Inclusion and Exclusion in the Mishnah: Non-Jews, Converts, and the Nazir

Calvin Goldscheider

Abstract

Exclusion from a community almost always implies the continuity of both cultural preservation and social inequalities within that community. In Judaism, exclusion and inclusion as constructed by the Mishnah reinforces the distinctiveness of the Jewish community. The Mishnah imagines a community that is not homogeneous, by not being exclusively Jewish and by not being completely “holy.” Is it relevant to understanding the community to know who is included and excluded in the community that the Mishnah constructs? To help in addressing cultural and inequalities issues, this study assesses how the groups that are included fit into the social class and communal hierarchy of the community. An outline is developed of the differential social and religious obligations of those who are included, the “in-group” and those excluded, the “out-group.” In so doing, it is possible to highlight that exclusion for the out-group does not necessarily imply exclusion on all dimensions: some exclusions are temporary and others are more permanent; some deny access to resources and others do not. Understanding better the existing emphasis on inclusions and exclusions directs analytic questions to identify how generational continuities are conceptualized and what are the possibilities of transition to inclusion among those who had been excluded. Our illustrative focus is on two core “ideal typical” types—the Nazir and the Non-Jew—who are at opposite ends of the exclusion spectrum.

All communities have social and physical/geographic boundaries. They may be relatively open or closed, porous or rigid, and temporary or permanent. Some boundaries define a local community or region; still others control the continuity of castes, social classes, or religious/ethnic groups by structuring social interaction and, in turn, acceptable marriages. Social boundaries protect and separate those inside from those outside and vice versa, defining groups that are included and groups that are excluded from the broader community. When community formation is studied, we seek to know how those groups who are in power within the community define both exclusion and inclusion relative to their community, and, thereby, reinforce community cohesion and solidify their social boundaries. The balance of exclusion and inclusion shapes continuity and influences cultural change from outside the community and from sub-communities inside. Who is included and who is excluded in the Jewish community, therefore, are questions whose answers help us to understand the shape and the boundaries of membership of that community. This paper explores some groups that are excluded from the community as constructed by the Mishnah. Exclusion almost always implies social inequalities within a total community as well as cultural preservation. How included groups fit into the social class and communal hierarchy of the community will also be assessed. In exploring and making clear potential ways that exclusion matters, an outline of the differential social and religious obligations of the in- and out-groups is
developed. As my study of the Mishnah on these topics progressed, it was evident that the exclusion of persons on some dimensions of social life did not necessarily imply exclusion on all dimensions: certain exclusions were identified as partial; others as more thorough/complete; some were temporary and some were more permanent; and, finally, some denied access to resources while others did not.

The study of inclusions and exclusions directs analytic questions beyond how the Mishnah constructs social differentiation to identify how generational continuities are conceptualized—that is, who are the people that remain excluded over time, what are the possibilities of their transition to inclusion from a prior exclusion state, and how is exclusion transmitted generationally (these are basic micro-level questions). In addition, the dynamics of inequality are assessed as a consequence of exclusion—how differences between groups are projected to change over time and, more broadly, what are the changes in the openness of communal boundaries (these are macro-level questions). A focus in this essay is placed on a variety of exclusions that are explicitly discussed in the Mishnah, how some of those excluded are able to transition to the community and are (re-)integrated. In turn, the question of the implications of exclusion for the character of the community is addressed. The discussion of exclusion in the Mishnah is treated as part of the social construction of an ideal or imaginary community rather than a description of reality. One of the goals in this article is to infer some aspects of social and cultural cohesion (i.e., what binds members of the community together) through identifying the macro- and micro-parameters of exclusion.

In examining relevant Mishnah texts, there are many types of exclusion constructed and accompanying different degrees of exclusion described, as well as multiple ways in which those excluded can be re-integrated into the community. We begin with two core types—“ideal-typical” in the Weberian sense—each at opposite ends of the exclusion spectrum. The first major type of exclusion is voluntary as well as temporary and represents a minimum type of exclusion. We shall define this type as “voluntary self-exclusion” and illustrate it as among those who take a vow to abstain from wine and wine products, who refrain from cutting their hair (allowing their hair to grow long and wild), and who withdraw from having any contact with dead persons (so as to avoid impurity). These Jewish persons are referred to as Nazirites (Hebrew: Nazir [male, sing.], Nezirim [male, pl.]; Nezinah [female, sing.], Nezirot [female, pl.]). They exclude themselves voluntarily, and, often temporarily, from selected activities in the community, perhaps as an attempt to express a greater sense of the sacred. By inference, the community as a whole includes, all other things being equal, individuals who do not abstain from wine or who do trim their hair or are not constrained in their contact with deceased persons (and in general with impurities). Also, becoming a Nazir requires intention, thus, a subjective element to the process; it does not occur automatically nor is it defined only by external and behavioral criteria.

At the other extreme, the second type of exclusion is more obvious and is involuntary—these are non-Jews or non-Israelites (often referred to as Nochrim or Goyim), who are excluded from various but not all aspects of Jewish community life. Unlike the Nazir, they are excluded from almost all religious or ritual activities that signify Jewishness. We will explore the variation within each of these categories and how members of excluded groups can become part of and participate in the community. It is important to note here that there are other kinds of exclusion impacted by particular contexts: women, children, the disabled, those whose gender is indeterminate, and servants. While excluded from some religious and social activities, these excluded persons remain fully functional parts of the diversity of social roles in the general community. The Mishnah views these “contextual exclusions” (excluded only for particular
and specified activities vis-à-vis the aforementioned societal position or gender) as integral to the ongoing activities of the community, even if they are not involved in all the obligations (and privileges) of communal membership. They are mainly excluded from selective rituals and religious activities, often for lengthy parts of their life course.

**VOLUNTARY SELF-EXCLUSION: NAZIRITES**

We begin at the minimal end of exclusion by focusing on these Nazirites: members of the community who, in various ways, exclude themselves from some activities, often for a limited period of time. These are Israelite men and women who take upon themselves vows of asceticism—or Nezirut. The moral position taken by the Mishnah that one should not separate oneself from the community (Avot 2, 4) refers by inference to “complete” separation. Those who exclude themselves in specific and limited ways with the goal of being more committed to achieving a life of greater holiness remain part of the community. Unlike the priests, who are viewed as more holy and of higher social status than non-priests (or more involved in activities that are defined as sacred) and have specific economic roles based on family inheritance (tribal origin or through marriage), the Nazir and Nezirah belong to a category of persons who voluntarily separate themselves out from some normal activities of communal life. They add another dimension to the social class hierarchy based on prestige, education, occupation, and economic resources.

