

*The Hellenistic Period: Jewish Sources*

By breeding pure-bred hogs men ought to improve in finances, intelligence and character. Good live stock is a powerful aid in making good men. But some men are too coarse-grained to respond to the humanizing and ennobling influences which the care of animals yields. Unfortunately there are men who seem to acquire in the course of their experience certain traits which are suggestive of porcine association. A human hog is an awful commentary on our agricultural civilization.<sup>1</sup>

From the rebuilding of the Temple in c.515 BCE to its destruction at the hands of the Romans in 70 CE, the Temple stood at the center of religious, political, and economic life.<sup>2</sup> Perhaps the most important figure during this period was Alexander the Great, who brought with him Greek language and culture when he took control of the region in 332 BCE. The effects of Hellenism (fundamentally meaning to speak or act Greek) reverberate throughout this period and, in many ways, even unto today.<sup>3</sup> In fact, the traditional model of viewing “Hellenistic Judaism” as its own discrete entity is no longer tenable – since all forms of Judaism in antiquity interacted with, and even adopted, Hellenism.<sup>4</sup>

<sup>1</sup> “Hogs and Men,” Editorial, *Berkshire World and Corn Belt Stockman*, December 1, 1910, p. 3. I thank Gabe Rosenberg for this reference.

<sup>2</sup> The Babylonians destroyed the First Temple in 586 BCE. On the destruction of the Second Temple, see Martin Goodman, *Rome and Jerusalem: The Clash of Ancient Civilizations* (New York: Alfred A. Knopf, 2007).

<sup>3</sup> For some accessible histories of this time period, see: John M. G. Barclay, *Jews in the Mediterranean Diaspora: From Alexander to Trajan (323 BCE-117 CE)* (Berkeley and Los Angeles: University of California Press, 1996); Shaye J.D. Cohen, *From the Maccabees to the Mishnah* (Philadelphia: Westminster Press, 1989); John J. Collins, *Between Athens and Jerusalem: Jewish Identity in the Hellenistic Diaspora* (New York: Crossroads, 1983); and Eric S. Gruen, *Diaspora: Jews Amidst Greeks and Romans* (Cambridge: Harvard University Press, 2002).

<sup>4</sup> See Cohen, *From the Maccabees*, 34–45; Seth Schwartz, *Imperialism and Jewish Society, 200 B.C.E. to 640 C.E.* (Princeton: Princeton University Press, 2001), 12, 22–25. To offer a concrete example, the Hasmonians are traditionally viewed as completely opposed to Hellenism. However, this stark binary view must be reassessed. For discussion, see Eric S. Gruen, *Heritage and Hellenism*:

Much like modern politics in the United States, in which debates about policy, law, ideology, economics, et cetera. center around the halls of Washington, D.C., similar debates in antiquity centered around the courtyards of Jerusalem. The institution and leadership of the Temple was a common target for criticism by various stakeholders, from the Teacher of Righteousness mentioned in the Dead Sea scrolls to Jesus.<sup>5</sup> Against this backdrop, the very definition of what it meant to be included in “Israel” was contested. Significantly, the concept of Judaism as a religious, rather than ethnic, identity develops during this period.<sup>6</sup> This distinction is important, since one can convert and take upon oneself a new religious identity (e.g. Roman Catholicism), but one cannot convert to join an ethnic identity (e.g. Italian). For the first time, as Shaye Cohen so elegantly summarizes it, “Outsiders could become insiders.”<sup>7</sup>

Competition over what it meant to belong to “Israel,” over proper ritual practice, and over authorized scriptural interpretation fails to distinguish the Hellenistic period from any preceding or following era.<sup>8</sup> What is important about the Hellenistic period is that the debates that occurred therein set the tone and agenda for those that followed. These arguments extended well beyond the borders of the Hebrew Bible. (In fact, the very boundaries of the biblical canon began to emerge during this time period.) For example, it is only during the Hellenistic period that a general prohibition against intermarriage between Jews and non-Jews appears.<sup>9</sup> The Hellenistic period is therefore a fascinating era to study, allowing scholars to glimpse at the development of new rituals, laws, concepts, texts, and – in the case of this study – food regulations.

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; it is a subjective rather than an objective

*The Reinvention of Jewish Tradition* (Berkeley and Los Angeles: University of California Press, 1998), 1–40.

<sup>5</sup> e.g. see 1QpHab (*Pesher Habakkuk*); Matt 21:10–17.

<sup>6</sup> See Shaye J. D. Cohen, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Berkeley and Los Angeles: University of California Press, 2000), 109–139, esp. 135–136. For a critique of this approach, see Steve Mason, “Jews, Judaeans, Judaizing, Judaism: Problems of Categorization in Ancient Judaism,” *JSJ* 38 (2007): 457–512. Also see Michael L. Satlow, “Jew or Judean?” in Caroline Johnson Hodge, et al. (eds.), *The One Who Sows Bountifully: Essays in Honor of Stanley K. Stowers*, *BJS* 356 (Providence: Brown Judaic Studies, 2013), 165–175.

<sup>7</sup> Cohen, *Beginnings*, 110.

<sup>8</sup> For a survey of these debates throughout history, see Michael L. Satlow, *Creating Judaism: History, Tradition, Practice* (New York: Columbia University Press, 2006).

<sup>9</sup> See Cohen, *Beginnings*, 241–262.

term, a fact that I am reminded of every day when I read the news in which various political parties, organizations, and individuals seek to spin the latest poll, tragedy, speech, or (real or perceived) misstep by the opposition. In doing so, each person believes that he/she appeals to a “rational” justification. Further, in doing so, each person believes themselves to be appealing to a socially agreed upon set of beliefs and assumptions about what constitutes logical thought and decorum (what Pierre Bourdieu would label “*habitus*”).<sup>10</sup> The rational basis provided for these laws, therefore, informs us about what the authors and their presumed audience considered an appropriate and persuasive justification for thought and practice. And, in presuming a rational basis for these laws, Hellenistic Jewish authors continuously appeal to reason as a foundational justification for biblical dietary regulations.

In providing these rationales, Hellenistic authors go well beyond the words of the Torah, where, as noted in Chapter 1, justifications for dietary practice are noticeably terse or absent. Hellenistic 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. And, since God (and Moses, the divine lawgiver) is understood to be rational, then there must be a logical basis for each and every biblical precept and commandment. To quote the *Letter of Aristeas*, a text to which we will soon turn, “In general everything is similarly constituted in regard to natural reasoning, being governed by one supreme power, and in each particular everything has a profound reason for it, both the things from which we abstain in use and those from which we partake.”<sup>11</sup> Biblically mandated practice is therefore understood as being action justified on the grounds of reason.

We will first discuss 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 allegories for proper/improper thought and/or action. 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. Finally, some rationalizations are basically repeated from biblical texts. Throughout, we will see that, though Hellenistic Jewish

<sup>10</sup> An excellent summary of Pierre Bourdieu’s concept of *habitus* can be found in David Swartz, *Culture & Power: The Sociology of Pierre Bourdieu* (Chicago: University of Chicago Press, 1997), 95–116.

<sup>11</sup> *Letter of Aristeas*, 143. All translations of *Letter of Aristeas* are from: R. J. H. Shutt, “Letter of Aristeas,” in James H. Charlesworth (ed.), *OTP* (New York: Doubleday, 1985), 2:7–34.

authors presume that Jews must follow biblical dietary regulations because they are divine commandments, they devote their time to explaining the logical nature of these practices. Or, in the terms that I employ throughout this book, Hellenistic Jewish authors presume revelation as a basis for these practices, but explicitly spell out reason as a foundational justification.

### Rational Food Laws

One of the major tasks in translating Judaism into the context of Hellenism was a rather obvious one: translating the biblical text from Hebrew into Greek. If the goal was to explain Judaism in the context of Greek rationality, then rendering this foundational document into Greek would be a *sine qua non*. Out of this need arose the Septuagint (LXX), a Greek translation of the Hebrew Bible (albeit with some additions and alterations). Given the importance of this task, it is not surprising that the events surrounding this translation became the stuff of legend. Thus, rather than a single translator for the whole text, or a team sharing the workload, we are told that seventy-two Jews separately translated the Hebrew Bible over seventy-two days.<sup>12</sup>

While the specifics of these myths are unimportant for our present concerns, one document that describes this translation event is of tremendous value: the *Letter of Aristeas*.<sup>13</sup> In addition to detailing the creation myth of the Septuagint, the *Letter of Aristeas* provides reason-based explanations for some key biblical legislation. Primary among these laws are those associated with proper diet.<sup>14</sup> The letter's reputed author, Aristeas, suggests why food is such a focal subject, noting: "It is my opinion that mankind as a whole shows a certain amount of concern for the parts of their legislation concerning meats and drink and beasts considered to be unclean."<sup>15</sup> In short, people want to know.

<sup>12</sup> The rabbis are also aware of this legend (see e.g. *b. Megillah* 9a–b, which includes a reason for reportedly mistranslating Lev 11:6). On the history of this legend, see Abraham Wasserstein and David J. Wasserstein, *The Legend of the Septuagint: From Classical Antiquity to Today* (New York: Cambridge University Press, 2006).

<sup>13</sup> In general, see Sylvie Honigman, *The Septuagint and Homeric Scholarship in Alexandria: A Study in the Narrative of the Letter of Aristeas* (New York: Routledge, 2003).

<sup>14</sup> To put it in perspective, approximately forty-three of the 322 verses that comprise the *Letter of Aristeas* relate to justifying biblical food rules.

<sup>15</sup> *Letter of Aristeas*, 128. He goes on to note: "For example, we inquired why, since there is one creation only, some things are considered unclean for eating, others for touching – legislation being scrupulous in most matters, but in these especially so" (129). On the concern of "mankind as a whole" for Jewish food laws in the Hellenistic period, see Chapter 2.

The *Letter of Aristeas* does not disappoint its inquisitive audience. It catalogues several fascinating rationales for Jewish food laws, including both those with and without a biblical basis (e.g. the laws of Leviticus 11 and the newly developing commensality regulations, respectively). Since the vast majority of these discussions relate to either the animals permitted/prohibited therein being allegories for proper/improper human decorum or to emerging commensality restrictions, I discuss them later in this chapter. For our present purposes, however, it is worth noting one of Aristeas' concluding comments on these matters: "In the matter of meats, the unclean reptiles, the beasts, the whole underlying rationale is directed toward righteousness and righteous human relationships."<sup>16</sup> Food laws are about proper comportment, and not just at the table, but in all aspects of daily life.

