

From Erasure of the Past to New Birth

—Rewriting Conversion as New Past in the Bavli—

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1. Introduction: Understanding the Bavli's Construct of Newborn

Rabbinic conversion developed by the Babylonian Talmud (the Bavli) demonstrates a radical transition of ethnic identity from gentile to Jew. In recent years, several scholars in the field of textual Talmudic studies have taken on inquiries into the theme of rabbinic conversion in the context of studying Jewish identity construction in 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. As Moshe Lavee has argued, 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⁾ The Bavli's subtle reshuffling and rephrasing of earlier images and motifs found in Palestinian sources⁽³⁾ in a prolonged process of dominantization eventually led to semantic mutations of such images, motifs, and phrases, thereby contributing to shaping new perspectives and meanings on particular themes and laws that were reworked to fit emerging new perceptions.⁽⁴⁾

Especially salient in the Bavli's conceptual development of conversion is its unique phrase "*A convert is like a newborn child*" [גר שנתגייר כקטן שנולד דמי] that appears in BT. *Yevamot 48b*. Through examining the textual process of dominantization, in which the earlier Palestinian motifs of atonement, renewal, and creation were semantically reshaped into the Babylonian motif of the convert as newborn, this study seeks to uncover how the Bavli's discourse of the convert as newborn signifies the idea that rabbinic conversion is primarily designed as a socially embedded process of changing ethnic boundaries from one particular mode of identity to another and that the motif of the convert as newborn itself had already been read into and deeply embedded in the layers of earlier Tannaitic traditions that speak of the myth of Israel's common origin, suggesting that the Bavli's primary aim of conversion was to invent a new, albeit fictional, common past for the convert to be fully included in the historical and genealogical continuity of the Jews as a people.

2. Defining Newborn: From Forgiveness to Renewal

2-1. Comparison between Newborn and One-Day-Old in the Bavli and *Gerim*

A synoptic comparison between the Bavli and its parallel *baraita* in Tractate *Gerim*, a minor tractate of the Tannaitic period, reveals how the concept of the convert as newborn reflects specific motifs and

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images attributed to earlier Palestinian traditions. In the *baraita* found in BT. Yev 48b, the phrase “*A convert is like a newborn child*” [גר שנתגייר כקטן שנולד דמי] appears as a brief explanation of why converts are not punished for their sins committed before their conversion⁽⁵⁾:

BT. Yev 48b⁽⁶⁾

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 child [גר שנתגייר כקטן שנולד דמי]. Why are converts oppressed? Because they are not so well acquainted with the details of the commandments as the Israelites.

According to this *baraita*, converts are portrayed as inculpable for their sins committed before their conversion because any sins committed beforehand are no longer of any consequence. This suggests that the inconsequentiality of their past sins as gentiles has hardly affected their current suffering. Also worthy of note is that their failure to observe the commandments as “Jews” rather than as “gentiles” accounts for their suffering; they are punished not because they failed to observe the seven Noahide commandments but rather because they have failed to learn the commandments as Jews, which suggests that different standards apply to them upon conversion. In the framework of the Bavli, the *baraita* seems to uphold the view that the newborn metaphor of the convert marks him as someone who is a new person, completely different from his previous life as a gentile.

In *Gerim* 2:5-6, the phrasing differs significantly from that of the *baraita* in the Bavli. The convert is portrayed as someone who is forgiven like a “one-day-old infant” [בן יומן]⁽⁷⁾:

Gerim 2:5⁽⁸⁾

Converts are punished according to Rabbi Yosi; Rabbi Yehudah says: He is not punished, but he is like a one-day-old infant [כבן יומן]. Rabbi Hanina ben Gamaliel said: Why are converts afflicted? It is because they calculated a year or two years before their conversion, saying: When I have collected my debts and when I have dealt with my needs [I will convert]. Rabbi Yosi said to him: If they were to lose money, you would be right; but they bury their children and grandchildren and sore diseases and chastisements befall them. Why are they afflicted? Because of the seven Noahide laws they were commanded (to obey).

Their significant differences in phrasing in both texts reflect different conceptualizations of the convert’s inculpability for his past sins. While the Bavli’s idea of newborn refers to the convert as a new person whose previous gentile identity has completely been erased, the Palestinian motif of a one-day-old infant in *Gerim* speaks of the renewal of his identity in the context of being forgiven, which does not completely erase his gentile identity at all.⁽⁹⁾

Furthermore, despite their significant differences in semantics, these two phrases are undoubtedly derived from a parallel rendition of common source material.⁽¹⁰⁾ The fact that the view attributed to

Rabbi Yosi with the addition of the Aramaic suffix “דמ” (“is considered”; analogous to) in the Bavli is in fact attributed to Rabbi Yehuda in *Gerim* indicates that the phrase “*A convert is like a newborn child*” is likely to have been attributed by the *Stam* to either the Babylonian or Palestinian Amoraim.⁽¹¹⁾ Having identified such significant differences in the phrasing, how the phrase “*A convert is like a newborn child*” is conceptualized due to its semantic appropriation and textual reworking of the earlier Palestinian images is examined further in the sections that follow.

2-2. Infant Imagery as Renewal of Identity in Palestinian Sources

The conceptualization of the infant imagery implied in *Gerim* can be found in various Palestinian Amoraic traditions that use similar phrasing in the context of the forgiveness of sins:

PT. *Bikkurim* 3:3, 65c-d⁽¹²⁾

They wanted to appoint Rabbi Zeira, but he would not accept the appointment. When he heard the oral teaching, “A sage, a bridegroom and Patriarch are atoned for through their new role,” he accepted the appointment. With regard to the sage, it is written “you shall rise before the grey head and honor the face of an old man [זקן/a sage]” (Lev19:32). What is written after that? “And if a stranger [גר/a convert] sojourns with you in your land, you shall not do him wrong” (Lev19:33). Just as all the sins of the convert are forgiven, so too all the sins of a sage who was appointed are forgiven. The bridegroom: “So Esau went to Ishmael, and took unto the wives that he had, Mahalat the daughter of Ishmael” (Gen 28:9). Was her name Mahalat [מהלל] as seen in the verb מהלל/forgive? (Because) Her name was Basmat. Why her name ‘Basmat’!? Rather, this indicates that all his sins were forgiven. Patriarch: “Saul was one year old [בן שנה] when he began to reign” (1Sam 13:1). Was he really one year old [בן שנה]? Rather this indicates that all his sins were forgiven, and he became as innocent as a one-year-old infant [אלא שנמהלו לו על כל עונותיו כתינוק בן שנה].

