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Trees as Male and Female: A Biblical Metaphor and its Rabbinic Elaboration

Abstract

Nach Levitikus 19,23–25 dürfen die Früchte von Obstbäumen in den ersten drei Jahren nach ihrer Pflanzung nicht verzehrt werden. Mit einer merkwürdigen Metapher werden diese Früchte als *orlah* (Vorhaut) beschrieben, und der Baum mit einem unbeschnittenen Mann (*arel*) verglichen. In Vers 25 wird die Vermehrung des Ertrags als Lohn und Ziel des Gesetzes bezeichnet. Die Verheißung einer Entfaltung der Fruchtbarkeit bei der Beschneidung in Genesis 17 scheint das Verknüpfungskonzept – das *tertium comparationis* – im Hintergrund des levitischen Bildes zu sein. Trotz ihrer zentralen Rolle bei der Fortpflanzung durch Schwangerschaft und Geburt sind Frauen aus diesem Sprachbild der *Orlah*-Vorschrift in der Bibel ausgeschlossen, wahrscheinlich als Abgrenzung von der kanaanitischen Baumgöttin *Aschera*. Die biblische Metaphorik wird in rabbinischer Literatur jedoch umgestürzt: Tannaim und Amoraim definieren Bäume immer wieder durch verschiedene Metaphern als weiblich. Dies scheint eine Anerkennung des vorwiegenden und aktiven Teils der Frauen im theologisch wichtigen Bereich der Fortpflanzung anzudeuten. Im vorliegenden Beitrag wird versucht, diese Entwicklung durch eine Analyse des Traktats *Orlah* nachzuzeichnen.

1. Introduction

The figurative language of Leviticus 19:23, which labels young fruit trees with a striking male metaphor, represents the starting point of this inquiry. Through the use of the root ערל, which evokes the semantic field related to circumcision, the complex imagery of the verse articulates an additional meaning apart from the content of the law it describes. The associations that this implicit metaphorical charge recalls are reconstructed and unfolded through the analysis of the broader contexts of the verse. The first part of the work concentrates on the survey of the reasons for the strongly gendered characterization that this passage bears. The underlying question is: why is there a specific decision to depict trees as male? The concepts of fertility,

reproduction and covenantal promise emerge as a cardinal point of the imagery behind this verse, whereby the promise of an increased yield as a result following the law on trees parallels the promise of descendants within the account on circumcision in Genesis 17, when the covenant between G-d and Abraham is established.

Already in tannaitic literature (*tShabbat* 15:9), and later in amoraic texts (*bShabbat* 108a), the rabbis understood fertility and procreation as the conceptual background of Leviticus 19:23. However, in the tractate dedicated to the law in this verse, they reverse radically the biblical metaphor, describing trees over and over again as female. The second part of the article is thus focused on the presentation of the different terms used in the rabbinic corpus in this context, some of which are discussed here for the first time. It also examines this rabbinic choice, which is in deliberate antithesis to the biblical text. This choice seems to originate from the awareness and recognition of women's reproductive power and women's primary role in procreation. The biblical metaphor that depicts fruit-bearing trees – a symbol of fertility – as male does not correspond to the reality of experience and nature. The adjustment of gender by the rabbinic interpreter seems, in the first place, to be derived from a pragmatic observation. The question is: how can this reworking of the biblical terminology be further understood? Explicitly going against the biblical text is definitely conceivable in rabbinic literature; however, when avoidable it is spared, and using it to balance a gendered depiction is not necessarily taken for granted. Another question is: how much weight must be attributed to metaphorical language?

The use of a feminine metaphor in order to describe reality, decode the natural world and understand the divine law imposed upon it is significant. Moreover, this specific metaphor puts an emphasis on women as active agents in creation and active subjects in generation, given that the image of a tree bringing forth fruits does not entail a passive character.

Women's capacity to give birth is thereby assigned religious relevance, because fertility and procreation are such a central theme in biblical passages where the relationship between man and G-d are discussed and covenants are established, as, for instance, in Genesis 17. This central aspect of experience, life and religion belongs to women glaringly and the rabbis probably perceived that only a feminine image can be used here. The unequivocal decision to shift tacitly the biblical meaning and its focus suggests that, on the basis of a realistic consideration, the development of this metaphor involves also a theological admission of women's central role in procreation.

2. Orlah in Leviticus 19:23

Orlah (ערלה) is the name of a Jewish law, based on a commandment stipulated in Leviticus 19:23, which decrees that the fruits of trees during the first three years after their planting have to be regarded as “*orlah*” and for this reason they may not be eaten:

וכי תבאו אל הארץ ונטעתם כל עץ מאכל וערלתם ערלתו את פריו שלש שנים יהיה לכם ערלים
לא יאכל.

When you come to the Land, and you plant any food tree, you shall *araltem* its *orlah*, its fruit, for three years, shall be *arelim* to you, it shall not be eaten.

“The gist of the law is unambiguous: the first three years of a fruit tree’s yield may not be eaten by anyone.”¹ The difficulty of the verse lies in its language and in the metaphor that it uses to describe the commandment. The three words left untranslated in the biblical verse cited above represent the cornerstone of the conundrum of this verse, which has perplexed exegetes since antiquity. They all originate from the same Hebrew root (ערל). Although the semantics of this common root are quite clear, it is particularly puzzling in relationship to trees.

The root ערל appears in the Hebrew Bible 53 times. However, only in Leviticus 19:23 it is semantically connected to trees. Its usage in this verse is characterized by a certain insistence and redundancy (with a triple repetition), typical of poetic and metaphoric language.

The etymology of the root ערל has a strong negative connotation within the biblical narration. The primary meaning of the noun *orlah* in the Bible is “foreskin” – a part of the body that for Israelites must be removed, according to the law.² The adjective *arel*,³ which defines the “uncircumcised,” is often used in the Bible as a disparaging term (e.g., as epithet for the Philistines). “Possession of a foreskin is understood as the mirror image of circumcision. From the end of the patriarchal period on, it is a mark of ethnic difference [...] (Genesis 34:14; cf. Judges 14:3).”⁴

The noun and the adjective have only two meanings: the literal one (“foreskin” and “uncircumcised male”), and the metaphorical one. However, with the only exception of our verse here, their metaphorical use describes in the biblical text invariably other parts of the body (lips, hearts or ears). Moses is *arel sfatayim*, “uncircumcised of lips,” i.e. probably stammering, slow of speech, one whose lips are closed (Exodus 6:12, 6:30). Similarly, someone who has an uncircumcised heart (*arel lev*), has allegedly a closed heart, into which divine precepts cannot penetrate (Leviticus 26:41, Deuteronomy 10:16, Ezekiel 44:9, Jeremiah 9:25): “Open (lit. circumcise) your hearts to ה', Remove the foreskins of your hearts” says Jeremiah (4:4); and someone who has a closed ear (*arel ozen*), plausibly does not want to hear G-d (Jeremiah 6:10). The state of being “uncircumcised” seems to indicate a

negative situation due to occlusion: sealed lips, sealed ears against hearing, and sealed hearts against understanding. This is the interpretation given to these verses by medieval Jewish commentators as Rashi (to Leviticus 19:23 and Exodus 6:12) and Maimonides (to Leviticus 19:23) who, associating the different metaphors, understood the root as meaning “closed or blocked.”⁵

The third word *araltem* (“you shall **uncircumcise**”) is a *hapax legomenon*. As a verb this root occurs in the entire Bible exclusively in this passage on trees. In the expression “*araltem orlato*,” *orlato* is a cognate accusative, i.e., a verb’s object that is etymologically related to the verb’s root and “serves merely to reinforce or clarify the idea of the verb.”⁶ However, the verb is here a denominative, i.e., it derives from the noun.⁷ This idiosyncratic construction has been translated and understood in many and very different ways. I will translate it in the way I find more reasonable, excluding some possible interpretations. The grammatical construction is in any case enigmatic, and other readings have to be taken into consideration.⁸ Changing the untranslated words with the literal translation, it is possible to see the peculiarity and difficulty of this verse:

“When you come to the Land, and you plant any food tree, you shall “*uncircumcise*” its *foreskin*, its fruit, for three years, shall be [as] *uncircumcised* to you, it shall not be eaten.”

The verb could be also translated as “you shall regard (its foreskin) as uncircumcised”⁹ or better “you shall let (its foreskin) be uncircumcised”; but both these translations entail a passive character: the resultant fact is depicted as the consequence of abstention from an action. However, the Hebrew verb is certainly active and it sounds like “you shall make (its foreskin) uncircumcised” or “you shall “*uncircumcise*” its foreskin,” which seems peculiar. “Make” belongs to the realm of active actions, while “uncircumcision” represents the abstention from an action. It seems that a prohibition – the commandment “do not do” – requiring a person to desist from doing something, i.e. entailing a form of passivity – is actually understood also as a demand to act. The human being desisting from action chooses to allow the opposite thereof to take place. Desisting from acting can therefore be understood as having the same metaphorical charge as acting.

The word order of the verse is rhetorically structured, though in a chiasmic pattern:

23	<i>wēkī-tābō ’ū ’el-hā’āreṣ</i>	וכי תבאו אל הארץ
A	<i>ūnēṭa ’tem kol- ’ēṣ mā’ākāl</i>	ונטעתם כל עץ מאכל
B	<i>wa’araltem ’orlatō ’et-piryô</i>	וערלתם ערלתו את פריו
C	<i>šālōš šānîm</i>	שלש שנים
B	<i>yihyeh lakem ’arēlîm</i>	יהיה לכם ערלים

A' *lō' yē'ākēl*

לא יאכל

“The ABCB'A' structure forbids the eating ('kl, AA') of the firstfruit of trees, referring to it by [...] the metaphor [of *orlah*] (BB'), for a period of three years (C).”¹⁰

Bernat suggests that within the metaphor (BB') “a series of very helpful explanatory clauses” is provided, anticipating the difficulties of the reader with the rhetorical language of the verse. The term ערלה (*orlah*) is clearly a metaphor. The phrase ‘its ערלה [that is] its fruit’ clarifies the metaphor explicitly. The *hapax* verb form is elucidated, in turn, by the clause “it shall be *uncircumcised* to you.” It follows at the end the repetition of the apodictic sentence “it shall not be eaten” (A').

“The question, then, is why the author resorted to such complex imagery when he could have written a much more straightforward proscription, such as: [...] ‘When you come to the land and you plant any tree for food, you shall not eat its fruit for three years.’”¹¹

The convolute, figurative language bears an additional meaning *per se*; it does not simply reinforce the plain sense of the sentence, but complicates it. The usage of ערל in Leviticus 19:23, i.e., the decision to define trees as “uncircumcised” is peculiar from many aspects. The force of the metaphor and the tension that it arouses stimulate the curiosity of the reader.¹² Most interesting for this analysis is the fact that, by combining the image of a tree with an uncircumcised male human being, and those of a fruit with a foreskin, the Biblical text creates a metaphorical charge, which is strongly gender-marked. A turning-and-twisting *trope* is built.

