

Law and Lawlessness in Early Judaism and Early Christianity

edited by

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and Charles Stang

Mohr Siebeck

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Rabbis on Gentile Lawlessness

Three Midrashic Moments

STEVEN D. FRAADE

Introduction

In Hebrew scriptural theology, what most distinguishes Israel from the other peoples or nations is the former's having had God's Torah, both as text and teaching, and especially its covenantal laws, revealed to it alone. God may be מלך העולם ("king of the universe"), as rabbinic prayers express it, and the source of all life, but with Israel alone, according to this understanding, has God entrusted his law, wisdom, and sacred history, whether in written or oral forms, for study and enactment. Other peoples might have their particular laws (גימוסין), but theirs are not the revealed laws of God, which are Israel's alone.¹ As the Psalmist (see appendix: text #1.1) strongly puts it,

He issued his commands to Jacob,
his statutes and rules to Israel.
He did not do so for any other nation;
of such rules they know nothing.
Hallelujah. (Ps 147:19–20 NJPS)

But would not the God of all creation want all of his creatures to benefit from lives led in accordance with the very law that is understood to be the blueprint of creation? From Israel's perspective at least, such a universal nomian world would represent an erasure of Israel's very *raison d'être* as God's unique covenantal partners. For example, when God introduces the Decalogue (Exod 20:2), he does so not based on his credentials as creator or sovereign of the universe writ large, but as the one-time redeemer of the people of Israel, in particular, from the land of Egypt: "I the Lord am your God who brought you out of the land of Egypt, the house of bondage," even though the precepts that follow are largely universal in their demands (with the possible exception of Sabbath observance).²

¹ See the "vocation" of Lev 18:2–4, as traced by Beth A. Berkowitz, *Defining Jewish Difference: From Antiquity to the Present* (New York: Cambridge University Press, 2012).

² However, the rationale for the Sabbath commandment is framed in terms of God's having created the world in six days and having rested on and thereby sanctified the seventh (Exod 20:11), a justification that would apply equally to all of creation. Note, however, that in the Deuteronomic version of the Decalogue, the justification for observing the Sabbath is the re-

Rabbinic midrashim differ as to whether the reason the Torah does not begin with laws but with narratives is God's need to establish his universal authority as the source of all life (and land and property), or his specific historical role as the guardian of Israel.³

This tension is given its earliest clear expression in the writings of Ben Sira (ca. 180 BCE), where the female personification of wisdom, speaking in the first person, is first created by and resides with God in primordial times, then spans creation, and only after having sought a dwelling place among the nations is commanded by God to dwell among Israel in the Jerusalem temple. His words are worth reading and pondering in full (text #1.2; not extant in Hebrew):

I came forth from the mouth of the Most High, and covered the earth like a mist.
 I dwelt in the highest heaven, and my throne was in a pillar of cloud.
 Alone I compassed the vault of heaven and traversed the depths of the abyss.
 Over waves of the sea, over all the earth, and over every people and nation I have held sway.
 Among all these I sought a resting place; in whose territory should I abide?
 Then the Creator of all things gave me a command, and my Creator chose the place for my tent.
 He said, "Make your dwelling in Jacob, and in Israel receive your inheritance."
 Before the ages, in the beginning, he created me, and for all the ages I shall not cease to be.
 In the holy tent I ministered before him, and so I was established in Zion.
 Thus in the beloved city he gave me a resting place, and in Jerusalem was my domain.
 I took root in an honored people, in the portion of the Lord, his heritage.
 (23) All this is the book of the covenant of the Most High God, the law that Moses commanded us as an inheritance for the congregation of Jacob (Sir 24:3–12, 23 NRSV).⁴

Wisdom/Torah retains its primordial, transcendent, universal aspects while finding its permanent residence (*mishkan*?) in a material scroll in the structure of Israel's Jerusalem temple.⁵ For a similar progression, see Sir 16:24–17:23, as treated by Seth Schwartz.⁶ As v. 23 makes explicit, Wisdom comes to be identified spe-

demption of Israel in particular from Egypt (Deut 5:15). Note also Amos 9:7, where God tells Israel not to think that they are the only people to have been divinely redeemed from captivity.

³ Compare Mekhilta of Rabbi Ishmael, Bahodesh 5 with Tanh. Bereshit 11 (ed. Buber), the latter made famous by Rashi's opening comment to Gen 1:1.

⁴ The second half of the final verse is an exact quote of LXX Deut 33:4.

⁵ For discussion of this passage in light of the broader tension between universalistic and particularistic aspects of Torah, see Marc Hirshman, *Torah for the Entire World* (Tel Aviv: Hakibbutz Hameuchad, 1999), 131–33 (Hebrew). For second temple Jewish sources which similarly imagine Wisdom/Torah residing with God in heaven, see 1 En 42:1–3; Bar. 3:36–37. In the former, Wisdom seeks a place to reside among the "sons of man," but without success, returning to dwell among the angels, until she finally succeeds in finding an earthly dwelling. In the latter, she is first given by God to Jacob/Israel, and only subsequently comes to earth to live among humankind. For other expressions of Wisdom having come to dwell on earth, see Prov 8:1–4, 31; Wis 9:10.

⁶ Seth Schwartz, *Were the Jews a Mediterranean Society? Reciprocity and Solidarity in Ancient Judaism* (Princeton: Princeton University Press, 2009), 49–54.

cifically with the Torah and its laws.⁷ However, the question remains: how could God be the creator and ruler of all creatures, and yet prefer for his law to “reside” among one people alone, especially if, we might presume, others would similarly benefit from its guidance and redemptive power? Nor are we told here why God chooses Israel/Zion to be the residence of Wisdom/Torah. In order to explore these questions we will look at three clusters of rabbinic narratives regarding the availability of the Torah, especially its laws, to non-Jews. The fact that rabbinic literature preserves multiple versions of these stories, with significant variations between them, is itself a sign of the ambivalent attitudes that they encompass.

Rabbinic Texts: The Torah Was Offered First to the Nations⁸

There are many versions of the midrashic story of God’s having offered the Torah to the nations before revealing it to Israel alone. In Sifre Deuteronomy’s version (text #2.1), one of the earliest,⁹ the four stiches of Deut 33:2 are interpreted to mean that prior to coming to Sinai to reveal the Torah to Israel, God had first gone to all of the other nations to offer it to them (and not just to the four neighboring nations mentioned), but to no avail. In each case, the approached nations inquire as to what it contained, that is, to what they would be obligating themselves, only to learn that (at least) one of the laws included in the Torah would be impossible for them to follow. Note that the specific prohibitions mentioned are of universal moral nature: murder, adultery, and stealing (which are among the rabbinic list of universal, Noahide laws¹⁰), and in each case biblical ‘proof texts’ are provided to prove the unsuitability of the prohibitions to the essential law-

⁷ See also Sir 4:1.

⁸ For fuller, more detailed treatments, see S. D. Fraade, *From Tradition to Commentary: Torah and its Interpretation in the Midrash Sifre to Deuteronomy* (Albany: State University of New York Press, 1991), 32–37 with notes. Bilingual readers will notice some slight differences between the Hebrew texts provided and my English translations. This is because I have chosen to translate what I consider to be superior Hebrew variants, according to the best manuscript evidence, rather than always rendering the printed editions cited. Justifications for favoring these variants are provided in the notes to my treatment of these texts in *From Tradition to Commentary*.

⁹ See *From Tradition to Commentary*, 197 n. 38.

¹⁰ On these laws, rabbinically understood to have been the legal and moral foundation of God’s covenant with Noah and his descendants (that is, all of humanity), according to rabbinic interpretation of Gen 9:1–17, see Fraade, *From Tradition to Commentary*, 34, 52, 197, 198, 216, 219, 221; Schwartz, *Were the Jews a Mediterranean Society?*, 51–52. One function of the Noahide laws (most of which rabbinic traditions trace back already to the time of Adam and Eve in Eden) is to establish a skeletal legal/moral code prior to the full revelation at Sinai. Otherwise, it could be argued, that, for example, Cain could not have been held accountable for his murder of Cain in the absence of a law prohibiting murder. Our present text seems to assume that whatever its earlier status, the Noahide laws had ceased to be operative (or at least followed) by the time Israel received the Torah at Sinai.

lessness of the respective nations. The midrash represents God as having spared no effort to reveal the Torah to each and every one of the nations (knocking, as it were, on each and every door).

