

# Margin of Error

Women, Law, and Christianity in *Bavli Shabbat* 116a–b

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‘The horse-leech has two daughters:  
Give, give’ (Proverbs 30.15)  
What is ‘Give, give’?  
Rav Hisda said in the name of Mar ’Ukba:  
It is the voice of two daughters who scream  
from the Gehenom to this world: ‘Bring, bring.’  
Who are they? Heresy and the government.  
– *Babylonian Talmud*, Avodah Zarah 17a

## Introduction

In this paper, I argue that the story of Imma Shalom and the philosopher in *Bavli Shabbat* 116a–b is a nuanced polemic against Christianity, an apology for the Jews’ exile and the Christian rule of Palestine, and, at the same time, a defense of Babylonian Rabbinic jurisdiction on inheritance. A clear majority of scholars agreed upon the fact that the story somehow polemicizes against Christianity. Moritz Guedemann, in 1876, was the first to consider *Bavli Shabbat* 116a–b as a satirical reaction to the Gospel of Matthew, an interpretation that most scholars followed, up to Burton Visotzky’s 1995 article.<sup>1</sup> Hence, the question is not whether the story seeks

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<sup>1</sup> Moritz Guedemann, *Religionsgeschichtliche Studien* (Leipzig: Oskar Leiner, 1876), 65–99. Other authors (in chronological order) discussing the passage include Michael Sachs, *Beiträge zur Sprach und Altertumsforschung* (Berlin: Veit und Comp., 1852); Wilhelm Bacher, *Die Agada der Palästinensischen Amoräer* (Strasbourg: K.J. Trübner, 1892–99), II, 424n; Gustaf Dalman, *Jesus Christ in the Talmud, Midrash, Zohar, and the Liturgy of the Synagogue* (New York: Arno Press, 1893, repr., 1973), 69; Robert Travers Herford, *Christianity in Talmud and Midrash* (London: Williams and Norgate, 1903), 146–155; Edgar Hennecke ed., *Handbuch zu den Neutestamentlichen Apokryphen* (Tübingen: Mohr Siebeck, 1904), 70f; George Foot Moore, “The Definition of the Jewish Canon and the Repudiation of Jewish Scriptures,” in *Essays in Modern Theology and Related Subjects* (ed. Ch. A. Briggs; New York: Scribner's Sons, 1911), 99–125; Hermann L. Strack and Paul Billerbeck, *Kommentar zum Neuen Testament aus Talmud und Midrasch* (Munich: Beck, 1922), I, 241f; S. Zeitlin, “Jesus in Early Tannaitic

to ridicule Christianity, but how exactly it does so, and with what aspects of Christianity it is concerned. I will argue that the Christian interpreters of the Gospels, rather than the Gospels themselves, were the Talmud's targets. It seems to me as if the Talmudic author employs the Gospel against its Christian interpreters. Another possible target of the parody includes Jews sympathizing with Christian jurisprudence. Before presenting the story, a few words seem helpful on the general historical background of the rabbis' view of Christianity, as well as on the Talmud's source for the story of Imma Shalom.

The Palestinian Rabbinic movement emerged in the second half of the second century CE, approximately at the same time as gentile churches gained momentum. Both parties claimed for themselves the heritage of the Torah, and both claimed God's blessing. For the following two centuries, the relations between Jews and Christians were markedly different within each of the two movements' sub-groups, which in turn were so diverse that they defy classification. In general, the relationships between the wide varieties of Jewish, Christian, and other groups in Palestine were largely determined by their respective stances towards the Roman government, the rulers of Palestine who brought at times death, at times stability.

In 313 CE, Gaius Flavius Valerius Aurelius Constantinus, later known as Constantine the Great, saw it fit to secure himself the support of the empire's Christians. He issued the Decree of Milan, granting the freedom of religion. This period of tolerance was real, but short lived. As Constantine and the power structures of the Roman Empire became more and more Christian, all forms of religious practice not conforming to the new imperial cult were branded either as "pagan," "heretical," or "Jewish." This ongoing development went along with a strong effort to Christianize the territory of "Palestine" – the empire's new Holy Land.

The emergence of Christianity as the new ruling power in Rome and Palestine dramatically changed the previous relationships between all

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Literature," in *Abhandlungen zur Erinnerung an Hirsch Peres Chajes* (Vienna: The Alexander Kohut Memorial Foundation, 1933), 304–307; Joseph Klausner, *Jesus of Nazareth: His Life, Times, and Teaching* (New York: Macmillan, 1929), 44–47 [German pp. 53ff, Hebrew pp. 37ff]; Jacob Zallal Lauterbach, "Jesus in the Talmud," in idem, *Rabbinic Essays* (Cincinnati: Hebrew Union College Press, 1951, post mortem), 473–570; Luitpold Wallach, "The Textual History of an Aramaic Proverb (Traces of the Ebionean Gospel)," *JBL* 60/4 (1941): 403–415; Ephraim E. Urbach, *The Sages, Their Concepts and Beliefs* (Jerusalem: Magnes Press, 1975), I, 302f and II, 820, [Hebrew, 268–270]; Burton L. Visotzky, "Overturning the Lamp," in idem, *Fathers of the World: Essays in Rabbinic and Patristic Literatures* (Tübingen: Mohr Siebeck, 1995), 75–84. In opposition to the common opinion, cf. Johann Maier, *Jüdische Auseinandersetzungen mit dem Christentum in der Antike* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1982), 78–93.

groups living in Palestine. Christianity became the new cultural and political enemy that created a common interest among Palestine's pagans, Samaritans, Christian "heretics," and Jews. Palestinian Rabbinic writings from the fourth and fifth centuries show an increasing awareness of Christianity, primarily of the Antiochian and Cappadocian Church Fathers.<sup>2</sup> This awareness evoked condemnation. Yet, the Palestinian rabbis still perceived Christianity, perhaps through the lenses of Jewish followers of Jesus in Palestine, as something very close to Judaism. "The Kingdom of worshippers of stars and constellations will turn to *Minut*," they claimed in the Palestinian Talmud, describing imperial gentile Christianity with a term that had previously denoted heresy.<sup>3</sup> The rabbis did their best to prevent everything perceived as Christian from entering into Rabbinic Judaism, but in the process of refuting them, they accepted the presuppositions of many Christian *topoi* into their own culture. Recent scholarship has shown that post-Constantinian rabbis replied to many Christian stories with polemical and apologetic counter-narratives.<sup>4</sup> As a result, in response to Christian attacks, Rabbinic Judaism reshaped a large number of discourses at the very center of its religious identity. Rabbinic teachings concerning the Temple, the Messiah, and even the Torah itself reflected and refuted discourses of post-Constantinian Christian writers. At the same time, the Christians of Palestine, encouraged by imperial attitudes as expressed in the Theodosian Code, started persecuting Jews, a development that intensified until the Muslim conquest put an end to it.

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<sup>2</sup> On the varying influence of Alexandrian and Antiochian Christianity on the rabbis, see Burton L. Visotzky, "Jots and Tittles: On Scriptural Interpretation in Rabbinic and Patristic Literatures," *Prooftexts* 8 (1988): 257–270.

<sup>3</sup> *Yerushalmi Sotah* 23b. The respective material in the *Mishna* (*Sotah* 9.15), in which Rabbi Eliezer predicts the kingdom's turn to heresy, is a late addition, missing in most manuscripts. The question of what exactly *minut* means in the fifth century Palestinian or Babylonian Aramaic (Jewish heresy, gentile Christianity, or both) remains open; yet, see the most recent treatment of the material in Daniel Boyarin, *Border Lines: The Partition of Judaeo-Christianity* (Philadelphia: U. of Pennsylvania Press, 2004), 220–225.

<sup>4</sup> Israel Yuval, *Two Nations in Your Womb: Perceptions of Jews and Christians in Late Antiquity and the Middle Ages* (Tel Aviv: Am Oved, 2000 [Hebrew]; Berkeley: U. of California Press, 2006 [English]). See also, in this volume, the papers by Israel Yuval, "The Other in Us Liturgica, Poetica, Polemica"; and Burton L. Visotzky, "Goys 'Y'n't Us: Rabbinic Anti-Gentile Polemic in Yerushalmi Berachot 9:1." See also Peter Schäfer, *Jesus in the Talmud* (Princeton: Princeton University Press, 2006); E.P. Sanders, ed., *Jewish and Christian Self-definition* (Philadelphia: Fortress Press, 1981); Mark G. Hirshmann, *A Rivalry of Genius: Jewish and Christian Biblical Interpretation in Late Antiquity* (Albany: SUNY Press, 1996); Adam H. Becker and Annette Yoshiko Reed, eds., *The Ways that Never Parted: Jews and Christians in Late Antiquity and the Early Middle Ages* (Tübingen: Mohr Siebeck, 2003).

