ONCE AGAIN SEETHING A KID IN ITS MOTHER’S MILK

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Dietary codes are essential determinants of identity the world over: every aspect of food preparation and consumption is potentially subject to regimentation that shapes individual and collective behavior. For millennia, Jews have distinguished themselves from others by their adherence to dietary constraints adapted and expanded from ancient biblical legislation. More recently, the manner in which they observe or neglect those constraints has become a primary marker of intra-Jewish denominational difference.¹

Among the biblical dietary restrictions that undergird Jewish practice, a law that stands out is the thrice-repeated prohibition of seething a kid in its mother’s milk. Practically everything about that law cries out for comment and interpretation, and although the call has been answered in abundance, consensus concerning the meaning and purpose of the regulation remains elusive. It may be worthwhile to summarize the issues yet again, to offer detailed comment on a few of them in the light of traditional and modern commentary, and to argue for what seems to be the most productive path towards understanding.

The first two iterations of the law occur in closely related passages in Exodus 23:17-19 // Exodus 34:23-26. In both cases, the kid law is included in a set of prescriptions immediately following a summary of required festival observances. The latter text appears to be an expansion of the former, as the following

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¹ See in general Seth D. Kunin, We Think What We Eat: Neosstructuralist Analysis of Israelite Food Rules and Other Cultural and Textual Practices (JSOTSup 412; N.Y.: T & T Clark, 2004), pp. 29-103; John Cooper, Eat and Be Satisfied: A Social History of Jewish Food (Northvale, NJ: Jason Aronson, 1993); David C. Kraemer, Jewish Eating and Identity Through the Ages (N.Y.: Routledge, 2007).

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side-by-side comparison indicates. Differences are shown typographically: in the Exodus 34 passage, italics designate changes in wording; the outline font attribute marks additions.\(^2\)

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17 Three times a year all your males shall appear before the Sovereign, the Lord.

23 Three times a year all your males shall appear before the Sovereign Lord, the God of Israel.

18 You shall not offer the blood of My sacrifice with anything leavened; and the sacrifice of the Feast of Passover shall not be left lying until morning.\(^{19}\) The choice first fruits of your soil you shall bring to the house of the Lord

25 You shall not offer the blood of My sacrifice with anything leavened; and the sacrifice of the Feast of Passover shall not be left lying until morning. \(^{26}\) The choice first fruits of your soil you shall bring to the house of the Lord

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\(^2\) NJPS here and (mostly) throughout. Unless otherwise noted, Hebrew texts are derived from The Torah CD-ROM Library (Taklit torani), v. 16 (Jerusalem: D.B.S., 2010). Citation of the Tetragrammaton as יהוה is a convention of that collection.

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Lord your God. You shall not boil a kid in its mother’s milk.

Exod 23:18-19 looks at first glance like an appendix to the festival legislation in vv. 14-16, but as Houtman comments, “The point at issue is the relation of the appendix to the cultic calendar. The question is whether the appendix consists of independent stipulations without connection with the three annual feasts or of regulations that are linked to the festivals.”

That question is mooted by the subsequent occurrences of the law: the reiteration in Exodus 34 retains the association with the festivals, while the one in Deuteronomy 14 (below) does not.

In Exodus 23, assuming that vv. 18-19 do contain festival regulations, a distributive interpretation may connect the individual laws to particular festivals as follows:

- v. 14: “three times a year”
- v. 15: Unleavened Bread
- v. 16a: Harvest
- v. 16b: Ingathering
- v. 17: “three times a year”
- v. 18: no leaven with sacrifice
- v. 19a: first fruits
- v. 19b: kid law

The scheme is suggestive, and Exodus 34:25 undoubtedly identifies the “festival” of 23:18 with Passover. But it is strange that the author specifies “Passover” as opposed to “Unleavened Bread” (34:18), and however one explains that oddity, the fact...
remains that Exodus 34 does not explicitly delimit the other supplementary regulations in relation to corresponding festivals. The connection of first fruits with Harvest (=Shavuot) is logical but not necessary,⁶ and the association of the kid law with Ingathering is even more tenuous.

Unless the fall festival originally took place later than the date fixed by the priestly calendars (Lev 23:34, Num 29:12), the association of the kid law with that occasion may run afoul of animal husbandry. Using traditional methods of flock management and depending on grazing conditions, the usual mating season in Israel and environs for both sheep and goats is at its peak in late summer. Since the gestation period is approximately 150 days, most birthing would take place too late for the fall festival.⁷ Menahem Haran’s suggestion that a few animals might have been conceived and born earlier amounts to special pleading.⁸

Exodus 34 is a composite text that depends heavily on earlier material, including Exodus 23.⁹ The heart of the matter is the

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⁶ The first-fruit offering of Lev 2:14 is not explicitly connected to any festival, and may not even be obligatory. See Ibn Ezra ad loc., but contrast Jacob Milgrom, Leviticus 1-16 (AB 3; N.Y.: Doubleday, 1991), pp. 192-93.

⁷ In a study conducted in the 1960s, H. Epstein and A. Herz examined fertility records for eight breeds of goat either indigenous to or imported into Israel. All breeds, whether local or imported, kidded at the end of winter or in early spring (“Fertility and Birth Weights of Goats in a Subtropical Environment,” The Journal of Agricultural Science 62 [1964], pp. 237-44). See in general S. Hirsch, Sheep and Goats in Palestine (Tel Aviv: Palestine Economic Society, 1933); also H. Epstein, “Awassi Sheep,” World Animal Review 44 (1982), pp. 11-27 (esp. 19-20).


⁹ See, for example, Shimon Bar-On’s demonstration that the festival legislation in Exodus 34 is “a midrashic revision” of Exodus 23 (“The Festival Calendars in Exodus xxiii 14-19 and xxxiv 18-26,” VT 48 [1998], pp. 161-193 [quotation on 184]); also Houtman, Exodus, 3:263.
polemic against any and all engagement with the “inhabitants of the land” (34:12), whether it is to enter into agreements with them, participate in their practices, or intermarry with them (vv. 12-16). The obvious implication is that the immediately-following prohibition of molten gods (v. 17) and the commendation of festival observance with ancillary regulations (vv. 18-26) are conjoined to the polemic: as markers of Israelite difference these laws form a bulwark against assimilation. The specification of YHWH as “the God of Israel” (v. 23) and the explicit mention of Passover, the festival that defines Israelite national identity (v. 25, as opposed to the generic “festival” in 23:18) confirm that the intent of the laws in Exodus 34 is to emphasize Israel’s distinctiveness in contrast to the nations that are about to be dispossessed. While the Bible does not characterize the prohibited practices in vv. 25-26 as foreign, later commentators might have drawn that inference from the context.10

In Deuteronomy 14, the kid law is given a new setting, immediately following the list of animals that may and may not be eaten (itself parallel to the list in Leviticus 11):11

21 You shall not eat anything that has died a natural death; give it to the stranger in your community to

On the critical discussion of Exodus 34, see the relevant essays in Matthias Köckert and Erhard Blum, eds., Gottes Volk am Sinai: Untersuchungen zu Ex 32-34 und Dtn 9-10 (Veröffentlichungen der Wissenschaftlichen Gesellschaft für Theologie 18; Gütersloh: Chr. Kaiser, 2001), especially David Carr, “Method in Determination of Direction of Dependence: An Empirical Test of Criteria Applied to Exodus 34,11-26 and its Parallels,” pp. 107-140.

