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Edited by
Joel Roth
Menahem Schmelzer
Yaacov Francus
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“Bury My Coffin Deep!”

Zoroastrian Exhumation in Jewish and Christian Sources

Geoffrey Herman

A colorful mosaic of nations and religious communities filled the expansive regions of the Sasanian Empire. Although Zoroastrianism, the predominant religion, was promoted consistently by the kingdom, the relationship between the kingdom and the non-Zoroastrian religious communities and

1 For a recent survey on the Sasanian Empire, see J. Wiesehöfer, Ancient Persia from 550 B.C. to 650 A.D., trans. A. Azodi (London, 1996), 153–221. The classic, though out of date, monograph is A. Christensen, L’Iran sous les Sassanides (Copenhagen, 1944).


practices was dynamic. Whereas religious toleration was the rule, the changing political situation would invariably lead to dramatic shifts in religious policy. Thus, we find that the vicissitudes of both internal and foreign policy would bring about the advancement of radical (Zoroastrian) clerical elements at the expense of the interests of the non-Zoroastrian inhabitants of the empire; or alternatively, where more expedient, would utilize well-placed Christian bishops in the cause of international diplomacy. Evidently, the particular points of friction between each non-Zoroastrian community and the Zoroastrians weighed heavily on the individual relationship between the two. Manichaeism was hounded with particular vigor due to its proximity to Zoroastrianism and missionary activity; the conversion of Rome to Christianity would make the Sasanian Christians suspect; and active missionary activity by Christians among high-placed Zoroastrians, or among the Armenians who had formerly been Zoroastrian, thereby crossing established boundaries, might particularly irritate the circles of the Sasanian nobility. We also encounter friction of a different nature, where there is no tangible “threat” to the devout members of the Zoroastrian religion, but where the religious practices of non-Zoroastrians impinged upon the religious beliefs of Zoroastrians. The latter would, on occasion, attempt to restrict them or prevent them from fulfilling their religious practice. The issue I wish to examine in this paper, burial rites, belongs to this category.

The funerary rites typically practiced by the Jews and Christians living in the Sasanian Empire (224–651 C.E.) differed from those generally associated with Zoroastrians in this period. Zoroastrians practiced the exposure of the corpse shortly after death in an open space to be consumed by dogs and birds, whereas Jews and Christians


generally interred their dead in the earth.\textsuperscript{8} Literary sources from the Sasanian era provide evidence of efforts by Zoroastrians to impose their method of burial upon non-Zoroastrians, and my purpose in this article is to explore this evidence.\textsuperscript{9} For the Jews the evidence is provided by the Babylonian Talmud;\textsuperscript{10} for the Christians it comes from a number of different places, but particularly from the rich, extensive, and distinctive martyrlogy literature that was composed in Syriac and deals with Christian martyrdom in the Sasanian Empire.\textsuperscript{11}

\textsuperscript{8} For Christians, apart from depositing the corpses of martyrs in martyria, the sources usually refer to their burial. The Babylonian Talmud assumes the existence of cemeteries, cf. b. Ber. 18b. Obviously, in view of the expanse of the Sasanian Empire and the time frame we are considering, we can expect to find considerable variation. For instance, ossuaries from the Sasanian era discovered in Merv, in today’s Turkmenistan, appear to testify to similar practices of Jews and Zoroastrians in this period. For further reservations and literature, see below.

\textsuperscript{9} I shall not deal with the actual burial practices of Sasanian Jews and Christians in this article, or their relationship to one another, but only in their response to Zoroastrian practice and interference. Likewise, this article will not address perceptions of death, resurrection, the afterlife, eschatology, or the relationship of any of these topics to actual burial practices.


