

## *Introduction: Reasonable Creature*

I believe I have omitted mentioning that, in my first voyage from Boston [in 1724], being becalm'd off Block Island, our people set about catching cod, and hauled up a great many. Hitherto I had stuck to my resolution of not eating animal food, and on this occasion I consider'd, with my master Tryon, the taking every fish as a kind of unprovoked murder, since none of them had, or ever could do us any injury that might justify the slaughter. All this seemed very reasonable. But I had formerly been a great lover of fish, and, when this came hot out of the frying-pan, it smelt admirably well. I balanc'd some time between principle and inclination, till I recollected that, when the fish were opened, I saw smaller fish taken out of their stomachs; then thought I, "If you eat one another, I don't see why we mayn't eat you." So I din'd upon cod very heartily, and continued to eat with other people, returning only now and then occasionally to a vegetable diet. So convenient a thing it is to be a *reasonable creature*, since it enables one to find or make a reason for every thing one has a mind to do.<sup>1</sup>

Benjamin Franklin's astute observation regarding rationalizing one's food choices serves as an excellent frame for this book, which explores how cultures critique and defend foodways. While scholars have discussed cross-culturally how and why "We" eat the way "We" do and "They" eat the way "They" do, not enough attention has been paid to the internal and external justifications for one's cuisine.<sup>2</sup> My dataset for this project is the

<sup>1</sup> Benjamin Franklin, *The Autobiography of Benjamin Franklin*, ed. Peter Conn (Philadelphia: University of Pennsylvania Press, 2005), 31, original emphasis. For an engaging biography of Franklin, see Walter Isaacson, *Benjamin Franklin: An American Life* (New York: Simon & Schuster, 2003), in which the above passage is discussed on pp. 36–37.

<sup>2</sup> Further, in regard to the dataset that I explore herein, the little previous work done on the subject is either piecemeal, dated, problematic or not scholarly. For an example of the former, see S. Stein, "The Dietary Laws in Rabbinic and Patristic Literature," in Kurt Aland and F. L. Cross (eds.), *Studia Patristica 2* (Berlin: Akademie-Verlag, 1957), 141–154; and the latter, see Irving Welfield, *Why Kosher? An Anthology of Answers* (New York: Roman & Littlefield, 2005 [1996]).

Jewish food laws (*kashrut*). In particular, I am interested in how ancient Jews defended the kosher laws and how ancient Others – including the Greeks, Romans, and early Christians – critiqued these practices.<sup>3</sup>

Since the kosher laws are first encountered in the Hebrew Bible, the heart of this project is ancient biblical interpretation. I will explore how ancient commentators understood, applied, altered, innovated upon, and contemporized biblical dietary regulations. These interpretations do not exist in a vacuum; they are informed by a variety of motives, including theological, moral, political, social, and financial.

In particular, I discuss throughout this book three rhetorical strategies for justifying various interpretations of these regulations: reason, revelation, and allegory. Reason refers to offering rational explanations for food practices. Since “rational” is a culturally-relative term laden with (often misrecognized)<sup>4</sup> meaning, I explore how and why each group deploys this strategy. Revelation refers to appeals to divine fiat: the laws are to be followed simply because God says so.<sup>5</sup> Revelation-based justifications are common and, as we shall see, often unstated assumptions. Allegory encompasses the allegorical interpretations of the law. Although allegory could be considered a sub-group of “reason,” both the qualitative and quantitative appearances of this rhetorical strategy suggest that it deserves consideration on its own. Forbidden animals are often understood to represent certain traits that humans must not follow.

These categories need not be mutually exclusive. Thus, two Alexandrian authors, Philo and Clement (discussed in chapters 3 and 7, respectively), use reason and revelation, as well as allegory. However, the ways in which they deploy these strategies, and the assumptions that underlie their arguments, lead to important differences. For Philo, a Jew, the law must be followed both literally and figuratively. For Clement, a Christian, only

<sup>3</sup> Much of the wording in this paragraph draws from the introduction to an earlier essay I wrote. See Jordan D. Rosenblum, “Justifications for Foodways and the Study of Commensality,” in Susanne Kerner, Cynthia Chou, and Morten Warmind (eds.), *Commensality: From Everyday Food to Feast* (New York: Bloomsbury Academic, 2015), 189.

<sup>4</sup> I adopt the concept of “misrecognition” from the work of Pierre Bourdieu. An excellent summary of Pierre Bourdieu’s concept of misrecognition can be found in David Swartz, *Culture & Power: The Sociology of Pierre Bourdieu* (Chicago: University of Chicago Press, 1997), 88–93.

