Forty-six years ago, in my first year of theological studies at Woodstock College, a famous Jesuit professor of canon law came into class to begin a course of ten introductory lectures on his subject. He paused at the beginning, stared out at us first-year students and announced, with curmudgeonly conviction: “Now, you’re all lovers, and I’m a lawyer.” He proved the latter point over those ten lectures; I am not sure how well we, his students, panned out as lovers.

We Christians tend to have a prejudice against law, especially in religious terms, unless, of course, we happen to be canon lawyers. Prejudice against law in religious terms tends to spill over into civil life as well. We tell more jokes about lawyers than we do, for instance, about butchers, bakers and candlestick makers. Participants in the Jewish and Muslim traditions, on the other hand, revere those trained in the law, religious and even civil, perhaps because the study of the Law in religious terms (Torah, Shari'ah) plays a central role in the faith lives of Jews and Muslims. Is our Christian prejudice against religious law justified? Are we really that different from Jews and Muslims when it comes to law?

These questions raise issues that would keep us at this lecture much longer than any of you would like to sit. Let me concentrate, this evening, on laws that have had an
extensive history in the faith traditions of Jews, Christians and Muslims: laws concerning food. It might be suggested that Jews and Muslims have such laws but Christians do not, but there are notable exceptions to the latter generalization. I think we can learn a great deal about both law and love from an examination of how the participants in our respective faith traditions have partaken or not partaken of certain forms of food and drink.

**FOOD PROHIBITIONS AND LAW IN THE JEWISH TRADITION**

Jews are not the only people in the world whose identity is underlined by food prohibitions, what is called in Hebrew *kashrut*. Many African populations have food prohibitions connecting them with one or another clan or community of devotees. But Jews arguably have the most elaborate dietary laws, at least among monotheistic peoples. Many have tried to rationalize Jewish food prohibitions, suggesting, for instance, that the prohibition on pork products may have arisen from a fear of trichinosis. Moses Maimonides, writing in the twelfth century CE, justifies the prohibition of eating pork based on the filth normally associated with pig sties. “If it were allowed to eat swine’s flesh,” he writes, “the streets and houses would be more dirty than any cesspool, as may be seen at present in the country of the Franks.” Evidently Maimonides, who always lived in Muslim or Jewish neighborhoods, never lived near a cowshed or a hen house. But the fear of filth or disease does not explain why very observant Jews cannot eat a cheeseburger or a shrimp cocktail. Some have suggested that such food prohibitions are meant to “to train the Israelite in self-control.” Gourmands might be tempted by roast
suckling pig, but would they really want to savor vulture and bat? No self-control is needed for that.

The Book of Genesis in its highly symbolic proto-history suggests that the primeval parents of humankind started their lives as vegetarians. The Priestly account of creation attributes to God the first human beings’ appointment to “rule the fish of the sea, the birds of the sky, and all the living things that creep on earth” (Gen 1:28), whatever such rule may have entailed, but specifies immediately thereafter that “every seed-bearing plant that is upon all the earth, and every tree that has seed-bearing fruit . . . shall be yours for food” (Gen 1:29). Human beings seem to have kept peace with fish, birds and creeping things for ten generations, and perhaps also with land animals, although there must have been exceptions. God made Adam and Eve “garments of skins” (Gen 3:21) when he exiled them from the Garden. How were such skins obtained? Likewise, Abel offered the Lord “the choicest of the firstlings of his flock” (Gen 4:4), an offering that must have cost the firstling its life.

By the time of Noah, in the tenth generation from Adam and Eve, without any indication as to why, a distinction seems to have arisen (Gen 7:2) between animals that can be characterized as clean (tahor) and those that can be characterized as unclean (lo-tahor). This distinction reflects later developments of sacrificial and dietary food prohibitions preserved in the Book of Leviticus. The subsiding of the flood spelled the end of the vegetarian truce between human beings and animals, if it had not already ended with Abel. “Noah built an altar to the Lord, and taking of every clean animal and of every clean bird, he offered burnt offerings on the altar” (Gen 8:20). The covenant God struck with Noah takes note of this change: “The fear and dread of you shall be upon
all the beasts of the earth and upon all the birds of the sky . . . and upon all the fish of the
sea” (Gen 9:2). But still God forbids all of humankind to “eat flesh with its life-blood in
it” (Gen 9:4), a prohibition that is intimately connected with the prohibition on taking
human life: “I require a reckoning for human life, of every man for that of his fellow
man!” (Gen 9:5).

The Priestly Code in the Book of Leviticus details dietary laws, probably
reflecting long-time sacrificial and culinary practice reduced to writing during and after
the Babylonian Exile, when the priesthood came to dominate Jewish society. Distinctions
between clean and unclean species among the land animals are made in some detail.
Basically, the clean animals are those fit for sacrifice and therefore for human
consumption. Among the land animals, the edible mainly consist of cattle, sheep and
goats, the usual animals offered in sacrifice, characterized more generally as “any animal
that has true hoofs, with clefts through the hoofs, and that chews the cud” (Lev 11:3).
Land animals that do not clearly have both of these characteristics are considered unclean
(tame): the camel, the rock badger, the hare, and, most famously, the pig.

The eating of certain potentially edible creatures apart from land animals is
classified as an abomination (Lev 11:10-23, 41-43). Such creatures are divided into
three categories: water creatures, flying creatures and winged insects. Apart from pigeons
or turtledoves (Lev 12:8), virtually none of these creatures is offered in sacrifice, but
some of them are eaten. Of water creatures, the only edible ones are those that have “fins
and scales” (Lev 11:9). Every other water creature is “an abomination for you” (Lev
11:12), for instance, shell fish. The flying creatures that are abominated do not sound
very inviting, many of them birds of prey (eagles, vultures, falcons, sea gulls, hawks,
etc.) and one not a bird at all, “the bat” (Lev 11:19). That list seems to leave most poultry on the list of clean meats. Of the winged insects, eating most of them is an abomination, but it is permissible to eat locusts, crickets and grasshoppers (Lev 11:22), and at least the honey of bees, if not the bees themselves.  

