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 depersonalization, but in our attempt to understand people, distance insulates us from their experience. We may believe we support someone in need, but if we refuse to look carefully or fail to listen with an open and generous mind what are we really doing? Are we truly listening, truly supportive if we presume to already know the story, even though 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?[[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, we will be better able to address issues like racism as a community 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 the expressions of these fears in the works of our Sages because they often contain hateful and demeaning language. In general, the American Jewish community is confident that our organizations arerespected and protected by the powers that be. Rather While we face obvious anti-Semitism, this is not the primary characteristic of our relationship with our non-Jewish neighbors., Rather, we have received tremendous support in response to acts of terror against Jews in America. We have many allies and friends of good will.

Therefore, for many religious Jews, myself included, the uncritical transmission of texts that include demeaning language towards Gentiles seems insular and offensive. This is because such texts can harm our efforts to reach out to allies and friends outside of the Jewish community. Moreover, these texts might be taken as representative of Judaism with a capital “J,” creating hostility towards Torah on the part of both Jews[[2]](#footnote-4) and Gentiles. Equally problematic is the possibility that some Jews might adopt such demeaning texts as normative, a tragic mistake because, fundamentally, they conflict with our basic ethical impulse to treat every human being as a miraculous image of God.

However, this approach misses the importance of these texts as records of our past experience. 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 |

Gentiles compared to dogs: many of us have a viscerally negative reaction to passages like this because we know how similar comparisons were employed in the not-too-distant past: on signs posted outside of public venues that denied entry or service based on people’s race, ethnicity or religion.[[3]](#footnote-5) Such a text is unlikely to be mentioned in most synagogues, much less in interfaith dialogue settings. However, while this passage undoubtedly offends, 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 prohibition; there is no posted “unwelcome” sign comparing Gentiles with dogs. Finally, the limitation only applies to preparing food, and does not refer to the right of entry. These differences suggest a very different purpose than the racist and anti-Semitic signs that once scarred the American landscape. I believe that reviewing this *halakha* in its literary context will help us uncover that purpose.

**The Tosefta in Context**

A translation of this tosefta in its wider context is included below. The translation is followed by a line-by-line analysis that demonstrates how this one offensive rule is an integral part of a larger literary unit. In this light, it becomes clear how this *halakha* can be interpreted as illuminating 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.

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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 and provides both the topic and the punchline of the narrative. It also introduces a set of basic building blocks for the story: the roots ע.ש.ה. signifying action, א.כ.ל. having to do with food, and the time =-frame of *Yom Tov*.

***Line 2***

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

The narrative begins with the word מעשה, a literary term used to introduce stories about the Sages. In this context, it also reinvokes the root ע.ש.ה. from the first line. Ironically, despite the sense of action inherent in the term, here it introduces a “non-action”: Shimon Hatemani did not go out. Similarly, the story tells us where Shimon Hatemani was not, not where he was The only positive description is temporal, once again bringing us back to the opening line. This leaves the reader 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., butwhere was he and what did he do? And how is this connected to the “moral” of the story?

***Lines 3-4***

Attendance at the *beit hamidrash,* the study house,is a given, providing the “narrative tension.” Rabbi Yehudah Ben Bava, whom tradition identifies as one of the ten martyrs killed by the Romans, finds Shimon and confronts him about his absence.[[4]](#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 actionswhich and highlighting the mystery of Shimon’s whereabouts and actions on *Yom Tov*. The temporal scene shifts to the morning, לשחרית, although the perspective still looks back to the absence of the night before. There appear to be two word plays 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 restates 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 to the main tension in the story.

***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. Rather than in the *beit* hamidrash, Hatemani was in the town, a term repeated three times in this short text. The intransitive “came about” emphasizes that the *mitzvah* is the subject of this line, and Hatemani the object. In other words, he had every intention of going to the study house and it is only this *mitzvah* that kept him from doing so.

***Lines 6-7***

The story brings in another theme that first appears in its opening line: Gentiles. Moreover, the scene moves from the perspective of the study house to the town. We learn that the reason Shimon did not go to the study house was because foreign troops arrived, frightening the people on a *Yom Tov.*

The term בלשת likely refers to troops who were used for “peacekeeping” and law enforcement duties. The rabbis elsewhere imply that such soldiers would forcibly requisition goods from locals.[[5]](#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 consists of preventing the harassment of Jews who were celebrating a holiday. Hatemani did so by treating the Gentile troops like honored guests, feeding them extravagantly, slaughtering a calf on their behalf, and anointing them with oils, presumably so they will depart satisfied and feel no need to take anything (else) from the locals. This fully connects the narrative to the opening line, but goes further, adding 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,motivates their strategy. Presumably, the remainder of the town went about their business, celebrating the *Yom Tov*, just as the other sages did 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*. The criticism is that the benefit of his action was negated by the fact that it was prohibited. This rejection also hints at the problem of absence through the chiasm between lines 2 and 9: the repetition of the phrase לא יצא, “did not go out,” and the –word play between Hatemani and *t’mehani*.

