

The Portrayal of the Non-Jew in Tannaitic Midrashim

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Digest

This thesis is an analytical study of the Rabbis' discussions of the non-Jew in Mekhilta of Rabbi Ishmael, Mekhilta of Rabbi Shimon bar Yochai, Sifra, Sifrei Numbers, and Sifrei Deuteronomy. Passages from these texts that include the words *goy* or *goyim*, *nochri*, *oved avodah zarah*, and *ovdei avodah zarah* are cataloged and examined. Why are non-Jews mentioned in these texts that are written for Jews? How did Jews interact with non-Jews? What role did the gentile play in rabbinic thought? And of ultimate concern, have these primarily negative attitudes towards non-Jews affected their relationship with Jews today? Answering these questions will help ascertain the rabbinic attitudes towards non-Jews, and how these attitudes influenced Jews, Judaism, and Jewish relations with non-Jews.

The conclusion of this thesis is that the gentiles themselves were not of primary concern to the Rabbis. The Rabbis endeavored to define the Jew, and in so doing, they discussed the non-Jew for reasons of contrast and differentiation. The Rabbis discussed issues of significance to the Jew such as purity and worshipping the one, true God. As the non-Jew's beliefs included the acceptance of idolatry and prevented their purity, the Rabbis warned against Jewish contact with them. The Rabbis' beliefs are strongly professed in these writings, describing the non-Jew in extremely negative ways.

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I

Throughout the centuries, Jews have struggled to define themselves. This struggle for self-definition always involves a comparison between the Self and Others. "By definition, the 'self' is that which is distinguished from the 'other.' Self implies other, 'Jew' implies 'non-Jew;' the former is only meaningful if in contradistinction with the latter."¹ Thus, in many rabbinic writings there are discussions of non-Jews. Early rabbinic Judaism, while responding to its own social environment, seeks to ground itself in the Bible and to expound upon its verses. The Bible itself seeks to define the people of Israel in contradistinction to the other nations.

The Bible has few teachings regarding non-Jews. Some of these teachings are positive, coming from the prophets and Deuteronomy, stating that Jews should be kind to the foreigners in their midst because they were once foreigners in Egypt. Sometimes, biblical laws that specify the punishment for a Jew who has harmed a non-Jew are more stringent than for a Jew who has wronged another Jew. The reason for this is to preserve peace between the Jews and other peoples, and also so that non-Jews will not feel disdain for the Jewish people as a whole. These biblical laws deal with individual non-Jews, not non-Jews as a collective whole. However, there are many biblical references to non-Jews as an aggregate group.

Often in the Bible, *HaGoyim* refers to the other nations, all peoples other than Israel. Thus, this distinction between "us" and "them" began in the Bible, and was simply carried over into rabbinic writings. The Bible contrasts the *goyim*, the other

¹ Sacha Stern, *Jewish Identity in Early Rabbinic Writings* (Leiden: Brill, 1994) p. 1.

nations, with the people Israel and cautions the Israelites not to behave in the same manner as the non-Israelites do. These other peoples are often mentioned negatively because of their idolatrous practices, and because of their sometimes violent actions towards Israelites. This discrimination is often played out within biblical families.

In biblical families with two or more sons, the tradition demands that the older son be favored in that he is to receive the birthright from his father. However, in the biblical patriarchal narratives, the younger son is favored and he is the one who receives the birthright. This is symbolic of Israel's special relationship with God. For example, Jacob is favored over Esau. Therefore, Jacob became a great leader with a unique relationship with God. Esau, on the other hand, becomes a leader of another nation and is not protected or favored by God. Likewise, Israel, though smaller and weaker than other nations, becomes the chosen nation that is safeguarded by God. These same issues concern the Rabbis. Thus, they expounded upon these biblical themes in their texts.

The Rabbis' writings reflect their experiences with non-Jews of their time. As Jews were always a minority, they often combated anti-Jewish prejudices and had to be concerned with their safety. Thus, how the Jew acted to and around non-Jews was an important concern. In addition, because the Jew occasionally had negative encounters with non-Jews, the non-Jew was often viewed as wicked. This perception is prevalent in rabbinic writings. Sacha Stern notes the distinction made by the Rabbis between Jews and non-Jews. She claims that non-Jews are often portrayed as impure, akin to wild animals, prone to committing sexual offences and acts of idolatry. The Jews, on the other

hand, are seen as holy and righteous.² Thus, the superiority of the people Israel over all other peoples is a predominant theme in rabbinic writings.

This thesis is concerned with the efforts of the early Rabbis to elevate the image of Jews, and with their negative portrayals of non-Jews. Since this topic has already been addressed with regard to texts in the Mishnah and Tosefta, this thesis will focus on the image of the non-Jew in the major tannaitic collections of *midreshei halakhah*.

Midreshei halakhah present the Rabbis' analyses of biblical laws. However, as there are no *halakhot* in the book of Genesis, this includes discussions on only the books of Exodus, Leviticus, Numbers, and Deuteronomy.

The Mekhilta of Rabbi Ishmael is the earliest collection of midrash on the book of Exodus. It is compiled of traditions from the first century C.E. to the third century C.E.. The word *mekilata* is a plural Aramaic word, corresponding to the Hebrew word *middot*, meaning "principles," or "measures" by which the Torah is interpreted. Over time this word was misvocalized as *mekhilta*. It was used by the amoraim to refer to halakhic expositions of Scripture. By the tenth century C.E., the term was used to refer to our collection, known more fully as the Mekhilta of Rabbi Ishmael, since the collection begins with the words "Rabbi Ishmael says." This collection includes commentary on Exodus 12:1-23:9, 31:12-17, and 35:1-3. It is divided into nine tractates, all written in rabbinic Hebrew with a few Greek and Latin words. The first printed edition appeared in 1515 in Constantinople.³

The Mekhilta of Rabbi Shimon bar Yochai is also a collection of midrashim on the book of Exodus. Its name also derives from the first major rabbi cited. This

² *Ibid*, passim.

collection has not been well preserved, thus it is difficult to ascertain which biblical verses it once expounded. Currently, it begins with Exodus 3:1. Also due to its fragmentary state of preservation, it is difficult to determine exactly how it was originally organized. Like the Mekhilta of Rabbi Ishmael, it too is divided into sections with the sections being further divided into paragraphs. Its language parallels that of the Mekhilta of Rabbi Ishmael.

Apparently, this collection was unknown to the rabbis of the Babylonian and Jerusalem Talmuds. Therefore, it is dated no earlier than the fifth century C.E..⁴ In the medieval period, it is cited primarily by Sephardic rabbinic authorities.

Sifra is a collection of halakhic midrashim on the book of Leviticus. The word *sifra* means “the book” and is used by the amoraim to refer to the *beraitot* derived from verses from Leviticus. The geonim and rishonim referred to this collection as Sifra, Sifra deVei Rav, and Torat Kohanim. This collection is divided into nine parts which are further divided into sections. Its language is primarily Hebrew with a few Greek words. Since it was unknown both the Babylonian and Jerusalem Talmud, its date is no earlier than the end of the fourth century C.E..⁵

Sifrei is the general term used by the geonim and rishonim to refer both to the Mekhiltot and Sifrei to Numbers and Deuteronomy. Both Sifrei collections were unknown to both Talmuds, and thus their dates are also no earlier than the end of the fourth century C.E.. The Sifrei were first printed together in 1545 in Venice. Both collections are written in Hebrew with a few Greek words. Sifrei Numbers contains

³ *Encyclopaedia Judaica* v. 12 (Jerusalem: Keter Publishing House Ltd., 1971) pp. 1267-1269.

⁴ *Ibid.*

⁵ *Encyclopaedia Judaica* v. 14 (Jerusalem: Keter Publishing House Ltd., 1971) pp. 1517-1518.

commentary on Numbers 5-12, 15, 18-19, 25:1-13, 26:52-31:24, and 35:9-34. Sifrei Deuteronomy contains commentary on Deuteronomy 1:1-30, 3:21-4:1, 6:4-9, 11:10-26, 15, 31:14, and 32:1ff. Both Sifrei Numbers and Sifrei Deuteronomy are organized by biblical verses.⁶

This thesis will analyze the image of the non-Jew and the use of this concept in the above mentioned midrashic collections, cataloging the *beraitot* that refer to non-Jews using the following words: *goy* and *goyim*, *nochri*, *oved* and *ovdei avodah zarah*.⁷ The intent of this process is not just to uncover the self-definition of the Jew, but rather to explore the rabbinic attitudes towards the non-Jew.

⁶ *Ibid*, pp. 1519-1520.

II

The depiction of the non-Jew in the earliest rabbinic literature, Mishnah and Tosefta, has recently been discussed by Gary G. Porton.⁸ Porton studies the use of the terms *goy* and *goyim* in these texts. His hypothesis is that the Rabbis discussed *goyim* only in the context of differentiating Jews from non-Jews, furthering their definition of who a Jew is and what a Jew should do. In fact, Porton found that the Rabbis used the same concepts and symbols to define gentiles as they did to define Jews. He recognizes that the Rabbis were trying to construct an Israelite ethnic identity, an identity that would distinguish Jews from all other peoples socially and culturally. This chapter will summarize Porton's book and its conclusions.

At the outset, Porton claims that the way the Rabbis discuss *goyim* informs us about the Rabbis' cultural and religious systems, as well as their central concepts and symbols. Jewish identity is articulated in the Mishnah in relation to the Land of Israel (sacred space), Israel's periods of Sacred Time, their distinctive ethnic institutions and practices, the God of Israel, and Israelite Purity. These same categories are used, by contrast, to define *goyim*. In fact, it is when the *goy's* actions or beliefs differ from the Jew's that the rabbis deem the *goyim* important. However, Porton also points out that

⁷ This thesis was originally interested in the individual gentile, rather than the collective group. Thus, *umat ha'olam* was not included. However, the midrashim containing this phrase do not significantly change the results of this thesis.

⁸ Gary G. Porton, *Goyim: Gentiles and Israelites in Mishnah-Tosefta* (Atlanta, GA: Scholars Press, 1988).

what the Mishnah presents represents only the Rabbis' view of how Jews ideally should interact with *goyim*, not necessarily how they actually did interact with each other.

Land of Israel

Since the Rabbis hold that the Land of Israel is a sign of the covenant between the Jews and God, one may ask how gentiles are deemed to fit into this scheme. The Land is spoken of with regard to the agricultural laws and tithes that are incumbent upon the Jews. The gentile is mentioned here as a contrast to the Jew. For example, in the context of a discussion of forgotten sheaves which are to be left behind for poor Jews to take, the question is posed as to whether poor gentiles are also allowed to take forgotten sheaves or to glean from the corners of a Jew's field. The Rabbis respond affirmatively in the interest of peace. As for *bikurim*, the first fruits, the Jew alone is obligated to offer these. However, concerning the firstborn of animals, the lines are not as clear. The Rabbis ask how a Jew who buys an animal from a gentile is to determine whether the animal has previously given birth. As gentiles are not regulated by the same laws as Jews, it would be inappropriate for Jews to rely on them for accurate information of this kind. The Jew is responsible for these laws attached to the Land, but a gentile is not. Thus, Porton concludes that the special relationship with the Land is important here in defining the people Israel. The *goy* is mentioned only to differentiate between the Jew and the gentile. This distinction emphasizes the covenant that the Jews have with God through the Land of Israel.

Israel's Sacred Time

Porton also recognized that the concept of the gentile is used to help define the Jew with regard to Israel's Sacred Times. The passages here speak of the time of holidays and the rules regarding them. For example, regarding the Sabbath, a Jew is not allowed to work. However, a Jew may benefit from the work of a gentile on the Sabbath, only if the work was done for the gentile's benefit. A Jew should not cause work to be done on the Sabbath, but the gentile is not bound by the same rules. Also, the gentile in this category is sometimes portrayed as an obstacle to the Jew's achieving his religious goals. Again, the gentile functions to emphasize the Jewish covenant with God.

