

***Goy*: Toward a Genealogy**

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Much scholarship has been devoted to Jewish relations with and attitudes toward gentiles in different periods in, amongst other areas, halakha, philosophy, poetry, and literature. Scholars have discussed the creation and maintenance of boundaries of interaction between Jews and gentiles, as well as the ability of Jews and gentiles to maintain relations or even cross boundary lines. Our focus here is different. Instead of the relationship between Jews and gentiles, or the boundaries separating them, we wish to explore the very category of the *Goy*.¹ The concept of the *Goy* divides humanity in a binary manner, separating Jews from all non-Jews, lumping the latter together into one group. At the same time, both Jews and gentiles have been classified by rabbinic Judaism as part of a series of structural oppositions and relations. The most important of these, we argue below, is the connection of the Jew and the gentile, together with God, in an intricate triad.

Such naming, partition, and structure is anything but self-evident, and was not always a part of the thought patterns and discursive practices of Jews. In fact, it is our claim that the conceptual grid allowing for a stable, inclusive, and exclusive opposition between a universalized *Goy* and a particularized Jew first appeared in its crystallized form only in tannaitic literature.

* This paper presents the initial results of a project that began in a shared *havruta* at the Shalom Hartman Institute entitled, “The Genealogy of the *Goy*.”

1 Since we believe *Goy* and *nokhri* are completely interchangeable in rabbinic literature (*Goyim* being the plural form of *nokhri* in the Mishnah; see, e.g., *m. Avod. Zar.* 2:1 and 4:11), our claim is not about the word “*Goy*” but the concept lying behind it. This concept (the universalized other of the Jew, the generalized non-Jew) has been designated by the rabbis both with the word ‘*Goy*’ and with other words. Some, like *nokhri*, are of biblical heritage; others, like *ummot ha-olam*, are rabbinic innovations. Note, however, that *nokhri* can also be used in the Mishnah in its basic biblical sense, as “stranger” (see *m. Yevam.* 3:7, and Noam Zohar, “Idolatry, Idols and their Annulment,” *Sidra* 17 [2001-2002]: 68 [Hebrew]).

This innovation has not yet, we contend, received sufficient scholarly attention. The persistent presence of the concept of the *Goy* from rabbinic literature onward has made its novelty virtually invisible to scholarship. Such oversight is noteworthy, especially in light of the recent scholarly interest in the birth and development of the Jewish corollary of the term *Yehudi* and its Greek cognate *Ioudaios*.² This lack of attention is particularly striking, as the categories of Jew and Gentile are supposedly defined by the negation of the other, and each term contains the negated other as part of its traditional definition.

In what follows, we shall present a short description of the birth of the *Goy*, sketch some elements of the conceptual grid in which it was entwined, and point out some of the repercussions that this category's crystallization has had in both the halakhic and aggadic portions of rabbinic literature. First, however, we will present the theoretical framework of the discussion.

A. The Place of God: "Jew and Gentile"

More than twenty years ago, Adi Ophir wrote a paper in which he suggested that the stable presence of the *Goy* as a category in Jewish history is not coincidental, and that the generalized Gentile has a key role in Jewish theology and historiography.³ His claim was a reserved structuralist one. Adi assumed that the term "*Goy*" is not a distinct ethnic marker and has therefore never been a descriptive category. Rather, he posited that *Goy* is a category of classification that strictly belongs to some sorts of Jewish discourses and becomes meaningful only through its relation to others categories within those discourses. Thus, instead of analyzing the meaning given by rabbinic sources to

2 See Shaye J. D. Cohen, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Berkeley: University of California Press, 1999); Daniel R. Schwartz, "The Other in 1 and 2 Maccabees," in *Tolerance and Intolerance in Early Judaism and Christianity*, ed. Graham N. Stanton and Guy G. Stroumsa (Cambridge: Cambridge University Press, 1998), 30-37; Steve Mason, "Jews, Judaeans, Judaizing, Judaism: Problems of Categorization in Ancient History," *JSJ* 38 (2007): 457-512; Daniel Boyarin, "Rethinking Jewish Christianity: An Argument for Dismantling a Dubious Category (to which is Appended a Correction of my *Border Lines*) I," *JQR* 99 (2009): 7-36.

3 Adi Ophir, *Working for the Present: Essays on Contemporary Israeli Culture* (Israel: Ha-Kibbutz ha-Me'uchad, 2001) (Hebrew). See footnote on p. 53. Throughout our article, "Gentile" is capitalized when referring to the concept itself ("*Goy*") rather than to any real entity.

the term “*Goy*,” Adi wished to understand the role the term filled as an element in a structure. The key for Adi was the fact that the term *Goy* is a negative category (medieval halakhists use the term *eino Yehudi*, “non-Jew”). The *Goy* is a “category of difference,” one with no defined meaning whose sole use is to define the Jew from the outside. Adi’s reading thereby turns the paradigm of the *Goy* inside out: the *Goy* is simultaneously a threat to the Jews and essential to the identity of the latter’s community. In his words: “The threatening gaze of the Gentile is the source for the fragility of the Jewish community, *but also* the external condition necessitating its internal cohesion” (56).

Obviously, the border was not only marked from the inside but also from the outside: “Life as a minority in non-Jewish surroundings posit the presence of the Gentile as a central fact of Jewish existence, and the relationship of *Goyim* and Jews was a primary factor in determining the welfare of the [individual] Jew” (55). But these external conditions, important as they might have been, became a component of Jewish identity only by performances of Jewish discourse itself.

Of course, as psychologists and sociologists remind us, every identity is based on difference. Our interest here, though, is with a very distinct *sort* of difference. It is a binary distinction between two different sorts of groups. One, the Jewish people, are identifiable. They are endowed with a history, a destiny, and a set of features. The other, the *Goy*, has no history and destiny, indeed, no personality, of its own. In theological idiom this would denote a distinction between those who were chosen and everyone else.

Adi’s thesis included an important theological dimension. God, Adi claimed, had played a constitutive role in creating and maintaining this binary opposition. Thus, the basic structure is not the simple binary opposition between Jew and Gentile, but a more complex triad: Jew-*Goy*-God. He tried to demonstrate that, in what he then called (quite indiscriminately) “Jewish discourse,” none of these three elements can function or assume meaning without an active relationship to the other two. God is not a supplement or a trace that deconstructs the opposition, but a full member of a triadic formula. This triad has structured a plethora of categories, dichotomies, and trinities that have always populated Jewish texts and rituals. And this triad, Adi claimed, has lasted with only minor modifications for over two millennia.

The gentile, according to Adi, is necessary for the very existence of the Jew as an ontological category. But the concept of the gentile is also intrinsic to the ways in which the God of Israel has been imagined and conceived, from the moment of His revelation at Sinai through all the phases of His concealment

(הסתור פנימ). Therefore “the *Goy* is nothing more than God’s other side” (54); “the persistent Gentile threat is the substitute for Sinai” (71). Similarly, the *Goy* cannot function as a discursive category without being related to God, His absence, or some other entity that would fill in His vacant place.

When God withdrew from the role He had played on the historical scene (at least as had been recorded in biblical narratives), the *Goy* took over some of his functions and filled the void He left in the discourse. The *Goy* preserved the identity of the Jewish people and their exceptional status vis-à-vis the rest of the world, becoming a reassuring sign of election. This, Adi claimed, has been the *Goy*’s role in Jewish discourse since its inception. At the phenomenal plane, *Goy* and God have been two sides of the same coin – whenever one appears, the other is concealed. The legendary *Goy* of the Bible was a major venue for God’s revelation; the historical, oppressive *Goy* has been the mode of God’s concealment. At the same time, being the source and anchor of the opposition, the absent God, and the Jews’ relation to Him, functioned as a source for the relative stability and endurance of the opposition.

This model allows for a whole new series of questions about the relationships between the three parties. In addition to probing the dialectical relations between the binary categories of Jew and *Goy*, we may now go on to ask: Do Jews need God to remain a people apart? Does God need the *Goy* in order to appear or be conceived? Is there an access to God that does not pass through the negated *Goy*; is there a relationship with the *Goy* that is not always already mediated by God?

The second half of the paper was devoted to the Zionist revolution. Secularism and nationalism modified the balance of power between Jews and gentiles, but did not abandon the model itself and did not exchange it for another. This situation has not been changed since the establishment of the State of Israel. The Jewish state became a tool for defending Jews against *Goyim*, “without changing one whit the essential opposition and fundamental separation between Jew and Gentile” (80). The Jew is still defined by his separation from the non-Jew, the *Goy*. As Adi writes: “Zionism, in principle, adopted the negative definition of the *Goy* from rabbinic discourse, as well as his border-shaping role and his part in Jewish self-identification. It removed the essential difference between Jew and Gentile from its religious contexts and articulated it in national and historical terms” (83-84). In fact, modern nationalism not only adopted the model of separation; it fortified it as well. As internal convictions and cohesions fell apart, the external definer became more central than ever, and the separation from and exclusion of the *Goy* became

more important than ever for the cohesion of the Jewish community. The nationalist response to the challenges of secularism and enlightenment is a clear reflection of this importance. In this respect, Adi argues, “the *Goy* became the faith of those Jews who had no more faith.” Zionism presupposes the Jew-*Goy* distinction, and has thereby developed into a nationalist religion based on difference. It made the demographic majority of “Jews” one of its central projects, and rejected intermarriage as the worst kind of transgression. It not only fought anti-Semitism and sought to offer persecuted Jews safe haven; it also exploited the fear of anti-Semitism as a way to reassure its program and amplified its threats in order to supplement missing elements of national identity and heal a sense of disintegrated national unity. The boundary separating Jews from Gentiles, then, has become central to the Zionist project, a way to actively keep the Jews as “a people apart”: “Modern Jews are left only with the wall placed by the *Goy*, and they need it now more than ever. Therefore they insist on sustaining the *Goy* who erects the wall, protecting their identity” (84). And so, modern Jewish thinkers discuss and re-discuss the “relation” to the *Goy*, but never challenge the category itself, or the epistemology it assumes and in fact reproduces.

The category of “*Goy*” is therefore analyzed in this paper using four parameters: (a) the lumping-together of all non-Jews into one category; (b) the mediation of this difference through the acts of God and the relation to Him; (c) the role of the category in Jewish history, and its surprising stability; (d) its contemporary incarnations.

Our current project strives to reexamine this thesis in a detailed and historical manner. How did separation ensue? When did it become binary? What variations does historical Judaism offer to this discourse? Were there ever Jewish discourses in which separation did not play a central role – or perhaps no role at all? Has God always been a central part of this separation? In every discursive regime? Did a non-theological discourse of separation ever come into being? What has happened in modern, secular discourse, when God’s place has been evacuated? Who, if anyone, has taken the place of God? And finally, in a comparative context, how distinct is this distinction anyway?

In this regard, rabbinic literature is especially crucial, since the new meaning of “*Goy*” makes its debut in this literature. To use Foucauldian terms, our hypothesis is that rabbinic literature is the first “plane of emergence” of the *Goy* and of the discourse of separation of which it is a key element. In the following we shall thus examine the appearance of the *Goy* in rabbinic literature, through its comparison to earlier biblical and post-biblical discourses.

We shall offer a brief sketch of the discursive transition from *Goy* as any nation/people, to *Goyim* as all nations/peoples – always in the plural – other than Israel, to *Goy* as any individual who is not a Jew.

B. The Appearance of the *Goy* in Rabbinic Literature

As is well known, in the Bible, the word “*Goy*” means nothing more than “nation” or “people.” Israel itself is often referred to as a *Goy*, a nation among the nations.⁴ This broad definition is perpetuated in the later books of the Bible, until the very last one (Dan 12:1). In the Hellenistic period a semantic differentiation began to occur, in which “*Goy*” began to denote specifically foreign nations. In Ben Sira “*Goy*” still means “people” in general (50:25) and is used to describe Israel as well (44:21), and this is the case in one occurrence in the Damascus Covenant (CD-A 5:17) as well. However, most of the occurrences of the term in the Dead Sea Scrolls refer specifically to foreign nations. And yet, in all these sources, “*Goy*” simply means “people,” whether the term includes Israel or not.⁵ “*Goy*” as a reference to a single non-Israelite person is not documented at all until its use in rabbinic literature. The Hebrew term used for the non-Israelite until that time is *nokhri*, “stranger.”

Nokhri appears often in the Bible in a general sense of strangeness (e.g., Prov 27:2). In biblical legislation, however, *nokhri* denotes a group, and refers specifically to those who are not of the tribe of Israel (Exod 12:43, 21:8; Lev 22:25). The *nokhri* is especially popular in Deuteronomic law, where, for the first time, it is contrasted with the Israelite, or “your brother” (15:3, 23:21). The innovation of this feature becomes clear in comparison to the Paschal law of Exod 12:43-48. In Exodus, an explicitly non-binary system is presented, in which *ben nekhar* is but one of several “others” to be considered by the legislator, such as the slave, the resident (תושב) and hired laborer (שכיר), the alien (גר), and the native (אזרח). Only in Deuteronomistic literature does the plurality of non-native Israelites converge into a single term: *nokhri*. This is evident not only in legislation, but also in historiography. Thus, king Solomon “loved many *nokhri* women [...] Moabites, Ammonites, Edomites, Sidonites,

4 Cf. Aelred Cody, “When Is The Chosen People Called a *Goy*?” *VT* 14 (1964): 1-6.

5 The meaning of “*Goy*” as nation is apparent from its epithets, such as “foreign nation” (גוי נכר; 11QT 57:11, 64:7; CD 14:12) as well as from the parallelisms, such as “surrenders his *people* (עמו) to a *foreign nation*” (11QT 64:7), “and he escapes into the nations (גוים) and curses his *people* (עמו)” (ibid., 64:9-10; cf. 57:1).

Hittites” (1 Kgs 11:1). Although the *nokhri* is sometimes depicted as coming from a “faraway land,” this spatial element is blurred in Deuteronomic and post-Deuteronomic literature, and the *nokhri* refers in general to those who are not Israelites. This seems to be the explicit message of Ezek 44:9: “Every alien (בן נכר), uncircumcised of heart and of flesh, shall not enter into my temple, [including] every alien (בן נכר) who is [dwelling] within the children of Israel.”

This innovation is especially noticeable when we examine the difference in attitude toward the typological middle ground, the biblical *ger*, a person not of Israelite descent residing within the domain of the Israelites. In the Priestly source, and especially in the Holiness code (H),⁶ the *ger* is not only subject to various prohibitions, but also performs positive commandments. This is expressed in the idiom, “there shall be one law (חוקה) for you and for the *ger*” (Num 9:14, 15:15). Or, in shorter form: “stranger (*ka-ger*) as well as citizen (*ka-ezrah*)” (e.g., Lev 24:16, 22). The *ger*, who “sojourn[s] with” Israel, becomes, through an act of love (Lev 19:34), “as the *ezrah*” and therefore is also commanded, together with the rest of Israel, “to become holy” (Lev 20:7). Since holiness is ontological, being implicated by the fact that the people of Israel were separated by God and thereby became His (Lev 20:26), the category of *ger* is also ontological as well as legal, connoting proximity, inclusion, and sharing. The *ger* is someone who has become adjunct to and part of the separated community. As Israel Knohl demonstrated, the only commandments which the *ger* is *not* allowed to perform are those which claim their basis in the people’s historical myth (such as Lev 23:42).

In Deuteronomic legislation, on the other hand, the *ger* is not subject to the commandments, and may thus eat carrion like a *nokhri* (Deut 14:21). Conversely, the *ger* rests on the Sabbath with Israel (Deut 5:14), receives tithes and charity (Deut 24:19-21), and may even make a pilgrimage to the temple (Deut 16:11,14).

We may account for these distinctions by noting that the status of the *ger* is a combination of two different classifications. The *ger* is a landless individual, and like any other person with no property (widows and levites, for example), he is entitled to the protection of society. But according to national classification, the *ger* is still not an Israelite, and thus is not commanded to keep mitzvot. The amalgamation between the two competing logics is executed by

6 Jacob Milgrom, “Religious Conversion and the Revolt Model for the Formation of Israel,” *JBL* 101 (1982): 170-71; Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Fortress, 1995), 28.

appending the *ger* to the collective covenant (Deut 29:9, 31:11). However, as pointed out by Saul Olyan, the inclusion of the *ger* in the collective is possible only through a dependency on an Israelite patron. The *ger* in the covenant is “*your ger*,” a sort of vassal of the Israelite landowner. This is in sharp contrast to the Holiness code, which allows the *ger* to come on his own behalf among the people, through committing to holiness and observance, not as a client.⁷

The shift in the status of the *ger* in Deuteronomy is connected to yet another Deuteronomic innovation: the concept of “a holy people” (עם קדוש), unique to this book (7:6, 14:2, 21, 26:19). For the first time the holy people appears as a fact and not a task (cf. Exod 19:6, and the many occurrences of the commandment to become holy in the Holiness Code). This is linked, as many have pointed out, to the concepts of election (the act), chosenness (the status), and proximity to God, which is also introduced in Deuteronomy (4:37, 7:7, 10:15). Unlike the separation of the Holiness Code (Lev 20:24, 26), which allows degrees of proximity and gradations of holiness, the Deuteronomistic choice excludes it. These new concepts made impossible the equal status accorded the *ger* and *ezrah* in the Holiness Code, instead pushing the *ger* to the realm of the *nokhri*. Both are defined negatively, in that they are not “brothers”⁸ of the Israelites.

