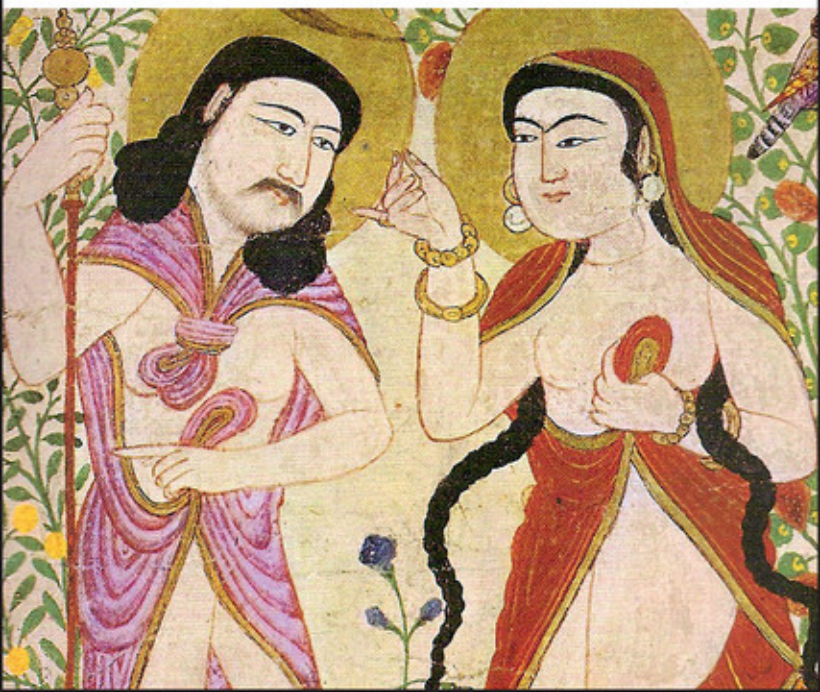


# SEXUALITY IN THE BABYLONIAN TALMUD

CHRISTIAN AND SASANIAN  
CONTEXTS IN LATE ANTIQUITY

YISHAI KIEL





## Sexuality in the Babylonian Talmud

Within this close textual analysis of the Babylonian Talmud, Yishai Kiel explores rabbinic discussions of sex in light of cultural assumptions and dispositions that pervaded the cultures of late antiquity and particularly the Iranian world. By negotiating the Iranian context of the rabbinic discussion alongside the Christian backdrop, this groundbreaking volume presents a balanced and nuanced portrayal of the rabbinic discourse on sexuality and situates rabbinic discussions of sex more broadly at the crossroads of late antique cultures.

The study is divided into two thematic sections: the first centers on the broader aspects of rabbinic discourse on sexuality while the second hones in on rabbinic discussions of sexual prohibitions and the classification of permissible and prohibited partnerships, with particular attention to rabbinic discussions of incest. For scholars and graduate students of Judaic studies, early Christianity, and Iranian studies, as well as those interested in religious studies and comparative religion.

Yishai Kiel is a lecturer at the Religious Studies Department and Directed Studies Program at Yale University. Kiel has published in numerous peer-reviewed platforms, including *The Journal of Religion*, *Harvard Theological Review*, *Vetus Testamentum*, *Journal of the American Oriental Society*, *Journal of Jewish Studies*, *Journal of Biblical Literature*, *Bulletin of the Asia Institute*, *AJS Review*, *Jewish Studies Quarterly*, *Journal for the Study of Judaism*, and *The Jewish Law Annual*.



# Sexuality in the Babylonian Talmud

*Christian and Sasanian Contexts in Late Antiquity*

YISHAI KIEL

*Yale University*



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# Introduction

## INTRODUCTION

A brief and cryptic account preserved in the BT (*b. 'Abod. Zar.* 17a) tells the story of a woman who came before Rav Ḥisda, a third-century Babylonian rabbi, and disclosed to him, in what seems to be a confessional setting, that her younger son is the product of incestuous intercourse with her older son.<sup>1</sup> A contemporary reader of this story might be tempted to explore the encounter between Rav Ḥisda and the confessor in Foucauldian terms, paying attention to the confessor's inexplicable urge to disclose her (sinful) sexuality and reveal the true nature of her self, to "come out," as it were, as well as to the dynamics of a (female) confessor versus (male) authority as representative of a mechanism of domination, power, and control through sexual discourse.

While similar variants of gender- and body-related readings of talmudic texts will be presented in this book,<sup>2</sup> I offer an additional set of interpretive lenses and critical tools, in light of which this encoded story and numerous other rabbinic discussions of sex and sexuality can be constructively deciphered. The cryptic features of this story, emblematic of the talmudic discourse on sexuality more broadly, can be illuminated through a contextual reading of the talmudic texts against the foil of broader cultural assumptions and dispositions concerning sex and sexuality that pervaded the cultures of late antiquity. This book provides a fresh outlook on various dimensions of the talmudic discourse on sexuality as reflected in classical rabbinic literature (produced between the third and seventh centuries CE), by reading rabbinic sex in a broader cultural framework and against the backdrop of competing discourses extant in late antiquity.

Studies on rabbinic sexuality have explored aspects of the talmudic discussions of sex in the context of Greco-Roman, Jewish Hellenistic, and Christian (both Greek and Syriac) traditions – either by stressing the existence of divergent stances or by pointing to a common discursive space shared by the rabbis and their neighbors.<sup>3</sup> The present book expands this comparative and contextual framework, by reading fundamental aspects of the talmudic discourse on sex and sexuality – especially in its Babylonian version – in the context of Iranian culture. By negotiating the Iranian context of the talmudic discussion against the backdrop of Greco-Roman and Greek and Syriac Christian traditions, I hope to contribute to a more nuanced portrayal of the talmudic discourse on sex and situate rabbinic perceptions of sexuality at the crossroads of late antique culture.

A contextual reading of rabbinic sexuality necessitates a careful distinction between Palestinian and Babylonian variants of rabbinic culture, as the differences between the two rabbinic centers reflect, at times, broader cultural distinctions between the Roman East and Sasanian Mesopotamia. Considering, however, the permeability of the cultural boundaries between East and West,<sup>4</sup> and the particular continuum between the two rabbinic centers,<sup>5</sup> the Palestinian and Babylonian discussions will not be conceptualized as distinct and sealed-off discourses, but rather as manifestations of shifting tendencies on a scale of attitudes, which variably intersect and overlap with the surrounding cultures. In this framework, I will attempt to map the different attitudes to sex and sexuality reflected in these variants of rabbinic culture onto broader constructions characteristic of the surrounding cultures in late antiquity.

While the book attempts to delineate the broader contextual and comparative contours of the rabbinic discourse on sex and sexuality, it focuses on the contribution of Sasanian culture to the study of Babylonian rabbinic notions of sexuality, a context which has been heretofore neglected in scholarship. Indeed, while scholars have long sensed that there was more to the “non-rabbinic milieu” of Babylonian rabbinic assumptions about sexuality,<sup>6</sup> above and beyond the impact of the Greco-Roman and Christian cultures, few attempts have been made to realize these assumptions, both culturally and textually, within the context of the Sasanian world.<sup>7</sup>

The book underscores the significance of Sasanian traditions for the study of the talmudic discourse in two important ways: firstly, I posit that talmudic attitudes to sexuality are phenomenologically informed by recourse to Sasanian traditions – Zoroastrian, Iranian Manichaean, and

East Syrian – above and beyond the commonalities exhibited with Greco-Roman and Western Christian traditions. Iranian attitudes to sex constitute an important comparative canvas against which the talmudic discussions on sex can be constructively examined. Secondly, moving beyond phenomenological comparability, I argue that Babylonian rabbinic assumptions about sex are culturally and historically connected to, and informed by, Iranian attitudes to sexuality.<sup>8</sup>

The scarcity of scholarship pertaining to the Iranian context of talmudic sexuality is emblematic of a relative dearth of studies relating to the intersections of the rabbinic and Iranian cultures more broadly. Indeed, from the very beginning of the critical study of rabbinic literature, the encounter between rabbinic culture and the Greco-Roman world (including Greek and Latin forms of Christianity) occupied the center of scholarly attention, as the historical, socio-economic, cultural, and religious dimensions of the Greco-Roman world provided talmudists with invaluable data for contextual readings of rabbinic literature. Although the scholarly interest in Irano-Talmudic connections goes back to the nineteenth century,<sup>9</sup> when compared with the emphatically “classical” orientation of talmudic studies, the Iranian context is still grossly under-represented. While one may justify perhaps the emphasis on the Greco-Roman world insofar as Palestinian rabbinic culture is concerned – the latter was, after all, part and parcel of the Greco-Roman world<sup>10</sup> – the study of the BT, which, for the most part, took shape in Sasanian Mesopotamia, has suffered tremendously from this distorted orientation.

Recent years have seen growing awareness among scholars of the significance of the Sasanian religious landscape<sup>11</sup> for the study of rabbinic culture. Beyond the continuum between rabbinic law and ancient Near Eastern traditions<sup>12</sup> and the impact of Greco-Roman culture in rabbinic Babylonia,<sup>13</sup> scholars have begun to systematically explore the possibilities inherent in Syriac,<sup>14</sup> Zoroastrian,<sup>15</sup> and Iranian Manichaean<sup>16</sup> literature for the study of the BT. In line with these recent developments, in the present book I provide a fresh contextual treatment of the sexual discourse in rabbinic culture in light of the surrounding religious traditions in late antiquity.

## OVERVIEW

The book is divided into two thematic sections: the first part (Chapters 1–4) centers on rabbinic, Christian, and Iranian discussions relating to sex and sexuality: sex and celibacy, the tension between marital

and religious–intellectual engagements, sexual praxis and sexual desire, sexual etiquette, the nexus of sexual ethics and holiness, and the mythologization of sexual concerns. The second part of the book (Chapters 5–9) hones in on rabbinic, Christian, and Iranian treatments of incest, exploring the various legal, exegetical, ethical, and mythical dimensions of close-kin relations. While there are other topics relating to talmudic sexuality that might benefit from a similar contextual analysis,<sup>17</sup> my present choice of topics is guided by a broader focus on issues that seem to reflect a sense of differentiation between the discursive tendencies characteristic of the two rabbinic centers of Palestine and Babylonia, which can be further illuminated by a contextual reading of the rabbinic discussions against the foil of the surrounding cultures.

Chapter 1 examines the talmudic dialectical perception of sexuality evident in Babylonian rabbinic culture, which differentiates sexual praxis from sexual desire.<sup>18</sup> While legitimate marital sex was perceived in rabbinic culture (both in Palestine and Babylonia) not only as a means to facilitating procreation, but also as a religious value in its own right, the Babylonian rabbis further accentuated the significance of male and female sexual gratification in the context of marital relationships, and yet expressed at the same time a pessimistic view of sexual desire (at times, even in the context of legitimate marital relationships), which was in turn reified as an offshoot of the demonic *yešer* (evil inclination) destined to be annihilated in the end of days.

I argue that marital sex, including its pleasurable dimensions, was seen in Babylonian rabbinic culture mainly as a means to extinguish sexual desire, which itself was believed to be ignited by an unrealized and unquenched sexual urge. Thus, in contrast to many rabbinic, patristic, and Greco-Roman authors, who viewed marital sex mainly as a means to procreate, and in contradistinction to a widespread conviction that sexual desire can essentially be controlled via temporary or permanent forms of asceticism, an important strand in Babylonian rabbinic culture viewed marital sex, first and foremost, as a means of extinguishing sexual desire.

The chapter situates the Babylonian rabbinic construction of sexual desire in the broader context of Christian and Iranian perspectives. In terms of the Christian context, I argue that the distinctive notion of extinguishing sexual desire by means of marital sex can be illuminated through a comparison with 1 Cor. 7:9 and its reception in patristic literature – namely, the idea that marital sex is a remedy for those “afire with passion.” While several scholars understood Paul as advocating passionless marital sex, others contended that, in this verse, Paul



commends marital sex without excessive lust, but by no means rejects sexual gratification per se, a stance that is analogous to the Babylonian rabbinic rhetoric. Thus, in spite of their diverging positions in the marriage/celibacy debate, Paul and the Babylonian rabbis shared a distinctive perception of marital sex vis-à-vis the “problem” of sexual desire. I further argue that the Pauline doctrine of sexual desire, although subverted and marginalized by subsequent patristic writers, was upheld by others, most significantly by the Syriac author Aphrahat, who asserted that, for those “wild with lust,” an open (i.e. sexual) marriage is the only available remedy for desire.

In terms of the Iranian context, I posit that the distinctive dialectical dynamic characteristic of Babylonian rabbinic culture – namely, a positive view of the sexual act and a negative and demonic perception of sexual desire – can be significantly illuminated by recourse to a similar ambiguity present in the Pahlavi tradition. While Zoroastrian sources generally commend sexual activity (not merely as a means to advancing fertility, but also insofar as sexual gratification is concerned), an important strand in the Pahlavi tradition reflects an equivocal view of sexual desire. Certain Pahlavi texts focus on the excessiveness of sexual desire, which stands in contrast to the ethical principle of moderation, while others link sexual desire to the demonic sphere via the figures of Āz (Desire), Waran (Lust), and Jeh (the Primal Evil Woman).

Chapter 2 traces the existence of diverging rabbinic attitudes to the proper balance of marital and religious–intellectual commitments. I argue that, while certain aspects of the rabbinic treatment of this issue exhibit discursive continuity between the two rabbinic centers, in other respects the sources reflect differentiating tendencies that divide the rabbinic centers of Palestine and Babylonia. In fact, the rabbinic debate over the balancing of marital and educational engagements is explicitly mapped in *b. Qidd.* 29b onto a geo-cultural divide between Palestine and Babylonia, thus reflecting a distinctive set of concerns characteristic of each rabbinic center.<sup>19</sup>

The chapter centers on the distinctive cultural practice reflected in the BT of absentee married sages, who neglected their sexual and marital obligations in pursuit of religious studies in the academy. It is argued that a broader intellectual engagement with this cultural practice – whether by way of reassuring and romanticizing it or by way of criticizing and negating it – was shared by Babylonian rabbis and Zoroastrian jurists in the Sasanian period, who negotiated similar religious concerns and legal mechanisms to address this distinctive cultural reality.

Chapter 3 traces the existence of competing theories in the rabbinic centers of Palestine and Babylonia (and within rabbinic Babylonia) pertaining to the appropriate manner of marital sexual conduct and situates the different rabbinic perceptions in the context of Greco-Roman and Iranian notions of sexual etiquette. The discussion focuses on various talmudic responses to the question of whether sex should be performed while naked or clothed and whether it should be conducted in the light or the dark, in the context of competing traditions that pervaded the cultures of late antiquity. The chapter hones in on the talmudic treatment of Iranian norms of sexual etiquette and examines the use of inclusive and exclusive rhetoric to demarcate the boundaries of the sacred community of Israel vis-à-vis sexual normativity. While the nexus of sex and religious demarcation in rabbinic literature was previously examined by scholars in the context of the Jewish-Christian debate over the realization of holiness through procreation or celibacy,<sup>20</sup> this chapter broadens the discussion by considering the Iranian context underlying the Babylonian rabbinic treatment of this nexus.

Chapter 4 centers on the mythologization of the sexual discourse in rabbinic, Christian, and Iranian traditions and focuses on the mapping of certain dispositions toward sex and sexuality onto mythical legends of the inception of humanity. The chapter attempts to broaden the Judeo-Christian prism through which the rabbinic legends of Adam and Eve are frequently examined in scholarship, by offering a contextual reading of Babylonian rabbinic traditions pertaining to the sexual behavior of the first human couple against the backdrop of Zoroastrian and Iranian Manichaean myths. It is posited that, while some of the themes and motifs found in Babylonian rabbinic culture are continuous with the ancient Jewish and Christian heritage, others are absent from, or occupy a peripheral role in, ancient Jewish and Christian traditions and, at the same time, seem to be indebted to Iranian mythology.

The second part of the book (Chapters 5–9) charts a systematic difference between the two rabbinic cultures of Palestine and Babylonia concerning the cultural and religious significance of incest. In this framework, the attitude typical of Palestinian rabbinic culture is contextualized with and illuminated by Greco-Roman and patristic traditions, while the attitude typical of Babylonian rabbinic culture is situated in the context of the Iranian tradition. It is argued that the distinctive taxonomy of prohibited partnerships and incestuous unions in Babylonian rabbinic culture is significantly informed by a contextual study of the rabbinic discussion against the foil of the Zoroastrian discourse on *xwēdōdah* (Av.

*xʷaētuuadaθa*), which refers to endogamous marital and sexual unions, especially of father and daughter, mother and son, or brother and sister, and is considered one of the most pious deeds in the Zoroastrian tradition.

Chapter 5 is devoted to the doctrine and laws of *xwēdōdah* as they unfold in Pahlavi literature. The chapter outlines the doctrinal contours of the Iranian discussion, classifies its theological justifications, traces its mythical origins, and lists the various legal concerns associated with its performance. The organization and classification of the different dimensions of the Pahlavi rhetoric on *xwēdōdah* provides the necessary framework for the ensuing comparisons drawn in subsequent chapters.

Chapter 6 examines the talmudic treatment of the Noahide laws of prohibited sexual partnerships (i.e. the prohibitions the rabbis believed applied to non-Jews) in the Palestinian and Babylonian rabbinic centers. In this context, I argue that, unlike Christian and Greco-Roman sources, which advocate a universal system of sexual ethics, the BT exhibits a particularistic approach to the sexual prohibitions, in which incest among Noahides is, by and large, permitted. A comparison of the Babylonian and Palestinian rabbinic discussions of the Noahide laws of prohibited sexual partnerships highlights the distinctiveness of Babylonian rabbinic assumptions of sexual ethics. It is further demonstrated that the Babylonian rabbinic discussion of Noahide sexual regulations reflects important legal and doctrinal concerns shared by Babylonian rabbis and the authors of the Pahlavi traditions.

Chapter 7 addresses a set of talmudic riddles centered on incestuous partnerships. The riddles, which are completely absent from Palestinian rabbinic works, are contextualized with Pahlavi traditions concerning *xwēdōdah* and a case is made that the riddles reflect Babylonian rabbinic engagement with the Pahlavi rhetoric. In contrast to previous attempts to read these riddles as an attempt to ridicule and criticize Zoroastrianism as part of an alleged Jewish–Zoroastrian polemic,<sup>21</sup> it is argued that there is no negative or cynical tone in these riddles and no critique of Zoroastrianism is intended. The tolerant approach to non-Jewish engagement in incestuous activity reflected in these riddles is seen as compatible with the legal discussion of the Noahide sexual prohibitions treated in Chapter 6.

Chapter 8 centers on the rabbinic reception of biblical stories of incest, and particularly the story of Lot and his two daughters and the (reconstructed) story of the incestuous partnerships that took place between Cain and Abel and their sisters. I submit that the reception of

these mythical legends in the BT reveals a tolerant and accepting approach toward pre-Mosaic biblical incest, which significantly differs from Palestinian rabbinic and Christian accounts of the same traditions. A comparison of the talmudic traditions of biblical incest with Pahlavi traditions that depict Iranian mythical figures that are said to have performed *xwēdōdah* reveals a close affinity that seems to point to broader syncretistic tendencies. The rabbinic elaboration of the story of Lot and his two daughters is examined in the light of a Pahlavi tradition concerning Jam (Av. Yima) and Jamag. The latter is praised in the Zoroastrian tradition for intoxicating her brother, Jam, and tricking him into having sexual intercourse with her. The rabbinic portrayal of the relations between Cain and his sister are compared with the Pahlavi tradition of Maši and Mašyānī, the son and daughter of the first human, Gayōmard, who are said to have engaged in incestuous sexual relations.

Chapter 9 returns to the talmudic story mentioned at the outset of the book regarding a woman who confessed to Rav Ḥisda that her younger son is the product of incestuous intercourse she has performed with her older son. In this chapter, I argue that the confessor is consciously depicted as engaged in the consummation of *xwēdōdah*. The redactors of the broader *sugya* in which the story is incorporated allude, moreover, to the Iranian context in subtle and sophisticated ways. Several Pahlavi texts pertaining to confession and next-of-kin sexual relations are treated in this context, so as to enrich our understanding of the story and decode its peculiar and cryptic features.

In the remainder of this introduction I will highlight some of the broader insights realized in the book, its comparative assumptions, and the critical methodologies it employs. I shall briefly discuss the significance of the talmudic discourse on sexuality in terms of religious and cultural demarcation; the contribution of sexual discourse to the broader inclusive and exclusive tendencies in rabbinic culture; the contribution of the interplay of law and narrative to a more nuanced appreciation of rabbinic sexuality; the broader implications of the mythologization of sexuality for understanding the syncretistic discourse that pervaded the Sasanian world; the comparative assumptions underlying the undertaking of a contextual reading of rabbinic sexuality; the methodological significance of literary stratification and synoptic comparisons of talmudic texts for differentiating Palestinian and Babylonian strands in rabbinic culture; and the critical assumptions pertaining to the study, dating, and literary stratification of Pahlavi literature.

## THE BABYLONIAN TALMUD AS A SASANIAN WORK

Recent scholarship has effectively challenged the enduring “myth” of isolated and autonomous religious communities that allegedly coexisted in the Sasanian world.<sup>22</sup> Not unlike their East Syrian Christian neighbors, the Babylonian rabbis shared deep structures of meaning with their Iranian environment, while striving at the same time to define their distinctiveness within this broader cultural framework. They were not “influenced by” or “resistant to” the surrounding Sasanian culture so much as they were part of it, while having at the same time to negotiate their deeply entrenched rabbinic heritage with broader cultural identities.

In this book, I will place the final nail in the coffin of the thesis of religious insularity in the Sasanian Empire, and particularly the notion of the self-containment of Babylonian rabbinic culture,<sup>23</sup> by questioning the very attempt to separate the internal and external dimensions of the talmudic discussions. The BT is both part of an internal rabbinic conversation that originated in Roman Palestine and a distinctive product of Sasanian culture. While it is often suggested that one ought to be sensitive, first and foremost, to the internal exegetical and legal dynamics of the rabbinic conversation *before* seeking to contextualize the talmudic discussion within a broader cultural framework,<sup>24</sup> this book demonstrates that the limits of the internal and external settings of the talmudic discussion are blurry and often very difficult to delineate.

I argue that Babylonian rabbinic discourse on sex and sexuality is no less reflective of Sasanian culture than it is of “internal” rabbinic concerns. In [Chapter 2](#), for example, we will see that the cultural reality reflected in the BT of sages who left their homes for prolonged periods of study and suspended their marital and sexual obligations in favor of intellectual engagements is informed not by the practice of their Palestinian rabbinic colleagues expressed in earlier rabbinic traditions, but by local practices characteristic of Sasanian culture. In a similar manner, I posit in the [second part](#) of the book that even the talmudic treatment of incest – a taboo deeply entrenched in biblical and rabbinic thought – reflects a systematic and thorough engagement with, and integration of, local Iranian conceptions and practices rather than the biblical and rabbinic heritage (at least insofar as Noahide law and pre-Mosaic encounters are concerned). These findings should urge scholars to pursue the non-rabbinic context of talmudic literature not merely as a complementary trajectory to the “internal” analysis of rabbinic discourse, but as part and parcel of its inherent meaning.

## SEXUALITY AND RELIGIOUS DEMARCATION

The corporeal-cultural paradigm, which presently dominates an important strand of rabbinic studies, has brought in its wake significant theoretical developments in the study of rabbinic culture in general, and the construction of the human body and its sexuality in particular. In line with Foucauldian theory, rabbinic literary production is typically viewed by students of rabbinic culture as a form of discourse inextricably linked to a broader socio-cultural context and to other forms of cultural production, a stance that transforms the reading of talmudic texts into the reading of rabbinic culture more broadly.<sup>25</sup> The cultural reading of talmudic texts has, in turn, brought the human body and its sexual dimensions to the fore, not merely as a topic of investigation, but as a site through which identities are performed, cultural concerns are negotiated, and social and religious boundaries are demarcated.<sup>26</sup>

The contextual aim underlying the present endeavor and the search for the broader cultural context of talmudic discussions of sexuality are guided by the attempt to transcend the reading of talmudic texts and arrive at a broader reading of rabbinic culture. In this framework, I explore various ways in which sex functions in rabbinic discourse as a site of social demarcation and the construction and formation of identity. Thus, for example, in the discussion of sexual etiquette presented in [Chapter 3](#), I examine the manner by which sexual ethics function as a means of constructing the boundaries of the sacred community of Israel vis-à-vis Christian and Iranian notions of normative sexual behavior.

Along the same lines, [Chapter 6](#) provides a detailed analysis of the nexus between rabbinic taxonomies of prohibited sexual relationships and inclusive or exclusive rhetorics of identity. In this context, it is argued that, while Palestinian rabbinic sources tend to extend the levitical norms of prohibited sexual relationships to non-Jews, thus reflecting an inclusive approach that strives to a broad, and almost universal, application of the sexual standards, the BT exhibits a particularistic and exclusive approach that differentiates the sexual standards that apply to Jews and non-Jews. The levitical statutes of prohibited sexual partnerships are applied in the BT only to Jews, while the sexual norms governing non-Jews are independently derived from pre-Mosaic legislation and narrative.

The differences between the inclusive and exclusive approaches to sexual norms exhibited in the two rabbinic cultures are examined from several perspectives, stemming from legal theory, theology, and cultural studies. Beyond the division between natural and positive constructions of

the law, it is posited that Babylonian rabbinic culture reflects an exclusive approach, according to which only Israel, whose holiness is ascribed and inherent, is called upon to uphold the levitical sexual statutes, while Palestinian rabbinic culture reflects an inclusive tendency, according to which both Jews and non-Jews are expected to aspire to a similar ideal of achieved holiness, by way of upholding the levitical sexual prohibitions.

#### SEX AND THE INTERPLAY OF LAW AND NARRATIVE

An important contribution of this book pertains to the interplay of law and narrative in talmudic literature. I argue that the different stances found in Palestinian and Babylonian discussions of sex and sexuality are reflected, at times, in divergent models of the reciprocity of law and narrative.

In his seminal piece “*Nomos and Narrative*,” Robert Cover illustrated the complex and dynamic interplay of law and narrative, by proposing that the notion of law is not limited to statutes and precepts, but rather contextualized through, and framed by, narratives. Cover underscores his alternative theory of the law as a thickly described legal space – one in which rules and statutes interact with, and are redefined by, narratives and their broader cultural meaning. As representations of the law, statutes are constantly contextualized with, while often breached, violated, and subverted, by narratives.<sup>27</sup> Certain literary theorists have similarly argued, albeit from a different perspective, that narratives reflect the interplay of “canonicity” and its inherent “breach.” To be worth telling, a narrative must entail an implicit canonical (often legal) subscript that is breached, violated, or deviated. In other words, a narrative rises to the level of narrative precisely when it describes events and actions that violate certain expectations in the normative sphere, which are often embodied in legal statutes.<sup>28</sup>

Barry Wimpfheimer has recently applied this notion of reciprocal framing of law and narrative to the study of legal narratives in the BT<sup>29</sup> (using Cover’s description of the law as well as Bakhtin’s conception of the inherent dialogical nature of prose),<sup>30</sup> convincingly arguing that the continuous, and yet altogether complicated, interplay of law and narrative offers an important model for analyzing talmudic narratives, which are often at odds with the talmudic precepts and statutes.

In the present context, I examine the interplay of legal and narrative expressions of sexuality in the discourses of Palestinian and Babylonian rabbis in terms of the manner by which these spaces frame, affirm, and

validate each other, or conversely challenge, violate, and subvert each other. In [Chapter 2](#), for example, I demonstrate that the narratives pertaining to the absentee married sage function in a rather complicated way to validate, and at the same time violate, the legal statutes concerning the balance of marital and educational responsibilities. In a sense, the tension between the cultural practice of the absentee married sage and the statutory definition of his marital and sexual obligations can be mapped onto the literary interplay of law and narrative in the talmudic discussion.

While this method of analysis informs the book as a whole, the topic of incest addressed in the [second part](#) will form the quintessential canvas for examining the reciprocity of law and narrative, since beyond the legal representations of incest as statutory prohibitions across human cultures it occupies a very different role in the mythic, psychological, and anthropological spaces, a fact which significantly broadens its statutory expressions.<sup>31</sup> The defiance of rigid statutory definitions of incest in stories of its primordial enactment (discussed in [Chapter 8](#)) underscores the fact that law and narrative must not be seen as hermetically distinct and sealed-off categories, but rather as mutually illuminating. The tension between legal and narrative representations of incest in rabbinic culture thus derives both from universal anxieties, underlying the negotiation of statutory and socio-mythic expressions of incest, and the particular reflection of these tensions in the hermeneutical sphere of biblical exegesis, particularly in the discrepancy between the levitical lists of sexual prohibitions and the biblical narratives (contained mostly in Genesis) that seem to defy these statutory definitions.

I submit in this context that examining the various talmudic treatments of incest through the lens of the interplay of law and narrative illuminates our understanding of the cultural differences marking the Palestinian and Babylonian rabbinic discourses. Viewed against the foil of the relatively “conservative” perspective reflected in the rabbinic legal discourse on incest ([Chapter 6](#)), I argue that the discursive space of narrative and myth gives expression to a broad range of interpretive possibilities – whether affirming the legal space or defying it – that were realized in the diverging discourses of Palestinian and Babylonian rabbis.

#### MYTHOLOGIZING SEXUALITY

Another important finding of this book concerns the projection of attitudes and dispositions toward sex onto the legendary stories of the inception of humanity and the mythical accounts of human sexuality. While



certain aspects of the mythologization of sexual concerns have been explored insofar as Jewish and Christian traditions of mythical sex are concerned,<sup>32</sup> the Iranian component of the discussion, and its significance for contextualizing the talmudic discourse in particular, went largely unnoticed in scholarship. Beyond the shared mechanism of thinking about sex with myth, I argue for a more intimate form of interdependency between Babylonian rabbinic accounts of mythical sex and those found in Iranian culture.

While the Babylonian rabbis and Pahlavi authors adhered to a completely different mythological heritage, stemming from the Bible and the Avesta respectively, I argue that the intimate affinity that exists between Babylonian rabbinic and Iranian traditions pertaining to mythical manifestations of sex reflects broader syncretic tendencies characteristic of east late antiquity, which sought to weave together episodes from the biblical and Iranian mythologies and even equate Iranian and biblical figures. It is posited that, in line with these syncretic currents, Babylonian rabbis reimagined certain rabbinic traditions pertaining to mythical sex in the image and likeness of local Iranian traditions.<sup>33</sup> We will see that the Babylonian rabbis did not only share with their Iranian neighbors similar attitudes to carnality and sexuality, but also sought to map these dispositions onto a mythical framework that blurs the lines between biblical and Iranian legends.

Explicit attempts to converge Iranian and biblical mythical traditions are known primarily from Islamic historiographers, who sought to interweave the biblical and Iranian accounts of the “sacred history” inherited from late antiquity.<sup>34</sup> Shaul Shaked has speculated in this regard that these syncretistic tendencies originated in Sasanian Zoroastrianism.<sup>35</sup> The blurring of the lines between biblical and Iranian myths is found, in fact, already in Manichaean works in a variety of Middle Iranian languages from the third century onwards.<sup>36</sup> The integration of Iranian myths alongside the Judeo-Christian heritage in the Manichaean works reflects a conscious attempt on the part of Mani and his followers to package the Manichaean message in a manner that would be more agreeable and familiar to local adherents of Zoroastrianism. As far as the present argument is concerned, the Manichaean evidence demonstrates that, as early as the third century and in geographic proximity to Babylonia (the homeland of Mani and Manichaeism), there were authors who explicitly syncretized Iranian and biblical traditions. This constitutes the cultural backdrop, against which I propose examining the parallels between Babylonian rabbinic representations of mythical sex and the

Iranian tradition. I argue that the syncretic atmosphere that pervaded east late antiquity more broadly facilitated, and perhaps reinforced, the refiguring of biblical figures and episodes in the BT in the image of local Iranian myths.

I will present two systematic examples of this type of syncretistic discourse: [Chapter 4](#) examines the syncretistic interweaving of Judeo-Christian and Iranian traditions pertaining to the sexual encounters of the first humans, exhibited in Babylonian rabbinic, Manichaean, and Zoroastrian sources. [Chapter 8](#) examines the syncretistic intersection of traditions pertaining to mythical prefigurations of incest, found in Babylonian rabbinic and Iranian sources. In this context, I posit that rabbinic traditions from Palestine were reshaped in rabbinic Babylonia, so as to resemble and emulate local Iranian myths.

#### TEXTUAL STRATIFICATION AND SYNOPTIC READING OF THE TALMUD

The ability to identify distinctive approaches to sex and sexuality, stemming from the two rabbinic cultures of Palestine and Babylonia, hinges on the application of two fundamental critical tools in the study of the BT: literary stratification and synoptic reading. By literary stratification I refer to the separation of distinct literary strata within the talmudic text itself, and by synoptic reading I refer to the juxtaposition of the talmudic text with parallels found in other rabbinic works. The identification of distinctive attitudes to sex in talmudic literature reflective of broader currents in the Greco-Roman and Sasanian cultures hinges on the critical implementation of these literary tools.

The BT is essentially a repository of traditions, containing tannaitic, amoraic and stammaitic, Palestinian and Babylonian, attributed and anonymous, traditions. In order to unravel the connections between the talmudic discussions of sex and the surrounding cultures, I seek to textually locate the components of the talmudic discussion that reflect “local” Babylonian traditions, whether stemming from amoraic or stammaitic settings, and those that should be regarded as reproductions of Palestinian rabbinic tradition.

**Literary stratification:** According to the regnant position in talmudic scholarship to date, the literary separation of Babylonian and Palestinian traditions contained in the BT is, at least in principle, a feasible task.<sup>37</sup> David Weiss Halivni suggested in this regard that the redactors of the BT received their traditions in apodictic form and without reasoning or

justification. They then reproduced what they received faithfully and composed the anonymous layer in an attempt to reconstruct the logic which underlies the received traditions. According to Halivni, then, the transmitted material can be separated from the redactorial voice, inasmuch as attributed material can be distinguished from the anonymous comments of the *sugya*.<sup>38</sup>

Shamma Friedman, who likewise advocates the critical separation of distinct literary strata contained in the BT,<sup>39</sup> views the redactors and transmitters of the talmudic text not as faithful transmitters of earlier traditions, but as “creative” transmitters who constantly adapt, appropriate, and reformulate their traditions in order to improve and adjust them to new literary, legal, and ideological concerns. Thus, even a *baraita* or an amoraic dictum attributed to a Palestinian rabbi can express, at times, a Babylonian rather than a Palestinian rabbinic perspective, through a process of literary embellishment or retrojection of words or themes onto earlier traditions.<sup>40</sup>

Recently, Moulie Vidas has challenged the notion of continuity between the talmudic *sugya* and the traditions it embeds purportedly achieved by redactorial “smoothing,” arguing instead that the structural features of the BT were intentionally designed to produce a sense of discontinuity with received traditions.<sup>41</sup> The notion that the redactors consciously distanced themselves from the traditions they transmitted further supports the ability to differentiate the voice of the Babylonian redactors from Palestinian rabbinic traditions contained in the BT.

**Synoptic Comparison:** Several studies have been devoted to the issue of parallel *baraitot* in the Talmuds and tannaitic works, and various models have been proposed to explain the existence of dissimilar and yet, at the same time, parallel *baraitot* in different rabbinic works.<sup>42</sup> Most recently, Shamma Friedman has demonstrated that *baraitot* in the BT are often refined or reworked versions of Palestinian parallels. Rather than supposing that the BT’s version represents a corruption of a tannaitic *baraita* or that it preserves an early and equally valid version, Friedman reconstructs a process of creative reconfiguration of traditions by the Babylonian transmitters.<sup>43</sup>

Other types of synoptic parallels include attributed (usually, but not exclusively, Palestinian) amoraic sayings, and short stammaitic discussions found in both Talmuds. The question of the literary relationship between the Talmuds remains, however, hotly debated in scholarship. While certain scholars argue that the commonalities between the

Talmuds merely reflect the exchange of early amoraic dicta between Palestine and Babylonia, others point to stammatitic discussions that appear in both Talmuds, and still others surmise that the redactors of the BT might have had access to an early version of the PT.<sup>44</sup>

All types of synoptic parallels – *baraitot*, amoraic statements, and short stammatitic discussions – are treated in this book and especially in [Chapter 6](#), in which different talmudic accounts preserved in the Tosefta, *Gen. Rab.*, and the Palestinian and Babylonian Talmuds (concerning the obligation of Noahides to abide by the levitical sexual restrictions) are synoptically examined. A systematic analysis of the similarities and differences reveals a distinctive approach to sexual ethics that emerges from Babylonian rabbinic culture, which stands in contrast to Palestinian rabbinic traditions.

#### PAHLAVI LITERATURE

My extensive use of Pahlavi traditions in this book to contextualize and illuminate aspects of the talmudic discussion of sex and sexuality warrants a treatment of the nature of this literature as well as the critical and methodological challenges involved in its study. I do not endeavor here to provide a comprehensive introduction to Pahlavi literature,<sup>45</sup> but merely a brief treatment that will serve in turn to situate the numerous Pahlavi texts analyzed in this book in a broader and more coherent context.

Pahlavi literature can be characterized as a religious corpus, in the sense that the traditions it contains are often depicted as part and parcel of the Avesta and Zand (the traditional translation and commentary on the Avesta)<sup>46</sup> or, more generally, the *dēn* (the sacred religious Tradition).<sup>47</sup> Certain Pahlavi works – the *Pahlavi Videvdad*<sup>48</sup> and the Pahlavi commentaries on the *Hērbedestān* and *Nērangestān*<sup>49</sup> – can properly be designated Zand, in the sense that they accompany, translate, gloss, and interpret an Avestan original. Most Pahlavi works, however – e.g. the *Dēnkard*<sup>50</sup> – are typically presented as reproducing, paraphrasing, or summarizing the content of the Avesta, but do not accompany a surviving Avestan text.

The Zand generally contains a word-for-word translation of the Avesta, interpretive glosses, and extensive discussions containing both anonymous and attributed statements. The extended commentaries of the Zand, as well as other paraphrases and summaries of the sacred Tradition found in the Pahlavi works, are commonly introduced by

formulas, such as *pad abestāg paydāg* (“it is manifest in the Avesta”), thus attributing scriptural authority to the content under discussion.<sup>51</sup>

Despite the overall conservatism reflected in Pahlavi translations of the Avesta,<sup>52</sup> scholars have provided ample evidence to the effect that deliberate theological and ideological changes were made, at times, by the Pahlavi translators, glossators, and interpreters.<sup>53</sup> This observation is all the more apt when it comes to the extended Pahlavi commentaries on the Avesta and the paraphrasing and summarizing of its content, which are farther removed from the concerns of the Avesta and thus reflect an even greater measure of discontinuity and novelty.<sup>54</sup> Examples of significant doctrinal and ideological changes introduced by the Pahlavi commentators will be discussed in [Chapters 2](#) and [5](#). All said, the Pahlavi literature reflects a *combination* of early traditions that go back as far as the Avesta and innovative notions that are the product of Sasanian and post-Sasanian reflections.

While several Pahlavi works appear already to have been redacted (orally) in the late Sasanian period, most of the extant works were redacted only in the ninth and tenth centuries, at a time when the entire corpus was being written down for the first time. However, simply dating a Pahlavi tradition according to the time of its final “redaction” would be a gross misunderstanding of the very nature of oral transmission. Although the majority of Pahlavi works were redacted after the advent of Islam, they contain nevertheless oral traditions produced in earlier periods, and even statements explicitly attributed to named authorities from the Sasanian period.<sup>55</sup>

Of course, any attempt to systematically identify the earlier and later strands contained in Pahlavi works is a project fraught with difficulty. Unlike the relatively well-developed field of source-criticism in the study of the BT (see above), very few attempts have been made at applying similar methodologies to the study of Pahlavi literature, and the research in this field is still in its infancy.<sup>56</sup> In the present context, it can be safely assumed that the vast majority of the Pahlavi texts examined in this book are the product of pre-Islamic Iranian culture. Thus, we will see in [Chapter 5](#) that several of the Pahlavi traditions on *xwēdōdah* appear in works that had been redacted by the late Sasanian period, while others are attributed to fifth-century authorities, and still others can be dated to the Sasanian period based on connections with non-Zoroastrian accounts that pre-date the Islamic conquest.

In sum, despite the post-Sasanian date of redaction of most Pahlavi works, the vast majority of Pahlavi traditions treated in this book can be

assumed (and often proven) to reflect the doctrinal and legal priestly discourse that predominated in the Sasanian period. Thus, although several centuries separate the redaction of the BT from that of the later Pahlavi works, there is no inherent chronological difficulty in juxtaposing the talmudic and Pahlavi traditions contained in these corpora, which can be seen as largely reflective of the Sasanian period.

## NOTES

1. This story will be analyzed in [Chapter 9](#). See also Yishai Kiel, “Confessing Incest to a Rabbi: A Talmudic Story in Its Zoroastrian Context,” *Harvard Theological Review* 107, 4 (2014): 401–424.
2. For the corporeal–cultural paradigm in talmudic studies see below.
3. For the Greek Christian and Jewish Hellenistic context see e.g. Daniel Boyarin, *Carnal Israel: Reading Sex in Talmudic Culture* (Berkeley: University of California Press, 1993), 5–6, 31–35; David Biale, *Eros and the Jews: From Biblical Israel to Contemporary America* (Berkeley: University of California Press, 1997), 33–59; Eliezer Diamond, *Holy Men and Hunger Artists: Fasting and Asceticism in Rabbinic Culture* (Oxford: Oxford University Press, 2004), 35–54; Adiel Schremer, *Male and Female He Created Them: Jewish Marriage in the Late Second Temple, Mishnah and Talmud Periods* (Jerusalem: Zalman Shazar Center, 2004), 51–65. For the Syriac Christian context see e.g. Shlomo Naeh, “Freedom and Celibacy: A Talmudic Variation on Tales of Temptation and Fall in Genesis and its Syrian Background,” in *The Book of Genesis in Jewish and Oriental Christian Interpretation*, ed. J. Frishman and L. van Rompay (Louvain: Peeters, 1997), 73–89; Naomi Koltun-Fromm, *Hermeneutics of Holiness: Ancient Jewish and Christian Notions of Sexuality and Religious Community* (Oxford: Oxford University Press, 2010), 129–238; Ishay Rosen-Zvi, *Demonic Desires: Yetzer Hara and the Problem of Evil in Late Antiquity* (Philadelphia: University of Pennsylvania Press, 2011), 112–119. For the Greco-Roman context see e.g. David Daube, *The Duty of Procreation* (Edinburgh: Edinburgh University Press, 1977), 34–37; Michael Satlow, *Tasting the Dish: Rabbinic Rhetorics of Sexuality*, *Brown Judaic Studies* 303 (Atlanta, GA: Scholars Press, 1995), 51–52, 55–56, 60–62, 78–79 (and throughout); Schremer, *Male and Female*, 33–35, 302–304, 336–338.
4. For the porousness of the cultural boundaries between the Roman East and Sasanian Mesopotamia see e.g. Daniel Boyarin, “Hellenism in Rabbinic Babylonia,” in *The Cambridge Companion to Rabbinic Literature*, ed. C. E. Fonrobert and M. S. Jaffee (Cambridge: Cambridge University Press, 2007), 336–363; Daniel Boyarin, *Socrates and the Fat Rabbis* (Chicago: University of Chicago Press, 2009), 133–140. Cf. Adam Becker, “Positing a ‘Cultural Relationship’ between Plato and the Babylonian Talmud,” *Jewish Quarterly Review* 101, 2 (2011): 255–269. See also Richard Kalmin, *Jewish Babylonia between Persia and Roman Palestine* (New York and Oxford:

- Oxford University Press, 2006), 3–17; Richard Kalmin, *Migrating Tales: Talmudic Narratives and their Cultural Context* (Berkeley: University of California Press, 2014), 1–23; Kevin van Bladel, *The Arabic Hermes: From Pagan Sage to Prophet of Science* (Oxford: Oxford University Press, 2009), 23–63; Yishai Kiel, “Abraham and Nimrod in the Shadow of Zarathustra,” *Journal of Religion* 95, 1 (2015): 35–50.
5. On the reception and transmission of Palestinian rabbinic traditions in Babylonia see below.
  6. E.g. Satlow, *Tasting the Dish*, 315–316.
  7. On the Zoroastrian context of rabbinic ethics of marital sex see Yaakov Elman, “He in his Cloak and she in her Cloak’: Conflicting Images of Sexuality in Sasanian Mesopotamia,” in *Discussing Cultural Influences: Text, Context, and Non-Text in Rabbinic Judaism*, ed. R. Ulmer (Lanham, MD: University Press of America, 2007), 129–163; Yaakov Elman, “Middle Persian Culture and Babylonian Sages: Accommodation and Resistance in the Shaping of Rabbinic Legal Tradition,” in *The Cambridge Companion to Rabbinic Literature*, ed. C. E. Fonrobert and M. S. Jaffee (Cambridge: Cambridge University Press, 2007), 165–197 (170–173). For an attempt to situate Babylonian rabbinic attitudes toward masturbation or “wasted seed” in a Zoroastrian context see Michael Satlow, “‘Wasted Seed’: The History of a Rabbinic Idea,” *Hebrew Union College Annual* 65 (1994): 137–169 (161–162); David Brodsky, *A Bride Without a Blessing: A Study in the Redaction and Content of Massekhet Kallah and its Gemara*, Texts and Studies in Ancient Judaism 118 (Tübingen: Mohr Siebeck, 2006), 363–367. On the Zoroastrian context of Babylonian rabbinic attitudes to incest see Schremer, *Male and Female*, 168–176; Kiel, “Confessing Incest to a Rabbi,” 401–424.
  8. The comparative assumptions will be discussed below.
  9. For a brief survey of early scholarship see Shai Secunda, *The Iranian Talmud: Reading the Bavli in its Sasanian Context* (Philadelphia: University of Pennsylvania Press, 2013), 10–14.
  10. See e.g. Michael Satlow, “Beyond Influence: Toward a New Historiographic Paradigm,” in *Jewish Literatures and Cultures: Context and Intertext*, ed. A. Norich and Y. Z. Eliav, Brown Judaic Studies 349 (Providence, RI: Brown University Press, 2008), 37–54; Hayim Lapin, *Rabbis as Romans: The Rabbinic Movement in Palestine, 100–400 CE* (Oxford: Oxford University Press, 2012).
  11. The religious culture of the Sasanian world reflects remarkable heterogeneity and diversity. For noteworthy surveys and syntheses see e.g. Shaul Shaked, *Dualism in Transformation: Varieties of Religion in Sasanian Iran* (London: School of Oriental and African Studies, 1994); Michael G. Morony, *Iraq after the Muslim Conquest* (Piscataway, NJ: Gorgias Press, 2005), 280–384; Parvaneh Pourshariati, *Decline and Fall of the Sasanian Empire: The Sasanian–Parthian Confederacy and the Arab Conquest of Iran* (London and New York: I. B. Tauris, 2008), 321–395; Patricia Crone, *The Nativist Prophets of Early Islamic Iran: Rural Revolt and Local Zoroastrianism* (Cambridge: Cambridge University Press, 2012), 279–388; Secunda, *The Iranian Talmud*, 16–28.



12. For a comprehensive list of studies pertaining to the continuity of rabbinic law and ancient Near Eastern collections see Shamma Friedman, "The 'Plotting Witness' and Beyond: A Continuum in Ancient Near Eastern, Biblical, and Talmudic Law," in *Birkat Shalom: Studies in the Bible, Ancient Near Eastern Literature, and Postbiblical Judaism Presented to Shalom M. Paul on the Occasion of his Seventieth Birthday*, ed. C. Cohen, V. A. Hurowitz, A. Hurvitz, Y. Muffs, B. J. Schwartz, and J. H. Tigay (Winona Lake, IN: Eisenbrauns, 2008), 801–829 (827, n. 81) and, especially, Mark J. Geller, "An Akkadian Vademecum in the Babylonian Talmud," in *From Athens to Jerusalem: Medicine in Hellenized Jewish Lore and in Early Christian Literature*, ed. S. Kottek, M. Horstmanshoff, G. Baader, and G. Ferngren (Rotterdam: Erasmus, 2000), 12–32. See also Samuel Greengus, *Laws in the Bible and in Early Rabbinic Collections: The Legal Legacy of the Ancient Near East* (Eugene, OR: Cascade, 2011); Shamma Friedman, "Sorting out the Wages of Adultery: Execution, Ordeal or Divorce," in *Shoshanat Yaakov: Jewish and Iranian Studies in Honor of Yaakov Elman*, ed. S. Secunda and S. Fine (Leiden: Brill, 2012), 77–110 (78–80).
13. For Greco-Roman culture in the BT see Kalmin, *Jewish Babylonia*, 3–17; Boyarin, "Hellenism in Rabbinic Babylonia"; Boyarin, *Socrates and the Fat Rabbi*, 133–140. And cf. Becker, "Positing a 'Cultural Relationship'".
14. For an up-to-date survey of scholarship on Syriac Christianity and the BT see Michal Bar-Asher Siegal, *Early Christian Monastic Literature and the Babylonian Talmud* (Cambridge: Cambridge University Press, 2013), 1–34.
15. For some recent contributions to the field see e.g. the following collections: Carol Bakhos and Rahim Shayegan (eds.), *The Talmud in its Iranian Context* (Tübingen: Mohr Siebeck, 2010); Shai Secunda and Steven Fine (eds.), *Shoshanat Yaakov: Jewish and Iranian Studies in Honor of Yaakov Elman* (Leiden: Brill, 2012); Shai Secunda and Uri Gabai (eds.), *Encounters by the Rivers of Babylon* (Tübingen: Mohr Siebeck, 2014). For synoptic examinations of talmudic culture in the light of both Syriac and Zoroastrian literature see e.g. Yishai Kiel, "Penitential Theology in East Late Antiquity: Talmudic, Zoroastrian, and East Christian Reflections," *Journal for the Study of Judaism* 45 (2014): 551–583; Geoffrey Herman, "'Bury my Coffin Deep!': Zoroastrian Exhumation in Jewish and Christian Sources," in *Tiferet leYisrael: Jubilee Volume in Honor of Israel Francus*, ed. J. Roth, M. Schmeltzer, and Y. Francus (New York: Jewish Theological Seminary, 2010), 31–59.
16. See Yishai Kiel, "Study Versus Sustenance: A Rabbinic Dilemma in its Zoroastrian and Manichaean Context," *AJS Review* 38, 2 (2014): 275–302; Yishai Kiel, "Reimagining Enoch in Sasanian Babylonia in Light of Zoroastrian and Manichaean Traditions," *AJS Review* 39, 2 (2015): 407–432; Yishai Kiel, "Creation by Emission: Recreating Adam and Eve in the Babylonian Talmud in Light of Zoroastrian and Manichaean Literature," *Journal of Jewish Studies* 66, 2 (2015): 295–316.
17. E.g. the topic of homosexual relationships. The contextual study of rabbinic approaches to homosexuality was conducted mainly via the Western prism of Michel Foucault's *History of Sexuality* (and related literature) as well as



- Greek notions of homosexuality, such as those expressed in Plato's *Symposium*. Given the extensive Iranian treatment of this issue, however, it would seem imperative to include Iranian notions of same-sex relations in a contextual examination of the rabbinic discussions. For talmudic approaches to homosexuality see Satlow, *Tasting the Dish*, 186–223; Daniel Boyarin, *Unheroic Conduct: The Rise of Heterosexuality and the Invention of the Jewish Man* (Berkeley: University of California Press, 1997), 81–150. For Iranian approaches see Götz König, *Geschlechtsmoral und Gleichgeschlechtlichkeit im Zoroastrismus*, Iranica 18 (Wiesbaden: Harrassowitz, 2010), 175–353; Prods Oktor Skjærvø, “Homosexuality, i: in Zoroastrianism,” *Encyclopædia Iranica*, XII: 440–441.
18. The tension between rabbinic views of sexual praxis and sexual desire was previously discussed in Biale, *Eros and the Jews*, 33–59; Naeh, “Freedom and Celibacy,” 86–87; and Rosen-Zvi, *Demonic Desires*, 119.
  19. For previous studies of this issue see Isaiah M. Gafni, “The Institution of Marriage in Rabbinic Times,” in *The Jewish Family: Metaphor and Memory*, ed. D. Kraemer (Oxford: Oxford University Press, 1989), 19–30; Boyarin, *Carnal Israel*, 134–166; Michael Satlow, *Jewish Marriage in Antiquity* (Princeton: Princeton University Press, 2001), 30–38; Diamond, *Holy Men*, 42–54; Schremer, *Male and Female*, 85–101. While these studies pointed out the diverging cultural practices characteristic of the rabbinic centers of Palestine and Babylonia, they do not account for the Sasanian cultural reality that seems to underlie the BT's discussion.
  20. See especially Koltun-Fromm, *Hermeneutics of Holiness*, 3–4.
  21. See e.g. Eli Ahdut, “Jewish–Zoroastrian Polemics in the Babylonian Talmud,” in *Irano-Judaica* IV, ed. S. Shaked and A. Netzer (Jerusalem: Ben Zvi Institute, 1999), 17–40 (34–36); Schremer, *Male and Female*, 173–176.
  22. See, most recently, Secunda, *The Iranian Talmud*; Richard Payne, *A State of Mixture: Christians, Zoroastrians, and Iranian Political Culture in Late Antiquity* (Berkeley: University of California Press, 2015); Uriel Simonsohn, *A Common Justice: The Legal Allegiances of Christians and Jews under Early Islam* (Philadelphia: University of Pennsylvania Press, 2011), 25–62.
  23. See the critique of this stance in Shai Secunda, “Reading the Bavli in Iran,” *Jewish Quarterly Review* 100, 2 (2010): 340–342.
  24. See e.g. Christine Hayes, *Between the Babylonian and Palestinian Talmuds* (Oxford: Oxford University Press, 1997), 3–24.
  25. See e.g. Boyarin, *Carnal Israel*, 10–16; Charlotte E. Fonrobert, “On Carnal Israel and the Consequences: Talmudic Studies since Foucault,” *Jewish Quarterly Review* 95, 3 (2005): 462–469.
  26. See e.g. Mira Balberg, *Purity, Body, and Self in Early Rabbinic Literature* (Berkeley: University of California Press, 2014), 8–10; Koltun-Fromm, *Hermeneutics of Holiness*, 15–17.
  27. Robert Cover, “The Supreme Court, 1982 Term – Forward: Nomos and Narrative,” *Harvard Law Review* 97, 4 (1983): 4–68; Robert Cover, *Narrative, Violence, and the Law: The Essays of Robert Cover*, ed. M. Minow, M. Ryan, and A. Sarat (Ann Arbor: University of Michigan Press, 1992), 95–172.

28. See e.g. Jerome Bruner, "The Narrative Construction of Reality," *Critical Inquiry* 18, 1 (1991): 1–21. See also Hayden White, "The Value of Narrativity in the Representation of Reality," *Critical Inquiry* 7, 1 (1980): 5–27 (esp. 16–17): "The reality which lends itself to narrative representation is the conflict between desire, on the one hand, and the law, on the other. Where there is no rule of law, there can be neither a subject nor the kind of event which lends itself to narrative representation."
29. See Barry S. Wimpfheimer, *Narrating the Law: A Poetics of Talmudic Legal Stories* (Philadelphia: University of Pennsylvania Press, 2011), 9–24; Barry S. Wimpfheimer, "The Dialogical Talmud: Daniel Boyarin and Rabbinics," *Jewish Quarterly Review* 101 (2011): 245–254. See also Jeffrey Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* (Baltimore: Johns Hopkins University Press, 1999), and Jeffrey Rubenstein, *Stories of the Babylonian Talmud* (Baltimore: Johns Hopkins University Press, 2010), who is likewise attuned to the reciprocity of narrative and law. And see also Moshe Simon-Shoshan, *Stories of the Law: Narrative Discourse and the Construction of Authority in the Mishnah* (Oxford: Oxford University Press, 2012).
30. See esp. Mikhail Bakhtin, *The Dialogic Imagination: Four Essays*, ed. M. Holquist, trans. C. Emerson and M. Holquist, University of Texas Press Slavic Series 1 (Austin: University of Texas Press, 1981).
31. The literature on the various manifestations of incest is vast and largely accessible. Some of the classical treatments include the studies of Freud, Jung, Malinowski, Lévi-Strauss, Evans-Pritchard, Turner, Foucault, Fromm, Rank, Fox, and others. The need for a "dynamic synthesis" that transcends the particular biological, psychological, cultural, and sociological perspectives on incest is discussed in Claude Lévi-Strauss, *The Elementary Structures of Kinship*, trans. J. H. Bell, J. R. von Sturmer, and R. Needham (Boston: Beacon Press, 1969), 12–25.
32. See e.g. Gary Anderson, "Celibacy or Consummation in the Garden? Reflections on Early Jewish and Christian Interpretations of the Garden of Eden," *Harvard Theological Review* 82 (1989): 121–148; Gary Anderson, *The Genesis of Perfection: Adam and Eve in Jewish and Christian Imagination* (Louisville, KY: Westminster John Knox Press London, 2001), 43–74; Boyarin, *Carnal Israel*, 77–106; Sergey Minov, "The Question of Sexuality in Paradise as Reflected in Late Antiquity Biblical Exegesis: Between the Sages and the Fathers of the Church," in *A Garden Eastward in Eden: Traditions of Paradise*, ed. R. Eilior (Jerusalem: Magnes Press, 2010), 158–172; Galit Hasan-Rokem, "Erotic Eden: A Rabbinic Nostalgia for Paradise," in *Paradise in Antiquity: Jewish and Christian Views*, ed. M. Bockmuehl and G. Stroumsa (Cambridge: Cambridge University Press, 2010), 156–165.
33. A broad theoretical framework for this type of syncretic discourse is provided in Kiel, "Creation by Emission"; Kiel, "Reimagining Enoch."
34. See e.g. Shaul Shaked, "First Man, First King: Notes on Semitic–Iranian Syncretism and Iranian Mythological Transformations," in *Gilgul: Essays on Transformation, Revolution, and Permanence in the History of Religions*,

- Dedicated to R. J. Zwi Werblowsky*, ed. S. Shaked, D. Shulman, G. Alon, and G. Stroumsa (Leiden: Brill, 1987), 238–256; Kiel, “Abraham and Nimrod,” 46–47.
35. Shaked, “First Man, First King,” 245.
  36. See Prods Oktor Skjærvø, “Iranian Elements in Manicheism: A Comparative Contrastive Approach: Irano-Manichaica I,” in *Au carrefour des religions: Hommages à Philippe Gignoux*, ed. R. Gyselen, *Res Orientales* 7 (Louvain: Peeters, 1995), 263–284; Prods Oktor Skjærvø, “Counter-Manichean Elements in Kerdīr’s Inscriptions: Irano-Manichaica II,” in *Atti del Terzo Congresso Internazionale di Studi ‘Manicheismo e Oriente cristiano antico’, Arcavacata di Rende-Amantea 31 agosto–5 settembre 1993*, *Manichean Studies* 3, ed. L. Cirillo and A. van Tongerloo (Louvain and Naples: Brepols, 1997), 313–342 (336–340); Prods Oktor Skjærvø, “Iranian Epic and the Manichean Book of Giants: Irano-Manichaica III,” *AOASH* 48, 1–2: Zsigismond Telegdi Memorial Volume, ed. E. Jeremias (Budapest: Akad Kiadó, 1995), 187–223 (esp. 192).
  37. To be sure, the ability to distinguish “pure” chronological layers in the BT was challenged by several scholars. Yaakov Sussmann, for one, describes the composition of the BT as an unconscious process, which blurs the lines between tradition and interpretation, early and late, and the *sugya* and the traditions it transmits: Yaakov Sussmann, “Ve-shuv li-yerushalmi neziqin” [Once again concerning Yerushalmi Neziqin], in *Talmudic Studies* 1, ed. Y. Sussmann and D. Rosenthal (Jerusalem: Magnes Press, 1990), 55–134 (108–111). Cf. Adiel Schremer, “Stammaitic Historiography,” in *Creation and Composition: The Contribution of the Bavli Redactors (Stammait) to the Aggada*, ed. J. L. Rubenstein (Tübingen: Mohr Siebeck, 2005), 219–235 (219–223). In a related manner, the classification of stammaitic discussions as distinct from attributed amoraic statements was recently challenged by Robert Brody. In contrast to the regnant approach in talmudic scholarship, which assigns a relatively later date to the stammaitic material, Brody argues that in some cases the stammaitic layer is demonstrably earlier than the amoraic statements, while in many other cases this cannot be determined one way or another. See e.g. Robert Brody, “The Anonymous Talmud and the Words of the Amora’im,” *Iggud: Selected Essays in Jewish Studies*, vol. 1: *The Bible and its World, Rabbinic Literature and Jewish Law, and Jewish Thought*, ed. B. J. Schwartz, A. Shemesh, and A. Melamed (Jerusalem: World Union of Jewish Studies, 2008), 213–232. For a response to Brody’s critique see e.g. Shamma Friedman, *Talmudic Studies: Investigating the Sugya, Variant Readings and Aggada* (New York and Jerusalem: Jewish Theological Seminary, 2010), 57–135. Another challenge emerges from the “documentary hypothesis” of talmudic literature. According to this theory, earlier sources contained in later rabbinic works may have been altered beyond recognition by the redactors of the later documents. Jacob Neusner, the most prominent advocate of this position, attributes consciousness, purpose, and confidence to what he terms the “collective authorship” of the BT. Through a process of selection, reformulation, and systematization, the authors of the BT seem to have created a single unified voice with a coherent

- message, in which tradition is subjugated to the authors' agenda. It goes perhaps without saying, according to this depiction, that source criticism of the BT is out of the question. For a coherent articulation of this position see e.g. Jacob Neusner, *The Bavli's One Voice: Types and Forms of Analytical Discourse and their Fixed Order of Appearance* (Atlanta, GA: Scholars Press, 1991).
38. David Weiss Halivni, *Midrash, Mishnah and Gemara: The Jewish Predilection for Justified Law* (Cambridge, MA: Harvard University Press, 1986) 76–92; David Weiss Halivni, "Aspects of the Formation of the Talmud," in *Creation and Composition*, ed. J. Rubenstein (Tübingen: Mohr Siebeck, 2005), 339–360; David Weiss Halivni, *Sources and Traditions: A Source Critical Commentary on the Talmud: Tractate Bava Bathra* (Jerusalem: Magnes Press, 2007), 1–148.
  39. See e.g. Shamma Friedman, "A Critical Study of Yevamot x with a Methodological Introduction," in *Texts and Studies, Analecta Judaica*, vol. 1, ed. H. Z. Dimitrovsky (New York: Jewish Theological Seminary, 1977), 275–441 (283–301).
  40. Shamma Friedman, "Uncovering Literary Dependencies in the Talmudic Corpus," in *The Synoptic Problem in Rabbinic Literature*, ed. S. Cohen, Brown Judaic Studies 326 (Providence, RI: Brown University Press, 2000), 35–57; Shamma Friedman, "The Baraitot in the Babylonian Talmud and their Parallels in the Tosefta," in *Atarah Le-Haim: Studies in the Talmud and Medieval Rabbinic Literature in Honor of Professor Haim Zalman Dimitrovsky*, ed. D. Boyarin et al. (Jerusalem: Magnes Press, 2000), 163–201; Shamma Friedman, "Towards a Characterization of Babylonian Baraitot: 'Ben Tema' and 'Ben Dortai'," in *Neti'ot Le-David: Jubilee Volume for David Weiss Halivni*, ed. Y. Elman, E. B. Halivni, and Z. A. Stienfeld (Jerusalem: Orhot, 2004), 195–274. According to Friedman the Babylonian "reformulation" of Palestinian material can essentially be pinpointed textually and the literary kernel revealed through a process of comparisons with Palestinian rabbinic works. See also Richard Kalmin, "The Formation and Character of the Babylonian Talmud," in *The Cambridge History of Judaism*, vol. IV: *The Late Roman–Rabbinic Period*, ed. S. T. Katz (Cambridge: Cambridge University Press, 2006), 840–876 (840–847).
  41. Moulié Vidas, *Tradition and the Formation of the Talmud* (Princeton: Princeton University Press, 2014).
  42. For a discussion of the earlier positions of Jacob N. Epstein and Hanoch Albeck, see Eliezer S. Rosenthal, "Hamoreh," *PAAJR* 31 (1963): 1–71.
  43. This process includes stylistic refinement, homogenization of terminology, hybridization of disparate material, emending data to fit the sequence of adjacent parts in the talmudic discussion, and so forth. In some cases, moreover, the BT's version of a *baraita* is the result of deliberate ideological and legal changes. See Friedman, "Uncovering Literary Dependencies"; Friedman, "The Baraitot in the Babylonian Talmud"; Friedman, "Towards a Characterization of Babylonian Baraitot".
  44. For the different positions see e.g. Friedman, *Talmudic Studies*, 40–44; Sussmann, "Yerushalmi nezikin"; Martin S. Jaffee, "The Babylonian

- Appropriation of the Talmud Yerushalmi: Redactional Studies in the Horayot Tractates,” in *The Literature of Early Rabbinic Judaism*, ed. A. Avery-Peck (Lanham, MD: University Press of America, 1989), 3–27; Alyssa M. Gray, “A Talmud in Exile: The Influence of Yerushalmi Avodah Zarah on the Formation of Bavli Avodah Zarah” (Ph.D. thesis, Brown University, 2005), 1–43.
45. For the most recent survey of Pahlavi literature see Maria Macuch, “Pahlavi Literature,” in *A History of Persian Literature*, vol. 1: *The Literature of Pre-Islamic Iran*, ed. R. E. Emmerick and M. Macuch (London: I. B. Tauris, 2008), 116–196.
  46. The term Zand is probably related to Avestan \**āzainti-*, perhaps meaning “interpretation.” Avestan *āzainti-* survives in Manichaean Middle Persian *āzend*, which probably denotes a parable, while *zand* might be from a similar, non-extant, form without the initial *ā-*. Both are presumably derived from the verbal root *zan-* “know, recognize,” cognate with Gk. and Lat. *gnō-*, Engl. *knou*, and Germ. *kennen*. For references to further literature on this point, see Yuhan S. D. Vevaina, “Studies in Zoroastrian Exegesis and Hermeneutics with a Critical Edition of the Sūdgar Nask of Dēnkard Book 9” (Ph.D. thesis, Harvard University, 2007), xxiii.
  47. For the semantic range of Pahlavi *dēn* see e.g. Mansour Shaki, “Dēn,” *Encyclopædia Iranica*, VII: 279–281; Yuhan S. D. Vevaina, “Enumerating the Dēn: Textual Taxonomies, Cosmological Deixis, and Numerological Speculations in Zoroastrianism,” *History of Religions* 50, 2 (2010): 111–143; Prods Oktor Skjærvø, “The Zoroastrian Oral Tradition as Reflected in the Texts,” in *The Transmission of the Avesta*, ed. A. Cantera, Iranica 20 (Wiesbaden: Harrassowitz, 2012), 3–48.
  48. On the *Videvdad* see Prods Oktor Skjærvø, “The Videvdad: Its Ritual–Mythical Significance,” in *The Idea of Iran*, vol. II: *The Age of the Parthians*, ed. V. Sarkhosh Curtis and S. Stewart (London: I. B. Tauris, 2007), 105–141. For a recent critical edition and translation of the *Pahlavi Videvdad*, see Mahnaz Moazami (ed.), *Wrestling with the Demons of the Pahlavi Widēwdād: Transcription, Translation, and Commentary* (Leiden: Brill, 2014).
  49. For a critical edition and translation see Firoze M. Kotwal and Philip G. Kreyenbroek (eds.), *The Hērbedestān and Nērangestān*, 4 vols. (Paris: Association pour l’avancement des études iraniennes, 1992–2009).
  50. On the *Dēnkard* see, in general, Philippe Gignoux, “Dēnkard,” *Encyclopædia Iranica*, VII: 284–289.
  51. The Pahlavi texts reflect an ambivalence with regard to the status of the Zand, broadly defined, vis-à-vis the Avesta, not unlike the attitude found in talmudic sources concerning the status of the words of the sages in relation to scripture and divine revelation. See e.g. Shaul Shaked, “Esoteric trends in Zoroastrianism,” *Proceedings of the Israel Academy of Sciences and Humanities* 3 (1969): 175–222 (188–189); Yaakov Elman, “Scripture Versus Contemporary Needs: A Sasanian/Zoroastrian Example,” *Cardozo Law Review* 28, 1 (2006): 153–169 (154–156); Yishai Kiel, “The Authority of the Sages in the Babylonian Talmud: A Zoroastrian Perspective,” *Shnaton ha-mishpat ha-ivri* 27 (2012–2013): 131–174 (157–168).

52. Certain scholars have previously stressed the existence of grammatical misunderstandings and false etymologies in the Pahlavi translations of the Avesta. See e.g. Halmut Humbach, "The *Gathas* and their Pahlavi Translation," in K. R. Cama Oriental Institute, *2nd International Congress Proceedings (5th to 8th January, 1995)*, ed. H. J. M. Desai and H. N. Modi (Bombay: K. R. Cama Oriental Institute, 1996), 259–265 (esp. 260). It appears, however, that except for occasional slavish renditions of Avestan words, the Pahlavi translations are mostly philologically acceptable and reflect the content of the ancient Avestan texts. See the discussion in Shaul Shaked, "The Traditional Commentary on the Avesta (Zand): Translation, Interpretation, Distortion?" in *La Persia e l'Asia Centrale da Alessandro al x Secolo* (Rome: Accademia Nazionale dei Lincei, 1996), 641–656.
53. Shaked, "The Traditional Commentary on the Avesta," 646–650.
54. Shaul Shaked, Judith Josephson, and Yuhana Vevaina provide several examples of the Zand's departure from Avestan interests and concerns. See Shaked, "The Traditional Commentary on the Avesta," 641–656; Judith Josephson, *The Pahlavi Translation Technique as Illustrated by Hōm Yašt* (Uppsala: Uppsala Universitetsbibliotek, 1997); Judith Josephson, "Remarks on the Pahlavi Version of the *Gathas*," *Studia Iranica* 23 (2003): 7–34; Vevaina, "Studies in Zoroastrian Exegesis." Thus, for example, the prominent Pahlavi concept of *tan ī pasēn* (the "final body") is not yet found in the Avesta, but appears dozens of times in the Pahlavi version (Josephson, *The Pahlavi Translation Technique*). Similarly, the attribution of the relatively late title *mowbedān mowbed* to Zarathustra is an anachronism, which is only introduced by a Pahlavi gloss (Shaked, "The Traditional Commentary on the Avesta," 649).
55. For a discussion of the dating of the named authorities mentioned in Pahlavi works see Alberto Cantera, *Studien zur Pahlavi-Übersetzung des Avesta* (Wiesbaden: Harrassowitz, 2004), 164–239; Philip Gignoux, "La controverse dans le mazdéisme tardif," in *La controverse religieuse et ses formes*, ed. A. Le Bolluc (Paris: Centre d'études des religions du livre, 1995), 127–149; Shai Secunda, "On the Age of the Zoroastrian Sages of the Zand," *Iranica Antiqua* 47 (2012): 317–349.
56. Notably, a recent attempt at literary "stratification" of the Zand was done by Cantera, *Pahlavi-Übersetzung*, 164–239, and see the review by Prods Oktor Skjærvø in *Kratylos* 53 (2008): 1–20. In a number of publications, Yaakov Elman has demonstrated the fruitfulness of applying source-critical methodologies to the study of Pahlavi literature: see e.g. Yaakov Elman, "The Other in the Mirror: Iranians and Jews View One Another: Questions of Identity, Conversion, and Exogamy in the Fifth-Century Iranian Empire, Part 1," *Bulletin of the Asia Institute* 19 (2009): 15–26; Yaakov Elman, "The Other in the Mirror: Iranians and Jews View One Another: Questions of Identity, Conversion, and Exogamy in the Fifth-Century Iranian Empire, Part 2," *Bulletin of the Asia Institute* 20 (2010): 25–46; Yaakov Elman, "Toward an Intellectual History of Sasanian Law: An Intergenerational Dispute in *Hērbedestān* 9 and its Rabbinic Parallels," in Bakhos and

Shayegan (eds.), *The Talmud in its Iranian Context*, 21–57. Initial remarks on the use of “talmudic” techniques in the critical study of Pahlavi literature are found in Shai Secunda, “The Sasanian Stam: Orality and the Composition of Babylonian Rabbinic and Zoroastrian Legal Literature,” in Bakhos and Shayegan (eds.), *The Talmud in its Iranian Context*, 140–160.





## PART I



## Talmudic, Christian, and Zoroastrian Notions of Sexual Desire

### INTRODUCTION

The present chapter, which centers on rabbinic, Christian, and Zoroastrian constructions of sexual desire, constitutes an attempt to broaden the comparative framework in which rabbinic sexuality is typically studied, by negotiating the Zoroastrian context of the Babylonian rabbinic discussions *alongside* the Christian context. By bringing together these cultural worlds and their divergent views on sexuality and sexual desire and by mapping these broader dispositions onto the talmudic discussions, I seek to contribute to a more nuanced and panoramic view of the talmudic discourse on sexuality and to situate the rabbinic assumptions more broadly at the crossroads of late antique culture.

I argue that Babylonian rabbinic culture – as manifested in distinguishable textual strata contained in the BT<sup>1</sup> – is characterized by a distinctively dialectical perception of sexuality, according to which the sexual act, which consists of the indivisible elements of reproduction and sexual gratification, is differentiated from notions of sexual desire.<sup>2</sup> While legitimate sex is perceived in rabbinic culture (both in Palestine and in Babylonia), not merely as a means to facilitating procreation,<sup>3</sup> but also as a religious value in its own right and the embodiment of a divine union,<sup>4</sup> the Babylonian rabbis accentuated the significance of male and female sexual gratification in the context of marital relationships, and yet expressed at the same time a pessimistic view of sexual desire (at times, even in the context of legitimate marital partnerships). Although this distinction remains somewhat messy, as the categories of desire and gratification tend to overlap, I submit that there is, at the very least,

a conceptual distinction that facilitated the emergence of a positive attitude to sexual praxis, alongside a pessimistic view of sexual desire.

The talmudic concentration on sexual desire was explained by Ishay Rosen-Zvi as emblematic of a broader process of “interiorization of sexuality” and “the transformation of sexuality from an interpersonal encounter to an inner-personal experience,” which is characteristic of broader cultural trends in late antiquity.<sup>5</sup> Without denying the applicability of this process to the talmudic discourse, in the present context I shall stress that alongside, and in contradistinction to, the growing emphasis on sexual desire, the Babylonian rabbis attached ongoing significance to the sexual act, a fact which resulted in a complex and bifurcated differentiation between their respective attitudes to sexual praxis and desire.

The tension between sexual praxis and desire did *not*, for the most part, lend itself in Babylonian rabbinic culture to soft forms of asceticism which advocate procreative sex without carnal satisfaction, a disposition attributed to the Palestinian tanna R. Eli‘ezer, who is said according to *b. Ned. 20a* to have “unveiled a hand’s breadth and veil it again” and to appear as if he was “coerced by a demon.”<sup>6</sup> On the contrary, as we shall see the BT utterly rejects such tendencies, emphasizing that procreation and sexual gratification are joined at the hip and cannot (and should not) be artificially separated. But the sexual urge itself – in contradistinction to sexual gratification – was another matter altogether. Sexual desire was frequently linked in the BT to the demonic sphere and reified as a particular embodiment of the psycho-demonic<sup>7</sup> *yeṣer*,<sup>8</sup> an evil entity, from which, the rabbis hoped, humanity will ultimately rid itself in the end of days.<sup>9</sup>

Ishay Rosen-Zvi has convincingly demonstrated that the evil *yeṣer*, which in tannaitic and amoraic sources is typically viewed as an embodied inclination of the desire to sin,<sup>10</sup> was heavily sexualized in the editorial stratum of the BT and essentially equated with sexual desire (although *not* with sexual gratification).<sup>11</sup> The sexual *yeṣer* which is the focus of the present investigation differs, therefore, from the two quintessential models of the rabbinic *yeṣer* outlined in scholarship:

1. The “dialectical” model, which assumes that the *yeṣer* is neither evil nor good in itself. In this scheme the *yeṣer* represents a neutral urge that can be channeled in different directions.<sup>12</sup>
2. The “dispositional” model, which assumes that the *yeṣer* is inherently evil, but defines its nature in terms of the desire to sin.<sup>13</sup>

In contradistinction to the “dialectical” model, the sexual *yeşer* portrayed in the BT is, for the most part, categorically evil and inherently demonic and, as such, cannot be channeled in a legitimate direction. In contrast to the “dispositional” model, however, the sexual *yeşer* represents not the desire to sin (nor even the desire for sexual sin in particular), but rather sexual desire per se.

The emphasis placed on the problematic nature of sexual desire is also expressed in the talmudic conceptualization of “sexual thought” (*hirhur* ‘*avera*). While the term *hirhur* appears already in tannaitic literature in sexual contexts,<sup>14</sup> the tannaitic discussion is concerned mainly with the ritual implications of sexual thoughts as indicative of a ritually contaminating seminal emission. Babylonian rabbinic sources, by contrast, exhibit interest also in the sinfulness of the sexual thought, in and of itself.<sup>15</sup> As we shall see, this tendency is brought to the fore in the talmudic discussion of masturbation and “wasted semen,” which stresses the problematic nature of the sexual thought, above and beyond the act of seminal emission and the circumvention of procreation.<sup>16</sup>

In this framework, the object of the sexual urge ceases to matter, as even the desire for one’s wife is viewed through the lens of demonic possession by the evil *yeşer*.<sup>17</sup> In light of the Babylonian rabbinic aversion to sexual desire, the BT encourages not the *channeling* of sexual desire through permissible forms of sexual praxis, but rather its *extinction* by means of permissible sex. We will see that this difference is not merely semantic, but in fact central to understanding the specific mechanism of sexual desire characteristic of Babylonian rabbinic culture. Again, the demonic nature of the sexual urge was emphatically differentiated from notions of sexual gratification and pleasure, which were perceived as part and parcel of the sexual act.

Another option for dealing with the sexual urge which is rejected in the BT is that of its temporary or permanent *controlling*. Since the sexual *yeşer* was believed to be powerful and omnipresent,<sup>18</sup> it cannot be disciplined merely by means of self-control, but must be extinguished by means of marital relationships.<sup>19</sup> This perception naturally lends itself to the endorsement of early marriages<sup>20</sup> as well as temporary forms of marriage.<sup>21</sup> That this issue divided the two rabbinic centers of Palestine and Babylonia, at least conceptually if not in practice, can be gleaned from *b. Qidd.* 29b, which explicitly maps the rabbinic debate concerning early versus late marriages onto the Palestinian/Babylonian divide.<sup>22</sup> As we shall see in [Chapter 2](#), it has been argued, moreover, that the diverging marital practices attributed here to the Palestinian and Babylonian

rabbinic cultures are rooted in their contrasting views concerning one's ability to control the sexual urge: Palestinian rabbis welcomed the opportunity to postpone marriage until they were older, since they held that the sexual urge can essentially be controlled (at least temporarily), while the Babylonian rabbis held that the only way to deal with sexual desire is to do away with it by means of early marriage.<sup>23</sup>

In the present context, I will situate certain aspects of this complex talmudic construction of sexual desire in the broader context of Christian and Zoroastrian views.<sup>24</sup> In terms of the Christian context, I will focus on the particular significance of the Pauline view of marital sex as a form of therapy for those "afire with passion" (1 Cor. 7:9) and its reception in patristic literature. I submit that the BT shares with 1 Cor. 7:9 – in contrast to a widely attested rabbinic, patristic, and Greco-Roman justification of marriage in terms of its procreative function – the distinctive view that marital sex is intended, first and foremost, to *extinguish* sexual desire. Whether Paul advocated passionless marital sex devoid of carnal gratification (Dale Martin) or merely sex without excessive passion (Will Deming), his position seems to inform the Babylonian rabbinic rhetoric.<sup>25</sup> I submit that a focus on sexual desire rather than sexual praxis disturbs and complicates the supposed rabbinic–patristic divide on the issue of marriage versus celibacy,<sup>26</sup> as even authors who are situated on opposite ends of the marriage–celibacy spectrum apparently reached, at times, similar conclusions regarding the problematic nature of sexual desire and its proper treatment.

In terms of the Zoroastrian context, I shall endeavor to situate the dialectical mechanism entailing a categorically positive view of the sexual act alongside a pessimistic and demonic portrayal of sexual desire in the context of a similar bifurcation exhibited in Pahlavi literature. We will see that, alongside an overwhelmingly positive view of the sexual act (both in terms of fertility and pleasure) manifest in the Zoroastrian tradition; sexual desire was viewed in certain strands of the Pahlavi tradition as a manifestation of the demonic, from which humanity must ultimately rid itself in the end of days. While the sexual urge is also portrayed in a positive manner and linked to the sexual act, the pervasive demonic context in which sexual desire is presented marks, at the very least, an equivocal, if not altogether negative, rhetoric.

We will see that in the *andarz* (wisdom) literature the focus is on the excessiveness of desire (both in sexual and non-sexual contexts), which stands in contrast to the Zoroastrian ethical principle of moderation. The wisdom texts thus carefully define the proper emotional attitude to

one's wife in terms of love and friendship, while instructing the faithful not to be excessively or immoderately desirous (*a-paymān waranīg*) even in the context of legitimate marital relationships. Beyond the ethical underpinnings of moderation, however, I shall demonstrate that sexual desire is explicitly and unequivocally linked to the demonic sphere, whether by arguing that it is a product of the original demonic attack on the good creation (via the myth of Jeh, the Primal Evil Woman) or by arguing that certain demons are embodiments of sexual desire (as in the case of Āz [Desire] and Waran [Lust]).

The objective of this comparison, to be sure, is not to posit the existence of genealogical connections between Babylonian rabbinic, Christian, and Zoroastrian views of sexuality. When broad cultural categories are at stake – and “desire” is no different at that – it is often difficult to discern particular channels of cultural impact. Before delving into more intimate forms of cultural exchange in the next chapters, I presently seek to stress the existence of shared constructions of sexuality common to Babylonian rabbinic culture and certain strands in Christian and Zoroastrian thought, which significantly differ from what is often thought of as the “mainstream” views of the rabbinic, Christian, and Zoroastrian traditions. The purpose of the ensuing discussion is thus not simply to compare and contrast, but also to disturb and complicate commonly held assumptions about rabbinic, Christian, and Iranian views of sexuality.

#### SEXUAL GRATIFICATION IN BABYLONIAN RABBINIC CULTURE

While ambivalence toward sex characterizes perhaps certain aspects of the rabbinic discourse more broadly, the bifurcation of praxis and desire is pronounced mainly in the context of Babylonian rabbinic culture, as it is primarily in the BT that a positive ethos toward sexual gratification is fostered,<sup>27</sup> above and beyond the requirement of procreation, and it is mainly in this work that sexual passion and temptation are reified as an omnipresent demonic threat, from which humanity will ultimately rid itself at the end of days.

That sexual gratification and the fulfilment of carnal satisfaction were perceived as an essential component of marital sex in Babylonian rabbinic culture (beyond the facilitation of procreation) is most vividly expressed in the conscious talmudic rejection of “soft” ascetic tendencies within the context of marital sex aimed at reducing pleasure in the course of the sexual act. Thus, for example, Rav Yosef, a third-century Babylonian rabbi, rejects a purportedly Persian custom to have sex while clothed,

based on the assumption that a husband is obligated to satisfy his wife sexually via “closeness of flesh.”

תני רב יוסף שארה זה קירוב בשר שלא ינהג בה מנהג פרסיי' שמשמשין מיטותיהן בלבושיהן מסייע ליה לרב הונא דא' כל האומ' אי איפשי אלא אני בבגדי והיא בבגדה יוציא ויתן כתובה.

Rav Yosef taught: [“If he takes another wife to himself, he shall not diminish] her food [clothing, or marital rights”] (Exod. 21:10) – this means closeness of flesh; that he should not treat her in the manner of the Persians who have sexual intercourse while clothed. This supports the position of Rav Huna, who said: if one says, “I do not desire it unless I am [clothed] in my cloth and she is in hers” – he must divorce her and pay her *ketubah*.<sup>28</sup>

Rav Yosef's insistence on bodily intimacy and nudity during sex should be read, not only against the backdrop of the alleged Persian custom to have sex while clothed,<sup>29</sup> but also in the light of competing rabbinic practices, such as the sexual customs attributed to the Palestinian tanna R. Eli'ezer (*b. Ned.* 20a),<sup>30</sup> who was said to “unveil a hand's breadth and veil it again” (מגלה טפה ומכסה טפחיים) and to appear as if he was “coerced by a demon” (ודומה עליו כמי שכפאו שד).<sup>31</sup> Whether the custom attributed to R. Eli'ezer was motivated by ascetic concerns linked to the attempt to reduce carnal pleasure during sex or by a eugenic agenda,<sup>32</sup> his view of marital sex solely in the framework of procreation is clearly contested by Rav Yosef and the redactors of the BT.<sup>33</sup>

Another illustration of the positive Babylonian rabbinic attitude to sexual gratification centers on male pleasure. In contrast to the eugenic restrictions placed on marital sex by R. Yoḥanan b. Dahabai in the name of the ministering angels, which limit marital sex in effect to the missionary position, the BT contends in the name of the third century Palestinian amora, R. Yoḥanan:

א"ר יוחנן זו דברי ר' יוחנן בן דהבאי אבל חכמ' אומ' אין הלכה כר' יוחנן בן דהבאי אלא כל מה שאדם רוצה לעשות באשתו עושה משל לבשר הבא מבית הטבח רצה לאוכלו במלח אוכלו צלי אוכלו מבושל אוכלו וכן דג הבא מבית הצייד . . . ההיא דאתאי לקמי' דר' אמ' ל' ר' ערכתי לו שולחן והפכו אמ' לה ר' התורה היתרתיך לו אנא מה אעביד לך ההיא דאת' לקמיה דר' אמרה לי' ר' ערכתי לו שולחן והפכו אמר ל' מאי שנא מן בינינא.<sup>34</sup>

R. Yoḥanan said: “This is the view of R. Yoḥanan b. Dahabai.” The sages, however, said that the *halakhah* is not in accordance with R. Yoḥanan b. Dahabai. Rather, whatever a man wishes to do with his wife he may do. [This can be explained through] the parable of meat that comes from the butchery. If one wishes, he may eat it salted, roasted, or cooked. And the same goes for fish that comes from the fisherman . . . A certain woman came before Rabbi. She said to him: “Rabbi, I set him a table and he turned it over [a euphemism either for anal intercourse or for a non-missionary position].” Rabbi said to her: “The Torah has



permitted you to him and I, what can I do for you?" A certain woman came before Rabbi. She said to him: "Rabbi, I set him a table and he turned it over." He said to her: "How is this any different from a fish [which can be prepared in any way a man desires]?"

While the gender asymmetry reflected in this passage falls beyond the scope of the present investigation, the examples adduced here should suffice to demonstrate the significance attached in Babylonian rabbinic culture to both male and female sexual gratification as an integral part of the sexual act, above and beyond the realization of procreation and the eugenic agenda connected with it. This view is contrasted by the BT, moreover, with other reported rabbinic practices, which consciously avoid sexual gratification in the context of marital relationships.

#### THE DEMONIC REIFICATION OF SEXUAL DESIRE

Alongside the positive view of the sexual act, the BT displays a heightened sense of anxiety about sexual desire, which is linked – explicitly or implicitly – to the evil *yeṣer* and the demonic sphere. As we have seen, the evil *yeṣer*, which in tannaitic and amoraic sources is typically viewed as a psycho-demonic manifestation of the inclination to sin, was heavily sexualized in the editorial stratum of the BT and, for all intents and purposes, equated with sexual desire (although *not* with sexual gratification). In what follows I shall provide a few examples to illustrate the rhetorical aversion to sexual desire and its inherently demonic perception in Babylonian rabbinic culture.

In the context of the mishnaic laws of *yihud* (lit. "seclusion," the laws governing prohibited interaction of men and women),<sup>35</sup> the BT (*b. Qidd.* 80b–82a) presents a set of legal and narrative traditions centered on the ubiquity of sexual temptation. In this context all women, including relatives and underage girls<sup>36</sup> (and according to certain rabbis even males and animals), are perceived as sources of sexual temptation,<sup>37</sup> while all men (including the greatest of sages) are subject to its overwhelming power. In contrast to the tannaitic treatment of the prohibitions governing the interaction of men and women, Ishay Rosen-Zvi has convincingly demonstrated that the BT shifts the focal point of the discussion from the fear of actual sin (i.e. prohibited sexual intercourse) to the internal struggle (of males) against the *yeṣer*. In this context, the evil *yeṣer*, as a psycho-demonic embodiment of sexual desire, becomes the main protagonist of the talmudic drama.<sup>38</sup> In some of these traditions the presence of the *yeṣer*

is explicit, while in others it is only alluded to, as in the following story about Rav 'Amram the pious.

