

## **Who wrote the Talmud? And is it Really as Xenophobic as it Seems?**

*Jews, Gentiles, and Other Animals: The Talmud After the Humanities*  
by Mira Beth Wasserman

book reviewed by Michael J. Prival

Mira Beth Wasserman intends to surprise us, and that she does. In the past, almost anyone who had even a passing acquaintance with Talmudic texts assumed that the Talmud is what it appears to be – a compilation of rabbinic statements and arguments, filled with diversions, digressions, and apparent irrelevancies, describing what Judaism is and, most specifically, what Jewish religious law is. However, Wasserman, who is on the faculty at the Reconstructionist Rabbinical College, says that she has found such a high degree of thematic consistency in one whole tractate of the Talmud, *Avodah Zarah*, that whoever put it together should be called author, not editor. The implications of this assertion for traditional forms of Judaism are profound. After all, if the words ascribed to the sages of the Talmud were, to a great degree, put in their mouths by the unknown person or persons who formed the final text, this would undermine the basis for accepting the work as the authoritative underpinning of Jewish religious law.

Furthermore, by focusing her studies on the particular tractate she has chosen, *Avodah Zarah*, Wasserman, of necessity, must grapple not only with the authorship but also with the apparent intent of this tractate, which would seem to be to demonize non-Jews and to teach Jews to avoid them and escape their malign intents. Wasserman analyses legal texts that on the surface seem repulsively xenophobic and concludes that these texts actually point to the common humanity of all. She buttresses her arguments by pointing to stories narrated in *Avodah Zarah* that, she says, illustrate that at least some non-Jews are individuals of both deep learning and high ethics.

But first, some background.

The Talmud is an enormous work of over 5000 pages in its standard printed form, divided into 63 tractates. It covers the full range of Jewish religious law (*halakha*) and tells many stories (*aggadah*) that may (or may not) elucidate the nearby legal matter. The Talmud is structured throughout as a commentary on the Mishnah – the teachings of the rabbis that were written down and compiled in about the year 200. The Talmud quotes a few sentences of Mishnah and then presents a discussion, referred to as Gemara. Then the next few sentences of Mishnah are given and discussed, and so on. The Talmud –

consisting of the Gemara and its associated passages of Mishnah – was completed in the 7<sup>th</sup> century. It is called the Babylonian Talmud, having been created in the area that we know today as Iraq. This Babylonian opus is considered to be the authoritative source of rabbinic law while the earlier Jerusalem Talmud, though of great interest, is not.

A few historical points are of special importance since the Talmudic tractate that Wasserman analyzes, *Avodah Zarah*, focuses on the relations between Jews and others – a topic that made it a source of great controversy in Christian Europe. Once Christianity became the established religion of the Roman Empire in the 4<sup>th</sup> century, steps were taken to eliminate competing religions (and also Christian sects that did not conform to the precise doctrines favored by the Roman leadership of the time). The policies of Emperor Theodosius I in the 380s and 390s led to the cessation of worship of all of the gods and goddesses of the pre-Christian Empire. Only one non-Christian group was permitted to continue practicing its ancestral religion; this was the Jews. In this way, by imperial fiat, the Jews became the designated *other* of Christian Europe, and would remain so for centuries to follow.

The Jews, while tolerated, became a despised minority. Their doctrines were subjected to intense scrutiny by Church leaders, particularly by those who had converted from Judaism and were, therefore, intimately knowledgeable about Jewish texts and teachings. The most intense criticism of Jewish books focused on any possible mentions of Jesus or Christianity and also on references to non-Jews, who are the main topic of the tractate *Avodah Zarah*.

The Talmud often used the Hebrew word “goy” in ways that anyone would consider to be offensive. In the Bible, this word means “nation” and generally, but not always, refers to non-Israelite nations. In the Talmud, the word simply meant a non-Jew. Since this would obviously include Christians, the Talmud was censored starting in the 16<sup>th</sup> century. The word “goy” was completely eliminated and other words were substituted, as Wasserman (p. 10) explains. These alternate terms denoted worshippers of stars or idols and thus excluded Christians as the targets of Jewish scorn. Standard printings and most translations of the Talmud still reflect this censored language. A notable exception is the Steinsaltz English translation (available on Sefaria.org), which uses the word “Gentile” where appropriate, reflecting the unexpurgated text.

