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MEAT-EATING AND JEWISH IDENTITY:  
RITUALIZATION OF THE PRIESTLY “TORAH  
OF BEAST AND FOWL” (LEV 11:46)  
IN RABBINIC JUDAISM  
AND MEDIEVAL KABBALAH

by

JONATHAN BRUMBERG-KRAUS

In a fascinating chapter dealing with the “nature of eating” in *Shulhan shel Arba*, a short thirteenth-century manual on rabbinic eating rituals, R. Bahya b. Asher suggests that Torah scholars alone are fit to eat meat, based on the following passage from the Talmud: “it is forbidden for an ignoramus [*am ha-aretz*] to eat meat, as it is written, ‘This is the torah of beast and fowl’ (Lev 11:46); for all who engage in Torah, it is permitted to eat the flesh of beast and fowl. But for all who do not engage in Torah, it is not permitted to eat beast and fowl.”<sup>1</sup> This passage raises many questions, especially for a vegetarian! First, why would an intellectual or spiritual elite use meat-eating as a way to distinguish itself from the masses? The field of comparative religions offers many counter-examples to this tendency: the vegetarian diet of the Hindu Brahmin caste, of Buddhist priests and nuns, the ancient Pythagoreans, the Neoplatonist regimen advocated by Porphyry in *On Abstinence*, or even contemporary eco-theologians, animal rights activists, and feminist vegetarians like Carol Adams.<sup>2</sup> Moreover, the mind/body dualism

1. b.Pesah 49b, quoted by Bahya, *Shulhan shel Arba*, from *Kitve Rabenu Bahya (Kad ha-kemah, Shulhan shel Arba, Pirke Avot)*, ed. Charles B. Chavel (Jerusalem: Mossad Harav Kook, 1969), p. 496.

2. See Colin Spencer, *The Heretic's Feast: A History of Vegetarianism* (Hanover, N.H.: University Press of New England, 1995); Carol J. Adams, *The Sexual Politics of Meat: A Feminist Vegetarian Critical Theory* (New York: Continuum, 1990).

of Western philosophical and religious traditions of asceticism tends to reinforce the idea that vegetarianism and fasting are closer to the ideal of intellectual perfection than slavery to our so-called animal cravings to eat flesh. Giving up meat for Lent or sustaining oneself miraculously on the bread and wine of the eucharistic elements, as is reported about some medieval female mystics, reflects this tendency in the Christian tradition, though vegetarian traditions are relatively rare in Judaism.<sup>3</sup> On the other hand, the medieval sources composed by the circle of late-thirteenth-century Spanish kabbalists that we are about to discuss acknowledge that at first view the Torah's commandments to eat meat are problematic, and demand an explanation. Joseph Gikatilla, Bahya's contemporary, suggests that killing animals for food seems to contradict God's justice.<sup>4</sup> Bahya himself points out

3. On attitudes toward vegetarianism in the early Christian church, see Diane Bazell, "Strife Among the Table-Fellows: Conflicting Attitudes of Early and Medieval Christians Toward Eating Meat," *Journal of the American Academy of Religion* 65 (1997): 73–99. Bazell points out a basic tension in early Christianity between the pro-vegetarian influences of Greek philosophical asceticism and the nonvegetarian impulse to be indiscriminate about one's diet, i.e., have no qualms about eating nonkosher meat, or meat sacrificed to idols, in order to distinguish Christianity from Judaism (p. 85). See also Veronika Grimm, *From Feasting to Fasting, the Evolution of a Sin: Attitudes to Food in Late Antiquity* (New York: Routledge, 1996), pp. 103–105. On the medieval accounts of miraculous sustenance on the elements of communion, see Carol Walker Bynum, *Holy Feast and Holy Fast: The Religious Significance of Food to Medieval Women* (Berkeley: University of California Press, 1987), esp. pp. 130–135. On Judaism's predominately pro-meat-eating, anti-vegetarian tendency, see Grimm, *From Feasting to Fasting*, pp. 16–17, 27. Vegetarianism has experienced a revival among twentieth-century Jews, for example, Rav Abraham Isaac Kook, the first chief rabbi of Israel, Isaac Bashevis Singer, and Rabbi Arthur Green; and there is a Jewish Vegetarian Society that publishes a Passover Haggadah for a meatless seder, *The Haggadah of the Liberated Lamb*. While for Rav Kook and I. B. Singer, vegetarianism was a private discipline, Green, in *Seek My Face, Speak My Name: A Contemporary Jewish Theology* (Northvale, N.J.: J. Aronson, 1992), pp. 87–89, and the Jewish Vegetarian Society advocate vegetarianism as a norm for other Jews. Though influenced by contemporary animal rights and ecological awareness, they root their vegetarianism in some of earlier traditional Jewish sources we are going to discuss below. See also Art Waskow, *Down to Earth Judaism: Food, Money, Sex and the Rest of Life* (New York: William Morrow, 1995), pp. 135–136.

4. Joseph Gikatilla, *Shaare Orah*, ed. Joseph Ben Shlomo (Jerusalem: Mossad Bialik, 1981), II, 11–12:

And now I have a great key to open this matter. What did the Lord (may He be blessed) see to command in the Torah the slaughter of animals for human beings to eat? For is it not written, "The Lord is good to all, and His mercy extends to all His works" [Ps 145:9]? And if He acts mercifully, why did He command that beasts be slaughtered for human beings to eat; where is the mercy in that? But the secret is in the beginning of the

that meat-eating is God's concession to humanity's animal desires in our fallen state; Adam and Eve did not eat meat in Eden.<sup>5</sup> And in the world-to-come, the righteous will feast only on "lite food," i.e., light "food"—"fine and pure foods created from the supernal light."<sup>6</sup> Both introduce the "torah of beast

verse, which said, "the Lord is good to all," good in fact, and accordingly "His mercy extends to all his works."

During the work of creation, an agreement was reached with the cow to be slaughtered, and she said, "Good." And what was her reason? Since the cow had no higher soul to conceive of the work of HaShem and His powers, the Lord (may He be blessed), when He was creating the world, told all the beasts to stand before Him, and He said, "If you consent to be slaughtered, and to have human beings eat you, then you will ascend from the status of a beast that knows nothing to the status of a human being who knows and recognizes the Lord (may He be blessed)." And the beasts replied, "Good. His mercies are on us." Whenever a human being eats a portion of the portions of a beast, it turns into a portion of the human being. Here the beast is transformed into a person, and her slaughter is an act of mercy, for she leaves the torah of beasts and enters into the torah of human beings. Death is life for it, in that it ascends to the degree of angels—and this is the secret of "Man and beast the Lord will save" [Ps 36:8].

If you really reflect on the secret of slaughtering animals, then everything comes from the side of His mercy and love for all His creatures. And thus reflect on the reason why our rabbis said in tractate Pesahim of the Talmud, "It is forbidden for an *am ha-aretz* to eat meat." For it was not commanded in the Torah to slaughter a beast unless one knows the "torah of beasts, wild animals, and fowl." And whoever engages in Torah is permitted to eat meat. Thus an *am ha-aretz* does not eat meat because he is like a beast without a soul, and he is not commanded to slaughter a beast only so that another "beast" can eat it, but rather, if so, it [the beast] becomes like carrion and prey [i.e., forbidden, of a lower, "unfit" status].

5. Bahya, *Shulhan shel Arba*, p. 496: "Consider well that human beings' food ought to have been only plants from the earth, such as grain produce and fruit, not animals . . . but at the time when all flesh ruined its way and all animals deserved annihilation, they were saved only by the merit of Noah, to whom animals were then permitted [to be eaten] just like the green grasses" (an allusion to Gen 9:3: "Every living creature shall be yours for food, like the green grasses, I am now giving you everything"). Bahya has a very clearly articulated sense of a fall of humanity in Eden, even if it sounds almost like Christian original sin. He refers to the rabbinic traditions of Adam's loss of stature, and describes the post-Edenic human condition thus, "all the children of Adam, the children of the man of sin, we are all stained, and our soul sickened [*gam benei 'adam gam benei 'ish 'avon kulanu nikhtam ve-nafshenu davah*]," p. 459.

6. Bahya, *Shulhan shel Arba*, p. 501 (*ha-ma 'akhlim ha-dakim ve-ha-zakhim shenivre'u min ha-'or ha-'elyon*). I owe this metaphor to Andrea Lieber, whose aptly titled unpublished paper, "Tastes Great, Less Filling," deals in detail with Jewish and parallel traditions of nourishment through the sense of sight.

and fowl” baraita from the Talmud to justify Judaism’s slaughter of animals for food.

Second, why does engagement in Torah per se qualify someone to kill animals to eat their meat? Perhaps it is the way for Jews to assert their distinctive group identity vis-à-vis non-Jews. The possession of the Torah revealed to Moses at Mount Sinai is what distinguishes Jews from non-Jews, and their observance of the Jewish dietary laws regarding fit and unfit meat is the visible, public embodiment of this distinctively “Jewish” Torah. Bahya offers this argument, suggesting that the Torah is a sort of “regimen of the pleasures” (*dat sha’ashu’im*), a remedy for Adam’s sin that the Jews alone possess.<sup>7</sup>

*However, we are distinguished by our regimen of the pleasures from the nations who err, rebel and sin. For we found our Rock in the desert in the land of souls, and there He set for us a table against the nations, and thus David, peace on him, said, “Set before me a table against my enemies” [Ps 23:5].*

Moreover, Bahya polemicizes against those who eat without any thought, as mindlessly as animals.

It is well known of the majority of the children of Adam, that their hearts are asleep and slumber, they eat with the blood, they spill blood themselves.

7. The expression *dat sha’ashu’im* is difficult to translate, though Chavel in his notes to *Shulhan shel Arba*, p. 459, understands it as an allusion to Ps. 119:92 (*lulei toratekha sha’ashu’iy*, “Would that your torah were my pleasure”) and means the “Torah which is called ‘pleasure.’” I agree with Chavel that Bahya understands *dat* as a synonym for the Torah. But Bahya draws on *dat*’s other specific connotations: law, rule, or decree. I suspect that Bahya has in mind an analogy to a monastic rule, or manual, for the moral instructions for princes of the type that began to proliferate in medieval Europe, or to the *adab* manuals of etiquette in Muslim culture. Bahya views the Torah as a kind of manual of conduct, a *sefer ha-hanhagah*, which has clear affinities to this genre of ethical literature. In other words, he projects the genre of his own *Shulhan shel Arba* onto the Torah. For a discussion of this genre and its relationship to other medieval Christian and Muslim ethical manuals, see Ze’ev Gries, *Sifrut ha-hanhagot: toldoteha u-mekomah be-haye haside R. Yisra’el Ba’al Shem-Tov* (Tel Aviv: Mossad Bialik, 1989), pp. 4–11, esp. 5–8. See also the discussion of medieval Muslim cooking and table etiquette literature in Jack Goody, *Cooking, Cuisine, and Class: A Study in Comparative Sociology* (Cambridge: Cambridge University, 1982), pp. 127–133. Though Goody does not discuss Jewish literature, his point that literary elaborations of cooking and table manners legitimate upper classes is relevant to our discussion of diet and class distinction between the *talmidei hakhamim* and the *ammei ha-aretz*.

