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Food Regulation in Biblical Law

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By

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The Lord told Moses and Aaron to say to the Israelites: 'These are the creatures you may eat [and these are the creatures that are prohibited to you 1.]' The problem is God did not provide them with a reason why certain foods could or could not be eaten.

Everyone needs to eat, yet most societies and many world religions limit the available food supply by practicing some form of dietary restriction.² However, biblical law presents a special case because few [societies] systematically define all animals as permitted or forbidden and invoke divine authority for the instructions.³ For at least two thousand years, people have wondered why such a complex and comprehensive system of food regulation as is found in biblical law would fail to offer any sort of explanation of its underlying purpose. None of the proposed answers to this question has gained uniform acceptance, and this paper will not attempt to solve this age old puzzle. Instead, I will describe the Bible's food laws and then discuss the various theories that try to answer the question of why these laws were created.

Biblical scholars are divided over the correct dating of the food codes found in Leviticus and Deuteronomy, and they additionally lack consensus over the relative ages of the two versions.⁴ It is not clear which version served as a model for the other, or alternatively, whether

Lev. 11.

² Walter Houston, *Purity and Monotheism: Clean and Unclean Animals in Biblical Law* (Sheffield, England:

Sheffield Academic Press, 1993), 16.

Ibid.

³ Form criticism is a method of analysis used by biblical scholars to date and identify the author of biblical texts.

For a discussion of the documentary hypothesis and the dating of biblical passages, see generally W. Lee

Humphreys, *Crisis and Story: An Introduction to the Old Testament*, 2d ed., (Mt. View, California: Mayfield

Publishing Company, 1990); G. Herbert Livingston, *The Pentateuch In Its Cultural Environment* (Grand Rapids.

Michigan: Baker Book House, 1974). Richard Elliott Friedman, *Who Wrote the Bible?*, 2d ed., (San Francisco:

Harper Collins, 1997).

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both were culled from an earlier source.⁵ While a discussion of the various form critical theories that attempt to identify the date and authorship of the Bible is beyond the scope of this paper, it is nonetheless true that at approximately 2500 to 3000 years old, the food regulations found in the Bible are some of the oldest known written records of a society's regulation of its food supply.

Before the various explanations of biblical law's regulation of food can be discussed, it is first necessary to examine the regulations themselves. The regulations that are the subject of this paper are those that God gave to the Israelites. These are the third set of food regulations that are disseminated in the Bible. The first two sets were given in the book of Genesis to Adam and Noah, respectively. Thus, from the very beginning, the Bible demonstrates a concern that people eat appropriate foods. Marking its importance in the scheme of the universe, God issues the first food directive before He has even completed the work of creation: God also said, 'Throughout the earth I give you all plants that bear seed, and every tree that bears fruit with seed: they shall be yours for food.'⁶

The second set of food regulations in biblical law, promulgated after the destruction of the world in the great flood, expands man's diet to include meat: Every creature that lives and moves will be food for you; I give them all to you, as I have given you every green plant.⁷ However, this regulation is also qualified, and Noah and his sons are instructed that they must never eat flesh with its life still in it, that is the blood.⁸ As Genesis 9:17 indicates, this is a

~ See generally Jacob Milgrom, *Leviticus 1-16: A New Translation with Introduction and Commentary* (New York:

Doubleday, 1991, Houston.

⁶ Gen. 1:29. Of course, this vegetarian diet had an additional restriction placed upon it— Adam and Eve were not to eat from the tree of the knowledge of good and evil. The violation of this regulation results in their expulsion from the Garden of Eden. Gen. 3:23.

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Gen. 9:3.

⁸ Gen. 9:4. This regulation has been interpreted to forbid the eating of flesh from any creature while it is still alive.

covenant that God established with all who live on earth. The blood prohibition thus constitutes a regulation that all of humanity is required to observe.

It is the biblical food legislation that applies only to the people of Israel, the third set of food regulations found in the Bible, that has served as a source of speculation for the last two millennia.⁹ Primarily found in the books of Leviticus and Deuteronomy, this set of regulations is much more elaborate than the previous food laws. These new, complex regulations address such varied subjects as which animals may be eaten,¹⁰ what parts of the animal may be eaten, how the animal must die,¹¹ how the food is to be produced,¹² and how the food is to be prepared.¹³ These regulations are described in detail below. The Bible also contains additional regulations that deal with the consumption of sacrificial offerings to the Lord, but these are regulations relating to the sacrificial cult and not to the general food supply.¹⁴

See e.g., Baruch A. Levine, The IPS Torah Commentary: Leviticus. (Philadelphia: The Jewish Publication Society, 1989), 225.

~ The general references to biblical food regulations, food regulations in biblical law, food regulations, dietary laws, biblical food laws, etc. that I make in this paper are intended to refer to this third set of regulations, those that only the Israelites are required to follow.

¹⁰ Lev. 11, Deut. 14.

See e.g., Gen. 32:33; Lev. 3:17; 7:22-24; 17: 10-12, 14; 19:26; Deut. 12:16, 23. 12 See e.g., Exod. 22:31; Deut. 12:15, 21; 14:21.

¹³ Lev. 19:19,23; 22:26-28.

¹⁴Deut. 14:21.

15 An example of a food regulation relating to the eating of sacrifices to the Lord may be found in Leviticus 7:15-I {

I have chosen to make a distinction between regulations that apply to food and food practices in general and those that apply to the eating of sacrificial offerings. Whatever the reason that does in fact underlie the general food regulations, even if religiously motivated, I believe it to be separate from the reason that underlies the regulations applicable to the consumption of sacrificial offerings. Therefore, this paper will only address explanations of the general food regulations.

According to biblical law, of all the animals that live on land, only those which have

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cloven hoofs and chew the cud may be eaten. Deuteronomy identifies acceptable animals by name and additionally provides a residual category: "These are the animals you may eat: the ox,

the sheep, and the goat; the deer, the gazelle, the roebuck, the wild goat, the ibex, the antelope, the mountain sheep, and any other animal that has true hoofs which are cleft in two and brings up the cud—such you may eat."⁷ Animals that possess only one of the two required traits are

deemed unclean and unacceptable for food; the Bible identifies these borderline animals as the

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camel, the rock-badger, the hare, and the pig. Both fins and scales are prerequisites for

creatures that live in water to be considered acceptable as food.⁹ The Bible regulates birds in a manner different from the way in which it regulated other types of animals. No traits that identify the permissible species of birds are mentioned in the Bible. Instead, the following list of prohibited birds is provided: the eagle, the vulture, and the black vulture; the kite, falcons of every variety; all varieties of raven; the ostrich, the nighthawk, the sea gull; hawks of every variety; the little owl, the cormorant, and the great owl; the white owl, the pelican, and the bustard; the stork; herons of every variety; the hoopoe, and the bat.²⁰ It is notable, however, that

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almost all of the prohibited birds are birds of prey.

⁶Lev. 11:2-3;Deut. 14:6-7.

¹⁸ Lev. 11:4-7; Deut. 14:7-8.

⁹Lev. 11:9-10;Deut. 14:9-10.

²⁰Lev. 11:13-19;Deut. 14:12-18.

²¹ See, e.g., Levine, 246.

There are discrepancies between the levitical and deuteronomic regulation of swarming creatures.⁷ Swarming creatures are of two types: winged swarming creatures and those that swarm on the ground. Of the winged swarming creatures, Leviticus 11:20-22 states: All winged swarming things that walk on all fours shall be an abomination for you. But these you may eat among all the winged swarming things that walk on all fours: all that have, above their feet, jointed legs to leap with on the ground—of these you may eat the following: locusts of every variety; all varieties of bald locust; crickets of every variety; and all varieties of grasshopper. Deuteronomy 14:19-20, in contrast, provides only the following: All swarming winged creatures are unclean for you: they may not be eaten. You may eat only clean winged creatures. The creatures that swarm on the ground are absent from the Deuteronomy version of the regulations. Leviticus rules all of the creatures that swarm on the ground off limits to the Israelites: You shall not eat, among all things that swarm upon the earth, anything that crawls on its belly, or anything that walks on fours, or anything that has many legs; for they are an abomination.²³ These regulations eliminate most insects, as well as reptiles, amphibians, worms, mice, and rats as potential sources of food.

The Bible not only regulates what kinds of food the Israelites may eat, but also which parts of the acceptable animals may be eaten. The sciatic nerve, the fat, and the blood are all forbidden to the Israelites. In contrast to the biblical food regulations concerning which types of foods may be consumed by the Israelites, the Bible provides an explanation for each of the food laws concerning which parts of the animal are acceptable as food. However, a different rationale

²² Explanations for the discrepancies can be offered using form critical analysis and are beyond the scope of this

paper. I have noted the discrepancies for descriptive purposes only.

²³ Lev. 11:42.

underlies each of these dietary regulations. Genesis 32:33 attributes the prohibition against eating the sciatic nerve to the blow Jacob received while wrestling with God: That is why the children of Israel to this day do not eat the thigh muscle that is on the socket of the hip, since Jacob's hip socket was wrenched at the thigh muscle. Leviticus 3:16-17 prohibits the consumption of fat:

All fat is the Lord's. It is a law for all time throughout the ages, in all your settlements: you must not eat any fat. ... It is important to note that the word translated as fat in the preceding quotation is *helev*. As modern biblical scholar Baruch Levine explains in his commentary on Leviticus, Hebrew *helev* has the general sense of fat, but here it refers specifically to the fat that covers or surrounds the kidneys, the liver and the entrails. It does not refer, in its legal usage, to ordinary fat that adheres to the flesh of an animal, which is called *shuman*.²⁴ While this prohibition of the consumption of fat appears in Leviticus 3, a chapter that provides the rules governing the sacrifice of well-being, this regulation should not be considered a food law pertaining to the eating of sacrificial offerings. Instead, as Levine notes, this regulation is not restricted to the cult of the sanctuary but [is] obligatory, as well, in the homes of the Israelites, in the conduct of their private lives. In this respect, the prohibition against eating fat. . .differs from the other laws governing sacrificial rites, which are only applicable to the cult proper.,²⁵ As Levine notes, Once the *helev* of sacrificial animals was forbidden, the *helev* of all pure animals was forbidden as well, whether or not the animals in question were actually sacrificed. - The *helev* prohibition thus derives from the assignment of the fat of the sacrifice to God. This type of regulation is said to build a fence around the law,—all *helev* is prohibited for consumption lest

²⁴ Levine, 16.

²⁵ Ibid., 17.

²⁶ Ibid., 45.

a mistake be made and the fat to be dedicated to God be consumed. The blood prohibition originally given to Noah as a law all of humanity is required to observe is preserved by the third phase of biblical law's regulation of food.²⁷ The Bible states this injunction with great force:

And if anyone of the house of Israel or of the strangers who reside among them partakes of any blood, I will set My face against the person who partakes of the blood, and I will cut him off from among his kin. For the life of the flesh is in the blood, and I have assigned it to you for making expiation for your lives upon the altar; it is the blood, as life, that effects expiation. Therefore I say to the Israelite people: No person among you shall partake of blood, nor shall the stranger who resides among you partake of blood. . . . For the life of all flesh—its blood is its life. Therefore I say to the Israelite people: You shall not partake of the blood of any flesh, for the life of all flesh is its blood. Anyone who partakes of it shall be cut off.²⁸

Deuteronomy 12:23-25 echoes the levitical prohibition, declaring . . . [M]ake sure that you do not partake of the blood; for the blood is the life, and you must not consume the life with the flesh. You must not partake of it . . . in order that it may go well with you and with your descendants to come, for you will be doing what is right in the sight of the Lord. Blood is therefore prohibited because it is equated with life. The rationale for this dietary law will be described in greater detail below.