10 So explicitly the fourteenth-century exegete Levi ben Gershom (Ralbag), cited below.

11 On the relationship between the lists in Leviticus 11 and Deuteronomy 14, see Milgrom, Leviticus 1-16, pp. 698-704.

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eat, or you may sell it to a foreigner. For you are a people consecrated to the Lord your God. You shall not boil a kid in its mother’s milk. You shall set aside every year a tenth part of all the yield of your sowing that is brought from the field. You shall consume the tithes of your new grain and wine and oil, and the firstlings of your herds and flocks, in the presence of the Lord your God, in the place where He will choose to establish His name, so that you may learn to revere the Lord your God forever.

The sequel to the kid law in v. 23 betrays the influence of Exod 23:26, inverting the order of the two key components (kid law/first fruits) in accordance with Seidel’s Law. Deuteronomy retains from Exodus the connection between the kid law and the offering of first produce, but augments the agricultural produce of Exodus 23 with firstlings of the flock as well as first pressings of wine and oil. The location of the kid law in Deuteronomy decouples it from festival legislation and recontextualizes it in two ways—as a general dietary law on the one hand, and as a concomitant of the offering of firstling animals on the other.

The preceding synopsis of the kid law in its three occurrences evokes and to some extent answers the following basic questions:

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- Is the milk/meat ban\(^\text{13}\) general or only for specific cultic/ritual situations?\(^\text{14}\)
- Which term(s) is (are) the particular point(s) of emphasis?
- Why are there three occurrences?
- What is the connection to other laws in the respective contexts?
- What is (are) the rationale(s) for the law?

It is possible that the biblical authors inherited a prohibition for which they had no rationale. Each of the three contexts seems to imply a different one: a festival regulation (Exodus 23), proscription of foreign practice (Exodus 34), and a general dietary law (Deuteronomy 14), respectively. The standard Jewish approach to the interpretation of the law, however, is to generalize from it and expand upon it, in effect elaborating on the potential inherent in the law’s placement in Deuteronomy 14. David Zevi Hoffmann, for example, follows the logic of R. Ashi (\(b. Hul.\) 114b) and states that eating meat cooked in milk manifests a specific violation of the overarching commandment in Deut 14:3, “You shall not eat anything abhorrent.”\(^\text{15}\) He goes

\(^{13}\) I leave aside the suggestion that the word usually translated as “milk” should be revocalized to mean “fat”. (See already \(b. Sanh.\) 4\(b\) with Rashi and the note by Samuel Strashun [Rashash] in Vilna ed., p. 72.) For the details of the argument, see Jack M. Sasson, “Ritual Wisdom? On ‘Seething a Kid in Its Mother’s Milk,’” in Ulrich Hübner and Ernst Axel Knauf, eds., \*Kein Land für sich Allein: Studien zum Kulturkontakt in Kanaan, Israel/Palestina und Ebirnäi für Manfred Weippert zum 65. Geburtstag\* (OBO 186; Freiburg: Universitätsverlag, 2002), pp. 294-308; idem, “Should Cheeseburgers Be Kosher?” \*Bib Rev\* 19/6 (December 2003), 40-43, 50-51. See also Mark S. Smith, \*The Rituals and Myths of the Feast of the Goodly Gods of KTU/CTA 1.23\* (SBL Resources for Biblical Study 51; Atlanta: Society of Biblical Literature, 2006), pp. 53-54. While I do not find Smith’s defense of Sasson convincing (and neither does he), his subsequent proposal (pp. 153-158) that the milk/meat prohibition is based on an “alimentary code” that establishes a binary opposition between the two substances is most likely correct, in my view. The problem is determining the precise nature of the opposition.

\(^{14}\) All consumption of meat in the Torah is cultic except in Deuteronomy (Deut 12:20-21), on which see the analysis of Levinson, \*Deuteronomy\*, pp. 28-43.

\(^{15}\) \*Das Buch Deuteronomium\* (Berlin: Poppelauer, 1913), p. 206. For a contrary opinion that nevertheless yields the same conclusion with respect to Jewish law, see Ramban on Deut 14:21:

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on to argue that the law actually functions as a general dietary restriction in all three of its occurrences, defending the normative rabbinic interpretation that finds concise expression in Rashi’s commentary on Exod 23:19:

You shall not boil a kid – Calves and lambs are included under the generic term “kid,” for as is evident from several occurrences in the Torah, “kid” refers to any newborn flock animal. To designate a kid specifically, the text uses the phrase גדי עזים, as in [Gen 38:17] and [27:9], indicating that the word “kid” by itself may be understood to encompass calves and lambs. The law occurs in Scripture three times—once to

The reason “you are a people consecrated to the Lord your God” is attached to “you shall not boil a kid in its mother’s milk” is that [kid in milk] is not abhorrent food. Rather, the Torah forbids it so that we might be “holy” with respect to foodstuffs, or so that we might not be a cruel and merciless people [cf. Jer 6:23, 50:42 for the wording], drawing milk from the mother in order to cook the offspring in it. In any case, all meat in milk is included in this prohibition, since any nursing female is called a “mother” and any nursling is called a “kid.”

(Being “holy”, in Ramban’s conception, means exercising restraint with respect to matters that are permitted; see his commentary on Gen 25:8 and esp. on Lev 19:2.)

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prohibit eating, once to prohibit deriving benefit, and once to prohibit cooking.\textsuperscript{16}

The two crucial elements in the interpretation are the generalization of “kid” to include all flock animals (although the reasoning may be dubious; see Rashbam below), and the notion that each occurrence of the law denotes a particular aspect of the prohibition. The prohibition of “deriving benefit,” for example, is useful for distinguishing meat cooked in milk from the meat of an animal that died a natural death: neither may be eaten, but the latter may be sold to a foreigner, presumably for the benefit of the seller (Deut 14:21).

The normative \textit{halakhah} is embodied in the Targumim as well,\textsuperscript{17} with some interesting adaptations:

\textbf{Onqelos} (Exod 23:19)

\textit{ירש הבכור אﱪך lưới תיתי לבית מקדשא דיי אלהך לא תיכלו בשר בחלב}

The best first fruits of your land you must bring to the Temple of the Lord your God. Do not eat meat with/in milk.

\textsuperscript{16} See the extensive Talmudic discussion in \textit{b. Pes.} 21b-23b; \textit{Qid.} 56b-57b; \textit{Hul.} 113a-115b (Rashi’s source); also Rambam, \textit{Laws of Forbidden Foods} 9.1; \textit{Tur/Shulhan Arukh} \textit{YD} 87.1. For a comprehensive and exhaustively annotated presentation of the rabbinic sources as they relate to the biblical texts, see M. M. Kasher, \textit{Torah Shelemah}, vol. 19, 219-27, 302-05. On the rabbinic texts, see \textit{Entzligopedya Talmudit}, vol. 4, cols. 690-727 (s.v. \textit{basar be-halav}). For a provocative analysis of the “social and religious meanings” that attach to the rabbinic milk/meat ban, see Kraemer, \textit{Jewish Eating}, pp. 40-54.

\textsuperscript{17} For a learned and thorough discussion of versitional evidence and ancient witnesses to the kid law—including the Targumim and Qumran texts, but with special emphasis on the “cryptic expansion” of Exod 23:19 in the Samaritan Pentateuch—see D. Andrew Teeter, “‘You Shall Not Seethe a Kid in its Mother’s Milk’: The Text and the Law in Early Witnesses,” \textit{Textus} 24 (2009), pp. 37-63. The characterization of the Samaritan text is on p. 42; the text reads (p. 43), “You shall not boil a kid in its mother’s milk, for doing this is like forgetting a sacrifice, and it is enragment to the God of Jacob.”
Pseudo-Jonathan (similarly Yerushalmi and Neofiti)

The choice first fruits of your land you must bring to the Temple of the Lord your God. My people, House of Israel, you are permitted neither to cook nor to eat meat and milk combined, lest my anger rage and I “cook” your produce, both wheat and chaff combined.

