

FIGURE 11. Rafael Rachel Neis, *Transformations*. Mixed media, 2022.



EVERY SEVEN YEARS THE HOLY ONE CHANGES THE WORLD



## Hybrid

*It is true that they [the rabbis] were willing to concede that “a pure-bred individual may be produced by a hybrid mated with a pure bred,” for they found examples of that nature in Ruth the Moabitess, Naamah the Ammonitess, Hezekiah and Mordecai. As a general eugenic rule, however, they maintained that “one cannot produce a clean thing out of an unclean,” and discouraged any kind of intermarriage even with proselytes. Their ideal was a race healthy in body and spirit, pure and undefiled, devoid of any mixture of inferior human protoplasm.*

—REICHLER, *JEWISH EUGENICS*

IN THIS CHAPTER WE TURN OUR GAZE TO THE HYBRID. The hybrid lies at the intersection of the two axes of our inquiry: generation and species. On the one hand, we have generation, or accounts of how life comes into being, which we can visualize along a vertical axis: for example, as a way of mapping how “progenitors” bring about “offspring.” On the other hand, we have posed the concept of species as a way to account for distinctions and overlaps among beings (or to make cuts along the fabric of beings). We can imagine this as distributed across a horizontal axis. In its late ancient definition, the hybrid emerges at the crux of these two orientations. It is the offspring that is generated (along the vertical axis) as the product of beings that are considered to be distinctive species (across the horizontal axis).

This definition may seem trivial, but I hope to persuade you of two related points in this chapter. The first is that this description belies the complexity and multiplicity that the hybrid embodies—and I use this term, rather than “symbolizes,” deliberately—for the rabbis. It is this variety that we will pursue in these pages. As they unfold, we will see that, aside from embodying both species and generation, the hybrid also provokes considerations about prohibition and permission, human and divine agency, and the distinctiveness of Jewish ritual. The second larger claim in this chapter relates to the multiplicity of the hybrid. The hybrid is theoretically consequential for how the rabbis—and others through them—think of the relationships between reproduction and speciation, and, in the later sources, between

hybridity and transgression in the realm of sex and reproduction. This relates to a substantive finding: in later, post-tannaitic sources, the reach of the hybrid extends somewhat and becomes a tool (perhaps even a symbol) of moralizing and uneasy thinking about varied human couplings, and a way to think about fidelity/adultery and genealogical im/purity. This is in decided contrast to the nonmoralizing discourse we find in tannaitic texts. The hybrid also, more surprisingly, becomes a means to conceptualize the generation of all human beings.

As with many elements of rabbinic world making, the hybrid exposes not only the particularities of rabbinic creativity; it also activates resonances in modern and contemporary scholarship. The rabbinic usage of *kilayim* refers to the combination of two kinds, or what we might call a hybrid as described above. The epigraph at the top of the chapter is emblematic of how *kilayim* have been used to substantiate racializing Jewish eugenics. Yet the tannaim do *not* associate *kilayim* with intra-Jewish and Jewish/non-Jewish unions. Neither do they associate it with *kilayim* with same-sex sex, adultery, or bestiality. Nevertheless, an influential stream of scholarship, beginning at least in the twentieth century, reads the tannaitic sources about *kilayim* precisely in terms of such associations and symbolic meanings, importing into them ideas of the hybrid as a violation of the “natural order.” Those arguments rest on assumptions about the supposedly obvious morals underlying *kilayim*, which I show to be unwarranted. My efforts here are to sketch what is possible when *kilayim* are not taken for granted in these ways.

What we find in the earlier corpus of rabbinic literature are multiple ways of getting at *kilayim*. In one direction there is the familiar expansion of a slender biblical prohibition, a prohibition that is presented as peculiarly and distinctively Jewish. Tugging in another direction is an arguably pragmatically driven quest to exploit existing hybrids. Additionally, while we see a curious ambiguity ascribed to *kilayim* in the scheme of creation, there is a simultaneous repudiation of the search for logical explanation and instead an invocation of *kilayim* (among other commandments) as an inexplicable, divinely ordained statute. These several ways to understand the hybrid, as well as multiple means of manipulating it, resist singular and unifying logics.

I begin this chapter by defending a nontrivial premise: that “multiformity” does not always or inevitably entail hybridity. This calls for a brief recap of the limits of reproductive outcomes for interspecies coupling as understood by the tannaim, as well as a review of the various causes by which a multiform creature might come into being. I bolster this account by demonstrating that the tannaim themselves explicitly distinguish in this way. The point here is to tighten our usages of hybrid/*kilayim* in accordance with ancient rabbinic concepts. This has a corollary effect on the theoretical implications of the tannaitic *kilayim*.

I go on to briefly survey the contents of rubrics that constitute *kilayim* in order to posit that a negative understanding of it, one that exists solely through prohibition, is inadequate. Instead, as I show, we see a multifaceted oscillation between



tannaitic distinctions and expansions. For instance, the tannaim use the term “kilayim” to signify not just the forbidden coupling or working or planting of two kinds but also the ensuing offspring or product thereof. By surfacing the complexity around which people (e.g., Jews vs. non-Jews), territories (e.g., holy land vs. diaspora), and objects (e.g., permitted secondary use of certain gentiles kilayim products) are subject to prohibition and permission, I further illustrate the insufficiencies of the binary logics underlying a negative, essentializing lens. Even more potent is the evidence that I adduce from the Sifra, whose treatment of kilayim does not moralize about purity of species or essential categories. Instead, the Sifra presents kilayim as inexplicable and without justification: hence its susceptibility to mockery and attack as a peculiar and distinctive marker of Jewishness.

To the extent that the tannaim evince an etiology for kilayim (in the Tosefta and the Sifre), it appears alongside the creation of fire, as a singular creature or element, with a nonlinear reproductive, ad hoc relationship to its originary entry into the world. Kilayim, as a philosophical problem, are worked out by the tannaim in customary succinctness in contrast with the rather more explicit elaborations of the much earlier Aristotelian, Theophrastus, who also struggled with the same. For the tannaim, kilayim and fire are parts of divine creation, albeit in a somewhat liminal temporal positioning (similar to other unique entities like Bala’am’s talking donkey, Numbers 22:28–30). Here is an instance in which kilayim provide the opportunity for theorizing about singular entities that are outside the usual circuits of creation, generation, and reproduction. Freed from conceptual encumbrances that essentialize and moralize it, kilayim prove themselves to be a more supple, ambiguous, and theoretically opportunistic practice and entity, one that marks Jewishness while grappling with broader problems about exchange, creation, singularity, and reproducibility. All in all, these conceptual circuits force us to rethink a notion of hybridity that rests on taken-for-granted ideas of dualisms between “nature” and human agency or what we might call “culture” or “science.”

But whence the righteously naturalistic and didactic reputation attributed to kilayim? Here I point to Second Temple sources, such as the writings of Philo of Alexandria, and contemporary scholarship, in which such depictions are found. Contemporary scholars’ analyses of kilayim have affinity with ideas held by Philo of Alexandria (and those of nineteenth-/early twentieth-century eugenics) but, as I show, are difficult to track with tannaitic sources. Turning to post-tannaitic texts, we see that some of the negative meanings attached to kilayim by latter-day scholars find expression therein—for example, etiologies for kilayim related to transgressive human hubris. Similarly, there is a turn to attaching symbolic valences to kilayim—for example, by associating the term with illicit sex (adultery, bestiality, same-sex sex), and eugenics (intra-Jewish genealogies and intra-non-Jewish genealogies related to adultery).

Even with these usages of kilayim that signify adultery and related genealogically suspect offspring, the Palestinian amoraim also deploy the term to

consider human generation writ large. There, the Talmud (*yKilayim* 31c) juxtaposes an account of the mule as bearing a composite of its horse and donkey parents' features with a formula for the human as a trihybrid: the product of a man, a woman, and the deity. I suggest that this curious notion of human conception queerly bypasses the usual circuits of generation and reproduction. While, on the one hand, it affirms human exceptionalism, it also disrupts expected heterosexual generation and theorizes the human itself as the product of *kilayim* (albeit one that is generative). By distinguishing between earlier and later valences of *kilayim*, this chapter showcases the rabbinic hybrid to be a repository of multiple and shifting meanings, whether among generations of rabbis, or in scholarly conversation.

### MULTIFORMITY'S MULTIPLES

The rabbinic hybrid is often a multiform creature, seen as bearing features of more than one kind. The rabbis knew of the hybrid from Leviticus 19:19, which forbids the mating of different species of animals, the sowing of different kinds of seeds in the field, and the weaving together of different fibers. Leviticus dubs the juxtaposition of different kinds of animal, seed, and cloth, as *kilayim*—a dual form referring to precisely two entities.<sup>1</sup> Deuteronomy 22:9, using the same terminology, prohibits the planting of distinct species in the same vineyard. It adds that the produce arising from this forbidden act is sanctified (hence forbidden). In the following verse, Deuteronomy 22:10 proscribes the ploughing together of the ox and the donkey (but does not use the language of *kilayim*).<sup>2</sup>

These biblical strictures all concern human interventions in animal and plant generation.<sup>3</sup> But, centuries later, the tannaim extrapolated a broader set of proscriptions and prescriptions. For example, they added the horticultural grafting of trees, vegetables, and plants to what is disallowed under the original biblical prohibition. They also read the admonition against setting an ox and a donkey at the same plough (Deut 22:10) as part of the *kilayim* prohibition of the previous verse (not an entirely necessary reading), and they extrapolated the prohibition to *any* species mixing—not just of the ox and the donkey—and not just at the plough, but also to leading or being drawn (*mKil.* 8:2).<sup>4</sup> Furthermore, while the biblical term “*kilayim*” applies to the generative mixing of two different animals or plants (or, in the case of cloth, the interweaving), in rabbinic parlance it comes to also designate the products thereof.

Leviticus 19:19 enjoins one to not bring about the “copulation” (*r.b.* in the causative/*hiphil*) of a female animal of one kind, by the male of another.<sup>5</sup> Echoing this, in *tKilayim* 1:8, Rabbi Judah opines that in the case of a female mule (*peradah*) who seeks a male (*zakhar*) “they do not bring to copulate on her (or: with her; *ein marvi'in aleiha*) the horse species (*min ha-sus*) or the donkey species (*min ha-hamor*) but rather the mule species (*min ha-pered*).” This case illustrates the distinction between *kilayim* as an act that is humanly instigated and the consequential

offspring. Given that mules were known to be sterile, the scenario of a sterile animal in heat demonstrates that the tannaim are concerned about the instigation of cross-species copulation, irrespective of outcome.<sup>6</sup> Similarly, the Sifra argues that Leviticus 19:19 forbids the mating of different combinations (male/female) of wild and domesticated animals and of pure/impure animals. Here, again, the concern is patently not about potential offspring but rather the active human intervention in mating animals of different species.<sup>7</sup>

When we explored early rabbinic ideas about reproduction and variation, we repeatedly ran up against the limits and potentialities of generation as the rabbis knew it. As we saw, the rabbis lived in a world of spontaneously occurring species variation. They knew that animals could deliver creatures that, to a greater or lesser degree, resembled a different species from their parents: a cow might deliver a camel-like creature, for example. This calf, however, was fundamentally different from the creature that might theoretically emerge from the mating of a camel and a cow. The tannaitic principle of generation clarified the limits of generative potential, particularly (though not exclusively) in nonhuman animals.