Biblical law also prohibits the eating of animals that do not die in an acceptable manner. The flesh of an animal killed by other beasts is not an acceptable food for an Israelite.²⁹ In addition, Israelites may not consume animals that die a natural death.³⁰ According to the Bible, it

27 Requiring the Israelites to observe the blood prohibition did not release the rest of humanity from its obligation to abstain from the consumption of blood. It is not clear why the blood prohibition was included among the laws in the third phase of biblical food regulation. The Israelites would still have been required to observe the blood prohibition as a part of the Noahide laws.

²⁸ Lev. 17:10-12, 14.

²⁹Exod. 22:31.

³⁰Deut. 14:21.

is permissible to eat animals that have died by slaughter³² or by hunting.³² In both instances, it is also necessary to pour the blood of the animal onto the ground, and in the case of hunted animals, the blood must also be covered:

The production of food is included as a subject of the Bible's food regulations. It is a violation of biblical law to mate two different kinds of animals, nor may fields be planted with more than one type of seed.³⁴ However, it is not clear whether these prohibitions are properly viewed as part of the system of biblical food regulations discussed in this paper. The laws relating to the mating of two types of animals and the planting of two types of seeds are considered part of a group of laws concerning mixtures, or *kilayim*. Leviticus 19:19 sets forth these laws of *kilayim*, stating, You shall not let your cattle mate with a different kind; you shall not sow your field with two kinds of seed; you shall not put on cloth from a mixture of two kinds of material. Deuteronomy 22:9-11 also provides laws governing mixtures: You shall not sow your vineyard with a second kind of seed, else the crop— from the seed you have sown— and the yield of the vineyard may not be used. You shall not plow with an ox and an ass together. You shall not wear clothing combining wool and linen. It is the presence of the laws concerning mixed cloth, or *shatnez*, and plowing with a mixed team that makes it unclear whether the *kilayim* regulations relating to food production are properly considered part of the same system of

~ Deut. 12:15, 21. Deuteronomy 12:21 states,... you may slaughter any of the cattle or sheep that the Lord gives you, as I have instructed you. However, no record of these instructions for slaughter appears in the Bible. The Talmud, however, sets forth instructions for ritual slaughter.

32 Lev. 17:13. Hunting was later prohibited by the rabbis. However, the deer, which is not a domesticated animal, is permitted as food. Thus it would appear that hunting was indeed envisioned by the author as within the scope of permissible activity under the biblical food regulations.

³³Lev. 17:13.

³⁴Lev. 19:19.

17 Lev. 19:23-25. 36 Lev. 22:27-28.

biblical food regulations as is found primarily in Leviticus 11 and Deuteronomy 14. Nevertheless, they are food laws which the people of Israel are obligated to follow. In addition to the *kilavim* laws, there is a dietary law governing fruit trees: When you enter the land and plant any tree for food, you shall regard its fruit as forbidden. Three years it shall be forbidden for you, not to be eaten. In the fourth year all its fruit shall be set aside for jubilation before the Lord; and only in the fifth year may you eat its fruit—that its yield be increased. . . . Here, the Bible explicitly states that the regulation exists in order to increase the yield of fruit trees. Along with the blood and fat prohibitions and the prohibition of eating the sciatic nerve, this is one of the only food regulations for which the Bible provides a reason. The Bible also regulates the production of meat, instructing the Israelites that they may not take a newborn calf, lamb, or kid before the eighth day of its life, nor may a cow or sheep be slaughtered at the same time as its young. An similar law is found in Deuteronomy 22:6-7, which provides, If, along

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the road, you chance upon a bird's nest, in any tree or upon the ground, with fledglings or eggs and the mother sitting over the fledglings or on the eggs, do not take the mother together with her young. Let the mother go, and take only the young, in order that you may fare well and have a long life. Deuteronomy 14:21, commonly referred to as the kid prohibition, regulates the preparation of food, stating: Do not boil a kid in its mother's milk.

As the above description demonstrates, food regulation in biblical law is quite comprehensive and explicit. The fact that it is not clear why many of the regulations exist stands in sharp contrast. The subscript to Leviticus 11 states that the purpose of the law [is] to make a distinction between the unclean and the clean, between living creatures that may be eaten and

those that may not be eaten.³⁷ However, this statement sheds no light on the real purpose for the biblical food regulations. From the preceding verses of the chapter, it was already clear that the Bible is separating animals that are permissible for food from the rest of the animal kingdom. The subscript therefore provides no real rationale for the regulations, and the Bible is unclear as to why it is desirable to make distinctions among living creatures. Thus, the question arises whether there is a common denominator, or organizing principle, that can account for the

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designation of certain living creatures as pure and others as impure.

One explanation of the absence of a biblical justification for the food regulations is that no explanation in fact exists. Traditional Judaism considers the dietary laws to be among the *hukkim*³⁹, laws for which there is no explanation. As modern biblical scholar Jacob Milgrom explains, The traditionalist view is that the list of prohibited animals is simply arbitrary, the unalterable and inscrutable will of God.⁴⁰ In his *Guide for the Perplexed*, medieval biblical and Talmudic scholar Moses Maimonides,⁴¹ notes that some theologians hold that the commandments have no object at all; and are only dictated by the will of God.⁴² In Sifra, a rabbinic commentary dating from late antiquity, Rabbi Eleazer ben Azariah is reported as stating,

[S]omeone should not say, 'I .. don't want to eat pork Rather [he should say] I do want .. . to eat pork But what can I do? For my father in heaven has made a decree

~ Lev. 11:47.

38 Levine, 244.

~ In contrast to the *hukkim* are the *mishpatim*, laws that can be explained by the needs of society. 40 Milgrom, 718.

Maimonides (1135-1204 CE.), or Rabbi Moshe ben Maimon, is also known by the acronym Rambam.

42 Moses Maimonides, *The Guide for the Perplexed*, 2d. ed., trans. M. Friedlander (New York: Dover Publications, 1956), 3.26.

[prohibiting pork] for me!⁴³ Thus, according to the traditionalist view, the dietary laws should be observed because they are ordained by God, and the merit of obeying them is due solely to compliance with divine will.

Maimonides rejects the view of those who find these laws arbitrary and incompatible with reason:

There are persons who find it difficult to give a reason for any of the commandments, and consider it right to assume that the commandments and prohibitions have no rational basis whatever. They are led to adopt this theory by a certain disease in their soul. . . . For they imagine that these precepts, if they were useful in any respect, and were commanded because of their usefulness, would seem to originate in the thought and reason of some intelligent being. But as things which are not objects of reason and serve no purpose, they would undoubtedly be attributed to God, because no thought of man could have produced them. According to the theory of those weak-minded persons, man is more perfect than his Creator. For what man says or does has a certain object, whilst the actions of God are different; He commands us to do what is of no use to us, and forbids us to do what is harmful. Far be this! On the contrary, the sole object of the law is to benefit us. . . . every one of the [commandments] serves to inculcate some truth, to remove some erroneous opinion, to establish proper relations in society, to diminish evil, to train in good manners, or to warn against bad habits⁴⁴

Whether or not a reason for the biblical food laws exists or can be understood by mankind does not affect the requirement to observe them, asserts Nehama Leibowitz, a traditional modern commentator.

The observance of any precept is. . . not dependent on understanding its reason. Let us also remember, that in our study of the reasons, advanced by our sages and thinkers for various commandments, we are merely dealing with their own subjective opinions, which can

~ Jacob Neusner, *S!fra: An Analytical Translation*, Vol. 3, *Ahare Mot, Qedoshim, Emor, Behar and Behuqotai*. (Atlanta: Scholars Press, 1988), Parashat Qedoshim Perek 9.13.A-B, 137.

~ Maimonides, 3.31.

only be regarded as conjectural, however great the authority behind them. Whether we accept them or not, they have no bearing on observance, which applies at all times and at all places, whether we have succeeded in arriving at an acceptable reason or not.⁴⁵

Thus Leibowitz's position is in accord with that of Rabbi Eleazer ben Azariah.

Another view holds that a reason for the laws exists, but it is beyond the power of man to understand it. According to Maimonides, the sages believed that the commandments are not arbitrary and do have an underlying purpose: Our Sages do not think that such precepts have no cause whatever, and serve no purpose; for this would lead us to assume that God's actions are purposeless. On the contrary, they hold that even these ordinances have a cause, and are certainly intended for some use, although it is not known to us; owing either to the deficiency of our knowledge or the weakness of our intellect.⁴⁶ Many people, including Maimonides, found these types of explanations unsatisfactory and continued to search for the purpose of dietary laws. The various rationales that they have proposed during the last two thousand years can be grouped into six basic categories: health/hygiene; ethical/moral; aesthetic; economic/ecological; cultural identity/cultic; and holiness.⁴⁷ These different types of theories will be discussed below.

~ Nehama Leibowitz, *Studies in Devarim (Deuteronomy)*, trans. Aryeh Newman (Jerusalem: The World Zionist Organization for Torah Education and Culture in the Diaspora, 1980), 52.

⁴⁶ Maimonides, 3.26.

~ Some scholars' explanations of the biblical food regulations incorporate more than one type of theory. Their explanations will be discussed in the various applicable sections.

The Health and Hygiene Explanation

Biblical law's regulation of food exists to protect the health of the Israelite people. This is one of the most persistent explanations of the biblical food regulations, and scholars who attempt to offer an alternative explanation will often first try to refute the health hypothesis. Philo,⁴⁸ a Jewish philosopher who lived in Alexandria during the first century, holds that Moses protected the health of the Israelites by choosing to prohibit the most delicious meats:

[Moses] has forbidden with all his might all animals, whether of the land, or of the water, or that fly through the air, which are most fleshy and fat, and calculated to excite treacherous pleasure, well knowing that such, attracting as with a bait that most slavish of all the outward senses, namely, taste, produce insatiability, an incurable evil to both souls and bodies, for insatiability produces indigestion, which is the origin and source of all diseases and weaknesses.

The health and hygiene rationale claims other distinguished proponents such as Maimonides and

Nahmanides.⁵⁰ Maimonides, a physician as well as a biblical scholar, proposes in *Guide for the*

Perplexed that health reasons are the motivation behind many of the biblical food regulations:

I maintain that the food which is forbidden by the Law is unwholesome. There is nothing among the forbidden kinds of food whose injurious character is doubted, except pork (Lev. xi. 7), and fat (*ibid.* vii. 23). But also in these cases the doubt is not justified. For pork contains more moisture than necessary [for human food], and too much of superfluous matter. . . . The fat of the intestines makes us full, interrupts our digestion, and produces cold and thick blood; it is more fit for fuel [than for human food]. Blood (Lev. xvii. 12), and

⁴⁸ Philo of Alexandria lived from ca. 20 B.C.E. - ca. 50 C.E.

⁴⁹ Philo of Alexandria. *The Works of Philo: New Updated Edition, Complete and Unabridged*, trans. C. D. Yonca.

(Peabody, Massachusetts: Hendrickson Publishers. 1993), 625.

