

## Towards an Erotics of Martyrdom

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What does it mean to sacrifice one's life for God? Is it an act of suicide? An act of ultimate love of God? An act of political resistance? To some extent the answers to these questions depend on which side of the line the questioner stands. For the believer of a specific religion, there is one answer; for the non-believer, or the opponent, there is another. Tertullian, for example, brags that an exasperated Roman proconsul exclaimed to a group of Christians clamoring to testify to their Christianity and then be killed: "You wretches, if you want to die, you have cliffs to leap from, and ropes to hang by."<sup>1</sup> For Tertullian this was a story of a glorious martyrdom. For the Roman proconsul in the story it was irrational mass suicide. There is no possibility of communication between the two views.

In the sources of another major non-pagan culture of Late Antiquity, Rabbinic Judaism, as is well known, there is no term that is similar to the testimony of the Greek *martus*. The term used in Rabbinic literature is *kiddush hashem*, the sanctification of the name of God. The question remains, though, whether in this cultural formation martyrdom was a desideratum or not. That is, was dying in the name of the religion, something to be actively sought out, or something to be done if thrust upon one? Should one actively seek out the opportunity for *kiddush hashem*, or is it wrong to put oneself in that situation?

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<sup>1</sup> *Ad Scalpius*, Chapter 5. Quoted in G.W. Bowersock, *Martyrdom and Rome* (Cambridge: Cambridge University Press, 1995): 1.

In his monumental work *The Sages*, E.E. Urbach characterizes Akiba's martyrdom as a nationalist victory.<sup>2</sup> Akiba was a warrior who died to ensure the continuity of the ideals of the community. More recently Daniel Boyarin has traced the development of *kiddush hashem* to the point where it is considered a desideratum.<sup>3</sup> He follows the phenomenon from Akiba's midrashic activity in Tannaitic midrash to the representation of his death in the stories in the Bavli. Is this, however, the only construction of martyrdom in the Rabbinic corpus? Or even in the Bavli?

In this paper I set aside any notion of *kiddush hashem* as a stable concept, and interrogate its functions within one *sugya* or Talmudic unit of discussion. I will examine the ways that b Sandhedrin 74a-75a – one of the central halakhic or legal discussions of *kiddush hashem* in the Bavli – thematizes desire, power, pleasure, love and sex. This will move my discussion towards an erotics of *kiddush hashem*. That is, I will claim that the constructed meaning of the act of submitting to death, rather than worshipping idols, is embedded in a symbolic economy of fidelity, love, rape and adultery. The relationship of the "sanctifier of God's name" to God is understood along a spectrum of love and sex, licit and illicit pleasure.

At stake in this reading is an understanding of the part martyrdom played in the complex interaction between Rabbinic Judaism and the surrounding cultures. In recent work Virginia Burrus has shown that one cannot talk about Christianity without placing it in the context of the surrounding Roman culture of Late Antiquity.<sup>4</sup> Following Burrus, Daniel Boyarin has argued a similar case for Rabbinic Judaism.<sup>5</sup> In the complex strategies of resistance to and accommodation with the dominant culture that were available to the Rabbis, martyrdom was potentially a very powerful weapon

<sup>2</sup> [Heb] 391-392.

<sup>3</sup> "*Hamidrash Vohama'sab* – 'Al Hahaker Hahistori Shel Sefrut Hazal," in *Saul Lieberman Memorial Volume*, ed. Shamma Friedman, 105-117 (New York and Jerusalem: Jewish Theological Seminary of America, 1993).

<sup>4</sup> Virginia Burrus, *The Making of a Heretic: Gender, Authority and the Priscillianist Controversy* (Berkeley: University of California Press, 1995).

<sup>5</sup> "Increasingly we become aware of how misleading it is to study late antiquity as if there were a fire-wall between the Jewish, Christian, and polytheistic versions of its culture." Daniel Boyarin, "Virgin Rabbis: A study in Fourth Century Cultural Affinity and Difference." (forthcoming).

on the side of resistance. Martyrdom, however, did not stand apart from other cultural discourse. It was an essential part of that discourse and as such was a prominent locus of the cultural negotiation around the relation with the dominant culture. As Boyarin has shown<sup>6</sup> this negotiation was interwoven with the discourse of gender. This study serves ultimately to problematize our understanding of martyrdom, forcing us to defer any monolithic notion of martyrdom to at least later than the Bavli (6 century CE) – if not indefinitely. It will also serve to nuance our discussion of the rhetorical function of *kiddush hashem* in Rabbinic Judaism. That is, what is it that the invocation of *kiddush hashem* signifies – loyalty or triumphalism, heroic action or simple righteousness, a goal or just another component of a life lived within Halakhah.

My approach to this *sugya* is by way of a sugyaetic reading, that is, an analysis which emphasizes the poetics of the *sugya* and carries at the places at which the *sugya* is most conflicted. This entails first, reading the *sugya* against its grain, asking what the various rhetorical moves do, rather than acquiescing to their own claims as questions and answers. Second a structural analysis of the *sugya* to identify the recurrent forms, tropes and images in the *sugya*. Third, an intertextual analysis which situates the *sugya* within its literary and cultural universe. These analytical frames are all governed by an understanding of *sugya* as narrative. Not only (though also) in the sense that it claims to be narrative by seemingly having a beginning, middle and end to its dialogic structure; but more so in identifying the narrative that is grounded in its recurrent forms, tropes and images.<sup>7</sup>

### The *sugya*: I<sup>8</sup>

1. But one who runs after an animal. (M San. 8:7)
2. It has been taught [in a Tannaitic source]: R. Simeon b. Yohai said: An idolater may be saved [from sin] at the cost of his own life,

<sup>6</sup> *ibid.*

<sup>7</sup> Aryeh Cohen, *Rereading Talmud: Literary Theory and the Interpretation of Sugyot*, (Scholars Press, forthcoming): Chapter 5.

<sup>8</sup> The complete text can be found in Appendix I.

3. by [the reasoning of] a *kal vabomer* (reasoning from the less important to the more important): If [in the case of] the damaging of a common person, [the violator] may be saved [from sin] at the cost of his own life, how much more so the damaging of the All-Highest.
4. But can we punish as a result of a conclusion [drawn from the reasoning of a *kal vabomer*]? - He maintains that we can so conclude.
5. It has been taught: R. Eliezer, son of R. Simeon, said: He who desecrates the Sabbath - may be saved [from sin] at the cost of his own life.
6. He agrees with his father, that we punish as a result of a conclusion [drawn from the reasoning of a *kal vabomer*], and then he deduces the Sabbath from idolatry by [analogy based on the use of] 'profanation' [in connection with the Sabbath and idolatry].

The unique locution "damaging of the All-Highest" (*p'gam gavo'ab*) serves to frame this *sugya*. The *sugya* ends with the suggestion that damage to the family (*p'gam mishpachab*) (70) is a possible reason that we let the man sickened by lust not sleep with the unmarried woman that he lusts after. The *sugya* begins with the statement attributed to R. Shimon bar Yohai that one who worships idols should be "saved with his life."<sup>9</sup> This is justified by an argument *a fortiori* hinging on the idea that idolatry is a damaging of the All-Highest. The argument is that if one who is about to commit a crime, which is considered the damaging of a common person (*p'gam bedyot*) (i.e. rape) might be "saved with his life," all the more so in the case of a damaging of the All-Highest.