In the long-form version of the generation principle (tBekh. 1:9), the rabbis follow with a short explication of the gestation periods (tBekh. 1:10) and reproductive modes of various creatures (tBekh. 1:11, live birth, spawning, etc.). That disquisition, we saw in chapter 1, explains why coupling across particular categories of animals—sheep and goats (*behemah daqah*) with cows (*behemah gasah*), pure species with impure species, and animals with humans—would necessarily fail to result in offspring. But we can also take it to be illuminating complementary information about what it takes to engender successful progeny across kinds. Here, for instance, is Aristotle's version thereof:

The partners in coupling are naturally of the *same* kind (*homogeneis*); but beside that, animals that have *similar* natures copulate, and also ones that are not the same in species (*eidos*), but are nearly *alike* in size and their periods of gestation are equal in length. Although such crossing is rare among the majority of animals, it [is possible] among dogs, foxes, wolves <and jackals>; the Indian dog also is produced from the union of a dog with some wild doglike beast.<sup>8</sup>

Similarly, we may recall the various pairings of animals about which the first chapter of Mishnah and Tosefta Kilayim declared, “even though they *resemble* one another they are kilayim with one another.” By bringing these pairings under the umbrella of likeness, and by simultaneously forbidding their joining as constituting kilayim (distinct kinds), the tannaim may also be pointing to the potential of such joinings to realize progeny. Ancient farmers and agriculturalists mated and grafted across “wild” and “domesticated” kinds regularly.

The construal of similarity, as we have seen, did a lot of work in allowing humans to manage, interact with, and explain the world around them. But its

usefulness was also compromised by its multivalence and multicausality. This made similarity legible as a sign of relation, but also a potential source of confusion. So far, we have encountered a total of *five* scenarios in which likeness among creatures might arise. The first is the normalized case: “like begets like.” For example, two donkeys generate a creature that looks like a donkey: this creature may have generic and particular features resembling their parents’. The second is the animal born to two parents of the same species, but that spontaneously resembles another kind, either fully or partly. For instance, two donkey parents generate a donkey that looks completely or partly like a horse. The third case is the hybrid: the donkey and the horse produce a mule that looks partly or entirely like both or one species. The fourth, of course, involves creatures that are considered distinct kinds but resemble one another: for example, the horse and the mule (each share some features; mKil 1:6) or the human and the wild/domesticated animal (tNidd 4:5). Finally, there is the creature that is a distinct species (*biryah bifene ‘atzmah*, *biryah le-’atsmo* or *meyuhad*) but that bears characteristics of one or more other species. The siren is an example of such a creature, because its form is simultaneously fish and human, yet it is not the product of hybridization.<sup>9</sup>

That the tannaim felt the need to distinguish between some of these cases of resemblance, specifically between spontaneous variation and hybrids, is explicit in the following text:

A horse who delivered a donkey kind (*min*), they are permitted with their mother[’s kind].<sup>10</sup> But if their father was a donkey, they are forbidden with their mother[’s kind].

A donkey who delivered a horse kind (*min*), they are permitted with their mother[’s kind]. But if their father was a horse, they are forbidden with their mother[’s kind].

A ewe who delivered [a goat kind],<sup>11</sup> they are permitted with their mother[’s kind]. But if their father was a goat (lit., a ewe), they are forbidden with their mother[’s kind].

A goat who delivered a sheep kind, they are permitted with their mother[’s kind]. But if their father was a sheep (lit., a ewe), they are forbidden with their mother[’s kind].

And there is no offering at the altar. (tKil. 5:3)<sup>12</sup>

Here are two contrasting scenarios in which a female of species A can (seemingly) deliver species B: through same-species mating and through cross-species mating (cases two and three of multiformity, as above).<sup>13</sup> We observe that the Tosefta presents hybridization across a rather narrow range of species that—according to Aristotle and the constraints of the expanded generation principle—have compatible generative processes and already resemble each other.<sup>14</sup> According to the Tosefta, the hybrid offspring of crossbreeding (e.g., a mule born of a female horse) is *not* a



member of its mother's kind (species A, e.g., a horse), and therefore "is forbidden with its mother." In other words, they may not be mated or yoked with members of their mother's species (e.g., horses).<sup>15</sup> The Tosefta thus views the kilayim offspring as a species distinct from their mother's, who is forbidden to mate with her. Notably, matrilineal species assignment is not operative.<sup>16</sup> The Tosefta says nothing about whether such kilayim offspring are deemed to be the same species as their father or whether they are a new species who are distinct from *both* of their parents. The hybrid (our third case of likeness above) therefore stands in contrast with *same*-species mating, resulting in spontaneous variation (our second case) in which—in accord with the generation principle—the delivery is simply classified according to its parentage.<sup>17</sup> This is a clear instance of the tannaim needing to differentiate between two types of multiformity: that due to spontaneous variation and that due to hybridization.

### *The Ab Initio Multiform Creature Is Not the Hybrid*

The fifth case described above was the multiform animal who possesses features that might be ascribed to two different species. The siren is one obvious example that I raised: rather than being a product of a fish and a human, this creature is, as we saw in chapter 3, a creature unto itself. The theory of creaturely doubles ensures that the siren resembles the human as its watery other, but that it is parallel rather than intersecting with the human in terms of classification. Other multiform creatures that are not hybrids include the field human and the marten, whose forms similarly attract contested or multiple classifications.<sup>18</sup> The *koy* (untranslatable) is another such creature. The tannaim do not describe their appearance, instead teasing out permutations of resemblance to and difference from the usually distinct groupings of wild animals and domesticated animals:

There are ways in which it is equivalent (*shaveh*) to a wild animal;<sup>19</sup>  
 there are ways in which it is equivalent to a domesticated animal;  
 there are ways in which it is equivalent to both domesticated and wild animals;  
 and there are ways in which it is not equivalent to either domesticated or wild animals. (mBik. 2:8)<sup>20</sup>

Judith Romney Wegner reads the *koy*, in light of the later Babylonian Talmud (bHul. 79b), as the offspring of the goat and the gazelle. The *koy*, she declares, is the Mishnah's "paradigm for hybrids and the problem of their classification." As she puts it,

The figure of the hybrid, in its turn, is really a metaphor for a larger underlying problem: the Mishnah's obsession with marginal phenomena and its abhorrence of mixtures. This antipathy, stemming partly from the sages' sense of cosmic order and partly from their penchant for dichotomous thought, appears throughout the Mishnah as a preoccupation with the dividing line between a given category and its polar opposite.<sup>21</sup>

Pace Wegner, it is my contention that the *koy* is *not* an example of *kilayim* offspring. The rabbis know perfectly well how to name *kilayim* offspring as such. Thus, they tag the products of donkeys and horses, or goats and sheep, as *kilayim*. And in discussing various ritual questions related to animals, the tannaim consistently treat the *kilayim*, and then the *koy* (rather than subsuming the latter under the former). For instance, in discussing which animals can be donated to the temple instead of the donkey firstborn (or the “redemption of the firstborn donkey”), they list creatures who may not be used for redemption, including *kilayim* and the *koy*, both categories noted separately.<sup>22</sup> That the specific creature called the *koy* is not simply an instance of *kilayim* is borne out in its distinct treatment in various ritual determinations. Moreover, the very definition of *kilayim* comprises various combinations and permutations, as we see here:

A domesticated animal (*behemah*) with a domesticated animal (*behemah*) [of another species]  
 a wild animal (*hayah*) with a wild animal [of another species];  
 a domesticated animal (*behemah*) with a wild animal (*hayah*);  
 a wild animal (*hayah*) with a domesticated animal (*behemah*);  
 an impure animal with a pure animal [of another species];  
 a pure animal with an impure animal [of another species];  
 or an impure animal with a pure animal;  
 or a pure animal with an impure animal;  
 they are forbidden for plowing, and to pull them or lead them [together]. (mKil. 8:2)

As we see, the term “*kilayim*” already includes the offspring of the wild and domesticated quadruped. The fact that the *koy* is subsumed under an ontological uncertainty (*safek*) about its classification makes it unusual and suggests that it is akin to the creatures named above. Indeed, the Tosefta parallels mKilayim 8:5’s list of multiform creatures, such as the *adne ha-sadeh* (field human) and the *kipod*, by describing the *koy* as “subject to two stringencies” (tKil. 5:3), perhaps meaning that it is treated as both wild and domesticated for the purposes of extending (rather than minimizing) the prohibition against mixing it with other animals (domestic or wild).<sup>23</sup> This is also directly spelled out in mBikkurim 2:11.<sup>24</sup>

The Tosefta cites Rabbi Yose describing the *koy* as a “creature unto itself” (*biryah le’atmo*), which the sages “could not harmonize” or “compel” between the binary classes of wild animal and domesticated animal (tBikkurim 2:5).<sup>25</sup> This language of “creature unto itself” is also used in tKilayim 1:6 when referring to the wild ox (*shor bar*). There, the first anonymous view declares that it is treated “like a domesticated animal for all matters.” The second opinion of Rabbi Yose is that this is the biblical creature *te’o* and that they are “like a wild animal for all matters.” Finally, the sages declare that “the *te’o* is a creature unto itself and the wild ox is a creature unto itself.” Aside from the curiosity of this attempt to parse

contemporary and preexisting nomenclature, we can see that the term “creature unto itself” is used to distinguish between two species in toto. I would further suggest that this understanding, when deployed with the koy, comes to denote it as a fully distinct kind, and that, further, its designation as a *biryah*—a creature or created entity—folds it within divinely created kinds.<sup>26</sup> Something of this is at play in the debate about the koy in the Palestinian Talmud. There, Rabbi Eleazar declares the koy to be the offspring of a goat and a deer. But the rabbis say the koy is a species of their own.<sup>27</sup>

We have previously seen how thinkers like Aristotle also distinguished between the ad hoc hybrid offspring of two different species (even if humanly induced on a large scale) and the self-perpetuating discrete species that is multiform (i.e., looks like it could be a hybrid). However, Wegner is not alone in referring to the latter as hybrids.<sup>28</sup> My concern about this figurative use of a term, which is in fact quite concrete, is that it obfuscates our ability to sensitively capture the particularities of how the rabbis conceptualized kilayim precisely as embodiments of two kinds that were joined. Thus, I believe we must part ways with Romney Wegner’s invocation of the koy as a “figure” (and a “monstrous” one at that), especially because of how she consigns the koy to a mere myth for the rabbis, thus perpetuating an embodied erasure both of this being and of the rabbis’ efforts to know them.

### *Kilayim, Before Metaphor*

Even if I am correct about this distinction—that the rabbinic kilayim is but one subset of a variety of multiform creatures—the question remains as to what is lost by deploying an overly capacious usage of the term “hybrid” to include all multiformity. What does this narrower notion of hybridity accomplish, apart from the admitted pleasures of pedantry? Or, to put it otherwise, what is lost when we assimilate rabbinic kilayim with other kinds of multiformity?

