

CONTEMPORARY ISSUES IN TRACTATE AVODAH ZARAH

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## **SURVEY OF MATERIAL COVERED FOR TEXT IMMERSION** **IN TRACTATE AVODAH ZARAH**

*Bavli: Tractate Avodah Zarah*

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## ***Paper 1: The Ethics of Israel's Arms Export Industry***

Reform Judaism, and its rabbinic association the Central Conference of American Rabbis, often weigh in on modern Jewish issues, including the State of Israel and other ethical and political issues that affect America and the world. What might Reform Judaism have to say about Israeli arms sales as a Jewish matter? As of today, the Reform movement has never issued responsa on Israeli arms sales as a Jewish matter or as an ethical matter. As a people, Israel has always and fittingly wrestled with many of the injunctions and rules agreed upon by God and Israel at Mt. Sinai. The Written Torah and the Oral Torah have rules and guidelines that are practical, or laws dealing with the practice of the ancient Israelite cult of sacrificial worship. Many of the commandments of the Torah and of *Chazal* (Our sages, may their memory be blessed) are ethical or moral in nature. They have to do more with the correct way to act as a Jew in the world than to direct our worship or establish holidays and historical/mythical figures.

When the Reform movement in the United States formulated its first and historic Pittsburgh Platform in 1885, the third point emphasized: "We recognize in the Mosaic legislation a system of training the Jewish people for its mission during its national life in Palestine, and today we accept as binding only its moral laws, and maintain only such ceremonies as elevate and sanctify our lives, but reject all such as are not adapted to the views and habits of modern civilization."<sup>1</sup> In doing so the Reform movement drew a line

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<sup>1</sup> Jewish Virtual Library. n.d. *Reform Judaism: The Pittsburgh Platform*. Accessed December 21, 2020. <https://www.jewishvirtuallibrary.org/the-pittsburgh-platform>.

between laws that regulated moral character and other laws. Although this early platform of the Reform movement had given up all hope and interest in restoring the Jewish people to the Land of Israel, I do wonder what they would make of today's topic.

The State of Israel is a Jewish State, both in its character and its demographics, and as of 2018, a part of its "Basic Laws"<sup>2</sup> define Israel as the Nation State of the Jewish People.<sup>3</sup> I and many others would argue that if Israel is to act as the Jewish State, it has a responsibility to act in the best ethical tradition of Judaism.

In my text immersion study of Tractate *Avodah Zarah* of the *Talmud Bavli* I learned of the restrictions the early rabbis placed on Jews, including a ban on selling weapons or anything that might cause harm, to non-Jews. The concern over what people outside our communities might do with the weapons, a pragmatic concern with an ethical dimension, was the reason for this injunction. I read this section around the time I read an article about

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<sup>2</sup> As of 2018, Israel has 14 Basic Laws. Since the State of Israel has no official written constitution, these basic laws are a The Basic Laws deal with the formation and role of the principal institutions of the state, and with the relations between the state's authorities. They also protect the country's civil rights, although some of these rights were earlier protected at common law by the Supreme Court of Israel. The Basic Law: Human Dignity and Liberty enjoys super-legal status, giving the Supreme Court the authority to disqualify any law contradicting it, as well as protection from Emergency Regulations.

<sup>3</sup> Knesset of the State of Israel. 2018. *Full text of Basic Law: Israel as the Nation State of the Jewish People*. July 19.  
[https://web.archive.org/web/20180719173434/https://knesset.gov.il/spokesman/eng/PR\\_eng.asp?PRID=13978](https://web.archive.org/web/20180719173434/https://knesset.gov.il/spokesman/eng/PR_eng.asp?PRID=13978).

Armenia recalling its ambassador to Israel over Israel's arms sales to Azerbaijan.<sup>4</sup> This was not the first time Israel had been accused of selling powerful products to human rights abusers. How is Israel's flourishing arms business not violating halakha, and even if it is not, what about the moral concern behind the origins of the prohibition in the *Mishnah*? To address these questions, I consulted books on the development of the Israeli military sector, scholarly and rabbinic articles, and classical sources to trace the *Halakhic* argument on this topic from the Mishnah and Talmud into modern times.

In this paper I will explore Israel's arms export business, how it started, and the controversies surrounding it. I will also trace the rabbinic prohibition on arms sales, and determine whether Israel violates Jewish law or Jewish ethics in its arms export arrangements.

Israel began to develop its arms industry in the 1950s and 1960s, but it was a slow process. Even after the founding of IAI (Israel Aerospace Industries) in 1955, Israel still relied on importing weapons, primarily from France, for its military operations, including the 1956 Suez Conflict, and also the revolutionary French Mirage plane which was extremely effective in the 1967 Six Day War. After the Six Day War, when French President Charles De Gaulle "used the Six Day War as an excuse to cut ties with Israel as part of an effort to restore

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<sup>4</sup> Hovhannisyan, Nvard & Ayyub, Rami. 2020. *Armenia recalls ambassador to Israel over arms sales to Azerbaijan*. October 1. <https://www.reuters.com/article/us-armenia-azerbaijan-israel/armenia-recalls-ambassador-to-israel-over-arms-sales-to-azerbaijan-idUSKBN26M76L>.

relations with the Arab world, he imposed a strict arms embargo," on the sale of any weaponry to the Middle East, including Israel.<sup>5</sup>

Though the United States under President Lyndon Johnson would replace France as the main supplier of arms to Israel, the experience of being cut off by the French taught Israel that to survive they needed to bring research and development and also production in-house, under their own roof.

But the problem quickly became that Israel could not afford to research and produce its own weaponry, munitions, aircraft, vehicles, tanks, submarines, and more. The cost of doing so was prohibitive, unless Israel could sell enough of what it produced to countries around the world. If Israel could become an international arms exporter, then it could use the proceeds to pay for the industry of making its own weapons, which the Israeli Defense Forces would need often. As far back as 1985, even American newspapers were writing about how, "oversees arms sales have become a central component of Israel's foreign relations and one on which its economy is now heavily dependent."<sup>6</sup> Both of these conditions have become even more pronounced in recent times.