John the Baptist, a locust and wild honey eater (Mark 1:6), kept kosher.

What is the purpose of such laws? The Holiness Code in the last chapters of the Book of Leviticus emphasizes that these dietary laws distinguish Israelites from their Gentile neighbors: “I the Lord am your God. You shall not copy the practices of the land of Egypt where you dwelt, or of the land of Canaan to which I am taking you” (Lev 18:2-3). The Holiness Code does not enter into as much gastronomic detail as the earlier Priestly Code, but it does locate those food prohibitions clearly in the context of Israel’s unique monotheism. “I the Lord am your God who has set you apart from other peoples. So you shall set apart the clean beast from the unclean, the unclean bird from the clean” (Lev 20:24-25). It was not only in the Temple but also at the dining table that Jews were reminded of their sacred status.

The last food prohibition mentioned in the Book of Deuteronomy, repeating a regulation specified twice in the Book of Exodus (Ex 23:19, 34:26), insists that “You shall not boil a kid in its mother’s milk” (Deut 14:21). By analogy this prohibition has been generalized to forbid eating a cheeseburger or any other mixture of meat and dairy products. Some have argued that this law prohibits inhumane treatment of animals: pouring milk (or placing cheese) from a nanny goat or a cow on roast meat derived from its offspring. It is also forbidden to combine dairy products with chicken, a non-producer of milk. The thrice-repeated law is more likely a prohibition of some unknown
Canaanite ritual involving the combination of life-sustaining animal milk and newly slaughtered animal flesh, as Maimonides suspected in the twelfth century CE. This prohibition distinguished the people of Israel from their neighbors and their religious rituals. The words just before this prohibition in Deuteronomy remind the Israelites of the general rule: “You are a people consecrated to the Lord your God” (Deut 14:21).

The Book of Daniel, ranked among the Writings (Kethuvim) in the canon of the Hebrew Bible, narrates the story of Jews living outside Israel who distinguished themselves from their Gentile environment by observing kashrut. Daniel and his Jewish companions, introduced as servants into the royal household in Babylon, refused meat and drink from the royal table, surviving on vegetables without ill effect (Dan 1:8-16). Much more dramatically, the Second Book of Maccabees narrates how the aggressively Hellenizing Seleucid ruler Antiochus IV Epiphanes (r. 175-164 BCE), tried in vain to force devout Jews to eat pork, such as the scribe Eleazar (2 Macc 6:21-31) and the seven brothers and their mother (2 Macc 7:1-41). Their refusal led to their martyrdom.

Of the principal movements within Judaism in the United States today, Orthodox and Conservative Jews have generally reaffirmed the principles of kashrut. The Reform Movement within Judaism, at least in its nineteenth-century origins, came to be identified with the repudiation of kashrut, as can be seen in the fourth clause of the Reform Movement’s Pittsburgh Conference of 1885: “We hold that all such Mosaic and Rabbinical laws as regulate diet, priestly purity and dress originated in ages and under the influence of ideas entirely foreign to our present mental and spiritual state. They fail to impress the modern Jew with a spirit of priestly holiness; their observance in our days is
apt rather to obstruct rather than to further modern spiritual elevation.”  
Reform Judaism has at least partly moved away from this radical repudiation of kashrut in modern times.  

Psalm 119, the longest in the Book of Psalms, consists of 176 verses arranged alphabetically in eight-verse stanzas corresponding to and beginning with each of the 22 letters of the Hebrew alphabet. Eight different names for the Law occur in this Psalm, and nearly every verse uses one or another of them. From the stanza with verses beginning with the letter mem, two verses capture how fidelity to the Torah is perceived in the tradition of Israel as an expression of love: “O, how I love Your Torah! All day it is my study . . . How pleasing to my mouth are your words, sweeter than honey” (Ps 119:97, 103).  

A custom first recorded in twelfth-century CE Germany by Rabbi Eleazar of Worms concretizes this sweetness of the Torah. A small child is brought to a Jewish house of study for the first time at dawn on the feast of Shavuot, a day commemorating the giving of the Torah on Sinai. The rabbi takes the child on his lap and instructs the child to recite after him letters and then verses from the Torah written on a tablet:  

Then the teacher puts a little honey on the tablet, and with his tongue the child licks the honey that is on the letters. After this, they bring over cake kneaded with honey on which is written “The Lord God gave me a skilled tongue to know how to speak timely words to the weary. Morning by morning, he rouses, he rouses my ear to give heed like disciples. The Lord God opened my ears and I did not disobey, I did not run away” (Isa. 50:4-5).  

Devout Jews express their love for God by keeping commandments that are “sweeter than honey.” The Law of God is not perceived as a burden but as a binding force, a bond
of love between Jews and God and between Jews themselves, united by their covenant with God. In such a religious setting lawyers can also be lovers.

**FOOD PROHIBITIONS AND LAW IN THE CHRISTIAN TRADITION**

Christians, we think, eat just about anything. In the Gospel of Mark it is even said that Jesus “declared all foods clean” (Mk 7:19), but the story is more complex, both in New Testament times and later. It seems more likely that the first Christians, just about all of them Jews from birth, continued in the observance of kashrut. It was only when the early Christian community began to take in Gentile converts who did not have a previous relationship with the Jewish tradition that questions arose about the importance of food prohibitions for such people.

