

You Shall Not Boil a Kid in its Mother's Milk

The Interpretive History of a Curious Commandment

Tim Hegg • TorahResource Institute

Introduction

Among the many groups that fall within the broad spectrum of the “Messianic Movement,” questions regarding Torah *halakhah* abound. Some within the movement consider the Torah to be more or less abolished, and therefore are not concerned at all about questions of *how* the Torah should be obeyed. On the other hand, those groups who believe the Torah endures as God’s standard for righteous living hold various views of what exactly constitutes Torah observance. One issue often discussed and debated is whether the developed *halakhah* of Rabbinic Judaism should, in part or in whole, be the accepted *halakhah* for Messianics as well.¹

It is the purpose of this paper to offer an inquiry into one particular *halakhic* question, namely, the separation of meat and milk as a broad standard of kosher foods (*kashrut*). Ultimately, the purpose of such an inquiry is to lay an historical and theological background in order to determine whether separating meat and milk as a matter of *kashrut* is based upon a Torah commandment or is purely a rabbinic extension or innovation.

I will proceed with the inquiry in the following manner: First, I will look at the three Torah texts upon which the rabbinic *halakhah* was formed, noting the context in which each is found. Then I will survey the textual and exegetical issues related to the prohibition “You shall not boil a kid in its mother’s milk.” Third, I will note the text-critical issues, particularly the additions found in the Samaritan Pentateuch and Lxx, and the evidence from Qumran that the additions may have been known by the sectarians of the Dead Sea Scrolls. Fourth, I will survey the history of interpretation of these texts, and finally offer a suggested conclusion based upon the gathered data.

The Torah Texts & Their Contexts

The *halakhah* of separating meat and milk is a central element in the definition of kosher foods within rabbinic Judaism. Historically this *halakhah* was based upon the interpretation of three Torah texts: Exodus 23:19, Exodus 34:26, and Deuteronomy 14:21, each of which contain the phrase לֹא-תֵבֶשֶׁל גְּדִי בְחֵלֶב אִמּוֹ, “you shall not boil a kid in its mother’s milk.”

The Context of the Three Texts: Exodus 23:19, 34:26, and Deuteronomy 14:21

Exodus 23:19

Exodus 23 (in *parashah* מִשְׁפָּטִים) continues the enumeration of various laws from the previous context. Verses 1–9 deal primarily with laws pertaining to the treatment of one’s neighbor, including the stranger (גֵּר). Verses 10–11 present the law of the seventh year (הַשְּׁמִטָּה) in which the land was to rest, giving as one of its purposes to afford a ready supply of produce for the needy. The laws of the *Shemittah* are immediately followed in v. 12 by the reiteration of the weekly day of rest (שַׁבָּת) and (v. 13) the exhortation to be on guard against idolatry (naming other gods). Verses 14–17 prescribe the three pilgrimage festivals (Pesach, Shavuot, Sukkot) with the requirement that all males should appear before הָאֵלֹהִים יְהוָה, “the Lord GOD” and that they not appear “empty handed” (וְלֹא-יָרֵא).

¹ For now, the question of whether Torah observance is incumbent upon all Messianics or only upon Messianics of Jewish lineage, will be left aside since this issue does not bear directly upon the purpose of this paper.

פְּנֵי רִיקָם). Verses 18–19 deal with sacrifices and offerings (apparently in connection with the festivals just named), in which three prohibitions and one positive commandment are enumerated: (1) offering a sacrifice with leavened bread is prohibited, (2) allowing the fat (חֶלֶב) of the sacrifice to remain overnight until morning is prohibited, (3) bringing the choice first fruits is required, and (4) boiling a kid in its mother’s milk is prohibited.

Contextually, the prohibition of boiling a young goat in the milk of its mother is directly connected with festival sacrifices.

Summary

1. Vv. 10–11 The *Shemittah*
2. V. 12 Weekly Shabbat
3. V. 13 No Idolatry
4. Vv. 14–17 Three Pilgrimage Feasts: Pesach, Shavuot, Sukkot – all males must attend
5. Vv. 18–19 Sacrifices in the context of the Pilgrimage Festivals
 - a. prohibition: no sacrifice to be offered with leavened bread
 - b. prohibition: fat of the sacrifice not to remain overnight
 - c. requirement: to bring the first fruits of the ground
 - d. prohibition: do not boil a young goat in its mother’s milk

Exodus 34:26

Exodus 34:1–9 (in *parashah* כִּי תִשָּׂא) gives the narrative account of Moses’ second ascent to the mountain to receive the Ten Words and his conversation with the Almighty. Verses 10–17 record God’s instructions to Moses regarding the covenant He would make with Israel. These instructions emphasized (a) the need for Israel to obey the commandments of God, (b) the prohibition of making covenants with the inhabitants of the land, (c) the command to destroy the pagan altars and pillars in the Land, cutting down the Asherim, and (d) that Israel was not to participate in any of the idolatrous practices of the nations that dwelt in the Land. Verses 18–26 rehearse the pilgrimage festivals which the covenant people of Israel were to observe: (1) Chag HaMatzot, followed by the command that every firstborn (whether of animal or man) belongs to the Lord, a provision for redeeming the first offspring of a donkey, and the requirement that first born sons be redeemed. Then the commandment that no one should appear “empty-handed” (וְלֹא-יָרְאוּ פְּנֵי רִיקָם) at the festival is appended. (2) Verse 21 repeats the command of the weekly Shabbat. (3) Verse 22 prescribes the observance of two more pilgrimage festivals, Chag Shavuot and Chag Sukkot, here called Chag Ha’Asiph (Festival of Ingathering), followed by the injunction that all males were to appear before the Lord three times a year, i.e., at the festivals just enumerated (v. 23). (4) In vv. 25–26 the commandments regarding the three pilgrimage festivals are concluded with three prohibitions and one positive commandment (a direct parallel with Ex 23:18–19 but with some verbal variation): (a) no sacrifice is to be offered with leavened bread, (b) the Pesach sacrifice must not be left over until morning, (c) the first fruits are to be brought to the “house of the LORD your God,” and (d) a young goat was not be boiled in the milk of its mother.

Once again, as in Ex 23, the prohibition of boiling a young goat in the milk of its mother is directly connected in context with the offering of festival sacrifices.

Summary

1. Vv. 10–17 Sinai Covenant made with Israel through Moses as mediator
2. Vv. 18–26 Pilgrimage Festivals and Weekly Shabbat – all males must appear
3. Vv. 27 – Commandments regarding the Pilgrimage Festivals
 - a. prohibition: no sacrifice to be offered with leavened bread
 - b. prohibition: Pesach sacrifice must not be left over until morning

- c. requirement: to bring the first fruits of the ground
- d. prohibition: do not boil a young goat in its mother's milk

Deuteronomy 14:21

The third occurrence of the prohibition is found in a context much different than the Exodus texts. The primary theme of the Deuteronomy context is Israel's unique separation to their God and from the nations. Verses 1–2 prohibit pagan practices relating to mourning the dead, such as cutting oneself or shaving one's forehead. The basis for the prohibition is that "You are a holy people to Adonai your God."

Vv. 3–20 comprise a list of permitted and prohibited foods, describing those animals that are clean and unclean and thus the meat from which are either permitted or prohibited as a source of food.

V. 21 prohibits meat from an animal that has died of itself (נִבְלָה), allowing such meat and carcass to be given to an alien (גֵר) who may eat from it himself or who may sell it to a foreigner (נִכְרִי). Once again, the basis for this injunction is the unique covenant relationship Israel has with their God, "for you are a holy people to Adonai your God," which forms an inclusio to the pericope. The passage then ends with the prohibition: "do not boil a young goat in its mother's milk."

Vv. 22–15:6 deal with (a) the yearly tithe of produce from the field and the first born of the flock, which are to be eaten "in the place where He (the Lord your God) chooses to establish His name;" (b) the provision to exchange the tithe for money if the distance is too great; (c) the tithe of the third year which is to be deposited in one's own town in order that the Levite, the *ger*, the orphan and the widow will eat and be satisfied; (d) [in 15:1–6] the laws pertaining to the *Shemittah* year and the remission of debts.

Summary

1. Vv. 1–2 Prohibition against adopting pagan mourning rituals
Reason: "You are a holy people to Adonai your God"
2. Vv. 3–20 Clean and unclean animals; those which can and cannot be used for food.
3. V. 21 Law relating to an animal that dies of itself (נִבְלָה) –
 - a. prohibition: meat from *n^ebēlā* is prohibited to an Israelite (covenant member)
 - b. permitted: meat of *n^ebēlā* may be given to a גֵר אֲשֶׁר בְּשַׁעְרֶיךָ
 - c. permitted: meat of *n^ebēlā* may be sold to a נִכְרִי
 - d. prohibition: do not boil a young goat in its mother's milk
Reason: "You are a holy people to Adonai your God"
4. Vv. 22–15:6 Laws of the yearly tithe including the first born of the flock (cf. 15:19–20) which are to be taken to the Tabernacle or Temple and eaten "in the presence of the presence of Adonai," followed by the law of the third year tithe, which is to be deposited in one's town so that the disadvantaged may eat.

General Summary Regarding the Three Contexts

It is clear that the contexts of the two Exodus passages essentially mirror each other. They both are concerned with the Pilgrimage Festivals and the sacrifices that are offered in connection with them. Thus, the fact that the prohibition against boiling a kid in its mother's milk concludes each pericope seems clearly to link it to laws pertaining to sacrifices.

The Deuteronomy text, however, is markedly different. It is primarily taken up with food laws given to Israel as the covenant people set apart as holy unto Adonai. Though in Exodus the injunction not to boil a kid in its mother's milk concludes the command regarding the pilgrimage festivals (and thus is connected contextually with

proper sacrificial procedures performed at the festivals), in Deuteronomy the prohibition comes at the conclusion of laws pertaining to clean and unclean foods.² However, the paragraph immediately following the injunction includes the commandment to bring the yearly tithe, including the tithe of the first born of the herd and flock,³ and to eat it “in the place where Adonai your God chooses to make His name dwell” (14:23), i.e., in connection with a festival of Sukkot. Thus both in Deuteronomy as well as in Exodus, the contexts which contain the prohibition against boiling a kid in its mother’s milk have this in common, that they contain the commandment regarding the first fruits (of the soil, Ex 23; of the flock/herd, Ex 34 and Deut 14). Even though at first it may appear that the context of Deuteronomy 14:21 is entirely different than the contexts of Ex 23:19 and 34:26, this apparent disparity is somewhat diminished by the fact that all three contexts contain the law of first fruits.⁴

Moreover, Deuteronomy anticipates Israel’s dwelling in the Land and thus the fixed (rather than mobile) place chosen by God to establish the dwelling for His name, i.e., the Temple in Jerusalem. With the potential that God would bless Israel in accordance with their obedience to His commandments and thus expand their borders, the situation would arise in which those who lived a far distance from Jerusalem would be hard pressed to bring the the required offerings/tithes of first fruits and first born to the prescribed festival. Thus provision is made to sell the tithes and with the proceeds to travel to Jerusalem and purchase food and drink for the festival celebration (14:24–26). In light of this, it is understandable why the Deuteronomy injunction against boiling a kid in its mother’s milk is grouped with food laws, for those coming to the festival with money rather than with their actual tithes of grain and animals would be buying food for the festival celebration. Likewise, they would be purchasing animals to offer as sacrifices for the firstlings (צֵאֵן, בְּקָרָה), so the injunction against boiling a kid in its mother’s milk in Deuteronomy would likewise be connected with the festival sacrifices at the central sanctuary.⁵

² The Masoretic texts uniformly mark the phrase לֹא־תִבְשַׁל גְּדִי בְחֵלֶב אִמּוֹ as the conclusion of a פְּתוּחָה *petûchâ* (פ).

³ Note that Deut 15:19 requires consecrating “all the firstborn males that are born of your herd and of your flock.”

⁴ As we will see when looking at the Targumim below, Targum Yerushalmi and Neofiti both unite the prohibition of boiling a kid in its mother’s milk with the harvest theme by prescribing that the divine penalty for disregarding the prohibition will result in the grain being destroyed.

⁵ Note Cooper’s comment: “All consumption of meat in the Torah is cultic except in Deuteronomy (12:20–21). . . .”, Alan Cooper, “Once Again Seething a Kid in its Mother’s Milk,” (Atlanta: Society of Biblical Literature, 2010), p. 5, n. 8. While seeing the Deuteronomy location of the kid law as “decoupling” it from festival legislation and “recontextualizing it,” Cooper does suggest that its appearance in Deut 14 does make it “concomitant of the offering of firstling animals.”

Textual & Exegetical Comments on the Three Texts Containing the Prohibition

Below are the three texts under investigation put into parallel columns for comparison. Words that are underlined indicate some differences. Textual variants among manuscripts will be discussed below.