The fact that the *Letter of Aristeas* was written in Alexandria, Egypt is important to note. In this era, Alexandria was perceived as a key center of Greek culture and scholarship. For a text that translates Jewish concepts into a Greek rational framework to appear in Alexandria during this time period is about as surprising as discovering today that your waiter in Los Angeles wrote a screenplay; that the latest up-and-coming fiction writer lives in a cramped apartment in an equally up-and-coming neighborhood in Brooklyn; or that an aspiring fashion designer is moving to Milan, Italy. Once a center of culture and scholarship is established, many will seek it out; such was the case in Alexandria. Among the many who flocked to, and flourished in, this milieu was a significant Jewish population. Perhaps the most prominent Jewish citizen of ancient Alexandria, at least from the perspective of history, was Philo.

Philo (c.20 BCE–50 CE; also known as "Philo the Jew"; "Philo of Alexandria") came from a prosperous and well-connected family. His voluminous writings indicate that he was well educated, a community leader, committed to observance of biblical law, and had a strong philosophical bent. Further, the fact that he wrote in Greek and constantly appealed to Greek philosophical and rational models indicates his desire to articulate how biblical legislation accords with Greek notions of proper thought and action.<sup>17</sup>

<sup>16</sup> *Letter of Aristeas*, 169. Throughout, I will generally speak of the authorial voice of the *Letter of Aristeas* as being the narrator Aristeas. However, he does record interactions between others (Eleazar, Demetrius, etc.). Unless a speech is directly reported in another character's mouth, I simplify the body of my text by attributing remarks to the narrator of the *Letter of Aristeas*.

<sup>17</sup> For a recent study on the influence of Greek thought on Philo, see Hans Richard Svebakken, *Philo of Alexandria's Exposition of the Tenth Commandment* (Atlanta: Society of Biblical Literature, 2012).

Among the many biblical practices that Philo justified in this manner were the food laws.<sup>18</sup> For Philo, the biblical food prohibitions were both divinely given and rationally justified; they are based both on revelation *and* reason. These food practices were instructive, and thus must be both followed on the literal level and understood on the allegorical level (though only a select few possessed the capabilities to grasp the latter).<sup>19</sup> Philo's exposition of these laws, however, did not occur in isolation from his other theories. The food laws, therefore, are justified on similar grounds to other biblical practices. Two prominent themes in Philo's discussion of biblical food and other regulations are the laws' connection to temperance in general and their pedagogical functions as lessons in proper decorum.

Like a proper Greek scholar, Philo extolled the virtues of temperance and decried the depravity of gluttony.<sup>20</sup> The ability to exercise self-control was a highly valued cultural trait in the Hellenistic world.<sup>21</sup> While Philo justified many biblical regulations on the grounds of temperance,<sup>22</sup> the dietary regulations in particular were seen as paragons of this virtue. The belly is ground zero for intemperance and vice; to control desires of the belly is therefore to control all desires. Or, as Philo puts it:

And being a lover of conciseness and wont to abridge subjects of unlimited number by using an example as a lesson [Moses] takes one form of desire, that one whose field of activity is the belly, and admonishes and disciplines it as the first step, holding that the other forms will cease to run riot as before and will be restrained by having learnt that their senior and as it were the leader of their company is obedient to the laws of temperance.<sup>23</sup>

I thank the author for sending me a copy of the dissertation upon which his book was based to aid in my research.

<sup>18</sup> In general, see James Rhodes, "Diet and Desire: The Logic of the Dietary Laws According to Philo," *ETL* 79 (2003): 122–133.

<sup>19</sup> e.g. though Philo considered himself capable of this dual perception, he did not believe that women possessed the same mental capability as men. Hence, he presumed that women could only understand the literal reading of biblical texts. In general, see Dorothy Sly, *Philo's Perception of Women*, BJS 209 (Atlanta: Scholars Press, 1990). Many later Christian authors will argue that only the allegorical – and not the literal – level is important (see Chapter 7).

<sup>20</sup> In fact, Philo claims that Alexandrian Jews lived a simple existence (with reference to their food) in *Flaccus*, 90–91.

<sup>21</sup> For a discussion of desire and self-control in Philo and contemporary Greek philosophy, see Svebakken, *Philo*, 33–108.

<sup>22</sup> e.g. *Allegorical Interpretation*, 3.118.

<sup>23</sup> *Special Laws*, 4.96 (in general, see 4.95–104, and the exposition on animals that follows in 4.105–131, discussed below). Similarly, Philo elsewhere states: "To one who has learnt to disregard food and drink which are absolutely necessary, are there any among the superfluities of life which he can fail to despise, things which exist to promote not so much preservation and permanence of life as pleasure

If you harness and control the leader of desire – the belly – then you have essentially neutralized the other desires.<sup>24</sup>

Recognizing the necessity of controlling the belly, Moses enacted legislation concerning food and drink; “to neither of these did he give full liberty but bridled them with ordinances most conducive to self-restraint and humanity and what is chief of all, piety.”<sup>25</sup> To do so, Moses required people to give the first fruits from their produce as an offering to God.<sup>26</sup> Much more extensively, Moses limited the foodstuffs that were permitted to eat.

At the same time he also denied to the members of the sacred Commonwealth unrestricted liberty to use and partake of the other kinds of food. All the animals of land, sea or air whose flesh is the finest and fattest, thus titillating and exciting the malignant foe pleasure, he sternly forbade them to eat, knowing that they set a trap for the most slavish of the senses, the taste, and produce gluttony, an evil very dangerous both to soul and body. For gluttony begets indigestion which is the source and origin of all distempers and infirmities. Now among the different kinds of land animals there is none whose flesh is so delicious as the pig’s, as all who eat it agree,<sup>27</sup> and among the aquatic animals the same may be said of such species as are scaleless . . .<sup>28</sup> Having special gifts for inciting to self-control those who have a natural tendency to virtue, he trains and drills them by frugality and simple contentedness and endeavours to get rid of extravagance. He approved neither of rigorous austerity like the Spartan legislator, nor of dainty living, like him who introduced the Ionians and Sybarites to luxurious and voluptuous practices. Instead he opened up a path midway between the two. He relaxed the overstrained and tightened the lax, and as on an instrument of music blended the very high and the very low at each end of the scale with the middle chord, thus producing a life of harmony and concord which none can blame.

with all its powers of mischief?” (*Special Laws*, 2.195; on fasting in general, see 2.195–203). All translations of Philo come from their corresponding LCL volume.

<sup>24</sup> While Kathy Gaca connects this passage to an attempt to control sexual desire, I follow Svebakken, who notes that this passage is about desire in general (after all, sexual desire is not mentioned in this pericope). See Kathy L. Gaca, *The Making of Fornication: Eros, Ethics, and Political Reform in Greek Philosophy and Early Christianity* (Berkeley and Los Angeles: University of California Press, 2003), 194–204, esp. 196–198; Svebakken, *Philo*, 28–31.

<sup>25</sup> *Special Laws*, 4.97. In fact, according to Philo, the perfect man exerts control over the pleasures of the belly even without being commanded to do so; it is only he who is working toward perfection that requires such commandments (*Allegorical Interpretation*, 3.144).

<sup>26</sup> *Special Laws*, 4.98–99, which references Num 18.

<sup>27</sup> The particular tastiness of the pig is often noted in antiquity amidst discussions of the biblical dietary laws. For a discussion, see Chapter 2. Further, this claim makes its way into modern humor. A recent *New Yorker* cartoon by Paul Roth depicts two biblical figures looking at a pig and features the following tag line: “If He didn’t want us to eat it, why’d He wrap the whole thing in bacon?” (*The New Yorker*, July 7 and 14, 2014, p. 49).

<sup>28</sup> There is debate over whether there is a lacuna here. See Svebakken, *Philo*, 147–148 n. 136.

Consequently he neglected nothing, but drew up very careful rules as to what they should or should not take as food.<sup>29</sup>

Indiscriminate dining puts one on the disastrous road to gluttony.<sup>30</sup> For this reason, Moses introduced legislation that leads to, what I label, “rational rationing.” By limiting food choices, Moses sent the Israelites down the middle path so as to avoid both physical and moral indigestion.<sup>31</sup> Moses was not an extremist; he was neither a Spartan nor an Ionian or Sybarite.<sup>32</sup> Rather, he was a practical legislator who offered precepts that would keep man rational by rationing – but not completely tabooing – potentially irrational foods (i.e. certain, but not all, domesticated quadrupeds and fish).<sup>33</sup> Too much fat and too much deliciousness lead to an excess of intemperance. But like Goldilocks, there is an amount that is just right.

There is more to Philo’s concept of rational rationing. And so, he continues:

Possibly it might be thought just that all wild beasts that feed on human flesh should suffer from men what men have suffered from them. But Moses would have us abstain from the enjoyment of such, even though they provide a very appetizing and delectable repast. He was considering what is suitable to a gentle-mannered soul, for though it is fitting enough that one should suffer for what one has done, it is not fitting conduct for the sufferers to retaliate it on the wrongdoers, lest the savage passion of anger should turn them unawares into beasts. So careful is he against this danger that wishing to restrain by implication the appetite for the food just mentioned, he also strictly forbade them to eat the other carnivorous animals. He distinguished between them and the graminivorous<sup>34</sup> which he grouped with the gentle kind since indeed they are naturally tame and live on the gentle fruits which the earth produces and do nothing by way of attempting the life of others. They are the calf, the lamb, the kid, the hart, the gazelle, the buffalo, the wild goat, the pygarg, the antelope, and the giraffe, ten in all.<sup>35</sup> For as he

<sup>29</sup> *Special Laws*, 4.100–102. Philo combines both reasons with regard to fat, as it is both the richest part (thus avoiding it teaches restraint) and because it (and blood) is a first fruit (*Special Laws*, 4.124).

<sup>30</sup> If one is not careful, this can happen even if one is eating permitted foodstuffs. See *Special Laws*, 3.9, where Philo also mentions the other appetite: sex.

<sup>31</sup> Philo also finds Moses utilizing the middle path on several other occasions (e.g. *Posterity*, 101–102; *Migration*, 147; *Abraham*, 257; *Special Laws*, 4.168).