I would like to distinguish two attitudes towards food prohibitions in the history of the early Church, both of them verifiable within the years when the message about Jesus was being preached and then written down for the first time: Christianity with food prohibitions and Christianity free of such prohibitions. I will dwell in particular on the earliest evidence on this topic presented in the letters Paul wrote during the 50s of the first century CE, even though the Acts of the Apostles preserves materials on this topic of great antiquity. Acts, however, also reflects the period in which it was written, probably the 80s or 90s of the first century, by which time the tensions in the early church about food prohibitions had subsided. But in the era when Paul was writing, the above-mentioned two attitudes towards Jewish dietary laws, and indeed towards the Law as a theological theme, can be evidenced. How both of these Christian attitudes of that era
affected Christian communities of subsequent centuries will be treated more succinctly, but it should not be presumed that Mark’s testimony that Jesus had “declared all foods clean” proved equally true in every Christian time and place.

For the sake of clarity, I will suggest an approximate time line for early Christian developments on food prohibitions and other aspects of law in this era when Paul was preaching and writing. Paul himself converted to Christ in approximately 36 CE at Damascus. Paul insisted on his independent right to preach the Gospel based on that experience; it was not a commission derived from the Jerusalem mother church or from the church in Damascus. For Paul it was a duty imposed on him “through a revelation of Jesus Christ” (Gal 1:12). Paul’s own account of his conversion echoes motifs of mission to Gentiles found in the call narratives of Second Isaiah’s Servant of Yahweh (Isa 49:1-6) and the prophet Jeremiah (Jer 1:5): “God, who had set me apart before I was born and called me through his grace, was pleased to reveal his Son to [in] me, so that I might proclaim him among the Gentiles” (Gal 1:15-16). Although Acts suggests that Paul preached in Damascus and Jerusalem immediately after his conversion (Acts 9:19-30), Paul himself tells us that he did not “go up to Jerusalem to those who were already apostles before me” (Gal 1:17) but withdrew instead “into Arabia,” afterwards returning to Damascus (Gal 1:17), only going to Jerusalem three years later (probably around 39 CE) “to visit Cephas [Peter]” (Gal 1:18); at this time he also met “James, the Lord’s brother” (Gal 1:19).

After this visit to Jerusalem, Paul tells us that he began to preach in the region of Syrian Antioch, not only in the large Jewish community there but also among the Gentiles, a task Paul felt had been imposed on him by God at the very moment of his
conversion. Paul continued to work from this base in Syrian Antioch for approximately a
decade (39-49 CE). Towards the end of that period, Jewish Christians coming from Judea
visited Syrian Antioch and challenged the non-observance of circumcision and kashrut
by Gentile converts in that mixed Jewish and Gentile Christian community (Acts 15:1).
Paul had apparently urged the Jews of Syrian Antioch and its environs to continue in their
observance of circumcision and the food prohibitions, but had imposed no such
obligation on the Gentile converts there.

Paul characterizes these Judean Jewish-Christians who reported him to Jerusalem
as “false believers” (Gal 2:3). Faced with the challenge they posed to his apostolic work,
Paul went to Jerusalem once again, probably in 49-50 CE, not because of any summons
from headquarters but “in response to a revelation” (Gal 2:2). He was accompanied on
this visit by the Cypriot Jewish Christian, Barnabas, and a purely Gentile convert to
Christianity, Titus, an uncircumcised Greek (Gal 2:1). Those companions symbolized
Paul’s community at Syrian Antioch, Christians of Jewish origin and Christians of
Gentile origin, living in harmony. Paul notes that the Jerusalem church leadership at that
time—James, Cephas (Peter) and John—did not insist on the circumcision of Titus,
“though he was a Greek” (Gal 2:3). Paul presented the leaders of the Jerusalem
community with an account of “the gospel that I proclaim among the Gentiles” (Gal 2:2)
and, Paul testifies, the Jerusalem church leadership, “saw that I had been entrusted with
the gospel for the uncircumcised, just as Peter had been entrusted with the gospel for the
circumcised” (Gal 2:7).\(^{18}\) This is Paul’s account of the so-called Council of Jerusalem.

The Acts of the Apostles smoothes over these controversies a half century later,
and even makes James the spokesperson for a compromise position on food prohibitions
worked out at this Council in Jerusalem when Paul and Barnabas went there for a judgment. Curiously, Acts never mentions the presence of the uncircumcised Greek, Titus, in that delegation, although it does admit that “some of the others” (Acts 15:2) in Syrian Antioch went up to Jerusalem with Paul and Barnabas. Gentile Christians of Syrian Antioch (and, presumably elsewhere in mixed Jewish-Christian and Gentile-Christian situations), according to the Acts of the Apostles, would have to “abstain only from things polluted by idols and from fornication and from whatever has been strangled and from blood” (Acts 15:20), aspects of the Law enunciated in Leviticus 17-18. Such laws apply not only to Israelites but also to “the aliens who reside among them” (Lev 17:8). But the Gentile Christians were exempt from male circumcision. Was the assimilation of Gentile Christians to resident aliens in ancient Israel a satisfactory solution for Paul and for his Gentile Christian converts? I doubt it; it sounds too much like second-class membership of the church. In any case, such a compromise solution—no circumcision but some food prohibitions—must have struck Paul as a rejection or at least a radical compromising of his Gentile mission in Syrian Antioch.

