למען תזכור: Talmud Torah after George Floyd, o”h

**Foreword**

This piece is not about racism, police brutality or the relationship between the Black and Jewish communities in America. Rather, it is an attempt to apply one of the primary lessons of the events surrounding the killing of George Floyd: *we are often blind to the challenges other people face precisely because we do not face them ourselves*. Too often, we assume our objectivity is improved by distance and the removal of the personal element, but in our attempt to understand people, distance is more likely to insulate us from their experiences. We may believe we support someone, but if we refuse to look more carefully or fail to listen with an open and generous mind, while holding ourselves accountable in addressing the issues, what are we really doing? Are we truly listening, truly supporting if we presume to already know the story when we are in fact quite distant from it? When our statements of support include caveats or advice and reflect little understanding of those to whom we are speaking, are we really speaking to them?[[1]](#footnote-1)

Ultimately, this essay is about blindness and its effects on how we relate to our past and to the traumas we carry with us as Jews, including those that are inscribed in our sacred textual and ritual traditions. By acknowledging and exploring that blindness, that distance, we will be better able to address issues like racism as a community -- including racism against members of our own community[[2]](#footnote-2) -- and to connect more deeply to our *mesorah*.

1. **Rethinking Troubling Texts: The Case of Xenophobia**

Fear of the “other” is a legacy we carry within our *mesorah*. Nevertheless, many of us recoil consciously or subconsciously at some expressions of these fears in the works of our Sages as they often include hateful and demeaning language. In general, the American Jewish community has confidence that our organizations are, for the most part, respected and protected by the powers that be, despite the obvious anti-Semitism we face. Indeed, we have received tremendous support in response to acts of terror against Jews in America. We have allies and friends of good will here. True, we continue to face threats,[[3]](#footnote-3) but this is not the primary characteristic of our relationship with our non-Jewish neighbors. What’s more, rather than fearing the authorities, most of us are appreciative of their protection.

Therefore, for many religious Jews, myself included, in a time of respectful cooperation, uncritical transmission of texts that include demeaning language towards Gentiles is understood as being overly insular and offensive in a time of respectful cooperation. They can be harmful to our outreach efforts and hurtful to our allies and friends outside of the Jewish community. Moreover, we fear that these texts might be taken as representative of Judaism with a capital “J,” creating hostility towards Torah on the part of both Jews[[4]](#footnote-4) and Gentiles. Equally problematic is the possibility that some Jews might adopt such uncritical readings as normative today. Fundamentally, they conflict with our basic ethical impulses to treat every human being as a miraculous Image of God. I fear, however, that in playing defense, we may have missed the importance of these texts as records of our past experiences. While they *must* be read critically, instead of *dismissing* the implications of these texts because of their offensiveness, here I attempt to *understand* them as responses to oppression.

1. **Dehumanizing Rhetoric – Gentiles and Dogs in Tosefta Beitzah 2:6**

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| One may not prepare [food] neither for feeding Gentiles nor for feeding dogs on Yom Tov. | אין עושין לא לאכילת גוים ולא לאכילת כלבים ביום טוב |

Many of us have a visceral reaction to this sort of rhetoric because we are aware of its recent history. Similar rhetoric could be found on signs posted outside of public venues proclaiming denial of service and access to people based on their race, ethnicity and religion.[[5]](#footnote-5) Such a text is unlikely to be mentioned in most synagogues, much less in interfaith dialogue settings. But despite the offensive rhetoric, there are differences between a “No X No dogs” sign and the legal formulation of this tosefta. The latter is time-limited, referring only to festivals. Additionally, it is an internal rule rather than a public warning. There is no posted “unwelcome” sign that compares Gentiles to dogs. Finally, the limitation is only on making food. The policy here doesn’t speak to the right of entry. These differences do not remove the offense, but they do suggest a very different purpose to it than the racist and anti-Semitic signs that once dotted the countryside. I believe that reviewing this *halakha* in its literary context will help us uncover that purpose.

**The Tosefta in Context**

The full passage of this Tosefta is included below, after which is a line-by-line analysis with some observations regarding its highly integrated literary character and meaning. These will form the basis for an interpretation of this *halakha* that highlights the relationship between the fear of the “other” and the fear of the authorities, as well as the imbalance of power between Jewish celebrants and Gentile visitors in second-century Roman Palestine in the aftermath of two rebellions that had been brutally suppressed by the Roman occupiers.

