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Temple, it is likely that they had to be concerned with their ritual purity. Furthermore, when gentiles wished to enter the Israelite community through conversion, their state of ritual impurity became a matter of concern.

But, what about the normal gentiles and their daily interaction with normal Israelites? Obviously, some rabbis were not concerned with the ritual purity of gentiles with regard to their daily interaction with Israelites. However, other sages did perceive a problem in this area, and it is possible that the conflicting statements about the laws of flux reflect these differing views. On the one hand, all agreed that the Israelite purity laws affected only Israelites; on the other hand, daily interaction between Israelites and gentiles could be influenced by these rules, so that Israelites should be cautious when dealing with non-Israelites. It is possible that the ambiguity with regard to the laws of the person with flux represents an attempt to regulate social interaction between the gentiles and Israelites by those who took seriously the ethnic nature and the social implications of the Israelite purity laws. On the one hand, these rules applied only to Israelites; on the other hand, they could be an effective means of regulating, or preventing, interaction between Israelites and gentiles. Thus, even though the laws of a person with flux applied to only Israelites, gentiles were treated as if they suffered from this source of uncleanness. In this way, the unique relationship between the Israelites and the laws of uncleanness were maintained, while at the same time social interaction between Israelites and gentiles was regulated, at least by some sages, according to a native Israelite category. It appears that we have before us a collection of rulings from different sages with different views on how Israelites should interact with gentiles, and this accounts for the contradictions and inconsistencies we have discovered.
Chapter Twelve:
The Gentiles as Non-Israelites

This study has described and analyzed a significant number of passages in Mishnah-Tosefta which mention the gentiles. It has noted that the non-Israelites are not the subject of a major division of our documents. Nor, we have seen, did they engender unique literary creations or receive a distinctive treatment in these collections. The gentiles were an element in the sages' environment, to be catalogued, interpreted, and regulated through the existing categories of rabbinic deliberation. But the gentiles in no case define an area of legislation unto themselves.\(^1\) The authors of Mishnah-Tosefta were parochial in their outlook. Not only did they view everything from their own point of view, but also they limited their attention to matters they believed were essential in constructing and defining the People Israel and in maintaining their unique character. The gentiles were an issue for attention primarily because they, actually or potentially, came into contact with the People Israel or the latter's ethnic symbols or institutions. And, it is in terms of these symbols and institutions that the gentiles are discussed. The treatment of the gentiles has been rabbinized in the sense that it has been framed in the same literary terms and around the same basic symbols and concepts which were used for the other topics taken up in Mishnah-Tosefta. This means that we see the gentiles through the eyes of the authors of these documents, and that we know about them only what the sages behind Mishnah-Tosefta thought was important from their point of view, and according to their agenda. We see the gentiles only in light of YHWH, his Land, his People, and his Residence. We do not see them on their own terms. We see the non-Israelites primarily only as a counterpart to the Israelites.

The discussions of the gentile in Mishnah-Tosefta derive from three sources: 1) The Torah, 2) the sages' imagination, and 3) the rabbis' Palestinian environment. We have encountered several sugyot in which the biblical images

\(^1\)A significant amount of the legislation concerning idols and idolatry in Mishnah-Tosefta deals with Israelites, and not with gentiles.
of the non-Israelite inform the passages in Mishnah-Tosefta. For example, our texts consistently refer to a non-Israelite servant as a "Canaanite," an image perhaps derived from Gen. 9:25-26. Moreover, on the basis of Deut. 23:4-9, the sages discuss the entrance of biblical peoples, such as Moabites, Edomites, Ammonites, and Egyptians, into the congregation of Israel, mYeb. 8:3 and tYeb. 8:1. Furthermore, the Asherah of the Bible and the biblical Molech are as real to the rabbis of Mishnah-Tosefta as the Roman god, Mercury. In light of the role that biblical ideas and conceptions played in the formulation of the ideas in Mishnah-Tosefta, we encounter exactly what we expect to find.

Distinguishing those matters in Mishnah-Tosefta which resided only, or primarily, in the minds of the authors of these texts from those which existed in the world outside of the sages' imagination is difficult, if not impossible. However, the rabbis' attempt to regulate the marriage practices among the gentiles, mQid. 4:3 and tQid. 5:1, to limit situations in which Israelites had to follow the rulings of the gentile courts, mGit. 9:8 and tYeb. 12:13, to legislate the business practices of non-Israelite merchants, tA.Z. 2:1, to set the amount of compensation gentiles should pay for injury done to an Israelite, mB.Q. 4:3, tB.Q. 4:1, and tB.Q. 4:3, and to require gentiles to free a slave they had purchased from an Israelite, tA.Z. 3:16, most likely reflect wishful thinking on the part of the sages and not the actual authority they had in these situations. Furthermore, the stereotyping of the gentiles as dangerous, tTer. 8:12, mA.Z. 2:1 and tA.Z. 3:3, sexually "uncivilized," mA.Z. 2:1 and tA.Z. 3:2, and untrustworthy, tPe. 4:1 and tDem. 5:2, are intellectual constructions, which need not reflect "reality."

Clearly, the Bible and the rabbinic imagination are important elements in the descriptions of the gentiles found in Mishnah-Tosefta. However, the content of the sugyot we have reviewed suggests that the catalyst for these discussions was the presence of the non-Israelites in the rabbis' Palestinian environment. We have seen that those statements which are attributed to known sages are assigned primarily to rabbis who lived during the period following the Bar Kokhba revolt, a time when the gentile population, and its influence, in Palestine achieved new importance. Furthermore, virtually all of the sugyot we have encountered assume that gentiles and Israelites regularly interacted with one anothe-

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4 However, as we saw above, the predominance of these sages may be simply a result of the editorial process of these documents; see above, Chapter Five, n. 193.
er on a daily basis. On the one hand, as we saw above, the sages attempted to regulate the gentiles as well as the Israelites, while on the other hand, they recognized the authority that the gentile rulers had over their own lives, mEd. 7:7. While the sages viewed the gentiles in abstract stereotypic terms, they also saw them as individuals whom they had to support and with whom the Israelites had to live in peace, tPe. 3:1, mSheb. 4:3, tGit. 3:13, and tGit. 3:14. In addition, as we saw above, some of the discussions about the gentiles and wine are based on imagined realities, while others are derived from the practical needs of the Palestinian economy.