Despite this modified approval in Jerusalem of Paul’s mission to the Gentiles, on a subsequent visit by Peter to Syrian Antioch, “certain people came from James” and prevailed on Peter, who “used to eat with the Gentiles” (Gal 2:12), to cease doing so. Not only did Peter withdraw from table fellowship with the Gentile Christians of Syrian Antioch, but Paul’s long-time apostolic companion, Barnabas, “was led astray” as well (Gal 2:13). As a result Paul confronted Peter on this matter, apparently in public: “If you, though a Jew, live like a Gentile and not like a Jew, how can you compel the Gentiles to live like Jews?” (Gal 2:14). Evidently Peter had eaten with Gentiles before, most notably
with the household of Cornelius, but Jewish Christians at Jerusalem had criticized him for this (Acts 11:3).

Paul continued his Gentile mission elsewhere, at first in Galatia, an area of Asia Minor where few or no Jews or Jewish Christians resided. Surely there would be no question of food prohibitions imposed on Gentiles there, or so Paul hoped. Paul’s letter to the Christian community at Galatia,¹⁹ probably written around 54 CE,²⁰ after he had left Galatia, addressed Gentile converts there on whom Paul had imposed no obligation to take up Jewish practices in order to become full-fledged Christians. Paul had so evangelized the Galatians some time after his departure from the mixed Jewish and Gentile Christian community in Syrian Antioch. Jewish Christians, who had earlier challenged Paul’s policy in Syrian Antioch, now extended their campaign to impose Jewish observances on the totally Gentile Christian community of Galatia²¹ after Paul had departed from Galatia for other mission fields. Paul’s outrage at this development knew no bounds, especially because some of his Gentile converts in Galatia had apparently buckled under pressure from Jewish Christians. “I am astonished,” Paul writes, “that you are so quickly deserting the one who called you in the grace of Christ and are turning to a different gospel” (Gal 1:6).²²

The memory of this confrontation at Syrian Antioch between Paul and Peter leads Paul to enunciate for the Galatian Gentile Christians a succinct summary of the gospel that he proclaimed among the Gentiles: “[A] person is justified not by the works of the law but through faith in Jesus Christ” (Gal 2:16).²³ The radical nature of Paul’s gospel needs underlining. What he is saying is that a person is reckoned upright, at rights with God, law-abiding, not by observance of the covenant law given to Israel (the ten
commandments and all the rest of the laws found in the Torah, including the laws of circumcision and diet) but through total adherence to or complete reliance on Jesus the Messiah. This justification by faith in Jesus Christ applies both to Jews and to Gentiles, a topic that Paul developed in his Letter to the Romans written three or four years later than his Letter to the Galatians: “God is one; and he will justify the circumcised on the ground of faith and the uncircumcised through that same faith” (Rom 3:30).

Paul had lost the debate on the freedom of Gentile Christians from dietary observances at Syrian Antioch to those Jewish Christians who wanted Gentile Christians, at the very least, to observe enough of kashrut to make possible common table-fellowship. But Paul was determined not to lose that same debate in the purely Gentile Christian community to which the Letter to the Galatians is addressed. Paul’s gospel was very radical: “There is no longer Jew or Greek, there is no longer slave or free, there is no longer male and female; for all of you are one in Christ Jesus” (Gal 3:28).

In addition to the problem of table-fellowship between Jewish Christians and Gentile Christians who did and who did not observe kashrut, other Christian communities to whom Paul brought his gospel found themselves confronted with a different dietary problem: “food sacrificed to idols” (1 Cor 8:1). At ancient Corinth, Paul’s Christian community, like that in Galatia, was largely Gentile (1 Cor 12:2), and faced many challenges from their religiously alien setting. One problem stemmed from the fact that much of the meat available for sale came from slaughter houses that were also temples of Corinthian cults. This problem was not restricted to Corinth but was common throughout the Gentile Mediterranean.
Paul reached the conclusion that those Gentile Christians who were “strong” and possessed “knowledge” of the non-existence of the gods might eat any meat that was available (1 Cor 10:27), unless the meat is offered as a way of testing Christian identity (1 Cor 12:28). The “weak,” on the other hand, people closer to their polytheistic roots, should probably abstain: “Since some have become so accustomed to idols until now, they still think of the food they eat as food offered to an idol; and their conscience, being weak, is defiled” (1 Cor 8:7). Furthermore, the “strong” should also abstain from such meat if partaking thereof would scandalize the “weak” (1 Cor 8:9-13).

The general rule is pertinent to a discussion of law and love: “‘All things are lawful,’ but not all things are beneficial. ‘All things are lawful,’ but not all things build up” (1 Cor 10:23). In his Letter to the Romans Paul more boldly proclaims that “nothing is unclean in itself; but it is unclean for anyone who thinks it is unclean” (Rom 14:14). He concludes, however, by insisting on the primacy of love in observance or non-observance of laws concerning food: “Do not, for the sake of food, destroy the work of God. Everything is indeed clean, but it is wrong to make others fall by what you eat; it is good not to eat meat or drink wine or do anything that makes your brother or sister stumble” (Rom 14:20-21). Paul’s radical rejection of dietary laws, although compromised for a while in mixed Jewish-Gentile communities under the influence of James and Peter, eventually triumphed as the editorial words from Mark’s Gospel with which I began testify: “Thus he declared all foods clean” (Mark 7:18-19).

The radical views on food prohibitions and the Law held by Paul led to various reactions in the early church. The First Letter to Timothy suggests that food prohibitions unrelated to kashrut emanate from teachers proposing a distinctly non-Jewish and non-
Christian asceticism: “They forbid marriage and demand abstinence from foods” (1 Tim 4:3).

