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Parashat Shemini Part III Leviticus 11

1. Brief Survey of Leviticus 11–18

The account of the eighth-day dedication ceremony concluded a major section of Leviticus, that which contains the necessary instructions for the sanctuary program. There was now an officially dedicated Tabernacle with an ordained priesthood possessing detailed knowledge of the basic laws governing the various sacrifices. With this in place, and following the Nadab and Abihu episode, which incidentally teaches the need for precise compliance with cultic prescriptions as well as the dire consequences for deviation, Leviticus turns to its agenda for the more substantial goals for the nation. In brief, this constitutes legislation that concerns purity leading to holiness, a program designed to enrich the covenant that was contracted with the lawgiving. Various aspects of these subjects will occupy nearly the whole of the remainder of Leviticus.

Pre-Torah Near Eastern idolatrous societies practiced many purity rituals that in a general way are externally similar to those of the Torah, as we have seen was also the case with the sacrifices. Consequently, the meaning of much of the Torah's purity laws will be found in the nuances of its regulations and in the distinctive details that are designed to prevent association with idolatrous notions and promote G-d's larger agenda for His people. We hope to point out some of this in our coming studies.

Beginning with chapter 11 and continuing through chapter 18, the subject matter may be viewed as comprising five subsections of purity laws, which prepare the way for the high point of the Leviticus program – indeed, for the Exodus-Leviticus continuum. That pinnacle is the official call to holiness that charges each Israelite with the responsibility to apply the holiness principle to all

areas of human behavior (Lev. 19). The latter links to and closes an “envelope” with the Decalogue (Exod. 20), expanding and enriching its commandments. The summary remarks concluding most of the purity subsections provide insight as to the deeper meaning or purpose of this legislation. At this time we will briefly comment on each subsection, since it will be helpful to see the larger picture. We plan to go into more detail on each of these subsections beginning with the next segment of this study and continue in our studies on the following *parashiyot*.

The first subsection addresses the dietary laws. Taking for granted that a vegetative diet is permitted (Gen. 1:29), the law spells out which creatures are acceptable for food. The dietary laws are the first to be elaborated after the dedication of the sanctuary since they concern the most basic of human needs. These laws promote a fundamental, deep, and ongoing reverence for sentient life. Intertwined with them are regulations of ritual impurity that derive from contact with carcasses of various creatures and which also reflect respect for life in various ways.

Next in the text, proceeding in logical progression, chapters 12–15 present laws that address a succession of cases of physical conditions besetting human beings that cause ritual defilement. When these conditions pass or clear up the individual requires ritual purification and the relevant procedures are prescribed. These ritual “impurities” include childbirth, various kinds of *sara'at* (a catchall term for dermatological diseases in people, fungus in garments and molds in house walls), genital flows and uterine bleeding. As we shall see, it appears that these were life-affirming laws designed to promote greater reverence for the sanctuary and G-d's presence within the nation while psychologically or emotionally countering experiences that had the potential to be spiritually debilitating.

Chapter 16 (the third subsection) provides for the annual Yom Kippur ceremony. On one level, this is a natural corollary to the previous extensive discussion of defilement and purification procedures for the individual. It is inevitable that the sanctuary became defiled from the impurities of the Israelites and among the purposes of Yom Kippur is purification of the sanctuary. On a deeper level, with a call for a confession of sins, this singular day in the course of the year also purifies the Israelites from their transgressions, rejuvenating and inspiring them, preparing them for a renewed commitment to the covenant and for a higher level of holy living. These laws could not properly have been delayed to be included with the other Yom Kippur laws that are located in the compendium of festival and special-day legislation of Leviticus 23, but belong exactly where they are.

Chapter 17 addresses certain aspects of improper divine worship and insists on the restriction of sacrifices to the one sanctuary. This statute provides the national leadership the opportunity to insure authenticity of religious service and prevents the pernicious polytheistic influence associated with “high places” for sacrifices all around the country. The passage contains an explicit statement of purpose “and that they may no longer offer their sacrifices to the goat-demons after whom they stray” (Lev. 17:7). Elimination of paganism was a critical step toward the attainment of holiness.*

