What did it Feel Like to Be a Jew? The Kosher Food Laws and Emotional Norms Among Ancient Jews

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ABSTRACT

Jewish observance of a set of legal practices constituted the most obvious distinction between Jew and Gentile in antiquity. Yet Jewish ritual practice did not only affect the ways in which Jews acted but also how they *felt* about their Jewishness and their connection to the wider culture. Law and emotion play mutually reinforcing roles in both shaping and reflecting a society's values, an observation that invites the following questions: how did observance of Jewish dietary laws make Jews *feel,* and which emotional norms were involved in the production of law? The emotions of those who observed the kosher food laws were variously characterized in ancient Jewish texts as hate, a self-controlled repudiation of negative emotion, or disgust. The various opinions about how to understand the emotions that animate the dietary laws were all attempts to define the power relations between Jews and the surrounding world and address the following question: did Jews enjoy the power to integrate into their Greco-Roman surroundings?

Keywords: Philo of Alexandria, 4 Maccabees, Rabbinic literature, kosher food laws, law, emotion, disgust, Stoicism

1. Introduction

Jewish observance of a set of legal practices constituted the most obvious distinction between Jew and Gentile in antiquity. Laws governing the Sabbath, circumcision, consumption of food, table fellowship, and even the practice of the sabbatical year were the objects of curiosity, disdain, and animosity among Greco-Roman and early Christian writers.[1] Yet Jewish ritual practice did not only affect the ways in which Jews acted but also how they *felt* about their Jewishness and their

[1] For discussion, see Schäfer, *Judeophobia*.

connection to the wider culture. In this article, I consider the emotional effect that one set of observances, the kosher food laws, had on Jews in antiquity and ask how it *felt* for ancient Jews to stand out by virtue of their ancestral practices. The texts I will explore illustrate what researchers increasingly recognize as the role that emotions play in both forming and expressing collective identity, including gender, nationality, and religious affiliation.[2]

Legal scholars over the past generation have produced a prodigious literature analyzing the link between law and emotion.[3] This interdisciplinary perspective has offered an alternative account to the perceived incompatibility of emotion with law. Among its foundational assumptions, this school posits, on the one hand, that knowledge does not derive from pure rationality, and, on the other hand, that emotions contain a distinct cognitive element.[4] In this way, emotions are the intersection of body and mind, or, in one memorable formulation, "embodied thoughts."[5] With few exceptions, scholars of ancient Judaism have not devoted attention to the relationship between law and emotion.[6] As I will show, greater sensitivity to that relationship

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[2] See, e.g., Gammerl, "Emotional Styles"; Rosenwein, *Emotional Communities*; Lutz, "Engendered Emotion"; Stearns, *American Cool*; Barton, "Eschatology and the Emotions." It goes without saying that there is often a gap between the ideal, expected, stereotypical emotion and the actual form that it takes among members of a group; this study focuses only on literary representations of emotion.
[3] See, e.g., Nussbaum and Kahan, "Two Conceptions of Emotion"; Bandes, ed., *The Passions of Law*; Nussbaum, *Hiding from Humanity*.
[4] See, e.g., Nussbaum, *Upheavals of Thought.* This view should be contrasted to the behaviorist view of emotions, popularized in the nineteenth century by the psychologist William James and the physicist Carl Georg Lange, according to which emotions are simply the experience of physical sensations; see James and Lange, *The Emotions*; James, "What is an Emotion?"
[5] Rosaldo, "Towards an Anthropology of Self and Feeling," 143. The interaction between the body and cognition in the production of emotion is emphasized especially by those engaged with neuro- and cognitive science; see, e.g., Damasio, *Descartes' Error*; Barsalou, "Perceptual Symbol System"; Colombetti, *Feeling Body*. The field of 4E Cognition has done much to advance this perspective; see Carr, Kever, and Winkielman, "Embodiment of Emotion"; Colombetti, "Enacting Affectivity." As I make clear below, I am especially interested in the role of the body as it pertains to Bourdieuian practice theory, which, I will argue, can be compared with one version of "enacted cognition," at least for heuristic purposes.
[6] For examples, most of which focus on rabbinic literature, see Mermelstein, "Beauty or Beast?"; Crane, "Shameful Ambivalences,"; Lewis, *And Before Honor Humility*; Stone, "Justice, Mercy, and Gender";

illuminates much about ancient Jewish attitudes toward the wider world from which they emerged. Jewish law constituted a set of embodied practices that both produced and reinforced embodied thoughts about the place of the Jew in Greco-Roman society.

2. Law and Emotion

Researchers who view cognition and emotion as inextricably linked often also subscribe to the social-constructionist perspective on emotion, a view that describes emotions as culturally-conditioned expressions of norms, values, and beliefs.[7] For this view, culture determines the ways in which individuals interpret specific instinctual, nonconscious, and chemical stirrings in the body—hence, as mentioned earlier, emotions are "embodied thoughts."[8] Moreover, from an embodied perspective, culture will determine whether bodily stirrings are conceptualized as emotions, or even how the body reacts to an external stimulus in the first place.[9] Because of the role that culture plays in the production of emotion, emotions are one vehicle through which communities express and reinforce their identity. Ancient Jewish authors expressed their Jewishness through emotions associated with beliefs, including monotheism and election, that separated them from both the Greco-Roman world and competing Jewish groups.[10] In this article,

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Schofer, *Making of a Sage*, 147–60. Thomas Kazen has written extensively about biblical law and emotion; for representative work, see his *Emotions in Biblical Law*.

[7] See, e.g., Armon-Jones, "Thesis of Constructionism."

[8] In an equally evocative formulation, Damasio, *Descartes' Error*, 159, writes that emotions "let us *mind the body*" (emphasis in original).

[9] See Gendron, Mesquita, and Barrett, "Brain as a Cultural Artifact," who contend that the human brain is itself culturally conditioned to attend only to those environmental stimuli that have a meaningful impact on a body's ability to survive and flourish. Whether a certain bodily stirring is interpreted in terms of an emotion, or how sensory information affects the body in the first place, will depend on whether accumulated experience triggers the brain to assign a specific stimulus to a certain "emotion concept" such as sadness or disgust. The authors (206) use this model to account for why certain cultures lack words for certain emotions, such as the absence for a word corresponding to "sadness" in Tahitian culture.

[10] See Mermelstein, "Emotion, Gender, and Greco-Roman Virtue"; Mermelstein, "Social Construction."

I consider the strategies that writers used to teach Jews how to *feel* Jewish and will focus on the habitual observance of Jewish law as one set of practices that might have conditioned Jews to *feel* their Jewish identity. Depending on the circumstances, law can reinforce desirable emotions; sublimate strongly rooted but negative emotions; or exclude or eliminate emotions.[11] In these various ways, law serves a pedagogical function within the context of social life by training legal subjects what and how to feel. Kosher food laws, I argue, played such a role in habituating Jews to *feel* their identity in a certain way.

Law can be used to condition emotions because law and emotion both affect and reflect how individuals evaluate the world around them. At its most foundational level, law provides guidance on how to evaluate which actions, individuals, and circumstances are virtuous and desirable and which are harmful and taboo. According to one prominent view among emotion theorists, emotions, too, reflect evaluative judgments; in the words of philosopher Martha Nussbaum, emotions are "forms of evaluative judgment that ascribe to certain things and persons outside a person's own control great importance for the person's own flourishing."[12] Emotions clarify which objects, people, or behaviors are so dangerous as to be worthy of fear; so offensive as to arouse shame or anger; so indispensable as to merit love; so reprehensible as to inspire hate; so helpless as to deserve pity; or so worthless as to merit disgust. Law and emotion thus play complementary and mutually reinforcing roles in both shaping and reflecting a society's values; both law and emotion contribute to one's experience of the world and hence to one's identity in relation to that world.

[11] For law's capacity to reinforce or exclude certain emotions, see, e.g., Nussbaum, *Hiding from Humanity*; eadem, *New Religious Intolerance*. For law's role in sublimating emotion, see, e.g., Smail, *Consumption of Justice*.
[12] Nussbaum, *Upheavals of Thought*, 22. See also Damasio, *Descartes' Error*; Solomon, *Passions*; Lazarus, *Emotion and Adaptation*.

Emotions, like laws, are experienced by group members as *normative* ways of evaluating the world. The experience of emotions as normative is encapsulated in the concept of an "emotional habitus," a phenomenon which

> provides members with an emotional disposition … [It] contains an emotional pedagogy, a template for what and how to feel, in part by conferring on some feelings and modes of expression an axiomatic, natural quality and making other feeling states unintelligible within its terms and thus in a sense unfeelable and inexpressible.[13]

In other words, emotions are not idiosyncratic but rather are conventional. and experienced as both natural and inevitable in what historians of emotions refer to as discrete "emotional communities."[14] An emotional habitus takes the form of "feeling rules," conventions that define the contours of group emotion.[15] An emotional community's feeling rules are constitutive of the identity of its members. In this article, I consider the role that law plays in both producing and reinforcing the identity-forming feeling rules of an emotional community.

The concept of an "emotional habitus" can productively be translated into terms familiar to cognitive scientists. According to one model of "enacted cognition," the brain filters sensory input into meaningful perceptions by comparing it with past experiences, thus "efficiently us[ing] the statistical regularities from its past to anticipate future events that must be dealt with" and answering the question, "what is this new sensory input most similar to?"[16] This model serves to explain the production of emotion:

> The brain uses emotion concepts to categorize sensations to construct an instance of emotion. That is, the brain constructs meaning by correctly anticipating incoming

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[13] Gould, *Moving Politics*, 34. See also Scheer, "Are Emotions a Kind of Practice." The formulation of "emotional habitus" is drawn from Pierre Bourdieu's description of a habitus; see his *Outline of a Theory of Practice*; Bourdieu, *Logic of Practice*.
[14] See Rosenwein, *Emotional Communities*.
[15] See Hochschild, "Emotion Work"; eadem, *Managed Heart*.
[16] Barrett, "Theory of Constructed Emotion," 7 n. 14 and p. 7.

> sensations. Sensations are categorized so that they are (i) actionable in a situated way and therefore (ii) meaningful, based on past experience. When past experiences of emotion (e.g., happiness) are used to categorize the predicted sensory array and guide action, then one experiences or perceives that emotion.[17]

The set of past experiences that lead one's brain to interpret a sensation in terms of emotion are not only the product of individual experience but also that of one's culture, transmitted as a form of "learning across generations using stories, recipes, and traditions, and also via childrearing practices, shared attention, and other forms of interpersonal interaction."[18] The result is the production of an emotional habitus which, on the basis of both individual and collective experience, provokes one to interpret sensations in specific circumstances as forms of emotion.