The economic impact is only part of the story. Israel still today uses sales of military hardware and technology to improve their diplomatic standing in the world. It was to the net benefit of the country to allow weapons sales. Though the benefits were certainly real,

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<sup>5</sup> Bohbot, Amir and Katz, Yaakov. 2017. *The Weapon Wizards: How Israel Became a High-Tech Military Superpower*. New York, NY: St. Martin's Press. 50.

<sup>6</sup> Southerland, Daniel. 1985. "Israeli Economy Said to Depend Heavily on Export of Weapons." *The Washington Post*, March 22: E-1.



people like Dr. Meir Tamari, a senior economist at the Bank of Israel and a pioneering figure in business ethics, leveled a more trenchant critique.

The Israeli arms industry had become an industrial behemoth, he argued, and had expanded far beyond what is required by military necessity. He further warned that its clandestine arms trade would embroil Israel in very dubious business, a warning that was partly vindicated when Israel's role in the Iran-Contra Affair was revealed. Most significant, Tamari bemoaned the fact that economic considerations, as well as moral carelessness, had led to the sale of Israeli arms, via direct or indirect channels, to countries like Chile, Iran, South Africa, and North Korea, whose human rights records were poor, to say the least.<sup>7</sup>

The benefits to the Israeli economy continue today, including a recent deal selling missiles and technology to India for over \$3.8 billion.<sup>8</sup> The benefits in the form of diplomatic achievements continue as well. While India is a good example of this, Israel has also improved relations with countries that Israel has now normalized diplomatic relations with, such as Morocco and the United Arab Emirates. Israel began selling weapons to them in 2013, in an extension of Israel's back-channel arms sales diplomacy.<sup>9</sup>

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<sup>7</sup> Brody, Shlomo M. 2013. *Jewish Ideas Daily*. February 5.

<http://www.jewishideasdaily.com/5893/features/the-halakhah-of-selling-arms/>.

<sup>8</sup> Frantzman, Seth J. 2018. *Defense News*. February 18.

<https://www.defensenews.com/industry/2020/02/18/new-joint-ventures-hint-at-burgeoning-relationship-between-israel-and-india/>.

<sup>9</sup> Ningthoujam, Alvite Singh. 2013. *The Jerusalem Post*. July 24. <https://www.jpost.com/opinion/op-ed-contributors/return-of-israels-arms-sales-diplomacy-317587>.

According to SIPRI (Stockholm International Peace Research Institute), as of March 2020 Israel was the 8<sup>th</sup> largest arms-exporter on Earth.<sup>10</sup> That ranking goes up and down. In 2018, Israel rose to 5<sup>th</sup> largest arms exporter as detailed in an i24News English report on the nation of Chad recognizing Israel in exchange for a large arms package that anonymous Israeli security sources called “disturbing.”<sup>11</sup> “There is no public accounting of where Israel’s weapons are sold, or to whom and how they are used,”<sup>12</sup> and so for that reason various investigative reports and arms control advocates scour the internet for proof of the use of Israeli military equipment in different countries. Some of the countries we know Israel has sold to include Sudan, Rwanda, Cameroon, Myanmar, and the Philippines. Israel exports drones, missiles, rifles, other munitions, protective equipment for ships and tanks, and military technology, including some developed jointly with the United States, enabling advancements in aircraft programs such as the newer 5<sup>th</sup> generation F-35 strike fighter plane. Many nations to whom Israel has sold arms are human rights abusers, or have even engaged in acts of genocide, such as Rwanda. It is a topic of conversation among small parts of Israeli society today, but most people do not have a strong enough position to allow it to influence their votes.

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<sup>10</sup> Stockholm International Peace Research Institute. 2020. *International Arms Transfers*. March. <https://www.sipri.org/research/armament-and-disarmament/arms-and-military-expenditure/international-arms-transfers>.

<sup>11</sup> Levin-Waldman, Ariel. 2018. *i24NEWS English on YouTube*. November 29. [https://www.youtube.com/watch?v=8xpAk6fJo9s&ab\\_channel=i24NEWSEnglish](https://www.youtube.com/watch?v=8xpAk6fJo9s&ab_channel=i24NEWSEnglish).

<sup>12</sup> Levin-Waldman, *i24NEWS English on YouTube*. November 29.

What does Jewish tradition say about the sale of weapons, and must Israel cease its sale of weapons to foreign powers in order to comply with Judaism's code of morality? In the first chapter of *Mishnah Avodah Zarah*, while discussing some of the do's and don'ts of interacting with Gentiles, we read:

אֵין מוֹכְרִין לָהֶם דְּבִין וְאַרְיֹת וְכָל דְּבַר 7 One should not sell them bears, lions or  
שֵׁשׁ בּוֹ נֹזֵק לְרַבִּים. anything which may injure the public.

These animals are considered dangerous animals, ones that if improperly handled or secured could cause harm to many people. The rabbis are trying to protect the public, a concept called *nezek l'rabim*. The prohibition is expanded in Tractate *Avodah Zarah* 15b and 16a of the *Talmud Bavli*:

ועוד תניא אין מוכרין להם לא זיין ולא כלי זיין ואין משחזיין להן את הזיין ואין מוכרין להן לא סדן ולא קולרין  
ולא כבלים ולא שלשלאות של ברזל אחד עובד כוכבים ואחד כותי

**And furthermore, it is taught in a *baraita*: One may not sell weapons to gentiles or the auxiliary equipment of weapons, and one may not sharpen weapons for them. And one may not sell them stocks** used for fastening the feet of prisoners, **or iron neck chains [kolarin], or foot chains, or iron chains.** This prohibition applies equally to **both a gentile and a Samaritan.**<sup>13</sup>

The rabbis of the *gemara* have a distrust of non-Jews, evidenced by how they approach this topic. Here it does not yet mention protecting the public as a reason for the prohibition but is still carrying over its concern over bloodshed. That concern is not even particular to gentiles, it is inclusive of certain Jews as well, when according to *Avodah Zarah* 15b:

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<sup>13</sup> I translated this material as preparation for oral meetings regarding my text immersion project but have chosen to use Adin Steinsaltz's translation for consistency.

