
The pig has a special place in Jewish cultural history. This role derives from more than the pig’s status as “impure” for the Jewish diet. Lots of animals have that status, including cute little bunnies and the Hoopoe—now Israel’s state bird.1 The Torah does not set apart the pig as uniquely abhorrent.2 Jewish history, however, has set the pig aside. Jews’ enemies ate pork and tortured Jews by feeding pork to them. In response some Jews died rather than eat pork. Anti-Semitic non-Jews drew stereotypes of Jews as money-lenders, or agents of the devil, riding on a pig.3 No other animal was used this way to attack and malign Jews. Ismar Schorsch, then Chancellor of the Jewish Theological Institute, said that the defining characteristic of Jewish identity became the aversion to eating pork, even, in many cases, for Jews who observed no other ritual.4 In the eyes of Jews the pig became the symbol for “not-Jewish.”5 In light of that vision, it would not be surprising if Israel, the Jewish state, forbade the sale of pork to Jews. But, in the words of Sportin’ Life, “it ain’t necessarily so.”6

In Outlawed Pigs: Law, Religion, and Culture in Israel, Professor Daphne Barak-Erez uses the laws regarding the raising of pigs and selling of pork as a lens through which to view Israeli culture. The book is divided into nine chapters: One: “Religious Symbols and Culture in Israeli Law”; Two: “Pig Prohibitions in Jewish and Israeli Culture”; Three: “Toward Independence: The British Mandate in the 1930s and

2. See Lev 11.
3. See e.g. The Judensau, “An early seventeenth-century version of a design engraved at the entrance to a bridge at Frankfort in the fifteenth century, which was in turn derived from an older and very popular medieval theme[,]” Joshua Trachtenberg, The Devil and the Jews: The Medieval Conception of the Jew and Its Relation to Modern Antisemitism (Yale U. Press 1944) (quoting and describing the book’s illustration on the first left page, showing a Jew riding backwards on a pig, giving a crucified Christian child’s blood to the Devil).
5. Id.
Throughout the mandate period and the sixty years of modern statehood, four interests competed in making rules about pigs and pork. Interests favoring restrictions included 1) Maintaining religious requirements7 and 2) maintaining the national interest in Israel’s Jewish identity because the pig and eating pork had become such a poignant symbol, the national interest in Israel’s Jewish Identity. 8 On the other hand, there was always 3) an economic interest in raising pigs and selling pork to anyone who would eat it.9 This value was greatest whenever there was a food shortage, or an increase in the number of people who wanted to eat pork.10 That economic interest to sell combined with 4) the liberty interest of willing buyers in a democratic society.11

The author shows that, in the early years of the state, both religious and national interests were strong. Those interests combined to limit pig-raising to Christian areas in Israel, the only exception being a kibbutz that raised pigs for scientific research.12 The Knesset, Israel’s legislature, also passed laws permitting local authorities to limit the sale of pork to non-Jews.13 The religious parties combined with nationalists and members of the labor party, in recognizing pig prohibitions as a Nation-Building project.14 Although food was in short supply, the Minister of Immigration and Health determined that the import of pork was “a national crime.”15 The author relates a legend that, even at this time, farmers were breeding pigs on platforms raised above the ground to avoid laws prohibiting raising pigs on national land.16 Whether this story is true or not, it illustrates that, even in these early years of statehood, conflicting interests produced ineffective enforcement.

7. See 5, 98-99.
8. See 5-6, 41, 97.
9. See 6-7, 83.
10. See 35.
11. See 83.
12. See 70-71 (explaining the establishment of an “Institute for Livestock Science Research” at Kibbutz Lahav).
13. 47; see also Appendix 1; cf. 55.
15. 33.
16. 31.
As time went on the Supreme Court of Israel, often acting as a High Court of Justice, made a series of rulings that limited the powers of the Knesset and local authorities to restrict the sale of pork in non-religious Jewish areas. In these rulings, the Supreme Court minimized the role that limitations on the sale of pork served in maintaining Israel’s Jewish identity, apart from strictly religious requirements. The Supreme Court viewed such restrictions as benefiting only religious Jews.

In narrowing what was formerly seen as a national interest to solely a religious interest, the Court helped widen the divide that was developing between the secular and religious in Israeli society. Identifying the raising of pigs and sale of pork as only a religious concern grew with the immigration of a million Russians who had spent their lives eating pork. With all these developments, the current status of “outlawed pigs” permits the sale of pork wherever there is a market for it.

Barak-Erez writes clearly and concisely, using language that is accessible to the educated lay reader. While Outlawed Pigs is a short book of 121 pages plus two appendices and footnotes, it contains a great deal of information about religious, political, economic and legal developments over more than a sixty year period. Such a densely written book is useful for reading the particular ways developments in Israeli law and society played a role in the treatment of pigs and pork. Providing so much information for the reader does risk leaving the reader lost in the details, unsure about the major points. It is almost certain that the reader will lose the train of development at some point while reading the book. Barak-Erez, however, periodically reminds the reader how these details fit the story she is telling. She is successful in demonstrating how Israeli society lost its way, forgetting their connection to their common Jewish heritage. That is an important point for anyone interested in social history, legal history, religious history, Israel and Jews.

David M. Cobin

17. The Supreme Court of Israel sits not only as the highest appellate court, but also in bane as a High Court of Justice with original jurisdiction. The High Court of Justice is used primarily in private actions against the State of Israel.

18. HC 7406/01 Solodkin v. Municipality of Carmiel; see 97-102.

19. 102.

* Professor of Law, Hamline University School of Law, St. Paul, Minnesota.