The rabbinic comments on the gentiles paint a varied and complex picture of the non-Israelites, and it seems to reflect the diversity of the situation which confronted, or was imagined by, the authors of Mishnah-Tosefta. Ahodah Zarah devotes a good deal of attention to the gentiles as idolaters, worshipers of divinities other than YHWH, perhaps the feature which most readily comes to the minds of most of us when we hear the term "gentile." But Mishnah-Tosefta recognize the gentiles as much more than idolaters. They are also farmers, landowners, and tenants, who could perhaps own a parcel of the Land of Israel, work her soil, and benefit from her crops. They are merchants and customers, who trade in produce grown on the Land or in goods which are susceptible to the Israelite purity laws, agricultural gifts, and other dietary restrictions. And, they are neighbors, fellow citizens, rulers, soldiers, and commoners, who must function along with the Israelites in the legal, political, economic, and social systems of Palestine which fall under YHWH's concern and which the rabbis interpret and regulate according to his Revelation at Sinai.

We have, then, limited, highly selective and interpreted descriptions of the gentiles. The picture is not, however, one-sided, for it reflects both the gentiles as they existed solely in the minds of the rabbis, and the gentiles as the rabbis saw them in everyday life. In fact, it is the complexity and inconsistency of the image of the non-Israelite which is one of the most striking facts we have encountered. The gentiles are not merely projections from the Bible, imagined or theoretical "others," or "normal" human beings. They are all three. This depiction of the gentile, however, does not demand the rabbis' interest and attention on its own terms. It is important only because it served the authors of Mishnah-Tosefta as a means of defining the People Israel. Throughout, we have seen that the one point made over and over again is that the gentiles are not Israelites. For this reason, rules which apply to Israelites do not apply to non-

5Chapter Nine.

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Israelites, and common activities are performed in dissimilar ways by members of each group. Gentiles were of interest to the rabbis because they interacted with Israelites on a daily basis, and the sages treated them in such a way so as to make the distinctions between Israelites and gentiles clear and definite. It appears, then, that the discussions of the gentiles provided the rabbis with a means of constructing and defining the People Israel as an ethnic unit, so that the rabbis dealt with the non-Israelites in the same manner that all other peoples deal with their neighbors.

For about a decade, a significant number of anthropologists and sociologists have focused their attention on ethnic groups, and their results provide us with an useful instrument for understanding the data amassed in this study. Although the specialists have not reached agreement on a single definition of an ethnic group, or the reasons that such units come into being, a review of some of the most commonly accepted descriptions does bring to light a number of consistencies.

The larger point all these studies make is that peoples, nations, ethnic groups, tribes, cultures, and the like do not exist in vacuums. Each unit interacts with other sets and subsets of peoples on various levels and in several contexts, and each grouping's identity is partially created and influenced by these contacts. Each community understands itself, at least partially, in terms of the other society. In order to act, humans must categorize, classify, and symbolize all reality, including themselves, and, as Needham argues, the creation of "binary opposites is an elementary and universal mode of classification." Although, this need not be the case, for there is no inherent reason for a classification system to stop at the creation of pairs or opposites, it is common for an aggregate of individuals to divide the human community into "us" and "them." And, ethnicity is one way by which a group of persons sets itself apart in order to understand itself and others, so that it might function in interactive situations.

6 Barth writes, "... ethnic distinctions do not depend on an absence of social interaction... but are quite to the contrary often the very foundation on which embracing social systems are built." Fredrik Barth, Ethnic groups and Boundaries: The Social Organization of Cultural Difference (Bergen-Oslo: 1969), 10.


8 Needham, Symbolic Classification, 57-58.
We have seen that Mishnah-Tosefta make no clear distinctions among the various types of non-Israelites. Romans, Greeks, Syrians, Egyptians, and the like are classified merely as gentiles, goyim or nokrim. While the rabbis differentiated among various types of Israelites of whom they disapprove, they had one term for all non-Israelites, whether idolaters or farmers, liars or trustworthy, Greek or Roman. While internally "we" might be variegated, from "our" point of view, "they" form an undifferentiated "them." The world's population was divided into two peoples, "us" and "them." And, over and over again our sources made this point: Gentiles are not Israelites; all of them are different from us. Thus, the lack of differentiation among the various peoples whom the rabbis encountered is what we would expect.

Ethnicity is primarily "a sorting device" which develops "only out of a confrontation with and differentiation from 'others' to whom a different identity is ascribed." Devereux further suggests that the statement "A is not a non-X (they) is prior to the statement A is an X (we)," so that "specifications as to what constitutes ethnic identity develop only after an ethnic group recognizes the existence of others who do not belong to the group." Thus, according to Devereux, a "we" cannot describe itself until after it has identified and classified a "they," a "not-we," so that ethnic identity cannot develop unless one unit comes into contact with, creates, or presupposes the existence of another assemblage of people.

Devereux's insights mean that while the rabbis did not need to have extensively dwelt upon the gentiles, they could not have ignored them. If the sages wished to develop a definition of the People Israel, they had to make reference to the non-Israelites. Both Devereux and Needham imply that attempting to treat the Israelites without any mention of the non-Israelites would have been doomed to failure. Therefore, the discussions of the gentiles appear in Mishnah-Tosefta for at least two reasons: 1) On the practical level, Israelites and gentiles daily confronted one another in Palestine, or were presumed to have done so by the rabbis, so that rules and procedures had to be set forth to regulate their inter-

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11Devereux, 54.
action. This was of immediate importance because both groups interacted with important elements in the rabbis' symbolic system, such as the Land of Israel, the Israelite periods of sacred time, and the Temple, and the rabbis had to explain how these units should differ in their responses to those entities. 2) On a theoretical level, the rabbis could not have constructed a definition of the People Israel, or clearly delineated the ways in which they were to relate to one another and to the central symbols and institutions of their group, without reference to those who stood outside the ethnic unit. This explains why documents as parochial, and at times as theoretical, as Mishnah-Tosefta took up the question of the gentiles at all, without treating them as a topic unto themselves. Both Needham and Devereux imply that parochial texts can remain ethnocentric in their outlook and still be cognizant of the "other."^12

To this point we have seen that a group of people derives its identity, at least partially, by contact with another group, or by setting itself off from another group. This means that if the gentiles had not existed, the rabbis and the Israelites would have had to invent them.13 Furthermore, we have argued that the authors of Mishnah-Tosefta could not have totally excluded discussions of the gentile from their texts, even when their primary concern was to define and to regulate the Israelites' daily activity. Throughout this volume, we have referred to the Israelites of Mishnah-Tosefta as an ethnic group, and it is now our task to explain the meaning of this designation and the appropriateness of applying it to the Israelites of Mishnah-Tosefta.

