

Newborn as New Jewish Body: Conversion as Kinship and Bodily Change in Bavli Yevamot

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Abstract:

This study examines how the unique phrase “*A convert is like a newborn infant*” [גר שנתגייר כקטן שנולד דמי] that appears in the Babylonian Talmud (the Bavli) Tractate Yevamot is used to promote the genealogical and bodily construction of the convert's Jewish identity in the context of the Babylonian Talmud. Semantically appropriating the images of renewal and creation in the context of the forgiveness of sins in earlier Palestinian sources during the final process of the Bavli's redaction, the *Stam* (Hebrew, the anonymous redactor of the Bavli) perceived conversion as new birth that could change the convert's genealogical and ethnic identity. The physical, corporeal connotation of the Bavli's newborn imagery implies that the convert is understood as capable of changing his genealogy and body upon conversion. This study also suggests that such a corporeal understanding of conversion in the Babylonian context reflects the broader cultural contexts of Sassanid society in which one's genealogy and body were identified as the primary markers of defining human identity. Moreover, this study seeks to uncover how the newborn imagery defined by the Bavli's strategy of textual reworking and semantic appropriation also shaped the criteria of defining Israel's ethnic membership that guaranteed the convert's full inclusion in the Jewish community with the rhetorical use of discourses of genealogy, the body and the myth of Israel's common historical and ethnic origin.

Keywords:

Conversion, Newborn, Genealogy, the Body, Jewish Identity

新たなユダヤ的身体としての「新生児」 —BT イェヴァモート篇にみる親族的及び身体的変化としての改宗概念—

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要旨

ラビ・ユダヤ教改宗法規はバビロニア・タルムードにおいて体系化された法概念及び制度である。改宗が成就すると、改宗者は「新生児」[קטן שנוולד]とみなされ、それまでの民族的な属性が喪失される為、改宗法規はユダヤ民族的出自を擬制する法制度であると言っても過言ではない。本稿では同タルムード、イェヴァモート篇に登場する語句「改宗者は新生児とみなされる」[גַּר שֶׁנִּתְּגַיֵּר כְּקָטָן שֶׁנִּוְלַד דְּמִי]の概念的発展の経緯に焦点を当て、同語句は同タルムード匿名編纂者（スタム/סתם）がタンナイーム及びアモライームの法伝承に独自の視点を加え、文書的操作を施した結果、生み出されたものであることを実証する。またここからこうした法概念の文書的操作がいに改宗者のユダヤ民族的出自の擬制を可能にしたのかを考察し、同タルムードにおける改宗によってユダヤ民族的出自を擬制する「新生児」の概念が、出自と身体（性）を人間のアイデンティティの根本に据えるササン朝ペルシアの文化的文脈との関わりの中で形成されたものであることも明らかにしていく。

キーワード

改宗、新生児、出自、身体（性）、ユダヤ・アイデンティティ

Introduction

Rabbinic conversion developed by the Babylonian Talmud (the Bavli) exemplifies a radical transition of ethnic identity from gentile to Jew. Particularly the convert is portrayed by the Bavli as a newborn infant (קטן שנולד), implying that he is understood as a new “Jewish” person who is no longer ethnically gentile. Such transformation of identity from gentile to Jew finds concrete expression in the unique phrase “*A convert is like a newborn infant*” (גר שנתגייר כקטן שנולד דמי) in the Bavli Yevamot. This Babylonian newborn imagery suggests that conversion is defined as a legal change that involves the creation of a new entity; especially it serves to mark the severing of the convert’s valid kinship ties with his former gentile relatives. Such severing of the convert’s gentile kinship upon conversion also implies that he can be genealogically affiliated with the family of Israel by having corporeally, though symbolically, been born as a new “Jewish” person. In other words, the Bavli approaches conversion not merely as a theoretical construct but rather as the change of the convert’s physical, corporeal identity, which allows for his affiliation with the peoplehood of Israel defined by its common history and shared descent.

The Bavli’s newborn imagery of conversion reflects the cultural contexts of Sassanian society in which the Babylonian rabbis found themselves, which also corresponded to the final stage of the textual redaction of the Bavli. Importantly, the Bavli’s innovation of conversion as new birth defined through such a process of its textual redaction also suggests that it was a cultural by-product of the rigidly hierarchical society of the Sassanian dynasty that emphasized genealogy and the body as the locus of human identity, which might have shaped the Bavli’s approach to conversion and converts in the bodily terms.

Given the above factors, this study therefore seeks to inquire how the Bavli’s use of newborn imagery in defining conversion reflected or was deeply embedded in the growing concern of the Babylonian rabbis for their genealogical and bodily discourses, implying that conversion as new birth could be understood by the Bavli as a legal mechanism in which the change of the convert’s ethnic identity from gentile to Jew was attainable in the Sassanian context. Historically situated within the broader cultural contexts of Sassanian society in which genealogy and the body served as social markers of defining human identity, first I attempt to identify how the Bavli used such discourses of genealogy and the body as the locus of human identity to conceptualize conversion as the construction of the convert’s physical, corporeal identity. Secondly, in order to help uncover how the Bavli’s discourses of genealogy and the body are intricately intertwined in defining Jewish ethnic identity for the convert, I also try to illustrate how the Bavli’s newborn imagery is

reflected in several discourses of conversion in the Bavli by paying particular attention to the rabbinic use of the myth of Israel's common historical and ethnic origin for legitimating the convert's kinship and ethnic claims to Jewish identity. Finally, this study aims to suggest that the Bavli's use of the newborn imagery of conversion in the genealogical, bodily and mythic contexts could provide the implications for how certain textual, conceptual and legal developments could craft concepts and conventions that demarcate the group boundaries of Jewish identity over time.

1. Appropriating Palestinian Renewal Imagery in BT. *Yev48*

The synoptic textual analysis of the Talmudic texts reveals that the Bavli's understanding of the convert as newborn is in fact derived from its textual reworking of the earlier Palestinian imagery of renewal and creation found in parallel Palestinian sources. In recent years, a number of scholars in the field of textual Talmudic studies have taken on inquiries into the theme of rabbinic conversion in the context of studying conversion to Judaism as part of Jewish identity construction in the formation of rabbinic literature.¹ One of the findings in their academic endeavors is that rabbinic conversion is conceptualized through a long, complicated process of the Bavli's textual transmission and evolution. Moshe Lavee has argued that the Bavli's conceptualization of conversion as new birth is deeply embedded in the complex processes of its textual transmission and evolution called "dominantization," by which earlier Palestinian images, metaphors and ideas were reworked, modified, and transformed into entirely new Babylonian constructs by its late anonymous redactors called the *Stam* [סתם].² Therefore, the Bavli's subtle reshuffling and rephrasing of earlier images and motifs found in Palestinian sources³ in a prolonged process of dominantization eventually led to semantic mutations of such particular images, motifs and phrases, which in turn contributed to shaping new perspectives and meanings on particular themes and laws that were reworked to fit emerging new perceptions namely in the cultural contexts of Sassanian society.⁴

Lavee also argues that the phrase "*A convert is like a newborn infant*" (גר שנתגייר) (כקטן שנוולד דמי), which appears in the tractate of conversion in BT. *Yev48b*, is a unique expression found only in the Bavli.⁵ His synoptic approach to reading the rabbinic texts suggests that various Palestinian motifs and images such as forgiveness/renewal and creation⁶ were textually reworked and semantically appropriated by the *Stam* into newborn imagery in the context of defining conversion as new birth in BT. *Yev48b*.⁷ The Bavli's newborn imagery of conversion portrays such a legal change as the creation of a

new entity, which is different from the person who existed prior to conversion.

While Lavee's reading is highly plausible and persuasive from the standpoint of the Bavli's textual evolution, it does not clearly account for how certain metaphors such as renewal, forgiveness and creation could be shifted to a more corporeal, genealogical concept in defining the convert as newborn. As opposed to Lavee's view, an alternative reading of the Bavli's newborn imagery implied in BT. *Yev48b* is proposed; the erasure of the convert's former gentile identity with the newborn imagery also carries a kinship and bodily connotation through a close examination of the parallel text of *Gerim 2:5*:

BT. *Yev48b*⁸

It was taught in the baraita: Rabbi Hanina ben Rabban Shimon ben Gamaliel said: Why are converts at the present time oppressed and visited with afflictions? It is because they did not observe the seven Noahide commandments. Rabbi Yosi said: (One who has become) A convert is like a newborn infant [גר שנתגייר כקטן שנולד דמי].

*Gerim 2:5*⁹

Rabbi Yehudah says: He (A convert) is not punished [אין נפרעין ממנו], but he is like a one-day-old infant [כבן יומן].

