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*The Dietary Laws
of
The Bible and Talmud*

J. Mielziner

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is Respectfully Dedicated to the Memory
of Dr. Isaac M. Wise*

Literature

The Bible

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Shechita, and Hilchoth Maacholoth

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Introduction

The Mosaic Law, regulating the life of Israel as a nation as well as individuals, contains a number of Dietary Laws. These were more or less modified and extended by the Rabbis.

The purpose of the present thesis is to present these laws and their extensions and modifications and to investigate their probable reason and compare them with similar laws of other ancient nations.

The Thesis is divided into the following Chapters,

I. Clean and Unclean Animals

a. Quadrupeds

b. Fowl

c. Fishes

d. Insects

II. The Different Reasons Ascribed to the Prohibition of certain Animals for Human Food.

III. Similar Laws among the Nations of Antiquity

IV. Mode of Killing Animals According to the Rabbinical Law

V. אברקן החי

VI נבלה וטרפה

VII The Prohibition of Blood

VIII The Prohibition of חלב

IX The Prohibition of גיד הנשה

X The Prohibition of בשר בחלב

Chapter I
Clean and Unclean Animals

Clean and Unclean Animals.

The distinction between clean and unclean animals is mentioned in the story of Noah, (Gen. VII, 2 and VIII, 2) but the underlying principle of the discrimination is not here stated. In Leviticus XI and Deuteronomy XIV, the general rules are laid down, which should be followed in selecting animals for food.

Four classes of creatures are there referred to, viz.

- (1) Quadrupeds, (2) Fowl (3) Fishes and
- (4) Insects.

(a) Regarding the quadrupeds, the general rule is given in Leviticus that whatever parteth the hoof and is cloven footed and cheweth the cud among the beasts, that may ye eat. Whatever does not conform to these requirements, must be avoided as food. The camel the rock-badger, the hare and the swine are especially mentioned as being forbidden, for they conform to only a part of the rule.

This general rule is repeated in Deuteronomy XIV. There, however

the rule is preceded by the enumeration of ten kinds of Quadrupeds which may be eaten, namely the three domesticated animals, the ox the sheep and the goat, and seven undomesticated animals the names of some of the latter cannot with certainty be identified.

The Tosephta (Chulin III) states that, all animals that chew the cud, have no teeth in the upper jaw.

כל מעלת גרה אין לה שנים שלקעלה

Wiener (D. J. Sp. 303) calls attention to the fact that this statement

agrees with the remark of Aristotle
Natural History IX, 50:

Μηρυκαῖαι δὲ τὰ μὴ ἀμφοδόντα ὄον
βοῦς καὶ πρόβατα καὶ αἰγες.

Ruminants are those which do
not have two rows of teeth as
the ox, sheep and goat.

The Gemara (Chul. 59^a) bases on the
passage quoted from the Josephta,
the rule that any animal that
has no upper teeth is certainly a
ruminant and has split hoofs
and is consequently clean.

כל בהמה שאין לה שנים למעלה בידוע
שהיא קעלת גרה וספרסת פרסה וטהורה

(b) The Fowl. No general rule is given for the distinction between clean and unclean fowl, but there is merely a list of nineteen or twenty specified birds which are unclean. To have a general rule for this kind of animal was very necessary, as many of the specified fowl can not be easily identified. The Rabbis therefore tried to find such a rule by generalizing the characteristics of the eagle which is placed first in the specified list of unclean fowl. The eagle, they say, has four peculiarities:

1. It has a prolonged toe. 2. It has no crop. 3. The inner coat of its gizzard cannot easily be peeled off from the fleshy part; 4. It strikes with its claws. Hence any fowl resembling it in these peculiarities, is to be regarded as unclean.

מה נשר מיוחד שאין לו צבע יתירה
 יאין קורקבנו נקלף ורורס ואוכל טקא אף
 כל כיוצא בו טקא (Talm. Chul. 61)

An additional criteria is, if the bird divides its toes equally, when placed on a perch, it is unclean.
 (Josephus Chul 9.)

(c) *The Fish* Whatever hath fins and scales in the waters, in the seas and in the rivers, are to be accounted clean and proper for food. And all that have not fins and scales are an abomination to you. (Lev. XI. 9)

The Mishnah requires that a fish have at least two scales and one fin in order to be allowed to be eaten.

Shach

The Talmud makes the observation that every fish which has scales, has fins.

כל שיש לו קטקשת יש לו סנפיר

d. The Insects. All insects with the exception of four kinds of winged ones, (Lev II 22) which have two springers, are declared unclean and prohibited to be eaten by Scriptures.

In the law given in Deuteronomy XIV, 9, flying insects are prohibited without qualification. Locusts, are not mentioned as an exception, but they must have been so understood.

Chapter II

Different Reasons Ascribed
to the Prohibition of Certain Animals
for Human Food.

Different Reasons Ascribed to the
Prohibition of Certain Animals for
Human Food.

