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The Jewish Take on the Drinking Snake, and Its Occurrence in Nearby Cultures

Ephraim Nissan

Abstract: Drinking snakes have come down to us through a visual motif from the ancient eastern Mediterranean. In Judaism, the same motif appears in the legal domain: for safety reason, one is not to drink water that was out of sight in an uncovered container. The reason given is that a venomous snake may have been drinking from it, unseen, and that while so doing, it may have released some venom. Whereas it is true that snakes could in antiquity, as well as much later, be found inside houses, arguably the presence of the motif of the drinking snake in the cultures of the wider region, may have made the idea more salient, so that the safety measure invoked the idea of the drinking snake.

Key Words: Drinking snake, Jewish law; History of art; Precautionary norm; Safety.

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References

1. Out of safety, not consuming an uncovered, unguarded drink

In the 21st century in Western society, women, especially at an age when they are attractive, are warned not to drink a beverage that was left uncovered and unguarded, lest a would-be rapist would spike their drink with some drug that would make them helpless to resist abduction and attack. Even in guidance for jobseekers, if an interview is going to take place when facing just one man other than on the crowded premises of a firm of some size, the jobseeker is advised not to consume beverage, if offered one.

In Jewish law, a norm that is still in effect is that you are not to drink “overnight water”, *máyim she-llánu*. That norm also applies to some edible liquids other than water. If you left the liquid in an uncovered vessel, unguarded, other than if you just left the room for some moment and then quickly came back, then you must not drink it. This is a safety measure, but it is an injunction on a par with other rabbinic injunctions about food consumption. Likewise, early rabbinic codified law proscribed the consumption of mushrooms, lest you would mistake a poisonous mushroom for a safely edible one.

2. The prohibition as stated in the *Mishnah*

The *Mishnah* is a rabbinic code of law, compiled by Rabbi Judah the Ethnarch (who was the equivalent of a Roman vassal king, a *dux*, even though he did not have that formal title), in late Antonine or early Severan times, in the early years of the third century C.E. It was pointed out, in the scholarly literature, that this was around the time when in what is now Lebanon, a team of jurists was recodifying Roman law, the reflex in jurisprudence of what is known as the Second Sophistic.¹ The *Mishnah* resulted from the emergence of the rabbinic movement, initially as a form of damage containment right after the destruction of the Temple of Jerusalem by Titus in 70 C.E., and their task was to remake Jewish cultic practice and Jewish law so that Judaism could survive in the absence of the Temple.

In the *Mishnah*, tractate *Terumot* 8:4, it is stated (my translation):

Wine of *Terumah* [tithes to the Aaronid priests] that remained uncovered, let it be poured out [and wasted, because of the danger from snakes]. All the more so, [wine] for lay use. Three kinds of drinks are forbidden because of remaining uncovered: water, wine, and milk. All other drinks are permitted [as snakes are not expected to drink of them]. How much time may they have stayed [uncovered], for them [water, wine, or milk] to be forbidden? Enough for a reptile to have come out from a place nearby and to have drunk.

Also figs or grapes or vegetables with holes in them (as though they had been punctured) were forbidden, because of the perceived danger, if there was wetness, i.e., juice in them (*Mishnah, Terumot* 8:6), as this was assumed to have enabled a snake’s venom to be conveyed into the flesh of the fruit.

¹ https://en.wikipedia.org/wiki/Second_Sophistic explains: “The **Second Sophistic** is a literary-historical term referring to the Greek writers who flourished from the reign of Nero until c. 230 AD and who were catalogued and celebrated by Philostratus in his *Lives of the Sophists*. However, some recent research has indicated that this Second Sophistic, which was previously thought to have very suddenly and abruptly appeared in the late 1st century, actually had its roots in the early 1st century. It was followed in the 5th century by the philosophy of Byzantine rhetoric, sometimes referred to as the *Third Sophistic*”.

Even if wine was covered with a sieve, if left unattended it was forbidden (*Mishnah, Terumot* 8:7: in many manuscripts that one-line is missing, so it may have been an interpolated gloss) because of the danger from venom getting into the liquid.

