Jewish Male Rabbinic Identity

The [European Jews’] encounter with food in America in the context of novelty and abundance also subverted a culture built around food taboos. Food, so central to the Judaic sacred system and the promise of America, got caught up in a complicated set of internal Jewish fights about class, immigrant status, religion, generation, and gender. Because they venerated food, and because so much about their food world changed in America, it became a locus of contestations and conflict.¹

In the epigraph to this chapter, Hasia Diner discusses how various factors contribute to food becoming a “locus of contestations and conflict” between European Jews who immigrated to America. This is by no means a modern phenomenon.² Just as the Tannaim use culinary and commensal practices to establish distinct Jewish and male identities, so too did these practices serve to establish a Jewish, male, and rabbinic identity. In fact, the Tannaim devote more attention to parsing how their culinary and commensal practices distinguish themselves from other Jews than they do to any other “Other.”

The Tannaim construct their Jewish, male, rabbinic identity in part by way of four food practices. First, they develop the notion that there is a distinctive cuisine that comprises the diet and foodway of (and, thus, marks the socially constructed identity of) a rabbinic Jew.³ (Throughout

¹ Hasia R. Diner, Hungering for America: Italian, Irish, and Jewish Foodways in the Age of Migration (Cambridge, MA: Harvard University Press, 2001), 206, emphasis added.
² In general, see David Kraemer, Jewish Eating and Identity Through the Ages (New York: Routledge, 2007).
³ I follow Warren Belasco’s definition of cuisine: “I define a cuisine as a set of socially situated food behaviors with these components: a limited number of ‘edible’ foods
this book, the term “rabbinic Jew” refers to a Jew who chooses to follow the prescriptions of rabbinic Judaism, as opposed to a nonrabbinic Jew, who, although unquestionably Jewish even in the eyes of rabbinic Judaism, has chosen not to adhere to rabbinic practice.) Second, they greatly expand the role that purity plays in legislation regulating food consumption. Tannaitic Jewish culinary and commensal practices therefore distinguish rabbinic and nonrabbinic Jews from one another at the table via different purity requirements. Third, they once again draw an analogy between the status of food and the status of its cook. For this reason, food slaughtered or produced by a nonrabbinic Jew is often considered idolatrous simply because a nonrabbinic Jew served as its “chef.” Fourth, festival rules are reinterpreted to exclude nonrabbinic Jews from the “proper” observance of these festivals, as defined by the Tannaim.

This chapter explores how these four tannaitic practices construct a Jewish, male, and distinctively rabbinic identity. Throughout, I keep in mind the fact that these texts affect only those who “buy into the system.” As Pierre Bourdieu notes, “In accordance with the law that one only preaches to the converted, a critic can only ‘influence’ his readers insofar as they grant him his power because they are structurally attuned to him in their view of the social world, their tastes and their whole habitus.”

Therefore, tannaitic prescriptive language is often just that:

(selectivity); a preference for particular ways of preparing food (technique); a distinctive flavor, textural, and visual characteristics (aesthetics); a set of rules for consuming food (ritual); and an organized system of producing and distributing the food (infrastructure). Embedded in these components are a set of ideas, images, and values (ideology) that can be ‘read’ just like any other cultural ‘text’” (“Food and the Counterculture: A Story of Bread and Politics,” in The Cultural Politics of Food and Eating: A Reader, ed. James L. Watson and Melissa L. Caldwell, 217–234 [Malden, MA: Blackwell Publishing, 2005], 219–220). For a more in-depth anthropological discussion of cuisine, see Peter Farb and George Armelagos, Consuming Passions: The Anthropology of Eating (Boston: Houghton Mifflin, 1980), 185–202.

4 Distinction: A Social Critique of the Judgment of Taste, trans. Richard Nice (Cambridge, MA: Harvard University Press, 2002), 240; this quote appears almost verbatim in Pierre Bourdieu, The Field of Cultural Production: Essays on Art and Literature, ed. Randal Johnson (New York: Columbia University Press, 1993), 96. Further, see Loïc Waucquant’s description of Pierre Bourdieu’s concept of a field: “a field is a patterned system of objective forces (much in the manner of a magnetic field), a relational configuration endowed with a specific gravity which it imposes on all the objects and agents which enter in it” (Pierre Bourdieu and Loïc J. D. Waucquant, An Invitation to Reflexive Sociology [Chicago: University of Chicago Press, 1992], 17, emphasis in
“delineating the *ought* rather than the *is*, the *prescriptive* rather than the *descriptive.*” The persuasive and legal rhetorics of the Tannaim may be ineffective if a nonrabbinic Jew were to encounter them.

**THE CUISINE OF THE RABBINIC JEW**

Non-Jews eat the distinct cuisine of “Them.” What happens to the status of Jews, however, when they too eat “Their” food? The Tannaim address this question in *t. Horayot* 1:5, which states:

*One [i.e., a Jew] who eats abominations – behold, this one is an apostate.*

[This also applies to] the one who ate carrion and/or 7 *terēfāh*, abominations or creeping things; the one who eats pork or drinks libation wine; the one who desecrates the Sabbath; the one who stretches his foreskin [in order to original]. Tannaitic Jews are those subject to the tannaitic field’s forces – to its proverbial magnetic pull. Nonrabbinic Jews, on the other hand, are outside this magnetic field and, as such, are not subject to the identity construction created via its magnetic attraction.


6 Both the term in Zuckermandel’s manuscript (*mešūmad*) and the variant (*mūmar*) mean “apostate.” According to Sacha Stern, “The apostate is called *mumar* (lit. ‘converted’) or *meshumad* (lit. ‘destroyed’); both terms are interchangeable in the various recensions. Curiously, *mumar* and *meshumad* are nowhere mentioned in the *Mishna*. But the *mumar* enjoys a relatively well-defined Halakhic status in subsequent sources” (*Jewish Identity in Early Rabbinic Writings* [New York: Brill, 1994], 106). Perhaps noting the public nature of these – literally and figuratively – nonkosher acts (as they are presented in this and other texts), Marcus Jastrow offers as one possible translation for both terms, “an open opponent of Jewish law” (*A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature* [New York: Judaica Press, 1996], 744 s.v. *mūmar*, 851 s.v. *mešūmad*, emphasis in original). However, the term “apostate” should not be interpreted in the Christian sense (i.e., as no longer in any way Christian or, in this case, Jewish). For example, after surveying the rabbinic attitudes toward the apostate, S. Stern compares the apostate to the convert, concluding: “However, the apostate differs from the convert in that the latter divests himself entirely from his original non-Jewish identity, whereas the apostate retains his basic identity as Israel, even though it is seldom referred to” (*Jewish Identity, 109*; the survey is found on pp. 106–109). The apostate, though not engaging in rabbinically approved practices, nevertheless remains – albeit tenuously – a Jew.

7 The *waw* here could semantically mean either “and” or “or.” As the result is the same if one were to eat either multiple categories of nonkosher food or only one of them, I render the *waw* as “and/or” to indicate that both options apply equally to this case. Each preceding “or” in this translation could equally have been rendered “and/or,” but doing so would make this translation a bit too cumbersome.

8 Several of these foods are equated elsewhere in tannaitic literature. See *m. Nedarim* 2:1 (ed. Albeck 3:149–150).
conceal his circumcision]. R. Yosi b. R. Yehudah says: “Also the one who wears garments of mixed species.” R. Shimon ben Elazar says: “Also the one who does something [prohibited] that his impulse does not desire.”

In this text, apostates are explicitly identified based on their diet. Although cuisine is not the only marker of early rabbinic identity, it accounts for the majority of the categories mentioned in this passage. Yet, these practices do not transform a Jew into a non-Jew; they simply mark one as a “bad” rabbinic Jew, but still a Jew nonetheless. I do not think that it is a coincidence that each of these actions can, and most do, occur in public. Whether being naked at the bathhouse or eating pork at a banquet, (male) identity is a visual social performance. What a Jew—or anyone, for that matter—ingests can therefore be understood as a public statement about one’s relationship to a community.

Unlike the examples discussed in Chapter 2, Jews who eat the cuisine of the “Other” are not “Them”; they are still somehow part of “Us.” Throughout this chapter, we will encounter rabbinic taxonomies that finely divide Jews into several categories of “internal others.” This trend, which is a *leitmotif* of this chapter, perhaps explains the enigmatic rabbinic innovation of separating milk and meat.

Three times in the Hebrew Bible the following injunction appears: “Do not cook a kid in its mother’s milk.”

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9. It is interesting to note that the pork taboo, the practice of circumcision, and the observance of the Sabbath are often noted as distinctively Jewish praxis (e.g., Petronius, *Fragmenta*, no. 37).

10. Wearing garments of mixed species (i.e., wool and linen) is prohibited in the Hebrew Bible (e.g., Leviticus 19:19; Deuteronomy 22:11).


12. Compare the food-based definition of at what point one becomes a “rebellious and incorrigible son” found in *m. Sanhedrin* 8:2 (ed. Albeck 4:195–196).


14. I take this phrase from Christine Hayes, “The ‘Other’ in Rabbinic Literature,” in *The Cambridge Companion to the Talmud and Rabbinic Literature*, ed. Charlotte Elisha Fonrobert and Martin S. Jaffee, 243–269 (New York: Cambridge University Press, 2007), 243, in which she defines “internal others” as “members of [a] group that would contest the group’s identity or construct it in a different way.” Of course, women also function as “internal others,” as discussed in the previous chapter. On the social power of taxonomies in general, see Bourdieu, *Distinction*, 479–481.

of rabbinic literature, all other extant Jewish sources that address this prohibition read it literally: do not cook a kid in milk provided by its mother. In the Mishnah, however, we encounter a radical departure:

All meat is forbidden to be cooked in milk, except for the meat of fish and locusts. And it is forbidden to bring [meat] up on the table with cheese, except for the meat of fish and locusts. One who vows [to abstain] from [eating] meat, is permitted [to eat] the meat of fish and locusts. “Fowl goes up on the table with cheese, but it is not eaten,” the words of the House of Shammai. But the House of Hillel says: “It does not go up, and it is not eaten.” Said R. Yose: “This is one of the lenient [rulings] of the House of Shammai and the strict [rulings] of the House of Hillel.” Concerning what [type of] table did they speak? Concerning a table upon which one eats; but in regard to a table upon which one arranges [i.e., prepares] the cooking, one puts this beside that and does not scruple.

For the first time, the biblical injunction against cooking a kid in its mother’s milk is understood as referring not only to cooking all meat and milk together, but also to separating the two items at the table itself. The potential social repercussions of this tannaitic innovation are often missed. David Kraemer corrects this common error by clearly articulating the ramifications of the Tannaim’s novel interpretation:

On a purely pragmatic level, if the milk-meat prohibition is an innovation, promulgated by the rabbis and accepted only by those who followed them, then this enactment will effectively have separated rabbinic from non-rabbinic Jews on significant occasions [when meat is most likely to have been eaten]. Presumably, non-rabbinic Jews continued to eat like pre-rabbinic Jews. That is, if they respected Jewish custom at all (and the evidence suggests that many did), they will have avoided the animals proscribed by the Torah. But thy [sic] needed have no concern for the mixing of meat and dairy. The small rabbinized population, by contrast, will have distinguished themselves from the general Jewish population by creating separation between meat and dairy. The new rabbinic prohibition, in other words, separated

16 E.g., Philo, De Virtutibus, 143–144, in which, as one would expect, Philo offers an allegorical interpretation of this prohibition. For a general discussion, see D. Kraemer, Jewish Eating, 35–37.
Jew from Jew (at least on certain occasions) and set off rabbinic Jews as the keepers of what was then a more esoteric law.\textsuperscript{19}

The upshot of this legislation is that an innovative practice serves to construct a distinct rabbinic cuisine, foodway, and identity. Kraemer further observes that this prohibition is a metaphor for rabbinic identity in general. Unlike in the previous example of \textit{t. Horayot} 1:5, which cites carrion and pork among other prohibited foodstuffs, meat and milk are both permitted foods. The issue at hand is the mixing of these permitted foods, which is symbolic of social relations with nonrabbinic Jews. Jews who do not engage in rabbinic practices are nevertheless still Jews. However, by abstaining from these practices, they do not construct for themselves a rabbinic identity. To offer an anachronistic example, Jews who eat cheeseburgers nonetheless remain Jews; they are simply not rabbinic Jews. In this interpretation, rabbinic and nonrabbinic Jews are like milk and meat: best kept separate.\textsuperscript{20}

Having established the connection between the consumption of rabbinic cuisine and the construction of rabbinic identity, we now turn to other tannaitic culinary and commensal practices that affect the formation of rabbinic identity.

\textbf{PURITY AND COMMENSALITY}

Recent studies have explored how rabbinic literature in general expands on biblical purity legislation in an attempt to construct a rabbinic identity.\textsuperscript{21} The tannaitic data on commensality regulations add much to this discussion. Purity concerns appear in commensal encounters between rabbinic and nonrabbinic Jews, but not in contexts in which Jews and non-Jews interact, a trend also evidenced in Chapter 3.\textsuperscript{22} Although

\textsuperscript{19} Jewish Eating, 50.
\textsuperscript{20} D. Kraemer, Jewish Eating, 51.
“[t]annaitic sources of the first two centuries C.E. attest to a rabbinic principle of Gentile ritual impurity,” this principle does not seem to affect tannaitic regulations concerning commensality with Gentiles.\(^{23}\)

For example, we do not find a purity discussion about commensality with Gentiles analogous to the ones concerning commensal relations between the ḥabêr and the ‘am ha’āresû.