The paraphrase at the end of the verse is unusual for Onqelos. S.D. Luzzatto (Shadal) classifies it among cases of translation “in the interest of the Oral Torah and rabbinic interpretation.” In like manner, Saadia Gaon adduces the kid law to exemplify the fourth class of exceptions to his general rule that biblical verses should be interpreted literally—cases in which the literal interpretation would contradict the authoritative rabbinic tradition. In the present case, he claims, the eyewitness testimony of the sages to the actual practice justifies the expansion of “kid in its mother’s milk” to include “any meat with any dairy.”

Pseudo-Jonathan et al. add the dimension of measure-for-measure punishment to the law, and also imply that combining milk with meat creates an illicit mixture, a suggestion to which I will return below. The phrase יִשׁוּרִין כחדא recurs in Targum Pseudo-Jonathan to Deut 22:11:

לֹא תִּלְבַש שַעַטְנֵז צֶּמֶר וּפִּשְתִּים יַחְדָו:

18 The Targum clarifies the fact that although the law is phrased in the singular, it is addressed to the collective.
19 I.e., destroy your harvest.
20 Ohev ger (2nd ed.; Krakow, 1895), pp. 9-10, para. 16.
21 Moshe Zucker, Saadia’s Commentary on Genesis (N.Y.: Jewish Theological Seminary, 1984), p. 18 (Arabic), p. 192 (Hebrew). In private correspondence, Prof. Daniel Frank informed me that Saadia’s comment is “definitely polemical”, countering the attempt by Ya’qub al-Qirqisani (Karaite, first half of the tenth century) to refute the standard Rabbanite interpretation (Kitāb al-anwār XII.25 [ed. Nemoy, vol. 5, pp. 1226-27]).

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You shall not wear cloth combining wool and linen.
לא תִּפְרָבֶּם וְלֹסְחוּ דְּשׁוֹא וְעֵזְלוּ דְּשַׁעְּשָׁע וָעֵזָּל וָעֵזָּל

Do not wear or warm yourselves with garments combining hackled, spun or woven
do not wear or warm yourselves with garments combining hackled, spun or woven
do not wear or warm yourselves with garments combining hackled, spun or woven wool and linen.

While in Deut 22:11 מַעְרֵבִים חָדוֹא is a reasonable representation of יַחְדָו, there is nothing in the Hebrew of Exod 23:19 to justify the appearance of the phrase in the Targum of that verse. Perhaps the Targumist sought to assimilate the kid law to the law of shatnez, relating the kid with milk to a quintessential illicit mixture.

Following the above preliminaries, it is now appropriate to raise the fundamental question of this paper: what is so objectionable about the practice of “boiling a kid in its mother’s milk” that it engendered a thrice-repeated prohibition? Whether the law is understood narrowly or broadly, the history of interpretation points to one or more of the following problems:

- The festival/sacrificial context;
- The method of preparation (“boil”);
- The specific animal (“kid”);

The obscure terminology is based on the rabbinic “etymology” of שַעַטְנֵז in m. Kil. 9.8.

There is no reason to insist on a unitary explanation. As is likely the case with the biblical dietary laws generally, an adequate explanation might conflate vestiges of old taboos and oddities of natural history with priestly ideology. See below.

In other words, what might be acceptable everyday practice is forbidden in the cult. The available evidence suggests that the most common way to prepare meat in the ancient near east was by boiling it to make a broth or a stew. See 1 Sam 2:13; Ezek 24:3-5; Nathan MacDonald, What Did the Ancient Israelites Eat? (Grand Rapids: Eerdmans, 2008), pp. 32-33.

While the identity of the animal is irrelevant for Jewish interpretation, the LXX rendering of גדי with ἁρνός (“lamb”) is productive for some Patristic commentary because of the association of the lamb with Jesus. See J. Moorehead, “Cooking a Kid in Its Mother’s Milk: Patristic Exegesis of an Old Testament Command,” Augustinianum 37 (1997), pp. 261-271.

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• The substance (“milk”);
• The source of the substance (“mother’s”);  
• The timing;  
• The general grossness or inhumanity of the practice;  
• Something extrinsic (especially avoidance of pagan ritual).

Among the panoply of alternatives, the most popular is the ethical/humanitarian explanation, with numerous variations. A classic example may be found in the commentary of Rashbam, who also provides an existential backdrop for the law:

דרח הצעים להחד שלם חדי, וריגליים לו לשלח אתך
מהם מתוכו שרור חלק בנייסין ריב ילך גוז
לחלוח את ויהו ריגליים שבשלו חוח אים. ולפי ההווה
דרח חותים, וגרים את ודבכר עכשא ורבעתת לאמול
חלו אמה אס חכמים. וגרים את זה באו ויוליה
תקף למדך דרח חותים זה החותים ופל שברך וחי
אוכלים בדומם הרבח החזרתי בפי ריגליים שלא בלשל ולא

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26 The Karaite legist Elijah Bašyatchi (c. 1420-1490) ruled (contrary to Rabbanite opinion): “It is forbidden to eat an animal’s meat with milk obtained from its mother, i.e., mixed with the milk; but it is permitted to eat meat mixed with milk definitely known not to belong to the mother [my emphasis].” This might seem like an example of Karaite “literalism”, but actually Bašyatchi expands the scope of the kid law in several ways by analogy: the law applies to all domestic and wild animals, to combining the milk of the young with the flesh of the mother (sic), etc. For the text, see Leon Nemoy, *Karaite Anthology* (Yale Judaica Series 7; New Haven: Yale, 1952), pp. 266-67. On the use of analogical reasoning (*qiyās*) as a hermeneutical tool, see Daniel Frank, *Search Scripture Well: Karaite Exegetes and the Origin of the Jewish Bible Commentary in the Islamic East* (Études sur le Judaïsme médiéval 29; Leiden: Brill, 2004), pp. 1-32.

27 A few commentators have understood the phrase בחלב אמו to be temporal. Thus, for example, Abraham Geiger: “das Junge darfst du nicht, wenn es noch in der Muttermilch ist, kochen” (“Die gesetzlichen Differenzen zwischen Samaritanern und Juden,” *ZDMG* 20 [1866], pp. 527-573; quotation on p. 555). For additional bibliography and critique, see Teeter, “‘You Shall Not Seethe,’” pp. 48-49 with n. 32.

28 Kasher collects them into eleven categories (including the possibility that there is no explanation at all) from traditional sources alone (*Torah Shelemah*, vol. 19, pp. 302-05).
Goats usually bear two kids at once.\textsuperscript{29} They customarily slaughtered one of them, and since goats produce an excess of milk [cf. Proverbs 27:27], they customarily boiled the kid in its mother’s milk.\textsuperscript{30} The text describes the typical circumstance.\textsuperscript{31} It is disgusting, voracious, and gluttonous to consume the milk of the mother with her offspring. According to the same model, in [Lev 22:28] and [Deut 22:6-7] Scripture teaches you civilized behavior. Since during the pilgrimage feasts they would eat many animals, in the section concerning those festivals the Torah warned against boiling and eating a kid in its mother’s milk. The same law applies to all meat in/with milk, as our rabbis expounded in tractate \textit{Hullin}.

\textsuperscript{29} The “optimum litter size” is indeed two kids, according to the Rutgers New Jersey Agricultural Experiment Station. See http://www.extension.org/pages/Goat_Reproduction (accessed 7/8/2012).