<sup>5</sup> As I was completing final revisions of this manuscript, I learned of a new book: Christine Hayes, *What’s Divine about Divine Law? Early Perspectives* (Princeton: Princeton University Press, 2015). Though we worked completely independently of one another, our projects are complementary. Hayes’ broader argument regarding the rationality of divine law for Hellenistic Jewish authors vs. the irrationality of divine law for ancient rabbinic authors maps neatly onto my reason/revelation schema.

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the Old Testament moral law endures; the ritual law no longer applies.<sup>6</sup> As such, the law should only be followed figuratively.

As this example indicates, ancient rationalizations for the kosher laws can be used as a means to examine how biblical interpretation connects to larger social and theological concerns. They can also be used to discuss intra- and inter-religious dialogue. For example, Philo and Clement both lived in Alexandria, Egypt (albeit in different centuries). Looking for convergences like these can offer interesting avenues for comparison. However, I argue that these interactions are almost always more imagined than real, in that the “Other” described is a fictionalized “hermeneutical Other” rather than a “historical Other”; it is “a construct derived not from social interaction but rather from scholarly engagement with sacred texts.”<sup>7</sup> What these sources allow us to do is to glimpse at the options being explored in the same time and space, even if they are not in direct conversation with one another.

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A key component of this project is the history of interpretation of biblical dietary laws. As such, it is essential that the reader first becomes acquainted with what the Hebrew Bible says – and even more importantly, what it does *not* say. Chapter 1 therefore examines all of the biblical food laws and their justifications (or, almost always, their lack thereof), including: abstaining from certain animals (sometimes categorically and other times specifically), animals that die a natural death, animals killed by other animals, blood, the sciatic nerve, and slaughtering a mother and her child on the same day; sending away the mother bird from the nest before taking her eggs/chicks; and cooking a kid in its mother’s milk.<sup>8</sup> In discussing the supposed rationalizations for these regulations, I consider well-known anthropological and popular accounts (especially those of Mary Douglas, Jacob Milgrom, and Marvin Harris). I conclude that the biblical laws are almost never explicitly justified, other than by divine decree (i.e. based on revelation). This observation frames the rest of

<sup>6</sup> On Clement’s inconsistency on this subject, see Chapter 7 n. 21.

<sup>7</sup> David M. Freidenreich, *Foreigners and Their Food: Constructing Otherness in Jewish, Christian, and Islamic Law* (Berkeley and Los Angeles: University of California Press, 2011), 114, in which Freidenreich discusses Jeremy Cohen’s concept of “the hermeneutical Jew.” See Jeremy Cohen, *Living Letters of the Law: Ideas of the Jew in Medieval Christianity* (Berkeley and Los Angeles: University of California Press, 1999).

<sup>8</sup> On my focus on daily, and not festival, food laws in this book, see Chapter 1 n. 46.

the book, which examines authors who, given this lack of justification in the biblical corpus, attempt to provide rationales for these dietary rules. These rationales, in turn, are used to critique, defend, alter, and/or extend biblical food laws.

Beginning in the Hellenistic period, Jews (and later Christians) were not the only ones commenting on Jewish food laws. Greek and Roman witnesses noted these practices as well: sometimes with curiosity, sometimes with amusement, and other times with outright hostility. In Chapter 2, we encounter Greek and Roman testimony concerning Jewish food rules, especially the growing interest in Jewish abstention from pork. I treat all of the extant evidence for Greek and Roman testimony (some of which is encountered in Hellenistic period Jewish sources) in a single chapter for three reasons. First, since there is not much extant evidence, it fits more neatly into a single chapter rather than in multiple small chapters scattered throughout this volume. Second, the majority of this book examines Jewish and Christian discussions about biblical food laws, for whom the biblical laws were divinely authored. Though they debated the nature and interpretation of biblical laws, both ancient Jews and Christians understood the Hebrew Bible/Old Testament to play a pivotal role in their everyday existence, which distinguished them from other Greeks and Romans. Third, in a related point, it is necessary to contextualize this material against the backdrop of other ancient Mediterranean discussions on the topic. Treating all Greek and Roman testimony here allows me to set up arguments about early Jewish and Christian authors that I make in subsequent chapters.