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| --- | --- |
| 1. One may not prepare [food] neither for feeding Gentiles nor for feeding dogs on Yom Tov.
2. It happened that Shimon Hatemani did not go out to the study house on a Yom Tov night.
3. The next morning, Rabbi Yehudah Ben Bava found him.
4. He said to him, “Why did you not come to the study house last night?”
5. He said to him, “A single mitzvah [unexpectedly] came about for me and I performed it.
6. A troop of gentiles entered the city
7. And there were those who were afraid they would harass the residents of the city
8. We prepared a calf for them and fed them, gave them drink and anointed them so they would not harass the residents of the city.”
9. He said to him, “I would be surprised regarding (your actions) if your merit did not go out with your loss.”
10. For, behold they say, “One may not prepare [food] neither for feeding Gentiles nor for feeding dogs on *Yom Tov*.”
 | 1. אין עושין לא לאכילת גוים ולא לאכילת כלבים ביום טוב
2. מעשה בשמעון התימני שלא יצא בלילי יום טוב לבית המדרש
3. לשחרי' מצאו ר' יהודה בן בבא
4. אמ' לו מפני מה לא באתה אמש לבית המדרש
5. אמ' לו מצוה אחת אירע לי ועשיתיה
6. בלשת של גוים נכנסה לעיר
7. והיו מתיראין שמא יצחיבו את בני העיר
8. עשינו להם עגל והאכלנום והשקינום וסכנום כדי שלא יצחיבו את בני העיר
9. אמ' לו תמהני עליך אם לא יצא שכרך בהפסדך
10. שהרי אמרו אין עושין לא לאכילת גוים ולא לאכילת כלבים ביום טוב
 |

***Line 1***

Structurally, this is the “moral” of the parable, providing both the topic and the punchline of the narrative. It also introduces a set of themes from which our story is built, using the roots ע.ש.ה. signifying action, א.כ.ל. having to do with food, and the introduction of the time =-frame of *Yom Tov*.

***Line 2***

Shimon Hatemani, a contemporary of Rabbi Akiva the well-known sage who was martyred by the Romans, did not go to the study house one *Yom Tov* evening.

The narrative begins here with the term מעשה, a literary trope commonly used to introduce stories about the Sages. In this context, it reinvokes the root ע.ש.ה. from the first line. Ironically, despite the sense of action inherent in the term, it is used here to introduce a non-action. Shimon Hatemani did not “go out.” Additionally, the story introduces the concept of place, but does not provide an explicit setting. Instead, it tells us where Shimon Hatemani was not. The only positive description is temporal, once again bringing us back to the opening line. This leaves the audience with a sense of suspense and anticipation. We know what Shimon Hatemani did not do and where he did not go on the festival evening. So, where was he and what did he do? And what is the connection to the “moral” of the story?

***Lines 3-4***

In this story, attendance at the *beit hamidrash,* the study house,is a given, providing the “narrative tension.” Rabbi Yehudah Ben Bava, who tradition identifies as one of the ten martyrs, finds Shimon and confronts him about his absence.[[6]](#footnote-6) What seems to be a non-sequitur provides the impetus for exploring the *halakha*.

These lines dramatize the suspense by embodying it in Rabbi Yehuda Ben Bava’s actions, the literary qualities of which highlight the mystery of Shimon’s whereabouts and actions on *Yom Tov*. The timing shifts to the morning, לשחרית, although the perspective is one that still looks back to the absence of the night before. There appear to be two plays-on-words in line 3. “מצאו”, “found him”, shares alliterative qualities with לא יצא"”, “did not go out” in line 2, as does the name Bava, “בבא” with “לא באתה" “did you not come” in line 4. The latter term, “לא באתה” is restating the non-action of “לא יצא” in line 2, but from the point of view of the study house. אמש, “last night,” returns our focus back to the main tension in the story from line 2.

***Line 5***

As Shimon begins to explain his actions, the root ע.ש.ה. is repeated, highlighting the mystery even as it begins to resolve it. There is another possible play-on-words between the אירע, “came about,” with line 6 “עיר”, “town.” This further emphasizes the importance of place, hinting at where he was instead of at the *beit hamidrash*. He was in the town, a term repeated three times in this short text, and not the study house. The intransitive “came about” emphasizes that the *mitzvah* is the subject of this line. This happens *to* Shimon Hatemani. In other words, he had every intention of going to the study house and it is only this *mitzvah* that kept him from attending. Indeed, everything up until this line is from the perspective of the study house and not the town. But, even at this point, we still do not know what happened.