The Jewry of Babylonia was in a very different position with regard to the new Roman imperial cult. Looking back to a well-established presence since at least the time of the first exile, the Talmud famously comments on Isaiah 13.6:

“Bring my sons from far,” R. Huna said, “These are the exiles in Babylon, whose minds are at ease like [those of] sons.” “And My daughters from the ends of the earth”: “These are the exiles in other lands, whose minds are not at ease, like [those of] daughters.” (*bMenahot* 110a).

Drawing on admitted gender inequality, the Talmud’s parallel acknowledges the privileged status of the Babylonian Rabbinic community. The Zoroastrian rulers of the Sasanian Empire recognized the Jewish community, and persecution was scarce.<sup>5</sup> Moreover, Christian power and culture were not the same in Sasanian Babylonia and in Palestine. Languages and doctrines of Greek and Syriac Christianity were vastly different, and the political situation of Christians in Babylonia after Constantine was exactly the opposite of that in the Roman Empire. The vast and powerful Sasanian Empire was a match for the Roman Empire; and battles between the two empires were common between 240 and 390.<sup>6</sup> The Christianization of the Roman Empire left Sasanian Christians – who were equally recognized as a community in the Sasanian Empire – in a difficult position. Despite their Syriac identity and resulting tensions with Byzantine Christianity, they shared their enemies’ Christian faith. As most recently discussed by Peter Schäfer, this led the Sasanian rulers to persecute Christians throughout the fourth and early fifth centuries.<sup>7</sup> Only in the fifth century did the status of Christians begin to improve, until Christians were fully incorporated in the Sasanian Empire by the late sixth century.<sup>8</sup>

<sup>5</sup> See Klaus Schippman, *Grundzüge der Geschichte des sassanidischen Reiches* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1990); Geo Widengren, “The Status of the Jews in the Sassanian Empire,” *Iranica Antiqua* (Leiden: Brill, 1961), I, 128.

<sup>6</sup> See Engelbert Winter and Beate Dignas, *Rom und das Perserreich: Zwei Weltmächte zwischen Konfrontation und Koexistenz* (Berlin: Akademie Verlag, 2001); and Lucas van Rompay, “Impetuous Martyrs? The Situation of the Persian Christians in the Last Years of Yazdgard I (419-420),” in *Martyrium in Multidisciplinary Perspective: Memorial Louis Reekmans* (ed. M. Lamberigts and P. van Deun; Louvain: Leuven University Press, 1995), 363–375.

<sup>7</sup> In the words of Peter Schäfer: “The Christians became suspected of being disloyal to the [Sasanian] state and favoring the enemy, of being Rome’s ‘fifth column’ in the midst of the Sasanian Empire. Large-scale persecutions of the Christians broke out, first under Shapur II (309–379), then under Yazdgard I (399–421), Bahram V (421–439), and Yazdgard II (439–457),” in *Jesus in the Talmud*, 117.

<sup>8</sup> See A. V. Williams, “Zoroastrians and Christians in Sassanian Iran,” *Bulletin of the John Rylands University Library of Manchester* 78 (1996): 37–53.

The Talmud's view of Christianity seems to stem from these later periods, corresponding to the persecution of Christians up to the early fifth century, and to the Christians' rise to prominence in Sasanian Babylonia in the later fifth century and thereafter.<sup>9</sup> Schäfer argues that, given the continuing persecution of Jews by Christians in Palestine, it seems that Babylonia's Jewish population were not too troubled by the persecution of its Christian neighbors, and at times defamed the Christians publicly – perhaps as part of a general anti-Christian attitude in the Sasanian Empire.<sup>10</sup> And we can only imagine how the growing Christian political and intellectual influence in the Sasanian Empire in the late fifth and sixth centuries must have troubled the rabbis, likely leading to even fiercer polemics.

In literary terms, Peter Schäfer's *Jesus in the Talmud* has confirmed that the Babylonian Talmud defamed Jesus and Christian doctrine on numerous occasions.<sup>11</sup> The present article is a further contribution to the Talmud's view of Christianity. Yet, I wish to add that, at the same time, the Talmudic attitude towards things Christian is much more nuanced than that of the Palestinian rabbis. The stable position of the Babylonian rabbis allowed them to venture into Christian thought with less risk for their own identity. These rabbis could more easily adopt explicitly Christian language in order to delineate their own identity more precisely.

I want to show in the following that the Babylonian rabbis knew how to differentiate between various Christian writings and forms of Christianity. Whereas their Palestinian colleagues mostly alluded to Christian concepts and writings with general contempt, the situation in Babylonia not only allowed for open criticism without the fear of retaliation – as in the case of Jesus<sup>12</sup> – but also for serious consideration of Christian arguments, appreciation of certain Christian concepts, as well as for tensions in Christian tradition, as between the early Christian writers and some of the Gospels. The Syriac church writers constantly preached, read and edited

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<sup>9</sup> It is very hard to reconstruct the development of Babylonian Rabbinic culture during and before the fourth century, since the entirety of its literary production was redacted in the Babylonian Talmud later, mainly between the fifth and seventh centuries. See Jeffrey L. Rubenstein, *The Culture of the Babylonian Talmud* (Baltimore: Johns Hopkins University Press, 2003); and Richard Kalmin, *The Redaction of the Babylonian Talmud: Amoraic or Saboraic?* (Cincinnati: Hebrew Union College Press, 1989).

<sup>10</sup> See Peter Schäfer's nuanced discussion of the Martyrdom of Mar Simon in *Jesus in the Talmud*, 118ff, and Mgr. Sddai Scher and Abbé Périer, eds., *Chronique de Séert, Histoire Nestorienne Inédite* (Paris: Périer 1907), I, 297.

<sup>11</sup> See Schäfer, *Jesus in the Talmud*. For an exhaustive (and dismissive) discussion of most of the relevant primary and secondary sources cf. Johann Maier, *Jesus von Nazareth in der talmudischen Überlieferung* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1978). On the problems of Maier's methodology, see Schäfer, *Jesus in the Talmud*, 5.

<sup>12</sup> See Schäfer, *Jesus in the Talmud*.

the Gospels, turning these late first- (or early second-) century texts into documents of contemporary relevance to the rabbis of the middle of the first millennium. The question that remains unanswered (and probably will remain for a while) is: What Christian texts, if any, did the rabbis know? One of the written collections of gospels that would have been easily accessible to the Rabbis is Tatian's *Diatessaron*, a gospel harmony composed in Syriac, a dialect very close to Babylonian Jewish Aramaic. Since the gospel passages relevant to our story seemed to have been gleaned from the gospels of Matthew and of Luke, the *Diatessaron* is a very likely source for the author of the story of Imma Shalom. Another possible venue is the Syriac *Peshitta*, a translation of each of the Greek Gospels of the New Testament. The *Peshitta* started replacing the *Diatessaron* in the fifth century, but this process took over a century. Since Tatian's original is lost, I will quote relevant texts from the *Peshitta*, yet focus on the *Diatessaron* and its most important commentator, Ephraem the Syrian (303–373).<sup>13</sup>

### Corruption in the Greco-Roman World

In my view, the story of Imma Shalom and the Philosopher is based on a Palestinian Rabbinic story on judges and bribery. Its anti-Christian polemic is artfully weaved into the Babylonian adaptation of this older story. The following story in the *Pesikta de Rav Kahana* 15.9 (Ekha) stems from a text edited in Palestine in the fourth or fifth century of the Common Era (according to Ms. Oxford 151):<sup>14</sup>

A story of a woman who “honored” the judge [with] a silver lamp (מנורה אחת של כסף).  
 Her adversary went and honored him with a golden young ass (סייה של זהב).  
 On the following day she came and found her judgment overturned  
 She said to him [the judge]: “Master, let my case shine forth (ינהר דיני) like that silver lamp.”  
 He said to her: “What shall I do for you, since the young ass overturned the lamp?”

A woman bribes a judge with a lamp, but her adversary bribes him with a more valuable item, a donkey. We learn that even a bribe cannot secure favorable judgment, since an adversary could subsequently pay an even

<sup>13</sup> For the rabbis' knowledge of these texts, see Schäfer's conclusions in *Jesus in the Talmud*, 122f. The Rabbinic stories about Jesus seem to draw most on the Gospel of John, probably in the form of the *Diatessaron*. See William L. Petersen, *Tatian's Diatessaron: Its Creation, Dissemination, Significance, & History in Scholarship*, Supplements to *Vigiliae Christianae*, 25 (Leiden: E. J. Brill, 1994).

<sup>14</sup> Bernard Mandelbaum, *Pesikta deRab Kahana according to an Oxford Manuscript* (New York: The Jewish Theological Seminary of America, 1987), 260f.

higher price. The punch-line is that the judge hides the criminal truth about his court in a blatantly overt, though still encoded, way stating that “the ass overturned the lamp.”