⁵⁰ Nahmanides (1194-1270 CE.), or Rabbi Moshe ben Nahman, is also known by the acronym Ramban.

nebelah, i.e., the flesh of an animal that died of itself (Deut. xiv. 21), are indigestible, and injurious as food; *Trefah*, an animal in a diseased state (Exod. xxii. 30), is on the way of becoming a *nebelah*. The characteristics given in the Law (Lev. xi., and Deut. xiv.) of the permitted animals, viz., chewing the cud and divided hoofs for cattle, and fins and scales for fish, are in themselves neither the cause of the permission when they are present, nor of the prohibition when they are absent; but merely signs by which the recommended species of animals can be discerned from those that are forbidden. . . . The natural food of man consists of vegetables and of the flesh of animals; the best meat is that of animals permitted to be used as food. No doctor has any doubts about 51

Nahmanides likewise believes that the forbidden foods cause harm to the body. As he explains in his *Commentary on the Torah*:

The reason why fins and scales [are signs of permissibility as food] is that those fish which have them always dwell in the upper clear waters, and they are sustained through the air that enters there. Therefore, their bodies contain a certain amount of heat which counteracts the abundance of moistness [of the waters], just as wool, hair, and nails function in man and beast. Those fish which have no fins and scales always dwell in the lower turbid waters and due to the great abundance of moistness and gatherings of water there, they cannot repel anything. Hence they are creatures of cold fluid, which cleaves to them and is therefore more easily able to cause death, and it [the cold fluid] does in fact cause death in some waters, such as stagnant lakes.⁵²

He also adds, Now I have seen in some books of experiments that if an infant drinks of the milk of a swine, that child will become a leper. This is a sign that there are very bad features to all unclean animals.⁵³ Nahmanides even believes the rule prohibiting the eating of fruit until the fifth year⁵⁴ to be influenced by health concerns. He explains, It is . . . true that the fruit which

s~ Maimonides, 3.48.

⁵² Ramban (Nachmanides), *Commentary on the Torah: Leviticus*. trans. Rabbi Dr. Charles B. Chavel., (New York:

Shilo Publishing House, 1974), 136. Subsequent citations to this work will be to Nahmanides, Leviticus.

⁵³Ibid., 142.

~ Lev. 19:25.

comes forth from the tree when it is first planted, contains an abundance of moisture which attaches to and is harmful to the body and is it is not good to eat it, just like a fish which has no scales. ... ~ Thus Nahmanides recognizes a health rationale for the regulation, despite its stated purpose of increasing the fruit tree's yield.⁵⁶

While the science of the medieval biblical scholars may not have been correct, their claims are nonetheless worthy of further investigation. During the middle ages, Jewish communities that observed the biblical dietary laws did not succumb to some of the plagues and epidemics that claimed many other communities. It is indeed true that certain animals that are prohibited in the Bible may in fact cause disease. Rabbi James Lebeau notes that shellfish and scavenger fish that dwell close to the bottom of bodies of water often carry typhoid or hepatitis. Pigs may carry trichinosis. The hare may cause tularemia. Consumption of blood can produce problems since the blood's function is to carry off impurities from the body (and it is in the blood that germs or spores of infectious disease circulate).⁵⁷ Modern scholar Walter Houston reports that Macht, a Viennese doctor, attempted to test the relative toxicity of foods that the Bible deems clean and unclean by measuring the reaction of plants to extracts taken from the muscles of the different types of animals. His results indicated that the clean animals were less toxic to the plants than were the unclean animals, yet this is not decisive as concerns human consumption.⁵⁸

~' Nahmanides, 306.

⁵⁶Lev. 19:25.

James M. Lebeau, *The Jewish Dietary Laws: Sanctify Life*, ed. Stephen Garfinkel (New York: Youth Commission, United Synagogue of America, 1983), 16.

⁵⁸Houston, 70.

The various attempts to prove that the Bible's food regulations exist to preserve the health of the Israelites have been criticized on a number of different grounds. Some scholars, like Lebeau, acknowledge that good hygiene may be an effect of the food regulations but deny that

health reasons are the primary purpose of the regulations.⁵⁹ Others reject the health hypothesis

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outright. One medieval commentator, Isaac Abrabanel, argued that attributing the biblical food

regulations to medicinal reasons reduces the Bible to a mere medical text:

God forbid that I should believe that the reasons for forbidden foods are medicinal! For were it so, the Book of God's Law would be in the same class as any of the minor brief medical books . Furthermore, our own eyes see that people who eat pork and insects and such . . . are well and alive and healthy at this very day . Moreover, there are more dangerous animals . . . which are not mentioned at all in the list of the prohibited ones. And there are many poisonous herbs known to physicians which the Torah does not mention at all. All of which points to the conclusion that the Law of God did not come to heal bodies and seek their material welfare.⁶¹

Some modern scholars argue that because some of the permitted foods may cause a risk to human

health and because others eat the prohibited foods without adverse consequences, health reasons

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could not be the reason for the food injunctions. Leibowitz writes, Since the Torah offered

man no guidance on the poisonous properties of certain mushrooms and herbs, but left it to his discretion to find things out for himself, why should it take the trouble of singling out the kind of

⁵⁹Lebeau, 12.

~ Isaac Abrabanel lived from 1437-1508 CE.

61: Quoted in Frederick J. Simoons, *Eat Not This Flesh: Food Avoidances from Prehistory to the Present*. 2d ed.,

(Madison, Wisconsin: The University of Wisconsin Press, 1994), 71.

62 See e.g.. Lebeau, 17; Forst, 24; Houston, 70.

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animals that are healthiest for man to use for food?⁶³ Rabbi Forst, a modern authority on Jewish law, finds the idea that the food regulations could exist for health reasons and yet only be given to the Israelites to be problematic. He believes the food regulations would have been required of

all of humanity, as was the blood prohibition, if they really were enacted as a health

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precautionary measure.

Anthropologist Marvin Harris sees no special health benefit to the biblical food laws:

All domestic animals are potentially hazardous to human health. Undercooked beef, for example, is a prolific source of tape worms, which can grow to a length of sixteen to twenty feet inside the human gut, induce a severe case of anemia, and lower the body's resistance to other diseases. Cattle, goat, and sheep transmit the bacterial disease known as brucellosis, whose symptoms include fever, aches, pains, and lassitude. The most dangerous disease transmitted by cattle, sheep, and goats is anthrax, a fairly common disease of both animals and humans in Europe and Asia until the introduction of Louis Pasteur's anthrax vaccine in 1881. Unlike trichinosis, which does not produce symptoms in the majority of infected individuals and rarely has a fatal outcome, anthrax runs a swift course that begins with an outbreak of boils and ends in death.⁶⁵

Anthropologist Mary Douglas also finds the health hypothesis unsatisfactory, declaring: Even if

some of Moses' dietary rules were hygienically beneficial, it is a pity to treat him as an enlightened public health administrator, rather than as a spiritual leader.⁶⁶

63 Nehama Leibowitz, *Studies in Vayikra (Leviticus)*, trans. Aryeh Newman. (Jerusalem: The World Zionist Organization for Torah Education and Culture in the Diaspora, 1980), 82. Subsequent citations to this work will be to Leibowitz, Leviticus.

~ Forst, 24.

65 Marvin Harris. *Good to Eat: Riddles of Food and Culture* (New York: Simon and Schuster, 1985), 70-71.

66 Douglas, 29.

The Ethical or Moral Explanation

The ethical or moral interpretation of the food prohibitions dates to the time of Alexander the Great and the Hellenic influence on Jewish culture.⁶⁷ Scholars who assert this type of theory believe the dietary laws exist so as to influence the to Israelites behave in an ethical or moral fashion. They differ, however, in their explanations of which ethical norms are promoted by the food laws and how the biblical food laws achieve the desired result. Aristeas, an Egyptian Jew who likely lived during the first century B.C.E. ,⁶⁸ explains in *The Letter of Aristeas* that the dietary laws exist to instill a sense of justice and to teach moral lessons:

[All these ordinances have been solemnly made for righteousness' sake, to promote holy meditation and the perfecting of character. For all the winged creatures, of which we partake, are tame and distinguished by cleanly habits, feeding on wheat and pulse... . But as touching the forbidden winged creatures, thou wilt find that they are wild and carnivorous and use the strength which they possess to oppress the remainder of their kind and get their food by cruelly preying on the aforesaid tame creatures; and not on these only, but they also carry off lambs and kids, and do violence to dead men and living. By these creatures, then, which he called unclean, the lawgiver gave a sign that those for whom the laws were ordained must practise righteousness in their hearts and oppress no one, trusting in their own strength, nor rob one of anything, but must direct their lives by righteous motives, even as the tame birds above mentioned consume the pulse that grows on the earth. ... By such symbols, then, the lawgiver has taught the understanding to note that they must be just and do nothing by violence, nor oppress others in

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reliance on their own strength. ..

⁶⁷ Ibid., 44.

⁶⁸ H. Rabinowicz, Dietary Laws, in *Encyclopaedia Judaica*, 1972 ed.

⁶⁹ Aristeas, *The Letter of Aristeas.*, trans. H. St. J. Thackeray. (London: Society for Promoting Christian Knowledge, 1917), 53.

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Philo. 626. ~' Ibid.

Philo also finds the biblical food regulations to be ethically motivated and believes that the dietary laws are symbolic of the virtues to which man should aspire. He likens the process of chewing the cud to the process of learning, for the man who is being instructed, having received the doctrines and speculations of wisdom in at his ears from his instructor, derives a considerable amount of learning from him, but still is not able to hold it firmly and to embrace it all at once, until he has resolved over in his mind everything which he has heard by the continued exercise of his memory. ..., and then he impresses the image of it firmly on his soul.⁷⁰ Yet knowledge is of no use to man unless he is also able to discriminate between and to distinguish which of contrary things it is right to choose and which to avoid, of which the parting of the hoof is the symbol; since the course of life is twofold, the one road leading to wickedness and the other to virtue.... For this reason all animals with solid hoofs.. are .. unclean; ... because. .. they imply that the nature of a good and evil is one and the same. .. . Thus, according to Philo's interpretation, the permitted animals, those that both chew the cud and part the hoof are symbolic of the virtue of having the wisdom to choose the right path in life. Of the creatures that live in the sea, only those which possess both fins and scales are permitted as food under the biblical food laws. Philo believes this law to be symbolic of the virtue of perseverance:

Those creatures which are destitute of both [fins and scales], or even of one of the two, are sucked down by the current, not being able to resist the force of the stream; but those which have both these characteristics can stem the water, and oppose it in front, and strive against it as against an adversary, and struggle with invincible good will and courage, so that if they are pushed they push in their turn; and if they are pursued they turn upon their foe and pursue it in their turn, making themselves broad roads in a pathless district, so as to have an easy passage to and fro.

Now both these things are symbols; the former of a soul devoted to pleasure, and the latter of one which loves perseverance and temperance. For the road which leads to pleasure is a down-hill one and very easy, being rather an absorbing gulf than a path. But the path which leads to temperance is up hill and laborious, but above all other roads advantageous. And the one leads men downwards, and prevents those who travel by it from retracing their steps until they have arrived at the very lowest bottom, but the other leads to heaven; making those who do not weary before they reach it immortal, if they are only able to endure its rugged and difficult ascent.⁷²

Philo believes the dietary laws prohibiting the consumption of reptiles and the creatures that swarm upon the earth are also symbolic of admirable behavior:

When [the lawgiver] mentions reptiles he intimates under a figurative form of expression those who are devoted to their bellies, gorging themselves...and who are continually offering up tribute to their miserable belly, tribute, that is, of strong wine, and confections,

.in short, all the superfluous delicacies which the skill and labour of bakers and confectioners are able to devise. .. to stimulate and set on fire the insatiable and unappeasable appetites of man.