<sup>32</sup> On Philo’s use of these classical references, see Svebakken, *Philo*, 151–153.

<sup>33</sup> Note, however, *Providence*, 2.68–70, which, after advancing a similar argument, suggests a vegetarian diet for the temperate man.

<sup>34</sup> I retain this term rather than switching to the more common (though less specific) term “herbivores” because Philo uses the word “grass-eaters” (τὰ ποιφάγα).

<sup>35</sup> The precise translation of these ten species is not certain. For our present purposes, however, this is unimportant. What matters are what traits Philo sees in them and that they are ten in number.

always adhered to the principles of numerical science, which he knew by close observance to be a paramount factor in all that exists, he never enacted any law great or small without calling to his aid and as it were accommodating to his enactment its appropriate number. But of all the numbers from the unit upwards ten is the most perfect, and, as Moses says, most holy and sacred, and with this he seals his list of clean animals when he wishes to appoint them for the use of the members of his commonwealth.<sup>36</sup>

Another component of rational rationing within the Mosaic dietary legislation is the avoidance of carnivorous animals. While we will discuss the allegorical interpretation of these laws later in this chapter, Philo notes here that to eat carnivorous beasts is to retaliate against them; to do so would be to walk down a path leading to savagery.<sup>37</sup> Rational man should therefore eat only grass-eaters. The connection between biblically tabooed animals and carnivorousness is one common both in antiquity and modernity, though this association is mentioned neither explicitly nor implicitly in the Hebrew Bible.<sup>38</sup> For Philo, this connection is as logical as the number ten, which Moses chose because, as with all of his legislation, it is the most “appropriate number” for achieving mathematical and rational harmony.<sup>39</sup> Reason is the foundation upon which all of these laws are built.

The notion that avoiding carnivorous beasts leads to avoiding acting in a blood-thirsty manner also suggests another Philonic rationalization for the biblical food laws: namely, their pedagogical function as a lesson in proper decorum. Though this theme appears most prominently in his discussion of animal allegories, which we examine below, it emerges quite clearly in a different context. While explaining the rationale for the thrice-repeated yet cryptic biblical command “do not cook a kid in its mother’s milk,”<sup>40</sup> Philo notes:

Further, it is worth noting that, despite urban legend, giraffe is technically kosher, even today. On the connection between these terms and the list in Deut 14:4–5 in the Septuagint, see Rhodes, “Diet and Desire,” 125 n. 12.

<sup>36</sup> *Special Laws*, 4.103–105. Also see *Special Laws*, 4.119–121, which discusses the effects of eating dead animals (i.e. those killed by other animals or who died of natural causes) and of hunting. The latter text also discusses these issues in regard to general health and to hunting and war. See Svebakken, *Philo*, 172–175.

<sup>37</sup> See Rhodes, “Diet and Desire,” 124, where he also notes that Philo’s argument is based on Greek wordplay.

<sup>38</sup> e.g. *Letter of Aristeas*, 145–149 raises this concern with regard to pure and impure birds. The passage there, however, discusses carnivorousness more in allegorical terms, so I will discuss it below. On the connection between these two texts, see Rhodes, “Diet and Desire,” 124–125; Svebakken, *Philo*, 158–161.

<sup>39</sup> Philo speaks of his admiration for the number ten elsewhere, e.g. *Posterity*, 173; *Decalogue*, 20–31.

<sup>40</sup> Exod 23:19; 34:26; Deut 14:21. See chapters 1, 5, and 6 for discussion.

But so prolific is [Moses] in virtue and versatile in giving admirable lessons, that not content with his own prowess, he challenges it to further contest. He has forbidden any lamb or kid or other like kind of livestock to be snatched away from its mother before it is weaned. He has also forbidden the killing of the mother and offspring on the same day. He now crowns his bounty with the words “Thou shalt not see the lamb in his mother’s milk.” For he held that it was grossly improper that the substance which fed the living animal should be used to season and flavour the same after its death, and that while nature provided for its conservation by creating the stream of milk and ordaining that it should pass through the mother’s breasts as through conduits, the license of man should rise to such a height as to misuse what had sustained its life to destroy also the body which remains in existence. If indeed anyone thinks good to boil flesh in milk, let him do so without cruelty and keeping clear of impiety. Everywhere there are herds of cattle innumerable, which are milked everyday by cowherds, goat-herds and shepherds, whose chief source of income as cattle rearers is milk, sometimes liquid and sometimes condensed and coagulated into cheese; and since milk is so abundant, the person who boils the flesh of lambs or kids or any other young animal in their mother’s milk, shows himself cruelly brutal in character and gelded of compassion, that most vital of emotions and most nearly akin to the rational soul.<sup>41</sup>

Philo interprets this biblical prohibition as a lesson in ethics. Seasoning the meat of a baby animal with the very milk that once sustained it is reprehensible, as it mixes the domains of life and death. For Philo, such a practice goes beyond the pale and is simply cruel. This does not mean, however, that Philo disapproves of eating meat and milk in general, a prohibition that the rabbis will propose later.<sup>42</sup> Here, Philo’s concern is not a general meat-and-milk matter, but rather a specific ethical matter reflected in the “cruelly brutal” practice of consuming the milk of a mother together with the meat of her child.<sup>43</sup>

<sup>41</sup> *Virtues*, 142–144. My commentary in this section follows what I have written elsewhere. 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), 190–191; “Jewish Meals in Antiquity,” in John M. Wilkins and Robin Nadeau (eds.), *A Companion to Food in the Ancient World* (New York: Wiley Blackwell, 2015), 352–353.

<sup>42</sup> My conclusion disagrees with that of Katell Berthelot, “Philo and Kindness towards Animals,” *The Studia Philonica Annual* 14 (2002): 48–65, 49–50 n. 6.

<sup>43</sup> In a somewhat related view, Andrew Teeter writes in support of Abraham Geiger’s argument that expansions in the Samaritan Pentateuch suggest that they understood this law to refer to premature slaughter. See D. Andrew Teeter, “You Shall Not See the Kid in its Mother’s Milk’: The Text and the Law in Light of Early Witnesses,” *Textus* 24 (2009): 37–63. These expansions are fascinating, as they claim that cooking a kid in its mother’s milk is tantamount to a forgotten/delayed/hated/ equivalent to a blind rat sacrifice, which is an enagement/transgression to the God of Jacob.

Though the Hebrew Bible prohibits cooking a kid in its mother's milk on three separate occasions, it never provides an explicit rationale for doing so. For Philo, however, the reason is crystal clear: an ethical eater is an ethical person. And because an ethical eater would never be so cruel as to flavor the dead with the liquid that once nourished and sustained it, the ethical person must follow this dietary and moral prescription. Once again, the rational man follows rational law; and, for Philo, nothing was more rational than Mosaic legislation.

Finally, Philo advances a rather unsophisticated rationale for the food laws: certain foods are prohibited simply because it is a people's custom to abstain from them. This explanation appears in the midst of Philo's description of his participation in a delegation to the Roman Emperor Gaius. At one point, Gaius asked "a grave and momentous question, 'Why do you refuse to eat pork?'"<sup>44</sup> Gaius' question was met with laughter on the part of his audience, but not by the Jewish delegation, which offered a serious response:

We answered, "Different people have different customs and the use of some things is forbidden to us as others are to our opponents." Then someone said, "Yes, just as many don't eat lamb which is so easily obtainable," whereupon Gaius laughed and said, "Quite right too, for it's not nice." Under such befooling and reviling we were helpless.<sup>45</sup>

The delegation was obviously upset that its food practices – in particular, the abstention from pork – were the subject of laughter, to the point of perceived ridicule. However, Philo's and the delegation's rationale was simply to assert that every group has a custom, and this was theirs. While the pork taboo was an oft-noticed food rule,<sup>46</sup> their rather weak defense applied to all food practices of all cultures, Jewish or other: the regulations are based on unjustified custom.<sup>47</sup> Given Philo's extensive previous rationales, this reason-based justification is striking as a rather terse, feeble, and (even for his ancient audience) unsatisfactory explanation.

Though Philo was perhaps the most prolific extant writer on the subject, he was not the only prominent Jew in antiquity who argued for the

However, they are also notoriously difficult and their interpretation is highly speculative. For these two reasons, I do not address them in depth.

<sup>44</sup> *Embassy to Gaius*, 361. See Jordan D. Rosenblum, "'Why do you refuse to eat pork?' Jews, Food, and Identity in Roman Palestine," *JQR* 100/1 (2010): 95–110, 100–101.

<sup>45</sup> *Embassy to Gaius*, 362–363. <sup>46</sup> On this, see Chapter 2.

<sup>47</sup> Although, perhaps Gaius' justification for some people's lamb abstention ("it's not nice") is based on roughly analogous grounds as Philo's justification for the biblical ban on cooking a kid in its mother's milk (discussed above).

superior rationality of Mosaic legislation. Joining Philo in this endeavor was Josephus (37–c.100 CE), a Jew from Jerusalem who, among other things, was: a priest; a rebel general fighting for the Jews during their ill-fated revolt against Rome; a Roman prisoner of war; an adroit reader of the tea-leaves who accurately predicted (to his physical and material benefit) Vespasian's rise to imperial power; a Roman citizen and wealthy pensioner; and a copious chronicler of Jewish history.<sup>48</sup> It is in the latter capacity that he has proved most useful to historians for centuries, as his survey of Jewish history, as well as his own exploits, provide much data for an era often either lacking or simply absent from our extant archives. However, scholars have long noted that no one can claim to narrate from a “no-spin zone,” and Josephus is no exception to this rule, so it is necessary to interpret his work with a grain of salt.

With regard to the subject at hand, Josephus accords with much of what has been previously discussed, as he in general also considered Mosaic legislation to be supremely rational, and instructive in virtue, temperance, and piety.<sup>49</sup> For example, in a passage that could easily have been written by Philo, Josephus states:

All schemes of education and moral training fall into two categories; instruction is imparted in the one case by precept, in the other by practical exercising of the character. All other legislators, differing in their opinions, selected the particular method which each preferred and neglected the other . . . Our legislator, on the other hand, took great care to combine both systems.<sup>50</sup> He did not leave practical training in morals inarticulate; nor did he permit the letter of the law to remain inoperative. Starting from the very beginning with the food of which we partake from infancy and the private life/diet<sup>51</sup> of the home, he left nothing, however insignificant, to the discretion and caprice of the individual. What meats a man should abstain from, and what he may enjoy; with what persons he should associate.<sup>52</sup>

Josephus continues to detail various aspects of biblical law that are informed by both methods. Mosaic legislation is therefore the most complete, rational legal system. It is telling that Josephus begins his list with

<sup>48</sup> For a very brief narrative of Josephus' life, see Goodman, *Rome and Jerusalem*, 4–5; for a longer narrative, see Tessa Rajak, *Josephus: The Historian and His Society* (Philadelphia: Fortress Press, 1984 [1983]).