The sequel to the passage in the *Pesikta* speaks about Isaiah’s condemnation of bribery, and the story itself hints towards the implications of justice as spelled out in Isaiah 51.3–4:

“For the LORD will comfort Zion; he will comfort all her waste places, ... My Instruction (תורה) shall go out from me, and I will enact my justice (משפט) as a light to the nations.”

Isaiah’s parallel structure pairs the Torah with Justice and “going out” with being a “light.” The Biblical Hebrew term משפט can denote both procedural and ethical justice in Rabbinic Hebrew as well. When the woman in the *Pesikta* urges the judge to “let my case shine forth like a lamp,” any Rabbinic reader will understand the reference to “justice” and “light” in the passage from Isaiah. The Rabbinic story hence gestures to the Bible’s promise of real justice to come.

The anecdote in the *Pesikta* in turn adapts an even older, Tannaitic Palestinian Rabbinic saying. In *Sifre Balak* 15, a corrupt bid in silver for priesthood is trumped by a bid in gold, with the ensuing moral likewise being that “the ass overturned the lamp.”<sup>15</sup> The Tannaitic saying does not include a real lamp or an ass as a bribe. The image of the “ass overturning the lamp” (to which I shall return) in *Sifre* might have been an independent proverb whose meaning was no longer understood in the time of the *Pesikta*.<sup>16</sup> In any case, the later Rabbinic version of the text in the *Pesikta* adds to the story the image of a real lamp and of a real ass made of gold, perhaps in an attempt to connect the puzzling proverb to the anecdote it found in *Sifre*.

The *Pesikta* also adds the character of the judge himself to the Tannaitic saying (in which the recipient of the bribe is only implicit), and we find cognates to such anecdotes in Greco-Roman literature. Similar stories about corruption in legal affairs had been commonplace for a long time. Petronius, for example, in his *Satyricon* (3.14) condemns a judge, supposedly a Cynic philosopher, who sells his word for money and considers justice to be “public merchandise,” implying that it is the highest

<sup>15</sup> *Sifre Balak* 15 is the oldest of the story’s other parallels, *yYoma* 38c and *Wayikra Rabbah* 21.9.

<sup>16</sup> Wallach argues for the development of the story as based on a proverb prior to the *Pesikta*, even though he seems to have missed the only Tannaitic version we have in *Sifre*, cf. Luitpold Wallach, “The Textual History of an Aramaic Proverb,” 405f. It seems that the closing statement itself may have triggered the unusual commodities used as bribes, the lamp and the young donkey.

bid that wins the case.<sup>17</sup> I suggest understanding the *Pesikta* in this cultural framework, even if the text is too elliptic to allow for a meaningful Greco-Roman contextualization.

The same holds true for the story's image of the "overturning of the lamp." The expression was a common euphemism for sexual orgies in the Greco-Roman world, and perhaps the *Pesikta* implicitly draws a parallel between the corruption of legal and sexual morality.<sup>18</sup> The story's use of the "overturned lamp" in the *Pesikta* might equate bribery with sexual debauchery and immorality in general, yet the reading remains somewhat speculative.

As Burton Visotzky has shown, from the second century onwards, the euphemism of "overturning the lamp" developed into an expression specific to standard accusations against Christians who allegedly indulged in such orgies during worship.<sup>19</sup> We cannot discern with any certainty a comment on Christianity in the *Pesikta* story's general disdain for corrupt judges (even though at the time of the text's final redaction, there certainly were Christian judges in Palestine). Nevertheless, a later Babylonian Rabbinic reader noted how little it took him to read more than one reference to Christian texts into the story.

### Bribing a Christian

The Babylonian Talmud shifted the focus of the story of the two bribes towards Christianity in fifth- or sixth-century Mesopotamia, when it retold the narrative for a third recorded time in *Shabbat* 116a–b. The manuscripts of the Talmud transmit the story in two versions, both of which are presented in the following text. The main text follows the Sefardic Ms. Oxford 366 (add. fol. 23), which slightly deviates from the majority reading in a few crucial details. I italicized the manuscript's variants and indicated the majority reading on the right side of the text.

Rabbi Meir called it *'aven-gilayon* (און גלייון)

Rabbi Johanan called it *'avon-gilayon* (עון גלייון)

[1] Imma Shalom, Rabbi Eli'ezer's wife, was the sister of Rabban Gamliel.

*She had a legal dispute with her brother*

[missing]

*She went to face him.*

[missing]

<sup>17</sup> See Ramsay MacMullen, *Corruption and the Decline of Rome* (New Haven: Yale University Press, 1988).

<sup>18</sup> See Burton L. Visotzky, "Overturning the Lamp," in idem, *Fathers of the World: Essays in Rabbinic and Patristic Literatures* (Tübingen: Mohr Siebeck, 1995), 75–84.

<sup>19</sup> See Burton L. Visotzky, "Overturning the Lamp." For rabbis accusing Christians of sexual debauchery see also Schäfer, *Jesus in the Talmud*, 44, and the references given there.

- [2] And there was a certain philosopher (פילוסופא) in her neighborhood, Who had a reputation as a judge who does not accept bribes (שחדא).
- [3] One day, *he* [*Rabban Gamliel*] wanted to laugh about him [the philosopher]. [they] They went to him [the philosopher].  
Imma Shalom brought him [the philosopher] a golden lamp (שרגא דדהבא).  
She said to him: “I want you to divide (דניפלגי) the estate of my [late] father’s house.”  
He [the philosopher] said: “Divide (פלוגו)!”
- [4] *They* said to him: [He, i.e. Rabban Gamliel]  
“It is written in the Torah that he gave us (בתורה דיהב לן): ‘If there is a son, the daughter does not inherit (תרות).’ ”
- [5] He [the philosopher] said: “From the day that you were exiled (גליתון) from your land, the Torah of Moses (אורייתא דמשה) was taken away (איתנטלית) from you and *the Torah* of the ‘avon-gilayon (אורייתא דעון גיליון) was given, [missing] and it is written in it: ‘Daughter and Son inherit equally (יירתון כחדא).’ ”
- [6] The next day he [*Rabban Gamliel*] returned and brought him a Libyan donkey (חמרא). As they came, he [the Philosopher] said to them: “I went down to the end of the ‘avon-gilayon,  
And it is written in it: ‘I am the ‘avon-gilayon (עון גיליון), I did not come to reduce (למיפחה) the Torah of Moses and not to add (לאוספי) to the Torah of Moses I came.  
And it is written in it: ‘If there is a son, the daughter does not inherit’ ”
- [7] She said [to the philosopher]: “Let your light shine with the lamp (נהור נהוריד בשרגא) *Examine* (עיין) *the judgment!*” [missing]
- [8] Rabban Gamliel said to him: “A donkey (חמרא) came and knocked down (ובטשה) the lamp.”

We hear now the story of a corrupt philosopher who, like Petronius’ cynic, has a good reputation, but does not refrain from accepting a second bribe: he decides in favor of whoever pays more, just as in the Palestinian Rabbinic story that the Talmud retells. The Talmud left the basic structure and the message of the *Pesikta*’s story intact, with the two bribes, the woman’s complaint (including the implicit reference to the light and the justice of Isaiah 51), and the punch-line in which the judge hides the criminal truth by stating that “the ass overturned the lamp.” The Talmud, however, gives names to all the opponents, spells out the reasoning of the judge, and transfers the final statement from the judge to the winning opponent (i.e. Rabban Gamliel), hence accusing the “philosopher” with the same symbolic language that the Palestinian judge had used to shamelessly explain himself.

#### *Two Versions of Imma Shalom*

The differences between the cited Ms. Oxford 366 and the majority reading are few, yet consequential. I suggest that the differences between the two versions are intrinsically linked to the Talmud’s view of women and their role in religious conflicts.

The first important variant of the Oxford manuscript vis-à-vis the majority reading is that only this manuscripts opens the story by stating

that Imma Shalom and her brother had a real lawsuit, and that “she went to face him.” The second important variant is that according to the Oxford manuscript, Rabban Gamliel plans to “laugh about” the philosopher alone. In most other manuscripts, the two siblings concoct the plot together. This fact strongly suggests that they never had a real pending lawsuit. The third important variant is that in the Oxford manuscript, both siblings together point out to the judge that his first ruling, favoring Imma Shalom’s request to divide the heritage, violates Jewish law. In the majority reading, only Rabban Gamliel protests. The fact that in the Oxford manuscript she joins her brother in pointing out the legal problem detrimental to her own interests gives her a more active role in the proceedings.

We can see that the two versions tell a genuinely different story. The Oxford manuscript relates that Rabban Gamliel fought his sister in a lawsuit *and* sought to ridicule the judge, whereas the majority of manuscripts tells us that Rabban Gamliel and Imma Shalom in harmony tried to expose him, inventing a lawsuit. Since Rabban Gamliel wins the lawsuit and exposes the judge in both versions, both stories are internally coherent. Since we cannot determine which story reflects more genuinely the intentions the Talmud’s Babylonian redactors, we therefore cannot decide the case based on the two stories themselves.