3. A statement by Aristotle

Davide Ermacora — a scholar who has researched snakes in cultural history (see in the bibliography), including e.g. milk-suckling reptiles (2017) — has kindly referred me to the following text by Aristotle, on snakes and wine:

Τὰ δὲ φολιδωτὰ τῶν ζῴων, οἶον σαῦρός τε καὶ τὰ τετράποδα τᾶλλα καὶ οἱ ὄφεις, παμφάγα ἐστίν· καὶ γὰρ σαρκοφάγα, καὶ πόαν ἐσθίουσιν. Οἱ δ' ὄφεις καὶ λιγνότατοι τῶν ζῴων εἰσίν. Ἔστι μὲν οὖν ὀλιγόποτα καὶ ταῦτα καὶ τᾶλλα ὅσα ἔχει τὸν πλεῦμονα σομφόν· ἔχουσι δὲ σομφόν τὰ ὀλιγόαιμα πάντα καὶ τὰ φωτόκα. Οἱ δ' ὄφεις καὶ πρὸς τὸν οἶνον εἰσὶν ἀκρατεῖς, διὸ θηρεύουσι τινες καὶ τοὺς ἔχεις εἰς ὀστράκια διατιθέντες οἶνον εἰς τὰς αἱμασίας, λαμβάνονται γὰρ μεθύοντες.

The horny-scaled animals such as the lizard and the other quadrupeds and the snakes, are omnivorous; for they are both carnivorous and eat herbage. The snakes are also the most gluttonous of the animals. **Now these animals too are sparing drinkers**, together with all others whose lung is spongy; and it is spongy in all those with little blood and in the ovipara. **But the snakes are also immoderate in regard to wine, and so people hunt even vipers by setting out wine in pieces of pottery in the dry-stone walls: they are caught while drunk.**²

Ermacora has also kindly referred me to an article by Jean Trinquier, “Serpents buveurs d’eau, serpents oenophiles et serpents sanguinaires: les serpents et leurs boissons dans les sources antiques”. Among the other things, Trinquier wrote:³

[...] On the one hand, snakes were considered cold animals, so that they did not need to drink much, a deduction confirmed by the observation of captive specimens; in particular, this is Aristotle’s view. On the other hand, poisonous snakes, especially the Viperidae, were thought to be rather warm and dry, because they are more virulent in the summer and because their venom makes one thirsty; so they were more easily than others described as thirsty or wine lovers, in so far as wine was also considered hot and dry. Another thirsty snake is the giant python snake of Indian and Ethiopian borders, supposed to attack the elephants in order to bleed them to death like a leech.

Trinquier’s paper is a real trove on this subject, and also takes into consideration the modern biological understanding of various snake taxa, trying to relate it to ancient lore. Whereas the theme emerged among Greek authors in the Hellenistic period, as early as Aristotle, one only finds it in Latin texts (as currently known) in the second half of the first century C.E.⁴

4. The thirsty snake, in the Bedouin and Hebrew names of a seasonal stream in the Negev

In an especially desert area of the central Negev, in the south of the State of Israel, a particular seasonal stream is called “the creek of the thirsty snake”, “Thirsty Snake Creek”, in Hebrew נַחַל הַנְּחָשׁ הַצְּמָא *Náhal hanNāháš hašŠāmé*. This is a semantic

² Emphasis added; the Greek text and the English translation are from *Aristotle, History of Animals: Books VII–X*, D.M. Balme (ed., tr.), Cambridge: Cambridge University Press, 1991, pp. 109–111.

³ Trinquier (2012, p. 177): I am quoting from the English abstract.

⁴ Trinquier (2012, p. 186).

calque from the Arabic name *Wādī al-Ḥayya al-‘Iṣṣānā*.⁵ The name is related to that of *Ma‘ālē hanNāhāš haṣṢāmē* “the Slope of the Thirsty Snake”, where there also are tunnels (from the 1970s, they were planned to be emergency oil reservoirs of the Eilat-Ashkelon pipeline, but turned out to be inadequate for storing liquids because of longitudinal fissures) are sometimes visited by tourists.⁶ The tunnels are called *Minhārōt hanNāhāš haṣṢāmē*, and also “Reservoirs of the Thirsty Snake” (*Ma‘āgūrōt hanNāhāš haṣṢāmē*). One comes across for example the following description for hikers:⁷

Parts of your hike will follow a straight dirt road wide enough, for the most part, for three vehicles, at least to park side by side. This is, in fact, the service road for a buried pipeline, operated by "KATZA" or EAPC- Eilat Ashkelon Pipeline Company. This pipeline was built mostly in the 70s

During its construction, and after, many attempts were made to create other projects for storing, refining and marketing the oil that flowed through the pipeline.