But as the midrash goes on to argue, by way of a parable, not only did the nations decline God's offer of the minimalist, universal (Noahide) moral commandments, but they actively spurned them, heaping them onto Israel instead, which now had to carry both its own legal load and that intended for the other nations. The implied *a fortiori* argument is that being unable to bear the minimal moral commandments (previously accepted, it may be presumed, by the descendants of Noah), the nations certainly did not deserve, nor would they have been receptive of, the Torah as a whole.

It is only when God approached Israel at Sinai, where they accepted the Torah without hesitation, or even needing to know what it contained, in all of its fine points (that is, future [rabbinic] interpretations already incorporated into revelation), that God found suitable recipients of the Torah and its laws, both written and oral. No one could say that the nations, both individually and collectively, were not given the full opportunity to receive the Torah. Having been offered the Torah, they proved themselves unworthy of it. However much the nations are given ample opportunity to receive the Torah, their reasons for not doing so are conveyed in a mocking tone.

While the version of the story found in Mekhilta de R. Ishmael (text #2.2) contains many of the same details, it is framed quite differently. Here, it would appear, God never intended to give the Torah to the nations, but feigns an effort to do so only so as to preclude their arguing (פתחון פה, literally, an "opening of the mouth") that they were never given the opportunity. Having been given the chance, in anticipation that they would decline to accept the Torah, they have no further excuse (e.g., "ignorance of the law") to make in their self-defense. While it might be assumed that a similar, cynical strategy underlies the version in Sifre Deuteronomy, there is no direct hint of it.

Although the parable in the Mekhilta is different from that in the Sifre, its meaning is much the same, with the *a fortiori* argument now being made explicit. Furthermore, the use of Hab 3:6 is important, for it suggests that not only did the nations not accept the Torah when it was offered to them, but that they suffered severe consequences for their refusal. As we shall see, the verse is elsewhere cited to release the nations from both the obligations and protections (e.g., of their property) accorded to Israel alone as parties to the covenantal nomos.¹¹ As if to mitigate this more cynical view of the offering of the Torah to all of the nations,

¹¹ See S. D. Fraade, "Navigating the Anomalous: Non-Jews at the Intersection of Early Rabbinic Law and Narrative," in *The Other in Jewish Thought and History: Constructions of Jewish Culture and Identity*, ed. Laurence J. Silberstein and Robert L. Cohn (New York: New York University Press, 1994), 145–65; repr. in *Legal Fictions: Studies of Law and Narrative in the Discursive Worlds of Ancient Jewish Sectarians and Sages*, JSJSup 147 (Leiden: Brill, 2011), 345–63.

this section concludes with a tack in a more universalistic direction (but still not fully altruistically, since the aim is to preempt the nations' "opening of the mouth" in their defense): the Torah was revealed in, as it were, the no man's land of the Sinai desert so that Israel would not assert territorial claims to it, thereby rendering it, in principle at least, like fire and water,¹² "free to all who come into the world," that is, to all of humanity.¹³

The last text for this section, regarding the role of the nations in the giving of the Torah at Sinai, is again from Sifre Deuteronomy (§ 343) as it interprets Deut 33:2 (text #2.3).¹⁴ Here the nations are not offered the Torah but are bystanders to its being given to Israel. As the whole world shakes as a consequence of God's revealing the Torah to Israel, the nations, led by the non-Israelite prophet Balaam, are gripped by fear for their own well-being, thinking that God is about to bring another flood, if not of water then of fire, to destroy them. When Balaam midrashically reassures them that they are not at risk and that the earth's shaking is a consequence of God's giving of the Torah to Israel, they show no interest in the content of such revelation, or any desire to be included, but in relief bless Israel with peace, needing not to be involved any further.

Rabbinic Texts: The Torah Inscribed/ Transcribed in Seventy Languages¹⁵

While the preceding texts that we examined entertained the possibility of the Torah having been offered to the non-Israelite nations, it was not stated, but may be presumed, that the Torah would have been revealed to them (as God spoke to them) not in Hebrew, but in their own national languages in order for them to have understood its contents. This multilingual possibility is entertained, with some interesting exegetical and ideological twists, in the next set of texts that we shall examine.

The core text is Deut 27:1–8 (text #3.1), in which Moses instructs the Israelites, upon crossing the Jordan (without Moses), to inscribe the words of the Torah on

¹² The analogy is not tight. Fire and water are used as metaphors for Torah, but the wilderness is where it was given. This is a case of midrashic slippage or license.

¹³ The part of the text indicated by an ellipsis provides another reason for the Torah having been offered outside of the Land of Israel: so that no tribe of Israel has a greater claim to the Torah than any other by virtue of the Torah having been revealed in its territory. This interpretation presumes that the Torah was intended to be given to Israel all along. For more on this passage, see Hirshman, *Torah for the Entire World*, 95–96 (Hebrew).

¹⁴ For greater detail, see Fraade, *From Tradition to Commentary*, 37; Hirshman, *Torah for the Entire World*, 95 (Hebrew).

¹⁵ For fuller, more detailed treatment, see S. D. Fraade, "The Torah Inscribed/Transcribed in Seventy Languages," in *Hebrew between Jews and Christians*, ed. Daniel Stein Kokin, Studia Judaica (Berlin: de Gruyter, forthcoming).

stones “most distinctly” (באר היטב). However, there are several exegetical challenges with this passage. First it speaks of two sets of stones, one being large, plastered stelai (vv. 2–4), the other being the unhewn stones from which a sacrificial altar is to be constructed. (vv. 5–7). To which set of stones does v. 8 (“those stones”) refer, to its immediate antecedent (unhewn altar stones) or to the stones more suitable for inscribing with the words of the Torah (the plastered stelai, presumably with flat surfaces? Already inner-biblically and in late Second Temple times different resolutions to this question are well attested.¹⁶ Nor is it stated what is originally meant by “this Teaching/Torah”: what becomes the book of Deuteronomy, some part of it (e. g., the blessings and curses that follow), or the whole of the Pentateuch, considering that the greater the length of the inscription the less practical its fulfillment. Furthermore, it is not clear what the purpose of or audience for such an inscription was to be. Josh 4:24, in speaking of the erection of stelai at Gilgal, after crossing the Jordan, says that by their recording of God’s mighty deeds, they are to make a continuing impression not only the on the children of future generations, but on “all the peoples of the earth” (כל-עמי, הארץ), clearly a universal nod.

Our earliest rabbinic text to respond, albeit very succinctly, to these exegetical questions is the Mishnah (m. Soṭah 7:5; text #3.2). In the immediate context of determining which ritual recitations could be recited only “in the Holy tongue” (Hebrew; e. g., the blessings and curses of Deut 27–28) and which could be recited “in any tongue” (e. g., the Shem’a), a brief aside narrates the ceremony of the inscribing of the Torah on stones after crossing the Jordan. The Mishnah clearly understands the Torah to have been inscribed on the altar stones of Deut 27:5–7, albeit plastered as were the stelai of Deut 27:2–4. Furthermore, it understands באר היטב (“very clearly”) of Deut 27:8 to refer not to the physical clarity of the Torah’s inscription, but to its achieving maximal clarity of understanding through being translated into all seventy languages of the seventy nations of the world (as rabbinically understood from the “table of nations” of Gen 10). But no sooner than the sacrifices were completed, the altar stones upon which the Torah in seventy languages had been inscribed had to be disassembled and removed. For according to the book of Deuteronomy (e. g., 12:8–12), as rabbinically understood, prior to the building of the temple in Jerusalem, one-time local altars were permitted, but needed to be removed after being used.

