



Maimonides on the Torah's Dietary Laws  
by David Silverberg

The second half of Parashat Shemini (11:1-47) introduces the topic of *kashrut*, the Torah's dietary laws. It outlines the various species of creatures deemed permissible or forbidden for consumption, and elaborates on numerous laws that stem from these statuses. This is not the first time the Torah designates certain foods as forbidden. For example, in the Book of Shemot, the Torah forbids the meat of the *shor ha-niskal* – an ox put to death for having killed a person (21:28) – as well meat from a *tereifa* – a mortally wounded animal (22:30). And earlier in the Book of Vayikra, we find an explicit prohibition against partaking of certain animal fat, as well as blood (7:22-27). Here, in Parashat Shemini, the Torah for the first time classifies the animal kingdom into the categories of forbidden and permissible, and specifies certain characteristics by which we determine a given species' status.

This week's essay will focus on one brief passage in Maimonides' *Guide to the Perplexed* (3:48), where he advances a particularly surprising theory to explain the rational basis for the Torah's dietary laws: "I maintain that the food which is forbidden by the Law is unwholesome." Maimonides appears to base the entire system of the Torah's dietary code on medical concerns, claiming that the foods prohibited for consumption are unhealthful. He observes that "there is nothing among the forbidden kinds of food whose injurious character is doubted" among the professional healthcare community of his day, "except pork and fat." Maimonides then proceeds to resolve these "doubts" by exposing the "injurious" features of even these foods: "For pork contains more moisture than necessary [for human food], and too much of superfluous matter... The fat of the intestines makes us full, interrupts our digestion, and produces cold and thick blood." Medically speaking, then, all foods forbidden by the Torah are potentially harmful for the human body, and for this reason they are proscribed by divine law.

With regard to the particular example of pork, Maimonides adds that the Torah's concern involves not only the adverse effects of ingesting this food, but also, and primarily, the issue of general cleanliness and hygiene:

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; how much more objectionable is such a sight in towns. But if it were allowed to eat swine's flesh, the streets and houses would be more dirty than any cesspool...

In any event, Maimonides appears to attribute the Torah's dietary laws to the interest in our physical well-being, rather than for any intrinsically spiritual purpose.

### **Abarbanel's Objections**

Don Isaac Abarbanel, in his commentary to Parashat Shemini, without mentioning Maimonides by name, observes that "many of the commentators" attribute the Torah's dietary laws to medical concerns. He proceeds to raise two objections to this theory, the first relating to the fundamental question of whether the Torah would issue a command purely for the sake of health preservation: "Far be it from me to believe this, for if so, the book of God's law



would be on the level of a short book among medical books, which are brief in words and explanations." Abarbanel appears to claim that such an approach reduces the Torah to a crude medical textbook, stripping it of its depth, profundity and holiness. In his view, God would not have revealed Himself at Sinai in order to present to His people a book of medicine. The Torah serves as nothing less than a spiritual guide, aimed at raising Am Yisrael to a more elevated stature of sanctity, beyond the level of physical survival and well-being.

In a somewhat similar vein, Rabbi David Tzvi Hoffman, in his commentary to this parasha, argues that the Torah need not introduce obligations and prohibitions in order to help man survive physically. Self-preservation is a natural human instinct which does not require codification by a higher authority. The Torah's laws, therefore, must be geared towards specifically spiritual purposes, rather than for the purpose of man's physical welfare.

In response, one might argue that the Torah very appropriately concerns itself with physical concerns as much as it does with spiritual matters. In fact, Maimonides writes earlier in the *Guide* (3:27), "The general object of the Law is twofold: the well-being of the soul, and the well-being of the body." Two sentences later, he explains that by "well-being of the body" he refers to general social stability: "The well-being of the body is established by a proper management of the relations in which we live one to another." According to Maimonides, many of the Torah's commandments were issued to ensure the physical welfare of society at large, by eliminating violence and promoting ethical conduct. It should not surprise us, then, that some of the commandments would be geared towards the direct preservation of good health and adopting a healthful lifestyle.

