

Interpreting Biblical Dietary Laws as Positive Freedom for a Holy and Ethical Life

Morgan Alyssa Elbot
University of Memphis

Introduction

Interpretations of the word of God constitute a dauntingly large and diverse array of traditions. Within biblical scholarship there is a broad spectrum of philosophical positions, which range from accounts of wholly enigmatic divine commands derived from a transcendent being to accounts of anthropocentric mythologies or moralistic fables. Ostensibly, the theoretical foundations of these interpretive traditions are incompatible with each other within a single coherent framework. In challenging this notion, the following analysis will present an interpretation of Jewish dietary laws that aims to reconcile these disparate positions. Specifically, I posit an interpretation of Jewish dietary laws as a form of positive freedom for both the holy and ethical life.

An implicit motivation of this account is to dispute the sufficiency of interpretations of the dietary laws that represent the extreme ends of the theoretical spectrum. At one end, there are what I refer to as “arbitrary interpretations,” which posit the laws as a set of commands that ought to be observed solely on the basis of their divine authority because they exist beyond the grasp of human rationality; at the other end, there are “anthropocentric interpretations,” which regard the laws as purely didactic practices that ultimately serve the epistemological purpose of conveying ethical principles.¹ Another way to characterize these dichotomous interpretations is that the former emphasizes praxis while the focus of the latter is knowledge. In order to overcome this divide, it is necessary to maintain the significance of practice without surrendering the accessibility of divine laws to human reason. Accordingly, the interpretation of the dietary laws defended in this paper will use the logic of analogy to designate the dietary laws as a means to human holiness, which is separate yet analogous to divine holiness. This analogy bridges the divide between praxis and knowledge, making it possible to coherently interpret the dietary laws as a form of positive freedom whereby observance of the Noahic prohibition of the consumption of blood and the food restrictions in Leviticus 11 actualizes the ethical principle of respect for life as a means towards a holy life.

¹ Mary Douglas describes a similar dichotomy in her book, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (New York: Routledge, 1966). In it, she states, “All the interpretations given so far fall into one of two groups: either the rules are meaningless, arbitrary because their intent is disciplinary and not doctrinal, or they are allegories of virtues and vices” (54). There are a few significant points of difference between the description of biblical scholarship on dietary laws given here and Douglas’s. First, while I claim that these two groups represent the ends along a spectrum of interpretations, Douglas asserts that they represent the only two groups in which all interpretations fall. Second, Douglas’s description of what I refer to as “arbitrary interpretations” identifies a disciplinary motivation as the basis for their meaninglessness as opposed to their divine origins. Lastly, what Douglas designates as allegorical interpretations of virtues and vices is not as clearly detached from any theological basis as my characterization of anthropocentric interpretations, which are fundamentally grounded in ethical principles that exist independent of a divine transcendent being. While virtues and vices are forms of ethical principles, they are not necessarily independent of a religious basis.

1. Freedom as Presence

In his essay, “Two Concepts of Liberty,” Isaiah Berlin distinguishes between two notions of freedom: negative freedom and positive freedom. According to Berlin, an individual can be said to be negatively free “to the degree to which no human being interferes with my activity.”² This concept of negative freedom is commonly referred to as freedom *from*. Positive freedom, in contrast, derives from the desire “of the individual to be his own master.”³ To have positive freedom is to experience oneself as the master of one’s decisions—to regulate the irrational self, which is driven by passions and desires. As opposed to negative freedom, which identifies freedom with the absence of interference by outside sources, the notion of self-mastery introduces complex issues about selfhood by suggesting that limitations on one’s freedom can also arise from *within*. According to Berlin, “the ‘positive’ conception of freedom as self-mastery, with its suggestion of a man divided against himself, lends itself more easily to this splitting of personality into two: the transcendent, dominant controller, and the empirical bundle of desires and passions to be disciplined and brought to heel.”⁴ The ultimate objective of positive freedom is to prevent the potential enslavement of oneself by one’s own uncontrolled passions in order to elevate oneself to “a higher level of freedom.”⁵ To be positively unfree would therefore signify a failure of self-mastery; an individual who gives control over to the “empirical bundle of desires and passions” which overpower the self. Most forms of addiction typify such a loss of positive freedom.

The need for some external structure or guidance in order to achieve self-mastery is what makes positive freedom *positive*: the presence of something outside the self is imposed so as to elevate the self to greater realizations of freedom. The distinction between negative freedom as *absence* and positive freedom as *presence* can be illustrated by the following scenario: a person who wants to go onto the roof of her house in order to fix a broken shingle is negatively free so long as there is nothing to prevent her from doing so; without a ladder, however, she lacks the positive freedom to achieve her goal.