הנך שבויתא דאתאי לנהרדעא, אסקינהו לבי רב עמרם חסידא, אשקולו דרגא מקמיהו, בהדי דקא חלפה חדא מנייהו נפל נהורא באיפומא, שקליה רב עמרם לדרגא דלא הווי יכלין בי עשרה למדלייא, דלייא לחודיה. סליק ואזיל, כי מטא לפלגא דרגא איפשח, רמא קלא: נורא בי עמרם! אתו רבנן, אמרו ליה: כסיפתנינ! אמר להו: מוטב תיכספו בי עמרם בעלמא הדין, ולא תיכספו מיניה לעלמא דאתי. אשבעיה דינפנ מיניה, נפק מיניה כי עמודא דנורא, אמר ליה: חזי, דאת נורא ואנא בישרא ואנא עדיפנא מינך.

Certain female captives came to Neharde'a. They were taken to the house of Rav 'Amram the pious, and the ladder was removed from under them. As one of them passed by, a light fell<sup>39</sup> through the opening; Rav 'Amram seized the ladder, which even ten men could not lift, lifted it alone, and began to ascend. When he had gone half way up the ladder, he stayed his feet and cried out, "A fire at the house of 'Amram!" The rabbis came and said, "You have shamed us!" He said to them: "Better you be shamed by 'Amram in this world than in the world to come." He then adjured it (=the *yešer*) to go forth from him, and it issued from him in the shape of a fiery column.<sup>40</sup> He said to it: "See, you are fire and I am flesh, yet I am stronger than you."

Interestingly, the captive women, who were initially the source and object of Rav 'Amram's desire, disappear in the course of the story and instead Rav 'Amram struggles with the sexual *yešer*, which is portrayed as both an internal drive and a reified demonic entity possessing his body. The object of Rav 'Amram's temptation is of little interest to the story-tellers compared to his internal struggle with sexual desire. In fact, in the adjacent talmudic story of Ḥeruta (*b. Qidd.* 82b),<sup>41</sup> in which the object of R. Ḥiyya b. 'Ashi's desire turns out to be his own wife (disguised as a whore), the aversion to sexual desire is similarly stressed, as it is the sexual urge itself (and not the desire to sin) that becomes the focal problem in the story.

Another illustration of Babylonian rabbinic anxiety of, and aversion to, sexual desire can be gleaned from a talmudic record of a statement made by Rav accompanied by a brief anonymous clarification, situated in the broader talmudic discussion of masturbation and the "wasting of semen" (*b. Nid.* 13b).

אמר רב המקשה עצמו לדעת יהא בנידוי. ולימא אסור? משום דקא מגרה יצר הרע בנפשיה.

Rav said: "One who willfully causes himself to have an erection should be placed under a ban." Why would he not say "It is prohibited"? Because he incites the *yešer* against himself [thus, a harsher statement is necessary].<sup>42</sup>

This brief anonymous comment on Rav's statement illustrates the anxiety of the redactors about the state of sexual desire (=possession by

the *yeṣer*), above and beyond the concern for actual masturbation. In this context, the anonymous redactors concentrate, not on the sinful act of masturbation, the lack of self-control, or the circumvention of procreation, so much as the problematic nature of sexual desire and its demonic nature.<sup>43</sup> Needless to say, if solitary sexual arousal and sexual thoughts are regarded as a sin, in and of itself, it hardly matters if the object of a man's desire is a woman who happens to be permissible to him sexually.

Perhaps the clearest example of a categorically negative rhetoric of sexual desire comes from a legendary talmudic account (*b. Yoma* 69b; *b. Sanh.* 64a), which reflects the longing of the rabbis for its final obliteration.

אמרי הואיל ועת רצון היא נבעי רחמי איצרא דעבירא בעו רחמי אימסר בידיהו חבשוהו תלתה יומי איבעי  
ביעתא לחולה ולא אשתכח אמרי הכי נעביד רחמי לפלגא פלגא מרקיעא ליכא כחלונהו לעיניה אהנו  
ביה דלא מיגרי איניש בקרובתיה.<sup>44</sup>

They said: since the time is propitious, let us pray regarding the *yeṣer* for sex.<sup>45</sup> So, they prayed and it was delivered into their hands. They imprisoned it for three days; after that they sought an egg for the ill<sup>46</sup> and could not find one. They said: what shall we do? Shall we pray for half [=that its power be partially destroyed]? Heaven will not grant that. So, they blinded its eyes. This was effective insofar that one does not lust after one's relatives.

In this story, the rabbis imagine a reality devoid of sexual desire, by projecting back onto the early Second Temple period a failed attempt by the returnees to rid themselves of the sexual *yeṣer*. The individualized sexual *yeṣer* informs the returnees that, in its absence, the ability to procreate will be undermined and, indeed, following its imprisonment for three days, not even a single egg (representing fertility) can be found. Eventually, the returnees decide to blind its eyes and set it free, so as to achieve, at the very least, the elimination of sexual desire for one's relatives.

Daniel Boyarin has suggested that this story conveys the idea that procreation and sexual desire are inseparable, since the returnees seem to realize that they cannot do away with desire without undermining fertility. According to this interpretation, the story reflects a dialectical model of a neutral sexual urge, which can be channeled in either legitimate or non-legitimate directions.<sup>47</sup> Note, however, that the very motive of the talmudic storytellers to depict an attempt (however failed) to eradicate sexual desire reflects an unrealized fantasy of the rabbis.<sup>48</sup> While the returnees are forced to tolerate the temporary presence of the sexual *yeṣer* among them, their hope for the complete obliteration of the *yeṣer*

in the end of days can hardly be missed here. Although this story is set in the early Second Temple period, its eschatological undertones come to the fore when juxtaposed with another talmudic description of the slaughtering of the *yeṣer* in the end of days (*b. Sukkah* 52a):

"וספדה הארץ משפחות משפחות לבד משפחת בית דוד לבד ונשיהם לבד משפחת בית נתן לבד ונשיהם לבד" . . . "האי ספידא מאי עבדיתה פליגי בה ר' יוסי ורבנן חד אמר' על משיח בן יוסף שנהרג וחד אמר' על יצר הרע שנהרג . . . למאן דאמר' על יצר הרע שנהרג אמאי כי דדריש רב יהודה בר מערבא לעתיד לבוא הקב"ה מביאו ליצר הרע ושוחטו בפני צדיקים ובפני רשעים

"The land shall mourn, each family by itself; the family of the house of David by itself, and their wives by themselves; the family of the house of Nathan by itself, and their wives by themselves" (Zech. 12:12) . . . What is the cause of this mourning? – R. Yose and the Rabbis differed on this point. One said: "[They mourned] over the Messiah son of Joseph who was slain," and the other said: "[They mourned] over the *yeṣer* which was slain." . . . According to him who said that they mourned over the *yeṣer* which was slain, why is this [is this an occasion for mourning? Is it not an occasion for rejoicing?] – [The explanation is] as Rav Yehudah of the West expounded: "In a time to come, the Holy One, blessed be He, will bring the *yeṣer* and slaughter it in the presence of the righteous and the wicked."<sup>49</sup>

#### EXTINGUISHING DESIRE WITH SEX

While many talmudic sources, Palestinian and Babylonian alike, discuss the merits and value of marital sex, it is mainly in rabbinic Babylonia that we find an emphasis on the notion that marital sex is intended to extinguish or sublimate sexual desire<sup>50</sup> and that an unmarried (and celibate) person will be constantly occupied with sexual thoughts. A fascinating illustration of this Babylonian rabbinic rhetoric is found in *b. Qidd.* 29b–30a:<sup>51</sup>

משתבח ליה רב חסדא לרב הונ' ברב המנונא דאדם גדול הוא א"ל כשיבא לידך הבאיא לי כי אתא חזויה דלא פריש סודרא א"ל מאי טעמא לא פריסת סודרא אמר' ליה דלא נסיבנא אהדרינהו לאפיה מיניה א"ל לא חזית להו לאפאי עד דנסבת רב המנונא לטעמי דא' בן עשרים שנה שלא נשא אשה כל ימיו בעביר' בעבירה סלק דעת' אלא אימא כל ימיו בהרהור עבירה אמר' רבא וכן תנא דבי ר' ישמעאל כל ימיו של אדם עד עשרים שנה יושב הק' ומצפה עד מתי ישא אשה כיון שהגיע לעשרים ולא נשא אשה א' תיפה נפשו א' רב חסדא הא דעדיפנא מחבריא דנסיבנא בשית סרי וא' נסיבנא בארברס הוה אמינא לשטן גירא בעיניה.<sup>52</sup>

Rav Ḥisda praised Rav Hamnuna in the presence of Rav Huna as a great man. He said to him: "When he visits you, bring him to me." When he arrived, he saw that he is not wearing a *sudra*.<sup>53</sup> He said to him: "Why are you not wearing a *sudra*?" He answered: "Because I am not married." Thereupon he [Rav Huna] turned his face away from him. He said to him: "See to it that you do not appear before me again before you are married." Rav Hamnuna [should be Huna] [ruled in accordance with] his own

statement on the matter, for he said: “He who is twenty years of age and is not married spends all his days in a state of sin.” “In a state of sin” you say?! Rather say “He spends all of his days in sinful thoughts.” Rava said, and likewise it was taught in the School of R. Ishma‘el: “All the days of a man until the age of twenty, the Holy One, blessed be He, sits and waits for a man, [wondering] when will he take a wife? As soon as one reaches twenty years of age and has not married, He exclaims, ‘Blasted be his soul!’” Rav H̥isda said: “The reason that I am superior to my colleagues is that I married at sixteen. And had I married at fourteen, I would have said to Satan,<sup>54</sup> an arrow<sup>55</sup> is in your eye.”<sup>56</sup>

The talmudic redactors seem to be concerned here not merely with the possibility that an unmarried person will actually come to sin (“in a state of sin you say?”), but rather that he will be constantly occupied with sinful thoughts (*birhure ‘averah*).<sup>57</sup> The only remedy for this state is marriage. A somewhat amusing expression of this Babylonian rabbinic rhetoric, according to which male sexuality cannot be suppressed or controlled and only marriage can effectively treat sexual desire, is found in the following talmudic story:

חומה דביתהו דאביי אתאי לקמיה דרבא . . . בהדי דקא מחוויא ליה בזרועה איגלאי זרועא ונפק נהורא בבי דינא  
קם רבא על לביתה ותבעה לבת רב חסדא אמרה ליה בת רב חסדא מאי הוה האידנא בבי דינא א' לה חומא  
דביתהו דאביי נפקא אבתרה מחתא בקופלא דשידה עד דאפיקתא מכולה מחווא

Homa,<sup>58</sup> the wife of Abaye, came before Rava . . . her arm was uncovered and a light shone upon the court. Rava rose, went home, and demanded [to have sex with] the daughter of Rav H̥isda [=his wife]. The daughter of Rav H̥isda said to him “Who is it that was present at the court today?” He answered her, “Homa the wife of Abaye.” Thereupon she followed her, striking her with the straps of a chest until she chased her out of all of Meḥoza.<sup>59</sup>

#### PAUL ON SEXUAL DESIRE

The overall positive rabbinic view on marriage and sex is often contrasted with Christian, Jewish–Hellenistic, and philosophical (especially Cynic and Epicurean) stances advocating various forms of celibacy. Reflective of this tendency is Boyarin’s assertion that

rabbinic Judaism was substantially differentiated in its representations and discourses of the body and sexuality from Greek-speaking Jewish formations, including much of Christianity . . . rabbinic Judaism invested significance in the body, which in the other formations was invested in the soul . . . the notion that the physical is just a sign or shadow of that which is really real allows for a disavowal of sexuality and procreation . . . the emphasis, on the other hand, on the body as the very site of human significance<sup>60</sup> allows for no such devaluations.<sup>61</sup>

Turning her gaze eastwards, Naomi Koltun-Fromm<sup>62</sup> has reached a similar conclusion, arguing that, while Aphrahat and the rabbis<sup>63</sup> shared a hermeneutical space pertaining to the realization of holiness through sexual restraint,<sup>64</sup> the regnant position among the rabbis was that holiness is attained through a life of marriage and procreation, while Aphrahat held that holiness can be realized mainly (if not exclusively) through a life of celibacy and sexual abstention.<sup>65</sup>

That said, the largely contrasting views on marriage and celibacy found in the rabbinic and early Christian corpora must not be constructed in terms of a binary opposition. In fact, in an attempt to problematize and nuance the differentiating paradigm, scholars have stressed the existence of a broad range of attitudes to sex in rabbinic literature and among early Christian writers, which tend to overlap and intersect in various ways. Indeed, from its very inception, Christianity was marked by an ambiguous view of marriage and sex.<sup>66</sup> The tension between marital and celibate tendencies in early Christianity can be traced back to the ambiguity reflected in the Jesus traditions in the gospels<sup>67</sup> and Paul's statements in his letters,<sup>68</sup> traditions which set the stage for the subsequent disputes that pervaded the early Church.<sup>69</sup> From the rabbinic end, scholars have likewise stressed the existence of soft, partial, and temporary forms of sexual abstention, alongside the pro-sexual rhetoric that characterizes "mainstream" rabbinic discourse.<sup>70</sup> Daniel Boyarin has called attention to the fact that, while the ascetic scale was not the same for the rabbis and early Christians,<sup>71</sup> the views of the relatively more ascetic rabbis (e.g. the abovementioned tendencies of R. Eli'ezer, who went out of his way to reduce his pleasure during sex) were in fact closer to some of their Christian contemporaries (e.g. Clement of Alexandria, John Chrysostom, and Augustine) who tolerated sex mainly for the purpose of procreation.<sup>72</sup> On the other hand, the views of Barṣauma of Nisibis, for example, who himself married and encouraged clergy members to do the same,<sup>73</sup> were actually much closer to mainstream rabbinic positions.

In the present context, I submit that the category of desire is an important site for locating cross-cultural affinity between rabbinic and early Christian views on sexuality, in spite of their ostensibly differing attitudes to marriage and celibacy. Following the lead of David Biale and Ishay Rosen-Zvi,<sup>74</sup> who attempted to disturb the simplistic model of a rabbinic/patristic divide on marriage versus celibacy by shifting the focal point of the discussion from sexual praxis to sexual desire, I submit that Paul and the Babylonian rabbis, although located on opposite ends of the marriage/celibacy debate, held a similar view of the nature

of sexual desire and the specific mechanism of its taming through marriage, which stood in contrast to the convictions of other rabbinic and Christian authors.

While procreation was believed by many patristic authors to be the main, if not the only, justification for marriage,<sup>75</sup> not unlike contemporary Greco-Roman and rabbinic views,<sup>76</sup> Paul makes no mention of procreation as a possible justification for marriage, arguing instead that the main reason for a Christian to marry is the extinction of his burning lust: “But if they are not practicing self-control (ἐγκρατεύονται), they should marry. For it is better to marry than to be aflame with passion (πυροῦσθαι)” (1 Cor. 7:9).<sup>77</sup>

In the present context, I will not enter into the long-debated question of the nature and extent of Paul’s preference of celibacy and virginity over marital life or that of the ascetic or non-ascetic motivation for his sexual ethics.<sup>78</sup> My focus here is on Paul’s view of sexual desire, and particularly the matter of its control through celibacy, on the one hand, or extinction through marriage (as reflected in 1 Cor. 7:9), on the other, and the reception of this doctrine by subsequent patristic authors.

Certain scholars have argued that Paul was in (partial) agreement with a current in Greek philosophy that condemned sexual passion and advocated instead passionless marital sex.<sup>79</sup> According to this view, Paul’s understanding of marital sex was determined, first and foremost, by his aversion to desire (ἐπιθυμία). Dale Martin, one of the main advocates of this view, suggested that marital sex was perceived by Paul as a treatment for sexual passion, since repressed and unquenched urges are the very cause for burning sexual lust, while marriage provides a legitimate outlet for the sexual urge. But if sexual passion is an illness that requires medical treatment, there is no place for it in the context of marital relationships and, therefore, he maintains, marital sex should be completely devoid of sexual passion. Relying on Martha Nussbaum’s analysis of Stoic views on passion,<sup>80</sup> Martin further attempted to situate this reading of Paul in the context of the Stoic aversion to passion.

This reading of 1 Cor. 7:9 was rejected by other scholars, who argued that Paul was opposed only to excessive forms of lust, but not necessarily to more moderate forms of sexual gratification.<sup>81</sup> Will Deming has argued along these lines that among the Stoics and Greco-Roman moralists, ἐπιθυμία always denotes excessive or compulsive longing and, therefore, in a sexual context it likely refers to excessive lustfulness, but not to more moderate forms of sexual gratification.<sup>82</sup> In other words, there is no basis

in contemporaneous Stoic philosophy for reading such a theory of “passionless marital sex” into Paul.

Without attempting to adjudicate this dispute, I would like to point out the resemblance between the Pauline doctrine reflected in 1 Cor. 7:9 and the Babylonian rabbinic rhetoric outlined above. Whether Paul recommended marital sex completely devoid of passion or merely advocated the avoidance of *excessive* lust, while tolerating “softer” forms of sexual gratification within marriage, his understanding of the basic mechanism of sexual desire and its proper treatment significantly informs Babylonian rabbinic rhetoric. Although, in contradistinction to the Babylonian rabbis, Paul acknowledged the ability to control the sexual urge via celibacy; at least insofar as those “afire with passion” are concerned, he maintained that the only way to treat their burning desire is marriage. Similarly to the Babylonian rabbis, Paul was concerned not merely with the possibility that a celibate person might actually come to sexual sin (πορνεία), but also that he or she might burn with constant and unquenched sexual desire.

While Paul’s views echo perhaps the Stoic aversion to desire (even within marriage), it must be borne in mind that for the Stoics marriage was, first and foremost, a means to procreating and establishing a household (*οἶκος*).<sup>83</sup> Paul, on the other hand, in line with Babylonian rabbinic rhetoric, viewed marriage itself as a way to extinguish desire. The fact that 1 Cor. 7:9 stands in opposition to the later patristic tendency to defend marriage by alluding to its procreative function (e.g. Clement of Alexandria, John Chrysostom, Augustine), while the Babylonian rabbinic rhetoric is contrasted with the general rabbinic emphasis on procreation, highlights the affinity of the Pauline doctrine with Babylonian rabbinic discourse.

In contrast to Paul, however, who preferred celibacy for those who were not consumed with passion, the Babylonian rabbis maintained that marital sex is the *only* remedy for desire and sexual thoughts and, therefore, should be categorically commended. If we follow Martin’s reconstruction of “passionless sex” in 1 Cor. 7:9 and 1 Thess. 4:3–5, there would be another essential difference between Paul and Babylonian rabbinic culture: while Paul sought to avoid sexual gratification altogether, the rabbis viewed sexual gratification as part and parcel of the sexual act (inextricably linked to the procreative function), despite their aversion to desire. As we have seen, however, it might be the case that Paul’s view is even closer to the Babylonian rabbinic one, if it is only excessive passion that Paul wishes to do away with, while acknowledging the role of



moderate sexual gratification in marriage. It is, perhaps, the very existence of this form of sexual gratification that guarantees the successful treatment of desire with marital sex.

However one attempts to reconstruct Paul's stance on this issue, in terms of the reception of his views in patristic literature, the doctrine reflected in 1 Cor. 7:9 was often obscured,<sup>84</sup> either by stressing the "better share" of celibacy and the problematic nature of Paul's concession to those "afire with passion" or by justifying marital sex in terms of procreation. Thus, in line with the general tendency of patristic authors to read their own assertions about marriage and celibacy into the words of Paul,<sup>85</sup> certain authors sought to devalue 1 Cor. 7:9 as an example of Paul's "becoming weak for the weak,"<sup>86</sup> while others argued that Paul's concession for those "burning with passion" should be applied only in the case of remarriage after the death of a spouse, while first marriages are justified by the more fundamental precept and blessing of procreation.<sup>87</sup>

It is noteworthy that Aphrahat in particular, who resided in geographic proximity to the rabbinic centers of Babylonia, applied the doctrine of 1 Cor. 7:9 in his critique of celibate forms of marriage. Although Aphrahat was even more extreme than Paul in his advocacy of a celibate life, he argued nevertheless that it is better to marry openly than to remain "wild with lust" in a celibate marriage, presumably since the only purpose of marriage was to extinguish sexual desire via marital sex. Interestingly, Aphrahat's concern was not simply that celibate individuals might succumb to their desire in a practical sense, but rather the very state of desire itself.

For this reason, my brothers, (if there is) any man who is a member of the covenant or a holy one who loves singleness yet wants a female member of the covenant (who is like him) to live with, it would be better for him to take a wife openly (ܕܡܪܝܬܐ ܕܡܝܬܐ ܕܡܝܬܐ) and not become wild with lust (ܕܡܝܬܐ ܕܡܝܬܐ ܕܡܝܬܐ).<sup>88</sup>

Paradoxically, then, Aphrahat, who vigorously advocated virginity and celibacy, and his Babylonian rabbinic contemporaries, who were advocates of marriage, shared in fact a similar aversion to sexual desire and an anxiety over celibate individuals who were constantly "occupied with sexual thoughts" and "wild with lust." While, unlike his Babylonian rabbinic interlocutors, Aphrahat recommended the suppression and control of the sexual urge, he conceded that, if that was not possible, it was better to extinguish the sexual urge via marital sex than to be "wild with lust." Thus, it was not merely exegetical traditions pertaining to the celibacy of Moses that the Babylonian rabbis shared with Aphrahat (see

above), but a deeper appreciation of the very nature of sexual desire and the pressing need to eradicate it.

While the Babylonian rabbis shared with their monastic contemporaries a deep sense of anxiety about sexual desire, they did not share the dialectical dynamic characteristic of Babylonian rabbinic culture and the tension it exhibits between a categorically positive image of sexual praxis and the aversion to sexual desire. For most patristic authors there was an essential continuum between sexual praxis and sexual desire, as even among those who tolerated or justified marital sex, virginity was the better share. Whether the problematic nature of sexuality and the preference for celibacy were accompanied by Platonic teachings about the release of the mind from the body, as in the case of Origen, or by a monistic perception of the self and a doctrine of holiness procured through abstention, as in the case of Aphrahat, the aversion to sexual desire was but a reflection of a more basic discomfort of early Christians with human sexuality.

Ishay Rosen-Zvi has suggested that, in spite of the difference between the perceptions of the Babylonian rabbis and monastic authors, “both parties are focused intensively on sexuality, and transformed it into one of their discursive focal points. Contrasting attitudes toward sex should therefore be brushed aside, to see the shared tools created in order to speak about sex, to create speech about it, to make it actually speak.”<sup>89</sup> Here, rather than “brushing aside” these differences, I hope to illuminate the distinctively bifurcated view of sexuality inherent in Babylonian rabbinic culture, by further situating the talmudic discourse in the context of the ambient Zoroastrian culture.<sup>90</sup>

#### SEX AND DESIRE IN ZOROASTRIANISM

In what follows I will examine the tension between sexual praxis and sexual desire inherent in Babylonian rabbinic culture in the context of Zoroastrian traditions recorded in the Pahlavi literature, which exhibit a similar bifurcated view, entailing a positive attitude to the sexual act (including its basic functions of procreation, intimacy, and carnal gratification), on the one hand, and an equivocal attitude to sexual desire, on the other. By bringing the sexual discussions of the Zoroastrian and Babylonian rabbinic cultures into conversation, I do not intend to undermine the comparisons sought between rabbinic and Christian notions of the struggle against sexual temptation, but rather to situate the Babylonian rabbinic discourse more broadly at the crossroads of east late antiquity.

Zoroastrianism is commonly viewed as a non-ascetic (often explicitly anti-ascetic) religion, which validates the essential goodness of the material creation in general and the carnality of humans in particular.<sup>91</sup> This feature stems from a basic facet of Zoroastrian theology seen in the Avesta, according to which the material world was created by the supreme and benevolent god, Ahura Mazdā, and only then invaded by the Foul Spirit, Angra Mainyu. Humans are, therefore, enjoined to protect and preserve the good creation of Ahura Mazdā from the attack of the evil forces. The promotion of human (and agricultural) fertility was perceived, in this framework, as an essential element in the battle against evil, from early on in the Iranian tradition. The following text concerning the importance of fertility appears in the Avestan *Videvdad*.<sup>92</sup>

Here a good-looking [woman] shall go about, who long goes sonless,  
wishing for that boon: males.  
One who cultivates this earth, O Spitama Zarathustra,  
with the left hand and with the right, with the right hand and the left.  
He brings gain to it,  
just like a loving man [brings gain to] a loving wife, lying on a spread-out bed.  
He brings her a son or [some other] benefit [?].<sup>93</sup>

Beyond the celebration of fertility,<sup>94</sup> this passage displays an unambiguously positive view of the sexual act, in and of itself. In this context, sexual relations unfold as a value in its own right, *alongside* the goal of fertility and bearing children. The passage remarks that a loving husband brings gain to his wife, not merely in terms of providing her children, but also in terms of “[some other] benefit,” which would seem to refer to sexual gratification. The notion of a husband providing sexual gratification to his wife is indeed close to Babylonian rabbinic rhetoric, which, as we have seen, interprets the tannaitic obligation of a husband to have sex with his wife (עונה) in terms of “closeness of flesh” (קרוב בשר).

This example suffices to demonstrate the positive rhetoric attached to the sexual act in Zoroastrianism, above and beyond the religious ideal of fertility. In what follows we shall see, however, that, alongside this pervasive and continuous rhetoric, certain strands in the later Pahlavi tradition connect sexual desire with the demonic sphere. While some Pahlavi traditions view notions of sexual desire (*waran*; *kāmag*) in a positive manner, akin to the high regard Zoroastrianism attaches to the sexual act, others reflect a negative view of sexual desire and reify it as demonic.

Sexual desire is linked in the Pahlavi tradition to two types of demonic entities.<sup>95</sup> On the one hand, it is associated with *Jeh* (Pahlavi *jeh*; Avestan

*jahī*, *jahikā*; “Primal Evil Woman”),<sup>96</sup> and, on the other hand, it is linked to Āz (Desire)<sup>97</sup> and Waran (Lust).<sup>98</sup> Thus, alongside the positive rhetoric pertaining to the sexual act, which, at times, is extended to a positive depiction of sexual desire, Pahlavi literature contains an important discursive strand, which is marked by an equivocal, even explicitly pejorative, connotation of sexual desire.

Let us begin with the linking of sexual desire to Jeh. According to *Bundahišn* 4.8, after Ohrmazd<sup>99</sup> showed her the image of a fifteen-year-old boy, Jeh, filled with desire, requested of the Evil Spirit to grant her the desire for/of men.

*u-š dawīd jahī ō ganāg mēnōy kū mard kāmagih ō man dah kū-š pad sālārih andar mān bē nišīnam*<sup>100</sup>

The Primal Evil Woman (*jahī*) lied to the Evil Spirit, saying: “Give me the desire (*kāmagih*) for/of men, so that I can sit in guardianship (*sālārih*)<sup>101</sup> in his (-š) house.

An alternative version of this scene was preserved (and ascribed to the Zoroastrians) by the Syriac author Theodore bar Kōnai,<sup>102</sup> who tells this story about “women” in general (and not the mythical Jeh in particular).<sup>103</sup> In this version Ohrmazd creates the god Narsē in the shape of a fifteen-year-old boy, and when the women see his beautiful figure they utter the words “Satan, our father, give us the god Narsē.” As noted by Albert de Jong, bar Kōnai seems to have incorporated Manichaean elements into his version of the Zoroastrian story,<sup>104</sup> as the seduction of the women by Narsē is strikingly reminiscent of the Manichaean narrative of the seduction of the archons by the Third Messenger<sup>105</sup> (Syriac *talāt izgaddā*, Latin *tertius legatus*), who, in the Iranian versions of the myth, is identified as Narsē (Manichaean Middle Persian *narēsahyazad*), the equivalent of Pahlavi Nēryōsang; Avestan Nairyō.sangha.<sup>106</sup>

It is fascinating to see the ambiguous representation of sexual desire in the Pahlavi version of the seduction of Jeh: it is Ohrmazd who is indirectly responsible for the emergence of sexual desire by showing the image of a beautiful fifteen-year-old boy to her, and yet it is she who becomes filled with desire and asks of the Evil Spirit the desire for men or that men shall be desirous of her. The linking of sexual desire – whether male desire for females or female desire for males – to Jeh marks a clearly negative view of sexual desire. Whether or not Jeh is representative of women in general, the mythical setting of the story,<sup>107</sup> which functions as an account of the origin of sexual desire, suggests that the aversion to sexual desire is

not limited to prohibited sexual partnerships, but applies also to legitimate sexual relationships. If sexual desire originated as a gift given by the Evil Spirit to Jeh, it does not really matter who or what exactly the object of this desire is.

There is no basis in the texts, to be sure, for Zaehner's attempt to disassociate the myth of Jeh and the related problematic status of sexual desire from "mainstream" Zoroastrianism and his ascription of a Zurvanite origin to the Pahlavi cycle of the Jeh traditions.<sup>108</sup> As aptly put by de Jong, "to assume that the misogynist element in the myths of Jeh is typical of a stream at the margins of Zoroastrianism, which considered women to be a creature of the Evil Spirit, is not sustained by any solid evidence. It also wrongly removes all traces of misogyny from Zoroastrianism. That Zoroastrianism generally accords a dignified place to women is certain; but . . . it is well worth exploring the occasional negative view of women in Zoroastrian texts as being part of the same tradition."<sup>109</sup> What de Jong says about "women" and "misogyny" holds true for "sexual desire" and "anti-sexual tendencies" as well.

In addition to Jeh, sexual desire is often linked in the Pahlavi tradition to the "psychological" class of demons, via the figures of Āz (Desire) and Waran (Lust). Āz is portrayed in Pahlavi sources as a psycho-demonic embodiment of human desire, which, according to the ninth-century priest Zādspram, is divided into three subcategories, corresponding to human cravings for food, sex, and worldly possessions (*Selections of Zādspram* 34.36):

*ud āz ēk-čihrihā nē tuwān būd āhōgēnīdan ī dāmān pargandag bawēd \*ā-š zōrān pad jomāy rawāg būdan andar dām rāy ō 3 baxt ī ast čihriḡ bē čihr ud bērōn az čihr.*

*čihriḡ ān ka andar xwardārih kē-š gyān awiš bastag. bē-čihr kāmāgōmandih ī abar gumēzišn kē xwad waran xwānīhēd kē pad wēnišn ī ō bē ān ī andarrōn hangēzihēd ud čihr ī tan awištābīhēd bērōn az čihr ārzōg ī ō kadār-iz-ēw nēkih ī wēnēd ayāb āšnawēd*

*harw tōb ēw ō 2 baxt ān ī čihriḡ ast sūy tišn ān ī bē-čihriḡ ast rēzāg padirāg ān ī bērōn-az-čihr ast apparīhā handōxt penīhā bē nē dād*

And Āz, being of one "nature," was unable to sully the creations that had been scattered, and so,<sup>110</sup> in order that [its] powers in unison[?] might be propagated among the creations, was divided into three: that which is "by nature" (*čihr*), that which is "out of [exceeding?] nature," and that which is "outside of nature."

"By nature" is when [Āz] is in edibles [?], to which one's life-soul (*gyān*) is tied. "Out of nature" is wish for [sexual] mingling, which is precisely what is called Lust

[Waran],<sup>111</sup> which, by looking out, what is inside is aroused, and [thus] the “nature” of the body is oppressed.<sup>112</sup> “Outside of nature” is desire (*ārzōg*)<sup>113</sup> for whatever good thing one sees or hears.

Each layer is divided into two: “by nature,” that is hunger and thirst; “out of nature,” that is “the one who pours” and “the one who receives” [the semen]; “outside of nature,” that is accumulating [wealth] by robbery and not giving because of stinginess.<sup>114</sup>

In line with the quintessential rabbinic *yeṣer*, which is not associated with sexual desire in particular,<sup>115</sup> Āz too is perceived in the Pahlavi tradition as an embodiment of desire in a broader sense and in relation to different types of human cravings.<sup>116</sup> While insatiable hunger is the predominant quality of Āz in the Pahlavi tradition, the Manichaean sources emphasize, above all, its sexual and lustful dimensions.<sup>117</sup> As a counterpart of Greek Hylē (ὕλη),<sup>118</sup> Āz represents in the Iranian Manichaean tradition not simply Matter per se, but in particular bodily lust for sexual mixing. The emphatically sexual portrayal of Āz in the Manichaean tradition can be illustrated by a passage from the *Šābuhragān*:

*ud āwōn če’ōn az naxust āz xwad andar hān tam dōšox dwārišn ī xwēš dēwān ud parigān xešmen mazanān ud āsarēštārān narān ud māyagān awezmāh ud marzišn hammōxt hēnd: āwōn pasā-z dudīy niwist āz awīn āsarēštārān abārigān narān ud māyagān kē az asmān ō zamīg kaft hēnd awēšān-iz hamgōnag awezmāh ud marzišn hammōzān kū awezmāhānd ud marzānd*

And just as in the beginning in that dark hell, where it itself scurried about, Āz itself had taught the demons and witches, the wrathful monsters and the Āsarēštārs, male and female, \*rutting and sexual acts, thus, afterward too, Āz again began to teach in the same manner \*rutting and sexual acts to those other monsters and Āsarēštārs that had fallen from the sky onto the earth so that they would \*rut and have sex.<sup>119</sup>

The sexual manifestation of Āz is also present, albeit to a lesser extent, in the Pahlavi tradition. As we have seen, according to the *Selections of Zādspram*, a significant part of the desirous nature of Āz is defined in terms of the “wish (*kāmagōmandīh*) for [sexual] mingling, which is precisely what is called Lust [Waran], which, by looking out, what is inside is aroused.”<sup>120</sup> Thus, while sex itself was embraced in Zoroastrianism, sexual desire, in the sense of excessive lust, was believed in certain strands of the Pahlavi tradition to be dominated by, and manifest through, Āz.

Elsewhere,<sup>121</sup> I have argued that the talmudic description of the imprisonment and incapacitation of the *yeṣer* (*b. Yoma* 69b and *b. Sanh.* 64a) by the returnees from the Babylonian Exile, as well as the eschatological hope for its complete eradication in the end of days (*b. Sukkah* 52b) are significantly informed by Zoroastrian and Manichaean depictions of the final imprisonment of Āz.<sup>122</sup> In the present context, suffice it to note that the Babylonian rabbinic account of the returnees' attempt to eradicate sexual desire (יצר דעבירה), which immediately follows the imprisonment of the quintessential *yeṣer*, is informed by the sexual depiction of Āz in the Manichaean tradition and some strands of Pahlavi literature.

The negative perception of sexual desire that emerges from these traditions would seem, *a priori*, to fit more neatly within a Manichaean worldview, which encourages celibacy among the Elect and avoidance of procreation among the Hearers,<sup>123</sup> as opposed to the generally anti-ascetic tendencies that characterize the Zoroastrian and Babylonian rabbinic cultures. In contrast, however, to Zaehner's exclusion of the traditions concerning the obliteration of sexual desire from the realm of "mainstream" Zoroastrianism and their ascription to vestiges of "Zurvanite" lore,<sup>124</sup> it would seem more probable to assume that some of the Pahlavi authors simply regarded sexual desire (in contradistinction to moderate forms of sexual gratification) as linked to Āz and his demonic companions and hoped, accordingly, for its obliteration in the end of days.

To complicate matters, according to another Pahlavi tradition the renovated world is portrayed as devoid of procreation, but containing sexual desire and intercourse.

*ud mard ud zan ēk abāg did kāmāg bawēd ud rāyēnēnd ud kunēnd bē-šan zāyīšn nē bawēd*

And man and woman will have desire (*kāmāg*) for one another, and they will enjoy it and consummate it, but there will be no birth from them.<sup>125</sup>

According to this tradition, in the renovated world there will be no need for procreation,<sup>126</sup> but sexual intercourse and sexual desire will persist.<sup>127</sup> Similarly, we saw above that a talmudic tradition attributed to Rav maintains that, in the world to come, there will be no *piryah u-revayah* (פריה ורביה), which can refer either to procreation more narrowly or to sexual intercourse in general.

In several passages it seems that the demons embodying sexual desire are associated specifically with illicit intercourse, thus creating the

impression of a binary distinction between positive desire for permissible sex and negative desire for illicit sex. As exemplified, however, by some of the *Jeh* passages we have seen and as we shall see further below, this distinction does not hold true for several of the Pahlavi texts, which link sexual desire to the demonic sphere even in the context of legitimate marital relationships. First, let us explore some examples of passages, which seem to situate *Āz* and *Waran* particularly in the context of illicit sex:

*ēn-iz gōwēd kū āz dēw zōr az tan kē pad zan ī xwēš nē hunsand ud ān-iz ī kasān bē appurēd*

This too is said that the strength of the demon *Āz* [Desire] is from the body of him, who is not content with his own wife (*zan ī xwēš*) and seeks those too of other people.<sup>128</sup>

*ud ēn-iz ēdōn kū pad zan ī kārān waranīg nē bawišn čē dōšārm ī zan ī xwēš bē kāhēd ud xwad-iz ō jeh-marzih wardēd kē pad zan ī kārān waranīg bawēd*

This too is thus: one should not be desirous (*waranīg*)<sup>129</sup> of the wives of other people; for his love (*dōšāram*) for his own wife (*zan ī xwēš*) diminishes, and he himself turns to intercourse with evil women (*jeh-marzih*), one who is desirous (*waranīg*) of the wives of other people.<sup>130</sup>

While in these passages *Āz* or *Waran* are associated specifically with desire for sinful intercourse, in other passages they are linked to excessive desire even in the context of legitimate marital relationships, as they embody lack of control, which stands in opposition to the ethical principle of moderation.<sup>131</sup> This is exemplified in the following passage from *Dēnkard* 6:

*ud ēn-iz ēdōn kū zan ud rahīg ī xwēš dōst bawišn bē a-paymān waranīg pad-iš nē bawišn čē ō wehīh ud hunar kam frahenzēd kē ō zan ud rahīg ī xwēš nē dōst ayāb a-paymān waranīg pad-iš bawēd*

This too is thus: one should love one's wife and children,<sup>132</sup> but not be excessively passionate (*a-paymān waranīg*) with them; for he educates them less towards goodness and virtue who does not love his wife and children,<sup>133</sup> or who is excessively passionate with them.<sup>134</sup>

Not unlike Stoic ethics, in the Pahlavi *andarz* (wisdom) literature the focus is on the excessiveness of desire (both in sexual and non-sexual contexts), which stands in contrast to the Zoroastrian ethical principle of moderation. The wisdom texts carefully define the proper emotional attitude to one's wife and children in terms of love and friendship, but instruct the adherent not to be excessively or immoderately desirous



(*a-paymān waranīg*) even in the context of legitimate partnerships. Beyond the ethical underpinnings of moderation, however, it must be kept in mind that sexual desire is more often linked in the Pahlavi tradition to the demonic sphere, whether by arguing that it originated in a demonic attack on the good creation (via the figure of Jeh) or by arguing that the demons embody and manifest sexual desire (as in the case of Āz and Waran). Thus, in spite of the positive role of sex (and sexual gratification) in Zoroastrianism, we see that sexual desire is an ambiguous and problematic category, which is often marked as evil and demonic.

Another Pahlavi tradition, which stresses the ambiguous perception of sexual desire, is connected with the first sexual encounter of Maši and Mašyānī (the first human couple).<sup>135</sup> In contrast to a widely attested Jewish and Christian view, connecting the mythical “discovery” of human sexuality with the primal sin and the fall of humanity,<sup>136</sup> a Pahlavi tradition portrays the first sexual encounter as a positive response of the first human couple to the demonic attack on the good creation. According to *Bundahišn* 14.26–29, following the primal sins of false utterance and demon worshipping, in which Maši and Mašyānī acknowledge the Evil Spirit as creator of the world, the demons strike them with loss of fertility and sexual desire for a period of fifty years. After this period they finally discover their desire for one another and unite sexually:

*pad ān dēwēzagih dēwān ōzōmand būd hēnd u-šan awēšān harw dō ēdōn  
hušk-kūn bē kerd hēnd kū-šan 50 sāl kāmāg ī pad hamgumēzišnīh nē būd ud ka-  
iz-i-šan ham-gumēzišnīh kerd ēg-i-šan frazend-zāyišnīh nē būd ud pad bowandagih  
ī 50 sāl pus-xwāhišnīh frāz menīd nazdist maši ud pas mašyānī. čē guft maši ō  
mašyānī kū ka ēd-i tō aškom wēnēm ān ī man meh ul āxēzēd pas mašyānī guft kū  
brād maši ka ān kēr ī tō meh wēnēm ān ī man aškom drafšēd pas awēšān kāmāg ō  
ham burd. ud andar kāmāg-wizārišnīh ī-šan kerd ēdōn abar menīd kū amāh ān-iz  
50 sāl kār ēn būd*

By that sacrifice, the demons became strong. They made both of them so impotent [lit. “dried-assed”] that for fifty years they had no desire (*kāmāg*) to get together. Even when they did get together, no children were born. After fifty years, they thought about begetting children, first Maši, then Mašyānī. Maši said to Mašyānī: “When I look at your belly, this thing of mine grows and rises up.” Then Mašyānī said: “Brother,<sup>137</sup> when I see that member of yours, my belly flutters.” Then they had desire (*kāmāg*) for each other, and as they were realizing their desire in sex (*kāmāg-wizārišnīh*) they thought: “We should have been doing this for fifty years already.”<sup>138</sup>

Taken at face value, it would seem that the loss of both sexual desire and fertility is linked here to the demonic attack, while the discovery of sexual desire and its realization in a sexual act are part and parcel of the battle against the forces of evil. Without denying this plausible reading of the passage, it is noteworthy that Mašī and Mašyānī are said to have discovered their sexual desire for one another and to have realized their love sexually (“making love” [*kāmag-wizārišnīh*], as opposed to just “having sex”) only *after* their primal sin and fifty years of demonic celibacy. This suggests that, while the thought of begetting children indeed represents a positive attempt to overcome the state of demonic possession, the very existence of sexual desire is, on some level, an ambiguous result of sin.

It is illuminating to compare and contrast this Pahlavi tradition with Jewish and Christian depictions of the first sexual encounter of Adam and Eve. The exact point at which Adam and Eve discovered their sexual urge for one another, and the question of whether they were celibate prior to their sin and subsequent banishment from Eden, have occupied the minds of ancient Jewish and Christian exegetes. While several ancient sources relate that Eden functioned as a Temple in which sexual activity was prohibited,<sup>139</sup> or that sexuality could not have possibly been realized before the fall of humanity but only as a result of the primal sin,<sup>140</sup> the predominant rabbinic position maintains that Adam and Eve united sexually from the very beginning, while sexual intercourse had very little (if anything) to do with the snake, the fall of humanity, or the expulsion from Eden.<sup>141</sup>

While the Pahlavi account shares with the rabbinic tradition a positive view of the first sexual encounter, by situating it in contradistinction to the wish of the demons, they do not seem to agree with the rabbis that the first human couple united sexually from the very beginning. Rather, in line with other Jewish and Christian interpretations of the first sexual encounter, sexual desire is said to have emerged only in the aftermath of the primal sin. At the very least, then, we can determine that this tradition further complicates the demonic interpretation of sexual desire found in the Pahlavi tradition.

## CONCLUSION

This chapter has examined the dialectical view of sexuality inherent in Babylonian rabbinic culture, which differentiates sexual praxis from sexual desire. We have seen that, on the one hand, the BT accentuates the

notion of male and female sexual gratification, but, on the other, reflects a pessimistic, often explicitly negative, view of sexual desire (at times even in the context of legitimate marital relationships). In this scheme, marital sex, which includes some form or another of sexual gratification, is mainly seen as a means to extinguish sexual desire, which itself was believed to be ignited by an unrealized and unquenched sexual urge. In contrast to Palestinian rabbinic, patristic, and Greco-Roman authors, who viewed marital sex mainly through the lens of procreation, and in contradistinction to the widespread conviction that sexual desire can be controlled and tamed via temporary or permanent forms of abstention, the Babylonian rabbis viewed marital sex, first and foremost, as a means to extinguishing sexual desire.

First, I have argued that the distinctive Babylonian rabbinic notion of extinguishing sexual desire with marital sex should be viewed in the light of 1 Cor. 7:9 and its patristic reception – specifically, the idea that marital sex is a remedy for those “afire with passion.” While several scholars understood Paul as advocating passionless marital sex, we have seen that many scholars contended that, in these verses, Paul commends marital sex without excessive lust, but by no means rejects sexual gratification, a stance congruous with Babylonian rabbinic rhetoric. Thus, in spite of their diverging positions in the marriage–celibacy debate, Paul and the Babylonian rabbis seem to have shared a distinctive perception of marital sex vis-à-vis the “problem” of sexual desire. We have seen, moreover, that the Pauline doctrine of sexual desire, although subverted and marginalized by many patristic writers, was upheld by others, most notably by Aphrahat, who writes that, for those “wild with lust,” an open (i.e. sexual) marriage is the only available solution for desire.

Second, I argued that the distinctive dialectical dynamic characteristic of Babylonian rabbinic culture – namely, a positive view of the sexual act and a negative and demonic perception of sexual desire – is significantly illuminated by a similar ambiguity present in the Pahlavi tradition. While Zoroastrianism commends the sexual act (not merely as a means to advancing fertility, but also in terms of the realization of sexual gratification), an important strand in the Pahlavi tradition reflects an equivocal view of sexual desire. Certain Pahlavi texts focus on the excessiveness of sexual desire, which stands in contrast to the ethical principle of moderation, while others link sexual desire to the demonic sphere via the figures of Āz, Waran, and Jeh. In line with the BT, moreover, the Pahlavi texts portray the future incapacitation of Āz and Waran as demonic embodiments of sexual desire. The equivocal perception of sexual desire in the

Pahlavi tradition was further problematized by ambiguous traditions concerning the discovery of sexual desire by Mašī and Mašyānī and the eschatological persistence of sexual desire in the renovated world.

All said, by synoptically negotiating Babylonian rabbinic, Christian, and Zoroastrian views of sexual desire, I hope to have contributed to a more panoramic and nuanced appreciation of the sexual discourse in east late antiquity. Shifting the comparative lens from notions of sexual practice to the interior realm of desire and thought demonstrates that, although the aversion to sexual desire would seem compatible mainly with Christian (and Manichaean) celibate stances, Babylonian rabbis and Zoroastrian authorities too, who were situated for the most part on the opposite end of the marriage–celibacy spectrum and were heirs to a thoroughly positive appraisal of sex, in fact shared similar views concerning the problematic nature of sexual desire, its demonic qualities, and the available methods for its extinction.

#### NOTES

1. By this definition, I seek to include both a source-critical perspective that appreciates the stratification of the talmudic text and a cultural-poetic perspective, which views texts as a form of discourse inextricably linked to broader socio-cultural phenomena and other forms of cultural production. On these methods of reading talmudic texts see the [introduction](#).
2. The tension between rabbinic views of sexual praxis and desire was previously discussed in Biale, *Eros and the Jews*, 33–59; Naeh, “Freedom and Celibacy,” 86–87; Rosen-Zvi, *Demonic Desires*, 119. The innovation of the present chapter lies in the articulation of a distinctive mechanism that characterizes Babylonian rabbinic rhetoric in particular (which, as we shall see, differs considerably from Palestinian rabbinic rhetoric) and the contextualization of this rhetoric with Christian and Zoroastrian views.
3. For the significance of procreation in talmudic culture and the rabbinic transformation of the biblical blessing of Gen. 1:28 into a legal obligation see e.g. Daube, *The Duty of Procreation*, 34–37. And cf. Jeremy Cohen, “Be Fertile and Increase, Fill the Earth and Master it”: *The Ancient and Medieval Career of a Biblical Text* (Ithaca, NY: Cornell University Press, 1989), 158–165; Jeremy Cohen, “The Commandment to Procreate and its Place in Religious Controversy,” in *Eros, Marriage, and Prohibitions: Sexuality and Family in History*, ed. I. Bartal and I. Gafni (Jerusalem: Shazar, 1998), 83–96; Yair Lorberbaum, *Image of God: Halakhah and Aggadah* (Tel Aviv: Schocken, 2004), 386–435; Schremer, *Male and Female*, 37–41, 304–308.
4. For the idea that marriage embodies a divine union see e.g. *Gen. Rab.* 68:3 (Jehudah Theodor and Hanoch Albeck [eds.], *Midrash Bereshit Rabba: Critical Edition with Notes and Commentary*, 3 vols. [Jerusalem:

- Wahrmann, 1965], 771); *Lev. Rab.* 29:8 (Mordecai Margulies [ed.], *Midrash Wayyikra Rabbah: A Critical Edition Based on Manuscripts and Genizah Fragments with Variants and Notes*, 5 vols. [New York: Jewish Theological Seminary, 1999], 678); *b. Soṭah* 2a; *b. Mo'ed Qaṭ.* 18b. Cf. Matt. 19:1–12; Mark 10:2–10; CD 4:20–21. See also the discussion in Schremer, *Male and Female*, 42–50, 310–312.
5. See Rosen-Zvi, *Demonic Desires*, 114, n. 61, quoting Michel Foucault, *Religion and Culture*, ed. J. R. Carrette (Manchester: Manchester University Press, 1999), 183–184; Michel Foucault, *The Hermeneutics of the Subject*, trans. G. Burchell (New York: Palgrave Macmillan, 2005), 254–258; Jeremy R. Carrette, *Foucault and Religion: Spiritual Corporality and Political Spirituality* (London: Routledge, 2000), 109–128; Daniel Boyarin and Elisabeth Castelli, “Foucault’s The History of Sexuality: The Fourth Volume, or a Field Left Fallow for Others to Till,” *Journal of the History of Sexuality* 10 (2001): 357–374.
  6. On the ascetic practices attributed to R. Eli‘ezer, see below.
  7. The *yeṣer* is situated at the crossroads of psychology and demonology. On the one hand, it conceptualizes the internal human desire to sin and on the other, it personalizes and reifies evil. Thus, while the *yeṣer* is imagined in rabbinic sources as an internal disposition or inclination toward sin, it is, at the same time, portrayed as a very “real” demonic entity intruding into the bodies and souls of humans. Rosen-Zvi, *Demonic Desires*, 3–8 describes a paradigmatic shift that took place in scholarship from an ontological interpretation of the *yeṣer* as an embodiment of evil to an anthropological interpretation, according to which the *yeṣer* represents an internal psychological inclination. Rosen-Zvi attempts to resurrect the ontological paradigm by offering a demonic interpretation of the *yeṣer*, but concedes nevertheless that “the *yeṣer* cannot be fully explained in the framework of ancient demonology either. Unlike Mastema and Satan it is not a cosmic being but a fully internalized entity that resides inside the human heart” (*ibid.*, 7).
  8. For different perspectives on the rabbinic *yeṣer* (variously translated as inclination/tendency/disposition/instinct/desire) see e.g. Boyarin, *Carnal Israel*, 61–76; Elizabeth S. Alexander, “Art, Argument, and Ambiguity in the Talmud: Conflicting Conceptions of the Evil Impulse in *b. Sukkah* 51b–52a,” *HUCA* 73 (2002): 97–132; Jonathan W. Schofer, “The Redaction of Desire: Structure and Editing of Rabbinic Teachings Concerning ‘yeser’ (‘Inclination’),” *Journal of Jewish Studies* 12 (2003): 19–53; Pieter W. van der Horst, “A Note on the Evil Inclination and Sexual Desire in Talmudic Literature,” in *Jews and Christians in their Graeco-Roman Context: Selected Essays on Early Judaism, Samaritanism, Hellenism, and Christianity*, WUNT 1/196 (Tübingen: Mohr Siebeck, 2006), 59–65; Rosen-Zvi, *Demonic Desires*, 1–10. Boyarin (*Carnal Israel*, 64–67, 74–76) has suggested that the use of the term *yeṣer* (as opposed to *yeṣer hara’*) is emblematic of a dialectical model of a single neutral inclination that is neither evil nor good in itself, while the use of the term *yeṣer hara’* is reflective of a dualistic model that assumes two inclinations, one good and one evil. Boyarin admits, however, that the terms are not employed consistently. A third

- model of a single inclination that is wholly evil is advanced in Rosen-Zvi, *Demonic Desires*, 1–10.
9. See *b. Sukkah* 52a; *b. Sanh.* 64a; *b. Yoma* 69b discussed below.
  10. Rosen-Zvi, *Demonic Desires*, 14–35, 65–86. Cf. Boyarin, *Carnal Israel*, 61–76; Schofer, “The Redaction of Desire”; van der Horst, “A Note on the Evil Inclination.”
  11. Rosen-Zvi, *Demonic Desires*, 105–112. He further argues that the sexualizing of the *yeṣer* is part of a broader “hyper-sexual” tendency characterizing Babylonian rabbinic culture. See Rosen-Zvi, “Hyper-Sexualization in the Bavli: An Initial Survey,” in *Midrash and the Exegetical Mind*, ed. L. Teugels and R. Ulmer, Judaism in Context 10 (Piscataway, NJ: Gorgias Press, 2010), 181–205.
  12. This paradigm is outlined in Boyarin, *Carnal Israel*, 64–67, 74–76, alongside an alternative dualistic model, which assumes the existence of two inclinations, one good and one evil.
  13. This paradigm is outlined in Rosen-Zvi, *Demonic Desires*, 1–10; Ishay Rosen-Zvi, “Yetzer Hara, Sexuality and Yihud: A Chapter of Talmudic Anthropology,” *Theory and Criticism* 14 (1999): 55–84 (56–64).
  14. *m. Naz.* 9:4; *m. Miqw.* 8:3; *m. Zabim* 2:2; *t. Miqw.* 6:5.
  15. See Ron Naiweld, “Purity of Body, Purity of Self: *Hirhur* in Rabbinic Literature,” *JAAJ* 2 (2014): 209–235; David Brodsky, “‘Thought is Akin to Action’: The Importance of Thought in Zoroastrianism and the Development of a Babylonian Rabbinic Motif,” in *Irano-Judaica*, vol. VII, ed. S. Shaked (Jerusalem: Ben-Zvi Institute, forthcoming).
  16. Rosen-Zvi, *Demonic Desires*, 110; Rosen-Zvi, “Yetzer hara,” 56–57. Cf. Satlow, “‘Wasted Seed’.”
  17. That sexual desire is perceived as demonic even when its object is legally permissible (i.e. one’s wife) is brought to the fore in the story of Ḥeruta (*b. Qidd.* 82b) quoted below.
  18. See Rosen-Zvi, *Demonic Desires*, 111–112; Rosen-Zvi, “Yetzer hara,” 68–79.
  19. Considering the well-attested Babylonian rabbinic “institution” of absentee married sages, who left their homes for long periods of time for study, it is possible that, in the minds of the Babylonian rabbis, the very state of being married (even without actually having sex) dampened sexual desire, perhaps by virtue of knowing that there is “bread in the basket” (*pat be-salo*). Alternatively, the absentee rabbis may have been sexually active. See Boyarin, *Carnal Israel*, 145; Elman, “‘He in his Cloak’,” 156, and see the discussion in [Chapter 2](#).
  20. See Boyarin, *Carnal Israel*, 138–140; Satlow, *Tasting the Dish*, 314–316; Diamond, *Holy Men*, 42–46; Schremer, *Male and Female*, 308–310.
  21. For temporary forms of marriage in rabbinic Babylonia see *b. Yebam.* 37b; *b. Yoma* 18b; Gafni, “The Institution of Marriage,” 24–25; Boyarin, *Carnal Israel*, 145; Diamond, *Holy Men*, 42–43; Elman, “‘He in his Cloak’,” 156; Elman, “Middle Persian Culture,” 171. On the Zoroastrian institution of temporary marriages (which significantly differs from the Islamic *mut’a* and the Babylonian rabbinic custom), see most recently Maria Macuch,

22. *b. Qidd.* 29b (MS Vatican I 11). תנו רבנן כללמו' תורה ולישא אשה לאחר כך ילמוד תורה אמ' רב יהודה אמ' שמו' הלכה ישא אשה ואם אי אפשר לו בלא אשה ישא אשה ואחר כך ילמוד ור' יוח' אמ' ריחים בצוארו ויעסוק בתורה ולא פליגי הא לן והא להו "The sages taught [in a *baraita*]: As for studying Torah and marrying a woman, [what takes precedent?]; He should study Torah and then marry, but if he cannot manage without a wife, he should marry a wife and then study Torah. Rav Yehudah said in the name of Samuel: The law is that he should marry a wife and then study. R. Yoḥanan said: a millstone is around his neck, would he thus be able to study Torah? They do not disagree; that is for us [the Babylonians] and that is for them [the Palestinians]." See Schremer, *Male and Female*, 91–101 and the discussion in Chapter 2.
23. See Boyarin, *Carnal Israel*, 140.
24. For previous discussions see especially Naiweld, "Purity of Body," 210–214, who points out the connection between the rabbinic notion of *hirhure* 'averah and the monastic concept of *logismoi*; Rosen-Zvi, *Demonic Desires*, 36–43, who compares the rabbinic *yeshet* with patristic notions of desire; and Brodsky, "Thought is Akin to Action," who points out the Zoroastrian context of the Babylonian rabbinic tendency to regard thoughts as sinful in and of themselves. On the last point see also Kiel, "Penitential Theology," 578–579.
25. To be sure, however, Paul preferred celibacy and virginity (whether emphatically or not; whether for ascetic or non-ascetic reasons) for those who were not consumed with passion (thus acknowledging the essential possibility of self-control of the sexual urge), while the BT viewed the sexual urge as essentially uncontrollable and, therefore, advocated marriage for all.
26. See Rosen-Zvi, "Yetzer hara," 56, n. 3; Rosen-Zvi, *Demonic Desires*, 119.
27. The significance of sexual gratification, above and beyond procreative considerations, is much more pronounced in the BT than in Palestinian rabbinic works. Michael Satlow observes in this regard that "when, following a well-worn apologetic, modern scholars argue that Judaism had a 'positive' view of sex, the majority of sources to which they invariably refer are Babylonian. Whether or not it is useful to ask if Babylonian rabbis charged sex as 'positive' or 'negative', it does appear that they were more accepting of non-marital and non-procreative expressions of sexuality than were Palestinians." See Satlow, *Tasting the Dish*, 319. In a similar fashion, Daniel Boyarin observes, "Whatever the views of some of the Palestinian tannaim, such views were certainly not characteristic of the ethos of all of rabbinic Judaism. The pattern of an earlier asceticism replaced later (and especially in Babylonia), by an anti-ascetic discourse of sexuality can be found in several other passages of the talmudic literature." See Boyarin, *Carnal Israel*, 47–49.
28. *b. Ketub.* 48a (Vatican 130). Cf. *b. Ber.* 8b (Oxford 366): תניא אמ' רבן גמליאל: בשלושה דברים אוהב אני את הפרסים, צנועין באכילתן צנועין בבית הכסא צנועין בהשמיש המטה. כתיב אני צויתי למקודשי תני רב יוסף אלו פרסיים שמקודשין לגיהנם "It has been taught [in]



- a *baraita*]: Rabban Gamli'el said: on account of three things I admire the Persians. They are modest in their eating [habits], in the restroom, and in [their] sexual relations "I have summoned my consecrated ones (*mequdašai*) (Isa. 13:3)" – Rav Yosef taught: these are the Persians who are "designated" (*mequdašin*) for Gehenna." See also Elman, "'He in his Cloak,'" 140–141; Boyarin, *Carnal Israel*, 48–49; Moshe Benovitz, *BT Berakhot Chapter 1 with Comprehensive Commentary* (Jerusalem: Society for the Interpretation of the Talmud, 2006), 335; Secunda, *The Iranian Talmud*, 66–70, and the discussion in [Chapter 3](#).
29. As I shall argue in [Chapter 3](#), Rav Yosef's mention of the Persian custom to have sex while clothed probably alludes to (a rabbinic misconception of) the Zoroastrian instruction that the *kustīg* (ritual girdle) and *šabīg* (ritual shirt) must be worn at all times, even during sexual relations.
  30. This juxtaposition is made in Boyarin, *Carnal Israel*, 47–48; Biale, *Eros and the Jews*, 26.
  31. On the ascetic marital practices attributed to R. Eli'ezer, see Boyarin, *Carnal Israel*, 48; Boyarin, *Socrates and the Fat Rabbis*, 155–161; Biale, *Eros and the Jews*, 26; Diamond, *Holy Men*, 46–47.
  32. See Diamond, *Holy Men*, 47. Cf. Boyarin, *Carnal Israel*, 48, n. 28.
  33. Further evidence for "soft" ascetic practices in Palestinian rabbinic traditions can be adduced from the negative attitude to nudity during sex attributed to R. Shim'on ben Yoḥai in *Lev. Rab.* 21:8 (ed. Margulies, 486) and *Gen. Rab.* 95 (in Theodor and Albeck [eds.], *Midrash Bereshit Rabba*, 1232). And cf. *b. Nid.* 17a. This difference was noted in Boyarin, *Carnal Israel*, 49. For the positive attitude of the BT to sexual gratification see also the story of Rav Kahana in *b. Ber.* 62a (Oxford 366): "R. Kahana once went after Rav to [observe a] sexual act and sat under his [Rav's] bed. He heard him chatting [with his wife] and joking and doing his business. He [Rav Kahana] said: One would think that Rav's mouth had never tasted the dish before! <He said: Kahana, is that you? Get out of here, for it is not proper. He [Rav Kahana] replied: It is a matter of Torah, and I am required to learn> Cf. *b. Hag.* 5b. The clause in pointed brackets appears in all textual witnesses of *b. Ber.* 62a, but only in two textual witnesses of *b. Hag.* 5b (New York JTS Rab. 2330 and Oxford 366). Cf. *y. Ber.* 9:5 14c and see the discussion in Shamma Friedman, "A Good Story Deserves Retelling: The Unfolding of the Akiva Legend," *JSIJ* 3 (2004): 55–93 (73–76); Rubenstein, *Stories of the Babylonian Talmud*, 211–214; and Boyarin, *Carnal Israel*, 122–123. Also, cf. the ascetic practice described in *y. Yebam.* 1:1 2b (= *Gen. Rab.* 85:5 [Theodor and Albeck [eds.], *Midrash Bereshit Rabba*, 1038]), according to which R. Yose b. Halafta is said to have had sex with his levirate wife only five times and merely for procreation, against the Babylonian rabbinic reworking of this tradition in *b. Šabb.* 118b, a difference noted in Diamond, *Holy Men*, 47–48.
  34. *b. Ned.* 20b (Vatican 110). See the discussion in Boyarin, *Carnal Israel*, 109–113 (on female gratification see 113–122); Diamond, *Holy Men*, 47.
  35. See *m. Qidd.* 4:12–14; *t. Qidd.* 5:9–10 (Saul Lieberman [ed.], *The Tosefta*, 4 vols. [New York: Jewish Theological Seminary, 2001–2007], 296–297).



36. According to the dominant voice in the BT (see especially *b. Qidd.* 80b–82a) there is no “neutral space” free of sexual desire, as one might be tempted even by female relatives, underage girls, males, and animals. An alternative and somewhat subversive voice, however, maintains that a neutral space exists, in which men and women can interact in a non-sexual manner. I am preparing a comparative study on this debate in the light of similar concerns raised in Syriac Christian and Zoroastrian sources. The divergent rabbinic “voices” were identified in Rosen-Zvi, “Yetzer hara,” 68–79.
37. For possible misogynistic implications of this identification see Rosen-Zvi, *Demonic Desires*, 120–126; Rosen-Zvi, “Yetzer hara,” 65–66; Boyarin, *Carnal Israel*, 77–106.
38. Rosen-Zvi, *Demonic Desires*, 111–112; Rosen-Zvi, “Yetzer hara,” 68–79.
39. On the connection of the male gaze at beauty, sexual arousal, and the topos of the “falling of light” (נפל הנורא) in rabbinic, Syriac, and Manichaean sources, see Reuven Kiperwasser, “Narrative Bricolage and Cultural Hybrids in Rabbinic Babylonia: On the Narratives of Seduction and the *topos* of Light” (forthcoming). See also Galit Hasan-Rokem, “Rabbi Meir, the Illuminated and Illuminating,” in *Current Trends in the Study of Midrash*, ed. C. Bakhos (Leiden: Brill, 2006), 227–243 (236); Rachel Neis, *The Sense of Sight in Rabbinic Culture: Jewish Ways of Seeing in Late Antiquity* (Cambridge: Cambridge University Press, 2013), 158.
40. On the fiery image of the *yeṣer* in its Zoroastrian and Manichaean context see Yishai Kiel, “The Wizard of Āz and the Evil Inclination: The Babylonian Rabbinic Yetzer in its Zoroastrian and Manichaean Context,” in *Proceedings of ‘The Origins of the Origins of Evil: Contesting Interpretations of the ‘Evil Inclination’ (yeṣer hara’) within Judaism and its Impact on Early Christian Thought,’ Held at Fitzwilliam College, University of Cambridge, September 2–4, 2014* (forthcoming).
41. “R. Ḥiyya b. ’Ashi used to prostrate himself daily and say: May the Merciful One save me from the evil *yeṣer*. One day his wife heard him. She said to herself: He has refrained from sexual contact with me for several years now. Why does he say that? One day as he was studying in his garden, she dressed and made herself up and walked back and forth in front of him. She said to him: I am Heruta and I have just returned today. He propositioned her. She said to him: Bring me that pomegranate from the uppermost bough. He jumped up and retrieved it for her. When he returned home, he found his wife firing the oven. He got into it and sat down. She said to him: What is the meaning of this? He said to her: Such and such occurred. She said to him: That was me! He said to her: But I intended to do something forbidden.” This story was analyzed in Naeh, “Freedom and Celibacy” and Rosen-Zvi, “Yetzer hara,” 79–82.
42. Cf. the interpretation of this passage suggested in Naiweld, “Purity of Body,” 229.
43. See Rosen-Zvi, *Demonic Desires*, 110; Rosen-Zvi, “Yetzer hara,” 56–57. Cf., however, Satlow, “‘Wasted Seed’.” While I agree with Rosen-Zvi that the talmudic redactors emphasize the problematic nature of sexual thoughts, this does not seem to contradict the conclusion reached by Michael Satlow,

according to which, in line with Zoroastrian assumptions, the redactors stress the distinctive power attached to seminal emission, in contrast to earlier discussions that are primarily concerned with the lack of self-control and the circumvention of procreation. On this issue see the discussion in [Chapter 4](#). In other words, there are two issues that come to the fore in the final (redacted) form of this *sugya*: the problematic nature of sexual thoughts and the power associated with seminal emission.

44. *b. Sanh.* 64a (MS Yad Harav Herzog). Cf. *b. Yoma* 69b.
45. *yašra de-‘avera* (lit. “the *yešer* for sin”) refers to the sexual urge in particular. See also *b. Ber.* 22a; *b. Meg.* 12a; *b. Soṭah* 11b. For the story in its Zoroastrian and Manichaean contexts see Kiel, “The Wizard of Āz.”
46. Karlsruhe and Munich 95: “a newly laid egg” (ביעתא בת יומא).
47. Boyarin, *Carnal Israel*, 61–64. See also van der Horst, “A Note on the Evil Inclination,” 61.
48. Rosen-Zvi, *Demonic Desires*, 119.
49. The death of the *yešer* in the end of days can also be read in the light of another talmudic tradition, according to which in the world to come there will be no *piryah u-reviyah* (lit. “procreation,” but also in the broader sense of “sexual relations”): לא פריה ולא . . . לא כהעולם הזה העולם הבא אין בו . . . לא פריה ולא רביה “Rav was accustomed to say: The world to come is not like this world; in the world to come there is neither reproduction nor procreation” (*b. Ber.* 17a [MS Oxford 366]). Cf. *‘Abot de-Rabbi Nathan A:1* (Solomon Schechter [ed.], *Avoth de-Rabbi Nathan: Solomon Schechter Edition. Prolegomenon by Menahem Kister* [New York: Jewish Theological Seminary, 1997], 5) and parallels. When there is no need for procreation, there would seem to be no need for a sexual urge.
50. See the discussion in Schremer, *Male and Female*, 308–310. While the sublimation of sexual desire may be one of the main purposes of marriage in Babylonian rabbinic culture, it must be kept in mind that Babylonian rabbis did not necessarily limit sexual activity to marital frameworks. On this point see Satlow, *Tasting the Dish*, 224–264.
51. As we have seen, *b. Qidd* 29b explicitly attaches the notion of early marriage for the sake of taming desire to the rabbinic center of Babylonia, while contrasting this position with Palestinian rabbinic practice.
52. *b. Qidd.* 29b–30a (Oxford 367).
53. On this term see Michael Sokoloff, *A Dictionary of Jewish Babylonian Aramaic of the Talmudic and Geonic Periods* (Ramat Gan: Bar-Ilan University Press, 2002), 792.
54. Cf. *b. B. Bat.* 16a: “Satan, the *yešer*, and the Angel of Death are all one and the same” (הוא שטן הוא יצר הרע הוא מלאך המות). While this statement is attributed to a Palestinian rabbi of the third century (Resh Laqish), it appears only in the BT and seems to reflect a Babylonian rabbinic perspective. On the Zoroastrian and Manichaean context of this identification see Kiel, “The Wizard of Āz.” Cf. Elman, “‘He in his Cloak,’” 148.
55. On the association of the temptation of the *yešer*/Satan with an arrow (גירא) common to both the BT and Aphrahat, see Rosen-Zvi, *Demonic Desires*, 116–117. For the notion of blinding the eyes of the *yešer*/Satan, cf. *b. Yoma*

- 69b; *b. Sanh.* 64a; Boyarin, *Carnal Israel*, 62–63; Rosen-Zvi, *Demonic Desires*, 119.
56. Interestingly, in a list of the merits of marriage, *b. Yebam.* 62b argues that one who has no wife remains without a “wall,” in the sense of guardian from sin. Although this notion is attributed to Palestinian rabbis (“in the West they say”), this clause is conspicuously missing from the Palestinian parallels (*Gen. Rab.* 17:2 [Theodor and Albeck [eds.], *Midrash Bereshit Rabba*, 151–152] and parallels). See also *b. Yebam.* 63a–b (“it is sufficient for us that they raise our children and save us from sin”). See Schremer, *Male and Female*, 308–310, 315 n. 50, and Boyarin, *Carnal Israel*, 140–141, n. 13.
  57. For the talmudic concept of *hirhure ‘averah* see also *b. Qidd.* 39b.
  58. The name might stem from Haoma (Pahlavi Hōm), the Iranian deity of the sacrificial drink *haoma*, or, more likely, from the female name Humā, which is also the name of the mother of Darius. From a literary perspective, however, the storytellers seem to employ a pun on the Hebrew/Aramaic meaning of the name. On the one hand, Aramaic חומה means heat (Sokoloff, *Dictionary of Jewish Babylonian Aramaic*, 439) designating the heat of temptation. On the other hand, we are told in *b. Yebam.* 62b that one who has no wife remains without a “wall” (Hebrew חומה), in the sense of a guardian against sin, which is precisely the point of our story.
  59. *b. Ketub.* 65a. See also *b. Ned.* 20b.
  60. For the generally monistic perception of the relations of body and soul in rabbinic culture see Ephraim Elimelech Urbach, *The Sages: Their Concepts and Beliefs* (Jerusalem: Magnes Press, 1976), 193–205; Nissan Rubin, “The Sages’ Conception of the Body and Soul,” in *Essays in the Social Scientific Study of Judaism and Jewish Society*, ed. S. Fishbane and J. N. Lightstone (New York: Ktav, 1989), 47–103; Ishay Rosen-Zvi, *Body and Soul in Ancient Jewish Thought* (Ben-Shemen: Modan, 2012), 59–67.
  61. Boyarin, *Carnal Israel*, 5–6, 31–35. Similarly, Schremer, *Male and Female*, 51–65; Biale, *Eros and the Jews*, 35–36.
  62. Koltun-Fromm, *Hermeneutics of Holiness*, 175–210.
  63. On Aphrahat’s views on marriage and celibacy see Koltun-Fromm, *Hermeneutics of Holiness*, 129–174 (further literature on Syriac attitudes to sexuality quoted on 266, n. 4). See also the sources referenced in Bar-Asher Siegal, *Early Christian Monastic Literature*, 67, n. 14; Schremer, *Male and Female*, 60–61, n. 104. On Aphrahat and contemporary Babylonian Jewry see Koltun-Fromm, *Hermeneutics of Holiness*, 20–26; Naomi Koltun-Fromm, *Jewish-Christian Conversation in Fourth-Century Persian Mesopotamia: A Reconstructed Conversation*, Judaism in Context 12 (Piscataway, NJ: Gorgias Press, 2011).
  64. This commonality is particularly evident with regard to the celibacy of Moses: Koltun-Fromm, *Hermeneutics of Holiness*, 175–210. See also Schremer, *Male and Female*, 62–64; Menahem Kahana (ed.), *Sifre on Numbers: An Annotated Edition*, 4 vols. (Jerusalem: Magnes Press, 2011–2015), III, 660–661, 671–672; Boyarin, *Carnal Israel*, 159–165, and see the discussion in [Chapter 2](#). For primary sources see Philo, *Life of Moses*, 2.68–69 (in Charles D. Yonge [trans.], *The Works of Philo: Complete and Unabridged*

- [Peabody, MA: Hendrickson, 1993], 487); *Sipre Num.* 100, 103 (in Kahana [ed.], *Sipre on Numbers*, 1, 250, 255); *Sipre Zut. Num.* 12:2 (Hayim Shaul Horovitz [ed.], *Siphre d'Be Rab, Fasciculus primus: Siphre ad Numeros adjecto Siphre Zutta* [Jerusalem: Shalem, 1992] 274); 'Abot de-Rabbi Nathan A:2, 9, B:2 (Schechter [ed.], *Avot de-Rabbi Nathan*, 10, 40); *b. Šabb.* 87a; *b. Yebam.* 62a; Aphrahat, *Demonstrations* 18:4–5 (Adam Lehto, “Divine Law, Asceticism, and Gender in Aphrahat’s *Demonstrations*, with a Complete Annotated Translation of the Text and Comprehensive Syriac Glossary” [Ph.D. thesis, University of Toronto, 2003], 367–368).
65. Koltun-Fromm, *Hermeneutics of Holiness*, 3–4. Aphrahat’s attitude to celibacy can serve as a corrective to the tendency to associate discourses of celibacy solely with dualistic anthropology, as argued by Boyarin. Unlike authors such as Origen, who were undoubtedly influenced by Platonic teachings about the self and especially the notion of the mind’s escape from the body, Aphrahat reflects a monistic perception of the self and yet was a prominent advocate of celibacy. For Aphrahat, celibacy was not about the escape of the soul from the carnal body, but rather a matter of holiness (in body and spirit) and facilitating a union with God. The distinction between dualistic and monistic strands in Eastern Christianity, to be sure, can hardly be mapped onto a dichotomy between Greek and Syriac authors, since we see that both strands are current, to varying degrees, among both Greek and Syriac writers. On this issue see recently Jill Gather, *Teachings on the Prayer of the Heart in the Greek and Syrian Fathers: The Significance of Body and Community* (Piscataway, NJ: Gorgias Press, 2010), 25–44.
  66. The literature is exceedingly vast. The following list is, by no means, intended as an exhaustive survey: Peter Brown, *The Body and Society: Men, Women, and Sexual Renunciation in Early Christianity*, Lectures on the History of Religions 13 (New York: Columbia University Press, 1988); Daniel Boyarin, *A Radical Jew: Paul and the Politics of Identity* (Berkeley: University of California Press, 1994), 158–179; Will Deming, *Paul on Marriage and Celibacy: The Hellenistic Background of 1 Corinthians 7*, 2nd ed. (Cambridge: Cambridge University Press, 2004); Elizabeth Clark, *Reading Renunciation: Asceticism and Scripture in Early Christianity* (Princeton: Princeton University Press, 1999); David G. Hunter, *Marriage, Celibacy, and Heresy in Ancient Christianity: The Jovinianist Controversy* (Oxford: Oxford University Press, 2007), 87–170; J. Edward Ellis, *Paul and Ancient Views of Sexual Desire: Paul’s Sexual Ethics in 1 Thessalonians 4, 1 Corinthians 7, and Romans 1* (London: T & T Clark, 2007); Glenn Holland, “Celibacy in the Early Christian Church,” in *Celibacy and Religious Traditions*, ed. C. Olson (Oxford: Oxford University Press, 2008), 65–84; Margaret D. Kamitsuka (ed.), *The Embrace of Eros: Bodies, Desires, and Sexuality in Christianity* (Minneapolis, MN: Fortress Press, 2010), 15–82; William Loader, *Sexuality in the New Testament* (London: SPCK, 2010); William Loader, *Making Sense of Sex: Attitudes towards Sexuality in Early Jewish and Christian Literature* (Grand Rapids, MI: Eerdmans, 2013); Hans-Ulrich Weidemann and Elizabeth A. Clark (eds.), *Asceticism and*

- Exegesis in Early Christianity: The Reception of New Testament Texts in Ancient Ascetic Discourses* (Göttingen: Vandenhoeck & Ruprecht, 2013).
67. Suffice it to juxtapose the rejection of biological family ties (Matt. 10:37–38; Luke 14:26; Mark 10:29), the absence of marriage at the time of the resurrection (Mark 12:25; Matt. 22:30; Luke 20:34–36), and the idea of eunuchs for the sake of heaven (Matt. 19:12) with the prohibition to divorce, which explicitly states that marriage constitutes a divine union (Mark 10:5–9; Matt. 5:31–32, 19:1–12; Luke 16:18). On the anti-familial tendencies in the Jesus traditions see e.g. Elizabeth A. Clark, “Anti-Familial Tendencies in Ancient Christianity,” *Journal of the History of Sexuality* 5 (1995): 356–380; Elizabeth A. Clark, *Reading Renunciation*, 196–203. Cf. Caroline T. Schroeder, “Child Sacrifice in Egyptian Monastic Culture: From Familial Renunciation to Jephthah’s Lost Daughter,” *Journal of Early Christian Studies* 20 (2012): 269–302 (280); Rebecca Krawiec, “‘From the Womb of the Church’: Monastic Families,” *Journal of Early Christian Studies* 11 (2003): 283–307. I am indebted to Michal Bar-Asher Siegal for the last two references.
  68. Paul’s equivocal statements on marriage and celibacy have led to diametrically opposed reconstructions of his position. See the survey of interpretations of 1 Cor. 7 in Deming, *Paul on Marriage and Celibacy*, 1–46. And contrast, for example, the non-ascetic interpretation in Deming, *Paul on Marriage and Celibacy*, 207–219 with Boyarin, *A Radical Jew*, 158–179, who views Paul as a proto-Encratite.
  69. Contrast, for example, the widely attested tendency to read renunciation into scripture (Clark, *Reading Renunciation*, 3–13) with the anti-Encratite discourse that pervaded the writings of several Greek and Latin patristic writers, who sought to emphasize the anti-celibate tendencies in scripture (Hunter, *Marriage, Celibacy, and Heresy*, 90–129).
  70. See e.g. Diamond, *Holy Men*, 33–54. Also Steven Fraade, “Ascetical Aspects of Ancient Judaism,” in *Jewish Spirituality: From the Bible through the Middle Ages*, ed. A. Green (New York: Crossroad, 1988), 253–288; Michael L. Satlow, “‘And on the Earth you Shall Sleep’: Talmud Torah and Rabbinic Asceticism,” *Journal of Religion* 83, 2 (2003): 204–222; Kiel, “Study versus Sustenance”; Bar-Asher Siegal, *Early Christian Monastic Literature*, 64–70.
  71. Boyarin, *Carnal Israel*, 40–41, 46–47.
  72. See e.g. Clement of Alexandria, “The Instructor,” in *The Fathers of the Second Century*, trans. A. Roberts and J. Donaldson (Grand Rapids, MI: Eerdmans, 1989), 207–298 (259–263); John Chrysostom, *St. John Chrysostom: On Marriage and Family Life*, trans. C. Roth and D. Anderson (Crestwood, NY: St. Vladimir’s Seminary Press, 1986), 76.
  73. See Stephen Gero, *Baršauma of Nisibis and Persian Christianity in the Fifth Century* (Louvain: Peeters, 1981), 79–88; P. Bruns, “Baršauma von Nisibis und die Aufhebung der Klerikerenthaltssamkeit in Gefolge der Synode von Beth-Lapat (484),” *Annuaire Historiae Conciliorum* 37 (2005): 1–42. Cf. Brown, *Body and Society*, 294–295, 321–338. On the tension between ascetic

- and non-ascetic tendencies in the school of Nisibis see Payne, *A State of Mixture*, 95–101.
74. Biale, *Eros and the Jews*, 33–59; Rosen-Zvi, “Yetzer hara,” 56, n. 3.
  75. For a positive patristic view on procreation see the survey in Cohen, “*Be Fertile and Increase*,” 221–270 (but cf. the attempt to explain away the biblical blessing of procreation surveyed in Clark, *Reading Renunciation*, 180–183). These views came to the fore in the context of patristic rebuttals of Marcionite, Encratite, and Manichaean attempts to denigrate reproduction.
  76. Notwithstanding the existence of Epicurean and Cynic tendencies toward celibacy (which are also reflected perhaps in the pro-celibate views of ben ‘Azzai in *t. Yebam.* 8:7 [in Lieberman [ed.], *The Tosefta*, 26]; *Gen. Rab.* 34:6 [Theodor and Albeck [eds.], *Midrash Bereshit Rabba*, 326]; *b. Yebam.* 63b). See Schremer, *Male and Female*, 55, and cf. Daube, *The Duty of Procreation*, 37–38; Boyarin, *Carnal Israel*, 134–136; Diamond, *Holy Men*, 35–38; Cohen, “*Be Fertile and Increase*,” 110–114, the mainstream view in the Greco-Roman world was that marriage and procreation constitute the basic building-block of the household and society. On this feature, which essentially underlies the Stoic–Cynic marriage debate, see Deming, *Paul on Marriage and Celibacy*, 47–104 (esp. 49–51) and references to earlier scholarship. On the possible connection between Augustus’ legislation and the emergence of the precept of procreation in rabbinic literature see Daube, *The Duty of Procreation*, 34–37. And cf. Cohen, “*Be Fertile and Increase*,” 158–165; Cohen, “The Commandment to Procreate.”
  77. Similarly, a possible reading of 1 Thess. 4:3–5 is: “For this is the will of God, your sanctification: that you abstain from fornication (πορνείας); that each one of you know how to take a wife for himself (ἑαυτοῦ σκευὸς κατ᾿ᾷσαι; lit. “control his own vessel,” but which can also be translated as “control his own body”) in holiness and honor (ἐν ἁγιασμῷ καὶ τιμῇ), not with lustful passion (μὴ ἐν πάθει ἐπιθυμίας), like the Gentiles who do not know God.” The history of scholarship on this passage is vast: see e.g. Torleif Elgvin, “‘To Master his Own Vessel’: 1 Thessalonians 4:4 in Light of New Qumran Evidence,” *NTS* 43 (1997): 604–619; Robert Yarbrough, “Sexual Gratification in 1 Thessalonians 4:1–8,” *TJ* 20 (1999): 215–232; Abraham J. Malherbe, *The Letters to the Thessalonians: A New Translation with Introduction and Commentary*, AB (New York: Doubleday, 2000), 224; O. Larry Yarbrough, *Not Like the Gentiles: Marriage Rules in the Letters of Paul*, SBL Dissertation Series 80 (Atlanta, GA: Scholars Press, 1985), 68–76. Cf. the translation “control his own body” in David J. Williams, *1 and 2 Thessalonians*, NIBCNT (Peabody, MA: Hendrickson, 1992), 72–73; Dieter Lührmann, “The Beginnings of the Church at Thessalonica,” in *Greeks, Romans, and Christians: Essays in Honor of Abraham J. Malherbe*, ed. D. L. Balch, E. Ferguson, and W. A. Meeks (Minneapolis: Fortress, 1990), 237–249 (247).
  78. This is a highly contested issue. See the summary of positions in Deming, *Paul on Marriage and Celibacy*, 5–49.
  79. David Fredrickson, “Passionless Sex in 1 Thessalonians 4: 4–5,” *WW* 23 (2003): 23–30; Dale Martin, “Paul without Passion: On Paul’s Rejection of



- Desire in Sex and Marriage,” in *Constructing Early Christian Families: Family as Social Reality and Metaphor*, ed. H. Moxnes (London: Routledge, 1997), 201–215, republished in Wayne A. Meeks and John T. Fitzgerald (eds.), *The Writings of St. Paul: Annotated Texts, Reception, and Criticism*, 2nd ed. (New York: W. W. Norton & Co., 2007), 678–688. See also Dale Martin, *The Corinthian Body* (New Haven: Yale University Press, 1999), 198–228; Dale Martin, *Sex and the Single Savior: Gender and Sexuality in Biblical Interpretation* (Louisville, KY: Westminster John Knox Press, 2006), 65–76.
80. See Martha Nussbaum, *The Therapy of Desire: Theory and Practice in Hellenistic Ethics* (Princeton: Princeton University Press, 1994), 359–401.
  81. See e.g. Deming, *Paul on Marriage and Celibacy*, 45–46; Edward Ellis, *Paul and Ancient Views of Sexual Desire*, 1–17; Vincent L. Wimbush, *Paul the Worldly Ascetic: Response to the World and Self-Understanding According to 1 Corinthians 7* (Macon, GA: Mercer University Press, 1987), 65–66.
  82. See also Yarbrough, “Sexual Gratification in 1 Thessalonians 4:1–8,” 226; Malherbe, *Letters to the Thessalonians*, 229–230.
  83. Deming, *Paul on Marriage and Celibacy*, 49–51.
  84. Certain authors went so far as arguing that Paul’s words in 1 Cor. 7:9 should be regarded as his opinion alone, which ought to be differentiated from the words of Christ. See e.g. Cyril of Alexandria, *Commentary on 1 Cor. 7:8*; Tertullian, *De Exhortatione castitatis* 3.6, 4.5; and the discussion in Clark, *Reading Renunciation*, 286–288.
  85. Clark, *Reading Renunciation*, 259–264: “All the church fathers here cited deemed celibacy higher than marriage. On this general point there was little disagreement. Attempts by writers such as Jovinian (and Barṣauma I might add YK) to ‘equalize’ marriage with celibacy prompted fierce rejoinders . . . yet there was also a need to counter Marcionite and Manichaean denigration of reproduction. Although the church fathers had the parameters of their argument loosely set, within these limits there was nonetheless ample room for creative interpretation. Within that pale, generous assessments of marriage based on 1 Corinthians 7 could be proffered by writers such as John Chrysostom, preaching to urban congregations of the married at Antioch and Constantinople. At the other, still acceptable, end of the orthodox spectrum (yet dangerously broaching its borders) were the diatribes of the ascetically rigorous Jerome and the anonymous, allegedly Pelagian, author of the treatise *De castitate*, also inspired by 1 Corinthians 7” (p. 263).
  86. See Origen, *Commentary on 1 Cor. 9:22*, in Clark, *Reading Renunciation*, 288.
  87. See e.g. Clement of Alexandria, *Stromata* 3.1.4.3. See also Augustine, *De agone Christiano* 31.33. Needless to say, however, Paul himself does not mention procreation as a justification for marriage and explicitly addresses vv. 8–9, not only to the widows, but also to the unmarried. Others (such as Tertullian, *De pudicitia* 16.15–16) argued that the “burning” does not even refer to the fire of lust, but rather to the “fire of penalty.” See Clark, *Reading Renunciation*, 287–289.