The Palestinian Talmud (henceforth the Yerushalmi) describes the three types of individuals whose sins are forgiven upon the completion of initiatory rites: (1) A king who has been crowned at the throne. (2) A sage who has been appointed. (3) A groom who has been wed. The phrase in 1Sam 13:1 “one year old” [בן שנה] marks the portrayal of King Saul as the one whose sins were all forgiven. The Yerushalmi cites the two consecutive verses of Lev19:32-33 to stress that the sins of a “sage” [זקן] have been forgiven just as the sins of a “convert” [גר] have been forgiven. Although the Yerushalmi does not explicitly claim that the convert whose sins are forgiven is considered as a one-year-old infant, the text seems to provide a conceptual framework that the infant imagery symbolizes the renewal of one’s identity, implying that conversion is closely associated with or embedded in the birth imagery.

The midrashic tradition of Genesis Rabbah also used the same biblical verse of Gen 28:9 cited in the Yerushalmi above to support the Yerushalmi’s claim that the sins of a groom are forgiven upon the completion of marriage. Such an understanding can be seen in the one particular passage of a midrash

that describes Esau, often depicted as the quintessential wicked gentile, as the one who has decided to convert upon his marriage to Mahalat (and subsequently Basmat):

Gen Rab 67.13, 768⁽¹³⁾

And Esau saw that the daughters of Cannan are bad [...] and Esau went to Ishmael and took Mahalat (Gen 28:9). Rabbi Yehoshua ben Levi said: He made a decision to convert [נתן דעתו] [להתגייר]. “Mahalat” [מהלת] — That the Holy One Blessed be He forgave his sins; “Basmat” [בשמת] — That his view was perfumed [שנתבשמה דעתו עליו].”

As seen in the above Yerushalmi text, this midrashic tradition also employs the etymology of the verb מחל [to forgive] to evoke the connection between the forgiveness of sins and conversion. The name of Esau’s first wife Mahalat [מהלת] implies the forgiveness [מחילה] of Esau’s sins upon conversion (and his subsequent marriage to Mahalat). The etymology of his second wife’s name, Basmat, also symbolically echoes the relationship between Esau’s marriage and his conversion. Her name, etimologically derived from בושם [perfume], offers the motif of missionary image of Abraham in several other midrashic traditions, in which conversion is analogized to a flask of perfume whose fragrance diffuses among those who are inspired to draw near toward the God of Israel.⁽¹⁴⁾ Inspired by such fragrance of righteousness, Esau decided to convert, which allowed God to forgive his sins.⁽¹⁵⁾ Strongly implied in these Midrashim is the idea of forgiving sins as a change of one’s status including but not limited to converts. In the Yerushalmi, it is stressed that Esau was forgiven his sins because of his marriage to Mahalat [and subsequently Basmat] while Genesis Rabbah emphasizes the claim that his decision to convert led to the forgiveness of his sins.

Furthermore, another infant imagery associated with the notion of forgiveness as a form of renewal can also be found in the following midrashic tradition:

Pesikta De – Rav Kahana, Et Qorbani, 4.120

Ben Azzai said: “One-year-old lambs”(Num 28:3) —since they wash away the sins of Israel, and make them like an infant in his first year [כתינוק בן שנתו].

The sacrifice offered at the Temple renders the people of Israel cleansed of their sins, thus making them like a “one-year-old infant” [כתינוק בן שנתו]. Strongly implied in this tradition are cause and effect, according to which the people of Israel become innocent like infants after their being cleansed of their sins.⁽¹⁶⁾ Note that the phrase “an infant in his first year” [תינוק בן שנתו] is similar to the one found in *Gerim*, “a one-day-old infant” [בן יומו]. This suggests that the forgiveness of sins is closely related to the infant imagery that symbolizes the renewal of one’s identity.

2-3. Renewal of Identity as an Act of Creation

The image of birth and the renewal of one’s identity in the context of conversion found in the Palestinian corpus are closely embedded in another motif of defining one’s identity, that is, creation.

As the Tannaitic and Palestinian Amoraic sources shown below indicate, the image of the convert as a one-day (year)-old infant is semantically defined in the context of a new creature [ברייה חדשה]. The phrase, which is found in the missionary tradition of Abraham⁽¹⁷⁾, also deals with the forgiving of the sins of both the native-born and converts:

Gen Rab 39.14, 378-379

“And Abram took Sarai his wife, and Lot his brother’s son, and all their substance and the people that they had made in Haran [עשו].” Rabbi Eleazar observed in the name of Rabbi Yosi ben Zimra: If all the nations assembled to create one mosquito, none of them could endow it with a soul, yet you say: “And the people that they had made”? (Gen 12:5). It refers, however, to converts. Now let it say: “That they had converted [גיירו]. Why (does the text say): “That they had made [עשו]? That is to teach you that he who draws a non-Jew near [מי שמקרב את הגוי]⁽¹⁸⁾, is as though he created him” [בראו].

Sifre Deuteronomy 32

Another interpretation: You shall love the Lord your God [ואהבת] (Deut 6:5): Make him beloved [ואהבת] by all men [כל הבריות], as did your father Abraham, as the Scriptures say: “And the people that they had made in Haran [עשו]” (Gen12:15). Now if all the inhabitants of the world were to be gathered together [מתכנסים] to create [לבראות] a single mosquito, and breathe life into it [ולהכניס בו נשמה], they could not so [אינן יכולים לבראותו]. What, then, does the above scriptural passage “And the people that they had made in Haran [עשו]” say? Rather it teaches that Abraham converted them [מגירים] and brought them [מכניסן]⁽¹⁹⁾ under the wings of Shekinah.

Avot de-Rabbi Nathan, B, 26, 53

Another interpretation: Everyone who brings one person [המכניס] under the wings of heaven, the Scripture accounts him as though he created him [בראה] and formed him, as Scripture says: “And the people that they had made in Haran [...]” (Gen 12:5).