The evidence of the manuscripts is equally not decisive. On the one hand, the sheer quantity of the majority reading seems overwhelming at first, and probably explains why no commentator of the story ever took into consideration the text provided by the Oxford manuscript. On the other hand, Ms. Oxford 366, written in Sephardic square script and dated to the 13<sup>th</sup> century, is one of the older witnesses to the tractate *Shabbat*, and generally is written very carefully.<sup>20</sup> Furthermore, a note in the margin of Ms. Munich 95 adds explicitly that the siblings really had a lawsuit in words almost identical to that of the Oxford manuscript.<sup>21</sup> The version of the story in which siblings fight each other, therefore, is also attested in

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<sup>20</sup> See Ad. Neubauer, *Catalogue of the Hebrew Manuscripts in the Bodleian Library and in the College Libraries of Oxford, Including Mss. in Other Languages, which Are Written with Hebrew Characters, or Relating to the Hebrew Language or Literature; and a Few Samaritan Mss.* (Oxford: Clarendon Press, 1886), and R. A. May, ed., *Catalogue of the Hebrew Manuscripts in the Bodleian Library; Supplement of Addenda and Corrigenda to Vol. I (A. Neubauer’s Catalogue)*, compiled under the direction of Malachi Beit-Arié (Oxford: Clarendon Press 1994), cf. I. Safrai, *The Literature of the Sages, First Part: Oral Tora, Halakha, Mishna, Toefsa, Talmud, External Tractates* (Assen: Van Gorcum 1987), 355.

<sup>21</sup> Folio 27, top. The addition, probably written in Paris in the fourteenth century, reads “she had a legal dispute with Rabban Gamliel.” The note does not add that “she went to face him.” See William Rosenau, “Book Notices: Hermann L. Strack, *Babylonian Talmud according to the Munich Codex Hebraicus 95*,” *AJSLL* 29 (1913): 304–306.

medieval Europe. Finally, Ms. Vatican 108, equally written in Sephardic square script and dated to the 13<sup>th</sup> century, while following the majority reading otherwise, equally attests that “he,” i.e. Rabban Gamliel alone, wanted to fool the philosopher (בעי), and not that both siblings planned to do so (בעו), as in the majority reading.<sup>22</sup> This fact reveals that the difference between *vav* and *yud* changes the entire narrative. The evidence of Ms. Vatican 108 makes clear that there is only one indication that Imma Shalom was involved in the plan to fool the philosopher in the majority of manuscripts. The rest of the narrative gives no indication that she would not really sue her brother. Hence, the evidence for the reading of Ms. Oxford is weighty enough for further consideration.

External evidence supports the minority reading. On the one hand, eliminating the lawsuit, sign of an inner-Rabbinic struggle, and portraying the siblings as confronting the (non-Jewish) judge jointly would be an attractive alteration for any editor striving for Rabbinic unity. Living under Sasanian, Muslim, or under Christian rule might favor such a step.<sup>23</sup> Adding the lawsuit, on the other hand, and insisting that only Rabban Gamliel, and not both siblings, tried to set up the judge would reversely weaken Rabbinic unity under foreign rule.<sup>24</sup> This is not a very likely venue; hence, it represents an important argument for the version preserved by the Oxford manuscript.<sup>25</sup>

I therefore suggest discussing both stories separately when they diverge from each other. I will call the version of the majority reading version A, and that of the Ms. Oxford 366 (supported by Ms. Vatican 108 and by the addition in Ms. Munich 95) version B. Since the Talmud makes use of fourth-century sources, we must place the story’s genesis somewhere after that time. The philosopher’s aggressive reference to the Jewish exile makes a date before the Sasanian conquest of Palestine in 614 very likely. I will illustrate how each of the versions might have been understood by its primary Rabbinic audience in Sasanian Babylonia in a time when the

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<sup>22</sup> Folio 57, bottom. I. Safrai, *The Literature of the Sages*, 357.

<sup>23</sup> My gratitude to Moulie Vidas for this observation.

<sup>24</sup> If the story indeed was inspired by the version of the *Pesikta* (and the proximity of details suggests this), then a real conflict was part of the original story which could likely have been included in the new version. This fact by itself, however, weighs lightly. Even if the Babylonian story adopts most of the details of the earlier Palestinian version, it showed its liberty in making the judge a philosopher and giving the final word to Rabban Gamliel.

<sup>25</sup> On the one hand, the addition on the margin of Ms. Munich suggests that the siblings’ lawsuit could have been possibly added in medieval Europe. On the other hand, however, not all editors amend their text according to their worldview, and this addition probably occurred because another manuscript equally attested the lawsuit (the addition being almost identical to Ms. Oxford). The evidence therefore is not decisive.

Byzantine Empire occupied the Land of Israel and suppressed its Jewry. We do not know whether the story was composed in the period when in the Sasanian Empire Christians were persecuted themselves, or afterwards, when Christians started rising to prominence in the Sasanian political system. Yet throughout the centuries, the Babylonian rabbis had reason to distance themselves from Christian law and theology.

The following analysis will suggest that the position of the judge on heritage law concerning women is contiguous to that of Christianity, whereas Rabban Gamliel's position is representative of Rabbinic Judaism. Imma Shalom stands in the middle. My conclusion will be that, in both versions of the story, the struggle between Imma Shalom and Rabban Gamliel would lead the Rabbinic audience to reflect on the political realities of Sasanian Jewry, and on their rulings on the inheritance rights of women under Jewish and Christian law respectively. This is the case regardless whether the siblings' practical joke invokes the possibility of such a struggle (version A), or the story assumes it to be a reality (version B). The two versions real difference lies in the question how the story portrays Imma Shalom. Does she go over to the position that Rabbinic law on inheritance is unjust, and does she really seek the help of a Christian judge, leading to her defeat by Rabban Gamliel (B)? Or does she betray her own financial interests, siding with her brother (A)? In both cases, the story employs her in its attempt to silence the tension caused by the jurisprudence it supports, and by accusing anybody who doubts it of nothing short of heresy.

#### *The Context and the Actors*

Immediately preceding the story of Imma Shalom in *bShabbat* 116a is a lively discussion of the status of books containing divine names which leads to a consideration of the books of *minim*, and notably of the Gospels.<sup>26</sup> The discussion finishes with two derogatory puns connecting the Hebrew term *gilayon*, "margin," to the Syriac term for "gospel." First, Rabbi Meir calls the gospel און גיליון. This corresponds exactly to the

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<sup>26</sup> The context in *bShabbat* 116a, a discussion based on mYad 3.5, mShabb 16.1, and tYad 2.13, is very ambiguous, but portrays a generally negative reading of the heretical books. See Karl Georg Kuhn, "Giljonim und sifre minim," in *Judentum, Urchristentum, Kirche: Festschrift für Joachim Jeremias* (ed. Walther Eltester; Berlin: Alfred Töpelman, 1960), 24–61. Cf. Johann Maier, *Jüdische Auseinandersetzung mit dem Christentum in der Antike*, (Darmstadt: Wissenschaftliche Buchgesellschaft, 1982), 28–122, for extensive references and again an overly skeptical view; for a more nuanced view, Annette Reed, "Apocrypha, 'Outside Books,' and Pseudepigrapha: Ancient Categories and Modern Perceptions of Parabiblical Literature" (PSCO talk, October 10th 2002, available at <http://ccat.sas.upenn.edu/psco/year40/areed1.html>).

Syriac transliteration of the Greek word *euangelion*, ܐܘܢܘܢܝܘܢ.<sup>27</sup> The Talmud, however, splits the Syriac word, and with a slight change of (implied) vocalization reads it not as [*evangelion*], but as [*'aven gelion*], which in Mishnaic Hebrew means “margin” or “message” of “oppression,” “wrongness,” “falsehood” or “vanity.”<sup>28</sup> Then, Rabbi Yochanan distorts the name of the Gospel further and calls the text עון גיליון, which should be read as [*'avon gelion*], “margin” or “message” of “perversion,” “wrong,” or “penalty.”<sup>29</sup> The same spelling of “Gospel” is the one provided by our story, and hence it seems likely the story appears at this place in the Talmud because of this central term, as a third derogatory comment on the term “Gospel.” I will henceforth translate *'avon gelion* as “Gospel.”

The Talmud chooses its characters among Rabbinic figures that work well for its purposes. Imma Shalom was the wife of Rabbi Eli'ezer, a rabbi officially accused of Christian heresy according to an older Rabbinic tradition that was still hotly discussed in the Babylonian Talmud.<sup>30</sup> Therefore, she was a suspicious character to begin with. It should also be noted that Rabban Gamliel, elsewhere in the Talmud, opposed women's education (see *bEruvin* 63a). As a woman educated in Rabbinic law, Imma Shalom would be a suitable character for the challenge against her brother Rabban Gamliel in version B; and her education would also account for her more active role in the proceedings of the judgment in this version.<sup>31</sup> For version A, the proximity to Christianity of Imma Shalom's brother would, in turn, be a good reason to insist on her orthodoxy by showing her willingness to ridicule Christianity, and to assign her a more passive role during the court's proceedings.