Although this phenomenon has been noted in scholarship, little effort has been invested in determining its extent. Some scholars, particularly those considering the Jewish sources, have suggested that it was marginal, but they have not conducted a detailed study of the data. Furthermore, a close comparison of the contemporary Christian material with the Jewish sources has not been undertaken. For the Christians, the evidence of exhumation often appears within the context of martyrdoms, where it is generally subordinate to their main focus—the suffering and execution of the martyr. The extensive and varied pertinent Christian material is, however, cited only sporadically in scholarship, but there has not been an effort, to my knowledge, to collect this material in any one study. Here I shall bring together and discuss Jewish and Christian sources that I have found and introduce some additional pertinent material that I have not encountered elsewhere in the scholarly literature. Naturally, different kinds of sources raise different issues and questions that must be addressed, and one cannot expect the discussion of the different sources to be even. For example, it is unnecessary to present each of the multiple martyrology narratives in detail due to their repetitive nature; whereas the talmudic sources discussed here often are more opaque and require a more detailed analysis. Hopefully, with this broad basis, we will be better placed to evaluate the extent of the phenomenon and its impact on the lives of non-Zoroastrians in the Sasanian Empire. Before examining the Jewish and Christian sources, it is useful to first review briefly the Persian customs from the perspective of the Zoroastrian sources, themselves.

12 See, e.g., among more recent studies: M. Beer, “Notes on Three Edicts against the Jews of Babylonia in the Third Century C.E.,” [in Hebrew] in Irano-Judaica, Studies Relating to Jewish Contact with Persian Culture throughout the Ages, ed. S. Shaked (Jerusalem, 1982), 37; R. Brody, “Judaism in the Sasanian Empire: A Case Study in Religious Coexistence,” Irano-Judaica, vol. 2, ed. S. Shaked and A. Netzer (Jerusalem, 1990), 52–62; Shaked, Transformation, 42; D. C. Kraemer, The Meanings of Death in Rabbinic Judaism (London, 2000), 95–98; I. Gafni, “Babylonian Rabbinic Culture,” in Cultures of the Jews: A New History, ed. D. Biale (New York, 2000), 236–38. Although the sources tend to treat the imposition of foreign burial rites as oppression or persecution, many scholars of Babylonian Jewry have emphasized the Zoroastrian perspective, whereby it is the particular Zoroastrian concern for their own religious beliefs that has motivated them to pursue this policy. Scholars’ understanding of this phenomenon cannot be divorced from their approach to the status of the Jews in Sasanian Babylonia, in general, and the extent to which Jews enjoyed religious peace. E.g., Brody (above), stresses the relative absence of all aspects of religious oppression.

13 I can make no claim to have gathered all the Christian sources as I have not conducted an exhaustive search of the Syriac material, particularly the martyrdom narratives, or probed all avenues of potential data.
Zoroastrian Burial Practice

Historically, Persian burial customs varied and included burial in tombs. Certainly in the Achaemenid era and afterwards, more than one method of burial was practiced by Iranian peoples. It appears that this was less the case by the Sasanian era. For this period, the best known burial practice associated with the Persians—the officially sanctioned Zoroastrian practice—which indeed drew the attention of outside observers and that is attested in the Zoroastrian literature that has reached us, is the excarnation of the corpse through exposure to dogs and birds. This is referred to in the Pahlavi Zoroastrian literature as the “tearing up of birds and dogs” (darrēnišn ī sag ud). Some sources note that after the flesh was consumed, the bare bones were buried. How did the Zoroastrians explain their practice?

14 This topic is controversial, and the literature is extensive. References to further literature may be found in the items cited in this note. See Frantz Grenet, Les pratiques funéraires dans l’Asie Centrale sédentaire de la conquête grecque à l’islamisation, Publication de l’URA 29, Mémoire no. 1 (Paris, 1984), 31–44; Shaked, Transformation, 39–42, emphasizes the diversity of practice among Zoroastrians even in the Sasanian era. See also Stausberg, Die Religion Zarathushtras, Bd. I, 231–33; Stausberg, Die Religion Zarathushtras, Geschichte-Gegenwart-Rituale (Stuttgart: Köln, Bd. III, 2004). Already Agathias (Histories vol. 2, no. 23, 8–10) asserts, with a curious knack for the archaeological, that the custom in those parts prior to the Sasanian era had condoned burial in tombs. See A. De Jong, Traditions of the Magi. Zoroastrianism in Greek and Latin Literature, Religions in the Graeco-Roman World, vol. 133 (Leiden: Brill, 1997), 432–44.

