

Why is Samaritan Bread Like Pork? A Neo-Structuralist Reading of Shevi'it 8:10

Introduction

IN 1873 R. ESRIEL HILDESHEIMER founded the Orthodox Rabbinical Seminary in Berlin. In his address at the opening R. Hildeshiemer declared:

Areas that have been known for a long time, i.e., Bible commentary, demand investigation from a new point of view and require the usage of valuable linguistic materials. . . . In our desire to engage in these areas as our own, we will attempt to work in them with absolute academic seriousness and for the sake of, and only the sake of, the truth.¹

In the following sixty five years, until the Seminary closed on Kristalnacht, R. Hildeshiemer and his colleagues learnt and taught Torah using the latest scholarly methods. R. David Tsevi Hoffman broke new ground in his studies of the composition of the Mishnah, R. Jacob Barth was an expert on Nevi'im and R. Yehiel Yaakov Weinberg combined the best of Eastern and Western scholarship in the study of Talmud and rabbinics in the final years of the Seminary's existence.²

The ideas I will discuss are presented in the spirit that R. Hildesheimer set out: investigation of well-known texts from a new point of view with absolute academic seriousness, and for the sake of the truth. This article will seek to cast new light on a Mishnah using the conceptual tools developed in the intellectual movement known as neo-structuralism.³

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The Mishnah

Mishnah *Shevi'it* 8:10 reads:

And they [the *Hakhamim*] further said before him [R. Akiva] “R. Eliezer said ‘one who eats Samaritan bread is like one who eats pork’”. He [R. Akiva] said to them “be quiet! I will not tell you what R. Eliezer said about this matter!”

This is a *mahloket* between the *Hakhamim* and R. Akiva regarding R. Eliezer’s attitude towards eating bread baked by Samaritans. The *Hakhamim* held that R. Eliezer said it was like eating pork, a view that also appears at the end of chapter 38 of *Pirkei deRabbi Eliezer*. R. Akiva, held that his teacher, R. Eliezer, did not take that view. However R. Akiva did not want to say what R. Eliezer’s real view was. Based on the view of R Hizkiya brought in the name of R Aha (quoted in the *Yerushalmi* at the very end of *Shevi'it* 8:8), Rambam and Bartenura in their commentaries on our Mishnah, both suggest that R. Akiva held that R. Eliezer was in fact rather lenient in his approach, but did not want that to be widely known. Later I will explore why that might be.

If for the moment we accept the opinion of the *Hakhamim* and attribute the comparison of Samaritan bread to pork to R. Eliezer, and look at it closely, it appears to be a very odd statement. The language is strange. Why does it say that one who eats Samaritan bread is like one who eats pork? If R. Eliezer wants to teach that one cannot eat Samaritan bread why not say that one who eats *pat kutim* (Samaritan bread), should receive lashes, either for a Biblical or Rabbinic transgression? Or say that *pat kutim* is forbidden to eat? As it stands, R. Eliezer’s formulation does not look like a purely halakhic statement.

If we want to see a straightfoward halakhic statement from R. Eliezer, we need only look at the previous Mishnah. Our Mishnah is out of place in *Shevi'it*, which deals with the produce of *shemittah* year. It is only included because it follows from the previous Mishnah:

Leather which has been rubbed with oil made from *shemittah* produce: R. Eliezer says it must be burned. The *Hakhamim* say you can buy the equivalent amount [of oil] and eat it [and do not have to burn the leather]. They [the *Hakhamim*] said this before R. Akiva: ‘R. Eliezer said, “Leather which has had shevi’it oil rubbed in it must be burned.” He [R. Akiva] said to them, “Be quiet! I will not tell you what R. Eliezer held in this case.”

Here is another case where the *Hakhamim* repeated the view of R Eliezer to R. Akiva and R. Akiva silenced them, but did not disclose R. Eliezer’s actual view. But there is a major difference between the two *mishnayot*. In this

Mishnah, R. Eliezer's ruling is clear—'yidalek' burn the leather. In our Mishnah, we have the strange, roundabout language of 'one who eats Samaritan bread is like one who eats pork'.