The final subsection (chapter 18) before turning to the national call for holiness promotes purity in another sense – it focuses on the realms of personal sexual conduct and family life, indeed, initiating the discussion of holy living. The Torah presents this category as critical to ensuring the purity of the land and as G-d’s criterion by which to judge the nation’s merit to maintain possession of it. Despite G-d’s many promises to grant the land to the Israelites, the point is made that their continued possession of it is always predicated on observance of these laws. If the Israelites who live in it contravene G-d’s purpose of designating it for them, His promise is suspended. The impurity of sexual impropriety is condemned in the starkest manner: “For it is by such that the nations that I am casting out before you defiled themselves. Thus the land became defiled; and I called it to account for its iniquity” (Lev. 18:24-25, NJPS). The prohibited

sexual relations specified include incest, adultery, homosexuality and bestiality. (Included with these prohibitions is offering a child to *Molekh*, a particularly malicious type of idolatry associated with child sacrifice.)

The Torah’s introduction to this subsection refers to proper fulfillment of these laws as conducive to life, emphasized as a primary goal of the Torah: “That a man shall fulfill them and [as a result] live thereby” (Lev. 18:5). In its conclusion, it speaks of their violation as defiling both people and land (vv. 24-30). In strictly forbidding sexual relations (and marriage) between immediate family members – including a host of in-law relations (including most former in-law relations) – as well as adultery, these laws have been seen as designed to accomplish several objectives in Israelite society. They would tend to minimize jealousy and strife and strengthen friendships and personal relationships among people who lived in relatively close proximity. Thus, they would increase the stability of the family and the dignity of the individual as well as foster the release of energies for higher purposes. Abiding by these laws would promote individual and societal life even in the very literal definition of the term as well as engender a pure family and a pure land in the sense that the values of the Torah can more fully flourish.

Following is a summary of the main subject headings of Leviticus 11–18 that lead to the official call to holiness in chapter 19:

1. Dietary Laws/Carcass Impurity/Sanctity of Life
2. Bodily Conditions and Ritual Purity/Reverence for Life and for Hashem’s Presence
3. Sanctuary Purification/National Cleansing of Sins/Spiritual Renewal
4. Centralization of Sacrifice/Elimination of Polytheism
5. Prohibited Sexual Relations/Conditions for Retention of the Land

2. On the Dietary Laws

The food that man ingests has generally had a profound psychological relationship with his value system, albeit often in a somewhat unconscious manner. The Torah, which alone among ancient Near Eastern law codes contains a comprehensive system of dietary regulations, begins its presentation on this

topic right at the very creation of man. While dwelling in the ideal state of the Garden of Eden, although he was granted full dominion over the animal kingdom (Gen. 1:28), man was strictly limited to a vegetarian diet (v. 29). Indeed, in that utopian state, animals also were to be herbivorous. This reflects a deep reverence for all forms of life, a foundational principle that should inform our understanding of all that follows in the Bible and of our relationship with the world.

After the Flood, G-d decided to relate to man in a different manner and instituted a major change. In recognition of man's inability to live up to the utopian standards of the creation era, He established a new world order and placed a covenant with humanity at its foundation. As an element in that order, He made a concession to humankind and permitted the consumption of animal flesh without distinctions as to pure and impure species – with two major reservations. Living animals could not be eaten from and the blood of an animal, signifying the vital principle of life, was not to be consumed.

In other words, it was now permitted to eat animals but only on condition of acknowledging basic standards of reverence for life by refraining from the cruelty involved in eating of a living creature and from partaking of the blood. The new world order included an explicit understanding that man in his present state – unable to live up to his potential – must increasingly focus his energies on being more respectful of, and fully accountable for, human life (Gen. 9:3-6), while maintaining a basic concern for all life.

The prohibition to consume blood was subsequently reinforced in the laws given to Israel (Lev. 3:17; 17:10-13; Deut. 12:16, 23). Of course, all flesh contains blood. The apparent anomaly of the permissibility to consume animal flesh together with the prohibition to consume blood was understood to imply that meat prepared for consumption is to undergo a process of salting or is to be broiled in a manner that the blood that drips out is to be disposed of. The blood that remained after standard salting or broiling was permitted.

The book of Genesis contains one other dietary law for Israel: it is prohibited to eat the sciatic nerve within the thigh muscle on the hip socket (the גֵּיד הַכִּזְיוֹת),

the spot where the angel struck Jacob in their wrestling encounter (Gen. 32:32; see our study on *Parasahat Vayishlah* □ □ Part I). This law concretizes a particularly pivotal symbolic event in Israel's historical maturation.