The People Israel

The Rabbis were also interested in Israelite society and how the Jews differ from non-Jews. Here, the passages focus on interaction between the Jews and gentiles. In the Bible, the Israelites were often commanded not to intermingle with other peoples. This concept is carried over into the Mishnah. Here, the rabbis treat the gentiles as the other segment of humankind. The rabbis note that God created this division between peoples and that Jews are obligated to uphold it. Since the gentiles are portrayed as a different species of humankind, some kinds of contact with them are prohibited. For example, the rabbis discourage sexual contact with both free and slave gentiles. Also, because of their different class, a Jew is required to pay different damages and wages to a gentile than he would to another Jew. However, occasionally the rule pertaining to the gentile is more strict than pertains to a fellow Jew. This is likely the case so as not to defame God. A

Jew should always act with the utmost integrity so as not to provoke gentiles and give them reason for defaming other Jews, Judaism, or Israel's God. Quite simply, Porton explains, the structure of the universe calls for separating Jews and gentiles. The reason is not for the sake of the Jews' chosenness or holiness alone, but to preserve the order of the universe the way God intended from the time of creation.

The God of Israel

Porton notes that the Mishnah focuses on the issue of gentiles as idolaters. He notes that the strictest prohibition of contact with gentiles concerns sexual relations. An idolater, however, should in any event be avoided. Furthermore, a Jew is told not to participate, or even appear to participate, in the act of idolatry, for to do so would violate the terms of the Jew's unique relationship with God. Thus, during a gentile festival, a Jew should not supply the gentiles with anything they may use to celebrate their festival of idolatry, nor is he allowed to attend the amphitheater where the festival is being celebrated. Nonetheless, to preserve peace, the Jew is allowed to live near, and work with, gentiles. In addition, a Jew is allowed to give a gentile an object during the gentile's festival if the gentile says it will not be used for an act of idolatry. The Jew is allowed to take the gentile at his word.

Regarding gentile interaction with the Jerusalem Temple cultus, Porton concludes that the rabbinic rules must have been written hypothetically since gentile activity in the Temple, in fact, was greatly limited. Although Porton understands that much of the Mishnah in general deals with theoretical, hypothetical issues, since the Temple had already been destroyed, he notes that the sections pertaining to gentile involvement in the Temple Cult were not mere conjecture. The gentiles were allowed to make certain offerings at the

Temple, and there was even a court for gentiles. Nonetheless, the gentile activity in the Temple paled in comparison to that of Jewish activity. The discussion here of gentile involvement in the Temple is exaggerated. The rabbis were clear on what was and was not permitted for gentiles concerning the Temple. Gentiles, according to the Mishnaic and Toseftan laws, were allowed to participate in the worship of God, just as they could give certain offerings. However, as they did not have the same unique relationship with God as the Jews did, the gentiles were not required in any way to worship God nor make any offerings in the way Jews were required. Also, because of the gentiles' different relationship with God, there were restrictions on their involvement with the Temple. Gentiles were not allowed to help with the maintenance of the Temple, and they were not permitted to offer any of the obligatory sacrifices, only the voluntary offerings. The reason they were restricted in this way is because these acts acknowledged the unique relationship between Jew and God. Likewise, no priestly dues were taken from gentiles, because they did not participate in the same divinely ordained Jewish social system which involves the Land.

Israelite Purity

The Rabbis state that Jews are obligated to be ritually clean at all times. This is especially true when offering a sacrifice, having contact with the Temple, or in any attempt to approach God. Israelite purity was an important concern so that a Jew would not defile something deemed holy. Furthermore, this purity helped maintain the distinction between Jews and all other peoples. Thus, purity laws do not pertain to gentiles because purity is an ethnic matter. The Rabbis consider the Jews to be a priestly people. Therefore, just as the priests need to maintain a higher state of purity due to their

constant contact with God, all Jews need to maintain a high state of purity, in contrast to other peoples. However, as gentiles are not part of this priestly people that has such a unique relationship with God, they do not need to be as concerned with their state of purity. While this does not necessarily imply the innate impurity of gentiles, some traditions do suggest that the homes of gentiles are unclean. The reason given is that they are believed to bury corpses of aborted fetuses in their homes. Likewise, the saliva of gentile women is deemed impure as they do not go to the *mikvah*. Otherwise, the rabbis apparently were not concerned with the purity of gentiles. The Jew was not prohibited from contact with gentiles. However, if a gentile wished to convert to Judaism, his purity became a pertinent issue and ritual immersion in a *mikvah* is required. Still, Jews were told to deal cautiously with gentiles out of concern for possible defilement. Israelite purity is of essential importance to the Rabbis. Most of what they discuss under this rubric, including their treatment of gentiles, stems from this concern.

Porton notes that, in the purview of the Rabbis, gentiles were not significant on their own, but only as they affect Jews. Thus, there are primarily random *sugyot* that discuss gentiles. Not a single tractate or chapter focuses solely on gentiles. However, *Avodah Zarah*, as it is concerned with idolatry, contains substantial materials on gentiles. In this tractate, the *goy* is simply an idolater whom the Jew is told to avoid so that his own practices do not become contaminated. Since idolaters are believed by the Rabbis to be a possible source of defilement for the Jews, their concerns here are driven by this belief alone. Similarly, in the tractate *Mikvaot* in both *Mishnah* and *Tosefta*, the Rabbis distinguish between *mikvaot* that are inside and those that are outside the Land of Israel. They discuss what forms of uncleanness may permit a Jew to use a gentile *mikvah* inside

or outside the Land of Israel. In Erubin 6:1-3, there is a dispute concerning the validity of an *eruv* in a courtyard where a gentile lives. Likewise, in Parah 2:1, Eliezer rules that a Jew cannot buy a red heifer from a gentile. All these discussions of the gentile stem from the rabbinic concern for Israelite purity.

The Rabbis' depiction of gentiles throughout these materials is mostly not deprecatory. However, there is also mention of the *goy* being sexually uninhibited and uncivilized, yet powerful. As discussed above, the Rabbis were concerned with Israelite purity, thus the gentile was seen as a contaminant to the Jew and his actions. The gentile is considered to be a source of defilement, and even dangerous. In Ta'anit 3:7, the rabbis state that the *shofar* may be sounded on Shabbat to warn Jews if their town is being encompassed by gentiles or a flood. In T. Ta'anit 3:7-8, the Greek kings are mentioned as seeking to prevent the Jews' access to Jerusalem. Here, the *goy* is given a specific ethnic identity. However, this is not always the case. *Goyim* refers to non-Jews, mostly pagans, but are given no further identification. In fact, sometimes *goyim* simply refers to the rest of humanity. The only conclusion about the term *goyim* is that it refers to non-Jews. Thus, regardless of who the term *goy* specifically refers to, the Jew is told to be cautious so that his state of ritual purity is not endangered.

Porton states that the mention of *goyim* stems from the Rabbis' concern about Israelite law and ritual. For example, gentiles are mentioned in contrast to Israelites as not being allowed to say grace after a meal or separate the priestly gift (*terumah*). Nonetheless, some of the mentions of gentiles do contain rather unpleasant connotations. In Erubin 4:1 and T. Erubin 3:5-8, the gentile is lumped with evil spirits as being the two things that could force a Jew to violate the Sabbath. In Ketubot 2:9, the gentile is said to

be uncivilized, unable to control his sexual urges. T. Peah 4:1 describes the gentile as untrustworthy, and a Jew is told not to rely on his words. And, in other places gentiles are even accused of wishing to harm Israelites.⁹ Therefore, the gentile and Israelite are sometimes considered different species within the human race. Still, the main use of *goy* is to help define the appropriate actions for Jews. The use of the concept, "gentile," is always to further the internal interests of the Rabbis.

Regarding Tosefta, Porton makes similar conclusions. He notes that Tosefta merely supplements the Mishnaic material, and, therefore, it does not alter the Mishnah's perception of the gentile. The Tosefta does elaborate on the Mishnah text and often repeats it. Thus, even if the gentile was not mentioned in a specific Mishnah passage, the Tosefta may elaborate by including mention of the gentile and what to do about gentile involvement in that given situation. One example may be found in T. Berakhot 6:18. As this chapter is about blessings, it was appropriate for the rabbinic author of the Tosefta to add Judah's rule of thanking God for not creating him a gentile. This blessing focuses on the special relationship between God and the Israelites, in contrast to the relationship God has (or does not have) with others. Again, the notion that Jews are the chosen people is paramount here. The Jews are considered to be God's chosen people, and the Rabbis view the Jewish role as superior to that of other peoples. Thus, the division between peoples is once again pertinent.

Porton concludes by stating that the gentile is only discussed when the reference furthers the agenda of the Rabbis in helping them to define the Jew. The texts assume regular interaction with gentiles, and attempt to regulate some actions of the gentile

⁹ Avodah Zarah 2:2 and T. Avodah Zarah 3:5.

while, at the same time, recognizing the inability to do so. Porton reiterates that many of the laws pertaining to gentiles were based on imagined realities and likely never happened. The Jews did associate with gentiles, but their social interactions were limited. Porton also concludes that these texts deal with gentiles in the same way that all people deal with “their neighbors.” Thus, he does not believe that the Rabbis were unduly prejudiced towards gentiles. The Rabbis were concerned with the Jews as “chosen people,” and, therefore, needed to be concerned with maintaining the divisions between people so that the unique relationship between Jews and God was manifest. In the following chapters, we will attempt to expand on these findings by analyzing the use of *goyim* in Tannaitic Midrashim.

III

The Mekhilta of Rabbi Ishmael is so named because it begins with the words, "Rabbi Ishmael says."¹⁰ This collection is an exegetical Midrash that interprets the book of Exodus. It begins with midrashic materials on Exodus 12:1, continuing through Exodus 35:3. The Mekhilta is largely a halakhic work divided into nine tractates. Each tractate is then subdivided into *halakhot*, or paragraphs.¹¹ This chapter will analyze those *halakhot* that mention non-Jews.

Goyim

Tractate Pisha, Parasha 9. "And on the first day [of Pesach] there shall be a holy gathering, and on the seventh day there shall be a holy gathering to you; no manner of work shall be done in them' (Exodus 12:16). This means, neither you nor your fellow-Jew shall do any work, nor shall a non-Jew do your work. So you interpret it. But perhaps it means rather: Neither you nor your fellow-Jew shall do any work, and the non-Jew shall not do even his own work? But Scripture says: 'Six days shall work be done but on the seventh day is a sabbath of solemn rest, a holy convocation; ye shall do no manner of work' (Leviticus 23:3). Thus you learn that, 'no manner of work shall be done in them,' means neither you nor your fellow-Jew shall do any work, nor shall the non-Jew do your work, but a non-Jew may do his own work-- these are the words of R. Josiah. R. Jonathan says, there is no need of this proof. Has it not already been said: 'Remember the sabbath day, to keep it holy. Six days shall you labor, and do all your work; but the

¹⁰ Jacob Z. Lauterbach, Mekhilta of Rabbi Ishmael v. 1 (Philadelphia: Jewish Publication Society of America, 1976).

seventh is a sabbath unto the Lord your God' (Exodus 20:10). Now, by using the method of *Kal vahomer* it can be reasoned: If on the Sabbath, in regard to which the law is more rigorous, you are not warned against the non-Jew's work as you are against your own work, it is but logical to assume that on holidays, in regard to which the law is less rigorous, you surely are not warned against the non-Jew's work as you are against your own work."¹²

The *halakhot* that mention non-Jews here are in reference to the phrase, "No manner of work shall be done in them." This rule has to do with festival observance on the first and last days of Passover. Since the prohibition of work in Exodus 12:16 is unqualified, the Rabbis ask if this refers to the non-Jew as well as the Jew. They reason by analogy with the prohibition of work on Shabbat, and use Leviticus 23:3 to explicate our Exodus verse. The Leviticus verse states that the seventh day is a holy day of rest and that on it, you shall do no manner of work. The Rabbis understand this to mean that a Jew should do no work, and that no work shall be done for a Jew. However, a non-Jew is allowed to do his own work on Shabbat. The Rabbis understood that they could not regulate the activities of non-Jews, and furthermore, they desire to maintain the distinction between Jews and non-Jews by way of their actions and behaviors. The Rabbis continue by stating that the same law applies to all Jewish holidays. Since the laws regarding Shabbat are more stringent than those for festivals, and since Shabbat laws do not restrain the non-Jew's work (excepting that which he performs for a Jew), it is

¹¹ *Encyclopaedia Judaica* v. 12 (Jerusalem: Keter Publishing House Ltd., 1971), pp. 1267-1269.

¹² Jacob Z. Lauterbach, *Mekhilta of Rabbi Ishmael* v. 1 (Philadelphia: Jewish Publication Society of America, 1976), pp. 70-71.

logical to apply this to all holidays as well. Thus, on Shabbat and other Jewish holidays, a non-Jew is not allowed to do work for a Jew, but he may do his own work. This insures that the Jew's purity and distinctiveness remains untainted.

