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Guidelines for Submissions

Preface

This issue of *JISMOR* offers eight contributions, six of which were authored by research fellows of the Center for Interdisciplinary Study of the Monotheistic Religions (=CISMOR). All articles present our research activities during the 2017 and 2018 academic years.

The first part of the volume includes two papers delivered at a public seminar on July 18, 2017 at the Divinity Hall of the School of Theology, by Prof. Junya Shinohe and Dr. Taiji Abe, discussing the meaning of the Arabic terms Ḥalāl and Ḥarām, and dealing with economic benefits and business in Islamic religious thought, as well as contemporary business conduct. On the topic of religious restrictions we also held a symposium on June 16, 2018 with the participation of Emeritus Prof. Rabbi Jonathan Magonet and Prof. (Retired) Yoshiko Oda, who dealt specifically with restrictions relating to food in Judaism and Islām in relation to people's daily life. The two scholars who lectured at this symposium introduced the audience to practices of Judaism and Islām largely unfamiliar in Japan, and their papers are given here in the second part.

Also included in the second part are two articles relating to texts from the ancient world, concerning the Hittites, the Hebrew Bible and Jewish rabbinics, by Associate Prof. Etsuko Katsumata and Prof. Ada Taggar Cohen, offering a view of those ancient societies' concepts of wisdom and social institutions.

In the last two parts of this issue we added a research note by Dr. Asuka Nakamura on a study excursion in Iran, indicating the innovations in tourism occurring there in recent years, and a book review by Dr. Kotaro Hiraoka on a recently published Japanese language book on Martin Buber.

Professor Ada Taggar Cohen
Director of the Center for Interdisciplinary Study
of the Monotheistic Religions

Kyoto, March 2019

The Term Ḥalāl in Islām

The 2nd Sharī‘a Studies Seminar

- ① On Ḥalāl and Ḥarām
- ② Current Situation of Ḥalāl Business

Host: Center for Interdisciplinary Study of Monotheistic Religions (CISMOR), Doshisha University

Lecturers:

- ① Junya Shinohe
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Director, Center for Interdisciplinary Study of Monotheistic Religions,
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Time: 15:00–16:30

Date: Tuesday, July 18, 2017

Place: Room G31, Divinity Hall, Imadegawa Campus, Doshisha University

On Ḥalāl and Ḥarām

Junya Shinohe

- * This script is added and altered based on taped lectures and handouts (resume) in the Sharī‘a Studies Seminar.

What do Ḥalāl and Ḥarām Mean?

It is generally understood that ḥalāl means “what God has not prohibited” and that ḥarām means “what God has prohibited.” Also, from the viewpoint of Islamic law, it is understood that ḥalāl is permissible or lawful and that ḥarām is prohibited or unlawful. However, from the viewpoint of Islamic jurisprudence, when applying the term ḥalāl to

the real world, it takes on an entirely different aspect.

The 14th century Islamic law scholar ibn Taymīya (1258-1328), espousing stricter Islamic rule, explained ḥalāl as follows:

We should know that a basic principle for all existing things with distinct characters, gaps and different structures is ḥalāl where access is not restricted to human beings. And the ḥalāl things are clean, and it is not prohibited whether we wear, use or touch them. This means ḥalāl as an (unspecified) general term.¹

In other words, ḥalāl means that everything God created is in principle ḥalāl relationship with human life.

What ḥalāl means in the real world is that people are permitted to do anything about things and events that have taken place in this world.

Based on it, Allāh (or God) set a part of human-related things and events as ḥarām which has some parts in common with the concept of taboo.

In recent years, ḥalāl business and the ḥalāl certification activities, which have been growing mainly in Malaysia and Indonesia, have attracted attention in Japan, however, the term ḥalāl itself is overemphasized in their attention. Therefore, people in Japan and other non-Islamic countries have an image as if the world of ḥalāl exists for Muslims or they are seeking the world of ḥalāl. In addition, it is plausibly said that the world of ḥalāl exists for Muslims, detached from heathens. But it is wrong.

According to Qur’ān, everything on earth is Allāh’s blessings. So ḥalāl means that people may use anything in their life unless God has prohibited it on earth. Also in the Islamic jurisprudence, anything is in principle regarded as ḥalāl unless clarified as Allāh’s injunction in Qur’ān. In principle human conduct is also free except for the matter that is prohibited in it. Such prohibition includes one within an area (prohibition in places); one during a certain period of time (prohibition of time); and one about a particular object (prohibition of things). The term ḥalāl is used when such prohibition is removed or “lifted” as a legal term. The removal in turn leads to restoration to the original state. This shows that ḥalāl is a principle and ḥarām exists within it.

In Qur’ān 3:50,² the term ḥalāl is used as a verb, which means to lift prohibition.

3:50. And verifying what lies before me of the Tawrāt, and to lift some of what was prohibited to you. I have come to you with a sign from your Lord; so fear Allāh, and obey me.

Also, the matters that are not set forth to be prohibited under the holy bible Qur'ān and the Prophet's Ḥadīth are in principle regarded as ḥalāl (permissible). The holy bible must be interpreted from the standpoint of criminal law so as to prevent someone from violating the rights of others by using Qur'ān as an excuse. If some non-prohibited matter is prohibited by reasoning from prohibited matters or as preventive measures, such prohibition will be in parallel with Qur'ān. It is the prerogative of God to decide what ḥalāl is and what ḥarām is. Islamic jurists have been admonished not to make ḥalāl ḥarām and ḥarām ḥalāl.

People are prohibited from eating pork, but are not prohibited from utilizing pig skin and using pork fat to prevent water leaking into the sailing ship because such acts are not specifically set forth as prohibited in the holy bible.

Ḥalāl Business is to Know Ḥarām

Muslims who are coexisting with non-Muslims in Islamic countries like Malaysia and Indonesia and who are going to study in or are migrating to non-Islamic countries like Japan and the West have been highly interested in ḥalāl in food. Ḥalāl business does not only cover the food and beverage business but also what is called Islamic finance business which prohibits interest-based transactions. Consequently the focus of attention in ḥalāl business is ḥarām that Allāh has prohibited. Now we need to know how ḥarām is written in Qur'ān.

Ḥarām in Qur'ān

Qur'ān was verbally revealed by God to the Prophet Muḥammad. Then Muḥammad as Muṣṭafā (i.e. the Chosen One) conveyed it to people. Every Muslim lives by complying with what is written in Qur'ān. Words related to ḥarām in Qur'ān are as follows.

1. Aqaba, Makkah, Madīnah, al-Aqṣā Mosque

The term ḥarām is used to describe the Ka'ba in Makkah (Mecca) and al-Aqṣā Mosque in Jerusalem.

In Qur'ān 2:144, 2:149, 2:150, 2:191, 2:194, 2:196, 8:34, 9:7, 9:19, 9:28, 22:15, 48:25, and 48:27, the term ḥarām is used to describe the pilgrimage site, Ka'ba (the Sacred Mosque) in Makkah of Saudi Arabia. It indicates that people are restricted in their actions in the area for an unlimited or limited period of time.

Similar usage is common with the way of naming the Chinese emperors' palace called as the *Shikinjo* (紫禁城) and the Japanese emperors' palace called as *Kinri* (禁裏). The Kanji letter of *Kin* (禁) means that ordinary people are restricted in their actions there.

In Qur'ān 2:194 and 2:217, during a pilgrimage to Makkah, people are restricted in their actions but those restrictions are lifted (ḥalāl) if necessary for self-defense.

2:194. The sacred month for the sacred month; and sacrilege for sacrilege. This is retaliation. Whoever commits aggression against you, retaliate against him in the same measure as he has committed against you.

This is a clear text regarding ḥarām of time and its lifting.

Qur'ān 2:198 indicates clearly non-prohibition in places, confirming there is no prohibition on trading during a pilgrimage.

2 : 198. It is not a sin if you try to make a profit out of the bounty of your Lord (by trading during pilgrimage). When you leave 'Arafāt, then remember Allāh at the sacred place (Muzdalifah),

Qur'ān 5:2 confirms whether a specific activity in a certain place is prohibited or not, but it is also related to the time, thus it can be understood that it is ḥarām in places and time.

5:2. O you who believe! Do not violate the sanctity of the rituals of Allāh, nor the sacred month, nor the offerings (bought for sacrifice), nor the garlands (marked for sacrifice), nor those bound for the Sacred House (Ka'ba), seeking the Bounty of their Lord, and [His] Contentment. But you may hunt once you take off the 'ihram' (the ritual attire of pilgrimage). And let not the hatred against a people who (once) turned you away from the Sacred Masjid, incite you to transgress. Help one another toward piety and reverence; do not help one another toward sin and enmity. And fear Allāh; indeed, Allāh is severe in the punishment.

It prescribes sacred (ḥarām) things such as the Sacred Month and the Sacred House (Ka'ba temple).

Qur'ān 5:97 indicates clearly that Ka'ba is sacred with restriction set upon the place. That is to say, it describes ḥarām of things and places. Al-Aqṣā Mosque in Jerusalem is ḥarām in places.

5:97. Allāh made the Ka'ba, the Sacred House, (as an asylum of security) for mankind, and the Sacred Months, the animals for offerings, and the garlands (that mark them). That is so that you may know that Allāh has knowledge of whatever is in the heavens and on the earth and that Allāh is well acquainted with all things. 98. Know that Allāh is severe in punishment and that Allāh is all-Forgiving and Most Merciful.

Qur'ān 17:1 indicates ḥarām in places.

17:1. "from the Sacred Ḥarām to the Sacred Aqṣā Mosque (in Jerusalem)"

2. Ḥarām related to Food and Drink

Qur'ān 2:173 refers to ḥarām of food.

2:173. He has only forbidden you (to eat) carrion, blood, flesh of swine, and what has been offered to (in the name of) any other than Allāh. But for one who is driven by necessity, neither craving nor transgressing, it is no sin.

Qur'ān 2:219, 5:90, and 5:91 refer to ḥarām of drink.

219. They ask you about alcoholic drink and gambling. Say: There is great sin in both and (some) profit for mankind, but the sin is greater than the profit.

- * As for alcoholic drink, those who produce, transport, sell, serve or drink liquor are all deemed to have committed the same sin. However, as for any brewing company that makes bio-related and non-alcoholic products other than liquor, if alcohol sales volume accounts for less than 10% of the company's total sales, the trading of the company's shares is not prohibited. The same is true of hotel management. If sales volume by offering alcohol accounts for less than 10 % of the hotel's total sales, the management of the hotel is not prohibited.

3. Ḥarām of Interest Earning

Qur'ān prohibits interest earning, thus Muslims are engaged in investment business through interest-free banks and Islamic fund to avoid interest earning.

2:275. Those who consume usury will not arise, but like he who arises whom Satan

prostrated by touch. [...] those who repeat (to usury), they are inmates of the fire; they will abide in it forever.

Islamic Jurists and Ḥarām

It is clear what Qur'ān prohibits and what it does not, but the two of them are doubtful matters. In the real world, it is more often seen that people are not sure in a boundary case whether a matter is ḥarām or not in the field of ḥalāl. Eating the flesh of swine (pork) is prohibited. Then, is it permitted to use pig skin or pork fat? It is ḥarām of food to eat animals slaughtered in the name of any other than Allāh. Then, is it also ḥarām of food to eat lamb and beef without praying? There are many such unpredicted cases that need legal opinions. It is what we call Islamic jurists who draw a boundary line and provide Muslims with guidance. It is based on ḥadīth or Prophet's words as follows.

Words of Prophet Muḥammad³

On the authority of Abu'Abdullah an-Nu'man the son of Bashir, may Allāh be pleased with them both, who said: I heard the Messenger of Allāh (may the blessings and peace of Allāh be upon him) say: that which is lawful (i.e. ḥalāl) is plain and that which is unlawful (i.e. ḥarām) is plain and between the two of them are doubtful matters about which not many people know. Thus he who avoids doubtful matters clears himself in regard to his religion and his honor, but he who falls into doubtful matters falls into that which is unlawful, like the shepherd who pastures around a sanctuary, all but grazing therein. Verily every king has a sanctuary and Allāh's sanctuary is His prohibition. In the body there is a morsel of flesh which, if it be sound, all the body is sound and which, if it be diseased, all the body is diseased. This part of the body is the heart.

This ḥadīth comes from collections of al-Bukhārī and Muslim.

The Role of Islamic Jurists is summarized as follows:

- 1) Ḥalāl and ḥarām are clearly stated in Qur'ān. However, when applying them in practice, ordinary people cannot judge what to do in particular situations.
- 2) Islamic Jurists assume a role of clarifying doubtful points to lay Muslims.
- 3) Islamic Jurists render lay Muslims some legal opinion (fatwā) about doubtful matters not clearly stated in Qur'ān or those mentioned in it but difficult to interpret exactly.

- 4) This fatwā is called a legal opinion because it has no enforceability unlike the court's ruling. Legal opinion will be executed only if a concerned Muslim agrees to accept it.
- 5) It is called an Islamic Jurist (mujtahid) who is familiar with Qur'ān and Ḥadīth, the record of words and actions of the Prophet, as well as legal hermeneutics necessary to derive legal opinions.

Routine Tasks of Islamic Jurists

Islamic jurists not only clarify ḥalāl and ḥarām and a grey area between them. They also provide consultation and guidance on Muslims' religious rites (the shahāda or the confession of faith; wuḍū' or purification; Ṣalāh or prayer; Zakāh or an obligatory form of giving; Ṣawm or fasting; and Ḥaġġ or pilgrimage), matters related to people's lives (trading on civil law, marriage, marital relationship, and succession of property) and so on. Their opinions are classified into five categories: obligations; prohibition; recommended behaviors; sinful behaviors; and permissible behaviors. These are called Islamic legal opinions. We have to understand the reason why ḥalāl is not included in them.

Admonition to Islamic Jurists

The life of lay Muslims is profoundly affected by legal opinions of Islamic jurists. Therefore, Qur'ān clearly warns them against prohibiting what God has permitted and permitting what God has prohibited.

Qur'ān 7:32 states as follows:

7:32. Say: "Who has prohibited the beautiful (gifts) of Allāh, which He has produced for His servants, and the things, clean and pure, (which He has provided) for sustenance?" Say: "These are, in the life of this world, for those who believe, (and) purely for them on the Day of Judgment. Thus I explain the signs in detail for those who understand." 33. Say: "the things that my Lord has indeed prohibited are: shameful deeds, whether open or secret; sins and trespasses against truth or reason; assigning of partners to Allāh, for which He has given no authority; and saying things about Allāh of which you have no knowledge."

Ḥalāl is in the field of Sharī'a where there is no legal opinion, thus ḥalāl and ḥarām are

not comparative concepts. Because of the circumstance that ḥarām in principle exists within ḥalāl, they are seemingly comparative concepts.

Ḥalāl means being in the original state. It also means restoration to the original state from the prohibited state. The term ḥalāl strongly appeals to Muslim. It is a book titled *The Ḥalāl and Ḥarām in Islām* written by Yūsuf al-Qaraḍāwī⁴ that effectively used ḥalāl and ḥarām as comparative concepts. The book has projected an image as if ḥalāl and ḥarām are comparative concepts though it is not true, but it is certain that Muslim readers had a mentality to accept the image. Learning the details is also to learn the background of the current situation of ḥalāl business and ḥalāl certification.

Historical Background of Contemporary Problems about Ḥalāl and Ḥarām

Yūsuf al-Qaraḍāwī's book *The Ḥalāl and Ḥarām in Islām*, published in Egypt in 1960, has gone through many editions, reaching 23rd edition in 1997.

According to the first edition, the author wrote the book in response to the request of Al-Azhar University in Egypt. An English edition of the book was also planned to achieve non-Muslims' deeper understanding of Muslims' lives.

The Ḥalāl and Ḥarām in Islām hit the bestseller list immediately after the publication, due to the title which projected an image as if both terms are comparative concepts. The book has been translated into English, Malay and other languages, and has gone through many editions.

Dr. Yūsuf al-Qaraḍāwī (born 9 September 1926) is an Islamic jurist affiliated with the Muslim Brotherhood in Egypt. He has immigrated to Qatar and then acquired Qatari nationality (Egypt allows dual citizenship). He assumed the Director of the Institute of Islamic Theology, a religious combined junior and senior high school, in Qatar, and later the Director of College of Sharī'a and Islamic Studies at Qatar University. He has become virtually a leader of Islamic education in Qatar. He has had programs of fatwā (Islamic legal opinion) in radio and TV, and answered questions from lay Muslims. With Internet spreading, he set up his own website and has influenced greatly across the Arab-Islamic world.

As one of leading scholars in the Islamic world, al-Qaraḍāwī has published more than 170 titles.

In the 2000s, he supported suicide attacks against Israel on the basis of Qur'ān calling for striking terror into the hearts of enemies, which has received a lot of criticism.

Opposing the US policy of overthrowing the Taliban regime, al-Qaraḏāwī supported it.

The Ḥalāl and Ḥarām in Islām consists of four chapters. Chapter 1 details eleven principles. Chapter 2 explains the Ḥalāl and the Ḥarām in the private life of Muslim including food and drink; clothing and adornment; the home (statutes, dogs, etc.); work and earning livelihood. Chapter 3 deals with the Ḥalāl and the Ḥarām in Marriage and Family Life: the physical appetites; marriage; the relationship between husband and wives; contraception; divorce; and the relationship between parents and children. Chapter 4 describes the Ḥalāl and the Ḥarām in the daily life of the Muslim: beliefs and customs; business transactions; recreation and play; social relationships; and the relationship between individuals and the state.

The book compiles legal opinions regarding matters confusing modern Muslims.

Having challenged other Islamic jurists' legal opinions that a rag doll leads to worship of idols, al-Qaraḏāwī stated his legal opinion that a rag doll is not prohibited for its usefulness as infant emotional development. He did not give endorsement to lay Muslims, but rendered his legal opinion that it is not prohibited. It was just his legal opinion, not a law.

His book does not only cover ḥalāl business today, but also the whole life of Muslims. He offered his legal opinion about matters requiring judgement compatible with Qur'ān' teachings. He also advised how Muslims should cope with matters that are not specified in Qur'ān: artificial insemination; photographs; planned parenthood to stop population explosion in the Third World; the right or wrong of non-Muslim male doctors examining Muslim female patients and so on. Dr. al-Qaraḏāwī rendered his legal opinions as an Islamic jurist and published the book titled *The Ḥalāl and Ḥarām in Islām*.

Non-Arab Muslims' Perception of al-Qaraḏāwī's Book

In Islām, there is no clergy. Islamic jurists only render a legal opinion. It must not be absolute. When they could not render it based on Qur'ān and Ḥadīth of the Prophet, Islamic jurists derive legal opinions through analogical reasoning. For example, drugs are not mentioned in Qur'ān. But drugs put people's mind in a stupor and make it impossible for them to attend worship. This is the same reason of prohibiting drinking alcohol. So drug-using is prohibited based on reasoning from the prohibition on alcohol-drinking. In that case, drug users are punished with 80 strokes of cane, which is the same punishment on alcohol drinkers. This is an application of analogical reasoning (qiyās). But it is not clear whether this reasoning is right or not if Qur'ān has no express provision. It is just

analogical reasoning. Other Islamic jurists can render different legal opinion. Regarding the strokes of cane, the first Khalīfa imposed 40 lashes, while the second Khalīfa did 80 lashes. People do not know which is correct because Qur’ān has no express provision of the number of strokes.

An Islamic legal opinion derived from analogical reasoning is not law as is the case that the court’s ruling is not law.

Answers made by Dr. al-Qaraḍāwī in the book are regarded as his own legal opinions. *The Ḥalāl and Ḥarām in Islām* began to go around and many more Muslims seek guidance in their living to the book. Al-Qaraḍāwī only stated his own legal opinions. Due to the strong effect of the book’s title, more and more Muslims have chanted ḥalāl slogans. Legal cases are not a matter of ḥalāl but that of ḥarām. As a result of the book, chemists of the Agricultural Department of an Indonesian University first started ḥalāl certification. About the movement of bringing ḥalāl to the fore, Islamic jurists and Muslims in the Arab world, who understand the original Arabic written Qur’ān as a native speaker, felt a sense of discomfort. Islamic jurists in Arab-Islamic countries reacted sharply against the movement in Indonesia and Malaysia that used the term “ḥalāl” indicating the legal non-interference area as the legally applicable term, and they have critically attributed it to al-Qaraḍāwī’s book *The Ḥalāl and Ḥarām in Islām*.

Problems of *The Ḥalāl and Ḥarām in Islām*

The book listed up eleven Islamic principles pertaining to Ḥalāl and Ḥarām.⁵

- 1 – The Basic Asl (origin) Refers to the Permissibility of Things (permissible-origin)
- 2 – To Make Lawful and to Prohibit Is the Right of Allāh Alone
- 3 – Prohibiting the Ḥalāl and Permitting the Ḥarām Is Similar to Committing Shirk
- 4 – The Prohibition of Things Is Due to Their Impurity and Harmfulness
- 5 – What is Ḥalāl Is Sufficient, While What is Haram Is Superfluous
- 6 – Whatever Is Conducive to the Ḥarām Is Itself Ḥarām
- 7 – Falsely Representing the Ḥarām as Ḥalāl Is Prohibited
- 8 – Good Intentions Do Not Make the Ḥarām Acceptable
- 9 – Doubtful Things Are To Be Avoided
- 10 – The Ḥarām Is Prohibited to Everyone Alike
- 11 – Necessity Dictates Exceptions

As legal mind these principles are very sound but are not without problems. One such example is a preventive mind of the 6th principle “Whatever Is Conducive to the Ḥarām Is Itself Ḥarām.” The principle means “blocking with arms” (juristically it is a preventive prohibition of the law), and it also serves as a momentum of expanding the prohibited area. Islamic jurists hesitate to expand such area. To change and improve society is good, but to make the principle a guide to derive legal opinions might be incompatible with the Right of Allāh. Prohibition without reason results from guessing and deducing the intension of Allāh. So it is not necessarily true.

Some people ask whether it is possible to enact legislation such as tax law and immigration regulations despite nothing stated in Qur’ān, but it is in the field of ḥalāl and therefore such legislation has no problem because Qur’ān does not prohibit it clearly. Ḥalāl is not a matter of law. Ḥarām has problems. As a result of regarding ḥalāl and ḥarām as comparative concepts, the term ḥalāl with a strong appeal to people has come to be used in the matter of ḥarām.

More Dependence on al-Qaraḍāwī’s Book as Guidance

Traditionally, Muslims have visited Islamic jurists for their opinions when they came up against a case that they have no idea how to behave as Muslims. In Egypt, Muslims have visited an all-around counseling center in Al-Azhar University and listened to scholars’ legal opinions to apply them to their cases. For example, a husband, having made a pledge to God never to approach his wife, soon demanded a sexual relationship. In this case, the husband was advised to sponsor (kaffāra) poor people on ground that he has broken his pledge to God. Another example is a problem of whether a husband’s three divorce declarations are valid or not. According a legal opinion, this is counted as only one divorce because these were done just around the same time. In Islām, husbands have the right to divorce his wife three times (grand divorce) and two times (small divorce) and also restore a marital relationship in the latter divorce. These are one-shot opinions and answers for problems.

Al-Qaraḍāwī’s book *The Ḥalāl and Ḥarām in Islām* has been accepted as a reference book, and Muslims have come to stick to rules in the Ḥalāl and Ḥarām problem. Lay Muslims have referred the book as a guide for judgement rather than consulted Islamic jurists. Such behavior is different from the traditional ways of solving problems.

Ḥalāl Certification

In the Ḥalāl Certification, the same authority with Qur'ān has been given to the Jabatan Kemajuan Islām Malaysia (JAKIM) that is not an organization of Islamic jurists. It has been criticized and seen negatively by Islamic jurists in Arab countries.

In the case of the Ḥalāl Food certification, even the food that has obtained a ḥalāl certification in Malaysia often cannot obtain one in Saudi Arabia. That's the way it is.

Conclusion

We have to reconsider ḥalāl business and ḥalāl certification system by consistently taking back to basics of Islamic jurisprudence.

I have already explained the reason above. The term ḥalāl means to be in principle free and the world we are living. Ḥalāl is a blessing of Allāh. In contrast to ḥarām (prohibition), ḥalāl lifts the ḥarām of time, places and things. Learning that the term ḥalāl means restoration to the original state will be enough to understand ḥalāl business and ḥalāl certification system more deeply.

Notes

- ¹ ibn Taymīya, Ahmad, *Majmu' al-Fatwā al-Kubra*, Vol. 21, p. 555, Ministry of Islamic Affairs, Dawah and Guidance, Saudi Arabia, 2008
- ² *The Holy Qur'ān; Arabic Text with Japanese Translation and Short Commentary*, Japan Muslim Association, 1983: Citations from the Qur'ān in this paper are taken from this edition.
- ³ *The Sixth Ḥadīth, Forty Ḥadīth compiled by Imām al-Nawawī*, p. 15, trans. by Toshio Kuroda, Islamic Center Japan, 2003
- ⁴ al-Qaraḍāwī, Yūsuf, *al-Ḥalāl wal-Ḥarām fil Islām*, maktaba wahaba, al-Qahirah, 1997
- ⁵ al-Qaraḍāwī, Yūsuf, pp. 17-38

Current Situation of Ḥalāl Business

Taiji Abe

Introduction

The principles of the Monotheistic code of conduct, especially when it comes to the food provision, include kashrut in Judaism, purification in Christianity (particularly Orthodox Church), ḥalāl and ḥarām in Islām and similar provisions in other monotheistic religions. This report deals with ḥalāl that has attracted attention in recent years mainly for food business, which has been forcing various industry associations in Japan to cope with. Ḥalāl, based on Islamic principles, has been industrialized beyond a single religious framework, through commercialization focusing on ḥalāl certification business, which has now forged a huge market, showing that it is a potential growing industry in the future.

About the basic concepts of Islamic jurisprudence on ḥalāl and ḥarām, Professor Junya Shinohe has already reported his studies titled *On Ḥalāl and Ḥarām*. So in my report, assuming that you have understood what ḥalāl and ḥarām are, I will focus on assessing and digesting the current situation of ḥalāl business as in the title above.

1. Reason of Industrial Development: To Make Profit is in itself a kind of Social Contribution

Before starting my report, I would like to review the reason of industrial development by showing that “an activity to make profit, whether profit-making or nonprofit-making,¹ is in itself a kind of social contribution.”

According to Peter F. Drucker’s book published in 2006 (Japanese Edition), “a business enterprise is an organ of society.”² And “profit...measures the net effectiveness and soundness of a business’s efforts.”³ “It is indeed the ultimate test of business performance.”⁴ Also the structure of Profit-and-Loss (P/L) statement, one of three financial statements, can show concretely that an activity to make profit is a kind of social contribution. Net profit is the value left once costs, sales administrative expenses, non-operating expenditures, extraordinary loss, corporate tax and other expenses are deducted from sales value of the business activity. It is also the value calculated as the

result of such activity. In other words, investment on management resources, including underlying assets, and other business infrastructures are indispensable to realization of sales. In this process, costs (of goods sold) become resources for activities of suppliers and clients, and sales administrative expenses become resources for salaries of employees as well as the lives and activities of employers engaging in advertisement, system, management business and so on. Non-operating expenditures become resources for activities of financial institutions (as interest expenses, etc.) and those of local governments, political groups, designated organizations and so on (as donations, etc.). Corporate taxes and the like become resources, through central and local governments' fiscal revenues (as national and local taxes, etc.), for the lives and activities in the form of public servants' salaries, public services, infrastructure improvements, various kinds of subsidies and so on. Net profit becomes resources for the lives and activities in the form of reinvestment, internal reserves (accumulated profits), dividend for shareholders and equity participants and so on. Moreover, agency collection fees (withholding at source, special collections, etc.) by entities employing workers contribute to fiscal revenues of central and local governments (as income taxes and resident taxes, etc.) as well. For example, we researchers can continue various research activities with the help of research subsidies from foundations and the like and of competitive funds from public agencies (science and research grants, etc. by MEXT and JSPS), owing to profitable results out of entities' business activities, in other words, gifts of industry generated from production activities.

In this regard, Baigan Ishida, a philosopher of the Edo period as well as the father of *Sekimon Shingaku* (a blended philosophy of Buddhist, Shinto, and Confucian ethical teachings), wrote in the section of "A scholar Criticizes Merchants for Learning" in his book titled *Tohi-Mondo* as follows.

All the four classes of warriors (or *samurai*), farmers, artisans and merchants should work together to make the world orderly. Even if any one of them lacks, other three classes would fail to make up for it. [...] Merchants trade to help the world go around. Compensation for artisans' labor is their salaries. Rent called as "saku-ai" rendered to farmers is the same with the compensation for samurai. How can all people under the heaven live without industry? Merchants' profits from their trade are also nothing less than compensation officially allowed. However, you are going to hate and break off with merchants, saying they are so amoral and greedy that they

take all the profits from the trade. Why do you despise and hate only merchants? [...] Samurai cannot practice its way without compensation rendered by its master. However, if you regard such compensation as greed and condemn it as being against the way of the Samurai, it follows that nobody, let alone Confucius and Mencius, cannot know the way under heaven. Nevertheless, why do you accuse merchants, setting aside samurai, farmers and artisans, of receiving compensation as greedy and amoral?

(In the original Japanese text, the citation is from *TOHI-MONDO* (1935) written by Baigan Ishida and revised by Ritsuen Adachi, Iwanami Bookstore, pp. 61-62)

The way of merchants is not different from that of samurai, farmers and artisans.

(*Ibid.*, p. 68)

As mentioned above, trade itself is appreciated to some extent for its role to contribute to maintaining and developing social systems, and therefore the reason of promoting trade by industrial development is supported. If we apply these things to the ḥalāl industry, the existence of ḥalāl business and its related businesses, including ḥalāl certification business, which is profitable and is expected to develop in the future, demonstrates the existence of those who are supporting ḥalāl business in this country today. Although condemned as “a rip-off business under the name of Islām,⁵” the ḥalāl business is making profit and recognized as having a certain value and existential reason as a business and being socially reasonable at least at the moment. I will introduce concrete examples on the following chapters.