The phrase *p'gam* is used on the previous folio (b San. 73a-b) to explain the unique qualities of the rape of a young girl (*na'arab*) as opposed to a young boy. The *stam*, the anonymous redactional layer of the Talmud, claims that the reason the Torah (Deut. 22: 26) needed to explicitly state *na'arab* was "because he has damaged [*pagim*] her."<sup>10</sup> The meaning of *pagim* there is sexual damage (her hymen is torn) which leads to embarrassment. As Rashi says:<sup>11</sup> "*He damages her [pagim lab] in her virginity and*

<sup>9</sup> For the argument that "saved with his life" means killing him, see the classical medieval commentators on M San. 8: 7. e.g. *Hidushei Haran*, 268.

<sup>10</sup> The midrash there is working out the difference between the orthographical *na'ar* and the *na'arab* which seems to be demanded by contextual logic, and the *masorab* of the *qeri*. Cf. Rashi *ad locum*. It seems to me that this midrash is dependent on the fluidity of the text, though without invoking a knowledge of a *ktiv-qeri* tradition.

<sup>11</sup> 73a, s.v. *pagim lab*.

makes her despicable to her husband." The phrase "damage to her family" which comes at the end of the *sugya*, also has connotations of embarrassment as a result of sexual damage.<sup>12</sup> These sexual resonances of the *p'gam* are present in the phrase *p'gam gavo'ab* ("damaging of the All-Highest").

While the *sugya* is framed by *p'gam*, the middle of the *sugya* deals with pleasure – or perhaps lack of it. The middle section of the *sugya* introduces the suggestion, attributed to Abbaye, that Queen Esther need not have let herself be killed – rather than submitting to sex with Ahaseurus—because she was as "ownerless/unscathed property" (*karka 'olam*). This statement generates further discussion of the importance of pleasure in determining whether an action is actually transgressive to the point where dying is called for. The countersuggestion, attributed to Raba, is that since the oppressor was wielding pleasure merely for his own benefit, (*band'at 'atzman*) and not implicating Esther in this pleasure, she need not have let herself be killed.

## The *sugya*: II

The *sugya* continues with the introduction, by way of a statement attributed to R. Yoḥanan, of the decisions reached at the conclave of *Bet Nathza*.

7. R. Yoḥanan said in the name of R. Simeon b. Yehozadak: By a majority vote, it was resolved in the upper chambers of the house of Nathza in Lydda:
8. Every [other] law of the Torah, if a man is commanded: "Transgress and be not killed" he should transgress and not be killed,
9. excepting idolatry, forbidden sexual practices, and murder.

This statement introduces a completely new facet to the discussion. Until now, the *sugya* was dealing with a situation where a person was him/herself going to commit a transgression. The *Bet Nathza* decision moves the *sugya* in a different direction. The potential transgressor is no longer active as in R. Shimon ben Yoḥai's

<sup>12</sup> See Rashi 75a; *s.v.* *mishum p'gam mispabab*.

statement (An idolater [2]) or as in R. Elazar bar Shimon's statement (He who desecrates [5]). The potential transgressor is passive. The whole point of the *Bet Natzra* statement is the coercion. While the role of the outside observer/participant in the first two cases is to stop the potential transgressor; the role of the outside participant in this last case is to coerce the transgressor to commit the transgression. It is the transgressor here who must bring the death penalty down upon himself – at the hands of the coercive outsider – as opposed to the first case where it is the outsider who executes the death penalty (thereby saving the transgressor by killing him).

This group of three (idolatry, forbidden sexual practices, and murder) is immediately interrogated and problematized. The *stammaitic* question of line 10: "And in the case of idolatry should he not [submit] and practice?" forces the issue of idolatry. The *baraita* that is introduced in line 11 attributes to R. Ishmael the opinion that one should worship idols, if forced, rather than being killed. The *baraita* also introduces a concept which will play a crucial role for the rest of the *sugya*. The concept is *parbesia*, "openly."<sup>13</sup> R. Ishmael's original contention, via a midrashic reading of Leviticus 18: 5 – that the precepts of the Torah were given to live by, and not to die for – is modified by a reading of Leviticus 22: 32 (line 14). Openly, that is amongst the people Israel, one should submit to death rather than worship idols.

### The *sugya* III: Love and Sacrifice

The distinction between the demands of "public" behavior as opposed to "private" behavior, serves to introduce another idea that is crucial to the *sugya*. The *stam* backs up the reading of Leviticus 22: 32 with a statement attributed to R. Eliezer in a *baraita*.

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<sup>13</sup> If Jastrow's etymology of *parbesia* (Liddel-Scott: frankness, free speech) is correct, then it is possible that it refers to both public space, and a certain attitude or intention in the statement. cf. John 7: 4.

16. For it has been taught [in a Tannaitic source]: R. Eliezer said: [And thou shalt love the Lord thy God with all thy heart and with all thy soul, and with all thy might. (Deut. 6: 5)] Since 'with all thy soul' is stated, why is 'with all thy might' stated?
17. Or since 'with all thy might' is stated, why is 'with all thy soul' stated?
18. Rather, if there be a man to whom his wealth is more dear than his life, 'with all thy might' [i.e., substance] is written.
19. If there be a man to whom his life is more dear than his wealth, 'with all thy soul' is written;

R. Eliezer's midrash, when cited in this context, gives support to the demand that one give her life for God. It also introduces the notion of the love of God. Sacrificing one's life, or wealth, is what loving God means here. Moreover, the notion is reinforced that the opposite of idolatry is the love of God. This is the way in which it is obvious to the *stam* that R. Eliezer's midrash is talking to the same issue as the midrashic reading of Leviticus 22: 32 in line 14.

The stammaitic statement in line 20 groups incest and murder over against idolatry. There is a discussion of the basis of these latter two as capital offenses (21–28). This discussion of incest and murder (21–28) serves to distinguish them from idolatry *and* from each other, while at the same time setting the stage for the next part of the *sugya* – the time of decrees (29–41) – in which all three are brought under the rubric of the "love of God"/"sanctification of God's name." It is to this discussion that we now turn our attention.

### The *sugya* IV: Rape and Murder

20. Forbidden sexual acts and murder [may not be practised to save one's life], – according to Rabbi.
21. For it has been taught [in a Tannaitic source]: Rabbi said, "For as when a man riseth against his neighbour, and slayeth him, even so is this matter." (Deut. 22: 26)
22. But what do we now learn from [this juxtaposition with] the murderer?
23. Thus, this [phrase] comes to throw light and is itself illumined.
24. An analogy is made [between] the murderer and the betrothed maiden: just as a betrothed maiden – [the ravisher's soul] must be saved at the cost of his [the ravisher's] life, so too [in the case of] a murderer, he [the attacker] must be saved at the cost of his [the attacker's] life.

25. And an analogy is made [between] a betrothed maiden and a murderer. just as [in the case of] a murderer – he must be slain rather than transgress, (so also must she [i.e. the betrothed maiden] rather be slain than allow her violation.)

Rabbi's exegesis of the verse that compares the case of the murderer and the case of the rape ends in a paradoxical or at least problematic statement. This statement, however, has the ability to shed some light on the *sugya* as a whole.

Line 25 is the claim by analogy that the maiden must allow herself to be slain, rather than to allow herself to be raped. This is problematic for a number of reasons. First, there is no basis for it.<sup>14</sup> She is assumed to be a powerless (if not, at least Biblically, passive) victim. She is not *doing* anything, why then should she force her own death rather than rape? How would she engineer it anyway (as the rape itself is against her will)?

Second, this is not at all analogous to the case of murder to which it is compared. There, it is a case where the murderer has the ability to decide whether he kills or is killed. The maiden is not given the choice. She is violated either way. Third, in the first part of the analogy (24), the perpetrators are compared one to the other. What is the logic to now compare the perpetrator<sup>15</sup> in one case (the murderer) to the victim in the other case (the maiden)?