Both "newborn" (קטן שנולד) in the Bavli and "a one-day-old" (בן יומן) in *Gerim* share the common semantics of renewing one's identity in the context of the forgiveness of sins. *Gerim* stresses that the forgiveness of the convert's past sins does not erase his former identity as a gentile but symbolizes the renewal of his state of being as a one-day-infant who never sinned. In the framework of the Bavli's newborn imagery, however, conversion is not perceived as a process in which the convert's past sins are forgiven, but rather stressed as an event that serves to erase the convert's past gentile identity. In other words, the *Stam* of the Bavli semantically reworked and appropriated the Palestinian motif of one-year-old into the Bavli's image of the convert as newborn, which served to erase his gentile identity.¹⁰

Since the verb נפרעין (punished) in *Gerim 2:5* is often associated and contrasted with the verb מהל (forgive),¹¹ I suggest that this Palestinian motif of renewal can be read semantically and midrashically to bring forth a new meaning in the Bavli's genealogical context of defining the convert as newborn. In particular, the term מהל (forgive) or מהול (forgiven), as implied in the context of *Gerim 2:5*, can be semantically appropriated and read as מהול (circumcised) with the slight change of a word from ה to ו. Although it is not explicitly mentioned in both texts, this semantic association between מהול and מהול reveals that the motif of forgiveness as a symbol of one's renewal could be semantically

shifted by the *Stam* to the Bavli's genealogical context of defining conversion as new birth in BT. *Yev48b*.

In other words, it is the motif of circumcision that semantically connects the renewal imagery as seen in *Gerim 2:5* with that of newborn in BT. *Yev48b*. Circumcision, a sign of the divine covenant between God and Israel, bears a genealogical and bodily connotation in the Bavli's discourse of including converts into the genealogy of an ethnic community defined by common descent and history. In fact, the entire context of the second chapter of *Gerim*, particularly *Gerim 2:4* as well as the parallel *baraitot* from *Sifre Num108* and BT. *Karetot9a*, presents circumcision as one of the integral components of confirming the convert's entry into the divine covenant, along with immersion and the sprinkling of blood¹²:

Gerim 2:4

Just as Israelites entered into the covenant by three commandments, so converts enter (by/into the obligation of) circumcision, immersion, and sacrificial offerings.

Sifre Num108, 112

Rabbi says: An Israel came into the covenant in three ways only, immersion, circumcision, and the sprinkling of blood, so are converts similar to them.
BT. *Karetot 9a*

Rabbi says "As you" (Num15:15) – As your forefathers. As your forefathers entered into the covenant¹³ only by circumcision, immersion and the sprinkling of the blood, so shall they (converts) enter the covenant only by circumcision, immersion and the sprinkling of blood.

As these above *baraitot* illustrate, circumcision, which serves as a natural symbol for the divine covenant between God and Israel, also applies to the convert as well. The divine covenant made through a rite of circumcision signifies a symbol of new birth and founding one's new lineage.

Importantly, circumcision as an initiatory rite of new birth affirms the association between the sexual male organ and kinship ties, which renders the penis appropriate as the physical site for symbolizing the divine covenant God had promised to make the progenitor Abraham fertile so that his future descendants would issue from him.¹⁴ The removal of the foreskin thus symbolizes the fertility of the male sexual organ, and the cut also indicates that the lineage, as symbolized by the penis, is severed from all his predecessors.¹⁵

In this sense, circumcision symbolically represents and even helps form

intergenerational continuity between the progenitor Abraham and all his future descendants. Therefore, it can be said that the circumcision of the convert's foreskin as part of the conversion procedure likewise symbolizes the severing of the lineage of his former gentile kin, founding a new Jewish descent by giving this line of all his future (male) offspring a distinctive mark that binds them together. Such a conceptual framework of circumcision as an integral part of the divine covenant in the conversion procedure fitted the genealogical context of the Bavli, in which descent figured as an important feature of defining the communal and ethnic boundaries of Jewish identity.¹⁶ Therefore, such Palestinian renewal imagery could be semantically read as referring to circumcision as a symbol of kinship and descent in the context of Bavli. In this light, the imagery of newborn as a type of kinship reconstruction is deeply implied in the Bavli's discourse of conversion. In what follows, I will discuss the implications of how the Bavli's discourses of kinship and the body would shape conversion in several sugyot (units of Talmudic discussion).

2. Understanding Newborn in the Genealogical and Bodily Context

2-1. The Bavli's Emphasis on Genealogy in the Sassanian Context

As discussed above, the Bavli's conceptualization of the convert as newborn suggests that the significant shift from the Palestinian renewal imagery to the Bavli's newborn imagery also reflects a significant shift in Jewish identity construction from metaphorical imagery to a physical, corporeal entity. In other words, the Bavli's conceptualization of conversion as new birth entails the corporeal, physical change of the convert's kinship, which physically and genealogically integrates the convert into the ethnic community of Israel. Given the above factor, I argue that the Bavli's use of newborn imagery is deeply embedded in the broader genealogical and bodily contexts of the host society of Babylonian Jewry, the Sassanid Persian dynasty.

It is important to note that the Bavli's conceptualization of the convert as newborn is a geo-cultural by-product of the larger cultural environments of the rigidly hierarchical society of the Sassanid Persian dynasty in which Babylonian Jewry found themselves, which historically corresponds to the later stages of the redaction of the Bavli. Zoroastrianism as the dynasty's state religion was officially proclaimed as the sole religious and political entity in the Empire that defined every segment of the Iranian social and cultural life.¹⁷ Especially prevalent in the Iranian social milieu was its greater degree of emphasis on genealogical purity that excluded other ethnic and religious minorities.

Even marriage between different classes such as the one between aristocrats and common folks were severely restricted. Unlike the Greco-Roman milieu, Sassanian culture was rigidly hierarchical with the lower level of social mobility,¹⁸ sharply demarcating the boundaries of each ethnic and religious community.¹⁹ Especially, Zoroastrian priests were anxious about social interaction between members of different religious communities, which led to the exclusion of others on the religious and ethnic grounds.²⁰

Such prevailing cultural tendencies in Sassanid Persian society therefore had a huge impact on the way the Babylonian Jews, namely the rabbis, understood themselves especially in the context of treating kinship as an essential feature that defines the boundaries of an ethnic group called Israel. This highly hierarchical Iranian social context, as Richard L. Kalmin has often pointed out, gave rise to growing sensitivities toward the purity of genealogy particularly among the Babylonian rabbis, inculcating them with exclusionary practice on the basis of genealogical grounds.²¹ In the rigidly hierarchical and genealogical Iranian context, social differentiation was practiced and even more intensified among different classes in the Jewish community such as the prohibition of intermarriage between the rabbinic elites and the *am-haaretz* who were not well-versed in rabbinic practices of knowledge for fear that their prestigious lineage might be diluted.²² Or a dress code as a marker of social distinction that differentiated the rabbis from non-rabbinic Jews was such an exclusive social practice.²³ Although they enjoyed a greater degree of religious freedom, they had increasingly become intolerant towards and even suspicious particularly of other religious groups,²⁴ which was likely to affect their view toward conversion as well. One such example was the suppression of their own missionary activity, which might have been heavily affected by the Sassanid persecution of missionary activity among Eastern Christians with the culmination of an anti-alien movement in the time of the Zoroastrian High priest Kirder.²⁵

Such suppression of missionary activity might as well have affected the rabbinic view on their own approach to missionary activity. As seen in several Palestinian sources that portray conversion as new creation (as particularly seen in *Gen Rab* 39.11, 373, *Sifre Deuteronomy* 32, *Gen Rab* 39.14, 378-379, and *Avot de-Rabbi Nathan, B*, 26, 53), these Palestinian sources presented conversion as closely rooted in missionary activity, which also allowed them to associate the images of renewal/birth and creation with the inclusion of the convert in a metaphorical, yet fictive kinship affiliation. Particularly, in such traditions, the theme of the convert as a new creature/creation and newborn is interwoven into several missionary traditions that portray Abraham as a missionary figure,²⁶ which is also linked to the concept of metaphorical paternal kinship, thus allowing the convert to

be defined as a metaphorical offspring of Abraham who is also understood to be an archetypal convert.