This, I suggest, is because it is not a halakhic statement at all, but an aggadic statement. R. Eliezer was not saying that eating *pat kutim* is halakhically equivalent to eating pork, or even that it is *assur* to eat *pat kutim*. The Rambam and others, commenting on our Mishnah, hold that R. Eliezer was actually lenient on Samaritan bread, just as *Masekhet Kutim* rules that it may be eaten.⁴ R. Eliezer was not prohibiting eating Samaritan bread, but he was strongly discouraging it, by comparing it to eating pork, which is something even those who might be relaxed about eating Samaritan bread would never dream of doing. This way of understanding the Mishnah becomes even more attractive when we examine more closely who the Samaritans were and the attitude of *Hazal* towards them. However, first we turn to the status of bread baked by anyone other than mainstream Jews.

Pat Akum

The Mishnah (*Avodah Zarah* 2:6) lists foods produced by non-Jews that are forbidden, including *pat akum*—bread baked by a non-Jew. The Gemara (*Avodah Zara* 35b) states that the Rabbis prohibited *pat akum* to prevent *hatnut*—intermarriage. Bread was the staple part of the diet and eating non-Jewish bread might lead to excessive socializing and intermarriage, a rationale we are familiar with from the restrictions on non-Jewish wine. If the reason is the possibility of intermarriage it is clear that the Rabbis were not concerned about the inherent *kashrut* of the bread. The first point is therefore that the prohibition of *pat akum* is Rabbinic, not Biblical. We are not concerned about the consumption of Biblically prohibited food. Indeed the bread is not non-kosher, it is simply prohibited to eat it.⁵

This may be why there are a number of leniencies with regard to *pat akum*. The Gemara (*Avodah Zarah* 35b) suggests that R. Yehuda HaNasi may have been lenient 'in the fields (i.e., outside the city), or when the bread was made by a *'palter*' (a baker). In both cases, the risk of socializing is lowered, so the prohibition may be set aside. There is an opinion in the *Yerushalmi* that the Rabbis rescinded the *gezeirah* altogether, as they did in the case of oil, and although this is rejected, the *Yerushalmi* also allowed *pat palter*.⁶ Thus, even if *pat akum* is prohibited, it is a relatively light prohibition. We will look shortly at the precise status of the *kutim*, the Samaritans, but *prima facie* it cannot be lower than a regular non-Jew. At most our Mishnah should have read '*ha'okhel pat kutim ke'okhel pat akum*' or '*pat kutim ke'pat akum*'. The compari-

son to pork is halakhically disproportionate. R. Eliezer could have compared Samaritan bread to non-Jewish wine, or if he wanted a Biblical example, to *neveilot* and *terefot*. Instead, he chose the most extreme example of non-kosher food. For while it is technically true that pork is no more prohibited than a *terefah*, it has long been seen as particularly negative. We know from our personal experience the stigma attached to pork in Jewish culture. Phrases such as ‘*hazer treif*’ and ‘*hazer fresser*’ reflect the attitude of Jewish society, at least Ashkenazi society, but this antipathy is not just in popular culture.

The Pig in Jewish Thought

Hazal would often not even refer to the pig by name. In *Berakhot* 43b and elsewhere they called it ‘*davar aher*’—the other thing. They compared it in *Berakhot* 25a to a walking lavatory. The *Hannukah* story begins with Hannah and her seven sons refusing to eat pork, which is taken as the very symbol of apostasy.⁷ *Sotah* 49b records how, during a civil war among the Hasmoneans, Jerusalem was besieged. The surrounding army would send in animals, lifted over the walls, for the sacrifices. They were advised the city would never fall while they did that, so they sent in a pig instead. The pig stuck its trotters into the wall, and the whole Land of Israel shook.

Pesahim 111a states that a man cannot pass between two pigs and a pig cannot pass between two people. *Berakhot* 28a says you cannot recite the *Shema* while facing a pig’s mouth. Mishnah *Bava Kamma* 7:7 bans rearing pigs in the Land of Israel. The *Midrash Tanhuma* does say that in the time of *Mashiah* pig will become kosher, but this appears in none of the earlier *Midrashim*, or either Talmud.⁸ At the time of the Mishnah and for some time afterwards, *Hazal*’s view of the pig was wholly and deeply negative. Comparing *pat kutim* to pork is therefore making an extremely strong statement, and one far beyond what would be halakhically justified. So, who were the Samaritans that they should provoke such a ferocious reaction?