In fact, most manuscripts and most of the early commentators<sup>16</sup> (including the *She'iltot* of R. Aba which is not in the conventional sense a commentary) have the reading:

25. ... so also [in the case of] the betrothed maiden – he must be slain rather than transgress.

<sup>14</sup> Cf. b Ket. 51b where the opposite is assumed (i.e. if she is raped she is blameless *in re* remaining with her husband).

<sup>15</sup> Even taking into account that the "murderer" here is also a victim to some degree, since he is being coerced to murder. The point is that he is an agent. The murder will not be perpetrated if he is not complicit. Only when he acquiesces to participation in the murder has he attempted to discard his agency – and this option is what the *sugya* explicitly refuses him.

<sup>16</sup> Nahmanides in his supercommentary (*Milbamat Hasbeim*) to Zerachiah Halevi's commentary (*Hama'ar Hagadol*) on Alfasi's *Halachot*, *ad locum*, testifies that this is the reading "in all the Spanish versions and in the *Halachot* of our great Master OBM and in the *She'iltot* of R. Aḥa from Sabḥa OBM ..."



In the original this is a minimal orthographic switch (*tebareg ve'al ta'avor* to *yebareg ve'al ya'avor*), but it should not be put down to merely a scribal error. There is evidence of the version in "our" printed text (Venice 1527 edition leading to the Vilna edition) as early as the Tosafot. While the Tosafot<sup>17</sup> (b San. 74b *s.v.* veba Esther) dismiss the reading "so also must she [i.e. the betrothed maiden] rather be slain than allow her violation," they still proffer a rationale for that reading.<sup>18</sup> R. Menahem Hame'iri,<sup>19</sup> after articulating some of the problems with the reading "so also must he be slain rather than allow the violation [of the betrothed maiden]," states that because of these difficulties there are some who prefer the reading "so also must the betrothed maiden be slain rather than allow her violation."<sup>20</sup>

Rather than attempt to adjudicate these conflicting interpretive strategies, I would like to pursue the textual/cultural logic that led this line into being a sustained site of conflicting interpretation. That is, why did this alternate reading persist – to the point that it became the "accepted" reading of the Venice and Vilna editions – despite the many problems with it.

## Whose Sexuality?

The first thing that must be understood is: What is the difficulty with reading the line as it is in the Manuscripts and the *She'iltot*,

<sup>17</sup> Although R"Y, quoted in Tosafot b Pesahim 25b, *s.v.* *Af bana'arab bams'arasab*, affirms the reading *tebareg ve'al ta'avor*. "R"Y says: It is well to read *tebareg* for it is understood... that in a case of rape she is blameless implies that she was *karka 'ulam* and she did no deed. But to do something such as if he says to her that she should bring his penis into her she should be killed and not perform an action. For we learn it from a case of a murderer. And a [coerced] murderer is not obligated to surrender his life except if one tells him to kill with his own hands. But if one says: let yourself be thrown on the baby or you will be killed, he is not obligated to surrender his life...."

<sup>18</sup> "And if you read *tebareg*, one can explain that the maiden should let herself be killed before she commits an act which brings upon herself the illicit relation [of the rape]." For Tosafot the central category is that of agent, and therefore ultimately this reading is dismissed since one is hardpressed to represent the maiden as having agency in her rape.

<sup>19</sup> *Bot Habebirab, ad locum*.

<sup>20</sup> cf. Zerahiah Halevi, *Hidasbei Haran* (Rabbenu Nissim) *ad locum*.

etc. "so also must he be slain rather than transgress [i.e. rape the betrothed maiden]?"

There is an important intertext which I think sheds light on the problem with this line. This is part of a *sugya* in b Yebamoth (53b) generated by the Mishnah which states that a levirate marriage is efficacious even if the sexual act which consummates it is performed under duress (*'onas*). The *stam* asks: what could it mean that the man is forced?

What is the case of "one who was under duress" of the Mishnah?

If you would say that idolators forced him and he had sex with her, did not Raba say, There is no coercion in the case of incest since a man cannot have an erection against his will.

Raba's statement that there can be no forced intercourse for a man, since a man cannot have an erection against his will, seems to supply the cultural grounding for the difficulties with reading of a man forced to rape a woman. According to this line of thinking, sexual intercourse is deployed by a man at will. Therefore a man cannot be forced into raping a woman. The only other possibility is the culturally (though not textually) more amenable one: that it is the woman who is being raped, and it is she who should submit to death rather than allow her violation. It is culturally easier to picture a woman being violated, than picturing a man being forced to deploy his sexuality against his will, since the latter is a cultural oxymoron.<sup>21</sup>

42. But did not Esther transgress publicly?

43. Abaye answered; Esther was merely natural soil (*harva 'olam*).

44. Raba said: Their own pleasure is different.

Lines 42–44 pose some glaring problems. First, in what sense is this subsection continuous with the lines before it? Is this a continuation of the general *kiddush hashem* discussion – i.e. in a time of oppression even a small act necessitates dying – (as one might assume based on a knowledge of the Esther story); or a

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<sup>21</sup> This is different, of course than the possibility of a man being raped, which is discussed and acknowledged on the previous folio in b Sanhedrin.

continuation of the *gilui arayot* [incest/adultery] discussion? This question is complicated by a further one. To what act of Esther's does this question refer? Some commentators and the translations seem to understand it as referring to Esther's marriage to Ahasuerus. This is untenable for two reasons. First, this wasn't in any sense "public." Essential to the story line is that no one knew that she was Jewish. This must have included most of the Jews also, or else the king would have ended up knowing it too. Second, this was not at a time of *shmad* (oppressive religious decrees). The decrees against the Jews are broached in Chapter 3, while Esther is married in Chapter 2.<sup>22</sup> Therefore, it seems to be referring to Esther's actions in the time of the decree of persecution – that is the use of seduction or implication of sexuality to save the Jews (Esther 4–7).

If we read line 25 with the printed editions: "so also must the betrothed maiden be slain rather than allow her violation," Esther's sexual manipulations, as evidence of Esther's agency when faced with a mortal threat, may be seen as questionable.<sup>23</sup> This might be what grounds the question, and concurrently reinforces the version of the printed editions.

Next we are forced to ask what Abbaye's answer in line 43 means. This is the only time in Rabbinic literature that the phrase, *karka 'olam*, is used to explicitly describe a woman. On the other hand, there are abundant instances in which agricultural metaphors are used of women. Mostly metaphors of plowing and sowing, digging, planting and the like.<sup>24</sup> It is therefore important to understand what this phrase means here.

<sup>22</sup> A third reason, according to Rabbenu Tam (See Tosafot s.v. Veha 74b), is there is no transgression involved in sleeping with an idolator not during the time of *shmad*. In the time of *shmad* it is akin to tying shoe laces differently (i.e. even a small transgression for which in time of persecution one must give up their life.)

<sup>23</sup> This is not an argument to see the version *tabarag ve'al ta'avur* as "original", but rather to work backwards from the question about Esther to an understanding of why this reinforced the anomalous variant *tabarag ve'al ta'avur*.

<sup>24</sup> Cf. the collection assembled by Rabbi Dr. Jacob Nacht, *The Symbolism of the Woman* [Heb] (Tel Aviv: 1959) 222–225. My thanks to Dr. Marc Bregman for making me aware of this useful volume.