However, such a Palestinian missionary model of creating metaphorical paternal kinship through conversion is rejected in the genealogical context of the Bavli. This rejection is expressed through the legal implications of its newborn imagery as severing the legal validity of former gentile kinship ties. In the Palestinian corpus, on the other hand, conversion entails the construction of metaphorical paternal kinship.²⁷

Nevertheless, the Bavli rejects the idea that conversion creates a metaphorical family affiliation with Israel by suppressing the Palestinian missionary tradition. In reference to Mishnah *Bikkrim 1:4*, it is ruled that a convert may not recite the declaration of *Deut. 26:3* “I declare today to the Lord our God that I have come to the land the Lord swore to our ancestors to give us” since he is not understood as an offspring of “our fathers.” The Palestinian Talmud (PT, the Yerushalmi), however, takes a more lenient approach:

PT. *Bikk1:4, 64a*

It was taught in the name of R. Yehudah: A convert may bring (the first fruit) and recite (the verse from Deut. 26:3, “God of our fathers/ancestors”). What is the reason? “I have made you the father of a multitude of nations” (Gen 17:5). In the past, you were the father of Aram, but henceforth you are the father to a multitude of nations. R. Yehoshua ben Levi said: The law is in accordance with R. Yehudah. A case came before R. Abbahu, and he ruled according to R. Yehuda.

Here the biblical notion of Abraham as the archetypal forefather of nations is used to support the inclusion of the convert in the paternal, though metaphorical, lineage of Abraham. This inclusive tendency is expressed to promote the concept of the metaphorical paternity of Abraham implied in Palestinian missionary traditions. The Yerushalmi claims that later Amoraic authorities follow this legislation. The Bavli (BT. *Mak19a*), however, rejects the Yerushalmi’s legislation, instead declaring that the convert cannot recite the word “our fathers” due to his lack of Jewish ancestry. The Palestinian missionary tradition stresses the sharing of metaphorical paternity with Abraham, which guarantees the convert’s full inclusion while the Bavli does not formulate the idea of metaphorically including the convert in a family affiliation with Israel through the paternal lines of Abraham as an archetypal forefather created through conversion.

Given the genealogical context of Sassanian society, the Babylonian rabbis suppressed their own missionary tradition that promotes a metaphorical understanding of the convert’s identity formation defined through conversion. Or it could perhaps be argued that they gradually came to view conversion not as a form of the expression of religiosity

that promotes one's personal matter of faith among non-Jews, but rather as a form of actual Jewish kinship construction made through severing of legal validity of gentile family ties. As previously illustrated by BT. *Yev48b*, since the convert is understood as a newborn, he is no longer related to gentile relatives he had prior to his conversion. Such kinship severing upon conversion would thus serve to mark the physical and corporeal transformation of the convert's identity.

2-2. Understanding Newborn as the Bavli's Bodily Discourse

Moreover, it is highly probable that the rabbinic emphasis on genealogy in the Sassanian context might account for the rabbinic conceptualization of conversion as new birth in the bodily context. Another significant factor that might account for the Bavli's newborn imagery in defining conversion is that the Bavli demonstrates its growing sensitivity to the body as the locus of a person's identity.²⁸ In fact, the rabbinic discourse of conversion in the Bavli as new birth indicates that when the Bavli refers to the convert as a newborn infant (קטן שנוולד), his new kinship or new body is strongly implied. On the other hand, no such reference can be found in the parallel expression "one-day old infant" or "one-year old infant" (בן שנתו/בן יומו) in Palestinian rabbinic sources.

In the context of the Bavli, physical and corporeal imagery is thus used to portray converts in the corporeal and genealogical terms. For instance, in BT. *Yev23a*, conversion carries a more corporeal and physical connotation to such a hyperbolic extent that a gentile person becomes "another body" (גופא אחריןא) upon conversion:

BT. *Yev23a*

The verse states: "The daughter of your father's wife" (Lev18:9) and this means that whoever has enter into a marital relationship with your father, which excludes his sister from a Canaanite maidservant or a gentile woman, with whom no marital relationship is possible... It should include a (Canaanite) maidservant or a gentile woman, as if she converts, betrothal can come into effect with (the father of the household) himself. (The Gemara answers) After her conversion, she becomes another different body [לכי מגיירא גופא אחריןא היא], who may be permitted to marry the father of the household, who is originally forbidden to her by the prohibition of incest.

The phrase "after her conversion, she becomes another body" (לכי מגיירא גופא אחריןא היא) refers to a manumitted female gentile/Canaanite maidservant. She is theoretically understood as becoming "another body" (גופא אחריןא) upon her emancipation, which is also viewed as equivalent to conversion. This indicates that the emancipation of a Canaanite maidservant or the conversion of a gentile woman allows her to marry the

“(Jewish) father of the household,” originally forbidden to her by the prohibition of incest set forth in *Lev18:7*. Although the word גופא can also be translated as “entity,” it carries a physical and corporeal connotation, implying that conversion is understood as an actual bodily transformation of the convert’s corporeal identity.²⁹

Similar to the notion of “another different body” as seen in BT. *Yev23a* is a theoretical case of “two different mothers” in BT. *Yev97b* in the context of emphasizing conversion as rooted in newborn imagery:

BT. *Yev97b*

Although the first son was not conceived (prior to the mother’s conversion) but born in the holiness of Israel (after her conversion), and the second one was both conceived and born in the holiness of Israel (after her conversion), such brothers might be considered as (the sons of) two different mothers [וכשתי אמהות דמרו] (who might thus be permitted to marry each other’s wives, to whom they are not considered as paternally related by blood) even if they are nevertheless prohibited (from performing levirate marriages with their paternal sisters-in-law).

According to this sugya, there conceptually exist *two different mothers*, who conceived two different male offspring *prior to* or *after* her conversion. Here the mother who conceived the first male *prior to* her conversion is not ethnically and genealogically considered as the same person who conceived the second male *after* her conversion; the former is understood as a gentile woman while the latter refers to a Jewess. This also indicates that her two male offspring, who were conceived and born *before* and *after* her conversion, are conceptually two different individuals who are NOT genealogically related to each other. The converted mother cannot thus be genealogically related to her first son conceived prior to her conversion while she is related by blood to her second son because of her transformation from gentile body to Jewish one through conversion. In this situation, the converted mother is actually understood as inhabiting “two separate bodies” within her single body; her body is conceptually bifurcated into two different bodies *prior to* or *after* her conversion, implying that the conception and birth of these two male offspring took place in the *two conceptually different bodies*, one in the body of a *gentile*, the other in the body of a *Jewess*.³⁰ Although her old gentile body still harbors bodily phenomena that took place prior to her conversion, her previous, gentile, kinship status is inconsequential to and is of no impact on the consanguinity of her male offspring conceived prior to her conversion.³¹

Another example of the convert’s bodily change of identity upon conversion is evidenced in the Bavli’s discussions concerning cases involving bodily processes such as

birth and seminal emission in the context of scrutinizing the body of a convert. In BT. *Bekh46b*, the definitive moment at which the laws of birth impurity (that is, bringing birth offerings) take effect is when the forehead of an infant emerges from the converted mother's womb:

BT. *Bekh46b*

In the case of a female convert, if the forehead of her infant emerged from the womb while she was a gentile, and she subsequently converted, she is not subject to periods of impurity and purity and she does not bring the offering for confinement.

This *baraita* in BT. *Bekh46b* illustrates how the definitive moment of birth during the mother's conversion marks the formation of her identity as a Jewess, thus rendering her ritually clean (e.g., she is not subject to the laws of impurity) because during the period when the mother was a gentile, she is ritually clean (e.g., she is neither subject to nor is she incumbent upon the laws of impurity). The *baraita*, however, implies that the definitive moment at which the forehead of an infant emerges from the converted mother's womb³² renders her ritually unclean. This means that the birth of her male offspring *after* her conversion makes her *subject* to the laws of impurity as a *Jewess* in every respect.

In BT. *Niddah43a-b*, the issue concerns whether or not the time when bodily liquids such as urine or semen are produced prior to conversion serves as a marker that renders the convert ritually impure. The convert in this case is rendered ritually pure when the impurity is defined by the time of the production of such bodily liquids prior to conversion. The Bavli's bodily discourses involving conversion were in fact expanded from the Tannaitic principles of a casuistic convention that mark conversion as the definitive moment of defining many laws, most of which deal with the legal implications of events or acts that took place prior to conversion (e.g., In M. *Challah 3:6*, one's obligation to separate a portion of the dough is determined by whether the dough was properly prepared prior to or after conversion). This Tannaitic casuistic convention in fact discusses cases involving bodily processes such as abnormal genital discharge which developed prior to or after conversion. In M. *Zaviim 2:3*, as soon as he underwent conversion, the seminal emission he had prior to his conversion is now regarded as an abnormal genital discharge (זיבה), thus rendering him ritually impure. The law rules that since the seminal emission took place prior to conversion, he is not rendered ritually impure. However, if he converted, and then had an abnormal genital discharge within twenty-four hours, then he would be rendered ritually impure. This case clearly illustrates that any of the bodily phenomena that happened to the body of the convert *prior to* his conversion can be viewed as legally

inconsequential³³; whatever happened to his/her body *prior to* his/her conversion no longer matters because two bodily phenomena, namely seminal emission and abnormal genital discharge, happened in two conceptually different *bodies*, one in the body of a *gentile*, the other in the body of a *Jew*.

