

FROM THE BIBLE TO THE TALMUD: THE PROHIBITION OF INTERMARRIAGE

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One of the central characteristics of post-biblical Judaism is its prohibition of intermarriage. A Jew may not marry a non-Jew. From Greco-Roman antiquity to the present day this prohibition has been the subject of much discussion. Jewish writers have defended it as necessary for the perpetuation of Judaism. Jewish "reformers" (some would call them "apostates") have attacked it as an unnecessary barrier between Jews and the outside world. Antisemites have used it to prove that the Jews hate the rest of humanity.

The prohibition of intermarriage with all gentiles is not biblical. Leviticus lists numerous sexual taboos (chapters 18 and 20) but fails to include intermarriage among them. Exod 34:15 and Deut 7:3-4 prohibit intermarriage with the seven Canaanite nations, and Deut 23:2-9 prohibits four additional nations from "entering the congregation of the Lord," perhaps a prohibition of marriage. But neither Exodus nor Deuteronomy prohibits intermarriage with all non-Israelites, and neither accords any centrality or unusual importance to the prohibitions which it does contain. Since biblical Israel was a nation living on its own land, it had no need for a prohibition of intermarriage with all outsiders.

Attitudes changed when conditions changed. In the wake of the destruction of the temple in 587 BCE, Judea lost any semblance of political independence, the tribal structure of society was shattered, and the Israelites were scattered among the nations. In these new circumstances Israelite religion gradually became Judaism, and Israelites gradually became Jews. Of the numerous differences between Judaism and Israelite religion, two are important here: (1) Judaism prohibited intermarriage with all outsiders but (2) permitted gentiles to convert and become (almost) equal to the native born. The process which yielded these innovations had already begun by the time of Ezra and Nehemiah, was well under way by the time of the Maccabees, and was substantially complete by the time of the Talmud.¹

1. For the development of the ideology and rituals of conversion, see Cohen 1983a. For

The ostensible lack of scriptural support for these innovations posed a dilemma for some Jews. For them the only solution was the imposition of the new realities upon the laws and narratives of Scripture (witness the repeated rabbinic attempts to prove that the doctrine of resurrection was to be found in the Torah and the Prophets and the Writings! B. *Sanhedrin* 90b-92a). This approach buttressed the authority of the innovations against those who would attack them or reject them. Other Jews, perhaps less constricted by external pressure, freely admitted that the innovations were not of Mosaic origin. A full study of this debate and of its relationship to the social history of Jewish antiquity would swell this essay beyond reasonable length. Here I shall briefly trace the attempts of the ancients to interpret the explicit (Deut 7:3-4) and the ambiguous (Deut 23:2-9) pentateuchal prohibitions of intermarriage, and to "discover" a similar prohibition in Lev 18:21.²

Deuteronomy 7:3-4

Dominated by a conception of "the holy land," the levitical code ("P") repeatedly states that all those who live on the land, both Israelites and "resident aliens" (*gêrim*), must abstain from sexual immorality and other sins and must worship God in the proper fashion. Deuteronomy, however, was dominated by the concept of "a holy people." Unlike Leviticus it hardly ever speaks of the legal equality of the "resident alien" with the native born, and it frequently contrasts the nation of God with the other nations of the world (Weinfeld 1972b, pp. 225-232). Hence it is not Leviticus but Deuteronomy which contains the classic pentateuchal prohibition of intermarriage (Deut 7:1-4):

When the Lord your God brings you to the land that you are about to invade and occupy, and He dislodges many nations before you — the Hittites, Girgashites, Amorites, Canaanites, Perizites, Hivites, and Jebusites, seven nations much larger than you — and the Lord your God delivers them to you and you defeat them, you must doom them to destruction: grant them no terms and give them no quarter. You shall not intermarry with

the development of the prohibition of intermarriage, see Epstein 1942, pp. 145-219. A new and unbiased study of the subject is needed. Löw 1893 (originally published in 1862) and Kittel 1937 are still worth reading, but the former was written by a rabbi concerned about the rise of intermarriage among European Jewry, and the latter was written by a Nazi sympathizer eager to justify the Nuremberg legislation. Bleich 1981 is a careful collection of Talmudic and post-Talmudic texts, but its naive fundamentalism and anti-historical pietism render its conclusions useless for the historian.

2. Elsewhere I hope to study the interpretations of the narrative material and of Deut 21:10-14 (permission to marry a war captive).

them: do not give your daughters to their sons or take their daughters for your sons. For they will turn your children away from me to worship other gods, and the Lord's anger will blaze forth against you and He will promptly wipe you out.

