

Parashat Re'eh

We're going to begin this morning's drash with a little quiz. I'm going call this 'Kosher or not kosher?' So, without further ado who can tell me if this animal or foodstuff is 'kosher or not kosher?'

* Presentation of slides leading up to a chicken and a slice of cheese and then a chicken cheeseburger.

Kosher or not kosher? The answer of most Jews today to this question would be a definite 'not kosher'. But why? Again, according to most Jews, the answer to this question is to be found in today's parashah which defines for us that which is permissible and not permissible to eat. As we read (Devarim 14:3-21): "You are not to eat anything disgusting. The animals which you may eat are: ox, sheep, goat, deer, gazelle, roebuck, ibex, antelope, oryx and mountain sheep. Any animal that has a separate hoof that is completely divided and also chews the cud, these animals you may eat. But you are not to eat those that only chew the cud or only have a divided hoof. For example, the camel, the hare and the coney are unclean for you because they chew the cud but don't have a separate hoof; while the pig is unclean for you because, although it has a separate hoof, it doesn't chew the cud. You are not to eat meat from these or touch their carcasses. Of all that lives in the water, you may eat these: anything in the water that has fins and scales, these you may eat. But whatever lacks fins and scales you are not to eat; it is unclean for you. You may eat any clean bird; but these you are not to eat: eagles, vultures, ospreys, kites, any kind of buzzard, any kind of raven, ostriches, screech-owls, seagulls, any kind of hawk, little owls, great owls, horned owls, pelicans, barn owls, cormorants, storks, any kind of heron, hoopoes and bats. All winged swarming creatures are unclean for you; they are not to be eaten; but all clean flying creatures you may eat. You are not to eat any animal that dies naturally; although you may let a stranger staying with you eat it, or sell it to a foreigner; because you are a holy people for Adonai your God. You are not to boil a young animal in its mother's milk." For most Jews the final verse here is the smoking gun that makes a chicken cheeseburger treif. And yet, we must ask, whether that interpretation fits in with the text? Sadly we have to say that the Stern translation we have just read doesn't actually convey the literal meaning of the text very well at all. In fact the text literally states,

"לא תִבְשֹׁל גְּדִי בַחֲלֵב אִמּוֹ"

"Don't you cook a goat in the milk of it's mother."

So, according to the literal meaning of the text this prohibition is all about goats, not chickens! This being the case we must ask how on earth the community got to where it is today? Why do most Jews believe that chicken and cheese don't belong together on the same plate? Indeed, why do most Jews expand the literal prohibition against cooking a baby goat in the milk of it's mother to prohibit the consumption of any kind of meat with anything

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derived from milk? More curious still is the fact that this wasn't always the case. We have some theological detective work to do!

Philo of Alexandria's writings on this matter make it evident that a very literal reading of the verse in question existed into the first century. Philo therefore writes in his *Virtues*, "let wicked sycophants calumniate the whole nation as one given to inhumanity, and our laws as enjoining unsociable and inhuman observances, while the laws do thus openly show compassion on even the herds of cattle, and while the whole nation from its earliest youth is, as far as the disobedient nature of their souls will admit of, brought over by the honest admonitions of the law to a peaceable disposition. And our lawgiver endeavours to surpass even himself, being a man of every kind of resource which can tend to virtue, and having a certain natural aptitude for virtuous recommendations; for he commands that one shall not take an animal from the mother, whether it be a lamb, or a kid, or any other creature belonging to the flocks or herds, before it is weaned. And having also given a command that no one shall sacrifice the mother and the offspring on the same day, he goes further, and is quite prodigal on the particularity of his injunctions, adding this also, "Thou shalt not seethe a lamb in his mother's Milk." {exodus 23:19.} For he looked upon it as a very terrible thing for the nourishment of the living to be the seasoning and sauce of the dead animal, and when provident nature had, as it were, showered forth milk to support the living creature, which it had ordained to be conveyed through the breasts of the mother, as if through a regular channel, that the unbridled licentiousness of men should go to such a height that they should slay both the author of the existence of the other, and make use of it in order to consume the body of the other. And if any one should desire to dress flesh with milk, let him do so without incurring the double reproach of inhumanity and impiety. There are innumerable herds of cattle in every direction, and some are every day milked by the cowherds, or goatherds, or shepherds, since, indeed, the milk is the greatest source of profit to all breeders of stock, being partly used in a liquid state and partly allowed to coagulate and solidify, so as to make cheese. So that, as there is the greatest abundance of lambs, and kids, and all other kinds of animals, the man who seethes the flesh of any one of them in the milk of its own mother is exhibiting a terrible perversity of disposition, and exhibits himself as wholly destitute of that feeling which, of all others, is the most indispensable to, and most nearly akin to, a rational soul, namely, compassion."