In Genesis Rabbah along with its parallel texts of Tannaitic Midrash Sifre Deuteronomy and Avot de-Rabbi Nathan, the verb עשו (they had made) in the proof text of Gen 12:5 is read as referring to an act of converting [גיירו] a gentile by Abraham.⁽²⁰⁾ Originally in the proof text of Gen12:5, the phrase of the “making” of people [עשו] perhaps refers to the purchasing of slaves.⁽²¹⁾ Such an act itself may be interpreted as indicating the procedure of conversion in the Tannaitic and Amoraic contexts in which Abraham is represented as a proselytizer who engages in proclaiming the monotheistic faith among the gentiles.⁽²²⁾ As seen in these synoptic parallel texts presented above, Abraham’s missionary activity of converting gentiles in the Tannaitic midrashic context went through a significant semantic change in this Amoraic midrashic context, where conversion signifies a mode of creation [בראו]. Drawing gentiles near to the God of Israel or gathered them “under the wings of Shekhinah” [תחת כנפי השכינה].⁽²³⁾ Successfully merging the motif of birth and creation together, this Amoraic text promotes the claim

that conversion is deeply embedded in the images of birth and creation. Understanding conversion as deeply embedded in the motifs of birth and creation, the following midrash from Gen Rabbah 39:11 also stresses the convert as a new creature especially in association with Abraham who is typically portrayed as the archetypal convert in the Palestinian rabbinic corpus⁽²⁴⁾:

Gen Rab 39.11, 373

“And I will make of you [ואעשך] a great nation” (Gen12:2) [...] it is not written here ‘I will give you’ or ‘I will put you’ rather ‘I will make of you’ — when I will make of you a new creature [בריה חדשה]⁽²⁵⁾, you will procreate...”

Here in this midrash the verb עשה is also used to refer to the act of “creating” or “making” in the context of the divinely electing Abraham. The midrash reads ואעשך in the prooftext of Gen 12:2 as “I will make of you,” suggesting that Abraham is understood as someone who has been “newly created” in his encounter with God. This clearly indicates that when presenting Abraham as an archetypal convert, he is also understood as a new creation or creature as well.

Lastly, the verb עשה also evokes the image of new creation in the context of forgiving Israel’s sins in the Yerushalmi:

Y. Rosh Hashanah 4:7, 59c

“And you shall prepare [ועשיתם] (Num 29:2)” — Rabbi Eleazar bar Rabbi Yosi in the name of Rabbi Yosi ben Katzarta: Regarding all sacrifices it is written “and you shall sacrifice” [והקרבתם](Num 29:8), and here it is written “and you shall prepare” — God said to them: Because you are judged on Rosh Hashanah, and leave in peace, I consider you as if you were created as a new creature [בריה חדשה].⁽²⁶⁾

As all the above Tannaitic and Amoraic texts demonstrate, it is clear that the verb עשה (make) denotes creation in the context of renewing one’s identity such as the forgiveness of sins in conceptualizing conversion, implying that a change of semantics shapes a new meaning in different contexts.⁽²⁷⁾

Examining all the above sources, the difference between the Bavli and Palestinian sources in terms of their use of such motifs and images can be sharply drawn. In the Palestinian context, the image of a one-day (year)-old infant generally symbolizes the renewal or creation of one’s identity in the context of forgiving sins. In a similar vein, the image of a one-day-old (year) infant is associated with the atonement for the sins of people of different social groups including but not limited to the convert in the process of completing their initiatory rites such as coronation and ordination. In such contexts, the Palestinian phrases “a one-day (year)-old infant” and “new creature” refer to the renewal of social identities of both converts and native-born Israelites in equal terms. In the context of the Bavli, it is, however, stressed that conversion is understood as akin to new birth, which enables the convert to completely erase his gentile identity. The erasure of his former identity in the context of inculpability

for his past sins thus indicates that the Bavli semantically reinterpreted the Palestinian images of atonement, renewal, and new creation as referring to new birth where the convert becomes a new person who was newly born as a Jew. ⁽²⁸⁾

On a final note, the form of a dual parallelism found in the Mishnah may help account for the Bavli's later semantic appropriation and reworking of the Palestinian imagery of birth and renewal in conceptualizing the convert as a newborn. Note that the Bavli's phrase "*A convert is like a newborn child*" is made up of two components: (1) "*A convert who has been converted*" [גר שנתגייר] (2) "*a child who was born*" [קטן שנולד]. This literal dissection of the Bavli's unique phrase illustrates how the convert is analogized to the infant [קטן~גר] as well as conversion to birth [ולד~נתגייר]. ⁽²⁹⁾ Specifically, M. *Negaiim 7:1* seems to reflect such a linguistic style of dual parallelism found in the Bavli:

M. *Negaiim 7:1*

The following bright spots are clean: those that one had before the Torah was given, those that a non-Jew had when he was converted, or an infant that was born [בגוי ונתגייר בקטן ונולד].... ⁽³⁰⁾

This Mishnah specifies who is rendered susceptible to the ritual impurity of leprosy. According to the Mishnah, one is declared ritually impure when bright spots newly emerge on the skin. However, the following group of people are considered ritually "pure": (1) An infant who was born with a spot on the skin. (2) A gentile who had a spot on the skin prior to conversion (3) A native-born Israelite who had a spot on the skin prior to the giving of the Torah during the Sinaitic revelation. These groups of people indicate that it is only after the spot develops on the skin later that renders the person ritually "impure," implying that the criterion of who is rendered susceptible to ritual impurity is casuistically determined by the moment when a person goes through a certain stage. If a gentile who had bright spots on his skin converted, this means that he would be rendered ritually "impure" because he is now subject to the laws of ritual impurity specified by the Torah on a par with the native-born. ⁽³¹⁾ As seen in this Mishnah, governed by casuistic formulations, the criterion of constituting Israel's group membership is largely determined by his ability to be rendered ritually impure, implying that conversion defines the convert's purity status on a par with the other native-born.

It can thus be inferred from the reading of this Mishnah's passage that both phrases "*a non-Jew that was converted*" [בגוי ונתגייר] and "*an infant that was born*" [בקטן ונולד] were semantically appropriated and textually reworked into the motif in which a gentile who is analogized to an infant [גוי~קטן] becomes a newborn via conversion [ולד~נתגייר]. Semantically appropriating the Mishnah's mode of argument governed by casuistic formulations in which case the convert is reshuffled into the newborn infant, the *Stam* seems to have later conceptualized the framework of conversion in newly emerging contexts through appropriating the above image and law of the earlier Mishnaic text. In other words, the Bavli's appropriation of the above Mishnah's two phrases "*A non-Jew that was converted*" [בגוי ונתגייר] and "*(an infant) that was born*" [בקטן ונולד] allows them to be semantically transformed into a specific convention that conceptualizes conversion as akin to new birth. In so doing, the Bavli granted

the newly defined phrase new meaning, which in turn contributed to producing a new concept. Through its efforts to semantically separate and appropriate the earlier Tannaitic and Palestinian Amoraic concepts of the renewal of identity in the context of forgiveness of sins as well as creation, the Bavli successfully associated the birth imagery with the concept of conversion as new birth, which in turn served to erase the convert's former gentile identity only to be integrated fully into the kinship structures of the Jewish collective.