3. The contexts of Leviticus 19:23

In order to give a possible explanation to the symbolic meaning of the *orlah*-concept in the biblical verse, three tools are used here: first, I try to highlight some traits of this rule in light of a feminist understanding; second, I rely on the assumptions of symbolic exegesis – “the attempt to tease out implicit meanings that are embedded in the practice in question,” because “a practice may have had a symbolic meaning that did not always find explicit articulation in Israelite literature”¹³; third, I contextualize the biblical verse, taking into account the literary comparisons between trees and human beings in the surrounding cultures of the Ancient Near East and general metaphors about trees in the Hebrew Bible.

a) Comparisons between trees and human beings in other cultures

Trees and plants are often terms of comparison in similes and metaphors about human beings. The comparison between a human being and a tree is widespread, for instance, in different cultures of the Ancient Near East.

In ancient Egypt, sacred trees “did not play a major role in the public cult, but belonged to the realm of popular faith, usually as the abode of deities. For example, Hathor was the “Lady of the Southern Sycamore”; Nut was often represented as a tree goddess.”¹⁴ Egyptian drawings represent a tree goddess that gives fruits and water to the dead. A passage in the Wisdom of Amenemope “compares the impassioned individual to a withered tree, the “silent” individual to a green tree.”¹⁵ In the Turin Papyrus, lovers are likened to a fig tree and a small sycamore.¹⁶ In Mesopotamia we have various further examples of trees used in metaphors, e.g., Sumerian royal hymns compare the king to a tree: “Scion of a cedar, a forest of cypresses am I...,”¹⁷ whereby the “tree is an image of shade and refuge.”¹⁸

Also in the Greek and Roman cultures metaphors of trees and humans are common. They could be cut down, e.g., in Platos *Timaeus* or in the citation of Varro in Aulo Gellio *Noctes Atticae*.¹⁹ In Greek mythology, dryads, female nymphs, inhabit trees. Ovid in the *Methamorphoses* recounts the myth of Daphne and Apollo, where the transformation of the woman into a tree represents the preservation of her virginity. In the Greek myth of Smyrna, she was transformed into the aromatic myrrh and gave birth to Adonis as a tree.

b) Trees in the agricultural imagery of the Bible

The biblical narrative takes place in an agriculturally-based community, in which agriculture played a central role. Agricultural imagery therefore figures prominently in the poetry of the Bible. Agricultural parables are also outstandingly present in the rabbinic texts and in the New Testament.

Different metaphors are operative in the Israelite imagery of trees. First, “the analogy between fruit trees and Israel as a religious community was [...] deeply engrained in the religious imagination of Israel.”²⁰ Second, the idea of a close relationship between tree and king is extensively elaborated in the Hebrew Bible, where tree metaphors are utilized to describe the Kings of Israel²¹ or the Messiah. “The terms “twig,” “shoot,” “stump,” and “branch” are used in reference to descendants from the house of David (Isaiah 11:1; Jeremiah 23:5; 33:15; Zechariah 6:12–13)”²² and a grafting metaphor is used in Ezekiel 37:15–22, whereby the prophet is required to combine two branches together, signifying the unification of the northern kingdom of Israel with the kingdom of Judah. Third, the *menorah* itself, the most revered symbol of Judaism, placed immediately in front of the sanctuary in the Temple, resembled a tree. It had branches, blossoms, and petals, all of which suggest the image of a tree, possibly evoking the Tree of Life in the fertile Garden of Eden of the Genesis account, Moses’ burning bush or numerous other metaphorical images. The *menorah* is modeled on the almond tree (Exodus 25:31–40). The clothes of the priests are decorated with pomegranates

and Aron's rod "had brought forth sprouts, produced blossoms, and borne almonds" (Numbers 17:23). Not by mere chance will the Torah itself be later called *ez hayyim*, a "Tree of Life," on the basis of the verse: "She is a tree of life to those who grasp her, And whoever holds on to her is happy" (עץ-חיים היא, למחזיקים בה; ותמכיה מאשר) (Proverbs 3:18). The common symbolism is quite clear: Israel as a community, the Kings of Israel and its Messiah, the *menorah* in the Temple, the priestly family, and the Torah itself are all associated with a tree as a metaphor of life, continuity, prosperity and fertility.

On another, albeit related, level, the Hebrew Bible reproduces the common "association between human fertility and agricultural produce."²³ The domain of agriculture is also used to describe individual Israelites, for example the righteous that "bloom like a date-palm" (Psalms 92:13), whereby their merits, understood as fertility, bloom. Another example is Psalms 128:3 ("Your wife shall be like a fruitful vine within your home;²⁴ your sons like olive saplings around your table"). In sum, tree-metaphors have to do in the Bible mainly with human fertility.

c) Interpretation of the metaphorical meaning of orlah in the Bible

In other cultures, like the Egyptian one, the obvious next step is the connection between trees (as symbol of fertility) and the feminine, whereby trees are understood as an abode of female deities, or as a goddess who gives fruits, food, life. This natural connection is rooted in the major role of women in reproduction and in the process of bringing forth life through the capacity to give birth as well through pregnancy; so as in nurturing on account of breast-feeding. However, in Leviticus, within the commandment of *orlah*, trees are depicted glaringly as males.

One possible explanation for the depiction of trees as males within the biblical law of *orlah* could be found in the biblical opposition to the figure of the ancient Canaanite tree-goddess, called *Asherah*. *Asherah* was believed to be a fertility goddess and its cult is strongly and repeatedly condemned in biblical and rabbinic literature.²⁵ The biblical text, in Leviticus 19:23, uses the metaphor of trees as symbols of fertility in connection with the male body probably in deliberate contrast to the Canaanite tradition.

The idea of *orlah* is coupled with circumcision, which in the biblical account is strongly connected with reproduction. The metaphor in Leviticus 19:23 echoes the covenant between G-d and Abraham and its perpetuation (with his and Sarah's descendants), as the fulfillment of the divine promise, in return of circumcision (see Genesis 17).²⁶ Isaac, the son of Abraham and Sarah – who was long barren – is born indeed after the covenant of circumcision is put in place.

After the *orlah* period, in the fourth year, the fruit of trees shall be set aside (*qodesh*) for G-d. Just as the first born who opens the womb (*peter rehem*) has to be consecrated to G-d (i.e.,

redeemed from Him if he is human or sacrificed to Him if it is a beast), so too the first fruits after the three *orlah* years must be consecrated to the Divinity.

In biblical imagery G-d opens female wombs for reproduction (“G-d remembered Rachel; G-d heeded her and opened her womb” Genesis 30:22) whereby its closure is a synonym for sterility and infertility: “וַיִּסְגָּר אֱלֹהִים אֶת-רֵחַל וּבֶטֶן אֶת-רֵחַל” (I Samuel 1:6). Through the law of *orlah* and circumcision it seems to be implied that the Divinity closes and opens the male body as well. The possible meaning of *arel* as closed, sealed and infertile (see below) as well as the connection between circumcision and the fulfilled promise for descendants, seem to create a literary parallel between male and female roles in reproduction.

Circumcision could perhaps be understood in this light as a necessary act of adaptation or adjustment of the male to the female body in its reproductive significance, in the different morphology of its genitalia and in an act of opening, linked to bringing forth life that is birth.

According to Howard Eilberg-Schwartz “during the early years of growth, fruit trees pass through a juvenile stage, during which they generally do not flower and often produce little or no fruit. If the tree does bear a few fruit during this period, it is often defective.”²⁷ “A juvenile tree is still infertile, immature and deficient in fulfilling its function of providing food [...] while a circumcised or mature tree yields a full harvest.”²⁸

The young, infertile tree is considered uncircumcised like the uncircumcised male or still uncircumcised child who cannot bear fruit, be fertile and create descendants for the covenant.

Abraham’s covenantal descendants, beginning with Isaac, are to be circumcised on the eighth day; entering the covenant is not a mature decision of adult life, it is established as prediscursive. By contrast, Ishmael is circumcised at the age of thirteen (an age more appropriate for a symbolic connection between youth and fertility, whereby circumcision could be seen as a puberty or initiation rite to adulthood). His circumcision is also associated with a promise of fertility,²⁹ but although blessed as a progenitor of multitudes, he is not bearer of the covenant. “Scolnic suggests that the reason why circumcision is performed on infants is to show that ‘Israelite fertility is not based on sex but on G[-]d’s promise.’ The rite is still connected with fertility, but progeny is no longer seen as the result of a personal or community undertaking; rather, it is regarded as the outworking of G[-]d’s covenant with Abraham and his descendants.”³⁰ The covenant is an alliance stipulated between two parties and as stipulation and expression of this mutual agreement G-d gives the gift of fertility and demands in exchange for it circumcision; this exchange represents in a way the covenant itself. At the same time it serves as a mere sign of it, whereas the covenant as the mutual choice between G-d and Israel transcends the mere exchange of circumcision *versus* the blessing of continuity and abundant progeny, that is also the essence of G-d’s promise to Ishmael and his genealogical line. Ishmael is circumcised and receives the promise to become a great nation because he is the son of Abraham (Genesis 17:23; 21:12–13: “For in Isaac your

seed shall be named. And also the son of the maid [i.e., Ishmael] I will make a nation, because he is your seed” and 21:18: “for I will make him [i.e., Ishmael] a great nation”). However, being Abraham’s son is not enough in order to be included in the covenant.

The order of cause and effect for the covenant is reciprocally constructed: G-d promises Abraham continuity and fruitfulness and wants in return circumcision. After that Abraham fulfills and honors his task in the covenant circumcising himself and his household, G-d fulfills his promise and Abraham receives his covenantal descendent (Isaac), i.e., he is fertile within the covenant for the first time. At this point, G-d has fulfilled his promise of fertility and therefore Abraham has to circumcise his son in exchange for it. When his son has in turn a child, he must circumcise him in return for the gift of fertility and so on. This could also explain the choice for establishing circumcision on the eighth day after birth and not in the age of puberty: one must return his part in the covenant as close as possible to the fulfillment of G-d’s duty, namely fertility, which is expressed by birth.

When still uncircumcised, the child is deficient in fulfilling its function in the covenant. Similarly, an infertile tree, whose function to produce edible fruits is at this point in time not realized, evokes the image of a male body in its natural status: incomplete, not ready for the purpose of the respective commandment.