One of the plans was to dig enormous strategic underground reservoirs, that would serve an emergency "gas station" for the country.

A Budget was allocated and contractors were hired but only after a few months of digging, did a flooding experiment show that the project needed to be abandoned: Water was pumped into the tunnels that had been dug until that point, and all of the entrances were sealed off. It didn't take long before cracks in the surrounding rock allowed the water to escape- just like any fuels would have had the caves been filled with them.

During the first gulf war, when Iraqi rockets were being fired at Israeli cities every night, the tunnels were put to secondary use, as fake bunkers for air strike training in the air force. Israeli jet flew several sorties of Bunker-Buster bombs against the entrances to the tunnels to test the penetration power in the event the IDF was forced to strike in Iraq. The war ended without an Israeli strike, but some of the damage of those practice bombings can still be seen today.

The tunnels have never been stabilized and are considered unstable, and the entrances especially have been damaged by the weather and the bombings so entering the tunnels is extremely dangerous!

Note that *Nāḥal hanNāhāš haṣṢāmē* in the Negev is not the same as *Nāḥal Nāhāš* (“Creek of the Snake”) in the north of the country, a seasonal stream on the eastern slopes of Mount Carmel.

5. A sample from the iconography of the drinking snake in the ancient eastern Mediterranean

One comes across a drinking snake in the Dove Rhyton from Tomb B3 of Jericho Necropolis. The following is quoted from an article by Lorenzo Nigro, on p. 680 in “A Turtle Dove *Rhyton* from the “Hyksos Palace” at Tell es-Sultan, Ancient Jericho”:

The *rhyton* found in Tomb B3 is very similar to the “Palace store-rooms” specimen, especially if one considers the shape of the vessel and its ritual use. It is also obtained modifying the classical Jerichoan pedestal goblet of MB II–III, but is made with a fabric coarser than the palace specimen. The neck of the dove is unnaturally vertical and the handle arches over the back from the back of the head. The cup on the back is not supported by any column, but has exactly the same shape of that on the palace *rhyton*.

⁵ Where the feminine adjective *‘Iṣṣānā* is pronounced as [ʕəṭʕa:na:].

⁶ <https://www.haaretz.co.il/gallery/1.982181> ,
<https://www.makorishon.co.il/nrg/online/1/ART2/234/261.html> ,
<http://meny.co.il/caves/?p=516>

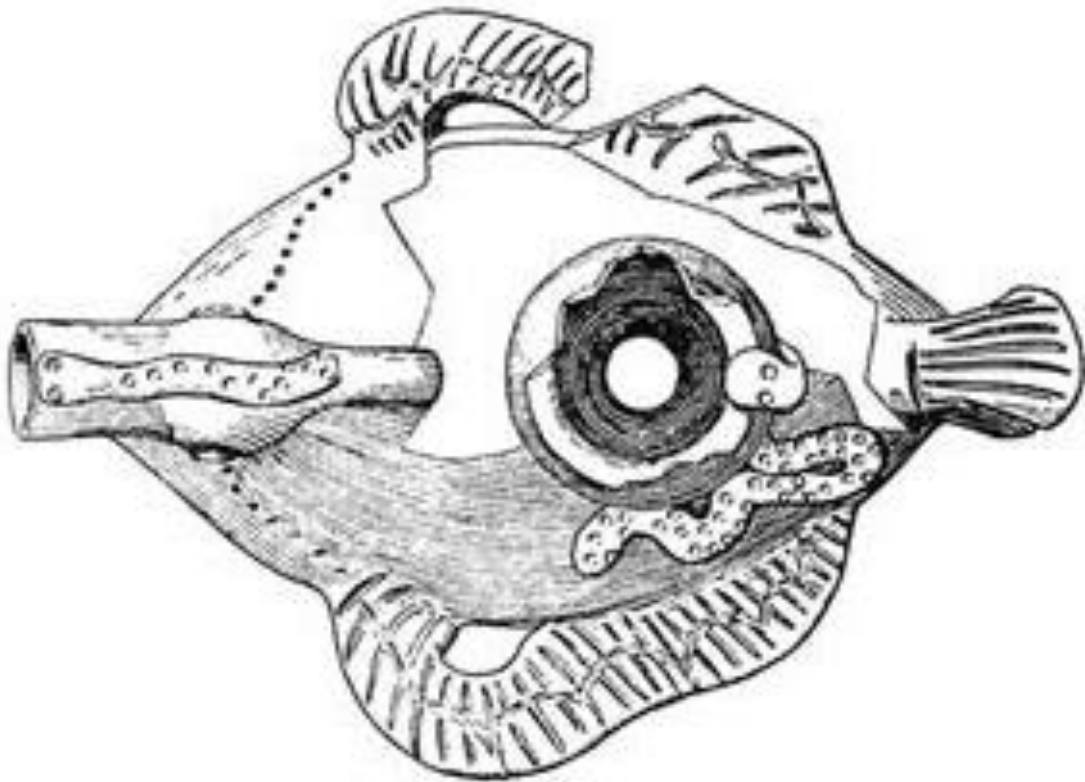
⁷ <https://sites.google.com/site/selfguidednegevtrek/join-the-trek/points-of-interest>