The Samaritans

In 722 BCE the Assyrians conquered the Northern Kingdom of Israel, including Samaria, and exiled over 27,000 inhabitants and sent in their place settlers from Avah, Emat, Sepharvaim, Babylon and Kuta, hence their name ‘*Kutim*’.⁹ II Kings 17 records that at first the new settlers did not worship God, so He sent lions among them, who killed some of them. This was reported to the King of Assyria who concluded that this was indeed a punishment from God and arranged for a Kohen to go and teach Torah, which

the Samaritans accepted. However, although they worshiped God, they continued to serve their old gods too. The Samaritans were therefore partial converts to Judaism.

When the Jews returned from exile in 538 BCE after Cyrus's decree, they found this foreign, and only partly assimilated, group living in the land. They began to rebuild the Temple, and the Samaritans offered to help, as Ezra records in chapter four of his book, but they were rebuffed by the Jewish leader Zerubabel. In retaliation, the Samaritans tried to frustrate the rebuilding of the Temple by discouraging the builders and appealing to Cyrus and his successor, Darius, to stop the work.¹⁰ From this time onwards there was great hostility between the Jews and the Samaritans. The Samaritans became a refuge for those dissatisfied with the situation in Jerusalem. If we combine the evidence from Nehemiah and Josephus, we can deduce that in about 430 BCE Menasheh, son of the *Kohen Gadol*, was expelled from Jerusalem by Nehemiah. He went to live with the Samaritans and introduced Jewish practices in the North. About one hundred years later the Samaritans built their own temple on *Har Gerizim* near *Shekhem*. The Samaritans often helped the enemies of the Jews, and when their temple was destroyed, the Romans rebuilt it to thank them for their assistance against Bar Kokhba.

Despite all of this, according to many Rabbinic sources, the status of the Samaritans remained complicated for a long time after the rebuilding of the Second Temple. Menasheh seems to have had such an effect on them that they did keep at least some aspects of *halakhah*. The Mishnah at the beginning of *Maseket Kutim* says 'the ways of the *Kutim* are in some ways like Israel, and in other ways not like Israel, but mostly like Israel.' This has halakhic implications. For example, the *Hakhamim* in *Kutim* hold that a Samaritan can perform a circumcision on a Jewish child.¹¹ The Mishnah in *Berakhot* 7:1 rules that while a non-Jew cannot be included in a *zimun*, a *kuti* can be, because in those *halakhot* they practice they are more meticulous than the Jews, including *shehitah*, *matsah* and the laws of *tahorah* and *tumah*. On the other hand, Samaritans were lax regarding laws of marriage, so Jews were not allowed to marry them. In *Maseket Kutim*, the general principle is that in those areas where they keep *halakhah* Samaritans are to be treated as Jews, and in other areas as non-Jews. We should note that one area in which the Samaritans were trustworthy was the baking of *matsah*, i.e. bread.

According to the *Yerushalmi* in *Avodah Zarah* 5:4, this situation changed in the times of the late Tannaim or early Amoraim. It was discovered that on *Har Gerizim* the Samaritans secretly worshipped the image of a dove. They

were declared to be ‘*goyim gemurim*’—non-Jews in every sense. This caused resentment among the Samaritans. The Yerushalmi reports a conversation between a Samaritan and R. Abbahu in about 300 CE, in which the Samaritan asked why Jews of his own day refused to eat Samaritan bread and wine, whereas previously they would do so. R. Abbahu replied that the Samaritans had become corrupted, in other words he offered no criticism of the Jews of the times of the Mishnah who ate *pat kutim*.