The object of the dietary laws
of the Bible is declared in Lev. XI, 43, 47
and is emphatically repeated in XX, 24, 25,
"I am the Lord your God, which
have separated you from the peoples
Ye shall therefore separate between
the clean beast and the unclean
between the unclean fowl and the
clean and ye shall not make your
souls abominable by beast or by
fowl or by anything wherewith

the ground creepeth, which I have separated from you as unclean. And ye shall be holy unto me for I the Lord your God am holy and have separated you from the peoples that ye should be mine.

Israel is to be the peculiar people of Jehovah. The daily occupation of things sacred was to be a continual reminder of the Covenant which distinguished from the other nations of the world.

Cowdell gives the opinion that the flesh of certain animals, from which

the Egyptians abstained, because they held it to be sacred, was pronounced clean and treated as common food and that the flesh of other animals, which was associated with the practice of magic was abominated as unclean in order that the Israelites might in their daily life bear testimony against idolatry and superstition. (Ewald Hist. of Israel Vol. I p. 573)

Another view refers the laws to the arbitrary will of God.

כִּי אֲנִי גִזְרֵתִי וְאֵין לְךָ רֶשֶׁת לְהַרְהֵר בְּהֵן

For I the Lord have decreed and

have not the right to reason about them. (Talmud Joma 67^a)

Maimonides mentions those who hold this opinion.

יש מי שלא יבקש לזה סבה כלל שהתורות
כלן נקשכות אחר הרצון לבד :

There are those who do not seek a reason at all, for they say that all the laws are governed according to the will of God.

This view would annul all rational study of the Bible.

There is another opinion which bases the distinction wholly, or mainly on symbolical ground.

Some critics have this symbolism also to the particulars in the form and physiology of animals, from which rules are laid down for distinguishing the classes of clean and unclean animals.

Philo is the most prominent of this school. He says, "Chewing the cud, and parting the hoof are symbols of instruction and the most scientific learning, for man cannot acquire knowledge unless he revolve what he has learnt again and again in his mind and retain it by the

aid of memory and he can
aspire to wisdom only by a clear
distinction between right and
wrong.

The fishes, destitute either of
fins or of scales, are pressed down
by the current and are unable to
resist its force, while fishes provided
with these organs can defy and
effectually oppose the stream. The
former are emblems of a soul
devoted to pleasure, the latter of
a mind, loving perseverance
and temperance, the one leading
to a perilous gulf, the other to

heaven and immortality.

The reptiles lastly prefigure those who are devoted to their bellies and are continually offering up tribute to their unappeasable appetites. The animals with many feet denote the miserable slaves not of a single passion but of all passions, while the clean reptiles that have springing feet express the manners and habits of the rational soul, which is far from being dragged down spring up from the earth.

(Philo De migrat. Abrah. c 12 & Agnucult. c 3)

We can dismiss this symbolic explanation, as merely giving a picture of a certain stage in biblical criticism.

There are many commentators who have considered that the prohibition of the unclean animals to be based upon sanitary grounds, their flesh being regarded as unwholesome.

כל מה שאסרו התורה עלינו מן הקאכלים

קדומם קדומה ;

All food, says Maimonides, which the Thora forbids us is harmful. (More Nebuch. II, 48) Again, he says,

והטוב שבבשר הוא קה שהותר לנו לאכלו

קה שלא יספק בו דופא :

The food that is permitted us to eat is the best, this, no physician will doubt.

Munk also holds the sanitary view. Si nous comparons les lois diététique de Moïse, avec celles de Manou et de Zoroaster, nous ne pouvons douter qu'elles ne soient toutes émancées d'une certaine idée de pureté ou d'hygiène comme à tous les peuples de l'Orient.

(Munk Reflections II, 60)

Carca gives a psycho-sanitary

reason.

ואסר חיות והעופות הטמאים כי ישקם
 שדורסים ויש להם ארס ואחרים אעפ שאין
 להם ארס שסותקים דרכי התבונה והרגים
 הטמאים ושלצי הארץ הקים שקולידים
 קיני חלאים קשים ורעים ועל כלם אסר
 אל השקצו את נפשותיכם :

And he (the lawgiver) forbade quadrupeds and birds that are unclean because some of them scratch and are poisonous, while others, altho they are poisonous, affect the mind certain fish and creeping things were prohibited because they bring sickness from the water, and

concerning all of them the lawgiver says, "Ye shall not abominate yourselves with them."

Abraham is of the opinion that those animals, that are permitted, are good for man.

וטעם בזה שהבהקות שיש להם הסמנים

האלה על הרוב בשרם נאות לאכילת

האדם :

"The flesh of those animals, which have these signs (i.e. those laid down in the Bible) is pleasant for man."

Notwithstanding this, he contends against the view that the prohibition of certain articles of

food is for a dietary reason. This, he says, would degrade the Bible into a simple medical book. The reason of the dietary laws, according to him, is psycho-ethical.

Ibn Ezra holds the same opinion.

הגוף הנאכל ישוב בשר בגוף האוכל

"The substance of that which is eaten is converted into flesh in the body of the one who eats."

In a modern day proverb, this is expressed by the words

"Der Mensch ist, was er isst"

Chapter III
Similar Laws
Among the Nations of Antiquity

Similar Laws Among the Nations of Antiquity

In this investigation, we shall point out some of the most striking similarities of the dietary laws, which are found in the sacred books of the nations of antiquity, and endeavor in some way to account for their remarkable resemblance.

