Domesticating Desires:

Metaethical Moral Sentimentalism

and the Theistic Dietary Ethics of Biblical Judaism

Kurt Houwen

Drew University Theological School

Master of Arts Thesis

April 1, 2019

ABSTRACT

A Metaethics of Dietary Morals

The moral sentimentalist claim that I forward in this metaethical project is that empathy, for another perceived moral being who suffers because of perceived purposive interpersonal harm (intentionally performed by another moral being), is necessary to gauge an event morally. This metaethical stance can be graphed onto the ancient Israelites and their dietary system through a deep reading of their texts that reference their dietary system. Particularly within this system, the ancient Israelites' theistic dietary ethics prescribe the domestication of the desire for consumptive power over others' nephesh (i.e., their life-essence), while also holding the positive moral imperative to be fertile and flourish, free from oppressive suffering. This ancient Hebraic theistic dietary ethics has as a primary moral belief that it is holy to take the normative perspective of a suffering moral patient, and followingly that the moral agent ought to prescriptively seek to alleviate and prevent that suffering through what and how they eat. Therefore, what and how ancient Israelites consumed ought to minimalize oppressive suffering and allow vital flourishing. Here the moral sentimentalist claim effuses through. Due to this empathetic perspective taking of other moral beings' suffering, interpersonal harm is thus perceived and the event can be gauged morally.

Contents

INTRODUCTION

This project seeks to identify the ways in which a metaethical moral sentimentalism, built along a psychological theory of dyadic morality, can be used to explain the moral components of ancient Hebraic dietary laws. In this project I investigate to what degree the Hebraic dietary laws, as depicted in the Hebrew Bible, center on an avoidance of suffering, an avoidance of purposeful harm toward another moral being. I argue that empathy is a necessary affective-emotional component for moral judgements, and that Hebraic dietary laws are built from empathic concern for all beings. This aspect of empathy lead these dietary codes from being a set of community norms to being an ethic of life imbued with moral weight.

Moral Sentimentalism: An Overview

Metaethical moral sentimentalism, most basically, provides a description of why morality and/or ethics exist. It is not initially prescriptive—although some thinkers do take it to a prescriptive level. The metaethical claim that sentimentalism makes is that feelings and emotions ("sentiments") are the common root of human morality; that moral terms, like *right* and *wrong*, are at some point derived affectively and/or emotively. Morality is quite complex, so it is important to note that moral sentimentalism does not necessarily hold the stance (as emotivism does) that right and wrong equate completely and essentially with positive and negative feelings. Instead, sentimentalism generally wishes to emphasize that morality is *grounded* in sentiments. From there, morality can become more complex and dynamic (not simply just feelings and emotions).

Moral sentimentalism, in some sense, is a reaction against moral rationalism. Philosophies going back to Plato and Aristotle give rationality (or Reason) the prime power to dictate what is the good; the so-called passions are secondary. Plato in his work *Phaedrus* gives the analogical image of a chariot, where the charioteer, *Reason*, drives two horses, *Spirit* (of truth and goodness) and *appetite* (concupiscence).[1] (The latter two would later be conceptualized as the *passions* by eighteenth-century empiricists such as David Hume.) Importantly, in this Platonic analogy Reason drives the vehicle of *goodness* and *passions* to a destination which is the ultimate reality (the Forms)—that which is the ultimate goodness in and of itself.

The chariot analogy portrays passions as negative, indentured under Rationality. This is the primary claim metaethical sentimentalism wishes to reveal as misguided. Passion is *not* a vehicular resource indentured to Rationality. Instead, passion is the (benevolent) charioteer ultimately driving the vehicle; the passions lead humans to make moral decisions. In other words, according to metaethical sentimentalism, human morality is necessarily dependent on affects and emotions. As a response to harm, sentiments emerge within a human being as the catalyst of moral judgments. The more modern moral sentimentalist literature—which I work mostly out of—most often brings the above classical sentimentalism into dialogue with the cognitive and social sciences (most specifically psychology, the neurosciences, and evolutionary anthropology).

Moral sentimentalism metaethically understands morality, then, as necessarily a product of affects and emotions. Any ethical system should in theory then be able to be metaethically explained, in part, by how and where its affective-emotive impetus exists

---

[1] For more information see Plato's work *Phaedrus*.

(either obviously or hidden). But that is only if moral sentimentalism correctly understands morality and the ethical systems that are constructed out from morality.

Affects, Emotions, and Dietary Laws

The Hebrew Bible espouses morals explicitly and implicitly through its texts. Examples of the detailed moral guidelines include the cluster of books, narratives, and lists related to the Israelite dietary code—which have come to be known as *kashrut*—that exist mostly in Leviticus. Kashrut is evinced in the Levitical Holiness Code (Chapter 11), and is additionally echoed in the book of Deuteronomy (Deuteronomy Chapter 14) and thematically prefaced by Exodus (the Covenant Code, broadly in chapters 20-25; specifically cf. Ex. 23:19; 34:26).

If looked at through a moral sentimentalist lens, the ethic expounded from these ancient biblical texts, that detail laws and behavioral guidelines, should have morals dependent on affect and emotion (sentiments). If moral sentimentalism is an accurate metaethics, kashrut must have a sentimental source. In this project I argue with and for moral sentimentalism, identifying the ways that the ancient Israelite dietary code, and subsequent ethic, finds metaethical empowerment through affect and emotion. This is most viscerally portrayed in the limiting effect their imperatives had on animal suffering (cf., specifically the sacrificial laws of Lev.), and by their positive imperative to be fertile and flourish (cf., specifically resonant within Genesis's creation narrative, Noahic covenant and the deluge narrative, and the Abrahamic covenant). These imperatives found within the Hebraic biblical narrative are markers of affect and emotion because

they portray empathy with (the affective-emotive ability to take the perspective of) another sentient and agentic being, who is suffering.[2]

The ancient Israelite's theistic dietary ethic, therefore, contains crucial themes and narratives that supports the moral sentimentalist argument that affects and emotions are necessary for morality.

---

[2] With empathy being most broadly understood as, the ability to "identify what someone else is thinking or feeling and to respond to their thoughts and feelings with an appropriate emotion." Simon Baron-Cohen, *The Science of Evil: On Empathy and the Origins of Cruelty* (New York, NY: Basic Books, 2011), 16.

CHAPTER ONE:
A MORAL SENTIMENTALIST THEORY

In this chapter I seek to give a mostly psychological and metaethical account of human morality, engaging a theory of dyadic morality, which I understand to be a moral sentimentalist theory, to portray how moral judgment occurs. I go into further detail explaining how cognition functionally judges an event as moral, which is intricately based upon the interpersonal harm an event emits. I describe a formulation for how one judges what is immoral, showing how if a being has an empathic concern for suffering, observes a violation of communal norms, and perceives interpersonal harm, it leads to a judgement of immorality.

Dyadic morality is a psychological theory that resonates with a general moral sentimentalist philosophy. In this psychological theory, the phenomenon of mind perception—the ability to perceive of another mind in another being (i.e., perceiving another entity with intentionality)—is the most basic constituent of human moral judgment.[3] Put otherwise, mind perception is the essential cognitive form of human morality (albeit the content of this form does vary).[4] More specifically, dyadic morality claims that human moral judgments occur primarily through a cognitive template that perceives two minds: an *agent* that causes the suffering, and a *patient* that suffers.[5] Importantly, this agent-patient cognitive template is rooted in an aversion to suffering (e.g., interpersonal harm).

---

[3] Kurt Grey, Liane Young, Adam Waytz, (2012) "Mind Perception is the Essence of Morality," *Psychological Inquiry*, 23:2, 101-124, DOI: 10.1080/1047840X.2012.651387, 101.
As a note, nearly synonymous with the psychological concept mind perception is the psychological-philosophical concept of mind reading.
[4] Kurt Gray, Adam Waytz, & Liane Young (2012). "The Moral Dyad: A Fundamental Template Unifying Moral Judgment," *Psychological inquiry*, *23* (2), 206-215, 209.
[5] Grey, Young, Waytz, "Mind Perception is the Essence of Morality," p.101.

According to a sentimentalist understanding of dyadic morality, human cognition summates morality as a product of empathy, cultural norms, and purposiveness (the "intentional causation of suffering" by a mind).[6] The perception of another mind (another source of consciousness) is crucial to proceeding with this sentimentalist formula of moral judgment. Formulaically, a judgment of immorality is an empathic aversion to suffering (of self or other minds) combined with internalized communal norms and a perceived intentional causation of suffering (by agent on patient).[7] For an action, motivation, or character trait to be judged morally it must first be perceived as occurring between two minds—e.g., between an agency and sentient patient—as this is the axiomatic claim of dyadic morality.[8] Morality can only exist when the moral dyad of agent-patient is perceived within the world; once an agent-patient relationship has been perceived *then* empathy, norms, and the perception of purposiveness can conclude into a moral judgment.

This theory that I present, which combines the philosophy of moral sentimentalism and the psychological theory of dyadic morality, can be broken up into two sections: (1) mind perception as essential, and (2) empathy, norms, and purposiveness (or more technically *intentionality*) as the psychological make-up of a

---

[6] Grey, Young, Waytz, "Mind Perception is the Essence of Morality," p.116.

[7] This equation will be dealt with in more detail later.

[8] As a note on my terms, "action," "motivation," and "character" are all modes by which moral judgment can occur. For example, in a consequentialist ethic *action* is the arbiter for morality; in a categorical ethic, motives are the judge; in virtue or character-based ethics, one's character is the source of morality. Therefore, I find that the word *engagement*, or *event*, is most inclusive to all moral/ethical systems. So instead of stating, "for an *action, motivation,* or *character* to be judged as moral or immoral it must first be perceived as occurring between two minds," I would have stated "for an *engagement* or *event* to be judged as moral or immoral…." Therefore, I will use these terms because in effect actions, motives, and character traits are all in essence a type of engagement/event with/within the world.

moral judgment. In the following section I expound upon dyadic morality. I will then

support the substantial claim that empathy, norms, and intentionality are the constituents

of moral judgments in the second section.

Mind Perception as Essential to Morality

To define *mind* broadly, yet still within the psychological context, it does not need

to be a battle of necessary and sufficient conditions for what substantively makes up a

mind. Rather, the definition of a mind can be defined pragmatically. We arrive at a

functional definition through exploring which beings people perceive as having a mind.[9]

Traditionally, philosophers have understood mind as existing on a single continuum. This

traditional continuum varies from entities having no mind, having some mind, to having

full mind (say, from rocks, to insects, to humans). And there has often been an

ontological hierarchy privileging mind over non-mind (i.e., a great chain of being).[10] But

this traditional one-dimensional model of mind is inadequate.

The one-dimensional mind model is incompetent because psychological research

shows that humans perceive mind as existing on (at least) two dimensions. According to

psychological research, these perceived dimensions are the continua of *experience* and

agency. The first dimension of mind perception, *experience,* is the perceived ability for a

being with a mind to feel and sense phenomena. [11] (The term *sentience* should be

---

[9] To note, within both psychology and philosophy of mind, the brain is not equivalent to mind. The brain is an organ, while the mind is an emergent property of the brain. To use the popular trope of dualistic, the brain is matter while the mind is immaterial—the mind thus personifies the nonmaterial, like memories, hopes, plans, a/the self, etc. But regardless of metaphysical dualism, the mind is not perceived as equal to the brain; the mind simply emerges from, and is different than the brain.

[10] Kurt Gray, and Chelsea Schein. "Two Minds Vs. Two Philosophies: Mind Perception Defines Morality and Dissolves the Debate Between Deontology and Utilitarianism." *Review of Philosophy & Psychology* 3, no. 3 (September 2012), 405-423, 407.

[11] Grey, Young, Waytz, "Mind Perception is the Essence of Morality," p.103.

synonymous with the term experience.[12]) The second dimension, *agency*, is the perceived

ability to self-govern, communicate, think, and remember.[13] Importantly, both the

experience and agency dimensions can exist simultaneously and vary within beings.

Rocks, for example, might be on the low end of both the experience and agency continua,

while insects or fish could be on the higher end of experience but the low end of agency.

A being can alternatively be high on agency and low on experience, prime examples

being a deistic God and Google.[14] Typically, a stereotypical adult human is perceived as

high on both experience and agency within the two-dimensional model of mind

perception. It is through this two-dimensional model of mind perception that human

cognition works to perceive something as having a mind or not.[15] Mind perception,

therefore, is simply the belief or understanding that another being has a mind.[16] Vitally,

mind perception is a key constituent of human morality, and not just important when

epistemologically judging other beings.

Mind perception of agency and experience positively correlates with the

psychological-moral perception of agent and patient. Namely, the two-dimensional model

of mind perception matches with the psychological template of dyadic morality. This is

exemplified in research on human beings who do not have typical mind perception

abilities, such as those with autism and people with psychopathy. This type of

---

[12] Followingly, in the cases when beings are perceived to exist solely on the experience dimension they will be referred to simply as *sentient* and/or *sentient beings.*

[13] Grey, Young, Waytz, "Mind Perception is the Essence of Morality," 103.

[14] Grey, Young, Waytz, "Mind Perception is the Essence of Morality," 103.

[15] The psychologically pragmatic emphasis here is on the *perception* of having a mind, therefore if the being *really* has a mind is somewhat indifferent. It is indifferent because people engage the being as if it has a mind, thus in the social imaginary it has a mind in how it functions.

[16] Grey, Young, Waytz, "Mind Perception is the Essence of Morality," 103.

psychological research illustrates why mind perception is essential to morality for humans.

Research finds that people who are higher on the autism spectrum attribute weaker agency to beings that are typically perceived as having more agency.[17] While people with psychopathy are not impaired in the same way, they, too, have trouble crediting other beings as having minds. In particular, people with psychopathy have trouble perceiving sentient beings, such as baby humans or animals, on the experience dimension of mind.[18] Research explains that this is due to cognitive deficits related to empathy and emotional recognition (which will be unpacked in more depth later).[19] These studies of psychopathy are also related to findings about people with acquired sociopathy, who typically have damage to the brain regions responsible for social-emotional processing, such as the VMPFC (ventromedial prefrontal cortex).[20] This damage and subsequent acquired sociopathy presents similarly as psychopathy: both portray "blunted affect and diminished emotional empathy,"[21] predicated by a lack of mind perception, particularly mind perception of sentience. In one psychological study, people with psychopathy who completed the Self-Report Psychopathy Scale, "showed deficits in perceiving experience in others."[22]

Mind perception is more of a cognitive-psychological (epistemological) issue, and so there still is some unclarity as to how an epistemological claim can make a transitive leap to a moral claim. This theory of mind perception does not clearly describe how—or

---

[17] Gray, and Schein, "Two Minds Vs. Two Philosophies," 408.
[18] Grey, Young, Waytz, "Mind Perception is the Essence of Morality," 105.
[19] Kurt Gray, and Chelsea Schein. "Two Minds Vs. Two Philosophies," 409.
[20] Grey, Young, Waytz, "Mind Perception is the Essence of Morality," 105.
[21] Grey, Young, Waytz, "Mind Perception is the Essence of Morality," 105.
[22] Grey, Young, Waytz, "Mind Perception is the Essence of Morality," 105.

through which mechanisms—a causal relation (between epistemology and morality) occurs. Instead, through this section I primarily claim that there *is* a causal relationship between the psychological phenomenon of mind perception—experience and agency— and the psychological phenomenon of morality, which makes moral judgments about agents and patients. In other words, understanding mind perception does not fully answer how morality works, but seeks to support that there is a necessary relationship between mind perception and morality. Accordingly, the conclusion can be as follows:

> where there is perceived [epistemological] agency, there is also moral agency (and vice versa); and where there is perceived [epistemological] experience, there is also moral patientcy (and vice versa).[23]

As the research above connotes, a deficit in the mind perception of agency translates to not easily perceiving a moral agent; while a deficit in the mind perception of experience (or sentience) translates to not easily perceiving a moral patient, and vice versa.[24] What counts as a mind counts morally.

The following section will further clarify how, within the dyadic template, morality functions. The focus there will be on the moral dyad of agent-patient, which, as previously mentioned, correlates with mind perception but then extends to the moral domain.

The Constituents of Interpersonal Harm

While mind perception is perceived to exist on the two continua of sentience (experience) and agency, morality is similarly understood to recognize and categorize beings as either *agent* or *patient*—the moral dyad. A moral agent has the perceived ability to self-govern, communicate, think, and remember. In addition, they have moral

---

[23] Gray, Schein, "Two Minds Vs. Two Philosophies," 409.
[24] Grey, Young, Waytz, "Mind Perception is the Essence of Morality," 105.

responsibilities (duties to fulfill).[25] Namely, the agent is active, powerful, and independent. The moral patient, on the other hand, has the perceived abilities to feel and emote in relation to phenomena. Patients are primarily sentient and therefore have moral rights, which should not to be disregarded (but they are not perceived to have moral responsibilities in regard to others).[26] Characteristically, the moral patient is passive, vulnerable, and dependent.

The cognitive phenomenon of morality, then, builds off "the dyadic interaction of two perceived minds."[27] This is the case because human psychology "possesses a [conceptual] template for understanding morality based upon a dyad of agent and patient,"[28] both of which are perceived of as minds. This cognitive template (i.e., "prototype" or "exemplar set"), which contains the agent-patient moral dyad, is the template for *interpersonal harm*: "an intentional moral agent causing suffering to a moral patient."[29] This template of interpersonal harm introduces four key ideas and themes: intentionality, causality, suffering (harm), and the aforementioned archetypes of agent and patient. When a moral agent intentionally causes harm to a moral patient, who then suffers, it equates into a moral wrong (e.g., immorality). This proposition of interpersonal harm is supported by psychological findings, as well.