The Ethiopian Orthodox Church continues in observances of kashrut to the present day. The Kebra Nagast (“The Book of the Glory of the Kings”), composed at least seven centuries ago in Ge’ez, catalogues prohibited meats, asserting that observance of these laws will keep these new Israelites “blessed in this your country,” unlike the ancient Israelites “who have been rejected, because God took them from Zion.”26 Certain nineteenth-century American varieties of Christianity, most notably Seventh-Day Adventists, observe a strict version kashrut, basically vegetarianism; one of their most prominent members, W. K. Kellogg, invented breakfast cereals as a substitute for meat.

Pietism in seventeenth-century Continental Protestantism eventually gave birth in the eighteenth century to Methodism in England and America, famous for its campaigns against gin and other intoxicants, something not envisioned by the first Reformers. Other Protestant churches took up this Methodist theme in the nineteenth century. To a prominent Methodist of Vineland, New Jersey, Thomas Bramwell Welch, we owe the introduction of grape juice to the Protestant communion table; his son founded Welch’s Grape Juice Company in 1893.

Lovers and lawyers alike all grew to hate America’s experiment with Prohibition (1919-1933), but there is no doubt that Methodists and other Protestant Evangelicals bore most of the responsibility for its enactment. The fate of Prohibition proved that law cannot go too far beyond the parameters of public morality. It is only love—for that which transcends the individual, God and one’s community—that can motivate any variety of food prohibition, any type of total abstinence. Alcoholics Anonymous as a
community has managed to motivate such total abstinence with great success. Love of that which ultimately transcends you, usually understood as God, and love of the community of your fellow abstainers, is the key to such freely embraced law.

FOOD PROHIBITIONS AND LAW IN THE ISLAMIC TRADITION

The Qur’an, and the man, Muhammad, who first experienced the Qur’an as revelation over a twenty-two year period in the seventh century (610-632 CE), gives evidence of a gradual evolution of food and drink prohibitions. It is usual to distinguish the earlier revelations Muhammad received in Mecca (610-622 CE) from the revelations he received in Medina (622-632 CE). The religious ambience in each of these locales was different and each setting had its own food regulations, prohibitory or permissive.

(A) The Meccan Period. In the first period, while Muhammad remained in Mecca receiving revelations from God, he and his monotheistic followers were somewhat allied with their fellow monotheists who were the minority Jews and Christians living in Mecca, as well as with the Christians of Ethiopia, who took in some of Muhammad’s followers as refugees from Meccan persecution around 615 CE. It is not entirely clear that the Jews and Christians whom Muhammad knew in Mecca were recognized as separate religious communities or actually were separate religious communities.27 Like the Christians of Ethiopia, some of the “Children of Israel” in Mecca may have practiced a form of Jewish Christianity.

In the Meccan portions of the Qur’an mention is made not only of Jewish (and possibly Jewish-Christian) food avoidances, but also of food prohibitions observed
among Arabs unaffiliated with either of these traditions, what the Qur’an characterizes as
people still living in “the era of ignorance” (jahiliyyah). The Surah of the Livestock
(Surat al-an’am [Qur’an 6]) deplores pre-Islamic Arab customs of food avoidance that
seem to reflect traditional taboos: “They also say, ‘The contents of these animals’ wombs
will be reserved solely for our men and forbidden to our women, though if the offspring
is stillborn they may have a share of it.’ [God] will punish them for what they attribute to
Him; He is decisive, all-aware’” (Qur’an 6:139). Ibn ‘Abbas, a seventh-century CE
commentator on the Qur’an, attributes the origin of this food prohibition to a nearly
mythical ancestor of one of clans in Mecca, ‘Amr ibn Luhayy, a man traditionally blamed
for diverting once monotheistic Mecca (at the time of Abraham and Ishmael) into
polytheistic ways.” Ibn ‘Abbas in his commentary on this verse, asserts that Muhammad
saw ‘Amr ibn Luhayy in a vision punished in hell for introducing this curious meat
prohibition to the Meccan Arabs. A twentieth-century Muslim commentator on the
Qur’an, Mawlana Mawdudi (d. 1979), points out the inequality of men and women in this
pre-Islamic food avoidance, a law he characterizes as part of a “self-contrived religious
code of the Arabs.”

Jewish food prohibitions that do not derive from traditional Arab sources were
known to at least some of the non-Jewish Arabs before Muhammad’s experience of
revelation. The earliest sequential life of Muhammad narrates how a certain Zayd ibn
‘Amr, without becoming either a Jew or a Christian, still embraced elements of Jewish
food avoidances: “He abandoned the religion of his people and abstained from idols,
animals that had died, blood, and things offered to idols.” Zayd ibn ‘Amr is usually
counted among the leading hunafa’ (s., hanif) of Arabia, monotheists living before
Muhammad’s time. These hunafa’ were affected by the traditions of Jews and Christians, but did not adhere to those traditions as a whole. Note the closeness of the food avoidances embraced by Zayd ibn ‘Amr to those recommended to Gentile Christians in the account of the so-called Council of Jerusalem narrated in the Acts of the Apostles (Acts 15:29) and to the food prohibitions of Leviticus 17-18 urged on aliens in Israel.

Late in the years when Muhammad still lived in Mecca, probably around 621 CE, he experienced a revelation about foods that were to be considered halal (permissible) and haram (forbidden). The Qur’an, instructing Muhammad as to what he is to proclaim, details a list of forbidden foods that is less extensive for Muslims than what had been prescribed for Jews in the Torah. The Qur’an also provides for exceptions in times of dire necessity. “Say, ‘In all that has been revealed to me, I find nothing forbidden for people to eat, except for carrion, flowing blood, pig’s meat—it is loathsome—or a sinful offering over which any name other than God’s has been invoked.’ But if someone is forced by hunger, rather than desire or excess, then your Lord is most forgiving and most merciful” (Qur’an 6:145). Ibn ‘Abbas, commenting on this latter exception, suggests that someone eating forbidden meats in such a situation of extreme hunger “ought not to eat to satiety.”34 This advice is easier for the sated commentator to give than for the starving Muslim to receive.