Exodus 23:19

MT	Lxx	SamPent	Syriac
<p>ראשית בכורי אדמתך תביא בית יהוה אלהיך לא-תבשל גדי בחלב אמו:</p> <p>The first of the first fruits of your ground you shall bring to the house of Adonai your God. You shall not boil a young goat in the milk of his mother.</p>	<p>τὰς ἀπαρχὰς τῶν πρωτογενημάτων τῆς γῆς σου εἰσίοσεις εἰς τὸν οἶκον κυρίου τοῦ θεοῦ σου οὐχ ἐψήσεις ἄρνα ἐν γάλακτι μητρὸς αὐτοῦ</p> <p>The <u>first</u> of the first fruits of your ground you shall bring into the house of the Lord your God. You shall not <u>boil</u> a <u>lamb</u> in milk of his mother.</p>	<p>ראשית בכורי אדמתך תביא ביתה יהוה אלהיך לא תבשל גדי בחלב אמו כי עשה זאת כזבח שכח ועברה היא לאלהי יעקב:</p> <p>The first of the first fruits of your ground you shall bring to the house of Adonai your God. You shall not boil a young goat in the milk of his mother for doing this is like a sacrifice forgotten and a rage [outburst] to the God of Jacob.</p>	<p>זי חללה דאזבא חטא לבטלה דמכור אלמא. ל חכב דגזא כטלח דאמא.</p> <p>The first produce of the ground you shall bring to the house of the Lord your God. You shall not boil a young goat in the milk of his mother.</p>

Exodus 34:26

MT	Lxx	SamPent	Syriac
<p>ראשית בכורי אדמתך תביא בית יהוה אלהיך לא-תבשל גדי בחלב אמו:</p> <p>The first of the first fruits of your ground you shall bring to the house of Adonai your God. You shall not boil a young goat in the milk of his mother.</p>	<p>τὰ πρωτογενήματα τῆς γῆς σου θῆσεις εἰς τὸν οἶκον κυρίου τοῦ θεοῦ σου οὐ προσίοσεις ἄρνα ἐν γάλακτι μητρὸς αὐτοῦ</p> <p>The first fruits of your ground you shall bring into the house of the Lord your God. You shall not <u>offer</u> a lamb in milk of his mother.</p>	<p>ראשית בכורי אדמתך תביא ביתה יהוה אלהיך לא תבשל גדי בחלב אמו:</p> <p>The first of the first fruits of your ground you shall bring to the house of Adonai your God. You shall not boil a young goat in the milk of his mother.</p>	<p>זי חללה דאזבא חטא לבטלה דמכור אלמא. ל חכב דגזא כטלח דאמא.</p> <p>The first produce of the ground you shall bring to the house of the Lord your God. You shall not boil a young goat in the milk of his mother.</p>

Deuteronomy 14:21c

MT	Lxx	SamPent	Syriac
<p>לא-תבשל גדי בחלב אמו:</p> <p>You shall not boil a young goat in the milk of his mother.</p>	<p>οὐχ ἐψήσεις ἄρνα ἐν γάλακτι μητρὸς αὐτοῦ</p> <p>You shall not boil a lamb in milk of his mother.</p>	<p>לא תבשל גדי בחלב אמו:</p> <p>You shall not boil a young goat in the milk of his mother.</p>	<p>ל חכב דגזא כטלח דאמא.</p> <p>You shall not boil a young goat in the milk of his mother.</p>

I. בָּשַׁל – The verb בָּשַׁל (*bashal*) shares a Semitic root attested in Akkadian (*bašālu*, “to boil,” [intransitive] “to ripen”), Old South Arabic (*bsl*, “to sacrifice”), Arabic (*absala*, “to cook unripe dates”), and Ethiopic (*basala*, “to boil,” [intransitive] “to grow ripe”). The verb is found 27x in the Tanach, with the following distribution:

- a. Qal – 2x (Ezek 24:5, “to boil”; Joel 4:13 “to be ripe [of fruit to be harvested])
- b. Piel – 21x (Ex 16:23[2x]; 23:19; 29:31; 34:26; Lev 8:31; Num 11:8; Deut 14:21; 16:7; 1Sam 2:13; 2Sam 13:8; 1Kings 19:21; 2Kings 4:38; 6:29; Ezek 46:20, 24[2x]; Zech 14:21; Lam 4:10; 2Chr 35:13[2x]).

All of these references use בָּשַׁל in connection with the preparation of food. Two of these references, however, use בָּשַׁל to mean “cook” rather than “boil,” and a third reference, though not as clear, may also use בָּשַׁל to mean “cook” rather than “boil.”

You shall cook (וַיִּבְשֹׁלֶתָ) and eat it [the Pesach lamb] in the place which Adonai your God chooses. In the morning you are to return to your tents. (Deut 16:7)

So they roasted (וַיִּבְשֹׁלוּ) the Pesach over the fire according to the ordinance, and they boiled (בְּשָׁלוּ) the holy things in pots, in kettles, in pans, and carried them speedily to all the lay people. (2Chron 35:13)

Since it was commanded regarding the Pesach lamb that it be roasted and not boiled (Ex 12:8-9), the use of בָּשַׁל in Deut 16:7, and its first use in 2Chron 25:13, must mean “to cook by roasting.” The second use of בָּשַׁל in 2Chron 35:13 clearly means “boil,” for the meat is said to be in pots, kettles, and pans.

A third text (2Sam 13:8) likely uses בָּשַׁל to mean “roast” or “cook,” though this is less certain than the two verses listed above.

So Tamar went to her brother Amnon’s house, and he was lying down. And she took dough, kneaded it, made cakes in his sight, and baked (תִּבְשַׁל) the cakes. (2Sam 13:8)

While it is possible that cakes of dough could have been boiled, it is more likely that they were cooked over a fire.

- c. Pual – 3x (Ex 12:9; Lev 6:21; 1Sam 2:15). All of these references refer to boiling as a method of food preparation.
- d. Hifil – 1x (Gen 40:10), meaning “to be ripe (of clusters of fruit).”

The Lxx uses ἥψω (*hepsō*, “to boil”) to translate בָּשַׁל in Ex 23:19 and Deut 14:21. However, in Ex 34:26 בָּשַׁל is translated with προσφέρω (*prospheō*, “to bring, offer”) in א, B, D, and E, while A and F both have

ἔψω.⁶ The switch to προσφέρω in four of the six primary Lxx manuscripts is noteworthy because it casts the phrase within the context of an offering or a sacrifice: “You shall not bring (or offer) a kid in (or with) its mother’s milk.”

Summary: The verb בָּשַׁל is primarily found in the Piel stem, with only six of its 27 occurrences in other stems. All but four of the contexts in which the verb is found support the meaning “boil in a liquid.” Twice (Gen 40:10; Joel 4:13) בָּשַׁל is used to describe fruit that is ripe for harvest, and twice or three times the verb appears to denote “cooking” by some other method than boiling in a liquid (Deut 16:7; 2Chron 35:13; 2Sam 13:8). However, to take the two or three instances where בָּשַׁל is used in the wider sense of “cooking” and apply this meaning to the three kid-law texts against the majority of times the verb בָּשַׁל means “to boil” in the contexts of offering sacrifices, seems unwarranted. Further, since the three kid-law texts under consideration are all found in contexts dealing with sacrifices offered at the central sanctuary, it would appear most consistent with the data to accept the meaning “boil” in these texts as well.

- II. גְּדִי – The noun גְּדִי is found 16x in the Tanach (Gen 27:9, 16; 38:17, 20, 23; Ex 23:19; 34:26; Deut 14:21; Judg 6:19; 13:15, 19; 14:6; 15:1; 1 Sam 10:3; 16:20; Is 11:6). Of these 16, nine times גְּדִי is found in the construction גְּדִי (ה)עִזִּים (Gen 27:9, 16; 38:17, 20; Judg 6:19; 13:15, 19; 15:1; 1Sam 16:20) and the remaining seven (in which גְּדִי is not in the construct state) include the three texts under consideration plus Gen 38:23; Judg 14:6; 1 Sam 10:3; Is 11:6. The context of Gen 38:23 makes it clear the גְּדִי refers to a goat, for vv. 17, 20 both have גְּדִי (ה)עִזִּים. In Is 11:6, גְּדִי is the poetic parallel of כֶּבֶשׂ (*keves*, “lamb”) which might indicate that the two words bear some distinction:

וְגַר זֶאֵב עִם־כֶּבֶשׂ	And the wolf will dwell with the lamb,
וְנָמַר עִם־גְּדִי יִרְבֵּץ	and the leopard will lie down with the <i>gedi</i> ,
וְעִגְלָא וְכַפִּיר וּמְרִיא יִהְיוּ	and calf and young lion and fatling will be together
וְנֶעֱרַר קִטָּן נְהַג בָּם:	and a young lad will lead them.

This leaves us with just two texts (besides the three texts currently under consideration) in which גְּדִי is ambiguous as to whether it refers to a young goat or a young lamb: Judg 14:6, which describes the Spirit coming upon Samson so that he “tore him [young lion] as one tears a *gedi*,” and 1Sam 10:3, which describes a man “carrying three *gedayim*.”

Ugaritic *gdy* appears in several Ras Shamra texts (114:4; 1097:3; Anat:II:2) with the meaning “kid.”⁷ Commenting on the use of גְּדִי in the Tanach, Botterweck writes:

In these constructions [i.e., גְּדִי (ה)עִזִּים], *gedhi* means the offspring of goats, a kid, while in the absolute it originally meant the offspring of sheep or goats, thus a lamb or a kid, like *seh*...⁸

⁶ Using Swete’s sigla, *The Old Testament in Greek according to the Septuagint*, 3 vols (Cambridge, 1934), 1.xxviii. א = Sinaiticus, A = Alexandrinus, B = Vaticanus, D = Cottonianus Geneseos, E = Bodleianus Geneseos, F = Ambrosianus

⁷ See Cyrus H. Gordon, *Ugaritic Textbook: Glossary Indices* (Pontificium Institutum Biblicum, 1965), p. 379 (No. 560); Botterweck, “גְּדִי” in *TDOT*, 2.385.

⁸ *Ibid.*, 2.386. *HALOT* also lists the meaning “kid of goat or sheep,” ad. loc. “גְּדִי”.

Rashi (on Ex 23:19) expands the meaning of **יָגֵד** to include both lamb and calf:

Also a calf and a lamb are included in the term **יָגֵד**, for **יָגֵד** denotes only a young animal. This is derived from that which you find in many passages in the Torah where **יָגֵד** is written and it was necessary to specify immediately after it **עִזִּים**, as in Gen 38:17, “I will send you a kid of the goats (**יָגֵדֵי עִזִּים**),” “the kid of the goats (**יָגֵדֵי הָעִזִּים**), v. 20), “two kids of the goats (27:9 **יָגֵדֵי עִזִּים**). This fact serves to teach you that every passage where **יָגֵד** is stated undefined, also a calf and a lamb are implied.

But Ibn Ezra takes exception to Rashi’s interpretation. In his comments on Ex 23:19 he says:

Rashi is incorrect that the phrase **יָגֵדֵי (ה) עִזִּים** shows that **יָגֵד** may refer to any young animal. As in Arabic, *gedi* applies only to a goat and to no other species. But **יָגֵד** is independent [not in construct form], whereas a “kid of goats” (in this construct form) implies one that is younger and must still be with the flock at all times.⁹

An important factor in this discussion is the fact that the Lxx, in all three of our texts, translates **יָגֵד** with *ἀρνός* (*ἀρήν*), “lamb, sheep,” even though everywhere else in the Tanach (with one exception) the Lxx translates **יָגֵד** with *ἔριφος*, “young goat, kid.” The one exception is 1Sam 10:3, where **יָגֵד** is translated by *αἴξ*, “goat.” One is struck by the fact that the Lxx translators chose “lamb, sheep” to translate **יָגֵד** only in the three texts that contain the injunction against boiling a kid in its mother’s milk. Milgrom suggests that this might indicate a very early *halakhic* interpretation that expanded the meaning of **יָגֵד** to include both kid and lamb.¹⁰

The data would appear to support the position that **יָגֵד**, while most often referring to a “kid” (the offspring of a goat), may also refer to a lamb, the offspring of a ewe. But there is nothing to support the idea that **יָגֵד** has a wide enough semantic range to include the offspring of other quadrupeds (e.g., cow, ox, etc.).

Summary: Given the fact that the Semitic root *gedi* could denote either a young goat or a young lamb, it seems warranted to allow either meaning in our texts as well. However, since the use of **יָגֵד** throughout the Tanach favors the meaning “young goat,” this may tip the scales in favor of that meaning in our texts as well.

III. **בְּחֵלֶב** – “in the milk”

ב – The preposition **ב** in **בְּחֵלֶב**, “in the milk of,” has been understood primarily in two ways: (1) meaning “in” as a spacial referent, and (2) meaning “with” or “at” as a temporal referent. Understood as a locative, the meaning is that the meat of the kid is boiled in the milk of its mother. If the **ב** is given a temporal sense, the meaning would be that the kid is still “with the milk of its mother,” that it is still nursing.

Taking **בְּחֵלֶב** to qualify **יָגֵד**, the subject of the clause, rather than **בְּשֵׁל**, the verb, has been dismissed by some scholars on the grounds that such a construction (verb + object + prepositional phrase where the

⁹ English translation from Michael Carasik, *The Commentator’s Bible—The JPS Miqra’ot Gedolot: Exodus* (JPS, 2005), p. 201.

¹⁰ Jacob Milgrom, *Leviticus 1–16* in *The Anchor Bible*, vol. 3 (Doubleday, 1991), pp.741–42.

prepositional phrase modifies the object) has “linguistic difficulties,”¹¹ but Schorch has shown this not to be the case, but that such a temporal construction is “neither linguistically difficult nor against Hebrew idiomatics, as is generally acknowledged by Hebraists.”¹² However, we find no example in the Tanach (nor in extra-biblical literature as far as I know) where a newborn mammal is described as a suckling by the construction “preposition + חָלֵב (or its semantic equivalent),” i.e., that the suckling is identified as such by being “with milk.” Note that in Ex 22:29[30], the newborn suckling is described as עִמָּ-אִמּוֹ, “with its mother,” which appears to be the normal way to express an unweaned suckling.