The importance of physical health as a religious virtue is developed more explicitly and elaborately by the anonymous *Sefer Ha-chinukh*. In his discussion of the prohibition against eating a *tereifa* animal (in mitzva 78), the *Chinukh*, generally a faithful adherent of Maimonides, addresses the broader issue of the rational underpinnings of the Torah's dietary laws. He writes:

At the root of this precept lies the reason that the body is an instrument of the spirit: with it, it carries out its activity; without it, it can never complete its work... Thus we find that the body at its command is like a pair of tongs in the hand of a blacksmith: with it he can produce a tool fit for its purpose.

Now in truth, if the tongs are strong and properly shaped to grasp tools in them, the craftsman can make them well. If the tongs are not good, the tools will never come out properly shaped and fit. In the same way, if there is any loss or damage in the body, of any kind, some function of the intelligence will be nullified, corresponding to that defect. For this reason our whole and perfect Torah removed us far from anything that causes such defect.

In this vein, according to the plain meaning we would say we were given a ban by the Torah against all forbidden foods. And if there are some among them whose harm is known [understood] neither by us nor by the wise men of medicine, do not wonder about them: the faithful, trustworthy Physician who adjured us about them is wiser than both you and them.

In the view of the *Sefer Ha-chinukh*, the Torah commands us to care for our bodies as a smith cares for his tongs. The human body is the tool by which the soul pursues its goal of spiritual



perfection, and as such, the Torah forbade the consumption of foods that will cause harm to our "tool."

Furthermore, Maimonides himself devotes an entire chapter in his *Code* (Hilkhot Dei'ot, chapter 4) to basic guidelines for maintaining good health. In introducing this chapter, he writes:

Given that a healthy and complete body is among the ways of God, for after all, it is impossible to understand or know anything concerning the Creator when one is ill, one must therefore distance himself from that which destroys the body and accustom himself to that which sustains and cures.

He then proceeds to outline the modes of conduct which, in his medical view, help preserve or potentially undermine one's physical well-being. Though Maimonides here does not associate the dietary laws with health concerns, he clearly approaches preservation of health as an important religious virtue. It should not surprise us, then, if in his *Guide* Maimonides attributes the dietary laws to medical concerns.

But Abarbanel then raises a more compelling difficulty against this theory, based on empirical evidence: "Furthermore, we see with our own eyes the [other] nations eating the flesh of the swine, worm and mouse, and other forbidden birds, beasts and fish, and they all live today strongly...none of them are weary or unstable." If, indeed, the forbidden foods are injurious to one's health, we would expect to find a significant gap in medical condition between those who partake of these foods – the gentile world – and the Jewish people, who refrain from such foods. Clearly, as Abarbanel observes, this is not the case, seemingly negating the argument that the forbidden foods threaten one's health.

Finally, Abarbanel notes that according to this theory, the Torah should have proscribed all unhealthful foods. And yet, so many foods, including some fruits and vegetables, damage the body and are yet permitted for consumption.

### **Other Sources in Maimonides' Writings**

In addition to Abarbanel's challenges, other passages in Maimonides' own writings force us to reassess his position. In the final chapter of Hilkhot Ma'akhalot Asurot, the section of Maimonides' *Code* outlining the laws regarding forbidden foods, he addresses the subject of training minors in observance of these laws. Seemingly, if, indeed, the foods proscribed by the Torah are injurious to one's health, age should not be a factor. Although Halakha generally excuses minors from Torah obligation, if medical concerns are at stake, we would expect Maimonides to outright forbid allowing children to partake of the proscribed foods. Yet, he writes:

A minor who ate one of the forbidden foods or performed forbidden activity on Shabbat – the court is not required to remove him [from this behavior] since he lacks knowledge. With regard to what is this stated? When he did so of his own accord; but it is forbidden to actively feed him, even foods forbidden by rabbinic enactment.

