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Babylonian Echoes in a Late Rabbinic Legend

Both the use of comparative evidence from ancient Near Eastern sources and internal analysis have led several scholars in recent years to conclude that very early traditions are imbedded in comparatively late Rabbinic texts, especially, but not exclusively, in the Aggadic sections of both Talmuds, and in the Midrashic collections.¹ This paper will attempt to demonstrate the existence of a hitherto unrecognized example of this phenomenon.

An arresting Rabbinic comment on Gen. 4: 19 is found in Bereshith Rabba, Section 23,² and transmitted in the name of R. Judah bar Simon, a prominent fourth-century Palestinian Amora:³

¹ For Ugaritic myths reflected in Aggadic literature, see U. M. D. Cassuto, Commentary on the Book of Genesis (Jerusalem, 1969), 21-23 [in Hebrew]. For the relative antiquity of some Rabbinic traditions, cf. L. Finkelstein, New Light from the Prophets (N.Y., 1969); H. Albeck, Introduction to the Mishna (Jerusalem, 1967), Chapter 2 [in Hebrew]; J. N. Epstein, Introductions to Tannaitic Literature (Jerusalem, 1957), 46-52 [in Hebrew]. For Rabbinic survivals of cuneiform law and pertinent literature, see Y. Muffs, Studies in the Aramaic Legal Papyri from Elephantine (Leiden, 1969), 4, 8, n. 8; P. Doron, JANES I/2 (1969), 25.

² Ed. Theodor-Albeck (Jerusalem, 1965), 222-223, [hereafter, BR].

³ See P. Bacher, Die Agada der Palästinenischen Amoräer, III (Strassburg, 1899), 160-166 for biographical data on this prolific Agadist.

[The verse says:] Lamech took two wives, etc. R. Azariah in the name of R. Judah: this was the custom of the Generation of the Flood (כך הי' עושי): one of them would take two wives--one for reproduction, and one for sexual pleasure. The one [intended] for reproduction would sit [alone] like a widow; the one [acquired for] pleasure would be given a contraceptive potion⁴ [lit. cup of roots] in order that she not conceive [lit. give birth]. She would sit before him like a harlot. Thus is it written [Job 24:21 interpreted as:] 'the one that tendeth a sterile woman that she not give birth, and the widow he does not favor.' Know that it was so, for the best⁵ of them [i.e., the Flood Generation], Lamech, himself took two wives--Adah, who was removed from him [a play on Aramaic עדי], and Zilla, who would sit in his shadow [a play on Heb. צל].

This comment appears without major variations elsewhere,⁶ the most significant change being the reversal of the wives' functions in PT Yebamoth.⁷ The reason for this reversal is plain: since the following verses in Gen. 4 enumerate the offspring of both wives, in direct contradiction to the thrust of R. Judah's remarks, neither interpretation of the names is decisive. Strangely, no objections are raised on this basis in BR, as they are to R. Judah's comments on Gen. 3:16, 16:13 and 18:15, where his assertions that God spoke directly to only one woman in the Bible, Sarah, (in Gen. 16:13) are promptly disputed on the basis of the other verses!⁸

There are several ways in which we may attempt to interpret R. Judah's derash. He may have utilized this seemingly innocuous verse to castigate the practice he ascribes to Lamech and which may have been prevalent in his community, as though to say: beware that a fate similar to that of the Flood generation does not overtake you! This is unlikely, for several reasons.

⁴ Cf. BT Yebamoth 34b, where Er is assumed to have practised coitus interruptus with Tamar "so that her beauty would not be diminished through pregnancy."

⁵ לטובתם according to the context: "the best of them," cf. commentary ad. loc.

⁶ PT Yebamoth, Ch. 6, Hal. 5; Yalkut Genesis 38 and Yalkut Job 910.

⁷ The objection is raised: perhaps she (i.e. Adah, who in this version did not have children) was sterile or old--but v. 20 is not cited in refutation! For another interpretation of Adah as child-bearer, cf. B. Epstein, Torah Temimah: Genesis (N.Y., 1962), 70, n. 21.