3. Appropriation of Semantics as Embedded in the Mishnaic System of Classification

It can therefore be argued that the unique phrase “*A convert is like a newborn child*” is a product of the Bavli's semantic appropriation of the Palestinian motifs of renewal and creation. Furthermore, the Bavli's semantic appropriation reflects its significant evolutionary textual developments that had taken place during the stages of its textual redaction by the *Stam*⁽³²⁾, thus revealing the complicated process of its textual redaction and reworking, in which earlier Tannaitic and Amoraic images, concepts, and laws were semantically reworked, reshaped, and appropriated by the *Stam*. In other words, it is the *Stam* of the Bavli that played an instrumental role in transforming such earlier concepts that were already existent in Tannaitic and Palestinian Amoraic sources into a new halakhic conceptualization.⁽³³⁾ Especially in this process of the Bavli's textual evolution, particular metaphors, ideas, and laws were subtly reshuffled and rephrased to yield new perspectives on particular themes. The process of its textual reworking eventually led to semantic mutations, in which phrases, motifs, and images took on new meanings, which allowed them to emerge as new halakhic perceptions. Subtly and semantically reworking and reshaping earlier Palestinian motifs, the *Stam* of the Bavli thus read the images of one-day (year)-old infant [בן יומו/תינוק בן שנחר] and new creation [בריה חדשה] as a newborn child [קטן שנוולד], thus construing conversion as new birth. The significant feature of its textual innovation in conceptualizing conversion as new birth is founded on what Moshe Lavee calls dominantization, according to which various pieces of earlier particular concepts and terms that were insignificantly marginalized in earlier Tannaitic and Palestinian Amoraic sources were transformed into newer, dominant concepts that served as normative legal constructs in later generations. Through the textual process of dominantization, such earlier concepts were carefully reworked and reconfigured in such a way that construed the notion of conversion as an authentic tradition dated back to the early Tannaitic period.⁽³⁴⁾

Especially worthy of note is the Bavli's introduction of rhetoric called פשיטא (the “obvious”) in its attempt to conceptualize conversion as embedded in new birth. The Bavli's use of this rhetoric serves as a textual strategy of reworking and appropriating the text, by which structure, form, word choice and phrasing are conceptually presented as “obvious” across its different chronological layers.⁽³⁵⁾ In fact, the parallel in similar phrasing between the Bavli and *Gerim* suggests how the phrasing of *Gerim* “*a one-day-old infant*” [בן יומו] was semantically appropriated and read by the *Stam* as the new phrasing “*a convert as a newborn child*” [קטן שנוולד] in the Bavli. With the use of such rhetoric by the *Stam*, the motif of renewal stemmed from forgiveness of sins in *Gerim* was transformed into the image

of new birth in the Bavli. Particularly, the *Stam*'s rhetorical strategy of reading "obvious" [פשיטא] into the chronological layers of earlier Tannaitic and Palestinian traditions allowed similar phrasing and wording to be semantically appropriated and reworked in such a discursive way that eventually set forth conversion as a new conceptualization in the new Babylonian context.⁽³⁶⁾

More importantly, given the above textual innovative development in the Bavli with the use of its specific rhetoric, I argue that the Bavli's strategy of dominantization has another significant feature of conceptualizing conversion as new birth. That is, the Bavli's textual strategy of dominantization reflects the system of classification closely embedded in the Mishnah, in which the fundamental character or essence of a certain entity in question is significantly altered through the process of classification under a particular category. Howard Eilberg-Schwartz asserts that in the classificatory system of the Mishnah, a person's formulation of a particular thought or intention shapes a magical effect of transforming the fundamental character of reality.⁽³⁷⁾ It is the human mental cognition such as thought [mahshavah/מהשבה], intention [kavanah/כוונה], and will [razon/רצון] that plays an instrumental role in altering the fundamental character or essence of a given entity by classifying it under a particular category, which in turn yields legal outcomes.⁽³⁸⁾

Given the above conceptual framework addressed by Eilberg-Schwartz, I assert that the Bavli's use of the rhetoric of "obvious" [פשיטא] in conceptualizing the convert as a newborn in the textual process of dominantization apparently presupposes the Mishnaic system of classification that generates a new halakhic meaning.⁽³⁹⁾ As previously noted, the process of semantic appropriation and textual reworking by the *Stam* eventually advanced the semantic mutations of such earlier Tannaitic and Palestinian images and motifs in a discursively way that in turn yielded new halakhic perceptions. Finally, such a change of semantics by the *Stam* from the image of a one-day (year)-old infant [בן יומו/תינוק בן שנתו] and new creation [בריה חדשה] in Tannaitic and Palestinian sources to the motif of a newborn [קטן שגולד] in the Bavli suggests that the rhetoric of "obvious" [פשיטא] is formulated as a form of human mental cognition that in turn allowed the *Stam* to "classify" all of these motifs, metaphors, ideas, and laws into a new conceptualization in a new halakhic context, which can shape the fundamental character or essence of a certain entity, namely conversion as new birth.

4. Defining Conversion as Rewriting the Convert's New Past

As we can see, one can find that the construct of the convert as newborn is a product of a long process of textual development by the *Stam* of semantically reworking and appropriating the motifs of forgiveness, renewal and creation that were preserved in several Palestinian rabbinic corpus. Briefly the Bavli's understanding of this *baraita* strongly implies that the convert's inculpability for all his past sins upon conversion as "newborn" apparently represents the inconsequentiality of his gentleness. Examining how the complex process of defining the convert as newborn came about, I strongly suggest that the Bavli's conceptualization of conversion akin to new birth is not merely a legal construct defined by its textual reworking and redaction alone, but conversion as new birth is conceptualized by the *Stam* as a social construct that involves a socially embedded process of crossing

ethnic boundaries from gentile to Jew.

What connects the convert, who is considered as fully newborn as a Jew upon conversion, to the Jewish collective is their effort to reinterpret Israel's common past. The Bavli's use of birth imagery in its strategy of dominantization instrumentally thus serves to negotiate the fixity of the convert's ambiguous identity by grafting him into the collective narrative of Israel's common past. The past, as Denise K. Buell argues, is thought to serve as a crucial site for authorizing the values by which to shape one's present identity, is highly instrumental in solidifying a sense of the group fixity that ensures its historical continuity across the generations.⁽⁴⁰⁾ By rhetorically appealing to Israel's common past, the *Stam* connects the convert who is halakhically defined as newborn to a genealogical and historical link between Israel's common ancestry in the past and the convert himself in the present. 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 the Jewish collective.

