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**"Avodah Zarah:"**

**A socio-political study of non-centrist religious practices among  
the Jews in the Roman Era  
as reflected in Tannaitic texts**

**Shifra Penzias**

**Thesis submitted in partial fulfillment of the requirements for  
Ordination**

**Hebrew Union College-Jewish Institute of Religion  
Graduate Rabbinic Program  
New York, New York**

**March, 1996**

**Advisor: Dr. Martin Cohen**

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## **preface**

Whoever can protest against the sins of his or her household and does not, is seized and held accountable for the sins of his or her household. (Shabbat 54b)

I chose the topic of non-centrist religious practices among Jews in the Roman Era in order that I might clarify for myself the origins of an apparently fundamental intolerance within Judaism for other religions. The Jewish attitude toward pagan worship is so completely negative that Jewish writers often equate idolatry with evil. This condemnation seems to me to be more indicative of a political polemic than of a religious conviction. Such blind condemnation of foreign religious practice has been used all too often against Jews. Although some would argue that the Jewish use of a polemic against idolatry hurts no one today, in many parts of the world people still use idols as part of their worship. Though it is clear to me that this - and every other form of service to G-d -- is as valid as my own, Judaism continues to nonchalantly condemn this form of worship. I maintain that the polemic against idolatry has real consequences and

that the practice should be reexamined.

I would like to express my deepest gratitude to my advisor and mentor, Dr. Martin Cohen. Not only did he teach me to love the study of History (a subject which I had previously loathed), he supported my ideas and my work in a way which allowed me to reach my maximum potential. This thesis is full of radical and original ideas which I feared would not be accepted in Rabbinical school. However, it is part of my vision of the rabbinate that I must speak my truth, and my education would not have felt complete had I not expressed these conclusions (which I have reached while studying at Hebrew Union College). Dr. Cohen not only validated my approach, he gave me the vocabulary and theoretical basis for its expression.

I would also like to thank Dr. David Sperling and Dr. Michael Chernick for teaching me to look deeply and critically at the texts of the Torah and the Talmud.

Judith Plaskow was the very first person with whom I discussed my ideas for this paper. Had she not encouraged me at the time, I might never have pursued my inquiry. I am grateful to her.

I am deeply indebted to Craig Sumberg for editing this work and questioning its premises. It is of far better quality because of him.

Thank G-d for my family, who supported my psychological well-being through out the writing of this work and who made helpful suggestions as to how to get it done.

I would also like to thank my best friend Harvest, for sitting with me for countless hours while I read and typed, and for walking with me to and from the library.

## introduction

In the Jewish community today, the term "idolatry" is often understood as the elevation of material objects to the level of worship. Judaism -- noted for its unwavering devotion to an invisible, intangible G-d -- is often said to stand "in opposition" to idolatry. Judaism is often therefore considered antithetical to the worship of physical images (such as statues which represent gods). This modern adaptation of the biblical injunction against idolatry is based on a fundamental misreading of Jewish history, however, and has unfairly equated idolatry with untruth, unbridled materialism, hubris, irreverence, primitivism, lewd behavior, and even human sacrifice. While the polemic against worshipping these "idols" may be useful in affirming Jewish values, it unfairly and impermissibly condemns the religious practices of others which have little if any connection to these maladies.

A typical example of this may be found in the following passage, taken from a high school text book written in 1969. The

text, which supposes to communicate "facts" about Greek civilization to Jewish children, delivers a blatant polemic against idolatry. The author references little supporting data to arrive at his conclusion, that the Greeks were religiously primitive and morally deficient:

The Greeks turned from students to creative teachers in the field of science, and indeed, they are credited with being the founding fathers of modern science. However, in the area of religion and ethics they remained on the primitive level of the other peoples with whom they came in contact. The masses continued to worship idols and believed that their many gods ate, drank, loved and fought like people. In their personal lives there was little of today's generally accepted standards of decent behavior, and their social life had little justice and charity.<sup>1</sup>

One must question the bias of this historical analysis. The author is asserting the idea that the religious practices of the Israelites (with whom he identifies) were somehow more complex and sophisticated than other religious practices of the time. The fact that the Israelites offered food to Yahweh is not mentioned by this author. Nor does he explain the basis for his assertion that Israelite mythology is more valid and less anthropomorphic than Greek mythology. Even more troubling is the fact that the author condemns the morality of an entire society with almost no supporting documentation. I would assert that he bases his

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<sup>1</sup> Hersh Goldwurm History of the Jewish People, p.43  
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assessment on his desire to advocate Judaism rather than on verifiable data. Not surprisingly, the author later depicts his own (Jewish) society as moral and sophisticated.

Another example of this kind of bias comes from an ongoing debate I have had with my mentor and teacher Rabbi Lawrence Kushner. In his books and lectures he often refers to idolatry. In The Book of Words, for example, he considers why idolatry is condemned by Judaism. But in his very question, he subscribes to the propaganda depicted above which teaches that idolatry necessarily lacks the complexity of Judaism. Kushner asks, "so what if you're stupid enough to talk to a statue, surely no harm could come from that."<sup>2</sup> He fails to question whether the practice of "talking to a statue" might have any of the spirituality which he advocates in his own practices.

The explanation that idolaters believe their stone and wood carvings to be alive and listening to them is overly simplistic.

We should not be justified in supposing that the most ancient Romans had any very clearly defined ideas about supernatural beings whom they invoked, and that it is better to rid our minds at once of the impression conveyed by both Greek and Roman literature, that each deity was a clearly realized personality with distinct attributes... The Roman objects of worship were spiritual powers (*numina*, in the Latin tongue); they were beings whose undefined nature made them very hard to invoke

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<sup>2</sup> Lawrence Kushner, The Book of Words, p.55

with certainty or security -- a fact which in the history of this religion gave rise to an elaborate priestly system of invocation.<sup>3</sup>

Archeological, historical, and anthropological evidence shows that our stereotypes of idolatry do not do it justice.

Ironically, Jews do something very similar to "talking to a statue" when we deliberately conduct prayers for the sick (*misheberach*) in the presence of the Torah. Not surprisingly, this practice has been condemned by some as idolatry. To the contrary, however, those who condemn the *misheberach* prayer because it attributes theurgic power to the physical body of the Torah are gravely simplistic in their analysis. The benefits of a religious practice often transcend rational explanation. Every religion is infinitely complex because each was developed by individuals attempting to comprehend the infinite with their own limited human intellect. There is no religion in existence today which may be explained with the simplicity attributed to idolatry. Why should we suppose that the picture of idolatry painted for us by its opponents is complete and accurate?

Rabbi Kushner's criticizes idolatry by redefining it: "Idolatry is not as the worship of carved and molded fetishes in the image of G-

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<sup>3</sup> Warde Fowler, "Roman Religion" in Encyclopedia of Religion and Ethics, p.823

d. It is the dangerous, ubiquitous, and seductive fantasy that G-d can have any image at all. We want so much, for the most pious reasons, to capture just a spark of the divine so that we can summon it when we are tired or afraid.”<sup>4</sup> Not surprisingly, Rabbi Kushner’s definition of idolatry bears no resemblance to an actual, historical phenomenon. He does not mention that the polemic against idolatry in Judaism emerged at a time when the surrounding nations practiced forms of idolatry which had no more connection to his definition than did Israelite worship. He ignores the socio-political reasons for the polemic, choosing instead to find in it a metaphor for spiritual growth.

In God Was In This Place And I, I Did Not Know, Kushner writes: “The first idol, and the one that makes us all idolaters, is not a statue, but the ego.”<sup>5</sup> In another text -- the prayerbook written by and for Kushner’s congregation -- polytheistic deities are called “gods of luxury and fashion”<sup>6</sup> These are just a few examples of a widespread technique used to reinterpret the polemic against “idolatry” in order to condemn what most people would call fetishism and arrogance. The problem with this technique is this: while it may

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<sup>4</sup> Lawrence Kushner The Book of Words, p. 56

<sup>5</sup> Lawrence Kushner G-d Was In This Place and I, I Did Not Know, P46

<sup>6</sup> (V'taher Libeynu, p. 87)

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be useful for Rabbi Kushner and others to use the Jewish polemic against idolatry in this way, their usage has no relation to actual idolatry. Idolatry is a form of worship which people still practice today in India, Thailand, and many other parts of the world. Obviously, there is no correlation whatever between the real practice of idolatry and the maladies and evils listed above.

Furthermore, when we further the condemnation of idolatry, we feed a pattern of intolerance which has been a destructive force in Judaism and in the world at large. The polemic against idolatry served to further prejudice and religious intolerance toward Gentiles, to keep women out of the Jewish power structure, and to foster a negative attitude within Judaism toward nature. The battle against "idolatry" has been used to advocate a vicious defensiveness which, I believe, is antithetical to the true essence of Judaism.

The original reasons for the polemic against idol worship were largely political. The term "avodah zarah" was used to centralize authority by deeming non-centrist practices heretical. Most of the practices which were called "idolatry" were actually part of the Israelite religion. Though Judaism continues to condemn idolatry, -- the content of what was deemed "idolatry" has constantly shifted, depending on which practices were being called heretical and why. I Samuel tells us: "For rebellion is like the sin of divination, defiance,

like the iniquity of idolatry.”<sup>7</sup> Samuel makes it clear that the struggle against idolatry was actually a struggle over religious authority.

The primary transgression in “the golden calf” incident<sup>8</sup> may have been the usurping of leadership from Moses (and his religious/legal authority) to alternative leadership (and thus lawlessness/idolatry). Remarkably, this “idolatry” is understood by some scholars as having in fact been a form of service to Yahweh. The symbol of the bull, known to be a symbol of Baal, may have been a symbol of Yahweh. This is evidenced by the form of Yahweh’s altar -- a table with horns. Other examples of the biblical text’s concern for Moses’ authority occur throughout the Torah (for example, in Numbers 12 when Aaron and Miriam challenge Moses’ leadership and Miriam (but not Aaron) is stricken with leprosy).

Myriad textual references and existing practices testify to the interconnectedness of Judaism and paganism. Much potential evidence has been altered or reinterpreted to hide the pagan origins of Judaism. For example, consider the harvest ritual of the lulav and the etrog. Roman coins showing the fertility goddess Venus Victrix holding the orb and palm branch leave little doubt as to the pagan

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<sup>7</sup>I Samuel, 15:23.

<sup>8</sup>Exodus chapters 20 through 32.

origins of this ritual.<sup>9</sup> I have never found a Jewish text which will admit to the pagan origins of the etrog and lulav -- though many other conflicting explanations may be found. Notably, the pagan origins of this practice do not necessitate its condemnation by the polemic against idolatry: it is merely reinterpreted.

Throughout Jewish history, many horrific practices have been associated with idolatry. However, before we equate idolatry itself with evil, we must ask ourselves why these evils are associated with idolatry. Are they an inherent part of idolatry, or were they practices present at the time, even in non-idolatrous societies? Or, as is more likely the case, were these practices either invented or grossly exaggerated -- developed as part of the propaganda against idolatry by a group which needed to help define itself by rallying against an external evil?

I am reminded of President George Bush's speech before sending troops into combat during the Gulf War. He reported that Iraqi soldiers "threw babies from incubators," an allegation which later proved to be grossly exaggerated. Clearly, President Bush was using the natural human revulsion at the thought of infanticide to rally support for the war against Iraq.

President Bush's concerns were primarily economic. He was

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<sup>9</sup> John Ferguson The Religions of the Roman Empire, p.59  
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happy to use any opportunity to equate "Sodom" Hussein with evil, in order to protect the economic interests of the United States. In the same way, we see that economics and politics play key roles in the development of the polemic against idolatry within Judaism, particularly during its most formative stage -- the Roman Era.

The easiest way to ensure group cohesiveness is to malign another group. The very existence of a polemic against an outside group is an indication of the perceived threat posed by the maligned group. This threat may be due to hostile activity on the part of the outside group. But it may also be due to the erosion of the boundary between the two groups through constant friendly interaction. There is, in fact, abundant evidence of the latter phenomenon in the Torah, the Mishna, the Tosephta, and the Talmud. The Jewish polemic against idolatry was developed both to defend Judaism against outside oppression and -- perhaps more importantly -- against assimilation (particularly at times when oppression was minimal) which eroded the Jewish power base.

Political boundary issues quickly become religious boundary issues. Historically, there was little distinction between religion and politics. The insistence on one G-d as opposed to many gods had serious political ramifications, and was supported by those who benefited thereby. Monotheism, therefore, cannot be understood in

purely theological terms.

Our uniqueness as Jews may well be our affirmation of one G-d. However, it is one thing to hold fast to our own beliefs, and quite another to condemn the beliefs of others. Ironically, associating a religion or a faith group with certain evil characteristics has often been a favorite technique of history's anti-semites. For example, Jews have all too often been associated with greed and selfishness by leaders who wished to blame their society's ills on the Jews. We as Jews are in no position to condemn the religions of others, lest the same standards be used to condemn our own.

And so, we Jews have been grossly unfair in our treatment of idolatry. Idolatry is a broad term which describes many theologies, religions and practices. It is a form of worship. To call it anything else is a political tactic at best, and slander at worst.



## Chapter One, Biblical Origins

In Psalm 95 Yahweh is called "The great king of all gods." Does this imply that the writers of this psalm believed that there were other gods? Is this belief expressed elsewhere in the Tanakh? In fact, there are many references to the existence of other gods in the Tanakh, which is inconsistent regarding this issue. Whether or not other gods exist for the authors of the Hebrew Bible, they reach a consensus on one issue: Yahweh is the only legitimate object of service for Israelites. This consensus is a central, perhaps even a definitive, characteristics of the Israelite people.

It is taken for granted by most Jews today that only primitive idiots would worship a god other than the obvious true G-d, Yahweh. But it has not always been so. Throughout history, Jewish leaders have repeatedly insisted on the exclusive worship of Yahweh. In its formative stages, this conception most likely functioned as a political and social distinction rather than as a theological one. Arguably, the differences between idolaters and Israelites were neither racial nor

geographical. Then, as today, the best way to draw a sociopolitical distinction was to create an ideological one.

While some passages in the Tanakh express a monotheistic belief, other passages merely express monolatry. Other gods may be worshiped by other peoples, the Hebrew Bible tells us, but the Israelites have been selected to worship Yahweh alone. There may be other gods, but it is wrong for an Israelite to worship them because the Israelites are not like other people. This is explained in Leviticus. 20:26: "You shall be holy to Me, for I Adonai am holy, and have set you apart from other peoples to be Mine." This mandate is further clarified in Deuteronomy 4:19-20:

And when you look up to the sky and behold the sun and the moon and the stars, the whole heavenly host, you must not be lured into bowing down to them or serving them. These Adonai your G-d allotted to other peoples everywhere under heaven; but you Adonai your G-d took and brought out of Egypt, that iron blast furnace, to be His very own people, as is now the case.

In this case, if the "heavenly host" are viewed as divine beings, they are lesser divine beings than Adonai, who has power over them. A familiar example of this sentiment is found in the liturgy taken from Exodus 15:11: "Mi Kha mocha ba elim adonai? (Who is like you among the gods, Adonai?)" This comparison -- intended to express the idea that Adonai is superior and unique

among the gods -- would have no meaning if there were no other gods.

The idea that Adonai is a god above other gods is also expressed in Exodus 12:12, where Adonai promises to "execute judgment against the Egyptian gods." Again it would be meaningless for G-d to execute judgment against gods that were a figment of the Egyptian imagination, although Midrash suggests this in an attempt to defend the Torah as a purely monotheistic text. Other examples of this are found in Psalm 82 (where G-d is described as executing judgment upon other gods), Psalm 96:4 (where G-d is held in awe by other gods), and Psalm 136:2 (where G-d is praised as the G-d of gods).

Elsewhere in the Tanakh however, the idea is expressed that other gods either do not exist or have no power. This is evident in the contest between Elijah and the prophets of Baal in I Kings 18:25. Elijah summons the prophets of Baal and challenges them to show that their god can consume a sacrifice. When they fail miserably Elijah mocks them by suggesting that their god is temporarily indisposed. "Shout louder!" he suggests. Their god is shown to be impotent and the prophets are exposed as charlatans before the people. The G-d of Elijah then not only consumes a sacrifice, but does so under miraculous conditions; soaking wet wood, water,

stones, and surrounding earth burnt along with the animal sacrifice. This proves to the recalcitrant Israelite people that the worship of other gods besides Adonai is pointless: "When they saw this, all the people flung themselves on their faces and cried out: "Adonai alone is G-d, Adonai alone is G-d!"<sup>10</sup> Similarly, we find in Isaiah 44 a poem specifically intended to ridicule idolatry:

He gives it [a piece of wood] a human form, the beauty of a man, to dwell in a shrine. For his use he cuts down cedars; he chooses plane trees and oaks. He sets aside trees of the forest; or plants firs, and the rain makes them grow. All this serves man for fuel: he takes some to warm himself, and he builds a fire and bakes bread. He also makes a god of it and worships it, fashions an idol and bows down to it! Part of it he burns in a fire: on that part he roasts meat, he eats the roast and is sated; He also warms himself and cries, "Ah, I am warm! I can feel the heat!" Of the rest he makes a god—his own carving! He bows down to it, worships it; He prays to it and cries, "Save me, for you are my god!"

They have no wit or judgment: their eyes are besmeared, and they see not; their minds, and they cannot think. They do not give thought, they lack the wit and judgment to say: "Part of it I burned in a fire; I also baked bread on the coals, I roasted meat and ate it— should I make the rest an abhorrence? Should I bow to a block of wood?" He pursues ashes! A deluded mind has led him astray, And he cannot save himself; He never says to himself, "The thing in my hand is a fraud!"<sup>11</sup>

Here the Tanakh condemns the maker of idols, who might take a

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<sup>10</sup> I Kings 18:39

<sup>11</sup> Isaiah 44:9-20

piece of wood and build a fire from it or take the very same piece of wood and worship it as an idol.