There is little agreement among scholars concerning the major elements of an ethnic unit, so that it is virtually impossible to set forth a universally accepted definition of ethnicity, or to compile a list of the essential characteristics of an ethnic group. However, if we focus on elements which find a place in the descriptions of several different scholars, we discover that they can be applied to the Israelites of Mishnah-Tosefta, as they are presented in the sugyot we have examined. The point here is that when one views the references to the Israelites in Mishnah-Tosefta in light of the discussions of the gentiles, the former look very much like one of the ethnic groups under discussion by contemporary anthropologists and sociologists.

^12 Similarly, Michael Fischer states that "ethnicity is a process of inter-reference between two or more cultural traditions and that these dynamics of intercultural knowledge provide reservoirs for renewing human values." Michael M.J. Fischer, "Ethnicity and the Post-Modern Arts of Memory," in James Clifford and George E. Marcus (eds.), Writing Culture (Berkeley and Los Angeles: 1986), 201.
^13 Cf., Green, 52.
An important element of ethnicity is the group's sense of itself as a unified set of individuals or subgroups which share characteristics not possessed by other human aggregates. In brief, an ethnic unit views itself as being different from other collections of humans. Barth writes that an ethnic group "has a membership which identifies itself and is identified by others as constituting a category distinguishable from other categories of the same order."\textsuperscript{14} Similarly, Bessac argues that an ethnic group is "a group of people who . . . have a sense of common identity."\textsuperscript{15} In a like manner, Enloe writes that ethnicity "refers to a peculiar bond among persons that causes them to consider themselves as a group distinguishable from others."\textsuperscript{16} Throughout, the passages we have analyzed point to the belief held by the authors of Mishnah-Tosefta that the Israelites were different from the gentiles. In fact, this seems to have been one of the major reasons that the discussions of the non-Israelites were included in these documents.

While the specialists agree that ethnic groups have a sense of themselves which sets them off from other groups, there is less agreement concerning the basis of this self-perception. Several scholars have argued that a shared ancestry is important in the group's conception of itself. Chester Hunt and Lewis Walker stress the importance of ancestry in defining an ethnic group: "An ethnic group is a collection of people whose membership is largely determined by ancestry . . . ."\textsuperscript{17} Similarly, Berreman quotes and accepts H.S. Morris, who states that an "ethnic group consists of people who conceive of themselves as being alike by virtue of a common ancestry, real or fictitious. . . ."\textsuperscript{18} De Vos also points to the importance of a common ancestry for an ethnic group's sense of itself. In one place he lists "common ancestry" as one among the "set of traditions" which an ethnic group holds in common.\textsuperscript{19} Keyes and van den Berghe hold an extreme position on this point and have placed concerns with descent at the center of their definitions of ethnicity. Keyes has written that "ethnicity . . .

\textsuperscript{14}Barth, 11.
\textsuperscript{15}Frank D. Bessac, \textit{Current Anthropology}, V, 4 (October 1964), 293.
\textsuperscript{19}George De Vos, "Ethnic Pluralism: Conflict and Accommodation," in De Vos and Romanucci-Ross, 9. Elsewhere, he writes that ethnicity is "primarily a sense of belonging to a particular ancestry or origin and of sharing a specific language or religion;" 19.
derives from a cultural interpretation of descent." However, descent need not be biological; rather, "descent presupposes socially validated parent/child connection."20 For Keyes, "kin selection provides the underlying motivation that leads human beings to seek solidarity with those whom they recognize 'as being of the same people,' or as 'sharing descent.'" However, Keyes does admit that recognition of descent "is predicated upon the cultural construal of what characteristics indicate that others do or do not belong to the same people as oneself."21 Because Keyes argues that ethnicity is based on descent, he can claim that an individual may belong to more than one, or to no, ethnic group.22 Similarly, van den Berghe argues that ethnicity, like race, is an extension of the idiom of kinship and that it is in reality an "attenuated form" of kin selection.23 We have seen that ancestry and "descent" play an important role in the Israelites' conception of themselves. The group's preferred name for itself, Children of Israel, that is Jacob, testifies to this fact. In addition, we saw that from the biblical period onward, the Israelite tradition connected the different peoples of the world with different ancient ancestors. Furthermore, we saw that one of the few points on which the texts were completely consistent was in their rejection of sexual unions between Israelites and gentiles.24

While some have placed ancestry at the center of their descriptions of ethnicity, others have argued that ethnic groups form units because they share a common culture. However, this matter has given rise to some differences of opinion. Scholars like Enloe, Rose, and Yetman are among those who place the idea of a shared culture at the center of their discussions of ethnicity. Enloe writes that "the content of the bond [which units a ethnic group] is shared culture. . . ."25 Similarly, Rose writes that "groups whose members share a unique social and cultural heritage passed on from one generation to the next are known as ethnic groups. Ethnic groups are frequently identified by distinctive patterns of family life, language, recreation, religion, and other customs that cause

21Keyes, 6.
22Keyes, 6.
24De Vos, 9, has written that endogamy is a "usual" characteristic of an ethnic group.
25Enloe, 15.
them to be differentiated from others." And, Yetman argues that an ethnic group is socially defined on the basis of cultural characteristics: "Ethnicity, or the sense of belonging to a particular ethnic group, thus implies the existence of a distinct culture or subculture in which group members feel themselves bound together by common history, values, attitudes and behaviors—in its broadest sense, a sense of peoplehood—and are so regarded by other members of society." Barth, however, argues that the shared culture is a result, rather than a "definitional characteristic," of the ethnic group's organization, and Knutsson rejects the idea that one can define an ethnic group in terms of "cultural content." Whether or not the idea of a shared culture creates the ethnic group or is the result of the creation of the ethnic group begs the question, and this is an insolvable problem, unless one takes a reductionist position with regard to either ethnicity or culture. Furthermore, the disagreement among scholars concerning the definition of culture further complicates the matter and stands in the way of any solution to the problem of which came first, the ethnic group or its shared culture. Despite these problems, it does seem correct to claim that an ethnic group is marked by its shared culture, and we now must turn to the problem of culture in Mishnah-Tosefta.