2. Ḥalāl Business in Japan

In this chapter, I would like to overview the ḥalāl business in Japan.

Although in Malaysia, government bodies such as JAKIM (Jabatan Kemajuan Islam Malaysia)⁶ approve and award ḥalāl certification, in our country, private sector bodies do it. Total number and actual state of such bodies have not yet been fully confirmed in Japan. However, according to the list of recognized foreign ḥalāl certification bodies and authorities, released by JAKIM, the Malaysian government ḥalāl certification body, there are six in Japan as of February in 2017⁷: “Japan Muslim Association” (JMA), “Japan Halal Association (JHA),” “Japan Halal Unit Association (JHUA),” “Japan Islamic Trust (JIT),” “Muslim Professional Japan Association (MPJA),”

“Nippon Asia Halal Association (NAHA).”⁸ If we classify these bodies based on corporate type, there are two religious institutions, two specified non-profit organizations (NPOs) and two general incorporated associations.

I would like to name a few of recent government supports to ḥalāl business in Japan. The Ministry of Agriculture, Forestry and Fisheries of Japan (MAFF), offering the Grant for Making Agriculture Stronger, sets the following some allocation criteria: “Beef and Pork: facilities specifically for beef are making efforts to obtain ḥalāl certification (5 points).” and “Improving Preparedness for Exporting Agricultural and Animal Products: v) it has already obtained ḥalāl certification (4 points).”⁹ The Japan Finance Corporation (JFC) also sets the following clause: “In the case where it is for acquisition of ISO9000 certification, ḥalāl certification and other similar international standards, establishment of higher quality control and other activities for improving the export environment.” This is one of special clauses related to the credit line of the “Super W Fund” (Agriculture, Forestry and Fisheries Facility Fund).¹⁰ In addition to these government supports, it is confirmed that a ḥalāl certification consulting company has received a loan of 30 million yen as the Challenge Support Capital Strengthening Special System (equity loans) from JFC on May in 2017,¹¹ although there might be a question as to whether supporting ḥalāl through an interest-bearing loan (ḥarām) is reasonable. This loan can be used as “show money” in order to show higher capital adequacy ratio when an applicant asks for a loan from commercial banks or other financial institutions. In other words, this is the case where the company, by using virtually more than ten times leverage, has built a-hundred-million yen business under the name of ḥalāl.

I will show that the above situation caused various concepts of ḥalāl business on the following sections in this chapter.

2-1. Ḥalāl Business and Religious Corporation

In the first place, even a religious corporation may, insofar as it is not contrary to its purpose, engage in profit-making business -- in the wording of the provision “conduct an enterprise other than a public welfare enterprise,-- based on Sec. 2 of Article 6 of the Religious Corporation Act.¹² A religious corporation has to pay corporate taxes when it engages in profit-making business, although it can receive preferential treatment.¹³

Then, is ḥalāl business categorized as profit-making business or nonprofit-making business (such as religious activity)? Regarding this question, it is understood that it is determined based on substance of each business. In general the National Tax Agency regards “provider business or its incidental activity of intangible property right” as

profit-making business,¹⁴ while Sec. 13 of Article 2 of the Corporation Tax Act considers “conducted continuously by business establishment” to be profit-making business. In addition, Sec. 2 (ii) of Article 5 of the Ordinance for Enforcement of the Corporation Tax Act defines the following as not included in profit-making business: business where “the number of the following people who engage in either one of activities, set forth in the respective items of the preceding paragraph, that nonprofit-making corporation etc. operates [(a) disabled person; (b) those who has accepted livelihood aid; (c) intellectually disabled person; (d) those who is the age of 65 or older; (e) widow] accounts for more than half the total number of people who engage in the activity and it contributes to protecting the lives of those people.” In this case, when a business entity is a religious corporation, if it is regarded as a nonprofit-making business (such as religious activity), it is more advantageous and reasonable for taxation.

2-2. Ḥalāl Business and Specified Nonprofit Organization (NPO)

As with the previous section, it is understood that whether ḥalāl business is categorized as religious activity or non-religious activity is usually determined based on substance of each business. However, Sec. 2 of Article 2 of the Act of Promoting Specified Nonprofit Activities, the basis law of specified nonprofit corporations, defines “The term “specified nonprofit activities organization” in this Act means a corporation that has been established pursuant to the provisions of this Act with its primary purpose of engaging in specified nonprofit activities and that falls under any of the following items: [...] (ii) an organization whose activities fall under any of the following: [...] (a) its primary purpose is not to disseminate religious teachings, organize ceremonies and events, and educate and foster believers” and thus the ḥalāl business is not considered as religious activity and is treated as non-religious activity (such as a part of cultural exchange).

2-3. Ḥalāl Business and Central/Local Governments

With respect to ḥalāl business and central/local governments, the Constitution of Japan sets forth as follows.

Article 20.

Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority.

[...]

The State and its organs shall refrain from religious education or any other religious activity.¹⁵

Article 89.

No public money or other property shall be expended or appropriated for the use, benefit or maintenance of any religious institution or association, or for any charitable, educational or benevolent enterprises not under the control of public authority.

If Japanese central and local governments observe the above provisions, any of the above-mentioned ḥalāl support activities by the agencies such as MAFF and JFC is treated as “activities that have no religious significance of Islām and no effect of support, encouragement, promotion of, or oppression, intervention and others activities against, Islām.” This indicates the consistency of the above-mentioned “supporting ḥalāl through an interest-bearing loan (ḥarām or prohibited).”

2-4. Conclusion: Ḥalāl Business in Japan

As described above, there are in parallel several concepts of ḥalāl business in Japan as follows: ḥalāl business that is not contrary to any religious activity or the purpose of that religious corporation (such as a religious corporation); ḥalāl business whose primary purpose is not to disseminate religious teachings, organize ceremonies and events, and educate and foster believers (such as an NPO corporation); ḥalāl business that have no religious significance and no effect of support, encouragement, promotion of, or oppression, intervention and others activities against, religion (such as central/local governments).

3. Promoting Ḥalāl Business in Japan

In 2016, the Japan Tourism Agency drew up Tourism Vision Realization Program that set “new goals of 40 million international visitors in 2020 and 60 million international visitors in 2030” and that calls for “goals of international visitors’ spending of 8 trillion yen in 2020 and 15 trillion yen in 2030.”¹⁶ While ḥalāl business is expected as a means of realizing those numerical targets, it also has many challenges in its operation.

As an example, I reported the research progress of the situation of dealing with foreign students, mainly efforts to serve ḥalāl foods in dining hall business in Kansai

area among the co-op dining halls in the target universities of the FY2014 Top Global University Project.¹⁷

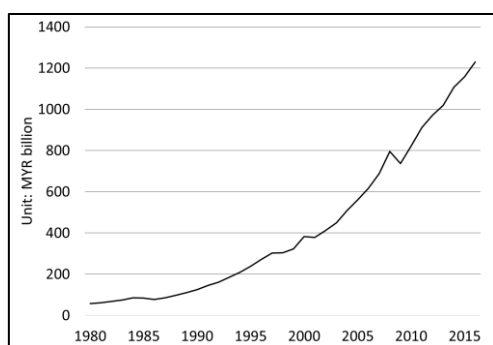
4. Ḥalāl Export Business

Finally, in this last chapter, I will review the ḥalāl export business to Malaysia by using concrete data. With growing national income (especially income of target customers of ḥalāl business) in Malaysia that is seeking become a hub country of ḥalāl certification with the government's strong support, the ḥalāl export business to Malaysia has potential for the future.

Overall, Indonesia ranks top in Muslim population and its ratio to total population among ASEAN countries. In 2010, the Muslim population of Indonesia was estimated at 204.85 million (88.1% of total population).¹⁸ However, Indonesia ranks lower in disposable income per capita among ASEAN countries. In fact, real disposable income per worker in Indonesia was US\$ 3,201.53 in 2015,¹⁹ and thus the Japanese products are too expensive for Indonesian nations to consume daily. Consequently, in terms of cost competitiveness, Indonesia is hard to become a promising export destination for Japanese products.

4-1. Basic Economic Data

As a Southeast Asian country, the total population of Malaysia was 31.66 million in 2016²⁰ and the population of Kuala Lumpur, the capital of Malaysia, was 1.79 million in the same year.²¹ In 2010, the Muslim population in Malaysia was estimated at 17.14 million, accounting for 61.4% of the total population.²² Muslims are more than 60% of the total population in this country. Malaysia's economic situation is as follows.



2016:
MYR 1,229.38 billion
(=US\$ 296.36 billion)

Figure 1 Malaysia's Nominal GDP (MYR)

Source: International Monetary Fund (IMF)²³

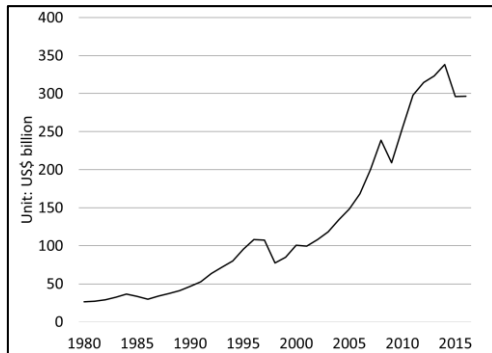


Figure 2 Malaysia's Nominal GDP (US\$)

2016:
US\$ 296.36 billion
(=MYR 1,229.38 billion)

Source: Ibid.

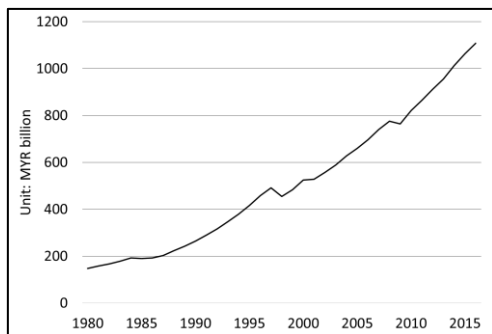


Figure 3 Malaysia's Real GDP (MYR)

2016:
MYR 1,107.86 billion

Source: Ibid.

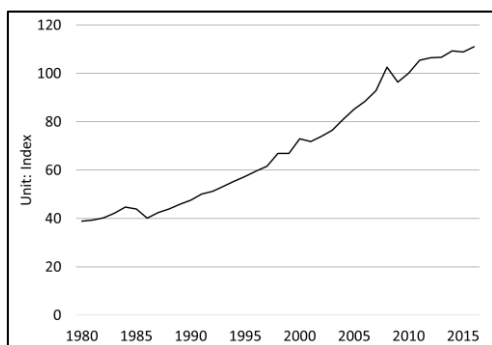


Figure 4 Malaysia's GDP Deflator

2016: 110.97

Source: Ibid.

As demonstrated above, Malaysia has sustained the economic growth as a whole.²⁴

4-2. Household Income

Median monthly income by household group in Malaysia is as the table below.

Table 1 Median Monthly Income by Household Group, Malaysia (MYR), 2014

Total	14,305(Upper 20%)	5,662(Middle 40%)	2,537(Lower 40%)
Bumiputera	12,630(Upper 20%)	5,190(Middle 40%)	2,367(Lower 40%)
Chinese	17,981(Upper 20%)	7,049(Middle 40%)	3,127(Lower 40%)
Indian	14,604(Upper 20%)	5,646(Middle 40%)	2,672(Lower 40%)

Source: JETRO (2016),²⁵ p. 65

Table 1 shows that the core of upper-income group is Chinese (overseas Chinese or *huaqiao* and Chinese descent or *huaren*) and that of lower-income group is Bumiputera (or literally translated as “son of the land,” the indigenous people of Malaysia including Malays, Javanese, Bugis and Boyanese). The ethnic composition by state in Malaysia is as shown in Table 2 below.

Table 2 Ethnic Composition by State in Malaysia

Percentage of Ethnic Composition by State	Bumiputera (Malays)	Bumiputera (Non-Malay Bumiputera and Other Indigenous Groups)	Chinese	Indians	Other Groups (Filipinos, Indonesians and other foreigners)
Total population	50.30% (15.925 million people)	11.80% (3.736 million people)	21.80% (6.902 million people)	6.50% (2.058 million people)	0.90% (0.285 million people)
Perlis	85.20%	0.50%	7.80%	1.30%	2.00%
Kedah	75.70%	0.20%	12.50%	6.70%	1.00%
Penang	41.20%	0.40%	41.20%	9.80%	0.30%
Perak	52.70%	3.00%	28.70%	11.70%	0.40%
Kelantan	92.50%	1.10%	3.10%	0.30%	0.60%
Terengganu	94.60%	0.20%	2.40%	0.20%	0.20%
Pahang	69.90%	5.10%	14.70%	4.00%	0.40%
Selangor	52.30%	1.40%	25.60%	12.10%	0.70%
Negeri Sembilan	55.00%	1.90%	21.20%	14.10%	0.40%
Malacca	63.10%	1.40%	24.70%	5.50%	0.50%
Johor	52.40%	1.70%	30.30%	6.30%	0.50%
Sabah	7.30%	53.10%	8.60%	0.30%	0.30%

Source: JETRO Kuala Lumpur (2016),²⁶ p. 3

If we see the Table 3 below, based on this ethnic composition by state, it is clear that the median monthly household income for Malaysian is totally rising and that the states where the lower-income people mainly reside are far more developing than those where the higher-income people mainly do.

Table 3 Median Monthly Household Income by State, Malaysia

Median Monthly Household Income by State	2012	2014
Kuala Lumpur	MYR 5,847	MYR 7,620
Putrajaya	MYR 6,486	MYR 7,512
Selangor	MYR 5,353	MYR 6,214
Labuan	MYR 5,063	MYR 5,684
Johor	MYR 3,650	MYR 5,197
Malacca	MYR 3,923	MYR 5,029
Penang	MYR 4,039	MYR 4,702
Negeri Sembilan	MYR 3,575	MYR 4,128
Sarawak	MYR 3,047	MYR 3,778
Terengganu	MYR 3,034	MYR 3,777
Sabah	MYR 2,860	MYR 3,745
Perlis	MYR 2,387	MYR 3,500
Kedah	MYR 2,633	MYR 3,451
Pahang	MYR 3,067	MYR 3,389
Kelantan	MYR 2,276	MYR 2,716

Source: Ibid., p. 6

4-3. Ḥalāl Retailing in Malaysia

Table 4 shows an outline of the ḥalāl retailing for different income customers in Malaysia.

Table 4 Ḥalāl Retailing for Different Income Customers

Luxury retailers whose main customers are the upper-income
– The sales floor of ḥalāl and non-ḥalāl products is clearly divided.
– Japanese foodstuffs: most of them have not received ḥalāl certified.
Large Japanese-affiliated retailers whose main customers are the middle-income
– Sales floor and the handling of Japanese products are same as those of luxury retailers.
– Many Japanese products are displayed.
Retailers for the lower-income customers
– Non-ḥalāl products are not sold, and sales floor is not divided.
– Japanese products are not sold.

Source: JETRO (2014),²⁷ pp. 38-39

As shown in Table 4, the lower-income customers show a significant demand for ḥalāl products, while the middle- to upper-income customers do not show much needs for those products.

4-4. Conclusion: Ḥalāl Export Business to Malaysia

As shown in Section 2 of this chapter, the income of lower-income group who often shop at retailers not handling non-ḥalāl products shown in the previous section, is remarkably rising. And as demonstrated in Section 1 of this chapter, Malaysia has sustained the economic growth as a whole. Consequently, among the Malaysian people, the income of the target group of ḥalāl business is especially rising.

This is why the ḥalāl export business from Japan to Malaysia has potential for the future and so I have introduced the case of Malaysia as a part of current situation of ḥalāl business.

Notes

- ¹ The term “nonprofit-making” means delivering no profit.
- ² Peter F. Drucker (1993), *The Practice of Management*, Harper and Brothers, New York, p. 37.
- ³ *Ibid.*, p. 76.
- ⁴ *Ibid.* See also “profitability is not the purpose of business enterprise and business activity, but a limiting factor on it,” *ibid.*, p. 35.
- ⁵ Yoshiaki Sasaki (2014), “A Rip-Off Business Under the Name of Islām,” PRESIDENT Inc., PRESIDENT Online, <http://president.jp/articles/-/13579> (Accessed: 30 July 2018).
- ⁶ The outline of ḥalāl certification by JAKIM is as follows:

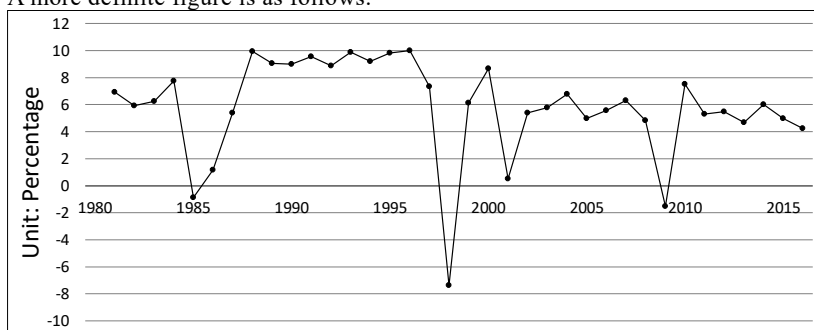
Validity of ḥalāl certification	Two years
Application Fees (as of December 2014)	<ul style="list-style-type: none"> - International Application Fees (per case): about JPY 200,000 (US\$ 2,100) - Domestic Application Fees (per year): about JPY 2,700 (MYR 100) to JPY 19,000 (MYR 700) ※depends on company size
Examination term from the application to the acquisition of ḥalāl certification	For one to two months

Source: Accenture (2016), “Overseas Market Report for Expanding the Export of Fishery Products and Processed Fishery Products,” p. 80, http://seafood-export.jp/report/201602_report.pdf (Accessed: 26 December 2016)

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- ⁷ Department of Islamic Development Malaysia (JAKIM) (2018), “The Recognised Foreign Halal Certification Bodies & Authorities,” pp. 13-15,
[http://www.halal.gov.my/ckfinder/userfiles/files/cb/NEW%20EDITED%20AS%20AT%206_2%20-%20CB%20List%20_doc%20update_%20290816\(2\).pdf](http://www.halal.gov.my/ckfinder/userfiles/files/cb/NEW%20EDITED%20AS%20AT%206_2%20-%20CB%20List%20_doc%20update_%20290816(2).pdf) (Accessed: 30 July 2018).
- ⁸ Ibid.
- ⁹ The Ministry of Agriculture, Forestry and Fisheries of Japan (2016), “The Grant for Making Agriculture Stronger,”
http://www.maff.go.jp/j/seisan/suisin/tuyoi_nougyou/t_tuti/h27/pdf/tuyo_pamph.pdf (Accessed: 18 July 2017).
- ¹⁰ Japan Finance Corporation (2017), “Super W Fund (Agriculture, Forestry and Fisheries Facility Fund),”
https://www.jfc.go.jp/n/finance/search/super_w.html (Accessed: 18 July 2017).
- ¹¹ Japan Finance Corporation (2017), “A Case of Financing for New Business Development (of Fukuoka Branch in May 2017),”
https://www.jfc.go.jp/n/release/pdf/topics_170615a.pdf (Accessed: 18 July 2017).
- ¹² Article 6 of the Religious Corporation Act (Public Welfare Enterprises and Other Enterprises).
(2) A religious corporation may, insofar as it is not contrary to its purpose, conduct an enterprise other than a public welfare enterprise. In this case, if the religious corporation has gained any profit from the enterprise, it shall be used for the said religious corporation, or for a religious organization comprising the said religious corporation, or for a religious corporation or a public welfare enterprise supported by the said religious corporation.
- ¹³ As an example, under the Deemed Contribution System, with regard to the amount of contributions to nonprofit-making business, up to 20% of the income amount in each business year can be included in deductible, while the rest (80%) of the income amount is subject to corporate tax rate of 19 percent.
See the Ministry of Finance (2017), “Tax Treatment of Nonprofit-Making Corporations and Others,”
http://www.mof.go.jp/tax_policy/summary/corporation/251.htm (Accessed: 18 July 2017).
- ¹⁴ National Tax Agency (2017), “Tax Practices of Religious Corporations (2017 edition),” p. 13,
https://www.nta.go.jp/shiraberu/ippanjoho/pamph/gensen/h29_shukyo.pdf (Accessed: 18 July 2017).
- ¹⁵ Religious Activities: “an act in which the purpose of it has religious significance and its effect constitutes aid, nurture, promotion, oppression, interference and so on of religion” as cited from the Supreme Court’s decision on the Tsu City *Jichinsai* (grounds purification rite) ceremony, announced on 13 July 1977.
- ¹⁶ Japan Tourism Agency, Tourism Vision Realization Program (2016),
<http://www.mlit.go.jp/common/001126601.pdf> (Accessed: 18 July 2017).
- ¹⁷ As of this reporting, I only reported the efforts of four co-op dining hall business to serve ḥalāl foods among university co-op commons of target universities for the FY2014 Top Global University Project, which belong to the Kansai-Hokuriku Section of University Co-operative Business Association. After then, this research has been adopted as a subsidized one “Treatment of Forbidden Foods for Foreign Students in UNIV. CO-OP Dining Halls” -- the 15th CCIJ Award-Winning Subsidized Projects (Consumer Co-operative Institute of Japan) and the publication of the content of the research has been restricted based on the commitment. So please note that I have to avoid mentioning the content of the research in this report. A detailed

report of this chapter will be published as a part of the Collection of CCIJ Award-winning Papers of the 15th Subsidized Projects.

- ¹⁸ Pew Research Center, “Table: Muslim Population by Country,”
<http://www.pewforum.org/2011/01/27/table-muslim-population-by-country/> (Accessed: 18 July 2017).
- ¹⁹ NTT DATA INSTITUTE OF MANAGEMENT CONSULTING, Inc. (2016), “Research Report of the FY 2015 Promotion Project of Diffusing Infrastructure System to Alleviate Energy Supply and Demand Imbalance – A Business Feasibility Study of Smart Community etc. in Global Market: Research for Diffusing and Developing ECHONET Lite Specification in ASEAN Countries,” p. 99,
http://www.meti.go.jp/meti_lib/report/2016fy/000313.pdf (Accessed: 18 July 2017).
- ²⁰ Department of Statistics Malaysia, “Malaysia @ a Glance,”
https://www.statistics.gov.my/index.php?r=column/cone&menu_id=dDM2enNvM09oTGtQemZPVzRTWENmZz09# (Accessed: 18 July 2017).
- ²¹ Department of Statistics Malaysia, “Federal Territory of Kuala Lumpur @ a Glance,”
https://www.statistics.gov.my/index.php?r=column/cone&menu_id=bjRlZXVGdnBueDJKY1BPWEFPRlhIdz09 (Accessed: 18 July 2017).
- ²² Pew Research Center, op. cit.
- ²³ International Monetary Fund (IMF), “World Economic Outlook Database,”
<http://www.imf.org/external/pubs/ft/weo/2017/01/weodata/index.aspx> (Accessed: 18 July 2017).
- ²⁴ A more definite figure is as follows:



2016 : 4.24%

Figure 5 Real Economic Growth Rate in Malaysia (Calculated based on data of Figure 3)

- ²⁵ JETRO (2016), “Halāl in major countries: Relevant Systems and Market Trends,”
https://www.jetro.go.jp/ext_images/Reports/02/2016/bdf7fdcc48b9a4a7/halal2015.pdf (Accessed: 18 July 2017).
- ²⁶ Coordinator of Agriculture, Forest and Fishery Food Products, JETRO Kuala Lumpur (2016), “Overview and New Trends of Japanese Food Market in Malaysia,”
https://www.jetro.go.jp/ebook/industry/foods/past_seminar/2016063/ (Accessed: 18 July 2017).
- ²⁷ Agriculture, Forestry, Fisheries and Food Research Division, Overseas Research Department. Agriculture, Forestry, Fisheries and Food Department. JETRO (2014), “Halāl Research Report for Exporting Japanese Agriculture, Forestry and Fishery Products and Foodstuffs,”
https://www.jetro.go.jp/ext_images/jfile/report/07001665/report_201405_rev.pdf (Accessed: 18 July 2017).

Toward Investigation of Democracy in Jewish Thought: Freedom, Equality, and *Dimos* in the Rabbinic Literature¹

Etsuko Katsumata

Abstract:

In this paper, we discuss whether the roots of democracy lie in rabbinic literature, by investigating the use of the word of *herut* (freedom), the image of the leader, and the use of the term *dimos*, from which the word democracy is presumed to originate. We found that neither complete freedom of the individual nor complete equality of the leader and the masses were assumed as a matter of course. Rather, freedom was something limited by the law, and leaders were required to behave in a specific manner as leaders. Furthermore, the findings of this paper suggest that there is no evidence that discussion about the democracy was inspired by the term *dimos* in the Jewish literature. Thus, we should be careful not to equate rabbinic Judaism with ideal democratic Judaism, as the scholars of Wissenschaft des Judentum often did at the end of 19th century.

Keywords:

Rabbinic Literature, Democracy, Dimos, Wissenschaft des Judentums, Freedom

1. Introduction

While few in the modern age would deny the value of democracy, various problems have arisen in so-called democratic countries. Following the destruction of the Berlin Wall and the collapse of the Soviet Union, democracy seemed to be accepted worldwide. Various countries in Eastern Europe and the former Soviet Union gained independence and were established as democratic nations. With the expansion of globalization through information technology, the Internet revolution, and physical proximity via transportation, the concept of democracy and other Western and European values came to prevail globally. Indeed, as Westernization spread and countries in the Middle East began to turn toward democratization, democracy came to be regarded as the absolute virtue or good, and, in some instances, even a kind of creed or norm. However, over the past two decades, the march of democracy seems to have ground to a halt: the Arab Spring has collapsed, civil conflicts are tearing apart countries that once strove for independence and democracy, and exclusionism and populism are now widespread. We have reached a point where we must reconsider what democracy is and ask whether it is indeed acceptable in all regions and in all religions².

In particular, as an originator of monotheism, Judaism has clarified the concept of democracy according to Jewish tradition and Jewish thought. Ever since its declaration of independence in 1948, Israel has declared itself a Jewish and democratic state, and the interrelationship between Judaism and democracy has become one of the most controversial topics in the political context³. It seems that Judaism is inseparable from modern values like freedom, equality, and democracy, particularly following Moses Mendelson (1729-1786) and Hermann Cohen (1842-1918) who claimed that universal values and Judaism can coexist and that Judaism indeed espouses these values. However, is this true? Does not the Jewish tradition, with its ancient roots, contradict the idea of modern idealistic democracy? To answer these questions, we should examine the basic concepts of each religion, such as freedom and equality, that mirror the tenets of democracy.

To this end, in this paper, we investigate the degree to which we can trace the roots of democracy in rabbinic Judaism, the foundation of present-day Jewish religions, in various aspects—the concept of freedom, the concept of equality through the image of the ruler, and particularly the usage of the term *dimos*, from which the word democracy originated. In the process of this investigation, we will see that part of the process of democracy was accepted in the rabbinic literature and we then ask whether it is reasonable to claim that Judaism is inseparable from what we call democracy today.

2. Freedom in the Rabbinic Traditions

Freedom is accepted as one of the basic conditions of democracy and as an undeniable value of the modern age, but what about freedom in the rabbinic age? According to my investigations to date, the concept of freedom was not the same in traditional Judaism as in Western thought. In the rabbinic literature, freedom is strongly related to social status, such as *ben hurin* and does not mean private or spiritual freedom. Only in the following source, Avot 6. 2. do we see the beginnings of freedom in the private arena creep into the rabbinic literature.

Avot 6. 2

R. Joshua b. Levi said; Everyday a divine voice goes forth from mount Horeb, proclaiming and saying, “Woe to mankind for their contempt of the Law!” For he that occupies himself not in the study of the Law is called reprobate....And it is written, And the tables were the work of God and the writing was the writing of God, graven (*harut*) upon the tables (Ex. 32.16). Read not *harut* but *heirut* (freedom), for thou find no freeman excepting him that occupies himself in the study of Law....

This source connects the graven (*harut*) letters, namely laws on the Tablets of the Commandments with freedom (*hirut*), thus indicating that freedom is not without its limitations. Rather, from a rabbinic perspective, from its inception, freedom is connected with the commandments of *mitzva* and *halacha*, amongst other orders⁴. In this concept of freedom related to order, the laws seem to precede modern theories of freedom, such as those advocated by John Rawls, who described freedom as based on social order and justice, and a liberal society as one that is “well-ordered.”⁵ This is because, in Judaism, social justice and *mitzvot* comprise two sides of the same coin.

3. The Image of the Ruler

In traditional Jewish society, there were various authoritative positions, represented by the king and priest in ancient times. Cohen discussed this construction together with the prophets as the three crowns⁶. In the rabbinic age, the patriarch *Nashi*, who was the representative of the Jewish world in the Roman Empire, seized the secular administrating position⁷. Thus, his was a very high position of would-be ruler to the

Jewish world. However, in the rabbinic literature, we find various stories concerning the conflicts between sages and the patriarch. Sages often criticized the ruler or patriarch, particularly R. Judan haNeshia, as in GR. 80. 2 (JT Sanhedrin 2.6.2d) ⁸. These traditions testify that sages were in a kind of tension with the patriarchal leader. Indeed, as we see in the Mishna Horayoto 3.1 and, sages did not suppose that the High Priests and the Nashis held a transcendental position and they were ready to criticize even them.

On the other hand, it is interesting that the sages supposed that the ruler should behave appropriately. The sages required the Neshia (R. Judan haNeshia) to wear appropriate clothes in the JT Sanhedrin 2.6. As seen in the following source, when King Saul visited a necromancer in Ein Dor in disguise, they considered this an inappropriate act for a king.