Though the Israelites are commanded over and over again to worship Yahweh to the exclusion of all other gods, it is abundantly clear that they frequently disregarded this fundamental instruction. The Tanakh describes case after case in which a large proportion of the Israelite people worshipped other gods. Ironically, this often occurs at the most inauspicious of moments -- for example, immediately after G-d's sovereignty has been displayed and the people have affirmed their monotheistic covenant. This famous example is the "golden calf" incident in Exodus chapters 20 through 32. After being miraculously delivered from Egypt, crossing the divided sea, being fed with manna, witnessing the thunder, the pillar of fire, the giving of the decalogue at Sinai, etc., the people express their extreme awe and their promise to obey G-d through Moses. At this time G-d explicitly tells Moses: "Thus you shall say to the Israelites: You yourselves saw that I spoke to you from the very heavens: With Me, therefore, you shall not make any gods of silver, nor shall you make for yourselves any gods of gold."<sup>12</sup> What is the very next thing the Israelites do? You guessed it.

Even the son of King David, Solomon, was guilty in this regard:

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<sup>12</sup>Ex. 20:19-20

And it came to pass at the time that Solomon was old, and his wives turned away his heart after other gods, and his heart was not undivided with Adonai his G-d like the heart of David his father. And Solomon went after Ashtoreth the divinity of the Zidonians, and after Milcom the abomination of the Ammonites. And Solomon did what is evil in the eyes of Adonai and went not fully after Adonai like David his father. Then did Solomon build a high place for Kemosh, the abomination of Moab on the mount that is before Jerusalem, and for Molech, the abomination of the children of Ammon. And so did he for all his strange wives, who burnt incense and sacrificed unto their gods.<sup>13</sup>

The Israelites are by their very nature unwieldy and unfaithful with regard to the worship of other gods. G-d expresses this point with exasperation to Samuel: "Like everything else they have done ever since I brought them out of Egypt to this day - forsaking Me and worshiping other gods - so they are doing to you."<sup>14</sup>

The Tanakh portrays the Israelites as hypocritical, betraying Yahweh time and again and returning to G-d when it suits their interests. "Will you steal, murder, and commit adultery, and swear falsely, and burn incense to Baal, and walk after other gods of which ye have no knowledge and then come and stand before my presence in this house which is called by my name?"<sup>15</sup> The worship by an Israelite of other gods is compared to adultery because other gods

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<sup>13</sup>I Kings 11:4.

<sup>14</sup>1 Samuel 8:8.

<sup>15</sup>Jer. 7:9-10.

are readily available and the Israelite attraction to them is strong. Like those who succumb to extra-marital temptations, the Israelites -- who have promised to worship Yahweh alone forever -- keep straying and then returning home.

This comparison between the worship of other gods and adultery is made most explicit in the book of Hosea. The prophet is told to marry a prostitute and act out an adulterous relationship, thus paralleling the Israelites' transgressions. "Go once more, love a woman beloved of her husband, yet committing adultery, like the love of Adonai toward the children of Israel, who turn themselves after other gods, and love flagons of wine."<sup>16</sup> Hosea's life of dedicated love to an unfaithful wife became a metaphor for the Israelites of his time who were engrossed with other gods while Yahweh remained faithfully theirs.

Among the gods explicitly forbidden for worship by the Israelites in the Tanakh are Baal, Asherah, and Ashtoreth (all important Canaanite gods). They are known to scholars from many extra-biblical sources, primarily Akkadian and Ugaritic texts. In these texts, Asherah, known as Athirat, is the consort of the god El and mother of the gods. In the Tanakh, however, she is constantly associated with the god Baal. Baal, whom John Day describes as

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<sup>16</sup> Hosea 7:19

"clearly the most active and prominent of all the Canaanite deities," is the storm god on whom the fertility of the land rests.<sup>17</sup> Worship of Baal and Asherah by Israelites is revealed in the Tanakh to be a pervasive problem:

"The fact that the Israelites were settled among the Canaanites, for whom the worship of Baal was so important, and that Palestine is a land utterly dependent for its fertility upon the rain, which was held to be Baal's special realm of influence, accounts for the tempting nature of this cult as well as the strength of the Old Testament polemic against it."<sup>18</sup>

The worship of these gods was even brought into the Jerusalem Temple, and symbols of the worship had to be removed each time recentralization and reform of the cult was attempted. An example is found in this account of the reforms of King Josiah of Judah:

Then the king ordered the high priest to bring out of the Temple of Adonai all the objects made for Baal and Asherah and all the host of heaven. He burned them outside Jerusalem in the fields of Kidron, and he removed the ashes to Bethel. He suppressed the idolatrous priests whom the kings of Judah had appointed to make offerings at the shrines in the towns of Judah and in the environs of Jerusalem, and those who made offerings to Baal, to the sun and moon and constellations - all the host of heaven. He brought out the Asherah from the House of the Kidron Valley; he beat it to dust and scattered its dust over the burial ground of the common people. He tore down the cubicles of the male prostitutes in the House of Adonai, at the place where the women wove

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<sup>17</sup> Day, John, "Baal" Anchor Bible Dictionary, p.545.

<sup>18</sup> *ibid*, p.547.



coverings for Asherah.<sup>19</sup>

In the Tanach Asherah is at once a goddess, a tree, and an object. According to Saul Olyan, the polemic against the asherah in prophets may be understood by scholars to come from the "D" source.<sup>20</sup> These texts, he claims, either exhibit deuteronomic language and theology throughout as in Isaiah 27:9 and Micah 5:12 or are a result of the deuteronomist's editing of the texts as in Jeremiah 17:2 and Isaiah 17:8. According to this theory, the Deuteronomist priests sought the centralization of the Israelite cult in Jerusalem. Though sacrifices "on the high places" were, most likely, offered to Yahweh, all sacrifice outside of Jerusalem was declared illegitimate by the Deuteronomists. These centralized Yahwists sought to minimize the role of the high places because they saw in this reform a chance to strengthen their power. By discrediting the legitimate rule of Jereboam in the North, and by eliminating diffuse local authorities throughout the land of Israel, the Jerusalemite priest could unite all of Israel under their authority. Although this reform is usually understood to be a return to monotheism -- the true nature of Israelite worship -- the concept of

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<sup>19</sup> II Kings 23:10

<sup>20</sup> Olyan, Saul M. Asherah and the Cult of Yahweh in Israel Society of Biblical Literature. Monograph series no.34, Scholars Press, Atlanta, Georgia, 1988. p.5

monotheism as we understand it was developed only later, under the influence of the Greco-Roman concept of "one world." In the Biblical period, the Israelites were no more monotheistic than other contemporary groups.

The significance of this assertion is that it affirms the original placement of many of the practices condemned as idolatry within the early Israelite religion rather than outside of it. Many modern scholars have concluded that the Bible "has in many passages quite obviously been exposed to censorship and correspondingly purged."<sup>21</sup> Olyan argues that the passage in the decalogue in Exodus 34:13-14 -- which mentions cutting down their asherahs because Yahweh is a jealous god -- is actually a result of later deuteronomist editing. He cites evidence in a comparison of this passage with the language in Deuteronomy 12:3.

In his study on idolatry in the Bible, Edward Curtis explains the current scholarly controversy related to this point:

While some scholars argue for an origin of the prohibition (against idolatry) that predates the conquest and provides a basis for the Israelites' resistance to assimilating their beliefs with those of the Canaanites, others would argue for a later date for the origin of the material. All would agree, however, that the prohibition was in place by the time of the 8th century prophets

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<sup>21</sup> Merlin Stone When G-d Was a Woman, p.166

Isaiah, Hosea and Micah.<sup>22</sup>

The pervasiveness of the cult, and the existence of certain archeological evidence, lead to the conclusion that at one time the Israelites worshipped female deities (such as Asherah) as legitimate parts of the Yahwistic cult. We can similarly conclude that goddess worship was "not considered illegitimate in the time of the Yahwist or the Elohist." <sup>23</sup>

If this is the case, then the role of a goddess was as fundamental to the development of the Israelite religion as was the role of a god. Asherah was not necessarily associated with Baal -- who is not mentioned in the four texts cited above -- but may, rather, have been associated with Yahweh. This is substantiated by the Syro-Palestinian inscriptions found at Kuntillet, in the North-East Sinai, which refer to "Yahweh and his Asherah." According to John Day, "the allusions probably do imply that Asherah was Yahweh's consort" early on in Israelite religion.<sup>24</sup>

Not surprisingly, references to Canaanite gods and goddesses in the Tanakh incorporate subtle and not so subtle distortions of the Canaanite religions: "It is generally accepted that the vocalization of

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<sup>22</sup> Curtis, Edward M., "Idolatry" Anchor Bible Dictionary, p. 378.

<sup>23</sup> Saul M. Olyan, Asherah and the Cult of Yahweh in Israel, p.5.

<sup>24</sup> Day, John, "Asherah," Anchor Bible Dictionary, p.484.

the name of the goddess (Ashtoreth)... is a deliberate scribal distortion... (which) reflects the vowels of the Hebrew word *boshet*, shame."<sup>25</sup> Similarly, Curtis suggests that the biblical word for idols or images, *gillulim*, and the word for pagan gods, *elilim*, may have been chosen for their similarity to and ability to evoke the words *gel* and *galal*, dung, and *elil*, weak.<sup>26</sup> Thus the Bible is not to be taken as an impartial, accurate source with regard to idolatry because it deliberately distorts non-Israelite religion (i.e. its agenda against these forms of worship is abundantly clear).

One such depiction that has caused much controversy are the references to the worship of the god Molekh. It is taken for granted by many readers of the Tanakh that abhorrent practices, such as child sacrifice, were regularly conducted in the name of the Canaanite god Molekh. The text from II Kings 23 cited above -- which describes Josiah's cleansing of the Temple of the cult objects of Baal and Asherah -- goes on to say: "He also defiled Topheth, which is in the Valley of Ben-hinnom, so that no one might consign his son or daughter to the fire of Molekh." This text was cited by my tour guide while I was at Sultan's pool in Jerusalem, as he explained that "thousands of children" were sacrificed to Molekh in that very valley

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<sup>25</sup> Day, John, "Ashtoreth," Anchor Bible Dictionary p.492.

<sup>26</sup> Curtis, Edward M., "Idolatry" Anchor Bible Dictionary pp. 378.

where we were standing. However, the phenomenon may be a fabrication or exaggeration, since it is not at all clear to modern scholars which Canaanite god this polemic against pagan worship intends.

The name Molekh (may be) a conscious misvocalization of *melekh* "king," intended to convey antipathy.<sup>27</sup>

As the biblical text distorts the name of the god, it may also distort the practice of worshiping the god. Although evidence for child sacrifice in the Ancient Near East exists, it is not at all clear how often this practice occurred, nor under what circumstances. It is clear from biblical texts that the threat of child sacrifice existed and may have been conducted at least on some occasions by Israelites, who passed children through fire.

It has been suggested, given the clear reference to the burning of children in Syria in the late eighth century B.C.E., that the cult of Molekh described in biblical literature and condemned in the law codes of the Torah was linked historically to the Syro-Assyrian cults that flourished among the Arameans of Syria during a good part of the monarchic period in biblical Israel. Like Syrian art and architecture, Syrian religious practices, including the burning of children, may have been imitated by the kings of Israel and Judah.<sup>28</sup>

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<sup>27</sup> Baruch A. Levine, "The Cult of Molech in Biblical Israel" The JPS Torah Commentary, Leviticus, p.260.

<sup>28</sup> *ibid.*

According to the Tanakh, King Ahaz of Judah who "did not do what was pleasing to Adonai" adapted this horrible practice from the surrounding nations. "He even consigned his son to the fire, in the abhorrent fashion of the nations which Adonai had dispossessed before the Israelites."<sup>29</sup> This is expressly forbidden -- "Let no one be found among you who consigns his son or daughter to the fire"<sup>30</sup> -- and, as we see above, is grounds for dispossession.

We must remember, however, that the easiest way to rouse hatred against an enemy is to accuse him of child sacrifice. This was done in the European "blood libels" against the Jews, and has no doubt been done to Jews and others throughout history. I have often heard the argument that idolatry is tantamount to evil because it involves child sacrifice, but I believe that we should be careful to differentiate the fact from the propaganda in such arguments.

As I have just alluded to above, transgression of the command to worship Yahweh alone was grounds for expulsion from the land. This idea flows naturally from the concept that G-d, as creator, owns the land and makes the rules. Human beings, as tenants, can expect to be evicted if they do not follow these rules. In this Landlord-tenant relationship, the worship of other gods constitutes breaking

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<sup>29</sup> II Kings 16:3

<sup>30</sup> Deut. 18:10

the lease: "But if you will indeed turn away, and forsake my statutes and my commandments, which I have set before you, and will go and serve other gods and bow down to them, then I will pluck them out of my land which I have given them."<sup>31</sup> Worshiping other gods made the Israelites like the surrounding nations, from whom they were to be distinct.

The children of Israel had sinned against the Lord their G-d, who had brought them up out of the land of Egypt, and had feared other gods, and had walked in the customs of the nations whom the Lord had driven out from before the children of Israel, and in those of the kings of Israel, which they had made. And the children of Israel had secretly done things that are not right against the Lord their G-d and had built themselves high places in all their cities, from the tower of the watchmen up to fortified cities and had set themselves up statues and groves on every high hill and under every green tree, and had burnt there incense on all the high places, like the nations that the Lord had led away exiles before them, and wrought wicked things to provoke the Lord to anger, and had served the idols whereof the Lord had said unto them, Ye shall not do this thing."<sup>32</sup>

Conversely, proper worship of Yahweh and close adherence to the commandments is the basis of the covenant which gives the Israelites their right to prosper on the land given to them. This idea is central to the Jewish religion today and biblical passages which

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<sup>31</sup>II Chronicles, 7:19-20.

<sup>32</sup>II Kings 17:7-12.

affirm this idea have been incorporated into the daily liturgy. An example of this is Deuteronomy 11:13-17 which is recited as part of the "Shema" prayer:

If, then, you obey the commandments that I enjoin upon you this day, loving Adonai your God and serving G-d with all your heart and soul, I will grant the rain for your land in season, the early rain and the late. You shall gather in your new grain and wine and oil— I will also provide grass in the fields for your cattle—and thus you shall eat your fill. Take care not to be lured away to serve other gods and bow to them. For Adonai's anger will flare up against you, and G-d will shut up the skies so that there will be no rain and the ground will not yield its produce; and you will soon perish from the good land that Adonai is assigning to you.<sup>33</sup>

Throughout the Tanakh, the Israelites are given the message that they have only to be faithful to Yahweh to enjoy all that they could want from life. This message becomes important in Mishnaic times - and plays itself out in fascinating ways -- as the Israelites encounter Roman religion.

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<sup>33</sup> Deut. 11:13-17.



## Chapter Two: Defining Idolatry in Mishnaic Times

What was idolatry, or *avodah zarah*, to the centrist Jews of the Roman period? To equate, as many do, this forbidden practice with Roman religious practice and the religious practice of Israel's other neighbors would be far too simplistic an answer. Firstly, the Romans themselves had not set firm boundaries for their religion. As W. Warde Fowler puts it in his article, "Roman Religion:"

The religion of the Roman people is a very complex subject... (because it was the religion of a) great Empire, which gradually absorbed all the peoples, civilized and semi-civilized, lying around the basin of the Mediterranean, and which at all times was ready to admit the religious ideas and cults of foreign peoples, under certain conditions, within the circle of its own religious operations."<sup>34</sup>

The rabbis of the Mishna, Tosephta, and Talmud were utterly confused by this problem, repeatedly struggling to define Roman religion so that it might determine which process of the Roman

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<sup>34</sup> Warde W. Fowler Roman Religion, p.820  
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people were proscribed.

The second problem of defining *avodah zarah* in the Roman period was that Roman influence extended to the very core of Israelite religious practice even among the Israelite leaders who wrote the Mishna and the Tosephta. These are the very people who determined which practices constituted *avodah zarah*, and they themselves were deeply involved in trade and intellectual exchange with the Romans. In short, the Roman period in Jewish history was characterized by an ongoing syncretism: the mixing of beliefs and practices by these two different peoples. Thus, determination of precisely what idolatry was -- and thereby what practices Jews were forbidden by Torah to engage in -- was extremely difficult for the Rabbis of the Roman period.

The abundance of lengthy debates on the topic recorded in the Mishna and Tosephta -- as well as later reflections on the period in the Talmud -- reveal the rabbinic controversy on this issue. Would attending a banquet in honor of the deified Roman emperor, or selling articles to Romans which would be used in their idolatrous festivals, constitute *avodah zarah*? What about bathing in a Roman bath adorned by a statue of Aphrodite? The Mishna had a difficult time explaining Rabban Gamaliel's tendency to bathe in such a bath house:

Proclus the son of a philosopher asked Rabban Gamaliel in Acco when he was bathing in a bath [-house] where there was a statue of Aphrodite [and] said to him, 'It is written in your Law *And then shall cleave naught of the devoted thing to your hand*, why bathest thou in the bath [wherein is a statue] of Aphrodite?' He made reply to him, 'One may not answer [questions of Law while nude] in the bath'. And when [Rabban Gamaliel] came out he said to him, 'I came not within her limits, she came within my limits! [People] do not say, "Let us build a bath as an adornment for [the statue of] Aphrodite" but "Let us make [a statue of] Aphrodite as an adornment for the bath"; further, if they were to give thee much money, thou wouldst not enter before the [symbol of] thy idolatrous service naked or while [and after] suffering from a discharge, nor micturate' before her; and yet this [goddess] stands at the mouth of the gutter and all the people micturate in front of her! It is said, Their gods: what is treated as a god is prohibited, but what is not treated as a god is permitted'. <sup>35</sup>

Reinterpretation, it seems, was always available as a tool for bending the rules.

Mishna Avodah Zarah begins with a very firm edict against conducting any business whatsoever with idolaters three days before and three days after idolatrous festivals. <sup>36</sup> The prohibition is strict, clear, and definite. It is ruthless in nature, stating plainly that nothing must be done to contribute to the joy of an idolater on the festival: ideally, one would cause him grief. The severity of this

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<sup>35</sup>Mishnah Avodah Zarah 3:4.