The phrase is understood by the traditional commentators to signify passivity. Rashi explains the phrase here: "She does not perform any action, he acts in her."<sup>25</sup> That is, she does nothing, she has no pleasure from the sexual act and therefore is not accountable or culpable for it. The major local problem with this understanding is that Raba's answer then almost exactly replicates Abayye's. The two statements, however, are in "dispute form" (i.e. 'amar X... Y 'amar),<sup>26</sup> implying that there is a serious disagreement.

The larger methodological question is how to read the idiom. While this is the only time that this idiom occurs in relation to a woman, agricultural representations of women abound in the Bavli, as we mentioned above, as in much of Antiquity, Early and Late.<sup>27</sup> I will argue that *karka 'olam* here means unused, based on the clear meaning of the phrase in b Avodah Zarah 54b. I will also argue that unused means that she was virginal, since Rabbinic sources use virginal in that way for both women and land.

## The Intertext

The *sugya* in b Avodah Zarah (54a–b)<sup>28</sup> also thematizes public and private, and sexual relations in regard to the discussion of idolatry.

<sup>25</sup> Rashi then adopts this as the regular meaning of this phrase. So in b Yoma 82a Rashi comments: "But she is not commanded to forfeit her life, for she is not doing anything, for she is *karka 'olam*, and the proof of the matter is Escher." assuming that the meaning of the phrase is "passivity." In other places in the Bavli *karka 'olam* means "ownerless," e.g. Baba Kama 28a (in a discussion of damages) and San. 47b (in a discussion of the city which is to be burned — *ir hanidabat*).

<sup>26</sup> Shamma Friedman, "A Critical Study of *Yevamot X* with a Methodological Introduction." In *Texts and Studies: Analecta Judaica*, vol. 1., edited by H.Z. Dimitrovski (New York: Jewish Theological Seminary of America, 1978): 349 and n. 30.

<sup>27</sup> Cf. Page duBois, *Sowing the Body: Psychoanalysis and Ancient Representations of Women*, (Chicago and London: The University of Chicago Press, 1988), esp. Chapter Three.

<sup>28</sup> The complete *sugya* can be found in Appendix II. The translation is mine, based on the text of late 13th century manuscript NY JTS 44830, published in a facsimile edition by Shraga Abramson as *Treatise 'Abodah Zarah of the Babylonian Talmud* (New York: Jewish Theological Seminary of America, 1957).

There is a great deal of overlap in both rhetoric and prooftexts which strongly suggests this as an important intertext for our *sugya*.<sup>29</sup> *Karka 'olam* is penetrated at the end of the *sugya*, and it is this action which makes it idolatrous.

The *sugya* is generated by M Avodah Zarah 4: 6 which states that there is a difference between idols that were established by their worshippers in a time of peace (and subsequently abandoned) and those established in a time of war. The former are permitted to be put to other uses by Jews, while the latter are forbidden.<sup>30</sup> Pedestals upon which were set idols for the kings<sup>31</sup> are permitted since they are only dedicated at the time that an idol is set upon them.

The discussion in the Bavli attempts to articulate what exactly are the parameters for that which is considered an idol. In other words, it is agreed that an object (animate or inanimate) which is worshipped is an idol, but what exactly constitutes worship? If one is coerced to worship an animal, or if one worships another's animal, is that animal now considered idolatrous? If the answer is yes, there are severe consequences in that the animal is no longer able to be used by a Jew, or to be consecrated to the Temple. The *sugya* begins with a Tannaitic source, which is immediately objected to.

1. It is stated in a Tannaitic source: [A case where a person] worshipped [an animal] – [if it is] his own, it is forbidden, [if it is] his fellow's it is permitted [to be sanctified].
2. An objection was raised [from the following source (T Avodah Zarah 5: 10)],
3. What is considered "worshipped" [so as to be classified as an idol]? Anything that was worshiped, whether by accident or intentionally; under coercion or willingly.
4. What is meant by "under coercion?" Is it not that, for example, he forcefully [consecrated] his fellow's animal and bowed down to it.
5. Rami bar Hama said, what [case] are we dealing with? For example, idolators coerced him and he bowed down to his own animal.
6. R. Zeira challenged him, Torah<sup>32</sup> exempts one who is coerced, for it is written: "But to the young woman you shall do nothing." (Deut. 22: 26)

<sup>29</sup> Alfasi in his *Halachot* also sees this *sugya* as an important intertext, though for different purposes. He uses the *sugya* in AZ to argue that the law is according to Raba and not Abbaye.

<sup>30</sup> Since there is a probability that the worshippers of the idols established in times of war will return to them. – Rashi *ad locum*.

<sup>31</sup> That they might bow down to them as they passed. – Rashi *ad locum*.

<sup>32</sup> Lit. The Merciful One.

The initial principle stated in the Tannaitic source – that a person can only make his own animal forbidden by virtue of worshipping it – is challenged by another Tannaitic source which seems to be more ready to consider something “worshipped.” According to this latter source, as interpreted by the *stam*, (the anonymous redactorial hand) in line 4, even if someone worships another’s animal, thereby coercing that animal into idolatry, the latter animal is considered an idol. Rami bar Ḥama counters this interpretation with a more standard understanding of the word “under coercion.” It is not the animal that was coercively included in idolatrous worship, but the worshipper who was coerced by idolaters to worship his own animal. R. Zeira’s challenge to Rami bar Ḥama has a familiar ring, since the proof-text plays such a prominent role in our own *sugya* (b San. 74a–75a). Quoting Deut. 22: 26, R. Zeira argues that Rami bar Ḥama cannot be right in his interpretation since “Torah exempts one who is coerced.” It is significant that the coercion of idolatry is analogized to the coercion of rape. It is also familiar.

At this point in the dialogue we are left without resolution as to the meaning of “under coercion.” A further Amoraic statement, attributed to Raba is necessary to problematize the universal exemption of the one who is coerced. This would leave Rami bar Ḥama’s interpretation standing.

7. Raba said, All were included [in the general principle expressed by] “do not worship them . . .” (Exodus 20: 5)
8. When Scripture specifies “and you shall live by them’ – and not that you shall die by them,” (Lev. 18: 5) the coerced one is excluded for he is exempt.<sup>33</sup>
9. The Merciful One also wrote, however, “And you shall not profane My holy name, but I will be hallowed . . .,” (Lev. 22: 32) – for even in [a case of] coercion he is culpable.<sup>34</sup>
10. This is not a difficulty. This one is [referring to a case which occurs] in private, and this one is [referring to a case which occurs] in public.

This statement attributed to Raba basically performs the same function as the *baraita* which quotes R. Ishmael in our *sugya* in

<sup>33</sup> i.e. he is allowed to transgress.

<sup>34</sup> i.e. he is not allowed to transgress.

b San. (lines 11–14, above page 7). Raba's reading of the tension between Leviticus 18:5 – a person might worship idols under coercion – and Leviticus 22:32 – a person cannot worship idols even under coercion – results in creating the distinction between public and private. That is, in public one must not worship idols even if coerced (to the point of death) while in private one may worship idols if coerced.<sup>35</sup> This distinction of Raba's allows Rami bar Hama's reading of the initial *beraita* to stand.

The *sugya* proceeds by formulating a more specific understanding of what it means to worship under coercion, and then a more specific understanding of what it means to be worshipped – that is to be considered idolatrous.

We continue reading where the *stam* succinctly sums up criteria for something being considered idolatrous, saying (line 31): "since he performed an action upon it, he forbade it." It is the action that makes it "worshipped," idolatrous and therefore forbidden. This is followed by a statement attributed to R. Yoḥanan which continues in this line of thought.

