CHAPTER NINE

DESCRIPTIVE OR PRESCRIPTIVE:
THE CASE OF THE GENTILE IN MISHNAH

This paper will examine the concept of the Gentile1 as perceived by the editors of Mishnah. A document redacted as one coherent literary whole in approximately 200 CE, the Mishnah2 was a literary compilation consisting of generations of Rabbinic statements and laws recorded separately by individual Rabbis, transmitted orally or written down by the scribes.3 As a study document, it served as the basis of discussion and learning between the Rabbis and their students. These Mishnah statements and laws, which consisted of six divisions and 64 major tractates, were compiled, categorized and classified into topics of concern to the Jerusalem Temple and the agricultural and patriarchal society it represented.

These divisions are Agriculture, Appointed Times (i.e. Sabbath and Holidays) Women, Damages, Holy Things and Purities. Since the immediate social reality in which the redactors lived was not the focus of their work the contents embrace more than 300 years of Rabbinic statements and rulings.4 A substantial portion of Mishnah text is therefore devoted to issues concerning the Jerusalem Temple, which was destroyed by the Roman legions in 70 CE, and is almost entirely concerned with the world of the Temple-cult and Temple-state. Although some of Mishnah is applicable outside a Temple...

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1 Unless otherwise indicated, by gentile or non-Jew I am referring to the pagans or idol worshippers. Although one may infer from Mishnah that the rules cited do not always only refer to an idol worshipper, it can be assumed that this was the primary concern of the Mishnah Rabbis.
2 This essay will deal only with Mishnah, not Tosefta. I concur with Lightstone, 2002, p. 19 that Tosefta is a later and complementary document to Mishnah, based upon Mishnah but differing from it. Mishnah’s agenda and specific messages lie at the basis of formative Judaism.
3 A lengthy and in-depth discussion of the redaction of Mishnah is discussed in Lightstone, 2002, pp. 1–33.
4 See Neusner (2004, pp. 11–12) who correctly summarizes the redaction of the Mishnah: “The Mishnah, a philosophical law code that came to closure in ca. 200 CE, results from that enterprise of recovery from that crisis to the issues of reconstruction defined by calamity.” See also Sarason, 1986, p. 111.
context, the document in its entirety is consistent with a Temple setting.\(^5\) Mishnah in general disregards the destruction of the Temple and Jerusalem and is virtually silent in regard to the Roman rule of Palestine. For the Mishnah editors, the Temple was a means of legitimizing their authority. Throughout the Temple periods this structure, its leadership and rituals played a central role in the life of the Jews in \textit{Eretz-Israe}l and the Diaspora. In violation of their own laws, because of the important role played by the Temple in the life of every Jew, the Romans even permitted the Jews to pay a tax to the Temple treasury.

Though the Mishnah was completed only slightly more than a century after the destruction of the Temple, its symbolism, rituals and the period of history it represented served as the core, crux and focus of longing of the exiled and enslaved Jews. With great hope and anxiety, they awaited and prayed for the rebuilding of the Temple. Consciously or unconsciously, in their discussion of Temple law, architecture, rules directly related to sacrifice, purity, priests and services the Mishnah Rabbis addressed this longing and belief. The Jew could and would identify with this perception. Moreover the rabbis also used the Torah as a basis of the laws of Mishnah.\(^6\) While Temple issues were explicitly articulated, quotations from the Torah are scarce, thus obliging the reader to turn to the Rabbis in order to understand the relationship and dependence of the Mishnah on the Torah. This, I suggest, also pointed to the world of the Temple. For while the obligations related to the Temple were common knowledge, only the priests, Scribes and Rabbis knew and taught Torah.

We know very little of the social and religious reality of the Jews during the period attributed to the sages and laws of the Mishnah.\(^7\) Mishnah was not created as a historical document, but as a compilation and discourse on laws. Little explicit historical data can thus be derived from Mishnah alone. The subject of gentiles, however, opens up different possibilities for insights into the Mishnah. We do have historical data from sources other than the Mishnah that deal

\(^5\) Neusner (throughout his writings) and Lightstone, 1986 and 2002 assert that Mishnah is a self-contained and self-sufficient, stand-alone document. This paper agrees with this approach and bases its theoretical framework on their research and conclusions.

\(^6\) See Lightstone, 1986, who discusses this issue in greater detail.

\(^7\) I do not accept the view of Cohen, 1975, p. 12 who argues that the Mishnah represents the social and religious reality of the Rabbis.