<sup>36</sup>MAZ 1 and 2

edict, however, is immediately undermined.

Again and again throughout our texts, we find that the edict against conducting business with an idolater three days before or after a festival is qualified and softened. In the Talmud we find an analysis that suggests the sheer impossibility of following the edict:

Come and hear the comment of R. Tahlifa b. Abdimi in the name of Samuel: If we follow the ruling of R Ishmael, it would always be forbidden (to do business with idolaters because of) Sunday! Now, were we to take it that the festival is to be included, there would still remain Wednesday and Thursday on which dealing would be permitted.<sup>37</sup>

Finally we find the very premise of the edict challenged by Raba: "The Sages should not object to the transacting of business on account of the festivity."<sup>38</sup>

We see from the Fasti, the remnants of Roman calendars, that the eclectic Roman religion included numerous festivals, on the average of four each month, not counting the three monthly festivals of the moon; new moon (Kalends), quarter moon (Nones), and full moon (Ides). In the Roman Empire, every uncertainty was an occasion to ensure the favor of the gods. For example, if we look at the April calendar, we see numerous festivals which ensure the safety of the crops and herds: Fordicida (involving animal sacrifice

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<sup>37</sup> GAZ 6a

<sup>38</sup> GAZ 7b.

to ensure the safety of the corn), Cerealia (grains), Parililia (sheep), Vinalia (vines), and Robigalia (averting mildew). Because of the frequency of these rites, a prohibition of commercial interchange lasting a full week (three days before, the day of, and three days after each festival) would have effectively ended Israelite-Roman commerce.

Immediately, we see a softening of the law for economic reasons, as in this citation: "And even though they have said, 'It is forbidden to do business with them' under what circumstances? In the case of something which lasts. But in the case of something which does not last, it is permitted."<sup>39</sup> Here, one opinion suggests that perishables may be sold to idolaters at any time (obviously to avoid the economic loss of not allowing the food to perish unsold).

Similarly, the Mishna quotes the sages as prohibiting only the three days preceding an idolatrous festival. In the Tosephta, Nahum the Mede qualifies this proscription by saying that in exilic communities, Israelites need only refrain from conducting business with idolaters one day before their festival. Finally, he qualifies even this relaxed rule, arguing that for festivals which do not recur, one must refrain from conducting business with idolaters only on the actual day of the festival!

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<sup>39</sup> TAZ 1.

In Mishna Three, an attempt is made to list the idolatrous festivals. Reading between the lines, one can almost hear the Rabbis thinking that perhaps they had originally been a bit hasty in their formulation of the law prohibiting commercial interchange before and after each festival.

The rabbis of the Mishna based their authority on the Torah. They endeavored to maintain the Torah's condemnation of idolatry - thereby maintaining their connection to biblical authority. Thus, they sought to ensure that Israelite products sold to the Romans would not be used in pagan rituals. The biblical injunction against even minimal Israelite participation in idolatrous practice was interpreted to mean that products which might be used for idolatry must not be sold to an idolater. However, as we have seen, steps were taken to circumvent the strict application of such an interpretation. The rabbis attempted to minimize the edict's effect on the Israelite's ability to engage in commerce.

Which interactions were prohibited under the category of *avodah zarah*? It should be noted that the prohibition of any activity is an indication that this very activity is occurring; otherwise the prohibition would be meaningless. The extensive material dealing with items which can or can not be sold to idolaters and under what conditions never dares to suggest that business with

idolaters should cease entirely. Certainly, business was being conducted extensively with idolaters. Similarly, the more an activity is debated and protested, the more likely it is that it occurred frequently. We can thus conclude that all of the activities outlined below were occurring within Israelite society during the Roman period, and that many of them were occurring regularly:

#### MISHNA AND TOSEPHTA SUGGESTED PROHIBITIONS FOR AN ISRAELITE WITH REGARDS TO *AVODAH ZARAH*

1. direct or indirect participation in the worship of or service to a god other than Yahweh or of an image of such a god, or in an idolatrous festival, including;
  - a. profiting from the festival in any way
  - b. allowing participants in the festival to profit from an Israelite
  - c. involvement with an idolater on a day in which he will participate in an idolatrous festival or personal idolatrous rite
  - d. doing anything which seems akin to a violation of these rules
2. entrance into an area where such idolatrous rites are taking place including;
  - a. cities where an idolatrous festival is occurring
  - b. stores which are decorated for the celebration of an idolatrous festival

3. the sale of any item which is likely to be used in the worship of a god other than Yahweh including;
  - a. any item which is understood to be used regularly for such worship
  - b. any item which the buyer states intent to utilize in such worship
  - c. any item which will be used in the production of something which will be used in such worship
4. the purchase of any item which has or may have been tainted by its use in such worship including;
  - a. wine
  - b. animals
  - c. related products and products containing these items
5. participation in the construction or manufacture of something which will be used in or aide such worship
6. the renting of a building into which idolatry is likely to be brought
7. the renting of a bathhouse or field when the Sabbath is likely to be violated there
8. ownership of benefit from an idol including;
  - a. something which was once an idol
  - b. part of an idol
  - c. valuable material which was once part of an idol



d. an image which holds something in its hands which may be a symbol of a god (an orb, a staff, an animal etc.)

e. something which has a god's figure or symbol depicted on it (the sun, the moon, a dragon, etc.)

f. a natural object such as a tree or stone which is worshiped

9. use of anything which has been in contact with something designated for use in the worship of idols including;

a. a building which shares a wall with an idolatrous temple

b. a container which held wine which was to be used for libations to a god.

It should be noted that there is always disagreement within the text on the solution to the problem of defining *avodah zarah*. Therefore, I have merely listed the topics in question, since the solutions were usually qualified, contradicted, or left unresolved.

The Mishna makes it clear that an Israelite should not help a non-Israelite if doing so would contribute to idolatry in any way. Anything which is perceived as a product of idolatrous practice is likewise forbidden; no benefit, direct or indirect, may be derived from such practice. The extent to which this prohibition may be taken is debated at length in the Talmud:

AND BITHYNIAN CHEESE etc. Said R. Simeon b. Lakish:  
The reason why Bithynian cheese has been forbidden is  
because the majority of calves of that place are

slaughtered [as sacrifices] to idols. <sup>40</sup>

In both the Mishna and the Talmud, the prohibition against contributing to, or deriving benefit from, idolatry is theoretical, at times overlooked when an Israelite has something to gain or may avoid loss by doing so. In cases where it is of economic benefit to the Israelite -- including educational benefit, such as an apprentice situation the rules become less strict.

The Mishna at times seems to be searching for situations in which products may be sold by Israelites to idolaters with out any real benefit to the idolater, only profit for the Israelite. For example:

Another [Baraita] taught: Nahum the Mede says, One may sell [to idolaters] a male or old horse in war time. Whereupon they said to him: This matter ought to be suppressed and left unsaid.<sup>41</sup>

The extensive material dealing with items which can or cannot be sold to idolaters, and under what conditions, never even suggests that business should not be conducted with idolaters. In the text above, Nahum the Mede is suggesting that horses which can be used in battle should not be sold to idolaters in war time. It seems clear that the matter is suppressed because an old horse in war time is of

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<sup>40</sup>GAZ34b.

<sup>41</sup>GAZ 7b.

little or no use to the purchaser. An idolater who became aware of this discussion would be incensed.

The text repeatedly acknowledges that the need to avoid fostering hostility between Israelite and non-Israelite clearly supersedes the desire to avoid contributing to idolatry.

Come and hear: Rab Judah said in the name of Samuel that the House of Rabbi had to present a fatted ox [to the Romans] for their festival, and a sum of forty thousand [coins] was paid for the concession not to contribute it on the day of the festival but on the morrow; then another forty thousand was paid for the permission to present it not alive but slaughtered; then forty thousand was again expended to be freed altogether from presenting it. Now what is the reason [for not presenting it alive] if not to avoid its being kept? — But if that is the reason, what is the purpose of the concession of offering it on the morrow instead of on the day? Obviously, then, Rabbi was anxious to abolish the thing entirely, but he considered it advisable to do it little by little.<sup>42</sup>

Even direct contributions to pagan sacrifice seem to have been made. The following story in the Talmud indicates that animals were given for pagan sacrifice when the offer might avert harm to the Israelites.

The text justifies the actions of the House of Rabbi which violated the prohibition against contributing to idolatry because this contribution was ostensibly required by law. In fact, the Talmud depicts many violations of these prohibitions because even among

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<sup>42</sup> GAZ 16a

the foremost scholars, not only were there exceptions made for the sake of safety, but also there was flagrant disregard for the prohibitions:

THEIR BREAD. R. Kahana said in the name of R. Johanan: Their bread was not permitted by the Court, but Raba (according to another version, R. Nahman b. Isaac) said to the people, 'Hold no converse with Aibu because he eats the bread of Gentiles.' <sup>43</sup>

Aibu disregarded Raba's prohibition against eating the bread of gentiles. We see in this example a struggle for authority over the interpretation of the Bible. The Mishna and its related texts serve, perhaps even more than the Bible itself, as a foundation of Jewish law and practice. As Mishna One of Pirke Avot makes clear, the Tannaitic rabbis saw themselves as the direct recipients in the transmission line of law from G-d to Moses, through their predecessors (the divinely chosen leaders of the Israelite people), to themselves. This transmission is called *torah she b'al peh*, the law said to have been passed from G-d to Moses but transmitted orally through the generations of Israelites instead of being written down. The seminal discussions about *torah she b'al peh* are recorded in the Tannaitic literature, primarily in Mishna and the Tosephta (and secondarily in the Baraitot cited in the Talmud).

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<sup>43</sup>GAZ 35b.

The *torah she b'al peh* usually answers questions about law left unanswered by the recorded laws of the written Torah. (For example, though the Torah commands all Israelites to observe Shabbat, the details of such observance are not specified. At the time the law was written, therefore, there was clearly a tradition as to how to observe the Sabbath.) In the course of time this tradition changed and evolved, giving rise to varied interpretations.

Authority in the Israelite religion depended (at least in theory) on the most accurate transmission of the details of the law, closest to the original source which was, of course, G-d. Naturally, there was much disagreement among the Tannaim as to whose interpretation was the most accurate. (Rabbinic authority was also contested by the Saducees, who had been the priestly class and inheritors of authority during the Second Temple period, but whose authority was greatly diminished with the destruction of the Temple. It is the Tannaitic rabbis themselves, the writers of the Mishna and the Tosephta, who coin the term *torah she b'al peh*, to describe their own authority over what has been transmitted to them.)

As discussed in chapter one, the Biblical assertions regarding idolatry vary. Parts of the Torah clearly tolerate non-Israelites worship of other gods, while parts of the Torah demand that all images of other gods be smashed, burned, and utterly destroyed.

Some of these assertions are recorded in the form of laws. As legal material, if the Torah is accepted as binding, it must either be followed directly or reinterpreted. The Torah makes it abundantly clear that Israelite participation in idolatry is evil in the eyes of G-d and prohibited by law. As discussed in this chapter, the biblical law was expanded upon by the writers of the Mishna and Tosephta. These Israelite leaders applied the laws of the Torah to the specific situations faced by people in their day. The reconciliation proved difficult, as these biblical injunctions encountered the reality posed by life as a religious minority under Roman rule.

### **Chapter Three: Circumcision, Differentiating Between Israelite and Idolater, and Legislated Mistrust**

During the Roman period, as today, it was often difficult to differentiate between an Israelite and a non-Israelite. Israelites shared trade, education, friendship, leisure, sport, philosophy, and other pursuits with non-Israelites. The Mishna and Tosephta deal with the need to differentiate between Israelite and idolater, between transgression of and compliance with the Torah's edict against idolatry.

Israelites were beginning to lose their distinctiveness from other peoples of the Roman empire. The Rabbinic literature is preoccupied with delineating the gray areas -- areas where the two

cultures intersect and overlap.<sup>44</sup> Reading between the lines of these debates reveals underlying principles and attitudes of the Israelites of that period. For example, it is possible to infer ways in which the presence of non-Jews within the sphere of Jewish life was curtailed (i.e. non-Israelites were excluded from circumcision rites and medical services).

The texts document every level of exchange and overlap between Israelites and idolaters. These exchanges cross the lines of boundary definition. Many Israelites dressed and behaved in the Roman fashion. One may note that many of the activities listed above relate to public display: To what extent may an Israelite appear to be like everyone else? The Mishna places great emphasis on those prohibitions which prevent Israelites from doing something which outwardly seems like idolatry (such as entering a city where an idolatrous festival is occurring, or shopping at a store which is

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<sup>44</sup> The same preoccupation is evident in our Jewish diaspora society today. In Bensonhurst Brooklyn where I worked last year, it was quite easy to differentiate between the Hasidic Jewish residents and their devout Roman Catholic Italian neighbors. It is easy to tell who is on the extremes. However, there is another population in Bensonhurst of people who straddle the lines, doing business with both groups and bearing no visible sign of their identity. These people would occasionally come to the Reform synagogue where I worked to attend the Bar or Bat Mitzvah of a colleague's child. Unless they made a point of telling me, I would never know if they were Jewish, Catholic, or neither. The same phenomenon existed in Israelite society in the Roman period.



decorated in celebration of an idolatrous festival). The Mishna seems, at times, more concerned with community appearances of integration than with private acts of idolatry.

Some of the texts endeavor to assert differences between Israelites and idolaters in the eyes of G-d. The Rabbis enter into speculation as to how G-d differentiates between Israelites and idolaters in judgment:

This also accords with what Raba said: What is the meaning of the verse, How be it He will not stretch out a hand for a ruinous heap though they cry in his destruction?— The Holy One, blessed be He, said to Israel, 'When I judge Israel, I do not judge them as I do the idolaters concerning whom it is said, I will overturn, overturn, overturn it, but I only exact payment from them [little at a time] as the hen does her picking.'

The upper class Israelites were concerned for the welfare of their non-Israelite compatriots -- i.e. the "Romans" -- who protected their wealth and status. Some of the writing in the Talmud, Mishna and Tosephta is thus very pro-Roman:

This is just what we learnt: R. Hanina, the Deputy High Priest, said, Pray for the welfare of the government, for were it not for the fear thereof, men would swallow each other alive.<sup>45</sup>

Many a time, the emperor Antoninus sent Rabbi gold dust in a leather bag filled with wheat at the top, saying (to his servants) "Carry the wheat to Rabbi..." Once, he

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<sup>45</sup> GAZ 4a

asked him: "Shall I enter the world to come?" "Yes!" said Rabbi. "But" said Antoninus, "is it not written, *There will be no remnant to the house of Esau?*" "That," he replied, "applies only to those whose evil deeds are like to those of Esau. (Rome was associated with Esau in rabbinic literature.)"<sup>46</sup>

In order that their children might succeed in Roman society, the upper class Israelites would aspire to raise their children like other upper class subjects of the Roman Empire. Thus Israelite society, particularly in the diaspora, would likely have had among its elite those who studied side by side with idolaters, and felt more akin to their Roman peers than to their fellow Israelites in Judea. In the Talmud we read:

R. Meir used to say: 'Whence do we know that even an idolater who studies the Torah is equal to a High Priest? From the following verse: Ye shall therefore keep My statutes and My ordinances which, if a man do, he shall live by them. It does not say "If a Priest, Levite, or Israelite do, he shall live by them," but "a man"; here, then, you can learn that even an idolater who studies the Torah is equal to a High Priest!'<sup>47</sup>

The argument is being made here that birth does not make one an important Israelite, study does. From this text we may discern the expectation that a non-Israelite may become highly respected within Israelite society through study of Torah.

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<sup>46</sup> GAZ 10b.

<sup>47</sup> GAZ 3a.

The Tosephta corresponding to Mishna 2:2 states that Israelites were even buying scrolls, phylacteries and mezuzot from idolaters. Non-Israelite subjects of the Roman Empire were not only interacting with Israelites through commerce, they were delving into Israelite religion. According to Encyclopedia Judaica, "there is ample evidence of a widespread conversion to Judaism during (this) period."<sup>48</sup>

Encyclopedia Judaica notes several cases of conversion, including the conversion of prominent non-Israelite Romans to Israelite Religion, and of the rise to prominence in Israelite society of known proselytes.

The question then becomes one of tolerance. Again one must note that the very same issues are at the forefront of Jewish today. How much syncretism will be allowed? At what point must Israelites stop non-Israelites from simply blending into Israelite society by insisting that they either leave or convert? As subjects of the Roman Empire, the various Israelite groups had widely different views on the phenomenon of Roman assimilation. While some viewed non-Israelites as oppressors and threats to Israelite autonomy, others sought to integrate with Roman society as much as possible, encouraging exchange and even blending. The fact that debates occurred regarding who is and is not an Israelite attests to

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<sup>48</sup> Encyclopedia Judaica, "Proselytes"  
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the very pervasive and deep level of interaction happening at the time.

According to the Talmud, an Israelite is defined in two ways; the first is that he or she is born to an Israelite mother, and the second is that he or she becomes an Israelite through conversion (which involves circumcision, immersion, and taking on the yoke of Torah).<sup>49</sup> It is no accident that the Mishna, Tosephta and Talmud struggle with the participation of idolaters in these actions. These texts show that, during the Roman period, Israelites and idolaters interacted to the point where they circumcised each other (*milah*) bathed together (*t'vilah*) and studied together (Torah).<sup>50</sup> Where, then, is one to draw the line drawn between Jew and non-Jew?

To this end the texts of the Mishna, Tosephta, and the Gemarah discuss the following questions; how much may Israelites and non-Israelites may do for one another, to what degree should good will be extended, and where should the limits of trust between members of the community and those outside of the community be drawn.

An Israelite woman should not act as midwife for an idolater because she is birthing a child for idolatry, but an idolater may serve as midwife for an Israelite woman. An Israelite woman should not nurse the baby of an

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<sup>49</sup> Yev. 46a and b.