Others have objected to reading the כ as temporal on the grounds that the Torah permits offering a kid or lamb as a sacrifice from the eighth day onward after its birth (Lev 22:27). Likewise, Ex 22:29[30] requires that the first born of oxen and sheep (צִאֲנָה) remain with its mother for seven days, and then be “given to Adonai” on the eighth day.¹³ The point is that a kid or lamb will nurse for much longer than seven days, so to suggest that our texts prohibit offering a kid or lamb as a sacrifice while it is still nursing (“while with its mother’s milk”) would contradict the clear statements of other Torah texts.¹⁴

Summary: The preposition כ in בְּחָלֵב has been understood two ways: as locative (“in the milk”) and as temporal referent (“with the milk” = “still a suckling”). Based upon the data given above, the locative understanding should be accepted. The temporal or time-bound interpretation should be rejected because (1) it is in conflict with other Torah texts (Ex 22:29[30]; Lev 22:27), and (2) it lacks literary evidence that this construction (“with its mother’s milk”) was a Semitic idiom describing a suckling.

חָלֵב – If one accepts the Masoretic pointing,¹⁵ it is clear that חָלֵב in our three texts means “milk.” Some, however, have suggested that the word be repointed to בְּחֵלֶב, “in fat.”¹⁶ Such an alternate reading was known to have been suggested in Talmudic times. In the Bavli, dealing with whether the Masoretic tradition is determinative, we read:

R. Acha b. Ya’acov questioned that (saying): Is there anyone who does not accept the reading (למקרא) as deter-

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- ¹¹ 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. Garcia Martinez, A. Hilhorst, C. J. Labuschagne, eds., *The Scriptures and the Scrolls: Studies in Honor of A. S. van der Woude* (VTSup 49, Brill, 1992), p. 8.
- ¹² Stefan Schorch, “‘A Young Goat in Its Mother’s Milk’? Understanding an Ancient Prohibition,” *VT* 60 (2010), p. 123f.
- ¹³ Note also 1Sam 7:9, where Samuel offers a “suckling lamb” (טלה חלב) as a whole burnt offering to Adonai.
- ¹⁴ Schorch, *Op. cit.*, p. 126, ends up opting for the temporal interpretation of בְּחָלֵב, and overcomes the problem of contradicting Torah commandments (i.e., Ex 22:29; Lev 22:27) by suggesting that though “related to the cult in the Book of Exodus, the prohibition of the sucking kid was transformed by the Deuteronomist into a general dietary law.” Cf. also Milgrom, *Leviticus 1–16 in The Anchor Bible* (Doubleday, 1991), p. 742, who comments that the absence of the prohibition in Leviticus can only be explained by the fact that “the deuteronomic transformation has not yet taken place.”
- ¹⁵ בְּחָלֵב is the articular preposition attached to the noun חָלֵב. The vowelation results in the first vowel being *chatuf patach* rather than simple *sheva* due to the guttural ח, and the second vowel (*qametz*) to *tzere*, in both cases due to vowel reduction in the construct form. For examples without an inseparable preposition, cf. Is 60:16, Prov 27:27.
- ¹⁶ J. M. Sasson, “Ritual Wisdom? On ‘Seething a Kid in Its Mother’s Milk,’” in U. Hübner and A. Knauf, eds., *Kein Lan für sich allein: Studien zum Kulturkontakt in Kanaan* (Göttingen, 2002), p. 298; note the remarks of Stefan Schorch, *Op. cit.*, pp. 121–22; Alan Cooper, “Once Again Seething a Kid in its Mother’s Milk,” *Op. cit.*, p. 5, n. 7.

minant? Has it not been taught: “in the milk of its mother” (*bachalēb*) in which verse you might read “in the fat” (*bechelev*)? (b.*Sanhedrin* 4a)

R. Acha, active in the 4th Century, was apparently aware that some were reading בְּחֵלֶב (“in the fat of”) rather than בְּחֵלֶב (“in the milk of”) in our texts. But he considered such a vocalization of the Hebrew word absurd, seen by the fact that he uses this example to prove his case, that the received reading tradition (represented by the Masoretic tradition) determines the correct understanding of the biblical text.

There is no textual evidence that חֵלֶב, “fat,” was, in fact, the original.¹⁷ On the contrary, all of the manuscript evidence substantiates the received Masoretic reading. For instance, the Lxx has ἐν γαλάκτι, “in milk,” in all three texts we are studying without any known variants for γαλάκτι.¹⁸ That the Lxx translators of the Torah did their work in the 3rd or 2nd Century BCE indicates that their Hebrew *Vorlage* had the same vocalization which was transmitted in the Masoretic text.

The witness of the Lxx is strengthened by appeal to the Samaritan Pentateuch, the only Hebrew witness outside of the Masoretic tradition to provide a complete vocalization of the Torah. Since the Samaritan tradition is generally considered to have developed independently from the Masoretic tradition, its text may provide a more or less independent witness of the proto-Masoretic text. Once again, in all three of the texts under investigation, the Samaritan Pentateuch reads *‘alab* “milk” instead of the suggested *ēleb* “fat.” As Schorch notes:

This reading [of the SP], although realized in a different Hebrew dialect, is entirely identical with the Masoretic vocalization from a semantic point of view.¹⁹

Summary: While the noun חֵלֶב could be pointed either to mean “milk” or “fat,” the evidence for reading בְּחֵלֶב (“in the milk”) rather than בְּחֵלֶב (“in the fat”) in all three of the texts under investigation is conclusive.

IV. אָמִי – The word אָמִי, “mother,” can be used of the female parent of man or animal.²⁰ As we shall see below, in the history of interpretation of our three texts the question of whether אָמִי supplies a general or a specific parameter of the kid in milk prohibition becomes a factor. But we must pause to consider, if reading our three verses in a grammatical, historical manner, why אָמִי would be added at all? What is the intended meaning of “its mother?” Regardless of what else may be said, it is clear from the addition of אָמִי that the original intention of Moses was not to make a broad, categorical commandment governing *kashrut*. The presence of אָמִי surely casts our three texts as dealing with something quite specific rather

¹⁷ See Stefan Schorch, Op. cit., p. 117, who references R. Heckl, “Helœb oder hālāb? Ein möglicher Einfluß der frühjüdischen Halacha auf die Vokalisation des MT in Ex 23, 19b; Ex 34,26b; Dtn 14,21b,” *ZAH* 14 (2002), pp. 144–58.

¹⁸ For the value of the Lxx in the text-critical study of the MT, see E. Tov, *The Text-Critical Use of the Septuagint in Biblical Research* (Jerusalem, 1981), pp. 160–174.

¹⁹ Schorch, Op. cit., p. 122. The Samaritan Targum in one witness (STA) does have the word vocalized as “fat” (בְּחֵלֶב), see below.

²⁰ *HALOT*, “אָמִי.”

than general. For if the original intention was that milk and meat should not ever be mixed when preparing or eating food, then the added אָמו is entirely superfluous.

The Additions in the Samaritan Pentateuch and Lxx

Samaritan Pentateuch Addition to Ex 23:19

As noted above, both the Samaritan Pentateuch and the Lxx (and possibly the Dead Sea Scrolls) offer additional readings in several of the texts under consideration. Since these sources offer some evidence for the pre-Masoretic *Vorlage* of the Tanach, they give important data for our investigation.

In the Samaritan Pentateuch [hereafter SP], an additional clause is added at the end of Ex 23:19.

ראשית בכורי אדמתך תביא ביתה יהוה אלהיך לא תבשל גדי בחלב אמו כי עשה זאת כזבח שכח ועברה היא לאלהי יעקב:

“The first of the first fruits of your ground you shall bring to the house of Adonai your God. You shall not boil a young goat in the milk of his mother, for doing this is like forgetting a sacrifice and it is a rage [outburst] to the God of Jacob.”

The meaning of the word שכח in the added phrase is difficult to interpret. Is it a nominal form (קִזְבַּח שָׁכַח = “as sacrificing something forgotten”) or verbal (קִזְבַּח שָׁכַח = “like forgetting a sacrifice”)? Interestingly, the Samaritan Targum [hereafter ST], in the J manuscript, represents the Samaritan oral tradition in understanding שכח in this latter sense:

קדמאות בכירי ארעתך תנדי לבית יהוה אלהך לא תבשל גדי בחלב אמה הלא עבד דה כדבח אנשהו ומרגזה היא לאלהי יעקב²¹

“The first of the first fruits of your land you shall bring to the house of Adonai your God. You shall not boil a kid in the milk of its mother, for doing this is like forgetting (אנשהו) a sacrifice, and it is a provocation to the God of Jacob.”

Teeter gives good evidence for taking אנשהו of the ST^J with its normal sense of “forgetting” rather than as “contempt” (a meaning given to the word in Samaritan Aramaic apparently on the basis of this ST text alone).²²

In ST^A some variations in the final phrase occur when compared with ST^J:

לא תבשל גדיה בתרב אמה הלא עבד דה כדבח שחי ורגזה היא לאלהה דיעקב

“You shall not boil a kid in the fat (=בְּחֵלֶב) of its mother, for doing this is like delaying (שחי) a sacrifice, and it is a provocation to the God of Israel.”

²¹ In Adolf Brüll, *Das samaritanische Targum zum Pentateuch* (Frankfurt, 1875), p. 93, there are variant readings. For אמה it reads עמה, and for אנשהו it reads אנשחו, which may be variant spellings or some conflation of ST^A (see below). Note Aramaic שחי/שחי, for example. However, I have opted to follow the text as transcribed by D. Andrew Teeter, “You Shall Not Seethe a Kid in its Mother’s Milk”: The Text and the Law in Light of Early Witnesses,” *Textus* 24 (2009), p. 43, from A. Tal, *The Samaritan Targum of the Pentateuch: A Critical Edition*, 3 vols. (Tel-Aviv Univ, 1980).

²² Teeter, *Ibid.* The question of whether a distinct second root (II שָׁכַח), “to wilt, wither,” exists in biblical Hebrew is discussed in *HALOT*, ad. loc. It is possible that the meaning “wilt, wither” is an extension of (I) שָׁכַח, on the analogy that something or someone dead has been “forgotten,” and death is often associated with “wilting” or “withering.” Dahood translates Ps 31:13a, נִשְׁכַּחְתִּי כְּמֵת מִלֵּב, “I am shriveled up like a corpse” (M. Dahood, *Psalms in The Anchor Bible*, 3 vols [Doubleday, 1966], 1.186, 190). If שכח does have this extended meaning, then Ps 137:5, אִם-אֶשְׁכַּחךְ יְרוּשָׁלַם תִּשְׁכַּח יְמִינִי, might be translated “If I forget you, O Jerusalem, may my right hand wither.”

Numbers of suggestions have been offered for the meaning of שכח of the SP. One suggestion²³ is that it is analogous to the “forgotten sheaf” of Deut 24:19–21 (cp. Lev 19:9–10) and the phrase is equivalent to the technical term שכחה in the rabbinic discussions, yielding “like one who sacrifices the forgotten sheaf.” But this hardly makes sense in the context of Ex 23:19. Others have sought to give שכח a meaning equivalent to שֶׁקֶץ, “abomination,”²⁴ on the analogy that something “forgotten” is of little value or loathsome, and that שכח stands as a euphemistic expression for שֶׁקֶץ (yielding “like sacrificing an abominable thing”), but again, one wonders why a euphemism would have been thought necessary in the text of Ex 23:19. Still another suggestion is that שכח should be understood in the Aramaic sense of “to find,” “be found,”²⁵ and thus refers to a fetus “found” inside an animal being slaughtered. A. Teeter²⁶ points to interesting parallels between the SP addition and the Qumran scrolls. Of particular interest is the parallel between the SP use of עברה in עקב היא לאלהי יעקב, “and it is a provocation to the God of Jacob” and עברה in 4QMMT B 38, 11Q19 (11QTemple^c) LII:3–7, and 4Q270 (4QD^e) 2ii: 15–18, all of which speak to the issue of slaughtering an animal that is pregnant.

4QMMT (c + a + d = 4Q396 I:1-4 as reconstructed by Qimron and Strugnell)

35 [.....] they do [not] slaughter in the sanctuary.
 36 [And concerning pregnant (animals)] we are of the opin[ion that] the mother and the fetus [may not be sacrificed] on the same day
 37 [..... And concerning] eating (a fetus): we are of the opinion that the fetus
 38 [found in its (dead) mother’s womb may be eaten (only) after it has been ritually slaughtered. And you know that it is] so, namely that the ruling refers (to) a pregnant (עברה) animal

4Q270 (2ii:15–18)

את פי אל או ישחט בהמה וחיה עברה] או אשר ישכב עם 15
 אשה הרה מקיץ דם [או יקרב א]ל בת] אחיו או ישכב עם זכר] 16
 משכבי אשה vac עוברי א]ת] ם וא]ת] 17
 כם חקק אל להעביר בח[רון אפו בק]ץ 18

(15) against the word of God, or one who slaughters an animal or a beast while it is pregnan[t or one who lies with] (16) a pregnant woman, causing blood to stir (?) [or approaches] the daughter [of his brother or one who lies with a male] (17) as with a woman. *vacat* Those who transgress [... ..] (18) God has ordained, causing his w[rath] to be kindled during the peri[od of iniquity ...]²⁷

Most interesting in this text is the presence of the lexeme עבר used to denote pregnancy, transgression, and divine wrath all in close proximity.

Insofar as the fragmentary text admits, these notions appear to be related within a particular logical sequence: those who slaughter a *pregnant* animal *transgress* against what God has commanded and thereby

²³ J. H. Hottinger, *Exercitationes Anti-Moriniana: De Pentateucho Samaritano, ejusque uidentica authentia: oppositae cononicae ejusdem authentiai J. Morino* (Zurich: J. Bodmer, 1644), p. 89, from A. Teeter, Op. cit., p. 45.

