

SUMMARY

THE ATTITUDE TO THE GENTILE IN THE HALAKHAH AND IN REALITY IN THE TANNAITIC PERIOD

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The history of the Jewish people has been interwoven always with the histories of other nations. The geographic location of the population necessitated economic relations, and made possible relations in other fields as well. Two kinds of danger hung over Jewish society in Eretz Israel: the first, danger of physical harm from the Gentiles, and the second, acceptance of the Gentile culture with its ethical principles and cult. We intend to examine the means by which the Jewish leadership fought against these influences of Gentile society. We wish to examine how economic relations were conducted between Jews and Gentiles. The struggle to control the land of Eretz Israel was a national problem of primary importance. Another central topic deals with the character of the Gentile and his image as seen and evaluated by the Tannaim. We add an examination of the geographic map of the population which is vital to an understanding of the relations between Jews and Gentiles. We also deal with the impact of the impurity rules concerning the Gentiles on the economic and social relations between the two groups. We are interested in examining the ideas of those who did not belong to the circle of scholars and will discuss to what extent the rules which dealt with Gentile matters were really observed.

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THE FIGURE OF THE GENTILE AND EVALUATION OF HIS CHARACTERISTICS

To answer the question – what was the image of the Gentile as seen by the Jews of the period we are dealing with, and how did they evaluate him? – is a matter of great importance, since the Jews' attitude to the Gentiles was a product of their image of the Gentile. Many irrational characteristics were attributed to the Gentiles, and they were called uncircumcised, dirty and impure. Their being idolators was considered a most shameful trait.

The Gentile is described as a violent man. The Gentiles hurt the Jews, but not only the Jews. They also harm their own people, and even their own families. Their violence can serve as a means of dominating or damaging Jewish property. Sometimes it is directed against Jews physically, and can even reach the point of murder. The combination of "Gentile robbers" prevails in the sources. A Jew could be hurt by the Gentiles while he was en route or when living in mixed settlements, or even when simply staying at home. But it should also be mentioned that from time to time Jews, too, treated the Gentiles violently.

We find three types of violent action performed by Gentiles against Jews: violence which aims at robbery, violence which ends in murder and violence for its own sake. The violent action of Gentile robbers took place both within Eretz Israel and outside it. Money, food and pack-animals, and even Bibles and *mezuzot* were robbed in order to resell them to the Jews. The Gentiles robbed people in order to bring them into subjection as slaves and bondswomen, or in order to free them in exchange for high ransom money. Rules were fixed to arrange the redemption of slaves. It was especially difficult for a woman who was kidnapped into slavery.

Many warnings against the murderousness of the Gentiles can be traced, and we do not mean during times of war and death on the battlefields. Two expressions recur in the sources: "suspected of bloodshed" and "suspected of murder." According to the *Halakha* there are various rules which teach caution against this murderousness. Especially when traveling one should take care of himself. It was forbidden to take the services of a Gentile midwife or wet-nurse. Only in special circumstances was such a wet-nurse accepted. There were also people who wished to prohibit being medically treated by Gentiles. Such was the case, as well, with *brit milah* (circumcision). Having one's hair cut by Gentiles was also regarded as a danger to life. The general opinion was that a Gentile is likely to murder in circumstances which would allow him to carry out the crime without anyone being able to clearly accuse him of it.

The Gentile has an image of a violent person who endangers the lives and property of the Jews. This image was formed under the influence of information received about violence among the Gentiles themselves. Fathers used their legal rights to kill their own sons; mothers disposed of those of their offspring who were born extra-maritally. Writers of this period gave detailed descriptions of the violent actions performed by Roman emperors and by the Roman court circles.

The Gentile is described as a corrupt person sexually. He is lascivious and commits adultery with married women. Incest is also a common occurrence in his family. The same is true regarding homosexuality and *mishkav behema* (sexual relations with animals). The Gentile society is lecherous, men and women alike. The Tannaitic sources stress the degeneracy of this society and warn against its bad influence from a moral point of view. As a principle it is accepted that the Gentiles are suspected of incest. In their literature, too, we find criticism of the sexual corruption that exists in pagan society. Tacitus and Suetonius often tell about the corruption in the Roman emperors' circles and among the Roman nobility. The Apocrypha, too, testify to the sexual perversions in Gentile society, such as incest in the family. The Gentile is suspected of homosexuality, and therefore it is forbidden to let him teach a child professional or reading skills. A few *halakhot* teach that the Gentiles are suspected of *mishkav behema*, but it seems that this did not prevail always and in every place.