Lev. R. 26.7

“And Saul disguised himself (*wayyithhappes*)” (I Sam. 28. 8), that is to say, he divested himself (*hofshi*) of royalty. And put on other raiment (*ib.*); a commoner’s garments.

This tradition tells us that to put on commoner’s garments was to divest his position as king, indicating that the sages did not regard as ideal that there should be perfect equality between the ruler and his or her people. Furthermore, the term *hofshi* ‘divest’ originally meant ‘free’. This indicates that in the rabbinic tradition, the sages did not regard being free as a positive activity.

From these sources, we can surmise that the sages’ feelings towards the powers were complex. While they required that the relation between them be one that allowed them to criticize the powers, they also required that the powers should differentiate themselves from the masses. Thus, we must recognize the necessity of re-examining our concept of freedom or complete equality, and then democracy, which are asserted as absolute values in Western society.

4. Usage of *dimos*

The term democracy comes from the ancient Greek words ‘*dēmos*’ and ‘*kratia*’ meaning ‘control by the people’. Seemingly, however, the rabbinic literature, as a body of ancient documents, does not revere the idea of democracy. Nevertheless, the writers of

these ancient rabbinic works were likely familiar with the term, as they lived contemporaneously with the ancient Greeks and Romans. Indeed, in the rabbinic literature, the word *dimos*⁹ appears in quite a few sources and it is easy to associate *dimos* with the Greek word ‘dēmos’, meaning ‘people’. In fact, as per the standard Aramaic Hebrew Dictionary by Marcus Jastrow, the Hebrew *dimos* comes from the Greek word ‘dēmos’¹⁰. However, the term *dimos* has been attributed different meanings in the Jewish literature and with the passage of time, its various usages become increasingly sporadic. In this paper, we investigate the content and connotation of *dimos*, mainly in the rabbinic literature and later commentaries. We will examine how the meaning of *dimos*, originally meaning ‘people’, varied in the Jewish tradition and how its usage changed over time. We will also clarify that, for a long time, the concept of *dimos* in Judaism has not been directly related to that of democracy. Although this paper does not fully explore all the implications of the term, it is important to acknowledge the thin line between the concepts of *dimos* and democracy, which also reflects the status of democracy in Judaism. It is hoped that this exploration will provide insight into Judaism’s standpoint on people and democracy, the derivative of *dimos*, in the future, and further elaborate the relationship between democracy and Judaism.

My investigation is based on Bar Ilan’s Responsa Project ver. 25, in which almost 900 usages of *dimos* were collected from the rabbinic literature along with various commentaries from the rabbinic period to modern times. The term *dimos* does not occur in the Hebrew Bible or Mishnah, but appeared only in later Tannaitic sources, namely the Tosefta. The main references, however, are not seen until commentaries from a much later period (1c-10c).

In the rabbinic literature, it is strange that Babylonian sources mention only eight usages in BT¹¹, while in the Palestinian sources (JT and Midrash Aggadah), nearly 100 examples have been found. The meanings of *dimos* among these 100 examples are ambiguous and signifies various things. However, we are able to divide into the following groups:

4-1. *Dimos* as stacks of bricks or monuments made of rocks

The earliest known mention of the term *dimos* occurred in Baraita’s work,¹² principally as stacks of bricks or monuments made of rocks, but the concrete details of these constructions is not clear. Thus, in later commentaries and discussions regarding the Baraita traditions, the term *dimos* was often mentioned, as will be seen below. The main issue in this usage of *dimos* is twofold. First, the ancient rule was that whoever lays

the last brick on top of a *dimos* is liable for the Shabbat regulations.

BT Shab. 102b

Samuel said, “One who positions a stone (in the ground) is liable. They challenged this [on the basis of the following Baraita]. If one sets the stone and another one adds the cement, the one who adds the cement is liable.” R. Yose stated, “According to your reasoning, consider the end [of the same Baraita], even if one lifted [a stone] and placed it on the top of a *dimos shel ‘ebnim* row of stones, he is liable.” Rather, there are three stages in the building [of a wall]. Bottom, middle, and top. The bottom row needs only positioning and [wedging] in the earth. The middle rows also need cement. The top row [is built] with mere placement.

In this source, BT Shab. 102b, the question is whether or not the positioning of the stone contravenes the Shabbat laws that prohibit work on the Shabbat. According to Samuel, only the person who adds the cement is liable not the person who only adds stones. However, this opinion seems to contravene that of Samuel, who claims that even those who place stones on a construction are liable. It is then revealed by R. Yose that Samuel’s intended meaning was putting a stone on *top* of the construction, signifying its completion, but this contravenes the Shabbat laws.

This discussion is related to the question regarding the limit of *malacha*, or creative works, which are prohibited on the Shabbat. In the case of construction, this would mean that putting stone on the ground was regarded as work. However, in the case of the middle level of construction, placing stone was not regarded as adding to the construction, while applying cement was.

In this context, *dimos* refers to a kind of stone construction. While the Talmud does not explain the meaning of *dimos*, the Rashi describes it as a row of stones, while some of the commentaries on the Rashi also describe it as a building made of stones¹³. This means that in the age of the Talmud, the meaning of *dimos* was known, but in later ages there arose a need for commentary. In reality, there is not much depth in the concept of *dimos*.

The second typical discussion in this context is: if a *dimos* was built as a tomb for someone while that person was still alive, could it be used to bury others?

BT Sanhedrin 48a

Come learn, if a tomb structure was built for a person who is still alive, it is permitted to derive benefit from it. [But if] a single row of stones has been added to it for a person who has died, it becomes forbidden to derive benefit [it may now be used solely for his burial].

BT Sanhedrin 48a recorded a discussion about *dimos*, wherein it refers to a stone monument for use as a grave. The point under discussion is whether something intended for a specific individual can be used for another individual, or whether something intended for use for a specific purpose can be used for other purposes. We find various viewpoints in this discussion. For example, *dimos* means a specific monument for the burial of a specific person; thus, once the *dimos* of a certain person has been added to a building, then that building should be used for the burial of that specific person. This means that we cannot use something for its original purpose once it has been used for another purpose. The discussion in the Talmud also deals with the case of *dimos*, but from a slightly different perspective – whether the money saved for person A can be used for another person. Since the Talmud referred to this statement as a Baraita, the original text might come from the Tannaitic era, although the exact source cannot be identified.

Since this reference to *dimos* comes from *domos*, we can exclude its usage. However, as *dimos* and *domos* were spelled identically in the rabbinic literature and later commentaries, we need to consider the possibility that the terms became conflated and influenced each other in the minds of sages and commentators. Indeed, rows of stones and monuments are basically public constructions. In its Greek origin, *domos* also signifies buildings and houses that are related to public spaces. The second issue in the usage of *dimos* is relevant to both the public and private domains. Furthermore, in the comments in later ages, we find discussions as to whether the stones used for *dimos* might be considered idolatry,¹⁴ which may be relevant as a public concern.

Interestingly, the usage of *dimos* in the Babylonian Talmud can be classified only as a stone construction¹⁵ or a memorial monument for burial. What is also interesting is that this usage increased greatly in the later age commentaries as discussed below.

4-2. *Dimos* as a ‘public bath’

This usage is also found in a number of Jerusalem sources, particularly in JT and Midrashim in the expression *dimosin detibria* or ‘public baths in Tiberias’.

In the Jewish tradition, keeping the body clean is a religious matter because it is an aspect of religious observance. Hence, scholars were forbidden from residing in cities that did not contain a public bath¹⁶. Public baths (*dimosin*) were thus regarded as a necessary public service, although they were originally a construction of the Roman Empire. While, in the rabbinic literature¹⁷, sages often criticized stadia and theatres, the constructions of the Roman Empire, by comparing them negatively to synagogues and *Beit Midrash* (House of Learning), public baths were considered institutions of importance. In fact, rabbis praised the Romans for constructing baths in Palestine¹⁸.

It is also noteworthy that in the BT sources, *Beit Merchaz* is used and there is no reference to *dimosin* in this sense. However, in JT, we find mention of *dimosin*, *dimosiyot*, and *Beit Merchaz*. In this usage, *dimos* is used in its plural form, *dimosin* or *dimosiyot*, and in most cases it occurs together with Tiberias. Thus, there is a strong relationship between public bath and Tiberias.

Indeed, as the book on Tiberias by Oded Avissar shows, the baths in Tiberias have a long history¹⁹ and even today the spas there are very popular. It is true that in some cases rabbis warned that public baths posed a danger as they could be sites of idolatry²⁰, but for the most part it seems that the sages themselves used them, as mentioned above. According to archeological findings, the bathhouses in Tiberias were very large, as the following stories relate and various largescale archeological findings prove.

JT Termot 8. 4.

Diclot, the swineherd, would be hit by the young student of R. Jehuda Nesiah. He became a king. He went down to Pameas and sent letters in pursuit of the Rabbis, "Be before me immediately after the departure of the Shabbat." He told the messengers, "Do not give them the letters until evening, close to sunset." The messenger indeed reached out to them in the evening close to sunset. As R. Judan Nesiah and R. Shumel bar Nahman were going to bathe in the Tiberias, Angitris the demon came to them....

In the scene above, R. Jehuda Nesiah (usually designated as R. Jehuda II or III) and Samuel bar Nahman were on their way to bathe. At the time of writing, R. Jehuda Nesiah was the patriarch, the representative of the Palestinian Jewish society. Thus, we see that rabbis of such status also used the Roman baths, probably periodically, particularly before Shabbat. We have also found some sources that report that sages used these public

baths.

Since Roman baths were so popular and were open to the public, it can be clarified that *dimos* naturally had the nuance of being something public. As mentioned in the popular story of the King's Parable, seen below in Lev. R. 26. 5²¹, *dimosin* are something that the public needs.

Lev. R. 26. 5

It is the way of the world that if a mortal king enters a province and all the citizens of that province praise him, and if their praise is pleasant to him he tells them: "Tomorrow I shall build for you public baths and bathhouses, tomorrow I shall construct a canal for you." Then he falls asleep and does not rise. Then, where is he and where are his words? The Holy One Blessed be He, however, is not so but "the Lord God is the true God" (Jer. 10.10).

These words tell us about the God's absolute performance compared with that of the mortal king who could not keep his promise. Here, we may observe that, for the sages, public baths were a necessary custom, one that even had relevance for the public. The role of bath systems for the public is reflected in the term *dimos* 'public' in its original Greek meaning of 'bathhouse'. Furthermore, the sages supposed that kings should take care of public needs and official issues. In other sources, we find the phrase regarding the needs of the masses *rehei rabim*, which the mortal king should offer to them²².

4-3. *Dimos* as amnesty or pardon

In other rabbinic stories, we find many cases of *dimos* used to refer to 'amnesty' or 'pardon', particularly in court scenes, whether the court is human or divine. In many cases, *dimos* in this sense appears paired with *specular*, meaning 'judgment'. The terms *dimos* and *specular* reflected the practical concerns of real courts.

The earliest source for this usage of *dimos* is the famous episode of Rabbi Eliezer, who was arrested by the Roman authorities on suspicion of heresy. After examination by the *Hegmon*, he was declared innocent, and the term used to do so was *dimos*, as mentioned in the following source.

Tosefta Hurin 2.24

The episode of R. Eliezer. He was arrested on account of *minut* [heretical thought] and they brought him to court for judgement. The *Hegmon* said to him, “Should an elder of your standing get involved in such thing?” He (R. Eliezer) replied, “I rely upon the Judge.” The Hegmon supposed that he referred only to him but he referred to his Father in heaven. Hegmon said to him, “Since you deemed reliable, so thus I would say. Is it possible that these gray hairs should be err in such matters? Pardoned, you are free of liability.

It reflects the judgment of the real court and is the technical term used by the Roman judges. To date, this source has been much discussed, particularly the point where R. Eliezer was arrested and the content of the *minut* that captured him²³. However, little attention has been paid to the use of the term *dimos* in this episode. It is true that the origin of this *dimos* comes from the Latin *dimissio*, meaning ‘the dismissal’. Thus, it may be not related to *dimos* referring to people. However, in the rabbinic literature, we should note that *dimos* and resignation have been conflated and therefore, *dimos* overlaps the meaning of *dimissio*, that is, to be liberated and innocent. These meanings were found in the same era as that of the rabbinic literature. Thus, *dimos* has various connotations.

In later Amoraic sources, *dimos* means ‘pardon’ as uttered by a heavenly voice. In the episode of Rabbi Simeon Bar Yohai, who fled Hadrianus’ persecution with his two sons and spent 13 years hiding in a cave, he heard the heavenly voices say *dimos* and *specular* as in the following source.

Gen. R. 69. 6

R. Simeon b. Yohai and his son were hidden in a cave for thirteen years. Their food consisted of withered carobs, until their bodies broke out in sores. At the end of this period he emerged and sat at the entrance of the cave and saw a hunter engaged in catching birds. Now whenever R. Simeon heard a heavenly voice from heaven, “Mercy *Dimos Dimos!*” the birds escaped; if it exclaimed, “Death! *Speculah*” they were caught. “Even a bird is not caught without the assent of Providence,” he remarked, “How much more than the life of a human being!” Thereupon he went forth and found that the trouble had finished. Then they went and bathed in cold baths. His son said to him, “Father, Tiberias has

done so much good; shall we then not purify it from the dead? ...”

R. Simeon b. Yohai realized then that even the destinies of tiny birds depend on God’s decision, so he and his sons came out of hiding in the cave and made efforts to purify the city of Tiberias. Although *dimos* and *specular* were terms of foreign origin, even the heavenly voice, which transmitted God’s will, uttered them. This indicates that they were in use in Hebrew as judicial terms²⁴.

In much later sources, *dimos* was used to indicate God’s merciful judgement on the day of Yom Kippur (Day of Atonement); one recent commentary explains *dimos* as a merciful attribute of God²⁵.

Lev. R. 29.1

Thus, you are left to conclude that on New Year’s Day, in the first hour, the idea of creating man entered His mind, in the second He took counsel with the Ministering Angels, in the third He assembled Adam’s dust, in the fourth He kneaded it, in the fifth He shaped him, in the sixth He made into him, in the eighth he was commanded, in the tenth he transgressed, in the eleventh he was judged, in the twelfth, he was pardoned. “This,” said the Holy One, blessed be He, to Adam, “will be a sign to your children. As you stood in the judgment before Me this day and came out with a free pardon, so will your children in the future stand in judgment before Me on this day and will come out from My presence with a free pardon.” When will that be? In the seventh month, in the first day of the month (Lev.23.24).

Again, it is somewhat surprising that a term representing an attribute of God is drawn from a foreign language and it shows how these terms were accepted in the Jewish culture and without any negative connotations.

This usage was also very popular in the King’s Parables, as mentioned above. A mortal king who pronounced *dimos*—in other words, who granted pardon—was praised by all, but when he handed down severe judgements, he was criticized²⁶.

These examples demonstrate that *dimos* did have positive connotations amongst later commentaries, because it is associated with *hasid* piety²⁷, or *rahmim* compassion²⁸, which are important attributes of the Holy One, blessed be. *Dimos* can also mean liberation.

4-4. *Dimos* as People, Public affairs, Officers

This usage of *dimos* is probably the closest to the word democracy. Literal translations of the term are ‘people’ (Gen.R. 6.4, Ex. R. 15.17), ‘officer’ (Ex.R.2.2), ‘public affairs’, (Gen. R. 8.2)²⁹, and ‘public necessities, tax’ (Yalkut. Shimoni)³⁰. These usages demonstrate that the sages were not ignorant of the original meaning of *dimos* as ‘people’ or ‘public’; however, the term never acquired the meaning of a state controlled by the people, as did the linguistic root of the term “democracy.”

Gen. R 6.4

And the Stars (Gen. 1.16). R. Aha said: Imagine a king who had two governors *apotruphin*, one ruling in the city and the other in a province. Said the king: ‘Since the former has humbled himself to rule in the city only, I decree that whenever he goes out, the city council and the people *ocras* shall go out with him, and whenever he enters, the city council and the people *dimos* shall enter with him.’ Thus did the Holy One, blessed be He, say: Since the moon humbled itself to rule by night, I decree that when she comes forth, the stars come forth with her, and when she goes in, the stars shall go in with her.

Ex. R. 15.17

It is as if a beautiful tree was erected in the bath-house, and when the chief of the army *praepositus* with his suite came to bathe, they trampled upon the tree, and all the villagers and everyone else were eager to tread upon it. Sometime later, the king sent his bust to that province that they should put up a statue of him, but they could find no wood except that from the tree in that bath-house. The artisans said to the ruler: “If you wish to set up the statue, you must bring the tree which is in the bath-house, for that is the best there is.” They brought it and prepared it thoroughly, and placed it in the hands of a caver, who fashioned the bust on it and placed it within the palace. Then came the ruler and bowed before it; and the general, the prefect, the imperial officers, the legionaries, the people and everybody else did likewise. Then did the artisans say upon them: “Yesterday, you were trampling on this tree in the bath-house, and now you are bowing to it.” They replied: “It is not to the tree that we are bowing, but to the bust of the king engraved thereupon.”

Gen.R 8. 2

Said R. Hama b. R. Hanina: This may be compared to a country that received its supplies from ass-drivers, who used to ask each other, “What was the market price today?” Thus, those who supplied on the sixth day would ask of those who supplied on the fifth day... but of who would the first day supplier ask? Surely of the citizens who were engaged in the public affairs of the country *dimosah shel medinah* ! So, the works of each day asked the other...

Interestingly, *dimos*, in the sense of people and public, appears in the context of the Roman constitutional system, where it appeared in the context of Province, Medina, and various Roman governmental or army statuses, rooted in Greek or Latin. In other words, *dimos* is not regarded as a simple mass, but something comprising the Roman administrative organization. Moreover, in these three statements, the term Medinah province was probably mentioned by accident. In two of them, bath house was relevant, although the original term is *Beit Merachzt* not *dmosin*, as discussed above. Here, we infer some connotation of *dimos* in the rabbinic literature. *Dimos* was relevant to the system of the province, particularly the Roman province, including the bath house.

In the modern commentaries on JT, *al-Tamar*, we find discussions on the *dimosin* as a mass or group.³¹ Here, the meaning of *dimos* is explained as order composed of groups of people, as in a market. In this usage, it is very close to the concept of “mass.”

4-5. Further Remarks on *dimos*

As mentioned earlier, in the standard dictionary of Jastrow, *dimos* has various meanings. Through our investigations, it has indeed become clear that *dimos*' various meanings and roots have been mixed up. This is one of the many features of *dimos*.

Further analysis will demonstrate that the emergence of the various meanings has been very imbalanced. *Dimos* mainly appears in Palestinian sources in the rabbinic literature to refer to ‘a row or stack of stones’, ‘a monument’, ‘a public bath’, ‘a pardon’, ‘people’, or ‘public affairs’. Despite the various possible meanings, the intended meaning is clear in each context. On the other hand, in the Babylonian Talmud, *dimos* means a row of stones or a monument for burial only.

The degree of this imbalance increases in later ages. In the later Middle Ages, although we find widespread usage of *dimos* in the commentaries or response literature, most occur in the context of stone monuments, particularly a ‘monument as tombstone’,

which comprises almost 80 percent of all usages of *dimos*. This shows that the problem of *dimos* in the sense of stone monument was very relevant in the Middle Ages and we may infer that some problem may have occurred with respect to maintaining burial places in the Jewish community of this time.

Fig. 1

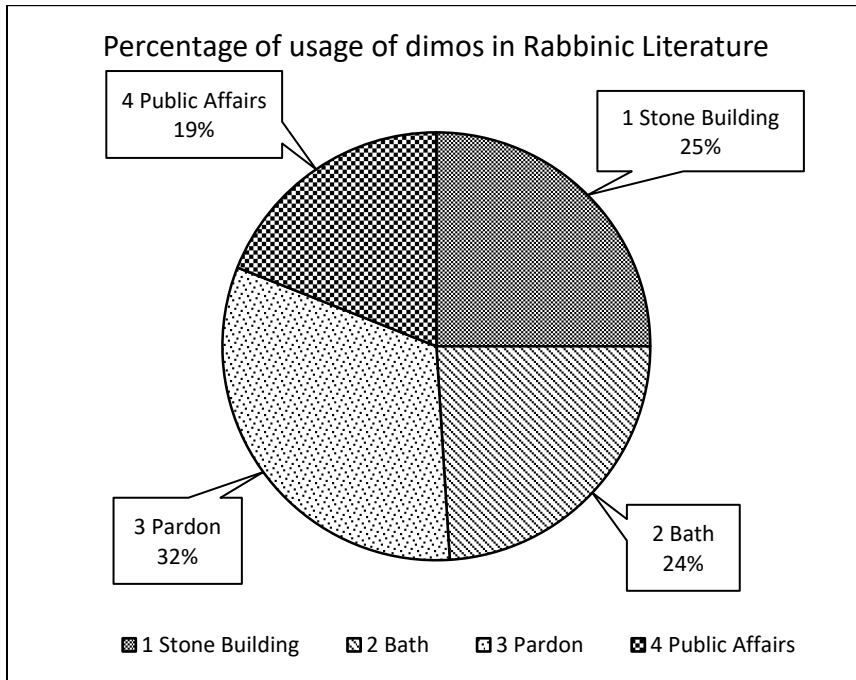
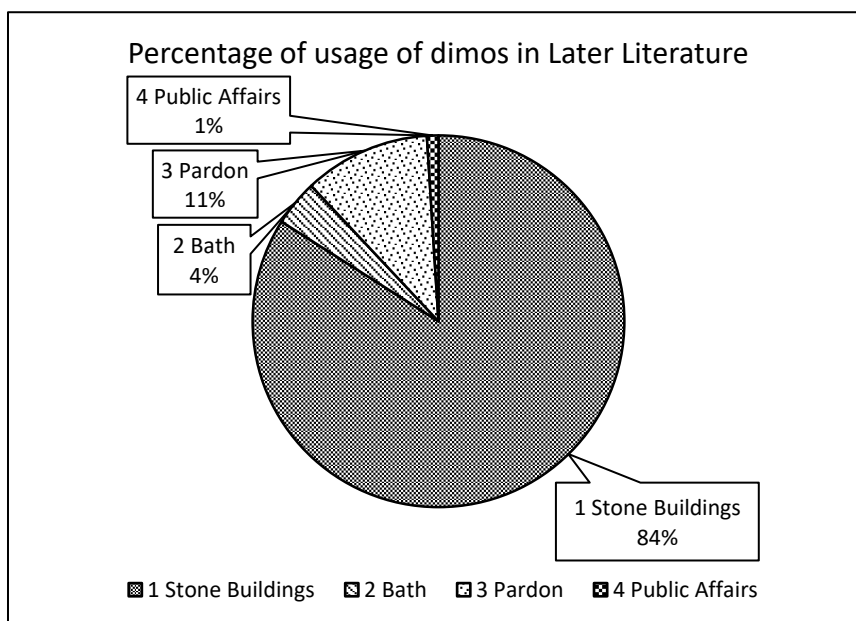


Fig. 2



Let us sum up our investigation on *dimos* to this point.

1. All the meanings enumerated seem to relate to each other in the sense that they indicate something of relevance to the public.
2. In Midrash, *dimos* is used to denote people and public. However, it does not refer to a simple mass, but is, rather, a component of the ruling system in the Roman empire.
3. By using it in the King's Parables to refer to preparing *dimosin* 'bathhouse', the rabbinic sources convey the message that kings should take care while preparing for and performing any action related to public issues.
4. In later Midrashic interpretations, *dimos* has been used to denote 'pardon' referring to God's mercy.
5. Through the Parables in the rabbinic literature, the Holy One, Blessed Be He, should take care of public affairs.
6. Even after being interpreted across a long period of time, *dimos* did not inspire any discussion on democracy or political issues; most usages dealt with the halachic discussion regarding stones or monuments.

My investigation has led me to conclude that *dimos* was never used in the sense of a democratic idea, or the state being controlled by the people; nor did it inspire the idea of democracy in the rabbinic literature, although it did convey a sense of something related to the public. At the very least, it may be said that it did not carry a negative connotation, as mentioned in Plato's criticism of the term, apart from a few exceptions.

What is interesting at this stage is that sages recognized and acknowledged the public domain. In the form of King's Parables, they presented their presupposition that in the human world, a person bearing the status of a king should control and take care of public issues. However, while a mortal king might not be able to keep his promises, the Holy One, Blessed Be He, would do so. According to the Parables, the sages supposed that both the king and the Holy One, Blessed Be He, should consider not only their own matters but also public issues and matters related to society. In this case, "public" signifies not only the Jewish people, but all those who visited the public bath in Tiberias.

Although the word *dimos* was used to indicate something relevant to the public, these usages are still far from the idea of democracy as we know it today. Therefore, we must concede that democracy was not a compelling issue in the rabbinic literature or its commentary tradition, despite the awareness of the concept of a public sphere and of the term *dimos*.

Therefore, when we attempt to relate Jewish traditional thought to political issues, particularly to democracy, we need to be very careful. It is likely that the sages' concept of the public (*kahar*), mass (*hamon*, or *lab*), people (*'am*) or the images of the various rulers, kings, owners, generals, and others, are key to a better understanding of their concept of freedom, equality, democracy, and so forth.

5. Conclusion

In this paper, we discussed whether the starting point of democracy can be observed by investigating the usage of freedom, the image of the leader, and the usage of *dimos* in rabbinic literature. Our investigation shows that the literature reflects its own ideas on each topic, which are not suited to the presupposition of what we call freedom today, i.e., democracy. In traditional Judaism, neither complete freedom of the individual nor complete equality of the leader and the masses were supposed as a matter of course. Rather, it was supposed that freedom was something limited by the law as a starting point and that leaders were required to behave as leaders. Furthermore, throughout history, in the tradition of Judaism, there is no evidence that the birth of democracy

resides in the term *dimos*, which was not an alien word in Jewish thought. Thus, we should not suppose that our ideas of freedom, democracy, and equality are universal values; rather, we should examine in detail how each tradition and religion views freedom, equality, and democracy according to their own literature.

Notes

- ¹ This paper was supported by JSPS KAKENHI Grant Number JP 16K02221 and based on a presentation at the 16th World Congress of Jewish Studies, 2017, at the Hebrew University of Jerusalem. In this paper, the following abbreviations are used: BT=Babylonian Talmud, JT=Jerusalem Talmud, Gen. R=Genesis Rabba, Ex. R= Exodus Rabba, Lev. R=Leviticus Rabba.
- ² As for the democracy in the East Europe, former Soviet Union and Middle East, see my article, “The Image of Freedom and the Leaders in the Judaism” in K. Kohara and E. Katsumata eds., *Religions and Dialog*, (Japanese) (Tokyo: Kyobunkawn, 2017), 193-229.
- ³ See proceedings in N. Rothenberg and E. Schweid eds., *Jewish Identity in Modern Israel: Proceedings on Secular Judaism and Democracy* (Jerusalem, New York: Urim Publication, 2002). J. E. David ed., *The State of Israel: Between Judaism and Democracy* (Jerusalem: The Israel Democracy Institute, 2003). In the 17th World Congress of Jewish Studies, the theme of Judaism and Democracy, or Freedom, was discussed in four sessions, which tells us of the strong interest in the subject in Jewish society.
- ⁴ See my discussion, E. Katsumata, “‘Freedom’ in the Judaism: the Hebrew Bible and rabbinic literature” in *Kirisutokyo Kenkyu (Studies in Christianity)* vol. 77, 1-23, 2015.
- ⁵ J. Rawls, *Political Liberalism* (New York: Columbia UP, 1992), particularly 35-43.
- ⁶ S. A. Cohen, *The Three Crowns—Studies of Communal Politics in Early Rabbinic Jewry* (Cambridge: Cambridge UP, 1990).
- ⁷ On the system of the patriarch and its development, see D. Goodblatt, *The Monarchic Principle* (Tubingen: J. C. B. Mohr, 1994), I. Levine, *The Rabbinic Class of Roman Palestine in Late Antiquity* (Jerusalem: Jewish Theological Seminary of America, 1989).
- ⁸ On the conflicts between the sages and the patriarch, I. Levine, “The Jewish Patriarch (Nasi) in the Third Century Palestine” in *Aufstieg und Niedergang der Römischen Welt II* 19/2 (1979), 197.
- ⁹ In this paper, ‘*dimos*’ in the alphabetical transcription of Hebrew term, while ‘*dēmos*’ is that of Greek one.
- ¹⁰ M. Jastrow, *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature* (Baker Academic, 2005).
- ¹¹ BT Shabbat 102a, BT Sota 44a, BT Qid. 63a, BT Mezia 118b, BT Sanh. 48a x3, BT A.Z.16b.
- ¹² The Baraita means the traditions of Tannaic rabbis, some of which were collected in the Mishnah by the Patriarch Jehudah, but most of which were scattered throughout the rabbinic literature. The Brait’s statement was identified by its usual introduction, “*Tana rabbanan* (Our rabbis taught).” Statements with this introduction were then recognized as being part of an ancient tradition.
- ¹³ For example, comments by Rashi to the BT Shabbat 102b.

