beings.”

When people began to multiply on the face of the ground, and daughters were born to them, the sons of God saw that they were fair, and they took wives to themselves of all they chose. ...and they bore children to them. These were the heroes that were of old, warriors of renown. (NRSV, Gen. 6:1-2, 4b)

The “sons of God,” who cohabit with the daughters of human beings, are transcendent beings, identified with the stars of heaven, who are exalted as members of God's divine council.¹² According to the myth of Gen. 6:1-4, they descended to the earth, took wives and cohabited with them. “This is rampant miscegenation of the divine and the human, a violation of the categorical distinction between creator and creature.”¹³ The women, personifying society's generative culture, gave birth to the Nephilim.¹⁴ They are like Gilgamesh, the king of Uruk, who was made two-thirds god and one third human, and they are encountered again in 1 Enoch 6-15 as “great giants” who “devour the entire fruits of human labor.” They are believed to have been created by the “sons of god” and, through the agency of kings like Gilgamesh, they simultaneously participate in God's divine council and in the kingdoms of their earthly progeny.

The wickedness and violence, perpetrated by the Nephilim, escalate, and both humans and animals suffer together. In sorrow God determines to “blot out from the earth ... *the people together with animals and creeping things and birds of the air.*” But Noah, who is favored by God, is informed that God's judgment will be imposed by “a flood of waters on the earth, to destroy from under heaven *all flesh in which there is breath of life*; everything that is on the earth shall die.” Noah and his family will be spared, and they will become the ancestors of the new creation that will follow the cataclysm. The ark that he is charged to construct will save him and his family and all the animal life that he is mandated to bring into the ark to keep them alive.

On the very same day Noah with his sons, Shem, and Ham and Japheth, and Noah's wife and the three wives of his sons entered the ark, they and every wild animal of every kind, and *all domestic animals of every kind, and every creeping thing that creeps on the earth, and every bird of every kind, every winged creature.* They went into the ark with Noah, two and two of all flesh in which there was the breath of life. And those that entered, male and female of all flesh, went in as God had commanded him, and the Lord shut him in. (NRSV, Gen. 7:13-16)

For forty days the ark saves all life, human and animal, “*all flesh in which there was the breath of life.*” The ark is the womb from which a new creation of humans and animals will emerge to reconstitute the world that is being destroyed by the flood. But what will that world be like? Will Noah and his wife, their sons and their wives, be able to return to an Eden-like paradise? For the first time, the animals have been differentiated from each other as wild and domestic, but both appear to be part of the social contract that exists between them and human beings from the beginning of creation itself.

The flood of waters continue for forty days, “and all flesh died that moved on the earth, birds, domestic animals, wild animals, all swarming creatures, and all human beings. This story of the flood, of course, is not an account of an historical event; it is a myth that conveys the reality of divine judgment as the consequence of evil that is perpetrated on humans and animals. The myth itself has been derived from the Epic of Gilgamesh.

¹² See Psa. 82 that conveys a heavenly scene of God in the divine council stripping these sons of God, “children of the Most High” of their immortality.

¹³ Coote and Ord, *The Bible's First History*, 85.

¹⁴ Nephilim is the term that was used by some who were sent into Canaan to spy out the land. In their “unfavorable report” they state, “The land that we have gone through as spies is a land that devours its inhabitants; and all the people that we saw in it are of great size. There we saw the Nephilim (the Anakites come from the Nephilim); and to ourselves we seemed like grasshoppers, and so we seemed to them.”

Gilgamesh, after hearing the last words of Enkidu at the time of his death, is afraid to die, and he enters into a quest for life beyond death by searching for Utnapishtim, “who alone of men the gods had given everlasting life.” Utnapishtim was charged by Urshanabi to build a boat of some kind by entering the forest and “with your ax cut poles, one hundred and twenty, cut them sixty cubits long, paint them with bitumen, set them on ferrules and bring them back.” After joining these poles together and setting them on iron fasteners to create a kind of boat, he brings it to Urshanabi, and together they launch it out on the waves of Ocean.” After a journey of a month and fifteen days crossing over “the waters of death,” he is brought to Utnapishtim who finally concedes to tell him how he entered into the company of the gods and possesses everlasting life.