It is unclear whether *Hazal* held Samaritans *were* non-Jews, or were just to be treated as non-Jews. This may depend on the view taken of their initial conversion, which is the subject of a discussion in *Kiddushin* 75b. According to R. Yishmael they were not sincere converts, but only became Jewish to avoid being eaten by lions. They continued throughout to worship *avodah zara*, and were never Jewish. The Rabbis simply declared that fact when they discovered the truth. According to R. Akiva they were genuine converts at the time, who later lapsed into *avodah zarah*, and therefore are still Jewish, but must just be treated as non-Jews, like other apostates. *Masekhet Kutim* concludes by stating that if a Samaritan renounced *Har Gerizim*, acknowledged Jerusalem as their spiritual center and accepted the resurrection of the dead, they would be accepted as full Jews. This suggests that if they are not full Jews, they are not full non-Jews either. In the *Tosefta*, *Terumah* 4:12 and 4:14, there is a *mahloket* between R. Yehuda HaNasi and his father Rabban Shimon ben Gamliel. R. Yehuda HaNasi said that the *kutim* were like non-Jews in all respects; his father said they were completely Jewish. This difference of opinion may reflect the change in view at the end of the period of the Tannaim.¹²

We can conclude that at the time of R. Eliezer’s statement, before the ruling that the Samaritans were *goyim gemurim*, the *Kutim* occupied an intermediate position between Jew and non-Jew. R. Eliezer must have held that view, because he said that at least some of the Samaritans were sincere when they converted originally. We can now see that in the time of the Mishnah, from a strictly halakhic perspective, *pat kutim* should not be considered like *pat akum*, let alone pork. We know that Jews used to eat *pat kutim* and that the Samaritans were particularly careful about *matsah*, and in matters in which they were careful they could be trusted. Why, then, was R. Eliezer so sharp in his condemnation of those who ate *pat kutim*? I suggest that it was precisely because of their intermediate status. For a greater insight into the significance of this interstitiality, I want to turn to the ideas of structuralism and neo-structuralism.

Structuralism and Neo-Structuralism

Structuralism appeared in France after the Second World War, and grew to become one of the most popular approaches to the study of language, culture and society. Ferdinand de Saussure pioneered the approach in his study of linguistics. Claude Levi Strauss was the first to use the term 'structuralist', and to apply structural concepts to anthropology.¹³

According to structural theory, every culture is based on a fundamental structure. All the aspects of that culture are reflections of that structure, and are determined by it. The specific phenomena of a particular culture are merely a veneer over the structure, which really determines a culture's external expressions. Structures have been called the 'deep grammar' of a culture. We speak more or less grammatically without really noticing, but it is in fact this unconscious grammar that makes us say 'I am' not 'I is'. It is impossible to understand why we say 'I am' instead of 'I is' without investigating the structure of grammar that lies below the surface of our language. Furthermore, what links together a car engine manual and a sonnet in the same language is the shared grammar on which they are both based.

After a brief period of popularity, structuralism attracted a great deal of criticism. It came to be seen as too rigid and placing too much emphasis on impersonal, ahistorical forces instead of the ability of human beings to act as they choose. If structure determines everything else, what room is left for human agency? Some scholars, the post-structuralists, deconstructionists and post-modernists rejected structuralism, and argued that systems were too complex and scholars too prone to bias and misinterpretation to discover fundamental structures.

Neo-structuralists thought that this critique went too far, but that structuralism could be too simplistic and reductive. For example, some structuralists set as their ultimate objective the discovery of universal structures, deriving from the brain, that served as the basis for all human cultures. Neo-structuralists set themselves more modest aims, to analyze particular societies and look at their cultures without attempting to trace them back to biology. They tried to develop structuralism to take into account the complexity of the real world. Seth Kunin is a proponent of neo-structuralism who has sought to refine structuralist concepts and apply them to the study of Judaism, including *halakhah*.¹⁴ In particular he has revised the structuralist interpretations of *kashrut* put forward by Mary Douglas in her seminal work *Purity and Danger*.¹⁵ The interpretations that follow are a combination of the views of Douglas, Kunin and my own.