<sup>49</sup> e.g. see *Jewish Antiquities*, 4.183–184, 193; 16.42–44; and the lengthy treatment (some of which is discussed below) in *Against Apion*, 2.151–296.

<sup>50</sup> Cf. Philo, *Creation*, 1–3.

<sup>51</sup> Since δαιτης can mean either, I decided to reproduce that ambiguity here.

<sup>52</sup> *Against Apion*, 2.171–174, with slight emendation. All translations of Josephus come from their corresponding LCL volume.

food laws and next moves on to those controlling social intercourse (perhaps implying commensality). In all matters, biblical law is viewed as based on reason.

The Mosaic combination of precepts and practical exercises allowed for an integrated system that promotes the Greek ideals of temperance, piety, and virtue.<sup>53</sup> For Josephus, this explains why biblical law forbids slaughtering a parent and its offspring on the same day: in order to inculcate “gentleness and humanity.”<sup>54</sup> Additionally, this system explains why Jews are exceedingly brave when facing martyrdom. Their simple lifestyle, which “others find difficult to tolerate” and includes “simple diet, discipline which leaves no room for freak or individual caprice in matters of meat and drink” leads them to virtuous action; thus, “our willing obedience to the law in these matters results in the heroism which we display in the face of death.”<sup>55</sup> Josephus goes even further in his argument for the Mosaic lifestyle with an intriguing claim:

Our earliest imitators were the Greek philosophers, who, though ostensibly observing the laws of their own countries, yet in their conduct and philosophy were Moses’ disciples,<sup>56</sup> holding similar views about God, and advocating the simple life and friendly communion between man and man. But that is not all. The masses have long since shown a keen desire to adopt our religious observances; and there is not one city, Greek or barbarian, nor a single nation, to which our custom of abstaining from work on the seventh day has not spread, and where the fasts and the lighting of lamps<sup>57</sup> and many of our prohibitions in the matter of food are not observed. Moreover, they attempt to imitate our unanimity, our liberal charities, our devoted labour in our crafts, our endurance under persecution on behalf of our laws. The greatest miracle of all is that our Law holds out no seductive bait of sensual pleasure,<sup>58</sup> but has exercised this influence through its own inherent merits; and as God permeates the universe, so the Law has found its way among all mankind.<sup>59</sup>

If imitation is the sincerest form of flattery, then this is quite complimentary to the Mosaic lifestyle. Both philosophers and the masses see the

<sup>53</sup> Philo is not the only Jew in antiquity who integrated these ideals into Jewish thought and practice. For general references and a discussion that focuses on this trend in rabbinic literature, see Michael L. Satlow, “‘Try to be a Man’: The Rabbinic Construction of Masculinity,” *HTR* 89/1 (1996): 19–40.

<sup>54</sup> *Against Apion*, 2.213 (which also includes other animal-slaughter-related commandments, both biblical and extra-biblical, that Josephus understands to be instructive on mercy). On this biblical command, see Chapter 1. Porphyry, *De Abstentia*, 4.14 (discussed in Chapter 2) uses this passage in his discussion of Jewish food practices.

<sup>55</sup> *Against Apion*, 2.234–235. <sup>56</sup> Cf. *Against Apion*, 2.168, 257. <sup>57</sup> See *Against Apion*, 2.118.

<sup>58</sup> Cf. *Against Apion*, 2.217. <sup>59</sup> *Against Apion*, 2.281–284.

inherent merits of this Law.<sup>60</sup> The veracity of this claim need not concern us; the very fact that Josephus considers this argument to be persuasive suggests that, at the very least, his audience would not find this claim completely spurious. In short, Moses' rationality is legitimized by its adoring Greek public.

A final argument for the rationality of biblical food laws comes from 4 Maccabees. Part of a series of books that narrate the supposed events surrounding the rise of Hasmonean (also known as the Maccabean) dynasty,<sup>61</sup> 4 Maccabees includes an elegant explanation for biblical dietary regulations:

Observe in the first place how, in regard to the things that hinder temperance, reason is complete master of the passions. Temperance, as I understand it, is control over desires, and of desires some relate to the soul and others to the body, over both of which reason obviously holds sway. When we are attracted to forbidden foods, how do we come to reject the pleasures to be gained from them? Is it not because reason has the power to control the appetites? I believe it is. Accordingly, when we crave seafood or fowl or the meat of four-legged beasts or any sort of food at all that is forbidden to us under the Law, it is through the mastery of reason that we abstain. For the proclivities of our appetites are restrained and held in check by the prudent mind, and all the motions of the body are muzzled by reason.<sup>62</sup>

Here, the rational man still craves forbidden foods; however, he uses reason to exercise temperance.<sup>63</sup> While similar to many of the explanations that we have already encountered (especially Philo's), 4 Maccabees advances a slightly different argument. As James Rhodes notes: "For 4 Maccabees, it is the individual who is able, with the help of devout reason, to quell the desire for things forbidden (4 Macc 1:33–35). For Philo, it was Moses who drew the soul back to reason by disciplining the appetites of the belly

<sup>60</sup> For additional references to others following Jewish practices, see Cohen, *Beginnings*, 149–150.

<sup>61</sup> For a brief summary of these events, see Cohen, *From the Maccabees*, 30–31.

<sup>62</sup> 4 Macc 1:31–35. Also see 4 Macc 5:14–38; 6:12–23; cp. 2 Macc 6:19–20. All translations of 4 Maccabees are from: H. Anderson, "4 Maccabees," in James H. Charlesworth (ed.), *OTP* (New York: Doubleday, 1985), 2:531–564. The dating of 4 Maccabees is a matter of debate. For a summary of some of the main theories, see David M. Freidenreich, *Foreigners and Their Food: Constructing Otherness in Jewish, Christian, and Islamic Law* (Berkeley and Los Angeles: University of California Press, 2011), 237 n. 47. On the function of divine law in the context of this pericope, see Christine Hayes, *What's Divine about Divine Law? Early Perspectives* (Princeton: Princeton University Press, 2015), 110–111.

<sup>63</sup> Cp. *Sifra Qedosim* 11:22, discussed in Chapter 5.

(*Spec.* 4.95–96).<sup>64</sup> Reason still exerts force upon rational man, but the direction of this force differs in 4 Maccabees. In essence, it is the difference between centripetal and centrifugal forces.

Whatever the direction of the force, Mosaic legislation (i.e. revelation) and the powers of reason combine to lead one down the virtuous path. However, there is another guide on this journey: the animal itself.

### Animal as Allegory

Though animals themselves might be irrational, they have the ability to instruct rational man on proper thought and action. Because animals possess this capability, there is much to learn from the animals permitted and tabooed by the supreme rational agent, Moses. In doing so, we will largely consult two sources: the *Letter of Aristeas* and Philo.<sup>65</sup> Though similar in many ways, we will consider each source separately, in order to understand better the nuances of each author.

The *Letter of Aristeas* articulates a clear thesis regarding animal allegories: “Everything pertaining to conduct permitted us toward these creatures and towards beasts has been set out symbolically.”<sup>66</sup> There is a symbolic explanation for each of the biblical dietary food laws. It is from this symbolic explanation that the *Letter of Aristeas* derives ethical benefits. As Svebbaken argues:

The animals exemplify certain noble and ignoble character traits, which Moses either commends or condemns *symbolically* through the designations “clean” and “unclean.” To eat or abstain as prescribed does not *in itself* affect the character of the moral agent, who must first correctly discern and then embrace the moral exhortations Moses expresses symbolically through his legislation.<sup>67</sup>

<sup>64</sup> Rhodes, “Diet and Desire,” 133. I thank Christopher Jones, who independently of Rhodes made this same observation (personal communication).

<sup>65</sup> Speaking about people who are good but considered “by the two-faced to be sinners,” the *Testament of Asher* states: “For such people are like gazelles and stags: In appearance they seem wild and unclean, but as a whole they are clean. They live by zeal for the Lord, abstaining from what God hates and has forbidden through his commandments, staying off evil by the good” (4:1, 5; in contrast, see 2:8–10). However, this metaphor is not deployed in order to rationalize biblical food laws (rather to describe the good who the bad misrecognize) and therefore is not relevant to the discussion at hand. Translation of *Testament of Asher* is from: H. C. Kee, “Testaments of the Twelve Patriarchs,” in James H. Charlesworth (ed.), *OTP* (New York: Doubleday, 1985), 1:775–828.

<sup>66</sup> *Letter of Aristeas*, 150. On the rationality based argument advanced in the *Letter of Aristeas*, see Hayes, *What’s Divine about Divine Law*, 105–110.

<sup>67</sup> Svebakken, *Philo*, 159, original emphasis. I disagree with Svebakken’s claim on p. 112 that the *Letter of Aristeas*’ logic suggests that actual ingestion is irrelevant, so long as one abstains from the amoral behavior that that animal represents. Though Philo accents the literal observance of law significantly

The symbolism prompts proper action by a moral agent. Proper action without proper understanding, however, does not yield proper results.

The *Letter of Aristeas*' exposition on this subject begins with a sweeping statement: "In general everything is similarly constituted in regard to natural reasoning, being governed by one supreme power, and in each particular everything has a profound reason for it, both the things from which we abstain in use and those from which we partake."<sup>68</sup> Since every decision is governed by reason, then one need "not take the contemptible view that Moses enacted this legislation because of an excessive preoccupation with mice and weasels and suchlike creatures."<sup>69</sup> Rather, "everything has been solemnly set in order for unblemished investigation and amendment of life for the sake of righteousness."<sup>70</sup> It is for this reason that Moses permitted domesticated and herbivorous birds, but prohibited wild and carnivorous fowl, since the latter dominate the former and unjustly find food at their expense; "and not only that, they also seize lambs and kids and outrage human beings dead or alive."<sup>71</sup> In labeling wild birds of prey "impure," Moses binds those bound by the law to act righteously and to not exert their strength over those who depend upon them. They are to act like the gentle permitted birds and not the predatory prohibited birds. Permitted and prohibited animals are allegories for pious and impious action. Therefore, Moses uses these creatures to teach proper decorum.<sup>72</sup>

Subsequently, the *Letter of Aristeas*' symbolic interpretation of the biblical food laws addresses the two required physical traits of permitted domesticated quadrupeds: split hoofed and ruminant. A split hoof, "that is the separation of the claws of the hoof, is a sign of setting apart each of our actions for good, because the strength of the whole body with its action

more than the *Letter of Aristeas*, I do not think that the *Letter of Aristeas* would support following only the symbolic, and not also the literal, understanding of the law. Many early Christians, however, do support such a stance, as discussed in Chapter 7.