Tractate Pisha, Parasha 14.¹³

Tractate Pisha, Parasha 15. “[Regarding the paschal sacrifice,] A sojourner and a hired servant shall not eat thereof” (Exodus 12:45). ‘Sojourner’ means a resident alien. ‘Hired servant’ here means a Gentile. R. Eliezer says: ‘A sojourner and a hired servant shall not eat thereof.’ Why is this said? So that we may be able to prove from the law about the paschal lamb that an uncircumcised person is disqualified from eating *terumah*. But even if Scripture had not said this, I could have reasoned: If in the case of the paschal lamb, the less weighty, an uncircumcised person is disqualified from partaking of it, is it not a logical inference that in the case of *terumah*, the more weighty, an uncircumcised person should be disqualified from eating it? No! If you cite the case of the paschal lamb-- Scripture limits the time of eating it even for those who are to eat it, and therefore it disqualifies the uncircumcised person from eating it. But will you argue the same about *terumah*, in the case of which Scripture does not limit the time of eating it for those who may eat it? Since Scripture does not put any limit to the time in which it may be eaten, it is but logical to assume that we should not disqualify the uncircumcised from eating it. However, Scripture uses the expression ‘a sojourner and a hired servant,’ in the case of

the paschal lamb and in the case of *terumah*. Hence, just as the expression ‘a sojourner and a hired servant,’ used in the case of the paschal lamb, disqualifies an uncircumcised person, so also the expression ‘a sojourner and a hired servant,’ used in the case of the *terumah* disqualifies an uncircumcised person. R. Isaac says: ‘A sojourner and a hired servant shall not eat thereof.’ Why is this said? Has it not already been said: ‘There shall no alien eat thereof?’ Answer: From the latter I might understand that a circumcised Arabian or a circumcised Gibeonite is qualified to partake of the paschal lamb. Therefore Scripture says: ‘A sojourner and a hired servant shall not eat thereof.’”¹⁴

The phrase being discussed , “A sojourner and a hired servant shall not eat thereof,” refers to the paschal sacrifice. The Rabbis explain that both the sojourner and the hired servant refer to *goyim*. The reason these two kinds of people are mentioned here, explains Rabbi Eliezer, is to prove that just as a non-Jew is not allowed to participate in the observance of the paschal lamb, so too he is not allowed to eat from the *terumah*. Here, the concern is maintaining the distinction between Jews and non-Jews. The sacred observances of the Jews, such as the paschal lamb and *terumah* that enact the Jews’ unique relationship with God, are not permitted for non-Jews.

Tractate Pisha, Parasha 18. “And every firstling that comes from a beast which thou hast, the males shall be the Lord’s’ (Exodus 13:12). This excludes him who sells to

¹³ The word *goyim* here simply means nations. *Ibid*, pp. 113-115.

a non-Jew the young of his cattle while still in embryo. But this may mean to exclude one who sells to a non-Jew the young of his cattle while still in embryo and to include him who buys from a non-Jew the young of his cattle while still in embryo. Therefore Scripture says: 'That are born of thy herd and of thy flock' (Deuteronomy 15:19), thereby excluding one who buys from a non-Jew the young of his cattle while still in embryo."¹⁵

Although the phrase, "And every firstling that comes of a beast which thou hast," refers in Exodus to every firstborn male animal of an Israelite's livestock and herd that must be slaughtered because they are deemed as belonging to God, it is understood here to exclude the unborn cattle fetus which has been sold to a non-Jew, and to exclude such a fetus which is bought from a non-Jew. If there would be any misunderstanding regarding the latter, the Rabbis quote Deuteronomy 15:19 emphasizing the words "your herd and your flock" to ensure that one who buys from a non-Jew should also be excluded. The Rabbis focus on the ownership of the animal, again insuring the distinction between Jews and non-Jews.

Tractate Beshallakh, Parasha 3. "And the Egyptians pursued after them' (Exodus 14:9). This tells that not one of them stumbled on the way, so that they could not augur evil and turn back. And thus we find everywhere that the idolaters practice augury. For it says: 'For these nations, that thou art to dispossess, hearken unto soothsayers, and unto diviners' (Deuteronomy 18:14). And it is also written: 'And the

¹⁴ Avodah Zarah 64b defines the resident alien as a heathen who has foresworn idolatry, but is not a proselyte. In fact, he is depicted in contrast to the righteous proselyte who is treated like an Israelite. Ibid, pp. 121-122.

elders of Moab and the elders of Midian departed with the rewards of divination in their hand' (Numbers 22:7), and: 'Balaam also the son of Beor, the soothsayer," etc. (Joshua 13:22)."¹⁶

Exodus 14:9 deals with the moment when Pharaoh changed his mind about letting the Israelites go, and therefore set out after them with his chariots and armies. The Rabbis understand this verse to mean that God intended the Egyptians to pursue the Israelites so that they would all be drowned in the sea. The Rabbis use the Hebrew word *mitzrayim* in this midrash to explain that all of Egypt pursued the Israelites. The Rabbis understand that not a single Egyptian was given the opportunity to turn back, and since they were gaining on the Israelites, it appears there were no signs warning the Egyptians of their coming destruction. The Rabbis believe that the Egyptians, like other non-Jews, are idolaters who practice augury. And, if they had been allowed to practice augury on this occasion, then they might have received a warning about following the Israelites into the sea. The Rabbis find support in this belief about augury from other biblical passages. Further, the Rabbis believed that non-Jews sought out soothsayers and diviners. These acts are not allowed for Jews. Jews are commanded against involvement with such things to ensure their faithfulness to God. Again, this enforces the differences between Jews and non-Jews, as Jewish divination relies on God alone.

Tractate Beshallah, Parasha 7.¹⁷

¹⁵ *Ibid.*, pp. 160-161.

¹⁶ *Ibid.*, p. 204.

Tractate Beshallah, Parasha 7.¹⁸

Tractate Beshallah, Parasha 7.¹⁹

Tractate Shirata, Parasha 3. “My strength and song is the Lord’ (Exodus 15:2).... ‘My strength.’ Thou art a helper and a supporter of all who come into the world, but of me especially. ‘And song is the Lord.’ Thou art the subject of song to all who come into the world but to me especially. He has proclaimed me of special distinction and I have proclaimed Him of special distinction. He has proclaimed me of special distinction, as it is said: ‘And the Lord has avouched thee this day’ (Deuteronomy 26:18). And I have proclaimed Him of special distinction, as it is said: ‘Thou hast avouched the Lord this day’ (ibid., v. 17). But behold, all the nations of the world declare the praise of Him by whose word the world came into being! Mine, however, is more pleasing, as it is said: ‘But sweet are the songs of Israel’ (2 Samuel 23:1). Israel says: ‘Hear O Israel! The Lord our God, the Lord is One’ (Deuteronomy 6:4). And the Holy Spirit calls aloud from heaven and says: ‘And who is like Thy people Israel, a nation one in the earth’ (1 Chronicles 17:21).... Israel says: ‘As the Lord our God is whensoever we call upon Him’ (Deuteronomy 4:7). And the Holy Spirit calls aloud from heaven and

¹⁷ The word *goy* refers to the nation of Israel. Jacob Neusner, Mekhilta According to Rabbi Ishmael: An Analytical Translation v. 1 (Atlanta, GA: Scholars Press, 1988), pp. 166-167.

¹⁸ The word *goy* is used meaning nation. The Rabbis explain that one *goy*, Israel, was saved from another *goy*, Egypt. They interpret this from Exodus 14:30 when Israel escaped the Egyptians by crossing the Red Sea. Jacob Z. Lauterbach, Mekhilta of Rabbi Ishmael v. 1 (Philadelphia: Jewish Publication Society of America, 1976), p. 249.

¹⁹ *Goy* is used here as a general term meaning nation. Jacob Neusner, Mekhilta According to Rabbi Ishmael: An Analytical Translation v. 1 (Atlanta, GA: Scholars Press, 1988), p. 171.

says: 'And what great nation is there, that hath statutes and ordinances so righteous' etc. (ibid., v. 8)."²⁰

Exodus 15:2 is a line from the Song at the Sea. The Rabbis focus on the possessive "My" in this verse. They understand from this that, although God created all people, God is especially concerned for the people Israel. As for the word "song," they understand this to mean that God is the subject of the songs the people sing. However, again, Israel is granted a higher distinction. Israel is labeled as the *goy echad b'aretz*, and the *goy gadol*. Israel is designated as the special nation among all others.

Tractate Shirata, Parasha 6. "'And in the Greatness of Thy excellency Thou overthrow them that rise up against Thee' (Exodus 15:7). Thou hast shown Thyself exceedingly great against those who rose up against Thee. And who are they that rose up against Thee? They that rose up against Thy children. It is not written here: Thou overthrowest them that rise up against us, but: 'Thou overthrowest them that rise up against Thee.' Scripture thereby tells that if one rises up against Israel it is as if he rose up against Him by whose word the world came into being. And so it also says: 'Forget not the voice of Thine adversaries, the tumult of those that rise up against Thee which ascendeth continually' (Psalm 74:23). 'For, lo, Thine enemies are in an uproar.' How so? 'They hold crafty converse against Thy people,' etc. (Psalm 83:3-4). And it is

²⁰ Jacob Z. Lauterbach, Mekhilta of Rabbi Ishmael v. 2 (Philadelphia: Jewish Publication Society of America, 1976), pp. 22-24.

written: 'Do not I hate them, O Lord, that hate Thee,' etc. How so? 'I hate them with utmost hatred; they are mine enemies' (Psalm 139:21-22)."²¹

Exodus 15:7 is also a line from the Song at the Sea. Here, the Rabbis understand the verse to mean that if anyone rises up against Israel, it is as if he has risen up against God. Again, as Israel is viewed as the chosen of God, they are given greater import than other people. The mention of *goy* in this passage refers generically to a nation, but the meaning of the passage is clear: Israel has a special relationship with God, so that she is valued above all other nations.

Tractate Bahodesh, Parasha 1. "'They encamped in the wilderness' (Exodus 19:2). The Torah was given in public, openly in a free place. For had the Torah been given in the land of Israel, the Israelites could have said to the nations of the world: You have no share in it. But now that it was given in the wilderness publicly and openly in a place that is free for all, everyone wishing to accept it could come and accept it. One might suppose that it was given at night, but Scripture says: 'And it came to pass on the third day when it was morning' (Exodus 19:16). One might suppose that it was given in silence, but Scripture says: 'When there were thunders and lightning' (ibid.). One might suppose that they could not hear the voice, but Scripture says: 'The voice of the Lord is powerful, the voice of the Lord is full of majesty,' etc. (Psalm 29:4). 'The Lord sat enthroned at the flood,' etc. (ibid. v. 10).... Balaam said to all the people who stood around him: 'The Lord is giving strength unto His people' (ibid. v. 11). And they all

²¹ Ibid, pp. 42-47.

opened their mouths and said: 'The Lord will bless His people with peace' (ibid.). R. Jose says: Behold it says: 'I have not spoken in secret, ' etc. (Isaiah 45:19). When I gave the Torah from the very start, I gave it not in the place of a land of darkness, not in a secret place, not in an obscure place. I said not: 'It is unto the seed of Jacob' (ibid.), that is, to these only will I give it. 'They sought Me in the desert' (ibid.). Did I not give it in broad daylight? And thus it says: 'I the Lord speak righteousness, I declare things that are right' (ibid.). Already before I gave them the commandments I advanced them the rewards for them, as it is said: 'And it shall come to pass on the sixth day that they shall prepare that which they bring in, and it shall be twice as much' (Exodus 16:5). And it also says: 'Then will I command My blessing upon you in the sixth year,' etc. (Leviticus 25:21). One might think that it was only in the case of these two commandments, but Scripture says: 'And he gave them (the Jews) the lands of the nations,' etc. (Psalm 195:44). What for? 'That they might keep His statutes and observe His laws' (ibid. v. 45). R. Eliezer the son of R. Jose the Galilean used to say: Behold it says: 'He declareth His word unto Jacob...He hath not dealt so with any nation' (Psalm 147:19-20). But what had those wretched nations done that He would not give them the Torah? 'His ordinances they have not known them' (ibid.)-they were unwilling to accept them."²²

Exodus 19:2 is used to explain that the Torah was given publicly, in the wilderness, not in a particular people's land. Therefore, all nations, not just Jews, knew of the laws contained in the Torah. The Rabbis continue by stating that *goyim*, the nations, knew of the Torah but refused it. They rejected the Torah, and therefore, Israel

²² The Talmud expounds on this concept in Avodah Zarah 2b to show that God offered the Torah to

alone is the chosen nation that follows the Torah. The Rabbis clarify that the gentiles were not discriminated against, but they were given a fair chance to receive the Torah. However, they refused. Thus, this division between Jews and other peoples is partly a result of the gentile nations' actions. The separation here has a moral basis.²³

Tractate Bahodesh, Parasha 2.²⁴

Tractate Kaspa, Parasha 20. "If thou meet the ox of thine enemy or his ass going astray, thou shalt surely bring it back to him again' (Exodus 23:4). R. Josiah says: This means of a heathen worshiping idols. For thus we find everywhere that the heathen are designated as enemies of Israel, as it is said: 'When thou goest forth in camp against thine enemies' (Deuteronomy 23:10), 'When thou goest forth to battle against thine enemies' (ibid. 21:10). R. Eliezer says: This passage refers to a proselyte who has relapsed into his former evil predilection. R. Isaac says: This passage refers to an apostate Israelite. R. Jonathan says: This passage actually refers to an Israelite. How then can Scripture say: 'Thine enemy?' It is simply this: If one has beaten his son or has had a quarrel with him, he becomes his enemy for the time being."²⁵

the other nations before God offered it to Israel. *Ibid.*, pp. 198-200.