88. Aphrahat, *Demonstrations* 6:4 (in William Wright [ed.], *The Homilies of Aphraates, the Persian Sage: Edited with an Introduction by William Wright*, Syriac Studies Library 38 [Piscataway, NJ: Gorgias Press, 2013], 111 [fol. 53b]; trans. in Lehto, "Divine Law," 191). Cf. the Peshitta to 1 Cor. 7:9: כֵּן לֵאמֹר כִּי לֹא יִשְׁתֶּה אִישׁ אִשָּׁה וְלֹא יִשְׁתֶּה אִשָּׁה אִישׁ ( "it is better to take a wife than to be aflame with lust").
89. Rosen-Zvi, *Demonic Desires*, 118.
90. To be sure, Rosen-Zvi (*Demonic Desires*, 118) is acutely aware of the need to situate rabbinic Babylonian assumptions about sexual desire in the context of Iranian culture.
91. For the basic non-ascetic and anti-ascetic tendencies in Zoroastrianism see e.g. Robert C. Zaehner, *The Dawn and Twilight of Zoroastrianism* (London: Weidenfeld & Nicolson, 1961), 265–283; Solomon A. Nigosian, "Zoroastrian Perception of Ascetic Culture," *JAAS* 34, 1 (1999): 4–18; Alan V. Williams, "Zoroastrianism and the Body," in *Religion and the Body*, ed. S. Coakley (Cambridge: Cambridge University Press, 1997), 155–166. Several scholars have noted the existence of mitigated or "soft" ascetic expressions in Pahlavi literature and especially in the *andarz* (wisdom) texts. See e.g. Shaul Shaked, "The Pahlavi Andarz Literature" (Ph.D. thesis, University of London, 1964), 225–247; Shaul Shaked, "Paymān: An Iranian Idea in Contact with Greek Thought and Islam," in *From Zoroastrian Iran to Islam: Studies in Religious History and Intercultural Contacts*, Collected Studies Series CS505 (Aldershot: Variorum, 1995), 217–240. See also Yishai Kiel, "Fasting and Asceticism in the Babylonian Talmud in Light of Zoroastrian Ideology," *Jewish Studies Internet Journal* 12 (2013): 1–28 (16–26); Kiel, "Study versus Sustenance," 290–297.
92. On the connection between myth and ritual in the *Videvdad* see Skjærvø, "The *Videvdad*: Its Ritual–Mythical Significance."
93. *Videvdad* 3.24–25 (trans. Skjærvø [unpublished]). This passage was previously analyzed in König, *Geschlechtsmoral*, 41–50, who stresses the economic perspective on sexuality in Young Avestan texts, insofar as sex is compared with plowing and sowing the field. The emphasis placed here on sexual gratification alongside fertility and procreation, however, has not been sufficiently acknowledged in scholarship.
94. Another passage asserts the supremacy of a married man over an unmarried man. Thus, *Videvdad* 4.47 (trans. Skjærvø):  

"This indeed I proclaim to you who have a wife, O Spitama Zarathustra, rather than (to) him (who has none), as a benefactor would proclaim, [to you] who have a house than [to] him who does not, [to you] who have sons than [to] him who has none, [to you] who have a treasure than [to] him who has none.

For a discussion of this passage see König, *Geschlechtsmoral*, 61–62. For the Pahlavi version see Moazami (ed.), *Wrestling with the Demons*, 116–117. It is interesting to contrast the rhetoric of preference in this passage to Paul's assertion in 1 Cor. 7:8: "To the unmarried and the widows I say that it is better for them to remain unmarried as I am."



95. Alongside the perseverance of named Avestan demons in the Pahlavi tradition, another important class of demonic entities, represented primarily in the *andarz* (wisdom) literature, constitutes personifications of negative human emotions and qualities. For the classification of Iranian demonology into “Avestan” and “affective,” see Albert de Jong, “Going, Going, Gone! The Fate of the Demons in Late Sasanian and Early Islamic Zoroastrianism,” in *Démons iraniens: Actes du colloque international organisé à l’Université de Liège les 5 et 6 février 2009 à l’occasion des 65 ans de Jean Kellens*, ed. P. Swennen (Liège: Presses Universitaires de Liège, 2015), 163–170. For primary taxonomies of Iranian demonology, see e.g. *Videvdad* 10.9–17, 19.40–47; *Yašt* 3.5–17; *Bundahišn* 27.14–50; *Bundahišn* 5.1–3; *Dādestān ī Dēnīg* 36.31, 36.37–46; *Bundahišn* 27.6–12. And see the discussion in Bruce Lincoln, *Gods and Demons, Priests and Scholars: Critical Explorations in the History of Religions* (Chicago: University of Chicago Press, 2012), 40–42; Éric Pirart, *Georges Dumézil face aux démons iraniens* (Paris: Harmattan, 2007), 34–55.
96. Traditionally translated “Primal Whore,” but it is unclear whether she was indeed perceived of as a prostitute (*rōspīg*). On *Jeh* see Robert C. Zaehner, *Zurvan: A Zoroastrian Dilemma* (Oxford: Clarendon Press, 1955), 183–192; S. K. Mendoza Forrest, *Witches, Whores and Sorcerers: The Concept of Evil in Early Iran* (Austin: University of Texas Press, 2011), 62–82; Jamsheed K. Choksy, *Evil, Good, and Gender: Facets of the Feminine in Zoroastrian Religious History*, Toronto Studies in Religion 28 (New York and Baltimore: Lang, 2002), 31–50; Albert de Jong, “*Jeh* the Primal Whore? Observations on Zoroastrian Misogyny,” in *Female Stereotypes in Religious Traditions*, ed. R. Kloppenborg and W. J. Hanegraaff (Leiden: Brill, 1995), 15–41 (25–31).
97. The apparently female demon *Āz* (cf. Av. *Āzi* masc.) is known from a variety of Zoroastrian and Manichaean sources. For a possible connection with *iizūia-* (“crave, covet”) see Christian Bartholomae, *Altiranisches Wörterbuch* (Berlin: Walter de Gruyter, 1904; rpr. 1961, 1975), cols. 342–343. Oktor Skjærvø informs me, however, that this suggestion is untenable. The name has been translated variously as avidity, lust, desire, hunger, craving, covetousness, acquisitiveness, concupiscence, and so forth. Here, I will use the term “desire” rather loosely, so as to designate the three main aspects of human desire associated with *Āz*, namely gustatory, sexual, and acquisitive cravings, corresponding to the notions of hunger, sexual lust, and greed. For previous discussions of this demon see Zaehner, *Zurvan*, 166–183; Hanns-Peter Schmidt, “Von awestischen Dämon *Āzi* zur manichäischen *Āz*, der Mutter aller Dämonen,” in *Studia Manichaica iv: Internationaler Kongress zum Manichäismus, Berlin 14–18 Juli 1997*, ed. R. E. Emmerick, W. Sundermann, and P. Zieme (Berlin: Akademie Verlag, 2000), 517–527; Choksy, *Evil, Good, and Gender*, 38–44; Werner Sundermann, “The Zoroastrian and the Manichaean Demon *Āz*,” in *Paitimāna: Essays in Iranian, Indo-European, and Indian Studies in Honor of Hanns-Peter Schmidt*, ed. S. Adhami (Costa Mesa, CA: Mazda, 2003), 328–338;

- Lincoln, *Gods and Demons*, 35–36; Jes P. Asmussen, “Āz,” *Encyclopædia Iranica*, IV: 168–169 (last updated online on August 18, 2011); Kiel, “The Wizard of Āz.”
98. On Pahlavi *waran* (desire) and its personification in the demonic figure Waran, see König, *Geschlechtsmoral*, 150–154.
  99. That Ohrmazd is the one who showed Jeh the fifteen-year-old boy seems to be the case in the Greater *Bundahišn*, but not in the Indian *Bundahišn*. See de Jong, “Jeh the Primal Whore?,” 40.
  100. *Bundahišn* 4.8 (cf. Behramgore Tehmuras Anklesaria [ed.], *Zand-Ākāsīh. Iranian or Greater Bundahišn: Transliteration and Translation in English* [Bombay: Sir Jamsetji Jeejeebhoy Zarthoshti Madressa and Mulla, Feeroze Madressa, 1956], 46–47; Mendoza Forrest, *Witches, Whores and Sorcerers*, 73).
  101. On Pahlavi *sālārīh* see Maria Macuch, “Disseminating the Mazdayasnian Religion: An Edition of the Pahlavi Hērbedestān Chapter 5,” in *Exegisti Monumenta: Festschrift in Honour of Nicholas Sims-Williams*, ed. W. Sundermann, A. Hintze, and F. de Blois (Wiesbaden: Harrassowitz, 2009), 251–278 (261–262); Kiel, “Study Versus Sustenance,” 293, n. 64 and the discussion in [Chapter 2](#). The connection established here between (female?) sexual desire and guardianship can be compared to the reception of Gen. 3:16 in antiquity: “To the woman he said: I will greatly increase your pangs in childbearing; in pain you shall bring forth children, yet your desire shall be for your husband, and he shall rule over you” (ואל אישך תשוקתך והוא ימשל בך). For the different interpretations of this verse (especially the alternative readings תשוקתך, in the sense of desire, and תשובתך, in the sense of submission) see e.g. Hanneke Reuling, *After Eden: Church Fathers and Rabbis on Genesis 3:16–21* (Leiden: Brill, 2006), 331–341; Esther Fisher, “‘His Yetzer is External, her Yetzer is Internal’: Gendered Aspects of Sexual Desire in Rabbinic Literature” (Ph.D. thesis, Bar-Ilan University, 2014), 21–52.
  102. See Émile Benveniste, “Le témoignage de Théodore bar Kōnay sur le zoroastrisme,” *Le monde oriental* 26–27 (1932–1935): 170–215; Zaehner, *Zurvan*, 441–442.
  103. Whether the Pahlavi version too uses the figure of Jeh as a misogynistic mythical representation of women in general is difficult to ascertain. See the discussion in de Jong, “Jeh the Primal Whore?,” 25–31 and cf. Shai Secunda, “The Fractious Eye: On the Evil Eye of Menstruants in Zoroastrian Tradition,” *Numen* 61 (2014): 83–108 (103). Other Pahlavi passages seem to create a sense of differentiation, albeit hardly a dichotomy, between Jeh as a paradigm of evil women and ordinary women. See *Bundahišn* 14.A1 (cf. Anklesaria [ed.], *Zand-Ākāsīh*, 136–137): “Ohrmazd said when he fashioned the woman (*zan*): I have made you too, whose adversary is the Evil Woman species (*jehān sardag*). And I have created you with a mouth (*dahān*) near the anus, so that sexual intercourse would seem to you like the taste of the sweetest foods to your mouth. And you will be my helper because man will be born from you. Yet, you cause me, Ohrmazd, grief. But if I had found a vessel from which to make man, I would never have made you, whose adversary is the Evil

- Woman species”; *Wizādagihā ī Zādspram* 34:30–31 (cf. Philippe Gignoux and Ahmad Tafazzoli [eds.], *Anthologie de Zadspram: Edition critique du texte pehlevi traduit et commenté*, Studia Iranica 13 [Paris: Association pour l’avancement des études iraniennes, 1993], 120–121: “It is manifest in the Tradition (*dēn*): When Ahriman scurried into the creation, he kept the Evil Woman species (*jahī sardag*) of the evil Tradition (*duš-dēn*) as a partner, just as men [keep] women as partners.” And see the discussions in Zaehner, *Zurvan*, 188–189; Mendoza Forrest, *Whores and Sorcerers*, 72–74; Choksy, *Evil, Good, and Gender*, 38–39.
104. For the relationship between the Pahlavi and Syriac versions of the myth see de Jong, “Jeh the Primal Whore?,” 38–40, who suggested that bar Kōnai combined the Zoroastrian story about the seduction of Jeh with the Manichaean story about the seduction of the archons by the Third Messenger. To be sure, the fact that the Third Messenger was identified in Iranian Manichaean texts as Narsē hardly indicates that there is an Iranian background to the Manichaean story of the seduction of the archons. Rather, it reflects an Iranian Manichaean attempt to “translate” the Manichaean myth in a manner more familiar to Iranian audiences. Cf. Zaehner, *Zurvan*, 186; Geo Widengren, “Manichaeism and its Iranian Background,” *CHI* 3 (1984): 977–984 (977–979).
  105. For the purpose of liberating and redeeming the light devoured by, mixed with, and imprisoned in the forces of darkness, the forces of light evoke the androgynous Third Messenger, who, in order to induce the demons to shed their seed and thereby also release the light inside them, appeared in the middle of the sky and revealed its male and female forms to the female and male archons (the sons and daughters of darkness) respectively. Filled with lust, they began to emit the light along with their semen. For this episode see e.g. Werner Sundermann, “Namen von Göttern, Dämonen und Menschen in iranischen Versionen des manichäischen Mythos,” *Altorientalische Forschungen* 6 (1979): 95–133 (100–102); Werner Sundermann, “Cosmogony and Cosmology, iii: In Manicheism,” *Encyclopædia Iranica*, vi: 310–315 (updated online, October 31, 2011); Prods Oktor Skjærvø, “Āsarēštār,” *Encyclopædia Iranica*, ii: 801–802.
  106. The Manichaean Third Messenger is also identified in one text with the Semitic Ēl. See Werner Sundermann, “Ēl as an Epithet of the Manichaean Third Messenger,” *JSAI* 26 (2002): 172–175.
  107. For the mythologization of female desire in Greek and rabbinic traditions cf. Boyarin, *Carnal Israel*, 77–106.
  108. Zaehner, *Zurvan*, 183–192. Robert Zaehner was often criticized for using the superimposed construct of “Zurvanism” for any element that didn’t seem to fit his idea of “mainstream” or “orthodox” Zoroastrianism. See e.g. Shaul Shaked, “The Myth of Zurvan: Cosmogony and Eschatology,” in *Messiah and Christos: Studies in the Jewish Origins of Christianity Presented to David Flusser*, ed. I. Gruenwald, S. Shaked, and G. G. Stroumsa, Texte und Studien zum antiken Judentum 32 (Tübingen: Mohr Siebeck, 1992), 219–240; Albert de Jong, “Zurvanism,” *Encyclopædia Iranica* (online edition; published March 28, 2014).

109. See de Jong, "Jeh the Primal Whore?" 41.
110. Thus, Schmidt, "Von awestischen Dämon Āzi zur manichäischen Āz," 522, n. 5.
111. On Pahlavi Waran (Lust) see König, *Geschlechtsmoral*, 150–154. For the sexual dimensions of Waran see e.g. *Bundahišn* 27.31–32 (cf. Anklesaria [ed.], *Zand Ākāsīh*, 238–239): *waran dēw ān kē abārōn-marzišnīh kunēd čīyōn gōwēd kū waran ī a-rāh* ("The demon Waran [Lust] is that which practices sinful intercourse, as one says, 'Waran of non-paths' [i.e. who does things the wrong way].") To be sure, although Waran is not exclusively sexual, it appears to be primarily sexual.
112. Cf. *Dādestān ī Dēnīg* 30.11: *awištāb ī az āz* ("the oppression that is from Āz") quoted below.
113. In the Manichaean sources Āz is often coupled with Ārzōg (Manichaean Middle Persian 'wrzwg: "Desire"). See numerous examples in the fragments transcribed and translated in David N. MacKenzie, "Mani's Šābuhragān," part 1 (text and translation), *BSOAS* 42, 3 (1979): 500–534.
114. *Selections of Zādspram* 34.36 (cf. Gignoux and Tafazzoli [eds.], *Anthologie de Zadspram*, 122–123; Zaehner, *Zurvan*, 351–352).
115. See above.
116. The nature of "desire," to be sure, differs in the rabbinic and Zoroastrian systems. In rabbinic culture the *yešer* is manifested mainly through human desire to sin (although, as we have seen, in Babylonian rabbinic culture there is a pronounced sexual emphasis); In Zoroastrianism Āz is manifested in gustatory, sexual, and acquisitive forms of human desire.
117. See esp. Sundermann, "The Zoroastrian and the Manichaean Demon Āz," 328–329; Schmidt, "Von awestischen Dämon Āzi zur manichäischen Āz," 521.
118. Āz does not parallel the philosophical concept of Hylē so much as its personification in gnostic and Western Manichaean thought as the embodiment of Matter in which the light is imprisoned. See e.g. Zaehner, *Zurvan*, 168; Schmidt, "Von awestischen Dämon Āzi zur manichäischen Āz," 517.
119. M 7984.1 (Manfred Hutter [ed.], *Manis kosmogonische Šābuhragān Texte* [Wiesbaden: Harrassowitz, 1992], 83–84).
120. *Selections of Zādspram* 34.36 (quoted above).
121. Kiel, "The Wizard of Āz."
122. For the Pahlavi accounts of this event see *Selections of Zādspram* 34.32–45; *Mēnōy ī Xrad* 8.15–16; *Pahlavi Rivāyat* 48.90–96; *Bundahišn* 34.27–30. The Manichaean accounts stem, for the most part, from Middle Persian fragments of Mani's *Šābuhragān* found at Turfan.
123. See e.g. Jason D. Beduhn, *The Manichaean Body in Discipline and Ritual* (Baltimore: Johns Hopkins University Press, 2000), 61. To be sure, the Manichaean avoidance of procreation (or of sex altogether) was intended, first and foremost, to reduce the harm caused to the Living Soul by further entrapping it in Matter.
124. Zaehner, *Zurvan*, 179–180.
125. *Pahlavi Rivāyat* 48.105–106 (cf. Alan V. Williams [ed.], *The Pahlavi Rivāyat Accompanying the Dādestān ī Dēnīg*, 2 vols., Royal Danish

Academy of Sciences and Letters: Historisk-filosofiske meddelelser [Copenhagen: Munksgaard, 1990], I: 190–191, II: 88); similarly *Bundahišn* 34.24, *Selections of Zādspram* 34.41 (Gignoux and Tafazzoli [eds.], *Anthologie de Zadspram*, 124–125).

126. The logic of this doctrine is that humans were created in order to fight and remove evil from the world. Once that has been accomplished, procreation is no longer necessary.
127. Compare *b. Sukkah* 52a, in which it is assumed that, in spite of the death of the *yeṣer* in the end of days, there will still be a sexual drive:

"וספדה הארץ משפחות משפחות לבד משפחת בית דוד לבד ונשיהם לבד משפחת בית נתן לבד ונשיהם לבד" – אמרו והלא דברים קל וחומר! ומה לעתיד לבוא שעסיקין בהספד ואין יצר הרע שולט אמרה תורה ונשיהם לבד עכשו שעסיקין בשמחה ויצר הרע שולט על אחת כמה וכמה

"The land shall mourn, each family by itself; the family of the house of David by itself, and their wives by themselves; the family of the house of Nathan by itself, and their wives by themselves" [Zech. 12:12] – Can this not, they said, be deduced *a fortiori*? If in a time to come, in which they are engaged in mourning and the *yeṣer* has no power over them, the Torah nevertheless says, "and their wives separately," how much more so now when they are engaged in rejoicing and the *yeṣer* has sway over them.

For the eschatological separation of the sexes, cf. the Manichaean Coptic *Sermon of the Great War*, p. 41.5–10 (Iain Gardner and Samuel N. C. Lieu [eds.], *Manichaean Texts from the Roman Empire* [Cambridge: Cambridge University Press, 2004], no. 71, p. 226): "He will bring the Darkness into the grave, [its] maleness and its femaleness." Similarly, *Kephalaia* XL1 (105, 30–34, in Iain Gardner, *The Kephalaia of the Teacher: The Edited Coptic Manichaean Texts in Translation with Commentary* [Leiden: Brill, 1995], 110): "[The t]hird blow that will befall the enemy is the 'rolling back' / [at the] end when everything will be separated, and male will be divided / [from] female. Now, the male will be bound in the lump, [b]ut the fem / [ale] w[ill] be thrown] i[n] to the tomb. For it will be divided / [ . . . by a great] stone in their midst."

128. *Bundahišn* 27.36 (Anklesaria [ed.], *Zand-Ākāsīh*, 238–241).
129. The adjective (*waranīg*) as well as the noun (*waran*) are inextricably linked with the personification of this quality in the demonic figure Waran.
130. *Dēnkard* 6.C39 (Shaul Shaked [ed.], *The Wisdom of the Sasanian Sages* [*Dēnkard* 6], Persian Heritage 34 [Boulder, CO: Westview, 1979], 158–159; cf. König, *Geschlechtsmoral*, 162). See also *Bundahišn* 27.31–32 (cf. Anklesaria [ed.], *Zand-Ākāsīh*, 238–239): *waran dēw ān kē abārōn-marzišnīh kunēd čiyōn gōwēd kū waran ī a-rāh* ("The demon Lust [Waran] is that which practices sinful intercourse, as one says, 'Waran of non-paths' [i.e. who does things the wrong way])."
131. See Shaked, "Paymān," 217–240.
132. Cf. Shaked (ed.), *Dēnkard* 6, 159: slaves; König, *Geschlechtsmoral*, Kind/Sklave. The inclusion of children or slaves in this passage is due to the general nature of the concepts of love and desire, which are not exclusively

sexual. Thus, one is encouraged to exhibit moderation both in the context of marital (and sexual) partnerships as well as in one's attitude to one's children.

133. Cf. Shaked (ed.), *Dēnkard* 6, 159: slaves; König, *Geschlechtsmoral*, Kind/Sklave.
134. *Dēnkard* 6.C.38 (cf. Shaked [ed.], *Dēnkard* 6, 158–159; König, *Geschlechtsmoral*, 162).
135. On Maši and Mašyāni and the origins of mankind see e.g. *Bundahišn* 14 and *Dēnkard* 7.1 (both in Prods Oktor Skjærvø (trans.), *The Spirit of Zoroastrianism* [New Haven and London: Yale University Press, 2011], 108–112). See also Shaked, “First Man, First King.”
136. See e.g. Anderson, “Celibacy or Consummation?”; Anderson, *The Genesis of Perfection*, 43–74; Minov, “The Question of Sexuality in Paradise”; Hasan-Rokem, “Erotic Eden”; Boyarin, *Carnal Israel*, 77–106.
137. For the incestuous aspects involved in this sexual encounter see [Chapter 5](#).
138. *Bundahišn* 14.27–30 (cf. Anklesaria (ed.), *Zand-Ākāsīh*, 132–133; Skjærvø (trans.), *Spirit of Zoroastrianism*, 110). See also the discussion in Shai Secunda, “The Construction, Composition, and Idealization of the Female Body in Rabbinic Literature and Parallel Iranian Texts: Three Excursuses,” *Nashim* 23 (2012): 60–86 (64–65).
139. For the idea that Adam and Eve were celibate while in Eden see e.g. Jubilees 3:34; 2 Baruch 56:5–6; Anderson, “Celibacy or Consummation?”; Anderson, *The Genesis of Perfection*, 43–73. Scholars have pointed out that, in contrast to the image of Eden as a Temple in which sexual activity was prohibited, most rabbinic sources portray Adam and Eve having sex before or during their residence in Eden. See Minov, “The Question of Sexuality in Paradise”; Boyarin, *Carnal Israel*, 83. Minov rejects the possibility raised by Boyarin that the rabbinic tradition, according to which Adam and Eve had sex while in Eden, was intended as an anti-Christian polemic.
140. Minov, “The Question of Sexuality in Paradise”; Anderson, *The Genesis of Perfection*, 43–73.
141. See esp. Anderson, “Celibacy or Consummation?”; Boyarin, *Carnal Israel*, 80–83; Hasan-Rokem, “Erotic Eden.”

## Sex and the Sages

### INTRODUCTION

In [Chapter 1](#) I endeavored to complicate and problematize the positive image of sexuality in Babylonian rabbinic and Pahlavi literature by demonstrating that, alongside the celebration of human carnality and sexuality, Babylonian rabbis and Zoroastrian *dastwars* shared a process of demonization of sexual desire, which underscores its problematic nature. In the present chapter I will attempt to further problematize the overall positive image of sex in these cultures, by focusing on the problem of the absentee married sages, who neglected their sexual and marital obligations in pursuit of religious studies in the academy. It is argued that a broader intellectual discourse pertaining to this cultural practice – whether by way of reassuring and romanticizing it or by criticizing and negating it – was common to Babylonian rabbis and Zoroastrian authorities in the Sasanian period, who negotiated similar concerns and legal mechanisms to address this distinctive cultural practice.

Rabbinic attitudes to sex cannot be adequately appreciated without recourse to the terminology and conceptions associated with the broader ascetic discourse in late antiquity. The question of the extent to which ascetic ideologies and practices can be found in talmudic culture has long occupied the minds of scholars, and remains a hotly debated issue to this very day. In general, the essentialist and ideologically motivated bias that dominated scholarship throughout most of the twentieth century, which characterized rabbinic Judaism as a non-ascetic or anti-ascetic religion,<sup>1</sup> was replaced in recent decades with a more nuanced discussion that acknowledges the wide array of practices associated with asceticism, the

difficulty inherent in defining its contours in terms of specific ideologies,<sup>2</sup> and the existence of diverging perspectives in the extant rabbinic literature.<sup>3</sup> Insofar as rabbinic dispositions toward sex are concerned, scholars have sought to expand the range of practices and ideologies that can be deemed ascetic,<sup>4</sup> so as to include soft, partial, and temporary forms of sexual abstention found in rabbinic culture in the broader ascetic discourse that pervaded the cultures of late antiquity.<sup>5</sup>

Steven Fraade has offered an important working definition in this context, which seems to be broad enough to include mainstream rabbinic sexual practices under the rubric of ascetic discourse and yet is sufficiently narrow to exclude other forms of religiosity and spiritual expression that can, by no account, be regarded as ascetic. According to his definition, asceticism is “the exercise of disciplined effort toward the goal of spiritual perfection (however understood) which requires abstention (whether total or partial, permanent or temporary, individualistic or communalistic) from the satisfaction of otherwise permitted earthly, creaturely desires.”<sup>6</sup>

In the present context, I will center on the question of the proper balance of marital and sexual engagements, on the one hand, and the rabbinic ideal of *talmud torah*, on the other. One of the effects of the emergence of *talmud torah* as the ultimate value in rabbinic culture was its disruptive effect vis-à-vis domestic life, since the pursuit of the spiritual and intellectual end of *talmud torah* conflicted at times with various domestic commitments. While the advocating of total dedication to a life of *talmud torah* clearly had an impact on other aspects of domestic life,<sup>7</sup> its most crucial and immediate effect was on the marital and sexual relationships of rabbinic scholars. Michael Satlow and Eliezer Diamond have independently posited in this regard that *talmud torah* functioned in rabbinic culture as an ascetic ideal, in the context of which the rabbis often advocated intellectual, spiritual, and physical toil, as well as different forms of abstention and restraint.<sup>8</sup> This does not mean, of course, that the rabbis viewed the study of Torah only through an ascetic prism, nor does it indicate that all the rabbis shared this point of view, but simply that some rabbis construed the ideal of *talmud torah* vis-à-vis a discourse of asceticism.

In this context, Michael Satlow observes that

for the rabbis, *talmud torah* was the ascetic practice *par excellence*, a physical and mental process of ordering the self. As such, *talmud torah* cannot be viewed as a *sui generis* religious activity. By construing *talmud torah* in this manner, the rabbis



were participating in the broader spiritual landscape of late antiquity, of which asceticism was an important component. Although their means differed, ancient rabbis, pagan philosophers, and church fathers were all engaged in a similar quest to perfect the individual through physical and mental discipline in order to bring him or her closer to the divine.<sup>9</sup>

While some form or another of tension between marital obligations and religious education appears to be characteristic of religious cultures more broadly, in this context I endeavor to situate the concerns typical of Babylonian rabbinic discourse in its ambient Sasanian context. Certain aspects of the rabbinic treatment of this matter, to be sure, exhibit a discursive continuum between the two rabbinic cultures of Palestine and Babylonia. In other respects, however, the sources reflect diverging tendencies dividing the two rabbinic centers. We will see, in fact, that the debate over the proper balance of marriage and study in a scholar's life is explicitly mapped in the BT onto a geo-cultural divide between Palestine and Babylonia, whether based on a real or perceived difference, according to which Palestinian rabbis tended to postpone marriage to a relatively old age, so as to enable undisturbed engagement in *talmud torah*, while Babylonian rabbis tended to marry at a relatively young age and subsequently left their homes for extended periods of study.

Certain aspects of the difference between the two rabbinic cultures in this regard have been previously discussed in scholarship.<sup>10</sup> The extent of the impact of the surrounding cultures, however, has not been sufficiently appreciated in terms of explaining the emergence of distinctive cultural models of the proper balance of marital and educational engagements in the two rabbinic centers of Palestine and Babylonia. This is particularly true with regard to situating the BT's discussion of the absentee married sage in the broader context of the Sasanian culture.

In the present context, I seek to fill in this gap by pursuing the distinctive concerns and solutions typical of the Babylonian rabbinic treatment of the tension between marriage and education in the context of contemporary Pahlavi discussions of the same issue. Significantly, both the Palestinian and Babylonian models fostered to accommodate the tension between marital and educational engagements operated within a broader framework of ascetic discourse. The particular trajectories, however, in which the broader ascetic tendencies were realized in the distinctive rabbinic practices of Palestine and Babylonia differed considerably and were determined, to a large extent, by the surrounding cultures.

As indicated in the Introduction, the discussion will not be limited to the legal treatment of the proper balance of marital and educational

pursuits, as I shall also address narrative expressions of the tension and examine the nature of the interplay of law and narrative. Thus, after setting the stage with the legal framework of the talmudic and Pahlavi accounts, I will discuss rabbinic and Pahlavi traditions pertaining to the marital practices of Moses and Zarathustra, exemplifying the complex relationship between the legal framework and the narrative and mythical spheres. The differences between the practices fostered in the rabbinic centers of Palestine and Babylonia will be further mapped onto distinctive rabbinic articulations of the marital practices of Moses, while both legal and narrative representations of the talmudic discussion will be contextualized with and viewed against the foil of legal and narrative expressions of a similar tension that predominated in Zoroastrian culture.

#### BETWEEN PALESTINE AND BABYLONIA

As we have already seen, the tension between marriage and sex, on the one hand, and Torah study, on the other hand, is mapped in *b. Qidd.* 29b onto a geo-cultural divide between the rabbinic cultures of Palestine and Babylonia.

תנו רבנן ללמוד תורה ולישא אשה ילמוד תורה ואחר כך ישא ואם אי אפשר לו בלא אשה ישא אשה ואחר כך ילמוד תורה אמ' רב יהודה אמ' שמו' הלכה ישא אשה ואחר כך ילמוד ור' יוח' אמ' ריהים בצוארו ויעסוק בתורה ולא פליגי הא לן והא להו.<sup>11</sup>

The sages taught [in a *baraita*]: As for studying torah and marrying a woman, [what takes precedent?]: He should study Torah and then marry, but if he cannot manage without a wife, he should marry a wife and then study Torah.<sup>12</sup> Rav Yehudah said in the name of Samuel: “The law is that he should marry a wife and then study.”<sup>13</sup> R. Yoḥanan said: “A millstone is around his neck, would he thus be able to study Torah?” They do not disagree; that is for us [the Babylonians] and that is for them [the Palestinians].

The disagreement between R. Yoḥanan and Rav Yehudah in the name of Samuel concerns the relative precedence of marriage or Torah study in a scholar's life. As observed by Daniel Boyarin,<sup>14</sup> this debate should not be construed in terms of a dichotomy between marriage and celibacy, as even R. Yoḥanan does not maintain an essential contradiction between the spirituality of study and the carnality of marriage (as some of his Christian contemporaries did), but rather argues that study must come first, while marriage and sex can be deferred to a later stage in a scholar's life. While the positions of Rav Yehudah in the name of Samuel, both third-century Babylonian rabbis, and R. Yoḥanan, a third-century Palestinian rabbi, do

not necessarily reflect an essential difference between the broader rabbinic cultures of Babylonia and Palestine, the anonymous redactors would have us believe so, by explicitly mapping the debate onto a broader geo-cultural divide between the two rabbinic centers.

As we have seen in [Chapter 1](#), the diverging marital practices attributed in this passage to the Palestinian and Babylonian rabbinic cultures might be rooted in a more fundamental difference between their respective attitudes to sex: Palestinian rabbis seem to have welcomed the opportunity to postpone sexual activity to a later stage in life, since they adhered to the Stoic ideal that passion can be overcome (at least temporarily) by means of self-control.<sup>15</sup> Early marriages were regarded by the Palestinian rabbis (at least according to the differentiating scheme presented in *b. Qidd.* 29b) as no more than a distraction from one's studies ("a millstone around one's neck"), and in that sense they were in partial agreement with the Cynics, who avoided marriage for a similar reason.<sup>16</sup> The Palestinian rabbis fostered, therefore, a compartmentalized model, which organizes the different requirements of study and marriage into different stages in a scholar's life.<sup>17</sup>

The Babylonian rabbis, on the other hand, maintained that sex cannot be deferred to a later stage in life, since the sexual urge is essentially uncontrollable and can be treated only by means of marriage.<sup>18</sup> They promoted, therefore, an alternative model for resolving the tension between marriage and study. Unlike their Palestinian colleagues, who postponed the age of marriage so that they might study Torah without disturbance, the Babylonian rabbis are said to have married at a relatively young age and eventually to have left their homes for prolonged periods of religious education. While this model pervades the BT, it is vividly reflected in a legal tradition recorded in *b. Ketub.* 62b, which subverts a tannaitic ruling (*m. Ketub.* 5:6) that married scholars may not be absent from their homes without explicit permission for more than thirty days.<sup>19</sup>

אמ' רב אדא בר אהבה זז דברי ר' אליעזר אבל חכמ' או' התלמידים יוצאין לתלמוד תורה שתיים ושלש שנים שלא ברשות אמ' רבא סמיכו רבנן אדרב אדא בר אהבה ועבדו עובדא בנפשיהו.<sup>20</sup>

Rav 'Ada b. 'Ahaba said: "Those are only the words of R. Eli'ezer, but the Sages hold that the students may go away to study Torah for two or three years without permission." Rava said: "The rabbis have relied upon Rav 'Ada b. 'Ahaba and practiced in accordance with his view."

Daniel Boyarin has argued in this regard that the famous talmudic romance told about R. 'Akiva,<sup>21</sup> according to which R. 'Akiva is said to have left his wife (at her own behest) for twenty-four years in pursuit of

Torah, represents the ultimate Babylonian attempt to idealize and romanticize the local practice of sages who left their homes for years at a time in pursuit of religious education, by attributing it to none other than R. 'Akiva, the great tannaitic authority.<sup>22</sup> In this case, the narrative serves to substantiate and validate a novel legal decision issued by Babylonian rabbinic authorities in direct contrast to the ruling of the Mishnah.

Boyarin argues, however, that there was also resistance to and critique of this cultural practice, both within rabbinic Babylonia in the form of covert contestation recorded in the BT and from without in the form of overt critique in Palestinian rabbinic works.<sup>23</sup> Thus, in response to Rava's assertion that the students lawfully leave their homes without permission from their wives for two or three years, the BT records the tragic story of Rav Reḥume, the student of Rava, and his wife:

כי הא דרב רחמי הוה שכיח קמיה דרבא במחוזא הוה רגיל דאתי לביתי כל מעלי יומא דכפורי יומא חד משכתייה שמעתא הוה קא מסכיח דביתו השתא אתי לא אתא חלש דעתא אחית דמעתו מעניה הוה יתיב באיגרא איפחית איגרא מתותיה ונח נפשיה.<sup>24</sup>

As in the case of Rav Reḥume, who used to appear before Rava in Meḥoza. He was accustomed to return home on every eve of the Day of Atonement. One time he was so occupied with his learning [that he forgot to return home]. His wife was expecting [him, saying] "He is coming now, he is coming now." When he did not show up she became so depressed that tears began to flow from her eyes. He was [at that moment] sitting on a roof. The roof collapsed under him and he was killed.

According to Boyarin's interpretation of this passage,

the emphatic depiction of the eagerly waiting wife is calculated by the narrator to lead the reader/hearer of this story to a position of identification with her (i.e. the wife), a moral judgment that is confirmed on the explicit level when the rabbi is punished by death. To be sure, there is nothing in the overt narrative that condemns the practice of being away from home *per se* . . . nevertheless, I would claim that the way that the entire story is presented provides rather a strong condemnation of the practice at the same time that it is overtly supporting it.<sup>25</sup>

The relationship between this narrative and the legal stance preceding it can be illuminated by the recent attempt to understand legal narratives in the BT in terms of the relationship of law and narrative. As we have seen in the [Introduction](#), Barry Wimpfheimer has argued that the interplay of law and narrative offers an important model for analyzing legal narratives in the BT, insofar as they tend to violate the statutes and legal statements that they purportedly support.<sup>26</sup> The notion that narratives (also in general but certainly legal narratives) reflect the interplay of "canonicity" and its inherent "breach" – an implicit legal subscript that is breached,

violated, or deviated – would seem rather attractive in the present context, since the story of Rav Reḥume serves, insofar as the explicit talmudic rhetoric is concerned, to confirm and validate the practice of the absentee married sage, but, at the same time, the story also violates this very same practice by turning the reader's gaze to the suffering wife and the cruelty inherent in this cultural norm.<sup>27</sup>

Another aspect of the Babylonian rabbinic discussion of the absentee married sage concerns the question of whether or not the absentee rabbis were sexually active while they were away from their wives. I am referring here not to the historical question – some rabbis were likely sexually active while others were not – but rather to the rhetoric employed by the talmudic redactors to address the sexual status of the absentee married sages. Based on the talmudic model set by Rav and Rav Naḥman, who are said to have contracted temporary marriages upon their arrival at certain towns,<sup>28</sup> Yaakov Elman has suggested (*pace* Boyarin's reconstruction of the "married monk") that "the Babylonian 'married monks' may not have been all that monkish."<sup>29</sup> Significantly, however, the temporary marriages of Rav and Rav Naḥman (which may or may not be reflective of a broader practice) are not connected in the BT with the discussion of the absentee married sages, but rather with the problem of *mamzerut* (that is, the concern that one who marries different women in different towns might inadvertently marry his own sister).<sup>30</sup> This would seem to suggest that the absentee sage was indeed perceived by the redactors as a "married monk," while the discourse surrounding his distinctive situation should be read as part of the broader ascetic discourse of late antiquity. In fact, as we shall see below, the BT reconstructs the alleged celibacy of ben 'Azzai, not as a form of permanent abstention, as suggested in some of the Palestinian rabbinic parallels, but as a form of temporary abstention akin to the local Sasanian model of the absentee married sage. As noted already by Boyarin, despite the talmudic anxiety over sexual thoughts, it would seem that in the minds of the Babylonian redactors, the very fact of being married dampened sexual desire for the traveling rabbis, by virtue of knowing that there is "bread in their basket" (*pat be-salo*).<sup>31</sup>

In what follows I will situate the distinctive discourse that emerged in Babylonian rabbinic culture surrounding the tension between marital obligations and the study of Torah in the local context of Sasanian culture. We will see that Zoroastrian authorities of this period confronted, approvingly or not, a very similar dilemma of married scholars who wanted to leave their homes for long periods of time in pursuit of priestly studies. Sharing with their rabbinic interlocutors similar attitudes to sex,

marriage, and religious education, the Zoroastrian authorities sought to negotiate the distinctive cultural norm of absentee married sages in ways similar to those found in Babylonian rabbinic culture.

#### MARRIAGE VERSUS STUDY IN ZOROASTRIANISM

In [Chapter 1](#) we have seen that sex was generally perceived in Zoroastrianism in a positive manner. The explicit Zoroastrian rejection of celibacy and avoidance of procreation was not directed, however, at temporary forms of sexual abstention in pursuit of other religious ends, but rather at more essential forms of rejection of sexuality and procreation, which emphasized the inherent evil in such pursuits, such as the Manichaean regimens for the Elect (complete celibacy) and the Hearers (avoidance of procreation). Thus, in spite of the prominence of sex and fertility in Zoroastrianism, certain Zoroastrian jurists – not unlike their Babylonian rabbinic contemporaries – advocated the precedence of priestly studies (of the Avesta and its traditional commentary, the Zand) over sexual and domestic engagements.

The Zoroastrian jurists address a similar conflict to that of the rabbis pertaining to the precedence of marital obligations versus religious studies. While there were some Zoroastrian jurists who insisted on the precedence of marital obligations even when the neglect of one's studies was at stake, there were others who believed that the study of Avesta and Zand constitutes the highest religious value and ought to be pursued even at the expense of marital obligations. Significantly, although there were sages who were inclined toward one of these religious values more than the other, both were regarded as meritorious and praiseworthy by all.

The following passage from the Pahlavi translation of and commentary to the Young Avestan *Hērbedestān* delineates the basic dilemma at hand in terms of a conflict between the pursuit of priestly studies – interpreted by the glossators as attending the *hērbedestān*<sup>32</sup> – and domestic obligations such as “the resolving of the menstrual month” (*daštān māh wizārdan*; a technical term referring to one's marital obligations toward one's wife)<sup>33</sup> and the “guardianship of property” (*xwāstag sālārīh*).<sup>34</sup>

*katārēm āθrauuā aθaurunēm vā paraiiaṭ gaēθanqm vā aspərənō auuāt*

[Avestan text] Shall the priest<sup>35</sup> go away to [undertake] priestly studies, or shall he help with the *aspərənō* of the flocks?<sup>36</sup>

*pad kadār az ēd 2 (ī) ō pēš gōwam ān ī kē āsrō<sup>37</sup> pad āsrō'ih rawād kū ō hērbdestān kerdan šawād \*ayāb gēhānīgān uspurīgānīh ayārēnēd kū xwāstag sālārīh kunād*

About which of these two of which I spoke before: the one who is a priest, shall he go to [study] priesthood? i.e. shall he [go] to do priestly studies (*hērbdestān*)? – or does he assist with keeping the members of the flocks in full number? I.e. shall he perform guardianship of property (*xwāstag sālārīh*)?

*gaēθanqm aspərənō auuōit*

[Avestan text] He should assist with keeping the *aspərənō* of the flocks.

*gēhānīgān uspurīgānīh ayārēnēd kū xwāstag sālārīh kunād*  
*hād ēdar paydāg kū xwāstag sālārīh weh kū hērbdestān kerdan*

He assists with keeping the members of the flocks in full number, i.e. he shall perform guardianship of the property (*xwāstag sālārīh*).

Indeed (*hād*),<sup>38</sup> here it is manifest that performing guardianship of property is better than doing priestly studies.

*“yezica aēšaiia daēne” – ānōh paydāg kū hērbdestān kerdan weh kū daštān mäh wizārdan*

[Avestan quote] “and if in search of the *daēnā*”:<sup>39</sup> there it is manifest that it is better to do priestly studies than to “resolve the menstrual month” (*daštān mäh wizārdan*).

*“yezica vəhrkō gāeθā” – ānōh paydāg kū daštān mäh wizārdan weh kū xwāstag-sālārīh kerdan pad āmār ēd kū daštān mäh frašn ī tan weh az har tis-ēw*

[Avestan quote] “and if a wolf . . . the flocks”: there it is manifest that it is better to “resolve the menstrual month” than to perform guardianship of property. By this account that the “menstrual month” [and] the care of the body is better than everything else.

*“yezica aēša(ia) daēne” – andar anīy kerdan juttar nē bawēd*  
*ast kē ēdōn gōwēd hād xwāstag-sālārīh kerdan az har tis-ēw weh*

[Avestan quote] “and if in search of the *daēnā*”: in doing other [matters] it is no different.

There is one who says: that is, to perform guardianship of property is better than everything else.

*“yezica aēšaiia daēne” – ān ī hērbdestān kerdan pad margīh ud rištagīh*

[Avestan quote] “and if in search of the *daēnā*”: Going to undertake priestly studies – [even in the case of] “death and injury”<sup>40</sup> (*margīh ud rištagīh*).<sup>41</sup>

The Avestan text of the *Hērbdestān* inquires whether a priest (Avestan: *āθrauuā* Pahlavi: *āsrō*) should go to his priestly studies

(Avestan: *aθaurunəm*; Pahlavi: *āsrō'īh*) or should take care of the flocks. The Pahlavi glossators interpret this dilemma in terms of a conflict between going to the priestly academy and maintaining the property and marital obligations. Thus, the Zand departs from the Avesta<sup>42</sup> on three major points:

1. The nomadic and pastoral concerns of the Avesta with taking care of the flocks were replaced in the Zand by a technical and complex term designating management of real estate, reflective of the Sasanian period.<sup>43</sup>
2. The Pahlavi Zand considers the marital obligations of a husband to his wife, a category that is completely absent from the Avestan discussion.
3. The seemingly more general Avestan reference to “priestly studies” was replaced with a more structured form of religious instruction carried out in what was likely a designated locus of study.<sup>44</sup>

Much like the rabbis, the Zand contrasts the positions of different religious authorities on the matter of the relative precedence of marital and educational pursuits and does not attempt to provide a unified or harmonized answer. The Zoroastrian dilemma is particularly similar to that reflected in Babylonian rabbinic culture, since the Pahlavi jurists do not consider the postponing of marriage, as in Palestinian rabbinic rhetoric, but rather whether a man, who is naturally married, should remain at home and fulfill his marital obligations to sustain his wife (both sexually and financially) and maintain the family property or go away to undertake religious education. This is precisely the problem of the absentee married sage we encountered above in the context of Babylonian rabbinic culture. The range of attitudes reflected in the BT to this distinctive cultural practice – ranging from romantic justification of the absentee sage (the story of R. 'Akiva) to implicit criticism portraying the heartbreaking abandonment of the wife and children – is similarly (albeit less colorfully perhaps) reflected in the diverging positions of the Pahlavi jurists.

Also in line with their rabbinic contemporaries, the Pahlavi jurists discussed the question of how long a scholar may neglect his domestic and marital obligations in pursuit of religious education in the academy. This discussion is addressed in *Hērbedestān* 4:



*cuaat nā āθrauuā aθaurunəm haca \*gaēθābiš paraiiāt . . .*

[Avestan text]: How much [= how far] shall the man [who is] a priest go away from the livestock to [undertake] priestly studies? . . .

*čand pad dwayist ān ī kē āsrō pad āsrō'ih az gēhān bē rawād kū pad ēd pādixšāy čand ān gyāg bauwād*

How much at the farthest shall he who is a priest go away from the flocks to pursue priestly studies? i.e. [when] he is permitted to do this, how [far away] shall that place be?

*\*yāt hīš θriš yā hamā aiβišaiti*

[Avestan text]: As long as he looks after them three times in a season [year?] and throughout the summer.

*čand pas awēšān xwāstag tā sē bār ī andar sāl abar šawišn kū-š har 4 māj ēk bār abāz šawišn.*

As much afterward their property is to be visited – up to three times in the year, i.e. he must go back once every four months.

*hād ēn andar warōmandih*

*ēd ka nē dānēd kū-m xwāstag-sālārīh xōb kerd estēd (har) pad 4 māj \*ēw bār abāz šawišn*

*ka dānēd kū-m xwāstag-sālārīh xōb kerd estēd pādixšāy ka tā hērbdestān bē gyāg kunēd ay abāz nē šawišn*

*ka dānēd kū-m nē xōb (kerd) estēd nē pādixšāy bē ka pad gyāg abāz šawēd ēn kū pad čē hangām abāz šawišn ā-m nē rōšnag*

*hād dād-ādur-ohrmazd ōh guft pad frawardīgān ōh šawišn wašt*

Indeed, this is [the case] in a state of doubt [= when there is doubt].

[As for] the following [case]: When he does not know whether the guardianship of his property is performed well, he should go back once every four months.

When he knows that he has performed the guardianship of the property well, he is authorized to remain at the place of priestly studies (*hērbdestān*), that is, he does not have to go back.

When he knows that the guardianship of his property is not performed well, he is not authorized not to go back immediately (*pad gyag*).

This is unclear to me: at what time [of the year] he should go back.

Indeed (*hād*),<sup>45</sup> Dād-ādur-ohrmazd said as follows: He should go and come back in the usual way at Frawardīgān [= the days following the Iranian New Year festival].<sup>46</sup>

While the Avesta seems to say that a scholar must return to his domestic obligations at least three times yearly, the Zand maintains that this applies only in cases of doubt as to the wellbeing of the property. If one knows that one's property is properly maintained one is authorized to prolong

the stay at the place of study, but, if one knows that one's property is not maintained properly one must return home immediately. Similarly, we have seen that Rava argues, in contrast to the Mishnah's instructions, that the rabbis rely on the position of Rav 'Ada b. 'Ahaba and stay in the academy for as long as two or three years. Thus, we see that certain rabbis from Mehoza and contemporaneous Zoroastrian jurists similarly sought to reinterpret their respective legal traditions embedded in the Avesta and the Mishnah, so as to permit the prolonging of the time a scholar was authorized to remain in the academy. It is also interesting that, in line with the story of Rav Reḥume, who was purportedly accustomed to return home every year on the Eve of the Day of Atonement, Dād-ādur-ohrmazd maintains that a scholar should return home particularly for the celebration of the Frawardīgān.

The congruent discussions exhibited in the Pahlavi Zand and the BT seem to reflect a distinctive Sasanian experience, in which married scholars were accustomed to travel away from their homes for extended periods of time in pursuit of religious studies and were prevented from attending to their domestic and marital obligations in their absence. While one cannot ascertain the actual extent of this practice, it was definitely part of the discursive space of Sasanian intellectual culture, as both Babylonian rabbis and Zoroastrian *dastwars* felt the need to uphold, limit, or reject this norm. The shared discourse is also reflected in a similar interpretive shift evident in the transition from the Avesta to the commentary of the Zand and from the Mishnah to the BT. In both cases a rather abstract dilemma concerning study versus domestic obligations is replaced by a detailed legal discussion pertaining to the absentee married sages, who traveled away from their homes for long periods of time to undertake religious studies at a designated "academy."<sup>47</sup>

While scholars have previously sought to situate the emergence of the Babylonian rabbinic academy (ישיבה/מתיבתא) in the late Sasanian period in the context of the parallel development of the Christian school of Nisibis,<sup>48</sup> they have largely ignored the connections between the Babylonian rabbinic academy and the Zoroastrian *hērbedestān*. The congruent discussions concerning the absentee married sage and the conflict between studying in the academy and marital and domestic obligations attested in the Babylonian rabbinic and Zoroastrian cultures should be viewed perhaps in the context of the broader process of academic institutionalization in the late Sasanian period marking the development of the Babylonian rabbinic, Christian, and Zoroastrian academies.

The tendency of the talmudic rabbis to justify and romanticize the model of the absentee married sage at the expense of marital and domestic obligations was thus hardly alien to the mindset of some of their Zoroastrian contemporaries, who would have been rather comfortable with the decision of scholars to pursue priestly studies at the expense of fulfilling their marital obligations. In both Babylonian rabbinic and Zoroastrian contexts, however, the tension between study and marital obligations was not an essential conflict between ontologically opposing ideals, but rather a matter of religious precedence, as even those who argued that religious studies should be pursued at the expense of marital responsibilities (Rava and the position voiced in *Hērbedestān* 3.3–4) maintained an essentially positive perception of marriage and sexuality.

In sum, the discussions of the absentee married sage reflect a cultural norm common to Babylonian rabbis and Zoroastrian sages, which gave rise to similar legal problems, similar methods of interpretation, and similar legal solutions. While the discussions of the BT and the *Hērbedestān* of the absentee married sage have a lot in common, the affinity is not necessarily the result of intellectual exchange between rabbis and *dastwars*, but are probably attributable to the shared circumstances that triggered similar responses among rabbinic and Zoroastrian jurists.

#### THE MODELS OF MOSES AND ZARATHUSTRA

Having explored some of the legal and narrative expressions of the “problem” of the absentee married sage, we turn now to rabbinic and Zoroastrian projections of their legal patterns onto mythical models. In line with the attempt of Jewish and Christian authors in antiquity to link their diverging ideologies concerning marriage and celibacy to biblical models, and especially the figure of Moses,<sup>49</sup> Zoroastrian authors similarly sought to associate their presumptions about marriage and sex with the authoritative figure of Zarathustra. In contrast, however, to the rabbinic and Christian tradition connecting Moses with partial or complete celibacy, the Pahlavi texts stress that Zarathustra consciously chose to marry and procreate over a celibate and childless life of immortality. In question 36 of the *Pahlavi Rivāyat*, Zarathustra is said to have requested immortality of Ohrmazd, but Ohrmazd reveals to him the consequences of acceding to this request:

*ud pas ohrmazd xrad ī harwisṣ-āgāh abar ō zardušt burd*

*zardušt harw čē būd ud ast ud bawēd ī ēn gyāg ī gētīy ud ān-iz ī mēnōy ud ān-iz ī harw kas bē dīd*

*u-š dīd gyāg ī ōy kē a-marg būd u-š fraزند nē būd u-š andōhgēn ud pīmgēn sabīst*

*u-š dīd gyāg ī ōy kē margōmand būd u-š fraزند būd ud rāmišnīhōmand ud šādīhōmand sabīst*

*u-š pas bē ō ohrmazd guft kū widerōmandīh-im weh sahēd kū hamē-zīndagīh ud nēst-fraزندīh*

*ohrmazd guft kū weh u-t nēk niyōxšīd ud dīd zardušt ka fraزند ī āsnūdāg-im weh sahēd kū ka hamē-zīndagōmand hē u-t fraزند nēst zan gīr tā-t fraزند bawēd čē harw kē-š pad wināhgārīh zan nēst bē ō wahišt nē rasēd.<sup>50</sup>*

And then Ohrmazd bestowed omniscient wisdom upon Zarathustra.

Zarathustra saw everything which was and is and shall be of this place of this world, and that also of the other world and that also of every person.

And he saw the place of him who was immortal, and who had no children, and [such persons] appeared to him sad and sorrowful.

And he saw the place of him who was mortal, and who had children, and he appeared full of peace and joy.

And then he said to Ohrmazd: Transience, then, seems better to me than everlasting life and childlessness.

Ohrmazd said: Good; and you have listened well and seen, O Zarathustra, that if you have pure-hearted children, then it seems better to me than if you are eternal and [yet] you have no child. Take a wife, so that you will have children, for whoever, by sinfulness, has no wife will not reach Heaven.<sup>51</sup>

While there is, of course, no genetic relationship between the shared Judeo-Christian tradition concerning Moses' celibacy (whether by way of embracing, rejecting, or limiting the extent of his abstinence) and the Zoroastrian tradition concerning Zarathustra's anti-celibate choice, it might be worth reflecting on the phenomenological affinity of these traditions, as in both cases the most prominent "prophet" who received the divine law<sup>52</sup> is similarly employed by the exegetes in support of broader cultural and religious assumptions about marriage and celibacy. Beyond this general construction, however, it is noteworthy that both the Babylonian rabbinic account of Moses' celibacy – which differs from Palestinian rabbinic and other Jewish and Christian versions of this tradition – and the Pahlavi account of Zarathustra's marital choice seem to be informed by the distinctive Sasanian concern with the absentee married sage. Thus, I posit that a distinctive characteristic of Sasanian intellectual culture is similarly, and yet independently, reflected in Babylonian rabbinic depictions of Moses and Pahlavi depictions of Zarathustra.

The tradition concerning Moses' separation from his wife is attested in several Jewish and Christian sources.<sup>53</sup> Adiel Schremer has suggested that

the critique of Moses' celibacy put by the authors of *Sipre Num.* in the mouths of Aaron and Miriam ("They said: has the Lord spoken only through Moses? – surely, the Holy one spoke to the Patriarchs and they did not withdraw; has he not spoken through us as well? [Num. 12:2] – the Holy spoke to us and we did not withdraw")<sup>54</sup> as well as the claim that God ordered Moses to withdraw from marital relationships ("with him I speak mouth to mouth" [Num 12:8] – mouth to mouth I said to him to withdraw from his wife") were intended to polemicize against Christian notions of celibacy, and especially against those particular tendencies that projected the ideal of celibacy back onto Moses.<sup>55</sup>

Along the same lines, Daniel Boyarin has argued that, in light of the widespread attestation of the tradition of Moses' celibacy among ancient Jewish and Christian authors, the rabbis seem to have marginalized this tendency by arguing that Moses was unique. That said, Boyarin reads the Babylonian rabbinic version of this tradition (*b. Šabb.* 87a) as implicit support for the particular Babylonian rabbinic pattern of the "married monks," who practiced prolonged periods of celibacy in pursuit of religious studies. Thus, while the *Sipre* seems to differentiate Moses from all other prophets and patriarchs who were married, the BT opens the door to emulating Moses, who is transformed into a model for rabbinic praxis.<sup>56</sup>

דתניא שלשה דברים עשה משה מדעתו והסכים הקב"ה על ידו הוסיף יום אחד מדעתו ופירש מן האשה ושבר את הלוחות . . . פירש מן האשה מאי דרש אמ' ומה ישראל שלא דברה עמהם שכינה אלא שעה אחת קבע להם הקב"ה זמן ואמרה תורה היו נכוני' לשלשת ימים אני שכל שעה ושעה מדברת עמי שכינה ואינו קובע לי זמן על אחת כמה וכמה ומנא לן דהסכים הקב"ה על ידו דכתי' לך אמור להם שובו לכם לאהליכם וכתי' בתריה ואתה פה עמוד עמדי.<sup>57</sup>

For it was taught [in a *baraita*]: Moses did three things on his own accord and the Holy One, blessed be He, agreed with him: he added one day on his own accord, he separated himself from his wife, and he broke the Tablets . . . "He separated himself from his wife" – what did he reason [exegetically]? He reasoned [as follows]: If the Israelites, with whom the divine presence (*šekhinah*) only spoke for a short time, and for whom the Holy One, blessed be He, appointed a set time, the Torah said, nonetheless, "Be ready for the third day; [come not near a woman]" (Exod. 19:15); I, with whom the divine presence speaks at all hours and does not appoint me a designated time, how much more so. And how do we know that the Holy One, blessed be He, agreed with him? For it says, "Go say to them, return to your tents" (Deut. 5:26) which is followed by, "But as for thee, stand thou here by me" (Deut. 5:27).

Boyarin notes that, "although the difference between Moses and the ordinary people is adduced here as well, the difference does not lead clearly to the understanding that, for all others, renunciation of marital

sex is excluded and regarded as arrogance and wrong, as it is in the midrash (i.e. the Sipre). One could easily read this text as a further authorization for the apparent Babylonian practice of long marital separations for the study of Torah, while the Palestinian version above strongly condemns the practice.”<sup>58</sup> The distinctiveness of the Babylonian rabbinic voice, however, comes to the fore in another rabbinic passage about Moses concerning the limits of procreation (*b. Yebam.* 62a)

בית שמ' כו'. מאי טעמיהו דבי' שמא' ילפי' ממש' דכת' ובני מש' גרשם ואליעזר . . . וב"ה נמי גילף ממש  
מש' מדעתיה הוא דעבד דתניא שלשה דברים עשה משה והסכימה דעתו לדעת המקום פירש מן האשה . . .<sup>59</sup>

[Quote from *m. Yebam.* 6:6]: The House of Shammai say: “[The duty of procreation requires the engendering of] two males.” What is the reason of the House of Shammai? They make an inference from Moses, in connection with whom it is written, “The sons of Moses were Gershom and Eli’ezer” [1 Chron. 23:15] . . .

Why then does the House of Hillel [who require a male and a female] not infer from Moses [that two males are required] – they might say that Moses did this [i.e. refrained from procreation even though he did not have a son and daughter] on his own accord, for it was taught: Moses did three things on his own accord and his position agreed with that of the Omnipresent: He separated himself from his wife . . .

Naomi Koltun-Fromm noted that, while according to Aphrahat the separation of Moses from his wife forms a positive precedent,<sup>60</sup> the rabbis resolved to emulate Moses in a different way: they, like Moses, procreated *before* withdrawing from married life. Moses may have separated from his wife, but he at least had a wife, who produced two sons from their conjugal union. While the rabbis could have chosen other biblical models to support the position of the House of Shammai that two sons are required for fulfilling the duty of procreation, it is Moses in particular whom they sought to emulate. Having fulfilled his duties as a father and husband, Moses was now free to pursue his relationship with God. “Similarly, the rabbis allow themselves the luxury of spending most of their lives studying God’s word, following the model of Moses the ‘proto-rabbi’ only after they have produced at least two children.”<sup>61</sup>

On my reading, in contradistinction to Palestinian rabbinic depictions of the separation of Moses from his wife, the Babylonian rabbinic portrayal of this event is situated at the crossroads of the Syriac Christian and Zoroastrian traditions. On the one hand, like Aphrahat, the BT assumes that Moses is a prototypical model for separation from one’s family for the sake of study, a model that ought to be emulated by others (in contrast to the uniqueness of Moses’ celibacy in the Sipre). On the other hand, the

BT subverts Aphrahat's reliance on the celibacy of Moses by attributing to Moses a distinctive Sasanian custom entailing separation from one's wife only after having fulfilled the obligation of marriage and procreation. In line with the Pahlavi tradition, according to which Zarathustra, the promoter of Ohrmazd's law, gave up immortality for the sake of marriage and procreation, they insisted that Moses was not a model for a life of celibacy, but rather for a life that realizes the ideals of study, marriage, and procreation.

The figures of Moses and Zarathustra were chosen as exemplary precisely because they embody the ultimate connection with God's revealed law through religious education. In line with the Pahlavi tradition, which suggests that a scholar-priest ought to emulate the model of Zarathustra by pursuing religious studies only in the context of marriage and procreation, the Babylonian rabbis maintained that, like Moses, who separated from his wife in pursuit of his prophetic calling only after having fulfilled his marital and procreative duties, a scholar must first marry and only then go to the academy.

It is hardly necessary to conclude that the Babylonian rabbis reimagined Moses in the light of Zarathustra (although, as we shall see, syncretistic tendencies of this type were by no means alien to their mindset),<sup>62</sup> or that the Pahlavi model of Zarathustra influenced the Babylonian rabbinic reworking of the Judeo-Christian tradition of Moses' celibacy. Rather, I posit that both the Pahlavi tradition of Zarathustra and the Babylonian rabbinic reworking of the ancient Judeo-Christian tradition of Moses were stimulated by a shared cultural concern surrounding the absentee married sages.

#### WAS BEN 'AZZAI REALLY CELIBATE?

The case of ben 'Azzai represents another rabbinic attempt to individualize the tension between marriage and study by "personifying" its poles. According to the Tosefta, while ben 'Azzai participates in the condemnation of one who does not procreate, rendering him a murderer and diminisher of the divine image, he is portrayed at the same time as celibate. When confronted with his hypocrisy, ben 'Azzai responds: "What shall I do, my soul desires Torah. Let the world be maintained by [the efforts] of others."<sup>63</sup>

Jeremy Cohen suggested that *t. Yebam.* 8:7 is intended as a polemic directed against a non-rabbinic group that practiced sexual asceticism. This would explain, he argues, how ben 'Azzai could participate so

enthusiastically in the theoretical condemnation of those who do not procreate, while maintaining a celibate life himself.<sup>64</sup> Daniel Boyarin attempted to solve this internal contradiction somewhat differently, by arguing that one must read ben ‘Azzai as saying that he knows that he ought to perform the commandment of procreation; indeed, he knows that he is a murderer and diminisher of the divine image, but his lust for Torah is so overwhelming that it simply does not allow him to do so.<sup>65</sup> The erotic rhetoric used by the Tosefta, the terminology of desire (חשק), strengthens this interpretation. In this reading, the internal conflict is set up by contradictory demands that one be married, have children, and also devote oneself entirely to Torah. Both ben ‘Azzai’s self-justification and his colleagues’ condemnation of him are left to stand in the text, suggesting how lively the contest was in rabbinic times.<sup>66</sup>

Eliezer Diamond<sup>67</sup> has pointed out that ben ‘Azzai is given the last word in the Tosefta, thus reflecting something of the author’s position. He further argues that ben ‘Azzai’s cry should not be interpreted as a personal plea for his colleagues’ endurance of his weakness,<sup>68</sup> but rather an invocation of a legal principle pertaining to overlapping legal commitments, one that was undoubtedly familiar to the rabbis.<sup>69</sup>

The matter of ben ‘Azzai’s celibacy received, however, diverging interpretations in the two rabbinic centers of Palestine and Babylonia. While the Palestinian version of this tradition recorded in the Tosefta maintains that ben ‘Azzai was completely celibate, perhaps as an extension of the Palestinian rabbinic practice of postponing the age of marriage, the BT offers an alternative interpretation, according to which ben ‘Azzai was married but then separated from his wife,<sup>70</sup> in line with the Babylonian rabbinic construction of the “biographies” of Moses and R. ‘Akiva. The Babylonian rabbis thus exhibit a systematic tendency to reinterpret the marital and sexual tendencies of biblical and rabbinic figures, so as to affirm their own ideas about marriage and sexuality.

## CONCLUSION

In this chapter I expanded the comparative and contextual lens through which rabbinic attitudes to marriage and sex are typically examined, by negotiating a central rabbinic concern surrounding the tension between marital and educational pursuits in the context of Sasanian culture and the Zoroastrian religious tradition. Beyond phenomenological insights, we have seen that Babylonian rabbinic culture is particularly informed by Iranian attitudes to marriage, sex, and religious education.



The distinctive discussion of the BT concerning the absentee married sage, who neglects his domestic and marital obligations in pursuit of religious education in the academy, was contextualized with a similar Zoroastrian discussion recorded in the Pahlavi *Hērbedestān*. We saw that a discourse surrounding the practice of the absentee married sage – either by way of reassuring and romanticizing the practice or by way of criticizing and limiting it – was shared by Babylonian rabbis and Zoroastrian authorities, who negotiated similar legal, exegetical, and literary mechanisms to address the cultural dilemma surrounding scholars who were forced to choose between religious studies and the fulfillment of their marital and domestic obligations.

## NOTES

1. See e.g. Max Weber, *Ancient Judaism*, ed. H. H. Gerth and D. Martindale (New York: Free Press, 1952), 254, 343, 401–410; George Foot Moore, *Judaism in the First Centuries of the Christian Era: The Age of the Tannaim*, 3 vols. (Cambridge, MA: Harvard University Press, 1927), II, 263–266; James A. Montgomery, “Ascetic Strains in Early Judaism,” *Journal of Biblical Literature* 51, 3 (1932): 183–213 (183–187); David W. Halivni, “On the Supposed Anti-Asceticism or Anti-Nazritism of Simon the Just,” *Jewish Quarterly Review* 58 (1967–1968): 243–252; Ephraim E. Urbach, “Asceticism and Suffering in the Talmudic and Mishnaic Sources,” in *Yitzhak F. Baer Jubilee Volume*, ed. S. Baron, B.-Z. Dinur, S. Ettinger, and I. Halpern (Jerusalem: Historical Society of Israel, 1960), 48–68, reprinted in Ephraim E. Urbach, *The World of the Sages: Collected Studies* (Jerusalem: Magnes Press, 1988), 437–458. But cf. Yitzhak F. Baer, *Israel among the Nations: An Essay on the History of the Period of the Second Temple and the Mishna and on the Foundations of the Halacha and Jewish Religion* (Jerusalem: Bialik Institute, 1955), 38–57.
2. Scholars have distinguished between total and partial forms of abstention; permanent and temporary renunciation; individualistic and communalistic forms of asceticism; negative renunciation and affirmative spiritual training; the ascetic training of one’s body, soul, and will to pursue religious perfection and “dualistic” forms of asceticism which advocate an ontological departure from the body; “mystical” asceticism aimed at one’s unification with the divine and asceticism that is intended to suppress the body; the escaping of the world and in-worldly asceticism; and so forth. These categories and others are discussed in Vincent L. Wimbush and Richard Valantasis (eds.), *Asceticism* (Oxford and New York: Oxford University Press, 1995), xix–xxv.
3. See Fraade, “Ascetical Aspects”; Boyarin, *Carnal Israel*, 34–35; Satlow, “Talmud Torah”; Diamond, *Holy Men*, 3–20; Eliezer Segal, “A Review of ‘Holy Men and Hunger Artists: Fasting and Asceticism in Rabbinic Culture’,” *Journal of the American Academy of Religion* 73, 3 (2005): 911–913;

- Lawrence M. Wills, "Ascetic Theology before Asceticism? Jewish Narratives and the Decentering of the Self," *Journal of the American Academy of Religion* 74, 4 (2006): 902–925; Kiel, "Fasting and Asceticism"; Kiel, "Study versus Sustenance"; Bar-Asher Siegal, *Early Christian Monastic Literature*, 64–70.
4. See e.g., Fraade, "Ascetical Aspects"; Diamond, *Holy Men*, 3–20.
  5. See e.g. Diamond, *Holy Men*, 33–54; Boyarin, *Carnal Israel*, 107–133.
  6. Fraade, "Ascetical Aspects," 257.
  7. The conflict that arose between the demands of rabbinic discipleship and filial responsibilities are discussed in Yishai Kiel, "Filial Piety and Educational Commitments: A Talmudic Conflict in its Cultural Context," *JSQ* 21, 4 (2014): 297–327. The tension between religious studies and agricultural pursuits is discussed in Kiel, "Study versus Sustenance."
  8. Satlow, "Talmud Torah"; Diamond, *Holy Men*, 21–58.
  9. Satlow, "Talmud Torah," 205.
  10. See e.g. Gafni, "The Institution of Marriage," esp. 24–25; Boyarin, *Carnal Israel*, 134–166; Satlow, *Jewish Marriage*, 30–38; Diamond, *Holy Men*, 42–46; Schremer, *Male and Female*, 85–101; Elman, "Middle Persian Culture," 171.
  11. *b. Qidd.* 29b (Vatican 111).
  12. The quoted *baraita* is paralleled in *t. Bek.* 6:3.
  13. The position of Rav Yehudah in the name of Samuel is omitted in MS Oxford 367.
  14. Boyarin, *Carnal Israel*, 138–139.
  15. See esp. Nussbaum, *The Therapy of Desire*, 359–401.
  16. On the Stoic–Cynic marriage debate see Deming, *Paul on Marriage and Celibacy*, 47–104, and the discussion in [Chapter 1](#).
  17. A similar solution is reflected in certain understandings of the *āśrama* system in Brahmanical Hinduism as consecutive stages in one's life. See e.g. Patrick Olivelle, *Āśrama System: The History and Hermeneutics of a Religious Institution* (Oxford: Oxford University Press, 1993); Patrick Olivelle, *Ascetics and Brahmins: Studies in Ideologies and Institutions* (London: Anthem Press, 2011), 17–21, 145–164. See Diamond, *Holy Men*, 42.
  18. Boyarin, *Carnal Israel*, 140; Satlow, *Tasting the Dish*, 314–316; Diamond, *Holy Men*, 42–46.
  19. Below, we will see that a similar subversion is evident in the Pahlavi commentary on the Avestan *Hērbedestān*, in an attempt to justify the practice of absentee married sages.
  20. *b. Ketub.* 62b (Vatican 113).
  21. *b. Ketub.* 62b–63a; *b. Ned.* 50a; 'Abot de-Rabbi Nathan A:6 (in Schechter [ed.], *Avoth de-Rabbi Nathan*, 28–30); Friedman, "A Good Story Deserves Retelling"; Tal Ilan, *Mine and yours are hers: Retrieving Women's History from Rabbinic Literature* (Leiden: Brill, 1997), 38–48, 78–82, 107–110, 118–120, 174–183, 206–215; Shulamit Valer, *Women and Womanhood in the Talmud* (Tel Aviv: Ha-Qibutz ha-Me'uhad, 1993), 72–80; Boyarin, *Carnal Israel*, 136–138.
  22. Boyarin, *Carnal Israel*, 150–156.

23. See e.g. *Lev. Rab.* 21:8 (Margulies [ed.] *Midrash Wayyikra Rabbah*, 484–486); *Gen. Rab.* 95 (Theodor and Albeck [eds.], *Midrash Bereshit Rabba*, 1232). See Boyarin, *Carnal Israel*, 156–158.
24. *b. Ketub.* 62b (Vatican 113).
25. Boyarin, *Carnal Israel*, 148.
26. Wimpfheimer, *Narrating the Law*, 13–24.
27. For other talmudic stories depicting rabbinic cruelty towards their own relatives and dependents see e.g. *b. B. Meṣ* 84a (concerning R. Yoḥanan's cruelty towards his sister) and *b. 'Erub.* 21b–22a: “‘Black as a raven’ – With whom do you find these? With him who for their sake rises early and remains late in the evening [before returning home from] the schoolhouse. Rabbah explained: ‘[You find these] with him who for their sake blackens his face like a raven.’ Rava explained: ‘With him who can bring himself to be cruel to his children and household like a raven. This was the case with R. ’Ada b. Mattenah. He was about to go away to a schoolhouse when his wife said to him, “What shall I do with your children?” – “Are there,” he retorted, “no more herbs in the marsh?”’” For possible connections of these talmudic stories with anti-familial tendencies in early Christianity, and especially with the cruelty exhibited in certain monastic traditions, see Bar-Asher Siegal, *Early Christian Monastic Literature*, 125–127; Diamond, *Holy Men*, 48–54; Kiel, “Filial Piety and Educational Commitments,” 323–326.
28. See *b. Yebam.* 37b; *b. Yoma* 18b; Gafni, “The Institution of Marriage,” 24–25; Boyarin, *Carnal Israel*, 145; Diamond, *Holy Men*, 42–43; Elman, “‘He in his Cloak’,” 156; Elman, “Middle Persian Culture,” 171.
29. Elman, “‘He in his Cloak’,” 156.
30. See *t. Qidd.* 1:4 (Lieberman [ed.], *The Tosefta*, 277); *b. Yebam.* 37b.
31. Boyarin, *Carnal Israel*, 145.
32. Pahlavi *hērbēdestān* (when it does not refer to the Avestan work bearing this name) often functions as an abstract noun designating priestly studies, but in some cases refers to the actual place where the priestly studies were conducted. The latter seems to be implied in the present case since the act of going away to the *hērbēdestān* is emphasized. Yaakov Elman and Maria Macuch have (independently) concluded that in most attestations of Pahlavi *hērbēdestān kerdan* (“to undertake/pursue priestly studies”), a specific locus of study is meant. In fact, the Avestan text of the *Hērbēdestān* and its Pahlavi commentary exhibit different conceptions of religious training, which reflect the different conditions of a pastoral society, on the one hand, and a settled one, on the other. In this context, Yaakov Elman observes that “the Avestan text refers to nomadic priests who were accompanied by young acolytes who were trained ‘on the road’, so to speak, while the Zand may refer to more centralized centers of learning, presumably in Sasanian times.” See Elman, “Toward an Intellectual History of Sasanian Law,” 25. Also Macuch, “Disseminating the Mazdayasnian Religion,” 264–266.
33. In their edition of the *Hērbēdestān* (*Hērbēdestān and Nērangestān*, 1: 35), Kotwal and Kreyenbroek assume that *daštān mäh wizārdan* means “observe (the rules for) the monthly cycle,” that is, a reference to the seclusion of a woman during her menses prescribed in *Pahlavi Videvdad* 16.1–2, according

to which a menstruating woman is instructed to go to the “place of menstruation” or the “menstrual hut” (*daštānistān*). See also Yaakov Elman, “Marriage and Marital Property in Rabbinic and Sasanian Law,” in *Rabbinic Law in its Roman and Near Eastern Context*, ed. C. Heszer (Tübingen: Mohr Siebeck, 2003), 227–276 (227). The Zoroastrian laws of menstruation are discussed in Shai Secunda, “‘Dashtana – ki derekh nashim li’: A Study of the Babylonian Rabbinic Laws of Menstruation in Relation to Corresponding Zoroastrian Texts (Ph.D. thesis Yeshiva University, 2007), 299–482. There are several problems with this interpretation, however, the most pertinent of which is the fact that a reference to menstrual seclusion seems to be out of place in the context of the conflict between “guardianship of property” and “priestly studies.” I have recently examined, together with Prods Oktor Skjærvø, the different occurrences of this term in Pahlavi literature and we have concluded that it more likely refers to the marital obligation of a husband to sustain and nourish his wife, especially during the menstrual cycle, at which time she is unable to provide for her own needs. See Kiel, “Study vs. Sustenance,” 293, n. 65. Shai Secunda has recently suggested that this term refers specifically to sexual pleasing of the wife, but Skjærvø and I understand this term more broadly to reflect marital obligations (including all forms of physical sustenance as well as sexual and procreative obligations). Cf. Shai Secunda, “Relieving Monthly Sexual Needs: On Pahlavi *daštān-māh wizārdan*,” *Dabir* 1 (2015): 28–31.

34. Pahlavi *sālārīh* designates legal guardianship. The notion of family guardianship (*dūdag sālārīh*) refers to the guardianship of a father or his successors over a girl, entailing the right to give her away in marriage. The notion of “guardianship of property” (*xwāstag sālārīh*) refers to the maintenance of property, often the family’s estate. Occasionally, *sālārīh* also refers to the guardianship and protection of ritual fires. While the term does not necessarily denote agricultural activity, in the present context Pahlavi “guardianship of property” glosses the Avestan notion of “keeping the members of the flocks in full number or out of harm,” thus suggesting an agricultural context (although there seems to be a shift from the Avestan notion). The different types of *sālārīh* (guardianship) are discussed in *Rivāyat of Ēmēd son of Ašwahist* 5 (in Nezhat Safā-Isfahānī [ed.], *Rivāyat ī Ēmēd ī Ašawahistān: A Study in Zoroastrian Law*, Harvard Iranian Series 2 [Cambridge, MA: Department of Near Eastern Languages and Civilizations, Harvard University, 1980], 25–40); *Dādestān ī Dēnīg* 58; *Rivāyat of Ādurfarnbay* 3 (in Behramgore Tehmuras Anklesaria [ed.], *The Pahlavi Rivāyat of Ādurfarnbay*, 2 vols. [Mumbai: Bhargava & Co., 1969], II, 48). See also Bodil Hjerrild, *Studies in Zoroastrian Family Law: A Comparative Analysis* (Copenhagen: Museum Tusculanum Press, 2003), 19–76; Macuch, “Disseminating the Mazdayasnian Religion,” 261–262.
35. In general, the Avestan *Hērbedestān* (e.g. 5.2) does not differentiate men and women with regard to their partaking of priestly studies. Both can equally pursue priestly studies and maintain the family estate. A different position, however, is recorded in the Pahlavi commentary to 5.2 in the name of the fifth-century authority Sōšyāns, which seems to be accepted by the redactor of

the text: “Sōšyāns said: as for attending the *hērbedestān* – [the rule of] ‘the *ratu* [here understood in the sense of religious authority, Pahlavi *rad*] is that of the man’ is in force.” I.e. only men can become *rad* and, therefore, only men should attend the *hērbedestān*. See Macuch, “Disseminating the Mazdayasnian Religion,” 262–264. It is noteworthy that the position that denies women access to the most sacred of activities in Zoroastrianism seems to coincide with the institutionalization of the *hērbedestān* and Zoroastrian religious education in the late Sasanian period. The present text, at any rate, seems to refer specifically to men, since it addresses also the husband’s obligation of *daštān māh wizārdan*. For the status of learning women in talmudic literature, and particularly the Babylonian rabbinic traditions about Beruriah, see e.g. David Goodblatt, “The Beruriah Traditions,” *Journal of Jewish Studies* 26 (1975): 68–85; Boyarin, *Carnal Israel*, 167–196; Joel Gerwin, “Lucid is God: Beruriah and the Subversion of Patriarchal Discourse,” *Mosaic* 14 (1993): 8–24; Tal Ilan, *Integrating Women into Second Temple History* (Tübingen: Mohr Siebeck, 1999), 175–194; Brenda Bacon, “How Shall we Tell the Story of Beruriah’s End?,” *Nashim* 5 (2002): 231–239; Uri Zur, “Different Readings, Different Meanings: A Dialogue between R. Jose the Galilean and Beruriah the Leader,” *Australian Journal of Jewish Studies* 21 (2007): 241–255. For the connection between studying women and the level of institutionalization of the Babylonian rabbinic academy see Judith Hauptman, “A New View of Women and Torah Study in the Talmudic Period,” *JSIJ* 9 (2010): 251. For the Iranian background of the Beruriah traditions in the BT see Shana Strauch Schick, “A Re-examination of the Bavli’s Beruriah Narratives in Light of Middle Persian Literature,” *Zion* 79, 3 (2014): 409–424. It is possible that the tendency Boyarin traces in the BT to completely eliminate the liberal voice (that exists in the margins of Palestinian rabbinic discourse) is related to the acceptance of Sōšyāns’ position in Zoroastrian priestly circles in the late Sasanian period. But cf. Ilan, *Integrating Women into Second Temple History*, 178–180.

36. The meaning of Avestan *aspərənō* is still unknown. Bartholomae (1904, col. 218; followed by Kotwal and Kreyenbroek, ad loc.) posited two meanings of the word; in the present context, he renders the word as “Integrität, integrity,” but in *Nirangestān* 73.3, 78.2 (where it characterizes an outer garment in a discussion of how to tie the sacred girdle) he rendered the word as “Vollständigkeit, completeness,” both based on the Pahlavi translation as *uspurrīgih* “completeness,” which, however, is a pseudo-etymological rendering, based on the impossible assumption that the word contains *pərəna-* “full.” Bartholomae assumed a different word *aspərəna-* in *Frahang ī oīm* 7.331, where it is explained as *drahm* “drachma,” in the *Wizīrgerd ī dēnīg* 6: *duiie hazayrahe aspərənəm* “2000 *aspərənas*,” and in the compound *aspərənō.mazō* in *Videvdad* 4.48, where it denotes a value less than that of a sheep, and in *Videvdad* 5.60, where the value is not indicated). Humbach and Elfenbein assumed this meaning in our passage as well, rendering the phrase as “(even to the value of) as much as (only) one *Aspərəna*.” I would like to thank Prods Oktor Skjærvø for elucidating this point.

37. Here spelled <'slwny>, but in the following we have <'slwk> āsrō.
38. On the meaning of the particle *hād*, see Prods Oktor Skjærvø, "On the Terminology and Style of the Pahlavi Scholastic Literature," in *The Talmud in its Iranian Context*, ed. C. Bakhos and R. Shayegan (Tübingen: Mohr Siebeck, 2010), 178–205 (182–190).
39. The Avestan term *daēnā* (Pahlavi *dēn*) is often understood by the Pahlavi exegetes to refer to the totality of the Zoroastrian Tradition. See Vevaina, "Enumerating the Dēn"; Skjærvø, "The Zoroastrian Oral Tradition as Reflected in the Texts"; Yishai Kiel, "Reinventing the Torah in Ezra–Nehemiah in Light of the Law (*dāta*-) of Ahura Mazdā and Zarathustra," *Journal of Biblical Literature* (forthcoming). And see the discussion in the [introduction](#).
40. Pahlavi texts often refer to "fear for the body" (*bīm ī tan*) and "death and injury" (*margīh ud rištagīh*) to indicate life-threatening circumstances. For a discussion of these terms see Yishai Kiel and Prods Oktor Skjærvø, "The Sabbath Was Made for Humankind": A Rabbinic and Christian Principle in Its Iranian Context," *Bulletin of the Asia Institute* 25 (2015): 1–18 (9–12); Elman, "Toward an Intellectual History of Sasanian Law," 30–31.
41. *Hērbedestān* 3.1–6 (cf. Kotwal and Kreyenbroek [eds.], *Hērbedestān and Nērangestān*, 1, 32–35).
42. On the question of continuity between the Avesta and Zand, see the discussion in the [introduction](#).
43. Macuch, "Disseminating the Mazdayasnian Religion," 261–262.
44. Macuch, "Disseminating the Mazdayasnian Religion," 264–266.
45. On the translation of the particle *hād*, see above.
46. On the days of Frawardigān see Mary Boyce, "On the Calendar of Zoroastrian Feasts," *BSOAS* 33, 3 (1970): 513–539.
47. It makes no difference to my case whether the Babylonian rabbinic and Zoroastrian "academies" in the fifth century were already institutionalized. For this long-debated issue see the references in the following footnote.
48. For the development of the Babylonian rabbinic academy during the Sasanian period see David Goodblatt, "The History of the Babylonian Academies," in *The Cambridge History of Judaism*, vol. iv: *The Late Roman–Rabbinic Period*, ed. S. T. Katz (Cambridge: Cambridge University Press, 2006), 821–839; Jeffrey Rubenstein, "The Rise of the Babylonian Rabbinic Academy: A Reexamination of the Talmudic Evidence," *Jewish Studies Internet Journal* 1 (2002): 55–68. For the Christian school and its relevance to the rabbinic academy see Isaiah M. Gafni, "Nestorian Literature as a Source for the History of the Babylonian *Yeshivot*," *Tarbiz* 51 (1982): 567–576; Adam Becker, "The Comparative Study of 'Scholasticism' in Late Antique Mesopotamia: Rabbis and East Syrians," *AJS Review* 34, 1 (2010): 91–113.
49. See the discussion in Koltun-Fromm, *Hermeneutics of Holiness*, 175–210; Naomi Koltun-Fromm, "Zippora's Complaint: Moses is Not Conscientious in the Deed! Exegetical Traditions of Moses' Celibacy," in *The Ways That Never Parted: Jews and Christians in Late Antiquity and the Early Middle*

- Ages, ed. A. Y. Reed and A.H. Becker (Tübingen: Mohr Siebeck, 2003), 283–306 (293–307); Schremer, *Male and Female*, 62–64; Kahana (ed.), *Sifre on Numbers*, IV, 660–661, 671–672; Boyarin, *Carnal Israel*, 159–165.
50. *Pahlavi Rivāyat* 36.8–13 (the text is based on Skjærvø's recollection of all the mss.; cf. Williams [ed.], *The Pahlavi Rivāyat*, I, 146–149).
  51. Cf. Williams (ed.), *The Pahlavi Rivāyat*, II, 64. Cf. *Pahlavi Videvdat* 4.47: “But this too I say, [i.e.] to you who have a wife, before this one [who has none], [i.e.] I say it forth, O Spitama Zarathustra, [i.e.], one should give [a wife] to him first, just like [to someone] who has gone forth to become a mowbed [?], [i.e.], [he] has no wife: [to] the one who has a *wis*, i.e. he has a house, [before] the one who is like one who has no *wis*, i.e. he has no [house]; [to] the one who has a son, [before] the one who is like one who has no sons; [to] the one with property, [before] the one who is like one who has no property” (Skjærvø, unpublished trans.; cf. Moazami, *Wrestling with the Demons*, 116–117, where the contorted Pahlavi has been simplified). For a discussion of this passage see König, *Geschlechtsmoral*, 61–62.
  52. The role of Zarathustra was often conceptualized in terms of “prophecy” and the promotion of the divine law (Pahlavi *paygāmbar* [messenger, apostle] and *waxšwar* [carrier of the word]; Arabic and Persian *rasūl* and *nabī*; Sanskrit and Gujarati *guru*; English *law-giver* and *prophet*). This, of course, has nothing to do with the historical figure of Zarathustra (if such ever existed), but rather with the reception and interpretation of his legacy. See my remarks in Kiel, “Abraham and Nimrod,” 35–36; Kiel, “Reinventing the Torah in Ezra–Nehemiah.”
  53. See e.g. Philo, *Life of Moses*, 2.68–69 (in Yonge [trans.], *The Works of Philo*, 487); *Sipre Num.* 100, 103 (in Kahana [ed.], *Sifre on Numbers*, I, 250, 255); *Sipre Zut. Num.* 12:2 (in Horovitz [ed.], *Siphre d'Be Rab*, 274); 'Abot de-Rabbi Nathan A:2, 9, B:2 (in Schechter [ed.], *Avoth de-Rabbi Nathan*, 10, 40); *b. Šabb.* 87a; *b. Yebam.* 62a; Aphrahat, *Demonstrations* 18:4–5 (trans. in Lehto, “Divine Law,” 367–368).
  54. *Sipre Num.* 100 (in Kahana [ed.], *Sifre on Numbers*, I, 250). For the original reading פִּירְשׁוּ מִפּוֹרֶשׁ (rather than מִפְּרִיָּה וּרְבִיָּה) attested in MS Vatican 32, see Moshe Bar-Asher, “A Preliminary Study of Mishnaic Hebrew as Reflected in Codex Vatican 32 of Sifre Bemidbar,” in *Studies in Talmudic Literature, Post-Biblical Hebrew, and Biblical Exegesis*, ed. M. A. Friedman, A. Tal, and G. Brin, *Te'udah* 3 (Tel Aviv: Tel Aviv University, Faculty of Humanities, 1983), 139–165 (158–160); Kahana (ed.), *Sifre on Numbers*, IV, 661.
  55. Schremer, *Male and Female*, 62–64. Cf. Kahana (ed.), *Sifre on Numbers*, III, 671, who points out that the exegetical path not taken by the rabbis, namely adopting the simple meaning of scripture that Moses took a second wife, would have been a more straightforward way to polemicize against Christianity.
  56. Boyarin, *Carnal Israel*, 165.
  57. *b. Šabb.* 87a (Oxford 366).
  58. Boyarin, *Carnal Israel*, 165.
  59. *b. Yebam.* 61b–62a (Oxford 367).