Jewish dietary law was singled out in antiquity by both Jews and non-Jews as an identity-forming set of practices.[19] Jews were different by virtue of their prohibition against pork consumption and their practice of not breaking bread with gentiles.[20] As boundary-defining laws, Jewish dietary practices would naturally have generated "embodied thoughts" about the place of the Jew in the wider Greco-Roman world. But these laws would also have been seen as the *products* of such embodied thoughts; as Nussbaum writes,

> [I]t is hard to understand the rationale for many of our legal practices unless we do take emotions into account. Without appeal to a roughly shared conception of what violations are outrageous, what losses give rise to a profound grief, what vulnerable human beings have to fear—it is very hard to understand why we devote the attention we do, in law, to certain types of harm and damage.[21]

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[17] Barrett, "Theory of Constructed Emotion," 9.
[18] Gendron, Mesquita, and Barrett, "Brain as a Cultural Artifact," 204.
[19] As Jordan D. Rosenblum observes in "'Why Do You Refuse to Eat Pork?," 99, it is unsurprising that food practices became constitutive of Jewish identity considering that "numerous cross-cultural studies attest to the prevalence of food as a key discursive site for boundary formation."
[20] On segregated table fellowship, see Freidenreich, *Foreigners and Their Food*, 31–46. On Jewish abstinence from pork, see Schäfer, *Judeophobia*, 66–81; Rosenblum, *Jewish Dietary Laws*, esp. 28–45.
[21] Nussbaum, *Hiding from Humanity,* 6.

According to Nussbaum, laws do not only provoke emotion but are themselves produced by emotional sensibilities. The authority of law and its observance by those subject to it are taken for granted when the law conforms with emotional norms.[22] Law and emotion are thus inextricably bound in a mutually reinforcing relationship, an observation that invites the following questions about this article's data set: how did observance of Jewish dietary laws make Jews *feel*, and which emotional norms were involved in the production of law?

Both Jewish and non-Jewish writers attest to the interplay between Jewish dietary laws and their associated embodied thoughts. The precise emotions implicated by these laws, however, was subject to values and attitudes that changed across time and place. According to some Greco-Roman writers, Jewish dietary practices indicated that Jews were misanthropic, literally "haters of humanity."[23] One Jewish response, expressed both by Philo and the author of 4 Maccabees, denied this premise and claimed that, in fact, Jews do not *feel* different. The Jewish emotional habitus that is both produced by and that gives meaning to the dietary laws is identical to the one embraced by

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[22] See Temple, "Why the Law Needs the History of Emotions," 423: "[L]egal precepts seem[] 'natural' because they map[] onto human emotions and habits, onto what are in effect embodied emotions."

[23] This was a common trope among Greco-Roman writers in connection with a number of Jewish practices; see Schäfer, *Judeophobia*, esp. 15–105. On the association between the prohibition against pork and misanthropy, see, e.g., Schäfer's discussion of Diodorus' account of the Antiochan persecution, according to which, as Schäfer puts it, "the prohibition against eating pork is the embodiment of *misanthrōpia*" (67), and Juvenal's contention that the Jews see "no difference between eating swine's flesh … and that of man" and exhibit a "long-established clemency (*clementia*) for pigs," where clemency corresponded to the imperial virtue of pity (discussed in Schäfer, *Judeophobia*, 70). As Erich S. Gruen has frequently noted, the lachrymose view of ancient Jewish life in the Diaspora overlooks evidence of integration, accommodation, and acculturation. Outbreaks of violence were rare, and modern scholarly claims about ancient "Judeophobia" are likely exaggerated. For a classic statement of Gruen's view of Diaspora life, see his *Diaspora*. Nevertheless, even Gruen acknowledges that the widely attested trope among Greek and Roman writers about Jewish insularity "testifies to the enduring reputation of separatism and misanthropy" (Gruen, "Kinship Relations," 98). Moreover, while many Jews certainly integrated nicely into the Hellenistic world, Jewish Greek texts such as 3 Maccabees, 4 Maccabees, and Joseph and Aseneth suggest that relations with gentiles could be tense and complicate Jewish efforts to integrate easily.

the ambient culture. Ironically, the dietary laws that set Jews apart from the surrounding culture point to affinity rather than hatred.

In contrast, other ancient Jewish sources provide a very different outlook on the emotional habitus underlying the dietary laws. These sources accept the premise that Jews *feel* different. In a passage from rabbinic literature that I analyze, the estrangement implied by these laws is not described in terms of hate, as Greco-Roman writers allege, but rather in terms of disgust—an emotion that constitutes a thorough repudiation of the outside world as anathema.

Scholars of law and emotion typically overlook another important aspect of the relationship between these two important dimensions of social life, namely their common link to power. Law and the emotions associated with it cannot be divorced from the power relations that underlie all social life. For example, a proposed law seeking to outlaw the construction of minarets atop mosques in Switzerland was associated with fear that the growing population of Swiss Muslims would destroy Swiss identity, pose a threat to security, and dominate women.[24] Proponents of the law sought to thwart Muslim power over them and recapture a sense of agency.

Law's success in arranging power relations depends in part on its ability both to provoke and capitalize upon the emotions of its subjects because of the entanglement of emotion and power. Emotions and power necessarily intersect as central aspects of social life: all forms of social interaction both construct and reinforce power dynamics, and, as outlined above, emotions are an embodied experience of the social world.[25] They are "conceptual twins," together

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[24] See Nussbaum, *New Religious Intolerance*, 43–48.
[25] See Heaney, "Emotions and Power." See also Turner, *Human Emotions*, 1: "[E]motions are used to forge social bonds, to create and sustain commitments to social structures and cultures, and to tear socio-

comprising "the fundamental and constitutive features of the lived lives of individuals and the social context in which they are embedded."[26] All emotions reflect a perception or reality of the power relations that obtain between the one experiencing the emotion and the object of that emotion.[27] Emotions directed at another person such as fear, anger, disgust, shame, grief, pity, and hate reveal how the one experiencing those emotions imagines who *does* and who *should* possess power over whom and who *has*, *should* have, or should *not* have the power to act in certain ways.[28]

Emotions possess a motivating force that help humans chart a course of action in their social lives and order the power relations that inhere in all social interactions. Emotions exhibit their own power over people by impelling them to act in particular ways. Law, too, enjoys power over its subjects to the extent that it compels action. Law's power, however, is disguised when its precepts conform to a society's emotional norms; in such cases, observance of the law is natural and self-evident.[29] Law, when accepted as an authoritative set of norms, also has the capacity to shape emotional norms and contribute to the motivating force of emotional experience by advising legal subjects which actions are permissible, forbidden, and mandatory.

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cultural creations down. Just about every dimension of society is thus held together or ripped apart by emotional arousal."

[26] Heaney, "Emotions and Power," 272.

[27] If, as Barrett, "Theory of Constructed Emotion," contends, emotion concepts are one way through which the brain interprets bodily sensations as part of its role in maintaining allostasis—ensuring sufficient resources "for physiological system within an animal's body so that an animal can grow, survive and reproduce" (3)—then the intersection between power and emotion is inevitable: power relations will have an direct bearing, one way or another, on the organism's ability to flourish.

[28] On the relationship between fear and power, see Kemper, *Social Interactional Theory of Emotions*, 55–56; on anger and power, see Mermelstein, "Conceptions of Masculinity," 318–22; on disgust and power, see Ahmed, *Cultural Politics of Emotion*, 88–89; on shame and power, see Heaney, "Emotions and Power," 271; on grief and power, see Mermelstein, *Power and Emotion*, 126–29; on pity and power, see Mirguet, *Early History of Compassion*, 21–63; on hate and power, see Mermelstein, "Beauty or Beast?," 407.

[29] See Temple, "Why the Law Needs the History of Emotions."

The various opinions about how to understand the Jewish emotional habitus that animates the Jewish dietary laws were attempts to define the power relations between Jews and the surrounding world and address the following question: do Jews enjoy the capacity to integrate into their Greco-Roman surroundings—that is, do they possess what theorists refer to as "power-to"?[30] Greco-Roman attempts to cast Jewish dietary practices as indicative of Jewish hate had the potential to deprive Jews of the power to remain both Jewish and Greek. In general, the attachment of emotional stereotypes to specific groups is an effective strategy for marginalizing those groups. For example, the negative emotional stereotypes associated with the modern Jew, including self-hatred, envy, guilt, paranoia, hysteria, and excessive maternal love, both produce and reinforce Jews' marginalization, dispossession, and sense of insecurity.[31] Emotional stereotypes are based on interpretations of behavior. For example, the pervasive stereotype that characterizes women as more emotional than men is reinforced by the belief that women's emotional behavior springs from their emotional disposition rather than from a context-dependent trigger.[32] Similarly, when non-Jews accused Jews of being misanthropic, they interpreted Jewish practices, such as the kosher food laws, as emerging from an emotional disposition of hate. This accusation had the potential to marginalize Jews and deprive them of their power to acculturate to Greco-Roman life.

Those who aim to repudiate emotional stereotypes must supply a competing interpretation for the behavior associated with that stereotype. Some Jewish writers, including Philo and the author of 4 Maccabees, contend that, to the contrary, the kosher food laws *empower* them to integrate because those laws reinforce an emotional habitus that corresponds to

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[30] See Göhler, "'Power to'."
[31] See Baum, *Feeling Jewish*.
[32] See Barrett and Bliss-Moreau, "She's Emotional."

the one endorsed by the wider society. Other Jews reflecting on the emotional underpinnings of the kosher food laws, however, concede that the Jewish emotional habitus distances them from the outside world; we encounter this view in a text I examine from rabbinic literature. But these Jews, too, view the kosher food laws as empowering because those laws provoke emotions, such as disgust, that enable Jews to resist the efforts of the surrounding culture to acculturate. Jewish emotions are shaped within a context of power relations, and those emotions, in turn, serve to determine the precise contours of those relationships.[33] This study supports the contention that law arranges power relations by provoking or reinforcing emotion. For that reason, there is much at stake in interpreting precisely which emotions are associated with law.

3. ***Kashrut* and an Emotional Habitus of Discipline: Jewish Alignment with Greco-Roman Feeling Rules**

Philo of Alexandria and the author of 4 Maccabees, both writing in the Hellenistic diaspora during the first century CE, associate a particular emotional habitus with the kosher food laws to argue that Jewish values are consistent with those of the hegemonic culture.[34] Jewish identity as signified by the kosher food laws, they argue, is worthy of celebration by non-Jews rather than disdain because allegiance to those laws produces an emotional habitus that matches that of the

[33] I should clarify that I am not claiming that any of these texts are directed at non-Jewish critics of the kosher food laws. The audience of these authors is in fact their own Jewish communities. My claim is that Jews internalized the sense of otherness contained within these and other stereotypes, in which case some authors choose to challenge that outlook while others look to reinforce it.