There is an entire Mishnah tractate (Nazir) devoted to a definition of Nezirut. Based, in part, on biblical references to the Nazir (see, in particular, the Book of Numbers, chapter 6), and in the Samson stories (see the Book of Judges, chapter 13), the Mishnah specifies what the biblical account omits: how one becomes a Nazir and a Nezirah in the context of vows or commitments taken orally. In the Tractate Nazir, there is an emphasis on the process of taking a vow or verbal commitment to designate oneself a Nazir or Nezirah. There is almost nothing directly in the Mishnah that specifies why one makes such a vow or commitment. The Nazir is discussed mainly in terms of process and prohibition; that is, this is how one becomes a Nazir, specifying the prohibitions of that status and its various durations. There is no justification or rationale given for the status of Nezirut. The Mishnah does not ask why one becomes a Nazir or explain the goals of becoming Nezir or detail whether by way of such a status the Nazir attains some new position within the social hierarchy of the community. Perhaps, at the time of the Mishnah, the motivation behind becoming a Nazir was so well understood that the Mishnah did not need to specify motivation or goals. In simpler words, a straightforward reading of the mishnaic text takes the motivation behind becoming a Nazir for granted.

The Mishnah assumes that there are Israelites who make such vows and that abstention from three types of communal/social participation—drinking wine, hair cutting, and taking care of the deceased (with its associated ritual defilement)—are legitimate paths to greater holiness, a desideratum. Only indirectly does the Mishnah note the special “holiness” of the Nazir: the focus is on “becoming” a Nazir, the seriousness of making such a commitment (or a vow) and what that commitment entails in terms that imply some communal separation. The Mishnah spells out the length of time for self-exclusion that the Nazir status implies and for some, the temporary nature of the Nazirite status. It further specifies the ritual paths back to full engagement with the community. In addition, the Mishnah clarifies how the vow undertaken by the Nazir can be nullified. Therefore, the clear implication is that the status of the Nazir (and the Nezirah) is voluntary and not ascriptive, and for the most part temporary.

The key set of discussions in the Mishnah focuses on selective social restrictions of the Nazir and includes abstention from wine,
grapes, and intoxicating liquors; refraining from cutting the hair on his or her head; avoiding contact with corpses and graves, even those of family members; and avoiding any structure that contains an impurity or contaminant. Of the three constraints imposed on the Nazir, the most problematic one is the restriction on defilement. For example, taking the vow of Nezirut in areas outside the Land of Israel would automatically result in a status of defilement, since it is assumed that non-Jews are not particular about burying their dead in marked places and, thus, anyone living there is assumed to be exposed to defilement (Nazir 3, 6).

There is no indication in the Mishnah that the Nazir abstains from marriage or intimate sexual relationships or lives in areas segregated from the community or performs religious ritual activities assigned specifically to the Nazir role, except when ending his period of Nezirut. The Nazir is not exempt from religious rituals that are the obligations of everyone in the community, nor is the Nazir enjoined to live without family or work obligations. Thus, there are narrow restrictions self-imposed by the Nazir and limited (but perhaps conspicuous) markers that differentiate the Nazir from other Israelites. For the most part, this voluntary and temporary status does not interfere with most of the personal and communal obligations and responsibilities of Israelites of the remaining community.

It is obvious from the Mishnah that self-exclusion for selected features of Jewish community social life was an acceptable practice among Jews, according to the Mishnah. The Nazir did not live in a separate community of other Nezirim, nor is the status of the Nazirite portrayed as an ideal. Some considered the Nazir a “sinner,” since he/she was separated from some but certainly not all the normal pleasures of communal life (one of the animal sacrifices brought in the transition from the Nazir status is the sin or guilt offering—the Karbon Hatat). The Mishnah apparently could not eliminate or ignore the Nazir and Nezirah from its constructed community since both are mentioned explicitly in the Torah, along with the three rules of exclusion (abstention from wine, hair cutting, and ritual defilement). These self-imposed restrictions are temporary for a minimum of a month, and there are explicit rituals to reintegrate the person as a full functioning person in the community. The reentry of the Nazir into the community requires the bringing of animal sacrifices that at the time of the Mishnah (post-destruction of the Temple) were not possible. So, the discussion in the Mishnah is in large part academic and perhaps the actual extent of Nezirut was minimal. More likely, the category was limited to long-term Nezirut (well beyond the minimum of 30 days) since there were no obvious ways to make the transition back to full communal participation without the ritual of animal sacrifices in the Temple. Nevertheless, the constraints on the Nazir were not designed as a form of complete isolation, seclusion, or segregation from the broader community.

**NEZIRUT IN THE MISHNAH**

Let us examine more closely how the Mishnah proceeds to define and identify different Nazir types. The first mishnah in the first chapter of the Tractate Nazir deals with declarations about being a Nazir when a person does not actually say, “I want to be a Nazir” but says, “I want to be like that person who is a Nazir” (or like that person with a particularly long [wild] hair growth—a sign of Nezirut, a statement that is indicative of the intention to become a Nazir). With some exceptions noted in the Mishnah, becoming a Nazir requires the explicit intention of the individual. And the Nazir makes a vow indicative of a serious statement of intent.

Only by inference does the Nazir acquire a greater sense of holiness or a stronger commitment to God. The greater “holiness” associated with the Nazir status is noted in the biblical text (the word “kodesh,” or holy, occurs four times in the 21-verse sequence dealing with the Nazir...
in the Book of Numbers). The significance of that holiness for activities or for ranking within the community is not elaborated on in the Mishnah except to note the prohibition against becoming impure (Tameh). It is unclear what the additional level of holiness means in the defining quality of the Nazir in the Mishnah.

There are three types of Nazirites (Nazir 1, 2–3): First, there is a temporary or a minimum time-based Nazir as someone who makes a declaration of being a Nazir for an unspecified time period or a limited period of time. The minimum period of time for being a Nazir would last for 30 days or for a longer period when specified by the Nazir. A second type of Nazir is based on a declaration of being a Nazir like Samson, a Nazir from birth—a lifelong Nazir. A final type of Nazir is a “Nazir Olam”—a Nazir forever—all his/her remaining life. The Mishnah deals with distinctions between the last two types. A Nazir like Samson (essentially designated by others from birth by God or an angel—but not self-designated) never cuts his/her hair and never drinks wine but can be in contact with the dead, a source of uncleanness (as the case with Samson). In contrast, a Nazir Olam designates him/herself a Nazir for the rest of his/her remaining life and can cut his/her hair every 12 months but does not drink wine or wine products. If that type of Nazir has contact with the dead, he/she must bring a special animal sacrifice, and must also bring a special sacrifice to the temple when trimming his/her hair. The point is that Samson was not a complete Nazir since he made no Nazir vow; the commitment was made for him. There was no intentionality in Samson’s case. A complete lifelong Nazir requires intention. All these types relate to the way the commitment to Nezirut and to the process of becoming a Nazir is made along with the language that is used in the context of making a Nazir vow or a commitment. In the process of specification, the Mishnah modifies some of the biblical restrictions for some types of Nazirites.

The importance of intent and the self-definition of Nezirut are clear from the case of someone who said, “I will abstain from drinking wine.” That person becomes a temporary Nazir, for the declaration is the formula for a Nazir vow. If, however, he was drunk, his statement can be dismissed since it did not imply that he consciously intended to become a Nazir. The same process applies equally for men and for women (Nazir 2, 3; 4, 1–3).