The crux of Philo's point with regard to the mixing of meat and milk is to be found in his declaration that, "if any one should desire to dress flesh with milk, let him do so without incurring the double reproach of inhumanity and impiety." Philo says "Let him do so"! In other words, it is perfectly possible in Philo's opinion to mix meat and milk together without offending against the commandment and you can do that simply by making sure that the meat of the animal you are eating is taken from a different herd to that which produced the milk or cheese! It is this free availability of meat from other herds that, in Philo's view, makes the crime of one who actively chooses to "seethe the flesh of any one of them in the milk of its own mother" a "terrible perversity." Indeed, there is no question according to Philo's view

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that chickens or general fowl are ok to eat with milk or cheese since chickens or fowl do not lactate - they are not of the herd. In any case, as is apparent, for Philo the whole point of this prohibition against boiling a kid in its mother's milk is to teach human beings compassion and kindness. Philo therefore places the prohibition among other commandments which set out an ethical framework for Jews. "And being desirous to implant the seeds of gentleness and humanity in the minds of men, by every kind of expedient imaginable, he adds also another injunction akin to the preceding one, forbidding any one to sacrifice the mother and the offspring on the same day, for even if they are both to be sacrificed, still it must be at different times, for it is the greatest extravagance of barbarity to slay in one day the animal which has been born and her who is the cause of its birth." "And it appears to me that some lawgivers, having started from this point, have also promulgated the law about condemned women, which commands that pregnant women, if they have committed any offence worthy of death, shall nevertheless not be executed until they have brought forth, in order that the creature in their womb may not be slain with them when they are put to death." Not cooking a kid in its mother's milk is part and parcel of these laws intended to teach against against barbarity which, according to Philo, also include the laws against muzzling the ox while treading out the corn and against yoking animals of unequal strength together.

Here then is at least one salient Jewish voice from the First Century CE who argued that it was perfectly possible to eat *any* kosher meat, including and especially chickens or other fowl, alongside milk. For the record it is important to note however that there were other voices which contradicted the former assertion. Mishnah Hullin thus records the opinion that, "All meat is forbidden to be cooked with milk, except for the meat of fish and locusts. And it is forbidden to bring it up with cheese on the table, except for the meat of fish and locusts..." According to this passage it is *all meat* (not just domesticated meat from the herd) that is forbidden to be mixed with *all dairy*, since while the Torah verse speaks only of 'milk' this passage speaks of cheese. While cheese was the primary form of milk-derived-product consumed in the ancient world it wasn't literally possible to "seethe" meat in cheese as it was with milk. This is evidence of the way some rabbis were now thinking on the matter. Even so the question nevertheless remained "all meat" included chickens or other fowl? Though they disagreed on so many other matters the House of Shammai and Hillel were one in declaring chicken and fowl to be included in the general ban on meat and dairy. The House of Shammai said that fowl and cheese could be on the same table but couldn't be eaten together. The House of Hillel prohibited even their presence on the same table. And yet none other than the great Rabbi Akiva proposed an alternative view. As Mishnah Hullin reports, "Rabbi Aqiva says: Undomesticated animal and fowl are not prohibited by the Torah, as it is said, "Don't cook a kid in its mother's milk," three times [in the Hebrew Bible], to exclude [1] undomesticated animal, [2] fowl, and [3] impure domesticated animal." Moreover, it continues, "Rabbi Yosi the Galilean says: It is said, "Don't eat any carcass" [in the beginning of Deuteronomy 14:21], and it is said, "Don't cook a kid in its mother's milk" [at the end of Deuteronomy 14:21]: that which is forbidden on account of "carcass," is forbidden to cook in milk. Fowl, which is forbidden on account of carcass, might one conclude that it's forbidden

