

Understanding the Laws of Kashrut

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Dedicated to the sacred memories of my sister-in-law, Ruchama Rivka Sondra, my sister, Shulamit bat Menachem, and Shifra bat Chaim Alter, and the *refuah shlaimah* of Yosef Shmuel ben Miriam and Yehonatan Binyamin Halevy ben Golda Friedel.

One of the hallmarks of a Torah-based home is the observance of the Laws of Kashrut.

This set of laws is contained under the general category of mitzvot known as “*chukim*,” as distinct from the group of mitzvot known as “*mishpatim*.” *Talmud Bavli, Yoma 67b* interprets these terms in the following manner:

Our Rabbis taught: “You should perform my *mishpatim*” (*Sefer Vayikra* 18:4). These are matters that were they not actually written [by G-d] it is logical that they would have been. These are some examples: the prohibitions of idol worship, illicit sexual behavior, murder, stealing, and cursing Hashem. “... and you should guard my *chukim*” [Ibid.] These are matters wherein the Satan [Rashi, *yetzer harah*, the “evil inclination”] attempts to disprove their validity and veracity. These are some examples: the prohibitions of eating pig flesh, wearing garments comprised of a mixture of linen and wool threads, the act of relieving a brother-in-law of his obligation to marry his widowed sister-in-law (*chalitzah*), the ritual purification of the individual afflicted with *Tzarat*, and the scapegoat rite [of Yom Kippur]. [Since you cannot understand them] perhaps you will say that they are completely worthless and devoid of meaning! Therefore the Torah states [Ibid.]: “I am the L-rd your G-d.” I am He who has decreed it [i.e. the *chukim*] and you do not have permission to question them. (Translation, my own)

The Rambam (Maimonides, 1135-1204) codifies the distinction between *chukim* and *mishpatim* in the following fashion:

The *mishpatim* are those commandments wherein their rationale is revealed and the value (lit. “good”) that obtains as a result of their performance is known in this world. For example: the prohibitions of stealing and murder and the obligation to honor one’s father and mother. [In contrast,] the *chukim* are those commandments whose rationale is unknown. (*Mishneh Torah, Hilchot Meilah* 8:8, translation my own)

In summary, *mishpatim* are laws that we could have derived on our own, if left to our own devices. In this sense, they are “natural laws,” even though their obligatory and

immutable character derives directly from the ineffable moment of Revelation at *Har Sinai*. In contrast, *chukim* escape current human understanding. While they, too, have reasons, our cognitive limitations prevent us from their discovery.

Our failure to comprehend the rationale behind the *chukim*, in general, did not prevent many great *chachamim* (Sages) from postulating divergent explanations for the Laws of Kashrut in particular. Thus, there are two basic approaches offered by our Sages for understanding our subject, namely, hygienic and spiritual.

Hygienic

The most famous proponent of this approach is none other than the Rambam:

I say, then, that to eat any of the various kinds of food that the Law has forbidden us is blameworthy. ... the fat of the intestines, too, makes us full, spoils the digestion, and produces cold and thick blood. It is more suitable to burn it. Blood, on the one hand, and carcasses of beasts that have died, on the other, are also difficult to digest and constitute a harmful nourishment. It is well known that a beast that is a *tereifah* (possessing a congenital defect) *is close to being a carcass*.

With reference to the signs marking a permitted animal – that is, chewing the cud and divided hoofs in the case of beasts, and fins and scales in the case of fish – know that their existence is not in itself a reason for animals being permitted nor their absence a reason for animals being prohibited; they are merely signs by means of which the praised species may be discerned from the blamed species. (*The Guide of the Perplexed* III: 48, translation, Shlomo Pines, page 598)

The latter portion of this quote is an unequivocal statement of Maimonides' health-based understanding of the Laws of Kashrut. In his view, the markers that differentiate between permitted and forbidden animals are devoid of any inherent meaning and are mere mnemonic devices to remind us which species ought to be eaten in the pursuit of a healthy life-style. It should be noted that this overall approach is shared by both the Rashbam (1085-1174) in his commentary to *Sefer Vayikra* 11:3, and the Ramban (1194-1270) in his glosses to *Sefer Vayikra* 11:9.

Spiritual

The greatest advocate for the spiritual understanding of the Laws of Kashrut was the world-renowned Spanish exegete and Talmudic commentator, Rabbi Don Yitzhak Abarbanel (1437-1508). His advocacy of this position was a double-edged sword, since in championing this approach he simultaneously repudiated the hygienic interpretation:

Many exegetes have analyzed the prohibition of certain foods that the Torah proscribes as stemming from health-based and curative concerns. They say that these evil foods (*hama'aclim harayim*) cause bad humours to affect the body. ... G-d forbid that I should believe such a thing! If this were to be so, then the Book of the Torah of G-d would be on the level of a small [and undistinguished] work among the other health manuals that are essentially synopses in their words and reasoning. [Beyond a doubt,] this is not the way of the Torah of G-d and does not reflect the depth of its content and meaning.

At this juncture, the Abarbanel uses a very direct and close to empirically-based argument to prove that the origin of the Laws of Kashrut does not reside in health-based and curative concerns: “In addition, our own eyes have seen that the nations of the world that eat the disgusting flesh of swine, mice, and other birds, beasts, and ritually impure fish – and all of them [i.e. those people who eat these animals] are both alive and strong today.” (Commentary to *Sefer Vayikra*, Chapter 11, s.v. *Issur hama'aclim*, translation my own)

After this clear rejection of any causal relationship between health and *Hilchot Kashrut*, Rabbi Don Yitzhak Abarbanel forcefully expounds his spiritual understanding of these laws:

The Divine Torah did not come to heal the body or to promote physical health but rather to foster the health of the soul and to heal its afflictions. Therefore, the Torah forbade these foods because they have a deleterious effect on the pure and intelligent soul, breeding insensitivity in the human soul and corrupting its desires. This causes the formation of an evil nature that breeds a spirit of ritual impurity and banishes the spirit of ritual purity and holiness, concerning which David implored: “Do not take Your spirit of

holiness from me!” (*Sefer Tehillim* 51:13). (Translation, from <http://vbm-torah.org> with my underlining and emendations)

Whether we follow the Rambam’s naturalistic approach, or the spiritual presentation of the Abarbanel, or perhaps a synthesis of both, it is clear that the Torah and our Creator gave us *Hilchot Kashrut* in order to help us achieve *kedushah* (holiness) and avoid defilement. These concepts are stated explicitly in our *parasha* in reference to the prohibition of eating “creeping creatures that creep on the ground”:

And any creeping creature that creeps on the ground is an abomination; it shall not be eaten. Any [creature] that goes on its belly, and any [creature] that walks on four [legs] to any [creature] that has many legs, among all creeping creatures that creep on the ground, you shall not eat, for they are an abomination. You shall not make yourselves abominable with any creeping creature that creeps, and you shall not defile yourselves with them, that you should become unclean through them. For I am the L-rd your G-d, and you shall sanctify yourselves and be holy, because I am holy, and you shall not defile yourselves through any creeping creature that crawls on the ground. For I am the L-rd Who has brought you up from the land of Egypt to be your G-d. Thus, you shall be holy, because I am holy. (*Sefer Vayikra* 11: 41-45, translation, *The Judaica Press Complete Tanach*, underlining my own)

With Hashem’s help, may we ever strive to lead lives dedicated to the pursuit of *kedushah*, and sanctify His Holy Name thereby. *V’chane yihi ratzon.*

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