[34] The various possibilities for dating 4 Maccabees fall between the reigns of Augustus and Hadrian (see deSilva, *4 Maccabees*, xiv–xvii). The book's provenance is likewise contested, with Antioch long regarded as the most likely location; van Henten, "Jewish Epitaph," argues for a broader range, somewhere between Antioch and Asia Minor. Outbreaks of violence in Antioch in the 60s and 70s CE would explain the appeal of the Maccabean martyrs to the author and his audience; see Rajak, "Fourth Book of Maccabees," 141–48. For more on the social context of the book, see Redditt, "Concept of *Nomos*," 265–70.

Greco-Roman world. The emotional habitus supported by the kosher food laws is simultaneously constitutive of Jewish identity as well as the basis for kinship between Jews and their gentile surroundings. The kosher food laws are a source of empowerment because, through the emotional habitus that those laws both produce and reinforce, Jews imagine that they have the power to integrate into their Greco-Roman surroundings.

As mentioned earlier, Greco-Roman writers adopt a very different perspective on the Jewish emotional habitus, branding the Jews "haters of humanity." Reflection on the kosher food laws—a central dimension of ancient Jewish identity—serves as an opportunity for emotional resistance on the part of Jews, repudiating the emotional stereotype of Jews as haters and enabling them to regain agency in a world that could be disdainful of Jewish practice and difference.[35] Accordingly, Philo and the author of 4 Maccabees argue that the kosher food laws do not, in fact, reflect Jewish animus toward the outside world. At the same time, by amplifying the role of the kosher food laws in teaching emotional self-control, a virtue widely celebrated in the Greco-Roman world, these Jewish writers engage in what Sylvie Honigman has referred to in another context as "cultural competition," that is, the "notion of appropriating social, cultural, and religious values for the sake of competition."[36]

4 Maccabees

Set within the context of the Antiochan persecutions of 167 BCE, 4 Maccabees relates an extended martyrdom narrative in order to demonstrate the Stoic doctrine that "reason is

[35] On emotional resistance, see Koefoed, "Martyrdom and Emotional Resistance."
[36] Honigman, "'Jews as the Best of All Greeks'," 214. Honigman's analysis of "cultural competition" extends Karl Galinsky's treatment of the writings of the Jesus Movement; see his "Cult of the Roman Emperor."

sovereign over the emotions" (1:1).[37] Using the threat of pain and torture, Antiochus IV urges first an elderly priest named Eleazar and then seven brothers to save themselves by eating forbidden food. Rather than submit to fear or the impulse toward self-pity, however, all willingly give up their lives in observance of the Law. The book also devotes significant space to the response of the mother who witnessed the deaths of her seven sons.[38] The author singles her out for special praise because, in insisting that her sons give up their lives, she transcends the strong emotional bond between mother and son as well as the perceived excessive emotionality of women generally. The author of 4 Maccabees uses Jewish obedience to the kosher food laws in the face of persecution to prove the primacy of reason over emotion. According to the author, the emotional habitus of the Jew, as illustrated by the kosher food laws, entails the disciplining of emotion.[39] The author singles out the kosher food laws as support for his thesis that "rational judgment is sovereign over the emotions":

> How is it that when we are attracted to forbidden foods, we abstain from the pleasure to be had from them? Is it not because reason is able to rule over appetites? I for one think

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[37] All quotations of 4 Maccabees are taken from NRSV with modifications. Rajak, "Dying for the Law," 100, observes that the term "martyrdom" is absent from this text, yet "[w]e have before us the essential attributes of the Jewish martyr." However, scholars point especially to 4 Macc 16:16 as containing language that anticipates the familiar terminology of the later martyrdom literature: "Having been summoned here for the sake of bringing forward the nation's evidence (τῆς διαμαρτυρίας τοῦ ἔθνους), contend eagerly on behalf of the ancestral law." See also O'Hagan, "Martyr in the Fourth Book of Maccabees," 95; Pfitzner, *Paul and the Agon Motif*, 63–64.

[38] For the relationship between the portrait of the mother in 2 Macc and 4 Macc, see Young, "'Woman with the Soul of Abraham'."

[39] Unlike some Stoic views that advocated the comprehensive elimination of emotion—*apatheia*—the author of 4 Maccabees argues that reason should *discipline*, rather than *eliminate,* emotions. See 4 Macc 2:21–23 and 3:2–5. On the relationship between the general Stoic commitment to *apatheia* and the view of 4 Maccabees, see Aune, "Mastery of the Passions," 136; deSilva, *4 Maccabees*, 77; deSilva, "Perfection of 'Love for Offspring'," 264–65. As Renehan, "Greek Philosophic Background," demonstrates, this view aligns the author of 4 Maccabees with that of the Stoic Posidonius, whose writings, according to Renehan, directly influenced 4 Maccabees. For the most part, this does in fact seem to correspond to the view of the author of 4 Maccabees, though as Aune, "Mastery of the Passions," 136–37, notes, a number of passages in the book seem to advocate a view closer to the Stoic preference toward *apatheia*.

> so. Therefore when we crave seafood and fowl and animals and all sorts of foods that are forbidden to us by the law, we abstain because of domination by reason. (4 Macc 1:33–34)

For his part, Antiochus contends that Jewish obedience to the Law produces a dysfunctional emotional habitus, one that prevents them from experiencing fear and self-pity under the appropriate circumstances.[40] In refraining from eating pork, the Jews also deprive themselves of pleasure, one of the two "most comprehensive types of the emotions" (4 Macc 1:20), overlooking the fact that this food is something that "nature (φύσεως) has granted … to us" (5:8) and is accordingly one of the "gifts of nature" (φύσεως χάριτας) (5:9).[41] This latter argument is consistent with Stoic thinking about the law of nature,[42] in which case Antiochus contends that the kosher food laws reflect an emotional habitus that is incompatible with the one dictated by natural law.

Nevertheless, the Jews refuse to capitulate, thanks to what the author of 4 Maccabees regards as their correct emotional habitus, one which is capable of subordinating emotion to right reason. Invoking one of the central Greco-Roman virtues, the first martyr, Eleazar, explains that the kosher food laws "teaches us self-control (σωφροσύνην) so that we master all pleasures and desires" (4 Macc 5:23). Only by subordinating their will to the Law can the martyrs fulfill the

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[40] See, e.g., 4 Macc 5:11–12: "Will you not awaken from your silly philosophy, dispel the nonsense of your reasonings, and, adopting a mind worthy of your age, pursue a true philosophy of what is beneficial? Will you not have compassion on your old age by bowing to my humane advice?"; 8:14: "Be fearful, young fellows; the justice which you revere will be merciful to you if you transgress the law under duress."

[41] Jewish avoidance of pork was so unusual that it became the subject of a book by Plutarch in which two interlocutors offer four distinct reasons for the ban on pork; see Grottanelli, "Avoiding Pork." See also Rosenblum, *Jewish Dietary Laws*, 28–45.

[42] deSilva, *4 Maccabees,* 130; Hayes, *What's Divine about Divine Law?*, 110–11.

Stoic mandate of suppressing emotion in favor of reason. Eleazar also responds to Antiochus' argument from natural law:

> Therefore we do not eat defiling food; for since we believe that the law was established by God, we know that the Creator of the world has shown sympathy toward us in accordance with nature (κατὰ φύσιν) by giving the law. He has permitted us to eat what will be most suitable for our lives, but he has forbidden us to eat meats that would be contrary to this. (4 Macc 5:25–26)

According to Eleazar, the Jewish emotional habitus *does* conform to the law of nature since God, who legislated the kosher food laws, is also the creator of nature.[43] While Antiochus drives a wedge between the law of nature and the Jewish emotional habitus, the author of 4 Maccabees responds that the two are perfectly aligned. The author thus resists the king's contentions that observance of the kosher food laws requires that the Jews violate Stoic feeling rules, simultaneously rehabilitating the image of those laws and claiming that, through their observance, the Jews *feel* like good Stoics. In truth, the author implies that by virtue of their observance of the law as given by the Creator, the Jews are superior to Stoics, who did not receive these laws. Through this form of cultural competition over whether the kosher food laws conform to the law of nature, 4 Maccabees argues that the Jewish Torah is the best possible law.[44]

In fact, according to this portrayal, it is Antiochus, the opponent of the kosher food laws, whose emotional habitus is dysfunctional. On several occasions, the Jewish resistance leads Antiochus to become angry.[45] Anger, according to numerous Greco-Roman authors, is an emotion

[43] See deSilva, *4 Maccabees*, 136–37.
[44] See Honigman, "'Jews as the Best of All Greeks'," 217–18, who demonstrates that a similar argument is found in Letter of Aristeas.
[45] See 4 Macc 8:9; 9:10; 18:20.

that men are expected to suppress but that women are especially prone to experience.[46] Antiochus likewise demonstrates pity toward the brothers, an emotion that the book later identifies as a typically feminine emotion.[47] The author of 4 Maccabees, channeling one view within Stoicism, argues that one must discipline one's emotion, yet Antiochus' feminine emotional habitus is especially undisciplined. The kosher food laws, in this author's view, support a healthy emotional habitus, while opposition to those laws suggests a dysfunctional habitus.

The thrust of the argument found in 4 Maccabees is that the telos of the kosher food laws produces an emotional habitus consistent with the one mandated by Stoic philosophy. The laws that forbid Jews from consuming non-kosher food reflect a set of evaluative judgments about human flourishing that enables Jews to discipline their emotions. The author uses Antiochus as a mouthpiece for Greco-Roman opposition to the kosher food laws; those laws, the king contends, produce a Jewish emotional habitus that is inconsistent with reason and with the expected feeling rules of his society. The Jews' outsider status even makes them worthy of death. However, the Jews manage to mount their resistance and recapture a sense of agency by demonstrating that their emotional habitus is in fact consonant with Stoic philosophy.

Adherence to the prohibition against eating defiling food, according to the martyrs, flows from their allegiance to the one God; in the words of Eleazar, this was a law "established by God" (4 Macc 5:25). These food laws thus define Jewish identity in relation to the outside world. Accordingly, the emotions associated with these laws also define one's Jewish identity.