There are only indirect indications in the Mishnah that becoming a Nazir implies a commitment to greater than normal holiness. A Nazir is compared in his/her “holiness” to a Kohen (someone of the priest caste), as is picturesquely stated in Nazir 7, 1:

A High Priest (Kohen Gadol) and a Nazir should not deal with the burial of deceased relatives so as to avoid uncleanness. But they may do so for a neglected corpse [which would be a special obligation requiring burial]. If the High Priest and a Nazir were traveling together along the road and found a neglected corpse—Rabbi Eliezer says, let the High Priest contract corpse uncleanness [because he does not have to bring an animal sacrifice on account of his uncleanness] but the Nazir should not [since he has to bring an animal sacrifice to transition from his uncleanness]. The Sages disagree with this position and suggest that the Nazir [will] contract corpse uncleanness [since his holiness is temporary] but not the High Priest [since his sanctity is permanent].

Thus, according to the Mishnah, both the Nazir and the High Priest have a special holiness, and there is a dispute as to who has a higher degree of holiness, at least as defined in terms of ritual uncleanness. That is, they have different types of holiness that require different forms of transition from ritual uncleanness. And in contrast to the Nazir, the Kohen has permanent holiness. Unlike a Nazir, a Kohen (even a regular—lower level—Kohen, not just the High Priest) is so designated from birth and conveys his status to his children generationally; a Nazir cannot convey his Nezirut status to his children (Nazir, 7, 1). By inference, the hierarchy in the
community constructed by the Mishnah leaves the Kohen in the top position within the status system, and the Nazir is the next ranked status, but only on a temporary basis.

This comparison between the High Priest and the Nazir indirectly poses the question of whether a Kohen can become a Nazir. The Mishnah, in another tractate (Makkot 3, 7–8), refers to “Kohen V’Nazir”—a priest who is a Nazir—in the context of the multiple penalties for violating the rules of impurities. A person who has the status of both a Nazir and a Kohen violates separate rules of impurity; the question raised by the Mishnah is whether the penalties for such violations are combined and overlap or are additive. While the Mishnah does not elaborate on this particular status combination, it obviously considers being both a Nazir and a Kohen a theoretical possibility. A person who has the status of both a Nazir and a Kohen violates separate rules of impurity; the question raised by the Mishnah is whether the penalties for such violations are combined and overlap or are additive. While the Mishnah does not elaborate on this particular status combination, it obviously considers being both a Nazir and a Kohen a theoretical possibility. There appears to be no special class or hierarchical status associated with this Kohen-Nazir combination. We do not know that such a person has a higher or different status than either a Kohen or a Nazir separately. The combination of priest and Nazir is parenthetical in the Mishnah, and the hierarchical ranking of the Nazir relative to priests remains disputed in the Mishnah.

Nazir status is not restricted to adult men. The general principle is laid out in summary form in the last chapter of the Tractate Nazir (9, 1): women and slaves can become Nazirites but non-Jews cannot. Women cannot be forced into Nezirut but servants can.

The Mishnah contrasts the Nazir context of women and slaves: a master can force his slave to take a Nazir vow, but a husband cannot force his wife to become a Nezirah (Nazir 9, 1). As with other vows, depending on the context, a husband can nullify the vow of Nezirut made by his wife when he first learns of her making such a vow. When the husband nullifies the Nazir vow of his wife, she is completely free from her vow to become a Nezirah. In contrast, a master cannot nullify the Nazir vow of his servant and the servant has to complete his Nezirut when he is freed.

The Mishnah also raises two issues associated with the Nazir: can others designate a Nazir and can others fulfill the obligation of Nezirut made by someone else? These questions are discussed in the context of generational issues. A son who is under age (less than 13 years and a day) can be made a Nazir by his father, so long as he or his relatives accept that status and do not protest. But a child’s mother cannot designate her son to be a Nazir (Nazir 4, 6). The Mishnah does not provide any justification for this distinction by gender. Furthermore, a son can end the Nezirut vow of his deceased father (by bringing a sacrifice and cutting his hair in lieu of his father), but a daughter cannot substitute for her father or mother in this way. The generational substitution occurs only if both the son and father had been Nezirim and the father is deceased. A woman cannot carry out the Nezirut transition of her father (Nazir 4, 7), but it is unstated whether she can carry out the Nezirut obligations of her mother.

Despite the Mishnah’s explicit position that a mother cannot designate her son as a Nazir, an example is presented of a mother (Hannah) who made her son (the prophet Samuel) a Nazir from birth (Nazir, 9, 5). Samson’s Nezirut is also in this category. The question of who may nullify the Nazir vow (whether the court or a Rabbi or husbands or fathers, as in the case of a woman or a minor) is left ambiguous. According to one Mishnah text, a Hacham, a learned person, can nullify the vow of Nezirut if the original commitment was done by error or by ignorance. In that case, no animal sacrifice would be necessary to make the transition back to the community (Nazir 5, 3–4). The details of the transition back to full participation in the community, including shaving, drinking wine, and bringing three sacrifices for various components of Nezirut, are presented in chapter 6 of the Tractate Nazir.

A woman can become a Nezirah directly by self-designation (Nazir 4, 1–3). The Mishnah (Nazir 2, 6) reports a story about Queen Helena (d. 56 CE) who became a Nezirah for either
Inclusion and Exclusion in the Mishnah: Non-Jews, Converts, and the Nazir

14 or 21 years (depending on two opinions cited in the Mishnah) from the time she began this period while living outside of the Land of Israel. The story does not report anything about her hair but does make clear that a woman cuts her hair when she has completed her time of Nezirut (Nazir 4, 5; 6, 11). The text also does not specify issues of impurity, perhaps given that she, like all women, was impure during menstruation. From Nazir 2, 3, it is understood that she is obligated not to drink wine.

The story of Helena raises directly the question of how one becomes a Nazir outside the Land of Israel, but it is likely that one would have to re-start the timing of Nezirut when returning to the Land of Israel. Being outside the Land of Israel always assumes that there is contact with defilement of dead persons; only in the Land of Israel can one be in a state of purity (Nazir, 3, 6) and be able to bring the necessary animal sacrifices to return back to the community upon the conclusion of the Nezirut period. So, one cannot become a Nazir or begin the time of Nezirut outside of the Land of Israel.

Overall, the actual extent of Nezirut is unknown; in many ways, the Mishnah must deal with the possibility of Nezirut and the process of becoming a Nazir, since the Torah text is so explicit. Two features of the mishnaic discussion need emphasis: (1) So long as the Torah notes the role of the Nazir, the Mishnah has to unpack the various processes associated with what is not explicit in the Torah; and (2) The discussion in the Mishnah appears to be mostly theoretical, as the particular roles of the Nazir (and for that matter the role of the priest) at the time of the writing of the Mishnah is mainly “imagined” rather than being an obvious presence in the society. Reinforcing this view is the reality of the difficulty of transition from the status of Nazir in the absence of the Temple and its related sacrificial system. Perhaps there is a general reluctance of the Mishnah to reinforce the role and status of ascetics, given that they were a more common feature of Christian than Jewish society.