Two snakes are attached to the vase: one is curled on the neck and distends along the top of the head, while the other climbs upon the cup with the mouth open to drink (Fig. 11a–b).

A drawing representing that artifact is shown below, this being a view from the side. As seen from above, the same object is shown in the drawing that appears on the next page.



A side view of the Dove Rhyton from Tomb B3 of Jericho Necropolis. The drawing is after Kenyon (1960, Fig. 162), and Nigro (2019, p. 689, Fig. 11a). Note the two snakes, one of them drinking from the cup. The other snake is coiled around the head of the bird.



The Dove Rhyton from Tomb B3 of Jericho Necropolis, viewed from above. The drawing is after Kenyon (1960, Fig. 162), and Nigro (2019, p. 689, Fig. 11b).

The visual motif of drinking snakes appears in the Peloponnese earlier than the Classical era of Greece. This has been discussed in a 2006 article by Gina Salapata, “The Tippling Serpent in the Art of Lakonia and Beyond”. Shown on the next page is a stone relief from the third century B.C.E., now at the Archaeological Museum of Sparta, item 3360. In this relief,

a man holds a kantharos that now has a distinctly Hellenistic shape, out of which an upright snake is drinking. The bearded man is here accompanied by another, younger man who stands next to him with his right hand on his hip. Since the standing figure seems to be neither an adorant nor an attendant of the seated man, he must be a companion, or perhaps his son. The inscription along the top, most probably to be restored as “Choiras, son of Choir[as]”, suggests a shift in the character of the Lakonian stone reliefs: from votive offerings to traditional heroes (as I argue below), to offerings for the recently deceased, who are here, as commonly in the Hellenistic period, honored as heroes.⁸

Salapata also claimed:⁹

The iconographic scheme of a snake drinking from a cup appears on a series of stone reliefs and terracotta plaques from Lakonia depicting seated figures, now generally interpreted as dedications to local heroes. It is argued here that the drinking snake in association with human figures first appeared on Lakonian monuments during the 5th