Romney Wegner, as we saw, views the hybrid as a “figure” for the Mishnah’s larger “abhorrence for . . . mixture.”<sup>29</sup> This language summons strong affective antipathy and puts the heavy burden of maintaining the Mishnah’s apparent love for categorical purity on any such deviant “mixtures.” Romney Wegner goes on to sharpen the koy’s focus as a figure, claiming, without real evidence, that the sages themselves didn’t really believe in its literal existence, thus rendering it as an abstraction unencumbered by the messiness of the flesh.<sup>30</sup> This is a rationalizing modernist approach to the tannaim, one that is not that different from assessing their science in terms of contemporary knowledge and then finding it wanting. The burden, it seems, is on us to justify such remakings of the rabbis in our own image. For the tannaim, the conceptual framing of the koy is almost always incarnate, whether filtered through its ritual im/purity and hence its corpse, or through rules about its slaughter, sacrifice,<sup>31</sup> or consumption (it is a pure species). Why, then, does Romney Wegner insist on denying the very terms of thinking through how this “figure” of thought is, in fact, thought?

When we metaphorize the koy and the hybrid we lose access to their “biology” according to the tannaim. Rather than relying on Romney Wegner’s disembodied kilayim, we ought to consider the rabbinic hybrid precisely as the opposite: a combination of abstract thought entangled in the messiness of flesh—a hybrid in form and in content, as it were. Another difficulty with Romney Wegner’s approach is that it engages in a common move, which is to make nonhuman beings inevitably stand in for something else. Perhaps this inevitability is part of our training that animals are “good to think with,” as Claude Levi-Strauss shows.<sup>32</sup> We will press more on this as it pertains to kilayim below. Meanwhile, the framing of tannaitic engagement insists that koy creatures, like sirens, were not—and, indeed, could not—be hybrids. This tells us something important about the specificity and concreteness of what were hybrids for the tannaim. In a set of sources that is hyperfocused precisely on parsing out such specificities, it is problematic to ignore them (even if they seem to our contemporary eyes to be trivial distractions), simply out of a desire for an elevated abstraction.

In fact, what intrigues me here is precisely the particulate granularity—the very narrow specificity—of the hybrid. This is parsed at length by the rabbis, especially through the case of the mule (which, if *any* species is chosen as emblematic of the hybrid, deserves such a designation) versus the potential category-busting *ab initio* multiform creature. Both such creatures (e.g., the mule and the koy), blend likeness and difference in ways that upset automatic species assignment. And the distinct causes and implications thereof are significant for ritual and everyday action. Neither are purely theoretical: they each demand materialized accounts of the fragility and contingency of the “pure” category.

Regardless of whether the tannaim succeed in placing every kind of multiform creature into the available classes of species (pure/impure, wild/domesticated, distinct/blended), multiform and multicategorical “creatures unto themselves” expose the incompleteness of a closed, originary network of such categories. Their existence means that the world contains divinely wrought species that already exist outside the multiple, binary rabbinic classifications and that challenge the notion of a closed classificatory system from the get-go. As we will see with kilayim, the tannaim do not simply abject such creatures. On the contrary, they contemplate a world in which the hybrid and the *ab initio* multiform creature (by which I designate creatures such as the koy) exist side by side with other creatures whose combinations of likeness and difference also blend or surprise species designations.<sup>33</sup>

What flows from this analysis? The hybrid proper is shrunk to a narrower space than that granted to them by some scholars, one that constrains agricultural labor in very particular ways but also facilitates the hybrid’s incorporation into Jewish lives. In addition, the hybrid is encompassed within a web of halakhic rubrics, and its (potential) presence in the world is sorted, rather than immediately ejected as taboo. When we do not succumb to the idea of the hybrid’s threat of epistemic

failure, or the horrors of mixing and the rebukes of transgression, we find both greater complexity and greater simplicity. One might say that kilayim is technical rather than existential.

The distinction between the hybrid and the *ab initio* multiform creature means that likeness (and its corollary, difference) is a potentially unreliable indicator for species assignment. In fact, as we have already established, there are several ways in which creatures can come to look like mixtures of species, including the unpredictable bodily variation that arises spontaneously. All these cases—including the hybrid, the spontaneously occurring species variation, and the species that has multiform characteristics—challenge the classificatory impulse that seeks immediate fulfilment. The hybrid is not unique. There are several causes by which the multiple (as in species multiformity) can come together. This causal multiplicity of multiformity has perhaps confused scholars who use the term “hybrid” way too broadly to encompass all sorts of variation, contrary to the rabbis’ rather particular usages, which depend in turn on the diversity of generation itself.

#### THE MAKING AND USE OF KILAYIM

As we have seen in earlier chapters, the rabbis expended considerable energy in figuring out what counted as a distinct species in order to avoid and not to constrain certain actions unnecessarily. It is in this sense—of avoidance—that kilayim is in some ways constitutive of the very project of determining species difference. The prohibition of kilayim was one of the instigators of this zoological knowledge, including the need to classify and know what to do with the offspring or fruits of forbidden mixings. While some products of hybridization were forbidden for consumption or use, not all were: the Bible clearly states that hybrid fruit of the vine are “sanctified”—that is, forbidden; it says naught about animal or other plant cases. From this silence, the rabbis weave a rather capacious and flexible set of guidelines about animal and plant life (mKil. 8:1). They also often inquire about the potential use of kilayim offspring in sacrificial, firstborn donation, tithe, and other animal-related actions and obligations. As we will shortly see, the rabbis also consider who is bound by kilayim, where, and how this in turn impacts the treatment or usage of hybrid products.<sup>34</sup>

It is this capacious inquiry, coupled with the way that kilayim participates in the generation of classificatory knowledge, that makes prohibition understood as uniformly negative, an insufficient lens. Thus, what we might consider to be distinct species are called “a kind with its own kind: this becomes a way to permit the planting of two “species” together and to also permit the produce that arises.”<sup>35</sup> The rabbis often permit even what are, properly speaking, products of hybridization.<sup>36</sup> Across their writings, the tannaim seem to presume that mules—offspring



of a horse and a donkey—are owned by Jews (even if it is clear that their breeding would be forbidden). It is after a cluster of discussions about mules and their usage that we find this dispute about their use in the first place:

Issi the Babylonian says: It is forbidden to ride upon a mule, as we learn from an *a fortiori* argument: if in the case in which it is permitted to wear two garments as one, behold it is forbidden with their mixture (*beta'arvtan*), in a case in which it is prohibited to lead two animals as one, would they not be forbidden with their mixture (*beta'arvtan*)?<sup>37</sup>

By this logic Issi hazards that juxtaposing two kinds (donkey and horse) is surely less severe than deploying their offspring (the mule). Therefore, if the former is banned, then so must the latter be. The sages attempt to refute this by citing the biblical precedent of King David who commanded that Solomon be driven to the Gihon spring to be anointed as king on David's own mule (1 Kgs 1:33). Issi responds by denying that one may derive authority from a person such as David, leaving the sages with the final word that "David did what was right in the eyes of the Lord" (1 Kgs 15:5). The Tosefta closes with a note of permission to ride mules based on royal precedent. This is in notable contrast with the later Palestinian Talmud, which adds that Solomon's mule was specifically made by God during the six days of creation. Thus, the Yerushalmi implies that his was a bespoke exception.

### *Production, Prohibition, Peculiarity*

The mule becomes an example of kilayim for many who consider hybridity because it was such a ubiquitously used load-bearing and transport animal in the Mediterranean. Besides their discussions of the mule and its use in Tractate Kilayim, the tannaim casually discuss mules as means of transport (e.g., mB. Bat. 5:1: one who sells a wagon has not sold the mules [implicitly]; one who sells mules has not sold the wagon).<sup>38</sup> But if Jews are permitted to use some hybrid creatures and plant life, but are forbidden to breed or grow them, where are they getting them from?

In the case of plants, the Tosefta intimates that non-Jews produce kilayim: it also takes a relatively permissive approach by allowing Jews to plant secondary shoots from new hybrids instigated by non-Jews, under certain circumstances even allowing Jews to work with non-Jews on kilayim in fields owned by the latter.<sup>39</sup> That the rabbis also contemplate (or testify to) Jews producing kilayim is evidenced in their discussion of enforcement against transgressors.<sup>40</sup> This question of supply and demand of kilayim for and by Jews, as well as by gentiles, brings us to the tannaim's understanding of who exactly was subject to these strictures. Rather than being the subject of dry technical disquisitions, the rabbis' determinations shed further light on the qualities of kilayim itself.

*Ethnogeographic Limits of Kilayim*

The Bible does not tag kilayim as a prohibition specifically linked to Canaan. Notably, it is not included with the agricultural strictures in Leviticus 19:23–25 that are introduced with the phrase “and when you enter the land.” And yet, tannaitic sources proceed as if it is obvious that kilayim joins such explicitly land-dependent strictures as those for new produce (*hadash*) and the fruit of young trees (*orlah*). Moreover, the tannaim act as if extending kilayim rules beyond Palestine is a rabbinic innovation:

New produce (*hadash*) is forbidden by the Torah in all places; produce of young trees (*orlah*) is *halakhah*, and kilayim by the words of the scribes (*divrei soferim*).<sup>41</sup>

This has the effect, arguably, of de-essentializing kilayim. In other words, if the prohibition were (as many scholars argue) grounded in an idea of nature or, even still, an idea of “natural law,” in which category distinctions must be preserved at all costs, then surely it would be in the rabbis’ scope to read it—as it is ensconced in its biblical settings—as a generalized prohibition about the kinds and their mixings rather than as a land-specific injunction. One might think that kilayim would be more akin to dietary rules pertaining to animals, which travel with/in the relevant animals themselves, rather than being geographically confined. That the rabbis strain against the more obvious contextualization of scripture to claim the reverse—and that they do so while behaving as if this is *not from the Torah*—is doubly distancing from essentialist readings of kilayim.

This impression about the nonessential character of kilayim is reinforced when we consider the fact that the tannaim approvingly permitted Jews to enjoy the secondary use of grafts of plants and seeds created by gentiles. But what of the permissibility of kilayim for people who are not Jewish in the first place? Does the rabbis’ supposed extension of kilayim beyond the limits of Palestine make for a universalizable set of prohibitions across all humans? Here we must infer from teachings in the Tosefta and the Sifre. In tAvodah Zarah 8:4–9, the tannaim enumerate “the seven commandments of the Noahides.” To this, individual sages successively augment additional commandments to which gentiles are subject. The last, of these, Rabbi Eleazar posits:<sup>42</sup>

The children of Noah may sow [seeds] and wear kilayim *but* may not mate animals or graft trees.<sup>43</sup>

Eleazar’s additional Noahide rule does not follow the plain sense of the biblical verses (after all, grafting trees is itself a rabbinic expansion, whereas sowing seeds and wearing kilayim are explicitly forbidden). The Palestinian Talmud cites a midrash by Eleazar on Leviticus 19:19’s introduction—“and my statutes you must observe”—to its kilayim rules: “because of the statutes (*huqim*) that I inscribed into my world.”<sup>44</sup> The exegesis suggests that distinctions between species of animals and plant-life—inaugurated with the world’s creation (according to both

biblical narratives in Genesis 1 and 2)—are etched into the very fabric of the universe and concludes that the first human(s) already observed these strictures, which means all humans (Jewish and not Jewish alike) must continue to do so. This is the sort of natural law ideology that we might expect to see of kilayim in tannaitic corpora but that we simply do not see. It is problematic, however, to read this later Talmudic teaching back into the Tosefta (despite its attribution).