Kunin is a follower of Levi Strauss, who was a great advocate of the idea that one of the most important structures is binary opposites: life/death, human/animal, family/non-family. Binary opposites can be bridged by ‘mediators’, for example the mediators between family and non-family are husbands and wives. Some cultures have a more positive view of mediators and others have a more negative view. The Greeks had a positive view. There were gods and there were men, but there were also demigods, like Heracles, who mediated between the two. There is life and death, but Orpheus mediated between the two by going down into the Underworld and rescuing his wife, Eurydice. This is a legacy which Christianity has picked up in a very obvious way. Kunin has taken this idea and has argued that a fundamental structure underpinning Jewish thought and Law is binary opposites, and a negative view of mediators. In other words, a basic structure of the Torah is ‘A not B’—if something is one thing it cannot be another.¹⁶

Structures of Torah

A few well-known examples will demonstrate this tendency in the Torah. Life and death stand in binary opposite. When the categories of life and death are mediated, when there is a blurring of the boundaries, the Torah attaches negative marker. When there is a *Mishkan* or *Bet Hamikdash*, if a living person comes into contact with a dead body they become *tamei* (impure), and must go through a complex procedure before they can become *tahor* (pure) and re-join the life of the community.¹⁷ Another converse pair is made up of animal and vegetable. The Torah prohibits *shaatnez*, the mixing of an animal with a vegetable fiber (wool and linen) in order to prevent the mixing of these two opposites. It extends this to the mixing of different sorts of vegetables or different sorts of animals, and prohibits *kilayim*.¹⁸

Slave and free are opposites. The Torah makes provision for someone who stole and cannot pay back to become a slave for a fixed period to pay off what he owes, but that lasts only six years. If he wants to remain a slave, he is allowed, but he has mixed up slave and free beyond necessity, and this is given the negative marker of having his ear pierced. Furthermore, he remains a slave until the *yovel*, the fiftieth year in the cycle, not merely another seven years. He is placed firmly in the category of slave, and no longer mediates between slave and free.¹⁹

There is a distinction between *Kohen* and *Yisrael*. *Kohanim* cannot do certain things that a *Yisrael* can do, such as marrying a divorcee or a convert. If he does so, he has not merely sinned, as would be the case if he broke *Shabbat*

or ate non-kosher food. Rather, he has desecrated himself. Neither he cannot serve as a *Kohen* while he remains married and his children, who are a permanent mixture of *Kohen* and non-*Kohen* can never serve as *Kohanim*. They have broken down the boundary between *Kohen* and *Yisrael*.²⁰ In a similar way, but without the negative connotations, the daughter of a *Kohen* who marries a non-*Kohen* loses the priestly entitlements she previously enjoyed. By marrying a non-*Kohen* she has potentially made herself a mediator between *Kohen* and *Yisrael*, so the Torah steps in and places her firmly in the *Yisrael* camp.²¹ A similar procedure takes place with the convert. They may appear to bridge Jew and non-Jew, but the Torah transforms them. A convert is completely detached from their origins. They are no longer related to their birth family. According to the Torah they can even marry a sibling if they also converted, although the Rabbis forbade it.²² Inter-marriage, on the other hand, does break the barrier between Jew and non-Jew and is banned.²³

The suggestion that these *halakhot* are determined by underlying structures is very sympathetic to traditional Jewish thought. Instead of arguing that particular practices are copied from surrounding cultures or are primitive medicine or superstitions, structuralist theory posits that they reflect essential patterns within Torah, and are all connected. Its methodology, and the methodology I have adopted in this discussion, assumes that the Torah is a unified system based on a coherent set of principles. It presents the Torah as a seamless whole with its own internal logic.

Objections

Before I proceed to discuss *kashrut*, I want to discuss two possible objections to this approach: first the apparent preponderance of non-binary structures, and secondly the frequency of, and attention paid to, mediators. Examples of non-binary structures in Judaism seem to include:

- *Tahor*-capable of becoming *Tamei-Tamei*
- Meat-Milk-*Parev*.
- *Kohen-Levi-Yisrael*

To understand these cases Kunin develop the idea of levels of structure.²⁴ Different phenomena within a system do not all exist on the same level. For example, there is *tahor* and *tamei*. Within the category of *tahor*, on a different level, there is *tahor* but capable of becoming *tamei*, and *tahor* not capable of becoming *tamei*. Similarly, there is milk versus meat in binary relationship with each other on one level. There is also *parev* versus either milk or meat on another level.