The stage is now set for the interpretation of the Mishnah itself (or some antecedent) concerning the nature and purpose of the multilingual inscription of the Torah on stones after crossing the Jordan. The Tosefta, or appendix to the Mishnah (although it often incorporates traditions prior to the redacted Mishnah), juxtaposes the views of two contemporary, mid-second century CE sages. According to R. Judah (bar Ilai), the Torah was inscribed on the altar

¹⁶ Cf. Josh 4:1–8, 19–24; 8:30–32; Pseudo-Philo, *LAB* 21:7–8; Josephus, *Ant.* 4.307–308.

stones in Hebrew, and the nations each sent its notaries (bilingual scribes) to transcribe the Hebrew Torah from the stones into its own language.¹⁷ Thus, not only was the Torah available to them, but it was made available to each nation in its respective language. However, once again (see the Mekhilta passage treated above), this is done with a cynical goal of denying the nations the excuse of not knowing the Torah laws that they violated, thereby consigning them to doom. By contrast, R. Simeon (bar Yoḥai) is of the view that the words of the Torah were inscribed in seventy languages on the plastered stelai (although this is not stated explicitly), and that the non-Jews, by having the Torah available to them in their own languages, were given a real opportunity to repent for their violations of the Torah's laws and be accepted by Israel. In typical fashion, the two views, the one cynical and the other irenic, of the Torah's being inscribed or transcribed in seventy languages are juxtaposed to one another with no indication of which is "correct" or editorially favored.

We turn next to a once lost, then found, and lost again midrashic fragment from the Cairo Geniza, first published by Solomon Schechter in 1911, and subsequently republished with slight variations. Although fragmentary and substantially restored, its outlines are clear, with similar traditions as those found in the Tosefta, with somewhat different attributions and details. Was the Torah inscribed in Hebrew alone (anonymous opening), or in all seventy languages, interpreting בִּאֵר הֵיטֵב ("very clearly"; Deut 27:8), as in the Mishnah, to denote multilingual plenitude (R. Ishmael)? Was it the whole Torah that was so inscribed, whether just in Hebrew or in seventy languages, or just the book of Deuteronomy (R. Shim'on bar Yoḥai, following Josh 8:32)? But now a totally new view is incorporated, that of R. Yose ben Yose (otherwise unattested) in the name of R. Eleazar b. Shim'on: only those verses were inscribed which relate kindly to the foreign nations in time of war. Since these verses were presumably for the benefit of the nations, they would have been written in all seventy languages, with the availability of sufficient space not having posed a problem. Most interesting (according to the reconstructed text), Rabbi (Judah the Patriarch, reputed editor of the Mishnah) favors the view of R. Shim'on (contrary to the view expressed in the Mishnah) that the Torah was inscribed (presumably in seventy languages) on the stelai, since they would have been permanent, unlike the altar stones which would have stood only briefly before being removed. In other words, Rabbi recognizes that inscribing the Torah in seventy languages on the altar stones (as in the Mishnah) would not have afforded the nations a true opportunity to

¹⁷ For the role of such notaries in the ancient world, see Marja Vierros, *Bilingual Notaries in Hellenistic Egypt: A Study of Greek As a Second Language*, *Collectanea hellenistica* 5 (Brussels: Koninklijke Vlaamse Academie van België voor Wetenschappen en Kunsten, 2012), which informs my understanding of their function in these rabbinic passages, and as I spell out in greater length in "The Torah Inscribed/Transcribed in Seventy Languages."

repent, since the Torah in seventy languages would have been removed from multilingual “circulation” no sooner than it was made available.

Finally (for this section), we find the Palestinian Talmud trying to rectify the wrong of making the Torah available in seventy languages only for it to be immediately removed. In the view that the Torah was inscribed in seventy languages on the stelai, there would have been plenty of time (בכל יום ויום) [“each and every day”] for each nation to send its notaries to transcribe the Torah into its respective language. In the view that the Torah was inscribed in seventy languages on the altar stones, God miraculously inspired the nations’ scribes to copy the Torah in seventy languages, or at least the translation relevant to their nation, requiring hardly any time at all. In either case, the purpose of broadcasting the Torah to the nations in their seventy languages would have been credibly fulfilled.

In these various attempts to understand both Scripture and the Mishnah a variety of attitudes toward revealing the Torah in seventy languages for the benefit of the nations are on display: cynical (just enough to deny them the argument that they did not have access to the Torah), irenic (to facilitate their repentance and acceptance, especially with some divine assistance), and apologetic (to reveal to them only so much as would cause them to view Israel and its Torah favorably). It is only with the Palestinian Talmud that the irenic view seems to gain the upper hand. Nevertheless, the Hebrew Torah as the source of its seventy translations retains its central place and permanence (unlike in the story of the translation of the Hebrew into Greek in third-century BCE Ptolemaic Egypt according to the Letter of Aristeas and other ancient writings).¹⁸

Rabbinic Texts: Roman Officials Study Torah Laws with Rabban Gamaliel¹⁹

The midrashic story to be considered next (text #4.1) is different from the preceding two clusters in that it “takes place” in post-biblical, rabbinic times (ca. 100–200 CE), the non-Israelites now being Roman imperial officials, who, in this version, feign being converts to Judaism so as to justify their wishing to study (rabbinic) Torah, specifically law. Their true purpose, we may surmise, was to report to their Roman superiors the nature of Israel’s laws, possibly with negative intentions. In other words, they were, in effect, spies.²⁰ Unlike the previous clus-

¹⁸ This is a clever inversion that I discuss in greater detail in my forthcoming article (see above, n. 15).

¹⁹ For a fuller, more detailed treatment, see S. D. Fraade, *From Tradition to Commentary*, 51–54; and Fraade, “Navigating the Anomalous” (= S. D. Fraade, *Legal Fictions*, 345–63).

²⁰ On the reading “converts” and alternative readings, see Fraade, *From Tradition to Commentary*, 214 n. 129. It should be stressed that, unlike previous scholars, I do not presume this episode to have actually happened, and prefer to view it in rhetorical rather than historical terms.

ter of texts that we considered, there is no hint of any language barrier between the Roman officials and their rabbinic interlocutors (or their written and oral Torah). The verse being expounded (Deut 33:3) could mean either that Israel, in particular, is God's beloved people (the Hebrew word יְהוָה being emphatic ["indeed"]), or that God loves the (other) peoples too (יְהוָה meaning "also"), but not as much as he loves Israel.²¹ This divine favoritism toward Israel is exemplified by (rabbinic) Torah laws that afford fewer protections to non-Jewish property than to Jewish property, since non-Jews, as non-parties to the covenant, are not afforded its protections. This is especially apparent in the rule that permits a stolen object of a non-Jew to a Jew, but not vice-versa.²²

After engaging in the full "curriculum" of rabbinic studies, of both written and oral Torah,²³ the Roman officials are duly impressed with everything they have learned, with the sole exception of one seemingly discriminatory law (which may stand for others) regarding the stolen items of non-Jews. However, whatever their original intent, or that of the Roman authorities that sent them, it is subverted as they volunteer not to report the negative law(s) but only those which they deemed praiseworthy. In the end, whatever the original intent of the Roman authorities the outcome of the teaching of Torah law to the Romans is wholly positive, due to the Roman's having been so impressed with the rabbinic Torah. Compare this to the statement of R. Yose b. Yose in the name of R. Eleazar b. Shim'on, in the Cairo Geniza fragment discussed above (text #3.4), according to which the only verses of the Torah inscribed and translated for the benefit of the non-Jewish nations were those (few) that require sympathetic treatment of them during war. In either case the intent (or hope) of sharing the Torah's laws with

The purpose of the story in its present context is to illustrate God's favoritism for Israel, and its possible, but averted risks. Thus, the fact that Rabban Gamaliel (presumably the second) would have been at Yavneh and not Usha is of little significance to me. For previous scholars who have gone to great lengths to reconcile the details of the story with one another and with a particular historical setting on the assumption that the story is a simple historical representation rather than a rhetorical construction, see Fraade, *From Tradition to Commentary*, 214–15 n. 137; Bernard S. Jackson, "On the Problem of Roman Influence on the Halakha and Normative Self-Definition in Judaism," in *Jewish and Christian Self-Definition. Volume Two: Aspects of Judaism in the Graeco-Roman Period*, ed. E. P. Sanders et al. (Philadelphia: Fortress, 1981), 163, 358 nn. 54, 55; Catherine Hezser, *Form, Function, and Historical Significance of the Rabbinic Story in Yerushalmi Neziqin*, TSAJ 37 (Tübingen: Mohr Siebeck, 1993), 15–24.