כדרך שאסור למכור לעובד כוכבים אסור למכור ללסטים ישראל ה"ד אי דחשיד דקטיל פשיטא א"ר דימי בר אבא היינו עובד כוכבים

Apropos the *baraita* that discusses the prohibition against selling weapons, the Gemara relates that **Rav Dimi bar Abba says: Just as it is prohibited to sell to a gentile, it is prohibited to sell to an armed bandit who is a Jew.** The Gemara clarifies: **What are the circumstances** of this prohibition? **If the thief is suspected of killing**, is not it **obvious** that it is prohibited? After all, he **is** the same as **a gentile**. Providing a Jew who might kill with weapons is no different from giving a weapon to a gentile, as in both cases one violates the prohibition: Do not place a stumbling block before the blind.

‘Do not give the tools of evil behavior to one who engages in evil behavior’ seems to be the operational distinction here between those who might be trusted with buying and selling weapons and who is not. A Jew who is known to be a bandit, to be violent and to take chances with their life and the lives of others, is not to be sold a weapon either. But this passage prohibits selling weapons to a gentile in all cases . Jews are given the benefit of the doubt and are considered generally safe unless we know otherwise, but non-Jews are always assumed to be dangerous. But the prohibition expands from weapons themselves to include other gear and even raw materials. Although Jews may sell shields to non-Jews<sup>14</sup> (so perhaps there is some room for the production and sale of the Iron Dome short-range missile defense system) we read in in *Avodah Zarah* 16a:

אין מוכרין להן עששיות של ברזל מ"ט משום דחלשי מינייהו כלי זיין אי הכי אפילו מרי אמר רב אדא בר אהבה לפרסאי דמגנו עילוון בפרזלא הינדואה והאידנא דקא מזבנינן א"ר אשי וחציני נמי אמר רב זביד:

**Rav Adda bar Ahava says: One may not sell blocks [ashashiot] of iron to gentiles. What is the reason? It is because they forge weapons from them.** The Gemara asks: **If so**, then even hoes and axes should not be sold to them, as they too can be used to forge weapons. **Rav Zevid said** in response: The ruling of Rav Adda bar Ahava was stated **with regard to Indian iron**, which is of a superior quality and used only for crafting weapons. The Gemara

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<sup>14</sup> Mentioned in b. *Avodah Zarah* 16a that the halakha follows Yesh Omrim, and further in Rambam’s *Mishneh Torah* (Hilkhot Rotze’ah U’Shmirat HaNefesh 12:12)

clarifies: **And as for the fact that nowadays we do sell all weapons, Rav Ashi said:** We sell the weapons **to the Persians, who protect us.**

Up until this point the *gemara* has been fairly clear that selling weapons is forbidden. But then we hear from Rav Ashi, one of the last of the amoraim. He tells us that in his day, Jewish communities in Persia were making and selling weapons to the government that ruled them. Dr. Christine Hayes, in her book *“Accounting for Halakhic Difference Between the Babylonian and Palestinian Talmuds”* has further argued “that exceptions to the gun sale ban might have already existed in the land of Israel in the 3rd century, as a parallel text in the Jerusalem Talmud (*Yerushalmi Avodah Zarah* 2:1) seems to indicate. In that text, the Talmud asserts that the prohibition applies only to cities in which no Jews reside. Once Jews live there, weapons sales remain permissible either because they will serve to protect Jewish as well as non-Jewish residents or, alternatively, because the peaceful habitation of Jews within the city shows that these Gentiles are not hostile to them.”<sup>15</sup> But the frequent opinion cited in the Talmud is that the sale of arms to gentiles and to Jews who are bandits is prohibited. This view is adopted by Maimonides,<sup>16</sup> Rabbeinu Asher (Rosh),<sup>17</sup> the *Shulchan Arukh*,<sup>18</sup> among others, who agree that normative halakha, for those who follow the dictates of medieval commentators, places serious restrictions on selling weapons to gentiles; moreover, these three agree that selling arms to dangerous Jews is forbidden. To cite these many figures over a wide timeframe is to say that these restrictions have been

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<sup>15</sup> Brody, *The Halakha of Selling Arms*.

<sup>16</sup> Maimonides, *Hilkhot Rotse’ah U’Shmirat Hanefesh*, 12:14

<sup>17</sup> Rabbeinu Asher on *Avodah Zarah*, 15 and 16

<sup>18</sup> *Shulchan Arukh*, *Yoreh De’ah* 151:5

absorbed into and retained by the mainstream of halakha. While these authorities “agree with Rav Ashi that one may sell arms to those gentiles among whom one lives, provided they be used for the protection of the community, there are some elaborations about the limits of this dispensation.”<sup>19</sup> “It remains clear, however, that this was not a mere theoretical discussion: many sources affirm that Jews throughout the Middle Ages sold weapons or their components to their Gentile neighbors, because it benefited both parties and because they believed that the non-Jews could in any case acquire weapons by other means.”<sup>20</sup> The reasoning followed Maimonides, who argued that since the Talmud allows us<sup>21</sup> to provide weapons to non-Jews who protect us (like the Persian Empire), we can provide weapons to non-Jewish militias.<sup>22</sup> This is where the permission comes from.

When applied to our modern situation, it would strain credulity to argue that an exemption meant for a time without a Jewish state or Jewish sovereignty would allow Jews who live in their own state in the Levant to sell weapons to a non-Jewish dictator in the Philippines almost 5,600 miles away. If the Jewish state felt unthreatened by the Philippines, however, then the government may well be able to argue that selling arms them is fine since they pose no risk to Jews. After all, the concern of these major authorities is *nezek l’rabim*, or to prevent damage to the community (or lit. many, or masses). But what constitutes damage to the community, and which community or communities do we mean?