²³ The same material, and other related traditions making the same point, are found in Bahodesh, Parashah 5 (Lauterbach, pp. 233-237).

²⁴ The Rabbis discuss Exodus 19:4, and understand the word *goy* to refer to Israel. *Ibid.*, p. 206.

²⁵ Lauterbach also notes that the Talmud and Tosefta also treat the *goyim* as enemies of Israel in Sanhedrin 76b, Baba Mesiah 32b, T. Baba Mesiah 3, 26, and Pesachim 113b. Jacob Z. Lauterbach, *Mekhilta of Rabbi Ishmael* v. 3 (Philadelphia: Jewish Publication Society of America, 1976), pp. 163-164.

The Rabbis argue over the meaning of “your enemy.” Rabbi Josiah suggests that it refers to a gentile who is an idolater, because, he points out, gentiles are often designated as enemies of Israel. He uses Deuteronomy 23:10 as support for his opinion as it refers to gentiles as being Israel’s enemies. The discussion continues with other Rabbis presenting differing opinions. One suggests the sentence refers to proselyte who has relapsed into his former activities. Another suggests it refers to an apostate Jew, and one even suggests it refers to an Israelite. The final suggestion is that the enemy of this phrase refers to someone who has verbally or physically abused his son and therefore becomes his enemy. This whole discussion concerns not just who the enemy is, but if this enemy is a Jew or non-Jew, (i.e., “enemy” in a metaphysical, implacable sense versus “enemy” in a temporary social context). Nonetheless, regardless of who the enemy refers to here, it is clear that the Rabbis often refer negatively to the gentiles, and even as being a threat to Jews.

Tractate Kaspa, Parasha 20. “If thou see the ass of him that hates thee lying under its burden, and wouldest forbear to help him, thou shalt surely unload it with him’ (Exodus 23:5). There are cases where you may forbear from helping and there are cases where you must help. How so? If the ass belongs to an Israelite and the load to a Gentile, then: ‘Thou shalt surely help with him.’ If the ass belongs to a Gentile and the load to an Israelite, ‘Thou wouldest forbear to help him.’”²⁶

²⁶ Baba Mesiah 32b quotes this same passage. Ibid, p. 166.

The Rabbis deem it necessary to discuss when an Israelite should and should not help a gentile. If an Israelite owns the ass that is being burdened, and a gentile owns the load it is carrying, then the Israelite is obligated to help. However, if a gentile owns the ass and the Israelite the load, the Israelite is forbidden to help. The Rabbis are concerned with ownership of the faltering animal. If it is an Israelite's animal, then an Israelite is obligated to help it. Again, the Rabbis clarify a hierarchy of peoples, the Israelites being higher than the gentiles, and the Israelites are obligated to help their own.

Nochri

Tractate Pisha, Parasha 10. “For seven days no leaven shall be found in your houses’ (Exodus 12:19). What is the point of this statement? Because it is said, ‘and no leaven shall be seen with you in all your territory’ (Exodus 13:7), which I might interpret in a literal way. Scripture says, ‘in your houses,’ that is, just as ‘your houses’ lie in your domain, so ‘your territory’ speaks of your domain, thus excluding from the rule leavened bread owned by an Israelite which is in the domain of a gentile. Even though the Jew has the power to remove it, truly it is not in his domain. This further excludes from the rule leavened bread owned by a gentile which is in the domain of an Israelite and leaven on which a building has fallen into ruins. Even though it is within his domain, truly, he has not got the power to remove it. You maintain that it is for that purpose that the specified statement is made. But perhaps it serves the purpose only to indicate that while in the houses the prohibition of leaven is for seven days, in the provinces [‘your territory’], the prohibition applies perpetually? Scripture says, ‘and no leaven shall be seen with you in all your borders for seven days’ (Deuteronomy 16:4), indicating that just as the

prohibition of leaven in the houses is for seven days, so the prohibition of leaven in the provinces at large is for seven days.”²⁷

This passage is concerned with the laws of Pesach. The Rabbis want the laws to be clear so that no Israelite will violate them. Thus, regarding leaven that is owned by an Israelite but is in possession of a gentile, the Israelite is not obligated to dispose of it further. Perhaps the Rabbis qualified this to allow for the temporary selling of leaven by Israelites to gentiles during Pesach. Likewise, the Rabbis continue by stating that any leaven of which an Israelite does not have the power to dispose need not be a source of concern to him. Only the leaven that is in the actual possession of an Israelite during Pesach must be removed or destroyed. Here, the Rabbis are primarily concerned with the laws the Israelites are to follow and their physical ability to follow them.

Tractate Pisha, Parasha 17. “‘Unleavened bread shall be eaten for seven days, no leavened bread shall be seen with you, and no leaven shall be seen with you in all your territory’ (Exodus 13:7). What is the point of this statement? Because it is said, “and no leaven shall be seen with you in your houses’ (Exodus 12:19), which I might interpret to encompass what is not within your domain, Scripture says, ‘in your territory,’ that is, just as ‘your territory’ means your domain, so ‘your houses’ speak of your domain, thus excluding from the rule leavened bread owned by an Israelite which is in the domain of a gentile. Even though the Jew has the power to remove it, truly it is not in his domain. This further excludes from the rule leavened bread owned by a gentile which is in the

²⁷ Jacob Neusner, Mekhilta According to Rabbi Ishmael: An Analytical Translation v. 1 (Atlanta:

domain of an Israelite and leaven on which a building has fallen into ruins. Even though it is within his domain, truly, he has not got the power to remove it.”²⁸

Exodus 13:7 is interpreted the same way as Exodus 12:19 has been interpreted. The Rabbis understand from these passages that all leaven that is in possession of an Israelite during Pesach must be removed or destroyed. This excludes all Israelite leaven in the domain of a gentile or gentile-owned leaven, over which the Israelite does not have complete control.

Tractate Nezikin, Parasha 3. “And if a man sells his daughter to be a maidservant, she shall not go out as the menservants do. If she please not her master, who has designated her for himself, then shall he let her be redeemed: to sell her to a strange nation he shall have no power, seeing he has dealt deceitfully with her” (Exodus 21:7-8). “‘he shall have no right to sell her to a foreign people:’ Lo, we find an admonition to the court not to sell her to a gentile.”²⁹

The Rabbis understand that Exodus 21:7-8 is speaking about an Israelite girl who may be sold as a slave. Since the girl is an Israelite, one of God’s chosen people, she must remain in the custody of an Israelite. Therefore, the Israelite courts have declared that no Israelite may be sold to a non-Jew. Israelites must remain with Israelites so that

Scholars Press, 1988), pp. 60-61.

²⁸ Ibid., pp. 106-107.

²⁹ Ibid., p. 125.

full observance of the *halakhah* is possible, and so that the purity of the Israelites may be insured.

Tractate Nezikin, Parasha 12. “And if one man’s ox hurt another’s, that he die, then they shall sell the live ox, and divide the money of it, and the dead ox also they shall divide’ (Exodus 21:35). ‘When one man’s ox:’ [‘man’] excludes a minor. ‘When one man’s ox hurts another’s:’ This further includes an ox belonging to outsiders.”³⁰

The Rabbis clarify that restitution must be paid not only for the loss of Israelite property, but also for the loss of gentile property. Therefore, if the ox of an Israelite kills the ox of another Israelite or the ox of a gentile, he is responsible for paying the other owner a certain sum of money. As the Israelites are considered a special people, the Rabbis believe that they should set an example for all other people. Therefore, it is only ethical that an Israelite whose ox is responsible for the death of another person’s ox compensate the loss of that other person.

³⁰ Ibid, p. 176.

IV

Mekhilta of Rabbi Shimon Bar Yochai, like the Mekhilta of Rabbi Ishmael, is an exegetical midrash that interprets the book of Exodus. This collection is ascribed, on the basis of its first attribution, to Shimon Bar Yochai, and begins by expounding on Exodus 3:1, then following the verses and chapters. Unlike the Mekhilta of Rabbi Ishmael, this collection has not been preserved very well, and thus it is unknown how much of the book of Exodus was originally examined in this collection. In its present condition it is incomplete, but is organized according to the chapter and verse that it expounds from the book of Exodus.

Goyim

Perek 12, Pasuk 19. “No leaven shall be found in your houses for seven days, for whoever eats that which is leavened, even that person shall be cut off from the congregation of Israel, whether he be stranger, or a citizen of the country” (Exodus 12:19). ‘Seven days.’ I only know that [this applies to] days. Where does one know from Scripture [that it applies as well to] nights? As it is written, ‘until the twenty-first day of the month [at evening]’ (Exodus 12:18). Further, ‘No leaven shall be found in your houses.’ Since Scripture says, ‘no leaven shall be seen with you’ (Exodus 13:7), one might think he may hide [his leaven] or receive [the leaven of others] as a deposit. [However,] it is written, ‘leaven shall not be found in your houses’ or, ‘[perhaps because it says no leaven] shall be found.’ One might think that he should not see [even leaven belonging] to others. [However,] it is written, ‘[no leavened bread shall be seen] with

you' (Exodus 13:7), [meaning] you should not see yours; you may see that belonging to others. One might think that Scripture spoke only of the non-Jew whom you do not dominate. How does one know from Scripture, however, [that this includes] the non-Jew whom you do dominate, and to whom you leased your house, and he who dwelt with you in your courtyard? As it is written, 'no leaven shall be found in your houses.' And still, I might say that [your leaven] is prohibited 'in your house' under the prohibitions that it 'not be seen' and 'not be found,' while that of others is permitted. [But] it is permitted to hide [your leaven] that is in the fields or receive [leaven as] a deposit, however this is prohibited [for the leaven belonging] to others! But Scripture says 'leaven' and 'leaven,' as a *gezerah shavah*. Just as the 'leaven' stated there (Exodus 13:7) [applies to] your [leaven] and not [that of] others, likewise the 'leaven' stated here [applies] to yours and not [that of] others. Just as the 'leaven' stated there is included in the general prohibited category that it 'not be seen' and 'not be found,' likewise the 'leaven' stated here is included in the general prohibited category that it 'not be seen' and 'not be found.'

Rabban Shimon ben Gamliel said, Is not the general prohibition that it 'not be found' [presumed] in [the prohibition that] it 'not be seen?' Then why does Scripture say, 'no leaven shall be found?' [To teach that] you are bound to destroy [the leaven] that is accessible to you, but that which is not accessible to you, you are not required to destroy. From here they stated, 'Leaven upon which debris has fallen, or that fell into a pit or into a cistern or a store room: if the dogs and swine are able to seek after it and bring it out, you are liable to destroy it; and if not, you are not liable to destroy it' [cf. M. Pes. 2:3].