As the above body-related laws in the Bavli (including the Mishnah as well) demonstrate, the body of the convert is understood as highly corporeal. Conversion in these body-related laws in the Bavli is also presented as a marker of a bodily change that sharply differentiates the body of a convert/Jew from that of a gentile.³⁴ Although no references may be made in association with the newborn metaphor in these laws, it is strongly implied that the Bavli's association of the convert with newborn imagery is directly connected with the rabbis' growing interest in genealogy as well as the physical body as the locus of human identity. Therefore, it can be suggested that the Bavli's attempts to textually rework and semantically appropriate the Palestinian metaphors of renewal and creation into its newborn imagery in conceptualizing conversion as new birth are thus reflected in its primary concerns for genealogy and the body as the locus of human identity in the genealogical context of Sassanian society.

3. Defining Newborn as Crafting Israel's Common Past for Converts

Examining the association of conversion with bodily phenomena shown in several rabbinic sources, we have learned that the Bavli's use of newborn imagery in defining the corporeal identity of the convert emerged from its genealogical and bodily discourses deeply embedded within the Sassanian cultural context. As Lavee's study on the synoptic reading of several Palestinian sources into the Bavli's textual context also demonstrates, the Babylonian construct of the convert as newborn is a product of a long process of the *Stam*'s textual efforts to semantically rework and appropriate the motifs of forgiveness, renewal and creation that were preserved in several Palestinian rabbinic corpus. In other words, the Bavli's textual strategy of dominantization took place in its genealogical and bodily context situated in Sassanian society; the earlier Palestinian images of renewal and creation were thus semantically appropriated and reshaped by the *Stam* into the genealogical and bodily frameworks of defining conversion as new birth, strongly implying that conversion involves the corporeal and kinship transformation of the convert's physical body.

Therefore, the Bavli's conceptualization of the convert as newborn entails the creation of an actual corporeal and physical entity, which allows for the convert's physical

affiliation with the actual Jewish ethnic community, whose shared descent is defined by its common historical origin. As previously discussed above, the Bavli suppressed and even rejected the Palestinian missionary model of conversion, in which the convert could share metaphorical paternity with the archetypal convert, Abraham, as seen in PT. *Bikk 1:4, 64a*. However, even if such a previous model was rejected, perhaps on the surface, the Bavli's portrayal of the convert as newborn, as seen in several sugyot in the Bavli that deal with its bodily discourses, clearly suggests that its model of conversion involves the creation of a corporeal entity, namely the convert's physical, corporeal body, particularly through severing of valid kinship ties with his gentile relatives. Therefore, I strongly assert that it is in the context of the Bavli's conceptualization of the convert as a corporeal, physical entity/body that enabled the *Stam* to craft the convert's genealogical identification and continuity with the ethnic community of Israel with its rhetorical use of the myth of Israel's common historical and ethnic origin.

Dennis K. Buell's study on ethnic reasoning in the development of early Christianity provides a helpful insight into the intricate connection between ethnicity and religious culture particularly in the context of mythmaking as part of appeals to common historical origin as a site for authorizing kinship and ethnic claims. Buell asserts that appeals to kinship claims were commonly practiced in ancient Mediterranean culture. Crafting both history and genealogy, people come to be defined as descendants of particular ancestral figures.³⁵ With the discursive use of the past, they negotiate the change of their identity "by appealing to restoration of ancient practices or continuity of descent,"³⁶ which allowed them to be genealogically, albeit fictively, affiliated with such mythic figures.

An attempt to actually connect the convert to the historical continuity of what the Babylonian rabbis might have understood as Jewish peoplehood involves their effort to interpret Israel's common past along with the rhetorical use of their genealogical and bodily discourses. The Bavli's use of newborn imagery through its strategy of dominantization instrumentally serves to negotiate the fixity of the convert's genealogically ambiguous ethnic identity by grafting him into the myth of Israel's common historical origin, particularly the collective narrative of its common past. Invoking the group's common past, as Buell argues, serves to authorize its common belief and value that shape the formation of its present identity, thus solidifying a sense of fixity that ensures its historical continuity across the generations.³⁷ By rhetorically appealing to Israel's common past, the *Stam* could connect the convert who is defined as newborn to a genealogical and historical link between Israel's common ancestry in the past and the convert himself in the present.³⁸ Under such a conceptual framework, the Bavli

understood the convert, who is no longer considered as *ethnically* gentile upon conversion, as having already been born into Jewish peoplehood.

Some texts of the Bavli may not directly reflect its newborn imagery but presuppose how the common past is used as a site for authorizing the convert's genealogical claims to Israel's ethnic legitimacy. Some of the sugyot in the Bavli in fact employed the strong motif of evoking Israel's common historical and ethnic origin, that is, the Siniatic revelation. It is the Sinaitic revelation as the divine covenant that serves to link the convert to Israel's common past. It is indeed considered as an archetypal event of both the divine covenant and conversion that gave birth to the people of Israel. In fact, there are several traditions in the Bavli as well as the Palestinian corpus that describe a mutual relationship between the Siniatic revelation and conversion with the use of the common imagery and vocabulary of birth. These traditions in fact stress the motif that the converts were present at the divine revelation at Mt. Sinai along with the native-born Israelites, which serves as an archetype for modeling the actual conversion process later developed in the Bavli. In the following midrashic tradition, the birth of Israel as a people is stressed in the context of making the divine covenant at Mt. Sinai:

Song of Songs Rabbah 8.2:1

Rabbi Berechiah said: Why do they call Sinai "the house of my mother" (Songs 8:2)? That is because Israel was created like a one-day-old infant [בן יומן] there.

Here the Israelites at Mt. Sinai are described as collectively going through a rite of passage. Strongly implied herein is the motif of Mt. Sinai as the mother's womb³⁹ from which the Israelites are born, indicating that those who stood at Mt. Sinai were understood as having been "created" or "newly born" as a people.⁴⁰ Interestingly, the very phrase of a "one-day-old infant" [בן יומן] as also seen in *Gerim* 2:5 is used in the context of undergoing an initiatory rite during Israel's encounter with the divine revelation. Although this phrase in this midrash may not appear to be directly connected with the analogy of the convert as a one-day-old infant [בן יומן] as seen in *Gerim* and other Palestinian sources, there is at least some association between Israel and converts at Mt. Sinai in making the divine covenant with God. However, this midrash's association of the Sinaitic revelation with the birth imagery implies that it is in the Sinaitic revelation as a covenant making event that "converted" those Hebrews who stood at Mt. Sinai into the ethnic group called Israel.

In a similar vein, the motif of the converts who make the divine covenant with God at Mt. Sinai as part of the people of Israel is referred to in both the Tosefta and the Bavli⁴¹:

T. *Sotah* 7:(3) 4-5⁴²

As we found regarding Moses, when he adjured (the sons of) Israel in the plain of Moav, he said to them [...] I swear to you [...] As it is written, “Neither with you only” [ולא אתכם לבדכם] (Deut.29:13)... but with him who is present here [כי את אשר ישנו פה] (Deut.29:14) (with us today do I make this covenant). Where do we derive “with you” [אתכם]? It (“with you”) refers to the following generations and to converts that were added upon them [שנתוספו].⁴³ The verse states: “Neither with you only do I make this covenant [ולא אתכם לבדכם] but rather with him that is not standing here with us today [ואת אשר איננו פה עמנו היום] (Deut.29:14).

BT. *Shevuot* 39a

As we found regarding Moses, our teacher who made an oath to Israel (in the plain of Moav so that they would accept the Torah upon themselves), he said to them [...] (Neither with you only do I make this covenant), but with him who is present here [כי את אשר ישנו פה] (Deut.29:14). I have (derived only) that those who were standing at Sinai [אותן העומדין על הר סיני] (were included in the covenant). From where do we deduce that the following generations, and the converts who will convert in the future [דורות הבאים וגרים העתידין להתגייר]? The verse states: “With him that is not present (here with us today)” [ואת אשר איננו] (Deut.29:14).