In summary, the sociologically interesting themes about the self-exclusion of the Nazir in the Mishnah are as follows: The process of becoming a Nazir is the same for men and women, but there are gender differences in power that men may nullify the Nazir vow of their wives but women cannot nullify the vow of their husbands. Similarly, mothers cannot designate their sons to be a Nazir but fathers can. A Hacham (a learned man) has the power to nullify the Nazir vow of women, substituting for husbands and fathers. The rules of Nezirut vary by whether the vow takes place in or outside the Land of Israel. The text of the Mishnah does not clearly specify why anyone becomes a Nazir but, instead, focuses only on the process of becoming a Nazir. Implicit in the Mishnah is that the Nazir and the Kohen are in high-status positions in the community, and it appears that the Kohen has a somewhat higher status than a Nazir. Only Jews can take on becoming a Nazir. Intention to become a Nazir is critical, with some obvious exceptions. There are processes of transition back from being a Nazir, but without animal sacrifices (in the absence of the Temple), the transition back to normal status is problematic. Together, these characteristics suggest that the Nazir role as constructed by the Mishnah remains for the most part a regular participant in the community. The boundaries of the constructed community in the Mishnah are flexible enough to allow temporary, self-imposed restrictions accepted by Nazirites and the inclusion of persons previously excluded from some communal activities. Except for the prohibitions of Nezirut, there are no stated positive religious rituals that the Nazir is obligated to carry out.

THE EXCLUSION OF NON-JEWS

In contrast to the various types of Nezirim that are rather marginal in their influence on the social organization of the community that the Mishnah constructs, the exclusion of non-Jews is critical for positive cohesion of the
community. Some specific non-Jewish groups are excluded based, in part, on biblical injunctions. Members of specific non-Jewish (or non-Israelite) ethnic groups—Amoni and Moabite males—are never permitted to enter the community; female Amonites and Moabites (after conversion), however, may enter the Jewish community (Yevamot 8, 3). Male and female Egyptians and Edomites are restricted from entering the Kahal (community) for three generations. (Some communities permit women, Egyptians or Edonites, to enter immediately). Netinim (defined as Samaritans) and Mamzerim (usually defined as the children of adulterous or prohibited sexual unions) are also excluded from the community.

These exclusions involve entire ethnic groups rather than designated individuals as in the case of Nezirim. The social system conceptualized by the Mishnah specifies the nature of these more complex exclusions: These are more or less permanent exclusions, from which it is difficult to transition into the Jewish community, and are not a consequence of individual intent. They are what social scientists would designate as “group exclusion based on ascription or ethnic origin.” The sharpest, most defined exclusion is that of the subset of non-Jews who are defined as Ovdei Avodah Zarah—idol worshippers, or pagans.

The Mishnah expounds on the biblical prohibition against Avodah Zarah—idol worship—by focusing both on issues of worship and on social and economic relationships/interactions of Jews and non-Jews. Idolatry is one of the most severe prohibitions in the Torah, repeated in the Ten Commandments and many times throughout the Torah. The prohibition includes the belief and worship of all deities except the One God, whether on their own or in concert with God, whether the “items” of worship are perceived as spiritual, as natural forces, or as animals. Any worship of these deities, whether worshiping the concept, the thing itself, or a representative object, is forbidden as idolatry. The severity of this prohibition reflects the conflict between idolatry and the core Judaic belief in a single God who rules over all things. The Torah intensely emphasizes refraining from idol worship and the need to destroy idols, to distance oneself from them and from their adherents in a variety of ways (Lev. 18:3).

The Mishnah adds further limitations whose purpose is to discourage interaction with those who are involved in idolatry or with objects, or both, that may be used in worshiping idols.

The severe penalty for idol worship is spelled out in the Mishnah (Sanhedrin 7, 4 and 7, 6–7) including the specification of what “worship” encompasses. For a variety of types of worship, for example, a person who brings an animal sacrifice to an idol or offers incense commits a capital crime and is liable to receive a punishment of death by stoning. But when one is “involved” with an idol, even to the extent of kissing the idol or washing/cleaning it, that person transgresses a negative commandment—but is not liable for the death penalty, since that is not how idols are worshiped (Sanhedrin 7, 6). Thus, the Mishnah indicates a range of practices that is included in the definition of worship, suggesting that some of these lesser practices were, in fact, carried out. Some worship violates the core prohibition against idolatry and deserves by mishnaic decree the severest penalty; other forms of interaction do not. Our interest here is to examine the ways in which the Mishnah constructs the idolater (one type of “non-Jew”), so as to exclude him/her from the Jewish community.

**NON-JEWS IN THE MISHNAH**

There is an entire tractate devoted to Avodah Zarah, including five chapters and 50 mishnayot. Technically, there is no specific tractate on the broader category “non-Jews,” but the tractate on idolatry and idolaters reveals a great deal on the topic of the exclusion of non-Jews. In large part, we argue that understanding the type of exclusion associated with idolaters (a subset of non-Jews), allows assumptions of
some aspects of inclusion for the broader category of non-Jews, many or most who are not idolaters. This is particularly the case for those persons of the community who themselves are not part of the specific religious or ritual dimensions of its social life.

Along with women, slaves, and some persons defined as socially vulnerable—the deaf, the mute, and minors—non-Jews were excluded from the rights and obligations of full participation in the Jewish community constructed in the Mishnah. The status of the non-Jew in the Jewish community is complicated by the specification of types of non-Jews, their relative segregation, and their transition through conversion to the Jewish community. While the entire tractate of Avodah Zarah deals with the non-Jew in the context of idolatry, the rules of exclusion of non-Jews appear in many other tractates of the Mishnah. The category “non-Jews” is multi-dimensional, with various types of non-Jews specified in the Mishnah. There are “Goyim,” “Nochrim,” and a general category of non-Jews and idol worshipers. The Mishnah specifies somewhat different laws for each category, although not always clearly. Most important is the social distance or segregation that the Mishnah describes as a basis for controlling the interactions of Jews and non-Jews, so as to retain the integrity of the community as Jewish and to avoid a more severe violation of the Torah prohibition of worshipping idols.

The focus of the Tractate Avodah Zarah is on the need to distance oneself from idol worship and all things connected with it. It is forbidden to derive benefit from the idols themselves, their ornaments, and donations made to them. The Mishnah decreed a severe level of ritual defilement for coming in contact with idols. Similarly, participating in pagan holidays and festivals is forbidden, even if direct idol worship is not involved. Much of this tractate on idolatry defines the boundaries of what would be forbidden and whether indirect benefit from idolatry or passive participation in religious ceremonies of non-Jews would be permitted. In the process of dealing with avoidance of interaction with idolaters, inferences may be made about the nature of acceptable interactions between Jews and non-Jews and, hence, the variety of forms of inclusion of non-Jews in the Jewish community. It seems that worship is mainly the issue at hand, not thoughts about or discussions with non-Jews or other forms of social interactions.