Like an ox eating straw they eat their bread, and their souls are wasted and devastated, full of the wine of lust and empty of the wine of intellect. Their drunken excess turns against them, hard in pursuit of tangible pleasures, far from the way of truth. How many are those who serve their senses, to fulfill their desire, who gather to drain their cups to please their gullet! And how few are the elite who eat to sustain their body for their Creator's sake! There are some, witless and ignorant, the shifty man, who enjoy without blessing, neglect blessings. There are some fools who spit the good of the world into their vessels; the light of their calm will flash away like lightning, they forget the point when they eat at their tables, if they drink from their bowl. But unique is the one who fears and delights in the Lord even over a dinner of vegetables.<sup>8</sup>

However, it is not so clear here that Bahya means that only non-Jews lack "the way of truth," i.e., the Torah. If the expressions "children of Adam" and "they eat with blood" imply non-Jews, the other phrases: "like an ox eating straw," souls "wasted and devastated," "drunken excess turns against them," "witless and ignorant, the shifty man" are all allusions to scriptural passages critical of *Israelites* who stray from the Lord in pursuit of sensuality.<sup>9</sup> Moreover, while the use of the intellect distinguishes the elite from the witless in this passage, meat-eating does not. Those who "eat with the blood" are meat-eaters, while the unique one "who fears and delights in the Lord" does so even over a meal of vegetables! So Bahya must have in mind more than self-differentiation from Gentiles when he cites the baraita on the "torah of beast and fowl." Bahya asserts an internal distinction between Jews who eat mindfully (the "elite" *benei 'aliyah*) and those who do not, who in his interpretation of the baraita are labeled "disciples of the sages" and "ignoramuses," *talmidei hakhamim* and *ammei ha-aretz*.

This raises other questions. Why should R. Bahya draw for his thirteenth-century audience an anachronistic distinction between *talmidei hakhamim* and *ammei ha-aretz*? These labels derive from a specific social situation, the rabbinic period of Jabneh and Usha, after the destruction of the Temple in 70, in the second and third centuries C.E.<sup>10</sup> Nor is the history and definition of these

8. Bahya, *Shulhan shel Arba*, p. 460.

9. Chavel, *Shulhan shel Arba*, p. 460, in his notes suggests that Bahya alludes here to Is 11:7, Na 2:11, Hos 4:18, Ezek 45:20, Prv 15:28.

10. As Aharon Oppenheimer, *The 'Am Ha-aretz: A Study in the Social History of the Jewish People in the Hellenistic-Roman Period* (Leiden: E. J. Brill, 1977), p. 175, suggests regarding the tradition in its earlier context as a baraita in b.Pesah 49b.

terms simple. The *ammei ha-aretz/talmidei hakhamim* distinction in b.Pesah. 49b's baraita on Lev. 11:46 represents a shift of terminology from earlier tannaitic traditions about the *haverim* ("colleagues") vs. the *ammei ha-aretz* (lit., "peoples of the land"). In the earlier, pre-Yavnean tannaitic traditions of the Mishnah and Tosefta, *haverim* (and *ne-emanim* ["faithful" or "trustworthy ones"]), not *hakhamim* ("sages") or *talmidei hakhamim* ("disciples of sages"), were the self-designations of members of voluntary associations primarily composed of non-priests who were scrupulous about priestly tithes and the conditions of purity in which they prepared their food. They called Jews who did not follow their rules *ammei ha-aretz*. The *haverim* were probably the Pharisees of the New Testament and Josephus, who sought to heighten Jewish national identity under Roman rule by intensifying the norms of Jewish behavior. In particular they adapted the priestly standards of purity, and tithed food for nonpriests, to encourage "lay" Israelites to participate in their table fellowship practices, as if they were priests. In other words, the fellowship practices of the *haverim*/Pharisees were a strategy of ritualized "street theater" intended to win Jewish converts to their way of practice.<sup>11</sup> In contrast, we have later traditions opposing the *hakhamim* or *talmidei hakhamim* to the *ammei ha-aretz* that stress the former's commitment to Torah study in the Bet Midrash to the latter's ignorance and neglect of it.<sup>12</sup> The baraita containing our tradition in b.Pesah 49b belongs to this stage in the development. If the pre-70 *haverim*/Pharisees were members of associations that gathered for table fellowship following priestlike standards of ritual observance, the post-70 *talmidei hakhamim* gathered in associations for the study of Torah.<sup>13</sup> Consequently, the definition of their opponents, the *ammei ha-aretz*, changed from those who did not observe priestlike table-fellowship rules to those who did not study Torah. When modern scholars aptly distinguish these two types of *am ha-aretz* as *ammei ha-aretz le-mitzvot* ("with respect to the commandments") and *ammei ha-aretz le-Torah* ("with respect to Torah learning"), they underline the conceptual shift from Torah understood

11. Jonathan Brumberg-Kraus, "Were the Pharisees a Conversionist Sect?" *The Making of Proselytes. Jewish Missionary Activity in the Hellenistic and Roman Worlds*, ed. A. J. Levine and R. Pervo (Scholars Press, forthcoming).

12. Oppenheimer, *Am Ha-aretz*, p. 170. The tannaitic sources themselves recognize this distinction, for example m. Dem 2:3 regarding what is excluded from the definition of a *haver*. However, in later strata of the Talmud and in the *Derekh Eretz* literature the terminological distinction between *haver* and *hakham/talmid hakham* is blurred.

13. *Ibid.*, p. 171.

as ritualized practice—the *haver*/Pharisee's imitation of priestly rules, and Torah as study in the Bet Midrash and personified by the sage, the *talmid hakham*.<sup>14</sup> There is some overlap of usage in talmudic literature, as *haverim* are sometimes called *hakhamim*, and the “disciples of the sages,” who did, after all, adopt the language and traditions of the *haverim*, still considered shared eating rituals a part of the social cement that bound their Torah-study groups together. Thus, it is not surprising that b.Pesah 49b is concerned with what *talmidei hakhamim* and *ammei ha-aretz* eat.

What is surprising is their unprecedented prohibition of an *am ha-aretz* from eating meat. Is it the rhetoric of “class war” between wealthy, aristocratic meat-eating intellectuals and poor boors whose diets are by necessity restricted to grains and greens?<sup>15</sup> That is possible for the original rabbinic dictum in the Babylonian Talmud. It is less likely in Bahya's medieval use of the tradition, if Yitzhak Baer is right that Spanish kabbalists tended to side with, or at least identify their class interests with, the poorer Jews, over against the wealthy, assimilationist, aristocratic court Jews who were partial to the secularizing tendencies of Arabic culture and Maimonidean rationalism.<sup>16</sup> Moreover, it is not the explanation Bahya himself gives for the “class” distinction, nor does his language reflect a preoccupation with the conflict between rich and poor Jews as pronounced as his teacher Jonah Gerondi's, or of the anonymous author of the Raya Mehemna sections of the Zohar. Rather, Bahya resorts to a quasi-physiological theory of reincarnation to explain the tradition. Namely, only intelligent people, that is, people engaged in Torah, have the potential to transform (by eating) the “animal soul”<sup>17</sup> of

14. *Ibid.*, pp. 67 ff. Adolf Buchler coined the terms, but Oppenheimer and others dispute which historical social strata they accurately describe (p. 5). However, even if coined later, the terms accurately describe an implicit distinction that the talmudic sources themselves recognize (p. 67).

15. Goody, *Cooking, Cuisine, and Class*, p. 123, suggests that class conflicts often underlie gastronomic preferences for meat (“high”) vs. vegetable-based (“low”) cuisines, referring to Islamic texts as examples.

16. Yitzhak Baer, “Ha-Reka' Ha-Histori shel Raya Mehemna,” *Zion*, n.s. 5, no. 1 (1939): 1–44; *idem*, *A History of the Jews in Christian Spain* (Philadelphia: Jewish Publication Society, 1961–66), 1:270–277.

17. *Nefesh ha-tnuah*, literally, “mobile soul.” In Bahya's psychology, there are three levels of soul: the “vegetative soul” (*nefesh tzomahat*) characteristic of plants, the “mobile soul” (*nefesh ha-tnuah*) characteristic of animals, and the “intellectual soul” (*nefesh sekhlit*) characteristic of human and angelic beings. Only human beings have all three. See below, my discussion of Bahya, *Shulhan shel Arba*, p. 496, and n. 72.



meat into an intelligent soul; an *am ha-aretz* cannot do this, and so should avoid meat. It is as if Torah learning were a sort of cosmic digestive aid which by definition the *am ha-aretz* lacks, either because of diminished mental capacity or inclination. Finally, the conspicuous absence of women in this gastronomic theory of metempsychosis suggests another question: did Bahya's interpretation of the tradition serve to reinforce the privileged social status of educated Jewish males? Not only were thirteenth-century Jewish women for the most part excluded from kabbalistic or talmudic Torah study, the prerequisite for eating meat, but they were theoretically unnecessary for this metaphysical process of rebirth. In other words, male Torah scholars could effectively reincarnate souls without having them reborn through women. This kabbalistic approach to meat-eating, especially with its extensive use of sacrificial language and images seems to support the late Nancy Jay's anthropological thesis that sacrifice is a "remedy for man having been born of women."<sup>18</sup> That is to say, men use the blood and flesh of shared meat sacrifices to foster myths of communal origins and bonds that root group identity in institutions controlled by males, rather than in who one's mother is. Israelite priests were defined, differentiated, and elevated from other Israelites as much by what they ate as by who their fathers were (much less their mothers, since the priesthood was transferred patrilineally). Subsequent Pharisaic, talmudic, and kabbalistic interpretations only further eroded the significance of a priesthood based on birth. They replaced it with a "priesthood" based on shared intensified eating norms and/or Torah knowledge acquired from one's teachers. Bahya does not seem to imagine, or even discuss, women as participants in gastronomic metempsychosis. Moreover, with a few exceptions, wouldn't women be equivalent to *ammei ha-aratzim*, "beasts" who do not engage in the intellectual discipline of Torah study? Indeed, feminist vegetarians like Carol Adams criticize the tendency of "patriarchal" meat-eating culture to objectify the women it subordinates as animals, as cuts of beef.<sup>19</sup> Unfortunately for this aspect of the theory, the texts do not support it. Bahya could have identified the *ammei ha-aretz*/"beasts" explicitly as women, but he does not. Even b.Pesah 49b compares primarily male *ammei ha-aretz* to beasts fit for slaughter, as cuts of meat and fish. On the other hand, the Talmud implies that marrying a female *am ha-aretz*

18. Jay, *Throughout Your Generations Forever: Sacrifice, Religion, and Paternity* (Chicago: University of Chicago Press, 1992), p. xxiii.

19. Adams, *Sexual Politics of Meat*, pp. 48–62.

is tantamount to bestiality.<sup>20</sup> So even if feminist theories of sacrifice and meat-eating shed some light on our texts, they do not fully explain them. We will return to the feminist and other possible explanations for Bahya's interpretation of this meat-eating tradition in the Talmud at the conclusion of our paper.

But for now, all this talk of *talmidei hakhamim*, *ammei ha-aretz*, intelligent souls, meals of supernal light, and "remedies for being born of women" seems a rather long way from the original meaning of the verse "this is the torah of beast and fowl"! After all, it is basically the biblical Priestly writer's summary of the dietary restrictions all Israelites were supposed to follow, analogous to the summary statements of nine other units of priestly instructions.<sup>21</sup> There are clearly several different understandings of precisely what the "torah of beast and fowl" is and how its Jewish interpreters relate to it over time.

The biblical, rabbinic, and medieval kabbalistic traditions of "the torah of beast and fowl" represent the successive developments of different "ontologies" of Torah, to use a term from recent scholarship on the comparative study of scripture.<sup>22</sup> "Torah" has become a symbolic marker for the type of knowledge that defines Jewish social identity and power relations between different types of Jews (priests and ordinary Israelites, *talmidei hakhamim* and *ammei ha-aretz*, *maskilim* ["enlightened ones"] and *ammei ha-aretz*), between Jews and non-Jews, and between Jews and God. Also, William Graham has stressed that "scripture" as a cross-cultural category of religious

20. b.Pesah 49b: ". . . but he [a *talmid hakham*] should not marry the daughter of an *am ha-aretz*, for they are detestable and their wives are vermin, and of their daughters it is said, 'Cursed be he who lies with any kind of beast [*behemah*] [Deut 27:21].'"