Closely parallel is Exod 34:11-17 (whose precise relationship to Deuteronomy is not our concern):

I will drive out before you the Amorites, the Canaanites, the Hittites, the Perizites, the Hivites, and the Jebusites . . . You must not make a covenant with the inhabitants of the land, for they will lust after their gods and sacrifice to their gods and invite you, and you will eat of their sacrifices. And when you take wives from among their daughters for your sons, their daughters will lust after their gods and will cause your sons to lust after their gods . . .

The injunction upon the Israelites to slay the Canaanites and abominate Canaanite cultic practices appears elsewhere (Exod 23:23-24; Deut 12:1-3 and 20:16-18) but the interdiction of marriage with the Canaanites appears only in these two sets of verses.

Does this prohibition apply to all gentiles or only to the seven Canaanite nations? The answer is clearly the latter. Moses commands the Israelites to destroy the seven Canaanite nations because they threaten Israelite religious identity and live on the land which the Israelites will conquer. Intermarriage with them is prohibited. The Ammonites and Moabites, somewhat more distant and therefore somewhat less dangerous, were not consigned to destruction and isolation; they were merely prohibited from "entering the congregation" (Deut 23:4). The Egyptians and Edomites were even permitted to "enter the congregation" after three generations (Deut 23:8-9). Other nations, even further removed from the Israelite horizon, were presumably not subject to any prohibition.³

Internal biblical evidence confirms this interpretation of Deut 7:3-4. Joshua warned the Israelites not to intermarry with the nations who remained in Canaan (Josh 23:12) but his warning went unheeded (Jud 3:1-7). Many nations tested the Israelites' loyalty to their God, but only the Canaanites caused the Israelites to sin through intermarriage.⁴ The rebuke delivered to Samson by his parents (Jud 14:3, "Is there no one among the daughters of your own kinsmen . . . that you must go and take a wife

3. Does Deut 25:17-19 assume that marriage with the Amaleqites was forbidden?

4. Solomon should have refrained from marrying "Sidonian women" (1 Kgs 11:1) because they too were Canaanites (Gen 10:15) and included in the Deuteronomic prohibition. In the Hellenistic period the Samaritans called themselves "the Sidonians in Shechem."

from the uncircumcised Philistines?") indicates that some Israelites could frown upon an intermarriage even if it was not specifically prohibited, but a long time passed before this attitude was given legal expression. The transition to a broader understanding of Deut 7:3 is implicit in Ezra 9:1. The women whom Ezra attempted to expel from Jerusalem were similar in their abominations to the Canaanites, Hittites, Perizites, Jebusites, and others. The precise identity of these women is obscure, but they certainly were not Canaanites, Hittites, Perizites, and Jebusites, none of whom had been seen in Israel for centuries. But because they were as abominable as the Canaanites had been, intermarriage with them was forbidden. In order to justify his interference in the marriages of the Jerusalemites, Ezra resorted to creative exegesis and virulent rhetoric (Kaufmann 1977, pp. 337-339).

The same double technique was employed by the author of chapter 30 of *Jubilees*, the earliest extant document (mid-second century BCE) to state that Moses outlawed intermarriage with all gentiles. In contrast to the Hellenizers who wished to become just like all the other nations, the Maccabees and their supporters promoted an ideology of separation from the gentiles. Various works of this period either excuse or extol the massacre of Shechem by Simon and Levi although the patriarch Jacob condemned it (Collins 1980 and Pummer 1982). Intermarriage and other violations of fundamental norms were deemed worthy of capital punishment (Alon 1977, pp. 114-119). *Jubilees*, aware of those who disguised their circumcision and flouted the law, denounces all who would marry a gentile or allow a gentile to marry a daughter of Israel. Unlike Ezra, however, *Jubilees* attaches its rhetoric not to Deut 7:3-4 but to Lev 18:21 (see below). Similarly, other works of the Maccabean period protest against intermarriage, but none of them base their argument on Deut 7:3-4.⁵

The earliest extant continuators of Ezra's exegesis of Deut 7:3-4 were Philo and Josephus, both of whom lived in the first century CE, the former in Alexandria, the latter in Rome. When discussing the laws of forbidden marriages, the Alexandrian writes the following:

But also, he [Moses] says, do not enter into the partnership of marriage with a member of a foreign nation, lest some day conquered by the forces of opposing customs you surrender and stray unawares from the path that leads to piety and turn aside into a pathless wild. And though perhaps you

5. *Testament of Levi* 9:10 and 14:5-8 (and elsewhere in the *Testaments*); cf. *Tobit* 4:12-13. Deut 7:1-4 and Exod 34:11-17 are paraphrased without any remarkable additions in *The Temple Scroll* column 2 (ed. Y. Yadin, 2:1-3).

yourself will hold your ground . . . there is much to be feared for your sons and daughters. It may well be that they, enticed by spurious customs which they prefer to the genuine, are likely to unlearn the honor due to the one God. (*On the Special Laws* 3:29 [ed. Colson, vol. 7, pp. 492-493])