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[46] See, e.g., Plutarch, *Cohib. ira 8*, 457A–B: "Just as with the flesh a swelling results from a great blow, so with the weakest souls the inclination to inflict a hurt produces a flaring up of temper as great as the soul's infirmity is great. That is also the reason why women are more prone to anger than men…" (LCL; trans. W. C. Helmbold); Seneca, *Ira* 1.20.3: "Anger is a most womanish and childish weakness" (LCL; trans. J. W. Basore). See Mermelstein, "Emotion, Gender, and Greco-Roman Virtue."
[47] For instances of Antiochus' pity, see 4 Macc 8:10; 9:3. For pity as a feminine emotion, see 14:13; 15:4. See Mirguet, *Early History of Compassion*, 138–39.

Ironically, however, Jewish difference serves as a bridge to the outside culture since both share the identical emotional habitus. The laws that set Jews apart enable Jews to acquire an emotional habitus that aligns them with the ambient culture.

The narrative of 4 Maccabees conveys in vivid terms the power relations arranged by the emotional element of law. The Jews are opposed by a hostile world, represented by Antiochus, that seeks to exert its power over them because of their adherence to Jewish law in general and the dietary laws in particular. This hostility, dramatically thematized through the description of the Antiochan persecutions, threatens to deprive Jews of their power to integrate into their surroundings. The martyrs in 4 Maccabees successfully resist gentile power-over—the "enforcement of one's own intentions over those of others"[48]—and recapture power-to by remaining faithful to the kosher food laws and embracing the Jewish emotional habitus. The author's message to his audience is that by observing Jewish dietary law, one cultivates an emotional habitus that, ironically, empowers one to live comfortably within Greco-Roman culture.

Philo

Like the author of 4 Maccabees, Philo argues that the kosher food laws serve to fashion a Jewish emotional habitus that, despite gentile claims to the contrary, is consistent with the hegemonic emotional habitus. Philo, too, provides an explanation of the laws of kosher food in an effort to rehabilitate the image of Jewish law:

> Possibly it might be thought just that all wild beasts that feed on human flesh should suffer from men what men have suffered from them. But Moses would have us abstain from the enjoyment of such, even though they provide a very appetizing and delectable repast. He was considering what is suitable to a gentle-mannered soul, for though it is

[48] Göhler, "'Power to'," 28.

> fitting enough that one should suffer for what one has done, it is not fitting conduct for the sufferers to retaliate it on the wrongdoers, lest the savage passion of anger should turn them unawares into beasts. (*Spec.* 4.103)[49]

Philo here contends that the law against eating carnivores is based on reason.[50] According to Philo, this law is designed to extirpate the emotion of anger, a frequent target of Stoic criticism.[51] In addition, in accounting for the prohibition against consumption of swine, Philo shares the view of 4 Maccabees that that law is meant to encourage the virtue of self-control (*Spec.* 4.101: ἐγκράτειαν) considering that "among the different kinds of land animals there is none whose flesh is so delicious as the pig's" (*Spec.* 4.101), echoing a similar observation he makes about wild beasts generally in the above passage.[52] The kosher food laws thereby produce "a life of harmony (ἁρμονίαν) and concord (συμφωνίαν) which none can blame" (*Spec.* 4.102). The control of the passions, including the pursuit of pleasure, revenge, and anger, is the telos of the kosher food laws, putting Jewish law beyond reproach. Philo is, of course, aware that some of his contemporaries objected to Jewish law as reflecting a misanthropic soul, so his portrait of the kosher food laws seeks to prove that the emotional habitus developed through the observance of Jewish law promotes harmony and concord, goals "which none can blame."

References to the "harmony" and "concord" produced by the kosher food laws is significant considering the appearance of those words elsewhere in the Philonic corpus. Philo elsewhere characterizes God's creation of the cosmos as the production of "fellowship and

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[49] Translations of *The Special Laws* are based on LCL, trans. F. H. Colson, with modifications.
[50] See Rosenblum, *Jewish Dietary Laws*, 54.
[51] On Philo's opposition to anger elsewhere, see, e.g., *Virt.* 1 and Mermelstein, "Emotion, Gender, and Greco-Roman Virtue in Joseph and Aseneth."
[52] On the theme of self-control in Philo's description of the kosher food laws, see Rhodes, "Diet and Desire."

harmony (κοινωνίας καὶ ἁρμονίας) from the dissociated and discordant" (*Spec.* 4.187). In his account of the creation of humanity, Philo remarks that God

> made none of these particular things complete in itself, so that it should have no need at all of another. Thus through the desire to obtain what it needs, it must perforce approach that which can supply its need, and this approach must be mutual and reciprocal. Thus through reciprocity and combination … God meant that they should come to fellowship and concord (κοινωνίαν καὶ συμφωνιαν) and form a single harmony (ἡρμοσμένης)… Thus each, we may say, wants and needs each; all need all, that so this whole, of which each is a part, might be that perfect work worthy of its architect, this world. (*Cher.* 109–12)[53]

God created humanity so as to make harmony and concord necessary; humans cannot exist without it. Philo's references to "harmony" and "concord" as the goals of the kosher food laws thus need to be considered alongside his usage of these terms elsewhere: harmony and concord were the outcome of creation of the cosmos as well as a central part of human society as determined by God.[54] In seeking to achieve harmony and concord, the kosher food laws, through the emotional habitus that they support, transcend Jewish identity and promote the objectives of society generally.[55]

According to Philo, habituation to the law is a central element in the production of the Jewish emotional habitus. Philo asserts that the acquisition of "self-control" (ἐγκράτειαν) is the ultimate purpose of the kosher food laws. Those laws, he says, accomplish this goal by "training

[53] Trans. F. H. Colson and G. H. Whitaker, LCL.
[54] For other references to "harmony" in Philo, see Feldman, "Philo's Views on Music"; Runia, *Philo of Alexandria*, 294; Levarie, "Philo on Music."
[55] Though not focused on the emotions associated with the kosher food laws, the Letter of Aristeas, too, emphasizes the contribution of those laws to social harmony and the welfare of the wider non-Jewish society; see Let. Aris. 168–169: "I have therefore given a brief resume of these matters, indicating farther to you that all the regulations have been made with righteousness in mind, and that no ordinances have been made in scripture without purpose or fancifully, but to the intent that through the whole of our lives we may also practice justice to all mankind in our acts, remembering the all-sovereign God. In the matter of meats, the unclean reptiles, beasts, the whole underlying rationale is directed toward righteousness and righteous human relationships."

and drilling (*γυμνάζει καὶ συγκροτεῖ*)" legal subjects "to be sparing and easily satisfied, targeting the removal of extravagance." He repeats this emphasis on the law as a form of training when he remarks on the previous line that the law "trains those with natural aptitude in the practice of virtue (*ἄσκησιν ἀρετῆς*)" (*Spec.* 101).[56] In making this observation, Philo draws attention to an important way in which law and emotion are linked. Emotions are "embodied thoughts," the meeting place of mind and body. The embodied experience of the law, which, in this case, requires that one restrain oneself from consuming certain food, trains one's body and leads one to engage in an evaluative judgment about *why* such foods are anathema. The repeated, embodied practice of the law produces embodied thoughts—certain emotions that, according to Philo, are the telos of the law.

The relationship between *askesis* and *enkrateia*—that is, the role that habitual training plays in the production of emotional self-control—is, according to Philo, the telos of the laws of kosher food.[57] A wider survey of the Philonic corpus suggests that this relationship is crucially important to Philo's broader philosophical scheme.[58] According to Philo, each of the three patriarchs took a unique route to the achievement of virtue, with Jacob, the patriarch who wrestled an adversary at the ford of Jabbok, representing *askesis*.[59] Jacob's *askesis*, Philo clarifies, pertains to his self-controlled defeat of emotions: "The Man of Practice (ὁ ἀσκητής) … wrestles with the emotions (πρὸς τὰ πάθη παλαίων) and … goes into training to gain self-control

[56] On the "agon motif" in Philo, see Svebakken, *Philo of Alexandria's Exposition*, 98–102.
[57] In fact, this relationship is found elsewhere in *The Special Laws* as the rationale behind the Law; see, e.g., *Spec. Leg*. 4.99.
[58] On the importance of the theme of self-control in Philo's corpus generally, see Svebakken, *Philo of Alexandria's Exposition*, 33–108.
[59] See *Abr.* 52. See Satlow, "Philo on Human Perfection."

(πρὸς ἐγκράτειαν ἀλειφόμενος)."[60] The kosher food laws thus play a critical role in enabling the legal subject to acquire virtue, and the emotional habitus associated with that form of training—the habitus that originated with the patronymic ancestor—is constitutive of Jewish identity.[61]

The habitual and embodied observance of the law plays a critical role in shaping the embodied thoughts that constitute emotions. Both Philo and the author of 4 Maccabees view the kosher food laws as an "emotional practice"—that is, "things people do *in order to* have emotions, or 'doing emotions' in a performative sense, which would implicate thinking of emotions themselves *as* a kind of practice."[62] The concept of "emotional practice" is based on French sociologist Pierre Bourdieu's version of practice theory, which emphasizes the force of habituated behavior learned through social practices. As a result of its encounter with the social world, the body becomes a repository of knowledge that shapes dispositions and actions in largely unintentional and unconscious ways.[63] The "knowing body" that emerges from this process preserves this special brand of knowledge in the form of what Bourdieu calls the "habitus."[64] The habitus, he explains, is "embodied history, internalized as a second nature and so forgotten as history."[65] An individual who has internalized the habitus does not view the world as constructed but rather as an objective reality.

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[60] *Congr.* 31. See also *Det*. 16, commenting on the biblical law of leprosy: "When diverse qualities, the handiwork of pleasures and desires and passions … press and weigh down the whole soul, hollowing it out and lowering its level, we are to get rid of the principles which cause the infirmity, and introduce in their place good healthy principles by means of a training under the law or indeed of a good education."
[61] The importance of observance of the Law as a route to virtue surfaces most starkly in Philo's polemic against the so-called "radical allegorizers," whose singular focus on allegorical interpretation of the Law leads them to neglect the practice of those laws; see *Abr*. 89–93.
[62] Scheer, "Are Emotions a Kind of Practice," 194 (emphasis in original).
[63] *Logic of Practice*, 66. See also Bourdieu and Wacquant, *Invitation to Reflexive Sociology*, 98–100.
[64] Scheer, "Are Emotions a Kind of Practice," 201.
[65] Bourdieu, *Logic of Practice*, 56.