The expression *arel sfatayim*, “uncircumcised of lips” reinforces also the impression that the *orlah* metaphor expresses a covenantal problematic and a connotation of immaturity. “Given that possession of a foreskin by an Israelite male explicitly connotes rejection [...] or abrogation” of the covenant (Genesis 17:14), Moses resistance to G-d’s commission is symbolized by an *orlah* locution. “Another layer of meaning for the Exodus 6 foreskin image hinges upon the sense of “immaturity,” based upon an understanding of the seven days previous to circumcision, when the infant has a foreskin, as representing a lack of viability or readiness. Moses, would, in effect, be declaring his lack of readiness to undertake his mission. This type of reluctance is reminiscent of Jeremiah’s balk” when he declares: “I don’t know how to speak, for I am a youth.” (Jeremiah 1:6) “Rejecting the divine charge to execute the covenantal mission would be seen as representing a wholesale rejection” of G-d’s authority. The phrase *arel sfatayim* would moreover connote “a lack of readiness or blatant unwillingness to communicate [...] [G-d’s] covenantal message to Pharaoh.”³¹

Another parallel between the eight day of circumcision and the three years of *orlah*, although their timing are different, is that both represents a commanded time, i.e., the right time to carry out an action, as required by G-d. In these commandments not only the act is dictated, but also its exact time.

The moment of the tree’s fertility is associated with circumcision. The few fruits that this tree produces before the time of bursting fecundity must be left uncircumcised, i.e., they may not be eaten until the moment of its full fertility, until the commanded moment. “At first glance, it seems that the resemblance between an uncircumcised fruit tree and an uncircumcised penis is

that both have not been cut. An uncircumcised tree is one from which fruits have not been harvested.” The removing of the fruit from the tree, as the removing of the foreskin from the male body, seems to be associated with the blessing of fertility and increase. “This is a first level similarity. However, the text itself gives the analogue – the fruit tree is uncircumcised in that it is not to be eaten.”³² The central point is refraining from consumption.

Leviticus 19:25 states, then, that fruit may be eaten only in the fifth year, and it concludes with the divine promise of an increased yield. Increase of yield as G-d’s blessing is connected with the moment in which it is finally possible to eat the fruits (“you may eat its fruit so that its yield to you may be increased”). Obedience and compliance to the divine law – that is, waiting for the commanded time of consumption, and refraining from eating when commanded to do so – is rewarded with abundance; as increase of descendants is promised for circumcision, fulfilled at the right time in Genesis 17.

This interpretation seems to fit at least the description of Josephus (*Antiquities* 4.226–227): “When a man plants a piece of land, if the plants produce fruit before the fourth year, let him neither cull the first-fruits of G-d nor enjoy it himself; for this fruit has not been borne by them in season, and what nature has forced untimely is befitting neither for G-d nor for the use of the owner himself. But in the fourth year, let him reap all the produce, for then it is seasonable, and having gathered it in let him take it to the holy city [...]. In the fifth year he shall be at liberty to enjoy the fruit of his planting.”³³

The metaphorical link between the *orlah* of tree and the foreskin of a man is understood to be fertility also in the rabbinic view, as shown by this passage in the *Talmud Bavli*: “From where is it derived that circumcision is performed on that place [i.e., the sexual organ]? Scripture uses the word “*orlato*” (foreskin) here (Genesis 17:11) [in reference to man] and it states also below (Leviticus 19:23) “*orlato*” (foreskin) [in reference to a tree]. [This is an analogy which teaches that] just as [the verse] below [about the foreskin of trees refers to the place] that yields fruit, so too [the verse] here [about the foreskin of man refers to] the place where he produces fruit” (*bShabbat* 108a). Already in the Tosefta it is stated: “Said Rabbi Yose: How do we know that circumcision is from the place [that yields] fruit? That it is stated: “*ve-araltem orlato*, its fruit” (*tShabbat* 15:9).³⁴

4. From the male tree to a feminine metaphor: Mishnah Orlah 1:5

The law of *orlah* is explained and analyzed in a tractate (*massekhet*), which bears the same name: the tenth and penultimate treatise of the order of *Zeraim* (seeds) in the Mishnah, Tosefta, and *Talmud Yerushalmi*. The rabbis attempt to define what the Torah means by ‘food tree,’ ‘planting’ and ‘fruit’ in the biblical verse that mentions *orlah*. They do not dwell upon

the point of the etymological meaning of the strongly metaphoric word and its gender relevance, but they create a new metaphor about trees as humans. Contrary to Leviticus 19:23, they compare trees not with male human-beings, but with *female* ones.³⁵ In other words, the rabbis completely overturn the biblical metaphor.

Although women are often absent or silenced from the rabbinic texts, they remain very present in the “subconsciousness” of rabbinic literature, in the hidden reminiscences of the religious rituals, in their metaphorical meanings and their deep, theological significance. Symbolic exegesis works on the level of extrapolation of hidden meaning, to which rabbinic texts lend themselves particularly well. The utility of its application to a topic with such a rich metaphorical charge like that of *orlah* is in no need of explanation. The feminine plays a major role in metaphysical themes in rabbinic Judaism, always on a metaphorical plain, as e.g. in the comparison between woman and Torah.³⁶ Through the analysis of religious symbolism, it is possible to reveal hidden sides in the rabbinic worldview, and to better understand the intellectual *habitus* and sensitivity of rabbinic Judaism. While the female body, represented through metaphor as house or fruit, is made object of legal discourse,³⁷ the representations of aspects of reality through female depiction, like in the case of *orlah*, are projections of a suppressed perception of the feminine that reemerges indirectly, in an unexpected way.³⁸

“Old tree” – *zkena*

The Mishnah once uses the term זקינה (*zkena* – “old woman” probably meaning adult, mature) to describe trees (*mOrlah* 1:3–5).

The grammatical gender of the word “tree” in Hebrew (עץ) – and also in Aramaic (אילן) – is male, as well as of the words branch (ענף or בוד), shoot / twig (חטר or יחור – see *bAvodah Zarah* 48b: יחור של ערלה) and trunk (גזע). Moreover, the majority of the tree-species are male (תמר, הדס, רימון, etc.). Thus the grammatical gender does not justify the use of feminine in this case.

The metaphor will be taken up and reappear in a broader context in the *Yerushalmi* gemara to *Orlah* (see below). The image first occurs in the second unit of the first chapter of Mishnah *Orlah*, dedicated to the question of planting.³⁹ Since the biblical verse specifies that the *orlah* count begins with the planting of the tree – “and you plant...” (ונטעתם) –, the Mishnah inquires whether planting includes also layering and grafting. Layering (הברכה) is a method of vegetative plant propagation (as opposed to propagation through seed), which consists of bending a branch and burying it in the ground with its end protruding, so that it may grow its own roots and develop into a new plant. Grafting (הרכבה) is a method of cultivating trees, in which one takes a branch (called the “scion,” “child”) of one plant and inserts it into another plant (the “rootstock”) that will nourish the graft and assist it in the production of fruit. The Mishnah seems to refer in *mOrlah* to a different grafting procedure, in which one takes a

branch that is still connected to the original tree and joins it to the trunk of another tree. This variant of grafting is called סיפוק (*sipuq* – attachment, extension).⁴⁰ The passage with the term *zkena* discusses a case of *layering*, where an uprooted old tree lives from its layered branch:

אֵילָן שֶׁנֶעֱקַר וְבוֹ בְּרִיכָה וְהוּא חֵיה מִמְּנָה חֲזָרָה הַזְּקִינָה לְהִיּוֹת כְּבְרִיכָה (מ' ערלה א ה)

A tree (**m.**) that was uprooted and has a layered branch [that remained attached to the ground] and it [the old tree = הוא (**m.**)]⁴¹ lives (**f.**) from it, the old [tree] (**f.**) returns (**f.**) to be like the layered branch (*mOrlah* 1:5).

In the method of propagation known as *layering*, the original tree is called in English “parent tree” and in other languages it is even described as “mother tree” (Italian: la pianta madre / Spanish: la planta madre / French: la plante mère / German: Mutterbaum). It is quite evident that the idea of the layered shoot, attached to the parent tree until it has generated enough roots to survive on its own, evokes the image of a child depending on someone else for nourishment while growing up. The parent tree could be metaphorically seen as a mother bearing a child, whereby the fetus and the layer derive sustenance in a similar way respectively from the mother and the tree. Moreover, the cutting of the stem between the layer and the parent tree resembles the cutting of the umbilical cord. Interestingly, the rabbis rule that, as long as the layer is still connected to the parent tree, deriving sustenance from it, its status concerning *orlah* is the same as that of the parent tree, i.e., its life and legal status both depend on the mother tree.⁴² Once the layer is severed from the tree, it is viewed as if it were newly planted, and it thus becomes subject to three years of *orlah* law, the count beginning at that point.

This could explain the use of the feminine term *zkena* (“old woman”) for the parent tree in the mishnaic text. It is important to notice that the rabbis do not use the word “mother” here, but they do so in *mPea* 3:4, referring to onions: “האמהות של בצלים חיבות בפאה.” It seems that these “mothers of the onions” are larger onions, left in the ground to produce new onions, i.e., they are used as seed. Here, a vegetable used for reproduction is called “mother,” but in the context of trees, the rabbis prefer the word “old women.” To understand this metaphor, it would help to investigate the broader and more complete context in the *Yerushalmi* where it is embedded. Observing the texts I collected below from *Yerushalmi Orlah*, one gleans a better picture of the idea behind this metaphor. Here suffice is to say that, from the mishnaic text, it is obvious that the rabbis use a feminine metaphor to describe something connected metaphorically to fertility and reproduction, in this case a tree.

5. The female metaphorical world in the Gemara in the *Yerushalmi*

The fact that in *yOrlah* the amoraim to a far greater extent characterize trees metaphorically as female will be shown through different examples.

a) “Young tree” and “old tree” – *yalda* and *zkena*

The most fascinating and rich metaphor I have discovered in *Massekhet Orlah* is the one that uses the two terms ילדה (*yalda* - “young girl”) and זקנה or זקינה (*zkena* - “old woman”) when referring to trees.

The first passage in which this metaphor shows up (*yOrlah* 1:1, 60d) is a case of grafting, where a branch of a young tree, subject to *orlah*, is attached to an old one (beyond its third year). The young tree takes the status of the old tree and is thereby exempt from *orlah* (סיפקה (לזקינה פטור)). In this case, only the old tree is mentioned with a metaphorical feminine noun. Yet the verb, which refers to the implied subject that has been attached to the old tree, also takes a feminine agreement form. The implied subject seems to be *yalda* (young tree).