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<sup>19</sup> Polak, Joseph. Spring 1989. “Arms Transfers, The State of Israel, and Halakha.” *Tradition: A Journal of Orthodox Jewish Thought* (Rabbinical Council of America) 24 (3): 67-82. 69-70.

<sup>20</sup> Brody, *The Halakha of Selling Arms*.

<sup>21</sup> B. Avodah Zarah 16a

<sup>22</sup> Maimonides, 12:13

An important lesson the Jewish people learned from the tumult and tragedy and redemption of the 20<sup>th</sup> century is that it is impossible to rely on others for its physical survival. As long as Israel is in a state of perpetual (however dormant) war with any of its neighbors, as long as terrorist attacks take the lives of Israeli civilians, and as long as its borders are not secure Israel will have to maintain its own arms industry for its own survival and so it cannot be cut off by any nation.

The subject is now turned on its head. The Israeli arms sales industry allows for Israel to defend itself. Without the sale of arms, the Israeli Ministry of Defense would argue Israel could not afford to produce its own weapons, let alone maintain a qualitative military edge over belligerent nations. In a recent year for which numbers have been uncovered, Israel's arms transfers account for almost half of their annual military expenditure.<sup>23</sup> Israel needs these weapons to prevent the destruction of Jewish life in the State of Israel, which would be enough for many modern rabbis to not just agree that it is morally and halakhically right for Israel to sell weapons to preserve everyone's lives. The viewpoint to take is that by selling arms to anyone, even human rights abusers, Israel is not strengthening them, but strengthening itself. Selling weapons to Duterte's Philippines or Xi's China is odious, but modern rabbis have not found it objectionable. "One of the first scholars to address this question was Rabbi Chaim David Halevi, Tel Aviv's Sephardic Chief Rabbi. In a brief responsum written in the late 1970s, he cited the rationales offered by Maimonides...in

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<sup>23</sup> According to The Jerusalem Post (<https://www.jpost.com/israel-news/israels-arms-exports-over-past-four-years-at-highest-ever-620561>) the Israeli military spent \$15.9 billion in 2018, and made \$7.5 billion in sales that same year. That is 47.2%, or roughly half.

arguing that any sales made to allies would secure mutually beneficial results. While noting that Israeli sovereignty placed Jews in a radically different position from the one they occupied in 5th century Persia, he nonetheless contended that the medieval justifications made it "absolutely permissible" for the State of Israel to sell weapons to friendly nations in exchange for strategic benefits (*Aseh Lecha Rav* 1:19).<sup>24</sup> While Rabbi J. David Bleich would ask that Israel first have a treaty-like official deal with nations (similar to what Maimonides requires) and avoid underhanded deals that see Israeli weapons on the streets of Rwanda,<sup>25</sup> otherwise he too would give a *heter*, or permission to Israel's exporting activities. The legacy of Rav Ashi and the medieval commentators seems to give a halakhic basis for Israel to sell its weapons to any foreign nation so long as the goal is to improve Israel's security situation. Israel's arms sales even bolster its foreign affairs, which in turn keeps Israel and its citizens safe. "Beyond sanctions and cyberwarfare, Israel has used arms exports to strengthen its strategic hand against Iran. Russia, for example, canceled the sale to Iran and Syria of S-300 long-range anti-aircraft missiles, which military experts deemed critical to stopping foreign attacks on Iran. A few weeks later, Israel announced a new sale to Russia of unmanned aerial vehicles, drones, which the Russians realized they needed after Israeli-made drones were effectively used against them by Georgia in 2008. Similarly, Israel continues to provide drones to Azerbaijan, where tensions with Armenia might explode into a broader conflict. Yet Azerbaijan also borders Iran, thereby providing Israel with a central

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<sup>24</sup> Brody, *The Halakha of Selling Arms*.

<sup>25</sup> Perisco, Oren. 2003. *Globes*. May 5. <https://en.globes.co.il/en/article-685987>.



location for reconnaissance and possible refueling in the event of an air strike.”<sup>26</sup> If geopolitical realities change, Israel (and/or its allies) may find themselves fighting against the very weapons they’ve sold, as America learned when arming Afghanistan.

One could imagine that in a world where Israel was no longer in a state of perpetual war with any of its neighbors that Israel would face a much more complicated choice. Then, it might simply be a matter of economic interest, in which case perhaps Israel would be unable to follow Jewish law or Jewish morality if it were unwilling to suspend this business. Israel is governed in a secular manner (which is absolutely for the best, no Reform Jew would advocate for *Medinat Halakha*), so it likely would not stop engaging in arms transfers simply because a group of rabbis asked them to. For now, I am convinced that Israel needs to sell weapons in order to keep itself armed, self-sufficient, and most importantly keep all of its citizens safe.

As a political question, the answer is simple. Israel will continue to do what it must, including shipping drones, missiles, and munitions around the world, in order to keep itself safe. As a halakhic question, too, it seems settled that although the Talmud’s prohibition against selling weapons in *Avodah Zarah* 15b-16a is still valid today, the need to preserve Jewish lives in Israel takes precedence. But when it comes to the moral challenge behind the halakha, I am less certain. All ethical militaries have rules of engagement that limit what they can do, whom they can fire at, and how they can operate. Israel is proud of having what they call the most moral military in the world, that tries (although sometimes fails) to

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<sup>26</sup> Brody, *The Halakha of Selling Arms*.

avoid civilian casualties. No one wants to be labeled a war criminal. If a country acknowledges they have a moral responsibility for how they use their weapons, shouldn't they also willingly apply that standard to who else uses their weapons and technology? The moral principle of *nezek l'rabim*, of not allowing masses to be injured or God forbid slaughtered must apply to the Jewish state when it sells weapons.

The fascination that Reform Judaism has for moral laws must apply to rabbinic law as well, and our partners in Israel should speak up to their government to continue to insist on more transparency, and a government commitment to refusing to sell arms to countries with abysmal human rights records.