The Sifra similarly incorporates intra-Jewish and extra-Jewish crossbreeding into the kilayim prohibition.

I only have “your animal” (Lev 19:19) with your animal. From where do I derive “your animal” with that of others [gentiles]; the animals of others with your animals, the animals of others with the animals of others? From “My statutes you must observe” (Lev 19:19).<sup>45</sup>

Despite these ways in which kilayim is ostentatiously yet disingenuously extended across the entire world and in which its animal-directed restrictions are, at least theoretically, meant to be observed by non-Jews, we also find another strain of tannaitic thinking according to which it is presented as a distinctively Jewish observance, one that marks Jewish bodies.<sup>46</sup> This leads to and overlaps with another aspect of our inquiry, which scrutinizes the ways that the tannaim justified or explained the prohibition.

### *Ethnicity, Explanation, Exclusion*

Tannaitic sources discuss kilayim as statutes (*huqim*) in two places. In both instances, kilayim is presented as bound up with Jewish separatism. In the first example, the Sifra plumbs the verse “my judgements you shall do, my statutes (*huqotai*) you shall observe, to walk with them, I am the lord your God” (Lev 18:4). This verse comes on the tails of another in which Israelites are enjoined against “going after their [Egyptian or Canaanite] statutes” (Lev 18:3). Thus runs the Sifra:

“My judgments you shall do” (Lev 18:4). These are the things, which if they had not been written, by logic they ought to have been *written* (*be-din hayah le-kotvan*), for example, theft, illicit sex, blaspheming the name [of God], and bloodshed. For if they had not been written, they should have been *written* by logic.<sup>47</sup>

First, the Sifra distinguishes divine judgments (*misphatim*), including those pronounced on robbery and bloodshed, which are logically deducible and hence “written” (and legible as such). But the Sifra opposes these to statutes (*huqim*), which include kilayim, and which are “engraved.” The Sifra then builds on the idea that, unlike judgments, statutes are not logically deducible and seemingly are even illogical or at least susceptible to attack on those grounds:

“And my statutes (*huqim*) you shall observe” (Lev 18:4). These are the things that are engraved (*ha-haquqin*) in the Torah that the evil inclination queries and that the nations of the world query, for instance, eating pig and wearing kilayim,

and the levirate *halitsah* ceremony, the purification of the leper, and the sent-away he-goat. For the evil inclination queries them and the nations of the world query them. Therefore, it comes to teach you, “I, the Lord” (Lev 18:4), I engraved them (*haqaqtim*): you are not permitted to query (or: respond about) them.<sup>48</sup>

The evil inclination—presumably both of Jews and of people who are not Jewish—questions (and, as other literary evidence shows, mocks) certain Jewish practices that seem not to conform to the dictates of reason. Rather than cave to these requests for justification, God, in this midrash, dares Jews to engage in philosophical exchange about statutes that God has personally incised. Note that these statutes are engraved into the Torah rather than, as in the Palestinian Talmud, into the creation itself. The Sifra’s defensiveness, described by Beth Berkowitz, then, is not based in arguments about the immutability of created beings or the essential qualities of categories.<sup>49</sup> If this is defense, it is in the vein of defiance. And yet, it is also significant that the justification itself is simultaneously outwardly directed—toward putative gentile attacks—and inwardly oriented, toward Jewish doubt. This transparent example of internalized and externalized skepticism entangled, translates the peculiarity of prohibitions such as kilayim into a bold and unapologetic mark of Jewish distinction, as is evinced by the next sequence.

“To walk in them” (Lev 18:4). Make them fundamental (*iqqar*) and not incidental (*tfelah*).<sup>50</sup>

Reveling in these statutes, the Sifra then closes the verse’s readings with the following:

“To walk in them,” so that your exchanges should be only in them, so that you do not mix (*tiṭʾarev*) them with other [gentile] things. Do not say: I have learned the wisdom of Israel; now I will learn the wisdom of the nations. It comes to teach you, “to walk in them.”<sup>51</sup>

The Sifra concludes by entwining the earlier motifs of Jewish distinctiveness and gentile exchanges in ways that curiously dovetail with the kilayim prohibition’s caution against mixing (*ʿr.v.*).<sup>52</sup> One might add that it is no coincidence that the kind of kilayim that is conspicuously guarded against is that of clothing—in other words, as Beth Berkowitz highlights, a visible marker of Jewish difference on the body. In this way, Jews quite literally “walk *in* them” as garments.

Earlier Jewish writings found in the community settlement at Qumran (dating from the second century BCE to the first century CE) pull on kilayim in slightly different ways. That is, these sources similarly exploit its separatist potentials, but they do so by transferring its meanings explicitly to intrahuman joining (whether social or marital). Thus, in 4QMMT B 75–82 (and parallels) we find marriage between priests and other Israelites or Israelites and non-Israelites described as kilayim, together with talk of contaminating “holy seed.” 4Q271.3 7–15 (and

parallels) also describes allowing one's daughter to wed "unfit" people in terms of kilayim.<sup>53</sup> Elsewhere, the mixing of one's wealth with others' is dubbed kilayim. As Menachem Kister puts it, "the Qumran texts use the notion of *kil'ayim* to refer both to intermarriage and to social separation."<sup>54</sup> The mid-first century Pauline 2 Corinthians uses the Greek term "misyoked" (*heterozugos*); the same term appears in the (earlier) Septuagint translation for the animal kilayim prohibition of Leviticus 19:19.<sup>55</sup> In 2 Corinthians 6:14, Paul uses the term to enjoin members of the Christ-following community not to "be misyoked with unbelievers."<sup>56</sup> However, we do not find this phenomenon of extending kilayim's reach beyond its earlier Hebrew biblical meaning of animal-, plant-, and fabric-related mixings of kinds, especially in communal contexts, in tannaitic sources.

Tannaitic texts call for pride in the distinctiveness that prohibitions like kilayim confer upon the children of Israel. They reject justification, explanation, or moralization in response to internal or external inquiries for the explanatory mechanics that underpin the prohibition. The Sifra extends this refusal of driving logics even to personal affect or repulsion:

"And you shall be holy to me, for I, God, am holy" (Lev 20:26): Just as I am holy, so, you be holy. Just as I am set apart, so, you be set apart.

"And I have separated you (*ve-avdil*) from the peoples to be mine" (Lev 20:26): if you separate yourselves from other peoples, you belong to me. But if not, you belong to Nebuchadnezzar king of Babylon and his companions.

R. Eleazar b. Azariah says: From where is it derived that a man should not say, "I do not want to wear kilayim; I do not want to eat pig meat; I do not want to enter into forbidden sexual relations (*'ervah*)," but [should] rather [say], "I *do* want it, but what can I do? My father in heaven has decreed over me thus." [From] "and I have separated you from the peoples to be mine" (Lev 20:26). Thus, he sets himself apart from transgression and accepts the kingdom of heaven.<sup>57</sup>

Here the readings iterate the biblical text's blend of Israelite distinction from Canaanite practices and separation/holiness. The second reading offered by Eleazar enters into the peculiarities of Jewish observances, two of which (kilayim and pig meat) overlap with the Sifra source we just discussed. Eleazar's prooftext regarding Israelite/Jewish separateness touches on the motives (if not the reasoning) for prohibitions such as kilayim, but this time it relates to affective contrivances. A person, says the rabbi, should not pretend that there is anything instinctively repulsive about kilayim, pig meat, or sexual transgression. Rather, they ought to admit their desire for them and nonetheless refrain as part of their submission to divine sovereignty. This claim about desire is surely heightened by the presence of sexual transgression in this list. While this source does not explicitly eschew reason (*din*) as the basis of such observances as in our previous source, it does put paid to notions of "natural law" as their unstated rationale.

The emphasis on the singularity and irreducible underpinnings of commandments such as kilayim dovetails with the absence of justifications or explanations



across tannaitic texts. This absence stands, furthermore, in opposition to earlier Jewish writers such as Philo, who holds:

Actually so great are the provisions made in the law to ensure that humans should admit no unlawful matings, that it ordains that even cattle are not to be bred with others of a different species. No Jewish shepherd will allow a he-goat to mount a ewe or a ram a she-goat, or a bull a mare, or if he does he will be punished as an offender against the decree of nature, who is careful to preserve the primary species without adulteration. It is true that some people value mules above all other beasts of burden, because their bodies are compact and exceedingly muscular, and accordingly in horse-stables or other places where horses are kept they rear donkeys of huge size to which they give the name of "Celons" to copulate with the female colts, who then give birth to a hybrid animal, the mule. But Moses, recognizing that the way in which this animal is produced contravenes nature, stringently forbade it under the wider order by which he refused permission for animals of either sex to breed with those of an unlike species. In making this provision he considered what was in accord with decency and conformity to nature, but beyond this he gave us as from some far-off commanding height a warning to men and women alike that they should learn from these examples to abstain from unlawful forms of intercourse.<sup>58</sup>

For Philo there is a general principle on which the prohibition of mating across species boundaries rests, which is to "preserve the primary species without adulteration," something in "accord with decency and conformity to nature." However, as he presents it, the real issue is "no unlawful matings" by humans. Thus, the ultimate reason that crossbreeding animals is disallowed is so that humans "learn from these examples to abstain from unlawful forms of intercourse," such as bestiality.<sup>59</sup> In other words, aside from nature's mandate to keep species "unadulterated," the real impetus for the kilayim prohibition is pedagogical and human-centered. The quotation above is a diversionary second to the passage's prime focus on the human-animal sex, which Philo worries might result in monstrous offspring.<sup>60</sup>

The human desire for sexual transgression is stigmatized as unnatural and wicked by Philo, a rather different approach from that of the Sifra, which enjoins people to acknowledge their craving for both kilayim and prohibited sex (which includes bestiality). Notably, the Sifra's coupling of kilayim and sexual transgression places these two transgressions on equal footing, rather than making the former a mere allegorical stand-in for the latter. Neither does the Sifra cite a generalized universalizable principle of natural law for kilayim, something that we might consider given its approach to sins like theft, illicit relations, blasphemy, and bloodshed, which it does consider prohibitions that one could deduce without the Torah. Whereas Philo does not explicitly claim that the kilayim prohibition is something peculiar to Jews, he regularly points to Moses's *nomoi* (regulations) as singular and superior to those of Greeks and Romans, both in *On the Special Laws* and across many of his writings. In this regard, he arguably accords with the

Sifra. However, he differs in not singling out kilayim (among other markers) as a particular marker of Jewish difference.<sup>61</sup>

In presenting kilayim as something potentially desirable, unlike the obvious crime of murder, the Sifra converts its lack of reasoning into a cause for a kind of nonsymbolic, purposely opaque, and singular Jewish feature, vulnerable to critique and attack. This is in stark contrast to Philo, who subsumes it under a generalized natural law of observing species distinctions but ultimately of pointing to a different kind of mixing transgression (human-animal). The Sifra is also very different from Paul and the writers at Qumran, who invoke it indirectly to frame certain kinds of heterogenous human-human couplings. None of these features are present for the tannaim. And yet, scholars have frequently argued precisely for such characteristics for the rabbis, a matter that we will address in greater detail below.<sup>62</sup> But first we will ask: if the tannaim did not represent kilayim as a violation of nature, what relationship did they posit between the hybrid and God's creation? Their theories of kilayim's origins concern us now.