Amongst the Jewish people, there is *Shevet Levi* versus the rest of *Am Yisrael*, and within *Shevet Levi*, *Kohen* and *Levi*, among the *Kohanim* there is the *Kohen Gadol* versus the rest of the *Kohanim*. Amongst the rest of the people there is one group that contains a residual priestly status, the first borns. They are therefore redeemed by a *Kohen* to place them firmly in the non-*Kohen* category. The concept of levels of structure can help us to understand particular *pasukim*. For example, Jacob Milgrom took *Shemot* 19 ‘you will be for me a kingdom of priests and a holy nation’ and suggested that as the structure is *Kohen v. non-Kohen*.²⁵ He argued that this verse suggests that there is an expected transformation of all of Israel into *Kohanim*. However, if one adopts the concept of levels of structure, one can see that within *Israel* there is a *Kohen v non-Kohen* divide, but on a different level, there is an *Israel v non-Israel* opposition. In this *pasuk*, non-*Kohanim* are not being contrasted with *Kohanim*, rather *Israel* is being contrasted with non-*Israel*, in comparison to whom *Israel* must be priestly and holy. The *pasuk* is not therefore suggesting any transformation, but rather a particular mission for the Jewish people in contrast to other peoples, just as traditional interpreters have understood it.²⁶ In all these cases, then, the concept of levels within the structure helps us identify the binary relationship persisting throughout.

What of the second objection, that the Talmud pays great attention to mediators? How can that be so if they are offensive to the system? It is certainly the case that the Mishnah and Gemara discuss interstitial cases such as the *koi*, which is halfway between a *hayah* (wild animal) and a *behemah* (domesticated animal), a *tumtum* which is neither male nor female and an *androgynus* which is both, in great detail. We could answer that first, the Talmud worries about these cases precisely because they are interstitial. It wants to resolve them. It often does so by stripping them of their interstitial character. For example in *Yoma* 74a-b the *koi* is defined, according to one opinion as a *biviah bifnei atzma*—a creation unique to itself, i.e., not a mediator between *haya* and *beheima*. There are two opinions in the Gemara regarding a *tumtum*, as to whether it has a gender, it is just unknown or is a *biviah bifnei atzma*. Either way, the *tumtum* is not a mediator. The *androgynus* is a hermaphrodite, and therefore is a mediator, but the Rabbis solved the problem by giving it male *mitsvot*, with some minor variations, thereby placing it in the male category.²⁷

These interstitial cases also serve a function for *Hazal*, as a group interested in clear and unmediated categories. By identifying the boundary they allow for clear definitions to be established, and for most cases to be neatly categorized. As Mary Douglas has written, “When something is firmly classed as anomalous the outline of the set in which it is not a member is clarified.”²⁸

By stigmatizing the interstitial cases, the opposing sets are strengthened and their status increased.

Structures of Kashrut

Structural ideas have been applied very fruitfully to understanding *kashrut*. Mary Douglas began the analysis, and her ideas have been refined by Milgrom, Kunin and others. She suggests that non-kosher animals tend to be mediators, interstitial animals that cross boundaries. If an animal lives in the sea, but walks like a land animal, it has crossed a boundary, and blurred the distinction between sea and non-sea. That is what crabs do, and they are not kosher. A bird that cannot fly, like the ostrich, is not kosher, because it blurs air and non-air. Meat is obtained by killing an animal, milk is produced when new life is created. Mixing meat and milk blurs the boundary between life and death and is banned. This prohibition is also an example of how the same structure determines what are apparently two different areas of *halakhah* – *kashrut* and *tumah* and *taharah*. The same structure of life versus death results in *tumah* following contact with a dead body as well as the ban on milk and meat.²⁹

The Pig

An important pair of opposites within *kashrut* is, of course, kosher animals and non-kosher animals. As we know, a kosher land mammal must have two signs: it must have cloven hooves and chew the cud. A number of animals chew the cud but do not have cloven hooves, for example the camel. But the Torah states that only one animal has cloven hooves but does not chew the cud – the pig. The pig is therefore an interstitial species, a mediator between kosher and non-kosher, the only one of its type, and the only one which is primarily or exclusively used for food. The pig is therefore misleading and dangerous. Uniquely, its outward sign is kosher but internally it is not kosher. The famous Midrash in *Bereshit Rabbah* (65:1) says the pig sticks out its feet and claims to be kosher. It has come to symbolise non-kosher animals above all others because, one might suggest, it is the most threateningly transgressive and therefore most aggressively offends the Torah's structure, which resists mediators.