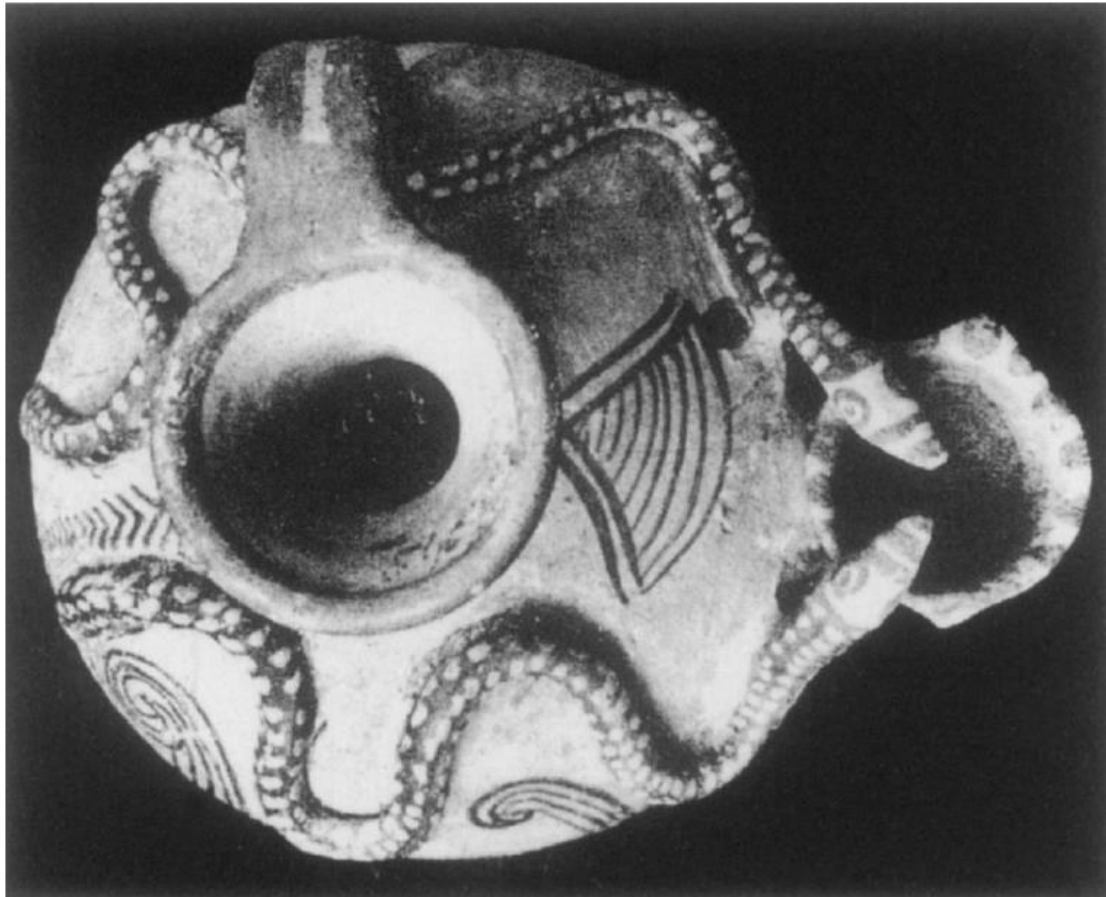
⁸ Salapata (2006, pp. 545–546).

⁹ This time, I am quoting from her abstract.

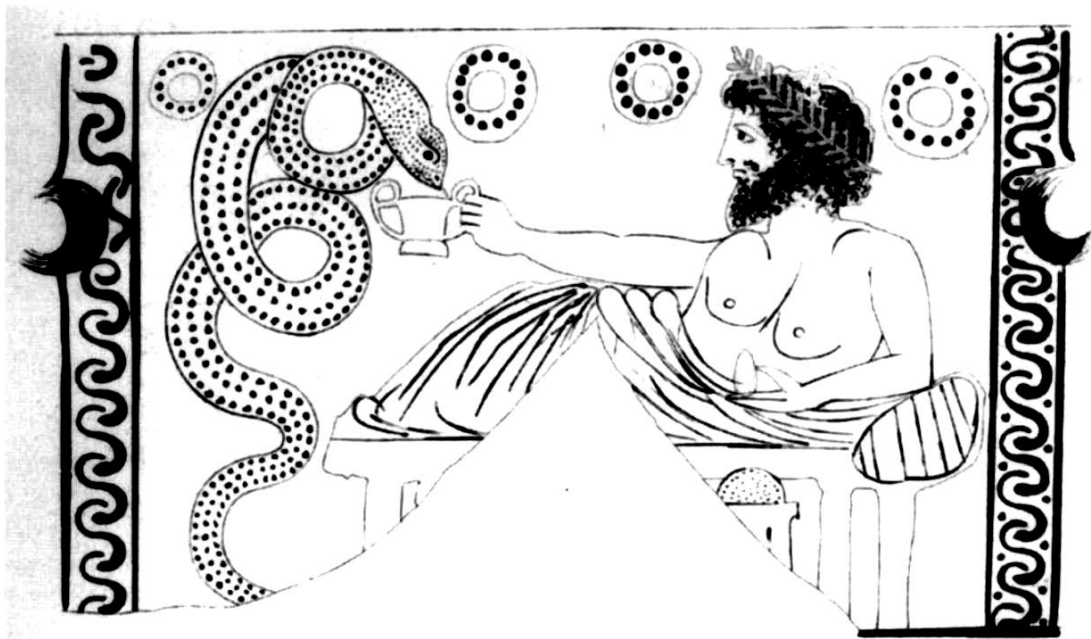
century B.C., perhaps as a way of stressing the close association of the snake with the hero and, by extension, his friendly union with the chthonic powers. This iconographic motif, which developed within the Lakonian series, was disseminated beyond Lakonia and appeared on other types of monuments, where it functioned primarily as a heroic emblem.