And when he speaks of animals with four legs and many feet, he intends to designate the miserable slaves not of one single passion, appetite, but of all the passions.. .. [T]he despotism of one is very grievous, but that of many is most terrible , and as it seems intolerable.

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n the case of those reptiles who have legs above their feet, so that they are able to take leaps from the ground, those Moses speaks of as clean; as, for instance, the different kinds of locusts.

here again intimating by figurative expression the manners and habits of the rational soul. For the weight of the body being naturally heavy, drags down with it those who are but of small wisdom, strangling it and pressing it down by the weight of the flesh.

But blessed are they to whose lot it has fallen, inasmuch as they have been well and solidly instructed in the rules of sound education, to resist successfully the power of mere strength, so as to be able, by reason of what they have learnt, to spring up from the earth and all low things, to the air and the periodical revolutions of

the heaven.

⁷² Ibid.

~ Ibid., 627.

Philo also believes the dietary laws serve to teach the Israelites moderation:

Now of land animals, the swine is confessed to be the nicest of all meats by those who eat it, and of all aquatic animals the most delicate are the fish that have no scales; and Moses is above all other men skilful [sic] in training and inuring persons of a good natural disposition to the practice of virtue by frugality and abstinence, endeavoring to remove costly luxury from their characters, at the same time not approving of unnecessary rigour, ... but keeping a

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middle path between the two courses. .

Certain meats are prohibited as food in order to promote the gentle nature of man's soul, according to Philo's interpretation:

One might very likely suppose it to be just that those beasts which feed upon human flesh should receive at the hands of men similar treatment to that which they inflict on men, but Moses has ordained that we should abstain from the enjoyment of all such things, and with a due consideration of what is becoming to the gentle soul, he proposes a most gentle and most pleasant banquet; for though it is proper that those who inflict evils should suffer similar calamities themselves, yet it may not be becoming to those whom they ill treated to retaliate, lest without being aware of it they become brutalized by anger, which is a savage passion; and he takes such care to guard against this, that being desirous to banish as far as possible all desire for those animals abovementioned, he forbids with all his energy the eating of any carnivorous animal at all, selecting the herbivorous animals out of those kinds which are domesticated, since they are tame by nature, feeding on that gentle food which is supplied by the earth, and having no disposition to plot evil against anything.⁷⁵

If man takes on the behavior characteristic of the animals which he consumes, according to Philo's understanding of the biblical food regulations, man's behavior will be in compliance with the noblest of ethical principles.

⁷⁴Ibid., 625.

⁷⁵Ibid., 626.

The midrashic compilation *Genesis Rabbah* 44:1 expresses the opinion that the dietary laws were given to refine humanity: Ray said, 'The *mitzvot* [commandments] were given only to refine humans. For what difference does it make to the Holy One Blessed Be He whether an animal is slaughtered from the nape of the neck? Therefore, the *mitzvot* were given only to refine humans. This sentiment is also echoed in *Leviticus Rabbah*, where it is written, Rab said:

.the precepts were given for the express purpose of purifying mankind.⁷⁶ According to the midrash, compliance with the dietary laws is necessary for making the Israelites fit to gain a place in the world to come:

R. Tanhum b. Hanilai said: [The biblical food laws] may be compared with the case of a physician who went to visit two sick persons, one who [he judged] would live, and another who would [certainly] die. To the one who [he judged] would live, he said:

'This you may eat, that you may not eat. But as for the one who was to die, he said: 'Give him whatever he asks.' Thus of the heathen who are not destined for the life of the world to come, it is written, *Every moving thing that liveth shall be food for you; as the green herb have I given you all* (Gen IX, 3). But to Israel, who are destined for the life of the world to come, [He said], THESE ARE THE LIVING THINGS WHICH YE MAY EAT, etc. (XI, 2f.).

While Maimonides and Nahmanides believed that some foods were prohibited or permitted for health reasons, they found that ethical principles motivated other food regulations. According to Maimonides, one such ethically motivated regulation is the prohibition of killing an animal with its young on the same day:⁷⁸

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Freedman, Rabbi Dr. H. and Maurice Simon, eds. *Midrash Rabbah: Leviticus*, 3d ed., (London: The Soncino

Press, 1983), 166. Subsequent citations to this work will be to *Leviticus Rabbah*.

~ *Leviticus Rabbah*, 165-166.

78 Lev. 22:28.

[This regulation exists so] that people should be restrained and prevented from killing the two together in such a manner that the young is slain in the sight of the mother; for the pain of the animals under such circumstances is very great. There is no difference in this case between the pain of man and the pain of other living beings, since the love and tenderness of the mother for her young ones is not produced by reasoning, but by imagination, and this faculty exists not only in man but in most living beings. This law applies only to ox and lamb, because of the domestic animals used as food these alone are permitted to us, and in these cases the

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mother recognizes her young.

Thus, according to Maimonides' understanding, this food law compels man to act ethically towards domestic animals used as food. Nahmanides' interpretation of the ban on killing an animal with its young accords with that of Maimonides, holding that the biblical food law against killing a mother and her young on the same day and the law prohibiting the taking of the mother bird with her young exist in order to make man more ethical. Nahmanides explains that these laws are designed to teach us the trait of compassion and that we should not be cruel, for cruelty proliferates in man's soul. ... They are decrees upon us to guide us and to teach us traits

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of good character. However, he notes that these regulations are not a matter of God's mercy extending to the bird's nest or the dam and its young, since His mercies did not extend so far into

animal life as to prevent us from accomplishing our needs with them, for, if so, He would have forbidden slaughter altogether.⁸¹

Nahmanides shares Philo's view that people took on the characteristics of the foods they consume. In his commentary, he writes:

~ Maimonides 3.48.

so Ramban (Nachmanides), *Commentary on the Torah: Deuteronomy*, trans. Rabbi Dr. Charles B. Chavel (New

York: Shilo Publishing House, Inc., 1976), 271.

s! Ibid.

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Now the most important sign [of unfitness as food] in fowls is preying, for every bird of prey is invariably unfit [as food]. The Torah removed it [from us] as food, because its blood becomes heated up due to its cruelty, and is dark and thick, which gives rise to that bitter [fluid in the body] which is mostly black and tends to make the heart cruel. ... Thus the reason for certain birds being forbidden is on account of their cruel nature. It is also possible that the reason for certain animals [being forbidden] is similar, since no animal that chews the cud and has a parted hoof is a beast of prey.⁸² (footnotes omitted)

Israel's food choices are thus restricted to those animals with gentle natures, lest the people of Israel take on the cruel natures of the prohibited animals.

It is likewise for the protection of the human soul that Nahmanides believes the blood prohibition to have been created:

Now it is . . . known that the food one eats is taken into the body of the eater *and they become one flesh*. If one were to eat *the life of all flesh*, it would then attach itself to one's own blood and they would become united in one's heart, and the result would be a thickening and coarseness of the human soul so that it would closely approach the nature of the animal soul which resided in that which he ate, since blood does not require digestion as other foods do, which thereby become changed, and thus man's soul will become combined with the blood of the animal! And Scripture states, *Who knoweth the spirit of man whether it goeth upward, and the spirit of the beast whether it goeth downward to the earth?* It is for this reason that He said, *For as to the life of all flesh, the blood thereof is all one with the flesh thereof* for all flesh, whether man or beast, has its soul in the blood, and it is not fitting to mix the soul that is destined to destruction with that which is to live [in the hereafter].⁸³ (footnotes omitted)

Abrabanel shares Nahmanides' view that the biblical food regulations exist to preserve the purity of the human soul:

⁸² Nahmanides, Leviticus, 140-141.

⁸³ Nahmanides, Leviticus, 240.

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[T]he Divine law did not come to take the place of a medical handbook but to protect our spiritual health. It therefore forbade foods which revolt the pure and intellectual soul, clogging the human temperament, demoralising the character, promoting an unclean spirit, defiling in thought and deed, driving out the pure and holy spirit. ... For this reason the Almighty used the phrase Do not revolt your *souls* with all the vermin. .. rather than terming them poisonous or harmful. They were rather unclean and abominating, indicating the spiritual rather than physical source of their prohibition.⁸⁴

The instruction that a kid may not be boiled in its mother's milk has been perceived as an

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embodiment of moral or ethical principles by many scholars. Abraham ibn Ezra believed it

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cruel to cook a kid in its mother's milk. A modern scholar, A. J. Heschel, explains that the

goat provides man with the perfect food— milk, which is the only food which can sustain the

body by itself. It would, therefore, be an act of ingratitude to take the offspring of such an animal

and cook it in the very milk which sustains us.⁸⁷

Lebeau's understanding of how the dietary laws promote ethical behavior differs from that of earlier commentators. He writes that the laws should not be viewed as ends in themselves but rather as vehicles to a higher ethical life. Since they were given by God, they help us to be more aware of God.⁸⁸ Therefore, by becoming more aware of and following the dictates of God, who is ethical, humans become more ethical. Leibowitz, in contrast, rejects the notion that the dietary laws serve to influence human character. She writes, Who can say

~ Quoted in Leibowitz, Leviticus, 83.

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Ibn Ezra (1089-1164 C.E.) was a philosopher and biblical scholar.

86 Rabinowicz. 44.

87 Ibid.

88 Lebeau, 31.

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whether the saintly character of a particular individual is the result of his diet, education, studies, devotion to Torah and good deeds?⁸⁹

The Aesthetic Explanation

The third type of explanatory hypothesis posits that the Bible's food regulations are rooted in the aesthetic notions of the ancient Israelites. Maimonides believes the pig prohibition to be aesthetically motivated: The principal reason why the Law forbids swine's flesh is to be found in the circumstance that its habits and its food are very dirty and loathsome. . . . A saying of our Sages declares: The mouth of a swine is as dirty as dung itself' (B.T. Ber. 25a).⁹⁰ Milgrom notes that the pig in particular was widely reviled throughout the ancient Near East. He cites an Assyrian tablet dated in the sixth year of the reign of Sargon ~91 that reads: The pig is unholy.. bespattering his backside, making the streets smell, polluting the houses. The pig is not fit for a temple, lacks sense, is not allowed to tread on pavements, [and is] an abomination to all the gods. ~ Thus, the pig prohibition could be rooted in the general disgust for the pig felt by the inhabitants of the region. Indeed, if one examines all of the biblical food regulations one can see that ancient Israelites could have perceived the prohibited food or practice as repulsive.

Anthropologist Frederick J. Simoons argues that the pig's eating habits are basic to an understanding of human antipathy to the pig and pork, and that these may go back to the earliest

89 Leibowitz. Leviticus, 83.

~ Maimonides, 3.48.

~ '716 B.C.E.

92 Milgrom, 650

days of pig domestication.⁹³ As he explains, the pig's proximity to human settlements would often affect how people viewed the animal's eating habits:

Where domestic pigs fed in woodlands or away from human settlements much of the time. . . their eating habits may have received little negative notice. In a free-ranging situation near human settlements, on the other hand, people would have observed pigs eating all sorts of things repulsive to humans, including excrement and the bodies of dead animals, perhaps even humans. Sty pigs would also have been observed consuming dead creatures, whether their companions or others.⁹⁴

Simoons concludes that such awareness of the dirty eating habits of domestic pigs may have led certain individuals or social classes to avoid pork from earliest times of domestication. On the other hand, because of reduced visibility and awareness, the avoidance was less stringently applied to wild swine, which is likely why many present-day peoples who abhor the flesh of domestic pigs nevertheless consume that of wild boars.⁹⁵ However, it is unlikely that a comprehensive system of regulations that invoke divine authority is required in order to prevent a society from consuming aesthetically unappealing foods or engaging in repulsive food practices. Therefore, Houston's statement that the aesthetic hypothesis cannot support a comprehensive theory on its own, though it may be legitimately used as one element in such a theory,⁹⁶ appears persuasive.

