

Protein Consumption—Then, Now and Tomorrow

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A long-standing conundrum with which I have struggled over the years is the existence of slavery within the context of Jewish primary sources. How does one reconcile an institution that clearly impinges upon the assumption that every individual is Created in the Image of God¹ by virtue of allowing some men to “own” others and subject them to all sorts of laborious tasks without the likely possibility of their or their offspring ever gaining their freedom?² RaMBaM, in the concluding entry for Hilchot Avadim in the Mishna Tora (9:8) provides the beginning of an approach to dealing with this problem:

It is permitted to require a non-Jewish slave to engage in “breaking” labor.³ But even though this is the legal right of the slave owner, piety and wisdom direct such a person to be merciful and pursue righteousness, so as not to make heavy his burden upon his slave and not trouble him and feed him and give him drink from all foods and all drinks. The early scholars would provide a slave with all foods that they would eat, and they would first see to the food of their animals and slaves before they would take food themselves. Behold it (the Bible) or he (King David) says (Tehillim 123:2) “Behold like the eyes of male slaves towards the hand of their masters, and like the eyes of a female slave to the hand of her mistress, so are our eyes towards the Lord our God until He Gives us life,” (*implying that we should empathize with the sense of dependency and subservience experienced by our slaves in light of the theological stance that we take towards God.*) Therefore one should not humiliate him either physically or verbally; for servitude did the biblical text (VaYikra 25:44-6) give them over to us and not for embarrassment. And one should not excessively scream or be angered against him, but rather speak with him calmly and listen to his complaints. And so it states explicitly concerning Iyov’s meritorious behavior for which he praises himself, (Iyov 31:13) “Did I despise justice for my male and female slave when they had a dispute with me?” (Ibid. 31:15) “Behold in the womb in which I was made, they were made and we were established within a single womb.” And cruelty and arrogance is found only among the pagans who worship idols, but the offspring of Avraham our father, and they are Yisrael, upon whom the Holy One, Blessed Be He has Showered the goodness of the Tora, and

¹ Avot 3:14 “Beloved is man (all men) who is Created in the Image...”

² VaYikra 25:44-46. Jewish “slaves” are not bodily owned, but rather are expected to repay by means of physical labor an amount of money that has been paid by their masters to settle a debt or pay back what had been stolen, in line with the concept of an indentured servant. Furthermore, the Talmud views this period of time when the Jewish “slave” works for his master as a rehabilitation experience which will hopefully result in the individual’s not repeating the actions that placed him in this position in the first place.

³ Commentators dispute whether the phrase “Avoda BeFarech” connotes physically difficult work or tasks that are psychologically undignified.

Commanded them with righteous and compassionate Statutes and Laws to be extended to all, as well as the Attributes of the Holy One, Blessed Be He, that He Commanded us to emulate them. He (David) said, (Tehillim 145:9) “God is Good to all, and His Compassion is upon all of His Works.” And whomever extends mercy, will be the recipient of mercy, as it is said, (Devarim 13:18) “...And He will Give to you Mercy and be Merciful towards you and He will Multiply you, as He Swore to your fathers.

From RaMBaM’s urging a slave owner to practice kindness towards his slaves despite the Tora’s permitting imposing upon him difficult and even humiliating work, it is not a great leap to the position of not owning slaves at all. The Tora never says that one must own slaves; only that if slaves are owned, certain rules govern their treatment, e.g. , Shemot 21:20-21 allowing for a slave to go free if his master physically abuses him to the point where he suffers the loss of one of the his bodily extremities. Consequently, if the point is reached where society en masse frowns upon the institution of slavery, the Tora can easily be understood to support such a position and the observant Jew could comfortably comply with society’s dictates in this regard.^{4 5}