Chapter 3 examines Jewish sources from the Hellenistic period. What, how, and with whom one should or should not eat features prominently in debates of this period. Underlying these arguments is a prominent Hellenistic belief: namely, that the law is rational. Of course, “rational” is contextual. The rational basis provided for these laws, therefore, greatly informs us about what the ancient authors and their presumed audience considered an appropriate and persuasive justification for thought and practice. In providing these rationales, Hellenistic Jewish authors go well beyond the words of the Bible, whose justifications for dietary practice are noticeably terse or absent. Hellenistic Jewish texts mark the beginning of a trend that continues into modernity: the need to justify perceived traditional food practices. This is especially the case for biblical texts, as they are seen as divinely ordained. Since God (and Moses, the divine lawgiver) must be rational in the eyes of Hellenistic Jewish authors, there

then must be a logical basis for each and every biblical precept and commandment.

Chapter 3 first discusses arguments that assert the rationality of Jewish food laws. Proceeding from this assumption of rationality are several related themes. One is that the animals consumed and/or abstained from are embodied and embodying allegories for proper/improper thought and/or action (also a topic of great interest in Chapter 7). Another is that the act of sharing food, or commensality, is a socially meaningful practice, and that the rules regulating the shared table (almost completely innovated in the Hellenistic period, though not always recognized as such) are founded on logical principles. Commensality becomes a growing concern in subsequent chapters. Finally, some rationalizations are basically repeated from biblical texts.<sup>9</sup> In this chapter, therefore, we will encounter justifications for the biblical dietary laws based on reason, revelation, and allegory.

In Chapter 4, we turn to New Testament texts that address the meaning and applicability of biblical food laws. Though a handful of New Testament texts debate the relevance of Old Testament food laws, they do not offer much justification for these biblical laws themselves. A notable exception is the discussion of commensality, where New Testament authors exhibit awareness of the potential community-building and -destroying abilities of table practices. Yet, as is demonstrated in the previous chapters, Jewish table practices are a product of the Hellenistic period, rather than the Biblical period. We can thus detect an emerging trend, wherein commensality plays a larger role in both the discussion of food laws and in the very food practices themselves.

We begin exploring the rabbinic movement in Chapter 5 by turning to the Tannaim, the first group of rabbis, and their justifications for a variety of traditional as well as innovative food practices. While we might expect a continuation of the trend from Hellenistic period Jewish sources, in which justifications for these laws were based on reason, we see that the Tannaim instead turn more toward revelation: Jews must follow these rules because these rules are divinely ordained, not necessarily because they are logical. As Christine Hayes has recently argued, this is part of a larger rabbinic strategy of rejecting rationality as justification for divine law.<sup>10</sup> In fact, in at least one instance, a logical rationale is not only rejected, but anyone making this claim is to be silenced.<sup>11</sup> Further, the Tannaim display a significantly greater interest in *how* these laws are to be followed, rather

<sup>9</sup> As one might expect, the simple repetition of biblical texts appears in other chapters as well.

<sup>10</sup> See Hayes, *What's Divine about Divine Law*. <sup>11</sup> See the discussion therein of *m. Berakhot* 5:3.

than *why*. Because God commanded them, one should not question their basis, but rather determine their particulars. Revelation is sufficient justification, so reason is rarely addressed.

Following immediately in the rabbinic footsteps of the Tannaim, the Amoraim, the second major rabbinic group and the subject of Chapter 6, continue to discuss *how* biblical food laws are to be put into practice. However, the Amoraim do at least on occasion discuss *why* these laws are/should be practiced. Whether to refine humanity, to act ethically, to ensure proper bowel movements, to act mercifully, or to gain entrance into The World to Come,<sup>12</sup> a Jew must observe the kosher dietary laws. Such reasons go beyond straight appeals to revelation. Of course, the rabbis believe that doing something just because God says so is a judicious enough justification for a given action. But for the Amoraim, sometimes it is acceptable to offer a more rational reason for one's culinary and commensal actions in addition to divine revelation.

Chapter 7 explores how many early Christian authors allegorize Old Testament law, offering sustained, varied, and intriguing rationalizations for biblical food regulations. In turning to allegory, the literal reading is discarded (or, according to some early Christian exegetes, it never applied and the embodied allegorical meaning was intended from the very beginning). One may eat a pig, eagle, or cuttlefish, so long as one knows not to act like one. In explaining the assumptions that underlie these allegorical moves, I discuss emerging Christian concepts (e.g. moral vs. ritual law, spirit vs. letter of the law). These conversations also allow for excellent comparisons to Hellenistic Jewish sources, wherein biblical laws were rationalized via reason. The main difference, however, is that Hellenistic Jews like Philo believe in following both the literal *and* the figurative interpretation, while these early Christian exegetes only believe in following the latter.<sup>13</sup>

The Conclusion addresses how the ways in which ancient authors critiqued and apologized for the kosher laws can be used to theorize justifications for foodways more broadly. I end by reflecting on how modern debates about food choices can benefit through consideration of the notion of a “food ethic.” The ancient world has much to teach us about the modern world, and *vice versa*.