<sup>50</sup> Circumcision: GAZ 16b-17a: Bathing; MAZ 3:4: Torah; GAZ 3a.

idolater but an idolater may nurse an Israelite woman's child on her property.<sup>51</sup>

The Mishna cited above, which deals with the topics of midwifery and nursing, generates discussion about the related topic of circumcision in the Talmud. Should Israelites allow idolaters to perform the circumcision of Brit Milah? And conversely, may an Israelite circumcise an idolater with out intending to convert him? Because circumcision is one of the areas which is intended to define Israelites, it becomes one of the focal points of questions regarding the characteristics that differentiate the two peoples.

The text of the Talmud debates whether a circumcision is valid for brit milah if it is not done with the explicit purpose of brit milah in mind. The proof text, provided by Rabbi Hisda -- suggesting that the circumcision must be done for this explicitly stated purpose -- comes from <sup>52</sup> "If a stranger who dwells with you would offer the Passover unto the Lord, he shall circumcise all his males." The latter parts of this verse are juxtaposed. Using a legal trick common in the Talmud, the pause in the sentence is moved three words back to read "If a stranger who dwells with you would offer the Passover, unto the Lord he shall circumcise all his males." "Unto the Lord he shall circumcise" is then interpreted to mean that circumcision must

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<sup>51</sup> AZ 2:1.

<sup>52</sup> Exodus 12:48.

consciously be performed for G-d as part of the covenant in order for the brit milah to be valid.

The subtext behind this discussion is who may perform the circumcision for brit milah. If we read the Torah's command as "unto the Lord he shall circumcise," then people who would normally perform circumcisions for reasons other than brit milah are not a valid candidates to perform a circumcision because they most likely would not be doing it for the purpose of the Israelite covenant with G-d. A modern day example of this might be a doctor who regularly circumcises baby boys for hygienic reasons. According to this view, such a doctor would be unfit to perform a circumcision for brit milah. In the example stated by the Talmud, Samaritans, referred to in our passage as a Cutheans, regularly circumcises their sons as part of their religion (The Samaritan/Cuthean religion was closely related to Israelite religion. The Israelites considered them to be non-Israelites, but not idolaters). Rashi explains that Cutheans could not validly perform circumcisions because they circumcise for the wrong reason: "They circumcise in the name of the bloods of the dove that they found at the head of mount Gerizim and offer sacrifices to it as is said: 'All they sacrifice' including circumcision of their sons is done in the name of this dove."

Notably, relying on the subtext "unto the Lord he shall

circumcise" does not necessarily prevent an Israelite from having an *idolater* perform a circumcision because the idolater would not have his or her own reasons for performing a circumcision. It would then be clear that this circumcision was "unto the Lord" because there is no other reason for the circumcision. This is a liberal view which allows circumcision by an idolater to count as Brit Milah. Rashi explains that the idolater may perform the circumcision (except when the issue of danger is a concern) "because his circumcision is not in the name of idolatry for it is not their way to circumcise themselves."

An even more liberal view is offered by Rabbi Yosi who suggests that the Torah's stated objective is simply to circumcise; he believes that the Torah never says that circumcision should be done only if it is done in the name of the covenant. He notes that the proof text shown above is being misconstrued to connect the phrase "unto the Lord" with circumcision when it really is connected with the Passover sacrifice. The implication of this is that anyone may perform the circumcision for Brit Milah.

This brings up issues surrounding intimacy and trust between non-Israelites and Israelites. Circumcision must certainly be performed by someone who is trusted. Because of the assumed hostility of the non-Israelite toward Israelites, they are held in

suspicion. The text suggests that it may be too dangerous to entrust a vulnerable Israelite baby to the hands of non-Israelites because they might want to murder the baby. The writers further consider whether a non-Israelite might be able to murder the baby even while others are watching. Thus, some of the opinions stated in the Talmud exclude non-Israelites from the performance of brit milah because non-Israelites are regarded with suspicion and fear.

The text suggests that a non-Israelite might want to mutilate an Israelite. Rashi explains that this is a reference to sterilization. It makes sense that if one's secret goal might be to keep Jews from reproducing, such an enemy should not be allowed anywhere near a baby with a knife, even if people are watching. Whatever the reality of the feelings of non-Israelites toward Israelites, these passages reveal a belief that the Israelites were despised.

These two major principles of our text -- namely that an Israelite must not aid the cause of idolatry, and that all non-Israelites should be viewed as potential murderers, are examples of extreme animosity and fear toward non-Israelites. These principles serve as the basis for the discussion about circumcision. In many cases, the text legislates suspicion of idolaters. They are suspect not only of violence, but also of immoral sexual conduct:

One may not place cattle in inns kept by idolaters even



male-cattle with male persons and female-cattle with female persons, and it is needless to say that female-cattle with male persons and male-cattle with female persons [are forbidden]; nor may one hand over cattle to one of their shepherds; nor may one be alone with them; nor may one entrust a child to them to be educated, or to be taught a trade... it has further been taught: One should not sell them either weapons or accessories of weapons, nor should one grind any weapon for them, nor may one sell them either stocks or neck-chains or ropes, or iron chains.<sup>53</sup>

The Talmudic suspicion toward idolaters is so thorough that it occasionally becomes comical such as in this text, which elaborates on the passage above. The discussion seems to be cathartic -- as the rabbis muse over the lewd sexual practices of idolaters you can almost hear them laughing at them.

Why then should we not leave female animals alone with female heathens? Said Mar 'Ukba b. Hama: Because heathens frequent their neighbors' wives, and should one by chance not find her in, and find the cattle there, he might use it immorally. You may also say that even if he should find her in he might use the animal, as a Master has said: Heathens prefer the cattle of Israelites to their own wives.<sup>54</sup>

These texts are also fraught with contradiction and argument regarding suspicion of idolaters. Throughout the Mishna, Rabbi Meir is the main spokesman for extreme suspicion and conservatism

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<sup>53</sup> GAZ 15b.

<sup>54</sup> GAZ 22b.

regarding idolaters. However, while some argue that idolaters are evil and cannot be trusted, others argue the opposite, perhaps because constant interaction proved this to be false. The rules change when the non-Israelites in question are perceived in a friendly manner:

Said R. Adda b. Ahabah: One should not sell them bars of iron. Why? — Because they may hammer weapons out of them. If so, spades and pick-axes too [should be forbidden]! — Said R. Zebid: We mean [bars of] Indian iron. Why then do we sell it now? — Said R. Ashi: [We sell it] to the Persians who protect us. 16a

The Talmudic principle: "Don't raise him up and don't lower him." reflects an extreme animosity toward non-Israelites. As Rashi points out, this statement teaches that though one should not murder an idolater, one should not help him live either. Meiri continues the explanation of how this prohibition expanded when dealing with circumcision;

An Israelite may circumcise a non Jew for the purpose of conversion but in the case of a non Jew who needs to cut his foreskin to cure an illness or a wound it is forbidden because behold this is raising and saving (a non-Jew).

Israelites should not go out of their way to help an idolater, even if it means exerting a small effort to save a life. It is forbidden to heal an idolater.

The Talmud states that an Israelite may circumcise a non-

Israelite in order to convert him. Obviously this would do nothing to further the cause of idolatry, on the contrary, helping a non-Israelite in this way increases the number of Jews. However, when an Israelite is asked to perform a circumcision for other reasons, such as the removal of a parasitic worm which is lodged in the foreskin, the Israelite is prohibited from helping the non-Israelite.

The Talmud is clear that an Israelite may only circumcise an idolater for the purpose of conversion, wages, or avoiding animosity. Meiri explains this as follows;

The third Mishna (in Avodah Zarah perek shayni) and its subject matter is like the subject matter in the Mishna before it in that it said an Israelite woman may not act as a midwife for a non-Israelite woman. It's explanation in the Gemarah is that the child will be raised for idol worship. And everywhere in the Gemarah they permit an Israelite woman to act as midwife for payment in order to prevent hostility. And it seems, for all that, that this applies only if the woman is well known for this work. But any woman who is not well known for this could be released from obligation and say I am not an expert or I am unworthy. Here if she works for free and there is no hostility she can say "I need to do other work." And on Shabbat, even a well known woman is forbidden from acting as midwife for an idolater, she could be released from obligation and say that she is not permitted to desecrate Shabbat for a woman who does not observe Shabbat, even though this is not prohibited by the Torah... (she can fabricate excuses).

Thus, an Israelite women is encouraged to lie -- elsewhere

prohibited by the tradition -- in order to avoid bringing another idolater into the world.

Here the Talmud reveals a vicious cycle of mistrust. The Israelite may not be able to trust the non-Israelite, but by the Israelite's own words it is clear that he is not to be completely trusted where the non-Israelite is concerned. It is no wonder that neither likes the other, because there does not seem to be any compassion between them.

Such mistrust and animosity for the Israelite neighbors is far from the spirit of Hillel's golden rule of the Torah: "What is hateful to you do not do unto your neighbor." Personally, I am offended by the idea that Israelites should avoid helping anyone. While the Talmud falls short of advocating willful harm of a non-Israelite, it encourages Israelites to let non-Israelites suffer harm which could easily be avoided. Perhaps it is fear, as manifested in the belief that a non-Israelite would try to kill an Israelite baby, which stands behind such animosity.

The idea that the person who performs a brit milah should themselves be circumcised is proposed by Rabbi Yochanon. Rashi explains that Rabbi Yochanon is reading the biblical verse "himmol y'mmol" -- normally read in the amplified form, "one shall surely circumcise" -- as if it says "one who is circumcised should circumcise

others.” This is done by simply changing the vowels. The discussion proceeds to show that “one who is circumcised” is simply be another way of referring to an Israelite. This would mean that an Israelite who is uncircumcised could still circumcise others. The Talmud provides the example of an Israelite who’s brothers died as a result of circumcision. Rashi explains that this boy would not have been circumcised due to fear that he too would die. Conversely, non-Israelites who are circumcised -- using the sub text “one who is circumcised shall circumcise others” -- would not qualify to perform brit milah because, by this argument, they are not referred to by the term “he who is circumcised.”

Circumcision often serves as a way of differentiating Israelites from non-Israelites. Therefore it is interesting that, according to the Talmudic, even when a non-Israelite is circumcised and an Israelite is uncircumcised, the non-Israelite is still considered uncircumcised and the Israelite circumcised. The Rabbis of the Talmud endeavor to view Israelites as being fundamentally different than non-Israelites, no matter what they do or how they appear.

Thus the text deals with border personalities, in an effort to determine definitively on which side of the border they fall. Thus the text deals with uncircumcised Israelites (such as hemophiliacs), and also women, explaining why they, though uncircumcised, are

considered to be circumcised when circumcision is the distinguishing factor between Israelite and non-Israelite. Israelites had to differentiate themselves from the peoples that surrounded them, and this need for differentiation is undoubtedly the force behind the conviction that non-Israelites may not perform circumcision on an Israelite.

## CHAPTER FOUR: The Consequences of the Polemic Against Paganism on the Environment and Women

For thousands of years both religions existed simultaneously -- among closely neighboring peoples. Archeological, mythological and historical evidence all reveal that the female religion, far from naturally fading away, was the victim of centuries of continual persecution and suppression by the advocates of the newer religions which held male deities as supreme.<sup>55</sup>

We have already seen some of the negative ramifications of the polemic against idolatry in Judaism. In addition, this harsh polemic has suppressed and destroyed much of Judaism's original reverence for female images of the divine, recognition of the divine in all creation, and respect for women as leaders in every aspect of Jewish life.

Rabbi Ismar Schorsch (Chancellor of the Jewish Theological Seminary), in his article "Tending to Our Cosmic Oasis," highlights the connection between Judaism's polemic against paganism and Jewish indifference to environmental destruction. Unfortunately, instead of

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<sup>55</sup> Merlin Stone, When G-d was a Woman, preface, p. xiii.

questioning this polemic against idolatry, Schorsch merely suggests that we not destroy our environment because of it. His suggestion, of course, is vital: Judaism's polemic against idolatry permits irresponsible environmental practices which are antithetical to Judaism's fundamental principles. However, Schorsch, like so many others, fails to acknowledge that the root of the problem is our insistence on the condemnation of paganism.

Nature is faulted for the primitiveness and decadence of pagan religion, and the modern Jew is saddled with a reading of his tradition that is one-dimensional. Judaism has been made to dull our sensitivity to the awe-inspiring power of nature. Preoccupied with the ghosts of paganism, it appears indifferent and unresponsive to the supreme challenge of our age: humanity's degradation of the environment. Many of the rabbis quoted in the Mishna, Tosephta, and Talmud sought to differentiate Judaism from Roman religion by drawing conclusions opposite to it. Therefore, while Roman religion holds that natural beauty is a sacred path to the contemplation of the divine, Mishnaic and Talmudic opinion asserts that natural beauty is a dangerous distraction from divine service. <sup>56</sup>

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<sup>56</sup> Ismar Schorsch, "Tending to Our Cosmic Oasis" in The Melton Journal, #24, Spring 1991.



contemplation of the divine, Mishnaic and Talmudic opinion asserts that natural beauty is a dangerous distraction from divine service.

If one were walking by the way and studying, and interrupts his study and says "How fine is that tree!" or, "How fine is this newly ploughed field!" scripture regards him as if he were guilty against his own soul.<sup>57</sup>

While the Romans worshiped nature, understanding their deities to be "seated in, or in some sense symbolize by, a tree, stone, animal, or other object such as the mildew, the fire, a spring, etc.," the Mishna, Tosephta, and Talmud suggest that Israelites display disrespect for these objects. They describe how to mutilate animals so that they cannot be used in pagan worship, and how to desecrate natural places so that they cannot be used as places of pagan worship.

While the Romans revered trees as the housing of a supernatural spirit, the Talmud teaches that the best way to prevent the worship of trees is to cut them down. "Our Rabbis taught: One may sell a tree to a heathen with the stipulation that it be felled."<sup>58</sup> The rabbinic tradition continued to advocate the willful destruction of sacred natural places, first commanded by the Torah. "You must

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<sup>57</sup> Mishna Avot, 3:7

<sup>58</sup> GAZ 20b

completely destroy all the places where the nations you dispossess have served their gods, on high mountains, on hills, under any spreading tree.<sup>59</sup> Because the pagans conduct their worship in natural places, the Israelites -- who endeavor to wipe out the places of pagan worship -- have a holy mandate to destroy nature.

It is made clear by Deuteronomy 12 and many other passages in the Tanakh that the bearers of the Israelite religion consciously contributed to the utter destruction of the feminine model of G-d, goddess worship, and the majority of the artifacts of goddess religions. "You must tear down their altars, smash their pillars, cut down their sacred poles, set fire to the carved images of their gods and wipe out their name from that place."<sup>60</sup> The particular mandates to destroy trees, sacred groves, pillars, and poles refer to the goddess Asherah and her symbols.

The many biblical references to Asherah usually indicate either a tree or grove of trees, or something handmade such as a stylized tree, a pole, or a wooden carving of the goddess figure. Further testimony to this is found in the Septuagent translation of the Hebrew *asherah* as *alsos* (grove or groves), except in Isaiah 17:8 where *dendra* (tree) is used. The verb *asah*, to do or to make, often

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<sup>59</sup> Deut. 12:2-3.

<sup>60</sup> *ibid.*

found in the Tanakh's prohibition, shows that an asherah was therefore also understood to be a handmade object. A reference to an asherah in Leviticus Rabbah indicates that the Rabbis understood biblical mention of an asherah to refer to a tree used for pagan cultic service. In an exposition on parashat Emor, Leviticus Rabbah states that a lulav taken from an asherah is unfit for ritual practice. In their interpretation an asherah was a tree from which branches could be taken. Reading the abundant commands to cut down these sacred trees and groves, one can only begin to guess the environmental damage these edicts imposed on the delicate Near Eastern ecosystem.

This destruction is inextricable linked to the environmental destruction mentioned above because the female image of G-d throughout the Near East "was the power of nature."<sup>61</sup> John Ferguson, in his book The Religions of the Roman Empire, explains that throughout the Roman Empire, the "Earth Mother" was the most important deity. In most cases the "Sky Father" was her consort, and secondary to her.<sup>62</sup>

While female deities and priestesses are central to Roman religion, they are demonized in many Jewish texts during the Roman

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<sup>61</sup> John Ferguson, The Religions of the Roman Empire, p. 14.

<sup>62</sup> *ibid.*

period. Women held important, authoritative roles, such as those of the priestesses of the Roman cult of Vesta.<sup>63</sup> Women were reflections of the image of the Mother-Goddess who held the attributes of wisdom, law-giver, inventor of written language and agriculture, warrior, creatress, source of fertility and birth. Their priestesses and prophetesses were revered for their wisdom and strength.

In contrast, the male-centered Torah, Mishna and Talmud denied women roles of power and legal authority. As Judith Plaskow points out in her book Standing Again at Sinai, the Torah depicts the giving of the law at Sinai as if the recipients of Israelite law were exclusively male. In preparation for this event, the Israelites are told; "be ready for the third day; do not go near a woman" (Exodus 19:15).<sup>64</sup> The Mishna and Talmud further the tradition of relegating women to an inferior position within the religion by normally placing them in a legal category with slaves and minors (who are also excluded from positions of power and authority).

An example of this is found in the treatment of women as performers of circumcision for brit milah. The problem comes into play with the question of who is responsible and commanded to fulfill the covenant of circumcision. Idolaters are the first to be

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<sup>63</sup> Warde W. Fowler, "Roman Religion" in Encyclopedia of Religion and Ethics.

<sup>64</sup> Judith Plaskow, Standing Again at Sinai, p.25.

prohibited as outsiders: after them come women, slaves and minors. The biblical injunction "you shall keep my covenant" is cited to assert that one who is commanded must perform the actual circumcision. The proof text is used by Yehudah Hanasi to show that idolaters may not perform circumcisions, because only Israelites are commanded here by the word "you." It is then assumed that the "you" here commands only free male adults. Thus, by the same proof text which prohibits idolaters from performing circumcisions, women, slaves and minors are also prohibited, though they be Israelites.<sup>65</sup>

Meiri maintains that a woman may perform a circumcision, but only in cases where a man is not able to do it. He writes, "A slave and a woman and a minor may circumcise in a place when there is no man." His preference that a man perform the circumcision seems to stem from the idea that a man is better fit to perform the ritual for the explicit purpose of covenant. Women, slaves and minors are often not understood to be the responsible commanded party regarding circumcision.