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- ¹⁴ *Yorea Deah* 145. 13, 656.
- ¹⁵ BT Shabbat 102b, BT Sota 44a, BT B. Mezia.
- ¹⁶ BT Sanh. 17b.
- ¹⁷ For example, Gen. R. 70.1, Ruth. R. 2.22.
- ¹⁸ BT Shabbat 33a.
- ¹⁹ On Tiberias, see, O. Avissar ed., *Sefer Tiberia: 'ir kineret u-yishuba beray hadorot* (Hebrew) (Jerusalem: Keter Publishing House Ltd., 1973).
- ²⁰ JT A.Z. 4.4.
- ²¹ Gen. R. 1. 5 (Theodor-Albeck p.10).
- ²² For example, in Mid. Tahnuma, Parsshat Mishpatim, 5, *studia* and *dimosin* are regarded as necessities of the masses, in the King's Parables.
- ²³ See, J. Neusner, *Eliezer Ben Hyrcanus: The Tradition and the Man*, vol.1 (Leiden: Brill,1973), 400-403.
- ²⁴ Interestingly, the place in which this episode occurred was Tiberias, which was also famous for *dimosin* as discussed above. Indeed, R. Simeon b. Yohai took a bath, though they were not called *dimosin*, and purified the bath house. It seems that there was some associative thinking in this Midrash.
- ²⁵ Later commentary on the Maimonides' *Mishne Torah*, *Keter HaMelk Halachot Tshuba*3, 3, 614.
- ²⁶ JT Ber. 9.14b.
- ²⁷ *Keter HaMelk Halachot Tshuba*3, 3, 614.
- ²⁸ *Keter HaMelk Halachot Tshuba*3, 3, 618.
- ²⁹ *Malbim* (commentaries by R. Meir leibush Ben Yehiel Michel Weissner in the 19th century, Russia) on the Gen. 1. 25.
- ³⁰ *Responsa* by R. Habat Yair 721, *Responsa* by the Gaon R. Openhyim 1.5.
- ³¹ *Alei Tamar* (commentaries by R. Isscal Tamar 20th century) on the Shebyit 9. 1, 462.

Biblical Wisdom Literature and Hittite Didactic Texts in the Ancient Near Eastern Literary Context

Ada Taggar Cohen

Abstract:

Wisdom in the ancient world was knowledge given by the gods to humanity. It was given so that humanity could create civilized order, and maintain its service to the gods. This article discusses textual evidence from Mesopotamia, the Levant and Anatolia, written in Akkadian, Ugaritic and Hittite, showing how the idea of wisdom was circulated in texts with specific forms such as the genre of instructions from father to son. It then suggests the way wisdom ideas and language are interwoven into the biblical text. Two Akkadian texts are presented at the core of the article and their format is then compared to a Hittite text. Through the discussion of these texts their correlation to the Hebrew Bible wisdom literature is suggested thus deepening our understanding of the Hittite text especially.

Keywords:

Wisdom Literature, Bible, Ancient Near East cultures, Hittite, Ritual

1. Introduction

Proverbs 9:10 starts with the words “The Fear of YHWH is the beginning of wisdom” and continues “and knowledge of the Divine is understanding.”¹ The phrase “Fear of YHWH” has been understood as reflecting the meaning of “loyalty to the God of the Covenant” while practicing the *Torah* (= the laws), regarded as the revelation of the divine.

The Hebrew Bible repeats time and again that the most important issue for the Israelites is to heed the words of their god YHWH. Ex. 20:22: “YHWH said to Moses: Thus you shall say to the Israelites: You yourselves saw that I spoke (*dibbarti*) to you from the very heavens.” And then Moses’ next act is (Ex. 24:3-4): “Moses went and repeated to the people all the words (*dibrê*) of YHWH and all the rules; and all the people answered with one voice, saying, ‘All the things that YHWH has spoken (*dibber*) we will do!’”. Final action: “Moses then wrote down all the commands of YHWH. Early in the morning, he set up an altar at the foot of the mountain, with twelve pillars for the twelve tribes of Israel.” And he and the Israelites sacrificed to the god, and he read out loud from the written record (vv. 5-8).

The word of YHWH – the commandments – concerned the worship of the deity. The word of god is regarded as his law and the law is transmitted not just orally (*dbr*), to which the people listen, but also as a written text, followed then by cultic-ritual activity.

One of the basic ideas of the relationship between the deity and the people was obedience, indicated by the words “*šamo‘a bēqōl-* to heed the voice” of god (Ex 19:5 and passim). This concept belongs within the frame of the family, as the sons are expected to fulfil the word of their fathers. An obedient son is instructed in the Bible: “My son, Listen to (=heed/ *šm‘*) the discipline (*mûsar*) of your father, and do not forsake the instruction (*tôrâ*) of your mother” (Prov. 1:8 also Prov. 2:1, 3:1, 3:11, 4:1, 4:10, 20, passim).² The two words paralleled here are *mûsar* and *tôrâ*. Both stand for “instruction,” and they bring together wisdom and the fear of god. Thus, wisdom is a theological issue but also strongly connected with mundane legal issues as will be seen in the following.

Two points will be approached: the first concerns texts of the “instruction” genre, identified as “wisdom” literature, and the second, the fact that the texts relate to a familial context. Based on these two points, I will show the connection of these texts with ritual in the Bible and the Hittite texts in the context of the Ancient Near Eastern Literature that preceded the Bible but was also synchronous with it.

2. Wisdom Literature

2.1 One of the questions being discussed in current research touches on the issue of whether there was a wisdom literary tradition to which the Bible is an heir.³ Twelve papers in a recent volume dedicated to this question and to whether wisdom literature is a genre, suggest conflicting ideas.⁴ The view in this article follows the scholars who accept “wisdom literature” as a term for identifying literature and genre, since it reflects distinct world views, and specific language, and I will point out the didactic voice which is marked by persuasive rhetoric.⁵ There is no doubt that the above quoted texts of scriptures are didactic as well as rhetorical.

The instructions in the biblical text of the Pentateuch are seen strictly as law. The laws are divine instruction, and are of two types: as a collection of laws dealing with social life in society, and as laws instructing the worship of the divine whom the Israelites obey as a master.⁶ The idea of being instructed by God resembles the idea of obedience to parents, which is a central theme in the wisdom texts. In the biblical texts (esp. Proverbs), the call for obedience to parents is repeated as a commandment in the imperative “Listen/heed,” such as the instructions of wisdom in Prov. 19:20: “listen/heed (*šm’*) advice (*‘ēṣah*) and receive discipline/instruction (*mûsar*), that you may gain wisdom (*teḥkam*) in your future days”; Prov. 5:7 (in the plural): “And now, O sons, listen to me (*šim’û*), and do not depart from the words of my mouth (*‘imrē-pî*).”

The laws as rules for building a new society, are embedded in the covenant, in the relationship between divine and mundane. Still it has much to do with wisdom as well.⁷ Both encourage certain rules of social behavior. They demand certain behavior or prohibit it.

As David Daube indicated, instruction laws can be intertwined with wisdom as in the fifth commandment: “Honor your father and your mother,” which concludes with the reason: “that your days may be long on the earth, which YHWH your god gives you”. The command “honor=*kbd*,” followed by reasoning for well-being is thematic to wisdom literature.⁸ Thus, while wisdom promotes the place of the father and mother as social authoritative voices, they stand in parallel to YHWH who pronounces his authoritative law. The word “command” (*dbr/mišwah*), and the word “instructions” (*tôrah*) used in the wisdom literature time and again reflect the Pentateuch law with which Hebrew Bible readers are well acquainted.⁹

2.2 At this stage I will switch the discussion to Ancient Near Eastern wisdom literature, since, as I indicated above, I see the Bible as part of that long tradition. There is no doubt

that the term “wisdom” is widely used in Mesopotamian texts as well. I will only quote here the words of Paul-Alain Beaulieu: “The general tenor of wisdom texts is to teach the art of leading a successful life, in harmony with society and the divine will.”¹⁰ On the other hand, we should not forget the fact that at this time the father and mother were the heads of the legal authority of a household, and the royal house was also regarded as a household. Therefore, when a father instructed his son he was as authoritative as a king. The law of the divine world was transferred to the king and through him to his land, which was a common idea in the Ancient Near Eastern world.¹¹ The genre of wisdom texts of instructions to a son thus go back to ancient Mesopotamia as well as ancient Egypt. There has been much discussion comparing these literatures with the Bible.¹² I will now discuss several Mesopotamian and Hittite texts in relation to the biblical ones, presenting the wisdom literature linked to legal writings.

3. Texts from the Mesopotamian Tradition

There is a number of known texts in Ancient Near Eastern literature under the category of “wisdom,” which introduce “knowledge on life matters” to sons by their fathers. The most ancient text is the Sumerian “Instructions of Šuruppak” going back to the second half of the third millennium BCE. According to Beaulieu, these instructions texts were regarded as coming from primeval times, and they thus belong to the origin of civilized order.¹³

Another known text, from the second millennium BCE, is the one titled in scholarship “Instructions of Šūpê-Amēli” (or *šimâ milka*).¹⁴ It starts with the word “hear”, in Akkadian *šimâ milka š[a] Šūpê-Amēli* – “Listen to the advice of Šūpê-Amēli.” It is clearly correlating with the Hebrew *šmʿ* in its imperative form and can thus be translated as “heed/obey” or “follow up” and can be understood as an instructing command and not just suggested advice. The fact that the noun that follows the verb is *milka* or “advice”¹⁵ suggests its connection to wisdom literature while in the following lines of the text we have two more tying definitions to wisdom literature: *emqa milka* “wise advice,” and *paraš ūmē aḥriāti* “the law of days to come.” The meaning of the Akkadian word *paraš-* has to do both with laws, rules and customs, as well as required rites and rituals.¹⁶

This text of Šūpê-Amēli is placed under the category of the “last words of a father to a son,” that is the last “will” or “testament” of the father. The content of this text deals with proper behavior, caring for family and private property, and as Victor

Avigdor Hurowitz says, “The overall drift of the instructions is pragmatic.”¹⁷ That is to say: what is important to do in life, so that life will be successful. The instructions are in the second person singular as are other cuneiform instructions texts known to us from Sumerian and Akkadian.¹⁸ Such instruction texts project authoritative power. They are delivered by one side that has a higher status than the other. If the instructions have the power and character of law then they reflect the social status of the two parties, instructor and instructed.

One of the critical difficulties regarding Mesopotamian and in general Ancient Near Eastern Literature is the question of classification: to what genre does a specific text belong? Of course, the need for classification and fixing the genre is ours, modern scholars and readers, but still the ancients seemed to have used specific forms to transmit specific ideas. We can see such classification in their compilation of catalogues (what we also call “collection tablets” or “shelf-list tablets,” for example colophons which were collected in *Ḫattuša*).¹⁹ But when we try to identify exact genre we find that in many cases there is a mixture of literary forms in one and the same text.

3.1 I would like to introduce another Akkadian text, which does not necessarily appear under the simple “wisdom” category, nor under the category of testament from father to son, but has been included under didactic texts by Lambert in his volume on Babylonian Wisdom Literature, and is in some sense not much different from the testament advice “instructions of Šūpê-Amēli,” in its approach to pragmatism in life.²⁰

The text titled by Lambert “Advice to a Prince” is an interesting text including warnings that are to be “taught” to a (crown-) prince or a new king.²¹ The text is written in a format that resembles the Mesopotamian genre of “Omen texts,” which are always written in the format of a possibility – doing x will bring about y – which can be translated as a probability: “if...”. The text is composed of 60 lines in Akkadian, which Victor Avigdor Hurowitz suggested might reflect the god Ea, whose cuneiform signs mean 60, as he is the central theme of the text. Ea was regarded as the god of wisdom, and he is mentioned in line 2 of the text as “the king of destinies,” The practice of a hidden message in numbers is also well attested to in the book of Proverbs, a book of the Wisdom tradition.²² The main gist of the text of “Advice to a Prince” suggests the things a king should avoid doing because of the risk of infuriating the divine world, as the closing lines read (line 58-9): “the great gods will quit their dwellings in their fury and will not enter their shrines.”²³ The gods leaving their temples meant that they withdrew their support of the king and his kingship. Hurowitz takes it even further by suggesting

that the text is a work of divine revelation since it is a direct instruction from Ea (understanding thus the words *šipir* ^d*Ea* in line 7 as “message of the god Ea”). As he points out the text is titled “[If] the king did not listen/heed (*lā iqūl*),” which means that the king did not heed the divine message from the god Ea.

Now although this text is not in the strict form of an instructions text, the main contents of its message resemble advice given by a father to his son, for example in the Šūpê-Amēli text. The texts are different in that the “Advice to a Prince” relates only to the king acting unjustly towards the citizens of Sippar, Nippur and Babylon, while the Šūpê-Amēli text advises the son in different life matters, and the son is not a future king.²⁴ The clearest example is “Advice to a Prince” line 15: “If he takes the silver of the citizens of Babylon and adds it to his own coffers” // Šūpê-Amēli 57-8: “My son, do not plunder from those who grind flour, Impoverish neither young nor old.”

Regarding the format of the text (instructions vs. omens), a fascinating point arises when comparing a Hittite translated passage of the Šūpê-Amēli Akkadian text. The translation is mainly accurate but it does not cover the entire text. It still shows that the Hittites had the entire Akkadian text in hand, and were probably using it for the purpose of scholarship.²⁵ Indeed, these texts belonged to a tradition of texts that were shared by different cultures through the learning of Akkadian and by translating them into neighboring cultures. These works later became part of the literary tradition of the receiving culture. By translating Akkadian texts, the Hittites also adopted some of the other culture’s thought, ideas and beliefs.

The difference between the text of the Šūpê-Amēli and the “Advice to a Prince” may be its social context. The Prince is instructed in issues that relate to acting justly in a political context as a ruler or as the king, so in that respect we may say that the didactic format is not from a father but concerns the way the world is conducted by the gods, since the text of the “Advice to a Prince” is strongly related to the divine world, heeding the god’s “message,” the gods desires, and their worship. An incorrect action on behalf of the prince will be punished by the gods. Mentioned by name in the text are the gods Ea, Anum, Enlil, Marduk, Era and Nabû. In lines 30-31 of Lambert’s edition the gods are described in their judging capacity thus: “Anum, Enlil and Ea, who sit in heaven and earth (will) in their assembly (*puḫrišunu*), establish their exemption of corvé.”²⁶ This text is strongly connected with decisions and rules made by the gods in their legal function of judging the ruler. This text is thus not just advice to the prince in mundane actions, but is a theological act especially as at the end it mentions harm to the kingship in the following words: “Nabû, scribe of Esagil, who organizes the whole of heaven and

earth, who directs everything, who ordains kingship, will declare the treaties of his land void, and will decree hostility” (line 53-4). I would like to highlight that what is called “void” are the treaties, the framework of civilized order, as in the biblical text once God judges that his people has deviated from his law, the covenant between God and the people becomes void; it has been transgressed and the result is national devastation.²⁷ The actions of the king are thus judged by the divine world and not just by the society in which he acts, even though his wrong-doings are against his people (esp. Sippar, Nippur, Babylon – the privileged sacred cities of Babylonia). As Hurowitz says in his discussion of the “Advice to a Prince,” this text is a product of a wise scribe, who fits the form of the text to the requested message.

The text “Advice to a Prince,” then, is a political-legal didactic one, in a form of a divine instruction, while the text of Šūpê-Amēli is an instruction text of the type of a testament from father to son. Going back to the biblical examples we can see that the biblical texts combine the instructions for obedience to God with the obedience to the father and mother, while the context of the text is instructions relating to mundane social issues as well as the service of the divine (the law code of Ex. 19-24). Ex. 19-24 include combined texts of instructions with the law code that its format is influenced by the Mesopotamian laws.²⁸

I will not delve further into the discussion of the relations between the two Mesopotamian texts but rather will take an additional step forward and speak of a text of the Old Hittite Period, titled by scholars “The Testament of Ḫattušili I,” which is on the one hand a “will/testament” but on the other includes instructions to the council of the king together with instructions to the designated crown-prince in regard to his installation (CTH 6).²⁹ This testament-text was also a historical text, that belonged to a special context in times of political havoc. It stands in contrast to the two previously-mentioned Mesopotamian texts that are not clearly dated and were copied for centuries.³⁰ The Hittite text goes back to the later part of the 17th century BCE. Although there might be a gap in time between the texts (Mesopotamian and Hittite), to my understanding the Hittite one was also influenced by Mesopotamian tradition. While Ḫattušili I explains why he was appointing his grandson as his heir, deposing previous nominees (his son and the son of his sister) he explains the reason for their deposing in their acting contrary to his commands and against the citizens of Ḫattuša, which could have caused strife by the gods. For example, regarding the young Labarna he says:³¹

§5 (i/ii.26–29) It will come about that in regard to those who are citizens of

Ḫattuša he will thus draw near to [take away] the cattle and sheep of whoever (owns any). [I ...ed my] external enemies [... and] I held [my land(?)] in peace(?). It shall not come about that he hereafter establishes [...]

And about his daughter who plotted against him, he says that she stole from the citizens of Ḫattuša, she took their animals, their workers and their fields (§14-§16). Ḫattuša was the center, the sacred city of Ḫatti, and the people of Ḫattuša were supposed to be the most loyal to the king, and thus the most protected by the royal court. Hence, this text tells firstly of historical events as they happened in the royal family of Ḫattuša during the reign of its first kings. However, the judgement by Ḫattušili I of the actions taken by those involved in this situation is based on legal concepts and customs in the same way as the text “Advice to a Prince” tells us that the rulers are not to harm their citizens. On the other hand, the Hittite text as a whole includes instructions to both the council of the king and to the chosen young king himself, pronounced in a very didactic way that resembles the Šūpê-Amēli format. Ḫattušili I’s words to Muršili are thus:

§19-20 (iii 26–32) Up until now no one [in my family] has heeded my command. [But you, my son], Muršili, you must heed it. Keep [(your) father’s words]. If you keep your father’s word, you [must eat (only) bread] and drink (only) water. When the prime of young adult-hood is [within] you, then eat two or three times a day, and treat yourself. [But when] old age is within you, drink your fill, setting aside [(your) father’s] word. [.....] But if you don’t keep the king’s word, you won’t live [much longer(?)], but will perish.³²

§21a (iii 46–51) You (my subjects) must keep my words, those of Labarna, the Great King. [As long as] you keep [them], Ḫattuša will stand tall, and you will set your land [at peace]. You shall eat bread and drink water. But if you don’t keep them, your land will fall under foreign control.

Be very careful about the business [of the gods].³³ Their sacrificial loaves, their libations, their [stews(?)], and their meal must (always) be kept available for them.

§21b (iii–iv 51–54) You (Muršili) must [not] postpone (them), nor fall behind (in your deliveries). If you were to [postpone (them)], it would be evil, (as indeed was) the former (condition). So be [it]!³⁴

The instructions are very clear and are delivered in the language resembling that of the genre of “instruction-texts” (*išhiul-*) that creates the relationship between the king and other functionaries of professional groups within the Hittite kingdom.³⁵

Here we come back to the issue of the worship of the gods. This is a central point both in the “Advice to a Prince” and in the Hittite text. The divine world expects the service of the king in order to maintain his kingship. Here comes the theological aspect of the text and the reasoning for the success of the king. While the text of Ḫattušili I is a mixture of a “historical” example of wrong doing with instructions to the appointee as heir and his council, the Advice to a Prince” is a warning.

In the instructions to the assembly of council, the demand is that they instruct the prince in wisdom. CTH 6:

§10 (ii 53–57) [No] one shall say: “In secret the king [does] what he pleases (saying): ‘I can justify it, whether it (really) is, or whether it is not.’” [Such] slander shall *never* be established as true. Rather, you [who yourselves] now acknowledge my advice(=word) and my instruction(=wisdom), constantly instruct my son in wisdom. ³⁶

The last words of the king-father Ḫattušili I are as follows (in Goedegebuure’s translation):

§22 (iii 55-63) [The Gre]at [King] Labarna then turned to Muršili, his (adopted) son: “I have given you my words. Let them read this tablet in your presence every month, so that you will print* my words and my wisdom(=instruction) in your heart. You shall reign in justice over my [servant]s and nobles”
**šišša-* “impress”

Amir Gilan, in his study of this text, discussed its position within Hittite literature. He placed it under the title “Die Anfänge der Tradition didaktisch-politischer Literature in Ḫattuša” (the beginning of the didactic-political literary tradition in Ḫattuša). He then goes on to reject its definition as a legal text but rather defines it as a “collection of quotes from Ḫattušili I.” To conclude, he asserts that the text of the Testament of Ḫattušili I (with its parallel passage in KBo 3.27) was recorded for didactic-political purposes and included excerpts of real speeches by the king, which gained importance

since they conveyed the political wisdom of Ḫattušili to his successors.³⁷

The wise words of the king – his instructions – are a written text to be read out loud to the other party, as with the word of God in the biblical text. These words are wisdom for those who want to understand the way the world works. For the Israelites these instructions are the collections of laws in the book of Ex. 20-23 // Deuteronomy 5, read out loud and written down (by the scribe Moses). However, in order that this instructive wisdom, understood as received from the god(s), should not be forgotten, there is a ritual which must be performed to the gods. This ritual is there as a symbol, a reminder of the relationship between master and servant, instructor and instructed. The biblical text does the same through the combination of genres, instruction texts together with a command to heed and obey, therefore the authority is double: the divine and the father.³⁸

Speaking of the authority of the family, this becomes very clear in the context of the demand to obey the father and the mother.³⁹ The authority of the Hittite king is manifested through ritual activity, performed in order to gain the support of the gods for the family. Two aspects of royal authority are manifested in the Hittite texts: one is the power of the king's proclamations; the other is his performance before the gods in their temples.

4. The Hittite King and the Performance to the Gods

The major instruction that Ḫattušili I gave Muršili is:

§21a Be very careful⁴⁰ about the business [of the gods]. Their sacrificial loaves, their libations, their [stews(?)], and their meal must (always) be kept available for them.

§21b (iii–iv 51–54) You (Muršili) must [not] postpone (them), nor fall behind (in your deliveries). If you were to [postpone (them)], it would be evil, (as indeed was) the former (condition). So be [it]!

Intriguing to point out is the fact that this last passage of the Testament of Ḫattušili I is replicated in the Instructions-text to Temple personnel (CTH 264) in language such as: 'Be afraid in a matter of the gods!' or 'Do not postpone the rituals and festivals of the gods.' The apodictic and casuistic format of the laws as instructed here are similar to the

išhiul- texts, in that they always approach the subordinate in a direct command “you” (sg./pl.).

(CTH 264 §14: 55-63) Furthermore: You who are kitchen attendants of all the gods: cupbearer, table-man, cook, baker, beer brewer, be very much afraid (*naḥḥanteš ešten*) regarding the will of the god for your own sake. Maintain great reverence (regarding) the thick bread and the libation vessel of the gods.

(§9: 57-60) You who are Temple-Men, if you do not celebrate the festivals on the time of (each) festival, and the spr[ing] festival you celebrate in the fall, (or) the fall festival you celebrate in the spring (you will be punished).

(§9: 74-76) Act only (according) to the will of the gods, so that you will eat bread and drink water (and) make a house for yourselves.⁴¹

The presenting of food to the gods and the timely celebration of the festivals will both ensure the well-being of the king and the temple personnel, including the offering of thick bread and libation vessel, and indicating well-being in the phrase “eat bread and drink water.” The final words of Ḫattušili I are: “So be [it]!” (h. [*a-pa-a-*]at-pát e-eš-du) – these are the words that royal servants recite when taking the oath of loyalty to the king (an *išhiul*-text).⁴² These words, in a way, show the context whence such instructions came. Muršili has to observe the word of his father – his lord/king – as an obedient subject. He thus seems to have taken an oath. Indeed, the context of this text is highly political but it also combines Hittite understanding of the way the royal house should function. In this regard Gilan might very well be right in suggesting that this didactic political text was composed as a teaching text. Gilan maintains that the text presents the political wisdom of the king from whom young Muršili should learn. And it can be said that historically Muršili I was a successful king (until he was murdered).⁴³ There are other texts related to Ḫattušili I illustrating his political wisdom. Gilan points also to later texts such as the “Edict of Telipinu”, indicating that it has many similarities to Ḫattušili I’s text, and therefore it shows that these texts had a clear didactic political context.⁴⁴

What Gilan’s study shows is that the Hittites applied a kind of “wisdom”-didactic literature to royalty through using their own traditional texts. These texts were kept and copied up to the time of the later Hittite kingdom, and therefore there

are several copies of some of the texts and most of the copies show a late ductus.⁴⁵

5. Between Ritual and Law

The last decade has seen the publication of several studies of a legal nature by scholars of Law, discussing the differences between Law, Norms and Ritual in society. One of the most detailed and comprehensive among them treating rituals as a means of social control (next to Laws and Norms) is the essay by Geoffrey P. Miller, titled “The legal Function of Ritual.”⁴⁶ His theoretical approach firstly identified the place of rituals as a means of social control, “similar to, although distinct from, the domains of Law and norms” (p. 1187), and grouped them into several categories out of which I will refer only to two. The first is how rituals shape identity, and the second, how legitimacy is gained by rituals. As for the first, it is the performance of these rituals that captures the entire attention of the participants as they become totally immersed physically, emotionally, and intellectually in the acts, especially if they are repeated throughout their lives. As the memory of the ritual remains, it indicates the position and status of the participants within the hierarchy of the group and within society, and is thus capable of changing the identity and the perception of an individual’s status and relationship with others in a social context. These actions result in the participants conforming to new roles in the social group, roles which can easily be identified as those individuals’ legitimate and authoritative status within the community. The ritual thus controls social status via the identity imposed on individuals through it.

The second category, that of “legitimacy,” is the need for ritual as a form of social control: “To establish its legitimacy, it must demonstrate that the demands it makes on the individual are appropriate in terms of broader social benefits” (p. 1201). There are two main aspects in the process of legitimization: one is the performance of rituals that on the one hand places them in a specific social context, and the other “the fact that it follows an apparently precise script, replicated each time the ritual occurs” (p. 1202). The fact that these rituals have a long tradition gives them the power of norms and laws.

As Miller concludes, while the laws and norms “control undesirable self-interested behavior by prohibiting it and providing ‘state’ sanctions to prevent, detect, and correct violations,” rituals “control social behavior by assigning social roles and influencing the ritual subject, as well as others in the society, to accept the roles so assigned as a natural and appropriate part of the subject’s identity” (p. 1226).

6. Hittite Kings and Ritual as Represented by Law

The Hittite royal obligation to maintain the cult of the gods involved mostly the king and queen, the princes, and temple personnel, by on the one hand supporting the cult economically and on the other hand by performing rituals in person. The maintenance of religious activity in the country, including building temples and donating artifacts, was one of the main duties of kingship. The king and queen as well as the princes traveled the country at specific times of the year in order to celebrate the gods in their own shrines and temples. The king and queen introduced new customs and manners of worship, including the worship of new deities via royal edicts. In this regard Hittite worship of the divine world was a dictated state religion.⁴⁷ Religious practices were prescribed in detail on tablets and were transferred from generation to generation through copying, as we have learnt from the royal archives found in the capital Ḫattuša. The prescribed texts instructed the royals and cult professionals on how and when to conduct the festivals. The celebration of the festivals was a sign of the obedience of the royals, and a manifestation that the king had done his utmost to retrieve knowledge of the cultic tradition. The following prayer of Muwatalli II demonstrates the Hittites' understanding of divine law and its revelation to the king; thus says Muwatalli II in his prayer regarding the re-establishing of the cult of Kummanni:

(CTH 382 obv. 18-28) And whatever I My Majesty discover now in the written records (=written wooden tablets), I will carry out. [But whatever] rites [of the gods] I do not manage to fulfill [that] you know, O Storm-god My lord. When I consult a venerable Old Man (*šal-li-in* ^{LÚ}ŠU.GI), as they remember, [each?] rite and report it, thus I shall carry it out. [...] While I am resettling the land, and until it recovers (?), I shall indeed perform the law of the gods (*ŠA DINGIR šaklain*) which I am rediscovering, and it shall be henceforth carried out.⁴⁸

The place of these activities in the power of kingship is manifested in history, as Ḫattušili I's words declare:

You (my subjects) must keep my words, those of Labarna, the Great King. [As long as] you keep [them], Ḫattuša will stand tall, and you will set your land [at peace]. [...] If you were to [postpone (them)], it would be evil, (as indeed was) the former (condition).

The very connection between obeying the command of a wise king and fulfilling the cultic demands of the divine world, stands at the core of royal success in controlling the land and making it strong. This is based on historical precedence according to the Hittite text.⁴⁹ The Mesopotamian text “Advice to a Prince” seems to suggest the same idea in a royal context. Although the text is concerned only with the issue of the holy cities of Sippar, Nippur and Babylon, it serves as an example for the way in which a king should act, and although a precedent to such a situation is not mentioned, it seems something like that had already happened.

Turning for a moment to the biblical texts: an important part of the theological concept of the obligation to celebrate the festival of the Passover, as well as other legal behavior is related to the fact that YHWH the God of the Israelites delivered them from slavery in Egypt. To commemorate and to remember these important relations between the people and their God, festivals are fixed and are to be taught to following generations (Ex. 12:27, 42; 13:9; 20:2; 22:20 *passim*). Deut. 4: 5-6 reads as follows (ESVS):

See, I have taught you statutes and rules, as the YHWH my God commanded me, that you should do them within the land that you are entering to take possession of. Keep them and fulfil them, for that will be your wisdom (*hokmatkem*) and your understanding (*bînatkem*) in the sight of the peoples, who, when they hear (*šam’û*) all these statutes, will say, ‘Surely this great nation is a wise (*hakam*) and understanding (*nabōn*) people.’⁵⁰

All the afore-mentioned texts are part of “wisdom literature” in the sense that they are aimed at instructing and teaching how to lead a successful life and maintain well-being. The idea of writing for preservation included not only textual forms but also the prescribing of the rituals specific to these cultures. It is imperative to remember that this literature was circulating in the Ancient Near East between the different cultures through textual translations and orally, but that each culture adapted this literature to its own beliefs.⁵¹

7. Conclusion

The intention of this paper is to show how “wisdom literature,” a topos or genre that was of an important scale in the Ancient Near East, circulated among scholars of various cultures. This literature seems to have originated in Mesopotamia and was transferred to

other parts of the ANE where it was adopted into local cultures with innovations that were introduced by local people such as in Ḫattuša, where the wisdom contents were mixed with historical events, and later became traditional texts for the next Hittite kings to learn from. The topics of the texts aimed at giving political knowledge and wisdom together with theological insights to the young crown-princes. With this large collection of traditional texts, the Hittites maintained their cult by teaching the royals how to perform their duties before the gods. In the same way we can find biblical texts actively teaching the law of YHWH as the wisdom of life so that worshipers could celebrate festivals and rituals which will bring peace and prosperity to their land. The divine world in all these cultures was the center of concern, and wisdom was to be applied by the rulers to find the correct way of serving the gods.

