THE DIETARY LAWS:
A THREEFOLD EXPLANATION

It is a generally accepted principle of jurisprudence and legal philosophy that in dealing with the motive of a given law (ratio legis) one must bear two fundamental rules in mind. The first is that unless a code of law itself states the under-lying idea of a law, any theory about that idea always remains conjecture. The other rule is that the binding force of a law is always independent of its motive (ratio legis), whether directly expressed or assumed.

If this is true of man-made laws, it is all the more so with those of divine origin.

There are three possible ways of dealing with the underlying ideas of Jewish law: ethical, mystical, and symbolical. In the Talmud and Midrash we find all three methods combined. Among later Jewish philosophers, Maimonides is the principal exponent of the ethical method; the Jewish mystics (Kabbalists) are, of course, mainly concerned with the mystical way of ex-
plaining the commandments. The outstanding modern repre-
representative of the symbolical method is Samson Raphael Hirsch.

The ethical interpretation of the laws is the simplest. It is
based on the conception that all divine laws have one aim:
holiness, i.e., the moral perfection of man. This aim is explicitly
stated in the Torah: “that ye remember and do all My com-
mandments and be holy unto your God” (Numbers 15:40).

According to the mystical exposition, the laws of the Torah
have an effect not only on the character of the persons who
observe them, but also on the harmony of the world as a whole.
The effect of a commandment observed reaches, according to
the mystical conception, to the remotest ramifications of the
Universe. Every mitzvah is thus an event of cosmic importance.
As the laws of the Torah are the means of establishing and
preserving the harmony of the Universe, every observant Jew
becomes a co-operator with God in the drama of history and
the guidance of the world. This interpretation of our laws is
common to all Jewish mystics from the Zohar down to the latest
exposition of Hasidism.

The symbolical interpretation starts from the psychological
experience that abstract ideas are not always the best educa-
tional means of influencing human behavior. A symbol, i.e., a
visible sign representing an idea, has proved a much more ef-
fective way of directing human conduct than mere theories.

The Torah makes ample use of such symbols. Thus, by look-
ing at the tzitzit, we are expected to “remember all the laws of
God and do them.” A symbol is, of course, only a means to
an end. The end is the attainment of holiness, moral autonomy.

Let us illustrate the three means of interpretation and un-
derstanding by applying them to one area of Jewish religious
law, the dietary laws.

THE ETHICAL APPROACH

The ethical interpretation of the dietary laws is the one that
commends itself first, because it is mentioned in the Torah.

“And ye shall be men of a holy calling unto Me, and ye
shall not eat any meat that is torn (trefah) in the field” (Ex.
Holiness or self-sanctification is a moral term; it is identical with what we call, in modern Ethics, moral freedom or moral autonomy. Its aim is the complete self-mastery of man.

To the superficial observer it may seem that men who do not obey the law are freer than law-abiding men, because they can follow their own inclinations. In reality, however, such men are subject to the most cruel bondage: they are slaves of their own instincts, impulses, and desires. The first step towards emancipation from the tyranny of animal inclinations in man is, therefore, a voluntary submission to the moral law. The constraint of law is the beginning of human freedom, or in rabbinic phraseology, "None is free, except he who acts in accord with the law" (Avot 6:2). The fundamental idea of Jewish ethics, holiness, is thus inseparably connected with the idea of law; and the dietary laws occupy a central position in that system of moral discipline which is the basis of all Jewish laws.

The three strongest natural drives in man are for food, sex, and acquisition. Judaism does not aim at the destruction of these impulses, but at their control and sanctification. It is the law which ennobles these instincts and transfigures them into the legitimate joy of life. The first of the three impulses mentioned is the craving for food; it can easily lead to gluttony, and what is worse, to the fundamentally wrong conception that man "liveth by bread alone." This natural, but dangerous food-instinct, is transformed by the dietary laws into self-discipline. It is no accident that the first law given to man — not to eat of the Tree of Knowledge of good and evil — was a dietary law. Nor must it be overlooked that the first Sinaitic Dietary Law (Ex. 22:30) has found its place in the midst of the great social legislation of the bibilical portion of Mishpatim. Self-control and self-conquest must start with the most primitive and most powerful of human instincts — the craving for food. Thus the Dietary Laws stand at the beginning of man's long and arduous road to self-discipline and moral freedom.
We turn now to the mystical approach in which Divine laws are more than only a course of training in moral discipline. Their main importance lies rather in their effect on macrocosm and microcosm alike, that is, on the Universe as a whole and on man viewed as epitome of the Universe.