The reference to Deut 7:3-4 is implicit but unmistakable. Since the scriptural reason for the prohibition applies equally to all gentiles, Philo concludes that the prohibition itself applies equally to all gentiles. Josephus reaches the same conclusion (*Jewish Antiquities* 8:190-196; cf. 11:139-153). The exegesis of Philo and Josephus, no less than that of Ezra and Jubilees, was determined by the anti-traditional behavior of some of the Jews around them. Philo knew many Alexandrian Jews who intermarried or committed other forms of apostasy (Wolfson 1968, vol. 1, pp. 73-85).⁶ The two speeches inserted by Josephus (*Jewish Antiquities* 4.134-138 and 145-149) into his paraphrase of Num 25 (in the first speech the Midianite women persuade the Israelite men to have sex with them and worship their gods; in the second speech Zimri explains why he is willing to accept their kind offer) suggest that he was familiar with the arguments of those Jews (in Rome?) who sought to legitimate intermarriage.⁷ These two Greco-Jewish authors indicate their disapproval of intermarriage by deeming it a violation of a Mosaic ordinance. In the first century CE Deut 7:3-4 was replacing Lev 18:21 as the proof-text for this argument (Mishnah *Megilla* 4:9; see below).

Let us now turn to the rabbinic material. Rabbinic society was not much affected by intermarriage. The Palestinian Talmud has a rabbi castigate the Jews of Sepphoris (who, like the ancient Alexandrians, had a well deserved reputation for contumacy and insolence) because many of them were committing "acts of Zimri," i.e., having sexual liaisons with gentiles (P. *Ta'anit* 3:4 66c). The Babylonian Talmud shows that some Jews on the other side of the Euphrates were guilty of the same crime (B. *Berakot* 58a and *Ta'anit* 24b). But sexual liaisons were not intermarriage, and intermarriage was not a serious problem.⁸ The prohibition of inter-

6. Even if this description was shaped by Wolfson's familiarity with the Jewish scene in New York in the 1930's (Schwarz 1978, p. 155), it appears to be an accurate portrait of Alexandrian Jewry as well.

7. Compare the argument advanced by the Roman *hegmon* who was offended by R. Aqiba's refusal to accept the women who had been provided him for the evening (*Ahot de-rabbi natan* A 16, p. 32a ed. Schechter). To what extent the *Jewish Antiquities* reflects the concerns of the Jews of Rome is a difficult question. Tacitus, a Roman contemporary, could say of the Jews *alienarum concubitu abstinent* (*Histories* 5.5.2).

8. See Lamentations Rabbah pp. 47a-b ed. Buber (the Jews could intermarry with the gentiles and thereby end their sufferings, but they remain loyal to God). In areas outside the

marriage does not even appear in the Mishnah (aside from a few passing references like *Sanhedrin* 9:6).⁹ The Palestinian Talmud too hardly discusses the prohibition, and when it does, it seems to say that Deut 7:3-4 refers only to the seven Canaanite nations (P. *Šabbat* 1:7 3d and *Soṭa* 1:8 17b).¹⁰ Similarly, the named authorities of the Babylonian Talmud hardly discuss the prohibition, and when they do, they assume that Deut 7:3-4 applies only to the seven Canaanite nations (see below).

The Talmudim are aware that the prohibition of intermarriage is a product of second temple times. Jubilees 30 and the other works of the Maccabean period mentioned above are the historical background for the Palestinian tradition preserved in the Babylonian Talmud (B. *ʿAboda Zara* 36b and *Sanhedrin* 82a) that the "Hasmonean Court" decreed that a Jewish man who has a private assignation with a gentile woman, let alone if he cohabits with her or marries her, deserves to be flogged for four reasons: intercourse with a menstruant, intercourse with a slave, intercourse with a gentile, and intercourse with a married woman (according to one opinion in the Talmud, the fourth reason is intercourse with a prostitute).¹¹ A similar antipathy towards gentiles motivated the revolutionaries of 66-70 CE (Hengel 1961, pp. 190-229) and they too might have tried through the "Eighteen Decrees," ascribed by both *Talmūdīm* to the Houses of Hillel and Shammai (P. *Šabbat* 1:7 3c-d; B. *Šabbat* 17b), to prevent any social or sexual intercourse between Jews and gentiles.