A fragment of text found in Ḫattuša includes proverbs that could be a translation of an Akkadian text (that has not been preserved). The few lines that have been preserved in Hittite read as follows:

Now, you (pl.) be quiet and listen! Watch out with wisdom (*ḫaddanaza-*) these matters which are placed in front of mankind. Hold them as *išḫiul* (law) and know them with your heart. Investigate them by the assembly (=court), and look them up on the wooden tablets (=records).⁵²

Rituals enabled the king to manifest royal power by decreeing worship and the laws of the divine. Simultaneously, performing rituals and celebrating festivals maintained the memory of the greatness of the gods and their support to the king and his land. Writing down and recording the laws and the historical events when they originated and when they were applied gave them the status of wisdom for generations.⁵³

Notes

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¹ What “Divine” means in this context is questionable. JPS translation gives “Holy One”

referring to YHWH, while the noun is clearly a plural form. Still as can be seen from Ps. 2:5: “yir’at YHWY paralleled with knowledge of the god.” Thus Divine *qedōšim=elohim*. Psalms 111:10 also says the same: “Beginning of wisdom is the fear of YHWH.” Both texts place the “Fear of YHWH” as the basis of wisdom = “*hōkmah*.”

- ² The Hebrew word *mûsar* means both instruct and disciple; here it stands in parallel to *tōrah*. It is strongly imperative in Deut. 4:36 correlating the speech of YHWH from Heaven to the Israelites as instructing them (the verb infinitive is *leyaserka* from the same root *ysr* as the noun *mûsar*). The revelation in Deuteronomy is directly connected with the concept of instructing the Israelites, for which compare Deut. 8:5 “Know then in your heart that, as a man disciplines (*ysr*) his son, the LORD your God disciplines you (*méyaserka*).” (ESVS); Hurowitz in his commentary on the Book of Proverbs places this root under the category of “teaching” that comes through discipline forcefully; see *Proverbs: Introduction and Commentary* (2 vols. *Mikra Leyisrael* series ed. Shmuel Ahituv; Tel Aviv: Am Oved and Magnes Press, 2012), 40-41[Hebrew]. The definition of the disobedient son in Deut. 21:18 is *ben sôrer*.
- ³ For a recent overview of wisdom literature in the Bible and in the ANE see Tremper Longman III, *The Fear of the Lord is Wisdom* (Grand Rapids: Baker Academic, 2017), 147-162.
- ⁴ Mark R. Sneed, ed., *Was there a Wisdom Tradition? New Prospects in Israelite Wisdom Studies* (AAIL 23; Atlanta: SBL press, 2015).
- ⁵ For specific articles in the above-mentioned volume see: Katharine J. Dell, “Deciding the Boundaries of Wisdom: Applying the Concept of Family Resemblance,” in: *Was there a Wisdom Tradition? New Prospects in Israelite Wisdom Studies* (Mark R. Sneed, ed.; AAIL 23; Atlanta: SBL press, 2015), 145-160. As well as Douglas Miller, “Wisdom in the Canon: Discerning the Early Intuition,” *ibid*, pp. 87-114; Tova Forti, “*Gattung* and *Sitz im Leben*: Methodological Vagueness in Defining Wisdom Psalms,” *ibid*, pp. 205-220.
- ⁶ Lev. 25:55 “To me the people of Israel are servants, indeed my servants whom I delivered from the land of Egypt. I am YHWH your God.”
- ⁷ For other example of wisdom literary forms in the Bible apart from the books identified traditionally as wisdom literature, such as the Pentateuch and especially the law see for example Daube’s assessment that “Deuteronomy stands between legislation and a wisdom book” in David Daube, *Law & Wisdom in the Bible: David Daube’s Gifford Lectures* (vol. 2, Calum Carmichael ed., Conshohocken, PA: Templeton Press: 2010), 27.
- ⁸ David Daube, *Law & Wisdom in the Bible: David Daube’s Gifford Lectures*, 5ff.
- ⁹ Tremper Longman III, *The Fear of the Lord is Wisdom*, p. 171.
- ¹⁰ Paul-Alain Beaulieu, “The Social and Intellectual Setting of Babylonian Wisdom Literature,” in: *Wisdom Literature in Mesopotamia and Israel* (R. J. Clifford ed.; Atlanta: SBL Press, 2007), 3-19. For definitions relating to Mesopotamian wisdom literature see the discussion of Yoram Cohen, *Wisdom from the Late Bronze Age* (Andrew R. George ed.; WAW 29; Atlanta: SBL press, 2013), 7-19.
- ¹¹ Strongly suggested in the Framework of the Laws of Hammurabi see Victor Avigdor Hurowitz, *Inu Anum Šîrum: Literary Structures in the Non-Judicial Sections of Codex Hammurabi* (Occasional Publications of the Samuel Noah Kramer Fund, 15; Pennsylvania: University of Pennsylvania Museum of Archaeology and Anthropology, 1994). The biblical king in contrast is expected to receive the law from the priesthood according to Deut. 17:18-

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- 20; a law which has some of the characteristics of wisdom language “to fear YHWH” and reasoning “so he lives long.”
- ¹² For the relations between the Hebrew Bible and ancient Egyptian literature see Nili Shupak, *Where Can Wisdom be Found?: the Sage's Language in the Bible and in ancient Egyptian Literature* (OBO 130; Freiburg/Schweiz: Vandenhoeck und Ruprecht, 1993).
- ¹³ Paul-Alain Beaulieu, “The Social and Intellectual Setting of Babylonian Wisdom Literature,” p. 5.
- ¹⁴ For a recent study of this text see Yoram Cohen, *Wisdom from the Late Bronze Age* (WAW29; Atlanta: SBL Press, 2013) 81-128. The Composition goes back to the Old Babylonian period, and appears as part of other known instruction texts. See also V. A. Hurowitz, “The Wisdom of Šūpē-Amēlī – A Deathbed Debate between a Father and Son,” in: *Wisdom Literature in Mesopotamia and Israel* (R. J. Clifford ed.; Atlanta: SBL Press, 2007), 37-51.
- ¹⁵ As can be seen in the CAD M:66ff. the noun has a number of meanings according to contexts but the major ones are: “advice, instruction, order, decision (of a deity).” See above the quote from Prov. 19:20 starting with the same two words *šm*’ and *‘ēṣah*.
- ¹⁶ For *paršu* see CAD P:195ff. See Hurowitz, “The Wisdom of Šūpē-Amēlī” p. 46 with comparison note to Gen. 49:1, though the testament of Jacob is a different kind of text.
- ¹⁷ V. A. Hurowitz, “The Wisdom of Šūpē-Amēlī,” p. 42.
- ¹⁸ Yoram Cohen, *Wisdom from the Late Bronze Age*, *ibid*; Hurowitz, “The Wisdom of Šūpē-Amēlī,” pp. 41-43.
- ¹⁹ For the Hittite material see Paola Dardano, *Die hethitischen Tontafelkataloge aus Hattuša (CTH 276-282)* (StBoT 47; Wiesbaden: Harrassowitz, 2006); and also Willemijn Waal, *Hittite Diplomats: Studies in Ancient Document Format and Record Management* (StBoT 57; Wiesbaden: Harrassowitz, 2015). Regarding the material of Mesopotamian writing see Yoram Cohen, *Wisdom from the Late Bronze Age*, pp. 60-61 indicating that wisdom compositions “were thematically grouped. [...] (in) a generic organization of the material.”
- ²⁰ Wilfried G. Lambert, *Babylonian Wisdom Literature* (Winona lake: Eisenbraunse, 1996), 110-115. Quotations from the text will be from this translation.
- ²¹ The text is known from two manuscripts, one from Ninveh (Neo-Assyrian) and one from Nippur (Neo-Babylonian). The first version published by Lambert and the new version published by S. W. Cole, *NIPPUR IV* (Oriental Institute the University of Chicago, 1996), 268-274 (Text no. 128).
- ²² Hurowitz has treated in detail this text showing its special relations with the god Ea, as well as the fact that the text is more than a collection of instructive prohibitions to a king. In his words “the text intentionally portrays itself as a divine message to the king from the god Ea.” Victor Avigdor Hurowitz, “Advice to a Prince: A Message from Ea,” *State Archives of Assyria Bulletin* 12,1 (1998), 39-53. See also V. A. Hurowitz, *Proverbs: Introduction and Commentary* (2 vols. *Mikra Leyisrael* series ed. Shmuel Ahituv; Tel Aviv: Am Oved and Magnes Press, 2012), 8-9 [Hebrew].
- ²³ Wilfried G. Lambert, *Babylonian Wisdom Literature*, p. 115.
- ²⁴ The Šūpē-Amēlī text maybe considered as a collection of established proverbs, warnings and admonitions on different issues in life. For example: (line 27) “you shall not put your eye on the wife of (another) man” which is parallel to Ex. 20:17//Deut. 5:21, a direct part of the

decatalogue.

- ²⁵ Yoram Cohen, *Wisdom from the Late Bronze Age*, pp. 118-124. To understand the way cuneiform arrived in Ḫattuša and how it was used and that it was a world of the elite see Mark Weeden, "Adapting to New Contexts: Cuneiform in Anatolia," *The Oxford Handbook of Cuneiform Culture* (Karen Radner and Elinor Robson eds.; Oxford, 2011), 597-617.
- ²⁶ Hurowitz, "Advice to Ea," p. 47.
- ²⁷ The worst of all was during the flood (Gen. 6-7) at the end of which god swore never to do it again and "hanged" a bow in heaven as a sign never to repeat it. This bow is the sign of the "treaty/covenant" of civilization's order Gen. 9:13-17.
- ²⁸ For a short introduction to the format see John H. Walton, *Ancient Near Eastern Thought and the Old Testament* (2nd ed.; Grand Rapids: Backer Academic, 2018), 270. For a detailed comparison see David P. Wright, "Method in the Study of Textual Sources Dependence: The Covenant Code," in: *Subtle Citation, Allusion, and Translation in the Hebrew Bible* (Ziony Zevit ed.; Sheffield-Bristol: Equinox, 2017), 159-181.
- ²⁹ For the CTH 6 text edition and translations see the latest publication that includes reference to previous publications: Amir Gilan, *Formen und Inhalte althethitischer historischer Literatur* (Texte der Hethiter 29; Heidelberg: Winter Verlag, 2015), 65-103; for this paper I will use the English translations by Gary Beckman, "Bilingual Edict of Ḫattušili I," *Context Of Scripture* 2, (2000) 79-81; and Petra Goedegebuure, "The Bilingual Edict of Ḫattušili I," in *The Ancient Near East: Historical Sources in Translation* (Mark W. Chavalas ed.; Malden: Blackwell Publication, 2006), 222-228.
- ³⁰ Lambert, for example, tried to establish a period for the composition of "Advice to a Prince" as between 1000-700BCE.
- ³¹ The following quotations are from Gary Beckman, "Bilingual Edict of Ḫattušili I," with a somewhat different translation suggested by Petra Goedegebuure, "The Bilingual Edict of Ḫattušili I."
- ³² Petra Goedegebuure's translation: "§19 (iii 26-32) [Until] now nobody [in my family] has accepted my will. [But now you,] Muršili, are [m]y [son], so it is you who must accept it. Observe [the wor]ds [of (your) father]. As long as you observe the words of (your) father, then you will [e]at [bread] and drink water. When young adulthood is in your [heart], eat twice, thrice a day, and take care of yourself. But [when] old age is in your heart, then drink until satisfaction. Then you may discard (your) [father]'s word."
- ³³ Literary translation: Hittite – [DINGIR.MEŠ-aš u]d-da-a-ni na-aḫ-ḫa-an-te-eš e-eš-tén "be afraid about the matter [of the gods]." For the verb *naḫ(h)*- meaning "Become afraid; fear; fearful, scared, have fear of" see J. Puhvel, *Hittite Etymological Dictionary* vol. 7 (De Gruyter, 2007), 3ff.
- ³⁴ Petra Goedegebuure translation: "§21 (iii 46-57) You must be reverent in the matter [of the gods]. Let their thick bread, their libation-vessels, and their [ste]w (and) groats stand ready. [Neither] postpone nor fall behind! If you were to [post]pone, evil would result, as in the past. Let it be just so!"
- ³⁵ For these texts as representing the administration of the Hittite Kingdom see Jared L. Miller, *Royal Hittite Instructions and Related Administrative Texts* (Mauro Giorgieri ed.; WAW 31; Atlanta: SBL Press, 2013). For the relations between these texts and the biblical covenant see Ada Taggar-Cohen, "Biblical covenant and Hittite *išḫiul* reexamined," *Vetus Testamentum* 61 (2011), 461-488.

- ³⁶ The Hittite: (line 56) [*šumeš=m*]a kinuna uddar=mit hattad=mit=a (57) [*kueš ša*]kteni nu DUMU-laman hattahhiškiten (the noun hattatar- hattant- means “intelligence, counsel, wisdom”; Sum. GALGA-tar). On the Hittite word hattatar- in relation to wisdom see Gary Beckman, “Proverbs and Proverbial Allusions in Hittite,” *Journal of Near Eastern Studies* 45 (1986), 28ff. His conclusion is that the Hittite word cannot be paralleled to the meaning of the word “wisdom” nor the Hebrew *hōkmah* because its best meaning according to him is “cunning” and “is usually the possession of a deity or a human of high rank.” However, in a text of collection of proverbs from Hattuša (that Beckman himself quotes) we read the connection between the hattatar- “wisdom,” and the išhiul- “legal obedience.” KBo 12.128 6’-14’: “Now, you (pl.) be quiet and listen! Watch out with wisdom (haddanaza-) these matters which are placed in front of mankind. Hold them as išhiul (law) and know them with your heart. Investigate them by the assembly (=court), and look them up on the wooden tablets (=records).” Compare this translation with Yoram Cohen, *Wisdom from the Late Bronze Age*, pp. 202-203.
- ³⁷ Amir Gilan, *Formen und Inhalte althethitischer historischer Literatur*, p. 103.
- ³⁸ Testaments in the Bible go from Abraham to Isaac from Jacob to his sons, Moses to the people of Israel, Samuel to the people of Israel etc.
- ³⁹ The idea that Father and Mother are legal authority in Hittite society, is supported by the fact that the queen’s instructions have power similar to that of the king. Hittite queens declare edicts and are party to treaties and as can be seen in the edict of the installation of the son of Šuppiluliuma I (Telipinu the Priest) as king in Kizzuwatna, the queen Hanti, the mother, is party to the legal document. (KBo 19.25 starts: “[Thus say his Majes]ty, Šuppiluliu[ma Great King and Hān]ti Great Queen and Arnuan[a crown prince]”). On the legal understanding of the Hittite royal family, as a household performing in rituals see my forthcoming article “The Uniqueness of the Priestess Titled NIN.DINGIR in Hittite Texts in Light of Hittite Royal Ideology.”
- ⁴⁰ See above footnote 33 for the Hittite verb nah(h)- “be afraid.”
- ⁴¹ Ada Taggar-Cohen, *Hittite Priesthood*, §9 pp. 53-54, 76-77 §14 pp. 60, 80-81.
- ⁴² For example, the text “The first oath of the soldiers” (KBo 6.34+ i, 40, ii, 4 passim.), was translated into English by B. J. Collins in *Context of Scripture* 1 (Leiden: Brill, 1997), 165-167.
- ⁴³ Trevor Bryce, *Kingdom of the Hittites* (Oxford: 2005), 96-110.
- ⁴⁴ Amir Gilan, *Formen und Inhalte althethitischer historischer*, p. 334.
- ⁴⁵ On this see the latest description including indication relating to scribal schooling in Shai Gordin, *Hittite Scribal Circles: Scholarly Tradition and Writing Habits* (StBoT 59; Wiesbaden: Harrassowitz Verlag, 2015), 1-16.
- ⁴⁶ Geoffrey P. Miller, “The legal Function of Ritual,” *Chicago-Kent Law Review* 80 (2005), 1181-1233.
- ⁴⁷ B. J. Collins, *The Hittite and Their World* (Atlanta: SBL Press, 2007), 157ff. Specifically on royals in the priesthood see Ada Taggar-Cohen, *Hittite Priesthood* (THeth 26; Heidelberg: Winter Verlag, 2006), 369ff.
- ⁴⁸ The translation follows Itamar Singer, *Hittite Prayers* (Harry A. Hoffner ed.; WAW11; Atlanta: SBL Press, 2002), 83.
- ⁴⁹ As indicated by Gilan, *Formen und Inhalte althethitischer historischer*, pp. 335ff., this understanding of royal success is also apparent in the text of “the proclamation of Telipinu”

which at its start describes in a fixed stylistic pattern the historical events of his predecessors, who by fulfilling the divine will succeeded, or by doing the opposite fail.

- ⁵⁰ Moshe Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Clarendon Press, 1972). In this seminal book Weinfeld has offered an important view on the origin of the book in the circles of the scribes who dealt with the study and teaching and compilation of the written material of the royal archive and maybe more. They were the wise men who collected the “wisdom literature.” Indeed, this can be seen in the phraseology of the book of Deuteronomy (as just quoted above).
- ⁵¹ For more on the translation and the work of scribes in the Ancient Near East see Ada Taggar-Cohen, “Subtle Citation, Allusion, and Translation: Evidence in Hittite Texts and Some Biblical implications,” in: *Subtle Citation, Allusion, and Translation in the Hebrew Bible* (Ziony Zevit ed.; Sheffield-Bristol: Equinox, 2017), 54-72.
- ⁵² KBo 12.128 6’-14’. See Yoram Cohen, *Wisdom from the Late Bronze Age*, pp. 201-203.
- ⁵³ Deut. 31:11 (ESVS) “when all Israel comes to appear before the LORD your God at the place that he will choose, you shall read this law before all Israel in their hearing.” 31:12 “that they may hear and learn to fear the LORD your God, and be careful to do all the words of this law,” 31:13 “and that their children, who have not known it, may hear and learn to fear the LORD your God.”

***Kashrut* – the Jewish Dietary Laws**

Jonathan Magonet

Abstract:

This paper examines the Jewish dietary laws from three perspectives: a. the Biblical laws that classify which animals are permitted or forbidden to be eaten, and recent attempts at understanding the rationale that may lie behind these ritual distinctions; b. the later rabbinic expansion and consolidation of the system of '*kashrut*' (Jewish dietary laws), and how the burden of responsibility for their maintenance moved to the local community (the provision of qualified ritual slaughterers) and to the private domestic arena (the preparation of food and requirements for separate utensils); c. the impact of the Emancipation of Jews in Europe, beginning in the 18th century, on adherence to traditional Jewish religious practice. The modern period has also seen the rise of external threats to the traditional practice of Jewish ritual slaughter from animal rights organisations, sometimes allied with antisemitic political movements.

Keywords:

Jewish dietary laws (*kashrut*); Jewish ritual slaughter (*shechitah*); Rabbinic authority; Jewish Emancipation; animal rights.

The Biblical Dietary Laws

I would like to address this subject in three parts: firstly, the Biblical origins of the Jewish dietary laws; secondly, their considerable expansion in rabbinic Judaism; thirdly, the challenges to *Kashrut* from within and without the Jewish world today.

The root '*kashar*', appears seldom in the Hebrew Bible, and only within the later books (Esther 8:5; Ecclesiastes 10:10; 11:6), where it means that something is 'advantageous' or 'suitable'. In the rabbinic period it is used to categorise all foods that Jews are allowed to eat. In the case of meat, the animal has to belong to the appropriate species and has been slaughtered in the correct ritual manner. In later periods the word '*kosher*' (derived from the Ashkenazi (Eastern European) form of pronunciation of *kashar*) comes to stand for food that is 'suitable' to be eaten in conformity with Jewish dietary laws.¹ The term *kashrut* is used to denote the collection of Jewish dietary laws.

However, with regard to the Biblical dietary laws, there is no explanation given in the Hebrew Bible as to why certain animals are deemed to be acceptable to be sacrificed to God or to be eaten by Israelites, and why others are deemed to be forbidden. The terms used to differentiate them are '*tahor*', 'clean' or 'pure', for the former, and '*tamei*', 'unclean' or 'impure', for the latter. The meaning of these terms is restricted to their 'purity' for ritual purposes alone. All that is recorded is the listing of which animals belong to which category.

The Lord spoke to Moses and to Aaron, saying to them: Speak to the children of Israel, saying: These are the living things that you may eat among all the beasts that are on the earth. (Leviticus 11:1-2)²

So, one is forced to speculate as to what rationale might lie behind the designation of such animals as fit or unfit, for sacrifice to God and for a shared meal. Suggestions range from practical issues of health and hygiene, to the promotion of moral and ethical values, to ecological and economic explanations, to the maintenance of cultural identity distinct from surrounding peoples, and to otherwise unknown or internal cultic requirements. All of these offer partial explanations but none is fully comprehensive. The following is an overview of some possible underlying principles that have been explored in more recent studies of the Biblical texts.

The Book of Genesis offers two pieces of information from the creation narratives that have relevance for this topic. The first is God's original intention, according to Genesis 1, that human beings should have a vegetarian diet.

Behold I have given you every herb-yielding seed which is upon the face of the earth, and every tree that has seed-yielding fruit – to you it shall be for food. (Genesis 1:29).

It is only at a later stage, following the expulsion from the Garden of Eden and God's concern with the behaviour of human beings, that God gives permission to eat meat as part of the covenant made with Noah following the flood, presumably as a concession to the weakness of human nature. (Genesis 9:1-17, 3) Already here a condition is included forbidding the consumption of blood, emphasising the sanctity of all life, human and animal. This will have an impact on the later laws about how the slaughtering of animals should be undertaken and what needs to be done in preparing meat for eating.

The second piece of information is more indirect. God brings before Adam all the animals that God has created, and Adam gives them names. This already looks forward to the detailed classification of animals that are considered to be either 'clean' or 'unclean'. Although the reason for these decisions is not given, it does presume a sophisticated underlying system of classification according to empirically recognized criteria.

These two observations come together in defining one clear category of land animals that are permitted for sacrifices and for foods. They are strictly classified according to two characteristics, one physical (that they have split hooves) and the other biological (that they chew the cud). That both characteristics are required serves two purposes. Firstly, it ensures that the permitted animals are ruminants, that is, their diet is vegetarian. This suggests, that despite the permission to eat animals, at least with regards to the Israelites, an attempt is made to conform with God's original intention that humans should be vegetarian, even if only indirectly, by restricting their diet in this way. As Baruch Levine expresses it, the diet of these permitted animals would ensure that 'nothing forbidden to the Israelites as food has been eaten by the living creatures themselves... Ideally, human kind should be sustained by the produce of the earth.'³

The strictness of the definition of what is a 'clean' animal is emphasised by

excluding those which have only one of the two necessary characteristics. Thus, the camel, rock badger and hare, though they chew the cud do not have the necessary split hoof and are forbidden. Conversely the pig, which has a split hoof, but does not chew the cud, is likewise excluded. This points to a second possible underlying principle that has been explored by the anthropologist Mary Douglas in her ground-breaking book *Purity and Danger*.⁴ The dietary laws come within the Biblical category of '*kedushah*', 'holiness', a state to which Israelites are to aspire as expressly stated by God:

You shall be holy, because I the Lord your God am holy. (Leviticus 19:2)

Douglas equates 'holiness' with two values, separateness and wholeness. This latter includes the requirement to align oneself with perceived categories in the world created by God, and not associating with whatever appears to cross boundaries. This is echoed in laws about not permitting mixtures: it is forbidden to mate two different kinds of animals nor plant fields with different types of seed (Leviticus 19:19). In addition, Deuteronomy (22:9-11) adds: ploughing with an ox and an ass together; wearing clothing made with a mixture of two kinds of material.

But this concern with crossing boundaries has a cosmic dimension. Both lists of permitted and forbidden animals in Leviticus and Deuteronomy classify creatures according to whether they live on land, sea or in the air. In this they follow the three domains established by God in the creation story. Arnold Ages summarises Douglas' findings:

Douglas says that kosher animals are herbivorous non-predators who conform to the Torah's idea of separation and wholeness. The special refinement which she adds is that kosher animals are those which use a form of locomotion native to their habitat. Any deviance from this pattern places them outside the kosher stream, so to speak. Two-legged fowl must fly with wings. Scaly fish must swim in water. On land, four-legged animals hop, jump or walk. 'Any class of creature which is not equipped for the right kind of locomotion in its element is contrary to holiness.' (Douglas p. 50). In other words, living creatures which cross the line between species are not kosher. ... Creepy, crawly things cross the clearly defined borders which demarcate species and, therefore, they cannot be kosher. Any indeterminate form of propulsion – swarming, crawling, creeping, slithering –

brings disqualification from the kosher category. 'Eels and worms inhabit water though not as fish; reptiles go on dry land, though not as quadrupeds; some insects fly though not as birds.' (Douglas p. 51)⁵

However, a further categorisation may also be at play with regards animals that are specifically listed as forbidden, because they are either hunters or scavengers. Following Levine's classification, it is the range of their diet beyond the simply vegetarian that would exclude them. However, there may be another dimension. When we turn to Abraham as the progenitor of the nation that Israel is to become, a question arises in each generation as to which of the offspring is to be the bearer of the blessing and the mission. Isaac replaces Ishmael who is destined to be a man of conflict (Gen 16:12). Jacob, the dweller in tents, is chosen over Esau the hunter (Genesis 25:27). The selection process has ruled out those engaged in violent activities. Perhaps the choice of permitted food is a reflection of the idea that 'you are what you eat' and is a further component in the conditioning of Israel as a people committed to certain pastoral and domestic values.

In addition to these listings of permitted and forbidden foods, a variety of other individual Biblical verses or sections introduce qualifications of the conditions associated with food. A number relate to the planting of new crops or fruit trees and questions as to when they should be brought to the Temple and when they are permissible to be eaten. A notable example is in Leviticus 19:23-25.

When you enter the land and plant all kinds of trees for food, you shall count their food as forbidden (literally: uncircumcised). Three years it shall be forbidden to you, it shall not be eaten. In the fourth year, all the fruit shall be holy, an offering of praise to the Lord. But in the fourth year you may eat its fruit, so that its yield may be increased to you. I am the Lord your God.

It may well be that the restrictions on usage of the fruit during the first three years are firmly based on empirical knowledge about the ideal cultivation of fruit trees. But the fourth-year practice, understood within the rabbinic tradition as offering the fruit to the priests, is effectively an acknowledgement of the source of the fruit from God and to mark the transfer of ownership of the produce from the divine to the human domain; only by formally acknowledging the divine source of all food, is one thereby permitted to use it. Later rabbinic teachings will apply the same logic to the recital of a blessing before

eating or drinking – the blessing does not ‘sanctify’ the food, rather it ‘de-sanctifies’ it; by acknowledging its source in God, we are permitted to partake of it. (b. *Berakhot* 48b)

Another law is puzzling both as to its actual meaning and as how to fulfil it. It is found three times (Exodus 23:19; 34:26; Deuteronomy 14:21). The text reads: ‘Do not cook a kid in its mother’s milk.’ The text can be read literally, which suggests that it might be a corrective to some pagan ritual, though no evidence has been found for this. But an equally plausible emphasis would render it as ‘Do not take a kid away from its mother while it is still receiving its mother’s milk’, which would place it in the category of cruelty to animals. This would link it directly with Leviticus 22:27-28:

27. When an ox or a sheep or a goat is born, it shall remain seven days with its mother, and from the eighth day on it shall be accepted as a sacrifice of an offering by fire to the Lord. 28. But, whether it is an ox or a sheep, you shall not kill both it and its young in one day.⁶

However, the threefold repetition of the verse made it a significant proof-text for a major Rabbinic set of dietary laws that we will consider below.

The Rabbinic Interpretation of the Dietary Laws

The canonisation of the Hebrew Bible is part of the responses to radical changes in the situation of the Jewish people. The process begins after the first exile of large parts of the population following the Babylonian conquest, and the subsequent restoration of national existence under the Persian empire. The experience of exile, with the loss of land, political autonomy and the sacrificial cult, led to the creation of alternative political and spiritual structures so as to maintain a sense of national identity. The process was further developed following the Roman destruction of Jerusalem and the second Temple and the further scattering of the people throughout the known world. The latter coincided with the development of the rabbinic leadership which based its authority on the tradition that an Oral Law was given to Moses by God on Mount Sinai at the same time as he received the Written Law, enshrined in the Hebrew Bible. The rabbis describe their ‘chain of tradition’ as follows, notably excluding the priestly elites and royalty that had previously dominated the society.

Moses received the Torah on Sinai, and handed it on to Joshua, and Joshua to the elders, and the elders to the prophets, and the prophets handed it on to the men of the Great Assembly. They said three things, 'Be patient in judgment, raise up many disciples, and make a fence around the Torah'. (*Pirke Avot* 1:1)

In response to the destruction of the Temple and the end of the sacrificial cult as the central means of maintaining the national and individual relationship with God, certain radical transformations took place. The Synagogue emerged as the unifying centre for the exiled communities, its role exemplified through its three titles as a Beth Midrash, House of Study, Beth Tefillah, House of Prayer, and Beth Knesset, House of Assembly. The Hebrew Bible, as the direct word of God, became the authoritative source for all subsequent developments in matters of Jewish law, but as mediated and interpreted through the traditions of the Oral Law developed and authorised by the rabbis. At the centre of the synagogue worship is the daily prayer, the Amidah, culminating in the appeal for the restoration of the nation on its land, with a restored Temple and monarchy. But the central ritual synagogue act on Shabbat, Festivals and twice during the week, is a reading from the Torah, the five Books of Moses, sometimes accompanied by extracts from the prophetic writings, often with some kind of explanatory teaching. Thus prayer and study became the substitutes for the sacrificial cult, though intended initially only as a temporary measure until the Temple would one day be restored.