The Torah itself expresses the view that the meat of prohibited animals has a disastrous influence on that mysterious "something" which we call the human personality. On the other hand, the Torah recommends the observance of the dietary laws as a positive means of self-sanctification — not, of course, in the sense that abstinence from forbidden food in itself makes one holy, but it makes it much easier to become holy because of the absence of debasing and defiling elements in the human body. This, and nothing else, is the meaning of the solemn warning "Ye shall therefore separate between the clean beast and the unclean, and between the unclean fowl and the clean; and ye shall not make your souls detestable by beast or by fowl . . . which I have set apart for you to hold unclean. And ye shall be holy unto Me: For I the Lord, am holy, and have set you apart from the peoples, that ye should be mine" (Lev. 20:25-26).

The scope of the dietary laws is not only the human body, but the whole human personality as an inseparable entity. This is in complete accord with the fundamental conception of Judaism which always strives at a unity of matter and mind, body and soul.

Jewish mystics offer several reasons to explain why certain animals have an injurious effect on man's moral health. Thus, a thirteenth century Kabbalist, Rabbi Menachem Rekanati, in his *Taamei ha-Mitzvot*, sets forth a complete analysis of the mental make-up of man, and tries to show how it is influenced by food. The human body is the instrument of the soul and the only means by which the soul can discharge its task in this world and by which the world can impress the soul. The body, therefore, is the intermediary between the soul and the world outside. It matters, therefore, a great deal whether or
not this instrument is a willing and pliable servant of the soul: "Even as a craftsman cannot do his work without proper tools, so the soul cannot fulfill its task without a co-operating body; and as it makes a great deal of difference for any precision work whether a craftsman possesses the fine tools or not, so it is of great importance for the human soul whether the body consists of fine or of coarse material. Even the light shines bright through a good lamp, and the same trees yield different fruit according to the soil in which they are planted." All souls are originally of equal quality; the degree of holiness which they are able to attain in this world depends on the kind of body into which the souls descend. Forbidden food, however, makes the body — the instrument of the soul — coarse, increases the power of the evil inclination, and awakens the animal in man. The expression which the Kabbalists use in this connection is that the meat of prohibited animals *metem et ha-lev* (clogs the heart), i.e., deadens its finer qualities. Rekanati seeks to sum up the inner meaning of the dietary laws as follows: Regarding all the Dietary Laws it says 'Be holy unto Me' in order to purify the soul which draws its sustenance from the food in accordance with its refinement and purity" (op. cit., chapter on mitzvot aseh).

THE SYMBOLICAL APPROACH

Some of the dietary laws can best be explained in a symbolical way. These include the prohibition of *gid-ha-nasheh* (the sciatic nerve), the prohibition of eating leavened food (*chametz*) on Pesach, and the all important Law prohibiting the boiling of meat and milk together, of eating such a mixture, and of deriving any benefit from it.

The essence of symbolism is the use of a sign or an action to convey an idea, which is not directly shown or realized by surface association. Thus, we find in everyday life that the palm branch is a symbol of victory, the olive branch, a symbol of peace, the shaking of hands on taking leave of a friend, a symbol of remaining united in thought, even after the physical separation.
The classical example of dietary laws with a symbolic character are the prohibition for consumption by Jews of the sciatic nerve or "the sinew that shrank" — as it is called with reference to the event that caused its prohibition (Gen. 32:33) — and the prohibition against leavened food on Passover. The Torah states, as the reason for the former, the nocturnal fight of Jacob with an unidentified being, which resulted in Jacob limping upon his thigh. The motive assigned to the latter is the fact that the children of Israel had no time to wait for the fermentation of their dough when they went forth from Egypt and, therefore, had to eat unleavened bread.

These facts in themselves would not be important enough to be commemorated for all time by Divine Law unless they are associated with truths and ideas of fundamental importance for the existence and future of the Jewish people — as indeed they are. It is these truths which are supposed to be perpetuated and eternally renewed by the observance of the dietary laws which are symbolically associated with them. Thus the fight of Jacob with the demon of Esau (Gen. 32:24 and cf. Gen. Rabbah 77) in the dead of night is a prototype of the struggle which goes on throughout history between the moral law represented by Jacob and brutal force as championed by Esau. The halting Jacob who becomes victorious Israel in the end may be considered a symbol of our nation which will never be defeated by the materially stronger force of Esau, although it may, like our ancestor, suffer from wounds and temporary afflictions on its way through history (see Isaiah 9:7, and the Talmudic comment in Chullin 91a). Similarly, with regard to chametz on Pesach, the fact that Israel had no time to prepare victuals for the long journey to the Holy Land has a deep symbolic significance. No human leader would have dared to lead a people of two million souls into the wilderness without adequate food supply. The fact that they went out of Egypt without such provision having been made demonstrates that the redemption of our people from Egyptian bondage was not the result of a well-prepared revolution by an oppressed minority, but was due solely to direct intervention by God. "For by strength of hand the Lord brought ye out of
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this place; therefore no leavened bread shall be eaten” (Ex. 13:13). By observing the laws of chametz to this very day Jews, therefore, express their conviction that the essence and fate of their people rest on God’s guidance only; and this also explains the grave consequences for anyone who eats chametz on Pesach — for he who breaks this law shows thereby that he refuses to recognize divine guidance in the history of Israel and thus, indeed, “cuts his soul off from his people” (karet).