60. See Aphrahat, *Demonstrations* 18.4 translated and discussed in Koltun-Fromm, *Hermeneutics of Holiness*, 154. See also Aphrahat, *Demonstrations* 6:5 (in Wright [ed.], *The Homilies of Aphraates*, 112 [fol. 54a]), in which Aphrahat alludes to the example of Moses, after having urged the members of the covenant not to live in “celibate marriages” lest they become “wild with lust”: לְכָל אִישׁ וְאִשָּׁתוֹ יִשְׁתַּבֵּחַ וְיִשְׁתַּבַּח לְפָנֵי הָאֱלֹהִים וְיִשְׁתַּבַּח לְפָנֵי הָאֱלֹהִים וְיִשְׁתַּבַּח לְפָנֵי הָאֱלֹהִים וְיִשְׁתַּבַּח לְפָנֵי הָאֱלֹהִים “For concerning Moses it is written, my beloved, that from the time that the holy one was revealed to him he loved holiness, and from the time that he was sanctified his wife did not minister to him. Rather, it is written that ‘Joshua son of Nun ministered to Moses from his youth’ . . .” My translation follows Adam Lehto, “Divine Law,” 192, with minor adjustments.
61. Koltun-Fromm, *Hermeneutics of Holiness*, 199.
62. See the examples discussed in [Chapters 4](#) and [8](#) and see Kiel, “Reimagining Enoch.”
63. *t. Yebam.* 8:7 (in Lieberman [ed.], *The Tosefta*, 26; cf. *Tosefta ki-fshutah: A Comprehensive Commentary on the Tosefta*, 8 vols. [New York: Jewish Theological Seminary, 2001–2007], 75); *Gen. Rab.* 34:6 (in Theodor and Albeck [eds.], *Midrash Bereshit Rabba*, 326); *b. Yebam.* 63b. For discussions of this tradition see Daube, *The Duty of Procreation*, 37–38; Boyarin, *Carnal Israel*, 134–136; Diamond, *Holy Men*, 35–38; Cohen, “Be Fertile and Increase”, 110–114.
64. Cohen, “Be Fertile and Increase”, 110–114 (esp. 114, n. 177).
65. Boyarin, *Carnal Israel*, 135. Schremer, *Male and Female*, 40, n. 24, similarly suggested that ben ‘Azzai is not disputing the importance of marriage and procreation, but simply alludes to his personal disposition.
66. Boyarin, *Carnal Israel*, 135.
67. Diamond, *Holy Men*, 35–38.
68. Cf. Schremer, *Male and Female*, 39–41 (esp. 40, n. 24).
69. This phraseology echoes *b. Mo‘ed Qat.* 9b; *b. Qidd.* 32a; *t. Ketub.* 5:1; *Sipre Deut.* 42 (in Louis Finkelstein [ed.], *Sifre on Deuteronomy* [New York: Jewish Theological Seminary, 2001], 90); *b. Ber.* 35b.
70. *b. Ketub.* 62b relates that “the daughter of R. Akiva acted in a similar manner towards ben ‘Azzai.” Thus, the celibacy of ben ‘Azzai is reinterpreted in this Babylonian rabbinic tradition as a temporary form of celibacy within the context of a marital arrangement and in accordance with the Babylonian model of the absentee married sage. See Boyarin, *Carnal Israel*, 154.



## Sexual Etiquette and Identity Demarcation

### INTRODUCTION

Since the publication of Mary Douglas' *Purity and Danger*, students of biblical and rabbinic culture have been increasingly attuned to symbolic interpretations of the human body and the rituals associated with it as representing and manifesting broader social and cosmic orders.<sup>1</sup> In the wake of the more recent corporeal-cultural paradigm shift in rabbinic studies outlined in the Introduction, rabbinic scholars have further sought to understand the significance of corporeal discourse to the construction of religious identity and the mapping of cultural differentiation. An important medium through which the body is said to reflect cultural differentiation is the language of purity and holiness. Whether gender, ethnic, or class differentiation is at stake, the language of purity (ritual, moral, or genealogical)<sup>2</sup> and holiness (ascribed, achieved, or safeguarded)<sup>3</sup> appears to predominate in the rabbinic attempt to map socio-cultural concerns onto the human body. The present chapter will center on the role of sexuality (as a facet of human corporeality), and the embodiment and realization of purity and holiness through sexual praxis in particular, in the broader context of the rabbinic construction of identity and their ceaseless efforts to demarcate the boundaries of the sacred community of Israel vis-à-vis the gentile outsider.<sup>4</sup>

Naomi Koltun-Fromm has explored the nexus of sexuality and holiness in ancient Jewish and Christian traditions, by examining the various manifestations of holiness in diverging attitudes to marriage. While acknowledging the partial overlap of the rabbinic and Christian discussions in the Sasanian world, she finds that the regnant position among the

rabbis is that holiness can be attained only through a life of marriage and procreation, while Aphrahat believed that holiness can be fully realized only through a life of celibacy and sexual restraint.<sup>5</sup> One way or another, the embodiment and realization of holiness through sexual or celibate practices functions in this framework as a site through which religious identity is performed and a means to demarcating the boundaries between the sacred community and outsiders. In this sense, Koltun-Fromm finds that a shared hermeneutical space entailing the manifestation of holiness through sexual praxis resonated in the early Christian and rabbinic cultures.<sup>6</sup>

In the present context, I posit that the nexus of sexual praxis and holiness functions as a means to safeguarding and demarcating the boundaries of the sacred community of Israel not only in the context of rabbinic conversation (whether polemical or otherwise) with Christian notions of celibacy, but also in the context of rabbinic engagement with Iranian sexual norms. The affinity that exists between the sexual practices and dispositions of Babylonian rabbis and their Zoroastrian contemporaries (explored in the previous chapters) appears to have created an even greater measure of concern among Babylonian rabbis regarding the need to safeguard the boundaries of the sacred community of Israel and define the distinctiveness of its sexual practices vis-à-vis the Iranian other.

The chapter is devoted to talmudic discussions of marital sexual etiquette,<sup>7</sup> in the context of which an explicit differentiating rhetoric of us-them emerges that serves to demarcate the boundaries of the sacred community of Israel vis-à-vis the Iranian other. I will focus on two talmudic discussions relating to sexual etiquette: the first concerns the question of whether sex should be performed while naked or clothed; the second concerns the question of whether sex should be performed in the daytime and in the light or at night and in the dark.

In an article devoted to sexual etiquette in Babylonian rabbinic culture and its broader Iranian context, Yaakov Elman has demonstrated that the talmudic discussion of the proper manner of sexual behavior is entrenched in Iranian attitudes and concerns.<sup>8</sup> Drawing on the parallels adduced by Elman as well as new data, I shall presently trace the existence of competing talmudic discourses in the centers of Palestine and Babylonia and within the confines of rabbinic Babylonia, in an attempt to reach a more nuanced understanding of the connections between sexual etiquette and the broader issue of identity demarcation.

I posit that at least some Babylonian rabbis fostered an exclusive rhetoric that differentiated and dichotomized the sexual practices

characteristic of Jews and Iranians in terms of their embodiment of holiness. If Persians are believed to have sexual intercourse while clothed, then the holiness of Israel is said to be defined by the practice of having sexual intercourse while naked, and if the Persians are believed to have sexual intercourse in the daytime or in the light, then the holiness of Israel is said to be defined by the performance of sexual intercourse only at night or in the dark. In this framework, an exclusive rhetoric pertaining to the realization of holiness through particular sexual practices functions to demarcate the sacred community of Israel vis-à-vis the Iranian other.

Alongside the exclusive paradigm, the BT gives voice to an alternative rhetoric, which is not only susceptible to incorporating Iranian norms of sexual etiquette into rabbinic culture, but explicitly advocates an inclusive system of sexual holiness and presents Persians as a model for modest sexual behavior and a manifestation of achieved holiness. According to this paradigm, Jews and non-Jews alike are expected to aspire to an ideal of achieved holiness realized through certain sexual practices, while the boundaries of Israel's sacred community are perceived as relatively porous and permeable.

While the exclusive rhetoric is attributed to Babylonian rabbis and explicitly situated within the context of Babylonian rabbinic culture, the most vivid expression of the inclusive rhetoric is attributed in the BT to a Palestinian rabbi. If we indeed accept this attribution as reliable, it might be suggested that the exclusive and inclusive attitudes are reflective of a broader geo-cultural divide between the two rabbinic cultures of Palestine and Babylonia. This conclusion would be consistent with my findings in [Chapter 6](#), in which a similar divide is proposed between Palestinian and Babylonian rabbinic taxonomies of prohibited sexual partnerships. According to this scheme, Palestinian rabbinic discourse reflects an inclusive rhetoric, according to which the non-Jewish other (or at least the Iranian other) is called to partake, in one way or another, in a shared space of holiness realized through sexual norms, while Babylonian rabbinic discourse reflects a particularistic and exclusive rhetoric, which safeguards the boundaries of Israel as a sacred community by denying the non-Jewish other access to this sacred space.

The differentiating scheme (developed in the present chapter and in [Chapter 6](#)) largely supports recent studies of the image of the non-Jew in Palestinian and Babylonian rabbinic culture.<sup>9</sup> To be sure, however, the attempt to map the inclusive and exclusive approaches to holiness realized in sexual etiquette onto a rigid geo-cultural divide between the rabbinic cultures of Palestine and Babylonia will be problematized by the fact that

the inclusive rhetoric, which tolerates and incorporates Iranian norms of sexual etiquette, can be found not only within the confines of Palestinian voices preserved in the BT, but also in the work of the anonymous talmudic redactors. The present investigation underscores, therefore, the difficulty inherent in the attempt to create binary and rigid distinctions between the rabbinic cultures of Palestine and Babylonia.

#### PERSIAN MODESTY

A rabbinic tradition recorded in *b. Ber.* 8b engages with, and openly evaluates, the sexual etiquette ostensibly characteristic of the Persians.

תניא אמ' רבן גמליאל בשלשה דברים אוהב אני את הפרסיים, צנועין באכילתן צנועין בבית הכסא צנועין בתשמיש המטה. כתיב אני צויתי למקודשין תני רב יוסף אלו פרסיים שמקודשין לגיהנם.

It has been taught [in a *baraita*]: Rabban Gamli'el said: on account of three things I admire the Persians. They are modest in their eating [habits], in the restroom, and in [their] sexual intercourse “I have summoned my consecrated ones (*mequdašai*) (Isa. 13:3)” – Rav Yosef taught: these are the Persians who are “designated” (*mequdašin*) for Gehenna.<sup>10</sup>

In this passage, Rabban Gamli'el expresses his admiration of the modesty displayed by Persians during the performance of bodily functions (eating, urinating, and sexual intercourse). Rav Yosef, on the other hand, based on a playful exegesis of Isa. 13:3 (“I have ordered my designated ones [*mequdašai*]”), portrays a negative image of the Persians, depicting them as designated (*mequdašin*) for Hell. Although the position of Rabban Gamli'el does not seem, at first glance, to address Isa. 13:3, Moshe Benovitz has convincingly argued that both rabbinic teachings should, in fact, be read in connection with this verse. While the plain sense of the verse (upheld by Rav Yosef's exegesis) clearly assumes that *mequdašai* means “my designated ones,” for Rabban Gamli'el the term echoes the meaning of sanctification and holiness (*qeduṣah*). On the other hand, Rabban Gamli'el's interpretation conforms to the positive designation of the Persians reflected in the verse, while Rav Yosef reinterprets the verse in a negative fashion. At any rate, the literary situating of Rabban Gamli'el's praise of Persian modesty immediately prior to Rav Yosef's interpretation of Isa. 13:3 is likely intended to imply that, according to the former, the Persians are, in some sense, considered holy (*qedošim*) on account of their modest behavior.<sup>11</sup>

The notion of Persian modesty exhibited in table etiquette, restroom manners, and sexual customs seems to correspond with Iranian practices

known from both Zoroastrian and non-Zoroastrian sources. The reference to modesty in table etiquette may be connected with the ritual of silence practiced during Zoroastrian meals or with Zoroastrian ethical teachings concerning eating in moderation.<sup>12</sup> The notion of restroom manners may be connected with the Zoroastrian concern for the proper method of urination, which ideally took place in a crouching position while caution was taken not to urinate on one's shoes or clothes.<sup>13</sup>

While the exact nature of the sexual modesty praised by Rabban Gamli'el and criticized by Rav Yosef is not explicitly stated, Yaakov Elman has suggested connecting the critique voiced by Rav Yosef in this passage with another tradition reported in his name, which rejects a purportedly Persian custom to have sex while clothed, under the assumption that a husband must satisfy his wife sexually via "closeness of flesh" (*b. Ketub.* 48a).<sup>14</sup>

As we have seen in [Chapter 1](#), the issue of the proper "dressing code" during sexual intercourse stands in the center of competing rabbinic traditions. While Rav Yosef insists on bodily intimacy and nudity during sex, it is said of the Palestinian R. Eli'ezer (*b. Ned.* 20a) that "when he has intercourse with me he unveils a hand's breadth and veils it again and he appears as if he is driven by a demon."<sup>15</sup> Further evidence for the conservative position of Palestinian rabbis on this matter can be adduced from the negative attitude to nudity during sex attributed to R. Shim'on ben Yoḥai.<sup>16</sup>

It is possible that Rabban Gamli'el interpreted (or rather misinterpreted, as we shall see) the custom of the Persians to have sexual intercourse while clothed through the lens of sexual moderation (and a view of "light" asceticism) and in line with other sexual practices prevalent among Palestinian rabbis that were intended to reduce sexual pleasure and bodily intimacy. Since such views are generally incompatible with Zoroastrian notions of sex and pleasure (see [Chapter 1](#)), it is likely that the *Sitz im Leben* of the talmudic reference to a Persian custom of having sex while clothed is in fact the Zoroastrian instruction that the *kustīg* (ritual girdle) and *šabīg* (ritual shirt) be worn at all times.<sup>17</sup> Whether this instruction was upheld by lay Zoroastrians in the Sasanian period is difficult to ascertain, but, insofar as priestly instruction is concerned, the act of going about or even sitting and lying down without these ritual dress items was regarded as a severe sin. *Videvdad* 18.53–54 asserts, in fact, that such behavior causes the demonic impregnation of the Lie She-demon.<sup>18</sup> In the Pahlavi texts, the sin was conceptualized in terms of "going about open, untied" (*wišād-dwārišnīh*) and being "naked" (*brahnag*).<sup>19</sup> According to the

author of *Šāyist nē Šāyist*, even when one goes to sleep at night, and presumably also during sexual intercourse, these ritual dress items must remain on:

*pad šab ka bē xufsēnd šabīg ud kustīg dārišn čē pad tan pāsbāntar ud pad ruwān weh*

When one goes to sleep at night, one should keep on the *šabīg* and *kustīg*, for there is more protection for the body and it is better for the soul.<sup>20</sup>

Similarly, in a later Zoroastrian Persian text:

*dīgar vaqt-i nazdik-i zan raftan sudra bar sīna dāštan va kustī tīz bar sudra va az nāf tā pāy barahna šudan v'agar na gunāh buvad.*

Another thing: When approaching a woman [for intercourse], [one should] have the *sudra* [=šabīg] on one's breast, and the *kustī* [=kustīg] tightly on the *sudra*, and from the navel to the feet, [one should] be naked. If not, it will be a sin.<sup>21</sup>

The Zoroastrian instruction to remain clothed with the ritual shirt and girded with the ritual girdle at all times, even during sexual activity, while reflecting a purely ritual concern, may have been misinterpreted by certain rabbis via the lens of sexual modesty and notions of asceticism and the reduction of sexual pleasure. It is not altogether clear, however, whether Rabban Gamli'el's admiration for Persian modesty reflects an authentic Palestinian rabbinic tradition (whether or not it was actually uttered by Rabban Gamli'el is irrelevant) connected, perhaps, with broader tendencies in the Greco-Roman world to romanticize oriental practices and beliefs,<sup>22</sup> or a pseudo-attribution to a Palestinian tanna, in which case the statement is reflective mainly of Babylonian rabbinic currents.

Without denying the possibility that the diverging perspectives of Rabban Gamli'el and Rav Yosef are reflective of broader tendencies characteristic of the Palestinian and Babylonian divide within rabbinic culture (a position I take in [Chapter 6](#)), I must stress that the juxtaposition of these statements in the BT – and there alone – in terms of competing attitudes to Persian etiquette would seem to reflect, first and foremost, the concerns of the Babylonian rabbis. The positions of Rav Yosef and Rabban Gamli'el represent, therefore, conflicting tendencies within Babylonian rabbinic culture. I will return to this point below.

An important ramification of this talmudic discussion concerns the connection between holiness manifested through sexual praxis (and other carnal and intimate activities) and socio-cultural demarcation. Thus, beyond the admiration of Persian modesty expressed in Rabban

Gamli'el's statement, the exegetical context of Isa. 13:3 introduced by the redactors exhibits an inclusive rhetoric of sexual holiness, one which constructs permeable boundaries of the sacred community and a shared space of holiness in which Iranian notions of proper sexual etiquette are incorporated and adapted to the biblical ideal of holiness. Rav Yosef, on the other hand, bespeaks an exclusive rhetoric of sexual holiness, which demarcates and safeguards the boundaries of Israel and its ascribed holiness, by excluding the possibility that Persian customs can manifest holiness.

Thus, construing the competing positions in the BT in terms of accommodation and resistance to Persian culture, although true in part, misses the broader rhetorical and discursive significance of the differing stances. The position attributed to Rabban Gamli'el does not merely accept and praise an Iranian norm, but reflects an inclusive rhetoric of carnal and sexual holiness. In line with the Palestinian rabbinic tendency discussed below (Chapter 6) to include both Jews and non-Jews in the same system of sexual prohibitions and have them partake in a shared space of achieved holiness, Rabban Gamli'el does not hesitate to address Persian sexual etiquette in terms of modesty and holiness. Rav Yosef, on the other hand, is bothered not only by the notion of having sex while clothed, but, more importantly perhaps, by the implied use of holiness terminology to refer to the sexual practices of the Persians. In fact, one gets the impression that sexual nakedness is so important to Rav Yosef precisely because his Persian neighbors acted otherwise, a difference which enabled him to employ this issue in the context of the broader demarcation of the boundaries of Israel's holiness.

#### DAYTIME SEX AND ADIABENIAN CONVERTS

In what follows, we will see that the same concern for the construction of Jewish identity against the backdrop of the Iranian other in terms of the realization of holiness through sexual practice is exhibited in another talmudic discussion pertaining to daytime sex. In this case, too, competing discourses of inclusive and exclusive holiness are reflected in the discussion of the BT. The question of performing sexual intercourse in the daytime or the light is discussed in *b. Nid. 17a*:

א' רב חסד' אסור לו לאדם שישמש מיטתו ביום שנ' ואהבת לרעך כמוך מה תל' א' אביי שמא יראה בה דבר מגונה ותתגנה עליו א' רב הונא ישר' קדושים הן ואין משמשין מיטותיהן ביום א' רבא אם היה בית אפל מותר א' רבא ואיתימ' רב פפא תלמ' חכ' מתעטף בכסותו ומשמש.

Rav Ḥisda said: A man is forbidden to have sexual intercourse in the daytime, for it is said, “Love your fellow as yourself” [Lev. 19:18]. But what is the meaning of this scriptural proof? – Abaye said: “Lest he observes something repulsive about her and she would thereby become loathsome to him.” Rav Huna<sup>23</sup> said, “Israel are holy and do not have sex in the daytime.” Rava said: “If it was [performed in] a dark house – it is permissible.” And Rava [further] said, or perhaps it was Rav Papa:<sup>24</sup> “A scholar may wrap himself (מתעטף)<sup>25</sup> with his cloak and perform sexual intercourse.”<sup>26</sup>

The dominant amoraic position (attributed to Rav Ḥisda, Abaye, and Rav Huna – all Babylonian rabbis) forbids having sexual intercourse in the daytime. It is of particular interest in the present context, however, that Rav Huna seeks to justify this prohibition by employing rhetoric of exclusive holiness that applies to Israel alone. In light of the Pahlavi instruction (quoted below) to have sex only in the light of the sun or a domestic fire, Rav Huna’s exclusivist rhetoric is all the more accentuated, as he seems to be arguing that, by avoiding sex in the daytime, Israel is demarcated and differentiated from the local other. Thus, a discourse of holiness realized through sexual etiquette serves again to demarcate Israel as a sacred community vis-à-vis the Iranian other.

The position of Rava, to be sure, does not seem to differ radically from that of his colleagues, as he merely argues that the same effect of modesty during sexual intercourse, stressed by Rav Ḥisda, Rav Huna, and Abaye, can also be achieved by having sexual intercourse in a dark room or by using a cloak. Underscoring, however, the divergence of Rava’s position from that of his colleagues and its intertextual connection to another talmudic statement, in which Rava praises a local Meḥozan custom to have sexual intercourse in the daytime (“Rava said . . . the reason they [=the people of Meḥoza] are beautiful [שפירי]<sup>27</sup> is that they have sex in the daytime”),<sup>28</sup> Yaakov Elman has suggested that Rava’s position reflects an acculturated stance entrenched in the surrounding culture of Meḥoza.<sup>29</sup> In this context, he points out the existence of a Zoroastrian priestly instruction to have sexual intercourse only in the light of the sun or a domestic fire preserved in the *Pahlavi Rivāyat*:

*az abestāg ēn-iz paydāg kū mard pad rōšnīh ī xwaršēd ud ātaxš ō nazdik ī zan ī xwēš abāyēd šud čē ka ēdōn kunēd dēwān wināhišn kam padīš tuwān kardan ud fraزند ī zāyēd pad ahlawīh ahlawtar ud pērōzgartar bawēd*

This is also manifest in the Avesta that a man should approach his wife in the light of the sun or a [domestic] fire, for if he does so, the demons can do less damage to



him. The child who is born [of such a union] will be, as a righteous person, more righteous and more victorious.<sup>30</sup>

It is not altogether clear whether Rava adopts, accommodates, or resists this Zoroastrian norm, since the notion of having sexual intercourse in a dark room or while covered with a cloak may or may not cohere with the Zoroastrian instruction, while Rava's statement concerning the sexual habits of his townsmen can be intended as a morally neutral eugenic assertion (sex in the light = beautiful children). Be the position of Rava on this matter as it may, the remainder of the talmudic discussion, the significance of which was altogether ignored in previous scholarship, gives a clear expression to an alternative rabbinic voice that views the Iranian custom of daytime sex in a positive manner. Following the amoraic statements of Rav Hisda, Rav Huna, Abaye, and Rava, which by and large seem to prohibit sexual intercourse in the light (notwithstanding Rava's solution), the BT continues:

תנן או תשמש לאור הנר אימא או תבדוק לאור הנר תא שמ' אע"פ שאמרו המשמש מיטתו לאור הנר הרי זה מגונה אימא הבדוק מיטתו לאור הנר הרי זה מגונה תא שמ' של בית מונבז המלך עושין שלשה דברים ומזכירין אותן לשבח משמשין מיטותיהן ביום ובדקין מיט' (ביום) במילא פרהבא ונוהגין טומאה וטהרה בשלגין קתני מיהא משמשין מיטות' ביום אימ' בודקין מ[י]טותיהן ביום הכי נמי מסתברא דאי סל' דע' משמשין מזכירין אותן לשבח נמי אין אגב דאיכא אונס שינה מיגניא באפיה.<sup>31</sup>

Have we not learned “or she should perform (תשמש) in the light of a lamp”? You must read, “or she should examine (תבדוק) [her menstrual blood] in the light of a lamp.” Come and hear, [it says] “Although [the sages] have said that he who has sexual intercourse (המשמש מטתו) in the light of a lamp is loathsome” [thus, we see that he may be loathsome, but it is not forbidden] – you must read, “he who examines his bed (הבודק מטתו) in the light of a lamp is loathsome.” Come and hear, “the people of the house of Monobaz did three things, and on account of these they were honorably mentioned: they perform sexual intercourse in the daytime, they examine their beds with *farhava* cotton and they observe the rules of ritual purity and impurity in the case of snow.” In any event, is it not here stated, “they perform sexual intercourse in the daytime”? You must read, “they examine their beds (בודקין מיטותיהן) in the daytime.” This may also be supported by a logical argument, for if one were to read “performed sexual intercourse [in the daytime],” would they have been honorably mentioned? – Indeed, [they would have been honorably mentioned] because [had they performed sexual intercourse at night] owing to the prevalence of sleep she is likely to become repulsive to him.

In contrast to the regnant amoraic position, which by and large prohibits having sexual intercourse in the light, this passage presents three attempts to challenge this prohibition, by quoting tannaitic or pseudo-tannaitic traditions to the effect that one is permitted to have sexual

intercourse in the light. The BT initially dismisses all three traditions, under the assumption that they do not in fact pertain to sexual intercourse (תשמיש המטה), but rather to self-examination (בדיקת המטה) from contaminating blood or semen.

The third tradition quoted in support of the permissibility of having sexual intercourse in the daytime attributes three distinctive customs to the members of the royal house of Monobaz,<sup>32</sup> including the norm of having sexual intercourse in the daytime, for which they were praised by the rabbis. Although this tradition is introduced in the BT as a tannaitic *baraita* and seems to be modeled after other tannaitic traditions that depict the figure of Monobaz and his family in a favorable manner,<sup>33</sup> there is reason to assume that this tradition is a pseudo-tannaitic *baraita* that originated in rabbinic Babylonia.<sup>34</sup> Firstly, unlike other traditions relating to Monobaz, this particular tradition appears only in the BT and is missing from Palestinian rabbinic works. Secondly, the tradition uses the Aramaic term *mila* (wool) and what is probably a Persian loanword (*farhava*),<sup>35</sup> while tannaitic *baraitot* are almost exclusively in Hebrew. And thirdly, with the exception of this source, the concern for the proper time for having sexual intercourse is attested only in the anonymous talmudic discussion and amoraic statements attributed to Babylonian rabbis.

Following the initial attempt of the talmudic redactors to challenge the amoraic prohibition by introducing the custom of the members of the royal house of Monobaz of having sexual intercourse in the daytime, the redactors reinterpret this tradition (reading “self-examination” instead of “sexual intercourse”), so as not to contradict the prohibition. The talmudic discussion concludes, however, with an alternative interpretation that completely undermines the prohibitive stance, according to which the custom of Monobaz indeed refers to sexual intercourse in the daytime. The reason this custom was praised by the rabbis, the BT suggests, is that in the case of nocturnal sex, owing to the prevalence of sleep, the woman might fall asleep in the middle of the sexual act and become repulsive in the eyes of her husband.

The distinctive custom attributed to Monobaz can therefore be read as an attempt of the anonymous talmudic redactors to breach and subvert the amoraic prohibition voiced by prominent Babylonian rabbinic authorities (Rav Ḥisda, Rav Huna, Abaye, and probably Rava). The relationship between the legal narrative reporting the customs of Monobaz and the prohibitive stance taken by the amoraim can be illuminated by recourse to the theory of Barry Wimpfheimer discussed in the [Introduction](#).<sup>36</sup>

The idea that narratives (in general, but certainly legal narratives) reflect the interplay of “canons” and their inherent “breach,” in the sense that a narrative represents an implicit canonical (often legal) subscript that is violated and deviated, would seem rather attractive in the present context, as the legal narrative portraying the custom of the royal house of Monobaz, while purportedly substantiating the amoraic dicta, in fact serves to violate those very legal statements.

One wonders why Monobaz in particular was chosen in the present context to personify the breach of the amoraic prohibition concerning daytime intercourse. What is it about the “biography” of Monobaz that makes him a suitable candidate for this literary and cultural role? How exactly do the figure of Monobaz and the distinctive customs attributed to him relate to the Iranian discussion of sexual etiquette and daytime sex? And how does the tradition of Monobaz negotiate the broader talmudic nexus of sexual etiquette and holiness and the demarcation of Israel as a sacred community? To answer these questions, I shall briefly discuss the literary and cultural representations of Monobaz in rabbinic literature.

Monobaz was a member of the Adiabenean royal family in the first century, whose famous conversion to Judaism<sup>37</sup> is known to us from the lengthy accounts in Josephus<sup>38</sup> and scattered references in other ancient authors<sup>39</sup> and rabbinic literature.<sup>40</sup> Aside from the conversion story itself and traditions portraying the righteousness and generosity of the Adiabenean royal family, the rabbis also attribute halakhic traditions to Monobaz, and he is even portrayed as a sage conversing with prominent tannaitic authorities.<sup>41</sup> Scholars have long noted, however, the fictitious nature of Monobaz’s depiction as a rabbinic sage, stressing instead the literary and ideological motivation for such depictions.<sup>42</sup>

It has also been pointed out that the conversion story, both in Josephus and in rabbinic sources, reflects the impact of Iranian ideology and literature.<sup>43</sup> I have posited that the BT in particular tends to attribute to Monobaz legal practices and statements that were perceived by the rabbis as stemming from the Iranian tradition.<sup>44</sup> While it is possible that the Adiabenean royal family adhered to some form or another of Zoroastrianism prior to their conversion to Judaism, it is unlikely that the Zoroastrian undertones of the legal traditions attributed to Monobaz in the BT reflect the incorporation of Iranian traditions into Judaism via the actual conversion of the royal family in the first century. It is true that there was a significant Zoroastrian component in the population of the Parthian Empire, and the overlords of the empire too were most likely Zoroastrian,<sup>45</sup> but we have no historical data to support the assumption

that the Adiabenean royal family or their subjects adhered to Zoroastrianism and, in fact, no concrete information survived concerning their religious affiliation.<sup>46</sup>

It would seem, therefore, that the Zoroastrian tendencies exhibited in the Monobaz traditions in the BT illuminate not the political history of the first century so much as the intellectual history of Babylonian rabbinic culture and the extent of their engagement with Zoroastrian law in the Sasanian period. The Iranian-like traditions were projected by the Babylonian rabbis back onto the figure of Monobaz for literary and cultural reasons, since the Parthian background and personal “biography” of Monobaz as a proselyte seemed to be the perfect historical canvas for “converting” Iranian traditions to Judaism.

In the present context, I posit that the figure of Monobaz was chosen by the talmudic authors to represent Iranian attitudes to sexual etiquette and thus subvert and violate the amoraic prohibition, precisely because of his alleged Iranian background. The rabbinic endorsement of the custom of Monobaz (both explicitly, insofar as the tradition itself states that “on account of these things they were honorably mentioned,” and implicitly by the redactorial attempt to justify and make sense of daytime sex) exhibits an inclusive ideology similar to that attributed to Rabban Gamli’el (see above). According to this position, the Iranian other is not only called upon to partake in the ideal of sexual holiness but can serve as a model of modesty realized through sexual practice. Although the rabbinic engagement with Monobaz’s custom does not explicitly use the rhetoric of sexual holiness, the juxtaposition of this custom with the amoraic prohibition of daytime sex (and especially Rav Huna’s statement concerning the sexual holiness of Israel) suggests that we are dealing with antipodal stances. While the regnant rabbinic discourse expressed by Rav Hisda, Rav Huna, Abaye, and perhaps Rava, seeks to safeguard and demarcate the sacred community of Israel by means of differentiating the sexual practices of Jews from their Iranian contemporaries (“*Israel* are holy and do not have sexual intercourse in the daytime” – but Iranians do have sex in the daytime and therefore are unholy), the discourse underlying the tradition of Monobaz reflects an inclusive ideology, one in which Jews and non-Jews alike partake in the ideal of modesty and holiness realized through sexual practice, while significantly mitigating the “otherness” of the Iranian other.

The reconstructed Monobaz, imagined by the Babylonian rabbis as an Iranian convert to Judaism, was thus the perfect candidate for promoting an inclusive ideology, one which seeks to underscore the common space in

which Iranians and Jews strive together to realize the notions of holiness and modesty through particular sexual practices. In contrast to the amoraic prohibition against having sexual intercourse in the daytime, which underscores the exclusiveness of Israel and implicitly differentiates the sexual practices of Jews from those of Iranians, Monobaz (or rather the talmudic reconstruction of his person) reflects an inclusive rhetoric that embraces the Zoroastrian instruction we have seen to have sex in the light (however misunderstood) and justifies it in terms of modesty and sexual holiness.

The discussion of daytime sex in the BT problematizes the oversimplified division of Palestinian and Babylonian dispositions towards sexuality. While the predominant rhetoric voiced by the Babylonian rabbis is indeed one of exclusivity, demarcation, and differentiation – as expressed by Rav Yosef with regard to the proper mode of dressing during sexual intercourse and by Rav Hisda, Rav Huna, Abaye, and perhaps Rava with regard to daytime sex – the opposite rhetoric entailing an inclusive interpretation of sexual holiness was adopted not merely by the Palestinian Rabban Gamli'el (if indeed this attribution is deemed reliable), but also by the talmudic redactors, who attributed to Monobaz a subversive stance that challenges the exclusive rhetoric of the Babylonian *amoraim* and advocates instead the inclusion of Iranian sexual practices in the realm of proper and holy behavior.

## CONCLUSION

While the rabbinic discussions of sexual praxis and the realization of holiness through sexual behavior were previously studied in the context of the rabbinic engagement with Christian attitudes to sex and celibacy, in the present chapter I posited that in their discussions of sexual holiness, alongside the Christian context, the Babylonian rabbis engaged with Iranian modes of sexual behavior. Complicating the impression of a cultural continuum between the talmudic and Iranian discussions, I attempted to trace the contours of a differentiating discourse in the BT that serves to demarcate the boundaries of the sacred community of Israel vis-à-vis the Iranian other.

In this context, I delineated two major strands in rabbinic thought on sexual holiness: the first strand uses an exclusive rhetoric of holiness that differentiates and dichotomizes the sexual practices characteristic of Jews and Iranians. If Persians are believed to have sexual intercourse while clothed, then the holiness of Israel is defined by naked sexual

intercourse, and if the Persians are believed to have sexual intercourse in the light, then the sacred community of Israel is defined by the performance of sexual intercourse only in the dark. In this framework, an exclusive rhetoric pertaining to the realization of holiness through sexual practice is employed to demarcate the sacred community of Israel vis-à-vis the Iranian other.

Another voice resonating in rabbinic culture is more susceptible to the incorporation of Iranian norms of sexual etiquette, even to the extent of advocating an inclusive rhetoric of sexual holiness that not only tolerates Iranian sexual norms but explicitly characterizes Persian norms as a model for modest sexual behavior that partakes in a shared space of achieved holiness. According to this paradigm, Jews and non-Jews alike are expected to aspire to a common ideal of achieved holiness realized through particular modes of sexual behavior, while the boundaries of Israel's holiness remain largely permeable.

I have posited that the dispute between Rabban Gamli'el and Rav Yosef over the evaluation of the (purportedly) Persian custom to have sex while clothed can be mapped onto diverging discourses characteristic of Palestinian and Babylonian tendencies, as Rav Yosef adopts an exclusive and differentiating rhetoric, while Rabban Gamli'el adopts an inclusive rhetoric that is not merely reflective of Greco-Roman "Orientalism" but also represents a bold statement to the effect that Jews and Iranians partake in a shared ideal of holiness manifested through certain sexual practices. The attempt to create a rigid geo-cultural distinction between Palestine and Babylonia, however, was further problematized by the fact that the inclusive rhetoric also emerges from the anonymous talmudic discussion and the redactorial attempt to subvert the exclusive model. Reimagining the figure of Monobaz as an "Iranian" convert to Judaism who represents and manifests Iranian customs and norms, the redactors sought to reinstate an inclusive definition of sexual holiness, which recognizes its universal applicability beyond the ethnic and religious boundaries of Israel.

#### NOTES

1. For the impact of *Purity and Danger* on Jewish studies see Howard Eilberg-Schwartz, *The Savage in Judaism: An Anthropology of Israelite Religion and Ancient Judaism* (Bloomington: Indiana University Press, 1990), 1–86; Jonathan Klawans, *Impurity and Sin in Ancient Judaism* (Oxford and New York: Oxford University Press, 2000), 165, n. 23 and 166, n. 33.

2. For the different types of purity discourse see e.g. Tikva Frymer-Kensky, "Pollution, Purification and Purgation in Biblical Israel," in *The Word of the Lord Shall Go Forth: Essays in Honor of David Noel Freedman in Celebration of his Sixtieth Birthday*, ed. C. L. Meyers and M. O'Connor (Winona Lake, IN: Eisenbrauns, 1983), 399–410; David P. Wright, "The Spectrum of Priestly Impurity," in *Priesthood and Cult in Ancient Israel*, ed. G. A. Anderson and S. M. Olyan (Sheffield: JSOT Press, 1991), 150–181; Christine Hayes, *Gentile Impurities and Jewish Identities: Inter-marriage and Conversion from the Bible to the Talmud* (Oxford: Oxford University Press, 2002), 3–16; Jonathan Klawans, "Notions of Gentile Impurity in Ancient Judaism," *AJS Review* 20, 2 (1995): 285–312.
3. For the different types of holiness discourse see e.g. Israel Knohl, *The Sanctuary of Silence: A Study of the Priestly Strata in the Pentateuch* (Jerusalem: Magnes Press, 1992), 177–180; Martha Himmelfarb, *A Kingdom of Priests: Ancestry and Merit in Ancient Judaism* (Philadelphia: University of Pennsylvania Press, 2006), 1–10; Koltun-Fromm, *Hermeneutics of Holiness*, 31–51.
4. See in general Saul Olyan, *Rites and Rank: Hierarchy in Biblical Representations of the Cult* (Princeton: Princeton University Press, 2000), 63–81; Hayes, *Gentile Impurities and Jewish Identities*, 3–16.
5. For the need to problematize and nuance binary distinctions between "rabbinic" and "Christian" approaches to sex and celibacy see the discussion in [Chapter 1](#).
6. Koltun-Fromm, *Hermeneutics of Holiness*, 239–242.
7. On marital sexual etiquette in rabbinic culture see Boyarin, *Carnal Israel*, 46–49, 107–133; Boyarin, *Socrates and the Fat Rabbis*, 155–161; Satlow, *Tasting the Dish*, 296–313.
8. Elman, "He in his Cloak'."
9. See e.g. Jenny Labendz, *Socratic Torah: Non-Jews in Rabbinic Intellectual Culture* (Oxford: Oxford University Press, 2013), 191–211; Vered Noam, "Another Look at the Rabbinic Conception of Gentiles from the Perspective of Impurity Laws," in *Judaea-Palaestina, Babylon and Rome: Jews in Antiquity*, ed. B. Isaac and Y. Shahar, TSAJ 147 (Tübingen: Mohr Siebeck, 2012), 89–110; Moshe Lavee, "No Boundaries to the Demarcation of Boundaries: The Babylonian Talmud's Emphasis on Demarcation of Identity," in *Rabbinic Traditions between Palestine and Babylonia*, ed. T. Ilan and R. Nikolsky (Leiden: Brill, 2014), 84–116.
10. *b. Ber.* 8b (Oxford 366).
11. See Benovitz, *BT Berakhot Chapter 1*, 335. See also Secunda, *The Iranian Talmud*, 66–70.
12. For talmudic engagement with Persian table manners see Geoffrey Herman, "Table Etiquette and Persian Culture in the Babylonian Talmud," *Zion* 77, 2 (2012): 149–188 (on this tradition in particular, see esp. 172–173, n. 119). See also Shaul Shaked, "'No Talking during a Meal': Zoroastrian Themes in the Babylonian Talmud," *The Talmud in its Iranian Context*, ed. C. Bakhos and R. Shayegan (Tübingen: Mohr-Siebeck, 2010), 161–177. For the Zoroastrian prohibition against talking during a meal see e.g. *Šāyist nē*



- Šāyist 4.9, 5 (in Jehangir C. Tavadia [ed.], *Šāyist nē Šāyist: A Pahlavi Text on Religious Customs* [Hamburg: De Gruyter, 1930], 89, 91–95); *Dādestān ī Dēnīg* 39 (in Mahmoud Jaafari-Dehaghi [ed.], *Dādestān ī Dēnīg Part 1: Transcription, Translation, and Commentary*, *Studia Iranica* 20 [Paris: Association pour l'avancement des études iraniennes, 1998], 164–169, 231–232); Mary Boyce and Firoze M. Kotwal, “Zoroastrian bāj and drōn I, II,” *BSOAS* 34 (1971): 56–73, 299–313; Alan V. Williams, “Bāj,” *Encyclopædia Iranica* III: 531. For Greek, Arabic, and Mandaic references to this Persian custom see Herman, “Table Etiquette,” 176–177, n. 137. It is also possible that the tradition attributed to Rabban Gamli’el refers not to the custom of eating in silence but to the Zoroastrian principle of eating in moderation (connected with the ethical principle of *paymān*). See e.g. *Sayings of Ādurbād son of Mahrspand* 7–8 (in Skjærvø [trans.], *The Spirit of Zoroastrianism*, 199): “Eat in moderation, so that you may be long-enduring. For eating in moderation is best for the body and speaking in moderation best for the soul.” The notion of Persian moderation also underlies the description of Xenophon, *Education of Cyrus*, 5.2.17 (in Phiroze Vasunia [trans.], *Zarathushtra and the Religion of Ancient Iran: The Greek and Latin Sources in Translation* [Mumbai: K. R. Cama Oriental Institute, 2008], 186): “No Persian, who has received the proper education, would even allow his eagerness for food or drink to become conspicuous. He would neither gaze at it nor snatch at it . . .”
13. See Albert de Jong, *Traditions of the Magi: Zoroastrianism in Greek and Latin Literature* (Leiden: Brill, 1997), 417–419; *Pahlavi Videvdad* 18.44 (in Moazami [ed.], *Wrestling with the Demons*, 414–417); *Zand ī fragard ī jud-dēw-dād* [614–615]; *Šāyist nē Šāyist* 10.5 (Tavadia [ed.], *Šāyist nē Šāyist*, 127); *Pahlavi Rivāyat* 11.3 (Williams [ed.], *The Pahlavi Rivāyat*, I, 72–73, II, 23). For related Islamic injunctions see John Burton, “The Qur’ān and the Islamic Practice of *wudū’*,” *BSOAS* 51, 1 (1988): 21–58 (esp. 41–44). See also *b. Nid.* 13a; *b. Yoma* 29b–30a; *b. Meg.* 27b; *b. Ber.* 40b; *y. Ber.* 9:5 14c; Ammianus Marcellinus, *Roman History* 23.6.79 (in Vasunia [trans.], *Zarathushtra and the Religion of Ancient Iran*, 181): “In addition, it is not easy to see Persians who urinate [while] standing or openly withdrawing for the purpose of satisfying the demands of nature. Thus, they avoid with great care these and other disgraceful actions.” Cf. Pliny, *Natural History* 28.69 (in Vasunia [trans.], *Zarathushtra and the Religion of Ancient Iran*, 180); Hesiod, *Works and Days* 727–732; Xenophon, *Education of Cyrus* 1.2.16, 8.1.42, 8.8.8–11. And see Brodsky, *A Bride without a Blessing*, 363–367.
  14. The text is quoted and discussed in [Chapter 1](#). See Elman, “‘He in his Cloak’,” 140–141. And cf. Boyarin, *Carnal Israel*, 48–49, n. 29.
  15. On the ascetic marital practices attributed to R. Eli’ezer see Boyarin, *Carnal Israel*, 46–49; Boyarin, *Socrates and the Fat Rabbis*, 155–161. And cf. Elman, “‘He in his Cloak’,” 139–144.
  16. See *Lev. Rab.* 21:8 (in Margulies [ed.], *Midrash Wayyikra Rabbah*, 486) and *Gen. Rab.* 95 (in Theodor and Albeck [eds.], *Midrash Bereshit Rabba*, 1232). Cf. *b. Nid.* 17a.



17. On the *kustīg* see e.g. Michael Stausberg, "The Significance of the *kusti*: A History of its Zoroastrian Interpretations," *East and West* 54 (2004): 9–29; Elsie H. Peck, "Belts, ii. In the Parthian and Sasanian Period," *Encyclopædia Iranica* IV: 130–136; Jean P. de Menasce, "Early Evidence for the Symbolic Meaning of the *Kustīg*," in *Sir J. J. Zarhoshti Madressa Centenary Volume* (Bombay: Trustees of the Parsi Punchayet Funds and Properties, 1967), 17–18. On possible connections between the *kustīg* and Babylonian rabbinic culture see Shaked, "No Talking during a Meal"; Yishai Kiel, "Redesigning Tzitzit in the Babylonian Talmud in Light of Literary Depictions of the Zoroastrian *kustīg*," in *Shoshanat Yaakov: Jewish and Iranian Studies in Honor of Yaakov Elman*, ed. S. Secunda and S. Fine (Leiden: Brill, 2012), 185–202.
18. See *Videvdad* 18.53–54 (trans. Skjærvø [unpublished]):

Sraoša of the Rewards asked the Lie,  
 his cudgel tied in the back:  
 O disgusting Lie, who produces no [good offspring?],  
 who is the fourth of these males of yours?  
 Then the deceiving Lie said to him in turn:  
 O beautiful Sraoša of the Rewards,  
 he is the fourth of these males of mine,  
 when a whore after her fifteenth year goes about  
 without tying the girdle and undressed

19. *Videvdad* 18.54 refers to going about "not girdled" (*anaīḫiāsta*) and "not dressed, wearing" (*anabādāta*). The Pahlavi sources use the term "going about open, untied" (*wišād-dwārišn*) for the state of being without a ritual girdle (*kustīg*) and "naked" (*brahnag*) for the state of being without the ritual shirt (*šabīg*). See e.g. *Dēnkard* 5.9.12 (Dhanjishah Meherjibhai Madan [ed.], *The Complete Text of the Pahlavi Dinkard* [Bombay: Society for the Promotion of Researches into the Zoroastrian Religion, 1911], 443; M. J. Dresden [ed.], *Dēnkart: A Pahlavi Text* [Bombay: K. R. Cama Oriental Institute; Wiesbaden: Harrassowitz, 1966], 345–346); *Bundahišn* 31.18 (in Anklesaria [ed.], *Zand-Ākāsīh*, 266–267); *Dādestān ī Dēnīg* 39.1, 3 (Jaafari-Dehaghi [ed.], *Dādestān ī Dēnīg*, 164–165): *ka wišādag ayāb brahnag rawēd* ("when one walks about open [i.e. without a *kustīg*] or naked [i.e. without a *šabīg*]").
20. *Šāyist nē Šāyist* 4.13 (Tavadia [ed.], *Šāyist nē Šāyist*, 90).
21. Munich Manuscript M 55, fol. 5r. Although this is a much later Persian text, it seems to be implicit already in the Pahlavi traditions, which do not mention the wearing of these items during sexual activity in particular, but simply assert that they should be worn at all times. I would like to thank Dan Sheffield for referring me to this source.
22. For these tendencies see e.g. Shaye Cohen, "Hellenism in Unexpected Places," in *Hellenism in the Land of Israel*, ed. J. J. Collins and G. E. Sterling, *CJAS* 13 (Notre Dame, IN: University of Notre Dame Press, 2001), 216–243 (231–235). In the context of the present talmudic passage see the comments of Secunda, *The Iranian Talmud*, 68: "At the very least, we might say that the

observations attributed to Rabban Gamli'el were borne from a distance, and more specifically from the space that separates Roman Palestine from Sasanian Mesopotamia. Indeed, a statement attributed to Rabbi 'Akiva cited immediately before that of Rabban Gamli'el lists three reasons to respect the Medes – a group of people who were marked in rabbinic literature as 'Easterners.' As such, it is possible to read the two lists as expressing a form of Palestinian rabbinic 'Orientalism.' From this perspective the *baraita* is worth comparing to parallel depictions of 'Orientals' in Greek and Latin literature ... Rav Yosef, on the other hand, lived in the Sasanian Empire and his rejection of Rabban Gamli'el's positive view of the Persians reflected the knowledge and frustrations of a more intimate observer."

23. Thus in Vatican 113 and Munich; Vatican 111: Abaye.
24. Vatican 111: Rav Safra.
25. Thus in Vatican 113, Munich 95, and Modena fragment. Vatican 111, Vatican 127: מַאֲפִיל (darkens).
26. *b. Nid.* 17a (Vatican 113). Cf. *b. Šabb.* 86a; *b. Ketub.* 65b.
27. Thus according to MSS Oxford 366, Paris 671, and Munich 95. The printed editions and MS Florence, on the other hand, have: גִּיחוּרִי, an alteration of the plural form of גִּיחֵר, from Syriac גִּיחֵר ("blind"). See Sokoloff, *Dictionary of Jewish Babylonian Aramaic*, 276.
28. *b. Ber.* 59b.
29. Elman, "He in his Cloak," 141–144. On Rava's acculturated tendencies see Yaakov Elman, "Acculturation to Elite Persian Norms and Modes of Thought in the Babylonian Jewish Community of Late Antiquity," in *Neti'ot Le-David: Jubilee Volume for David Weiss Halivni*, ed. Y. Elman, E. B. Halivni, and Z. A. Steinfeld (Jerusalem: Orhot, 2004), 31–56; Elman, "Middle Persian Culture." On the differences between the rabbinic cultures of Mehoza and Pumbeditha see Yaakov Elman, "A Tale of Two Cities: Mahoza and Pumbeditha," in *Torah Lishma: Essays in Jewish Studies in Honor of Professor Shamma Friedman*, ed. D. Golinkin, M. Benovitz, M. A. Friedman, M. Schmelzer, and D. Sperber (Jerusalem: Jewish Theological Seminary; Ramat-Gan: Bar-Ilan University Press, 2007), 3–38; Yaakov Elman, "Socioeconomics of Babylonian Heresy," *Jewish Law Association Studies* 17 (2007): *Studies in Medieval Halakhah in Honor of Stephen M. Passamanek*, ed. A. Gray and B. Jackson, 80–127.
30. *Pahlavi Rivāyat* 34e1 (in Williams [ed.], *The Pahlavi Rivāyat*, I, 143, II, 61–62).
31. *b. Nid.* 17a (Vatican 113).
32. For the historical and literary figure of Monobaz see below.
33. See e.g. *m. Yoma* 3:10; *t. Yoma* 2:3 (Lieberman [ed.], *The Tosefta*, 230).
34. On Babylonian *baraitot* see e.g. Friedman, "Towards a Characterization of Babylonian *Baraitot*," and the discussion in the [Introduction](#).
35. See Samuel Krauss et al., *Additamenta ad librum Aruch completum Alexandri Kohut: congressit scripsit* (New York: Pardes Publishing House Inc., 1955 [1937]), 337; Sokoloff, *Dictionary of Jewish Babylonian Aramaic*, 928. And see the recent suggestion in Yishai Kiel, "The Zoroastrian Traditions of Monobaz in the Babylonian Talmud" (forthcoming), according to which

- פרהבא (perhaps a corruption of פרהנא) might stem from the Old Persian term *farnah* (Av. *xʷarənah*; Pahlavi *xwarrah*) variously translated as “glory, splendor, radiance, fortune,” which was associated with kingship and priesthood. On this term see Prods Oktor Skjærvø, “Farnah: Mot mède en vieux perse?” *Bulletin de la Société Linguistique* 78 (1983): 241–259; Prods Oktor Skjærvø, “Review of P. Gignoux, Noms propres sassanides en moyen-perse épigraphique,” *JAOS* 109 (1989): 127–129; Gherardo Gnoli, “Farr(ah),” *Encyclopædia Iranica* IX: 314–315.
36. Wimpfheimer, *Narrating the Law*, 13–24.
  37. See Isaiah Gafni, *The Jews of Babylonia in the Talmudic Era: A Social and Cultural History* (Jerusalem: Shazar, 1990), 34–35, 64–68 [Hebrew]; Jacob Neusner, “The Conversion of Adiabene to Judaism: A New Perspective,” *Journal of Biblical Literature* 83, 1 (1964): 60–66; David Barish, “Adiabene: Royal Converts to Judaism in the First Century CE” (Ph.D. thesis Hebrew Union College, 1983), 98–157; Lawrence H. Schiffman, “The Conversion of the Royal House of Adiabene in Josephus and Rabbinic Sources,” in *Josephus, Judaism and Christianity*, ed. L. H. Feldman and G. Hata (Leiden: Brill, 1987), 293–312; Richard Kalmin, “The Adiabenean Royal Family in Rabbinic Literature of Late Antiquity,” in *Tiferet Leyisrael: Jubilee Volume in Honor of Israel Francus*, ed. J. Roth, M. Schmelzer, and Y. Francus (New York: Jewish Theological Seminary, 2010), 61–78 (for a survey of scholarship see 61, n. 1).
  38. Josephus, *Antiquities*, 20.17–96; Josephus, *Jewish War*, 1.6, 2.388–389, 2.520, 5.55, 5.119, 5.147, 5.253, 5.474–476, 6.356–357.
  39. Menahem Stern, *Greek and Latin Authors on Jews and Judaism*, 2 vols. (Jerusalem: Israel Academy of Sciences and Humanities, 1980), II, 73–74, 84–86, 196–197.
  40. The royal Adiabenean family is mentioned in the following rabbinic sources: *m. Yoma* 3:10; *t. Pe’ah* 4:18 (Lieberman [ed.], *The Tosefta*, 60); *t. Šabb.* 8:5 (Lieberman [ed.], *The Tosefta*, 30–31); *t. Yoma* 2:3 (Lieberman [ed.], *The Tosefta*, 230); *t. Meg.* 3:30 (Lieberman [ed.], *The Tosefta*, 362); *t. Sukkah* 1:1 (Lieberman [ed.], *The Tosefta*, 256); Sipra, Mešora’ parashah 1:4 (Isaac Hirsch Weiss [ed.], *Siphra d’Be Rab* [Vienna: Schlossberg, 1862], 70a); *y. Pe’ah* 1:1, 15b; *y. Meg.* 4:12 75c; *Gen. Rab.* 46:10 (Theodor and Albeck [eds.], *Midrash Bereshit Rabba*, 467–468); *b. Sukkah* 2b; *b. B. Bat.* 11a; *b. Šebu.* 26b; *b. Menah.* 32b; *b. Nid.* 17a. For a discussion of the rabbinic sources see Schiffman, “The Conversion of the Royal House”; Kalmin, “The Adiabenean Royal Family.”
  41. See e.g. *t. Šabb.* 8:5 (Lieberman [ed.], *The Tosefta*, 30–31); *b. Šabb.* 68b; Sipra, Mešora’ parashah 1:4 (Weiss [ed.], *Siphra d’Be Rab*, 70a).
  42. See recently Kalmin, “The Adiabenean Royal Family,” 61–73; Kiel, “The Zoroastrian Traditions of Monobaz.” Avraham Goldberg has suggested in this regard that the figure of Monobaz was chosen in the Tosefta for literary rather than historical reasons. Monobaz, who was himself a “proselyte who converted among the nations,” was chosen to advocate a lenient position that exempts such proselytes from bringing a sin-offering. See Avraham Goldberg, “Heleni the Queen and Monobaz the King: Two

- Famous Proselytes at the End of the Second Temple Period,” *Mahanaim* 75 (1963): 46–49. More recently, Kalmin has demonstrated that Babylonian and Palestinian rabbinic traditions of Monobaz reflect diverging positions towards proselytism and social boundaries within the Jewish community. While the Palestinian traditions depict Monobaz as a rabbi, as they are relatively more open to accepting people of non-rabbinic descent, the Babylonian traditions never present Monobaz as part and parcel of the rabbinic movement. See Kalmin, “The Adiabenean Royal Family,” 61–73; Kalmin, *Jewish Babylonia*, 183–184.
43. See Marco Frenschkowski, “Iranische Königslegende in der Adiabene: Zur Vorgeschichte von Josephus: *Antiquitates* xx, 17–33,” *ZDMG* 140, 2 (1990): 213–233; Albert de Jong, “Zoroastrian Religious Polemics and their Contexts: Inter-confessional Relations in the Sasanian Empire,” in *Religious Polemics in Context: Papers Presented to the Second International Conference of the Leiden Institute for the Study of Religions*, ed. T. L. Hettema and A. van der Kooij (Assen: Royal Van Gorcum, 2004), 48–63 (56); Geoffrey Herman, “Iranian Epic Motifs in Josephus’ *Antiquities*, (xviii, 314–370),” *Journal of Jewish Studies* 57, 2 (2006): 245–268 (261, n. 75); Almut Hintze, “Treasures in Heaven: A Theme in Comparative Religion,” *Irano-Judaica* 6, ed. S. Shaked (Jerusalem: Ben Zvi Institute 2008), 9–36.
  44. Yishai Kiel, “Cognizance of Sin and Punishment in the Babylonian Talmud and Pahlavi Literature: A Comparative Analysis,” *Oqimta: Studies in the Talmudic and Rabbinic Literature* 1 (2013): 319–367 (362); Kiel, “The Zoroastrian Traditions of Monobaz.”
  45. For the extent of the Parthian connections to Zoroastrianism see Herman, “Ahasuerus, the Former Stable-Master of Belshazzar, and the Wicked Alexander of Macedon: Two Parallels between the Babylonian Talmud and Persian Sources,” *AJS Review* 29, 2 (2005): 283–297 (283–284, n. 3). For a talmudic tradition dealing with the religious significance of the political transition from the Parthian to the Sasanian dynasties see Gafni, *Jews of Babylonia*, 32, n. 67; Geoffrey Herman, “The Story of Rav Kahana (BT Baba Qamma 117a–b) in Light of Armeno-Persian Sources,” *Irano-Judaica* 6, ed. S. Shaked (Jerusalem: Ben Zvi Institute, 2008), 53–86. For the Jewish population in Parthian Iran see Geoffrey Herman, “The Jews of Parthian Babylonia,” in *The Parthian Empire and its Religions: Studies in the Dynamics of Religious Diversity*, ed. P. Wick and M. Zehnder, *Pietas* 5 (Gutenberg: Computus Druck Satz and Verlag, 2012), 141–150; Yaakov Elman, “Jewish Acculturation to Persian Norms at the End of the Parthian Period,” in *The Parthian Empire and its Religions: Studies in the Dynamics of Religious Diversity*, ed. P. Wick and M. Zehnder, *Pietas* 5 (Gutenberg: Computus Druck Satz and Verlag, 2012), 151–162.
  46. I am not arguing that there were no connections between Jews and Zoroastrians in the first century, but simply that there isn’t sufficient evidence to support the assumption that the Adiabenean royal family was an agent of cultural exchange. On possible connections between Jews and Zoroastrians in the Parthian Empire see Herman, “Ahasuerus,” 284, n. 5; Herman, “The Jews of Parthian Babylonia,” 143.

## The Mythologization of Sexuality

### INTRODUCTION

The rabbinic discussion of the mythical inception of humanity and the legendary cycle associated with the figures of Adam and Eve have been studied, for the most part, in the context of ancient Jewish and Christian reception of the biblical text. In light of the common exegetical heritage shared by rabbis and other Jewish and Christian authors in antiquity, the rabbinic narratives about Adam and Eve were naturally viewed against this literary backdrop.<sup>1</sup> Beyond the hermeneutical commonality of traditions and motifs, the rabbis shared with their Jewish predecessors and Christian interlocutors fundamental religious and theological concerns that were read into the narratives of the first human couple. In this context, the sexual concerns of the ancient authors and their debates over the superiority of a procreative or celibate life were mapped onto traditions concerning the mythical origins of human sexuality. In the present chapter I shall attempt to trace this process of sexual mythologization and elucidate the ways in which sexual dispositions and presuppositions of the ancient authors were projected back onto mythical reconstructions of the first human couple.<sup>2</sup>

While there is no doubt that the ancient Jewish and Christian traditions are indispensable for a contextual understanding of the mythical representations of sexuality in rabbinic culture, I will presently broaden this comparative prism by exploring several themes and motifs shared by rabbinic and Iranian narratives pertaining to the sexual behavior of the first humans. In this context, I will center on themes found in the BT, which are either absent from or occupy a peripheral role in Palestinian

rabbinic works and which can be significantly illuminated by their juxtaposition with Iranian mythology. While certain mythical traditions contained in the BT are continuous with earlier rabbinic (and non-rabbinic) traditions stemming from the Roman East, the BT also preserves distinctive mythical themes that are discontinuous with the Judeo-Christian heritage and, at the same time, exhibit a strong affinity with Iranian mythology. Given the fact (established in previous chapters) that Babylonian rabbis shared important assumptions about sex with their Iranian neighbors, and also differed with them on many issues, I will explore the various ways in which these shared and diverging dispositions are reflected in the stories of the mythical origins of sexuality told by the rabbis and *dastwars*.

The exact point at which Adam and Eve discovered their sexuality and the question of whether they were celibate or sexually active prior to the original sin and their banishment from Eden have occupied the minds of ancient Jewish and Christian exegetes alike. While several ancient authors entertained the idea that Eden functioned as a Temple in which sexual activity was prohibited, or that sexuality could not have possibly been realized before the fall of humanity but only as a result of the original sin,<sup>3</sup> the predominant rabbinic position holds that Adam and Eve united sexually from the very beginning, while sexual intercourse had very little (if anything) to do with the fall of humanity and the expulsion from Eden.<sup>4</sup>

Daniel Boyarin has argued in this regard that the diverging attitudes to the body and its sexuality found among rabbis, Hellenistic Jews, and Greek Christian authors are manifested in and signified by their discrete reconstructions of the mythical inception of humanity, and especially their accounts of the myth of the primal androgyne and the creation of Adam and Eve.<sup>5</sup> On the one hand, Philo and other Hellenistic Jews and Greek Christians interpreted the creation of a “male and female” (Gen. 1:27) as a record of the creation of a perfect, spiritual, non-corporeal, and un-gendered (=neither male nor female) androgyne in the world of forms, which was fashioned in the image of God. In this framework, sexual differentiation and corporeality are perceived as facets of the second imperfect creation of man described in Gen. 2. For Philo and his congeners, the return to the original state of humankind involves a rejection of the body, along with its corporeality and sexuality, and a return to a pure state of spiritual androgyneity.<sup>6</sup> The corporeal female, according to this scheme, is twice-fallen, once from the first spiritual Adam and once more from the second corporeal Adam. As ancient authors tended to think “with” women

about their own carnality and sexuality,<sup>7</sup> the overwhelmingly misogynistic construal of the creation of women in Philo's account (as well as the related Greek myth of Pandora)<sup>8</sup> represent the problematic nature of sexuality itself.<sup>9</sup>

The rabbis, on the other hand, describe a *physical* androgyne (in the sense of two sexes joined in one body – “both male and female”), which was later split into two separate and gendered humans. Humanity, therefore, is marked from the very beginning by corporeality and sexual differentiation. For the rabbis, sexuality belongs to the original state of humanity, while sexual partnerships were believed to recreate this original state of sexual unity.<sup>10</sup> While the rabbis too share misogynistic readings of the creation of women,<sup>11</sup> Boyarin finds that, by and large, they are significantly differentiated from the systematically negative dispositions towards women (and by extension, towards sexuality) found in Greek accounts.

In what follows I will broaden and problematize these comparative contours by reading Babylonian rabbinic traditions pertaining to the sexual behavior of the first human couple against the backdrop of Zoroastrian and Manichaean myths. We have already explored in [Chapter 1](#) Zoroastrian and Manichaean discussions of female sexual desire and questions of misogyny, which were mapped in turn onto mythical traditions of the figure of Jeh. We saw that, despite the generally positive role reserved for women and sexuality in Zoroastrianism, certain Pahlavi depictions of Jeh (not unlike some rabbinic traditions about Eve) reflect a more complex worldview that occasionally gives expression to misogynist tendencies. In the present context, I posit that certain features of the Adam and Eve traditions recorded in the BT, particularly those which diverge from other Jewish and Christian traditions that originated in the Roman East, are illuminated and informed by local Iranian traditions concerning Gayōmard (Av. *Gaya Marōtan*), the Iranian First Man, and his descendants Mašī and Mašyānī.

As many cultures tend to project their religious concerns onto narratives of the mythical inception of humanity, it should come as no surprise that the legends of the first humans preserved in rabbinic literature reflect widespread tendencies, which can be found in myths that have no genealogical connection with the biblical tradition. In spite of the broad circulation of this discourse, however, it is my contention that certain elements pertaining to the sexuality of the first humans can be situated in a more specific cultural context. The broad nature of the discourse does not exempt us from negotiating the significance of particular reconstructions



that emerge from Jewish, Christian, and Iranian traditions. A case in point is the rabbinic myth of the two-faced primordial androgyne that was sawed into its male and female components,<sup>12</sup> which finds its counterpart in Platonic and Jewish Hellenistic traditions,<sup>13</sup> on the one hand, and in Pahlavi and Vedic traditions, on the other.<sup>14</sup> Although similar myths concerning the primordial androgyne and the emergence of gender separation are found in other cultures, the rabbinic version of this myth seems to partake in a more specific discourse present among the neighboring cultures.

The theme of the primordial androgyne also underscores the complexity and dynamic nature of the cultural exchange that took place in late antiquity, as the particular channels of transmission cannot always be mapped onto rigid geographical and cultural boundaries. While it is tempting to view the Palestinian rabbinic version of this myth in the context of the Greek and Jewish Hellenistic traditions,<sup>15</sup> and the Babylonian rabbinic version of the myth in the context of the Iranian traditions, the textual evidence seems to defy rigid classifications.<sup>16</sup> Similarly, the attempt to present a binary distinction between Jewish Hellenistic and rabbinic accounts of Eve as expressing divergent perspectives on carnality and sexuality likewise requires further nuance in the light of the broader cultural landscape of late antiquity.

Despite the danger inherent in overstating the significance of literary parallels<sup>17</sup> – especially insofar as broad expressions are concerned, and the myths of the first humans are no exception – I posit that certain parallels between the Adam and Gayōmard story cycles are not only reflective of Babylonian rabbinic engagement with Iranian themes, but bespeak perhaps a more comprehensive discourse of *identification*,<sup>18</sup> one in which the figures of Adam and Gayōmard (and their associates) were conflated.<sup>19</sup> As we have seen in the Introduction, while the Babylonian rabbis and Pahlavi authors adhered to a completely distinct mythical heritage, stemming from the Bible and the Avesta respectively, it would seem that the intimate affinity that exists between Babylonian rabbinic and Iranian accounts of the sexuality of the first humans reflects the existence of underlying syncretic tendencies in the Sasanian world, which sought to weave together episodes and figures from the biblical and Iranian mythologies.<sup>20</sup>

The identification of Adam with Gayōmard is recorded, not only by Islamic historiographers,<sup>21</sup> but already in Manichaean sources written in Iranian languages from the third century onwards.<sup>22</sup> Rather than identifying Adam and Eve with Mašī and Mašyānī (the first human couple and



descendants of Gayōmard), Mani identified Gayōmard (Manichaean Middle Persian Gēhmurd) with Adam and, leaving out Mašī, associated Mašyānī (Manichaean Middle Persian Murdiyānag) with Eve.

As argued in the Introduction, the Manichaean evidence demonstrates that, as early as the third century and in geographic proximity to Babylonia (the homeland of Mani and Manichaeism), religious authors explicitly identified the story cycles associated with Adam and Gayōmard, as part of their attempt to syncretize the Iranian and biblical traditions. The identification displayed in these texts constitutes the cultural backdrop, against which I propose examining the intimate parallels between the Babylonian rabbinic and Iranian traditions of the mythical origins of sexuality.

#### ADAM AND THE DEMONS: BETWEEN PALESTINE AND BABYLONIA

An ancient Jewish and Christian tradition reports that Adam and Eve were engaged in sexual intercourse with demons and evil spirits.<sup>23</sup> A Palestinian rabbinic account of this tradition is recorded in *Gen. Rab.*:

ר' סימון אמר: "אם כל חי" – אימן שלכל החיים, דאמר ר' סימון: כל מאה ושלושים שנה שפירש אדם מחוה היו רוחות הזכרים מתחממים ממנה והיא יולדת, רוחות נקיבות מתחממות מאדם ומולידות. הה"ד "אשר בהעוותו והוכחתיו בשבט אנשים ובנגעי בני אדם".<sup>24</sup>

R. Simon said: "[She was] the mother of all who live" [Gen. 3:20] – The mother of all the living [i.e. including spirits], for R. Simon said: "During the one hundred and thirty years in which Adam abstained from [sexual relations with] Eve, the male spirits used to 'warm up'<sup>25</sup> against Eve and she gave birth and the female spirits used to 'warm up' against Adam and they gave birth. As it is stated, 'When he commits iniquity, I will punish him with the rod of mortals, with inflictions of human beings'<sup>26</sup> [2 Sam. 7:14].

According to R. Simon, the biblical phrase "mother of all who live" (Gen. 3:20) alludes to the notion that Eve was not only the mother of all humans, but also the mother of all spirits. R. Simon further asserts that, during a period of 130 years in which Adam abstained from sexual intercourse with Eve,<sup>27</sup> male spirits impregnated Eve, who in turn gave birth to spirits, while Adam impregnated female spirits, who likewise gave birth to spirits.

A similar tradition is reported in the BT in the name of R. Yermiah b. El'azar. According to this tradition, during the period in which Adam was under a ban (perhaps after he was banished from Eden) he produced

spirits (רוחין), demons, (שדין) and Liliths (לילין).<sup>28</sup> Gen. 5:3 is offered as a proof-text, since it seems to insinuate that, prior to the birth of Seth, Adam's offspring was not created in his likeness and after his image. The BT contrasts this tradition with another legend about Adam attributed to R. Meir, to which we shall turn below.

ואמ' ר' ירמיה בן אלעזר: כל אותן שנים שהיה אדם הראשון בנדוי הוליד רוחין ושדי' ולילין שנה' "ויחי אדם שלשים ומאת שנה ויוולד בדמותו כצלמו" – מכלל דעד האידנא לאו בצלם אוליד. מיתבי היה ר' מאיר אומר: אדם הראשון חסיד גדול היה כיון שראה שנקנסה מיתה על ידו ישב בתענית מאה ושלשים שנה >ופירש מן האשה מאה ושלשים שנה<<sup>29</sup> העלה זריזי תאנים על בשרו מאה ושלשים שנה. כי קאמר' ההיא שכבת זרע דחזה לאונסיה.

R. Yermiah b. El'azar further stated: "In all those years during which Adam was under a ban he engendered spirits and demons and Liliths, for it is said: 'And Adam lived a hundred and thirty years and begot a son in his own likeness, after his own image' [Gen. 5:3] – from which it follows that until that time he did not beget after his own image." An objection was raised: R. Meir said: "Adam was a man of great piety; when he saw that through him death was ordained as a punishment he spent a hundred and thirty years in fasting <severed connection with his wife for a hundred and thirty years> and wore clothes of fig leaves on his body for a hundred and thirty years." – That statement was made in reference to the semen which he emitted inadvertently.<sup>30</sup>

The motif of sexual intercourse performed between Adam and Eve and the inhabitants of the demonic sphere is reminiscent of a Zoroastrian tradition concerning the marriage of Jam (Av. Yima) and his sister Jamag to demons. The Pahlavi tradition relates that Ahriman sent a male and a female demon, who successfully tricked Jam and Jamag into marrying them.<sup>31</sup> Although the role of First Man in Zoroastrianism was, by and large, assumed by Gayōmard (and his descendants, Mašī and Mašyānī), Yima too was likely regarded as a First Man figure at some earlier stage.<sup>32</sup> In fact, there are many themes in the narrative cycle of Jam and Jamag, which are closely paralleled in the narrative cycle of Gayōmard and his descendants Mašī and Mašyānī.

The notion of sexual contact between Adam and Eve and the demonic sphere is not likely to have been influenced by the Iranian myth of Yima, however, as this motif can be traced back to ancient Jewish and Christian traditions concerning the marriage of Adam and Lilith. The notion, moreover, that Adam and Eve engendered spirits through sexual contact with demons is unambiguously present in the Palestinian rabbinic parallel from *Gen. Rab.* we have examined. The Babylonian rabbinic and Iranian stories are also very different in detail, and there seems to be no reason to postulate a genealogical dependency between the talmudic legend and

the Iranian story about Yima, insofar as the motif of sexual contact between the first human couple and the demons is concerned.

That said, the BT does not simply reiterate the Palestinian rabbinic tradition concerning the sexual union between Adam and Eve and the demonic sphere. In fact, the Babylonian redactors significantly rework and revise the Palestinian legend<sup>33</sup> by introducing novel themes that are absent from the Palestinian narrative. Thus, in an attempt to disassociate Adam from the demonic sphere, the talmudic redactors contrast the tradition reported by R. Yermiah b. El'azar with a divergent tradition (ostensibly uttered by R. Meir), which reaffirms Adam's piety and refutes the possibility of sexual contact between him and the demons. To solve the tension that emerges between the two traditions, the redactors conclude that, if Adam engendered demons, this must have been the result of an unwitting emission of his semen and not of sexual contact with demons. Let us now examine the talmudic passage in greater detail.

The juxtaposition of the tradition reported in the names of R. Yermiah b. El'azar and R. Meir can be understood in two different ways based on two discrete versions of R. Meir's statement. According to most textual witnesses, after having realized the catastrophic effects of his sin, Adam not only fasted and deprived himself of proper garments for 130 years, as an expression of his remorse, but also abstained from sexual activity. According to this version, the talmudic contradiction may be reconstructed as follows: "How can one argue that Adam engendered spirits through sexual contact with the demonic sphere after he was banned from Eden, as we are told that Adam was not even sexually active during this period?!" The answer is that the spirits and demons were the result of an involuntary seminal emission and not sexual intercourse.

A single textual witness (MS Oxford 366), however, omits the notion of Adam's sexual abstinence. It is possible that this is simply an omission by way of homeoteleuton, but it is also conceivable that this version reflects the unease of the copyist or his source with the idea of Adam's sexual abstinence. One way or another, if sexual abstinence is not at stake here, then the talmudic contrast may be understood as follows: "How can one argue that Adam engendered spirits and demons through sexual contact with the demonic sphere, as we are told that he was greatly pious?!" The answer is that Adam did not deliberately engage in this activity, as the spirits were the product of his involuntary seminal emission and, therefore, his piety is not compromised.

As we have seen, the precise moment in which Adam and Eve discovered their sexuality and the question of whether they were celibate or sexually

active prior to their banishment from Eden have occupied the minds of many Jewish and Christian exegetes. In contradistinction to what is often seen as the mainstream rabbinic position on the matter, namely that Adam and Eve had sexual intercourse from the very beginning,<sup>34</sup> the rabbinic tradition under discussion maintains a distinctive stance,<sup>35</sup> according to which Adam's celibacy was an act of penance that followed the original sin and not a state of pure existence prior to the fall of humanity ("when he saw that through him death was ordained as a punishment ... he severed connection with his wife for a hundred and thirty years").<sup>36</sup>

It is not merely sexual abstinence that Adam practiced as penance, as he also engaged in a prolonged period of fasting and abjuration of proper clothing after having realized the effects of his sin. Insofar as these particular forms of abstention are concerned, the Babylonian rabbinic tradition can be significantly informed by a comparison with the Iranian narrative about the first human couple, Mašī and Mašyānī. According to *Bundahišn* 14, following their original sin of "false utterance," in which they acknowledged the Evil Spirit as creator of the world, Mašī and Mašyānī are said to have walked about for thirty days without food, wearing garments made of grass, while in the aftermath of their subsequent sin of demon-worshiping, Mašī and Mašyānī are said to have lost their sexual desire for a period of fifty years.

*u-šan pas petyārag pad menišn abar dwārist u-š menišn bē āhōgēnīd hēnd u-šan drāyīd kū ganāg mēnōy dād āb ud zamīg ud urwar ud abārig tis čiyōn guft ān nazdist drō-gōwīšnīh ī-šan wiyābīhīd pad abāyist ī dēwān guft ... u-šan 30 rōz xwarišn wisānišn būd wastarg giyā nihuft ...*

*pas dēwān az tam wāng kerd kū mardōm hēd dēw yazēd tā-tān arešk bē nišmēd mašyānī frāz jast šīr ī gāw dōxt ō abāxtar rōn abar rēxt pad ān dēwēzagīh dēwān ōzōmand būd hēnd u-šan awēšān harw dō ēdōn hušk-kūn bē kerd hēnd kū-šan 50 sāl kāmāg ī pad hamgumēzišnīh nē būd ud ka-iz-i-šan ham-gumēzišnīh kerd \*hē ēg-i-šan fraزند-zāyišnīh nē būd \*hē.*

Then, afterwards, the Opponent rushed onto their thoughts, making their thoughts sinful, and they howled: "The Evil Spirit set in place the water, the earth, the plants, and the other things." As it was said: That was the first lying speech of theirs, which went astray, uttered to satisfy the demons ... *And for thirty days they had to go without food, and they wore grass as garments ...*

Then the demons bellowed from the darkness: "You are humans! Sacrifice to the demons, so that your envy may subside!" Mašyānī jumped up, milked a cow, and poured the milk towards the north [i.e. the direction of the demons and hell]. By that demon-sacrifice, the demons became strong. *They made both of them so impotent [hušk-kūn; lit. "dry-assed"] that for fifty years they had no desire to get together.* And even if they had got together, no children would have been born.<sup>37</sup>

While Adam's penitential practices according to the Babylonian rabbinic tradition – namely, self-deprivation of food, proper clothing, and sex – seem to be paralleled by the Pahlavi narrative about Maši and Mašyānī, one must be cautious of employing rhetoric of cultural “borrowing” or unmediated influence in this case. The most notable difference between the talmudic and Pahlavi accounts concerns the penitential nature of Adam's abstention in the BT as opposed to the punitive–consequential nature of Maši and Mašyānī's deprivation in the Pahlavi narrative. In other words, the BT conveys an ascetic interpretation of Adam's deprivation of food, proper clothing, and sex as self-inflicted – a category which is, for the most part, at odds with Zoroastrian ideology<sup>38</sup> – while the Pahlavi narrative maintains that the lack of food, proper clothing, and sexual desire were not self-inflicted, but rather a result of Maši and Mašyānī's sins.

To be sure, the notion that Adam and Eve repented in the aftermath of their sin and the connection drawn between their repentance and the post-paradisaical state of lack of sustenance are present in several Jewish and Christian sources. While several rabbinic texts depict Adam's tears or his trembling when he is informed that he is destined to share the same food with animals, the *Life of Adam and Eve* underscores the fact that Adam and Eve sought repentance upon this realization.<sup>39</sup> While the Latin, Armenian, and Georgian versions of this work similarly mention this motif, Michael Stone and Gary Anderson have argued that the most vivid articulation of the connection between lack of food and repentance is displayed in the Armenian version of the work.<sup>40</sup>

They <sought> and they did not find <vegetable sustenance like that which was in the Garden> ... Arise, let us repent for forty days; perhaps God will pity us and give us food which is better than that of the beasts so that we should not become like them.

It is somewhat difficult to trace the particular channels of exchange in this case, due to the complicated overlapping of motifs evident in the penitence narrative of the *Life of Adam and Eve*, the rabbinic legends, and the Pahlavi traditions about Maši and Mašyānī. At the very least we can conclude from the comparison of the BT and the *Bundahišn* – which associate the outcome of the sins of Adam and Eve and Maši and Mašyānī with deprivation of food, clothing, and sex – that the Babylonian rabbinic tradition ought to be contextualized not only with ancient Jewish and Christian exegesis, but also with local Iranian traditions.

## CREATION BY EMISSION

The somewhat elusive question of penitence and deprivation aside, the Babylonian rabbinic adjustment and reworking of the Palestinian rabbinic tradition pertaining to the sexual union between Adam and the demonic sphere, and the engendering of demons by Adam, introduces novel themes into the rabbinic legend, which are completely absent from the Palestinian tradition. Most notably, the Palestinian tradition makes no reference to Adam's involuntary emission of his semen, from which spirits and demons emerged independently of sexual contact. While we encountered in *Gen. Rab.* the notion of the "warming up" of spirits against Adam and Eve which leads to the emergence of other spirits, there is no mention of seminal emission per se. It is only in the anonymous layer of the BT that the motif of *creation by emission* is introduced, which reimagines the creation of demons by Adam as the result of the involuntary emission of his semen.

It is also noteworthy that the Palestinian tradition (transmitted in the BT in the name of R. Yermiah b. El'azar) seems to have no particular difficulty associating Adam with the demonic sphere. After all, he was the cause of the original sin and the fall of humanity. The BT, by contrast, challenges this association by introducing a (probably pseudo-tannaitic) tradition in the name of R. Meir, asserting that Adam was extraordinarily pious (חסיד גדול היה) and a model of penitence, who could not have possibly been involved in intentional sexual relations with demons and, not least, the engendering of demons. In fact, Adam's righteousness is stressed elsewhere in the BT.<sup>41</sup>

While the Palestinian rabbinic version, associating Adam with sinfulness and the demonic sphere, appears to be well situated in the context of ancient Jewish and Christian exegesis (particularly in the context of the Christian doctrine of original sin), the Babylonian rabbinic assertion that Adam was extraordinarily pious and a model of righteousness stands out as unique. Although several ancient Jewish and Christian exegetes emphasize that there were mitigating circumstances or that he eventually repented (see above), his overall image in the ancient Jewish and Christian traditions is far from impeccable.

In what follows we will see that the distinctive features embedded in the Babylonian rabbinic reconstruction of the legend – namely, Adam's extraordinary piety and the notion that he engendered demons by involuntarily emitting his semen – are significantly informed by Zoroastrian and Manichaean parallels. I will contextualize the Babylonian rabbinic

discussion by tracing the cultural significance of Adam's piety and seminal emission – and particularly the connection forged by the redactors between his “wasted semen” and the demonic sphere – in a broader Iranian framework.

Michael Satlow has demonstrated that the notion, according to which non-procreative “wasting” of semen ought to be condemned as a sin in and of itself, is brought to the fore only in the anonymous stratum of the BT.<sup>42</sup> As we have seen in [Chapter 1](#), the Palestinian rabbis, by contrast, much in line with the assumptions that predominated in Greco-Roman culture, were concerned mainly with lack of self-control and the circumvention of procreation, but did not attach significance to the act of seminal emission. Satlow further suggests that the moral and demonic ramifications associated with non-procreative emission of semen in the BT reflect the impact of Iranian culture, as the Avestan and Pahlavi sources similarly maintain that the “wasting” of semen is prohibited and linked to the demonic sphere.<sup>43</sup>

In the present context I will explore the particular connections forged between Adam and Gayōmard, on the one hand, and the notions of seminal emission and the demonic sphere, on the other. In the Pahlavi sources we are told that, upon his death, Gayōmard emitted his seed, half of which was received by Spandarmad (Earth).<sup>44</sup> After forty years Maši and Mašyānī emerged from this seed, and through their incestuous union (constituting the mythical prototype for sibling incest, as we shall see in the [next chapter](#)), the world was populated and the demons defeated.

*andar ān bē-widerišnīh-ēw tōhm andar ō zamīg šud čiyōn nūn-iz andar widerišnīh hamāg mardōm tōhm bē rēzēnd . . .*

*ud (az) ān tōhm ī andar ō zamīg šud pad 40 sāl maši ud mašyānī abar rust hēnd kē-šān purr-rawišnīh ī gēhān ud abesihēnišn ī dēwān ud agārih ī ganāg mēnōy aziš būd*

At that one [Gayōmard] passing away, his seed went into the earth, in the same way that now, too, all men pour out their seed at their passing . . .

And [from] the seed that went into the earth, after forty years, Maši and Mašyānī grew up from it, from whose incestuous coupling (*xwēdōdah*) the world of the living was filled up, the demons cut off, and the Evil Spirit undone.<sup>45</sup>

The talmudic and Pahlavi legends seem to agree on the notion that the offspring of the First Man was engendered via an involuntary emission of his semen and not through “ordinary” sexual intercourse. The legends further share the idea that this primordial emission of semen was intimately associated with the demonic sphere. According to the talmudic

account, Adam's involuntary emission inadvertently resulted in the creation of demons and spirits. The Pahlavi texts envision a similar, and yet also different, connection between Gayōmard's semen and the demonic sphere. According to the Pahlavi account it is not Gayōmard's involuntary emission of his semen that caused the creation of demons, but rather the emission itself was the outcome of a demonic attack launched by the Evil Spirit against the good creation. Rather than strengthening the evil forces, however, the attack resulted in the emission of Gayōmard's semen and ultimately led to procreation and the diminishing of the demonic forces, as described in the *Bundahišn*:

*u-š āz ud nyāz ud sēj dard ud yask waran ud būšāsp pad gāw ud gayōmard frāz hišt*

He [the Evil Spirit] let loose upon the Bull<sup>46</sup> and Gayōmard [the demons] Desire [Āz], Need, Danger, Pain, Disease, Lust [Waran], and Procrastination ...<sup>47</sup>

*u-š menīd ganāg mēnōy kū-m dāmān ī ohrmazd hamāg agārēnīd hēnd jud az gayōmard u-š astwihād abāg 1000 dēw margih-kerdārān pad gayōmard frāz hišt ...*

*u-š guft gayōmard kū nūn ka ēbgad mad mardōm az tōhmag ī man bawēnd tis-ēw ēn weh ka kār ud kerbag kunēd*

The Evil Spirit thought: "I have undone all the creations of Ohrmazd except Gayōmard." So he let loose upon Gayōmard the bone-untier with a thousand death-making demons ... Gayōmard said: "Now that the assault has come, mankind will be from my *seed*. One good thing will come from it: that they will perform good deeds."<sup>48</sup>

Another important context for the talmudic legend concerning Adam's creation of demons via the emission of his semen is the Manichaean cosmogonic myth. The Iranian Manichaean myth of creation incorporates both Zoroastrian (e.g. Āz, Gēhmurd, and Murdiyānag) and biblical figures (e.g. Adam and Eve, Cain and Abel), but Mani combined and fused these elements to produce a unique synthesis.<sup>49</sup> Unlike the talmudic legend, according to which Adam created demons and spirits by emitting his semen, in the Manichaean myth it is the demons, who, having gazed at the Third Messenger, emitted their semen, an act which ultimately led to the creation of Adam and Eve by the archons. This scene was summarized by Jes Asmussen as follows:

The myth alluded to in this text is the well-known myth about the seduction of the demons by the Third Messenger or the Maiden of Light (i.e. the female manifestation of the Third Messenger) ... These arouse the lust of the demons by appearing in a male shape before the females and in female shape before the



males in order, by their shedding of semen, to release the Light swallowed by them. As a consequence of this episode and also as a countermove, Āz, with the male and female Āsarēštār<sup>50</sup> as instruments, effects the creation of man in the image of the Third Messenger.<sup>51</sup>

The talmudic legend, according to which Adam created demons through the involuntary emission of his semen and independently of sexual intercourse, engages, therefore, with strands of the Zoroastrian and Manichaean creation myths. While the original Palestinian legend seems to maintain that Adam engendered demons through sexual intercourse with female spirits (see above), the Babylonian redactors creatively introduce the motif of Adam's seminal emission and the connection between "wasted semen" and the demonic sphere, which prevailed in the surrounding Iranian myths. The novel themes in the Babylonian rabbinic legend were not simply borrowed from the Iranian myths, however, but rather creatively adapted to the framework of the rabbinic legend as reported in earlier Palestinian traditions.

The notion that Adam was extraordinarily pious – an assertion which, as we have seen, is at odds with his portrayal in ancient Jewish and Christian accounts – seems to be informed by the fact that Gayōmard is known in Pahlavi literature by the epithet *ahlaw* ("orderly, righteous").<sup>52</sup> In contrast to the morally ambiguous characters of Maši and Mašyānī, Gayōmard is depicted as perfectly righteous. This characterization appears already in Yasna 19.8 ("Before the birth of the two-legged Orderly [*ašəonō*] Man"), in a verse which clearly refers to Gaia Marətan (Pahlavi Gayōmard). Compare *Dādestān ī Dēnīg* 76.2:

*fradom dām ī gētīy mard ī ahlaw ī druz-zadār ī ahlaw-šnāyēnīdār*

The first creature in this world [Gayōmard] was the orderly man, striker of the Lie and pleaser of the orderly/righteous.<sup>53</sup>

The talmudic redactors seem to have engaged, not only with ancient Jewish and Christian traditions, but also with the narratives of Gayōmard and Maši and Mašyānī, as they creatively adapted and fused the different elements into a rabbinic tradition about Adam. Thus, alongside the Palestinian rabbinic tradition underlying the Babylonian rabbinic discussion, the legends of the righteous Gayōmard, who involuntarily emitted his semen in the course of a demonic attack, and that of Maši and Mašyānī, who were punished with deprivation of food, proper covering, and sexual desire in the aftermath of their sins, seem to resonate as well in the BT's account.<sup>54</sup>

## CONCLUSION

In an attempt to broaden the Judeo-Christian prism through which the rabbinic legends of Adam and Eve's sexuality are frequently examined, in the present chapter I offered a contextual and synoptic reading of *b. Erub.* 18b against the backdrop of the Zoroastrian and Manichaean cosmogonic myths. The findings demonstrate that, while some of the themes and motifs found in the Babylonian rabbinic narrative are continuous with the ancient Jewish and Christian heritage, others are absent from, or occupy a peripheral role in, ancient Jewish and Christian traditions and, at the same time, are informed by Iranian mythology.

I argued that the motif of sexual unions between Adam and Eve and the demonic sphere is not, in itself, connected to the Iranian myth about Jam and Jamag's marriage to demons, since this notion could have easily been derived from the ancient Jewish and Christian tradition of the marriage of Adam to Lilith, which was further developed in Palestinian rabbinic homilies. Similarly, the notion that Adam suffered hunger in the aftermath of his sin and that he sought repentance in this context is already found in the ancient Jewish and Christian tradition (most notably in the *Life of Adam and Eve*) and, therefore, need not be sought in the context of the Iranian creation myth.