21. Jacob Milgrom, *Leviticus 1–16*, Anchor Bible (New York: Doubleday, 1991), pp. 382–383.

22. For general studies, see Miriam Levering, ed., *Rethinking Scripture: Essays from a Comparative Perspective* (Albany: State University of New York Press, 1989); Wilfred Cantrell Smith, *What Is Scripture? A Comparative Approach* (Minneapolis: Fortress Press, 1993); William A. Graham, *Beyond the Written Word: Oral Aspects of Scripture in the History of Religion* (Cambridge: Cambridge University Press, 1987); and Jeffrey Timm, ed., *Texts in Context: Traditional Hermeneutics in South Asia* (Albany: State University of New York Press, 1992). For studies of Torah from this comparative perspective, see Barbara Holdrege, *Veda and Torah: Transcending the Textuality of Scripture* (Albany: State University of New York Press, 1996); Martin S. Jaffee, "A Rabbinic Ontology of the Written and Spoken Word: On Discipleship, Transformative Knowledge, and the Living Tests of Oral Torah" (Paper read at the American Academy of Religion Consultation on the Comparative Study of Hinduisms and Judaism, November 1996).

experience is a “relational concept.”<sup>23</sup> What makes something “Scripture,” what makes something Torah, is not only its content, but what people do with it, how they treat it.

In light of these ideas, I will examine the different interpretations of Lev 11:46’s “torah of beast and fowl,” to show how earlier rabbinic and later medieval kabbalistic literature treat the relative importance of the study of Torah versus its ritual enactment differently. Rabbinic literature tends to subordinate ritual practice, especially that associated with the priests in the time of the Temple, to the study of such practices in the Torah. While at first the Pharisees/*haverim* attempted to transfer the theurgic efficacy of priestly eating “torot” to Jewish lay people, the later post-Yavnean generations of rabbis turned the language of priestly sacrificial eating into a metaphor for rabbinic study of Torah. Rabbinic ideology came to view the study of Torah as a replacement for the priestly “torot” of sacrifice and purity that could no longer be practiced because of the destruction of the Temple. There are numerous expressions of this idea throughout rabbinic literature. Particularly to the point is this tradition from b.Menahot 110:

“This is the torah of the *olah* [burnt offering], the *minhah* [grain offering], the *hattat* [sin offering], the *asham* [guilt offering], etc.” Whoever engages in the study of the Torah portion on *olah* is as if he sacrificed an *olah*, the portion on *minhah*, as if he sacrificed a *minhah*, the portion on *hattat*, as if he sacrificed a *hattat* . . .<sup>24</sup>

Or we have the related idea articulated in m.Avot 3:3, that Torah study at ordinary meals makes them like priestly sacrifices, and meals without Torah talk are like sacrilege:

R. Simeon said, “Three who have eaten at one table and have not said words of Torah over it, it is as if they have eaten from sacrifices of the dead [*mi-zivkhey metim*]. . . . But if three have eaten at one table and have spoken over it words of Torah, it is as if they have eaten from the table of God, as it is written (Ezek. 41:22) , “And he told me: This is the table that stands before the Lord.”

23. William A. Graham, s.v. “Scripture,” in *The Encyclopedia of Religion*, ed. Mircea Eliade (New York: Macmillan, 1986), 13:134.

24. b.Menahot 110. R. Bahya, *Biur al Ha-Torah* (ed. Chavel), p. 433, brings this tradition in his comment to Lev 7:37, but not to suggest that Torah study supplants sacrificial eating altogether, as I argue later.

This formulation suggests that engagement of scholars in Torah study, not their eating per se, is what makes their gathering equivalent to the biblical priests' sacrificial rituals.

Medieval rabbinic ethical literature, informed by kabbalah, tends to restore the theurgic priestly dimension to the meal rituals of rabbinic scholars. The Zohar and R. Bahya's ideal religious type—the *maskilim* (“enlightened ones”), onto whom they project the rabbinic traditions about the *talmidei hakhamim*—act more like priests than like “pure scholars.” Their eating as well as their study has a theurgic world-regenerating function.<sup>25</sup> R. Bahya and the circle of Spanish zoharic kabbalists suggest that eating not only conforms to the commandments of Scripture permitting or prohibiting specific food (like Lev. 11:46). Eating also ritualizes nonlegal Torah like “They envisioned God and ate and drank” (Ex 24:11), “My sacrifice, My bread to My fire, my pleasing odor” (Nu 28:2), “Bless the Lord my soul, all my being His holy name” (Ps 103:1); or “Both human being and beast, YHWH will save” (Ps 36:8).<sup>26</sup> In other words, regardless of whether these passages in their original context were intended literally, the kabbalistic ethicists read them as metaphorical referents to their system of sefirot and theory of metempsychosis. But beyond that, those who know the “secrets of the Torah” view not only the Torah's explicit mitzvot of eating, but also these other scriptural verses as prescriptions to enact ritually the same extratextual cosmic drama of “raising souls.”<sup>27</sup> *Shulhan shel Arba* and similar manuals provide rabbinic scholars with a “script” for embodying Torah, or put differently, transform Torah verses into “ritualized metaphors.”<sup>28</sup>

25. E.g., Bahya, *Shulhan shel Arba*, p. 496; Joel Hecker, “Each Man Ate an Angel's Meal: Eating and Embodiment in the Zohar” (Ph.D. diss., New York University, 1996; Ann Arbor, Mich.: University Microfilms, 1996), pp. 224–296, esp. 273–279; and also Pinchas Giller, *The Enlightened Will Shine: Symbolization and Theurgy in the Later Strata of the Zohar* (Albany: State University of New York Press, 1993).

26. See Bahya, *Shulhan shel Arba*, p. 492, for the ritualization of the metaphors of Nu 28:2 and Ps. 103:1 (and below, for my translation of the passage), and of Ps 36:8, Joseph Gikatilla, *Shaare Orah*, II, 11.

27. The relationship of this cosmic drama to these nonlegal Torah verses is basically analogous to Victor Turner's “Social Dramas and Stories About Them,” *Critical Inquiry*, 1980, pp. 141–168. See the next note.

28. See Ivan G. Marcus, *The Rituals of Childhood: Jewish Acculturation in Medieval Europe* (New Haven: Yale University Press, 1996), p. 6, for the application of the anthropologist James Fernandez's concept of “ritualization of metaphors” to other medieval Jewish eating rituals. Particularly apt is Marcus's recognition of this process as an impulse toward ritual innovations.

In short, medieval rabbinic ethical literature tends to “re-ritualize” Torah, which had been “deritualized” by the earlier rabbinic equation/replacement of priestly *avodah* with Torah study.<sup>29</sup> We can observe the effect of this process by examining the different ways biblical, rabbinic, and medieval mystical/ethical interpreters view three crucial components of the tradition associating the dietary guidelines for *talmidei hakhamim* and *ammei ha-aretz* with the scriptural proof-text of Lev 11:46. First, how does each of the interpreters understand the term “torah” in general, and its narrower specification “torah of beast and fowl”? Second, how does each understand the nature of the conflict between *talmidei hakhamim* and *ammei ha-aretz*? Finally, how does each understand the meaning of eating meat, lit., “eating beast meat” (*le’ekhol basar behemah*)? An analysis of these interpretations will show that rabbinic interpretations tend to make the ideal rabbinic type behave less like a biblical priest, while the later medieval kabbalistic and ethical interpretations make him behave more like a priest. How does one behave like a priest? Jacob Milgrom suggests Deut. 33:10 as a concise definition of the biblical priests’ function: “They shall teach your laws to Jacob and your instructions to Israel, they shall offer the incense in Your nostrils and burnt offerings on Your altar.”<sup>30</sup> They are both to teach God’s laws and ritual requirements (*toratekha le-yisrael*) and to give God sacrifices to savor, either directly, in the smoke of the incense or *olot* that God smells, or as God’s agents, by eating their priestly portions (and in effect sharing a meal with God). Rabbinic interpretations tend to split these functions, emphasizing the former, the teaching, over the latter, theurgic cooking and eating. Medieval commentators, such as R. Bahya

29. What I mean by ritualization is the tendency of interpretations to stress the extratextual performance of the rituals described in the texts, or the social dramas “behind” the texts, of which the texts themselves are consciously understood as a performance. Conversely, deritualization would be the tendency to play down the actual performance of the specific rituals described in the text; in effect, to turn the prescriptive into the descriptive, or the imperative into the indicative. In addition to Ivan Marcus’s approach, I also have in mind Victor Turner, “Social Dramas and Stories About Them,” who views texts that describe rituals as parts of an extratextual ritual process—“scripts” of social dramas. I have also been influenced by Baruch Bokser’s idea that ritualization can be an editorial phenomenon, the way that one text interprets actions described in another text, as in the tendency of the Babylonian and Palestinian Talmuds to augment M. Pesah 10’s account of the seder rituals by giving symbolic explanations for props and actions that the Mishnah treats more or less as accidents. “Ritualizing the Seder,” *Journal of the American Academy of Religion* 56 (1988): 443–471.

30. Milgrom, *Leviticus*, p. 52.

and the other Spanish kabbalists, tend to reunite these two functions.<sup>31</sup> I will demonstrate this by examining the treatment of Lev 11:46 first in the Bible, and then in rabbinic and medieval kabbalistic texts.

*“Torah of Beast and Fowl” in the Bible*

There is a distinctive interpretation of “Torah” and meat-eating expressed by the Priestly redactor of Leviticus long before rabbinic interpreters associated Lev 11:46 with their categories of *talmid hakham* and *am ha-aretz*. “Torah” in Leviticus refers to instructions about sacrifices and purity either for priests or for instructions by priests to ordinary Israelites on how to be holy (as per the recurrent warrant for the command “You shall be holy, for I, the Lord your God, am holy”).<sup>32</sup> Moreover, the basic structure of Leviticus consists of “manuals of practice” addressed to the priesthood in chapters 1–16, and then priestly teachings addressed to Israelites, the so-called Holiness Code, chapters 17–27. In the first part, *torot* appears to be Leviticus’ own term for its priestly manuals of practice. In chapters 1–16 there are ten *torot*: five *torot* of sacrifice: “this is the torah of the burnt offering [*olah*]” (6:2); “this is the torah of the grain offering [*minhah*]” (6:7); “this is the torah of the sin offering [*hattat*]” (6:18); “this is the torah of the guilt offering [*asham*]” (7:1); “. . . the sacrifice of the well-being offerings [*zevah ha-shlemim*]” (7:11); and five *torot* of impurity: “this is the torah of beast and fowl” (11:46); “. . . of her who bears a child [*ha-yoledet*]” (12:7); “. . . of an eruptive affection [*nega’ tzara’at*]” (13:59, 14:54–57); “. . . of the leper [*metzora*]” (14:2, 32); and “. . . of him who has a discharge [*ha-zav*]” (15:32). Thus, the “torah of beast and fowl” in Lev 11:46 falls under the category of instructions for priests regarding the purity of animals. However, if this is so, this torah in chapter 11 seems anomalous. It is the only one of the ten *torot* that is neither about priests nor addressed primarily to priests. These dietary restrictions are intended for all Israelites, and accordingly are addressed specifically to them. Halpern suggests that the dietary rules were originally part of the

31. Jacob Neusner, *The Way of Torah: An Introduction to Judaism*, 4th ed. (Belmont, Calif.: Wadsworth, 1988), p. 35, similarly argues that different types of Judaism in history can be distinguished from one another by their particular way of bonding these two generative symbols of priestly altar and scribal scroll, and a third, messianic/nationalist wreath in a coherent religious system.