²⁴ R. Kittel, “Das Böklein in der Milch der Mutter,” *ZAW* 33 (1913), pp. 153–54, as noted in Teeter, Ibid.

²⁵ Teeter, Ibid., referring to A. Geiger, *Urschrift und Übersetzungen der Bibel in ihrer Abhängigkeit von der inneren Entwicklung des Judentums* (Verlag Mada, 1928).

²⁶ D. Andrew Teeter, “You Shall Not Seethe a Kid in its Mother’s Milk”: The Text and the Law in Light of Early Witnesses,” *Textus* 24 (2009), pp. 37–63.

²⁷ The English translation of both Qumran quotes above is from Teeter, Ibid., pp. 38, 56 respectively.

provoke his wrath. The proximity of this outlook or thematic matrix to that reflected in the addition at Exod 23:19^{SP} and 4QMMT B 36–38 (both of which feature עברה) ... is striking.²⁸

Lxx Additions to Ex 23:19 and Deut 14:21

Some Lxx manuscripts (Lxx⁵⁸⁻⁷⁶⁷) contain a version of the SP addition at Ex 23:19.

οὐχ ἐψήσεις ἄρνα ἐν γάλακτι μητρὸς αὐτοῦ ὅτι ὁ ποιῶν τοιαύτην θυσίαν²⁹ μῖσος καὶ παράβασις ἐστὶν τῷ Θεῷ Ιακωβ.
“You shall not boil a lamb in its mother’s milk, for the one who makes this kind of sacrifice is hated and it is a transgression to the God of Jacob.”

Other Lxx manuscripts³⁰ contain a somewhat different version of the SP addition at Deut 14:20[21].

οὐχ ἐψήσεις ἄρνα ἐν γάλακτι μητρὸς αὐτοῦ ὅς γὰρ ποιεῖ τοῦτου ὡσεὶ θύσει ἀσπάλακα μήμημά ἐστὶν τῷ Θεῷ Ιακωβ.
“You shall not boil a lamb in its mother’s milk, for whoever does this is as if he would sacrifice a mole; it is a provocation to the God of Jacob.

Greek ἀσπάλακα is literally “an unseen animal,” and is therefore understood as a rodent that lives underground and is not seen.³¹

Qumran – 1Q4 [1QDeut^a], frag. 11

It is possible that the addition to the Masoretic text of Deut 14:21 as witnessed by the SP and Lxx was also known at Qumran. One fragment of Deut 14:21 was found in Cave 1 (1Q4 [1QDeut^a], frag. 11), and there is a letter following what in the MT is the end of the line. Barthélemy³² reconstructs it as: בח[לב אמו ב], “in the milk of his mother ב,” but gives no indication what the following ב might mean. According to Teeter,³³ the photographs available permit reading a כ rather than a ב, so that the line could well have read ... בחלב אמו כי עשה זאת, “in the milk of his mother, for [he who does this] ...,” giving possible evidence that an addition to Deut 14:21, as found in the SP and Lxx, was also known at Qumran.

²⁸ Teeter, *Ibid.*, p. 56.

²⁹ Some manuscripts have the plural here: τοιαύτας θυσίας.

³⁰ F^{1mg} (Ambrosianus), M (Coislinianus), Q (Theodotian), (ita ut vid)

³¹ Cf. *HALOT*, “אַשֶׁת” and Ps 58:9, כְּמוֹ שֶׁבִּלְוֵל תִּמָּס יְהִלְךָ נִפְלֵ אֲשֶׁת בְּלִחְזוֹ שֶׁמֶשׁ, “Like a snail that melts as it goes along; As the miscarriage of women, never seeing the sun.” The suggestion has been made that אֲשֶׁת should be read as אֲשׁוֹת, “mole,” and this is how the Targum on Psalms reads: “Another reading: And so fall below like moles that have not seen the sun. David said: You will fall below like moles that do not see the sun, but burrow into the earth and there squat.” (William G. Braude, *The Midrash on Psalms*, 2 vols (Yale Univ Press, 1959), 1.506. Note also b.*Mo’ed Qatan* 6b: מאי אישות? אמר רב יהודה: בריה שאין לה עינים. אמר רבא בר ישמעאל, ואיתימא רב ימר בר שלמיא: מאי קרא? (תהלים נ"ח) כמו שבלול תמס יהלך נפל יהודה: בריה שאין לה עינים. אמר רבא בר ישמעאל, ואיתימא רב ימר בר שלמיא: מאי קרא? אשת בל חזו שמש. “What is ’eshut? — Said Rab Judah: [It is] a creature which has no eyes. Raba b. Ishmael, some say, R. Yemar b. Shelemia, said, What [may be the] text [for this]? — [Ps 58:9] ‘Let them [the wicked] be as a snail which melts and passes away; like the young mole [’eshet] which has not seen the sun.’” Cp F. Delitzsch, *Psalms*, 3 vols. (Funk & Wagnalls, 1873), 2.208–209, who opts not to follow the Bavli or the Targum in the interpretation of נִפְלֵ אֲשֶׁת of Ps 58:9.

³² D. Barthélemy and J. T. Milik, *Discoveries in the Judean Desert, Cave 1*, vol. 1 (Claredon, 1955), p. 55.

³³ Andrew Teeter, “You Shall Not Seethe a Kid in its Mother’s Milk,” *Op. cit.*, p. 53, n. 40.



	<p>1Q4, frag. 11 – Deut 14:21</p> <p>Comment in D. Barthelemy and J. T. Milik, eds., <i>Discoveries in the Judaean Desert</i>, v. 1 (Oxford, 1955), p. 55</p> <p>“F. 11:… ב peut correspondre à une glose comme en ont ici Ps-Jon et Lxx. Les autres témoins terminent ici le verset et la <i>parashah</i>.” [“The ב may correspond to a gloss as some, Ps-Jonathan and the Lxx, have it. The other witnesses finish the verse and the <i>parashah</i> here.”]</p>
 <p>[suggested restoration of letters]</p>	<p>Possible restoration of the text on 1Q4, frag. 11. Note that the baseline stroke of the letter before אמו looks different than the baseline stroke of the letter following אמו. Likewise, the end of the upper stroke of the original letter following אמו is what one would expect if the letter were a כ. Thus, we may speculate that the text originally had חלב אמו כ, which would correspond to: “...its mother’s milk because....”</p>

Table 1

See also the note in the “Commentary on the Critical Apparatus” of *BHQ* on Deut 14:21.

The evidence of 1QDeut^a suggests that this fragment may have contained an expansion of the type present in some G^{MSS}, an expansion echoing that of Smr at the parallel text of Exod 23:19 (which begins with כִּי). The initial letter could be כ (rather than ב as suggested by Barthélemy in DJD I, 55. Les autres témoins terminent ici le verset et la *parashah*”). The spacing after אמו in 4QpaleoDeut^f indicates that this fragment did not contain the expanded text (cf. DJD IX, 141). All the Targums interpret the sense of M in accordance with tradition, and in so doing fail to render אמו explicitly. T^{JN} contain more fulsome expansions (T^N: “you shall not boil and you shall not eat flesh and milk mixed together, lest my anger grow strong and I boil your bundled corn, the wheat and the straw mixed together”).³⁴

Summary

The SP and Lxx give witness to an ancient textual tradition that two of the three texts (i.e., Ex 23:19 and Deut 14:21) had an additional line not found in the MT. It is further very likely that this additional phrase or one like it at the end of Deut 14:21 was known at Qumran. The addition itself clearly identifies the prohibition as pertaining to a sacrifice offered to the God of Jacob. We therefore have very early textual witnesses from two (and very possibly, three) sources that place the prohibition clearly within the sacrificial cult.

This coincides with the contexts in which the repeated prohibition is found. Two of the three texts (Ex 23:19; 34:26) are located within contexts which deal with the pilgrimage festivals and the sacrifices offered at the central sanctuary in conjunction with these festivals. The third text (Deut 14:21) is put just before laws pertaining to tithes and the requirement to bring the firstlings of the flock and herd to the sanctuary. All of them, therefore, are connected contextually with sacrifices at the sanctuary, and the additional phrase found in the SP and the Lxx (and possibly Qumran) at the end of Ex 23:19 and Deut 14:21 gives further ancient textual evidence that this is how the prohibition was interpreted from earliest times.

³⁴ *Biblia Hebraica Quinta: Deuteronomy* (Deutsche Bibelgesellschaft, 2007), p. 96.

The History of Interpretation in the Rabbinic Literature

The Targumim

The dating of the Targumim is notoriously difficult, and scholars are relatively undecided as to the date when each of the Aramaic translations of the Tanach were composed.³⁵ But the Targum fragments found at Qumran (4QtgLev [4Q156], 4QtgJob [4Q157], 11QtgJob) give evidence that at least some of the Targumim were extant in the pre-rabbinic era. To what extent the Targumim as we now have them reflect their ancient form is also a matter of scholarly debate, but it is universally recognized that the Targumim are not strictly translations but incorporate the various interpretations (both *aggadic* and *halakhic*) that prevailed as the Targumim were written and re-written. Some of the Targumim may give the ability to recover the underlying Hebrew text being translated, while others do not. All are paraphrastic, some minimally and others almost entirely.³⁶ Further, it is well established that the Targumim aim (to one extent or another) to strengthen the prevailing and/or rabbinic *halakhah* when translating or paraphrasing *halakhic* texts of the Torah.

The targumim translate the halakhic portions of the Pentateuch, and in doing so interpret the *halakha*. Their *halakhic* interpretations can be compared with the *halakha* in the Mishna (compiled around 200 C.E.). In cases where the targumim disagree with the Mishna, the possibility is worth considering that they represent an exegesis that arose prior to the redaction of the Mishna and its acceptance as authoritative.³⁷

Targum Onkelos:

Ex 23:19

ריש בכורי ארעך תיתי לביית־מקדשא דיוי אלהך לא תיכלון בסר בחלב:

“The first of your first fruits you shall bring to the sanctuary of Adonai your God. You shall not eat meat with milk.”

Ex 34:26

ריש בכורי ארעך תיתי לביית־מקדשא דיוי אלהך לא תיכלון בסר בחלב:

“The first of your first fruits you shall bring to the sanctuary of Adonai your God. You shall not eat meat with milk.”

Deut 14:21

לא תיכלון כל נבילא לתותב ערל דבקרוד תתנינה ויכלינה או תזבגינה לבר־עממין
ארי עם קדיש את קדם יוי אלהך לא תיכלון בסר בחלב:

“You may not eat any carcass. You may give it to the uncircumcised sojourner in your cities and he may eat it, or you may sell it to a Gentile. For you are a holy people before the Lord your God. You may not eat meat with milk.”

³⁵ See E. Tov, *Textual Criticism of the Hebrew Bible*, 2nd edition (Fortress/Van Gorcum, 2001), pp. 148–51.

³⁶ See Philip S. Alexander, “Jewish Aramaic Translations of Hebrew Scriptures” in *Mikra: Text, Translation, Reading and Interpretation of the Hebrew Bible in Ancient Judaism and Early Christianity* (Fortress/Van Gorcum, 1988), pp. 228–37.

³⁷ *Ibid.*, p. 245.

Targum Yerushalmi [Ps. Jonathan]:

Ex 23:19

שירוי ביכורי פירי ארעך תיתי לבית־מוקדשא דיי אלקך עמי בית ישראל לית אתון רשאין לא למבשלא ולא למיכול בשר וחלב מערבין כחדא דלא יתקף רוגזי ואיבשיל עיבוריכון דגנא וקשא תריהון כחדא
“The beginning of the first fruits of the fruit of your ground you shall bring to the sanctuary of the Lord your God. My people, house of Israel, you have no permission, neither to boil, neither to eat meat and milk mixed together, that my anger not grow strong and I cook your grain, the wheat and the chaff, the two of them together.”

Ex 34:26

שירוי בוכרת פירי ארעכון תייתון לבית־מוקדשא דיי אלקכון לית אתון רשאין למבשלא ולא למיכול בשר וחלב תריהון מערבין כחדא דלא יתקוף רוגזי בכון וארשין פירי אילניכון עם בוסרא בליבלוביהון וטרפיהון כחדא
“The beginning of the first-fruits of your land you shall bring to the sanctuary of the Lord your God. You are not permitted to cook, and neither to eat meat with milk, the two of them mixed together, lest my anger be kindled against you, and I destroy the fruit of your trees with the half-ripe fruit of their blossoms, together with their leaves.”

Deut 14:21

לא תיכלון כל דמיקלקלא בניכסא לגיור ערל דבקיוריכון תיתנונה וייכלונה או תזבנון לבר־עממין ארום עם קדיש אתון קדם יי אלקכון לית אתון רשאין למבשל כל־דכן למיכול בשר וחלב תריהון מערבון כחדא
“You may not eat anything rejected for sacrifice. You may give it to the uncircumcised alien who is in your cities and he may eat it, or you may sell it to a Gentile. For you are a holy people before the Lord your God. You are not permitted to cook, so much the more to eat meat and milk, the two of them mixed together as one.”

Targum Neofiti:

Ex 23:19

שרוי בכרית פירי עללתכון תייתון לבי־ה} <ת> מוקדשא דיי אלהכון עמי בני ישראל לא תבשלו ולא תיכלון בשר בחלב מערבין כחדא דלא יתקף רוגזי עליכון ונ} כ} בשל עבוריכון צריכינ דגנא וקשה מערבין כחדא:
“The beginning of the first fruits of your harvest you shall bring to the sanctuary of the Lord your God. My people, children of Israel, you shall not boil and you shall not eat meat in milk mixed together, lest my anger be harsh against you, and I cook your grain while it is bundled, grain and chaff mixed together.”