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## ***Paper 2: Relations Between Jews and Gentiles as Envisioned by Tractate Avodah Zarah***

Jews have been known through much of history as a wandering Other, due to thousands of years of subjugation and oppression by the dominant ethnic and religious groups wherever we have lived. Our suffering has dispersed us to the four corners of the Earth, and we brought our traditions with us. From the end of Jewish sovereignty in Eretz Yisrael until 1948, being dispersed has meant that we had to learn how to interact with non-Jewish or Israelite people. Those who read only the Tanakh would have a very different perspective on relations between Jews and the other nations than a person who has also read the Mishnah and later rabbinic literature. The laws of the Torah imagine Israelites encountering non-Israelites as foreigners on Israelite land. The Five Books of Moses are in part a treatise on how the powerful should deal with the powerless, with the Israelites being asked to remember that they too were once slaves in the land of Egypt, and to not abuse foreigners.<sup>1</sup> One who does not study rabbinic literature will miss all of Talmud Bavli Tractate Avodah Zarah,<sup>2</sup> which I studied for this project, a tractate dealing with the relationship between Jews and non-Jews. The rabbinic sages who contribute to the Bavli had much to say about how Jews and others ought to interact, and they come from a much different perspective than that of the Torah. This paper will analyze material in the Bavli. Avodah Zarah in the Bavli is influenced by the material of the Yerushalmi and the

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<sup>1</sup> Exodus 22:20, Leviticus 19:34, and Leviticus 24:22 are all examples of this.

<sup>2</sup> Will be referred to as b. Avodah Zarah in future references.

experiences of rabbis from Eretz Yisrael, and its redaction in the Bavli also reflects a better (though not complete) understanding of the Jewish situation as time continued to unfold.<sup>3</sup>

The Bavli is shaped by a world the written Torah also knew, a world without Israelite or Jewish sovereignty. The Torah imagines a nation in its own land for the future it believes will happen. The injunctions of the Torah to remember being a persecuted minority and a powerless people were an important limitation on Israelite power for when the Israelites would hold power. In Diaspora, Jews did not need to be reminded of their weakness; as a weak people, they needed to be reminded of their strength.<sup>4</sup> Jewish survival is important, and difficult to achieve in Diaspora. The rabbis deserve credit for their work helping to move the Jewish people into a new era without the power base of a nation-state. The writings and halakhic rulings of the rabbis preserved Jewish culture and learning life in the Diaspora was harsh and humiliating. But while developing a new normative Judaism, the rabbis also offered theories and opinions about non-Jews. While some are positive stories about non-Jews, many are presuppositions that if the balance of power were different would be called discriminatory, or examples of bigotry. How do the rabbis' views on non-Jews shape the relationship between Jews and others? How did they envision the relationship between Jews and non-Jews, especially within the area of my project in b. Avodah Zarah? And how do their views influence us today? This paper will discuss the history of relations between

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<sup>3</sup> Gray, Alyssa M. 2020. *A Talmud in Exile: The Influence of Yerushalmi Avodah Zarah on the Formation of Bavli*. Brown Judaic Studies. 200.

<sup>4</sup> Goodman, Micah. 2020. *The Wondering Jew*. New Haven: Yale University Press. 117.

Jews (especially in Eretz Yisrael) and their non-Jewish neighbors in the Talmudic period, an analysis of b. Avodah Zarah, and the modern implications of rabbinic tradition and history on how we understand the Jewish relationship to the non-Jewish nations today.

The rabbis emerge in a much different era from the time of Moses or King David. Even though the story the rabbis tell of themselves includes a deal made with a foreign (Roman) ruler to continue their rabbinic project,<sup>5</sup> the image of non-Jews in much of the Talmud Bavli is not a positive one. Gentiles, though, are not a frequent subject of discussion in much of the Talmud. “The gentiles were an element in the sages’ environment, to be catalogued, interpreted, and regulated through the existing categories of rabbinic deliberation.”<sup>6</sup> Not only would the rabbis present everything from their own point of view, but they were only interested in discussing “matters they believed were essential in constructing and defining the People Israel and in maintaining their unique character.”<sup>7</sup> What inferences, if any, can be drawn about the relationship between the average Jew and non-Jew of the Talmudic era?<sup>8</sup> Rabbinic comments in b. Avodah Zarah portray pagans as idolaters, lacking morality as the rabbis understand it. They are also referred to as farmers, merchants, and officials. Historically, there was great tension and many stressors on the relationship between Jews and non-Jews. Some positive trends exist alongside negative trends, though as Dr. Alyssa Gray posits, the major trends impacting the relationship

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<sup>5</sup> Avot D’Rabi Natan 4:5

<sup>6</sup> Porton, Gary G. 2020. *Goyim: Gentiles and Israelites in Mishnah-Tosefta*. Brown Judaic Studies, 285.

<sup>7</sup> Ibid, 285.

<sup>8</sup> Using the years 70 CE to ~600 CE to define this period of time.

between Jews and gentiles were “growing Imperial hostility, Christianization of Palestine, Jewish literary evidence of growing misery, and political/military upheaval.”<sup>9</sup> Indeed, the Christianization of the Roman Empire became a source of Gentile animosity toward Jews, though much of this tractate does not refer to Christianity when referencing Rome, but paganism. The Roman Empire was never particularly ‘pro-Jew/Judean,’ but Roman Imperial legislation in the fourth to sixth centuries shows us that the situation became more fraught after Jewish rebellions and the Christianization of the Empire.<sup>10</sup> In pagan Rome, Jews were certainly outsiders, and the conquering of a Jewish kingdom by Romans and the destruction of the Temple and the subsequent Bar Kochba revolt all occurred when Rome was pagan. Meanwhile, pagan Persia didn’t sack Jerusalem and was not the focus of so much rabbinic ire. How life was on the ground in Christian Rome is hard to determine. The changing attitude toward Jews, however, was reflected in imperial legislation. The emperors begin to classify the Jews along with pagans and heretics beginning in 383 CE, becoming more pronounced in the fifth century.<sup>11</sup> The significance of this fifth century classification is “that the practice of Judaism is now considered to be a religious deviation from Christianity, rather than the perpetuation of ancient national customs as the pagan [Roman] Empire had

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<sup>9</sup> Gray, 201.