[If] a non-Jew comes to the house of a Jew and has leaven in his hand, he is not obligated [to destroy it]. [But, if the non-Jew] placed him (the Jew) in charge of it, then he is

obligated to destroy it. As it is written, 'no leaven shall be seen with you.' But if he (the Jew) designated a house for it and placed it within it, he is not obligated.... 'For whoever eats what is leavened, that person shall be cut off...' (Exodus 12:19). And not the community. 'That [person shall be cut off from the congregation of Israel].' Not the one forced to transgress, and not the one who transgressed unwittingly, and not the one who transgressed under false premises. '[That person shall be cut off] from the congregation of Israel.' Israel [is in] peace. 'Whether he be stranger.' This is the [male] stranger. 'A citizen.' This is the [male] citizen. 'Of the country.' [Scripture states this] to extend [the prohibition of leaven to include all] unowned leaven."³¹

The Rabbis focus on the specifications of the law against having leaven in the house during Passover. They explain that this law does not apply just to the house occupied by the Jew, but also any property owned by the Jew, even if a non-Jew resides there. In any situation, involving either Jews or non-Jews, in which there is leaven over which a Jew has control, he is obligated to destroy it. The Rabbis' main concern here is not with the roles of Jews and non-Jews. They are simply concerned with abiding by the law. Therefore, this discussion is not pertinent to the Rabbis' attitudes towards non-Jews. The Rabbis only want to eliminate gray areas regarding the law. This midrash parallels the Mekhilta of Rabbi Ishmael tractate Pisha, parasha 10. There, the Rabbis agree that any leaven possessed by a Jew must be destroyed. However, any leaven that is owned by

³¹ Translated from: E.Z. Melamed (Ed.) Mekhilta of Rabbi Shimon Bar Yochai (Jerusalem: American Academy for Jewish Research, 1955), p. 23. Translation based on the translation of W. David Nelson, Textuality and Talmud Torah: Issues of Early Rabbinic Written and Oral Transmission of Tradition as Exemplified in the Mekhilta of Rabbi Shimon b. Yochai (Ph.D. dissertation, HUC-JIR, Cincinnati, 1999), pp. 284-287.

a Jew but possessed by a non-Jew is permitted. Ultimately, the concern is the same. The Rabbis want to prevent Jews from violating the laws regarding leaven on Passover.

Perek 14, Pasuk 27.³²

Perek 15, Pasuk 2.³³

Perek 19, Pasuk 1.³⁴

Perek 19, Pasuk 6.³⁵

Perek 23, Pasuk 33. “They shall not dwell in your land, lest they make you sin against me, for if you serve their gods, it will surely be a snare to you’ (Exodus 23:33). Behold this is a warning that gentiles, who worship idols, shall not be allowed to dwell with you. Could this be said for no reason? [No, for] it is written, ‘lest they make you sin against me.’ I (God) have already assured you, ‘The angel of the Lord encamps round about those who fear him, and he delivers them’ (Psalms 34:8). God will deliver them from sinning. How, then, should I leave them among you lest they cause you to sin against me? They intend to cause you to rebel against Me. And what defense [against

³² The mention of *goy* is a quote from the book of Jeremiah referring to a mighty nation. *Ibid*, p. 67.

³³ The use of *goy* in this section again refers only to a great nation. *Ibid*, p. 78.

³⁴ *Goy* again means nation. *Ibid*, p. 137.

³⁵ *Goy* refers to the holy nation of Israel. *Ibid*, p. 139.

them] have you [on your own]? You will attach yourselves to them and become liable to me for extinction. Therefore, I warn you, 'they shall not dwell in your land.'"³⁶

Once again, the Rabbis are concerned with the gentile practice of idolatry. They fear that if Jews live amongst non-Jews they may adopt their practices and break the prohibition against serving other gods. Thus, the Rabbis understand that Exodus 23:33 is not just a warning against idolatry, but they further understand that it implies that Jews should not even live amongst non-Jews so that they will not be impelled to follow in the ways of the non-Jews. This is especially true in the Land of Israel, where the Canaanite nations are not allowed to remain, lest they lead the Jews astray.

Nochri

Perek 12, Pasuk 19.³⁷

Perek 21, Pasuk 8. "If she please not her master, who has designated her for himself, then shall he let her be redeemed, to sell her to a strange nation he shall have no power, seeing he has dealt deceitfully with her" (Exodus 21:8). 'To a foreigner he must not sell her.' Perhaps, then, he is able, not to sell her, but to give her as a gift? [No, because] Scripture says, 'to a strange nation he shall have no power.' Perhaps then, he may not sell her to others, but he may sell her to relatives. [No, because] Scripture says,

³⁶ *Ibid.*, p. 220.

³⁷ See this same chapter and verse under the section *Goyim*.

‘to a nation he may not sell her.’ Perhaps then, he may not sell her, but he may give her as a gift? [No, because] Scripture says, ‘to a foreign nation, he shall have no power.’”³⁸

The Rabbis understand Exodus 21:8 as a prohibition against selling a Jewish slave to anyone, especially to a non-Jew. The Rabbis explain that the master who has designated a slave to be for himself has only two choices: keep her, or redeem her. He is no longer allowed to sell her, nor can he give her away, to either a non-Jew or a Jew. Although the Rabbis understand that the law states that the master cannot give or sell his slave to anyone, it specifically mentions “a strange nation.” Thus, it should be understood that the secondary concern here is for allowing a non-Jew to have dominion over this slave. This parallels the Mekhilta of Rabbi Ishmael tractate Nezikin, parasha three. There, the Rabbis explicitly state that an Israelite slave may not be sold to a non-Jew because she is one of God’s chosen people, and further, so that full observance of the *halakhah* is possible.

³⁸ Ibid, p. 166.

V

Sifra is an Aramaic word corresponding to the Hebrew word *sefer*. The tannaitic midrash, Sifra, is a collection of halakhic midrashim to the book of Leviticus. Originally, Sifra was a name used by the *amoraim* to designate *beraitot* that comprised *halakhot* derived by exegesis from the book of Leviticus. The *geonim* and the *rishonim* refer to this current collection of midrashim to Leviticus as Sifra. This collection is also divided into nine parts, with further subsections, or *parashot*, and these subsections into chapters and *halakhot*.³⁹

Goyim

Parashat Ahare Mot, Perek 13. “None of you shall come near anyone of his own flesh to uncover nakedness; I am the Lord (Leviticus 18:6):’ [Since the Hebrew for ‘none of you’ is, ‘a man, a man,’] why is it that Scripture says, ‘a man, a man?’ It serves to encompass gentiles, who are admonished against incest like Israelites.”⁴⁰

The Rabbis clarify that this law is to be observed by both Jews and non-Jews. They consider this to be one of the seven Noahide commandments.

Parashat Ahare Mot, Perek 13. “You shall therefore keep my statutes, and my judgments, by the pursuit of which man shall live (Leviticus 18:5):’ R. Jeremiah says, How do I know that even a gentile who keeps the Torah, lo, he is like the high priest?

³⁹ Encyclopaedia Judaica v. 14 (Jerusalem: Keter Publishing House Ltd., 1971), pp. 1517-1518.

⁴⁰ Jacob Neusner, Sifra: An Analytical Translation v. 3 (Atlanta, GA: Scholars Press, 1988), p.

Scripture says, 'by the pursuit of which man shall live.' Similarly, And this is the Torah of the priests, Levites, and Israelites, is not what is said here, but rather, 'This is the Torah of man, O Lord God' (2 Samuel 7:19). Similarly, 'open the gates and let priests, Levites, and Israelites enter it' is not what is said, but rather, 'Open the gates and let the righteous nation, who keeps faith, enter it' (Isaiah 26:2). Similarly, 'This is the gate of the Lord. Priests, Levites, and Israelites...' is not what is said, but rather, 'the righteous shall enter into it' (Psalm 118:20). Similarly, Rejoice, priests, Levites, and Israelites, is not what is said here, but rather, 'Rejoice, O righteous, in the Lord' (Psalm 33:1).' Similarly, Do good, O Lord, to the priests, Levites, and Israelites, is not what is said, but rather, 'Do good, O Lord, to the good, to the upright in heart' (Psalm 125:4).' Thus even a gentile who keeps the Torah , lo, he is like the high priest."⁴¹

The Rabbis focus on the word *ha'adam*. They interpret this word generically as not referring specifically to Israelites, but to all people. Thus, anyone can have access to the Torah. This verse, therefore, is used to encourage conversion. The Rabbis discuss gentiles who choose to keep the Torah, and determine that even a gentile who observes the laws of the Torah is deemed righteous, and therefore, is to be considered like a high priest. They understand this from 2 Samuel 7:19, which states that "This is the Torah of man," not just the Torah of the Jews, and in Isaiah 26:2, Psalm 33:1, and Psalm 15:4, where it states that the righteous, without clarification or restriction, will be rewarded. Unlike some previous instances noted in Mekhilta, here the gentiles are not differentiated as being lesser than the Jews. This seems anomalous. The gentiles are not usually given

the same credence as Jews. Nonetheless, in most cases, the gentiles are not portrayed negatively, simply as a different segment of the population. Thus, this understanding concerning the gentiles may not be so peculiar. In addition, it is because of the gentile's observance of Jewish law, (and thus his acknowledgment of Israel's Lawgiver), that he is accepted in this midrash.

Nochri

Parashat Kedoshim, Perek 1. “When you reap the harvest of your land, you shall not wholly reap the corners of your field, neither shall you gather the gleanings of your harvest. And you shall not glean your vineyard, neither shall you gather the single grapes of your vineyard; you shall leave them for the poor and the stranger: I am the Lord your God” (Leviticus 19:9-10). [The emphasis on ‘when you harvest’ excludes [the following cases from the requirement of setting aside *peah*]: [a field that] (1) robbers harvested, (2) ants devastated, or that (3) the wind or cattle trampled [M. Peah 2:7A]. ‘When you reap the harvest of your land, you shall not wholly reap the corners of your field, neither shall you gather the gleanings of your harvest.’ [The emphasis on ‘when you harvest’] excludes [a second sort of case, namely one in which] a gentile [owns and] harvests [the field]. On the basis [of the foregoing exegesis, the sages] said: [As regards] a gentile who harvested his field and afterward converted [to Judaism]- the produce that he had harvested is exempt from the restrictions of (1) gleanings, (2) forgotten sheaves, and (3) *peah*. R. Judah obligates [the convert] to [obey the law of] the forgotten sheaf, because [the law of] the forgotten sheaf [takes effect] only after [the conclusion of] the

⁴¹ Ibid, p. 80.

binding [process, which took place here after the gentile had converted (M. Peah 4:6. A-D)].”⁴²

The Rabbis clarify Leviticus 19:9-10 by stating that this law only applies to land owned by Israelites. The Rabbis recognized that they did not have authority over gentiles, therefore they could not require the gentiles to leave the corners of the field and forgotten sheaves for the poor. In addition, the Rabbis believe that Israelites are morally superior to gentiles and that is why they are required to follow such laws, unlike gentiles. However, the Rabbis argue whether these laws apply to a proselyte. R. Judah says that a proselyte is obligated concerning the forgotten sheaf if he became a Jew before the binding process was complete. Therefore, anyone who is a Jew, convert or otherwise, is obligated to abide by these laws.

Oved Avodah Zarah

Parashat Kedoshim, Perek 8. “And if a stranger sojourn with you in your land, you shall not wrong him. But the stranger that dwells with you shall be to you as one born among you, and you shall love him as yourself; for you were strangers in the land of Egypt: I am the Lord your God’ (Leviticus 19:33-34). If someone came and said to a man, I am a proselyte, is it possible that one should accept him [and marry off an Israelite woman to him]? Scripture says, ‘with you,’ meaning, subject to ample proof for you, (known to you).... ‘you shall not wrong him:’ You should not say to him, Yesterday you were worshipping idols and now you have come under the wings of the Presence of God.

⁴² Ibid, pp. 91-92.

‘As a native among you:’ Just as a native is one who has accepted responsibility for all the teachings of the Torah, so a proselyte is to be one who has accepted responsibility for all the words of the Torah.”⁴³

The Rabbis interpret Leviticus 19:33-34 as a guideline for how to treat proselytes. They caution against being disrespectful to proselytes. Once a person has shown proof of his conversion, he is to be accepted as a full Jew. Therefore, the Rabbis say, he should not be oppressed, discriminated against, or treated disrespectfully. Once a gentile converts to Judaism, he should be treated with the same courtesy and trust as any other Jew.

⁴³ Ibid, p. 128.