As with other dispositions and actions that are elements of the habitus, emotions are the meeting place of mind and body—"embodied thoughts."[66] The emotional habitus consists of the set of socially constructed feeling rules acquired in largely unconscious ways through repeated practice and that is preserved in embodied form.[67] Philo and 4 Maccabees contend that the dietary laws are emotional practices which, by virtue of habitual, embodied training, help *produce* the legal subject's emotional habitus. At the same time, the observance of those laws is taken for granted precisely because they *reflect* the emotional habitus. Law and emotion in Philo and 4 Maccabees are thus bound in a mutually reinforcing relationship—a "feedback loop"—with law serving to provoke emotions in its subjects and emotion providing law with its *raison d'être.*[68]

The association between *askesis* and *enkrateia* is hardly unique to Philo; in fact, it is widespread among philosophers in the ancient world. The self-control represented by *enkrateia* requires that one engage in an "agonistic relation" with oneself to overcome the tendency toward pleasure and desire.[69] Only through training—*askesis*—can one emerge victorious from this confrontation.[70] Philosophers such as Xenophon and Plato analogize such practice to the physical training of an athlete, but, in Pierre Hadot's memorable formulation, the *askesis* necessary to

[66] Reed-Danahay, *Locating Bourdieu*, 100, notes that Rosaldo's notion of embodied thoughts "draw[s] on similar concepts of emotion and the body to those articulated by Bourdieu in his concepts of habitus and dispositions." See also Scheer, "Are Emotions a Kind of Practice," 206.
[67] Though Bourdieu does not devote significant attention to emotion, it is clear that he regards emotion as a form of practice that is transmitted through the habitus. On references to emotion in Bourdieu's writings, see Reed-Danahay, *Locating Bourdieu*, 99–128.
[68] On law and emotion as bound up in a feedback loop, see Bandes, "Closure in the Criminal Courtroom," 109: "[P]eople have long held … feelings … [whose] deep roots give the feelings normative legitimacy, and that[, consequently,] the legal system must provide some sort of avenue for their expression … But even to the extent the [legal] system ought to reflect and implement certain emotions, there is another part to the feedback loop: the system's role in modeling and shaping priorities."
[69] See Foucault, *History of Sexuality*, 65.
[70] See Foucault, *History of Sexuality*, 72.

achieve *enkrateia* is a "spiritual exercise" that facilitates "a complete liberation from the passions."[71] The kosher food laws might be unique to the Jews, but their underlying function is shared by all those who strive for the virtue of emotional self-control.[72]

Lurking in the background of Philo's comments about the kosher food laws, I suggest, are the allegations by others that Jewish food practices represent a form of misanthropy. Stoic authors saw in the Jewish taboo against pork consumption a violation of the law of nature that sharply distinguishes humans from animals; the Jewish taboo against pork consumption "could be understood as extending justice to animals, and hence acting unjustly against humans."[73] The ban against pork consumption was thus another instance in which Greco-Roman writers found evidence of Jewish misanthropy. In a slightly different formulation, Stoics might object to this taboo on the grounds that Jews mistakenly believe that "what they eat matters when only virtue matters."[74] As with 4 Maccabees, Philo instead portrays those laws as a route to virtue via *askesis*. At issue in disputes about Jewish law is the emotional habitus associated with those laws, with their detractors claiming that they channel Jewish hate. Accordingly, as in 4 Maccabees, Philo seeks to rehabilitate the image of Jewish law by describing its telos in emotional terms. Contrary to the claims advanced by some outsiders, adherence to the kosher food laws is a form of practice that enables one to live according to the hegemonic emotional

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[71] Hadot, *Philosophy*, 84, 103.
[72] For an attempt to analyze Philo's account of the Therapeutae in his *De vita contemplativa* through the lens of Hadot's paradigm, see Uusimäki, "Local and Global."
[73] Har-Peled, "'Avoiding the Most Legitimate Meat'," 3–4. Sources linking Jewish misanthropy or excessive clemency toward animals with the prohibition against pork consumption include Diodorus (1st century BCE) (*GLAJJ*, 1:82–85); Tacitus (1st century–2nd CE) (*GLAJJ*, 2:25–26); and Juvenal (1st century–2nd century CE) (*GLAJJ*, 2:102–7). Apion, the anti-Jewish critic who opposed Philo in his audience with the emperor in Rome and later inspired Josephus' *Against Apion*, apparently denounced the Jews for not eating pork, but Josephus doesn't divulge the basis for this objection; see *Ag. Ap.* 2.102.
[74] Rosenblum, "'Why Do You Refuse to Eat Pork?'" 98 n. 14 (citing a personal communication from Daniel Ullucci).

habitus.[75]Support for the view that Philo's characterization of Jewish dietary practices was in part a response to gentile accusations of Jewish hatred finds support in his explanations for the law against cooking a kid in its mother's milk. While some of the kosher food laws discussed above target negative emotions, others, according to Philo, are meant to facilitate positive emotions. In explaining the rationale behind the prohibition against cooking a kid in its mother's milk, Philo again emphasizes the emotional dimension of the law:

> Everywhere there are herds of cattle innumerable, which are milked every day by cowherds, goatherds, and shepherds … and since milk is so abundant, the person who boils the flesh of lambs or kids or any other young animal in their mother's milk shows himself cruelly brutal in character and gelded of compassion (ἔλεον), that most vital of emotions and most nearly akin to the rational soul. (*Virt.* 141)

This passage immediately follows one in which Philo suggests that Jewish dietary laws belie the gentile accusation of Jewish misanthropy:

> After this let those clever libelers continue, if they can, to accuse the nation of misanthropy (μισανθρωπίᾳ) and charge the laws with enjoining unsociable and unfriendly practices (ἄμικτα καὶ ἀκοινώνητα), when these laws so clearly extend their pity (ἐλέου) to flocks and herds, and our people through the instructions of the law learn from their earliest years to correct any willfulness of souls to gentle behavior. (*Virt.* 141)

This law is thus formulated, according to Philo, to cultivate an emotional habitus that is precisely the opposite of the caricature offered by the Jews' opponents. This passage, which highlights the law's emphasis on the emotion of pity, reinforces the point made by Philo in his description of the ban against eating carnivores, where he elaborates the role of Jewish dietary laws in repudiating anger. Pity and anger were often portrayed as emotional opposites in ancient literature.[76] Taken

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[75] On Philo's claim that the Torah of Moses corresponds to the Stoic Law of Nature, see Najman, "Law of Nature"; eadem, "Written Copy."

[76] See discussion in Mermelstein, "Emotion, Gender, and Greco-Roman Virtue."

together, Philo's analysis of the kosher food laws as designed to produce the self-control necessary to stifle negative emotions and produce positive emotions paints a portrait of a set of emotional practices that empower Jews to integrate into their Greco-Roman surroundings even while remaining faithful to their ancestral tradition. As in 4 Maccabees, it is also a form of cultural competition in which Philo argues that the kosher food laws conform with the Stoic law of nature and that philosophy's insistence on emotional self-control.

4. *Kashrut* and an Emotional Habitus of Disgust: Jewish Estrangement from Greco-Roman Society

Philo and 4 Maccabees offer accounts of the emotional habitus associated with kosher food laws that serve as an internal response to those who view Jewish law with disdain and suspicion. However, an emotional habitus is culturally specific, and we therefore should not expect that the feeling rules associated with the kosher food laws would remain stable across time and space. As non-Jewish writers were quick to point out, those laws set Jews off from the outside world; whether Jews considered that a favorable outcome of the law would determine the emotions that the law provoked. The evaluative judgments represented by the kosher food laws and emotion will turn in part on the attitude toward the Greco-Roman world. While Philo and 4 Maccabees identified the Stoic emotional habitus as the driving force behind the Jewish kosher food laws, other texts portray the emotions associated with those laws as incompatible with Jewish integration.

It is a commonplace that Jewish relations with and attitudes toward the Greco-Roman world were not stable across time and space. One need not accept the antiquated distinction between Palestinian and Diaspora Judaism in order to recognize obvious differences in social

and intellectual milieu and consequent differences in their relationship with the surrounding gentile world. I turn now to examine several sources from rabbinic literature of late antiquity precisely because they represent a different world than the one out of which 4 Maccabees and Philo emerged. The rabbis of Roman Palestine primarily spoke Hebrew and Aramaic rather than Greek, and their movement had survived two catastrophic destructions at the hands of the Romans. The rabbinic self-consciousness as a distinctive group devoted to unique values and ideals meant, for some rabbis, not only distance from other Jews but from gentiles as well.[77] Not surprisingly, therefore, the emotional habitus prevalent among some rabbis reflected a more negative attitude toward relations with the outside world. As was the case with Philo and 4 Maccabees, the kosher food laws were a site for expressing these different emotions. Turning our attention to this very different social and intellectual world will therefore confirm that law's relationship with emotion varies across time and space depending on a culture's values and beliefs.

Several sources in rabbinic literature recount a sexual encounter between the second-century sage Rabbi Akiva and two Roman women; though, at first glance, not focused on the kosher food laws, we will see that those laws play a prominent role in the power dynamics embedded in the text:[78]

> When he (Rabbi Akiva) traveled to Rome, he was slandered to the governor. The governor sent him two beautiful women. He had them bathe and anoint themselves, and

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[77] The rabbis were unquestionably deeply affected by Hellenism; see, e.g., Lee Levine, *Judaism and Hellenism in Antiquity: Conflict or Confluence* (Seattle: University of Washington Press, 1998), 96–138. The relationship between the rabbis of Roman Palestine and other Jews on the one hand and the Roman world in which they were embedded continues to be debated; see, e.g., Schwartz, *Imperialism and Jewish Society*; Lapin, *Rabbis as Romans*.

[78] The text is attested in two separate versions, one in *Pesiq. Rab Kah.* Supplement 3:2, ed. Mandelbaum 460–61, and the other in *Abot R. Nat.* A16:15–18, ed. Schechter 63. I cite the latter text, a work that was edited sometime between the 6th and 9th centuries but that contains much older material.

> he adorned them like brides for their grooms. They fell upon the rabbi the entire night. This one said, "Come be with me." That one said, "Come be with me."
>
> But he sat between them and spat and did not look at them.
>
> The next morning they went and complained to the governor. They said, "Death is preferable to us than to be given to a man like that."

The sage spurns the advances of the two Roman women, leading to the following exchange with the Roman governor:

> Why do you not do with these women as is customary for men to do with women? Are they not beautiful? Are they not human beings like you? Did He who created you not also create them?

The dialogue opens with the Roman advancing arguments reminiscent of those put forth by Antiochus in 4 Maccabees based on natural law. God created such beautiful women, so it would violate the law of nature to refrain from having sex with them, just as it violates the law of nature to refrain from eating delectable swine. Though the context in this narrative focuses on sex rather than on the kosher food laws, the gist of the argument is the same: Jews deprive themselves of life's pleasures in ways that are irrational to the outside world.