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Here are three examples out of the numerous cases in which Wasserman uses the Talmud’s legal analysis to justify her conclusion that the text is promoting the idea of the universality of all rather than claiming basic differences between Jews and non-Jews.

*Avodah Zarah* starts with a Mishnah (at AZ page 2a) concerning when it is not permitted to do business with non-Jews around times when they are celebrating their various festivals – thus ensuring that Jews do not, even by appearance, participate in or lend support to such activities. The Gemara on this Mishnah soon turns into a discussion of why God favors the Jews over other nations. It tells a story (AZ 3a-3b) about how the non-Jewish nations, at the time of the Messiah, will try to obtain God’s favor but will fail because they are unable to follow even a simple commandment given to them as a test – to sit in a sukkah. Wasserman (pp. 39-42) says that she disagrees with previous analyses of this Gemara passage as portraying non-Jews in a negative light because the story has within it a dissenting voice explaining the unfairness of the test in that by sending a heat wave, God makes success impossible. But the Gemara goes on to explain that Jews are, themselves, permitted to abandon a sukkah if it causes them to suffer, as when summer’s heat extends into the fall festival of Sukkot. So, the failure of the non-Jews was not in leaving the sukkah but, rather, in kicking it down. Thus, while the complex Talmudic discussion does, as is typical, present conflicting views in the process of argumentation, it ultimately comes down to saying that the guilt of the non-Jews justifies God’s rejection of them. Wasserman (p. 42) dismisses the importance of the kicking of the sukkah by saying that in talking about this kicking the story “veers into farce.” But the kicking is central to the plain lesson of the text – it reaffirms the unworthiness of non-Jews to be favored by God. Declaring it to be farce doesn’t really help us understand the story’s intent. This one small example illustrates the stretching that Wasserman does throughout the book to try to minimize the pervasively xenophobic outlook of the text.

In Jewish religious law, ritual impurity can be contracted by contact with a Jewish man or woman who has a genital emission (including menstrual blood) or scaling skin disease (often mistranslated as “leprosy”) or by contact with, or proximity to, the body of a dead Jew. Wasserman (pp. 114-115) discusses at some length the mention in *Avodah Zarah* (AZ 36b) of a rabbinic decree that non-Jewish males impart impurity because they are considered to have gonorrhea-like genital emissions, even if they do not have such emissions. The rabbis thus expanded sources of impurity to include non-Jewish males (and also females) in order to help keep Jews separate from them. *Avodah Zarah* (AZ 36b) makes clear the purpose of this declaration concerning non-Jewish males, even if it is articulated euphemistically – it is to prevent homosexual relations between Jewish and non-Jewish men. Elsewhere in the book, Wasserman discusses the Talmud’s warnings about the enormous unbridled and indiscriminate sexual appetites of non-Jews and also the tendency of Jewish women, such as widows, who are not under the authority of men to transgress sexually. Wasserman says that the decree in *Avodah Zarah* about non-Jewish men imparting ritual impurity makes it clear that Jewish men are subject to the same sexual urges that non-Jews and Jewish women have, which is why it was necessary to try to remove non-Jewish men as targets of sexual desire by Jewish men. Her point (p. 114) is that this makes the case that the Talmud’s “insistence on Jewish male superiority

believes their deep anxiety about the sexual drives that Jewish males share in common with others.” This is a major theme throughout the book – that the need for so many rules to keep Jews separate from non-Jews shows, not how different they are, but rather how similar. Of course, Wasserman is correct that it is the similarities of Jews and non-Jews that cause so many rules to be needed to keep them separate. If they were completely different species, with different needs and desires, then separation would come naturally. But this doesn’t justify a claim that the Talmud is somehow making the case for the common humanity of all. Common humanity is a given, well established in the many Bible stories in which the Israelites transgress by worshipping other deities and having sex with non-Jewish women, proving that they require strict rules to keep them separate and pure.