Part of the prohibition against benefiting from idolatry is the prohibition of eating food that has been used as part of a pagan ritual. One core aspect of these laws revolves around prohibition of wine, specifically, wine that was used as libation on an altar during worship to a deity. It was common practice, as described in the Mishnah, to prohibit the consumption of that wine; the practice among non-Jews was so widespread that it was reasonable for the Mishnah to assume that any wine that had been touched by a non-Jew was likely to have been offered in some ceremony to a pagan deity. This led to the establishment of a mishnaic position that even ordinary wine of non-Jews that had not been used for religious purposes was forbidden. This ruling was made, primarily, because of the concern with wine that served as libation to a deity on an altar and, secondarily, because of a general interest in limiting the social interaction between Jews and pagans.

Since the Mishnah teaches about the need to remove oneself from idol worship and associated practices, it is necessary for the Mishnah to describe the details of some of the common activities that were carried out as idolatry. In this tractate, we find descriptions of Greco-Roman pagan practices as they were known in Israel and surrounding countries during the mishnaic period. Again, our interest is to infer from mishnaic text the nature of exclusion and inclusion of non-Jews from the community of Jews.

In one context, the Mishnah lists a number of categories of persons who are excluded when making a particular kind of vow, essentially one of disavowal: (1) If one vows not to have any benefit from Noachites, Israelites are permitted.
but all other nations of the world are forbidden; (2) if one vows not to have any benefit from the Children of Abraham, Israelites are forbidden but all other nations of the world are permitted; (3) if one vows not to have any benefit from Israelites, Israelites are forbidden but Nochrim (non-Jews) are permitted; (4) if one vows not to have any benefit from the uncircumcised, Israelites who are uncircumcised are permitted but circumcised non-Jews are forbidden; (5) if one vows not to have any benefit from the circumcised, Israelites who are uncircumcised are forbidden but uncircumcised among other nations are permitted.

Thus, the categories of the hierarchy (from low to high) appear to be: Noachites, Children of Abraham, Nochrim, the uncircumcised non-Jew, the uncircumcised Jew, and the circumcised Jew (Nedarim 3, 11). In an adjacent mishnah, another category of Jew/non-Jew is established, Kutim (Samaritans). If one vows not to have any benefit from Sabbath observers, both Israelites and Samaritans are included in the vow (but not Gentiles). But if one vows not to have any benefit from those who make pilgrimages to Jerusalem, only Israelites are included but not Samaritans (since they are not included among those who go to Jerusalem, the latter having established an alternative central worship area). These categories do not exhaust all the possibilities, but they do give one a sense of a wider range of subcategories than simply “Jew and non-Jew.”

There are dozens of places in the Mishnah where the non-Jew is exempt from various forms of participation in the community. For example, there is the obligation of Jews to care for the poor through agricultural practices in rural areas and by way of charity in non-farm areas. It is clear from the Mishnah (Pehah 4, 6) that these obligations do not fall on non-Jews living in the Land of Israel. This is also obvious in the case of Judaic religious rituals but extends as well to rules about marriage, trade, business exchanges, and additional agricultural activities. We noted above how the non-Jew cannot make a commitment to become a Nazir. These exclusions are expected and not surprising and are a systematic part of the overall stratification pattern conceived by the Mishnah. The exclusions are part of the obligations and presumed character of the non-Jew. The critical issue of the Mishnah is the relationship of Jews to non-Jews from the point of view of the Jews and the Jewish community.

The Mishnah presents several reasons for Jews to distance themselves from non-Jews. Primarily, the goal is to prevent interaction with non-Jews, so as not to be influenced by them religiously and culturally. Exclusion is also designed to discourage the Jew from any association with idolatry, even beyond that of worship per se, given the severe Torah-based prohibitions. Thus, Jews should not sell things to non-Jews that may be used by them for idolatry nor should Jews conduct business with pagans before the latter’s holidays so that they will not be “thanking” pagan gods on a pagan holiday for business transacted successfully. Similarly, the Mishnah prohibits the use of wine produced, in general, by non-Jews (Stam Yenam) to prevent the more severe restrictions associated with Yayin-Neseh—wine used in the context of idolatry. Even wine simply possessed by Jews that is touched by a non-Jew is deemed problematic, since the intention of the non-Jew might be to use the wine for idolatry. Other things are prohibited to the Jew so as not to derive any “hannah,” or benefit, from interaction with non-Jews.

The details of the prohibition of Yayin Nesech are discussed in Avodah Zarah from 4, 8 through the end of the tractate. Crushed grapes are not included in forbidden wine until the juice from the grapes is in the vat; Jews may join non-Jews in grape pressing but not in gathering grapes; Jews may transport grapes to the vats with non-Jews. These actions jointly between Jews and non-Jews do not result in the prohibition of deriving some benefit from the wine. Wine belonging to non-Jews but made by a Jew and stored and located in a house
open to the public in a city where Jews and non-Jews lived is permitted and is not considered *Yeyin Nesech* (Avodah Zarah 4, 11). The issue of Jews working for non-Jews in making wine is the subject of detailed discussions and whether not only the wine but the wages of the Jews would be prohibited (Avodah Zarah 5, 1). Other joint activities of Jews and non-Jews in the transport of wine or using sealed vats are discussed as well as eating food and drinking wine together with non-Jews at the same table, and mixtures of wine and water (Avodah Zarah 5, 3–8). These complications in the context of wine that is potentially associated with idolatry again point to the incidental fact that there was a considerable social and commercial activities among Jews and non-Jews together even involving forbidden wine.

**SOME SPECIFICS IN THE MISHNAH**

Let us review selected details and specifics in the Mishnah: The prohibitions to engage in selling to non-Jews three days before non-Jewish holidays or in lending money or exchanging goods or settling debts are explicitly designed to prevent non-Jews from using those monies or goods for idolatry (Avodah Zarah 1, 1–2). The objective is to prevent Jews from being involved indirectly with idolatry. These three-day prohibitions refer to public holidays; private pagan celebrations are different, and restrictions are then only for individuals, not the general public, and for a shorter period of time—one day (Avodah Zarah 1, 3). After the pagan holiday, it is permissible to do business with non-Jews, so the issue is strictly the prevention of idolatry, not economic activities. Similarly, the restrictions of doing business with Goyim (or non-Jews) are designated for cities that have local celebrations, but not for places outside the city (Avodah Zarah 1, 4). The prohibition for Jews extends to entering a city where the celebration of a non-Jewish holiday is taking place and it appears that Jews are going there to attend that celebration (Avodah Zarah 1, 4). In places where some stores owned by non-Jews have pagan holiday decorations and other stores are not decorated for the holidays, those that are decorated are off limits for Jews, but the stores without decorations are accessible to Jews. The Mishnah, thus, limits the prohibition of business activities with non-Jews to public holiday celebrations and not to private celebrations of non-Jewish families or to local festivals (Avodah Zarah 1, 3–4). All of these circumlocutions and exceptions in the Mishnah are designed to prevent the public appearance of sharing a non-Jewish (pagan) holiday or contributing indirectly to idol worship.