⁴ According to one view in Mechilta, the Midrash Halacha on Shemot, there might already be a hint of reticence about slave ownership in the Tora itself. Regarding the verse in Shemot 12:44 “And every slave of a man who was acquired by money, and you will circumcise him, then he will eat from it (the Paschal sacrifice,)” the antecedent of “he” in the final clause is in question. The simple explanation is that it refers to the slave, who once circumcised, eats from the sacrifice because he has become obligated in some Commandments by undergoing circumcision. However Mechilta quotes R. Eliezer’s interpretation: Only then (after the slave’s circumcision) can his master eat of it, i.e., a master of slaves who are not circumcised is also precluded from partaking in the Paschal sacrifice. A possible explanation for such an interpretation would assume the following: While one might be able to keep an uncircumcised Eved on one’s property—see RaMBaM, Mishna Tora, Hilchot Avadim 8:12—nevertheless, according to R. Eliezer, the slave owner loses his ability to eat Korban Pesach. This could be due to the fact that the status of Eved Canaani that involves Mila (circumcision) and Tevila (ritual immersion) is a partial conversion that suggests that the status of such an Eved Canaani is not purely an Eved, but rather someone moving in the direction of Kabbalat Ohl Mitzvot (the acceptance of the yoke of the Commandments) in general, should he ever be freed. And we have the Rabbinic contention in Avot 6 that the truly free person is one who engages in Tora and Mitzvot. (While the Tora prohibits his being freed in VaYikra 25:46, there are instances recorded in the Gemora where this does take place, e.g., Gitten 38b, when it was necessary to complete a Minyan, R. Eliezer freed his non-Jewish slave, who then becomes a Jew with all obligations and responsibilities.) On the other hand, having an Eved Canaani that is not circumcised would be, perhaps according to R. Eliezer, considered being a slave owner and this is what precludes the Ba’al from partaking in Korban Pesach. How can this Jew demonstrate his appreciation of freedom when he subjugates others? Since eating Korban Pesach is one of the two positive Commandments whereby failure to comply with them results in the extreme punishment of Karet, based upon R. Eliezer’s view, there would be considerable pressure and impetus not to own non-Jewish slaves, at least those which were not circumcised. Of course, R. Eliezer’s is not the majority view; nevertheless it is interesting to consider the implications of his position within the greater context of the issue of slavery.

⁵ The assumption that the tradition has been deliberately conceived as a series of laws that will evolve paralleling the moral development of mankind naturally can be taken too far in the sense that whatever man’s sensibilities at any given time, he could justify and modify his religious observance accordingly. It could be contended that such an approach does not define when a Jew ceases worshipping God and in fact is only worshipping himself and his

A similar position regarding the question of vegetarianism vs. meat consumption, a topic raised in the second half of this week's Parasha, Shmini, is assumed by R. Avraham Yitzchak Kook, the first Ashkenazic Israeli Chief Rabbi, in writings found mainly in his work *Tallelai Orot*. While the Tora clearly permits the consumption of meat beginning with Noach at the outset of the post-Flood period—see *Beraishit* 9:3—what would happen with regard to traditional Jewish observance if a point is reached among civilized peoples that it was no longer considered moral and ethical to eat animals, fish and fowl?⁶ In an essay summarizing R. Kook's contentions in this regard, Michael Tzvi Nehorai⁷ lists the following cogent points:

personal sensibilities. A radical critique of some denominations of Judaism maintains just such a point of view that they have allowed societal trends and fads to dictate the nature of contemporary religious practices and obligations. Yet even in the most right wing groups, it is clear that some development in accordance with changing sensibilities has taken place. For example, while smoking is still more common in Chareidi circles than in those to the left, nevertheless it is significantly less than it once was. Regarding Yom Tov, can it be any longer said that smoking is "Shaveh LeChol Nefesh" (equally desirable for all people), the standard by which *Melech Ochel Nefesh* becomes permissible? The use of technology, trends in dress and the nature of and range of occupations are not identical for most groups with what was in vogue and therefore practiced centuries ago. Consequently, it could be contended that while certain aspects of Jewish law and tradition are not negotiable—issues that are clearly stated in terms of the Written Tradition or matters recorded in the Oral Tradition that either are not in dispute, or where the Talmud has rendered a clear Halachic ruling, there are other areas lacking decisive recorded rulings which in fact could and have evolved over time. Furthermore, if one takes the Halachic approach of the Chafetz Chaim in his commentary *Mishna Berura* on *Shulchan Aruch*, i.e., that ideally one should strive to fulfill all Halachic positions, as long, of course, as they are not found to be mutually exclusive and therefore impossible to honor, e.g., if one view is to wash one's hands before Kiddush and the other is to do so after Kiddush, before *HaMotzee*, both views cannot be followed, then ultimately the range of possibilities for my Halachic observance will be far narrower. With respect to R. Kook's perspective on vegetarianism that will be discussed below, if I felt I had to include adhering to RaMBaM's view that a *Seudat Mitzva* must include meat with the only caveat being whether or not one can afford it financially (*Mishna Tora*, *Hilchot Shabbat* 30:7,9), then my option for adopting a lifestyle that is essentially meatless would be compromised. However, if I allow for the possibility that as long as there is "Yeish Al Mi LiSmoch" (there is someone upon whom to rely), and a major Posek offers an alternative to RaMBaM's perspective on this matter, while cultural considerations in the past may not have attracted me to such a point of view, current thinking might propel such a view to be more mainstream and acceptable even for the most scrupulously observant.