And so, the concept of the “holy nation” and the idea of the “*nokhri*” were born together in Deuteronomy, as two aspects of the same idea of election (chosenness). Election causes the *nokhri* to become, *ipso facto*, the un-chosen. This negativity is made the overarching definition of the *nokhri*, blurring differences between peoples and cultures. The Deuteronomic *nokhri* is thus the forefather of the rabbinic *Goy*: both are generalizations which receive their meaning from their place as an opposition to the chosen people. Their existence thereby depends on the will of God and their categorization implies His mediation.

However, several significant elements of the future rabbinic *Goy* are still missing even from the more rigorous use of *nokhri* in Deuteronomy. First, the

7 Saul M. Olyan, *Rites and Rank: Hierarchy in Biblical Representations of Cult* (Princeton: Princeton University Press, 2000), 63-81. See also Christiana van Houten, *The Alien in Israelite Law* (Sheffield: JSOT Press, 1991).

8 “Your brother” (אחיך) is another term characteristic of Deuteronomy. See Sara Japhet, “The Laws of Manumission of Slaves and the Question of the Relationship Between the Collections of Laws in the Pentateuch,” in *Studies in Bible and the Ancient Near East Presented to Samuel E. Loewenstamm on his Seventieth Birthday*, ed. Yitshak Avishur and Joshua Blau (Jerusalem: E. Rubinstein, 1978), 240 (Hebrew).

biblical *nokhri* does not yet embody the positive traits of the rabbinic *Goy*.⁹ Second, and more important for our purposes, the *ger* is pushed to the side of the *nokhri* but is not equated with him; hence Deuteronomy does not have a *total, conclusive* binary division under which every person in the world is classified. There are more categories than Israel or *nokhri*. The *ger* is opposed to “your brother,” and is not covered by prohibitions which are incumbent on the holy people. Nonetheless, the *ger* is *your ger* (גרך), and, unlike the *nokhri*, is included in the covenant community (Deut 29:10, 31:12). The *ger* is indeed marginalized in Deuteronomy, but he is not completely written out of the story. Together with the other needy and landless, the *ger* must be cared for. Unlike them, he must be loved as well (10:18-19), and, like the Israelites, he may also come on pilgrimage to the temple. Group distinctions are strong in Deuteronomy, but they are not binary and total. In the Deuteronomic story, the election of the holy nation does not yet define *all* peoples who are not chosen. The boundary that defines the nation and separates it from others was not problematized and its precise delineation was not yet an issue for the Deuteronomic writer. Only later, with the birth of the *Goy*, would all non-Jews receive one unified, negative name, both as individuals and as nations.

Moreover, the position of the non-Israelite in Deuteronomy and other Deuteronomic sources is not yet defined by and through its relation to God but by the absence of such a relation. When electing Israel, God came “to take for himself a *goy* from the midst of another *goy*” (4:34), placing one “great *goy*” (4:7) in front of others (4:6) and elevating that *goy* by giving it His laws and judgments. The *nokhri* is simply the one not subject to the laws of the divine Lord. In this sense he resembles the stranger, a guest from another country. As a guest, he is not obliged to follow many of the Lord’s rules, for he is ultimately a subject of another Lord (4:19).

But what is most significant in this respect is not the variety of references to *nokhri* but, rather, the marginality of its uses. The *nokhri* appears but five times in Deuteronomy (14:21, 15:3, 17:15, 23:21, 29:21) and does not erase the specific distinctions between various people and categories: the land of Canaan (1:7, 11:30, 32:49), the seven nations which the Israelites are to conquer (7:1,

9 The opposite term, “a holy people,” has no inherent traits in Deuteronomy, either. It is presented as an expression of arbitrary election, which is a product of God’s inexplicable love (Deut 4:37, 7:7-8, 10:15). A similar process may be detected regarding the Land. In Deuteronomy the land is chosen for its dependence on rain, and thus direct divine supervision (Deut 11:10-17), while rabbinic literature ascribes to it a wide range of metaphysical attributes.

20:17), as well as the nations surrounding Canaan, each of which gains a different attitude (23:4-9). There are different peoples surrounding Israel, and Deuteronomy's interest in each of them is differential and specific.

Very little of this multiplicity remains in rabbinic literature. The only distinction between various nations in rabbinic halakha is in regard to the possibility of conversion, and even here the opinion which won the day is that "from the time that Sennacherib came up and made a mixture of all the nations, the Ammonites and Moabites no longer are found in their original location, and the Egyptians and the Edomites are no longer found in their original location" (*t. Qidd.* 5:4; cf. *m. Yad.* 4:4). In light of the sources above, this assertion should be viewed as an ideological statement, rather than a historical one, deliberately erasing the distinction between various groups in favor of the construction of a single, unified *Goy*.

The creation of the rabbinic binary model also eliminates hybrid categories. In rabbinic literature, the biblical *ger* becomes "one who converted" (גר שנתגייר), and the resident *ger* is marginalized until the Talmuds can actually compare him to a *Goy* "in every respect" (*y. Yevam.* 8:1; cf. *b. 'Avod. Zar.* 64b). Together with the crystallization of the *Goy*, the demarcation between Jews and gentiles in rabbinic literature becomes clearer as well. Diffusion is supplanted by a sharp and distinct border. There is no longer room for ontological gradations, differences, and acceptable ambiguities in a field of multiple positions. In other words, the transformation from Jew to Gentile must be institutionalized. This is the meaning of the appearance of the conversion ceremony in rabbinic literature as an agent of instantaneous ontological transformation: "[A convert] who immersed and emerged [from the *miqveh*] is an Israelite in all regards" (*b. Yevam.* 47b; cf. *m. Ketub.* 4:3).¹⁰ The biblical *ger* is a disruption to the binary system, and so the rabbis must dispute this status: either a person converts and is a Jew, or she remains "a Gentile in all respects."¹¹

10 Conversion as an immediate transformation lies behind several case studies in the Mishnah, in which it functions as an example of an instantaneous event, creating sharp and immediate division between "before" and "after." See, e.g., *m. Ḥal.* 3:6; *Pe'ah* 4:6; *Hul.* 10:4; *Neg.* 7:1.

11 See Menachem Kahana, "היחס לנכרים בתקופת התנאים והאמוראים," *Et Hada'at* 3 (2000): 35, who sees this as an expression of a "new tendency of separation between Jews and Gentiles." Kahana concludes his paper by stating that "the legal and theoretical developments regarding the gentile in the tannaitic period should be examined against the backdrop of the events and the human and religious values which were prevalent at the time, and should not be taken as a ruling for all time ... [contemporary Jews] must reexamine their relations to individual gentiles and the

What rabbinic discourse in fact institutionalized was the *ger* as the Jew's form of becoming. Jews are born as Jews, do not have to do anything in order to remain Jews, and can do nothing to stop being Jewish. Even an apostate (משומר), the category where the rabbinic sources come closest to full exclusion from the Jewish community, remains, in spite of everything, an Israelite apostate (ישראל משומר) and does not become a *Goy*.¹² Halakhic discourse presupposes the Jewishness of the Jew, and teaches only how to be a faithful, law abiding Jew, that is, how to be the Jew one ought to be. However, it does not say anything about how the Jew came to be Jewish; only a non-Jew can *become* a Jew. This division between being, which properly belongs to the Jew alone, and becoming other than oneself, a possibility that is granted to the non-Jew, further essentializes and stabilizes the Jew as an ontological category, constructs a wall with one-way passing gates between the opposites poles thus created, and establishes a clear hierarchy between the Jew and the non-Jew.¹³

Another example of the rabbinic tendency to erase intermediate categories is the status of the Samaritans (כוותים). The Mishnah discusses the Samaritan as a doubtful Jew, and casts it beside "שתוקי" and "אסופי," two categories of people who do not know the identity of their fathers (*m. Qidd.* 4:3; *t. Qidd.* 5:1). Engaging with the כותי as a "doubt" and discussing it in the context of "ten [types of] lineage" (עשרה יוחסין) allow the Mishnah to integrate the Samaritans

nations of the world as a whole" (36). If our analysis is correct, it is not only the *relation to*, but also the very *concept* of "Gentiles" which must be reexamined.

- 12 On משומר, see Chaim Milikowsky, "Gehenna and 'Sinners of Israel' in the Light of Seder 'Olam," *Tarbiz* 55 (1986): 311-43 (Hebrew).
- 13 Unlike the barbarian who became Greek or the non-Roman who became Roman. These transitions were the result of slow acculturation, did not involve the crossing of a clear threshold, and did not pass through a necessary moment of decision on the side of either the foreigner or the receiving community. No clear boundaries were established and no procedures regulated their crossing. In those other cases, all kinds of intermediate possibilities existed. Thus, for example, the Carians were considered by Strabo as "Hellenized barbarians who spoke barbarized Greek. They seem to occupy an ethnological middle ground" (Eran Almagor, "Who is a Barbarian? The Barbarians in the Ethnological and Cultural Taxonomies of Strabo," in *Strabo's Cultural Geography: The Making of Kolossourgia*, ed. Daniela Dueck, Hugh Lindsay, and Sarah Pothercaty [Cambridge: Cambridge University Press, 2005], 46). No authority was needed to acknowledge or allow the Hellenization of a barbarian and none was capable of denying it. Citizenship or the right to dwell could have been denied of course, but not the right to become other than one was. One may therefore say that conversion (in the rabbinic sense) was necessary for the very general formation of the *Goy*. On Hellenizing barbarians, see nn. 68-69 below.

into the binary opposition Jew/Gentile, an opposition which allows for doubtful cases¹⁴ but not for intermediate categories.¹⁵

The exclusive trend of binary discourse is also apparent from an analysis of the rabbinic category of “Noahides” (בני נח). The Noahide laws are based in part on the biblical status of the *ger*,¹⁶ and the Bavli explicitly compares the two (b. *ʿAvod. Zar.* 64b). However, unlike the biblical *ger*, the rabbinic “Noahide” has no privileges, only imperatives and obligations.¹⁷ In fact, “Noahides” are not a group at all, but are simply a legal categorization of *Goyim* from the perspective of their legal obligations. In a similar fashion, “the land of the nations,” ארץ העמים, is not a specific territory, but a legal categorization dealing with the land abroad, חוץ לארץ, from the perspective of impurity.¹⁸ Noahides, just like the *gerim*, are deprived of their basic ambiguous, hybrid position and pushed toward one of the poles of a binary, exclusive opposition: the *ger* (like

14 This could also be phrased in power/knowledge terms: The construction of the dichotomy goes hand in hand with the accumulation of specific capital and authority. Doubt, unlike intermediate categories, gives power to the rabbis, who are supposed to adjudicate in those cases.

15 The same holds for slaves, who were grouped with “women and minors” to create a trio of dependents who are partial members of the rabbinic community (Cf. Shaye J. D. Cohen, *Why Aren't Jewish Women Circumcised? Gender and Covenant in Judaism* [Berkeley: University of California Press, 2005], 120-24). For other intermediate groups see Ishay Rosen-Zvi, “The Birth of the *Goy* in Rabbinic Literature,” in *Myth, Mysticism and Ritual: Studies in the Relations Between Jewish and Religious Studies: Ithamar Gruenwald Festschrift*, ed. Gideon Bohak, Ron Margolin, and Ishay Rosen-Zvi (forthcoming, 2011) (Hebrew).

16 The Noahide commandments, both in *Jub.* 7 and *t. ʿAvod. Zar.*, consist of the prohibitions in Gen 9 combined with the transgressions which impart impurity to the land and those which apply to *gerim*. See Cana Werman, “Attitude Towards Gentiles in the Book of Jubilees and Qumran Literature Compared with Early Tanaic Halakha and Contemporary Pseudepigrapha” (PhD diss., The Hebrew University of Jerusalem, 1995), 325-33 (Hebrew).

17 This situation changes in later literature; for Maimonidean and subsequent halakha, see Samuel Atlas, *Pathways in Hebrew Law* (New York: American Academy for Jewish Research, 1978) (Hebrew); David Novak, *The Image of the Non-Jew in Judaism: An Historical and Constructive Study of the Noahide Laws* (New York: E. Mellen, 1983).

18 Compare *t. ʿAvod. Zar.* 9:4; *Sifra Hova* 1:1; and *Sifre Num.* 112 for the interchangeability of בני נח and גוים. Marc Hirshman shows that the main usage of Noahides in tannaitic literature is negative and serves to prove that “even the seven obligations that the Noahides took on themselves they could not fulfill and turned them down.” *Sifre Deut.* 343, p. 396; cf. *Mek. RI, Bahodesh* 5, 221; Marc Hirshman, *Torah for the Entire World* (Tel Aviv: Ha-Kibbutz ha-Me’uchad, 1999), 90-104 (Hebrew).

the foreign slave) is placed with Israel, while the Noahides (like God-fearers and others) are clearly fixed at the opposite pole. Each of these terms could have been conceived with respect to its hybridity: the Noahides, because they too are addressed by and subject to divine law, and the *ger*, because of its biblical inclusion in the covenant community. But the rabbis consistently work to write off this possibility and stick to the binary structure.

We should emphasize that we are not claiming that the rabbis *successfully* erased all possible borderline cases, or that there is no difference between rabbinic schools in this regard.¹⁹ Rather, our claim is that this is the general rabbinic trend, over and above the local differences and disputes. These disputes already presupposed a binary, exclusionary opposition between Jew and gentile that replaced formerly fluid categories and ontological gradations.

This annihilation of the middle ground in rabbinic discourse creates an obvious rupture with the biblical sources, Deuteronomy included, and means nothing less than a transformation of an entire conceptual grid. This is not a simple semantic shift, but a crystallization of a different *discourse*, for the very meaning and limits of the rabbinic “*Goy*” are different and distinct from those of the biblical “*nokhri*.” Far from a new name for an old term, the rabbinic *Goy* is a new concept, grouping for the first time all humans in the world in a binary manner.

This is exactly the missing piece in the scholarly discussions of the rabbinic *Goy*. Previous studies of the status of gentiles in rabbinic literature did not question the category itself and failed to recognize the discursive transformation it entailed. As a result, the causes and implications of this change remained uncovered. For the real novelty is not a new *treatment* of gentiles, but the fact that there *are* gentiles. In other words, the rabbis create the category of *Goyim*, a classification that serves to divide humanity in an unprecedented manner.

19 On the difference between the tannaitic schools with respect to uncircumcised slaves, see Joshua Kulp, “History, Exegesis or Doctrine: Framing the Tannaitic Debates on the Circumcision of Slaves,” *JJS* 57 (2006): 56-79.

C. Middle Grounds: *Goyim* in Post-Biblical, Pre-Rabbinic Literature

As is well known, the concept of the “*Yehudi*” (denoting a people, not a tribe, Judah, or a region, Judaea) was formed during the beginning of the Second Temple period.²⁰ But at that time, the “*Yehudi*” was not cast in opposition to the *Goy*. Although in the literature of the time we can discern that “*Yehudi*” is already conceived as an ethnic marker (whether we translate it as Jew or Judaeans),²¹ it is contrasted with plurality, not uniformity. In Esther, for example, Mordecai “*Ha-Yehudi*” is faced not with a uniform gentile, but by Haman “the Aggagite,” “every nation,” “their enemies,” etc. The challenges faced by Ezra of intermarriage of the “holy seed in the peoples of the land” (9:2) also assumes a plurality of *goyim* (as well as a specific geographical context), and not simply a generalized other. In Nehemiah, too, every character of the “enemies of Judah” is named using an ethnicity: “Sanballat the Horonite, Tobiah the Ammonite slave, and Geshem the Arab” (2:19), with no collective, unified name. In the same vein, at the end of the original prophecies of Zechariah, dating from roughly the same time, we find a “*Yehudi*” but no “*Goy*.” Instead, the text speaks of “*goyim*,” “nations,” in the plural: “In those days ten men from nations (*goyim*) of every language shall take hold of a *Yehudi*, grasping his garment and saying, ‘Let us go with you, for we have heard that God is with you’” (8:23). As we shall see below, this asymmetry remains, by and large, quite stable in the texts written during the Second Temple period.