<sup>10</sup> This material has been collected, translated, and annotated by Amnon Linder in *The Jews in Roman Imperial Legislation* (Detroit: Wayne State University Press/Israel Academy of Arts and Sciences, 1987). All references to and quotations from this legislation will be drawn from Linder’s compilation as seen in Dr. Alyssa Gray’s book.

<sup>11</sup> Gray, 204.



conceived it.”<sup>12</sup> It is through this historical context that we can see it was not only Jewish rebelliousness in previous centuries that led to Roman (later Byzantine, and other Christian kingdoms) antipathy toward the Jews. While Emperors Justin and Justinian ruled the divided empire in 527 CE, they issued this statement while banning Jews from participating in municipal government:

“As for the other heretics . . . as well as . . . the Jews and the Samaritans, we intend not only that what was already laid down in the laws shall be recalled and made firmer through this present law, but also that more shall be declared; through which greater security, also honour and esteem shall envelope [*sic*] those sharing in our pure faith. *It shall then be possible for all to perceive, as we said, that even what pertains to the human advantages is withheld from those who do not worship God rightly.*”<sup>13</sup> (emphasis added)

This is important background to understanding how the rabbinic sages will deal with non-Jews. Even the parts that may have been shaped before the Christianization of Rome deal with an aggressive and predatory Roman Empire, reflected through the lenses of redactors who had seen all that Rome would become as an antagonizing power and abuser of Jews. One should not look at the views of the rabbis in isolation from this historical context. Without sovereignty or even a voice within the political system of the dominant empire, it becomes much clearer why Rome is the archenemy of Judaism and why non-Jews are suspect in rabbinic literature. The focus on Christianity is important because much of b. Avodah Zarah relies on material from the Yerushalmi or the words and experiences of rabbis from Eretz Yisrael. The experiences of rabbis and Jews of Bavel would be colored by

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<sup>12</sup> Gray, 205.

<sup>13</sup> Ibid, 206.

the oppression of Jewish brethren by a neighboring empire. All of that does not excuse or explain the denigration or antipathy shown in the Talmud for non-Jews. Keeping in mind that most attacks on idolatrous non-Jews or their behavior is an attack on paganism and not Christianity (which wasn't the dominant force in Eretz Yisrael or Rome until after the time of the Mishnah) or Islam (which arises and becomes a force to be reckoned with after the final redaction of the Bavli), there are some attacks directly on those who follow Christianity. As Christianity and Judaism battled over their case, each tradition made a case for their religion being supreme, as monotheists do. Christians would attack Judaism as a failed religion that their tradition supersedes, and rabbinic Judaism would call Christians idolators. Still, the rabbis would mostly focus on paganism, the dominant religious force in the world until after the redaction of the Talmud Yerushalmi.

It is with this in mind that b. Avodah Zarah opens. On its first daf, on 2a and 2b, the rabbis discuss the gathering of the nations to make their case before God:

§<sup>14</sup> The Gemara cites homiletic interpretations of the verse that was discussed earlier: "All the nations are gathered together, and let the peoples be assembled; who among them can declare this, and announce to us former matters? Let them bring their witnesses, that they may be justified; and let them hear and say: It is truth" (Isaiah 43:9). **Rabbi Ḥanina bar Pappa taught, and some say that it was Rabbi Simlai who taught: In the future, the Holy One, Blessed be God, will bring a Torah scroll and place it in God's lap and say: Anyone who engaged in its study should come and take his reward... Immediately, the Roman Empire enters first before**

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<sup>14</sup> I read and translated all the sections I will use in this paper from b. Avodah Zarah for the purpose of discussion of the material as part of my capstone project. For the purposes of this paper and consistency, I will use the Rabbi Adin Steinsaltz translation. I have substituted gendered language used for God with gender neutral language, reflecting my views and the views of the Reform movement that God is beyond human concepts such as gender, and cannot be understood as a man or a woman. Bolded text represents direct translation, whereas non-bolded text fills in the reader's understanding based on how commentaries explain the Gemara.

**God.** The Gemara asks: **What is the reason** that the Roman Empire enters first? It is **because** the Roman Empire is the most **important** of all of the nations. **And from where do we derive that it is** the most **important**? **As it is written** in the book of Daniel with regard to the fourth empire that will rule over the world: **“And it shall devour the whole earth, and shall tread it down, and break it in pieces”** (Daniel 7:23), and **Rabbi Yoḥanan says:** This empire that will devour the earth is **the wicked Roman Empire, whose name spread throughout the world. The Holy One, Blessed be God, says to them: With what did you occupy yourselves? They say before God in response: Ruler of the Universe, we have established many marketplaces, we have built many bathhouses, and we have increased much silver and gold. And we did all of this only for the sake of the Jewish people, so that they would be free to engage in Torah study. The Holy One, Blessed be God, says to them: Fools of the world! Are you attempting to deceive Me? Everything that you did, you did for your own needs. You established marketplaces to place prostitutes in them; you built bathhouses for your own enjoyment; and as for the silver and gold that you claim to have increased, it is Mine, as it is stated: “Mine is the silver, and Mine the gold, said Adonai Tzvaot”** (Haggai 2:8).<sup>15</sup>

What are we to make of the Romans as presented here? The passage acknowledges Rome as a large, wealthy, and powerful empire. There is derision here as well. The rabbis imagine that if the pagan Roman Empire were to claim they became wealthy so the Jewish people would be free to study Torah, God would rebuke them. Ra'avad's<sup>16</sup> comment<sup>17</sup> claims God is responsible for the success of Rome to save the Jewish people from being plundered, and so the Roman response in the Gemara does not prove their righteousness, it in fact proves the opposite. This is an opportunity for the rabbis to humiliate Rome in a theoretical example.