Together with this negative evaluation of the Gentiles, however, we do hear, though rarely, about their positive characteristics and virtues as well. Their intellectual ability and their civilizing capacity are praised. Respect given to parents, modesty and charity are also mentioned.

One of Rabbi Shimon bar Yohai's sayings is as follows: "Thou art called a human being and the Gentile is not called a human being" (*Tal. Babl. Yeb.* 60b-61a). This was interpreted as excluding the Gentiles from the category of mankind – however, an examination of his use of the term "human being" in various contexts and also of his references to Gentiles elsewhere causes us to infer that Rabbi Shimon had no intention in the above saying of expressing a value judgment. He was concerned here only with the field of *Halakha*, and was attempting to lessen the severity of some of the laws concerning purity and impurity. He wished to eliminate the *tumat ohalim* that might come from a dead Gentile, and thus needed a formula that would exclude the Gentile from the community of man. In the majority of the cases where a "human being" is mentioned in the Tannaitic literature, it refers to the Jews, however there are also cases when it refers to the Gentile as well, or even to the Gentile alone. We are able to presume, then, that according to the accepted opinion in the Tannaitic world, the Gentile was regarded to be a human being in spite of his deficiencies.

At times the Tannaitic tradition names a Gentile as a *zadik*. Apparently this title was given to a Gentile who lived according to the ethical principles which were accepted by the Tannaim and on condition that he abandoned idolotry. We might suppose as well that he drew near to Judaism. Such a Gentile is also referred to as one who merits a place in *olam haba*, (the world to come). Such elevated expressions would certainly not have been used with reference to a Gentile who was an idolator, even if he led a highly moral life.

The question whether a Gentile can be a *zadik* and gain a place in the world to come is connected with the question of his capacity to repent and atone for his

misdeeds. According to the teachings of the Tannaim the gates of repentance and forgiveness are not shut even to Gentiles. Seven of the Yavneh sages deal with the question whether charitable deeds done by Gentiles can effect atonement. Six of them are of the opinion that since the Gentiles do not do these good deeds for the deeds' own sake, they do not effect atonement, but they agree in principle that there exists a way by which Gentiles can be pardoned. (Two conflicting traditions have come to us from Rabban Yohanan ben Zakkai, and we offer our explanation of this contradiction).

The negative evaluation of Gentiles is also expressed in the blessing: *shelo asani goy* (that God did not make me a Gentile). The Tannaim do not agree among themselves as to the definition of a *ger toshav* (inhabitant proselyte), and the mitzvot which he has to fulfill. In any case, this halakhic category does not seem to have actually existed during the Second Temple period and afterwards.

THE JEWISH AND GENTILE SETTLEMENT IN ERETZ ISRAEL

The figure of the Gentile in the eyes of the Jew and the formation of the Jew's attitude towards the Gentile were highly influenced by the different locations of these populations. In Eretz Israel the two populations lived side by side, and even one amidst the other. In the Diaspora the intermingling was generally higher. Among the cities of mixed population we can distinguish three principal types: a city where the majority consists of Jews, a city where the Jewish population is large and a city where the Jewish population is a minority. In spite of the political, military and economic crises in Eretz Israel, the Jews retained a decided majority over the Gentile and Samaritan populations until the end of our period and even later. The Gentile population in Eretz Israel surrounded the Jewish population on almost every side and separated the big Jewish centers. The Jews were thus obliged to pass through Gentile regions and vice-versa – a situation which led to acquaintances and friendships. Rabbi Judah HaNasi instituted regulations which aimed primarily at strengthening the Jewish border areas and their ability to resist Gentile expansion. Close everyday contact between the Jews and the Gentiles took place mainly in the cities, and especially in the mixed ones, about which we have detailed evidence in the Tannaitic sources. From the contacts between Jews and Gentiles, an image of the Gentile was conceived which then influenced the halakhic decisions that regulated and determined relations with the Gentiles.