Importantly, it is the Sinaitic revelation as the divine covenant that serves to link the convert to Israel's common past. The Sinaitic revelation 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 Sinaitic revelation and conversion with the use of the common imagery and vocabulary of new birth. These traditions in fact stress the motifs that converts were present at the divine revelation at Mt. Sinai along with the native-born Israelites, which serves as the archetypes for modeling the actual conversion process later 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 [כבן יומין] 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 womb⁽⁴¹⁾ from which the Israelites are born out of, indicating that those who stood at Mt. Sinai were understood as having been "created" or "newly born" as a people.⁽⁴²⁾ Interestingly, the very phrase of a "one-day-old infant" [כבן יומין] as seen in *Gerim* 2:5 is also 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 [כבן יומין] 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 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 Bavli⁽⁴³⁾:

T. *Sotah* 7:(3) 4-5⁽⁴⁴⁾

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].⁽⁴⁵⁾ The verse states: “Neither with you only do I make this covenant [ולא אתכם לבדכם] but rather with him that is not 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 עתידין להתגייר]? The verse states: “With him that is not present (here with us today)” [ואת אשר איננו פה] (Deut.29:14).

The above passages in both the Tosefta and the Bavli clearly stress that future converts are to be included in the revelatory moment of making the divine covenant with God along with both native-born Israelites. The proof-text of Deut.29:13-14 quoted in the Tosefta, however, reveals that the revelation of the divine covenant refers to the plain of Moav rather than Mt. Sinai, while the Bavli refers to the native-born Israelites and the future converts as those who stood at Mt. Sinai.⁽⁴⁶⁾ The *Stam* intentionally cut off the original scriptural 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 future converts are too included in making the divine covenant with God as part of the people of Israel. The Bavli's shift from the covenant of the plain of Moav to Mt. Sinai apparently illustrates that the earlier Tannaitic tradition of the divine covenant at the plain of Moav as seen in the Tosefta was reworked and reshaped in the Babylonian context in a discursive way that connects the notion of conversion with the Siniatic revelation, in which converts are also portrayed as newborns who are to accept 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/Tannaitic motif reshapes the framework of conversion as the formative moment that gives birth to a particular ethnic group called Israel.

Another parallel *baraita* from BT. *Shabbat* 146a also illustrates the motif of 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] ⁽⁴⁷⁾ 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" (Deut. 29:14).

This passage of the Bavli understood the proof-text of Deut. 29:14, "him who is not present with us here" [וְאֵת אֲשֶׁר אֵינָנוּ פֹה עִמָּנוּ] as referring to the converts that are 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 reflects an understanding that the Sinaitic revelation as a mythic moment is re-enacted through the ritual of conversion, where converts become newly born as members of the people of Israel through the acceptance of the Torah. This means that conversion as a ritual is represented as an active agent in shaping myth. ⁽⁴⁸⁾ 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 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 claims to Israel's common past, descent, and ancestry. ⁽⁴⁹⁾ As various anthropological studies on ethnicity suggest, 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. ⁽⁵⁰⁾ 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, on the contrary, this 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 her common past and ancestry. ⁽⁵¹⁾ In this sense, the Bavli's conceptualization of the convert as a newborn is deeply embedded in this mythic moment of the covenant making at Mt. Sinai that guarantees Israel's ethnic membership.

Given all the premises examined above, 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.⁽⁵²⁾ 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 fictive descent as newborn is crafted. Collective myth thus functions as a vehicle for validating a historical connection between the descendants and the forebear whether such a connection is historically real or assumed. What matters is an assumed belief in such myths that shapes reality.

Finally, the Bavli's association between conversion as new birth and Mt. Sinai as the birth place of the people of Israel reflects the process of 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, interpolated, 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 helped create 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.⁽⁵³⁾ This suggests that the Bavli's later innovative idea, in which the convert as a newborn was already present in establishing 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 inclusion in the common ancestry of Israel. By discursively using the myth of Israel's common origin as rhetoric, the Bavli successfully read the motif of the convert as a newborn into the layers of earlier Palestinian traditions that view the mythic event of the Sinaitic revelation as shaping the birth of the Jewish people.

5. Conclusion

This study demonstrates how the concept of "*A convert is like a newborn child*" was developed through the complex process of the Bavli's textual innovation of dominantization. The Bavli's conceptualization of conversion as new birth serves as the primary identity marker that defines the boundaries of Jewish identity, in which ethnic identity becomes fluidly subject to change and negotiation in legal 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. Such textual and conceptual developments thus serve as active agents that shape social and cultural structures that craft concepts, conventions, and institutions, which culminated in the rabbinic model of conversion that enables a change in ethnic and kinship identity. The Bavli's conceptualization of the convert as a newborn 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 concepts and motifs in those texts through the Mishnaic system of classification in general and its rhetorical device of mythmaking in particular. In conceptualizing the convert as a newborn, the Bavli semantically appropriated not only the earlier Palestinian images of renewal and creation, but also classified those previous motifs into a new halakhic perception and conceptualization 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 in and will forever be woven into shared birth experience. The Babylonian construct of rabbinic conversion as new birth produced by such textual and legal developments thus constructed a mode of Jewish identity formation subject to degrees of fluidity and constant change in ever-changing circumstances.

Acknowledgement

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Notes

- (1) The following are recent surveys on the issues of Jewish identity construction in the context of conceptualizing rabbinic conversion: Shaye J.D. Cohen, *The Beginnings of Jewishness: Boundaries, zVarieties, 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*, eds. by Arietta Papaconstantinou et al, Dorchester, Ashgate, 2015; 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 layers was originally addressed 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, eds. by Martin Goodman and Philip Alexander, Oxford, Oxford University Press, 2010, pp.319-51; Jeffrey L. Rubenstein, *Creation and Composition: The Contribution of the Bavli Redactors (Stammim) the Aggadah*, ed. by Jeffrey L. Rubenstein, Tübingen, Mohr Siebeck, 2005.