It might be argued that, one nation borrowed its dietary laws from another. The history of civilization is in one sense, a history of bequests. Similar customs and

rites can be traced through almost all the religions of antiquity.

Nevertheless it is undoubtedly true that each nation contributed its own genius in developing these laws, in the form in which they now appear. The Hebrews, for instance, surrounded their laws with the idea of holiness to God.

The Hindoos

In the law book of the Hindoos called Manu, we find a distinction made between clean and unclean animals.

The highest Hindoo caste, or

"twice-born" was by the law of Mann forbidden to taste the flesh, or milk of quadrupeds with uncloven hoof, (Mann V 8, 11) the flesh of all unknown beasts, or birds, and of creatures with five claws, from which prohibitions, however, the hedgehog, porcupine, tortoise, rabbit and hare were excepted (Mann V, 7, 11).

They were also to strictly abstain from flesh eating birds also those that hit with their bills, web-footed birds which attack with their claws and those which dive into the water to catch fish. All fish, which

Die Jüdischen Speisegesetze p. 319.

had no scales were prohibited to the highest caste.

The Parsees

The clean animals, according to the teaching of the Zend-Avesta were creatures of Ormuzd the god of light; the unclean, on the other hand were under the power of Ahriman, the god of darkness. The Parsees, it may be observed, arrived at the distinction between clean and unclean animals by an entirely different method from that of any other nation.

The Zend-Avesta distinguishes quadrupeds with cloven feet, which belong to the clean species, from those with undivided feet and those having five claws. (Kalisch p 69)

The Sabians

We do not have any positive information concerning the dietary laws of the Sabians, but the slight knowledge that we possess, confirms the remarkable similarity they bear to the dietary laws of other ancient peoples.

Only those animals which had lungs and a vascular

system were offered by the Sabians. They forbade the eating of four-footed animals which had a row of teeth in the upper jaw i.e. those which were not cud-chewers. The camel was not allowed to be eaten. Birds of prey were also prohibited.

The Egyptians

The Egyptians forbade flesh eating birds just as Moses and Manu, the single hooped of the four-footed animals and all fish.

In general the Egyptians

abstained from such food which had any relation whatever to Typhon the evil spirit.

(Hengstenberg's Moses and Egypt p. 192) They also shared with the Hebrews a deep aversion to swine.

The Greeks.

The Greeks ate a small number of animals which Moses declared unclean. Dogs and horses were not permitted as food. Camels were either forbidden to be eaten or voluntarily abstained from. Sin and

guilt according to the Greeks and their Roman brethren, not only stained the soul, but also the body. Whoever wished to be pleasing to the gods, had to be clean in his whole personality.

In Homer we find that only those animals which were eaten, were sacrificed to the gods, e.g. the ox, sheep and goat. The swine also belongs to this category.

The Greeks did not have a religious horror of certain

animals, as the Hebrews, but rather a natural aversion, which possessed every civilized nation.

The Romans

The flesh of dogs and swine was not eaten by the Romans.

The poet Horace bears witness to the strong aversion the Romans felt for these animals.

"Vixisset canis immundus
vel amica luto sus." Epistle I, 2, 26

"He had lived a filthy dog,
or a hog delighting in mire."

"Itac rabiosa fugit canis
hac lutulenta ruit sus." Epistle II, 2, 16

"Here runs a mad dog; there
rushes a sow begrimed with
mire."

Pliny says "According to
the law of Numa, only fishes
with scales could be eaten"
("Hist. Nat." XXX, 10.)

It is to be noted that the
Mosaic law is not like the
Egyptian law, intended for priests
alone; nor like the Hindoo law
binding only on the twice-born
Brahmin; nor like the Parsee law
to be apprehended and obeyed

only by those disciplined in
spiritual matters, but it is, a
law for the people, for every
man woman and child of
the race chosen to be "a kingdom
of priests and a holy nation"

Chapter IV
Mode of Killing Animals
According to the Rabbinic Law

Mode of Killing Animals According to the Rabbinic Law

The killing of an animal before partaking of its flesh is an old law, which is pre-Mosaic according to the Pentateuch. (Gen. IX, 4)

The method of slaughtering an animal is not found in the Bible.

"You may slaughter the cow, sheep and goat, as I have commanded you" The rabbis interpreted the last words "as I have

(Vide Chapter V

סדר כן החי

commanded you" to mean that the method of slaughter had been somewhere indicated. Others took the word שחט (Lev I, 5, III, 2, IV, 4) as the basis for the law of slaughtering. This word, however, only refers to the manner of killing animals for the altar. Their teaching is

מה קרשים בשחיטה אף חולין בשחיטה

The method of slaughtering an animal was to make a deep cut in the neck of the animal so as to sever the skin, wind-pipe, oesophagus and the two large blood vessels, the jugular and

the carotid arteries (Joreh Deah 21, 22)

The cut must be made quickly by running the knife across the throat without stopping one moment.