This image is further developed later on: a long passage in *yOrlah* 1:3, 61a–b that comments on the section of *mOrlah* 1:5⁴³ cited above contains many repetitions of the metaphor.⁴⁴ Here I bring an example of grafting where both terms (*yalda* and *zkena*) appear:

... שמא השרישה הילדה עד שלא תתאחה מן הזקינה. ...
מתאחה היא עד שלא תשריש (י' ערלה א ב, סא ע"א)

Perhaps the **young** [shoot] took root before it bonded with the **old** [rootstock].
[...] [the young shoot = **היא** (f.)] bonds [with the old rootstock] before it takes
root (*yOrlah* 1:3, 61a)

The term זקנה could be explained in analogy to other languages (although, as we have seen, the rabbis explicitly refrain from using the term “mother”), but the term ילדה seems to have no parallel in any other language or concept (as specifically feminine and not as a generic “child, scion” which would be ילד – *yeled*).⁴⁵ I believe the rabbis, by using the term “old” and “young”, want to distinguish between non-fruit-bearing and fruit-bearing trees. With the term “old woman” (זקנה) they indicate the mature, fruit-bearing tree that has produced lots of fruits; with the term “young girl” (ילדה) they refer to the young tree, the fruitless sapling. The description of the fruitful tree with female attributes reveals that the rabbis fail to suppress, on a metaphorical level, their awareness of the active power of the female in reproduction. The line between *zkena* and *yalda* could also be depicted as a female continuity in reproduction (like circumcision between consecutive male generations).⁴⁶

b) Impurity and purification

The first time that the couple *yalda/zkena* is mentioned in *yOrlah* 1:3, 61a, it is used with an interesting verb to describe the exemption from *orlah* that extends to the young tree from the old one in case of *grafting*: “If a young [tree that was still subject to *orlah*] was grafted onto an old [tree that was already past its third year], the young [tree] is *purified* [of its *orlah* status] (ילדה שספקה לזקינה טהרה הילדה).” In *yOrlah* 1:3, 61a the same verb is used later again: “the young tree is *pure*” (טהורה הילדה). The use of the term purification seems to imply that *orlah* is something negative, impure. It is a strong, non-neutral term, connected with the idea of purity and impurity. The translation of the Septuagint⁴⁷ of Leviticus 19:23 expresses the same idea of the rabbinic text:

23 ... καὶ καταφυτεύσετε πᾶν ξύλον βρώσιμον καὶ **περικαθαριεῖτε τὴν ἀκαθαρσίαν** αὐτοῦ· ὁ καρπὸς αὐτοῦ τρία ἔτη ἔσται ὑμῖν **ἀπερικάθαρτος**, οὐ βρωθήσεται·

23 ... and you should plant any food tree, then **you shall purge its impurity**. Its fruit for three years will be **impure** to you, it shall not be eaten.

Orlah is translated with the pivotal term “impurity” (*akatharsian*), the adjective *arelim* with “impure” (*aperikathartos*) and the verb *araltem* with “to purge, to purify” (*perikatharieite*).⁴⁸ Perhaps the Septuagint was the first to make the connection between impurity and *orlah* in relation to trees. It thus offers, in this case, a free-translation, the result of an interpretation, in order to make the idea of refraining from eating the fruits for the first three years understandable to its Greek-speaking audience. The interpretation of *arel* as ‘impure’ in connection with trees would then be a different strain of the tradition.⁴⁹ Herodotus (mid fifth century BCE) states indeed that the Egyptians “practice circumcision for the sake of purity; for they prefer to be pure rather than handsome” and uses the Greek words *kathareiotēs* and *katharos*.⁵⁰

Alternatively, in the Hebrew text, the metaphor of the foreskin could have already denoted impurity, as an expression of the necessity to completely distance oneself from the fruits of the first years. The idea of impurity would then be merely made explicit by the Septuagint, which may have wished to avoid the negative depiction of the “uncircumcised,” making clear the message of this law. The association may already be present in the biblical Hebrew text in an implicit way, but this remains uncertain. The connection between foreskin and impurity is, however, not alien to the Hebrew/Aramaic tradition, or as argued by Shaye Cohen: “a number of biblical and rabbinic passages ascribe impurity to the foreskin, or speak of foreskinned men as impure, so it is not a stretch at all to see circumcision, the removal of the impure foreskin, as a kind of purification.”⁵¹ Genesis 34:13 and 27 associates the foreskin and foreskinned men with impurity. Isaiah 52:1 puts the terms *tame* (impure) and *arel* explicitly together:

“Jerusalem, holy city, [...] it shall no more come into you the uncircumcised and the impure” (ערל וטמא). Ezekiel 44:7 defines the *arel lev* and the *arel basar* in the Temple as *toavot* (תועבות-abominations).

In rabbinic literature this association is also present.⁵² In *mEduyot* 2:5, *tPesahim* 7:14, *mPesahim* 8:8 and *bPesahim* 92a the same text appears, which compares the foreskin with a grave: “הפורש מן העורלה, כפורש מן הקבר” (“he who separates himself from the foreskin is like one that separates himself from a grave”). The contact with a dead body, bones or a grave represents the most severe form of impurity (*avi avot ha-tumah*) (see Numbers 19). Graves signify therefore the ultimate impurity. Another association is established between *orlah* of trees and impurity of graves: According to *mMa’aser Sheni* 5:1, a vineyard in its fourth year must be marked with clods of earth – earth signifying that one may benefit from the fruits after their redemption –, trees of *orlah* are indicated with potter’s clay (ושל ערלה בחרסית) – signifying that one may not enjoy its fruit, since seeds cannot grow in potters’ clay⁵³ – and graves with lime (קברות בסיד), whose white color symbolizes bones. Graves are pointed out with lime, to mark them as places of impurity and warn a priest not to defile himself by approaching the place. Graves and *orlah* trees are here associated as places from which one should distance oneself. Moreover, *orlah* trees are marked with a material symbolizing infertility.

The first association of the term “impure” with fruit trees is found in the biblical dietary laws. Leviticus 19:23 is situated within the Holiness Code in Leviticus, where separation is understood as a requirement for holiness (*qedushah*), also regarding abstention from some kinds of food defined as impure.

Bernat suggests that the use of the root *arel* in the Bible is connected with the priestly development of legal categories. The text “has terms that refer to other forbidden edibles, such as טמא, גבלה, טרפה (Lev 11). [...] Foods of the above-mentioned classes are all animal products and are categorically off-limits to all Israelites. However, the law of forbidden fruit is time-bound, and a new category label is therefore required.”⁵⁴

Bernat (*ibid.*) advances the idea that the Septuagint translators were confused by the Hebrew verse and put the fruit proscription erroneously into the category of forbidden animal products that are labeled טמא (*tame*). However, it could be that *arel* is understood in the Hebrew text, on a par with *toevah*, *nevelah* and *tereifah*, as a synonym for *tame*, only slightly different in meaning. The specific choice of *arel* would be due to the idea of fertility and related associations.

The Greek translation of the verb *araltem*, being in itself so problematic, is accordingly cryptic. The Greek text mirrors the repetition of the same root in the verb and its object present in the Hebrew passage, but the meaning seems to be overturned: from “uncircumcise” to “purify.”

Philo too says that those who are circumcised are “purified and trimmed like plants.”⁵⁵ In *De Plantatione* he cites the Septuagint translation (113) and tries to explain what it means to purify the fruits: “The statement that the fruit [...] [undergoes purification] is by no means made good by what we see before our eyes; for no gardener cleanses figs or grapes or any fruit at all. [...] Let me say, then, that this again is one of the points to be interpreted allegorically, the literal interpretation being quite out of keeping with facts.”⁵⁶ In *De Virtutibus* Philo states that the verse means that the buds are to be plucked (157), and that the law includes also pruning and trimming (156).⁵⁷

“Though the force of the law [in the Hebrew text], that fruit is unavailable [“uncircumcised”] for consumption in the first three years of a tree’s growth, is transparent,”⁵⁸ a group of scholars understood the verb ערלתם (*araltem*) as meaning “cut” or some equivalent.

Milgrom, for example, renders it as “to pluck in order to destroy”, arguing that his choice is based on the Septuagint (“purge,” “purify”) and the Aramaic Targumim. Targum Onqelos translates with “ותרחקון רחקא” which means “you shall surely distance”⁵⁹ and “הי לכון מרחק” “לאבדא,” (“it should be distanced, for destruction”). The variant in Targum Pseudo-Jonathan is clearly “cut”: “ותגורון גזרא.”⁶⁰ Targum Neofiti has for *araltem* “ותפרקון” (“release”) and for *arel* and “ריחוק” “distance,”⁶¹ and the Samaritan Targum “כל אילן מיכל ותבטלון עם בטלחה ית” (“cancel, annul”). The Vulgata⁶² preserves a similar tradition: “**auferetis praeputia** eorum poma quae germinant **inmunda** erunt vobis nec edetis ex eis” (“you should **remove their foreskins**, the fruits that they produce are **impure** for you; you should not eat them.”)

“The biblical regulation might allow for both alternatives in practice [‘leave on the tree’ or ‘cut’], as long as the fruit is not used.”⁶³ The translations of the Septuagint and of the Targumim seem to reflect an understanding of the status of *orlah*-fruits in the first three years differently from how Josephus understood it (*Antiquities* 4.226–227 mentioned above) which wants the fruits to be left untouched (which is also the rabbinic interpretation in the Mishnah. See *mOrlah* 1:6: “A sapling of *orlah*...this he may not pick (הרי זה לא ילקוט)”). For Jubilees as well *orlah* means unpicked fruits.⁶⁴ The Septuagint with the term “purify” (and Philo interpretation as “pluck”), Targum Pseudo-Jonathan and Neofiti (translating “cut”) wants the fruit to be removed from the trees. They could represent a divergent tradition. Alternatively, these translations could rely on a misunderstanding of the Hebrew text.

“Still, the [...] option [which reads “cut”] is untenable as a translation [of the Masoretic Hebrew text]. [...] Moderns who favor “cut” or “trim” do so based upon the rationale that to treat something as foreskin would be to cut it off. [...] This reading, however, totally disregards the language of the text. Had the Priestly legislator intended the fruit to be cut as a foreskin is cut, a form of מול would have been employed, or another verb that denoted cutting, such as גזר, כרת or בטר. The verbal *hapax* וערלתם must have a meaning that is the opposite of cut.”⁶⁵ And indeed a group of other scholars favors translations of the Hebrew into such forms as “you shall leave/reject/abhor its fruit.”⁶⁶

c) *The concept of impurity in the rabbinic metaphor of trees as female*

In any case, and as already hinted previously, the concept of *orlah* as impurity in the case of fruit trees reemerges in rabbinic literature, indicating that this strain of tradition survives also in rabbinic thought.

Together with the ideas of impurity/rejection *versus* purification, the rabbis use, in place of the foreskin and uncircumcised male, the female metaphor of *yalda/zkena*. What is the purpose of this replacement?

As we have seen, the metaphor of *orlah* in the Bible echoes the ideas of circumcision and fertility. Connecting the concepts of fertility, reproduction and impurity with the feminine sphere creates a new imagery which strongly echoes the idea of menstrual impurity (*niddah*). This parallel is not explicitly stated. Hence, I can only advance a hypothetical suggestion. The *yalda* could represent a young girl or a young woman menstruating, ‘infertile’ because in a state of impurity and with whom sexual intercourse is forbidden (according to the biblical injunction); she is then “purified” when she reaches the status of *zkena*, past her third year and her *orlah*-status or, in the metaphor, past her menstrual status. The fruit-bearing (pregnant) *zkena* is already after her period of reproduction and she is no longer menstruating. The passage from *orlah* to post-*orlah* could be metaphorically understood as the passage from the moment of menstruation (impurity) and infecundity to that of purity.