\textsuperscript{30} Fresh milk rarely would have been available for human consumption. Since it is not a good cooking medium, there is a reasonable possibility that \textit{חלב} actually denotes cultured or fermented milk (ghee, yogurt, cheese). See MacDonald, \textit{What Did the Ancient Israelites Eat?}, p. 35. Leonhard Bauer observes that there was little meat in the typical Palestinian diet, animals being slaughtered and cooked only for festivals or family celebrations. One method of preparation was seething the meat in yogurt, which the Palestinian Arabs termed \textit{leben ummo}, according to Bauer (\textit{Volkstreiben in Land der Bibel} [Leipzig, 1903], pp. 203-204). Claudia Roden gives a recipe for \textit{laban ummo}, noting that in medieval Arabic cookbooks, the dish was called \textit{madira} (\textit{The New Book of Middle Eastern Food} [N.Y.: Random House, 2000], p. 243). For additional Arabic recipes for meat seethed in milk or yogurt, see Charles Perry, “Kitab al-Tubahah: A Fifteenth Century Cookbook,” \textit{Petits Propos Culinaires} 21 (Nov. 1985), pp. 17-22, esp. 21-22.

\textsuperscript{31} Cf. \textit{Mekhilta de-R. Yishmael}, ed. Horovitz/Rabin, p. 321 (applying the principle \textit{דבר הכתוב בהווה} to several laws, including the kid law).
According to Rashbam, the law applies to animals other than kids not because the word גדי refers to the young of any animal (so Rashi), but because the גדי is commonplace and therefore exemplary.\(^{32}\) (As recently as the 1930s the goat still was the most prevalent milk- and meat-producing animal in Palestine.)\(^ {33}\) In addition, “mother’s milk” might be understood as typical rather than exclusive, justifying the rabbinic broadening of the law. As Jeffrey Tigay observes, “In a society of small settlements where dairy and cattle farming were not kept separate, there was considerable likelihood that if a young animal was boiled in milk, the milk would come from its own mother.”\(^ {34}\) Extending the prohibition to all meat and dairy would forestall inadvertent violation.

The “disgusting” aspect of the practice is not self-evident, and Rashbam does not elaborate. Others, however, have done so since the dawn of biblical commentary. Thus, for example, Philo: “[Moses] held that it was grossly improper that the substance which fed the living animal should be used to season and flavor the same after its death.”\(^ {35}\) Various forms of the life/death or nurture/destruction antinomy figure prominently throughout the history of interpretation\(^ {36}\) alongside less common

\(^{32}\) In addition, according to Ibn Ezra (long commentary on Exod 23:19), the meat of the young goat (in contrast to the lamb) lacks moistness, “and that is why they boil the kid in milk.” He goes on to assert,

כל הרופאים מודים כי אין בשר כמוהו ואפילו לחולים התירו שיאכלו. וכין אוכלים אותו בספרד ואפריקה וארץ ישראל ופרס ובבל. גם כן היה נמנה הבודד.

All physicians acknowledge that there is no meat like it, and they even permit the sick to eat it. So they eat it in Spain and Africa and in the land of Israel and Persia and Babylon. And such was the custom of the ancients.


\(^{35}\) On the Virtues, p. 143.

\(^{36}\) See, e.g., Calum Carmichael, “On Separating Life and Death: An Explanation of Some Biblical Laws,” HTR 69 (1976), pp. 1-7; Jacob Milgrom, “‘You Shall Not Boil a Kid in Its Mother’s Milk,’” Bib Rev 1/3 (Fall 1985), pp. 48-55; Kunin, We Think What We Eat, pp. 95-96. Othmar Keel proposes that the nursing mother symbolizes divine nurture of the
proposals.\textsuperscript{37} I am inclined to agree with Smith’s view that the main motivation for the law is more likely to be cultic than ethical or humanitarian.\textsuperscript{38} As Max Radin wrote more than eighty years ago:

It is not necessary to refute the suggestion of apologetes, ancient and modern, that the injunction had its origin in humanitarian views like those that are common at the present day…. [W]e shall hardly expect to find such sympathy in a people trained to regard a ritual of bloody sacrifice as one of the most emphatically divine of institutions. Indeed nowhere in the Mediterranean world is there more than a trace of anything approaching modern feeling in this respect, even in those societies that for one reason or another absolutely abstained from animal food.\textsuperscript{39}

I doubt that \textit{any} biblical laws concerning the treatment of animals are \textit{primarily} humanitarian in intent, as opposed to cultic or pragmatic.\textsuperscript{40} The possible \textit{effects} of a law should not be

\textsuperscript{37} According to Howard Eilberg-Schwartz, for example, mingling the substances of mother and son violates the incest taboo (\textit{The Savage in Judaism} [Bloomington: Indiana U., 1990], 128-34). Propp suggests that the problem is “[c]ausing a mother to be instrumental in the eating of her son, which is but a step away from cannibalism” (Exodus 19-40, p. 286).

\textsuperscript{38} \textit{Goodly Gods}, p. 158.

\textsuperscript{39} “The Kid and Its Mother’s Milk,” \textit{AJSL} 40 (1924), pp. 209-218 (quotation on pp. 210-11). Radin understands the law to be directed against ceremonies of the Orphic-Dionysiac mysteries.

\textsuperscript{40} Contrast, e.g., Haran, “Seething a Kid.” Cf. Joseph Bekhor Shor, who distinguishes between humanitarian and ethical motivations: לא מפיו שוקדעת ברוח הוא חס על הבמה, אלא שלא נוהי ישראל דר’ אברמן (\textit{it is not from their own spirit that He forbids the sacrifice, but from fear of Israel’s} Dr. Abram)
confused with its intention.  

The manner of preparation has received less attention than most of the other criteria listed above, yet it is of potential interest.  

The difficulty is rooted in the inconsistent use of forms of בֶּשָל with (possibly) different meanings, and in whether that method of cooking is problematic for cultic or other reasons. A key text is Exod 12:9, which declares,

אַל תֹאכְלו מִמֶּנוּ נָא וּבָשֵל מְבֻשָל בַּמָּיִּים כִּי אִם צְלִי אֵש

Do not eat any of [the meat of the paschal lamb] raw, or cooked in any way with water, but roasted.

and might be contrasted with Deut 16:7:

בָשֵל וְאָכַל בַּבֹקֶּר וְהָלַכְתָ לְאֹהָלֶּךָ

You shall cook and eat it at the place that the Lord your God will choose; and in the morning you may start back on your journey home.

The NJPS translators who render בֶּשָל as "boil" in the kid law prefer the generic “cook” in the above two instances. The latter translation has the advantage of alleviating any inconsistency not that God cares about the animal, but that Israel should not become accustomed to cruel behavior”).

41 For a possible case in point, see my article, “The Plain Sense of Exodus 23:5,” HUCA 59 (1988), pp. 1-22. I propose there (against the vast majority of interpreters) that the law has little or nothing to do with concern for animal welfare.

42 See b. Sanh. 4b (bot.): אָמַר רַב אֵלָה הָא בֵּית אָבִית אָמַר קָרָא לָא תַבָּשֵל (“R. Aha the son of R. Ika said: When Scripture says, ‘You shall not boil a kid,’ the Torah forbids boiling as a method of cooking.”). Rashi draws on that comment to defend the reading of חלב צלול כמים, ואיכא בישול, אבל חלב אין בכיס (“Milk is liquid like water, so it can be used for boiling; cooking in fat is frying, not boiling.”)
between the two texts, but is it correct? Rashi comments on Deut 16:7, “you shall cook – roasted (צלי אש) that is, for it also is called ‘cooking’ (בישול).”

Further complications ensue when we draw 2 Chron 35:13 into the picture (concerning Josiah’s Passover):

They roasted [sic!] the Passover sacrifice in fire, as prescribed, while the sacred offerings they cooked in pots, cauldrons, and pans, and conveyed them with dispatch to all the people.