Rabban Gamliel, even if he is named explicitly as Paul's teacher in the Acts of the Apostles, is not identified in connection to Christian themes

<sup>27</sup> See Payne Smith, *A Compendious Syriac Dictionary* (Oxford: OUP, 1903), 6. This transcription is attested e.g. in Mark 1.1 of the *Pehsitta*. The more common Syriac term for Gospel is ܐܘܢܘܢܝܘܢ, which is perhaps the reason why none of the previous commentators on the story remarked the Talmud's precise use of the Syriac.

<sup>28</sup> See Markus Jastrow, *A Dictionary of the Targumim, The Talmud Babli and Yerushalmi, and the Midrashic Literature* (New York: Judaica Press, 1903), 27. Another possible reading of עון גיליון would be [*'on gelion*], “margin” or “message” of “power” or “possession.” (see Jastrow, *ibid*, 28). The former reading seems more likely in the present context.

<sup>29</sup> Jastrow, *Dictionary*, 1054.

<sup>30</sup> On the story of Rabbi Eliezer see most recently Peter Schäfer, *Jesus in the Talmud*, 41–51. In the Babylonian Talmud's often cited story of the Oven of Akhnai (*bBaba Metzia* 59b), Rabban Gamliel excommunicates Rabbi Eliezer for relying on miracles and the heavenly voice rather than the word of the Torah. In the story's sequel, Imma Shalom appears as faithful to both her husband and her brother.

<sup>31</sup> On Imma Shalom, see Tal Ilan, “The Quest for the Historical Beruriah, Rachel, and Imma Shalom,” *AJS Review* 22 (1997), 1–17.

anywhere in Rabbinic narratives, but he does become a crypto-Christian in the *Pseudo-Clementines*.<sup>32</sup> The siblings' father, Shimeon ben Gamliel the First, was traditionally seen as a martyr of the Roman War. We do not know how likely it is that he left a material heritage worthwhile of litigation; the rabbis certainly do not mention it. Accordingly, we will see that the "inheritance" in the story is a symbol for the inheritance of the Land of Israel, and ultimately, for the inheritance of God's promises.

In its theological, legal, and ethical challenge to Christianity, the Talmud comments on some aspects of the "sister religion" with each detail it adds to the Palestinian story in the *Pesikta*, and re-interprets most of the elements from the Palestinian version in light of Christianity. In the following I will analyze the story line by line. My focus will be on the Talmud's adaptation of previous Rabbinic literature, its dialogue with Christian law, doctrine and the Gospels, as well as the ways in which the previous two points are played out through references to the Pentateuch and the Prophets.

#### *Daughters and the Law*

To begin with, the Talmudic story changed the judge from the *Pesikta* into a "philosopher." This term is well attested in the Palestinian Rabbinic literature to describe a stock opponent of the rabbis, and notably of Rabban Gamliel.<sup>33</sup> In the Babylonian Talmud, the term "philosopher" appears only once more, equally when the text depicts a discussion between a pagan philosopher and Rabban Gamliel.<sup>34</sup> The primary meaning of "philosopher" in the Bavli, hence, is likely the Greek sage. And while Greek philosophers continued to contribute to the intellectual landscape of Late Antiquity, some Syriac as well as Greek Church Fathers positively identified ascetic life with philosophy, referring to each other at times as "philosopher."<sup>35</sup> When the story therefore uses the stereotypical situation of Rabban Gamliel defeating a "philosopher," it makes use of an image familiar to its audience. At the same time, it is possible that the story subtly identifies its enemy as the Greek philosophical tradition of the West. Since in the time of the story the Western world is ruled by the Byzantine Empire, the

<sup>32</sup> See *Recognitions* I.65f.

<sup>33</sup> See *Genesis Rabbah* 1.9, 11.6, and 20.4, *yBerakhot* 63b.

<sup>34</sup> The opponent is attempting here to defend idol worship (*bAvodah Zarah* 54b). To be precise, the term also appears in the Bavli's citation of the Mishna in *bAvodah Zarah* 44b.

<sup>35</sup> E.g. Gregory of Nazianzen, *Oratio* 25.6, Justin, *Dialogue with Trypho* 8.2. For more examples for Christian "philosophers" in Syriac and Greek see J. Payne Smith, *A Compendious Syriac Dictionary*, 443f; and G.W.H. Lampe, *A Patristic Greek Lexicon* (Oxford: Clarendon Press, 1961), 774. See also, in this volume, Burton L. Visotzky, "Goys 'Y'n't Us: Rabbinic Anti-Gentile Polemic in Yerushalmi Berachot 9:1," note 22.

narrative might echo the charges Sasanian officials made against Christians.

The Palestinian story of the bribed judge does not specify the law case. The Talmud makes it a dispute of inheritance between Imma Shalom and her brother, either pretended (A) or real (B):

[3A] (One day), they wanted to laugh about him [the philosopher]

She brought him a golden lamp

And they [the siblings] went to him [the philosopher]

[4] She said to him: "I want you to divide the estate of my [late] father."

The judge said: "Divide."

He [Rabban Gamliel] said to him: "It is written in the Torah that he gave us: 'If there is a son, the daughter does not inherit.' "

[3B] One day, he [Rabban Gamliel] wanted to laugh about him [the philosopher]

They went to him [the philosopher]

Imma Shalom brought him [the philosopher] a golden lamp

[4] She said to him: "I want you to divide the estate of my [late] father."

The judge said: "Divide."

They said to him: "It is written in the Torah that he gave us: 'If there is a son, the daughter does not inherit.' "

Once the judge reaches his verdict after receiving a bribe, either Rabban Gamliel (A) or the two siblings (B) confront the ignorant philosopher with a paraphrase of the Rabbinic objections to Imma Shalom's claim for the inheritance. No matter whether the conflict between the siblings is introduced as pretended or as real, one wonders what the issue could have been between them in the story's economy. The lawsuit must have been credible enough to convince the audience that it could have really occurred (B), or at least that the judge would believe it (A). In order to understand the legal reality the story presupposes, I suggest taking into account the aforementioned legal autonomy that the Sasanian Empire accorded to its citizens. Jews and Christians would typically fall under Jewish and Christian jurisdiction, respectively. We can imagine that this system led at times to ambiguities. And indeed, Christian jurisprudence, in contrast to its Rabbinic counterpart, accorded an inheritance to women who had brothers. For the understanding of our story, it is worth to recall the precise background of the respective traditions.

The rabbis took various positions on the story of the daughters of Zelophehad in Numbers 27.5–11, the *locus classicus* of gender in Biblical inheritance law. According to the *Mishna*, the second-century Palestinian legal code that forms the basis of the Babylonian Talmud's judicial system, a daughter could not inherit if a son existed: בן קודם לבת (*Bava Batra* 8.2). Yet, as Johann Maier has pointed out, the ruling led to many problems in

post-mishnaic times, and our story alludes to these problems.<sup>36</sup> Eventually, the Bavli confirms the mishnaic ruling against daughters (*bKetubot* 52b), as do (post-Talmudic) Gaonic *responsa*.<sup>37</sup> The story, however, alludes to much more than to the Rabbinic legal specificity with which Maier portrays the issue. In her study on Rabbinic inheritance law for women, Judith Hauptman has shown how much the Mishna was at odds with most surrounding cultures, especially with the law practiced by the Roman rulers of Palestine, and just how many traces exist of a heated debate over this issue.<sup>38</sup> According to Hauptman, many strands of “feminist impulse” within both Palestinian and Babylonian Rabbinic culture kept challenging the mishnaic ruling that if there was a son, a woman would not inherit.

What was true in third-century Palestine became even more poignant with the Christianization of the Roman Empire. The Byzantine rulers maintained the Roman law which gave equal status in matters of inheritance to sons and daughters, while Christian bishops explicitly censured fathers for favoring sons over daughters in their wills.<sup>39</sup> Furthermore, in the Sasanian Empire, Zoroastrian women who had brothers were much more likely to inherit than their Jewish counterparts, adding to the tensions created by the rabbis’ ruling.<sup>40</sup> Finally, the *Syro-Roman Law Book*, an account of traditional Christian law in the Sasanian Empire from early Islamic times and our best indicator for Christian practice in the Sasanian Empire in the time of the Talmud, makes it clear that Christian sons and daughters inherited equally on intestacy, and had a substantial right to a minimum inheritance in any case.<sup>41</sup> In this respect,

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<sup>36</sup> In the words of Maier: “Hier liegt also ein in amoräischer Zeit intensiv diskutiertes rechtliches Problem vor, und die Erzählung in *bSabb* 116–b schließt die damals aktuelle Diskussion ein.” (*Jüdische Auseinandersetzungen*, 84) See also Maier’s references to further literature.