This point is highly significant for the overarching methodology of this study. I argue that one must consider commensality regulations between first, Jews and non-Jews and second, rabbinic and nonrabbinic Jews separately to understand the role that commensality plays in tannaitic identity construction. By separating these commensality regulations in cross-cultural studies more generally, scholars are able to see whether different social mechanisms are deployed to create an edible identity. This methodological point is reinforced by studies of nationalism and nation building, processes in which purity often is an intrinsic component.\(^{24}\)

In the case of tannaitic literature, one of the most notable differences is that purity, and its concomitant rules and assumptions, affects only Jewish rabbinic identity construction. Purity regulations, another system that affects identity construction, do not govern commensality with Gentiles.

To leave the discussion here would result in a rather shallow analysis. Noting that purity concerns influence tannaitic commensality regulations regarding nonrabbinic Jews – but not Gentiles – is an observation that, if not probed deeper, provides more of an observation than an explanation. The question remains, then, how to account for this difference. For example, Hayes argues that the tensions about purity found in discussions of the ḥabêr and the ‘am ha’āresû can also be found in

\(^{23}\) Hayes, *Gentile Impurities*, 142. Jonathan Klawans reaches a similar conclusion (*Impurity and Sin in Ancient Judaism* [New York: Oxford University Press, 2000], 134). In this context, S. Stern’s notion of solipsism seems to be in operation (see *Jewish Identity*, 200–223). Although purity concerns do not inform tannaitic discussions about commensality with Gentiles, they may appear in Daniel and Jubilees, as noted (with caveats) in Chapter 2.

contexts pertaining to interactions with Gentiles, noting, “As was true of the am ha'aretz, the Gentile’s ignorance and/or lack of observance of the rules that govern the ritual and moral observance of a Jew means that the Jew must be on guard against unintentional violations in his interaction with a Gentile.”

The same tensions therefore exist but are resolved in different manners. Rules concerning Gentiles often focus on idolatry, for example. Concern for idolatry permeates discussions of interactions with Gentiles (social, economic, etc.), yet it is rarely a significant issue in regard to nonrabbinic Jews.

Following Hayes, I argue that tannaitic literature evidences concern for commensal interactions with both nonrabbinic Jews and non-Jews. In each case, these concerns connect to larger tensions vis-à-vis the specific group at hand. When the subject is nonrabbinic Jews, then purity is an applicable issue; on the other hand, when non-Jews are the subject, then idolatry is often the most applicable issue.

Further, as noted in Chapter 3, non-Jews are usually painted with a rather broad brush in tannaitic texts, while nonrabbinic Jews are painted with a more fine brush. Non-Jews, often perceived as idolaters and hence the binary opposite of Jewishness, are easier to dismiss than, for example, an ‘am hā’ārēṣ. As Sacha Stern states, “But the ability of our sources to ignore the existence of other peoples, even their immediate neighbours, suggests their lack of interest towards non-Jewish ethnic diversity, which may be related to the assumption that all non-Jews are confused and blurred into a single, homogenous collectivity.”

The broad label of idolatry therefore suffices to designate Gentiles as belonging to the category of the “Other.” However, when nonrabbinic Jews – but Jews nonetheless – are the subject at hand, then a more nuanced discussion is seemingly required.

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25 Hayes, Gentile Impurities, 141.
26 Hayes points as an example to three motivating reasons from the tractate Avodah Zarah: (1) idolatry; (2) concern for violating dietary laws; and (3) danger (Gentile Impurities, 141). Hayes’ list overlaps somewhat with S. Stern’s list of the three motivating factors for Jewish social disassociation with non-Jews in rabbinic literature in general: (1) personal safety; (2) avoidance of scriptural prohibitions; and (3) avoidance of idolatry (Jewish Identity, 155–159). I discuss the connection between idolatry and commensality with Gentiles in Chapter 2.
27 Though rare, it is not unattested. For example, see m. Gittin 5:9 (ed. Albeck 3:289; cp. m. Shevi’it 5:9 [ed. Albeck 1:153–154]), discussed in Chapter 3.
28 Jewish Identity, 15.
Identity construction, a fluid and constantly negotiated social process, occasionally draws on different blueprints and building materials depending on who is, or is not, involved in the process. Although practice is a key component of identity construction in each case, the specific practice varies depending on the category of people being discussed. To buttress my claim about the prevalence of purity concerns in tannaitic regulations concerning commensality with nonrabbinic Jews, I turn now to the case that I have continually cited: commensal interactions between the ḥabēr and the ‘am hā’āres.

**Commensality between the Ḥabēr and the ‘Am hā’Āres**

Like the Essenes, the Qumran sect, and other Second Temple-period Jewish groups mentioned in extant literature, according to tannaitic sources, the ḥabērīm (“associates”) mark social separation from ‘ammē hā’āres (literally “the people of the land”) through food rules.29 Keeping in mind that “[t]able fellowship is synonymous with fellowship in all aspects of life,”30 food regulations that either limit or prohibit commensality between ḥabērīm and ‘ammē hā’āres inherently create distinct identities, which are then mapped onto social intercourse with nonrabbinic Jews and rabbinic Jewish identity in general in tannaitic literature.31 Although the subject of commensal relations between the ḥabēr and ‘am hā’āres

29 For a brief summary of the Essenes and the Qumran sect, see Albert I. Baumgarten, The Flourishing of Jewish Sects in the Maccabean Era: An Interpretation (New York: Brill, 1997), 93–96. Dennis E. Smith compares both the term ḥabērīm and the structure of a Ḥâbūrâh to Greek and Roman dining clubs (From Symposium to Eucharist: The Banquet in the Early Christian World [Minneapolis: Fortress Press, 2003], 152). Further, it is telling that the so-called parting of the ways between Judaism and Christianity is often couched in terms of one’s relationship to the food rules, a point also noted by Jean Soler (“The Semiotics of Food in the Bible,” in Food and Culture: A Reader, ed. Carole Counihan and Penny van Esterik, 55–66 [New York: Routledge, 1997], 65). John Dominic Crossan expands on this point, arguing that Jesus creates a revolutionary social program at the table, which he labels “open commensality” (The Historical Jesus: The Life of a Mediterranean Jewish Peasant [San Francisco: Harper Collins, 1991], 341–344). For a critique of Crossan’s approach, see Smith, From Symposium to Eucharist, 237–239.


31 For a discussion of the ‘am hā’āres in the Palestinian Talmud, see Stuart S. Miller, Sages and Commoners in Late Antique ‘Erez Israel: A Philological Inquiry into Local Traditions in Talmud Yerushalmi (Tübingen, Germany: Mohr Siebeck, 2006), 301–338.
is in many ways an historical curiosity for the Tannaim, referring to an earlier “association” (ḥabūrāh) tradition to which the Tannaim are to some extent heirs, “[n]evertheless, it contains many rules governing the production of food, preparations for its consumption, and even table etiquette, that seems designed to limit the range of Jews with whom rabbinic families might have common meals.”

Further, as we have already seen (for example, with regard to “manna eaters”), to associate with a particular history or historical claim is itself a practice of identity construction. As such, discussions on this subject can further elucidate the role that tannaitic commensality regulations play in rabbinic Jewish identity formation.

An excellent example of this phenomenon is encountered in the tannaitic treatment of the categories of ḥaver and ‘am ha-‘aretz. When seeking to define these terms, the Tannaim themselves use commensal actions to “inscribe the border lines”:

It once happened that Rabban Gamaliel the Elder married off his daughter to Shimon ben Netanel the priest and made an agreement with him [that this marriage is based] on the condition that she will not prepare food requiring conditions of cleanliness under his supervision. Rabban Shimon

32 Martin S. Jaffee, Early Judaism: Religious Worlds of the First Judaic Millennium, Second Edition (Bethesda: University Press of Maryland, 2006), 160. Although the immediate subject of Jaffee’s statement is the Mishnah, his comment applies to tannaitic literature in general. I leave aside the issue of the Pharisees, “as doubts concerning the identification of the haverim and the Pharisees bedevil the effort to reach firm conclusions” about their commensality regulations (Baumgarten, Flourishing of Jewish Sects, 97; see also Jacob Neusner, “The Fellowship [יִבְרָא] in the Second Jewish Commonwealth,” HTR 53/2 [1960]: 125–142, 125). Further, the Pharisaic data do not add anything significantly different to the discussion at hand. For brief treatments of the Pharisaic data in rabbinic literature vis-à-vis the social ramifications of their food rules, see Baumgarten, Flourishing of Jewish Sects, 96–100; E. P. Sanders, Judaism: Practice and Belief, 63 BCE–66 CE (Philadelphia: Trinity Press, 1994), 431–437; Smith, From Synagogue to Eucharist, 150–152. The fact that Pharisaic practice includes purity regulations regarding food is also attested in the New Testament (e.g., Mark 7:3–4; Luke 11:37–41; Matthew 23:25–26).


33 I thank one of the anonymous reviewers for helping me to sharpen this point.

34 See Chapter 3 for questions relating to the food preparation and cooking process.

35 Boyarin, Border Lines, 2.

36 According to Aharon Oppenheimer, this passage indicates that “[s]ome Sages, it should be added, were themselves not scrupulous about purity and impurity” (The ‘Am ha-Aretz: A Study in the Social History of the Jewish People in the Hellenistic–Roman Period,
ben Gamaliel says: “This is not necessary, since they do not force a habër to prepare food requiring conditions of cleanliness under the supervision of an ‘am hâ’ârês.” And who is an ‘am hâ’ârês? “Anyone who does not eat his unconsecrated food in conditions of cultic cleanliness,” the words of R. Meir. And the Sages say, “Anyone who does not properly tithe.”

Even though differing food regulations do not prevent this marriage from occurring, it is worth observing that these culinary differences necessitate both stipulation and negotiation prior to Rabban Gamliel the Elder’s sanctioning of this union. Rather than getting bogged down in a technical discussion about this particular marriage, I would like to focus our attention on the fact that, according to R. Meir, the difference between a habër and an ‘am hâ’ârês is in their approach to the importance of purity for food preparation.

It is interesting to note that R. Meir defines an ‘am hâ’ârês in culinary terms when the pericope to which R. Meir’s words are appended seems to suggest, following Aharon Oppenheimer, that not all rabbis adhere to R. Meir’s orthopraxy. Since the designation of “‘am hâ’ârês” is pejorative in tannaitic literature – generally indicating an uneducated layperson – this datum creates an ambiguity vis-à-vis this category and that of “normative” Tannaim. Perhaps this is because the term, despite the attempts

trans. Israel L. Levine [Leiden, the Netherlands: Brill, 1977], 223). For this reason, I do not consider the terms “habër” and “rabbì” to be synonymous.


38 In addition to the obvious concerns regarding purity involved in this scenario, it would appear that Rabban Shimon ben Gamaliel (and perhaps Rabban Gamaliel the Elder, as well) takes issue with the possibility of an ‘am hâ’ârês serving as a “chef,” while a habër is a “sous-chef.”

39 T. Avodah Zarah 3:10 (ed. Zuckermandel 464), emphasis added. See also the parallel baraitot (b. Berakhot 47b; b. Gittin 61a); but, contrast the noncommensal definition attributed to R. Meir in a baraita on b. Sotah 22a.

40 For example, see the baraita on b. Sotah 22a or m. Avot 3:10 (ed. Albeck 4:365–366).
by both R. Meir and the Sages in *t. Avodah Zarah* 3:10 to construct it as a legal category with a precise definition, is rather imprecise, serving as both the binary opposite of the category ḫabēr and of the category *talmaḏ ḥāḵām* (the “Torah scholar” that is normative for the Tannaim). As this pericope suggests, although the antitheses of these categories have some similarities, the categories themselves are not always quite the same.⁴¹

This ambiguity, however, could also result from the fact that the Tannaim are attempting to both create and negotiate the boundaries between themselves and the ‘ammē ḥāʾāreš. Between the seams of these texts – where identity is negotiated – the clear distinctions between one entity and another blur, often indicating, “a greater diversity of rabbinic behavior (and opinion?) than the rabbinic sources indicate.”⁴² Oppenheimer reaches this conclusion with regard to the ‘ammē ḥāʾāreš, noting:

Numerous halakhot testify to the shunning of the ‘ammei ha-aretz by haverim and to the taking of precautions by haverim in order not to come into contact with them. From these halakhot it might be inferred that there was an unbridgeable gulf between the haverim and the ‘ammei ha-aretz. In point of fact, however, these halakhot express the opposite trend. For the desire to create a social gulf had no need of the scores of halakhot which laid down when and how the ‘am ha-aretz was to be shunned. Instead this could have been conveyed by means of a single, unambiguous halakhah proclaiming a general prohibition against all contacts and close relations with the ‘ammei ha-aretz. The many halakhot which set out in detail and minutely examine the problems relating to contacts with ‘ammei ha-aretz and which declare when something is permitted and when prohibited in themselves testify that even as the haverim did not wish to separate themselves entirely from the normative community, as we have seen above, so they also did not want to estrange themselves completely from the ‘ammei ha-aretz.⁴³

Contrary to Oppenheimer, I do not consider the rabbis to represent the “normative community” for Jews, especially in the Tannaitic period. However, his point that the Tannaim did not shelter themselves completely from the outside world, including the ‘ammē ḥāʾāreš, is correct. Although the Tannaim attempt to control their social environment, they

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⁴¹ See Oppenheimer’s discussion, which examines the ‘am ḥāʾāreš with regard to the ḫabēr and the *talmaḏ ḥāḵām* in separate chapters (*’Am ha-Aretz*, 67–117 and 118–199, respectively).