THE STRUGGLE TO PREVENT GENTILE CONTROL OVER IMMOVABLE PROPERTY IN ERETZ ISRAEL

The question of whether a Gentile had the right of owning property in Eretz Israel was one of great economic importance, an importance which one cannot stress too much, because if the Gentile had such a right, it meant that the mitzvot of the priestly tithes and contributions would not apply to anything that grew on land owned by a Gentile. This subject has other aspects too – religious and national, and it concerned the Tannaim throughout the Tannaitic period. The opposing theo-

ries on this subject formed the basis for many other halakhic decisions, and they highly influenced the shaping of actual everyday life in Eretz Israel.

The Tannaitic tradition forbids the selling, renting and hiring of lands and houses to the Gentiles in Eretz Israel. These prohibitions resulted in serious economic limitations, as this was an important area of the economy, and the laws restricted the involvement of the Gentiles in Jewish agriculture. This was meant to weaken and limit their holds on the lands of Eretz Israel, as the land was considered the basis of the economy and the livelihood of the people. Owning a house was considered a sign of stability and permanent settlement. Furthermore, the Halakha wanted to strengthen Jewish settlement in Eretz Israel, and there is no stronger hold than control over immovable property.

There were other reasons, too, for these prohibitions:

- a. Everything that grows on the land of a Gentile is exempted from the *mitzvot* which apply specifically to Eretz Israel.
- b. Gentiles defile houses by idolatry.
- c. The sale of land or a house to Gentiles sometimes causes their penetration into Jewish regions, with all of the negative ethical and religious influences, as well as physical dangers, which such a penetration entails.

The Tannaim not only forbade the selling of immovable property to the Gentiles in Eretz Israel, but they also established rules which aimed to create an economic reality that would force Jews to buy this immovable property from the Gentiles. Pressure was exerted on groups which had dealings with lands owned by Gentiles, as, for example, the renter, the receiver of his father's land, or the partner. Correspondingly, similar pressure was put on those who had sold their lands to Gentiles, in order that they should redeem them.

Another set of *halakhot* permitted the purchasing of immovable property from Gentiles at times and places in which commercial negotiations were usually forbidden, and even the going abroad of a *kohen* was allowed if the business transaction required it. The *Halakha* forbids buying property during the Intermediate Days of Passover and Feast of Tabernacles, and of course during the Sabbath. But to save lands and houses from Gentiles, negotiations were allowed even during these holidays. The same applies to buying at a pagan fair – which was usually forbidden, but was allowed for the purpose of buying immovable property from Gentiles. Even turning to Gentile law was allowed if it meant the transfer of property to Jewish hands. Since only at the end of the third century C.E. do we hear of people who doubted whether the Jews of Eretz Israel still constituted a majority in their land, we can infer that the *halakhot* of the Tannaim which aimed at preventing Gentile control of the lands of Eretz Israel were successful for quite a long time, and prevailed through the whole Tannaitic period.

ECONOMIC RELATIONS

The economic contacts between Jews and Gentiles are reflected in all parts of the Tannaitic tradition. Jews and Gentiles had extensive commercial relations, were partners in property ownership and supplied each other with various services. Jews rented lands which belonged to Gentiles and were tenants on those lands. Jewish and Gentile artisans alike worked and produced for the people of the other nation – and so did the hired workers and moneylenders. The geo-political situation necessitated this vast economic cooperation. In spite of these economic contacts, however, many difficult restrictions were imposed. There was, for example, certain merchandise which one was forbidden to sell to the Gentiles, and other merchandise which one was forbidden to buy from them. Restrictions were put on the artisans and labourers. The places and dates where and when economic contacts occurred were likewise limited. There were some goods that the Tannaitic *Halakha* encouraged to purchase from Gentiles because of religious or national-economic considerations. The list of these goods is as follows: slaves, bondswomen, captives, cattle and religious objects. Sometimes certain goods were bought by Jews in order to avoid the observance of the *mitzvot* which apply only in Eretz Israel: contributions and tithes, first-born and firstling of shearing.