(Joreh Deah 23) The knife should be sharp, smooth and without a notch (יָדָא דְּרַב) (Joreh Deah 8)

It suffices to cut the oesophagus or the wind-pipe of birds (Joreh Deah 19) Sprawling of the animal is regarded as a sign of its death.

Rav^b, a teacher who lived in the third century of our era, is reported to have said, "The law was given for the education

of man. For, what does it concern God whether you slaughter the animal through a cut in the neck i.e. throat, or through the back of the neck.

לֹא נִתְּנוּ הַקְצוֹת אֵלֶּה לְצַרֵּף הַבְּרִיּוֹת וְכִי קָה

אֲכַפֵּת לִיהֶן לְשַׁחֹט מְעוֹרָן לְשׁוֹחֵט מְצוּאָרִן

(Midrash Rabba Tanchuma and
Yalkut שם)

Dr. Dembo, physician to the
Alexandria Hospital in St.
Petersburgh, published the results
of his investigations in connection
with the various methods of
slaughtering animals, which

are practiced at the present time. In compliance with a request from the Society for the Prevention of Cruelty to animals in St. Petersburg, he was one of the special commissioners appointed to consider the matter. The commission pronounced its verdict in favor of the Jewish method of slaughter.

In his book, Dr. Dembo, deals with the problem as to the best method of slaughtering animals from three standpoints - humanity, hygiene and economy. At the

'The Jewish Method of Slaughter
London 1894.

outset of his consideration of the subject from the humanitarian point of view, he points out that two categories of methods of slaughter may be considered—simple bleeding and previous stunning of the animals to be slaughtered. The first question which naturally arises is, "What length of time elapses before consciousness is lost when either method is practiced?" As a result of his observations in abattoirs and of direct physiological experiments

conducted in the laboratory, he concludes that consciousness is lost in three to five seconds by the Jewish method, owing to anaemia of the brain. The objection that has been put forward is that after the carotids have been divided, the brain still receives blood through the vertebral arteries, has been controverted by experimental evidence. It is pointed out that, at best the amount of blood which the brain receives from the vertebral

arteries is insignificant and that it is further diminished owing to the great fall of blood pressure consequent on the escape of blood from the divided carotids, so that next to no blood reaches the brain by way of the vertebrals. Further evidence is adduced in support of the correctness of this view from the fact that vertebrals have been ligatured in man without any particular inconvenience being experienced, while simple compression of

the carotids in the neck produces loss of consciousness. He finally insists that a cut made with an exceedingly sharp knife is almost painless and that particularly must be the case in the neck, where so few sensory nerves of any size are divided.

In dealing with other methods of slaughtering animals, he finds that, of the hundreds of instances in which he has seen the operation of stunning carried out the average number of blows necessary to produce loss of

consciousness has been five or six. Allowing a second for each blow, and for each interval between the blows, the time occupied would be ten to twelve seconds, but seldom was it Dr. Rembo's good fortune to be able to count the time occupied by seconds. The difficulty of stunning an ox is ascribed to the small size of the brain as compared with the large size of the head and thick skull and evidence is adduced that even in man, whose brain is large and whose

skull is comparatively thin, instances of severe injury to the skull without loss of consciousness occur, and even when the brain itself has been injured.

The impracticability of killing animals by electricity and of guillotining them is discussed, and it is pointed out that killing by narcotics will be discarded owing to its costliness and the alterations that may be produced in the meat. Thus Dr. Rembo concludes that from a humanitarian point of view, none of the practi-

cable methods of slaughtering animals can compare for one moment with that in vogue among the Jews, and that if the word "ideal" could be employed in connection with the killing of any living being, it would be applicable to this mode of slaughter.

In considering the question from the hygienic standpoint, Dr. Dembo first deals with the amount of blood that can be drained from the animal, and the amount that still remains

in the tissues. An animal killed by the Jewish method, he finds loses 72% of blood, while only 28% remains in the tissues; when death is produced by stunning before the animal is bled only 29% escapes, while 71% is retained and when stunned and the neck vessels subsequently divided 46% of blood escapes while 54% is retained. Vaso-motor paralysis is held responsible for the large amount of blood retained in the tissues when stunning is resorted to.

and this is urged as a reason against the method of dividing the spinal cord by a stab between the occipital bone, and the atlas, as considered from the hygienic point of view.

The next point dealt with is as to the rate, at which rigor mortis sets in and it is pointed out that the sooner this is established, the longer does the meat remain sound. Two artificial methods of hastening its onset are discussed, and shown to be

prejudicial to the meat, whereas
a third, consisting of rendering
the flesh acid is recognized as
of great advantage. Not only
does rigor mortis set in more
rapidly in an animal killed
by the Jewish method, but in
certain observations made
by Dr. Dembo, whereas all
post-mortem rigidity had
disappeared in thirteen days,
when the stunning method had
been adopted it was eighteen
days before it had disappeared.

The results of his chemical

analysis prove that the flesh of animals slaughtered by the Jewish method will keep two days longer than any other flesh, in Summer. The conditions obtained by this method are detrimental to the development of lower organisms and prevent decomposition taking place for a longer time.