The story he shares with Gilgamesh is essentially the story of the flood of Genesis 7-8.

In those days the world teemed, the people multiplied, the world bellowed like a wild bull, and the great god was aroused by the clamor, Enlil heard the clamor and he said to the gods in council, “The uproar of humankind is intolerable and sleep is no longer possible by reason of the babel.”

So the gods agree to exterminate humankind, but the god Ea warns Utnapishtim in a dream:

“O man of Shurruk, son of Ubara-Tutu, tear down your house and build a boat, abandon possessions and look for life, despise worldly goods and save your soul alive. Tear down your house, I say, and build a boat. These are the measurements of the barque as you shall build her.”

Utnapishtim describes how he constructed the boat, completed it on the seventh day, and what he took onto the boat with him: “I loaded into her all that I had of gold and of living things, my family, my kin, *the beast of the field both wild and tame*, and all the craftsmen I sent on board.” The storm came, and “even the gods were terrified at the flood.” On the seventh day the flood was stilled, and as Utnapishtim looks at the face of the world, “there was silence and all humankind was turned to clay.” Even days later he releases a dove, but she returns to the boat unable to find a resting-place. He releases a swallow, and like the dove, it finds no resting-place and returns. Later he looses a raven, but it does not return, and Utnapishtim opens the doors of the boat that has settled on a mountain top and offers up a sacrifice and a libation to the gods. Enlil is enraged that Utnapishtim and his family and others have survived: “Not one was to have survived the destruction.” Ea reproaches Enlil, and Enlil relents and, taking Utnapishtim and his wife into the boat and touching them on their foreheads, blesses them: “In times past Utnapishtim was a mortal man; henceforth he and his wife shall live in the distance at the mouth of the rivers.”

The “J” narrative of the flood is remarkably similar. Every living thing that was on the face of the ground, human beings, animals, creeping things and birds of the air, “they were blotted out from the earth.” When the earth was dry, Noah was commanded to leave the ark:

“Bring out with you every living thing that is with you of all flesh – birds and animals and every creeping thing that creeps on the earth – so that they may abound on the earth, and be fruitful and multiply on the earth.” (NRSV, Gen. 8:17)

After building an altar, Noah takes of every clean animal and of every clean bird and sacrifices them as burnt offerings. In response God establishes a covenant with Noah and his sons:

“I am establishing my covenant with you and your descendants after you, and with *every living creature (kol nephesh chayah)* that is with you, the birds, the domestic animals, and every animal of the earth with you, as many as came out of the ark. ...that never again shall all flesh be cut off by the waters or a flood, and never again shall there be a flood to destroy the earth. ... I have set my bow in the clouds, and it shall be a sign of the covenant between me and the earth. *When I bring clouds over the earth and the bow is seen in the clouds, I will remember my covenant that is between me and you and every living creature of all flesh*, and the waters shall never again become a flood to destroy all flesh.” (NRSV, Gen. 9:9-15)

intermittent Observations

There are some noteworthy texts in the law code of Deuteronomy and elsewhere that exhibit a culture-determined ideology of a symbiotic relationship between humans and animals that coincides with the earlier creation myth of animals being made from the same ground as the first male human and divinely intended to serve human beings as helpers. These few texts disclose the Israelite laws of obligation to have compassion and to do justice for animals, either as a means to the end of being helpers or as an end in itself.

You shall not see your neighbor's donkey or ox fallen on the road and ignore it; you shall help to lift it up. (NRSV, Deut. 22:4)

If you come to a bird's nest, in any tree or on the ground, with fledglings or eggs, with the mother sitting on the fledglings or on the eggs, you shall not take the mother with the young. Let the mother go, taking only the young for yourself, in order that it may go well with you and you may live long. (NRSV, Deut. 22:6-7)

You shall not plow with an ox and a donkey yoked together. (NRSV, Deut. 22:10)

You shall not muzzle an ox while it is treading out the grain. (NRSV, Deut. 25:4)¹⁵

The just/righteous know the *nephesh* (life) of his beasts/animals/cattle), but the compassions of the evil are cruel. (trans. from Hebrew Prov. 12:10)

Humans and Animals in the Millennial Vision of the Apocalypse of 1 Enoch 1-16:4 in the Context of the Reign of Ptolemy II Philadelphus of Egypt

Approximately six and a half centuries later the tradition of Gen. 6:1-4 appears again, but in the apocalyptic text of 1 Enoch, and more specifically in the Book of the Watchers of 1 Enoch 1:1-16:4.