20 For the usages of “*Yehudi*” and “*Yisrael*” in rabbinic literature, see Eyal Ben Eliyahu, “National Identity and Territory: The Borders of the Land of Israel in the Consciousness of the People of the Second Temple and the Roman-Byzantine Periods” (PhD diss., The Hebrew University of Jerusalem, 2001), 245-51 (Hebrew); Sacha Stern, *Jewish Identity in Early Rabbinic Writings*, AGJU 23 (Leiden: Brill, 1994), 10-11, 147-51. As both scholars show, the rabbis use “*Yehudi*” only when mimicking a non-Jewish perspective (i.e., as a translation of the Greek name: *Ioudaios*). The usage of “*Yehudi*” in Second Temple literature is much more complex; see the review essay of David M. Miller, “The Meaning of ‘Ioudaios’ and Its Relationship to Other Group Labels in Ancient Judaism,” *Currents in Biblical Research* 9 (2010): 98-126.

21 See Mason, “Jews, Judaeans, Judaizing, Judaism,” 457-512, and Schwartz, “The Other in 1 and 2 Maccabees,” 30-37, and further below.

To be sure, it was possible for Jews to conceive themselves as separated from others even before the existence of a uniform category for all non-Jews, but this is a different kind of separation. The most extreme example can be found in the book of *Jubilees*, presenting a severe separation, but always from the “nations” in plural:

(16) Now you, my son Jacob, remember what I say and keep the commandments of your father Abraham. Separate from the nations and do not eat with them. Do not act as they do, and do not become their companion, for their actions are something that is impure and all their ways are defiled and something abominable and detestable. (17) They offer their sacrifices to the dead [...] (19) As for you, my son Jacob, may the most high God help you and the God of heaven bless you. May he remove you from their impurity and from all their error. (20) Be careful, my son Jacob, not to marry a woman from all the descendants of Canaan’s daughter, because all of his descendants are (meant) for being uprooted from the earth. (21) For through Ham’s sin Canaan erred [...] (22) There is no hope in the land of the living for all who worship idols and for those who are odious [...].²²

These verses present an ideology of a complete and total separation of the children of Jacob from the nations, but they still do not have a single category in which to include all gentiles. The verses therefore hop between two different categories: idolaters and Canaanites.²³ This is not a difference in naming alone; the very general term “Goy” includes in it the justifications for the separation. It is, by definition, a negative term, defining the very “otherness” of the others, and so requires no further justification. This is well exemplified in the rabbinic tautological expression *מפני גוייה גוים* (“due to the Gentileness of Gentiles”), as was shown by Vered Noam.²⁴ In *Jubilees*, by

22 *Jub.* 22:16-22; translation based upon James C. VanderKam, *The Book of Jubilees: A Critical Text* (Leuven: E. Peeters, 1989), 131-32.

23 See Werman, “Attitude Towards Gentiles,” 215-16.

24 The expression appears twice in *Sifre Num.* 158 concerning the need to purify gentiles’ vessels before using them. Noam claims that the principle is a rabbinic innovation, reflecting an essential distinction between Jews and gentiles: “The central reasoning for the need to render gentile vessels fit is not the circumstantial problem of non-kosher food, but rather the principle ‘for they left the impurity of the Gentile and entered the holiness of Israel.’” See Vered Noam, “You Shall Pass Through Fire’ (Numbers 31:23): An Early Exegetic Tradition,” *Shmaton: An Annual for Biblical and Ancient Near Eastern Studies* 19 (2009): 136 (Hebrew).

contrast, separation is accompanied constantly by specific justifications: “they offer sacrifices to the dead”; “through Ham’s sin Canaan erred”; “there is no hope for all who worship idols,” etc.

Similarly, *Jubilees* 30, which retells the story of Shechem and Dinah and harshly prohibits intermarriage,²⁵ mentions no unified “Goy” which Jews are cautioned to stay away from. The object of the separation is the “seed of the nations,”²⁶ and the legal categories are the Molech (derived from Lev 18:21) and the defilement of the holy seed (derived from Ezra 9:2). However, there is no single name for all of these “others” whom the Jews are enjoined to avoid.

Indeed, the repetitive, almost pedantic, obsession with the need for difference may indicate the very real lack of categorization in a world where distinction is still a constant struggle, and the boundaries between statuses not at all clear. In the rabbinic world, the borderline becomes clear and the distinction self-evident. Thus, aside from one cryptic ruling of *m. Sanh.* 9:5, tannaitic literature does not contain any explicit prohibition of intermarriage.²⁷ Tannaitic legal activity instead focuses on the interface between Jew and gentile without questioning the stability of the categories themselves.

The lack of a general category in *Jubilees* is also made evident by the frequent discussions of ethnicities, which categorize different peoples in different manners.²⁸ A similar example can be found in the Animal Apocalypse, an apocalyptic allegory from the second century BCE embedded in *1 Enoch*

25 For this unprecedented prohibition, see Cana Werman, “Jubilees 30: Building a Paradigm for the Ban on Intermarriage,” *HTR* 90 (1997): 1-22; Christine E. Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* (New York: Oxford University Press, 2002), 73-81.

26 VanderKam, *Book of Jubilees*, 193.

27 *M. Meg.* 4:9 explicitly rejects translating Lev 18:21 in a way that will explicate such a prohibition. The prohibition is introduced only by R. Shimon b. Yoḥai in the Yerushalmi (*y. Šabb.* 1:4 [3c]) as part of the rabbinic “eighteen decrees.” The Bavli (*b. ‘Avod. Zar.* 36b) further explains that the biblical prohibition is limited to the seven original peoples of Caanan only. While Cana Werman and Christine Hayes understand this to mean that the rabbis are rejecting the exclusivist model of Ezra and *Jubilees*, Cohen, *Beginnings of Jewishness*, 245-46, reads this as an indication that the rabbis no longer saw intermarriage as a significant threat. We would add that the difference in rhetoric between *Jubilees* and the rabbis may indicate that the prohibition was already considered obvious in rabbinic literature.

28 See Werman, “Attitude Towards Gentiles,” 322-23. Compare the entirely negative Esau (*ibid.*, 197) in *Jubilees* with the somewhat ambiguous Ishmael, who Werman claims is portrayed as a convert (*ibid.*, 139), and the entirely positive Laban (*ibid.*, 175; see also the recurring claim in *Jubilees* that Jacob’s sons married

(chs. 85-90). Chapter 89 narrates the division of nations, and is based on a similar description in Genesis 10. However, unlike the earlier biblical source, the Animal Apocalypse portrays this process in starkly negative terms. The bulk of the nations appear as predators and unclean beasts; the only exception is Abraham, who is presented as a white bull:

And they began to beget wild beasts and birds and there came from them species of every sort: lions, tigers, hyenas, dogs, wild boars, foxes, hyraxes, swine, falcons, eagles, kites, foqans-birds, and ravens. And there was born in their midst a white bull. (*1 Enoch* 89:10)²⁹

The vision is decoded by Devorah Dimant thus: “The cattle signifies Israel, while the wild animals and predator birds – the gentiles [...] The distinction between Israel and the gentiles is presented as fundamental, as a constant battle, and is a central axis in the apocalypse as a whole.”³⁰ Note, however, that it is exactly this binary representation – Israel versus gentiles – that is missing from the apocalypse. The nations are presented as different from one another, each with its own unique symbolism and characteristics (Ishmael is a wild ass; Esau is a swine; Egyptians are wolves; Philistines are dogs). This is not only a semantic difference. The lack of binary structure allows the apocalypse to present a narrative of separation which transcends the Israel/nations division. Its focal point is the rise of a small group of young sheep (most probably the Essenes)³¹ who create the new elect group from which the universal eschatological redemption begins. The lack of total binary distinctions allows the author to confine the elect to a sub-group of Israel while giving that group universal significance in the eschaton.

The lack of a name for and concept of a generalized other is also apparent in Jewish-Hellenistic literature.³² The Testament of Levi (9:10), for example,

only Aramean women, *ibid.*, 278). These divisions are absent from rabbinic literature, where Laban and Esau are equally paradigmatic of gentiles.

29 Patrick A. Tiller, *A Commentary on the Animal Apocalypse of I Enoch* (Atlanta: Scholars Press, 1993), 269.

30 D. Dimant, “History According to the Animal Apocalypse,” *Jerusalem Studies in Jewish Thought* 2 (1982): 24-25 (Hebrew).

31 Menahem Kister, “Concerning the History of the Essenes,” *Tarbiz* 56 (1986-1987): 1-18 (Hebrew).

32 This is well attested in Judith Lieu’s study on the various names appended to *allo*, “other” (*allophulos*, *allogenes*, *allogenes*), used to describe foreign nations in these texts. Judith Lieu, “Not Hellenes but Philistines? The Maccabees and Josephus Defining the ‘Other,’” *JJS* 53 (2002): 246-63.

forbids the priests to take a woman who is *apo genous allophulôn ê ethmôn* (“of a race of strangers or nations”). There is no one group to avoid.³³ Another example is the manner in which the enemies laying siege to Bethulia are portrayed in the book of Judith. The book presents a theology of covenant³⁴ leading to a doctrine of severe separation and distinction.³⁵ And yet, the enemies of Israel are presented in Judith as a conglomerate of many peoples without any common characterization or name:

And the heads of the sons of Esau and the chieftains (*hoi hégoumenoi*) of the people of Moab came to him, and all of the generals (*stratêgoi*) of the sea peoples came near to him...and the camp of the children of Ammon and with them five thousand of the sons of Assyria...and the children of Esau and the children of Ammon came up...and the rest of the army of Assyria...and the children of Israel cried unto the Lord...for all of their enemies (*pantes hoi ekhthroi*) surrounded them.

The enemies are later called “the peoples (*ethnesin*) rising up against my people,”³⁶ and the rest of the nations are portrayed as a distinct audience who, in a biblical manner, are supposed to learn a lesson from the divine drama.³⁷

33 In their commentary, Hollander and de Jonge claim that “*allophuloi* is practically a synonym of *ethne*” (Harm W. Hollander and Marinus de Jonge, *The Testaments of the Twelve Patriarchs: A Commentary* [Leiden: Brill, 1985], 158). Cf. Charles’s translation, “of the race of strange nations,” in Robert H. Charles, *The Testaments of the Twelve Patriarchs* (London: A. and C. Black, 1908), ad loc. However, this reading is contested by the parallel in the Aramaic Levi Document, where the instruction is explicitly endogamic: “Take from my family.” The “strangers” seem similarly to signify all those who are not of the tribe of Levi, whether Jewish (Judean?) or not (Jonas C. Greenfield, Michael E. Stone, and Esther Eshel, *The Aramaic Levi Document: Edition, Translation, Commentary*, SVTP 19 [Leiden: Brill, 2004], 74). There is thus a continuum between family, tribe, and nation which the unified *Goy*, and the binary system the *Goy* implies, will make impossible.

34 Carey A. Moore, *Judith: A New Translation with Introduction and Commentary*, AB 40 (New York: Doubleday, 1985), 60-61.

35 Luis Alonso Schökel and Wilhelm H. Wuellner, eds., *Narrative Structures in the Book of Judith: Protocol of the Eleventh Colloquy, 27 January 1974* (Berkeley: The Center, 1975), 35.

36 Jdt 15:17, “Woe unto the gentiles who rise against my people.” See Moore, *Judith*, 251, who sees this as a paraphrase of Jdt 5:31, “Thus may all your enemies, Lord, be gone.”

37 Jdt 9:14 (Moore, *Judith*, 143): “And you shall make knowledge in every nation (*pan to ethnos*; see Moore, *Judith*, 194) and in every family, and they shall know that you are [...] a shield for the seed of Israel.”

All of these verses are centered on a plurality of the other peoples, containing no binary distinction between Jew and Gentile.

These discriminating categories are hardly present in rabbinic literature. While particularized ethnic stereotypes may still be found here and there in rabbinic literature – both general Greco-Roman ones, and others borne out of midrashic manipulations – these are perceived as but specifications of one basic unity. This is why stereotypes can be transferred from one nation to another quite easily.³⁸ Thus, for example, we read in *Mekhilta de-Arayot* (*Sifra, Aḥarei 8* [ed. Weiss, 86a]): “Scripture (הכתוב) teaches that the deeds of the Canaanites were the most corrupt (מקולקלין) of all peoples,” and in detail: “Overrun (שטרפין) with idolatry and incest and bloodshed and homosexuals and zoophiles.”³⁹ This may seem to be a specific ethnic stereotype directed toward the Canaanites. But the whole list of specificities is then transferred to the *Egyptians*, who are mentioned in the same verse:

“You shall not copy the practices of the land of Egypt where you dwell” (Lev 18:3) – Scripture compares (היקיש) the practices of Egypt to the practices of the Canaanites, and the practices of the Canaanites to the practices of Egypt.⁴⁰ As the practices of the Canaanites are overrun with idolatry [...] so the practices of the Egyptians.⁴¹

38 See Stern, *Jewish Identity*, 15: “[...] the ability of our sources to ignore the existence of other peoples, even their immediate neighbors, suggests their lack of interest toward non-Jewish ethnic diversity, which may be related to the assumption that all non-Jews are confused and blurred into a single, homogenous collectivity.”

39 See the “Homily of ‘As the deeds of the land of Egypt’,” appended to *Mek. de-Arayot* in MS Vat. Ebr. 66 (Louis Finkelstein, *Sifra or Torat Kohanim According to Codex Assemani LXVI* [New York: The Jewish Theological Seminary of America, 1956], 388): “A parable. To what is this similar? To a king who had a small son, and he gave him to two wet-nurses, one a mistress of harlotry (=Canaan) and another – a mistress of sorcery (=Egypt).”

40 On Egypt in rabbinic literature, see Rivka Ulmer, *Egyptian Cultural Icons in Midrash* (Berlin: de Gruyter, 2009). On Egypt in Hellenistic literature (from which most of the rabbinic stereotypes were taken) see Gideon Bohak, “The Ibis and the Jewish Question: Ancient ‘Anti-Semitism’ in Historical Perspective,” in *Jews and Gentiles in the Holy Land in the Days of the Second Temple, the Mishnah, and the Talmud*, ed. Menahem Mor et al. (Jerusalem: Yad Ben-Zvi, 2003), 27-43 (Hebrew). On rabbinic internalization of Hellenistic stereotypes see also Gideon Bohak, “Ethnic Stereotypes in the Greco-Roman World: Egyptians, Phoenicians, and Jews,” in *Proceedings of the Twelfth World Congress of Jewish Studies Division B: History of the Jewish People*, ed. Ron Margolin (Jerusalem: World Union of Jewish Studies, 2000), 7-15 (Hebrew).

41 Compare the parallel homily in the *Sifra* (*Sifra, Aḥarei 8:1* [ed. Weiss, 85c]): “For

The continuation of the homily clarifies that the association is a result of the fact that both Egypt and Canaan represent, for the homilist, the Roman Empire and contemporary Hellenistic culture.⁴²

This category shift into a wholly binary system can be demonstrated by comparing the rabbinic attitude to the gentiles' sexual ethic with earlier attitudes. Various Second Temple texts mark the distinction between Jews and other nations by the sexual self-restraint of the former.⁴³ While in some cases individual nations are marked in this context,⁴⁴ in others *all* non-Israelite nations are contrasted with Israel. For example, the food laws are justified in the *Letter of Aristeas* as a symbol that "we are separate (*diestalmetha*) from all men. For most other men defile themselves in their sex and in this they shall sin greatly, and lands and countries all take pride in this. And not only do they sleep with men, they also defile their mothers and their daughters. But we are separate (*diestalmetha*) from this (152)."⁴⁵

But even in this instance, "the nations" does not designate a unified entity, but rather is indicative of plurality. The midrash returns to this same theme, but with a telling difference: "See how you are different from the nations: among the nations a man decorates his wife and gives her to another, a man

since Scripture compares the practices of the land of Egypt to the practices of the land of Canaan..."