<sup>68</sup> *Letter of Aristeas*, 143 (quoted earlier in this chapter). The *Letter of Aristeas* had just finished discussing commensality rules, a subject to which we turn next.

<sup>69</sup> *Letter of Aristeas*, 144. <sup>70</sup> *Letter of Aristeas*, 144.

<sup>71</sup> *Letter of Aristeas*, 145–146. As mentioned above, the Hebrew Bible never explicitly articulates the connection between biblically tabooed animals and animals of prey (nor does it provide a list of permitted fowl, as both the *Letter of Aristeas* 145 and Philo, *Special Laws*, 4.117 do). On the history of this association vis-à-vis fowl, see Jacob Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991), 661–662.

<sup>72</sup> *Letter of Aristeas*, 147–148 (also see 170). Cp. Philo, *Special Laws*, 4.103–104 (discussed above). The differences between these passages go beyond the fact that Philo refers to domesticated quadrupeds not fowl. More importantly, Philo believes that they are not just symbolic, but that eating carnivores actually accustoms one to act carnivorously. See Rhodes, "Diet and Desire," 124–125; Svebakken, *Philo*, 158–161.

rests upon the shoulders and legs. The symbolism conveyed by these things compels us to make a distinction in the performance of all our acts, with righteousness as our aim.”<sup>73</sup> Like a fork in the road, the split hoof marks two distinct paths and is thus symbolic of the distinct, and separate, path upon which Jews tread. This distinguishes Jews from non-Jews, the majority of whom are deemed indecorous, especially in regard to sexual matters.<sup>74</sup> Further, the characteristics of the split hoof and, especially, rumination combine “quite clearly [to] express, to those who perceive it, the phenomenon of memory.”<sup>75</sup> “Rumination,” according to the *Letter of Aristeas*, “is nothing but the recalling of (the creature’s) life and constitution, life being usually constituted by nourishment.”<sup>76</sup> To remember one’s food is therefore to remember one’s life, since the very basis of life is food.<sup>77</sup> This act of remembering, of ruminating on God like a ruminant beast does on grass, is also found in other scriptural commandments, of which the *Letter of Aristeas* lists several.<sup>78</sup> Accordingly, these laws are based on “sound reason,” endow Jews with a “distinct characteristic of memory,” are by “no chance accident . . . ordained as part of our very soul,” and finally are “bound up with truth and the expression of the right reason.”<sup>79</sup> In sum, they serve to distinguish Jews as highly rationale.

Continuing in the same allegorical vein, the *Letter of Aristeas* argues that no action or word should be done or uttered “to incline toward injustice.”<sup>80</sup> This principle is encountered in the biblical legislation regarding “mischievous” animals like weasels, mice, and similar creatures.<sup>81</sup> Mice act unjustly by polluting and defiling everything with which they come into contact.<sup>82</sup> The *Letter of Aristeas* continues:

The species of weasel is unique: Apart from the aforementioned characteristic, it has another polluting feature, that of conceiving through its ears and producing its young through its mouth. So for this reason any similar feature in men is unclean; men who hear anything and give physical expression to it by word of mouth, thus embroiling other people in evil,

<sup>73</sup> *Letter of Aristeas*, 150–151. This section on cloven-hoofed and ruminant beasts is similar to Philo’s exposition on the matter, as discussed below.

<sup>74</sup> *Letter of Aristeas*, 152. Also see Rhodes, “Diet and Desire,” 125–126. <sup>75</sup> *Letter of Aristeas*, 153.

<sup>76</sup> *Letter of Aristeas*, 154.

<sup>77</sup> Here I paraphrase both the *Letter of Aristeas* and Rhodes, “Diet and Desire,” 126.

<sup>78</sup> *Letter of Aristeas*, 155–160. For a brief discussion, see Rhodes, “Diet and Desire,” 126–127.

<sup>79</sup> *Letter of Aristeas*, 161. <sup>80</sup> *Letter of Aristeas*, 162. <sup>81</sup> *Letter of Aristeas*, 163.

<sup>82</sup> *Letter of Aristeas*, 164. Herein, the *Letter of Aristeas* portrays mice as quite unrepentant in their actions, noting that: “Mice pollute and defile everything not only for their own nourishment, but also to the extent of rendering absolutely useless for human beings everything which comes their way to defile.”

commit no ordinary act of uncleanness, and are themselves completely defiled with the taint of impiety.<sup>83</sup>

Ignoring the obvious biological inaccuracy, the *Letter of Aristeas*' claim about weasel reproduction demonstrates how tabooing the weasel functions on the symbolic level. Gossip and slander enter into one's ear and unjustly leave one's mouth, mimicking the supposed reproductive process of the weasel. It is for this reason that the weasel is an allegory for these vices. So why is weasel *verboden*? Not out of a preoccupation with weasels, but because the "Law forbids harming anyone in thought or in deed."<sup>84</sup>

The *Letter of Aristeas* concludes its "brief résumé of these matters" by reminding its readers

that all the regulations have been made with righteousness in mind, and that no ordinances have been made in scripture without purpose or fancifully, but to the intent that through the whole of our lives we may also practice justice to all mankind in our acts, remembering the all-sovereign God. In the matter of meats, the unclean reptiles, the beasts, the whole underlying rationale is directed toward righteousness and righteous human relationships.<sup>85</sup>

Biblical food laws are about just and righteous thought, speech, and action; they regard building righteous relationships with other humans. These regulations are therefore rational and not capricious.<sup>86</sup> Understanding the permitted and prohibited animals in their proper symbolic manner (i.e. allegorically) thus prompts the moral agent to appropriate thought, speech, and action.

Philo's discourse on this subject is similar in many ways to the *Letter of Aristeas*'. However, Philo's rendering implies that the symbolic interpretation is more concretely embodied in the animal itself.<sup>87</sup> The proper

<sup>83</sup> *Letter of Aristeas*, 165–166 (cp. *Epistle of Barnabas* 10; see Chapter 7 for discussion and additional references). The claim about weasel reproduction is not necessarily odd in the context of antiquity, as many ancient authors made equally implausible claims about animal biology and physiology. For example, see *m. Hullin* 9:6, which discusses a species of mouse created from the earth, or Pliny the Elder, *Natural History* 8.33, which discusses how weasel effluvium is fatal to basilisks.

<sup>84</sup> *Letter of Aristeas*, 168. For a refutation of weasel preoccupation as a motive for these laws, see *Letter of Aristeas*, 144.

<sup>85</sup> *Letter of Aristeas*, 168–169. <sup>86</sup> Similarly, see Hayes, *What's Divine about Divine Law*, 106–108.

<sup>87</sup> To be clear, I am not suggesting that the *Letter of Aristeas* does not present these symbols as embodied. I am simply arguing that Philo advances this point more significantly and in a more nuanced manner than the *Letter of Aristeas*. I maintain that Philo's symbolism is a more embodied symbolism because he develops it much further, pushing the point to greater (or, as many of his readers have noted, to tedious) lengths.

ingestion of the proper animal with the proper understanding, therefore, results in a change in one's mental, moral, and physical body. We shall return to the extended section of *Special Laws*, 4 discussed above, in which Philo lays out these embodied and embodying allegories as rationalizations for biblical food laws.

After detailing the reasons why there are ten permitted domesticated quadrupeds, Philo continues:

[Moses] adds a general method for proving and testing the ten kinds [of permitted beasts], based on two signs, the parted hoof and the chewing of the cud. Any kind which lacks both or one of these is unclean. Now both these two are symbols to teacher and learner of the method best suited for acquiring knowledge, the method by which the better is distinguished from the worse, and thus confusion is avoided. For just as a cud-chewing animal after biting through the food keeps it at rest in the gullet, again after a bit draws it up and masticates it and then passes it on to the belly, so the pupil after receiving from the teacher through his ears the principles and lore of wisdom prolongs the process of learning, as he cannot at once apprehend and grasp them securely, till by using memory to call up each thing that he has heard by constant exercises which act as the cement of conceptions, he stamps a firm impression of them on his soul. But the firm apprehension of conceptions is clearly useless unless we discriminate and distinguish them so that we can choose what we should choose and avoid the contrary, and this distinguishing is symbolized by the parted hoof. For the way of life is twofold, one branch leading to vice, the other to virtue and we must turn away from the one and never forsake the other.<sup>88</sup>

Philo explicitly compares the physical process of acquiring proper knowledge to that of proper ruminant digestion. The mind digests learning, breaking it down into its constituent parts and extracting vital nourishment in a manner that exactly correlates with how a ruminant digests and then absorbs nutrients. Further, the cleft hoof is directly mapped onto the fork in a road, with one path leading to virtue and the other to vice.<sup>89</sup>

Elsewhere, Philo further embodies the allegorical symbolism of the cleft hoof. After arguing that only those memories that are exerted on good things are in fact good, Philo states that the hoof must be parted “in order that, the faculty of memory being divided into two sections, language as it flows through the mouth, for which Nature wrought lips as twin boundaries, may separate the beneficial and the injurious forms of memory.”<sup>90</sup>

<sup>88</sup> *Special Laws*, 4.106–108.

<sup>89</sup> Cp. *Letter of Aristeas*, 150–151, which also maps this onto the body (discussed above, esp. n. 73).

<sup>90</sup> *Agriculture*, 133 (with minor alterations from the LCL translation).