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<sup>15</sup> B. Avodah Zarah, 2a-2b.

<sup>16</sup> Avraham ben David (1125-1198 CE) of Posquieres (Ra'avad) was a Provencal rabbi, Talmudic commentator, and mystic. His best-known works are his extensive critical comments on Rambam's Mishneh Torah.

<sup>17</sup> Steinsaltz, Commentary: Adin. 2017. *Koren Talmud Bavli (The Noe Edition): Tractate Avoda Zara, Tractate Horayot*. Edited by Tzvi Hersh Weinreb. Vol. 32. Jerusalem: Koren Publishers Jerusalem. Notes section page 10.

Aside from revenge fantasies or wish fulfillment (of which there is substantial material in b. Avodah Zarah), there is also substantial material that can reveal to the reader more of the mindset of the rabbis from Eretz Yisrael, who were the ones who dealt with both Rome often regarding how they envision relations between Jews and non-Jews:

**Rabbi Yosei says: In the future, the nations of the world will come and convert.** The Gemara asks: **And do we accept them** as converts at that time? **But isn't it taught** in another *baraita*: The court **does not accept converts in the days of the Messiah; similarly, they did not accept converts either in the days of David or in the days of Solomon.**<sup>18</sup>

The rabbis are open to the idea of conversion, provided the convert has good intentions. The rabbis, though, live in a world hostile to Judaism. Some converts mentioned in b. Avodah Zarah are seen as especially worthy, such as Ketia bar Shalom, a Roman noble who circumcises himself before he can be killed by the authorities, and about whom it is written: **"A Divine Voice emerged and said: Ketia bar Shalom is destined for life in the World-to-Come.** When **Rabbi** Yehudah HaNasi heard this, **he wept, saying: There is one who acquires his share in the World-to-Come in one moment...**"<sup>19</sup> The above pericope is useful in understanding that the rabbis are suspicious of the nations. A potential convert would be accepted when it would not be advantageous for them to join the Jewish people, as the rabbis would understand that their desire was sincere. The Talmud claims that in the messianic age, just as in the times of King David and King Solomon, converts would not be accepted. Of course, the rabbis could not have known about the times of King David and King Solomon, and even if they did there would have been no Judaism to convert to (as the

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<sup>18</sup> B. Avodah Zarah, 3b.

<sup>19</sup> Ibid, 10b.

rabbis understood it). This comment reflects the time the rabbis idealize as the height of Jewish (or Judean/Israelite) power and prestige. This is not because the rabbis know that the prospective convert would be duplicitous, but the suspicion of pagans overrides any other motivation.

It would be difficult to argue that the rabbis wish for more social contact between Jews and non-Jews, but there are instances of leniency in b. Avodah Zarah. Again, the rabbis are not advocating for excessive social contact, they aren't suggesting having a backyard barbecue. The Gemara says:

**A dilemma was raised before the Sages: If a gentile placed meat on a fire and a Jew turned it over, what is the *halakha*? Rav Nahman bar Yitzhak said: The *halakha* can be derived by an *a fortiori* inference: If the meat is permitted when it finished cooking by the hand of a gentile, then where it finished cooking by the hand of a Jew, all the more so is it not clear that it should be permitted?**<sup>20</sup>

The restriction of *bishul goyim*, or not eating food cooked by a gentile, is due to a concern that intermarriage might result from increased fraternization. In this section of b. Avodah Zarah 38b the rabbis discuss what counts as a non-Jew cooking for a Jew, and therefore a Jew receiving direct benefit from them. This has been prohibited in other ways as well and is another reflection of the rabbis placing themselves on top and pushing others down. The opening of the tractate bars Jews from doing business with idolators around their festivals, but not all the time. The Talmud doesn't want to make rules that people cannot follow, and therefore it does not prohibit Jews from all interaction with non-Jews since they live in a society dominated by them. Whether the concern is business, cooking,

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<sup>20</sup> B. Avodah Zarah, 38b.

marriage, conversion, selling weapons, or any of the other issues brought up in b. Avodah Zarah, the rabbis tread a fine line between protecting Jews and Judaism from destruction or corruption on the one hand, and an impossible isolation on the other. From the above examples we can see how the rabbis envisioned relations between Jews and gentiles: Distant and infrequent for the protection of the Jewish people and the perpetuation of Jewish culture and rabbinic religious worship.

The question of particularism versus exceptionalism comes up frequently in modern American-Jewish community concerns. Can a people that opposes intermarriage be inclusive? Can a people that is proud of how distinct we are not hold itself out as superior? The relationship between Jews and non-Jews that is embraced by progressive denominations of Judaism today is based, like other issues that depend on a textual basis, largely on our historically peculiar situation. In America, for the first time Jews were emancipated and could participate in civil society openly. For the first time Jews encountered a country with no legal discrimination by the state against its Jewish population. Jews had never been persecuted in America and they could be citizens of the United States of America. Jews lived and worked with people who did not share their religion. Textual sources that support a kindred relationship with non-Jewish people are found in the Tanakh. Relations between Israelites and non-Israelites in the first section of Tanakh, the Five Books of Moses, describe how a powerful Israelite majority should treat outsiders. Here are three notable examples of this tradition:

וְגֵר לֹא־תוֹנֶה וְלֹא תִלְחָצֶנּוּ כִּי־גֵרִים הָיִיתֶם בְּאֶרֶץ מִצְרָיִם: In Exodus 22:20 -

You shall not wrong a stranger or oppress them, for you were strangers in the land of Egypt.

In Leviticus 19:34 - בְּאֶרֶץ מִכְּמֹל יְהוָה לָכֶם הֵגֵר אֲתֶכֶם וְאַהֲבַתְּ לּוֹ כְּמוֹד בְּיֹגֵרִים הֵייתֶם -  
בְּאֶרֶץ מִצְרַיִם אֲנִי יְהוָה אֱלֹהֵיכֶם:

The stranger who resides with you shall be to you as one of your citizens; you shall love them as yourself, for you were strangers in the land of Egypt: I YHVH am your God.