The rabbis of the Talmud knew the historical truth: post-biblical Judaism, not scripture, is the source for the general prohibition of intermarriage. This view is extended in a remarkable way by the Babylonian *ʾamōrā* Raba (B. *Yebamot* 76a). According to rabbinic theory, only Jews possess

reach of rabbinic Judaism, intermarriage may have been much more common. See the rabbinic discussion on the family purity of the Jews of Palmyra and Mesopotamia: P. *Yebamot* 1:6 3a-b; B. *Yebamot* 16a-17a; B. *Qiddušin* 71b-72b. The church council of Elvira (Spain, 306 CE; Marcus 1938, pp. 101-102) and the Theodosian code 16.8.6 (339 CE) and 3.7.2 = 9.7.5 (388 CE) had to prohibit intermarriages and other sexual liaisons between Jews and Christians. A full collection of all the rabbinic and non-rabbinic evidence bearing on this question is a desideratum.

9. This is further testimony to the fact that the Mishnah's interests were shaped to a large extent by the levitical code ("P"); see Neusner 1981, pp. 69-75.

10. "Seems to say" because the text is somewhat obscure; see the commentators ad loc.

11. The legal details of this decree are not entirely clear; see the Tosafot ad loc. On the menstrual impurity of gentile women, see M. *Nidda* 4:3 and *Song of Songs Rabbah* 1.1 [paragraph 10] (Solomon sins by having intercourse with his gentile wives while they are menstruant). The disagreement over the last point concerns the validity of marriage among gentiles; see next paragraph. Gentile women have the status of prostitutes: M. *Yebamot* 6:5.

the legal capacity to create marriages (*qiddušin*). Gentiles create a *de facto* status of marriage through sexual intercourse, but are incapable of creating a *de jure* status of marriage (B. *Sanhedrin* 57b and P. *Yebamot* 2:6 4a; Falk 1979 and 1982). Consequently, Raba asked, how could Deuteronomy warn the Israelites not to “marry” the Canaanites when the Canaanites were legally incapable of marriage? He concluded that Deut 7:3-4 prohibits intermarriage only with Canaanites *who have converted to Judaism*. According to Raba, then, not only did scripture fail to prohibit intermarriage with all gentiles, it even failed to prohibit intermarriage with Canaanites who remained Canaanites!¹²

The opposite point of view is presented by the anonymous (*setām*) stratum of the Babylonian Talmud. This stratum, which post-dates the period of the *‘amōrā īm*, is ultimately responsible for the shape and texture of the talmudic discussions. Among many other contributions, it elaborates the arguments of the named authorities, frequently by establishing casuistic distinctions between them, and it creates new debates by contrasting legal opinions which originally had been independent of each other (Halivni 1968-1982). It is this stratum, then, which claims that R. Simon b. Yohai (middle of the second century CE) interpreted Deut 7:3-4 as a general prohibition of intermarriage (B. *Qiddušin* 68b and *Yebamot* 23a). The claim was based on the alleged readiness of R. Simon to draw inferences from the reasons for the commandments.¹³ Since the reason for the prohibition was “for they shall turn your son astray,” a reason which, as Philo and Josephus noted, applies equally to all gentiles, the Babylonian Talmud concluded in R. Simon’s name that the prohibition too applies equally to all gentiles. The conclusion was also suggested, I presume, by R. Simon’s exegesis of Deut 7:4 for which the Babylonian Talmud did have a good tradition (compare P. *Yebamot* 2:6 4a and *Qiddušin* 3:14 64d). Translated literally, Deut 7:4 reads “For he shall turn your son away from me,” although the context and the sense demand either “they [that is, the Canaanites] shall turn your son astray” (as in the Jewish Publication Society

12. Medieval Talmudists inquired whether Deut 7:3-4 applied only to the Canaanites in the Land of Israel or to all Canaanites everywhere, but as far as I know this refinement of the question is post-Talmudic. See *Halākōt Gedōlōt*, vol. 2, pp. 520-521, ed. E. Hildesheimer (Jerusalem, 1971).

13. Neither R. Simon’s extension of Deut 7:3 to all gentiles nor his readiness to draw inferences from the reasons for the commandments appear in the Palestinian Talmud. We have no way of knowing whether the historical R. Simon would have agreed with the opinions placed in his mouth by the Babylonian Talmud (contrast the blithe certainty of Urbach 1979, vol. 1, pp. 373-377). Our *sūgya* was probably inspired by B. *Baba Meši’a* 115a and *Sanhedrin* 21a (contrast P. *Sanhedrin* 2:6 20c).

translation, quoted above) or "she [that is, the Canaanite wife] shall turn your son astray" (cf. the Targumim). Why *yāsir* and not *yāsiru* or *tāsir*? From this anomaly R. Simon deduced the "matrilineal principle": the son of an Israelite woman is an Israelite ("your son") but the son of a gentile woman is not an Israelite (not "your son"). How the conclusion follows from the peculiar syntax of the verse is not clear, but that is not our concern here. Since the "matrilineal principle" applies to the offspring of all gentile women, not just Canaanites, this exegesis was probably (one of) the source(s) for the deduction of the Babylonian Talmud that R. Simon must believe that Deut 7:3-4 applies to all gentiles, not just the seven nations of Canaan.¹⁴