32. Baruch Halpern, *Leviticus* (NJPS), pp. xi–xii.

Holiness Code addressed to Israelites, but that the Priestly redactor moved it so as to “redefine” the guidelines stressing Israel’s holiness into a “torah of purity, a manual of procedures for priests.”<sup>33</sup> The purpose of the “torah of beast and fowl, and every living thing which moves in the water or swarms on the earth” (11:46) is to “distinguish between the unclean and clean, between the living things that may be eaten and the living things that may not be eaten” (11:47). Making such distinctions is precisely the function assigned specifically to priests, as stated in 10:10; “For you [the priests] must distinguish between the sacred and profane, and between the unclean and clean.”<sup>34</sup> However, if the “this” of “this is the torah of beast and fowl” refers to the verses immediately preceding it, then the “torah of beast and fowl” would be among the instructions addressed to the Israelites as a whole (and not just the priests): “to sanctify yourselves and be holy, for I am holy” and “not to make yourselves unclean through any swarming thing that moves upon the earth. For I the Lord am He who raised you up [*ha-ma’aleh ’etkhem*] from Egypt to be your God; you shall be holy for I am holy” (Lev 11:44–45). In other words, the “torah of beast and fowl” is an instruction intended for both priests and Israelites. There is no intention here to establish a double standard for priests and Israelites’ diets, as our rabbinic tradition establishes for the *talmid hakham* versus the *am ha-aretz*.<sup>35</sup> If anything, it is intended to distinguish Israelites from non-Israelites (the Israelites are made holy, that is, made separate from others, just as God is separate, when God “raised them up out of Egypt”). Though the other torot stress the distinctions between priests and Israelites, the dietary rules here blur their distinctive vocations. In short, the torot of Leviticus were not an esoteric priestly lore to be hidden from lay people. Indeed, what distinguished Israelite priests from their ancient Near Eastern counterparts was their public teaching of their priestly lore.<sup>36</sup> So the “torah” of Lev 11:46 is (1) a body of learning (about purity); (2) mitzvot to be performed (eating clean vs. unclean meat); and (3) knowledge shared between the priestly elite and regular “lay” Israelites (not esoteric lore).

Finally, let me sketch out why I think P singles out the flesh of animals—meat—as opposed to other edible foods (grains, fruits, vegetables)

33. *Ibid.*, p. xvii.

34. *Ibid.*

35. Obviously, there are other places in Leviticus where this is the intention, i.e., in the passages describing the priestly gift portions of sacrifices, and the prohibition of ordinary Israelites from eating them.

36. Milgrom, *Leviticus*, pp. 52–53.

as that which is to be eaten in a discriminating manner.<sup>37</sup> Echoes of the language of Genesis 1 in Lev 11 suggest that these dietary restrictions are intended as ritualized mnemonic devices for maintaining the distinctions at the basis of God's creation of the world.<sup>38</sup> Since the first human being and indeed all animals ("every living thing on the land and every flying thing in the sky, and every crawling thing in the water which has the breath of life [*nefesh*] in it" are permitted to eat from all the seed-bearing grasses (grains and vegetables) and fruit-bearing trees (Gen 1:29–30), discrimination was not necessary for eating. Any living thing could eat any plant food. Only after humanity's expulsion from Eden, when God grants human beings the concession to eat meat (Gen 9:3–4), does one have to begin to distinguish between fit and unfit food. In this case, only the flesh of animals whose life force, or "breath of life" as the New Revised Standard Version of the Bible translates *nefesh*, has been removed from it, that is, in P's view, its blood, is meat fit to eat (Gen 9:4).<sup>39</sup> Making distinctions between clean and unclean animals is an extension of the basic principle that making distinctions in creation is what God does, and what people in imitation of God should do.<sup>40</sup> Moreover, the repetition of the Leitwort *nefesh* seems to suggest it has special

37. Grimm, *From Feasting to Fasting*, p. 16, suggests that the restrictions in Leviticus on animals fit to eat, and particularly the extensive enumeration of animals which are unfit to eat, "rather than addressing a largely vegetarian society . . . confront a human society that . . . would eat just about anything that moved." She questions the assumption that meat was infrequently eaten, only on sacrificial occasions, in the ancient Near East. Moreover, she claims that the preoccupation of Leviticus with clean and unclean animals was the precedent for later Jewish tendencies away from vegetarianism. If Grimm is correct that everybody was "eating anything that moved," the Israelites would have been eating less meat than their neighbors, since fewer animals are permitted to them to eat. Thus, *pace* Grimm, it is arguable that the narrowing of meat options in Leviticus put Israelite religion and later Judaism on a continuum tending toward vegetarianism.

38. Gen 1:20–21, 24–25: i.e., *yishretzu ha-mayim sheretz nefesh hayah ve-'of ye 'ofef*... kol nefesh ha-hayah ha-romeset *asher shirtzu ha-mayim leminehem ve-'et kol 'of*... *totze ha-'aretz nefesh hayah leminah behemah va-remes ve-hayto 'eret leminah* ... *va-ya'as elohim et hayat ha-'aretz leminah ve-'et ha-behemah leminah ve-'et kol remes ha-'adamah leminehu*.

39. In biblical Hebrew *nefesh*, lit. "throat," usually translated as some sort of life force, or even "self" or "person" depending on the context, does not have the connotation of an immaterial soul or spirit that it develops in later rabbinic Hebrew under the influence of Greek thought. Gen 9:4, You shall not eat flesh with its life [*nefesh*], that is, its blood," equates *nefesh* with blood.

40. "Let us create human being in Our image according to our likeness" (Gen 1:26 ff.); "You shall make yourselves holy and be holy because I am holy" (Lev 11:44).



meaning in P's rationale for eating distinctions. The vital forces [*nefashot*] of some animals render Israelite human *nefashot* unclean, as expressed in Lev 11:43–44: “do not defile *nafshotekhem* with them . . . do not make *nafshotekhem* unclean with every swarming thing that creeps on the earth,” for “this is the torah of . . . every *nefesh* of animals that creep in the water and every *nefesh* which swarms on the land” (Lev 11:46). The *nefashot* of animals can make the *nefashot* of human beings unclean or unholy in two ways: (1) eating any animal, clean or unclean, with its *nefesh*/blood still in it, and (2) certain animals by definition are unclean, whether you eat them or not, or touch them, or touch things that they touch, etc.<sup>41</sup> Plants, in P's view, do not have *nefashot* (but contrast this view with later medieval kabbalistic views of the soul/*nefesh*), so only meat is potentially problematic in this regard.<sup>42</sup> The rabbinic interpretations of 11:46 that we are about to discuss in the next section seem to affirm this perspective, but are so preoccupied with establishing scholastic rabbinic authority over priestly authority that it drops into the background, a latent idea to be picked up and emphasized later by medieval kabbalistic interpreters.

41. Indeed, the rabbinic interpretation of Lev 11:46 in b.Zevah 69a draws similar conclusions, but I think it is the *peshat* too. It is apparent that the whole subsystem of clean/unclean distinctions is grounded upon only those creatures which have or have had blood or a *nefesh* in them. Vegetable and nonorganic items are never the sources of uncleanness, but are only secondary carriers of uncleanness that originates from corpses, birth-related blood, seminal emissions, unclean animals, etc.; i.e., from beings composed of flesh and blood. But purity is only one of two basic subsystems of distinctions that are to be made for priests and Israelites acting like priests. The second system is that of offerings and portions of offerings set aside for God and the priests vs. those that are not; e.g., tithes. While including portions of meat sacrifices, this system is especially concerned with vegetable produce, especially in the later elaboration of tithing rules by the Pharisees. In the New Testament's polemical enumeration of the Pharisees' picky dietary restrictions, “For you tithe mint, and rue, and herbs of all kinds” (Lk 11:42), “You tithe the mint, and dill, and cummin” (Mt 23:23), meat is significantly absent. My point is that while making distinctions is crucial to the vocation of priests (and priest imitators), only distinctions between clean and unclean, i.e., the system of purities, in effect require, or at least presuppose, a meat-eating diet.

42. See, for example, the medieval tripartite psychology of animal, vegetative, and intellectual souls discussed in Bahya, “Ta'anit,” *Kad Ha-Kemah*, in *Kitve Rabbenu Bahya*, ed. C. Chavel, p. 441. The repetition of *nefesh* in the treatment in Leviticus of restrictions on meat-eating certainly lent itself easily to the theory of reincarnation of souls that the medieval kabbalists later attached to it.

*Rabbinic Interpretations of “the Torah of Beast and Fowl”*

The most obvious innovation in rabbinic interpretations of “the torah of beast and fowl” (Lev 11:46) is its use as a proof-text for what the *am ha-aretz* and the *talmid hakham* may and may not eat—namely, meat. However, it is not the only tack that rabbinic interpreters take, as a brief comparison between b. Pesahim 49b, and b. Menahot 110a (and parallel traditions in Sifra) will show. The prohibition of an *am ha-aretz* from eating meat in b. Pesah. 49b, which uses Lev 11:46 as its proof-text, clearly refers to an *am ha-aretz le-torah*: “it is forbidden for an *am ha-aretz* to eat meat, as it is written, ‘This is the torah of beast and fowl’ (Lev 11:46); for all who engage in Torah, it is permitted to eat the flesh of beast and fowl. But for all who do not engage in Torah, it is not permitted to eat beast and fowl.” The phrase “torah of beast and fowl” has a double meaning here. On the one hand, “torah of beast and fowl” refers to the prohibition of beast-meat to one class of people, and its permission to others. On the other hand, “torah of the beast” seems to refer to the *am ha-aretz* himself. That is, the torah is that the *am ha-aretz* is a beast.

This is apparent from the context in which it occurs in b. Pesah 49b, as one among a list of baraitot of nasty things *talmidei hakhamim* have to say about *ammei ha-aretz*. Immediately preceding our baraita is a quotation of Deut 27:21: “Cursed be he who lies with any kind of beast [*behemah*],” which functions both as a proof-text for the second of two baraitot forbidding a man to marry his son to the daughter of an *am ha-aretz* and as the associative verbal link to our baraita, which uses the word “beast” (*behemah*) three times.<sup>43</sup> The effect of this whole list of anti-*am ha-aretz* traditions here is to suggest that the *am ha-aretz* and his offspring are beasts fit neither to eat nor to sleep with. The passage emphasizes this in several ways. In the first baraita forbidding marriage to the daughter of an *am ha-aretz*, the unfit bride is compared to inedible berries grafted to edible grapes. In the second, marriage to her is equated with sex with a beast.

Our rabbis taught, a man should always sell what he has and marry the daughter of a *talmid hakham*, for if he dies or goes into exile he is assured that his

43. Some printed editions of the Talmud place a fourth *behemah* in parentheses after *am ha-aretz asur le-'ekhol basar*, but it seems clear that this a later editorial addition, and does not appear in R. Bahya's quotation of the baraita.

children will be *talmidei hakhamim*, and he should not marry the daughter of an *am ha-aretz*, for if he dies and goes into exile, his children will be *ammei ha-aretz*. . . . But he should not marry the daughter of an *am ha-aretz*. This may be compared to bunches of grapes combined with the berries of a thorn bush, which is a repulsive and unacceptable thing.

Our rabbis taught, a man should always sell all he has and marry the daughter of a *talmid hakham* . . . but he should not marry the daughter of an *am ha-aretz*, for they are detestable and their wives are vermin, and of their daughters it is said, “Cursed be he who lies with any kind of beast [*behemah*]” [Deut 27:21]. It was taught, Rabbi said, it is forbidden for an *am ha-aretz* to eat meat, as it is written, “This is the torah of beast and fowl” (Lev 11:46); for all who engage in Torah, it is permitted to eat the flesh of beast and fowl. But for all who do not engage in Torah, it is not permitted to eat beast and fowl.

Immediately following are some vicious traditions that compare the killing of *ammei ha-aretz* to the ritual slaughter of beasts, or to profane slaughter, or to filleting a fish!

R. Eleazar said, An *am ha-aretz* may be stabbed even on Yom Kippur which falls on a Sabbath. His pupils said to him, Master, say rather, may be ritually slaughtered. He replied, the latter requires a benediction, the former does not. . . . R. Samuel b. Nahmani said in the name of R. Yohanan, One may tear an *am ha-aretz* like a fish. Said R. Samuel b. Isaac, [That is], along his back . . .