For our purposes, White and Spiro provide us with a workable explanation of culture. White's definition of culture derives from the realization that there are "things or events consisting of or dependent upon symboling," that

\[\text{Peter I. Rose, They and We: Racial and Ethnic Relations in the United States, Third Edition (New York: 1981), 7.}\]
\[\text{Norman R. Yetman, "Introduction: Definitions and Perspectives," in Yetman, 6.}\]
\[\text{Barth, 1.}\]
\[\text{Karl E. Knutsson, "Dichotomization and Integration: Aspects of Inter-ethnic Relations in Southern Ethiopia," in Barth, 99.}\]
\[\text{Although almost thirty years old, Leslie A. White's essay indicates the variety of definitions and conceptions of the term "culture." Leslie A. White, "The Concept of Culture," in M.F. Ashley Montagu (ed.), Culture and the Evolution of Man, (Oxford: Reprint 1972), 38-64. In his textbook on cultural anthropology, William A. Haviland writes that "[c]ulture consists of the abstract values, beliefs, and perceptions of the world that lie behind a people's behavior, and which that behavior reflects. These are shared by the members of a society, and when acted upon they produce behavior considered acceptable within that society. Cultures are learned, through the medium of language, rather than inherited biologically, and the parts of a culture function as an integrated whole;" William A. Haviland, Cultural Anthropology, Fourth Edition (New York: 1983), 29. Similarly, Richard A. Barrett defines culture as "the body of learned beliefs, traditions, and guides for behavior that are shared among members of any human society. The key word is learned;" Richard A. Barrett, Culture and Conduct: An Excursion in Anthropology (Belmont: 1984), 54.}\]
\[\text{White, 41.}\]
is, their meaning is not derived from sensory perceptions alone. "Culture . . . is a class of things and events, dependent upon symboling considered in an extrasomatic context." In this way, White wishes to separate the study of culture from a consideration of the symbolates' relationship to human beings: "If we treat them [symbolates] in terms of their relationship to the human organism . . . these things and events become human behavior and we are doing psychology." White argues that the study of culture allows us to explain why people do one thing and not another, while the study of human behavior merely describes how individuals or groups act. The important points in White's discussion are his emphasis on symbolizing and his stress that the interrelationship of the symbolates is more important than the relationship of each symbolate to the human actor. However, White's desire to separate anthropology from psychology has forced him to place too high a barrier between the human and culture. And, White's discussion on the relationship of human action to culture is less than clear. His statement that "a people's behavior is a response to, a function of, their culture" does not help much.

Spiro's discussion of culture and the person solves the problem of the relationship of the human being to culture, especially in light of the nature of the material we encounter in Mishnah-Tosefta. Spiro writes, "'culture' designates a cognitive system, that is, a set of 'propositions,' both descriptive (e.g., 'the planet earth sits on the back of a turtle') and normative (e.g., 'it is wrong to kill'), about nature, man, and society that are embedded in interlocking higher order networks and configurations." Spiro's formulation has the advantage of providing a link between human activity and culture, which is missing from White's analysis. If symbolizing is an activity of the human mind, it follows that even in White's formulation a culture must be a creation of the human intellect. As Spiro states, "cultural doctrines, ideas, values, and the like exist in the minds of social actors . . . . [S]ince [cultural symbols] neither possess nor

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33 White, 60, n. 6.
34 White, 46.
35 White, 44.
36 White, 44.
37 White, 53.
38 White, 53.
announce their meanings, they must be found in the minds of the social actors." The important element here is that while the symbolates exist outside of the human mind, the meanings they attain is a human creation; therefore, they can be studied from the point of view of the humans who created them.

The culture which finds expression in the normative and descriptive propositions of Mishnah-Tosefta is dominated by a religious outlook. Defining religion is at least as difficult as defining either culture or ethnicity, and there is little scholarly consensus on its meaning. However, for our present purposes, it is sufficient to accept Spiro's definition of religion "as an institution consisting of culturally patterned interaction with culturally postulated superhuman beings." Granting the facts that Spiro's definition is limited in scope and that it does not apply to everything scholars and non-scholars have called religion, Spiro's claim that not everything and anything people have labeled as religion need to be covered by one definition is correct, for it is possible, if not probable, that phenomena which some have called religion have been labeled incorrectly. Even if Spiro's definition is inadequate for all purposes, it does point to an essential element of the religion of the rabbis who stand behind Mishnah-Tosefta, for they clearly built their religious world-view around their conceptions of YHWH. While claiming that Mishnah-Tosefta present a culture influenced by religion, we do not mean to assert that the culture is only religious. In fact, some of the inconsistencies we find in the treatment of the gentiles may result from the fact that a given symbolate has both a religious, and a non-religious, ethnic meaning.

In the terms set forth above, Mishnah-Tosefta present a cultural system which is based, at least in part, upon the sages' understanding of YHWH and his relationship to the universe. This culture rests upon the interrelationship of sym-

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\item[41] De Vos, 14, has stated that religion may be the dominant factor in a particular group's construction of its ethnicity. Kokosalakís has written that "it is the unique juxtaposition of religion, ethnicity, and identity which makes for the essential dimension of Jewish Culture;" N. Kokosalakis, Ethnic Identity and Religion: Tradition and Change in Liverpool Jewry, (Washington: 1982), 2.
\item[44] Spiro, "Religion," 189-190.
\end{itemize}
bolates to which the rabbis have ascribed meaning, based, at least partially, upon their concepts of YHWH and his relationship to the world. This culture, in the terms of Mishnah-Tosefta, serves to maintain, and is maintained by, the Israelite ethnic group. The group's identity is partially expressed by setting it off from the gentiles, defined as those who do not share the same cultural system as the Israelites, who, the Israelites claim, do not ascribe the same meanings to the same symbolates as do the Israelites, and who, according to Mishnah-Tosefta, do not relate to these symbolates in the same ways that Israelites do.