In general, both folk intuitions and institutional laws credit more moral blame for actions that are intentional than actions that are accidental. (In the case of law, murder versus manslaughter is a prime example.)[30] Irrelevant intentions regarding a moral or

---

[25] Grey, Young, Waytz, "Mind Perception is the Essence of Morality," 103.
[26] Grey, Young, Waytz, "Mind Perception is the Essence of Morality," 103.
[27] Gray, Schein, "Two Minds Vs. Two Philosophies," 409.
[28] Gray, Schein, "Two Minds Vs. Two Philosophies," 409.
[29] Gray, Waytz, Young, "The Moral Dyad," 206.
[30] Grey, Young, Waytz, "Mind Perception is the Essence of Morality," 106.

conventional transgression are ascribed more moral weight when the subject's intention is considered a bad one. One psychological study showing this found that "people assign more blame for running a stop sign when the driver is rushing home to hide cocaine rather than an anniversary present."[31] This judgment is odd, because the conventional traffic law of stopping at stop signs is not concerned with intentions; it is simply a conventional rule about stopping at the sign, in order to ensure the safe and practical navigation of traffic.

Relatedly, moral weight is ascribed in proportion to the amount of suffering caused. Further studies support this claim—that moral weight is linked to the perceived suffering of victims—noting that "[d]ifferences in the salience of a suffering victim can also explain the perceived wrongness of crimes," with some paradigmatic legal-moral examples being rape (with a direct victim; *heavily* immoral) and tax evasion (without a direct victim; not as heavily immoral).[32] Events perceived to happen causally from an agent's intention to a patient's salient suffering are deemed immoral. This causal linkage claim (agent-intention→patient-suffering) is affirmed by studies portraying that "[p]eople see harm as more permissible when it is inflicted indirectly."[33] Having multiple causal links between the agent and the suffering patient "defuses blame."[34] Inversely, as one study (using electric shocks) portrays, when pain is caused by an intentional source it is perceived as more painful than when it is caused by an accidental source, even if the actual amount of physical pain is identical.[35]

---

[31] Grey, Young, Waytz, "Mind Perception is the Essence of Morality," 106.
[32] Grey, Young, Waytz, "Mind Perception is the Essence of Morality," 106.
[33] Grey, Young, Waytz, "Mind Perception is the Essence of Morality," 106.
[34] Grey, Young, Waytz, "Mind Perception is the Essence of Morality," 106.
[35] Grey, Young, Waytz, "Mind Perception is the Essence of Morality," 111.

It can therefore be deduced that if an agent has intention to act in a certain way that could potentially cause harm to a patient, and then consequentially that patient ends up perceivably suffering—in varying degrees and ways—this equates to the immoral event of interpersonal harm. Interpersonal harm, as the cognitive template for morality—which finds conceptually necessary the moral dyad (agent-patient)—is based on perceived harm of another mind (another agency and/or sentient being). In this way harm can be perceived as the base element of human morality.[36]

Interpersonal Harm Versus Deontological Moral Pluralism

It is bold for the theory of dyadic morality to claim that harm is the base element of *all* human morality. It is indisputably a broad brushstroke (even if it is a helpful one) and may seem too universalist and consequentialist, especially with viable powerful pluralist accounts of morality. Of particular psychological interest is the deontologically-oriented Moral Foundations Theory (MFT), championed by psychologist Jonathan Haidt. Moral pluralist accounts often resort to findings from moral dumbfounding studies and argue that morality is diverse and not universally harm-based. Importantly, the MFT's deontic principles of morality do not all find their base in harm (only some do).[37] Dyadic morality, in contrast, deems harm (interpersonal harm) the base element of morality. Here, I will take a look into moral dumbfounding studies and Moral Foundations Theory, with the goal of broadening what counts as perceived harm in order to rectify some of the differences between these two theories.

---

[36] Psychologist Kurt Grey suggests, following the terms of others, that harm can be considered as the most common "currency" of morality. While I support the ethos of this claim, I wish to be broader in my terms and not rely on such an economic term as currency. As the capitalist economics the word can impose is limited historically, and comes with many assumptions that I am unsure of endorsing.
Gray, Waytz, Young, "The Moral Dyad," 206.

[37] Gray, Waytz, Young, "The Moral Dyad," 209.

The Moral Foundations Theory consists of six moral modules that are the categories human cognition uses to determine what is considered morally right or morally wrong. This theory, like dyadic morality, seeks to be descriptive and sufficiently minimalistic, a base upon which more complex moral systems are grounded. These moral principles (coupled with their antithetical virtues) are: (1) care/harm, (2) fairness/cheating, (3) loyalty/betrayal, (4) authority/subversion, (5) sanctity/degradation, and (6) liberty/oppression.[38] Haidt holds that these six fundamental categories of human morality are supported by, and not only correlated with, his psychological studies on moral dumbfounding, and further are supported by reoccurring motifs within the evolutionary psychological and anthropological literature. Methodologically the MFT was created by,

> …identifying the adaptive challenges of social life that evolutionary
> psychologists frequently wrote about and then connecting those challenges
> to virtues that are found in some form in many cultures.[39]

What is notable about these deontic principles (Haidt's moral foundations) is that harm (and not to forget its moral correlate, care) is one of the six foundational principles, therefore immediately implying that it cannot undergird all of them. In fact, the MFT claims that the principles of loyalty/betrayal and sanctity/degradation are neither based on nor related to harm.[40] To support the claim that the principles of betrayal and degradation are moral wrongs, but yet also harmless moral wrongs, moral pluralists turn to studies on

---

[38] For more details on the moral foundations please refer to:
Jonathan Haidt, *The Righteous Mind: Why Good People are Divided by Politics and Religion* (New York, NY: Vintage Books, 2013), 146, 197, 211-214.
[39] Haidt, *The Righteous Mind*, 146.
[40] Kurt Gray, Chelsea Schein, and Adrian F. Ward. "The Myth of Harmless Wrongs in Moral Cognition: Automatic Dyadic Completion from Sin to Suffering." *Journal of Experimental Psychology: General* 143, no. 4 (August 2014): 1600–1615. doi:10.1037/a0036149. P.1600.

moral dumbfounding.[41]

Within psychology the purpose of moral dumbfounding experiments have classically been to portray that there is a gap between (subjective) normative judgments and (objective) descriptive causal intents and/or consequences.[42] The stories used in moral dumbfounding experiments are narratively "engineered to be objectively harmless" so that "participants are rendered 'dumb' to explain their enduring moral judgments without referencing the experimentally disallowed concept of harm."[43] Some notable examples include: a man buys a raw chicken from the grocery store, and before cleaning, cooking, and eating it he has sexual intercourse with it;[44] a person cuts up an old (falling apart) American flag, turning it into rags to clean a toilet, before disposing of them secretly;[45] a family's pet dog dies of natural causes, due to curiosity they try a piece of meat off of it before burying the pet.[46] With each of these narratives, people have strong negative reactions but struggle to identify who has been harmed. These stories are meticulously engineered so the characters possess autonomy, and intentions and consequences do not intend or cause harm (socially, emotionally, psychologically, or physically). Simultaneously, these stories are disgusting (they are degrading, and do not promote the principle of sanctity) and go against typical communal norms (thus betraying the in-group, and do not promote the principle of loyalty). Scholars who argue that interpersonal harm cannot be the sole base of human morality often support their argument with moral dumbfounding studies and the MFT.

---

[41] Gray, Schein, Ward. "The Myth of Harmless Wrongs in Moral Cognition," 1600.
[42] In a way moral dumbfounding studies often have a very Humean agenda.
[43] Gray, Schein, Ward. "The Myth of Harmless Wrongs in Moral Cognition," 1600.
[44] Haidt, *The Righteous Mind*, 3-4.
[45] Haidt, *The Righteous Mind*, 22.
[46] Haidt, *The Righteous Mind*, 3.

Moral dumbfounding studies do support the claim that feelings (affects) and morality are necessarily linked. But Haidt's interpretation of these studies supports the idea of harmless moral wrongs—that is, immoral events without a moral patient. Obviously, the tenet of harmless moral wrongs is antithetical to the metaethical sentimentalist argument that interpersonal harm is the basic element of human morality. But with a slight genuine shift in perception, the "harmless" moral wrongs that are unearthed within moral dumbfounding experiments can be perceived as within the roots of interpersonal harm.

In such a deontic pluralism as MFT, a person's subjective morality is sometimes not allowed to match with what they perceive as objectively ethical. This obvious subjective-objective (ought-is) gap, which is due to the moral pluralist's claim that there are cognitive foundations (such as loyalty/betrayal and sanctity/degradation) that are not connected to interpersonal harm,[47] is slightly misguided. People honestly believe (perceive) that there is a patient being harmed in the situations, regardless of the so-called objective reality. It is this perceptive belief in a suffering moral patient that psychologically allows interpersonal harm to be the cognitive base of morality.

From William James's canon, it is still true that "one of the key tenets of psychology is that perception is dissociable from objective reality."[48] So long as people believe and perceive that there is an occurrent harm and a suffering patient somewhere, then, regardless of the well-scripted nature of the moral dumbfounding narratives (seeking to make events harmless), people make a moral judgement based on this harm. An analogical narrative can be offered:

---

[47] Gray, Schein, Ward, "The Myth of Harmless Wrongs in Moral Cognition," 1600.
[48] Gray, Schein, Ward, "The Myth of Harmless Wrongs in Moral Cognition," 1601.

> Imagine a tarantula—guaranteed harmless—is placed on your face; you would likely sweat and twitch and try to escape, despite any objective assurances of its harmlessness (Gendler, 2008).… [W]e suggest the same is possible in moral cognition.[49]

Harm is ontologically subjective while simultaneously epistemologically objective—this does not deny that pain is still a material-physiological reality, regardless of who/what feels it. (This simply means that pain's ontological reality is dependent on existing within a being with epistemic/psychological abilities who perceives it as pain.) Put otherwise, what technically and objectively counts as pain is relative to the being's biological and ecological determinates (e.g., having the right neurons firing under the right conditions), but that objective pain can be contrary to what that being subjectively perceives as harm. Stated yet another way,

> Moral dumbfounding may demonstrate that moral judgments can be independent from "objective" harm… but moral judgments may nevertheless be linked to *perceptions of subjective harm.* Studies across psychology have long documented the separation between subjective experience and objective fact.[50]

So, even though moral dumbfounding stories can be narratively engineered to reflect a technically-harmless set of morally questionable events which have no suffering patient, the human mind nevertheless seems to cognitively graph a moral patient suffering from a caused harm. This is portrayed even in peoples' reactions to moral dumbfounding stories: they attempt to construct and accredit harm to a patient even when they cannot find one. Dyadic morality, then, can be an adequate minimalistic theory of human morality because it argues that the human cognitive template still perceives a

---

[49] Gray, Schein, Ward, "The Myth of Harmless Wrongs in Moral Cognition," 1601.
[50] Gray, Schein, Ward, "The Myth of Harmless Wrongs in Moral Cognition," 1601.

suffering patient even when there is technically no suffering patient. This is what dyadic morality deems as dyadic completion.

In much of the previous, dyadic completion is evident. Stereotypically, in a moral event there is an agent causing harm resulting in a suffering patient. But in some cases there seem to be harmless events that occur that are still considered moral violations—thus undermining the claim of harm being basic to immorality. However, such morally paradoxical events still pragmatically cause subjective harm; psychologically there is *perceived harm*, even if there is not objective harm. This is possible because when one of the key components of the cognitive template is missing, the mind can fill in the gap, similar to the optical illusion with the Kanizsa triangle (please see the image below).[51] Cognition works to subjectively fill in the so-called "missing image" of the Kanizsa Triangle, creating the appearance of a full star. Moral cognition can fill in the missing concepts of the template in a similar way.

Image above: the Kanizsa Triangle.[52]

This dyadic completion can occur in at least three ways: *agentic*, *causal*, and/or *patientic* dyadic completion.[53] Agentic dyadic completion is the addition of a moral agent and occurs when there is a direct suffering moral patient but a lack of a direct agent that

---

[51] Grey, Young, Waytz, "Mind Perception is the Essence of Morality," 108.
[52] Fibonacci, "Kanizsa Triangle," 2007, Wikimedia Commons, https://commons.wikimedia.org/wiki/File:Kanizsa_triangle.svg.
[53] Gray, Schein, Ward, "The Myth of Harmless Wrongs in Moral Cognition," 1602.

one can blame. Epitomic examples of agentic completion include when one morally

blames inclement weather, God, large corporations, and/or institutions for harm on self or

others. Causal dyadic completion is the addition of a moral causal force between an agent

and patient, for example, in the earlier example of the drug dealer not stopping at the stop

sign, being blamed with more moral weight, and respectively being credited with the

causal link between moral agency and patientcy.[54] Patientic dyadic completion is the

addition of a suffering patient, as in the moral dumbfounding cases above. There is no

patient who is directly harmed by the event, yet people cannot help but to perceive a

potential suffering patient.[55]

The theory of dyadic morality portrays that human psychology assumes that a

moral patient suffering at the forces of a causal agent exists. And if there is a missing

agent, causal force, or patient, the psychological template of interpersonal harm still

perceives there to be the missing component. Harm appears as the most basic element of

human morality, because where harm occurs, the dyadic template is activated. A critical

question of dyadic morality remains, however: what allows an event to be

psychologically judged as a moral wrong, as opposed to a conventional (communal)

wrong? For example, why is chewing gum in class, or heavily stepping on a person's

foot, not considered immoral and instead considered matters of social convention? These

events can both cause perceived harm, so it could seem that prima facie they should be

judged as immoral if morality's base element is harm. While in apparent opposition,

---

[54] Gray, Schein, Ward, "The Myth of Harmless Wrongs in Moral Cognition," 1602.
[55] Gray, Schein, Ward, "The Myth of Harmless Wrongs in Moral Cognition," 1602.

other seemingly harmless events, such as tax evasion or using the flag as a rag (or kneeling during one's national anthem), are judged morally.

In the following section I will explicate why such conventional and moral events might be psychologically and metaethically distinguished. The purpose of distinguishing conventional wrongs from moral wrongs is to make obvious a theory of moral judgment; to explain why all harmful events are not simply judged as moral wrongs, and why all harmless events are not just weighted as conventions. In so doing, the following minimalistic metaethical formula for immorality is surmised: empathic aversion to suffering + (communal) norms + perceived intention (i.e., purposiveness), from another mind = perceived causal harm to another moral being.

Empathy, Norms, and Purposiveness

Demarcating Conventional and Moral Judgments

Below is the thought experiment of *Moral Mary* who potentially cannot judge moral events. (Moral Mary seems to have moral capacities akin to weak artificial intelligence.)

> Imagine a woman named Mary who was never exposed to any moral education while she was growing up, but her other cognitive capacities developed normally. She is now an intelligent adult. Imagine that Mary has no intact innate moral attitudes. She doesn't feel guilty or indignant about anything. But she decides that she wants to learn what morality is all about, so she coops herself up in a room with the masterworks of Kant, Mill, and other normative ethicists. She learns their theories, and she becomes very adept at identifying the kinds of considerations that they bring to bear…now here's the crucial question. Suppose that Mary discovers that doing X will in fact maximize utility [i.e., utilitarianism]. Is that sufficient for her knowing that doing X is morally right? Can she wonder whether X is morally required even though she knows that it maximizes utility? The answer is obvious. Mary can wonder. She may be totally unsure about whether X is an action that *morality* demands. Suppose Mary also contemplates another course of action Y. She knows that doing Y would lead to a practical contradiction if everyone did it;

perhaps it requires using another person as a means rather than as an end [i.e. Kantian deontology]. Kant would say Y is morally wrong, but Mary can wonder. She knows that Y is practically irrational, but she doesn't know whether it is *immoral*. Suppose the Kantian [deontology] and Millian [utilitarianism] recommendations for action come into conflict. Can Mary decide which option is morally superior? Certainly not… Intuitively, Mary can be a perfect detector of the features that normative ethicists identify as the basis for morality, and she can have no idea whether those features have any moral significance.[56]

In the case above "Moral Mary" cannot easily perceive what is moral, even though she may know perfectly almost all the nuances of normative ethics. In the least it seems that her robotic way of demarcating what is ethical does not seem morally authentic; it is more akin to an algorithmic assumption. While Mary may rationally have knowledge of and be able to deliberate the best ethical and normative theory she still does not seem able to make an authentically human moral decision. This begs the conclusion that Mary's impairment is because she does not have an empathetic impetus compelling her toward making a moral judgment. In other words, Mary cannot authentically internalize morals, she can just technically and topically know ethics.[57]

Having empathy—or to *feel-with* another being—implicates the subjective moral being in the approval or disapproval of an action, motive, and/or trait (e.g., an event).[58] Followingly, the feelings of approval/disapproval "can occur prior to, and form the basis of, moral judgment."[59] With this being the case, Mary's empathic abilities are at best atypical and at worst nonexistent, therefore affecting her morality. Crucially and explicitly, then, this thought experiment gives an intuitive argument: an affective

---

[56] Jesse J. Prinz, *The Emotional Construction of Morals* (NY: Oxford University Press, 2007), 38.
[57] In much of a sense, moral Mary is functionally a robot (perhaps more specifically, utilizing David Chalmers's term, she is a *philosophical zombie*). Mary can make decisions based upon facts, but the question becomes: can Mary personally relate to, have some type of organic attachment to, making one decision over another? To this the answer seems to intuitively be no.
[58] Michael Slote, *Moral Sentimentalism* (NY: Oxford University Press, 2010), 28.
[59] Slote, *Moral Sentimentalism*, 28.

mechanism (which utilizes empathy) is necessary for a human to authentically make moral judgments.