²¹ For a more "universalistic" interpretation of Deut 33:3, as well as other variants, compare the fragmentary text of Mekhilta Devarim published and discussed by Menahem Kahana, "דפי"ם, "מן המכילתא לדברים פרשות האינו וזאת הברכה," *Tarbiz* 57 (1988): 165–201, esp. 180–85, 200–201. On the broader question of contrasting attitudes toward non-Jews in the tannaitic midrashim, see idem, "The Halakhic Midrashim," in *The Literature of the Sages: Second Part: Midrash and Targum, Liturgy, Poetry, Mysticism, Contracts, Inscriptions, Ancient Science and the Languages of Rabbinic Literature*, ed. S. Safrai, Z. Safrai, J. Schwartz and P.J. Tomson, CRINT 2.3.2 (Assen: Royal Van Gorcum, 2006), 51–52.

²² For details, see Fraade, *From Tradition to Commentary*, 53, 217–218 n. 148.

²³ See Fraade, *From Tradition to Commentary*, 214 n. 131; 244 n. 111.

non-Jews is to make a favorable impression upon them, but perhaps somewhat mockingly.

Another version of the same story appears in the Palestinian Talmud (y. B. Qam. 4.3, 4b; text #4.2), in the context of commenting on the mishnaic rule (m. B. Qam. 4:3) that an Israelite is not culpable if his ox gores the ox of a non-Israelite, whereas in the opposite case the non-Israelite must pay full damages regardless of whether the non-Israelite's ox is a habitual gorer (a distinction made in Jewish law, but presumed not to apply in non-Jewish law).²⁴ To explain this discrepancy between the treatment of the property of a non-Israelite and that of an Israelite, several justifications are offered, the first two based on scriptural verses (Hab 3:6; Deut 33:2), with which we are by now familiar, understood to refer to the non-Israelite nations' rejection of the Torah, and especially the seven Noahide laws, at the time of revelation.

A somewhat expanded version of the story of the Roman officials who come to study the written and oral Torah with Rabban Gamaliel follows. Once again, they find most of it to be praiseworthy, except now there is no mention of their pretending to be converts, and there are two rules (or three) to which they object, that would appear to discriminate against non-Jews, including now rules restricting the role of non-Jewish women in the birth and nursing of Jewish infants.²⁵ Rabban Gamaliel, in an effort to prevent "profanation of the divine name," that is, the Romans' defaming God as the source of the Jewish laws, changes the law so as to prohibit the stolen property of non-Jews, while leaving the other discriminatory rules (goring ox and non-Israelite midwives and wet-nurses) in place. Now the Roman officials are intent on reporting back to their superiors both what is praiseworthy and what to them is objectionable. However, soon after they leave Palestine for Syria (if not beyond), they forget (presumably by divine intervention) all of the Torah, written and oral, that they have learned from Rabban Gamaliel. It would appear preferable that they have nothing to report than for them to report something negative, even if the bulk of their report is positive.

This is a very different outcome from that of the earlier version that we discussed from Sifre Deuteronomy, in which all but the discriminatory laws are reported, due to the self-censorship, as it were, of the Roman officials. The later version of the story (or at least the one appearing in the later source) may reflect a fear that once the Torah and its laws in their entirety is in Roman imperial hands, there is no guarantee how it might be used against the Jews, at the least to cast aspersions on them (and their God) for the discriminatory laws. Interestingly, just as in the Tosefta and the Palestinian Talmud, God inspires the non-Jewish nations and their notaries to translate the Torah, thereby ensuring its multilingual dissemination, here, by contrast, God (I presume) causes the Romans to

²⁴ See b. B. Qam. 14a.

²⁵ See m. 'Abod. Zar. 2:1; b. 'Abod. Zar. 26a.

forget all of the Torah laws they have learned, thereby precluding their sharing them with their Roman superiors. In the previous version of the story it is the Romans themselves who subvert the original purpose of their mission (by their withholding a few of the rabbinic laws they have learned), whereas in this version of the story it is God (presumably) who subverts their mission by afflicting them with legal amnesia, an occupational hazard of studying, especially laws, in an oral medium. Presumably the Romans left without written texts or notes to assist them in recalling what they had learned. In both sets of stories (non-Jewish notaries and Roman officials), the sharing of the Torah laws (Israel's privileged inheritance, thinking back to Ben Sira) with non-Jews is to some extent, but not in all versions, subverted.

Conclusions

The best way to sum up the variety of texts that we have examined for their attitudes to the Torah and its laws having been given, or potentially given, to the non-Israelite nations is that they express ambivalence. While this could simply be the editorial result of the anthological nature of rabbinic literature, which often includes and juxtaposes seemingly contradictory teachings from different times, places, and authorities (and which could be said to characterize my own juxtaposition of textual snippets from a variety of sources), the ambivalence pervades several of the individual traditions as well, and seems to extend back to much earlier times in the history of biblical tradition.

As so clearly expressed already by Ben Sira in the early second century BCE, the Torah and its laws are both universal in their divine, primordial origins, and the particular possession of Israel alone as God's covenantal partners in sacred history. While, in principle at least, the Torah and its oral accompaniments should have been revealed to all of humankind, the nations, with the exception of Israel, are shown to have been both disinterested in and unworthy of them, especially their laws. But still, how can pre- and non-Israelites have been divinely judged and punished for their corrupt and depraved behavior if they were not given the opportunity, at least, of knowing the laws and following them before being condemned? Conversely, how could the nations hope for their eventual redemption, as imagined by some scriptural prophets, if the means thereto were not available to them?

Stated differently, while all humans were equally created in the divine image, those who had entered into and maintained a covenantal relationship with God were entitled to legal rights and protections, commensurate with their acceptance of legal responsibilities, while those who had not were not. We also saw the desire of Israel to be judged and treated positively by the non-Israelite nations (and especially the empires that ruled over Israel) for those laws of the Torah and rab-

binic tradition that they would view favorably, and, conversely, not to be reviled by them for those laws that they would view unfavorably as being discriminatory against non-Israelites. As we have seen, Israel's possession of the laws of the Torah set it apart from the other nations, in part since it was in their national (and holy) language of Hebrew that the Torah was originally revealed, recorded, and transmitted, even if it could be derivatively translated into all seventy of the human languages.

What differentiated Israel from the lawless nations, who had proven themselves incapable of abiding by even the minimal, universal, moral laws of the Noahides, was not only their possession of the written laws of the Torah, but also, and even more so, the oral laws of rabbinic tradition (for which see text #5.1, where the "nations" would seem to represent Christianity).²⁶ Were the oral Torah to be committed to writing, it would be claimed by the nations (presumably once translated into their languages, especially Greek), to blur the line between them and Israel as the "children of the God." Once the Torah, written and oral, were to become universally available and accessible, Israel's distinctive identity and covenantal status would evaporate. Stated differently, if the "judge of all the world" (השפט בל־הארץ) (Gen 18:25; cf. Ps 94:2) were to apply one set of laws to all of its inhabitants, what would remain of Israel's unique, identity-conferring *raison d'être*?

Appendix: Primary Texts

1.1 Psalms 147:19–20

19 מגיד דבריו ליעקב תקיו ומשפטיו לישראל:
20 לא עשה כן | לכל־גוי ומשפטים בל־ידעום הללויה:

19 He issued his commands to Jacob,
his statutes and rules to Israel.

20 He did not do so for any other nation;
of such rules they know nothing.

Hallelujah. (NJPS)

²⁶ On this passage, see S. D. Fraade, "Concepts of Scripture in Rabbinic Judaism: Oral Torah and Written Torah," in *Jewish Concepts of Scripture: A Comparative Introduction*, ed. Benjamin D. Sommer (New York: New York University Press, 2012), 39–40; Marc Bregman, "Mishnah and LXX as Mystery: An Example of Jewish-Christian Polemic in the Byzantine Period," in *Continuity and Renewal: Jews and Judaism in Byzantine-Christian Palestine*, ed. Lee I. Levine (Jerusalem: Merkaz Dinur and the Jewish Theological Seminary, 2004), 333–42; Bregman, "משנה כמסתרין" [Mishnah as Mystery], in *Mehqerei Talmud III: Talmudic Studies Dedicated to the Memory of Professor Ephraim E. Urbach*, ed. Yaakov Sussmann and David Rosenthal (Jerusalem: Magnes, 2005), 101–109 (Hebrew).