These and other physiological and chemical problems which have engaged Dr. Dembo's attention lead him to look on the Jewish method of slaughtering

animals as far superior to any other, when viewed from the standpoint of hygiene.

Professor Dr. H. Preyer of the University of Berlin has the following to say, in a letter addressed to Dr. Dembo, "As I have declared in a report based on observations and experiments in the laboratory and in the slaughter-house, the method of shechita which is practiced by the Jews with remarkable success is superior to all other methods of killing, because it is

the safest and most expeditious, because the animals killed by it are subjected to the least amount of pain, and because by it the removal of the blood is effected in the most complete manner.

I am too little acquainted with the history of the Jews, and with the Jewish Ritual Law to understand why they have for centuries adhered to the latter with astonishing pertinacity; but that this consistency is well justified from the standpoint of physiology, that it much

better answers the humane
purpose of the protection of
animals than the uncertain
methods of the Christian butchers,
and that it is better calculated
to further the wellbeing of the
nation than the other - this
you have proved and established.

Chapter V

אבר מן החי

אבר מן החי

In Genesis IX, 4, occurs the following passage,

אך בשר בנפשו דמו לא תאכלו

But flesh with the life thereof, which is the blood thereof, shall ye not eat.

Rashi and other Jewish commentators interpret this verse to mean the prohibition of eating flesh cut from a living animal. Rashi's own words are

הרי אבר מן החי ואף בנפשו דמו לא

תאכלו הרי דם קן החי :

The meaning of the passage quoted above (Gen. IX, 4) is the prohibition of eating flesh cut from a living animal, and also the prohibition of eating blood drawn from a living animal.

Maimonides, in his קורה
III, 48, comments on the
law under consideration as follows

ואמנם טעם אבר קן החי הוא היותו
קלמר אכזריות... ועוד שכן היו עושים
אז קלבי הגוים. וגם לעז היו עושין כן
ר"ל שהיו חותכים קן בהמה אבר קן

ידוע ואוכלים אותו :

The reason of the prohibition of *הברמין* is that the practice accustoms one to cruelty. Kings of the heathen nations practiced this revolting deed, at the time when the law was promulgated. Idolaters used to cut a well known member from the living animal and eat it.

At the time of Josephus, the passage (Gen II, 4) was understood to mean the prohibition of eating blood *not הברמין*. Josephus says, "For I have made you lords of

them (the animals) all, both those that walk on the land, and those that swim in the waters and of those that fly in the regions of the air on high, excepting their blood, for therein is the life. (Antiq. I, 3, 8)
Again, "He (Moses) entirely forbade us the use of blood for food and and esteemed it to contain the soul and spirit."

Chapter VI

נב לה וטרפה

נבלה וטרפה

Every ancient civilized nation had an aversion against partaking of the flesh of animals which died of themselves (נבלה) or of those torn by wild beasts. (טרפה)

But the laws in the Bible concerning נבלה and טרפה were directed against the influence which the uncivilized nations who did not have an abhorrence for such food, exerted upon the Israelites.

The Deuteronomist, although

forbidding the Israelite to eat
a carcass, allows him to sell
it to the stranger (XIV, 21)

The writer of Leviticus, on the
other hand forbids the Israelite
even to touch a carcass, under
pain of becoming unclean.

The prohibition of טרפה is
stated in Exodus XXIV, 30

וְאִשִּׁי קָדָשׁ תִּהְיֶה לִּי וּבֶשֶׂר בְּשָׂדֶה טֶרֶף
לֹא תֹאכְלוּ לְכָל תֶּשְׁלִיכֶן אוֹתוֹ :

The Septuagint here translates
טרפה κρεὰς ὁρρεάδων, flesh that
is torn by a wild beast.

The Talmud lays down the

rule,

כל שאין כאותו חיה טרפה

Every animal which under similar circumstances would not live is regarded as טרפה.

In Shulin III, 1, there is a list of eighteen different cases which causes the animal to be declared טרפה. The Gemara brought these together under

ד"ן חנ"ק נפש

טרסה seized by the claws of a beast or bird of prey.

נטולה robbed of a member

חסרה an organ lacking

נקובה an organ which has been
pierced

קרועה a certain member which
is torn

נפולה fallen from a certain
height

פסוקה disunited

שבורה afflicted with broken limbs.

From the eighteen rules of
the Talmud, Maimonides mentions
seventy cases under which an
animal is to be declared ה' 570
He says in his *Stilchoth Shechutah*

רוב בהמות בחזקת כשרות

We can presume that all

animals are ritually allowed
to be eaten. But he continues

וה' ע'פ' שאלו הן הדברים הנראין קרברי

חכמי הגמרא הקנהג פשוטה בישראל

בדקין את הריאה:

"Notwithstanding the fact that
this is the view of the Gemara,
it is a universal custom in
Israel that they examine the
lungs."

The Bible gives the reason

כי אתה קדוש "For thou art a

holy people," for the prohibition
of נבלה וטרפה.