***Lines 6-7***

The story brings in another theme from its opening line, introducing Gentiles into the story. Moreover, it moves from the perspective of the study house to the town. The reason Shimon did not go to the study house is because foreign troops arrived, creating fear among the people on a *Yom Tov.*

The term *בלשת* likely refers to troops who were used for “peacekeeping” and law enforcement duties between campaigns. The rabbis elsewhere imply that they would requisition goods from local towns, taking what they wanted rather than asking for them.[[7]](#footnote-7)

Line 7 explains the motivation for Hatemani’s absence from the study house was fear. There was fear that the troops would harass the townspeople.

***Line 8***

Once again, the text uses ע.ש.ה., finally resolving the mystery. The *mitzvah* to which Shimon Hatemani refers in line 5 is consists of preempting harassment of Jews who were celebrating a holiday by treating the Gentile troops like honored guests, feeding them extravagantly, slaughtering a calf on their behalf and also anointing them with oils, presumably so they will go on their way satisfied and feel no need to take anything (else) from the locals. This fully connects the narrative to the opening line, but it goes beyond it, adding the extravagant details. The plural “we prepared” tells us that that Shimon was likely joined by the same people “who feared” harassment in the previous line. Their fear, which is explicitly reiterated here, is what motivates their strategy. Presumably, the remainder of the town went about their business, celebrating the *Yom Tov*, just as the other sages were at the study house.

***Lines 9-10***

R. Yehuda Ben Bava rejects Shimon Hatemani’s explanation. His criticism brings us back to the “moral” of this parable, the *halakha,* rather than the value of attendance per se. The criticism itself is that the benefits of his actions were undone by the fact his actions were prohibited. Nevertheless, the rejection hints at the problem of absence through the chiasm between lines 2 and 9, repeating the phrase לא יצא”, “did not go out,” and including a play on words between Hatemani and *t’mehani*.

**Bridging the Distance**

I believe many of the implications of the Tosefta would be familiar to Jews living as a minority group and fearful of outsiders, especially the authorities. The fact that so many American mainstream Jewish institutions are accepted and protected today is a blessing for us that runs counter to the pain testified to in our own texts and its accompanying insularity and protectivist attitudes. Some embrace these attitudes completely despite the evidence of genuine good will, while many others reject or find other ways to dismiss the sources themselves. Both approaches stunt our capacity to engage what these texts say about the historical experience of the Jewish people and the context in which these traditions were transmitted. How can we bridge the distance between our experiences to understand this *halakha*?

**Learning from the Historical and Contemporary Experiences of Others: Yom Tov and the Cookout**

Drawing historical analogies is fraught with risk because they can obscure important differences even as they try to clarify similarities. Nevertheless, even imperfect analogies can be helpful to discovering the implications of a text. One need not ignore the differences between second-century rabbis living under Roman rule and the twenty-first-century Black community in America to explore possible similarities, *mutatis mutandis*. To that end, I am including quotations from two historically recent texts composed by Black women. The first describes the “cookout” as a safe space for being Black and the second, “code-switching” as a strategy for navigating white America. I believe that some of the anxieties expressed about outsiders at a time of celebration can be explored more deeply by placing these texts in dialogue with our Tosefta.

“The cookout”, [as described by Isis Miller](https://www.huffpost.com/entry/invitations-to-the-cookout-have-now-been-rescinded_b_59e644e4e4b0e60c4aa365ad),

is a long-standing tradition in the African American community dating back to God knows when. It’s a non-holiday specific (although they do often coincide with such holidays as Labor Day and MLK Day), where Black families and friends gather for barbecue, spades games with trash-talking drunk uncles, aunty rivalries over who made the best dish, Luther Vandross blasting on the radio, and carefree Blackness at its peak. It’s the safety of belonging. It’s where you can let your guard down and simply be without having to swat at the incessant stings of microaggressions. It’s the place where no code switching is necessary because it’s just you and your tribe. It is being home in your skin with your kin.