Curioser and curioser, as the NJPS translators render the same word in two different ways in the selfsame verse! Pseudo-Rashi comments, “They cooked the Passover sacrifice…as prescribed—roasted (צלי אש).”

43 In other words, does בישול mean “boil” only when a liquid medium (milk, water) is specified?
44 There is ample precedent for the inconsistency, going back to the Septuagint, which uses ὀπτάω, “roast, broil” at the first occurrence of בישול and ἕψω, “boil, seethe,” at the second.
45 See Jacob Zvi Mecklenburg, Ha-ketav ve-ha-qabbala, on the three senses of the root בוש: “ripen/mature”, “boil”, and “cook” by any means, including roasting (following Pseudo-Rashi on 2 Chron 35:13). The common element, he suggests, is whatever makes food fit for consumption. Joseph Bekhor Shor preceded Mecklenburg in rendering בוש as “mature”, and in the first part of his interpretation he omits the method of cooking altogether:

According to the literal meaning, בישול means growing to maturity, as in “its clusters ripened into grapes” (Gen 40:10). What it means is, do not let it grow and be weaned on its mother’s milk, tarrying until it is fully grown. Rather, bring it [as an offering] right away (בראשית), by analogy with the beginning of the verse, which says, “the first fruits (ראשית) of your land.”
Cf. Lev 22:27: “When an ox or a sheep or a goat is born, it shall stay seven days with its mother, and from the eighth day on it shall be acceptable as an offering by fire to the Lord.” That verse is arguably the Holiness Code’s reinterpretation of the kid law. See Christophe Nihan, *From Priestly Torah to Pentateuch* (FAT² 25; Tübingen: Mohr Siebeck, 2007), 492-93 (with additional references). There is nothing humane about the delay: it is analogous either to the waiting period prior to male circumcision (Ibn Ezra) or to a period of purification following the birth, which Bekhor Shor characterizes as “separation from a place of impurity and stench.”

There is an anticipation of Bekhor Shor’s treatment of the kid law in the view ascribed to the ninth-century Karaite Benjamin al-Nahawandi by Qirqisani, according to which פצל refers to breeding/rearing (tarbîya) and raising (inshâ’). See *Kitâb al-anwâr* XII.25.2 (ed. Nemoy, 1226); reference and translation courtesy of Prof. Frank:

“No do not raise the kid on its mother’s milk,” i.e., [do not] let him grow big on his mother’s milk; bring him, rather, immediately after his birth to God’s house. This refers to the first-born (al-bîkr). This is similar to the phrase, “the first fruits of your land:” just as it is obligatory to bring the first fruits of the ground to God’s house, so it is obligatory to bring the firstborn of the livestock, i.e. of the flocks and cattle, since the word גדי refers to both.

While it is unlikely that Bekhor Shor would have had access to the early Karaite source, there is an inkling of the interpretation in one that is rejected by Abraham Ibn Ezra (long commentary):

There is another who said that לא תבשל means do not tarry in allowing it to remain with its mother for more than seven days. If so, however, what is the reason for mentioning this commandment again?

Ibn Ezra even denies that פצל means “ripen” in Gen 40:10, stating that “the sun ‘cooks’ the grapes like a fire.” His comments evidently are directed against Karaite interpretation; cf. Judah Hadassi, *Eshkol ha-hakofer* (Goslov, 1836), pp. 91c-d. In the continuation of his commentary, Bekhor Shor adopts a more conventional view: he argues that it would be cruel to cook the animal in the fluid that nurtured it, comparing Lev 22:28 and Deut 22:6 as laws intended to prevent cruelty. Similarly Ibn Ezra: after asserting that “there is no need for an explanation of the prohibition, which is hidden from the discerning,” he speculates that it might be intended to prevent cruelty, citing the same verses as Bekhor Shor by way of comparison.
hand, remarks, “In no other place does בישול refer to roasting; [to indicate that it was in fact roasted, the text says ‘in fire’, but the rest of the ‘sacred offerings they cooked’ in water, in pots.]”

Since Exod 12:9 undoubtedly prohibits boiling the Passover sacrifice irrespective of the precise meaning of של, it may be legitimate to relate that text to Exod 34:25, which explicitly mentions Passover in proximity to the kid law (in contrast to its putative source, Exod 23:19). The question then is why boiling should be forbidden as a method of preparing sacrificial meat. I have argued elsewhere that the use of broth may be connected with the Israelite ancestor cult so excoriated by biblical authors.

A key text from that previous discussion is Jud 6:11-24, which describes Gideon’s encounter with an “angel of YHWH” (simply “YHWH” in v. 16) beneath the “terebinth at Ophrah.” After the deity appoints Gideon to bring victory to Israel, Gideon implores his divine visitor to remain while he goes and prepares the ritual meal (6:18-21):

46 See Yitzhak Berger, The Commentary of Rabbi David Kimhi to Chronicles: A Translation with Introduction and Supercommentary (Brown Judaic Studies 345; Providence: Brown Judaic Studies, 2007), p. 276 with n. 1073. The harmonizing portion of the comment in square brackets does not appear in MS Paris or the printed editions. In his lexicon, Kimhi restates his opinion that all other occurrences of בישול denote cooking in water.

Do not leave this place until I come back to You and bring out my offering and place it before You.” And He answered, “I will stay until you return.”

So Gideon went in and prepared a kid, and [baked] unleavened bread from an ephah of flour. He put the meat in a basket and poured the broth into a pot, and he brought them out to Him under the terebinth. As he presented them, the angel of God said to him, “Take the meat and the unleavened bread, put them on yonder rock, and spill out the broth.” He did so. The angel of the Lord held out the staff that he carried, and touched the meat and the unleavened bread with its tip. A fire sprang up from the rock and consumed the meat and the unleavened bread. And the angel of the Lord vanished from his sight.

The meal consists of a kid (meat and broth) and unleavened bread. The angel commands that the broth be “spilled out,” has Gideon place the meat and bread upon a rock, arranges for a fire to consume the offerings, and promptly disappears. At this moment Gideon is able to identify his visitor, and he fears for his life. When YHWH assures Gideon that he will not die, he responds by building an altar.

In my view, an Israelite ancestor cult supplies the underpinning of the story. The terebinth, which is the property of Gideon’s father (6:11), is the site of a communal meal (like the Roman refrigerium) with the ancestral spirits. In order to share the meal, the ancestors would partake of the broth that was poured out on the ground. In the Gideon story, the old rite is treated ironically. Gideon’s guest was no ordinary spirit, after all, but an angel of YHWH, so instead of being used to propitiate the ancestors, the broth was merely discarded. The prohibition of “boiling”, then, might be intended to obliterate a vestige of “pagan” practice from the official Israelite cult.

While such an explanation might account for the law in Exod 12:9, it does not encompass the kid law in its totality, especially

48 Cf. the innovative requirement in Deut 12:24 to “spill out” on the ground the blood of a profanely slaughtered animal (with the comments of Levinson, Deuteronomy, p. 49).
not the specification of “mother’s milk.” The most frequently cited rationalization of the kid law as an Israelite repudiation of paganism (again without specific reference to the source of the milk) is in Maimonides’ *Guide of the Perplexed* 3.48:

As for the prohibition of meat in milk, although it undoubtedly is gross food and overly filling, in my opinion it also is reminiscent of idolatry: perhaps they would eat it this way as part of their service, or on one of their festivals. I find support for this view in the fact that the Law mentions the prohibition for the first two times after the festival commandment, “Three times a year all your males shall appear before the Sovereign, the Lord,” as if to say, “When you come to the house of YHWH your God on your festivals, do not boil your food there the way the heathen used to do.” In my opinion, this is the most likely reason for the prohibition, but I have not seen this written in the books of the Sabeans.49

Since many biblical scholars have referred to Maimonides’ comment from secondary or tertiary sources, two important aspects of it may have eluded them. First, his primary explanation of the kid law is not cultic, but medical (reasonably so, considering that he made his living as a physician): eating


[http://www.biu.ac.il/JS/JSIJ/10-2012/Cooper.pdf](http://www.biu.ac.il/JS/JSIJ/10-2012/Cooper.pdf)
meat in milk is bad for the digestion.\textsuperscript{50} Second, he presents the notion that meat in milk is “reminiscent” of idolatrous practice as speculative, unsupported by evidence.