In those days, when the children of human beings had multiplied, it happened that there was born unto them handsome and beautiful daughters. And watchers, children of heaven, saw them and desired them; and lusted after them; and they said to one another, "Come, let us choose for ourselves wives from the daughters of earth, and let us beget children." (1 Enoch 6:1-2)

Two hundred of the sons of God, the Watchers, descend to the summit of Mount Hermon, and as 1 Enoch 7 continues:

These leaders and all the rest (of the two hundred watchers) took for themselves wives from all whom they chose, and they began to cohabit with them and to defile themselves with them, and they taught them sorcery and spells and showed them the cutting of roots and herbs. And they became pregnant by them and bore great giants of three thousand cubits; and there were [not] born upon earth offspring [which grew to their strength]. (1 Enoch 7:1-2)¹⁶

The Book of the Watchers of 1 Enoch probably was composed in an apocalyptic conventicle in Judah or Jerusalem in the early third century, sometime during the regency of Ptolemy II, (Philadelphus) who was king of Ptolemaic Egypt from 283-246 BCE. His father, Ptolemy I, (Soter), a Macedonian general and the favorite of Alexander the Great, had finally succeeded in annexing Palestine to his kingdom after a long period of wars with the other Macedonian generals of Alexander, the Diadochi, who were dividing his kingdom among themselves after his death in 323 BCE.

Like his father, Ptolemy II claimed to be the legitimate successor of the Egyptian pharaohs and, consequently, he regarded

¹⁵ Note the Apostle Paul's use of this text in 1 Cor. 9:3-9. "This is my defense to those who would examine me. Do we not have the right to our food and drink? ...Do I say this on human authority? Does not the law say the same? For it is written in the law of Moses, 'You shall not muzzle an ox while it is treading out the grain.' Is it for oxen that God is concerned? Or does he not speak entirely for our sake ..." (1 Cor. 9:3-4, 8-10)

¹⁶ Both texts of 1 Enoch are derived from *The Book of Enoch or 1 Enoch: A New English Edition, with Commentary and Textual Notes* by Matthew Black (Leiden: E.J.Brill, 1985) 27-28.

himself to be the son of Ammon-Ra, a god residing temporarily on earth.¹⁷ As a descendant of the gods and as a god residing on earth, he claimed to be the owner of all Egypt and his conquered lands, and among them Palestine. His official cult was established in Alexandria, the capital city that Alexander had founded, and it was acknowledged by the Egyptian priests. As the incarnation of the State, Ptolemy II, who propagandistically surnamed himself Philadelphus, imposed absolute rule on Egypt and, to the extent that was possible, on Palestine. Totalitarian rule meant ownership of the Crown, its soil and subsoil and their agricultural products. The people, particularly the peasantry that produced the wealth, were rigidly controlled and forced to pay exorbitant rents and taxes.

Ptolemy II inaugurated an economic expansion of his administration and by intensive political control established a sub-Asiatic mode of agricultural capitalism throughout Egypt and its annexed territories. In Palestine that engendered a fundamental split among the Jewish people between the aristocracy, who, submitting to the Ptolemaic philosophy of kingship that the king was the owner of the State, collaborated with Ptolemy II, while the common people, the producers of the wealth derived from agriculture, resigned themselves to Ptolemaic exploitation. At this time in this advanced post-exilic era, the Jews of Palestine were subject to the theocracy that the Zadokite priesthood had constituted to fulfill the prophetic vision of Ezek. 40-48. Both the kingship of the Davidic dynasty and the institution of prophecy had been eliminated. Under Yahweh's direct rule through the temple cult and its priesthood, the theocracy was administered by the High Priest, who exercised a regent-like authority over the Jewish people and represented them before foreign sovereigns. Israel could now exist under any form of empire domination.