15 The earliest classical testimony appears in the works of Herodotus (Hist., I. 140; cf. Strabo, Geogr., 15, 3.18), where the custom is attributed to the magi as distinct from the Persians. Sextus Empiricus (Outlines of Pyrrhonism, 3.227) writes that the Hyrcanians give dead bodies to the dogs. Non-Zoroastrian testimony from the Sasanian era also refers to birds and dogs, such as in the description of Theodoret (Graec. Affect. Curatio. IX, 33) and Procopius, Wars, I, 12, 4; and cf. Agathangelos and the Mar Abba and Mar Jacob, the Secretary martyrdoms cited below. Agathias (Histories II, 22, 5–6; 23, 1–5) includes a detailed description of the Persian funerary customs, for which, see the commentary by De Jong, Traditions of the Magi, 235–44, 443–44. It is prompted by the description of the exposure of the Persian general Mermeroès (Mihr-Mihröy). There is also Agathias’s story of the two Greeks who found an unburied corpse and buried it; subsequently a man appeared before one of them in a dream, warning them not to bury it. The next day they found that some Persians had unearthed the deceased again (Histories, II, 31); Procopius (Wars, I, xi, 35) writes that the important Persian general (artēštārān-Sālār), Seoses (Șiyavvus), was accused of burying his mother. This was added to the alleged crimes of the accused, who was executed. For an overview and reference to more sources, see Encyclopaedia Iranica, s.v. “Corpse.”

16 The third century Latin writer (Junianus Justinus, citing Pompeius Trogus (ca. 5 C.E.) writes that the Persians exposed their dead to the birds and dogs, the bare bones being covered in earth (Epitome, 41.3.5). Cf., too, the Martyrdom of Miles cited below. There is evidence of secondary burial of the bones, involving their placement in ossuaries or charnel houses. It has been maintained by some scholars that this was subsequent to excarnation; however, Shaked, “Some Legal and Administrative Terms of the Sasanian Period,” Acta Iranica 5, Monumentum H. S. Nyberg II (Tehran, 1975), 224–25 has noted that a Middle Persian tomb inscription found in Eqlīd in Iran, appears to have the deceased Zoroastrian noble laid in the tomb on the day following his death—which would preclude the fulfillment of Zoroastrian ritual as prescribed in the Zoroastrian religious literature.
The most ancient essential Zoroastrian religious text advocating exposure, and treating the subject in some detail, is the Wīdēwdād. This work is, to a large degree, concerned with the pollution attending a recent corpse and ways to reduce it. The statements there are both prescriptive and polemical, clearly alluding to a diverse funerary reality. The Zoroastrian approach to burial derives from their attitude to the earth. Spəntā Ārmaitī (= “Bounteous Devotion”) is one of the Amesha Spentas or divine creations presiding over the earth. Death, which is the evil brought about by Ahreman, the force of evil, fills the corpse with demonic content, nasā. The burial of a corpse filled with nasā would contaminate the earth. Therefore, they prohibited inhumation and considered exhumation a virtuous deed.

Far from covering up the corpse, we find in Zoroastrian scriptures the conviction that the sun’s rays benefit the deceased. Exposure to the rays of the sun — on the fourth day after death, called xwaršēd nigerišn — “sight [of the body] by the sun,” is prescribed. From the Muslim era onward, the practice has been to bury in an enclosed structure, open to the sky called a daxma (= tomb), and widely known as a “tower of silence,” separated from centers of population.