Clearly, the conception of non-Jews and of distancing from them is not simply based on economic or social segregation. Jews are indeed presented in the Mishnah as actively engaged in business practices with non-Jews, living among non-Jews, and recognizing their holidays. The Mishnah goes far to point to ways to circumvent as well as limit the ban on commerce with non-Jews. There is no indication that Jews, as constructed in the Mishnah, are isolated economically and/or separated residentially from non-Jews. Nor is there any sense that may be inferred from the mishnah texts that it is inappropriate to do business with or to live together with non-Jews, except for the concern over idolatry and intimate (sexual) relationships. The Mishnah, in other words, does not construct a Jewish community that consists solely of Jews, is solely isolated from non-Jews, or one that is totally self-sufficient economically.

Extending the general prohibition of selling to non-Jews near their public holidays, the Mishnah goes so far as to list items that Jews should not sell to non-Jews or build with and it broadens constraints for non-Jews all year long if the objects could be used for idolatry (Avodah Zarah 1, 5–7). The ban on selling items to non-Jews because of the concern about their use for idolatry depends on local customs, not on the absolute prohibition against the sale of these specific items. For example, the Mishnah states that one is permitted to sell small cattle to
non-Jews where it is a custom to do so but not in a place where the custom is not to sell these animals. Apparently, doing business with the small cattle of non-Jews is not the core issue—except for doing business when celebrating a business deal might involve some form of ritual thanks to an idol and that depends on local custom.

So, we can imagine that selling small cattle to non-Jews in one community might be forbidden while in an adjacent community it would not be forbidden. Recognition of the power of local custom to determine whether objects sold are forbidden or permissible is a hallmark of the mishnaic discussion of non-Jews.

Beyond the concern with idolatry, there is a prohibition of selling large wild animals (bears or lions) or weapons that are a public danger (Avodah Zarah 1, 7). There even are restrictions on helping non-Jews build places that involve dangerous games or places of execution. In contrast, it is permissible to help non-Jews build public and private bathhouses. The making of jewelry for decorating idols is forbidden, but, according to one opinion, it is permitted when done for pay or wages (Avodah Zarah 1, 8).

And according to another opinion, selling or renting fields or houses to non-Jews in Israel is forbidden; outside of Israel (e.g., in Syria) renting housing but not selling land is permitted. Selling houses and fields is permitted in areas outside of both the Land of Israel and Syria. The prohibition of land or housing sales is explicit, because the non-Jew may bring idols into the non-Jew’s house (Avodah Zarah 1, 9). Hence, one can infer that Jews are engaged in real estate and land sales and, at times, are engaged in these practices with non-Jews. And the sale or rental is limited or prohibited to the extent of the association of these building activities with idolatry.

In a more severe set of injunctions, Jews are commanded not to bring their animals or women or even men into the confined and private space of non-Jews, since non-Jews, as presented in the Mishnah, are suspected of adultery, murder, and of having sexual relations with animals (Avodah Zarah 2, 1). Again, the concern is not a simple extension by the Mishnah of the original Torah prohibition but with the inference about how the Mishnah conceptualizes “the other” and impacts the interaction of Jews with non-Jews.

Concerns are expressed about Jewish midwives working for a Gentile woman, but non-Jewish women can act as midwives for Jewish women. The same asymmetry applies to nursemaids; non-Jewish nursemaids are permitted for Jewish infants in a Jewish household (Avodah Zarah 2, 1). There is a general caution about using non-Jewish healers (or barbers) because of the avoidance of placing oneself in a vulnerable position vis-à-vis non-Jews, especially in private places. That said, according to one opinion in the Mishnah, healing activities by non-Jews are permissible in public places (Avodah Zarah 2, 2). These mishnayot, in essence, list items that Jews should not engage with vis-à-vis non-Jews and names activities with non-Jews that Jews are forbidden to take pleasure in or gain benefit from. The activities range from concerns over pagan idolatry to indirectly participating in the celebrations of holidays of non-Jews to concern over their tendency toward adultery, sexual relations with cattle, and murder.

There are whole lists of food items that are forbidden in addition to wine and wine products (including restriction on the bags that hold the wine, some of the vines, and the grape skins). There is also a discussion of cheeses (those that are fermented in the stomachs of animals that are not kosher) or of animals used for idolatry. Jews are prohibited from using these items if they were made by non-Jews; other items prohibited are, among others: milk, bread, oil, small fish, some spices, and pickled or preserved items (Avodah Zarah 2, 5–7). Some of these items are prohibited for only eating but not for other types of benefits (e.g., selling) regarding them. There is an additional list of mixed items that are permitted, including milk prepared by a non-Jew under supervision of a Jew, honey,
and grape clusters, as well as some other food items sold by non-Jews.

Throughout, the emphasis in the Mishnah is on separation from non-Jews to prevent idolatry, prohibited foods, and close interaction that would result in social or sexual intercourse. It is clear that non-Jews are on the bottom of the social and religious and cultural hierarchy in the Jewish community as conceptualized by the Mishnah and are to be excluded from some of the ongoing functions of its economic and social life. Unlike the self-excluded Nazir, non-Jewish exclusion is systematic, imposed, and extensive, and, of course, not voluntary or temporary although often significantly contextualized and limited.

There is a further delineation of statues or images that should be avoided if they are perceived to be part of idol worship. But there also is a serious attempt to differentiate those statues or images that are not used for idolatry from those that are and, hence, to allow Jews to be involved in commercial activities involving these items (Avodah Zarah 3, 2–4). As well, with buildings, the Mishnah differentiates between an edifice that was made as a place of worship for a god and the use of a symbol or an image of a god as an ornament in a general building, as is made clear in an anecdote involving Rabbi Gamliel in a bathhouse that included a figure of Aphrodite. The principle here is that the prohibition of use is limited to when one treats the facility as a place of worship (Avodah Zarah 3, 4). So, Rabbi Gamliel did not hesitate to use the bathhouse that had an ornament of Aphrodite, since it was not being used as a place of worship.

The Mishnah also discusses a case where a Jew’s house is adjacent to a place of idol worship, and the wall separating the two structures falls. The Jew is prohibited from rebuilding the wall except with a distance of four cubits between the structures so as to be physically separated from idol worship (Avodah Zarah 3, 6). The important point in our context is understanding Jews had housing next to places of idolatry but that was not considered problematic except when there were opportunities to create greater separation. In sum, there appears in the mishnaic conception of the community no absolute value, or assessment, on residential separation or economic exclusion of Jews from non-Jews.