⁴³ *’Am ha-Aretz*, 161, emphasis added.
do not close themselves off entirely from either their nonrabbinic or non-Jewish neighbors. Similar to the rabbinic rhetoric of accommodation toward idolatry suggested by Seth Schwartz, the tannaitic identity negotiation vis-à-vis the ‘ammē hā’āres seeks ways to accommodate living side by side. The distinctions created are not always as crisp as the Tannaim perhaps would have liked, as the culinary practice-based definition of an ‘am hā’āres indicates. However, they represent a tannaitic endeavor to address what appears to be both the social reality of ‘ammē hā’āres and ḥabērīm living in the same environment and the economic necessity of interactions with one another. In short, these prescribed practices are an attempt to separate, while not existing completely separate.

Further evidence for the role that culinary and commensal practice plays in the tannaitic construction of a rabbinic identity is found in a brief summary of the code of conduct for ḥabērīm in m. Demai 2:3, which includes the following:

He who accepts it upon himself to become a ḥabēr does not sell to an ‘am hā’āres wet or dry [produce], and does not purchase from him wet [produce], and does not accept the hospitality [mit’āreḥ] of an ‘am hā’āres, and does not receive him as his guest while he [i.e., the ‘am hā’āres] is wearing his own clothes . . .

Amongst a list of requirement for a ḥabēr, we find a statement seemingly proscribing commensality between these two categories of Jews. A ḥabēr must not eat at the house of an ‘am hā’āres; should the ‘am hā’āres come over to the home of a ḥabēr, the ‘am hā’āres must wear different clothes.

While m. Demai 2:3 provides an apparently straightforward statement regarding commensality between ḥabērīm and ‘ammē hā’āres,

44 Imperialism, 162–176.
45 m. Demai 2:3 (ed. Albeck 1:76).
46 Richard S. Sarason explains this as referring to “either produce which has been rendered susceptible to uncleanness or produce which has not been rendered susceptible” (A History of the Mishnaic Law of Agriculture: A Study of Tractate Demai [Leiden, the Netherlands: Brill, 1979], 69).
47 See also t. Demai 2:2 (ed. Lieberman 1:68–69). The previous mishnah (m. Demai 2:2 [ed. Albeck 1:76]) proscribes against an ‘am hā’āres eating at the home of a ne’émān (“trustworthy”). Neusner argues that this category refers to the first membership stage of the ḥabērīm (“The Fellowship,” 131–134).
48 This text appears to be concerned with the purity status of the clothing of the ‘am hā’āres. For a discussion, see Sarason, Mishnaic Law of Agriculture, 72. Clothing impurity is a concern in regard to novice ḥabērīm in t. Demai 2:12 (ed. Lieberman 1:71).
t. Demai imagines several scenarios in which commensality can occur, provided that certain purity safeguards are employed.49 In many ways, this approach parallels m. Demai 2:3, which allows for an ‘am hà’āres to eat at the home of a habēr, as long as the former wears “clean” attire. However, Tosefta (literally, “The Addition”) lives up to its name and “adds” several scenarios that allow for social leniencies. First of all, exceptions are made to allow for commensality among family members (grandchildren, spouses) in “mixed” families (between habērīm and ‘ammē hà’āres).50 The presumption in these texts appears to be that, in these cases, the ‘am hà’āres will respect the purity regulations of the habēr.51 Second, Tosefta allows habērīm to both serve and eat at the banquets of ‘ammē hà’āres, provided certain conditions are met. In order for a habēr to serve at the banquet of an ‘am hà’āres, the habēr must supervise the tithing of all of the food served therein;52 in order for a habēr to eat at the banquet of an ‘am hà’āres, the habēr must stipulate that he will later separate tithes for himself and, if his son is present, for his son as well.53

49 t. Teharot 8:3; 8:7; and 9:2 (ed. Zuckermandel 668; 669; 670) also imagine an ‘am hà’āres in the house of a habēr.


51 For a more detailed explanation of this theory, see Sarason, Mishnaic Law of Agriculture, 92–94, 102.

52 t. Demai 3:6 (ed. Lieberman 1:74). I am aware that by discussing tithing here, and not just purity, I am somewhat conflating these issues. However, I remind the reader that in t. Avodah Zarah 3:10 (ed. Zuckermandel 464), discussed previously, when R. Meir defined an ‘am hà’āres as “Anyone who does not eat his unconsecrated food in conditions of cultic cleanliness,” the Sages countered with the following definition: “Anyone who does not properly tithe.” It would therefore seem that even the Tannaim had a hard time separating these two discussions. I have decided to include these tithing-related texts here because they build on the same point and, in my opinion, they belong in this discussion. Unfortunately (or, perhaps, fortunately), crisp distinctions between certain categories are sometimes difficult when working with the tannaitic corpus.

53 t. Demai 3:7 (ed. Lieberman 1:74–75). If unable to tithe food at the moment (for example, if the meal occurs on the Sabbath), then one is allowed to stipulate to oneself that, the following day (or, if one knows in advance, the day before), he will offer other food as a fungible exchange for the food that he consumed at that earlier time (see Saul Lieberman, Tosefta Ki-fshūṭah: A Comprehensive Commentary on the Tosefta, 10 vols., Second Augmented Edition [New York: Jewish Theological Seminary, 1992 (Hebrew)], 1:225). On orally stipulating the separation of tithes when one is unable to do so, see also m. Demai 7:1–2 (ed. Albeck 1:89–90); t. Demai 8:4–5 (ed. Lieberman 1:101–102).
These two leniencies permit commensality between ḥabērim and ḍemē ḥā’āreṣ under controlled circumstances. In each instance, the ḥabēr “controls” the social situation. In the first case, a family member who is an ḍemē ḥā’āreṣ is assumed to accede to the purity concerns of the ḥabēr. In the second case, the ḥabēr is provided with options to allow for commensality with an ḍemē ḥā’āreṣ. These accommodations – albeit perhaps “merely of historical interest”\(^54\) (though, as noted above, a claim to a particular history is a practice of identity construction) – fit with the general attitude in tannaitic literature toward the ḍemē ḥā’āreṣ: even though the texts display disdain for the ḍemē ḥā’āreṣ, they do not contain the outright hatred for this group that one encounters in later rabbinic literature.\(^55\) Lacking this polemic, Tosefta imagines scenarios that, even if they are purely scholastic or refer to a time prior to the text itself, do not erect an impenetrable wall between the table of the ḥabēr and the table of the ḍemē ḥā’āreṣ. As t. Demai 2:2 wistfully states, “Householders [who were ḥabērim and ḍemē ḥā’āreṣ] have never refrained from eating with one another.”\(^56\)

According to tannaitic texts, purity regulations establish distinct identities for the ḥabērim and ḍemē ḥā’āreṣ. These identities, however, do not prove to be insurmountable obstacles in the path between the table of one and the table of the other.\(^57\) Yet they do create obstacles. Although

\(^{54}\) Jaffee, *Early Judaism*, 160.


\(^{56}\) Ed. Lieberman 1:69. Commenting on this passage, Hayes notes, “The Tosefta’s tradition reaffirms the dissenting view that maintaining a high standard for oneself does not mean that one cannot associate closely with others who do not do so” (*Gentile Impurities*, 267 n. 101). Compare this statement to the following *baraita*: “R. Judah said: ‘Householders have never refrained from being the guests of householders who were their friends [and were ḍemē ḥā’āreṣ]’ (y. Demai 2, 22d). For a discussion, see Saul Lieberman, *Tosefta Ki-fshutah*, 1:211; Oppenheimer, *‘Am ha-Aretz*, 164.

One could read the prohibition found in *m. Avot* 3:10 (ed. Albeck 4:365–366) against “sitting in the synagogues of the ḍemē ḥā’āreṣ” as including a commensality restriction, because engaging in communal meals in a synagogue is a common practice in antiquity (discussed later in this chapter). However, this argument seems to me to be a bit of a stretch.

\(^{57}\) Although a *baraita* on b. Berakhot 47b precludes an ḍemē ḥā’āreṣ from counting toward the necessary prayer quorum for grace after meals, this text may be post-tannaitic. Even if it is not, this text still imagines a scenario wherein an ḍemē ḥā’āreṣ is at the table.
a *habër* may engage in commensality with an *‘am hâ’âres*, this particular social interaction is controlled by a separate set of rules. For this reason, I understand tannaitic commensality regulations to function as social practices that construct distinct identities. As also seen in earlier discussions of the chef/sous-chef principle, the Tannaim articulate a set of rules in an attempt to control a situation perceived to be potentially problematic. Once again, their solution to defuse such a scenario is to create a leniency, allowing that interaction to occur as long as a rabbinic Jew sets the ground rules and controls the situation. Although the *habër* and the *‘am hâ’âres* may eat at the same table, the rules surrounding that meal are intended to demarcate and reinforce social differentiation.

**Purity and Commensality: Conclusions**

Purity practices are another social system that affects identity formation. This connection is, of course, not a rabbinic innovation, as numerous texts from the Biblical and Second Temple periods can attest.\(^{58}\) However, “[t]he rabbis, elaborating on biblical impurity legislation, developed a vocabulary of degree missing from the biblical text, thereby making explicit what is only implicit in biblical materials.”\(^{59}\) In doing so, the Tannaim use the purity system as another mechanism by which culinary and commensal practices, among others, establish a distinct Jewish, male, and rabbinic identity.

The tannaitic understanding that “you are what you eat” culminates in the Babylonian Talmud, in which numerous passages explicitly link food with identity. For example, a reputed *baraita* on *b. Pesahim* 49b

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59 Olyan, *Rites and Rank*, 39. For a more detailed discussion, see Harrington, *The Impurity*. 

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claims that only a Torah scholar – and not an ‘am hāʾāres – should eat meat.  

In the Tannaitic period, however, this connection is more inchoate and nascent. The early rabbinic movement clearly bundles together identity and diet, yet this earlier corpus preserves merely the beginning of an expanding rhetoric that aims to enact and control social boundaries via commensality regulations. Although the Amoraim make this connection explicit, their tannaitic predecessors often leave it tacit – as an assumption, often employed when defining ambiguous categories.

THE STATUS OF FOOD CORRELATES WITH THE STATUS OF ITS COOK

We turn now to the third means by which tannaitic food practices establish a Jewish, male, and rabbinic identity. In Chapter 2 we encountered the tannaitic principle that the status of a food item directly correlates to the status of its preparer. Now, however, this notion is marshaled for the construction of a Jewish, rabbinic identity, not just a Jewish one. To begin, I return to t. Hullin 1:1:

All [Jews] are fit to slaughter [an animal], even a Samaritan, even an uncircumcised [Jew], even a Jewish apostate.  

An animal slaughtered by a heretic

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60 On this passage, see Jonathan Brumberg-Kraus, “Meat Eating and Jewish Identity: Ritualization of the Priestly ‘Torah of Beast and Fowl’ (Lev 11:46) in Rabbinic Judaism and Medieval Kabbalah,” AJSR 24/2 (1999): 227–262. Although this is reputed to be a baraita, I follow Cohen, who considers the series of baraitot among which this one is found to be “allegedly tannaitic material,” on the basis that tannaitic texts reflect disdain for the ‘am hāʾāres, but not outright hatred; that hatred, according to Cohen, is found in later rabbinic literature (“The Place of the Rabbi,” 173, emphasis added). As Cohen notes, “There is no way to verify the authenticity of this material, but the fact that these statements and the ethos they represent are completely absent from Palestinian texts raises serious doubts” (p. 167). To Cohen’s argument, I would add that the tannaitic exposition of Leviticus 14:26 (the proof-text for this “alleged” baraita) on Sifra Shemini pereq 12:8 (ed. Weiss 57b) mentions neither the ‘am hāʾāres nor his required vegetarian diet. Contrast Cohen’s view to the approach taken by the majority of previous scholars, who accept the authenticity of this material (e.g., Lee I. Levine, The Rabbinic Class of Roman Palestine in Late Antiquity [New York: Jewish Theological Seminary, 1989], 112–117).