2. The Holy Life

Extrapolating this metaphor of positive freedom to the initial inquiry leads to an interpretation of Jewish dietary laws as a ladder or structure that functions to elevate individuals to a more holy life. In order to substantiate this interpretation, it is necessary to determine both what it means to be holy and why observance of the dietary laws is a means to holiness. In the book of Leviticus, the third book of the Torah in which the dietary laws of *kashrut* are described, the prohibition against the consumption of unclean meat designates the need to “not defile

² Isaiah Berlin, “Two Concepts of Liberty: An Inaugural Lecture delivered before the University of Oxford on 31 October 1958” (Oxford: Clarendon Press, 1958), 7.

³ *Ibid.*, 17.

⁴ *Ibid.*, 19.

⁵ *Ibid.*, 17.

yourselves with them, lest you become unclean” since God is “the Lord who brought you up out of the land of Egypt, to be your God; you shall therefore be holy, for I am holy” (Leviticus 11:43b-45). Observance of kashrut is linked to the relationship between God’s holiness and human holiness in a way that suggests that the restrictions of the dietary laws allow humans to be holy because God is holy.

“Holy” is translated from the Hebrew word *kadosh*, a term that Mary Douglas describes as being “based on the idea of separation.”⁶ It is sometimes translated as the quality of being set apart, but extends to include notions of “wholeness and completeness.”⁷ While holiness prescribes “keeping distinct the categories of creation...[which] involves correct definition, discrimination and order,”⁸ there is a more fundamental normative basis for human enactment of holiness. Jacob Milgrom’s characterization of holiness as the quality of God that man is instructed to imitate but can never fully achieve indicates the normative dimension of *kadosh*. Those human actions designated as holy are attempts to imitate those qualities of God that we are commanded to imitate.⁹ As human holiness is not identical to divine holiness, imitations of divine holiness are not mere reproductions; to imitate those qualities of God is to enact human holiness that is analogous but not identical to divine holiness. Due to the inimitable nature of divine holiness, it must be concretized into practical modes of conduct to allow for humans to share in their own form of holiness. According to Kenneth Seeskin, “While no human can imitate God’s act of bringing the cosmos into existence *ex nihilo*, we can imitate God’s decision to make choices, incur obligation, and disavow lawless or arbitrary behavior. That, I submit, is the true meaning of *imitatio Dei*.”¹⁰ By being individuals who make choices, conform our behavior to established principles, and avoid reducing ourselves to lawlessness, we engage in our own form of God’s holiness. Human imitation of God’s holiness is representational: the choice to live a principled life constitutes a form of human holiness insofar as it resembles or symbolizes God’s perfectly holy choices. In this sense, observance of the dietary laws is a choice in which we “make choices [and] incur obligation” as a way of imitating God’s holiness.

3. Actualizing Ethics

This account of holiness suggests an interpretation of the dietary laws as providing concrete practices that actualize abstract ethical principles. A significant aspect of this notion is that there is a connection between what one eats and what one does. Leon Kass describes this connection, stating, “The need for dietary laws is, to begin with, identical to the need for law in general, and the acquisition of laws to regulate conduct is very often...presented in terms of

⁶ Douglas, *Purity and Danger*; 8.

⁷ *Ibid.*, 63.

⁸ *Ibid.*, 54.

⁹ Jacob Milgrom, “The Biblical Diet Laws as an Ethical System. Food and Faith,” *Interpretation* 17 (1963): 292-293.

¹⁰ Kenneth Seeskin, *Autonomy and Jewish Philosophy* (Cambridge: Cambridge University Press, 2004), 33.

regulations of eating.”¹¹ One reason laws regarding food have an intuitive association with laws regarding conduct is that food restrictions play a vital reoccurring role throughout biblical scripture, which is itself a primary source of moral conduct for many individuals and communities for over two millennia. There is thus a long tradition that establishes a connection between food and conduct. Another reason to analogize ethical conduct with laws concerning food pertains to the necessarily repetitive and practical aspects of eating. By integrating into our daily eating habits conditions that “remind man that life is sacred,” we indirectly develop “other ethical virtues” as a consequence.¹² Despite differences in our eating practices, there are certain fundamental characteristics of eating: it is universal (*all* living organisms eat); it is necessary (all living organisms *must* eat); and it is recurring (all living organisms must eat *periodically*). These common characteristics are part of what make the practice of eating an excellent vehicle for concretizing ethical principles. These two reasons suggest that, at the very least, laws regulating food are congruent with laws regulating conduct, and at most, dietary laws reflect or even embody laws regarding conduct.