<sup>37</sup> *Ibid.*, 85.

<sup>38</sup> Judith Hauptman, “Women and Inheritance in Rabbinic Texts: Identifying Elements of a Critical Feminist Impulse,” in *Introducing Tosefta* (ed. Harry Fox and Tirzah Meacham; Hoboken, NJ: Ktav Publishing House, 1999), 221–240.

<sup>39</sup> Antie Arjava, *Women and Law in Late Antiquity* (Oxford: Clarendon Press, 1998), 62. Johann Maier has pointed out that the philosopher decided according to Roman law. Even though he insists that the text is a “späte amoräische Komposition,” Maier does not take into account the Christianization of the Roman Empire (Maier, *op. cit.*, 81).

<sup>40</sup> See B. Hjerrild, “Ayökēn: Women between Father and Husband in the Sassanian Era,” in *Medioiranica: Proceedings of the International Colloquium on Middle Iranian Studies*, *Orientalia Lovaniensia* 48 (ed. Wojciech Skalmowski and Alois van Tongerloo; Leuven: Peters, 1993), 79–86; cf. A. Perikhanian, “Iranian Society and Law,” in *The Cambridge History of Iran*, vol. 2, *The Median and Achaemenian Periods* (ed. Ilya Gershevitch; Cambridge: CUP, 1985), III, 2, 646.

<sup>41</sup> See the *Syro-Roman Law Book*, L 1; and Arjava, *Women and Law in Late Antiquity*, 65.

Christianity must have been very attractive to Jewish women. The Talmudic story acknowledges this fact and evokes the fear of women's legal "emancipation" no matter whether Imma Shalom actually sues her brother (version B), or only pretends to do so (A). The story addresses the issue in a typical Talmudic manner: by setting the issue on stage and acting it out.

The judge is a Christian who claims to be righteous. When Imma Shalom asks him to divide the heritage, she challenges Rabbinic law (B), or pretends to do so (A). In version B, as in Zoroastrian<sup>42</sup> and Christian heresiology<sup>43</sup> and in other parts of the Babylonian Talmud, the woman represents the dangerous insider who challenges not only one ruling, but orthodoxy as such.<sup>44</sup> In version A, the Lady complaineth a bit too little. Imma Shalom's orthodox conformity to Rabbinic law and her implicit willingness to give up her heritage, should their father really die (or have died), denies the very choice that was economically most advantageous to the sisters and wives of the rabbis: to go to a non-Jewish court. By silencing any female voice, the text even sharpens the contrast between Rabbinic law on the one side, and the concerns of women on the other side.

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<sup>42</sup> The association of deviant insiders and women is suggested in a *Rivaya* (*Responsum*) based on the Pahlavi Vidēvdāt, which discusses the women who mingle with outsiders in conjunction with the *ahrmōk*, a blasphemous heretic. Potentially, both bring about the destruction of the world. See Kaikhusroo M. Jamaspasa, "On the Heretic and Immoral Woman in Zoroastrianism," in *Orientalia: J. Duchesne-Guillemin emerito oblata* (Leiden: E J Brill, 1984), 243–266. See also Ketayun H. Gould, "Outside the Discipline, Inside the Experience: Women in Zoroastrianism," in *Religion and Women* (ed. A. Sharma; Albany: SUNY Press, 1994), 139–182; and Jamsheed K. Choksy, "Woman in the Zoroastrian Book of Primal Creation: Images and Functions within a Religious Tradition," *Mankind Quarterly* 29 (1988): 73–82.

<sup>43</sup> Todd Breyfogle, "Magic, Women, and Heresy in the Late Empire: the Case of the Priscillianists," in Marvin Meyer and Paul Mirecki, eds., *Ancient Magic and Ritual Power* (Leiden: Brill 1995), 435–454; and Virginia Burrus, "The Heretical Woman as Symbol in Alexander, Athanasius, Epiphanius, and Jerome," *HTR* 84 (1991): 229–248.

<sup>44</sup> See Shulamit Valler, *Woman and Womanhood in the Talmud* (Atlanta: Scholars Press, 1999); Meir Bar-Ilan, "Witches in the Bible and in the Talmud," in *Approaches to Ancient Judaism* 5 (ed. Jacob Neusner; Atlanta: Scholars Press, 1993), 7–32; Simcha Fishbane, "Most Women Engage in Sorcery: an Analysis of Female Sorceresses in the Babylonian Talmud," in *Approaches to Ancient Judaism* (ed. J. Neusner; Atlanta: Scholars Press, 1993), 143–165; and Judith Hauptman, "Images of Women in the Talmud," in *Religion and Sexism* (ed. Rosemary Radford Ruether; New York: Simon and Schuster, 1974), 184–212; Tal Ilan, "'Stolen Water is Sweet': Women and Their Stories between Bavli and Yerushalmi," in *The Talmud Yerushalmi and Graeco-Roman Culture* III (ed. Peter Schäfer; Tübingen: Mohr Siebeck, 2002), 185–223, and Anne Goldfeld, "Women as Sources of Torah in the Rabbinic Tradition," *Judaism* 24 (1975): 245–256.

In both versions, Imma Shalom enacts her request in a way that has even more Christian features than her legal position. A passage from the *Diatessaron* (28.33) and *Peshitta*'s Gospel of Luke (12.13f) illustrates this point. I cite from latter one:

Somebody in the crowd said to him [Jesus]: "Teacher, tell my brother to divide (ܦܠܘܢ) the inheritance (ܚܘܬܘܬܐ) with me.

But he [Jesus] said: "Man, who has set me to be a judge (ܕܡܝܢ) or divider (ܡܘܢܘܢ) above you?"

As Guedeman has pointed out, the Talmud uses the language of this passage when Imma Shalom addresses the Christian judge, describing the same situation.<sup>45</sup> I want to add to his observation that the text employs the same Aramaic roots as the *Peshitta* Gospel for "judge," "division," and "heritage." Jesus, unlike the story's judge, declines jurisdiction. The Syriac interpretation of the story, however, turned the story on its head. Ephraem, for example, in his commentary in the *Diatessaron*, explains the passage by stating that Jesus pretends not to be a judge to malevolent inquirers, even though he is in effect the judge (3.12). The Talmud with its implicit reference to Luke conveys the tension between the Gospel and its Syriac interpretation: a true follower of Jesus or the gospel would not assume this task. Luke's gospel carries on with a diatribe against the very greed that marks the Talmud's Christian judge and certainly exposes his motives for accepting the office.

#### *Abrogation of the Torah*

To the Rabbinic objections against his ruling in Imma Shalom's favor, the philosopher responds with a supersessionist argument. He connects the exile to the abrogation of the Torah and its replacement with the Gospel, which allegedly states that sons and daughters would inherit equally.

[5] The Philosopher said to them: "From the day that you were exiled from your land, the Torah of Moses was taken away from you and [the Torah] of the Gospel was given, and it is written in it: 'Daughter and Son inherit equally.'"

Just as the objection to the first ruling paraphrased rather than cited Rabbinic law, the philosopher paraphrases Christian law rather than citing from the Gospel, which does not contain such a clear statement.<sup>46</sup> The philosopher dismisses Rabban Gamliel's, or the siblings' reference, to

<sup>45</sup> Moritz Guedemann, *Religionsgeschichtliche Studien* (Leipzig: Leiner, 1876), 75.

<sup>46</sup> It has been suggested that one could read the statement that sister and brother inherit equally, or "like one" (ܟܕܩܝܐ) as application of Galatians 3.28 on the law of inheritance. If there indeed is "neither man nor women," but all are "one in Christ," then it would make more sense in that they also inherit equally, like one. I agree, however, with Kuhn, that the reading is far-fetched (Karl Georg Kuhn, "Giljonim und sifre minim," in Eltester, ed., *Judentum, Urchristentum, Kirche*, 54.

Jewish law and simply declares the abrogation of the Torah following the Jews' exile and the giving of the Gospel, which version B even calls "the Torah of the Gospel."<sup>47</sup> The philosopher invokes a very painful issue in Rabbinic identity. The validity of the Torah in Exile was indeed a major topic of contention among the rabbis, and indeed, most of the Torah's agricultural laws were never extended beyond Palestine.<sup>48</sup> The philosopher connects the exile of the Jews with the Gospel, and reinforces his bold claim with a poetic, teasing homonymy of the words Exile and Gospel, גיליון and גליתון.