It is clearly stressed in both the Tosefta and the Bavli that the future converts are included in the revelatory moment of making the divine covenant with God along with the native-born Israelites. However, the prooftext of *Deut.29:13-14* quoted in the Tosefta reveals that the revelation of the divine covenant refers to the plain of Moav, not Mt. Sinai, while in the Bavli, the native-born Israelites and the future converts refer to those who stood at Mt. Sinai.⁴⁴ The *Stam* intentionally cut off the original biblical context of the plain of Moav as seen in *Deut.29:13-14*, instead placing it in the new emerging context of Mt. Sinai in order to emphasize that the future converts are also included in making the divine covenant with God as part of the people of Israel. The Bavli's shift from the plain of Moav to Mt. Sinai apparently illustrates that the earlier Palestinian tradition of the divine covenant at the plain of Moav as seen in the Tosefta was textually reworked and semantically reshaped in the Babylonian context to connect conversion with the Siniatic revelation, in which the converts are also portrayed as newborns when they accepted the divine covenant in the same way as the native-born Israelites. In other words, one can also see how the textual reworking of the earlier Palestinian motif reshapes the framework of conversion as the formative moment that gives birth to a particular ethnic group.

Another parallel *baraita* from BT. *Shabbat*146a also illustrates the motif of the future converts who are portrayed as making the divine covenant at Mt. Sinai:

BT. *Shabbat 146a*

Why are gentiles morally filthy [מזוהמין]? It is because they did not stand at Mt. Sinai. When the snake came upon Eve (when it seduced her to eat the fruit of the Tree of Knowledge), it injected moral filth [זוהמא]⁴⁵ on her (hence moral filth remained in all human beings). When Israel stood at Mt. Sinai, their moral filth ceased. When gentiles didn't stand at Mt. Sinai, their moral filth never ceased (thus continued to remain in them). R. Aha son of Rava said to R. Ashi: What about converts? He (R. Ashi) said to him (R. Aha son of Rava): Though they were not present (at Mt. Sinai), their guiding stars [מזלייהו] were present [at Mt. Sinai], as it is written: "but with him who is present here with us today before the Lord our God, and also with him who is not here with us today [ואת ראח אשר איננו פה (Deut.29:14)."

This Bavli understood the proof-text of *Deut. 29:14*, "with him who is not present with us here" (ואת אשר איננו פה עמנו) as referring to the convert who is to be integrated into part of the people of Israel in the future generations. Their guiding stars (מזלייהו) serve as a motif that symbolically portrays the future converts as identifying fully with the past, present and future of the people of Israel. This also suggests that the relationship between the Sinaitic revelation and conversion underlies a relationship between myth and ritual. The Bavli's portrayals of the future converts who made the divine covenant with God at Mt. Sinai reflect an understanding that the Sinaitic revelation as a mythic moment is re-enacted through the ritual of conversion, where the converts have become newly born as members of the people of Israel through the acceptance of the Torah. This means that conversion as a ritual is symbolically represented as an active agent in shaping Israel's collective myth.⁴⁶ Through the textual strategy of dominantization, the *Stam* also reshaped the mythic event of the Sinaitic revelation by linking it to conversion as a ritual of making the divine covenant, which allowed the convert to be newly born along with the other native-born Israelites.

More importantly, as the guiding stars of the future converts at Mt. Sinai clearly illustrate, the notion of descent or ethnicity is not necessarily determined by one's actual biological connections with forebears. Rather it is the mythic event of the Sinaitic revelation that defines Israel's ethnic membership in which the convert is also included. In other words, conversion as a ritual of enacting and appealing to the myth of ethnic origin serves as a powerful instrument in shaping ethnic claims to Israel's common past, descent and ancestry.⁴⁷ It is one's subjective recognition of or belief in such shared ancestry/descent that shapes a sense of ethnic consciousness regardless of whether it is assumed or real.⁴⁸ While this narrative in the Bavli seems to present an ideological model that apparently supersedes genealogical descent as a basic marker of Israel's collective

identity, it clearly illustrates the Bavli's rhetorical strategy of appealing to Israel's common past as a site for legitimating the convert's full inclusion in its common past and ancestry, which in turn fitted the genealogical and bodily contexts of the Bavli situated and embedded in the genealogically hierarchical Sassanian social context.⁴⁹ By rhetorically appealing to the myth of Israel's common historical origin and ancestry, the Bavli fictively crafted a type of genealogy that allowed the convert to be affiliated with the family of Israel. In this sense, it can be said that the Bavli's conceptualization of the convert as newborn is deeply embedded in this mythic moment of the covenant making at Mt. Sinai that emphasizes ethnic membership.

For this reason, it is worth pointing out that conversion as an act of mythmaking serves as a ritual of re-enacting Israel's common past. Mythmaking, as Russell McCutcheon maintains, serves as a strategy of abstracting the beginnings from the past, thereby defining one's present by linking it to a mythic moment, which also shapes one's claims about the present.⁵⁰ Along with its genealogical and bodily discourses, the Bavli's appeals to the myth of Israel's common ethnic origin are thus accorded symbolic significance in evoking the group's sense of continuity that enables the convert, who was once considered as the ethnic other prior to conversion, to be grafted into the group even if his Jewish descent as newborn has fictively been crafted. The notion of Israel's collective myth thus functions as a vehicle for validating a historical and genealogical connection between the descendants and the forebear regardless of whether such a connection is historically real or assumed. What matters is an assumed belief in the group's collective myth that shapes reality.

On a final note, the Bavli's association between conversion as new birth and Mt. Sinai as the divine covenant that led to the formation of the people of Israel reflects its textual evolution of dominantization, retroactively crafting specific chronological layers of the transmission of its traditions in which its later phrases, views, tendencies, agendas and concepts were all attributed to, interpolated in and read into the views and phrases of earlier generations of Tannaim and early Amoraim in its strata. This evolutionary process of its textual developments thus created a fictional historical continuity as if the later Babylonian innovative conventions or ideas had already been attributed to and read into the earlier Tannaitic or Amoraic authorities, thereby enhancing their legal authenticity.⁵¹ This suggests that the Bavli's later innovative idea, in which converts as newborn (to be more precise, their guiding stars) were already present to make the divine covenant with God at Mt. Sinai, was retroactively read into the views of its earlier strata in its unique chronological layers, thus creating a fictional historical continuity that guarantees the

convert's full inclusion in Israel's common ancestry. By discursively using the myth of Israel's common origin as rhetoric, along with its emphasis on the genealogical and bodily discourses reflected in the Sassanian context that highly regard the purity of genealogy, the Bavli successfully read the motif of converts as newborns into their being present at the mythic event of the Sinaitic revelation that in turn shaped the birth of the Jewish people.

The Bavli's conceptualization of the convert as newborn thus reflects the *Stam*'s efforts to read conversion as new birth into the layers of Tannaitic and early Palestinian Amoraic traditions by semantically reworking and appropriating such motifs in those texts through its rhetorical device of mythmaking along with its genealogical and bodily discourses, which in turn enabled the convert's affiliation with Jewish peoplehood. In conceptualizing the convert as newborn, the Bavli semantically appropriated not only the earlier Palestinian images of renewal and creation, but also used those newly defined motifs to help redefine the convert's new Jewish descent with rhetorical appeals to the myth of Israel's common origin, claiming that the convert is and has been included and forever entwined in shared birth experience.

4. Conclusion

This study demonstrates that the Bavli's concept of "*A convert is like a newborn infant*" was shaped by the larger cultural environments of Sassanian society in which Babylonian Jewry found themselves. Located deeply within the broader context of Sassanian society that brought forth genealogical and bodily discourses among the Babylonian rabbis who were concerned with genealogy and the body as the locus of human identity, the Bavli's newborn imagery served to portray conversion as a legal mechanism that constructs the physical, corporeal aspect of Jewish identity. By rhetorically using newborn imagery, the Bavli's textual strategy of dominantization also allowed the *Stam* to craft the myth of Israel's common historical origin to promote the convert's full genealogical inclusion in Jewish peoplehood. Moreover, the Bavli's conceptualization of conversion as new birth serves as the primary marker of defining the group boundaries of Jewish identity, in which ethnic identity becomes fluidly subject to change and negotiation in the legal and bodily terms. This is made possible due to the discursive models of tendencies toward well-defined legal definitions and abstraction developed and intensified in the Bavli with its use of genealogical, bodily and even mythic discourses. Such textual and conceptual developments thus served as active agents that shape social and cultural structures that are conducive to crafting concepts, conventions and institutions including

kinship structures, which gradually culminated in the construction of the rabbinic model of conversion that in turn enables a change of ethnic and kinship identity. Therefore, the Babylonian construct of rabbinic conversion as new birth, developed by the Bavli's appropriation of its earlier textual and legal concepts within the particular cultural context of Sassanian society, may well be understood as presenting a mode of Jewish identity formation subject to degrees of fluidity and constant change in ever-changing social and cultural circumstances.