1.2 Ben Sira 24:3–12, 23

3 Ἐγὼ ἀπὸ στόματος ὑψίστου ἐξῆλθον καὶ ὡς ὀμίχλη κατεκάλυψα γῆν:
 4 ἐγὼ ἐν ὑψηλοῖς κατεσκίηνωσα, καὶ ὁ θρόνος μου ἐν στύλῳ νεφέλης:
 5 γῦρον οὐρανοῦ ἐκύκλωσα μόνη καὶ ἐν βάθει ἀβύσσων περιεπάτησα:
 6 ἐν κύμασιν θαλάσσης καὶ ἐν πάσῃ τῇ γῆ καὶ ἐν παντὶ λαῷ καὶ ἔθνει ἐκτησάμην.
 7 μετὰ τούτων πάντων ἀνάπαυσιν ἐζήτησα καὶ ἐν κληρονομίᾳ τίνος αὐλισθήσομαι.
 8 τότε ἐνετείλατό μοι ὁ κτίστης ἀπάντων, καὶ ὁ κτίσας με κατέπαυσεν τὴν σκηνὴν μου καὶ εἶπεν Ἐν Ἰακωβ κατασκίηνωσον καὶ ἐν Ἰσραὴλ κατακληρονομήθητι.
 9 πρὸ τοῦ αἰῶνος ἀπ' ἀρχῆς ἔκτισέν με, καὶ ἕως αἰῶνος οὐ μὴ ἐκλίπω.
 10 ἐν σκηνῇ ἁγία ἐνώπιον αὐτοῦ ἐλειτούργησα καὶ οὕτως ἐν Σιων ἐστηρίχθην:
 11 ἐν πόλει ἡγαπημένῃ ὁμοίως με κατέπαυσεν, καὶ ἐν Ἱερουσαλημ ἡ ἐξουσία μου:
 12 καὶ ἐρρίζωσα ἐν λαῷ δεδοξασμένῳ, ἐν μερίδι κληρονομίας αὐτοῦ.
 ...
 23 Ταῦτα πάντα βιβλος διαθήκης θεοῦ ὑψίστου, νόμον ὃν ἐνετείλατο ἡμῖν Μωσῆς κληρονομίαν συναγωγᾶς Ἰακωβ.

3 I came forth from the mouth of the Most High, and covered the earth like a mist.
 4 I dwelt in the highest heaven, and my throne was in a pillar of cloud.
 5 Alone I compassed the vault of heaven and traversed the depths of the abyss.
 6 Over waves of the sea, over all the earth, and over every people and nation I have held sway.
 7 Among all these I sought a resting place; in whose territory should I abide?
 8 Then the Creator of all things gave me a command, and my Creator chose the place for my tent.
 He said, "Make your dwelling in Jacob, and in Israel receive your inheritance."
 9 Before the ages, in the beginning, he created me, and for all the ages I shall not cease to be.
 10 In the holy tent I ministered before him, and so I was established in Zion.
 11 Thus in the beloved city he gave me a resting place, and in Jerusalem was my domain.
 12 I took root in an honored people, in the portion of the Lord, his heritage.
 ...
 23 All this is the book of the covenant of the Most High God, the law that Moses commanded us as an inheritance for the congregation of Jacob. (NRSV)

2.1 Sifre Deuteronomy § 43 (ed. Finkelstein, 395–397):

דבר אחר ויאמר ה' מסיני בא, כשנגלה הקדוש ברוך הוא ליתן תורה לישראל לא על ישראל בלבד הוא נגלה אלא על כל האומות, תחילה הלך אצל בני עשו אמר להם מקבלים אתם את התורה אמרו לו מה כתוב בה אמר להם (שמות כ ג) לא תרצח אמרו כל עצמם של אותם האנשים ואביהם רוצח הוא שנאמר (בראשית כז כב) והידים ידי עשו (בראשית כז מ) ועל חרבך תחיה.

הלך אצל בני עמון ומואב אמר להם מקבלים אתם את התורה אמרו לו מה כתוב בה אמר להם (שמות כ ג) לא תנאף אמרו לו כל עצמה של ערוה להם היא שנאמר (בראשית יט לו) ותהרין שתי בנות לוט מאביהן.

הלך אצל בני ישמעאל אמר להם מקבלים אתם את התורה אמרו לו מה כתוב בה אמר להם (שמות כ ג) לא תגנוב אמרו לו כל עצמם אביהם ליסטים היה שנאמר (בראשית טז יב) והוא יהיה פרא אדם.

וכן לכל אומה ואומה שאל להם אם מקבלים את התורה שנאמר (תהלים קלח ד) יודוך ה' כל מלכי ארץ כי שמעו אמרי פיך יכול שמעו וקבלו תלמוד לומר (מיכה ה יד) ועשיתי באף ובחימה נקם את הגוים אשר לא שמעו לא דיים שלא שמעו אלא אפילו שבע מצות שקבלו עליהם בני נח לא יכלו לעמוד בהם עד שפרקום כיון שראה הקדוש ברוך הוא כך נתנם לישראל.

משל לאחד ששילח את חמורו וכלבו לגרן והטעינו לחמור לתך ולכלב שלש סאים היה החמור מהלך והכלב מלחית פרק ממנו סאה ונתנו על החמור וכן שיני וכן שלישי כך ישראל קבלו את התורה בפירושיה ובדקדוקיה אף אותם שבע מצות שלא יכלו בני נח לעמוד בהם ופרקום באו ישראל וקבלום לכך נאמר ויאמר ה' מסיני בא וזרח משעיר למור.

Another interpretation: "He said: The Lord came from Sinai" (Deut 33:2): When the Holy One, blessed be he, revealed himself to give the Torah to Israel, he revealed himself not to Israel alone but to all the nations. He went first to the descendants of Esau and said to them, "Will you accept the Torah?" They said to him, "What is written in it?" He said to them, "You shall not murder" (Exod 20: 13). They said, "This is the very essence of this people, and their [= our] forefather was a murderer, as it is said, 'Yet the hands are the hands of Esau' (Gen 27:22), and his [= Esau's] father assured that he would be so, as it is said, 'By the sword you shall live' (Gen 27:40)."

He then went to the descendants of Ammon and Moab and asked them, "Will you accept the Torah?" They replied, "What is written in it?" He said, "You shall not commit adultery" (Exod 20: 13). They replied, "Unchastity is their [= our] very essence, as it is said, 'Thus the two daughters of Lot came to be with child by their father' (Gen 19:36).

He went next to the descendants of Ishmael and asked them, "Will you accept the Torah?" They replied, "What is written in it?" He said, "You shall not steal" (Exod 20: 13). They replied, "[Theft is] their [= our] very essence [and] their [= our] forefather was a thief, as it is said, 'He shall be a wild ass of a man' (Gen 16:12)."

And there was not a single nation among the nations with whom he did not speak, knocking on each one's door to ask if they wanted to receive the Torah, as it says, "All the kings of the earth shall praise You, O Lord, for they heard (*shame'u*) the words you spoke" (Ps 138:4). Could it be that they heard and accepted [his offer]? Scripture teaches, "In anger and wrath will I wreak retribution on the nations that have not obeyed (*shame'u*)" (Mic 5: 14). Rather, they were not even able to observe [lit.: withstand] the seven commandments that the children of Noah had accepted as incumbent upon themselves, and finally cast them off and gave them to Israel.

A parable: [This can be compared to] a man who took his donkey and his dog to the threshing floor and loaded the donkey with a letek [= 15 se'ahs] [of grain] and the dog with three se'ahs. The donkey went along [easily], but the dog began to pant. He [= the man] removed a se'ah from him [= the dog] and put it on the donkey, and so too the second and the third [se'ah]. Similarly, Israel accepted the Torah according to all of its explications and fine points, as well as those very seven commandments that the descendants of Noah [at first] accepted but were unable to observe [lit.: withstand] until finally they cast them off and gave them to Israel. Therefore, it is said, "He said: The Lord came from Sinai, and shone upon them from Seir."

2.2 *Mekhilta de R. Ishmael Bahodesh 5 (ed. Lauterbach, 2:234–37):*

לפיכך נתבעו אומות העולם בתורה, כדי שלא ליתן פתחון פה להם כלפי שכינה לומר, אלו נתבענו כבר קיבלנו עלינו, הרי שנתבעו ולא קבלו עליהם, שנ' ויאמר ה' מסיני בא וגו' (דברים לג ב).