The main goods that it was forbidden to buy were food items, especially food which was prepared by a Gentile or had been touched by him, such as wine, oil, bread or milk, as well as those food products which included ingredients that were forbidden. Vessels connected with *avodah zarah* (idolatry) were also forbidden, and thus it was forbidden to buy them. As mentioned above, some articles were not allowed to be sold to Gentiles. The main ones were: slaves, bondswomen, cattle, especially large cattle, and destructive animals. We do, though, find abundant evidence about the selling of agricultural products to the Gentiles. The Jews also sold water, but mainly the right to use water during a fixed period. Goods that were used for the Gentile religious services were not allowed to be sold to them such as: animals, field crops and industrial products. It goes without saying that it was strictly forbidden to sell Jewish religious objects to the Gentiles. Certain industrial products were not allowed to be sold to the Gentiles because of the fear that the Gentiles would sell them back to Jews who would not realize that these products were defective and unfit for use.

The Tannaitic tradition forbade negotiations with the Gentiles during their festivals in order to avoid any sort of involvement in their idolatrous cult, and to prevent the possibility of Jews being drawn to it. This economic restriction was not an easy one to fulfill, since the Gentiles had a good many festivals, and to these we must add Jewish holidays, the Sabbaths and the festivals when the Jews did not conduct business. Also, as we mentioned above, the Jews could not have commercial contacts in pagan fairs. This restriction resembles, in its scope and economic consequences, the prohibition against negotiating with Gentiles during their days of celebration and the days close to these holy days. The reason that business at such fairs was forbidden is that the idolatrous institutions obtained material benefit from them.

The temptation to cheat the Gentile was certainly great. We find in the Tannaitic tradition two conflicting outlooks: one allows robbery from a Gentile, and the other forbids it. This also applies to the exploitation of the Gentile's mistakes and losses. Some of those who forbid such practices do so due to the danger of thus profaning God's name, while others fear a hostile reaction on the part of Gentile society. The Tannaitic *Halakha* restricted the activities of Jewish artisans because of fear of *avodah zarah*, of endangering life, of desecration of the Sabbath and of *mishkav behema*. Restrictions were placed on the jewellery and ornament industry, which served the pagan temples. A Jewish wet-nurse was not allowed to nurse the son of a Gentile woman. Restrictions were likewise imposed on Jewish barbers and builders of public buildings. Even trades which were generally permitted were subjected to various limitations during the Gentile festivals.

Like the limitations on services rendered to the Gentiles, there were also limitations placed on some of their services to the Jews. This applied to the services of Gentile artisans, as, for example: haircutting, nursing, general and professional instruction, tending of flocks, grinding, painting and of course slaughtering. Relations of employer and employee were possible between Jews and Gentiles in types of work which did not contradict the demands of the *Halakha*. Such relations existed especially in the agricultural sector. The prohibition on delaying payment of a labourer did not apply to the Gentile as such a prohibition did not exist in Gentile society.

Since it was forbidden for a Jew to lend money to another Jew for interest, certain borrower-lender relations formed between Jews and Gentiles. Jews both borrowed from and lent to Gentiles for interest. In the Amoraic literature, though, we find a condemnation of taking interest even from Gentiles. The fact that it was permissible to lend to the Gentiles for interest and to borrow from them reduced the amount of money that was available for the use of Jewish lenders and borrowers, and also led to cheating, since Jewish usurers acted in the name of Gentiles while they really borrowed from and lent to Jews.

Jews and Gentiles needed the services of various institutions which belonged to the other people, such as public baths and inns. In mixed settlements there was guard duty for the whole population, and both Jews and Gentiles served in it. Medical service was of vital importance, but those who rendered this service were few, so there was sometimes a necessity for those of one people to use a medical man from the other. The Tannaitic *Halakha* has strong reservations about using the services of a Gentile doctor; however it allows, in certain circumstances, the use of a Gentile midwife and a Gentile circumciser. In all cases there exists a fear that the Gentile will take advantage of his profession and somehow hurt the Jew. As to curing Gentiles, it was generally permitted, but there are conflicting views regarding circumcising them and helping them to give birth.