Rabbi Akiva recalls that before he was a *talmid hakham*, when he was an *am ha-aretz*, he used to say, “If ever someone let me at a *talmid hakham*, I would bite him like an ass.” Against his students’ suggestion that he bit them like a dog, Rabbi Akiva insisted that he bit them like an ass, because an ass “bites and breaks a bone, while [a dog] bites but does not break a bone.” Furthermore, the *ammei ha-aretz* are beasts not only because of what and how they eat, but also because of how they have sex, as R. Meir makes explicit in the baraita immediately following Rabbi Akiva’s statement:

R. Meir used to say, Whoever marries his daughter to an *am ha-aretz* is as if he bound and laid her before a lion, for just as a lion tears and eats without any shame, so an *am ha-aretz* hits and has intercourse without any shame.<sup>44</sup>

44. b.Pesah 49b.

On the other hand, Torah, unlike the daughters and sons of *ammei ha-aretz* is a good thing to be “married to”—metaphorically, since the Torah, according to R. Hiyya, is like one’s fiancée (*me’orasah*). Literally, too, if one follows the advice of the initial baraitot to marry one’s daughter to a *talmid hakham*, the embodiment of Torah.<sup>45</sup>

So what are we to make of this set of analogies that stress the beastliness of the *am ha-aretz* and the “attractiveness” of the *talmid hakham*? First, the text points to the *am ha-aretz*’s crude and shameless appetites as the distinguishing characteristics of his beastliness. R. Akiva, when he was an *am ha-aretz*, couldn’t even tell the difference between food and a Torah sage, as his bone-breaking ass-bites demonstrate. Secondly, the *am ha-aretz*’s sexual appetites are no better; he violently rips into his spouse like a lion ripping into his freshly slain prey, to eat it. In contrast, the *talmid hakham* is refined and civilized. He knows the difference between ritual slaughter and slaughter that does not require a blessing, to fillet a fish first rather than shove it whole into his mouth. Ironically the *talmidei hakhamim* seem to advocate the murder of *ammei ha-aretz* by means of this civilizing knowledge. This brings me to my third point, that the whole passage in b.Pesahim 49b has the flavor of rhetorical hyperbole, and is not meant to condone murder. Rabbis Akiva, Eleazar, Samuel b. Nahmani, and Samuel b. Isaac seem more interested in name-calling than actual murder: *ammei ha-aretz* are beasts, dogs, donkeys, and ravenous lions. However, it is not by chance that these baraitot label their nemeses “beasts.” Two things distinguish beasts from human beings here: (1) beasts are potential food, people are not, and (2) people have knowledge, that is, Torah, and beasts do not. Torah and edibility are what distinguish men from “beasts.” That is probably why R. Judah forbids *ammei ha-aretz* to eat meat. If you don’t know the difference between meat and a person (as Akiva the donkey/*am ha-aretz* didn’t, as the lion/*am ha-aretz*, who behaves the same way with his meat as with his mate, doesn’t), then maybe you had better stick to vegetables. Meat-eating should reinforce the superiority of the diner over his dinner. A man without Torah is no better than a beast; therefore, “for all who do not engage in Torah, it is not permitted to eat beast and fowl.”<sup>46</sup>

45. As R. Hiyya taught, “All who engage in Torah in front of an *am ha-aretz*, it as if they cohabited with his betrothed in his presence . . . , for it is said, ‘Moses commanded us a Torah, as a possession [*morashah*] for the assembly of Jacob.’ Do not read *morashah* but *me’orasah*, betrothed” (b.Pesah 49b).

46. In fact, this is how R. Isaiah Horowitz understands this baraita in *Shnay Luhot Ha-Brit*, albeit probably through the kabbalistic lens of R. Bahya’s interpretation: “Everything that is

The “Torah of beast and fowl” baraita, along with even the harshest anti-*am ha-aretz* baraitot from b.Pesah 49b, are thus the “propaganda” of the new class of sages emerging from the period of Yavneh, who “plac[ed] Torah and its study at the center of the religious-national life of the people.”<sup>47</sup> As Aharon Oppenheimer suggests, the Torah-centered ideology of the *talmidei hakhamim* was intended, on the one hand, to bolster their credentials for leadership, and, on the other, to

fill the vacuum created by the destruction of the Second Temple and the abolition of its ritual.

Accordingly, the severity of the statements against the *ammei ha-aretz* is . . . to be regarded as being in the nature of propaganda in favour of studying the Torah. It is very probable that one of the means of propagating the study of the Torah and of seeing that every Jew acquired a knowledge of and educated his [*sic*] children in it, was through the severe condemnation and vigorous disapproval of anyone who failed to participate in advancing the study of the Torah.<sup>48</sup>

Hence, later halakhic commentators do not view the prohibition of meat to the *am ha-aretz* as halakhah, but rather as a rule of *derekh erez* (“good manners”), or a derogatory comment about *ammei ha-aretz*, i.e., that the rules of kashrut for beef and chicken, slaughter, salting, etc., are so complex that an *am ha-aretz* would be better off avoiding meat altogether unless he deferred to the supervision of a Torah scholar.<sup>49</sup> However, they preserve its propagandistic pro-*talmid hakham* intent.

created longs and yearns to go up to a level greater than it until it goes up to the level of an angel. And when a person eats an animal the flesh of the animal is changed into the flesh of a human being. Thus an *am ha'aretz* is forbidden to eat meat. (b. Pesah. 49b) Alas for the flesh because of flesh. For an *am ha'aretz* is [made out of] the material of a beast like the beast that is eaten. But when a person who has intellect and eats an animal, the animal merits to be raised into human flesh. After that the human level [itself] goes up due to the intellect and soul that the Holy One Blessed be He placed in it.” Sha’ar Ha-Othiyot 4, *Derekh Eretz* (3).

47. Oppenheimer, *Am Ha-aretz*, p. 184.

48. *Ibid.*

49. So *Ozar Ha-Geonim*, ad loc.: “These are not statements of halakhic prohibition or permission by which one could say this is or is not halakhah. Rather they are statements of recommendation, rules of *derekh erez*, and the expression of contempt for *ammei ha-aretz*.” In general the halakhic commentators on this baraita stress that it is the *am ha-aretz*’s ignorance of the “torah” of kashrut—the slaughter and preparation of beasts and fowl—that makes it inadvisable for them to eat meat if not under the supervision of *talmidei hakhamim*. For example,

Even other rabbinic traditions that interpret “torah of beast and fowl” without any reference to *ammei ha-aretz* still function as pro-*talmid hakham* rhetoric. For example, Sifra to Lev 11:46 and its parallels in the Talmud interpret “torah of beast and fowl” as a type of legal inference by analogy. “Torah” here means the Oral Torah, whether of the tannaitic traditions of purity already assumed in Sifra’s formulation or the explicit logical analogy attributed to the text of Lev 11:46. Sifra asks,

By what torah is a beast equated with a fowl? A beast makes something unclean by carrying and contact, while a fowl does not make something unclean by carrying and contact. The fowl [meat] makes something unclean when it is in a throat, the beast [meat] does not make it unclean when it is in a throat. So by what torah is a beast equated with a fowl, and fowl to beast? It is here to tell you that just as a beast must be ritually slaughtered [to be eaten], so a fowl must be ritually slaughtered [to be eaten]. You might suppose that just as a beast is [made clean] because two [organs in the throat have been severed], so a fowl because the two [organs] or the greater part of the two [have been severed]. But Scripture teaches [i.e., limits the inference], saying “this.” R. Eleazar said, By what torah is a beast equated with a fowl, and fowl to beast? It is here to tell you that the fowl is made kosher by slaughtering it from the neck, and the beast is made kosher by slaughtering it from the neck. You might think that just as a fowl is pinched from the shoulders, so a beast is pinched from the shoulders. But Scripture teaches “its head” [Lev 5:9], the head of the fowl from its shoulders, and not the head of a beast from its shoulders.<sup>50</sup>

Sifra makes it clear elsewhere that it understands the use of the term “torah” in Leviticus as referring to the dual Torah of the rabbis, in a comment to Lev 7:3, the summary of the sacrifices:

the RI”N on R. Isaac al-Fasi cites R. Sherira Gaon and R. Isaac the Barceloni: “Too bad for the *am ha-aretz*, who sometimes has beasts and fowl, but because of his *am ha-aretz*-ness, does not know how to slaughter or examine them, so it is forbidden to eat from them”; the Meiri: “an *am ha-aretz* where there is no one [sage] greater than him, it is forbidden for him to eat meat, for many doubts may arise over the slaughter, and its corpse, and the meat’s salting, and its mixture with other foods, and he does not know”; or R. Solomon ben Adret (R. Bahya’s teacher): “Of beast and fowl there are many rules, and whoever does not engage in Torah cannot distinguish between prohibited and permitted, whereas for fish he can easily distinguish between prohibited and permitted, he can tell by the scales by himself (cited in M. Kasher, *Torah Shelema*, vol. 28, p. 242).

50. Sifra to Lev 11:46, par. b.Hull 27b, b.Zevah 69a.

And the torot. It teaches that two torot were given to Israel at Mount Sinai, one written and one oral. R. Akiva said, Two torot to Israel? Does it not say that many torot were given to Israel? This is the torah of the *olah*. This is the torah of the *minhah*. This is the torah of the *asham*. This is the torah of the *zevah shlemim*. This is the torah of a man who died in a tent. . . . The torah was given—its halakhot, its specifics, and its explanations by Moses on Mount Sinai.<sup>51</sup>

The “torah of beast and fowl” would be just one more rabbinic example of how the Oral Torah is a necessary complement to the Written Torah. The Torah makes “beast and fowl” analogous, but only the Oral Torah explains precisely what the analogy is, giving us the torah’s halakhot, specifics, and explanations.

In summary, the rabbinic traditions of the “torah of beast and fowl” refer to a kind of knowledge, whether ritualized in the halakhot of kashrut or expressed as hyperbolic rhetoric, which distinguished the *talmidei hakhamim*, the ideal rabbinic type, from ordinary Jews expected either to aspire to their status or to serve them. Martin Jaffee’s discussion of Torah as “transformative knowledge” is particularly helpful for explaining this phenomenon.<sup>52</sup> Transformative knowledge is the type of knowledge communicated in the social system of the “discipleship community” which transforms the subordinate disciple into a master, a member of the leadership class. Torah (the dual Oral and Written Torah of rabbinic Judaism) is the knowledge that has the power to transform an *am ha-aretz* who bites people (and not just any people but the masters themselves!) to the bone like a donkey into a Rabbi Akiva. The rhetoric of b.Pesah 49b is full of metaphors of transformation—eating and marriage especially. Both are ways of “becoming one flesh” with their objects, but in this passage, marriage is the more effective means. Marriage to Torah, whether as a metaphor for study of Torah or the literal marriage of one’s children to the embodiment of Torah, the *talmid hakham*, raises, that is, transforms, one’s own or one’s children’s status from disciple to master. On the other hand, biting one’s master only confirms one’s subhuman, beastly status, and the marriage of one’s daughter to an *am ha-aretz*/beast who does not know Torah lowers her status and condemns her children to “beast” status. The “torah of beast and fowl” in the rabbinic texts is transformative

51. Sifra Behukotai 8:13.

52. Martin S. Jaffee, “A Rabbinic Ontology.”

knowledge. The “torah of beast and fowl” is what, in effect, converts the beast Akiva into the disciple, and eventually into the master, Rabbi Akiva. It changes his way of seeing things. In contrast, the “torah of beast and fowl” in Leviticus (along with its other torot) is what Martin Jaffee would call “formative knowledge”—the “knowledge expected of functional participants in a religious tradition or culture . . . the knowledge that shapes the cultural and autobiographical identity of the knower.”<sup>53</sup> Thus, the “torah of beast and fowl” in Leviticus (11:46) is part and parcel of the knowledge that “you shall make yourselves holy and be holy because I [YHWH your God] am holy . . . because I YHWH raised you up from Egypt to be your God” (Lev 11:44–45). The difference in function between the torot of Leviticus and of the rabbinic texts is like the difference between the processes of socialization and conversion, respectively.