### *Etiologies of Kilayim*

Etiology is not necessarily destiny and yet speculations about the origins of things often shade, or are in turn impacted by, their ongoing iterations. Earlier, we pointed to the ways that the rabbis extended or narrowed the kilayim prohibition spatially (Palestine and beyond) and religio-ethnically (Jews and others). Specifically, the tannaim take full credit for extending the kilayim prohibition to the entire world (beyond Palestine), meaning that while they do so, they simultaneously assert a nonessentialist (or, one might say, nonrealist) approach to crossbreeding kilayim (not the same, for instance, as their approach to purity schemes for animal classification, contact, and consumption). The latter are grounded in the creatures themselves rather than in their location. While a minority view adds the prohibition of grafting and animal kilayim to the seven Noahide commandments, the same view allows the sowing and wearing of kilayim. These trends, as well as the other considerations of kilayim we have discussed here, such as the instruction to forego justifications, lead us to the conclusion that the tannaim did not essentialize or moralize it. In this section, we look to two instances in which the tannaim consider the origins of kilayim so that we can check whether these might reveal more about its "nature" or lend us a clue about the reasons for its prohibition.

Our first source, in the Tosefta, arises in the context of a dispute in the parallel Mishnah passage about the precise blessing over the flame used as part of the ritual marking the end of the Sabbath (for the *havdalah* or separation ceremony).<sup>63</sup> On one view, a person should bless the "one who created *the* light of fire" (school of Shammai), whereas the other argues that one blesses "one who creates *lights* of fire" (school of Hillel). This is seemingly a debate about the ontological status of any particular flame with respect to divine creation. When you bless over the

*havdalah* flame, are you praising God for creating the primeval originary fire? If so, then the blessing formula is for the singular fire with the verb “he created” as an already completed and discrete action, in the past tense. Or ought you bless God for fire as an entity whose creation is iterative, ongoing, and multiple, and so use the present tense (“creates”) and plural (“lights”)? Why would fire in particular trigger this debate? Could it be that fire, rather than being a continuous element that is generated from a proximate or primordial ancestor, is somehow begotten anew each time it appears (arguably Hillel’s school’s position)? To this debate the Tosefta contributes the following:

Fire and kilayim are not from the six days of creation but are considered (*hashuvim*) to be from the six days of creation.<sup>64</sup>

The Tosefta is explicating the Mishnah in this short but trenchant comment. First, it renders explicit what was merely implicit in the Mishnah: that the question is whether fire was part of the scheme of things created in the originary creation in Genesis. This in turn opens up the potentially difficult possibility that there exist entities and creatures that are somehow not created by the deity. The confusion about fire arises from the absence of its creation in the Genesis account. To the statement above, the Tosefta supplements a particular teaching about a subcategory of fire, whose creation is placed firmly within the standard six days:

Rabbi Yose says: The fire of hell was created on the second day [of creation] and will never be extinguished, as it is said, “and they will go out and see the corpses of men who rebelled against me, because their worms will not die and their fire will not be extinguished, and they will be loathsome to all mankind.” (Isa 66:24) <sup>65</sup>

Notably, besides deepening its consideration of fire by distinguishing “fire” (not part of creation) from “hell’s fire” (second day of creation), the Tosefta has also broadened the Mishnah’s focus (originally triggered by the *havdalah* ritual flame) by introducing kilayim. Why is kilayim thus joined with fire as an entity that was not part of creation per se?

For the tannaim, as for others in antiquity, both fire and hybrid creatures were a potential problem, especially if one held that the world, and all that is in it, is the product of divine creation. On an obvious level, fire and kilayim are conspicuously absent in the Genesis account. While we saw a minority view that reads the creation of hellfire into the works of the second day (which, in the Genesis account, only entails God’s separation of heaven from the waters), the Tosefta refrains from reading fire’s genesis into the narrative, for example, as occurring along with God’s creation of the heavenly luminaries, including the sun and the moon on the fourth day. Similarly, we are implicitly given to understand that God’s making of various creatures “according to their kinds” excludes kilayim.

What is particularly tricky about kilayim is that it is expressly forbidden. The same may not be the case for fire, but both entities can be engendered by

humans. Perhaps more importantly, there is something peculiar about the generation of both, which is what may be contributing to their selection among things that God did or did not create in the original six days. For the hybrid, every single instance is singular. There are (usually) no lineages of hybrids. In this sense, reproduction is ad hoc and discontinuous. This is also typically the case with fire. In both cases, there is something of a *de novo* generation afoot in their coming into being, whether a “new” kind is produced by two different species, or whether fire is sparked by flint. It is in this sense, then, that every instance or entity of fire and the hybrid is singular, that their generation is a multiplicity composed of discrete individualities. Therefore, a particular effort—usually (though, again, not necessarily) human—is characteristic of their emergence. Whether this effort, if realized, is permitted or forbidden also calls into question the (non)genealogical relationship of the fire or the hybrid creature with a putative originary ancestor.

Aristotle’s student, Theophrastus, grappled with this aspect of fire in his treatise dedicated to the topic.<sup>66</sup> Of all the four elements—fire, water, earth, and wind—only fire, he declares, is “self-generating,” capable of utter destruction (including of itself), and of being generated in so many different ways.<sup>67</sup> It is also a particular problem for Theophrastus that the relationship of earthly fires (plural) with the primal originary fire (in the celestial, first world), from which they must of necessity derive, is hard to define. This chasm, between the celestial, eternal fire, and the multiple fires that come to be and pass away on earth, potentially dovetails with Hillel’s formulation of the blessing over the iterative present-tense creation of fires (plural) versus Shammai’s blessing for the (singular) creation of the (originary) fire in the past tense. In fact, Theophrastus fails to resolve the problems that he exposes.<sup>68</sup>

The Tosefta, however, seeks to find a middle path of sorts, even as it, too, fails to fall on one or another side of the Hillel versus Shammai debate about blessings. It seeks to have its cake and eat it by having both fire and kilayim as technically not part of the six days of official creation but as somehow still being “considered” or “thought of as if” part of creation. This could accommodate the idea that humans can instigate (perpetuate?) the generation of these entities in a unique way that is unrelated to divinely wrought origins or ancestors, while nonetheless perhaps paradoxically attributing their existence to God. Perhaps this is a way of expressing that unresolved chasm that Theophrastus was also unable to breach, between an originary creation and its earthly, oddly self-generating instantiations. The Tosefta thus refuses to choose between the Mishnah’s ongoing multiple present (Hillel) or single past perfect (Shammai) but instead sets up kilayim and fire as existing in a temporally liminal zone, both inside and outside creation’s span. The Tosefta’s passive voice formulation of kilayim and fire being “thought of (*hashuvin*) as from creation” foregoes the more direct agentive voice of a blessing of “one who creates.”<sup>69</sup>

What might this idea of being both outside and yet inside creation mean? One concrete way of conceptualizing it that appears to be in dialogue in some ways with our Tosefta can be found in the Sifre's discussion of Moses's tomb. The grave, says the Sifre, is one of the things created on the eve of the first Sabbath at twilight. The Sifre goes on to enumerate a series of twelve entities to which various individual sages supplement particular items, including Rabbi Nehemiah who adds "also fire (*ha-ur*) and the female mule (*ha-peredah*)."<sup>70</sup>

The Sifre thus concretizes a temporal liminal zone inside/outside the six days of creation, and specifically pairs both fire and the hybrid creature. Twilight is an ambiguous time for the tannaim as it is neither quite day nor quite night (by which the next day is counted). We also observe that the Sifre homes in on a particular species—the (female) mule (*peredah*)—one that is often taken as exemplary of hybrids and about whose incapacity for reproduction the Sifre reports.<sup>71</sup> The larger list itself gathers together a variety of entities that we might lump together under the banner of singularity: the rainbow (that appears to Noah after the flood), manna, Miriam's well, writing, the tablets of the Ten Commandments, tongs, the mouth of Bala'am's talking donkey, the ram to be sacrificed in Isaac's stead, demons (*mazikin*), and the *shamir* creature. Other tannaitic parallels—Mishnah Avot 5:6 and the Mekhilta—contain a similar but not identical series of entities created on Friday at twilight.<sup>72</sup> Like kilayim most of these things created are *sui generis*, one of a kind, and not reproduced, but are directly brought into being by God. In some ways like fire, some of these are not what we would think of as organic "biological" entities—for example, the two tablets, writing, and tongs—but instead seem to backdate the origination of what we might call "technologies" or of what we might think of as human "inventions" (or "discoveries") with God's originary creation. In fact, these logics entwine the creation of certain bio-techno-cultural entities with creation, albeit in a somewhat liminal timescape.

That these are created during twilight (*bein hashemashot*), which is both outside the six days of creation but nonetheless not quite the Sabbath, is an ingenious way of resolving the temporal paradox of certain entities being both outside the scheme of creation yet somehow still calculated and counted (*hashuvin*) within it.<sup>73</sup> And despite their ambiguous alterity to and simultaneous affiliation with the official period of creation's vaunted six days, the mule/hybrid and fire (and other things) make it by a hair's breadth into the divinely wrought universe. One could imagine that this kind of equivocal positioning could seed a moralizing tone, particularly about kilayim, which is, after all, forbidden. However, like the instances noted thus far, the tannaim do not exploit such opportunities for making these ideological moves, unlike later rabbinic texts that do. Instead, the tannaitic sources put an end to the possibility that God did *not* create these himself.<sup>74</sup>

For our purposes, let us note two points. First, the tannaim do not present the earliest coming into being of kilayim as a humanly instigated act. Second, neither the creation of kilayim nor that of fire is presented in any way as negative: indeed,



the context of the Tosefta's introduction of this tradition about their inside/outside status is that of praise: a *blessing* of God for fire's creation. We will see that neither of these observations is true in the Palestinian Talmud's retelling. Contrast this with late second-/early third-century CE Aelian, who claims, echoing Philo, that the mule (for example) was "not a product of nature, but a sneaky trick born of the ingenuity and (you might say adulterous) audacity of humans."<sup>75</sup> Instead, for the tannaim, kilayim's etiologies are theorized among other singular entities whose existence lie outside the usual or expected circuits of creation and reproduction.

#### KILAYIM AFTER THE TANNAIM

If I have persuaded you that hybridity for the tannaim is not the bogeyman, the violation of all that is god-given, natural, and bounded, I have also conceded that some of these sentiments can be found in the writings of the rabbis that follow. In this section, we examine some of these later sources. We will close our inquiry with a particularly curious passage in the Palestinian Talmud, which, I will argue, stages a juxtaposition of the mule with the human in ways that challenge our ability to claim a universal condemnatory trend among the Palestinian amoraim toward kilayim, and even showcases how kilayim is productively used to think through human generation. But first, onward to the more sinister deployments of kilayim.