The commentators are

divided in their opinions as to the reason of the law. Ibn Ezra adopts the reason given in the Bible (Dt XIV) Nachmanides also holds this opinion. Maimonides takes the dietary view. He says חלב is hard to digest and harmful as food חלב is here used in the Biblical sense "that which dieth by itself". Nachmanides thinks that חלב was forbidden on account of the poison it might contain. (Dt XIV, 3) He also takes the Biblical in preference to the

rabbineal interpretation of 7576
R. Ahron Halevi (Chinnuch 76) ↑
finds a sanitary reason for
the prohibition of 7576. He says
"It is well known from the
study of medicine that the
meat of all the animals
declared to be 7579 and forbidden
to us, causes injury to the
body of him who eats such
food.

Chapter VII
The Prohibition of Blood

The Prohibition of Blood

The blood according to the Bible is the connecting link between the soul and the body.

"Only be sure that thou eat not the blood, for the blood is the life (וַחַי) and thou shalt not eat the life with the flesh (Deut XII, 23) A cosmic relation was supposed to exist between man and the animal kingdom (Gen. II, 18-20)

According to Genesis I, 29 primitive man was strictly

vegetarian. But after the Deluge he ate flesh, but was commanded not to eat the blood there of, Gen. IX, 3, 4.

The prohibition is repeated in Leviticus, where it is connected with the prohibition of זבחי (Lev. III, 17). It occurs again in the seventh chapter accompanied by the warning "Whoever it be that eateth any blood, that soul shall be cut off from his people (כרתו)".

In the seventeenth chapter the prohibition is extended to the stranger (גר). All these verses

breathe a great earnestness, and have a peculiar repetition in phraseology. There is a reason for this. It is because the lawgiver wished to keep the Israelites from the superstitious practices of seeking alliance with spirits, through the eating of the sacrificial meal. Ezekiel raises the voice against this nefarious practice when he says "Ye eat with the blood, and lift up your eyes unto your idols and shed blood"

Maimonides refers to the

The Phoenicians drank blood mixed with wine in the common sacrificial meal. Winer, Realwörterbuch

practice of the Sabians, who ate the blood because they thought that it/ the food of the "Shedim" and whoever ate the blood, was immediately joined with the "Shedim" and was enabled to know the future. (More Nebuchadnezzar II, 46)

That this was a universal practice is proven by the reference in Homer's *Odyssey* XI, 253-7) A sacrifice to Tiresias is here described. "The blood flowed black and from the darkness of Erebus, many souls of the departed dead came up"

In order to wipe out these heathenish practices the lawgiver established the central sanctuary, where all animals were to be killed and offered as an oblation unto God, and the blood was to be poured out on the altar. (Lev XVII, 4)

A further provision against idolatrous practices, was made by the injunction to cover the blood (Lev XVII, 3)

Blood being made the centre of sacrifice became the means of atonement for the

sinner's life. אין כפרה אלא בדם
says the Talmud (Yoma 5, Ze-
bachim 6)

The commentators differ widely
on the probable reason of the
prohibition of blood.

Maimonides gives as a
reason that "blood like cadaver
is hard to digest and un-
healthy food. (M. A. III, 48)

הדם הנב לה קשים להתעכל ופזונם רע

R. Samuel Garca (Mekor Chayim
(תדריע) is of the opinion that the
eating of blood weakens the
heart.

R. Ahron Halevi (Shinuch § 148)
and R. Samuel b. Meir (Ex 23¹⁹)
believe that the eating of blood
accustoms one to cruelty and
inhumanity.

Levi b. Gerson (Lev. III, 17) and
Eliezer b. Nathan think that the
blood is prohibited because it is
peculiar to the altar. The altar
should not be deprived of its
sacrifice.

Abraham gives three dif-
ferent reasons for the prohibition
of blood. The first is symbolical

וַיֹּאמֶר נָתַתִּי לָכֶם עַל הַקֹּזֶבֶחַ לַכֹּפֶר עַל נַפְשׁוֹתֵיכֶם

"I have appointed it (the blood) for you, for the altar, to atone for your sins."

The second is ethical. The blood of the animal degenerates man and develops his animal passions.

The third is humanitarian.

Chapter VIII
The Prohibition of גלן

The Prohibition of חלב

The prohibition of fat (חלב) is stated in Leviticus III, 17.

"All fat חלב and all blood shall ye not eat."

The punishment meted out to those who disobeyed this law was כרת (Lev 7, 23-5). This is very severe for such an offence, for even he who ate חלב on חטא did not suffer כרת.

חלב was very largely used in the sacrifice. The Bible does not appear to give a reason for

the law, although Pseudo-Jonathan interprets the verse to mean

על גב כדבחה יתקריב לשמא ל"י

"Because it is sacrificed in the name of God"

The Talmud attests to the fact that the fat (חלב) was devoted to the altar from earliest times. (1 Sam. 17:24)

In several places in the Bible the word חלב has the signification of "the best part" ואכל לו את חלב הארץ. The Hebrews reasoned that, as the fat (חלב) is the best part of the animal, it is the most pleasing offering to God.

In verse 23, the prohibition is narrowed to those animals which were sacrificed on the altar.

The Deuteronomist however does not prohibit fat (בֶּשֶׁט) He even enumerates it as one of the dainties (XXXII, 14.)