The origin of this practice is little known, but there is no compelling literary or archaeological evidence for it from the Sasanian era. It seems likely that in that period, exposure was not practiced in confined areas.

It is of interest that the Zoroastrian notion of the corpse contaminating the earth was not limited to Zoroastrians. Concern and efforts to preserve the sanctity of the earth might also address its contamination by non-Zoroastrians. Thereby,
the “virtuous” deed of exhumation, as mentioned in the Wīdēwdād, could be applied to the exhumation of non-Zoroastrians. We now review the Christian and Jewish sources that address the issue of Zoroastrian interference in burial rites.

# The Christian Evidence

The imposition of exposure of the corpses of Christian martyrs is mentioned fairly extensively in the martyrological literature of Persian Christianity. As with other such martyrdom texts, one encounters an uneven mixture of legend and history. The typological Persian Christian-martyr passion narrative tends to include the exposure of the martyr, the guard set over it, and theft of the corpse by local Christians. Some accounts dwell on the exposure and assert its miraculous ineffectiveness to underscore the ultimate posthumous victory of the martyr over his oppressors. Others perfunctorily record the martyr’s exposure toward the conclusion of their accounts.

In the Martyrdom of Miles, bishop of Susa et al., dated 341 C.E., we hear of the exposure of the martyr’s corpse to the animals and birds, along with the explanation that “the Persians do not bury until the flesh has been wasted away from the bones, and afterwards they cover up the bones.” So, too, we find in the Greek version of the martyrology of the virgin, Ia, the following description: “they instructed the guards to watch over her remains, so that no-one might bury her before the birds of the sky descend and consume the body, since it was not the custom amongst the Persians to bury the corpse lest the earth become contaminated.” Guards were generally

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24 The precise relationship and debt of these Persian martyrdom acts to Eusebius’s Martyrs of Palestine remains to be determined. Eusebius brings two cases where the martyrs’ corpses were exposed under guard. In the first case (Antoninus, Zebinus, et al.) animals devoured the corpses; in the second (Pamphilus, Vales, et al.) the animals miraculously did not touch them, and they received an honorable burial. The motif of the theft of the corpse has been explained as a case of imitatio Christi; see Asmussen, “Christians in Iran,” 937 and recently by Peter Schäfer, Jesus in the Talmud (Princeton, 2007), 120–22. It is, however, clearly derived from the exhumation issue we are dealing with here.

25 Also in the martyrdom of Bar Šibia (AMS 2, 283), the corpses of the martyrs were left to the wild animals and birds: (נַפְרָה מִלְבֲּא יִתָּהָ בָּא פְרָחָה יִתָּה). The reference to “[wild] animals and birds [of the sky]” is biblically inspired. The Acts of Shirin is rare in explicitly referring to the use of dogs for this purpose. See Devas, AB 112 (1994), 30–31. The dogs miraculously do not touch the corpse.


27 Typically reserved for the pyag — the lowly foot soldier.
stationed to enforce the exposure of the martyrs’ corpses. One source has them stationed for ten days. As several accounts assert, it was only through theft, bribery, or miraculous intervention that the martyrs might receive a Christian burial. Whereas the miraculous preservation of the corpse in its pristine condition as a vindication of saintliness is a well known *topos* in this period, we find it applied to the unique situation of exposure in these Christian sources. It is evoked in Armenian Christian sources, where the persecutors were Sasanians. Agathangelos relates that after nine days, no animal, dog, or bird had touched the corpses of the martyrs, and a similar tale appears in *History of Vardan* by Elishé who writes on the period of Yazdgird II. Incidentally, the matter of exposure features quite prominently in this latter source.

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30 Mar Petion, *AMS* 2, 628.