At this point, the Talmud reflects on longstanding Christian traditions. According to much of Christian lore, the exile was a punishment for the Jews' denial of Jesus as Messiah. Such a claim is already wittily crafted into Jesus' prophecy of the exile in Luke 21.20ff, and exploited in great detail by Eusebius in his *Ecclesiastical History*.<sup>49</sup> Eusebius was well received in the Syriac tradition, and the Talmud puts a teaching like that of Eusebius in the mouth of the philosopher quite accurately when connecting the exile to the introduction of the Gospel.<sup>50</sup>

### *Jesus and the Torah*

With the philosopher's abrogation of Jewish law, Imma Shalom could have won the case, had her brother Rabban Gamliel not offered a bigger bribe.

[6] The next day Rabban Gamliel went back and brought him a Libyan donkey. The philosopher said: "I went down to the end of the Gospel, and it is written in it: 'I am the Gospel,<sup>51</sup> I came (אָחִיחִי) not to reduce the Torah of Moses, and not to add to the Torah of Moses I came.' And it is written in it: 'If there is a son, the daughter does not inherit'."

The Libyan ass seems to be a Talmudic adaptation of the young ass that appears in the *Pesikta*, the earlier Rabbinic story on which our story is

<sup>47</sup> The term can mean either the Torah as such, or the Torah as the Jewish law. See Sokoloff, *A Dictionary of Babylonian Jewish Aramaic* (Ramat-Gan: Bar Ilan University Press), 95f.

<sup>48</sup> Cf. *bHagiga* 5b on the exile and the end of the rule of Torah.

<sup>49</sup> Eusebius connects the death of James with the outbreak of the revolt that led to the temple's destruction (*Ecclesiastical History* 2.23). See also Luke 19.41–44 and Origen, *Against Celsus* 4.22. It is interesting to see that none of the Jewish or Christian authors involved, other than Luke, take note of the fact that the exile in 72 only concerned Jerusalem, while the end of the predominantly Jewish political unit did not come until after the Bar Kokhba revolt. See Israel Yuval, *Two Nations in Your Womb*, 71–81.

<sup>50</sup> Sebastian P. Brock, "The Syriac Background," in *Archbishop Theodore: Commemorative Studies on his Life and Influence* (ed. M. Lapidge; Cambridge: CUP, 1995), 30–53.

<sup>51</sup> "I am the Gospel" is missing in the Wilna print, yet attested in all other manuscripts.

based. Its appearance in the *Pesikta*, in turn, relied on a Greco-Roman Rabbinic context, perhaps a proverb, a proverb which the Talmud probably did not grasp. The story of Imma Shalom modified the image, yet the donkey's primary function in the story stays the same: it is an item worth more than a golden lamp. The bribe turns the judgment to Rabban Gamliel's favor. On the one hand, the impartial philosopher, justifying his change of mind, shows his own arbitrariness and corruption. On the other hand, he equally exposes a major contradiction between the Syriac Church and the words of Jesus according to the *Diatessaron* (8.46) or the Gospel of Matthew (5.17), the latter of which reads as follows:

Do not think that I have come (ⲁⲗⲁⲓⲛⲁ) to abolish the law or the prophets, I have not come to abolish but to fulfill. For truly I tell you, until heaven and earth pass away, not one letter of the law shall pass away until all is accomplished.

Just as in the previous case (Luke 12.13f), the Talmud's adaptation pays close attention to wording and structure of the Gospel passage. The Talmud uses the words of Jesus ("I have come") twice, employing the same word as the Peshitta does, and placing them in a similar sentence structure.<sup>52</sup> The story translates Matthew's "the law and the prophets" to "the Torah of Moses." Most importantly, the Talmud portrays the judge's ruling as equivalent to Matthew's implied message, according to which the coming of Jesus did not abrogate the validity of the Torah, and therewith the precedence of sons over daughters. The Christian philosopher first argued that the law was abrogated, whereas part of his own tradition can easily be understood as saying that this was not the case. The fickle judge chooses – according to the highest bid – one of the two options a multivocal tradition offers to him.

The passage in the *Diatessaron* and in Matthew, obviously, was very problematic for supersessionist Christian commentators (and a favorite passage of Christian Jews).<sup>53</sup> Ephraem, for example, in his commentary on

<sup>52</sup> My gratitude to Peter Schäfer for pointing out the importance of the repetition of "I have come" in assessing the Talmud's rendering of Matthew.

<sup>53</sup> The clearest reference to Matthew 5.17 is found in the *Kērygmata Petrou* 2.4. The orthodox tractates against heretics show that this is the passage that the Law-abiding Christians time and again quoted when justifying their belief in both Torah and Messiah. Epiphanius, in his *Panarion*, reports that the Cerinthians made use of the Gospel of Matthew and observed the law due to this text. Another illuminating intertext might be Epiphanius' use of Deuteronomy 27.26 in an attack against the Nazareans in his *Panarion* (I.331, II.8.1 in Williams' translation). Here, he cites our passage (Matthew 5), and then mentions that Moses, after having proclaimed the whole law, "came to the end of the book" (ἦλθεν ἐπὶ τὸ τέλος τῆς βίβλου) and says: "Cursed be he that does not confirm the words of this law to them." The language of "coming to the end" recalls that of the philosopher in our story, which, interestingly, is preceded by a discussion of the *Beit Nitzrefe*, that has been equated with the *Narareans/Narzoreans* (see above, note 26).

the *Diatessaron*, solves the obvious problem of the passage just by qualifying “the law and the prophets” as “the commandments of the New Testament” (VI.3). The phrase “the commandments of the New Testament” is particularly illuminating in light of the Talmud’s phrase “the Torah of the Gospel” in version B, which thereby depicts Ephraem’s position quite accurately.

Obviously, what the Bavli presents as its Gospel quotation is slightly different from what we find in the Syriac Matthew. While the general message and the sentence structure are very similar to those preserved in Matthew, the Bavli understands Jesus as quoting Deuteronomy 4.1:

So now, Israel, give heed to the statues and ordinances that I am teaching you to observe, so that you may live to enter and inherit (וירשתם) the land that the LORD, the God of your ancestors, is giving you. You must neither add anything to it nor take away anything from it, but keep the commandments of the LORD your God with which I am charging you.

The Talmud reverses the order of the sentence in Deuteronomy, and replaces Matthew’s “to abolish” with “to cut away,” and “to fulfill” with “to add.” Given our lack of knowledge about the Talmud’s sources, it is difficult to know whether the Talmud alludes to other Jesus-traditions beyond the Gospels of the Syriac church.<sup>54</sup> When looking at the context of Deuteronomy 4.1, however, we see that the Talmud would have an excellent reason to amend its Gospel rendering with a Deuteronomic quotation. Namely, in Deuteronomy, the inheritance of Palestine is clearly tied to the very issue under discussion, the observance of the commandments. The Talmudic story thereby associates’ the siblings’ inheritance with that of the Land, currently ruled by Christians who do not abide the law – but potentially should, according to the Talmud’s reading of Matthew.

The Talmud seems to suggest that Rabban Gamliel’s claim to the inheritance of his father is tantamount to the “keeping of the commandments,” which Deuteronomy rewards with the inheritance of the Land of Israel. It would thereby simultaneously prove that the Christians’ claim to the land of Israel is unjustified. According to the Talmud, their insistence on the fact that the exile abrogated the Torah, as placed in the

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The evidence, however, cannot be assessed before we gain a clearer picture of such groups in the Sasanian Empire in the fifth or sixth century.

<sup>54</sup> As mentioned in the previous footnote, the Talmudic story appears in the context of the discussion of the “books of the Heretics,” and many commentators have succumbed to the temptation to connect these books with the Gospels used by Jewish Jesus-believers. In lack of any textual evidence, however, I suggest to suspend a decision on this issue until further evidence arises. Yet, we should note that other texts that have been argued as being originally Jewish, such as the “Two Ways” tractate of the *Didache* (4.13) and Revelation (22.18), explicitly reference Deuteronomy 4.1.

mouth of the philosopher, is inconsistent with the scriptural promise which ties inheritance of the land to the keeping of the commandments.

Within the economy of the story, the judge's moral corruption is exposed after Imma Shalom tries to save her case, and Rabban Gamliel gleefully presents to the philosopher – also to his sister in version B – the shards of a shattered reputation.

[7] She said to the judge: “Let your light shine with the lamp! [Examine your judgment!].”<sup>55</sup>

Rabban Gamliel said to her: “A donkey came and knocked down the lamp.”