- 42 Both the *Sifra* proper and *Mek. de-Arayot* read the words "nor shall you follow their laws" as referring to certain norms. In the *Sifra* these are explicitly sexual matters: "What would they do? A man would marry a man, and a woman – a woman, a man would marry a woman and her daughter, a woman would be married to two. This is why it says, 'nor shall you follow their laws'." In *Mek. de-Arayot*, on the other hand, these are general cultural issues: "You shall not follow their *nomoi*, in the things that are inscribed for them, such as houses of theaters and circuses [...]." For a detailed comparison see Beth Berkowitz, "The Limits of 'Their Laws': Ancient Rabbinic Controversies About Jewishness (and Non-Jewishness)," *JQR* 99 (2009): 121-57. Although the verses are about Egypt and Canaan, both homilies refer specifically to Roman and Hellenistic practices. This transfer of context is not explained or justified in the homilies, nor is it mediated through a general reference to "nations." The homilists must have understood that Egypt and Canaan are but examples of gentiles who surround Israel, who, in the present, are Romans. For Rome as a representative of "the nations," see Stern, *Jewish Identity*, 15-17.
- 43 See Stanley K. Stowers, *A Rereading of Romans: Justice, Jews, and Gentiles* (New Haven: Yale University Press, 1994), 58-65.
- 44 See, e.g., Philo, *Spec.* 3:13-23.
- 45 See Moses Hadas, *Aristeas to Philocrates (Letter of Aristeas)* (New York: Ktav, 1973), 160-61.

decorates himself and gives himself to another” (*Sifra*, *Qedoshim* 5:2 [ed. Weiss, 93c]). While in *Aristeas*, one nation is distinguished from the many, in the *Sifra* there are already two unified entities juxtaposed to one another: the nations do this while Israel does that. Thus, *Aristeas* features realistic reasons for the accusation without essentializing the “nations”: “this is what most (*pleiones*) people do”; “cities and lands all (*holai*) take pride in it.” The *Sifra*, in contrast, features the “Nations” as a proper name which requires no detail or recognition of plurality, and so has no need to apologize or even simply account for the comprehensiveness of the accusation, as does *Aristeas*.

This results in a basic difference in the discourse of separation itself. The “gentility” of the gentiles is not the reason for separation in *Aristeas*. Instead, gentiles are separated from Jews due to specific cultural issues:

Now our Lawgiver being a wise man and specially endowed by God to understand all things, took a comprehensive view of each particular detail, and fenced us round (*periephraksen*) with impregnable ramparts and walls of iron, that we might not mingle (*epimisgometha*) at all with any of the other nations, but remain pure in body and soul, free from all vain imaginations [...] Therefore lest we should be corrupted by any abomination, or our lives be perverted by evil communications, he fenced us round (*periephraksen*) on all sides by rules of purity. (139; 142)

Note that in the citation above (152), the same verb (*diastellō*) is used to denote both separation from forbidden sexual practices and from “all men,” the latter being a product of the former.⁴⁶ In contrast, the homily in the *Sifra* (*Qedoshim* 9:12 [ed. Weiss, 93c]) portrays separation *itself* as the basis of identity and chosenness: “*And I will separate you from the peoples, that you should be mine* – If you are separated from the nations, lo, you are for my Name, and if not, you belong to Nebuchadnezzar, king of Babylon, and his associates.”

The *Sifra* passage should be compared with Paul’s famous description of sexual depravity in Romans 1:18-32. Although Paul uses the general word for humans, *anthrōpoi*, he seems to be referring to Hellenistic civilization in particular.⁴⁷ Like the *Sifra*, Paul is parodying Hellenistic sexual practices. But such

46 This is why this statement does not contradict the universalistic philosophy of the letter. See V. A. Tcherikover, “The Ideological Background of the Letter of Aristeas,” in *The Jews in the Graeco-Roman World*, ed. V. A. Tcherikover (Tel Aviv: M. Newman, 1961), 316-38 (Hebrew); Hadas, *Aristeas*, 60-62.

47 See Joseph A. Fitzmyer, *Romans: A New Translation with Introduction and Commentary*, AB 33 (New York: Doubleday, 1993), 270-71, and the literature cited there.

similarity in aims also uncovers the great divide between Paul and the *Sifra*. Paul's basic category here is *paganism*. Gentiles are not marked as such, but are instead called to account for their moral depravity, considered to be a direct result of idolatry, an accusation found in various Jewish writers of the time.⁴⁸ While the Pauline God reacts in anger to pagan sinfulness, the God of the *Sifra* explains that this is simply how things are: "See how different you are from the nations." Unlike Paul, the tannaitic homily does not bother to *account* for the moral state of the nations, does not portray God as angry, and does not call upon the nations to repent. Justification and anger are both superfluous with the birth of the Gentile: *Goyim* are simply *Goyim*, while the Jew – and this is the entire point – is their diametrical opposite.⁴⁹

As mentioned above, Qumranic literature features an identification of biblical *Goyim* with specifically *foreign* nations, and, consequently, as diametrically opposed to Jews. A similar move is found in the Septuagint⁵⁰ and the New Testament,⁵¹ albeit in a rather inconsistent manner. While the term *ethnê* is used frequently as an *opposition to Israel*, in other cases it denotes all nations

48 The assumption that the moral depravity of the nations is a result of their paganism is common in Jewish Hellenistic literature. See, e.g., Wis 14:12; *T. Reu.* 4:6; and cf. David Winston, *The Wisdom of Solomon: A New Translation with Introduction and Commentary*, AB 43 (New York: Doubleday, 1979), 71-72; Fitzmyer, *Romans*, 272; Stowers, *Rereading of Romans*, 92; John J. Collins, *Between Athens and Jerusalem: Jewish Identity in the Hellenistic Diaspora* (Grand Rapids, Mich.: Eerdmans, 2000), 170; Kathy L. Gaca, *The Making of Fornication: Eros, Ethics, and Political Reform in Greek Philosophy and Early Christianity* (Berkeley: University of California Press, 2003).

49 This can also be seen in other sources attributing promiscuity to gentiles, such as *Sifre Deut.* 213: "For these accursed nations make their daughters adorn themselves in times of war in order to cause their foes to go awhoring after them" (Louis Finkelstein, *Sifre on Deuteronomy* [New York: The Jewish Theological Seminary of America, 1969], 246; translation based on Reuven Hammer, *Sifre: A Tannaitic Commentary on the Book of Deuteronomy* [New Haven: Yale University Press, 1986]). Some MSS add (most probably from *Mek. Deut.*): "And why? So the daughter of Israel may be glad, and this one sad, the daughter of Israel made up and this one in disarray." Here too, the distinction is binary and general, with no justification other than the assertion that the "the gentiles are cursed." Cf. *Sifre Num.* 131.

50 For the distinction in the LXX between *laos* (=Israel) and *ethnê* (=the Gentiles), see Gerhard Bertram, "People and Peoples in LXX," in *TDNT* 2:364-69.

51 See Karl L. Schmidt, "Ethnos in the NT," in *TDNT* 2:369-72 for statistics. The term appears in the Synoptic gospels (but not in John), and is ubiquitous in Paul's Epistles and in Acts.

including Israel. Indeed, in some cases it is unclear whether one or the other meaning is intended, as has been noted by New Testament scholars.⁵²

In the Pauline corpus, another process, no less important, may be detected. Although Paul, following the Septuagint, often uses the term *ethnê*, he fills it with a new, apolitical meaning. The biblical call to the nations is thus reinterpreted by Paul as turning to *individuals* among the nations who choose to join the community of believers in Christ.⁵³

These two processes, in which *Goy* becomes a specific term for foreigners and is applied to individuals rather than nations, may be found sporadically in pre-rabbinic writings. The combination of these two displacements marks the birth of the rabbinic, generalized *Goy*. As far as we can tell, the two displacements did not converge in pre-rabbinic literature.

Yet, the privatization of the Septuagint's *ethnê* in Paul's epistles brings them closer than any other pre-rabbinic Jewish text to the tannaitic binary system of Jew versus Gentile. Paul uses such a dichotomy several times, mainly in Romans (3:9; 9:24, 30-31; 11:13-14, 25) and Galatians (2:7, 14, 15).⁵⁴ Scholars have traditionally assumed that this division is a common Jewish heritage, ascribing only its annulment to Paul himself.⁵⁵ When Krister Stendahl,

52 See the doubtful sources cited by Schmidt, "Ethnos in the NT."

53 Rom 15:9-12 cites various verses that discuss the *ethnê* joining the praise of God, applying them to the members of the community in Rome: "In Paul's use of the verse, 'nations' become the 'gentiles,' and the OT quotation supports Paul's contention that Jewish Christians are to praise God along with Gentile Christians" (Fitzmyer, *Romans*, 706-7). Compare also the homily of Paul and Barnabas in Acts 13:46-48, in which "the light of the *ethnê* (*phôs ethnôn*)" in Isaiah is read as applying to the multitudes in Antioch who come to hear the sermon. See Ernst Haenchen, *The Acts of the Apostles: A Commentary*, trans. Bernard Noble and Gerals Shinn (Oxford: Blackwell, 1971), 414: "The rejoicing of 'the Gentiles' epitomizes the joyful acceptance of the gospel by the Gentile world at large." Cf. Acts 26:23. See also Acts 15:16-18, which expounds Amos 9:12 in connection with the Christianized gentiles. See further Robert Bauckham, "James and the Gentiles (Acts 15, 13-21)," in *History, Literature and Society in the Book of Acts*, ed. Ben Witherington III (Cambridge: Cambridge University Press, 1996), 154-85.

54 Cf. 1 Thess 2:14-17, which may, however, be an interpolation.

55 Scholars vary greatly with respect to the question of the annulment of the distinctions between Jews and gentiles in Paul's thought, depending on the interpretation of several key texts (first and foremost Rom 11). Scholars of the "new perspective" (Stendahl, Gaston, Gager) objected to the traditional assumption of a full erasure of the old distinction, claiming Paul left it essentially intact: Jews are to be saved through Torah while gentiles through Christ. Several intermediary options were offered: gentile believers are treated as "God fearers" (Peter J.

in his groundbreaking essay, “Paul among Jews and Gentiles,” called for a rereading of Paul’s epistles in the context of the relation toward Gentiles, lamenting “the lost centrality of ‘Jews and Gentiles’ in western scholarship” of Paul,⁵⁶ he still regarded the division itself as evident, stating laconically: “As a Jew he [Paul] had grown accustomed to dividing humankind into those two parts” (1). To the best of our knowledge, the many scholars who followed Stendahl in order to continue, revise, or challenge the new methodological perspective he proposed and the theological horizon he opened, have not discussed Paul’s role in constructing the binary opposition itself. Instead, later scholars have simply questioned the way he used that existing binary opposition in order to overcome and dismantle it. If our findings regarding the absence of the binary construct from biblical and post-biblical sources are correct, then Paul’s contribution to the emergence of the *Goy* must be foregrounded, and the question of his possible impact on rabbinic discourse should be re-opened.

This understanding is likely less strange than it may at first seem. E. P. Sanders famously argued that Paul worked backwards, fashioning the plight (the inability of the law to save) according to the solution (Jesus’s atoning death).⁵⁷ This approach may apply not only to the law and to the status of Jews and Gentiles before the law, but also to the very conceptualization behind these themes.

This of course deserves a much broader discussion, which cannot be undertaken here.⁵⁸ For our context, it suffices to note that Paul’s Gentile,

Tomson, *Paul and the Jewish Law: Halakha in the Letters of the Apostle to the Gentiles* [Assen: Van Gorcum, 1990], 147-48) or proselytes (Terence L. Donaldson, *Paul and the Gentiles: Remapping the Apostle’s Convictional World* [Minneapolis: Fortress, 1997], 215-48), or are considered, together with the Jewish believers, as a “third race” (E. P. Sanders, *Paul, the Law and the Jewish People* [Minneapolis: Fortress, 1983], 171-79).

56 Krister Stendahl, *Paul Among Jews and Gentiles, and Other Essays* (Philadelphia: Fortress, 1976). This scholarly trend was developed by John G. Gager, *The Origins of Anti-Semitism: Attitudes Toward Judaism in Pagan and Christian Antiquity* (New York: Oxford University Press, 1983) and Lloyd Gaston, *Paul and The Torah* (Vancouver: University of British Columbia Press, 1987). For a useful summary, see John G. Gager, *Reinventing Paul* (New York: Oxford University Press, 2000). For a critique of this view, see Daniel Boyarin, *A Radical Jew: Paul and the Politics of Identity* (Berkeley: University of California Press, 1994), 42; Donaldson, *Paul and the Gentiles*, 231-34, and the bibliography cited there.

57 E. P. Sanders, *Paul and Palestinian Judaism* (Philadelphia: Fortress, 1977). Cf. the more nuanced version of the thesis in Sanders, *Paul, the Law, and the Jewish People*.

58 We hope to address these questions in detail in a forthcoming paper.

whatever its sources are, is not yet the rabbinic one, although it may be understood as the embryonic formation of the rabbinic construct. Paul did not (and could not) take for granted the Jew/Gentile opposition; he had to struggle in order to establish it. Although Paul occasionally opposes Jews and Gentiles (see above), these categories do not appear for him in a stable opposition and do not serve as the core of a whole grid of oppositions. The Jewish/Greek divide is not more “natural” than the Hellenistic Greek/Barbarian opposition, which was probably the model for the former (as is apparent in Rom 1:13-15),⁵⁹ and is placed alongside a non-exhaustive set of other oppositions,⁶⁰ without serving as their basis. In contradistinction, in rabbinic literature, when the comprehensive division Jew/Gentile was established, it re-structured the entire system of oppositions. At the same time, the Jew/Greek division became both redundant and unsatisfying.

For Paul, the radicalization of the opposition concerns the gentile’s relationship with God and not his relationship with the Jew. The opposition, which at any rate is meant to be overcome, is not meant to define the Jews, whose existence it presupposes. For the rabbis, the radical opposition was already firmly established and stood apart from any other. It was not one element in a series, but that which frames the series as a whole and works simultaneously at both the personal and the collective levels.

Rabbinic literature is but the culmination of a long process, echoes of which can be heard in various Second Temple texts, and which the terminological shift itself is not capable of uncovering. However, we believe that the terminological transformation exposes a significant stage in the maturity of this separation. This stage is so significant, in fact, that it may be considered as the beginning of an entirely new discourse, in which Jews and Gentiles constitute binary opposites, covering the entirety of humanity.

D. Categorization and Totality: The Rabbinic Exclusion

An example of the transformation that occurred in rabbinic literature may be found in the famous blessing, “who has not made me a gentile,” in *t. Ber.* 6:18:

59 See Hans Conzelmann, *1 Corinthians: A Commentary on the First Epistle to the Corinthians* (Philadelphia: Fortress, 1975), 46.

60 E.g., under/not under the Law: Rom 2:17; 1 Cor 9:20-21; circumcised/uncircumcised: Gal 2:7; as well as 1 Cor 9:19-22; 2 Cor 11:26. Cf. Gal 3:28; 1 Cor 12:13.

R. Yehuda says: A man must recite three benedictions every day. Blessed is He who has not made me a Gentile. Blessed [...] who has not made me an ignoramus (בורר). Blessed [...] who has not made me a woman. A Gentile, for it says *all Gentiles (גוים) are nothing to him, as naught and vanity they count toward him* (Isa 40:17). An ignoramus, for there is no ignoramus fearful of sin. A woman, for women are not obligated in the commandments.

This blessing is indicative of rabbinic literature, as is indeed witnessed by its reception, its central place and daily reiteration in the liturgy, as well as by the fact that there is no text in the early tradition that contests it or tries to explain it away.⁶¹ Rabbi Yehuda delineates a general domain of existence for every male Jew⁶² by three simple negations, of the ignorant, the woman, and the gentile. The sage ascribes these negations to the creative power of God (עשני). The individuals defined by this grid of separations are called to acknowledge them, accept them as a fact, understand them as a destiny, and thank God for all the advantages their absence provides. No separation is a simple fact of nature and none can be achieved through human action; God alone is their source, foundation, and guarantee.

The crucial point for our discussion is the difference between the negation of the *Goy* and the other two negations expressed in each of the benedictions. The exclusion of the woman and the ignoramus merits an explanation that resembles legal argumentation. In the case of the gentile no such argumentation is given. Instead, R. Yehuda invokes a verse which presents all gentiles simply as “naught (אין, אפס, תהו) to Him (or before, in relation to Him, כנגדו).” This assertion does not explain the exclusion, but rather radicalizes it. While the exclusion of the woman and the ignoramus presupposes the law and is performed through an internal move, constituting the discursive boundaries from within, the exclusion of the gentile is presupposed by the law and thus cannot be explained in its terms.

This becomes visible once we notice the biblical context from which the prooftext adduced for the distinction between Jew and gentile was taken. The

61 For modern attempts to soften the blessings (based mainly on the censored edition of *b. Menah. 43b*: שעשני ישראל, “who has made me an Israelite”), see Joseph Tabory, “The Benedictions of Self-Identity and the Changing Status of Women and of Orthodoxy,” in *Kenishta: Studies of the Synagogue World*, ed. Joseph Tabory (Ramat-Gan: Bar-Ilan University Press, 2001), 1:107-38 (Hebrew).

62 And not Jewish male; male is a predicate of the Jew here and not vice versa.

verse appears at the beginning of Second Isaiah, where it describes the smallness of *all* nations, including Israel, in the face of the Lord of the universe: “Behold, the nations (גוים) are as a drop from a bucket, and are regarded as a speck of dust on the scales” (Isa 40:15). In the Tosefta, גוים, “nations,” is taken to mean “gentiles,” turning the biblical distinction between creator and creatures and the underlying ontological opposition of being and nothingness into a distinction no less sharp between Jews and all others. By drawing on Isa 40:15 and quoting the emphatic expression of nothingness (through its three synonyms), this tosefta actually dissociates the gentile from the event of election and further essentializes his existential depravation.