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Notes

- ¹ Recent surveys on the issues of Jewish identity construction in the context of conceptualizing rabbinic conversion are as follows: Shaye J. D. Cohen, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Berkeley: University of California Press, 1999); Christine E. Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* (New York: Oxford University Press, 2002); Moshe Lavee, "A Convert Is Like a Newborn Child: The Concept and its Implications in Rabbinic Literature." PhD diss., Ben-Gurion University of the Negev, 2003 [Hebrew]; Moshe Lavee, "The Rabbinic Conversion to Judaism; The Rabbinic Conversion of Judaism," in *Conversion in Late Antiquity: Christianity, Islam, and Beyond: Papers from the Andrew W. Mellon Foundation Sawyer Seminar*, University of Oxford, 2009-2010. (Arietta Papaconstantinou et al, eds.; Dorchester: Ashgate, 2015), 219-240; Moshe Lavee, *The Rabbinic Conversion of Judaism: The Unique Perspective of the Bavli on Conversion and the Construction of Jewish Identity* (Leiden and London: Brill, 2018); Gary G. Porton, *The Stranger within Your Gates: Converts and Conversion in Rabbinic Literature* (Chicago: University of Chicago Press, 1995); Joe Sakurai, "Inventing Imagined Descent: Theorizing Rabbinic Conversion as the Ethnic Construction of Jewish Identity." PhD diss., The University of Tokyo, 2018.
- ² The methodology of reading the Talmudic texts through the lens of the later anonymous literary tradents was originally introduced by David Weiss Halivni and further developed by his student Shamma Friedman. For more inquiries see, Shamma Y. Friedman, *Talmudic Studies: Investigating the Sugya, Variant Readings and Aggadah* (New York-Jerusalem: JTS, 2010) [Hebrew]; David Weiss Halivni, *Sources and Traditions: A source Critical Commentary on the Talmud Seder Moed from Yoma to Hagigah* (Jerusalem: JTS, 1975); Richard L. Kalmin, *The Redaction of the Babylonian Talmud: Amoraic or Savoraic* (Cincinnati: Hebrew Union College Press, 1989); Moshe Lavee, "Rabbinic Literature and the History of Judaism in Late Antiquity: Challenges, Methodologies and New Approaches," in *Rabbinic Texts and the History of Late Roman-Palestine*: (Martin Goodman and Philip Alexander, eds., Oxford: Oxford University Press, 2010), 319-351; Jeffrey L. Rubenstein, "Introduction," in *Creation and Composition: The Contribution of the Bavli Redactors (Stammaim) the Aggadah*. (Jeffrey L. Rubenstein, ed., Tübingen: Mohr Siebeck, 2005), 1-21.
- ³ Palestinian sources include: (1) Tannaitic literature such as the Mishnah and the Tosefta (including the *Sifre* as well as the *baraita*) (2) Early Amoraic literature including the Palestinian Talmud (the *Yerushalmi*) and the Midrash (including *Midrash Rabbah*).
- ⁴ Moshe Lavee, "The Rabbinic Conversion of Judaism," pp. 15-18; pp. 191-193. This inquiry is greatly indebted to the study of Moshe Lavee, who argues that the Bavli's use of newborn imagery in conceptualizing conversion reflects the unique development of its textual redaction.

Although his study is surely helpful in formulating this inquiry, his approach to uncovering the Bavli's textuality does not cover the implications of how ethnicity, namely Jewish identity, could be understood in the context of rabbinic legal thinking. Therefore, viewing rabbinic conversion as sharply drawn between ethnicity and religio-cultural practice is called into question when it comes to defining the convert as newborn. To help supplement his views in this inquiry, I draw on the views of Dennis K. Buell, who argues on the basis of a number of recent anthropological studies that ethnicity is a social construct that is open to fluidity and negotiation over time in changing social circumstances and that conversion is also understood as a cultural process that enables the crossing of social and ethnic boundaries. Although the intricacy of ethnicity and religion is beyond the confines of this study, hopefully I would like to address that this examination of the Bavli's concept of the convert as newborn requires rethinking on rabbinic conversion in general and the nature and boundaries of Jewish identity in particular. Her view is covered in the latter half of this inquiry. See Dennis K. Buell, *Why This New Race: Ethnic Reasoning in Early Christianity* (New York: Columbia University Press, 2004), 158.

- ⁵ As for the inquiry of the development of the conversion procedure in the Bavli, see Moshe Lavee, "The 'Tractate' of Conversion – BT YEB. 46-48 and the Evolution of Conversion Procedure," *European Journal of Jewish Studies* 4 (2010), 169-214; Joshua Kulp, "The Participation of a Court in the Jewish Conversion Process," *The Jewish Quarterly Review* 94.3 (2004), 437-470.
- ⁶ Lavee, "The Rabbinic Conversion of Judaism," pp. 171-177. The followings are renewal and creation imageries preserved in Tannaitic and Palestinian Amoraic sources: "One-year-old" [בן שנה] in PT. *Bikk3:3, 65c-d a*; "One-year-old infant" [כתינוק בן שנתו] in *Pesikta De – Rav Kahana, Et Qorbani, 4.120*; "Converts as created" [עשן] in *Gen Rab 39.14, 378-379*; "A new creature" [בריה חדשה] in *Gen Rab 39.11, 373*.
- ⁷ Moshe Lavee, "The Rabbinic Conversion of Judaism," pp. 171-180; pp. 185-186; pp. 193-196.
- ⁸ Talmud Bavli Vilna: 1880-1886. Although all of the English translations of primary sources presented are based on those of Moshe Lavee, I modified some of his wordings.
- ⁹ The English translation of this passage is based on Seven Minor Treatises: Edited by E. Hildsheimer and N. Z. Hildsheimer. New York: Bloch, 1930. Some modifications are mine.
- ¹⁰ Moshe Lavee, "The Rabbinic Conversion of Judaism," pp. 173. This is what Lavee calls a "continuity of personality."
- ¹¹ This is also suggested in Sifre Zutta 27:17, 320. לא הוצאת את ישראל ממצרים על מנת שיהו חוטאין. ואתה נפרע מהן אלא על מנת שיהו חוטאין ואתה מוחל להם. Cf. Moshe Lavee, "The Rabbinic Conversion of Judaism," pp. 173, n. 3.
- ¹² Note that the sprinkling of blood, once practiced during the Second Temple period, was considered as a statutory act of the convert's sacrifices that had to be brought to the Temple, which would enable his entry into the community of Israel. Interestingly, Nancy Jay pointed out that there is a correspondence between circumcision and sacrifice in that [Israelite] sacrifice itself is a way of creating kinship ties among men along with circumcision. This suggests that the practice of sacrifice along with circumcision as integral parts of conversion could enable the (re)construction of the convert's kinship status as part of the people of Israel. Nancy Jay, "Sacrifice As Remedy for Having been Born of Woman," in *Immaculate and Powerful*. (C. W. Atkinson et al eds; Boston: Beacon Press, 1985), 283-309; "Sacrifice, Descent, and the Patriarchs," *Vetus Testamentam* 38 (1), 42-70.
- ¹³ Interestingly, a comparison between *Gerim 2:4* and BT. *Karetot8b* reveals the shift in the use of the verb נכנס (enter). In the *baraita* preserved in *Gerim 2:4*, the convert's entry refers to the entry into the covenant [ברית], whereas the Bavli points to his entry into the congregation [קהל], which shows that the *baraita* in *Gerim* was likely reworked by the *Stam* to mean that conversion, originally understood as entry into the divine covenant by circumcision, immersion, and the sprinkling of blood, comes to be perceived as entering the actual congregation supposedly defined by the group's common history and descent. Cf. Moshe Lavee, "The Rabbinic Conversion of Judaism," pp. 253.