My argument is anticipated by *Leviticus Rabbah* 25:8, which connects between *niddah* and *orlah*: “‘For three years it shall be *arelim* to you’ (Leviticus 19:23) and [then] it is written: ‘You shall not eat anything with its blood’ (Leviticus 19:26). What is the connection between this [text] and that? G-d says to Israel: You wait for *orlah* three years and for your wife do you not wait to observe the period of her impurity (*niddah*)?” Here an analogy between the law on menstruation and the law of *orlah* is drawn. *The text compares the menstrual period to the three years of orlah*. Female impurity and the impurity of the fruits are both time-bound. According to this midrash, after a given period, and in a similar, parallel way, woman and tree are permitted. Leviticus 19:26, which appears in the Bible just next to the *orlah* law, prohibits eating blood, but the midrash makes a comparison between the two not with relation to food, but with relation to the menstruant, identifying the blood as a different one, and tying the law of *orlah* with fertility.

Deuteronomy 20:5–7 (which is the basis of *bSotah* 43b – see below) draws a parallel between a tree and a woman: a man may not go to the war if he has planted a vineyard but not yet eaten its first fruit and if he had just been engaged to a woman but not yet married her. He who has planted a vineyard and has not enjoyed its first fruit is entitled to enjoy them, in the same way that a man is entitled to enjoy marriage which he has not consummated. The time of picking and eating the fruits is paralleled to sexual relations with a woman for the first time.

In *tShevi* 'it 3:15 it is explained that “a tree (אילן) virgin is one who has never been cut.” [...] “The use of “virgin” with relation to the tree indicates that in the symbolic world of the tannaim, cutting the tree (for timber, or grafting it in order to make it more fruitful) is conceived as similar to engaging in sexual relations with a woman for the first time. [...]”⁶⁷ With this conceptual background, it could be suggested that the moment of picking the fruit after the *orlah*-period is also understood as a metaphorical first-time sexual relationship, and the moment of grafting as engaging in sexual relation after menstruation, namely enjoying what was earlier forbidden. Moreover, the age of legal maturity for a girl, according to rabbinic literature (12 years old, which is understood as the passage between childhood to adulthood) is in general also the period of the first menstruation (the line separating *yalda* (young girl) and *zkena* (old, mature, adult woman) could also be seen in this light).

Another possibility is that the rabbis in the *Yerushalmi* simply conflate two different metaphors (the older one about the impurity of the *orlah* and the newer one about tree as female), without a completely overlap between them.

In the parallel text in *Bavli* (*bSotah* 43b), which also cites *mOrlah* 1:5, the term “purified” is replaced by “annulled” (בטלה), maybe because the idea of purification in connection with trees was no longer understood. The passage in *bSotah* 43b uses alongside with the word *yalda* the term בת *bat* (daughter) when referring to trees (בת מיהדר היא – capable of retraction) (see below).

d) The *etrog* as an exception

In general, the grammatical gender of the trees in the *Yerushalmi* remains female, but there are a few gender mismatches and discrepancies. The first one is in a passage referring to an *etrog* (אתרוג – citrus fruit, one of the ritual Four Species used on the holiday of Sukkot) where a “similar tree,” i.e., of the same type, is defined with the masculine *haver* (חבר – friend, similar, another) (*yOrlah* 1:3, 61a): וסיפקו לחבירו וכן חבירו סיפקו זה לזה טהרו זה את זה (when one grafted it onto a similar tree [*haver*] and then his similar [*haver*] is grafted to the first tree, they purify one another).

The second gender discrepancy is in the passage following the one on the *etrog*. In *yOrlah* 1:3, 61a-b (where the rabbis discuss whether a layered branch of a young tree is sustained by the old tree (*zkena*) or the young tree (*yalda*) to which it belongs) we find שהוא חי מכח הזקנה and שהוא חי מכח הילדה. The usage of masculine here could be explained as helping disambiguate what noun the pronoun refers to – in this case, the branch (which is masculine in Hebrew).⁶⁸

Now, it would seem that the *etrog*-tree is metaphorically defined as male, at least in the *Yerushalmi*. However, in a long passage in the *Bavli* (*bRosh ha-Shanah* 15a), the *etrog*-tree is referred to as female (I report here only an excerpt):

אמר רבה: אתרוג בת ששית שנכנסה לשביעית – פטורה מן המעשר, ופטורה מן הביעור. ובת שביעית שנכנסה לשמינית – פטורה במעשר, וחייבת בביעור (ב' ראש השנה טו ע"א).

Ravah said: An *etrog*-tree which has blossomed [lit. **daughter** – *bat*] in the sixth year and ripened [lit. enters (f.)] in the seventh year is not liable (f.) to tithe and not liable (f.) to destruction. One which has blossomed [lit. **daughter** – *bat*] in the seventh year and produced fruits [lit. enters (f.)] in the eighth year is not liable to tithe but is liable to destruction.⁶⁹

Do the two texts represent two different competing traditions or two different points of view? It is hard to say. In any case, the passage using the masculine *haver* remains an exception. The dominant idea in rabbinic literature seems to be the one which defines trees as female. The use of the term *bat* – “daughter” is another expression of this phenomenon. This leads us to the next issue.

e) Trees as “daughters”

The gemara in *yOrlah* 1:1, 60c defines what a non-fruit-bearing tree (אילן סרק) is. A barren tree is by definition any tree that does not yield fruit. However, Rabbi Me’ir states that all trees are barren, except for the olive and the fig (because, since the fruits of these trees are particularly significant, any intention to plant them for non-food purposes is deemed meaningless). Rabbi Shime’on explains by contrast that no tree can be exempt from *orlah* through the intention of its owner, except for three species: pomegrate, sycamore, and caper (רימון ושקמה וצלף). Rabbi Shime’on holds that all species of fruit trees are too significant not to be designated “food tree,” despite the owner’s intention to plant them for a non-food purpose. The only exemptions are pomegrate, sycamore, and caper, whose relative insignificance makes them susceptible to losing their status as “food trees.”

The myrtle (הדס) is then added to the list of trees with insignificant fruits in a passage which is relevant for a feminist reading:

...בנות הדס שנטען לשם בנות הדס... (י' ערלה א א, ס ע"ג)

...**daughters** of myrtle that someone planted for the sake of **daughters** of myrtle... (*yOrlah* 1:1, 60c)

The term “daughters” could also have a second metaphorical meaning, referring to fruits. This ambiguity is evident here: “daughters of myrtle (= plants) planted for the sake of daughters of myrtle (their fruits).” I think that this second meaning does not exclude the first one. On the metaphorical level, different meanings often coexist. A metaphorical construct “is not viewed as a dogmatic association, nor it is being insisted that the association exists consciously or unconsciously in the minds of all traditional Jews. Rather, given certain central values and conceptions within traditional Jewish thought, there is a potentiality of this association being made, and remade. [...] At the same time, because the link between the two conceptual

domains is suggestive rather than definitive, alternate, but often parallel, associations are found. While these associations differ from [...] [the first] equation, they do not thereby invalidate it. Rather, they reinforce the general thrust of the argument, but also show that the realm of symbolic linkages is open-ended and dynamic”⁷⁰

Another passage in *yOrlah* 1:3, 61a that cites a baraita from *tShevi‘it* 1:3 (see also *mShevi‘it* 1:8, *yShevi‘it* 1:6, 33c) and gives a definition of a “sapling” (i.e. until what age is a tree considered a young tree) uses the term daughters (בנות) referring specifically to young plants:

אף כשאמרו בנות חמש בנות שש בנות שבע אלא בגפנים בנות חמש בתאנים בנות שש בזיתים
בנות שבע ואנא [ואנן] חמיי הדין מרוותא דתאינה אתיא בפירי... (י' ערלה א ג, סא ע"א).

Even though they [the Rabbis] said [that saplings are defined as] those in their fifth year, those in their sixth year, and those in their seventh year (lit. **daughters** of five, six and seven) rather in the case of vines, those in their fifth year [are saplings], in the case of fig trees, those in their sixth year, and in the case of olive trees, those in their seventh year (lit. **daughters** of five, six and seven). But we see this young fig tree (מרביתא – young tree) come out with full fruit ... (*yOrlah* 1:3, 61a).

The sentence “but we see this young fig tree bringing forth fruit” makes clear that saplings do not normally bear fruits yet (or very few and of bad quality).

Looking at the different texts where the term *banot* is related to trees, it seems possible to infer that the expression “daughters” refers either to young trees, or to saplings, still immature and not fully-grown, or to trees which are defined as virgin or barren. Probably, virgin, barren, or young tree without fruits are all indistinctly the same for the rabbis, because they are all linked to the idea of unfruitfulness.

The term “virgin” (בתולה) refers probably also to a young tree, specifically one that has not been cut.⁷¹ These two terms (daughter and virgin) indicate the first stage in the development of the tree, in which normally it has still not produced fruits. Trees that are considered non-fruit bearing – because they are actually barren trees, or they are young, or because of their insignificant fruits (like the sycamore and myrtle) – are often called בנות. It seems that this could explain why the sycamore of all trees has replaced the baraita’s neutral tree of *tShevi‘it* 3:15 in *yNiddah* 1:4, 49a within the description of a virgin-tree.⁷² The sycamore has somehow become the non-fruit-bearing tree *par excellence* for the rabbis. On account of its “barrenness,” it also typifies worthlessness: “Saul was like a *grofit* (shoot) of a sycamore tree (i.e., a man barren of thought, empty of merits)” (*yAvodah Zarah* 2:1, 40c, see also *Genesis Rabbah* 25:3). It is opposed to a גרופית של זית, one rich in merits.⁷³ Hence, here again there is an overlap between the sycamore, the barren tree, with the virgin-tree, the young tree without fruits or with one that has not yet been cut.

The first chapter of *tShevi 'it* is interesting for the present inquiry, because it shows several parallels with the texts in *yOrlah* on trees as female. *tShevi 'it* defines first what an orchard is. In *tShevi 'it* 1:1, it gives the general rule: an orchard consists of three trees within a *seah*'s area. Then, *tShevi 'it* 1:2 inquires whether the status and age of the trees is relevant for the definition of an orchard, whereby it uses the term *zkena*. In *tShevi 'it* 1:3 the age of a sapling (*netiah*) is defined:

אי זו היא נטיעה? ר' יהושע אומ' בת חמש בת שש בת שבע [אמר ר' מפני מה אמרו בת חמש בת שש ובת שבע] אלא אומ' אני גפנים בני חמש תאנים בני שש וזתים בני שבע

“What is considered a sapling (*netiah*)? Rabbi Joshua says: A five-year-old [tree] (lit. **daughter** of five), a six-year-old [tree] (daughter), a seven-year-old [tree] (daughter). Rabbi said: why did they say: A five-year-old [tree] (daughter), a six-year-old [tree] (daughter), a seven-year-old [tree] (daughter)? Rather I would say: grapevines [are saplings until] five years old (lit. **sons** of five), fig trees until six years old (lit. sons of six), and olive trees until seven years old (lit. sons of seven).”