Moral Mary is not simply a thought experiment, however. As mentioned previously, not all humans perceive other humans as sentient (having the passive capacity to sense phenomena), and not all humans perceive other humans as having agency (the potential to act freely). These humans, including those with autism and those with psychopathy—impaired in their abilities to perceive other minds (and therefore to perceive moral beings)—serve as an exemplar for portraying how moral/conventional judgments are psychologically demarcated via an affective mechanism (which is sensitive to empathetic concerns), knowledge of normative theories, and perception of agentic purposiveness. Those on the autism spectrum are not easily perceptive of agency—they perceive sentient beings, bearers of experiential minds, but have difficulty in cognizing them as a mind which has autonomous agency. Therefore, they sometimes distribute conventional and moral rules oddly (albeit within appropriate moral/conventional domains). Those with psychopathy generally do not judge a difference between conventions and morals; they do not easily perceive sentience in other beings but instead perceive all beings as simple objects.

In effect, these examples help support the conclusion that within stereotypically moral cognition there seems to be an empathetic aversion to suffering, an internalization of conventional norms, and the perception of another purposive source (e.g., a mind), and that these are all necessary components for demarcating that which is a moral violation, not simply a conventional normative violation. I will go into further detail of why this is in the following section. Ultimately, though, interpersonal harm, the type of harm sensed

through and dependent on empathy, guided between norms, and perceived between two intentional moral beings, can still be believed to be the base element of morality.

Autism and Psychopathy: Empathic Aversion, the Meter of Norms, and Perception of Purposiveness

Broadly, autism spectrum disorder has been suggested to be a type of mindblindness, i.e., a deficit in imagining the minds/mental states of others (Baron-Cohen, 1995; Baron-Cohen et al., 1985; Carruthers, 1996).[60] Studies have also shown that people with autism have difficulty inferring the beliefs and intentions of other people (Happé, 1995; Zalla, Machery, & Leboyer, 2008).[61] Therefore there is an initial argument for the stance that people with autism have difficulty in typical moral decision making (specifically regarding agency). Since those with autism definitionally have trouble with mind perception they necessarily have issues in performing typical moral decisions, since mind perception is itself an essential component of human morality.

Following earlier research, a more recent study supports that those higher or lower on the autism spectrum respectively attribute lesser or greater amounts of moral agency to adult humans, and simultaneously perceive typical levels of moral sentience (e.g., experience) in others (Grey, Jenkins, et al., 2011).[62] This perception of sentience is tangentially related to an empathic aversion to suffering—such an aversion would be an example of an affective cognitive mechanism that activates when a perceived conspecific is suffering.[63] An empathic aversion to suffering, therefore, predicates the perception of

---

[60] Grey, Young, Waytz, "Mind Perception is the Essence of Morality," 104.
[61] Grey, Young, Waytz, "Mind Perception is the Essence of Morality," 104.
[62] Grey, Young, Waytz, "Mind Perception is the Essence of Morality," 104.
[63] Psychologist R.J.R. Blair has developed a plethora of research on a potential specific cognitive affective system, which he deems as the Violence Inhibitor System (VIM) which has had the evolutionary psychological purpose of perceiving conspecifics' suffering, and then submitting to their needs, halting their suffering. The VIM is but one, more detailed example of what *can* be entailed by an empathic

sentience itself. This can help make sense of studies wherein high functioning adults

within the autism spectrum, "assign abnormally high levels of blame for accidental

harms" (Moran et al., 2011). These individuals—who have a greater inability to perceive

typical levels of moral agency in others—attribute more moral weight to events that are

typically perceived of as having less moral weight. Because they perceive lessened

agency and are highly empathically attuned to moral sentience in the subject/event, they

over ascribe moral weight on events that result in sentient-related harms.[64] We see

through this example that there is an important link between the perception of another

mind and empathy for other moral beings, and these parts are vital constituents of human

morality.

Studies in psychopathology also reveal the importance of empathic concern for

making moral judgments. Those with psychopathy seem to be cognitively missing an

empathic mechanism, which helps typical human moral cognition to differentiate what is

considered a moral norm from a social norm. Some of the most formative work done in

this area is by the psychologist R. J. R. Blair. In a 1995 study Blair sought to unpack how

those with psychopathy dealt with making moral/conventional judgments. Using

prisoners who had been diagnosed with psychopathy and a control group of non-

psychopathic prisoners, Blair questioned the prisoners about rule violations (ambiguously

integrating both conventional and moral violations). It turned out that psychopathic

---

aversion to suffering, but regardless of the VIM's presence or lack thereof, there seems to be some general psychological affective mechanism which empathically averts the suffering of conspecifics. For more info reference:

Nichols, Shaun, *Sentimental Rules: On the Natural Foundations of Moral Judgment* (NY: Oxford University Press, 2004), 11-16.

[64] Albeit while people with autism ascribe greater moral weight to events, they still may judge what is typically judged as moral as such, and not mismatch it with what is conventional. For more information on autism and the moral conventional distinction refer to: Nichols, *Sentimental Rules*, 8-11.

prisoners treated conventional and moral violations equally. Psychopathic prisoners ascribed authority-dependence to both moral and conventional wrongs, while simultaneously ignoring the suffering patients' sentient welfare. This was in contrast with the control group of non-psychopathic prisoners. So, it seemed that to those with psychopathy all conventional authority-dependent societal wrongs were cognitively perceived as moral wrongs.[65] However, there was an important nuance to the study. Blair suggests that prisoners were trying to sway their prison sentence by appearing more ethical while answering the questions.

In spite of the intentions of the prisoners, these findings can still portray that psychopathy leads to an extreme deficit in demarcating a difference between moral and conventional wrongs. Put simply, if psychopathic prisoners authentically could perceive the difference between moral and conventional violations they would have expressed them as substantively different, in order to portray their typical moral functioning to pander toward mental health and release. For psychopathic prisoners to treat all wrongs as moral wrongs shows that they really do not perceive a difference between moral and conventional norms.[66] What is more, these, and other findings, lean in the direction that psychopathic people instead perceive all moral wrongs as conventional wrongs—i.e., violations of socially normative theories. In another study children with psychopathic tendencies were found to treat moral wrongs as if they were conventional wrongs, therefore helping codify that psychopathic individuals treat all wrongs as conventional violations (Blair, 1997).[67]

---

[65] Prinz, *The Emotional Construction of Morals*, 43-44.
[66] Prinz, *The Emotional Construction of Morals*, 44.
[67] Prinz, *The Emotional Construction of Morals*, 44.

The explanation as to why psychopathic individuals blur moral and conventional judgments as simply conventional is grounded inherently in a potential cognitive mechanism related to empathy. Blair argues that psychopathy affects a psychological system that evolved to inhibit violence, what Blair calls a Violence Inhibitor Mechanism (VIM), inspired by work done in ethology.[68] A mechanism such as the VIM explains why humans empathically resonate with the suffering of other humans; this "vicarious distress response" is present in human infants but is lacking in people with psychopathy (House and Milligan, 1976; Blair et. al., 1997).[69] But people with psychopathy have more general affective-emotional cognitive deficits. They have flattened affect, or apathy (Hare, 1991), and lack not only moral emotions (guilt and compassion) but also non-moral emotions, such as fear (Davies & Maliphant, 1971; Patrick et. al., 1993) and sadness (Cleckley, 1941). Further, studies show they have difficulty in recognizing the sadness of others facially and vocally (Blair et. al., 2001; Stevens et. al., 2001).[70] These additional observations lead to a cognitive postulate that there is a Behavioral Inhibition System (BIS) that is broader than a violence-based mechanism, the VIM, which cognitively functions in mediation between moral emotions, negative emotions, and behavior (Gray, 1987).[71] Both systems, despite their differences, argue that there is an affective mechanism—particularly a mechanism empathically based in an aversion to harm—that typical human moral cognition includes and psychopathic moral cognition does not. It is because people with psychopathy do not have this empathetic concern that their moral judgments are commensurable with, and cognized instead, as conventional judgments.

---

[68] Prinz, *The Emotional Construction of Morals*, 44-45.
[69] Prinz, *The Emotional Construction of Morals*, 45.
[70] Prinz, *The Emotional Construction of Morals*, 45.
[71] Prinz, *The Emotional Construction of Morals*, 46.

As these two examples show, the perceived existence of harm,[72] norm violation, and an empathic aversion to suffering (triggered by a cognitive affective mechanism of empathy) are necessary to psychologically make a moral judgment. Further, these alone are not enough to summate into an immoral judgment. A string of psychologically perceived events can still at most be considered a violation of social norms (i.e., of normative theories) without a certain level of mind perception.[73] In order to be judged as an immoral event, interpersonal harm, conventional norms, and empathy need to be joined by the psychological perception of another intentional agent—or more broadly and explicitly, recognition of another moral being with purposeful causal moral power. Due to their impairment, people with deficits in mind perception may perceive events that would otherwise be considered immoral as simply conventional or painful events. In other words, "empathic aversion is translated to immorality when pain is caused by an intentional agent (see also Royzman, Leeman, & Baron, 2009)."[74] Therefore, ascribing (teleological or agentic) *purposiveness* onto a conventionally wrong event, that has a suffering moral being and that is affectively/emotively perceived, is the final essential component in explaining how a thin conventional harm transmutes into interpersonal harm.

Work regarding people with impaired mind perception abilities suggests that there is a necessary psychological link between having and cognizing affects/emotions, and distinguishing what counts as moral. As work about autism and psychopathy suggest,

---

[72] Perhaps more specifically put *pain.*

[73] Take for example, a person hurriedly walking with a cup of hot coffee in their hand, they could trip and pour it onto the person in front of them and scald them, perhaps seriously hurting them. But this event would not be judged as an immoral event, simply an accident which was perhaps due to a violation of social etiquette (walking too harshly and quickly out of one's own desires/needs).

[74] Grey, Young, Waytz, "Mind Perception is the Essence of Morality," 116.

having feelings for and an emotional response to an event where there is this empathically perceived suffering patient are necessary components for a person to convert a normative theory (i.e., conventional rules) into a moral judgment. But what is more, perceiving *purposiveness*—or, more technically, an *intentional agent* or intentionality—as the source of empathic and normative violations is also an essential component in explaining how perceived harm transmutes into a moral wrong, and does not simply remain as a conventional wrong. A conventional norm can be an event that causes some type of perceived pain (such as accidentally stepping on someone's foot while hurrying past them rudely, or talking too loudly in a library), but violations of conventional norms, contrary to moral violations, are *not* ascribed an agentic purposiveness—which has the goal of inflicting pain on a recognizable moral being. A lack of mind perception often equates roughly to an inability to perceive the moral dyad of causal agent and suffering patient—analogously similar to the Moral Mary thought experiment, which headed off this section. This leads in the direction that empathy, normative theories, and perceived purposive interpersonal harm are needed for demarcating what is valued as a moral judgment within human morality.

Following this, I will give another perspective on how morality can be perceived of within this minimalistic formula of: empathic aversion to suffering, plus (communal) norms, plus perceived purposiveness, causes perceived interpersonal harm. This adjunct perspective will be provided by unpacking the well-known Trolley Problem.

Using the Trolley Problem to Contextualize Affective Mechanisms, Norms, and Moral Judgments

In the classic trolley problem scenario there is a runaway, break-less trolley headed for five people on the track ahead. These people are unable to be warned and unable to get off the track. There are two options for the driver: she can pull a lever on the trolley to have the trolley switch tracks or do nothing. There is one caveat, should someone think this is an easy decision: on the other track there is one person, who like the other group of five is unable to get off the track.[75] The question becomes, "what should be done?" Should she let the trolley remain on course, crashing into and killing the five, or should she pull the lever, causing the trolley to veer clear of the five but kill the one?[76]

In regard to traditional Western ethics, to pull the lever and switch tracks (killing the one person) is considered a utilitarian decision because it is the most practical choice, if the goal is to allow the least amount of suffering and most amount of happiness (e.g., hedonistic utilitarianism). To decide to stay on the track headed for the five (and not choose to kill the one person) is considered a deontological, or Kantian, ethical decision. At the heart of deontological ethics are universalizable, logically non-contradictory principles (or *maxims*) that ought never to be violated, regardless of benefits gained. Kantian deontology, specifically, holds the principle that an autonomous being should never be treated only as a tool for a specific purpose (rather they have infinite dignity). Choosing to pull the lever and kill the one person is an act violating that principle of humanity.

---

[75] The classic trolley problem was first crafted by British philosopher Philippa Foot in her work *The Doctrine of Abortion and the Doctrine of the Double Effect*. I do not use her work directly, but I do believe it is necessary to mention that Foot was the creator of this much used, altered, and philosophically adored thought experiment.
[76] Prinz, *The Emotional Construction of Morals*, 24.

When presented with this trolley problem most people at least say they would pull the lever and practice ethical utilitarianism—as it appears the obvious rational choice. But with a slight twist in the trolley narrative, more people begin to favor a deontological ethic. In one variant of the trolley problem, the decision maker is on a bridge watching the trolley head toward the five people, instead of on the trolley as the driver. In this scenario, there is no second track with a single person on it. Instead, there is a large person with a backpack peering over the edge of the bridge next to the decision maker. If this person is pushed over the bridge, they will land onto the tracks and, due to their accumulative mass, would stop the train from hitting the five helpless individuals.[77] The technical details appear the same: the decision maker can choose the one for the five or not be implicated and have the five die. But the affective and emotive implications are different in this second scenario. Most people in the above (cruelly dubbed) "fat man" trolley narrative respond that they would *not* push the large person over, even though it would be the same technical outcome as the first trolley narrative, indicating an ethical deontology.

Philosophers quibble over ethical details as to why people might switch ethical tunes, but the simplest answer lies in the potency of feelings and emotions. In psychological research done on the trolley problem, using fMRI technology, Joshua Greene et al. found that emotional areas of the brain show more activity when presented the scenario where the person is pushed over the bridge, as contrasted with less emotional activity with the original lever scenario.[78] Greene and his cohort interpret these findings to mean there are two basic psychological moral processes, a "cool rational process" and

---

[77] Prinz, *The Emotional Construction of Morals*, 24.
[78] Prinz, *The Emotional Construction of Morals*, 24.

an "emotional process."[79] Neurophilosopher Jesse Prinz, however, proposes an alternative way to interpret Greene's findings, and that is to ascribe sentimentalist motivational power in both accounts, just in varying amounts and ways.

Prinz, who ascribes to moral sentimentalism (particularly a type of *neo-sentimentalism*), states that,

> I interpret the data differently... [o]n the emotionist account... we have an emotion-backed rule that it's bad to kill, and a somewhat weaker emotion-backed rule that it's good to save lives. In the pushing case, we imagine killing in a very vivid way, and the emotional wallop packed by the 'don't kill!' rule overwhelms the weaker emotions associated with the 'save lives!' rule. In the leaver pulling case, we don't imagine the harm we are causing very vividly, so the 'save lives!' rule can guide our actions. Here the numbers matter. ...This is consistent with data. Greene et. al. found that emotions are active during both the pushing scenario and the leaver scenario. Emotions are more intense in the pushing case, but that's no surprise: pushing someone to his death is a very evocative activity. [80]

This interpretation puts "emotions against emotions."[81] The emotion of one normative cognitive category is up against the emotion of another normative cognitive category; which normative category wins out depends on which category has the greater thrust, from the affective mechanisms behind it.[82]

Newer studies using the trolley problem can support this emotion versus emotion thesis. In more recent research conducted by Greene, researchers narrate a variant of the "fat man" trolley problem, where instead of pushing them him off the bridge, the decision maker is in a control room with a lever that can drop the large backpacked person onto the track (with the potential to stop the train from killing the helpless five). Greene found that in the regular "fat man" scenario, 31 percent of respondents say it is permissible to

---

[79] Prinz, *The Emotional Construction of Morals*, 24.
[80] Prinz, *The Emotional Construction of Morals*, 24-25.
[81] Prinz, *The Emotional Construction of Morals*, 24-25.
[82] Nichols, *Sentimental Rules*, 18.

push the person, while in the this newer scenario 63 percent think it is permissible to pull the lever to drop the person to stop the trolley.[83] The addition of a lever into the narrative seems to change people's moral decisions because it adds geographical distance between the decision maker and the person being harmed. This distance seems to positively correlate with affective-emotional distance. The physical distancing, which keeps one's affective mechanisms further away from engaging the event, allows a deontological normative theory ("do not cause harm") to take a cognitive backseat, allowing a utilitarian normative theory ("alleviate suffering") to be the cognitive charioteer. Feelings and emotions seem to necessarily influence what counts as ethical when making moral decisions based on these results. Morality is a matter of affective proximity and emotional engagement, paired with normative theories and an attribution of purposiveness (intentional causal force) behind it. This is moral sentimentalism at its definitional broadest.

When, cognitively, a normative moral category is pitted against another normative moral category, the one backed by a greater thrust of affective mechanisms will be the cognitive category that leads to a decision. Philosopher Shaun Nichols deems this phenomenon as "core moral judgment."[84] This theory of core moral judgment suggests there is a type of metaethical rule of sentiment; it implicates there are *deep* "sentimental rules," which are,

> rules prohibiting actions that are independently likely to elicit strong negative affect. The set of rules or normative theory prohibits actions of a certain type, and actions of that type generate strong affective response.[85]

---

[83] Prinz, *The Emotional Construction of Morals*, 25.
[84] See: Nichols, *Sentimental Rules,* 18, 20, 25-29.
[85] Nichols, *Sentimental Rules*, 18.