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- ¹⁴ Howard Eilberg-Schwartz, *The Savage in Judaism: An Anthropology of Israelite Religion and Ancient Judaism* (Bloomington and Indianapolis: Indiana University Press, 1990), 167-173.
- ¹⁵ Howard Eilberg-Schwartz, "The Savage in Judaism," pp. 167-170. For instance, as the progenitor of Israel's lineage, Abraham, who is often portrayed as the archetypal convert or ancestor of all future converts in the Palestinian tradition of PT. *Bikk1:4, 64a*, is portrayed as being distinguished from all of his kin who came before him, but he was connected to all his descendants. In order for a person to found a new genealogy upon whom his former kin have no claim, there had to be a sharp division between Abraham himself and all of his former kin. Circumcision therefore introduced a genealogical disjunction into his new genealogy, which signifies his new birth. As numerous ethnographies illustrate, the concept of introducing a break between kin by cutting an object in half is not unique to ancient Israel. Particularly among the Nuer, for example, when a man is going to marry a woman of an ambiguous kinship tie, a gourd is split in half to sever such a kinship relation. E. E. Evans-Prichard, *Social Anthropology* (London: Cohen and West, 1951), 30-32, 38, 42.
- ¹⁶ Howard Eilberg-Schwartz, "The Savage in Judaism," pp. 172-176. It thus comes as no surprise that the Bavli's growing concerns with genealogy and decent as integral components of defining the ethnic community of Israel are strikingly similar to those held by the priestly community in the Hebrew Bible. Eilberg-Schwartz also argued that the priestly community considered genealogy and descent as important features in the organization and self-definition of the Israelite community. The success of reproduction and intergenerational continuity among males through a symbolic act of circumcision is crucial for them, which is understood as perpetuating the divine covenant.
- ¹⁷ Richard L. Kalmin, "Genealogy and Polemics in Rabbinic Literature of Late Antiquity," *Hebrew Union College Annual* 67 (1996), 77-94; Isaiah M. Gafni, *The Jews of Babylonia in the Talmudic Era: A Social and Cultural History* (Jerusalem: Shazar Center, 1990), 121-125 [Hebrew]; A. Oppenheimer and M. Lecker, "The Genealogical Boundaries of Jewish Babylonia," in *Between Rome and Babylon: Studies in Jewish Leadership and Society*, (Tübingen: Mohr Siebeck, 2005), 339-355.
- ¹⁸ Isaiah Gafni, "The Jews of Babylonia," pp. 127.
- ¹⁹ E. Yarshter, "Introduction," in *The Cambridge History of Iran*, vol. 3: *The Seleucid, Parthian and Sassanid Periods*, Part 1, ed. E. Yarshter (Cambridge: Cambridge University Press, 1983), xxxvii-xxxviii, xl-xliii; Isaiah Gafni, "The Jews of Babylonia," 97, n. 27.
- ²⁰ E. Yarshter, "Introduction," pp. xivi-xivii.
- ²¹ Richard L. Kalmin, "The Sages in Jewish Babylonia," pp. 8-13. This is what Kalmin calls genealogical anxiety.
- ²² Stuart Miller, *Sages and Commoners in Late Antique Eretz Israel* (Tübingen: Mohr Siebeck, 2006), 302-327; Richard L. Kalmin, *The Sages in Jewish Society of Late Antiquity* (London-New York: Routledge, 1999), 45; Jeffrey L. Rubenstein, *The Culture of the Babylonian Talmud* (Baltimore and London: Johns Hopkins University Press, 2003), 123-142; Isaiah Gafni, "A Generation of Scholarship on Eretz Israel in the Talmudic Era: Achievements and Reconsiderations." *Cathedra* 100 (2001), 218; Christine E. Hayes, "The 'Other' in Rabbinic Literature," in *The Cambridge Companion to the Talmud and Rabbinic Literature*. (C.F. Fonrobert and M. S. Jaffee, eds., New York: Cambridge University Press, 2007), 243.
- ²³ Eli Achdut, "Talmudic Expression qaqei hiwware as an Aid in Understanding the Marking of Social Distinctions among Babylonian Jews," *Iranian-Judaica* 5 (2003), 13-26 [Hebrew]; Yaakov Elman, "Acculturation to Elite Persian Norms and Modes of Thought in the Babylonian Jewish Community of Late Antiquity," in *Neti'ot Le-David*. (Y. Elman, E.B. Halivni and Z. A. Steinfeld, eds., Jerusalem: Orhot, 2004), 31-56.
- ²⁴ Isaiah M. Gafni, "Babylonian Rabbinic Culture," in *The Cultures of the Jews: A New History*. (D. Biale, ed., New York: Knopf Doubleday Publishing Group, 2002), 225-265.
- ²⁵ E. Yarshter, "Introduction," pp. xxxiv.
- ²⁶ As for the motif of Abraham who engages in a proselytizing mission to the gentiles, see the following midrashim: *Gen Rab* 84.4, 1004; *Tanhuma, Lekh Lekha*, 12.21a; *Tanhuma, Lekh*

- Lekha* 15. ed. Buber, 36b and note 158; *Esth Rab* 6.2; *Pesikta Rabbati*, 43, 181a-b; *Songs Rab* 1.3:3 based on *Gen Rab* 39:2, 366; *Tosefta Horayot* 2:7; *Mekhilta de-Rabbi Yishmael*, *Yitro* 1, 188-189.
- ²⁷ Moshe Lavee, “The Rabbinic Conversion of Judaism,” pp. 218.
- ²⁸ Yaakov Elman, “He in His cloak and She in Her Cloak”: Conflicting Images of Sexuality in Sasanian Mesopotamia,” in *Discussing Cultural Influences: Text, Context, and Non-Text in Rabbinic Judaism*. (Rivka Ulmer, ed., Lanham: University Press of America, 2007), 129-163; Shai Secunda, “The Construction, Composition and Idealization of the Female Body in Rabbinic Literature and Parallel Iranian Texts: Three Excurses,” *Nasim* 23 (2012), 60-86; Michael L. Satlow, “Wasted Seed”: The History of a Rabbinic Idea,” *Hebrew Union College Annual* 65 (1994), 137-175; Mira Balberg, *Purity, Body, and Self in Early Rabbinic Literature* (Berkeley: University of California Press, 2014), 8-12. The human body, as Mira Balberg points out, symbolically represents or even embodies what constitutes a person/the self. She argues that the *body* as the embodiment of the self denotes a human entity that is capable of actively reflecting on its own actions and thoughts, which implies the body as a willing, self-reflective, and active legal agent, that is, a *subject*. In other words, the rabbinic notion of the body as the self must also be understood as a *subject* especially in relation to Jewish law, which fits the legal context of the Babylonian Jewish culture that redefined the laws of conversion.
- ²⁹ Yael Fisch, “‘His Wife Is Like His Body’: An Interpretation of a Talmudic Idiom.” (MA Thesis, Tel-Aviv University, 2010) [Hebrew]. As Yael Fisch illustrates in her study, the phrase in the Bavli “אשתו כגופו דמי” signifies a physical and corporeal connotation.
- ³⁰ As *tYevl2:2* also suggests, the converted mother who has two separate bodies prior to or after her conversion has two different *halakhic* consequences prior to or after her conversion. Her *gentile body* that conceived the first male prior to her conversion, is of no impact in terms of her legal eligibility for the laws of levirate marriage and the prohibition against marrying the brother’s wife while her *Jewish body* that conceived and bore her male offspring after her conversion makes her male offspring fully eligible for such laws because the converted mother is defined as a *newborn person*, who is perceived as *Israel* in every respect. Saul Liberman in fact interpreted this clause to mean that the converted mother comes to be treated as a native-born Jewess, who gave birth to her Jewish offspring (כלומר כבת ישראל מלידה מִישראל), which implies conversion as transmitting the identity of the progenitor to the next generation. See Liberman, *Tosefta KiFishta: A Comprehensive Commentary on the Tosefta Part VI Seder Nashim*, (New York and Jerusalem: 1967), 40. Cf. Moshe Lavee, “A Convert Is Like a Newborn Child,” pp. 67.
- ³¹ Balberg points out in supporting the view of Christine E. Hayes that the Bavli’s bodily discourse also reflects the rabbinic construction of the intrinsic, fundamental difference between Jews and gentiles. In other words, such a demarcation of boundaries between Jews and gentiles in the context of the bodily discourse of ritual impurity addresses that the discursive construction of the *Jewish body/personhood* via conversion also reflects their discursive attempt to construct *gentile body/personhood*. And the gentile body is defined solely by their inability to be classified as ritually pure or impure according to the rabbinic impurity system. See Mira Balberg, “Purity, Body, and Self in Early Rabbinic Literature,” pp. 134-135. Cf. Christine E. Hayes, “Gentile Impurities and Jewish Identities,” pp. 107-144.
- ³² Moshe Lavee, “Birth, Seminal Emission and Conversion: Gender, Self-Control and Identity in *bBekhot*.” In *Introduction to Seder Qodashim: A Feminist Commentary on the Babylonian Talmud V*. (Tall Ilan et al eds.; Tübingen: Mohr Siebeck, 2012), 286-287. As these Tannaitic texts illustrate, birth-related laws, governed by the internal logic of legal principles of a casuistic convention, present the hypothetical case of conversion as a means for signaling and marking the definitive moment of the applicability of various legal obligations. It is interesting to note that one’s subjectivity to the law upon conversion displayed in these *baraitot* is structurally similar to the Tannaitic laws of (im)purity of artifacts, which rule that the very definitive moment of the production process that transforms raw material into well-defined artifacts marks them as subject to the laws of impurity. This seems to illustrate the double-layered parallelism