Ex 34:26

שרוי בכורת ארעכון תייתון לבית־מוקדשא דיי אלהכון עמי בני ישראל לא תבשלו ולא תאכלון בשר וחלב מערבין כחדא דלא יתקוף רוגזי ונבשל עבריכון צירין דגנא וקשה מערבין כחדא:
“The beginning of the first-fruits of your land you shall bring to the sanctuary of the Lord your God. My people, children of Israel, you shall not boil, and you shall not eat meat and milk mixed together, that my anger not grow strong and I cook your bound grain, grain mixed together with chaff.”

Deut 14:21

לא תאכלון כל נבלה לתותבייה מן בני־עממא די בקוריכון תתנון יתה ויכלון יתה או מזבנה תזבנון יתיה לבני־עממא ארום עם קדישין אתון קדם יי אלהכון עמי בני ישראל לא תבשלו ולא תאכלון בשר וחלב מערבין כחדא דלא יתקף רוגזי ונבשל עבוריכון צירין דגנא וקשה מערבין כחדא:
“You may not eat any carcass. You may give it to the sojourners among the gentiles who are in your cities and they may eat it, or you may indeed sell it to the Gentiles. For you are a holy people before the Lord your God. O my people the children of Israel, you may not cook and you may not eat meat and milk mixed together, lest my anger grow strong and I cook your wrapped grain, the kernels and the straw mixed together.”

Interestingly, two later rabbinic midrashim, *Pesiqta de Rab Kahana* (5th Century CE) and *Midrash Tanchuma* (6th–8th Century CE) contain a midrashic interpretation of the threefold repetition of the kid in milk prohibition. Since the prohibition is found three times it is understood as pertaining to three categories: to the thing itself, to the Torah, and to tithes. This third category offers an interpretation very similar to that of Targums Yerushalmi and Neofiti.

Pesiqta de Rab Kahana - Piska 10.9 [Piska 11 in Buber's transcription]

לענין מעשרות, מה כתיב, לא תאכלו כל נבילה לגר אשר בשעריך וגו' לא תבשל גדי בחלב אמו (דברים ט"ז כ"א) וכתיב בתריה עשר תעשר, אמר חקב"ה אל תגרמו לי לבשל גדיים עד שהן במעי אמותיהן, ואמ אין אתם מוציאין מעשרותיכם כראוי רוח אחד של קדים אני שולח, והוא שודפתן, כד"א ושדפה לפני קמה (מ"ב י"ט כ"ו)

The prohibition “You shall not seethe a kid in its mother’s milk” is stated a third time in regard to the payment of tithes. How does Scripture put it? The beginning of the verse “You shall not eat anything that dies of itself; though you may give it to the stranger that is within thy gates” (Deut. 14:21) [intimates that the non-payment of tithes is as much of a sin as is the eating of meat not ritually slaughtered], and the conclusion of the verse “You shall not seethe a kid in its mother’s milk” (ibid.) [goes on to intimate that the non-payment of tithes is as much of a sin as the seething of a kid in its mother’s milk]. That these are the intimations of the verse is proved by the command given in the very next verse “Tithe, and then you shall again tithe” (Deut. 14:22). By your sin in not tithing, the Holy One said, do not bring Me to have the kernels of your crops ripen prematurely in their mothers’ wombs, [in their seedpods].³⁸ For if you do not pay the proper tithes from your produce, I will despatch a searing blast from the east wind to wither up the seedpods. “The corn will thus be blasted before it is grown up” (2Kings 19:26).³⁹

Midrash Tanchuma (Devarim: Re'eh)

לענין מעשר, דכתיב למעלה, לא תאכלו כל נבלה וגו'. וכתיב בתרה עשר תעשר. אמר הקדוש ברוך הוא אל תגרמו לי לבשל גדיים בחלב אמותיהן עד שהן במעי אמותיהן. שאם אין אתם מוציאין מעשרותיכם כראוי, רוח אחת של קדים אני מוציא ומשדפתן, כמה דאת אמר ושדפה לפני קמה (מ"ב י"ט כו).

With reference to tithes (in Deut 14:22) what is written above? You shall eat no carcass that is not properly slaughtered [... You shall not boil (בשל) a kid (גדי) in its mother’s milk (חלב).] Then after that is written (in Deut 14:22): You shall surely tithe. The Holy One (blessed is He) said: Do not cause me to have the tender grains (גדיים) ripen prematurely (בשל) in the fat (חלב) of their mothers (אמותיהן, i.e., in their pods). Thus unless you take out a tithe properly, I will send out a certain wind from the East to blast them (i.e., the tender grains), just as you have said (in 2Kings 10:26=Is 37:27): And blasted before it is grown.⁴⁰

Summary

The Targumim in their current form clearly reflect the Mishnaic *halakhah* on the texts under consideration. Referring to the rendering of Onkelos, Schorch writes:

Nevertheless, both wording and context of the Hebrew text seem to show that this can hardly be the meaning which was originally intended. Moreover, even a comparison of the different rabbinic sources which discuss the interdict of mixing meat and milk suggests that both the *halakha* and its connection with

³⁸ Rabbinic Hebrew uses גָּדִי to refer to youths or students as contrasted with teachers, and by analogy, that which is tender. Thus the play on the word in this midrash in which גָּדִי can mean both “kid or lamb” and “tender grain.” See Jastrow, *Dictionary of the Talmud*, “גָּדִי,” p. 211.

³⁹ Translation from Braude and Kapstein, *Pesikta de-Rab Kahana* (Routledge & Kegan, 1975), pp. 196–97.

⁴⁰ Translation from John T. Townsend, *Midrash Tanhuma*, 3 vols. (KTAV, 2003), 3:318.

the biblical text developed gradually and in successive stages only.⁴¹

Onkelos has removed significant parts of the biblical text: the verb בָּשַׁל, “to boil,” as well as יָדָא, “goat, lamb” and אִמּוֹ, “its mother” are not represented. In each of the three targumic texts, the original prohibition is summed in the injunction not to eat meat with milk, indicating that יָדָא is interpreted to mean “any meat,” and the boiling or cooking process envisioned in the original prohibition is eclipsed by the verb אָכַל, “to eat.” Moreover, none of the Targumim include any reference or even interpretative representation of אִמּוֹ found in the biblical text.

It is evident that Targum Yerushalmi [TY] and Neofiti [N] are parallel in their expansive renditions. Both TY and N, in all three texts, include the prohibition both to cook (or boil) meat with milk as well as to eat meat with milk. This would reflect the evolving rabbinic *halakhah* found in the Mishnah, Gemara, and Midrashim. Interestingly, both TY and N add the description of how God’s wrath would be administered if meat and milk were cooked or eaten together: He would “cook/boil” (= destroy) their grain at the very time of the harvest. Two things are of note here: first, the idea that cooking or eating meat with milk would draw God’s wrath is reminiscent of the SP and Lxx additions, and thus may give evidence that they were aware of the additions. Second, the fact that the grain, still standing in the field or being gathered by the reapers, would be destroyed, connects with (a) the bringing of the tithes of “all the produce from what you sow” (Deut 14:22), and (b) the festivals of Shavuot and Sukkot, which celebrate the ingathering of first fruits (Ex 34:22). It would appear, then, that both TY and N have interpreted Ex 23:19 and 34:26 through the lens of Deuteronomy 14:21 and its context. But it is also interesting to see how TY and N seek to make sense of how the prohibition in Deuteronomy 14:21 fits with the context that immediately follows (14:22–15:6), i.e., the bringing in of tithes, first fruits, and firstlings. The connection they devise is clear, apparently incorporating the Lxx addition to Deut 14:21: one’s crops would suffer divine judgment if meat and milk were combined either in food preparation or consumption. All of this is missing in Onkelos.

Pesikta de Rab Kahana and *Midrash Tanchuma* parallel Targumim Yerushalmi and Neofiti. These later midrashim find in the thrice repeated prohibition a connection with the command to bring tithes, expressing that God would punish the one who failed to pay tithes by ruining their crops while the kernel was still in the pod. The impetus for this interpretation lies not only in the fact that the prohibition in Deut 14:21 is followed immediately by the commandment to offer tithes, but also because of the words used in the prohibition itself. Hebrew יָדָא could metaphorically be understood as “pods,” “husks,” or “kernels” and לָשַׁל can mean “to ripen” as well as “to boil.” Thus, the divine punishment for neglecting to pay the tithe would be to mimic the boiling of a kid in its mother’s milk by destroying the grain before it ripened. It appears, then, that these later midrashim interpret the prohibition as akin to sacrificing a pregnant female animal, i.e., slaughtering the firstling and its mother on the same day in violation of the Torah commandment (Lev 22:28).⁴² Significant for our study, however, is simply the fact that these later midrashim also see the prohibition of boiling a kid in its mother’s milk as connected with the sacrificial service at the central sanctuary and that to transgress the prohibition brings divine punishment. Such an interpretation parallels the general thrust of the SP and Lxx additions.

Philo

On the Virtues, 142–44

142 And our lawgiver [Moses] endeavors to surpass even himself, being a man of every kind of resource which can tend to virtue, and having a certain natural aptitude for virtuous recommendations; for he commands that one shall not take an animal from the mother, whether it be a lamb, or a kid, or any other creature belonging to the flocks or herds, before it is weaned. And having also given a command that no one shall sacrifice the mother and the offspring on the same day, he goes further, and is quite prodigal on the

⁴¹ Stefan Schorch, “‘A Young Goat in Its Mother’s Milk’? Understanding an Ancient Prohibition,” *VT* 60 (2010), p. 117.

⁴² As noted by D. Andrew Teeter, *Op. cit.*, p. 58.

particularity of his injunctions, adding this also, “Thou shalt not seethe a lamb in his mother’s milk.”

143 For he looked upon it as a very terrible thing for the nourishment of the living to be the seasoning and sauce of the dead animal, and when provident nature had, as it were, showered forth milk to support the living creature, which it had ordained to be conveyed through the breasts of the mother, as if through a regular channel, that the unbridled licentiousness of men should go to such a height that they should slay both the author of the existence of the other, and make use of it in order to consume the body of the other.

144 And if any one should desire to dress flesh with milk, let him do so without incurring the double reproach of inhumanity and impiety. There are innumerable herds of cattle in every direction, and some are every day milked by the cowherds, or goatherds, or shepherds, since, indeed, the milk is the greatest source of profit to all breeders of stock, being partly used in a liquid state and partly allowed to coagulate and solidify, so as to make cheese. So that, as there is the greatest abundance of lambs, and kids, and all other kinds of animals, the man who seethes the flesh of any one of them in the milk of its own mother is exhibiting a terrible perversity of disposition, and exhibits himself as wholly destitute of that feeling which, of all others, is the most indispensable to, and most nearly akin to, a rational soul, namely, compassion.⁴³

Philo lived from 15–50 CE and therefore reflects at least one Jewish perspective on our subject from the pre-destruction era. His comments deal entirely with how the prohibition against boiling a kid in its mother’s milk was given as divine command to foster and enrich an humanitarian soul within His people. In this emphasis, Philo takes the position that the prohibited milk with meat is only that of the animal’s mother and that cooking and eating meat with the milk obtained from other than the slaughtered animal’s mother is permitted. In this regard, we can say that either the prohibition of eating any meat with milk (made clear in later rabbinic *halakhah*) was not yet extant or if it were, Philo remained uninfluenced by it.⁴⁴

This humanitarian or life vs. death interpretation of the prohibition’s meaning figures significantly in the history of interpretation. For instance, Rashbam (R. Shmuel b. Meir, 1085–1158 CE) writes that to eat the meat of a goat cooked in its mother’s milk

is disgusting, voracious, and gluttonous.... According to the same model, [in Lev 22:28 and Deut 22:6–7] Scripture teaches us civilized behavior.⁴⁵

Ibn Ezra (1089 – 1164 CE) also adopts the humanitarian view:

We have no need to seek the reason that it is prohibited, for this is hidden even from those of understanding. But perhaps God commanded us not to do it because it demonstrates a certain cruelty. The commandments “no animal from the herd or from the flock shall be slaughtered on the same day with its young” (Lev 22:28) and “do not take the mother together with her young” (Deut 22:6) are similar.⁴⁶

A number of the early Church Fathers also follow Philo in his humanitarian interpretation. Clement of Alexandria parallels the prohibition with the command in Deut 25:4 (following Philo) and teaches that the prohibition of seething a kid in its mother’s milk teaches the need for compassion.⁴⁷ Moorhead notes that Theodoret of Cyrillus likewise taught that the prohibition was given to teach mankind humane (φιλανθρωπία) behavior.⁴⁸

⁴³ English translation from C. D. Yonge, *The Works of Philo, Completed and Unabridged* (Hendrickson, 1993).

⁴⁴ See Jacob Milgrom, *Leviticus* in *The Anchor Bible*, Op. cit., p. 742; Idem., “Milk and Meat: Unlikely Bedfellows” in John M. Lundquist and Stephen D. Ricks, eds. *By Study and Also by Faith: Essays in Honor of Hugh W. Nibley* (Deseret Book Co., 1990), p. 152.

⁴⁵ Quoted from Cooper, “Once Again Seething a Kid in its Mother’s Milk,” Op. cit., p. 9.

⁴⁶ Ibn Ezra on Ex 23:19. English translation from Michael Carasik, *The Commentator’s Bible: The JPS Miqra’ot Gedolot* (JPS, 2005), p. 201.