32. When R. Dimi came [to Babylonia] (he brought a tradition),
33. Said R. Yoḥanan, Even though they said that one who bows to *karka 'olam* does not forbid it,
34. if he dug pits, ditches or caverns he forbids it.

The same logic is applied here as in the other cases. It is not sufficient to merely worship the land, *karka 'olam*, to forbid it. An action has to be done to it.<sup>36</sup> It has to be dug up or broken open – pits, ditches or caverns have to be dug in it.

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<sup>35</sup> It is worthwhile to note the interesting fact that in b San. the distinction between public and private is attributed to a Tannaitic source (the *beraita* quoting R. Ishmael) while an Amora, R. Yoḥanan, declares that one must die rather than worship idols (or murder, or engage in forbidden sexual relationships) without distinction between public and private. In b Avodah Zarah it is a later Amora, Raba (fourth generation Babylonian, mid 4th Cent.) who states the same position as R. Ishmael without claiming any prior authority for it aside from his reading of Torah.

<sup>36</sup> The sexual under or overtones of *de 'avad babu ma 'aseb*, (he did an action in her), cannot be disregarded. Cf. e.g. b Yebamot 60a–b, and the Rashi commentary to b Sanhedrin 74a quoted above.

The distinguishing feature of *karka 'olam* is that an action has not been done to it. It had not been used. *Karka 'olam* is, as it were, unbroken, virgin land.<sup>37</sup>

The comparison of virgin land and virgin women is made explicit in T. Shevi'it 3:14/15:

You are saying, then, there are three [types] of virgins.

Virgin person (*adam*), virgin earth (*adamah*), and virgin tree.

Virgin person: one who had not had sex, [or more syntactically accurate, one who had not been sexed].

Virgin land: any which had not been worked . . .<sup>38</sup>

This suggests reading the phrase "Esther was *karka 'olam*," as Esther remained virginal.<sup>39</sup> That is, there was no problem at all, since Ahasuerus had not succeeded in having intercourse with her.<sup>40</sup>

## Reading Sex

Lest we think that our *sugya* in Sanhedrin had no choice, when faced with "problematic" sexual manipulations by women, but to interpret away their agency, we cite the following (b Nazir 23b). This is a discussion of another case of sexual manipulations for the good of the people of Israel, where the agency of the woman – Yael – is strengthened and affirmed, rather than played down:

1. Said R. Nahman b Yitzhak, Greater is a transgression to good purpose than a commandment [done] not for good intentions.

<sup>37</sup> In one of its more blatantly sexist statements, the *She'itot*, also makes this connection. In its discussion of what *karka 'olam* means, the following interpretation is attributed to Abbaye's statement: "For Esther is not comparable to [the case of] idolatry or profanation of the Sabbath, for women were created for exactly this; just as the earth was created for planting and for working it, so woman was created for intercourse (*be'ilab*)." Genesis #44, (ed. Mirsky 48).

<sup>38</sup> My thanks to Charlotte Fönrobert for pointing this source out to me.

<sup>39</sup> Cf. with *nistabafa sadacha* (M. Ket. 1:6), and etc. Reading *karka 'olam* in this way puts it in line with these other agricultural metaphors.

<sup>40</sup> The usage of "ownerless" in Baba Kama 28a also fits into this web of metaphors, in the way that husbanded, or owned perhaps, means having had sex, or more simply, ownership of women was acquired through sex.



2. But did not R. Yehudah say in the name of Rab, A person should always engage himself with [studying] Torah and [performing] commandments – even without good intentions; for by [performing the commandments] without good intentions [he] comes to [performing them] for good intentions.
3. Say rather that it is like a commandment [done] not for good intentions, since it is written: “Most blessed of women be Yael wife of Hever the Kenite, most blessed of women in tents.” (Judges 5: 24)
4. Who are the “women in tents?”
5. Sarah, Rebecca, Rachel, and Leah.
6. Said R. Yoḥanan, Seven intercourses did that evil man have at that time.
7. As it says, At her feet he sank, lay outstretched, etc. (Judges 5: 27)
8. But did she not have pleasure from the sexual acts?
9. Said R. Yoḥanan, All the good of evildoers is merely evil to righteous.
10. As it says, Beware of attempting anything with Jacob, good or bad.
11. The [warning against attempting] bad is justified. But why not “good?”
12. But rather, learn from here that his [Laban’s] good is evil.

Yael, it will be remembered, invites Sisera – who is running from the Israelite army – into her tent, gives him water and milk, and then lets him fall asleep. When he is fast asleep, she slays him thus assuring victory for the Israelites. By reading this story midrashically through the lens of Deborah’s song (Judges 5), the Bavli ascribes to Yael the seduction of Sisera. In fact, according to the story in the Bavli, it is sex with Yael that ultimately tires him out and puts him to sleep. This act is seen by the Bavli as an act of bravery. Although it is a transgression, it is one on par with the acts of the matriarchs who wheeled and dealt in order to get the patriarchs to sleep with them, thereby creating the people Israel. (See Rashi to b Nazir 23b) In contrast, Esther’s bravery, as represented in the *sigya* of b San., is not even considered as an act.

We should also not suppose that the difference lies in the acts themselves. We need to remember that the same strictures which make Esther’s sexual manipulation of Aḥaseurus problematic, make Yael’s equally problematic. (All the problems are hashed out and unresolved in the medieval commentaries on b San 74b). The question remains, why is the nature of Esther’s agency rewritten here? One possibility that we need to entertain is that there is a move to masculinize Esther. That is, there is an implicit statement that Esther’s power lay in her not being woman – in her being a manly woman. Virginia Burrus has analysed the tensions surrounding the celebration of feminine heroism in martyrdom in

Christianity of Late Antiquity and has shown how there was a tendency to both entertain and restrain feminine audacity.<sup>41</sup> Is it possible that a masculinized Esther was more culturally intelligible to Rabbinic Judaism of the Bavli?

## Seduction, Lust and Power

While the reading *tebareg ve'al ta'avor* grounds the challenge to Esther's agency, the reading *yebareg ve'al ya'avor* points to the end of the *sugya*. That is, while the paradigm of Esther's ability to remain unpenetrated serves to make intelligible the demand on the maiden to forfeit her life, the logic of the reading *yebareg ve'al ya'avor* sets the stage for the man captivated by the temptations of the woman at the end of the *sugya*.

After Raba's statement, the *sugya* pursues the idea of "their own pleasure is different" until line 61. At line 61 we are presented with a *ma'aseb*. The *ma'aseb*, according to its own rhetoric – the conventions of introductory formulas – is not explicitly presented as an answer to a question. It doesn't logically follow on the lines preceding it.<sup>42</sup> I will argue that it is a continuation of the thinking about coercion and martyrdom that started with Abbaye's statement. That is, the *sugya* has finished its discussion of Raba's statement and is now returning to Abbaye's statement.

61. Said R. Yehudah said Rab:
62. A *ma'aseb*: A man once gazed upon a certain woman, and his heart was consumed by his burning desire [his life being endangered thereby].
63. They came and consulted the doctors,
64. They [the doctors] said, 'His has no cure until she submit to him.'
65. Sages said: 'Let him die rather than that she should submit.'
66. [Said the doctors] 'Let her stand nude before him;' [they answered] 'Let him die, and she should not stand nude before him.'