⁸ BR, 188, 457, 684.

In 212 C.E. the Jews had been made Roman citizens, thus becoming subject to Roman family law, which forbade bigamy. Diocletian formally prohibited bigamy to former colonial subjects in 285.⁹ Moreover, R. Ami, a prominent third-century Palestinian Amora, had declared that, in his opinion, it was forbidden for a man to take a second wife without divorcing his first.¹⁰

Thus, pressures from several directions operating over the span of three generations worked to eliminate polygamy from Palestinian Jewry.¹¹ Indeed, no case of bigamy is known to us from R. Judah's time. Moreover, even had R. Judah felt the need to reprove one or two men for such bigamous conduct--there could scarcely be more than a few such cases in the depressed economic conditions of the time--he would probably not have done so publicly, and in so roundabout a manner.¹² Finally, as noted above, we could legitimately expect further evidence for such a practice.¹³

Another possibility is that this derash was composed in the spirit of "ascribing to the wicked more evil than the Bible explicitly describes,"¹⁴ a well-known Midrashic technique. The generation of the Flood was notorious in Aggadic literature for sexual immorality.¹⁵ This, however, itself requires some basis in the Biblical text, yet, as we have seen, the following

⁹ J. Juster, Les juifs dans l'empire romain, II, (Paris, 1914), 53.

¹⁰ BT Yebamoth 65a.

¹¹ It is true that Theodosius found it necessary to prohibit polygamy among Jews in 393, but this could not have been a very common phenomenon, for the reasons cited. It is also unclear to what extent the prohibition was based on knowledge of actual occurrences: Leo the Philosopher in the tenth century again forbade polygamy to Jews! Conditions in Babylon, however, were different, and there is ample evidence that polygamy continued to be practised there, cf. BT Pesahim 113a, Baba Qama 60b and Yebamoth 65a and 81b.

¹² Even had this derash been directed at certain individuals, it is most likely that everybody in the Academy would have known who was being referred to.

¹³ For a discussion of the whole issue, see Z. W. Falk Jewish Matrimonial Law in the Middle Ages (Oxford, 1966), p. 1.

¹⁴ BT Baba Bathra 109a: חולין את הקלקלה במקולקל.

¹⁵ Cf. R. Judah's own comments on Gen. 6:2 and 6:7, BR, 249.

verse explicitly contradicts R. Judah's eisegesis. Finally, neither bigamy nor the use of a contraceptive "cup of roots" was forbidden in Talmudic times.¹⁶

The third way of understanding this text is to take his statement that "thus was the custom of the generation of the Flood" literally: i.e., R. Judah was transmitting what he considered an historical tradition relating to the days preceding the Flood. This he did, not so much out of historical or antiquarian interest, but for its moral and ethical content (e.g. do not neglect your wife, or, despite the halachic condonance of a sterilizing agent, do not use one, etc.). Nevertheless, it seems to me, an historical kernel can be discerned.¹⁷

A parallel to the marital situation described by R. Judah is to be found in the Code of Hammurapi §§144-147, where the marriage of a nadītu, a type of upper-class Old Babylonian priestess, is discussed. By and large, nadītu's were forbidden sexual congress, childbearing and marriage.¹⁸ The latter, however, was not always so, for in CH #144 we have a married nadītu, who, nevertheless, is still forbidden to bear children.¹⁹

#144 (CH VIII, 13ff.)

Šumma awīlum nadītam īḫuzma nadītum šī amtam ana mutiša iddinma
mārī uštābši awīlum šū ana šugītim aḫāzīm paṇīšu ištakan awīlam
šū'āti ul imaggarušu šugītam ul iḫḫaz

¹⁶ Tosefta Yebamoth, Ch. 8, and 3T Yebamoth 65b.

¹⁷ It should be noted in passing that if R. Judah was merely seeking a peg on which to hang his historico-moral tradition, its lack of support from the context is easier to explain.