The split hoof is both an allegory for and a literal embodiment of these binaries: good/bad memory exerted on good/bad subject, split/whole hoof, and properly/improperly parted lips.<sup>91</sup> Further, man's mind and beasts' bodies must possess these mental and physical characteristics because one without the other is useless.<sup>92</sup> This explains the impurity of swine and the camel, as each lacks one of the two required characteristics. "For indeed distinguishing without memory and without conning and going over of the things that are best is an incomplete good (as is memory without distinguishing between good things and their opposites), but the meeting and partnership of both in combination is a good most complete and perfect."<sup>93</sup> To lack one of these characteristics is therefore to be incomplete; to have both is to be whole.

Ruminant, ungulate, and domesticated beasts with four legs are not the only animals that possess this pedagogic potential for Philo. He therefore continues, making explicit how each category of permitted/prohibited creature displays this combination of embodied and embodying allegory. Accordingly, he turns next to aquatic creatures, which are biblically mandated to have both fins and scales.

Any that fail to possess both or one of these marks are swept away by the current unable to resist the force of the stream; those who possess both throw it aside, front and stem it and pertinaciously exercise themselves against the antagonist with an invincible ardor and audacity. When they are pushed they push back, when pursued they hasten to assail, where their passage is hampered they open up broad roads and obtain easy thoroughfares. These two kinds of fish are symbolical, the first of a pleasure-loving soul, the latter of one to which endurance and self-control are dear. For the road that leads to pleasure is downhill and very easy, with the result that one does not walk but is dragged along; the other which leads to self-control is uphill, toilsome no doubt but profitable exceedingly. The one carries us away, forced lower and lower as it drives us down its steep incline, till it flings us off on to the level ground at its foot; the other leads heavenwards the immortal who have not fainted on the way and have had the strength to endure the roughness of the hard ascent.<sup>94</sup>

Though Philo can often be tedious, akin to reading the fine print of a software user agreement, he can sometimes be delightful and clear.

<sup>91</sup> I interpret this passage to refer both to the literal boundaries of the upper/lower lip, as well as to lips divided for good/bad speech.

<sup>92</sup> In general, see *Agriculture*, 131–145 (esp. 134 and 142–145).

<sup>93</sup> *Agriculture*, 145. Philo connects the exclusion of camels with his argument about mental/physical rumination in *Posterity*, 148–149.

<sup>94</sup> *Special Laws*, 4.111–112 (in general, see 110–112).

When scholars encounter the latter, it is a joy, as it makes our job of interpreting quite simple. Further, when this happens, it is often easier to cite Philo rather than attempt to summarize clumsily what he so elegantly stated. This passage (like many in this section) is such an instance.

According to Philo, fish with fins and scales can swim against the literal tide, just as the moral person swims against the figurative tide. Fish and humans without these physical features are seekers of pleasure; however, fish and humans with these physical features possess the positive characteristics of endurance and self-control. Once again, we encounter a two-fold path, wherein the former takes the easy, low, and wrong road, and the latter take the high, hard, and correct road.<sup>95</sup> The criteria of fins and scales are therefore symbolic of the strength needed to lead a moral life. They are embodied and embodying allegories for action.

A similar rationale underlies biblical injunctions vis-à-vis reptiles (i.e. flying insects and land swarmers).<sup>96</sup>

Holding to the same method he declares that all reptiles which have not feet but wriggle along by trailing their belly, or are four-legged and many footed are unclean for eating. Here again he has a further meaning: by the reptiles he signifies persons who devote themselves to their bellies and fill themselves like a cormorant, paying to the miserable stomach constant tributes of strong drink, bake-meats, fishes and in general all the delicacies produced with every kind of viand by the elaborate skills of cooks and confectioners, thereby fanning and fostering the flame of the insatiable ever-greedy desires. By the four-legged and many footed, he means the base slaves not of one passion only, desire, but of all. For the passions fall under four main heads but have a multitude of species, and while the tyranny of one is cruel the tyranny of many cannot but be most harsh and intolerable. Creeping things which have legs above their feet, so that they can leap from the ground, he classes among the clean as for instance the different kinds of grasshoppers and the snake-fighter as it is called; and here again by symbols he searches into the temperaments and ways of a reasonable soul. For the natural gravitation of the body pulls down with it those of little mind, strangling and overwhelming them with the multitude of the fleshly elements. Blessed are they to whom it is given to resist with superior strength the weight that would pull them down, taught by the guiding lines of right instruction to leap upward from earth and earth-bound things into the ether and the revolving heavens, that sight so much desired, so worthy a prize in the eyes of those who come to it with a will and not half-heartedly.<sup>97</sup>

<sup>95</sup> My analysis in this section generally accords with Rhodes, "Diet and Desire," 128; and Svebakken, *Philo*, 163–165.

<sup>96</sup> On the use of "reptiles" as a catchall category here, see Svebakken, *Philo*, 165 n. 192.

<sup>97</sup> *Special Laws*, 4.113–115.

This passage reminds me of two well-known food-related words that are often erroneously used as synonyms: gourmet and gourmand.<sup>98</sup> Both appreciate food, but the latter does so to excess. Philo's principle of rational rationing allows for one to be a food-lover, but not a glutton. The tabooed reptiles are therefore no gourmets; they are gourmands. These reptiles/gourmands fall prey to their unchecked passions; they descend into depravity by the pull of their own desires.

Philo here relies on two metaphors: locomotion on one's belly and desires of the belly, and leaping locomotion and the ability to rise above desire.<sup>99</sup> In regard to the first metaphor, Philo clearly views a creature that propels itself on its belly as symbolic of one who seeks pleasures of the belly.<sup>100</sup> Though the second metaphor also connects locomotion with desire, it is more complex than the first one, which relies on the simple (and perhaps obvious) association of using one's stomach for propulsion, whether for physical, moral, or desirous purposes. Means of locomotion generates the symbolism in the second case, but this connection is a little less obvious. It is perhaps for this reason that Philo clearly enjoys this symbolism, employing it on several other occasions. For example, "These are symbols of the souls which though rooted like reptiles to the earthly body have been purified and have strength to soar on high, exchanging earth for heaven, and corruption for immortality." This is in contrast to those who lack the leaping criteria, and hence, though their soul was reared in heaven, "have left that home for earth the region of things mortal and evil."<sup>101</sup> The "snake-fighter" (ὁ ὄφιομάχης), in particular, receives special allegorical attention by Philo.<sup>102</sup> As noted above, the snake-fighter is a reptile with jointed legs above its feet that can leap heavenward.<sup>103</sup> According to Philo, "the snake-fighter is, I think, nothing but a symbolic representation of self-control, waging a fight that never ends and a truceless

<sup>98</sup> On these terms, see Mark Kurlansky, ed., *Choice Cuts: A Savory Selection of Food Writing from Around the World and Throughout History* (New York: Penguin Group, 2002), 14–33.

<sup>99</sup> On wordplay in this passage, see Rhodes, "Diet and Desire," 129. Later, Rhodes argues that it is this focus on pleasures of the belly that leads Philo to switch the order of his discussion, talking about reptiles before birds (since birds appear next in the Leviticus and Deuteronomy passages) but after aquatic creatures. See Rhodes, "Diet and Desire," 131.

<sup>100</sup> Philo makes this association elsewhere, e.g. *Creation*, 158–159; *Allegorical Interpretation*, 3.138–139 (on pleasure in the breast, including a rationalization for choosing the ram as a sacrificial animal, see 128–137); *Migration*, 64–69 (more on 69, below; on wordplay in this passage, see Rhodes, "Diet and Desire," 130).

<sup>101</sup> *Heir*, 239–240 (in general, see 239–242).

<sup>102</sup> Philo likely takes this term from the LXX of Lev 11:22, where the Hebrew word for locust (צב) is rendered as ὄφιομάχην, etymologically "serpent fighter." The LXX usually uses ἄκρίς to render locust (e.g. see Num 13:33; Eccl 12:5). I thank Christopher Jones for making this point to me.

<sup>103</sup> Also see *Creation*, 163.

war against intemperance and pleasure.”<sup>104</sup> The stakes of this war are monumental, since temperance does not only represent “simplicity and abstemiousness, and . . . a severe and lofty mode of life,” but intemperance, with its focus on extravagance and luxury, leads to effeminacy in both soul and body, which “in the view of right-minded people is worse than death.”<sup>105</sup> The temperate man is a man of virtue (or “manliness,” from the Latin *vir*, meaning “man”). Those with proper locomotion, like the snake-fighter, can use their jointed legs to leap above physical and moral boundaries, and avoid the fate worse than death: effeminacy.

Elsewhere, Philo makes another locomotion-related point. Observing that reptiles both with no feet and with multiple feet are tabooed, Philo derives an important symbolic lesson: that one should be neither atheist nor polytheist.<sup>106</sup> Only the monotheist possesses the right amount of legs, and vice versa. Biblical laws relating to reptiles therefore teach more than just self-control; they also instruct the careful reader/eater in the importance of monotheism.

Before turning to Philo’s summary of his discourse in *Special Laws*, 4, it is worth noting what Philo *does not* do: namely, he fails to provide an extensive allegorical interpretation for biblical laws relating to fowl. However, such an interpretation is likely implied in his brief remarks on the subject.

Having discoursed on the subject of the different kinds of animals on land and in the water and laid down the best possible laws for distinguishing between them, he proceeds to examine also the remaining parts of the animal creation, the inhabitants of the air. Of these he disqualified a vast number of kinds, in fact all that prey on other fowls or on men, creatures which are carnivorous and venomous and in general use their strength to attack others. But doves, pigeons, turtledoves, and the tribes of cranes, geese and the like he reckons as belonging to the tame and gentle class and gives them to any who wish full liberty to make use of them as food.<sup>107</sup>

It is odd for Philo to miss an opportunity to pontificate on a subject. As even the review of texts in this chapter has likely indicated, Philo enjoyed pursuing a subject long beyond necessary to make his point.

<sup>104</sup> *Creation*, 164. Cp. *Allegorical Interpretation*, 2.105–108.

<sup>105</sup> *Creation*, 164. Philo continues to discuss the problem of an effeminate brain in 165–166, where we learn that mind is gendered male while sensations are gendered female. In making this association, Philo is simply echoing a belief common in this time (and for far too long thereafter). For discussion, see Sly, *Philo’s Perception*, 43–49, and *passim*. On the “manliness” of maintaining Jewish food rules, also see 4 Macc 5:30.

<sup>106</sup> *Migration*, 69. On the gendering of this text, see Sly, *Philo’s Perception*, 195.

<sup>107</sup> *Special Laws*, 4.116–117. Cp. *Letter of Aristaeas*, 145–149 (discussed above).