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<sup>41</sup> Virginia Burrus, "Reading Agnes: The Rhetoric of Gender in Ambrose and Prudentius," *Journal of Early Christian Studies* 3: 1, 25–46. Burrus states her aim there as tracing "...the literary transformation of would be 'manly' women – viragines – into femininely docile *virgines*, exploring how feminiae audacity was both entertained and firmly restrained...." (26)

<sup>42</sup> Alfasi, for example, records the *ma'aseb* as an independent unit.

67. [Said the doctors] 'let her converse with him from behind a fence.' 'Let him die and she should not converse with him from behind a fence.'
68. Now R. Jacob b. Idi and R. Samuel b. Nahmani dispute therein. One said that she was a married woman; the other that she was unmarried.
69. Now, this is justified according to the one who said that she was a married woman,
70. But according to the one who said that she was unmarried, why such severity?
71. R. Papa said: Because of the damage to her family.
72. R. Aha the son of R. Ika said: That the daughters of Israel may not be immorally dissolute.
73. Then why not marry her? – Marriage would not assuage his passion,
74. According to R. Isaac.
75. For R. Isaac said: Since the destruction of the Temple, sexual pleasure has been taken [from those who practise it lawfully] and given to transgressors, as it is written. "Stolen waters are sweet, and bread eaten in secret is pleasant." (Proverbs 9: 17)

Before arguing the interpretive claim that this *ma'aseb* is standing in a relationship with the description of Esther as *harka 'olam* we must confront the question: Could the *ma'aseb* be read in a more "straightforward" way?<sup>43</sup> What concern is the *ma'aseb* addressing? We note that the *ma'aseb* shares with the earlier parts of the *sugya* the ideas of sexual coercion, "damage" [*p'gam*], and "transgression"<sup>44</sup> [*aveirah*]. This suggests that it is a part of the *sugya* and not a random *ma'aseb*. Is it possible that the *ma'aseb* simply reflects the concern of the Rabbis that a man not use the excuse of uncontrollable sexual urge to force himself upon a woman?

If we read the *ma'aseb* in this way, we need to ask: On what *halakhic* basis would this scenario make sense? In a structural way the *ma'aseb* parallels the discussion of rape and *yebareg ve'al ya'avur*. If, however, we examine the two, the latter (rape) yields no legal precedent for the former. If anything, the opposite is true. In the case of rape, the ruling *yebareg ve'al ya'avur* comes to prohibit an action which in any case is to be done under the coercion of a direct death threat. Why then would there even be a supposition that coercing a woman to have sex would be mandated for health

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<sup>43</sup> An objection raised forcefully by an anonymous reader, for which I am grateful.

<sup>44</sup> And "transgression" usually means sexual transgression. My thanks to Daniel Boyarin for pointing this out to me.

reasons? Further, where is the indication that the interests of the woman are at the heart of the Rabbinic concerns in this *ma'aseb*? In fact, the only concerns that are raised are: (a) that she was a married woman (69); (b) damage to her family (71); (c) that the daughters of Israel not be morally dissolute (72). Her interests, intent or will is nowhere mentioned. In fact, the most striking aspect of this *ma'aseb* is the fact that one of the central actors in the narrative does nothing at all.

Further, the last lines of the *ma'aseb* militate against this reading. The framing of this *ma'aseb* within a larger cosmic picture would suggest that there is something more here. First, the sexual pleasure that is taken away is given to 'ovrei 'aveirab (transgressors). This explicit connection of sexual pleasure to transgression uses the same word as *yebareg ve'al ya'avov*, thereby reinforcing the notion of the sexual overtones of transgression – and, too, the transgressive nature of sexual pleasure. Second, the phrase “bread eaten in secret” in Hebrew is *lebem STaRim*, which ties back to *eSTheR*. (This connection is made explicit in many midrashim, though not with this verse.) Also, as Rashi already points out, “bread” is an oft-used euphemism for sex.<sup>45</sup>

On the other hand, this story provides the culturally intelligible way in which a man might be forced to have sex against his will.<sup>46</sup> A man might have sex against his will if he is under the spell of a woman, or if he is lust-sick. Notable in this story is that the woman is totally passive – actually, absent – yet the man is so taken with her that he must have some sexual contact with her or die. This “untouchable-woman-as-dangerous-seductress” trope is also tied in interesting ways to the Esther story.<sup>47</sup>

These remarks allow us ask the question that troubles the whole *sugya*. Why is there this interweaving of lust, pleasure and sexual coercion in a discussion of *kiddush hashem*?

<sup>45</sup> Cf. the sources and discussion in *The Symbolism of the Woman*, 140–144.

<sup>46</sup> This connection is made explicit in the Sheiltot. As is the connection between “a man can only have an erection intentionally” and *yebareg ve'al ya'avov*.

<sup>47</sup> This connection is made explicit by some of the medieval commentators who create a category of “a woman whose heart was consumed by a burning desire” in order to justify the reading of *tebareg ve'al ta'avov*. Cf. *Hiddushei HaRaN, Milhemet Hashem ad locum*.

## The *sugya* V: Idolatry and Adultery

As we remarked above, the *sugya* starts with the idea of idolatry as [sexual] damage to God. I bracket "sexual" since it is, of course, not the surface meaning. However, damage – *pgam* – in this *sugya*, as we saw, is sexual damage. This is connected to R. Eliezer's midrash. A person is obligated to sacrifice that which is beloved to him, as a sign of love of God. "And you shall love the Lord your God." As Rashi comments on this midrash in our *sugya* – "this implies that you will not exchange Him for idolatry." On the continuation of the midrash (16–19) Rashi comments: "That is to say, His love should be more dear to you than all that is dear to you." I suggest that, reading with Rashi, idolatry is constructed in this *sugya* as adultery, sexual infidelity. This is not altogether surprising, as it is continuous with the prophetic usages of adultery to discuss idolatry.<sup>48</sup> Resisting this adultery, not transgressing, not "tasting pleasure" is sanctifying God's name.

The *ma'aseb* at the end of our *sugya* (lines 61–76) stands in a parabolic relationship to the rest of the *sugya*.<sup>49</sup> It works to perform the relationships that already exist in the *sugya*, and also to call attention to itself as emblematic of the relationship of idolatry/adultery.

Reading *karka 'olam* as unpenetrated, that is, untouched sexually it is easy to see the relationship between the discussion of *kiddush hashem* in lines 20–41 (the definition of "public" and "minimal action") and this final *ma'aseb*. Reading from lines 20–41 forward to the *ma'aseb*, we are aware of the rising stakes. A "minor precept" in the time of "[oppressive] religious decrees" is even "to change one's shoe strap." It is the time of decrees which makes this minor action equivalent to a public action. The publicity of the *ma'aseb*

<sup>48</sup> Cf. *inter alia* Jeremiah 3:1. See too, Moshe Halbertal and Avishai Margalit, *Idolatry*, trans. Naomi Goldblum, (Cambridge, MA: Harvard University Press, 1992), esp. chapter one. My thanks to Michael Carasik and Charlotte Fonrobert for pointing this out.

<sup>49</sup> Cf. David Stern, *Parables in Midrash: Narrative and Exegesis in Rabbinic Literature* (Cambridge, MA: Harvard University Press, 1991) esp. chapter 3; and Daniel Boyarin, *Intertextuality and the Reading of Midrash* (Bloomington: Indiana University Press 1990), Chapter 5.

is also apparent by the involvement of the doctors and the Sages. There too it is decreed that even "conversing from behind a fence" is forbidden. Explicit in the *ma'aseh* but only implicit in the earlier discussion is that the man must be totally inactive so as to not get any pleasure. Any activity is forbidden. (Even conversing from behind a fence.) According to one opinion, this is not even because of the fact that the act itself is inherently forbidden. If she was unmarried, even sleeping with her – though perhaps immodest, and unethical – is not legally forbidden. It is, however, the time of decree, a time of coercion – "his heart was consumed by his burning desire." This connection between the coercion of the time of decree and the coercion of burning desire is made explicit by the Gaonic work, the *She'iltot*. The *She'iltot* describes the man as "one whose desire (*yitzro*) coerces him (*me'anes*)." <sup>50</sup> In the time of decree, even speaking with her from behind a fence ( $\approx$  changing the shoe strap) is forbidden. Moreover, pleasure in general, from sexual activity, has been taken away and given to transgressors.