At stake here is not a question of “male Jewish identity” (this would be a complete anachronism), but the domain of halakhic discourse itself. Only he who is not ignorant is fully aware of – and can understand – himself as standing “before the law,” fearing sin and seeking the righteous way. The one who is not a woman is commanded by law, is the proper subject of the law’s sanctions, is the one free to devote himself to study of the laws. Finally, only the one who is not a gentile is considered subject to the realm of the law in the first place. All three excluded groups are not proper subjects of the law, and they are therefore deprived of any authority to interpret or determine the law. But both the Israelite ignoramus and the Israelite woman do stand *before* the law, even when they cannot understand it or are not commanded by it. In contrast, the *Goy* does not stand before the law; his exclusion as an addressee and bearer of the law is precisely what delineates the law’s realm of application. The exclusion of the *Goy* belongs to what Foucault might have called the “historical apriori” of halakhic discourse.⁶³ While the two other exclusions are established through and within the law, the negation of the *Goy* is a condition for the very constitution of a realm of law as a form of relation to God.⁶⁴

Thus with one stroke R. Yehuda delineates the three conditions for the law as the proper realm of Israelite existence: the epistemic condition – awareness of living in a world governed by divine laws; the juristic condition – separating proper from improper subjects of the law; and the existential condition – the condition for the very existence of the halakha, that there are beings who are not nothing “to him” and who can therefore be bearers of His laws, His witnesses and subjects. Only non-Gentiles are counted as *something* by Him.

63 Michel Foucault, *The Archaeology of Knowledge and the Discourse on Language*, trans. A. M. Sheridan Smith (New York: Pantheon Books, 1972), 126-31.

64 As shall be discussed below in section F.

Halakha as a form of relation to God is established on the basis of this double existential negation: the male cognizant Jew owes both a blessing and an obligation precisely because he is not “nothing to Him.”

A few passages later the Tosefta cites Rabbi Meir’s description of the Jewish male as someone both circumscribed and inscribed (or, literally, circumscribed) by mitzvot. This is how Tosefta Berakhot ends:

There is no Israelite who is not surrounded by commandments: *tefillin* on his head and *tefillin* on his arm, *mezuzah* on his doorpost, and four *tzitziyot* around him, and regarding these David said: *I praise you seven times each day*. [Even] when one enters into the bathing house – circumcision is on his member (בבשרו), as it is said: *To the choirmaster according to the sheminit (=the eighth)*, and it is also said: *The angel of the Lord encamps around those who fear Him, and delivers them.* (*t. Ber.* 6:25)

Tractate Berakhot as a whole is preoccupied with man’s relation to God throughout all aspects of his life and spells out a variety of attitudes and gestures proper to the time, place, and activity in question. At the center of this myriad of possible situations lie the mitzvot and their benedictions,⁶⁵ and they surround the Jewish male like a protecting wall. Rabbi Meir’s closing statement can thus be read as supplementing Rabbi Yehuda’s triple exclusion by presenting its internal reason (i.e., the reason from the point of view of those who have already become the law’s subjects). Being separated from the *Goy* from without and from the woman and the ignoramus from within, the Jewish male stands before the law, is commanded by the law, follows its rulings, and thereby becomes fully protected, for the law is the law of God and a heavenly army is mobilized to protect the law-abiding subjects.⁶⁶

Despite the critical differences between the *Goy* and the two other categories of exclusion, all three negated categories are similar in one crucial respect: each of them is a proper abstract name of a generalized group, as well

65 The benedictions for fulfilling mitzvot do not appear in the Mishnah but rather a few halakhot earlier in the Tosefta (*t. Ber.* 6:9-15). On the liturgical system presented in *m.* and *t. Ber.*, see Ishay Rosen-Zvi, “Responsive Blessings and the Development of the Tannaitic Liturgical System,” *JSIJ* 7 (2008): 1-29 (Hebrew). On the benedictions on commandments, see esp. n. 59 there.

66 On the meaning of “mitzvot” here as ritual objects, their protective, talismanic function, and the exclusion of women from their realm, see Ishay Rosen-Zvi and Dror Yinon, “תכשיטים גבריים, תכשיטים נשיים: מבט חדש על מעמדה הדתי של האשה במשנת חז”ל,” *Reshit – Studies in Judaism* 2 (2010): 55-79.

as a marker of a difference: in epistemic conditions, in gender, and in (something like) nationality. The theological-juridical understanding of halakha implicated in Rabbi Yehuda's saying could not have been articulated without these abstractions. To function thus, the *Goy* must be as unified and abstract a category as "woman" or "ignoramus." Thus, the role of the *Goy* in the constitution of halakhic discourse cannot be separated from its new configuration by the rabbis as an abstract, general, and individuating marker.

At this point, the basic distinction between the rabbinic *Goy* and the Greco-Roman barbarian comes to light. The barbarian, like the *Goy*, is a category of abstract otherness. Isaac Hirsch Weiss was the first to compare Rabbi Yehuda's "benedictions of identity" with the testimony of Diogenes Laertius, who reported that "Socrates would thank his gods each day for making him human and not a beast, a man and not a woman, a Greek and not a barbarian."⁶⁷ The beast plays the role of the ignoramus, the woman holds the same position in both cases, and the barbarian takes the place of the gentile. However, note the differences: the Tosefta is not content with the anthropological distinctions, and adds a theological justification, "for all Gentiles are nothing to Him." The barbarian might have been inferior on a linguistic, cultural, or even physical level,⁶⁸ but his status was not mediated by a divine act of will or by a relation to the divine, and was not metaphysically loaded. In the case of the gentile, on the other hand, it is the constitutive act of God that makes the gentile inferior and reduces him to nothingness.

67 I. H. Weiss, *דור ודורשי: הוא ספר דברי הימים לתורה שבעל פה עם קורות סופריה וספריה* (Wilna: Druck von Wittwe and Gebr. Romm, 1904), 27. Cf. Saul Lieberman, *Tosefta ki-fshutah* (Jerusalem: The Jewish Theological Seminary of America, 1992), 1:120 (Hebrew) and Tabory, "Benedictions of Self-Identity."

68 Language was of course the central component of barbarism (Timothy Long, *Barbarians in Greek Comedy* [Carbondale, Ill.: Southern Illinois University Press, 1986], 130-31, 133-37). Whether or not it also included physical and racial components is debated. Compare C. Tuplin, "Greek Racism? Observations on the Character and Limits of Greek Ethnic Prejudice," in *Ancient Greeks: West and East*, ed. Gocha R. Tsetschladze (Leiden: Brill, 1999), 47-75, with Benjamin Isaac, *The Invention of Racism in Classical Antiquity* (Princeton: Princeton University Press, 2004). Cf. Long's claim (*Barbarians in Greek Comedy*, 153) that the category was gradually emptied of its ethnic connotations, until in the fourth century BCE "the word *barbaros* [...] is only marginally thought of in a national or ethnic sense. It could be that a *barbaros* by birth might not necessarily be expected to behave as an emotional *barbaros*." For a comprehensive bibliography of the vast scholarship on this subject, see Isaac, *Invention of Racism*, 3-4 n. 6.

The rabbis did not reflect on the category of “*Goy*” in the way the Greeks did on that of the “barbarian.”⁶⁹ Once introduced and established in rabbinic discourse, the category of *Goy* assumed its nature as a simple matter of fact that eliminates its own history and historicity, needs no pondering, and calls for no real questioning.

That the difference between Jew and *Goy* was conceived by halakhic discourse as a real, ontological difference is made clear by the fact, noted by various scholars, that the *Goy* is not considered a full person. Indeed, some biblical verses regarding Adam were interpreted by the rabbis as referring only to Jews.⁷⁰ This statement has various legal implications, such as the ruling (uncontested anywhere in rabbinic literature) that saving the life of a gentile does not justify desecrating the Sabbath; that one is not liable for killing a gentile, both intentionally and unintentionally;⁷¹ and that the gentile neither conveys nor is susceptible to impurity.⁷² The significance of these legal implications will be discussed further below.

The difference between the Jew and the *Goy* is diametrically opposed to the Christian opposition between believers and infidels (a category that includes Jews as well as pagans).⁷³ While the Jews conceived of themselves as distinctively separate, chosen from all the nations due to God’s special relationship with them, the Christian believer invites all humanity to join him in the love of God and to share with him God’s love of all mankind. “I have an obligation to Greeks as well as barbarians, to the educated as well as the ignorant,” Paul says to the Romans, for God’s power brings salvation to everyone who has *pistis*, “Jews first, but Greeks as well” (Rom 1:14, 16). The

69 See Plato’s claim (*Politaea* 262c) that the distinction between Greeks and barbarians is false, for it lumps together many different peoples (*genê*). Plato compares this to a hypothetical division of all natural numbers into two groups: 10,000 and all the other numbers (a “natural” division, per Plato, would be that between males and females or odd and even numbers). For other expressions of discomfort, see Tuplin, “Greek Racism?” 57-59; Long, *Barbarians in Greek Comedy*, 148-50.

70 See n. 117 below.

71 See nn. 112-14 below.

72 See n. 118 below.

73 On the development of this distinction, which is intimately connected with the creation of Christianity as a “religion” (that is, the true religion, set against all the false ones) in late antiquity, see Daniel Boyarin, *Border Lines: the Partition of Judaeo-Christianity* (Philadelphia: University of Pennsylvania Press, 2004), 202-20; idem, “The Christian Invention of Judaism: The Theodosian Empire and the Rabbinic Refusal of Religion,” *Representations* 85 (2004): 21-57.

infidels for Christians are those who refuse this invitation, thereby becoming the exception. Since they do not consent to acknowledge God, God abandons them to their unacceptable thoughts and indecent behavior (ibid., 1:28). The patristic other is an exception who can and should join the community and become part of the rule. The rabbinic Jews, on the other hand, see themselves as a special nation, an exception to the rule encapsulated by the biblical statement that “all gentiles (גויים) are nothing to him.”⁷⁴ Jewish and Christian conversion therefore move in exact opposite directions, one away from and the other toward the excluded exception.

E. Scholarly *Goyim*: A Conceptual Shift

The analysis proposed thus far requires a reexamination of a scholarly consensus that the rabbis were on the whole more lenient than the priestly, separatist, or sectarian tradition, represented in Ezra, *Jubilees*, or Qumran. Thus, for example, Cana Werman claimed that the prohibition attested in the Mishnah (*m. Meg.* 4:9) on interpreting (“translating”) Lev 18:21 as forbidding intermarriage, is directed against the stricter law of *Jubilees*.⁷⁵ This scholarly approach figured prominently in Christine Hayes’s study, which claimed that while *Jubilees* and the Qumran sect embraced Ezra’s model of genealogical impurity, rabbinic literature rejected it entirely.⁷⁶ Hayes disputed Gedalyahu

74 Aharon Shemesh has shown that the same laws which function in rabbinic literature to separate between Jews and Gentiles function in Qumran to separate the members of the sect from anyone else. Without discussing the question of the direction of influence from the [proto-] rabbinic laws of separation to Qumran or vice versa, we may use here the Qumranic consciousness of being the exception (פרשנו מרוב העם, “we have separated ourselves from the multitude of the people,” 4QMMT C 7) to characterize the rabbinic consciousness regarding the nations. See Aharon Shemesh, “המבריל בין בני אור לבני חושך. בין ישראל לעמים,” in *Atara L’Haim: Studies in the Talmud and Medieval Rabbinic Literature in Honor of Professor Haim Zalman Dimitrovsky*, ed. Daniel Boyarin et al. (Jerusalem: Magnes, 2000), 209-20. On the relationship between the rabbinic and sectarian self-consciousness, see also Adiel Schremer, *Brothers Estranged: Heresy, Christianity, and Jewish Identity in Late Antiquity* (Oxford: Oxford University Press, 2010).

75 Werman, “Attitude Towards Gentiles,” 18. Contra Israel Ta-Shema, “A Contribution to the Commentary of a Pericope of *Jubilees*,” *Beth Mikra* 11 (1965): 99-102 (Hebrew), who contends that the debate is only about modes of translation, not the legal tradition itself. Cf. the deliberations of Cohen, *Beginnings of Jewishness*, 254-55.

76 Hayes, *Gentile Impurities*.

Alon's thesis that the impurity of gentiles was an old tradition inherited by the rabbis, and that it manifested an inherent separatist tendency.⁷⁷ According to Hayes, not only did the rabbis present this impurity as a simple decree, but this decree did not prevent them from allowing everyday contact with gentiles, as well as their entrance into the temple and participation in the cult. The rabbinic rejection of Ezra and *Jubilees* is apparent, per Hayes, in various areas, such as the prohibition on intermarriage (the rabbis held the prohibition was only a decree) or the possibility of conversion (which cannot be found at all in Ezra and *Jubilees*).

We do not wish to debate these claims in detail here.⁷⁸ Rather, we would like to note a fundamental point that we believe is missing in the studies mentioned above. Those studies confine themselves to changes in the halakhic status of the gentile while completely ignoring the category itself, as if it were constant, with no history at all. The change of perspective suggested above turns Hayes's image of rabbinic Judaism almost upside down. Genealogical concerns are indeed not as central to rabbinic literature as they are to Ezra, *Jubilees*, or the *Halakhic Letter* from Qumran (4QMMT), but this is not based upon a greater openness to gentiles on the part of the rabbis. Quite to the contrary. The discourse of genealogy, we believe, belongs to a world in which there are many *Goyim* but no single *Goy* and Jewish identity is an extension of a familial or tribal identity. The unified *Goy*, on the other hand, has no (single) genealogy. Thus, when the Jew becomes the *Goy's* counterpart, it must be reshaped to match. The new binary system replaces the genealogical dimension and makes it superfluous, as "gentileness" becomes an either/or category that does not depend on the gentile's origins. This is well exemplified in the phrase discussed above from *t. Berakhot*, where the *Goy* is simply designated as "nothing to Him." The distinction becomes metaphysical rather than cultural, historical, or genealogical.

The consolidation of the unified term *Goy* also explains the "dissolving" of the prohibition on intermarriage in rabbinic sources, in comparison to earlier sources such as Ezra, *Jubilees*, or 4QMMT. The prohibition in the latter set of sources (unlike specific "separation" laws), implies that a clear-cut separation between the "holy seed" and "people of the land," or between Jacob and "the

77 Gedalyahu Alon, "The Levitical Uncleaness of Gentiles," in *Jews, Judaism and the Classical World*, trans. Israel Abrahams (Jerusalem: Magnes, 1977), 146-89.

78 For a detailed account of Hayes's exceptionally erudite thesis, see Rosen-Zvi, "Birth of the *Goy*."

Nations” cannot be assumed, but must be established through prohibitions. The rabbinic *Goy*, in contrast, is already a *fait accompli*, and need not be constructed by such prohibitions, which are indeed hardly found in tannaitic literature.⁷⁹

This perspective sheds a completely different light on the place of conversion in the rabbinic system. In the eighth chapter of her book, Hayes cites conversion as proof that the rabbis departed from the genealogical tradition in which individuals cannot join the Jewish people, much as an Israelite cannot become a Levite or a priest. But the rabbis did not simply *allow* conversion. Rather, they *invented* it by transforming diffusive spaces of conversion into a sharp and unequivocal *procedure* of passage – a transitory, instant event – as demonstrated lucidly by Shaye Cohen.⁸⁰ Instead of reading this procedure as evidence of a permeable border between groups, we see it as the very erection of this border.⁸¹

A similar lacuna in scholarly paradigms can be discerned in recent studies of *m. 'Avodah Zarah*. Various scholars have analyzed the strategies of Jewish

79 See n. 27 above.

80 Cohen, *Beginnings of Jewishness*, 140-62. Cohen saw rabbinic conversion laws as Janus-faced, marking openness and, at the same time, standardizing boundaries. He attributed this duality to the dual system of Judaism as both a religion and an *ethnos* (which he equates with genealogy). See especially his summary on pages 342-43. Cohen's lucid analysis ushered in a new era in the study of ancient "Jewishness," but most subsequent studies have shared its basic lacuna, overlooking the category of the *Goy* and its historicity. Recognition of the historical evolution of this category changes the narrative of the birth of normative Judaism. Cohen can thus assert that "our post-rabbinic world mirrors the pre-rabbinic world of antiquity" (346) only by ignoring the category of the *Goy* and its stability in post-rabbinic Judaism. The rabbinic conception of the Jew may have disappeared for certain groups of non-Orthodox American, or Israeli, Jews, but the same does not hold true for the rabbinic conception of the *Goy*, whose role in defining or constructing Jewish identity cannot be overestimated. Thus, one should always be suspicious of claims that modern, secularized Jews have finally dismissed or overcome rabbinic Judaism. "The Beginnings of *Jewishness*" must therefore be complemented by attention to "The Beginnings of *Goyishness*." This scholarly lacuna may not be wholly accidental, for, as Benjamin Isaac justly remarks, "The study of ancient ethnicity is far more popular at present than that of social hatred" (*Invention of Racism*, 4).