But there is another dimension to the questions posed by the governor. He presses Rabbi Akiva in order to understand why the sage seems to perceive distinctions among humans. This question underlies the accusation that Jews are misanthropic haters of humanity.[79] In putting this accusation into the mouth of a Roman who deviously sends two women to seduce Rabbi Akiva, the author of this text thematizes the pressure upon Jews to conform—to become genuine lovers

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[79] See Schofer, *Making of a Sage*, 110; Heinemann, "Attitude of the Ancients," 284; Rubenstein, "Role of Disgust," 434.

of humanity. In this setting, the Roman wields tremendous power over Rabbi Akiva in scheming for ways to win over the sage. However, Rabbi Akiva does not take the bait:

> Rabbi Akiva said to him: “What can I do, for their stench came upon me from carrion, un-kosher meat, and reptiles” (מבשר נבלות וטרפות ומבשר שרצים). [In the parallel version in *Pesiq. Rab Kah.*: Their stench came upon me like that of carrion and swine (כבשר נבלות וכבשר חזיר)]

The precise meaning of Rabbi Akiva’s statement is not entirely clear; he either means that he literally smells non-kosher food on their breath or that when he smells the women themselves, he is reminded of what they have eaten.[80] In any case, Rabbi Akiva here expresses the emotion of disgust; he is so repulsed that he is uninterested in having sex with them.[81] His spitting is one embodied index of his disgust in this case.[82] The kosher food laws trigger his disgust; in an example of the metaphor of food consumption for sex,[83] the thought of ingesting non-kosher food provokes in Rabbi Akiva an emotion of disgust so powerful that it transfers to the thought of ingesting these women sexually.[84]

Rabbi Akiva’s emotional associations with the kosher food laws are very different from those attested in 4 Maccabees and Philo, but, as in those Greek sources, these laws serve to habituate him, as well as the audience of the text, to certain emotions. For Rabbi Akiva, no less than for the author of 4 Maccabees and Philo, the kosher food laws are a habitual practice—an

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[80] See Schofer, *Making of a Sage,* 111.
[81] See Rubenstein, “Role of Disgust,” 433–34.
[82] See Stern, *Jewish Identity*, 62; Rubenstein, “Role of Disgust,” 433.
[83] See Rosenblum, “Rabbi Aqiba,” 74.
[84] Michele Emanatian has engaged in cross-cultural analysis of this metaphor, which she finds in linguistic contexts as diverse as English and Chagga; see his “Everyday Metaphors of Lust and Sex in Chagga”; Emanatian, “Metaphor and the Expression of Emotion.” For the use of this metaphor in rabbinic literature, see esp. Boyarin, *Carnal Israel*, 107–33; Labovitz, “Is Rav’s Wife ‘a Dish’?; Satlow, “‘Texts of Terror’,” 282–83; Mermelstein, “Beauty or Beast?” 401.

askesis—whose evaluative judgments about virtue impact the emotions of the legal subject. Rabbi Akiva does not say that he refrained from having sex with the women because the Torah forbids it but rather that the non-kosher stench of the women was so overpowering that he could not bring himself to have sex with them.[85] It is not necessary for Rabbi Akiva to invoke the Law in this case; it has so thoroughly conditioned him to condemn as disgusting non-kosher food that he comes to see that food and even those who consume it as wholly other.[86] Disgust "concerns the borders of the body: it focuses on the prospect that a problematic substance may be incorporated into the self."[87] The kosher food laws habituate Rabbi Akiva to feel disgust because they stigmatize certain foods and, by extension, those who consume those foods.

As we saw earlier, law, emotion, and power are intimately related. Disgust is an emotion that emphasizes the otherness of its object and, in the process, affects the power dynamics between the two parties. As Sara Ahmed has argued, disgust and power are intimately related:

> [D]isgust reactions are not only about objects that seem to threaten the boundary lines of subjects, they are also about objects that seem 'lower' than or below the subject, or even beneath the subject … As a result, disgust at 'that which is below' functions to maintain the power relations between above and below, *through which 'aboveness' and 'belowness' become properties of particular bodies, objects and spaces.*[88]

[85] See Har-Peled, *Dialogical Beast*, 73; Schofer, *Making of a Sage,* 111. See Geller, "(G)nos(e)ology," who notes that Jews were reputed to give off an odor similar to the smell of a woman during her menstrual period.
[86] The association between the kosher food laws and the emotion of disgust appears in later periods as well. A 13th century German rabbi, Asher b. Yeḥiel (in his novellae to *b. Yoma* §14), ruled that a deathly ill person in need of meat should not be fed non-kosher meat lest the patient become revolted and regurgitate it. The patient's habituation to the kosher food laws produces within him or her a reflexive aversion to non-kosher food even in the direst of circumstances. In this law, codified in *Shulḥan Arukh*, *Oraḥ Ḥayyim* 328:14, the emotional habitus that comes into being through the observance of the law is used to produce more law, with law and emotion bound in a reciprocal relationship that becomes mutually reinforcing. For disgust responses to pork among contemporary Jews and Muslims, see Buckser, "Keeping Kosher." The disgust response triggered by the laws of *kashrut* can even make one sensitive to wholly kosher items that resemble non-kosher items, such as a reluctance on the part of some to eat what one knows to be vegetarian bacon-bits; see Nemeroff and Rozin, "Sympathetic Magical Beliefs."
[87] Nussbaum, "'Secret Sewers of Vice'," 23.
[88] Ahmed, *Cultural Politics of Emotion*, 88–89 (emphasis in original).

Disgust serves to degrade the object of disgust and elevate the person who is disgusted. As in 4 Maccabees, Rabbi Akiva is confronted by a gentile who seeks to deploy his power over the sage and arrange for him to acculturate by abandoning his particularistic tradition.[89] In this case, the gentile's power over his adversary is sexual rather than punitive, but the audience naturally expects that Rabbi Akiva lacks the capacity to resist.[90] The emotion of disgust thus restores a sense of agency by empowering Rabbi Akiva to neutralize the power that both the governor and the women allegedly wield over him. As mentioned above, the governor's question to Rabbi Akiva echoes Greco-Roman accusations of Jewish hate. By expressing disgust with the women, Rabbi Akiva accepts the emotional stereotype of Jews as haters of humanity—in contrast to Philo and the author of 4 Maccabees—with hate and disgust sharing a common cognitive structure. Hate, like disgust, focuses on the otherness of the object of emotion. Hate reflects the presence of a threat:

> Hate is involved in the very negotiation of boundaries between selves and others, and between communities, where 'others' are brought into the sphere of my or our existence as a threat. This other, who may stand for or stand by other others, *presses* against me, threatening my existence.[91]

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[89] On the threat of acculturation in the narrative about Rabbi Akiva, see esp. Stern, "Captive Woman," 114–15. It is not surprising that, at least in the *Pesiq. de-Rav Kahana* version, Rabbi Akiva refers to the scent of pig, since it had become the "non-kosher beast par excellence due to its association with Roman identity" (Rosenblum, "Rabbi Aqiba," 73). See also Rosenblum, "'Why Do You Refuse to Eat Pork?'

[90] Though not the main subject of 4 Maccabees, proscribed sexual relations do appear in that work alongside forbidden foods as two sets of passion that can be tamed with the help of the law; see von Gemünden, *Affekt und Glaube*, 126–30.

[91] Ahmed, *Cultural Politics of Emotion*, 51 (emphasis in original).

Scholars who write about hate crime, which are often directed at those who are perceived as fundamentally "other," such as African-Americans or homosexuals, make similar observations.[92] Hate crimes reflect "the *perception* of a group in the body of an individual."[93] The hater directs his/her hate at the group of "others" embodied by the specific object of hate.

In our text, disgust functions to ensure distance between the Jew and the object of his hate, the gentile. In a slightly different formulation, we might suggest that the emotion of disgust serves to deepen the sense of otherness that animates the emotion of hate. In this regard, the kosher food laws play a central role: they habituate the Jew to regard as disgusting not only non-kosher food but also those who consume it—the kind of magical thinking that is central to the emotion of disgust wherein "[d]isgusting entities contaminate things they touch."[94] The emotion of disgust toward both non-kosher food and gentile women, this narrative implies, is an essential element of Jewish identity. Disgust is the emotion that preserves the boundary separating Jew from non-Jew and saves the former from coming under the power of the foreign culture. In this regard, the narrative of Rabbi Akiva shares something with the narrative of 4 Maccabees: in both texts, the Jews succeed in resisting the power-over of their opponent, with obedience to kosher food as the trigger for an emotional reaction that helps them thwart their attacker. Emotions thus become a proxy for Jewish identity in both 4 Maccabees and this rabbinic text, distinguishing Jews from gentiles and helping them to preserve their particularism.

Yet the differences between the Rabbi Akiva narrative on the one hand and 4 Maccabees and Philo on the other are of central importance. The author of 4 Maccabees and Philo seek to

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[92] See Levin, *Violence of Hate*, 1: "[Hate] characterize[s] an individual's negative beliefs and feelings about the members of some other group of people because of their race, religious identity, ethnic origin, gender, sexual orientation, age, or disability status."
[93] Ahmed, *Cultural Politics of Emotion*, 55 (emphasis in original).
[94] Rozin et al., "Individual Differences in Disgust Sensitivity," 332.

prove that the gentile critics are mistaken, and allegiance to the kosher food laws does not deprive the Jews of their power to be good Greeks. They are interested in engaging in cultural competition with the Greco-Roman world and allege that Judaism is the superior outlook even by Greek standards of virtue. By contrast, Rabbi Akiva contends that the gentile critics are absolutely right about Jewish misanthropy, and Rabbi Akiva is unapologetic about that fact.[95] The author of 4 Maccabees was eager to show that Antiochus, as the voice for the Jews' opponents, incorrectly perceived the kosher food laws as a violation of the Stoic law of nature. The kosher food laws are an emotional practice that empower the Jews both to acculturate and maintain allegiance to their superior philosophy. By contrast, for Rabbi Akiva, those laws are an emotional practice that empower the Jews to resist the power-over exerted by gentile culture. Rabbi Akiva does not aim to portray Jewish law in a favorable light, one that is consonant with the values of natural law, as had Philo and 4 Maccabees.

The distinction between the Rabbi Akiva narrative and 4 Maccabees and Philo is especially clear in the particular emotions that each text associates with the kosher food laws: in 4 Maccabees and Philo, the kosher food laws help the Jews suppress their emotional responses or even cultivate the emotion of pity, while for Rabbi Akiva, they facilitate a disgust reflex. The laws of kosher food stand at the core of Jewish identity and accordingly have an emotional dimension that helps define Jewish identity in relation to the gentiles, but the precise contours of that emotional dimension depend on other aspects of culture. Jews did not all feel their Jewishness in the same way, and different authors constructed distinct habituses depending on their outlook toward the ambient culture.