⁶ Although R. Kook presents the possibility that vegetarianism could become acceptable to the traditional Jewish lifestyle, it is possible that he was making this argument in order to demonstrate to those who had become alienated from Judaism that the tradition is malleable and therefore should not be rejected out of hand, without the author necessarily harboring these beliefs personally. A similar issue is raised regarding what RaMBaM writes in *Moreh Nevuchim*, i.e., are these essentially apologetic arguments that are presented for the sake of those who have become disenchanted with the Jewish tradition ("Nevuchim"—perplexed, confused) or do they represent the RaMBaM's own views, despite what he may have written in his Halachic compendium, *Mishna Tora*.

⁷ "Chazon HaTzimchanut BeTorat HaRAYaH Kook" in *Hogim BaParasha*, ed. Naftali Rotenberg, Yediot Achronot/Sifrei Chemed/Machon Van Leer, Yerushalayim, 2005, pp. 318-24.

1. In the Garden of Eden, man was permitted to eat only things that grew from the ground—Beraishit 1:29; 2:16. If this is considered the ideal human existence, then the diet that is proscribed is also to be considered ideal.
2. When the Jewish people are permitted to eat meat outside of the context of the sacrifices, the Tora explains that this is because man “lusts” after meat—Devarim 12:20. This allows for the possibility of a time when man will no longer “lust” after meat.
3. The fact that in VaYikra 11 (Parashat Shmini) there are so many wild and even some domesticated animals that are not permitted to Jews for human consumption suggests a basic antipathy towards such consumption in general.⁸
4. The Commandment to cover the blood of the ritual slaughter of wild animals and fowl (VaYikra 17:13) implies a sense of guilt or wrongdoing in connection with taking the lives of such creatures. R. Kook additionally points out that the animals that are permitted, are primarily domesticated species which depend upon man for their sustenance, therefore placing them in a different and possibly inferior category from the majority of creatures that live in the wild and which are not permitted to man to eat.⁹
5. The prohibition against combining wool and linen into the substance called Sha’atnez (Devarim 22:11) is intended, according to R. Kook, to emphasize the distinction between that which is derived from an animal and that which grows from the ground, i.e., that one is more important than the other and therefore must be regarded accordingly. Just because plant life can be eaten does not necessarily mean that the same is true about animal life, which could be deemed more important. Equating them and interchanging them one with the other leads to a devaluation of animal life.¹⁰
6. The prohibition against seething a kid in a mother’s milk (Shemot 23:19; 34:26; Devarim 14:21) might not only be directed at the insensitivity of using a substance designed for the sustenance and growth of the young for the purposes of preparing it for consumption, but also about eating meat in general.

⁸ This particular perspective is reminiscent of a debate between RaMBaM and RaMBaN concerning the Temple service. RaMBaM argues that the massive restrictions entailed in the service, e.g., who can perform the service, where it can be performed, the issue of ritual purity and impurity, the standards regarding the quality of that being sacrificed as well as the physical appearance of those offering the sacrifices, etc., suggest that God in fact wished to discourage the practice by making it so restrictive. RaMBaN counters and states that holiness is about separateness and limitations; the more something is restricted, the more special and holy it will be regarded.

⁹ It then becomes conceivable that man would no longer raise such animals were eating habits to change. (Of course, that still begs the question with regard to the renewal of sacrifices in the Temple, all of which involved “Kosher” animals. But one could imagine a situation where animals would continue to be part of the Temple service, even if not part of the standard diet for those not involved in such service.)

¹⁰ However such an equation would appear to the very message that the Tora is conveying, in effect a reversal of the Basar Ta’ava dispensation, when in Beraishit 9:3 Noach is told that crawling things will be to man like the vegetable in the field for consumption. I suppose R. Kook would argue that the comparison in Beraishit was made simply to illustrate the nature of the food supply rather than a value judgment concerning the relative importance of the two things being compared.

7. Commandments such as not slaughtering the young animal and its parent in the same day (VaYikra 22:28) and sending the mother bird away before taking the eggs or the baby birds (Devarim 22:6,7) in addition to emphasizing the importance of sensitivity to the paternal and maternal feelings of animals, could also be intended to discourage the consumption of those younger and even older animals.
8. The prohibition against eating animals that were suffering from some sort of terminal illness (Shemot 22:30) raises sensitivities for the health and welfare of animal life, implying that not eating them would be the ultimately correct thing to do.
9. Similarly, the Tora's defining as off-limits to Jews animals that died by means other than Shechita (Devarim 14:21) draws attention to the desirable general care and treatment of animals.