The Babylonian rabbinic account of the story introduces, however, three novel elements, which seem to engage with, and respond to, Iranian themes found in the Zoroastrian and Manichaean creation myths.

1. The notion that Adam engendered demons and spirits via the unwitting emission of his semen appears to engage with a recurring motif found in the Zoroastrian and Manichaean creation myths connecting Gayōmard (or Gēhmurd) with a seminal emission and the demonic sphere.
2. The penance of Adam in the aftermath of his sin, which included fasting, covering with fig leaves, and sexual abstention, is reminiscent of the Zoroastrian tradition about Maši and Mašyānī, who were punished for their demon-worshiping and false utterance by hunger, covering with mere grass, and the absence of sexual desire.
3. The notion that Adam was extraordinarily pious seems to be informed by the Zoroastrian depiction of Gayōmard as a model of righteousness.

Rather than simply point out the similarities and affirm Babylonian rabbinic susceptibility to Iranian culture, I examined the differences between the talmudic and Iranian narratives, which underscore the distinctiveness

of each tradition. It is precisely in the light of a common background that subtle nuances come to the fore. Thus, we have seen that, while the Babylonian rabbinic tradition views Adam's deprivation as an expression of ascetic and self-inflicted penance – a category which finds its counterpart in monastic traditions, but is completely alien to the Zoroastrian mindset – Maši and Mašyānī's parallel state of deprivation is said to have been brought about as a consequence of their sins.

The syncretistic syntheses of Iranian and biblical traditions undertaken in the Sasanian period, and particularly the identification of Adam with Gayōmard, seem to have facilitated the incorporation of themes from the Zoroastrian and Manichaean creation myths into the Babylonian rabbinic legends of Adam and Eve. The Iranian myths were not simply incorporated by the rabbis, however, but rather creatively repackaged and adapted to the rabbinic tradition and worldview.

#### NOTES

1. The literature on the Adam and Eve legends is vast. For some notable contributions see James L. Kugel, *Traditions of the Bible: A Guide to the Bible as it was at the Start of the Common Era* (Cambridge, MA: Harvard University Press, 1998), 93–144; Gerard P. Luttikhuisen (ed.), *The Creation of Man and Woman: Interpretations of the Biblical Narratives in Jewish and Christian Traditions* (Leiden: Brill, 2000); Gary Anderson, Michael Stone, and Johannes Tromp (eds.), *Literature on Adam and Eve: Collected Essays* (Leiden, Boston, and Cologne: Brill, 2000); Anderson, *The Genesis of Perfection*; Markus Bockmuehl and Guy Stroumsa (eds.), *Paradise in Antiquity: Jewish and Christian Views* (Cambridge: Cambridge University Press, 2010); Menahem Kister, “‘First Adam’ and ‘Second Adam’ in 1 Cor. 15: 45–49 in the Light of Midrashic Exegesis and Hebrew Usage,” in *The New Testament and Rabbinic Literature*, ed. R. Bieringer, F. García Martínez, D. Pollefeyt, and P. J. Tomson, JSJ Sup. 136 (Leiden: Brill, 2010), 351–365; Peter Schäfer, *The Jewish Jesus: How Judaism and Christianity Shaped Each Other* (Princeton and Oxford: Princeton University Press, 2012), 197–213; Emmanouela Grypeou and Helen Spurling, *The Book of Genesis in Late Antiquity: Encounters between Jewish and Christian Exegesis* (Leiden: Brill, 2013), 39–98.
2. For previous studies see Anderson, “Celibacy or Consummation?”; Anderson, *The Genesis of Perfection*, 43–74; Boyarin, *Carnal Israel*, 77–106; Minov, “The Question of Sexuality in Paradise”; Hasan-Rokem, “Erotic Eden.”
3. For the motif of Eden as a Temple see e.g. Jubilees 3:8–14, 4:23–26, 8:19; 4Q265; *Gen. Rab.* 16:5 (Theodor and Albeck [eds.], *Midrash Bereshit Rabba*, 149); Joseph M. Baumgarten, “Purification and the Garden in 4Q265 and Jubilees,” in *New Qumran Texts and Studies*, ed. G. J. Brooke, STJD 15 (Leiden: Brill, 1994), 3–10; Jacques T. A. G. M. van Ruiten, “Eden and the

- Temple: The Rewriting of Genesis 2:4–3:24 in the Book of Jubilees,” in *Paradise Interpreted: Representations of Biblical Paradise in Judaism and Christianity*, ed. G. P. Luttikhuisen, Themes in Biblical Narrative 2 (Leiden: Brill, 1999), 63–94; Kugel, *Traditions of the Bible*, 108–110. For the notion that Adam and Eve were celibate while in Eden see, e.g. Jubilees 3:34; 2 Baruch 56:5–6; Anderson, “Celibacy or Consummation?” 121–148; Anderson, *The Genesis of Perfection*, 43–73.
4. See e.g. Boyarin, *Carnal Israel*, 80–83; cf. Minov, “The Question of Sexuality in Paradise.” Minov rejects the possibility raised by Boyarin that the rabbinic tradition, according to which Adam and Eve had sex while in Eden, was intended as an anti-Christian polemic.
  5. Boyarin, *Carnal Israel*, 35–36, 77–106.
  6. Boyarin, *Carnal Israel*, 37–42.
  7. Boyarin, *Carnal Israel*, 77.
  8. Boyarin, *Carnal Israel*, 84–88.
  9. Boyarin, *Carnal Israel*, 78–80.
  10. Boyarin, *Carnal Israel*, 42–46.
  11. Boyarin, *Carnal Israel*, 88–94.
  12. See e.g. *Gen. Rab.* 8:1 (Theodor and Albeck [eds.], *Midrash Bereshit Rabba*, 55); *Lev. Rab.* 14:1 (Margulies [ed.], *Midrash Wayyikra Rabbah*, 296); *b. Erub.* 18a; *b. Ber.* 61a.
  13. Plato, *Symposium* XIV–XV, 189e–191d. For a comparison of Philo’s account of the primordial androgyne with the rabbinic one see Boyarin, *Carnal Israel*, 31–42.
  14. Shai Secunda has recently compared the un-gendered nature of Maši and Mašyānī at the first stage of their emergence, and their ultimate separation into male and female, with the rabbinic accounts of the primordial androgyne. See Secunda, “Construction,” 62–67. In addition to the myth about Maši and Mašyānī, another Iranian myth describes the “sawing” or “splitting” of Yima (Pahlavi Jamag), who may have been regarded as a First Man figure in the ancient Indo-Iranian tradition (see below). See e.g. *Bundahišn* 33.1, 35.5 (Anklesaria [ed.], *Zand-Ākāsīh*, 278–279, 292–293); *Pahlavi Rivāyat* 47.8 (Williams [ed.], *The Pahlavi Rivāyat*, I, 170–171, II, 78). The “sawing” of Yima may be related to some form of gender separation, akin to the rabbinic and Greek myths of the primordial “sawing,” as the Pahlavi and Vedic accounts relate that Jam had a twin sister named Jamag (Rigvedic Yama and Yamī). The nature of Jam’s “sawing,” however, is far from clear. Cf. Bruce Lincoln, “Pahlavi *kirrenidan*: Traces of Iranian Creation Mythology,” *JAOS* 117 (1997): 681–685; Prods Oktor Skjærvø, “Jamšid, i: Myth of Jamšid,” *Encyclopædia Iranica*, XIV: 501–522.
  15. Boyarin, *Carnal Israel*, 31–42.
  16. See Secunda, “Construction,” 66–67: “The rabbinic androgyne [referring to the rabbinic Palestinian tradition in *Gen. Rab.*] was somehow related to the broader structure of the Indo-European myth and not simply a subversion of the Jewish-Hellenistic conception of the body-soul divide. The Zoroastrian text [namely, *Bundahišn* 14.6–35 (Anklesaria [ed.], *Zand-Ākāsīh*, 127–136; Skjærvø [trans.], *Spirit of Zoroastrianism*, 108–111)] reminds us that the

rabbis inhabited and partook of a vibrant world of ideas that was also populated by traditions other than the Hellenistic-Jewish or even the general classical tradition. While the Zoroastrian version of the myth resembles certain aspects and manifestations of the Greek tradition, it is crucial to understand that in the rabbinic and Zoroastrian versions, and unlike the Jewish Hellenistic one, the androgyne is physical and not spiritualized and thus sexuality is not perceived as a corruption of the original state of humanity, but rather a reunification and reinstatement of the original state of sexual unity." The clarifications in brackets are mine.

17. A classical statement of caution to that effect was voiced by Samuel Sandmel, "Parallelomania," *Journal of Biblical Literature* 81 (1962): 1–13, and Morton Smith, "The Common Theology of the Ancient Near East," *Journal of Biblical Literature* 71 (1952): 135–147.
18. For a typology of cross-figure identifications in ancient Jewish texts see Hindy Najman, "How Should we Contextualize Pseudepigrapha? Imitation and Emulation in 4 Ezra," in *Flores Florentino: Dead Sea Scrolls and Other Early Jewish Studies in Honour of Florentino Garcia Martinez*, ed. A. Hilhorst, E. Puech, and E. Tigchelaar, Supplements to the Journal for the Study of Judaism 122 (Leiden: Brill, 2007), 529–536; Hindy Najman (with I. Manoff and E. Mroczek), "How to Make Sense of Pseudonymous Attribution: The Case of 4 Ezra and 2 Baruch," in *Companion to Biblical Interpretation in Early Judaism*, ed. M. Henze (Grand Rapids, MI: Eerdmans, 2012), 308–336; Hindy Najman, *Losing the Temple and Recovering the Future: An Analysis of 4 Ezra* (Cambridge: Cambridge University Press, 2014), 58–59. I would like to thank Hindy Najman for sharing her insights on this matter with me.
19. The first comprehensive attempt to read the rabbinic legends of Adam in the context of the Iranian story cycle of Gayōmard (and Yima) was advanced in Alexander Kohut, "Die talmudisch-midrassische Adamssage in ihrer Rückbeziehung auf die persische Yima und Meshiasage," *ZDMG* 25 (1871): 59–94.
20. See, in general, Kiel, "Reimagining Enoch."
21. This association is made, for example, by al-Mas'ūdī, trans. in Arthur Christensen, *Les types du premier homme et du premier roi dans l'histoire légendaire des iraniens*, 2 vols. Archives d'études orientales 14 (Stockholm: P. A. Norstedt, 1917–1934), 194, and al-Ṭabarī, trans. in Franz Rosenthal, *The History of al-Ṭabarī*, vol. 1 (Albany: SUNY Press, 1985), 325. See, in general, Shaked, "First Man, First King."
22. See Skjærvø, "Iranian Epic and the Manichean Book of Giants," 192; Skjærvø, "Counter-Manichean Elements in Kerdīr's Inscriptions," 336–340.
23. An early tradition recorded in rabbinic and patristic literature asserts that Adam's first wife was Lilith and that he sought another wife because of her conduct with him. See e.g. Wilhelm Bacher, "Lilith, Königin von Smargad," *MGWJ* 19 (1870): 187–189; Louis Ginzberg, *Die Haggada bei den Kirchenvätern* (Berlin: S. Calvary, 1900), 60, n. 3; Raphael Patai, *The Hebrew Goddess* (Detroit, MI: Wayne State University Press, 1990), 221–225; Kugel, *Traditions of the Bible*, 114.

24. *Gen. Rab.* 20:11 (Theodor and Albeck [eds.], *Midrash Bereshit Rabba*, 195–196). See also *Gen. Rab.* 24:6 (Theodor and Albeck [eds.], *Midrash Bereshit Rabba*, 235–236).
25. While the term “warm up” clearly has a sexual connotation, its precise meaning in terms of the nature of the sexual act in question remains unclear. The sense of gender symmetry reflected in the *Gen. Rab.* version, however (the male spirits “warm up” against Eve and the female spirits “warm up” against Adam), suggests that, unlike the parallel account in the BT, which refers to the production of demons by Adam alone via seminal emission, in the Palestinian version we are probably dealing with some form of sexual intercourse. Alternatively, the “warming up” of the demons can be understood as sexual arousal caused by the demons’ gazing at the beauty of Adam and Eve, in connection with the Manichaean story of the seduction of the archons by the Third Messenger discussed below.
26. The phrase נגעי בני אדם in the verse was probably interpreted as “the demons [inflictions] produced by Adam,” since inflictions (*nega'im*) are often associated with demons: see e.g. *b. Ber.* 5a.
27. For the notion that Adam was sexually abstinent during a period of 130 years see below in detail.
28. For the use of the plural form of Lilith cf. 2 Baruch 10:8; Septuagint to Isa. 34:14; 1QIsa. Similarly has, “... and the bastard spirits, demons, Liliths” (4Q510 *Songs of the Sage* 1:5). See Kugel, *Traditions of the Bible*, 114.
29. This clause appears in all textual witnesses except for Oxford 366.
30. *b. 'Erub.* 18b.
31. *Bundahišn* 14b.1 (Anklesaria [ed.], *Zand-Ākāsīh*, 136–137); *Pahlavi Rivāyat* 8e (Williams [ed.], *The Pahlavi Rivāyat*, I, 54–55, II, 13–14).
32. Scholars have long debated the relationship between the mythical cycle of Jam (Av. Yima) and that of Gayōmard (Av. Gaya Marətan) as alternative narratives for the inception of humanity and civilization. See e.g. Christensen, *Les types du premier homme*, II, 35–36, 49–50; Bruce Lincoln, *Priests, Warriors and Cattle* (Berkeley: University of California Press, 1981), 76–78. Shaul Shaked concluded that Yima may have been regarded as a First Man figure at some early stage, perhaps in the ancient Indo-Iranian tradition which predated the Avestan Yima and the Vedic Yama. In Zoroastrianism, however, the role of First Man was, by and large, assumed by Gayōmard and his descendants Maši and Mašyānī. Although the mythical functions of Jam partially overlap with those of Gayōmard (and, by extension, with those of Maši and Mašyānī), Jam is the hero of a series of independent traditions. Regarding the overlapping of the two mythical figures, Shaked wrote: “As developed in late Zoroastrianism, probably in the Sasanian period, the two sets of First Man figures, Yima with his associates on the one hand and Gaya Marətan with the Bull and the first human couple Maši and Mašyānī on the other, found themselves complementing each other, despite the obvious inconsistencies and duplications in their functions and symbolism caused by their divergent origins. Thus, for example, both Yima and Gaya Marətan are distinctive solar figures; both are associated with the major Zoroastrian festivals; both mark the beginnings of humanity; and both are said to have

- been the first to receive the divine message of Ohrmazd” (Shaked, “First Man, First King,” 251). I might add to this list of overlapping characteristics that Jam’s primordial lie, his worship of the demons, and his subsequent descent to hell parallel the report about Maši and Mašyānī, who worshiped Ahriman and committed the sin of uttering a lie (*drō-gōwīšnīh*), which eventually sent them to hell (*Bundahišn* 14.11–16 [Anklesaria (ed.), *Zand-Ākāsīh*, 129–130]). While the present chapter centers on rabbinic reconstructions of the figure of Adam in light of the story-cycle of Gayōmard (and his descendants Maši and Mašyānī), in other cases it appears that the rabbinic traditions engage with the Indo-Iranian story-cycle associated with Yima. See esp. Kiel, “Reimagining Enoch.” It is possible, of course, that the Babylonian rabbinic authors incorporated competing mythical cycles contained in the Iranian tradition, while adapting them to the rabbinic traditions of Adam and Eve.
33. For the reworking of Palestinian traditions in the BT see the discussion in the [Introduction](#).
  34. Summarizing this position, Boyarin, *Carnal Israel*, 83, writes: “According to the Rabbis, there was no Fall into sexuality in the Garden of Eden. On the rabbinic reading, Adam had had intercourse with Eve from the beginning . . . Licit sexuality, the intercourse of married couples, belongs not to the demonic realm of the snake, but to the innocent realm of the Garden of Innocence itself.” See also Anderson, “Celibacy or Consummation?” 121–148; Anderson, *The Genesis of Perfection*, 43–74; Minov, “The Question of Sexuality in Paradise.”
  35. This position, to be sure, also differs considerably from Jewish and Christian interpretations that maintain that Adam and Eve were celibate *prior* to their banishment from Eden.
  36. See also *Gen. Rab.* 23:4 (Theodor and Albeck [eds.], *Midrash Bereshit Rabba*, 225).
  37. *Bundahišn* 14.15–17, 26–29 (cf. Anklesaria [ed.], *Zand-Ākāsīh*, 129–131, 132–133; Skjærvø [trans.], *Spirit of Zoroastrianism*, 109–110).
  38. The tradition of Adam’s asceticism, to be sure, stands out as anomalous also in the context of other Babylonian rabbinic traditions pertaining to fasting and self-deprivation. See Diamond, *Holy Men*, 121–127. For a comparison of talmudic and Zoroastrian attitudes to fasting and asceticism see Kiel, “Fasting and Asceticism.” To be sure, while the Pahlavi tradition is generally critical of fasting and self-deprivation, the category of penitence occupies a central position in this literature. See Jes P. Asmussen, *Xuāstvānift: Studies in Manichaeism* (Copenhagen: Munksgaard, 1965), 26–112; Yishai Kiel, “The Systematization of Penitence in Zoroastrianism in Light of Rabbinic and Islamic Literature,” *Bulletin of the Asia Institute* 22 (2012): 119–135; Kiel, “Penitential Theology.”
  39. According to the Bible, Adam and Eve never expressed remorse over having violated God’s commandment and never sought divine forgiveness. But, since penitence was such an important theme for many ancient interpreters, they attempted to read “repentance” into the biblical story of the primal sin. In their minds, it was inconceivable that Adam and Eve did not even attempt to repent. So, while *Gen.* 3:19 reads, “In the sweat of your brow you shall eat



- bread” [בזעת אפך תאכל לחם], referring to the sweat resulting from Adam’s labor, according to a rabbinic interpretation of this biblical verse the sweat came to be associated with tears or with the trembling of the body (זעזוע). Adam’s tears or his trembling were thus perceived as a sign of regret and remorse. See e.g. *Gen. Rab.* 20:10 (Theodor and Albeck [eds.], *Midrash Bereshit Rabba*, 194); *b. Pesah.* 118a; ‘*Abot de-Rabbi Nathan*, A: 1 (Schechter [ed.], *Avot de-Rabbi Nathan*, 7); *Life of Adam and Eve* 4.1–3. These texts are analyzed and compared in Gary Anderson, “The Penitence Narrative in the Life of Adam and Eve,” *HUCA* 63 (1992): 1–38, repr. in Anderson, Stone, and Tromp (eds.), *Literature on Adam and Eve*, 3–42; Kugel, *Traditions of the Bible*, 142–143. In contrast to these sources, I should add that the rabbis have also preserved a competing tradition, according to which Adam did not repent at all and was, in fact, frustrated when his son Cain told him about the power of repentance. See *Gen. Rab.* 22:16 (Theodor and Albeck [eds.], *Midrash Bereshit Rabba*, 220); *Lev. Rab.* 10:5 (Margulies [ed.], *Midrash Wayyikra Rabbah*, 205–206).
40. Michael Stone, *The Penitence of Adam*, CSCO 430 (Louvain: Peeters, 1981), x–xvii; Anderson, “The Penitence Narrative,” 7.
  41. See *b. Hul.* 60b; *b. ‘Abod. Zar.* 8a. This is not to suggest that Adam’s righteous image in the BT is monolithic, far from it. In *b. Sanh.* 38b, for example, several Babylonian rabbis accuse Adam of different forms of heresy (מין, כופר בעיקר). I would argue, however, that this ambiguity is informed not only by Adam’s equivocal nature in the Judeo-Christian tradition and its inherent differentiation between the First and Second Adam, but also by the Pahlavi traditions of Gayōmard, on the one hand, and Maši and Mašyānī, on the other. While Gayōmard is indeed perfectly righteous, Maši and Mašyānī are charged with demon-worshipping and attributing creation to the Evil Spirit.
  42. Satlow, “‘Wasted Seed’.” Cf. Rosen-Zvi, *Demonic Desires*, 110; Rosen-Zvi, “Yetzer Hara, Sexuality and Yihud,” 56–57.
  43. See e.g. *Videvdad* 18.30, 46–47 (trans. Skjærvø [unpublished]): “Sraoša of the Rewards asked the Lie [demoness] . . . O hasty Lie, producing nothing [good], indeed you alone of the entire Life with bones make your brats without being approached . . . Then the deceiving Lie said to him in turn: O beautiful Sraoša of the Rewards . . . when a man lets flow forth his semen when asleep. He covers me in the manner that males do other females as well”; *Pahlavi Rivāyat* 11.4 (Williams [ed.], *The Pahlavi Rivāyat*, 1, 72–73, II, 23): “And [if] someone wastes his semen, then [it is] one *tanābuhl* [sin] for him.” Cf. *Pahlavi Rivāyat* 34e1 (Williams [ed.], *The Pahlavi Rivāyat*, 1, 142–143, II, 61–62); *Dēnkard* 6.86 (Shaked [ed.], *Dēnkard* 6, 33). And see Yaakov Elman, “He in his Cloak’,” 143–144.
  44. Although this act is depicted as a seminal emission, Spandarmad is considered to be Gayōmard’s mother, and therefore the act is also regarded as a mythical prototype for the meritorious act of mother–son incest. The mythical prototypes of *xwēdōdah* in the Pahlavi tradition will be discussed in Chapter 5.
  45. *Bundahišn* 6f.7–9 (cf. Anklesaria [ed.], *Zand-Ākāsīh*, 82–83; Skjærvø [trans.], *Spirit of Zoroastrianism*, 100–101). See also *Bundahišn* 14.5–6



- (cf. Anklesaria [ed.], *Zand-Ākāsīh*, 126–129; Skjærvø [trans.], *Spirit of Zoroastrianism*, 108): “When Gayōmard gave up his seed at death, it was purified by the light of the sun. One half was preserved by Nēryōsang; Spandarmad received the other half. It was placed in the earth for forty years. At the completion of forty years, Maši and Mašyāni grew up from the earth as a plant in the shape of rhubarb with one stem and fifteen leaves”; *Dēnkard* 3.80.7 (Dresden [ed.], *Dēnkard*, 54; Madan [ed.], *Pahlavi Dinkard*, 74; Skjærvø [trans.], *Spirit of Zoroastrianism*, 203; cf. de Menasce [trans.], *Le troisième livre du Dēnkard*, 85–90): “Let me also say this as exposed in the good Tradition that, when Gayōmard passed on, his semen (*šusr*), which is called seed (*tōhmag*), was enveloped (*parwand-*) by Spandarmad, Earth, who was his mother, and from it there came into being Maši and Mašyāni, Gayōmard and Spandarmad’s son and daughter, which is called the *xwēdōdah* of mother and son.”
46. On the Zoroastrian myth of the slaying of the primordial Bull (Pahlavi *gāw ī ēw-dād*, *ēwagdād*, “uniquely created bovine,” the prototype of all animals and plants) by the Evil Spirit, see e.g. Marijan Molé, *Culte, mythe et cosmologie dans l’Iran ancien: le problème zoroastrien et la tradition mazdéenne* (Paris: Presses Universitaires de France, 1963), 193–202; William W. Malandra, “Gāw ī ēw-dād,” *Encyclopædia Iranica*, x: 340; William W. Malandra, “Gōšurun,” *Encyclopædia Iranica*, xi: 176–177. Cf. the tal-mudic account of Adam’s sacrifice of a bull, e.g. *t. Hul.* 3:20; *Gen. Rab.* 34:9 (Theodor and Albeck [eds.], *Midrash Bereshit Rabba*, 317); *Gen. Rab.* 22:8 (Theodor and Albeck [eds.], *Midrash Bereshit Rabba*, 214–215); *Lev. Rab.* 2:7 (Margulies [ed.], *Midrash Wayyikra Rabbah*, 45); *Lev. Rab.* 2:10 (Margulies [ed.], *Midrash Wayyikra Rabbah*, 50); *b. Šabb.* 28b; *b. ‘Abod. Zar.* 8a; *b. Hul.* 60b. Cf. also the Mithraic myth of the slaying of the primordial bull by Mithra, for which see Roger Beck, *The Religion of the Mithras Cult in the Roman Empire: Mysteries of the Unconquered Sun* (Oxford: Oxford University Press, 2006); Geo Widengren, “The Mithraic Mysteries in the Greco-Roman World with Special Regard to their Iranian Background,” in *Problemi Attuali di Scienza e di Cultura: Atti del Convegno sul Tema “La Persia e il Mondo Greco-Romano,”* Roma: 11–14 Aprile 1965 (Rome: Accademia Nazionale dei Lincei, 1966), 433–456; Ugo Bianchi, “Again on the Slaying of the Primordial Bull,” in *Sir J.J. Zarthoshti Madressa Centenary Volume* (Bombay: Trustees of the Parsi Punchayet Funds and Properties, 1967), 19–25; Ilya Gershevitch, *The Avestan Hymn to Mithra* (Cambridge: Cambridge University Press, 1959), 64. Cf. also Alf Hiltebeitel, “Rama and Gilgamesh: The Sacrifices of the Water Buffalo and the Bull of Heaven,” *History of Religions* 19 (1980): 187–223; Stith Thompson, *Motif Index of Folk-Literature: A Classification of Narrative Elements in Folktales, Ballads, Myths, Fables, Medieval Romances, Exempla, Fabliaux, Jest-Books, and Local Legends* (Bloomington: Indiana University Press, 1993): Motifs A1716.1, A1791, B871.1.1; Michael Witzel, *The Origins of the World’s Mythologies* (Oxford: Oxford University Press, 2012), 120–121; Lincoln, *Priests, Warriors, and Cattle*, 69–70.

47. *Bundahišn* 4.19 (cf. Anklesaria [ed.], *Zand-Ākāsīh*, 50–51; Skjærvø [trans.], *Spirit of Zoroastrianism*, 97). The demons were produced by the Evil Spirit after he sodomized himself: see e.g. Skjærvø, “Homosexuality.”
48. *Bundahišn* 4.24–26 (cf. Anklesaria [ed.], *Zand-Ākāsīh*, 52–53; Skjærvø [trans.], *Spirit of Zoroastrianism*, 98).
49. For the different versions of the Manichaean creation myth see e.g. John C. Reeves, *Heralds of the Good Realm: Syro-Mesopotamian Gnosis and Jewish Traditions* (Leiden: Brill, 1996), 79–88; Sundermann, “Cosmogony and Cosmology”; Mary Boyce, *A Reader in Manichaean Middle Persian and Parthian*, Acta Iranica 9 (Tehran and Liège: Bibliothèque Pahlavi, 1975), 4–7, 71–4; Jes P. Asmussen, *Manichaean Literature*, Persian Heritage Series 22 (New York: Scholars Facsimiles and Reprints, 1975), 127–134.
50. On these demonic figures see [Chapter 1](#).
51. Asmussen, *Manichaean Literature*, 131. After the initial cosmic attack by the King of Darkness (Iran. Ahriman; Ar. al-Šaytān, Eblis al-Qadīm) on the Realm of Light (Iran. *wahišt*, *wahištāw*; Ar. *jenān al-nūr*), and the distressing defeat of the five sons (Iran. *amahraspandān*, *mahraspandān*; Ar. *al-aĵnās/al-elāha al-kamsa*) who were devoured by, and mixed with, the forces of darkness, the forces of light initiated an elaborate plan aimed at liberating and redeeming the lost light and bringing it back to its origin. For this purpose an androgynous figure called the Third Messenger (Iran. Rōšnšahryazd; Middle Persian Narēsahyazd; Parth. Narēsafyazd, Mihryazd: see Boyce, *Reader in Manichaean*, 10; Sundermann, “Namen von Göttern, Dämonen und Menschen,” 100–102) was evoked, who, in order to induce the demons to shed their seed and thereby also release the light inside them, appeared in the middle of the sky and revealed his male and female forms to the female and male demons (the sons and daughters of darkness) respectively. Filled with lust they began to emit the light along with their semen. In order to stop this process and imprison the light again, Āz attempted to create mankind in the image of the androgynous Third Messenger (see Boyce, *Reader in Manichaean*, 71; Asmussen, *Manichaean Literature*, 128) and formed the first two humans (Gēhmurd and Murdiyānag; also *noxwīr*, “first man,” and *farrahān srīgar*, “the female-shaped of the glories”; Ar. Ādam and Ḥawwā). For all this see the summary in Skjærvø, “Āsarēštār.”
52. Skjærvø (trans.), *Spirit of Zoroastrianism*, 10.
53. See also the mention of *mard ī ahlaw* as the opponent of the Evil Spirit in *Bundahišn* 1A.4, 4.1, 20A.1 (Anklesaria [ed.], *Zand-Ākāsīh*, 22–23, 46–47, 166–167).
54. It would seem constructive to view the Zoroastrian “distribution” of the First Man legends between Gayōmard, on the one hand, and Maši and Mašyānī, on the other, in the light of the distinction made in ancient Jewish and Christian sources between the First and Second Adams, for which see e.g. Schäfer, *The Jewish Jesus*, 197–213. Gayōmard, very much like the First Adam in Jewish Hellenistic and Christian traditions, is not differentiated sexually (although he does emit his “seed”) and is not subject to sin. Maši and Mašyānī, on the other hand, like the Second Adam and Eve, discover their sexuality and are depicted as morally ambiguous.

## PART II



## Introduction

Having addressed some of the broader issues relating to sexuality in rabbinic culture in the context of Christian and Iranian traditions, in the [second part](#) of this book I will hone in on rabbinic classifications of prohibited sexual partnerships and incestuous unions as a case study illustrating the broader argument of the book. In this context, I will center on certain dimensions of the rabbinic discussion, which reflect a sense of differentiation between Palestinian and Babylonian rabbinic tendencies and can be further mapped onto broader currents in the Greco-Roman and Iranian cultures.

The rabbinic discussion of prohibited sexual partnerships (*'arayot*) reflects both internal rabbinic considerations embedded in the biblical and post-biblical Jewish tradition and broader universal concerns. Beyond these contours, scholars have attempted to situate the particular nuances exhibited in (Palestinian) rabbinic discussions of the prohibited sexual partnerships in the context of contemporaneous Greco-Roman rhetoric of sexual ethics.<sup>1</sup> Much like other aspects of the sexual discourse of the rabbis explored in the [first part](#) of the book, the Babylonian rabbinic reconstruction of prohibited sexual partnerships, and particularly its distinctive disposition to incest, received little attention in scholarship.<sup>2</sup>

In the chapters that follow, I will center on the BT's discussions of prohibited sexual partnerships and incestuous unions in the light of the Iranian tradition. A systematic examination of the theological, legal, narrative, and mythical treatments of incest in the BT against the backdrop of Pahlavi literature reveals the rabbis' engagement with contemporaneous Zoroastrian discourse on *xwēdōdah*. In this context, I will unearth the underlying connections and elucidate the ways in which the

BT responds to the Zoroastrian laws, narratives, myths, and theological doctrines associated with next-of-kin relationships.

I will address not only talmudic reflections on the actual practice of next-of-kin partnerships in Sasanian Babylonia,<sup>3</sup> but also the manner by which the BT engages with the Zoroastrian discourse on *xwēdōdah*. While it is possible, perhaps even likely, that the Babylonian rabbis witnessed the actual practice of next-of-kin partnerships, which in turn influenced their attitudes to doctrinal and legal issues relating to incest, I posit that the BT echoes important strands in contemporaneous Zoroastrian discourse now preserved in the Pahlavi literature. As the following chapters will demonstrate, it is not merely the practice itself with which the rabbis of Babylonia were familiar, but also doctrinal, legal, mythical, and narrative discussions preserved and transmitted by the Zoroastrian priesthood.

Various dimensions of incest are treated in rabbinic literature: normative discussions of the biblical statutes and prohibitions and the Noahide laws (the laws the rabbis believed should apply to non-Jews) of incest,<sup>4</sup> enigmatic riddles concerning incestuous encounters,<sup>5</sup> exegesis of biblical stories of incest,<sup>6</sup> and narratives about incest situated in the rabbinic period.<sup>7</sup> These “extra-levitical” discursive contexts facilitated a complex and nuanced discussion, which often defies and violates traditional rabbinic dispositions and expectations.

This is not to say that every reference to incest in rabbinic literature (or even every digression of the BT from Palestinian rabbinic tradition) reflects rabbinic engagement with Iranian law and doctrine. Beyond the internal exegetical, legal, and theological motivation to interpret biblical laws and narratives relating to incest, in some cases the talmudic discussions seem to reflect universal concerns that do not engage with the Iranian notion of *xwēdōdah* in particular. Thus, for example, *b. Ber.* 57a discusses the symbolic meaning of dreams about incest (“If one dreams that he had intercourse with his mother, he may expect to obtain understanding”), while *b. Ber.* 56b interprets a certain dream about pouring oil on olives as reflecting mother–son incest. These traditions do not exhibit particular Iranian undertones, and are paralleled in fact in Palestinian rabbinic traditions<sup>8</sup> and several Greek and Arabic sources,<sup>9</sup> as dreams about incest reflect widely attested human anxieties explored in the psychoanalytical genre. Even in the context of distinctively Babylonian rabbinic traditions, such as the dispute between Rav and Samuel regarding the legal status of a marriage contracted with one’s sister (המקדש את אחותו),<sup>10</sup> it hardly seems likely that the Zoroastrian practice stimulated the rabbinic conversation in any significant way.

That said, I will demonstrate that many talmudic discussions of prohibited sexual partnerships and incestuous unions do, in fact, reflect particular engagement with Iranian law and doctrine. While the Babylonian rabbinic discussions of prohibited sexual partnerships are, at times, continuous with Palestinian rabbinic traditions, the BT, as a distinctive product of Sasanian culture, often diverges from its Palestinian antecedents, while reflecting Zoroastrian dispositions and attitudes. In order to forcefully make this point, I will negotiate the competing rabbinic accounts against the foil of the surrounding cultures.

Alongside the talmudic and Pahlavi texts, I will address Greek and Syriac Christian traditions, which highlight the distinctive connections between the BT and the Pahlavi literature. At times we shall see that the East Syrian sources too echo the Iranian background that is reflected in the BT and the Pahlavi literature. When viewed against Palestinian rabbinic parallels, patristic interpretations of biblical stories of incest, and Greco-Roman rhetoric of sexual ethics, the distinctiveness of the Sasanian sources comes to the fore. It is only against the foil of other rabbinic and non-rabbinic traditions that one can fully appreciate the distinctive voice resonating in Babylonian rabbinic culture and its unique engagement with Zoroastrian law and doctrine.

#### NOTES

1. See e.g. the detailed comparison offered in Satlow, *Tasting the Dish*, 17–81.
2. See, however, preliminary remarks in Schremer, *Male and Female*, 168–176.
3. For the extent of the actual practice of next-of-kin partnerships in the Sasanian period (and before) see e.g. Michael Mitterauer, “The Customs of the Magians: The Problem of Incest in Historical Societies,” in *Sexual Knowledge, Sexual Science: The History of Attitudes to Sexuality*, ed. R. Porter and M. Teich (Cambridge: Cambridge University Press, 1994), 221–250 (235–236).
4. See [Chapter 6](#).
5. See [Chapter 7](#).
6. See [Chapter 8](#).
7. See [Chapter 9](#).
8. See e.g. *y. Ma’as Š. 4:6 55b*; *Lam. Rab. 1:14*.
9. See e.g. Geert J. van Gelder, *Close Relationships: Incest and Inbreeding in Classical Arabic Literature* (London: I. B. Tauris, 2005), 172–180, who addresses Greek and Arabic sources pertaining to dreams about incest and incest-related interpretations of dreams.

10. *b. B. Meṣ 15b; b. Git. 45a*. Rav and Samuel are concerned with the legal status of the transferred money in this case, while it is absolutely clear to both of them that the marriage itself is null and void in accordance with traditional rabbinic *halakhah*. Rav argues that the money should be handed back to the brother, while Samuel argues that the money should be regarded as a gift handed over to the sister.



## The Pahlavi Doctrine of *Xwēdōdah*

### INTRODUCTION

Before delving into the intricacies of the rabbinic discussion of prohibited sexual partnerships, which will be treated in the next few chapters, I shall presently provide a detailed analysis of the Pahlavi doctrine of *xwēdōdah*, a topic which occupies the lion's share of the Zoroastrian treatment of sexuality. As *xwēdōdah* is one of the most important religious doctrines in Zoroastrianism, it should come as no surprise that it is treated in many different contexts in the extant literature: theological discussions, legal traditions, epic and mythical narratives, wisdom and moral instructions, and polemical and apologetic treatises. The Pahlavi texts are concerned with the religious merit of, and reward for, performing *xwēdōdah*, the punishment for neglecting to perform it, its justification and logic, the benefits resulting from its performance, legal details concerning its actual performance, and its mythical prototypes.<sup>1</sup>

This chapter is not intended as a comprehensive study of the doctrine of *xwēdōdah* in the Pahlavi tradition, as such an endeavor warrants a separate and detailed study which is beyond the scope of my investigation. Several studies have been previously devoted to particular aspects of *xwēdōdah*,<sup>2</sup> and recently Prods Oktor Skjærvø published a comprehensive article on this topic for *Encyclopædia Iranica*.<sup>3</sup> In this chapter I will outline the contours of the Pahlavi discussion on *xwēdōdah*, classify its theological justifications, trace its mythical origins, and list the various legal concerns associated with its performance. This taxonomy of Pahlavi treatments of *xwēdōdah* will serve in turn as a contextual framework for the ensuing discussion and the comparisons drawn in subsequent chapters.

The Avesta does not provide explicit details on the meaning and semantic range of the term *xʷaētuuadaθa*, and the Avestan passages that mention the term are ambiguous and enigmatic.<sup>4</sup> I will not focus on these Avestan references, since they do not contribute much to the discussion of later Pahlavi reconstructions of *xwēdōdah*. While it is possible that some Pahlavi discussions of *xwēdōdah* reflect earlier usage, the Pahlavi texts ought to be examined independently and not merely insofar as they reflect earlier doctrines embedded in the Avesta.<sup>5</sup> The question of the continuum from the Avesta to Pahlavi literature addressed in the Introduction provides an important framework, through which we can view the complex relationship between the systematic doctrine of *xwēdōdah* that emerges from the Pahlavi texts and the few and obscure Avestan references to *xʷaētuuadaθa*.

The earliest attestation of the term *xwēdōdah* in Middle Persian is found in the third-century inscription of the high priest Kerdīr on the Kaʿba-ye Zardōšt at Naqš-e Rostam near Persepolis.<sup>6</sup> Alongside his other religious achievements, Kerdīr mentions that he performed (*kerd*) multiple acts of *xwēdōdah*.<sup>7</sup> Below we will see that the mention of *xwēdōdah* by Kerdīr among the greatest religious merits is quite in line with the rhetoric of the later Pahlavi literature. Prods Oktor Skjærvø concluded in this regard that, although the inscription does not elaborate on the matter, it confirms the existence of the term and the importance of the doctrine it embeds in the early Sasanian period.<sup>8</sup>

There are several references to *xwēdōdah* in the Pahlavi texts that can be assigned a probable *terminus ante quem* of the late Sasanian period.<sup>9</sup> These include two important references to *xwēdōdah* in the Pahlavi commentary on the *Hērbedestān*, which was probably redacted (orally) at some point in the late Sasanian period.<sup>10</sup> Several other references appear in the Sasanian legal collection *Mādayān ī Hazar Dādestān* (“The Book of a Thousand Judgments”), which was likewise redacted before the Islamic conquest.<sup>11</sup> Although the term *xwēdōdah* is not mentioned in this collection,<sup>12</sup> the practice clearly emerges from it and appears to be of great significance in the context of Sasanian family law.<sup>13</sup>

Most of the Pahlavi traditions on *xwēdōdah*, however, appear in the later works, which were redacted and written down in the ninth and tenth centuries. The legal, doctrinal, theological, and mythical representations of *xwēdōdah* are elaborated on in the third book of the *Dēnkard* and in the Pahlavi *Rivāyats* (collections of responsa from the ninth and tenth centuries), namely the anonymous *Pahlavi Rivāyat* (“accompanying the *Dādestān ī Dēnīg*”), the *Rivāyat of Ādurfarnbay*, and that of Ēmēd son of

## OBJECTIONS TO *XWĒDŌDAH*

Several Syrian and Armenian authors ascribe the Persian practice of close-kin marriages to the demonic forces. A passage from the Syriac *Cave of Treasures* (27:12–16), for example, argues that a certain demon (ܐܠܗܐ) taught the legendary priest Ardašīr (Syriac ܐܪܕܐܫܝܪ), that one cannot become a priest (ܐܝܬܐܢܐ) and a Magian (ܡܕܝܢܐ) without having sexual intercourse with one's mother, daughter, and sister.<sup>23</sup> The Armenian author Eznik of Kolb similarly writes, as part of his anti-Zoroastrian polemic contained in the treatise *On God*, that the secret of creating the

sun and moon through the act of *xwēdōdah* was disclosed to Ohrmazd by the demon Mahmi, who himself learned it from Ahriman.<sup>24</sup>

The polemical context in which non-Zoroastrian authors tended to treat the practice and doctrine of *xwēdōdah* is also reflected in the Pahlavi sources, the most important of which is chapter 80 in the third book of the *Dēnkard*, entitled “About how a Jew lamented to a Zoroastrian priest (*hērbed*), seeking to know the reason for the sin of performing *xwēdōdah* and the priest’s answer as manifest in the Tradition.”<sup>25</sup> While it is likely that this chapter constitutes a literary invention rather than a depiction of an actual polemical encounter, it is quite clear that it reflects a genuine tension over the controversial doctrine of *xwēdōdah* which dominated the interactions of Zoroastrians and their interlocutors.

Notwithstanding Jean P. de Menasce’s argument that the religious polemic contained in the third book of the *Dēnkard* reflects, for the most part, the Zoroastrian encounter with Islam, while the mention of Jews is merely a literary projection or disguise of the real addressees,<sup>26</sup> I tend to agree with Shaul Shaked that much of the religious tension contained in this work should be dated to the Sasanian period.<sup>27</sup> In support of this position, in the chapters that follow I shall outline the intimate correspondences between the Pahlavi discussions of *xwēdōdah* and the talmudic treatment of incest, a fact which points to the Sasanian origin of the Pahlavi discussions. There is reason to believe, moreover, that other controversial issues addressed in the ninth-century polemical works in Pahlavi are likewise reflective of the interreligious exchange of the Sasanian period, above and beyond the cultural encounter with Islam under the Abbasids.<sup>28</sup>

#### XWĒDŌDAH AS POSITIVE LAW

*Xwēdōdah* is commonly enumerated in Pahlavi literature among the most righteous deeds in Zoroastrianism. In the *Dādestān ī Mēnōy Xrād*, for example, *xwēdōdah* is counted among the greatest deeds, alongside generosity (*rādīh*), truthfulness (*rāstīh*), the celebration of the *gāhānbār* festivals, and the recital of the religious Tradition (*dēn*).<sup>29</sup> The same virtues and good deeds are mentioned by Kerdīr in his third-century inscription mentioned above, in which he boasts about his various religious achievements, including the performance of multiple acts of *xwēdōdah*.<sup>30</sup>

The *Pahlavi Rivāyat* contains a different list of the greatest deeds in Zoroastrianism, in which the highest virtue is accorded to the performance of *xwēdōdah*:

*gyāg paydāg kū ohrmazd bē ō zardušt guft kū čahār tis ēn pablom yazišn ī ohrmazd ī xwadāy ud ātaxš ēsm ud bōy ud zōhr dādan ud mard ī ahlaw šnāyēnīdan ud kē abāg burdār ayāb duxt ayāb abāg xwāh xwēdōdah kunēd ud az ān hamāg ān meh ud weh ud pablom kē xwēdōdah kunēd*

In one place [it is] manifest that Ohrmazd said to Zarathustra: “These [are] the four best things: performing the rituals to Ohrmazd the Lord; and giving firewood and incense and oblations [to] the fire; and making the orderly [righteous] man happy; and he who practices *xwēdōdah* with [his] mother or daughter or with [his] sister. And, of all those [things] he who practices *xwēdōdah* is greatest and best and foremost.”<sup>31</sup>

In [Chapter 2](#) we saw that the third chapter of the *Hērbedestān* addresses the precedence and relative merit of competing religious duties, such as going to the *hērbedestān*, maintaining the family estate, and fulfilling marital and domestic responsibilities. In a related context, *Hērbedestān* 2.9 compares the merit of *xwēdōdah* with that of going to the *hērbedestān*:

*kerbag (ī) az hērbedestān kerdan kerbag ōh bawēd nē ēdōn bawēd čiyōn xwēdōdah  
čē ēn dō tis ān tis ēw  
ast kē ēdōn gōwēd hād ān-iz har dō ōh bawēd  
ān and hērbedestān kerdan čiyōn yašt-ēw bē kerdan*

The merit from performing the priestly studies (*hērbedestān*) is a merit in the usual way.<sup>32</sup> It is not like *xwēdōdah*, for the latter is two things, the former one thing.

There is one who says: Yes, but both those, too, are in the usual way.

Going to perform priestly studies is as much as performing one *yasna*.<sup>33</sup>

While the passage is somewhat obscure, there seems to be a dispute among the jurists whether the performance of *xwēdōdah* is regarded as more meritorious than pursuing priestly studies or whether they are of equal merit. The first position seems to maintain that the merit gained from *xwēdōdah* is twice as much as that gained from the pursuit of priestly studies, while the second position seems to regard them as equally meritorious. Either way, the very comparison of *xwēdōdah* to the undertaking of priestly studies demonstrates the high status of the former in the religious hierarchy of values.

That the priestly authors felt the need to assert, time and again, that “he who practices *xwēdōdah* is greatest and best and foremost” suggests, however, that there were at least some Zoroastrians (even members of the clergy, as we shall see below) who needed to be persuaded of the truthfulness of this claim. A particularly self-conscious account of moral hesitancy surrounding the performance of *xwēdōdah* attributes skepticism and reluctance to perform this

religious act not to heretics, non-believers, or lay Zoroastrians, but to Zarathustra. The *Pahlavi Rivāyat* attributes in fact moral hesitancy not only to Zarathustra, but insinuates that even Ohrmazd himself had doubts on the matter:

*ēn-iz az dēn paydāg kū zardušt bē ō ohrmazd guft kū-m wad ud saxt ud škeft pad čašm kū andar mardōm xwēdōdah čiyōn rawāg bē kunam*

*ohrmazd guft kū man-iz ēdōn pad čašm čiyōn tō bē ēd rāy kū az harw tis pāšom ā-t tang ud saxt mā ēw sahēd pad xwēdōdah kardan tuxšāg bāš ud kasān-iz tuxšāg kunēnd*

This also [is] manifest in the religious Tradition: Zarathustra said to Ohrmazd: In my view [it is] bad and difficult and strange how I shall propagate *xwēdōdah* among mankind.

Ohrmazd said: It seems to me as it does to you, except for this reason that it is the [most] excellent thing of all; so, let it not seem difficult and hard to you. Be diligent in practicing *xwēdōdah*, and others too will practice diligently.<sup>34</sup>

This passage records a complaint laid by Zarathustra before Ohrmazd concerning the propagation of *xwēdōdah* among mankind. Zarathustra argues that despite its merit and spiritual benefit, he finds it bad (*wad*) and difficult (*saxt*) and strange (*škeft*) to promulgate and disseminate. Notably, Zarathustra does not seem to be disputing the objective value of *xwēdōdah*, in and of itself, but simply points out his subjective difficulty (“In my eyes it is bad and difficult and strange”). Surprisingly, Ohrmazd responds that he, too, shares the same feelings with Zarathustra, but nevertheless reasserts the objective value of *xwēdōdah* as the most excellent of religious deeds. Thus, despite the hardship involved, or perhaps precisely because of it, Zarathustra is instructed to go against his natural logical and moral inclination and diligently pursue the practice of *xwēdōdah*.

Rhetorically, the authors of this passage seem to have leveled with the challenges they confronted by projecting their own moral and psychological concerns surrounding the performance of *xwēdōdah* back onto Zarathustra and Ohrmazd: “If Zarathustra and even God himself expressed their moral and psychological hesitancy about this practice and, nevertheless, diligently pursued it, then who are we to challenge it?” The attribution of moral, logical, and psychological uncertainty to Zarathustra and Ohrmazd also points to the “internalization” of the pervasive non-Zoroastrian critique of *xwēdōdah*. By attributing the critique to Zarathustra, it is no longer an external challenge to Zoroastrianism that must be refuted, but rather a legitimate concern voiced by the “law-giver” himself.<sup>35</sup>

According to this passage, *xwēdōdah* can hardly be construed in terms of natural law, which corresponds with moral and logical truths. On the contrary, *xwēdōdah* is depicted in this text as contradictory to moral and logical predilections. It rather reflects a notion of positive law, according to which the law must be upheld in spite of natural dispositions. Although people may regard *xwēdōdah* as morally reprehensible and psychologically unnatural (and even God may share these feelings), it is perceived nevertheless as a decree or some sort of a-moral and a-logical religious truth.

In what follows, I shall explore a number of alternative religious and sociological justifications of *xwēdōdah* found in the Pahlavi texts, which seek to reveal the moral and logical grounds upon which the practice rests. Unlike the construal of *xwēdōdah* in terms of positive law expressing a-moral religious truths, the following sections will examine moral and sociological rationales for the practice that, in some ways, correspond with a theory of natural law.

#### PURITY OF LINEAGE

An important justification of *xwēdōdah* invokes the notion of genetic purity (in a rather strict sense), according to which marriages between members of the same family will ensure the purity of the “seed” (*tōhmag*) and that good qualities will remain within the nuclear family and not fade away through genetic intermixture. A genetic argument in favor of *xwēdōdah* is presented in *Dēnkard* 3.80:

*ud gōwam kū čihrag ud kerb ud gyān wehīh ud xrad xēm ud šarm ud mihr ud hunar nērōg wehīh ud abārīg-iz čiyōn-iš fraزندān čand ō bun-tōhmag ī zāyēnīdār nazdiktār hēnd drīstarīhātār padīrēnd*

Let me also say that what is good is appearance (*čihrag*), form, and soul (*gyān*). And wisdom, character, decency, love, and artistry are the powers of what is good and various other things, too. For the closer one’s children are to the original seed (*tōhmag*) of the ones who give them birth, the more firmly they receive [these qualities].<sup>36</sup>

In a list of prescriptions attributed to Ādurbād son of Mahrspand in *Dēnkard* 3.199, a similar instruction is given:

*zan az tōhmag kunēd kū-tān paywand rāsttar rawād*

Take a wife from [your own] seed, so that your lineage may go straighter.<sup>37</sup>

According to the *Selections of Zādspram* 26.3, *xwēdōdah* is counted among the three laws that Zarathustra taught mankind as being the best (*sē dād ī Zardušt pad pahlomih čāšt*) and explained in terms of genealogical purity.

*sidigar xwēdōdah ī abēzag tōhmag-rawišnih rāy zīndagān pāšom-kunišnān kē  
ptl'nytk ō huzāyišnīh ī fraزندān*

The third is *xwēdōdah*, which, since [it was introduced] so that the pure seed would go forth, is for the living who perform excellent deeds conducive to the good birth of children.<sup>38</sup>

According to the *Pahlavi Rivāyat*, had mankind followed the mythical example of Maši and Mašyānī, who were the first humans to have performed *xwēdōdah* (see below), it would have known its lineage.

*ēdōn čiyōn maši mašyānī xwēdōdah kerd ā mardōmān ōh kard hē hamāg mardōm  
paywand ud tōhmag ī xwēš dānist hē*

Just as Maši and Mašyānī practiced *xwēdōdah*, thus mankind would have practiced [it]; all mankind would have known its own lineage and seed.<sup>39</sup>

In [Chapter 6](#) we will see that the justification of *xwēdōdah* in terms of maintaining a pure seed is inverted, in some sense, by the Babylonian rabbinic rhetoric of demarcation of the boundaries of Israel's (ascribed) holiness vis-à-vis the levitical laws of incest. While both cultures regard incest as determinative in maintaining some sort of genealogical purity, according to the Pahlavi tradition the practice of incest is what safeguards the purity of the seed, while the Babylonian rabbis seem to hold that the avoidance of incest marks the inherent holy status of Israel.

It is noteworthy that the notion of a “holy seed” and related concerns for pure genealogy underlie rabbinic discussions of class endogamy and intermarriage (which are not necessarily related to incest),<sup>40</sup> especially in the context of Babylonian rabbinic culture.<sup>41</sup> Whatever the connections between this Babylonian rabbinic tendency and its Indo-Iranian counterparts,<sup>42</sup> the belief in a “holy seed,” whether in terms of Israel as a whole or of certain classes within Jewish society, which must not be mingled into other groups through intermarriage, accords with the genealogical concerns exhibited in the Pahlavi discussion of *xwēdōdah*.<sup>43</sup>

#### INCREASING LOVE

Aside from the need to maintain a pure lineage, the Pahlavi sources argue that the ties (*paywand*) and connections that already exist between close



relatives and members of the same family ought to be multiplied and strengthened by uniting with those relatives sexually, as can be seen in *Dēnkard* 3.80:

*ān paywand amaragānīhā drīstar raft rāy mardōm andar ham-srādagān ō abāg nabānazdištān andar nabānazdištān ō abāg nazd-paywandān ud nazd-paywandtar sē ēk ham-paywandīh ī ast pid ud duxt ud pus ud burdār ud brād ud xwāh*

For that tie (*paywand*) to be immeasurably firmer, people of the same species should unite with their closest relatives and those who are close relatives with those to whom they are most closely tied. And the most closely tied relationships are the following three relationships involving being tied together: father and daughter, son and birth mother, and brother and sister.<sup>44</sup>

The *Pahlavi Rivāyat* similarly posits that, had mankind followed the prototypical example of Mašī and Mašyānī, “never would a brother have been abandoned in love by his brother, nor a sister by her sister” (see below).<sup>45</sup> The text continues:

*čē hamāg nēst-tisīh ud pid-kēnīh ud \*adōšagīh bē ō mardōmān az ān mar mad ka-šān az jud-šahr ud az jud-rōstāg ud az jud-deh mard āmad hēnd u-šān zan kard ud ka-šān zan bē burd pid ud mād grīyist hēnd pad ēn kū-mān duxt pad wardagīh hamē barēnd*

For all penury, hatred of parents, and lack of love came to mankind on that account that, when men came to them from a different town, and from a different province, or from a different country and they married, and when they took their wives away, the fathers and mothers [i.e. of the women] wept, with these [words]: “They are taking our daughter into captivity.”<sup>46</sup>

In other words, unlike exogamous marriages contracted with foreign people, which cause much sorrow and displeasure to everyone involved, the consummation of *xwēdōdah* only increases the natural love and affection that one has towards one’s next of kin. Quite interestingly, this justification of *xwēdōdah* is recorded not only in Zoroastrian sources, but also in Ovid’s *Metamorphoses*. According to Ovid, there are peoples (*gentes*), among whom sons join with their mothers and daughters with their fathers so that their sense of duty/devotion (*pietas*) is increased by their double love (*pietas geminato crescit amore*).<sup>47</sup>

In the following chapters we will see that the BT reflects awareness of this justification of *xwēdōdah*. In [Chapter 8](#) I shall argue that the BT reinterprets a narrative of mythical incest between Cain and his sister as an act of devotion akin to the Zoroastrian rhetoric. In [Chapter 7](#) I shall discuss a set of talmudic riddles dealing with incest, in which a certain

woman submits a complaint that, despite multiple incestuous ties that connect the addressee of her complaint to his younger relatives, he refuses to provide them with food. Ironically, then, the multiplying of incestuous ties, which according to the Pahlavi rhetoric should have resulted in the increasing of love and affection between relatives, leads in the subversive talmudic account to the opposite result.

#### CULTURAL AND MORAL RELATIVISM

An apologetic argument in defense of *xwēdōdah* relates that moral standards are not universal, but culturally relative. Since many non-Zoroastrian critics of the practice have stressed that next-of-kin relations are universally unnatural, unethical, and immoral, some Pahlavi texts attempt to dispute these claims by suggesting that, while next-of-kin relations may be considered an abomination in one culture, they can be praiseworthy in another. This logic is perhaps inconsistent with other Pahlavi arguments, such as the idea that *xwēdōdah* is universally binding since it was prefigured by mythical examples. Lack of consistency, however, is not uncommon in the context of religious apology.

The notion of cultural and moral relativism is most vigorously advocated in *Dēnkard* 3.80:

*ud agar gōwihēd kū abāg ēn hamāg ī \*nimāyēd pas-iz ast grōh kē zīšt pad menišn ē šnāsīhēd kū zīštīh ud nēkih frāyist ān ī nē pad xwadīh bē pad kerdan sahišn ud wurrōyišn xōg ī kas wasān zīšt frazendān hēnd pad menišn ī zāyīdārīh wēšīg hučīhr ud wasān hučīhr-kerb hēnd pad menišn ī <'wup'n'> wēšīg duščīhr*

*ōh-iz pad ān dušmen dēn amāh ka kas brahnag andar šahr rawēd zīšt dārēm ud šahr brahnag-pōstān xwānēnd hučīhr kē jāmag-ōftād estēd ī-šān zīšt sabēnd ud amāh kē wēnīg abāg rōy \*hamōn duščīhr pad menišn kē wēnīg buland duščīhr hangārēnd gōwēnd hād dēwār-iš mayānag dō čašm āhīd wizīnīg hučīhr estēnd*

*ud hučīhrīh ud duščīhrīh nē pad xwadīh ī bē pad kerd sahišn ud wurrōyišn pad-iz zamānag gyāg wardīšn*

*čē pēšēnīg kē sar ustard pad duščīhr ud pad dād ēdōn nihād estēd kū-šān wināh ī margarzān ēnyā-šān sar ī mard šahr-ēwēnīhā \*ustardan nē \*framūd nūn ast dānāg ī pad hučīhr kerbag-iz dāšt estēd ud kē nē paydāg kū zīšt*

If someone says that, in spite of all this that he adduces, there is still something ugly to imagine, they should know that ugliness and beauty are mostly so, not in themselves, but in people's actions, appearances, beliefs, and dispositions (*xōg*).

There are many ugly children who, to their parents' mind, are mostly beautiful. And there are many with beautiful bodies who, to the minds of "the others," are mostly ugly.

Similarly, when, according to the Tradition of our enemies, someone walks about in the town naked, we hold it to be ugly, but the town of those whose skin is naked calls those beautiful, while those who are dressed [?] seem ugly to them.

To our mind, someone with a completely flat nose is ugly, while *they* consider a high nose ugly and say: “Gee, he has a wall between the eyes!” To them people with blemishes are beautiful.

Ugliness and beauty are so, not in themselves, but in people’s actions, appearances, and beliefs and are bound to change with place and time.

For our ancestors, to whom a shaved head was ugly – and it was laid down in the law as a sin worthy of death – did not order people’s heads to be shaved according to the custom of the land. Currently, a wise man will consider it beautiful and even a good deed, and it is not obvious to him that it is ugly.<sup>48</sup>

In Chapter 6 I will argue that the BT engages with this justification of *xwēdōdah* in its discussion of the Noahide sexual prohibitions, and exhibits, moreover, a similar rhetoric of cultural relativism in the context of incest regulations. While the Palestinian rabbinic sources maintain, on the whole, that non-Jews are obligated to follow the sexual restrictions outlined in the levitical code – thus blurring the distinction between Sinaitic and Noahide law and upholding instead an inclusive definition of sexual ethics – the BT makes a sharp distinction in this regard, permitting for non-Jews various forms of incest that are forbidden in the levitical code. I posit that this surprising approach is informed by the Pahlavi justification of *xwēdōdah* through the lens of cultural relativism.

#### A BATTLE AGAINST EVIL

We have thus far considered a number of rhetorical justifications for *xwēdōdah*, explaining why it is praiseworthy (e.g. purity of lineage, increased love) or at least tolerable (e.g. cultural relativism). In what follows I will discuss the ramifications of this perception in terms of the role of *xwēdōdah* in eschatology, the universal battle against evil, and the rectification of sin.

An important place is reserved for *xwēdōdah* in Zoroastrian eschatology. According to the *Zand ī Wahman Yasn*, a ninth-century apocalypse portraying the end of days, during the difficult eschatological era only few among the righteous will practice *xwēdōdah*:

*ahlaw ī ahlawān ī pahlom ān bawēd kē pad weh dēn ī mazdēsnañ estēd u-š dēn ī xwēdōdah pad dūdag rawēd*

The foremost among the righteous ones will be he who will stand by the good Tradition of the Mazdeans and in whose family the Tradition of *xwēdōdah* will go forth.<sup>49</sup>

The *Pahlavi Rivāyat* asserts that upon the arrival of the savior, however, everyone will practice *xwēdōdah*:

*ēdōn čiyōn im-rōz frayist anāgih az kūn-marz ēdōn ka sōšāns āyēd hamāg mardōm xwēdōdah kunēnd ud hamāg druz pad abd nērōg ī xwēdōdah bē abeshēd*

Just as today the most evil [comes] from anal intercourse,<sup>50</sup> thus [also], when the Sōšāns comes, all men will practice *xwēdōdah*, and every demon will be destroyed through the miraculous power of *xwēdōdah*.<sup>51</sup>

The eschatological significance of *xwēdōdah* has to do with its prominent role in the universal battle against Ahriman and the demons. According to *Dēnkard* 3.80, every time an act of *xwēdōdah* is performed in the world, the demons remember the mythical performances of *xwēdōdah* and are led astray:

*ud gōwam kū dēw dušmen ī mardōm hēnd u-šān \*an-ast kāmāg padīš tuxšīšn ast ka xwēdōdah warzīhēd ēg-išān ayād bawēd ān bun-warzišn ī xwēdōdah kē purr-spāhīh ī mardōmān aziš būd ī-šān hamēstār hēnd u-šān garān bīm ud bēš ud dard abar rasēd nērōg kāhēd ud petyāragih (ud) wizend ī mardōmān kerdan čim kem dārēnd*

*ud ēwar kū bēšōmand dardōmand bīmōmand ud zūr kerdan ī dēwān kerbag ēdōn ud ēd rāh ī mizdōmandih ud pāddāšn xwēših ī ōwōn kerbag warzīdārān*

Let me also say that the demons are the enemies of humans and that they strive to apply their evil desire against them. But, when *xwēdōdah* is performed, they remember how those *xwēdōdahs* were performed in the beginning, from which there came humans enough to fill an army to fight against them. This thought causes them heavy fear, harm, and pain, their powers diminish, and they have less reason to oppose humans and cause them damage.

Thus, it is certain that it is a good deed to cause the demons harm, pain, and fear and lead them astray, and, for those who practice good deeds in this manner, this is the road to making recompense and repayment their “own.”<sup>52</sup>

#### THE RECTIFICATION OF SIN

In a list of instructions ascribed to Zarathustra in *Dēnkard* 5.9.13–14, *xwēdōdah* is enumerated among the good deeds that oppose sin. Here, *xwēdōdah* is not only considered meritorious but is believed to counter the effects of sin.

*ud abārīg ī padīrag ān ī abar wināh guft paydāg . . . ērih hudēnih ud yašt kardan xwēdōdah ud abestāg yaštan ud gāhānbār ud abārīg \*paywār ī yazdān*

And [all] the other [good deeds] which are manifest [as being] opposite to that which is said about sin ... being Iranian, being of the good Tradition, and performing the rituals, *xwēdōdah*, performing the Avesta and the *gāhānbār* and the other \*offerings to the gods.<sup>53</sup>

In other Pahlavi texts it is taught that *xwēdōdah* obliterates *margarzān* (death-worthy) offenses.<sup>54</sup> According to a tradition recorded in the *Šāyist nē Šāyist*, despite the severity of *margarzān* sins, the consummation of *xwēdōdah* is regarded as so meritorious that it extirpates the effects of a *margarzān*.

*narseh-burzmīhr ēn wāzag sē guft kū xwēdōdah margarzān bē kanēd ...*

Narseh-burzmīhr said the following three things: *xwēdōdah* cancels [the effects of] a *margarzān* ...<sup>55</sup>

A similar notion is expressed in the *Pahlavi Rivāyat*:

*ēn-iz kū xwēdōdah ēdōn abd ī ān ī garāntom wināh čiyōn jādūgih ud margarzān bōxtišn ī az dōsox*

This also [is manifest] that *xwēdōdah* is so miraculous that it is the salvation from Hell [from] the most grievous sin such as sorcery and a death-deserving [sin].<sup>56</sup>

In several Pahlavi texts, *xwēdōdah* is contrasted with the worst of sexual sins, namely *kūn-marz* (anal intercourse).<sup>57</sup> According to the *Rivāyat* of *Ēmēd* son of *Ašwāhist*, despite its merit and power to cancel other *margarzān* crimes, *xwēdōdah* cannot obliterate the sin of anal intercourse:

*pursišn kē xwēdōdahih kunēd u-š az xwēdōdahih kūnmarzihēd ayāb kunēd ēg-iš dādestān čē kē-š pēš kūnmarz kerd bawēd pas xwēdōdah dādestān čē*

*passox harw kē kūnmarz kunēd margarzān (ēn wināh) ōwōn garān kū-š kerbag-iz ī xwēdōdahih az-iš appār bē kunēd*

Question. What is the legal position of one who [agrees to] perform *xwēdōdah* and on account of the *xwēdōdah* [i.e. knowing its merit] submits to anal intercourse or performs [anal intercourse]? What is the legal position of one who has already performed *xwēdōdah* before?

Answer. Anybody involved in anal intercourse is *margarzān*. It is such a heavy [sin] that it robs him even of the good deed of *xwēdōdah*.<sup>58</sup>

While the author of this legal response argues that *xwēdōdah*, in and of itself, is not powerful enough to obliterate the sin of anal intercourse, it is clear from the remainder of his response that *xwēdōdah* has a major role in the penitential system and the power to absolve other severe transgressions.<sup>59</sup> In another Pahlavi tradition recorded in the *Pahlavi Rivāyat*, the performance of *xwēdōdah* by a Zoroastrian is compared to

the conversion of an infidel to Zoroastrianism and his or her return to the Zoroastrian religious Tradition.

*ud ag-dēn-ēw kerbag ēn meh ka az dād ī ag-dēnīh bē ō weh-dēn āyēd  
ud weh-dēn pas az ān ī ka-š yašt kard kerbag-ēw ēn meh ka xwēdōdah kunēd čē  
ān xwēdōdahīh rāy kū ēdōn arzōmand ud sahiḡ ī mahist zanišn ī dēwān*

And the greatest good deed of [i.e. that can be performed by] a member of the evil Tradition is this: when he comes from the law of an evil Tradition (*ag-dēnīh*) to the good Tradition (*weh-dēn*);

and the greatest good deed of the man of the good Tradition (*weh-dēn*), after he has performed the ritual, is this: when he performs *xwēdōdah*. For, about that performing of *xwēdōdah*, [it is manifest] that [it is] so valuable and worthy that [it is] the greatest smiting of demons.<sup>60</sup>

In Chapter 9 I shall posit that the talmudic story relating the confession of mother–son incest (*b. 'Abod. Zar.* 17a) mentioned at the outset of this book engages with the Zoroastrian rhetoric of *xwēdōdah* as a means to rectify sin. It is argued that the BT reflects and responds to the role of incest in the Zoroastrian system of penitence and conversion.

#### MYTHICAL PROTOTYPES

According to the Pahlavi sources, three primordial acts of incest provide the mythical prototypes of human *xwēdōdah*:<sup>61</sup>

1. *xwēdōdah* between a father and his daughter is linked to the relationship between Ohrmazd and his daughter Spandarmad (Earth), which produced Gayōmard.<sup>62</sup>
2. *xwēdōdah* between a son and his mother is linked to the relationship between Gayōmard and his mother Spandarmad, which produced Maši and Mašyānī.<sup>63</sup>
3. *xwēdōdah* between siblings is linked to the relationship between Maši and Mašyānī.<sup>64</sup>

The first prototype of *xwēdōdah* (father–daughter) is described in the following account recorded in the *Pahlavi Rivāyat*:

*ud ohrmazd pad xwēdōdahīh kardan paydāḡ kū zarduxšt pēš ohrmazd nišast ud  
wahman ud ardwahišt ud šahrewar ud hordad ud amurdad ud spandarmad  
pērāmōn ī ohrmazd nišinēnd u-š spandarmad pad kanār nišinēd u-š dast pad  
grīw āwurd estād zarduxšt pad ō ohrmazd pūrsīd kū ēd kē pad kanār ī tō  
nišinēd u-š ēdōn dōst hē ud ān-iz ō tō ēdōn dōst hē*

*nē tō kē ohrmazd hē az ōy čašm bē wardē ud nē ōy az tō bē wardēd nē-iz (tō) kē  
ohrmazd hē ōy az dast bē hilē ud nē ōy tō az dast bē hilēd  
ud ohrmazd guft ēn spandarmad ī man duxt u-m kadag-bānūg ī wahišt ud mād  
ī dāmān*

And [concerning] Ohrmazd in [relation to] the performance of *xwēdōdah* [it is] manifest that when Zarathustra sat before Ohrmazd, and Wahman, Ardwhišt, Šahrewar, Hordad, Amurdad, and Spandarmad were sitting around Ohrmazd and Spandarmad sat at his side and she put her hand upon [his] neck, Zarathustra asked Ohrmazd: “Who [is] this who is sitting at your side to whom you are so friendly, and she is also friendly to you?”

You who are Ohrmazd do not turn your eyes from her, and she does not turn [hers] from you; you who are Ohrmazd do not let her from [your] hand and she does not let you from [her] hand?”

And Ohrmazd said: “This is Spandarmad, who is my daughter and my Queen of Paradise, and the Mother of Creation.”<sup>65</sup>

While incest between divine or semi-divine figures is a common motif in world mythology, the Zoroastrian attribution of *xwēdōdah* to Ohrmazd and Spandarmad is, in some respect, distinctive. The point of the Pahlavi account is not merely to inform us that the supreme god united sexually with his daughter, but also, and more importantly, to provide a mythical prototype for human practice. Thus, rather than defying the statutory regulations of incest via stories of mythical enactments of incest, as is the case in some of the other cultures, in Zoroastrianism the mythical acts of incest are situated on a continuum with what is perceived as normative human behavior. The call for human imitation of Ohrmazd’s prototypical act of incest is reminiscent perhaps of the notion of *Imitatio Dei* in Judaism and Christianity, and especially the rabbinic tendency to attribute ritual precepts enjoined upon humans to God.<sup>66</sup>

The second mythical prototype of *xwēdōdah* (mother-son) is discussed in *Dēnkard* 3.80:<sup>67</sup>

*gōwam ēn-iz az nigēz kū gayōmard ka bē widard šusr ī tōhmag xwānīhēd  
spandarmad zamīg parwast ī-š xwēš mād ud aziš hambūsihist maši ud mašyāni  
pus ud duxt ī gayōmard ud spandarmad nāmīhist xwēdōdahih pus ud mād*

Let me also say this as exposed [in the religious Tradition] that, when Gayōmard passed on, his semen (*šusr*), which is called seed (*tōhmag*), was enveloped (*parwand-*) by Spandarmad, Earth, who was his mother, and from it there came into being Maši and Mašyāni,<sup>68</sup> Gayōmard and Spandarmad’s son and daughter, which is called the *xwēdōdah* of mother and son.<sup>69</sup>

Several Pahlavi sources consider Maši and Mašyāni to be the first human performers of *xwēdōdah*. Their incestuous union is also

considered to be a prototype of the third kind of *xwēdōdah* performed between brother and sister. According to a tradition recorded in the *Pahlavi Rivāyat*:

*ohrmazd guft kū zardušt pahlom niwēyīd tis ī mardōmān ēn būd hē ka az bun-dahišn ōrrōn ka maši ud mašyāni ōh kard ā ašmāh-iz ōh kard hē čē ka mardōmān ān tis be wardēnīd u-šān be nē wardēnīd hē ēdōn čiyōn maši ud mašyāni xwēdōdah kard ā mardōmān ōh kard hē*

Ohrmazd said: “O Zarathustra, the best thing to have been introduced by/to mankind would have been this, [that] if, since the primal creation, when Maši and Mašyāni practiced thus, you would also have practiced thus. Since, when mankind altered that thing, if they had not altered it, just as Maši and Mašyāni practiced *xwēdōdah*, people would have practiced [it] in that manner.”<sup>70</sup>

Similarly in *Dēnkard* 3.80:

*ud maši ud mašyāni ēk abāg did warzīd narihā ud mādagihā pus-xwāyīšnīh ud nāmīhist xwēdōdah ī brād ud xwāh u-šān was dūdag zād juxtag zan ud šōy būd hēnd būd hēnd hamāg mardōm ī būd hēnd bawēnd-iz az bun-tōhm ī xwēdōdah.*

Maši and Mašyāni, desiring offspring, had intercourse in the manner of males and females and produced children, which is called the *xwēdōdah* of brother and sister. A great family (*dūdag*) was born from them, who, having paired up, became husbands and wives. And, so, all humans who have been or are came from the original seed (*tōhm*) of *xwēdōdah*.<sup>71</sup>

There are also other legendary examples of *xwēdōdah*, such as the report concerning the righteous Wirāz, who is said to have married his seven sisters in *xwēdōdah* marriage.<sup>72</sup> Another important mythical prefiguration of *xwēdōdah* is that which was performed by Jam and Jamag.<sup>73</sup> Having been deceived in marriage by the demons (see [Chapter 4](#)), Jamag decides to take advantage of the intoxicated state of her brother Jam. She dresses up as the demoness married to Jam and has sexual relations with her brother. This act is considered to have brought much prosperity to the world:

*ud rōz-ēw ka jam ud ān dēw pad may xwardan būd hēnd ā-š gyāg ud wastarg ī xwēš abāg ān ī parīg be guharēnīd ud ka jam āmad ud mast būd an-āgāhīhā abāg jamag ī-š xwāh būd be xuft ud kerbag ī xwēdōdah be ō dādestān āmad was dēw be škast hēnd ud murd hēnd ud awēšān pad \*nixwāragih be dwārist hēnd ud abāz ō dōšox ōbast hēnd.*

And one day, when Jam and that [female] demon were [away] drinking wine, she exchanged her place and her clothes with those of the witch. And when Jam came [back] and was drunk, he slept unknowingly with Jamag, who was his sister, and the merit of *xwēdōdah* came into [i.e. became] law. Many demons were broken



and died, and those [i.e. two demons] scurried away in a \*hurry and fell back into Hell.<sup>74</sup>

In [Chapter 8](#) I will contextualize the mythical performances of *xwēdōdah* in the Pahlavi tradition with rabbinic and Christian traditions concerning biblical figures that are said to have performed acts of incest. We will see that, unlike the Palestinian rabbinic and Christian accounts of these biblical episodes, the BT records distinctive versions of these stories that can be fully appreciated only in the light of Zoroastrian mythology.

#### LEGAL CONCERNS

Various legal concerns pertaining to the performance of *xwēdōdah* are discussed in the Pahlavi works, and especially in the Pahlavi *Rivāyats*. While not explicitly so named, some legal issues attached to this practice are also attested in the *Mādayān ī Hazār Dādestān* (MHD) in the context of Sasanian family law.<sup>75</sup> In what follows I shall briefly survey the legal treatments of *xwēdōdah* found in the Pahlavi tradition and outline the practical issues that concerned the jurists in this regard.

**Inheritance and the transfer of property:** Maria Macuch has thoroughly examined the four passages in the MHD relating to next-of-kin marriages. The passages deal with legal problems in the fields of inheritance and the transfer of property, arising from the double status of a daughter married to her father or a sister married to her brother. Apparently, alongside the religious merit associated with next-of-kin unions, the overlapping blood relationships created legal problems, which demanded practical solutions. Such marriages are mentioned in the MHD *en passant* without assigning any religious or theological significance to them.<sup>76</sup>

MHD 44.8–14 records a dispute between legal jurists regarding the share of a daughter who is also her father's wife in the inheritance of her father. According to one jurist she receives both the portion ascribed to the wife and that ascribed to a daughter, while another argues that she receives only the share of the wife.<sup>77</sup> In line with the latter position, MHD 104.9–11 relates that, if a father bequeaths a golden object to his wife and a silver object to his daughter, a daughter who is also a wife inherits only the golden object as a wife.<sup>78</sup>

Other passages deal with similar cases in the context of sibling marriages. MHD 105.5–10 discusses a case where a man has left two shares in his estate, one to his son's firstborn and one to his daughter's firstborn (irrespective of gender). The son and daughter get married and have

a daughter and, later on, a son.<sup>79</sup> MHD 18.7–12 considers a case of a father who wills something he owns to be given to his son after ten years on the condition that he marries the father's daughter (i.e. his sister). If he marries her before ten years, it will be given to him as his property (from the time of the marriage). If he does not marry her, however, it will not be his at all.<sup>80</sup>

**Coercion of *xwēdōdah*:** According to the *Rivāyat of Ādurfarnbay*, one may force a woman into *xwēdōdah* marriage:

*pursišn mard kē duxt ī xwēš ayāb xwāh ī xwēš pad zanīh andar abāyēd awēšān nē ham-dādestān hēnd ān mard pādixšāy awēšān pad stahm pad zanīh kerdan ka kunēd kerbag ī xwēdōdahih bawēd ayāb nē.*

*passox čiyōn man dānam xwāh ayāb duxt pad ān ēwēnag pad stahm zan kerdan pādixšāy ka kunēd zanīh xūb kerbag ī xwēdōdahih ōh bawēd ka šōy nē ham-dādestān kerdan nē pādixšāy ud wināh*

Question. A man who needs his daughter or sister in wifehood, [but] they do not agree, is the man authorized to force them into wifehood? When he does, will he have the merit of the act of *xwēdōdah*?

Answer. As far as I know: He is authorized to force his daughter or sister into wifehood. When he does, the wifehood is good, [and] he will have the merit of the act of *xwēdōdah* in the usual way. If the husband does not agree, he is not authorized to do so, and it is a sin.<sup>81</sup>

This legal decision is noteworthy, since the validity of a marriage generally depended on the explicit consent of the woman to enter into the marriage contract.<sup>82</sup> Apparently, the merit of *xwēdōdah* was regarded as so great that even forcible marriages of this type were tolerated according to some jurists. According to Ādurfarnbay, there is one exception to this rule, however, as one may not disturb a prior relationship between a man and his wife without the husband's consent, even for the sake of performing *xwēdōdah* with her.

**Performing *xwēdōdah* with a minor:** *Hērbedestān* 6.7.5 addresses the permissibility and merit of an act of *xwēdōdah* performed with a minor. According to Sōšyāns,<sup>83</sup> as long as a girl has reached physical maturity, one may perform *xwēdōdah* with her, and both of them receive the merit associated with this righteous act. If the girl has not reached physical maturity, however, one may not perform *xwēdōdah* with her since one might harm her.<sup>84</sup>

***Xwēdōdah* in cases of infertility:** According to the *Rivāyat of Ēmēd son of Ašwahist*, the merit of *xwēdōdah* accrues in full even when there is no hope of bearing children:

*pursišn xwēdōdah kē abāg mādar ud xwāhar (ud duxtar) kunēd kē-šān ēmēd ī fraزند-zāyišnīh aziš nēst kerbag ī xwēdōdahīh bowandag bawēd ayāb čiyōn kerbag ī xwēdōdah hamāg ēk ayāb ast ī wēš-kerbagtar*

*passox xwēdōdahīh abāg harw sē pad harw dād ī hēnd ka kunēd kerbag ī xwēdōdahīh bowandagīhā ud ēd rāy ka-š fraزند aziš nē bawēd kemīh ēw abar kerbag ī xwēdōdahīh andar nē āyēd*

Question. A *xwēdōdah* that one performs with a mother, sister, <or daughter>, from whom there is no hope of children being born, is the good deed of performing *xwēdōdah* complete or how is it? Is the good deed of *xwēdōdah* all one and the same, or is there one that is a greater good deed?

Answer. With all three, it is an act of *xwēdōdah*, at whatever age they are. When one performs it, the merit of the act of *xwēdōdah* [accrues] in full. And just because there are no children from it, any lessening in the merit of *xwēdōdah* does not enter into it.

As with sex in general (see [Chapter 1](#)), procreation and fertility were regarded as the foremost objective of *xwēdōdah* unions (as can be gleaned from the rhetoric of “pure seed” discussed above). Procreation, however, was not the sole objective of *xwēdōdah* partnerships (as we learn, for example, from the rhetoric of “multiplying love”), and even childless unions were deemed meritorious and praiseworthy. This ruling can be explained on both theological and practical grounds. Theologically, it is difficult to maintain that the highest form of righteousness would be devoid of merit when the couple is unable to bear children for reasons that are beyond their control. Practically, the fiscal advantages of *xwēdōdah* marriages and, especially, the ability to maintain the family’s estate intact exist in part even when there is no hope for offspring.<sup>85</sup> Thus, in spite of the prominence of procreation in Zoroastrianism, *xwēdōdah* serves additional functions and the religious merit attached to it accrues in full even when there is no hope of bearing children.

Robin Fox has stressed in this regard that in many cultures incestuous sex and incestuous marriage and progeny tend to be confused.<sup>86</sup> Criticizing the connection assumed by many anthropologists between incest and the “rule of exogamy” (if men are prohibited to marry women from their own group, they would be forced to marry women from outside the group),<sup>87</sup> Fox insists that incestuous taboos are not always connected with exogamy and are often related to sex rather than marriage.<sup>88</sup> Similarly, while the Pahlavi rhetoric of *xwēdōdah* functions, in part, within the discursive framework of the exogamy/endogamy bifurcation (albeit from a pro-endogamy perspective), the idea that *xwēdōdah* unions are meritorious in and of themselves even when there is no hope for progeny (and presumably even when there is no marital contract) redefines the act as sexual

in nature and transcends the discussion beyond the limits of marital and procreative concerns.<sup>89</sup>

**Inability to perform *xwēdōdah*:** According to the *Rivāyat of Ēmēd son of Ašwahist*, if one is unable to perform *xwēdōdah* due to old age or sickness, although the act itself was not administered, at least some of the merit of *xwēdōdah* accrues to his account for the intent alone:

*pursišn mard ēw kē-š menišn pad xwēdōdahih bawēd ān ī kē-š abāg tuwān āyēd kerdan pad wistarg dārēd pad kāmag wizārd a-tuwānīg dād-mehih ayāb wēmārih rāy ēg-iš kerbag ī xwēdōdah bawēd ayāb nē*

*passox kerbag ī xwēdōdah ēdōn bawēd ka-iz pad kunišn kerd ka-š menišnīgihā u-š kerdan nē tuwān ka-iz a-tuwānīgih rāy ō kerdan nē rasēd ān pad kerbag ī pad kunišn bowandagihā nē kunihēd nē pad kerd hangārišn bē-š ēg-iz menišnīgihā rāy wazurg ruwān frayād ōh bawēd*

Question. A man whose thought is on entering *xwēdōdah* and one he can do it with comes along and he regards it as something to do in bed [?], [but] is unable to resolve it as he wishes because of old age or sickness, will he then get the good deed of *xwēdōdah*?

Answer. The good deed resulting from *xwēdōdah* is such that, when he has actually performed it [or] when [only] in his thoughts and he is not able to do it, also when he does not manage to do it because of [such] inability [and] the good deed for doing it is not performed completely, should not be reckoned as “done.” But, even then, because he had [done it] mentally, it becomes a great help for the soul in the usual way.

Interestingly, in rabbinic literature too, intentions are often regarded as meritorious or sinful in and of themselves even if no action follows, as evident, for example, from the notion of “thought being akin to action” (*hirhur ke-ma’ase*).<sup>90</sup>

In [Chapter 8](#) I will posit that some of the rabbinic reconstructions of Lot’s incestuous act with his two daughters (especially the Babylonian representations of this scene), which state that the daughters intended well, are informed by the Pahlavi rhetoric of intention to perform *xwēdōdah*.

**Appointing a substitute to perform *xwēdōdah*:** Several responsa address the possibility of appointing someone else in one’s stead to perform *xwēdōdah*. This solution might have been employed when one was reluctant or incapable of performing *xwēdōdah* in person but desired the merit nonetheless. Instead of performing *xwēdōdah*, a person can financially support someone else to perform the act in return for a share in the merit. The underlying assumption of this legal construction is similar to the

rabbinic notion of *šeliḥut* (“agency”) in the performance of religious obligations. In a similar manner, one is able to obtain at least some of the religious merit associated with *xwēdōdah* without actually having to perform incestuous intercourse. The following response appears in the *Rivāyat* of Ēmēd son of Ašwahist 22:

*pursišn mard ēw kē-š xwah ēw ast u-š andar hangām ēd guft bawēd kū man ēn xwah pad zanīh kunam ayāb-iš az mādar ud pidar padīrift bawēd kū xwah pad zanīh kunam pas nē kunēd wihānag ēw rāy*

*rōzgār pad-iš bē widerēd pas mard ēw ān mard frāz gīrēd ud gōwēd kū xwah ēn pad kerbag ī man pad zanīh kun tā-tān dram awiš daham kunēd dram frāz gīrēd ēn mard kē brād dram dād u-š kerbag ī xwēdōdahīh bawēd ayāb nē . . .*

*passox ham xwēdōdahīh ham-kerbag rāyēnīd bawēd ud rāyēnīdār ud dram-dādār āgenēn ham-kerbag hēnd u-šān harw dō’ān kerbag ī xwēdōdahīh warzišn bowandagihā xwēš*

Question. There is a man who has a sister. In due course, this is said by him: “I take this sister to be my wife.” Or he has obtained [the acceptance?] from his mother and father [when he said] “I take [my] sister [as] wife.” Then he does not take [her] on some pretext.

Some time passes. Then that man “grabs” a man and says: “Take this sister [of yours] as wife in return for my merit, and I shall give you money for it!” He takes [her] and receives the money.

This man to whom the brother gave the money, does he get the merit for the act of *xwēdōdah* or not? . . .

Answer. Both the act of *xwēdōdah* and the good deed are executed and the executor and the money-giver share the merit together, and the merit of performing the act of *xwēdōdah* belongs to the two of them in full.<sup>91</sup>

The notion that one can receive the merit for *xwēdōdah* by way of substitution might also be connected to the Pahlavi institution of *stūrīh* (substitute succession), in which a person produces an heir on behalf of another.

**The sin of postponing *xwēdōdah*:** The *Rivāyat* of Ādurfarnbay discusses the case of a priestly student (*hāwišt*) who promises to perform *xwēdōdah* with his sister. In the course of time, however, he neglects his commitment and eventually gives her away in marriage to someone else. The author acknowledges that by sincerely accepting the act of *xwēdōdah*, the priestly student has done a good deed. His sin, however, is threefold: he eventually neglected to perform *xwēdōdah*; he did not keep his promise; and he prevented his sister from reproducing children during the time he kept her waiting. For all this he must atone:

*pursišn mard-ēw hāwišt kē xwāh ī xwēš andar hanjaman pad zanīh bē padīrift u-š ān čīm rāy čand sāl az šōy kerdan \*pādīrān dāšt u-š abdom xwad pad zanīh nē kerd čē pad zanīh bē ō mard-ēw dād nūn pad padīrift ī xwēdōdah āšnāg ud pad nē kerdan \*anast bun ēn kū-š pad yazišn kerdan ī kasān čē framāyēd.*

*passox agar-iš az bunīh kār ī-š xwāh pad zanīh-kunišnih ud xwēdōdah rāyēnišnih nē-sigālīhā padīrift ā-š az ān padīrišnih kerbag būd ka az ān frāz čiyōn-iš xwēškārīh ud tuwān būd nē hamē rāyēnīd ā-š pas az 15-sālagīh ī ziyānag harw daštān-māh-ēw rāy dēnigīhā andar-iš tōzišnōmand ud kerbag ī xwēdōdah nē rāyēnīdan (ud) ān kerbag ī xwēdōdah pādīrān dāstan rāy wināh ī grāy ud ka-š fradom kerbag ī xwēdōdah nē rāyēnīd ud ān padīrišn- ud pašt-drōzišnih ī-š az bunīh rāy padīš ērangōmandtar ud čandīh ī daštān-māh ud čand zamān wināh wizārišnih rāy dānistan abāyēd*

*zan hišt būd kē margarzān guft ud būd kē xwārtar bē ān ī xwēdōdah garāntar*

Question. A man, a priestly student, who accepts his own sister as his wife in the [priestly] assembly; for that reason, for a number of years, he has kept her from getting a husband, and, in the end, he has not himself made her his wife. Because he gave her to a man to be his wife and he is now known to have accepted *xwēdōdah*: for not making [her his wife], does untruth accrue to his account? What do you say about his performing rituals for people?