Because the Babylonian Talmud nowhere states whether the alleged view of R. Simon is correct, medieval scholars debated whether the prohibition of intermarriage with all gentiles was of biblical or rabbinic origin and whether Deut 7:3-4 prohibited only marriages (as Raba said) or non-marital liaisons as well. If any tendency can be detected in these later discussions, it is that the sins of Israel determine retrospectively the content of biblical revelation. In the Islamic east many Jews were engaged in the slave trade and numerous questions arose concerning the sexual abuse of female slaves by their Jewish owners (Wacholder 1956). In response to these conditions, several sources of the period insist that a man who has intercourse with his female slave violates fourteen negative commandments of the Torah (Taubes 1966, p. 445, paragraph #1028).¹⁵ Confronting the great rise in the incidence of intermarriage in modern times, contemporary halakic authorities have generally insisted that the Torah prohibits both marital and extra-marital liaisons with all gentiles (e.g. Löw 1893, pp. 189-200, and Bleich 1981).¹⁶ This may be good halaka and good preventative medicine, but it is bad history and bad exegesis.

14. Perhaps R. Simon also believed that Deut 7:2 (the command to exterminate the Canaanites) applies to all gentiles. Cf. *Mekilta* on Exod 14:7, ed. Lauterbach, I:201.

15. This tendency is already evident in Targum Onqelos on Deut 23:18.

16. See further the Responsa of the Maharam Shick, *'Eben ha'ezer* 154. Aaron b. Elijah the Karaite (c. 1300-1369) p. 147c and other Karaites argue that Deut 7:3-4 applies to all gentiles and that Moses listed the seven Canaanite nations only because they were the closest and the most likely to mingle with the Israelites; cf. the commentary of R. David Qimhi on I Kgs 11:1. Robert Bellarmine (1542-1621), in his *De Sacramento Matrimonii* c. 23 (Bellarmine 1873, p. 117), argues, like Philo, Josephus, and R. Simon, that the reason (*causa*) provided by scripture shows that Deut 7:3-4 applies to all gentiles: a Christian may not marry a non-Christian. The Karaites argued in this fashion because they did not have a binding tradition upon which to rely for a general prohibition of intermarriage; Bellarmine argued in this fashion because he wished to defend the right of the pope to grant dispensations (see Bellarmine p. 120).

Deuteronomy 23:2-9

Deut 23:2-9 prohibits the following groups from "entering the congregation of the Lord": a man with mutilated genitalia, a *mamzēr*, an Ammonite, a Moabite, an Edomite, and an Egyptian (the latter two are permitted to enter the congregation after the third generation). What is the meaning of this prohibition?

The Mishnah and Talmud assume that these verses prohibit marriage (see for example Mishnah *Qidduṣin* 4:3). "To enter the congregation of the Lord" is understood to mean "to marry an Israelite." If Deut 23:2-9 is a logical continuation of Deut 22:13-23:1 (a section dealing with marriage laws), the context would support this interpretation, but in the laws of Deuteronomy textual juxtaposition is not necessarily an indication of thematic connection (Carmichael 1974, p. 67). The strongest support for this interpretation comes from elsewhere in the Bible. Solomon sinned by loving "many foreign women in addition to Pharaoh's daughter — Moabite, Ammonite, Edomite, Sidonian, and Hittite women, from the nations which the Lord had said to the Israelites 'None of you shall join them and none of them shall join you, lest they turn your heart away to follow their gods'" (1 Kgs 11:1-2). Here Deut 7:3-4 is combined with Deut 23:4 and 9. Ezra 9:1 similarly combines Deut 7:3 with Deut 23:4 and 9.¹⁷ In Neh 13:23-28 Nehemiah attacks the sinful marriages of the Jews with Ashdodite, Ammonite, and Moabite women. His rhetorical outburst is dependent not only upon Deut 7:3-4 and 1 Kgs 11:1-2, but also Deut 23:3-4.¹⁸

This was certainly not the interpretation accepted by the author of Ruth. Confronted by a biblical prohibition of intermarriage with Moabites and a biblical book which portrays such a marriage without the least sign of condemnation, the rabbis were forced to conclude that Deut 23:4 applies only to male Ammonites and Moabites, not female (Mishnah *Yebamot* 8:3). The harmony of sacred scripture was maintained and the lineage of King David was freed from stigma, but this desperate exegesis had a cost. The exclusion of female Ammonites and Moabites from the Deuteronomic prohibition violates the simple meaning of the text and contradicts 1 Kgs 11:1 and Neh 13:23. If the author of Ruth knew Deut 23:4 and regarded it as a sacred text which could not be contradicted — two debatable assumptions —, he could not have understood the verse to refer to intermarriage. In fact, the Bible itself justifies a non-rabbinic interpreta-

17. In Ezra 9:1 "Emorite" is a mistake for "Edomite" as many commentators have noted and as the Greek version confirms. Ezra 9:12 quotes Deut 23:7.