81 For a similar critique of Hayes's thesis, see Martha Himmelfarb, *A Kingdom of Priests: Ancestry and Merit in Ancient Judaism* (Philadelphia: University of Pennsylvania Press, 2006), 184. However, Himmelfarb's alternative is different from, even diametrically opposed to ours. According to her, rabbinic culture expanded the genealogical model in response to its marginalization in Christian circles.

“coexistence” with gentiles, all the while assuming that the border between gentiles and Jews is itself a given.⁸² For example, in a recent article, Noam Zohar discussed *m. 'Avod. Zar. 2:1*, which states:

An Israelite woman may not assist a gentile woman (נכרית) in childbirth (because she would be aiding the birth of a child for idolatry), but a gentile woman may assist in the childbirth of an Israelite woman. An Israelite woman may not nurse the son of a gentile woman, but a gentile woman may nurse the son of an Israelite woman in her domain.⁸³

Zohar explains that “this basic hostility is the continuation of the biblical attitude toward idolaters” (155). The mishnah’s innovation, according to Zohar, is its beginning: “We do not place livestock in gentile inns for they are suspect regarding [sex with] livestock; a woman should not seclude herself with them for they are suspect regarding illicit relations (עריית); a man should not seclude himself with them for they are suspect regarding murder.” Zohar comments: “The Mishnah does not use the realm of the religious in itself to explain its laws, rather it uses the moral and social realms” (156),⁸⁴ and ergo, “there is no place for such hostility toward gentiles who do not accord with the demonic description in [the Mishnah].”

Zohar wishes to explain the gap between this mishnah’s sharp rhetoric and its relative leniency regarding commercial relationships with gentiles, attested in chapters one and two of the tractate (as documented meticulously by Urbach).⁸⁵ His conclusions are far-reaching: “Once we are facing gentiles who

82 See, e.g., Zohar, “Idolatry”; Schwartz, “The Other in 1 and 2 Maccabees”; Moshe Halbertal, “Co-existing with the Enemy: Jews and Pagans in the Mishnah,” in *Tolerance and Intolerance in Early Judaism and Christianity*, ed. Graham N. Stanton and Guy G. Stroumsa (Cambridge: Cambridge University Press, 1998), 159-72. For a fuller bibliography, see Ishay Rosen-Zvi, “הפולמוס: אבד תאבדון את כל המקומות: הפולמוס,” *Reshit – Studies in Judaism* 1 (2009): 91-116.

83 Noam Zohar, “מחיצות סביב מרחב תרבותי משותף: היחס לגויים ולצלמיהם על פי משנת עבודה זרה,” *Reshit – Studies in Judaism* 1 (2009): 145-64.

84 Cf. Hayes, *Gentile Impurities*, 141: “The structure of rabbinic regulations concerning interaction between Jews and Gentiles was not designed to *prevent* interaction. It was designed to prevent interaction *that would involve the Jew in violation of the halakhah*” (emphasis in the original).

85 Ephraim E. Urbach, “The Rabbinical Laws of Idolatry in the Second and Third Centuries in the Light of Archaeological and Historical Facts,” in *The World of the Sages: Collected Studies* (Jerusalem: Magnes Press, 1988), 125-78 (Hebrew).

are monotheistic and cultured, the dark shadow is lifted from the entire discussion, and a friendly coexistence of complete peace is warranted” (163).

The basic assumption behind this analysis is that the subject of these mishnayot is the same as in the Bible, and thus that the hostility toward this subject is “the continuation of the biblical attitude toward idolaters.” But in fact, the aforementioned mishnah does not say that a Jewish woman should not midwife “a female idolater,” but rather “a gentile woman” (נכרית).⁸⁶ The mishnah forbids Jews to give life to gentiles *qua* gentiles. This attitude lies behind various laws in the first two chapters of *m. ‘Avodah Zarah*, and is spelled out explicitly in 2:5, in R. Joshua’s answer to R. Ishmael regarding the prohibition against eating the cheese of gentiles. R. Joshua claims that this cheese is forbidden since it is “fermented in the stomachs of calves dedicated to idolatry,” but as the dialogue continues his answers emerge as but a ruse disguising a more general desire for separation from gentiles, as was recently analyzed by Shlomo Naeh.⁸⁷

Conflation of attitudes toward idolatry and *Goyim*, reading them together as a modified continuation of a biblical model, ignores the very category of

86 Zohar, “מחיצות סביב מרחב תרבותי משותף,” cites the mishnah according to the printed edition, which adds “for she is midwiving a son of idolatry,” but this addition is absent from the Palestinian MSS, and was probably interpolated from a baraita in *b. ‘Avod. Zar.* 26a. Cf. *t. ‘Avod. Zar.* 3:3, which adds a similar clause on nursing.

87 Shlomo Naeh, “טובים דודין מייך: מבט חדש על משנה עבודה זרה ב. ה,” in *Studies in Talmudic and Midrashic Literature in Memory of Tirzah Lifshitz*, ed. M. Bar-Asher et al. (Jerusalem: Bialik Institute, 2005), 411-34 (Hebrew), demonstrates that behind the exegetical discussion on Song 1:2 in *m. ‘Avod. Zar.* 2:5 “is a hidden polemic regarding the place of the ‘items of gentiles’ (the subject of the chapter in the Mishnah)” (422). Naeh connects this polemic to the specific prohibition of wine: “In order not to shake the accepted halakhic foundations, R. Joshua must keep the reason for the prohibition of wine ambiguous” (428). One may add that concealment and subterfuge is characteristic of chs. 1-2 in *m. ‘Avod. Zar.* as a whole. These mishnahyot, like R. Joshua’s halakhic answers, formally discuss issues of idolatry and *kashrut*, but also include many laws which have nothing to do with these, and are rooted instead in a general will to stay away from gentiles and prevent them from settling amongst Jews (cf. *b. ‘Avod. Zar.* 20a, discussing Deut 7:2). This is the reason for the prohibition on the sale of livestock (1:6) and homes (1:8; see Gerald Blidstein, “Rabbinic Legislation on Idolatry, Tractate Avodah Zara, Chapter I” [PhD diss., Yeshiva University, 1968] 163-221, and Christine E. Hayes, *Between the Babylonian and Palestinian Talmuds: Accounting for Halakhic Differences in Selected Sugyot from Tractate Avodah Zarah* [Oxford: Oxford University Press, 1997], 79-81), as well as the prohibition on foodstuffs in ch. 2 (cf. *b. ‘Avod. Zar.* 36b: “due to their daughters”).

Goy. M. 'Avodah Zarah as a whole cannot be understood without taking the new rabbinic categorization of the *Goy* into account. Only in this way may we account for the discrepancy between the stringent requirements of the Mishnah to stay away from Gentiles (chs. 1-2) and the lenient attitudes the Mishnah takes toward idols (chs. 3-4).

This analysis gives us better tools to revisit the scholarly debate regarding the term *Yehudi*. Various scholars have studied the different meanings of this term, debating whether its meaning was transformed during the Second Temple period from an ethnic to a religious or cultural marker.⁸⁸ Especially noteworthy in this context is the recent discussion revolving around Steve Mason's paper (2007) regarding the correct translation of the Greek *Ioudaios*: Jew or Judaeen.⁸⁹ For our immediate purposes, the most significant fact of this debate is that none of the disputants assumed any connection between the transformation of the "Jew" and the parallel transformation of the *Goy*, although both cases involve generalization and abstraction that transcend ethnic, tribal, linguistic, and geographical categories. When the "Jew" becomes a member of a nation near the beginning of the Second Temple period, he is suddenly faced with a plurality of other nations: in other words, with *Goyim*. This plurality of nations becomes monist only when the negative elements of non-Jewishness become so central that they push all other differences aside (including, as we saw, the Deuteronomic *ger*). The generalized *Goy* belongs not to an ethnic system, then, but to a metaphysical one. It is conceivable, therefore, that the rise of the *Goy* also had an effect on the meaning of the term "Jew." Since the term *Goy* is in rabbinic literature not simply an ethnic marker, the term "Jew," which now becomes its direct opposite, also forfeits its strictly ethnic, localizable designation, and acquires new religious and metaphysical meaning.

We can summarize this section by saying that the creation of the rabbinic *Goy* marks the birth of a completely new discourse. As in any new discourse, many of the elements of the rabbinic *Goy* were already in existence before its

88 See David Goodblatt, *Elements of Ancient Jewish Nationalism* (Cambridge: Cambridge University Press, 2006), 1-27.

89 See Mason, "Jews, Judaeans, Judaizing, Judaism"; Daniel R. Schwartz, "Judaeen' or 'Jew'?: How Should We Translate 'Ioudaios' in Josephus?" in *Jewish Identity in the Greco-Roman World*, ed. Jorg Frey, Daniel R. Schwartz, and Stephanie Gripentrog (Leiden: Brill, 2007), 3-27; Boyarin, "Rethinking Jewish Christianity," 7-36; Miller, "The Meaning of 'Ioudaios,'" 98-99 (who promises there to dedicate a subsequent paper solely to this debate).

“birth.” Much of the rabbinic *Goy* exists in the biblical and post-biblical concepts of *nokhri*, *goyim*, and *ethnê*. The specific amalgam of all these elements, however – the ethnic mindset together with the metaphysical overtones and the binary dichotomy it entails – is indeed novel. Furthermore, the introduction of the rabbinic *Goy* is not merely an expression of the emergence of a new discourse. The appearance of the term *Goy* in rabbinic literature established the final demarcation of a boundary separating Jews from everyone else, and this boundary was one of the prerequisites for the new discourse. The biblical *nokhri* was insufficient to bring about this kind of demarcation, since it allowed for intermediate categories and was not absolute; not every individual had to be classified with one of two groups. Additionally, as with any discourse, the new use of the term *Goy* brought about not simply a change in ideology, but also in institutional practices, the most ubiquitous of which was conversion.

We should reiterate that we do not claim that in the *real* world of late antiquity there was an actual, complete division between Jews and gentiles, that there were no practical ways to replace dichotomies with gradual differences and alternative discourses that suggested intermediate categories and that tolerated intermarriage and other forms of contact. We also do not claim that, historically, a clear definition of every person as Jew or gentile was ever possible.⁹⁰ What we are claiming, however, is that the concepts the rabbis developed enabled a new classification and organization of the world. We further posit that only after these concepts had been introduced and accepted could mixing and hybridization of the two categories of Jew and *Goy* been identified and could attempts at control and/or resistance have been made. The measure of success which the rabbis had in their attempt to shape the world in their own image has been exhaustively discussed by numerous historians. Suffice it to say that there is no doubt that the new rabbinic language was institutionalized and translated into various practices, such as, for example, the rabbinic conversion ceremony and the rabbinic impurity rules.

In what follows we shall attempt to reconstruct some of the discursive implications of the appearance of the *Goy* in both aggadic and halakhic portions of rabbinic literature.

90 See Cohen, *Beginnings of Jewishness*, ch. 2.

F. The Aggadic *Goy*

It has been argued that aggadic midrash, in contrast to allegorical discourse, tends to break ontological dichotomies (between male and female, body and soul, surface and depth, etc.).⁹¹ But such hybridist tendencies never apply to the binary distinction between Jew and *Goy*. This dichotomy is presupposed and enacted throughout the midrashic text with neither irony nor problematization. The dichotomy is not challenged, and no significant attempt is made to sublimate or reconcile it. Moreover, whenever this dichotomy appears – almost without exception – it serves to articulate the relations between God and Israel.

The aggadic part of the Mekhilta that interprets the biblical narrative of the voyage from Egypt to Sinai (Exod 13-19) will serve here as our case study.⁹² In this segment of the Mekhilta, *Goyim* are present mostly in their political, collective form as “the Nations of the World” (אומות העולם).⁹³ In several cases, the Midrash indeed shows awareness of distinctions between different nations. Thus, for example, the homilist narrates rather realistically the Egyptians’ fear from the effect of Israel’s escape on other nations subjected by them: “From our service’ (Exod 14:5, מעברנו, read by the homilist as: מי

91 See Susan A. Handelman, *The Slayers of Moses: The Emergence of Rabbinic Interpretation in Modern Literary Theory* (Albany: State University of New York Press, 1982); Daniel Boyarin, *Carnal Israel: Reading Sex in Talmudic Culture* (Berkeley: University of California Press, 1993). For the contrast between this mode and Christian (Pauline) Platonic dualism, see Boyarin, *Radical Jew*, 8, 29-32.

92 On this text, see Menahem I. Kahana, *The Two Mekhiltot on the Amalek Portion: The Originality of the Version of the Mekhilta d’Rabbi Ishma’el with Respect to the Mekhilta of Rabbi Shim’on ben Yohay* (Jerusalem: Magnes, 1999), 25-32 (Hebrew). We shall not deal here with the parallel (yet secondary) passages in the Mekhilta of Rabbi Shimon on this portion.

93 The terms “*Goy*” and “*Goyim*” appear there mostly either when paraphrasing biblical verses, or when persons rather than collectives are referred to: “We have found everywhere [in the Bible] that the *Goyim* practice augury” (*Mek. Vayehi* 3:1, 204); “The nicest among the *Goyim* – kill” (*Mek. Vayehi* 2:1, 201; Lauterbach’s translation, “idolaters,” is simply incorrect). The only exception is: “You did not want to enslave yourselves to heaven; you are enslaved to the lowest of *Goyim*, Arabs” (*Bahodesh* I; XX, 203), discussed below. Mekhilta is quoted according to Jacob Z. Lauterbach, *Mekilta de-Rabbi Ishmael: A Critical Edition on the Basis of the Manuscripts and Early Editions with an English Translation, Introduction and Notes* (Philadelphia: Jewish Publication Society of America, 1933-35), slightly modified when needed.

עבדנו, 'who are our servants'): They said: Now all the nations will sound it abroad against us like a bell and will say: Even those who were in their power they had to let go – now how will we be able to send officers and taskmasters to bring us male and female slaves from Aram-naharaim and Aram-zobah?" (*Vayehi* 2; I, 196).

Such distinctions, however, disappear as quickly as they appear. In most homilies which mention the "nations," they emerge as a unified entity, the eternal enemy of Israel. This is nowhere clearer than in the "index homilies,"⁹⁴ where the narrative of God's war against Pharaoh and Egypt is attached to additional biblical passages narrating other nations and heroes, only to conclude with a generalized lesson about the sins and punishments of the "nations." In these cases, Egypt becomes but a synecdoche to all the nations, which represent a single, unified entity against both Israel and God: "For with the very thing with which the nations of the world pride themselves before Him, He punished them" (*Shirata* 2; II, 13); "And woe unto the Nations of the World, what do they hear with their own ears, Behold, He by whose word the world came into being will fight against them" (*Shirata* 4; II, 31); "God showed the nations of the world how dear the children of Israel were to Him, in that He Himself went before them, so that the nations should treat them with respect. But it is not enough that they do not treat them with respect, they even put them to death in all sorts of cruel and strange ways" (*Vayehi* 1; I, 186). Egypt is here but a model; it is the nations at large who are responsible for killing Israel "in all sorts of cruel and strange ways," and God will therefore fight them all collectively in the future.

The Nations are thus presented as a multiplicity within a basic unity. Thus, the Midrash can emphasize distinctions between different nations, according to local ideological and exegetical needs, but then "forget" these distinctions and return to speaking of a basically unified group. This is no different from Israel themselves, also appearing as a diverse group of peoples within a basic unity (cf. "ten [types of] lineage" above). Even God is no exception: "The Lord is a man of war, The Lord is His name': Why is this said? For He appeared at the sea as a mighty hero doing battle [...] He appeared at Sinai as an old man full of mercy [...] Scripture therefore would not let the Nations of the World have an excuse for saying that there are two powers, but declare "The Lord is a man of

94 On this concept, see Daniel Boyarin, *Intertextuality and the Reading of Midrash* (Bloomington, Ind.: Indiana University Press, 1990), 26-33.

war, The Lord is His name': It is He who was in Egypt and He who was at the sea [...]" (*Shirata* 4; II, 31).