⁴⁷ *Stromata* 2.94.

⁴⁸ John Moorhead, “Cooking a Kid in its Mother’s Milk,” *Augustinianum* 37 (1997), p. 264.

Some modern scholars have adopted this view as well.⁴⁹ For example, Carmichael writes:

There is no dietary reason for the rule. Eating a young animal cooked in its mother's milk does not harm the health of the consumer. Ambiguity about life and death is in fact the issue underlying the rule. The aim of the lawgiver is to keep life and death apart.⁵⁰

The Mishnah

The primary text of the Mishnah on the separation of meat and milk is m.*Chullin* 8.⁵¹

1 Every [kind of] flesh it is prohibited to cook in milk, except for the flesh of fish and locusts. And it is prohibited to serve it up onto the table with cheese, except for the flesh of fish and locusts. He who vows [to abstain] from flesh is permitted [to make use of] the flesh of fish and locusts. “Fowl goes up onto the table with cheese, but it is not eaten,” the words of the House of Shammai. And the House of Hillel say, “It does not go up, and it is not eaten.” Said R. Yose, “This is one of the lenient rulings of the House of Shammai and the strict rulings of the House of Hillel” [cf. m.*Eduyyot* 4.1, 5.2; t.*Chullin* 8.2–3⁵²]. Concerning what sort of table did they speak? Concerning a table on which one eats. But as to a table on which one lays out cooking, one puts this beside that and does not scruple.

2 A man ties up meat and cheese in a single cloth, provided that they do not touch one another. Rabban Simeon b. Gamaliel says, “Two guests eat on one table, this one meat, and that one cheese, and they do not scruple.”

3 A drop of milk which fell on a piece [of meat], if it is sufficient to impart flavor to that piece [of meat]—it is prohibited. [If] one stirred the pot, if there is in it sufficient [milk] to impart flavor to that pot's contents, it [the contents of the pot] is prohibited. The udder: one cuts it open and takes out its milk. [If] he did not cut it open, he does not transgress on that account. The heart: One cuts it open and takes out its blood. [If] he did not cut it open, he does not transgress on that account. He who serves up fowl with cheese on the table does not transgress a negative commandment.

4 The meat of clean cattle with the milk of a clean cattle—it is prohibited to cook [one with the other] or to derive benefit [therefrom]. The meat of clean cattle with the milk of an unclean cattle, the meat of unclean cattle with the milk of clean cattle—it is permitted to cook and permitted to derive benefit [therefrom]. R. Aqiba says, “A wild beast and fowl [are] not [prohibited to be mixed with milk] by the Torah. For it is said, ‘You will not seethe a kid in its mother's milk’ (Ex. 23:19, 34:26; Dt. 14:21)—three times, [for the purpose of] excluding [from the prohibition of milk and meat] (1) the wild beast, (2) the bird, (3) and unclean cattle.” R. Yose the Galilean says, “It is said, You will not eat any sort of carrion (Deut 14:21), and it is said, You shall not seethe the kid in its mother's milk (Deut 14:21)—This means: What is prohibited on the grounds of carrion [also] is prohibited to be cooked in milk. Fowl, which is prohibited on the grounds of carrion, is it possible that it is prohibited to be seethed in milk? Scripture says, In its mother's milk—ex-

⁴⁹ E.g., Jacob Milgrom, *Leviticus in The Anchor Bible*, Op. cit.; M. Haran, “Seething a Kid in Its Mother's Milk,” *JJS* 30 (1979).

⁵⁰ Calum M. Carmichael, *The Spirit of Biblical Law* (Univ of Georgia Press, 1996), p. 127.

⁵¹ Other Mishnah texts that speak of separating meat and milk are: m.*Qiddushin* 2.9; m.*AvodaZera* 5.9; m.*Temura* 7.4, all of which list items from which deriving benefit is prohibited. M.*Eduyyot* 5.1-2 includes the dispute between the Houses (Hillel and Shammai) over whether meat and cheese can be placed on the same table. This is in a list of six rulings in which the house of Shammai is lenient and the house of Hillel is stringent. Interestingly, t.*Eduyyot* 8:2–3 begins by stating “These are twenty-four things of the lenient rulings of the House of Shammai and the stringent rulings of the House of Hillel...” but ends up only listing fourteen, and the “no fowl and cheese on the same table” is included. *Sifre* on Deuteronomy (*Behar* Pereq 1.5) repeats m.*Chullin* 8.4 in which the interpretations of R. Akiva and R. Yose the Galilean are included.

⁵² The parallel text of the Tosefta (t.*Shechitat Chullin* 8.1-13) is expansive and appears to show marked evidence of later evolution of the rabbinic *halakhah* pertaining to meat and milk.

cluding fowl, the mother of which does not have milk.”⁵³

5 [The milk in] the stomach of [a beast slaughtered by] a gentile and of carrion is prohibited. He who curdles [milk] in the skin of the stomach of a validly slaughtered beast, if it is sufficient to impart a flavor—lo, this [cheese] is prohibited. A valid beast which sucked from a *terefah* beast—[the milk in] its stomach is prohibited. A *terefah* beast which sucked from a valid beast—[the milk in] its stomach is permitted, [in both cases because [the milk remains] collected together in its intestines.

6 A more strict rule applies to fat than to blood, and a more strict rule applies to blood than to fat. A more strict rule applies to fat: For as to fat: the laws of sacrilege apply to it. And they are liable on its account to the laws of refuse, remnant, and uncleanness, which is not the case with blood sacrilege [m.*Meila* 3.3]. A more strict rule applies to blood, for [the law forbidding] blood applies to cattle, a wild beast, and a bird, whether unclean or clean. But [the prohibition of] fat applies only to a clean cattle alone.

The rulings of this Mishnah give evidence of the *halakhic* debates that inevitably took place in light of basing the separation of meat and milk on the three texts we have studied. Paragraphs 1 and 4 arise from interpreting יָדָי, “goat, lamb” as representative of all meat, which brings up the question of whether the rabbinic prohibition equally applies to fowl. This also shows that the rabbis sought to find a way to apply בְּחֵלֶב אִמּוֹ, “in the milk of his mother,” to the *halakhah* of *kashrut* they were developing, and how the prohibition regarding a kid in milk is to be understood in light of the prohibition of carrion to which it is joined in Deut 14:21. R. Yose the Galilean (110–135 CE) appears to represent the minority opinion, exempting fowl from the prohibition (both Torah and rabbinic⁵⁴) of cooking meat and milk together because it is obvious that a bird could not be cooked in the milk of its mother. This is actually an argument over how widely יָדָי should be interpreted, i.e., whether it pertains only to certain animals (e.g., goat and sheep, or mammals in general) or if it stands as representative of all meat.

Likewise, the question of how widely יָדָי should be interpreted in the biblical texts becomes a point of debate, pertaining not only to what meat can be cooked in milk but also from which kinds of meat with milk one is allowed to derive benefit. And further, does the Torah prohibition as extended by derived *halakhah* refer only to domesticated animals or to undomesticated animals as well? R. Akiva, who applies his rule of hermeneutics, that multiple mentions require multiple applications, concludes that the *halakhah*, based as it is upon the three biblical texts (all employing יָדָי), requires three distinct applications: (1) meat from undomesticated animals with milk, (2) meat from fowl with milk, and (3) meat from unclean animals with milk. Akiva’s point is that derived *halakhah* (not direct Torah law⁵⁵) permits gaining benefit from these three categories. In the same way that one is permitted to give *n^ev^elah* (נִבְלָה) to a foreigner, so one is permitted, in these three categories, to give meat cooked in milk to a foreigner and to derive benefit therefrom.

Paragraphs 2, 3, 5 of m.*Chullin* 8 deal with the *halakhah* of physical separation between meat and milk, whether placed on a preparation table, served at the same table where food is being eaten, or wrapped in a cloth (i.e., meat with cheese). The mishnaic *halakhah* is that as long as the meat and milk do not touch, they are permitted to be placed together. And if they do touch, the milk must be of sufficient quantity to impart flavor to the meat in order to be prohibited. This aspect of imparting flavor is also involved in the question of how to deal with milk in the process of slaughtering meat and the use of the stomach as a container. Notice that Rabban Simeon b. Gamaliel⁵⁶ is concerned that the separation of meat and milk not disrupt table fellowship, so he ruled that one could eat meat and another milk while seated at the same table.

The fact that a debate over mixing meat and milk is attributed to the houses of Hillel and Shammai has been thought by some to provide evidence that separating meat and milk was an established *halakhic* rule of *kashrut* in

⁵³ Cf. *Sifre Devarim*, *Behar* Perek 1.5.

⁵⁴ See the comments of Pinhas Kehati, *Mishnah*, 22 vols (Eliner Library: Jerusalem, 1994), 14.96–97 (m.*Chullin* 8.4).

⁵⁵ לֹא תֹאכְלוּ כָּל־נִבְלָה לִגְר אֲשֶׁר־בְּשַׁעֲרֵי־דָת תִּתְּנֶנָּה וְאֶכְלָה אוּ מִכֹּר לְנִכְרִי (Deut 14:21). See the comments of Kehati, *Ibid*.

⁵⁶ This is most likely attributed to Rabban Simeon b. Gamaliel II (135–170).

the pre-destruction era.⁵⁷ However, it should be recognized that the debate over *kashrut* laws pertaining to meat and milk are never attributed to Hillel and Shammai themselves, but only to the Houses. Current studies in dating the compositional history of rabbinic texts have suggested that the disputes between the Houses were compiled or composed in the centuries following the destruction. Neusner has grouped the Shammai-Hillel materials into four categories:

First, possibly authentic records of legal and moral opinions of the two masters, transmitted through the Houses at a time that the Shammaites were able to preserve their master's teachings at parity with Hillel-materials; second, legendary stories about the superiority of Hillel and everything he said and did...A third group of materials explains why the Shammaites one time had been able to predominate in Pharisaism; and a fourth presents an evaluation of the disputes of the masters and their Houses. The latter three come long after the masters were dead and probably after the House of Shammai had ceased to be an important force in the Pharisaic-rabbinic movement.⁵⁸

We must therefore evaluate the stories pertaining to the Houses with this in mind. Moreover, it is not uncommon in the rabbinic literature for later rulings to be attributed to earlier authorities in order to garner greater authority for the emerging rabbinic *halakhah*. As Neusner writes:

Ample evidence in virtually every document of rabbinic literature sustains the proposition that it was quite common for sages to make up sayings and stories and attribute the sayings to, or tell the stories about, other prior authorities.⁵⁹

For as anyone who knows two or three pages of the Talmud of Babylonia will concur, it is easy to cite hundreds of passages in which, faced with a logical problem in a saying assigned to a prior authority, an exegete will rewrite the saying to conform to the requirements of logic.⁶⁰

This rabbinic phenomenon of attributing to earlier authorities the dogma of later *halakhah* is perhaps best illustrated by the insistence of the rabbis that God revealed the Mishnah itself to Moses on Sinai, including the debates between the houses of Hillel and Shammai.⁶¹ In the same manner, the influence of the later rabbinic *halakhah* upon the targumic interpretive paraphrase of the three texts prohibiting boiling a kid in its mother's milk shows how later dogma can be ascribed to earlier authorities. It is therefore tenuous to conclude that separation of meat and milk was a widely accepted *halakhah* of *kashrut* in the pre-destruction era based solely upon this Mishnah text.

⁵⁷ Aaron Eby, *Biblically Kosher* (FFOZ, 2012), p. 100ff. "The fact that these two schools agreed on these points [prohibiting the mixing of meat and milk] suggests that the interpretation pre-dates the division of the two schools, placing it at least as early as the beginning of the first century CE." (p. 100); "Separation of meat and dairy was standard practice in the first century." (p. 102).

⁵⁸ Jacob Neusner, *The Rabbinic Traditions About the Pharisees Before 70*, 3 vols. (Wipf and Stock, 2005 [Originally published by E. J. Brill, 1971]), 1.339–40. See also Shamma Friedman, "Uncovering Literary Dependencies in the Talmudic Corpus" in Shaye J. D. Cohen, ed. *The Synoptic Problem in Rabbinic Literature* (Brown Judaic Studies, 2000), pp. 35–57.

⁵⁹ Jacob Neusner, *Rabbinic Literature and the New Testament* (Trinity Press, 1994), p. 68.

⁶⁰ *Ibid.*, p. 69.

⁶¹ E.g., *Tanhuma*, *Ki Tissa*, §34 [2.161 in Townsend, *Op. cit.*]; *Wa-yera*, §5 [1.93–4 in Townsend, *Op. cit.*]. See also *Pesikta De-Rab Kahana*, Piska 4, where Moses and the Holy One discuss the *halakhah* of R. Eliezer; (in Braude and Kapstein, *Pesikta dē-Rab Kahāna* [Routledge & Kegan, 1975), pp. 80–81); *m.Avot* 1.1 contains the well known dictum tracing the "oral Torah" back to Moses.

One might well expect that as rabbinic Judaism was being formulated following the destruction of the Temple, the rabbinic debates on the meat and milk issue would have at least included some mention of the events in Gen 18, in which Abraham feeds his heavenly guests “curds and milk and the calf which he had prepared...and they ate” (v. 8, וַיֹּאכְלוּ...עִשָּׂהּ אֲשֶׁר עָשָׂה וְיָדָהּ וְחֵלֶב יִבְּוֶהֱבֶקֶר אֲשֶׁר עָשָׂה וְיָדָהּ). Yet, even though this is an *argumentum ex silentio*, the fact that the early *halakhic* midrashim fail to mention it in relation to the prohibition of boiling a kid in its mother's milk is curious. One would think that if the separation of meat and milk was being established as a standard law of *kashrut* in the pre-destruction era, the authorities would have felt Abraham's serving meat with milk in need of some explanation.