Simoons notes that another objection to the aesthetic hypothesis that is often made is that the Levitic code does not mention the eating habits of the pig as responsible for the ban on

~ Simoons, 90.

~ Ibid..

~ Ibid.

⁹⁶ Houston, 71.

pork. Nor does it refer to the eating habits of other animals whose flesh was banned.⁹⁷ Anthropologist Marvin Harris rejects the hypothesis that the pig prohibition is based on the aesthetic notions of the ancient Israelites. He defends the pig against charges that it is an aesthetically offensive animal, noting that [t]he pig's penchant for excrement is not a defect of its nature of the husbandry of its human masters. Pigs prefer and thrive best on roots, nuts, and grains they eat excrement only when nothing better presents itself. . . . Nor is wallowing in filth a natural characteristic of swine. Pigs wallow to keep themselves cool; and they much prefer a fresh, clean mudhole to one that has been soiled by urine and feces.⁹⁸ In addition, Harris finds the attitudes of those who ascribe to the aesthetic theory of the biblical food regulations to be inconsistent: In condemning the pig as the dirtiest of animals, [they] left unexplained their more tolerant attitude toward other dung-eating domesticated species. Chicken and goats, for example, given motivation and opportunity, also readily dine on dung. ... [Additionally, t]he Book of Leviticus prohibits the flesh of many other creatures, such as cats and camels, which are not notably inclined to eat excrement.⁹⁹

The Ecological or Economic Explanation

Scholars have also offered explanations of the underlying rationale of the biblical food regulations that are based upon the ecological and economic realities of the ancient Near East. Harris asserts that ecological factors underlie religious definitions of clean and unclean

⁹⁷ Simoons, 66.

⁹⁸ Harris, 68.

⁹⁹ Harris, 68-69.

foods.~~~~oc He explores the question of why pigs were prohibited when of all domesticated mammals, pigs possess the greatest potential for swiftly and efficiently changing plants into flesh.¹⁰¹ When compared to the raising of other animals, the pig seems to be an especially efficient food choice:

Over its lifetime a pig can convert 35 percent of the energy in its feed to meat compared with 13 percent for sheep and a mere 6.5 percent for cattle. A piglet can gain a pound for every three to five pounds it eats while a calf needs to eat ten pounds to gain one. A cow needs nine months to drop a single calf, and under modern conditions the calf needs another four months to reach four hundred pounds. But less than four months after insemination, a single cow can give birth to eight or more piglets, each of which after another six months can weigh over four hundred **102**

However, as Harris explains, the pig was not the most efficient choice for the ancient Israelites.

He notes that the pig's effectiveness at converting plants into flesh is highly dependent on the types of plants in the pig's diet: Feed them on wheat maize, potatoes, soybeans, or anything low in cellulose, and pigs will perform veritable miracles of transubstantiation; feed them on grass, stubble, leaves, or anything high in cellulose, and they will lose weight.¹⁰³ The pig's diet thus places them into direct competition with people for food.

In addition, Harris considers the pig to be ill suited for life in the hot, sun-parched habitats which were the homelands of the children of Abraham.¹⁰⁴ Pigs lack functional sweat glands and therefore require moisture in which to wallow in order to lower their body

¹⁰¹ Ibid., 86.

¹⁰² Ibid., 67.

¹⁰³ Ibid.

¹⁰⁴ Ibid., 73.

¹⁰⁵ Ibid.

temperature. As Harris explains, For a pastoral nomadic people like the Israelites during their years of wandering in search of lands suitable for agriculture, swineherding was out of the question. No arid-land pastoralists herd pigs for the simple reason that it is hard to protect them from exposure to heat, sun, and lack of water while moving from camp to camp over long distances.¹⁰⁵ Harris believes the pig prohibition was preserved even after the Israelites became farmers because pig raising remained too costly.¹⁰⁶

In contrast to the pig, the permitted cud-chewers—cattle, sheep, and goats—are all well suited to diets of plants high in cellulose content. The ruminant's extraordinary ability to digest cellulose was crucial to the relationship between humans and domesticated animals in the Middle East. By raising animals that could 'chew the cud,' the Israelites and their neighbors were able to obtain meat and milk without having to share with their livestock the crops destined for human consumption.¹⁰⁷ These animals are also well suited to the Middle Eastern climate. Tropical breeds of cattle, sheep, and goats can go for long periods without water, and can either rid their bodies of excess heat through perspiration or are protected from the sun's rays by light-colored, short fleecy coats.¹⁰⁸ Furthermore, the permitted animals enhanced agricultural productivity by providing dung for fertilizer and traction for pulling plows. And they were also a source of fiber and felt for clothing, and of leather for shoes and harnesses. ~ The acceptable cud chewing animals also provided the Israelites with milk, whereas pigs are not a good source of milk. Nor

~Ibid., 75.

107 Ibid., 72.

'os Ibid., 73.

109 Ibid.

do pigs pull plows or provide hair for clothing. Thus compared with cattle, sheep, or goats, in the ancient Near East, pork became more and more an ecological and economic luxury.¹⁰ Harris thus views the biblical dietary regulations as the result of a cost/benefit analysis.

Harris extends this cost/benefit analysis to the Bible's list of birds prohibited as food. He writes, Unless they were close to starvation and nothing else was available, the Israelites were well advised not to waste their time trying to catch eagles, ospreys, sea gulls, and the like, supposing they were inclined to dine on creatures that consist of little more than skin, feathers, and well—nigh indestructible gizzards in the first place.~~ '

Critics of Harris' theory of an ecological cost/benefit analysis argue that pigs have always been raised successfully in the Near East, a fact that Harris does not deny. Indeed, wild pigs are to this day found in the region. He counters that from the very beginning, fewer pigs were raised than cattle, sheep, or goats. And more importantly, as time went on, pig husbandry declined throughout the region.² This decrease Harris attributes to the deforestation that accompanied the region's population growth and associated need for an increase in agricultural lands. He explains that each step in the succession from forest to crop land to desert resulted in a greater premium for raising ruminants and a greater penalty for raising swine.¹ 13 Therefore, As ecological conditions became unfavorable for pig raising, there was no alternative function which could redeem its existence. The creature became not only useless, but worse than useless!0 Milgrom, 650.

~' Harris, 82.

112 Ibid., 75.

113 Ibid., 76.

- harmful, a curse to touch or merely to see— a pariah animal.⁴ The biblical food regulations are thus a tool to ensure that the Israelites engage in the most efficient and beneficial practices, and forego those which are detrimental. Harris notes, Religions gain strength when they help people make decisions which are in accord with preexisting useful practices, but which are not so completely self-evident as to preclude doubts and temptations. To judge from the ... Ten Commandments, God does not usually waste time prohibiting the impossible or condemning the unthinkable.’⁵

Simoons rejects Harris’ ecological interpretation of the biblical food regulations, stating, [It does not follow] that the early Hebrews would have given up eating pork, a tasty delicacy, even if much of the environment of Israel had become unsuited to pig keeping. It would have been quite reasonable for them to import pigs for slaughter and consumption, and even, because they were expensive, to consume them in a conspicuous manner.⁶ According to Simoons, conspicuous consumption is a culinary display exhibited by peoples everywhere.⁷

The Cultural Identity or Cultic Explanation

Cultural identity/cultic theories posit that the biblical food regulations were created in order to keep the Israelites distinct from other peoples and their practices. The text itself supplies support to this group of explanations.

¹¹⁴ Ibid.

¹¹⁵ Ibid., 77.

¹¹⁶ Simoons, 84.

¹¹⁷ Ibid.

I the Lord am your God who has set you apart from other peoples. So shall you set apart the clean beast from the unclean, and the unclean bird from the clean. You shall not draw abomination upon yourselves through beast or bird or anything with which the ground is alive, which I have set apart for you to treat as unclean. You shall be holy to Me, for I the Lord am holy, and I have set you apart from other peoples to be Mine.”⁸

The cultural identity hypotheses also gain support from the derivation of the Hebrew word *kados*, translated as holy, the root of which means to separate. Those who believe the biblical food laws were devised as a means of keeping the Israelites separate from other peoples offer varying explanations for why this separation was desirable. Some scholars theorize that keeping separate was a means of preserving a distinct cultural identity and served as a guard against assimilation into oblivion. Others find it a distinct religious response to idolatry.

According to Aristeas, the biblical food regulations exist to protect the Israelites from foreign influence. As he explains in *The Letter of Aristeas*, Thou seest. . . what an influence is exercised by intercourse and association. By associating with evil persons men become perverted and are rendered miserable all their life long, whereas, if they consort with the wise and prudent, they pass from ignorance and amend their lives.⁹ Because the other nations believed in the existence of many gods, the law-giver. . . fenced us about with impregnable palisades and walls of iron, to the intent that we should in no way have dealings with any of the other nations, pure in body and mind, released from vain ideas, reverencing the one Almighty God above the entire creation. . . . So then lest we should become perverted by sharing the pollutions of others or

¹¹⁸ Lev. 20:24-26.

¹¹⁹ Letter of Aristeas, 50.

consorting with base persons, he hedged us round on all sides with laws of purification in matters of meat and drink.

Many scholars have argued that the biblical food regulations were initially formulated as an anti-pagan campaign. Houston relates that one ancient scholar, Origen, believed that Moses 'declared all those animals to be unclean that were considered by the Egyptians and others to be oracular.. . ,and in general chose that were not so to be clean', with the object of excluding from Israel's use those animals associated with demons.¹²⁰ In *Guide for the Perplexed*, Maimonides attributes the kid prohibition and the blood prohibition to a response to the practice of idol worship.

Meat boiled in milk [is most probably prohibited] because it is somehow connected with idolatry, forming perhaps part of the service, or being used on some festival of the heathen. I find a support for this view in the circumstance that the Law mentions the prohibition twice after the commandment given concerning the festivals Three times in the year all thy males shall appear before the Lord God (Exod. xxiii. 17, and xxxiv. 23), as if to say, When you come before me on your festivals, do not see the your food in the manner as the heathen used to do. This I consider the best reason for the prohibition **122**

Of the blood prohibition he writes:

Although blood was very unclean in the eyes of the Sabeans, they nevertheless partook of it, because they thought it was the food of the spirits; by eating it man has something in common with the spirits, which join him and tell him future events, according to the notion which people generally have of spirits. There were, however, people who objected to eating blood, as a thing naturally disliked by man; they killed a beast, received the blood in a vessel or pot, and ate of the flesh of that beast, whilst sitting round the blood. They imagined that in this manner the spirits would come to partake of the blood which was their

¹²⁰ Ibid., 52.

¹²¹ Houston. 72.

²² Maimonides, 3.48.

food, whilst the idolators were eating the flesh; that love, brotherhood, and friendship with the spirits were established, because they dined with the latter at one place and at the same time; that the spirits would be favorable to them. Such ideas people liked and accepted in those days; they were general, and their correctness was not doubted by any one of the common people. The Law, which is perfect in the eyes of those who know it, and seeks to cure mankind of these lasting diseases, forbade the eating of blood, and emphasized the prohibition exactly in

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the same terms as it emphasizes idolatry. .