An amoraic teaching (by Resh Laqish, ca. mid-third-century CE) in both Genesis Rabbah and the Palestinian Talmud (products of the fifth century CE) links the species language ("according to their kind—*lemineihu*") in Genesis to kilayim.<sup>76</sup> Elsewhere, amoraim read the divine punishment of the flood as having been exacted against all life-forms ("human, animal, creeping creature, bird of the heavens," Gen 6:7) because all creatures, including nonhumans, sinned. The language, however, is instructive:

Rabbi Azariah in the name of Rabbi Judah: Everyone's deeds were rotten (*qilqelu ma'asei hem*) in the generation of the flood: the dog with the wolf, the fowl with the peacock. Thus, it is written, "for all flesh was corrupted, etc." (Genesis 6:12). Rabbi Lulianus (Julian) son of Tiberius, in the name of Rabbi Isaac: Even the earth was promiscuous (*zintah*). They would sow in it wheat and it would produce tares (*zunin*). Our tares come from the generation of the flood.<sup>77</sup>

It is certainly the case that the first teaching echoes the language of the pairings in mKilayim 1:7 and tKilayim 1:6 (encountered in chapter 3), which are both referred to as kilayim "even though they resemble one another." The second teaching also echoes mKilayim 1:1: "wheat and *zunin* do not constitute kilayim one with the other." Interestingly, despite these clear allusions to the transgression of kilayim, Genesis Rabbah does not name it. And a vital element of kilayim—human instigation—is missing. Indeed, the whole moral force of ascribing a "sin" to animals and,

it seems, plant life too, is that they have agency and thus culpability.<sup>78</sup> So perhaps, while fascinating in its own right, this is not the best example of kilayim after all.

Elsewhere, the Palestinian Talmud describes transgressive sexuality by using kilayim as a metaphor. Thus, a Palestinian amora (Rabbi Isaac) teaches that Samson's parents pointed to Philistine vineyards—"sown (*zeru'im*) with kilayim"—sown, that is, with two different species of seeds. They then explained, "just as their vineyards are sown with kilayim, so are their daughters sown with kilayim."<sup>79</sup> What exactly this means is not explicated, but it is not implausible that this refers to adulterous sex, or to sex with multiple male partners.<sup>80</sup> This idea of Philistine women as fields sown with multiple seeds (or semen) is clearly an insult designed to reference intra-Philistine promiscuity rather than racialized or interethnic "intermarriage." In fact, it is noteworthy that the amoraim do *not* describe Israelite-Philistine marriage as kilayim. The "mixed seeds" point to cultural-sexual practices that render Philistine woman unsuitable marriage partners (a different form of racism, after all). A similar idea is expressed elsewhere in the Palestinian Talmud, but in terms of grafting (*harkavah*). Psalms 128:3 likens a wife to a "fruitful vine" and sons to "saplings of olive trees." From this verse, a Palestinian amora spins the following homily: "just as olive trees are not subject to grafting, so no unfitness will be detected in your sons."<sup>81</sup> In both this case and the previous one, kilayim is used to express ideas of adultery threatening the patriline in the context of human marriage and offspring.

Aside from these cases in which kilayim is figured symbolically and/or transgressively, and yet without gesturing (thus far) to Jewish/non-Jewish offspring, we can also observe a negative gloss in certain instances when the Palestinian Talmud addresses earlier sources from the Mishnah and Tosefta. For example, whereas we saw that the Tosefta leaves Solomon's use of a mule in place as legitimate (tKil. 5:6), the Yerushalmi hastens to add that this mule was made by God during the creation, implying that, otherwise, Solomon's use thereof would be a transgression (or, at the very least, that it is unreliable as a precedent for the usage of mules).<sup>82</sup> Creation figuring as the basis of a strand in the Palestinian Talmud that essentializes kilayim appears in a complex concatenation of teachings that will not detain us here. However, these teachings rewrite earlier tannaitic traditions about whether gentiles are subject to kilayim prohibitions and importantly link ideas of God having engraved kilayim into the universe with creation, Adam's, and therefore all humanity's obligation to preserve kilayim and species.<sup>83</sup>

Two more instances of this shift in the Yerushalmi merit further scrutiny. The first associates kilayim with both creation and transgression. The second complicates all the foregoing. Both think kilayim through mules. In the former case, the Palestinian Talmud intervenes in the account of kilayim and fire's creation (in accord with the debate in mBer. 8:5 about the blessing of the *havdalah* flame). Recall that the Tosefta taught that fire and kilayim are considered as if (*hashuvim*) part of creation. However, the Palestinian Talmud cites this teaching as "even

though fire and kilayim were not created during the six days of creation, they arose in thought (*alu bemakhshava*) during the six days of creation.”<sup>84</sup> This is quite a different proposition and points to a kind of Neoplatonic theology (the idea that entities need to be divinely conceived to be ontologically possible) that works kilayim through as a struggle between divine creation and human manipulation—something that we did not see in earlier rabbinic texts. Palestinian amoraic sources, however, paint kilayim with a more negative tint, and in the previous two examples, this seems to contribute to their depicting their tannaitic predecessors’ traditions in this light.

This conceptual shift that I am arguing for can be seen in the entire passage in the Palestinian Talmud that ensues from this discussion of fire and mules, which are treated differentially. Fire is treated positively as an element that Adam came on thanks to divine providence after the first Sabbath, making for its memorialization and the use of a flame as part of the closing Sabbath ritual.<sup>85</sup> Hybrids, on the other hand, figure as follows:

Fire and hybrids although they were not created during the six days of creation, they arose in thought during the six days of creation. Hybrids: “These are the sons of Zivon, Ayyah and Anah. He is the Anah who found the *yemim* in the wilderness (*midbar*)” (Gen 36:24).” What is *yemim*? Rabbi Judah son of Simon said *hemionos* and the rabbis say *hemis*, half of it horse, and half of it donkey.<sup>86</sup>

And these are its signs (*simanin*). Rabbi Judah says: all whose ears are small, its mother is a horse and its father a donkey. If they are large, its mother is a donkey and its father a horse. Rabbi Mana ordered those of the patriarchate: If you want to buy a mule (*mullion*), you should buy one with small ears whose mother is a horse and whose father is a donkey (par. yKil 8:4, 31c).

What did Zivon and Anah do? He prepared a female donkey and mounted on<sup>87</sup> her a male horse; and a mule came out of them. The holy blessed One said to them: You brought something into the world that is harmful,<sup>88</sup> therefore I shall bring to that person something that will harm him. What did the holy blessed One do? They prepared a snake and mounted on her<sup>89</sup> a *hardon*<sup>90</sup> and a *havarvar*<sup>91</sup> came out of her. Never will a human tell you that he was bitten by a *harvarvar* and lived, a rabid dog bit him and he lived; he was kicked by a mule and he lived, except for a white mule.<sup>92</sup>

The stakes for the creation of fire and kilayim, as I have analyzed them for the tannaim, are quite different for the Palestinian amoraim. As we see, it is not that fire and kilayim are “thought of as if part of creation.” Rather they are now understood to be prethought by God during creation, but they actually come into being after the divinely wrought period of creation, and in kilayim’s case owing to transgressive human intervention, which is then followed by a measure for measure punishment. The Yerushalmi, then, is less concerned with the problem of originary versus iterative generation than with the theological ramifications of singular entities as human “inventions” or “discoveries.” How can humans “create”? Surely God is the only creator? The notion of God having already thought

these entities (during creation) is a middle path solution that allows for both divine credit and human “discovery.”<sup>93</sup> But the two elaborations that then follow, of the etiologies of the mule and fire, respectively, are studies in contrast. In the latter case, which is what triggers the insertion of this passage here, God is ultimately blessed by the first human (*adam*), and subsequently by all Jews, at the close of the Sabbath. Fire, then, is a source of blessing, its “discovery” by humans engineered by God.

In the case of *kilayim*, however, the paradox is that while God had to conceptualize it in potential in order for it to exist, its materialization and actualization are the result of a transgressive human act. The transgression here is cast less in terms of the humans’ hybridization of two species than in terms of their bringing a harmful creature into existence. Rather than inaugurating a perpetual blessing like fire, *kilayim* triggers punishment. The mule is its own punishment—characterized as inherently harmful, even deadly—and it also stimulates mimetic propagation of additional *kilayim* (like begets like) as just as dangerous.

We close our discussion of Palestinian amoraic texts with a passage in Yerushalmi *Kilayim* that shares a segment with the passage we just surveyed in Yerushalmi *Berakhot*. The context is also mules, but, as we will see, the human is juxtaposed in a very different fashion.

Rabbi Judah says: all animals born from a horse are permitted with one another even if their father was a donkey, all animals born from a donkey are permitted with one another even if their father was a horse, but those born from a horse are forbidden with those from a donkey. (mKil. 8:4) . . . Rabbi Isaac bar Nahman (third century CE) in the name of Rabbi Hoshaiyah: the *halakhah* (practice) follows the student. The words of the sages: all species (*min*) of mules are one. (par. tKil. 5:5)

And these are the signs. Rabbi Jonah says: all whose ears are small, their mother is a horse and their father a donkey. If they are large, their mother is a donkey and their father a horse. Rabbi Mana ordered those of [the household of] the patriarch Rabbi Yudan: If you want to buy a mule (*mullion*), you should buy one with small ears whose mother is a horse and whose father is a donkey. (Par. yBer. 8:5, 12b)

[In the human,] the white substance comes from the man (*ish*), for from him derive the brain, bones, and tendons. And the red substance comes from the woman (*isha*), for from her derive skin, flesh, and blood. And the breath and soul and spirit come from the holy one, blessed be he. And all three of them are partners in him (human).<sup>94</sup>

The Talmudic commentary is triggered by the Mishnah (and a partly cited portion of Tosefta) about the species assignment of mules. Do we distinguish between mules of different parentage for the purposes of the *kilayim* prohibition? Rabbi Judah says yes; the sages say no. Then follows the paragraph with a formula for discerning “the signs” by which one can discern mule parentage (cited in yBer. 8:5, 12b). It is attributed to the fourth-century Rabbi Jonah, and it is followed by a brief teaching by his father, Rabbi Mana.<sup>95</sup>

The idea of a formula, by which one can discern the “signs” of species, should alert us to similar language we have encountered in species assignation. Signs crop up as means to discern species (pure and impure quadrupeds, sea creatures, fowl, creeping and crawling creatures) and also, in more closely related contexts to this one, in situations when one kind (e.g., a cow) delivers a creature that is resembles another kind (e.g., a camel).<sup>96</sup> More specifically, the very locution “these are the signs” appears in but one other context in the Palestinian Talmud aside from the above parallel in Berakhot. This is a discussion in yNiddah regarding the threshold by which a multiform creature delivered by a woman is considered to be human offspring. The formula there is also in terms of specific facial features.<sup>97</sup> In other words, there are multiple resonances between these passages, especially when we consider what follows here regarding the makeup of human offspring.