Ironically, there is biblical precedent for women performing circumcision. In Exodus 4:25, Moses' wife Tzipora took a flint and cut the foreskin of her son. Rashi therefore perverts this biblical text by asserting that Tziporah circumcised vicariously "by the hand of a

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<sup>65</sup> see appendix.

messenger" and that "she told another to do the cutting." It was so clear to Rashi that women did not perform circumcisions that he felt compelled to rewrite the biblical text.

It is no coincidence that Talmudic discussions preventing women from playing central, active roles within Judaism the religious cult are found next to assertions against idolatry. Insistence on an exclusively male image of G-d and the relegation of women to an inferior position were part and parcel of the rejection of the goddess religions. The serpent, an important pagan symbol of fertility and renewal, becomes a symbol of evil again and again in Rabbinic literature. A Midrashic tradition suggests that Eve cohabitated with the evil serpent in the garden of Eden in order to give birth to Cain (the first murderer). "When the serpent came unto Eve he infused filthy lust into her."<sup>66</sup> In this case the serpent is found conspiring with the woman: the two threatening characters work together. The man, Adam, is noticeably absent from any connection to evil.

The Mishna and Tosephta expose the deep connection between misogyny and anti-pagan sentiments. The Tosephta for Mishna 3:3 equates idolatry with adultery committed by women.

(Moses) "took the calf which they had made and burnt it with fire and ground it to powder and scattered it upon

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<sup>66G</sup> GAZ 22b, see also Shab.146a, and Yeb.103b.  
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the water and made the people of Israel drink it (this refers to Exodus 32:20) for he wanted to test them in the same way in which they test women accused of adultery."<sup>67</sup>

Mishna 3:6 equates the uncleanness of idolatry with the impurity of menstruation:

If the ground which an adjoining wall occupied belonged both to him and to the idolatrous shrine, it is accounted as belonging half to each, and its stones, its wood and its earth convey uncleanness as does an unclean reptile, as it is said, "Thou shalt utterly detest it." R. Akiba says, as with a mensruous woman, as it is said, "Thou shalt cast them far away as a menstruant woman, thou shalt say unto it -Get thee hence." Just as a menstruant communicates uncleanness by carrying even so does and idol impart uncleanness by carrying.

The female menstrual cycle, considered a potent force of fertility and creative power in the pagan religions, becomes dangerous and detested as Israelite religion seeks to radically differentiate from the Roman religion. "It was the symbolism and customs of the religion of the Goddess that were actually the target of Hebrew aggression."<sup>68</sup> Thus, a hostile attitude toward idolatry is inextricably connected with hostility toward women and nature in the rabbinic texts.

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<sup>67</sup> TAZ 3:3.

<sup>68</sup> Merlin Stone, When G-d Was a Woman, p.166.  
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## conclusion

From the discussion above we see, not only the legal foundation for how non-Israelites were dealt with by Israelites in the Roman period, but also the very foundation of Jewish legal/religious policy toward non-Jews today. As we read through the Mishna and Tosephta, we note a variety of approaches toward non-Israelites. They range from utter mistrust and loathing to deep respect and friendship. And thus, in communities where Jewish law is the basis for all discussion, thinking and action, it is possible to read the text and interpret G-d's message and command in modern situations using the prohibitions and attitudes outlined above.

Of the emotions attributed by the Tanakh to G-d, the one I find most poignant is frustration. G-d is frustrated because human beings, given the choice, fail again and again to do the right thing. "Hear, My people, and I will admonish you; Israel, if you would but listen to Me! You shall have no foreign god, you shall not bow to an



alien god. I Yahweh am your G-d who brought you out of the land of Egypt; open your mouth wide and I will fill it." (Psalm 81:9-11).

There is an important message here which has been utilized positively by the Reform Movement as a call to action. We read in these texts that as Israelites, it is incumbent upon us to take seriously G-d's offer to turn the world into the ideal one we would like to live in. However, there is also a dangerous message here, which has, in my opinion, been misused. Texts like this one have been read to justify greed and ethnocentricity on the part of Jews. It is possible to understand from this text that if one is only "Jewish" enough, one may "open wide" his mouth and consume the holdings of those nasty people who do not worship correctly.

One need only to recall the Hebron Massacre of February, 1994 and the recent shooting of Yitzhak Rabin to understand the far-reaching power of attitudes whose basis is these very texts. While most Jews, religious or secular, reacted with horror and revulsion to Baruch Goldstein and Yigal Amir, others were justifying it using Jewish texts.

Most Jews are anguished by the thought that this violence occurred in the name of Judaism, in no way sharing the murderer's vision of Judaism, his conception of G-d, nor his feelings towards non-Jews. Most Jews, too, were particularly horrified by the fact

that Arab "enemies" were slaughtered while at prayer. And yet, one might say that this violent attitude toward other forms of religion stems from the texts and underlying attitudes studied in this paper. The fanatics who performed these acts of hatred were acting in a manner contemptible to Jewish ethics, but consistent with certain well-established, ethnocentric Jewish teachings. It is our responsibility to understand, deconstruct and denounce bigotry in Judaism, even at its very roots. The way of Torah is a way of peace and tolerance -- the essence of Judaism as we understand it.

## appendix a

### Gemarah

Avodah Zarah 16b to 17a (kaf vav, amud bet to kaf zayin, alef) "Tanu Rabanan Yisrael Mal..."

Our rabbis taught- an Israelite may circumcise an idol worshiper for the purpose of conversion which excludes the purpose of a Morana. And an idolater shall not circumcise an Israelite because it is suspected that they might commit murder according to Rabbi Meir, but the sages say an idolater may circumcise an Israelite at times when others are near him but by himself he may not. But Rabbi Meir said not even when others are present because of moments when he could inadvertently lower his knife and mutilate his penis.

But did Rabbi Meir really hold the opinion that that an idol worshiper may not? A contradicting statement is brought. "In a city that has no Israelite doctor and has a Cuthean doctor and an idol worshiping doctor the idolater shall perform the circumcision and the Cuthean shall not." These words came from Rabbi Meir. (In contrast) Rabbi Yehudah said the Cuthean should be the one to circumcise not the idolater.

The two statements should be reversed. Rabbi Meir said that the Cuthean shall circumcise and not the idolater, while Rabbi Yehudah said that the idolater shall circumcise and not the Cuthean.

But did Rabbi Yehudah really hold the opinion that an idolater is satisfactory? And was it not taught that Rabbi Yehudah said "Where is it proven that circumcision by an idolater is disqualified? As it says (in Genesis) You shall keep my covenant."

Rather, do not reverse the statements because here we are dealing with an expert doctor. When Rav Dimi came he said in the name of Rabbi Yochanan "If he is accepted

by many as an expert it is permissible."

But did Rabbi Yehudah really hold the opinion that a Cuthean was satisfactory? Was it not taught that Rabbi Yehudah said "An Israelite may circumcise the Cuthean but the Cuthean may not circumcise an Israelite because he circumcises in the name of Mount Gezerim."

Rabbi Jose asked him- Where do we find in the Torah that circumcision must be performed in the name of brit milah? Instead we learn that that as long as he lives, he must circumcise. So rather the positions should always be reversed as they were reversed originally.

And as for the two contradictory statements attributed to Rabbi Yehudah, one was said by Rabbi Yehudah Hanasi as it is taught - Rabbi Yehudah Hanasi asked, where is it proven that circumcision by idolater is disqualified? Scripture teaches "You shall keep my covenant."

Rav Hisda said- What is Rabbi Yehudah's proof (that a Cuthean may not perform circumcision because circumcision must be done for the stated purpose of brit milah)? As it is written "He shall circumcise to G-d."

And Rabbi Yosi's proof (that it does not need to be done for the stated purpose of brit milah) is "He shall surely circumcise." and for Yosi the other phrase "He shall circumcise to G-d." is written for Passover.

And for the other also isn't it written "He shall surely circumcise?"

The words of Torah are like the language of men (for R. Yehudah, in other words, this phrase do not provoke an interpretation beyond the plain meaning of the text).

It was asked "Where is it proven that circumcision by an idolater is disqualified?" Daru son of Papa said in the name of Rav "You shall keep my covenant."

And Rabbi Yochanon said "He shall surely circumcise." (shifted to mean "He who is circumcised shall circumcise.") What is the difference between the two? For example, with a circumcised Arab and a circumcised Gibeonite, the difference is the one who says "He who is

circumcised shall circumcise" it is possible (for these non-Israelites to perform the circumcision), and the one who says "You shall keep my covenant" there is no basis for it.

But for one who says "He who is circumcised shall circumcise" is it possible? Did we not learn (one who says) "I vow that I will not benefit from uncircumcised people" is permitted concerning the uncircumcised Israelite and forbidden concerning the circumcised idolater? It follows that even though they are circumcised it is as if they are uncircumcised.

The difference between (the two proof texts is seen also in the case of) an Israelite who's brothers died as a result of circumcision so he was not circumcised. For the one who says "And you shall keep my covenant" it is possible (for the uncircumcised Israelite to perform circumcisions.) For the one who says "He who is circumcised shall circumcise" there is no basis for it.

But for the one who say "He who is circumcised shall circumcise" is there really no basis for it?" Did we not learn (one who says) "I vow that I will not benefit from circumcised people is forbidden concerning uncircumcised Israelites and permitted concerning circumcised idolaters. It follows that even though they are not circumcised it is as if they are circumcised.

Rather the difference between them comes concerning women. The one who says "And you shall keep my covenant" there is no basis for it because a woman is not subject to brit milah. And the one who says "He who is circumcised shall circumcise" it is possible in that a woman is considered as though circumcised. But who can possibly say that a woman can not (perform a circumcision) as it is written "and Tziporah took a flint and cut it." "And she took" but read into it "she caused to be taken" that she told another person. Or you may say she came and started it and Moses came and finished it.

## Outline and Clarification of the Sugya

1. Israelite performing circumcision on an idolater
  - a. may do so for purpose of conversion only.
  - b. may not do so for medical purposes.
2. An idolater is not trusted to perform circumcision on an Israelite.
  - a. R. Meir - never.
  - b. Sages - only when supervised.
3. R. Meir's true opinion is debated and contrasted with R. Yehudah's concerning a Cuthean vs. an idolater circumcising an Israelite:

a<sup>1</sup>. R. Meir is reported to have said that an idolater should circumcise and not a Cuthean while R. Yehudah is reported to have said that a Cuthean should circumcise but not an idolater. Thus, R. Meir has two contradictory positions attributed to him because above he said that an idolater should never be trusted to perform a circumcision.

b<sup>1</sup>. A reversal is suggested that R. Meir must have said a Cuthean may perform a circumcision, while R. Yehudah must have said an idolater may. This is an attempt to resolve R. Meir's two contradictory statements. If the person who brought these quotations got it backwards, then R. Meir would never have said that an idolater could perform a circumcision.

a<sup>2</sup>. A quotation from R. Yehudah contradicts this reversal. Yehudah is reported to have said that idolaters may not circumcise. This would make the reversal, which suggests that he permitted an idolater to perform a circumcision, invalid.

a<sup>3</sup>. The argument continues against this reversal, the contradictory statements by R. Meir are resolved.

I. When Meir spoke permitting circumcision performed by an idolater the case was of an expert, which is a specially permissible situation.

b<sup>2</sup>. The reversal is again defended, this time with a quotation that suggests that R. Yehudah would not have permitted a Cuthean to perform circumcisions because Cutheans circumcise as an offering to Mt. Gezerim. This would mean that the Cuthean who performs the circumcision might do it with an intent other than bringing the baby into a covenant with the Israelite G-d.

a<sup>4</sup>. R. Jose suggests that it doesn't matter in what name circumcision is performed. This contradicts the reversal.

b<sup>3</sup>. A quotation is brought which suggests that it was a different Yehudah (Ha Nasi) who said that idolaters could not circumcise. This further defends the reversal, because the former R. Yehudah (who

said the opposite of R. Meir) might conceivably have believed that idolaters could circumcise.

b<sup>4</sup>. Hisda - R. Yehudah's proof that circumcision must be done in the name of brit milah was "He shall circumcise to G-d." This defends the reversal, which uses the idea that R. Yehudah was opposed to Cuthean's performing circumcision because they would not do it in the name of brit milah.

a<sup>5</sup>. R. Yosi's proof that circumcision does not have to be done in the name of brit milah was "He shall surely circumcise."

4. Proof texts are given as a basis for circumcision.

c. Daru for Rav - "You shall keep my covenant."

d. R. Yochanon - "He who is circumcised shall circumcise" (different reading on himmol yimmol.)

5. Difference between Rav's proof (c.) and Yochanon's proof (d.) are discussed.

a<sup>1</sup>. Circumcised non-Israelites (Gibeonites and Arabs) could circumcise if the proof text is "He who is circumcised," but they could not using the proof "You shall keep."

b<sup>1</sup>. "He who is circumcised" means Israelites, even if some non-Israelites are circumcised. Thus "He who is circumcised" means all



Israelites may circumcise but not non-Israelites.

I. This is suggested by a vow concerning uncircumcised people meaning non-Israelites.

a<sup>2</sup>. Uncircumcised Israelites may not circumcise if the proof text is "He who is circumcised" but they could using the proof "You shall keep."

I. It is possible that an Israelite would not be circumcised because his brothers died as a result of circumcision.

b<sup>2</sup>. "Uncircumcised" means non-Israelite. Thus "He who is circumcised" excludes non-Israelites and not uncircumcised Israelites.

II. This is suggested by a vow concerning circumcised people meaning Israelites.

c. Women can not perform circumcisions if the proof text is "You shall keep." because they are not commanded concerning brit milah, but using the proof "He who is circumcised" women can, because they are Israelites (all of whom are considered circumcised.)

I. Women can circumcise because Tziporah did it in the Torah

II. The Torah should be read that Tziporah caused it to be done, Women can not perform circumcisions.

## appendix b

### COMPARISON ON FIRST PEREK (Mishna and Tosephta)

#### CHAPTER 1 AVODAH ZARAH

##### Mishnah 1

For three days before the idolatrous festivals of the idolaters it is prohibited to have business dealings with them—neither to loan to them nor to borrow from them, neither to lend [money] to them nor to borrow [money] from them, neither to make payment to them nor to accept (re)payment from them. R. Judah says, One may be repaid by them [during these three days] since this causes them grief.' [The Sages] said to him, Even though it grieves them at the time they will [nevertheless] rejoice afterwards.

Tosephta 1:1 A. Nahum the Mede says, "One day in the Exilic communities before their festival it is prohibited (to do business with gentiles)." B. Under what circumstances? In the case of recurrent festivals, but in the case of festivals which do not recur, prohibited is only that day alone. C. And even though they have said, *It is forbidden to do business with them* D. under what circumstances? E. In the case of something which lasts. F. But in the case of something which does not last, it is permitted. G. And even in the case of something which lasts, (if) one bought or sold it, lo, this is permitted. H. R. Joshua b. Qorha says, "In the case of any loan secured by a bond, one does not accept repayment from (a gentile). I. "But in the case of any loan which is not secured by a bond, one does accept repayment from (a gentile), J. "because one thereby saves (capital) from their power." 1:2 A. A person should not do business with a gentile on the day of his festival, B. nor should one talk frivolously, C. nor should one ask after his welfare in a situation which is taken into account. D. But if one happened to come across him in a routine way, he asks after his welfare with all due respect.

## Mishnah 2

R. Ishmael says, For three days before them and for three days after them it is forbidden. But the Sages say, Before their idolatrous festivals it is prohibited, but after their idolatrous festivals it is permitted.

1:3 A. They ask after the welfare of gentiles on their festivals for the sake of peace. B. Israelite workmen who were working with a gentile— C. in the case of an Israelite's household, it is permitted. D. In the case of a gentile's household, it is prohibited. E. R. Simeon b. Eleazar says, "If he was hired by the day, whether in the household of an Israelite or in the household of a gentile, it is prohibited. F. "If he was hired as a contractor, in the household of an Israelite it is permitted G. "In the household of a gentile, it is prohibited. H. "In the case of working on what is as yet unplucked, one way or the other, it is prohibited. I. "And in another town, one way or the other, it is permitted." J. And even though one has finished work on his utensils before his festival, he should not deliver them to him on the day of his festival, K. because this increases his rejoicing (on his festival).

### Mishnah 3

And these are the festivals of the idolatrous nations: the kalends, (and) the *saturnalia*, (and) the *empire day*, (and) the (*accession*) anniversaries of emperors, 'and the day of [an emperor's] birth and the day of [his] death. This is the view of R. Meir. But the Sages say, Where burning [of the emperor's raiment] took place at the death there was idol worship, and where there was no burning there was no idol worship. (But) on the day' when one shaves off his beard, or [when one cuts off] his plait [of hair] on the day when he returns from a sea voyage, (or) on the day when one comes out of prison, [and on the day when] an idolater prepares a festivity for his son, [all business affairs with them are] prohibited on that day only and with only that person.

(see Ferguson on emperor as diety)

1:4 A. (If) one town celebrates, and another town does not celebrate, B. one people celebrates, and another people does not celebrate, C. one family celebrates, and another family does not celebrate— D. those who celebrate are subject to the stated prohibitions, and those who do not celebrate are permitted in regard to them. E. As to *Calendae*, even though everyone observes the festival, it is permitted only with regard to the actual rite of sacrifice itself. F. *Saturnalia* is the day on which they took power. G. *Kratesis* is the day of the anniversary of the emperors (cf. M. A.Z. 1:3B-C). H. The day of each and every emperor—lo, it is tantamount to a public festival. I. As to an individual, even on the day of his banquet or the day on which he was made ruler— J. R. Meir says, "Even the day on which he arose from his sickness"— K. it is prohibited (cf. M. A.Z. 1:3G).