But on occasion you will find that there is a white person at these gatherings. It is assumed that said white person is “down,” the precursor to what we now call being “woke.” They have earned their invitation usually by having grown up with the family, dated someone in the family, or simply having been around long enough to have been properly vetted. They know [the etiquette and the rules](http://neguswhoread.com/the-caucasians-guide-to-black-barbecues/). They don’t say the n-word, even when it’s part of the song. They don’t show up with some strange casserole. They bring a liquor of some sort (Hennessy being the obvious choice). And they certainly don’t invite other white people. And if anything were to go down they know it would be their duty to speak to the police, using their privilege for the good of those who lack it. They are simply happy to be there and we are happy to include them on the fun and maybe even send them home with a plate. These recipients of the illustrious cookout invite were the original allies.[[8]](#footnote-8)

There are many elements of this description that are relevant to rabbinic discussions of festivals, much of which can be summed up by the phrase “code switching.” In linguistics, “code switching” refers to the way speakers alternate their speech patterns and other forms of communication based on the people and circumstances with which they are dealing. While common in some form for most people, the difficulty and stakes involved are not equally distributed. As Ida Harris [explains](https://www.yesmagazine.org/opinion/2019/12/17/culture-code-switching/), “for many African Americans code-switching is a skillset that is integral to our survival.” Harris discusses the all too common “talk” that parents have with their children about how to act in the presence of law enforcement.

I consider the “talk” many African American parents have with their children to warn them of, and prepare them for potential encounters with law enforcement, an element of code-switching. The conversation involves clear directives on how to switch up behavior when approached by police. It goes a little something like this:

“Turn down loud music.”

“Adjust your posture.”

“Keep your hands visible.”

“Exercise good manners.”

“Speak properly.”[[9]](#footnote-9)

One aspect of the code-switching implicit in both of these contemporary texts is that it is exhausting. It requires everyone to be on high alert, placing the outsider at the center of attention. This is not limited to interactions with the authorities, as any altercation has the potential to draw them and they are likely to favor the outsider. This means that there is always the possibility of someone taking advantage of a situation knowing that the risk to the insider is much greater.

**Accommodation Out of Fear**

Returning to the Tosefta text, I believe we can view this *halakha* as an anti-accommodationist policy. The Roman troops are likened to a pack of dogs. They are dangerous when they are around and could bite. More specifically, they are a group of outsiders with power, and the local Jews fear they will abuse it, based on past experience. During the regular calendar year, it is easy to imagine that Jewish interactions with Roman troops would have involved a fair amount of code-switching, enforced by the locals themselves to reduce the possibility of a violent incident. Holidays, however, would have been an especially vulnerable time. There is more fine food and drink for the taking. They are also “interesting” and might draw spectators regardless of their level of good will towards the objects of their curiosity. Moreover, people celebrating are almost certain to be less attentive to code-switching, leading to more risk-taking.

Shimon Hatemani and those who were with him decided to protect the Jews in the town by being the model of graciousness. Unfortunately, there was no guarantee the soldiers would not return the next *Yom Tov* expecting more of the same, and perhaps bringing even more soldiers with them. Such appreasement was possibly viewed by many as being self-defeating.[[10]](#footnote-10)

Nevertheless, an important problem remains. The main halakhic statement uses the word גוים, which implies a generalization to all non-Jews. I believe there is a larger concern hinted at by Shimon Hatemani’s absence from the study house. His solution was to remove himself from the customary *Yom Tov* gathering. This change in his behavior is akin to code-switching. By literally going out of his way to accommodate the troopson *Yom Tov*, he made them the center of his attention. By trying to protect the community, he did not participate in it. Legitimate fear of outsiders, however, is not limited to fear of the authorities. Their presence may have been the immediate threat, but any outsider with more cache with the authorities evokes concerns since any perceived offense might have tragic consequences.