The overarching concept of sentimental rules, and its preemptive theory of core moral judgment, fits well with the above sentimentalist theorizing around the trolley problem and with dyadic morality, as discussed in earlier sections.

Through the social thought experiments and unpacking of a few theories of morality in the previous sections, I argue for a moral sentimentalist metaethics, wherein empathy, normative theories, and perceived purposive of interpersonal harm are necessary for the functioning of typical human morality. This sentimentalist theory pushed forward, then, puts heavy expectation on how the roles of empathy and interpersonal harm work within human morality. In the following chapters I will apply this theory to the theistic dietary ethics of Ancient Judaism, showing that their dietary laws are necessarily connected to an emotive source, specifically empathy, as opposed to simply determined through rational deliberation or instantiated by an Ultimate Reality (i.e., theistic source), for example. Before expounding upon this, I will provide an interpretive overview of the Hebrew Bible's literature on the dietary codes in question.

CHAPTER TWO:
ANCIENT HEBRAIC DIETARY ETHICS

The Ancient Hebraic Dietary Laws: What is Kashrut?

Biblical sources (along with ancient rabbinic exegetical texts; e.g., the Mishnah and the Talmud) mandate and explicate what is ritually *fit,* what is *kosher*, for dietary consumption. Kashrut is the term for the system by which potential foods are deemed kosher, the conceptual embodiment of the laws of ritualistic dietary *fitness*.[86] Notable portrayals of the kashrut laws are in Genesis, Exodus, Deuteronomy, and Leviticus (what are traditionally understood as the books of Moses). The most explicit and lengthy portrayals of biblical kashrut are found specifically within Leviticus and Deuteronomy.

Some of the most iconic kashrut laws, derived from Deuteronomy 14:3-10 and Leviticus 11:2-23, are: permission to consume animals that have cloven hooves and chew cud (i.e., ruminants, such as cattle, sheep, goats); prohibition of specific animals (such as camel, hare, and pig) that may either chew cud or have a split hoof but do not meet both criteria;[87] acceptability to consume animals in the water with fins and scales; prohibition of swarming water creatures without fins and scales;[88] edibility of animals of the air, e.g., birds, except for a somewhat lengthy list of specifically mentioned birds (including eagles, ospreys, and vultures).[89] These laws show that biblical kashrut is descriptive: it answers the formal question of what should and should not be eaten. However, it

---

[86] "Dietary Laws," in *The New Encyclopedia of Judaism,* edited by Geoffrey Wigoder, Fred Skolnik, and Shmuel Himelstein, 2nd editors (NY, New York: New York University Press, 2002). http://ezproxy.drew.edu/login?url=https://search.credoreference.com/content/entry/nyupencyjud/dietary_laws/0?institutionId=1119.

[87] For a more detailed comprehensive list see: Mary Douglas, *Leviticus as Literature* (New York, NY: Oxford University Press, 1999), 138.

[88] For a more detailed comprehensive list see: Douglas, *Leviticus as Literature*, 153.

[89] For a more detailed comprehensive list see: Douglas, *Leviticus as Literature,* 154.

sparsely, if at all, explains the substantive details for why.[90] If the goal is to understand

kashrut fully (as it would be commonly known and practiced) then biblical sources alone

do not provide all of the detailed motives for the dietary dictums. It is this issue of

parsing out the substance of kashrut (from its form) that some of the ancient rabbinical

writings, within the Mishnah and the Talmud (compiled in the Common Era, after the

biblical writings), sought to explicate.

While modern day kashrut is biblically based, many of the details regarding *how*

or *why* to keep kosher, are explained through the rabbinical teachings. Here, a

quintessential example is the kashrut law of not boiling a kid in its mother's milk (Ex.

23:19; 34:26; Deut. 14:21), which through rabbinical teachings has broadened into

prohibition of mixing meat and dairy. One popular explanatory belief for the law's

existence—which is also the one the Jewish Philosopher Maimonides (d. 1204 CE)

supposed—is that boiling an adolescent goat in its mother's milk was a cultic-magic

ritual performed by non-Israelite pagans, and therefore the practice ought to be eschewed

(as is biblically evidenced). This argument has some (weak) historical, logical, and

literary merit, but ultimately the stronger, likelier argument seems to be on sympathetic

grounds: boiling a kid in its mother's milk is an impure and unfit practice. It is appalling

that a mother's nurturing, life-giving milk would be comingled with the dead meat of her

child. Such an act is a disgusting and "promiscuous joining of life and death."[91] This

functions as fine example for how the formal biblical laws are exegeted in the matters of

---

[90] Not knowing the substantive means by which to make kosher judgments is potentially dangerous, if a person wishes to keep kosher in a world where ambiguities often creep up. For example, todays modern foodways provide kashrut with plenty of scientific-theological dilemmas (such as the case of lab-grown pork, or genetically modified organisms), but this phenomenon is nothing historically new, historically there has always been paradoxical ambiguities that surface.

[91] Robert Alter, *The Five Books of Moses: A Translation with Commentary* (New York, NY: W.W. Norton & Company, Inc., 2004), 451-452.

their substance by the rabbinical literature and therefore summate into what was or is the formally practiced system of kashrut. In such cases, the biblical laws are without a doubt the base, but the practices of kashrut themselves can prima facie be misleading if one's assumption is that kashrut is solely based on the Hebrew Bible without any additional sources.

Both the biblical and rabbinical sources are perceived to hold to the biblically-based belief that keeping kashrut demarcates not just the fitness of the food but the holiness of the people. This sentiment is explicitly stated in both Deuteronomic and Levitical dietary codes. Deuteronomy states, "For you are a people holy to the LORD your God, and you has the LORD chosen to be a treasured people to Him of all the peoples that are on the face of the earth." (Deut. 14:2)[92] Similarly, Leviticus (thematically referencing the Exodus and creation narratives) states, "For I am the Lord your God, and you shall hallow yourselves and become holy, for I am holy. And you shall not make yourselves unclean through any swarming thing that swarms on the earth. For I am the LORD Who has brought you up from the land of Egypt, to be for you a God, and you shall be holy, for I am holy." (Lev. 11:44-45) Holiness, therefore, is the goal of the dietary laws, and the nuanced kashrut system is the model for attaining that holiness.

In summary, kashrut derives from biblical and rabbinical imperatives and their explanations about what God has deemed as fit to eat for those covenanted as God's holy people. This short section broadly describes what kashrut has historically and technically conceptualized as fit cuisine for holy people, but there remains the important critical

---

[92] As a note, all Hebrew Bible references parenthetical cited will be from the Robert Alter translation (cited above), unless noted otherwise.

question of what effects the practice of the kashrut system perform narratively, socially, and ecologically. What were the motives of kashrut and its desire for holiness? In this chapter, I present an argument for why the kashrut system was advocated for by the ancient biblical writers, and what their purposed holiness may have implied. In so doing I mainly analyze biblical sources (in a philological manner), and only occasionally reference rabbinic teachings, in a hope to remain truer to the ethos of the biblical writers and their ancient historical context.

Ancient Kashrut as a Dynamic Theistic Ethic Concerned about Vitality and Power

Biblical dietary laws, such as those prominently found in Leviticus and Deuteronomy, are offshoots of a subterranean ethical system concentrated around holiness. Holiness, within the kashrut system, meant controlling humankind's literal and symbolic desire for meat. Within ancient Judaism blood is the host of life's essence, the *nefesh*, which is perceived to be sufficiently the living animal organism.[93] To discipline humankind's desire for meat (the host of blood), then, is to at least symbolically tame the concupiscent desire to consumptively take life. This mimics the ancient law of retaliation, *lex talionis*, in its function. *Lex talionis* sought to match the crime with an equally forceful punitive reaction, balancing the scales so to speak, so that the action would not be committed again. This disciplining of the desire for *nephesh*-bearing meat also sought to emplace a punitive reaction so that the concupiscent desire to consumptively take life was behaviorally tamed (cf. Gen. 9:4-6). Ultimately, then, such a dietary ethic self-domesticates humanity's desire for power and promotes a will for life. More broadly, the

---

[93] Often nephesh is translated as *soul.* But this later inspired Greco-Roman philosophical concept of soul is misleading, as it assumes some type of metaphysical (mind-body) dualism that nephesh biblically does not seem to fit neatly into.

argument I put forward here is that biblical dietary laws eschewed death and invigorated life—this life-death tension is portrayed in the biblical cosmological structuring of existence. Ancient Hebraic dietary laws had the motivational purpose of (implicitly) institutionalizing an ethic where ordered life could flourish and where chaotic suffering would be minimized. Recapitulating this philosophically, ancient Hebraic dietary laws construct an ethic of dynamic vitalism. In this way sentimental principles for vitality empowered and permeated the perceived structure of the cosmos.

The Power of Blood: The Prohibition of the Consumption of Blood

Biblical sources (focally the Holiness Code in Leviticus, Lev. 11:2-23, 17:14; the Deuteronomic Code, Deut. 12:21, 14:3-10; and to some degree the Covenant Code in Exodus, Ex. 20:13, 23:19, 34:26) evince and support the kashrut blood prohibition. In relation to this codified blood taboo the ethically normative term holiness (*kadosh*) makes contextual sense. Holiness is to be represented by, and to strive for, an ordered flourishing life—in imitation of the deity—diametrically opposed to chaotic suffering. In this section I unpack the ancient biblical blood prohibition and then put the dietary laws in dialogue with the concept of the blood prohibition. I argue that what results is a portrayal of a limitation on suffering—first by limiting the animals that can be consumed, then by further procedural limitations on the slaughtering of these few animals. This limitation of suffering is both a personification of the biblical God's holiness (*kadosh*) and a projective expectation for the Israelite people to ethically embody and live up to (via kashrut), according to the biblical text. Holiness, which is often prescribed ethically, is ordered, flourishing life; impurity is chaotic suffering and death.

The Levitical stipulation, that "the blood of all flesh you shall not consume, for the life of all flesh is its blood" (Lev. 17:14), encapsulates not just the theme of the dietary laws but thematically reverberates throughout the Hebrew biblical narrative. This theme of life and blood especially finds home in Genesis, the Holiness Code in Leviticus, the Deuteronomic Code, and even in the Covenant Code in Exodus. These biblical sources create a type of thematic narrative where initially all life-filled organisms are vital parts of creation and its ontological ordering, and are therefore not killed and consumed. But then, lawful—not ideal—concessions are made, leading to kashrut laws seeking, in their substance, to encourage, mandate, and re-substantiate the holy (God-like) goal of vitality, for all of created order.

The creation narratives found in Genesis depict an original diet consisting of only plants and fruits, not flesh of any animals. In the second creation story humankind is given a fruitarian diet (essentially a vegan diet, focused around raw fruits and other plant matter). The "LORD God" (YHWH *'Elohim*) places the human (adam) in the garden to "till it and watch it," and then God says to the human, "From every fruit of the garden you may surely eat" (Gen. 2:16). The first creation account has a similar portrayal of the created order of the human diet. In this narrative God (*'Elohim*) says, "Look, I have given you every seed-bearing plant on the face of the earth and every tree that has fruit bearing seed, yours they will be for food" (Gen. 1:29). Both of Genesis's cosmogenic narratives corroborate a fruitarian diet for the original humans.[94] The intention that humanity was

---

[94] It is of particularly interest then that within the second creation narrative it is not until humankind's *intense desire* for, and consummative eating of, a forbidden *food* that becomes the marker for humankind's rejection of the paradisiacal existence. (*Intense desire:* Alter translates part of Gen. 3:6 as "lust to the eyes"—that is in the context of Eve seeing the tree of knowledge—denoting that the term "intense desire" is an apt term.)
Alter, *The Five Books of Moses*, 24.

originally and idyllically a plant-based species is further validated by the concession made just prior to the Noahic covenant (cf., Gen. 9:2-5).

It is not until Genesis that the Hebrew Bible explicitly denotes the allowance of meat. God gives a speech and blessing, encouraging Noah to "[b]e fruitful and multiply and fill the earth," noting that "the dread and fear of you shall be upon all" the animals of land, air, and water, because, as God now allows, "…[a]ll stirring things that are alive, yours shall be for food." Further, God relates this new concession to the old dietary benediction, reminiscing that animals are now edible "like the green plants, I have given to you" (Gen. 9:1-4). The one prohibition that God makes clear to Noah, and the new crop of humanity, in this speech is that blood is not to be eaten: "But flesh with its lifeblood still in it you shall not eat" (Gen. 9:1-5a).

Uniquely, the imposition of this blood prohibition is somewhat egalitarian. Verse five denotes that if animals or people murder a human then that murderer is to be put to death—this is an example of retributive justice.[95] This death penalty, for fatally drawing lifeblood, puts humankind and animals to some small degree on an equal plane. Further, God proclaims this Noahic covenant not just with humanity but also with all animal organisms: "And I, am about to establish my covenant with you and your seed after you, and with every living creature that is with you, the fowl and the cattle, and every beast of the earth with you, all that have come out of the ark, every beast of the earth" (Gen. 9:9-10). After God's initial speech God reformulates what was said, and states it

---

[95] Alter notes that this retributive justice may be a legislative reaction, in response to the legislatively unrequited violence that incurred the flood. Specifically Alter holds that Gen. 9:6 is a chiastic structure, utilizing the words spill (*shofekh*), blood (*dam*), and human (*adam*), creating an ABC C'B'A'. Therefore, the occurrence of this chiastic structure, at this point in the narrative may be to draw attention to the need of a ban on bloodshed/murder; as this may have been a preoccupation of humanity prior the flood, therefore post-deluge should have bulwarks against bloodshed.
Alter, *The Five Books of Moses*, 51.

again. This reformulated speech stresses that animals are part of the Noahic covenant in

an overly emphatic and repetitious way. God's dialogue states that:

> My bow I have set in the clouds to be a sign of the covenant between Me
> and the earth… Then I will remember My covenant, between Me and you
> and every living creature of all flesh. And the bow shall be in the clouds
> and I will see it, to remember the everlasting covenant between God and
> all living creatures, all flesh that is on earth. …This is the sign of the
> covenant I have established between Me and all flesh that is on the earth.
> (Gen. 13-17)

Genesis's deluge narrative and its Noahic covenant support the ideal Leviticus

comes to stipulate more explicitly, that "the life," the *nephesh* (*nepes*), "of all flesh is its

blood." (Lev. 17:14b) With the life-essence being of the blood of all animal organisms, to

kill and to eat nephesh-bearing animals is not ideal.[96] This nephesh-based quasi-

egalitarianism makes sense of God's prohibitive stipulation to not consume the blood

from animals—God does not will humankind to eat what is the essential substance of

life—because the consumption of meat is a divine concessive departure from the ideal

state of existence (as the creation narratives portrayed) to the real state of existence,

wherein humanity is desirous and engaged in impure events (as portrayed via the motive

for the divinely punitive and cleansing deluge). There is no longer "Adam the ideal, but

Noah, the real."[97]

It is most likely because of this flesh-blood-life connection, conceptualized by the

term *nephesh*, that the Hebrew Bible's original humans ate a fruitarian diet, and the

---

[96] The term "animal organisms" may be too broad in a technical scientific and biological sense, as insects are not included within the *nephesh*-bearing classification. This can topically be explained away in that, perhaps, the ancient Israelites did not perceive insects as having blood proper. In ordinary modern life many people have experienced, at a superficial phenomenological level, if/when they have squished an insect that they ooze liquid that is not quite the color or viscosity of human blood. Perhaps this phenomenological perception of insect blood may have been what allows them to be excluded from the categorization of nephesh-bearing beings. Regardless, the term "animal organism" is still mostly applicable in this case.

[97] Jacob Milgrom, *Leviticus: A Book of Ritual and Ethics* (Minneapolis: Fortress Press, 2004), 104.

motive for why the blood prohibition was first enacted upon Noah and made further evident within the Noahic covenant. The blood prohibition, stated simply, sought to curb humanity's intense desire for violent power (a claim that will be revisited later).[98] This thematic narrative of the blood prohibition is followed by the kashrut laws, which seek, in their minimalizing effects, to encourage, mandate, and re-substantiate the God-like goal of *holiness*, in hopes to bring the Israelite peoples' actions closer to the ideal *nephesh*-honoring cosmogenic intentions. Within these Levitical and Deuteronomic dietary imperatives, holiness is conceptually concerned with vitality for all of the created order, and relegates chaotic death to the peripheral void. Specifically, holiness (i.e., purity or cleanness) can be achieved morally by all the people, it is no longer just an abstract property of the deity. As may be evinced in the Covenant Code, the goal is for Israel to become such an ethical paradigm that they are "a kingdom of priests and a holy nation" (Ex. 19:6).