There is appended to the law in Leviticus

חֻקַּת עוֹלָם לְדֹרוֹתֵיכֶם

which has been interpreted to mean that the law is unalterable, no matter under what circumstances.

This interpretation led to that strict legalism, which became so burden-

some during the middle ages.
 But, as a matter of fact עולם
 has not this signification. In
 several places in the Bible
 it is used as an hyperbole
 (I Sam I, 22) : וישב שם עד עולם

Joseph Albo cites the passage
 in Exodus XXI, 6 where עולם has
 the meaning of a certain period
 of time and not forever ועד הוה
 עד עולם The service of the slave
 was only to last to the Jubilee year
 , חלב is distinguished from שמן
 which was allowed to be eaten.
 (Lev. VIII, 10)

R. Ahron Stalov (Chinuch 47) gives a dietary reason for the prohibition of חלב

R. Samuel Garca (Mekor Chayim תדריך), says

והאמת כי החלב והדם קטקטקין את הלב

"The truth of the matter is, that the eating of fat and blood weakens the heart"

Dr Philippon thinks that man's better nature is depraved through the eating of fat. (Bible-Commentary p. 139) He adds that as the blood is the principle of life in the animal, so is

the fat the measure of strength in the flesh, and as both were therefore the most fit for the altar, to represent the whole animal, so they must not be eaten by man.

The remarkable absorption of the fat in certain cases of disease and of deficiency of proper food, seems to point it out as a source of nutriment of which the animal economy may avail itself on emergency and accordingly in cases of emaciation or atrophy, it is

the first substance, which disappears.
 (Todd's Cyclopaedia of Physiology
 Vol I p 232)

As a criterion for *חלב בטן* the
 Mishna gives *תבנית קרום וקליף* "the skin
 over the fat which can be easily
 peeled off." The fat which is on
 the stomach was allowed to be
 eaten.

The question may be asked
 "Is the abstaining from eating
 the forbidden fat beneficial or
 harmful to the health?" In
 a hot climate, no one will deny
 that fat is injurious for it breeds

skin diseases. Maimonides says that if modestly partaken of things injurious are harmless, while through immoderation, harmless things become injurious.

Through the prohibition of ²⁵¹¹ the practice has become prevalent in Jewish households of stuffing geese in order to produce a fat which may be eaten and thereby contracting a disease which is peculiar to the Jewish people.

Fat was one of the most important parts of the sacrifice

in other cults as well as in
Mosaism.

The ancients believed that
the gods must have the very
best parts of the animal, only
that which remained should be
eaten by man. The Persians
according to Knobel, who quotes
Strabo as his authority, placed
the best part of the cauld on the
fire and kept the remainder
for themselves.

At the time of the full
moon, the Egyptians brought
a swine offering to Dionysos

and Selene, of which the tail, the
milt, caul and fat were burnt,
while they ate the meat themselves
(Herodotus 2, 47)

Among the Greeks, the
spine with the tail bound up
with the fat skin, was burnt
on the altar. *Iliad* XI, 773

We find the prohibition of
fat also among the ~~Greeks~~
Mohammedans. In the Koran,
(Sura VI) the fat of the ox and
sheep are forbidden.

Chapter IX
The Prohibition of גיד הנשה

The Prohibition of גיד הנשה

The prohibition of גיד הנשה is based on the 32nd chapter of Genesis which says,

"Therefore the children of Israel eat not the sinew of the hip which is upon the hollow thigh unto this day, because he touched the hollow of Jacob's thigh in the sinew of the hip."

לֹא יֹאכְלוּ בְנֵי יִשְׂרָאֵל means that they are accustomed so to do.

עַל כֵּן יִעֲזֹב אִישׁ אֶת אֶב The Septuagint however renders, ἑνεκεν τούτου

וְאֵין פְּאִינְוֹרִי כ. ת. ל. as a direct prohibition

Targum Onkelos and Jonathan
 יְבִיחָא כֵּן as a custom. So also
 the Vulgate.

It is to be noted here that
 the struggle between Jacob and
 the man of God is recorded as
 having lasted until the dawn
 כִּי עָלָה הַשָּׁחֶר. There is a very in-
 teresting parallel to be drawn
 here. The struggle between
 the Giants and the Titans
 and of Hercules and Jupiter
 in Greek and Roman mythology

also took place at night and lasted until dawn. Another striking parallel is found in that Aphrodite was wounded in the hip by Diomedes and also Heracles by Hippocoon (Pausanias III, 9.7)

Heracles was called Πάλαιπωρ (wrestler) as Jacob was called Israel "as he strove with God and with man"

Ewald refers to the conflict between Argunae and Giva. (Hist. of Israel Vol I p 406)

Unquestionably much old

material has been brought together here. The national tales of dreadful spirits of the night, which must disappear by the coming of the dawn, are brought to mind.