Therefore, it is curious that Philo would fail to articulate his point here. Perhaps this reticence is due to the fact that Philo had only just discussed why the “gentle-mannered soul” should abstain from consuming carnivorous animals.<sup>108</sup> Philo might have expected his reader to connect the dots between his previous argument and the allegorical interpretation he advanced immediately thereafter. This would make sense; if eating birds of prey leads one to act vengefully, then one should eat gentle creatures, which aid in the cultivation of self-control and proper decorum.<sup>109</sup> Philo furthers this argument with the following line, in which he justifies biblical taboos against consuming animals that die a natural death and by the hands of an animal of prey.<sup>110</sup> Though he does not turn this into an allegory about the animal, Philo argues against such practices on various grounds, including sharing a proverbial table with creatures of prey, health, respect for Nature, and self-control.<sup>111</sup> Perhaps sometimes even for Philo a connection is clear enough that brevity can suffice.

In concluding his discourse on permitted and prohibited creatures, Philo offers an elegant summary of his thesis:

Thus in each element of the universe, earth, water, air he withdrew from our use various kinds of each sort, land creatures, water creatures, flying fowls, and by this as by the withdrawal of fuel from a fire he creates an extinguisher to desire.<sup>112</sup>

The dietary laws are therefore intended to extinguish the flames of desire. Permitted and prohibited creatures are symbolic of fire retardants and flammables, respectively.<sup>113</sup> Philo’s focus on these animals as embodied and embodying allegories of self-control and desire is explained further by the context in which this extended discourse appears: an exposition on the Tenth Commandment. Commonly known in archaic English as “Thou shalt not covet,” Philo follows the LXX translation of the text, and cites the commandment as “You shall not desire.”<sup>114</sup> For Philo, diet (both literally

<sup>108</sup> *Special Laws*, 4.103–104, discussed above. On this view, see Rhodes, “Diet and Desire,” 131–132.

<sup>109</sup> Svebakken (*Philo*, 169–171) argues that Philo’s reticence here is due to an unwillingness to contradict (if not the text of, then at least the tradition reflected in) *Letter of Aristeas*, 145–149.

<sup>110</sup> *Special Laws*, 4.119–121. Cp. *Special Laws*, 4.103–105, discussed above. It is possible to continue this argument into the next passage on blood and suet (*Special Laws*, 4.122–125), though extending the argument to that point risks straining the logic a bit too much.

<sup>111</sup> For a nuanced discussion, see Svebakken, *Philo*, 172–175. <sup>112</sup> *Special Laws*, 4.118.

<sup>113</sup> Philo’s metaphor does not perfectly summarize his argument throughout, as Svebakken notes (*Philo*, 171–172).

<sup>114</sup> Exod 20:17; Deut 5:21. Philo cites the commandment as such in *Special Laws*, 4.78. In general, see Svebakken, *Philo*.

and symbolically) is a primary means of preventing gluttony and controlling desire.<sup>115</sup>

### Rationalizing Commensality Restrictions

Commensality, the act of sharing a meal with another, is a socially meaningful practice. With whom one chooses or refuses to dine serves to define the borders of a given community.<sup>116</sup> Though these regulations will be read back into later times, it is only in the Hellenistic period when concerns regarding the community-building (and – destroying) potential of commensality begin to emerge. And fitting with the larger trend we have already encountered, when these concerns appear, they are justified on rational grounds.

With the exception of the Book of Daniel, commensality restrictions are notably absent from biblical texts. This statement might seem surprising, as one would expect to find condemnation of such practices in Ezra and Nehemiah, two books famous for their efforts to erect firm boundaries between Judeans and other nations.<sup>117</sup> Yet, we find no such restrictions. Further, the Ammonites and the Moabites are explicitly hated because they *failed to offer* the post-Exodus Israelites commensality.<sup>118</sup> If the hated Other is deemed as such because of its refusal to engage in commensality, then it would seem that such restrictions are simply absent from the biblical corpus.

Daniel is therefore the anomalous case in the Hebrew Bible. Daniel is further abnormal in that it was written quite late comparable to the remainder of the Hebrew Bible. Despite its claims to have been written in the sixth century BCE, it was most likely written several centuries later.<sup>119</sup> The assertions that Daniel makes, as we shall see, are reasonable in a Hellenistic context. Therefore, when Daniel claims to refuse to eat the food provided by a Gentile king lest, in doing so, he might “defile

<sup>115</sup> Further, see the concluding narrative in Philo, *Special Laws*, 4.126–131.

<sup>116</sup> In general, see Jordan D. Rosenblum, *Food and Identity in Early Rabbinic Judaism* (New York: Cambridge University Press, 2010); much of the discussion herein draws from pp. 36–45. Also see Freidenreich, *Foreigners*, 31–46.

<sup>117</sup> Similarly, see Freidenreich, *Foreigners*, 19.

<sup>118</sup> See Deut 23:4–5. For rabbinic views on this text, see *b. Yevamot* 76b–77a.

<sup>119</sup> On the date of Daniel, see John J. Collins, *Daniel: A Commentary on the Book of Daniel* (Minneapolis: Fortress Press, 1993), 24–38; Louis F. Hartman and Alexander A. Di Lella, *The Book of Daniel: A New Translation with Introduction and Commentary*, AB 23 (New York: Doubleday, 1978), 29–42. While the redacted version of Daniel dates to the beginning of the Hasmonean Revolt (167–164 BCE), Collins dates the first chapter to the third-century BCE (*Daniel*, 36).

himself,<sup>120</sup> he is speaking from a different context than the vast majority of the Hebrew Bible.

What does Daniel therefore teach us? He raises a concern for eating a Gentile's food and drink, though he is willing to consume water and vegetables.<sup>121</sup> However, since we are concerned with the *rationalizations* for these rules, Daniel actually has very little to offer. Despite making a claim that, given other biblical texts, seems to come like a bolt out of the blue, Daniel does not actually justify his practice. Like many innovations, it is simply stated as fact.

The refusal by a Jew to eat the food and/or sit at the table of a non-Jewish authority figure (e.g. a political, military, or religious ruler) becomes a trope in late Hellenistic-period texts.<sup>122</sup> Interestingly, these sources neither reference foodstuffs explicitly prohibited by the Hebrew Bible, nor do they justify these practices. Thus, we learn that Judah and the Maccabees hid in the mountains and ate herbs so as to avoid defilement.<sup>123</sup> In the Greek version of Esther, Esther is careful to point out that she has not partaken of the king's food.<sup>124</sup> In the book of Judith, Judith provides her own food and refuses to use the silver dinnerware, consume the food, and imbibe the wine of the non-Jewish general Holofernes; and when she ultimately dines at Holofernes' table, she eats her own food.<sup>125</sup> In *Joseph and Aseneth*, Joseph consumes the Egyptian priest Pentephres' food, but at a separate table; it is only after Joseph and Aseneth wed, following Aseneth's "conversion" experience, that Joseph engages in commensality with his in-laws.<sup>126</sup> In Tobit, Tobit avoids eating Gentile food, though he does note that his abstention is unique among his people.<sup>127</sup> Josephus discusses an otherwise unattested Jewish preference for olive oil prepared

<sup>120</sup> Dan 1:5. See Freidenreich, *Foreigners*, 35–36; Rosenblum, *Food and Identity*, 37–38. For Josephus' treatment of this tale, see Josephus, *Jewish Antiquities*, 10.190–194; Freidenreich, *Foreigners*, 236 n. 42.

<sup>121</sup> Dan 1:12.

<sup>122</sup> Much of this paragraph draws on Rosenblum, *Food and Identity*, 38–39. On these texts, and the differences between those composed in Alexandria and Judea, see Freidenreich, *Foreigners*, 31–46.

<sup>123</sup> 2 Macc 5:27. See Freidenreich, *Foreigners*, 36–37. <sup>124</sup> Addition to Esther C 28.

<sup>125</sup> Judith 10:5; 12:1–4, 17–20.

<sup>126</sup> *Joseph and Aseneth* 7:1. Joseph's commensality with his in-laws is implied in *Joseph and Aseneth* 20:8; 21:8. Not coincidentally Aseneth (whom Joseph will not, at first, kiss due to her food practices) throws her previously acceptable food out of the window during her "conversion" experience (*Joseph and Aseneth* 8:5–7; 10:13). Ross Shepard Kraemer argues against the traditional view of Aseneth having a transformative experience that we would label a conversion. Rather, she suggests that this pericope conforms to the norms of an adjuration text. See *When Aseneth Met Joseph: A Late Antique Tale of the Biblical Patriarch and His Egyptian Wife, Reconsidered* (New York: Oxford University Press, 1998), 89–109.

<sup>127</sup> Tobit 1:10–13.

by fellow Jews, states that two Jewish priests imprisoned in Rome maintained their piety by eating only figs and nuts, and notes that Ptolemy appointed Nicanor to prepare food for the translators of the LXX according to the Jewish custom (a tradition that appears in the *Letter of Aristeas* as well).<sup>128</sup> However, he also reports that the Tobiads ate and drank at the table of Ptolemy seemingly without concern.<sup>129</sup> Further, the food laws of separatist sects like the Qumran community and the Essenes might reflect some of these general concerns.<sup>130</sup>

Tacit in many of these texts is the fact that this novel concern about eating foreign food and/or with foreign people creates social distinction. As is discussed elsewhere in this book, this emerging desire of Jews to separate themselves at the table was noticed by both contemporary Jews and non-Jews, and was sometimes perceived to be misanthropic.<sup>131</sup> Though pejorative, there is some evidence for the latter interpretation, as two texts make the connection between sharing a table with others and with sharing in their (perceived) improper practices.

In the book of *Jubilees*, a mid-second-century BCE retelling of the events leading up to the Revelation at Mt. Sinai, Abraham's blessing for his grandson Jacob includes the following injunction:

And you, also, my son, Jacob, remember my words, and keep the commandments of Abraham, your father. Separate yourself from the gentiles, *and do not eat with them*, and do not perform deeds like theirs. Because their deeds are defiled, and all of their ways are contaminated, and despicable, and abominable.<sup>132</sup>

<sup>128</sup> Oil: *Jewish Antiquities*, 12.119–120; *Jewish War*, 2.591–592; and *Life*, 74–76. For discussion, see Jordan D. Rosenblum, “Kosher Olive Oil in Antiquity Reconsidered,” *JSJ* 40/3 (2009): 356–365, esp. 357–359. Priests: *Life*, 3. LXX translation: *Jewish Antiquities*, 12.93–100, 105–106; *Letter of Aristeas*, 180–186. Interestingly, Philo speaks of an annual festival at which Jews and non-Jews dine together. See *Moses*, 2.41–42.