In 259 BCE Apollonios, the treasurer of state under Ptolemy II, dispatched Zenodoros to Palestine in order to promote commerce with Egypt and to draw the country into its agricultural capitalism. Its expansion is exemplified by a large estate in Bet Anat in Galilee that Apollonios, acquired, probably as a gift from Ptolemy II. As a so-called "royal land," it appears to have been a large holding of grainfields and a vineyard of 80,000 grapevines, and it was farmed by Jewish tenants under the jurisdiction of the Crown..

Ptolemaic Egypt, to become economically independent and a leading power in the Mediterranean world, intensified its agricultural production by engaging in a large scale search for new kinds of plants, trees and animals. Egypt grew abundant grains and exported its wheat throughout the Mediterranean world, but, in order to increase production, it imported the seeds of Syrian wheat because it ripened in a shorter period of time.

From Sidon into Galilee carrying grain, they received 48 drachmai; from another grain transport from the same place, 48 drachmai; with Simon, from Galilee, carrying grain, 150 drachmai.¹⁸

New varieties of bare root fruit trees were brought in from other countries. New types of sheep were imported and domesticated, and wool factories increased. Slaves, costing less in Palestine and Syria were sold for profit in Egypt; and slave hunting became so widespread in those territories that Ptolemy II was compelled to issue an order to prohibit attempts to enslave free man and women. Toubias, a Jewish sheikh, who enjoyed the special patronage of the Ptolemaic government, possessed a large estate just east of the Jordan river, and, according to at least one Zenon papyrus, he engaged in slave trade.¹⁹

Toubias to Apollonios greeting. If you and all your affairs are flourishing, and everything else is as you wish,

¹⁷ M. Rostovtzeff, *The Social and Economic History of the Hellenistic World* (Oxford: at the Clarendon Press, 1967, from corrected sheets of the first edition) I, 267.

¹⁸ *Corpus Papyrorum Judaicarum*, ed. By Victor A. Tcherikover and Alexander Fuks (Cambridge: Harvard University Press, 1957) 124.

¹⁹ This Toubias, or Tobias, was a descendant of "Tobiah the Ammonite slave" who is mentioned several times in Nehemiah, as an opponent of Nehemiah's national policy. The Tobiads were an ancient family, either of the Ammonites who had joined the Jews, or Israelites who had settled among the Ammonites. Tobias was the father of Joseph, the tax-gatherer of the Ptolemaic administration, who played an important role in Jewish society of the third century.

many thanks to the gods. I too have been well and have thought of you at all times, as was right. I have sent to you Aineias bringing a eunuch and four boys, house-slaves and of good stock, two of whom are uncircumcised. I append descriptions of the boys for your information. Haimos about 10, dark skin, curly hair, black eyes, rather big jaws with moles on the right jaw, uncircumcised; Atikos about 8, light skin, curly hair, nose somewhat flat, black eyes, scar below the right eye, uncircumcised; Audomos about 10, black eyes, curly hair, nose flat, protruding lips, scar near right eyebrow, circumcised; Okaimos about 7, round face, nose flat, grey eyes, fiery complexion, long straight hair, scar on forehead above the right eyebrow, circumcised.²⁰

Ptolemy II maintained large herds and flocks of different domestic animals: cows and oxen for cultivating the fields, donkeys for transport, sheep and goats for their wool and milk, geese and chickens for meat and eggs, pigs and pigeons for meat and manure. Bee-keeping was vital as the source of sugar. The Nile and its marshes were rich in waterfowl and fish, and hunting and fishing rights were rented out for taxes. Horses and elephants were kept for war purposes. Bureaucratic records were maintained to know how many oxen, cows and donkeys were in particular places throughout the land, and an animal census was taken every year throughout the land.

All of the Zenon Papyri indicate that animals, trees and grains were imported into Ptolemaic Egypt; there are none that stipulate exports of any kind. Toubias also provided various kinds of animals for Apollonios.