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to cook in milk? Scripture says, "in its mother's milk," to exclude fowl, which has no mother's milk." Here then both Rabbi Akiva and Rabbi Yosi the Galilean dispute that *fowl* are included in the Torah prohibition. While the Mishnaic argument as to whether fowl should be included in the presumed general prohibition against meat and dairy is continued in the Talmud the view that fowl were permitted is noted as a minority position that is to be respected. Illustrative of this is the story of one Levi, a late tannaitic rabbi (towards the end of the second century CE): "Levi visited the house of Joseph the Fowler. They served him a peacock's head [cooked] in milk. He didn't say anything to them. When he came before Rabbi [and told him what happened, Rabbi] said to him: Why didn't you excommunicate them? He said to him: It was the locale of Rabbi Judah b. Beterah, and I thought, perhaps he expounded for them in accordance with Rabbi Yosi the Galilean, who said: "to exclude fowl, which has no mother's milk." We note from this story that while Levi and "the Rabbi" thought that one should be excommunicated for serving peacock with milk they did not do so out of deference for the noted halakhic opinion of Rabbi Yosi the Galilean. Thus it is apparent that even as late as the end of the second century CE there were Jews who in all good conscience still ate fowl and dairy together and could cite respected rabbinical authority for their actions! Indeed, none other than the Rambam himself wrestled with the apparent lack of literal Torah support for the general prohibition of eating any and all otherwise meat, including chicken and other fowl, with milk or other dairy. While he noted that, "the literal meaning of Scripture refers only to a kid [cooked] in the milk of its actual mother" he explained the rabbinical ban that now prevailed was made to prevent anyone from being confused and accidentally breaking Torah's injunction. This was therefore a classic case of a fence being constructed around the Torah! As for *why* the Torah forbade the cooking of a kid in its mother's milk the Rambam suggested that this was because that was a pagan practice in ancient times. And yet there is no evidence that this was so. Most rabbis find the commandment something of an enigma. How is it then that this enigmatic verse has so defined and dominated the Jewish act of eating? We have not only seen how the literal meaning of the verse is specifically only to ban the boiling and eating of a baby goat in the milk of its mother but the literal text has something else to teach us, something quite unexpected. The prohibition is found three times in Scripture. In addition to our Devarim passage today Shemot 23:18-19 states, "You shall not offer the blood of My sacrifice with anything leavened; and the fat of My festal offering shall not be left lying until morning. The choice first fruits of your soil you shall bring to the house of Adonai your God. You shall not boil a kid in its mother's milk." Moreover the next appearance of the prohibition is found in Shemot 34, "You shall not offer the blood of My sacrifice with anything leavened; and the sacrifice of the Feast of Passover shall not be left lying until morning. The choice first fruits of your soil you shall bring to the house of Adonai your God. You shall not boil a kid in its mother's milk." It is important to note that in both these other cases the prohibition is stated in the context of offering first fruits. This appears strange. After all, if the prohibition is about legislating what you can or can't eat why is it stated in the context of first fruits offerings? The answer appears to be that the phrase "to boil a kid in its mother's milk" is an ancient poetic idiom intended to impress upon people that one should not delay one's first fruits offering. As R. Joseph ben Isaac Bekhor Shor, a 12th

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Century French sage wrote, "According to the plain meaning, the term "bishul" here means grow or complete, similar to its use [in the verse (Gen. 40:10)]: "its clusters ripened (הבשילו) into grapes." This is what the verse is saying: do not allow [the kid] to grow up and be weaned from its mother's milk. [In other words, do not] wait until [the kid]'s mother grows it with her milk, rather bring it at the beginning. This fits with the context of the first part of the verse, "the choice first fruits of your soil [you shall bring]." Bekhor Shor adds, "According to the plain meaning, to not leave [the kid] until it is full grown from its mother's milk. "Bishul" implies completion, as [in the verse (Gen. 40:10)]: "its clusters ripened (הבשילו) into grapes." The Talmud uses the term similarly (b. Ketubot 112a): "[The land of Israel] grows its fruit with ease." This makes it of a piece with the beginning of the verse "the choice first fruits of your soil [you shall bring]." This implies that they are going through the process of maturation,[6] that one should not delay until the fruits are all ripe." In other words "don't cook a kid in its mother's milk" has absolutely nothing to do with eating meat or cooking it. Rather, it is a poetic way of expressing the requirement to bring the first-born animals to God as soon as possible. This fits the context of the verse perfectly. It is all about being punctual about doing God's service and not waiting or leaving things for later. On the surface the prohibition as found in this week's parashah would seem to contradict this reading, with it appearing at the end of a list of kosher and non-kosher animals. But rather than being read at the end of this list and therefore as a prohibition on food, we should read it as a preface to the very next verse, Devarim 14:22 which states, "You shall set aside every year a tenth part of the yield of your sowing that is brought from the field". Indeed the next few verses go on to discuss bringing first fruits offerings!

So you see the verse has nothing to do with what you eat but is all about first fruits offerings. That it has so come to dominate the Jewish dietary experience is a result of rabbinical interpretation not Biblical *fiat*. The sad truth is that most Jews are not aware of this history of interpretation and if they read this prohibition see something completely different to that which was originally intended and practiced. But it isn't just this verse that we instinctively read incorrectly. Most of us do not realise that the way we read Scripture or see God and the world is, if you will excuse the pun, imbued with our mother's milk. Like it or not we are all influenced beyond our consciousness by doctrinal traditions that restrict our spiritual vision. It takes a brave person to appreciate that fact and step outside them. But that is what we are to be all about as Jews isn't it? The Avrahamic walk into the unknown, away from everything we have known and felt comforted by, our father's house, our father's faith and doctrines, is the metaphorical path that we are to embrace as Jews. Avraham's example in this respect teaches us never to be afraid of the truth, however uncomfortable it may be. Because at the end of the day, as Yeshua himself said, "The truth shall yet you free."