Later commentators influenced by Maimonides not only accept his view, but also elaborate on it or provide details about the nature of the alleged pagan practice. Levi ben Gershom (Ralbag) remarks:

\begin{quote}
айлיל היה מנהג האומות הקדומות לבשל בשר בחלב בית עבודה זרה בבאם לחוג חגיהם, והנהו או התירו התורה; אם ולא מצאנו זה כתוב ממנהגיהם, מאמר נימוסי האומות היה ובא埃尔וכ חותם על התורה בnodeValue עליום. ולוภาพยושב אנושות שבאה והאאורותה בהפרשות כשתאסר, אם שלרא께서 כתוב במנחת הנגדות בחלוץ.
\end{quote}

Perhaps it was the custom of the ancient nations to boil meat in milk in their idolatrous temples when they celebrated their festivals, and the Torah forbids this practice to us. If we do not find this written among their customs, it is because the impression left by the laws of those nations was lost over time and because of the Torah’s polemic against them. I think that the admonition comes in [Exodus 34] for this reason: it appears that the commandments mentioned there are intended to distance us from idolatry in response to the sin of the Golden Calf [Exodus 32].

A fourteenth-century Yemenite author suggests that the kid law was joined to the offering of first produce because “the idolaters would offer firstling sacrifices, meat in milk, along with their first produce.”\textsuperscript{51} In his late fifteenth-century commentary on

\textsuperscript{50} So also eating fat: it “makes us full, ruins the digestion, and produces cold and thick blood.” The basic principle informing the dietary laws, according to Maimonides, is to forbid consumption of food that is reprehensible or objectionable (Arabic مُذَمَّم = Hebrew מַמְמוּה), often on medical grounds. Only in the cases of flesh cut from a living animal (Gen 9:4) and meat boiled in milk does he suggest repudiation of idolatry as a possible motive.

Exodus, Isaac Abarbanel augments that observation with reference to practices of his own time:

It was among the practices of the idolaters at the time of their gatherings, namely to boil kids in milk at harvest time, their thinking that in this way they would ingratiate themselves to their gods…. To this day, this is their foolish way [cf. Psalm 49:14] in the kingdoms of Spain: all the shepherds gather twice each year to take counsel and issue rulings with regard to shepherds and flocks, and they call that gathering “mixing/mingling” in their language. On that occasion (we have investigated this), their food would be meat in milk, and goat meat is considered by them to be the choicest for this meal. I also inquired and learned for a fact that in the island called “England,” where the number of flock animals is extraordinary—more than in other countries—this is their custom as well. I truly think that for this reason God admonished [the Israelites] that when they gather for the festival of Sukkot they not boil kid in milk in the manner of the nations.52

52 Abarbanel’s “inquiry” into comparative evidence came to fruition in the collection assembled by James George Frazer, Folk-Lore in the Old Testament: Studies in Comparative Religion Legend and Law (3 vols.;

http://www.biu.ac.il/JS/JSIJ/10-2012/Cooper.pdf
Abarbanel’s younger contemporary Isaac Caro, finally, offers an imaginative reconstruction of the ritual (oddly parallel to the above comments about the Gideon story):

The idolaters customarily would boil the kid in its mother’s milk as Rambam wrote. If so, “do not boil a kid” is connected with “Make no mention of the names of other gods” (Exod 23:13). And we can connect it with “the choice first fruits of your soil” because the pagans regularly would boil a kid in milk and pour [the broth] into the plant roots in order to hasten growth. The law dictates the opposite: “the choice first fruits of your soil” will come if you “do not boil a kid in its mother’s milk;” if you do, they will not come.53

There is no point in dwelling here on the excitement that ensued when Maimonides’ surmise appeared to be confirmed by one of the Ugaritic texts.54 The enthusiasm waned as soon as first-hand examination and better photographs of the tablet in question allowed for improved readings. As Smith observes, by the late

53 Isaac Caro, Toledot Yishaq (first ed., Constantinople, 1519).
1970s it had become clear that the text in question could not bear the weight that had been placed upon it. “In the end,” he remarks, “there was no ‘kid in milk.’”

In my judgment, there is little or no basis for the two most prominent explanations of the kid law—as ethical/humanitarian in intent or as prohibition of a pagan practice. A more promising line of interpretation may be the one foreshadowed by Pseudo-Jonathan, who implies that milk and meat constitute an illicit mixture: בשר וחלב מעבריןחדא. In his commentary on Deuteronomy 14, Abarbanel suggests that animals are forbidden for three reasons: some are “impure (even abominable) on account of their essential character” (vv. 4-20); others are impure “because of the manner of their death, for even if they might have been pure and fit for consumption, they were not ritually slaughtered” (v. 21a). The kid in milk (v. 21b) represents the third category, foods that may be permitted separately but are forbidden in combination on “account of their joining and blending” (מפה את הרבבוחב). The first full-scale interpretation that I know along those lines is in the early seventeenth-century Torah commentary Keli yeqar by Ephraim of Luntshits:

**55** Goodly Gods, 52-53. Even if the text had referred to stewing a kid in milk for ritual purposes, it would have been of no help in explaining the fact that the biblical prohibition “is directed against the use of milk drawn from the animal’s own dam, not against the practice in general” (Gaster, Myth, Legend, and Custom, 389 n. 2a).

**56** Sometimes adroitly combined, as by Amos Hakham, Sefer Shemot (2 vols.; Jerusalem: Mossad Harav Kook, 1991), 2:77-78.

**57** For a full intellectual biography of Luntshits, see Leonard S. Levin, Seeing with Both Eyes: Ephraim Luntshitz and the Polish-Jewish Renaissance (Supplements to The Journal of Jewish Thought and Philosophy 2; Leiden: Brill, 2008).
Many commentators have gone out to glean the reason for this commandment, but they have been unsuccessful, to the point that some classify it as one of the laws that cannot be explained rationally. Some say that cooking meat in milk was a pagan festival practice, which is why the commandment is attached to the festival laws. Others derive from [Genesis 4:4] proof that it was common practice to make offerings of meat with milk. It makes more sense, however, to construe the law as one of the prohibitions of illicit mixtures and confusion of forces.

וכי ידוע שבשר העובר נולד מן הדם של הנקיבה האדום כי משם מקורו, ושלב הבהמה גם כן. כי הדם נעכר ונעשה חלב,emple כדם ממוכר כל דם עקר ונעשה חלב. ולפי זה מן דם

58 Following the convention of classifying commandments as either “rational” or “revealed” based on whether or not their rationale may be ascertained.

59 On חלביהן in Gen 4:4 (Abel’s offering) as a reference to dairy products, see the commentary of David Kimhi (Redak) ad loc. This is a non-standard interpretation, distantly echoed in David Daube’s proposal that the kid law is a relic of the displacement of milk-offerings by sacrificial meat ("A Note on a Jewish Dietary Law," JThS 37 [1936], pp. 289-91).