Yet it is not until the later midrashim that the issue is raised. In *Pesikta de Rab Kahana*, the Ex 34:26 prohibition of boiling a kid in its mother's milk is connected to the giving of the Torah, since the words which immediately follow the prohibition in this text are “Then the LORD said to Moses, “Write down these words...” The midrash interprets this to describe the conversation of God and Moses on the mountain:

*The Lord said unto Moses: Write these words... and He went on to say: Moses, [the angels at this moment are confounded by My reminder to them] You shall not seethe a kind in its mother's milk, so while the sandal is on your foot, crush the thorn [of their opposition to My giving the Torah to mortals. Take advantage of the angels' confusion and] write down the Ten Commandments.*⁶²

Apparently the point of the midrash is that “the angels in all too human fashion violated the law when they ate meat and milk together”⁶³ and thus were rebuked by the prohibition given to Moses which caused them momentary confusion. Their moment of confusion interrupted their protest to God that the Torah should not be given to mere mortals, and gave Moses the time to write down the Ten Words.

On the other hand, Midrash Rabbah *B'reishit* (xlviii.14), being an exegetical midrash rather than *halakhic*, shows no explicit concern that Abraham served meat and milk together. For instance, when discussing Gen 18:8 it focuses on the fact that the list of foods which Abraham brings to his guest does not include bread even though he had previously instructed Sarah to knead three measures of fine flour and make cakes. Ephraim Michsha'ah, a disciple of R. Meir, gives his explanation: Sarah had become menstruous while kneading the dough and so it became defiled.⁶⁴ But the midrash says nothing about the combination of meat with milk.

In the later rabbinic literature any problem that may have arisen over Abraham serving meat and milk is entirely alleviated through ingenious, rabbinic logic. The axiom is introduced that one should follow the customs of the place where one resides as demonstrated by Moses and the angels who visited Abraham. When Moses entered the angelic realm (the cloud on Sinai) he did not eat or drink. And, when the angels entered the sphere of the world to visit Abraham, since they had no need to consume the food of mortals to sustain their life, when they were served the food by Abraham they only pretended to eat it but actually did not.

Rabbi Tanchum bar Chanilai said: A person should never deviate from the custom. For Moses ascended on high and did not eat bread; and the ministering angels descended below and ate bread. “And they ate” – can this enter your mind? Rather say: “They appeared as if they ate and drank.”⁶⁵

All that we can say is that the earliest *halakhic* midrashim saw no reason to offer an explanation for Abraham's meal consisting of meat and milk even though the later rabbinic literature did.

⁶² Braude and Kapstein, *Pesikta de-Rab Kahana* [Routledge & Kegan, 1975], p. 196; cp. *Pesikta Rabbati* 25.3.

⁶³ *Ibid.*, *Pesikta de-Rab Kahana*, p. 196, n. 34.

⁶⁴ Cf. also b.*BavaMetzia* 87a.

⁶⁵ b.*BavaMetzia* 86b.

The opening section of *Mechilta* on Ex 23:19 gives an extended list of differing rabbinic views as to why the prohibition against boiling a kid in its mother's milk is repeated three times in the Torah. The following table summarizes the data:

Authority	Why is the Prohibition Repeated Three Times?
R. Ishmael	To correspond to the three covenants which the Holy One, blessed be He, made with Israel: (1) at Horeb, Ex 24:7–8 (2) in the plains of Moab, Deut 29:11 (3) on Mt Gerizim and Mt Ebal, Deut 28:69
R. Josiah	(1) first statement on a subject cannot be employed for any special interpretation, (2) to show that even as one is forbidden to cook a clean animal in milk, so one learns that the milk of an unclean animal is excluded, (3) to intimate that the law does not apply to human milk
R. Jonathan	(1) to apply to domestic animals, (2) to apply to the beast of chase, (3) to apply to fowl
R. Eliezar	(1) to apply to large animals, (2) to apply to goats, (3) to apply to sheep
R. Simon b. Eleazar	(1) to apply to large cattle, (2) to apply to small cattle, (3) to apply to wild animals
R. Simon b. Yochai 2nd Interpretation	(1) to prohibit eating it, (2) to prohibit deriving benefit from it, (3) to prohibit merely cooking it (1) in the Land as well as outside of the Land, (2) while the Temple stood, (3) after the Temple was destroyed
R. Akiva	Not to derive benefit from (1) cattle with milk, (2) wild animals with milk, (3) fowl with milk [parallel to m. <i>Chullin</i> 8.4; cp. b. <i>Chullin</i> 113a]

In the commentary which follows the discussion of why the prohibition is repeated three times, *Mechilta* comments on the phrase “You shall not seethe a kid in its mother's milk” with more words than on any other verse (9 pages in Lauterbach's edition).⁶⁷ I will therefore summarize the comments:

1. Proving, via קל וחומר (*kal vachomer*), that meat with milk is forbidden both to cook and to be eaten.
 - a. the case of the Paschal lamb does not give sufficient proof.
 - b. Akiva states that the law not to eat the thigh-vein proves it, but this argument is defeated by stating that the law not to eat the thigh-vein is pre-Torah (Gen 32:33), while the prohibition against cooking meat in milk is in the Torah.
 - c. Does the law against eating from a carcass prove the prohibition to eat meat with milk? No, this is different:
 - 1) the carcass makes the one who carries it unclean, proving that it is forbidden to be eaten.
 - 2) not so with one who carries meat cooked with milk, so the law against a carcass does not provide proof.
 - a) but the law of tallow and blood would countermand this, for the tallow and blood do not make one who carries them unclean, yet they are forbidden to be eaten.

⁶⁶ The date of *Mechilta* is impossible to pin down, since in its extant form it clearly is a compilation of various strands of rabbinic, *halakhic* commentary. Some, like B. Z. Wacholder, considers it quite late, i.e., composed in the post-Talmudic era of the 8th Century (“The Date of the Mekilta de-Rabbi Ishmael” *HUCA* 39 [1968], 117–44). Others take it to be earlier, at the dawn of the Talmudic era. Strack and Stemberger write: “The form of the individual traditions, the cited rabbis and the historical allusions suggest a date of final redaction in the second half of the third century.” Strack and Stemberger, *Introduction to the Talmud and Midrash* (Fortress, 1992), p.278–79. However, Wacholder has some formidable arguments for its later date.

⁶⁷ Jacob Z. Lauterbach, *Mekilta de-Rabbi Ishmael*, 3 vols. (JPS, 1935), 3:187–196.

- b) No. The law of tallow and blood is different, for the law against them carries the penalty of extermination, but there is no such law attached to the prohibition of cooking meat in milk.
- d. Proof from *gezera sheva* (verbal analogy) and repeated phrases.
- 1) Deut 12:23–24 – “You shall not eat” is repeated three times: once to forbid all blood (as food law), once to forbid eating the “life” (blood as a consecrated substance), and once to forbid meat with milk.
 - 2) Issi: Deut 12:23 – “You shall not eat the life with flesh” forbids eating meat with milk (on the idea that the milk was life giving to the suckling).
 - 3) Issi b. Gur Aryeh: “holiness” is mentioned in Deut 14:21 and also in Ex 22:30 (which forbids eating carrion). Just as “holiness” forbids eating carrion, so here “holiness” forbids eating meat with milk.
2. Now that it is proven that eating meat with milk is forbidden, how can it be proven that it is forbidden to derive benefit from meat cooked in milk?
- a. by *kal vachomer* – Fruit of the first three years is forbidden to be eaten and to derive benefit from it, even though the production of it violates no law. Is it not logical then, that meat cooked with milk, a production that is prohibited, should be forbidden both to be eaten and to derive benefit from it?
 - b. No! Consider leaven at Pesach. The penalty against it is extermination, and therefore it is also prohibited to derive benefit from it. But with meat cooked with milk, there is no such penalty prescribed. Therefore it is not forbidden to derive benefit from it.
 - c. Does not the law of mixed seeds in a vineyard (Deut 22:9) overturn your counter argument? The prohibition against them does not carry the penalty of extermination, but it is forbidden to derive benefit from them.
 - d. Rabbi says: “Or you may sell it to a foreigner ... you shall not seethe a kid ... (Deut 14:21). The Torah says: When you sell it you may not cook it first and then sell it. Behold then you thus learn that it is forbidden to derive benefit from any use of it.
3. It is proven that cooking meat in the milk of its mother is forbidden. How about cooking it with the milk of a sister species?
- a. it is forbidden on the basis of *kal vachomer*: since the kid or lamb is permitted to come into the shed together with its own species, but other species are not allowed to come into the shed to be tithed, it is logical that it cannot be cooked in the milk of another species.
 - b. What about cooking it in its own milk? Proven to be forbidden by *kal vachomer*: if the law permits product with product, as with respect to slaughtering them on the same day, it forbids product with parent together (Lev 22:28). The animal, so to speak, is the parent of its own milk, thus it is forbidden for an animal to be cooked in its own milk, even as it is forbidden for a parent and child to be slaughtered on the same day.
 - c. What about using goat’s milk in which to cook lamb? Forbidden by *kal vachomer*: if the law permits coupling (yoking or tethering) product with product (same species), and it forbids product with parent (as proven above), here, where the law forbids product with product, even with regard to coupling (it is forbidden to couple a lamb with a goat, m.*Bekorot* 1), product with parent is surely forbidden.
 - d. The same argument applies to using goat’s milk in which to cook beef.
 - 1) Why then does the Scripture speak of the kid? Because it is rich in milk.
 - 2) Rabbi said: Here it is said “its mother” (אִמּוֹ) and there (Lev 22:27) it also said “its mother” (אִמּוֹ). Just as there (in Lev 22:27) “its mother” (written only once) applies to an ox, a sheep, or a goat,

- so here (Ex 23:19) when it says “its mother” it applies to the mother of an ox or a sheep or a goat.
4. Only meat and milk are forbidden to be cooked together, both of which separately are permitted for food. What about cooking prohibited things together (in order to derive benefit from them), which even separate are forbidden to eat?
 - a. It says “You shall not seethe a kid ...”
 - b. thus only meat and milk are forbidden to be cooked together, but all other prohibited things mentioned in the Torah are not likewise forbidden.
 5. Thus far only non-consecrated animals have been discussed. What about animals consecrated for sacrifices?
 - a. If it is forbidden in the case of non-consecrated animals, should it not be forbidden in the case of consecrated animals?
 - b. No! The case of non-consecrated animals is different, for the law also forbids pinching off the head in the case of non-consecrated animals. But would you argue the same for consecrated animals?
 - 1) the law does not forbid pinching in the case of consecrated animals (Lev 1:15, where pinching off the head is prescribed for birds offered as sacrifice).
 - 2) the law forbids this mode of slaughtering in the case of fowl used for ordinary food.
 - c. It says: “In the house of the Lord your God you shall not seethe a kid in its mother’s milk” (since both phrases are used in the same verse, the one applies to the other).

Summary

I have taken the space to outline the arguments of *Mechilta* because they cover nearly every aspect of the developing rabbinic *halakhah* regarding meat and milk, showing that the arguments come at the end of the developed *halakhah* rather than in its early formulation. As would be expected, the school of Ishmael counters the arguments of Akiva, accepting only *gezera sheva* (a text-based argument) to be the means for interpreting the three scriptural repetitions prohibiting boiling a kid in its mother’s milk as a general rule of *kashrut*. But the fact that *Mechilta* includes the discussion in a more fully developed form might be another indication that this particular aspect of *kashrut* was still in its final development in the Amoraic period (220–500 CE). What is more, this commentary (expounding Ex 23:19) gives witness to the manner in which the context of Deut 14:21 had become foundational for interpreting the two texts in Exodus, just as we saw in Targums Yerushalmi and Neofiti.

Rambam – Guide of the Perplexed & Ugaritic KTU 1.23 – Meat in Milk an Idolatrous Practice

Rambam (Moshe b. Maimonides) is often quoted for his interpretation that the prohibition against boiling a kid in its mother’s milk was given because such a practice was done by the idolatrous nations.

As for the prohibition against eating *meat [boiled] in milk*, it is in my opinion not improbable that—in addition to this being undoubtedly very gross food and very filling—*idolatry* had something to do with it. Perhaps such food was eaten at one of the ceremonies of their cult or at one of their festivals. A confirmation of this may, in my opinion, be found in the fact that the prohibition against eating *meat [boiled] in milk*, when it is mentioned for the first two times [Ex 23:19; 34:26], occurs near the commandment concerning the pilgrimage: *Three times in the year, and so on*. It is as if it said: When you go on pilgrimage and enter *the house of the Lord your God*, do not cook there in the way they used to do. According to me this is the most probable view regarding the reason for this prohibition; but I have not seen this set down in any of the books of the Sabians that I have read.⁶⁸

⁶⁸ English translation from Shlomo Pines, *The Guide of the Perplexed* (Univ of Chicago, 1963), p. 599.