Although we cannot definitely know the intentions of the authors of Mishnah-Tosefta, the reasons they compiled these texts, or the purposes they intended them to serve, it is not unreasonable to suggest that one of the results of, if not one of the reasons for, the editing of these documents was the creation of a coherent cultural system which in turn led to a rabbinic definition of the Israelite People as an ethnic group, in the terms discussed above. This would have been a necessary task, for as Fischer notes, "ethnicity is something reinvented and interpreted in each generation . . . . Ethnicity is not something that is simply passed on from generation to generation, taught and learned. It is something dynamic . . . ." Ethnic boundaries are altered in response to varying and changing internal and external factors. Also, different ethnic units, or sub-units within a larger ethnic group, construct boundary-systems of different strengths and intensities. This means that the several boundary systems within any single ethnic unit may also differ in their flexibility and that not all members of an ethnic group need to agree on the exact nature of each boundary. This explains why the distinctions drawn between Israelites and gentiles in Mishnah-Tosefta are not always absolute, even within specific categories, or with regard to specific symbols. The flexibility and fuzziness of ethnic boundaries permit them to function in the full range of human activities and interactions. The variety and disagreement exhibited by the discussions in Mishnah-Tosefta, therefore, are not atypical of other attempts to draw ethnic boundaries.

It is contended, therefore, that Mishnah-Tosefta contain the description of the People Israel as an ethnic group based on a particular culture, as defined above. There is no doubt that for periods of time while Mishnah-Tosefta were in their penultimate stage, nationalistic movements arose among the Israelites of

45 On the variety of theories concerning these questions, see Jacob Neusner, The Modern Study of the Mishnah (Leiden: 1973).
46 Fischer, 195.
Palestine. However, Mishnah-Tosefta do not provide the intellectual or practical programs for nationalism or nationalistic movements as generally understood by the scholars. Whatever political agenda one might find in Mishnah-Tosefta, a major theme in them advises the Israelites to live at peace with the gentile political powers. While the authors of Mishnah-Tosefta sought control

On this matter, see Fergus Millar, "Empire, Community and Culture in the Roman Near East: Greeks, Syrians, Jews, and Arabs," *Journal of Jewish Studies* XXXVII, 2 (Autumn: 1987), 143-148. Much of the theoretical literature on nations and nationalism argues that nations are a product of the "modern" world, although it disagrees over exactly when the "modern" world begins. Gellner defines nationalism as "a theory of political legitimacy, which requires that ethnic boundaries should not cut across political ones, and in particular that ethnic boundaries within a given state . . . should not separate the power-holders from the rest;" Ernest Gellner, *Nations and Nationalism* (Oxford: 1983), 1. Gellner holds, however, that nationalism can be found only in the modern world, for pre-modern "agrarian-literate" societies were incapable of achieving nationalism because they could not create a situation in which the "high culture" was shared by all; Gellner, 2-18, 138. Anderson defines a nation as "an imagined political community—and imagined as both inherently limited and sovereign." It is characterized as "imagined" because "the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their communion." Because any community larger than "primordial villages of face-to-face contact" are imagined, this alone does not serve to mark a nation as unique. It is the style of the imagination which differentiates various types of imagined communities; Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: 1983), 15. Nations are limited because none of them views itself as encompassing all of humanity; there is always another nation on the other side of a national border. Anderson contrasts "sovereignty" to divinely-ordained hierarchical dynastic realms, so that this aspect reflects the period in the history of the West when nationalism came into vogue. Nations are communities because "the nation is always conceived as a deep, horizontal comradeship;" Anderson, 16. Nationalism did not arise until the end of the idea that "a particular script-language offered privileged access to ontological truth," the end of the societies organized around "high centers—"monarchs who were persons apart from other human beings and who ruled by some form of cosmological (divine) dispensation, and the distinction between cosmology and history became accepted by human beings;" Anderson, 17-40; summarized on 40. In addition, Anderson argues that nations could not arise until the invention of the printing press which allowed for the creation of "national print languages," which served to unite various language-groups into differentiated units; Anderson, 41-49. In Anderson's words, "The lexicographic revolution in Europe . . . created, and gradually spread the conviction that languages (in Europe at least) were, so to speak, the personal property of quite specific groups . . . and moreover that these groups, imagined as communities, were entitled to their autonomous place in a fraternity of equals;" Anderson, 80-81. Breuilly, on the other hand, argues that "nationalism is, above all else, about politics, and . . . politics is about power;" John Breuilly, *Nationalism and the State* (New York: 1982), 1-2. Nationalism develops, according to Breuilly, from the ideas that a nation "with an explicit and peculiar" character exists, that the nation's values "take priority over all other interests and values," and that the "nation must be as independent as possible. This usually requires at least the attainment of political sovereignty;" Breuilly, 3. See, also, Michael Palumbo and William O. Shanahan (eds.), *Nationalism: Essays in Honor of Louis L. Snyder* (Westport: 1981).
over the Israelites and gentiles, they did not envision this being done by over-
throwing the Roman political system; rather, they sought to function as one eth-
nic element within Rome's political structures. The ethnicity of the Israelites as
described in Mishnah-Tosefta becomes clear when we focus our attention on the
descriptions of the gentiles in these documents, and now we must turn to this
matter.

iii

In Mishnah-Tosefta, the gentile is primarily the "other." At times the
term goy symbolizes that part of humanity not represented by the term benai ys-
rael. In other places, the gentile is merely one of the several groups who oc-
cupies the Land of Israel, but who does not adhere to the rabbinic practices, such
as tithing. As the "other," gentiles may be characterized as dangerous and
sexually deviant. In a word, they are "uncivilized." In many, perhaps the major-
ity of the sugyot, however, the gentile is merely one element within the popula-
tion of Palestine to whom the Israelites had to relate. What is important about
the discussions of the interactions between Israelites and non-Israelites is that
Mishnah-Tosefta present these activities as distinctive from the ways in which
Israelites act towards one another. For example, different rules of damages ap-
ply in cases between Israelites and non-Israelites from those which are relevant to
situations which involve only Israelites.