One interpretation of the biblical food regulations views unclean animals as representative of Israel's enemies. The midrash explains as follows:

Moses foresaw the empires engaged in their [subsequent] activities. [Among the unclean animals] THE CAMEL (GAMAL) (XI, 4) alludes to Babylon, of whom is said, *O daughter of Babylon, that art to be destroyed; happy be he that repayeth thee thy retributions (gemul) as thou hast dealt (gamal) with us.* (PS. CXXXVII, 8) THE ROCK BADGER alludes to Media. The Rabbis and R. Judah b. Simon gave different explanations. The Rabbis said: Just as the rock-badger possesses marks of uncleanness and marks of cleanness, so too did Media produce a righteous man as well as a wicked man. R. Judah b.

R. Simon said: The last Darius was the son of Esther, clean from his mother's side] and clean from his father's side]. THE HARE alludes to Greece; the name of the mother of Ptolemy was [*Lagos*, the Greek equivalent of] hare. THE SWINE alludes to Seir [Edom, i.e. Rome]. Moses mentioned [the first] three of them in one verse but the last [by itself] in another verse. R. Johanan gave [an explanation.] R. Johanan said: Because it [i.e. the swine] is on a par with the three others put together. ... Why is it [i.e. Edom or Rome] compared to a *'hazir'* [swine or boar]?— To tell you this: Just as the swine when reclining puts forth its hooves as if to say: See that I am clean, so too does the empire of Edom [Rome] boast as it commits violence and robbery, under the guise of establishing a judicial tribunal.¹²⁵

¹²³ Ibid., 3:46.

¹²⁴ Either Haman and Mordecai, or Haman and the Darius mentioned in Dan. XI, I, who is thought to have been identical with Cyrus.

¹²⁵ Leviticus Rabbah. 173-174.

Modern scholars continue to find merit in the cultural identity/cultic explanation. Lebeau offers the explanation that the biblical food regulations serve to distinguish the Israelites from their neighbors, and he believes that preserving distinctiveness helps to preserve the religion. -Houston agrees that the food regulations are closely allied to cultural identity. One of the objects of God's law is to keep his people distinct from all others. The adoption of foreign customs, and in particular foreign diet, frustrates this purpose.... It is not just that being a Jew entails not eating pork, but that eating pork in a certain sense entails ceasing to be a Jew. According to Milgrom, the relationship between the dietary laws and the chosenness of Israel as a people is an unambiguous one: As God has restricted his choice of the nations to Israel, so must Israel restrict its choice of edible animals to the few sanctioned by God. The bond between the choice of Israel and the dietary restrictions is intimated in the deuteronomic code when it heads its list of prohibited animals with a notice concerning Israel's **128** Thus, the biblical laws that limit Israel's diet to only a few of the animals permitted to other peoples constitute a reminder—confronted daily at the dining table—that Israel must separate itself from the nations.²⁹ This separation is necessary in order for the people of Israel to be a holy people.

Other scholars argue in support of the cultic explanation. Modern biblical commentator Martin Noth believes the biblical food laws are a reaction by the Israelites not to their neighbors themselves, but to the pagan practices of their neighbors. In his commentary on Leviticus, Noth states:

126 Lebeau, 20-2 1.

127 Houston, 14.

128 Milgrom, 724.

129 Ibid., 730.

The distinction between clean and unclean animals (except for the birds) follows definite external bodily features, and partly also peculiarities of their way of life or behavior. We must not, however, assume that these external features are the real ground of the distinction; they served rather for a tolerably simple and superficial classification. The real ground is to be sought in the cultic field, for we are dealing throughout with the ideas of 'cultically clean' and 'cultically unclean'. The real 'unclean' was all that did not accord with Israel's lawful cultus, all that—outside the cultic field in the narrower sense—was forbidden for the Israelites, bound as they were to their God by their worship, and might therefore not be eaten. This point of view concerned primarily those animals playing a part in certain foreign cults of the surrounding world as 'holy' animals, and animals for sacrifice, or important in idolatrous practices (spells and magic) or animals appearing to be specially connected with the powers working against God ('Chaos'). The eating of such animals, even if not actually bound up with any cultic or magical practices or the like, would have had for the Israelites relationships with illegitimate cultic practices and 'powers' (cf. I Cor. 10.28). This point of departure for the distinction was probably no longer generally recognized in later times; and so there was preserved this simple and traditional classification into 'clean' and 'unclean' animals, a classification both simple and authoritative.

Levine also believes that underlying all the dietary regulations is a broad social objective:

maintaining a distance between the Israelites and their neighbors, so that the former do not go astray after pagan religions. . . . [These laws] condemn what they perceive to be the abominable ways of others, especially the Canaanite peoples of the land. This attitude is basic to the interpretation of the dietary laws.¹³⁰

The pig prohibition in particular is a response to the practices of certain pagan cults, asserts Milgrom. The pig was associated with chthonic deities, and the Hittites, Egyptians, and

¹³⁰ Martin Noth, *Leviticus: A Commentary*, trans. J. E. Anderson, The Old Testament Library, eds. G. Ernest Wright et al. (London: SCM Press Ltd., 1965), 92.

¹³¹ Levine, 244.

the Mesopotamians all offered it to the gods of the underworld.¹³² According to Milgrom, the criterion of cud-chewing was added for the sole purpose of eliminating the pig from the group of named quadrupeds unacceptable as food.¹³³ The other animals could have been eliminated by the cloven hoof criterion. Thus, he believes the pig was deliberately excluded as food. ~ Milgrom also notes that there is some archaeological evidence that could be used to support a theory that the pig prohibition resulted from the Israelites' enmity with the Philistines.

The onset of the Iron Age¹³⁵ in Canaan is marked by a precipitous drop in pig production; Israel had entered the scene. Three excavated sites, however, turn out to be exceptions: Tel Migne, Tel Batash, and Ashkelon. . . They prove the rule, for to judge by the Philistine ware found at these sites, they were probably settled by Philistine invaders

To be sure, there is as yet no evidence that the pig featured in the Philistine cult— of which we know next to nothing— but the stark contrast between the proliferation of pig at these Philistine sites and its near total absence everywhere else in contemporaneous Israelite sites raises the possibility that Israel's aversion to the pig stemmed from two sources that in effect were one: the dietary habits and the cultic practice of the hated Philistines.¹³⁶

Other modern scholars find the cultural identity/cultic explanation problematic. Douglas believes that this type of explanation fails to explain the entire system of biblical food laws, because Israel did not reject all of the religious practices of her neighbors.¹³⁷ Houston also rejects the proposition that the food laws were a response to paganism, because in his opinion, the food regulations permitted the consumption of animals commonly used in the pagan cults.

¹³² Milgrom, 651.

~ Ibid., 649.

¹³⁴ Ibid.

¹³⁵ ca. 1200 B.C.E.

¹³⁶ Milgrom, 651.

¹³⁷ Douglas, 48-49.

[I]t is precisely the clean animals that are most frequently sacrificed to strange gods— the cow to Hathor, the ram to Amon, the bull to Baal, and even the fish to Atargatis. [The dove was sacrificed to Astarte.] The normal practice of all peoples in the area was the same as the Israelites': the common sacrificial animals were cattle, sheep, and goats. No basis exists here for the assertion that the animals prohibited were those associated with the idolatrous rites of the heathen; and, once again, even though the associations of a limited number of the unclean species may be of significance, it is impossible to make the theory stretch to cover the dozens of forbidden beasts or the twenty forbidden birds, or all the teeming things.³⁸

David Hoffman is another modern scholar who rejects the theory that the dietary laws exist to separate the people of Israel from their neighbors. Unlike the others who reject the cultural identity hypothesis, Hoffman uses the text from Leviticus 20:24-26, quoted above, as the basis for his argument.

The ... passage [from Leviticus 20:24-26] is liable to present a misleading picture of the true reason for these laws, giving the impression that they were designed to serve merely as an external sign of distinction for the Jewish people as a kingdom of priests. But, in actual fact, the verses quoted make no mention of the idea that certain foods were prohibited Israel in order to separate them from the nations. On the contrary, it is stated that since God has separated the Jewish people from other peoples, Israel is obliged to observe the Divine precept, that teach us to make a difference between clean and unclean beasts, just the same as Israel is obliged to keep other precepts.

Compare *Deuteronomy* 14, 2-4: For thou art an [sic] holy people unto the Lord thy God, and the Lord hath chosen thee to be a peculiar people unto himself, above all the nations that are upon the earth. Thou shalt not eat any abominable thing.

In the cultural identity/cultic explanation context, the regulation of food in other religions is informative. Hinduism has dietary laws that serve a boundary marking function. Hindu castes who not only protect themselves against the contamination of lower castes by elaborate

¹³⁸ Houston, 72.

¹³⁹ Quoted in Leibowitz, Leviticus, 83-84.

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purity rules applied to the preparation and consumption of food, but also proclaim the purity of their Hinduism over against outcastes by their care in the selection of foods, for example by refusing all flesh-meat, explains Houston.¹⁴⁰ However, it is even more informative that Christianity, which developed from the religion of the Israelites, is the only world religion without food prohibitions. a' Acts 10:10-15 is one New Testament passage that eliminates the food laws of the Israelites.

[Peter] grew hungry and wanted something to eat but while they were getting it ready he fell into a trance. He saw heaven opened, and something coming down that looked like a great sheet of sailcloth; it ... was being lowered to the earth, and in it he saw creatures of every kind, four-footed beasts, reptiles, and birds. There came a voice which said to him, 'Get up, Peter, kill and eat.' But Peter answered, 'No, Lord! I have never eaten anything profane or unclean.' The voice came again, a second time: 'It is not for you to call profane what God counts clean.'

The elimination of the biblical dietary laws was an effort by the founders of Christianity to

remove all distinctions between Jews and gentiles. Christianity was to be a religion for all humanity, not for a select group of people. As Houston explains, Luke's universalist God forces Peter to and across the boundary. .. [b]ecause he wants. . .Gentiles en masse to enter the Church as Gentiles and on equal terms with its Jewish members, he *must* cleanse what in Leviticus he too had called unclean, for he is demanding the erasure of the boundary which that distinction

¹⁴⁰ Houston, 16.

¹⁴¹ However, in 732 C.E., Pope Gregory III ordered the cessation of the consumption of horsemeat in a letter to

Boniface, his missionary among the Germans. Despite the papal decree, the eating of horseflesh never completely died out in Europe, especially among the poorer classes.

celebrates and maintains. ... - Milgrom also regards the abolition of the food laws as a means of eliminating distinctions between Jews and gentiles.¹⁴³

The fact that the founders of Christianity believed it necessary to lift the dietary restrictions in order to unify the Jews and gentiles supports the argument that the biblical food regulations existed to reinforce the cultural identity of the Israelites. ... [T]he founders of Christianity intended... to end once and for all the notion that God had covenanted himself with a certain people who would keep itself apart from all of the other nations. And it is these distinguishing criteria, the dietary laws (and circumcision) that are done away with. Christianity's intuition was correct: Israel's restrictive diet is a daily reminder to be apart from the nations, asserts Milgrom. It is also interesting to note that early Christianity preserved the blood prohibition. ~ Thus, the only food regulation all of humanity was required to observe, the one that made no distinction between Jew and gentile, was preserved by the early Church.