That may be why the pig has come to have particular associations. In the same Midrash, the pig is compared to Rome, which is *Edom* and therefore *Esav*. Rome had a pretence of being governed by law, with its Senate and courts, but in fact it was ruled by violence and the fear of violence. It appeared to be one thing but was another; it blurred boundaries. *Esav* spent

his first forty years living in an immoral way. At the age of forty he told his father that he would marry, as that was the age at which *Yitshak* married. He pretended he was a *tsaddik*, whereas, in fact, he was wicked. Like the pig and like Rome, *Esav* mediated opposites. *Esav* was also inherently transgressive. He is by birth identical to *Yaakov*, but rejected his spiritual legacy. He abandoned almost all *mitsvot*, but kept *kibud av*, filial piety, which he observed scrupulously. He therefore straddles opposing categories of *tsaddik* and *rasha*, *ben Avraham* and non-*ben Avraham*.³⁰ That is perhaps why according to the Midrash his head, but only his head, is buried in *Ma'arat Hamakhpelah*.³¹

This analysis of why the pig is both non-kosher and particularly stigmatised is much more satisfactory than many others that have been offered. A common explanation for a pig not being kosher is that it is unhealthy, and *kashrut* is a primitive form of hygiene. In fact the disease acquired from eating pig, trichinosis, was only discovered in the nineteenth century. It has been suggested that the pig may have been prohibited because it consumes a disproportionate amount of food for the amount of meat it produces. But if it were merely inefficient, why is it such a popular animal to raise for meat? A final suggestion is that pigs were the gods of some tribes and were therefore taboo, but the *Korban Pesah* demonstrates that the Torah has no difficulty, indeed encourages, eating the gods of other nations.³² In any case, all of these explanations make the details of *kashrut* dependent on external influences. The structuralist model traces them back to the internal structures of the Torah itself.

Samaritans and Pigs

The connection between Samaritans and pigs, revealed by our structural analysis, should now be clear. Both Samaritans and pigs are mediators, interstitial categories which are rejected by the structure of the Torah which is based on binary opposites without intermediate categories. The pig mediates between kosher and non-kosher animals; the Samaritan between Jews and non-Jews, certainly in the period when R. Eliezer made his statement, which was before the ruling that the *Kutim* were *goyim gemurim*. Both the pig and Samaritans are particularly offensive to the Torah because they display the outward signs of one category but are intrinsically of another category. The Samaritans kept some *halakhot*, indeed they observed them better than Jews, but in the secrecy of their temple they worshiped a dove. The pig displays the outward sign of being kosher, it has cloven hooves, but internally is not kosher, because it does not chew the cud. They transgress the boundaries that the Torah has established and wishes to be maintained.

That is why R. Eliezer made a statement that goes far beyond what is halakhically appropriate. There was little or nothing halakhically wrong with eating *pat kutim* at the time, and that is why R. Eliezer did not make a halakhic statement. Rather he made an aggadic statement warning against embracing, ingesting and internalizing the dangerous interstitiality of both the Samaritans and the pig. This follows the basic structure of the Torah which rejects *kilayim*, meat and milk, intermarriage and stigmatizes contact between the living and the dead.

By the time R. Eliezer's statement was reported to R. Akiva, the Samaritans' status had changed. R. Akiva did not want R. Eliezer's lenient view to be well known, as the Samaritans were now non-Jews for all practical purposes, but neither did he want the comparison with pigs to be repeated in the name of his teacher. The comparison was no longer appropriate because the Samaritans, unlike the pig, were no longer a mediating group, and therefore were no longer deserving of the stigma association which pigs attached to them.