Most of what is described above concerning the discussions of the
gentiles in Mishnah-Tosefta can be found with reference to the interactions of
ethnic groups. We have seen that Needham and Devereux maintain that a group
needs to set itself in opposition to another aggregate, and Needham claims that
dividing the human population into two groups, "us" and "them," is a character-
istic of human thought. It is also common for members of an ethnic group to
create stereotypes of those outside their unit, often claiming that the outsiders
are uncivilized, dangerous, or even non-human. In Needham's words, "It is a
frequent report from different parts of the world that tribes call themselves alone
by the arrogant title 'man,' and that they refer to neighboring peoples as
monkeys or crocodiles or malign spirits." Yetman writes that "ethnic groups
are inherently ethnocentric, regarding their own cultural traits as natural, correct,
and superior to those of other ethnic groups, who are perceived as odd, amusing,

49 Hunt and Walker, 5.
50 Needham, Primordial Characters, 5.
inferior, or immoral."\(^{51}\) Similarly, Babcock's work on cultural reversal presents numerous examples in which the "other" is pictured as the exact opposite of the members of the group drawing the comparison.\(^{52}\)

The detailed protocols concerning the interactions of Israelites and gentiles in specific settings are also characteristic of ethnic groups. The differences which an ethnic group sees between itself and another human aggregate have ramifications in all the areas of human activity, so that the interactions between the two groups is highly regulated.\(^{53}\) Along these lines, we have found discussions concerning how an Israelite treats a gentile who eats in his house, which gentile professionals an Israelite may employ, how one deals with gentile employees and employers, how gentiles and Israelites should interact in the market-place, and the like. The prohibition of sexual activity between the two groups also reflects this, as well as other characteristics, of ethnicity. Because of the concern by the authors of Mishnah-Tosefta for the religious symbols and institutions of their culture, this is an area which receives much attention. For this reason, our texts devote a good deal of space to regulating the ways in which gentiles respond to the Land of Israel and her crops, the Israelite holy days, the Temple and its cult, and YHWH.

The point of this analysis is important: The descriptions of the gentiles found in Mishnah-Tosefta, the regulations placed upon their interaction with the religious symbols of Israelite culture, and the limitations placed on their interactions with Israelites are not unique to our texts. Nor do they point to some distinctive characteristics of the Israelites, their religion, or their sacred texts. Rather, the treatment of the gentiles in Mishnah-Tosefta parallels, in general and in particular terms, the ways in which any ethnic group treats those outside its unit. The Israelites' description of the gentile as expressed in Mishnah-Tosefta is decidedly common-place, when viewed from the perspective of the interaction of ethnic units throughout the world and throughout history.

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\(^{51}\)Yetman, 7.


\(^{53}\)Barth writes that the formation of ethnic groups leads to "a systematic set of rules governing inter-ethnic social encounters, a structuring of interactions, a set of prescriptions governing situations of contact and allowing for articulation in some sectors or domains of activity and a set of proscriptions on social situations preventing inter-ethnic interaction . . . ;" Barth, 15-16. Cf., Haaland, 61.
Above, we claimed that the Israelite culture found in Mishnah-Tosefta is heavily influenced by the religious ideas of their authors. It is obvious that one way we can learn about these ideas is to turn to the study of the important symbolates of this culture: YHWH, the Land of Israel, Sacred Time, the People Israel, and the Temple and its cult. These are religious ideas because, in Spiro’s terms, they are derived from their relationship to the rabbis’ ideas about YHWH. Normally, these symbolates have been approached through examining the ways in which the Israelites respond to them. However, by addressing these symbols through the patterns of behavior Mishnah-Tosefta allow to the gentiles, we can also learn a good deal about them. The following analyses must remain tentative, for we do not yet have thorough studies of these symbolates, so that it is impossible to compare the conclusions reached here with those which might be drawn if we had studied all of the discussions of these symbolates throughout Mishnah-Tosefta.

There is no doubt that YHWH has a special relationship to the People Israel, and Mishnah-Tosefta are intent upon making him the exclusive object of worship among the Israelite people, so that the main thrust of the discussions of the gentiles’ religious practices is to keep the Israelites from worshipping, appearing to worship, or contributing to the worship of foreign deities. YHWH himself is seldom discussed in these texts. His attributes and activities are presumed throughout, but they are infrequently detailed. Similarly, the direct responsibilities that humans have toward YHWH and their relationship to him most often are expressed in Mishnah-Tosefta in terms of the other basic symbolates: The Land, the People, the Holy Times, and the Temple. However, the exclusiveness of YHWH’s relationship to the Israelites finds some expression in the discussions of the gentile.54 Objects owned by gentiles may not be used in the worship of YHWH, nor may YHWH’s blessings be called upon them, mBer. 8:6 and tBer. 5:31. The issue here is probably that these objects do not belong to YHWH’s people, so that they were unfit to be used in the worship of YHWH or to receive his blessing.

Most relevant in the present context is tMeg. 2:16:55 “If a gentile sanctified a beam for a synagogue and on it was written ‘For the Name,’ they

54Gentiles may not be included in the recitation of the Grace after meals, but neither may women, slaves, or minors, mBer. 7:1-2, so that this is irrelevant to our discussion.

examine him. If he vowed it for the 'Holy Name,' they store it away. If he vowed it for the sake of the synagogue, they plane off the Name, store away the chips, and use what is left of the beam." The force of the passage is that the gentile cannot dedicate something to YHWH, or apply YHWH's name to an object dedicated to the synagogue. The beam could be used only if it were not dedicated to YHWH. On the other hand, the gentiles were allowed to bring freewill-offerings to the Temple, so that some of the sages believed that the non-Israelites were free to worship YHWH if they chose.