Because I hope that this book might be of interest to scholars from a variety of fields, as well as to those beyond the ivory tower, I begin each

<sup>12</sup> All of these are actual examples discussed in Chapter 6.

<sup>13</sup> For an important caveat, see Chapter 7 n. 15.

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chapter with a more accessible introduction. Those who are experts on the data may wish to skim the first few paragraphs of each chapter.

I shall end as I began, with a quote that grapples with food choices, in particular in relation to vegetarianism. Commenting on the ethics of meat eating, Jonathan Safran Foer notes:

There are thousands of foods on the planet, and explaining why we eat the relatively small selection we do requires some words. We need to explain that the parsley on the plate is for decoration, that pasta is not a 'breakfast food,' why we eat wings but not eyes, cows but not dogs. Stories establish narratives, and stories establish rules.<sup>14</sup>

By studying ancient narratives and rules about the biblical dietary regulations, I intend to listen to such stories.

<sup>14</sup> Jonathan Safran Foer, *Eating Animals* (New York and Boston: Back Bay Books, 2010), 12.

## CHAPTER I

*Hebrew Bible*

This is the story of how we begin to remember.<sup>1</sup>

Open most modern Jewish cookbooks and you will encounter at least one claim that the laws of *kashrut* (Jewish food laws) originate in the Hebrew Bible. To cite one example, from a cookbook chosen at random from my dining room shelf: “Kosher food is that food that is prepared according to ancient dietary laws set down in Leviticus and Deuteronomy.”<sup>2</sup> Commentators, both ancient and modern, turn to the Hebrew Bible to justify and explain *kashrut*, but much of what they claim is neither explicit nor perhaps even implicit in the biblical text itself. Rather, they are reading the Hebrew Bible with rabbinic eyes, seeing what the rabbis “saw” in the text. Though the Hebrew Bible never uses the word “kosher” (כֹּשֶׁר; literally meaning “fit” or “proper”) to refer to food, commentators still manage to extrapolate an entire system of kosher laws out of biblical texts.

To read the Hebrew Bible through rabbinic eyes is to “see” later interpretations and read them as if they are embedded in the text itself. In essence, it is to conflate text with paratext.<sup>3</sup> Since this book explores how ancient authors – both Jewish and non-Jewish – understood, interacted with, applied, and deployed biblical food regulations, it is important to first examine what the Hebrew Bible actually says about what one can and

<sup>1</sup> Paul Simon, “Under African Skies” (*Graceland*; Sony Legacy, 1986).

<sup>2</sup> Stephen and Ethel Longstreet, *The Joys of Jewish Cooking* (Garden City: Doubleday and Company, 1974), 4. On the increased emphasis on *kashrut* in American Jewish cookbooks in recent years, see Laurence Roth, “Toward a Kashrut Nation in American Jewish Cookbooks, 1990–2000,” *Shofar: An Interdisciplinary Journal of Jewish Studies* 28/2 (2010): 65–91.

<sup>3</sup> For an excellent summary of how paratexts work (including reference to classic literature on the subject), in particular in regard to interpretation of modern media, see Jonathan Gray, *Show Sold Separately: Promos, Spoilers, and Other Media Paratexts* (New York: New York University Press, 2010), esp. 23–46. For a more discipline-specific usage of the concept of paratext, see e.g. Philip Alexander, Armin Lange, and Renate Pilliger (eds.), *In the Second Degree: Paratextual Literature in Ancient Near Eastern and Ancient Mediterranean Culture and its Reflections in Medieval Literature* (Leiden and Boston: Brill, 2010).



cannot eat, and on what basis such regulations are justified. It is only after attaining a firm grasp on this data that one can properly analyze how later authors interpreted and utilized such biblical legislation. Thus, we must first understand what the actual biblical texts say before reading them through rabbinic – and other – lenses.

### What Not to Eat . . . and Why Not to Eat It

Despite claims to the contrary, the Hebrew Bible has very little to say about what not to eat and even less to say about why not to eat it. The Israelites are commanded not to consume certain animals, blood, and the sciatic nerve.<sup>4</sup> Further, there are three preparation-based prohibitions, wherein the concern is not what one eats, but rather how one prepares otherwise edible food: slaughtering a mother and her child on the same day; sending away the mother bird from the nest before taking her eggs/chicks; and, most famously, cooking a kid in its mother's milk.<sup>5</sup> Finally, animals that either die a natural death or are killed by other animals are to be avoided. What these laws encompass and – most importantly from the overall perspective of this book – why they were commanded, however, are not quite so clear. I will explore each relevant biblical text, focusing on precisely what is prohibited and on what explicit basis.