Limiting Suffering: Imperatives Imitating the Holy

Leviticus, and its Holiness Code, as well as the Deuteronomic Code, give the archaic blood prohibition augmented potency. It is not simply that "the blood of all flesh you shall not consume, for the life of all flesh is its blood" (Lev. 17:14). Rather, further limitations are proclaimed upon what and how nephesh-bearing animals should be eaten. What results within the Levitical Holiness Code is a limitation on suffering. This limitation first occurs by an encompassing reduction of the methods of *how* animal slaughtering can take place, and then a further setting of limitations on *what* can be slaughtered. Crucially, this general limitation of suffering is both a personification of the

---

[98] Milgrom, *Leviticus,* 105.

biblical God's holiness (*kadosh*) and a projective expectation for the Israelite people to embody and live up to morally (via kashrut), according to the Torah's texts.[99]

Leviticus 17 is likely the oldest sacrificial law in the Hebrew Bible.[100] It most pertinently expresses that there should be a specified place and person to perform the slaughtering, and secondly that not to bring one's animal for a sacrificial offering is equivalent to murder.[101] The fact that a particular person is necessary for performing the slaughter, which the Talmud names a *Shohet* (a ritual slaughterer),[102] and that a specified local sanctuary (shrine) is needed as well, is evidenced in God's dialogue to Moses:

> Every man of the house of Israel who slaughters a bull or a sheep or a goat in the camp or who slaughters outside the camp, and does not bring it to the entrance of the Tent of Meeting to bring it forward as an offering to the LORD before the LORD's Tabernacle, it shall be counted as blood for that man—he has spilled blood—and that man shall be cut off from the midst of his people. So the Israelites will bring their sacrifices… to the LORD, to the entrance of the Tent of Meeting, to the priest, and they shall sacrifice them as a communion sacrifices to the LORD. And the priest shall cast the blood on the LORD's alter at the entrance of the Tent of Meeting and turn the fat to smoke as a fragrant odor to the LORD. (Lev. 17:3-6)

---

[99] As has been pointed out to me by the Hebrew Bible scholar Danna Nolan Fewell, a historical socio-economic critique of Leviticus may also reveal that *more* sacrifices are occurring (when put in contrast to the stipulations of the Covenant Code and Deuteronomy, regarding what infractions required sacrifice). As in Leviticus there appears to be mandated sacrifices for nearly every infraction! While this is likely true my overall argument still stands as the Levitical stipulations still pragmatically sought to restrict who and how suffering occurred when sacrificing was necessary, even if the requirements for when to sacrifice was necessary was increased. Potentially, I believe that this somewhat paradoxical reality may have to do with what has been referred to as the dark side of empathy—this can be evidenced when someone empathizes so strongly with their cultural in-group (i.e., their "tribe") that they engage those of the out-group with hatred to simple indifference. This phenomenon of dark empathy may help explain in the above why the priestly writers of Leviticus sought to curb suffering of those nephesh bearing animals being sacrificed, *and* simultaneously increased when sacrificing was necessary for an infraction. Particularly, a feeling-with other suffering nephesh-beings is happening (thus restricting when/how suffering occurs), *and* a darker feeling-with the suffering cultural in-group, e.g., the priestly class (i.e., the Levites), is also simultaneously being felt and dealt with within the Levitical work. A closer critique of colonialism, that takes more account of the social-economic realities of the priestly class and of their ancient context, would be what is necessary to better unpack how both empathy and dark empathy are implicated within this sacrificial system. Currently, this project is only concerned with empathy, not dark empathy, as this is alone a large undertaking.
[100] Milgrom, *Leviticus,* 105.
[101] Alter, *The Five Books of Moses*, 616.
[102] "Dietary Laws," in *The New Encyclopedia of Judaism,* eds., Wigoder, Skolnik, Himelstein.

The text above evinces the communal-liturgical necessity of both a ritual slaughterer—the local *priest*—and local sanctuaries/shrines—the *Tent of Meeting*—where all slaughtering ought to occur.

It is worth noting that at some later node in Israelite history a Judean king (either Hezekiah or Josiah) centralized the Jewish cult around Jerusalem (and eventually Jerusalem's temple) and relatedly disbanded local sanctuaries.[103] As portrayed in the Deuteronomic text, this removal of the local shrines made necessary *secular slaughtering* (rabbinically: *shehitat hulin*), something that had previously not existed in idea or in practice, where Israelite people could sacrifice wherever they happen to live, as long as the proper protocol is followed. This legislative shift is exemplified in the Deuteronomic Code, when Moses is credited with pontificating, that,

> Should the place be far away from you that the LORD your God will choose to set His name there, you shall slaughter from your herd and from your flock that the LORD has given you as I have charged and you shall eat within your gates wherever your appetites craving may be. (Deut. 12:21)

This allowance of secular sacrifice is clearly not without its prohibitions. Crucially, the blood prohibition is poignantly reiterated, emphasizing that while the Israelite may make a secular slaughter wherever they happen to reside, they still cannot consume the blood. Instead they must pour it on the ground, returning it to God. But importantly, this historical contingency of secular slaughter is not a real possibility within Leviticus.

---

[103] Milgrom, *Leviticus,* 105.
Robert Alter notes that disbanding of the local sanctuaries/shrines as the hub of Israelite religious life may have occurred 8th century BCE (Hezekiah's reform) and the late 7th century BCE (Josiah's reform). See, Alter, *The Five Books of Moses*, 942.

To return to Leviticus, Leviticus 17:3-6 states that if a sacrifice occurred outside

of the gates of the local sanctuary it was to be considered as if that person had committed

a murder—as if they have "spilled blood." (Lev. 17:4b) It seems, then, that there needed

to be holy recognition of, and ritual restitutions for, the nephesh taken from the

nonhuman animal or human. In a sense, to not offer the blood and its nephesh *back* to the

Hebrew God (as sacrificially mediated through the priests),[104] who created all of the

cosmological order, is akin to murder because all life is ultimately the deity's property.

Stated elsewise,

> The person who slaughters an animal without having the priest cast some
> of its blood onto the legitimate alter of YHWH is considered to have
> committed murder. The blood on the alter, then, offered up to the deity
> together with the burnt suet, is an expiation for the blood of the animal
> spilled in the slaughtering process, a ritual recognition that the taking of
> life, even for consumption as food, is a grave act that must be balanced by
> an act of expiation.[105]

With this stipulation, the Holiness Code (as well as the Deuteronomic Code) portrays a

profound existential value onto living animal organisms,[106] which must be honored and

amended by the people and the priests.

From the above biblical texts, it is clear that the place where the slaughter occurs

and the person who does the slaughtering are both of great normative value, which is why

they are bound by legislative and divine stipulations. And, importantly, restricting the

places and persons involved with the slaughtering functionally limits the overall amount

of slaughters. Disallowing particular kinds and ways of animal slaughter—the

---

[104] This, as noted in a prior footnote, can be unpacked with a colonial and socio-economic critique. Particularly that the priestly class mediated the sacrifices and consumed most of the meat, as the purest harbingers of God's holiness. This may perhaps translate to that while all life was ultimately God's it was first the (non-producing) priestly classes' source of energy.

[105] Alter, *The Five Books of Moses*, 617.

[106] To be accredited a nephesh, then, is to be perceived as some type of a moral being.

imperatives to return the *nephesh*-blood to the soil, and to ritually validate, in some

manner (preferably by a priest at the temple), the animal's nephesh as the deity's—

functions to make the slaughtering and consumption of animals more difficult in practice.

If such limiting structures were not codified, Israelite persons could have simply

butchered animals anytime and place, independent of authorities and/or rituals. These

biblical dietary laws prohibiting blood consumption ensure that the animal's nephesh is

honorably expiated, limiting accessibility to animals as food and the amount of suffering

animals. In other words, the method of how animals are slaughtered limitingly affects

how many animals are killed and consumed.

The claim that fewer animal organisms are consumed is corroborated by *which*

animals were considered fit for food in the first place. The Levitical and Deuteronomic

texts decide to exclude a large portion of otherwise safe and consumable animals.[107] This

philological reality—that the circle of which animal organisms are ontologized as fit for

holy food was reduced—acts as support for the argument that the ancient biblical writers

sought to limit suffering in general, as flourishing was holy and suffering was chaotic.

As previously listed, the most iconic kashrut laws are generally within

Deuteronomy 14:3-10 and Leviticus 11:2-23.[108] The permitted animals are quite

restricted; many creatures, which are technically edible, are either prohibited on, or

excluded from, the list. This exclusivity is odd, if the purpose of eating animals is only to

consume things for the sake of their calories and nutrients. It is crucial to understand that

---

[107] As a note, this is a matter categorizing beings (of classification, taxonomy), so at its broadest this is a type of ontology being realized.

[108] Worth of a note now, as it was also pertinent earlier, (in the least) both Hebrew Bible scholars Robert Alter and Jacob Milgrom agree that the authors of Leviticus 11 and Deuteronomy 14 write too similarly for one or the other author not to be cribbing off of the other. Followingly, they both agree to the hypothesis that Deuteronomic Code's dietary laws (in Deut. 14) are an abridgment of Leviticus's dietary laws. Alter, *The Five Books of Moses*, 583.

the purpose of these limitations includes ontologically portraying a holiness analogical to God's holiness. Through the kashrut dietary laws—which are themselves a type of ontological invention, defining what (nonhuman animal) beings are in relation to other (human) beings—the encompassing circle of potential food shrank, effectively limiting the animals consumed and therefore limiting the animals who suffered.

This shrinking ontological circle of dietary consumption mimics the ontological circle of humanity (specifically as it is portrayed in the Priestly source). Humanity is divided into three hierarchal classes, parallel to three of Israel's covenants with God: (1) priests (Num. 25: 12-15) are the innermost circle (closest to holiness), (2) Israelites (Gen. 17:2; Lev. 26:42), the middle circle, and (3) humanity (Gen. 9:1-11; a class which is inclusive of animals) as the outermost circle.[109] This previous tripartite ontological classification of covenantal nephesh-bearing beings is mimicked by a three-part hierarchal ontological classification of animals fit for slaughter and consumption, as per the dietary laws, as mentioned just above. This dietary classification of animals is divided into (3) the outermost circle, where humanity in general is allowed to consume all animals, except for their blood, (2) the middle circle, where Israel is only allowed to consume a small portion of animals (as per Lev. 11 and Deut. 14), and (1) the innermost circle, where priests are only allowed to sacrifice domesticates that are unblemished, from the animals stipulated edible.[110] (See the figure below, for a pictorial representation of these two ontological circles.)

---

[109] Milgrom, *Leviticus*, 102-103.
[110] Milgrom, *Leviticus*, 102-103.
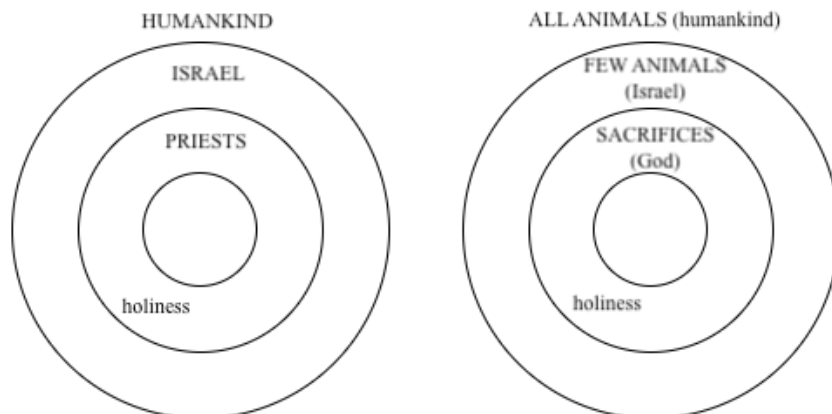
Above: the normative ontologies of the animal world and the human society, as found in the Priestly Source.[111]

The above, then, suggests that the taxa (human or nonhuman animal) who are deemed less are more limited, in their actions, related to taxa-specific moral responsibilities, especially in terms of diet. Deeming certain animals as explicitly *not* holy—impure, unclean, abominable, etc.—similarly functions to limit which animals are consumed and also protects those nominated as impure. The impure are protected because Levitical law stipulates a rule against touching unclean animals that are dead (Lev. 11:43-44). Consequently, the only dead animals that are allowed to be touched are the consumable sacrificial ones (e.g., perceived ruminants, which are mainly domesticates).[112] While impure animals are alive they may be utilized or otherwise pragmatically engaged (camels and donkeys can truck things; mice can be caught; cats and dogs can be punished harshly). But if they die they become a contagious object of impurity. This death-contingent, potential contagiousness of an impure animal functions to protect these animals from harm and postmortem violation, including use of their hides

---

[111] Milgrom, *Leviticus*, 102.
[112] Douglas, *Leviticus as Literature*, 141.

for textiles, their bones for jewelry, toys, or tools, their inner organs for cordage or bags, etc.[113]

From the previous it can be surmised that the biblical legislation that included/excluded and prohibited beings as impure (based on their taxonomic status) restricted *which* taxa were allowed to be legitimately consumed. Similar in effect to these taxonomical imperatives are the constraining methodological imperatives, which also decreased the number of slaughtered. Both the taxonomical and methodological imperatives limit the animals being killed for consumption and inhibit the killing of those not nominated as consumable and/or those impure to kill.

In this way, both the existential-covenantal circle and the dietary circle of animals are hierarchical ontologies that go from most broadly mundane and profane and progressive inward toward holiness. Humanity and consumable animals, Israelites and kashrut animals, and priests and unblemished sacrifices, are all relatively equal to their mirrored dyad of the other circle. What is allowed to be consumed and sacrificed progresses from a general and broad populous to a smaller minority the holier a being is considered.

There is an additional biblical relationship between nonhuman animals and humankind. To further the above dialogue on holiness, and nonhuman and human animals' quasi-egalitarian relationship, Mary Douglas argues that there is an analogical relationship between the temple altar and the Israelites' diet.[114] The Abrahamic Covenant and covenantal rules apply both to Israelites and their domesticated animals.[115] For

---

[113] Douglas, *Leviticus as Literature*, 141-142.
[114] Mary Douglas, "Deciphering a Meal," in *Food and Culture: A Reader*, Eds. Carole Counihan and Penny Van Esterik, (New York, NY: Routledge, 1997), 48-49.
[115] Douglas, "Deciphering a Meal," 48.

example, both human Israelites and their domesticates are to follow the rule of the

Sabbath (Ex. 20:10). Another, more poignant example is found within the firstborn

legislative stipulations. The firstborn of domesticate animals (Ex. 22: 29-30) and the first

born of human Israelites (Levite, as the divine amendment goes) are consecrated to God's

service (Numbers 3: 12-13, 40; Deut. 21: 15-17).[116] God tells Moses, "For Mine is very

firstborn." Then, beckoning back to the Israelites' enslavement in Egypt, God states "On

the day that I struck down every firstborn in the land of Egypt *I consecrated to Me every*

firstborn in Israel from man to beast—Mine they shall be. I am the Lord." (Num. 3: 13;

emphasis mine)

To further entrench the analogical relation of humankind to animals it is

prosperous to exegete the similarities between sacrificial animals and the Levites.

Animals that have parted hooves and chew cud are pure and consumable by the Israelites

(Lev. 11: 3; Deut. 14: 4-6), while the domesticated subcategory of the above are given the

additional privilege of being potential sacrificial offerings (Lev. 22: 18-22). If an animal

is of this subcategory and, further, a male without blemish and the firstborn then—being

the most holy—they are consecrated to the priests (Deut. 15: 19-23).[117] This progressive

holiness of animals is paralleled within humanity, where the unblemished Levites are the

most holy.[118] Israelites are enjoined under the Abrahamic covenant, but the Levites

(firstborn males, descending from the tribe of Levi) are given the privilege of judging the

---

[116] Douglas, "Deciphering a Meal," 49.

[117] Douglas, "Deciphering a Meal," 47.

[118] Whereas the biblical text does not make this extremely evident—as it topically blurs the terms priest
and Levite—historically a priest is one step holier than a Levite (therefore, technically only a priest is
allowed within the inner most chamber of the temple, e.g., the holy of holies. This reality further
complicates the spectrum of mundane to holy, but it does not negate it, and nor does it negatively affect the
argument above.

purity and impurity of other Israelites (Lev. 13, 14, 10:10; Deut. 21:5).[119] Further, Levites

without blemish, uncontaminated by impurities, then—being the most holy—they are

consecrated with the honor of entering the temple's Holy of Holies.[120] This analogy,

between Levites and animals, explicitly portrays that there are "cosmic analogies

functioning here."[121] The image below depicts the Levite and animal cosmic analogy:
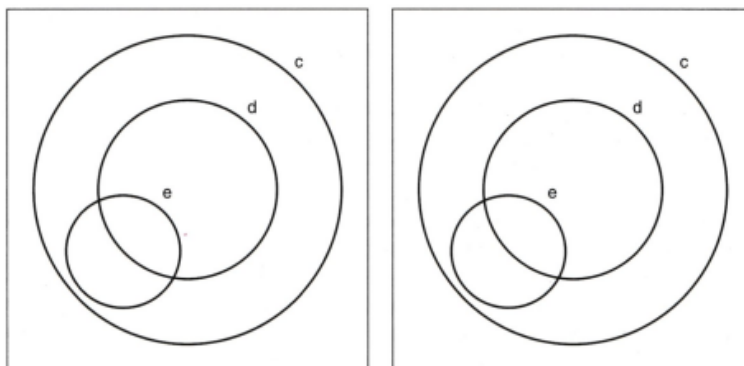
First circle on the left: "Israelites (c) under the Covenant; (d) fit for temple sacrifice: no blemish; (e) consecrated to temple service, first born."[122]
Second circle on the right: "Their livestock (c) under the Covenant; (d) fit for temple sacrifice: no blemish; (e) consecrated to temple service, first born."[123]

By way of this cosmic analogy, the analogical relationship between the taxonomic

ordering of animals that are fit for the temple's altar and the Israelites' holy diet is

clearer. What ancient Israel deemed as holy food was analogous and *causally related* to

who was perceived to be a holy person. The holy Levites stuck to the dietary laws, which

eschewed eating most of the animal kingdom (and inflicting more suffering), because

symbolically their body was a microcosm of the temple.[124] As Douglas puts it, "Body for

altar, altar for body, the rules which protect the purity of the tabernacle are paralleled by

---

[119] Douglas, "Deciphering a Meal," 49.
[120] Douglas, "Deciphering a Meal," 49.
[121] Alter, *The Five Books of Moses*, 634.
[122] Douglas, "Deciphering a Meal," 49.
[123] Douglas, "Deciphering a Meal," 49.
[124] Douglas, "Deciphering a Meal," 50.

the rules which protect the worshiper."[125] So while there is a symbolic cosmic analogy between the taxonomy of animal beings and the rituals of the temple, it can further be perceived that the body was a symbolic microcosm of temple.