Stone relief from the third century B.C.E. Sparta, Archaeological Museum, item 3360. The photograph appears in Salapata (2006), on p. 546, as Fig. 7. A man holds a kantharos, out of which an upright snake is drinking.



Mycenaean jug from Ialysos with two snakes drinking from the spout. This photograph, Fig. 68 from p. 321 in Jacopi's (1930–1931) "Nuovi scavi nella necropolis micenea di Jalisso", was reproduced in Salapata (2006), on p. 548, as Fig. 9.

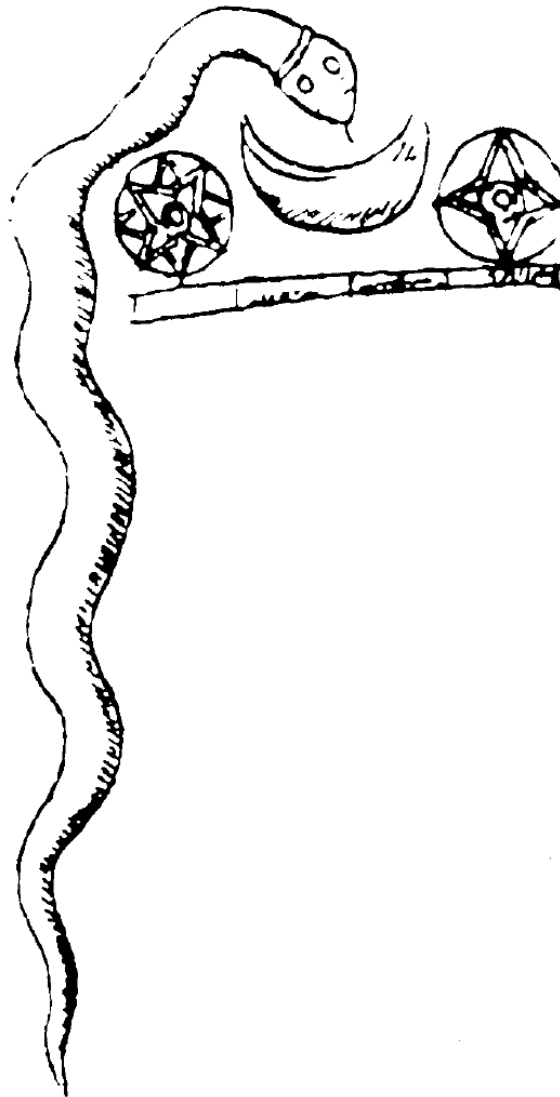


A Boiotian krater, ca. 400 B.C.E. Athens, National Museum, item 1393. This is an edited version of the upper part of Fig. 11 on p. 555 in Salapata (2006). Her Fig. 11 is credited as plate 7 from Kern (1890).

6. Babylon's moon-god Sin as a serpent that drinks from a lunar crescent

Let us turn to a more clearly religious identity of the drinking snake. This is the subject of a 1965 article by Carl Hentze and Joyce Adams, "Gods and Drinking Serpents". They wrote the following on p. 186:

On a Kudurru (a boundary-stone) of the time of Nabukudrossor I (500 B.C.), the well-known symbols of the sun-god Samas, the Venus-like goddess Istar and the moon-god Sin are united (Fig. 21 [reproduced here]). The symbol of the moon-god Sin is a serpent that drinks from a lunar crescent, from the dish containing the light of the new moon. Thus, the serpent insures its eternal transformation and renewal, for it is after all an earth-bound creature that lives only upon or under the earth, in darkness. Thus, it must shed its skin, which means that it first crawls off, appearing to die and stiffening, but then slips out of the old skin and begins a new life.



A drinking serpent. This image is from the times of Nebuchadnezzar I.

The Akkadian name *Nabukudrošsor* corresponds to the biblical form *Nebukhadrešsar* or *Nebukhadnešsar*. The Biblical Nebuchadnezzar however was the second king of that name, not the first as in the quotation we have considered.