Answer. If he, from the beginning, accepted, without giving it much thought, the task of making his sister a wife and of administering *xwēdōdah*, then he receives a good deed from the fact of having accepted. If, from then on, he did not keep administering it according to his duty and ability, then, after the wife reached the age of fifteen, for every menstrual period, he owes her atonement according to the *dēn*. And, [as for] the good deed of *xwēdōdah*, because he did not administer it [but] kept preventing the good deed of *xwēdōdah*, it [becomes] a “heavier” sin. And, for not at first administering *xwēdōdah* and for having lied about acceptance and agreement in the beginning, he became even guiltier thereby. And one needs to know the number of menstrual periods in order to determine how much time it will take to resolve [expiate] the sin.

Someone abandons a wife: one says it is a *margarzān* [sin], and one says it is lighter, [but they agree that abandoning] *xwēdōdah* is [still] heavier.<sup>92</sup>

While *xwēdōdah* is generally regarded in Pahlavi sources as an optional meritorious undertaking (but not an absolute obligation), once a person takes it upon himself to perform *xwēdōdah*, there is no way out for him, and failure to perform the act (in person or through agency), and even the postponement of the act, is regarded as sinful.

## NOTES

1. The main Pahlavi accounts concerning *xwēdōdah* are *Dēnkard* 3.80 (de Menasce [trans.], *Le troisième livre du Dēnkart*, 85–90; Skjærvø [trans.], *The Spirit of Zoroastrianism*, 202–207); *Pahlavi Rivāyat* 8 (Williams [ed.],

- The Pahlavi Rivāyat*, I, 48–61, II, 11–17); *Rivāyat of Ēmēd son of Ašwahišt* 22, 27–30 (Safā-Isfahānī [ed.], *Rivāyat ī Ēmēd ī Ašwahištān*, 156–158, 190–198); *Hērbedestān* 6.7 (Kotwal and Kreyenbroek [eds.], *Hērbedestān and Nērangestān*, 45); *Hērbedestān* 2.9 (Kotwal and Kreyenbroek [eds.], *Hērbedestān and Nērangestān*, 32–33); *Mādayān ī Hazar Dādestān* (MHD) 44.8–14 (Maria Macuch [ed.], *Rechtskasuistik und Gerichtspraxis zu Beginn des siebenten Jahrhunderts in Iran: Die Rechtssammlung des Farroḡmard ī Wahrāmān*, Iranica 1 [Wiesbaden: Harrassowitz, 1993], 303–304, 319–320), 104.9–11 (Macuch [ed.], *Rechtskasuistik und Gerichtspraxis*, 618, 626), 105.5–10 (Macuch [ed.], *Rechtskasuistik und Gerichtspraxis*, 640, 647) *Mādayān ī Hazar Dādestān* (MHDA) 18.7–12 (Maria Macuch [ed.], *Das sasanidische Rechtsbuch “Mātakdān ī Hazār Dātistān”* (Teil II), *Abhandlungen für die Kunde des Morgenlandes* 45 [Wiesbaden: Kommissionsverlag Franz Steiner, 1981], 41, 164–165); *Rivāyat of Ādurfarnbay* 20.1–2, 143.1–4 (Anklesaria [ed.], *The Pahlavi Rivāyat of Ādurfarnbay*, 56, 121–122).
2. See e.g. J. S. Slotkin, “On a Possible Lack of Incest Regulations in Old Iran,” *American Anthropologist* 49, 4 (1947): 612–617; Richard N. Frye, “Zoroastrian Incest,” in *Orientalia Iosephi Tucci Memoriae Dicata*, 3 vols., ed. G. Gnoli and L. Lanciotti, Serie Orientale Roma 56 (Rome: Instituto Italiano per il Medio ed Estremo Oriente 1985), II, 445–455; Alan V. Williams, *The Pahlavi Rivāyat Accompanying the Dādestān ī Dēnīg*, 2 vols., Royal Danish Academy of Sciences and Letters: Historisk-filosofiske Meddelelser 60 (Copenhagen: Munksgaard, 1990), II, 126–132; Maria Macuch, “Incest im vorislamischen Iran,” *Archaeologische Mitteilungen aus Iran* 24 (1991): 141–154; Maria Macuch, “Incestuous Marriage in the Context of Sasanian Family Law,” in *Ancient and Middle Iranian Studies: Proceedings of the Sixth European Conference of Iranian Studies, Held in Vienna, 18–22 September 2007*, ed. M. Macuch, D. Weber, and D. Durkin-Meisterernst, Iranica 19 (Wiesbaden: Harrassowitz, 2010), 133–148; Clarisse Herrens Schmidt, “Le *xwetodas* ou mariage ‘incestueux’ en Iran ancien,” in *Épouser au plus proche: incest, prohibitions et stratégies matrimoniales autour de la Méditerranée*, ed. P. Bonte, Civilisations et Sociétés 89 (Paris: École des Hautes Études en Sciences Sociales, 1994), 113–125; Brigitte d’Arx, “Mystère du choix de la deuxième vertu: courte réflexion sur l’inceste à l’Iranienne,” in *Barbares et civilisés dans l’antiquité*, Cahiers Kubaba 7 (Paris: Harmattan, 2005), 248–265; Antonio Panaino, “La sfera della sessualità nel mondo iranico-preislamico,” in *Comportamenti e immaginario della sessualità nell’alto Medioevo*, 31 marzo–5 aprile 2005, Settimane di studio della Fondazione Centro italiano di studi sull’alto Medioevo 53 (Spoleto: Fondazione Centro Italiano di Studi sull’Alto Medioevo, 2006), 223–260; Paul John Frandsen, *Incestuous and Close-Kin Marriage in Ancient Egypt and Persia: An Examination of the Evidence*, CNI Publications 34 (Copenhagen: Museum Tusculanum Press, 2009).
  3. Prods Oktor Skjærvø, “Marriage, ii: Next-of-Kin Marriage in Zoroastrianism,” *Encyclopædia Iranica* (online edition, updated January 30, 2013).



4. The Old and Young Avestan texts are discussed in Skjærvø, “Next-of-Kin Marriage.” The Avestan references are also viewed alongside classical reports of incestuous marriages among the Persians, which go back to the fifth century BCE. Among the earliest Greek references to non-royal incest among the Persians is that by Xanthus of Lydia (quoted in Clement of Alexandria, *Miscellanies* 3.11.1), according to whom “the Magi have sex (*coire*) with their mothers.” See Vasunia (trans.), *Zarathushtra and the Religion of Ancient Iran*, 174.
5. For a recent discussion of the “autonomy” of Pahlavi studies, see Vevaina, “Studies in Zoroastrian Exegesis,” 18–34; Yuhan S. D. Vevaina, “Scripture versus Contemporary (Interpretive) Needs: Towards a Mapping of the Hermeneutic Contours of Zoroastrianism,” in *Shoshanat Yaakov: Jewish and Iranian Studies in Honor of Yaakov Elman*, ed. S. Secunda and S. Fine (Leiden: Brill, 2012), 465–485.
6. On Kerdīr’s inscriptions see Michael Back, *Die sassanidischen Staatsinschriften* (Tehran and Liège: Bibliothèque Pahlavi, 1978), 384–479; Philippe Gignoux, *Quatre inscriptions du mage Kirdīr: textes et concordances* (Paris: Association pour l’avancement des études iraniennes, 1991); David N. MacKenzie, “Kerdīr’s Inscription,” in *The Sasanian Rock Reliefs at Naqsh-e Rostam*, ed. G. Herrmann, D. N. MacKenzie, and R. Howell Caldecott, *Naqsh-e Rostam* 6: *Iranische Denkmäler*, Lief. 13, Reihe II (Berlin: Dietrich Reimer, 1989), 35–72; Prods Oktor Skjærvø, “‘Kirdīr’s Vision’: Translation and Analysis,” *Archäologische Mitteilungen aus Iran* 16 (1983): 269–306; Skjærvø, “Counter-Manichean Elements in Kerdīr’s Inscription.”
7. MacKenzie, “Kerdīr’s Inscription,” 59; Gignoux, *Quatre inscriptions du mage Kirdīr*, 64–65, 72.
8. Skjærvø, “Next-of-Kin Marriage.”
9. As I argued in the [Introduction](#), any attempt to determine the absolute date of any given Pahlavi tradition is fraught with difficulty. However, since the *Hērbedestān* and the *Mādayān ī Hazar Dādestān* were probably redacted orally before the Islamic conquest, the references to *xwēdōdah* contained in these works should be dated to no later than the early seventh century.
10. *Hērbedestān* 6.7 (Kotwal and Kreyenbroek [eds.], *Hērbedestān and Nērangestān*, 45); *Hērbedestān* 2.9 (Kotwal and Kreyenbroek [eds.], *Hērbedestān and Nērangestān*, 32–33).
11. See e.g. Macuch (ed.), *Rechtskasuistik und Gerichtspraxis*, 9–10.
12. This is probably due to the fact that the term *xwēdōdah* is a religious designation of next-of-kin marriages, while the *Mādayān ī Hazar Dādestān*, as a collection of civil law, is focused on the legal, and not religious, implications of such unions (see below).
13. *Mādayān ī Hazar Dādestān* (MHD) 44.8–14 (Macuch [ed.], *Rechtskasuistik und Gerichtspraxis*, 303–304, 319–320), 104.9–11 (Macuch [ed.], *Rechtskasuistik und Gerichtspraxis*, 618, 626), 105.5–10 (Macuch [ed.], *Rechtskasuistik und Gerichtspraxis*, 640, 647) *Mādayān ī Hazar Dādestān* (MHDA) 18.7–12 (Macuch [ed.], *Mātakdān ī Hazār Dātistān*, 41, 164–165). See also the discussion in Macuch, “Inzest im vorislamischen Iran”; Macuch, “Incestuous Marriage.”



14. On *xwēdōdah* and incestuous taboos see Slotkin, "Incest Regulations"; Alan H. Bittles, "Genetic Aspects of Inbreeding and Incest," in *Inbreeding, Incest, and the Incest Taboo: The State of Knowledge at the Turn of the Century*, ed. A. P. Wolf and W. H. Durham (Stanford: Stanford University Press, 2005), 38–60 (esp. 47–48); Mitterauer, "The Customs of the Magians"; Walter Scheidel, "Brother–Sister and Parent–Child Marriage outside Royal Families in Ancient Egypt and Iran: A Challenge to the Sociobiological View of Incest Avoidance?" *Ethology and Sociobiology* 17 (1996): 319–340; Herrenschildt, "Le *xwetodas* ou mariage 'incestueux' en Iran ancien."
15. See e.g. William Sherwood Fox and R. E. K. Pemberton, "Passages in Greek and Latin Literature Relating to Zoroaster and Zoroastrianism Translated into English," *Journal of the K. R. Cama Oriental Institute* 14 (1929): 1–145; Frye, "Zoroastrian Incest," 447–449; de Jong, *Traditions of the Magi*, 424–432; Vasunia, *Zarathushtra and the Religion of Ancient Iran*, 173–178. A critical stance toward Persian incest can also be found in Philo (*De Specialibus Legibus* 3.3.13; Yonge [trans.], *The Works of Philo*, 595), who observes that Persians of high status are accustomed to marry their mothers. Other than this observation, which was likely influenced by Greek authors, there are no extant Jewish reports of Zoroastrian next-of-kin marriages in antiquity. See, however, Josephus, *Jewish Antiquities* 18.42–43 (without mention of the Persians). I would like to thank Shaye Cohen for this last reference.
16. See e.g. Frye, "Zoroastrian Incest," 449–450; Slotkin, "Incest Regulations," 614–615; Mitterauer, "The Customs of the Magians."
17. Frye, "Zoroastrian Incest," 450–451; van Gelder, *Close Relationships*, 36–77.
18. Jonathan A. Silk, "Putative Persian Perversities: Indian Buddhist Condemnations of Zoroastrian Close-kin Marriage in Context," *BSOAS* 71, 3 (2008): 433–464.
19. Payne, *A State of Mixture*, 108.
20. Eduard Sachau (ed. and trans.), *Syrische Rechtsbücher*, 3 vols. (Berlin: Georg Reimer, 1914), III, 261–267. See also the discussion in Payne, *A State of Mixture*, 108–110; Manfred Hutter, "Mār Abā and the Impact of Zoroastrianism on Christianity in the 6th Century," in *Religious Themes and Texts of Pre-Islamic Iran and Central Asia: Studies in Honour of Professor Gherardo Gnoli on the Occasion of his 65th Birthday on 6th December 2002*, ed. C. G. Cereti, M. Maggi, and E. Provasi, Beiträge zur Iranistik 24 (Wiesbaden: Ludwig Reichert, 2003), 167–173; Antonio Panaino, "The Zoroastrian Incestuous Unions in Christian Sources and Canonical Laws: Their (Distorted) Aetiology and Some Other Problems," in *Controverses des chrétiens dans l'Iran sassanide*, ed. Christelle Jullien, Chrétiens en terre d'Iran II, Cahiers de Studia Iranica 36 (Paris: Association pour l'avancement des études iraniennes, 2008), 69–87.
21. Peter Bruns, "Antizoroastrische Polemik in den Syro-Persischen Märtyrerakten," in *Jews, Christians and Zoroastrians: Religious Dynamics in a Sasanian Context*, ed. G. Herman, Judaism in Context 17 (Piscataway, NJ: Gorgias Press, 2014), 47–65; Payne, *A State of Mixture*, 59–92.

22. Paul Bedjan (ed.), *Acta martyrum et sanctorum*, 7 vols. (Paris and Leipzig: Otto Harrassowitz, 1890–1897), II, 559–631 (esp. 578). For a Sogdian version of this work see Nicholas Sims-Williams (ed. and trans.), *The Christian Sogdian Manuscript C2* (Berlin: Akademie Verlag, 1985), 31–68.
23. See the detailed discussion of this passage in Sergey Minov, “Syriac Christian Identity in Late Sasanian Mesopotamia: *The Cave of Treasures* in Context” (Ph.D. thesis, Hebrew University of Jerusalem, 2013), 219–234 (text and translation on p. 220).
24. Eznik of Kolb, *De Deo* 187 (Louis Maries and Charles Mercier [eds.], *Eznik de Kolb: De Deo*, *Patrologia Orientalis* 28.3 [Paris: Firmin-Didot, 1959], 470–471; Monica J. Blanchard and Robin D. Young [trans.], *A Treatise on God Written in Armenian by Eznik of Kolb (floruit c.430–c.450)*, *Eastern Christian Texts in Translation* 2 [Louvain: Peeters, 1998], 117–118). See, however, *De Deo*, 158 (Maries and Mercier [eds.], *De Deo*, 463–464; Blanchard and Young, *A Treatise on God*, 107), 192 (Maries and Mercier [eds.], *De Deo*, 472; Blanchard and Young, *A Treatise on God*, 119–120), in which Eznik ascribes the introduction of this practice to Zarathustra (Zradašt). See also James R. Russell, *Zoroastrianism in Armenia*, *Harvard Iranian Series* 5 (Cambridge, MA: Harvard University Press, 1987), 94–96. For the creative dimensions of *xwēdōdah* compare also the *Martyr Acts of Ādurhormīzd and Anāhīd* (Bedjan [ed.], *Acta martyrum et sanctorum*, II, 578) and Mār Abā’s *Regulations of Marriage* (Sachau [ed. and trans.], *Syrische Rechtsbücher*, III, 264–267) mentioned above.
25. *Dēnkard* 3.80.0 (Skjærvø [trans.], *Spirit of Zoroastrianism*, 202; cf. Shaul Shaked, “Zoroastrian Polemics against Jews in the Sasanian and Early Islamic Period,” *Irano-Judaica* 2, ed. S. Shaked and A. Netzer [Jerusalem: Ben Zvi, 1990], 85–104 [86]; de Menasce [trans.], *Le troisième livre du Dēnkard*, 85–86).
26. Jean P. de Menasce, “Jews and Judaism in the Third Book of the *Dēnkard*,” in *K. R. Cama Oriental Institute Golden Jubilee Volume* (Bombay: K. R. Cama Oriental Institute, 1969), 45–48.
27. Shaked, “Zoroastrian Polemics.”
28. It has been demonstrated, for example, that a polemical exchange recorded in *Gizistag Abāliš* 9 (Skjærvø [trans.], *Spirit of Zoroastrianism*, 246–247) concerning the dualistic undertones of the *kustīg* is reminiscent of an encounter recorded in *b. Sanh.* 39a, which purportedly took place between ‘Amemar and a Zoroastrian priest. See Secunda, “Reading the Bavli in Iran”; Ahdut, “Jewish–Zoroastrian Polemics,” 27–28; Shaked, “No Talking During a Meal’.”
29. *Dādestān ī Mēnōy Xrād* 3.4–5 (cf. Tahmuras D. Anklesaria [ed.], *Dānāk-u mainyō-i khard* [Bombay: Fort Printing Press, 1913], 36).
30. MacKenzie, “Kerdir’s Inscription,” 59; Gignoux, *Quatre inscriptions du mage Kirdir*, 64–65, 72; Skjærvø (trans.), *Spirit of Zoroastrianism*, 181–182, 238–239.
31. *Pahlavi Rivāyat* 8c1–2 (cf. Williams [ed.], *The Pahlavi Rivāyat*, I, 50–51, II, 11).
32. On the particle *ōh* see the discussion in Skjærvø, “Terminology and Style,” 194–199.

33. *Hērbedestān* 2.9 (Kotwal and Kreyenbroek [eds.], *Hērbedestān and Nērangestān*, 32–33).
34. *Pahlavi Rivāyat* 80.1–3 (cf. Williams [ed.], *The Pahlavi Rivāyat*, I, 60–61, II, 16–17). See also *Dēnkard* 7.4.5–8 (Dresden [ed.], *Dēnkart*, 130–131; Madan [ed.], *Pahlavi Dinkard*, 626–627; Marijan Molé, *La légende de Zoroastre selon les textes pehlevi* [Paris: Klincksieck, 1967], 42–43); Macuch, “Inzest im vorislamischen Iran,” 152.
35. It is noteworthy that the rabbis too often attribute harsh criticism of God to Moses and the prophets, and at times have God rethink certain doctrines and decrees as a result of this critique: Dov Weiss, “Confrontation with God in Late Rabbinic Literature” (Ph.D. thesis, University of Chicago, 2011).
36. *Dēnkard* 3.80.13 (Dresden [ed.], *Dēnkart*, 55; Madan [ed.], *Pahlavi Dinkard*, 75–76; Skjærvø [trans.], *Spirit of Zoroastrianism*, 204; cf. de Menasce [trans.], *Le troisième livre du Dēnkart*, 87–88).
37. *Dēnkard* 3.199.6 (Dresden [ed.], *Dēnkart*, 169; Madan [ed.], *Pahlavi Dinkard*, 216; cf. de Menasce [trans.], *Le troisième livre du Dēnkart*, 208).
38. *Wizīdagīhā ī Zadspram* 26.3 (cf. Gignoux and Tafazzoli [eds.], *Anthologie de Zadspram*, 86–89).
39. *Pahlavi Rivāyat* 8a8 (cf. Williams [ed.], *The Pahlavi Rivāyat*, I, 48–49, II, 10).
40. See, in general, Hayes, *Gentile Impurities and Jewish Identities*; Himmelfarb, *A Kingdom of Priests*.
41. See e.g. Isaiah Gafni, *Land, Center and Diaspora* (Sheffield: Sheffield Academic Press, 1997), 54–55; Richard Kalmin, “Genealogy and Polemics in Literature of Late Antiquity,” *HUCA* (1996): 77–94; Richard Kalmin, *The Sage in Jewish Society in Late Antiquity* (London: Routledge 1999), 51–60; Aharon Oppenheimer, “Purity of Lineage in Talmudic Babylonia,” in *Sexuality and Family in History*, ed. I. Gafni and I. Bartal (Jerusalem: Shazar, 1998), 71–82; Rubenstein, *Talmudic Stories*, 201–206; Jeffrey Rubenstein, *Culture of the Babylonian Talmud* (Baltimore: Johns Hopkins University Press, 2003), 80–101; Satlow, *Jewish Marriage*, 151–156; Schremer, *Male and Female*, 147–158 (see esp. the comparison between Palestinian and Babylonian attitudes on 148–152). Interestingly, Hayes (*Gentile Impurities and Jewish Identities*, 181–183) notes the rabbinic resurrection of the “holy seed” rhetoric of intermarriage known from Ezra–Nehemiah and sectarian literature, by the fourth-century Babylonian rabbi Rava.
42. It has been suggested that the importance accorded to lineage in Babylonian rabbinic culture corresponds with Iranian attitudes to lineage: Kalmin, *The Sage in Jewish Society*, 8–10, 58–59; Rubenstein, *Talmudic Stories*, 205–206; Satlow, *Jewish Marriage*, 152.
43. Of particular interest in this regard is a talmudic passage which connects the issue of pure lineage and incest. While the passage from the *Pahlavi Rivāyat* suggests that the performance of *xwēdōdah* is what ensures the knowledge and purity of one’s lineage, the Tosefta attributes to R. Eli’ezer b. Ya’aqov a diametrically opposed position, according to which a man must know his lineage, lest he unknowingly marry his daughter or sister and produce bastard children (*t. Qidd.* 1:4; *b. Yebam.* 37b):

R. Eli‘ezer b. Ya‘aqov said: “Behold, when a man has intercourse with many women and does not know with which particular woman he had intercourse, and similarly, when a woman with whom many men had intercourse does not know to which particular man her conception is due, the consequences are that a father will be marrying his daughter and a brother his sister, and the whole world will be filled with bastards.” Concerning this it was said, “And the land became full of lewdness” . . . Moreover, it was said by R. Eli‘ezer b. Ya‘aqov: “A man shall not marry a wife in one country and then proceed to marry one in another country since [their children] might marry one another and the result might be that a brother would marry his sister.”

This idea, which originated in rabbinic Palestine, is by no means a response to Zoroastrian doctrine, and yet it highlights the major differences between the rabbinic and Pahlavi discussions of pure lineage and incest.

44. *Dēnkard* 3.80.3 (Dresden [ed.], *Dēnkart*, 53–54; Madan [ed.], *Pahlavi Dinkard*, 73; Skjærvø [trans.], *Spirit of Zoroastrianism*, 203).
45. *Pahlavi Rivāyat* 8a8 (cf. Williams [ed.], *The Pahlavi Rivāyat*, I, 48–49, II, 10).
46. *Pahlavi Rivāyat* 8a9 (cf. Williams [ed.], *The Pahlavi Rivāyat*, I, 50–51, II, 11). Cf. *Dēnkard* 3.80.26–28 (Skjærvø [trans.], *Spirit of Zoroastrianism*, 205) concerning a marriage between alien families:

On the other hand, in the case of wives from outside, one can see their subservience and helplessness; how eager they are to serve their husbands so that they do not commit any offense; the patience they muster against the husband’s harshness, and many other things. Nor are they happy in this way, for, when it comes to covering themselves with ornaments, wearing excellent garments, having servants, making up their faces and wearing perfumes, and living in large mansions, and all the other things affected by ladies of the house, then, when she does not get what she wants and she has no other recourse, she calls him bad names and heaps upon him foulness and bad language. She has accumulated by trickery the things he owns. Secrets she divulges. Night and day she bickers and finds fault with him, she attacks his parents’ household, drags her husband to court, and incites the town against him. She will say: “Release me from this marriage!” and many other various bad, harmful, evil, ugly sins connected with this.

47. Ovid, *Metamorphoses* 10.331–334, referenced in Silk, “Putative Persian Perversities,” 447.
48. *Dēnkard* 3.80.30–35 (Dresden [ed.], *Dēnkart*, 57–58; Madan [ed.], *Pahlavi Dinkard*, 78; Skjærvø [trans.], *Spirit of Zoroastrianism*, 206–207; cf. de Menasce [trans.], *Le troisième livre du Dēnkart*, 89).
49. *Zand ī Wahman Yasn* 5.5 (cf. Carlo G. Cereti [ed.], *The Zand ī Wahman Yasn: A Zoroastrian Apocalypse*, Serie Orientale 75 [Rome: Istituto Italiano per il Medio ed Estremo Oriente, 1995], 105–106, 158–159).
50. The diametric opposition between *xwēdōdah*, the greatest of religious acts, and *kūn-marz* (anal intercourse), the most heinous of sins, will be discussed in the [following section](#).
51. *Pahlavi Rivāyat* 8c6 (cf. Williams [ed.], *The Pahlavi Rivāyat*, I, 50–51, II, 12).

52. *Dēnkard* 3.80.10–12 (Dresden [ed.], *Dēnkart*, 54–55; Madan [ed.], *Pahlavi Dinkard*, 74; Skjærvø [trans.], *Spirit of Zoroastrianism*, 204). See also *Dēnkard* 3.195–196 (Dresden [ed.], *Dēnkart*, 163–165; Madan [ed.], *Pahlavi Dinkard*, 209–212; de Menasce [trans.], *Le troisième livre du Dēnkard*, 202–205). The destruction of the demons as a result of the performance of *xwēdōdah* is also attested in the story about Maši and Mašyānī quoted below and in *Pahlavi Rivāyat* 8f3 (Williams [ed.], *The Pahlavi Rivāyat*, I, 56–57, II, 14).
53. *Dēnkard* 5.9.13–14 (Dresden [ed.], *Dēnkart*, 346; Madan [ed.], *Pahlavi Dinkard*, 443).
54. The *margarzān* category represents the severest category of sin in the Pahlavi punitive system. The term *margarzān* is not mentioned in the Avesta but is often used by Pahlavi glossators to explain another category of sin designated by the term *tanābuhl* (Av. *tanu-pərθa*, “whose body is forfeit”). In other Pahlavi texts, however, the term *margarzān* designates a separate category of sin that is even severer than the *tanābuhl*. Whether a *margarzān* sin can be expiated and atoned for is somewhat of a puzzle, since there seem to be contradicting statements on the matter in the Pahlavi literature. According to *Šāyist nē Šāyist* 2.107–108 (Tavadia [ed.], *Šāyist nē Šāyist*, 67–68) and *Pahlavi Videvād* 3.14 (Moazami [ed.], *Wrestling with the Demons*, 75), *margarzān* sinners have no purification, while *Šāyist nē Šāyist* 8.5–6 (Tavadia [ed.], *Šāyist nē Šāyist*, 105–106) and *Šāyist nē Šāyist* 8.18 (Tavadia [ed.], *Šāyist nē Šāyist*, 113) prescribe a process of expiation for *margarzān* sinners. See, in general, Janos Jany, “Criminal Justice in Sasanian Persia,” *Iranica Antiqua* 42 (2007): 347–386 (347–363).
55. *Šāyist nē Šāyist* 8.18 (Tavadia [ed.], *Šāyist nē Šāyist*, 113). See also *Rivāyat of Ēmēd son of Ašwahist* 29 (Safā-Isfahānī [ed.], *Rivāyat ī Ēmēd ī Ašawahistān*, 197–202); Bamanji Nusserwanji Dhabhar, *The Persian Rivayats of Hormazyar Framarz and Others, their Version with Introduction and Notes by Ervad Bamanji Nusserwanji Dhabhar* (Bombay: K. R. Cama Oriental Institute, 1932), 210–211.
56. *Pahlavi Rivāyat* 8b1 (cf. Williams [ed.], *The Pahlavi Rivāyat*, I, 50–51, II, 11). See also Williams (ed.), *The Pahlavi Rivāyat*, II, 134, n. 8; Dhabhar (ed.), *Persian Rivayats*, 210.
57. See Skjærvø, “Homosexuality”; König, *Geschlechtsmoral*, 284–353.
58. *Rivāyat of Ēmēd son of Ašwahist* 29.1–3 (cf. Safā-Isfahānī [ed.], *Rivāyat ī Ēmēd ī Ašawahistān*, 197–200).
59. For the Zoroastrian penitential system see Asmussen, *Xuāstvānift*, 26–112; Kiel, “The Systematization of Penitence in Zoroastrianism”; Kiel, “Penitential Theology.”
60. *Pahlavi Rivāyat* 8a1 (cf. Williams [ed.], *The Pahlavi Rivāyat*, I, 48–49, II, 10).
61. Skjærvø, “Next-of-Kin Marriage”; Williams (ed.), *The Pahlavi Rivāyat*, II, 132–133, n. 4.
62. *Dēnkard* 3.80.4–6 (Dresden [ed.], *Dēnkart*, 53–54; Madan [ed.], *Pahlavi Dinkard*, 73; Skjærvø [trans.], *Spirit of Zoroastrianism*, 203); *Pahlavi Rivāyat* 8a (Williams [ed.], *The Pahlavi Rivāyat*, I, 48–51, II, 10–11).

63. *Dēnkard* 3.80.7 (Dresden [ed.], *Dēnkart*, 54; Madan [ed.], *Pahlavi Dinkard*, 74; Skjærvø [trans.], *Spirit of Zoroastrianism*, 203).
64. *Pahlavi Rivāyat* 8a6–8 (Williams [ed.], *The Pahlavi Rivāyat*, I, 48–49, II, 10); *Dādestān ī Dēnīg* 36.69 (Jaafari-Dehaghi [ed.], *Dādestān ī Dēnīg*, 136–137); *Dēnkard* 7.1.9–10 (Dresden [ed.], *Dēnkart*, 471; Madan [ed.], *Pahlavi Dinkard*, 592–593).
65. *Pahlavi Rivāyat* 8a2–4 (cf. Williams [ed.], *The Pahlavi Rivāyat*, I, 48–49, II, 10). Cf. *Dēnkard* 3.80.4–6 (Dresden [ed.], *Dēnkart*, 53–54; Madan [ed.], *Pahlavi Dinkard*, 73; Skjærvø [trans.], *Spirit of Zoroastrianism*, 203): “He himself [Ohrmazd] is the father of all, and Spandarmad, Earth, is the female one of the creation. He created Gayōmard male ... also now whenever a father creates a male from his daughter this is called the *xwēdōdah* of father and daughter.”
66. God is depicted in rabbinic literature as praying, placing his *tefilin* (phylacteries), covering with a *tallit* (a garment with ritual fringes), and so forth. See e.g. *b. Soṭah* 14a; *b. Ber.* 6a; *b. Ber.* 7a; *b. Roš. Haš.* 17b; Kimberley C. Patton, *Religion of the Gods: Ritual, Paradox, and Reflexivity* (Oxford: Oxford University Press, 2009), 249–282. Given the Pahlavi evidence adduced here, I suspect that it is hardly by chance that the “observant” God in rabbinic literature is predominantly (although not exclusively) manifest in the BT.
67. Alongside the Pahlavi account of mother–son incest between Spandarmad and her son Gayōmard, a so-called “Zurvanite” account preserved in Syriac reports that Ohrmazd had sexual intercourse with his mother, the wife of Zurvan. See *The Syriac Acts of Ādurhormizd and Anāhid* (Bedjan [ed.], *Acta martyrum et sanctorum*, II, 36); Zaehner, *Zurvan*, 435–436; Williams (ed.), *The Pahlavi Rivāyat*, II, 132–133, n. 4.
68. On Maši and Mašyānī see *Bundahišn* 14 and *Dēnkard* 7.1, both in Skjærvø (trans.), *Spirit of Zoroastrianism*, 108–112, and the discussion in [Chapter 4](#).
69. *Dēnkard* 3.80.7 (Dresden [ed.], *Dēnkart*, 54; Madan [ed.], *Pahlavi Dinkard*, 74; Skjærvø [trans.], *Spirit of Zoroastrianism*, 203). For the significance of Gayōmard’s seminal emission see the discussion in [Chapter 4](#).
70. *Pahlavi Rivāyat* 8a6–8 (cf. Williams [ed.], *The Pahlavi Rivāyat*, I, 48–49, II, 10). Cf. *Dādestān ī Dēnīg* 36.69 (Jaafari-Dehaghi [ed.], *Dādestān ī Dēnīg* 136–137); *Dēnkard* 7.1.9–10 (Dresden [ed.], *Dēnkart*, 471; Madan [ed.], *Pahlavi Dinkard*, 592–593).
71. *Dēnkard* 3.80.8 (Dresden [ed.], *Dēnkart*, 54; Madan [ed.], *Pahlavi Dinkard*, 74; Skjærvø [trans.], *Spirit of Zoroastrianism*, 204). See also *Dēnkard* 7.1.10 (Dresden [ed.], *Dēnkart*, 471; Madan [ed.], *Pahlavi Dinkard*, 592–593; Skjærvø [trans.], *Spirit of Zoroastrianism*, 111):

*u-šan stāyīd dādārīh Ohrmazd ud abar raft hēnd pad xwēškārīh u-šan kerd kām ī dādār fragānēnīd was kār ī gēhān-sūd warzīd xwēdōdah pad zāyīšn paywandīšn ud purr-rawīšnūh ī andar gēhān dahišnān ī mardōm kerbagān pahlom.*

And they [Maši and Mašyānī] praised Ohrmazd’s work of creation and went about their duties. They did the will of the Creator and laid the foundation of much activity that was to benefit the world, especially *xwēdōdah*, the most



- pious of deeds for giving birth, for establishing lineage and for the creatures of the world to go forth in large numbers.
72. *Ardā Wirāz Nāmag* 2.1–6 (Philippe Gignoux [ed.], *Le livre d'Ardā Virāz* [Paris: Éditions Recherche sur les civilisations, 1984], 40–43, 150–151).
  73. On the character of Yima (Pahlavi Jam) see, in general, Shaked, “First Man, First King”; Götz König, *Die Erzählung von Tahmuraṭ und Ġamšid: Edition des neupersischen Textes in Pahlavi-Schrift* (MU 29) *nebst zweier Parallelfassungen*, Iranica 14 (Wiesbaden: Harrassowitz, 2008); Skjærvø, “Jamšid”; Kiel, “Reimagining Enoch,” 415–421.
  74. *Pahlavi Rivāyat* 8e10 (cf. Williams [ed.], *The Pahlavi Rivāyat*, 1, 54–55, 11, 13).
  75. See Macuch, “Inzest im vorislamischen Iran”; Macuch, “Incestuous Marriage”; Hjerrild, *Studies in Zoroastrian Family Law*, 167–179.
  76. Macuch, “Incestuous Marriage,” 138. Macuch points out, however, that besides actual cases of incestuous marriages in Sasanian Iran, some next-of-kin marriages were merely legal fictions, since a man could legally “father” children by way of intermediary succession (*stūrīh*), without actually being their biological progenitor.
  77. MHD 44.8–14 (Macuch [ed.], *Rechtskasuistik und Gerichtspraxis*, 303–304, 319–320, 347–348).
  78. MHD 104.9–11 (Macuch [ed.], *Rechtskasuistik und Gerichtspraxis*, 618, 626).
  79. MHD 105.5–10 (Macuch [ed.], *Rechtskasuistik und Gerichtspraxis*, 640, 647, 654).
  80. MHDA 18.7–12 (Macuch [ed.], *Mātakdān i Hazār Dātistān*, 41, 164–165, 177).
  81. *Pahlavi Rivāyat of Ādurfarnbay* 20 (cf. Anklesaria [ed.], *The Pahlavi Rivāyat of Ādurfarnbay*, 11, 56). The transcription and translation of all passages from the *Rivāyats of Ādurfarnbay* and *Ēmēd son of Ašwahist* are the product of a critical edition, which I am jointly preparing with Prods Oktor Skjærvø. References are given to Anklesaria and Safā-İsfahānī's editions.
  82. See e.g. *Pahlavi Rivāyat of Ādurfarnbay* 10 (Anklesaria [ed.], *The Pahlavi Rivāyat of Ādurfarnbay*, 11, 50–51); Hjerrild, *Studies in Zoroastrian Family Law*, 29–31.
  83. On the dating of this jurist and his interlocutors see Cantera, *Pahlavi-Übersetzung*, 164–239; Gignoux, “La controverse dans le mazdéisme tardif”; Secunda, “On the Age of the Zoroastrian Sages”; Elman, “The Other in the Mirror: Part 1.”
  84. Cf. Satlow, *Tasting the Dish*, 55, who discusses the exculpation of minors in cases of incestuous crimes in rabbinic and Roman law.
  85. Hjerrild, *Studies in Zoroastrian Family Law*, 197.
  86. Robin Fox, *The Red Lamp of Incest* (New York: Dutton, 1980), 2–6.
  87. See e.g. Lévi-Strauss, *The Elementary Structures of Kinship*, 19, 51, 481; Bronislaw Malinowski, *The Sexual Life of Savages* (Boston: Beacon Press, 1987 [1927]), 425, 433.
  88. Fox, *Red Lamp of Incest*, 146–151.

89. Cf. Satlow, *Tasting the Dish*, 19–25, 42–44, who argues that in line with Greco-Roman and Jewish Hellenistic rhetoric of incest, which defines the prohibited act mainly in terms of illegal marriage (and, by extension, progeny), Palestinian rabbis generally represent and interpret incest as a prohibited form of marriage. Babylonian rabbinic rhetoric, on the other hand, seems to focus primarily on the prohibited sexual act.
90. See e.g. *b. Yoma* 28b–29a; *b. B. Bat.* 16a, 164b; *b. Šabb.* 64a–b. For a comparison of the rabbinic and Pahlavi stances on this matter see Shaul Shaked, “Religious Actions Evaluated by Intention: Zoroastrian Concepts Shared with Judaism,” in *Shoshanat Yaakov: Jewish and Iranian Studies in Honor of Yaakov Elman*, ed. S. Secunda and S. Fine (Leiden: Brill, 2012), 403–414; Kiel, “Cognizance of Sin and Punishment”; Brodsky, “‘Thought is Akin to Action’.”
91. *Rivāyat of Ēmēd son of Ašwahist* 22 (cf. Behramgore Tehmuras Anklesaria [ed.], *Rivāyat-ī Hēmūt-ī Asavahistān* [Bombay: K. R. Cama Oriental Institute, 1962], 84–86; Safā-Isfahānī [ed.], *Rivāyat ī Ēmēd ī Ašawahistān*, 155–158; Hjerrild, *Studies in Zoroastrian Family Law*, 187–189). A similar notion of religious “agency,” in which one person performs a good deed for the sake of another, is discussed in the *Rivāyat of Ēmēd son of Ašwahist* 27 (cf. Anklesaria [ed.], *Rivāyat-ī Hēmūt-ī Asavahistān*, 104–105; Safā-Isfahānī [ed.], *Rivāyat ī Ēmēd ī Ašawahistān*, 189–192; Hjerrild, *Studies in Zoroastrian Family Law*, 193):

*pursišn mard ēw kē pad dram xwēdōdah framāyēd kerbag ān rāy bawēd kē dram dāhēd ayāb ān kē hamē kunēd/gīrēd ud agar ēdōn kū harw dō bawēd paydāgēnēd kū ēk ēk kerbag čand*

*passox agar-iš tis andar nēst ān rāy juttar ka ōy kē xwēdōdah hamē pad ham-kerbagih ī ōy kē dram dahēd rāyēnēd ēg-išān xwēdōdah harw dō ast ēwtom rāst*

*bē ōy kē xwēdōdah pad tan ī xwēš rāyēnēd estēd pad mēnōyān frāyih ēw ast ī ōy rāy kē pad tan ī xwēš nē kerd estēd nēst*

*ēn ast kū agar wahištīg ēg-iš ruwān gāh wazurg-gāhtar ud agar dōšoxih ēg-iš ruwān mēnōy xwēdōdah pēm ud hu-xwaših dōšox aziš abāz dārēd čiyōn frasp ēw ud darbuštih ēw pērāmōn ruwān ī (ān) kē xwēdōdah pad tan ī xwēš warzīd bawēd*

*agar xwēdōdah nē pad ham-kerbagih ī ōy kunēd dram dādār bawēd ōy ī dram dādār kerbag kem bawēd kū ōy ī xwēdōdah rāyēnēdār*

Question. There is a man who puts forward a *xwēdōdah* for money. Will the one who gives the money get the merit or the one who performs it? And if it is so that both get it, let me know how much merit there is for each one.

Answer. If there is nothing in it [=the case] different from that [which has been presented, then] when he who executes the *xwēdōdah* shares the merit with the one who gives the money, then the [value of] the *xwēdōdah* is exactly equal for the two of them.



But he who has executed the *xwēdōdah* with his own body will have a surplus in the other world, which he who has not done it with his own body will not have.

This is if he is destined for Paradise, then the position of his soul will be a greater position. If he is destined for Hell, then the milk and sweetness of the divine *xwēdōdah* will hold Hell away from him like a beam and a stockade around the soul of him who has performed *xwēdōdah* with his own body.

If he performs the *xwēdōdah* while not sharing the merit with the one who gives the money, then the merit of the one who gives the money will be less than that of him who executes the *xwēdōdah*.

92. *Rivāyat of Ādurfarnbay* 143 (cf. Anklesaria [ed.], *The Pahlavi Rivāyat of Ādurfarnbay*, II, 119–121; Hjerrild, *Studies in Zoroastrian Family Law*, 181–183).

## Noahide Law and the Inclusiveness of Sexual Ethics

### INTRODUCTION

In the present chapter I will explore the talmudic treatment of the Noahide laws<sup>1</sup> of prohibited sexual partnerships – that is, the sexual prohibitions which the rabbis believed should apply to non-Jews, and, more broadly, rabbinic stances on the question of the universality of sexual norms. The rabbis set down the sexual prohibitions they believed should govern the conduct of non-Jews – as part of the system of Noahide law – against the backdrop of the Sinaitic laws of prohibited sexual partnerships that govern the conduct of Jews. Whereas the Sinaitic laws of prohibited sexual partnerships were deduced primarily from the prohibitions in Lev. 18 and 20, the Noahide laws were either extrapolated from the levitical list to non-Jews or derived independently from pre-Mosaic legislation and narrative.

I shall demonstrate that a comparison of the BT's discussion of Noahide sexual prohibitions to parallel accounts in Palestinian rabbinic works reveals a profound and systematic difference (although not a dichotomy) between the Palestinian and Babylonian approaches to the inclusion of non-Jews in the levitical system of sexual ethics. The Palestinian sources tend to extend the levitical laws of prohibited sexual partnerships to non-Jews, thereby applying a nearly universal (there are a few exceptions) standard of sexual morality, while the BT takes a particularistic approach, differentiating Jews from non-Jews vis-à-vis their accountability for sexual misconduct. According to the Babylonian rabbinic approach, the levitical statutes of sexual prohibitions apply only to Jews, whereas the sexual prohibitions governing non-Jews are derived

from pre-Mosaic legislation and narrative. Consequently, the legal standards that apply to non-Jews are considerably more lenient, as non-Jews are essentially permitted to engage in a number of sexual partnerships that are prohibited to Jews.

I shall further demonstrate that the divergent positions manifested in the Babylonian and Palestinian rabbinic works reflect a fundamental difference in outlook between the two rabbinic cultures with respect to the status of non-Jews and the existence of universal standards of sexual ethics independent of positive law. Palestinian rabbinic discourse is characterized by inclusive rhetoric, according to which the non-Jewish other is called to partake, in one form or another, in a shared space of holiness realized through sexual norms, while Babylonian rabbinic discourse reflects a particularistic and exclusive rhetoric, which safeguards the boundaries of Israel as a sacred community vis-à-vis the levitical sexual norms, denying the non-Jewish other access to this sacred space. As mentioned in [Chapter 3](#), these conclusions largely support recent studies on the image of the non-Jew in Palestinian and Babylonian representations of rabbinic culture.<sup>2</sup>

Alongside this legal-theoretical interpretation of the differences between the two rabbinic centers in terms of natural and positive law, I posit a contextual-cultural reading of the data, which situates the Palestinian rabbinic approach in the context of Greco-Roman and Western Christian rhetoric, and the Babylonian rabbinic approach in the context of Zoroastrian culture. The stringency exhibited in Palestinian rabbinic works toward Noahide engagement in incestuous acts and the advocating of inclusive standards of sexual conduct are illuminated by Greco-Roman and Western Christian treatments of incest, which promote universal standards of sexual normativity<sup>3</sup> and explicitly condemn the Iranian deviation from these norms (see [Chapter 5](#)). In stark contrast to this approach, I argue that the relatively tolerant approach exhibited in the BT toward non-Jewish incest and the promotion of particularistic standards of sexual conduct for Jews and non-Jews are reflective of the Zoroastrian practice of *xwēdōdah* and the Pahlavi doctrine of cultural relativism in which it is couched. I further posit that the BT's discussion of Noahide laws of incest engages with other legal and theological concerns expressed in the Pahlavi texts explored in [Chapter 5](#).

#### NOAHIDE LAW: NATURAL OR POSITIVE

Scholars have long debated whether, and to what extent, the rabbis presuppose natural law, that is, the existence of moral truths grounded

in nature – in the natural world or in human nature – that are rationally accessible and universally binding.<sup>4</sup> The answer to this question is often sought in the realm of rabbinic speculation concerning legal arenas distinct from the Mosaic law, namely, the realms of pre-Sinaitic normativity<sup>5</sup> – the law prior to the Sinaitic revelation that was partially or fully adopted by pre-Mosaic biblical figures – and the rabbinic construction of Noahide law.

David Novak, one of the leading theorists in this field, argues that the talmudic construction of Noahide law represents a rabbinic version of a moral theory of natural law, mainly because the Noahide laws seem to represent logical and moral principles which the rabbis believed to be universally binding. He dismisses the rabbinic derivation of the Noahide laws from scripture (as opposed to nature) as mere allusions to positive law, and maintains that the Noahide laws function more like general, speculative, and non-prescriptive principles derived from nature by moral reasoning.<sup>6</sup>

Devora Steinmetz has significantly refined the natural law interpretation of the Noahide code, by demonstrating that the Babylonian rabbinic discussion of the Noahide laws reflects two alternative traditions regarding the content and nature of the prohibitions. Aside from content-related differences, she observes that one talmudic tradition grounds the Noahide laws in divine legislation and explicit commandments given to Adam, while a second tradition links the Noahide laws to non-legal verses pertaining to the Noah narrative, and defines the prohibited acts as destructive violations of the natural order.<sup>7</sup> Steinmetz further maintains that the second tradition represents a classical view of natural law, according to which there are normative ethical principles that are essentially derivable from the natural order. Interestingly, however, rather than maintaining that the first tradition corresponds to a positive-law conception of Noahide law, she defines this tradition in terms of contemporary conceptions of natural law. Despite the use of command terminology and exegetical derivation from scripture, Steinmetz argues that the Noahide laws of the first tradition are connected to the origins of human society and thus not entirely dependent on positive legislation.<sup>8</sup>

Steinmetz situates the divide between the naturalistic Noahide law and the positive Sinaitic law in the status of sexual partnerships between siblings, which are prohibited to Jews but permissible to non-Jews.<sup>9</sup> Since incest between siblings is perceived as essential for the beginning of human society (how else could humanity have evolved from a single couple?), from a natural law perspective there is nothing wrong with such relations.

Hence within the province of Noahide law, there is no prohibition against brother–sister relations. For those who are commanded by Sinaitic law to eschew sexual unions between siblings, however, this act is indeed prohibited.<sup>10</sup>

The conceptualization of Noahide law in terms of natural law theory has been critiqued, most recently by Christine Hayes, who reaffirms the positive nature of Noahide law, deeming it “every bit as particular as Jewish law itself.”<sup>11</sup> The rabbinic derivation of the Noahide laws from scripture cannot be a mere veneer for natural principles, since the hermeneutic mechanism chosen by the rabbis reveals something of the prescriptive nature of these laws and their link to authoritative command and revelation. Hayes further stresses that the Noahide laws are variable, unstable, and do not apply universally.<sup>12</sup> Not only are there significant disagreements in the rabbinic texts regarding the content of Noahide law, but the standards of criminal liability and punitive measures for crimes that fall under the Noahide legislation differ for Jews and non-Jews.<sup>13</sup>

Although I agree that the differential application of certain rules of Noahide law highlights certain particularistic features of this system, and the fact that it is a system of positive law, this does not necessarily undermine the inclusiveness of Noahide law. As we will see, despite the existence of certain legal differences between Jews and non-Jews, the Noahide system (in its Palestinian representation) reflects a tendency to standardize and systematize the observance of various ethical principles, and to bridge the gap between Jews and non-Jews.

I contend that characterization of the Noahide system in terms of universality and particularism should be further nuanced by attending to its Palestinian and Babylonian expressions. As we will see, the discussions in the BT and Palestinian rabbinic works reflect significantly different, though not completely dichotomous, approaches to the standardization of ethical conduct. We will see that, at least with respect to the Noahide law’s sexual prohibitions, the Palestinian sources tend to apply inclusive and “nearly-universal” standards of sexual behavior to Jews and non-Jews alike (with only few exceptions), whereas the BT exhibits a distinctly particularistic approach that gives rise to fundamental differences between Jewish and non-Jewish norms.

To be sure, all rabbinic accounts are in agreement that Noahide law encompasses norms pertaining to sexual conduct, and that there are at least some differences between the norms governing Jews and non-Jews; in this sense, the laws are not universal. That there are differences between the sexual norms that apply to Jews and non-Jews is not a novel notion

introduced by the BT, as such differences are already attested in Palestinian rabbinic works. Thus, for example, *t. 'Abod. Zar.* 9:4 asserts that sexual relations with a betrothed woman are forbidden to Jews but permitted to non-Jews, and *Sipre Deut.* 76<sup>14</sup> holds that relations with a beautiful war captive is permitted to Jews but not non-Jews. Notwithstanding this shared characteristic – namely, disparities between sexual norms applicable to Jews and those applicable to non-Jews – we will see that the Palestinian rabbinic discussions of the Noahide laws of sexual misconduct seek to extend the levitical prohibitions to non-Jews and bridge the gap between the ethical standards governing Jews and those governing non-Jews. By contrast, the BT's discussions attempt to intensify the normative gap between Jews and non-Jews, by “othering” the sexual norms of the non-Jew, for example, by tolerating incestuous relationships between non-Jews within the nuclear family, though these unions are explicitly prohibited by the levitical statutes.

Before turning to the rabbinic treatment of the Noahide laws of prohibited sexual partnerships, a brief discussion of the biblical material is in order. This will enable us to see how, in their divergent constructions of the Noahide and Sinaitic systems of sexual prohibitions, the rabbis of Palestine and Babylonia utilized different discursive and exegetical possibilities inherent in the biblical text. Specifically, they adduced, on the one hand, the sharp contrast between the sexual conduct of the Israelites and that of the Canaanites and Egyptians, and on the other, the relationship between the levitical list of sexual abominations and pre-Mosaic normativity.

#### BIBLICAL FOUNDATIONS

The Holiness legislation (H), the redaction of which is generally assumed to post-date the composition of P,<sup>15</sup> contains two separate lists of sexual prohibitions, one in Lev. 18 and the other in Lev. 20.<sup>16</sup> The prohibitions listed in Lev. 18 are mainly formulated as imperatives (“Thou shalt not uncover the nakedness of . . .”), whereas those listed in Lev. 20 are formulated casuistically (“If a man takes/lies with . . .”). Traditional and critical commentators alike have long attempted to uncover the nature of the relationship between the two lists. One of the exegetical explanations for this reiteration is that Lev. 18 lists sexual prohibitions, whereas Lev. 20 lists punishments for the acts prohibited in Lev. 18. This notion is expressed in numerous rabbinic texts, in which a verse from Lev. 18 is invoked as a proof-text for the admonition,<sup>17</sup> whereas the parallel verse

from Lev. 20 serves as a proof-text for the punishment, as can be seen in the following example from the Sipra:

"דמיהם בם" ... עונש שמענו, אזהרה לא שמענו. תל' לו' "ערות אביך וערות אמך."

"[The man who lies with his father's wife has uncovered his father's nakedness; both of them shall be put to death;] their blood is upon them" [Lev. 20:11] ... We have learned about the punishment, but we have not learned about the prohibition. For that reason it is written: "You shall not uncover the nakedness of your father and the nakedness of your mother" [Lev. 18:7].<sup>18</sup>

Not unlike the rabbis, several critical commentators have argued that the two lists are complementary and were probably issued by the same group of priestly authors. Baruch Schwartz has convincingly demonstrated, however, that the differences between the two lists are highly significant, and that it is therefore more likely that the lists were issued by different groups of priests.<sup>19</sup> Twelve of the prohibitions mentioned in Lev. 18 are repeated in Lev. 20, but five prohibitions are absent from the latter. Lev. 18 in its entirety is not dependent on the punishments set down in Lev. 20, as it specifies not only prohibitions, but also a collective punishment, exile – the land will "vomit out" its inhabitants (Lev. 18:28) – and an individual punishment, divine extirpation (Lev. 18:29). While the prohibitions in Lev. 20 are based on the idea of becoming holy (*qedoshim*), this root is completely absent from Lev. 18. Instead, Lev. 18 invokes the notion that certain "abominations" (*to'ebot*) cause the land to vomit out its inhabitants; many other differences in content, language, and style likewise lead to the conclusion that the lists in Lev. 18 and 20 comprise two distinct priestly versions of the sexual prohibitions.<sup>20</sup>

Whatever the relationship between the lists, the purpose of the levitical account of the sexual prohibitions, when examined as a whole, is to define and safeguard the holiness of Israel (Lev. 20), in contradistinction to the abominations that characterize the conduct of the Egyptians and Canaanites (Lev. 18:3, 24, 27). It would seem, however, that two different construals of the levitical contrast between the holiness of Israel and the abominations practiced by the surrounding nations are plausible, depending on whether Israel's holiness is deemed to be ascribed or achieved.<sup>21</sup> On the one hand, the biblical contrast can be construed as suggesting, though this is not patently manifest in the text, that Israel has an inherent holiness which renders it ontologically distinct from the surrounding nations, whose conduct is abominable.<sup>22</sup> On the other hand, it follows logically from the biblical account that, seeing as the Canaanites and Egyptians were punished by God for their sexual abominations

(Lev. 18:25, 27), they are, at least in principle, governed by the same prohibitions that govern the Israelites. On this reasoning, had the Canaanites followed these rules they would have been able to remain in the land of Canaan. There is nothing inherent, therefore, about Israel's holiness; rather, the Israelites are enjoined to strive for a state of achieved holiness. Accordingly, the sexual prohibitions, like various other religious and moral precepts in the Holiness legislation, are applied inclusively (although not universally, since the laws in H are connected to the land and oblige only its inhabitants, Israelite and non-Israelite alike). In what follows, I shall argue that these alternative interpretations of the nature of Israel's holiness – ascribed or achieved – and the applicability of the levitical prohibitions to other nations, underlie the differences between the Palestinian and Babylonian rabbinic discourse on the Noahide laws of sexual conduct.

Despite the Bible's explicit claim that the Egyptians and Canaanites were guilty of abominable sexual misconduct,<sup>23</sup> it is widely acknowledged that this accusation is fictitious, and serves rhetorical purposes only. Recent studies have concluded that there is no extra-biblical evidence whatsoever to support the existence of widespread incest among the Canaanites and/or Egyptians. With the exception of royal incest, which was practiced among the Egyptian kings to preserve the royal lineage, there is no evidence of incest or other forms of sexual depravity from ancient Egypt. We have no extant law codes from Canaan, but the Mesopotamian and Hittite laws supply ample evidence that fornication, incest, homosexuality, and bestiality were criminalized and punished, and it is reasonable to assume that the Canaanites were no different from their neighbors in this regard.<sup>24</sup> The historical inaccuracy of the biblical accusations aside, it appears that the depiction of the reprehensible sexual conduct of the Egyptians and Canaanites serves mainly rhetorical purposes, allowing Israel's holiness to be defined against the foil of the sexually promiscuous other.

In addition to the priestly lists of sexual prohibitions, the Bible contains several stories involving incest, which are largely at odds with the levitical prohibitions. In violation of the law forbidding marriage with one's half-sister (Lev. 18:19, 20:17; Deut. 27:22), Abraham claims that Sarah, his wife, is his father's daughter from a woman other than his mother (Gen. 20:12). Tamar, who appeals to her half-brother Amnon not to rape her, insists that David, their father, would not deny her to him in marriage (2 Sam. 13:13). These sources clearly see nothing prohibited, and no moral problem, in marrying a half-sister from the same father. While the



levitical legislators forbid marriage with one's aunt (Lev. 18:12–14, 20:19–20), it is related that Amram married his aunt Jochebed, who bore him Moses and Aaron (Exod. 6:20). Similarly, the levitical legislators forbid marriage to the sister of one's wife while that wife is still alive (Lev. 18:18), but Jacob is said to have been married to Leah and Rachel at the same time (Gen. 29:21–30).<sup>25</sup>

In what follows we will see that these biblical “violations” of the levitical statutes were creatively utilized by the rabbis, in both Palestine and Babylonia, in their attempt to reconfigure the system of Noahide laws of sexual prohibitions vis-à-vis the Sinaitic regulations. I will discuss the differences between the Palestinian and Babylonian reception of these biblical stories of incest in some greater detail in [Chapter 8](#). In the present context I will highlight the links between the Palestinian rabbinic account of the Noahide laws and Greco-Roman rhetoric regarding incest, on the one hand, and between the Babylonian rabbinic account and the Pahlavi rhetoric of *xwēdōdah*, on the other.

#### THE SINAITIC AND NOAHIDE CODES OF SEXUAL CONDUCT

For the most part, the rabbinic discussion of the sexual prohibitions reflects the content of the biblical system.<sup>26</sup> Though the rabbis introduced the innovative category of *issur mišvah* or *šeniyyot la-‘arayot*<sup>27</sup> – extensions of the biblical prohibitions that are meant to safeguard and protect these prohibitions – their discussion of the levitical prohibitions generally mirrors the biblical account. Moreover, the rabbis, like the priestly legislators, constructed detailed lists sorting the sexual prohibitions and the penalties incurred for their violation.<sup>28</sup>

Significantly, the levitical and rabbinic discussions of sexual prohibitions have another important feature in common: both seem to define the sexual prohibitions against the foil of a reconstructed other. In the Bible, Israel's sexual holiness is contrasted to the sexual abominations practiced by the Canaanites and Egyptians, and in rabbinic literature, the Sinaitic legislation is paralleled by a system of sexual regulations that the rabbis applied to non-Jews. The inherent connection between the Noahide sexual regulations and the biblical portrayal of the Canaanites and Egyptians is, in fact, explicitly acknowledged by the rabbis.<sup>29</sup>

The rabbinic contrast between the Sinaitic and Noahide codes of sexual conduct is also informed by the tension manifest in scripture between the levitical lists of sexual abominations and narratives concerning pre-Mosaic figures, which casually depict sexual conduct that is explicitly

prohibited by the priestly legislators. Indeed, we will see that the divergent rabbinic construals of the Noahide laws of sexual conduct hinge on the derivation of these norms from either the levitical lists or the pre-Mosaic narratives.

As I will demonstrate, the rabbinic classification of the specific sexual unions prohibited to non-Jews was by no means unanimous. We will see that the BT systematically minimizes the sexual prohibitions applying to non-Jews, tolerating sexual intercourse even within the nuclear family, whereas the Palestinian rabbinic works present a much more stringent position with regard to sexual restrictions on non-Jews, and generally prohibit sexual intercourse within the nuclear family.

Moreover, the BT and the Palestinian rabbinic works exhibit divergent approaches to Noahide law and the possibility of its derivation from Sinaitic law. For the most part, the Palestinian rabbinic works reflect the idea that the laws of sexual conduct are “universal” in the sense that they apply to Jews and non-Jews equally (with only few exceptions). They take the Noahide rules to be directly derivable from the levitical lists of sexual prohibitions and, as a result, the differences between the Sinaitic and Noahide standards of sexual conduct are rather minor. The BT, on the other hand, intensifies the gap between the Noahide and Sinaitic regulations by detaching the Noahide laws from the levitical regulations and promoting a relatively lenient standard, derived from pre-Mosaic norms, for sexual misconduct among non-Jews.

The disparity between the Babylonian rabbinic particularism and the Palestinian rabbinic inclusiveness can be understood in terms of ascribed versus achieved holiness. In line with the notion of achieved holiness, the Palestinian sources invoke the biblical punishment meted out to the Canaanites and the Egyptians to emphasize that non-Jews are essentially governed by the same levitical laws of sexual conduct that govern Jews. Jews and non-Jews alike should aspire to a state of holiness by avoiding the levitical abominations. By contrast, the BT understands Israel’s holiness as ascribed, and therefore contends that the levitical prohibitions apply only to Jews, so as to maintain their inherent state of holiness.

If the nature of Israel’s holiness is at stake, then the particularistic construal of sexual standards in the BT does not necessarily reflect a positive-law approach to the rules of sexual conduct that rejects naturalistic categories. On the contrary, the Babylonian position appears to reflect some sort of “ontological particularism,” according to which the Jewish people’s state of holiness (and the related standards of sexual conduct) is ascribed and thus inherent in its nature. Non-Jews lack this

“ontological” holiness, and thus do not have to abide by the levitical standards of sexual conduct.

The BT’s particularistic approach to the sexual prohibitions can also be understood, at the same time, as ensuing from a positive-law approach, according to which the standards of sexual conduct for Jews and non-Jews reflect the simple fact that different laws were set down for each group, and the levitical prohibitions apply only to Jews. As we will see, this interpretation of the Babylonian position is informed by the Pahlavi rhetorical justification of *xwēdōdah* in terms of moral and cultural relativism.

A detailed comparison of the BT’s account of the Noahide sexual prohibitions with Palestinian rabbinic parallels reveals a distinctive Babylonian approach to non-Jewish incestuous practices, an approach that can be fully understood only against the backdrop of contemporaneous Iranian culture. Moreover, the Babylonian discourse seems to indicate that the Babylonian rabbis engaged intellectually with the Zoroastrian practice and doctrine of *xwēdōdah*. To grasp the novelty of the BT’s discussion, however, we must first consider the discussions in the PT and other Palestinian rabbinic works. Comparing the perspectives of the two rabbinic centers will enable us to better appreciate the distinctive and innovative aspects of the Babylonian rabbinic discussion,<sup>30</sup> as well as its broader Iranian underpinnings.

#### THE PALESTINIAN RABBINIC DISCUSSION

Both Talmuds record a dispute between prominent tannaitic authorities regarding the permissibility of sexual partnerships between siblings. We will see that the example of sexual unions between siblings, adduced by Steinmetz to argue for the essential divide between Sinaitic law, which she sees as positive, and Noahide law, which she sees as natural, reflects only the Babylonian account of the tannaitic dispute. The Babylonian account deems sibling incest completely or partially permissible for non-Jews, but prohibited to Jews. The PT, on the other hand, records a fundamentally different version of the dispute, according to which sibling incest is either completely prohibited to non-Jews, or at least severely restricted, thus bridging the gap between Sinaitic and Noahide law.

The tannaitic dispute concerns the legal status of non-Jews and converts to Judaism as regards their obligation to refrain from certain sexual partnerships. Converts, who are deemed to have no legal connections to their biological relatives, are not required to observe the restrictions on

incest that govern Jews. They are, however, obliged to observe the laws prohibiting next-of-kin intercourse that apply to non-Jews, lest their conversion be perceived as decreasing their holiness. The PT's discussion reads as follows:

גר; אחותו בין מאב בין מאם – יוציא, דברי ר' מאיר. ר' יודה או: אחותו מאם יוציא, מאב יקיים. אחות אמו יוציא, אחות אביו יקיים, דברי ר' מאיר. ר' יודה או: אחות אמו מאמה יוציא, אחות אמו מאביה יקיים. שאר כל העריות, כנס – אין מוציאין מידו. לא אמ' אלא כנס, הא כתחילה אסור.  
גוי; אחותו בין מאב בין מאם – יוציא, דברי ר' מאיר. ר' יודה או: אחותו מאם יוציא, אחותו מאב יקיים.  
אחות אמו יוציא, אחות אביו יקיים, דברי ר' מאיר. ר' יודה או: אחות אמו מאמה יוציא, אחות אמו מאביה יקיים.

א' ר' חנין: פשט הוא לן על דברי ר' מאיר; "על כן יעזוב איש את אביו ואת אמו" – בסמוך לו מאביו בסמוך לו מאמו. רבי בון[ב] בעא: מעתה אחות אביו אסורה שהיא סמוכה לאביו, אחות אמו תהא אסורה מפני שהיא סמוכה לאמו. התיב ר' שמעון בריה דר' אייבו: והכת' "ויקח עמרם את יוכבד דודתו לו לאשה", מעתה אפילו כבני נח לא היו יש' נוהגין? אמ' ר' הילא: בסמוך לו מאביו בסמוך לו מאמו. מתיבין לר' מאיר: והכת' "וגם אמנה אחותי בת אבי היא אך לא בת אמי". א' להן רבי מאיר: משם ראייה? לא, "ותהי לי לאשה."

מאי כדון? א' ר' יוסה: כל ערוה שבית דין שליש' ממיתין עליה בני נח מזהרין עליה, וכל ערוה שאין בית דין ממיתין עליה [אין] בני נח מזהרין עליה. התיבון: הרי אחותו, הרי אין בית דין שליש' ממיתין עליה ובני נח מזהרין עליה.<sup>31</sup> ר' הילא בשם ר' שמעון בן לקיש: "ובגלל התועבות האלה יי' אלהיך מוריש אותם מפניך", מלמד שאין הקב"ה עונש אלא אם כן הזהיר.

ר' אידי אמ' קומי ר' יוסי בשם רב חסדא: עבד מותר באחותו. אמ' ליה: שמעת אפילו מאם? אמ' ליה: אין. אמ' ליה: והתנינן: "וכן שפחה שנשתחררה בניה עמה" ? לחליצה ולייבום. ר' פנחס אמ' קומי ר' יוסי בשם ר' יוסי: עבד שבא על אמה<sup>32</sup> חייב חטאת.<sup>33</sup>

"A proselyte, [if he married] his sister, whether by his father or by his mother, must divorce her" – [these are] the words of R. Meir. R. Yehudah says: "His sister by his mother, he must divorce, by his father, he may keep. [If he married] his mother's sister, he must divorce her, his father's sister, he may keep her" – [these are] the words of R. Meir. R. Yehudah says: "His mother's sister by her mother, he must divorce her, his mother's sister by her father, he may keep her." [As to] all other forbidden relatives, if he married [one of them], [the court] does not force him to divorce [that relative]. It says only "if he married," [from which we can infer that] it is forbidden *ab initio*.

"A non-Jew, [if he married] his sister, whether by his father or by his mother, must divorce her" – [these are] the words of R. Meir. R. Yehudah says: "His sister by his mother, he must divorce, by his father, he may keep. [If he married] his mother's sister, he must divorce her, his father's sister, he may keep her" – [these are] the words of R. Meir. R. Yehudah says: "His mother's sister by her mother, he must divorce her, his mother's sister by her father, he may keep her."

R. Hanin said: "It is clear to us that R. Meir's position is corroborated by the verse: 'Therefore a man shall leave his father and his mother' [Gen. 2:24], [that is to say], one who is close to him by his father and who is close to him by his mother." R. Bivi inquired: "But if so, then his father's sister should be forbidden, since she is close to his father, and his mother's sister should be forbidden, because she is close to his mother." R. Shim'on son of R. 'Eivo raised an objection: "Is it not written: 'And 'Amram took Jochebed his father's sister as his wife' [Exod.

6:20]? But is it possible that the Israelites had a practice that even Noahides did not (engage in)?!" R. Hila says: "One who is close to him by his father and one who is close to him by his mother." They raised an objection to R. Meir's view: "Is it not written: 'And yet indeed she is my sister; she is the daughter of my father, but not of my mother' [Gen. 20:12]?" R. Meir answered them: "Does that constitute a proof?! No, [for scripture continues] 'And she became my wife.'"

What is the decision? R. Yose said: "All prohibited relations, for which a Jewish court imposes capital punishment, Noahides are admonished against. But all prohibited relations, for which the court does not impose capital punishment, Noahides are [not] admonished against." They raised an objection: "But is there not his sister, for [relations with] whom a Jewish court does not impose capital punishment, yet with whom Noahides are admonished against [having relations]? [As we learn from the following, for] R. Hila states in the name of R. Shim'on b. Laqish: 'It is because of such abhorrent practices that the Lord your God is driving them out before you' – this serves to teach us that the Holy One, blessed be He, does not punish unless He first issued an admonition [hence we see that non-Jews are admonished not to have sexual relations with their sisters]."

R. 'Idi said before R. Yose in the name of Rav H̥isda: "A slave is permitted [to have relations with] his sister." He said to him: "Did you learn [this ruling] even with regard to [his sister] by his mother?" "Yes indeed," he replied. He said to him: "Did we not learn: 'And a bondwoman who was released from slavery together with her sons [is just like a proselyte]' [*m. Yebam.* 11:2]?" This applies only to *ḥaliṣah* and levirate marriage. R. Pinḥas said before R. Yose in the name of R. Yose: "A slave who had relations with a bondwoman is liable to bring a sin-offering."

The dispute between R. Meir and R. Yehudah, and parts of the talmudic discussion, are paralleled in *Gen. Rab.* 18:5.<sup>34</sup> Although there are several differences between the two versions, it is noteworthy that according to both accounts, the tannaitic positions being debated are essentially the same. According to R. Meir, a non-Jew is forbidden to have sexual intercourse with his half-sister, whether she is his sister on his father's side or his mother's side. R. Yehudah (or the Sages), on the other hand, is more lenient on this matter and concludes that, although a half-sister on the mother's side is forbidden, a half-sister on the father's side is permitted. Below, we will see that this stringent interpretation of the tannaitic dispute was not preserved in the BT, which attributes to both authorities a much more lenient position.

After a short discussion concerning the dispute between R. Meir and R. Yehudah,<sup>35</sup> the PT introduces a third tannaitic position, which seems to parallel the position of R. Meir in *t. 'Abod. Zar.* 8:4:

על גילוי ערויות כיצד? כל ערוה שבית דין של ישראל ממיתין עליה – בני נח מוזהרין עליה. וכל ערוה שבית דין של ישראל מוזהרין עליה –<sup>36</sup> ממיתין עליה,<sup>37</sup> דברי ר' מאיר. וחכמים או': הרבה ערויות שאין בית

דין של ישראל ממיתין עליה, בני נח מזהרין עליה. בא על עריות ישראל נידון דיני ישראל,<sup>38</sup> בא על עריות<sup>39</sup> האומות נידון דיני האומות. ואין לך אלא נערה מאורסה בלבד.<sup>40</sup>

"Concerning prohibited [sexual] relations, how so? All prohibited relations for which a Jewish court imposes capital punishment, Noahides are admonished against. But all prohibited relations for which a Jewish court issues an admonition, [Noahides] incur capital punishment": these are the words of R. Meir. But the Sages say: "Many prohibited relations for which a Jewish court does not impose capital punishment, Noahides are admonished against. One who has prohibited relations with a Jew is judged by Jewish law. One who has prohibited relations with a Gentile is judged by Gentile law [lit., 'the laws of the nations']. And [with respect to prohibited relations] you have only [one difference in practice between Jewish law and Gentile law, namely, the case of a] betrothed maiden."

Despite the overall similarity, there are several differences between the Tosefta's account of this tradition and the account found in the *baraita* in the PT.<sup>41</sup> R. Yose, who introduces the *baraita* in the PT, is most likely a fourth-century Palestinian amora (either R. Yose b. Zebida or R. Yose b. R. Bun) who is quoting an anonymous tannaitic source.<sup>42</sup> The tannaitic position reflected in this tradition is thus presented anonymously in the PT, whereas the Tosefta attributes it to the tanna R. Meir. The Tosefta, moreover, provides an alternative to R. Meir's position, attributed to the Sages.<sup>43</sup> While the PT initially omits the position of the Sages, the subsequent anonymous discussion invokes the omitted position.

More importantly, the Tosefta (quoted above according to MS Vienna and the first printed edition) is profoundly different from the *baraita* recorded in the PT. According to the Tosefta, the criminal liability of Jews and non-Jews for sexual transgression is presented in terms of an inverse relationship. For sexual transgressions for which a Jewish court imposes capital punishment, non-Jews are merely admonished, whereas for sexual transgressions for which Jews are merely admonished, non-Jews receive capital punishment. According to the PT, on the other hand, non-Jews are accountable only for sexual transgressions for which a Jewish court imposes capital punishment, but not for sexual transgressions for which a Jewish court does not impose capital punishment.

To be sure, this version of the Tosefta seems to be corrupted, since the Sages' position does not correspond with R. Meir's statement in its present form. Significantly, the second clause of R. Meir's statement ("But all prohibited relations for which a Jewish court issues an admonition, [Noahides] incur capital punishment") is completely omitted in the Erfurt manuscript of the Tosefta. If R. Meir's original statement included

only the first clause (“All prohibited relations for which a Jewish court imposes capital punishment, Noahides are admonished against”), it would be more logical for it to be countered by its inverse (“All prohibited relations for which a Jewish court does not impose capital punishment, Noahides are not admonished against”), as is indeed found in both Talmuds.

One of the implications of R. Meir’s position, which is not explicated in the Tosefta, is that sexual partnerships between siblings, which are punished by divine extirpation and not by capital punishment, are completely permissible to non-Jews. In the PT this lenient position is questioned, on the assumption that sibling relations cannot possibly be permissible for non-Jews. It is argued that since the Bible informs us that the Canaanites were driven away from the land of Canaan because they engaged in sexual abominations, it must have been the case that they were strictly prohibited to act thus.<sup>44</sup>

The talmudic discussion in the PT concludes with the statement that non-Jewish slaves are permitted to have sexual relations with their sisters, even when they are related on the mother’s side. Although this leniency concerns slaves in particular, the slave here seems to represent a “limiting case” of the category of non-Jews. Whereas some tannaitic authorities permit non-Jews to have relations with their half-sisters, a slave, according to this tradition, is permitted to have relations with both his sister by his mother and his sister by his father. Interestingly, this statement is transmitted in the name of Rav Ḥisda, a prominent Babylonian authority of the second generation, who studied at Sura.

Rav Ḥisda’s lenient position is contrasted to a statement attributed to R. Yose: “A slave who had relations with his mother is liable to bring a sin-offering.”<sup>45</sup> Although there is no explicit acknowledgement in the PT of the Babylonian provenance of Rav Ḥisda’s statement,<sup>46</sup> it seems to represent a Babylonian rabbinic position that is then contrasted to a Palestinian rabbinic position that forbids a slave to have relations with his mother.

The manner in which these statements are contrasted suggests that the PT attempts perhaps to reject the lenient Babylonian rabbinic position and uphold instead a local rabbinic tradition. Although Rav Ḥisda’s statement in the PT addresses sexual partnerships between siblings, whereas R. Yose speaks of relations with one’s mother, it is plausible that the redactors of the PT sought to contrast the fundamental Babylonian and Palestinian stances on the issue of Noahide sexual laws. Indeed, the BT, which should, perhaps, be considered more reliable

when it comes to the authenticity of statements putatively made by Babylonian authorities, attributes to Rav Hisda the position that a slave is permitted to have sexual relations with his mother and his daughter. Were we to accept the BT's version of Rav Hisda's statement over the PT's, then the disagreement between Rav Hisda and R. Yose is, in fact, over the very same issue.

### THE BABYLONIAN DISCUSSION

The BT (*b. Sanh.* 57b–58b), while preserving the tannaitic traditions recorded in the PT, differs fundamentally from its Palestinian counterpart:

תניא כותיה דר' יוחנן כל ערוה שבית דין ישראל ממיתין עליה, בן נח מוזהר עליה. אין בית דין ישראל ממיתין עליה, אין בן נח מוזהר עליה דברי ר' מאיר. וחכ' אומרים: הרבה עריות בישראל שאין בית דין ישראל ממיתין עליהן ובן נח מוזהר עליהן בא על עריות ישראל נידון בדיני ישראל בא על עריות בן נח נידון בדיני בן נח, ואין לנו אלא נערה מאורסה בלבד. . .

ואמ' ר' מאיר כל ערוה שבית דין ישראל ממיתין עליה בן נח מוזהר עליה? והתניא: גוי<sup>47</sup> שהיתה הורתה שלא בקדושה ולידתו בקדושה יש לו שאר האם ואין לו שאר האב. הא כאיזה צד? נשא אחותו מן הא(ב)ים יוציא מן האב יקיים אחות אב מן האם יוציא מן האב יקיים אחות האם מן האם יוציא מן האב<sup>48</sup> ר' מאיר אומ' יוציא וחכמ' אומ' יקיים שהיה ר' מאיר אומר כל ערוה שמשום שאר האם יוציא משום שאר האב יקיים ומותר באשת אחיו ובאשת אחי אביו ושאר כל העריות מותרות לו. לאיתויי אשת אביו. נשא אשה ובתה כונס אחת? ומוציא אחת ולכתחלה לא יכנס. מתה אשתו מותר בחמותו. ואיכא דתאני אסור בחמותו. אמ' רב יהודה:<sup>49</sup> לא קשיא הא ר' מאיר אליבא דר' אלעזר הא ר' מאיר אליבא דר' עקיבה דתנאי על כן יעזב איש את אביו ואת אמו א' אלעזר אביו<sup>50</sup> אמו אחות אמו ר' עקיבה אומר אביו אשת אביו אמו אמו ממש ודבק ולא בזכור באשתו ולא באשת חבירו והיו לבשר אחד מי שנעשין בשר אחד יצאו בהמ' ויהיה שאין נעשין בשר אחד. . .

תא שמע: ויקח עמרם את יוכבד דדתו מאי לאו דודתו מן האם ולא דודתו מן האב. תא שמע: 'וגם אמנה אחתי בת אבי היא' [מ]כלל דבת האם אסורה. ותסברה אחותי<sup>51</sup> הוא, בת אחיו הוא. וכיון דהכי, לא שנא מן האב ולא שנא מן האם שריא. התם הכי קא אמר ליה קורבא דאחווה אית לי בהדה מאבה ולא מאימא. תא שמע: מפני מה לא נשא אדם בתו, כדי שישא קין את אחתו. 'כי אמרתי עולם חסד יבנה'. טעמא דעולם חסד יבנה הא לאו הכי אסורה. כיון דאשתרי אשתרי.

אמר רב הונא: גוי מותר בבתו. אם תאמ' מפני מה לא נשא אדם בתו? כדי שישא קין אחתו, שנ' עולם חסד יבנה. איכא דאמרי: אמ' רב הונא:<sup>52</sup> גוי אסור בבתו, תדע שלא נשא אדם את בתו כדי שישא קין את אחתו.<sup>53</sup> ולא היא התם הינו טעמ'<sup>54</sup> משו' דעולם חסד יבנה. אמ' רב חסדא:<sup>55</sup> עבד מותר באמו ומותר בבתו,<sup>56</sup> יצא מכלל גוי ולכלל ישראל לא בא.<sup>57</sup>

It has been taught in accordance with the view of R. Yohanan: "All prohibited relations for which a Jewish court imposes capital punishment, a Noahide is admonished against. But those for which a Jewish court does not impose capital punishment, a Noahide is not admonished against": these are the words of R. Meir. But the Sages say: "[There are] many prohibited relations for which a Jewish court does not impose capital punishment, and a Noahide is admonished against. One who has prohibited relations with a Jew is judged by Jewish law, one who has prohibited relations with a Noahide is judged by Gentile law. And [with respect to prohibited relations], we have only [one



difference in practice between Jewish law and Gentile law, namely, the case of the] betrothed maiden.” . . .

Now, does R. Meir claim that all prohibited relations for which a Jewish court imposes capital punishment, a Noahide is admonished against? Surely it has been taught: “A proselyte, who was not conceived in sanctity but was born in sanctity, possesses kin on his mother’s side but not on his father’s side.” How is this so? If he married his sister by his mother – he must divorce her; by his father – he may keep her; his father’s sister by his [i.e. the father’s] mother – he must divorce her; by his father – he may keep her; his mother’s sister by her [i.e. the mother’s] mother – he must divorce her; by the father – R. Meir says that he must divorce her, but the Sages say that he may keep her; for R. Meir held that in every case of prohibited relations on his mother’s side, he must divorce her; on his father’s side, he may keep her. He is permitted to have [relations with] his brother’s wife, his father’s brother’s wife, and all other prohibited relations are permitted to him. This includes his father’s wife. If he married a woman and her daughter, he remains married to one and must divorce the other. But *ab initio*, he must not marry them. If his wife died, he may marry his mother-in-law; and there are some who learned that his mother-in-law is prohibited to him.

Rav Yehudah said: “There is no difficulty here; one dictum is by R. Meir according to R. El’azar, and one is by R. Meir according to R. ‘Akiva. For it has been taught: ‘Therefore shall a man leave his father and his mother’ [Gen. 2:24] – R. El’azar said: ‘His father [means] his father’s sister; his mother [means] his mother’s sister.’ R. ‘Akiva said: ‘His father [means] his father’s wife; his mother [means] his mother, literally.’ ‘And he shall cleave’ [means] but not to a male; ‘to his wife’ [means] but not to his neighbor’s wife; ‘and they shall be as one flesh,’ this applies to those that can become one flesh, thus excluding cattle and beasts, which cannot become one flesh with humans.” . . .

Come and hear: “And ‘Amram took Jochebed his father’s sister as his wife’ [Exod. 6:20]. Does this not mean his father’s sister by his mother? No, it means his father’s sister by his father.

Come and hear: “And yet indeed she is my sister, the daughter of my father [but not of my mother]” [Gen. 20:12]. Does not this prove that the mother’s daughter is forbidden? Now, was she his sister at all? She was his brother’s daughter, and therefore, whether by his father or mother, she is permitted to him. He [i.e. Abraham] declared to him [Abimelech] the following: “I am related to her fraternally [i.e. she is my brother’s daughter], but on my father’s side [i.e. through my brother by my father], not on my mother’s side.”

Come and hear! Why did Adam not marry his daughter? So that Cain could marry his sister, “for I said, the world shall be built up by grace” [Ps. 89:2]. But if it weren’t for the purpose of building up the world by grace, would she not be forbidden? Once it was permitted, it remains permitted.

Rav Huna said: “A non-Jew is permitted to have relations with his daughter.” But should you ask, if so, why did not Adam marry his daughter? So that Cain could marry his sister, as it is written: “the world shall be built up by grace” [Ps. 89:2]. And there are some who say: Rav Huna said: “A non-Jew is forbidden to have relations with his daughter,” the proof being that Adam did not marry

his daughter so that Cain could marry his sister. But that proof is fallacious: the reason was so that the world would be built up by grace.

Rav H̥isda said: "A [non-Jewish] slave [owned by a Jew] is permitted [to have relations] with his mother and permitted [to have relations] with his daughter," for he is no longer regarded as a non-Jew, but is not yet regarded as a Jew.

In both Talmuds the dispute between R. Meir and R. Yehudah (or R. Meir and the Sages) concerning sexual partnerships between non-Jews or converts and their sisters, father's sisters, or mother's sisters is juxtaposed to a third tannaitic tradition, according to which a non-Jew is permitted to engage in certain incestuous relationships, as long as a Jewish court does not impose capital punishment on Jews for such acts. While the third tannaitic position is presented anonymously in the PT, the BT attributes this position to R. Meir (in accordance with the Tosefta), whose seemingly contradictory statements are subsequently contrasted in the ensuing talmudic discussion.

The dispute between R. Meir and his interlocutors regarding sexual partnerships with one's sister, father's sister, or mother's sister is presented differently in the competing rabbinic accounts. Firstly, *Gen. Rab.* addresses only the case of a convert, while the PT addresses two cases: that of a convert and that of a non-Jew. The BT addresses only the case of one who was conceived as a non-Jew but was born a Jew. The legal status of non-Jews and converts, however, is quite similar in this regard, insofar as converts, like non-Jews, are permitted to have sexual relations with some of their biological relatives.

Second, the PT and *Gen. Rab.* maintain that, according to R. Meir, relations with one's sister, whether by one's father or by one's mother, are strictly forbidden, while according to R. Meir's interlocutors they are forbidden only in the case of a sister by one's mother. The BT, on the other hand, maintains that according to R. Meir relations with one's sister on one's father's side are permissible, while his interlocutors permit both types of sisters. As we shall see, it is not merely by chance that the more stringent version of the tannaitic dispute appears in the Palestinian works, and the more lenient version in the BT.

As R. Meir addresses several cases (the father's sister and the mother's sister) and not only the case of a sister, it is not entirely clear precisely what it is that the BT sees as the contradiction between his statements. A probable interpretation of the contradiction is the following, though I would not rule out the plausibility of other interpretations: In one source R. Meir maintains the most lenient position, arguing that sexual relationships for which a Jewish court does not impose capital punishment on Jews are permissible for non-Jews, from which it follows that sexual

relations with one's sister are completely permissible for non-Jews; but in another source R. Meir holds that one who marries his sister on his mother's side must divorce her immediately. In response to this supposed contradiction in R. Meir's position, the BT attributes the more lenient position to R. Meir's teaching in accordance with R. 'Akiva, while the more stringent position is attributed to R. Meir's teaching in accordance with R. El'azar.

After resolving the contradiction in R. Meir's position, the BT makes several attempts to provide exegetical support for one or another position in the dispute between R. 'Akiva and R. El'azar regarding the permissibility of non-Jewish incestuous practices. As we have seen, some of the biblical prooftexts adduced in this context are similarly addressed in the PT and *Gen. Rab.* The anonymous talmudic discussion in the BT first questions the stringent stance by invoking the case of 'Amram, the father of Moses and Aaron, who married his aunt. But it rejects this attempt, arguing that 'Amram's aunt was his father's sister by the father and not by the mother, in which case all the tannaitic authorities (according to the BT's version of the *baraita*) concur that relations with her are permissible for non-Jews. The BT then mentions Abraham, who asserts that he married his sister on his father's side, implying that relations with one's sister on one's mother's side are prohibited. But it rejects this inference as well, suggesting that Abraham was in fact married to his niece, not to his biological sister. The former is permissible, of course, even for Jews.<sup>58</sup> The third attempt at finding biblical support invokes a midrash according to which Adam did not marry his daughter so that Cain, his son, would be able to do so. From this midrash it is inferred that, were it not for the mandate expressed in the verse "the world shall be built up by grace," Cain's marrying his sister would have been prohibited. This attempt, too, is rejected, since it can be argued that "once it was permitted, it remains permitted" (כיון דאשתרי אשתרי). The tradition concerning Cain's marriage with his sister and its parallels in rabbinic, patristic, Islamic, and Zoroastrian sources will be addressed in detail in [Chapter 8](#).

The notion that "once it was permitted, it remains permitted" appears to be the conclusion of the BT's discussion of brother-sister unions, thus affirming the position of R. Meir in the name of R. 'Akiva that non-Jews are not held liable for sexual transgressions for which a Jewish court does not impose capital punishment on Jews. In contrast to the inconclusiveness of the Palestinian rabbinic discussions of this issue, the BT appears to accept the lenient stance as normative.<sup>59</sup> The redactors' lenient conclusion can be further deduced from the remainder of the

talmudic discussion, which is completely absent from the Palestinian rabbinic parallels.

After discussing the case of sexual relations with one's sister, the BT turns to the case of sexual relations with one's daughter. This case is addressed by Rav Huna, a prominent authority of the second generation of Babylonian sages. Two differing versions of Rav Huna's position are recorded.<sup>60</sup> According to the first version, "A non-Jew is permitted to have relations with his daughter," while according to the second, "A non-Jew is forbidden to have relations with his daughter." Notwithstanding the contradictory versions of Rav Huna's statement, the talmudic redactors are clearly inclined to accept the lenient position.

The more lenient version of Rav Huna's statement is challenged by the fact that Adam refrained from marrying his daughter. This challenge is resolved, however, by the claim that Adam only refrained out of kindness to his son, and not because it was forbidden. The more stringent version of Rav Huna's position, on the other hand, is initially inferred from Adam's reluctance to marry his daughter. This explanation is subsequently rejected, however, on the assumption that Adam refrained out of kindness and not because it was forbidden. In conclusion, then, the lenient position is upheld by the Babylonian redactors, whereas the stringent position is implicitly rejected, as Adam would have legally married his daughter were it not for his solicitousness toward his son.

Finally, after addressing the leniency regarding marriage to one's sister and daughter, the BT discusses the matter of sexual relations between a non-Jewish slave and his mother. As I suggested, the rabbis seem to have taken the slave to represent a "limiting case" of the category of non-Jews. Here too we witness a remarkable difference between the Babylonian and Palestinian versions. Although a similar statement is attributed in both Talmuds to Rav Ḥisda, a contemporary and colleague of Rav Huna, the reported content of his statement differs considerably. While the PT attributes to Rav Ḥisda the view that a non-Jewish slave is permitted to have sexual relations with his sister – a position that was essentially accepted by certain tannaitic authorities for all non-Jews – the BT attributes to Rav Ḥisda the position that a non-Jewish slave is permitted to have sexual relations with his mother! There is no tannaitic authority that permits a non-Jew to have sexual relations with his mother, a practice for which Jewish courts impose capital punishment.