It is critical to mention that the Torah does not seek to simply have the Levites and the priests play an elitist role as the sole harbingers of this ethical holiness. Rather, there is a narrative thrust for all of Israel to become holy. In Leviticus the theme of holiness is repeated and paired with the belief that the people of Israel should make holiness their ethical purpose, a moral characteristic to strive for (Lev. 19:2; 20:7-8; 20:26).[126] Deuteronomy (outside of the Deuteronomic Code) affirms the related point that Israel (as a divinely elected people) is holy to God, so reactively they ought to avoid what is impure and prohibited (Deut. 28:9).[127] In both books, holiness is attributed to Israel (either as an ethical goal to achieve or as a natural God-given moral property of their identity), thus expressing its importance within the ancient Hebraic ethical system.[128]

Note on Embodied Ritual

Within the Hebrew Bible God is generally perceived as holy. But in the Levitical Holiness Code holiness is distributed as a potential characteristic of the people. How the Israelites become holy (according to Leviticus) is not simply by technically following the

---

[125] Douglas, *Leviticus as Literature*, 138-139.

[126] Walter Houston, *Purity and Monotheism* (Sheffield, ENG: Sheffield Academic Press, 1993), 222. With the referenced verse being: "The LORD will set you up for Him as a holy people as He has sworn to you when you keep the command of the LORD your God and walk in his ways" (Deut. 28:9).

[127] Houston, Purity and Monotheism, 225.
Houston defines Deuteronomy's theology as essentially seeking to codify "the one God and the one nation of brothers." In this way its theology seems ideologically in-group motivated. Houston, *Purity and Monotheism*, 225.

[128] The term holy, *qadosh* meaningfully entails to be "set apart," specifically, "the root means separation, withdrawal, dedication."
Robert Alter and Frank Kermode, eds. *The Literary Guide to the Bible* (Cambridge, MA: Harvard University Press, 1997), 74.

(kashrut) rules per se, but by embodying them through rituals. Specifically, Levitical sacrifices give embodiment to the doctrines of blood and expiation, and the covenant between God and the Israelites.[129] In one anthropological hypothesis (based off a close reading of the Hebrew biblical text and cross-cultural comparisons), the slaughtering of the animal within the temple is symbolic of a transformation of death to life. Within this sacrificial ritual the animal's precisely placed body parts on the temple altar act as liminal objects symbolic of holy places (Mount Sinai and the Tabernacle).[130] In effect, then, the practice of ritual slaughtering enacts, and functions through, a specific ontological ordering of the cosmos, creating a time/place of liminality between godly holiness (i.e., the sacred; Mt. Sinai, the Tabernacle) and the profane, where the participants can then receive the holy and become holy.

While this anthropological hypothesis is skillfully creative and likely depicts what occurred within the ancient Israelite temple, there still seems to be a deeper question of what holiness entails morally. In the following section, the moral ordering of holiness is unpacked further.

Structuring the Cosmos: The Sovereign's Holy Realm

Broadly speaking, holiness is set apart, ordered, flourishing life. Biblical ethical holiness finds its paradigm in God, who, in Leviticus, is characterized as a *feudal lord*—a feudal lord who has sovereignty over God's own estates and the beings on them. Importantly, this feudal God also has compassion for all of their animal subjects (cf. Psalm 145:8-9).[131] With this understanding, ancient Hebraic dietary laws can be

---

[129] Douglas, *Leviticus as Literature*, 67-68.
[130] Douglas, *Leviticus as Literature*, 67-69, 86.
[131] Douglas, *Leviticus as Literature*, 135.

described as an ethic of dynamic vitalism, where moral sentiments for vitality empower and permeate through the perceived structure of the cosmos.

Why the Levitical text portrays God deeming certain animals as impure (e.g., an abomination or abhorrent) has been considered in the previous section. Animals are conceptually impure so as to demarcate them as untouchable, becoming unable to be instrumentalized and harmed; effectively, the marker of impurity protects them. The label impure, then, "is not to hate but to avoid or shun" spurred from a motivation to protect.[132] The marker of impurity as motivated by a desire to protect animals can be understood by conceptualizing God's character as that of a feudal lord, who has possession of all things within the kingdom. Psalm 50 epitomizes this well, stating, "For every wild animal of the forest is mine, the cattle on a thousand hills. I know all the birds of the air, and all that moves in the field is mine." (Psalm 50:10-11, NRSV)[133] God speaking or acting in the manner of a feudal lord is not limited to this psalm alone, nor to the Israelite culture alone, as many Mesopotamian cultures had deities that functioned in such feudalistic ways. This passage corroborates the blood prohibition discussed earlier: the animal's life-essence, its nephesh, was solely the sovereign God's property, not humankind's. When the sovereign deity decrees that some animals are not included within the covenantal circle (those not kashrut), God is taking a possessive stance on them as sovereign property not to be touched.

This feudal God character, who is protective of divine property, is further amplified by comparing the Levitical dietary code to Genesis's language and

---

[132] Douglas, *Leviticus as Literature*, 157.
[133] Metzger, Bruce M., Roland E. Murphy eds. *The New Oxford Annotated Bible*. New York: Oxford University Press, 1994.

categorization of animal organisms. Of particular interest is Genesis's deluge narrative,
wherein much of the language and the three classifications for animals are the same base
categories (land, water,[134] and air animals) that the dietary code uses.[135] For reference:

> And from all that lives, from all flesh, two of each thing you shall bring to
> the ark, to keep alive with you, male and female they shall be. From the
> fowl of each from the cattle of each kind and from all that crawls on the
> earth of each kind, two of each thing shall come to you to be kept alive…
> (Gen. 6: 19-20).
>
> Of clean animals and of animals that are not clean and of fowl and of all
> that crawls upon the ground two each came to Noah into the ark, male and
> female, as God had commanded Noah. And it happened after seven days,
> that the waters of the flood were over the earth (Gen 7: 8-9).
>
> …beasts of each kind and cattle of each kind and each kind of crawling
> thing that crawls on the earth and each kind of bird, each winged thing.
> They came to Noah into the ark, two by two of all flesh that has the breath
> of life within it. And those that came in, male and female of all flesh they
> came, as God had commanded him, and the Lord shut him in (Gen. 7: 14-
> 16).

Within the deluge narrative it is fundamental to perceive that all animals are being
protected; even the impure, *abominable* animals are being saved from the flood. This
further supports the conception that the goal of the touching prohibition was to dissuade
humans from instrumentally and fatally harming animals that were prohibited.[136]
Additionally, the deluge narrative utilizes the broad categories of land, air, and water
animals, and further denotes their taxonomic purity/impurity, just as the Levitical dietary
code does. The Genesis deluge narrative and Levitical dietary code seem to share the

---

[134] As an argumentative note land, air, *and* water animals are all expressed within the deluge narrative as
the categories for beings, even if simply implicitly expressed. Even though water animals are not explicitly
addressed in the verses above, they are implicitly implied, they simply are not stated as a category boarding
the arc because the flood was clearly only a threat for air and land creatures, and water creatures, clearly,
"did not have to be rescued from the water."
Douglas, *Leviticus as Literature*, 157-158.
[135] Douglas, *Leviticus as Literature*, 157-158.
[136] In effect, a prohibition functions like hunting laws against poaching.
Douglas, *Leviticus as Literature*, 158.

belief that animals ought to be protected. When paired with the knowledge of the blood prohibition, God's sovereign possession of all creation does seem akin to a feudal lord with dominion over both the subjects and the estate that they live on as tenants.

From one perspective, this feudal lord deity appears quite harsh and controlling. This is a narrative truth that should not be evaded. But there is a further ambivalent detail, exemplified in both Genesis and Leviticus, which characterizes this sovereign deity as slightly kinder. This detail can be unveiled via the term *swarming*,[137] as it exposes a link between this feudal God and their sovereign compassionate promise of fertility.

The word swarming (Hebrew *shorets*) is related to fecundity, bringing forth, fertility.[138] Within Genesis, and most of the Torah (if not the whole Hebrew Bible) fertility, as a general theme and word, is understood as a boon, a goal to strive for. While within the dietary texts (and Levitical and Deuteronomic laws in general) swarming is read tangentially with the term abomination (*seqes*), swarming gathers a bad feeling about it. To be true to the theme of fertility, though, swarming should not have such a negative connotation. Pairing a proper conception of abomination—as meaning *to shun*, not utilize and/or harm such beings—with a proper conception of swarming portrays that Leviticus follows the biblical pattern of propagating the theme of fertility as a positive attribute (instead of the reverse, which would not match the traditional use of the theme of fertility). What this means is that within the dietary laws the continuation of life (the ideal of fertility) is legislated by the feudal God.

Fertility as a Moral Theme

---

[137] Swarming is also translated as creeping, crawling, teeming, etc.
[138] Douglas, *Leviticus as Literature*, 159.

On numerous occasions God tells their beings to *be fruitful and multiply*, most significantly during the primeval history in the creation narratives and the deluge narrative. This dictate to be fruitful and multiply comes to find covenantal founding in the Abrahamic Covenant and continues to echo into Exodus and further—finding resonance within the dietary laws (especially of Leviticus).

In the midst of the beginning of the primeval history, Genesis 1:20-23, God commands the waters to "swarm" and create a "swarm of living creatures" out of which air- and water-based animals creeped and crawled into existence.[139] After this, God perceives these creations as good and causally gives the decree to these new water and air organisms to "[b]e fruitful and multiply" to fill their domains (Gen. 1:20-24). Similarly, the first creation narrative blesses humankind with the fertile benediction to be fruitful and multiply, and also decrees them to "hold sway" over the three categories (water, air, and land) of animals previously created. Noah, his kin, and the animals he harbored from the deluge were also met with the divine commencement to be fruitful and multiply (Gen. 8:17; 9:1-3). So, from the beginning, fertility is approved of and decreed by God's character.

In an intriguing way this trope (to be fruitful and multiply) can be linked with the ending of the first creation narrative in Genesis 2:4. One translation of the conclusion is "*this is the tale* of the heavens and the earth when they were created" (Gen. 2:4; emphasis mine). But as commentators have pointed out, the Hebrew term *toledot*, which is here

---

[139] Within this act of creation, the swarming also birthed "every living creature that *crawls*" (Gen. 1:21; emphasis mine). Importantly crawls also is sometimes translated as *creeps,* but this term (like swarms) is a robust term that has unjustly been viewed negatively. It may simply denote animals that walk or move close to the ground, thus it is near synonymous with movement/locomotion. For more details reference: Douglas, *Leviticus as Literature*, 161-163.

translated as *this is the tale,* is literally translated as "these are the begettings."[140]

Throughout the Bible toledot occurs marking the beginning of genealogies, and also as a

type of marker to the start of a new narrative—such is the case in Gen. 6:9, the Noah and

deluge narrative; Gen. 11:27, the Abrahamic narrative; 25:19, the Jacob narrative; and

37:2, the Joseph narrative.[141] Importantly, then, to use the term toledot denotes, at some

level, the act of procreation—the act of begetting new humans/organisms. Toledot

figuratively stirs up the waters of the creation narrative by portraying the conclusion of

the first narrative as "these are the *begettings* of the heavens and the earth." This draws a

parallel with the other biblical uses of toledot. The word toledot, within Genesis 2:4, can

be considered "a metaphor, which… carries the oblique suggestion that the cosmos may

have originated in a sexual act of God."[142] In light of this, the first creation narrative and

the deluge narrative emphatically express that fertility was morally good because it was

accoladed and (perhaps) practiced by God.

The primeval history within the Torah upholds this ideal and theme of fertility,

while similarly, the Torah's protohistory (of Israel's founders) supported fertility. It, too,

contains the divine dictate to be fruitful and multiply and its thematic correlates.

Abraham, for instance, is given by God the covenant(s) that he and his progeny will

flourish and have a place to permanently dwell (Gen. 12-17). God's covenantal dialogues

to Abraham include:

> Go forth from your land and your birth place and your father's house to
> the land I will show you. And I will make you a great nation, and I will

---

[140] Alter, *The Five Books of Moses*, 20.
[141] Alter, Kermode, eds. *The Literary Guide to the Bible*, 41.
[142] Alter, Kermode, eds. *The Literary Guide to the Bible*, 41.
As a note, that sex was involved in creating the ordered universe would be culturally nothing new, as ancient cultures often included the sexuality of gods within their cosmogenic narratives.

> bless you and make your name great, and you shall be a blessing (Gen.
> 12:1-3).
>
> [L]ook up to the heavens and count the stars, if you can count them… So
> shall be your seed (Gen. 15: 5-6).
>
> I am El Shaddai. Walk in my presence and be blameless, and I will grant
> my covenant between Me and you and I will multiply you very greatly…
> your name shall be Abraham, for I have made you father to a multitude of
> nations. And I will make you most abundantly fruitful and turn you into
> nations, and kings shall come forth from you (Gen. 17:1-7).

As depicted in these texts, fruitful biological multiplication is one primary essence of the

Abrahamic covenant. Following the pre-established theme of fertility, within the

protohistory of Israel, Abraham is promised that he and his kin will be fruitful and

multiply; Abraham is given a covenant for fertility and therefore a covenant for

flourishing.

In both the primeval and protohistories of Israel, found within the Torah's

narratives, the theme of fertility and the desire for fertility itself are portrayed positively.

Biblically, fertility is good. This realization shows the incommensurability within the

dietary texts, and Levitical and Deuteronomic dietary laws specifically, where swarming

creatures are understood synonymously with the term abomination (*sheqets*)—giving a

morally negative feel to beings who denote fertility. Indeed, to be true to the positive

theme of fertility, swarming should not be read as having such a negative connotation

within Leviticus. A proper conception of abomination includes the knowledge that

swarming beings are emblematic beings of fertility (which is morally good, and therefore

not morally bad). The conclusion that abomination is better understood as the phrase "to

shun" is additionally supported by a brief investigation into the usage of the term

abomination in the Hebrew Bible.

In Leviticus 11, abomination (*sheqets*) is not paired with sensual-emotional pejoratives (that would seek to inspire feelings/emotions of *disgust*).[143] Rather, it is paired with dry, emotionless, legal stipulations. The translation of *sheqets* to *abomination* makes the term seem too sensually-emotionally laden for the context.[144] *Sheqets* seems to simply pursue a pragmatic agenda of disassociation with particular beings. The perception that the being is not inherently abominable (but rather engagement with them is), can be noted in Leviticus where it reads, "[d]o not make yourselves abominable through any swarming thing that swarms and do not become unclean through them and be unclean." (Lev. 11: 43) The swarmer is not given the inherent property of abominableness. Instead the anthropogenic action of engaging the swarmer is what causes the human to become unclean and *sheqets*. Understanding the term *sheqets* in this way supports the claim that the Israelite ought to shun swarming beings not out of an emotional revulsion (disgust). Rather, swarming beings should be shunned due to a concern for fertility, which follows the pre-established normative theme of fertility portrayed throughout the Torah.

In summary, swarming beings (the epitome of fertility) are regarded as contagiously dangerous; they ought not to be touched (harmed) as they are God's fertile property. Within the dietary laws, the sovereign God who possesses all life legislates the continuation of life, through fertility of beings. This reading of these texts is a type of ethical vitalism, one that seeks the flourishing of beings (based on the phenomenon of

---

[143] Research into the psychological and social phenomenon of disgust has often shown that disgust is not a native intuition, but rather a socially developed intuitive attitude. For particular information into these matters reference: philosopher Martha Nussbaum's *Hiding from Humanity: Disgust Shame and the Law*—which is a broad treatment about how and why disgust (and its related feelings and emotions) implicates itself into legislative, political, and social life; psychologist Rachel Herz's *Why you Eat What you Eat: The Science behind our Relationship with Food*—which is an accessible and contains a broad account for why people eat what they do, especially honing in on how socialization codifies what is/is not permissible (i.e., disgusting) food. As a note related research has been done by psychologist Paul Rozin.

[144] Douglas, *Leviticus as Literature*, 166-167.

fertility) and a curbing of suffering (based on the chaotic phenomena of pain and death).

Before further discussing how this maps into a broader ethical vitalism, it is first

necessary to have an excursus on the suffering of beings within the biblical dietary code's

contexts. This will also help provide the necessary information for discussing the ethical

vitalism implicit within the ancient Hebraic dietary code.

The Unethical Chaotic Suffering of the Oppressed

There are motifs of exodus and creation in Leviticus 11:44-45, which connect

with the theme of fertility and the goal of flourishing, which previously unpacked and are

instantiated within Genesis and Leviticus. Following Leviticus 11:43—where it says to

shun swarming things so as to not become *sheqets* through touching them—the text

notes:

> For I am the LORD your God, and you shall hallow yourselves and
> become holy, for I am holy. And you shall not make yourselves unclean
> through any swarming thing that swarms on the earth. For I am
> the LORD Who has brought you up from the land of Egypt to be for you a
> God, and you shall be holy, for I am holy. (Lev. 11:44-45)

Then the texts *immediately* goes on to summarize the dietary code:

> This is the teaching about beast and bird and every living creature that
> stirs in the waters and every swarming thing that swarms on the earth, to
> divide between the unclean and the clean and between the animal that is
> eaten and the animal that shall not be eaten. (Leviticus 11:46-47)

This conclusion to the Levitical dietary code is prominent in two ways. First, Leviticus

11:44-45 draws a parallel between the exodus narrative, explicitly mentioning the exodus

from Egypt, and the first creation narrative, through the use of the language within

Genesis, "any swarming thing that swarms on the earth" (Lev. 11:47; cf. Gen. 1:20-21).