Our structuralist analysis therefore explains both R. Eliezer's original statement and R. Akiva's reaction to it, not by looking for outward influences on the Torah but by trying to discern patterns inherent to Torah itself.

NOTES

1. Quoted in Marc B. Shapiro 'Rabbi Esriel Hildesheimer's Program of Torah u-Madda' *Torah u-Madda Journal* 9 (2000), 83.
2. See Marc B. Shapiro, *Between the Yeshiva World and Modern Orthodoxy: The Life and Works of Rabbi Jehiel Jacob Weinberg, 1884–1966* (Oxford 2002), 76ff.
3. I want to acknowledge Jordan Rosenblum of the University of Wisconsin who brought this Mishnah to my attention, and Seth Kunin who introduced me to neo-structuralist concepts, and how they can help us to understand *halakhah*, especially *kashrut*.
4. *Yerushalmi Shevi'it* 8:8; *Masekhet Kutim*, *Massekhtot Ketanot* 61b.
5. *Shulhan Arukh Yoreh Deah* 112:15.
6. *Yerushalmi Avodah Zarah* 2:8.
7. II Maccabees 7:1-42. The name 'Hannah' appears in the 1510 Constantinople edition of *Sefer Josippon* (4:19), which was the source used by several *paytanim*, who also called the mother of the seven martyrs Hannah.
8. *Tanhuma* on *Shemini*, according to R. Bahaya.
9. This section is drawn from S. Stern, *Jewish Identity in Early Rabbinic Writings* (Lieden 1994), 99-105. See also, L. Schiffman, 'The Samaritans in Tannaitic Halakhah', *The Jewish Quarterly Review*, New Series, Vol. 75, No. 4 (April 1985)
10. According to the *Midrash Tanhuma* and *Pirkei deRabbi Eliezer* Ezra himself placed a ban on the Samaritans because of their attempts to stop the Second Temple being

- built, and that is the reason given in *Pirkei deRabbi Eliezer* why one who eats *pat kutim* is like one who eats pork.
11. *Masekhet Kutim, Massekhtot Kenanot* 61b.
 12. How this can be reconciled with the account in II Kings that the Samaritans always continued in their old ways to some extent is a difficult question. Stern has suggested that the Mishnah and the Gemara thought about the Samaritans in different ways. The Mishnah regards them as an interstitial category, between Jew and non-Jew. The Gemara wants to classify them as one or the other.
 13. See J. Sturrock, *Structuralism* (Second Edition, London 1993).
 14. Seth D. Kunin, *We Think What We Eat: Neo-structuralist analysis of Israelite food rules and other cultural and textual practices* (London 2004).
 15. Mary Douglas, *Purity and Danger* (London 1966).
 16. Kunin, *We Think What We Eat*, 85.
 17. Numbers 19.
 18. Leviticus 19:19, Deuteronomy 22:9-11.
 19. Exodus 21.
 20. Leviticus 21:7.
 21. Leviticus 22:12. The Rabbis did add an element of negativity to a mixed Kohen non-Kohen marriage: *bat Kohen leYisrael, ein zivugan yafeh* (*Pesahim* 49b).
 22. *Yevamot* 97b.
 23. An inclination towards binary structures may be one reason why R. Hayyim Soloveitchik's *Brisker lomdus*, has been so enthusiastically (if not universally) received. His insistence on binary conceptual divisions, *hakirot*, as tools for understanding struck a chord with scholars, who were saturated with the binary structure of Torah, even if they did not fully realize it. I am grateful to David Fried for this insight.
 24. Kunin, *We Think What We Eat*, 7ff.
 25. Jacob Milgrom, *Leviticus: A Book of Ritual and Ethics: a Continental Commentary* (Minneapolis 2004), 109.
 26. For example Rashi and Ibn Ezra ad loc, who take the verse to mean that the nation as a whole is chosen and precious.
 27. *Bekhorot* 41b, 42b.
 28. Douglas, *Purity and Danger*, 39.
 29. Douglas, *Purity and Danger*, 57.
 30. Rashi on Genesis 26:34.
 31. *Targum Yonatan*, Genesis 50:13.
 32. See *Onkelos* on Genesis 43:32 which identifies the sheep as an Egyptian god.