31 Labort, *Le Christianisme*, 62. The guards over Pusai’s corpse fled from hail (*AMS* 2, 230; Braun, *Ausgewählte Akten*, 74–75); those of Anāhīd were deterred by a swarm of wasps (*AMS* 2, 599). On a whole series of unnatural phenomena culminating in the disappearance of the martyr’s corpse, see *AMS* 2, 390. The corpse of Pusai’s daughter, Martha, was redeemed through a bribe to the guards (*AMS* 2, 240; Braun, *Ausgewählte Akten*, 81), as was Mar Jacob the Secretary’s corpse (*AMS* 4, 198–99). The corpse of Mar Jacob Intercisus was stolen only after attempts to bribe the guards failed (*AMS* 2, 557). On the theft of the corpse from guards, see also *AMS* 2, 56 (Mar Šapur); 206 (*Šime’on bar Saba’e*); 374; 391; 505 (Mar Qardagh). The body of Anastasius the Persian was thrown to the dogs, but they did not touch it. See B. Flusin, *Saint Anastase le Perse et l’histoire de la Palestine au début du VIIe siècle*, 1–2 (Paris, 1992). See also *AMS* 2, 295, that details the swift burial of 127 martyrs in common graves far away from view “for fear of the magi.”


33 Elishé, *History of Vardan*, 228. These Christian sources might be compared to the Jewish response — particularly as heard from Babylonian amoraim — to the punishment of the defenders of Bethar. The Palestinian Talmud (*Taan. 4, 69a*) relates the following:

> כרב דוד הלאירדוסetroit שמעו עלי על שם שלם יושם על כל פי חרב כדי לא зубרים והקיפו גדר מהרוגי ביתר מלא קומה ופישוט ידיים ולא גזר عليهم שיקברו עד שעמד מלך אחר וגו נלעדים שוקבר.

> The wicked Hadrian had a large vineyard of 18 mil by 18 mil, as from Tiberius to Sepphoris, and he made a fence around it from the dead of Bethar standing upright with outstretched hands. And he did not decree that they be buried, until a different king arose and he decreed that they be buried.

> We have here a depiction of mass crucifixion serving as both punishment and as a warning to others. The Palestinian Talmud continues to provide the following statement: *As Rav Huna said: when the dead of Bethar were allowed to be buried ‘the One who is good, and who does good’ was instituted, ‘the One who is good’ — that they did not decompose; and ‘who does good’ — that they were allowed to be buried.” (Babylonian Talmud parallels: *Ber.* 48b; *Taan.* 31a; *B. Bat.* 121b — all in the name of Rav Matana.) The Babylonian amoraim emphasized that the corpses did not decompose, and they even connected the event to an important liturgical innovation — the addition of the fourth blessing to the Grace after Meals, the blessing *הטוב והמטיב*. See
There, the Sasanian king explicitly accuses the Christians: "you have buried the dead in the ground and corrupted the earth." Later, in the course of relating military successes against the Persians, the narrator can gloat with irony, declaring: "they put to the sword numerous magi who had come ready to bring ruin to the country, these they threw out as carrion for the birds of heaven and beasts of the earth."

The Syriac composition on St. Peroz from Bei Lapat begins its account by relating that “in the year 733 of the Greek calendar (= 422 C.E.), the first year of the reign of Warahrān [V], king of the Persians . . . in accordance with the instruction of the head of the magi, the cursed Mihršāpūr, they exhumed the dead that had lain buried since the days of his father (that is, King Yazdgird I), and scattered them before the sun, and this decree remained in place for five years.” The martyrdom of the catholicos Mar Aba provides an interesting scene within the precincts of the capital city of Ctesiphon, where the magi desire to cast Mar Aba’s corpse to the dogs, but a determined gathering of Christians prevent this. According to another Christian martyrological text, St. George’s body was placed on the peak of a mountain as prey for the birds. Theodoret, who was writing from beyond the Sasanian empire and speaking of the practice of exposure of the dead to “birds and dogs,” states that Persian converts to Christianity “do not now tolerate this practice but bury their dead in the earth, disregarding the cruel laws that forbid interment, and show no fear of the cruelty of those who punish them.”