61 As was also the case in t. Horayot 1:5, the term for “apostate” in Zuckermandel’s manuscript is mešūmād, with the variant mūmār. I discuss the issues associated with Samaritans later in this chapter.
[min] is [regarded as an act of] idolatry. An animal slaughtered by a Gentile – behold, this is invalid. And an animal slaughtered by an ape – behold, this is invalid. As it is said: “you may slaughter . . . and you may eat.” You may not [eat] that which a Gentile has slaughtered; you may not eat that which an ape has slaughtered; you may not eat that which is slaughtered by its own action.

This passage in Tosefta begins by validating animal slaughter by every (male) Jew – “normative” rabbinic, Samaritan, uncircumcised, and apostate – except for the heretic (min). There seems to be a distinction here between an apostate and a heretic. However, this distinction is not always consistent throughout the tannaitic corpus, perhaps owing to the fact that, as many scholars have pointed out, the min (plural: minim) appears to be a rhetorical construct created for use in discourse on theoretical law; it is not necessarily – nor even likely – a specific historical


63 This is a partial quotation from Deuteronomy 12:21, which states, in regard to valid animal slaughter and meat consumption, “If the place where Yhwh your God has chosen to establish His name is far from you, you may slaughter from the cattle or the sheep that Yhwh gives you, as I have commanded you; and you may eat to your heart’s content in your gates” (emphasis added).

64 t. Hullin 1:1 (ed. Zuckermandel 500), emphasis added.

65 This opening differs significantly from its parallel version in m. Hullin 1:1 (ed. Albeck 5:115), as I discuss in Chapter 2. I leave aside the issue of gender, having already discussed its relevance to animal slaughter in Chapter 3.

66 E.g., Mekilta d’Rabbi Ishmael Bo 15 (ed. Horowitz 53), which, in reference to the biblical exclusion of the foreigner from the Passover in Exodus 12:43, says “All the same are a Jewish apostate (mešûmâd) and a Gentile” (cp. Mekilta d’Rabbi Shimon b. Yohai at Exodus 12:43 [ed. Epstein and Melamed 35], which states, “This [refers to] the Jewish apostate [mešûmâd] who practices idolatry”). In this case, then, the mešûmâd does not necessarily belong to the category of “Us.” However, a pericope found in the next chapter of t. Hullin offers evidence for at least some internal consistency in this tractate. t. Hullin 2:20 (ed. Zuckermandel 503) states, “Meat that is found in the possession of the Gentile is permitted for benefit; [but, if meat is found in the possession of] the heretic [min], it is forbidden for benefit.”

community. Further, the term may be nuanced to fit different scholastic scenarios. Therefore, the importance of the category of minim for our purposes here is, as Stern notes:

The fact that the minim are distinguished...from the non-Jews is itself significant, as it indicates that they retain, just as do ordinary apostates, a distinct identity as ‘Israel’. However, that the minim are part of Israel is only, at best, implicit. To some extent they have forsaken their identity.68

Although the identity of those to whom the term “min” applies in tannaitic literature is being questioned, the debate remains over a Jewish, rabbinic identity. Even though the min may forsake some of his identity, as Stern suggests, he is nonetheless not grouped with non-Jews in tannaitic taxonomy.69 In short, the text still preserves a distinction between Gentile and min: the former’s slaughter is invalid, whereas the latter’s slaughter is regarded as an act of idolatry. Therefore, the practices that class a Jew as a min, from a tannaitic perspective, affect the status of his (seemingly otherwise permissible) animal slaughter.70

David Moshe Freidenreich correctly interprets the section of the toseftan passage that refers to Gentiles, stating:

The reference to an animal “which is slaughtered by its own action,” a strange phrase found nowhere else in Rabbinic literature, reflects the author’s effort to incorporate a reference to carrion into the literary structure of his interpretation of the Biblical verse. The message is that animal slaughter performed by a non-Jew, even if the act of slaughter conforms to all the dictates of Rabbinic law, is prohibited simply because it was performed by a non-Jew. Slaughter by a gentile is legally equivalent to no slaughter at all, so an animal slaughtered by a gentile is equivalent to carrion, whose consumption (but not benefit) is prohibited according to Deuteronomy.71

68 Jewish Identity, 111–112.
69 My usage of the masculine pronoun in this sentence is intentional. As in the case of rabbinic texts in general (as previously noted), “[i]t is characteristic of rabbinic discourse that all minim were treated by the Tannaim as male” (Goodman, “Function of Minim,” 508 n. 33).
70 I insert the phrase “seemingly otherwise permissible” because t. Hullin 1:1 does not specifically mention a min slaughtering a nonkosher animal or deviating from any other standard practice.
Slaughter by a Gentile, according to the logic of *t. Hullin* 1:1, is equated with carrion.\(^72\) However, slaughter by a *mın* does count as an act of slaughter – albeit, from the tannaitic perspective, an idolatrous one. The logic here appears to be that a Gentile is incapable of producing valid slaughter.\(^73\) In contrast, the *mın* is technically capable of proper slaughter because he is technically a Jew. As such, slaughter by the *mın* – unlike that of the Gentile – must “count” for something; hence, it is classified as idolatrous.

In my reading of *t. Hullin* 1:1, therefore, the *mın* is not categorized as a non-Jew, in contrast to the Gentile, who obviously is classified as such. Rather, the *mın* remains in an ill-defined status, somewhere on “Our” side, but close to the boundary between “Us” and “Them.” Even though the rabbinic Jew cannot consume the meat of a *mın*, his meat is not treated like that of a Gentile. The *mın* is, in fact, even described as slaughtering animals differently, in a manner prohibited to a rabbinic Jew: occurring in the middle of the market and collecting blood in a utensil or a hole.\(^74\) In short, the status of the meat of the *mın* parallels the status of the *mın* himself: classed with neither Gentile nor rabbinic Jew. Once again, an analogy is made between tannaitic food regulations and desired social relations, whereby the Tannaim use legislation regarding animal slaughter to effect social distance from a category of nonrabbinic Jews. As such, regardless of whether he follows the tenets of tannaitic slaughter practices, animal butchery performed by a *mın* is prohibited for ingestion by a rabbinic Jew.

The practical implication of differentially classifying slaughter by a *mın* and slaughter by a Gentile is uncertain. Even though at least one Hebrew Bible text prohibits the consumption of carrion, it explicitly allows this type of meat to be sold to a non-Israelite or given to a gēr.\(^75\) Tannaitic literature, on the other hand, prohibits both the consumption and the sale of carrion.\(^76\) In tannaitic legislation, therefore, a Jew can

\(^72\) For other tacit examples of this principle, see *t. Hullin* 5:3; 6:4 (ed. Zuckermandel 507; 507–508).

\(^73\) With “appropriate” Jewish participation, a Gentile can partake in valid slaughter. However, as discussed in Chapter 2, this type of slaughter is classed as “Jewish” slaughter. *m. Hullin* 2:9 (ed. Albeck 5:122; = *t. Hullin* 2:19 [ed. Zuckermandel 503]).

\(^74\) Deuteronomy 14:21.

\(^75\) *m. Shevi’it* 7:3 (ed. Albeck 1:157; cp. *t. Shevi’it* 5:8 [ed. Lieberman 1:87]); *t. Hullin* 7:3 (ed. Zuckermandel 508). There are some texts that suggest that a Jew can benefit
neither consume nor profit from either carrion or idol-meat. Thus, the distinction between an animal slaughtered by a min or one slaughtered by a Gentile appears to be symbolic. Although in different theoretical categories, animals slaughtered by a min or a Gentile are both to be completely avoided. Symbolic or not, however, the fact remains that animal butchery is yet another instance in which tannaitic literature evidences the construction of a practice-based Jewish, male, rabbinic identity.

The fact that the status of meat is considered by the Tannaim to be a dependent variable (depending on, for example, whether the one holding the knife is a rabbinic Jew, a min, or a Gentile) is reinforced in yet another tannaitic text, which requires that “one who slaughters [an animal] must [recite] a separate benediction. He says: ‘Blessed [is the One who has sanctified us in His commandments and commanded us] regarding slaughter.” Thus, the act of valid animal slaughter requires one to recite a blessing formulated for and propagated by rabbinic Jews. This blessing – unique to meat – ensures (in theory) that a Jew versed in rabbinic law is the only one “capable” of tannaitically proper animal slaughter. Without this blessing, which brings the practice of animal slaughter under further rabbinic control, a rabbinic Jew presumably could not eat the otherwise acceptable meat.

Before concluding this subject, it is instructive to examine tannaitic attitudes toward a Samaritan food item, namely bread. The Samaritans are a group who claim direct descent from the northern Israelite tribes of Ephraim and Manasseh, having survived the Assyrian destruction of the kingdom of Israel in 722 B.C.E. Because of this shared (real or imagined) history, Samaritan traditions and texts share many similarities with those of the Judeans, although different interpretations and historical

economically from Gentile meat. If this is so, then there is a practical implication for these distinctions.

77 As we have also seen in Chapter 2, not all meat slaughtered by a Gentile is necessarily considered idolatrous slaughter. Although suspicion of Gentile libations leads the Tannaim to regulate eternal vigilance in regard to wine, for example, the interpretation that Gentile slaughter is tantamount to a natural death and, hence, no slaughter at all, explains why Gentile animal slaughter is not always classified in tannaitic literature as an idolatrous practice.

78 t. Berakhot 6:11 (ed. Lieberman 1:36). I have supplied these words following the reading of the Erfurt manuscript. However, because Lieberman does not include them in his text, I leave these variant words in brackets.
circumstances lead to distinct differences. Tannaitic texts are aware of this shared history but seem unsure of how to taxonomically classify Samaritans in the Jew/non-Jew polarity. As Gary G. Porton observes:

In several texts, the gentile is contrasted with the Samaritan, while in other passages the two are treated the same. In the rabbinic texts, the Samaritans occupied a middle ground between the gentiles and the Israelites. At times the Samaritans were treated as if they were the Israelites, while in other instances they were seen as non-Israelites. Also, the Israelites, Samaritans, and gentiles were, from the point of view of the authors of our texts, the three major classes of people who dwelt in the Land of Israel, held property within its borders, and were the actors in the events which occurred there. Thus, on a number of issues, the Samaritans would be important people with whom our texts should deal, and they could serve as the “intermediate group” between the Israelites and the non-Israelites.

This taxonomic confusion is occasionally reflected in tannaitic food regulations. For example, although it seems that rabbinic Jews could both eat with a Samaritan and consume meat properly slaughtered by a Samaritan butcher, Samaritan bread is a more complicated issue.

In at least one text, tannaitic literature appears to permit the consumption of Samaritan bread. *t. Pisha* 2:1–3 discusses the regulations concerning access to Samaritan leaven after, and unleavened bread

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81 According to *m. Berakhot* 7:1 (ed. Albeck 1:26), a Samaritan can count toward the prayer quorum necessary for reciting grace after meals, implying his presence at the meal itself. *t. Demai* 3:3 (ed. Lieberman 1:73–74) describes the conditions under which an Israelite priest may eat with a Samaritan priest, indicating that such a commensal situation was possible, if only from a purely scholastic perspective.

During the festival of Passover,\(^83\) apparently assuming that Samaritan bread is permitted for tannaitic Jews. In other texts, Samaritan bread is prohibited. According to \textit{t. Hullin} 2:20, the bread of the Samaritan is compared to that of the \textit{mın}, implying that it is prohibited to tannaitic Jews.\(^84\) This prohibition is most explicit in \textit{m. Shevi’it} 8:10, which states that “R. Eliezer used to say: ‘One who eats bread [baked by] Samaritans [cőtim] is like one who eats pig-meat.’”\(^85\) In R. Eliezer’s opinion, Samaritan bread is equal to pork – the metonymic food of the “culinary Other.” Of course, “cőtim” here could be a general term, simply referring to non-Jews, in which case this text is just another explicit example of the chef/sous-chef principle in regard to bread baked by non-Jews.\(^86\) If the term refers to Samaritans, as the phrase cőtim is traditionally understood, then perhaps Samaritan bread is equated with pork because, like the \textit{mın} whose slaughter is equated with idolatry in \textit{t. Hullin} 1:1,\(^87\) the Samaritan’s act of baking is perceived by the Tannaim to be an act of cultural transformation. If this same logic underlies this passage, then pork and idolatry function in similar fashions: namely, to stigmatize the cultural and culinary products of certain nonrabbinic Jews.\(^88\)

Unsure of how to classify Samaritans, the Tannaim therefore appear to be unsure of how to classify their food. Thus, the inconsistencies and contradictions associated with tannaitic regulations concerning Samaritan bread – alternatively allowing and prohibiting it – mirror those concerning the Samaritan in general, indicating that, once again, the status of the preparer directly affects the status of the item being prepared. As in the case of bread baked by a non-Jew, the tannaitic discussions

\(^83\) \textit{t. Pisha} 2:1–3 (ed. Lieberman 2:144–145). Leavened bread is forbidden to Jews on Passover (e.g., Exodus 12). Regulations regarding acquiring bread from Samaritans after Passover also appear in the second chapter of the minor tractate \textit{Kutim}. I do not reference this tractate in the main body of my text because it is most likely post-tannaitic.


\(^85\) \textit{m. Shevi’it} 8:10 (ed. Albeck 1:162). This statement was not wholeheartedly endorsed, as R. Akiva ardently rejects it. Compare R. Eliezer’s objection (in some manuscripts) to the anonymous opinion permitting the unleavened bread of Samaritans in \textit{t. Pisha} 2:3 (ed. Lieberman 2:145).