This late Meccan surah of the Qur’an goes on to state that the more extensive food prohibitions of Jews were a punishment imposed on them for their sins: “We forbade for the Jews every animal with claws, and the fat of cattle and sheep, except what is on their backs and in their intestines, or that which sticks to their bones. This is how we penalized them for their disobedience: We are true to our word” (Qur’an 6:146).
Observant Jews will not recognize in this last verse an entirely accurate portrayal of meat prohibitions in the Torah, but the text of the Qur’an may well have been aimed at certain excesses of food avoidance known among the monotheistic hunafa’ who emulated Jewish practice but did not necessarily know its exact parameters, thus falling into ascetical exaggerations, or at Jewish Christians who kept kashrut. With the exception of carrion, blood, pork and food offered to idols, Meccan Muslims are told that may eat any other meat, provided one prays before eating it. “So you may eat the meat of any [animal] over which God’s name has been pronounced, if you believe in His revelations” (Qur’an 6:118). The simple Muslim basmalah—saying “In God’s name”—sanctifies not only the slaughtering of meat but also its consumption in a meal.

(B) The Medinan Period. When Muhammad and his first companions migrated to Medina in 622 CE, they became more familiar with Jews and also with Christians, who are more clearly distinguished from Jews in Medinan portions of the Qur’an. These monotheists seemed at first to present themselves as natural allies for Muhammad and the burgeoning Muslim community.

The Medinan portions of the Qur’an recognize a certain complexity in Jewish food avoidances. Jacob/Israel’s hip socket, injured while Jacob wrestled with a mysterious angelic or even divine opponent, led to a ban for Israelites on the eating of “the thigh muscle that is on the socket of the hip” (Gen 32:32). A Medinan surah sees this prohibition as one imposed by human legislation rather than divine: “Except for what Israel made unlawful for himself, all food was lawful to the Children of Israel before the Torah was revealed” (Qur’an 3:93). Another Medinan portion recognizes that Christians do not have the same food avoidances as Jews and attributes to Jesus words that relax the
laws of *kashrut* for them: “I will tell you what you may eat and what you may store up in your houses . . . I have come to confirm the truth of the Torah which preceded me, and to make some things lawful for you which used to be forbidden” (Qur’an 3:49, 50). This relaxation of the laws of *kashrut* by Jesus does not go as far as the passage in Mark’s Gospel where it is claimed that Jesus “declared all foods clean” (Mk 7:19), but Ibn ‘Abbas in his seventh-century CE commentary on the Qur’an specifies some of the once forbidden things that Jesus declared lawful, in the process making Jesus sound like an Arab fond of “the meat of camels [and] the fat of bovines and sheep.”

One particular dietary prohibition found in the Qur’an, but not in either the Hebrew Bible or the New Testament, is the prohibition on drinking wine or other intoxicating beverages. A Meccan surah had extolled various natural products that serve as signs of God’s beneficence to humankind. After rain and milk and before honey, the Qur’an in this context mentions wine made either from dates or from grapes and specifies that this wine is a divine benefaction: “From the fruit of date palms and grapes you take sweet juice and wholesome provisions. There truly is a sign in this for those who use their reason” (Qur’an 16:67). Ibn ‘Abbas specifies that the first part of this verse was “abrogated,” a technical term in Qur’an criticism meaning that a later passage in the Qur’an overrides this earlier one, but he does allow that such nourishing things as “vinegar, treacle [and] raisin[s]”—all derived from grapes—are lawful nourishment.

An early Medinan surah qualifies the earlier Meccan praise of wine (*al-khamr*), here used as a metonym for any intoxicant: “They ask you [Prophet] about intoxicants [*al-khamr*] and gambling: say, ‘There is great sin in both, and some benefit for people: the sin is greater than the benefit’” (Qur’an 2:219). Ibn ‘Abbas maintains that the only
benefit ever involved in wine and other intoxicants was in the business realm, “by means of their trading.”

Mawlana Mawdudi maintains that the revelation of this verse “was a preliminary step designed to prepare the minds of people for the acceptance of their prohibition.”

The final divine law about the prohibition of wine in the Qur’an is nowhere more eloquently expressed than in a very late Medinan portion of the Qur’an, the Surah of the Feast, a surah much concerned with food prohibitions and other ways Muslims distinguish themselves from Jews, Christians and the practitioners of traditional Arab “ignorance” (jahiliyyah):

> You who believe, intoxicants (al-khamr) and gambling (al-maysir), idolatrous practices (al-ansab) and [divining with] arrows (al-azlam) are repugnant acts—Satan’s doing—shun them so that you may prosper (tuflihuna). With intoxicants (al-khamr) and gambling (al-maysir), Satan seeks only to incite enmity and hatred among you, and to stop you remembering God (dhikri ‘llahi) and prayer (al-salati). Will you not give them up?” (Qur’an 5:90-91).

In each of the five daily repetitions of the call to worship (adhan), two commands are issued: “Attend to the worship” (al-salat) and “Attend to prospering” (al-falah).