The burial issue was important enough that in a supplement to the peace accord between Emperor Justinian and King Xūsrō I in 562 C.E., dealing with the condition of the Christian inhabitants of the Sasanian empire, a specific stipulation was included that permitted Christians to bury their dead in graves in accordance with their

also b. B. Mets. 83b regarding the preservation of the flesh after death and b. Shab. 152b with respect to the bones not turning into dust.

34 Elishe, History of Vardan, 97–98.
35 Elishe, History of Vardan, 129.
36 Is it reading too much into this source to see it as indicating that prior to Yazdgird I such a decree was in force?
37 AMS 4, 254: ממיתא דקברין הוו מן שני אבהנהו אפק ודרא אנון לעין שמשא כד קוי פוקדנא הנא שניא חמש; Braun, Ausgewählte Akten, 163; Hoffmann, Auszüge, 39.
40 Sermo 9. 35 Théodore de Cyr, Thérapeutique des Maladies Helléniques, t. 2 (Paris: P. Canivet, 2001), 346 [English translation from M. Boyce, Zoroastrians, Their Religious Beliefs and Practices (London: Routledge and Kegan Paul, 1979), 121]. According to the martyrology text of Išō’-sabra, upon the death of a Christian convert, the Christians feared that it would not be possible to bury her in accordance with Christian custom. Their fears were allayed, however, when it transpired that her Zoroastrian husband had secretly also converted to Christianity and arranged a Christian burial for her; see J-B. Chabot, Histoire de Jésus-Sabra (1897), 513.
This stipulation, in addition to the comment by Theodoret cited above, suggest that it was not only in cases of the public execution of Christians that the method of exposure was imposed upon the Christian—an impression one might have from the litany of martyrdom testimonies we have referred to above.\(^42\)

The issue of burial recurs among the classical authors who dealt with the Persians. Procopius, when he writes of the efforts of the king Kavād to persuade Gorgenes, the king of the Iberians, who was a Christian, to adopt the Zoroastrian religion, notes specifically the custom of not burying beneath the earth but throwing the corpse “to the birds and to the dogs.”\(^43\)

An early hitherto unnoticed allusion to a problem echoes in the comments made by Aphrahat, who was writing in the year 336 C.E.\(^44\) The subject is the verses in Deut. 34:5–6 that describe the burial of Moses and states that its location was kept secret. Some Jewish and Christian commentators have offered the explanation that the grave of Moses was hidden to prevent it from becoming the focus of Jewish or Gentile veneration.\(^45\) Aphrahat says this, too, but appears to be unique amongst the patristic writers in adding as a second reason that the Moabites, in whose territory the grave would be, would not come and throw his bones out of the tomb (ונשדונ גרמוהי מן קברה).\(^46\)

If he is attributing practices to the Moabites that were in fact familiar to him from his own times and region, as seems reasonable, then Aphrahat is providing the earliest Christian allusion to the Zoroastrian exhumation practice, which also precedes the commencement of the Great Persecution under Šāpūr II. This would then suggest a Zoroastrian activism in the realm of exhumation that preceded the official

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42 One may also query the propriety of including the exposure of deceased martyrs in a list of “peines et supplices” as does Christelle Jullien, “Peines et Supplices dans les *Actes des martyrs persans* et droit sassanide: Nouvelles prospections,” *Studia Iranica* 22 (2004): 264–65. Evidently, it is only from the Christian perspective that such treatment might be judged a punishment. Only in one account was the exposure undertaken while the victim is still alive—in the case of Anāhīd—and this account reveals imagination in excess.

43 *Wars I*, 12, 4.


erosion of the legal status of Christianity and the era of mass martyrdoms that began a few years later. We shall now turn to the Jewish sources.