The Holiness Explanation

Scholars who root their explanations of the biblical food regulations in the concept of holiness have strong textual support for their position. Leviticus 11, which contains passages describing which foods are permissible to eat and which foods are not, enjoins the Israelites to be holy. For I the Lord am your God: you shall sanctify yourselves and be holy, for I am holy. You shall not make yourselves unclean through any swarming thing that moves upon the earth.

¹⁴² Houston, 14.

~ Milgrom, 726.

'See Acts 15:20.

For I the Lord am He who brought you up from the land of Egypt to be your God: you shall be holy, for I am holy. ¹⁴⁶ Deuteronomy 14 begins and ends the food regulations with a reminder that you are a people holy to the Lord your God. An exhortation to be holy also accompanies the food regulation of Exodus 22:30: You shall be holy people to Me: you must not eat flesh torn by beasts in the field. Thus, notions of holiness are indisputably closely allied with the biblical food laws. According to the Bible, holiness is incompatible with the eating of unclean things. But even if the rules exist so that the Israelites might be holy, the Bible does not make it clear why the rules impart holiness. The nature of holiness and its relationship to the biblical food regulations must therefore be explored.

Houston explains that holiness is a quality that in its absolute degree is possessed by the deity, and relatively may and must be shared in by all that is dedicated to him. What would be incompatible with God's holiness will threaten the holiness of anything dedicated to him.¹⁴⁶ According to this explanation, to serve God, who is holy, the Israelites must also be holy. The foods that the Israelites have been forbidden to consume are those which would defile them and make them unfit for the service of the Lord, or unholy. Under Houston's construct, holiness is not just a spiritual state but also a physical state. His explanation fails, however, to make clear what it is about the forbidden foods in particular that makes them unholy.

The late Rabbi Louis Finklestein, formerly Chancellor Emeritus of the Jewish Theological Seminary of America, views the dietary laws as a means for the Israelites to make God holy. His explanation is closely allied with the text and attributes the mystery of the

Lev. 11:44-45.

¹⁴⁶ Houston, 54.

explanation of the reason underlying the food regulations to a simple error in translation. Finklestein believes that the holiness exhortations, such as You are to keep yourselves holy, for I am holy, that accompany the biblical food laws, have been improperly translated. The Hebrew word *ki*, which means because/for, can also mean so that. Thus according to Finkiestein's explanation, God's holiness is dependent upon the Israelites' compliance with the biblical food regulations. ~ While Finkelstein's interpretation of the biblical food laws is an interesting and unique one, he fails to answer the questions of how and why adherence to the dietary laws makes God more holy.

Completeness is essential to Douglas' interpretation of the concept of holiness, as is maintaining order by keeping categories of different things distinct from one another. Douglas writes: To be holy is to be whole, to be one; holiness is unity, integrity, perfection of the individual and of the kind. The dietary rules merely develop the metaphor of holiness on the same lines.¹⁴⁸ According to Douglas, If [my] proposed interpretation of the forbidden animals is correct, the dietary laws would have been like signs which at every turn inspired meditation on the oneness, purity, and completeness of God. By rules of avoidance, holiness was given a physical expression in every encounter with the animal kingdom.¹⁴⁹ Holiness, for Douglas, is at the center of the explanation of the mystery of the biblical dietary laws, and she believes that the only sound approach [to discerning the explanation of the rationale for the biblical dietary laws] is to forget hygiene, aesthetics, morals and instinctive revulsion, even to forget the Canaanites... and start with the texts. Since each of the injunctions is prefaced by the command

¹⁴⁷ Lebeau, 28-29.

¹⁴⁸ Douglas, 54.

¹⁴⁹ Ibid., 57.

to be holy, so they must be explained by that command. There must be contrariness between holiness and abomination which will make overall sense of the particular restrictions. 'a' She correctly notes that the Bible says nothing about the dirty habits of the pig, or the scavenging habits of forbidden fish, and she therefore rejects imposing such explanations on the text.

Douglas theorizes that the Bible classifies animals according to a scheme that she traces back to the creation account in Genesis. Under her scheme, there are three basic types of elements: water, air, and earth. Douglas believes that the food regulations identify the type of animal which properly belong to each element: In the firmament two-legged fowls fly with wings. In the water scaly fish swim with fins. On the earth four-legged animals hop, jump or walk. Any class of creatures which is not equipped for the right kind of locomotion in its element is contrary to holiness.¹⁵ Unclean animals are those which do not fit perfectly into the classificatory scheme. Douglas thus proposes that biblical food laws are a regulatory scheme that attempts to order the world. In her system, order depends upon keeping categories distinct. Douglas' theory is able to explain the *kilayim* prohibitions of planting two different types of seeds in the same field or mating different types of animals, because these regulations preserve the distinctions between kinds. However, Douglas' explanation fails to provide an explanation for the entire system of biblical food regulation. She does not explain the prohibition of seething a kid in its mother's milk, nor does she offer a rationale for the prohibition of the consumption of blood.

¹⁵ Ibid., 49.

¹⁶ Ibid., 55.

The concept of holiness is closely allied with the concept of purity. As Levine explains, Avoidance of the impure is a prerequisite for the attainment of holiness. Conversely, impurity is incompatible with holiness: It detracts from the special relationship between God and the people of Israel and threatens Israel's claim to the land.⁵² Impurity is said to threaten Israel's claim to the land because of passages like the following in Leviticus 20:22-26:

You shall faithfully observe all My laws and all My regulations, lest the land which I bring you to settle in spew you out. You shall not follow the practices of the nation I am driving out before you. . . . I the Lord am your God who has set you apart from other peoples. So you shall set apart the clean beast from the unclean, the unclean bird from the clean. You shall not draw abomination upon yourselves through beast or bird or anything with which the ground is alive, which I have set apart for you to treat as unclean. You shall be holy to Me, for I the Lord am holy, and I have set you apart from other peoples to be mine.

Here it is important to note that the word the bible uses to refer to living creatures that are unacceptable as food for the Israelites is *tame*. While *tame* is often translated as unclean, it is better translated as impure. As Levine notes, at issue is not a notion of hygienic cleanliness, as we know it, but of purity as a ritual condition.⁵³ The dietary laws are part of a system of purity and are linked conceptually and legally with the sexual prohibitions and the ban on pagan worship, asserts Levine.⁵⁴ He believes the nexus of the three categories to be the concept of *toevah*, or abomination, which is closely identified with impurity.⁵⁵ Deuteronomy 14:3 states, You shall not eat anything abhorrent (*toevah*). The list of prohibited animals that follows the command are classified as impure (*tame*). Leviticus 18:30 says of forbidden sexual practices:

⁵² Levine, 243.

⁵³ Ibid., p. 66.

⁵⁴ Ibid., p. 243.

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You shall keep My charge not to engage in any of the abhorrent (*toevah*) practices that were carried on before you [by the other nations in the land], and you shall not defile (*tame*) yourselves through them: I the Lord am your God.¹⁵⁶ Deuteronomy 7:25-26 classifies pagan worship as *toevah*: You shall consign the images of their gods to the fire; you shall not covet the silver and gold on them and keep it for yourselves, lest you be ensnared thereby; for that is abhorrent (*toevah*) to the Lord your God. You must not bring an abhorrent (*toevah*) thing into your house, or you will be proscribed like it; you must reject it as abominable and abhorrent, for it is proscribed. Thus, explains Levine, a triad of religious sins emerges—dietary, cultic, and sexual—all associated with impurity and all linked to the destiny of the Israelites as a people distinguished from other nations.¹⁵⁷ Therefore, to truly understand the biblical food laws, one cannot view them in isolation. Rather, they must be viewed as part of a larger legal system regulating the behavior of the people of Israel. Because of the conceptual link between the dietary laws, the sexual prohibitions, and the ban on idol worship, any explanation of the dietary laws must also serve to provide an underlying rationale for the laws against idolatry and certain sexual acts. As Levine explains, the Israelites must adhere to this ideal way of life although other nations do not. Required along with avoidance of improper sexual unions, which would corrupt the family of Israel, and avoidance of pagan worship, which would alienate Israel from God, is the avoidance of unfit food. By such avoidance, Israelites are kept from bestiality; their humaneness is enhanced.

~ Ibid.

¹⁵⁶ Although the grammatical forms of *toe vah* and *tame* vary as appropriate in the biblical text, for demonstrative purposes I am using only one form.

¹⁵⁷ Levine, 243.

¹⁵⁸ Ibid., 247.

It was not the characteristics of chewing the cud and cloven hooves themselves that made an animal pure, asserts Levine.¹⁵⁹ Rather, they were a pair of observable physical features common to animals in an already established category.¹⁶⁰ Levine believes that in particular,

the food that animals and birds themselves ate and how they obtained it were factors in

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determining their classification as pure or impure. Emphasis is placed on the diet and

digestive processes of living creatures, as if to ensure that nothing forbidden to the Israelites as food has been eaten by the living creatures themselves. ... Ideally, humankind should be sustained by the produce of the earth. When, instead, other living creatures are used as food, as is permitted, such use should be restricted to living creatures that sustain themselves with what

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grows on the earth and that do not prey on other living creatures or attack man. **2** Thus, states

Levine, An equation emerges: Pure creatures are (with respect to the totality of possible diet) to impure creatures as the Israelites are to other nations. A pure people eats pure creatures in a pure

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Milgrom asserts that the animal world mirrors the human. The separation of the animals into the pure and the impure is both a model and a lesson for Israel to separate itself from the nations. The latter have defiled themselves by their idolatry and immorality. Israel, must, therefore, refrain from partaking of their practices and thereby, become eligible for a life of

159 Ibid., 245.

160 Ibid.

161 Ibid., 246.

162 Ibid., 247-248.

163 Ibid., 248

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holiness—the way and nature of God. Thus, by following the dietary laws and abstaining from impure food, the holiness of the people of Israel is heightened. The same holds true for obeying the sexual prohibitions and refraining from participation in pagan acts of worship.

Milgrom explains the relationship between holiness and purity by stating: There can be

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no doubt that the antonym of *qados* 'holy' is *tame* 'impure'. Holiness cannot co-exist with impurity: Persons and objects are subject to four possible states: holy, common, pure, and

impure. Two of them can exist simultaneously, either holy or common and either pure or

impure....One combination is excluded...whereas the common may be either pure or impure,

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the sacred may never be impure. According to Milgrom, it is Israel's task to advance the

holy into the realm of the common and to diminish the impure and thereby enlarge the realm of

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the pure. The reason Israel must aspire to holiness, asserts Milgrom, is *imitatio dei*.¹⁶⁸ Levine also believes the principle of *imitatio dei* important to an understanding of the

concept of holiness. Rather than see it as a motivating force, as Milgrom does, Levine views *imitatio dei* as the means of achieving holiness. According to Levine, The way to holiness,

was for Israelites, individually and collectively, to emulate God's attributes. In theological terms this principle is known as *imitatio dei*. ... Levine notes that holiness is difficult to define or to describe; it is a mysterious quality. .. In the simplest terms, the 'holy' is different

164 Milgrom, 689.

165 Ibid., 731.

166 Ibid., 732.

167 Ibid.

168 Ibid., 687.

169 Levine, 256.

from the profane or the ordinary. It is 'other,' as the phenomenologists define it. The holy is also powerful or numinous.¹⁷⁰ As Levine understands holiness, it is not so much an idea as it is a quality, identified both with what is real and perceptible on earth and with God.¹⁷¹ Thus, holiness cannot be achieved by individuals alone, no matter how elevated, pure or righteous. It can be realized only through the life of the community, acting together.¹⁷² Achieving this state of holiness requires the people of Israel to avoid impurity by remaining separate from other peoples.