Reading back from the *ma'aseh* and its midrashic coda about the removal of sexual pleasure, we see that the whole *sugya* is about forbidden pleasure. More to the point, the person who is not totally passive is actually (especially during times of decree) transgressing. Whereas Abbaye claims that Esther was left untouched (and therefore, perhaps, impenetrable, enabling her to defeat Haman and Ahaseurus), Raba claims that the case of the Esther story was different since pleasure wielded by the oppressor, for the oppressors' own personal enjoyment, is permitted. Pleasure from transgressing, introduced here by Raba is then woven through the rest of the discussion culminating with the *ma'aseh*. The one who is not to transgress then, is the one who is passive, unscathed. The idea of active *kiddush hasbem* is an oxymoron.

## Conclusion

Esther in line 43 points toward the passive woman at the end of the *sugya* who by her very existence, and despite her total lack

<sup>50</sup> *She'iltot dRav Aba*, Ed. Mirsky I: 43.

of activity, presents a danger to the man. Esther as unpenetrated/impenetrable/inscrutable presented a danger to Haman and Ahaseurus. At the same time she also models the *mekadesb* – her action is inaction.

The sanctification of God's name, as constructed in this *sugya*, is only passive. Not engaging in adultery (=idolatry) is *kiddush basbem*. There is no way of active *kiddush basbem* since the sanctifier is constructed as Esther is – if he has no pleasure he has sanctified God's name. If he is like "natural soil" he resists the impurity of idolatry/adultery. The idea of an active sanctification of God's name is foreign, since that pleasure (of actively sanctifying God's name), like the pleasure of sexual intercourse, is given only to transgressors.

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### Appendix I: Bavli Sanhedrin 74a–75b<sup>51</sup>

1. But one who runs after an animal. (M San. 8:7)
2. It has been taught [in a Tannaitic source]: R. Simeon b. Yohai said: An idolater may be saved [from sin] at the cost of his own life,

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<sup>51</sup> The translation is mine though based on the Soncino translation. The text is that of the *editio princeps* compared with MS Munich 95. Codex Florence 9 is missing these folios.

3. by [the reasoning of] a *kal vabomer* (reasoning from the less important to the more important): If [in the case of] the damaging of a common person, [the violater] may be saved [from sin] at the cost of his own life, how much more so the damaging of the All-Highest.
4. But can we punish as a result of a conclusion [drawn from the reasoning of a *kal vabomer*]? – He maintains that we can so conclude.
5. It has been taught: R. Eliezer, son of R. Simeon, said: He who desecrates the Sabbath – may be saved [from sin] at the cost of his own life.
6. He agrees with his father, that we punish as a result of a conclusion [drawn from the reasoning of a *kal vabomer*], and then he deduces the Sabbath from idolatry by [analogy based on the use of] 'profanation' [in connection with the Sabbath and idolatry].
7. R. Yoḥanan said in the name of R. Simeon b. Yehozadak: By a majority vote, it was resolved in the upper chambers of the house of Nathza in Lydda:
8. Every [other] law of the Torah, if a man is commanded: 'Transgress and be not killed' he should transgress and not be killed,
9. excepting idolatry, forbidden sexual practices, and murder.
10. And [in the case of] idolatry should he not [transgress]?
11. Has it not been taught [in a Tannaitic source]: R. Ishmael said: From where [do we know] that if they said to a man, 'Engage in idolatry and and you will not be killed,' that he should transgress, and not be killed?
12. From the verse, "[Ye shall therefore keep my statutes and my judgements, which if a man do] he shall live in them" (Lev. 18: 5) – but he shall not die by them.
13. Is it possible that even publicly [he should transgress]?
14. Scripture teaches, "Neither shall ye profane my holy name; but I will be hallowed." (Lev. 22: 32)
15. They ruled as R. Eliezer.
16. For it has been taught [in a Tannaitic source]: R. Eliezer said: [And thou shalt love the Lord thy God with all thy heart and with all thy soul, and with all thy might. (Deut. 6: 5)]



Since 'with all thy soul' is stated, why is 'with all thy might' stated?

17. Or since 'with all thy might' is stated, why is 'with all thy soul' stated?
18. Rather, if there be a man to whom his wealth is more dear than his life, 'with all thy might' [i.e., substance] is written.
19. If there be a man to whom his life is more dear than his wealth, 'with all thy soul' is written;
20. Forbidden sexual acts and murder [may not be practised to save one's life], – according to Rabbi.
21. For it has been taught [in a Tannaitic source]: Rabbi said, "For as when a man riseth against his neighbour, and slayeth him, even so is this matter." (Deut. 22: 26)
22. But what do we now learn from [this juxtaposition with] the murderer?
23. Thus, this [phrase] comes to throw light and is itself illumined.
24. An analogy is made [between] the murderer and the betrothed maiden: just as a betrothed maiden – [the ravisher's soul] must be saved at the cost of his [the ravisher's] life, so too [in the case of] a murderer, he [the attacker] must be saved at the cost of his [the attacker's] life.
25. And an analogy is made [between] a betrothed maiden and a murderer: just as [in the case of] a murderer – he must be slain rather than transgress, (so also must she [i.e. the betrothed maiden] rather be slain than allow her violation.) [25a. so also [in the case of] the betrothed maiden – he must be slain rather than transgress.]
26. And from where do we know [the prohibition concerning] the murderer himself? – It is common sense.
27. It is as the one who came before Rabbah and said to him, "The governor of my town has ordered me, "Go and kill so and so; if not, I will kill you".
28. He said to him, 'He should kill you and you should not kill; what [proof] have you seen that your blood is redder? Perhaps his blood is redder.'
29. When R. Dimi came, [he said that] R. Yoḥanan said: This [distinction between transgressions for which one must be killed rather than transgress, and those for which one need

- not be killed] was taught only [for a time which] was not a time of religious persecution.
30. But in a time of religious persecution, even [in regard to] a minor precept, one must rather be slain than transgress.
  31. When R. Dimi came, [he said that] R. Yoḥanan said: Even [for a time which] was not a time of religious persecution, they only stated [the distinction when one was coerced to transgress] in private;
  32. but in public, even [in regard to] a minor precept, one must rather be slain than transgress.
  33. What is [meant by a] "minor precept"?
  34. Raba son of R. Isaac said in Rab's name: Even to change one's shoe strap.
  35. And how many [make it] "public"?
  36. R. Jacob said in R. Johanan's name: There is no "public" with less than ten people.
  37. It is obvious that Jews are required, for it is written. "But I will be hallowed among the children of Israel." (Lev. 22: 32)
  38. R. Jeremiah asked: What of nine Jews and one Gentile?
  39. Come and hear: For it is taught: Rabnai, the brother of R. Hiyya b. Abba drew [an analogy] from [the use of] *tok* ['among'] [in two passages].
  40. Here is written, "But I will be hallowed among [*be-tok*] the children of Israel;" and is written there, "separate yourselves from among [*mi-tok*] this congregation;" (Numbers 16: 21)
  41. Just as there the reference is to ten, all Jews, so here too – ten, all Jews.
  42. But did not Esther transgress publicly?
  43. Abbaye answered; Esther was merely natural soil (*kerakha 'olam*).
  44. Raba said: Their own pleasure is different.
  45. For otherwise, how dare we yield to them [sc. the Parsees or fire worshippers] our braziers [or fire bellows] and coal shovels?<sup>52</sup>