In Exodus (22:30) the Torah prohibits the eating of the torn flesh of an animal plundered by another (eventually included with the law concerning an animal that died in any way other than by ritual slaughter). Also in Exodus (23:19; 34:26) as well as in Deuteronomy (14:21), the law prohibits cooking a kid in its mother's milk, understood as including eating thereof, for usually one would cook for the purpose of consumption. This case was expounded as symbolic of the larger categories of cooking and eating of meat and dairy together. The foundational case of a kid in its mother's milk may have been intended to preclude the cruel irony of using the mother's bodily output, intended to sustain her offspring's life, to be part of the process of terminating that life.

In sacrificial legislation, certain fats of an animal's inner organs had been declared fit for the altar, and consequently such fat was prohibited for human consumption even in nonsacral circumstances (Lev. 3:17).

The dietary legislation of our chapter, which for the most part is paralleled in Deuteronomy 14, includes a significant degree of further qualifications within the concession of allowing meat consumption. It restricts Israel to "pure" animals, consistent with the charge that it be a pure and holy nation. In interpreting the deeper meaning of these regulations, it does not appear that hygienic or health-related considerations played much of a role, if any. Prohibited creatures are termed *tameh* (impure) by the Torah. At the conclusion of our Leviticus section, G-d calls upon the Israelites not to defile themselves by violating these laws, but to make themselves holy as He is holy (Lev. 11:44). Upon describing the idolatry and immorality in which the neighboring nations were immersed (Lev. 18), and after concluding the main segment of the holiness program (Lev. 19–20), the Torah returns to the subject of the forbidden species of animals in order to elaborate further:

I Hashem am your G-d who has set you apart from other peoples. So you shall set apart the clean

beast from the unclean, the unclean bird from the clean. You shall not draw abomination upon yourselves through beast or bird or anything with which the ground is alive, which I have set apart for you to treat as unclean. You shall be holy to Me, for I, Hashem, am holy, and I have set you apart from other peoples to be Mine (Lev. 20:24b-26).

It appears that an aspect of the dietary code was for it to serve a social-religious function to maintain a distance between Israel and its neighbors in order that the nation may focus on its mission to be dedicated to Hashem. But, consistent with everything else in the Torah, it is most probable that the specific details themselves embody significant meaning.

From the two signs that denote pure animals – split hooves and chewing the cud – it is clear that permitted animals must be herbivorous. Animals lacking claws or paws are unable to snare prey, while chewing the cud is associated with having a cellulose diet, processing vegetation that is not fully digestible without preliminary treatment in the stomach and subsequent rechewing. Thus, Israel's diet reflects the sanctity of life by declaring impure those creatures that feed on other living creatures and categorically rejecting them as food. Carnivores are unfit to be food for a nation that must respect all forms of life and, we may perhaps add, recognizes that at least ideally, living creatures should not be eaten.

In the opinion of some modern scholars the reason that herbivorous animals whose hooves are not split were prohibited may be because another consideration entered the formula. Animals with split hooves were the herbivores *par excellence*; all who deviate from that criterion deviate from the standard and are thus “blemished” in comparison with the ideal. They are unacceptable for the diet of the “kingdom of priests and holy nation” (Exod. 19:6), whose members should represent the ideal and whose diet should reflect that principle. This notion might also have played a major role in the Torah prohibitions against offering blemished animals on the altar or having blemished priests serving in the sanctuary (Lev. 21:17-24).

Sea creatures acceptable for consumption are those with fins and scales. Related to the above, some scholars are of the opinion that aquatic creatures

lacking fins and scales are “blemished,” deviants from the ideal standard of G-d's creations for the sea, given that fins are the most “appropriate” means of locomotion in water.

The Torah does not provide criteria for permissible birds nor does it list them. Rather, it enumerates the prohibited species. Virtually all that are mentioned in this category are birds of prey or scavengers, including the eagle, vulture, falcon, owl, hawk, raven, gull, ostrich and several close relatives of these. As with prohibited animals, their exclusion from the diet constitutes a statement about their lifestyle and promotes reverence for life.

All known birds of the Bible lands region that were not listed were presumed pure and acceptable. As general rules, the Mishnah codified, “Any bird that is דורס (attacks and inserts its claw in its prey) is impure” (*m. Hul.* 3:6), while any unlisted bird that shares the basic characteristics of the known pure birds is acceptable. The more prominent pure birds are the dove, pigeon, sparrow, hen, quail, domestic duck and domestic goose.