Since the God of Israel is also the creator of the world, there is always the possibility of treating Israel and the nations in the same manner, as but subdivisions of God's single created universe. Surprisingly, however, this obvious potential rarely materializes in rabbinic texts. Take for example the index homily in tractate *Shirata* 2 (II, 13-19) listing a series of biblical examples for the principle of measure for measure. The index lists the generation of the Flood, the Tower [of Babel], the Sodomites, Egypt, Sisera, Samson, Absalom, Sennacherib, Nebuchadnezzar, and Tyre. This extensive catalogue (arranged chronologically) combines collectives and individuals, Israelites and non-Israelites. However, when the homily, specifying its lesson, summarizes the list at its opening and ending, it says: "Thus by means of the very thing with which the Nations of the World act proudly before Him, God punished them." Even when the potential for universalism exists in the materials used by the homily, it hardly carries the homilist beyond the traditional rabbinic binary format: Israel exalts God while the nations exalt themselves *before* Him. The Nations, as a single entity, are God's enemy. Note that while the single *Goy* can be simply dismissed theologically as "nothing to him," the political manifestation of the *Goy*, "the Nations of the World," receives a different treatment in this midrash. These "Nations" are not simply negated but instead are presented in their vanity in order to be punished, their punishment being a mode of God's revelation.

While biblical and apocryphal texts that deal with other nations are very often framed as historical narratives, the amalgamation of all nations into one abstract category of "Nations of the World" goes hand in hand with the lack of any sense of historicity in rabbinic literature in general, and in the aggadic sources in particular. And indeed, when each nation may serve as an allegory for any other, and each is an equal instantiation of the generalized (united?) "Nations of the World," no history, at least in the modern sense of the term, can be told. The unfolding of the world in time becomes the scene for the reiteration of various phases of the same formulaic relations between God, the Jew, and the gentiles.

Thus we return to the basic triad drawn at the very beginning of this paper: God – Israel – Nations. This fundamental structure is reiterated with a number of variations throughout the rabbinic corpus, but, nonetheless, it seems to be quite stable. In what follows, we shall suggest some initial observations regarding the triangulated relationships as they are revealed in the aggada of

the Mekhilta. While we do not intend to exhaust the matter, we wish to exemplify the usefulness of this structural perspective in decoding the position of the *Goy* in rabbinic midrash.

Unlike more traditional oppositions like black and white, day and night, or good and evil, we define binary separation as a relationship between two categories with respect to a third, external one. Citizens and immigrants are separated with respect to their civic status; Levites and Israelites are separated with respect to their access to the temple realm; believers and infidels are separated with respect to their belief in God, etc. The third category serves as both a common ground and a medium through which separation is articulated and accomplished. When Jews and Gentiles are separated, then, they are separated not with respect to their relation to God, but rather with respect to His relation to them.

For R. Yehuda in *t. Berakhot*, this relation in the case of the *Goy* means complete annihilation; with respect to God, the gentiles are nothing. But whereas the existence of other gods is inconceivable at this stage of Jewish thought – for they have become mere illusion – the real existence of other nations is never doubted. They may be “nothing to Him,” but their presence and might is most vividly experienced by historical Jews. For aggadic discourse, an abstraction like “nothing to Him” can never suffice, and instead the moment of non-election is evoked.

Election is inherently related to a difference that implies hierarchy. Indeed, it sometimes appears as if election represents nothing but a difference. This is how it is presented at the very opening of the Mekhilta: “Before the land of Israel had been chosen, all lands were suitable for divine revelation; after the land of Israel had been chosen all other lands were excluded” (*Pasha* 1; I, 4). There was nothing inherent in all other lands which made them unsuitable for divine revelation, besides the very act of choice, which, of necessity, created a distinction. The chosen is always singled out “from all nations” or “from all lands” (the English term “selection” captures this double meaning well). One homily presents this dynamic quite vividly: “It was like a man who draws out a young calf from the cow’s womb” (*Vayehi* 7; I, 249).

The Nations appear as an integral part of the spectacle of chosenness. Thus, at the beginning of tractate *Vayehi* the words “and the Lord went before them by day” are explained not as an expression of the special relationship between the Lord and his people, but rather as a spectacle – almost a performance – meant for the eyes of a third party. That is, the Nations of the World: “God showed the Nations of the World how dear the children of Israel

were to Him, in that He himself went before them, so that the nations should treat them with respect” (*Vayehi* 1; I, 186). Typically, the dual relationship between God and His people is revealed as part of a triad.⁹⁵ In the famous parable about the dove dreadfully chased from all sides until it raises its head in prayer (*Vayehi* 3; I, 211),⁹⁶ God appears as an external third party rescuing Israel from a binary reality, allowing a vertical escape from what seems to be – from a horizontal perspective – a dead end.⁹⁷

Even in the narratives of the journey in the desert (tractate *Vayassa*), when the trails are those of thirst and snakes and the Nations seem to play no role, the relationship between God and Israel is never purely bilateral. The *Goy* is always at the very least a live memory, and thus, a potential threat. There are always *Goyim* behind (Egypt) and ahead (Amalek, the Midianites, the Ammonites, and, ultimately, the Canaanites), and their presence on the horizon is sufficient to create a triangular relationship. This is made clear by the very opening of Mekhilta, tractate *Amalek*, which uncovers the connection between Israel’s complaints in the desert (narrated in tractate *Vayassa*) and the appearance of the new enemy: “[...] and because they separated themselves from the Torah their enemy came upon them. For the enemy comes only because of sin and transgression” (*Amalek* 1; II, 135).

A homily from *Sifra Qedoshim* (whose first portion was discussed above) can serve as a concentrated example of the fruitfulness of the triangular model in decoding rabbinic theology:

“You shall be holy to me, for I the Lord am holy” – just as I am holy so should you be holy; just as I am separated, so should you be separated.⁹⁸

“And I will separate you from the nations for me” – If you are separated from the nations, you are to be mine, and if not, you shall belong

95 Of course, the homilist aspires to unite the two apexes of God and his people: “It is not written here ‘You overthrow those who rise against us’ but ‘You overthrow those who rise against You’; Scripture thereby tells that if one rises up against Israel it is as if he rose up against He who spoke and the world came into being” (*Shirata* 6; II, 42).

96 On this homily see Boyarin, *Intertextuality*, 111.

97 Note, however, that this vertical possibility is always the result of a prior choice to trust God. If the people of Israel do not choose God alone, He is revealed in and through the horizontal – the nations, who act as his messengers to oppress Israel.

98 This homily reappears in the *Sifra* in almost every occurrence of the common priestly phrase, “You shall be holy, for I am holy,” or the like.

to Nebuchadnezzar, king of Babylon, and his companions” (*Sifra, Qe-doshim* 5:2).

Since the nations⁹⁹ are always there as the third side of the triangle, separating from the nations inevitably means choosing God, and vice versa. In both cases, the Jew’s Other appears in the form of negation, but the two negations cannot coexist: either it is the gentile from whom one separates or it is the betrayed God who has subsequently forsaken His people. In the absence of divine revelation, separation from the *Goy* becomes the ultimate religious action, a substitute to a direct relationship with God: “If you are separated – you are mine.”

A classic example of the *Goy* as a substitute for God can be found in political contexts in the tannaitic discussion of the destruction. Take, for example, R. Yoḥanan b. Zakkai’s lament: “You did not want to enslave yourselves to heaven; you are enslaved to the lowest of gentiles, Arabs” (*Mek. RI, Bahodesh* 1, 203).¹⁰⁰ Here, the gentile leaders appear as the opposite of God, but only because they are the “lowest of gentiles.” In another homily of the Mekhilta, there is an analogy instead of a contrast: “[...] to teach you that Pharaoh ruled from one end of the world to the other and had governed from one end of the world to the other, for the sake of the honor of Israel [Lauterbach: to be oppressed by a mighty empire].” Governance “from one end of the world to the other” is indeed what characterizes God himself according to biblical, midrashic, and liturgical texts.¹⁰¹

99 The addition “and his companions” clarifies that Nebuchadnezzar here is but a synecdoche to all ruling gentiles, who compete with God in governing Israel.

100 For this homily and its various parallels, see Menahem Kister, “עיון באבות דר” in *Mehqerei Talmud: Talmudic Studies Dedicated to the Memory of Professor Ephraim E. Urbach*, ed. Yaakov Susmann and David Rosenthal (Jerusalem: Magnes, 2005), 2:726-32 (Hebrew). The distinction Kister makes there regarding the question whether subjugation to foreign powers is a punishment or sin (“a difference [...] which is the line of demarcation at the time between zealots and moderates,” 729) is not our concern here, for in both cases the *Goy* replaces God as regent.

101 On the idiom “king of the world” (מלך העולם) in rabbinic liturgy and the “sovereignization of liturgy” as a rabbinic innovation, see Reuven Kimelman, “Rabbinic Prayer in Late Antiquity,” in *The Cambridge History of Judaism, Vol. 4: The Late Roman-Rabbinic Period*, ed. Steven T. Katz (Cambridge: Cambridge University Press, 2006), 572-611.

At this point we may venture a historical hypothesis, assuming that the aggada's rich figurative language and free plays of imagination are closer to a subconscious layer of discourse, in which the work and force invested in creating its basic structure are laid open on the text's surface. The appearance of the *Goy* in rabbinic discourse and the final demarcation of the boundary between Jews and Gentiles was a response to a prevalent understanding of revelation as something that belongs to the past. If our claim is correct, the essentialization and generalization of Israel's enemies in the figure of the *Goy* is part of the response to the concealment of God as an active historical force, witnessed by the loss of sovereignty and the destruction of the Temple.¹⁰² A political understanding of the destruction and exile would have insisted on differences between the various nations that subjugated the Jews, on a variety of relations with those nations, and therefore on naturalistic explanations of those relations. Such an approach would have necessarily downplayed God's responsibility for the condition of the Jews and their place in the world. The generalization of the gentile, which produced a certain de-historicized understanding of history and of the destiny of the community, could thus be understood as a way of maintaining God as a constitutive element of the narrative.

This claim may be taken one step further. Several scholars, most famously Ephraim E. Urbach, claimed that rabbinic literature represents the first, unequivocal instance of a religious consciousness of a post-revelatory world. It thus became almost a truism in the rabbinic ethos that the Torah had taken the place of the absent God. Instead of its assertion through direct revelation, God's word is now reiterated in numerous ways through the ceaseless engagement with Scripture in the house of study.¹⁰³ God has appeared in the past and will reappear in the future, but in the interim, Jews are meant to

102 See Adiel Schremer, "The Lord has Forsaken the Land': Radical Explanations of the Military and Political Defeat of the Jews in Tannaitic Literature," *JJS* 59 (2008): 183-200.

103 For the importance of this insight in Urbach's exegetical enterprise, see Yaacov Sussmann, "The Scholarly Oeuvre of Professor Ephraim Elimelech Urbach," in *Ephraim Elimelech Urbach: A Bio-bibliography*, ed. David Assaf (Jerusalem: The World Union of Jewish Studies, 1993), 64 n. 110 (Hebrew): "The line which divides, per Urbach, between the world of the Bible and the world of the sages (as well as between the sages and the many sects of the Second Temple period!) is the distinct feeling that the biblical period is over, and that prophecy has ceased. They deliberately gave up direct revelation as a source for the discovery of divine will.

engage with His holy scriptures, commemorating the great past and anticipating the promise of an even greater future.¹⁰⁴ But who mans the borders in God's absence? Who maintains and confirms Jewish election in a post-revelatory world? This is where the *Goy* may come into the picture. If our claim is correct, the appearance of the abstract, generalized Gentile is intricately connected with the disappearance of God as a political power and an active historical force.

At the same time, the birth of the *Goy* cannot be understood without its antecedents. The rabbinic *Goy* is a product of a series of transformations. We have already tried to reconstruct part of the historical shift in the meaning and use of the various terms for "the Other." Now we will try to complement that historical analysis with a more abstract (and no less partial) reconstruction of the transformation of the structures into which these shifts were gradually consolidated. These transformations are best described as the changing relationships between two related triangular structures. The first consists of the separation between one God and all other gods with respect to the created world and to humanity's relationship with the divine. The second consists of the separation of one nation from all others with respect to an electing God and His differing relationships with the separated communities. The second triad can be understood as a transformation of the first, as it assumes a radical negation of the very existence of other gods, replacing them with the nations that worship those gods.

These two triads and their transformation are crucial for understanding various layers of the changing discourses, from earlier biblical texts to later rabbinic literature. The earlier, "monolatric" triad is concerned with the supremacy and exclusivity of God in relation to all other gods, whose existence is acknowledged in some (probably early) sources and denied in many others. The latter triad is concerned with the superiority and exclusivity of God's nation in relation to all other nations, which were later transformed into a generalized gentile that made possible the generalized Jew (in its rabbinic, metaphysical sense) as well. Each triad entails a series of oppositions that

Intellect replaced inspiration, sages replaced prophets, *halakha* replaced prophecy."

104 On this point, see Ishay Rosen-Zvi, "Can the Homilists Cross the Sea Again? Time and Revelation in Mekilta Shirata," in *The Significance of Sinai: Traditions About Divine Revelations in Judaism and Christianity*, ed. George J. Brooke, Hindy Najman, and Loren T. Stuckenbruck (Leiden: Brill, 2008), 217-45.

follow the basic separation. In the first case, it is the opposition between God's obedient subjects and those worshiping other gods, between God's land and the lands of other gods, and between God's nation and the nations of other gods. The second triad entails oppositions such as that between Israel's Torah and the nations' wisdom, the land of Israel and the rest of the world, and Jewish modesty and Gentile promiscuity.

When the idea of election (and the separation it entailed) was introduced in Deuteronomy, the second triad was articulated in terms of the first: Israel was elected in order to recognize God as the one and only God and deny the existence of all other gods. Unstable relations between the two triads were maintained throughout the earlier layers of biblical and post-biblical literature, but were reconfigured in a fresh manner in rabbinic discourse. Here, the separation between Israel and the nations was essentialized, de-politicized, and transformed into a separation between the single Jew and the single Gentile. As a result it was no longer possible to articulate the second triad in terms of the first. Jewish separatism was no longer a manifestation of divine separation but, instead, became an independent phenomenon, an objective fact in the world. Rabbinic discourse thus combined these two triads in a new way and stabilized their relationship. With respect to the earlier triad, the separateness of God was now taken for granted. At the same time the new triad transformed the earlier one, as all worshippers of other gods were now understood as Gentiles. While at any given moment the terms of the first triad could be read forward into the second triad and interpreted as variations on its terms (the circumcised is a Jew, the neighbor and the friend are Jews, the *ger* is a Jew, the *nokhri* is a *Goy*, idolaters become Gentiles, other gods are delusions of Gentiles, etc.), there is no simple way backward: the Jew is set apart from others; the *ger* cannot be just any neighbor, etc.¹⁰⁵

The one constant in both triads is God, who is one of the entities in the first triad and is the force through which separation is accomplished in the second one.¹⁰⁶ For this reason, we maintain that the birth of the *Goy* is a

105 Many modern apologetic attempts to provide a humane, enlightened, and liberal version of Judaism can be understood as attempts to go against the grain of rabbinic discourse and interpret the second, rabbinic triad in light of the first, biblical one, in order to downplay the radical difference between Jews and gentiles. Other groups, it has been assumed, have other gods or other conceptions of the same God; the question of the gods' (and of God's) existence has been bracketed and only differences of beliefs and faiths have remained, protected by a pluralist gesture.

106 Rabbi Yehuda's claim that all gentiles are "nothing to him" may in fact be

theological saga through and through, involving a triangular rather than a binary relationship. This is well summarized in *Sifra Qedoshim* above: “Just as I am holy so should you be holy; just as I am separated, so should you be separated.”

G. The *Goy* and Halakhic Discourse

The appearance of the *Goy* assumes a different form in halakhic literature than in aggadic literature. Both accept the term *Goy* as a generalized “Other” that can be equally applied to nations and individuals, one which obscured all distinctions between gentiles. Yet, the role played by the *Goy* in the two discourses is strikingly different.

As we claimed above, the negation of the *Goy* makes possible the standing of the male Jew before the law and the very demarcation of halakha as a form of relation to God. While the exclusions of the woman and the ignoramus depend upon the existence of the law and are performed from within it (“for there is no ignoramus fearful of *sin*”; “for women are not obligated in the *commandments*”), the exclusion of the *Goy* is presupposed by halakhic discourse, constituting its boundaries from without and demarcating the realm of its applicability.¹⁰⁷ Note, however, that constitution should be understood here as a logical-structural feature, not a performative one, and can thus be identified as such only *a fortiori*, by analytic reflection.¹⁰⁸ No sovereign act is involved here, and there is no reference to any external constituting power. In

read as an attempt to continue the logic of the transformation from the first to the second triad and project the denial of the other gods onto the gentiles themselves.

107 *Goy*, for example, in *Jubilees* or in the Dead Sea Scrolls, is not a valid counter-argument. In these texts, no chronological gap exists between the time of the formation of the law and revelation; the political existence of Jews still frames the discourse and lies in its background; and, most importantly, the interpretation of the law does not assume a life of its own and is completely intertwined with historical and eschatological narratives. Torah as an arena of discursive practices, a mode of life, has not yet assumed its later, quasi-autonomous form.