And in Leviticus 24:22 - מִשְׁפָּט אֶחָד יִהְיֶה לָכֶם כְּגֵר כְּאֶזְרָח יִהְיֶה כִּי אֲנִי יְהוָה אֱלֹהֵיכֶם:

You will have one law for stranger and citizen alike: for I YHVH am your God.

Even though in American Jews are a small minority of the US population, these biblical references are important for understanding an ethos driving American Jewish citizenship and assimilation. It is a value for many progressive Jewish movements in America to believe all people should be understood as equal under the law, and for equal application of law regardless of status. Medieval commentators associate the “Ger” of the Torah with a convert,<sup>21</sup> while progressive institutions<sup>22</sup> tend to see this person as a Ger Toshav, a non-Israelite who agrees to abstain from idolatry and to hold to other rabbinic laws, or as immigrants.<sup>23</sup> Assuming the progressive reading, it enables Jews to think about how we treat others when we are powerful but does not help us understand our relationship to Gentiles when they are powerful. The message is among the closest to the preserved tradition of the Ancient Near East would get to equality between the dominant ethnic, political, and religious group and the minority. With the loss of Israelite/Jewish sovereignty came an uncomfortable reality: we no longer made the rules but were subject to the rules

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<sup>21</sup> Chizkuni on Leviticus 24:22 and Exodus 22:20, Ibn Ezra on Leviticus 19:33

<sup>22</sup> <https://rac.org/jewish-texts-immigration>

<sup>23</sup> B. Avodah Zarah 64b

of others. This shift of power is why the perspective of the rabbis was more central to the bulk of Jewish history. Still, many Jewish communities do not seek greater contact with non-Jewish people. Hasidic communities in parts of New York and New Jersey are famously reclusive, seeking to distance themselves from other parts of American society. Perhaps the best-known exposition of the Jewish/non-Jewish difference in Hasidic literature comes from Shneur Zalman of Liady (1745–1812, the founder of Chabad Hasidism).

“Inspired by Lurianic kabbalah, Shneur Zalman explains in the Tanya (It was taught), the fundamental text of Chabad, that every Jewish person has two souls: the divine soul, which is “a part of God above,” and an animal soul, linked to their bodily functions, which derives from the realm of husks. The difference between a Jew and a non-Jew is twofold. Not only does a gentile lack the divine soul, but their animal soul is inferior to the Jewish animal soul. While the Jewish animal soul derives from the liminal husk of Nogah (brightness or glow), which consists of both good and evil, its non-Jewish counterpart derives from three completely impure and evil husks. As a result, not only are non-Jewish souls evil by default, but their inferior corporality only superficially resembles that of the Jews.”<sup>24</sup>

This sort of comment reflects xenophobia and bigotry. These communities today seek to embody the strictest interpretation of the restrictions in tractate Avodah Zarah. And on the other side of the American-Jewish spectrum, “About 1 million Jews live in small-town America, according to sociologist Matthew Boxer, Ph.D., of the Cohen Center for Modern

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<sup>24</sup> Wodzinski, Marcin and Tworek, Wojciech. 2020. "Hasidic Attitudes Toward the Non-Jewish World." *Jewish Social Studies* (Indiana University Press) 25 (3): 35-70. 39.



Jewish Studies at Brandeis University.”<sup>25</sup> These young rural American Jews live in small communities all around the country. They are mostly Reform and Conservative affiliated and are not monolithic in any way. For these Jews, every bit as much our people as anyone else, there is no way to live with gentiles as envisioned by the rabbis.

The modern implications of b. Avodah Zarah are interesting, if limited. Even halakha has removed some of the restrictions noted in this tractate. For example, although we are taught that Jews should not do business with gentiles three days before, three days after, and during their festivals, we no longer hold to that today according to *Shulchan Arukh*.<sup>26</sup> One reason given by the Shulchan Arukh is that today’s non-Jewish people are seen as less idolatrous than gentiles of the past, and another reason is that there is a fear that it might cause hatred of Jews who live among gentiles and have to do business with them throughout the rest of the year. And so, the modern implications of the rabbinic desire to maintain a safe distance from those outside the Jewish community are moot for many communities. In America, the vast majority of Jews cannot separate from non-Jews and have no desire to do so. As the Reform movement has become more committed to welcoming interfaith families, many seek rabbis who will be amenable to performing interfaith marriages, speeding up the mixing of Jews and everyone else within our communities. In 19<sup>th</sup> century America, Rabbi Isaac Mayer Wise represented a school of thought that Judaism mixed with individual liberty and liberal Enlightenment rationalism could create an American Judaism imbued with the zeal of Reform. Particular, but with

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<sup>25</sup> <https://www.100daysinappalachia.com/2020/08/young-rural-and-jewish/>

<sup>26</sup> *Shulchan Arukh, Yoreh De’a* 148:1, 12.

values that applied universally. A tie to tradition in many cases, a move toward modernity in some cases, and allowing the spirit of individual liberty and respect for that in other Jews and everyone else to allow, to permit, diversity of opinion. We must see our values as important without denigrating the values of others, except in extreme circumstances that feature externalities. We still have much to learn from the rabbis of antiquity, but just as they redefined the relationship between Jews and gentiles for their generation and circumstances, we are obligated to do the same today. The world of the 21<sup>st</sup> century does not resemble the world of two thousand years ago, and we must strive to find our own balance between maintaining Jewish cultures and identity and the real world that surrounds us.

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## Ancient or Rabbinic Sources

Exodus 22:20

Chizkuni on Leviticus 24:22 and Exodus 22:20

Leviticus 19:34

Ibn Ezra on Leviticus 19:33

Leviticus 24:22

Talmud Bavli, Tractate Avodah Zarah

2a, 2b, 3b, 10b, 38b, 64b.

Avot D'Rabi Natan 4:5

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