\(^86\) See Chapter 2 for a discussion of the chef/sous-chef principle with regard to bread baked by non-Jews. Cőtim, a term sometimes inserted in manuscripts subject to censorship, is attested in the extant manuscripts for this mishnah.

\(^87\) \textit{t. Hullin} 1:1 (ed. Zuckermandel 500).

\(^88\) Pork and idolatry are also used to stigmatize non-Jews, as discussed in depth in Chapter 2.
about Samaritan bread do not quibble over the recipe; instead, they are concerned with the identity of the baker.

In this section, I have once again argued that tannaitic literature contains a principle that the status of a food item (primarily meat, but in one instance bread) follows the status of its preparer. This principle allows the Tannaim to parse Jewish identity into two categories: rabbinic and nonrabbinic Jews. The bundle of social practices that leads one to be classified, at least by the Tannaim, as a min or a Samaritan, for example, also affects the classification of the food that the person produces. By correlating the status of food and the status of the preparer, tannaitic legislation connects food practices into the larger matrix of social identity formation. By prohibiting rabbinic Jews from consuming meat from an animal slaughtered by a min, which is labeled as an idolatrous offering, and by comparing Samaritan bread to pork, the rabbinic Jew is further distanced in social settings (and, by extension, in social-constructed and practice-based identity) from the nonrabbinic Jew. In sum, this principle, like so many others that we have already encountered, indicates that there is a predictable analogy between food regulations and desired social relations, suggesting that the latter generates the former.

**REINTERPRETING FESTIVAL OBSERVANCE**

Tannaitic culinary and commensal regulations establish practices that form, in part, a distinct Jewish, male, rabbinic identity, and these rules often apply to meals that can occur on any given day. Festivals, however, offer an additional opportunity to set apart rabbinic Jews from nonrabbinic Jews at the same time as one distinguishes between the sacred (festival meals) and the profane (daily meals). Tannaitic interpretations and reinterpretations concerning the culinary and commensal legislation (among others) that regulates particular festivals therefore comprise a system of rituals that divides Jews into two categories: those who celebrate each festival “Our” – and hence the “correct” – way, and those who do not (“Them”).

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89 Here I am influenced by Catherine Bell, who writes that “ritual systems do not function to regulate or control the systems of social relations, they are the system” (Ritual Theory, Ritual Practice [Oxford: Oxford University Press, 1992], 130, emphasis in original).
In this section, I examine three case studies to determine how the Tannaim reinterpret culinary and commensal festival regulations to establish a Jewish rabbinic identity: Passover, Sukkot, and the Sabbath. I use the term “(re)interpret” here to call attention to the fact that the Tannaim both draw on earlier precedents and introduce innovative understandings and legislation. Even though I refer to this process as “reinterpretation” throughout, it is important to remember that the Tannaim are sometimes offering completely novel interpretations (a difference of kind, which I understand to be a complete recasting – hence reinterpretation – of earlier traditions), and not simply repackaging an earlier understanding of a festival (a difference of degree, which I understand to be a slightly different reading – hence interpretation – of earlier traditions). I conclude this section with a brief discussion about meals in the synagogue: by all other accounts, a common Jewish practice, with which the Tannaim are uncomfortable.

Passover

Describing a census of Jerusalem taken by Cestius during the festival of Passover, Josephus notes:

Accordingly, on the occasion of the feast called Passover, at which they sacrifice from the ninth to the eleventh hour, and a little fraternity, as it were, gathers round each sacrifice, of not fewer than ten persons (feasting alone not being permitted), while the companies often included as many as twenty, the victims were counted and amounted to two hundred and fifty-five thousand six hundred; allowing an average of ten diners to each victim, we obtain a total of two million seven hundred thousand, all pure and holy.


\footnote{Jewish War, 6:423–425, emphasis added. On prerabbinic descriptions of Passover in general, see Baruch M. Bokser, \textit{The Origins of the Seder: The Passover Rite and Early Rabbinic Judaism} (Berkeley and Los Angeles: University of California Press, 1984), 14–28.}
According to Josephus, the Passover is consumed in a social context that he calls “a little fraternity.” Commemorating the mythical Exodus from Egypt in community serves to strengthen group cohesion by reinforcing a shared past by way of a present-day meal ritual.

Tannaitic literature also speaks of “a little fraternity” in regard to the festival of Passover: the table-fellowship association (יהבורה). Although the concept of aיהבורה appears in several commensal contexts in tannaitic literature, it is by far most often associated with consuming the Passover in table-fellowship. As discussed in Chapter 2, the Passover is a metonymic food. If access to the Passover signifies inclusion in the collective body of “Israel,” then eating the metonymic food with peers can be understood as a communal ritual of identity enactment and maintenance. Concomitantly, refusal to ingest the Passover can be construed as an act of social separation and group disintegration, as one might read Jesus’ abstention from the Passover in Luke 22:15–16.

A good starting point for this discussion is a tannaitic exegesis of Exodus 12:46, which states: “In one house [the Passover] shall be eaten; you shall not take any of the meat outside the house; and as for the bones,

92 The formation of social groups based around commensality in antiquity is not unique to Judaism. For an overview of the Greek and Roman evidence for dining clubs, see Smith, From Symposium to Eucharist, 87–125. On the concept of theיהבורה in rabbinic literature in general, see Oppenheimer, ‘Am ha-Aretz, 118–156. On the connection between the rabbinic Passover seder and theיהבורה, see Yosef Tabory, The Passover Ritual Throughout the Generations (Tel Aviv: Hakibbutz Hameuchad, 1996 [Hebrew]), 48–59. Although Philo and the Tannaim may refer to a different social institution, both practices seem to serve a similar social function. The biblical basis for the Passover table-fellowship appears to be Exodus 12:4, which instructs households that are too small to consume a lamb in one sitting to combine with neighbors for this purpose.

93 For example, with regard to betrothal and wedding meals (ת. מגילה 3:15 [ed. Lieberman 23:57]) and associations for unspecified commandments (יהבורה mimsvah) (ת. Sanhedrin 8:2 [ed. Albeck 4195]; cp. ת. Sanhedrin 11:6 [ed. Zuckermandel 431–432], which simply statesיהבורה). It should be stated that both of the previously cited cases may not be generalizable because the former refers to a custom in Jerusalem and the latter to an action taken by a “rebellious and incorrigible son.”

you may not break any of them.”\footnote{95} Explicating this pericope, \textit{t. Pisha} 6:11 offers a wealth of information:

What [does Scripture] teach [when] it says: “In one house [the Passover] shall be eaten”? In one association. R. Shimon says: “Behold, [if] they were sitting and eating and saw a snake or a scorpion, these [people] take up their Passover and eat it in another place, as it is said: ‘upon the houses in which they will eat [the Passover].’\footnote{96} If so, why does [Scripture] say: ‘In one house [the Passover] shall be eaten’? That two associations should not eat [the Passover] facing one another.” When the waiter [who serves two associations but eats with only one of them] stands to mix [wine for the association with which he does not eat], he shuts his mouth and he turns his face away [from them] and he chews [his food] until he reaches his own association and he swallows [it], in order that he does not appear to eat from two Passovers. If there is only one association there, he eats throughout the entire house and he does not scruple.\footnote{97}

First, we learn that the reference in Exodus 12:46 to “one house” refers to “one association.”\footnote{98} The biblical “house” is now understood to mean an “association,” perhaps suggesting a notion of fictive kinship; if the association is the house, and the house is the family, then perhaps one can infer that the association is the family. As noted in Chapter 3, drawing from the work of Nancy Jay, one could suggest that, by interpreting “one house” to mean “one association,” tannaitic literature builds a fictive familial relationship through table-fellowship. Thus, by helping to establish a fictive kinship, this interpretation of Exodus 12:46 can have ramifications for tannaitic social formation. Members of each association are potentially perceived as fictive kin, making this meal an important one for identity construction.

Second, and in a somewhat related point, \textit{t. Pisha} 6:11 (quoting \textit{m. Pesahim} 7:13) mandates that associations should not consume their

\footnote{95} The Hebrew text has both “bones” and “them” in the singular, but I render them as collective plurals to provide a more idiomatic English translation.\footnote{96} This is a partial quote from Exodus 12:7, which discusses placing blood on the houses’ doorposts as part of the Passover celebration. The logic here is that the word “houses” is in the plural and, as such, the Passover can be consumed in another house if one’s life is in imminent danger due to the presence of a wild animal.\footnote{97} \textit{t. Pisha} 6:11 (ed. Lieberman 2:175). The italicized text also appears in \textit{m. Pesahim} 7:13 (ed. Albeck 2:168).\footnote{98} \textit{t. Makkot} 4:1 (ed. Zuckermandel 4:41) also compares the house and the association in regard to Exodus 12:46; however, unlike \textit{t. Pisha} 6:11, it does not make this one-to-one correlation explicit.
Passover while facing one another. I connect this point to my previous one because I read this text as envisioning each association as a separate “house”; as such, they must separate themselves from one another. In doing so, each association strengthens bonds with those in that association (family?). Despite being eligible to join an association—a status that socially marks one as a closer fictive relative than an ineligible man who is, nonetheless, Jewish—separate tables mean separate houses, which, in turn, mean separate immediate “families.” The meal ideology of separate tables, however, does not necessarily limit this commensal act of social formation to the members of each individual association. The fact that multiple associations can share a room (and a waiter) suggests that these fictive kinships are somehow connected. To share the dining room could be understood to bind each “family” unit into a larger fictive family tree.

Third, even if two associations share a waiter, that waiter must choose to dine with one of them and must consume all his food at that association’s table (i.e., its “house”). This minor, and possibly merely scholastic, point is interesting not only because it, once again, envisions a more upper-class milieu, but also because it suggests that the waiter himself must be eligible to participate in the association’s activities. Although other tannaitic texts mentioning waiters do not necessarily address this issue, *t. Pisha* 6:11 imagines that a waiter is (one would assume, based on this context) a male, rabbinic Jew, as he is part of an association (ergo, a member of the “family”).

Building on this final point, it is important to address the fact that the social bonding of the Passover banquet also serves, both literally and figuratively, to exclude several categories of Jews from the table. Even though *m. Pesahim* 10:1 states that everyone in Israel reclines while eating on Passover, that does not mean that all are treated completely equally. For example, *m. Pesahim* 7:3 differentiates between an association of priests and an association of Israelites. One could argue, however, that this distinction occurs in the midst of a theoretical discussion about a specific case in which “one basted [the Passover] in oil in the status of

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99 See Chapter 1 for my discussion of class and meals in rabbinic literature.

heave offering” and, as such, is, at least, a set of special circumstances and, at most, a purely scholastic discussion. Regardless, I find it interesting that priests are here contrasted with Israelites when, according to at least one passage in Philo, Passover is an occasion where every (male?) Jew becomes, at least metaphorically, a priest and every house transforms into a temple:

On this day [the fourteenth of Nisan] every dwelling-house is invested with the outward semblance and dignity of a temple. The victim is then slaughtered and dressed for the festal meal which befits the occasion. The guests assembled for the banquet have been cleansed by purificatory lustrations, and are there not as in other festive gatherings, to indulge the belly with wine and viands, but to fulfil [sic] with prayers and hymns the custom handed down by their fathers. The day on which this national festivity occurs may very properly be noted.

Although scholars have debated the meaning of this passage, “[t]he most natural reading of the whole passage, however, is that all Jews, whether in Jerusalem or not, could gather in companies and participate in the Passover sacrifice. The Bible ordains that this is the one time each year laymen may act as priests.” Even when “laymen may act as priests,” the Mishnah distinguishes, at least scholastically, between priest and layman.

Further, as discussed in Chapter 3, women, slaves, and minors are, in some fashion, excluded from participation in a Passover association.

101 Jews currently observe Passover on the fifteenth day of the month of Nisan. For a discussion about the history of this change in date, including an explication of the Philo passage at hand, see Sanders, Judaism, 133.
102 De Specialibus Legibus, 2:148–149, emphasis added (cf. Quaestiones et Solutiones in Exodum, 110).
103 For references to these authors, see Bokser, Origins of the Seder, 22–23; Sanders, Judaism, 133–134, 511 n. 43.
104 Sanders, Judaism, 134. For an argument against Sanders’ interpretation of this passage, see Jutta Leonhardt, Jewish Worship in Philo of Alexandria (Tübingen, Germany: Mohr Siebeck, 2001), 31–33. I find Leonhardt’s argument to be based on the same “ambiguous” evidence on which Leonhardt accuses Sanders of basing his argument (Jewish Worship, 31 n. 41).
105 Elsewhere, those who engage in rabbinic activities (i.e., Torah study) are likened to those who engage in priestly activities (e.g., Mekilta d’Rabbi Ishmael Beshelah Vayehi 1 [ed. Horowitz 76], discussed in Chapter 2). According to some later rabbinic texts, those who study Torah deserve to be given tithes by other Jews. For references and a brief discussion, see Levine, Rabbinic Class, 71.
According to *t. Pisha* 8:6: “They do not make an association [consisting] of women, slaves, and/or minors, so as not to increase indecency.” Women, slaves, and minors are proscribed – albeit ambiguously – from participating in tannaitic commensality, marking them as social “Others” to tannaitic men, who lack any analogous regulations regarding participation in the Passover association.