18. As Zech 9:6 shows, Ashdodite = *mamzer*; see Ibn Ezra on Deut 23:3 (followed by some modern commentators). This is not the place for a discussion of the term *mamzer*.

tion of the phrase "to enter the congregation of the Lord." "To enter the temple of the Lord" is the only meaning which will make sense in Lam 1:10, "She (Jerusalem) has seen her sanctuary invaded by nations which You have commanded that they may not enter your congregation." The phraseology is the same as that of Deut 23:2-4 and 9, and a reference to marriage is clearly irrelevant. The same interpretation is perhaps assumed by Neh 13:1-9.¹⁹ An anonymous prophet assures the eunuch that in the end of days he will have a secure place in God's house (Isa 56:3-5); the assurance was needed, because (as many commentators have noted) Deut 23:2 seemed to exclude eunuchs from the temple. Like many other gods, the God of Israel did not wish the maimed and the deformed, both animal (Lev 22:17-25) and human (Lev 21:16-24),²⁰ to be brought into his presence. Resident aliens and visiting foreigners could participate to some extent in the temple cult,²¹ but the *mamzēr* and the four nations listed in Deut 23 were not welcome.²²

The Jews of Qumran followed this interpretation. In a text known as 4Q Florilegium, and in a parallel but mutilated passage of the Temple Scroll, the sectarian legislator prohibits the "Ammonite, Moabite, *mamzēr*, gentile (*ben nēkār*), and proselyte (*gēr*)" from entering the temple to be built in the messianic future (Baumgarten 1972 and 1982). One rabbinic text similarly prohibits the *mamzēr* from ever entering the city of Jerusalem (Blidstein 1975); another text prohibits a Jew "to make room" for a proselyte in Jerusalem.²³ These texts clearly assume that the prohibitions of Deut 23:2-9 refer to admission into the temple and/or holy city, not intermarriage.

19. Neh 13:1-2 is a paraphrase of Deut 23:4-6. It is followed by an ambiguous verse (13:3, "When they heard the teaching, they separated all the alien admixture from Israel") and by the story (13:4-9) of the expulsion of Tobiah the Ammonite from the temple. If Neh 13:4-9 is the logical continuation of 13:1-2, Nehemiah understood Deut 23:3-4 to prohibit entry into the temple. He also understood it to refer to intermarriage; see above.

20. See further Tosepta *Sukka* 4:23 p. 277 ed. Lieberman.

21. Exod 12:43-50; Lev 17:8-16 and 22:17-25; Num 9:14 and 15:13-16; 1 Kgs 8:41-43; contrast Ezek 44:9. This subject was intensely debated during late second temple times.

22. For analogous exclusions from Greco-Roman temples, see Bickerman 1946-1947. In a law ascribed to Solon, *nuthoi* (bastards) are excluded from the religious observances of the clan (Demosthenes 43:51 [*Against Macartatus*]); they are also excluded from the religious observances of a private foundation on Cos, c. 300 BCE (Sokolowski 1969, nr. 177, lines 144-149).

23. Blidstein discusses 'Abōt *derahbi natan* A 12 p. 27a ed. Schechter; see also 'Abōt *derahbi natan* A 35 p. 52b ed. Schechter = Tosepta *Nega'im* 6:2 p. 625 ed. Zuckerman, whose textual variants are assembled by Finkelstein 1950, p. 352. Baumgarten 1972, pp. 89-93, attempts to explain how the gentile came to be associated with the *mamzer* in this legislation.

A different tack is taken by Philo and his followers. In numerous passages Philo interprets "to enter the congregation of the Lord" literally: to join the Israelites in their assemblies and convocations, to participate in their festivals and religious life.²⁴ One of these passages, a discussion of Deut 23:8-9, clarifies Philo's intent (*On Virtues* 108 [ed. Colson, vol. 8, pp. 228-229]). The Israelite may not spurn an Egyptian after three generations, but should invite him into the assembly, make him a member of the Jewish polity, and allow him to share in the divine *logoi*. In other words, the Egyptian may convert to Judaism. Clement of Alexandria, Tertullian, and Origen also believe that the literal meaning of "to enter the congregation" is "to be accepted as a member of God's people" (which, for these church fathers, is the Christian church).²⁵ The author of *Judith*, however, did not understand Deut 23:4 in Philonic fashion, because he narrates, without the least sign of disapproval, the circumcision and conversion of Achior, an Ammonite general. In fact, Philo's interpretation cannot be correct. Deut 23:2-9 cannot prohibit conversion to Judaism since, as I noted above, such a concept did not yet exist in pre-exilic times (Milgrom 1982). The rabbis therefore were correct to accept Ammonite and Moabite proselytes (*B. Berakot* 28a).²⁶ But this was not the sort of problem to disturb a philosopher or a church father.