Exhumation in the Babylonian Talmud

The Babylonian Talmud traditions on exhumation are not inconsiderable. There are three separate sources that relate to the exhumation of Jewish corpses by Zoroastrians and a fourth that is a developed discussion on the Jewish requirement of burial, which makes sense within the context of the exhumation controversy. An additional source is discussed in an appendix. It deals with the question of using Gentiles for the burial of Jews on a Jewish festival (when burial is not allowed by Jews). Because it is not strictly about Zoroastrian interference in the Jewish burial practices, it is discussed in the appendix, but as it has mostly been omitted from earlier scholarly discussion on this topic, unjustifiably so, in my view, it is subjected there to a more detailed study.

We shall now take a look at the four sources, beginning with b. B. Bat. 58a:

In addition to these sources, a homily on the toponym, Shinear, that appears in Gen. Rab. 37 (Theodor-Albeck edition, 346) [y. Ber. 4, 7b] may be related. It is as follows:

According to Vilna edition. Meaningful variants from the Talmud MSS appear in the notes. Abbreviations used: MS Escorial G-I-3 = E; Firenze, Biblioteca Nazionale Centrale — II.1.8–9 = F; MS Hamburg 165 = H; MS Munich 95 = M; MS Oxford Opp. 249 (369) = O; MS Paris, Bibliotheque Nationale — Suppl. Heb. 1337 = P; Vatican, Bibliotheca Apostolica, Ebr. 115 = V.

47 In addition to these sources, a homily on the toponym, Shinear, that appears in Gen. Rab. 37 (Theodor-Albeck edition, 346) [y. Ber. 4, 7b] may be related. It is as follows:

48 According to Vilna edition. Meaningful variants from the Talmud MSS appear in the notes. Abbreviations used: MS Escorial G-I-3 = E; Firenze, Biblioteca Nazionale Centrale — II.1.8–9 = F; MS Hamburg 165 = H; MS Munich 95 = M; MS Oxford Opp. 249 (369) = O; MS Paris, Bibliotheque Nationale — Suppl. Heb. 1337 = P; Vatican, Bibliotheca Apostolica, Ebr. 115 = V.

49 חטיט

H: קא חטיט;
EF: קא חטיט;
M: קחטט;
O: קא מחטט;
P: קא מחטיט;
V: מחטט.

50 שכבי

H: מערותא;
PV: שיכבי.

51 אמערתא

EH: מערותיה;
M: למערפת;
OP: מערותיה;
F: מערותיה.

52 בר

EH: בר;
M: missing.

53 בידיקות

P: בדיקות;
M: missing.

54 הא続いて

H: אבוא;
E: אביו;
O: אמו.

55 מימי

H: מימי;
EPV: מימי;
M: מימי.

56 שבктив שבктив

H: שבктив שבктив;
M: שבктив שבктив.

57 אחותית

EHOPV: missing.

58 אחותית

H: אחותית;
M: אחותית;
O: אחותה;
P: אחותה;
V: אחותה.

59 נא שבктив שבктив לא

H: נא שבктив שבктив לא;
M: נא שבктив שבктив לא;
P: נא שבктив שבктив לא;
V: נא שבктив שבктив לא.

60 נא שבктив שבктив לא

H: נא שבктив שבктив לא;
M: נא שבктив שבктив לא;
P: נא שבктив שבктив לא;
V: נא שבктив שבктив לא.
A certain magus used to exhume the deceased. When he came to the [burial] cave of Rav Tobi bar Matana he [i.e., the deceased] seized him by his beard. Abaye came. He said to him [i.e., to the deceased]: I ask of you to let him go! The following year he returned, came [and the deceased] seized him by his beard. Abaye came, [but] he would not let him go, so he had to bring scissors and cut off his beard.