60 An analogy of milk and meat with other illicit mixtures is suggested in b. Pes. 44b: the two substances may be consumed separately, but not in combination. In the case of כלאים, species that are permitted individually are prohibited when conjoined. On the cultural significance of the avoidance of “mixing,” see Kraemer, Jewish Eating, pp. 51-54.

61 The phrase “confusion of forces” alludes to kabbalistic theurgy: the esoteric meaning of the prohibition of illicit mixtures is that it causes confusion of the forces on high”), according to Bahya b. Asher (a major source for Luntshits) on Deut 22:9. See at length Bahya’s commentary on Lev 19:19. For specific application to the kid law, see Abraham Saba, Tseror ha-mor (another of Luntshits’ regular sources) on Exod 23:19. Saba demonstrates by an ingenious juxtaposition of verses that the combination of meat with dairy alludes esoterically to an illicit combination of the forces of strict justice (meat) and mercy (dairy), respectively.

http://www.biu.ac.il/JS/JSIJ/10-2012/Cooper.pdf
It is well known that the flesh of the fetus is derived from the red blood of the female that gives rise to all that is red since that is its source. So too, the animal’s milk is derived from blood that has been clarified and transformed into milk. Both the flesh of the newborn and the animal’s milk, accordingly, are derived from the mother’s blood. Once they have been separated, they should not be recombined by cooking or by eating (since eating also is cooking in the stomach). If one soaks the meat in milk all day there is no violation of the law.

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62 The colors of various parts of the body serve as reminders of the white semen and red blood that “collaborate” in the formation of the fetus. Thus, for example, Ramban on Lev 12:2:

In [the rabbis’] view, the fetus is formed of female blood and male semen [lit. “whiteness”], and both are termed “seed.” And so they said [b. Nid. 31a], “there are three partners in the formation of a human: a man ejaculates white seed from which the sinews, bones, and white of the eye are derived; a woman ejaculates ‘redness’ from which skin, flesh, blood, hair, and the dark part of the eye are derived.” This also is the physicians’ view of procreation.

The third partner in the process is God: the part of the Talmud passage that Ramban does not quote attributes to God ורשפ יקרא , הרואית הערע ישמעת לאורו ידו מברך רגילה בשיני וציוון פנים וברעב הד בינה והשכל "breath and life-force, facial features, the faculties of sight, hearing, and speech, locomotion, discernment, and intelligence.”

63 It is a point of emphasis in Saba’s Tseror ha-mor that denotes digestion.
“do not cook” because they are not recombined by soaking as they are by cooking or digestion. In [Deuteronomy 14], this commandment is attached to the forbidden foods in order to teach that the Torah prohibits not merely cooking [milk with meat] but eating it as well. It is attached to the law of first fruits because fruits that ripen first should not be combined with fruits that ripen afterwards. Rather, those that ripen first you must “bring to the house of the Lord your God,” and the rest belong to you. Similarly one must not combine the blood that ripened first, from which the fetus was formed, with the blood that ripened afterwards into the milk because God wanted them to remain separate and not in combination.

The signal advantage of Luntshits’ interpretation is that it addresses head-on a perplexing detail of the kid law (why specifically mother’s milk?) in a way that conforms to a general principle of biblical law (כלאים, “illicit mixtures”). It does so, moreover, in a manner that is consistent with widespread pre-scientific notions about the mechanics of reproduction.

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64 No violation of the biblical law, that is; the soaking is rabbinically prohibited (b. Pes. 44b with Rashi).
65 See the clear summary in Thomas Laqueur, Making Sex: Body and Gender from the Greeks to Freud (Cambridge, MA: Harvard, 1990), 25-62. Laqueur explains the difference between the Hippocratic (two-seed) and Aristotelian (one-seed) theories of reproduction. The former seems to have been adopted by the biblical priestly tradition and the rabbis, assuming that תזרע העריה in Lev 12:2 was understood to mean that women literally “produce seed.” (Rashbam takes it to be an idiomatic way of saying, “she becomes pregnant,” but that is a minority view in traditional
although it cannot be said with certainty to what extent they were shared in Israel or elsewhere in the ancient Near East in pre-Hellenistic times.\(^{66}\)

According to those notions, blood is the source of all three of the primary components of reproduction and infant nurture—semen, menstrual blood, and mother’s milk. Aristotle, for example, describes semen as “concocted” from the “residue” of blood;\(^{67}\) menstrual blood as indicative of the incapacity of women to concoct blood into “its last stage as semen”;\(^{68}\) and mother’s milk as menstrual discharge “that no longer takes its natural course [following conception] but finds its way to the breasts and turns to milk.”\(^{69}\) Concerning conception and gestation, Aristotle writes:

> When the material secreted by the female in the uterus has been fixed by the semen of the male (this acts in the same way as rennet acts upon milk, for rennet is a kind of milk containing vital heat, which brings into one mass and fixes the similar material, and the relation of the semen to the menstrual blood is the same, milk and the menstrual blood being of the same nature)—when, I say, the more solid part comes together, the liquid is separated off from it, and as the earthy parts solidify membranes form all round it.\(^{70}\)


\(^{68}\) *Generation of Animals* 1.20, 728a18ff. (Barnes, 1130).

\(^{69}\) *History of Animals* 7.3, 583a31 (Barnes, 913-14).

\(^{70}\) *Generation of Animals* 2.4, 739b20ff. (Barnes, 1148).
The analogy between conception (semen as a congealing and solidifying agent for menstrual blood) and cheese-making (rennet acting similarly on milk) finds a biblical parallel in Job 10:10-11:

ָאָלֶא כְּחָלָב תַתִּיכֵנִּי וְכַגְבִּנָה תַקְפִּיאֵנִּי: עוֹר וּבָשָר תַלְבִּישֵנִּי
וּבַעֲצָמוֹת וְגִּידִּים תְשכְכֵנִּי

You poured me out like milk, congealed me like cheese; you clothed me with skin and flesh and wove me with bone and sinews.

Georg Fohrer comments, “Für die Bildung des Embryos begegnet der Vergleich mit gerinnender Milch, der sich ebenfalls im Koran und bei den Indern findet; er ist eine altorientalische Vorstellungsform für die Entstehung des Lebens.”

He also mentions the comparable image in Wisd 7:1-2, “In my mother’s womb I was sculpted into flesh during a ten-month’s space, curdled in blood by virile seed,” which David Winston rightly describes as “a commonplace of Greek science.”

If the Israelites understood the mother’s milk to be clarified menstrual blood and the flesh of her offspring to be formed of the same material, that fact in itself could account for the milk/meat taboo. The injunction would be a logical corollary to the general proscription of eating flesh with blood (Gen 9:4; Lev 3:17; 7:26; 17:10-14; Deut 12:15-16, 20-24). Draining the blood of an animal is the sine qua non for rendering its meat fit

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71 Das Buch Hiob (KAT 16; Gütersloh: Mohn, 1963), pp. 216-17.
72 I have cited the text in Winston’s translation, and his notes offer many additional primary and secondary references. See The Wisdom of Solomon (AB 43; Garden City: Doubleday, 1979), p. 164; also Stol, Birth in Babylonia, pp. 12-13.
73 Closest to this interpretation among modern commentators is C.J. Labuschagne, “‘You Shall not Boil a Kid in Its Mother’s Milk’: A New Proposal for the Origin of the Prohibition,” in F. García Martínez et al., The Scriptures and the Scrolls: Studies in Honour of A. S. van der Woude on the Occasion of His 65th Birthday (SVT 49; Leiden: Brill, 1992), pp. 6-17. Labuschagne’s contention that the law prohibits the boiling of a kid in its mother’s colostrum (which contains blood) is needlessly specific.