Maimonides forbids directly feeding forbidden foods to children, but does not require the rabbinic authorities to order children to abstain from these foods. Seemingly, if the foods



proscribed by the Torah adversely affect one's health, the community's leadership would presumably bear an obligation to keep children away from these harmful foods.

Even more significantly, in the next paragraph, Maimonides alludes to a much different function served by the Torah's dietary code: "Even though the court is not required to remove the child, the father is commanded to admonish him and remove him, in order to train him in sanctity." Maimonides requires a father to accustom his child to eat only kosher foods not for medical reasons, but rather "to train him in sanctity."

This theme of "sanctity" as it relates to the dietary laws likely refers to the theory Maimonides develops elsewhere in explaining the dietary code. Earlier in the *Guide* (3:35), Maimonides classifies all the Torah's commandments into distinct categories and presents a brief overview of each. In presenting the dietary laws, he very explicitly identifies the reason underlying these prohibitions: "The object of all these laws is to restrain the growth of desire, the indulgence in seeking that which is pleasant, and the disposition to consider the appetite for eating and drinking as the end [of man's existence]." According to this passage, the primary objective of these laws is restraint, to train the individual in the art of self-control and moderation.

Two chapters earlier (3:33), Maimonides develops at length the critical importance of limiting one's indulgence in physical enjoyment, and the centrality of this ideal within the system of the Torah's commandments:

It is also the object of the perfect Law to make man reject, despise, and reduce his desires as much as is in his power. He should only give way to them when absolutely necessary. It is well known that it is intemperance in eating, drinking, and sexual intercourse that people mostly rave and indulge in; and these very things counteract the ulterior perfection of man, impede at the same time the development of his first perfection, and generally disturb the social order of the country and the economy of the family. For by following entirely the guidance of lust, in the manner of fools, man loses his intellectual energy, injures his body, and perishes before his natural time... The cause of all this is the circumstance that the ignorant considers physical enjoyment as an object to be sought for its own sake. God in His wisdom has therefore given us such commandments as would counteract that object, and prevent us altogether from directing our attention to it, and has debarred us from everything that leads only to excessive desire and lust.

Excessive preoccupation in physical enjoyment necessarily prevents one from spiritual perfection, and the Torah therefore demands that one reduce his indulgence as much as possible. It accomplishes this, in part, by imposing restrictions on physical activities, particularly eating, drinking and sexual relations. Maimonides posits this theory also in his introduction to *Avot* (chapter 4), where he writes explicitly that all the Torah's laws of eating and sexual conduct are intended to suppress physical desire and draw one's attention and focus away from indulgence and pleasure.

It is worth noting in this context that earlier in Parashat Shemini, God establishes a prohibition against performing the Temple service while inebriated: "And the Lord spoke to Aharon, saying: Drink no wine or other intoxicant...when you enter the Tent of Meeting" (10:8-9). The service in the Mishkan demands clarity of thought and, perhaps more



importantly, a sense of reverence and spiritual focus. A kohen must therefore refrain from alcoholic beverages before entering the Sanctuary, in order to ensure the proper aura of deference and solemnity. Towards the end of last week's discussion, we suggested that the kohanim in the Temple – and particularly the kohen gadol – represent the extreme manifestation of the ideals that the entire nation is enjoined to pursue on a lower scale. In this light, perhaps, we might explain Maimonides' approach to the dietary laws as he develops in the aforementioned passages. Just as a kohen must refrain from intoxicating drinks before performing the service, in order to maintain the mindset and focus required in the Mishkan, so must all Benei Yisrael refrain from overindulgence in order to ensure a sense of reverence appropriate for a "kingdom of priests." Though the nation in its entirety is not expected to abide by the rigorous standards imposed on the kohanim, those standards establish the basic model for the nation to follow. Even a non-kohen must conduct his life with a degree of solemn devotion and sobriety, and to this end, as Maimonides explains, the Torah sought to avoid excessive preoccupation with physical pleasure.