The category of restriction of non-Jews in the conception of the Mishnah is not one of consciousness or intent but is like a “sheretz” (any low crawling creature, such as a worm) that automatically contaminates. In that context, the non-Jew automatically is a contaminant (Avodah Zarah 3, 6). There is a further discussion of the types of houses associated with idolatry, of stones used for an altar, and of ferns or trees (Asherah), and cloth and clothing (Avodah Zarah 3, 7). In each of these cases, if the houses, stones, or trees were designed initially for idolatry or decorated for idolatry then there is a prohibition of any commercial benefit from this form of idolatry. But if the designs were for other purposes and only were temporarily used for idolatry, then it is permitted to have some benefit from them when the practice of idolatry was removed. We can infer from these texts that Jews lived in close proximity to places of idol worship, and the Mishnah attempts to find ways for Jews to continue to live and conduct business with non-Jews and live near them rather than to encourage them to leave those places (Avodah Zarah 3, 8–9).

Perhaps even more importantly, there are discussions of the ways that the non-Jew can nullify or change the structure or object of idolatry. Several conclusions emerge from these discussions: First, intention on the part of non-Jews to use a building or stones or ferns as an object of ownership makes these, potentially, objects of idolatry. And it is the non-Jew who has the power to do so by his intention and by the meaning of his actions (especially in Avodah Zarah 4, 5). There are also circumstances where no act or action has to be taken in order to nullify the meaning of an idol. An idol that is left in the non-Jew’s house in times of peace is permitted to be used for commercial purposes by
Jews since there is no indication of the desire on the part of the non-Jew to return and worship the idol. In times of war, it would be forbidden for the Jew to use the abandoned idol based on the assumption that the non-Jew would be returning from battle and using the idol for worship. Furthermore, the Mishnah notes that temporary platforms used to display idols can be used for limited purposes when abandoned (Avodah Zarah 4, 6).

There appears to be no inherent meaning of idolatry or absolute prohibition of any object unless it has been given meaning by the non-Jew for idolatry. It is the social construction of idolatry that is critical in the conception of the Mishnah and, hence, the ability of non-Jews to reverse the object so that it is no longer to be considered idolatrous in nature. In turn, this reversal by the non-Jew permits the Jews to have practical use of these objects that were formerly used for idolatry (Avodah Zarah 3, 10).

The Mishnah also specifies that the areas around buildings used for idolatry, a garden, or bath house, can be used for the benefit of Jews, as long as the objects around the idolatry are not an integral part of idol worship (Avodah Zarah 4, 3). This mishnah is explicit: an idol belonging to and made by a nochri (non-Jew) is forbidden to a Jew immediately (even before it is worshipped); an item made by a Jew that will eventually be used for idolatry is not forbidden to use for the benefit of the Jew until it has been used for worship by a non-Jew; in other words, prior, had been an idolatrous object. A non-Jew can nullify the idol he or any non-Jew has made; a Jew cannot nullify the idol of a non-Jew; nullifying the idol also nullifies all the attached accessories. Nullifying the accessories does not, in turn, nullify the idol, only the accessories (Avodah Zarah 4, 4). This appears completely consistent with the above argument about the absence of inherent value of (and, hence, the commercial benefit from) an idol until it has been used. What is noteworthy is that the Mishnah specifies that Jews were at times in the business of making objects that would eventually become idols for use by non-Jews.

There is an interesting story in the Mishnah addressing the question why God permitted idolatry to persist. The question is asked to the elders of the Jewish community of Rome. They responded that non-Jews were worshipping the sun, moon, and stars, asking how could they be nullified, being celestial bodies? The follow-up question is to why God did not nullify those objects of worship that could be nullified (such as concrete objects of gold, for example)? The answer is: to avoid the assumption that the sun, moon, and stars created these objects of earthly creation. The point is that God allows all of these symbols of idolatry to exist so that people will be able to distinguish between the Creator and God’s creations (Avodah Zarah 4, 7). The critical point inherent in this mishnah text is that idolatry is defined (and nullified) by human beings and not objectively defined or eliminated by God.

In other contexts, the Mishnah body notes positive relationships between Jews and non-Jews in commercial activities. When leavened products are not permitted to Jews on Passover, the Mishnah notes that leavened food products owned by a non-Jew during Passover are permitted after Passover, while those owned by a Jew are forbidden (Pesahim 2, 2–3). There does not seem to be any concern about the potential contradictory nature of such arrangements or the use of products after Passover that were in the possession of non-Jews during the holiday when these products were hametz, hence forbidden to Jews during the Passover holiday.

If there are restrictions on some business-related activities involving idolatry with non-Jews, it is not surprising that intimate contact, meaning sexual relations, with non-Jews are not permitted. The Mishnah (Terumot 8, 12) is explicit that sexual intercourse of Israelite women with a non-Jew is condemned. In contrast, there is a puzzling Mishnah within the tractate Mikvaot (8, 4), dealing with ritual cleanliness, which states: “A Gentile woman
who discharged semen from an Israelite is unclean; an Israelite woman who discharged semen from a Gentile is clean.” It is strange in this particular mishnah that there is no condemnation about non-Jewish interaction of the most intimate kind.

CONVERTS AND CONVERSIONS TO JUDAISM

Perhaps no theme is more illustrative of the value (and limitations) of focusing on the Mishnah as a complete document than the issue of converts and conversion to Judaism. Overall, the Mishnah does not deal extensively with converts and does not specify the processes of conversion. Why the Mishnah ignores the details of conversion has been extensively debated; however, it is not clear whether this is because there were few converts during the time of the Mishnah and, therefore, conversions were not an issue of great importance or because the authors of the Mishnah assumed that the details were well known or for other obscure reasons. Later texts deal extensively with conversions; indeed, sections of the Talmud on conversions have been viewed as a tractate within a tractate (Talmud Bavli, Yevamot 46–48). The Mishnah, however, which is our specific focus, has only quite limited discussions of converts and conversions.

What then does the Mishnah report about converts and conversions? What about the transition from non-Jew to Jew and the issue of formal conversions? In particular, what inference can be drawn from the mishnaic conception of converts and conversions that inform us about the concepts of Israelite identity and community inclusions? Porton argues that converts are not fully Jewish, not “fully” Israelites but also are effectively distanced from their previous relatives if they were genealogically Jewish. In effect, they represent a distinct class of persons in the community. Unsurprisingly, issues of marriage with a convert and the question of inheritance remain complex. That said, the Mishnah focuses on the convert as an individual and his or her status in the community. While converts are no longer treated as Gentiles, differences between them and ethnically native-born Israelites remain. They essentially remain marginal to some extent in both communities. Hence, there is no full transition to Jewishness from this ascribed status. Non-Jewishness, therefore, retains a distinctive attribute of the Jewish community.