In Akkadian, *kudurru* is a boundary-stone (cf. Hebrew *gadér* ‘fence’), as well as an inscription on such a stone. George Scheper remarks: “The oath/curse formula characterizes two important, distinct yet related genres of Ancient Near Eastern literature: *kudurru*, or boundary-stone inscriptions, and vassal-treaties, or covenants (for examples and sources see Fensham, 1963; Gratz, 1998, chap. 2, esp. pp. 46–65; and Hillers, 1964, chap. 2). Scholars have differed over the commonalities and differences among these Ancient Near Eastern *kudurru* and treaty forms” (Scheper 2005, p. 2102).

7. The talmudic idea that the health risk from exposed beverage is reduced (by habituation/mithridatism) in a populace not abstaining from it

“**Mithridatism** is the practice of protecting oneself against a poison by gradually self-administering non-lethal amounts. The word is derived from Mithridates VI, the King of Pontus, who so feared being poisoned that he regularly ingested small doses, aiming to develop immunity”.¹⁰ That practice is not effective against all poisons.

We have already considered the early rabbinic norm to abstain from drinking from a vessel containing beverage that was uncovered while unguarded. The following Middle Aramaic text is quoted¹¹ from the *Babylonian Talmud*, tractate *Avodah Zarah*, 31b (in the translation, which is from the Sefaria database, and was originally the translation from Adin Steinsaltz’s bilingual edition of the *Babylonian Talmud*, the text in boldface renders what is found in the original, and the rest of the English text is explanatory):

אמר רב האי שיכרא דארמאה שרי וחייא ברי לא נישתי מיניה מה נפשך אי שרי לכולי עלמא שרי אי אסיר לכולי עלמא אסיר

Rav says: This Aramean beer is permitted, but my son Ḥiyya does not drink from it. The Gemara asks: **Whichever way you** look at this matter, Rav’s statement is difficult: **If** the beer is **permitted**, then it is **permitted to everyone**, and there is no reason for his son to refrain from drinking it. And **if** it is **prohibited**, it is **prohibited to everyone**, and why would Rav say it is permitted?

אלא רב סבר משום גילויא ואזיל מרורא דכשותא וקלי ליה זיהריה ודלקי מלקי ליה טפי וחייא ברי הואיל ולקי לא נישתי מיניה

The Gemara explains: **Rather, Rav holds** that the prohibition is **due to exposure, but the bitterness of the hops** in the beer **goes and impairs the snake’s venom**, so that it is safe for an average person to drink. **But** a person of **weak constitution is weakened further** by the impaired venom, **and** Rav was saying: In the case of **my son Ḥiyya, since he is weak, he does not drink from it.**

אמר שמואל כל השרצים יש להן ארס של נחש ממית של שרצים אינו ממית אמר ליה שמואל לחייא בר רב בר אריא תא ואימא לך מילתא מעלייתא דהוה אמר רב אבוך הכי אמר אבוך הני ארמאי זוקאני דהו שתו גילויא ולא מתו איידי דאכלי שקצים ורמשים חביל גופייהו

Shmuel says: All creeping animals possess venom; that of a snake kills, whereas the venom of other **creeping animals does not kill. Shmuel said to Ḥiyya bar Rav: Son of a lion! Come and I will say to you a superior matter that your father, Rav, said.**

¹⁰ <https://en.wikipedia.org/wiki/Mithridatism>

¹¹ https://www.sefaria.org/Avodah_Zarah.31b.9?lang=bi&with=all&lang2=en

This is what your father said: These Arameans are swollen [zukanei] because they drink exposed liquids, but they did not die from doing so since they eat repugnant creatures and creeping animals, which heat their bodies and thereby render them less susceptible to the venom.

Shmuel was one of the founders of rabbinic learning in Babylonia. He had been a disciple, in the Land of Israel, of Rabbi Judah the Ethnarch, then he returned to Mesopotamia and established the rabbinic academy of Nehardea. He also was an astronomer and physician. Assuming that the latest statement ascribed to him is authentically from him, it reflects his opinion as a physician, and therefore, it matters for the history of medicine. Actually, the text states that he was making that statement to the son of Rav Abba bar Ibbo, also known as Abba Arikha (Abba the Tall One), or, usually, as Rav: this was the other great figure of Babylonian rabbinic learning in that first generation. Shmuel was, of the two, the one who also was a physician. We can see then that he approved of that particular medical opinion expressed by Rav, and actually stating it to the surviving son of Rav.

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