4. The Noahic Covenant

Bringing together the previous two sections, one can posit that in order to imitate God’s holiness through enacting its analogous form by correctly distinguishing between the categories of God’s creation, one requires the guidance of ethical principles to direct one’s conduct towards other life forms. One clear example of such guidance can be found in the Noahic prohibition of the consumption of blood. The first instance in the Bible in which a restriction is put on food occurs in Genesis when, after the flood, Noah builds an altar and sacrifices animals to show thanks to God. After smelling the burnt offerings, God responds, “Never again will I curse the earth because of man, because his heart contrives evil from his infancy” (Genesis 8:21).¹³ One imagines that God speaks these words with a sense of sadness in recognition of man’s heedless indifference to the inherent value of creation. Instead of creating life again, God enters into a covenant with Noah by proclaiming, “I give you everything, with this exception: you must not eat flesh with life, that is to say blood, in it” (Genesis 9:5). In giving humans the new freedom to consume meat, the condition of prohibiting the consumption of blood represents the moment in which the first negative law is created. The terms of the covenant, however, do not solely restrict the behavior of man; otherwise, it would not truly be a covenant. God is also restricted in pledging to never again inflict a flood upon the earth (Genesis 9:11). The terms of the Noahic covenant could thus be understood as emphasizing the value of life by prescribing restrictions that protect and honor that value. With regard to the above discussion on holiness, the Noahic covenant demonstrates how both God and mankind undertake new obligations with respect to the value of life. While both obligations are grounded in a commitment to recognize the value of life, how each is actualized is determined by the particular nature of who undertakes the obligation.

¹¹ Leon Kass, *The Hungry Soul: Eating and the Perfecting of Our Nature* (London: University of Chicago Press, 1994), 208.

¹² Milgrom, 249.

¹³ *The Jerusalem Bible*.

Jacob Milgrom presents an interpretation on the prohibition on the consumption of blood that relates it to a constraint on power. God's condition on man's consumption of meat represents, according to Milgrom, a "constant reminder to man that though he may satisfy his appetite for food he must curb his hunger for power."¹⁴ The connection between blood and power derives from God's assertion that blood is the life of flesh and that "it is blood that atones for a life" (Leviticus 17:12). Thus, to consume blood is to aspire to God's power to take life. In this sense, by not consuming blood, one "acknowledges that bringing death to living things is a concession of God's grace and not a privilege of man's whim."¹⁵ As such, the prohibition against the consumption of blood develops a respect for life, a sense of the "inviolability of life"¹⁶ not by abstractly commanding belief in such an ideal, but through continual active observance of the law. Instead of directly commanding respect for life, God requires humans to enact their own form of holiness through discriminating in their consumption. With the new freedom to consume meat comes the additional obligation to recognize the inherent value of life by not consuming blood, to distinguish between meat and life.

5. Differentiation in Leviticus

This notion of human holiness, according to which our actions are guided by a recognition of God's creation as inherently valuable, is further developed in the dietary laws in Leviticus that require a more refined recognition and differentiation of the forms of life. Proceeding along the same line of reasoning that the blood prohibition actualizes the ethical ideals of respect for life, the dietary laws in Leviticus 11 could be interpreted as refining such ideals so as to further elevate human beings to a more holy life. In prescribing which animals can and cannot be eaten, the dietary laws categorize these distinctions in terms of clean and unclean, pure and impure. Interpretations of the purity-cleanliness distinction generally fall into one of two classes: form and diet.

According to interpretations of the Levitical dietary laws that posit form as the fundamental aspect of the purity distinction, the requirements to distinguish among the different physical forms of animals improves upon the Noahic law, which "shows respect for life but not to separate living form."¹⁷ The dietary laws in Leviticus enhance the Noahic law by requiring knowledge of animal form in order to arrive at the conclusion that life should be respected based on its own inherent value. In describing the form interpretation of dietary laws, Leon Kass identifies three different forms that are prohibited for consumption: 1) *deceptive* forms, such as eels that do not resemble the fish form, 2) *indefinite* forms, such as lacking scales, and 3) *incomplete* forms, such as animals with hooves that are not cloven.¹⁸ If an animal form is guilty of any of these violations, it is considered unclean and therefore inappropriate for human consumption.

¹⁴ Milgrom, 289.

¹⁵ *Ibid.*, 293.

¹⁶ *Ibid.*, 293.

¹⁷ Kass, 220.

¹⁸ Kass, 218.