**Bridging the Distance**

I believe that the lesson of this tosefta was familiar to the vast majority of Jews who lived in ages past: members of a minority group who feared outsiders, especially the authorities. American Jewish institutions are accepted and protected today, and that is a blessing. But our own texts testify to older pain and its accompanying insularity and protectiionism. While some today embrace such attitudes completely, despite the evidence of genuine good will, many others reject or dismiss the sources as beyond the moral pale. Both approaches stunt our capacity to engage with the historical experience of the Jewish people and the context in which these traditions were transmitted. How can we bridge the distance and understand this *halakha*?

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

Drawing historical analogies is fraught with risk. Nevertheless, even imperfect analogies can be helpful in unpacking 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. I believe that some of the anxieties about outsiders at a time of celebration can be explored more deeply by placing these texts in dialogue with our tosefta. To that end, in what follows I will discuss two recent texts composed by Black women. The first describes the cookout as a safe space for being Black, and the second describes code switching as a strategy for navigating white America. .

“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.[[6]](#footnote-8)

There are many elements of this description that are relevant to the rabbinic discussions of festivals, which can be summed up by the term 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 in which they find themselves. While familiar to many, the difficulty and stakes involved are not equal. 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.”[[7]](#footnote-9)

The code switching in both of these contemporary texts is exhausting. It requires one to be on high alert, and places the dangerous outsider at the center of attention. Even when the authorities are not initially involved, any altercation with an outsider has the potential to attract them. This means that there is always the possibility of an outsider provoking confrontation, knowing that, if the police arrive, the risk to the insider is much greater.

**Accommodation Out of Fear**

Returning to the Tosefta text, I believe we can view this *halakha* through an anti-accommodationist lens. The Roman troops are likened to a pack of dangerous dogs, a group of outsiders with power that the local Jews fear (with good reason) they will abuse. 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 to reduce the possibility of a violent incident. Holidays, however, would have been an especially vulnerable time. Not only was there more fine food and drink for the taking, festivals are also “interesting” and draw curious spectators; even those of ill will. Moreover, people in the midst of a celebration are almost certain to be less attentive to code switching, leading to riskier behavior.

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 appeasement was likely viewed as self-defeating.[[8]](#footnote-10)

Nevertheless, an important problem remains. The main halakhic statement uses the word גוים, which generalizes the problem to all non-Jews. I believe there is a larger concern hinted at by Shimon Hatemani’s absence from the study house. 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. In other words, in trying to protect the community, he did not himself participate in it.

**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 tothe Jews in Roman Palestine.[[9]](#footnote-11) The Jews in the Sassanian Empire were members of a vulnerable minority, but they were not the targets of military oppression 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,[[10]](#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.[[11]](#footnote-13)

The *halakhic* technicalities aside, we are left asking what difference this makes for the villagers. Does the soldiers’ mentality or behavior matter? If we presume the soldiers were unaware of the holiday, they will likely discover it upon their arrival. It is then up to the soldiers to requisition the bread, knowing they are interfering with a local celebration. Perhaps the strategy of giving bread to a child can be seen as a “stress test.” If the soldiers are relaxed about enforcement, it might demonstrate that they are aware of their own 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 and overly strict about enforcement even with children, accommodating them may set a dangerous precedent.[[12]](#footnote-14)[[13]](#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 do extra labor on their behalf.[[14]](#footnote-16) This ruling is 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.[[15]](#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*. Now, Jews have allies of good-will and are confident that most outsiders will neither pose a danger to us physically nor threaten to undermine our Jewish celebrations. In such times, it is reasonable to invite non-Jews if it adds to our joy, which itself is a *mitzvah*. Second, our own sense of safety and security 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, now that we are free, that we were once slaves in Egypt. Remembering our travails is meant to instill compassion in 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. 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 that these texts were not composed for our spiritual edification. They place their ethical imperative 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/> I would cut this footnote too [↑](#footnote-ref-1)
2. It is likely that the majority of Jews in America are unfamiliar with the vast corpus of Jewish texts. [↑](#footnote-ref-4)
3. 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)
4. 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)
5. 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)
6. 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)
7. 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)
8. 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)
9. 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)
10. Some variations specify only “Rav.” See Dikdukei Soferim. [↑](#footnote-ref-12)
11. 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)
12. 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)
13. 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)
14. 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)
15. 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)