Toubias to Apollonios greeting. On the tenth of Xandikos I sent Aineias our servant, bringing gifts for the king which you wrote and asked me to send in the month of Xandikos: two horses, six dogs, one wild mule of an ass, two white Arab donkeys, two wild mules' foals, one wild ass's foal. They are all tame. I have also sent you the letter which I have written to the king about gifts together with a copy for your information.²¹

Ptolemy II had exotic animals brought from far off lands to Alexandria, and he is remembered for staging a procession in Alexandria in honor of Dionysus that was led by twenty-four chariots drawn by elephants and a procession of lions, leopards, panthers, camels, antelopes, wild asses, ostriches, a bear, a giraffe and a rhinoceros. Most of the animals paraded in pairs - as many as eight pairs of ostriches, and, although the ordinary chariots were likely led by a single elephant, others, which carried a seven foot tall golden statue may have been led by four.

Under Ptolemaic colonialism, Palestine was drawn into its widening sub-Asiatic mode of production. The means and forces of this agrarian culture consolidated land, natural resources, tools, human skills and knowledge under despotic rule, rule that propagandistically promulgated itself as the personification of deity residing on earth and claiming to be the owner of all Egypt and its conquered lands. Collaborating with the regime of Egypt, the Jewish aristocracy and the temple cult participated in expropriating the agricultural surplus from the peasantry of the countryside villages and inflicted severe marginalization and suffering on the Jewish people.²²

1 Enoch 7:2 attributes this socio-economic-political reality to great giants of three thousand cubits. It is a hyperbolic metaphor that refers to the systemic structures of sub-Asiatic mode of production under the absolute rule of the deified Ptolemy II, surnamed Philadelphus. It was the transcendent reality of the king united with the systemic structures and military power that he had inherited from his father and was magnifying throughout his rule. And, as the apocalyptic writer adds, "and there were [not] born upon earth offspring [which grew to their strength].

"These" socio-economic structures, according to 1 Enoch 7:4-6,

devoured the entire fruits of men's labour, and men were unable to sustain them. Then the giants treated them violently and began to slay humankind. They began to do violence and to attack all the birds and beasts of the earth and reptiles [that crawl upon the earth], and the fish of the sea; and they began to devour their flesh, and they were drinking the blood. Thereupon the earth made accusation against the lawless ones.

²⁰ *Corpus Papyrorum Judaicarum*, 126-127.

²¹ *Corpus Papyrorum Judaicarum*, 128-129.

²² See *Zenon Papyri: Business Papers of the Third Century B.C. Dealing with Palestine and Egypt*, edited with Introduction and Notes by William Linn Westermann, Christian Walker Keyes, and Herbert Liebesny (New York: Columbia University Press, 1940). See also Martin Hengel, *Judaism and Hellenism: Studies in Their Encounter in Palestine during the Early Hellenistic Period* (Philadelphia: Fortress Press, 1974) I, 36-55.

The adoption of the myth of Gen.6:1-4 originated in a millennially oriented prophetic community that had been excluded from its historic role of prophetic activity in the commonwealth of Israel by the Zadokite priesthood, as it constituted the theocracy envisioned by Ezek. 40-48. Zech. 13:2-6 is a confirmation of the harassment and persecution of the disinherited prophets in the reordering of power that occurred. Their present circumstances contradicted the legitimate expectations they held as the divinely willed interpreters and communicators of God's covenant. To comprehend their exclusion from the mainstream of power, the loss of their status within the community of Israel, and concomitantly the self-worth and social prestige of their fraternity, they were compelled to turn to their own resources. In this initial stage of community formation their intellectual endeavors would have directed them to their scriptures in order to comprehend their relative deprivation.²³

Prophecy, therefore, did not cease! It went underground and reappeared anonymously and pseudonymously in a new semblance. It introduced the apocalyptic eschatology of a moral order of justice inaugurated by God's entry into human history to enact judgment and to create a new heaven and a new earth. Isa. 65:17-25 is an earlier expression of this millenarism, and it includes the vision of "paradise regained" of Isa. 11:1-6. Because it was compelled to go underground, its only recourse to guarantee publication was to embed its apocalyptic vision of Isa. 24-27 in the so-called First Isaiah of Isa. 1-39. The apocalypse of Daniel had to be published under a pseudonym and contextualized in the earlier time and place of the Babylonian empire.