Nehorai also discusses two major issues that would appear to potentially undercut R. Kook's arguments on behalf of a future vegetarianism associated with traditional Judaism: a) Sacrifices in the Temple,¹¹ and b) the Tora's clear permission for people to presently eat meat. The author says that as far as the Temple was concerned, R. Kook felt that HaShem would ultimately like the Temple to be (Yeshayahu 40:7) "...My House, a House of Prayer it will be called for all the peoples;" however such a time has not as yet arrived, and we do not know what form it might ultimately take.¹² As for why strictures prohibiting meat were not already in place if that was the Tora's preference, R. Kook parallels his explanation for Sha'atnez (see 5 above,) i.e., if both animals and people were declared as off-limits for human consumption, implying that there was no qualitative difference between the essence of animals and men, and there was someone with a Ta'ava (lust) for meat, as is described as natural in Devarim 12, he might transgress not only by eating animals, but even engage in cannibalism. Consequently, at least for a period of time, the distinction between animal and human flesh must be deeply engrained in men so that in an undetermined future period, perhaps both would ultimately be declared prohibited without the potential for horrific breaches of such an ethic.

An entirely different approach to the question of protein sources currently available to traditional Jews and the future of meat consumption is presented in an essay by Dr. Zohar Amar, a member of the Department of Land of Israel Studies at Bar Ilan University.¹³ He claims that when meat

¹¹ As was stated in an earlier footnote, the Pascal sacrifice would be a particularly difficult hurdle to overcome since eating an olive-size portion on the Seder night is a Tora requirement punishable by Karet. I suppose that R. Kook might counter that we do not know what will take place or be required during the period when the Temple will be reestablished, and therefore for the time being, not to be concerned about how this detail will be carried forward if in fact vegetarianism will be required.

¹² Such a position would appear to support RaMBaM's suggestion in Moreh Nevuchim that sacrifices are not necessarily the ideal manner in which to worship HaShem, but they were incorporated into Jewish practice because of the concrete nature of people at the time of the giving of the Tora. As was stated in an earlier footnote, it is unclear whether RaMBaM intended such a sentiment to be normative, mere philosophical speculation or apologetics. The RaMBaM took him to task, e.g., in his comments on VaYikra 1:9, for even suggesting such a thing.

¹³ "Tradition, Tradition!" in Professors on the Parashah, ed. Leib Moscovitz, Urim Publications, Jerusalem, 2005, pp. 168-74.

was originally permitted to the Jewish people, many more species were considered Kosher and appropriate for consumption. In contrast to R. Kook's view that the listing of prohibited birds suggests that the practice of eating fowl is to be discouraged, Amar suggests that if only twenty-four birds are prohibited, then there were so many more that were permitted! Furthermore, the repetition of the word "LeMineihu" (in accordance with their species) also implies that not only the type of creature mentioned is permitted but also numerous related species as well. Professor Amar goes on to explain that the reason for the perception that relatively few types of animals, fowl and fish are permitted is due to interruptions in traditions that had been passed down from generation to generation,¹⁴ ¹⁵as well as the numerous exiles that disconnected Jews from the lands in which they had previously lived for so many years. On the one hand, just because the Tora or the Oral Tradition mentions a specific animal, bird or fish does not mean that we know which particular creature is being referred to in the text. And even if there was some certainty with respect to the meaning of the lists appearing in the Tora, Jews having to relocate as a result of persecution and political turmoil, found themselves encountering species about which they had no tradition, as well as no longer being able to avail themselves of species with which they had lived for so long prior to their exile from their homeland. As a result of all of the uncertainty that developed regarding which animals were truly Kosher, the range of potential food has continually shrunken because of an attempt to partake from only those creatures about which there was certainty regarding their Kosher status.

The difficulty entailed in accurately identifying Kosher species is reflected in the following three Talmudic passages:

Chullin 42a

They taught in the Yeshiva of R. Yishmael: (VaYikra 11:2) "...This¹⁶ is the undomesticated animal that you will eat..." to teach that God Took hold of each and every species and showed it to Moshe and Said to him, "This one eat and this one do not eat."

¹⁴ An outstanding example of differing traditions is the case of the locust (VaYikra 11:22) which had been eaten for generations by Yemenite Jews. In an essay on behalf of Bar Ilan's Parashat HaShavua program in 1995, Dr. Aharon Giniani notes 1) that R. Kook, when he was Chief Rabbi of Yaffo around the turn of the twentieth century, sent twenty-two inquiries to the Scholars in Yemen trying to determine how to deal with Teimainim in Israel, 2) in 1947, when a plague of locusts afflicted Jerusalem, Yemenite Jews gathered the insects and ate them, and 3) even under the general rubric of "Arbeh," not all but only certain types of locusts, for which they of course had a tradition, were permitted.