**Changing Circumstances in Babylonia**

The manner in which these issues are handled in the Talmud Bavli points to the differing social circumstances of Babylonian Jewry as compared to those of the Jews in Roman Palestine.[[11]](#footnote-11) The Jews in the Sassanian Empire were members of a vulnerable minority, but they were not the targets of military suppression like those living under Roman occupation. The Talmud Bavli (Beitza 21a-b) cites the story from the Tosefta but juxtaposes it with a Babylonian narrative set in the early amoraic period:

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| They asked of Rav Huna,[[12]](#footnote-12)Regarding these villagers upon whom soldiers requisitioned flour,What about baking it on Yom Tov?He said: Watch!If they can give a piece of bread to a child and [the soldiers] do not protest,[then] each and every piece is theoretically for a child and it is permitted [to bake them].But if not, it is forbidden. | בעו מניה מרב הונא הני בני באגא דרמו עלייהו קמחא דבני חילא מהו לאפותה בי"ט אמר (ליה) חזינא אי יהבי ליה רפתא לינוקא ולא קפדי כל חדא וחדא חזיא לינוקא ושריואי לאו אסור  |

On a festival, soldiers requisition the baking of flour into bread from a Jewish village. In response, Rav Huna advises baking some and giving a piece to a child. If the soldiers protest, then it is forbidden to bake anymore. Otherwise, they may bake the bread knowing that any piece might be given to a child.[[13]](#footnote-13)

The *halakhic* technicalities aside, we are left asking what difference this makes for the villagers. Does the soldiers’ mentality or behavior matter? Consider the following: if we presume the soldiers were unaware of the holiday, they will likely discover it upon arrival. It is then up to the soldiers to implement the requisition, knowing they are interfering with a local celebration. Perhaps the strategy of giving bread to a child is a “stress test.” If the soldiers are relaxed about enforcement, it might demonstrate their own awareness of their imposition on the community, or, at least, that they are humane enough to be permissive around children. It may not be worth drawing the line here, since remaining on these soldiers’ good side might be advantageous. If, however, they are callous about it being a festival and overly strict about enforcement even with children, accommodating them may set a dangerous precedent.[[14]](#footnote-14)[[15]](#footnote-15)

Ultimately, the Bavli *sugyah* concludes that Gentiles may be *invited* on Shabbat, when Jews are prohibited from cooking, but may not be invited on a festival, lest one must do extra labor on their behalf.[[16]](#footnote-16) This ruling is also contextualized by another story.

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| Mareimar and Mar Zutra, when a Gentile visited them on *yom tov*, said to him: If what we have labored on for ourselves is satisfactory for you, good! But if not, we will do no further labor for your sake.  | מרימר ומר זוטרא כי הוה מקלע להו נכרי בי"ט אמרו ליה אי ניחא לך במאי דטריחא לן מוטב ואי לא טרחא יתירא אדעתא דידך לא טרחינן: |

This story demonstrates that Gentile guests can be graciously accepted on a festival, but only if they realize that it is not a day to make demands. The implication is that having non-Jewish guests on Yom Tov is not inherently a problem. Instead, it demonstrates that the presence of Gentile guests raised anxieties about their feelings of entitlement that precluded invitations on festivals.[[17]](#footnote-17)

**Conclusions**

I believe there are a few important conclusions to draw from my analysis of these Jewish sources. The first is *halakhic* in nature. Most American Jews are either unaware of these traditions and texts or find ways to navigate around them. I am suggesting that doing so is, in fact, completely in line with the spirit of the *halakha*. In a time when Jews have allies of good-will and the confidence that most outsiders will neither pose a danger to us physically nor threaten to undermine our Jewish celebrations, it is reasonable to invite non-Jews if it adds to our joy, which itself is a *mitzvah*. The second is that the distance between where we are as a community at this point in history and where we once were should not undermine the value of learning from our past. In fact, that is the basic assumption of our Torah. We are commanded to remember that we were slaves in Egypt, but the perspective is that of a free person looking back. Remembering our travails is meant to instill compassion within us so that we do not become like those who oppressed us, not to reinforce insular or negative attitudes. I am suggesting that the same approach applies to our *mesorah* in general, much of which was composed in times of greater anti-Judaism than currently prevails in contemporary America. While our *mesorah* includes offensive rhetoric that we must reject today, equating a phrase like “Gentiles and dogs” from the Tosefta with a phrase like “no Irish and dogs” from nineteenth-century America is confusing resistance with discrimination. Finally, as we turn to contemporary testimonies of those who experience institutional racism and prejudice, we must remember they were not composed for our spiritual edification. They place their own ethical demands upon us to confront injustice.