#### Mishnah 4

If there be held idolatrous services in a town, it is permitted [to have business dealings with the idolaters on an idolatrous festival day] outside it; if there be held idolatrous services outside [the town], it is permitted [to carry on business with the idolaters on an idolatrous festival day] inside [the town]. Is it permitted] to go thither? - When the road leads only to that place it is prohibited, but if one can go thereon to some other place, it is allowed. If idolatrous services be held in a town, and some shops therein are decorated and others are not decorated - there was such a case in Bethshean - (and) the Sages said, Those that are adorned are prohibited and those that are not adorned are permitted.

1:5 A. "(If) there is a fair in a given town, one does not go to that particular town, nor to the nearby villages, B. "because he appears to go to the fair," the words of R. Meir.

C. And sages say, "Prohibited is only that town alone."

1:6 A. (If) there is a fair in the town, into the town it is prohibited (to go), but outside of the town it is permitted. B. And if it is outside of the town, outside of the town it is forbidden (to go), but into the town it is permitted (M. A.Z. 1:4A-C).

C. And shops which are decorated under any circumstances, lo, these are forbidden (M. A.Z. 1:41). D. (If) a person is passing in a caravan from one place to another, and enters a town in which a fair is going on, E. he need not scruple that he may appear to be going to the fair (M. A.Z. 1:4E-F).

1:7 A. A fair which the empire held, or which the

leaders of a province held, is permitted. B. Prohibited is only a fair honoring an idol alone.

1:8 A. They go to a gentiles' fair and accept healing from them—

B. healing involving property, but not healing involving the person.

C. And they do (not) purchase from them fields, vineyards, boy-slaves, and girl-slaves, because he is as one who rescues these from their power.

C. Merchants who pushed up the day of a fair or who pushed back the day of a fair—it is permitted. D. Prohibited is only the time of the fair alone.

1:10 A. The word *dust* as shade (in the figurative sense of *something akin* to is applied in four instances: B. there is the shade of usury, the shade of the seventh year, the shade of idolatry, and the shade of gossip.

1:13 A. As to the shade of idolatry: a man should not do business with his (Israelite) fellow on the festival day of a gentile, B. because it smacks of idolatry.

1:15 A. Israelites who are going to a fair—it is permitted to do business with them.

B. And on (their) return, it is (likewise) permitted.

C. Gentiles who are going to their debauchery—it is forbidden to do business with them.

D. And on (their) return, it is permitted.

E. For (the fair) is tantamount to idolatry, which (on their return trip) its worshippers have abandoned.

F. And as to an Israelite, whether it is on the way there or on the way back, it is prohibited.

1:16 A. One should not travel with a caravan (en route to an idolatrous fair),

B. even to go out,

C. even to go before it,

D. even to be with it when it gets dark,

E. even if one is fearful because of gentiles, thugs, or an evil spirit,

F. since it is said, *You shall not go after other gods* (Deut, 6:14)

#### Mishnah 5

These are things that it is forbidden to sell to idolaters: stone-pine cones, (and) white figs on their stalks, (and) frankincense, and a white cock. R. Judah says, It is permitted to sell to him a white cock among [other] cocks, but if it be by itself [the Jew] cuts off one of its toes and sells it to him, because they do not offer aught defective at idolatrous service. But all other things, if it be not specified that they are for idolatrous purposes], are permitted [to be sold to idolaters], but if it be specified [that they are intended for idolatrous practices], they are prohibited. R. Meir says, It is also prohibited to sell to idolaters fine dates, (and) sugar-cane and nicolaos dates.

A. And of all of them, he would sell them a bundle.

B. And how much is a bundle? C. R. Judah b. Peterah says, "In the case of frankincense, it is no less than three by number." D. One sells (the stated substances) to a merchant, but does not sell (them) to a householder (M. A.Z. 1:5A). E. But if the merchant was suspect (of idolatrous practices), it is prohibited to sell (them) to him. F. One sells them pigs and does not scruple that he might offer them up to an idol. G. One sells him wine and does not scruple that he might offer it as a libation to an idol. H. But if he explicitly stated to him (that his intent was to make use of what he was buying for idolatry), it is prohibited to sell him even water, even salt (M. A.Z. 1:5F).

I. One sells him a white cock among other cocks (M. A.Z. 1:5C). J. Said R. Judah, "Under what circumstances (do the stated prohibitions apply)? When (the pagan) said to him, 'Sell me a cock,' without further specification. K. "But if he explained to him that it is because he is sick or it is for a banquet for his son, lo, this is permitted" (cf. M. A.Z. 1:5F).

### Mishnah 6

Where it is a local usage to sell small beasts to idolaters they may sell [them]; where it is not the practice to sell [them] they may not sell [them]; and nowhere may they sell them large cattle, calves or foals whether sound or maimed. R. Judah permits a maimed [animal to be sold], and Ben Bathyra permits a horse [to be sold].

(the same thing) to a gentile. E (If) you have not got the right to return (what is purchased) to an Israelite, you have not got the right to return (the same thing) to a gentile. F. An Israelite sells his beast to a gentile on the stipulation that the latter slaughter it, with an Israelite supervising him while the gentile slaughters the beast (so as to make sure it is not turned into a sacrifice to an idol). G. They purchase from (gentiles) cattle for an offering, H. and need not scruple on the count of (the gentile's having practiced) bestiality or suffered bestiality, or having set aside the beast for idolatrous worship, or having actually worshipped (the beast). 2:2 A. And just as they do not sell them a large domesticated beast, so they do not sell them a large wild beast (M. A.Z. 1:6B). B. And also in a situation in which they do not sell them a small domesticated beast, they do not sell them a small wild beast.

2:3 A. R. Simeon b. Eleazar says, "They sell them village-dogs, porcupines, cats, or apes— B. "things which peck about the house." C. And just as they do not sell (the limited animals) to them,

D. they also do not exchange them with them, either bad ones for good ones, or good ones for bad ones; E. either lame ones for healthy ones, or healthy ones for lame ones. F. R. Judah permits doing so in the case of a lame one, which is not subject to healing (M. A.Z. 1:6D). G. They said to him, "Lo, he will put it out to stud, and the mate will give birth." H. *Ben Petera permits in the case of a horse* (M. A.Z. 1:6E), which does not perform any sort of labor on the Sabbath on account of which they are liable to a sin-offering. I. But Rabbi prohibits doing so on two counts: J. on the count of not selling to them weapons of war, K. and on

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2:1 A. They purchase a beast from them for a trial and return it to them that entire day. B. And just as they purchase from them a beast for a trial and return it to them that entire day, C. so they purchase from them (a beast) slave-boys and slave-girls for a trial and return them to them that entire day. D. So long as you have the right to return (what is purchased) to an Israelite, you have the right to return

the count of not selling to them a large  
beast.



## Mishnah 7

They may not sell them bears, or lions or aught that can cause injury to (many) people. None may assist them to build a basilica, gallows, (or) an arena or a meeting platform; but they may help them to construct pedestals or bath houses; but when they have reached [at the construction of] the [wall] niche wherein they set up an idol it is prohibited [to aid them] to build [it].

(And none may make ornaments for an idol: chains, or nose-rings or rings. R. Eliezer says, If for payment it is allowed). None may sell them aught attached to the soil, but one may sell it when it has been severed. R. Judah says, One may sell [it] to him on condition that it is cut away. They may not hire houses to them in the Land of Israel or, needless to say, fields; (and) in Syria they may hire houses to them but not fields; and outside the Land [of Israel] they may sell them houses and hire [to them] fields. This is the view of R. Meir. R. Jose says, In the Land of Israel they may hire to them houses but not fields, (and) in Syria they may sell [to them] houses and hire [to them] fields, and outside the Land [of Israel] they may sell [to them] either.

2:4 A. They do not sell them either a sword or the paraphernalia for a sword. B. And they do not polish a sword for them. C. And they do not sell them stocks, neck-chains, ropes, or iron chains, D. scrolls, phylacteries, or *mezuzot*. E. All the same are the gentile and the Samaritan. F. They sell them fodder which has been cut down, grain which has been harvested, and trees which have been picked. G. R. Judah says, "(One may sell them) fodder for cutting down, on condition that it be shorn; grain for cutting, on condition that it be harvested; and trees for picking, on condition that one actually pick (the fruit off of them)" (cf. M. A.Z. 1:8D-F).

2:5 A. "He who goes up into gentiles' amphitheaters—

B. "it is forbidden on grounds of idolatry," the words of R. Meir. C. And sages say, "When they actually make a sacrifice (in the amphitheater), it is prohibited on grounds of idolatry. D. "If they are not actually making a sacrifice it is still prohibited, on grounds of seating oneself with scoffers (Ps.

1:1)."

2:6 A. He who goes to a stadium or to a camp to see the performances of sorcerers and enchanters or of various kinds of clowns, mimics, buffoons, and the like— B. lo, this is a seat of the scoffers, C. as it is said, *Happy is the man who has not walked in the counsel of the wicked . . . nor sat in the seat of the scoffers. But his delight is in the Torah of the Lord (Ps. 1:1—2).* D. Lo, you thereby learn that these things cause a man to neglect the study of the Torah. 2:7 A. He who goes up into gentiles' amphitheaters, if he was going about on account of the service of the state's requirements, lo, this is permitted. B. If one takes account (of what is happening therein), lo, this is forbidden. C. He who sits in an amphitheater (e.g., where gladiators are fighting), lo, this one is guilty of bloodshed. D. R. Nathan permits on two counts: E. because (the Israelite) cries out in order to save the life (of the loser), F. and because he may give evidence in behalf of a woman (whose husband is killed in the struggle), that she may remarry. G. They may go to stadiums because (an Israelite) will cry out in order to save the life of the loser, H. and to the performance in a camp on account of the task of preserving order in the province. I. But if one takes account of what is happening (in the entertainment), lo, this is forbidden. 2:8 A. They do not rent to them houses, fields, or vineyards.

B. And they do not provide for them fields on the basis of sharecropping (a variable or fixed proportion of the crop, respectively) or of contracting to raise beasts. C. All the same are a gentile and a Samaritan. D. Under what circumstances (does the stated rule apply)? E. "In the case of the Land of Israel. F. "But in Syria they rent houses to them, but not fields. G. "Both here and there one should not rent out his fields to a gentile," the words of R. Meir. H. R. Yose

says, "Even in the Land of Israel they rent out houses and they rent out fields. Abroad they sell these and those" (cf. M. A.Z. 1:8G-M).

## Mishna 9

However, where they said, "They are permitted to hire, they did not speak of a dwelling, for he might introduce into it an idol, as it is said, *Thou shalt not bring an abominahon into thy house* and nowhere may one hire to him a bath-house, for it would be called by his name.

2:9 A. Here and there an Israelite should not rent out his house to a gentile, B. because it is certain that the latter will bring an idol into it (M. A.Z. 1:9A-C) C. But they may rent out to them stables, storehouses, and inns, D. even though it is certain that the gentile will bring into it an idol. E. R. Simeon b. Gamaliel says, "*In no place may one rent out his bath house to a gentile, since it would be called by the Israelite's name* (M. A.Z. 1:9D), and people will wash in it on the Sabbath." F. R. Simeon says, "*In no place may one rent out his field to a gentile, since it would be called by the Isrealite's name, and they will perform acts of labor in it on festival-days.*"

## CHAPTER 2

### Mishnah 1

Cattle may not be left in inns of idolaters because they are suspected [of using beasts] for carnal connexion; (and) a [Jewish] woman may not remain alone with them since they are suspected of lechery; and a Jewish man may not remain alone with them for they are suspect of shedding blood. The daughter of an Israelite may not assist an idolatress in childbirth, because she would be aiding the birth of a child for idolatry, but the daughter of an idolater may assist in the childbirth of the daughter of an Israelite. The daughter of an Israelite may not give suck to the child of an idolatress, but an idolatress may suckle the child of an Israelite in her own domain.

3:2 A. *They do not leave cattle in gentiles' inns* (M. A.Z. 2:1A),

B. even male cattle with men, and female cattle with women,

C. because a male may bring a male (beast) over him, and a female may do the same with a female beast,

D. and it goes without saying, males with women, and females with men.

E. And they do not hand over cattle to their shepherds.

F. And they do not hand a child over to him to teach him reading, to teach him a craft, or to be alone with him.

3:3 A. *An Israelite girl should not give suck to the child of a gentile woman* (M. A.Z. 2:1J),

B. because she raises a child for the service of idolatry (cf. M. A.Z. 2:1H).

C. *But a gentile woman may give suck to the child of an Israelite girl, when it is by permission* (M. A.Z. 2:1K).

D. *An Israelite girl should not serve as a midwife to a gentile woman,*

E. *because she serves to bring forth a child for the service of idolatry* (M. A.Z. 2:1G-H).

F. "And a gentile girl should not serve as a midwife for an Israelite girl,

G. "because they are suspect as to the taking of life," the words of R. Meir.

H. And sages say, "A gentile girl serves as midwife for an Israelite girl when others are supervising her.

I. "But (if they are) all by themselves, it is prohibited,

J. "because they are suspect as to the taking of life."

They may make use of their services for healing their belongings, but not for curing their bodies, and in no place may they have their hair cut by them. This is the opinion of R. Meir. But the Sages say, In the public domain it is permitted, but not when they are alone.

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3:4 A. *They accept from them healing as to matters of property, but not healing as to matters of the person* (M. A.Z. 2:2A-B). B. A gentile woman should not be called upon to cut out the foetus in the womb of an Israelite girl. C. And she should not give her a cup of bitters to drink. D. for they are suspect as to the taking of life. E. And an Israelite should not be alone with a gentile either in a bath house or in a urinal. F. (When) an Israelite goes along with a gentile, G. he puts him at his right hand, and he does not put him at his left hand. H. R. Ishmael son of R. Yohanan b. Beroqah says, "(He goes along) with a sword in his right hand, with a staff in his left hand." I. (If) there are two going up on an ascent or going down on a ramp, the Israelite goes up ahead, and the gentile behind. J. And he may not bow before him, lest he knock his head. And he should leave a good distance for him. K. (If) they asked him, "Where are you going," he indicates to him a way other than the one he has in mind. L.

just as Jacob said to Esau, *Let my lord pass on before his servant . . . until I come to my lord in Seir.* M. *But Jacob journeyed to Succoth* (Gen. 33:14, 17).

3:5 A. An Israelite who is getting a haircut from a gentile watches in the mirror (cf. M. A.Z. 2:2C-E). B. (If it is) from a Samaritan, he does not watch in the mirror. C. They permitted the house of Rabban Gamaliel to look at themselves in the mirror. D. for they are close to the government.

3:6 A. An Israelite who is giving a haircut to a gentile, when he has reached the forelock, removes his hands (from the hair and does not cut it off.) B. They purchase from a gentile scrolls, phylacteries, and *mezuzot*,

C. so long as they are written properly.

K. "The assumption concerning slaves of gentiles, even if they are circumcised—lo, they are assumed to be gentiles.

3:12 A. "An Israelite circumcises a gentile for purposes of conversion. But a gentile should not circumcise an Israelite,

C. because they are suspect of bloodshed," the words of R. Meir

D. And sages say, "A gentile may circumcise an Israelite when others are supervising him. But if they are all alone, it is prohibited because they are suspect of bloodshed."

3:13 A. "An Israelite may circumcise a Samaritan, but Samaritan may not circumcise an Israelite,

because he performs the act of circumcision for the sake of Mt. Gerizim" the words of R. Judah

D. Said to him R. Yose, Where do we find an act of circumcision (performed by a Samaritan) which is not for the sake of a covenant is for the sake

of Mount Gerizim, until he is dead?"

### Mishnah 3

These things belonging to idolaters are prohibited [to Jews], and it is prohibited to have any benefit from them: wine, and the idolater's vinegar that was at first wine,' and earthenware of Adria' and 'heart pierced hides.' Rabban Simon ben Gamalid says, If the rent were round, [the hide] is forbidden, but if long, it is permitted.' Flesh that is going into a place for idol worship is permitted, but what comes out is prohibited, for it is as the *sacrifices of the dead*. This is the view of R. Akiba. It is prohibited to have business dealings with those who journey to idolatrous festivals, but it is permitted to deal] with those that are returning.

**4:7** A. What are hides pierced at the heart (M. A.Z. 2:3B)?

B. Any which is perforated at the heart (of the beast), and made into a kind of peep-hole.

C. *But if it is straight, it is permitted* (M. A.Z. 2:3C).

**4:8** A. Pickled and stewed vegetables of gentiles, into which it is customary to put wine and vinegar, and Hadrianic earthenware (cf. M. A.Z. 2:3B, 2:6D)—

B. the prohibition affecting them is a prohibition extending to deriving any benefit from them whatsoever

C. Sodden olives which are sold at the doors of bathhouses are prohibited for eating, but permitted so far as deriving benefit.

D. R. Yose prohibits them even as to deriving benefit,

E. because they pour vinegar on them so as to remove their pits.

**4:12** A. Boiled wine and aromatic water—lo, these are prohibited because they begin as wine.

B. Aromatic water in its natural condition—lo, this is permitted.

C. Apple-wine which comes from storage, the storehouse, or a ship—lo, this is permitted.

D. But if it is sold over the counter in the market, lo, this is prohibited, because it may be adulterated (with gentile wine or vinegar).



#### Mishnah 4

The leather bottles of idolaters or their (wine-) vessels filled with the wine of an Israelite are prohibited and it is forbidden to derive any benefit from them. This is the view of R. Meir. But the Sages say, It is not prohibited to have any benefit from them. The grape-seeds and grape-husks of idolaters are forbidden and it is prohibited to have any benefit from them. This is the opinion of R. Meir. But the Sages say, When moist they are prohibited, if dry they are permitted. The fish-brine and the cheese from Beth Unyakil of the idolaters are forbidden, and it is prohibited to derive any benefit from them. This is the view of R. Meir. But the Sages say, It is not prohibited to derive any benefit from them.