### **A Misinterpretation?**

It thus appears that Maimonides' explanation of the dietary laws as evolving from health concerns contradicts his own comments elsewhere, including his remarks just several chapters earlier in the *Guide*, attributing these laws to the general ideal of limiting physical indulgence. How might we reconcile these seemingly conflicting approaches, advanced by one another?

Professor Hannah Kasher (of Bar-Ilan University) devoted an article to this very topic, which appeared in the volume, *Moses Maimonides: Physician, Scientist, and Philosopher* (ed. Fred Rosner & Samuel S. Kottek, Jason Aronson, Inc., 1993). She argues that the common understanding of Maimonides' position, attributing the dietary code to medical concerns, results from a misinterpretation of the relevant passage in the *Guide*:

...the view according to which Maimonides' explanation of the dietary laws is based on considerations of health stems from a misreading of his precise wording in the *Guide* (3:48). He writes there: "Eating any of the various kinds of food that the Law has forbidden is blameworthy [unhealthful]." This is not to say that "eating any of the various kinds of food that the Law has forbidden us is *because* it is blameworthy." At this point, Maimonides is explaining, not the reason for the dietary laws per se, but the agreement between the object of the religious prohibition and the content of the medical recommendation. The prohibition of certain foods is indeed intended to restrain man's appetites. But this is not accomplished through arbitrary, random injunctions. The Torah directs man to wholesome – not necessarily tasty – food, thereby warning him against foods that are harmful from the medical point of view ("their food is blameworthy"). The very details of the dietary laws have the effect that man, in choosing his food, relies not on what pleases his palate, but rather on what is rationally and medically beneficial.

Maimonides here does not present the reason underlying the very institution of *ma'akhalot asurot*, the notion of forbidden foods. As he had previously explained at length, the concept of a dietary code serves to help focus man's attention away from physical indulgence towards



more sublime pursuits. In this passage, he seeks to explain the basis upon which the Torah determined which species to permit, and which to forbid. Rather than randomly choosing certain categories of food, the Torah instead banned selected types of unhealthy foods, thereby conveying the critical message that the foods most gratifying to the palate are not necessarily the most beneficial. In this manner, the individual will accustom himself to the unimportance of physical gratification, and will afford far greater significance to more objectively valuable considerations.

We might extend this reading of Maimonides' position to refute Abarbanel's challenges. That gentiles live healthy lives despite their consumption of foods forbidden by the Torah need not force us to dismiss Maimonides' view. For the Torah did not forbid these foods to protect our health; rather, it selected several generally unhealthy foods for the purpose of training us in the ark of self-restraint. These foods are not directly harmful, but rather unwholesome in a general sense. Likewise, we should not be deterred by the many unhealthy foods that the Torah never forbade for consumption. For in truth, even according to Maimonides, the dietary code does not directly serve the purpose of preserving our health. The medically adverse effects of the forbidden foods constitute not the reason for the prohibition, but rather the reason for why they are worthy of designation as the object of prohibition for the sake of setting limits on physical indulgence.

### ***Ma'akhalot Asurot in the Modern World***

Maimonides' approach to the dietary code bears critical relevance in contemporary society, where many Jewish communities enjoy access to a wide variety of kosher foods, such that technical observance of these laws does not necessarily fulfill their spirit and purpose. Maimonides' concept of *kashrut*, as we have seen, means more than glancing at labels in supermarkets and ensuring certification at restaurants and social functions. It entails an entire world outlook and priority scale, and must remind us of which areas of life deserve emphasis and priority over others. It is possible for an individual to abide by the technical requirements of the dietary code to the highest standard yet overlook the religious ideal it is meant to express – that our lives must be directed towards the pursuit of spiritual perfection and the service of God, rather than towards personal enjoyment, comfort and gratification.