Closely related to these commands is the theme later developed in Islamic mysticism, “remembrance of God” (dhikr Allah). Forms of these consecrated terms appear in these just-cited verses from the Qur’an vividly contrasted with the diversions of pre-Islamic Mecca now recognized as snares of Satan: intoxicants, gambling, idol-worship and divination with arrows.
The orderly life characterized by regular worship and a social order that fosters human prospering—the sort of ideal community Muhammad tried to create in Medina—stands dramatically opposed to a life of disordered profligacy. The pilgrimage to pre-Islamic Mecca, including such features as the naked ritual circumambulation of the Ka‘bah, as well as all the four snares of Satan just mentioned, had about it much that we would identify with an expedition to Las Vegas today. Until the conquest of Mecca by Muhammad in 630 CE, what happened in pre-Islamic Mecca stayed in pre-Islamic Mecca. Ibn ʿAbbas rather tersely comments on these verses that the combination of intoxication and gambling leads to monetary loss and “it also prevents you from performing the five daily prayers.” Mawdudi proves more prolix in his commentary on the same verses, noting with approval that in the time of Muhammad “intoxicating liquors were poured into the streets of Medina” as a consequence of this revelation. (Mawdudi would have liked the Anti-Saloon League.)

I would suggest that the gradual prohibition of wine in the Qur’an has less to do with food prohibitions than with the concern of God and his Messenger, Muhammad, for establishing an orderly life. While the food prohibitions in Islam, like those in Judaism, define who Muslims and who Jews are, the forbidding of wine and other intoxicants in the Qur’an directs Muslims towards a lawful life where the faithful can live in peace and love. Pre-Islamic Mecca was characterized by a breakdown of what Montgomery Watt calls “tribal solidarity.” Even before he first experienced revelation, Muhammad had identified himself with a moral minority, the League of the Virtuous, who repudiated the dog-eat-dog economic realities of Mecca. With the advent of God’s Self-disclosure in the year 610 CE, the Messenger began to glimpse the possibility dawning of a civilization
of love based on law, an ideal state he eventually began to construct in Medina after 622 CE. Jurisprudence (fiqh) has been at the center of Muslim intellectuality ever since. When the study of Islamic jurisprudence has lost touch with the love of God and the love of fellow human beings, the mystical tradition of Islam has come to its aid. Fuqaha’—practitioners of Islamic jurisprudence—can be lovers too, if they try.

CONCLUSION

When the Catholic bishops of England and Wales (along with many other Bishops’ Conferences, including the American) decided to relax the discipline of abstinence from meat on Fridays outside the season of Lent, the late British anthropologist Mary Douglas (d. 2007) reacted negatively. She suggested that meatless Fridays had served, like everyday without pork for Jews and Muslims, as a way to define Catholics as a faith community. “It was the only ritual,” Douglas wrote, “which brought Christian symbols down into the kitchen and the larder and on to the dinner table in the manner of Jewish rules of impurity.” The Catholic Bishops of England and Wales changed their collective mind in 2011 on this relaxation of Church discipline. Fish and chips reign once again on Fridays in Catholic Britain.

Douglas’ notion of meatless Fridays as a food prohibition that marked out Catholic belonging flew in the face of some facts. Abstinence from meat on all Fridays, but especially the Fridays of Lent, was meant to be a form of penance, a bit of Lent throughout the year, especially commemorating the death of Jesus on a Friday. This practice produced an unintended effect: Catholics are the only people I know who don’t
like fish. Spanish-speaking Catholics, however, not only in Spain and Latin America, but also until fairly recently in the Philippines, New Mexico and Texas, ate meat on Fridays outside Lent, rejoicing in papal indults, periodically renewed, exempting them from such abstinence. Those indults were originally intended to reward Catholic Spaniards for the *Reconquista*, the retrieval of Spain from Muslim rule.⁴⁷ All too conscious of their Catholic belonging and the differences between them and the Jews and Muslims they had driven out of Spain or forced into conversion more than five centuries ago, Spanish Catholics eat meat on ordinary Fridays as a sign of their Spanish Catholic identity. With fish not stigmatized as penitential, the Spanish as a consequence love fish *paella*.

The pithy saying, “You are what you eat,” is attributed to many authors, from the French gourmand Jean Anthelme Brillat-Savarin to the German materialist, Ludwig Feuerbach. Laws regarding what we eat and what we don’t eat unite us as communities of faith, but also divide us from other communities of faith, simultaneously promoting love within our community and discouraging love with other communities, especially love expressed in table fellowship. In this connection, I was happy to see that during the recent Assisi 2011 meeting of religious leaders of every variety with Pope Benedict, even if there was no common prayer, a “frugal lunch” was provided, with the “menu varied to meet the dietary requirements of all the religions represented.”⁴⁸ Law and love, lawyers and lovers, can sit down at table together if the buffet is sufficiently varied.
1 Yoruba people in Nigeria whose clan descent connects them with the orisha Obatala (or Orisanla) do not eat food made with palm oil, a common ingredient in Yoruba cuisine; Obatala, “the king in white garments,” abominates palm oil, because it is red and easily stains white garments, but that may be a rationalization. The taboo on consuming palm oil marks one as an Obatala-devotee, or a former or only part-time devotee if one is a Muslim or Christian Yoruba. See E. Bolaji Idowu, Oludumare: God in Yoruba Belief (New York: Praeger, 1963), 71-75.


5 Bereshit Rabbah, aggadic midrash or commentary on Genesis written by rabbis living in Palestine in the first centuries CE, suggests that Adam and Eve were clothed in “garments of light” or even “Circassian wool,” but finally concedes that the first clothing may have been made of the skins of goats, rabbits or camel hair, fabrics that are not

6 Mary Douglas theorized in 1966 that such dietary laws “once inspired meditation on the oneness, purity and completeness of God.” See her *Purity and Danger: An Analysis of Concepts of Purity and Taboo* (London: Routledge & Kegan Paul, 1966), 57. A third of a century later she revised her opinions dramatically in a longer study of Leviticus. Douglas notes in the latter work that it is only the land animals that are divided into clean and unclean, suitable for sacrifice and consumption and unsuitable for either. The Book of Deuteronomy, as Douglas points out, is responsible for the “equation of unclean with abominable” but “in Leviticus the unclean animals are not abominable.” See her *Leviticus as Literature* (Oxford: Oxford University Press, 1999), 137.