Although there are other laws in regard to Passover associations that address sacrificial concerns (which are, by the time of the third century c.e., scholastic), several more passages contain discussions that provide information about possible social mechanisms (e.g., the *ḥabūrah*) for integrating commensal activities into tannaitic identity. Chapter 7 of *t. Pisha* contains a series of data that underscore the role that the association plays in the creation and maintenance of a tannaitic communal identity. Thus, we learn that the association should partake of the Passover only if there is enough food for everyone registered. Each member must get his share. It therefore seems that, once admitted into the *ḥabūrah*, the member is entitled to the full benefits of inclusion, namely access to the food and the social status that comes with partaking of the Passover in that particular association. If the *ḥabūrah* functions as a Passover practice that reifies inclusion and exclusion, then participation is, ideally, an all-or-nothing proposition.

We also learn that one who takes more than his fair share can be excluded from the association, but not his share in the Passover itself. Gluttony, therefore, does not preclude one’s fulfillment of one’s personal

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108 *t. Pisha* 7:6 (ed. Lieberman 2:178). Although there is a provision for associations that registered members via a sort of rolling admissions policy, the communal aspect of this first statement remains. *t. Pisha* 7:7–8 (ed. Lieberman 2:178–179) contains further information about how one registers for an association. It seems that the act of registering for an association is socially significant in itself.

109 See also *t. Pisha* 7:16 (ed. Lieberman 2:182), which states that even a member of an association who is registered out of charity is given a share. Lieberman understands this as referring to one who is given a portion of the Passover free.

110 *t. Pisha* 7:10 (ed. Lieberman 2:179). In an interesting comparison, according to *m. Pesahim* 8:4 (ed. Albeck 2:169), this social exclusion occurs if one registers someone else in his share, a practice that Tosefta explicitly permits (*t. Pisha* 7:8 [ed. Lieberman 2:178–179]).
biblical obligation to consume the Passover; it does, however, lead to social exclusion, as an overeater is asked to leave the group. Further, this text explicitly states that this principle applies not only to the Passover, but also to any meal in which an association partakes. The fact that manners mark social distinction is not historically surprising. As Massimo Montanari notes, “In collective dining rituals, the meaning of particular gestures resides in the elaboration of rules that serve to delineate the field of action, excluding whoever does not know them and therefore does not respect them.” If manners reinforce who “We” are, then how can one who violates “Our” manners be one of “Us”? Therefore, even after one is eligible to join an association, one’s actions at the meal itself can distance that person from the commensal group. This is especially so when one’s actions are perceived as gluttonous – as gluttony is the opposite of self-restraint, a desired rabbinic (and male) trait.

Although much of the legal discussion surrounding the Passover association may be scholastic, even these possibly theoretical situations suggest the importance of the association as a social unit. As Freidenreich notes, “Legal discourse . . . is not always practically oriented, but even in its more scholastic manifestations it remains a vehicle for defining boundaries and preserving distinct categories.” Several of the regulations surrounding the table-fellowship group for Passover – the association – serve to differentiate one from another. At this ritual of social formation and


113 Foreign Food, abstract p. 1.

114 Although purity concerns surround the interactions of those associated with associations in tannaitic literature in general (discussed earlier in this chapter), it is interesting to note that they do not play a significant role in the discussion at hand. Although we do learn that an individual’s impurity does not affect the rest of the association (t. Pisha 7:9 [ed. Lieberman 2:179]), as long as we know which member is impure and can separate him out (t. Pisha 7:15 [ed. Lieberman 2:182]), there is not much other discussion about specific additional purity concerns with regard to eating the Passover in association. I assume, however, that the usual purity concerns for associations remain in operation.
maintenance – revolving around the sharing of a metonymic food item – with whom one eats makes a statement that affects more than just one meal; this social identity performance resonates throughout the tannaitic community.

Another example of how the Tannaim reinterpret Passover regulations to establish a rabbinic identity is their usage of table talk in a special kind of banquet: the Passover seder. Contrary to Baruch M. Bokser, I view the seder as a tannaitic symposium.116 The tannaitic locus classicus is m. Pesahim 10, which contains the basic structure of a seder. In sum, this entire mishnaic chapter is the stage direction and dialogue for a ritual performance.117 For example, this dialogue includes a script for a father to teach his son the basic lessons of Passover.118 The importance of table talk for this particular symposium, however, is best summed up in m. Pesahim 10:5:

Rabban Gamaliel said: “Whoever did not say these three things on Passover did not fulfill his ritual obligation: the Passover [pesah], unleavened bread [masâh], and bitter herbs [mârôr].”119 The Passover – because God [mâqôm] passed over [pâsah] the houses of our ancestors in Egypt. Unleavened


117 m. Pesahim 10 (ed. Albeck 2:176–180). For a similar analogy, see Brumberg-Kraus, “‘Not By Bread Alone…’,” 173. Further, Brumberg-Kraus’s article contains a comparison between the ritualized table talk of the rabbinic Passover seder and the Christian Eucharist.


bread—because our ancestors were redeemed in Egypt. Bitter herbs—because
the Egyptians embittered [mêrêru] the lives of our ancestors in Egypt.”

The ritual obligation of the Passover changes, “replacing” animal sacrifice
with required verbalization. Now, in addition to the biblical prescrip-
tions regarding those who are eligible to observe the commandment to
make a Passover, tannaitic literature adds yet another component: “the
ritualization of Torah study at the table.” From now on, according to
Rabban Gamaliel, the only way for a Jew to fulfill his ritual obligation on
Passover is to engage in tannitically approved and ordained table talk:
the seder.

By establishing rules that govern the “house” in which the Passover
is ingested, the Tannaim reinterpret the festival of Passover to establish
boundaries between rabbinic and nonrabbinic Jews. Now, Passover is
“properly” commemorated by eating together in table-fellowship, which
requires specific rabbinitically ordained practices (e.g., self-restraint and
table talk). This reinterpretation of how a Jew “must” observe a festival
becomes a leitmotif in tannaitic (and later amoraic) literature, as we shall
see throughout this section.

Sukkot

The pilgrimage festival of Sukkot (Tabernacles) is originally a biblically
ordained commemoration of the final agricultural harvest, which is later
associated with the wandering of the post-Exodus Israelites through the
desert. Commanded to “dwell in booths seven days,” numerous Second
Temple-period sources attest to the fact that various Judeans/Jews adhere
to this principle. The celebration of Sukkot is also noted by non-Jewish

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120 m. Pesahim 10:5 (ed. Albeck 2:178). According to Brumberg-Kraus, “the things said and
the things done—namely, the acts of eating—are arranged in such a way as to internalize
Torah by in effect eating it, at least metaphorically” (“Not By Bread Alone . . .,” 174, emphasis in original).
Bumberg-Kraus argues that this is accomplished via the “punning association of the scriptural proof texts with the ritual foods that are eaten”
 (“Not By Bread Alone . . .,” 174).

121 See Bokser, Origins of the Seder, 42.

122 Brumberg-Kraus, “Meals as Midrash,” 306.

123 For an overview of this history, see Jeffrey L. Rubenstein, The History of Sukkot in the
Second Temple Period and Rabbinic Periods, BJS 302 (Atlanta: Scholars Press, 1995),
13–30.

124 Leviticus 23:42. For an overview of the Second Temple evidence, see Rubenstein, History
of Sukkot, 31–102. On the history of the terms Judean (an ethnic category) and Jew
witnesses. In the same passage in which he discusses the Sabbath (cited below), Plutarch notes that:

... the time and character of the greatest, most sacred holiday of the Jews clearly befit Dionysus. When they celebrate their so-called Fast, at the height of the vintage, they set out tables of all sorts of fruit under tents and huts plaited for the most part of vines and ivy. They call the first of the days of the feast Tabernacles. A few days later they celebrate another festival, this time identified with Bacchus not through obscure hints but plainly called by his name, a festival that is a sort of “Procession of Branches” or “Thyrsus Procession,” in which they enter the temple each carrying a thyrsus. What they do after entering we do not know, but it is probable that the rite is a Bacchic revelry, for in fact they use little trumpets to invoke their god as do the Argives at their Dionysia...  

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Even though much of Plutarch’s statement is problematic historically, it is nevertheless worthy of note that he associates the celebration of Sukkot with consuming food in the sîkkāh (booth). The connection between dwelling in a sîkkāh and eating therein is thus not to be considered a tannaitic innovation. However, the Tannaim build on this connection, reinterpreting commensality in the sîkkāh as a central and essential component of Sukkot observance and, by doing so, establishing Sukkot practices that construct a rabbinic identity.

The tannaitic principle regarding commensality and the sîkkāh is explicitly (but, at least for nonrabbinic Jews, most likely prescriptively) stated in Sifra Emor 17:5:

“You shall dwell [in booths]” [Leviticus 23:42]: “dwell” refers only to the manner in which you reside [normally in your house]. From this they said: “One eats in the sîkkāh; one drinks in the sîkkāh; one rejoices... in the sîkkāh; one brings his utensils up to the sîkkāh.”

125 Quaestiones Convivales, 6:2.
126 See Rubenstein, History of Sukkot, 94–97; M. Stern, Greek and Latin Authors on Jews and Judaism, 3 vols. (Jerusalem: Israel Academy of Sciences and Humanities), 1:56–561.
127 Similarly, compare t. Sotah 3:10 (ed. Lieberman 4:161–162), which states, in regard to the people of the Tower of Babel, that “dwelling refers only to eating and drinking.”
128 On this translation, see Rubenstein, History of Sukkot, 226 n. 170.
129 Sifra Emor 17:5 (ed. Weiss 103a). See also Sifra Emor 12:4 (ed. Weiss 102a), which states, “And with what do you sanctify the day [of Sukkot]? With eating, drinking, and nice [literally ‘clean’] clothes.” The same statement is made in regard to sanctifying Passover
To fulfill the biblical injunction, as tannaitic literature understands it, one must engage in everyday activities; one must live in it as one lives in a home, no more and no less. This principle underlies tannaitic statements about consuming meals in the ṣūkkāh. For example, although one cannot eat a meal outside the ṣūkkāh on Sukkot, he may eat or drink “occasional” food (‘āra’y; i.e., a snack) elsewhere. The ṣūkkāh is one’s home for the duration of Sukkot and one acts therein as one does in one’s home. As Rubenstein notes, “Occasional snacking is permitted outside the sukka, just as throughout the year one might snack outside of one’s house. Full meals, however, must be consumed in the sukka, since throughout the year meals are eaten at home.” Thus, commensal regulations for Sukkot directly parallel those followed on nonfestival days.

The comparison between the home and the ṣūkkāh informs the tannaitic decision to abandon the structure should it rain too hard:

All seven days [of Sukkot] a man makes his ṣūkkāh regular [i.e., dwells in it] and his house occasional. [If] rain falls, when is he permitted to empty [the ṣūkkāh]? From the point at which the porridge will spoil. They made a parable: To what is the matter comparable? To a slave who came to mix a cup [of wine] for his master, and he poured the flagon in his face.

(Mekilta d’Rabbi Ishmael Pisha Bo 9 [ed. Horowitz 301–4]; = Mekilta d’Rabbi Shimon b. Yohai at Exodus 12:16 [ed. Epstein and Melamed 18:18–20]) and to honoring one’s father and mother (Mekilta d’Rabbi Ishmael Bahodesh Yitro 8 [ed. Horowitz 231:6–7]).

See Rubenstein, History of Sukkot, 226–227. In addition to eating in the ṣūkkāh, the Tannaim also assume that one does another activity that primarily occurs in the home: sleeping. For a discussion, see Rubenstein, History of Sukkot, 228–229.

133 Although ḥadām is often translated as a generic “person,” I believe that this text refers only to a male person, as implied by the immediately preceding mishnah (m. Sukkah 2:8 [ed. Albeck 2:265], discussed later in this chapter).
Rain on Sukkot “indicates divine displeasure, that God no longer desires his commandment to be carried out. Since God does not want the sukka to be occupied, one may return to the house.”\textsuperscript{135} Although personal discomfort is clearly a concern here, it is interesting that the litmus test for leaving a \textit{sûkkâh} relates to one’s food being ruined.\textsuperscript{136}

The question remains: How does this tannaitic reinterpretation of “proper” Sukkot practice (which is, to reiterate, most likely prescriptive from the perspective of nonrabbinic Jews) function as a social mechanism for enacting and maintaining rabbinic identity?\textsuperscript{137} Although a festival occasion could be used to broaden one’s communal boundaries, the borders around the tannaitic table remain in place on Sukkot. The \textit{sûkkâh} is governed by the same rules as the tannaitic house. For example, as we have already seen in Chapter 3, women, slaves, and minors are exempt from the central obligation of Sukkot, as reinterpreted by the Tannaim: to dwell (i.e., to eat) in the \textit{sûkkâh}.