VI

Sifrei Numbers is a collection of exegetical midrashim to the book of Numbers. As the book of Numbers contains several narrative passages, this collection contains *aggadah* as well as *halakhah*. However, this midrashic collection does not include commentary on the whole book of Numbers; it commences only where the legal materials begin. In amoraic times, the word *sifrei* designated any collection of halakhic *beraitot*. Later, *sifrei* was used to refer to two collections of Midrash: Sifrei Numbers and Sifrei Deuteronomy. Sifrei Numbers is divided into paragraphs according to the division of verses in the book of Numbers.⁴⁴

Sifrei to Numbers 84. “...and let them that hate You flee before You’ (Numbers 10:35). And do those who hate [come before] him who spoke and brought the world into being? The purpose of the verse at hand is to say that whoever hates Israel is as if he hates him who spoke and by his word brought the world into being. Along these same lines: ‘In the greatness of Your majesty You overthrow Your adversaries’ (Exodus 15:7).... And so Scripture says, ‘On account of Your people, whom You redeemed for Yourself from Egypt, a nation and its God’ (2 Samuel 7:23).”⁴⁵

In Numbers 10:35, Moses is speaking to God. This passage parallels Tractate Shirata, Parasha 6 of the Mekhilta of Rabbi Ishmael, where it states that anyone who rises up against Israel, it is as if they have risen up against God. Here, in Numbers 10:35, the Rabbis understand the verse to be stating that anyone who hates Israel is one who hates

⁴⁴ Encyclopaedia Judaica v. 14 (Jerusalem: Keter Publishing House Ltd., 1971), pp. 1519-1520.

God. They continue by using other biblical passages to prove Israel's special relationship with God, and to show that Israel is a unique and treasured people to God. Their use of *goy* means "a nation." They quote 2 Samuel 7:23 which in its entirety states, "And what one nation in the earth is like Your people, like Israel, whom God went to redeem for a people to Himself, and to make Himself a name, and to do like the great things and terrible which You did for Your land, on account of Your people, whom You redeemed for Yourself from Egypt, a nation and its God?" The first *goy* refers to Israel. The second *goy* refers to gentile nations. Again, the Rabbis desire to maintain a division between Jews and non-Jews. They wish to preserve Israel as being a superior nation to others.

Sifrei to Numbers 107. "'All who are native shall do these things in this way, in offering an offering made by fire, of a sweet savour to the Lord' (Numbers 15:13). Why is this said? Since it is said, 'If its testicles have been crushed or bruised, torn or cut, you shall not present it to the Lord... You shall not procure any such creature from a foreigner and present it is food for your God. [Their deformity is inherent in them, a permanent defect, and they will not be acceptable on your behalf]' (Leviticus 22:25). [One might have argued:] these you shall not acquire from them, but you may acquire from them unblemished beasts. Now that I have learned that a gentile may offer a burnt-offering, I have grounds to propose a logical argument as at the outset. An Israelite brings a burnt-offering, and a gentile brings a burnt-offering. Then just as an Israelite brings drink offerings, so does a gentile bring drink offerings? Scripture says, 'All who are native shall do these things in this way,' meaning, these things does an Israelite do, bringing

⁴⁵ Jacob Neusner, Sifre to Numbers: An American Translation and Explanation v. 1 (Atlanta, GA:

drink offerings, but a gentile does not bring drink offerings. Might one maintain then that his burnt offering should not require drink offerings at all? Scripture says, 'in this way,' meaning, as sages have ruled: If a gentile sent a burnt offering from overseas and did not send the cost of drink offerings with it, the drink offerings are to derive from community funds."⁴⁶

Numbers 15:13 is included in a section of laws pertaining to sacrifices about which God is telling Moses. This phrase informs that only Israelites are required to observe these sacrificial laws. Again, the main concern of the Rabbis in this midrash is to preserve the uniqueness of Israelite laws and culture. Israelite laws and sacrificial procedures apply only to Israelites; gentiles are not obligated in this regard. Israelites have no control over gentiles, but they do have an obligation to observe their own laws. Observing these laws is how Israel lays claim to their special relationship with God as God's chosen people.

Scholars Press, 1986), pp. 72-75.

VII

Sifrei Deuteronomy, like Sifrei Numbers, is an exegetical Midrash on the book of Deuteronomy. Also like Sifrei Numbers, Sifrei Deuteronomy contains both *halakhah* and *aggadah*. The division of this collection also closely follows that of the Deuteronomic verses.⁴⁷

Goyim

Pisqa 16. “Hear the causes between your brethren’ (Deuteronomy 1:16). It was R. Ishmael’s custom that when two litigants, one an Israelite and the other a heathen, came before him for judgment, he would rule in favor of the Israelite, regardless of whether he ruled according to the laws of Israel or according to the laws of the nations; for he said, What difference does it make to me? Does not the Torah say, Hear the causes between your brethren, (i.e., your fellow Jews)? Rabban Simeon ben Gamaliel, on the other hand, says: He should not have interpreted it in this sense; rather, if the litigants come to be judged by the laws of Israel, the judge should follow the laws of Israel, and if they come to be judged by the laws of the nations, he should follow the laws of the nations.”⁴⁸

⁴⁶ Ibid, v. 2, p. 147.

⁴⁷ Encyclopaedia Judaica v. 14 (Jerusalem: Keter Publishing House Ltd., 1971), p. 1520.

⁴⁸ Reuven Hammer, Sifre: A Tannaitic Commentary on the Book of Deuteronomy (New Haven: Yale University Press, 1986). T Baba Kamma 10:15 also deals with the problem of deceiving a gentile.

The phrase, "Hear out your fellow men," is included in Moses' address to the Israelites on how they should behave once they arrive in the Land of Israel. The Rabbis understand this phrase in reference to a court hearing. The issue being discussed is how to construe "your brethren" in a situation where the litigants are a Jew and a non-Jew. The Rabbis explain that there are different laws for Israelites than there are for gentiles. When a court case is to be decided according to Israelite law, it should so be done. If a court case is to be decided according to gentile law, it should so be done. Therefore, R. Ishmael was at fault when he chose, regardless of the issue and regardless of which laws were to be the authority, to rule in favor of the Israelite. A judge should deal fairly with all people according to whichever laws are to be the authority. This midrash simply presents one of the ways in which Israelites and gentiles were distinguished from each other.

Pisqa 81. "...beware of being lured into their ways after they have been wiped out before you. Do not inquire about their gods, saying, How did those nations worship their gods? I too shall follow those practices. You shall not act thus toward the Lord your God, for they perform for their gods every abhorrent act that the Lord detests; they even offer up their sons and daughters in fire to their gods. Be careful to observe only that which I enjoin upon you, neither add to it nor take away from it' (Deuteronomy 12:30-13:1). '...Of being lured into their ways:' lest you be drawn after them, become like them, act like them, so that they will be a snare for you. '...After they have been wiped out before you:' on what account shall I wipe them out from before you? So that you will not act like them, and others come and destroy you.... 'they even offer up their

sons and daughters in fire to their gods...' Scripture says not merely 'their sons,' but 'even their sons,' not merely 'their daughters' but 'even their daughters.' Said R. Aqiba, I saw a gentile who tied up his father and left him before his dog, who ate him."⁴⁹

The Biblical text here, Deuteronomy 12:30-13:1, is used to elaborate on the practices of gentiles. The Rabbis understand that the acts of these gentiles, these idolaters, are reprehensible acts. They also interpret these practices to be a threat to the Israelites' practices. The Rabbis (like the Deuteronomist) were concerned that the gentiles would corrupt the Israelites and seduce them into following after their own ways. This was a great concern to the Rabbis as this corruption would affect the Israelites' purity (i.e., their special relationship to God).

Pisqa 282. "'When you reap the harvest in your field and overlook a sheaf in the field, do not turn back to get it; it shall go to the stranger, the fatherless, and the widow- in order that the Lord your God may bless you in all your undertakings' (Deuteronomy 24:19).... 'when you reap the harvest in your field.' This formulation excludes a case in which gentiles harvested the crop. In this connection sages have ruled: A gentile who harvested his crop and then converted-the field is exempt from the requirement of leaving the gleanings, forgotten sheaves, and the corner of the field. R. Judah declares the field liable for the forgotten sheaf, for the liability for the forgotten sheaf applies only during the sheaf-making process.... [If] one has harvested a field belonging to the sanctuary and an Israelite then purchased its [crop], the crop is exempt from the stated obligations. [If]

⁴⁹ Ibid., pp. 228-229.

a gentile harvested the field and an Israelite purchased its [crop], the crop is exempt from the stated obligations.”⁵⁰

This biblical verse, Deuteronomy 24:19, is used by the Rabbis as another opportunity to explore the applicability of Israelite agricultural laws to non-Israelites. They question whether a proselyte is obligated to observe these laws if he converted after harvesting his crop, and they respond negatively. Then the Rabbis discuss whether a harvested field that has been purchased by an Israelite is exempt from these obligations. They again respond negatively, because the obligation pertains only at the time of harvesting. The Rabbis deemed it necessary to insure that these agricultural laws were clear so that there was less chance of violating them. Thus, they delved into discussion concerning the non-Jew and the proselyte and the moment of applicability so that there would be no confusion regarding these laws.

Pisqa 322. “‘Were it not for the heaped up wrath of the enemy, lest their enemies might misjudge, and lest they should say, our hand is high, and the Lord has not done all this’ (Deuteronomy 32:27). In the time of Israel’s trouble, the nations of the world treat them as strangers and act as though they do not know them at all.... When things go well with Israel, the nations of the world try to deceive them and pretend that they are brothers, and so Esau said to Jacob, ‘I have more than enough, keep what is yours, my brother.’ (Genesis 33:9).”⁵¹

⁵⁰ This passage parallels Parashat Kedoshim, Perek 1 of Sifra, (pp. 29-31 of this paper). *Ibid.*, pp. 230-231.

⁵¹ *Ibid.*, p. 359.

Deuteronomy 32:27 is a part of a poem that Moses is speaking to the Israelites. Here, the Rabbis understand “enemies” as referring to gentiles who are against the Israelites. This passage treats gentiles as untrustworthy. Recalling non-Jewish biblical characters such as Esau, the Rabbis point out that gentiles are deceitful and thus Israelites should be cautious when dealing with them.

Pisqa 322. “‘For they are a folk void of sense, lacking in all discernment...’ (Deuteronomy 32:28). R. Judah interprets the passage to speak of Israel: The Israelites have lost the good counsel that was given to them, and counsel refers only to Torah, as it is said, ‘I have force, I also have ability; understanding and power are mine’ (Proverbs 8:14). ‘...lacking in all discernment.’ There is not a single one of them who will take a good look at things and observe, Aforetime, one of us could pursue among the gentiles a thousand, and two could take a myriad captive, but now one of the nations can pursue of us a thousand, and two make ten thousand flee. How could one have routed a thousand or two put ten thousand to flight, ‘unless their Rock had sold them, the Lord had given them up? For their rock is not like our Rock, in our enemies’ own estimation’ (Deuteronomy 32:30-31). R. Nehemiah interprets it to speak of the nations of the world: The nations of the world have lost the seven religious duties that I assigned to them. ‘...lacking in all discernment.’ There is not a single one of them who will take a good look at things and observe, ‘Aforetime, one of us could pursue among the Israelites a thousand, and two could make a myriad flee, but in the time of the Messiah one of the Israelites can pursue of us a thousand, and two make ten thousand flee.’ How could one

have routed a thousand or two put ten thousand to flight, unless their Rock had sold them, the Lord had given them up? For their Rock is not like our rock.”⁵²

Deuteronomy 32:28 continues Moses’ address to the Israelites. Here, the question is, who is “they?” Using the following Deuteronomic verses, the Rabbis debate. R. Judah argues that it refers to Israel, saying that Israelites are foolish to think that they could not conquer their gentile enemies. R. Judah believes that the Israelites would be victorious, because God is on their side. On the contrary, R. Nehemiah believes “they” refers to gentiles. He declares that the gentiles are the ones who are foolish, because they do not recognize the strength God gives the Israelites, and in fact, do not recognize the Israelite God. Essentially, the Rabbis understand that the “they” of this passage have denied God’s power. “They” fail to truly accept God, whether they are Israelite or gentile, and that is why they are deemed “void of sense.”