- (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).
Abbreviations are as follows:
BT: The Babylonian Talmud (the Bavli)
Y: The Palestinian Talmud (the Yerushalmi)
M: Mishnah
T: Tosefta
Gen Rab: Genesis Rabba
- (4) Lavee, “*The Rabbinic Conversion of Judaism*,” pp.15-18; pp.191-93. This study is greatly indebted to the study of Moshe Lavee. His approach to uncovering the unique development of the Bavli’s textual redaction that produces innovative concepts such as the convert as newborn is very helpful in constructing my theoretical view toward conversion in the Bavli in particular. Although this study can serve as a supplement to his study in many ways, my approach to this primary concern of rabbinic conversion as new birth slightly differs from his. That is, his approach to uncovering the Bavli’s textuality of the convert as newborn does not cover the implications of how ethnicity, namely Jewish identity, comes to be defined in the context of rabbinic legal thinking. Especially viewing rabbinic conversion as sharply drawn between ethnicity and religio-cultural practice when it comes to defining the convert as newborn is called into question.
- (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*, vol.4, 2010: pp.169-214; Joshua Kulp, “The Participation of a Court in the Jewish Conversion Process,” *The Jewish Quarterly Review*, vol. 94 no.3, 2004, pp.437-70.
- (6) Talmud Bavli Vilna: 1880-1886. Although all the English translations of primary sources presented are based on those of Moshe Lavee, I modified some of his wordings.
- (7) Lavee, “*The Rabbinic Conversion of Judaism*,” p.172.
- (8) The English translation of this passage is based on *Seven Minor Treatises*: Edited by E. Hildshehimer and N.Z. Hildsheimer. New York: Bloch, 1930. Some modifications are mine.
- (9) Lavee, “*The Rabbinic Conversion of Judaism*,” p.173. In the context of Gerim, the convert’s renewal as בן יומיו (a one-day-old infant) is associated with the use of the verb נפרעין (‘punished’), which necessitates the use of the verb מחל (forgive), which implies that the convert’s renewal does not affect his former ethnic status but rather assumes what Lavee calls a “continuity of (the convert’s) personality.”

- (10) While scholars have been debating whether Tractate *Gerim* is of Palestinian Tannaitic origin or post Amoraic one, Lerner has suggested that Tractate *Gerim* be classified as a collection of “extraneous Mishnah.” M.B. Lerner, “The External Tractates,” in *The Literature of the Sages*, Vol.1, eds. by Shmuel Safrai, Zeev Safrai, Joshua Schwartz and Peter J. Tomson, Philadelphia, Brill, 1987, p.401.
- (11) The Bavli’s revised texts of earlier Palestinian traditions are called ‘Babylonian’ versions of the *baraitot*. On the studies on the *baraita*, see Shamma Y. Friedman, “On the Origin of Textual Variants in the Babylonian Talmud,” *Sidra* vol. 7, 1991, pp.67-102 [Hebrew]; Shamma Y.Friedman, “The Baraitot in the Babylonian Talmud and Their Relationship to Their Parallels in the Tosefta,” in *Atara L’haim: Studies in the Talmud and Medieval Rabbinic Literature in Honor of Professor Haim Zalman Dimitrovsky*, eds., by Daniel Boyarin et al, Jerusalem: Magness Press, 2000, pp.163-201 [Hebrew]. Cf. Lavee, “*The Rabbinic Conversion of Judaism*,” p. 7; pp.17-16; p.185.
- (12) This English translation is based on *Talmud Yerushalmi according to Ms.Or. 4720 (Scal.3) of the Leiden University Library with Restorations and Corrections*. Edited by Y. Sussman, Jerusalem: The Academy of the Hebrew Language, 2001. Some of the modifications are mine.
- (13) Genesis Rabbah. Vilna: Romm, 1878. Although the English translation is based on Lavee’s, I modified some of his wordings.
- (14) Moshe Lavee, “Converting the Missionary Image of Abraham: Rabbinic Traditions Migrating from the Land of Israel to Babylon,” in *Abraham, the Nations and the Hagarites: Jewish, Christian and Islamic Perspectives on Kinship with Abraham*, eds. by Martin Goodman, et al, Leiden-Boston, Brill, 2010, pp. 209-210. In *Gen Rab 39:2*, Abraham as a proselytizer is analogized to a flask of foliatum, whose fragrance diffuses among people around him. The motif of fragrant perfume in the context of Abraham’s mission to the nations is transformed into the fragrance of the words of Torah scholars in the context of the Bavli. See also BT. *AZ 35b*.
- (15) In the Tannaitic midrash of *Mekilta de-Rabbi Yishmael Yitro 1. 188-189* or *Mekilta de-Rabbi Yishmael 18:1, 128-129*, Rahab, typically understood as the archetypal convert, is portrayed as seeking to repent of her sins in her intention to convert. See BT. *Zevahim 116b*.
- (16) Lavee, “*The Rabbinic Conversion of Judaism*,” p.175.
- (17) Lavee, “Converting the Missionary Image of Abraham,” p.207. In *Sifre Deuteronomy 32*, Abraham’s proactive missionary tradition can be read through its manipulating of the verb אָהַבְתָּ (love) in the prooftext of Deut 6:5. The verb אָהַבְתָּ (“You shall love the Lord your God”) is vocalized as אָהַבְתָּ (“Make him beloved”), which refers to making the God of Israel beloved by “all the inhabitants of the world” [כל באי העולם], which commonly refers to the gentiles. For more inquiries on the term “all the inhabitants of the world,” see Marc Hirshman, “Rabbinic Universalism in the Second and Third Centuries,” *Harvard Theological Review*, vol. 93, 2000, pp.104-107; Marc Hirshman, *Torah for All Humankind*, Jerusalem: Magness Press, 1999, pp.61-71 [Hebrew].
- (18) The verb “drawing near” [מִקְרָב] is commonly used to refer to an act of conversion in Tannaitic