Regarding insects, the Torah states, “winged swarming creatures that walk on fours shall be an abomination to you” (Lev. 11:20). Although insects have six legs, many have assumed that the Torah regards the front two as hands. Some interpret “that walk on fours” as an idiom that means, “that walk on their legs,” as do quadrupeds, implying that they do so despite having wings. Thus, possessing wings but unable to fly, they are deemed flawed and inappropriate for the diet of a priestly nation. On the other hand, insects that walk on fours but “have jointed legs above their feet with which to leap on the land” are acceptable; four categories of locusts are enumerated (Lev. 11:21-22). Leaping, it has been theorized, is a combination of flying and walking and thus renders the creature unflawed and acceptable.

“All that swarm upon the earth...whatever crawls on its belly or goes on fours or has many legs you shall not eat for they are an abomination” (vv. 41-42). The swarming, creeping and crawling are unfit for the priestly kingdom since these are species that generally are detested by man, at least man in the setting of biblical times and as molded, or in the process of being molded, by the laws of the Torah.

In Deuteronomy (14:21), at the conclusion of the corresponding dietary code, the Torah makes explicit the prohibition to eat of *nebelah*, any animal that died in whatever manner other than through ritual slaughter.

It is of no consequence for our appreciation of the Torah's grand system of dietary regulations that in a general way the diet of the contemporaneous neighboring nations appears to have been very similar to that of Israel. Similar in a general way embodies crucial differences; it allows those not within the legal system many departures under various circumstances. The essential points may be summed up as follows. In the Torah, the dietary code is a categorical imperative – it prohibits absolutely those creatures that do not meet the required criteria. The standards basically derive from the philosophy behind the laws, which reflects a significant advance in thought. This creates important if subtle variations from the neighboring societies and precludes the numerous opportunistic exceptions that inevitably often arise.

Blended in with the dietary laws of Leviticus 11, the Torah prescribed regulations that established states of ritual defilement for people, vessels and foodstuffs that come into contact with the dead bodies of animals. Contact includes touching, ingesting or, even without directly touching, carrying such a carcass or part thereof. The carcasses of creatures of species that are unacceptable as food defile regardless of how death came about, whereas concerning those species that are acceptable as food, carcasses defile only when the animal died without having been ritually slaughtered.**

The word used to designate creatures that are unacceptable as food, as well as the state of defilement of people, vessels and foodstuffs, is *tameh* (ritually impure). All defilement stemming from nonhuman creatures may only be contracted from them in their state of death. All types of defilement require specific procedures to achieve purification.

Endnotes

* It is noteworthy that in formulating a prohibition against ritual slaughter outside the sanctuary, the Torah described such taking of animal life in the direst of terms: “It shall be considered bloodguilt for that man, he has spilled blood” (דָּם יִקָּשֶׁב לְאִישׁ הַהוּא דָּם יִפְּשֹׁ [Lev. 17:4]). This stern formulation for slaughtering an animal highlights the immense value the Torah places on nonhuman life. This message is consistent with the importance the Torah places on the blood service of a sacrificed animal. It also has applications later in our chapter with the discussion of the prohibition to consume an animal's blood (vv. 10-12) and, when capturing in the hunt a wild animal or fowl of a species that may be eaten, in the requirement to cover its blood with earth (v. 13).

** Ritual slaughter is not explicitly spelled out in the Torah but it is referred to, particularly in Deuteronomy 12:21, where it states in regard to the slaughter of nonsacral animals for the purpose of eating, “as I commanded you.” The latter phrase clearly indicates that a regulation had been prescribed concerning the proper method of slaughter of animals, apparently referring to an oral tradition defining such slaughter. Moreover, the oft-used word *shehita* seems to mean “slit the throat,” as it does in certain Semitic languages. Our verse (Lev. 11:39) seems to contain an implication concerning the category of ritual slaughter, that is, it alludes to a legal distinction that applies to ritual slaughter of animals of “kosher” species. It prescribes impurity through contact with an animal of a kosher species that died, separately from the law of an animal from an unkosher species that died, although the law is exactly the same. It appears to be differentiating in the former, that impurity only applies when the animal died without having been ritually slaughtered. Of course, in any event it is unreasonable to assume that animals that are permitted to eat would necessarily defile after ritual slaughter. (See Menahem Bula, *Da'at Miqra*, Lev. 11:39, note 79.)

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