Pisqa 344. “...lover, indeed, of the people, their hallowed are all in your hand. They followed in your steps, accepting your pronouncements, when Moses charged us with the Torah as the heritage of the congregation of Jacob’ (Deuteronomy 33:3-4). This teaches that the Omnipresent loved Israel as he did not love any other nation or kingdom.... Another interpretation of the phrase...teaches that the Holy One, blessed be he, did not apportion love to the nations of the world as he did to Israel. You may know that that is so. For lo, sages have ruled, That which is stolen from a gentile is permitted, but from an Israelite is forbidden. Now the government sent two detectives, saying to

⁵² Ibid, p. 360.

them, Go and pretend to be Jews and examine their Torah and find out what it is all about. They went to Rabban Gamaliel, to Usha, and studied Scripture and repeated the Mishnah, exegesis of laws and lore. When they were leaving, they said, This entire Torah is certainly valuable and praiseworthy, except for this one ruling, which you state, That which is stolen from a gentile is permitted, but from an Israelite is forbidden. But we shall not inform the government about this matter.”⁵³

This passage, Deuteronomy 33:3-4, is self-explanatory. The Rabbis are again placing Israel in a superior position over the gentile nations. Then, they continue to differentiate the gentiles from the Jews as a distinct class of people by stating that property stolen from a gentile may be kept and used by an Israelite, but property stolen from an Israelite may not be kept or used by another Israelite. This implies that Israelites and their property should be granted more respect than gentiles and their property. Further, they state that gentiles, through their praise of the Torah, (excepting this one interpretation in Pisqa 344), recognize the value of Israelite ways. Here, the gentile spies are somewhat ambivalent, ^(and so, in effect, are the Rabbinic authors who recognize this inequality) They acknowledge the superiority of Israel's Torah, but they detest this one ruling concerning stolen property. In the end, the message is clear. Israel is a superior nation to all others.

Pisqa 355. “O Jeshurun, there is none like God, riding through the heavens to help you, through the skies in his majesty. The ancient God is a refuge, a support are the arms everlasting. He drove out the enemy before you. By his command: Destroy. Thus

⁵³ Ibid, p. 413.

Israel dwells in safety, untroubled is Jacob's abode, in a land of grain and wine, under heavens dripping dew. O happy Israel! Who is like you, a people delivered by the Lord, your protecting shield, your sword triumphant. Your enemies shall come cringing before you and you shall tread on their backs' (Deuteronomy 33:24-29). 'O Jeshurun, there is none like God.' The Israelites say, 'There is none like God,' and the holy Spirit says, 'O Jeshurun.' The Israelites say, 'Who is like you, O Lord among the mighty' (Exodus 15:11). And the Holy Spirit says, 'Happy are you, Israel, who is like you' (Isaiah 33:29). The Israelites say, 'Hear O Israel, the Lord our God, the Lord is one' (Deuteronomy 6:4). And the Holy Spirit says, 'And who is like your people, Israel, a unique nation in the earth' (1 Chronicles 17:21)."⁵⁴

This passage continues with the same theme as that of *pisqa* 344. The difference is that here *goy* refers to Israel. However, the concept is the same. The Rabbis are establishing the uniqueness of Israel. Israelites worship the one true God, and in return they are God's favorite people.

Nochri

Pisqa 157. "Then you may appoint a king over you, whom the Lord your God shall choose, one from among your brethren shall you set as king over you, you may not set a stranger over you, who is not your brother" (Deuteronomy 17:15). "'Then you may appoint'-- if he dies, appoint another in his place-- 'a king'-- but not a queen-- 'whom the Lord your God shall choose'-- through the word of a prophet-- 'one from among'-- and

⁵⁴ This passage parallels Tractate Shirata, Parashah 3 of the Mekhilta of Rabbi Ishmael (p. 25

not from outside the (Holy) Land-- 'your brethren'-- and not from among gentiles-- 'shall you set ask king over you.' Having already said, 'Then you may appoint a king over you,' why does the verse say again 'shall you set ask king over you?' In order that fear of him should be upon you.... Another interpretation: 'Then you may appoint a king over you'-- this is a positive commandment-- 'you may not set a stranger over you'-- this is a negative commandment. 'A stranger'-- hence the sages have said: A man may be appointed leader of the community, but not a woman."⁵⁵

The Rabbis understand that the Israelites are a unique, holy people. For them to remain a holy people, it is imperative that the Israelites be governed by an Israelite and not a gentile. Thus, the Rabbis simply emphasize this biblical phrase so that it will not be ignored or misunderstood.

Pisqa 166. "The firstfruit also of your corn, of your wine, and of your oil, and the first of the fleece of your sheep, shall you give him" (Deuteronomy 18:4). "'The firstfruit also of your corn, of your wine, and of your oil:' Hence we learn that the priests' portion must be given only from the choicest part of the produce.... 'And the first of the fleece of your sheep:' Not the *setef*, nor the *terefah* animals, whether in the (Holy) Land or outside of it. 'Of your sheep:' But not of one belonging to others. Hence the sages have said: If one purchases sheep's fleece from a gentile, he is exempt from the law of the first fleece. If he purchases sheep's fleece from another Israelite, the rule is as follows: If the seller

above). Ibid, p. 448.

⁵⁵ Ibid, p. 192.

retains part of the fleece, he is liable (for the priests' portion); if not, the purchaser is liable for it."⁵⁶

The Rabbis use Deuteronomy 18:4 to further explain the laws regarding offerings of the first portion. They explain that the offerings given to the priests must only be the finest of one's produce. And, regarding their sheep's fleece, it does not matter if their animals are inside or outside of the Land of Israel, the best of whatever an Israelite owns is to be given as an offering to the priests. However, the Rabbis clarify that if an Israelite buys fleece from a gentile, he is not obligated under these laws of *bikkurim*. The yield must be that of an Israelite for an offering to be required.

Pisqa 194. "And the officers shall speak to the people, saying, What man is there that has built a new house, and has not dedicated it? Let him go and return to his house, lest he die in the battle, and another man dedicate it" (Deuteronomy 20:5). "'And has not dedicated it'-- thus excluding one who has acquired it by robbery-- 'Let him go and return to his house'-- let him go and listen to the priest of the armies of battle, and then return home-- 'lest he die in the battle'-- if he does not obey the words of the priest, he will in the end die in battle-- 'and another man dedicate it'-- one might think that this refers to his uncle or his cousin; but Scripture says here 'another' and says elsewhere 'another' (Deuteronomy 28:30): just as 'another' there refers to a stranger, so does 'another' here refer to a stranger."⁵⁷

⁵⁶ Ibid, p. 197.

The Rabbis understand that Deuteronomy 20:5 is speaking about a new house that has been built, not one that has been acquired in any other way. The verse urges that one who has not yet dedicated his house leave the battle scene in order to do so, lest another man should dedicate it. The Rabbis understand that 'another' refers to a non-Jew who, if the Jewish owner dies, might acquire the new house for himself. Thus, it is imperative that the Jewish owner dedicate his house before a non-Jew should do so, making the house his own. As the house is the product of Israelite labor, the Rabbis deem it important that the benefits derived from this labor remain with the Israelite.

Pisqa 195. "And what man is he that has planted a vineyard, and has not yet eaten of it? Let him also go and return to his house, lest he die in the battle, and another man eat of it' (Deuteronomy 20:6). This refers only to the one who has planted it; whence do we learn that it applies also to one who has inherited it, or has purchased it, or had it given to him as a gift? From the verse, 'And what man is he that has planted....' 'Let him also go and return to his house'-- let him go and listen to the priest of the armies of battle and return home-- 'lest he die in the battle'-- if he does not obey the words of the priest, he will in the end die in battle-- 'and another man eat of it'-- one might think that this refers to his uncle or his cousin; but Scripture says here 'another' and says elsewhere 'another' (Deuteronomy 28:30): just as 'another' there refers to a stranger, so does 'another' here refer to a stranger."⁵⁸

⁵⁷ Ibid., p. 215.

⁵⁸ Ibid., pp. 215-216.

Deuteronomy 20:6 is interpreted the same as 20:5. The Rabbis again want to insure that the one who derives benefit from the product of an Israelite's labors is the Israelite himself.

Pisqa 282. “‘When you reap your harvest in your field, and have forgotten a sheaf in the field, you shall not go back to fetch it, it shall be for the stranger, for the fatherless, and for the widow, that the Lord your God may bless you in all the work of your hands.’ (Deuteronomy 24:19). This excludes crops harvested by robbers, nibbled by ants, or broken by wind or by animals. ‘Your harvest’-- this excludes fields harvested by heathens. Hence the sages have said: A gentile who has harvested his field and subsequently became a proselyte is not liable for gleanings, forgotten sheaves, and corner crop. R. Judah, however, requires liability for forgotten sheaves, since such sheaves occur only at the time when the sheaves are formed. ‘Your harvest’-- excluding that of others; ‘your harvest’-- excluding crops dedicated to the Sanctuary. Thus you may say that if one harvests a dedicated crop, and another Israelite takes it, it is exempt. If a gentile harvests it, and an Israelite takes it, it is likewise exempt. R. Jose the Galilean says: Since Scripture says, ‘When you reap your harvest in your field,’ it follows that whenever one has his own harvest, he has his own sheaves, and is therefore liable for forgotten sheaves; whenever the harvest is not his, he has no sheaves, and is therefore not liable for forgotten sheaves. Thus you may say that if one harvests a dedicated crop, and

an Israelite takes it, it is exempt. If a heathen harvests it, and an Israelite takes it, it is likewise exempt.”⁵⁹

Deuteronomy 24:19 is understood in the same way as Leviticus 19:9-10. The Rabbis clarify that all Israelites, including proselytes, are liable to these laws. However, a gentile who became a proselyte after he harvested his field is exempt. R. Judah, nonetheless, declares that the proselyte would be liable regarding the forgotten sheaf, since the law regarding the forgotten sheaf would only apply at the time the sheaves are bound. The proselyte would have already have gone through conversion at the time the sheaves would be bound, therefore, being a Jew he must abide by *halakhah* and leave the forgotten sheaf. These laws maintain the distinction between Jews and non-Jews.

Pisqa 344.⁶⁰

Oved Avodah Zarah

Pisqa 31. “‘Hear O Israel, the Lord our God, the Lord is one’ (Deuteronomy 6:4). Why was this said? Because Scripture says elsewhere, ‘Speak unto the children of Israel’ (Exodus 25:2). It does not say, Speak unto the children of Abraham, or Speak unto the children of Isaac, but rather ‘speak unto the children of Israel.’ Our father Jacob merited such a declaration to be directed to his children, because all his days he was troubled by fear, (for he said,) Woe is me, perchance such unworthy ones will issue from me as they did issue from my forefathers. [From Abraham issued Ishmael who worshipped idols, as

⁵⁹ Ibid, pp. 272-273.

it is said, 'And Sarah saw the son of Hagar the Egyptian, whom she had borne unto Abraham, making sport' (Genesis 21:9). R. Akiba said that he was worshipping idols. R. Simeon be Yohai says...that 'Sarah saw the son of Hagar the Egyptian,' etc., means that he was worshipping idols, but I say that they were quarreling over fields and vineyards. When they came to divide them, Ishmael said, I will take two portions, since I am the first-born. Sarah therefore said to Abraham, 'Cast out this bondwoman and her son, for the son of this bondwoman shall not be heir with my son Isaac' (Genesis 21:10)....

[Another instance: Scripture says, 'Son of man, they that inhabit those waste places in the Land of Israel speak, saying, Abraham was one, and he inherited the land, but we are many; the land is given us for inheritance' (Ezekiel 33:24). (According to R. Akiba,) this is an instance of inference from the minor to the major: if Abraham, who worshipped only one God, inherited the land, is it not right that we, who worship many gods, should inherit the land? But I say that (they meant), if Abraham, who had been bound by only one commandment, inherited the land, is it not right that we, who have been bound by many commandments, should inherit the land? And how does the prophet reply to this? 'Thus saith the Lord God: Ye eat with the blood, and lift up your eyes unto your idols, and shed blood-- and shall ye possess the land? Ye stand upon your sword, ye work abomination, and ye defile everyone his neighbor's wife-- and shall ye possess the land?' (Ezekiel 33:25-26)...]. 'The Lord our God:' Having already said 'the Lord is one,' why does Scripture say also 'our God?' 'Our God,' however, serves to teach us that His name rests in greater measure upon us....having said 'the Lord God,' why does Scripture go on

⁶⁰ See Pisqa 344 under *Goyim*.

to say 'the God of Israel?' To indicate that His name rests in greater measure upon Israel."⁶¹

The Rabbis use Deuteronomy 6:4 to begin a discussion on the merits of the Israelites. Moses addresses specifically the children of Israel, (i.e., Jacob), not Abraham or Isaac, since these two also had children who were idolaters. Therefore, Moses was asked to address specifically and only the children of Israel, and 'Hear O Israel, the Lord our God, the Lord is one,' is strictly an Israelite belief. As further proof, the Rabbis quote Ezekiel 33:24, 25-26. They explain that the Land of Israel was given as a reward to the Israelites only, for their belief in the one, true God. The non-Jews who worship more than one god will not be rewarded, as is stated in Ezekiel 33:25-26. In these verses, idolaters are portrayed as not just unfaithful and untrusting in God, but as corrupt and evil people. Thus, it is clear from this midrash that the Rabbis held to the superior moral nature of the Israelites.