The Talmud slightly changes the words that the woman in the *Pesikta*, the earlier Rabbinic version of the story, used. There, she urged the judge to let her “case” (דִּין) shine forth, in precise reference to Isaiah 51.3f. The Talmud, however, matches Imma Shalom's words to the *Diatessaron* (8.40) and Matthew (5.15f), the verse immediately preceding the one that the philosopher in the Talmud uses to justify his new verdict (cited according to the *Peshitta*):

No one after lighting a lamp (עֲלֵה לְפָנֶיךָ), puts it under the bushel (תַּחַת הַסֵּבֶל), but on the lampstand (עַל מַצְבֵּיטָה), and it illuminates the entire house. Thus let your light shine forth (נְשִׂיחַ לְפָנֶיךָ) before the people, so that they see your good works and glorify your Father in heaven. (5.15f)

When Imma Shalom gently (A), or not so gently (B), reminds the judge about the bribe, she gives him words derived from Matthew's Jesus in Aramaic: “Let your light shine forth,” נְהַר נֹהֵר כֹּהֵן. The Aramaic term for the lamp is also the same as that in the Gospel: *shraga*, changed from the Hebrew term in the *Pesikta* in accordance with Matthew.<sup>56</sup>

Imma Shalom's call to the philosopher to let his light shine forth is inspired by the Palestinian *Pesikta*, but at the same time it uses Matthew's writing. The Talmud thereby integrates the paradoxical nature of the corrupt Christian's stance with aspects of its own tradition. Rabban Gamliel's exposure of the corruption represents the satirical climax. Gamliel manages to combine the reference to the second Matthean verse – about the light which must not be hidden – with an acknowledgement that

<sup>55</sup> Version B adds: “Examine your judgment!” The usage of the term עֵיין, a pael from the root עָוַן, “to consider watch, guard, meditate, study, speculate” (Jastrow, *ibid*, 1054), might be yet another play on the Syriac term for “gospel.” It is homonymous to the root that appears in *ʿavon gilayon* in our story (cf. above), and perhaps this might be another implicit interpretation of the term. When associated with the previous readings, one could equally read “consider the error”.

<sup>56</sup> We could even get carried away with Guedeman's proposal that the biblical Hebrew cognate to “bushel” חֹמֶר is a homonym for the Aramaic חֲמֵרָא, “donkey,” which would imply a hilarious duplicity of meaning – but at the same time presuppose a Hebrew Matthew (Guedemann, *Religionsgeschichtliche Studien*, 77).

he knew about the plot all along, and hence that the judge had no moral justification to his office (and hence Christianity to the land of Israel).

### *Overturning the Lamp*

The reference to the overturning of the Lamp now sounds somewhat different. As Burton Visotzky convincingly argues, we can safely assume that the Talmudic author was aware of the Greco-Roman image of “overturning the lamp” as a euphemism for sexual orgies. As mentioned before, the image of the lamp was commonly used in anti-Christian polemics that accused Christians of mixing *agape* with *eros*. Contrasting the lamp of the Christian orgies, a symbol for moral corruption, with Jesus’ and Isaiah’s lamp, serving as a light to the nations, leads to the exposure of the alleged separation between post-Constantinian Christian claims to land and power, and Jesus’ actual teachings. The Talmudic author’s intimate knowledge of Matthew’s gospel led to one of the most artistic Rabbinic polemics with Christianity that I have ever encountered.

### *Justice and Inheritance*

The Talmud would not be the Talmud if there was no additional room in the story for another meta-text, a biblical passage which it does not cite, but comments on tacitly. In Deuteronomy 16.19f, we read:

You must not bend justice (משפט), and you must not be partial, you must not take bribes (שוחד) since a bribe blinds the eye of the wise and subverts the cause of the righteous (דברי צדיקים). Justice, and only justice (צדק צדק), you shall pursue so that you will live and inherit (וירשת) the land that the Lord your God has given you.

Grasping the story’s ways of unmasking the gap between its times’ Christianity and one of the Christians’ sacred texts, we can now understand how the Talmud responded to Christian claims for the Land of Israel. In Deuteronomy, “Justice,” משפט, can again also mean judgment. In “bribes,” שוחד, there is the same root as in the story’s term for bribe, שוחד. “The cause of the righteous,” דברי צדיקים, in Deuteronomy also implies the words or cause of those who ought to win the case. The wise man is the false philosopher whose eye is blinded by the sibilings’ bribes. (Offering a bribe to a judge, as far as I know, is never admonished in the Torah). And if we read in Deuteronomy “Justice, and only justice, you shall pursue so that you will live and inherit (וירשת) the land that the Lord your God has given you,” we find again the same root for the story’s main theme: inheriting the land. According to the Talmud’s apology, even though Christians ruled the land of Israel at the time, the moral corruption and bribery of the Christian philosopher makes it clear that this must be a temporary situation. The Talmud’s meta-textual reference of Deuteronomy 16 might also include the knowledge that the earlier Palestinian rabbis had

interpreted this scriptural text as saying that the appointment of judges guarantees a life in Israel, as we read in *Sifre Shoftim* 1:

Another interpretation of “Justice, justice you shall pursue” (צדק צדק, Deuteronomy 16.20)

Follow a good court, ... the court of R. Eli‘ezer

“So that you will live and inherit the land,” this teaches that the appointment of judges is good for living in Israel and to inhabit (וליהוישיבם) the earth and not to fall by the sword.

With this, we come back to where we started. For the earlier Rabbinic tradition, Rabbi Eli‘ezer, Imma Shalom’s husband, epitomized the ideal image of a judge, but in the Babylonian Talmud he also stood for those who were dangerously close to Christianity. He was excommunicated *ex post facto* by the Babylonian Talmud. Version A seeks to salvage at least his sister’s reputation by having her participate in Rabban Gamliel’s practical joke on the philosopher. Yet Version B brands her as a heretic, and just like her brother was formerly known for a good court, she equally seeks to undermine Rabbinic jurisprudence. Since her ambition to improve the inheritance rights of women dovetails with Christians’ handling of inheritance, connecting the two issues provides a perfect target for the defaming all dangerous insiders past and present.

## Conclusion

We now can see that later editors would have much reason to doubt their eyes if they saw Version B, the version of Ms. Oxford 366 (and Vatican 108). In version B, Imma Shalom and the philosopher stand for Christianity, for the abrogation of the Torah and of Rabbinic rule on women’s inheritance; whereas Rabban Gamliel stands for Israel and the Torah’s fulfillment. The story in this version would portray a woman as independently negotiating all societal means which would ensure her heritage, and she would not refrain from siding with a representative of the arch-enemy. Changing a *yud* to a *vav*, however, from Ms. Vatican 108, and also deleting the reference to a real lawsuit in Ms. Oxford 366, would make the story much less radical.

In version A, reversely, the philosopher takes his side alone, opposed by two Rabbinic figures. I cannot imagine a time and place in which a copyist of a Talmud would have changed version B into version A for any reason (other than having another text). And yet, version A tells a coherent story and represents the text of the majority which cannot be dismissed based upon an argument based on a *lectio difficilior*. While version B portrays Imma Shalom as actively involved in her struggle for “emancipation,” version A, in the end, at least acknowledges the importance of occasional

solidarity between the genders: it acknowledges that a rabbi needs a woman's help in order to defeat a Christian! In both versions, the story stylizes the respective Christian and Rabbinic rulings on heritage – to exclude or include daughters if a son is present – as the question of the rightful inheritance of God, the Torah, and the Land of Israel itself. It is fully aware that the situation of exile is not easily reconciled with this claim, but provides ample argument that the Christians (as perceived by the Talmud) do not deserve the Holy Land, and hence the Torah and God's favor even less.

The story of Imma Shalom uses a number of sources from the Christian Gospel tradition and shows that the Syriac Christian interpretation of these texts stands in tension with the Gospels' words of Jesus. Previous scholarship on the discussed Talmudic passage did not fully consider the Palestinian predecessor of the story in the *Pesikta*; it did not take into account the variant reading of version B; and it was limited to a consideration of the Gospel material alone. My interpretation of the story differentiates between the Gospel and later Christian materials, and tried to assess the story's legal and cultural background in the Sasanian Empire.

The analysis offers potential for furthering our understanding of Babylonian Rabbinic culture, and can be summarized as follows. The Babylonian rabbis engaged seriously with Christian intellectual and political challenges, using their mastery of texts as their chief weapon. They knew the Gospels very well, but usually allude to them rather than citing them (confirming the recent findings of Peter Schäfer). The rabbis' arguments are sophisticated and use Christian material, yet their implied audience seems to have been exclusively Rabbinic. If my suggested analysis is even remotely correct, it becomes clear that the story's level of discourse and implicitness necessitates familiarity with the Rabbinic, the Christian, and the Biblical tradition.

Finally, and most importantly, scholarship on Rabbinic Judaism increasingly comes to terms with history. The alleged Rabbinic isolationism, which still survives in many scholars' attribution of ignorance of the most basic Christian texts to the rabbis, not only runs counter to the political realities of Late Antiquity, but also ignores the Rabbinic genius that allowed them to re-invent their own tradition while reacting to the changing world around them. The story in both versions seems fully aware of the effects of discrimination against women. Version A responds to this awareness by insisting on Imma Shalom's help when it comes to facing the Christian enemy. Version B depicts Imma Shalom as a dangerous insider who can only be conquered with Rabbinic shrewdness and learnedness.