Here, in the challenge of Rabbi, the gender of the trees is changed from female (*bat* – daughter) to male (*bnei* – sons).⁷⁴

In any case, in the parallel Mishnah (*mShevi 'it* 1:8) only the opinion of Rabbi Joshua is reported, with the feminine (בת שבע שנים) (as well in *yShevi 'it* 1:6, 33a which cites the Mishnah). When the *Yerushalmi* cites the baraita (*yOrlah* 1:3, 61a) the opinion of Rabbi is reported, but the “sons” (*bnei* – בני) are changed into “daughters” (*bnot* – בנות). Also *yShevi 'it* 1:6, 33c cites the same Tosefta and changes “sons” to “daughters” too. It seems that in the Tosefta, after the אלא (rather), an alternative is offered by Rabbi not only in the content, but also on the metaphorical level (challenging the sages’ definition of trees as female, as daughters, when they should define them as male, as sons). But his suggestion was not accepted and not handed down in the chain of the tradition.

In sum, while in the biblical law of *orlah*, trees are represented in their fertile and infertile phases as male, the dominant role of women in reproduction, as the active force, seems to find a way of expression, on a metaphorical level, in *Massekhet Orlah* and in rabbinic literature in general. The term *orlah* has a negative connotation both in the biblical and the rabbinical narrative, as expressed *inter alia* in the use of the locution *purified* to denote a tree that is no longer in the state of *orlah* in *Massekhet Orlah*. The menstruation of the female body and the foreskin of the male body seem to be characterized in a parallel way, as symbolizing closure and death, something which requires purification. Purification after delivery and purification after menstruation are both associated with a closure of the womb. The womb, repeatedly closing (like a temporary death) and opening creates a cycle in the woman’s body during her reproductive phase. The man has no such cycle in his body, and is therefore equipped,

according to rabbinic narration, with signs: circumcision, *tzitzit*, *halake* (see below). These signs are accompanied by metaphors that compare males to trees in relation to cultural reproduction, education and study.

“Given the transference of reproductive and genealogical symbolism from the body to the community of learning, it is not surprising that trees and especially fruit trees become symbols of Torah.”⁷⁵ The woman who gives life and the Torah which gives life as well (*etz chayim*) are then often associated with one another and with trees.

Appendix: Later developments in the concept of *orlah*

In Jewish tradition it is customary to let a male child’s hair grow until his third birthday and the hair is then cut for the first time.⁷⁶ The custom has clearly developed in direct connection to the prohibition of *orlah*, creating a male image related to trees.⁷⁷ Three has also become the age at which Jewish male children begin to learn Torah. The *tzitzit* and *tallit katan* are first worn by a male child at the age of four (like *neta revai*) – the age at which the initial approach to the commandments begin (which are compared to fruits). This is based on the biblical verse “for an *adam* is like the tree of a field” (Deuteronomy 20:19). Already midrash *Tanhuma Buber* to *Qedoshim* 14 connects the development of the young boy with the law of the *orlah* of trees: “This alludes to the young child. ‘For three years it shall be *arelim* to you’ (Leviticus 19:23–25): he cannot really converse or speak; ‘in the fourth year all its fruit shall be holy’: his father consecrates him to the Torah; ‘for praise to the L-rd’: from the time he can speak words of praise to G-d. ‘In the fifth year you may eat the fruit’ the five-year old is obligated to learn Scripture.”

In *De Plantatione* (93–138), Philo had already interpreted Leviticus 19:23–25 allegorically, as referring to study. The land in the verse stands for the way of wisdom. The scholar must prune all the impurities. The fruit of the tree is the fruit of education (114–116). The fourth year is about praise of the Divinity as the holiest fruit of education (121).

¹ Bernat, David A., *Sign of the Covenant: Circumcision in the Priestly Tradition*, Society of Biblical Literature - Ancient Israel and its Literature 3, Atlanta 2009, p. 92.

² The noun ערלה (16 times) appears mostly in the context of circumcision. It is repeated 5 times in Genesis 17, the “longest and richest biblical account of circumcision” (Cohen, Shaye J.D., *Why Aren't Jewish Women Circumcised? Gender and Covenant in Judaism*, Berkeley 2005, p. 8) and the *locus classicus* for this ruling, where G-d commands Abraham to circumcise himself and establishes with him a covenant. In this passage there is an explicit connection between “covenant and fertility” (Ibid.). Then the word *orlah* appears in Genesis

34, the story of the rape of Dinah; in Exodus 4, where Zipporah cuts off the foreskin of her son; in the general circumcision commandment of Leviticus 12:3: “On the eighth day the flesh of his foreskin shall be circumcised”; in Joshua 5:3: “So Joshua made flint knives and the Israelites were circumcised at *Givat ha-Aralot* [i.e., ‘the Hill of Foreskins’]” and many others.

³ The adjective has 36 occurrences.

⁴ Mayer, Günter, עָרַל ‘*āral*, עָרַל ‘*ārel*, עָרְלָה ‘*ōrlāh*, in: Botterweck, G. Johannes, Ringgren Helmer and Fabry, Heinz-Josef (eds.), *Theological Dictionary of the Old Testament*, vol. 11, Grand Rapids 2001, p. 359. Translated from: *Theologisches Wörterbuch zum Alten Testament*, Bd. VI, Stuttgart u.a. 1989, p. 385.

⁵ Cf. also Rashbam, Abравanel (Milgrom, Jacob, *Leviticus 17–22: A New Translation with Introduction and Commentary*, The Anchor Bible, New York / London 2000, p. 1679), Bechor Shor and Nachmanides in their commentaries on Leviticus 19:23–24.

In *Massekhet Orlah* there is a passage where the rabbis indirectly attempt to provide an etymological definition of the term *orlah*, as “closed”: *yOrlah* 3:1, 62d (ref. to Leviticus 19:23): “אית תניי תני בעורל את פרייו” - There is a Tanna who expounds this verse with regard to something which encloses the fruit” and “דבר שהוא עורל את פריו ופריו עורלו” [This (reference to Leviticus) includes in the law of *orlah* both] the item that encloses the fruit (i.e. shell or peel) and that which the fruit encloses (i.e. seeds).” See “*aral* - to sheathe, cover” in: Jastrow, Marcus, *A dictionary of the Targumim, the Talmud Babli and Yerushalmi and the Midrashic Literature*, New York 1926, p. 1119.

⁶ Eilberg-Schwartz, Howard, *The Savage in Judaism. An Anthropology of Israelite Religion and Ancient Judaism*, Indiana University Press 1990, p. 251 n. 11; see also Milgrom, p. 1678 and Gesenius, Wilhelm, *Hebräisches und Aramäisches Handwörterbuch über das Alte Testament*, 17. Auflage, Berlin / Göttingen / Heidelberg 1962, p. 619.

⁷ This is a case of extension of the strict sense of cognate accusative, cf. 2 King 4:13 (Eilberg-Schwartz p. 251 n. 11).

⁸ For an overview see Milgrom, p. 1678. I am acquainted with Milgrom’s critique of Eilberg-Schwartz’s translation that identifies “its foreskin” (*orlato*) with “its fruit,” but I found it not satisfying and therefore translate, in this case, as Eilberg-Schwartz, who indeed regards the tree as uncircumcised and its fruit as its foreskin (p. 251 n. 11). See Milgrom, p. 1679.

⁹ The translation and understanding of the sentence as “you shall regard it as...” is supported by *yihyeh lakem* “it shall be...to you” in the biblical verse (Ibn Ezra, see Milgrom p. 1678).

¹⁰ The citation and the transliteration table are from Milgrom, p. 1677.

¹¹ Bernat, p. 93.

¹² “Many English translations substitute “forbidden” for “uncircumcised”” but his substitution weakens the metaphor (Gorospe, Athena E., *Narrative and Identity: An Ethical Reading of Exodus 4*, Leiden 2007, p. 129). See also Eilberg-Schwartz, p. 149. The translation with

“forbidden” is also not convincing because, as Eilberg-Schwartz (p. 150) points out, there are dozens of other things in the Hebrew Bible that are declared to be forbidden and nowhere are they defined with the words “foreskin” and “uncircumcised”.

¹³ “Meaning can often be detected from symbolic artifacts such as metaphors which point to larger complexes of meaning that never found explicit articulation.” Eilberg-Schwartz, p. 143.

¹⁴ Nielsen, Kirsten and Ringgren, Helmer, פָּרָע ‘eṣ, in: Botterweck, G. Johannes, Ringgren Helmer and Fabry, Heinz-Josef (eds.), *Theological Dictionary of the Old Testament*, vol. 11, Grand Rapids 2001, p. 266. Translated from: *Theologisches Wörterbuch zum Alten Testament*, Band VI, Stuttgart 1989, p. 285.

¹⁵ Ibid. “The Book of the Dead speaks of a sycamore in the west that gives the departed breath and life (Book of the Dead 59)” and Pritchard, James Bennett (ed.), *Ancient Near Eastern Texts Relating to the OT (ANET)*, Princeton 1969, p. 422.

¹⁶ See Grapow, Hermann, *Die bildlichen Ausdrücke des Aegyptischen. Vom Denken und Dichten einer altorientalischen Sprache*, Leipzig 1924, p. 105, cf. pp. 46, 101.

¹⁷ Römer, Willem H.P., *Sumerische Königshymnen der Isin-Zeit*, Leiden 1965, p. 53.

¹⁸ *Theological Dictionary*, p. 267 (*Theologisches Wörterbuch*, p. 286).

¹⁹ See Busi, Giulio, *Simboli del pensiero ebraico. Lessico ragionato in settanta voci*, Torino 1999, p. 50-51, n. 137.

²⁰ Eilberg-Schwartz, p. 156: “Time and again, Israelite writers depict G[-]d’s relation to Israel in terms of metaphors related to the cultivation of orchards and vineyards.” I report only two examples: “For as the days of a tree shall be the days of my people” (Isaiah 65:22) and Psalms 80:16, where the term “son” (*ben*) is used to describe the stem of the tree (Israel) that G-d plants on the land (see also Hosea 14:5-7).

²¹ As in the parable of Yotam in Judges 9:7–16 where instead of fruit-bearing trees as the olive, the fig and the grape vine, the barren bramble bush is elected king of the trees.

²² Eilberg-Schwartz, p. 158.

²³ Eilberg-Schwartz, p. 161, see also p. 158 “Human Fruitfulness”: *zera* as agricultural and human “seeds;” *peri*, “fruit” with the same root of *peru*, “be fruitful;” children as “fruit of the womb” (Genesis 30:2) are only some of the examples of the symbolic connection between agricultural and human yields, common to biblical Hebrew, English and others languages. “Agricultural metaphors are also often used to conceptualize human sexuality” (p. 155).

²⁴ See also in other cultures: “The olive tree is like a bedouin woman (*bedawīye*) who knows how to take care of herself, while the fig tree is like a peasant woman (*fellāḥa*) and above all the vine like a lady (*sitt*), demands quite different attention.” Dalman, Gustaf, *Arbeit und Sitte in Palästina* (AuS), 7 vol., Hildesheim 1964, p. 173. See also *Theological Dictionary*, p.270 (*Theologisches Wörterbuch*, p. 290).