## Mishnah 5

R. Judah said, R. Ishmael asked R. Joshua when they were on a journey and said to him, Why have they prohibited the cheese of idolaters? He answered him, Because [they make cheese] by curdling [the milk] with rennet taken from the carcass [of an animal not ritually slaughtered]. He said to him, But is not the rennet from a *burnt offering* more stringently prohibited than the rennet from a carcass, and [nevertheless] they have said, A priest who is not fastidious may suck it up raw—and they did not agree with him but said, They may have no benefit [from it] and yet [if they did] *the law of the misappropriation of sacred property* does not apply? [R. Joshua] (repeated) [and] said to him, Because [they make cheese] by curdling [the milk] with rennet from calves [sacrificed] at idolatrous services.' [R. Ishmael] said to him, If so, why did they not prohibit any benefit therefrom? [R. Joshua thereupon dropped the matter and] led him to another subject—he said to him, Ishmael, my brother, how dost thou read, *For thy love is better than wine...*

**4:13** A. They purchase Bithynian cheese only from an expert.

B. But seethed (cheese) is purchased from any source.

## Mishnah 6

These things of idolaters are forbidden, but it is not prohibited to derive any benefit from them: milk that an idolater milked but no Israelite watched him, (and) their bread and (their) oil—Rabbi and his court permitted the oil—(and) (over)boiled or preserved vegetables into which it is their wont to put wine or vinegar, (and) brine containing hashed pickled fish, (and) brine in which no fish is distinguishable (with no sticklebacks floating in it), (and) the finless fish, (and) drops of asafetida, and lumpy salt. Behold, these are forbidden, but it is not prohibited to have any benefit from them.

### Tosephta

**4:9** A. A water tank on wheels and a leather-bottle belonging to gentiles, with Israelite wine collected in them—

B. (the wine) is prohibited for drinking, but available for other benefit (cf. M. A.Z. 2:4 A, C).

C. Testified Simeon b. Gode'a before the son of Rabban Gamaliel that which he said in the name of Rabban Gamaliel the elder, D. that (the Israelite wine) is permitted (even) for drinking.

E. But they did not concur with him.

**4:10** A. Skins belonging to gentiles—

B. Rabban Simeon b. Gamaliel says in the name of R. Joshua b. Qopesai, "They make them only into mats for cattle."

C. Skins belonging to gentiles which are scraped are permitted.

D. Those which are sealed or covered with pitch are prohibited.

E. (If) a gentile works it and pitches it, while an Israelite supervises him,

F. one may collect wine or oil in it without scruple.

G. Jars belonging to gentiles—

H. new ones are permitted.

I. Old ones which are old and rubbed are prohibited.

J. And one in which a gentile

collected water—

K. (If) an Israelite filled out, an Israelite is permitted also to put wine or oil into it.

L. And if a gentile collected wine in it, an Israelite rolls it with water for three whole days, seventy-two hours. (Then) he may collect wine in it with out scruple.

M. And in one in which a gentile collected Israelite wine, pickling brine, or brine an Israelite is permitted to collect wine.

**4:11** A. They purchase from gentiles grain, pulse, dried rags, garlic, and onions, under all circumstances,

B. and they do not scruple on account of uncleanness.

C. As to red berry of sumac, under all circumstances it is deemed unclean. D. As to cedar, under all circumstances it is deemed clean.

E. A hunter is believed to testify, "This bird is unclean," "This bird is clean."

F. An *'am ha'-ares* is believed to testify, "These pickled vegetables did I pickle in a state of cleanness, and I did not sprinkle liquids (capable of imparting susceptibility to uncleanness) upon them."

G. But he is not believed to testify, "These fish I caught in a state of cleanness, and I did not shake the net over them."

H. Their caper-fruit, leeks, liverwort, boiled water and parched corn (prepared by gentiles) are permitted.

I. An egg roasted by them is prohibited.

J. R. Judah and his court permitted oil produced by gentiles—by a standing vote (cf. M. A.Z. 2:6C).

K. A loaf of bread which a gentile baked, not in the presence of an Israelite,

L. and cheese which a gentile curdled, not in the presence of an Israelite, are prohibited.

M. A loaf of bread which an Israelite baked, even though the gentile kneaded the dough,

N. and cheese which an Israelite curdled, even though a gentile works it,

O. lo, this is permitted.

**4:12** H. "Black sal-conditum is permitted, and white is prohibited," the words of R. Meir (cf. M. A.Z. 2:6D8).

I. R. Judah says, "Black is prohibited, white is permitted."

J. R. Judah b. Gamaliel says in the

name of R. Hanania b. Gamaliel, "This and  
that—lo, this is prohibited."

## Mishnah 7

These are permitted as food: milk that an idolater milked when an Israelite was watching him, (and) honey or honeycombs, even though they drip the law [of food rendered susceptible to uncleanness] by a liquid does not apply to them, (and). preserved vegetables into which it is not their wont to put wine or vinegar, (and) fish that is not hashed, (and) brine in which the fish is distinguishable, (and) a whole] leaf of asafetida, and olives pressed into round cakes . R. Jose says, If the olives be disrupted, they are prohibited. [Edible] locusts that come out of the [idolatrous] shopkeeper's basket are prohibited, but the preserved locusts which the merchant takes from the shelves are permitted.

**4:11** P. An Israelite may sit at the other side of his corral, and a gentile may milk the cows and bring the milk to him, and one does not scruple.

Q. What is unminced fish (M. A.Z. 2:7E)? Any in which the backbone and head are discernible.

R. What is brine containing fish (M. A.Z. 2:7F)? Any in which one or two *kilbi*-fish are floating.

S. A piece of meat on which there is a recognizable sign, whether it is on the whole of it or only part of it, and even if it is on only one out of a hundred—lo, this is permitted.

T. MISH S: They brought kegs of pieces of meat of a single species in the whole of Acre, and a mark was found on only one of them. And they brought the case before sages, who permitted all of them.

U. Brine made by an expert, lo, this is permitted.

**4:12** E. Locusts and pieces of meat which come from storage or from the storehouse or from a ship—lo, these are permitted.

F. But if they are sold in a basket in front of a store, lo, they are prohibited,

G. because they sprinkle them with wine so as to improve their appearance (M. A.Z. 2:7F-H).

**4:13** C. They purchase drops of asafoetida only from an expert.

D. But a leaf is purchased from any source (cf. M. A.Z. 2:6D8, 2:7D7).

E. They purchase wine in Syria only from an expert.

F. And they purchase brine only from an expert, and a piece of meat lacking any mark only from an expert.

G. But any of these may be eaten in the home of one who is not an expert, and one need not scruple on

that account.

## Chapter 3

### Mishnah 1

All images are prohibited since they are worshipped once a year. This is the opinion of R. Meir. But the Sages' say, Only such is forbidden as bears in its hand a staff or a bird or an orb. Rabban Simon ben Gamaliel says, That which has aught whatsoever in its hand [is forbidden].

5:1 A. And sages say, "Prohibited is only one which has in its hand a staff, bird, or sphere (M. A.Z. 3:1C),  
B. "sword, crown, ring, image, or snake."

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## Mishnah 2

If one find fragments of an image belonging to an idolater, then these are permitted [to a Jew to have benefit from them]. If one found [some fragment in] the form of a hand or the shape of a leg, then these are prohibited because an object such as these is prohibited.



## Mishnah 3

If one find objects, and on them is a figure of the sun, [or] a figure of the moon, [or] a figure of a dragon, he must cast them into the Salt Sea. Rabban Simon ben Gamaliel says, [If the figures are on] precious [objects], these are prohibited, [but] if on worthless [objects], they are permitted [to be retained]. R. Jose says, One should grind them into dust and scatter [it] to the wind or throw [it] into the sea. [The Sages] said to him, Even if the dust be dispersed in the wind [it would become manure [and of benefit to the Jew], as it is said, *doomed thing to thy hand.*']

## Tosephta

**5:1** A. *And sages say, "Prohibited is only one which has in its hand a staff, bird, or sphere (M. A.Z. 3:1C),*

B. "sword, crown, ring, image, or snake."

C. *And those which are found on objects of value (M. A.Z. 3:3B)—*

D. for example, silk, nose-rings, bracelets, or earrings—lo, these are prohibited.

E. *But I (those which are found) on objects of no worth (M. A.Z. 3:3B)—*

F. for example, pitchers, water-pots, frying pans, kettles, bowls, mats, or a ring—lo, these are permitted.

G. *(If one) found a ring, and on it was the image of the sun, moon, or a dragon, he should bring it to the Salt Sea (M. A.Z. 3:3A).*

H. And (this rule applies) also to the image of Isis or Serapis.

**5:2** A. A ring on which there is an idol—

B. when it projects, it is prohibited for benefit.

C. But if it does not project (outward from the ring), it is permitted for benefit.

D. And one way or the other, it is prohibited to make a seal with it.

E. And one on which there is no idol is permitted for benefit and permitted for use as a seal.

F. A ring on which there is a seal is permitted for use as a seal.

G. R. Judah says, "If the seal was incised, it is prohibited to seal with it, because an image is made thereby."

H. A ring, the seal of which is incised, is prohibited for use as a seal.

I. because with it an image which projects is made.

J. But it is permitted to put it on one's hand.

K. And one, the seal of which projects, is permitted for use as a seal.

L. because the seal which it makes is embedded (in the clay and does not project). And it is forbidden to put it on one's hand.

M. A ring on which there is a figure is permitted for use as a seal.

N. R. Hananiah b. Gamaliel says, "The members of father's establishment would make use of a seal on which there were figures."

O. R. Eleazar b. R. Sadoq says, "Any sort of figure would have been found in Jerusalem, except for the figure of a man alone."

P. The reptile-shaped Bem which is made in the figure of a dragon is prohibited.

Q. and one on which a dragon is suspended—(if) one takes it off and throws it out, as to the rest (of the object), lo, this is permitted.

R. What is the sort which has a dragon, which is prohibited?

S. R. Simeon b. Eleazar says, "Any from which projections go forth from the shoulder (of the figure).

## Tosephta (3:3?)

K. R. Judah says, "As to an idol itself, one breaks it and crushes it to powder and scatters it to the wind or tosses it into the sea."

L. *They said to him, "Also: it may be made into manure, as it is said, None of the devoted things shall cleave to your hand" (Deut. 13:17) (M. A.Z. 3:3D).* M. Said to them R. Yose, "Lo, it says, *Then I took the sinful thing, the calf which you had made, and burned it with fire (and crushed it, grinding it very small, until it was as fine as dust, and I threw the dust of it into the brook that descended out of the mountain (Deut. 9:21)).*" N. They said to him, Is there proof from that Scripture? (But lo, it has also been said,) *And he took the calf which they had made and burnt it with fire and ground it to powder and scattered it upon the water and made the people of Israel drink it (Ex. 32:20).* O. "For he wanted

to test them just in the way in which they test women accused of adultery." P. Said to them R. Yose, "Lo, Scripture says, *And the Philistines left their idols there, and David and his men carried them away* (11 Sam. 5:21)." Q. They said to him, "Now is there any proof from that verse? (And lo, it has also been said,) *And they left their gods there, and David gave command, and they were burned* (1 Chron. 14:12)." R. Said to them R. Yose, "Lo, Scripture says, *Even Maacah, his mother, King Asa removed from being queen mother, because she had made an abominable image for Asherah* (11 Chron. 15:16).

T. They said to him, "Is there any proof from that matter? *And Asa cut down her image, crushed it, and burned it at the brook Kidron* (11 Chron. 15:16)."

U. Said to them R. Yose, "Lo, Scripture says, *(He removed the high places and broke the pillar and cut down the Asherah.) And he broke in pieces the bronze serpent that Moses had made, for until those days the people of Israel had burned incense to it; it was called Nehushtan* (11 Kings 18:4)."

V. They said to him, "Now was this an idol! Did not Moses our rabbi make it? This teaches that the Israelites followed it in error until Hezekiah came along and hid it away."

#### Mishnah 4

Proclus the son of a philosopher asked Rabban Gamaliel in Acco when he was bathing in a bath [-house] where there was a statue of Aphrodite [and] said to him, 'It is written in your Law *And then shall cleave naught of the devoted thing to your hand*, why bathest thou in the bath [wherein is a statue] of Aphrodite?' He made reply to him, 'One may not answer [questions of Law while nude] in the bath'. And when [Rabban Gamaliel] came out he said to him, 'I came not within her limits, she came within my limits! [People] do not say, "Let us build a bath as an adornment for [the statue of] Aphrodite" but "Let us make [a statue of] Aphrodite as an adornment for the bath"; further, if they were to give thee much money, thou wouldst not enter before the [symbol of] thy idolatrous service naked or while [and after] suffering from a discharge, nor micturate' before her; and yet this [goddess] stands at the mouth of the gutter and all the people micturate in front of her! It is said, Their gods: what is treated as a god is prohibited, but what is not treated as a god is permitted'.

#### Mishnah 5

If idolaters worship mountains or hills, these [places] are permitted, but what is on them is prohibited, as it is said, *thou shalt not covet the silver or the gold that is on them nor take it*. R. Jose the Galilean says, [It is written,] *their gods upon the mountains* and not *the mountains are their gods, their gods on the hills* and not *the hills are their gods*. And why is an *Asherah* [tree (-grove)] forbidden? Because the hands of man had been concerned with it [in its planting and tending], and whosoever the hands of man had aught to do therewith is prohibited. R. Akiba said, 'I will explain and expound [the subject] before thee: Wheresoever thou shalt find a high mount or a lofty hill and a green tree know thou that there is an idol!'

## Mishnah 6

If one had a dwelling joined on to a house for idolatrous worship and it collapsed, it is forbidden to rebuild it. What is [the Jew] to do? He must move away into his own domain (four cubits) and then rebuild.' If [the ground which the adjoining wall occupied] belonged both to him and to the idolatrous shrine, it is accounted as belonging half to each, [and] its stones, its wood and its earth convey uncleanness as does an unclean reptile, as it is said, *Thou shalt utterly detest it*. R. Akiba' says, As with a menstruous woman, as it is said, *Thou shalt cast them far away as a menstruant woman; thou shalt say unto it, 'Get thee hence'*; just as a menstruant communicates uncleanness by carrying even so does an idol impart uncleanness by carrying.

## Mishnah 7

There are three kinds of houses [to be considered in connection with idolatry]: if a house were constructed from the outset for idolatrous worship, it is prohibited; if it were from the first built as a dwelling, and then it was plastered and adorned for idol worship, or if it were renovated [for idolatry], [a Jew] may remove what was renewed [and the house is permitted]; if [an idolater] brought an idol into it and took it out again, then this [house] is permitted.' Three kinds of stones have to be distinguished [in what concerns idol worship]: a stone originally hewn for a pedestal [for an idol] is forbidden; if one plastered it and bedecked it, or renovated it [for idolatrous worship], [a Jew] may remove the renewals [and use the stone]; if [an idolater] set up an idol thereon and removed it, this [stone] is permitted.' Three kinds of *Ashcrah* [trees] are to be distinguished [regarding idolatry]: a tree which [an idolater] planted from the first for idolatrous practices is forbidden; if [an idolater] lopped it and trimmed it for idolatrous purposes and [the shoots] grew again, [a Jew] may remove what has sprouted anew [and burns it up and the tree is permitted for his use]; if [an idolater] set up an idol beneath it and then cancelled it, this [tree] is permitted.' What

is an *Asherah*? Any [tree] beneath, which there is an idol. R. Simon, Any [tree] that they worship. And it once happened in Zidon that they used to worship a tree and they found underneath it a heap. R. Simon said to them, 'Examine this heap'. And when they examined it they found therein an image. He said to them, 'Since it is the image that [the idolaters] used to worship we permit them [-the Jews- to make use of] the tree.

## Mishnah 8

[A Jew] may not sit in its shade, but if he did sit [there], he remains clean; and he may not pass beneath it, and if he did pass [under it], he becomes unclean. If it overhung the public domain, and one passed below it, he remains clean. And [Jews] may sow greens under it in the [winter] rainy season but not in the hot season, but lettuces<sup>6</sup> [may] not [be planted] either in the hot season or in the rainy [winter] season. R. Jose says, Even greens [may] not [be planted] beneath an *Asherah* in the the [winter] rainy season because the foliage' [of the *Asherah*] drops on them and serves them as manure.

## Mishnah 9

If [a Jew] took wood from it, it is prohibited to derive any benefit [therefrom]. If he heated an oven therewith, and [the oven] was new, it must be broken up, but if it were old, it must be cooled down. If he baked bread therein, it is forbidden to derive any benefit [therefrom], and if it were mixed up with other [bread], they are all prohibited for enjoyment. R. Eliezer says, Let him cast the benefit [derived from it] into the Salt Sea. [The Sages] said to him, There is no redemption-money in connection with idolatry. If [a Jew] took from it [—an *Asherah*—a piece of wood for] a *shuttle* it is prohibited to have any benefit [from it]; if he wove a garment therewith, (the garment) is forbidden for enjoyment; and if [this garment] were confused with other [garments], and these others again [were mixed up] with others, it is forbidden to derive any benefit from them all. R. Eliezer says, Let him throw the benefit into the Salt Sea. [The Sages] said to him, There is

no ransom price in a matter of idol worship.

## Mishnah 10

How does one disannul the idolatrous sanctity of an *Asherah*? If [an idolater] trim [it] or prune [it]. [or if] he take therefrom a *stick* or a twig or even a leaf, then it is annulled. If he trimmed it to improve its appearance, it is forbidden;~ [if he trimmed it], but not for its own improvement, it is permitted.

## CHAPER 4

### Mishnah 1

R. Ishmael says, Threestones alongside each other and beside a Mercurius are prohibited, but two [stones only] are permitted.' But the Sages say, Those [stones] that obviously belong to it are prohibited, but those which manifestly do not pertain thereto are permitted.

### Mishnah 2

[If a Jew] found on its head [any] coins, clothing or objects, then these are permitted [to him to take away]; but twigs with grapes, (or) garlands of ears of corn, (or) wine, (or) oil, (or) fine flour, or aught whatever the like of which is offered on the Altar' are prohibited [to be made use of by a Jew].

### Mishna 3

If a garden or bath-house belonged to an idol, such may be made use of [by Jews] if there be no need to pay [or offer thanks], but they may not be used if pay [or thanks] need to be offered. If [a garden or bath house] belonged both to it [—the idol—] and to others, they may be used [by Jews] whether payment [or thanks may be tendered] or if there be no need [to tender] payment [or thanks].