Perhaps a deeper insight into the dietary laws starts from the aims and motives of these laws as set forth in the Torah itself. Prohibited animals are called tamei, which is usually translated as “unclean.” This translation is entirely misleading, however, and is one of the main obstacles to the proper understanding of the dietary laws. The translation “unclean” is wrong in that it suggests a physical, or material quality. The term however, is never used in material, but always in a moral or metaphysical sense. (It might therefore be best to leave the word tamei untranslated and use it as a technical term. If, however, one wants to translate it, the word “impure” is the only word that comes near the original).

The real meaning of tumeah can best be discovered by looking at the opposite term. We shall then find that there are two terms which form an antithesis, namely, kedushah and taharah. That there exist two antonyms of the term tumeah is by no means a linguistic accident, but has its reason in the fact that there are two kinds of tumeah. The one belongs to the sphere of morality, and its antonym is kedushah; the other belongs to the sphere of metaphysics, and its antithesis is the term taharah. One might well classify the one kind of tumeah ‘concrete,’ and the other, ‘symbolical.’ (It is most interesting that for the symbolical tumeah, the Hebrew construction tamei le . . . is used as a rule in the Torah, whereas for the concrete tumeah find the construction tamei be . . . , cp. the following passages: Lev. 11:24; Lev. 21:4; Lev. 21:11; Numbers 5:2; on the other hand: Lev. 11:43, 44; Lev. 8:20, 24; etc.).

The concrete sense of tumeah is conceived as having a direct effect on the moral character of man (Safra on Lev. 11:31).
It comprises the spheres of dietary laws (maakahot assurot) and of sexual immorality (arayot). The symbolical tumeah is in the first instance not concerned with man, but with the Sanctuary as representing the Divine Presence. It considers as tamei that which is excluded from the Sanctuary and from contact with everything connected with it (Leviticus 22).

Some of the forbidden animals belong to both spheres; not only are they forbidden for food (concrete tumeah) but their carcasses also create symbolical tumeah. This refers to the carcasses of behemot and the so-called shemonah sheratzim (Lev. 11:24). Indeed, it is in the realm of the dietary laws that both conceptions of tumeah meet. It is, therefore, impossible to grasp the deeper meaning of the dietary laws, without a proper understanding of the conception of tumeah. The conceptions of tumeah and taharah are of great importance for the ethics and metaphysics of Judaism, quite apart from the dietary laws. This is shown by the fact that an extraordinary great number of biblical passages and a whole tractate of the Mishnah deal with the laws of tumeah and taharah.

What then is really meant by the term tumeah? Nothing can give us a better insight into the essence of this conception than the phenomenon of tumeat ha-met, that kind of cardinal impurity (av ha-tumeah i.e., “father” or source of impurity) which results from contact with a dead body.

How does this conception give us insight into the inner meaning of the symbolical tumeah? We have already mentioned that moral freedom is the central conception of Jewish religious philosophy. Man consists of body and soul; with his bodily existence he seems to be subject, as far as philosophical reasoning goes, to the law of causality, or the doctrine of necessity, which reigns supremely in the world of nature. That the combination of body and soul which we call Man is, nevertheless, morally free, is a religious axiom and a philosophical postulate which transcends the realm of human understanding. Yet, the whole system of Judaism, as that of any positive religion, stands and falls with the postulate of the freedom of will. Everything which endangers or weakens this conviction of moral freedom of man is, therefore, a deadly danger to man’s
inner harmony. In the sphere of religious pedagogy there is no more important task than to counteract all those influences which are capable of engendering the deadly thought in man that he is not morally free, but fettered by the iron chain of necessity, like the soil whence his body came.