²⁵ “[A]sherah is [...] a special form of a fertility goddess in the shape of a tree goddess” Hadley, Judith M., *The Cult of Asherah in Ancient Israel and Judah: Evidence for a Hebrew*

Goddess, Cambridge University Press 2000, p.8. See also Schroer, Silvia, “Die Zweiggöttin in Palästina/Israel. Von der Mittelbronze-II-B-Zeit bis zu Jesus Sirach,” in: Küchler, Max and Uehlinger, Christoph (eds.), *Jerusalem. Texte – Bilder – Steine*, Novum Testamentum et Orbis Antiquus 6, Fribourg/Göttingen 1987, pp. 201–225 and Schroer, Silvia and Keel, Othmar, *Die Ikonographie Palästinas/Israels und der Alte Orient. Eine Religionsgeschichte in Bildern, Band 1: Vom ausgehenden Mesolithikum bis zur Frühbronzezeit*, Fribourg CH 2005, Göttin und Baum, pp. 61–62: “Im Wachsen der Vegetation erkannte man das Wirken der heimischen Erdgöttin, und in mächtigen Bäumen wurde ihre geheimnisvolle Gegenwart besonders intensiv erfahren. Hebr. *’elah* bedeutet „mächtiger Baum“, aber auch „Göttin“. [...] Der eine Traditionsstrang ist geprägt von einer selbstverständlichen *Verbindung des G[-]ttes Israels mit heiligen Zweigen und Bäumen*. [...] Die angestrenzte Überbietung des Baumkultes in Hosea 14,9, wo [...] [H.] beansprucht, selbst Israels grünender Baum zu sein, zeugt hingegen von einem Konkurrenzverhältnis. Offenbar stieß die Dynamik der Integration bzw. Vereinnahmung des alten Ressorts der Göttin an Grenzen. Der zweite biblische Traditionsstrang ist deutlich dem erbitterten Kampf gegen die *Erd- und Vegetationsgöttin* gewidmet.” And “[v]irtually every hint as to the cults of Asherah, Astarte and the Queen of Heaven in the Bible is loaded with their rejection ...” Schroer, Silvia, *Gender and Iconography from the Viewpoint of a Feminist Biblical Scholar*, – lectio difficilior 2/2008 – www.lectio.unibe.ch. On Asherah in rabbinic literature see Valler, Shulamit, *Massekhet Sukkah (FCBT II/6)*, Tübingen 2009, p. 28ff.

²⁶ Eilberg-Schwartz, p. 147: “The centerpiece of this covenant is G[-]d’s promise that Abraham will have vast numbers of descendants. ‘I will establish My covenant between Me and you, and I will make you exceedingly numerous’” (Genesis 17:2). “I will make you exceedingly fertile” (Genesis 17:6). In Genesis 17:3–8, “G[-]d promises no fewer than four times that Abram shall be father of many nations and changes Abram’s name to Abraham, ‘father of a multitude.’” Cohen, p. 8.

²⁷ Eilberg-Schwartz, p. 150. “The Babylonians regarded the fruit of the first four years as unfit for food (Code of Hammurabi § 60).” (Milgrom, p. 1680) “Contemporary viticulture and horticulture confirms what the ancients seemed to have understood, that three to four years is a reasonable wait for viable fruit production. However, the trees and vines during the preliminary period may not be utterly bare. For example, random immature grape clusters may appear on a vine. Thus, a regulation forbidding their consumption is in order” (Bernat, p. 94).

²⁸ Gorospe, *Narrative an Identity*, p. 130.

²⁹ Eilberg-Schwartz, p. 148.

³⁰ Gorospe, *Narrative an Identity*, p.134. See: Scolnic, Benjamin, “From Bloody Bridegroom to Covenant Rite: *Brit Milah* – The Perspective of Modern Biblical Scholarship,” *ConJud* 42, 4 (Summer 1990): 13.

³¹ Bernat, pp. 86–87.

³² Gorospe, *Narrative an Identity*, p. 129.

³³ Thackeray, Henry St. John, *Jewish Antiquities, Books I-IV*, Harvard University Press 1967, p. 585. “[F]ruit in its first three years was considered immature, unfit for divine consumption, ritually unviable, and thus also off-limits to Israel. [...] This factor is treated uniformly in the commentaries [...]. Josephus’s digest of the law (*Antiquities* 4.226–227) does not mention foreskin but is an extremely cogent rendition of a complex biblical passage. He explains simply that fruit in its first three years is immature and therefore unsuitable for human consumption or sacral offering.” Bernat, p. 93 and n. 5.

³⁴ See also in midrashic literature: *Genesis Rabbah* 46:4, *Leviticus Rabbah* 25:6.

³⁵ In rabbinic literature there is a parallel case (regarding male and female beasts) analyzed by Ilan, where the male “him and his son” (אֹתוֹ וְאֶת-בְּנוֹ) in Leviticus 22:28 becomes in *mHullin* 5:3 female: “if he slaughtered both [an animal] and her daughter’s daughter and then he slaughtered her daughter...” (שְׁחָטָהּ וְאֶת בַּת בְּתָהּ וְאֶת כַּךְ שְׁחָטָהּ בְּתָהּ). Ilan, Tal, “Males are for G[-]d, Females are for Us: Sacred and Kosher Slaughter Rhetorics in *Seder Qodashim* and Tractate *Hullin*” in: Ilan, Tal, Brockhaus, Monika and Hidde, Tanja (eds.), *Introduction to Seder Qodashim (FCBT V)*, Tübingen 2012, pp. 279–281: “The prohibition of slaughtering a beast with its offspring on the same day is referred to in the Bible as “him and his son” [...] (Lev 22:28). From a practical point of view this formulation is ironic, because it is highly unlikely among beasts that one would know who the father is. The identification of the mother, on the other hand, is crystal clear. That the rabbis themselves found the male formulation problematic is obvious from the way this mishnaic chapter 5 is constructed.” They changed the biblical formulation first to “her and her son” and then to “her and her daughter.” “The rationale for this alteration is quite straightforward and practical, but the Mishnah fails to spell it out,” while the *Bavli* gives a practical explanation: the young animal is attached to the mother and not to the father: ““his son’ applies to the one to whom he is attached. This excludes the male, to whom the son is not attached” (*bHullin* 78b). I see in this corrective change of the gender an awareness of the rabbinic interpreter that the biblical description in the masculine is forced, unnatural and artificial, not corresponding to the reality of experience and nature.

³⁶ Elliot R. Wolfson in the chapter “Female Imaging of the Torah: From Literary Metaphor to Religious Symbol” (in: *Circle in the Square: Studies in the Use of Gender in Kabbalistic Symbolism*. Albany: State University of New York Press, 1995, p. 1ff) explores the feminine personification of the Torah from classical midrashic sources to kabbalistic texts, a large body of literature from which theological reflection can be drawn, whereby also mythical conceptions of the female Torah in relation with G-d occasionally appear. “There are several distinct feminine images of the Torah in the body of classical rabbinic literature,” as daughter of G-d, or sometimes as daughter of the king, bride and mother (p. 3). Wolfson reports, e.g., a

tradition from the *Yerushalmi*: “What is [the practice] regarding standing before the Torah-scroll? [...] Before her son [i.e., a rabbi] you stand, how much more before the Torah herself” (*yMegillah* 4:1, 74d) (p. 2) where the feminine metaphor is positive connoted with elements of respect and reverence. Moreover, the comparison between mother and Torah hints the realization of the predominance of the feminine in the powerful sphere of reproduction. On the other hand, this imagery is quite complex. In the Talmudic context, e.g., R. Yohanan affirms that: “the non-Jew who is involved with Torah is to be treated like the individual who has relations with a woman who is betrothed to another man,” (*bSanhedrin* 39a) where the feminine is used to denote possession (p. 3). On the metaphor of Torah as woman see also: Dal Bo, Federico, *Massekhet Keritot (FCBT V/7)*, Tübingen 2013, p. 192 and p. 221; Goldberg, Harvey E., “Torah and Children: Some Symbolic Aspects of the Reproduction of Jews and Judaism,” in: Goldberg, Harvey E. (ed.), *Judaism Viewed from Within and from Without: Anthropological Studies*, New York 1987, p. 113: “It is possible to metaphorically link a sefer Torah and a female” and Sered, Susan, *What Makes Women Sick?: Maternity, Modesty, and Militarism in Israeli Society*, Hanover and London 2000, p.140: “[A] key corporeal metaphor in Jewish culture [...] [is] the metonymic association between Torah and women’s bodies.” The depiction of the Torah as female presupposes the interaction with male partners. This highly ambivalent comparison expresses deference, but also objectification of the feminine and a confrontation with it as ‘other’ from a male point of view, whereby the feminine subjective perspective is not taken into account.

³⁷ Fonrobert, Charlotte Elisheva, “Regulating the Human Body: Rabbinic Legal Discourse and the Making of Jewish Gender,” in: Kabakov, Miryam (ed.), *Keep Your Wives Away from Them: Orthodox Women, Unorthodox Desires*, Berkeley 2010, p. 108: “The explicit effort to represent the female body through metaphors [...] and the creation of clusters of metaphors to represent the female body in the *Mishnah* is notable. [...] such a rhetorical strategy construes the woman as object of law through her body [...] This is not to say that male bodies are not objectified or that men are not embodied by the legal imagination. [...] Male genital fluids, for instance, receive just as much attention as menstrual blood.”

In the texts here analyzed, metaphors are not used to describe and understand women and women’s body, but the feminine is a way to describe and understand reality. This seems to express the consciousness that women’s reproductive function bears religious significance useful in order to decipher the world surrounding us. This recognition goes with the not directly articulated acknowledgement of the dominant female role in procreation thanks to the great asymmetry represented by birth and pregnancy.

³⁸ While the depiction of the land as woman expresses the idea of a passive character of the female body, which is fertilized by the active male seeds, like the earth by rain (see Ilan, Tal, *Massekhet Ta’anit (FCBT II/9)*, Tübingen 2008), women as trees that bear fruits represent a more unusual picture of women as active subjects in reproduction. The biblical metaphors on

trees bearing fruits are indeed characterized as very dynamic, forceful and active, representing symbols of power, dominance and authority, as the Kings of Israel, the Messiah, the Temple, the priestly family and the Torah, which shapes and influences Jewish life fundamentally. The woman's body as earth/field is represented as a passive receptacle which does not really play a role in creation, while the image of a tree bearing fruits *alone* reflects a more realistic symbol of pregnancy and birth.

³⁹ See: Essner, Howard, "Introduction to Orlah," in: Neusner, Jacob, *The Talmud of the Land of Israel, Volume 10: Orlah and Bikkurim*, Chicago 1991, p. 3.