Relating the exodus to the creation narrative is a liturgical motif that reoccurs throughout

the Hebrew Bible.[145] Secondly, Leviticus 11:46-47 functionally abuts the exodus-creation motif with the thematic reminder that the dietary laws have the purpose of effusing holiness from its practitioners. Stated otherwise, the conclusion of Levitical dietary laws thematically emphasizes that God liberated the Israelites from the land of Egypt—which was a place of chaotic oppressive suffering and death—into a world where they could fertilely flourish and become holy people (through the theistic ethics presented to the Israelite people). This thematic reality makes obvious the important antithetical side to the ethical vitalism that biblical dietary ethics projects: while the holy is flourishing, the existential antithesis is suffering.

As noted above, the Israelites are portrayed as suffering under oppression within Exodus. This language used to describe this oppression of the Israelites is analogical to the swarming creatures of the earth in the first creation story: "Out of a shapeless swarm of slaves… God gave Israel the coherence and the identity of a covenanted people."[146] This forming of God's holy covenanted people is an event of liberation from suffering that reaches its climax only upon the Israelites' acceptance of the Law.[147] In this sense, the ordered legislation, which promotes fertility and the continuance of flourishing life, is contrasted antithetically with unbounded, unruly, chaotic oppression, such as was found in Egypt. Further, this contract can be perceived particularly through how the dietary laws prohibit blood consumption, taxonomically and methodologically limit animal slaughtering, and prohibit the consumption of carnivorously inclined nonhuman animals.

---

[145] Alter, Robert (1979). "New Theory of Kashrut." *Commentary* 68 (August), 51. http://ezproxy.drew.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=rgr&AN=521008888&site=eds-live&scope=site.
[146] Alter, "New Theory of Kashrut," 51-52.
[147] Alter, "New Theory of Kashrut," 51-52.

I will look at this last dietary law—that carnivorous beings ought not to be eaten—here to illustrate the chaotic oppression, suffering, that should be avoided on the path to holiness.

The consumption of a carnivorously-inclined being is forbidden according to the dietary laws explore previously. Carnivores (and omnivores, in part) thrive by killing other living animal organisms,[148] a gruesome event both symbolically and materially. Chaotic oppression, therefore, is symbolically embodied in meat-eating predators. The respect for the blood prohibition is also tenuous for carnivores and omnivores, especially when compared to herbivores. Additionally, predatory beings cause suffering in other beings and therefore (in one perspective) offend fertility. Herbivores, alternatively, seek a simple life of flourishing and are mostly non-offensive to other beings' flourishing. The dietary laws almost exclusively permit obviously herbivorous animals—and most often domesticated herbivores—to be consumed by humans (as was previously touched on). Furthermore, the prohibited lists of water and air animals exclude carnivorously-inclined

---

[148] That pigs are included within the realm of carnivores may be, in the least, one motivational feature, among a few for, why they are forbidden. As pigs will eat anything, left in the wild pigs will root for grubs and even take advantage of carrion. Personally, I am somewhat partial to Marvin Harris's materialist explanation as to why the pig is dietarily prohibited—that is, it was an ecological and economic burden to keep within the semi-nomadic culture of the ancient Israelite culture. But I perceive no justification for why Harris's explanation should not be adjoined with other explanations; such as the above ontological-ethical explanation that ontologizes the pig as a being which is unethical, due to the pig being a vehicle for proxy blood consumption. But one further problem with Harris's materialist argument is that the ancient Israelites may have been more agrarian than semi-nomadic, thus making them less of a burden.

Also worth a note here is that the pig taboo was not a taboo of such ancient fervor and interest as it is in today's discourses. Douglas has pointed out, as well as do others, that while the pig was never given selective attention within the biblical text, it became a being of popular scrutiny during the Maccabean period (the Roman era). Wherein the dietary laws in general were harnessed politically, and the pig prohibition in particular was used as a "powerful symbol of allegiance to Judaism." From a slightly different perspective, the Israelites' Roman colonizers fueled their colonizing machine (i.e., in part their army) with pork. Thus, pork can be perceived as part of the oppressive colonizers' identity, and normatively as *not* part of the Israelite identity, thus abstention of pork is prescriptively a symbol of allegiance to the Israelite in-group, fighting against the colonizer. In short pork is also wrapped up with issues of identity and colonization. Reference:
Nathan MacDonald, *Not Bread Alone: The Uses of Food in the Old Testament* (Oxford: Oxford University Press, 2004), 26.

beings, such as carnivorous predators, scavengers, and omnivores participating in carnivory (e.g., eagles, vultures, owls, etc.; catfish, shrimp, lobster, etc.).

One motive for the dietary restriction on these carnivorously inclined beings may be that by eating those beings who consume blood, the consumer of these carnivorous beings may, too, be consuming blood through a proxy.[149] This exegesis embraces the prior discussed political and ethical intentions of the ancient Hebraic God, which finds its textual root in the blood prohibition. Specifically, humankind ought not to harm beings with a nephesh (the essence of life), as it is the sovereign deity's intention from the genesis of creation and onward for their beings' to fertilely flourish and *not* suffer. Any concession made to allow carnivory at all (cf. the deluge narrative, and its stipulated permission to eat flesh; the dietary law codes in Ex., Lev., and Deut., and their numerous limiting stipulations on how/when to eat flesh) was simply a concession to an earthly reality, not the (cosmological ontogenetic) ideal.

That carnivorous behavior chaotically causes suffering, and therefore is *not* part of the ordered ideal ontological construction of the Hebraic cosmos, can be exegeted not just within the Torah, but also outside of it.[150] Within the book of Isaiah, the prophet descriptively pontificates about a future peaceful world. The imagery of Isaiah's dialogue is explicitly connected to the Hebraic dietary code's ontology and ethics. Specifically, Isaiah states,

> "The wolf shall live with the lamb, the leopard shall lie down with the kid,
> the calf and the lion and the fatling together, and a little child shall lead
> them. The cow and the bear shall graze, their young shall lie down
> together; and the lion shall eat straw like the ox. (Isaiah 11:6-7, NRSV)

---

[149] Gary A. Rendsburg, "The Vegetarian Ideal in the Bible," in *From Forbidden Fruit to Milk and Honey: A Commentary on Food in the Torah,* Diana Lipton (New York, NY: Urim Publications, 2018), 157.

[150] Rendsburg, "The Vegetarian Ideal in the Bible," *From Forbidden Fruit to Milk and Honey*, 158-159.

Within this utopian world—which manifests the sovereign deity's holiness—predators,

carnivorous or omnivorous (i.e., bears), will quit their chaos and desires for blood (and

even flesh), and instead herbivorously consume plant matter. As a consequence, this will

bring peaceful order to the cosmos. Similarly, about 160 years after Isaiah's above

description was recorded (in the mid-eighth century BCE), the following imagery was

written by Second Isaiah (who was living within the Babylonian exile, around 540 BCE).

It also depicts a forthcoming utopian state of existence.[151]

> The wolf and the lamb shall feed together, the lion shall eat straw like the
> ox; but the serpent—its food shall be dust! They shall not hurt or destroy
> on all my holy mountain, says the Lord. (Isaiah 65:25)

This latter writing further entrenches the belief that the carnivorous consumption of

blood, and even flesh, is not the divine ideal. Desirous consumption of flesh of another is

oppressively causing hurt and chaotic destruction within the cosmos, logic supported by

the benedictive imagery of meat-eating beings dietarily and characteristically converting

to herbivory.[152]

 The imagery of a projected herbivorous utopia in Isaiah indicates that pain and

suffering come as a result of oppressive predators that create chaos within the cosmos.

Dipping into this broader biblical tome helps express that the ancient Hebraic dietary

ontology and its ethics, which will for flourishing life and shun suffering, was not

exclusively the concern of the earliest Israelite people. Rather, it reverberates and

resonates in the experience of later people. This is true to the extent that later writers

---

[151]Rendsburg, "The Vegetarian Ideal in the Bible," 158-159.

[152] To inflect, on a simple phenomenological level, it seems sensible to imagine that a people in exile sought to order the universe in such a way that they were not oppressed and hurt.)

perceived it as fitting to normatively include this ontology and ethic within their relatively newer cultural (sacred) texts.

Through the sections of this chapter, I describe how within the Hebraic biblical account, God seeks to liberate fertile order from the pain-inducing chaos, to liberate flourishing from suffering.[153] Based on the ritual texts in the Torah, becoming holy requires discipline toward the prescribed theistic ethics. In this manner the dietary codes are of special interest, because they seek to discipline humankind's consumption of particular beings, within the sovereign deity's world. Most prominently, imperatives that prohibit the desire for meat (the host of blood) seek to symbolically and materially tame the concupiscent desire to take the life-blood (*nephesh*) of living animal beings, which ultimately are the deity's possession. Consequently, blood is powerful.

Ultimately, then, such a dietary ethic seeks to self-domesticate humanity's oppressive desire for power and promote a will for peaceful and abundant life (following the biblical theme of fertility). Put from a slightly different perspective, ancient Israel's dietary laws functioned to limit suffering by methodological and taxonomical means, seemingly so that life could propagate. Relatedly, the biblical dietary codes portray an ontology, related causally to the ethics, which disdains and eschews chaotic suffering and death, and approves of and seeks to invigorate fertile life. In this way ancient Hebraic dietary ontology and ethics abstractly, grandly, philosophically seek to argue dynamically for flourishing life. Ancient Judaism ethically sought flourishing vitality, a will to life.

---

[153] Alter, "New Theory of Kashrut," 51.

CHAPTER THREE:
A MORAL SENTIMENTALIST METAETHICS OF THEISTIC DIETARY
MORALS

Domesticating the Consumptive Desire for Life

Chapter One of this project explains a metaethical equation for morality that, most basically, is an empathic aversion to suffering + norms + perceived intentional causation of suffering = judgment of immorality. Additionally, through exploring dyadic morality, I show how for an event to even be judged morally it must first be mentally perceived as occurring between two minds—through the moral dyad (between an agency and sentient patient; the perception of one's own mind and an other's mind; or, more generally and philosophically the perception of an *I* and a *You*). Moral judgment can only exist when the mental prerequisite for morality, the moral dyad, is cognitively perceived within the world. Then, empathy, norms, and the perception of purposiveness psychologically constitute and metaethically explain a moral judgment itself. What is important about this metaethical formulation is that it is a sentimentalist theory—it places emphasis on empathy and empathy's ability to perceive suffering in others.

I am ultimately interested in how empathy, and this larger metaethical equation of morality, is the underground rhizomatic motive for much of the ethos within ancient Hebraic dietary ethics. In Chapter Two, I dive into the dietary ethics laid out in the Hebrew Bible and interpreted by rabbinical teachings. I explore how kashrut, as an ethical system, attempts to domesticate the desire to consume the nephesh of beings, both materially and symbolically. In other words, kashrut wills a domestication of the consumptive desire to expend life through a perceived abuse of power. This undergirding moral attitude is evinced paradigmatically through the blood prohibition; the mandate of

holiness (by limiting suffering via methods, taxa, and ontologies); and by God's characterization as a feudal sovereign who also concerned with the biblical theme of fertility. The final section of that chapter, "The Unethical Chaotic Suffering of the Oppressed," portrays how biblical narrative normatively describes oppression and the resultant suffering as immoral—it is not the will of the sovereign God described in the biblical texts. The free flourishing of beings unencumbered by predatory powers is deemed more ethical, described in the Torah and beyond as holiness.

There remains a question of why, more deeply, this ancient theistic ethic is concerned with domesticating the consumptive desire for power in the first place. My overly simple answer is that it is out of empathic concern—because of empathy. In what follows, I apply the moral sentimentalist metaethics developed in Chapter One to the dietary ethics of ancient Judaism laid out in Chapter Two. I show how these dietary laws are necessarily connected to, and motivated by, empathy. They are not simply the result of rational deliberation or instantiated by a sovereign God on God's beings. The ancient kashrut ethic, rather, is one deeply connected to affects and emotions, and ultimately favors flourishing life over oppressive suffering and death.

Kashrut Theistic Ethics and Moral Judgements

As discussed in Chapter One, moral judgments are cognitively dependent on the perception of interpersonal harm.[154] The basic constituents that comprise interpersonal harm can be used to unpack the ancient kashrut ethic, as a basis for examining the dietary laws as moral judgements. As described in more detail in Chapter One, interpersonal

---

[154] Restated differently, and re-quoting the academic literature, this cognitive template of *interpersonal harm* is most minimally understood as "an intentional moral agent causing suffering to a moral patient." Gray, Waytz, Young, "The Moral Dyad," 206.

harm consists of purposiveness, causality, suffering, and the archetypes of agent and patient (the moral dyad). According to the kashrut ethic, an interpersonal harm occurs when a being is oppressed or a nephesh is consumed.

When applying this dyadic moral framework to the kashrut ethic, as described in Chapter Two as ultimately seeking to domesticate consumptive desires (for bloody meat or nephesh), the oppressed human/nonhuman animal is the patient, while the agent is the predatory oppressor (for example, carnivores). The enslavement and/or death of a nephesh (found in the blood of an organism), is evidenced as the suffering in this event; and causality is adjoined to the oppressor's (perceived purposive/intentional) desire to consume the nephesh of other beings (either materially, symbolically, or both, through death or enslavement).

In a moral wrong, there is a perceived purposive moral agent who causes harm, as well as a perceived moral patient who suffers that harm. For a pictorial example of this refer to the diagram below.
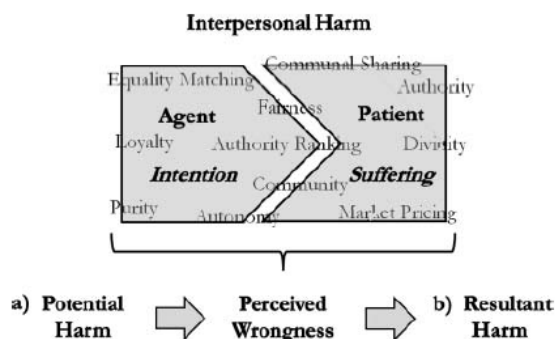
As Gray et al. notes, "Various moral domains can be understood through the dyadic template of perceived moral agent (intention [i.e., purposive]) and perceived moral patient (suffering), that is, interpersonal harm."[155]

---

[155] *Mind Essential*, 107.

In the biblical texts, the agentic oppressors were immoral, desiring and consuming too much power. The oppressed sufferers, including the Israelites in slavery and nonhuman beings killed for meat, were the moral victims of interpersonal harm. The dietary codes dictated how Israelites should navigate their diets without becoming oppressors and committing moral failings.

Israelites were prohibited from consuming blood (e.g., the blood prohibition), and instead had to release the blood out onto the altar (i.e., back to God), otherwise it was equivalent to murder (Lev. 17:3-6). This makes the act less like predator oppression, and instead a little more civil or holy by expiating the life-essence. The utopia depicted within Isaiah also explicitly morally denounces predatory beings from existence, claiming that only herbivores will exist (Isaiah 11:6-7; 65:25). In these above contexts there is an assumption that oppression is immoral, and that the oppressed sufferers were the moral patients of an interpersonal harm, caused by a consumptive desire within the oppressive agent.

Take for further example a key theme of the Exodus narrative, that the Israelites within Egypt were oppressed. This is obvious in what has previously been unpacked, but also is made quite apparent at the start of Exodus, where a crushingly oppressive narrative landscape, full of potential harm, is portrayed.

> And a new king arose over Egypt who knew not Joseph. And he said to his people "Look, the people of the sons of Israel is more numerous and vaster than we. Come let us be shrewd with them lest they multiply..." And they set over them forced-labor foremen so as to abuse them with their burdens, …And as they abused them… they came to loathe the Israelites. And the Egyptians put the Israelites to work at crushing labor, and they made their lives bitter with hard work with mortar and bricks and every work in the field—all their crushing work that they performed (Ex. 8-14)

This language denoting "shrewdness," unjust "crushing labor," and "bitter lives" clearly expresses a judgment of immorality onto the suffering patients' agentic oppressors, who cause interpersonal harm. How this dyadic template equates to a moral wrong is through the cognitive event of *perception* itself, however.

Perspective Taking (Empathetic) Morality

The oppressed patient's suffering is perceived as the consequent of a moral wrong, by the causal forces of an oppressive agent. What allows the conversion of such an event to be perceived as a moral wrong, and not merely a conventional wrong, is that there is an affective-emotional weight to it. Moral wrongs are not determined through a type of cognitive ethical checklist; rather, morality is sensed by a living organism through an affective mechanism that communicates that there is a state of pain within one's own or another's self. The nuance, here, is that simple pain is not a moral wrong. If a harm, or a more thorough state of suffering, is to become a moral wrong, an affective mechanism is necessary. If one's own or another's pain is to become a moral wrong it must break conventional norms (as stated prior), but more importantly, it must be perceived as affectively and emotionally weighty. In this way empathy is an essential moral sentiment because it works to take the perspective of, and include, others within one's own moral group.