But the sacrificial cult itself did not entirely disappear, rather it became democratised and 'domesticated', with the father presiding over the family table replacing the role of the priest. It is in this context that the dietary laws underwent their radical transformation and expansion, and responsibility for maintaining them became the task of every household.

The list of permitted and prohibited animals remained unchanged – though the rabbis debated about animals that were either hard to identify from the Biblical record or were on the margins of acceptability. Perhaps the best-known aspect of dietary laws amongst Jews is the prohibition of eating pork and pork products. But the number and range of limitations on what may or may not be eaten increased considerably depending on the degree of traditional Jewish beliefs and practices to which one adheres.

With the absence of the sacrificial cult, maintained by a professional priesthood,

the issue of how animals should be slaughtered became a matter of major concern. Deuteronomy 12:21 allows for people to slaughter their own animals in certain circumstances, ‘as God has commanded you’. But no such detailed commands are given in the Hebrew Bible, so they are understood to have been given in the Oral Torah. Effectively, the ‘Laws of *shechita* (ritual slaughter)’ became so complex that only a trained and licensed individual, a *shochet*, slaughterer, could perform them. In the act of slaughter, the trachea, oesophagus and the large blood vessels in the neck should be severed in one swift cut using a special sharp knife with no imperfections, chosen to be of the right size for the animal. The rapid loss of blood to the brain fulfils the intention of causing minimal suffering to the animal. The body must then be examined for any blemishes that would make it unfit for consumption as required by the dietary laws. In addition, there are two items of the body that may not be consumed: certain parts of the fat and, as indicated in Genesis, the blood. The removal of blood may be done at the time or carried out domestically, either by broiling or salting the meat. However, the liver, which contains considerable amounts of blood requires special treatment.

A further requirement is also based on a Biblical narrative. When the patriarch Jacob wrestled overnight with a divine messenger he ended up limping, and the text concludes:

Therefore, to this day the children of Israel do not eat the sinew of the hip which is on the socket of the thigh, because he touched the socket of Jacob’s thigh in the sinew of the hip. (Genesis 32:33)

This refers to the sciatic nerve that must be removed before that part of the animal is permitted as kosher. However, this is a very difficult piece of dissection that requires special training. If it is not undertaken the hindquarters may be sold to a non-kosher meat market.

As a reminder that taking the life of any living thing is a serious matter, not to be undertaken lightly, the *shochet* recites a blessing before he slaughters: Blessed are You, Lord our God, Sovereign of the Universe, who makes us holy through His commandments, and commands us concerning *shechita*.

While the actual slaughter of the animal is in specialised hands, the art of

preparing food that is considered kosher is also hemmed in with qualifications that the householder has to address. Perhaps the best-known example of this complexity is the forbidding of eating together in a meal meat and milk. The origin of this prohibition seems to be unknown, but the rabbis found a Biblical peg on which to base it in the threefold repetition of the verse noted above about not cooking a kid in its mother's milk. They derived from the threefold repetition, three prohibitions: cooking meat and milk together; eating such a mixture and deriving any benefit from such a mixture. However, at this point, another principle becomes involved, indicated in the quotation above from *Pirke Avot*, 'make a fence around the Torah'. It means that in order to avoid breaking a particular law, other laws should be created as a 'fence' around it, to prevent any likelihood of so doing. Therefore, in order to ensure that any mixing of milk and meat becomes unlikely, separate utensils, dishes and cutlery are used for milk and meat products, which are to be washed and stored separately. Since there are additional dietary considerations during the Festival of Passover, connected with the prohibition on eating leavened bread or derivatives of it, a further set of implements should be used. These concerns extend to any foods that can be bought from public outlets, so that an entire industry exists to 'supervise' the preparation of foodstuffs and certify them as 'kosher' so that observant Jews feel safe in eating them. Clearly the more stringent the prohibitions one accepts the more difficult it becomes to eat in the homes or restaurants of others, and some would argue that the wish to maintain a separate Jewish existence is part of the rationale behind them.

As to eating itself, since meat takes longer to digest, a period of up to six hours, depending on different Jewish traditions, should pass before milk may be eaten. Conversely, after a milk meal a period of up to an hour may be required.

All the above are only touching the surface of the complexity of the Jewish dietary laws. For example, since the eating of insects is strictly forbidden from the Biblical lists, what happens if vegetables, all of which are permissible, contain a small infestation with insects? Rabbinic debates consider whether it is enough simply to remove those visible to the naked eye, or should optical instruments be used to be absolutely sure. Conversely, perhaps another rabbinic principle should be invoked whereby if food is contaminated by something forbidden that only amounts to less than one sixtieth of the total amount of the food, its presence can be ignored. Nevertheless, elaborate and complex requirements are listed by some rabbinic authorities for the thorough cleansing of every conceivable vegetable. Clearly a borderline exists between genuine piety realistically

expressed and a potentially dangerous obsessiveness.

The Impact of Modernity

The dietary laws could function effectively in the early rabbinic period because Jewish communities tended to work within a closed system, guided by rabbinic authorities, and largely independent of the wider society when it came to such internal, largely domestic, matters. In the early centuries local communities tended to follow their own traditions and customs, with guidance and sometimes judgments provided by local centres of rabbinic studies and lawcourts. The Middle Ages saw the advent of codifications of Jewish law, with 'responsa' from leading rabbis to deal with new questions that might arise. But with the advent of printing and the ready availability of fixed legal compilations, much of the earlier flexibility went out of the system, a tendency that was reinforced by the advent of modernity and radical political changes to the status of Jews in the world.

If the Biblical dietary laws are susceptible to some kind of symbolic interpretation, the rabbinic developments have tended to be subsumed under the general view that they are commanded by God and therefore not to be seriously questioned. This also means that it is very difficult to make changes within the system itself because one runs up against major questions of the authority of rabbinic bodies that must ultimately rule on such matters. Since rabbis and their institutions are jealous of their independence, whether locally, nationally or internationally, religious debates are also bound up with political dimensions. Moreover, the existence of the State of Israel and the authority the State has granted to its Orthodox rabbinate, has given the latter a considerable dimension of political power relative to the authority of Orthodox rabbinic bodies in the Diaspora. But all of this is acted out against the changing nature of Jewish identity and community in the wake of the European Enlightenment and Emancipation.

For Jewish communities in Europe, political Emancipation meant the gradual removal of Jewish disabilities and the recognition of Jews as entitled to full citizenship, equality and rights. Beginning in the late 18th century it enabled Jews to integrate into their national societies as individuals. Effectively this broke open the closed inner world of Jewish life as a society within a society, regulated by Jewish law under strict rabbinic authority. The result was that Jews became able to choose whether or not to identify fully with Judaism or fully to assimilate to the wider society or else find some compromise

position between these two extremes. Moreover, since Judaism is a complex mix of peoplehood and religion, it became possible to identify as a Jew, on family, historical, political or cultural grounds, while choosing to ignore the framework of Jewish law. In this situation a variety of religious movements emerged from those virtually dismantling all but what they considered to be essential Jewish values within the Jewish legal tradition, to those committed to maintaining the fullest adherence to traditional practices. Among the laws that were challenged, the complex dietary laws were often the first to be abandoned by Jews in their quest to integrate into the wider society. The grounds for doing so ranged from their inconvenience and cost to the absence of an acceptable rationale for keeping them. Perhaps today the greatest issue in this area is simply one of indifference to the dietary laws. This goes so far, paradoxically, as a readiness to include the occasional or regular eating of kosher, or 'kosher-style', food simply as a matter of 'life-style', and as a weak marker of a Jewish cultural identity.⁷

Yet if the Jewish dietary laws may be of relatively little interest to some Jews, they nevertheless express a central part of the core practice of Orthodox Jews, and, in amended but equally committed versions, to Jews within the broad non-Orthodox religious spectrum. Therefore, it is very serious to an active Jewish life that a central aspect of Kashrut is under attack from individuals and groups motivated particularly by concerns about the actual process of ritual slaughter, *shechita*. They argue that the method by which kosher (and often in parallel, Halal) meat is slaughtered causes significant pain and distress to animals and therefore should be banned. Organisations concerned with animal welfare argue that the animal should be stunned prior to the act of slaughter, something unacceptable to Jewish law as it would produce physical damage, thus making the animal unfit. Studies and experiments have on the whole justified the argument that the Jewish method is virtually painless, and, conversely, methods like pre-stunning are not foolproof in this regard. Moreover, the handling of the animal prior to the slaughter and the care that is shown are also important factors in the degree of suffering. One Jewish response to such criticisms has been the promotion, particularly amongst American Conservative, Reconstructionist and Jewish Renewal movements, of the concept of 'eco-kashrut'. The term is credited to Rabbi Zalman Shachter-Shalomi and is part of the infusion of environmental issues into mainstream Jewish life. Thus, the way in which animals are raised, the human and environmental costs of food production should be taken into account when deciding on what food to eat and what values should be part of a kosher diet.

The civil and citizenship rights received by Jews as a result of Emancipation, did not mean the end of anti-Jewish sentiments within European societies, influenced by two millennia of Christian teachings. But in the early twentieth century a new kind of racial antisemitism appeared in the changing economic, social and political climate. It was to reach its climax in the rise of the Nazi party in Germany and eventually the death of six million Jews in the Holocaust. In the 1880's anti-Semitic political parties allied with animal protection groups to campaign for legislation to ban Jewish ritual slaughter in Switzerland, Germany and Scandinavia. But different circumstances in different countries over the twentieth century effectively led to the banning of *shechita* by the imposition of the requirement of stunning prior to the act of slaughter or related provisions in Norway, Iceland, Denmark, Latvia, Estonia and Finland. The European Union directive, "European Convention for the Protection of Animals for Slaughter" (1998), generally requires stunning before slaughter, but permits member states to allow exemptions for religious slaughter: "Each Contracting Party may authorize derogations from the provisions concerning prior stunning in the following cases: – slaughtering in accordance with religious rituals...." But recent decades have seen increasing attempts to ban all ritual forms of slaughter in European countries, both Jewish and Muslim.⁸ From a Jewish perspective it is difficult not to see in this a further expression of a new rising wave of antisemitism in Europe, coinciding with damage done to Jewish monuments and buildings and attacks on Jews. Moreover, Jews are particularly concerned that this is only an opening stage in an assault on the right of Jews to perform ritual acts like circumcision, and in general to make life difficult for Jewish populations. But from a broader perspective, it belongs to wider concerns and prejudices related to the growth of immigrant populations in European countries, new and growing nationalistic political movements, and accompanying antisemitism and islamophobia.

Concluding thoughts

The Jewish dietary laws represent a key pillar in Jewish religious and institutional life, irrespective of the degree to which individual Jews may adhere to them. They are part of the uniqueness of Judaism that seeks to view all aspects of life, physical and spiritual, individual and collective, as part of a coherent whole. At their best, apart from the disciplines they impose on our eating habits, the dietary laws embody principles such as '*tza'ar ba'aley chayim*', preventing unnecessary suffering to animals, even in the extreme situation of taking life. Perhaps there is still within them an echo of the idea that

the choice of permitted animals is part of an attempt at the physical embodiment of domestic and pastoral values within the Jewish people. More generally, the traditional recital of blessings before and after eating is a constant reminder never to take for granted the food that we have been given, or the earth that has yielded, directly and indirectly, its harvest, or the source of life, however we imagine it, that sustains us.

Notes

- ¹ The word 'kosher' became generalised in common parlance to apply to anything that is fitting or appropriate, from a legal document to honest business dealings
- ² The major listings of permitted and forbidden animals are to be found in Leviticus 11:1-47 (20:24-26) and Deuteronomy 14:3-21.
- ³ Levine, Baruch A. *The JPS Torah Commentary: Leviticus*. Philadelphia: The Jewish Publication Society, 1989 p 247-248.
- ⁴ Mary Douglas *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (London, Routledge and Keegan Paul, 1984).
- ⁵ Ages, Arnold 'The Subtle Grammar of the Biblical Dietary Laws' *Jewish Bible Quarterly* Vol 30, No 2. 2002.
- ⁶ It would also belong to a similar law in Deuteronomy 22:6-7: 6. If you happen to come upon a bird's nest along the way, in any tree or on the ground, with young ones or eggs, and the mother sitting on the young or on the eggs, you shall not take the mother with the young; 7. you shall certainly let the mother go, but the young you may take for yourself, in order that it may be well with you and that you may prolong your days.
- ⁷ See Shannon Leavitt 'How is Jewish Identity Manifested through Food?' (University of California Santa Barbara).
<http://www.writing.ucsb.edu/sites/secure.lsit.ucsb.edu.writ.d7/files/sitefiles/publications/2013%20Leavitt.pdf>
- ⁸ For an overview of 'anti-shechita' legislation in different countries see the article 'Legal aspects of Ritual Slaughter' in https://en.wikipedia.org/wiki/Legal_aspects_of_ritual_slaughter. For a highly detailed overview of the practical issues associated with all the stages of ritual slaughter and associated regulations, see: 'Shechita (Kosher Slaughtering) and European Legislation' Paolo S. Pozzi and Trevor Waner, *Veterinaria Italiana* 207, 53 (1) 5-19, available on line at http://www.izs.it/vet_italiana/2017/53_1/VetIt_910_4625_2.pdf.

Food Restrictions in Islām

Yoshiko Oda

Abstract:

Food restrictions in Islām are very simple. The Qur'ān states that the consumption of pork and alcohol is forbidden, and all other meat must come from animals slaughtered by cutting the carotid while reciting the name of Allāh. These seem like troublesome rules in Japan only because today there are types of food and eating habits (such as foodstuff containing pork additives, soy sauce made by adding alcohol, etc.) that could not have been imagined at the time and place when the Qur'ān was revealed, and this will also be considered in relation to the *ḥalāl* rules. This article will discuss the difficulties of Muslims living in Japan to obtain *ḥalāl* food, including the case of school lunches, with reference to the *ḥalāl* certification system. Finally, ways for coexistence between Japanese and Muslims will be discussed. The Japanese should respect people who live piously, even if their way of life is different from theirs. In order to acquire this sense of tolerance, the Japanese should learn and understand the various aspects of religion in general as well as the meaning and importance of religious precepts.

Keywords:

Islām, Food Restriction, Ḥalāl, Sharī'a, Manners for Coexistence

Introduction

The theme which was required of this article was food restrictions in Islām. These are very simple compared to Judaism, and are not a serious concern of Muslims in the Islamic world where Muslims are in the majority. Muslims have to be conscious of Islamic food restrictions only in places where Muslims live as a minority as in the West and Japan. This article will look at the kind of problems Muslims in today's Japan face in their daily lives. What is even more remarkable regarding the eating habits of Muslims living in Islamic societies than food restrictions, is fasting in the month of Ramaḍān, and the feast of Ifṭār at the end of fasting. Strictly speaking, this is not included in food restrictions, but I would like to touch on this point as well. Lastly, I will discuss the problem of multicultural coexistence in Japan, and consider how the Japanese who dislike religious precepts, can coexist with Muslims.

Before describing the features of Islamic food restrictions, I would like to explain how religious precepts from a point of view of the History of Religions can be understood. This will help people who are not familiar with religious precepts and laws to better understand the discussions in this article.

The modern world is said to have become secular. Simply speaking, secularism is the movement away from religion, and is the disbelief in or rejection of supernatural matters particular to religion such as god, the next world, and eschatology. This may be related to the spread of science and rational education, and since the modern age, people in developed countries (Western Christian societies and Japan) have gradually moved away from religion. However, religion is not completely gone. From the mid-20th century to the 1980s, secularism was one of the most popular topics in religious studies and sociology of religion. But around the time of the Islamic Revolution in Iran (1979), Islām was also revived in other Islamic countries, and after the fall of the Soviet Union, the Russian Orthodox Church too was rapidly revived. During the Cold War, most regional armed conflicts were understood as part of the war between the US and USSR, but after the end of the war, many of the regional and ethnical conflicts came to be seen as inter-religious conflicts. From around that time, the secularist theory became silent, and was mostly abandoned.

However, today many people tend to think rationally, and religious precepts whose rational reason is not clear are often evaluated negatively. Regarding food restrictions as well, people seek rational explanations. But for believers, who do not require rational explanations, the only correct reason for following precepts is “because they are revealed” or “because they are ordered by God”. As long as they observe food restrictions as part of

their customs, they acknowledge their belief in the existence of God and the revelation as self-evident truth. Self-understanding and attitudes of believers are basic data to understanding believers in the History of Religions. It is important to understand this when manners for coexistence are discussed at the end of this document.

Another important point is that while some religions emphasize precepts and laws, others reject them, in other words, precepts are not necessary for all religions. As the History of Religions seeks the meaning of precepts and laws from a different perspective of theology, it acknowledges the difference between religions with precepts and those without them as different types of religion, and thus never discriminates between them. Surveying the world history of religions, criticism and rejection of precepts and laws began from within religious traditions long before modern secularism and rationalism. For example, Paul and Shinran rejected precepts and emphasized inner faith. According to the latter, the observance of precepts does not prove an individual's belief or piety, and since they could be kept only by the talented and the well experienced but not by ordinary believers, precepts were negatively evaluated as formalistic. From the point of view of religions which respect precepts and laws, precepts have positive meanings, and are observed by ordinary believers. From the point of view of the History of Religions, the observance of precepts helps one to cultivate one's faith. Also, precepts and laws determine the lifestyle of the believers, and hence their observance helps to make their religious identity clear. This is especially the case with minority believers. Having this positive meaning of precepts in mind, I would like to examine Islamic food restrictions.

1 The Characteristics of *Sharī'a*

The Islamic food restrictions are part of the *sharī'a*. The word *sharī'a* is used only once in the Qur'ān (45:18), where it means the path to follow given by Allah to Muslims. The original meaning of the word is "a way leading to water," namely the way to the origin of life, as well as the way to gaining eternal happiness in the next world. In the Qur'ān, there are several legal and ritual precepts which later became part of the Islamic laws, but the Qur'ān is neither a book of law nor a legal code, and these are only minor parts of it.

Let me briefly relate the historical development of the Islamic legal system; what Muḥammad said and how he behaved in various situations was memorized as *sunna*, and later recorded as *Ḥadīth*. Some *sunnas* contain detailed instructions of rituals such as prayers and fasting, and others record Muḥammad's political judicial orders, his solutions of conflicts and problems among early believers. The activities of Muḥammad as prophet

and leader of the Ummah were a starting point of the systematization of the sharī'a, and his activities were inherited by his fellow Muslims and gradually organized. Eventually, the sharī'a, although never codified, came to stand for the Islamic legal system. In the Sunni Islām, the Islamic jurisprudence and legal system were probably completed between the 9th and 10th centuries CE. The Shī'ī Islām developed its own jurisprudence and legal system separately, and which I will not explain here in detail. The two sects share the Qur'ān, but their Ḥadīths were edited separately, and their legal systems also differ slightly.

The sharī'a is divided into ritual rules and social rules, and covers almost all aspects of Muslim life. The ritual rules include detailed instructions of the obligatory rituals (the Five Pillars of Islām) [confession of faith, prayer, charity, fasting, and pilgrimage to Mecca]. Incidentally, fasting is obligatory only for healthy adults, but pregnant and breastfeeding mothers, the sick, travelers and children are exempt. It also dictates how those who are exempt from fasting, atone. On the other hand, the social rules consist of various types of rule covering most aspects of social life: legal laws, morals, manners, and also food restrictions. Though the sharī'a is usually translated as Islamic law, only a small part of the social rules are legal laws for lawsuits, related to marriage, divorce, inheritance, and business.

Compared with the clear distinction of modern Western law and morality, the sharī'a, with its collection of miscellaneous rules, seems outdated or even primitive. However, when we realize that all Muslims pray, do business, and get married, the system then includes all the rules necessary to live life as a Muslim. The Muslim's way of life is unified by the sharī'a, namely, the Islamic rule. The miscellaneous nature of the sharī'a is suited to the fact that people live while doing miscellaneous things, and as such the sharī'a is indeed consistent and in this sense can be understood as a rather rational rule system. Let us take an example from Japanese religions. In Japan, after an eldest son has converted to Christianity, he cannot easily abdicate from carrying out family rituals in a Buddhist way. Christianity and Buddhism emphasize spiritual aspects of religious life, and did not develop their own social rules, but rather let believers follow the laws and customs of their respective society and culture. Thus, they bring forth at times a gulf between the believers' spiritual beliefs and secular social life. This example may help one to understand the benefit of the consistency of the sharī'a.

As for another characteristic of the sharī'a, the sharī'a does not only consist of obligation and prohibition, but also of ritual and social rules which are classified into five categories: 1. Obligatory actions (the omission of which is punished); 2. Recommended actions (desirable and meritorious actions, the neglect of which is not punished); 3.

Indifferent actions (the performance or neglect of which the law leaves quite open) ; 4. Reprehensive and disapproved actions (the performance of which are not punished) ; 5. Forbidden actions (which are punished). In general, the sharī'a is translated as Islamic law, but the vast range of actions it covers, and the five categories of actions, in particular the third one which is not a rule in the usual sense, show that it is completely different from legal codes. Moreover, as the ultimate punishment is to be given by God on the day of Judgment, punishments are not always given for obligatory or forbidden actions. The sharī'a is the guide to Islamic life, the road to salvation in the Hereafter, and its five categories can be understood as representing the broadness of this road. The obligations and prohibitions are the two edges of the road, which no Muslim should cross over, but Muslims can easily live along the broad road, especially, in the third category of actions which may be located in the middle part of the road, they live quite freely. Japanese people readily imagine that Muslims live uncomfortably bound by the sharī'a, although the Japanese are also bound by state laws, and as long as they do not commit a crime, they live without being conscious of them. Similarly, most Muslims live without feeling tightly bound by the sharī'a. Furthermore, since Muslims are accustomed to behavior such as praying from childhood, they do not find the observation of the sharī'a as difficult as Japanese people imagine.

2 Muslims' Eating Habits

2.1 The Islamic Food Restrictions

The Islamic food restrictions are based on the Qur'ān, but as the following texts show, they are simple. These precepts were revealed mainly in the Medina period, when the Islamic Umma (Muslim community) began to be established there.

2:168 O people! Eat of what is lawful and good on earth, and do not follow the footsteps of Satan. He is to you an open enemy.¹

2:172 O you who believe! Eat of the good things We have provided for you, and give thanks to God, if it is Him that you serve.

5:3 Prohibited for you are carrion, blood, the flesh of swine, and animals dedicated to other than God; also the flesh of animals strangled, killed violently, killed by a fall, gored to death, mangled by wild animals—except what you rescue, and animals

sacrificed on altars; and the practice of drawing lots. For it is immoral.

Today, those who disbelieve have despaired of your religion, so do not fear them, but fear Me. Today I have perfected your religion for you, and have completed My favor upon you, and have approved Islām as a religion for you. But whoever is compelled by hunger, with no intent of wrongdoing—God is Forgiving and Merciful.

5:4 They ask you what is permitted for them. Say, “Permitted for you are all good things, including what trained dogs and falcons catch for you.” You train them according to what God has taught you. So eat from what they catch for you, and pronounce God’s name over it. [...]

5:5 Today all good things are made lawful for you. And the food of those given the Scripture is lawful for you, and your food is lawful for them. [...]

16:115 He has forbidden you carrion, and blood, and the flesh of swine, and anything consecrated to other than God. But if anyone is compelled by necessity, without being deliberate or malicious, then God is Forgiving and Merciful.

Prohibition of Alcohol

2:219 They ask you about intoxicants and gambling. Say, “There is gross sin in them, and some benefits for people, but their sinfulness outweighs their benefit.” [...]

4:43 O you who believe! Do not approach the prayer while you are drunk, so that you know what you say; [...]

5:90-91 O you who believe! Intoxicants, gambling, idolatry, and divination are abominations of Satan’s doing. Avoid them, so that you may prosper.

Satan wants to provoke strife and hatred among you through intoxicants and gambling, and to prevent you from the remembrance of God, and from prayer. [...]

All meat except pork is *ḥalāl* if the animal is slaughtered by cutting its carotid while chanting the name of Allāh. In the Qur’ān, the phrase “slaughter while chanting the name of Allāh” is repeated and thus emphasized. This is related to the historical situation when the revelations were revealed and many people in the Arab tribal society of Jāhiliya,

refused to convert to Islām, and continued to worship their tribal gods (idols). For this reason, the Qur’ān states that it is strictly forbidden to eat meat which has been offered to gods other than Allāh. However, once the Muslim community was established and Muslims were in the majority, the act of chanting Allāh’s name became routine, thus this cautionary ritual became essentially unnecessary.² This issue only regained attention when Muslims began to live in the West. The following is a story I heard from Fazlur Rahman. Around the middle of the 20th century, a Pakistani man began slaughtering sheep on the street in London, since the meat sold in London was not *ḥalāl*, i.e. meat from animals slaughtered without chanting the name of Allāh. London officials were worried about hygienic problems and consulted a Pakistani Islamic law expert. The expert issued a *fatwā* that since the meat in London had not been offered to other gods, it was *ḥalāl* and slaughtering animals on the street was forbidden by the London authorities. Thus, the problem was solved.

The Qur’ān also forbids the drinking of alcohol. What is assumed in the Qur’ān is only wine, but since the reason for its prohibition is that drinking alcohol makes one intoxicated and lose one’s cognitive powers; other kinds of alcohol such as beer, making one similarly intoxicated, are also forbidden. There is no other forbidden food. Therefore, compared with Judaism, Islamic food restrictions are very simple. Today, most food available in supermarkets in Islamic societies is basically *ḥalāl* even if it is not certified as such, one can buy and eat everything without worrying about the prohibitions. Conversely, if a Japanese person wishes to eat pork which is not *ḥalāl*, it is impossible to find it.

There are many individual differences as to how and how much people observe *ḥalāl* food. However, regarding alcohol there are also regional differences besides personal differences. In Iran and Saudi Arabia, even foreigners and non-Muslims cannot drink alcohol in public places, but in Turkey, most restaurants in big cities serve beer and alcoholic drinks, and not only tourists but also some Muslims enjoy drinking beer. Turkey is relatively lenient concerning the drinking of alcohol, partly because it conquered the Byzantine Empire located in Anatolia. After the Ottoman Empire was established, a large number of Christians remained and coexisted with the Muslims. They used wine for communion and drank alcohol in their everyday lives. In Cappadocia, wine is still produced today. The Ottoman Empire was an Islamic state ruled by the *sharī‘a*, but broke up soon after the end of WWI, and the Turkish Republic was established under the leadership of Mustafa Kemal (Atatürk). Kemal as the first President promoted westernization and modernization like Japan, and decided to rule by secular law not by

the *sharī'a*. This policy was named the separation of state from religion (*laiklik*),³ i.e. the secularism which became the national policy of the Turkish Republic. Turkey's modernization is sometimes referred to as the Turkish Revolution.

2.2 The Problem of *Ḥalāl* Food in Japan

In a society such as Japan where Muslims are a minority, they often have difficulty in keeping *ḥalāl*. Similar problems have been experienced everywhere by minorities of Jews in the diaspora. In a secular society, it is not easy to keep certain religious precepts. This is partly because secularism is not generally favorable to religion, and also partly because even a secularized society is not entirely a transparent society with no religious color, but colored to some extent by the values and customs of its traditional religion.

Though the food restrictions in the Qur'ān are simple, keeping *ḥalāl* in Japan seems quite complicated. This gap is, of course mainly caused by the different dietary culture of Japan from that of the Middle East, but also by the great changes in food production and distribution which were never envisaged at the time of the Qur'ānic revelations. In the Qur'ān, there is no mention of lard and other pork products. Naturally, there is no mention of seasoning and other ingredients which are added in the mass production of food, nor of sweets flavored with alcohol. Something I have realized through this research is how greatly food and eating habits have changed today from the time of the Qur'ānic revelation. Ham and other processed foods were produced even before the modern age but in far simpler ways than today.

Basically, when food was cooked at home (until about 50 years ago in Japan, still today in the Middle East), the ingredients and seasonings were all visible, and, for example, no Muslim uses lard in cooking or for baking bread. However, nowadays, as most people often eat out and buy ready-made food, it is impossible to know if lard was used in the process of food production. A large variety of ingredients, seasoning, food coloring, and preservatives are currently used. Related to this, when it was found in Indonesia that some pork products produced by a Japanese company contained artificial seasoning, Muslim consumers complained and the seasoning was banned. Even alcohol is sometimes added as an ingredient of soy sauce and miso. Nowadays, even in the Islamic world, most food is mass produced in factories, but Muslims do not have as many difficulties as in Japan, where *ḥalāl* ingredients are not usually used. Thus, the modern industrialization of the food industry seems to me the main reason for today's *ḥalāl* problems, namely, that both inspection and certification of *ḥalāl* food is required.

A serial column article in ten installments, "Searching for *ḥalāl*" in the Asahi

Newspaper dated from June 5th to 15th, 2018,⁴ focused on the problems which Muslims living in today's Japan face in general, and particularly in relation to the *ḥalāl* rules. I would like to briefly explain these problems, and discuss mature ways for coexistence with Muslims.

Starting with a story of a family who hosted a Muslim student from Malaysia for a few days (no. 1, June 4th), the articles depict how Muslims spend the fasting period (no.2, June 5th and no. 4, June 7th), the life of a Muslim family in 1960s in Tokyo (no. 3, June 6th), the difficulties of obtaining *ḥalāl* food today, and also their worries and solutions about children's school lunch (no. 5, June 8th). In Japan, some kinds of bread contain lard which is used for shortening, and alcohol is added to make some kinds of soy sauce and miso, which are such basic seasonings in Japan that they are used in most dishes as well as in school lunches. Muslims have long debated regarding whether or not these are *ḥalāl*, and their opinions also vary. But if alcohol-free soy sauce and miso were chosen, Muslim children could eat most meals on lunch menus, which would also be safer and better for Japanese children too. But since this would increase lunch prices, it has not been used yet. Some Muslim mothers, after checking the lunch menu, cook the same food, such as curry and hamburger using *ḥalāl* materials at home, and bring them to school. One school has begun to serve *ḥalāl* lunch, but there are both voices of agreement and disagreement to this (no. 5, June 8th).