The treatment of these categories of people therefore accords with tannaitic prescriptions of other commensal encounters. In sum, tannaitic evidence of Sukkot commensality – albeit slender – reinforces the picture drawn from other contexts: the tannaitic table is a locus for the construction of a Jewish, male, and rabbinic identity.\textsuperscript{138}

\textsuperscript{135} Rubenstein, \textit{History of Sukkot}, 232. According to \textit{m. Ta'anit} 1:1 (ed. Albeck 2:331), rain on Sukkot is considered to be a sign of a curse.

\textsuperscript{136} According to \textit{t. Sukkah} 2:4 (ed. Lieberman 2:262), one need not return to the \textit{sûkkâh} until after the rain ceases. Further, a \textit{baraita} on \textit{b. Sukkot} 29a states that one need not return to the \textit{sûkkâh} until after he finishes his meal, even if it has already stopped raining. For a discussion, see Rubenstein, \textit{History of Sukkot}, 232.

A curious datum appears in the midst of a discussion of what constitutes a wall for a \textit{sûkkâh}, \textit{t. Sukkah} 1:8 (ed. Lieberman 2:257–258) mentions that “a man may make his fellow [into] a side-wall, so that he may eat, drink, and sleep.” As a by-product of a theoretical exploration about the number of walls necessary for a \textit{sûkkâh}, a subject of debate among tannaitic and later sources (see Rubenstein, \textit{History of Sukkot}, 223–225), one is tempted to simply dismiss this text as purely scholastic. Although that may be true, this text also mentions the inclusion of another person in a Sukkot meal. Consuming food with a fellow – who oddly constitutes one “wall” of the \textit{sûkkâh} – is, at the very least, a by-product of this arrangement.

\textsuperscript{137} The Amoraim further use the \textit{sûkkâh} to establish a distinct, and privileged, identity. See \textit{b. Avodah Zarah} 2a–3b, in which the \textit{sûkkâh} is used to distinguish between Jews and Gentiles. For a discussion, see Jeffrey L. Rubenstein, \textit{Talmudic Stories: Narrative Art, Composition, and Culture} (Baltimore: Johns Hopkins University Press, 1999), 212–242, especially pp. 233–234.

\textsuperscript{138} \textit{m. Sukkah} 2:8 (ed. Albeck 2:265). Contrast Deuteronomy 16:11, which explicitly mentions the inclusion of women in Sukkot celebrations.
The Sabbath

Looking first at non-Jewish evidence, we find that some first- and second-century C.E. Roman texts note the importance of commensality for Sabbath observance. The two most famous of these accounts, by Persius and Plutarch, highlight the role that wine plays in the Sabbath meal. According to Persius:

But when the day of Herod comes round, when the lamps wreathed with violets and ranged round the greasy window-sills have spat forth their thick clouds of smoke, when the floppy tunnies’ tails are curled round the dishes of red ware, and the white jars are swollen with wine, you silently twitch your lips, turning pale at the Sabbath of the circumcised.

Persius understands the Sabbath meal to involve the ingestion of tunny fish (the largest member of the tuna family) and the drinking of wine. Although later rabbinic sources also suggest the suitability of fish as Sabbath food, there is ample tannaitic evidence for the connection between wine and the Sabbath, as we shall see. Aware of this connection, Plutarch states, “I believe that even the feast of the Sabbath is not

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139 There are also several Greek and Roman texts that believe the Sabbath to be a fast day. The implications of these “witnesses” for understanding antique social history is debated. For references and discussion, see Robert Goldenberg, “The Jewish Sabbath in the Roman World up to the Time of Constantine the Great,” in ANRW 19.1, 414–447 (Berlin: Walter de Gruyter, 1979), 424–425 n. 51, 435 n. 81, 439–441: Louis H. Feldman, Jew and Gentile in the Ancient World [Princeton, NJ: Princeton University Press, 1993], 162–164; Peter Schäfer, Judeophobia: Attitudes toward the Jews in the Ancient World (Cambridge, MA: Harvard University Press, 1997), 89–90. In contrast, even the Therapeutae/Therapeutrides mentioned by Philo, who eat only after sunset during the week, are said to eat – albeit simply – on the Sabbath (De Vita Contemplativa, 37).

140 In the LCL edition, Ramsay renders the phrase “Herodis dies” as “Herod’s birthday.” I have changed the text to a more neutral translation in line with several scholars who suggest that this Latin phrase could also refer to the day of Herod’s succession or to the Sabbath itself. See Goldenberg, “Jewish Sabbath,” 435 n. 83; M. Stern, Greek and Latin Authors, 1:436 n. 179f.

141 Saturae, 5179–184.

142 For references and a discussion, see Feldman, Jew and Gentile, 164; Samuel Krauss, Talmudische Archäologie, 3 vols. (Leipzig: Buchhandlung Gustav Fock, 1910), 110–112, 483–484 n. 514; M. Stern, Greek and Latin Authors, 1:437 n 183. Feldman also notes that “[t]he prominence of fish is attested by tiles from the ceiling of the Dura Europos synagogue which show pictures of fish as part of the Sabbath meal” (Jew and Gentile, 509 n. 99). The only evidence of this connection in the tannaitic corpus that I am aware of is t. Pe’ah 4:8 (ed. Lieberman 1:57, discussed in Chapter 1), which lists the Sabbath provisions given to a poor person as consisting of “oil, legumes, fish, and a vegetable.”
completely unrelated to Dionysus... The Jews themselves testify to a connection with Dionysus when they keep the Sabbath by inviting each other to drink and to enjoy wine.\footnote{Quaestiones Convivales, 6:2. Plutarch’s comments are taken by most authors to be the only positive view of the Sabbath in the extant Greek and Roman corpus (e.g., Feldman, \textit{Jew and Gentile}, 167; Schäfer, \textit{Judeophobia}, 89–90).} The presence of wine at the Sabbath table, which leads Plutarch to connect this practice with the wine god Dionysus,\footnote{On this connection, see Feldman, \textit{Jew and Gentile}, 501–502 n. 16.} therefore seems to be a Jewish practice already known by first- and second-century non-Jewish authors. Further, “[t]he Latin name for the ‘day of preparation’ (i.e., Friday) was in fact \textit{cena pura}, after the Jewish Sabbath–meal. Tertullian (\textit{ad nationes} 1.13) lists the \textit{cena pura} as a distinct Jewish ceremony.”\footnote{Goldenberg, “Jewish Sabbath,” 435 n. 80. Unlike on a festival day, no form of cooking is allowed on the Sabbath. In fact, several tannaitic sources note that “the only difference between a festival and the Sabbath is in the preparation of food alone” (\textit{m. Betzah} 5:2 [ed. Albeck 2:299–300]; \textit{m. Megillah} 1:3 [ed. Albeck 2:357]; \textit{t. Megillah} 1:7 [ed. Lieberman 2:345]).} The enjoyment of food and wine in commensal commemoration of the Sabbath is therefore an experience that we expect to encounter in tannaitic literature. Unfortunately, we do not find much specific information. What we do find, however, is significant. Martin Jaffee summarizes the evidence well, stating:

The Torah of Moses, for example, enjoins Jews to “sanctify” the Sabbath. It offers, however, few explicit instructions on how such sanctification is to be achieved. The Mishnah, for its part, assumes this is done by taking a meal. It records a series of disputes – transmitted by the followers of two early–first century Pharisees named Hillel and Shammai – regarding precisely how to sanctify the Sabbath at the Friday evening meal that inaugurates the holy day. It is done by uttering a blessing called the \textit{kiddush} (“sanctification”). . . .

The disputes of the Shammaites and Hillelites regarding mealtime rituals provided generations of rabbinic disciples with food for thought. For our purposes, the interesting thing is not the theory behind each opinion, but the remarkable assumption shared by both parties. Each assumes that the Sabbath must be sanctified with blessings at a Friday night meal that includes wine. You will look in vain throughout the Torah of Moses for any such requirement. But it is assumed as a firm and noncontroversial fulfillment of a divine commandment to sanctify the Sabbath. The conflict concerns only the details of procedure.\footnote{Early Judaism, 77. For these disputes, see \textit{m. Berakhot} 8 (ed. Albeck 1:28–30).}
In these debates, the Houses of Hillel and Shammai both assume that the Sabbath is marked by a meal that involves a wine blessing and a grace after meals.\textsuperscript{147} Encountering another instance of tannaitically ordained table talk, it is once again apparent how words can affect social separation. Those with whom “We” eat are those who know the rules and the script for “Our” table talk.

\textit{m. Berakhot} 8:8 highlights how tannaitic prescriptions concerning the wine blessing can serve as a social mechanism for inclusion or, possibly, exclusion:

If wine came to [those eating the Sabbath meal] after the meal, and there is only there that [one] cup – the House of Shammai says: “One recites the blessing over the wine, and afterwards recites the blessing over the meal.” But the House of Hillel says: “One recites the blessing over the meal, and afterwards recites the blessing over the wine.” They respond “Amen” after a Jew recites a blessing, but they do not respond “Amen” after the Samaritan recites a blessing, until one hears the entire blessing.\textsuperscript{148}

The blessing of a rabbinic Jew is accepted forthwith; the blessing of a Samaritan – an ambiguous category somewhere between the binary poles of Jew and non-Jew\textsuperscript{149} – is considered guilty until proven innocent. Hence, one must hear the entire blessing before deciding whether or not to endorse it by responding “Amen.” Presumably, if a rabbinic Jew cannot respond “Amen” to a Samaritan’s blessing, then they cannot break bread together. Although (at least scholastically) envisioned at the tannaitic Sabbath table, the tannaitic prescription that reflects initial distrust of Samaritans’ blessing mandates caution when interacting commensally with them.

Besides the information about table talk, tannaitic literature does not contain much explicit evidence for understanding the role that Sabbath commensality plays in rabbinic identity construction. These group gatherings – obviously socially significant events – are not actually discussed in much detail. For example, we find only a fleeting hint about tannaitic

\textsuperscript{147} Wine blessing: \textit{m. Berakhot} 8:3, 8 (ed. Albeck 1:28, 30); grace after meals: \textit{m. Berakhot} 8:7, 8 (ed. Albeck 1:30).

\textsuperscript{148} \textit{m. Berakhot} 8:8 (ed. Albeck 1:30).

\textsuperscript{149} See my discussion earlier in this chapter about Samaritan bread.
Sabbath commensality in a reference to “five associations who observed the Sabbath in one dining room.”150 This particular text refers to Sabbath cooking issues and might very well be scholastic.151 However, the reference to a Sabbath association is tantalizing. Does this function similarly to the previous associations that we have seen?152 Is this a common tannaitic practice? In the end, we are left with more questions than answers.

An interesting contrast to the social separation affected by the table talk surrounding the tannaitic Sabbath table is found in a conversation about tithing food served at the Sabbath meal. If a guest is invited to another’s home for the Sabbath and doubts the tithed status of the food and wine that he will eat there, he can decide prior to the Sabbath to separate out some of the food and wine that he will be served on the Sabbath and declare it as a tithe.153 This legal fiction allows for a leniency, whereby a “proper” tannaitic Jew may eat in the home of one who is, at the very least, less than meticulous about tannaitic law. In this case, the fact that the host is not in complete compliance with tannaitic law does not necessarily prevent social intercourse from occurring. This potentially problematic commensal encounter is mitigated by the recitation of a formula that allows the rabbinic Jew to “control” the situation. As noted earlier in this chapter with regard to commensal relations between habērīm and ‘āmmē ha’āres, although these regulations do not amount to insurmountable obstacles, one must neither ignore nor minimize the fact that they are, nevertheless, obstacles.

150 m. Erubin 6:6 (ed. Albeck 2:108). The word for “dining room,” ṭrāqlin, is clearly related to the Greek triklinion and the Latin triclinium.

151 The question at hand is whether each association needs its own separate ‘ērub (a complicated legal fiction that creates a community and extends the boundaries wherein certain acts otherwise forbidden on the Sabbath can occur). For another example of social food preparation that relates to the Sabbath, see the concept of the communal cooking partnership for the Sabbath and festivals (e.g., m. Erubin 7:6 [ed. Albeck 2:112–113]).

152 It might, as the issue at hand is whether each association needs its own ‘ērub. If so (and both houses agree that it does if it occurs in its own room), then the social logic appears to be that each association constitutes its own community, much as each association constitutes one “house” on Passover.

153 m. Demai 7:1–2 (ed. Albeck 1:89–90); t. Demai 8:4–5 (ed. Lieberman 1:101–102). These texts assume that the host has, however, separated the heave offering. For a discussion, with references, of this text in the Mishnah, see Sarason, Mishnaic Law of Agriculture, 244–246.
The material about the Sabbath is unfortunately too limited to draw significant conclusions.\(^{154}\) I am struck, however, by the fact that, once again, tannaitic table talk appears in a commensal situation. The transformative power of “proper” words and liturgical formulae seems to function as a controlling mechanism for social inclusion and exclusion. This appears to be true even in the case of Sabbath commensality between a “normative” rabbinic Jewish guest and his host who serves doubtfully tithed food. To allow this meal to occur, the guest must recite the proper formula that conditionally designates tithes from the food in question, which he will separate after the Sabbath.\(^{155}\) Although this is not necessarily a case of words spoken at a table, it does (at least) concern words spoken to approach a table. It would seem that, once again, tannaitic literature considers words – as well as the joint partaking of a festival meal – to construct rabbinic identity at the table.