What could be more apt to create the thought in man that he merely belongs to physical nature, and therefore lacks moral freedom, than contact with a dead body — that arch symbol of man having succumbed to the inexorable law of physical necessity and decay? (From this point of view, one also understands that even nowadays when the Temple no longer exists, the Kohanim, who are supposed to represent the divine freedom in man, are forbidden to come in contact with a dead body.) Judaism, however, teaches that what is eternal in man belongs to the realm of divine freedom, and has long left the dead body when the latter becomes subject to the physical necessity of decay. While that which is immortal in man (his soul) was still connected with the body, the body, too, was lifted up into the sphere of moral freedom. This teaching is imparted in the doctrine that the dead body is tamei, which means that it is capable of overshadowing the truth of man's moral freedom. Consequently, he who has touched a dead body is therefore not allowed to enter the Sanctuary — the living symbol of the divine presence among Israel and of the divine spark in man which causes him to be normally free. He is allowed to enter the Sanctuary again when he has waited and meditated till the evening (haareiv shemesh) and immersed himself in the ritual bath (tevilah), for only meditation made possible by an adequate temporal and spatial distance from the dead body can again direct the defiled thought of him who has become tamei into the right channels of the divine teaching of moral freedom. This is the real meaning of the symbolical tumeah, one of the deepest conceptions in the great moral and metaphysical system of Judaism. The ultimate aim of this kind of tumeah is to prevent man from ever forgetting that he is morally free and therefore capable of self-sanctification.

From the symbolical tumeah, we now turn to what we have
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termed the concrete tumeah, which, as the Torah assures us, is created within us by the consumption of forbidden food (ma’akhalot assurot). A prohibited animal is called tamei or sheketz which is an intensified connotation of tamei. It is important to mention here that the two deprecatory expressions for forbidden food, tamei, and sheketz, are used in the Torah also for principal moral and religious offenses, namely, idol worship and sexual immorality, especially incest. In this way, the Torah tells us that the consumption of forbidden food has the same contaminating effect on the body, soul, and moral character of the Jew as immoral actions.

How, we may ask, does food influence the spiritual life of man? How may we explain this transition from body to soul?

In examination, this question is but another formulation of the age-old mystery of the effect of matter on mind and vice versa. This problem has engaged the thoughts of philosophers in all times, from Plato and Aristotle — and even before — until our own days. The question of the relationship of body and soul has found various answers. Thus the theory of psychophysical parallelism assumes a parallel existence of body and soul without reciprocal influence; the theory of psycho-physical inter-action holds that body and soul act mutually upon one another. Finally, philosophical materialism considers mind to be nothing else but an emanation of matter. Under all of these approaches there is surely no reason to deny the possibility of food influencing man’s intellectual and spiritual life. In reality, we know far too little about the essence of matter and mind to be able to state what their ultimate relationship is. To this very day, natural scientists are in doubt as to what really constitutes matter, let alone mind. Our Sages foresaw this criticism already thousands of years ago when they said that “the evil inclination in man is turned against the dietary laws, and non-Jews find them strange” (Sifra to Lev. 28:4). From the metaphysical point of view the relationship of body and mind will probably stand as inexplicable as the mystery of life itself.

From the point of view of physiology, the question as to how food can influence mind and character is a much simpler one. Apart from everyday experience that alcoholic drink has
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A deleterious effect not only on the body but on the mind of man, modern physiology admits that food in general affects both the physical health of man and his whole mental make-up. In other words, the dietetics of the body and the dietetics of the soul are closely connected.

From the religious point of view, the answer to the question how food can influence the spiritual life of man, is similarly straightforward. God, Who created both body and mind of man, surely knows best what is good and what is injurious for the well-being of His creatures. The Torah explicitly states that certain animals, fish and birds have a contaminating influence on the soul of man. It is not for man, therefore, who has a very limited knowledge of the real relationship of body and soul, to question. For, after all, the dietary laws belong to the category of chukim, those laws whose inner reason cannot be ascertained with certainty.

In the final analysis, it is on this basis that our acceptance of the dietary laws — or any Divine Law — must rest. Our obedience is not based on any speculation of ours, or on our ability to understand finally the inner motives of these laws. The ultimate reason of the validity of Divine Laws is the simple fact that God commanded them. Our own speculation, however successful it may be, can never have the same value as the simple conviction that it is God Who in His infinite wisdom ordained these laws for our benefit. Speaking educationally, it is this conviction which has to be first created in a child’s mind before any theorizing on the motives of the Divine Laws begins.

The laws of kashrut have molded the collective character of our nation; they have contributed more than any other set of Jewish laws to the holiness of Knesset Yisrael, the Brotherhood of Israel. They have refined Israel’s body and ennobled his soul — they have engendered that spirit of martydom and self-abandonment for the sake of a high ideal which made it possible for our people to strive throughout the ages for the highest thoughts and aspirations of man — the unity of God, moral freedom, the dignity of the human body and the sanctity of human life.