A major symbolate in the framework of Mishnah-Tosefta is the Land of Israel. Above, we examined the meanings of the Land for the Torah's authors, as well as for the sages. Several points are relevant in the present context. For some, the Land was to be an exclusive Israelite possession, and we have encountered texts which seem to question the right of the gentiles to own property in the Land of Israel. Much of what Mishnah-Tosefta have to say about the Land and its produce is derived from the beliefs that the Land of Israel belongs to YHWH and that it is holy. The agricultural gifts which the Israelites separated from their crops were a means of recognizing YHWH's ownership of the Land. In the Torah, it appears that all of the agricultural gifts were related to this single idea. However, our examination of the gentiles in this context suggests that the authors of Mishnah-Tosefta had attributed more than one meaning to some of the agricultural gifts. On the one hand, many sages held that the gentile, like the Israelite, could recognize YHWH's stewardship of the Land of Israel through the separation of the heave-offering and the tithes. On the other hand, the gentile could not separate the gifts for the poor, such as the gleanings, forgotten sheaves, or "corners." Apparently, in the sages' minds, these gifts had become ethnic obligations only. While in the Torah they reflected the fact that YHWH owned the Land and cared for the poor, in Mishnah-Tosefta they reflected only the Israelites' responsibility to care for one another. This seems to be reason that the gentile could validly separate some of the agricultural gifts, but not others. The Land, in Mishnah-Tosefta, is a means of expressing YHWH's greatness and a phenomenon through which the ethnic unity of the People Israel is maintained. Only from the former point of view could the Land be a medium through which the gentiles could approach YHWH if they chose. Furthermore, while some rabbis believed that gentiles could validly separate tithes and heave-offerings, others did not. The point here appears to be that for some sages, the sacred nature of the Land of Israel which was derived from its relationship to YHWH was important no matter who worked the soil and benefited from its produce. For others, however, the Land was sacred only for
Israelites; therefore, only Israelites were required to separate the agricultural gifts.

The situation with regard to the gentiles’ relationship to the Israelites’ periods of Sacred Time is fairly straightforward. The two periods of time which receive the most attention are the Sabbath and Passover. Overall, the gentiles have no responsibility on their own for observing the Israelite periods of sacred time. The rites, rituals, and alterations of normal activity, which are incumbent upon Israelites, do not apply to gentiles. However, if gentiles come into contact with an Israelite, especially on the Sabbath, the former must alter their actions, so that the Israelites’ observance of the Sabbath may have an effect on the gentiles’ ability to pursue their normal activities. Limiting the observance of the Sabbath exclusively to the Israelites reflects a conscious choice by the rabbis. In the Torah, the Sabbath has both a cosmic and an ethnic meaning. In Genesis and Exodus, one rests on the Sabbath because YHWH rested when he finished creating the universe. However, in Deuteronomy, Israelites rest because they were once slaves in the Land of Egypt. The sages’ decision to apply the Sabbath-restrictions to only Israelites reflects their following Deuteronomy’s ethnic explanation of the Sabbath, for the universal view of Genesis and Exodus could have caused matters to have been worked out differently.

When the Israelite restriction on working on the Sabbath is applied to gentiles, it is done so because the issue is the work, and not who performs it. Furthermore, these restrictions are applied only from the Israelite point of view and only when the activity impinges, or might impinge, upon the Israelites. This means that the concerns with the gentiles’ working on the Sabbath focus on the relationship of ideas of work and rest to the Israelite. This may explain why one may benefit from a gentile’s activity, if it were done without any regard for the Israelite.56 The ethnic character of the Sabbath would have been obvious to all, for Israelites alone altered their activity on the Sabbath, even with regard to gentiles with whom they might have come into contact.57

The ethnic quality of Passover is also emphasized in Mishnah-Tosefta. We have seen that the abstention from possessing or eating leaven became the central features of Passover for the sages of Mishnah-Tosefta. The texts which

56 There is, however, the curious case in mShab. 24:1 and tShab. 17:20 in which an Israelite is allowed to give his purse to a gentile to carry, so that he not violate the Sabbath if he is traveling with a gentile on a Friday afternoon.

57 Note, however, tMo’ed 2:14-15 which tell us that Gamliel permitted Israelites to sit on the chairs near gentile shops on the Sabbath, even though it might appear that they were engaging in business.
discuss the gentile make it clear that an Israelite is a person who does not possess leaven during Passover, while the gentile is one who does retain leaven during this period. In fact, the gentile is pictured as the mirror-image of the Israelite, with the possession of leaven being the crucial element which distinguishes the two peoples. Thus, the periods of sacred times become a uniquely Israelite manner of approaching YHWH and of distinguishing between the Israelites and the non-Israelites. The treatment of the gentiles in this context serves solely as a means of differentiating them from the Israelites.

When we examine the Temple and its cult from the perspective of the discussions of the gentile in Mishnah-Tosefta, it becomes clear that it is a symbolate with multiple meanings. The two relevant meanings for our purposes are the Temple as YHWH’s residence and the Temple as the Israelites’ ethnic shrine. As the ethnic shrine of the Israelites, the gentiles had limited access to its precincts. Furthermore, they could not contribute to its upkeep by dedicating items for its repair, or by paying the half-sheqel tax. These restrictions on the gentiles’ activity with regard to the Temple probably derive both from the concept of the Temple as an ethnic shrine and from the idea that YHWH was first and foremost the divinity of the Israelites. However, we have seen above that even gentiles could express their adoration for YHWH through separating the heave-offering and the tithes. This finds expression in the fact that gentiles were allowed to bring freewill-offerings to the Temple, and that the Israelite community could support these offerings, by providing the drink-offerings, if the gentiles had not supplied them. The point here is that gentiles were allowed limited access to YHWH through the Temple. However, even when the gentiles brought offerings, the complex rules which applied to the Israelites’ offerings were not applied to the gentiles’ sacrifices. The result was that even when gentiles presented offerings to YHWH, they did so differently from the way in which Israelites would have made those same sacrifices.