What we observe about the mule formula is that the maternal species seems to determine the shape of the mule’s ears with the smaller ears of a horse mother or mare being prominent, or longer ears if she is a donkey. This comports with Galen’s position on hybrids. According to him, in general, both species contribute to the form (*eidos*) of the offspring, but Galen also discusses reports that the mother tends to have greater impact on hybrid offspring’s species form.<sup>98</sup> Mules were used to draw wagons and carts in Rome and across the Roman Empire, and Rome and its environs were a center for mule breeding, with there having been great interest in mule varieties.<sup>99</sup> Romans distinguished (albeit somewhat inconsistently) among mules, between mules proper (offspring of a mare and a male donkey) and hinnies (offspring of a female donkey and a male horse).<sup>100</sup> The first-century BCE author Varro, in his breeding instructions, distinguishes the hinny from the mule, noting that it is “usually rather redder, with ears like a horse’s, but with mane and tail like those of the ass.”<sup>101</sup> But Columella (first century CE) describes how hinnies “show in every respect a greater resemblance to their dam,” recommending therefore that one prefer the “donkey as sire for a race of mules whose appearance, as I have said, is proved by experience to be handsomer.”<sup>102</sup> Like our Yerushalmi passage, Columella discusses the ways that mules/hinnies resemble or differ from their distinctive parentage combinations, also using terminology of “signs” to warn that “sometimes also a stallion shapes mules very different from himself in respects other than the signs (*signa*) mentioned above.”<sup>103</sup>

The Yerushalmi’s engagement with mule breeding knowledge is ostensibly related to the earlier concern about avoiding the kilayim prohibition; there is, therefore, something curious about its deployment in the service of mule trading and the brandishing of expertise therein. While there is no suggestion that Jews are breeding mules—indeed, the patriarch’s household is likely purchasing mules under the direction of Rabbi Mana, no less, and for this very reason—we see no hesitation about Jews and mules per se. Neither does this passage evince condemnation. Rather, the initial prompt of the Mishnah, a concern to avoid the prohibition of kilayim among mules of different parentage, gives way to an entirely

neutral and even approving conversation in which preference for one kind of mule is expressed over another.<sup>104</sup> This is rather different from yBer 8:5, 12b on the etiology of the mule, which cites the same teaching about distinguishing signs and the advice about purchase, in the midst of its account of Anah's breeding project.

But as vital as the neutral-to-permissive mule anecdote and formula in our passage are, what then follows about human generation is highly significant for our study. In general terms, this passage calls into question a blanket assertion that the Palestinian amoraim—as opposed, say, to the tannaim—were uniformly condemnatory about kilayim. My understanding of this passage, which stitches together two formulae about the elements in the generation of mules and humans, is that hybrid creatures are not only valued by and useful to Jews, but also bear the burden of thinking through the makings of human. In the form of the mule, the hybrid is not only a beast of burden; it is also a tool for acknowledging the hybridity inherent in human generation. We find this move from hybrid to human, as a conceptual analog in Galen's *On Semen*.<sup>105</sup> To some extent, the difference of species allows a kind of morphological analog or model that then maps onto the heterosexual division of binary gender. But even for Galen the species division (of donkey/horse) does not make gender *itself* into a difference of species. Rather, as with the Palestinian amoraim, it is in service of his broader argument about all kinds of reproduction being the sum of both parents' contributions. Galen, after all, moves from arguments about reproduction in general to hybrids and then back again, in order to illustrate that female creatures, and ultimately, women (i.e., humans) contribute to generation with their semen just as men do.

For the rabbis, too, the larger principle is not to argue that male and female are different species—the mule simply illustrates a larger principle in which both parents contribute. Or to be more exact, perhaps we can even state that, given this context, the human case serves to illustrate the mule/animal case! However, even the larger principle that both parties to mating contribute to the offspring does not exactly reinforce a heterosexual division of reproductive labor for humans. After all, the human, it turns out, is even *more* hybridized than the mule, and, in this sense, it is unique among all species.<sup>106</sup> It is not a hybrid, but a trihybrid (yes, that's a real word). The human is the product of three "partners"—a man, a woman, and God. The divine element is a curious addition that is largely absent from the set of sources we have examined on tannaitic reproduction, and, to a large extent, from Yerushalmi Niddah's later discussions thereof.

Divine coparentage of the human harkens back to the exceptionalism invested in the human as "image of God." Yet, in its current configuration, it also—unlike Galen's conception of conception—bypasses heterosexual circuits of generation. In this sense, I would argue, this offers a strong riposte to readings of homosexuality, qua kilayim, as founded in strongly naturalized notions of binary-sexgender heterosexuality. On the contrary, this literary unit (*sugya*) asserts or inserts kilayim at the very heart of the human project: it is a way of theorizing human generation



itself. And the human turns out to be much more than the product of two. In fact, if there were a crossing of kinds it is of the human-divine variety. Thus, human heterosexuality is a *ménage à trois*. Kilayim's symbolics undergird its mechanics. These sources certainly provide no evidence for a concept of kilayim that undergirds a ban against men having sex with men or even against sex between Jews and non-Jews in Palestinian sources. Kilayim cannot be taken as an obvious or essentialized wrong. Its meanings shift contextually. It can thus never suffice as an explanation in and of itself for a system, or natural order, that scholars presuppose.

#### MORALIZING HYBRIDITY: HYBRIDS IN THE TWENTIETH CENTURY ONWARD

*The law of fittest surviving, aided by the breeding of hereditary qualities in a pure race, has given the Jews a physiological and mental superiority which can be perpetuated only by the perpetuation of the race purity.*

—THE AMERICAN HEBREW, MARCH 14, 1884

Whence the righteously naturalistic reputation of kilayim? Various scholars read kilayim as supremely transgressive and in terms of banned human “mixtures” of various kinds. Two prime exemplars of this tendency concern “homosexuality” and “intermarriage.” Treating homosexuality, Daniel Boyarin puts it thus:

Sexual taboo enters into an entire system forbidden practices . . . of hybrids. In that system, one may not hybridize or even plant two species together, mate a horse to a donkey, weave linen and wool into linseywoolsey. God-given categories must be kept separate.<sup>107</sup>

Boyarin seeks to de-essentialize and historicize the category of the “homosexual.” He draws on David Halperin who, like Michel Foucault, argues the category is modern and was nonexistent in ancient Greece.<sup>108</sup> Boyarin claims the same for the Bible and the rabbis. However, in doing so he accepts as inevitable, and indeed rallies, a very particular sanctification and naturalization of species (or *minim*). Moreover, Boyarin goes a step further: while Genesis does not describe the Adamic creation as one of two kinds (*minim*), he avers that “male and female he created them” is a “species” distinction. Building on this idea that the two genders are “species,” despite the lack of explicit biblical or tannaitic warrant, Boyarin explains the logics behind both the prohibition in Leviticus of men who lie with men and bestiality as variations on kilayim. It is further noteworthy that the proscriptions of kilayim are not in the same chapters as these prohibitions. But the cumulative effect of these forced associations is to transfer to kilayim the moral weight of these two sexual “sins” and to color kilayim as a generalized “abhorrence of mixtures.”<sup>109</sup> Boyarin declares:

These prohibitions belong to the Priestly Torah that emphasizes over and over in its account of the Creation in Genesis 1 that God has created from the beginning the separate kinds of creatures. Male and female are among the kinds that were created

at the very beginning (Gen. 1:27). Now if we understand that it is the kinds that have to be kept separate, that is, the categories or types, because confusing their borders (*tebhel*) is an abomination—as opposed to a mere necessity to keep physically separate the tokens of the categories—then we can understand the specifics of the Torah’s interdiction of male-male anal intercourse.<sup>110</sup>

This reading is not dissimilar from that of Judith Romney Wegner on the *koy* and *kilayim*. It takes for granted a somewhat ahistorical horror of mixing that is then available for use as an explanation for other phenomena. This move also bears a certain likeness to Philo of Alexandria’s secondary explanation for *kilayim* as upsetting species distinctions that nature put in place. What Boyarin’s interpretation shares with Romney Wegner’s is a certain natural law-modulated circularity in which *kilayim* functions as an explanation for itself. For Boyarin, *kilayim* undergirds a system whose “God-given categories” make for a gender binarity that abhors anal sex between men.<sup>111</sup> For Romney Wegner, *kilayim* stands in for the inviolability of the “system” as a whole.<sup>112</sup> However, as we saw, no such potent associations uphold tannaitic conceptions of *kilayim*. Rather, *kilayim* is understood to bear no explanation, and often, its products may be used.

The second tendency to read *kilayim* as coextensive with forbidden human mixtures is in the realm of “intermarriage.” As we saw, the pre-tannaitic Dead Sea Scrolls used *kilayim* to designate proscribed marital or social mingling and forbid sharing teachings “to the stranger and to *kilayin*.”<sup>113</sup> Scholars such as Christine Hayes, Shaye Cohen, and Luca Arcari view the Dead Sea Scroll usages of *kilayim* as indicative of ethnocentric—and racialized—conceptions of genealogical *im*/purity or seed.<sup>114</sup> While Hayes denies that her “genealogical purity” is racialized, Arcari, and especially Cohen, are forthright in this regard. Tellingly, Cohen draws a line between Qumranic *kilayim*, the allusion to Leviticus 19:19’s *kilayim* terminology of “misyinging” believer and unbeliever in 2 Corinthians, and the rabbi.<sup>115</sup> He thereby mounts the following argument:

In sum, in the rabbinic mind the sexual union of a Jew with a gentile was akin to the sexual union of a human with an animal, or of animals of diverse species. It was a union that violated the natural order established by God and the scriptural prohibition of mixing seed. Rabbinic law and lore, or at least some strands of rabbinic law and lore, regarded the offspring of such forbidden unions, paradigmatically represented by the mule, as belonging to the class of its mother.<sup>116</sup>

For Cohen, “the laws of *kilayim*, prohibited mixtures, provide an ideological context for the matrilineal principle.”<sup>117</sup> We note that he assumes *kilayim* is a principle of the “natural order established by God.” One of the problems with this approach, similar to that of Boyarin and Romney Wegner, is that it presents a natural law gloss on *kilayim* as if its meaning is inherent and unchanging. Yet it is precisely this quality that we have shown to be missing, or even explicitly denied, in tannaitic texts. Furthermore, in a manner that is strikingly reminiscent of Philo, yet

that is simply stated rather than demonstrated, Cohen elides bestiality with mating of two different animal species. Philo distinguishes the two, making the latter serve as a reminder for the former. We recall also that these distinct couplings are treated separately by the tannaim.<sup>118</sup>

Cohen ultimately uses his argument that kilayim is the ideological background for “intermarriage” to drive home the claim that the tannaitic rabbis innovated a matrilineal principle of Jewish descent, believing as he does that the tannaim had a principle of matrimonial descent for hybrid animals.<sup>119</sup> However, one problem is that, in order to claim kilayim as the conceptual context for Jewish/non-Jewish marriage, Cohen has to attribute continuity from Qumran, to the tannaim, through to the later rabbis. He thus misreads tannaitic texts in light of both earlier and later sources. For his post-tannaitic source, Cohen summons a Bavli source.