- of a semantic marking of identity transformation, in which just as the raw material becomes an artifact through the production process, so too a gentile becomes a Jew/a Jewess upon conversion.
- ³³ Mira Balberg, "Purity, Body, and Self in Early Rabbinic Literature," pp. 134-137. Especially pp. 134. This Mishnah illustrates that the female convert's change of her own *body, self* or *personhood* via conversion implies her change of *subjectivity*. Her bodily phenomena such as birth that took place *after* her conversion serve as an identity marker that signals the change of her legal subjectivity.
- ³⁴ See Christine E. Hayes, "Gentile Impurities and Jewish Identities," pp. 107-144. Again, given the cultural contexts of Sassanid society that emphasizes the purity of genealogy along with the centrality of the body as a site for identity shared among the Babylonian rabbis, it is apparently clear that the Babylonian discourse of conversion had to involve the construction of the intrinsic, fundamental difference between Jews and gentiles in the bodily terms, which might have been reflected in these body-related laws in the Bavli.
- ³⁵ Denise K. Buell, *Why This New Race: Ethnic Reasoning in Early Christianity* (New York: Columbia University Press, 2005), 63-64; 75-84.
- ³⁶ Denise K. Buell, "Why This New Race," pp. 78.
- ³⁷ Denise K. Buell, "Why This New Race," pp. 64; pp. 75-76. As part of crafting their common historical origin, the Greeks and Romans frequently recited the noble genealogy of one's kin to secure one's legitimately powerful status. See Divus Julius 6.1 for Julius Caesar's claim to his noble ancestry. Also compare the Yerushalmi's claim of the convert being a descendant of Israel's progenitor Abraham in PT. *Bikkurim 1:4, 64a*, even though the Bavli rejected the Yerushalmi's view on such a claim on the surface.
- ³⁸ Sam K. Williams, "Promise in Galatians: A Reading of Paul's Reading of Scripture," *Journal of Biblical Literature* 107 (1988), 717. Williams describes such a phenomenon as "the Hebraic concept of the inclusion of descendants in the progenitor." He points out that a people's ancestor and the ancestor's offspring are genealogically identical in that the offspring are incorporated into their ancestor. Hence both of them are organically connected as a united, corporate group of people.
- ³⁹ Elisheva C. Fonrobert, *Menstrual Purity: Rabbinic and Christian Reconstructions of Biblical Gender* (Stanford: Stanford University Press, 2000), 54 n. 38-39. Cf. Moshe Lavee, "The Rabbinic Conversion of Judaism," pp. 176.
- ⁴⁰ Interestingly, Gwynn Kessler points out that some midrashic traditions stress that it is the fetus in the uterus that collectively symbolizes the people of Israel. Quoting the prooftexts of *Ps.8:3* and *68:27*, the *Mekhilta De Rabbi Ishmael, Shirata 1* stresses that fetuses who are still in the mother's womb recognize God and praise a song to Him. *Midrash Tehillim 8:3* in fact magnifies the scope of this motif of the Exodus to suggest that while still in the uterus, fetuses witness God's revelation of the Torah and receive it on their parents' behalf. Gwynn Kessler, *Conceiving Israel: The Fetus in Rabbinic Narratives* (Philadelphia: University of Pennsylvania Press, 2009), 29-46.
- ⁴¹ The Babylonian and Palestinian parallel texts of BT. *Yev46a*, BT. *Karetot 9a*, *Gerim 2:4* and *Sifre numbers 108* all suggest that both the converts and the native-born Israelites must enter the divine covenant by way of circumcision, immersion or sacrifice/the sprinkling of blood, as did the forefathers. The addition of the term "our forefathers/foremothers" (אבותינו/אבותנו), particularly found in the mini tractate of conversion in BT. *Yev46a*, suggests the presence of the native-born Israelites at Mt. Sinai, which is understood as referring to the archetypal conversion procedure in the context of the acceptance of commandments. This illustrates that such an understanding is based on the later reworking of both the *Sifre* and *Gerim* because the wording resembles that of Palestinian parallel texts, which seemingly reflects that of the Bavli as well. For the synoptic reading of these parallel texts, see Moshe Lavee, "The Rabbinic Conversion of Judaism," pp. 74-75; pp. 254-257.
- ⁴² This translation is based on the *Tosephta Based on Erfurt and Vienna Codices*. Edited by M.S. Zuckerman. (Pozevolk: Yissakhar Yizhak Meir, 188). Some slight changes are mine.
- ⁴³ *Numbers Rabbah 8:4* also presents that although the converts were not present at Mt. Sinai, their

- ancestors (אבותיהם) were standing at Mt. Sinai, while *Numbers Rabbah 13:15* states that the converts, who will convert in the future for those who were there (Mt. Sinai), are all fit for conversion (שעתידים להתגייר ושהיו שם שכולם ראויים). Regarding various readings of midrashic traditions regarding the motifs of the converts at Mt. Sinai, see also Moshe Lavee, “A Convert Is Like a Newborn Child,” pp. 268, n. 205.
- ⁴⁴ The use of different verbs to describe conversion in both texts seems to reflect the difference in their stance towards the concept of conversion. The Tosefta uses a verb שנתוספו (“who were added”) to imply an informal form of group affiliation, while the Bavli uses a verb עתידין להתגייר (“will convert”) that seems to indicate an institutionalized procedure of conversion that involves supervision. As the wording על דעת בית דין (“based on the consensus reached by the rabbinic court”) suggests, the Bavli’s context assumes that the presence of a court is alluded to. The Bavli’s wording of conversion thus signifies the court’s decisive power in defining the status of the convert. See also Lavee, “The Rabbinic Conversion of Judaism,” pp. 76, n. 16.
- ⁴⁵ According to Jonathan Klawans, the word זוהמא refers to a source of moral impurity (such as murder, sexual immorality and idolatry), which is distinguished from ritual impurity ascribed only to Jews. Jonathan Klawans, *Sins and Impurities in Ancient Judaism*, (Oxford: Oxford University Press, 2000), 135. Cf. Adolf Büchler, *Studies in Sin and Atonement in the Rabbinic Literature of the First Century* (London: Oxford University Press, 1928), 216-218. Christine E. Hays also argues that gentiles are not intrinsically impure in rabbinic literature; they become morally impure only when they engage in such heinous acts of murder, sexual immorality and idolatry. Christine E. Hays, “Gentile Impurities and Jewish Identities,” pp. 161-162. As for the word זוהמא in parallel sources, see BT. *AZ 22b* and BT. *Yev103b*.
- ⁴⁶ Catherine Bell claims in her study that myth is reflected and re-enacted in the form of rituals. In this sense, it comes as no surprise that the Bavli portrays conversion as re-enacting the formative event of the Sinaitic revelation, in which the converts became newly born as part of Israel. Catherine Bell, *Ritual Theory – Ritual Practice* (New York: Oxford University Press, 1992), 19–29; 30-46. Interestingly, Lavee also makes a claim similar to mine regarding how conversion is understood as a ritual of re-enacting the birth of the Jewish people. See also Moshe Lavee, “The Rabbinic Conversion to Judaism,” pp. 78.
- ⁴⁷ Denise K. Buell, “Why New Race,” pp. 62-84; particularly pp. 75-76.
- ⁴⁸ Charles F. Keyes, “The Dialectic of Ethnic Change,” in *Ethnic Change*. (Charles F. Keyes, ed., Seattle: University of Washington Press, 1981), 5-7. Keyes defines descent as “one in which connections with ancestors or with those with whom one believes one shares descent are not traced along precisely genealogical lines.” In other words, the idea of sharing descent is a form of seeking solidarity with those whom they recognize as being of the same people, which can be said of the convert as newborn in the Bavli.
- ⁴⁹ Joshua Levinson, “Bodies and Bo(a)rders: Emerging Fictions of Identity in Late Antiquity,” *Harvard Theological Review* 93:4 (2000), 344-347. While Joshua Levinson offers the notion of “fictive ethnicity,” which is surely helpful in understanding the constructed nature of Jewishness, a sharp distinction between *genealogical* and *covenantal* in the definition of Jewishness may undermine an understanding of the complex process of rabbinic conversion.
- ⁵⁰ Russell T. McCutcheon, *Critics Not Caretakers: Redefining the Public Study of Religion* (Albany: State University of New York Press, 2001), 88. For a similar argument, see also Denise K. Buell, “Why New Race,” pp. 78.
- ⁵¹ Moshe Lavee, “The ‘Tractate’ of Conversion,” pp. 209; Moshe Lavee, “Rabbinic Literature and the History of Judaism in Late Antiquity: Challenges, Methodologies, and New Approaches,” in *Rabbinic Texts and the History of Late-Roman Palestine*. (M. Goodman and P. Alexander, eds., London: Oxford University Press and the British Academy, 2010), 333-334; Adiel Schremer, “Stammaitic Historiography,” in *Creation and Composition: The Contribution of the Bavli Redactors (Stammaim) to the Aggada*. (Jeffrey. L. Rubenstein, ed., Tübingen: Mohr Siebeck, 2005), 219-235.