Above all else, Mishnah-Tosefta focus on the nature of the People Israel, and this concern stands behind most of the discussions of the gentile. We have discovered that while Israelites and gentiles both work the Land of Israel, they do so differently. Israelites could not work the soil in the seventh year, while gentiles could. Israelites were required to separate a number of agricultural gifts for use by the poor among them, but these were not required of non-Israelites. Some held that the laws of the fourth year applied to gentiles, while others limited its applicability to Israelites alone. It appears that the laws of mixed-kinds also did not apply to gentiles. Furthermore, only Israelites were required to separate the dough-offering.
Two points should be made. First, despite the fact that Israelites and gentiles had to follow different practices when planting and harvesting their fields, the texts assume that they might jointly own property, buy and sell land from each other, or rent property to, and from, each other. Therefore, the differences in agricultural practices did not prevent their interaction in the sphere of agriculture, they only regulated it. Second, in many cases, the different ways in which the gentiles and Israelites treated their harvested grain would not be obvious to the gentiles; they were internal Israelite matters. This suggests that it was important only from the Israelites' point of view to mark out their uniqueness. For example, an Israelite might purchase grain from a gentile and then separate the tithe after he left the gentile’s presence, so that the gentile might never know that the Israelite had treated his grain differently from grain he would have purchased from another Israelite.

The distinctions between Israelites and gentiles is further drawn in the discussions of the holy days in three ways. First, the gentiles receive little attention in this major division of Mishnah-Tosefta. Second, in the treatment of Passover, the holiday which revolves around the creation of the People Israel, the sharpest distinctions between the Israelites and the gentiles are drawn. Bokser has demonstrated that the rabbis’ central concern with reference to Passover was with leaven, and it is exactly here that the differences between Israelites and non-Israelites are most sharply drawn in our texts. Third, during the intermediate days of Passover and Sukkot an Israelite may engage in activities with gentiles in which he may not be occupied with another Israelite. This means that when Israelites and non-Israelites met each other during the Israelite holidays, the gentiles would see that they were being treated differently from Israelites.

With reference to the gentiles’ celebrations on religious occasions, the lines between Israelites and non-Israelites were sharply drawn. The authors of Mishnah-Tosefta did every thing they could to prevent the Israelites from participating in, or appearing to engage in, any form of worship of a deity other than YHWH. It would have been obvious to the gentiles that during their periods of religious activity they were treated differently by the Israelites than they were treated at other times. Mishnah-Tosefta seek to make it clear that from their point of view, the religious gentiles were completely distinct from Israelites.

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58 Some held that gentiles could not own property in the Land of Israel, but much in Mishnah-Tosefta assumes that they did.

In the minds of the authors of Mishnah-Tosefta, gentiles and Israelites were totally different peoples, originating from different ancient ancestors. They could not intermarry, nor could they engage in sexual activities with each other. Furthermore, different laws and regulations concerning testimony in the courts, damages, and the like applied to each group. Furthermore, our texts indicate that the rabbis believed they could, or should be able to, regulate the business activities of the gentiles, as well as those of the Israelites. Again, this is an area of activity in which the gentiles would recognize that they were treated differently from Israelites, if any of the rules in Mishnah-Tosefta were actually put into practice. In the area of financial transactions, the Torah emphasized that Israelites could not charge interest to or collect interest from other Israelites. And it is with regard to the matter of interest that Mishnah-Tosefta distinguish between Israelites and non-Israelites. Like in the case of leaven and Passover, here with regard to the charging and collecting of interest Mishnah-Tosefta present the gentiles as the mirror-images of the Israelites. An Israelite may charge interest to and collect interest from gentiles; the former may not engage in these financial activities with other Israelites.

When the gentiles approached the Temple or sought to participate in its cult, they would have been cognizant of the fact that they were different from Israelites. They would have been barred from entering certain areas of the Temple Mount, they were limited in the sacrifices and offerings they could present to YHWH, and they were restricted in the rites they could perform over their sacrifices. It would have been obvious to all that Jerusalem’s Temple was an Israelite institution, and that YHWH was primarily a deity of only the Israelites. When this is combined with the legislation in Mishnah-Tosefta concerning the gentiles’ religious practice, it would have been clear to both gentiles and Israelites that they represented two completely different religions.

Perhaps the most complex area to understand revolves around the Israelite purity laws. On the one hand, the Israelite purity laws did not apply to the gentiles. Of course, this would have meant nothing to the non-Israelites. On the other hand, some held that gentiles were to be treated as if they were unclean. Whether or not either of these positions would have been obvious to the gentiles is unclear. However, the two positions would have caused the Israelites to treat the gentiles very differently. If the latter position held, social interaction between the groups would have been limited, while the former position would have resulted in easy daily social intercourse. Perhaps the disagreement in this area reflects the fact that while some wished to limit severely the interaction between Israelites and non-Israelites, others realized that this could not be done.
The need to deal with the actual situation in Palestine is evident throughout our documents, and it may apply here.

From the point of view of the authors of Mishnah-Tosefta, Israelites were different from gentiles, and these differences had important ramifications in all areas of activity. In fact, it appears that one of the major reasons that the gentiles appear in our texts at all is to make this point and to serve as means for setting forth the ethnic borders of the Israelites: Israelites treat the crops that grow in the Land of Israel in their own way, they observe their own periods of sacred time and ignore those of others, they engage in sexual activity with only other Israelites, they have their own court system, they have their own rules of damages, they alone perform all the rites at the Temple in Jerusalem, and they alone are concerned with the ritual purity of only other Israelites. When they come into contact with gentiles, so that they interact with them, they are constantly aware that they are dealings with non-Israelites, so that all of their activities may be different from those which occurred when they dealt with other Israelites.

To summarize: One best understands the ways in which the gentiles are discussed in Mishnah-Tosefta by recourse to the information we have about the ways in which ethnic groups form themselves and respond to the outsiders. From this perspective, the treatment of the gentiles in Mishnah-Tosefta is completely expected and normal. The discussions of the gentiles do not reflect anything unique to the Israelites, their culture, or their religious beliefs; they are merely the result of an ethnic group’s attempt to understand itself, and to set itself off from those with whom it shares territory. Throughout, the gentiles are presented only from the Israelites’ point of view; the former have no inherent importance in themselves.

Our texts are complex, and the discussions of the gentiles reflect this complexity. On the one hand, some of our material suggests that the rabbis had complete control over all of the Israelites and gentiles in Palestine. Others even indicate that gentiles have no rights to property within the Land of Israel and that gentiles and Israelites should remain entirely separate. On the other hand, other passages indicate that whatever the ideal might have been, Israelites and gentiles lived close to one another and interacted on a daily basis, and this interaction should be allowed to occur: Wine merchants do not have to worry about selling wine to gentiles, even though we assume that they will make a libation