Economic partnerships between Jews and Gentiles existed, but they were not favoured since it was feared that they might lead to social contacts. There are those

of the opinion that the complicated halakhic framework which regulated the economic relations between Jews and Gentiles was constructed mainly in order to limit these relations, and thus to prevent the formation of social connections and all the negative aspects which accompany them. But, having learned that there was more “breaching” than “building” of fences in Jewish-Gentile relations, we really doubt whether such were the intentions of the halakhists. After all, in spite of the many prohibitions and limitations, the *Halakha* enabled even those who strictly observed the *mitzvot* to conduct business with the Gentiles and to have extensive economic relations with them. It is hard to imagine that the sages who considered the problems of such economic relations did not realize that the *halakhot* which they established would not prevent intensive mutual economic activity. It seems that most of the prohibitions were for one of the following reasons:

- a. a desire to avoid any relation or contact with the cult of idolatry or the cult of the Emperor;
- b. a fear that the violence and immorality of the Gentiles would cause the Jews physical, material and spiritual damage;
- c. a desire to weaken the Gentile economy, particularly in those areas considered fundamental – and especially in Eretz Israel.

SOCIAL RELATIONS

The Tannaitic leadership aimed at full social segregation from the Gentiles. It is to be noted that those *halakhot* that forbade certain economic relations and limited others could not prevent social relations between Jews and Gentiles – nor was this their main objective. In order to prevent such social relations, or at least to limit them, a special framework of *halakhot* was established, as social relations between Jews and Gentiles were regarded as a danger to the special character and exclusiveness of the Jewish nation and its morality. Such relations were seen as likely to lead the way to involvement with the idolatrous and imperial cults.

The giving and receiving of presents is usually a part of social behaviour, and in contrast to Amoraic tradition, which forbade giving gifts to Gentiles, this subject was under debate throughout the Tannaitic period, probably because it was feared that such a prohibition would arouse the hatred of the Gentiles for the Jews. This is apparently the reason for the fact that receiving gifts from Gentiles was not forbidden. Borrower-lender relationships were allowed, except for reservations regarding certain objects and specific dates.

What was the attitude to the life of a Gentile? According to a detailed *halakha*, a Gentile's life should not be saved if doing so entails desecration of the Sabbath. It is difficult for us to explain how it was possible to keep such a halakha in the political and geographical circumstances that prevailed in the Tannaitic period. A Tannaitic tradition teaches: “The Gentiles and teh shepherds of small cattle are not to be lifted or lowered (*lo maalin ve-lo moridin*), but the heretics and the informers and the apostates are to be lowered and not lifted (*moridin ve-lo maalin*)” (*Tal. Babl. San. 57a*; cf *Tosef. Baba Mesia 2:33*). Talmudic commentators and modern

scholars have offered various interpretations of this statement which groups together shepherds, Gentiles and Jewish heretical groups and uses the obscure expression “to lift and lower.” The mentioning of heretical Jewish groups teaches that we are dealing here with a serious sanction. The passage apparently forbids the saving of Gentiles from danger of death, although it does not allow directly causing their death. It is doubtful whether this halakha was actually observed, as it would be likely to have damaging results on the relationship between Jews and Gentiles.

The killing of a Gentile was forbidden, but very little value was attached to his life since he was an idolator. Rabbi Shimon bar Yohai said: “Even the best Gentile should be killed.” But this should not be interpreted literally. This Tanna was an extraordinary personality who tended to express himself sharply and wittily regarding the Jews as well. He probably did not intend this saying to be taken literally, but exaggerated in order to show his strict attitude towards the Gentiles.