1. I can only speak to statements coming out of the Jewish community like those that call on leaders of the Black community and protest organizers to stop or denounce the violence, with the presumption that the latter were responsible for it. This ignores the fact that the vast majority of protests were non-violent, speeches at rallies regularly call for an end to violent behaviors, violent offenders are often white, violent offenders are often opportunists who seize the moment to loot or push a political agenda, and the violence was often instigated by brutal police tactics. See “93% of Black Lives Matter Protests Have Been Peaceful, New Report Finds,” <https://time.com/5886348/report-peaceful-protests/> [↑](#footnote-ref-1)
2. There are, of course, Black Jews and other Jews of Color who face racism. [↑](#footnote-ref-2)
3. For instance, heightened security at Jewish institutions has become standard, as are bomb threats. [↑](#footnote-ref-3)
4. It is likely that the majority of Jews in America are unfamiliar with the vast corpus of Jewish texts. [↑](#footnote-ref-4)
5. An interesting question is why the comparison to dogs. The answer, I believe is that dogs are “close to human.” They respond to our voices, come when we call, and can be trained to be indoors and outdoors. If any animal would likely accompany someone into a local business, it would be a dog. At best, however, dogs are trusted because their owners have trained them well and can keep them under control. Even still, there is a fear they will act in ways that are uncivilized, impulsive, destructive to property and food, and even violent. Indeed, many people are afraid of dogs even beyond reason and their comfort as patrons is often deemed more important for the business than allowing the presence of dogs. Finally, welcoming dogs in and allowing them to eat makes it more likely the dog will want to return, perhaps with other dogs, especially if it is part of a wild pack. Therefore, the classification of groups of people with dogs might imply that they are also uncivilized, incapable of human level reason, viscerally disgusting, and potentially violent, who need to be kept away for fear they and others like them will keep coming back. [I think that this footnote is a major digression from the focus of your piece and that you should drop it,] [↑](#footnote-ref-5)
6. This story is an example of one literary model that the Talmud Bavli follows for a truancy trope. .The basic elements of this type of story are a) a Sage does not attend the lecture b) a peer confronts him and interrogates him and c) the truant’s explanation turns into a halakhic dispute which either succeeds or fails to justify his absence. I explore this further in my upcoming dissertation. [Identify what department and university.] [↑](#footnote-ref-6)
7. See M Avodah Zara 5:6:

בַּלֶּשֶׁת גּוֹיִם שֶׁנִּכְנְסָה לָעִיר בִּשְׁעַת שָׁלוֹם, חָבִיּוֹת פְּתוּחוֹת, אֲסוּרוֹת. סְתוּמוֹת, מֻתָּרוֹת. בִּשְׁעַת מִלְחָמָה, אֵלּוּ וָאֵלּוּ מֻתָּרוֹת, לְפִי שֶׁאֵין פְּנַאי לְנַסֵּךְ:

A gentile troop that enters a town during peace times, open barrels [of wine] are prohibited but sealed barrels are permitted. During wartime, both are permitted since there is no opportunity to make libations. [Where is this translation from? I have edited it on the assumption that it’s yours, but if it isn’t, you should ignore my revisions and give the source of the translation instead]

The military sense is clear, but it is notable that they assume wine would have been handled even during peacetime, and that the only reason the sealed barrels are permitted is because it is unlikely that they would have bothered to reseal the barrel (See Tos. Yom Tov *ad loc.*). [Who is the second “they” in this sentence? The soldiers or the townspeople? Specify instead of “they”] [↑](#footnote-ref-7)
8. Miller, Isis “Invitations to the Cookout Have Now Been Rescinded.” *Huffington Post* Oct. 24th, 2017. <https://www.huffpost.com/entry/invitations-to-the-cookout-have-now-been-rescinded_b_59e644e4e4b0e60c4aa365ad>. Accessed November 5th, 2020. [↑](#footnote-ref-8)
9. Harris, Ida, “Code-Switching is Not Trying to Fit In To White Culture, it’s Surviving it.” *Yes!* Dec. 17th, 2019https://www.yesmagazine.org/opinion/2019/12/17/culture-code-switching/ Accessed on Nov. 5th, 2020. [↑](#footnote-ref-9)
10. The exact line was presumably a live debate when this story was transmitted. The rhetoric of the Tosefta strongly suggests that there was an alternative point of view. [What does “exact line” refer to in this sentence? It is not too clear here.] [↑](#footnote-ref-10)
11. An important *sugyah* demonstrating that the Babylonian rabbis recognized the difference between their circumstances and those of the sages in Roman Palestine in terms of their relationship with the authorities can be found in Shabbat 145b.