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Seething a Kid in its Mother’s Milk

for consumption: the process effectively desacralizes the animal by removing its life-force.74 The kid in its mother’s milk constitutes a special case: since the flesh and blood of the kid are compositionally indistinguishable from the milk of the mother—all of them composed of the mother’s blood—merely slaughtering the kid and draining its blood are insufficient. The meat must not be recombined with what is effectively the identical substance—the life-force that may not be consumed.75

This understanding is anticipated in an elaboration of a passage in the Mekhilta that is found in the early twelfth-century Midrash Legah Tov. The Mekhilta text reads,

אייסי אומר לא תאכל הנפש עם הבשר שלביה שלביה

Issi says, “you must not consume the life with the flesh” [Deut 12:23] includes milk in meat, which is forbidden for consumption.76

In the Mekhilta, the Deuteronomy verse “proves” that the prohibition against cooking extends to eating, but Legah Tov

74 See Milgrom, Leviticus 1-16, pp. 704-713; also idem, Leviticus 17-22 (AB 3A; N. Y.: Doubleday, 2000), pp. 1501-1503.
75 I am grateful to Prof. Cynthia R. Chapman for her assistance with this formulation (private communication). See now her important article on breast milk and identity, “‘Oh that you were like a brother to me, one who had nursed at my mother’s breasts.’ Breast Milk as a Kinship-Forging Substance,” JHS 12/7 (2012), http://www.jhsonline.org/Articles/article_169.pdf (accessed 7/6/2012). Chapman makes productive use of the anthropologist Susan Montague’s work with the Trobriand Island people, who assert that people are related through mother’s milk. As Chapman reports (p. 7), “Montague…discovered that according to the Trobriand understanding, breast milk enters the bloodstream of a child through digestion, making a child’s blood ‘compositionally identical to that of the woman whose breast milk it consumes.’”
explicitly takes into account the identification of “the life” with “the blood” in the first part of the verse:77

אומר לא תאכל הנפש עם הבשר לabeea בזר הבולע שווה
Asor baacel plate shiru hddm nechpa nemsha hal.
It says, “you must not consume the life with the flesh” [Deut 12:23] to include milk in meat, which is forbidden for consumption because the blood is clarified and becomes milk.78

The attractive simplicity of that suggestion comports nicely with Luntshits’ interpretation, and especially with his opinion that “it makes…sense to construe the law as one of the prohibitions of illicit mixtures.” That view also entails the principle that a mixture of substances ought to be at issue rather than a mixture of allegedly underlying concepts (life/death, nurture/destruction, humaneness/cruelty, licit/illicit sex, etc.); the discernment of those concepts inevitably requires a conjectural leap on the part of the interpreter.

If one does seek to explain the law in terms of a conceptual antinomy, however, the most attractive alternative proffered to date, in my view, is the argument put forth by Nicole Ruane in an unpublished paper that will be included in her forthcoming book on gender in biblical cultic law.79 Ruane, strongly influenced by Nancy Jay’s theory of sacrifice,80 foregrounds the maintenance of patrilineality and the subordination of the feminine as principal concerns of Israel’s sacrificial cult.

77 Cf. also Sifre Deuteronomy, ed. Finkelstein, pp. 141-42, especially the note quoting Meir (Ish-Shalom) Friedmann’s comment on the passage (from his edition of the Sifre, 90b).
79 “On Mothers, Milk and Meat: The Exclusion of Motherhood from Sacrifice in Some Cultic Food Laws” (cited by permission). The book is an expanded version of Ruane’s Ph.D. dissertation, “‘Male Without Blemish:’ Sacrifice and Gender Ideologies in Priestly Ritual Law” (Union Theological Seminary, 2005). Since I had the privilege of supervising the dissertation, I make no pretense to objectivity about the work.
naturalization and promotion of male dominance and superiority are embedded in cultic regulations by design and intention.

Ruane begins her argument concerning the kid law with the uncontroversial observation that upholding strict separation of classes or categories is a condition of Israel’s remaining a “holy people” (esp. Deut 14:21). Holiness connotes being separate or set apart. In the case of the kid law, Ruane contends, the “separation” to be maintained is between the mother and the sacrificial victim, signified by milk (feminine) and meat (masculine), respectively.81 A mother animal produces two kinds of food: her milk and her offspring (=meat). Since they are available for consumption at the same time, it is reasonable to assume that they would be combined (cf. Rashbam above). Seething a kid in its mother’s milk might have been acceptable quotidian practice, but in the sacrificial cult the feminine fluid could not be blended with the masculine flesh. Meat (masculine) is the officially sanctioned ritual substance in a sacred activity in which milk (feminine) has no part. In Ruane’s words:

Just as the sacrificial systems codified in biblical law exclude the new human mother from cultic activity [in Leviticus 12], so they also exclude the mother animal from becoming ritual and sacrificial material….82 Along with the shunning of new mothers themselves, the sacrificial systems in biblical law also omit the most motherly of foods, namely milk…. Laws concerning animal mothers control and limit the ways in which motherhood and its symbols may play a role in the socio-cultic bonds created by sacrifice. This exclusion must be taken as indicative of sacrifice’s purpose of constructing a patrilineal society.

In his landmark study of the use of animals and animal products in ancient Israel, F. S. Bodenheimer comments, “Milk—mainly goat’s milk—was, together with bread, the main food of the

81 Cf. Kraemer, Jewish Eating, pp. 48-49.
82 Ruane’s dissertation (and forthcoming book) includes a comprehensive discussion of the gender of sacrificial victims.
patriarchal age. Milk includes a number of milk products, such as cheese, leben (sour milk), butter, and butter milk. It is therefore surprising not to find any of these milk products to be included among the sacrificial offerings.83 In the light of the forgoing discussion, the exclusion no longer should seem surprising at all.

The feminine substances that are banned from ritual use are encapsulated in the description of Canaan/Israel as אֶֽרֶץ־זָבַת־חָלָב וּדְבָש, “land flowing with milk and honey” (Exod 3:8 and an additional 19 times in Torah and Prophets). The “land” is feminine, as are the substances that “flow” from “her” as blood “flows” from a menstruant (Lev 15:19).84 The femininity of milk is self-evident; honey is of feminine character whether it is produced from bees (דבורה), figs (תאנה), or dates (תמר),85 and Lev 2:11 prohibits the use of honey in sacrificial ritual.

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The conundrum of the kid law is probably insoluble given the state of both the evidence and our knowledge. We should reckon with the possibility that the law is a vestige or survival of an ancient taboo for which the explanation is irretrievably lost. It is conceivable that its raison d’être was unknown even to the biblical authors who recontextualized it in its three settings.

84 Etan Levine is the rare scholar who has argued that the image of “a land oozing [sic] milk and honey” is negative (“The Land of Milk and Honey,” JSOT 87 [2000], pp. 43-57). Such a land, he claims, allows only for bare subsistence as opposed to a thriving agricultural or pastoral economy. He seems to ignore the gendered aspect of the image, however.
85 An apiary from the biblical period was recently discovered in Israel. See Amihai Mazar et al., “Iron Age Beehives at Tel Reḥov in the Jordan Valley,” Antiquity 82 (2008), pp. 629–639.
There is no rationale inherent in the law itself, nor is there any reason to assume that a single underlying principle would account adequately for every detail. After reviewing the history of interpretation and the arguments on behalf of the various alternatives, my conclusion is in favor of a synthesis of Luntshits’ and Ruane’s approaches—a synthesis that places proper weight on both the pre-scientific natural history and the gender ideology (themselves intimately related) that arguably lie behind the law.\textsuperscript{87}

\textsuperscript{87} Earlier versions of this paper were presented to the Harvard University Hebrew Bible Workshop and to the Biblical Law Group at the 2010 Annual Meeting of the Society of Biblical Literature.

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