7 Note that the Hebrew term for these unclean animals is not simply a negation of clean (*lo-tahor*), as in the Yahwist’s characterization of some of the animals that entered the ark (Gen 7:2), but another term, *tame’,* that uniquely specifies their impurity.

8 Douglas prefers to translate this term less passionately as “to be shunned,” concentrating not so much on the flesh abominated or shunned as on the actual act of consuming such creatures. See *Leviticus as Literature*, 166.

9 There is much conjecture involved in translating the names of the birds in the Hebrew text of Leviticus. On Lev 11:13-19 see Jacob Milgrom, *Leviticus 1-16*, Anchor Bible 3 (New York: Doubleday, 1991), 662: “The identifications [of birds] are, in many cases, educated guesses, as the many alternate suggestions readily indicate.”

See “The Civilized Diet: A Conversation with Rabbi Simeon Maslin,” in Reform Judaism Magazine (Summer 2007) available at www.reformjudaismmag.org. Rabbi Maslin agrees “with the twelfth-century biblical commentator Rashbam (Rabbi Samuel ben Meir) who believed the injunction was intended to teach tzaar baalei chayim, sensitivity to the pain of animals.”

But Maimonides started off on this subject by suggesting that “meat boiled in milk is undoubtedly gross food, and makes overfull.” The Guide for the Perplexed, 371.


This is my own translation, not that of the JPS Hebrew-English Tanakh.


All quotations from the New Testament derive from the NRSV.

The Greek text uses the preposition en (“in”), but most translations prefer the translation of that preposition in this context as “to”.

choice among you, that I should be the one through whom the Gentiles would hear the message of the good news and become believers” (Acts 15:7).

19Exactly where in Galatia (in modern Turkey) the Galatians addressed in this letter resided is much disputed among scholars but not important for my argument.


21See J. Louis Martyn, Galatians, Anchor Bible 33A (New York: Doubleday, 1997), 18. “The Galatian churches, drawn wholly from Gentiles, were not founded, then, as daughter churches either of the Jerusalem church or of the church in Antioch. They understood themselves to be the children of God himself, born by the power of the Pauline gospel.”

22The “one who called you” in that statement is not a reference by Paul to himself but to God, who alone is said to “call” in Paul’s writing. Ibid., 108-9.

23There is some ambiguity in the Greek phrase dia pisteos Iesou Christou, usually translated as an objective genitive, as in the NRSV and most other translations (“through faith in Jesus Christ”) but grammatically possible as a subjective genitive (“through the faith of Jesus Christ.”


25 “Generally speaking, meat was available in the ancient world only after great festivals, when the priests sold the surplus of the meat of the sacrificial victims that was their share.” See Jerome Murphy-O’Connor, O.P., “The First Letter to the Corinthians,” *NJBC*, 806a. This problem seems to have affected the account in the Acts of the Apostles of the Jerusalem leadership’s notice that Gentile Christians should “abstain . . . from things polluted by idols” (Acts 15:20). See also the more extensive treatment of this Pauline theme in Joseph A. Fitzmyer, S.J., *First Corinthians: A New Translation with Introduction and Commentary*, Anchor Yale Bible 32 (New Haven and London: Yale University Press, 2008), 330-52.

26 See *The Kebra Nagast*, ed. E. A. Wallis Budge [1932], 91, available at www.sacred-texts.com. In modern times Rastafarians have also taken up the food prohibitions of the Ethiopian Orthodox Church.

27 Even in a Medinan surah, the term *Banu Isra’il* (“Children of Israel”) seems to include both Jews and Christians: “Some of the Children of Israel believed [in Jesus] and some disbelieved: We [God] supported the believers against their enemy and they were the ones who came out on top” (Qur’an 61:14). For quotations from the Qur’an I rely on the translation provided in *The Qur’an: English Translation and Parallel Arabic Text*, rev. ed., tr. M.A.S. Abdel Haleem (Oxford: Oxford University Press, 2010).


*The Life of Muhammad: A Translation of [Ibn] Ishaq’s *Sirat Rasul Allah*,* tr. Alfred Guillaume (Lahore-Karachi-Dacca: Oxford University Press, 1955), 99. This book makes available in English the *Sirat Rasul Allah* of the eighth-century CE scholar Ibn Ishaq, as edited and revised in the ninth century by Ibn Hisham. Henceforth, this work will be referred to as *Sirat Rasul Allah*.

Ibn Abbas on Qur’an 6:145.

Ibn ‘Abbas on Qur’an 3:50.

Here I refer to a general prohibition on drinking wine, unknown in ancient Israel. But certain Israelites, especially those consecrated as Nazirites, were to abstain from “wine and strong drink” (Num 6:3), as was the case with Samson’s parents and Samson himself (Judg 13:4-5), Samuel (1 Sam 1:21) and John the Baptist (Lk 1:15).


Mawdudi, I:169.

See Qur’an 7:28, usually held to be the Quranic condemnation of this practice, called euphemistically “something disgraceful” (*fahishatan*). In the *Sirat Rasul Allah*, Muhammad is quoted as saying, when Abu Bakr was leading the *hajj* a year before Muhammad’s death that “no polytheist shall make pilgrimage after this year, and no naked person shall circumambulate the temple” (619).

Ibn ‘Abbas on Qur’an 5:91.

Mawdudi, II: 192.


Ibid., 13-16.