Even if one were to overlook the problem of using an earlier and later source to posit a through line that does not actually appear in the middle tannaitic era, the cited latter text also fails to fit the argument. In bQiddushin 68a, Rav Huna (a third-century CE Babylonian sage) cites Genesis 22:5 as a proof-text for the inefficacy of a betrothal between non-Jewish enslaved women and Jewish men. In the biblical narrative, Abraham, on his way to sacrifice Isaac on Mount Moriah, tells his “lads”: “you stay here with the donkey” (*shevu ‘im ha-hamor*). The rabbis understand these unnamed “lads” to be enslaved Canaanites.<sup>120</sup> Rav Huna reads the words “with the donkey” (*‘im ha-hamor*) as “the people that resemble the donkey” (*‘am ha-domeh lahamor*).<sup>121</sup> His analogy equates the incapacity of a donkey to betroth an Israelite with that of an enslaved gentile.<sup>122</sup> In citing this Bavli text, Shaye Cohen qualifies that he is:

not about to suggest that this oft-repeated exegesis accurately portrays the ideological origins of our Mishnah . . . but I am suggesting that the Mishnah’s treatment of the consequences of intermarriage should be juxtaposed to its discussion of the results of mixed breeding in the animal kingdom.<sup>123</sup>

Nonetheless, the rhetorical effect of this sequence is profound. For although this offensive exegesis in the Bavli comments in mQiddushin 3:12 on lineage and offspring, it does *not* equate sex between an Israelite and a non-Israelite (enslaved woman) to bestiality. Neither does it even speak to the designation of any resultant offspring (for which it offers a *different* proof-text).<sup>124</sup> Rather, it speaks to the ineffectiveness of a betrothal (*kiddushin*) between a Jewish man and an enslaved non-Jewish woman. This does not make its equation of enslaved non-Jewish persons’ and nonhuman incapacity to betroth a Jewish woman any less distasteful (or “unecumenical,” as Cohen puts it). But, as disturbing as this idea that animal/human and non-Jewish/Jewish betrothals are similarly inefficacious is, it is not the same as parsing Jewish/non-Jewish unions or their resultant offspring in terms of interspecies animal mating and hybrid offspring respectively. And it is this latter (absent) connection that Cohen asserts as the *background* for the claim that the

earlier tannaim thought of the issue of Jewish/non-Jewish marriage as interspecies hybrid progeny or kilayim. Over and above the claim that interspecies mating is the *ideological* background for thinking interethnic couples, Cohen asserts that the substance of a supposed “matrilineal principle” of animal species descent came to be transposed on the human offspring of Jewish/non-Jewish couples.

While this is not the place to go into the tannaitic “matrilineal principle” of ethnoracial descent, I will briefly weigh in on this principle’s supposed application to species designations of kilayim offspring. The supposed matrilineal principle of kilayim is based in m. Bekhorot 1:2.<sup>125</sup>

A cow that delivers something like the donkey kind (*ke-min hamor*) or a donkey that delivers something like the horse kind (*ke-min sus*)—it is exempt from the laws of the firstborn. But what about eating? If a pure animal delivers something like an impure kind (*ke-min temeah*), it is permissible to eat (the offspring). If an impure animal delivers something that is like a pure kind (*min tehorah*), it is forbidden to eat. For that which emerges from the impure is impure, and that which emerges from the pure is pure.

As I have already shown, this passage and others like it do not refer to kilayim offspring but to spontaneously occurring reproductive variation, a phenomenon understood to take place across all species.<sup>126</sup> Tannaitic literature knows well to distinguish between such cases and those that are hybrid offspring, referring to the latter as kilayim.<sup>127</sup> It is true that the Mishnah records a minority opinion of Rabbi Judah that seems to espouse a version of species “matrilineality” in the case of kilayim proper (mKil. 8:4). However, the Tosefta does not attribute this view to either the same individual or to majority opinion (tKil. 1:8, 5:5, 5:3). Furthermore, the Tosefta’s anonymous view seems to espouse a version of a “patrilineal” principle or, at the very least, to explicitly negate the matrilineal principle. Thus, in the Tosefta, a horse that is the offspring of a mare and donkey “is forbidden to its mother’s [kind]” (t. Kilayim 5:3), so it is clearly not the same species as her. Finally, as we have seen, the principle of “that which emerges from the pure is pure” is not, pace Cohen, a principle of matrilineal species descent. Rather, like Aristotle’s generation principle, it speaks to reproductive limits.<sup>128</sup>

In sum, there is inadequate to no support for equating kilayim and “inter-marriage” or for assuming a moralizing natural law understanding of kilayim on technical grounds. We may then wonder what pressures and contexts might have made these disquieting associations and explanations appear so salient?<sup>129</sup> It is my contention that the elements of these claims—biology, zoology, species, and inter-human difference in reproductive contexts—unwittingly trade in a set of ideas germinated in the eighteenth century and still hidden in plain sight in many contemporary discourses. Ideas about the biological basis of human difference in the eighteenth century inserted humans into the animal kingdom, subdivided them into distinct species termed “races,” ranked them hierarchically, and coalesced them into various scientific racisms.<sup>130</sup> Conflicting arguments would play out over

these concepts, and across the next three centuries. These included debates about monogenesis and polygenesis (was there one human species or “race,” or were there separate creations of multiple “races” as distinct species?), racial unity or essentialized difference, and the implications of these for “racial mixing” through eugenics. Clearly these debates did not remain at the level of theory, but were to materialize themselves across a variety of religious, political, social, scientific, and legal realms, the effects of which remain today. Some members of the very communities subject to these theories, whether in the form of scientific racism or anti-semitism (often intertwined), would nonetheless advocate for eugenics policies.<sup>131</sup> The citation at the beginning of this chapter is an example of how some Jewish leaders and rabbis embraced eugenic thinking. The excerpt is from a talk that Max Reichler, an influential reform rabbi, gave on “Jewish Eugenics” to the New York Board of Jewish Ministers.<sup>132</sup> At the same event, Rabbi Joel Blau lectured on “The Defective in Jewish Law and Literature.”<sup>133</sup>

While eugenics, as well as its underpinnings in scientific racism as an ideology, ostensibly lost credibility after the Second World War, there are those who argue that it lived or lives on in modern medicine and public health policy. Alexandra Minna Stern, among others, revises the historiographic conceit that eugenics thinking or “the movement for better breeding” ceased after 1945, instead showing its salience through the seventies (through which racialized involuntary sterilization continued).<sup>134</sup> Nancy Ordover points to the ongoing legacies of eugenics in the scientific discourse on the “gay gene,” and Judith Daar argues that differential access to health care, particularly reproductive technologies, makes for a “new eugenics” that disproportionately reproduces white, wealthy, straight Americans.<sup>135</sup> Finally, scholars have shown that “twentieth-century promises of the science of better breeding was a precursor to the twenty-first-century promise of genetic engineering.”<sup>136</sup> Historian of science Raphael Falk argued that “eugenic notions of the Jews prosper today, as ever before.”<sup>137</sup> Building on the work of anthropologists, we may see how this, coupled with Zionist pronatalism and the embrace of reproductive biotechnologies, have made for a biologizing (or racializing) population eugenics in modern-day Israel.<sup>138</sup> Recent criticisms of the production and use of demographic data by Jewish sociologists to declare a “Jewish continuity crisis,” along with the evils of “assimilation” and “intermarriage” (also known as “out-marriage” and “mixed marriage”), have focused on their tendentious construal of who “counts” as Jewish and the instrumentalization of Jewish women’s reproductive capacities.<sup>139</sup> Less has been said about the ways this dovetails (or differs) with the reproductive biologization of Jewishness: in other words, its racializing undertones.<sup>140</sup>

When it first appeared, Cohen’s work on matrilineal Jewishness responded to the then-recent Jewish Reform movement’s decision in 1983 to allow patrilineal descent equal weight in determining an individual’s Jewishness. Previously, the movement had, like other Jewish denominations, considered Jewishness to pass

only through mothers to their progeny (in cases of children of Jewish/non-Jewish cisgender heterosexual “biological” parents). In the context of studies that demonstrated an ongoing increase in the trend of Jews marrying people who were not Jewish, this was the heyday of the American Jewish “continuity crisis.” As Alexander Schindler put it, “[the] demographic imperative facing the Jewish people today was the single most important motive” for the Reform movement’s change.<sup>141</sup> Schindler welcomed Cohen’s illustration that the matrilineal principle was a tannaitic innovation, viewing his paper as “progressive.” While Cohen gestured to the contemporary debate, he did not weigh in. He published his paper in long form in the *Association for Jewish Studies Review* and in shorter form in *Judaism*, with responses by several rabbis, scholars, and rabbi-scholars of differing denominational persuasions.<sup>142</sup> However, despite his refusal to offer an explicit opinion on the matter, these circumstances are most certainly pertinent. And it is in the unwarranted insertion of “interbreeding” or even bestiality as early throughlines in “intermarriage” concepts that legacies of eugenic thinking unconsciously lurk.<sup>143</sup>

## CONCLUSION

In this chapter, I have sought to undo hybridity as a metaphor and a symbol that is self-evident and hence a guarantor of morality or categories. I have argued that there is a particularity to kilayim that is not reducible to the mere idea of all kinds of formal or substantive difference that come to be juxtaposed any old way (“multiformity”), or to some notion of mixture of previously pure categories (even if those are socially construed). It is important to let go of imprecise notions of hybridity, so that we do not inadvertently smuggle in ideas that were broader than or different from those held by those in late antiquity themselves.

Second, but no less crucially, I aimed to undo the inadvertent reification of a very specific eighteenth-/nineteenth-century-derived, biological notion of hybridity, one that unwittingly reifies a normative, natural law, essentialist idea of originary pure and distinct species that the hybrid threatens to corrupt.<sup>144</sup> These modernist underpinnings of hybridity carried over into biological and scientific racisms and in turn shored up ideas of racial purity and eugenics that are difficult to prize apart from modern and contemporary notions of “intermarriage” or “mixed marriage.” This clarifies my purpose in attending to the historical and concrete particularities of hybridity as they were expressed over time by Palestinian rabbis. Third, I attempted to avoid an overly rigid understanding of prohibition in general, and of the kilayim prohibition in particular, as something that is essentially and necessarily moralized. There is every reason to understand prohibition as a productive force shaping behaviors and worlds rather than as purely a force of restraint or negation.<sup>145</sup>

Instead of the above, I sought to show that rabbinic hybrids were a subset of multiple multiform creatures that could be encountered in the world. They



themselves were also sites of meaningful multiplicity and multiple meanings. The hybrid, after all, was not one. Thus, the geographical spread of the prohibition beyond Palestine was presented as a rabbinic innovation: in other words, the prohibition was not understood as fundamentally global and inherent to animal and plant life. Similarly, there was ambiguity about whether those who were not Jewish were supposed to be subject to its restrictions; and indeed, regulations allowed for Jewish use and secondary benefit of kilayim products (engineered by non-Jews). Instead of moralizing, we find refusal of justifications and explanations and the embrace of kilayim's peculiarity as a mark of Jewishness. Its etiology is not narrated as the result of human overreach (unlike in later Palestinian sources). Rather, the tannaim consider kilayim in terms of its relationship to originary creation and ongoing generation (similar to fire). The Palestinian amoraim evidence more hesitation about kilayim: a transgressive etiology; some withdrawal of tannaitic permissiveness or neutrality; some negative metaphorical transfer. But none of this is in service of analogies about "intermarriage" as "crossbreeding" or as a rebuke about same-sex sex. Not only this; we also find, in the later Palestinian amoraic sources, a studied neutrality and even a positive exploitation of the hybrid as a conceptual foundation or analog to the making of the human.