*Avodah Zarah* includes lengthy discussions of the rules concerning wine. The prohibition against wine that non-Jews have used, or may have used, as libations to some deity or idol has clear Biblical authority. But the rabbis also forbade Jews from using the regular, non-sacramental wine of non-Jews, as Wasserman discusses in detail. The Mishnah (at AZ 69a) makes clear that any wine touched by a non-Jew, or even left in the presence of a non-Jew long enough for its container to be opened and resealed, is prohibited for Jewish use. Wasserman compares the rules designed to prevent non-Jews from rendering Jewish wine unfit to the rules against leaving wine uncovered lest a snake drink from it and deposit lethal venom in the process. The viewpoint of the Talmud is that just as a snake wants to sneak up and drink wine it can reach and thus leave undetectable poison in it, so a non-Jew will, if given the opportunity, open a cask of Jewish wine, render it ritually impure it with his touch, and reseat it to fool the unsuspecting Jew. Wasserman (p. 147) points out the similarities between the snake and the non-Jew in their common cunning and their ability to undetectably alter the wine of Jews. She, quite reasonably, concludes that the texts imply that non-Jews are lacking in virtue and must be avoided. But then (p. 148) she cites the imperceptibility of the non-Jew’s rendering of the wine unclean as implying that Jews and non-Jews are, in the end, very similar – that, the Talmud’s view is that “it is precisely the invisibility of Jewish-Gentile difference that is the foremost danger posed by Gentiles.” It seems that Wasserman is trying very hard to extract a positive message of Jewish-Gentile similarity from texts that are so clearly directed, as she points out, at keeping the two apart. The fact that wine fit and wine unfit for Jewish use may look and taste the same is not an argument for the commonality of all humans. It is simply a fact about the world that must be reckoned with in figuring out ways to keep Jews from using prohibited wine.

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Wasserman also points to stories about specific non-Jews as buttressing her viewpoint that the text of *Avodah Zarah* is not as harsh as it seems. And it certainly is true that

some non-Jews show exemplary behavior in this Talmudic tractate. The most compelling is Dama ben Netina, who is used in the text to illustrate the extent to which one should honor one's parents. In the story, (AZ 23b-24a) sages from the Temple in Jerusalem ask Dama to sell them precious stones needed for the vestments of the High Priest. Even though such a sale would have resulted in an enormous profit to Dama, he refuses to sell the gems because the key to the place where they were stored was under his sleeping father's head, and he would not disturb his father's sleep. There is no way to read this story other than to conclude that this non-Jew exemplified the highest standard of behavior in fulfilling the commandment to honor one's father and mother.

In fact, this story is immediately followed by another demonstration of Dama ben Natina's noble character. Here, the sages return to him, having learned that a red heifer had been born in his herd. Such an animal, required for certain acts of ritual purification by the Jews, was so exceedingly rare that he knows, as he tells them, that they would pay all the money in the world to obtain it. Nevertheless, he asks them to pay him only the amount that he lost previously by refusing to sell the precious stones to them.

The discussion, at this point, descends into topics more typical of *Avodah Zarah*, as the question is asked why the red heifer was obtained from a non-Jew, Dama ben Netina, without any apparent concern that the animal might have been sexually violated, which would have rendered it invalid for its intended ritual use. This question is relevant because the Gemara in which it appears is a discussion of the Mishnah (at AZ 22a) that says that Jews should not leave their animals in the care of non-Jews because non-Jews are suspected of practicing bestiality. This Mishnah is deliberated at great length in *Avodah Zarah* and, as Wasserman points out, none of the many opportunities that arise to contradict, or even soften, this blanket condemnation of non-Jews is taken.<sup>1</sup> This characterization of non-Jews sets the debate concerning Dama ben Netina's red heifer in *Avodah Zarah* off in bizarre directions, starting with the explanation (AZ 24a) that the red heifer in question is acceptable, because not only was it watched by Jews from the time it was born, but its mother was also watched from the time the red heifer was conceived, so no Gentile man could have had his lustful way with either animal. The juxtaposition of this discussion with the tale of Dama's exemplary personal virtue is jarring, but not really surprising to anyone familiar with Talmudic texts.