⁴⁰ סיפוק means also satisfaction, supply, provision (Jastrow, p. 985). The use of the term *sipuq* in order to describe some kind of grafting procedure is attested only in *mOrlah* (cf. *mKilayim* 1:7). My understanding of this term follows that of Maimonides' Commentary to the Mishnah. Other medieval exegetes have given alternative explanations. Without other texts for comparison, the interpretation of this concept remains open.

⁴¹ In the manuscript München 95 of the Mishnah *hi* (f.) is attested instead of *hu* (m.), which also matches the feminine form of the verb: חיה – *hayah*. See Burmeister, Friederike, *Orla – Vorhaut der Bäume, die Mischna* (ed. Krupp), Jerusalem 2009, p. 5.

Within the *editio princeps* of the *Yerushalmi*, in the mishnah text embedded prior to the chapter, the feminine *mimena* is changed to the masculine *mimeno*, wherewith a mixture of grammatical genders populates the text: "A tree (*ilan* m.) that was uprooted but had a layered branch (*berikha* f.) and the old tree (*hu* m.) lives (f.) from it (*mimeno* m.), the old tree (*zkena* f.) returns (f.) to be like the layered branch (*berikha* f.)."

The masculine term *ilan* can explain the usage of the masculine *hu* in both the Mishnah and in the mishnah text of the Talmud, while the illogical mismatch between the masculine *mimeno* and the feminine *berikha* in the talmudic attestation could be a mistake of transcription.

For the *Yerushalmi* see Schäfer, Peter (ed.), *Synopse zum Talmud Yerushalmi*, vol. I/6–11, Tübingen 1992, pp. 376–377: The *editio princeps* (Venice – year 1522) and the Ms. Leiden (year 1289) have הוא חיה ממנו – *hu hayah mimeno*, the Ms. Moscow and the Ms. London הוא חי ממנה – *hu hay mimena*.

⁴² This parallels the rabbinic ruling about human beings. See: Steuer, Christiane, *Der Fetus ist ein Glied seiner Mutter (ubar yerekh imo): Eine rabbinische Interpretation von Exodus 21:22-24* – lectio difficilior 2/2008 – www.lectio.unibe.ch.

⁴³ The numeration changes from 1:5 in the *Mishnah* to 1:3 in the *Gemara*.

⁴⁴ In *yOrlah* 1:3, 61a-b the term *yalda* appears 8 times and the term *zkena* 7 times. The corresponding verbs are always in the feminine form.

⁴⁵ The term *yalda* could maybe refer also to the branch (the "scion," "child") which then develops into a young tree. The word could take the feminine form as assimilation to the term בריכה (*berikha* - layer) or maybe to נטיעה (*netiah* - newly planted tree, see e.g. *mOrlah* 1:6). However, it seems more probable that the newly coined term was created in association with

zkena. In any case, the word *yalda* refers to a new planting or a young tree developed from a layered shoot, which is still in the *orlah*-years and therefore ‘unfruitful.’

⁴⁶ Other passages where the terms *yalda* and *zkena* appear in relation to trees are: *tShevi 'it* 1:2 (הַיָּלְדָה וְנִרְאָה כְּנִטְיָעָה הָרִי הִיא כְּנִטְיָעָה וְנִטְיָעָה נִרְאִית כְּזִקְנָה הָרִי הִיא כְּזִקְנָה) – An old tree (*zkena*) which appears like a newly planted tree (*netiah*) [in that it yields little fruit] is like a newly planted tree. And a newly planted tree which appears like an old tree [in that it yields much fruit] is like an old tree); *yShevi 'it* 1:5, 33b (where also the plural ‘זְקִינֹת’ is attested, the passage with ‘זְקִינֹת’ is cited in *ySukkah* 4:1, 54b); *yBikkurim* 1:1, 63c (הָדָא אָמְרָה כְּשֵׁם) (לִיכְרִי שִׁבְעָ בִירִי, וְלִיקְלִי בְהוּ) (*bShabbat* 110b) (שֶׁהֵילְדָה חִיָּה מִן הַזְקִינָה כִּד הַזְקִינָה חִיָּה מִן הֵילְדָה) – let one dig seven holes and burn therein branches (or a branch) [of] *yalda* of *orlah*); *bMoed Qatan* 4a (לְהַכְתֵּא לְמִישְׂרֵי יֶלְדָה קְרָאִי לְמִיסַר זְקִינָה וְכִיּוֹן דֵּהֲלַכְתָּא לְמִשְׂרֵי) (לְהַכְתֵּא לְמִישְׂרֵי יֶלְדָה – לְאֻז מִמִּילָא זְקִינָה אֲסִירָה) – The *halakhah* is about the permission [of tilling for the benefit] of a young tree / sapling (*yalda*); [while] the texts are for the prohibition for an old tree (*zkena*). Since the *halakhah* is about the permission [of tillage down to New Year] for a young tree / sapling (*yalda*), it is not obvious that the old tree (*zkena*) was forbidden?); *bNedarim* 57b (יֶלְדָה – שְׂסִיבְכָה בְּזִקְנָה וְבָה פִירוֹת, אִף עַל פִּי שְׁהוֹסִיפָה מֵאֲתִים – אֲסוּר) (יֶלְדָה – א young tree (*yalda*) which is grafted on an old one (*zkena*) and she yields fruits, even if she adds two hundred – it (the fruit) is forbidden) and with the same text *bMenahot* 69b; *bSotah* 43b (mentioned below, with the term *yalda* repeated 13 times and the term *zkena* 4 times)

The term *zkena* is already present in tannaitic literature (*tShevi 'it* 1:2, *mOrlah* 1:5), but it is paired with the term *yalda* first in the *Yerushalmi*, in *yOrlah* or in *yBikkurim* 1:1, 63c. The two terms used together have a reception history in amoraic literature (*bShabbat* 110b, *bMoed Qatan* 4a, *bNedarim* 57b, *bMenahot* 69b, *bSotah* 43b).

On *bShabbat* 110b *Rashi* states: שְׂבִישְׁתָּא דְעֵרְלָה – זְמוּרוֹת שֶׁל כֶּרֶם יֶלְדָה (branches of *orlah*: branches [of grapevines] of a vineyard *yalda*). The Vilna edition inserts *yalda* already in the *Bavli*'s text, but the term was not present in the text *Rashi* read. *Rashi* applies the term *yalda* to this context for clarification and uses it as an adjective to describe a vineyard as a vineyard of young trees.

⁴⁷ Rahlfs, Alfred, and Hanhart, Robert, *Septuaginta*, Stuttgart 2006.

⁴⁸ In Isaiah 6:5, the prophet declares himself to be a man of unclean lips (טְמֵאֵ-שִׁפְתַיִם – *tame sfatayim*) which the Septuagint translates as ἀκάθαρτα χεῖλη. Then in the following verses it is said that two angels lay a live coal taken off the altar upon the prophet's mouth, touching with it his lips. The iniquity is therefore purged (כִּפֶּר) which the Septuagint translates with περικαθαρίζω). The LXX uses the same terms (‘purge’ and ‘unclean’) to translate Leviticus 19:23 *orlah* and *araltem*.

⁴⁹ The Septuagint tends to resolve the metaphors of the Hebrew text in its translation. It renders in Deuteronomy 10:16 עֵרְלַת לִבְבְּכֶם (*orlat levavchem*) as τὴν σκληροκαρδίαν ὑμῶν “your thickened hearts” (See Bernat, p. 79). In Exodus 6:12 and 6:30 it translates the

metaphor ערל שפתים (*arel sfatayim*) respectively as ἄλογός (unwordy, irrational) and ἰσχνόφωνός (weakvoiced, stammering), while the Vulgata maintains the metaphor (incircumcised labiis sum). Also the Targumim translate resolving the metaphors. Onqelos and Pseudo Jonathan use, for *arel sfatayim* respectively the terms יקיר and קשי (heavy) (see below on the Targumim).

⁵⁰ Cohen, p. 19 and p. 230 n. 39. Herodotus 2.37.2. See Herodotus, *Histories*, (trans. Waterfield), Oxford 1998, p. 109.

⁵¹ Cohen, p. 19.

⁵² The rabbinic texts seem to refer to the uncircumcision of Jewish males, not to that of non-Jewish men. “The Talmud and the post-talmudic legal tradition recognize the Jewishness of a native-born Jewish male who remains uncircumcised. Such a man, known as an ‘*arel* (“a foreskinned man”), is regularly associated by the Mishnah with the *tamei*, the person who is ritually impure.” Cohen, p. 184 (see *mPesahim* 5:3 and 6:6, *mZevahim* 2:1 and 3:6, *mMenahot* 1:2).

⁵³ Potters’ clay is one of the most infertile kinds of soil. *bBava Qama* 69a comments on the Mishnah that potters’ clay is symbolic: “A sign [indicating that it is] like potters’ clay. What does potters’ clay [mean]? No benefit can be derived from it [i.e., from planting in potters’ clay] and from the fruit of *orlah* no benefit can be derived.”

⁵⁴ Bernat, p. 93.

⁵⁵ Philo, *Questions and Answers on Genesis*, tr. Marcus, Ralph, Harvard University Press, 1971, *Laws* 3:50, p. 251. In the introduction to his “On the Special Laws” Philo lists different reasons for the practice, among which “circumcision, like the shaving of the body by the Egyptian priests, promotes the purity of the body” and “circumcision promotes fertility...” Cohen p. 61.

⁵⁶ *Philo III, Concerning Noah’s Work as a Planter (De Plantatione)*, Whitaker/Colson (trans.), Harvard University Press 1930, pp. 269–270.

⁵⁷ See: Wilson, Walter, *On Virtues: Introduction, Translation, and Commentary*, Leiden 2011, pp. 334–335.

⁵⁸ Bernat, p. 95.

⁵⁹ The Hebrew uses a figure of speech, applying the state of uncircumcision to trees, “a situation the Targum normally avoids.” Grossfeld, Bernard, *The Targum Onkelos to Leviticus and Targum Onkelos to Numbers*, Wilmington 1988, pp. 40–41 (here the translation is “reject”).

⁶⁰ Maher, Michael *Targum Pseudo-Jonathan: Leviticus*, Edinburg 1994, p.178.

⁶¹ McNamara, Mart, *Targum Neofiti I: Leviticus*, Edinburg 1994, p. 74 (here the translation is “remove” and “abomination”).

⁶² *Biblia Sacra Vulgata. Editio quinta* (ed. Weber/Gryson), Stuttgart 2007.

⁶³ Bernat, p. 95.

⁷⁷ “This ceremony, [i.e., *halake*] also called *upsherin* (lit. “shearing”) “is first attested in kabbalistic sources from the sixteenth or early seventeenth century. [...] [The boy] moves from an undifferentiated state into the state of being male – the act is in fact explicitly compared to *orlah*.” Satlow, Michael, *Creating Judaism: History, Tradition, Practice*, New York 2006, p. 276. See the anthropological studies of Bilu, Yoram, “From Milah (Circumcision) to Milah (Word): Male Identity and Rituals of Childhood in the Jewish Ultraorthodox Community,” *Ethos* 31 (2003), pp. 172–203.

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