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| Why are festivals in Babylonia happy [unlike those in Israel]?...Rabbi Yitzchak said:There is not a single festivalThat a troop does not come to SepphorisAnd Rabbi Hanina said:There is not a single festivalThat the [Roman] governor, attendant and branch bearer did not come to Tiberius. | מפני מה מועדים שבבבל שמחים... אמר רבי יצחק אין לך כל רגל ורגל שלא באתה בולשת לציפורי ואמר רבי חנינא אין לך כל רגל ורגל שלא בא לטבריה אגמון וקמטון ובעל זמורה. |

The “branch bearer” is likely the roman *lictor* that accompanied Roman officials as bodyguards. The branch was likely the *fasces*, a bundle of rods, sometimes with a blade inside. That this is the root of the modern term “fascism” is a noteworthy coincidence. [Credit source of English translation.] [↑](#footnote-ref-11)
12. Some variations specify only “Rav.” See Dikdukei Soferim. [↑](#footnote-ref-12)
13. Rashi comments that this case was brought in as a challenge to the notion that one may not bake bread for non-Jews on the Yom Tov, even if they have a claim of part ownership of the dough. After all, why would it make a difference if one can plausibly feed their own children with a piece of the bread, if, theoretically, they could have separated out a portion for a child and only baked it for them? Tosafot disagrees, claiming that the entirety of the dough belongs to the soldiers from the outset. The fact that they are comfortable with a child eating it means the soldiers are willing to let the villagers have rights to the bread, but only after it has been baked, so the dough cannot be separated out beforehand. [↑](#footnote-ref-13)
14. The impact of criminalizing children’s behavior, sadly, is also something that the contemporary Black community in America has much to teach us about. While beyond the scope of this essay, this theme helps elucidate other rabbinic texts, like the well-known *midrash* about Moshe taking Pharaoh’s crown from his head. That this incident leads to Moshe “burning his mouth” thereby becoming a man of few words is as good a description of code-switching as one can find in rabbinic literature. [I think this footnote and this point seems like a digression here since it is not clear that children are being criminalized by anyone in this case. And it is not clear in this footnote how it connects with the Moses story. Also, you have two footnotes at the end of one sentence, I would recommend dropping this footnote.] [↑](#footnote-ref-14)
15. The gemara contrasts this case to a modified version of the Shimon Hatemani story.

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| --- | --- |
| But was it not taught:It happened that Shimon Hatemani did not come to the study house the previous night. The next morning R’ Yehudah Ben Bava found him. He said to him: why did you not come to the study house last night?[Shimon Hatemani] said to him: a troop entered our town and sought to pillage the entire town. We slaughtered a calf for them, fed them and sent them peacefully on their way.[R’ Yehudah Ben Bava] said to him: I would be surprised if your(pl) merit did not go out with your(pl) loss. For behold the Torah says, “for you” and not for gentiles.  | והתניא מעשה בשמעון התימני שלא בא אמש לבית המדרש בשחרית מצאו [ר'] יהודה בן בבא אמר לו מפני מה לא באת אמש לבית המדרש אמר לו בלשת באה לעירנו ובקשה לחטוף את כל העיר ושחטנו להם עגל והאכלנום ופטרנום לשלום אמר לו תמה אני אם לא יצא שכרכם בהפסדכם שהרי אמרה תורה לכם ולא לעובדי כוכבים  |

[Credit source of English translation.] There are a few important differences between this story and the Tosefta version. The threat is explicit and not the fear of some, and it seems more likely that “the town” as a community slaughtered the calf. There are no additional acts like giving drink or anointing, lessening the sense that they were treated like special guests. The implication is that the troop itself threatened to pillage at the outset, perhaps knowing that the threat alone would ensure that they would be fed. What’s more, the gemara adds the opinion of Rav Yosef that the calf was *treifah*. This means the Jews of the village themselves would not have eaten it. [↑](#footnote-ref-15)
16. Again, compare to Miller’s suggestion that a white guest *might* be sent home with a plate, implying that there should be no sense of entitlement in getting a plate. [↑](#footnote-ref-16)
17. Miller’s blog-post is about such anxieties when she temporarily rescinds “invitations to the cookout” y because of white people who market tasteless “invited to the cookout” paraphernalia. [↑](#footnote-ref-17)