שלחני כי עליה השחר (Gen. XXXII 26)

"The prohibition of גיד הנשה is for all time and refers to the nerve on the right, as well as the left." (Talm. Chulin 7)

Talmudic rigorism goes so far as to prohibit a piece of meat which has been cooked, and a taste of the scintilla

100

nerve is therein found (Chul 4)

Chapter X
The Prohibition of *בשר בחלב*

The Prohibition of כֹּסֶם בַּחֲלָב

לֹא תִבְשֹׁל גִּדִּי בַחֲלָב אִסּוּ (Ex. XXXIII, 19)

This law is repeated in Ex. XXXIV, 26 and Deut. XXIV, 21. In the passage just quoted and in that of Deuteronomy, the law follows immediately after the precept concerning the offering of first fruits and must therefore stand in some relation with the products of agriculture.

Ancient interpreters, as the Karaites inform us, that it was customary among heathen

nations, after all fruits had been gathered in, to choose a kid, and boil it in the milk of its mother, and then to sprinkle this milk under mysterious rites upon their trees, gardens, orchards, in the belief that they became thereby more fertile, and that they would in the ensuing year yield a more abundant produce. This law was probably enjoined in order to destroy the pagan custom among the Israelites (Kaliel Ex 23, 19)

Abraham^b mentions a similar custom practiced in Spain and England.

In Deut XLV, 21, this passage follows after the laws concerning the allowed and forbidden food: "For thou art a holy nation unto the Lord thy God; thou shalt not seethe the kid in its mothers milk." From this it would follow that the prohibition has a moral intent.

According to Rabbinism these verses are understood

to mean the prohibition of eating flesh and milk together. The Targums also give this interpretation.

Referring to the three passages (Ex XXIII, 19; XXXIV, 26; and De XIV, 21) the Talmud says,

אחד לאיסור אכילה ואחד לאיסור בשול

ואחד לאיסור הנאה

"One passage prohibits eating one cooking and the third receiving any benefit therefrom

Targ. Onkelos לא תכלון בשר בחלב

"Ye shall not eat meat with milk." The Talmud has

devoted a considerable section to all possible consequences of this interpretation of the law, which was even extended to birds (Chul. 8 and Sanh. 4)

The Septuagint and the Vulgate translate the verse literally.

Another interpretation, which was held by Luther, is the prohibition of eating a kid before it has been weaned from its mother. Geiger and M. b. Saug. also held this opinion (Jüd. Zeitschr. II, 275)

It is also referred to a

custom now existing among the Arabs, which is of great antiquity, of preparing a gross sort of food by stirring a kid in milk with the addition of certain ingredients of a stimulating nature, called in Arabic "A kid in its mother's milk." (Ibn Ezra Ex. XXIII, 19)

It has also been brought in connection with the prohibition to slaughter a cow and a calf or a ewe and her lamb, on the same day (Lev XIII, 29) and to take a bird along with

her young in the nest. Thus understood, it is a protest against cruelty and outraging the order of nature.

להשמר ולהרחק לשחוט כשניהם הבן לעיני
האם כי צער בעל חיים בזה גדול קצור אין

הכרש בין צער האדם עלי ובין צער
שאר ב"ח כי אהבת האם ורחמיה על הולד

איןו נמשך אחר השכל רק אחר פעל כח

המדרגה הנמצא ברוב בעלי חיים כמו

Maimonides M.A. II, 48 : שנקצא באדם : Philo.

"The law is stated to prevent you from slaughtering the offspring in the presence of the mother, for the pain

suffered by animals, under such circumstances is very great. There is no difference between man and the rest of animal creation, when pain is concerned. For a mother's love and compassion for her offspring cannot be [imagined, it must be experienced] reasoned about, but is instinctive and is found in the majority of animal creation as well as in man.

Ibn Ezra has a similar view.

אולי היה כי אכזריות לב הוא לבשל הגדי
 עם חלב אמו כדרך שור ושה אותו את בנו
 וגו' גם לא תקח האם על הבנים:

Perhaps it was (considered) cruel
 to cook the kid with the milk of
 its mother in the same manner
 as killing ~~אם~~ ~~אם~~ and her calf
 on the same day. The prohibition,
 "Thou shalt not take the mother
 with her young" is also called
 to mind.

Philipson is of the same
 opinion that the law aims at
 the avoidance of cruelty (Bill Com.)
 To come back to the Talmudical

interpretation. The Gemara (Chul. 97b, 111b) prohibits the use of the same utensils for meat and milk.

קידה שבשל בה בשר לא יבשל בה חלב

The Shulchan Aruch (Y. D. 89) lays down the law that one must wait at least six hours after eating meat, to partake of milk.

The four simple words of Scripture, observes Wiener, have grown into twenty folio pages in the Talmud, with the extended commentaries of Rashi and Tosaphoth. The Shulchan Aruch arranged the subject

into eleven divisions and sixty-two sections. A long chain of high mountains was created from an ant-hill.

Concerning the time when the hyperorthodox continue to heap up new ceremonial difficulties the Tosephtai (Sabb. 1) says

אָמַרְנוּ הַיּוֹם הִיא קֶסֶה לְיִשְׂרָאֵל כִּיּוֹם

שְׁנַעֲשֶׂה בּוֹ הָעֵגֶל :

Beware, says a beautiful Midrash, not to make the fence around your garden two high, for a strong wind may one day blow it down

and destroy your garden."

Finis.

1 Midrash Rabboth ברע שית