<sup>129</sup> *Jewish Antiquities*, 12.160–236 in general, with shared meals specifically mentioned in 173–174; 187; 210. On Josephus' views on foreign food restrictions, see Freidenreich, *Foreigners*, 236 n. 42. Elsewhere, Josephus notes a Jewish fidelity to their ancestral food customs. See e.g. *Jewish Antiquities*, 14.226, 261.

<sup>130</sup> e.g. 1QS 6; Josephus, *Jewish Antiquities*, 2.128–136, 139, 143–144. For concise summaries of the commensality regulations of these two groups, see Albert I. Baumgarten, *The Flourishing of Jewish Sects in the Maccabean Era: An Interpretation* (New York: Brill, 1997), 93–96; Freidenreich, *Foreigners*, 37–38.

<sup>131</sup> e.g. see 3 Macc 3:4, 7; and chapters 2, 4, and 7.

<sup>132</sup> *Jubilees* 22:16. Translation by: O. S. Wintermute, “Jubilees,” in James H. Charlesworth (ed.), *OTP* (New York: Doubleday, 1985), 2:98, emphasis added. Freidenreich suggests that this restriction might be motivated by Exod 34:15–16 and Num 25:1–3 (*Foreigners*, 41). Freidenreich may be correct, but the allusion is, at best, faint. Much of the next few paragraphs draw on Rosenblum, *Food and Identity*, 39–42.

It would seem that, by eating with them, one would learn about their deeds; and the performance of deeds like theirs would be tantamount to engaging in contaminating, defiling, despicable, and abominable practices.<sup>133</sup> This connection (and hence rationale) is not completely explicit, however.<sup>134</sup>

For a more direct connection between social separation at meals and the separation from improper practice, we must turn again to the *Letter of Aristeas*, which states:

In his wisdom the legislator [i.e. Moses], in a comprehensive survey of each particular part, and being endowed by God for the knowledge of universal truths, *surrounded us with unbroken palisades and iron walls to prevent our mixing with any of the other peoples in any matter*, being thus kept pure in body and soul, preserved from false beliefs, and worshipping the only God omnipotent over all creation . . . *So to prevent our being perverted by contact with others or by mixing with bad influences, he hedged us in on all sides with strict observances connected with meat and drink and touch and hearing and sight, after the manner of the Law.*<sup>135</sup>

The metaphorical barriers that Moses erected at the table prevent Jews from eating with the wrong crowd, who would teach them perverted practices. This explicit rationale for commensality regulations fits with an earlier statement in the *Letter of Aristeas*, wherein the high priest Eleazar explains the food laws to a Greek delegation. In setting up the allegorical elucidation that follows (discussed previously, above), he comments that “through bad relationships men become perverted, and are miserable their whole long life; if, however, they mix with wise and prudent companions, they rise above ignorance and achieve progress in life.”<sup>136</sup> Since biblical food laws prevent “bad influences” and encourage “progress in life,” then choosing the people who surround the table is therefore as important as choosing the food placed upon that table.

In subsequent chapters, we will encounter a vast expansion in commensality regulations and a proportional increase in reason-based

<sup>133</sup> For examples of such deeds, see *Jubilees* 22:17–19.

<sup>134</sup> Abraham’s comments on the “defiled” nature of “their deeds” seem to refer to his previous statement about performing “deeds like theirs.” Regarding the statement “and do not eat with them,” Wintermute reasonably suggests that this refers to Gentiles preparing food not in accordance with Jewish purity laws (“*Jubilees*,” 2:98 n. d). Even if Wintermute is correct here, this connection is tacit and not explicit.

<sup>135</sup> *Letter of Aristeas*, 139, 142, emphasis added. <sup>136</sup> *Letter of Aristeas*, 130.

rationalizations for these practices.<sup>137</sup> In these discussions, we should notice the legacy of the Hellenistic period, where these concerns first arose. Like the statue emerging from a block of marble, we have only begun to glimpse at the form that will soon emerge.

### Rephrasing Biblical Rationales

In addition to offering new rationales, based on reason, revelation, and allegory, Hellenistic sources also rephrased justifications of food laws found in the Hebrew Bible itself. While many of these texts amount to no more than summaries of the biblical laws and narratives, some add new food regulations. Given that these rationales are drawn from the Bible itself and that we have already discussed these texts in Chapter 1, my treatment of this topic will be rather concise.

One of the most commonly repeated rationalizations for biblical food taboos concerns the connection between blood and life.<sup>138</sup> In addition to mentioning it while quoting or summarizing Genesis, this justification is also woven into larger exegetical agendas (as, for example, Philo does in the midst of his larger discourse, discussed above).<sup>139</sup> The injunction against consuming the sciatic nerve, and the story that underlies it, also proved popular.<sup>140</sup> Other topics include: biblically forbidden animals;<sup>141</sup> consuming animals that died from natural causes or were killed by prey animals;<sup>142</sup> slaughtering a parent and its offspring on the same day;<sup>143</sup> sending the mother

<sup>137</sup> e.g. as we shall see, concern about connections between commensality and sexuality will emerge. Such concerns are hinted at in some Hellenistic texts (e.g. *Joseph and Aseneth* 8:5–7; Josephus, *Jewish Antiquities*, 12.186–189). In general, see Jordan D. Rosenblum, “From Their Bread to Their Bed: Commensality, Intermarriage, and Idolatry in Tannaitic Literature,” *JJS* 61/1 (2010): 18–29.

<sup>138</sup> e.g. Gen 9:3–4.

<sup>139</sup> *Jubilees* 6:4–16; 7:28–33; 21:18; Pseudo-Philo, 3:11; Josephus, *Jewish Antiquities*, 3.260; 6.115–121 (on 1 Sam 14:31–35); 1QapGen 11:17; 11QT<sup>a</sup> 53:2–8; Philo, *Special Laws*, 4.122–123 (and, in general, 122–125). On the connection between blood and women in Philo, see Sly, *Philo’s Perception*, 72–73.

<sup>140</sup> Gen 32:23–33; Demetrius the Chronographer, Frag. 2.7; 4Q158 Frag. 1–2, 10–13; Josephus, *Jewish Antiquities*, 1.335. On the last two texts, see Lawrence H. Schiffman, “Laws Pertaining to Forbidden Foods in the Dead Sea Scrolls,” in Albert I. Baumgarten, et al. (eds.), *Halakhah in Light of Epigraphy*, JAJS (Oakville: Vandenhoeck and Ruprecht, 2011), 73–75.

<sup>141</sup> Josephus, *Jewish Antiquities*, 12.146; CD 12:11–15; 11QT<sup>a</sup> 48:1–8; 50:20–21. CD 12:11–15 also adds some new rules regarding eating bees, fish slaughter, and cooking locusts. On these rules, see Schiffman, “Laws,” 65–69; Norman. Golb, “The Dietary Laws of the Damascus Document in Relation to Those of the Karaites,” *JJS* 8 (1957): 51–69; Jodi Magness, *Stone and Dung, Oil and Spit: Jewish Daily Life in the Time of Jesus* (Grand Rapids: Eerdmans, 2011), 37–41.

<sup>142</sup> Pseudo-Phocylides, 139–140 (though the meaning here is obscure), 147–148; 4Q251 12:3–5; 11QT<sup>a</sup> 48:6; Josephus, *Jewish Antiquities*, 3.260; Philo, *Special Laws*, 4.119–121 (where Philo ties this into his larger agenda, discussed above).

<sup>143</sup> 4Q251 12:1–3; 4Q270 2ii:15; 4Q396 1:1–4; 11QT<sup>a</sup> 52:5–7. See Teeter, “You Shall Not Seethe.”

bird away from her nest;<sup>144</sup> eating forbidden fat;<sup>145</sup> and possibly the prohibition against cooking a kid in its mother's milk.<sup>146</sup>

These sources do not add much to the discussion, as they either summarize the biblical text itself or just reinforce arguments made elsewhere in their corpus (the latter is especially true with regard to Philo). The approach that many of these sources take is therefore best summarized by Josephus, who states:

Moreover, as concerning animals, [Moses] distinguished in detail those which might be eaten and those on the contrary from which one must perpetually abstain. On these, whenever the occasion may come for treating of them, we shall discourse at length, supplying the reasons which influenced him in ruling that some of them were eatable and in enjoining us to abstain from others.<sup>147</sup>

Sometimes highlighting the rules, sometimes adding to them, and often simply summarizing them, various biblical laws and their rationales reappear in Hellenistic texts.

## Conclusion

Discussing biblical food laws in the Hellenistic period, Martin Goodman observes that, "Whatever the rationale of such taboos, there can be no doubt of their power, nor of their tendency, as a result, to expand far beyond the restrictions envisioned in the Bible."<sup>148</sup> While Goodman is right that these laws did extend beyond biblical restrictions – a subject that will grow in importance in subsequent chapters of this book – it is most important to note the power of these taboos. They were not just statutes preserved in some archaic document. They were rules to govern one's daily existence. This latter point explains the need to rationalize this legislation. While one could perhaps participate in an infrequent ritual without pondering too deeply its meaning, this was not an option in regard to food, the ingestion of which is physically required on a regular basis (preferably many times a day!). And each encounter with food

<sup>144</sup> 11QT<sup>a</sup> 65:2–5.

<sup>145</sup> Philo, *Special Laws*, 4.124–125 (in general, 122–125; Philo's exposition here accords with his larger agenda, discussed above); Josephus, *Jewish Antiquities*, 3.260.

<sup>146</sup> 4Q251 12:5. See Schiffman, "Laws," 71–72, 79 (who is a bit too positivistic here, as he seems to want to read rabbinic interpretations back into sectarian documents).

<sup>147</sup> *Jewish Antiquities*, 3.259. <sup>148</sup> *Rome and Jerusalem*, 276.

potentially leads to a question of powerful import: why do “We” eat the way “We” do?

Of course, “what” We eat – and even who “We” are – was (and continues to be) a matter of some debate. One such debate is recorded in the New Testament, to which we shall now turn.