CONCLUDING OBSERVATIONS

We can draw some general conclusions from this studied review of the Mishnah about exclusion. First, it is clear that exclusion is multidimensional: one can be excluded from some community activities and not others. Some persons are permanently excluded and others are only excluded temporarily. It is also clear that exclusion does not always occur from a specific activity; context and often the intent of the person are the bases of exclusion. The two examples (Nezirim and idolaters) here are best conceptualized as “ideal types,” representing the extremes of exclusion.

Second, exclusion of some Jews, for example, the Nazir, from the community and from some social activities is temporary, with the goal of separation being to increase his or her holiness. Gender is not a factor (men and women can be declared temporarily “distant” from the community) but often there can be gender differences in the details regarding how to make the transition back and who can nullify the Nazir status. In contrast, holiness and the exclusion of non-Jews is a concern primarily for idolatry with no differences explicit for men or women who are non-Jews. Thus, business with non-Jews is generally prohibited in the context of pagan holidays, but business is permitted when the celebration of the holiday of the non-Jew is local or private.

Third, exclusion does not mean isolation and geographic or economic segregation of a Jew from non-Jews or the Nazir from the rest of the Jewish community. Nor does
the Mishnah always present the relationship between Jews and non-Jews as not involving intimate relationships. Exclusion status is primarily temporary among Jews and can be temporary between Jews and non-Jews. There is an element of “birth” or biology in the exclusion of non-Jews, an ascriptive status in the sociological sense. This is what some (Porton, for example) refer to as an ethnic consideration, in contrast to religious differences; however, that barrier is able to be nullified through marriage. The breaking of caste barriers between Jews and non-Jews through marriage parallels the marriages between those marriages between priest and non-priest families. Both the overall Jewish caste and the Kohen caste division can be broken. In addition, there does not seem to be a concern in the Mishnah of caste or Jewish community continuity in relationships between Jew and non-Jews. Therefore, conversions to Judaism appear to be hardly an issue and even not fully discussed in the Mishnah.

Yet the status of non-Jew as constructed by the Mishnah reinforces the distinctiveness of the Jewish community.

Issues of exclusion and inclusion in the Mishnah are illustrated by these extreme ideal types of the Nazir and the pagan. There is, of course, much more to the analysis of exclusion and inclusion that builds on these models, including the role of other groups such as Mamzerim, women, servants, and the disabled. Mostly, these groups fall between the extreme types and are connected to the cohesion of the community that the Mishnah constructs. The key point, it appears, is that the Mishnah constructs a community that takes into account the continued presence of non-Jews and the limited presence of those who refrain from selected social activities in order to express particular types of holiness. In this sense, the Mishnah envisions a community that is not homogeneous in a variety of ways: neither by being exclusively Jewish nor by being completely “holy,” perhaps so to best serve itself as a continuing, thriving body. The recognition of religious heterogeneity in both ways is one of the fundamental social principles of the mishnaic orientation to community and, in turn, to its “Judaism.”

REFERENCES


2. This paper is part of my current larger project on the social sciences and the Mishnah. The focus here is on social boundaries, where geographic boundaries are reviewed separately in the context of prohibitions of transporting objects on Shabbat outside of community boundaries; marriage boundaries are reviewed fully in the context of intermarriage. An earlier paper explores the relationship between social hierarchy and the Mishnah (see Calvin Goldscheider, “Inequality, Stratification, and Exclusion in the Mishnah: An Exploratory Social Science Analysis,” in Gazing on the Deep: Ancient Near Eastern and Other Studies in Honor of Tzvi Abusch, eds. Jeffrey Stackert, Barbara Porter, and David P. Wright (Bethesda, MD: CDL Press, 2010), 565–84).

3. Simcha Fishbane, Deviancy in Early Rabbinic Literature: A Collection of Socio-Anthropological Essays: Brill Reference Library of Judaism (Boston: Brill, 2007) takes a different approach to the study of exclusion. He places the analysis in the context of deviancy of individuals who, for various reasons, appear to have no place in mainstream rabbinic Jewish society, or who may be perceived by that society as posing a threat to its norms and even to its very existence. Deviant groups studied include witches, prostitutes, Gentiles, bastards, Nazirites, soldiers, Kutites, the disabled, and the menstruate woman. His focus is also on the Mishnah. He has emphasized a framework of insiders and outsiders in the community. I tend to conceptualize the issue in terms of transitions from insider to outsider status and include the modifier “not always” and “not for all social activities” as qualifiers to the simpler dichotomy.

4. Some have argued that we should always look at apparently voluntary self-exclusion with skepticism. In general, an individual or the members of a group may withdraw from participation in the wider society in response to experiences of hostility and
discrimination. Our focus on this minimum exclusion in the Mishnah is “voluntary,” but the context within which it occurs still makes it a case of social exclusion. For the Nazir, there is every reason to assume the voluntary nature of the act of self-exclusion. Compare Brian Barry’s chapter in Understanding Social Exclusion, ed. John Hills, Julian Le Grand, and David Piachaud (Oxford: Oxford University Press 2002). An example of temporary but not voluntary exclusion is women who are in their period of menstruating (nidda) or after childbirth. For either status, a woman is in a state of impurity and, thereby, excluded from performing certain religious rituals and is limited in her relationship to men. However, there are specific ways for women to transition back to the community. An entire tractate of the Talmud (Niddah) is devoted to these temporary separations from the community.


7. In the Mishnah sequence of tractates, the Tractate Nazir follows the Tractate Nedarim; the latter deals extensively with vows. Both tractates are part of the Mishnah’s limitations regarding women because of the special rules about vows made by women and how their vows may be nullified by husbands or scholars. The logic behind these three restrictions of hair, wine, and the deceased is not clear either from the Bible or the Mishnah. Wine consumption seems to symbolize joy, not cutting hair may symbolize distancing from the mundane and external beauty (also for war captives), and ritual defilement stands in contrast to holiness.

8. This may be a common feature of the Mishnah. The same characteristic of the Mishnah pertains to the presentation about the observance of the Sabbath, in particular, the lighting of Sabbath lights (Tractate Shabbat, chapter 2) and in the context of prohibitions and ritual activities of non-priests on Yom Kippur (Tractate Yoma, chapter 1). In these and other cases in the Mishnah, there is an assumption and description of an activity without a focus on motivation or a justification for it.

9. Although this rule violates the need for intentional-ity in Nezirut, since, in general, servants are treated as persons without intentionality.

10. The tractate is included in the Mishnah order of damages designed for judges and courts.


12. There are seven Noachite, or universal, rules that apply to all persons, including non-Jews, although these are all negatives with no religious ritual component, for example, not to murder, steal, or commit adultery.

13. Voluntary contributions are accepted from non-Jews but obligatory ritual sacrifices and contributions to the Temple are not (see Shekalim 1, 5).


15. The Toseftah also has more details, and there are systematic differences between the Talmudic versions of conversions in the Talmud Yerushalmi and Bavli. See, by comparison, Porton, The Stranger within Your Gates, chaps. 5 and 6. See also the details in Shaye J. D. Cohen, The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties (Berkeley: University of California Press, 1999, chaps. 5–7.