There are several other individuals in *Avodah Zarah* whose stories are noted by Wasserman as apparent contradictions to the general denigration and demonization of non-Jews. Two of these are emperors, Antoninus (AZ 10b) and Shapur (AZ 76b), who

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<sup>1</sup> In fact, Maimonides incorporates into his Jewish legal code the law that Jews should not leave their animals, including fowl, with non-Jews because of the concern that they will have sexual intercourse with them. (*Mishneh Torah, Issurei Bi'ah, 22:6*).

are portrayed as friendly with, and respectful of, Jews and also knowledgeable about Jewish religious law. Of course, it was important for Jews, at the times of both the Mishnah and the Gemara, not to vilify those who held life and death powers over them but rather to hold them up as exceptional. So, it was certainly practical to portray as friendly, and even worthy of reward in the world to come, both Antoninus, who is presented as a Roman emperor at the time of the Mishnaic rabbis, and Shapur, a Persian monarch whose Sasanian empire included the Babylonian lands where the rabbis of the Gemara dwelled.

Three other non-Jews highlighted by Wasserman challenge a Jewish leader, Rabban Gamliel, on specific points of Jewish law. Two of them are philosophers, one being Proclus (AZ 44b) and the other remaining unnamed (AZ 54b). Wasserman notes that these encounters, by showing the philosophers' knowledge of Jewish law as well as their intimacy with Gamliel, put them in a positive light. But what these encounters are more obviously intended to show is the superiority of Torah over Greek philosophy in that Gamliel outwits the philosophers each time. The Roman General Agrippa (AZ 55a) also interrogates Gamliel and has his arguments similarly defeated.

The two remaining non-Jews highlighted by Wasserman for their positive traits are an unnamed Roman executioner (AZ 18a) and Ketia bar Shalom (AZ 10b), both of whom perform last-minute acts that guarantee them life in the world to come. The executioner speeds the death of a rabbi being executed by fire in exchange for a promise from the rabbi that he will be rewarded by eternal life after death, and then the executioner himself jumps into the fire. Ketia bar Shalom defends the Jews to Caesar and, when sentenced to death as a result, circumcises himself and declares all of his property is to go to the rabbis just before being thrown into the furnace. As Wasserman notes, they both cause Judah haNasi (the compiler of the Mishnah) to exclaim, "One person acquires eternal life in a single hour, another after many years." Judah haNasi makes the same exclamation upon the death of a Jew, Eleazar ben Dordya, who repented after a life of transgressions (AZ 17a). Such moment-of-death penance or conversion seems anomalous in a Jewish text though, as Wasserman points out (p. 62) in her discussion of Eleazar ben Dordya, acts at the moment of death resulting in salvation constitute a common Christian theme. While the stories of the executioner and of Ketia show that non-Jews can attain eternal life, the extreme actions, including self-circumcision and self-immolation, that lead to this dispensation hardly make the case for the common humanity of Jews and non-Jews that Wasserman sees expressed through the text of *Avodah Zarah*.

So, the non-Jews held up as examples of "good" Gentiles consist of two emperors whom the Jews rely upon for protection, two philosophers and a Roman general who are outsmarted by Gamliel, two whose virtue becomes apparent at the moment of death, and the righteous Dama ben Netina whom the rabbis feel they must prevent from having sex

with his cattle. This hardly seems to make a convincing case that the intent of the authors in introducing these characters was to moderate the anti-Gentile harshness of the Mishnaic *Avodah Zarah* text or other similar Jewish writings.

Wasserman's conclusion that the text of the *Avodah Zarah* Gemara reveals the work of a single author (or co-authors) rather than mere editing of received rabbinic discussions will be evaluated as Talmudic scholarship proceeds. She points out that others have found such unity in thematic segments (*sugyot*) of some Talmudic tractates, but never before in a whole tractate. If, in fact, she has made the advance that she proposes, this will be an enormous step forward in understanding the origins of the central text of traditional Judaism. But it does seem to go against the text itself to claim, as she does, that it is meant to illustrate the commonalities of Jews and non-Jews. Everything about *Avodah Zarah* would seem to indicate just the opposite.

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