Medieval Jewish exegetes, including Karaites [like Aaron b. Joseph, c. 1260-1320], accepted the rabbinic interpretation of "to enter the congregation of the Lord." Medieval Christian exegetes [like Nicolas of Lyra, c. 1270-1340] followed the interpretation accepted by the Jews of Qumran.²⁷ Modern students of Deuteronomy (e.g., Driver 1895, p. 259; von Rad 1966, p. 146; and Carmichael 1974, pp. 171-173) are similarly divided. Thanks to Sennacherib king of Assyria, contemporary social problems do

24. See the index of biblical passages in volume 10 of Colson's edition of Philo.

25. See e.g. Origen *De Oratione* 20:1 (translated by Oulton 1954, pp. 277-278); further patristic references in Allenbach 1975-1980. An Arabic catena, which may or may not reflect the exegesis of the church father Hippolytus, translates Deut 23:3 as follows: Und kein Mann, der Unzucht treibt [a misunderstanding of the Septuagint's *ek pornes*], darf das Haus Gottes betreten, denn er ist unrein (Achelis 1897, p. 114). This seems to be a continuation of the Qumran understanding of the verse.

26. In a note on *Judith* 14:10 in the *Oxford Annotated Bible*, the editors write "The author seems to have forgotten that the conversion of an Ammonite to Judaism is strictly forbidden by the law (Deut 23:3)." The same mistake appears in Zeitlin 1972, pp. 24-25.

27. See Aaron b. Joseph 1835, commentary on Lev 24:10 and Deut 23:2-3. Nicolas 1545, vol. 1, pp. 357a-b, discusses three interpretations: that of the Jews (marriage), that of the *doctores Catholici* (entrance into the temple), and that of "others" (the assumption of office within the Jewish polity). See further the detailed discussions of Thomas de Vio Caietan (1469-1534) and Cornelius à Lapide (1567-1637) ad loc.

not impinge on this debate the way they impinge on the interpretation of Deut 7:3-4. Ammonites, Moabites, etc., no longer exist (B. *Berakot* 28a). Only an unfortunate few stand to benefit if the rabbinic understanding of Deut 23:3 is rejected and *mamzērīm* are permitted to marry their fellow Jews.

Leviticus 18:21

"Do not allow any of your offspring (*zar'akā*) to be offered up to Molek, and do not profane the name of your God" (Lev 18:21). A prohibition of Molek worship would seem to have its logical place among prohibitions of idolatry and magic (Lev 20:2-5; cf. 2 Kgs 23:10 and Jer 32:35); why does it appear in Lev 18, a chapter devoted to forbidden sexual relationships? We may assume that the Jews of antiquity, no less than modern commentators, were perplexed by this question. They concluded that the verse must prohibit some sexual offense which could be equated with idolatry (Lev 20:5 speaks of those who "go whoring after Molek"), and since the chapter otherwise omits intermarriage, the obvious conclusion was that Lev 18:21 prohibits sexual intercourse with idolaters.²⁸ This, I suggest, was the logic behind the exegesis of Jubilees, Targum Jonathan, and R. Ishmael.²⁹ First Jubilees:

And if there is any man who wishes in Israel to give his daughter or his sister to any man who is of the seed of the gentiles he shall surely die, and they shall stone him with stones, for he hath wrought shame in Israel; and they shall burn the woman with fire, because she has dishonored the name of the house of her father, and she shall be rooted out of Israel. And let not an adulteress and no uncleanness be found in Israel throughout all the days of the generations of the earth; for Israel is holy unto the Lord and every man who has defiled (it) shall surely die: they shall stone him with stones. For thus has it been ordained and written in the heavenly tablets regarding all the seed of Israel: he who defileth (it) shall surely die, and he shall be stoned with stones. And to this law there is no limit of days, and no remission, nor any atonement: but the man who has defiled his daughter shall be rooted

28. Philo too (*On the Special Laws* 3:29) inserts into Lev 18 his discussion of the Mosaic prohibition of intermarriage. He omits any reference to Molek because, as Colson notes, the Septuagint version of Lev 18:21 is incomprehensible (instead of *molek* the Septuagint read *melek*).