#### *Edible and Inedible Animals*

In a famous biblical passage, Leviticus 11 addresses five categories of animals. Within the first four categories, subsets of animals are either permitted or tabooed; the fifth category is completely prohibited. A more condensed, and slightly different version of this list also appears in

<sup>4</sup> There is also a prohibition against consuming fat (e.g. Lev 3:16–17; 7:22–25). However, this prohibition only applies to sacrificial animals; see e.g. Jacob Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991), 427. Since the application of this law is limited, and – in a directly related vein – since it will not receive the same amount of attention by later commentators (especially after the destruction of the Temple), I do not discuss it in depth in this chapter. Where this taboo (the violation of which results in Extermination and which is justified on the grounds of belonging to Yhwh [e.g. Lev 3:16; implied throughout 1 Sam 2:12–17]) is relevant, I will note any germane details.

<sup>5</sup> Dan 1:8–16 discusses Daniel and his compatriots' refusal to eat King Nebuchadnezzar's food, presumably on the basis of its preparation by non-Jewish cooks. However, since this passage is anomalous in the Hebrew Bible and accords with a pattern detected in Hellenistic period texts, and because Daniel is such a late text, I treat this passage where it more naturally belongs, in Chapter 3. On the development of this pattern in Hellenistic sources, see Jordan D. Rosenblum, *Food and Identity in Early Rabbinic Judaism* (New York: Cambridge University Press, 2010), 36–45.

Deuteronomy 14. I focus here on Leviticus 11 for three reasons inter-related. First, this book explores the history of interpretation of ancient Jewish and non-Jewish authors who attempt to account for the *what* and the *why* of the biblical dietary laws.<sup>6</sup> Therefore, I focus on the redacted text of Leviticus 11 rather than on the source-critical history of the relationship between Leviticus 11 and Deuteronomy 14.<sup>7</sup> Second, both ancient and modern authors concern themselves primarily with the text of Leviticus. For the rabbis, Leviticus was *Sifra* (ספרא), an Aramaic term meaning “the book,” and it was with this text that one entered the traditional study of rabbinic Judaism.<sup>8</sup> In modernity, especially following the anthropological theories of Mary Douglas (discussed later in this chapter), Leviticus often serves as the academic entrepôt for the study of biblical food prohibitions.<sup>9</sup> Third, though there are minor differences between Leviticus and Deuteronomy, these variations do not affect the arguments I make in this book. Where they are relevant to the narrative in later chapters, however, I discuss these differences.

For the sake of clarity, and because so many authors in subsequent chapters presume knowledge of these verses from Leviticus, I cite the entire passage and then summarize its salient details.

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The Lord spoke to Moses and Aaron, saying to them: Speak to the Israelites thus:

#### Quadrupeds

These are the creatures that you may eat from among all of the quadrupeds on the land: any quadruped that has hoofs, with clefts through the hoofs,

<sup>6</sup> I say “the Bible” here rather than “the Hebrew Bible” because later authors draw on different bibles (Hebrew, Greek, and Aramaic). When I explore these various interpretive communities in subsequent chapters, I address how the language of whatever text they hold to be “the Bible” affects their arguments.

<sup>7</sup> For a summary of the relevant redactional and source-critical issues, see Milgrom, *Leviticus 1–16*, 691–704; Esias E. Meyer, “Leviticus 11, Deuteronomy 14 and Directionality,” *Journal for Semitics* 23/1 (2014): 71–89; Christophe Nihan, “The Laws about Clean and Unclean Animals in Leviticus and Deuteronomy and Their Place in the Formation of the Pentateuch,” in Thomas B. Dozeman, Konrad Schmid, and Baruch J. Schwartz (eds.), *The Pentateuch* (Tübingen: Mohr Siebeck, 2011), 401–432.

<sup>8</sup> See *Leviticus Rabbah* 7:3; *Avot d’Rabbi Natan* A6:16–17; H. L. Strack and Günter Stemberger, *Introduction to the Talmud and Midrash*, trans. and ed. Markus Bockmuehl (Minneapolis: Fortress Press, 1996), 260.

<sup>9</sup> e.g. Mary Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (1966; repr., New York: Routledge, 1999), 42–58; and her own reevaluation in *Leviticus as Literature* (New York: Oxford University Press, 2000). For an example of a scholar who focuses on Deuteronomy rather than Leviticus, see David Bryan, *Cosmos, Chaos and the Kosher Mentality* (Sheffield: Sheffield Academic Press, 1995), 130–167.