People with psychopathy, as explored in Chapter One, who essentially cannot cognitively take the perspective of another being (empathize), have difficulty making proper moral judgments. The thought experiment with Moral Mary, also described in Chapter One, helped illustrate this further. Mary, similar to those with psychopathy, could not feel her own (let alone others) affections and emotions in regards to external or

internal phenomena, and it was this that encumbered Mary in making an authentic moral judgment. But if Mary had been able to empathize she could have taken the perspective of other beings' thoughts and feelings, in relation to her own. What Mary needed was an affective mechanism, she needed empathic concern.

The Hebrew Bible, in varying degrees, portrays empathic perspective taking. The biblical narratives empathically takes the perspective of those oppressed in Egypt, and also empathizes with other nonhuman oppressed beings. The latter indicates that the Hebraic moral ontology was more inclusive than the modern moral ontology of Western, Educated, Industrialized, Rich, Democratic (WEIRD) peoples.[156] This taxonomic inclusivity of the moral community has been descriptively exegeted prior (in the section *Limiting Suffering*), but is worth revisiting and now to unpack it more normatively.

The theistic ethics of ancient Judaism morally recommends that human beings commit less harm to nonhuman animals. The biblical legislature, found mostly in Leviticus and Deuteronomy (cf. Deut. 14:3-10 and Lev. 11:2-23), included and excluded particular kinds of animal beings from slaughter, as well as prohibited certain beings as impure (based on their taxonomic status; such as the rule against "touching" unclean animals in Lev. 11:43-44). For example, most all of the animals that are consumed (slaughtered) are domesticates. This, in effect, restricted which taxa were allowed to be

---

[156] The above acronym WEIRD was initially conceived of by Joe Henrich, Steve Heine, Ara Norenzaynan in regards to their psychological study titled "The Weirdest People in the World," which unpacks how psychological studies are done mostly in WEIRD contexts and on WEIRD people. I find the term WEIRD fitting for the moral ontology I am referring to. For more information refer to Haidt, *The Righteous Mind,* 111-115.

It is also important to note, just because ancient Judaism may have been more inclusive in regards to what counted as a being within the moral community, that does not mean that their ontology was not graded, or hierarchized.

ethically consumed. If the laws were abided by, fewer animals would be killed than if all edible species were allowed.

The limiting methodological imperatives that the Hebraic legislation codifies have similar effects. The methods that were mandated as necessary deemed a particular holy person to perform the act of slaughter, the particular location of the sanctuary altar where it must occur, and that these protocols must occur for all sacrifices that preemptively fit within the aforementioned taxonomic imperatives. These methodological rules would decrease accessibility to slaughtering, thus dissuading numerous sacrifices. Both the taxonomical and methodological imperatives functionally limit the animals being killed. While these laws do not explicitly state it within the text, their existence implies the want to kill fewer nephesh-bearing animals. This normative point is further compounded when the dietary taxonomy is compared ontologically with which beings are included within the Israelite covenant.

Within the Hebrew Bible God makes multiple covenants with the Israelites. From these covenants humanity is divided into three morally hierarchal classes, parallel to three of Israel's covenants: (1) the priests (Num. 25: 12-15) are the closest to holiness, (2) Israelites (Gen. 17:2; Lev. 26:42) are in a middle zone, and (3) humanity (Gen. 9:1-11; a class which is inclusive of all animals) is in the outermost, most general, covenant.[157] This three-part classification of covenantal nephesh-bearing beings is mirrored by the previously mentioned taxonomic classification of animals fit for slaughter and consumption, as per the dietary laws. Particularly the taxonomic classification can also be split into three outward emanating zones: (1) the innermost sacrificial beings where

---

[157] Milgrom, *Leviticus*, 102-103.

priests are only allowed to sacrifice domesticates that are unblemished, from the animals

stipulated edible, (2) the middle zone, where Israel is only allowed to consume a small

portion of animals (cf. Lev. 11 and Deut. 14), and (3) the most general zone, where

humanity in general is allowed to consume all animals, except for their blood.[158] What is

worthy of further note is that there is are explicit similarities between the holiest

sacrificial animals (domesticated ruminants) and the holiest humans (Levites). Both

human and nonhuman animals who are under the covenant, fit for temple service (e.g.,

without blemish), and are firstborn males who are consecrated for their respective temple

service, as these domesticates are holy enough for God's service.[159] (For these diagrams

please refer back to the section titled *Limiting Suffering.*) What these above ontologies

imply is that nonhuman animals are morally similar to human beings. This is revealed in

that animals' holiest members, like the human Israelites' holiest members (the Levites),

are within the covenantal and moral community, holding a quasi-egalitarian moral status

to that of humans. Reiterating this bluntly, these ethics portray an ontological moral

empathizing with nonhuman animals.

Humans and Non-Humans as Moral Beings

The ancient Israelite culture—or perhaps more specifically the ancient writers

and/or redactors of their cultural narratives—empathizes with both humans and

nonhuman animals; all are considered moral beings of somewhat equal moral status. In

the modern social imaginary this ontological quasi-egalitarianism between "*man* and

---

[158] Milgrom, *Leviticus*, 102-103.
[159] Douglas, "Deciphering a Meal," 49.

beast,"[160]—reflected in their ethics, taxonomies, methods, and ordering of the cosmos—

may seem at least slightly absurd. But this modern demarcation of human from

nonhuman animal differs largely from the ancient people of the Levant's demarcation.

The narratives of, and the covenants God made with, Noah, Abraham, and Moses all

explicitly engage with animals, often attributing a type of moral status to them. Under

these covenants, and the resulting dietary ethics, human and nonhuman animals are

explicitly addressed. Additionally, as described above human and nonhuman animals'

taxa analogically mimic each other in terms of their graded impurity to purity (holiness).

This ontological mimicry suggests nonhuman animals' quasi-egalitarian status.[161]

This ontological quasi-egalitarianism makes historical sense, as well.

Domesticates (after the Neolithic/agricultural revolution) held a higher moral status

within, and as part of, a community. This is the case because the community, who lived

and worked with these animals in quite an intimate way, was dependent on these animals

for their very existence. Further, in the ancient Hebraic context, prohibitions against

bestiality gives evidence to the intimate nature of inclusion of the domesticated

nonhuman animal within the ancient community.

The Hebrew Bible's bestiality laws, as deduced from narrative context presented

in the texts, were essentially an extension of an incest taboo.[162] Leviticus 18:23 concludes

with the prohibition on bestiality after an extensive passage on the Israelite incest taboo

(Lev. 18:6-18). Particularly, Leviticus 18:6-18 is comprised of prohibitions against

---

[160] I use the terms *Man* and *Beast* out of slight jest. As I know these are more often than not oppressive terms, and are in the least antiquated and inaccurate concepts, but within the lived experience of people in our modern epoch (i.e., the social imaginary) these concepts often still circulate, sadly.

[161] For more information on this refer back to the Milgrom and Douglas diagrams. Both these diagrams do a wonderful job of displaying how purity was the holy goal for all beings, both human and nonhuman.

[162] Roland Boer, *The Sacred Economy of Ancient Israel* (Louisville, Kentucky: Westminster John Knox Press, 2015), 91-94.

human-on-human incest examples, which are extensive. Prohibited sexual relations include those with one's blood and close non-blood relationships in the community.[163] The ban on bestiality is included with these extensive pontifications on the human incest taboo, and could be considered another form of incest.[164] All of the parties above— human or non-human, single or of a group—intimately worked together for the common good within the same geographical and cultural community. What was considered the *community* was far broader than blood related kin, and could include the domesticated animals that worked for the well-being of the community. Harm to the community, therefore, could come from violating any of the communal norms related to incest, including bestiality.

The ancient neighbors of the Israelites also suggest that bestiality is an extension of the incest taboo. Hittite laws prohibited some forms of bestiality. Various lists found from the late Uruk period, across Southwest Asia, depict human laborers and nonhuman animals as considered equal. The laws of Hammurabi limit bestiality. And, there exists a positive Mesopotamic omen about kissing a horse after sex. These laws and cultural norms similarly denote how animals were included, in some mode, as an extension of the moral community.[165]

In a less awkward way, this ontological equalizing of human to nonhuman animals makes logical sense in a modern, ordinary, non-academic way as well. In a topical phenomenological way consider pets in the modern world, such as cats, dogs, and birds. Pets are often included as a type of moral being, in regards to weighty human

---

[163] Boer, *The Sacred Economy of Ancient Israel*, 92.
Similar, but less extensive instances are found within Lev. 20:10-21, and Deut. 27:20-23.
[164] Boer, *The Sacred Economy of Ancient Israel*, 92.
[165] Boer, *The Sacred Economy of Ancient Israel*, 93-94.

decisions. Perhaps one of the most profound realities is that some people believe in a metaphysical life after death (i.e., a heaven) for their pets. Modern human pets are often considered morally important, given the status of a moral being, which seems to have more agency than non-domesticated wild animals who may very well be considered just sentient. With this allegory in mind, it is not such an odd notion to have animals included within a metaphysical, and/or communal covenant which relates the nonhuman animal in a morally quasi-egalitarian manner to humanity. The above excursus, explaining the moral quasi-egalitarianism between human and nonhuman animals of the ancient Hebraic culture, functions as a support to the argument that the theistic ethic of kashrut empathizes with oppressed beings in general, specifically including nonhuman animals.

The Evolution of Morality

As a concluding analogical argument, the taxonomies and moralized ontology that ancient Israel effused in relation to their theistic dietary ethics is strikingly similar to how morality likely evolved from a sympathetic concern for one's own organism and their offspring, then to their kin, and to friends,[166] and ultimately evolving to a greater empathetic concern for larger cultural groups.[167] In a brief summary, the earliest non-human mammalian hominids had sympathy for kin and close friends, but due to external pressures (ecological changes) these hominids were forced to change the way they cooperated to survive. In so doing they became obligatorily interdependent (*en route* to ultrasociality).

---

[166] Patricia Churchland, *Brain Trust: What Neuroscience Tells Us about Morality* (Princeton, NJ: Princeton University Press, 2011), 14.
[167] Michael Tomasello, *A Natural History of Human Morality* (Cambridge, MA: Harvard University Press, 2016), 49.

Resultantly, sympathetic concern (which helped enhance their species fitness) expanded into empathy. Specifically, cognitive abilities evolved to recognize the moral dyad, perceiving a "self-other equivalence," by way of a "second-personal morality" (i.e., being able to perceive another mind in another being).[168] This moral evolution of early humankind can be over simplistically conceived of as a set of circles progressively expanding from self-based sympathy, becoming progressively more inclusive until the modern human beings' zone of empathy is reached.
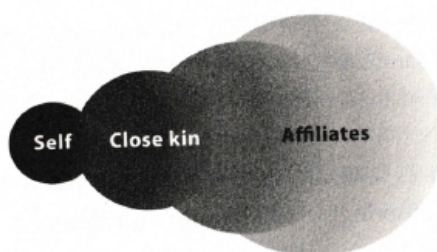
"spheres of caring."[169]

To quote the philosopher Christine Korsgaard, "the primal scene of morality is not one in which I do something for you or you do something to me, but one in which we do something together."[170] This is related to the affectively-emotively inspired morality of ancient Judaism; the oppressed patients are banned together as quasi-equal moral beings, opposed ethically to their overly desirous oppressor.

Empathy and Hebraic Dietary Ethics: The Path to Flourishing

It seems to be the case that empathy for oppressed beings in general—human or non-human animal beings, as both are nephesh-bearing moral beings included within the same community—was definitively functional in Hebraic dietary ethics. Whether this moral empathy with the oppressed was a cause of conscious deliberation or autonomic

---

[168] Tomasello, *A Natural History of Human Morality*, 49, 40.
[169] Churchland, *Braintrust*, 31.
[170] Tomasello, *A Natural History of Human Morality*, 40.

cognition makes no pragmatic difference. In either case, the prescriptive account, the ethics—as listed in the Levitical and Deuteronomic dietary codes—eschew suffering (i.e., interpersonal harm; harming of the oppressed) and identify it as immoral. When examined closely, as is done in Chapter Two, the kashrut ethic focuses primarily on limiting suffering in order for the community to become holy.

The utopian passages from Isaiah, quoted in Chapter Two, causally relates an abstention of predatory oppression to a cessation of all harm. And it is empathy for all beings that motivates a dietary ethic of flourishing, not oppression. It is holy (*qadosh*) to take the normative perspective of the victim (empathize) and prescriptively seek to alleviate and prevent suffering. Laws that pursue the domestication of the desire for the consumptive power over others' nephesh, the ultimate source of suffering, are the result and are spelled out in kashrut.[171]

To summarize, empathy for another perceived moral being who suffers because of perceived purposive interpersonal harm is necessary to gauge an event as immoral. Reiterating the beliefs of the ancient Israelite morality, it is holy to empathize with the normative perspective of a suffering being. An individual ought to prescriptively seek to alleviate and prevent that suffering through their ethics, including through what and how they eat. Within these ethics the domestication of the desire for consumptive power over others' nephesh is prescribed—this prescription is the negative moral imperative: Do not consume the blood, for the life is in the blood. The positive moral imperative is: Be fruitful and multiply, i.e., to be fertile and flourish, free from oppressive suffering.

---

[171] As a note, theistically, this implicit ethical willing of domestication of consumptive desire is not the sole cultural property of ancient Judaism, rather it is a somewhat pan-cultural idea made obvious by any asceticism or ascetically oriented practices. Put otherwise, the theistic dietary ethics of ancient Judaism were not a culturally confined case.

BIBLIOGRAPHY

The Oxford Handbook of Biblical Narrative. Edited by Danna Nolan Fewell, Oxford:
    Oxford University Press, 2016.

Alter, Robert (1979). "New Theory of Kashrut." *Commentary* 68 (August): 46–52.
    http://ezproxy.drew.edu/login?url=http://search.ebscohost.com/login.aspx?direct=
    true&d b=rgr&AN=521008888&site=eds-live&scope=site.

Alter, Robert. *The Five Books of Moses: A Translation with Commentary.* New York,
    NY: W.W. Norton & Company, Inc., 2004.

Alter, Robert and Kermode, Frank editors. *The Literary Guide to the Bible*. Cambridge,
    MA: Harvard University Press, 1997.

Baron-Cohen, Simon. *The Science of Evil: On Empathy and the Origins of Cruelty*. New
    York, NY: Basic Books, 2011.

Boer, Roland, *The Sacred Economy of Ancient Israel*. Louisville, Kentucky: Westminster
    John Knox Press, 2015.

Churchland, Patricia. *Brain Trust: What Neuroscience Tells Us about Morality.*
    Princeton, NJ: Princeton University Press, 2011.

"Dietary Laws," in *The New Encyclopedia of Judaism,* edited by Geoffrey Wigoder, Fred
    Skolnik, and Shmuel Himelstein, 2nd eds. (NY, New York: New York University
    Press, 2002).
    http://ezproxy.drew.edu/login?url=https://search.credoreference.com/content/entr
    y/nyupe   ncyjud/dietary_laws/0?institutionId=1119

Mary Douglas, "Deciphering a Meal," in *Food and Culture: A Reader*. Eds. Carole
    Counihan and Penny Van Esterik. New York, NY: Routledge, 1997.

Douglas, Mary, *Leviticus as Literature.* Oxford: Oxford University Press, 2001.

Gray, Kurt, and Chelsea Schein. "Two Minds Vs. Two Philosophies: Mind Perception
    Defines Morality and Dissolves the Debate Between Deontology and
    Utilitarianism." *Review of*

Philosophy & Psychology 3, no. 3 (September 2012). 405-423. DOI 10.1007/s13164-
    012-0112-5.

Gray, Kurt. Liane Young & Adam Waytz. "Mind Perception Is the Essence of Morality,
    Psychological Inquiry." *Psychological Inquiry,* 23:2 (2012), 101-
    124, DOI: 10.1080/1047840X.2012.651387

Gray, Kurt, Adam Waytz, & Liane Young (2012). "The Moral Dyad: A Fundamental Template Unifying Moral Judgment," *Psychological inquiry*, *23* (2).

Haidt, Jonathan. *The Righteous Mind: Why Good People are Divided by Politics and Religion*. New York, NY: Vintage Books, 2013.

Houston, Walter. *Purity and Monotheism.* Sheffield, ENG: Sheffield Academic Press, 1993.

Laudan, Rachel. *Cuisine and Empire: Cooking in World History*. Berkeley, CA: University of California Press, 2013.

MacDonald, Nathan. *What Did the Ancient Israelites Eat? Diet in Biblical Times*. Grand Rapids, Michigan: William B Eerdmanns Publishing Company, 2008.

MacDonald, Nathan. *Not Bread Alone: The Uses of Food in the Old Testament.* Oxford: Oxford University Press, 2004.

Metzger, Bruce M., Roland E. Murphy eds. *The New Oxford Annotated Bible*. New York: Oxford University Press, 1994.

Milgrom, Jacob. *Leviticus: A Book of Ritual and Ethics.* Minneapolis: Fortress Press, 2004.

Nichols, Shaun. *Sentimental Rules: On the Natural Foundations of Moral Judgment*. NY: Oxford University Press, 2004.

Prinz, Jesse J. *The Emotional Construction of Morals.* NY: Oxford University Press, 2007.

Scott, James C. *Against the Grain: A Deep History of the Earliest States*. New Haven, CT: Yale University Press, 2017.

Slote, Michael, *Moral Sentimentalism*. NY, New York: Oxford University Press, 2010.

Tomasello, Michael. *A Natural History of Human Morality.* Cambridge, MA: Harvard University Press, 2016.