The appropriation of Gen. 6:1-4 by this millennially oriented conventicle belongs to the first phase of millennial movements, according to the "General Pattern" of Kenelm Burridge's analysis of millenarism.²⁴ In isolation from an established prestige system, these prophets separate themselves from the acknowledged means of redemption and engage in "a ferment of intellectual activity." "Old myths and assumptions, whether handed down or in an oral tradition or written down in authoritative form, tend to be construed anew."²⁵ Gen. 6:1-4 is the "old myth" that apocalyptic community of 1 Enoch 1:-16:4 used and applied to its immediate context in order to understand their condition and to project a more radical eschatological vision of the imminent future than that of the pre-exilic prophets.

The dispossessed apocalyptically-oriented prophets, living in the context of a temple-constituted theocracy, were conscious of the victimization of their fellow Jews, particularly the peasants, whose entire fruits of their labor were being devoured by an agricultural capitalism, rigorously controlled by the regime of Ptolemy II. The imperial demand for the increase of their farming operations had intensified to the stage that the peasants were no longer able to sustain the oppressive exaction of their agricultural production, and they consequentially suffered living and physical death. The Ptolemaic exploitation of domesticated animals maximized their profitability by distending whatever they in their domesticated creaturehood could produce. Their violence was extended into the realm of nature, as they ravaged the environment of wild animals and despoiled "all the birds and beasts of the earth and reptiles [that crawl upon the earth], and the fish of the sea." Their depredation is illustrated by capturing and domesticating elephants, and capturing and encaging lions, leopards, panthers, antelopes, wild asses, ostriches, a bear, a giraffe and a rhinoceros for the staging of a great procession in Alexandria in honor of the god Dionysus.

Their violation of God's law culminated as "they began to devour their flesh and they were drinking the blood." Whether this savagery refers to eating and drinking the blood of wildlife or animals in general is not clear, but the drinking of animal blood is a transgression of Deut. 12:23-24. It evokes the final indictment against the Ptolemaic regime, as the earth itself raises its accusation against this massive injustice that humans and animals are suffering. "Their voice went up to heaven, 'Bring our cause before the Most High, and our destruction before the glory of the Great One.'" (1 Enoch 8:4)

History appears to have come full circle. Gen. 6:1-4, has been drawn into a later context and used to establish the necessity

²³ On relative deprivation in the formation of millenarian communities, see Aberle, "Note on Relative Deprivation Theory," pp. 209-14.

²⁴ Kenelm Burridge, *New Heaven-New Earth: A Study of Millenarian Activities* (New York: Schocken Books, 1969) 105-116.

²⁵ Burridge, *New Heaven-New Earth*, 107.

of a new judgment by God. But what could be the consequences to be imposed to end this violation of the creation and eliminate once and for all the desolation of humans and animals by “the giants” of kingdoms and empires that have continued to arise throughout the following generations? The evil that was generated by the Nephilim, the offspring of “the sons of God and “the daughters of human beings,” was terminated by the flood. As the visible sign of a new covenant to Noah and his descendants that such a holocaust would never be repeated, God had set a bow in the sky that “the waters shall never again become a flood to destroy all flesh” (Gen. 9:9-17). That divine promise is acknowledged in 1 Enoch 10:22, “... and I shall not again send a Deluge upon it unto generations of generations and forever.”

What, then, are the divine options? Enoch, after visiting “a formless void,” is informed that the punishment of the Watchers, the sons of God,” will be an eternal imprisonment in a burning and blazing abyss (1 Enoch 21:10). Subsequently, another book of 1 Enoch, specifically the so-called Apocalypse of Weeks, envisions the final judgment in the ninth week of this apocalyptic calendar..

And thereafter, the Ninth Week will arise in which a righteous judgment will be revealed for all the children of the whole earth; And all workers of iniquity shall vanish from all of the whole earth, and they will be cast into the eternal pit. (1 Enoch 91:14)

That will be followed by the tenth and final week.