In sum, the Babylonian and Palestinian accounts reveal a significant disparity regarding the applicability of the levitical sexual prohibitions to non-Jews. In contrast to the Palestinian rabbinic works, which

generally extend the levitical prohibitions to non-Jews (with only a few exceptions), the BT takes an approach that systematically tolerates incestuous partnerships between non-Jews, especially in the context of first-degree incest: mother–son, father–daughter, and brother–sister.

#### EXPLAINING THE DIFFERENCES

The differences between the Babylonian and Palestinian rabbinic accounts reflect divergent approaches to the question of the universality of sexual ethics. The Palestinian sources understand the sexual prohibitions to be (nearly) “universal” in the sense that they apply to Jews and non-Jews alike. Although there are several differences between the prohibitions that apply to Jews and those that apply to non-Jews – notably one’s paternal half-sister, with whom non-Jews are permitted to have relations according to several tannaitic authorities, but Jews are not – the differences are relatively minimal. The BT, on the other hand, exhibits a particularistic and exclusive approach, according to which many of the levitical prohibitions do not apply to non-Jews (including prohibitions against incestuous unions between first-degree relatives), since the prohibitions applicable to non-Jews are derived independently from pre-Mosaic normativity.

The inclusive or exclusive application of the biblical prohibitions must not be confused with the question of whether a given body of law should be conceived as natural or positive. While the inclusive approach adopted by the Palestinian rabbinic works is best understood in terms of natural law ethical theories, the particularistic approach adopted by the Babylonian rabbis is compatible with both natural-law and positive-law accounts. One way to understand the Babylonian approach is in terms of a theory of ontological and “natural” particularism that invokes Israel’s inherent holy status.

In line with the inclusive notion of “achieved holiness,” the Palestinian sources adduce the punishment incurred by the Canaanites and Egyptians to argue that non-Jews are essentially governed by the same sexual prohibitions as Jews. Jews and non-Jews alike are required to aspire to a state of “achieved holiness” by refraining from the same sexual abominations. The BT, on the other hand, seems to understand Israel’s holiness as inherent, and thus takes the levitical prohibitions associated with this state of holiness to apply only to Jews. Although this is a particularistic approach to sexual morality, it is not necessarily deduced from a positive-law understanding of the prohibitions, but rather from a natural theory of the “ontological” or “ascribed” holiness unique to Israel. On this

interpretation of the Babylonian rabbinic position, the difference between the Sinaitic and Noahide legal systems is not one of positive versus natural law, but rather, two different dimensions of natural law. Noahide law can be seen as natural in the sense that it is anchored in the natural beginnings of humanity in the pre-Sinaitic era, whereas Sinaitic law can be seen as natural in the sense that it reflects the inherent and ontological state of Israel.

At the same time, the particularistic approach to sexual ethics adopted by the BT is also amenable to a positive-law interpretation, which assumes a certain degree of moral relativism: the levitical laws of incest are binding for Jews, but they are not binding for non-Jews, who have their own standards of sexual behavior. Regardless of why these differences came about, the fact of the matter is that Jews are governed by one system of sexual morality and non-Jews by another. On this reading, both the Sinaitic and the Noahide codes reflect positive law, in the sense that they do not apply universally, but pertain to a particular group.

Beyond these internal considerations, the BT's systematic leniency vis-à-vis Noahide engagement in incest cannot be fully appreciated without recourse to the Pahlavi rhetoric of *xwēdōdah*. As we have seen in [Chapter 5](#), this practice attracted the attention of foreign observers from the Roman East to China. If the Zoroastrian practice was perceived by Greek and Buddhist authors as noteworthy, it is rather implausible that the Babylonian rabbis, who were far more familiar with and impressed by local Sasanian currents, were unaware or uninterested in this distinctive practice.

I submit that the redactors of the BT (and perhaps some of the sages mentioned in the talmudic discussion) responded not only to the local practice of next-of-kin partnerships, but also to its underlying doctrine, and the rhetoric in which it was couched. Specifically, the Babylonian rabbinic focus on first-degree incest (father–daughter, mother–son, and brother–sister) among Noahides is informed by the Pahlavi rhetoric, according to which these three types of *xwēdōdah* in particular are considered meritorious and praiseworthy (see [Chapter 5](#)). This focus is hardly trivial, since the sexual prohibitions listed in Leviticus include other restrictions that ought to have been addressed in the context of the talmudic treatment of Noahide law. The systematic consideration of father–daughter, mother–son, and brother–sister partnerships in the BT's discussion thus seems to reflect a perspective that goes beyond the internal rabbinic discourse and engages with the Zoroastrian theory of incest.<sup>61</sup>

Before addressing the nuances of the talmudic engagement with the intricacies of the Pahlavi rhetoric of *xwēdōdah*, it is pertinent to call attention to the common reception of the levitical account of the prohibited sexual partnerships among Babylonian rabbis and East Syrian authors vis-à-vis their shared encounter with indigenous Zoroastrian practices. The exclusive rhetoric voiced in the BT, applying the levitical differentiations to normative distinctions between the Sinaitic and Noahide codes, is particularly informed by the writings of the East Syrian patriarch Mār Abā, who, in his *Regulations of Marriage*, identified (exegetically) the incestuous Persians of his time with the levitical Canaanites.<sup>62</sup> Although Mār Abā is more polemical in his response to the Zoroastrian practice (see [Chapter 5](#)) compared to the tolerant approach exhibited in the BT toward Noahide incest, for both Babylonian rabbis and the East Syrian patriarch it was the levitical laws of incest that set them apart from their Zoroastrian neighbors in a manner similar to the scriptural demarcation of Israel vis-à-vis the Egyptians and Canaanites.

The intersection of the talmudic and Pahlavi discussions of the laws of incest can be exemplified through the case of sibling relationships that are only on the paternal side or only on the maternal side. In this context, the *Pahlavi Rivāyat* records the following tradition:<sup>63</sup>

*xwah ud brād ka ham-pid hēnd jud-mād ā-šān ōh bawēd ud ka ham-mād hēnd jud-pid ā-šān ōh bawēd.*

When a sister and a brother are of the same father and of a different mother, it is in the usual way<sup>64</sup> for them, and it is in the usual way when they are of the same mother and of a different father.

It would seem that the Babylonian rabbinic discussion of sexual relations with one's half-sister on only the paternal or maternal side echoes this Zoroastrian concern. As we have seen, the PT maintains that R. Meir forbade union with one's sister, whether paternal or maternal and R. Yehudah forbade relations only with one's maternal sister, whereas the BT argues that both authorities were in fact more lenient on this issue. According to the BT's version of the dispute, R. Meir permits relations with one's paternal sister, while R. Yehudah, whose position seems to be regarded as normative by the redactors, permits sexual relations with either type of sister. Interestingly, then, while the Pahlavi text seeks to include one's half-sister as a sexual partner under the meritorious rubric of *xwēdōdah*, the BT seeks to exclude one's half-sister from the list of partners prohibited to Noahides.

The profound difference, according to the BT, between the Sinaitic and Noahide codes of sexual ethics calls to mind yet another aspect of the Pahlavi rhetoric. As we have seen in [Chapter 5](#), one of the more surprising justifications for *xwēdōdah* is the notion of moral and cultural relativism. Alongside the notion of binding mythical prototypes of *xwēdōdah* that set an example for human normativity, the Pahlavi authors did not hesitate to invoke the contradictory idea of moral relativism, arguing that “*xwēdōdah* may be abominable in your eyes, but it is beautiful in ours.” In line with this notion, and in contrast to the Palestinian rabbinic and Greco-Roman rhetoric of universal sexual standards, the BT advocates a classification of sexual ethics that reflects moral relativism: “Incest may be forbidden for Jews who were commanded at Sinai, but it is perfectly acceptable for non-Jews.”

To be sure, the correspondence between the BT’s discussion of Noahide incest and the Pahlavi discussion of *xwēdōdah* is somewhat uneven. To state one obvious difference, while incestuous relations are, according to the Babylonian rabbinic reconstruction of Noahide law, merely *permissible* (i.e. tolerated), the Zoroastrian sources speak of *xwēdōdah* as praiseworthy and meritorious. Thus, despite the affinities between the Babylonian rabbinic and Zoroastrian discussions, it must be borne in mind that the discussions are centered on fundamentally different legal and religious categorizations.

Though the BT’s legal discourse reveals a surprisingly lenient approach to non-Jewish incest, the Babylonian rabbinic authorities were constrained by the discursive framework established by the antecedent Palestinian rabbinic tradition, a framework that addressed next-of-kin partnerships in terms of the forbidden/permissible dichotomy. However, viewed against this shared rabbinic heritage, the fact that the Babylonian rabbis diverge significantly from rulings of their Palestinian counterparts to permit next-of-kin partnerships between non-Jews, while at the same time displaying awareness of the indigenous Zoroastrian discourse, is remarkable in itself.

In [Chapter 8](#) I will examine non-legal traditions pertaining to pre-Mosaic incest, which provided the Babylonian rabbis with an opportunity to express an affirmative stance on next-of-kin partnerships among non-Jews. It is in the hermeneutically fuzzy realm of narrative that the Babylonian rabbis felt “free” to develop a positive (and not merely tolerant) image of non-Jewish engagement in incestuous activity. It is thus in the context of Cain’s relations with his sister and Lot’s relations with his two daughters that next-of-kin partnerships were employed by



the Babylonian rabbis as positive models for human behavior. In line, moreover, with the Pahlavi rhetoric of mythical prototypes that set an example for human norms of sexual conduct, the Babylonian rabbis similarly adduced the examples of pre-Mosaic incest as an example for human conduct. “Once it was permitted,” the BT concludes, “it remains permitted.”

## NOTES

1. On the Noahide laws see *t. 'Abod Zar.* 8 (9):4–9; *b. Sanh.* 56a–60a; *Gen. Rab.* 16:6 (Theodor and Albeck [eds.], *Midrash Bereshit Rabba*, 149–151), and parallels. The secondary literature on this topic is vast: see e.g. David Novak, *The Image of the Non-Jew in Judaism: An Historical and Constructive Study of the Noahide Laws* (New York and Toronto: Edwin Mellen Press, 1983); Suzanne Last Stone, “Sinaitic and Noahide Law: Legal Pluralism in Jewish Law,” *Cardozo Law Review* 12, 3–4 (1991): 1157–1214; Nahum Rakover, *Law and the Noahides: Law as a Universal Value* (Jerusalem: Library of Jewish Law, 1998); Devora Steinmetz, *Punishment and Freedom: The Rabbinic Construction of Criminal Law* (Philadelphia: University of Pennsylvania Press, 2008), 20–39; Moshe Lavee, “The Noahide Laws: The Building Blocks of a Rabbinic Conceptual Framework in Qumran and the Book of Acts,” *Megilot* 10 (2013): 73–114.
2. See e.g. Labendz, *Socratic Torah*, 191–211; Noam, “Another Look at the Rabbinic Conception of Gentiles”; Lavee, “No Boundaries.”
3. For Western Christian laws of incest see Elizabeth Archibald, *Incest and the Medieval Imagination* (Oxford: Oxford University Press, 2001), 9–52. In Roman law, incest regulations are referred to either in terms of *ius gentium* or in terms of natural law, for which see the discussion below. See e.g. Susan Treggiari, *Roman Marriage: Iusti Coniuges from the Time of Cicero to the Time of Ulpian* (Oxford: Clarendon Press, 1991), 39; Satlow, *Tasting the Dish*, 51–52.
4. The literature on this issue is vast. See e.g. David Novak, *Natural Law in Judaism* (Cambridge: Cambridge University Press, 1998); Avi Sagi, “Natural Law and Halakha: A Critical Analysis,” *Jewish Law Annual* 13 (2000): 147–196.
5. On this issue see Steven Robert Wilf, *The Law before the Law* (Lanham, MD: Lexington Books, 2008).
6. Novak, *Natural Law*, 149–154.
7. Steinmetz, *Punishment and Freedom*, 26–30.
8. Steinmetz, *Punishment and Freedom*, 31–33.
9. Steinmetz, *Punishment and Freedom*, 40–52. Below, we will see that this characterization is true only according to the BT, but not according to Palestinian rabbinic discourse.
10. Steinmetz, *Punishment and Freedom*, 50–51.

11. Christine Hayes, *What's Divine about Divine Law? Ancient Perspectives* (Princeton: Princeton University Press, 2015), 326–370. See also Wilf, *The Law before the Law*, 62.
12. While Hayes acknowledges the existence of two alternative theories of Noahide law in the Babylonian rabbinic tradition, as pointed out by Steinmetz, she contends that the discussion is not “genuinely dialogical,” inasmuch as the second tradition, which grounds Noahide law in the natural order, is not considered a real alternative. Not only does the talmudic discussion privilege the first tradition, but certain elements of the second tradition are reinterpreted and revised so as to make them consistent with the dominant position, which views the Noahide laws as commanded. Furthermore, Hayes maintains, contra Steinmetz, that the dominant first tradition conceives of Noahide law as revealed, commanded, and accessible through rabbinic exegesis, not as a set of rational principles inherent in human nature. In other words, the dominant rabbinic perception of Noahide law takes it to be positive law: its norms, like those of Mosaic law, were imparted to the nations via divine legislation.
13. Certain crimes regulated by Noahide law are applied to Jews and non-Jews differentially. Thus, e.g., the mode of punishment for idolatry and blasphemy differs for Jews and non-Jews (Steinmetz, *Punishment and Freedom*, 33–34). As for substantive (as opposed to punitive) legal differences, t. *Abod. Zar.* 9:4 maintains that a Jew is not liable for murder, theft, or robbery when the victim is a non-Jew, while a non-Jew in the converse situation is liable.
14. Cf. Finkelstein (ed.), *Sifre on Deuteronomy*, 141–142.
15. The main components of the Pentateuch’s priestly writings are the Priestly source (P) and the Holiness legislation (H). Scholarship on the date and provenance of P and H is vast; see e.g. Jacob Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary*, Anchor Bible (New York: Doubleday, 1991), 1–67; Jacob Milgrom, *Leviticus 17–22: A New Translation with Introduction and Commentary*, Anchor Bible (New York: Doubleday, 2000), 1361–1364; Knohl, *The Sanctuary of Silence*, 11–16; Baruch J. Schwartz, “Introduction: The Strata of the Priestly Writings and the Revised Relative Dating of P and H,” in *The Strata of the Priestly Writings: Contemporary Debate and Future Directions*, ed. J. S. Baden and S. Shectman (Zurich: TVZ, 2009), 1–12; Christophe Nihan, *From Priestly Torah to Pentateuch: A Study in the Composition of the Book of Leviticus*, *Forschungen zum Alten Testament* 2:25 (Tübingen: Mohr Siebeck, 2007), 215–231, 379–394.
16. A third and more concise list appears in Deut. 27:2–23.
17. It is an established talmudic principle that “the scriptural text does not punish without having issued an admonition” (*b. Zebah.* 106b; *b. Yoma* 81a; *b. Ker.* 3b; *b. Sanh.* 56b). See the discussion in Israel Z. Gilat, “Exegetical Creativity in Interpreting the Biblical Laws on Capital Offenses,” *Jewish Law Annual* 20 (2013): 41–102.
18. Sipra, Qedoshim perek 9:12 (Weiss [ed.], *Siphra d’Be Rab*, 92a–b). See also *b. Sanh.* 54a; *b. Mak.* 5b; *y. Sanh.* 7:6, 33b.

19. Baruch J. Schwartz, *The Holiness Legislation: Studies in the Priestly Code* (Jerusalem: Magnes Press, 1999), 137–144. Cf. Hermann Schultz, *Das Todesrecht im Alten Testament*, Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft 114 (Berlin: de Gruyter, 1969), 130. Milgrom, *Leviticus* 17–22, 1765–1768, provides a useful summary of both positions.
20. Schwartz, *Holiness Legislation*, 143–144.
21. On this distinction see e.g. Knohl, *Sanctuary of Silence*, 177–180; Koltun-Fromm, *Hermeneutics of Holiness*, 31–51; Himmelfarb, *A Kingdom of Priests*.
22. This ideology reaches its fullest biblical development in Ezra–Nehemiah, in the doctrine of the “holy seed” (זרע קדש), which underscores the ontological and genealogical differentiation between Jews and non-Jews. H, on the other hand, focuses on the moral shortcomings of the surrounding nations (who must also adhere to the same laws), and does not address their lack of ascribed holiness. In terms of the reception of the biblical text, however, it would seem that several ancient exegetes interpreted the seven nations’ sexual abominations as reflecting an inherent inability to reach a state of holiness. See, in general, Olyan, *Rites and Rank*; Hayes, *Gentile Impurities and Jewish Identities*.
23. Lev. 18:24, 20:23. A negative view of the surrounding nations, who are depicted as guilty of illicit sexual unions and promiscuity, is also found in Gen. 9:22–27, 19:4–9, 19:30–38, 39:7–20; Ez. 16:26, 23:19–20. In other places, however, we find the view that the Philistines and the Egyptians were careful not to commit adultery, see Gen. 12:10–13, 20:2, 20:11, 26:7. On this discrepancy see Schwartz, *Holiness Legislation*, 157–160.
24. Schwartz, *Holiness Legislation*. In the past, scholars sought to corroborate the biblical charges of Egyptian and Canaanite sexual misconduct by adducing ancient Near Eastern mythical accounts of incest among gods. The fact of the matter, however, is that the same cultures that tell these stories about godly incest explicitly forbid incest among humans, and several ancient Near Eastern law codes set down sexual restrictions similar to those found in the Hebrew Bible. In light of this, the fanciful notion of ritual fornication that supposedly existed among the Canaanites has been largely abandoned in the scholarly literature. See e.g. Schwartz, *Holiness Legislation*, 155–162; Tikva Frymer-Kensky, *In the Wake of the Goddesses: Women, Culture, and the Biblical Transformation of Pagan Myth* (New York: Free Press, 1992), 199–202.
25. Baruch A. Levine, *Leviticus*, JPS Torah Commentary (Philadelphia: Jewish Publication Society, 1989), 253–254. Similarly, no explicit moral critique is voiced in the Genesis account of Lot and his daughters after the destruction of Sodom (Gen. 19:30–38), though later we learn that their descendants, the Moabites and Ammonites, are excluded from the congregation of the Lord (Deut. 23:3). On the reception of the story of Lot’s incestuous union with his two daughters in ancient Jewish and Christian sources see [Chapter 8](#).
26. Aharon Shemesh argues that the mishnaic lists of those liable to the death penalty (*m. Sanh.* 7:4) and those liable to divine extirpation (*karet*)

(*m. Ker.* 1:1), which enumerate and categorize the sexual prohibitions, essentially conform to the levitical list. See Aharon Shemesh, *Punishments and Sins: From Scripture to the Rabbis* (Jerusalem: Magnes Press, 2003), 113. Granted, the list of those liable to the sanction of flogging (*m. Mak.* 3:1), which is applied to all sexual transgressors who are not liable to the death penalty, is entirely a rabbinic innovation (Shemesh, *Punishments and Sins*, 178). But the discontinuity associated with the punishment of flogging is not related to sexual offenses in particular, as the rabbis apply this sanction to other prohibitions as well.

27. See e.g. *m. Yebam.* 2:3–4; *t. Yebam.* 3:1, 6:4–5; *y. Yebam.* 2:3, 3d; *b. Yebam.* 20a–b; *b. Ketub.* 35b–36a; *b. Sanh.* 53a–b. And see the discussion in Satlow, *Tasting the Dish*, 44–52.
28. Shemesh observes that the list of the thirty-six transgressors who are liable to divine extirpation (*karet*) according to *m. Ker.* 1:1 is probably the original rabbinic list, on which the other mishnaic lists depend (Shemesh, *Punishments and Sins*, 101–107). These include the lists of transgressors liable to the death penalty and those liable to the sanction of flogging (*m. Sanh.* 7:4; *m. Mak.* 3:1). The first half of the list in *m. Ker.* 1:1 covers sins involving sexual violations; the second covers all the other prohibitions. The list is organized and structured according to a clear taxonomy. The Mishnah first addresses sexual transgressors who are liable to death by stoning (a man who has relations with his mother; his father's wife; his daughter-in-law; homosexuality; a man who has relations with an animal; and a woman who has relations with an animal). It then lists sexual transgressors who are liable to death by burning (one who has relations with a woman and her daughter); then sexual transgressors who are liable to death by strangling (one who has relations with a married woman). The Mishnah then lists sexual transgressors who are liable to divine extirpation (*karet*) but not to death executed by the court (one who has relations with his sister; his father's sister; his mother's sister; his wife's sister; his brother's wife; with the wife of his father's brother; and with a menstruating woman). Lastly, the Mishnah addresses other sins that do not involve sexual violations: see Shemesh, *Punishments and Sins*, 102. Interestingly, *m. Mak.* 3:1 enumerates seven sexual transgressors who are not liable to the death penalty, while the numerous transgressions associated with eating non-kosher food are all grouped together under the same category of “one who eats carrion, or *terefot*, or detestable creatures, or creeping things” (*m. Mak.* 1:2). This appears to highlight the importance the Mishnah accords to classifying the sexual prohibitions in particular.
29. The PT puts forward the following argument: “R. Hila states in the name of R. Shim'on b. Laqish: ‘It is because of such abhorrent practices that the Lord your God is driving them out before you’ – this serves to teach us that the Holy One, blessed be He, does not punish unless He first issued an admonition (hence we see that non-Jews are admonished not to have sexual relations with their sisters)” (*y. Yebam.* 11:2, 12a).
30. The question of the literary relationship between the Talmuds has been long debated (see [Introduction](#)), and cannot be systematically addressed here. Suffice it to point out, however, that a careful study of the differences between

the Babylonian and Palestinian accounts of the Noahide laws is crucial for pinpointing the material in the BT that is novel and distinctively Babylonian.

31. MS Leiden reads “for [relations with] whom a Jewish court imposes capital punishment, yet with whom Noahides are not admonished against [having relations]” (הרי בית דין שליש' ממיתין עליה ואין בני נח מזהרין עליה), but this is probably a scribal error, since incest with one's sister is punished, not by death imposed by the court, but by divine extirpation, as clearly stated in the Bible.
32. Thus, according to MS Leiden. The printed editions, however, read אמו (his mother), referring to next-of-kin relations between a slave and his mother.
33. y. *Yebam.* 11:2, 12a (MS Leiden).
34. *Gen. Rab.* 18:5 (Theodor and Albeck [eds.], *Midrash Bereshit Rabba*, 165–166):

על כן יעזב איש את אביו ואת אמו. תני: גר שנתגייר והיה נשאו לאחותו, בין מן האב בין מן האם יוציא כדברי ר' מאיר. וחכמים אומרים: מן האם יוציא ומן האב יקיים, שאין אב לגוי. אתיבון ליה: והכח' וגם אמנה אחותי בת אבי וגו'. אמר להון: בשיטתן השיבן. אמר ר' חנן ופשטו לן על כן יעזב איש את אביו ואת אמו הסמוך לאביו והסמוך לאמו, אותיב ר' אבהו, והכח' ויקח עמרם את יוכבד דודתו לו לאשה. אמר ר' שמעון בריה דר' אבין אלא מעתה אפילו כבני נח לא היו ישראל נוהגין קודם למתן תורה אתמהא. אמר ר' אילא ופשטו לן על כן יעזב איש את אביו ואת אמו הסמוך לו מאביו והסמוך לו מאמו.

“Therefore shall a man leave his father and his mother” [Gen. 2:24]. It was taught: If a man became a proselyte, and he was [previously] married to his sister by his father or to his sister by his mother, he must divorce her – [according to] the words of R. Meir. But the Sages maintain: “He must divorce his sister by his mother, but may keep his sister by his father, because paternity does not apply to non-Jews.” They raised an objection against him: “Is it not written: ‘And yet indeed she is my sister; she is the daughter of my father [but not of my mother]’ and so on [Gen. 20:12]? He [Abraham] answered them in accordance with their own ideas, was his reply.” R. Hanan said: “This is corroborated for us by the verse, ‘Therefore shall a man leave his father and his mother’ [Gen. 2:24], which means [he must divorce] she who is related to his father and she who is related to his mother.” R. Abbahu raised an objection: “Is it not written, ‘And ‘Amram took Jochebed his father’s sister as his wife’ [Exod. 6:20]”? R. Shim’on, the son of R. ‘Abin, said: “But can it be possible that before the giving of the Torah the Israelites had a practice that even Noahides did not [engage in]?” Said R. ‘Ila: “This was resolved for us by the verse: ‘Therefore shall a man leave his father and his mother,’ which means [he must divorce] a woman who is related to him through his father and the woman who is related to him through his mother [i.e. a sister, not an aunt].”

35. There are several textual problems with the Palestinian accounts, which make the discussion that follows the dispute between R. Meir and R. Yehudah somewhat difficult to follow. The anonymous discussion is quite similar in both works (*Gen. Rab.* and the PT).
36. The printed editions add “Noahides” (בני נח).

37. MS Erfurt omits the clause: "But all prohibited relations for which a Jewish court issues an admonition, [Noahides] incur capital punishment" (וכל ערוה) (שבית דין של ישראל מוזהרין עליה – ממיתין עליה).
38. MS Erfurt omits the clause: "One who has prohibited relations with a Jew is subject to Jewish law" (בא על עריות ישראל גידון דיני ישראל).
39. MS Erfurt reads: "With respect to these prohibited relations" (באלו העריות), rather than "One who has prohibited relations with" (בא על עריות).
40. *t. Abod. Zar.* 8:4 (MS Vienna).
41. For the nature of the relationship between the Tosefta and parallel *baraitot* recorded in the Talmuds see the [Introduction](#).
42. In other words, the tanna, R. Yose ben Halafta, is probably not the source of this tradition according to the PT. On the identity of R. Yose (in cases where his father's name is not specified) in the PT see Hanoch Albeck, *Introduction to the Talmud, Bavli and Yerushalmi* (Tel Aviv: Dvir Press, 1969), 334–336.
43. The alternative position is paralleled in Sipra, Qedoshim parashah 10 (Weiss [ed.], *Siphra d'Be Rab*, 91b); *y. Qidd.* 1:1, 58b; *b. Sanh.* 57b.
44. According to this logic, however, the entire list of sexual prohibitions should apply to Jews and non-Jews alike. Indeed, this logic seems to underlie the Palestinian approach, according to which the laws prohibiting incest apply inclusively, and there is little difference between the Sinaitic and Noahide systems in this regard.
45. Admittedly, MS Leiden of the PT preserves a version that reads אמה, thus addressing, not the case of next-of-kin relations between a slave and his mother (אמו), but a completely different case, namely, relations between a slave and a bondwoman (אמה). The Leiden version, however, does not make much sense in the context of a discussion devoted to next-of-kin relations, and the original text may well have been corrupted or misinterpreted. It is plausible, e.g., that a scribe expanded the contracted form "אמי" as אמה instead of אמו.
46. I.e. by using the phrase תמן אמרין ("There, they say . . .") or the like.
47. As per the Yemenite MS. My translation in this case, however, follows Florence, Karlsruhe and Munich 95, which correctly read "proselyte" (גר).
48. MS Florence adds "he may keep her" (יקיים).
49. MS Karlsruhe reads "Rav Yoseph" (רב יוסף).
50. The copyist of the Yemenite MS seems to have skipped the words "his father's sister" (אחות אביו) by way of homeoteleuton. My translation in this case follows MSS Florence, Karlsruhe and Munich 95, which include the omitted words.
51. MSS Florence and Karlsruhe add "daughter of his father" (בת אביו).
52. MSS Florence and Karlsruhe read "Rav Yehudah" (רב יהודה).
53. "So that Cain could marry his sister" (כדי שישא קין את אחותו) is omitted in MSS Florence, Karlsruhe, and Munich 95.
54. As per the Yemenite MS. Cf. MSS Florence, Karlsruhe, and Munich 95, which read "So that Cain could marry his sister."
55. MS Florence reads "Huna" (הונא).
56. MS Florence reads "is permitted [to have relations] with his mother and with his sister" (מותר באמו ובאחותו).

57. *b. Sanh.* 57b–58b (Yemenite MS). For a description of this manuscript and its qualities see Mordechai Sabato, “A Yemenite Manuscript of Tractate Sanhedrin and its Place in the Text Tradition” (Ph.D. thesis, Hebrew University of Jerusalem, 1996).
58. On the rabbinic acceptance of marriage with one’s niece, see *m. Ned.* 8:7, 9:10; *y. Yebam.* 13:2, 13c; *b. Yebam.* 62b; *b. Git.* 17a; *b. Sanh.* 76b. In this respect, there appears to be no difference between the Palestinian and Babylonian sources. On a sectarian–Pharisaic dispute on this issue see Aharon Shemesh, “The Laws of Incest in the Dead Sea Scrolls and the History of Halakhah,” in *Halakhah in Light of Epigraphy*, ed. A. I. Baumgarten, H. Eshel, R. Katzoff, and S. Tzoref (Göttingen: Vandenhoeck & Ruprecht, 2011), 81–99.
59. It must be stressed that the attempt to identify a “bottom line” or “conclusion” of a talmudic *sugya* can be quite challenging. Considering the discursive nature of the BT, it often remains uncertain whether a putative conclusion indeed functions as such, or simply represents a discursive possibility, while both sides of the debate remain viable options. In the present case, however, the thrust of the talmudic discussion is consistent and leads to this conclusion.
60. According to MSS Florence and Karlsruhe, the stringent position which forbids father–daughter relations is attributed to Rav Yehudah, and is not presented as a different version of Rav Huna’s statement. If this version is accurate, then the matter of father–daughter relations might have been disputed among the major rabbinic circles of Babylonia, Rav Huna representing the heritage of Sura and Rav Yehudah representing the heritage of Pumbeditha. While a choice between the variant readings cannot be made with complete confidence, I have followed the generally more reliable Yemenite manuscript of tractate Sanhedrin.
61. Admittedly, discussion of the “sister” is intertwined with that of the “aunt.” This, however, seems to be the result of the original setting of the *baraita* and not its Babylonian redaction. The talmudic redactors begin the discussion with the tannaitic dispute over brother–sister relations, proceed to Rav Huna’s statement regarding father–daughter relations, and conclude with Rav Hīsa’s statement addressing mother–son relations.
62. Sachau (ed. and trans.), *Syrische Rechtsbücher*, III, 262. See also Payne, *A State of Mixture*, 109: “The treatise is an interpretation of the Book of Leviticus’s categories of deviant sexuality, which the patriarch compared to and contrasted with practices in the Iranian world of his time . . . Mar Aba composed ‘distinguishing laws’ on marriage that set Christians apart from their neighbors and subordinated them to their priestly leaders, much as the Israelites had cohered around the laws of the Levites.”
63. *Pahlavi Rivāyat* 8d5 (cf. Williams [ed.], *The Pahlavi Rivāyat*, I, 52–53, II, 12).
64. On the particle *ōh* see Skjærvø, “Terminology and Style,” 194–199.

## Incestuous Riddles

### TALMUDIC RIDDLES

In the present chapter I will further delve into the issue of Noahide sexual prohibitions, by examining a set of talmudic riddles (*b. Yebam. 97b*) concerning unions that are incestuous in multiple ways, resulting in overlapping family relationships. Contextualizing the riddles, none of which are found in Palestinian rabbinic works, by adducing Pahlavi texts on *xwēdōdah*, demonstrates that their content reflects the Babylonian rabbis' intellectual engagement with Zoroastrian doctrinal subtleties.

The Babylonian rabbinic engagement with incest through the prism of riddles – not unlike their engagement with incest through the discursive spheres of narrative and myth that will be examined in the [next chapter](#) – significantly broadens the perspective offered by the legal discussion of the levitical and Noahide prohibitions, which tends to be more conservative. In contrast to the limited prism provided by the halakhic discussions of incest, the discursive framework of riddles enables the expression of a more dynamic perspective, which complicates the legal classifications.

While the literary genre of “incest riddles” is familiar from ancient Greek literature, and similar riddles are also attested in Christian and Islamic sources (see below), the talmudic riddles in *b. Yebam. 97b* are intertextually connected to the BT's legal discussions of the Noahide sexual prohibitions. As we shall see, the talmudic riddles, even more emphatically than the legal discussions, reflect a tolerant approach to non-Jewish engagement in incestuous practices and a talmudic response to the nuances and subtleties of the Pahlavi doctrine of *xwēdōdah*. The talmudic passage reads as follows:<sup>1</sup>



אח מאב דלאו מאם דהוא בעלה דאם ואנה! בריתה דאיתתי"2 – אמ' ראמי בר חמא הא דלא כר' יהודה. "אח" הוא בר הוא אחתיה אנא דהאי דדארי אנא"3 – משכחת לה בגוי הבא על בתו.4 "שלמא לך בר דבת"5 אחתיך אנא – משכחת לה בגוי הבא על בת בתו. "דלאי דדלו דולא דיפול לה"6 סתר פתר דהאי דדרינא אכתפיה הוא ברי ואנא בת אחוא! – משכחת לה בגוי הבא על בת בנו. "ביא"7 מאח דהוא אב והוא בעל והוא בר בעלה והוא"8 בעלה דאם ואנא בריתה דאיתתיה ולא קא יהיב פיתא"9 לאחיה"10 יתמי בריה בריתה – משכחת לה בגוי הבא על אמו והוליד ממנה בת"11 וחזר הזקן ובא עליה והוליד ממנה בנים ודריא להו.12 "אנא ואת אחי אנא ואבוך אחא ואנא ואמך אחי" – משכחת לה בגוי הבא על אמו והוליד ממנה שתי בנות וחזר ובא על אחת מהן והוליד ממנה בן ודריא ליה אחתא דאימיה"13 ואמ' ליה הכי. "אנא ואת בני אחיות"14 ואנא ואבוך בני אחי ואנא ואמך בני אחי"15 – הא בהיתירא נמי משכחת לה. ראובן שיש לו שתי בנות ואתא שמעון נסיב חדא מנייהו ואתא בריה דלוי"16 נסיב חדא נסיב! חדא"17 מנייהו וקאמ' ליה בריה דשמעון' לכר ברי דלוי הכי.

"He is a brother by the father but not by the mother, and he is the husband of the mother, and I am the daughter of his wife" – Rami b. Hama said: Such [a relationship] is not [legally possible] according to R. Yehudah's view.

"He whom I carry is a brother and a son and I am his sister" – this is possible when a non-Jew had relations with his daughter.

"Greetings to you son; I am the daughter of your sister" – this is possible where a non-Jew had sexual relations with his daughter's daughter.

"Ye water-drawers who draw, a riddle has befallen you that defies solution."18 "He whom I carry on my shoulders is my son and I am the daughter of his brother" – this is possible where a non-Jew had relations with the daughter of his son.

"I submit a complaint! For there is a brother who is a father and a husband and the son of the husband and the husband of the mother, and I am the daughter of his wife, and he provides no food for his orphan brothers, the children of his daughter" – this is possible when a non-Jew had relations with his mother and begot from her a daughter; then the grandfather had relations with her and begot from her sons and he carries them [perhaps in his arms or on his shoulders].

"I and you are brother and sister; I and your father are brother and sister, and I and your mother are sisters" – this is possible where a non-Jew had relations with his mother and from her begot two daughters, and then he had relations with one of these and begot from her a son. The mother's sister carries him, and she addresses him thus.

"I and you are the children of sisters, I and your father are the children of brothers, and I and your mother are the children of brothers" – this indeed is also possible in the case of a permissible marriage; Re'uven had two daughters, and Shim'on came and married one of them, and then came the son of Levi and married the other. The son of Shim'on can thus say this to the son of the son of Levi."19

The passage contains a set of seven riddles, which portray multiple incestuous encounters that result in overlapping family relationships. The solutions to these riddles attempt to decipher the exact sequence of incestuous events that generated these complicated relationships. That incest should be the topic of riddles is not surprising, since incestuous relations that result in overlapping family relationships appear to have prompted intellectual curiosity across cultural boundaries. Several

examples of riddles involving incest can be found in ancient Greek literature, and other examples are attested in Christian and Islamic sources.<sup>20</sup> Despite the widespread attestation of incest riddles, the content of the talmudic riddles suggests a more specific connection to Zoroastrian ideology.

In the view of Eli Ahdut the talmudic riddles of *b. Yebam.* 97b reflect a polemic against the Zoroastrian practice of *xwēdōdah*, insofar as the talmudic engagement with the incest riddles can be seen as an attempt to ridicule the Zoroastrian custom.<sup>21</sup> Underlying Ahdut's argument – that if the rabbis devise riddles about incest, this must be for the polemical purpose of ridiculing an abhorrent practice – is the premise that incest is universally forbidden. Indeed, this underlying premise reflects a deeply entrenched and pervasive bias in rabbinic and general scholarly culture.

Although I agree with Ahdut that the riddles reflect Babylonian rabbinic intellectual engagement with the practice of *xwēdōdah*, I am inclined to disagree with his interpretation of the passage and the broader conclusions that should be drawn from it. According to Ahdut, the passage seeks primarily to ridicule and critique the institution of *xwēdōdah* as part of a broader Jewish–Zoroastrian polemic his article charts. I contend, however, that in the passage in question – *b. Yebam.* 97b – there is no negative or cynical tone, and no polemic or critique is apparent. The fact that the BT resolves one of the riddles by saying that it refers to “a non-Jew who had sexual relations with his daughter” does not necessarily imply that this practice is viewed negatively by the redactors. On the contrary, in the talmudic discussion of Noahide sexual prohibitions (Chapter 6), we saw that the talmudic redactors affirm an explicit statement, ostensibly made by Rav Huna, to the effect that “a non-Jew is permitted to have relations with his daughter.”<sup>22</sup> We also saw that this lenient position is emblematic of the redactors' agenda throughout the entire talmudic discussion, which permits a non-Jew to have sexual relations with his daughter, sister, and, in the case of a slave, even with his mother. Keeping in mind the insights garnered from our analysis of the legal talmudic discussions enables us to thoroughly reframe and contextualize the meaning of the riddles in *b. Yebam.* 97b.

Although the incest riddles appear only in the BT, but not in other rabbinic works, they cohere with a broader rabbinic interest in situations of multiple criminal counts. In their legal discussions the rabbis often seek to define the legal criteria for individuating criminal charges; they tend to consider distinct categories of transgression, individual bodies, and separate states of unawareness to be sufficient for such individuation.

In a legal discussion concerning liability on multiple criminal counts in the case of incestuous relations (*b. Mak.* 14a), the BT relates the following:<sup>23</sup>

ואלא כרת דאחותו למה לי? לחייבו על אחותו ועל אחות אביו ועל אחות אמו. פשיטא, הרי גופין מוחלקין הרי שמות מוחלקין? אלא לחייבו על אחותו שהיא אחות אביו ושהיא אחות אמו. והיכי משכחת לה? אמ' רב אדה בר אבהו, ברשיעא בר רשיעא.<sup>24</sup> ור' יצחק, הא מנא ליה? נפקא ליה מקל וחומ', דתניא: א'ר עקיבה, שאלתי את רבן גמליאל באטלים שלאמאוס שהלכו ליקח בהמ' למשתה בנו שלרבן גמליאל, הבא על אחותו שהיא אחות אביו שהיא אחות אמו מהו, חייב אחת על כולן או על כל אחת ואחת? ואמרו לא שמענו, אבל שמענו הבא על חמש נשיו נדות בעלם אחד שהוא חייב על כל אחת ואחת. וקל וחומ' הדברים, ומה נדה שהיא שם אחד חייב על כל אחת ואחת, כאן ששלושה שמות לא כל שכן. ואידך, קל וחומ' פריכא הוא, מה לנדה שכן גופין מוחלקין.<sup>25</sup>

What would be the purpose of the reiteration of the penalty of divine extirpation (*karet*) in the case of [one who has relations with] his sister? To indicate separate liability for his sister, his father's sister, and his mother's sister. But is that not obvious? Are they not distinct persons, [relations with whom] fall under different categories [of transgression]? [Rather, the reiteration is intended to indicate] separate liability in the case of one who has relations with his sister, who is also his father's sister, and his mother's sister. And how could such a case be possible? R. 'Ada b. 'Ahaba said: "[It is possible] in the case of a sinner who is the son of a sinner." And this last point, where does R. Isaac derive it from? He deduces it by an a fortiori argument, as was taught: R. 'Akiva said: "I [once] asked Rabban Gamli'el [and R. Yehoshua]"<sup>26</sup> at the fair held at Emmaus, where they had gone to purchase an animal for the [marriage] feast of Rabban Gamli'el's son: 'If one has relations with his sister, who is also his father's sister and his mother's sister, what is the extent of his offence? Would he be liable only once for the various counts or for each count separately?' And they said: 'This question we have not heard, but we have heard the following: If one has sexual relations with his five wives [i.e. five different women] when they are menstruating, in one [continuous state of] unawareness, [on discovering what he has done] he is liable for each act separately.'" And this yields an a fortiori argument: if, in the case of the menstruants, though each error is [a transgression] of the same sort, he is nonetheless liable for each act separately, he should be all the more liable on each count separately where the transgression falls under three different categories! And what does the other side say? The a fortiori argument is invalid, for how can one argue from the menstruants' case, which involves several distinct persons [to this case, where there is only one person involved]?

The talmudic discussion in *b. Mak.* 14a addresses a case of someone who had sexual relations with a woman who was simultaneously his sister, his father's sister, and his mother's sister. Unlike the riddles of *b. Yebam.* 97b, however, here the BT is not concerned about solving intellectual puzzles, but rather with practical legal implications regarding the individuation of criminal charges. Although similar cases are already addressed in the Mishnah,<sup>27</sup> the Babylonian rabbinic discussion of this issue in particular differs from earlier rabbinic accounts and attests to an

intensification of this line of thought in Babylonian rabbinic culture. In the BT, R. 'Akiva inquires about someone who has relations with "his sister, who is also his father's sister and his mother's sister" (i.e. all at the same time), whereas the parallel Mishnah and Sipra discuss the case of one who has relations with "his sister, and his father's sister, and his mother's sister in one [continuous state of] unawareness." In other words, the tannaitic works attribute to R. 'Akiva a question concerning the individuation of multiple counts of incest without alluding to the case of overlapping family relationships in a single individual. The following is the Sipra's account:

אמר ר' עקיבה שאלתי את רבן גמליאל ואת רבי יהושע בעטליז שלעמאוס שהלכו ליקח בהמה למשתה בנו: הבא על אחותו ועל אחות אביו ועל אחות אמו בהיעלם אחת מה הוא, חייב אחת לכולם או אחת על כל אחת ואחת. אמרו לו: לא שמענו, אבל שמענו בהבא על חמש נשיו נידות בהיעלם אחד שהוא חייב על כל אחת ואחת ורואין אנו שהדברים קול וחומר.<sup>28</sup>

R. 'Akiva said: I [once] asked Rabban Gamli'el and R. Yehoshua 'at the fair held at Emmaus where they had gone to purchase an animal for the [marriage] feast of his son: "If one has sexual relations with his sister and his father's sister and his mother's sister in one [continuous state of] unawareness, what is the extent of his offence? Would he be liable only once for the various counts or on each count separately?" They said to him: "This question we have not heard, but we have heard the following: If one has sexual relations with his five wives [i.e. five different women] when they are menstruating, in one [continuous state of] unawareness, [on discovering what he has done] he is liable for each act separately. And we see that this yields an a fortiori argument."

The BT explicitly states its reason for diverging from the earlier rabbinic accounts. In the case of one who had relations with three different women while in a single continuous state of unawareness, it is obvious that he is liable for each count separately, since these are "distinct persons, [relations with whom] fall under different categories [of transgression]." In other words, the BT has shifted the discussion from the case of distinct persons, and distinct sorts of transgressions, to a case of prohibited relations with just one woman, but one who, being his sister, his father's sister, and his mother's sister, is related to him in three distinct ways, each of which renders relations with her prohibited. In line with the riddles of *b. Yebam.* 97b, the emphasis on "overlapping relationships" in *b. Mak.* 14a underscores a heightened concern about this issue, above and beyond the cases discussed in Palestinian rabbinic works.

Significantly, although *m. Ker.* 3:5–6 mentions a similar case in which a single sexual act with just one woman results in multiple transgressions, since she is related to him in several ways, it is the anonymous discussion

of the BT that delves into the complex sexual scenario that led up to this situation of overlapping relationships. According to R. 'Ada b. 'Ahaba, the case of "his sister, who is also his father's sister and his mother's sister" must involve "a sinner who is the son of a sinner" (רשיעא בר רשיעא). This case is further explicated by R. 'Ada b. 'Ahaba in *b. Ker.* 15a: A man had relations with his mother, who gave birth to two daughters (who are also his sisters). This man, then, had relations with one of his daughters/sisters, from which union a son was born. Now, if this son has relations with the other daughter/sister from his father, he is in fact sleeping with his sister, who is also his mother's sister and his father's sister, all at the same time.

In contrast to the neutral tone of the riddles in *b. Yebam.* 97b addressing the overlapping family relationships generated by incestuous partnerships among non-Jews, in *b. Ker.* 15a R. 'Ada b. 'Ahaba refers to the perpetrator as "a sinner who is the son of a sinner." Eliezer S. Rosenthal has suggested that this "sinner who is the son of a sinner" is the very same transgressor described in the enigmas of *b. Yebam.* 97b, where he is referred to by the designation "non-Jew," using *lišna ma'alya*, euphemistic or "politically correct" language, to avoid using a realistic description of his true nature (sinner, reprobate, etc.).<sup>29</sup> Use of the term "non-Jew" to denote a Jewish sinner is attested once more in rabbinic literature, in *b. Sanh.* 54a, where Rav Yehudah asserts that a "non-Jew" who has relations with his father is liable on two separate counts, namely, relations with one's father and homosexual relations. The talmudic redactors explicitly interpret "non-Jew" in this instance as referring to a Jewish sinner: "as to the use of the term 'non-Jew' – that is a euphemism (*lišna ma'alya*)."

It is difficult to claim, however, that this extremely rare usage of the term "non-Jew" in rabbinic literature as a euphemism for a Jewish sinner is what the authors of the talmudic riddles had in mind. While Rav Yehudah in *b. Sanh.* 54a addresses a perpetrator who is liable for the transgressions of homosexual relations and the uncovering of one's father's nakedness, no transgressions are alluded to in the riddles of *b. Yebam.* 97b. The riddles depict only legal enigmas and their respective solutions. Were the BT using the term "non-Jew" to designate a Jewish sinner, one would expect to find this usage referred to explicitly, as it is in *b. Sanh.* 54a. It is thus more plausible that the riddles of *b. Yebam.* 97b refer, as they expressly state, to non-Jewish incestuous relationships. The non-critical tone of the riddles simply reflects the BT's general lenient halakhic attitude to Noahide incest.<sup>30</sup>

It should be noted that some of the riddles in *b. Yebam.* 97b do not refer to incestuous relations between non-Jews, but to relations that are permissible for Jews. The last riddle is explicitly said to be “also possible in the case of a permissible marriage.” It appears, then, that the riddles that refer to incestuous relations that are forbidden to Jews are interpreted as pertaining to encounters between non-Jews, while the riddles that refer to relations that are permissible for Jews are interpreted as pertaining to encounters between Jews. This does not mean that non-Jews are criticized, ridiculed, or in any way prohibited from engaging in such relations.<sup>31</sup>

### ZOROASTRIAN CONNECTIONS

Given that the “incest riddle” genre is widely attested in Greek, Christian, and Islamic literature, it cannot simply be assumed a priori that the riddles in *b. Yebam.* 97b are a response to the local Zoroastrian practice of *xwēdōdah*. It is possible to show, however, that the authors of the talmudic riddles manifest a thoroughgoing familiarity with the doctrinal discourse on *xwēdōdah* reflected in the Pahlavi texts. In other words, it is not the mere fact that the BT preserves a set of “incest riddles” absent from Palestinian rabbinic works that suggests a Zoroastrian impetus for their composition. Rather, the details of the riddles suggest rabbinic awareness of, and reaction to, specific doctrinal and rhetorical elements found in the Pahlavi texts.

The notion of overlapping family relationships achieved by engaging in incestuous acts is described in *Dēnkard* 3.80:

*ud ēdōn-iz ān ī az pid ud duxt pus ham zāyēnd ud rōšn jast \*abrōxt hamē wēnīhēd andar āwām ī kū abēr šād ud rāmišnīg kē-š fraزند-ēw ī fraزند ast ka-iz ōh az kas ī jud-tōhmag ud jud-šahr ān-iz pas čand nāy ī sazēd būd ān šādih ud širīnih ud rāmišn ī az pus-ēw ī mard az xwēših duxt zāyēd kē brād-iz bawēd ham mādar*

*ud ān ī az pus ud mādar zāyēd brād-iz bawēd ham pidar ēd rāh ī wēš rāmišn ī niyāyišn ī urwāhm nē (ud agar) padīš ēč ziyān ī frāy az sūd ī nē-iz āhōg ī frāy az \*hučīhr*

It is likewise with a son born from a father and his daughter. It is crystal clear to be seen in this age that he is very happy and joyful who has a child from his child. What happiness, sweetness, and joy he experiences from a son whom a man has with his own daughter *and who is also the mother's brother!*

And if it is a child born from a son and his mother *he is also the father's brother.* This is the road to more joy and bliss. And there is no harm from it greater than the benefits from it, nor any blemish greater than the beauty of it.<sup>32</sup>

Similarly, we read in the *Pahlavi Rivāyat*:

*duxt ēwar kū az mād zād pid ka abāg duxt xwēdōdah kunēd ka-š az gādan ī xwēš bē zād estēd ā-š abar ōy bawēd ka-š nē brād nē bawēd*

Assuredly, a daughter who was born of [his own] mother [and is thus his daughter and his sister], when the father practices (*xwēdōdah*) with the daughter who was born from his own copulation [with his mother], then it is superior to that when he is not her brother.<sup>33</sup>

The connections between the talmudic riddles and the Pahlavi rhetoric of *xwēdōdah* should be sought, however, not just in the general notion of overlapping family relationships achieved by incestuous unions, but also in the particular rhetoric exhibited in the riddles. Consider the fascinating complaint that appears in one of the riddles of *b. Yebam.* 97b: “I submit a complaint! For there is a brother who is a father and a husband and the son of the husband and the husband of the mother, and I am the daughter of his wife, and he provides no food for his orphan brothers, the children of his daughter.” It is significant that the complaint addresses neither the incestuous partnership in itself, nor the resulting overlapping relationships, but rather the fact that, despite the existence of multiple blood relationships that tie the addressee of the complaint to his orphan brothers, he is unwilling to provide food for them.

It may be the case, therefore, that this complaint echoes the Pahlavi rhetoric of “multiplying love” associated with the doctrine of *xwēdōdah*. As we have seen in [Chapter 5](#), alongside other justifications of the custom, the Pahlavi texts argue that, by uniting sexually, the ties (*paywand*) that already exist between relatives and members of a single family are multiplied and strengthened.<sup>34</sup>

The *Pahlavi Rivāyat* argues that, had mankind followed the prototypical example of Maši and Mašyānī (see [Chapter 5](#)), “never would a brother have been abandoned in love by his brother or a sister by her sister.”<sup>35</sup> The text continues:

For all penury, hatred of parents, and lack of love came to mankind on that account that, when men came to them from a different town, and from a different province, or from a different country and they married, and when they took their wives away, the fathers and mothers [i.e. of the women] wept, with these [words]: “They are taking our daughter into captivity.”<sup>36</sup>

Unlike exogamous marriages, which cause suffering and pain to everyone, it is argued here that the consummation of *xwēdōdah* increases the

natural love and devotion one already has for one's next of kin. As we have seen, moreover, this justification is confirmed by Ovid's testimony to the effect that one's sense of duty/devotion (*pietas*) is increased by the double love (*pietas geminato crescit amore*) procured through incestuous relations.<sup>37</sup>

Viewing the complaint recorded in the fifth talmudic riddle against the backdrop of this argument is illuminating. The talmudic riddle is phrased as a personal complaint: despite the existence of multiple blood-relations that tie the addressee of the complaint to his orphan brothers, he has failed to provide for their needs. Insofar as the purpose of *xwēdōdah* is to enable one to care for family members, the talmudic riddle could be seen as subversive. It is not clear, however, whether the BT is in fact criticizing this Pahlavi justification of *xwēdōdah* by arguing that multiplying family ties between relatives does not necessarily lead to heightened attentiveness to their needs, or whether it is actually receptive to the Pahlavi rhetoric, invoking it simply to reproach one who fails to live up to his commitment despite the existence of multiple ties. Either way, the riddles, like the legal discussion of the Noahide prohibitions, echo important aspects of contemporaneous Zoroastrian discourse on *xwēdōdah*.

In the [next chapter](#) we will see that the Babylonian rabbis engaged with the Pahlavi justification of *xwēdōdah* in terms of increasing the love and devotion between relatives in yet another context. Diverging from earlier rabbinic tradition, the BT reshapes a mythical act of incest ostensibly performed by Cain and his sister as one that was enabled by Adam's kindness and devotion to his son, much in line with the Pahlavi rhetoric and Ovid's characterization of this practice in terms of *pietas*.

## NOTES

1. *b. Yebam.* 97b (MS Munich 141). Some textual variants are mentioned in the following notes.
2. דאיתתי – omitted in MS Moscow 594.
3. Pesaro: דדרינא; דדרינא: דד(ל)ר[י]נא אכתפא; MS Moscow 1017: דדרינא [אכתפא]; MS Oxford 367: דדירנא אכתפא; MS Vatican 111: דדרינא אכתפא.
4. MS Moscow 594 adds: והוליד ממנה בן; MS Vatican 111 adds: והוליד בן.
5. דבת – omitted in MS Oxford 367.
6. MS Moscow 1017: ליפוק לכו; MS Moscow 594: נפול להו; MS Oxford 367: לינפול להו; MS Vatican 111: ל[י]פול בכו; Pesaro: ליפול בכו.



7. This appears to be a Greek loanword (βία) denoting a call for injustice, also recorded in Syriac (ܒܝܐ). See Daniel Sperber, *A Dictionary of Greek and Latin Legal Terms in Rabbinic Literature* (Ramat Gan: Bar-Ilan University Press, 1984), 68–69; Sokoloff, *Dictionary of Jewish Babylonian Aramaic*, 201. Cf. *Sefer ha-'Arukh* by Nathan b. Yehi'el of Rome, in Alexander Kohut (ed.), *Aruch Completum*, 8 vols. (Vienna: Brog, 1878–1892), II, 45; Marcus Jastrow, *Dictionary of the Targumim, the Talmud Bavli, and Jerushalmi, and the Midrashic Literature* (New York: Choneb, 1926), 160.
8. MS Oxford 367 adds: בר, probably by way of interpolation from the previous clause.
9. A Geonic responsum preserves the version פיתפא, which is explained by the Gaon as מזונות (alimony, sustenance). See Louis Ginzberg, *Genizah Studies in Memory of Dr. Solomon Schechter*, vol. II: *Geonic and Early Karaitic Halakha* (New York: Jewish Theological Seminary, 1929), 177. Eli Ahdut noted, however, that this is an Iranian loanword meaning “food ration” (Ahdut, “Jewish–Zoroastrian Polemics,” 34, n. 74). See also Sokoloff, *Dictionary of Jewish Babylonian Aramaic*, 908, s.v. פיתפא; Jacob N. Epstein, *Studies in Talmudic Literature and Semitic Languages*, ed. Ezra Z. Melamed, 2 vols. (Jerusalem: Magnes Press, 1988), II, 819–820. On the Iranian word see Bartholomae, *Altiranisches Wörterbuch*, 905–906, s.v. *pīhwā*; David N. MacKenzie, *A Concise Pahlavi Dictionary* (Oxford: Oxford University Press, 2002 [1971]), 68, s.v. *pīh*; Shaked (ed.), *Dēnkard* 6, 267.
10. MS Vatican 111 adds: מאב.
11. All other textual witnesses add: וחזר ובא על אותה הבת. I suspect that the scribe of MS Munich 141 skipped this line by way of homeoteleuton. Alternatively, he might have found this clause redundant and decided to omit it.
12. 12. ודריא להו – omitted in MSS Moscow 1017, Oxford 367, and Pesaro.
13. דאימיה – omitted in MSS Moscow 1017, Vatican 111 and Pesaro. MS Oxford 367 has: אדך אחתא.
14. מאי – MSS Moscow 1017, Oxford 367, Pesaro.
15. ואנא ואמך בני אחי – omitted in Oxford 367, by way of homeoteleuton.
16. דלוי – omitted in MS Moscow 1017.
17. These words were probably erroneously duplicated by the scribe of MS Munich 141.
18. This translation follows Rashi's commentary on *b. Yebam.* 97b, s.v. ליפול לבו. לבני פועלין המשקין את השדות אני שואלת חידה זו . . . הרי נפלה לכם חידה סתומה ומוסתר להפטר (“to the workers, who irrigate the fields, I present this riddle . . . an enigmatic and secretive riddle has befallen you”). The expression ליפול לבכו, which appears in most textual witnesses, is explained by Rashi as referring to a riddle that “befalls” the water-drawers. Similarly, R. Nathan b. Yehi'el of Rome, in *Sefer ha-'Arukh* (Kohut [ed.], *Aruch completum*, II, 64, s.v. דל), suggests the following explanation: כלומר דולי חכמות עמוקות אשאל בני אדם הדולין מים, “people who draw water, i.e. those who draw profound matters of wisdom, I shall ask you to solve and decode”). A somewhat different explanation is suggested in a Geonic responsum (Ginzberg, *Genizah Studies*, 177): < . . . > שמה דולין מים < . . . > דדלו דולא סתר פתר פיר' אשה העוברת < . . . > < . . . > שא הוא בני ואני בן אחיו משכחת לה להשקות את < . . . > להן ריב ומצה יפול ביניהם שזה < . . . >

אתם האורגים שמארגים החושים סתרו >...< בא על בת בנו כדמפרש בגמרא interprets the Gaon's suggestion as follows: האריגה החזקה ("you, weavers, who weave the strings, dismantle the strong weaving"). However, his creative understandings of דולא in the sense of "woven cloth" and of סתר פתר in the sense of "unweaving" are challenged in Eliezer S. Rosenthal, "Was Rav the Son of the Brother of R. Ḥiyya Also the Son of His Sister?" in *Hanoch Yalon Jubilee Volume on the Occasion of his Seventy-Fifth Birthday*, ed. Saul Lieberman et al. (Jerusalem: Kiryat Sepher, 1963), 281–337 (303–304, n. 53). Rosenthal seems to suggest that the woman in the riddle addresses the water-drawers, saying that enmity (ריב ומצח) will befall them, for "he whom I carry on my shoulders is my son and I am the daughter of his brother." Rosenthal humbly concludes, however, that "For the time being, we must admit – as there is no use in entertaining new suggestions – that the words of this poor woman remain inaccessible to us, like an unsolved riddle that awaits solution." Sokoloff, *Dictionary of Jewish Babylonian Aramaic*, 835, s.v. סתר פתר, is likewise uncertain about the meaning of this phrase.

19. *b. Yebam.* 97b (MS Munich 141).

20. See van Gelder, *Close Relationships*, 138–143. A particularly interesting thirteenth-century riddle, which alludes to the Zoroastrian norm of next-of-kin marriages, reads as follows:

I have a maternal aunt, and I am her maternal uncle. I have a paternal aunt, and I am her paternal uncle. As for the woman whose paternal uncle I am, the mother of my father is her mother. Her father is my brother, her brother is my father, and I have a maternal aunt who is thus described. Where is the lawyer who has the various kinds of expertise and knowledge in this matter? Who will explain to us her relationship clearly and reveal what worries our mind. *For we are no Zoroastrians or unbelievers, we follow the divine law of Ahmad (Muhammad)* (cited in van Gelder, *Close Relationships*, 140).

The last sentence is reminiscent of the talmudic solution to the last of the seven riddles, according to which "this indeed is also possible in the case of a permissible marriage."

21. Ahdut, "Jewish–Zoroastrian Polemics," 34–36.

22. *b. Sanh.* 58b.

23. The BT devotes a lengthy discussion (*b. Mak.* 13a–14b) to a tannaitic dispute over the question of whether sinners who are liable to the death penalty or to divine extirpation (*karet*) are also subject to the sanction of flogging. R. Ishma'el argues that both those liable to the death penalty and those liable to divine extirpation are subject to flogging. R. 'Akiva argues that only those liable to divine extirpation are subject to flogging, while those liable to the death penalty are not. A third position is attributed to R. Isaac, according to whom even those liable to divine extirpation are not subject to flogging. R. Isaac deduces his position from the fact that Lev. 18 prescribes divine extirpation for all sexual transgressors. Seeing that scripture has already declared all sexual offenders liable to divine extirpation, what is the objective of reiterating, in Lev. 20, that the penalty of *karet* is incurred for transgressing

the prohibition against relations with one's sister? According to R. Isaac, the redundancy indicates that only *karet* is incurred, rather than both *karet* and flogging. The passage quoted here addresses the BT's question about how R. Ishma'el and R. 'Akiva would interpret the reiteration of the *karet* penalty in the case of the prohibition relating to one's sister.

24. Cf. *b. Ker.* 15a, and the discussion below.
25. *b. Mak.* 14a (MS Yad Harav Herzog).
26. The Yemenite MS omits "R. Yehoshua'," but this is clearly a scribal omission, since the sentence continues in the plural.
27. E.g. *m. Ker.* 3:5–6.
28. Sipra, Hova pereq 1:8 (MS Vatican 66; cf. Weiss [ed.], *Siphra d'Be Rab*, 16b). Cf. *m. Ker.* 3:7.
29. Rosenthal, "Rav the Son of the Brother of R. Hiyya," 303–304, n. 53.
30. I suspect that, like Ahdut, Rosenthal too sought to read his entrenched assumptions about the universality of incest taboos into the talmudic text. This assumption, however, is incompatible with the tolerant Babylonian rabbinic attitude to non-Jewish incest.
31. Perhaps, an alternative interpretation of "also possible in the case of a permissible marriage" could be suggested, namely, that the riddle refers to Jews and non-Jews alike, just as the other cases can be seen as sinful for Jews and non-Jews alike. But in light of the fact that most of the riddles explicitly speak of "non-Jews" and are not formulated in general terms, it is more plausible that the constellation depicted in the last riddle is permissible even for Jews. Furthermore, the lack of any pejoratives or negative epithets to denote non-Jews engaged in the relations in question supports my interpretation of the passage.
32. *Dēnkard* 3.80.21–22 (Madan [ed.], *Pahlavi Dinkard*, 76; Dresden [ed.], *Dēnkart*, 56; Skjærvø [trans.], *Spirit of Zoroastrianism*, 205).
33. *Pahlavi Rivāyat* 8d4 (cf. Williams [ed.], *The Pahlavi Rivāyat*, I, 52–53; II, 12). See Ahdut, "Jewish–Zoroastrian Polemics," 36.
34. See *Dēnkard* 3.80.3 (Dresden [ed.], *Dēnkart* 53–54; Madan [ed.], *Pahlavi Dinkard*, 73; Skjærvø [trans.], *Spirit of Zoroastrianism*, 203): "For that tie (*paywand*) to be immeasurably firmer, people of the same species should unite with their closest relatives and those who are close relatives with those to whom they are most closely tied. And the most closely tied relationships are the following three relationships involving being tied together: father and daughter, son and birth mother, and brother and sister." The text is transcribed in [Chapter 5](#). In another passage in the same chapter, the author gives an example of how one's love for one's sister can be increased and strengthened by engaging in *xwēdōdah* with her. See *Dēnkard* 3.80.18–19 (Dresden [ed.], *Dēnkart*, 55; Madan [ed.], *Pahlavi Dinkard*, 75–76; Skjærvø [trans.], *Spirit of Zoroastrianism*, 204).
35. *Pahlavi Rivāyat* 8a8 (cf. Williams [ed.], *The Pahlavi Rivāyat*, I, 48–49, II, 10).
36. *Pahlavi Rivāyat* 8a9 (cf. Williams [ed.], *The Pahlavi Rivāyat*, I, 50–51, II, 11). The text is transcribed in [Chapter 5](#).
37. Ovid, *Metamorphoses*, 10.331–334, referenced in Silk, "Putative Persian Perversities," 447.

## Incest between Law, Narrative, and Myth

### INTRODUCTION

Alongside the legal discussions of incest explored in the previous chapters, talmudic literature contains exegetical narratives pertaining to biblical stories of mythical incest. Some of these narratives constitute a rabbinic rewriting of the biblical account, while others are only barely rooted in scripture. In either case, the talmudic engagement with incest through the lens of narrative, myth, and exegesis broadens and complicates the legal discourse, while enabling the expression of defiant and subversive stances.

As we have seen, the interdependency of law and narrative offers an important lens through which one can better appreciate the dynamics of talmudic narratives (especially legal narratives) and their relationships with talmudic precepts and statutes.<sup>1</sup> In the present chapter I seek to negotiate the interplay of law and narrative in rabbinic literature in the context of exegetical narratives pertaining to biblical accounts of incest. The topic of incest provides in fact the perfect case study of the complex relationship between law and narrative, since, beyond the monolithic representations of incest in statutes and prohibitions, incest occupies a very different role in the mythical, psychological, and narrative spaces.<sup>2</sup> The defiance of rigid statutory definitions exhibited in stories of primordial incest confirms the fact that law and narrative are by no means hermetically sealed-off categories, but rather porous modes of expression, whose dialogical interplay, whether by way of reassuring or overriding each other, is endemic to the vitality of both. The tension between legal and narrative representations of incest in rabbinic culture derives both

from universal concerns, underlying the broader negotiation of statutory and psycho-mythic expressions of incest, and the particular discrepancies between the levitical account of incest regulations and the biblical narratives (contained mostly in Genesis) that seem to defy the statutory definitions.

In this context I will provide a contextual analysis of several talmudic narratives of biblical incest, by situating them in the broader context of Christian and Iranian accounts of mythical incest. I shall demonstrate that the reception of the biblical stories in Babylonian rabbinic culture reveals a distinctive approach, which significantly diverges from the Palestinian rabbinic and Christian reception of these biblical stories. The divergence of Babylonian rabbinic traditions from other rabbinic and patristic accounts of the biblical stories will be analyzed in the light of the Pahlavi discussion of mythical enactments of *xwēdōdah* (outlined in [Chapter 5](#)). I will thus simultaneously conduct internal comparisons of competing Jewish and Christian accounts of the biblical stories and examine the relationship between the Judeo-Christian traditions and Iranian accounts of mythical incest.

Ancient interpreters were puzzled by the exegetical and theological difficulties presented by the biblical incest stories and their outright defiance of the levitical statutes. As the Jewish and Christian legal systems contain detailed lists of incestuous regulations,<sup>3</sup> authors in these religious traditions felt the need to reconcile the regulations entrenched in their legal cultures with the biblical traditions portraying the forefathers of humanity as engaged in incestuous activity.

While the rabbis (of both Palestine and Babylonia) and patristic authors shared the exegetical and theological concerns surrounding the biblical incest stories, the Babylonian rabbis exhibit a distinctive voice on this issue, which points to their Iranian environment. While certain aspects of the Babylonian rabbinic discussion are continuous with Palestinian rabbinic tradition, other aspects seem to be entrenched in the ambient Iranian culture in which the BT took shape. I posit that the BT and the Pahlavi tradition share a similar hermeneutical approach to mythical incest (pertaining to their respective religious mythologies embedded in the Bible and the Avesta), through which they negotiated the relationship between statutory taxonomies of incest and narratives of mythical incestuous enactments.

While the Babylonian rabbis and Pahlavi authors were heirs to completely distinct mythical heritages, I posit that their congruent exegetical discussions of mythical incest reflect the existence of broader syncretistic

tendencies in the Sasanian world, in the context of which authors sought to weave together episodes from the biblical and Iranian mythologies and equate Iranian and biblical figures. As argued in the Introduction and exemplified in [Chapter 4](#), the Iranian–biblical syncretistic underpinnings that pervaded the cultures of east late antiquity may have fostered the evolution of composite traditions converging biblical and Iranian mythology, which were shared by the Babylonian rabbis and their Zoroastrian contemporaries.

I will center on the reception of two narrative cycles in particular: the incestuous relationship of Cain and Abel and their (legendary) sisters; and that of Lot and his two daughters. A comparison of the Babylonian rabbinic reception of these traditions with Pahlavi accounts depicting legendary Iranian figures engaged in incestuous activity reveals an intimate connection that points to a shared and syncretistic cultural environment. The Babylonian rabbinic reconstruction of the incestuous relationship between Cain and his sister will be viewed against the Pahlavi narrative about Mašī and Mašyānī, the son and daughter of Gayōmard, who similarly performed a primordial act of sibling incest. The Babylonian rabbinic reception of the story of Lot and his two daughters will be examined against Pahlavi traditions of the incest performed by Jam and Jamag. As we have seen in [Chapter 5](#), Jamag, not unlike Lot's daughters, is said to have taken advantage of the intoxicated state of her brother, Jam, and to have lured him into having sexual intercourse with her.

#### THE MYTHICAL ORIGINS OF *xwēdōdah*

The Zoroastrian legends of mythical incest confirm the legal discourse on *xwēdōdah*, by providing mythical prototypes that prefigure and, at the same time, reassure the legal taxonomies. The narratives, therefore, contextualize and frame the statutory definition of *xwēdōdah* in a positive manner, by confirming and reassuring the legal discourse, and not by challenging, defying, or violating its authority. In contrast to the more complex relationship between law and narrative reflected in the biblical accounts of legendary incest and their reception in ancient Jewish and Christian sources (and in contradistinction to the tension exhibited in many cultures between legal and psycho-mythic representations of incest), in ancient Zoroastrianism, in which incest was not taboo, there is a greater measure of continuity between the legal definition of *xwēdōdah* and its mythical representations.

In [Chapter 5](#) we saw that, according to the Pahlavi tradition, three primordial acts provide the mythical prototypes for human *xwēdōdah*:

1. *Xwēdōdah* between a father and his daughter reproduces the relationship between Ohrmazd and his daughter Spandarmad (Earth), which produced Gayōmard.
2. *Xwēdōdah* between a son and his mother reproduces the relationship between Gayōmard with his mother Spandarmad (Earth), which produced Maši and Mašyānī.
3. *Xwēdōdah* between siblings reproduces the relationship of the first human couple, Maši and Mašyānī.

The prototypical union of Maši and Mašyānī, which will concern us here in particular, is described in the Pahlavi texts in terms of the consummation of sibling *xwēdōdah*. In fact, the legendary performance of *xwēdōdah* by Maši and Mašyānī is said to have set a normative precedent, which ought to be followed by humans. The story thus provides a mythical framework for the statutory definition of *xwēdōdah* as a religious precept. This is vividly expressed in a passage we have seen from the *Pahlavi Rivāyat*:

Ohrmazd said: O Zarathustra, the best thing to have been introduced by/to mankind would have been this, [that] if, since the primal creation, when Maši and Mašyānī practiced thus, you would also have practiced thus. Since, when mankind altered that thing, if they had not altered it, just as Maši and Mašyānī practiced *xwēdōdah*, people would have practiced [it] in that manner.<sup>4</sup>

Another mythical enactment of *xwēdōdah* among siblings, which in some respect parallels the incestuous act of Maši and Mašyānī, is that performed by Jam and Jamag. As we have seen in [Chapter 4](#), scholars have long debated the nature of the relationship between the mythical story cycles of Jam (Av. Yima) and that of Gayōmard (Av. Gaya Marētan) and his descendants, which seem to represent alternative accounts of the beginnings of humanity and civilization.

One of the characteristics common to the mythical “biographies” of Jam and Gayōmard/Maši and Mašyānī is their performance of *xwēdōdah*. Similarly to the incestuous relationship of Maši and Mašyānī (who were themselves born from the incest of Gayōmard and Spandarmad), Jam too is said to have performed *xwēdōdah* with his twin sister, Jamag. Both acts were perceived, moreover, as mythical models for the normative performance of human *xwēdōdah*, and particularly that of the sibling type.

To recall, according to a tradition recorded in the *Pahlavi Rivāyat*, Ahriman sent a male and a female demon to trick Jam and Jamag into marrying them (see [Chapter 4](#)). Having been deceived in marriage by the demons, Jamag decided to take advantage of the intoxicated state of her brother, Jam. She dressed up as the demoness married to Jam and had sexual intercourse with her brother (see [Chapter 5](#)):

And one day, when Jam and that [female] demon were [away] drinking wine, she exchanged her place and her clothes with those of the witch. And when Jam came [back] and was drunk, he slept unknowingly with Jamag, who was his sister, and the merit of *xwēdōdah* came into [i.e. became] law. Many demons were broken and died, and those [i.e. two demons] scurried away in a \*hurry and fell back into Hell.<sup>5</sup>

While the Avesta does not record a tradition concerning Yima's twin sister (or an incest story for that matter),<sup>6</sup> the Rigveda relates that Yama (Yima's Indic counterpart) had a twin sister named Yamī, who tried to seduce her brother just as Jamag seduced Jam according to the Pahlavi tradition.<sup>7</sup> These connections are hardly surprising, of course, since the Iranian and Indic traditions share a common mythical heritage that surfaced, at times, only in later literary expressions.

Much like the union of Maši and Mašyānī, the union of Jam and Jamag reflects the centrality of myth in the Zoroastrian discourse on *xwēdōdah*, as it is through the mythical performance of incest that "*xwēdōdah* came into [i.e. became] law." By asserting that the mythical act establishes a legal precedent, the passage confirms that the legal definition of *xwēdōdah* is justified by narrative, while the narrative serves to confirm and reassure the law.

#### CAIN, ABEL, AND THEIR SISTERS

The connections drawn between the mythical story cycles of Gayōmard and Adam by Manichaean and Islamic authors ([Chapter 4](#)) indicate that the performance of *xwēdōdah* by Gayōmard's descendants, Maši and Mašyānī, would have likely been perceived as connected to, perhaps even identical with, the Judeo-Christian-Islamic tradition concerning the incestuous act/s performed by Adam's descendants, Cain and Abel, and their sisters. In what follows we will see that the BT's account of the incest performed by Cain and his sister is informed by contemporaneous Zoroastrian and Manichaean myths.

One of the fascinating points raised by Jewish, Christian, and Muslim exegetes of the biblical and Quranic stories of Cain and Abel/Hābīl





discrepancy between the purported performance of incest in the first generations and later Christian teachings on the matter. He explains that incestuous marriages, particularly sibling marriages, were acceptable in the newly created world *compellente necessitate* (by force of necessity); but as soon as the population expanded sufficiently it became necessary to spread the net of *socialis dilectio* (social affection) by marrying outside the immediate kin-group.

Cum igitur genus humanum post primam copulam uiri facti ex puluere et coniugis eius ex uiri latere marium feminarumque coniunctione opus haberet, ut gignendo multiplicaretur, nec essent ulli homines, nisi qui ex illis duobus nati fuissent: uiri sorores suas coniuges acceperunt; quod profecto quanto est antiquius compellente necessitate, tanto postea factum est damnabilius religione prohibente. Habita est enim ratio rectissima caritatis, ut homines, quibus esset utilis atque honesta concordia, diuersarum necessitudinum uinculis necerentur, nec unus in uno multas haberet, sed singulae spargerentur in singulos ac sic ad socialem uitam diligentius conligandam plurimae plurimos obtinerent. Pater quippe et socer duarum sunt necessitudinum nomina. Ut ergo alium quisque habeat patrem, alium socerum, numerosius se caritas porrigit. Utrumque autem unus Adam esse cogeatur et filiis et filiabus suis, quando fratres sororesque conubio iungebantur.

As, therefore, the human race, subsequently to the first marriage of the man who was made of dust, and his wife who was made out of his side, required the union of males and females in order that it might multiply, and as there were no human beings except those who had been born of these two [Adam and Eve], men took their sisters for wives, an act which was as certainly dictated by necessity in these ancient days as afterwards it was condemned by the prohibitions of religion. For it is very reasonable and just that men, among whom concord is honorable and useful, should be bound together by various relationships; and one man should not himself sustain many relationships, but that the various relationships should be distributed among several, and should thus serve to bind together the greatest number in the same social interests. "Father" and "father-in-law" are the names of two relationships. When, therefore, a man has one person for his father, another for his father-in-law, friendship extends itself to a larger number. But Adam in his single person was obliged to hold both relations to his sons and daughters, for brothers and sisters were united in marriage.<sup>13</sup>

Cain and Abel's love rivalry over their twin sister/sisters is also mentioned by several Muslim authors. While some agree with Augustine's apology that the incest performed by Cain and Abel was a necessary evil for the continuation of humanity, others circumvent the incest episode altogether by arguing that the descendants of Adam married celestial beings rather than their sisters.<sup>14</sup>

Common to all the interpretations we have surveyed is the underlying apologetic attempt to marginalize the engagement of the first humans in

incestuous activity, either by justifying or condemning their actions. A similar apologetic tendency is reflected in rabbinic interpretations stemming from Roman Palestine. The Sipra provides the following theological and hermeneutic justification for the incestuous union between Cain and his sister:

חסד הוא – ושמא תאמר קין נשא את אחותו? תל' לו' חסד הוא, והעולם מתחילתו לא ניברא אילא בחסד, שנ' כי אמרתי עולם חסד יבנה.<sup>15</sup>

"It is considered *hesed*" – and if you might object that Cain married his sister? Scripture says "it is considered *hesed*" [Lev. 20:17] and the world was originally built up by grace (*hesed*), as it is written: "For I said, the world shall be built up by grace [*hesed*; Ps. 89:3]."

The Sipra's interpretation hinges on the scriptural use of the term *hesed* (which in context means something like "abomination," but can also mean grace or kindness) to describe incestuous unions between siblings. The wordplay and the implicit reference to grace are intended, according to the Sipra, to prevent people from imitating the act of Cain and his sister. The first act of incest was permitted by a merciful decree of God for the sake of the continuity of the human race, since without incest humanity could not have multiplied. An additional biblical proof-text asserts that the world was established by grace (*hesed*). It follows, then, that one is not authorized to imitate this act of incest, which was only a one-time expression of God's grace and is no longer necessary. Another Palestinian rabbinic version of this tradition is attested in the PT:

והכת' ואיש אשר יקח את אחותו בת אביו או בת אמו וראה את ערותה והיא תראה את ערותו חסד הוא? אמ' ר' אבין שלא תאמר קין נשא את אחותו, הבל נשא את אחותו. חסד הוא – חסד עשיתי עם הראשונים שייבנה העולם מהם. אמרתי עולם חסד יבנה.<sup>16</sup>

Is it not written: "If a man takes his sister, the daughter of his father or the daughter of his mother, and sees her nakedness and she sees his nakedness, it is considered *hesed*" [Lev. 20:17]? R. 'Abin said: "It is so that you should not object, Cain married his sister and Abel married his sister. 'It is considered *hesed*,' I have performed an act of grace with the first [humans] so that the world could emerge from them. '[For] I said, the world shall be built up by grace'" [Ps. 89:3].

Similarly, some of the Aramaic Targums on Lev. 20:17 insert a gloss into the levitical prohibition against incest between siblings, according to which God made an exception for the first generation of humans. According to Targum Neofiti:

וגבר די יסב ית אחתה ברת אבוי או ברתה דאמה ויחמי ית עריתה והיא תחמי ית ערייתה חסד הוה דעבדת עם קדמי למבני עלמא ברם מן כדון כל די עבד כדן וישתצון לעיני בני עמהון עריתה דאחתה בזי חובוי יקבל.

And a man who takes his sister, his father's daughter, or his mother's daughter, and sees her nakedness, and she sees his nakedness, this is [an act of] *hesed*, which I have done with the first [humans] for the building of the world. But since then, all who do so will be blotted out before the eyes of their brethren. He has dishonored the nakedness of his sister; he shall receive his punishment.<sup>17</sup>

The apology for Cain and Abel's incestuous relations is only necessary, however, if one maintains that incest is universally prohibited. This indeed appears to be the position held by the vast majority of Christian, Muslim, and Palestinian rabbinic authors. According to some Babylonian rabbis and the redactors of the BT, however, Noahides were never commanded to refrain from sexual relations with their sisters and daughters (see [Chapter 6](#)). Cain and Abel's sexual relations with their sisters, therefore, hardly presented a theological difficulty to these Babylonian rabbis. Cain, like any other Noahide, was permitted to unite sexually with his sister. Thus, in contrast to the apologetic explanation found in the Palestinian rabbinic accounts, which portrays Cain's incest with his sister as a one-time act of divine grace, we find a completely different version of this tradition in the BT:

Come and hear! Why did Adam not marry his daughter? So that Cain could marry his sister, "for I said, the world shall be built up by grace" [Ps. 89:3]. But if it weren't for the purpose of building up the world by grace, would she not be forbidden? No. Once it was permitted, it remains permitted.<sup>18</sup>

As we have seen ([Chapter 6](#)), the talmudic mention of Cain's union with his sister appears in the context of a broader discussion regarding the permissibility of Noahides to have sexual relations with their close kin. The initial talmudic argument runs as follows: We see that Cain only married his sister so that the world could be built up by grace, but otherwise one should be prohibited from uniting sexually with one's close kin. The BT then rejects this inference, concluding instead that, since incest between siblings was permitted at one point in time, it remains permitted.

Significantly, the content of the tradition itself as recorded in the BT, and not only its derivative legal conclusions, differs from the Palestinian rabbinic accounts. In the BT the act of *hesed* is not merely the fact that God tolerated incest, so as to enable the existence of the world. It is also a human act of kindness, in which Adam selflessly refrained from marrying his daughter so that his son, Cain, could marry his sister.<sup>19</sup>

The Babylonian rabbinic reconstruction of the tradition seems to have altered the original message of the tradition, which forbade the imitation of Cain's actions. On the contrary, the BT concludes, "once it was permitted, it remains permitted." Since Noahides are permitted to have sex with their sisters according to the dominant voice in the BT, there is no reason why one should not follow the example of Adam's kindness toward his son, which enabled a perfectly permissible union between Cain and his sister. The Palestinian tradition, by contrast, stipulates that Cain's union with his sister was enabled by a one-time expression of divine grace. It follows, then, that one may not imitate this primordial act of incest, as the PT unambiguously asserts.

We have seen that the BT records the tradition concerning Cain's incestuous relationship with his sister once again in the context of the subsequent talmudic discussion concerning the legal status of sexual unions between Noahides and their daughters: "Rav Huna said: 'A non-Jew is permitted to have sexual relations with his daughter.' But should you ask, if so, why did not Adam marry his daughter? So that Cain could marry his sister, as it is written, 'the world shall be built up by grace' [Ps. 89:3]." <sup>20</sup> In this case, too, the BT concludes that Adam refrained from marrying his daughter out of kindness so that his son, Cain, could marry his sister. Otherwise, however, Adam would not have refrained from having sexual relations with his daughter.

Cain's act of incest, therefore, is not merely tolerated by the BT (as an act of Noahide engagement in incest), but functions as a precedent for future normative behavior. While the legal discourse of the Noahide laws of incest goes so far as to *tolerate* incest among non-Jews, the discursive context of Cain's mythical incest takes another step toward *accepting* aspects of non-Jewish incest, by depicting Adam's kindness and devotion to his son, which enabled the initial performance of sibling incest. While it is not the incestuous act in itself that is condoned in the BT – incest between non-Jews is merely permissible (אֲשֵׁרִי) – the fact that it is presented as a precedent for human normativity and associated with a selfless act of human kindness performed by Adam constitutes a considerable shift from Palestinian rabbinic rhetoric. In the [following section](#) we will see that a similarly positive reception of biblical incest is reflected in the BT's discussion of the incestuous union of Lot and his two daughters.

In line with the Pahlavi tradition concerning the mythical prototypes of *xwēdōdah* (Ohrmazd and Spandarmad, Gayōmard and Spandarmad, and Mašī and Mašyānī), which ought to be emulated by humans ([Chapter 5](#)), the BT depicts the mythical performance of incest between Cain and his

sister as setting a normative precedent. In contrast to the apologetic tone exhibited in Christian, Islamic, and Palestinian rabbinic portrayals of Cain and Abel's incestuous encounters, the BT explicitly sets the story as a model for human normativity.

I submit that the talmudic employment of Cain's union with his sister as a prototype of permissible incest among non-Jews is striking, and seems to be informed by the Pahlavi tradition concerning the union of Mašī and Mašyānī. In both cases the mythical figures engaged in sibling incest belong to the second generation of humanity, following Gayōmard, on the one hand, and Adam and Eve, on the other. In line, moreover, with the Pahlavi story of the union between Mašī and Mašyānī, and in contrast to the Iranian Manichaean identification of Adam's wife as Murdiyānag (i.e. the Manichaean Middle Persian form of Mašyānī), The BT insists that it is not Adam who married his daughter, but rather Cain who married his sister.<sup>21</sup> And finally, unlike the Manichaean association of recurring acts of primordial incest with the demonic sphere (e.g. Ibn al-Nadīm's account quoted above), the BT and the Pahlavi tradition link the unions of Cain and his sister/Mašī and Mašyānī to acts of devotion and kindness between close kin.

The overlapping details contained in the BT's legend of Cain's union with his sister and the Pahlavi legend of Mašī and Mašyānī echo perhaps the existence of broader syncretistic tendencies in the Sasanian period, in which context authors sought to weave together episodes from the biblical and Iranian mythologies (see [Introduction](#)). An illuminating illustration of biblical–Iranian syncretism applied to the specific case of Cain and Abel's incestuous relations with their sisters is provided by al-Mas'ūdī, who argues that the Zoroastrians have a “hidden agenda” in claiming that Adam let his sons marry their sisters, which has to do with their positive perception of incest.<sup>22</sup> Al-Mas'ūdī, informed no doubt by earlier Sasanian sources, assumes here that Mašī and Mašyānī are the same as Cain/Abel and their sisters, and thus he can safely attribute to the Zoroastrians the claim that Adam's (!) sons married their sisters.

Another point of affinity between the BT's account of Cain's union with his sister and the Pahlavi tradition about Mašī and Mašyānī is the underlying connection between incest and *pietas*. We have already seen that *xwēdōdah* is perceived in the Pahlavi sources as an act of devotion to one's relatives. In fact, we have seen that even Ovid observed that, among certain peoples (most likely referring to the Persians), sons join with their mothers and daughters with their fathers so that their sense of duty/devotion (*pietas*) is increased by their double love (*pietas geminato*

*crescit amore*). The notion of Adam's devotion to Cain, which ultimately enabled the prototypical incestuous act between the latter and his sister, thus seems to echo the Pahlavi rhetoric of devotion to one's close kin achieved via the performance of *xwēdōdah*.<sup>23</sup>

#### LOT'S DAUGHTERS AND JAM

Alongside the incestuous relationship between Cain and his sister, the rabbis addressed other cases of mythical incest – whether rooted in scripture or not – such as the union between Jacob's sons and their sisters,<sup>24</sup> Abraham and his half-sister Sarah,<sup>25</sup> and Amnon and his half-sister Tamar.<sup>26</sup> In what follows I will hone in on talmudic interpretations of the incestuous union between Lot and his two daughters (Gen. 19:30–38), as this episode in particular exhibits significant variation between its Palestinian and Babylonian versions. We will see that the divergent rabbinic interpretations of this mythical act of incest can be illuminated by recourse to the surrounding exegetical traditions, and that the Babylonian rabbinic reception of this episode is particularly informed by the Pahlavi legend of the incestuous union between Jam and Jamag.<sup>27</sup>

Lot represents a complex and ambiguous character, whose nature is neither wholly good nor wholly evil. While the ancient exegetes were divided as to the extent of Lot's wickedness, his incestuous union with his two daughters, involving a state of drunken stupor on his part, provided obvious grounds for condemning him.<sup>28</sup> Regardless, however, of the extent of Lot's responsibility for this act, some interpreters seized upon a detail in scripture that appears to exonerate the daughters, who seem to have acted under the impression that “our father is old, and there is not a man on earth to come onto us after the manner of all the world” (Gen. 19:31).

Indeed, several Jewish Hellenistic, patristic, and rabbinic traditions stress the idea that the daughters' situation met the requirement of “extenuating circumstances,” as they genuinely believed that Lot was the only surviving man in the world and that it was their absolute duty to continue the human race.<sup>29</sup> The evaluation of the daughters' actions among the ancient exegetes thus runs from condemnation, on the one hand, to constrained justification, on the other. The latter approach is exemplified in Jerome's *Questions on Genesis*:

illud igitur, quod pro excusatione dicitur filiarum, eo quod putauerint defecisse humanum genus et ideo cum patre concubuerint, non excusat patrem.