Mary Douglas presents an alternative account of the form interpretation of unclean animals. According to Douglas, certain animals are prohibited not because their form violates some standard that typifies the form of that animal; rather, animals are prohibited for human consumption because their form “resembles in shape the sufferers from physical injury...that is, an equivalence is drawn between species and individuals lamed, or maimed or otherwise disfigured.”¹⁹ For instance, the incompleteness of hooves that are not cloven symbolizes the suffering of humans who are physically handicapped or otherwise impaired. By restricting our consumption of such animals, humans express the respect owed to such individuals. In contrast to Kass’s interpretation that our knowledge of animal form is the significant aspect that establishes a type of hierarchy of respect for life, Douglas analogizes animal form to human form so that respect for incomplete animal form represents respect for human form. For Kass, respect for life is expressed in eating practices that differentiate among forms of creation. For Douglas, incorporating into our eating practices the recognition of different animal forms symbolically demonstrates respect for human life. In both cases, the specification of form further refines what it means to respect life, beyond the general Noahic prohibition on the consumption of blood.

An alternative account of the central aspect that distinguishes pure from impure animals according to the dietary laws in Leviticus is based on a further extension of the Noahic prohibition on the consumption of blood. According to this type of interpretation, the dietary laws classify animals that abide by the Noahic blood prohibition as acceptable for human consumption and prohibit the consumption of animals that violate it. By not eating the blood of other animals, herbivores demonstrate a respect for life that carnivorous animals do not. Those animals that respect life are to be considered pure.

This extension of the Noahic prohibition on blood to the dietary laws in Leviticus serves as the basis to make the further claim that the laws express certain ethical principles that guide conduct between humans. For example, Douglas argues that the violent behavior exhibited by carnivorous animals suggests that “holiness is incompatible with predatory behaviour,”²⁰ and by not consuming animals that demonstrate such behavior, we express our observance of normative principles concerning relations between God’s creations. This idea indicates that part of having a relationship with God is also having a proper relationship with God’s creation. It is important to clarify, however, that Douglas’s interpretation does not entail regarding unclean animals themselves as symbolic for vices or clean animals as symbolic for virtues; rather, it is the effect of the actions that animals engage in, which are representative of vices and virtues when performed by humans. This interpretation of the dietary laws is therefore based on their representational function of establishing and promoting certain ethical ideals.

The dietary interpretation of the division between pure and impure animals further explains the classification of ruminant animals as pure: “Cud chewers are so far from eating other animals that they finally chew and swallow only the homogenized stuff they have already once swallowed and raised.”²¹ Ruminant animals are in this sense twice removed from the eating process by chewing what they have already chewed. Altogether, an animal must pass both

¹⁹ Mary Douglas, “The Forbidden Animals in Leviticus,” *Journal for the Study of the Old Testament* 59 (1993): 22.

²⁰ *Ibid.*, 22.

²¹ Kass, 220.

criteria of form and diet in order to be acceptable for human consumption. For example, camels do not qualify as clean since even though they are ruminants, they do not have cloven hooves; on the other hand, pigs have cloven hooves but they are not ruminant mammals.²² If an animal is considered clean or pure by both conditions, then a human being will not become unclean in the consumption of such an animal.

Conclusion

In Leviticus, after the distinctions between clean and unclean animals are complete, a subtle yet important remark is made that further qualifies the dietary laws. God proclaims, “You must keep all my law, all my customs, and put them into practice” (Leviticus, 20:22). The crucial aspect of these laws is not that they are known, but that they are actually practiced. It is thus the active carrying out of the dietary laws that generates their value as the principles by which human beings incur obligation to analogously imitate God’s holiness and so become holy. The Noahic prohibition against the consumption of blood first expresses recognition of the inherent value of life, demonstrating a respect for all of God’s creation. The dietary laws in Leviticus further refine these ethical ideals by distinguishing animals suitable for human consumption from those animals that violate the Noahic prohibition on the consumption of blood and therefore fail to demonstrate a respect for life. The increasing restrictions of the dietary laws enable higher realizations of positive freedom for making choices and incurring obligations that both represent forms of human holiness and actualize respect for life through concretizing ethical practices.

This interpretation of the dietary laws bridges the divide between divine commands that require practice but not understanding and didactic instructions that require ethical understanding but not practice. In observing the dietary laws, we become holy by recognizing both the value of life and distinguishing between the various forms of God’s creation. This recognition of ethical principles can only be expressed through the practice of consumption that continually reaffirms the decisions and obligations the dietary laws prescribe. The daily activity of observing the dietary laws concretizes and actualizes the ethical principles that the laws themselves embody by acknowledging the essential dignity and value of life.

The Journal of Scriptural Reasoning, Volume 16, Number 1 (June 2017)

© 2017 Society for Scriptural Reasoning

²² William H. Shea, “Clean and Unclean Meats,” *Biblical Research Institute* (1988): 4.