- sources. See Hirshman, “*Torah for All Humankind*,” pp.61-71; p.81.
- (19) According to the translation based on the Geniza fragment, the verb מְכַנִּיטֵן (“gathering them”) is read as מְכַנִּיטֵן (“letting them in”). See M. I. Kahana, *The Geniza Fragments of the Halakhic Midrashim*, Jerusalem: Magnes Press, 2005, p.253. [Hebrew].
- (20) Lavee, “*The Rabbinic Conversion of Judaism*,” p.176.
- (21) *Sekhel Tov: Commentar zum ersten und zweiten Buch Moiss von Rabbi Menachem ben Salomo verfasst i.j. 1139* (S. Buber, ed., Berlin, 1900-1901), p.233. The verb עָשָׂו in Gen 12:5 in *Sifre Deuteronomy* could perhaps be read as referring to the circumcision of his slaves in his household, Cf. Lavee, “*Converting the Missionary Image of Abraham*,” p.206.
- (22) 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.
- (23) Hirshman, “*Torah for All Humankind*,” pp.61-71; p.81. This phrase refers to an act of conversion and is also closely associated with the verb “drawing near” [מִקְרָב] as mentioned in n.18.
- (24) It is worth noting that the Yerushalmi has a tradition that converts are understood as descendants of the progenitor Abraham. Etymologically reading the biblical phrase in *Gen* 17:5 “a multitude of nations” [אֵב הַמִּן גּוֹיִם] as referring to converts, PT. *Bikkurim* 1:4, 64a portrays Abraham as the father/ancestor of all converts. For critiques of this sugya, see Shaye J.D. Cohen “*The Beginnings of Jewishness*,” Ch.10; Joe Sakurai, “*Inventing Imagined Descent*,” pp.165-207.
- (25) The word בְּרִיָּה הַדְּשָׁה can be translated either as new creation or new creature. The similar issue of translating such a term can also be seen in the case of the New Testament. For inquiries, see Ernest DeWitt Burton, *The Epistle to the Galatians*. ICC. Edinburgh: T&T Clark, 1977; R. T. Stamm, “*The Epistle to the Galatians – Exegesis*,” in *The Interpreter’s Bible*, vol.10, G.A. Buttrick ed.; Nashville: Abington Press, 1953, p.590.
- (26) See its parallel texts: *Pesikta de-Rav Kahana, Rosh Hashanah* 12, 346; *Lev Rab* 29:12, 686. *Tanhuma in Pesikta Rabbati* 40, 169a.
- (27) It is also important to note that the idea of converting a gentile is closely associated with making students. Such a motif is also found in T. *Horayot* 2:7, in which teaching students the Torah is considered as an act of creation. See *Mekilta de-R. Yishmael, Tractate Amalek* for the motif of converts as perennial students of the Torah. Cf. Hirshman, “*Rabbinic Universalism*,” pp.110-111.
- (28) Lavee, “*The Rabbinic of Judaism*,” p.177. This is what Lavee calls a “semantic isolation.”
- (29) *Ibid.*, p.179. I attempted to modify Lavee’s translation by literally translating the phrase.
- (30) In the latter clause, the literal translation is as follows: “a non-Jew that was converted or an infant that was born...”
- (31) See also T. *Negaim* 2:14-15; *Sifra Tazria, Negaiim* 6:6, 64d-65a; M. *Betzah* 1:1. Mira Balberg,

Purity, Body, and Self in Early Rabbinic Literature, Berkeley and Los Angeles, University of California Press, 2014, pp.134-137. Examining *mNeg 7:1*, Balberg similarly argues that while a ‘gentile’ body, legally invisible and insusceptible to ritual impurity, is transformed into a ‘Jewish’ body that can be rendered susceptible to ritual impurity upon conversion. Such a casuistically defined bodily transformation from gentile to Jew reflects the rabbinic concept of conversion as the transition into the realm of one’s legal subordination to the divine law, namely the Halakhah. For the use of casuistic formulas in rabbinic sources, see also 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*, eds. by Tall Ilan, et al, Tübingen, Mohr Siebeck, 2012, pp.286-303.

- (32) Regarding the issue of dealing with how the Bavli’s textuality helped shape its evolution, see also Moulie Vidas, *Tradition and the Formation of the Talmud*, Princeton, Princeton University Press, 2014.
- (33) Daniel Boyarin, “The Yavneh-Cycle of the Stammim and the Invention of the Rabbis,” in *Creation and Composition: The Contribution of the Bavli Redactors (Stammim) to the Aggadah*, ed. by Jeffrey. L. Rubenstein, Tübingen, Mohr Siebeck, 2005, pp.237-289; Moshe Lavee, “The Rabbinic Conversion of Judaism,” p.15.
- (34) Lavee, “*The Rabbinic Conversion of Judaism*,” pp.15-16; pp.191-193. In so doing, the laws of conversion are understood to have originated from the Tannaitic laws, whose origin dates to the Siniatic revelation at Mt.Sinai. Therefore, the laws of conversion are in fact considered as Torah law (“אוריייתא”), which implies that rabbinic conversion is a biblically mandated legal institution.
- (35) Lavee, “The ‘Tractate’ of Conversion,” pp.191-93.
- (36) Ibid. Lavee, “A Convert Is Like a Newborn Child,” pp.154–157; p.162.
- (37) Howard Eilberg-Schwartz, *The Human Will in Judaism: The Mishnah’s Philosophy of Intention*, Atlanta, Scholars Press, 1986, pp.2-10; pp.95-120. Eilberg-Schwartz argues that the formulation of one’s thought in the classificatory system of the Mishnah corresponds to the exercise of divine will in the biblical account of creation, in which God created and classified the world through exercising His will. In the Mishnaic context, it is the humans as God’s agents that classify the fundamental character of the world by formulating intention and plans [*mahshavah* מהשבה] because the rabbis were accorded the powers and authority analogous to His to carry out the divine task of creation on His behalf. Therefore, in the Mishnaic classificatory system, the rabbis treat human acts of classification as equivalent to the divine act of creation to such a greater extent that what they do classify with the use of rhetoric in the Bavli in effect yields tremendous legal consequences.
- (38) Ibid., pp.95-96. Supplementing the view of Eilberg-Schwartz on how human cognition shapes the physical reality of given entities in the Mishnaic context, Rozen-Zvi also asserts that the Mishnah presents a dual system that contains both thought and action, both of which create legal (halakhic) outcomes. Especially in the realm of ritual purity and impurity, modes of people’s mental cognition such as “intent” [*razon* רצון] and “thought” [*mahshavah* מהשבה] can serve as

a mental application of external, physical actions; they are not independent psychic phenomena, but rather are understood as manifesting themselves as part of the external, physical world, in which mental gestures presuppose and shape external actions. In other words, in the realm of the Mishnaic laws of purity, human thought shapes the extent to which the physicality of objects can be altered based on how much given objects or persons are rendered susceptible to impurity. On the process of how thought and actions are intertwined in such a way that creates halakhic outcomes, see Ishay Rosen-Zvi, “The Mishnaic Mental Revolution: A Reassessment.” in *Journal of Jewish Studies*, vol. 66 no.1 2015, pp.51–53.