¹⁸ Cf. B. Landsberger, ZDMG 69 (1915), 506f.; idem, ZA 30 (1915/6), 67f.; idem, AfO 10 (1935/6) 145f; R. Harris, "The Nadītu Woman," Studies Presented to A. Leo Oppenheim, June 7, 1964 (Chicago, 1964), 106-135. Additional references may be found in AHW, 704 sub. voc. nadītu.

¹⁹ In Harris' words (op. cit., 108) "the nadītu was a woman who was not permitted to have sexual relations nor bear children. She was, to coin a term, the 'fallow' woman. That this was the basic characteristic of the nadītu is borne out by the fact that many of them lived to be old, escaping as they did the perils of childbirth." Harris, however, does not give proper weight to the high social and economic standing of many nadītu's, which in itself would have insured them the best medical care available.

If a man has married a nadītu and that nadītu has given a slave girl to her husband and has thus brought forth children; if that man intends to marry a šugītu, they shall not allow that man (to do so); he may not marry a šugītu.

#145 (CH VIII, 28ff.)

šumma awīlum nadītam īhuzma mārī lā ušaršīšūma ana šugītim aḥāzim
panīšu ištakan awīlum šū šugītam iḥḥaz ana bītišu ušerribši šugītum
šī itti nadītim ul uštamaḥḥar

If a man has married a nadītu, but she has not provided him with children, so that he wishes to marry a šugītu, that man may marry a šugītu and bring her into his house; that šugītu shall not put herself on a par with the nadītu.²⁰

Note the parallels:

- I. Two wives of different status are involved, having contrasting functions.
- II. The one of higher status is not to bear children.

²⁰ That nadītu's were generally of upper-class origin is clear: Hammurapi's own sister Iltani was one, as were two other princesses, for example (Harris, *op. cit.*, 123). That they were considered chief-wives when they married is clear from CH #145. Their upper-class status does not imply, as Harris infers, that economic factors (i.e., "the family would preserve the paternal estate and properties intact within the family," *ibid.*, 109) were predominant. If that were so, we would expect to find many more sister-nadītu's than aunt-niece nadītu's (*loc. cit.*). Moreover, a šugītu ("lay-sister," cf. Landsberger, *AfO* 10, 146; *idem*, *ZA* 30, 69), who could come from the lower classes of society, also did not inherit if they received a šeriktu (CH ##183-184). Surely alternatives other than the denial of marriage and children (nadītu-marriage was permitted only in Babylon, apparently) could be devised in order to preserve the family fortune. The rationale behind the nadītu-class is far from clear (but is probably religious in nature), and the purpose of nadītu-marriage is even less clear. Driver and Miles' evaluation of a nadītu-marriage as of inferior status (*op. cit.*, I, 294), and of the consequent issue as "illegitimate" (p. 295) is certainly unfounded, in view of the high status of the people involved. Even if the children are accounted the nadītu's, they could scarcely be considered illegitimate; if, as could be the case, the nadītu's sister entered the cloister as šugītu, the šugītu could be considered "a woman of his [the husband's] own rank," which Driver and Miles deny by implication (p. 295 and p. 372, n. 2).

- III. The one of lower status (i.e., either slave or "lay-priestess" in the Babylonian case) is to bear the husband children.
- IV. Despite the nearly universal high(er) status in the Near East of a wife who has borne children (cf. CH ##137-138), the wife of lower status remains in her lower position.

The nadītu-class apparently disappeared after the OB period; but the tradition of a nadītu, and her close relation to a šugītu, is again in evidence in later times, with interesting modifications and distortions. In the lexical list lú=ša (MSL XII 129:22-24), quoted by B. Landsberger,²¹ šugītu follows nadītu, thus implying that even in NB times the two were considered to have been more closely connected than merely as co-priestesses of some type. In Malku I: 131-132, however, the nadītu was equated with šamuktum and uppuštum, both euphemisms for prostitute (ḥarimtum).²² Another late tradition²³ saw in her a healer of infants. Harris remarks on the irony of this: "The nadītu then who was not permitted to bear children was later associated with the saving of infants!" However, that is exactly the point. Tradition maintained the connection, albeit in distorted fashion, of a special relationship of the nadītu to birth and children.²⁴

In short, NB and LB traditions took the nadītu to be closely associated with the šugītu. Whether she is viewed the šugītu's mistress, or superior wife can not be determined. Paradoxically,

²¹ AfO 10, 146.