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<sup>52</sup> This according to Rashi, *ad locum*, and *Aruch Hashalem* 3:83 (s.v. *dymonky*), 7:74 (s.v. *kuruk*). Jastrow translates "churches" therefore the sentence would read: How could we bring fire to their churches? (reading *nura* at the end of the line with MS Munich 95). See, too, E.S. Rosenthal, "For the Talmudic Dictionary – *Talmudica Iranica*," in Shaul Shaked, ed., *Irano-Judaica*:

46. But their own pleasure is different; so here too [in Esther's case] their own pleasure is different.
47. This [answer] concurs with Raba's view expressed elsewhere.
48. For Raba said: If a Gentile said to a Jew.
49. "Cut grass on the Sabbath for the cattle, and if not I will kill you,"
50. he should cut rather than be killed;
51. "Cut it and throw it into the river," he should rather be killed than cut it.
52. What is the reason? – Because he wanted him to transgress a precept.
53. It was asked of R. Ammi: Is a Noachide commanded about the sanctification of the Divine Name or not?
54. Abbaye said, Come and hear: The Noachides were commanded to keep seven precepts. Now, if it be so [that they were commanded to sanctify the Divine Name], they are eight.
55. Raba said to him: Them, and all pertaining thereto.
56. What is the decision?
57. R. Ada bar Ahavah said in the name of the disciples of Rab: It is written, "In this thing, the Lord pardon thy servant, that when my master goeth into the house of Rimmon to worship there, and he leaneth on my hand, and I bow myself in the house of Rimmon." (II Kings 5: 18)
58. And it is written, "And he said unto him, Go in peace." (II Kings 5: 19)
59. Now, if it be so [that a Noachide is bidden to sanctify the Divine Name], he should not have said this?
60. This one is in private, this one is in public.
61. Said R. Yehudah said Rab:
62. A *ma'aseb*: A man once gazed upon a certain woman, and his heart was consumed by his burning desire [his life being endangered thereby].
63. They came and consulted the doctors,
64. They [the doctors] said, 'His has no cure until she submit to him.'

65. Sages said: 'Let him die rather than that she should submit.'
66. [Said the doctors] 'Let her stand nude before him;' [they answered] 'Let him die, and she should not stand nude before him.'
67. [Said the doctors] 'let her converse with him from behind a fence.' 'Let him die and she should not converse with him from behind a fence.'
68. Now R. Jacob b. Idi and R. Samuel b. Nahmani dispute therein. One said that she was a married woman; the other that she was unmarried.
69. Now, this is justified according to the one who said that she was a married woman,
70. But according to the one who said that she was unmarried, why such severity?
71. R. Papa said: Because of the damage to her family.
72. R. Aḥa the son of R. Ika said: That the daughters of Israel may not be immorally dissolute.
73. Then why not marry her? – Marriage would not assuage his passion,
74. According to R. Isaac.
75. For R. Isaac said: Since the destruction of the Temple, sexual pleasure has been taken [from those who practise it lawfully] and given to transgressors,
76. as it is written. "Stolen waters are sweet, and bread eaten in secret is pleasant." (Proverbs 9: 17)

## Appendix II: Bavli Avodah Zarah 54a–b

1. It is stated in a Tannaitic source: [A case where a person] worshipped [an animal] – [if it is] his own, it is forbidden, [if it is] his fellow's it is permitted [to be sanctified].
2. An objection was raised [from the following source (T Avodah Zarah 5: 10)],
3. What is considered "worshipped" [so as to be classified as an idol]. Anything that was worshiped, whether by accident or intentionally; under coercion or willingly.
4. What is meant by "under coercion?" Is it not that, for example, he forcefully [consecrated] his fellow's animal and bowed down to it.

5. Rami bar Hama said, what [case] are we dealing with? If, for example, idolators coerced him and he bowed down to his own animal.
6. R. Zeira challenged him, Torah<sup>53</sup> exempts one who is coerced, for it is written: "But to the young woman you shall do nothing." (Deut. 22: 26)
7. Raba said, All were included [in the general principle expressed by] "do not worship them. . . ."
8. When Scripture specifies "'and you shall live by them' – and not that you shall die by them," the coerced one is excluded for he is exempt.
9. The Merciful One also wrote, "And you shall not profane My holy name, but I will be hallowed . . .," (Lev. 22: 32) – for even in [a case of] coercion he is culpable.
10. This is not a difficulty. This one is [referring to a case which occurs] in private, and this one is [referring to a case which occurs] in public.
11. Our Sages said to Raba, there is a Tannaitic source which supports your view (T.A.Z. 5: 6):
12. "Pedestals [of idols] that gentiles set up at the time of oppression, even if the oppression is voided those pedestals' [status as idolatrous] is not voided."
13. He said to them, If from this source, it is not a help. Perhaps an Israelite apostate was there and he worshipped it willingly.
14. R. Ashi said, do not say "perhaps," rather say definitely an Israelite apostate was there, and he worshipped it willingly.
15. Hizkiah said, If, for example, he poured wine to an idol between its [the animal's] horns.
16. R. Ada bar Ahavah challenged him, Is this really considered "worshipped?" This one is merely seen as a regular pedestal.
17. Rather, said R. Ada b. Ahava, If, for example, he poured wine to the animal between its horns, for he did an action to her.
18. This is like that which [was said by] 'Ula when he came [to Babylonia]:

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<sup>53</sup> Lit. The Merciful One.

19. Said R. Yoḥanan, Even though they said 'One who bows to his fellow's animal, does not thereby forbid it. If he performed an action in it - he forbade it.
20. Said to him R. Naḥman, Go out and say to 'Ula, R. Huna has already applied your teaching in Babylonia.
21. For R. Huna said,
22. [If ] his fellow's animal was laid out before an idol, it is not forbidden. Once one [slaughtering] sign (either trachea or esophagus) was slaughtered it is forbidden.
23. From where do you [know] that it is forbidden?
24. If you would say from the priests, perhaps priests differ as they have intelligence.
25. But rather from the stones of the altar. And perhaps it is like the saying of R. Papa:
26. For R. Papa said, There [a] verse was found and interpreted midrashically "robbers shall enter and profane it." (Ezekiel 7: 22)
27. Rather from [sacred] vessels, for it is written, "All the utensils which King Aḥaz discarded in his reign when he was faithless, we have made ready and sanctified." (II Chronicles 29: 19)
28. And Mar said, "We have made ready" - that we have stowed them; "and sanctified" - that we have sanctified others in their place.
29. But is it not so that a person cannot forbid that which is not his?
30. Rather, since he performed an action upon them, they became forbidden to them.
31. Here too since he performed an action upon it, he forbade it.
32. When R. Dimi came [to Babylonia] (he brought a tradition),
33. Said R. Yoḥanan, Even though they said that one who bows to *karka 'olam* does not forbid it,
34. if he dug pits, ditches or caverns he forbids it.
35. when R. Samuel b. Yehuda came [to Babylonia] (he brought a tradition),
36. Said R. Yoḥanan, Even though they said that one who bows to living beings does not forbid them,
37. if he made them exchanges for idols he forbids them.