29. Weinfeld 1972a, esp. pp. 142-144 (and, in summary form, Weinfeld 1971), argues that this exegesis is correct, at least in part, because the verse prohibits not the *burning* of infants in an idolatrous cult but the *dedication* of one's *zera'*, either "offspring" or "semen," to a pagan god. This is not the place for a discussion of Weinfeld's interpretation: the matter is far from settled. See Smith 1975; Weinfeld 1978; Eback and Rütterswörden 1979.

out in the midst of all Israel, because he has given of his seed to Moloch, and wrought impiously so as to defile it. And do thou, Moses, command the children of Israel and exhort them not to give their daughters to the gentiles, and not to take for their sons any of the daughters of the gentiles, for this is abominable before the Lord. (Jubilees 30:7-11, from Charles 1912, p. 58)

In connection with the story of Dinah and Shechem (Gen 34) the author of Jubilees inserts this tirade against intermarriage, and although he prohibits marriage with both the sons and the daughters of the gentiles, he clearly regards the union of an Israelite woman with a gentile man as the more serious offense. If a man defiles his daughter by giving her to a gentile, the father must be stoned because "he has given of his seed (*zera'* = offspring) to Molek" and the daughter must be burnt "because she has dishonored . . . her father" (cf. Lev 21:9). Since the crime was deemed equivalent to idolatry, it was punished capitally (Alon 1977, pp. 114-119).³⁰

Rabbinic circles were familiar with this exegesis. The "Targum Jonathan" to Lev 18:21 reads, "Do not give your seed (*zera'* = semen) in sexual intercourse with a gentile woman so that she becomes pregnant for foreign worship." R. Ishmael comments on this verse, "He who marries a gentile woman and raises up children from her, raises up enemies against God."³¹ In the two hundred and fifty years between Jubilees 30 and R. Ishmael the exegetical link between Molek and intermarriage underwent a subtle but significant shift. In the rabbinic texts, the primary intent of the verse is to prohibit sexual unions between Israelite men and gentile women, whereas Jubilees understood it to refer to marriages between Israelite women and gentile men. This change probably reflects the growth of the "matrilineal principle," according to which the consequences of a union of an Israelite man and a gentile woman are more serious than the consequences of a union of a gentile man and Israelite woman, since the offspring of the first are gentile and the offspring of the second are Jewish. Jubilees is still unfamiliar with this principle (Cohen 1983b). In any case, for an unknown

30. For intermarriage as a capital crime, in addition to the texts discussed by Alon, see Josephus *Jewish Antiquities* 11:144. Ta-Shema (1966) suggests that the death penalty was deduced from the fact that most of the sexual offenses in Lev 18 were capital crimes.

31. P. *Megilla* 4:10 75c = *Sanhedrin* 16:11 27b; B. *Megilla* 25a. The Peshitta follows Targum Jonathan. See Weinfeld 1972a, p. 142, n. 76, who translates the Targum differently. Instead of "so that she becomes pregnant," Weinfeld offers "to make [the children] pass over to another worship." In any case, a pun on *leha'ahir* ("to cause to pass" and "to impregnate") is clearly intended. Sipre Deut 171, p. 218 ed. Finkelstein, attaches R. Ishmael's comment to Deut 18:10. [For a full discussion see Vermes 1981.]

reason, the Mishnah strongly disapproves of this exegesis and forbids its recitation in synagogue (*Megilla* 4:9). Perhaps the disapproval was directed against the proponents of the exegesis, who were suspected of "heresy," rather than against the exegesis itself.

Conclusion

Moses did not think it necessary to forbid marriage with all foreigners, but later Jews did. During the period of the second temple, with the loss of national sovereignty and the increased interaction with gentiles, the Jews sensed that their survival depended upon their ideological (or "religious") and social separation from the outside world. Since the Mosaic legislation was inadequate for their needs, they erected new barriers between themselves and the gentiles, especially during the Maccabean and rabbinic periods. But in order to emphasize the seriousness of these taboos, many Jews argued that they were of Mosaic origin. During the early Maccabean period the book of Jubilees finds a proof-text (Lev 18:21) on which to hang a prohibition of intermarriage between Israelite women and gentile men. Philo and Josephus rely instead upon Deut 7:3-4, extending that prohibition from the seven Canaanite nations to all gentiles. The rabbis of the Mishnah and Talmud lived in a society which, unlike the Jewish societies of Judea in the second century BCE and Alexandria and Rome in the first century CE, was not much affected by intermarriage. They could admit that it was not Moses but later authorities who forbade sexual intercourse with all foreigners.

Not all of the ancient discussions on this topic, however, mirror social reality. The conflicting interpretations of the prohibition of "entering the congregation of the Lord" did not, for the most part, have practical import. The Babylonian scholars who suggested that R. Simon interpreted Deut 7:3-4 as a general prohibition of intermarriage were, in all likelihood, creating a scholarly construct and not responding to the needs of the hour. The obligation to meditate upon the words of the Torah day and night includes even those portions which do not affect daily life.

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