And thereafter will arise the Tenth Week, in the seventh part of which an everlasting judgment and the (decreed) time of the great judgment will be exacted from all the Watchers of heaven. And in it the first heaven shall pass away, and a new heaven shall appear, and all the powers of heaven will shine and rise forever and ever, with seven-fold light. And thereafter there shall be many weeks; to all their number there shall be no end for ever, in which they shall practice goodness and righteousness; and sin shall be no more forever. And the righteous shall awake from their sleep, and they shall arise and walk in the paths of justice. (1 Enoch 91:15-17b)

This millennial perspective of Jewish apocalypticism, probably formulated by the apocalyptically-oriented prophets of 1 Enoch 6-16 during the rule of Ptolemy II, was perpetuated by those who authored Books 3, 4 and 5 throughout the Ptolemaic dynasty into the Seleucid era of Antiochus III, Seleucus IV and Antiochus IV. The Book of Daniel continued to promulgate this perspective during the Hellenistic Reform that was instituted by the Tobiad dynasty and its powerful presence among the Jerusalem elite as a pro-Seleucid faction and a promoter of Hellenistic culture.²⁶ John the Baptist and Jesus came out of this millennial perspective of Jewish apocalypticism, and the writings of the Apostle Paul and the Gospel according to Matthew interpret the death and resurrection of Jesus as the fulfillment of the apocalyptic vision of a new heaven and a new earth. It is to be presupposed that it encloses the natural relationship between humans and animals, animals as participants in our ethical community of humans, and animals in partnership with us as we together work out our ways of living with them.

Two thousand years have passed, and, according to a recent editorial in the *New York Times*, entitled, “No More Exposés in North Carolina” this millennial perspective remains unrealized.

“Factory farm operators believe that the less Americans know about what goes on behind closed doors, the better for the industry. That’s because the animals sent through these factories often endure an unimaginable amount of mistreatment and abuse. Cows too sick to walk are dragged by the neck across cement floors. Pigs are stabbed and beaten with sledge hammers. Chickens are thrown against walls and stomped to death. And accepted industry practices, like confining animals in

²⁶ As Tcherikover notes, *Hellenistic Civilization and the Jews*, p. 118, “It is a fact that the bearers of the idea of Hellenization among the Jews were not distributed among various classes of Jewish society, but were entirely confined to one class, namely the ruling aristocracy of Jerusalem.”

impossibly small cages, are just as brutal.

Nearly always, this treatment comes to light only because courageous employees – or those posing as employees – take undercover video and release it to the public. The industry should welcome such scrutiny as a way to expose the worst operators. Instead the industry's lobbyists have taken the opposite approach, pushing for the passage of so-called “ag-gag” laws, which ban undercover recordings on farms and in slaughterhouses. These measures have failed in many states, but they have been enacted in eight. None has gone as far as North Carolina, where a new law that took effect Jan. 1 aims to silence whistle-blowers not just in agricultural facilities, but in all workplaces in the state. That includes, among others, nursing homes, day care centers, and veterans' facilities.”

This conjunction of social injustice to nonhuman animals and to people with physical and mental impairments and to veterans suffering psychological despair, makes Martha Nussbaum's book, *Frontiers of Justice* indispensable to theological reflection and action today. As she moves back and forth between the major theories of social justice to nonhuman animals, especially utilitarianism and the “capabilities approach,” she judges the comprehensive character of the equality and adequacy of each. And looking and hoping for consensus, she draws up a core of capabilities “to sketch out directions for political principles.”²⁷ The general categories she lists are offered for “good guidance.”

Life: All animals are entitled to continue their lives, whether or not continuing life is one of their conscious interests, unless and until pain and decrepitude make death no longer a harm.²⁸

Bodily Health: the entitlement to a healthy life. “Where animals are directly under human control, it is relatively clear what policies this entails: laws banning cruel treatment and neglect; laws banning the confinement and ill-treatment of animals in the meat and fur industries; laws forbidding harsh and cruel treatment for working animals, including circus animals; laws regulating zoos and aquaria, mandating adequate nutrition and space.”²⁹

Bodily Integrity: “Animals have direct entitlements against the violation of their bodily integrity by violence, abuse, and other forms of harmful treatment -- whether or not the treatment in question is painful. Mutilations of any kind, such as the declawing of cats “would probably be banned under this rubric.”³⁰

Senses, Imagination, and Thought: An entitlement to pleasurable experience and the avoidance of nonbeneficial pain. For wild animals “it also means a ban on hunting and fishing for sport, which inflict painful deaths on animals. Some animals are abused if they are not toilet-trained. Some animals, like dogs and horses, have entitlements to suitable education. Wild animals are entitled to an environment in which they can flourish.”³¹

Emotions: “All or almost all sentient animals have fear. Many animals can experience anger, resentment, gratitude, grief, envy, and joy. A small number-- those that are capable of perspectival thinking -- can experience compassion. They are entitled to lives in which it is open to them to have attachments to others, to love and care for others, and not to have those attachments warped by enforced isolation or the deliberate infliction of fear.”³²

Practical Reason: To the extent that nonhuman animals have a capacity to frame goals and projects and to plan a life, it

²⁷ Nussbaum, *Frontiers of Justice*, 393.

