

A Brief Note on Diet

Parsha Shemini [1] begins with a story describing events that “*happened on the eighth day*” of the priestly inauguration and the first day of duty for Aaron and his sons, now consecrated as *Kohanim* and responsible for the *Mishkan* and the sacrificial rituals. On that very first day at work two of the sons, *Nadab* and *Abihu*, deviated from the instructions they had just received. Suddenly “*a fire came out from before God and consumed them, and they died before God*”. The narrative then changes completely, and begins a teaching on food.

This is the first in a set of laws regulating diet, all of which is subsumed under a now broad corpus of the law of *Kashrut*. While various forms of dietary restrictions based on taboos and spiritual reverence were not unique to the Torah, the regime described in the Torah (in *Shemini* and elsewhere) was significantly different and deserves to be viewed as unique. The Torah begins the teaching by establishing a clear test for which animal flesh may be consumed and which is forbidden. Land mammals that have a cloven hoof and chew their cud may be eaten; only animals of the sea having both fins and scales are allowed. The animals of the sky did not admit to such neat categorization and the forbidden fowl are enumerated. Insects are forbidden, but for locust, crickets and grasshoppers.

The Torah itself gives no direct explanation for the categories it decrees, or any meaning to the physical traits it considered when differentiating between the clean and the unclean. The text itself offers no direct statement on why these laws were imposed. There is no clear explanation why one may eat a cow but not a camel, or consume a carp and not a catfish.

The *Rambam* explained the dietary restrictions forbidding the consumption of certain foods were meant to protect the health of the Israelites. In the *Moreh Nevukhim* (Guide to the Perplexed) he wrote that: “*The foods which are forbidden by the Torah are unwholesome. There is nothing among the forbidden kinds of foods, whose harmful character is not doubted.*”

The *Ramban* looked at the nature of the forbidden creatures, and by implication delved into a concern raised in ancient societies, based on the presumption, that man, as do animals, reflect what they eat. For example, birds of prey were considered impure and forbidden “*lest their bloodthirstiness affect those who eat them*”. This reasoning was also applied to the laws of forbidden mammals, observing that “*no animal with split hooves or that chews its cud preys on other*”.

Abarbanel, the 15th century Spanish Jewish exegete (and treasurer for the Spanish Crown) appeared to have eschewed both points of view. He rejected *Rambam's* assertion that the forbidden foods were unhealthy; his own experience in the court of the Spanish king demonstrated that many of the foods forbidden by the Torah were in fact not unhealthy, and, not every food allowed by the Torah was healthy. Similarly, one of *Abarbanel's* contemporaries, titled the *Akeidat Yitzhak*, pointed out that many people ate pork, the most notorious of the forbidden flesh and their characters were not affected. [2]

Many commentators preferred to approach *Kashrut* as a discipline of the soul. *Abarbanel* wrote that “*the Divine law is not concerned with physical therapy, but with our spiritual wellbeing.*” It therefore forbade food which debased the purity of the soul, the intellect, and the human temperament and character. A similar approach was taken by Rabbi Samson Raphael Hirsch, the 19th Century leader of what is loosely called the Modern Orthodox movement. He attempted to categorize the permitted and disallowed animals by their natures. He argued that since the physical structure of man was influenced by the kind of food he consumed, the Torah necessarily forbade foods of animals whose nature would harm the human body. He reasoned that since the “*body of man should be the servant of his spirit*”, that could only be accomplished if the body remains “*passive and indifferent to its own desires*”. The flesh of herbivores or ruminants would reflect the passive nature of the beast and would not inflame the soul, as presumably other flesh would. [3]

Sforno though had a very interesting but simple approach to understand the purposes of the laws regulating diet. He pointed out that *Parsha Shemini* concluded with the statement: “*For I am the Lord God - you are to sanctify yourselves and you shall be holy, for I am holy.*” Therefore, he reasoned, the laws of *kashrut* are a matter of *Kedushah* (holiness), that is, to separate and elevate oneself in the service of God. The dietary restrictions would have necessarily set the Israelite apart from his neighbour, therefore in practice, restricting the opportunities for social discourse and the theoretically dinner conversation that may entertain foreign thought. He also ascribed a loftier ideal; that by restricting categories of animal food, the Israelites were setting themselves apart from the natural world, in the image of God.

Because these laws seem to have no rational basis, they have been classified by Jewish jurisprudence in the category of legislation called *Chukkim* (singular *Chok*). A *Chok* has been defined as being more in the nature of a decree – or more specifically, a law observed in submission to an authority and which exemplifies our innate inability to fathom the divine will.

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1. Literally, *the eighth*.
2. Rabbi Isaac ben Moses Arama who lived in Spain from 1420–1494. After the expulsion of the Jews from Spain in 1492, he settled in Naples, Italy. There he died in 1494. He is best known for his *Akeidat Yitzchak*, which was published in Salonika in 1522, and is written in the form of philosophical homilies and allegorical commentaries on the Torah.
3. This theory and others are artfully and respectfully canvassed and deconstructed by Meir Soloveichik “*Locusts, Giraffes and the meaning of Kashrut*” found in *Azure*, v.23