¹⁵ The issue of having a tradition whereby one generation educates and literally shows the next what is permitted and what is prohibited calls to mind Chaim Soloveitchik's classic essay, "Rupture and Reconstruction" (Tradition 28:4, Summer 1994) in which the previous mimetic tradition was contrasted with the current book culture in the transmission of cultural information from one generation to the next.

¹⁶ The Rabbis interpret the words in the Bible "Zeh" or "Zot" as indicating a visual aid when a topic is being discussed. See the next Talmudic citation from Menachot for additional illustrations of this principle. An example that is relevant to this time of year appears in Shemot 13:8 "And you will tell your child on that day saying, 'For the sake of this did God Do for me in my going out of Egypt.'" Mechilta (and the Haggada): You might have thought from Rosh Chodesh (you should discuss the Exodus from Egypt), the Tora says "on that day" (the 15th of the month

Menachot 29a

They taught in the Yeshiva of R. Yishmael: There were three things that were difficult for Moshe to understand/visualize until God Showed them to Moshe with “His Finger”, and these are they: the Menora, Rosh Chodesh (the shape of the moon at the beginning of the month) and creeping creatures (re their Kashrut or lack thereof). Menora: (BaMidbar 8:4) “This is the making of the Menora...”; Rosh Chodesh: (Shemot 12:2) “This Chodesh (renewal of the moon) will be to you the head of the months (Nissan is the first Jewish calendrical month; Creeping creatures: (VaYikra 11:29) “This will be to you the non-Kosher of the creeping creatures...”

Bava Kamma 92b

Said Rava to Raba bar Mari: From where does the following statement derive that people say, “A bad date palm (that does not bear fruit) finds its way to a grove of barren trees”? He said this matter is written in the Tora, repeated in the Prophets, mentioned a third time in the Writings, taught in the Mishna and also taught in a Baraita...(The Baraita says as follows:) R. Eliezer said: Not for nothing does the starling go to the raven, but because they are of the same species (and since the Raven is not Kosher, the starling is determined to be the same.)

(Beraishit Rabba 65:3 provides the back story for R. Eliezer’s statement:

In the days of R. Chiya the Great, a starling arrived in Israel. They brought the bird to him and asked, “Can this be eaten?”¹⁷ He told them, “Go and place it on the roof, and any bird that comes to be together with it is to be considered of the same species.” They went, put it on the roof, and an Egyptian raven came and sat next to it. He said, “It (the starling) is impure/non-Kosher because it is said, [VaYikra 11:15] “And ‘Kol’ [every] raven in accordance with its species.”)

These two approaches, of R. Kook on the one hand, who reflected on the moral/ethical dimension of eating meat, and Dr. Amar on the other who focused on the historical sociological aspect of the animate life forms that Jews have been and are currently eating, makes us wonder about the

rather than the first); You might have thought while it is still daylight (on the 14th, is when you should begin to discuss the Exodus), the Tora says “for the sake of this” I did not say to Recount the Exodus except when Matza and Maror are placed on your table (i.e., when the visual aids of Matza and Maror are in front of you, and since they are to be consumed with the Pascal Sacrifice in accordance with Shemot 12:8 “And they will eat the meat on this night roasted and with Matza and Maror it will be eaten,” you must wait until nightfall before commencing the Seder.

¹⁷ As opposed to four-legged animals and fish, for which the Tora lists characteristics that can be used to determine their Kashrut, i.e., split-hooves, chewing the cud, fins, scales, for birds there is only a list of prohibited birds, leading to the question of what to do with a bird that does not appear on the list—does this automatically mean that it is Kosher or do we have to worry that somehow it is subsumed under one of the prohibited types. Consequently in lieu of a tradition, R. Chiya engages in an empirical experiment.

future. Whereas R Kook might not be in favor of new technological developments such as cloning or culturing that would allow more meat sources to become acceptable for the religious community, Dr. Amar would seem to not share any such reservations. This begs the question whether meat consumption among traditional Jews will increase or decrease in the coming years. Yet this debate ratifies strongly for us the truism of “Shivim Panim LaTora” (there are seventy faces of the Tora). The manifold perspectives that are generated by the Tora’s holy text has and will continue to provide its students with tremendous spiritual food for thought.