[95] See Stern, "Captive Woman," 115 who observes that "Akiba's retort is strongly reminiscent of Tacitus' accusations of the Jews' misanthropy."

In these three texts, the emotional habitus adopted depends on how one evaluates the ideal relationship between Jew and gentile. For those who believe that Jewish identity requires segregation from the outside world, the law serves to habituate the Jew to *feel* a sense of alienation, and disgust both constructs and reinforces such a feeling. On the other hand, those who advocate a form of Jewish identity that is more integrated into the surrounding culture necessarily resist the notion that the kosher food laws demonstrate Jewish separateness. In this case, the emotional habitus associated with the law is one that promotes Jewish integration and places the law in a favorable light. Regardless of the text, however, the kosher food laws are depicted as an emotional practice associated with a habitus that is constitutive of Jewish identity.

5. Conclusion

This paper has demonstrated the intimate relationship between law and emotion. In the sources that I have examined, kosher food laws do not simply provoke emotion, but those emotions give the laws their *raison d'être*. The emotions associated with those laws in 4 Maccabees, Philo, and the Rabbi Akiva story both emerge from and reinforce the status of those laws as constitutive of Jewish identity. At the same time, the texts suggest that the kosher food laws conditioned Jews to react to their bodily stirrings in specific ways—and their accumulated experience might have even conditioned their bodies to react instinctively to the world in specific ways in certain situations, as implied by Rabbi Akiva's reflexive olfactory response to the gentile women.

The emotions described in these texts served as a source of power within a Greco-Roman context because they enabled Jews to integrate or else to actively draw boundary lines separating themselves from the outside world. The association of law and emotion cannot be divorced from considerations of power. Law and emotion shape normative understandings of social life and therefore affect the power relations that inhere in all social interactions. The effect of law on

power will largely be determined by the association between law and emotion. As embodied thoughts, emotions help clarify for the legal subject the intended impact of law and, consequently, its role in shaping power relations.

BIBLIOGRAPHY

Ahmed, Sara. *The Cultural Politics of Emotion* (New York: Routledge, 2012).

Armon-Jones, Claire. “The Thesis of Constructionism.” In *The Social Construction of Emotions*, ed. Rom Harré (Oxford: Basil Blackwell, 1988), 32–56.

Aune, David C. “Mastery of the Passions: Philo, 4 Maccabees, and Earliest Christianity.” In *Hellenization Revisited: Shaping a Christian Response within the Greco-Roman World*, ed. Wendy E. Helleman (Lanham, MD: University Press of America), 125–58.

Bandes, Susan, ed. *The Passions of Law* (New York: New York University Press, 1999).

Bandes, Susan. “Closure in the Criminal Courtroom: The Birth and Strange Career of an Emotion.” In *Research Handbook on Law and Emotion*, ed. Susan A. Bandes, Jody Lyneé Madeira, Kathryn D. Temple, and Emily Kidd White (Northampton, MA: Elgar, 2021), 102–18.

Barrett, Lisa Feldman. “The Theory of Constructed Emotion: An Active Inference Account of Interoception and Categorization.” *Social Cognitive and Affective Neuroscience* 12 (2017), 1–23.

Barrett, Lisa Feldman and Eliza Bliss-Moreau. “She’s Emotional. He’s Having a Bad Day: Attributional Explanations for Emotion Stereotypes.” *Emotion* 9 (2005), 649–58.

Barsalou, Lawrence W. “Perceptual Symbol System.” *Behavioral and Brain Sciences* 22 (1999), 577–660.

Barton, Stephen C. “Eschatology and the Emotions in Early Christianity.” *Journal of Biblical Literature* 130 (2011), 571–91.

Baum, Devorah. *Feeling Jewish* (New Haven: Yale University Press, 2017).

Bourdieu, Pierre. *Outline of a Theory of Practice* (Cambridge: Cambridge University Press, 1977).

Bourdieu, Pierre. *The Logic of Practice* (Stanford: Stanford University Press, 1990).

Bourdieu, Pierre and Loïc J. D. Wacquant. *An Invitation to Reflexive Sociology* (Chicago: University of Chicago Press, 1992).

Boyarin, Daniel. *Carnal Israel: Reading Sex in Talmudic Culture* (Berkeley: University of California Press, 1995).

Buckser, Andrew. “Keeping Kosher: Eating and Social Identity Among the Jews of Denmark.” *Ethnology* 38 (1999), 191–209.

Carr, Evan W., Anne Kever, and Piotr Winkielman, "Embodiment of Emotion and Its Situated Nature." In *Oxford Handbook of 4E Cognition*, ed. Albert Newen, Leon De Bruin, and Shaun Gallagher (Oxford: Oxford University Press, 2018), 529–52.

Colombetti, Giovanna. *The Feeling Body: Affective Science Meets the Enactive Mind* (Cambridge, MA: MIT Press, 2014).

Colombetti, Giovanna. "Enacting Affectivity." In *Oxford Handbook of 4E Cognition*, ed. Albert Newen, Leon De Bruin, and Shaun Gallagher (Oxford: Oxford University Press, 2018), 571–87.

Crane, Jonathan K. "Shameful Ambivalences: Dimensions of Rabbinic Shame." *Association for Jewish Studies Review* 35 (2011), 61–84.

Damasio, Antonio. *Descartes' Error: Emotion, Reason, and the Human Brain* (New York: G. P. Putnam, 1994).

deSilva, David A. *4 Maccabees: Introduction and Commentary on the Greek Text in Codex Sinaiticus* (Leiden: Brill, 2006).

deSilva, David A. "The Perfection of 'Love for Offspring': Greek Representations of Maternal Affection and the Achievement of the Heroine of 4 Maccabees." *New Testament Studies* 52 (2006), 251–68.

Emanatian, Michele. "Metaphor and the Expression of Emotion: The Value of Cross-Cultural Perspectives." *Metaphor and Symbolic Activity* 10 (1995), 163–82.

Emanatian, Michele. "Everyday Metaphors of Lust and Sex in Chagga." *Ethos* 24 (1996), 195–236.

Feldman, Louis H. "Philo's Views on Music." *Journal of Jewish Music and Liturgy* 9 (1986–87), 36–54.

Foucault, Michel. *The History of Sexuality, Volume Two*, trans. Robert Hurley (New York: Random House, 1985).

Freidenreich, David M. *Foreigners and Their Food: Constructing Otherness in Jewish, Christian, and Islamic Law* (Berkeley: University of California Press, 2011).

Galinsky, Karl. "The Cult of the Roman Emperor: Uniter or Divider?" In *Rome and Religion: A Cross-Disciplinary Dialogue on the Imperial Cult*, ed. Jeffrey Brodd and Jonathan L. Reed (Atlanta: Society of Biblical Literature, 2011), 1–21.

Gammerl, Benno. "Emotional Styles – Concepts and Challenges." *Rethinking History* 16 (2012), 161–75.

Geller, Jay. "(G)nos(e)ology: The Cultural Construction of the Other." In *People of the Body: Jews and Judaism from an Embodied Perspective*, ed. Howard Eilberg-Schwartz (New York: State University of New York Press, 1992), 243–82.

Gendron, Mari, Batja Mesquita, and Lisa Feldman Barrett. "The Brain as a Cultural Artifact: Concepts, Actions, and Experiences within the Human Affective Niche." In *Culture, Mind, and Brain: Emerging Concepts, Models, and Applications*, ed. Laurence J. Kirmayer, Carol M.

Worthman, Shinobu Kitayama, Robert Lemelson, and Constance A. Cummings (Cambridge: Cambridge University Press, 2020), 188–222.

Göhler, Gerhard. "'Power to' and 'Power over'." In *The SAGE Handbook of Power*, ed. Stewart R. Clegg and Mark Haugaard (London: SAGE Publications, 2009), 27–39.

Gould, Deborah B. *Moving Politics: Emotion and ACT UP's Fight against AIDS* (Chicago: University of Chicago Press, 2009).

Grottanelli, Cristiano. "Avoiding Pork: Egyptians and Jews in Greek and Latin Texts." In *Food and Identity in the Ancient World*, ed. Cristiano Grottanelli and Lucio Milano (Padova: S.A.R.G.O.N. Editrice e Liberia, 2004), 59–93.

Gruen, Erich S. *Diaspora: Jews Amidst Greeks and Romans* (Cambridge, MA: Harvard University Press, 2004).

Gruen, Erich S. "Kinship Relations and Jewish Identity." In *Constructs of Identity in Hellenistic Judaism* (Berlin: de Gruyter, 2016), 95–111.

Hadot, Pierre. *Philosophy as a Way of Life: Spiritual Exercises from Socrates to Foucault*, trans. Michael Chase (Oxford: Blackwell, 1995).

Har-Peled, Misgav. "'Avoiding the Most Legitimate Meat': Stoicism, Platonism, and Jewish Pork Avoidance" (paper presented at "Neoplatonism in the East," The International Society of Neoplatonic Studies, Haifa University, Haifa, Israel, 22–24 March 2011), 1–7.

Har-Peled, Misgav. *The Dialogical Beast: The Identification of Rome with the Pig in Early Rabbinic Literature*, Dissertation (Johns Hopkins University, 2013).

Hayes, Christine. *What's Divine about Divine Law? Early Perspectives* (Princeton: Princeton University Press, 2017).

Heaney, Jonathan G. "Emotions and Power: Reconciling Conceptual Twins." *Journal of Political Power* 4 (2011), 259–77.

Heinemann, Isaac. "The Attitude of the Ancients Toward Judaism." *Zion* 4 (1939), 269–93. (Hebrew)

Hochschild, Arlie R. "Emotion Work, Feeling Rules, and Social Structure." *American Journal of Sociology* 85 (1979), 551–75.

Hochschild, Arlie R. *The Managed Heart: Commercialization of Human Feeling*. 3rd ed. (Berkeley: University of California Press, 2012).

Honigman, Sylvie. "'Jews as the Best of All Greeks': Cultural Competition in the Literary Works of Alexandrian Judaeans of the Hellenistic Period." In *Shifting Social Imaginaries in the Hellenistic Period: Narrations, Practices, and Images*, ed. Eftychia Stavrianopoulou (Leiden: Brill, 2013), 207–32.

James, William. "What is an Emotion?" *Mind* 9 (1884), 188–205.

James, William and Carl Georg Lange. *The Emotions* (New York: Hafner, 1967).

Kazen, Thomas. *Emotions in Biblical Law: A Cognitive Science Approach*. (Sheffield: Sheffield Phoenix Press, 2011).

Kemper, Theodore D. A *Social Interactional Theory of Emotions* (New York: Wiley, 1978).

Koefoed, Minoo. “Martyrdom and Emotional Resistance in the Case of Northern Kurdistan: Hidden and Public Emotional Resistance.” *Journal of Political Power* 10 (2017), 184–99.