Furthermore, the articles explain the *ḥalāl* certification system. *Ḥalāl* does appear in the Qur'ān, but the *ḥalāl* certificate system has only recently started. According to the article, strict and systemic rules were determined in Malaysia in the 2000s in order to increase investment. Because acquiring the certificate helps foreign, even non-Muslim companies to start up their business in the vast Islamic market, the certificate system is a growing business (6th, June 11th). The *ḥalāl* certificate system operates by certifying that the products of food companies, and the entire premises in the case of restaurants and food shops, are *ḥalāl*, after an investigation by a private organization. This investigation is very strict and exhaustive. Not only does it simply check the ingredients and the processing of the food, it investigates whether any non-*ḥalāl* ingredients and materials are used in all sections of the factory or not, and moreover whether the food produced is transported together with non-*ḥalāl* products or not. If all items are cleared, a certification sticker is given. To acquire a *ḥalāl* certification costs too much in most cases, since major investment is necessary to make a production line and transportation system specifically for the *ḥalāl* item. The article cites an example where a bakery baked *ḥalāl* bread with special imported *ḥalāl* ingredients, but the price became too high for Muslims to buy and

Japanese customers did not dare to buy it; finally it could not help but close down (7th, June 12th).

The last three installments of the newspaper column discussed Muslims' diversity, demerits of sticking to *ḥalāl*, and their criticisms of the *ḥalāl* certification, especially its derived business. Around the time of the Tokyo Olympics in 1964, a Tatar Muslim Imām who used to distribute *ḥalāl* mutton slaughtered by himself to Muslims in a Tokyo mosque, had a request to provide *ḥalāl* meat for Muslim athletes. At that time, the *ḥalāl* certificate system did not exist; most Japanese people had no knowledge of *ḥalāl*, and Muslims even ate ramen, simply avoiding the roasted pork fillet. Since what is *ḥalāl* is decided by Allah and not by men, it can also be interpreted as a matter of personal preference (no. 3). Nowadays some Muslims observe *ḥalāl* strictly, but others although very pious Muslims eat most Japanese food products flavored with soy source without caring much about ingredients and other strict rules. A large part of food products that do not have a *ḥalāl* certificate can in fact be eaten by Muslims. Sticking too much to the certificate may make Muslims isolated in Japan. The last installment introduced a ramen restaurant in Hida, a local city, which serves fully *ḥalāl* ramen without having the certificate (no. 10, June 18th).

In Japan, Muslims do not expect to find the same food as is available in their homeland, and many Muslims in fact, eat most Japanese food except pork and alcohol, and do not want to be treated specially. Most meat which is sold in Japan has no certificate, and what is worse, is sold next to pork. The mechanical slaughtering conducted by meat companies does not follow the *ḥalāl* slaughtering guidelines. However, as seen in the above mentioned *fatwā* regarding slaughtering on the streets of London, Muslims can eat the meat sold in Japan even if it is not certified. Naoki Maeno, a Japanese Muslim, serving as an imām at a mosque, insists as follows: firstly because “in Islām, only Allah can decide what is *ḥalāl* and what is not, and secondly because most of the natural food such as water, fruits and vegetables are *ḥalāl* by nature; by contrast, the recent *ḥalāl* certification system, in which certain human beings decide what is *ḥalāl*, would be rather contrary to Islām” (no. 9). Similarly, as the alcohol added to soy sauce and miso never intoxicates people, Muslims can eat various foods flavored with soy sauce. As mentioned above, as there are many individual differences in the observance of *ḥalāl*, therefore the Japanese would do well to remember that some Muslim travelers stubbornly try to maintain the same standard of *ḥalāl* food as in their homeland.

2.3 Şawm and ‘Īd al-Aḏḥā

For Muslims living as minorities, the difficulty in observing food restrictions may make

them more conscious of their faith and thus cultivate it more. But Muslims living in Islamic societies do not have such difficulties, for they share the same eating habits with others, and such easy observance rarely makes them conscious of their faith. For them, fasting and the sacrificial festivals seem to be important occasions which make them conscious of their faith. Strictly speaking, these two topics are not part of food restrictions, but I would like to refer to them briefly.

During the whole of month of Ramaḍān in the Islamic calendar, fasting from sunrise to sunset is one of the Five Pillars of Islām, and is compulsory for all healthy adults. Since the Islamic calendar is a lunar calendar, the timing of fasting changes from year to year, with the seasons moving from winter to fall, and fall to summer. During winter, the sun rises late and sets early, and hence fasting is easier than fasting during midsummer, in which one must fast longer in the harsh heat. The time of sunrise and sunset differs according to regions within the same country. While everyday life is regulated by the standard time of each country, fasting starts and ends exactly at the sunrise and sunset of each city and town, which means that the time schedule of fasting changes each day during the month of Ramaḍān. Before Ramaḍān, special calendars are distributed by many food stores and bakeries, printed with the time schedule of fasting and prayer during Ramaḍān for each local town.

The Japanese people who have almost no religious precepts find it hard to understand why so many Muslims observe fasting. However, children growing up in Islamic societies would imprint the scene that most adults fast at a certain time of the year, and naturally observe it without as much difficulty as the Japanese imagine. The obligation to fast is based on the reason that someone who has experienced the suffering of hunger willingly helps those who are starving. Fasting is by no means easy. In the newspaper articles, a Muslim says that he can carry on fasting when he feels Allah watching him, and also that he can persevere because he wants to show Allah his best (no. 2, 9). Each family decides when to have children begin fasting, and sometimes they only do a half day fasting.

In Turkey, at the exact time of sunset when fasting is over, the minarets are lighted up. With that as a signal, Muslims begin to drink water and eat a meal which is called *ifṭār*. They invite relatives, acquaintances, friends, and neighbors for this meal, and enjoy a more copious meal than usual. At many places, *ifṭār* for travelers and the poor is also prepared and hosted. In the square in front of the Sultan Ahmed Mosque (the Blue Mosque), a meal for over 1,000 persons is prepared every evening. The funding for food, cooking, and cleaning afterwards is provided by individuals and companies, as well as by organizations collecting donations from Muslims, and many volunteers participate and

help cooking and serving.

As mentioned previously “carrying on because god is watching” suggests that Muslims feel Allāh closer in Ramaḍān than on other occasions, and thus it is a particularly religious time. This is also the most basic meaning of ritual. The daily life of Muslims who pray five times a day and observe the various rules of the sharī‘a is already sufficiently religious, but fasting in Ramaḍān is special for them, and can be called a sacred time in accordance with the strict sense of ritual. In terms of eating, the pain of fasting and the enjoyment of *ifṭār* make Muslims more thankful for being able to eat, and also for the Mercy of Allah. In this sense, for Muslims living in Islamic societies, fasting may heighten their religious awareness more than the observation of *ḥalāl* food.

The festival of sacrifice (*‘Īd al-Aḍḥā* or *Kurban Bairam* in Turkish) is also a special day of ritual which happens once a year; it is a special occasion on which Muslims realize the origin of their food. *‘Īd al-Aḍḥā* takes place on the last day of the month *Dhū al-Hijjah* when pilgrims make sacrificial offerings in Mecca; all other Muslims sacrifice sheep, camels, and sometimes cows in their own home towns, distributing and sharing the meat with the poor. In Turkey, animals are slaughtered by imāms, wardens of mosques, with help from volunteers. They divide up the meat and give it back to those who brought in the sacrificial animal. I was also given a small piece of meat by a student whose family sacrificed the animal at home, but unlike the meat sold in supermarkets, it was sinewy and tough. However, although it was not the meat of the sheep which I had seen scarified, after having witnessed the slaughtering, I could not waste it. I was made to face the fact that we regularly take the life of animals and fish at every meal time, which has taught me that we must not waste any of it. At the festival of sacrifice which takes place once a year, Muslims witness the origin of their food and realize the origin of human life and the meaning of food. Especially in the modern world where food products have been industrialized, the *‘Īd al-Aḍḥā* is an important opportunity for teaching urban consumers about food and life.

3 The Japanese and Religious Precepts: For a better understanding of Ways for Coexistence

Today, coexistence does not only mean coexistence with foreigners and people of other religions, but also with LGBT people and the disabled. In order to coexist with others in every sense, it is necessary to interact with respect for the other, but also important not to feel too heavily burdened nor try to overreach oneself. It is, unfortunately, natural that

everyone fears the unknown, and others who belong to different cultures, religions etc. One must accept and realize the difference, and learn to respect such others. In order to respect them by overcoming one's negative feelings, one must know something about their culture and religion. One can simply ask about what one cannot understand, but Japanese people are not good at asking questions about religion, for they think asking about it is rude. A Jewish woman, who married a Japanese husband and raised her children in Japan, lamented that when her children were in school, none of the Japanese mothers ever asked about Judaism. If they had asked, she would have gladly explained it to them. As Japanese people do not like to be asked about their religion, they assume that others would similarly dislike being asked. The Japanese are often taught not to ask about personal beliefs and convictions. And they sometimes insist that they can coexist with the others because they do not know their beliefs, and hence do not discriminate against them. This insistence is not right. True coexistence must be based on the intellectual understanding of the different other, which will help the Japanese to be aware of their misunderstanding and prejudice so as to stop discrimination.

Here, I would like to focus on the manner in which coexistence can be achieved with people who observe strict religious precepts such as Muslims. Many Japanese people think in the following way: "I myself have no religion, but I may have my wedding ceremony in a church, which does not have any religious meaning for me. Thus, I am tolerant to other religions." However, these Japanese often have a strong aversion to precepts and religious laws and are not tolerant of religions with strict precepts. Prayer on New Year's Day, regional Shinto festivals, prayers for success in entrance exams, funerals, memorial services, and visiting graves, these are all religious activities which most Japanese people participate in, however they do not acknowledge them as religious, but merely as social customs. They think that "religion" is something unrelated to themselves such as suspicious cults, or something that is unfamiliar such as Islamic beliefs and rituals. Moreover, the Japanese seldom talk about religious topics, and most Japanese do not like asking or being asked about religion as they themselves are unable to answer. This tendency could be called religion allergy, and might be deeply rooted in the ancient Japanese culture which avoided speaking out or discussions because of the pious awe of the spiritual power of speech.

Contrary to the high level of Japanese education, the low level of knowledge about religion in general is outstanding. This results from poor religious education in public schools after World War II because of the repentance over State Shinto which was manipulated by the Meiji government and led to the War. Moreover, the poor religious

education in schools concentrates on religious thoughts, and rarely refers to rituals and lifestyles.⁵ Islām and Judaism are simply explained as religions with strict precepts, but their food restrictions are not concretely taught. In early Buddhism and Therawada Buddhism, monks kept various precepts through their strict training, but Japanese Buddhism has not obliged regular believers to keep precepts, most monks even get married. As Shinto also has not imposed strict precepts on Japanese people, they are not familiar with precepts and tend to deny them. Their denial of precepts could be corrected by acquiring knowledge about Islām, but there are no such opportunities in Japanese religious education at the moment.

In addition, the home is another place for religious education. All over the world, religious practices are taught at home, and passed on from generation to generation. In Japan, activities such as visiting shrines on New Year's Day and visiting the ancestral graves are passed on, but knowledge of scriptures and doctrine is non-existent because Shinto, a typical ancient religion, does not possess a holy scripture nor a clear and systemized doctrine. In the case of Japanese Buddhism, Buddhism has scriptures and doctrine, which essentially preach individual enlightenment and salvation, but do not teach the ancestral worship. Today however, the Buddhism most Japanese are familiar with is called "funeral Buddhism; it is a family religion for conducting funerals, and other rituals for the dead. This originated from the institutionalization of most Japanese Buddhist sects which was politically accomplished by the Edo government. Since then until today, Japanese Buddhism has played the role of a family religion where each family belongs to a fixed temple, while also having another doctrinal aspect teaching individual salvation. The dead are called a buddha, but the Buddhist rituals of the dead are almost the same as ancestor worship which was influenced by Shinto and Confucianism and mixed with Buddhist doctrines, for it cannot be explained by the official doctrine of Buddhism. Even today, most Japanese identify as Buddhists, not based on their personal faith, but only because of being a member of a family. As a result, although participating in Buddhist rituals, they have little knowledge of the doctrine of their own Buddhist sect.

Japanese people have such little knowledge of the various religions of the world that they are not aware that religions are living traditions even in today's world, and that living religiously is not strange but rather ordinary and natural for modern people. Furthermore, it is not properly explained through religious education that the actual religious activities which Japanese people participate in are not simply social customs but in fact part of a religion. Since they lack the basic understanding of religion, Japanese people cannot properly explain their own Japanese religions, which means that they cannot

express their own religious identity, and instead simply say that they “have no religion”.

The problem of Japanese religious identity is due to that fact that Shinto and Buddhism are not fully integrated, existing simultaneously, with most Japanese people belonging to both. According to Joseph M. Kitagawa, Japan is in a state of “religious division of labor”, and most religious studies in Japan have not properly explained it.⁶ I have not been able to fully prove this yet, but I deduce that the strength of compelling social pressure in Japanese is somehow related to Japanese religious identity. My deduction is based on the fact that Japanese people, who do not fear god unlike Christians and Muslims, do fear the compelling gaze of others. This gaze of others is the compelling pressure, which compels Japanese people to behave and think in the same way, and makes them hate or sometimes exclude the different others. The newspaper article (No.5), quoted above, tells of a Muslim mother who cooks the same menu as on the school lunch menu but uses *ḥalāl* ingredients. The article makes no comment on this, but I wonder why she cooks the same meal. If personal lunch is allowed, the choice of lunch menu is free. Especially if a mother works full-time, it is almost impossible for her to prepare the same menu as the school. Whether Muslim children demand the same food, or their school or classmates complain if they bring different food, in either case compelling pressure seems to be at work. Another Muslim mother worries that strictly observing *ḥalāl* may make Muslim children so isolated that their Japanese friends will not invite them to birthday parties being afraid of food problems. Here I would like to make some comments on this from the point of view of mature coexistence. Concerning birthday parties, if Muslim children do not participate in them, or if a Japanese family does not invite them, the absence of a party should not mean the end of friendship. Secondly, if invited, Muslim children can bring their own food to the party, and eat it instead of the food served by the host family, but they can still eat deserts with the other friends. For mature coexistence with Muslims, Japanese people should be tolerant and let Muslims behave as they feel comfortable, and understand that coexistence does not mean that people must always behave in the same way.

In an increasingly globalizing world, Japanese people must get used to religions which observe precepts and religious laws such as Islām, Judaism, and Hinduism, and thus coexist with people whose way of life is different. Tolerance of other religions does not simply mean tolerating their inner faith, but also their behavior and way of life i.e. rituals and eating habits. In order to respect people of other religions, the Japanese should understand that religion is, as a basic item of human rights, too important to despise. Even if one cannot agree with doctrines and precepts of other religions, one can be tolerant

of them by intellectually understanding those religions. Keeping this advice in mind, Japanese people need to learn a tolerant attitude towards other religions, and also to understand their own religion better than they do now, so that they are able to explain it to foreigners. Although they have not been good at this in the past, Japanese people have to begin talking about religion in general today.

Notes

- ¹ *The Holy Qur-án: Containing the Arabic Text with English Translation and Commentary*. 2nd Edition. Translated by Maulana Muhamad Ali. Lahore: Ahmadiyya Anjuman-I-Isháat-I-Islam, 1920. Accessed: <https://babel.hathitrust.org/cgi/pt?id=wu.89079755401;view=1up;seq=13>.
- ² A historical interpretation of the holy scripture is a contextual interpretation that considers the meaning of the text by considering historical situations at the time of revelation, and is a liberal interpretation which is adaptable well to historical changes. By contrast, another interpretation which ignores all contexts and sticks to its literal meaning, results in the fundamental interpretation which insists that the name of Allāh be chanted at any slaughtering situation.
- ³ *Laiklik* is a Turkish word stemming from the French word *laïcité*. However, as Islām has never established a church, it was impossible for the Turkish Republic to separate the church from the state. The word means that the government introduced a modern legal system based on the French model, and ruled the state by it instead of the sharī'a. However, as most Turkish people have kept on believing in Islām, the sharī'a still influences their daily and social life concerning rituals and eating habits. Moreover, regarding family laws, the sharī'a is quite valid and effective parallel to civil family laws. In addition, in Turkey recently, President Erdogan is pro-Islamic, and has promoted Islamist policies such as the prohibition of alcohol.
- ⁴ Research on Muslims living in Japan has been increasing. For example, chapter 8 "Meeting Muslims in Japanese Society" (Tadano Numajiri and Hide Miki) in Hide Mitsuki and Yoshihide Sakurai ed., *The Religious Life of Immigrants in Japan: The Religious Diversity Brought on by Newcomers* (Kyoto: Minerva, 2012) surveys the life of Muslims and their relationship with neighbors focusing on construction and management of mosques. Also, in Masamune Horie ed., *The State of Religion in Japan, The Situation in Japan, vol. I* (Tokyo: Iwanami, 2018), there is a chapter titled "Muslims in Japan and Japanese Regional Society" (chapter 10). However, regarding *halāl*, the newspaper column is full of examples, and therefore I will use it.
- ⁵ See: Satoko Fujiwara, *Religion in Textbooks: This Strange Situation*. Tokyo: Iwanami Shinsho, 2011. Fujiwara surveys how Japanese and world religions are explained in Japanese high school textbooks of ethics and history, quoting many examples.
- ⁶ See: Joseph Mitsuo Kitagawa, *The Religions of the East*, The University of Chicago Press, 1959. The religious division of labour refers to the fact that many Japanese belong to plural religions such as Shinto and Buddhism (Kitagawa also includes Confucianism) without feeling it to be contradictory, and they can also choose either Buddhism or Shinto case by case.

Was “Shaking of the Land in Esfand Month” True? Some Transitions of Tourism in Iran

Asuka Nakamura

Abstract:

In the middle of February 2018, I visited Iran where people were preparing for Nowruz, the Persian New Year, on March 21. I also toured local cities such as Tehrān, Eşfahān, Yazd, Shīrāz and Tabriz. In Eşfahān, Shīrāz and Yazd, new tourist facilities have been developing. In the Azerbaijan region, new tourism resources like Armenian buildings were being developed. In this paper, I would like to report mainly what I observed about movements and transitions of tourism after having visited these places again for the first time in ten years.

Keywords:

Iran, Tourism, Local City, Armenian Church, Transition

1. Preface

In the middle of February 2018, I visited Iran where people were preparing for Nowruz, the Persian New Year, on March 21. Iranians phrase this Esfand month as “shaking of the land” which means a season when plants are beginning to germinate under the ground for spring. I could not see it with my own eyes in Iran this season, but as I was observing from the sightseeing routes, I thought I could feel that something was beginning to move.

This time I followed two tourist routes. The first was the major tourist route from Tehrān to Eṣfahān, the city in the central plateau of Iran, to Yazd and then on to Shīrāz. The second was a relatively new route along which tourists can visit Tabriz in the East Azerbaijan province and Armenian churches and other sites in the West Azerbaijan province in the Northwest of Iran. So this report also consists of two parts.



Figure 1 Map of Iran with Road Routes

2. Part I: From Eşfahān to Yazd to Shīrāz

2-1. Eşfahān

I traveled about 450 kilometers by night bus from Tehrān to Eşfahān. In the Beyhaqī bus terminal in northern Tehrān, many people were waiting for buses to major cities of the country because different bus lines connect at this terminal. One of the major lines, Seir-o Safar co., has always been noted for a long-distance bus service. The company has also been running the airport taxi service of Tehrān Imām Khomeinī Airport for about ten years. A large tourist bus with a Seir-o Safar's logo arrived ahead of time. You can check the destination and the departure time of the bus displayed in Persian and English on the electric bulletin board at the front of the bus. Inside the bus, spacious seats are installed in three independent rows and passengers can access Wi-Fi. In addition, what impressed me afresh was a passenger who spent about 5 hours on the road, talking on the phone and hitting keys on a computer keyboard.

Eşfahān used to be the capital of the Safaviyān Dynasty (1501-1736) for a certain period.¹ There are few large rivers in Iran, although the Zāyandeh Rūd River flows through the town of Eşfahān, and the beauty of the view with the Sī-ose Pol Bridge over the river is the pride of the people of Eşfahān. But when I visited there, the water flow had been stemmed by an upstream dam. In recent years, Iran has been suffering severe water shortages, which has made residents feel uneasy, although they were optimistically saying, "Authorities would allow the water flow for tourists when Eid (i.e. a national holiday, Nowruz) comes."²

In Imām Square, one of UNESCO World Heritage Sites, foreign tourists were noticeable. And a brand-new area called "Free Friendly Talks" has been established in the yard of Imām Mosq in the corner of the square. Once there was a seminary of Nāserīyeh which seems to be used as a dormitory or classroom for theological students even now. In the area, Islāmic jurists sit in a circle and talk with tourists. They can talk in English, French, Spanish and Arabic depending on the time of day. Throughout the history of Islām, jurists have had leading roles, and even now they remain part of the elite under the Islāmic Republic of Iran. Those who want to graduate from an Islāmic seminary to become a jurist have to study hard. It seems to me that Islāmic jurists should be required to learn foreign languages in addition to professional expertise as part of the elite in this era of globalization.



The Free Friendly Talks Area (Photo: Noriko Morimoto)

2-2. Yazd

Yazd and Shīrāz, where I visited next, have been transforming into international tourist cities following Eṣfahān. The city of Yazd is located some 270 kilometers southeast of Eṣfahān. Since there are Zoroastrian temples and relics, the Yazd city has been registered as a UNESCO World Heritage Site. Improved hotels to accommodate domestic and foreign tourists are concentrated in the Old Town after previous residents having left. These hotels are designed to imitate a traditional Iranian house, which is equipped with a well-kept courtyard, completely surrounded by one-story buildings. In the daytime, the courtyard is used as a restaurant or *chāy-khāne* (çayhane: tea house) with tables and chairs in place. These kinds of facilities seem to be for foreigners, but have decreased in urban areas and therefore might be a rather “fresh” traditional culture for young Iranians today. Such hotels were also being built in the Old Town of Shīrāz.

A staff member of a hotel in Yazd said that the number of this type of hotel had increased and that the owner there built the hotel with sponsorship. The staff member also asked me to post a review on TripAdvisor if I agreed. An important way to attract guests here is not via travel guidebooks but with reviews on tourism websites.

Historic sites around Yazd are also tourist attractions. When I visited a village in Kharānaq, a mosque dated from the Qājār Dynasty period (1796-1925) was under repair and the remaining parts of the mosque had been kept intact. But tourists still come to visit there and enjoy roaming around old abandoned residences with collapsed earthen walls. Also in the historical town of Meybod near Yazd where castle ruins of the Sāsāniyān Dynasty period have been discovered, the repair of historic buildings has almost finished, and the

town itself has entered the growing phase.

2-3. Shīrāz

A 440-kilometer highway runs from Yazd to Shīrāz. It takes about twelve hours to go around the ancient ruins of the Achaemenid Empire and the Sāsāniyān Dynasty including Persepolis, Pāsārgād and Naqsh-e Rostam along the route. A driver from Tehrān, who lives in Yazd, drove me around on this tour without looking irritated. All the ruins were crowded with tourists, while only a small number of tourists were walking in the rain inside the extensive ruins of Pāsārgād, which is believed to be a tomb of Cyrus II of the Achaemenid Empire.³

Also in Shīrāz, large-scale construction work was taking place to improve roads, buildings and subways. And many schoolgirls passing by casually talked to me there. Iranian girls have always been curious, but now they asked questions with a smartphone in their hand, “Will you take photos with me?”. They seemed to post the photos on SNS. On Friday, a holiday in Iran, I was surrounded by active high school girl students. “Where are you from?” “Why did you come to Iran?”. They asked similar questions one after another in English. These schoolgirls told me that they were students at an English conversation school and went out into the street to learn practical English skills. “Go easy on her!” “Talk more slowly!” “Your voice is too loud!”. In this way they were advising each other. Typical of Iranians, they never forgot consideration for anyone, even foreigners like me. I felt as if I had seen the women of Shīrāz as described by Ibn Baṭūṭah as “pure people who do good deeds” and “their habits are peculiar.”⁴ A globetrotter may consider it unusual that women (despite being women) gathered at a mosque listening to the preacher’s lecture, while it seemed to me that those girls’ curiosity was an indication of their desire for learning and hope for the future. Foreign language proficiency is going to be a key skill for those who live in Shīrāz since it is developing as a tourist site and great city. Although people there still have a traditional desire to learn Islāmic Studies, they might be looking for a more practical way of learning now.



Author with girl students of an English Conversation School at Shīrāz (Photo: Noriko Morimoto)

2-4. Tehrān

In Tehrān, I visited two brand-new tourist sites. The first one was the Tabī‘at Bridge which is a pedestrian bridge designed by an female Iranian architect.⁵ The bridge itself is a tourist site and is crowded with people enjoying walking every evening. The second one was the Bām Land which is a large commercial facility with brand stores popular in the Middle East and many restaurants and cafes, and people can enjoy listening to a band playing on the extensive premises. Located near the Chītgar artificial lake, the Bām Land is worth visiting if only to see a beautiful view and is indeed a picnic spot for many families. This 22nd district of Tehrān is far from the center of the city, but several high-rise apartments have already been built around the lake. A large new shopping mall is going to be built and it is said the district is a popular residential area as the real estate prices are rising.

Tehrān Metro has been sequentially extended and has become an important means of transportation for Tehrān citizens. Taxi services are used less often than before and, even when taking a taxi is necessary, the use of taxi dispatch apps known as Snapp has become common. Snapp is Uber-like service in Iran. The service is provided not only in Persian but also in English, which enables even foreigners living in Tehrān to use it. Previously in some cases, they were charged a higher fare with a telephone taxi called āzhāns. Why has the Snapp service become rooted in Iranian society? Probably, for one thing, it might be due to the spread of smartphones. For another thing, it might be because not only foreigners but also Iranians have felt the use of āzhāns to be inconvenient. However, the popularity of Snapp is also the flip side of the harsh situation of āzhāns' drivers. Previously,

jobless and underpaid workers had been able to earn their living by engaging in the āzhāns service. Most Snapp drivers are youths who possess IT skills including smartphone apps and SNS. How then will the surplus workforce pushed out of the taxi driver labor market be absorbed?

2-5. Consideration

In the Iranian presidential election of May 2017, Rowḥānī was re-elected for a second term as president by a majority of votes. However, in March 2018 when I visited the country, the president was plagued with domestic and external problems. Rowḥānī's great achievement in the first term was the Joint Comprehensive Plan of Action (JCPOA) known as the Iran nuclear deal signed in 2015 between Iran and the P5+1 (the five permanent members of the UN Security Council plus Germany). After that, however, the US Congress voted for a ten-year extension of the Iran Sanctions Act (ISA) in December 2016, which in turn discouraged the Iranian people who had hoped for the lifting of sanctions on their country and the ensuing economic reconstruction. Also conservative hardliners, the majority in the Iranian Parliament, severely criticized the government of Rowḥānī, a moderate conservative. In addition, Rowḥānī failed to fulfill his 2017 campaign promise to create four million jobs as an unemployment measure.⁶ Further, in June 2017, there were terrorist attacks, purported to be linked to IS, against the Iranian Parliament and the mausoleum of Imām Khomeinī. From the beginning of 2018, a protest demonstrations by people who were angered by the price hikes of essential commodities in Iran's northeastern religious city of Mashhad developed into anti-government rallies throughout the country.⁷

Initially, when the Syrian Civil War broke out in 2011, Iran did not announce its military involvement, but now photos of the Iranian war dead who were involved in this neighbor's civil war are listed as "martyrs" across the country. The situation of Iran's involvement in the Yemen Civil War since 2015 is unpredictable unless the relations between Iran and Saudi Arabia improve. Some of the people I met on this tour clearly said, "The government should stop the deterioration of domestic economic conditions, and our country can no longer afford to spend money to support Syria and Palestine."

Since the birth of the Trump administration, US withdrawal from the JCPOA and Israel's increasing pressure on Iran have followed, and Iran's relationship with the West, which seemed to be able to find a clue for improvement, has also become unpredictable.

Iran has enthusiastically pursued “the export of the Islāmic revolution,” but surprisingly it has not been very aggressive as a missionary because Iran believes that it should not force non-Muslims to convert and that any non-Muslim is bound to believe in Islām in due course if it is that person’s destiny. That is why, at the moment, the Free Friendly Talks area also seems to be a grassroots attempt to make foreigners familiar, if only a little, with the faith of the Twelve Imāms to make “friends” with Iran if it attracts more foreign tourists in seeking a Tourism-Oriented Country.

Iran aims to become a Tourism-Oriented Country even in the situation of international isolation (when I visited this time, there were crowds of Chinese tourists). It also seeks to revitalize the lives of the people by making commercial facilities that are as good as overseas facilities even under severe economic conditions. Such trial and error efforts will lead to some changes in the field of tourism, arts and relevant business activities.

Iran has abundant historical sites and architecture as well as being a land with diverse natural landscapes. Iranians are tremendously hospitable with a great spirit of service. Iran has attractive tourism resources including magnificent traditional crafts such as carpets. Thirty years have passed since the Iran-Iraq war, which exhausted the country, and Iran may finally be able to afford to push for efforts other than "the export of the Islāmic revolution."

3. Part II: From Tabriz to Mākū to Jolfā to Tehrān

3-1. Minorities in Iran

Christians are a minority in Iran which advocates the Islāmic Republic. According to the statistics of 2016, Iran’s total population is 79.92 million, with 0.3% of the total population (about 0.13 million) identifying as Christians.⁸ Although the official number of Armenians has not been announced,⁹ it is generally said the Armenian Church, officially called the Armenian Apostolic Church, is the mainstream of Christianity in Iran. The word "Apostolic" is inserted in the name of the Church from the legend that the apostles Taddeus and Bartholomew directly evangelised this land.¹⁰ In 301, Gregory the Illuminator baptized Tiridates III, the king of Armenia, who in turn proclaimed Christianity as the state religion of Armenia, and appointed Gregory as the patron saint of the Armenian Apostolic Church. Armenians lived in areas (the historical territory of Armenia) that were

under the influence of the Kingdom of Armenia before Islāmization. Today the area is around Khōy, Jolfā and Orūmīyeh in the Northwest of Iran.