In recent times, an Ugaritic text (*KTU* 1.23, line 14) was heralded as providing the proof which Rambam lacked. In this text, commonly referred to by the title “Birth of the Gracious and Beautiful Gods,” line 14 was translated as: “Cook a kid in milk, a lamb in butter.” Many thought that at last a parallel to the biblical phrase had been found in a context of pagan sacrificial rituals. Many older commentators, based upon the information published from the Ras Shamra tablets, settled on the view that the prohibitions in the three texts we have studied was, as Rambam had surmised, an injunction to Israel against adopting pagan sacrificial practices.⁶⁹ However, in more recent times, the misgivings of some scholars regarding the reconstructed Ugaritic text has been confirmed. Ratner and Zuckerman, with new photographs of the tablet in question, have given ample evidence to the fact that whatever the line read originally, the reconstructed text does not refer to cooking a kid in milk and therefore cannot be used as a parallel to the biblical prohibition against boiling a kid in its mother’s milk.⁷⁰

Therefore, the interpretation of our texts as prohibiting a pagan cultic practice remains without support, whether biblical or extra-biblical.

Summary of the Paper

In our survey of the three Torah texts that prohibit boiling a kid in its mother’s milk (Ex 23:19; 34:26; Deut 14:21) we have looked at the biblical texts and suggested the following:

1. The verb בָּשַׁל should most likely be understood as “boil” or “seethe” in all three texts. Though two times in the Tanach (Deut 16:7; 2Sam 13:8) this verb means “to cook” in a manner other than boiling, all three of the texts that contain the prohibition are contextually connected with service at the central sanctuary, and therefore with sacrifices offered there.⁷¹ The Lxx also corroborates that the verb means “to boil” rather than “to cook” in the three texts under investigation (using εἶψω in Ex 23:19 and Deut 14:21, and recasting the verb entirely in Ex 34:26 to προσφέρω).
2. The noun יָגֵן, should be taken in its common sense of “young goat,” though since the Semitic root can encompass both “young goat” and “lamb,” either could be the meaning in our texts. Still, since יָגֵן in the Tanach most often means “young goat,” it is most probable that this is the meaning in our texts as well.
3. The grammatical construction preposition + construct noun in בְּחֵלֵב should be understood as locative, i.e., “in the milk of.” The fact that the noun could be vocalized as בְּחֵלֶב, “in the fat of” does not apply to our texts, at least on the basis of the textual evidence available. Both the SP and the Lxx give united witness to the noun being “milk” not “fat.” Further, the idea that the preposition could be taken to mean “with” (a temporal sense) in order to support the interpretation that the prohibition is against offering a kid while it is still nursing, simply lacks cogency on two grounds: (1) the Torah allows offering a kid or lamb on the eighth day after birth (which surely is during the time it is still nursing), and (2) the idiom “with its mother’s milk” to mean “still nursing” is unattested.
4. The contexts of all three texts involve service at the central sanctuary. While this is obvious in the Exodus

⁶⁹ See, for example, U. Cassuto, *A Commentary on the Book of Exodus* (Magnes Press, 1967), p. 305. See further examples in Milgrom, *Leviticus* in *The Anchor Bible*, Op. cit., p. 738. See also Loren R. Fisher, *Ras Shamra Parallels*, 2 vols. (Pontificium Institutum Biblicum, 1972), 1.29–32.

⁷⁰ Robert Ratner and Bruce Zuckerman, “‘A Kid in Milk?’ New Photographs of *KTU* 1.23, Line 14,” *HUCA* (1986), pp. 15–60. See also Milgrom, *Leviticus*, Op. cit., p. 738.

⁷¹ Cf. Ex 29:31; Lev 8:31; cp. Ezek 46:20, 23. See David Qimhi’s remarks on 2Chron 35:13 in Yitzhak Berger, *The Commentary of Rabbi David Kimhi to Chronicles: A Translation with Introduction and Supercommentary* (Brown Judaic Studies, 2007), p. 276.

texts, it is less obvious in the Deuteronomy text where the prohibition comes at the conclusion of a list of food laws. Nevertheless, the context following the prohibition in Deut 14:21 includes laws of tithing and offering of first fruits, which has the central sanctuary in view. The placing of the prohibition in the context of the food laws in Deuteronomy may be explained on the basis that the text following involves the procedure for those who live too far from the sanctuary and who would therefore sell their first fruits and firstlings and buy food and sacrificial animals for the celebration when they arrived at the sanctuary. Thus purchasing food brings to the fore the matters relating to clean and unclean meat (i.e., *kashrut*).

5. That all three texts have to do with sacrifices at the central sanctuary is strengthened by the pluses found in the SP and Lxx renderings of Ex 23:19 and Deut 14:21. These pluses indicate clearly that at an early stage of the textual tradition, boiling a kid in its mother's milk was viewed in the context of sacrifice, and that offering a kid in its mother's milk was a forbidden sacrifice that would attract divine wrath. It is also possible that the Qumran sect was aware of the addition to Deut 14:21, as evidenced by a scrap from Cave 1. If this is the case, it would add weight to the suggestion that a final line of the text, which locates the prohibition within the context of sacrifices at the central sanctuary, has, for one reason or another, been expunged from or fallen out of the MT.

In surveying the history of interpretation of the three texts containing the prohibition, we found the following options suggested by both ancient and contemporary scholars:

1. That the prohibition was given on humanitarian grounds, i.e., to take the life-giving milk of the mother and boil the meat of her suckling young in it was to act cruelly and inhumanely toward both mother and offspring. From this perspective, the prohibition was given to Israel to foster civility and decency, and if toward animals, how much more toward one's fellowman.

The problem with the humanitarian interpretation is that the Torah clearly allows the slaughter of a suckling on the eighth day and onward, which hardly would seem to comport with the notion that slaughtering the suckling was inhumane. Moreover, "the mother goat can in no way be aware that her kid is boiling in her milk,"⁷² so the prohibition does not seem to be given in order to assure humane treatment of animals.

2. Another widely held interpretation is that the prohibition is to be grouped with the often found Torah prohibitions against illicit mixtures. This perspective would include those who see boiling the kid in its mother's milk as an illicit mixing of substances that represent life and death, the milk being the life-giving substance, and the meat of the slaughtered kid representing death. Yet though this viewpoint certainly has merit in view of the central theme of the Torah against illicit mixtures, one wonders if it is a sufficient explanation in this case. For surely in the sacrificial service of the sanctuary, the blood (which represents life, Lev 17:11–14) is poured out at the altar (which is the place of slaughter).

Under the category of illicit mixtures, there has also been the suggestion that the milk represents a feminine substance and the meat represents a male quality. Thus to boil the meat in milk is to mix female and male which is prohibited in the Torah.⁷³

⁷² Milgrom, *Leviticus* in *The Anchor Bible*, Op. cit., p. 739.

⁷³ Alan Cooper's paper, "Once Again Seething a Kid in Its Mother's Milk," Op. cit., makes the strongest case for this viewpoint.

Yet a third category under the illicit mixtures perspective is that of Labuschagne,⁷⁴ who proposes that in the first days after giving birth, the milk of a mother goat or ewe lamb has spots of blood in it (“beestings”), and that to boil the kid in the mother’s milk would be to eat meat commingled with blood, strictly forbidden in the Torah. Yet if this were the origin of the prohibition, it surely was missed by all of the early interpreters. And what is more, if this were the case, that milk from an animal nursing its young contained blood, then one would expect not only the cooking of meat in it to be prohibited, but also any use of this milk for eating and drinking. Yet this is surely not the focus of the prohibition.

3. A view held by some is that the origin of the prohibition was to guard Israel against adopting a pagan concept of magic. It is proposed that in some pagan cultures, boiled milk, and even meat boiled in milk, was thought to have some kind of magical power, or cosmic significance. But this suggestion seems to go far afield from the biblical contexts themselves and clear literary examples of a connection between boiled milk and magic in the ANE are questionable.⁷⁵
4. We also saw that suggesting the prohibition was grounded in a repudiation of a pagan sacrificial ritual has no historical grounds, even though for some time it was thought that an example had been found at Ras Shamra in the Ugaritic tablets discovered there. Subsequent re-evaluation, based on better photographs of the tablet in question, has confirmed that the text once thought to incorporate the line “cook a kid in milk” can no longer be read in that way. Thus the explanation that the biblical prohibition was given to distance Israel from incorporating a pagan ritual currently lacks corroborative, historical evidence.
5. When we came to the rabbinic literature, we saw how the Deuteronomy text became the lens through which the Exodus texts were interpreted. This was made clear in the rendering of the Targumim as well as in *Mechilta* and other midrashim. It is also clear that in the Mishnah, traditionally thought to have been compiled in the last half of the 2nd Century (though final redaction undoubtedly took place much later), the prohibition of cooking meat in milk had been extended to include eating meat with milk and stated to be the received *halakhah*. Yet even in the Mishnah we saw some matters of debate upon which the sages were not in full agreement (such as whether the meat of fowl could be eaten with milk, and whether meat and milk could be in close proximity to each other). The fact that variant rulings regarding whether meat and milk could be placed on the same table where people sat to eat are referenced to the Houses of Hillel and Shammai should not be uncritically accepted as proof that separating meat and milk was “the standard practice” in the pre-destruction era. Since it is common for later rabbinic authorities to attribute their own rulings to earlier authorities, we should be very careful about presupposing that what we read in the Mishnah necessarily describes *halakhah* in the pre-destruction era. This is particularly the case when rulings are ascribed to the Houses and not to the masters themselves.

We also saw that the primary arguments contained in *m.Chullin* 8, and particularly as demonstrated in *Mechilta*, are built upon rabbinic interpretation and argumentation which goes well beyond the basic meaning of the biblical text. How much of the later rabbinic *halakhah* actually reflects common practice in the pre-destruction era remains a matter of speculation. Given the indications that even into the Talmudic era debates continued over the issue of separating meat and milk might well suggest that the perspective of *m.Chullin* 8 represents the post-destruction formulations created in the emerging rabbinic Judaism

⁷⁴ C. J. Labuschagne, “‘You Shall Not Boil a Kid in its Mother’s Milk’: A New Proposal for the Origin of the Prohibition,” *Op. cit.*

⁷⁵ See C. J. Labuschagne, *Op. cit.*, pp.7–8.

which were then attributed to earlier authorities to garner *halakhic* authority.

Conclusion

The prohibition against boiling a kid in its mother's milk, found three times in the Torah, clearly pertains to sacrifices within the central sanctuary as part of a festival celebration, and in connection with the bringing of the first fruits from the ground and the firstlings of the flock. This is made clear by the contexts in which each of the three occurrences are found, as well as the language of the prohibition itself, namely (1) the use of בָּשָׂר rather than בְּשָׂר, "flesh, meat," or equivalent terminology, (2) the use of לְבַשֵּׁל, "to boil," which comports well with the context of the Israelite sacrificial service, and (3) אִמּוֹ, "its mother's [milk]," which narrows the focus of the prohibition to a cultic framework connected with the offering of firstlings.

Given the fact that the biblical prohibition is clearly attached to the festivals and festival sacrifices offered at the central sanctuary, the question that confronts us is this: why, in emerging rabbinic Judaism, did the injunction against boiling a kid in its mother's milk become entirely removed from context of sacrifices and interpreted rather as pertaining solely to *kashrut* (food laws)?

While the answer to this question is shrouded in history, I would like to suggest some possibilities. First, we know that following the destruction of the Temple and subsequent failure of the Jewish revolt under Bar Kochbah (134 CE), the rabbis of Yavneh began the process of transferring key aspects of the Temple and priestly service to daily life within the synagogue communities of the diaspora.⁷⁶ It seems possible that in a similar manner they transferred the enigmatic prohibition not to boil a kid in its mother's milk from the Temple service to the food laws as a way of retaining some of the Temple service. Following the destruction, the sacrificial connection no longer existed and thus the prohibition was removed from its biblical context and reinterpreted to fit within the laws of *kashrut*, something the Deuteronomy context already seemed to suggest. This would also explain why Deuteronomy became the lens through which the Exodus texts were interpreted.

The developed rabbinic *halakhah*, which took the prohibition against boiling a kid in its mother's milk and transformed it into a central *halakhah* of *kashrut*, also served an additional purpose. For in the emerging rabbinic Judaism, the need to mark distinctions between the Synagogue and the emerging Christian Church became increasingly important. The complete separation of meat and milk as an essential element of *kashrut* made social interaction with non-Jews via table fellowship a near impossibility.

It is interesting that in the earlier strata of rabbinic literature, very little is offered to explain the meat and milk which Abraham served to his guests in Gen 18:1–8. While an argument from silence, this might be because the developed *kashrut* interpretation and application of the prohibition was not well fixed in the decades immediately following the destruction but awaited the formulation and rise of rabbinic Judaism in the following centuries.

If we take all of the data available to us, we are left with this conclusion: there simply is not sufficient evidence to suggest that the separation of meat and milk as a widely accepted standard of *kashrut* existed in the pre-destruction era. Nor is the mention of the Houses of Hillel and Shammai debating the issue sufficient evidence to substantiate a pre-destruction *halakhah* of no meat with milk, particularly since it is not uncommon for later authorities to attribute their rulings to earlier authorities in order to give them greater weight. Moreover, it is clear that the developed rabbinic *halakhah* which placed the separation of meat and milk as a central aspect of *kashrut* cannot be derived from exegesis of the biblical texts but is the sole product of rabbinic midrash. Though the precise application of the biblical prohibition of boiling a kid in its mother's milk is illusive, we can say with some confidence, based upon the extant historical data, that the later rabbinic *halakhah* which demands the strict separation of meat and milk, is not a Torah commandment and was not a recognized law of *kashrut* as practiced among pre-destruction Jewish sects. The strict *halakhic* separation of meat and milk which came to characterize *kashrut* within rabbinic Judaism is a *halakhah* entirely borne of rabbinic innovation.

⁷⁶ For example, the liturgy containing three daily prayer times (Shacharit, Mincha, Ma'ariv) parallels the set times of the daily sacrifices in the Temple.