While both Levine and Milgrom regard purity, holiness, ethical behavior, and separation from the nations as interrelated concepts, the two scholars hold different views as to the nature of the relationships. For Levine, Israel must separate itself from the nations and be pure, so that it might emulate God and be more ethical, in order to become a holy nation. Milgrom perceives the situation differently. In his view, the bible clearly states that Israel's divine charge is to be a pure and holy nation. In order to be pure and holy, the Israelite must bind [himself] to a more rigid code of behavior. . .and follow stricter standards than his fellow man. Here, .. holiness implies separation [from the nations],¹⁷³ It is because Israel should strive to be like God, who is holy, that Israel should desire holiness. If Israel is to emulate God, the Israelites must be ethical, for God is ethical. Milgrom explains that the emulation of God's holiness demands following the ethics associated with his nature. But because the demand for holiness occurs with greater frequency and emphasis in the food prohibitions than in any other commandment, we can only

¹⁷⁰ Ibid.

¹⁷¹ Ibid., 257.

¹⁷² Ibid., 256.

~ Milgrom, 730.

conclude that they are the Torah's personal recommendation as the best way of achieving the higher ethical life.¹⁷⁴ The ethical principle that is advanced by observing the biblical food regulations is reverence for life.

In his reverence for life explanation of the biblical food laws, Milgrom asserts that the "purpose of dietary system is to teach the Israelite reverence for life ... [by] reducing his choice of flesh to a few animals .. . [and by] prohibiting the ingestion of blood and mandating its disposal upon the altar or by burial...as acknowledgment that bringing death to living things is a concession of God's grace and not a privilege of man's whim."¹⁷⁵

Milgrom's conclusion that the dietary laws exist to teach reverence for life by reducing the Israelite's access to the animal kingdom derives from his exploration of the question of which came first, the criteria or their application? Were the animals first tabooed and criteria were later devised to justify the taboos or, the reverse, criteria were drawn up first which were then used in classifying the animals?¹⁷⁶ The four borderline animals,¹⁷⁷ or as Milgrom terms them, the anomalous quadrupeds, are used to serve as a test that will reveal the answer to the question of which came first. Milgrom describes the test as follows:

If the four anomalies were listed because they were unfit for the table (the hygienist's theory), then Israel's zoological ambience probably numbers other quadrupeds with the same anomaly. But if they are listed because, as the text states, they do not fit the criteria, then the list is complete: there are no other such quadrupeds in Israel's environs. Thus if it turns out that even one more animal known to Israel is akin to the specified four, bearing one criterion

¹⁷⁴ Ibid., 731.

¹⁷⁶ Ibid., 727.

¹⁷⁷ The camel, the hare, the rock badger, and the pig. These are the animals that possess only one of the two criteria required in order to be acceptable as food. The criteria are cloven hoofs and chews the cud.

but not the other, then it is a fatal blow to [the anthropologists] who believe the criteria came first.¹⁷⁸

This test leads to the clear and decisive conclusion that the criteria came first and only afterward four anomalies were found.¹⁷⁹ This conclusion is the result of finding only six animals that exhibit only one of the two criteria that animals must possess in order to be considered acceptable as food under biblical food law. These six animals are the four mentioned in the Bible—the camel, the hare, the rock badger, and the pig—as well as the llama and the hippopotamus. However, the finding of two additional anomalous quadrupeds does not require the conclusion that the criteria were drawn up to justify excluding tabooed animals as food. As Milgrom explains, The llama is indeed a ruminant whose hoofs are not cloven. But it (and its relatives, the alpaca, the guanaco, etc.) are indigenous to South America and clearly were unknown to ancient Israel.¹⁸⁰ Under this reasoning, it is only because the llama was not known to the Israelites that it was not included in the Bible's list of the prohibited borderline animals. For the omission of the hippopotamus from the list, Milgrom offers the following explanation:

The hippopotamus, .. cloven-hoofed, herbivorous, but nonruminant, existed in the marshy (Philistine) coastal areas and probably was eaten. Yet the cleft in its hoofs is so slight that it was missed by the ancients and even omitted by Aristotle in his *Historia animalis*.¹⁸¹ (footnotes omitted) Therefore, had the Israelites been aware of the hippopotamus' cloven hoofs, they would have included it among the anomalous quadrupeds. Having thus explained the absence of the llama and the hippopotamus from the list of borderline prohibited animals, there are no other

¹⁷⁸ Milgrom, 727.

~ Ibid., 728.

¹⁸⁰ Ibid., 727.

animals that satisfy only one of the two criteria. According to Milgrom, this means the criteria came first.¹⁸² The chronological priority of the criteria implies a concomitant conclusion: they were not drawn up arbitrarily—to serve as generalizations for the already existent taboos, as erroneously maintained by the hygienists—but were formulated rationally, deliberately, with a conscious purpose in mind, states Milgrom.¹⁸³ He then asks, What was this purpose; what, indeed, could have been the intention behind the formulation of such bizarre criteria: cud-chewing and split-hoofed ungulates.¹⁸⁴ The purpose, concludes Milgrom, was to teach the people of Israel reverence for life by limiting their access to the animal kingdom.¹⁸⁵

This principle also applies to the laws governing the consumption of fish, despite the fact that fish are regulated only by the requirement that they have both fins and scales. Neither the Leviticus account nor the Deuteronomy account provides a list of fish by name, whereas both animals and birds are named specifically. This is attributed to the fact that the Israelites had little acquaintance with marine life.¹⁸⁶ As Milgrom observes, this lack of familiarity is exhibited by the fact that Adam names the whole animal kingdom with the exception of the fish¹⁸⁷ [and] by the fact that in the entire Hebrew Bible not a single fish is named except the *tanninim* and the *liwyatan*—and both are mythical.¹⁸⁸ (footnotes omitted) The reason the

¹⁸¹ Ibid.

¹⁸² Ibid., 728.

¹⁸³ Ibid., 729.

¹⁸⁴ Ibid.

¹⁸⁵ Ibid., 733.

¹⁸⁶ Ibid., 660.

¹⁸⁷ Gen. 2:19-20.

¹⁸⁸ Milgrom, 660.

ancient Israelites had such a limited knowledge of fish, according to Milgrom, was due to the fact that because of geographic realities, they did not have a lot of access to fish.¹⁸⁹ Few streams lay within the borders of ancient Israel, and invading countries blocked access to both the Sea of Galilee and the Mediterranean during much of ancient Israel's existence. According to Milgrom, however, even foreign traders would have been unable to supply the Israelites with fish because there were very few fish in the waters. He explains that before the Suez Canal was built the eastern Mediterranean had a very low nutritive capacity because the rich silt of the Nile flowed counterclockwise along the coasts of Israel and Lebanon . . . in currents that were too deep for most fauna to reach it until it surfaced in the Aegean Sea.¹⁹⁰ Much of the marine life that is present today in the Mediterranean was thus absent during biblical times. Therefore, the requirement that edible fishes have fins and scales eliminated most of the known fishes as possible foods and served the purpose of limiting Israel's access to the animal world by reducing the choices of possible animal foods.

The blood prohibition also demonstrates a reverence for life by the Israelites. Because the Bible equates blood with life, Milgrom believes the rationale for the blood prohibition is clear:

Life is inviolable; it may not be treated lightly. Mankind has a right to nourishment, not to life. Hence, the blood, the symbol of life, must be drained, returned to the universe, to God. ...

Hoffman stresses that blood is not to be regarded as actually consisting of life: It is not implied that the actual substance of the blood is life, only that the blood bears the spirit of life which is in

¹⁸⁹ Ibid., 660.

¹⁹⁰ Ibid.

¹⁹¹ Ibid., 712.

living creatures and is inextricably connected with the spirit of life, and both together form the living creature. The blood is the instrument of the soul through which it carries out its

activities.

- That the purpose of the biblical food laws is to teach the Israelites reverence for life is also reflected in the *kid* prohibition. Milgrom notes that a substance that sustains the life

of a creature (milk) should not be fused or confused with a process associated with its death (cooking).⁹³ Furthermore, the prohibition against killing an animal and its young on the same day is consistent with Milgrom's hypothesis. Milgrom's explanation of the underlying rationale for the biblical food laws is therefore a comprehensive one that can account for the entire system of biblical food regulation.⁹⁴

By positing that to show reverence for life by restricting one's diet is to act in the ethical manner holiness requires, Milgrom's theory addresses how the exhortations to holiness that accompany the biblical food laws are related to the dietary laws themselves. Milgrom thus acknowledges the significance of the fact that relatively few individual statutes of the Bible are coupled with the demand for holiness. And none of these present the demand with the same staccato emphasis and repetition as do the food prohibitions. ... Yet, because the rationale, holiness, has been so variously interpreted, we are at a loss to understand its exact meaning.⁹⁵ He interprets holiness to mean not only separation from but separation to. It is a positive

¹⁹² Quoted in Leibowitz, Deuteronomy, 55.

¹⁹³ Milgrom., 741.

¹⁹⁴ Milgrom's theory does not, however, account for the *kilayim* laws governing prohibited mixtures. As discussed

above, this does not require the conclusion that Milgrom's theory fails to account for the entire system of biblical

food regulation as it is unclear whether the *kilayim* laws are properly regarded as part of that system.

¹⁹⁵ Milgrom, 729.

196 Ibid., 731.

197 Ibid., 732-733.

concept, an inspiration and a goal associated with God's nature and his desire for man. Holiness, as Milgrom understands it, means a life of godliness.¹⁹⁶

According to Milgrom, holiness and a life of godliness are associated with the forces of life. He explains that in the Bible, ritual impurity stems from three sources.

carcasses/corpses, genital discharges, and scale disease. The common denominator of these impurities is that they symbolize the forces of death: carcasses/corpses obviously so; the emission of blood or semen means the loss of life, and the wasting of flesh characteristic of scale disease is explicitly compared to a corpse. . . . [T]he conclusion is manifestly clear: If impure stands for the forces of death, then holy stands for the forces of life.¹⁹⁷ Since the biblical food laws are accompanied by exhortations to be holy, which is equated with life, then it is easy to conclude that to be holy by following the dietary laws means respecting life.

Conclusion

The above discussion of the various proposed rationales demonstrates that two thousand years of scholarship has been unable to definitively identify the underlying rationale of biblical law's regulation of food. Perhaps, as S.R. Driver notes, there is more than one explanation for this comprehensive system of food laws:

The principle. . . determining the line of demarcation between clean animals and unclean, is not stated; and what it is has been much debated. No single principle, embracing all the cases, seems yet to have been found, and not improbably more principles than one cooperated. Some animals may have been prohibited on account of

98 Quoted in Douglas, 45.

their repulsive appearance or unclean habits, others upon sanitary grounds; in other cases, again, the motive of the prohibition may very probably have been a religious one, particularly animals may have been supposed, like the serpent in Arabia, to be animated by superhuman or demoniac beings, or they may have had a sacramental significance in the heathen rites of other nations; and the prohibition may have been intended as a protest against these beliefs. 198

Whether there is one explanation for the biblical food regulations or many, it is unlikely that there will ever be widespread consensus as to the reason for the origins of the comprehensive system of food regulations found in the Bible.

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