The classification of minorities in Iran is not based only on religion, but also on language and ethnicity. Āzarī Turkish is the largest linguistic minority in Iran.¹¹ Āzarī is used as an antonym of Fārsī, which is said to account for more than half of Iran's total population. The word “Fārsī” refers to Fārsī language or Fārsī people. Regionally, in the East and West Azerbaijan provinces near the border with the Republic of Azerbaijan, the majority of people speak Āzarī language, while in major cities including Tehrān, Fārsī speakers and Āzarī speakers coexist. Kurdish, Luriish, Arabic and Balochi follow Āzarī.

3-2. Tabriz

My first destination on the second route was Tabriz, about 600 kilometers away from Tehrān. Today it is the capital of the East Azerbaijan province and the center of Āzarī.¹² The Organization of Islāmic Conference (OIC) selected Tabriz as the Capital of Islāmic Countries Tourism for 2018.¹³ In commemoration of this, Tabriz has posted advertisements, issued new brochures of the city and its tourist attractions, and offered airport taxi services with brand new Toyota vehicles.

With Nowruz approaching, the Bazaar of Tabriz, one of UNESCO World Heritage Sites, was vibrant. In this town where the Āzarī speakers make up an absolute majority, even when talking in Fārsī, I did not feel as uncomfortable as when I came here before.

3-3. Armenian Monastic Ensembles of Iran

As I got on a long distance bus from Tabriz towards the northwest, I looked out of the window and saw a green land spreading out, very different from the dry land of the Iranian Plateau. The bus I rode entered the West Azerbaijan province and arrived in a small town named Mākū, which is close to the border with Turkey. The local inhabitants are part of the Āzarī community, but are very kind to foreigners who sometimes visit there. While stopping over at the Armenian Monastic Ensembles of Iran, I was able to find a driver who agreed to drive me along the 200-kilometer road to Jolfā on the banks of the Aras River.

The banks of the Aras River are now a peaceful border. On the side of the Republic of Azerbaijan across the river, a flock of sheep grazing in a meadow came into view. It was a peaceful landscape.

The Armenian Monastic Ensembles of Iran, registered as a UNESCO World Heritage Site in 2008, consist of St. Thaddeus Monastery,¹⁴ the Chapel of Dzordzor and St. Stepanos Monastery. These three churches are under the control of the Iran's Cultural Heritage, Handicrafts and Tourism Organization (ICHTO) and some of the staff, hired by ICHTO, guided me. The Muslim staff seemed suspicious of how much these pagan monuments, still sparsely visited by tourists, were worth visiting. I remembered the same situation twenty five years ago when I first visited Persepolis. So it can be expected that this place will be crowded with tourists in a few years time as well.



Left: The Aras River (some houses can be seen in the Azerbaijan Republic across the river)



Right: The Chapel of Dzordzor built on the bank of the dam lake.

3-4. Jolfā

Armenians came to live in Eşfahān as they were forced to emigrate from Jolfā under the order of Shāh Abbās I (1571-1629) of Safaviyān Dynasty (1501-1736) in 1605.¹⁵ Jolfā was an Armenian craftsmen's town and a merchants' trading hub at that time.

Today Jolfā, bordering with the Republic of Azerbaijan, forms the Aras Free Zone with its neighboring town Kalībar. Jolfā is an intermediate trading hub where many stores buy and sell European and Russian products shipped via the Republic of Azerbaijan and Turkey. I was told that many Turkish merchants come here to purchase inexpensive Iranian fruits and rice.

3-5. Tehrān Again

Actually, the second part of my tour also started from Tehrān. Around St. Sarkīs Cathedral,

located in central Tehrān, there are many stores managed by Armenians and several areas called “Armenian districts” where Armenians manage stores dealing in stationary, sundry goods, clothes and so on, as well as café shops serving coffee that Armenians usually drink (on the other hand, Iranian Muslims usually drink tea) and selling coffee beans. These Armenian stores are also popular among younger Muslims because such stores deal in a variety of foreign-made products that are not found in Grand Bazaar in Tehrān, which functions as a wholesaler for mercantile stores in Tehrān and neighboring towns.

The day after I entered Iran, I visited St. Joseph Assyrian Chaldean Catholic Church in the vicinity. The bishop who had previously greeted visitors from Doshisha University willingly agreed to my request to attend the Sunday worship service. Since Friday is the weekly holiday in Iran, there are only a few church members who can participate in the service held on Sunday morning. Instead, foreign students and tourists took part in it. On that day, the bishop translated some of the sermons into English for us. He issued a strong message as follows: In these painful days, you should still practice self-sacrifice; and then you must pursue peace and the will of God. After the service, I was invited to tea in the basement salon, which can accommodate at least 100 people and even a wedding ceremony can be held there. At the tea gathering, I was informed that there is a church that holds a service once a month in the Grand Bazaar.

Having finished my whole tour, I visited Tehrān again and managed to arrive at the Armenian Church (St. Thaddeus and St. Bartholomew Cathedral) “inside the Bazaar” on the day of worship which is the first Friday of the month. A fluent English-speaking Armenian woman greeted me. This small church was built by the Armenian Merchants community in 1808. It is generally said that their ancestors were artisanal glassworkers in the Jolfā district of Eṣfahān but during the Fath-Ali Shah Qajar period (1797-1834) they were brought to the capital Tehrān to make the stained glass decorating the Golestān Royal Palace. This church was at the same time a burial place for Christians who died and were buried in Tehrān in the days when almost no Christians were there. Russian and British names are etched on gravestones. After showing me the tombstones, she pointed to a thick rope in the garden and told me that the rope was left by a thief (or thieves) who sneaked into this church the other day. I suppose the thief (or thieves) must have thought that they could easily steal from a church that is used only once a month. Although there is a Grand Bazaar in the vicinity of the church, it is a popular district with shops selling items such as clothes and food for residents and their dwelling houses are mixed, so it is hard to say

that security is good.

It might be a fact that Christians as a minority are in restricted positions in this country. However, at the same time, they are certainly living steadfastly even under such circumstances. If it is Christianity that maintains their way of life, this also may be a form of Christianity.

A bishop comes to St. Thaddeus and St. Bartholomew Cathedral to pray with everyone. This service has been maintained to remind people of the Armenian foundation in Tehrān and of Christians who passed away as Gentiles. Therefore, it seems to me that this service will continue even if access to this little church becomes more difficult.

Notes

- ¹ The population of Eṣfahān is approximately 1.54 million, third only to Tehrān and Mashhad.
- ² Every year during the holiday period of Nowruz, Eṣfahān is inundated with tourists from all over Iran. According to Mehr Press dated April 1, 2018, in spite of Eṣfahān citizens' wishful thinking, water was not released even during the Nowruz period (usually two weeks from March 21).
(<https://www.mehrnews.com/news/4261347/%D9%86%D8%A7%D8%B1%D8%B6%D8%A7%DB%8C%D8%AA%DB%8C-%DB%B1%DB%B0-%D8%AF%D8%B1%D8%B5%D8%AF%DB%8C-%D9%85%D8%B3%D8%A7%D9%81%D8%B1%D8%A7%D9%86-%D9%86%D9%88%D8%B1%D9%88%D8%B2%DB%8C-%D8%A7%D8%B5%D9%81%D9%87%D8%A7%D9%86-%D8%A7%D8%B2-%D8%AE%D8%B4%DA%A9%DB%8C-%D8%B2%D8%A7%DB%8C%D9%86%D8%AF%D9%87-%D8%B1%D9%88%D8%AF>)
- ³ It is said that October 29 is the day that Cyrus the Great, the first king of the Achaemenid Empire, entered Babylon in 539 BC. Recently, that day has become informally known in Iran as "Cyrus's Day" (rūz-e kūrūsh). On Cyrus's day on October 29, 2016, many Iranians rallied in Pāsārgād through SNS. They chanted "Cyrus is our father, Iran is our country." That's not very Islāmic. The BBC covered the video postings taken by participants in this rally (<http://www.bbc.com/persian/interactivity-37805667>). In Iran, where large gatherings are restricted, the local authorities warned people not to gather at Pāsārgād on October 29, 2017. According to news reports, Pāsārgād was closed by public security vehicles on that day. (<http://www.bbc.com/persian/iran-41782490>).
- ⁴ Ibn Baṭūṭah, edited by Ibn Juzayy, Japanese translated by Hikoichi Yajima, *Dairyokoki 2*; Heibonsha, 1997, p. 319. Ibn Baṭūṭah was a 14th century historian and traveler. After Ḥajj, or an Islāmic pilgrimage to Macca, he visited Fārs via Iraq and described the dynamic state of Eṣfahān and Shīrāz in those days. Having observed that one or two thousand women met in the mosque three days a week to listen to the preacher in Shīrāz, he wrote that the women "have a strange custom." And he continued, "I have never seen in any land so great an assembly of women."
- ⁵ Designed by Leilā Araghīān. This stylish pedestrian bridge has a complex curving form of the three-dimensional truss with multiple overlapped metal pipes, and is popular for lighting up at night.
- ⁶ Iran's unemployment rate in autumn 2017 stood at 11.9% and rose to 12.1% in winter 2017. A Selection of Labor Force Survey Results- Winter, the Year 1396 (22 December 2017-20 March 2018), 2018, Tehrān, Statistical Centre of Iran, p.5.
(https://www.amar.org.ir/Portals/1/releases/LFS_Winter_1396.pdf)

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- ⁷ *The Washington Post*, January 18, 2018
(https://www.washingtonpost.com/news/worldviews/wp/2018/01/03/tens-of-thousands-of-people-protested-in-iran-this-week-heres-why/?noredirect=on&utm_term=.a440f3010d0a).
It was reported, however, these rallies calmed down at the beginning of the year.
(<https://edition.cnn.com/2018/01/03/asia/iran-protests-government-intl/index.html>)
- ⁸ *Selected Findings of the 2016 National Population and Housing, Census*, Statistical Center of Iran, 2018, Tehrān, pp. 20-21.
(https://www.amar.org.ir/Portals/1/census/2016/Census_2016_Selected_Findings.pdf)
- ⁹ <http://worldpopulationreview.com/countries/iran-population/>.
- ¹⁰ According to the Armenian Apostolic Church, both Apostles converted many people and then were martyred in this place. (<https://www.armenianchurch.org/index.jsp?&lng=en>)
- ¹¹ It is also said that Āzarī accounts for 16 percent of Iran's total population.
(<https://www.worldatlas.com/articles/largest-ethnic-groups-in-iran.html>)
- ¹² The Archaeological finds confirmed that Tabriz had residents from B.C. and had been the capital of the Ilkhanate Dynasty (1256-1336) for a certain period since 1265. After that, Tabriz was the capital of the Qarā Quyūnlū Federation or the Black Sheep Turkomans (1375-1468) and the Āq Quyūnlū Dynasty or the White Sheep Turkomans (1468-1501), and also the capital of the Safaviyān Dynasty from 1501 to 1555.
- ¹³ “Resolution on Tourism Development Among the OIC Member States adopted by The 9th Session of the Islāmic Conference of Tourist Ministers (ICTM)”, Republic of Niger, 2015.
(https://www.oic-oci.org/page/?p_id=71&p_ref=40&lan=en)
The Capital of Islāmic Countries Tourism is a city where the environment has been improved in consideration of ḥalāl meals, places of worship and time, and so on, so that Muslim tourists can be accommodated comfortably at their travel destinations.
- ¹⁴ St. Thaddeus Monastery is revitalized once a year as an Armenians’ pilgrimage site but only for several days in summer.
- ¹⁵ At this point, the district where Armenians had emigrated became the Jolfā district in Eşfahān. The advanced technique of Jolfā at that time is illustrated in an exhibition at the Vānk Church of Eşfahān. The Vānk Church is still maintained by Armenians, and one of the few Christian buildings in Iran where religious evangelism to Muslim is strictly forbidden; it is where citizens can easily feel free to visit and learn about the history and culture of the heathen. Jolfā, which means a weaving man, is located approximately 135 kilometers northwest of Tabriz. The Aras River flows in the north of the town, which is the border with Nakhchivan Autonomous Republic and Republic of Armenia.

Book Review:
Toshihiro Horikawa, *Buber as Bible Translator*. [in Japanese]
(Tokyo: Shinkyō Shuppansha) 2018. pp. 325. ¥4100E.
ISBN: 978-4-400-11069-9

Kotaro Hiraoka

It is now approaching 80 years since Martin Buber's (1878-1965) work was introduced to Japan by philosophy scholar Seiichi Hatano (1877-1950). Buber's work saw a renewed focus in Japan in the 1960s. This renewed attention to Buber's dialogical thought was particularly prominent within the circles of educational pedagogy and Protestant theology. It is now clear that in recent times, through thinkers such as Emmanuel Lévinas (1906-1995) who grappled with the question of alterity, Buber's dialogical thought has been critically received. It is within this context that Toshihiro Horikawa's book *Buber as Bible Translator* (Jp. *Seisho Honyaku-sha Būba*) aims to elucidate a novel aspect in Buber Studies.

To be sure, with regard to Buber's understanding of scripture, the Japanese translations of his works, as well as scholarly papers and the many other related essays do touch on this subject; yet not many deal specifically with Buber's translation theory. Against such a backdrop, Horikawa's research focus on Buber's translation theory is groundbreaking. As a matter of fact, Buber's biblical translation has become an increasingly prominent theme within Martin Buber Gesellschaft, particularly since the 50th anniversary of the completion of the Buber—Rosenzweig version of the Hebrew Bible. One could reasonably situate Horikawa's research within this international research trend.

Horikawa's book is comprised of three sections 1) the Preface which looks at the contemporary status of Buber Studies and lays out the methodology, 2) Section Two which is a cursory overview, and 3) Section Three in which the central thesis regarding Buber's biblical translation theory is laid out. The chapters of each section are the following. The **Preface**: Chapter One "Trends within Buber Studies"; Chapter Two "Buber's Personal Research Style"; Chapter Three "A Critical Evaluation of the Trends within Buber

Studies”; Chapter Four “The Perspective, Method, and Originality of this Research”. **Section One:** Chapter One “Foundational Ontology/Relational Ontology”; Chapter Two “The Genesis of Thou & Eclipse of God”; Chapter Three “A Reevaluation of Religiosity”; Chapter Four “Ethics & Religiosity”; Conclusion “Buber & Religiosity”. **Section Two:** Chapter One, “An Appraisal of Buber’s Biblical Translation”; Chapter Two, “Biblical Linguistics”; Chapter Three, “Methodology of Biblical Translation”; Chapter Four, “Situation of Buber’s Methodology within Biblical Studies”; Chapter Five, “I-Thou as a Translational Name of God”; Chapter Six, “I-Thou within the Story of Jacob’s Encounter with God”; Chapter Seven, “The Characteristics of a Prophet as Seen within the Story of Abraham”; Chapter Eight, “From the Prophet Isaiah to Second Isaiah”; Chapter Nine, “Problems Surrounding the Idea of a Prophet and the Significance of Translation”; Conclusion, “Scripture as Thou: the Utterable and the Uttered”. There are subtitles to Sections One and Two, “From I-Thou to Scripture” and “From Scripture to I-Thou” respectively. From the chapter titles it is apparent that by analyzing Buber’s biblical understanding through his dialogical thought, and conversely his dialogical thought through his biblical understanding, the author intends to disclose a new aspect of Buber’s thought.

The questions which the author attempts to clarify in this book are the following (p 57): 1) In the relationship between biblical translation and the dialogical principle, which precedes the other and why is it that the two are related? 2) What is Buber’s hermeneutical methodology? How has Buber been assessed in the field of Old Testament Studies? In particular, while Buber acknowledges certain elemental facets in scripture, his analytical stance toward the structure of the final form of scripture reveals an apparent contradiction. How might these facts be reconciled? 3) Was Buber truly able to realize his intentions regarding the purpose and methodology of translation within his own work? Because Buber translated the entire Hebrew Bible, attention will be given to translated words, and the question of whether or not translation theory is reflected in his translation will be considered. In the brief summaries below, I will attempt to succinctly organize Horikawa’s arguments while paying special attention to the three main points listed above.

In Section One, where the argument unfolds through the progression from “philosophy and religion” to “religion and ethics,” Buber’s I-Thou thought is identified not as philosophy but as ethics. According to the author, “Buber is not a philosopher. Rather, if one must assign a title to him, it would have to be as a religious ethicist.” (p. 97) This

assessment is clearly based on the perspective of Morris Friedman who held that traditional approaches to the study of ethics were Hellenistic, but that Buber's approach to the study of ethics was biblical. The "Hellenistic" mentioned here refers to the quest for an exogenous, universal ethical principle or rule. In contradistinction to this search for an abstract universal rule which logically precedes any particular situation, Buber's reference to a "biblical" approach alluded to an individual's contextualized quest to seek God's command on each new occasion through dialogue with the God-within. In other words, Buber's I-Thou thought cannot be divorced from biblical religiosity—the reception of that which is spoken and the encounter with the word.

In Section Two, the author points out Buber's avoidance of utilizing the structure and grammar of the German language in favor of the syntax, rhythm and grammatical structure of Hebrew, reflecting Buber's affinity toward source textualism. (p. 109) Buber wished that the readers will not encounter the Hebrew words as regular daily ones. Even if it meant writing in somewhat unusual German idioms, he translated the Bible in a way that would deliberately be unfamiliar to the reader, which was a direct confrontation with the contemporaneous German School of Religious History which purposed to translate the scripture in a manner which would be easily understood by the average reader.

Three distinct methods are apparent in Buber's translation of the Hebrew Bible:

a) *Leitwort* style b) Transformative dialogue c) three-dimensional structure.

To delve into details:

a) Buber's *Leitwort* style was inspired by the leitmotiv of Hans von Wolzogen (1848-1938) who analyzed Wagner's operas. Leitmotifs were common literary features of 19th century authors and literary critics who used the musical device as interpretive tools. In contrast, Buber's *Leitwort* style which was devised by him, was to focus on connective idioms in the biblical texts. These *Leitwort* are key words which relate to each other. In other words, it is the focusing of attention on the repetition of words sharing a common root. According to Buber, the repetition of words which share a common root in the Bible produces a distinct vocalization; and through the peculiar sensitivity which imposes itself upon the reader through this vocalization, the meaning of the text becomes clear.

b) Transformative dialogue is the conscious method of arousing in the reader a dialogical relationship in the reader's interaction with the Bible. That is to say, in dialogue with the Bible, a revelational experience occurs within the reader which confers life direction, and through this experience, human formation is achieved which culminates in

“the perfect person” and “the humane person.” (p. 119) Buber sought to restore the interactive (dialogic) nature of the Bible which had been lost to moderns who were apt to read it perfunctorily as Judaism’s recognized canon. Even the name of the Hebrew Bible (Miqrā’) contains the meaning of loud recitation, lending further credence to the significance of reading it aloud. It is not adequate to merely understand the meanings of the words; rather, it is critical to encounter the divine voice contained in scripture through oral recitation.

c) With regard to the three-dimensional structure, the author utilizes the interpretation of publisher of a French translation of the Bible (André Neher, 1914–1988) , while keeping in mind the Buber/Rosenzweig theory of translation. Based on that interpretation, the author expounds Buber’s unique concepts as below: 1) The “horizontal axis” refers to the dialogical effect of the text’s speech and its transformative impetus acting upon the “external” reader. 2) The “vertical axis” refers to the *Leitwort* style observable in the text itself. 3) The “perpendicular axis” refers to the ‘Tendentious historical analysis’ approach occurring in the background which grasps a type of unitive consciousness even amidst varying interpretations. (p. 124) This “R-like” is the name Buber assigned to the act of editing (Ridaktion) which challenges the hypothesized J and E bodies of biblical sources which modern biblical scholars posit constitute the Bible. Rather than theorizing scripture to be a patchwork comprised of separate, unrelated sources, “R” understands the literature as a work based upon a single mind which undergoes editing within the context of the unitive awareness intrinsic to the literature. (p. 181) Incidentally, Buber and Rosenzweig viewed “R” not only as the editor, but the myriad people, who were instrumental in the formation and editing of the oral tradition, and as such refers to them as “our Rabbi.” With regard to the ‘Tendentious historical analysis’ approach, the author quotes the epilogue of the Japanese translator of Buber’s *The Kingdom of God*, Keniichi Kida, to explicate it. According to Kida’s epilogue, “historiographical analysis” indicates a reinterpretation of the analysis of various oral traditions from within the context of trends in socio-political criticism which natural proceeds from faith in God’s direct rule by people who idolize prophetic leaders, beginning with Moses. Buber understands this type of tendency as an apprehension of the intent of the original biblical text, and the editors of the final text as people who had grasped this sacred intent. There is the sense that Buber’s biblical hermeneutical methodology was thrust aside and rejected as unacademic by Old Testament scholars such as Gerhard von Rad, Martin Noth, Sigmond Mowinckel, Erich Auerbach. Notwithstanding, the successive generation of Old Testament scholars such as Kraus, Westermann, and Wolff treated Buber’s methodology more sanguinely and viewed it as

legitimate extant research, which they appraised—sometimes critically and other times affirmingly.

I have outlined Buber's three methods of biblical translation above. Here, the *Leitwort* style analyzed by the author is confirmed in the story of Hagar's exile recorded in Genesis chapter 16 as an example which was realized among the various examples of translation. This scriptural text focuses on the abuse meted out to Hagar, who bore Abraham a son as a result of Abraham's proper wife Sarah's inability to bear children. In the Hebrew Bible, it is recorded that "as a result of Sarah's abuse of Hagar (vs. 6), Hagar decided to flee into the wilderness where she was met by an angel of God who told her to 'return to her mistress and serve her obediently' (vs. 9). And "because the Lord has heard your distress," (vs. 11) she was instructed to name her child Ishmael (which means 'the Lord hears'). In the underscored parts of these three verses, the root 'n-h is used in the active voice [to impose suffering], the recursive passive voice [to be inflicted with pain], and the nominative case [suffering]. Because Buber and Rosenzweig preserve the unity of this root, they translated the original German word drücken as 'n-h and resolved the three conjugations as follows: drückten (verb: Pi'el form), drücken sich (verb: reflexive form), and Druck (noun). From these examples, it is clear that, in contrast to the Japanese translation, Buber's and Rosenzweig's German translation of the Bible reflects their deep concern with preserving the unity of the Hebrew roots, which is clearly reflected in the German.

Above I have attempted an overview of the book; but I must acknowledge that I fail to do justice to some important points made by the author owing to my own lack of expertise in this area. Below I would like to provide some reflective comments.

In the Introduction of this book, after touching on recent international trends in Buberian studies, the author carefully outlines the history of Buberian studies, and it must be remembered that this is itself an important achievement. I recommend a review of the Introduction for those who wish to know the status of Buberian studies. Nonetheless, perhaps due to spatial constraints or to differences in the main topic of this research, there is no mention of the history of Buberian studies with regard to Hassidism and Zionism. Therefore, it remains for other researchers to fill in these gaps; and these topics are ones which need to be addressed by Buber scholars here in Japan.

In this book, the strong connection between Buber's I-Thou thought and the Bible is

addressed, and the reasons for this connection are stated clearly. Yet, the causal relationship of which impacts the other—which is a problem framed by the author—remains unclear. The resolution to this problem has already been broadly accepted, and indeed is in the process being worked out; but I wonder if it would not be helpful to take a step back from the current received view of Buber within academia and trace one layer at a time the development of Buber’s translational theory of the Bible and of his I-Thou thought and see where they meet and discern from this exercise where the influences lie.

This book points out the importance within Buber’s biblical translation of the oral and audible elements (pp. 132-134). Buber’s method of reproducing the verbalized Hebrew into the German translation is a main theme of this book, and in that sense, should probably have been mentioned in questions such as those listed below. In other words, “Which edition of the Hebrew Bible did Buber utilize?”, “Which pronunciation did Buber adopt—the Ashkenazi or the Sephardic?”, “How did Buber receive the various oral traditions of Judaism as contained in the Masoretic texts? More specifically, how did he understand the operations of punctuation marks (Te‘amei HaMiqra) such as vowel diacritics, accents and punctuations which determine a word’s meaning?” These are important questions for properly understanding the central theme of the book which explores the problem of Buber’s reproduction of Hebrew vocalization in his biblical translation and may well yield important clues in understanding the differences in stances toward the Hebrew Bible of Buber and Rabbinical Judaism.

These criticisms, assuming they are valid, do not detract from the great contribution this book makes to scholarship on Buber’s biblical translation. Interestingly, the same month and year that *Biblical Translator Buber* was printed (December, 2018) was the 31st anniversary of the publication of the Japan Bible Society’s Japanese translation of the Bible. I look forward to the contributions this book will make not only to Buberian studies, but also to the larger question of biblical translation which will remain a major topic within biblical studies. Finally, though it will certainly take a great amount of time to realize, I look forward to a Japanese translation of the Bible which follows Buber’s translation theory.

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Editor's Postscript

We are pleased to present you with the fourteenth issue of the *Journal of the Interdisciplinary Study of Monotheistic Religions (JISMOR)*.

The feature of *JISMOR* this year is 'The Term Ḥalāl in Islām,' but it carries articles and reports about Ḥalāl as well as an article about Kashrut (Kosher). While Japanese culture has very few food taboos, there are many food and drink prohibitions in different countries and cultures. Recently, people have realized it is more necessary to have enough knowledge and understanding of such prohibitions. This is partly because, in Japan, in the late 2018, the Immigration Control Law was revised so that foreign workers can be accepted. Therefore, it is expected that more and more foreigners with various cultural backgrounds will come to this country. And, especially, as there is a phrase people usually use: 'food, clothing and shelter', 'food' is quite an important thing for everyone to live with. On this point, the feature of *JISMOR* is quite timely. Of course, this issue does not cover all the topics of Ḥalāl and Kashrut, but we hope that it will be helpful in expanding your knowledge and deepening your understanding of such topics. It also contains more other topics, for example, an article on Jewish thought and Democracy and an article on the relationship between Wisdom Literature and Hittite Didactic texts, so we hope that you will enjoy reading these articles. *JISMOR* will continue to make every effort to meet your expectations by discussing the absorbing themes concerning the world situations. Thank you very much in advance for your continued support and cooperation.

March 2019

Yasuharu Nakano, Chief of Editorial Committee

**Guidelines for Submissions
to the *Journal of the Interdisciplinary Study
of Monotheistic Religions (JISMOR)***

Revised on March 31, 2018

1. *JISMOR* is an online journal published annually in or around March in Japanese and English, and is made publicly accessible on the Doshisha University Academic Repository and the website of Doshisha University Center for Interdisciplinary Study of Monotheistic Religions (CISMOR).
2. In principle, eligibility for contributing papers is limited to research fellows of CISMOR and individuals recommended by at least one research fellow of CISMOR.
3. Each submitted paper will be peer-reviewed, and the editorial committee will decide whether to accept it or not for publication.
4. In principle, submissions are limited to unpublished papers only. (If you intend to submit a paper that has been published before, you should obtain the permission of the relevant institution for the publication of your paper in *JISMOR*.)
5. Please send a resume of your paper (written in approximately 400 characters in Japanese or 150 words in English) via e-mail by the end of May to the address shown below. Any format is acceptable.
6. Your paper should be received by the editorial committee by the end of July.
7. Please prepare your paper both in Word format (see below) and PDF format, and submit them, as e-mail attachments.
8. To submit a paper, please use a template for Microsoft Word, which can be downloaded from the CISMOR's website. (<http://www.cismor.jp/en/publication/>)
9. The paper should be written in either Japanese or English.
10. The paper should be written from left to right.
11. The paper should be 16,000 to 24,000 characters long if written in Japanese and 6,000 to 9,000 words long if written in English.
Research notes, book reviews, and research trends should be within 8,000 characters if written in Japanese and within 3,000 words if written in English.

12. The first page of the paper should include: the title of the paper; the name of the author; the organizational affiliation; an abstract (in approximately 400 characters if written in Japanese and 150 words if written in English); and five key words. If you write the paper in Japanese, please write the title, the name of the author, and the organizational affiliation in both Japanese and English.
13. Notes should be provided collectively at the end of the paper. No bibliography is shown, in principle.
14. If your paper includes reference to books, magazines, and/or newspapers in a European language, their names should be written in italic type, while titles of papers that may appear in your paper should be written in Roman type.
15. In principle, Hebrew, Aramaic, Greek, Arabic, and other words from any language using a non-Roman alphabet should be transliterated into the Roman alphabet, using the same system of transliteration throughout the paper.

Specifically, in transliterating Hebrew, Aramaic, and Greek words, please comply with the guidelines specified in Chapter 5 (p. 55 onward) of Billie Jean Collins, project director, *The SBL Handbook of Style: For Biblical Studies and Related Disciplines*, second edition, Atlanta, Georgia: SBL Press, 2014 (hereinafter referred to as “SBL”), as much as possible. While SBL specifies two systems of transliterating Hebrew words—academic and general-purpose—you may use either one that better suits your purpose. (Use of SBL is also recommended for transliterating the words of ancient languages such as Coptic, Akkadian, Egyptian, and Ugaritic.)

In transliterating Arabic words, Japanese authors are required to comply with K. Otsuka, et al., eds., *Iwanami Isuramu Jiten (Iwanami Dictionary of Islam)* to the furthest possible extent. While no particular system for transliterating Arabic words is specified for authors from other countries, compliance with ALA-LC (Library of Congress) is recommended as much as possible for transliterating Arabic, Persian, and Turkish words.

If you have difficulty obtaining any of the abovementioned guidelines, please contact the editorial committee.

16. Published papers will be converted into PDF file and sent to the respective authors.

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