108 The performative act of Rabbi Yehuda may be taken as a kind of discursive lapse, through which the usually unacknowledged boundary of the realm of halakhic discourse is exposed as something that has always been in place.

fact, God too is revealed here, no less than the *Goy* or the Jew, as simultaneously a category of this discourse and one of its conditions of possibility.

The generalized *Goy* appears in tannaitic halakha as one among numerous other legal persons who possess different ontological qualities and legal status, such as woman, minor (קטן), imbecile (שוטה), the offspring of illicit sex (ממזר), priest, etc. The *Goy* is but one component of an all-embracing system which covers, at least theoretically, all aspects of reality. In the Mishnah the *Goy* exists not only in the obvious contexts of *Avodah Zarah* or *Demai*, but also in sections detailing the laws of Shabbat (*Šabb.* 1:7-9; *Eruv.* 6:1), tort law (*B. Qam.* 4:3), and ritual slaughter (*Hul.* 2:7).¹⁰⁹ This list, however, while extensive, may be misleading: these laws do not actually refer to gentiles as such, but rather to Israelites coming in contact with them. *Goyim* and Israelites sharing a community poses a threat to the latter in several ways. Since *Goyim* are not obligated in mitzvot, contact with them creates problems (e.g., *Demai* 6:1-2; *Šabb.* 1:7-9; *Pesah.* 2:1-3; *Bek.* 3:1-2) and doubts (*Makš.* 2:5-9), as well as opportunities, and, in some cases, legal solutions.¹¹⁰ Their inherent impurity (*Avod. Zar.* 4:9; *Nid.* 4:3) and non-observance of purity laws (*‘Ohol.* 18:7-10) create yet another sphere of problems. Various ritual objects cannot be bought from *Goyim* (*Parah* 2:1; *Miqv.* 8:1) or cannot function correctly when *Goyim* partake of them (*Eruv.* 6:1). It is doubtful whether there is even a single case in the Mishnah that treats *Goyim* independently of the impact their presence or actions have on Jews.¹¹¹

109 For a list of all the occurrences of *Goyim* in Mishnah and Tosefta, see Gary G. Porton, *Goyim: Gentiles and Israelites in Mishnah-Tosefta* (Atlanta: Scholars Press, 1988), 152-55.

110 See, e.g., *m. Ned.* 4:3; *Ṭehar.* 8:6. The concept of a *Goy* as a legal tool will be developed in medieval halakha; see Jacob Katz, *The “Shabbes Goy”: A Study in Halakhic Flexibility*, trans. Yoel Lerner (Philadelphia: Jewish Publication Society, 1989).

111 Possible exceptions are *m. Šeqal.* 1:5 (cf. 7:9), *Ter.* 3:9, *Zev.* 4:5, and *Menah.* 6:1, which allow for the acceptance of voluntary sacrifices and gifts from *Goyim*. But even these laws appear in the Mishnah as instructions regarding how to handle such a gift. Note however that in the parallel *Sifra* the law in *m. Šeqalim* is already directly related to *Goyim* (“Each man – including *Goyim*, whose laws of voluntary sacrifice are like those of the Israelites”; *Sifra Emor* 7:1). The *Sifra* has two more homilies which use the (allegedly) redundant phrase “each man (*ish ish*)” to include *Goyim*, but both discuss punishments rather than obligations (“That incest is forbidden to them as to Israelites”; “That they shall be killed for blasphemy like Israelites”). Most of the “*ish ish*” homilies in the *Sifra* do not include

In all these cases, the Gentile functions as an object of halakhic discourse, one that creates both obstacles and openings, constraining various practices but also allowing a certain freedom in concrete situations. In this way, the *Goy* is no different from other objects of halakhic discourse, whether the object is a dead animal or a menstruating woman. Yet, whereas other “legal objects,” artifacts, animals, or humans who are not adult Jewish males are incorporated entirely within the realm of the law, made part of its never ending expansion, the *Goy* is different. The tannaitic legal system encounters gentiles in order to control the inevitable methods of exchange and interaction with them and monitor their impact on Jews. In each of these situations (including *m. Šeqal.* 1:5), the rabbinic discourse both presupposes and reenacts the radical otherness of the *Goy* and ensures that he is included only as an object of the discourse, not as a subject or bearer of the law. Thus, the basic difference between Jew and Gentile in legal discourse is that between an object of the law (which the law discusses without commanding) and the law’s subjects. Even as an object of the law, though, the *Goy* is included mainly in order to be left out. Examples of such inclusion-through-exclusion are to be found in the laws which interpret the biblical language of brotherhood – for example, “your brother,” “your fellow,” “your friend” – as referring to Israelites only, thus excluding *Goyim* from all basic social prerogatives such as gaining back lost property or being reimbursed for damages.¹¹² Even murder is no exception. The book of Exodus discusses the punishment of a man who kills his friend (רעהו) intentionally, to which the midrash comments, “to the exclusion of others [i.e., gentiles]” (*Mek. RI, Neziqin* 4; III 4).¹¹³ This law is summarized in *t. ‘Avod. Zar.* 9:5, in a discussion of the Noahide laws: “[A Noahide is liable for] bloodshed. In what manner? A *Goy* [who kills a] *Goy*, and a *Goy* [who kills an] Israelite is liable; an

Goyim but rather second-class Jews such as women, children, proselytes, non-circumcised Jews, and the like.

- 112 On the first, see Menahem I. Kahana, *Sifre Zuta on Deuteronomy: Citations from a New Tannaitic Midrash* (Jerusalem: Magnes, 2002), 330 n. 15 (Hebrew), and on the second, see Eliezer Shimshon Rosenthal, “שני רברים,” in *Isac Leo Seeligmann Volume*, ed. Yair Zakovitch and Alexander Rofé (Jerusalem: Elchanan Rubinstein, 1983), 463-81. On the rabbinic limitation of brotherhood, see Adiel Schremer, “אחים אחרים,” *Reshit – Studies in Judaism* 1 (2009): 165-85.
- 113 Lauterbach ad loc. renders this as “outsiders,” but the reference is unmistakably to *Goyim*. *Mek. RŠBY* to Exod 21:14 (ed. J. N. Epstein and E. Z. Melamed [Jerusalem: Mekize Nirdamim, 1956], 171) further excludes even the biblical *ger*; cf. *Sifre Deut.* 181 (ed. Finkelstein, 224).

Israelite [who kills a] *Goy* is not liable.” Issi b. Aqavia protests this law in the *Mekhilta* above: “Before the giving of the Torah, we were forbidden to shed blood, but after the giving of the Torah, instead of stringency, [there is a] leniency.” But rabbinic discomfort with this paradox does not change the law: “Indeed, they said: he is not liable in the laws of flesh and blood, and his trial is given to heaven.”¹¹⁴

The absence of universal brotherhood from tannaitic halakha is far from being self-explanatory, and is a departure from biblical trends.¹¹⁵ As Adiel Schremer correctly pointed out, although “brother” as a member of the same nation is common in both biblical and post-biblical literature, the tannaim were the first to transform this idea into a general and systematic hermeneutic principle, “applying it to places where it is neither necessary nor self-evident.”¹¹⁶

Goyim are not only excluded from brotherhood with Jews, but are also deprived of their very humanity. Thus, various homilies read biblical verses regarding *adam* as referring solely to Jews.¹¹⁷ This new categorization has

114 Menahem Kahana suggests that rabbinic discomfort with this law is the reason that the tradition regarding the visit of the two centurions to Rabban Gamaliel’s study house does not include this law among the discriminatory laws mentioned there (Kahana, “היחס לנכרים,” 28). It seems that the same manner of discomfort is responsible for the paucity of scholarly treatment of these laws.

115 A sharp critique of scholarly tendencies to identify universalism in rabbinic literature, uncritically and often apologetically, is found in Elliot R. Wolfson, *Venturing Beyond: Law and Morality in Kabbalistic Mysticism* (New York: Oxford University Press, 2006); cf. the studies on 31-32 n. 55. However, since this book focused on medieval Kabbalistic thought, where the category of *Goy* is already taken for granted, it does not discuss the creation of the category itself. Wolfson thus writes regarding inclusivist versus exclusivist tendencies in rabbinic literature: “The juxtaposition of these antithetical positions should give pause to any scholar who attempts to portray the rabbinic attitude toward non-Jews monolithically” (*Venturing Beyond*, 42 n. 107). While we agree about the need to acknowledge the variety of attitudes toward the *Goy* in rabbinic literature, we claim that these attitudes are all part of a discursive world in which the *Goy* has become a generalized and radicalized “other,” and that this new categorization itself reframes the discursive possibilities.

116 Schremer, “אחים אחרים.”

117 See *Mek. RI, Kaspa* 20:III, 169: “They say to him [the murderer]: Know you that the man you are after is a ‘son of the covenant’ (בן ברית), and the

implications in many legal spheres, including, as already mentioned, murder. Thus, for examples, *m. Sanh.* 9:2 rules that one who attempted to kill a gentile but killed an Israelite is considered to have acted unintentionally (שווגג) and is categorized as one who intended to kill an animal or a fetus with no life expectancy (נפל).

Other laws may be attributed to this categorization as well. Vered Noam recently claimed that the exclusion of gentiles from the system of impurities is not a biblical legacy, as per Jonathan Klawans, but a rabbinic innovation.¹¹⁸ She further claims that the gentile's inability to become impure is the result of an essentialist differentiation, which renders a gentile less than a whole person. This understanding influences her reading of *t. 'Ahirot* 1:4, which excludes "the gentile and the animal and the [newborn who was born after] eight months [of pregnancy, who has no life expectancy]" from imparting corpse-impurity to other vessels. In her words: "The gentile was paired with two creatures who do not meet the criteria of a viable human being."¹¹⁹ One may suggest that the removal of the gentile from the system of impurity (and, thus, from the system of full humanity) should be connected to the new rabbinic categorization analyzed above, ascribing an ontological significance to the constitutive discursive dichotomy.

Torah said: 'Whoever sheds the blood of man, by man shall his blood be shed'; *Gen. Rab.* 34:13 (Theodor-Albeck, 325): "I require a reckoning for human life' – these are Israel: For you, My flock, flock that I tend, are men' (Ezek 34:31)." Cf. the famous homily of Rabbi Shimon b. Yoḥai: "You are called *adam* but the nations of the world are not called *adam*" (*b. Yevam.* 61a and parallels) and *Gen. Rab.* 34:13, 325. Morton Smith's claim ("On the Shape of God and the Humanity of the Gentiles," in *Religions in Antiquity: Essays in Memory of Erwin Ramsdell Goodenough*, ed. Jacob Neusner [Leiden: Brill, 1968], 321-23) that these homilies are simply legalistic expressions with no ontological implications was justly rejected by Stern, *Jewish Identity*, 39-40, and Wolfson, *Venturing Beyond*.

118 Vered Noam, *From Qumran to the Rabbinic Revolution: Conceptions of Impurity* (Jerusalem: Yad Ben-Zvi Press, 2010), 278-96 (Hebrew). Noam sees a direct link between this rabbinic innovation and the rabbinic decree that gentiles impart impurity like a *zav*: "The gentile's immunity to Torah impurity and his exposure to rabbinic 'gentile impurity' serves the same purpose: the marginalization and distancing of the gentile" (296).

119 *Ibid.*, 286.

H. God, *Goyim* and the Division of Labor Between Halakha and Aggada

As we have seen, the excluded *Goy* appears in two different guises: first, the *Goy* is the one who does not stand before the law and is not commanded by it; as such, his exclusion is a constitutive condition and external boundary of the halakhic discourse. Second, the *Goy* is an Other with whom the Jew is inevitably and constantly engaged. Commerce, communication, and other various forms of mingling with them must be regulated, and, as such, the *Goy* is often degraded and presented as less than human. However, from the point of view of our structural analysis, what is even more important is the fact that the *Goy* remains a part of the discourse.¹²⁰

In the second guise, the *Goy* has many occurrences but no privileged place. In fact, the *Goy* occupies halakha much less than women, priests, or offspring of illicit relations, and does so mainly in cases where the interaction between gentiles and Jews creates problems which demand rabbinic solutions. In the first guise, the *Goy* hardly appears at all. Nothing in the Mishnah (or anywhere else in rabbinic literature, for that matter) gives the laws of *Goyim* any privileged status. Some tractates discuss *Goyim* in a casual manner, but there is never a hint that the legal system must invest special effort in order to regulate their exclusion. This is because the exclusion of the *Goy* is presupposed by the system and enables its discursive functioning.

The separation of the *Goy* into halakhic and aggadic spheres allows the aggadic narratives to recount the event behind the exclusion of the *Goy*. This exclusionary event is de-historicized and may thus be reiterated and contextualized in numerous episodes that display a similar structure of relations. This event is missing from halakhic discourse, but its consequences are presupposed throughout. Although halakha makes dozens of local distinctions between *Goyim* and Jews, the basic division appears in halakhic literature as already self-evident, a kind of "historical a priori."¹²¹ The halakhic rulings do

120 Thus, tractate *Avod. Zar.* discusses idolatry in two different contexts, one as a characteristic of the *Goy* – any *Goy* – and the other as a potential transgression of Jews. Accordingly, the separation demanded in the tractate is also double: from idolatry on the one hand and from *Goyim* in general on the other. See Rosen-Zvi, "אבר תאבדון את כל המקומות".

121 Foucault, *Archaeology of Knowledge*, 126-31.

not struggle to create the distinction, but function as the maintaining device of an already existing differentiation, as every homily excluding the *Goy* from the application of the law re-marks the discursive borders. For the halakhic discourse to operate as it does, the framework for a conceptual distinction should already exist. The halakha thus utilizes the mythic, historic, aggadic *Goy* in order to frame its relationship with the mundane *Goy* in a way that fits its basic discursive formation.

In this sense, God, gentiles, and the rabbinic discourse are intrinsically linked. The excluded gentile is the condition of possibility of the new post-revelatory discourses (both aggadic and halakhic) as well as a marginal category within it. Halakhic discourse authorizes itself to perform the constitutive opposition and thus becomes – notwithstanding all rhetoric of tradition and transmission – its own foundation. In order to justify the opposition and give meaning to the new categories, though, it must bring God back into the picture. In this scheme, God becomes the source of the negativity of the gentile, which is determined independently of the positivity of the Jew. For God, the gentile is the non-elect (*aggada*) or a special kind of nothingness (*halakha*).

Whereas the *Goy* plays God's role in constituting an imaginary, unified, and continuous national entity that persists throughout the ages, rabbinic discourse assumes the part of God in declaring – in fact, performing – authoritatively the distinction of the Jews and their differentiation from the rest of the world. This is why both motifs – the absence or disappearance of God and the presence or emergence of the *Goy* – appear together in post-70 C.E. tannaitic discourse. This is also why the rabbis needed a generalized *Goy* and were not content with the biblical *nokhri*.

From the rabbinic period onward, the non-Jew is not simply considered a foreigner or a guest who is subject to the foreign Lord. Rather, the *Goy* is seen as one explicitly not chosen by God in aggadic texts, and as one who is excluded from the law entirely in halakhic discourse. This double negation, which corresponds to God's role as both the sovereign of one people and as ruler over all humanity, defines the *Goy's* position in the conceptual grid in relation to the Jew on the one hand and to God on the other. But the very existence of this grid implies that each of its elements is defined and constrained by its relations to the other two. A space of appearance and meaning is delineated for each of them through the constraints imposed and possibilities opened by the two others. This is true for God and the Jew no less than for the *Goy*. The birth of the *Goy* in rabbinic discourse is therefore at one and the same time the birth of the (rabbinic) Jew and his (rabbinic) God.

There is much more to be said, various generalizations to tame and specify, and many more spheres to be examined. At the moment, this initial stage in our research leads us in two different directions: looking from the tannaitic *Goy* backward in time, we wish to focus once again on the Pauline epistles and ask two different questions: First, if Paul's gentile was indeed a new discursive mutation that had had no precedents in Jewish literature, how does this affect our understanding of Paul's words and acts? Second, if Paul's gentile was indeed a forerunner of the tannaitic one, might we consider the rabbinic consolidation of the new discursive formation centered around the Jew-Gentile opposition as a response to the challenge posed by Paul? Looking from the tannaitic *Goy* forward, we should then ask when and how the new discursive formation was challenged, problematized, and transformed, in which historical circumstances, and to what effect?

Our goal in this study has been more modest. Here, we have attempted to show that by turning our attention from the *status* of *Goy* to the very creation of the category, we may yield a series of new insights along with new questions. Furthermore, we may induce new approaches to ancient Jewish literature in its legal, theological, and national spheres.