**Commensality and the Synagogue**

The various tannaitic festival meals discussed thus far occur at several locations (e.g., house, sūkkāh). Noticeably absent from locative descriptions of tannaitic commensal encounters is the synagogue. Although *t. Ma’aserot* 2:20 (ed. Lieberman 1:236) allows for, under certain circumstances, the eating of a snack (‘arayy) in a synagogue, a snack does not equal a meal, as we saw earlier with regard to Sukkot, where one was permitted to consume a snack (‘āra’y), but not a meal, outside a sūkkāh.\(^{156}\) In fact, *t. Megillah* 2:18 specifically prohibits eating and drinking within a synagogue:

*Synagogues – they do not behave in them light-heartedly. One should not enter into them in the heat because of the heat, nor in the cold because of the cold, nor in the rain because of the rain. And they do not eat in them, nor drink in them, nor sleep in them, nor stroll in them, nor enjoy themselves*

\(^{154}\) For example, see the (perhaps coincidental) fact that the Sabbath table itself is the setting for two texts that imply the presence of women in a mixed-gender commensal context (*m. Ketubbot* 5:9 [ed. Albeck 3:107]; *m. Shabbat* 23:2 [ed. Albeck 2:70], both discussed in Chapter 3). Whether this suggests that the Sabbath table is a more open, or perhaps simply different, commensal setting remains uncertain.

\(^{155}\) Sarason, *Mishnaic Law of Agriculture*, 244.

\(^{156}\) See *m. Sukkah* 2:4 (ed. Albeck 2:264). *t. Ma’aserot* 2:20 prohibits snacking in a synagogue with living quarters, but allows snacking in one lacking such accommodations.
in them. But, they read [Scripture] and repeat [Mishnah traditions] and expound [on exegetical traditions] in them.\footnote{t. Megillah 2:18 (ed. Lieberman 2:353), emphasis added. In the opinion of some scholars, this tradition is contradicted by m. Zabim 3:2 (ed. Albeck 6:444–445), which uses the expression “members of the synagogue” (bêne hakêneset) in reference, “so it seems, to the haverim who ate their secular food in a state of purity, from which some wish to infer that communal meals were eaten in the synagogue” (Oppenheimer, ‘Am ha-Aretz, 137; for an example of such a scholar, see Chaïm Rabin, Qumran Studies [Oxford: Oxford University Press, 1957], 34). I am reluctant to make this inference for two reasons. First, some manuscripts of the Mishnah simply read “the synagogue” (replacing the word bêne with bê; see Oppenheimer, ‘Am ha-Aretz, 137 n. 61). Although Albeck suggests that this variant could also function as a synonym, I am hesitant to speculate on that which is already speculation. Second, even if this text does refer to “haverim who ate their secular food in a state of purity,” this action is not explicitly said to occur in the synagogue. Further, one anonymous reader raised the possibility that t. Megillah 2:18 preserves a minority opinion, wherein the synagogue is “holier” than a dinner table. I do not find this suggestion compelling, because the relevant statement – and, in fact, the entire pericope – is presented in an anonymous, authoritative voice; it is not attributed to a single rabbi, as one might expect with a minority opinion.}

Eating and drinking appear among a list of tannaitically prohibited synagogue activities. In contrast, learning and discussing Written and Oral Torah are permitted to occur in a synagogue. Interestingly, the role that these “serious” activities play as suitable topics of discussion at the tannaitic dinner table is not considered. It would seem that table talk makes the meal serious, but not serious enough for the synagogue.\footnote{Appropriately, amoraic literature understands the concept of “if you cannot beat them, join them,” as several texts clearly allow dining in the synagogue. For references, see Lee I. Levine, The Ancient Synagogue: The First Thousand Years (New Haven, CT: Yale University Press, 2000), 369.}

However, it is important to keep in mind the apparent prescriptive nature of this toseftan tradition. As Levine notes:

This source is often mistakenly quoted as an indication of what did not take place in the synagogue. In reality, however, it indicates what was actually happening in the synagogue and that to which the rabbis objected; whether or not the sages were effective in influencing this objectionable behavior is another issue. As of the time of the above statement, at least, the objectionable practices were still very much part of synagogue activity and inspired the above apodictic declaration. By focusing on what the rabbis wished to prohibit, we may gain a clearer idea of how, in fact, many synagogues were then functioning.\footnote{Ancient Synagogue, 179. Similarly, see Matthew J. Martin, “Communal Meals in the Late Antique Synagogue,” in Feast, Fast or Famine: Food and Drink in Byzantium, ed. Wendy Mayer and Silke Trzcionka, 135–146 (Brisbane: Byzantina Australiensia, 2005).}
It seems that this practice, among others, is proscribed in an attempt to assert authority over a domain of which the Tannaim did not have as much control as they would like (nor as much as they would like us to believe they did). In the ideal synagogue populated by rabbinic Jews, it seems, meals would not occur; unfortunately for the Tannaim, the extant evidence suggests that the majority of synagogues did not adhere to this rabbinic practice.

The evidence in support of meals occurring in the synagogue both prior to and contemporary with the Tannaitic period is suggestive. The Theodotos inscription, which many scholars date to the first century C.E., describes a Jerusalem synagogue built “for the reading of the Law [i.e., Torah] and the study of commandments, and a guesthouse and rooms and water installations for hosting those in need from abroad.” The stated role as a hostel certainly suggests the presence of eating and drinking. Further, Josephus refers to an edict by Gaius Caesar that allows Jews...
to assemble (sunagesthai) and hold common meals (sundeipna), assumed by scholars to imply the presence of communal meals in the synagogue.\textsuperscript{163} Comments made by Origen and John Chrysostom also seem to support the prevalence of meals at the synagogue in antiquity.\textsuperscript{164} Finally, other archeological remains may indicate the presence of synagogue-based meals, including triclinia.\textsuperscript{165} However, the dates assigned to various strata are often contested and the recent trend in scholarship seems to be to continually date these finds to later centuries than were previously thought.\textsuperscript{166} Thus, although this is certainly the case for Amoraic-period synagogues, their presence in the Tannaitic period is, at this point, hotly debated.\textsuperscript{167}

Extant material remains and external literary witnesses suggest (although, admittedly, sometimes circumstantially) that commensality has a place in the Tannaitic-period synagogue. As at least \textit{t. Megilla}h 2:18

\textsuperscript{163} \textit{Jewish Antiquities}, 14:214–216. For examples of scholars who make this assumption, see Gruen, \textit{Diaspora}, 117; Zetterholm, \textit{Formation of Christianity}, 40. Although this connection is not explicit, the use of the verb “assemble” (sunagesthai) is quite suggestive. However, as Schwartz is careful to note in regard to \textit{Jewish Antiquities} book 14, “[r]emarkably, the most commonly mentioned ritual activities are neither prayer nor sacrifice but common meals and fund-raising. Torah reading is not mentioned. If these documents are taken seriously, they show that even in places where the Jews constituted ethnic/religious corporations, the corporations were not in every case synagogue- and Torah-centered, though they were in some places” (\textit{Imperialism}, 221). Many scholars point to the similarity between these activities and those said to occur in contemporary “Pagan” temples (e.g, Levine, \textit{Ancient Synagogue}, 131, 179 n. 64; Zetterholm, \textit{Formation of Christianity}, 40). Further, I leave aside the question as to the extent of the presence of non-Jews in synagogues (see Cohen, \textit{Beginnings of Jewishness}, 55 n. 119; Zetterholm, \textit{Formation of Christianity}, 40).

\textsuperscript{164} For references to and discussion on the corroborative statements made by these Church Fathers, see Levine, \textit{Ancient Synagogue}, 272–274; Martin, “Communal Meals,” 140.

\textsuperscript{165} For references, see Levine, \textit{Ancient Synagogue}, 179, 369–370.

\textsuperscript{166} As Schwartz notes, “In the last two decades, however, the traditional chronology of the ancient synagogue has collapsed. It seems unlikely that any post-Destruction [i.e., post-70 C.E.] Palestinian synagogue whose remains survive much predates 300 C.E.” (\textit{Imperialism}, 135). Jodi Magness, in particular, has argued in favor of later dates for Palestinian synagogues (e.g., “When Were the Galilean-Type Synagogues Built?,” \textit{Cathedra} 101 [2001]: 39–70 [Hebrew]; and “The Question of the Synagogue: The Problem of Typology,” in \textit{Judaism in Late Antiquity, Part Three, Where We Stand: Issues and Debates in Ancient Judaism. Volume Four: The Special Problem of the Synagogue}, ed. Alan J. Avery-Peck and Jacob Neusner, 1–48 [Leiden, the Netherlands: Brill, 2001]).

\textsuperscript{167} For references to commensality in Amoraic-period synagogues, see Ben-Zion Rosenfeld and Joseph Menirav, \textit{Markets and Marketing in Roman Palestine}, trans. Chava Cassel (Boston: Brill, 2005), 225–226.
indicates, this practice is not wholeheartedly endorsed by the Tannaim, who seek to prohibit such meals from occurring as part of a larger attempt to exert control over the synagogue; however, they lack (at this time) the authority to prevent the occurrence of synagogue-based meals.\footnote{168 On the limits of rabbinic authority at this time, see Schwartz, Imperialism, 103–128.} In the midst of a tannaitic attempt to stake an authoritative claim over activities in the synagogue, we once again encounter a situation in which the Tannaim seek to introduce innovative practices in an effort to construct a different identity.

**JEWISH MALE RABBINIC IDENTITY: CONCLUSIONS**

Jonathan Z. Smith reminds scholars of the history of religion to search out difference, because “[d]ifference is rarely something simply to be noted; it is, most often, something in which one has a stake. Above all, it is a political matter. . . . [It] most frequently entails a hierarchy of prestige and the concomitant political ranking of super-ordinate and subordinate.”\footnote{169 “What a Difference a Difference Makes,” in “To See Ourselves as Others See Us”: Christians, Jews, “Others” in Late Antiquity, ed. Jacob Neusner and Ernest S. Frerichs, 3–48 (Chico, CA: Scholars Press, 1985), 4, 5.} Difference makes all the difference.

Although nonrabbinic Jews remain classified as Jews in tannaitic literature, they are distinguished from rabbinic Jews and marked as “Other” in these texts. In this chapter, I have argued that the Tannaim create difference between rabbinic and nonrabbinic Jews in part via four food practices. First, they develop a distinct rabbinic cuisine and foodway and connect the consumption thereof with the construction of a rabbinic identity. Second, the Tannaim expand the biblical purity system to employ it as another mechanism by which culinary and commensal practices establish a distinct Jewish, male, and rabbinic identity. However, even though purity issues – which are concerned solely with interactions between Jews, and not non-Jews, in this context – problematize many social encounters, they do not necessarily prohibit all table-based social intercourse. Although food practices form distinct identities, these need not be completely isolated identities. Third, they once again correlate the status of food and the status of its cook, suggesting a predictable analogy.
between tannaitic food regulations and desired social relations. Fourth, the Tannaim reinterpret festival rules to exclude nonrabbinic Jews from the tannaitically defined “proper” observance of these festivals. Unable to “properly” engage in festival practices, these nonrabbinic Jews are thus marked as an “internal Other” vis-à-vis the Tannaim.

By establishing culinary and commensal regulations that require different social practices for rabbinic Jews, the Tannaim create difference. This difference results in a distinctly rabbinic identity; yet these differences are almost certainly prescriptive. For example, we should not assume that every Jew in third-century C.E. Palestine observed – let alone was aware of – the rabbinic prohibition against consuming meat and milk together found in *m. Hullin* 8:1.\(^170\) Although this behavior marks this Jew as different, it does not mark him as a non-Jew. However, he is still different. A meal of meat and cheese, which was once unworthy of comment, is now “hermeneutically marked” for social difference.\(^171\)

Further, it is important to remember that prescriptive discourse is an attempt to control a situation. Thus, even when the Tannaim create leniencies allowing for social and/or economic interactions between *ḥabērîm* and ‘*ammē hā’âres,* for example, the nature of that intercourse has been recast. These rules ensure that at every moment rabbinic Jews remember with whom they are engaging in culinary and commensal interactions. Often, the Tannaim used specific words and formulae to affect this control, including required blessings for animal slaughter and a formula to conditionally designate tithes for Sabbath commensality. However, as the data concerning commensality in the synagogue suggest, scholars must remember that these attempts to control are often prescriptive; they do not necessarily describe the practices of all Jews in Roman-period Palestine.

Although the emerging difference between rabbinic and nonrabbinic Jews does not inevitably present an insurmountable obstacle in the path between the table of one and the table of the other, it is an obstacle nonetheless. As time elapses and different practices continue to reify


difference, the borders of one table are distanced more and more from the borders of the other. And as the amoraic evidence indicates, this trend of differentiating the rabbinic from the nonrabbinic Jew would continue, expanding greatly over time.\footnote{See Freidenreich, Foreign Food, 177–214.}