The Tannaitic *Halakha* teaches that the poor Gentiles should be allowed to receive gleanings from the crops and the forgotten sheaf, but not the poor man’s tithes or the fruits of the sabbatical year. The difference between the halakhot derives from the difference in the quantity of the gifts and from the fact that Gentiles, too, sometimes allowed poor Jews to have parts of their crop at the time of the harvest or vintage, but there were no Gentiles who gave a tithe to the poor or kept the sabbatical year. The *Halakha* imposes a duty on the Jews to provide for the Gentile poor, and it gives the following reason for this obligation: “for the sake of peace.” However, this obligation stipulates that the rich Gentiles, too, must contribute to a common charity fund. On the other hand, opposition is expressed regarding the receipt of charity directly from the Gentiles, probably because of the fear of close relations that naturally arise between those who give and those who receive charity. The Tannaitic tradition also obliges the Jews to visit sick Gentiles, to mourn and bury their dead and to comfort their mourners. The Jews should also aid the Gentiles in marrying off their daughters (they contributed to the dowries of poor Gentile brides).

There have been people who wanted to differentiate between the expressions “for the sake of peace” and “for fear of animosity”, and wished to apply to each a different meaning. We believe that the difference is due not to different meanings, but rather to different historical periods. The first expression is used mainly by the Tannaim, while the latter is used mainly by the Amoraim. The Tannaitic tradition was not united in its attitude to the question of whether it was right or wrong to praise and glorify Gentiles. No obligation either to hate them or to love them existed, but responsibility for their lot was definitely felt.

Although it was considered disgraceful to be hospitable to Gentiles and to lodge at their homes, no such prohibitions were accepted as binding rules since there was a school of thought which allowed such relations. From the sources we have evidence that Jews were hospitable to Gentiles and also visited them, and that even Rabbi Meir was one of those who were guests of Gentiles. The Tannaitic tradition gives

a long list of foods that are forbidden to eat if Gentiles touched them or if they were prepared by them. In contrast to what is usually accepted, we do not think that the main reason for these *halakhot* was the wish to cause social estrangement between Jews and Gentiles, since we know that even those who strictly observed the *mitzvot* could have close social relations with Gentiles if they wished. Apparently, then, food was prohibited because of the fear that when it was prepared some forbidden ingredients might have been added, such as forbidden meat, the milk of an unclean animal, heathen wine, etc. In other cases the prohibitions were mainly because of hygienic and sanitary considerations.

What was the place of the laws on Gentile impurity in the framework of Jewish-Gentile relationships? This complex set of rules would necessarily have constituted a serious obstacle to the creation of friendship and cooperation between Jews and Gentiles, as well as to their economic contacts. Nevertheless, the sources reflect close economic relations and even certain social connections between the two groups which stand in contradiction to the *halakhot* dealing with the impurity of the Gentiles. Even those *halakhot* which were permitted “for the sake of peace” are in contradiction to the laws of impurity. We cannot avoid the conclusion, then, that these laws of impurity had been weakened and were probably even rejected. Thus they did not apply in the period under discussion.

Mixed marriages and sexual relations between Jews and Gentiles were considered the worst of the deeds except for *avodah zarah* itself. The Tannaim were fully aware that relations of this kind led directly to idolatry and also to identification with the moral norms that existed in pagan society. Strong opposition to this is also expressed in the Apocrypha. It seems that intermarriages are not numerous but that sexual relations with Gentiles were common. The severity of the situation is reflected in the following Mishnah: “One who cohabits with an Aramean woman will be struck by zealots” (*Mish. San.* 9:6). Philo also wrote in this spirit. The above mentioned Mishnah is an early one. Both the later Tannaitic and the Amoraic traditions are not enthusiastic about the ways of the zealots. This early *halakha* was established in a time of crisis when there was no possibility of working through organized legal institutions. The *halakha* clearly shows, however, how harmful and severe was the damage caused by sexual relationships with the Gentiles. Undoubtedly many Gentiles who encountered the Jews knew about the tendency towards social segregation which governed Jewish behaviour. Their reactions are reflected in both the Gentile literature and the Talmudic tradition.

Our sources, finally, show a nation which sees itself endangered by the Gentiles and thus develops a vast halakhic system in order to protect itself against them. At the same time, however, the sources teach that this halakhic system did not cut the Jew off entirely from Gentile society, and, indeed, did not intend to do so.