

CHAPTER XLVIII.

THE precepts of the thirteenth class are those which we have enumerated in "Laws concerning forbidden food" (*Hilchoth maachaloth asuroth*), "Laws concerning killing animals for food" (*Hilchoth shechitah*), and "Laws concerning vows and Nazaritism" (*Hilchoth nedarim u-neziroth*). We have fully and very explicitly discussed the object of this class in this treatise,¹ and in our Commentary on the Sayings of the Fathers.² We will here add a few remarks in reviewing the single commandments which are mentioned there.

I maintain that the food which is forbidden by the Law is unwholesome. There is nothing among the forbidden kinds of food whose injurious character is doubted, except pork (*Lev. xi. 7*),³ and fat (*ibid. vii. 23*).⁴ But also in these cases the doubt is not justified. For pork contains more moisture than necessary [for human food], and too much of superfluous⁵ matter. The principal reason why the Law forbids swine's flesh is to be found in the circumstance that its habits and its food are very dirty and loathsome. It has already been pointed out how emphatically the Law enjoins the removal of the sight of loathsome objects, even in the field and in the camp;⁶ how much more objectionable is such sight in towns. But if it were allowed to eat swine's flesh, the streets and houses would be more dirty than any

¹ *Supra*, chap. xxxiii. p. 158, and xxv. p. 166.

² Eight Chapters, chap. v.

³ Comp. Sprengel, *Gesch. der Medicin*. p. 359; *Babyl. Talm. Chullin*, 17 a.

⁴ Not all fat is prohibited. In the first instance the Law only forbids the fat of cattle, sheep, and goats—that is, of those species of which a sacrifice could be offered; secondly, even of these animals only that fat is prohibited which would have been burnt upon the altar if they had been sacrifices, viz., "the fat that covereth the inwards and the fat that is upon the inwards and the fat that is on the kidneys, which is by the flanks" (*Lev. iii. 4, 5*). In Rabbinical writings, the forbidden fat is called *chelebbh*, and the other *shuman*.

⁵ According to Ibn Tibbon, refuse and superfluous elements.

⁶ *Supra*, ch. xli., p. 205.

cesspool, as may be seen at present in the country of the Franks.¹ The saying of our Sages is well known: "The mouth of a swine is as dirty as dung itself."²

The fat of the intestines makes us full, interrupts our digestion, and produces cold and thick blood; it is more fit for fuel [than for human food].³

Blood (Lev. xvii. 12), and *nebhelah*, i.e., the flesh of an animal that died of itself (Deut. xiv. 21), are indigestible, and injurious as food; *Trefah*,⁴ an animal in a diseased state (Exod. xxii. 30), is on the way of becoming a *nebhelah*.

The characteristics given in the Law (Lev. xi., and Deut. xiv.) of the permitted animals, viz., chewing the cud and divided hoofs for cattle, and fins and scales for fish, are in themselves neither the cause of the permission when they are present, nor of the prohibition when they are absent; but merely signs by which the recommended species of animals can be discerned from those that are forbidden.

The reason why the sinew that shrank is prohibited is stated in the Law (Gen. xxxii. 33).

It is prohibited to take and cut off a limb of a living animal and eat it,⁵ because such act would produce cruelty, and develop it; besides, the heathen kings used to do it; it was also a kind of idolatrous worship to cut off a certain limb of a living animal and to eat it.⁶

¹ By this name the Arabs designate all European Christians (Munk).

² Babyl. Talm. Berachoth 25 a. These words have been said in reference to the rule that prayers should not be read in a dirty place.

³ These words have been added in accordance with the Hebrew versions of Ibn Tibbon and Charizi.

⁴ Lit., "an animal torn by wild beasts." According to traditional interpretation of this law, the term *trefah* includes all diseased animals. The different cases of disease are enumerated in Mishnah V., Chullin iii. There is a dispute in Babyl. Talm. Chullin 42 a, whether it is only those diseases which are incurable that constitute *trefah*.

⁵ The law, though not distinctly stated in the Pentateuch, is according to Tradition implied in Gen. ix. 4, and Deut. xii. 23. See Babyl. Talm. Chullin 101 b, and Sanhedrin 57 a; Mishneh-torah V., Hilchoth Maachaloth asuroth, chap. v. Comp. Bruce's Travels, vol. iv. 477-481.

⁶ Maimonides probably found this custom described in one of the books on idolatrous practices, mentioned *supra*, p. 144 (Munk), especially as he

Meat boiled in milk¹ is undoubtedly gross food, and makes overfull; but I think that most probably it is also prohibited because it is somehow connected with idolatry, forming perhaps part of the service, or being used on the festivals of the heathen. I find a support for this view in the circumstance that the Law mentions the prohibition twice after the commandment given concerning the festivals "Three times in the year all thy males shall appear before the Lord God" (Exod. xxiii. 17, and xxxiv. 23), as if to say, "When you come before me on your festivals, do not seethe your food in the manner as the heathen used to do." This I consider as the best reason for the prohibition; but as far as I have seen the books on Sabean rites, nothing is mentioned of this custom.

The commandment² concerning the killing of animals is necessary, because the natural food of man consists of vegetables and of the flesh of animals; the best meat is that of animals permitted to be used as food. No doctor has any doubts about this. Since, therefore, the desire of procuring good food necessitates the slaying of animals, the Law enjoins that the death of the animal should be the easiest. It is not allowed to torment the animal by cutting the throat in a clumsy manner, by poleaxing, or by cutting off a limb whilst the animal is alive.