Pisqa 43. "And I will send grass in your fields for your cattle, that you may eat and be full. Take heed to yourselves, that your heart be not deceived, and you turn aside, and serve other gods, and worship them" (Deuteronomy 11:15-16). "'Take heed to yourselves lest your heart be deceived,' He said to them, Beware, lest you rebel against God, for one does not rebel against God except out of society,' as it is said, 'Lest when you have eaten are satisfied, and have built goodly houses, and dwelt therein; and when

⁶¹ Reuven Hammer, *Sifre: A Tannaitic Commentary on the Book of Deuteronomy* (New Haven: Yale University Press, 1986), pp. 55-59. The bracketed material in this translation denotes secondary elaborations in the Sifre text.

your herds and your flocks multiply, and your silver and your gold is multiplied, (and all that you have is multiplied);' (Deuteronomy 8:12-13), and then what does Scripture say? - 'Then your heart be lifted up and you forget the Lord your God' (Deuteronomy 8:14). Similarly Scripture says, 'For when I shall have brought them into the land which I swore unto their fathers, flowing with milk and honey; (and they shall have eaten their full) (Deuteronomy 31:20); and then what does the verse say?-- 'And turned unto other gods (and served them).' So also Scripture says, 'And the people sat down to eat and to drink' (Exodus 32:6); and then what does it say?-- 'They have made them a molten calf' (Exodus 32:8).... Once as Rabban Gamaliel, R. Joshua, R. Eleazar ben Azariah, and R. Akiba were journeying to Rome, they heard the murmuring sound of the (great) city from as far as Puteoli, a distance of one hundred and twenty miles, whereupon they burst into tears, except for R. Akiba, who laughed. They asked him, Akiba, why are you laughing while we are weeping? He replied, Why are you weeping? They said, Should we not weep when these pagans, who sacrifice to idols and bow down to images dwell in security, peace, and serenity, while the House which is our God's footstool has been reduced to a charred ruin and a lair for beasts of the field? To which R. Akiba retorted, But this is exactly why I laughed-- if this is what God has given to those who have angered Him, how much more so will He give to those who fulfill his will.... Another interpretation...God said to them, Take care, lest the Inclination to evil should lead you astray, and you separate yourselves from the Torah, for when a person separates himself from the Torah, he goes and clings to idolatry, as it is said, 'They have turned aside quickly out of the way which I commanded them; they have made them a molten calf' (Exodus 32:8), and 'If it be the Lord that have stirred you up against me, let Him accept

an offering, but if it be the children of men, cursed be they before the Lord, for they have driven me out this day that I should not cleave to the inheritance of the Lord, saying, Go serve other Gods' (1 Samuel 26:19). Could it possibly occur to you that King David would worship idols? Rather, having ceased studying Torah, he as much as went and cleaved to idolatry.... 'And serve other gods'-- are they gods? Does Scripture not say elsewhere, 'And have cast their gods into the fire; for they were no gods, but the work of men's hands, wood and stone, therefore they have destroyed them' (Isaiah 37:19)....

Why are they called 'other gods?' In order not to give people an excuse to say, If they were called by God's name, they too would have been effective.... In the days of Enosh son of Seth, as it is said, 'Then began men to call (idols) by the name of the Lord' (Genesis 4:26). At that time the ocean rose up and flooded one-third of the world, and the Holy One, blessed be He, said to mankind, You did a new thing by your own decision in calling (idols by My name). I too shall do a new thing by My own decision and call forth (the ocean), as it is said, 'That call for the waters of the sea, and pour them out upon the face of the earth; the Lord is His name' (Amos 5:8). R. Isaac says: If all the idols were called by their individual names, no amount of punishments would suffice.... 'And worship them'-- you worship them, you do not worship Me, as it is said, 'And have worshipped it, and have sacrificed unto it, and said, These are your gods, O Israel' (Exodus 32:8). Others say: Had Israel not associated God's name with the idols, they would have been destroyed. Rabban Simeon ben Gamaliel says: Is not anyone who associates God's name with an idol liable to extirpation, as it is said, 'He that sacrifice unto the gods, save unto the Lord only, shall be utterly destroyed?' (Exodus 22:19)."⁶²

⁶² *Ibid*, pp. 88-96.

This midrash states very clearly that Israelites sin when they act like pagans and worship idols. The Rabbis declare that all those who worship idols separate themselves from the Torah, which in turn separates them from God. God expects the Israelites to abide by the Torah, and if they do not, God will become angry and punish them. Once again, the Rabbis are concerned with the actions of Jews. They want to insure Jewish observance of the Torah that will lead Jews to act in ethical ways that will not only please God, but will maintain their superior distinction from the non-Jews.

Pisqa 350.⁶³

Pisqa 357.⁶⁴

Ovdei Avodah Zarah

Pisqa 38. “For the land, into which you go to possess it, is not as the land of Egypt, from where you came out, where you did sow your seed, and did water it with your foot, like a garden of vegetables’ (Deuteronomy 11:10): The land of Egypt is watered from below, while the Land of Israel is watered from above. The land of Egypt drinks the waters below but not those above, while the Land of Israel drinks both those below and those above.... Once R. Eliezer, R. Joshua, and R. Zadok were reclining at a banquet for the son of Rabban Gamaliel. Rabban Gamaliel mixed a cup (of wine) for R. Eliezer, who declined it. R. Joshua took it, whereupon R. Eliezer said to him, What’s this, Joshua? Is

it fitting for us to be reclining while R. Gamaliel son of Rabbi stands and serves us? R. Joshua replied, Let him serve. After all Abraham, one of the great ones of the world, served the ministering angels when he thought that they were pagan Arabs, as it is said, 'And he lifted up his eyes and looked, and lo, three men stood over against him' (Genesis 18:2). Is this not an inference from the minor to the major? If Abraham, one of the great ones of the world, served angels when he thought that they were pagan Arabs, should not Gamaliel son of Rabbi serve us?"⁶⁵

This is another indication of how the Rabbis perceive the Israelites as being superior to non-Jews, particularly idolaters. However, here, the Rabbis do not demean non-Jews, in fact, they recognize that Abraham treated strangers, including non-Jews, with courtesy and respect. This implies that the Rabbis, although recognizing the lower moral status of non-Jews, believe that Jews should treat Jews and non-Jews alike with the same courtesy and respect as their ancestors did.

Pisqa 43.⁶⁶

Pisqa 84. "If there arise among you a prophet, or a dreamer of dreams, and he give you a sign or a wonder, and the sign or the wonder come to pass, of which he spoke to you, saying, 'Let us go after other gods, which you have not known, and let us serve them,' you shall not hearken to the words of that prophet, or that dreamer of dreams for

⁶³ This midrash mentions the sinful acts of Jews who practice idolatry. *Ibid*, p. 363.

⁶⁴ This midrash also mention Jews as idolaters. *Ibid*, pp. 378-383.

⁶⁵ *Ibid*, pp. 73-76.

the Lord your God puts you to the proof to know whether you love the Lord your God with all your heart and with all your soul' (Deuteronomy 13:2-4).... R. Jose the Galilean said: See how far Scripture goes in that it permits heathens to have power even over sun and moon, stars and planets!-- 'You shall not hearken'-- to them; why not?-- 'for the Lord your God puts you to the proof to know whether you love the Lord your God:' Said R. Akiba: Heaven forbid that God should give the heathens dominion over sun, moon, stars, and planets. Scripture speaks here only of those who were at first true prophets but then lapsed and became false prophets, such as Hananiah ben Azzur."⁶⁷

Here, the Rabbis explain that God tests the faith of Jews by allowing idolaters to exhibit wonders. However, these are false signs and portents. Jews should only listen to prophets sent by God, who only serve God, unlike the idolaters. In fact, the Rabbis clarify that the only reason these idolaters were able to exhibit wonders is because they had been true prophets of God, but turned away from honoring the Torah and went after other gods. The Rabbis interpret Deuteronomy 13:2-4 as a warning against serving other gods. The secondary issue here is the efficacy of astrology. The Jews themselves did acknowledge the efficacy of astrology, as the gentiles did, but the Rabbis were ambivalent. The Rabbis' ultimate concern in this passage is safeguarding the Jews from the immoral ways of idolaters.

⁶⁶ See pisqa 43 under *oved avodah zarah*.

⁶⁷ Reuven Hammer, *Sifre: A Tannaitic Commentary on the Book of Deuteronomy* (New Haven: Yale University Press, 1986), p. 137.

VIII

Ultimately, the Rabbis were concerned with the purity and distinctiveness of the Israelites, as well as their practices. They wanted to insure that the Israelites would follow the *halakhah* and worship the one, true God. So as not to allow for any mistakes, the Rabbis intended to clarify the *halakhah* so that there would be no confusion regarding correct behaviors. Through this process, the Rabbis defined the Jew in contrast to all other peoples. Since non-Jews do not have the same beliefs nor the same practices as Jews, they were considered ^{morally} inferior peoples. Furthermore, the Rabbis believed that since God chose the Israelite people, their superior status must be maintained.

It is true that Jewish sources seem sometimes ambivalent towards non-Jews. The Torah itself is open in principle to the welfare of all people. There, and in rabbinic literature, the convert to Judaism, especially, is looked upon and treated with respect. However, the overwhelming characterization of non-Jews in this literature is negative. The Rabbis warned the Jews against non-Jews lest they be persuaded to follow after them and their idolatrous ways. This concern grew into a more violent understanding of non-Jews, considering them wild people capable of harming others. Thus, the Rabbis became even more wary in their discussions concerning non-Jews.

In studying this literature, this author has continually struggled with the Rabbis' attitudes towards non-Jews. Although the mention of the non-Jew is directly related to the Rabbis' efforts to define the Jew, contrasting the Jew to the non-Jew and his practices, their portrayal of the non-Jew is primarily negative. The non-Jew is viewed as a second-class citizen compared to the Jew. His description is of an inferior, aggressive, and

impure human being who often stands as a violent obstacle to the Jew. Apparently, the Rabbis were greatly concerned with maintaining the safety and purity of the Jews, and this often resulted in warnings against their interacting with non-Jews. True, the Rabbis were responding to contemporary crises of their time including non-Jewish attacks on Jews. However, their attitudes have helped shape our religion and culture down to, and including, today.

Jewish/non-Jewish relations have vacillated throughout the centuries. Many times throughout history, Jews have been the object of hatred. However, they have also harbored hurtful feelings towards others. It would be accurate to say that some of these feelings were the response to oppression and prejudices against the Jews, but others are simply the product of centuries of teaching that the Jews are the chosen ones, superior to all others. This concept of "chosenness" contributed to the Rabbis' concerns about the Jew's purity and practices. Furthermore, they were concerned with maintaining the divinely ordained statuses of people, which entailed Jews' maintaining a purity of body and observing *halakhah*. These facts, alone, made Jews distinct from non-Jews, and allowed for limited interactions between them. With Jews and non-Jews knowing and understanding very little about each other, misunderstandings and prejudices grew. The division between Jews and all other peoples deepened.

In recent times, it seems that Jewish/non-Jewish relations have improved, yet unfavorable beliefs harbored by both peoples have still prevailed. Understanding how these rabbinic attitudes towards non-Jews developed can help the modern Jew come to terms with the negative depictions of non-Jews in this literature. Accepting the past concerns of the Rabbis and recognizing that they are no longer paramount, will help pave

the path towards better interfaith relations. It is exactly for that, strengthened and peaceful relations between Jews and non-Jews, which this author hopes.

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