But it is also important to point out that it was the torot of the priests and their sacrifices, not the master/disciple relationship, that the Bible proffers as the basis of Israelite cultural identity.

The rabbis’ interpretations wrench these holiness and purity rules out of the priestly sacrificial system by casting them almost entirely in the language and institutions of their own rabbinic concerns, namely, the master/disciple relationship. The master/disciple relationship tends to supplant even family and kinship ties as the primary “affective relationship” in Judaism.<sup>54</sup> In the language of the cultural anthropology of honor and shame, the “acquired honor” of Torah learning has replaced the “ascribed honor” of family lineage as the primary criteria for leadership and social status in the rabbinic system.<sup>55</sup> In this context, the dietary rules are to foster distinctions between *talmidei hakhamim* and *ammei ha-arets* rather than between priests, Israelites, and non-Israelites (familial, ethnic, hereditary statuses). Sacred study replaces sacred eating, sacred teachers supplant priestly officiants at sacrifices; by playing down the blood ties reinforced by the sacrificial sharing of meat, the rabbis legitimate their new Torah learning–based authority. Consequently, the written priestly torot of Leviticus require rabbinic Oral Torah for clarification,

53. *Ibid.*, p. 7.

54. *Ibid.*, p. 6.

55. My thanks to Stanley Stowers for pointing out the relevance of this distinction when I presented an earlier version of this paper to the Brown University Seminar on Mediterranean Religions in Antiquity. For a clear exposition of this theory and its application to first-century Judaism, see Bruce Malina, *The New Testament World: Insights From Cultural Anthropology*, rev. ed. (Louisville, Ky.: Westminster/John Knox, 1993), pp. 28–62, esp. 33–34.



specification, and application, and it is enough to study the priestly torot rather than do them.

*Medieval Kabbalistic Transformations of the "Torah of Beast and Fowl"*

The ethical literature emerging from thirteenth-century Spanish kabbalistic circles reverses the trend. Being engaged in Torah does not replace the sacrifices in the "as if" or "instead of" ways of the Talmud and Midrash Halakhah; it becomes the means of making sacrifices. There are two ways that Torah study becomes a means of sacrifice. One is that through the study of the mystical secrets of the Torah, one can cause the Divine Presence, the Shekhinah, to be drawn down to this world, even as the sacrifices caused the Divine Glory (Kavod HaShem) to hover over the altar in the sanctuary (Mishkan) and give something back above, like the "pleasing odor" (*reah nihoah*). This is particularly characteristic of the zoharic literature. R. Bahya, in his popular ethical manual, *Shulhan shel Arba*, suggests that both studying the "secrets of the Torah" and actually eating food (as the priests did) draw the Shekhinah down and replenish the cosmic powers above. It is precisely in this sense that the *am ha-aretz* who does not engage in Torah, i.e., does not know the mysteries of the Torah, cannot raise the soul energies contained in animal meat, while the *talmid hakham*, that is, the *maskil* ("enlightened one"), who does know them, can. Both the zoharic literature and R. Bahya rely heavily on the biblical priestly language of sacrifice to describe the "secrets of the Torah," especially the idea that the *korban* ("sacrifice," but literally, "that which is brought near") draws the sacrificer, the sacrificial victim, and the sacrificee, God, closer together. It is a metaphor for the uniting of the different sefirot together.

Let me briefly sketch out the theory underlying R. Bahya's interpretation of our Lev 11:46 tradition. In R. Bahya's theory of digestion, the spirit and body are inseparably entwined.

And already you know that the soul does not exist in the body and its activities are not manifest unless the body eats. And from this understand the matter of the sacrifices which are the hidden things of the Torah, about which it is written: "to My [offering by] fire, my pleasing odor" [Nu 28:2]. The power of the higher soul increases and is added to by the fire offerings in the eating

of the sacrifices, and so our rabbis said;<sup>56</sup> “My sacrifice, My bread, to My [offering by] fire.” It could say just “My bread,” but Scripture adds, “to My [offering by] fire”; to My fire you give it. This is because of the connection of the soul to its attributes. The powers of the soul are connected to the powers of the body. And understand the verse that “the favorite of the Strong One” [Ps. 103:1, i.e., David] mentions: “My soul, bless YHWH; all that is inside me [bless] His holy name.” The invisible unites with the invisible, the visible with the visible. And understand this that the powers of the soul are not visible and are actualized only through the body. If so, the body is a great necessity for the public revelation of the quality of the soul and its perfection.<sup>57</sup>

Thus, physical eating fuses spiritual and physical powers.<sup>58</sup> R. Bahya derives the Hebrew verb for “eating,” *אכל* from the verb for “finishing, destroying,” *אכלה* (which I translate here as “to annihilate”). In other words, he suggests that eating transforms something into nothing, or perhaps somehow “completes” it. Eating is a process where matter is transformed into spirit. Just as the stomach converts food matter into “invisible” powers that energize the various limbs and organs of the body, so the right sort of eater transforms the spiritual energies that exist in the physical matter of food in potential. Proper eating/eaters “consume” the matter holding these energies—make it as nothing—*likhlot* them, activate them so that they can energize higher beings in their new “form.” It is also not unlike what fire does to matter when it consumes it, turning dense solid tangible material into smoke.<sup>59</sup> You can see and smell smoke, but you cannot hold it or touch it; it is both like and unlike something transformed into “nothing.” Hence R. Bahya compared eating to the effect of the sacrificial fires on the foods placed and burned on

56. Song of Songs Zuta, though in R. Bahya’s own paraphrased version (as per Chavel’s note).

57. *Shulhan shel Arba*, p. 492.

58. R. Bahya’s interpretation of the sacrifices—“the hidden things of the Torah”—seems to come from kabbalah of the Zohar. See esp. Zohar to Parashat Tzav (*Raya Mehemna*) 33a–b, ed. Margoliot, vol. 3, pp. 65–66.

59. The *Iggeret Ha-Kodesh*, a kabbalistic manual of sexual etiquette falsely attributed to Nahmanides, but nevertheless from the same circle of Spanish kabbalists as Bahya, states this explicitly. Gregory Spinner, in his “Sexual and Dietary Restrictions in the *Iggeret Hakodesh*” (Paper delivered at the Hinduisms and Judaisms Consultation Panel on “Problematising the Category of Asceticism: The Domestic Arena,” American Academy of Religion/Society for Biblical Literature National Meeting, New Orleans, 1996), p. 11, called my attention to this reference.

the priestly altar. However, for this “consumption” to happen, proper eaters must be eating food appropriate to them.

Thus, it is to explain God’s concession to humanity to eat meat after the Flood in addition to the vegetarian diet permitted to them before it, that R. Bahya draws upon and interprets our rabbinic tradition that forbids meat to the *am ha-aretz*, but permits it to the *talmid hakham*.<sup>60</sup> Here the *talmid hakham*’s Torah-learning gives him the ability to “burn/consume” food into a more spiritual, refined substance (note especially. R. Bahya’s choice of the verb *kilah* and its cognates to describe this process, and to make it analogous to another Being’s “eating”):

At the time when all flesh went bad, and all animals deserved annihilation [*kaliyah*—from Whom?!] and would not have been saved were it not for the merit of Noah, it was permitted to eat them [i.e., the meat of animals], just as the greens and grasses had been before. At that time the animal soul [lit. “mobile soul”] was permitted to wait upon the intellectual soul, who waited upon the Creator. And if so, this is not to demean the animal soul, but rather a mark of respect, status, and merit, and accordingly our sages taught, “It is forbidden for an *am ha-aretz* to eat meat, as it is written, ‘This is the Torah of the beast and fowl’ [Lev 11:46]. All who engage in Torah are permitted to eat the meat of beasts and fowl, and all who do not engage in Torah are forbidden to eat beast and fowl.”<sup>61</sup> The explanation of this among the enlightened is that when we set aside a soul for a soul, this is nothing other than the mobile soul that we annihilate [*me-kalim*] for the intellectual soul. But because one is an *am ha-aretz* and has no intellectual soul, you have it that he is forbidden to eat meat, since [in him] we have nothing to set aside and annihilate [*le-kalot*] the animal soul, since he is someone who has no intellectual soul, and understand this.<sup>62</sup>

The eating of the *talmid hakham* is more God-like because it parallels the God’s “annihilation” of animals both in the Flood and, as we shall see, in the animal sacrifices.

Thus, what the *talmid hakham* has that the *am ha-aretz* lacks is the “fire” of the intellect lit by the “light” of Torah. That enables him to “cook” denser, meatier food/soul substances into refined, intellectual/spiritual “soul”—real

60. b.Pesah 49b.

61. b.Pesah 49b.

62. *Shulhan shel Arba*, p. 496.

“soul food.” Then, not only the table of the *talmid hakham*, but the *talmid hakham* himself becomes the altar, or even the *ishi*, the sacred fire upon it, in which the good of this world is “brought near” (*hukrav*) and “consumed” as *olot* (lit., “things that go up”) up to the upper world. Here we have a notion of eating quite similar to the Zohar’s that is later systematized as the “raising of holy sparks.”<sup>63</sup> Moreover, some foods—finer foods, like chicken or grains—are more easily transmuted, “raised,” since they have souls that are less earthbound (birds fly in the air, plants grow upward), than those of beasts that tread on the land with cloven hooves, i.e., red meat.<sup>64</sup>

What I inferred from R. Bahya is made explicit in the Zohar, namely, the idea that scholars, who know the secrets of the Torah, when they eat, are like the priests’ sacrificial fires that transform the animal food into divine offerings. These ideas are stressed in the Zohar, especially in *Raya Mehemna*.<sup>65</sup> R. Bahya probably learned these traditions from the kabbalists of its circle,<sup>66</sup> though the Zohar never specifically refers to the talmudic tradition “*am ha-aretz asur le-ekhol basar . . .*” with its proof-text from Lev 11:46.<sup>67</sup> However, in addition to Bahya, Joseph Gikatilla, Joseph of Hamadan, Joseph ben Shalom Ashkenazi, and the author of *Sefer Ha-Kanah* cite it and give it a kabbalistic interpretation, though without the emphasis on the symbolism of the sacrifices.<sup>68</sup> R. Bahya, however, seems to emphasize the sacrificial

63. See esp. Louis Jacobs, “The Uplifting of Sparks in Later Jewish Mysticism,” in *Jewish Spirituality: From the Bible to the Middle Ages*, ed. Arthur Green (New York: Crossroad, 1987), 2:115–116, 117–119, and the 18th–19th Hasidic sources cited therein. Jacobs views this as a Hasidic innovation, the doctrine of *avodah be-gashmiyut* (“divine worship through the use of material things”), to be contrasted with the more “ascetical” tendencies of Lurianic kabbalah stressing abstinence from sensual pleasures, fasting, and generally negative toward the body. As we can see, Eastern European Hasidic *avodah be-gashmiyut* is more likely a revival of earlier views such as those of R. Bahya’s *Shulhan shel Arba* than an unprecedented innovation.

64. *Shulhan shel Arba*, p. 496.

65. See the excellent study by Joel Hecker, *Each Man Ate an Angel’s Meal*.

66. “My *korban*, my bread, my fire” (R. Isaac), cited in Efraim Gottlieb, *Ha-Kabalah be-khitve Rabenu Bahya ben Asher* (Jerusalem: Be-siyuah Reshut ha-mehkar shel Universitat; Tel-Aviv: Hotsaat Kiryat Sefer, 1970); Zohar III, 252–253 (*Raya Mehemna*); “Zaddik knows his beast,” Zohar III, 33b.

67. Hecker, *Each Man Ate an Angel’s Meal*, p. 310, remarks on this “notable lacuna” in the Zohar’s interpretation of eating, especially in light of its frequent discussion in the Spanish Zoharic circle. See the texts cited in the following note.