It is also prohibited to kill an animal with its young on the same day (Lev. xxii. 28), in order that people should be restrained and prevented from killing the two together in such

conscientiously confesses it when he found no support for his suggestion. *E.g.*, *infra*, in reference to the next instance.

¹ Exod. xxiii. 9, xxxiv. 26; Deut. xiv. 21. The words, "Thou shalt not seethe," &c., are interpreted to imply the prohibition of eating it, or using it in any other way. Maimonides, in *Hilchoth maachaloth asuroth* ix. 2, says, that if the boiling of milk and meat is prohibited, it is a matter of course that the eating of milk and meat boiled together is prohibited. *Comp. Targum, l. c.*

² This law is based on the words, "And thou shalt kill, . . . as I have commanded thee" (Deut. xii. 21). *Comp. Rashi, ad locum.* *Talmud Chullin, i.-ii. Miahneh-torah V., Hilchoth shechitah.* See *supra*, ch. xxvi. p. 126, *seq.*

a manner that the young is slain in the sight of the mother ; for the pain of the animals under such circumstances is very great. There is no difference in this case between the pain of man and the pain of other living beings, since the love and tenderness of the mother for her young ones is not produced by reasoning, but by imagination, and this faculty exists not only in man but in most living beings. This law applies only to ox and lamb, because of the domestic animals used as food these alone are permitted to us, and in these cases the mother can be distinguished from her young.¹

The same reason applies to the law which enjoins that we should let the mother fly away when we take the young.² The eggs over which the bird sits, and the young that are in need of their mother, are generally unfit for food. When the mother is sent away she does not see the taking of her young ones, and does not feel any pain. In most cases, however, this commandment will cause man to leave the whole nest untouched, because [the young or the eggs], which he is allowed to take, are, as a rule, unfit for food. If the Law provides that such grief should not be caused to cattle or birds, how much more careful must we be that we should not cause grief to our fellowmen. When in the Talmud³ those are blamed who use in their prayer the phrase, "Thy mercy extendeth to young birds," it is the expression of the one of the two opinions mentioned by us,⁴ namely, that the precepts of the Law have no other reason but the Divine will. We follow the other opinion.

The reason why we cover the blood when we kill animals, and why we do it only when we kill clean beasts⁵ and

¹ According to Ibn Tibbon, "the mother recognises her young."

² Talmud Chullin, ch. xii.

³ Berachoth, v. 8. In his Comm. on the Mishnah, Maimonides says that this precept is not the result of God's pity for the bird ; it belongs to the *chukkim*, or commandments, for which there is no other reason but the will of God. (Comp. Babyl. Talm. Berachoth, 33 b.) In Mishneh-torah II., Hilchoth tefillah, ix. 7, he follows the Mishnah, but in this work he assigns a reason even for the *chukkim*. (*Supra*, and xxxi.)

⁴ *Supra*, ch. xxvi.

⁵ *Chayyah*, beast not domesticated, as distinguished from *behemah*, "domestic animal."

clean birds, has already been explained by us (*supra*, ch. xlvi. p. 234).

In addition to the things prohibited by the Law, we are also commanded to observe the prohibitions enjoined by our own vows (Num. xxx.). If we say, This bread or this meat is forbidden for us, we are not allowed to partake of that food. The object of that precept is to train us in temperance, that we should be able to control our appetites for eating and drinking. Our Sages say accordingly, "Vows are a fence for abstinence."¹ As women are easily provoked to anger, owing to their greater excitability and the weakness of their mind, their oaths, if entirely under their own control, would cause great grief, quarrel, and disorder in the family; one kind of food would be allowed for the husband, and forbidden for the wife; another kind forbidden for the daughter, and allowed for the mother. Therefore the Law gives the father of the family control over the vows of those dependent on him.² A woman that is independent, and not under the authority of a chief of the family, is, as regards vows, subject to the same laws as men; I mean a woman that has no husband,³ or that has no father, or that is of age,⁴ *i.e.*, twelve years and six months.

The object of Nazaritism (Num. vi.) is obvious. It keeps away from wine that has ruined people in ancient and modern times. "Many strong men have been slain by it" (Prov. xxvii. 26). "But they also have erred through wine, . . . the priest and the prophet" (Is. xxviii. 7). In the law about the Nazarite we notice even the prohibition, "he shall eat nothing that is made of the vine tree" (Num. vi. 4), as an

¹ Mishnah, Abboth iii. 13.

² According to Ibn Tibbon (as in the printed editions), "over the vows in everything that might be injurious or useful to him;" *i.e.*, vows called in the Talmud *nidre innusi nefesh* (Mishnah III., Nedarim, xi. 1).

³ *I.e.*, a widow, or a woman divorced from her husband (Num. xxx. 10).

⁴ The term *bogereth*, used by Maimonides, is the same as the one used in the Talmud. A girl is under age, *ketannah*, when she is under twelve years; she is a maiden, *naarah*, when twelve years old; and *bogereth* from the age of twelve years and six months. Comp. Mishnah III., Nedarim x. 5. Babyl. Talm. Kethubhoth, 39 a. Mishneh-torah IV., Hilchoth ishuth, ii. 2.

additional precaution, implying the lesson that man must take of wine only as much as is absolutely necessary. For he who abstains from drinking it is called "holy;" his sanctity is made equal to that of the high-priest, in not being allowed to defile himself even to his father, to his mother, and the like. This honour is given him because he abstained from wine.¹