נגלה על בני עשו הרשע ואמר להם, מקבלים אתם עלי' את התורה, אמרו לו, מה כתיב בה, אמר להם: לא תרצח. אמרו לו, זו היא ירושה שהורישנו אבינו, שנאמר ועל חרבך תחיה (בראשית כז מ).

נגלה על בני עמון ומואב, אמר להם, מקבלים אתם את התורה. אמרו לו, מה כתוב בה, אמר להם, לא תנאף. אמרו לו, כלנו מניאוף דכתיב ותהרין שתי בנות לוט מאביהם (בראשית יט ו), והיאך נקבלה.

נגלה על בני ישמעאל, אמר להם, מקבלים אתם עליכם את התורה. אמרו לו, מה כתוב בה, אמר להם, אל תגנוב. אמרו לו, בזו הברכה נתברך אבינו, דכתיב והוא יהיה פרא אדם (בראשית טז יב), וכתיב כי גנב גנבתי (בראשית מ טו).

וכשבא אצל ישראל, מימינו אש דת למו (דברים לג ב), פתחו כלם פיהם ואמרו: כל אשר דבר ה' נעשה ונשמע (שמות כד ז), וכן הוא אומר עמד וימודד ארץ ראה ויתר גוים (חבקוק ג ו).

אמר רבי שמעון בן אלעזר: אם בשבע מצות שנצטוו בני נח, שקבלו עליהן אינן יכולין לעמוד בהן, קל וחומר למצות שבתורה.

משל למלך שמנה לו שני אפטורפסין אחד ממונה על אוצר של תבן, ואחד ממונה על אוצר של כסף ושל זהב. זה שהיה ממונה על התבן נחשד – והיה מתרעם על שלא מנו אותו על אוצר של כסף ושל זהב, וזה שהיה ממונה על הכסף ועל הזהב אמר לו, ריקה, בתבן כפרת, בכסף וזהב על אחת כמה וכמה.

והלא דברים קל וחומר, ומה אם בשבע מצות שנצטוו בני נח לא יכלו לעמוד בהם, על אחת כמה וכמה בכל המצות שבתורה.

ומפני מה לא ניתנה תורה בארץ ישראל, שלא ליתן פתחון פה לאומות העולם לומר, לפי שנתנה תורה בארצו לפיכך לא קבלנו עלינו... בשלשה דברים ניתנה תורה, במדבר ובאש ובמים, לומר לך, מה אלו חנם לכל באי העולם, כך דברי תורה חנם לכל באי העולם.

It was for this reason that the nations of the world were asked [to receive the Torah], so that they would not have an opportunity to say, "Had we been asked we would surely have accepted it." Behold, they were asked and they did not accept it, as it is said, "He said: The Lord came from Sinai," etc.

He revealed himself to the descendants of the wicked Esau, saying to them, "Will you accept the Torah?" They said to him, "What is written in it?" He said to them, "You shall not murder" (Exod 20:13). They said to him, "This is the inheritance that our forefather passed on to us: 'By the sword you shall live' (Gen 27:40)."

He revealed himself to the descendants of Ammon and Moab, saying to them, "Will you accept the Torah?" They said to him, "What is written in it?" He said to them, "You shall not commit adultery" (Exod 20:13). They said to him that they were all the children of adulterers, as it is said, "Both of the daughters of Lot were with child by their father" (Gen 19:36).

He revealed himself to the descendants of Ishmael, saying to them, "Do you accept the Torah?" They said to him, "What is written in it?" He said to them, "You shall not steal" (Exod 20:13). They said to him, "This was the very blessing which was pronounced on our forefather, 'And he shall be a wild ass of a man, with his hand upon everything' (Gen 16:12). And it is written, 'For surely I [Joseph] was stolen away [by the Ishmaelites] out of the land of the Hebrews' (Gen 40: 15).

And when he came to Israel, “From his right hand was a fiery law to them” (Deut 33:2), they all opened their mouths and said, “All that the Lord has spoken we will do and obey” (Exod 24:7). And thus it says, “He stood and measured the earth. He beheld and released the nations” (Hab 3:6).

R. Simon b. Eleazar (ca. 200) says: If the descendants of Noah were unable to withstand [= obey] the seven commandments which were enjoined upon them, how much less would they have been able to endure all the commandments in the Torah.

A parable: [This can be compared] to a king who appointed two administrators. One was appointed over a store of straw and one was appointed over a store of silver and gold. The one who was appointed over the store of straw was suspected [of mishandling it], but [nevertheless] complained that he had not been appointed over the store of silver and gold. They said to him, “You good for nothing! If you were suspected in connection with the store of straw, how could anyone trust you with the store of silver and gold?”

Behold, one can reason *a fortiori*: If the descendants of Noah were unable to withstand the seven commandments enjoined upon them, how much more so [would they have been unable to withstand all the commandments in the Torah!]

Why was the Torah not given in the land of Israel? In order that the nations of the world should not have the excuse for saying: Because it was given in Israel’s land, therefore we have not accepted it... To three things the Torah is likened: to the desert, to fire, and to water. This is to tell you that just as these three things are free to all who come into the world, so also are the words of Torah free to all who come into the world.

2.3 *Sifre Deuteronomy* § 343 (ed. Finkelstein, 397–398):

דבר אחר מסיני בא כשנגלה הקדוש ברוך הוא ליתן את התורה הרעיש כל העולם על יושביו שנאמר (תהלים כט ג) קול ה' על המים ואומר קול ה' בכח באותה שעה נתקבצו כל האומות אצל בלעם אמרו לו כמדומים אנו הקדוש ברוך הוא מחריב את העולם במים אמר להם (בראשית ט טו) לא יהיה עוד המים למבול אמרו לו מה הקול הזה אמר להם (תהלים כט יא) ה' עוז לעמו יתן ואין עוז אלא תורה שנאמר (איוב יב טז) עמו עוז ותושיה אמרו לו אם כן (תהלים כט יא) ה' יברך את עמו בשלום.

When the Holy One, blessed be he, revealed himself to give the Torah to Israel, he shook the entire world, together with its inhabitants, as it is said, “The voice of the Lord is over the waters, the God of glory thunders” (Ps 29:3). When they heard the thunderous voices [of revelation], all the nations gathered together and came to Balaam, saying to him, “It seems to us that the Holy One, blessed be he, is about to destroy the world with water.” He said to them, “It has already been said, ‘The waters shall never again become a flood’ (Gen 9:15).” They said to him, “What then is this thunderous voice?” He replied, “The Lord will grant strength to his people” (Ps 29: 11), and “strength” must refer to Torah, as it is said, “With him are strength and sound wisdom” (Job 12:16). They said to him, “If that is so, ‘May the Lord bless his people with peace’ (Ps 29: 11).”

3.1 *Deuteronomy* 27:1–8:

[1] וַיִּצַו מֹשֶׁה וְזִקְנֵי יִשְׂרָאֵל אֶת־הָעָם לֵאמֹר שָׁמֵר אֶת־כָּל־הַמִּצְוֹת אֲשֶׁר אָנֹכִי מְצַוֶּה אֶתְכֶם הַיּוֹם:
 [2] וְהָיָה בַיּוֹם אֲשֶׁר תַּעֲבְרוּ אֶת־הַיַּרְדֵּן אֶל־הָאָרֶץ אֲשֶׁר־יְהוָה אֱלֹהֵיךָ נָתַן לְךָ וְהִקְמַתָּ לָךְ אֲבָנִים גְּדֹלוֹת וַיִּשְׁדָּתָת אֹתָם בְּשִׂיד:

- [3] וְכָתַבְתָּ עֲלֵיהֶן אֶת־כָּל־דְּבָרֵי הַתּוֹרָה הַזֹּאת בְּעֵבֶר־ךָ לְמַעַן אֲשֶׁר תִּבְאֵ אֶל־הָאָרֶץ אֲשֶׁר־יְהוָה אֱלֹהֶיךָ נָתַן לְךָ אֶרֶץ זָבֶת חָלֶב וְדִבְשׁ כַּאֲשֶׁר דִּבֶּר יְהוָה אֱלֹהֵי־אַבְרָהָם לְךָ:
 [4] וְהָיָה בְּעֵבְרְכֶם אֶת־הַיָּדֵן תִּקְמוּ אֶת־הָאֲבָנִים הָאֵלֶּה אֲשֶׁר אָנֹכִי מַצְוֶה אֶתְכֶם הַיּוֹם בְּהָר עֵיבָל וְשָׂדֶת אוֹתָם בְּשֵׂדִי:
 [5] וּבְנִיתָ שָׁם מִזְבֵּחַ לַיהוָה אֱלֹהֶיךָ מִזְבֵּחַ אֲבָנִים לֹא־תִגְיֹף עֲלֵיהֶם בְּזָלָה:
 [6] אֲבָנִים שְׁלֵמוֹת תִּבְנֶה אֶת־מִזְבֵּחַ יְהוָה אֱלֹהֶיךָ וְהָעֲלִיתָ עָלָיו עֹלֹת לַיהוָה אֱלֹהֶיךָ:
 [7] וְזָבַחְתָּ שְׁלָמִים וְאָכַלְתָּ שָׂם וְשָׂמַחְתָּ לִפְנֵי יְהוָה אֱלֹהֶיךָ:
 [8] וְכָתַבְתָּ עֲלֵה־אֲבָנִים אֶת־כָּל־דְּבָרֵי הַתּוֹרָה הַזֹּאת בְּאֵר הַיִּטֵּב:

- [1] Moses and the elders of Israel charged the people, saying: Observe all the Instruction that I enjoin upon you this day.
 [2] As soon as you have crossed the Jordan into the land that the Lord your God is giving you, you shall set up large stones. Coat them with plaster
 [3] and inscribe upon them all the words of this Teaching. When you cross over to enter the land that the Lord your God is giving you, a land flowing with milk and honey, as the Lord, the God of your fathers, promised you –
 [4] upon crossing the Jordan, you shall set up these stones, about which I charge you this day, on Mount Ebal, and coat them with plaster.
 [5] There, too, you shall build an altar to the Lord your God, an altar of stones. Do not wield an iron tool over them;
 [6] you must build the altar of the Lord your God of unhewn stones. You shall offer on it burnt offerings to the Lord your God,
 [7] and you shall sacrifice there offerings of well-being and eat them, rejoicing before the Lord your God.
 [8] And on those stones you shall inscribe every word of this Teaching most distinctly.

3.2 Mishnah Soṭah 7:5 (MS Kaufmann):

ואחר כך הביאו את האבנים ובנו את המזבח וסדוהו בסיד וכתבו עליהן את כל דברי התורה והזאת בשבעים לשון שנאמר "באר היטב" (דברים כז ח) ונטלו את האבנים ובאו ולנו במקומן.

And afterward they brought the stones and built the altar and plastered it with plaster. And they wrote on them all the words of this Torah in seventy languages, as it is written, "very clearly" (Deut 27:8). And they took the stones and came and spent the night in their own place (cf. Josh 4:3, 8).

3.3 Tosefta Soṭah 8:6–7(ed. Lieberman, 205):

[6] ר' יהודה אומ' על אבני מזבח כתבוהו אמרו לו היאך למדו אותן אומות העולם את התורה אמ' להן מלמד שנתן המקום בלב כל אומה ומלכות ושלחו נטורים שלהם והשיאו את הכתב מגבי אבנים בשבעים לשון באותה שעה נתחתם גזר דינם של אומות העולם לבאר שחת.

[7] ר' שמעון או' על הסיד כתבו כיצד כירוהו וסדוהו בסיד וכתבו עליו את כל דברי התורה בשבעים לשון וכתבו מלמטה "למען אשר לא ילמדו אתכם" וגו' (דברים כ ח): "אם אתם חוזרין בכס, אנו מקבלין אתכם".

[6] R. Judah says: They inscribed it [= the Torah] on the stones of the altar. They said to him: How did the nations of the world learn the Torah? He said to them: This teaches that the Omnipresent moved every nation and kingdom to send their scribes and they transcribed the writing from the stones in seventy languages. At that moment the verdict against the nations of the world was sealed for destruction.

[7] R. Simeon says: They wrote it on plaster. How so? They laid it out and plastered it with plaster, and they wrote on it all the words of the Torah in seventy languages, and they wrote below, "That they teach you not [to do after all their abominations]" (Deut 20:18): "If you [non-Jews] repent, we shall receive you."

3.4 *Mekhilta Deuteronomy Geniza frag.* (ed. Kahana, 345, after Lieberman and Schechter):

בו ביום עברו ישראל את הירדן ונטלו את האבנים והעבירו והעמידום וכתבו על [האבנים] אֵת כל דברי התורה [בלשון הקודש]. ר' ישמעאל אומ' בשבעים לשון כתבו [שנ' "באר היטב" (דברים כז ח)]. רבי שמעון בן יוחאי א' לא כתבו עליה [ן א]ל [א את משנה] תורת משה שנ' "ויכתב שם על האבנים את משנה תורת משה" וג'. (יהושע ח לב) ר' יוסה בן יוסי אומ' משום ר' אלעזר בן שמעון לא כתבו עליהן אלא מה שאומות העולם רוצין כגון "כי תקרב אל עיר להלחם עליה וקראת עליה לשלום אם שלום תענך" וג' (דברים כ ייא). "כי תצור אל עיר ימים רבים" וג' (שם כ ט). על [אבני] [המזבח] כתבום דברי ר' יודה. ר' שמעון א' על האבנים כתבום. [אמ'] [ר' גרא]ין דברי ר' שמעון שאמר על האבנים [כתבום] [שנ' [על] האבנים" (שם כז ח) מדברי ר' יודה שאמר על המזבח כתבום. שאלו [על] המזבח כתבום האיך היו אומות העולם רוצין לקרות דין. [ולמטה כת'] עליהם "כל הרוצה לקבל ימין יבוא ויקבל" וגוונום בו ביום.

On the same day that Israel crossed the Jordan, they took the stones, brought them across, and erected them and wrote on [the stones] all the words of the Torah [in the holy language].

R. Ishmael says, They wrote in seventy languages, [as it is said, "most distinctly" (Deut 27:8)].

R. Shim'on b. Yoḥai says, They did not write on the [m bu]t [a copy] of the Torah of Moses (or: the book of Deuteronomy), as it is said, "And there, on the stones, he inscribed a copy of the Torah of Moses" (Josh 8:32).

R. Yose b. Yose says in the name of R. Eleazar b. Shim'on, They did not write on them but that which the nations of the world desired, such as, "When you approach a town to attack it, you shall offer it terms of peace. If it responds peaceably," etc. (Deut 20:10–11); "When you besiege a city for a long time," etc. (Deut 20:19).

They wrote them on [the stones] [of the alta]r. These are the words of R. Judah. R. Shim'on says, They wrote them on the stones (cf. Deut 27:2–4).

[Said] [Rabbi I prefer] the words of R. Shim'on, who said, They wrote them on the stones, to the words of R. Judah, who said, They wrote them on the altar. For if they had written them [on] the altar, how could the nations of the world who desired to read the law [been able to do so]? [At the bottom was written] on them: "Whoever wishes to receive right (forgiveness) shall come and receive!" But the very same day they hid them [= the stones of the altar] away.

3.5 *Palestinian Talmud Soṭah 7:5, 21d (ed. Academy of the Hebrew Language, 935–36):*

תני. על אבני המלון נכתבו. דברי רבי יודה. רבי יוסי אומר. על אבני המזבח נכתבו. מאן דמר על אבני המלון נכתבו בכל יום ויום אומ' העולם משלחין נוטריהון ומשיאין את התורה שהיתה כתובה בשבעים לשון. מאן דמר על אבני המזבח נכתבו. לא לשעה היו ונגזזו. עוד הוא מעשה ניסים. נתן הקב"ה בינה בלב כל אומה ואומה והשיאו את התורה שהיתה כתובה בשבעים לשון.

It was taught: [The words of the Torah] were written on the stones of the lodging place (Josh 4:3, 8). These are the words of R. Judah.