68. Gikatilla, *Shaare Orah*, II, 12; Joseph of Hamadan, *Sefer Tashaq*, ed. Jeremy Zwelling (Ph.D. diss., Brandeis University, 1975), p. 92; idem, *Sefer Ta’amei Ha-Mitzvot*, pt. 1, ed.

connotations of the “torah of the beast and fowl” more than Gikatilla and Joseph of Hamadan, and in this he follows the Zohar. In the Zohar, “Torah” is understood not only as halakhah or Oral Torah (this is a lower sort of Torah), but also as the secrets of Torah—how the Torah refers to the system of sefirot. The secret of the biblical sacrifices (*sod ha-korbanot*) is one of the central teachings of kabbalistic Torah. Namely, the sacrifices (*korbanot*) cause a “bringing nearer” (*hakravah*, from the same root as *korban*) of the parts of creation made separate by the act of creation.<sup>69</sup> The *am ha-aretz* is at the bottom of a hierarchy of types of people and types of sacrifices with varying degrees of efficacy. The *am ha-aretz*, lacking wisdom, which is Torah, is like a beast, and fit only for beast sacrifices. In the words of Raya Mehemna, some sacrifices

are from those who are like beasts; some are from those like the ministering angels, and some from those like human beings. For those whose deeds are like demons, their sacrifices are allotted to demons. For those whose deeds are

Menahem Meier (Ph.D. diss., Brandeis University, 1974), pp. 309–310; *Sefer Ha-Kanah* (Cracow, 1894), pp. 66a, 119b, 129a, 131a, 132a, cited and discussed by Hecker, *Each Man Ate an Angel's Meal*, p. 123, n. 74; pp. 310–311, n. 2. Their discussion of the passage from b.Pesahim 49b focuses more on the competence of the Torah scholar over the ignoramus in the delicate process of reincarnation involved in eating meat. In other words, the Torah scholar's proper slaughter and eating transforms the animal soul of the meat into a higher, rational soul. As Hecker (*Each Man Ate an Angel's Meal*, p. 123, n. 74) paraphrases Gikatilla, “You are what eats you.” While this understanding of eating as a means of soul reincarnation is an important presupposition of Bahya's view, too, the other kabbalists mentioned in this note base the Torah scholars' superior competence to transform animal souls on their expertise in the halakhot of kosher slaughter rather than on their knowledge of the “secret of sacrifices.” However, I do not want to overstate their differences, which are more of emphasis than substantive, since Bahya and his Spanish kabbalistic contemporaries all stressed that doing the halakhah and knowing the kabbalistic intentions and reasons for the commandments (*ta'amei ha-mitzvot*) was far more efficacious than doing the halakhah without such esoteric knowledge. See also Daniel Matt, “The Mystic and the Mitzvot,” in *Jewish Spirituality from the Bible Through the Middle Ages*, ed. Arthur Green (New York: Crossroad, 1988), p. 393, for further discussion of theurgic eating and metempsychosis in thirteenth-century Spanish kabbalah. On the other hand, Bahya seems to represent a distinctive stream within this circle from thirteenth-century Provence and Spain, beginning with Azriel of Gerona, who authored the text *Sod Ha-Korban*, or even his teacher Isaac the Blind (from whom Bahya got the tradition about “my *korban*, my bread, my fire,” according to E. Gottlieb, *Ha-Kabalah be-Khitve Rabenu Bahya* (n. 49 above), and the authors of the zoharic literature, who emphasized the language of biblical sacrifice in their kabbalah.

69. Zohar III, 110a (Raya Mehemna).

like angels, their sacrifices are allotted to angels, as it is written, “My sacrifice, my bread, to my fire” (Nu 28:2); these are the sacrifices that do not depend on beasts, for the sacrifices of beasts are of *ammei ha-aretz*. The sacrifices of human beings are prayers and good deeds. And the sacrifices of the disciples of the sages [*talmidei hakhamim*], men of talent—these are the masters of the secrets of Torah, of the hidden mysteries, and the Holy One, Blessed be He, goes down among them as a result of it, to accept their sacrifices. For this is “the Torah of YHWH is perfect,” the Holy Shekhinah of the ten aspects. And the disciples of the rabbis [*talmidei de-rabbanan*], their words are like eating the remains of the grain [*minhah*] offerings, and there are others greater than them whose words are like eating the *minhah* itself, and not its remains, and there are others whose torah is eating the holy [meat] offerings [*kodashim*] food of several kinds fit for the King, and all the *minhah* offerings of foods of the sacrifices from the Holy One, Blessed be He, are to bring near to Him all of these things into His house, which is the Shekhinah, and this is the command to “bring near” *korbanot* into His chosen house.<sup>70</sup>

Hence, the Zohar, especially Raya Mehemna, carries over the rabbinic antipathy toward the *am ha-aretz* that we found in b.Pesah 49b, but transposes it into its own new schema of sacrifices.<sup>71</sup> It has also been argued, by Y. Baer, that the Raya Mehemna engages in social polemic against certain upper-class groups hostile to the poor, with whom, he alleges, the author of Raya Mehemna and his circle identified.<sup>72</sup> Generally the author of Raya Mehemna calls this group the *erev rav* (“mixed multitudes”) and occasionally *ammei ha-aretz*, but he also refers to good *ammei ha-aretz* (i.e., those who serve *talmidei hakham*). The polemic against the *ammei ha-aretz* seems a bit artificial, not unlike what we saw in b.Pesahim. It probably was propaganda for being a *talmid hakham*, that is, an “enlightened one” (*maskil*) engaged in the secrets of the Torah, rather than an attack on a specific social class, and I think the same is true for R. Bahya’s references to *ammei ha-aretz*.<sup>73</sup>

However, more significant for our purposes here is how R. Bahya and the Zohar understand the earlier rabbinic convention that the rabbinic forms of

70. Zohar III, 110a (Raya Mehemna). Note that the eaters of meat and grain offerings are of a higher rank than those compared to eaters only of the grain offerings or their remains.

71. See Tishby, *Wisdom of the Zohar*, pp. 898 and esp. 1430–1432 for a discussion of the *am ha-aretz* in Raya Mehemna.

72. Yitzhak Baer, “Ha-Reka’ Ha-Histori shel Raya Mehemna”; idem, *History of the Jews in Christian Spain*, vol. 1.

73. Another possibility is that the *am ha-aretz* as “beast” is not a person, but one of the three parts of a tripartite division of the soul. Both the Zohar and R. Bahya interpret the *pasuk*,

divine service, especially prayer and the study of Torah, replace the priestly sacrifices. It is not simply the substitution of apples for oranges, one distinct medium of worship for another. The metaphor of the process of sacrifice is carried over into this new understanding of divine service, so that the person learned and engaged in Torah when he eats really is like the priests and their families whose consuming of the sacrifices brought their essence closer to God. Somehow, the *talmid hakham*'s Torah learning qualifies him to transform meat and other foods into spiritual energy which he sends back upward. He is an essential link in the process of "cosmic recycling." The divine energy, *shefa*, flows down and makes this world thrive with abundant fruit and animals, which are transformed (in the past as sacrificed food/first fruits, etc., by priests, or now as "blessed" food from the *talmid hakham*'s table) from its material form back to energy, and thus sent back up. In R. Bahya's view, eating with the "right," that is, Torah-formed, intention helps "fuse" the spiritual and material aspects of reality. That sends them back together toward their source in a more refined form, just as the fire transformed the solid flesh of the *korbanot* into the upward-bound ethereal smoke of the *reah nihoah* ("the pleasing fragrance"). What we have here is a theurgic conception of eating, analogous to that of the biblical priestly sacrifices, that would seem to require eating as well as studying and knowing the secret "torot" that make it cosmically effectual. The priests had to physically consume the sacrifices to raise them to YHWH. Likewise, the *talmid hakham* has to eat food to raise the energy/soul in it.

This kabbalistic understanding of the "torah of beast and fowl" ties together many of the strands of the older biblical and rabbinic interpretations, but integrates them in a new way. Like the biblical "torah of beast and fowl," it suggests that ordinary eating for Jews is analogous to priests eating their sacrificial portions, and that one must make the proper discriminations between types of food to "be holy as YHWH is holy." Like the rabbinic "torah of beast and fowl," it is not only a torah of which beasts are permitted or forbidden to eat, but also the torah that *ammei ha-arets* are "beasts" themselves, and consequently should or should not eat certain foods. And like the rabbinic interpretation, it is propaganda advancing the claim of Torah scholars and their disciples over nonscholars as the Jewish authorities. But

"the Zaddik knows his beast," in this way, and use *am ha-arets* as a synonym for "beast." See Zohar, III, 33b; R. Bahya, *Kad Ha-Kemah*, "Taanit."

unlike the rabbinic traditions, R. Bahya's "torah of beast and fowl" does not replace the efficacious priestly rituals of eating with the study of them. Rather he unites them; the *talmid hakham/maskil's* eating combined with his knowledge of the kabbalistic secrets of the Torah, especially the secret of sacrifice, make his eating a theurgic practice because "the powers of the soul are connected to the powers of the body." This kind of torah is no longer simply "formative" (like the torot of Leviticus) or self-transformative (like the Torah that transformed Akiva from a donkey to a rabbi), but world-transforming. It is a theurgic, almost magical know-how that effects the energy flow of the cosmos, indeed God Godself. The medieval kabbalistic "torah of beast and fowl" is a kind of return to the theurgic practice of biblical sacrifice, where the bountiful produce and livestock God poured onto the world were transformed by God's surrogate stomachs, the priests and their fires, into a *reah nihoah*, a pleasing odor sent back up to God. But now rabbinic and kabbalistic torah take on the role of cosmic digestive aid, the knowledge-forming intentions that transform the eater into the vessel, the fire, "my fire," that in turn transforms his food into God's food, "my bread," recycling the cosmic energies, as the priests did before.

Now that we have seen how Bahya transformed earlier biblical and rabbinic traditions of the "torah of beast and fowl" into a gastronomic theory of metempsychosis in the metaphorical sacrificial fires of the Torah scholar's stomach, the question remains: why? Several possible explanations have been suggested for analogous phenomena, if not for this particular medieval Jewish tradition per se. Bahya's "torah of beast and fowl" could be an anti-Maimonidean reaction to philosophic rationalism, a means of using sacrificial language to maintain male hierarchical privileges, or a means of simultaneous "inward acculturation" and self-differentiation from contemporary Christianity.<sup>74</sup> Let us examine the merits of each position.

Bahya's *Shulhan shel Arba* is an example of the genre of ethical literature that emerged in the thirteenth-century circle of rabbis in Gerona, which Joseph

74. Marcus, *Rituals of Childhood*, pp. 11–12, contrasts modern outward acculturation, "the blurring of individual and communal traditional Jewish identities and of the religious and cultural boundaries between Jews and modern societies," to premodern inward acculturation, "when Jews . . . did not assimilate or convert to the majority culture [and] retained an unequivocal Jewish identity." At the same time, however, "the writings of the articulate few or the customs of the ordinary many sometimes expressed elements of their Jewish religious cultural identity by internalizing and transforming various genres, motifs, term, institutions, or rituals of the majority culture in a polemical, parodic, or neutralized manner."