²⁸ Nussbaum, *Frontiers of Justice*, 393-394.

²⁹ Nussbaum, *Frontiers of Justice*, 394-395.

³⁰ Nussbaum, *Frontiers of Justice*, 395-396.

³¹ Nussbaum, *Frontiers of Justice*, 396-397.

³² Nussbaum, *Frontiers of Justice*, 397.

should be supported.³³

Affiliation: “Animals are entitled to opportunities to form attachments and to engage in characteristic forms of bonding and interrelationship. They are entitled to relations with humans.”³⁴

Other Species: “This capability, seen from both the human and animal side, calls for the gradual formation of an interdependent world in which all species will enjoy cooperative and mutually supportive relations. Nature is not that way and never has been. So it calls, in a very general way, for the gradual supplanting of the natural by the just.”³⁵

This category appears to approach the eschatological vision of Isa. 11:6-9.

“The wolf shall lie down with the lamb, the leopard shall lie down with the kind, the calf and the lion and the fatling together, and a little child shall lead them. The cow and the bear shall graze, their young shall lie down together; and the lion shall eat straw like the ox. The nursing child shall play over the hole of the asp, and the weaned child shall put its hand on the adder’s den. They will not hurt or destroy on all my holy mountain.”

Play: This capability is obviously central to the lives of all sentient animals.” It calls for protection of adequate space, light, and sensory stimulation in living places, and, above all, the presence of other species members.”³⁶

Control over One’s Environment: “The important thing is being a part of a political conception that is framed so as to respect them, and is committed to treating them justly.”³⁷

Finally, there is the necessity of relating human spirituality to the natural world, the world of domesticated and wild animals (as well as plants), by uniting with the inner workings of animals, many of which are spiritual beings, as validated by the designation of *nephesh chayah* (living animated life) for both human beings and nonhuman animals in the Hebrew Scriptures. A good introduction to this level of relationship is the book, *What Animals Can Teach Us about Spirituality*, by Diana L. Guerrero (Woodstock, Vermont: Skylight Paths Publishing, 2004).

The Philosopher Did Not Say

Jennifer Franklin

What secret had Nietzsche discovered
when he walked the Turin streets
before he flung his arms around
a horse being beaten and collapsed
into a decade-long coma? Clinging
to the cowering brown beast, he said
Mother, I am stupid. Wild hair and a three-
piece tweed suit constrained the body
that held the mind that knew too much.

³³ Nussbaum, *Frontiers of Justice*, 398.

³⁴ Nussbaum, *Frontiers of Justice*, 39398-399.

³⁵ Nussbaum, *Frontiers of Justice*, 39399-400.

³⁶ Nussbaum, *Frontiers of Justice*, 400.

³⁷ Nussbaum, *Frontiers of Justice*, 400.

Why am I mining dead men for answers
when they were all as mad as I am?
The horse, his eyes hollow as those
of the Burmese elephant that Orwell shot
decades later, had the look of every
betrayed creature. Perhaps Nietzsche
saw the shock in the animal's eyes—
how every human contains the capacity
to inflict cruelty. The look that turns
to recognition, to resignation, to an eye
reflecting a field full of fallen horses.

“As a sophomore at Brown, I took Martha Nussbaum’s course on Nietzsche, in which we read most of his texts. Nussbaum’s brilliant mind and her expertise of the classics, ethics, and feminism greatly impressed me that autumn. My current poetry manuscript grapples with classical stoical and modern existential philosophy. The work is particularly influenced by Nietzsche’s concept of *amor fati*, love of fate, even—no, especially—in the face of tragedy. The poem is a meditation on what might have prompted Nietzsche’s last words—a possible dismissal of all that he had believed and all that he had written.”

—Jennifer Franklin