- (39) The form analysis of the mini-tractate of conversion in Yevamot in which the convert is defined by the *Stam* as a newborn reveals that the theme of conversion is textually structured in the form of a tractate, which means that its literary form consisting of a set of six *baraitot* is treated by the *Stam* in the same manner as the Mishnaic texts, hence a tractate. As the term “דַּתְנִי” (“as our Mishnah taught”) is frequently used to quote a Mishnaic passage in the given sugyot, the *Stam* seem to have inherited the Mishnahic heritage to define a new halakhic concept. For this reason, I argue that this mini-tractate of conversion of Yevamot is embedded in the Mishnaic system of classification, which helps account for how the *Stam*’s semantic appropriation and textual reworking of earlier Tannaitic and Palestinian images yield a new halakhic perception. On the term “דַּתְנִי” see Jacob N. Epstein, *Introduction to the Mishnaic Text*, Jerusalem: Magnes Press, 2000, p.765; p.874 [Hebrew].
- (40) Denise Kimber Buell, *Why This New Race: Ethnic Reasoning in Early Christianity*, New York, Columbia University Press, 2005, p.64, pp.75-76. Appeals to kinship claims were commonly practiced in ancient Mediterranean culture. Crafting both a history and a genealogy, people were defined as descendants of particular ancestral figures. 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. See also the Yerushalmi’s claim of the convert being a descendant of Israel’s progenitor Abraham in PT. *Bikkurim 1:4, 64a*.
- (41) Elisheva C. Fonrobert, *Menstrual Purity: Rabbinic and Christian Reconstructions of Biblical Gender*, Stanford, Stanford University Press, 2000, p.54 n.38-39. Cf. Lavee, “The Rabbinic Conversion of Judaism,” p.176.
- (42) 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, pp.29-46.
- (43) The Babylonian and Palestinian parallel texts of BT. *Yev 46a*, BT. *Karetot 9a*, *Gerim 2:4* and *Sifre numbers 108* all suggest that both 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/אבותינו], particularly found in the mini-tractate of conversion in BT. *Yev 46a*, suggests the native-born Israelites at Mt. Sinai, which is understood as referring to the archetype of the 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 the *Gerim* because the wording resembles that of Palestinian parallel texts, which seemingly reflects that of the Bavli. For the synoptic reading of these parallel texts in these parallel texts, see Lavee, “*The Rabbinic Conversion of Judaism*,” pp.74-75; pp.254-257.

- (44) This translation is based on the *Tosefta Based on Erfurt and Vienna Codices*. Edited by M.S. Zuckerman. (Pozevolk: Yissakhar Yizhak Meir, 188). Some slight changes are mine.
- (45) *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 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 Lavee, “A Convert Is Like a Newborn Child,” p.268 n.205.
- (46) 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 a court is alluded to. The Bavli’s wording of conversion signifies the court’s decisive power in defining the status of the convert. See also Lavee, “*The Rabbinic Conversion of Judaism*,” p.76 n.16.
- (47) 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, p.135. Cf. Adolf Büchler, *Studies in Sin and Atonement in the Rabbinic Literature of the First Century*, London: Oxford University Press, 1928, pp.216-218. Christine 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 Hayes, *Gentile Impurities and Jewish Identities: Inter-marriage and Conversion from the Bible to the Talmud*, Oxford, Oxford University of Press, 2002, pp.161–162. As for the word זוהמא in parallel sources, see BT. *AZ 22b* and BT. *Yev 103b*.
- (48) According to Catherine Bell, myth is re-enacted in the form of rituals. It should thus come as no surprise that the Bavli portrays conversion as a ritual of re-enacting the formative event of the Siniatic revelation, in which converts became newly born as part of Israel. Catherine Bell, *Ritual Theory – Ritual Practice*, New York, Oxford University Press, 1992.

- (49) Buell, “*Why New Race*,” pp. 62-84, particularly pp.75-76.
- (50) Charles F. Keyes, “The Dialectic of Ethnic Change,” in *Ethnic Change*, ed. by Charles F. Keyes, Seattle University of Washington Press, 1981, pp.5-7. According to Keyes, descent is defined as “one in which connections with ancestors or with those with whom one believes one shares descent are not traced along precisely genealogical lines.” That is, the idea of sharing descent is a form of seeking solidarity with those whom they recognize as being of the same people, which can perhaps be said of the convert as a newborn in the Bavli as well.
- (51) Joshua Levinson, “Bodies and Bo(a)rders: Emerging Fictions of Identity in Late Antiquity.” *Harvard Theological Review*, vol. 93 no.4, 2000, pp.344-347. Levinson offers the notion of “fictive ethnicity,” according to which the two dominant paradigms of genealogy and covenant help constitute the ethnic construction of Jewishness. Although he does not call the former ethnic and the latter religious, I argue that both concepts are closely intertwined with each other to the extent that these two factors presuppose the group’s fixity, which fits the conceptual framework of rabbinic conversion as new birth. His term “fictive ethnicity” is surely helpful in understanding the constructed nature of Jewishness, yet a sharp dichotomy between genealogical and covenantal in defining Jewishness may undermine an understanding of the complex process of rabbinic conversion.
- (52) Russell T. McCutcheon, *Critics Not Caretakers: Redescribing the Public Study of Religion*, Albany, State University of New York Press, 2001, p.88. For a similar argument, see also Buell, “*Why New Race*,” p.78.
- (53) Lavee, “The ‘Tractate’ of Conversion,” p.209; 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*, eds.by M. Goodman and P. Alexander, London, Oxford University Press and the British Academy, 2010, pp.333-34; Adiel Schremer, “Stammaitic Historiography,” in *Creation and Composition: The Contribution of the Bavli Redactors (Stammaitim) to the Aggadah*, ed. by Jeffrey. L. Rubenstein, Tübingen, Mohr Siebeck, 2005, pp.219-35.

From Erasure of the Past to New Birth: Rewriting Conversion as New Past in the Bavli

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The unique phrase "A convert is like a newborn child" in the Babylonian Talmud (the Bavli), Yevamot 48b, illustrates that the convert is legally akin to a newly born infant. The Bavli's use of the newborn imagery in defining conversion implies that conversion had the convert's previous gentile identity wholly erased; the convert as a new person is presumed "not to exist" prior to conversion. This study addresses the Bavli's notion that the convert as the newborn is a product of its discursive strategy of semantically appropriating and textually reworking the earlier Palestinian imagery and concepts such as renewal, creation, and forgiveness during the long process of its final redaction. Semantically isolating and appropriating the images of renewal and creation in the context of the forgiveness of sins in earlier Palestinian sources, the Bavli advanced the notion of conversion as akin to the new birth, erasing the convert's former gentile identity. More importantly, the Bavli's discursive strategy of semantically appropriating and textually reworking the earlier Palestinian motifs and concepts reflects the long process of its significant conceptual development of conversion during the final process of its redaction, which subsequently helped shape the criteria for defining Israel's ethnic membership that guaranteed the convert's full integration into Jewish peoplehood. Most worthy of note is particularly the Bavli's rhetorical use of the myth of Israel's shared descent, which allowed the anonymous redactors of the Bavli (the *Stam*) to rhetorically craft such myth of Israel's historical, ethnic origin to include the convert in her genealogical structures fully. Finally, the Bavli's conceptualization of conversion as akin to new birth thus serves as the primary marker of demarcating the group boundaries of Jewish identity. Rabbinic conversion developed by the Bavli therefore helped shape a historical, concrete reality that enables such a radical transformation of ethnic identity constantly subject to negotiation and change in ever-changing social and cultural contexts.