Dan claims was composed as an anti-Maimonidean response to philosophical rationalism.<sup>75</sup> This new form of ethical literature justified practice on the basis of talmudic and midrashic traditions rather than on Greek and Arabic philosophy, as, for example, in ethical works composed in eleventh-century Muslim Spain, like Solomon ibn Gabirol's *Tikkun Middot Ha-Nefesh* ("Correction of the Soul's Inclinations") or Bahya ibn Pakuda's *Hovot Ha-Levavot* ("Duties of the Heart").<sup>76</sup> In Dan's view, anti-Maimonideans like Nahmanides and Rabbenu Jonah Gerondi (all cited extensively by Bahya in his commentary to the Pentateuch as his teachers) were, as kabbalists, opposed to philosophical rationalism, especially for its "negative theology" and its tendency to weaken commitment to the practice of the commandments.<sup>77</sup> Kabbalists who believed in the doctrine of the sefirot and that Torah was the name of God disagreed with Maimonides that human language is incapable of referring accurately to God.<sup>78</sup> And indeed, the kabbalists of Provence and Northern Spain were quite interested in speculating about the mystical meaning of the commandments (*ta'amei ha-mitzvot*).<sup>79</sup> However, wishing to keep their kabbalah esoteric, the Geronese circle would not use it explicitly to attack the Maimonideans and to justify continued practice of the commandments, in Dan's view.<sup>80</sup> Rather, their ethical treatises tended only to hint at kabbalistic reasons for the commandments, or in the case of Jonah Gerondi, the foremost author of ethical works in this period, did not refer to kabbalah at all.<sup>81</sup> Bahya's work might be considered in this light, as at least two of the four chapters of *Shulhan shel Arba* (chapters 1 and 3) are extensive reworkings of talmudic

75. Joseph Dan, "Philosophical Ethics and the Early Kabbalists," in *Jewish Mysticism and Jewish Ethics*, 2nd ed. (Northvale, N.J.: Jason Aronson, 1996), pp. 17–48.

76. *Ibid.*, pp. 18–19, 23–28.

77. Matt, "The Mystic and the Mitzvot," pp. 396–367.

78. They did, however, maintain the philosophical idea that at the highest level God was unknowable, as the Ayn Sof, "Infinite One," but that by means of the sefirotic emanations, God was knowable and could be named.

79. See especially Matt, "The Mystic and the Mitzvot."

80. They were following the instructions of the letter written by Isaac the Blind advising them to keep their kabbalah esoteric, Dan, "Philosophical Ethics and the Early Kabbalists," pp. 36–37, and see also Gershom Scholem, *Origins of the Kabbalah*, ed. R. J. Zwi Werblowsky, trans Allan Arkush (Philadelphia: Jewish Publication Society, 1987), pp. 394–397. Jacob ibn Sheshet and Asher ben David are mentioned by Dan, p. 35, as exceptions who did cite kabbalistic explanations in their ethical treatises. Obviously, Bahya ben Asher is an exception too.

81. Dan, "Philosophical Ethics and the Early Kabbalists," p. 39.

discussions of blessings, and of the minor rabbinic *Derekh Eretz* tractates. Moreover, Bahya and his fellow kabbalists' positive assessment of the sacrifices stands in diametric opposition to the explanation of the sacrificial system in Maimonides' *Guide to the Perplexed*, that the sacrifices were an outdated, temporary institution provided by God to wean the Israelites away from idolatry.<sup>82</sup> On the other hand, Bahya's treatise is suffused with explicit kabbalistic explanations of the reasons for the eating commandments, and also has many affinities with the Arabic-influenced Jewish philosophical literature. Bahya's introductory chapter is written in rhymed prose, not unlike Arabic *adab* manuals or *maqama* literature, and he presents his second chapter, which includes the "torah of beast and fowl" tradition, as a physiological explanation of digestion, similar to ibn Gabirol's physiological reasons for the commandments. Dan probably has exaggerated the conflict between philosophy and kabbalah; the actual relationship is much more complex.<sup>83</sup> While Bahya seems to prefer mystical to philosophical reasons for the commandments for eating meat, it would be an overstatement to describe his approach as a polemical reaction against Maimonidean philosophy.

That Bahya's revival of sacrificial language in order to justify the restriction of animal flesh to Torah scholars reinforced male privilege has more to recommend itself. Nancy Jay theorized that animal sacrifice "identifies, legitimates, and maintains enduring structures of intergenerational continuity between males that transcend their absolute dependence on women's reproductive powers."<sup>84</sup> One of Bahya's rare references to women, that Jews and non-Jews alike are equally under the "the sentence of Eve," except for the distinctive Torah of eating, the dietary "regimen of pleasures,"<sup>85</sup> is virtually a paraphrase of Jay's remark that sacrifice is a "remedy for man having been born of women."<sup>86</sup> Otherwise, women are conspicuously absent from Bahya's discussion of eating. This is remarkable, considering the extensive references and analogies between eating and marriage and sex with women in Bahya's talmudic source for the prohibition of meat to an *am ha-aretz*, b.Pesah 49b. Bahya's gastronomic theory of the reincarnation of souls completely sidesteps the role of childbearing women. Souls are reborn through the sacrificial eating

82. Maimonides, *Moreh Nebukhim (Guide to the Perplexed)* 3:32; Matt, "The Mystic and the Mitzwot," p. 372.

83. Scholem, *Origins of the Kabbalah*, pp. 404 ff.

84. Jay, *Throughout Your Generations Forever*, p. xxvii.

85. Bahya, *Shulhan shel Arba*, p. 459.

86. Jay, *Throughout Your Generations Forever*, p. xxiii.

of male Torah scholars, not born of women. Bahya could have mentioned metempsychosis involving souls born of women, a theory articulated in *Iggeret Ha-Kodesh*, from the same circle of kabbalists. For even if this text puts most of the responsibility for a “good” reincarnation (a soul born as a male child) in the intention of the husband during intercourse with his wife,<sup>87</sup> it does not completely eliminate her role in the process, as Bahya’s gastronomic metempsychosis in effect does. Similarly, Bahya’s use of the term *talmid hakham*, “disciple of a sage,” for his ideal type, suggests that “real” lineage, the only inheritance that counts, that is, Torah, is passed from teacher to student, not biologically from mother (or even father) to child. Conversely, the origin of the *am ha-aretz* would be literally “from the earth.” The terminology implicitly privileges the male “cultural” formation of “disciples of sages” over the female “natural” autochthonous creation of “people from the earth.” The slaughter and consumption of animal flesh is important to Jay’s theory because the shedding of the blood of the shared animal sacrifice symbolically supplants the blood of childbirth as the basis for initiation into the community. Males rather than females give members of the group their identity and status. Jay uses as an example the revival of sacrificial language for the Eucharist in the Roman Catholic Church to legitimate an exclusively male priesthood.<sup>88</sup> To a certain extent, this is analogous to what Bahya does with sacrificial metaphors. On the other hand, Bahya’s meat-eating does not legitimate a hierarchy based on biological inheritance, neither a hereditary priesthood (as in Leviticus) nor maleness per se. In principle, a woman could know Torah, could be a “disciple of a sage,” even if not according to Bahya’s practice.<sup>89</sup> Interestingly enough, contemporary feminist theories of vegetarianism are often based on the assumption that sexist meat-eating tends to equate women with beasts.<sup>90</sup> This equation is conspicuously absent from Bahya’s discussion. On the contrary, Bahya equates male ignoramuses, the *ammei ha-aretz*, with beasts. Lack of Torah knowledge, not gender per se, makes people beasts, at least in Bahya’s explicitly articulated views. Still, Jay’s argument seems at least partially relevant to Bahya’s use of sacrificial language in his theory of gastronomic metempsychosis.

87. Spinner, “Sexual and Dietary Restrictions in the *Iggeret Hakodesh*,” p. 17.

88. Jay, *Throughout Your Generations Forever*, pp. 112–127.

89. See, for example, Chava Weissler’s “Women in Paradise,” *Tikkun* 2 (April–May 1987): 43–46, 117–120, who discusses the “Three Gates Tkhine,” a later seventeenth-century text influenced by kabbalah which portrays women learning Torah in paradise.

90. I.e., Adams, *Sexual Politics of Meat*.

Finally, we have suggested that Bahya's eating rituals were an expression of premodern Jewish "inward acculturation" vis-à-vis their non-Jewish neighbors in Christian Spain. Marcus defines inward acculturation as a process whereby Jews "maintained an unequivocal Jewish identity" but also "sometimes expressed elements of their Jewish religious cultural identity by internalizing and transforming various genres, motifs, term, institutions, or rituals of the majority culture in a polemical, parodic, or neutralized manner."<sup>91</sup> The tension that we mentioned at the beginning of this paper between Bahya's statements regarding the purposes of his eating rituals supports this explanation. On the one hand, Bahya's "torah of beast and fowl" is the "regimen of delights," the *dat sha'ashu'im* that distinguishes Jews from all the other nations of the world. On the other hand he suggested that the dietary rules are a remedy for what looks a lot like original sin, suggesting that Bahya may have contemporary Christian ideas in mind. After all, Christians too were eating a sort of sacrifice, the Eucharist, to remedy their human condition. Ivan Marcus has argued persuasively that the medieval Ashkenazic Jewish "ritual of childhood," in which Jewish boys were initiated, in effect, into the Jewish community by licking honey-covered tablets with Torah verses on them, or cakes with Hebrew letters and verses on them, while sitting on the laps of their teachers, was a sort of Jewish alternative to initiation into the Christian Church by means of communion. The eating rituals Bahya recommends in *Shulhan shel Arba* are probably the expression of a similar phenomenon, though in the context of Christian Spain rather than northern Europe. In Marcus's study of Ashkenazic eating rituals, the child/initiate goes from being defined primarily as a member of a biological family to membership in the community. Jewish iconography represents this graphically in pictures of Jewish teachers replacing the parents as the ones feeding the child, much like Christian images of Mary feeding Jesus, or Jesus feeding communicants of the Church. While in a sense, one is "born" into either community, one is not really a full member until one ingests a symbolic representation of the community's "root metaphor." Christians are initiated as members when they eat the Body of Christ, Jews when they eat the Torah. Moreover, this food is served not by the biological parents, but by priests or teachers, custodians of the communal inheritance. This type of rite of passage could account for the tension in Bahya's rationales for the "torah of beast and fowl" as intergroup differentiation (Jews vs. Christians) and intragroup differentiation (*talmidei*

91. Marcus, *Rituals of Childhood*, pp. 11–12.

*hakhamim* vs. *ammei ha-aretz*). These eating rituals mark the transition from Jewish status based on one's ethnic birthright (what anthropologists would call an "ascribed honor") to one based on learned expertise in Torah (an "acquired honor"). For Jews living in Christian Spain, being a Jew is no longer a matter of purely ethnic inheritance, but has a conceptual content. For Bahya, the Jewish "torah of beast and fowl," the kabbalistic Torah of the sacrifices, is the concepts and intentions that distinguish Judaism from Christianity and its distinctive "torah of sacrifice," the redemptive death and resurrection of Christ on the cross. However, these are only ideas, inherited metaphors, until they are actually physically internalized in the bodies of Jews or Christians. The distinctive eating rituals for each community are a ritualization of their fundamental metaphors, a way of incarnating the souls of their respective traditions. The thirteenth-century Jewish "enlightened ones" were like priests and sacrificial fires, transforming the souls of "beasts," that is, kosher animal flesh, into higher souls, while at the same time distinguishing themselves from human "beasts," that is, those who lacked the intellect and Torah knowledge necessary for this process. Hence, Bahya's "torah of beast and fowl" ritualizes the original connotations of Levitical "torah" as both priestly "teaching" about "beasts and fowl" and a "ritual" to be performed on them. But it is done metaphorically, since the performers are not hereditary priests but *talmidei hakhamim*, and technically the "beasts" are not sacrifices. However, thanks to a kabbalistic theory of reincarnation, Bahya is able to transform the "torah of beast and fowl" into a distinctively Jewish form of inward acculturation to thirteenth-century Christian Spain, a Jewish adaptation and alternative to the contemporary Christian tendencies toward incarnational theology.<sup>92</sup> Thus, while the "torah of beast and fowl" is not a single initiatory rite of passage like the rituals of childhood that Ivan Marcus discusses, it is a system of eating rituals, of ritualized metaphors of Torah intended for the same purpose, to transform ordinary Jewish males into embodiments, "incarnations" of Torah in a Christian society.

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92. For these Christian tendencies, though none of her examples are from Spain, see Carol Walker Bynum, "Women Mystics and Eucharistic Devotion," in *Fragmentation and Redemption: Essays on Gender and the Human Body in Medieval Religion* (New York: Zone Books, 1992), pp. 143–148. A more precise account of the relationship of Bahya's eating rituals to the specific theological trends of thirteenth-century Christian Spain is still needed.