²² Harris (*op. cit.*, 107) says that this "indicate[s] that the role of the nadītu was completely forgotten in the late period," but it is significant that some special sexual role was still posited of her.

²³ KAR 321:7: nadâte ša ina nēmeqi uballaṭā rēmu "the nadītu's who heal the fetus with skill," adduced by Landsberger and cited by Harris, *op. cit.*, 135, n. 92.

²⁴ Interestingly enough, though not strictly relevant to the present paper, Landsberger points out (AfO 10, 149) that LUKUR in late texts is to be read šibtu rather than nadītu. Could it be that the nadītu, who often lived to a ripe old age (cf. Harris, 122, where some nadītu's who served as long as 25 to 54 years in that capacity, are listed) was thus ultimately taken as a prototypical šibtu?

these late traditions seem to be aware of some relation of the nadītu to infants, and moreover, yet another tradition views her as a prostitute.²⁵

It would seem likely that R. Judah's comments are based on some traditional memory of a nadītu-marriage that entered Rabbinic tradition either during the Babylonian exile or later. It should be borne in mind that R. Judah's father, R. Simon ben Pazzi, visited Babylon for a time,²⁶ and is often quoted in BT. Moreover, both father and son were evidently well-acquainted with the surrounding cultures, as their knowledge of Greek, at least, illustrates.²⁷ This is in contrast to R. Hiyya bar Abba and R. Simon bar Abba, for example, in whose recorded sayings no trace of any knowledge of Greek is to be found.²⁸

²⁵ See above p. 14.

²⁶ Cf. BT Shabbath 55a and also Berachoth 10a.

²⁷ Cf. BR, 510. R. Simon manifests a strong interest in language, history and Greek culture: in BR, 10, he transmits a tradition of R. Joshua ben Levi's regarding the origin of the Hebrew final letters; he is the author of the famous deduction on the use of Hebrew in the creation of the world, because it alone (of Hebrew, Aramaic and Greek) employs related words for "man" and "woman" (BR, 164 & 281 based on Gen. 2:23---this incidentally illustrates his knowledge of Greek). R. Simon has his own opinion on the identity of the nation Tyrs in Gen. 10:2 (BR, 343 & BT Yoma 10a); BR, 948 illustrates his knowledge of Greek coinage and BR, 440 (cf. Leviticus Rabba, ed. Margulies, 284) his interest in Greek history (?). R. Judah likewise manifests an interest in and knowledge of Greek, as in his description of Greek officials in BR, 510. In Leviticus Rabba, 767, he quotes from Aquila's Greek translation of Ezekiel, and he transmits traditions dating from the time of the Temple (PT Berachoth, Ch. 2, Hal. 4 and Ch. 4, Hal. 1), which, in his status of kohen, is natural. Finally, R. Simon is the author of the well-known midrash (BR, 195 & 236) regarding incubas: "R. Simon said: 'em kol hai (Gen. 3:20) the mother of all living things,' for R. Simon said: 'All 130 years that Adam was separated from Eve male demons would unite [lit. would become aroused] with her and she would bear demons, female demons would unite with Adam and would bear...etc.'" Whether or not this midrash and others like it go back to the Babylonian lilītu and ardat lilī requires further investigation. In general, however, we cannot expect evidence pointing to clear Mesopotamian origins in the realm of popular superstition, where syncretism from all directions was the rule, and the Babylonian influence may be very indirect.

²⁸ Cf. S. Lieberman, Greek and Hellenism in Palestine (Jerusalem, 1962), 19 [in Hebrew].