### Mishnah 4

The idol of a heathen is prohibited forthwith, but that of an Israelite is not prohibited provided it has not been worshipped. A heathen can disannul [by desecrating the sanctity of his own idol or that of his fellow, but an Israelite can not disannul the idol of a heathen. If [a

heathen] disannuled an idol, he has [also automatically] disannuled all appertaining to it; if he disannuled everything pertaining there to, then these things that pertain to it are permitted, but [the idol] itself is prohibited.

### Mishnah 5

How does [a heathen] desecrate it? If he cut off the tip of its ear, [or] the point of its nose, [or] the end of its finger, or if he dented it even though he did not diminish its material, then he has disannuled [its sanctity by desecration]. If he spat into its face, [or] micturated before it, [or] dragged it about, or threw excrement at it, this is not disannulment [of its sanctity by desecration]. If he sold it or gave it as security, Rabbi says, He has disannuled [its sanctity by desecration], but the Sages say, He has not disannulled [it].

### Mishnah 6

An idol whose devotees have abandoned it in time of peace is permitted, but if in time of war it is prohibited. The pedestals for idolatrous statues for kings—these are permitted since they were set up when the kings pass by.

### Mishnah 7

[Some Romans] asked the elders [in Rome], 'If [God] have no desire for idolatry,' why does he not destroy it? [The elders] made reply to them, 'If they worshipped a thing for which the world has no need, He would do away with it; but, behold, they worship the sun, (and) the moon, (and) the stars and the planets, shall He then make an end of His world because of fools? They said to them, 'If so, let Him put an end to that which the world does not need and leave what the world does need'. [The elders] answered them, 'We should on our part only strengthen [the contention of] those that worship them since they would say, "Know that these are [true] deities, for, lo, they have not been destroyed" '.

### Mishnah 8

[A Jew] may purchase [the contents of a trodden vat [of grapes] from an idolater even though he [—the idolater—] took up the grapes in his hand and put [them] on the [grape-] heap, and it does not become [ritually forbidden] libation wine until it runs down into the [wine-] cistern. If [some] flowed in it is prohibited [for use by a Jew], but the remainder is permitted.

### Mishnah 9

[An Israelite] may tread [grapes] with an idolater in a winepress but he may not cut [grapes] with him. If an Israelite were at work [cutting or treading grapes] in uncleanness, none may tread in the winepress nor cut [grapes] with him, but one may help him to take [wine] cash to the winepress or to help him to bring [them] away from the wine press. If a baker were preparing [bread] in uncleanness, none may assist him to knead or to roll [the dough], but he may aid him to take bread to the shopkeeper.~

### Mishnah 10

If an idolater were found standing by the side of a wine cistern [belonging to a Jew], and he had a lien thereon, [the wine] is forbidden [to the Jew], but if (he) had no (lien) thereon, [the wine] is permitted [for Jewish use]. If [an idolater] fell into the cistern and came up again, or if he measured it [to ascertain its depth and quantity] with a reed, or if he flipped out a hornet with a reed, or if he slapped over the mouth of the fermenting barrel—these cases all occurred—and [the Sages] said, [The wine] must be sold [to a non-Jew]; but R. Simon permits it [to be used by Jews]. If [an idolater] took the cask [of wine and (in his anger) threw it into the cistern—this was a case that once happened—and [the Sages] declared [the wine] fit [for Jewish use].

### Mishnah 11

[When a Jew] prepares the wine of an idolater in cleanness and leaves it [in the meantime] in

the charge [of the idolater] in a house open to the public domain, if there be both idolaters and Jews, [the wine] is permitted [for Jewish use], but if in the city there be only idolaters, the wine is prohibited [to a Jew] unless he placed a [Jewish] watchman [there]; and the watch man need not sit there and keep watch [without a break day and night], even if he go out and come in, [the wine] is allowed [for Jewish use]. R. Simon ben Elazar says, It is all one whatever the domain of an idolater.

### Mishnah 12

[If a Jew] prepare the wine of an idolater in cleanness, and he leaves it in the charge [of the idolater], and the latter wrote out for him [an acquittance, stating], 'I have received from thee payment [for the wine]', it is permitted' [for use by Jews]. But if the Jew desire to remove it [—the wine—], and [the idolater] will not allow him [to do so] until he pays its price—such a case happened in Bethshean<sup>7</sup>—and the Sages declared [the wine] prohibited for Jewish use.

## CHAPTER 5

### Mishnah 1

If one hired a [Jewish] labourer to assist him with libation wine, his pay is forbidden, [but] if he hired him to perform with him some other work, then even if he said to him, 'Remove for me this cask of libation wine from [this] place to [that] place', his hire is permitted. If [an idolater] hired the ass [of a Jew] to bring on it libation wine, its hire is prohibited [to the Jew], [but] if he hired it to ride on it, then even if he put his wine-bag [of libation wine] upon it, its hire is permitted [to the Jew].

### Mishnah 2

If libation wine fell upon grapes, one may rinse them [with cold water] and then they are permitted, but if they were split open, they are prohibited. (If [libation wine] fell on figs or on dates, and there was sufficient to impart a [pleasant] flavour, they are prohibited.) [It once happened that Boethus ben Zonin brought dried figs in a ship and a cask of libation wine was broken and [the wine] fell upon them; and he asked the Sages and they declared that [the figs] -were, permitted. This is the general principle: whatsoever acquires a [pleasant] flavour [from admixture with libation wine] is prohibited, and whatever is not improved in its flavour [by the addition of libation wine] is permitted—as, for example when [libation wine] or vinegar falls upon [hot or boiling] pounded beans [a Jew may eat them].

### Mishnah 3

If an idolater were helping a Jew to take jars of wine from one place to another (place), and [the wine] was presumed to have been watched, it is permitted [to be used by Jews]; but if [the Jew] had informed him that he was going away, and he was absent a sufficient time for the other to pierce [the stopper of a jar] and then close up [the hole with clay] and let the clay dry, [the wine is prohibited to a Jew]. Rabban Simon ben Gamaliel says, [If the Jew were away] long enough [for the other] to open [the jar] and close [it] up with a new stopper, and for the

clay [smeared over it] to dry, [the wine is forbidden to a Jew].

### Mishnah 4

If [a Jew] left his wine in a waggon or in a ship, and went by a short cut and entered a town and bathed, the wine is permitted [for Jewish use]; [but] if he told him [—an idolater—] that he would be absent, and he was away sufficiently long [for the idolater] to bore open [the plug of the wine container] and to restop it and for the clay [smeared over it] to dry, [the wine is prohibited to be used by a Jew]. Rabban Simon ben Gamaliel says, [If the Jew were gone] time enough [for the other] to open [the vessel] and reclose it with a fresh stopper and for the clay to spread over it to dry the wine is forbidden for Jewish use. [If a Jew] left an idolater in [his] shop, even though he went out and came in [the wine] is permitted [for Jewish use]; [but] if he informed him that he would be absent, [then if he were gone] for such length of time [to enable the other] to bore [through the plug] and close [it] up [as it was before] and let the clay [spread over it] dry, [the wine must not be used by a Jew]. Rabban Simon ben Gamaliel says, [If the Jew were absent] sufficient time [to allow the other] to open [the vessel] and restopper [it with another plug] and for the clay [smeared over it] to dry, the wine is forbidden for Jewish use].

### Mishnah 5

If [a Jew] were eating with him, [—an idolater—] at a table, and he put a flask [of wine] on the side-table, [and] and he left the other [there] and went out, what [wine] is on the table is prohibited, and what [wine] is on the side-table is permitted; and if [the Jew] had said to him, 'Mix [thy wine] and drink', [the wine] which is on the side-table is also forbidden. Opened casks [of wine] are forbidden, and sealed ones [are prohibited if the Jew were absent] for sufficient time [for the non-Jew] to open [a cask] and reseal [it] and let [the clay smeared over it] dry.



#### Mishnah 6

If a reconnoitring troop of heathens entered a city, in a time of peace, opened casks [of wine] are prohibited, sealed ones are permitted; if it were a time of war, both the former and the latter are permitted since [the invaders] had no time to manipulate the wine for libation.

#### Mishnah 7

Jewish craftsmen to whom an idolater sent a cask of libation wine as their hire are permitted to say to him, 'Give us its worth in money', but [if they demanded its value in money] after it had come into their possession, it is prohibited. If one sold his wine to an idolater, and fixed its price before he measured [it into the utensil of the idolater], the money for it is permitted; but if he measured [it] out before he had fixed its price, the money [payment] for it is forbidden. If [a Jew] took the funnel and measured [wine through it] into an idolater's flagon, and again measured out [wine] into a Jew's flagon [using the funnel] and there remained in the rim of the funnel a drop of wine<sup>9</sup> [from that poured into the idolater's flagon], [the wine in the Jew's flagon] is prohibited. If [a Jew] poured out [wine] from a vessel [belonging to himself] into [another] vessel [containing libation wine or held by an idolater], [the wine left in] that one from which he pours out is permitted, [but the wine in] that one into which he pours is prohibited.

#### Mishnah 8

Libation wine is forbidden [for any purpose whatsoever] and renders [other wine] in any quantity soever prohibited. If [libation] wine were mingled with [permitted] wine, or if [libation] water were mixed with [permitted] water, in any quantity whatsoever, [the other is rendered prohibited]. If [libation] wine were admixed with [permitted] water, or libation] water were commingled with [permitted] wine, the other is rendered forbidden only if [there be sufficient] to impart a flavour. This is the general principle: if any kind [be mixed] with like kind in any quantity whatever, [it makes the other forbidden], [but if one kind be mingled] with another [different] kind, [the

other is rendered prohibited only if there be enough] to communicate a flavour. That is valid or permitted.

#### Mishnah 9

These are prohibited and [if mixed] in any quantity whatever they render prohibited [other things of like kind]: [a cask] of libation wine, (and) an idol (and) hides pierced over the heart, (and) the ox condemned to be stoned, (and) the heifer whose neck is to be broken, (and) the bird-offerings of a leper, (and) the hair-offering of a nazirite, (and) the first-born of an ass, (and) flesh [cooked] in milk, (and) the scapegoat and unconcentrated beasts slaughtered in the Temple Court; lo, these are forbidden and in any quantity whatsoever they render [other things of like kind if confused with them] forbidden.

#### Mishnah 10

If libation wine fell into a vat [of wine], the whole of it is forbidden to be made use of [by a Jew]. Rabban Simon ben Gamaliel says, All of it may be sold to an idolater save the worth of the libation wine therein.

#### Mishnah 11

If an idolater coated a stone vat [for wine pressing] with pitch, [the Jew] may scour it and it becomes clean. And [if the vat] were of wood, Rabbi says, [The Jew] may scour it; but the Sages say, He must scale off the pitch [and then scour it to render it clean]. And [if the vat] were of earthenware, even though [the Jew first] scaled off the pitch, it is prohibited.

#### Mishnah 12

[If a Jew] buy a utensil from an idolater, that which it is the usage to immerse in [cold water to render it clean ritually] he must immerse [that which ordinarily] is cleansed [ritually] with hot water must be scalded [to be rendered purified], [that which it is customary] to make white hot in the fire [for ritual purification] he must make white hot in the fire [for that purpose]—a skewer and a grill must be made

white hot in the fire, [but] a knife needs only to  
be polished and it becomes clean [ritually].

Tosephta passages which are departures from the Mishna

3-14 A. And they sell to them and give a gift to them.

B Under what circumstances? In the case of a gentile whom he does not know, who was going from one place to another

C. But if he was his friend or his neighbor, lo, this is permitted for it is only as if he sells it to him.

One Scripture says *You shall make no covenant with them*

B. And another Scripture says, *And you shall show no mercy to them*

C If its purpose is to give the lesson concerning the covenant, lo, the covenant is clearly specified.

So why does it said *And you shall show no mercy?*

It teaches that they give them gifts for nothing.

3-16 A. He who sells his slave to gentiles—(the slave) has gone forth free, and he requires a writ of emancipation from his first master Said R. Simeon b. Gamaliel, "This is so in a case in which he did not write out his receipt But if he wrote out for him his receipt this constitutes a writ of emancipation."

D. Whether he sold him to him or gave him to him as a gift, he has gone forth free.

E And if not he has not gone forth free,

F. lest he has gone forth to a domain which is not a domain. G. He borrows money from a gentile on the strength of him. H. If the gentile did what the law requires (making acquisition), he has gone forth free. I. And if not, he

has not gone forth free. J. (If) he took him in compensation for his debt, or if he fell to him under the law of the usurper, he has gone forth free. K. (If) one has inherited slaves from gentiles, before they have actually entered his domain, he is permitted to sell them to gentiles. L. Once they have actually entered his domain, he is prohibited from selling them to gentiles. M. And so you say in the case of wine which has served for a libation, which one has inherited: N. before it has come into one's domain, money received for it is permitted. O. Once it has come into one's domain, money received for it is prohibited.

3:17 A. An Israelite and a gentile who made a purchase in partnership and went and made another purchase— B. he may not say to him, "You take the things which are in such-and such a place in lieu of the first purchase, and I shall take the things which are in such-and-such a place in lieu of the second purchase." C. But he says to him, "You take the things which are in such-and-such a place, and I shall take the things which are in such-and-such a place. D. "In lieu of the first purchase, you take the things which are in such and-such a place, and I shall take the things which are in such-and-such a place in lieu of the second purchase."

3:19 A. He who sells his slave to a gentile fair—the money received for him is prohibited, and one must take it to the Salt Sea. B. And they force his master to redeem him, even at a hundred times the price received for him, and then he puts him out to freedom. C. You turn out to rule: D. He who does business at a gentile fair— E. in the case of a beast, it is to be hamstrung. F. In the case of clothing and utensils, they are left to

rot. G. In the case of money and metal utensils, they are to be taken off to the Salt Sea. H. As to produce, that which is usually poured out is to be poured out. I. That which is usually burned is to be burned. J. That which is usually buried is to be buried.

Another departure from the Mishna-importance of the land of Israel

**4:1** A. They do not store (hoard) in the Land of Israel things upon which life (depends), for example, wine, oil, fine flour, and produce.

B. But things upon which life does not depend, for example, cummin and spice, lo, this is permitted.

C. And they put things in storage for three years: the eve of the seventh year, the seventh year itself, and the year after the seventh year.

D. Under what circumstances?

E. In the case of that which one purchases in the market.

F. But in the case of that which one puts aside from what he himself has grown, even over a period of ten years it is permitted.

G. In a year of famine, even a *qab* of carobs one should not put into storage, because he brings a curse on the prices (by forcing them upward through artificial demand).

H. They do not make a profit from grain.

I. But they make a profit from wine, oil, and pulse.

J. They said concerning R. Eleazar b. 'Azariah that he would make a profit from wine and oil all his life.

**4:2** A. They do not export (from the Land) to Syria things upon which life depends, for example, wine, oil, and

fine flour.

B. And Rabbi says, "I say that they export wine to Syria, because in doing so, one diminishes silliness."

C. Just as they do not export to Syria, so they do not export from one hyparchy to another.

D. And R. Judah permits doing so from one hyparchy to another.

**4:3** A. A person should live in the Land of Israel, even in a town in which the majority of residents are gentiles,

B. and not abroad, even in a town in which all of the residents are Israelites.

C. This teaches that living in the Land of Israel is weighed against all the other religious requirements of the Torah.

D. And whoever is buried in the Land of Israel is as if he is buried under the altar (of the Temple in Jerusalem).

**4:4** A. A person should not go to settle abroad unless wheat goes at the price of two *seahs* for a *sela*.

B. Said R. Simeon, "Under what circumstances? Only in a case in which he does not find any to buy even at that price.

C. "But if he finds some to buy at that price, even (if) a *seah* of grain (goes) for a *sela*, lo, he should not go abroad."

D. And so did R. Simeon say, "Elimelech was one of the great men of his time and one of those who sustained the generation.

E. "And because he went abroad, he and his sons died in famine.

F. "But all the Israelites were able to survive on their own land,

G. "as it is said, *And when they came to Bethlehem, the whole town was stirred because of them*

(Ruth 1:19).

H. "This teaches that all of the town had survived, but he and his sons had died in the famine."

**4:5** A. Lo, Scripture says, . . . so that I come again to my father's house in peace (Gen. 28:21).

B. For does Scripture not say, Then the Lord will be my God (Gen. 28:21).

C. And it says, I am the Lord your God, who brought you forth out of the land of Egypt to give you the land of Canaan, and to be your God (Lev. 25:38).

D. So long as you are in the Land of Canaan, lo, I am your God.

E. (If) you are not in the Land of Canaan, it is as if I am not God for you.

F. And so it says, About forty thousand ready armed for war passed over before the Lord for battle to the plains of Jericho (Jos. 4:13).

G. And would it ever enter your mind that the Israelites would conquer the Land before the Omnipresent?

H. But the meaning is this: so long as they are located upon it, it is as if it is conquered.

I. Lo, if they are not located upon it, it is as if it is not conquered.

J. And so Scripture says, For they have driven me out this day, that I should have no share in the heritage of the Lord, saying, 'Go, serve other gods' (I Sam. 26:19).

K. Now would it ever enter your mind that David would go and worship idols?

L. But David made the following exegesis: Whoever leaves the Land in

a time of peace and goes abroad is as if he worships idolatry.

M. as it is said, I will plant them in

this land in faithfulness, with all my heart and all my soul (Jcr. 33:31).

N. So long as they are located upon it, it is as if they are planted before me in faithfulness with all my heart and all my soul.

O. Lo, if they are not located upon it, they are not planted before me in faithfulness with all my heart and all my soul.

**4:6** A. R. Simeon b. Eleazar says, "Israelites who live abroad are idolators.

B. "How so?

C. "A gentile who made a banquet for his son and went and invited all the Jews who live in his town—

D. "even though they eat and drink their own (food and wine),

E. "and their own waiter stands over them and serves them,

F. "they nonetheless serve idolatry,

G. "as it is said, (Lest you make a covenant with the inhabitants of the land, and when they play the harlot after their gods and sacrifice to their gods) and one invites you, you eat of his sacrifices (Ex. 34:15)."

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