So what is said by way of excuse for his daughters – that they thought that the human race had come to an end and therefore they slept with their father – does not exonerate the father.<sup>30</sup>

Similarly, in *Gen. Rab.*:

שהיו סבורות שנתכלה העולם כדור המבול

For, they believed that the entire world had been destroyed as in the generation of the flood.<sup>31</sup>

Another passage from *Gen. Rab.* records a dispute between two amoraic authorities regarding the true intention of the daughters:

ר' חננא בר פפא אמר מתחילת עיבורו שלמואב לא היה לשם זנות אלא לשם שמים . . . ר' סימון אמר מתחילת עיבורו שלמואב לא היה לשם שמים אלא לשם זנות.

R. Ḥinena b. Papa said: “The initial conception of Moab was not intended for the sake of fornication but for the sake of God.” R. Simon said: “The initial conception of Moab was not intended for the sake of God but for the sake of fornication.”<sup>32</sup>

While several rabbinic and patristic exegetes sought to justify the daughters’ actions, by suggesting that there were mitigating circumstances that exonerate the daughters, one hardly gets the impression that the incestuous act itself was condoned in any way. The Palestinian rabbinic interpretations of this biblical episode are, therefore, in line with patristic and Jewish Hellenistic exegesis, insofar as all seem to agree that the incestuous relations between Lot and his two daughters constituted a sin. Although the daughters may have meant well, they did, after all, participate in an unequivocally sinful act. In what follows I shall argue that in contrast to this widely attested interpretation of the biblical story, the BT suggests that the incestuous act, at least in some sense, constituted a *mišvah*, a righteous deed which set an example for future human behavior:

אמ' רבה בר בר חנה אמ' ר' יוחנן: מאי דכתי' כי ישרים דרכי יי וצדיקים ילכו בהם ופושעים יכשלו בהם? . . . אלא משל ללוט ושתי בנותי; הן שנתכוונו לשום מצוה – וצדיקים ילכו בהם, והוא שנתכוון לדבר עבירה – ופושעי' יכשלו בהם.<sup>33</sup>

Rabbah b. bar Ḥana said in the name of R. Yoḥanan: “What is meant by the verse, ‘for the ways of the Lord are right and the just will walk in them but transgressors will stumble therein’? . . . Rather, this may be applied to Lot and his two daughters. To them, whose intention was the performance of a commandment [applies the verse] ‘the just will walk in them,’ but to him since his intention was to commit a sin [applies the verse] ‘but transgressors will stumble therein.’”



א'ר חייא בר אבא א'ר יהושע בן קרחא: לעולם יקדים אדם לדבר מצוה, שבשביל לילה אחד שקדמה בכירה לצעירה קדמתה ארבעה דורות בישראל, עובד וישי ודוד ושלמה. ואלו צעירה עד רחבעם דכת' ושם אמו נעמה העמונית.<sup>34</sup>

R. Ḥiyya b. 'Abba said in the name of R. Yehoshua' b. Qorḥa: "One should always perform a good deed (*devar mišvah*) as early as possible, for as a reward for the one night by which she anticipated the younger, the elder gained [the privilege of royal status] in Israel four generations earlier, 'Oved and Jesse and David and Solomon. But the younger [only gained this status] with Reḥav'am, as it is written: 'and his mother's name is Na'ama the 'Amonite.'" <sup>35</sup>

The first of these traditions highlights the daughters' *intention* to perform a good deed, a stance which accords with Palestinian rabbinic, Jewish Hellenistic, and patristic interpretations. The second tradition, however, seems to classify the incestuous act itself as righteous. Furthermore, it derives a normative conclusion from this incestuous act, as one is enjoined to follow the example set by the older daughter and "always perform a good deed as early as possible." Diverging from the prevailing exegetical willingness to *justify* the acts of Lot's daughters in terms of acting in "good faith," *b. B. Qam.* 38b exhibits a distinctive interpretive stance, which praises the daughters' behavior and presents their actions as an example of righteousness.<sup>36</sup>

Although the tradition is attributed to a Palestinian sage, we have already seen the redactors' tendency, at times, to rework and embellish the traditions they received to conform to a particular ideological or legal agenda (see [Introduction](#)). But even if this interpretive stance originated in rabbinic Palestine, the fact that such a distinctive exegetical and theological stance was preserved only in the BT should urge us to contextualize its meaning and significance with the broader framework of Babylonian rabbinic discourse on incest and its Sasanian background. Indeed, the exemplary dimension of the daughters' actions in the BT should be read in light of the incestuous union of Cain and his sister, which is likewise portrayed, not as a necessary evil that enabled the endurance of humanity, but as a permissible act that set a precedent for future human behavior. After all, the shift from the mitigating stance of "they intended well" to setting a model of righteous normativity is considerable.

I submit that the tradition recorded in *b. B. Qam.* 38b, portraying the incestuous union initiated by Lot's daughters as a model of righteous behavior, is informed – whether consciously or not – by the Pahlavi depiction of the incestuous encounter of Jam and Jamag as a model for righteous and normative incest. As we have seen, according to the Pahlavi tradition the deception of Jam by Jamag, who took advantage of the intoxicated state

of her brother in order to lure him into having sex with her, is deemed praiseworthy and meritorious, and as a result it is said that “the merit of *xwēdōdah* became law” (*kirbag ī xwēdōdah be ō dādestān āmad*). My point is not merely that the reception of the mythical stories of Lot and Jam agree on many details – this might be expected on account of the universal tendency to mythologize human anxieties surrounding incest – but also that the BT and the Pahlavi tradition set these mythical stories as normative models of righteous behavior in a strikingly similar way.

The similarity that already exists between the Indo-Iranian myth of Jam and Jamag (or Yama and Yamī in the Vedic tradition) and the biblical story of Lot and his two daughters was heightened by the Babylonian rabbinic and Pahlavi reception of these mythical episodes. In contrast to all other ancient interpretations – rabbinic and non-rabbinic alike – which condemn the act altogether, justify Lot for not knowing, or the daughters for intending well, the BT preserves a distinct and theologically eccentric tradition that straightforwardly depicts the daughters’ actions as a righteous deed (*devar mišvah*), from which legal norms should be deduced (“one should always perform a good deed as early as possible”). The terminology of *mišvah*, the use of which is surprising in itself when applied to incest, is likewise reminiscent of the Pahlavi tradition, which views the actions of Jamag as a *kirbag* (a righteous deed), which established legal precedent.

The talmudic inference of a particular legal norm from the older daughter’s actions, namely that one should not postpone the performance of a good deed, brings to mind yet another Pahlavi tradition addressing the legal consequences of delaying the performance of *xwēdōdah*. As we have seen in [Chapter 5](#), the ninth-century high priest Ādurfarnbay adjudicated a case of a priestly student (*hāwišt*) who promised to perform *xwēdōdah* with his sister, but in the course of time neglected to fulfill his commitment and eventually gave her in marriage to someone else. In this context, Ādurfarnbay writes:

If, from then on, he did not keep administering it [the performance of *xwēdōdah*] according to his duty and ability, then, after the wife reached the age of fifteen, for every menstrual period, he owes her atonement according to the Tradition (*dēn*). And, [as for] the good deed of *xwēdōdah*, because he did not administer it [but] kept preventing the good deed of *xwēdōdah*, it [becomes] a “heavier” sin.<sup>37</sup>

In light of the emphasis placed by the Pahlavi jurists on the notion that one should not postpone the act of *xwēdōdah*, but administer it as soon as possible and to the best of one’s ability, it is all the more remarkable that

the specific legal precedent inferred by the BT from the incestuous initiative of Lot's older daughter is that one should always perform a good deed as early as possible.

## CONCLUSION

Embedded in a universal tension between normative and psycho-mythic representations of incest, and entrenched in the particular biblical discrepancy between the levitical statutes and the incest stories of Genesis, Jewish and Christian exegetes struggled to negotiate the legal and mythical manifestations of biblical incest. While the statutory treatment of incest tends to be more conservative, the relatively amorphous realm of narrative and myth enabled the expression of bolder cultural expressions, and even subversive stances that defy common expectations in the normative sphere.

We have seen that the rabbinic hermeneutics of the biblical incest stories are by no means monolithic. Unlike the reception of biblical incest stories in Palestinian rabbinic and patristic sources, by authors who struggled to accommodate stories that challenge, violate, and subvert the legal and statutory classifications of incest, the BT reflects a continuum between law and narrative, in which the incest stories frame, confirm, and reassure the normative classifications.

Insofar as the incestuous unions of Cain and his sister and Lot and his two daughters are concerned, we have seen that the Palestinian rabbinic and patristic exegetes attempted to marginalize the legal significance of these stories, either by condemning the actors or by arguing that there were mitigating circumstances absolving those involved, thus underscoring the irreconcilable tension between legal and mythical manifestations of incest. The BT, by contrast, not only condones these incestuous acts within the confines of the mythical discourse, but draws normative ramifications from these stories. The surprising normative implications inferred by the Babylonian rabbis stand out as unprecedented in the context of the Judeo-Christian reception of the biblical incest stories.

I have argued that the reception of the incest story of Cain and his sister and that of Lot and his daughters in Babylonian rabbinic culture is significantly informed by contemporaneous Pahlavi traditions concerning the mythical enactment of incest by Mašī and Mašyānī, and Jam and Jamag, not only insofar as the rabbinic and Pahlavi stories seem to agree on certain details of the narrative, but also in terms of the continuum they exhibit between the mythical and normative spheres. Unlike the reception

of the biblical stories in Palestinian rabbinic and patristic literature, the Babylonian rabbinic and Pahlavi authors sought to establish a continuum between law and narrative, in which the incest stories function as an integral component of the legal discourse framing the normative regulations by mythical exemplars.

We have already seen ([Chapter 4](#)) that Iranian Manichaean sources fused the Judeo-Christian traditions about Adam and Eve with the Zoroastrian traditions about Gayōmard and his descendants. I have argued that the Manichaean evidence demonstrates that, as early as the third century and in geographic proximity to Babylonia (the homeland of Mani and Manichaeism), Sasanian authors sought to syncretize the Iranian and biblical mythical traditions. It is against this syncretistic mindset that I sought to examine the parallels between the Babylonian rabbinic and Pahlavi traditions of primordial incest. The syncretistic atmosphere that pervaded the Sasanian cultures facilitated, and perhaps reinforced, the talmudic refiguring of the incest stories of Cain and his sister and Lot and his two daughters in the image and likeness of local Iranian traditions concerning mythical enactments of *xwēdōdah*.

The disparity between the Babylonian and Palestinian interpretations of the biblical incest stories of Cain and Lot largely confirms the conclusions I have reached in [Chapter 6](#) regarding the divergent rabbinic reconstructions of the Noahide sexual prohibitions. The integrative study of law, narrative, and exegesis points to a fundamental and systematic difference between Palestinian and Babylonian representations of incest, which runs like a thread throughout the various genres expressed in rabbinic literature.

#### NOTES

1. See esp. Wimpfheimer, *Narrating the Law*, 13–24.
2. On the need for a “dynamic synthesis” that transcends the particular disciplinary treatments of incest see Lévi-Strauss, *The Elementary Structures of Kinship*, 12–25.
3. For Western Christian laws of incest see Archibald, *Incest and the Medieval Imagination*, 9–52. For East Syrian laws of incest see Payne, *A State of Mixture*, 108–110.
4. *Pahlavi Rivāyat* 8a6–8 (Williams [ed.], *The Pahlavi Rivāyat*, 1, 48–49, 11, 10). The Pahlavi text is transcribed in [Chapter 5](#). Cf. *Dādestān ī Dēnīg* 36.69 (Jaafari-Dehaghi [ed.], *Dādestān ī Dēnīg*, 136–137); *Dēnkard* 3.80.8 (Dresden [ed.], *Dēnkard*, 54; Madan [ed.], *Pahlavi Dinkard*, 74; Skjærvø [trans.], *Spirit of Zoroastrianism*, 204): “Mašī and Mašyānī, desiring

- offspring, had intercourse in the manner of males and females and produced children, which is called the *xwēdōdah* of brother and sister. A great family (*dūdag*) was born from them, who, having paired up, became husbands and wives. And, so, all humans who have been or are came from the original seed (*tōhm*) of *xwēdōdah*"; *Dēnkard* 7.1.10 (Dresden [ed.], *Dēnkart*, 471; Madan [ed.], *Pahlavi Dinkard*, 592–593; Skjærvø [trans.], *Spirit of Zoroastrianism*, 111): "And they [Maši and Mašyānī] praised Ohrmazd's work of creation and went about their duties. They did the will of the Creator and laid the foundation of much activity that was to benefit the world, especially *xwēdōdah*, the most pious of deeds for giving birth, for establishing lineage and for the creatures of the world to go forth in large numbers."
5. *Pahlavi Rivāyat* 8e10 (cf. Williams [ed.], *The Pahlavi Rivāyat*, I, 54, II, 13). The Pahlavi text is transcribed in [Chapter 5](#).
  6. The mention of the "twins" in Yasna 30.3 likely refers to the two spirits, thus excluding any connection to Yima. Arguments to the contrary are refuted in Prods Oktor Skjærvø, "The State of Old-Avestan Scholarship," *JAOS* 117 (1997): 103–114 (111).
  7. Regarding the commonality of the Indic and Pahlavi traditions see Skjærvø, "Jamšid": "The Rigvedic dialogue hymn featuring Yama and Yamī has numerous details in common with the Pahlavi stories about Jam and Jamī (Jamag): Yamī tries to convince Yama to sleep with her, arguing that the immortals wish the one mortal to have offspring (Rigveda 10.10.3); already in the womb, they were made by their engenderer, Tvaṣtar, to be husband and wife (Rigveda 10.10.5). Yama resists, acknowledging that it may yet happen in coming generations that those closely related (*jāmi*) will perform that which is not proper for them (*ājāmi*). They tell one another that they expect the other to be embraced by someone else."
  8. See e.g. Norman A. Stillman, "The Story of Cain and Abel in the Qur'an and the Muslim Commentators: Some Observations," *Journal of Semitic Studies* 19 (1974): 231–239; Kugel, *Traditions of the Bible*, 146–169; Roberto Tottoli, *Biblical Prophets in the Qur'an and Muslim Literature* (London and New York: Routledge, 2002), 20–21; Lieve M. Teugels, "The Twin Sisters of Cain and Abel: A Survey of the Rabbinic Sources," in *Eve's Children: The Biblical Stories Retold and Interpreted in Jewish and Christian Traditions*, ed. G. P. Luttikhuisen (Leiden: Brill, 2003), 47–56; John Byron, *Cain and Abel in Text and Tradition: Jewish and Christian Interpretations of the First Sibling Rivalry* (Leiden: Brill, 2011), 20–29; Grypeou and Spurling, *The Book of Genesis in Late Antiquity*, 104–111; Robert C. Gregg, *Shared Stories, Rival Tellings: Early Encounters of Jews, Christians, and Muslims* (Oxford: Oxford University Press, 2015), 7–116.
  9. E.g. *Gen. Rab.* 22:3; *b. Sanh.* 38b; *b. Yebam.* 62a; Targum Pseudo-Jonathan to Gen. 4:2; Josephus, *Jewish Antiquities*, 1.54; Pseudo-Philo, *Biblical Antiquities* 1.1; Pseudo-Clement, *Homilies* 3.25; Irenaeus, *Against All Heresies* 1.6; Ephrem, *Commentary on Genesis* 3:3; Epiphanius, *Refutation of All the Heresies* 40.5; Theodore, *Against the Heresies* 1.11; *Book of Adam* 76. For these and other references see e.g. Kugel, *Traditions of the Bible*, 148–149; Byron, *Cain and Abel*, 20–29.

10. Jubilees 4:15–16 mentions that the descendants of Seth also married their sisters.
11. *Cave of Treasures* 5:18–22. The Syriac text is based on Carl Bezold (ed.), *Die Schatzhöhle aus dem syrischen texte dreier unedirten Handschriften*, 2 vols. (Leipzig: Hinrichs, 1883), II, 34. For the translation cf. I, 8; E. A. Wallis Budge, *The Book of the Cave of Treasures* (London: Religious Tract Society, 1927), 69; Andreas Su-Min Ri (trans.), *La Caverne des trésors: les deux recensions syriaques*, CSCO 487 (Louvain: Peeters, 1987), 18–21. Cf. also Testament of Adam 3:5, in Stephen E. Robinson (trans.), *The Old Testament Pseudepigrapha*, vol. 1, ed. J. H. Charlesworth (New York: Doubleday, 1983), 990: “You have heard my son, Seth, that a flood is coming and will wash the whole earth because of the daughters of Cain, your brother, who killed your brother Abel out of passion for your sister Lebuda.” A distinctive version of this story, attributed to the Manichaeans in Ibn al-Nadīm’s *Kitāb al-Fihrist*, has it that two acts of incest were performed by Cain, first with his mother, Eve, and then with his sister–daughter who was born from the former copulation.

Then that [male] archon came back to his daughter, who was Eve, and lustfully had intercourse with her. He engendered with her a son, deformed in shape and possessing a red complexion, and his name was Cain, the Red Man. Then that son had intercourse with his mother, and engendered with her a son of white complexion, whose name was Abel. Then Cain again had intercourse with his mother, and engendered with her two girls, one of whom was named Ḥakimat al-Dahr [Wise One of the Age] and the other Ibnat al-Ḥirṣ [Daughter of Greed]. Then Cain took Ibnat al-Ḥirṣ as his wife and presented Ḥakimat al-Dahr to Abel, and he took her as his wife.

(Trans. in John C. Reeves, *Prolegomena to a History of Islamicate Manichaeism* [Sheffield: Equinox, 2011], 195.)

Cf. also *Gen. Rab.* 22:7 (Theodor and Albeck [eds.], *Midrash Bereshit Rabba*, 213), according to which Cain and Abel quarreled over the “First Eve” (*Hava ha-rishonah*).

12. *Gen. Rab.* 22:7 (Theodor and Albeck [eds.], *Midrash Bereshit Rabba*, 214). Cf. *Pirque de-Rabbi Elie’zer* 21.
13. Augustine, *City of God*, 15.16. See also the discussion in Archibald, *Incest and the Medieval Imagination*, 24–26. Interestingly, Augustine maintains that relationships should be distributed among as many humans as possible. One should not be related to someone else in more than one way. This stands in diametrical opposition to the Pahlavi claim explored in [Chapter 5](#), according to which one ought to increase and multiply one’s family connections and relationships through sexual acts with one’s relatives. Augustine’s insistence that the primordial acts of incest were performed by force of necessity might also be a response to the Manichaean tradition (with which he was thoroughly familiar), which views these acts as absolute evil (see e.g. the abovementioned quote from Ibn al-Nadīm).

14. See e.g. Stillman, "The Story of Cain and Abel"; Tottoli, *Biblical Prophets*, 20–21; van Gelder, *Close Relationships*, 120–125; Gregg, *Shared Stories*, 75–108.
15. Sipra, Qedoshim pereq 10:11 (Weiss [ed.], *Siphra d'Be Rab*, 92d).
16. *y. Sanh.* 9:1, 26d (Leiden). See also *y. Yebam.* 11:1, 11d; *y. Sanh.* 5:1 22c.
17. Targum Neofiti to Lev. 20:17. See also Targum Pseudo-Jonathan to Lev. 20:17.
18. *b. Sanh.* 58b. The Hebrew–Aramaic text is provided in [Chapter 6](#).
19. This difference was noted by Steinmetz, *Punishment and Freedom*, 151, n. 28.
20. *b. Sanh.* 58b. As we have seen in [Chapter 6](#), while Rav Huna's statement was transmitted in two different textual versions, one permitting the sexual union of a non-Jew with his daughter and one prohibiting it, the redactors reach the same lenient conclusion according to both versions.
21. The analogy, to be sure, is not precise, since by the time Maši had sexual intercourse with Mašyānī, Gayōmard was already dead.
22. Charles Pellat (ed.), *al-Mas'ūdī, Murūj al-dhahab wa-ma'ādin al-jawhar*, 7 vols. (Beirut: Manshūrāt al-Jāmi'a al-Lubnāniya, 1966–1967), 1, 37–39; trans. in van Gelder, *Close Relationships*, 124: "The Zoroastrians maintain that Adam did not arrange for cross-marriages, nor did he strive to do so. They have a hidden purpose with this, since they claim that this implies that it is a good thing to have a brother marry his sister or a mother her son."
23. Notwithstanding the shared perception of incest as associated with *pietas*, there is an important difference between the talmudic depiction of Cain's incest and the Pahlavi rhetoric. According to the BT, Adam expressed his devotion to his son by refraining from marrying his daughter and instead letting Cain marry her. Incest, however, is not in itself defined as an act of *pietas*, although it is intrinsically connected with this concept. The Pahlavi sources, on the other hand, argue that, by marrying one's close kin, one increases his love and devotion to them.
24. See e.g. *Gen. Rab.* 84:35 (Theodor and Albeck [eds.], *Midrash Bereshit Rabba*, 1026) and parallels.
25. For the rabbinic discussion of the family ties between Abraham and Sarah see [Chapter 6](#).
26. E.g. *b. Sanh.* 21a–b.
27. To be sure, already the biblical story reveals some resemblance to the Iranian tradition about Jam and Jamag, as in both stories the male protagonist is first intoxicated and then becomes receptive to the performance of incestuous intercourse. In both stories, moreover, it is the female protagonist who initiates the act, while the male is manipulated into participating. As we shall see, however, the Babylonian rabbinic reception of the biblical story, in contrast to its Palestinian rabbinic and Christian interpretations, is more intimately connected with the Pahlavi tradition.
28. See e.g. Kugel, *Traditions of the Bible*, 328–331.
29. See e.g. Philo, *Questions and Answers in Genesis* 4.56; Josephus, *Jewish Antiquities* 1.205; Irenaeus, *Against the Heresies* 4.48.1; Origen, *Homilies on Genesis* 5:3–4; Origen, *Contra Celsum* 4.45; Ephrem, *Commentary on Genesis* 19:31; Chrysostom, *Homilies on Genesis* 44.17–23. These sources are conveniently collected and translated in Kugel, *Traditions of the Bible*, 339.

30. Jerome, *Hebrew Questions on Genesis* 19:30 (Pauli de Lagarde [ed.], *Hieronymi Quaestiones Hebraicae in Libro Geneseos* [Leipzig: B. G. Teubneri, 1868], 30, lines 15–18; C. T. R. Hayward [trans.], *Saint Jerome's Hebrew Questions on Genesis*, Oxford Early Christian Studies [Oxford: Clarendon Press, 1995], 52. In his commentary Hayward (171–172) contrasts Jerome's condemnation of Lot with the justification offered on his behalf by Origen (*Homilies on Genesis* 5:3–4; *Contra Celsum* 4.45). Both Origen and Jerome acknowledge, however, the extenuating circumstances of the daughters' actions.
31. *Gen. Rab.* 51:8 (Theodor and Albeck [eds.], *Midrash Bereshit Rabba*, 537).
32. *Gen. Rab.* 51:10 (Theodor and Albeck [eds.], *Midrash Bereshit Rabba*, 540).
33. *b. Hor.* 10b (MS Paris 1337); *b. Naz.* 23a.
34. *b. B. Qam.* 38b (MS Hamburg).
35. On the connections between mythical incest, female sexual subversion, and the Davidic line see e.g. Ruth Kara-Ivanov Kaniel, "Seed from Another Place: Transformation of the Account of Lot's Daughters," *Jerusalem Studies in Jewish Thought* 22 (2011): 91–119; Charlotte E. Fonrobert, "The Handmaid, the Trickster and the Birth of the Messiah: A Critical Appraisal of the Feminist Valorization of Midrash Aggadah," in *Current Trends in the Study of Midrash*, ed. C. Bakhos, Supplement to the Journal for the Study of Judaism 106 (Leiden: Brill, 2006), 245–275.
36. One might argue perhaps that the BT should be interpreted as saying that one should not postpone a good deed, just as Lot's older daughter did not postpone an act she *presumed* to be a good deed. This interpretation, however, ignores the striking fact that a rabbinic source casually depicts an act of incest as a righteous deed (*devar mišvah*) and employs it as a model for righteous behavior. In light, moreover, of the BT's portrayal of Cain's incest with his sister as a normative precedent for human behavior ("once it was permitted, it remains permitted"), I suspect that the divergence of the BT from its Palestinian rabbinic antecedents in the case of Lot's daughters is hardly by chance.
37. *Rivāyat of Ādurfarnbay* 143 (cf. Anklesaria [ed.], *The Pahlavi Rivāyat of Ādurfarnbay*, 119–121). The text is transcribed in [Chapter 5](#).



## Confessing Incest to a Rabbi

### INTRODUCTION

Having examined the rabbinic legal discussions of the levitical and Noahide laws of prohibited sexual partnerships (Chapter 6), talmudic riddles concerning incest (Chapter 7), and exegetical legends of biblical incest (Chapter 8), I return now to the talmudic story about Rav Ḥisda and the confessor mentioned at the outset of the Introduction, which is situated in Sasanian Babylonia and ostensibly reflects a Babylonian rabbinic response to the contemporaneous practice and doctrine of *xwēdōdah*. In this story a woman comes before Rav Ḥisda and discloses to him that her younger son is the product of incestuous intercourse she has performed with her older son. Rav Ḥisda, in turn, rather than instructing her with regard to her penance, orders the preparation of her shrouds, thus indicating that her death is inescapable and imminent. Although the nature of the encounter between Rav Ḥisda and the sinner is not explicit in the story itself, the passage is situated within the BT in the context of a broader legal and theological discussion centered on the penitential requirements for a person seeking to turn away from *minut* (heresy).<sup>1</sup>

למימרא דכל<sup>2</sup> דפריש ממינות<sup>3</sup> מאית, והא ההיא<sup>4</sup> איתתא דאתאי לקמיה דרב חסדא אמרה ליה<sup>5</sup> קלה שבקלות עשתה<sup>6</sup> בנה קטן מבנה הגדול ואמ' להו רב חסדא זווידו לה זווידתא<sup>7</sup> ולא מיתתה<sup>8</sup>? ההיא<sup>9</sup> לא הדרא בה שפיר. איכא דאמרי:<sup>10</sup> ממינות אין מעבירה לא,<sup>11</sup> והא ההיא איתתא<sup>12</sup> דאתאי לקמיה דרב חסדא ואמרה לי' קלה שבקלות עשתה בנה קטן מבנה גדול, ואמ' להו רב חסדא זווידו לה זווידת<sup>13</sup> ומיתתה? מדקאמרה ליה קלה שבקלות מכלל דמינות נמי הוויא בה.<sup>14</sup>

Does this mean that anyone who repents from *minut* will die? Was there not a certain woman who came before Rav Ḥisda confessing to him that the lightest among all the light<sup>15</sup> sins she had committed was that her younger son was the

issue of [incestuous intercourse she performed with] her older son? Whereupon Rav Ḥisda said: “Get busy preparing her shrouds” – but she did not die? That one did not altogether renounce her evildoing [and that is why she did not die].

Some have this version: [Is it only] from *minut* that one dies if one repents, but not from other sins? Was there not that woman who came before Rav Ḥisda confessing to him that the lightest among all light sins that she had committed was that her younger son was the issue of [incestuous intercourse with] her older son? Whereupon Rav Ḥisda said: “Get busy preparing her shrouds” – and she died. Since she said [regarding her guilt] that it was among all light sins the lightest, it may be assumed that she was also guilty of *minut*.

In the present context I shall attempt to elucidate this cryptic passage by exploring its underlying Zoroastrian context. Although I wish to make no definite claim about the “original” context of the story itself – as it is far too short and cryptic to decipher – I will argue that within its current redacted setting the story can be significantly illuminated by its contextual reading against the backdrop of contemporaneous Zoroastrian practice and doctrine. As the following analysis will demonstrate, certain Pahlavi texts pertaining to the issues of next-of-kin relations and penitence significantly enrich our ability to understand the passage, and especially its peculiar and anomalous features.

I argue that the woman in the story, at least according to its redacted form, engaged in the consummation of *xwēdōdah*. The role of *xwēdōdah* in the Pahlavi penitential system discussed in [Chapter 5](#) – and particularly the idea that the consummation of *xwēdōdah* cancels the effects of a death sentence – will serve to illuminate several aspects of this cryptic passage. The penitential procedures prescribed in the Pahlavi texts, moreover, will shed light on the penitential encounter that purportedly took place between Rav Ḥisda and the sinner.

While the rabbis addressed the topic of incest in several other contexts, in this passage the BT relates an unprecedented story of incest between mother and son that purportedly took place in Sasanian Babylonia and involved the ruling of a prominent rabbinic authority. The subsequent analysis of this passage against the backdrop of the Pahlavi material is intended to unearth the Zoroastrian undertones in the story and elucidate the various ways in which the redactors of the BT engaged with, and responded to, the practice and doctrine of *xwēdōdah*.

It is possible that the talmudic story preserves a faint memory of an encounter that took place in third-century Babylonia. In pursuit of historical reconstructions of this sort, one might reach the conclusion that the clash between Rav Ḥisda’s position and the confessor’s expectations

reflects a broader tension between resistant and acculturated currents among Babylonian Jewry in the early Sasanian period. The story is more likely, however, to reflect the world of its transmitters and redactors, in which case it would teach us more about the rabbis of the late Sasanian period who envisioned such an encounter. One way or another, the Zoroastrian background of the story must be elucidated in any attempt to appreciate its broader historical significance.

#### INTERNAL DIFFICULTIES AND ANOMALIES

The talmudic story under discussion is distinctive in the sense that it displays features that appear to be anomalous in a rabbinic context, a fact which might support the assumption that the storytellers are in fact engaging with non-rabbinic material.<sup>16</sup> Before I turn to the extra-rabbinic evidence to elucidate the passage, I shall first discuss the internal difficulties and questions it raises. First, the idea of “penitential death”<sup>17</sup> (death that functions as part of the penitential process and not in the context of criminal procedure) and the notion that death is, at times, the “last resort” of penitence available for certain sins, although anticipated in earlier rabbinic literature,<sup>18</sup> is particularly emphasized in the talmudic discussion in *b. ‘Abod. Zar.* 17a. Besides the confession story, in which Rav Ḥisda declares that the sinner must die in order to repent, the notion of penitential death surfaces again in the adjacent narrative about the repentance of El‘azar b. Dordya. In this context, El‘azar realizes that there is no “way out” from the sins he has committed, comes to terms with the fact that he must die in order to repent, and eventually embraces his penitential death willingly. In our passage, by contrast, the sinner learns about her penance only from her encounter with Rav Ḥisda. In other words, a religious authority is not involved in the penitential death of El‘azar, while Rav Ḥisda figures prominently in the penitential death of the confessor.

Second, the disclosure of one’s sins in the presence of a rabbi and his involvement in the specific penitential procedures that ought to be inflicted on the sinner appear to be somewhat anomalous in the broader context of rabbinic discourse on repentance. Although the rabbis have much to say about confession,<sup>19</sup> sinners are normally encouraged to conceal their sins from other human beings and reveal them only to God.<sup>20</sup> It is not entirely clear why the sinner approaches Rav Ḥisda in the first place, but in the context of the broader talmudic discussion on penitence it seems that this scene is perceived by the redactors as reflecting the disclosure of one’s sins to a religious authority in order to receive some sort of penitential guidance.<sup>21</sup>

Third, in the course of her exchange with Rav Hisda the sinner describes the sin of having incestuous intercourse with her son as the “lightest” of her crimes. It is likely that this expression is only meant as hyperbole so as to emphasize the severity of the other sins she has committed. However, in light of contemporaneous Zoroastrian rhetoric, which describes the performance of *xwēdōdah* as the “greatest” of all religious acts (see [Chapter 5](#)), it is possible to view this expression as a response to the same type of rhetoric. After all, even if the storytellers wish to convey the message that this woman was guilty of other grievous crimes – perhaps even the sin of *minut*, as suggested by the anonymous redactors – it is difficult to imagine any other crime in light of which sexual relations between mother and son might be deemed a “light” offense. One should be reminded in this regard of the levitical verses that stipulate that “the man who lies with his father’s wife has uncovered his father’s nakedness; both of them shall be put to death; their blood is upon them.”<sup>22</sup> This sentence is interpreted by the rabbis as referring to death by stoning,<sup>23</sup> a punishment that is considered by most rabbis to be the severest class of penalty issued in the entire rabbinic punitive system.<sup>24</sup> Whichever laws this woman may have transgressed, the classification (however rhetorical) of sexual intercourse between mother and son as the “lightest of light sins” (קלח שכקלות) is remarkable, even when placed in the mouth of an ignorant sinner.

Fourth, it is not altogether clear why the redactors assume that the woman in the story is not only a sexual deviant, but also guilty of *minut*. In fact, it is this underlying assumption, namely, that the woman must be guilty of *minut*, that makes the story relevant in the broader context of a talmudic discussion centered on the possibility of penitence on account of *minut*. While the story, in and of itself, contains no indication that the woman is in fact guilty of *minut*, the anonymous redactors place the story in a context that suggests that the sin of *minut* is at stake and, if that is not clear enough, the discussion straightforwardly concludes with the assertion that the woman is in fact guilty of *minut*.

In order to understand the supposed relevance of *minut* to the story, one must consider the two different versions in which the story is transmitted in the BT. The first version of the story assumes – although the reason for this assumption is absent – that the woman is guilty of *minut* (along with her sexual crime) and therefore inquires why it is that she does not die in the course of her penitential endeavor given the general talmudic conviction that in order to repent for *minut* one must die in the process.

The seeming lack of any connection between the story itself and the sin of *minut*, which is discussed in the editorial stratum, resulted in several scribal attempts to emend the text. MS New York initially contained the word ממינות (“on account of heresy”) in the original talmudic introduction to the story, but the word was crossed out (either by the same scribe or by another hand) and the word מעבירות (“on account of [other] sins”) was written in the margin to replace it, thus shifting the focus of the inquiry to sins other than *minut*. By contrast, MS Munich duplicates the talmudic deduction from the second version of the story, according to which the woman must be guilty of *minut* since she describes her sexual crime as relatively “light.” Although this clause might have redundantly been copied from the second version of the story, which does in fact contain this clause, it may also be a deliberate interpolation that is meant to account for the lack of explicit mention of *minut* in the first version of the story. However, the best extant textual witness for *b. ‘Abod. Zar.*, namely MS Paris, contains no such emendation, thus representing the *lectio difficilior*.

To be sure, even according to the second version of the story, where the textual witnesses clearly contain the deduction – namely, that the woman must be guilty of *minut* since she describes her sexual crime as relatively “light” – the underlying logic is hardly convincing. The tension that exists between the internal message of the story and the objective of its incorporation into the broader talmudic discussion seems to reflect, therefore, a deliberate attempt on the part of the anonymous redactors to appropriate an otherwise unrelated rabbinic anecdote concerned with incest and connect it to the matter of penitence on account of *minut*.

#### AN EARLY RABBINIC INTERPRETATION

Before attempting to resolve these difficulties, I must first call attention to a parallel tradition that appears in *Eccl. Rab.* 1:8. While the extent to which the redactors of *Eccl. Rab.* incorporated Babylonian traditions is still debated,<sup>25</sup> in this case it is rather self-evident that the *Eccl. Rab.* account is based on the story in *b. ‘Abod. Zar.* 17a and not the other way around.

מעשה באשה אחת שבאת לפני ר' [אליעזר] להתגייר. אמרה לו ר' קרבני. אמ' לה פרטי מעשיך. אמרה לו בני הקטן מבני הגדול. נזף בה. הלכה אצל ר' יהושע וקבלה. אמרו לו תלמידיו ר' אליעזר מרחק ואת מקרב! אמ' להם מכיוון שנתנה דעתה להתגייר אינה חיה לעולם, שנ' "כל באיה לא ישובו", ואם שבו – "לא ישיגו ארחות חיים."

There was a woman who came before R. [Eli'ezer] to convert. She said to him: “Rabbi, accept me!” He said to her: “Articulate your actions.” She said to him, “My younger son is from [= the issue of incestuous intercourse with] my older

son.” He reproached her. She went to R. Yehoshua<sup>‘</sup> and he accepted her. His students said to him: “R. Eli‘ezer is distancing and you are bringing closer!?” He said to them: “Since she decided to convert she will never live, as it says: ‘Those who go to her will never come back,’ and if they do, ‘they will not regain the paths of life’” [Prov. 2:19].<sup>26</sup>

This account is likely a hybrid of the confession story in *b. ‘Abod. Zar.* 17a and the genre known from *b. Šabb.* 31a of a potential convert to Judaism who is first rejected by the “strict” figure of Shammai and then accepted by the “soft” figure of Hillel. Indeed, both R. Eli‘ezer, who is associated with the “school” of Shammai, and R. Yehoshua<sup>‘</sup>, who is associated with the “school” of Hillel, uphold the characteristics attributed to their predecessors in *b. Šabb.* 31a.

While the context of the woman’s appearance before Rav Hīsa in the Babylonian account remains ambiguous, in *Eccl. Rab.* she is presented not as a Jewish confessor, but as a non-Jewish woman who seeks to convert to Judaism. This shift is likely intended to explain the underlying connection between incest and *minut* exhibited in the original talmudic story. Since the talmudic deduction (that the woman must be guilty of *minut* since she describes her sexual crime as relatively “light”) is somewhat weak, the expression “the lightest of my light sins” is altogether omitted in the *Eccl. Rab.* version and instead the woman is portrayed as a convert. In other words, the confessional context of the Babylonian version was replaced by a conversion scene in order to explain the woman’s engagement in “heresy.”

Although it is not impossible to interpret the Babylonian story along similar lines, as reflecting a conversion scene rather than a confessional encounter, it does not seem very likely that this was the intention of the redactors. While the BT contains other stories in which non-Jews are depicted as approaching rabbis in order to convert,<sup>27</sup> there is nothing in the terminology of *b. ‘Abod. Zar.* 17a to warrant such an interpretation. If conversion were at stake, we would expect the woman to say something like “convert me,” “accept me,” or “bring me under the wings of the divine presence.” But instead she simply announces, “My younger son is from my older son,” indicating the confession of her sins. In what follows, I will attempt to make sense of the Babylonian version of the story in light of its ambient cultural context.

#### CONFESSING TO A RELIGIOUS AUTHORITY

To the best of my knowledge, the practice of confessing one’s sins to a religious authority, a practice that represents one of the fundamental

doctrines of Roman Catholic and Orthodox Christianity,<sup>28</sup> is absent from the Jewish thought of late antiquity and the early medieval period, at least until the thirteenth century. The idea of disclosing one's sins to a sage or a religious authority is first advocated in a Jewish context by R. Yehudah he-Ḥasid ("the pious") in his ethical treatise *Sefer Ḥasidim*.<sup>29</sup> To emphasize the unusualness of this approach among Jewish writers, however, we should point out that even R. Yehudah he-Ḥasid's great student R. El'azar of Worms, who followed many of his master's instructions regarding the life of piety, seems to have rejected his teachings on the issue of disclosure of sins to a religious authority.<sup>30</sup>

The regnant rabbinic position, according to which one ought to conceal one's sins from other people and reveal them only to God, underscores the isolation of the motif of disclosing sins in the presence of a rabbi in *b. 'Abod. Zar.* 17a. While the context in which the woman appears before Rav Ḥisda remains somewhat obscure, it is evident from the broader talmudic context that the scene is perceived by the redactors as reflecting voluntary disclosure of sins for the sake of "confession" and penitential guidance.<sup>31</sup> According to the version found in *Eccl. Rab.*, by contrast, the woman appears before the rabbi for the sake of conversion, while it is the rabbi who inquires about her actions. This (Palestinian) interpretation of the story, although placed in a similar penitential context, disguises the motif of voluntary and "confessional" disclosure of sins that characterizes the original Babylonian story. Before I examine the Zoroastrian notion of confession to a *rad* (religious authority) and the role of *xwēdōdah* in the Zoroastrian penitential system – a context that I believe to be the cultural and religious background reflected in our passage – I would like to explore a Christian parallel to the talmudic story.

Recently, Michal Bar-Asher Siegal called attention to the existence of detailed affinities between talmudic and monastic discussions of penitence.<sup>32</sup> In this context, she examined the similarities between the El'azar b. Dordya story (immediately following the confession story in *b. 'Abod. Zar.* 17a) and the monastic genre of the repentant whore<sup>33</sup> – particularly the story of Paesia found in the *Apophthegmata Patrum*.<sup>34</sup> The story of Rav Ḥisda and the confessor, I submit, is reminiscent of another tradition found in the *Apophthegmata*, which was told about Abba Ammonas:

Abba Ammonas advanced to the point where his goodness was so great, that he took no notice of wickedness. Thus, having become bishop, someone brought a young girl who was pregnant to him, saying: "See what this unhappy wretch has

done; give her a penance.” But he, having marked the young girl’s womb with the sign of the cross, commanded that six pairs of fine linen sheets should be given her, saying: “It is for fear that, when she comes to give birth, she may die, she or the child, and have nothing for the burial.” But her accusers resumed, “Why did you do that? Give her a punishment.” But he said to them: “Look, brothers, she is near to death. What am I to do?” Then he sent her away and no man dared accuse anyone any more.<sup>35</sup>

In both stories a woman stands before a religious authority – a rabbi or an abba – in a penitential context. In both stories the sin involved consists of one form or another of sexual transgression. And in both stories the religious authority orders the preparation of shrouds for the sinner, under the assumption that she is likely to die. Of course, the differences are also considerable: in the BT the woman comes to the rabbi on her own accord, while according to the monastic tradition the girl is brought to the abba.<sup>36</sup> The point of the monastic story, moreover, is to emphasize the goodness of the abba, who sees no evil in others. He orders the preparation of the shrouds as an act of charity, since the girl is pregnant and she or her baby might die in labor. It seems, however, that Abba Ammonas might be worried that the girl will die in labor precisely because of her sin, and not merely because of natural causes. If this interpretation is correct, then the abba is envisioning the girl’s death just as Rav Ḥisda does in the talmudic story.

Significantly, certain elements that are present in the BT’s story or in its immediate talmudic context are absent from the monastic tradition. These include a voluntary disclosure of the sin to a religious authority; an unsuccessful attempt by the sinner to minimize the severity of her sins; incestuous relations between mother and son; and the concern with heresy.<sup>37</sup>

I posit that, while the monastic tradition might inform certain aspects of the talmudic story, the latter engages, first and foremost, with the Zoroastrian doctrine of penitence and confession to a *rad*, and particularly the role of close-kin relationships in the penitential process. Unlike the El‘azar b. Dordya story, which seems to engage with the monastic genre of stories about repenting whores, I argue that the story about Rav Ḥisda and the penitent reflects a different cultural setting altogether. The peculiarities in the talmudic passage can be significantly illuminated when viewed against the backdrop of the Pahlavi discourse on penitence and the role of *xwēdōdah* in the Zoroastrian penitential system.



## CONFESSING TO A RAD

The significance of repentance in Zoroastrianism emerges already in the Young Avestan tradition, and especially in the *Videvdad*. The Pahlavi texts further discuss the details of the mental, verbal, and physical elements of the penitential process, namely remorse, verbal confession, commitment not to relapse into sin in the future, monetary compensation, and physical punishment.<sup>38</sup>

According to the Pahlavi tradition, the penitential elements of confession and contrition must be performed in the presence of a *rad* and cannot be carried out in private.<sup>39</sup> A fundamental distinction is made, however, between sins committed against one's fellow humans and sins committed against one's soul,<sup>40</sup> as only the latter necessitate the presence of a *rad*. According to the *Šāyist nē Šāyist*:

*wināh ī hamēmālān andar hamēmālān wizārišn. ud ān ī ruwānīg andar radān wizārišn.*

*ud ka-iz (ī) dēn-radān framāyēnd kunēnd wināh bē šawēd. ud kerbag ī az ān frāz kunēnd uspurriḡ bē rasēd.*

A sin [against] one's fellow men (*hamēmāl*) should be resolved among one's fellow men. And a sin against one's soul should be resolved among the *rads*.

And, also, if they do what the *rads* of the religious Tradition (*dēn*) command, the sin goes away. And [the merit of] any good deed they perform thenceforth comes [to them] complete.<sup>41</sup>

*ka-š wināh andar hamēmālān kerd estēd . . . ā-š pēš hamēmālān pad patīt bawišn. ud ka nē pēš ī radān pad patīt bawišn.*

If he has committed a sin against [his] fellow men . . . then he should be contrite before his fellowmen. And if not, then he should be contrite before the *rads*.<sup>42</sup>

The first of these passages addresses the element of monetary compensation, and the second the element of contrition. Regarding both elements of penitence, the author makes it clear that only sins committed against one's soul require the presence of a *rad*, while sins involving wrongdoing against one's fellow humans must be resolved with the relevant party, and compensation should be made to him or her. When sins are committed against the soul and must, therefore, be resolved in the presence of a *rad*, the penitential instructions of the *rad* must be scrupulously carried out.

Several Pahlavi texts address the question of who is worthy of accepting confession from sinners, emphasizing the spiritual responsibility associated with holding the position of *rad*. The following text, recorded in

the *Šāyist nē Šāyist*, instructs the *rad* (and perhaps also the offended party in cases of wrongdoing against one's fellow humans) to listen carefully to the sinner, and forbids the shaming of the sinner or the divulging of his or her secrets:

*ud ān kē pēš patīt bawēd ā-š xūb bē niyōšišn u-š nē āwēnišn u-š rāz bē nē barišn. čē ka pad wināh ī kerd bē āwēnēd ayāb rāz bē barēd ā-š hāwand bawēd.*

And he before whom he shows contrition [confesses] should listen to him well and should not despise him<sup>43</sup> and should not divulge his secrets.<sup>44</sup> For, if he despises [him] for the sins he has committed or divulges his secrets, he becomes just like him.<sup>45</sup>

Regarding the prohibition on divulging the confessor's secrets, a subsequent passage tells the story of Ādurbād, son of Zardušt, who appoints one of his students to accept confession from sinners. The student is not secretive enough, however, and divulges the secrets of his confessors. For his breach of confidence Ādurbād divests him of his newly acquired office and orders that he never appear before him again. Despite the student's genuine remorse, Ādurbād refuses to let him resume his status as confessional authority.<sup>46</sup>

Another passage deals with the moral and religious qualities required of a person who seeks to be appointed for a confessional office.<sup>47</sup> The text considers the person's knowledge of the Avesta and Zand, of the punitive measures suitable for different types of sins, and the requirement of "grooming" himself (perhaps metaphorically or spiritually). There are some jurists, however, who also require the undertaking of priestly education in the *hērbedestān*, beyond mere knowledge of the Zand. The latter seem to hold that only an "ordained" priest, as it were, who received an official religious education, is authorized to accept confession, and not simply anyone who has extensive knowledge of Avesta and Zand.<sup>48</sup>

The role of the *rad* in the penitential process is particularly emphasized in the case of offenders who are classified as *margarzān* (worthy of death), a category representing the severest class of sin in the Pahlavi punitive system. As we have seen in [Chapter 5](#), it is not altogether clear whether it is possible to atone for a *margarzān* sin (with or without death), since there are contradicting statements on the matter in the extant Pahlavi literature. At any rate, the *Šāyist nē Šāyist* requires, in this regard, that *margarzān* sinners submit body and property solely to their *rad* for corporal and monetary punishment. If the sinners indeed submit their body and property, fulfill the penitential instructions

prescribed by the *rad*, and are remorseful in thought, they will not go to Hell and the good deeds they performed prior to the sin will accrue to their account:

*margarzān ka-š tan ud xwāstag ēwāz ō radān abespārd ud pad wināh ī jāstag menišnīg pad patīt bawēd u-š radān pad kār ud kerbag dastwarih dahēnd ā-š kār ud kerbag ī pēš kerd abāz rasēd ud ka andar 3-šabag pādīfrāh kunēnd ō dōšox nē rasēd.*

A person who is *margarzān* [worthy of death], when he has given up his body and property only to the *rads* and is in contrition in thought for the sin that occurred to him, and the *rads* give him guidance regarding work and good deeds, then the work and good deeds he has done before come back to him. And, if they punish him during the three-night period [after his death], he will not go to Hell.<sup>49</sup>

According to the subsequent passages in the *Šāyist nē Šāyist*, the *rad* has the undisputed authority to order the death sentence for a *margarzān* offender and the sinner is not redeemed unless he fulfills the instructions of his *rad* and submits himself to death:

*ud agar rad sar brīdan framāyēd pad gyāg ahlaw. ud sidōš ōh yazišn u-š āmār ī sidōš abar nē bawēd.*

And, if the *rad* orders his head to be cut off, he becomes righteous (*ahlaw*) on the spot, and a *sidōš* [=the third dawn after the death ritual] should be celebrated [on his behalf], and the reckoning of the *sidōš* does not come upon him.<sup>50</sup>

*ka margarzān-ēw kerd estēd ud menišnīg pad patīt bawēd ud rad dānēd kū ka-š tan bē abāyēd dādan ā bē dahēd pādīxšāy ka-š bē ōzanēd hād čē pad sūd ī ohrmazd estēd.*

If he has committed a *margarzān* and is mentally contrite and the *rad* knows that, when he must give [over] his body, then he will give it [over]. Is he authorized to kill him? Yes, because it is to Ohrmazd's benefit.<sup>51</sup>

Whether or not these passages reflect a custom that was actually practiced in the Sasanian period is unclear, but what can be said with some degree of certainty is that, in the minds of the (probably Sasanian) priests who composed and transmitted these traditions, the process of penitence was not complete until the sinner had confessed his or her sins to a *rad* and followed the penitential instructions inflicted by the *rad*, even to the extent of acquiescing to one's own death.

## RAV ȲISDA AS RAD

Before I discuss the role of *xwēdōdah* in the Zoroastrian penitential system and its significance for the talmudic passage, I shall first contextualize the “confessional encounter,” in and of itself, with the Pahlavi treatment of penitence. I submit that the talmudic redactors of the story were familiar, in one way or another, with contemporaneous Zoroastrian penitential procedures. It makes no difference for the purposes of the present argument whether the procedures described in the Pahlavi works were actually practiced during the Sasanian period – in which case the Babylonian rabbis would have possibly witnessed those practices – or whether we are dealing with literary traditions with which the rabbis were familiar. The fact of the matter is that the talmudic passage reflects crucial elements of the Pahlavi discourse on penitence and, at the same time, is at odds with other rabbinic texts.

In light of the inconsistency between the confession story in *b. ʿAbod. Zar.* 17a and other rabbinic reports concerning the penitential process, I suspect that the BT is knowingly invoking the Zoroastrian backdrop of confession to a *rad* to describe the encounter of the sinner with Rav Ȳisda in the talmudic story. While the story itself, as we have seen, does not necessarily reflect a “confession scene,” it is a conscious editorial choice to incorporate this story into a broader discussion of repentance. In that respect, the redactors seem to invoke the notion of confessing to a *rad* by portraying the encounter between Rav Ȳisda and the sinner in a similar fashion: the rabbi listens to the confession, determines the penitential measures for the specific sin, and ultimately exercises his “authority” to announce the unavoidability of the sinner’s death. While, in the limited framework of the story itself, Rav Ȳisda may simply be assuming the devastating effects of a grievous sin, in the broader context of the talmudic discussion he is in fact determining that death is the only way to atone for the sins that were disclosed to him.

There are several points of similarity between the function of the *rad* in the Pahlavi penitential system and Rav Ȳisda’s role in the talmudic story:

1. Rav Ȳisda, like a *rad*, is consulted with regard to a matter of penitence.
2. Rav Ȳisda foresees/predicts the death of the confessor, which means, according to the redactors, that death is the only penitential path

available for the sins under consideration. Similarly, the *rad* has the undisputed authority to determine whether death is necessary for rectification.

3. Neither Rav Hīsa nor the *rad* function as a criminal judge in this equation, in the sense that a judge may issue a “death sentence” in a criminal case. Rav Hīsa simply informs us that death is unavoidable if penitence is indeed desired. According to one version of the story, moreover, Rav Hīsa’s prediction of death is not fulfilled since the penitence is insincere. Similarly, Zoroastrians who committed sins against their souls are encouraged to approach a *rad* and submit their bodies and property to his discretion. If the *rad* believes that a sinner has sincerely submitted his or her body he may decide that death is necessary for procuring atonement.
4. As a rabbi, Rav Hīsa’s authority in the confession scene does not seem to depend on his spiritual or prophetic abilities but rather on the knowledge he possesses in the religious tradition. Similarly, the *rad*’s authority to receive confession depends primarily on his religious knowledge – his knowledge of the Avesta and Zand, of sins and their respective punishments, and his priestly education.
5. The underlying assumption of both the talmudic and Pahlavi discussions is that certain crimes – whether labeled *margarzān* or *minut* – are considered so severe that full rectification can only be achieved upon the sinner’s death.

#### “XWĒDŌDAH CANCELS A DEATH SENTENCE”

I will now turn to the doctrine of *xwēdōdah*, which seems to underlie the incestuous encounter reported in the talmudic story. In this context I will focus mainly on the role of *xwēdōdah* in the penitential system, as this issue in particular appears to inform the talmudic story. As we have seen in [Chapter 5](#), *xwēdōdah* is regarded in Pahlavi literature as among the most righteous deeds, if not the most righteous deed, in Zoroastrianism. *Šāyist nē Šāyist* 8.18 teaches, moreover, that *xwēdōdah* obliterates even *margarzān* offenses.

Narseh-burzmīhr said the following three things: *xwēdōdah* cancels a *margarzān* (sin) . . . <sup>52</sup>

Despite the severity of a *margarzān* sin, the consummation of *xwēdōdah* is considered so meritorious that it utterly cancels its effects. This

notion is particularly illuminating in the context of the talmudic story. While the Pahlavi texts maintain that *xwēdōdah* cancels a death-deserving sin, Rav Ḥisda seems to maintain that incestuous intercourse between mother and son is precisely the type of sin that will cause the death of the offender. The implications of this reversal will be further appreciated below. A similar notion is also expressed in the *Pahlavi Rivāyat*:

This also [is manifest], that *xwēdōdah* is so miraculous that it is the salvation from Hell [from] the most grievous sin, such as sorcery (*jādūgih*) and a death-deserving sin (*margarzān*).<sup>53</sup>

Viewed against the foil of the Pahlavi doctrine, according to which the consummation of *xwēdōdah* functions as a means of penance that cancels the effects of a death-deserving crime, I posit that the talmudic story might function as a rabbinic “counternarrative” to the merit associated with *xwēdōdah* in Zoroastrianism. While in the Pahlavi texts the consummation of *xwēdōdah* prevents the death of a sinner, in the talmudic story the performance of incest is precisely what brings Rav Ḥisda to order the preparation of the sinner’s shrouds. The act of mother–son incest that is regarded as so meritorious in the Zoroastrian tradition – to the extent of preventing the lethal effects of a crime worthy of death – becomes the source of death for the sinner in the talmudic narrative.

In the BT the sinner does not acknowledge the severity of her sin, but maintains that her sin is the “lightest of light sins.” If this is not merely a literary flourish, it is tempting to speculate that the sinner is portrayed by the storytellers as an acculturated Jew who simply acts in accordance with the norms of her Zoroastrian environment. It may be that she genuinely does not understand why the rabbis are making such a fuss over her “natural” sexual preferences. The BT thus conveys a sense of disproportion between the proper “rabbinic” attitude to incest reflected in Rav Ḥisda’s response and the partially “Zoroastrian” attitude displayed by the lay confessor. The latter seems to understand that in the context of *her* religious tradition incest is not a merit – after all, she is confessing a sin<sup>54</sup> – but she fails to appreciate the severity of the act in the religious hierarchy of sins.

The clash between Rav Ḥisda’s position and the confessor’s expectations may reflect the tension that existed between “resistant” and “acculturated” Babylonian Jews in the early Sasanian period. It seems more likely, however, that the story reflects, first and foremost, the concerns of its creators and redactors, in which case the story would tell us more

about the rabbis of the late Sasanian period who imagined such an encounter. But even if the confessor and her incestuous story are merely figments of the rabbis’ imagination, her character seems to be typologically constructed in a manner that engages with the problem of Jewish acculturation to Zoroastrian norms.

As we have seen, the *Pahlavi Rivāyat* argues that the consummation of *xwēdōdah* constitutes salvation from Hell on account of sorcery (*jādūgīh*). In the same chapter the performance of *xwēdōdah* by a Zoroastrian is compared to the conversion of a member of the evil Tradition (a non-Zoroastrian) and his return to the good Tradition (Zoroastrianism). This notion seems to inform the connection made in the BT between incest and repenting on account of *minut*. While the Pahlavi texts compare the merit of *xwēdōdah* with that of turning away from the evil Tradition to Zoroastrianism, the BT articulates the inverse, by associating the crime of incest with the sin of *minut*. According to the Pahlavi Rivāyat:

And the greatest good deed of [i.e. that can be performed by] a member of the evil Tradition is this: when he comes from the law of an evil Tradition (*ag-dēnīh*) to the good Tradition (*weh-dēn*);

and the greatest good deed of the man of the good Tradition (*weh-dēn*), after he has performed the ritual, is this: when he performs *xwēdōdah*. For, about that performing of *xwēdōdah*, [it is manifest] that [it is] so valuable and worthy that [it is] the greatest smiting of demons.<sup>55</sup>

Above, I questioned the logic of the talmudic inference, according to which if incest is the lightest of the confessor’s sins then she must have also been guilty of *minut*. This deduction is hardly necessary and assumes, rather arbitrarily, that *minut* is worse than sexual abominations. The Zoroastrian context provides us, I believe, with the solution to this puzzle. The reason the BT assumes that the confessor is guilty of *minut* is not because of some obscure deduction suggesting that the confessor must have done something worse than incest. In contrast to this understanding of the passage, I propose that the reason *minut* is assumed (מכלל דמינות נמי) has to do with the fact that the confessor acts as a perfectly righteous Zoroastrian. In other words, the fact that the confessor refers to her incestuous act in such a relaxed manner suggests that she was conceived of as an acculturated Jew who complies with Zoroastrian norms.<sup>56</sup> The reason, then, that the redactors incorporated this confession story in the first place into a talmudic discussion concerning *minut* is precisely because of the Zoroastrian features displayed by the confessor, suggesting that *minut* is at stake.

The connection assumed between incest and *minut* in the talmudic story seems to engage with the Pahlavi doctrine in another way, as the Pahlavi texts explicitly compare the merit of *xwēdōdah* with that of turning away from an evil religious Tradition to Zoroastrianism. Just as the conversion of a non-Zoroastrian to Zoroastrianism “wipes off every bad thought, every bad word, every bad deed,”<sup>57</sup> so does the performance of *xwēdōdah* for a Zoroastrian.<sup>58</sup> When read against this, the BT seems to maintain the same doctrinal connection between incest and heresy, but the message is diametrically opposed. Incest is indeed akin to heresy, argue the rabbis, since in both cases the ability to repent is compromised.

Finally, I posit that the particular form of incest addressed in the talmudic story (namely, that of mother and son) can also be illuminated by paying attention to the intricacies of the Pahlavi discourse on *xwēdōdah*. Several Pahlavi texts maintain that of all forms of *xwēdōdah* (father–daughter, mother–son, and brother–sister) the one performed between mother and son is the most righteous and meritorious. The *Pahlavi Rivāyat* explains the superiority of mother–son incest by alluding to the fact that they are most closely connected, as the son comes directly from his mother’s body:<sup>59</sup>

*ēn-iz paydāg kū mard-ēw ka xwēdōdah ēk abāg burdār ud ēk abāg zahag-duxt, ān ī abāg burdār abar ōy ī did radān gōwēnd ēd rāy čē-š ān ī az tan bē āmad nazdiktār*

This also is manifest: When a man practices one *xwēdōdah* with his mother, and one with his child-daughter, the one with [his] mother is superior to the other; the spiritual authorities say it is because he who has come from her body is nearer [to her].<sup>60</sup>

*Dēnkard* 3.80 also underscores the significance of mother–son relations in the Pahlavi tradition:

*ud ān ī az pus ud mādar zāyēd brād-iz bawēd ham pidar ēd rāh ī wēš rāmišn ī niyāyišn ī urwāhm nē [ud agar] padīš ēč ziyān ī frāy az sūd ī nē-iz āhōg ī frāy az hučīhr*

And if it is a child born from a son and his mother, he is also the father’s brother. This is the road to more joy and bliss. And there is no harm from it greater than the benefits from it, nor any blemish greater than the beauty of it.<sup>61</sup>

It is illuminating to compare the significance of *xwēdōdah* performed between mother and son in the Pahlavi sources with the choice of the talmudic redactors to focus on mother–son incest. In contrast to the Pahlavi sources, which view this type of *xwēdōdah* as the “greatest form



of the greatest merit,” the BT views this type of relationship as one of the greatest sins possible and associates it with *minut*.<sup>62</sup> The expression the “lightest of light sins” attributed to the confessor, although possibly couched as rhetorical hyperbole, may also be a playful counterargument to this particular Zoroastrian doctrinal subtlety.

## CONCLUSION

The encounter between Rav Ḥisda and the confessor reported in *b. ‘Abod. Zar.* 17a provides us with an illuminating example of Babylonian rabbinic engagement with the doctrine of *xwēdōdah*. The playful and subtle connections demonstrated in this chapter suggest that the creators and redactors of the talmudic story were not only cognizant of the practice of *xwēdōdah*, but engaged with certain nuances of its doctrinal significance.

On the one hand, the passage can be read as a counternarrative or even a disguised polemic against Zoroastrian practices of penitence and next-of-kin relations. On the other, the passage seems to engage with certain aspects of the Zoroastrian model of penitence in a non-critical manner, applying this model to the encounter of Rav Ḥisda and the confessor. The story thus reveals the nuance and multifacetedness of the Babylonian rabbinic response to contemporaneous Zoroastrian doctrine, which does not seem to fit neatly into the classifying rubrics of reception or resistance.

Regardless of the resistant or receptive attitudes reflected in the story, the fascinating connections displayed in this context reveal the fruitfulness of a contextual and synoptic study of the BT against the backdrop of Iranian culture. Be the nature of the intercultural contact underlying the story as it may, the talmudic passage can be significantly illuminated by recourse to the Pahlavi notions of confession to a *rad*, the role of the *rad* in determining the penitential requirements for death-deserving sins, the significance of incest in the penitential system, the idea that *xwēdōdah* cancels the effects of a death sentence, and the connection drawn between incest and heresy.

## NOTES

1. The literature on *minut* and *minim* in rabbinic literature is vast. See e.g. Daniel Boyarin, *Border Lines: The Partition of Judaeo-Christianity* (Philadelphia: University of Pennsylvania Press, 2004), 1–33; Steven T. Katz, “The Rabbinic Response to Christianity,” in *The Cambridge History of*

- Judaism*, vol. iv: *The Late Roman–Rabbinic Period*, ed. S. T. Katz (Cambridge: Cambridge University Press, 2006), 259–298; Christine Hayes, “The ‘Other’ in Rabbinic Literature,” in *The Cambridge Companion to the Talmud and Rabbinic Literature*, ed. C. E. Fonrobert and M. S. Jaffee (Cambridge: Cambridge University Press, 2007), 243–269; Adiel Schremer, *Brothers Estranged: Heresy, Christianity, and Jewish Identity in Late Antiquity* (Oxford: Oxford University Press, 2010), 3–24.
2. MS New York adds: [מאן] (היכא).
  3. MS New York: [מעבירות] (ממינות).
  4. The usage of the demonstrative pronouns in Jewish Babylonian Aramaic is discussed in Elitzur Bar-Asher Siegal, “Non-anaphoric Uses of the Demonstrative Pronouns in Jewish Babylonian Aramaic,” *Leshonenu* 74 (2012): 229–266.
  5. Note the shift from Aramaic to Hebrew. On some possible implications of this shift in language see Eliezer Margoliot, “Hebrew and Aramaic in the Talmud and Midrash,” *Leshonenu* 27 (1962–1963): 20–33; Friedman, “A Critical Study of Yevamot x,” 301–302.
  6. The sinner is probably referring to herself in the third person. It is possible, however, that someone else is accusing her, but then we must prefer the reading אמרו ליה (“they said to him”) and not אמרה ליה (“she said to him”) as attested in MS Paris.
  7. The phrase צביתו לה זודתא or זודו לה זודתא, which indicates the preparation of shrouds, appears also in *b. Roš Haš.* 17a; *b. Mo‘ed Qaṭ.* 27b; and *b. Nid.* 37a. This phrase seems to parallel the Palestinian equivalent עתה ליה תכריכין, which appears in *y. Šeb.* 4:2, 35b and *y. B. Bat.* 3:3, 13b. A discussion of this phrase is found in Eliezer S. Rosenthal and Shaul Lieberman, *Yerushalmi Neziqin: Edited from the Escorial Manuscript with an Introduction by E. S. Rosenthal, Introduction and Commentary by S. Lieberman* (Jerusalem: Israel Academy of Sciences and Humanities, 1983), 180–181.
  8. MS Munich adds the following words from the second version of the story: מדקאמרת קלה שבקלות מכלל דמינות נמי הוּיא ביה.
  9. MS Munich: להיא דלא מית' משו' דלא.
  10. MS Munich: ואיכ' דמותבי הכי.
  11. MS New York: דמינות הוא דמיית משאר עבירות (הוא) לא מיית.
  12. MS New York omits.
  13. MS New York: טרחו לה בזבדתא; Munich: טרחי ליה בזוית.
  14. *b. 'Abod. Zar.* 17a (MS Paris 1337).
  15. The phrase קלה שבקלות also occurs in *t. Šabb.* 15:17 (Lieberman [ed.], *The Tosefta*, 75) in the sense of a “light” mišvah, but cf. *y. Pe'ah* 1:1, 15d; *y. Qidd.* 1:7, 61b.
  16. For this method of “unearthing” the non-rabbinic context in rabbinic literature see e.g. Kalmin, “The Formation and Character of the Babylonian Talmud,” 855. Shaye Cohen pointed out to me that, in light of the “Christian” context of the adjacent talmudic stories of El'azar b. Dordya and R. Eli'ezer in *b. 'Abod. Zar.* 16b–17a, it is likely that the Rav Hisda story also engages with a non-rabbinic context. On the Christian context of the R. Eli'ezer story see Daniel Boyarin, *Dying for God: Martyrdom and the*

- Making of Christianity and Judaism* (Stanford: Stanford University Press, 1999), 22–66 and Peter Schäfer, *Jesus in the Talmud* (Princeton: Princeton University Press, 2007), 41–51. On the monastic context of the El'azar b. Dordya story see Bar-Asher Siegal, *Early Christian Monastic Literature*, 170–199.
17. On this notion see Bar-Asher Siegal, *Early Christian Monastic Literature*, 172–173.
  18. *t. Kippurim* 4:8–9 (Lieberman [ed.], *The Tosefta*, 252–253); *m. Yoma* 8:7; *b. Šebu.* 13a; *b. Šebu* 39a; *b. Ker.* 7a; *b. Yoma* 86a; *Mekhilta de-Rabbi Ishma'el*, Masekhta de-bahodesh 7 (Hayim Shaul Horovitz and Israel Abraham Rabin [eds.], *Mekhilta de-Rabbi Ishma'el* [Jerusalem: Mekitze Nirdamim, 1997], 227–228); *Sifre Zuta*, Naso (Horovitz [ed.], *Siphre d'Be Rab*, 248); *y. Yoma* 8:7 45b; *y. Yoma* 8:8, 45b–c; *y. Sanh.* 10:1, 27c; *y. Šeb.* 1:9, 33b; and *b. Yoma* 86a.
  19. See e.g. *t. Kippurim* 4:14–15 (Lieberman [ed.], *The Tosefta*, 254–255); *y. Yoma* 8:9, 45c; and *b. Yoma* 87b.
  20. That is, at least with regard to matters that do not involve transgression against other people. See *b. Ber.* 34b; *b. Soṭah* 32b; and *b. Yoma* 86b.
  21. Notably, in *b. Sanh.* 25a we find Rav Naḥman and Rava, the prominent rabbinic authorities of Meḥoza, discussing the punitive procedures that ought to be imposed upon an animal slaughterer who intentionally distributed non-kosher meat. Moshe Beer points out that the very fact that the rabbis are the ones who instruct the sinner how to repent in this instance is itself a novelty (“On Penances and Penitents in the Literature of Hazal,” *Zion* 46 [1981] 159–181 [168–169]). It seems, however, that unlike the story in *b. 'Abod. Zar.* 17a, in which the woman comes to Rav Ḥisda on her own accord, seeking spiritual guidance – and therefore the involvement of the rabbi is essential – the story in *b. Sanh.* 25a addresses a case where the rabbis are forced to intervene in the penitential procedure of a sinner since he is distributing non-kosher meat to others, and thus the extent of his sincerity and remorsefulness needs to be determined by someone other than the sinner himself. In this case, moreover, there is no disclosure of sins but, rather, the sages are discussing among themselves whether or not the animal slaughterer can resume his previous office. The story in *b. 'Abod. Zar.* 17a is thus distinctive in the sense that it depicts disclosure of sins to a rabbi, in which case the rabbi instructs the sinner how to repent for her sins.
  22. *Lev.* 20:11, 18:7–8.
  23. *m. Sanh.* 7:4. For the rabbinic classification of sinners who are liable to death by stoning see Shemesh, *Punishments and Sins*, 101–107.
  24. For the relative severity of the different capital punishments see *m. Sanh.* 9:2–3; Shemesh, *Punishments and Sins*, 35–56.
  25. See e.g. Reuven Kiperwasser, “Midrashim on Kohelet: Studies in their Redaction and Formation” (Ph.D. thesis, Bar-Ilan University, 2005), 247–250 and Shamma Friedman, “Historical Aggadah in the Babylonian Talmud,” in *Saul Lieberman Memorial Volume*, ed. S. Friedman (Jerusalem: Jewish Theological Seminary, 1993), 154–155.

26. *Eccl. Rab.* 1:8 (MS Vatican 291). There are no significant variants in the other textual witnesses.
27. *b. Šabb.* 31a, for instance, contains several conversion stories with a similar backdrop.
28. See e.g. Everett Ferguson, Michael P. McHugh, and Frederick W. Norris (eds.), *Encyclopedia of Early Christianity*, 2 vols., Garland Reference Library of the Humanities 1839 (New York: Garland, 1997), I, 273–274, II, 891–893.
29. See Judah Wistinetzki and Jakob Freimann (eds.), *Judah ben Samuel, Sefer Hasidim: According to the Parma Manuscript* (Frankfurt am Main: Wahrman, 1924; repr. Jerusalem: Vahrman, 1969), sec. 43 (p. 41), 630 (p. 169), and 52–53 (pp. 44–45); Joseph Dan, *R. Yehudah Hehasid* (Jerusalem: Zalman Shazar Center, 2006), 94–99; Ivan Marcus, “The Penitential Writings of the Hasidim of Ashkenaz,” in *Studies in Jewish Mysticism, Philosophy, and Ethical Literature Presented to Isaiah Tishby on his Seventy-fifth Birthday*, ed. J. Dan and J. Hacker (Jerusalem: Magnes Press, 1986), 369–384.
30. Dan, *Yehudah Hehasid*, 99; Marcus, “Penitential Writings,” 370–373.
31. One may suggest perhaps that the woman in the story is simply consulting Rav Ḥisda with a legal matter, in which case the consultation of a rabbi would be natural. In *b. Nid.* 45a, by comparison, a woman inquires of R. ‘Akiva whether or not she is permitted to marry a priest, after having disclosed to him that she engaged in voluntary sexual intercourse before the age of three. In this case, the disclosure of the woman’s sins is clearly not intended to be a “confession,” but rather a means to resolving a practical legal concern. It appears, however, that in contrast to *b. Nid.* 45a, in which the legal question is straightforward in the talmudic text (“What is my status in terms of priesthood?” [מה אני לכהונה]), the woman who comes before Rav Ḥisda does not present a legal question. She simply states: “My younger son is from my older son.” Had a legal issue been of concern, we would have expected some sort of question, or at least some sort of legal response on the part of Rav Ḥisda. The lack of any “legal” terminology in this context, I would argue, strengthens my reading of the story in *b. ‘Abod. Zar.* 17a as one of “confession to a rabbi.”
32. Bar-Asher Siegal, *Early Christian Monastic Literature*, 119–133.
33. Bar-Asher Siegal, *Early Christian Monastic Literature*, 170–199.
34. For the story of Paesia see e.g. Benedicta Ward, *The Sayings of the Desert Fathers: The Alphabetical Collection* (London: Mowbray, 1981), 93–94; Benedicta Ward, *Signs and Wonders: Saints, Miracles and Prayers from the 4th Century to the 14th*, Collected Studies 361 (Aldershot: Variorum, 1992), 41; Susanna Elm, *Virgins of God: The Making of Asceticism in Late Antiquity* (Oxford: Clarendon Press, 1994), 258; Bar-Asher Siegal, *Early Christian Monastic Literature*, 179–181.
35. *Apophthegmata Patrum* 8 (Ward [ed.], *Sayings of the Desert Fathers*, 23).
36. However, as we have seen, according to some textual witnesses the talmudic story can also be interpreted in a similar manner.

37. Some of these elements are present in other monastic traditions, but not in the story of the fornicating girl who was brought to Abba Ammonas.
38. On repentance in Zoroastrianism see Asmussen, *Xuāstvānift*, 26–112; Kiel, “The Systematization of Penitence”; Kiel, “Penitential Theology.”
39. On the spiritual aspects of the office of the *rad* see e.g. Philip G. Kreyenbroek, “On the Concept of Spiritual Authority in Zoroastrianism,” *Jerusalem Studies in Arabic and Islam* 17 (1994): 1–15.
40. This division is reminiscent of the rabbinic distinction between sins committed against one’s fellow humans and sins committed against God (see e.g. *m. Yoma* 8:9): Shaul Shaked, “Items of Dress and Other Objects in Common Use: Iranian Loanwords in Jewish Babylonian Aramaic,” in *Irano-Judaica* 3, ed. S. Shaked and A. Netzer (Jerusalem: Ben Zvi Institute, 1999), 106–117 (109 n. 53); Jany, “Criminal Justice in Sasanian Persia,” 355; and Maria Macuch, “On the Treatment of Animals in Zoroastrian Law,” in *Iranica Selecta: Studies in Honour of Professor Wojciech Skalmowski on the Occasion of his Seventieth Birthday*, ed. A. van Tongerloo, Silk Road Studies 8 (Turnhout: Brepols, 2003), 167–190 (173–174).
41. *Šāyist nē Šāyist* 8.1 (Tavadia [ed.], *Šāyist nē Šāyist*, 104).
42. *Šāyist nē Šāyist* 8.14 (Tavadia [ed.], *Šāyist nē Šāyist*, 111).
43. On the notion of not despising a penitent for his sins see further *Dēnkard* 6. 13–14, 228 (Shaked [ed.], *Dēnkard* 6, 6–9, 88–89). The rabbis similarly forbade the practice of “reminding” a penitent of his sins: see e.g. Sipra, Behar pereq 4:2 (Weiss [ed.], *Siphra d’Be Rab*, 107d); *m. B. Meš* 4:10; *b. B. Meš*. 58b.
44. This element is reminiscent of the seal of confession in Roman Catholic and Orthodox Christianity.
45. *Šāyist nē Šāyist* 8.9 (Tavadia [ed.], *Šāyist nē Šāyist*, 107).
46. *Šāyist nē Šāyist* 8.10 (Tavadia [ed.], *Šāyist nē Šāyist*, 108).
47. *Šāyist nē Šāyist* 8.11 (Tavadia [ed.], *Šāyist nē Šāyist*, 108).
48. For the social dimensions of this hierarchy of religious knowledge in Zoroastrianism and the consideration of Babylonian rabbinic and East Syrian parallels see Vidas, *Tradition and the Formation of the Talmud*, 150–166; Kiel, “The Authority of the Sages in the Babylonian Talmud,” 145–147.
49. *Šāyist nē Šāyist* 8.5 (Tavadia [ed.], *Šāyist nē Šāyist*, 105–106); cf. *Šāyist nē Šāyist* 8.2 (Tavadia [ed.], *Šāyist nē Šāyist*, 104).
50. *Šāyist nē Šāyist* 8.6 (Tavadia [ed.], *Šāyist nē Šāyist*, 106). For the *sidōš* ceremony see e.g. *Pahlavi Rivāyat* 15a5 (ed. Williams [ed.], *The Pahlavi Rivāyat*, 1, 81, II, 27–28); *Dādestān ī Dēnīg* 13.2, 40.5 (Jaafari-Dehaghi [ed.], *Dādestān ī Dēnīg*, 60–61, 170–171); and *Rivāyat of Ēmēd son of Ašwahist* 26.6 (ed. Safā-Isfahānī [ed.], *Rivāyat ī Ēmēd ī Ašawahistān*, 187–188).
51. *Šāyist nē Šāyist* 8.21 (Tavadia [ed.], *Šāyist nē Šāyist*, 114).
52. *Šāyist nē Šāyist* 8.18 (cf. Tavadia [ed.], *Šāyist nē Šāyist*, 113). The Pahlavi text is transcribed in Chapter 5. See also *Rivāyat of Ēmēd son of Ašwahist* 29 (Safā-Isfahānī [ed.], *Rivāyat ī Ēmēd ī Ašawahistān*, 197–202); Dhabhar (ed.), *Persian Rivayats*, 210–211.

53. *Pahlavi Rivāyat* 8b1 (cf. Williams [ed.], *The Pahlavi Rivāyat*, I, 50–51, II, 111). The Pahlavi text is transcribed in [Chapter 5](#). See also Williams [ed.], *The Pahlavi Rivāyat*, II, 134, n. 8; Dhabhar (ed.), *Persian Rivāyats*, 210.
54. As we have seen, the reception of this story in *Ecccl. Rab.* suggests that the woman was a non-Jew who sought to convert to Judaism, and not an acculturated Jew. While this is probably not the correct interpretation of the talmudic story, if one were to insist on this reading in the BT, I believe the passage could still be interpreted as a counternarrative to the doctrine of *xwēdōdah*.
55. *Pahlavi Rivāyat* 8a1 (cf. Williams [ed.], *The Pahlavi Rivāyat*, I, 48, II, 10). The Pahlavi text is transcribed in [Chapter 5](#).
56. The use of the term *minut* in reference to Zoroastrianism should not surprise us. There are other examples of such usages in the BT, in which *minut* seems to refer specifically to Zoroastrianism and not to a variant of Christianity or the like. See e.g. Secunda, “Reading the Bavli in Iran.”
57. See *Videvdad* 3.41–42; Kiel, “Penitential Theology,” 562–563.
58. *Pahlavi Rivāyat* 8a1 (Williams [ed.], *The Pahlavi Rivāyat*, I, 49, II, 10) quoted above.
59. As we have seen, the “ties” (*paywand*) that already exist between close relatives are believed to be multiplied and strengthened by uniting with those relatives sexually: see e.g. *Dēnkard* 3.80.3 (Dresden [ed.], *Dēnkard*, 53–54; Madan [ed.], *Pahlavi Dinkard*, 73; Skjærvø [trans.], *Spirit of Zoroastrianism*, 203; de Menasce [trans.], *Le troisième livre du Dēnkard*, 85).
60. *Pahlavi Rivāyat* 8d1 (cf. ed. Williams [ed.], *The Pahlavi Rivāyat*, I, 52–53, II, 12).
61. *Dēnkard* 3.80.21–22 (Madan [ed.], *Pahlavi Dinkard*, 76; Dresden [ed.], *Dēnkard*, 56; Skjærvø [trans.], *Spirit of Zoroastrianism*, 205). See also *Pahlavi Rivāyat* 8d4 (Williams [ed.], *The Pahlavi Rivāyat*, I, 53, II, 12); Ahdut, “Jewish–Zoroastrian Polemics,” 36.
62. Cf. *b. Sanh.* 103b (Yemenite MS; other textual witnesses change the order of the sayings but contain the same traditions):

אחז התיר את הערוה, מנשה בא על אחותו, אמון בא על אמו. אמר' לו: כלום יש לך הנאה ממקום שיצאת ממנו? אמ' להם: כלום הוא עושה אלא להכעיס? "כי הוא אמון הרבה אשמה" – ר' יוחנן ור' אלעזר, חד אמ' ששרף את התורה, וחד אמ' שבא על אמו

ʿAḥaz permitted incestuous relations; Manasseh had sexual relations with his sister; ʿAmon had sexual relations with his mother. They said to him: “Have thou any pleasure in that place from which you emerged?” He replied: “Do I do this for any other purpose than to provoke [God]? ‘But this ʿAmon incurred more and more guilt’” [2 Chron. 33:23] – R. Yoḥanan and R. Elʿazar [disagreed on this verse]: One said that he burnt the Torah; the other said that he had sexual relations with his mother.

## Conclusion

In this book I set out to situate aspects of the talmudic discourse on sex and sexuality at the crossroads of late antique cultures, while focusing on the impact of the Sasanian religious landscape on the distinctive rhetoric voiced in Babylonian rabbinic culture. Notwithstanding the cultural continuum between the two rabbinic centers of Palestine and Babylonia, I argued that the divergences exhibited between the two rabbinic centers reflect at times broader cultural discrepancies between the Roman East and Sasanian Mesopotamia, which can be mapped onto the competing constructions of sexuality found in rabbinic literature.

Rather than affirming the susceptibility of rabbinic culture to external “influences” – a highly problematic notion that underscores an erroneous impression of independent and isolated religious cultures – I posited the existence of permeable cultural boundaries and a cultural milieu that was shared by the rabbis and their Christian, Zoroastrian, and Manichaean interlocutors. The Babylonian rabbis, I argued, were not so much influenced by, or resistant to, the surrounding Sasanian culture as they were part and parcel of it, while striving to reconcile their deeply entrenched rabbinic heritage with local identities and concerns.

The realization that talmudic culture cannot possibly be understood in isolation from its broader religious context set the stage for the ensuing exploration of the particular mechanisms through which the rabbinic discussions of sex engage with, and participate in, broader cultural discourses. The intersections examined in this book reflect a complex and multifaceted network of cultural relationships, which cannot be reduced to an oversimplified taxonomy of resistant versus receptive rabbinic tendencies. In these concluding remarks I will attempt, in somewhat broad

terms, to summarize the ways in which the talmudic discussions of sex and sexuality are informed and illuminated by recourse to Christian, Zoroastrian, and Manichaean sources.

In relation to some of the topics discussed in this book I argued that the intersection of the talmudic discussions with Christian and Iranian sources reflects the existence of broader concerns characteristic of the discourse on sexuality in east late antiquity. While some of these concerns (e.g. the tension between marital and educational commitments; the focus on internal dimensions of human sexuality expressed in the talmudic notions of “desire” and “sexual thought”; and the projection of sexual dispositions back onto the prophetic figures of Moses and Zarathustra) resonate more broadly across late antique cultures, others (e.g. the bifurcation of sexual desire vis-à-vis sexual praxis) seem to characterize the Babylonian rabbinic and Pahlavi cultures in contradistinction to Christian and Manichaean tendencies.

While the overlapping discussions seem, at times, to reflect parallel (yet not necessarily related) constructions of sexuality, in some of the cases we have examined the affinities seem to point to more direct channels of genealogical dependency. In the case of the absentee married sage (Chapter 2), for example, we saw that a shared cultural experience pertaining to sages who left their homes for prolonged periods of study in the academy gave rise to similar legal problems, discussions, and solutions recorded in the BT and the Pahlavi *Hērbedestān*.

In some cases (e.g. the similar accounts of Adam and Gayōmard’s seminal emissions [Chapter 4] and the analogous stories of mythical incest [Chapter 8]) I was able to discern more systematic and intimate connections between the sexual representations contained in the BT and Pahlavi literature vis-à-vis Christian and Palestinian rabbinic traditions. In light of the syncretistic discourse underlying the attempt of Manichaean authors to identify the biblical and Iranian mythical repertoire, I posited that the Babylonian rabbis might have consciously reshaped Palestinian rabbinic traditions in the image and likeness of local Iranian lore. I further argued that the Babylonian rabbis and Zoroastrian *dastwars* shared not only similar attitudes to marriage and sex, but also the tendency to map their dispositions onto the mythical sphere, in a manner that differed from patristic and Palestinian rabbinic accounts.

In the context of my discussion of sexual etiquette (Chapter 3) and the classification of prohibited sexual partnerships (Chapter 6), I argued that the BT reflects an exclusive discourse of us–them, which either explicitly (in the case of sexual etiquette) or implicitly (in the case of prohibited



sexual partnerships) constructs rabbinic sexual norms against the backdrop of Zoroastrian ethics. In this context I traced a systematic difference between the rabbinic cultures of Palestine and Babylonia: Palestinian rabbinic discourse generally reflects an inclusive rhetoric, according to which the non-Jewish other is called upon to participate in a shared space of holiness realized through universal norms of sexual behavior. Babylonian rabbinic discourse, on the other hand, reflects a particularistic and exclusive rhetoric, which safeguards the boundaries of Israel as a sacred community by denying the non-Jew access to this sacred space.

The attempt to create a geo-cultural divide between the Palestinian and Babylonian rabbinic cultures was problematized, however, by the fact that, at times, both exclusive and inclusive tendencies seem to resonate among Babylonian rabbis. Thus, for example, we have seen ([Chapter 3](#)) that, by reimagining the figure of Monobaz as an Iranian convert to Judaism who represents and manifests Iranian sexual norms, the redactors of the BT reinstate an inclusive definition of sexual holiness (in line with Palestinian rhetoric and in contrast to the exclusive rhetoric voiced by the Babylonian amoraim), which recognizes the universal applicability of sexual norms beyond the ethnic and religious boundaries of Israel.

We have seen, moreover, that the Babylonian rabbinic employment of differentiating rhetoric was not necessarily polemical in nature. While in some cases (e.g. Rav Yosef's condemnation of Persian sexual etiquette) we saw that the exclusive tendency lends itself to an explicit polemical response to Iranian sexual norms, in other cases (e.g. Rav Huna's explicit statement to the effect that non-Jews are permitted to have sexual relations with their daughters) the particularism of Babylonian rabbinic discourse manifests itself not in a polemical response to the Iranian norms, but rather in a tolerant approach that accepts the engagement of non-Jews in incest.

In terms of the talmudic discussions of incest I argued that, while the BT does not acknowledge the Iranian backdrop of its considerations in every case (by alluding to Persians, employing Iranian terminology, or the like), the Babylonian rabbis systematically engaged with the intricacies of the Pahlavi doctrine of *xwēdōdah*, a fact which suggests that they not only responded to the practice of close-kin partnerships in the Sasanian period, but were also familiar with the Pahlavi arguments on this issue. My analysis of the legal, narrative, and exegetical treatments of incest in the BT, against the backdrop of Palestinian rabbinic and Christian traditions, highlighted the extent of Babylonian rabbinic engagement with local Iranian traditions, above and beyond the reliance on, and continuum with, Palestinian rabbinic tradition.

My overall conclusions in the [second part](#) suggest that, while the Babylonian rabbis were intolerant of any Jewish infringements of the laws of incest, in accordance with the levitical and rabbinic traditions (as evident, for example, in Rav Hisda's reproach of the confessor who admitted to having incestuous relations with her son), they permitted and accepted the engagement of non-Jews in incest in line with the surrounding Zoroastrian norms. I argued, however, that the distinction between Jewish and non-Jewish engagement in incest must be further nuanced in the light of several complicating factors: first, the talmudic reception of biblical stories of incest reflects the rabbis' perception, not only of Noahide sexual ethics, but also of incest more broadly. While pre-Mosaic biblical figures were often constructed by the rabbis as Noahides, in other cases they are received as models for Jewish or universal modes of behavior. We saw, for example, that the general instruction not to postpone a good deed (which presumably applies also, if not exclusively, to Jews) was inferred by the BT from the incestuous initiative of Lot's older daughter ([Chapter 8](#)). Second, even in the context of Jewish engagement in incest, the prohibitive stance seems to be challenged by the existence of competing voices recorded in the BT. Thus, for example, Rav Hisda's harsh response to the incestuous act disclosed to him ([Chapter 9](#)), although representing the "mainstream" rabbinic stance on the matter, must be viewed alongside the attempt of the confessor to downplay the severity of her sin by referring to it as the lightest of light offenses. While the words put in the mouth of the confessor are by no means representative of the rabbinic position, it is still not without significance that the redactors chose to record this voice, which, as we have seen might represent a form of Jewish "acculturation" to Iranian norms.

While the Babylonian rabbis could not (and would not) explicitly challenge the relevance of the levitical prohibitions insofar as Jewish law is concerned, by embracing Noahide and pre-Mosaic forms of incest as normative and exemplary, and by entertaining other voices that seem to have resonated in Jewish Babylonia, they in fact subverted the universality and absolute nature of the incest prohibitions and, implicitly, challenged the relative hierarchal severity of incest among other sins even in the context of Jewish law. Thus, through the back door of a Jewish Babylonian confessor and the biblical figures of Lot and Cain, the talmudic redactors ultimately gave voice to a distinctive, surprising, and unprecedented approach to incest in the history of Jewish thought, which would only surface again centuries later, in the Zoharic tradition of the thirteenth century and its aftermath.

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