Labovitz, Gail. “Is Rav’s Wife ‘a Dish’? Food and Eating Metaphors in Rabbinic Discourse of Sexuality and Gender Relations.” *Studies in Jewish Civilization* 18 (2008), 147–70.

Lapin, Hayim. *Rabbis as Romans: The Rabbinic Movement in Palestine, 100–400 CE* (Oxford: Oxford University Press, 2012).

Lazarus, Richard S. *Emotion and Adaptation* (Oxford: Oxford University Press, 1991).

Levarie, Siegmund. “Philo on Music.” *The Journal of Musicology* 9 (1991), 124–30.

Levin, Jack. *The Violence of Hate: Confronting Racism, Anti-Semitism, and Other Forms of Bigotry* (Boston: Allyn and Bacon, 2002).

Lewis, Shmuel. *And Before Honor Humility: The Ideal of Humility in the Moral Language of the Sages* (Jerusalem: Magnes, 2013). (Hebrew)

Lindholm, Charles. “An Anthropology of Emotion.” In *A Companion to Psychological Anthropology: Modernity and Psychocultural Change*, ed. Conerly Casey and Robert B. Edgerton (Malden, MA: Blackwell, 2007), 30-47.

Lutz, Catherine A. “Engendered Emotion: Gender, Power, and the Rhetoric of Emotional Control in American Discourse.” In *Language and the Politics of Emotion*, ed. Lila Abu-Lughod and Catherine A. Lutz (Cambridge: Cambridge University Press, 1991), 69–91.

Mermelstein, Ari. “Love and Hate at Qumran: The Social Construction of Sectarian Emotion.” *Dead Sea Discoveries* 20 (2013), 237–63.

Mermelstein, Ari. “Emotion, Gender, and Greco-Roman Virtue in Joseph and Aseneth.” *Journal for the Study of Judaism* 48 (2017), 331–62.

Mermelstein, Ari. “Beauty or Beast? The Pedagogical Function of Metaphor and Emotion in Midrashim on the Law of the Lovely Captive.” *Journal of Ancient Judaism* 8 (2018), 388–409.

Mermelstein, Ari. “Conceptions of Masculinity in the Scrolls and the Gendered Emotion of Anger.” *Dead Sea Discoveries* 26 (2019), 314–38.

Mermelstein, Ari. *Power and Emotion in Ancient Judaism: Community and Identity in Formation* (Cambridge: Cambridge University Press, 2021).

Mirguet, Françoise. *An Early History of Compassion: Emotion and Imagination in Hellenistic Judaism* (Cambridge: Cambridge University Press, 2017).

Najman, Hindy. “The Law of Nature and the Authority of Mosaic Law.” SPhiloA 11 (1999), 55–73.

Najman, Hindy. “A Written Copy of the Law of Nature: An Unthinkable Paradox?” SPhiloA 15 (2003), 54–63.

Nemeroff, Carol and Paul Rozin. “Sympathetic Magical Beliefs and Kosher Dietary Practice: The Interaction of Rules and Feelings.” *Ethos* 20 (1992), 96–115.

Nussbaum, Martha C. “‘Secret Sewers of Vice’: Disgust, Bodies, and the Law.” In *The Passions of Law*, ed. Susan A. Bandes (New York: New York University Press, 1999), 19–62.

Nussbaum, Martha C. *Upheavals of Thought: The Intelligence of Emotions* (Cambridge: Cambridge University Press, 2001).

Nussbaum, Martha C. *Hiding from Humanity: Disgust, Shame, and the Law* (Princeton: Princeton University Press, 2004).

Nussbaum, Martha C. *The New Religious Intolerance: Overcoming the Politics of Fear in an Anxious Age* (Cambridge, MA: Harvard University Press, 2012).

Nussbaum, Martha and Dan Kahan. “Two Conceptions of Emotion in Criminal Law.” *Columbia Law Review* 96 (1996), 269–374.

O’Hagan, Angelo P. “The Martyr in the Fourth Book of Maccabees.” *Studii Biblici Franciscani Liber Annus* 24 (1974), 94–120.

Pfitzner, Victor C. *Paul and the Agon Motif: Traditional Athletic Imagery in the Pauline Literature* (Leiden: Brill, 1967).

Rajak, Tessa. “Dying for the Law: The Martyr's Portrait in Jewish-Greek Literature.” In *The Jewish Dialogue with Greece and Rome: Studies in Cultural and Social Interaction* (Leiden: Brill, 2001), 99–133.

Rajak, Tessa. “The Fourth Book of Maccabees in a Multi-Cultural City.” In *Jewish and Christian Communal Identities in the Roman World*, ed. Yair Furstenberg (Leiden: Brill, 2016), 134–50.

Redditt, Paul L. “The Concept of *Nomos* in Fourth Maccabees.” *Catholic Biblical Quarterly* 45 (1983), 249–70.

Reed-Danahay, Deborah. *Locating Bourdieu* (Bloomington, IN: Indiana University Press, 2005).

Renehan, Robert. “The Greek Philosophic Background of Fourth Maccabees.” *Rheinisches Museum für Philologie* 115 (1972), 223–38.

Rhodes, James N. “Diet and Desire: The Logic of the Dietary Laws According to Philo.” *Ephemerides Theologicae Lovanienses* 79 (2003), 122–33.

Rosaldo, Michelle. “Towards an Anthropology of Self and Feeling.” In *Culture Theory: Essays on Mind, Self, and Emotion*, ed. Richard A. Shweder and Robert A. LeVine (Cambridge: Cambridge University Press, 1984), 137–57.

Rosenblum, Jordan D. “‘Why Do You Refuse to Eat Pork?’ Jews, Food, and Identity in Roman Palestine.” *Jewish Quarterly Review* 100 (2010), 95–110.

Rosenblum, Jordan D. "The Night Rabbi Aqiba Slept with Two Women." In *A Most Reliable Witness: Essays in Honor of Ross Shepard Kraemer*, ed. Susan Ashbrook Harvey, Nathaniel P. DesRosiers, Shira L. Lander, Jacqueline Z. Pastis, and Daniel Ullucci (Providence, RI: Brown Judaic Studies, 2015), 67–75.

Rosenblum, Jordan D. *The Jewish Dietary Laws in the Ancient World* (Cambridge: Cambridge University Press, 2016).

Rosenwein, Barbara H. *Emotional Communities in the Early Middle Ages* (Ithaca: Cornell University Press, 2006).

Rozin, Paul, Jonathan Haidt, Clark McCauley, Lance Dunlop, and Michelle Ashmore. "Individual Differences in Disgust Sensitivity: Comparisons and Evaluations of Paper-and-Pencil versus Behavioral Measures." *Journal of Research in Personality* 33 (1999), 330–51.

Rubenstein, Jeffrey L. "The Role of Disgust in Rabbinic Ethics." In *Strength to Strength: Essays in Appreciation of Shaye J. D. Cohen*, ed. Michael L. Satlow (Providence, RI: Brown Judaic Studies, 2018), 421–36.

Runia, David T. *Philo of Alexandria: On the Creation of the Cosmos according to Moses* (Leiden: Brill, 2001).

Satlow, Michael L. "'Texts of Terror': Rabbinic Texts, Speech Acts, and the Control of Mores." *Association for Jewish Studies Review* 21 (1996), 273–97.

Satlow, Michael L. "Philo on Human Perfection." *Journal of Theological Studies* 59 (2008), 500–19.

Schäfer, Peter. *Judeophobia: Attitudes toward the Jews in the Ancient World* (Cambridge, MA: Harvard University Press, 1997).

Scheer, Monique. "Are Emotions a Kind of Practice (and Is That What Makes Them Have a History?) A Bourdieuian Approach to Understanding Emotions." *History and Theory* 51 (2012), 193–220.

Schofer, Jonathan W. *The Making of a Sage: A Study in Rabbinic Ethics* (Madison, WI: University of Wisconsin Press, 2005).

Schwartz, Seth. *Imperialism and Jewish Society, 200 B.C.E. to 640 C.E.* (Princeton: Princeton University Press, 2004).

Shweder, Richard. *Thinking Through Cultures: Expeditions in Cultural Psychology* (Cambridge, MA: Harvard University Press, 1991).

Smail, Daniel Lord. *The Consumption of Justice: Emotions, Publicity, and Legal Culture in Marseille, 1264–1423* (Ithaca, NY: Cornell University Press, 2003).

Solomon, Robert C. *The Passions* (Garden City, NY: Anchor Books, 1977).

Stearns, Peter N. *American Cool: Constructing a Twentieth-Century Emotional Style* (New York: New York University Press, 1994).

Stern, David. “The Captive Woman: Hellenization, Greco-Roman Erotic Narrative, and Rabbinic Literature.” *Poetics Today* 19 (1998), 91–127.

Stern, Sacha. *Jewish Identity in Early Rabbinic Writings*. Leiden: Brill, 1994.

Stone, Suzanne Last. “Justice, Mercy, and Gender in Rabbinic Thought.” *Cardozo Studies in Law and Literature* 8 (1996), 139–77.

Svebakken, Hans. *Philo of Alexandria’s Exposition of the Tenth Commandment* (Atlanta: Society of Biblical Literature, 2012).

Temple, Kathryn D. “Why the Law Needs the History of Emotions: William Blackstone, Agamben, and Form-of-Life.” In *Research Handbook on Law and Emotion*, ed. Susan A. Bandes, Jody Lyneé Madeira, Kathryn D. Temple, and Emily Kidd White (Northampton, MA: Edward Elgar Publishing, 2021), 421–35.

Turner, Jonathan H. *Human Emotions: A Sociological Theory* (London: Routledge, 2007).

Uusimäki, Elisa. “Local and Global: Philo of Alexandria on the Philosophical Life of the Therapeutae.” *Henoch* 40 (2018), 298–317.

van Henten, Jan Willem. “A Jewish Epitaph in a Literary Text: 4 Macc 17:8–10.” In *Studies in Early Jewish Epigraphy*, ed. Jan Willem van Henten and Peter Willem van der Horst (Leiden: Brill, 1994), 44–69.

von Gemünden, Petra. *Affekt und Glaube: Studien zur Historischen Psychologie des Frühjudentums und Urchristentums* (Göttingen: Vandenhoeck & Ruprecht, 2009).

Young, Robin Darling. “The ‘Woman with the Soul of Abraham’: Traditions about the Mother of the Maccabean Martyrs.” In *“Women Like This”: New Perspectives on Jewish Women in the Greco-Roman World*, ed. Amy-Jill Levine (Atlanta: Scholars Press, 1991), 67–81.