R. Yose says: They were written on the stones of the altar.

[With respect to] the one who says that they were [permanently] written on the stones of the lodging: Every day the nations of the world would send their scribes, who would transcribe the Torah which was written in seventy languages.

[With respect to] the one who says that they were written on the altar, [how can this be?] Were they not [there] for only a short time before they were hidden away?

[Rather,] this was another miracle. The Holy One, blessed be he, gave insight into the heart of each and every nation so that they transcribed the Torah that was written in seventy languages.

3.6 *Fragmentary Targum (MS Paris) Deut 27:8:*

ותכתבון על אבניא ית כל מילי שבח אוריתא הדא כתב חקק ומפרש טבא מתקרי בחד לישן ומתורגם בשבעין לישן.

And you shall inscribe upon the stones all of the words of praise of this Torah, in engraved writing and very distinct; to be read in one language and translated into seventy languages.

4.1 *Sifre Deuteronomy § 344 (ed. Finkelstein, 400–401):*

דבר אחר אף חובב עמים מלמד שלא חלק להם הקדוש ברוך הוא חיבה לאומות העולם כדרך שחלק לישראל תדע לך שכן שהרי אמרו גזילו של נכרי מותר ושל ישראל אסור וכבר שלחה מלכות שני סרדיטיאות ואמרה להם לכו ועשו עצמכם יהודים וראו תורתם מה טיבה הלכו אצל רבן גמליאל לאושא וקראו את המקרא ושנו את המשנה מדרש הלכות והגדות בשעת פטירתם אמרו להם כל התורה נאה ומשובחת חוץ מדבר אחד זה שאתם אומרים גזילו של גוי מותר ושל ישראל אסור ודבר זה אין אנו מודיעים למלכות.

Another interpretation: “Lover, indeed, of the people(s)” (Deut 33:3): This teaches that the Holy One, blessed be he, did not dispense love to the nations of the world as he did to Israel. Know that this is so since they [= the sages] have said: “The robbed property of a Gentile is permitted, while the robbed property of an Israelite is forbidden.” It once happened that the government [of Rome] sent two officers, instructing them as follows: “Go and disguise yourselves as converts, and find out what is the nature of Israel’s Torah.” They went to Rabban Gamaliel at Usha, where they recited Scripture and studied Mishnah: Midrash, Halakhot, and Aggadot. As they were taking their leave, they said, “All of the Torah is pleasing and praiseworthy, except for one thing, and that is your saying, ‘The robbed

property of a Gentile is permitted, while the robbed property of an Israelite is forbidden,' but we will not report this to the government."

4.2 *Palestinian Talmud Bava Qamma 4.3, 4b* (ed. *Academy of the Hebrew Language*, 1197):

"שור שלישראל שנגח לשור שלנכרי" כול'. רב אמר. "ראה ויתר גוים". התיר ממונה שלגוים. חזקיה אמר. "הופיע מהר פארן". והופיע פנים כנגד אומות העולם. רבי יוסי בן חנינה אמר. הוריד מנכסיהן. רבי אבהו בשם רבי יוחנן אמר. כדיניהן. אמר רבי לא. לא על הדא איתאמרת אלא בהדא דתני רבי חיה. שור שלגוי שנגח שור אחר חבירו. אף על פי שקיבל עליו לדון כדיני ישראל בין תם בין מועד משלם נזק שלם. על הדא אתאמרת. רבי אבהו בשם רבי יוחנן. כדיניהן. מעשה ששילח המלכות שני {איסטרוטות} ללמוד תורה מרבן גמליאל. ולמדו ממנו מקרא משנה תלמוד הלכות ואגדות. ובסוף אמרו לו. כל תורתכם נאה ומשובחת חוץ משני דברים הללו שאתם אומרים. "בת ישראל לא תיילד לנכרית". "אבל נכרית מיילדת לבת ישראל. בת ישראל לא תניק בנה שלנכרית. אבל נכרית מניקה לבת ישראל ברשותה". גזילו שלישראל אסור ושלנכרי מותר. באותה שעה גזר רבן גמליאל על גזילות נכרי שיהא אסו מפני חילול השם. "שור שלישראל שנגח לשור שלנכרי פטור" כול'. בדבר הזה אין אנו מודיעין למלכות. אפילו כן לא מטון לסולמיה דצור עד דשכחון כולן.

"An ox of an Israelite that gores an ox of a gentile," etc. (m. B. Qam. 4:3).

Rab said: "[God] looked and loosened the nations" (Hab 3:6): He loosened [= permitted] the property of the nations of the world.

Hezekiah said: "and [God] showed himself from Mount Paran" (Deut 33:2): He showed his face against the nations of the world.

R. Yose b. Ḥanina said: He lowered them from their property.

R. Abbahu said in the name of R. Yoḥanan: [The Mishnah] is in accord with [the Gentiles'] laws [according to which it matters not whether the ox was an attested danger].

R. La said: [The previous statement] was not said with regard to this [Mishnah] but with regard to what R. Ḥiyya taught: If the ox of one Gentile gored the ox of another Gentile, his fellow, even if he elected to be judged according to the laws of Israel, whether [the ox was] harmless or an attested danger he pays full damage.

It is with regard to this [*baraita*] that R. Abbahu said in the name of R. Yoḥanan: It is in accord with their laws.

It once happened that the wicked government [of Rome] sent two officers to learn Torah from Rabban Gamaliel. They learned from him Scripture [and] Mishnah: Talmud and Aggadah. At the end they said to him: "All of your Torah is pleasing and praiseworthy, except for these two things that you say: 'An Israelite woman cannot serve as a midwife to an Gentile woman but a Gentile woman can serve as a midwife to an Israelite woman, and an Israelite woman cannot nurse the child of a Gentile woman but a Gentile woman can nurse [the child of] an Israelite woman.' [Secondly,] 'the robbed property of an Israelite is prohibited while the robbed property of a Gentile is permitted.'" At that moment, Rabban Gamaliel decreed that the robbed property of a Gentile be forbidden because of profanation of the divine name. "'If an ox of an Israelite gored an ox of a Gentile, [the Israelite owner] is not culpable.' Concerning these matters we will not inform the government." Even so, they did not get so far as the Ladder of Tyre when they forgot all of it.

5.1 *Pesiqta Rabbati 5* (ed Meir Friedmann, 4b; cf. trans. William Braude, 93)

אמר רבי יהודה ברבי שלום ביקש משה שתהא המשנה בכתב וצפה הקדוש ברוך הוא שהאומות עתידין לתרגם את התורה ולהיות קוראים בה יוונית ואומרים אין הם ישראל אמר לו הקדוש ברוך הוא הא משה עתידין האומות להיות אומרים אנו הם ישראל אנו הם בניו של מקום וישראל אומרים אנו הם בניו של מקום, ועכשיו המאזניים מעויין, אמר הקדוש ברוך הוא לאומות מה אתם אומרים שאתם בניי איני יודע אלא מי שמסטירין שלי בידו הוא בני אמרו לו ומה הם מסטירין שלך אמר להם זו המשנה ... אמר הקדוש ברוך הוא למשה מה אתה מבקש שתהא המשנה בכתב ומה בין ישראל לאומות מניין (כך) [שכך] הוא אומר אכתוב לך רובי תורת (הושע ח יב) ואם כן כמו זר נחשבו (שם).

R. Judah b. R. Shalom (ca. 375) said: Moses requested [of God] that the oral teaching (*mishnah*) be written. The Holy One, blessed be he, foresaw that in the future the nations would translate the Torah and read from it in Greek and say, "They are not Israel." The Holy One, blessed be he, said to him, "O Moses! In the future the nations will say, 'We are Israel; we are the children of the Lord.' And Israel will say, 'We are the children of the Lord.' Now, the scales would appear to be balanced [between the two claims]." The Holy One, blessed be he, would say to the nations, "What are you saying that you are my children? I only recognize as my son one in whose hand are my 'mysteries.'" They would say to him, "And what are your 'mysteries?'" He would say to them, the oral teaching (*mishnah*). "... Said the Holy One, blessed be he, to Moses, "What are you requesting, that the oral teaching be written? What then would be the difference between Israel and the nations?" Thus, it says, "Were I to write for him [= Israel] the fullness of my teaching (*torah*); if so, "they [= Israel] would have been considered as strangers" (Hos 8:12).