This entertaining and vivid anecdote, probably set in the region of Pumbedita where Abaye resided, addresses nevertheless a serious problem. Since Abaye (d. 337/8 C.E.) appears in this source, and the deceased, too, as we learn from elsewhere, had been a contemporary of Abaye, it is set in the reign of Šāpūr II, whose hostile policy toward Christianity we already noted. This magus (and hence what he represents) is no itinerant and zealous monk seeking provocation. He bares the mark of authority. Abaye’s role is illustrative. Not only is he portrayed as powerless to prevent this magus, but his intercession is all for the purpose of extricating this magus from his predicament. The requirement for maintaining public relations with the magi perhaps overrides any contemplation of forthright protest at their practice. Whereas in this story the deceased rabbi from the underworld has the upper hand, there is more than a hint that in the upper world we are dealing with a recurrent phenomenon for which the magi may well have had a free hand. In the following source, from b. Yev. 63b, the theme of exhumation features within a broader reflection on Persian persecutory measures:

A. בנו של אנטיפוס (בבריס, כז). רבי יוחנן אמר: אלו החברים
בגוי נבל אכעיסם.
B. אמר לו רבי יוחנן: אתו החברים
לכל א المالية
אמרו לו רבי יוחנן:马克בל שוחדא
תריץ יתיב—אמרו ליה:鳄卵
The uncommon couplet תריץ יתיב appears in connection with Rabbi Yohanan in b. B. Kam. 117b and in connection with Persians in b. Ber. 46b. In B. Kam., in fact, Rabbi Yohanan, prior to sitting up also underwent an experience equivalent to שאר עמך בבל in the loss of his seat. I discuss the significance of the Persian background to this B. Kam. source in “The Story of Rav Kahana (b. B. Kam. 117a–b) in Light of Armeno-Persian Sources,” Irano-Judaica, vol. 4, ed. S. Shaked (Jerusalem: Ben Zvi Institute, 2008), 53–86.
A. ‘I shall vex them with a foolish nation’ (Deut. 32:21).
Rabbi Yohanan said: These are the ḥабārs.⁷⁰
B. They said to him: the ḥабārs have come to Babylonia —
He collapsed(?)[⁷¹] and fell.
They said to him: They accept bribes —
He straightened himself and sat down.
C. They decreed concerning three matters on account of three:
They decreed concerning meat on account of the priestly gifts;
They decreed on public baths on account of ritual immersion;
They exhume the dead because they are joyous on their festivals.
D. (as it is said:)⁷² “And the hand of the Lord shall be upon you and
upon your fathers” (1 Sam. 12:15).
Rabbah bar Shemuel said: This is the exhumation of the dead, as the
master stated: for the sin of the living, the dead are exhumed.
E. Rava said to Rabbah bar Mari: It is written: “They shall not be
gathered, nor buried, they shall be as dung upon the face of the earth”
(Jer. 8:1–2). And it is written: “and death shall be chosen rather than
life” (Jer. 8:3).
He said to him: “death shall be chosen” — for the sinners, for they
should not live in this world and sin and fall into Gehinna.”

⁶⁸ שמאמר: Absent in MSS, see Dikdukei soferim hashalem, massekhet yevamot (Jerusalem, 1986).
⁶⁹ ממהות: the MSS have ממהותי.
⁷⁰ See below.
⁷¹ The meaning is uncertain. M. Sokoloff, A Dictionary of Jewish Babylonian Aramaic (Ramat
⁷² This phrase is missing in MSS.
This source has been subject to detailed analysis over the decades on account of its explicit reference to the persecution of Babylonian Jewry in the Sasanian era. Nevertheless, much is still lacking from the scholarly discussion of this source. There is a need to address the relationship between the scriptural verse that introduces this source and the rest, to account for the connecting parts, and how the source is constructed as a whole. Here, I shall attempt to account for its literary structure, language, and themes within the framework of its homiletic context. In addition, I shall probe its intertextual relationship to other talmudic sources; suggest a Persian stylistic parallel, and attempt to determine its date.

First, we have R. Yoḥanan’s interpretation of a prophetic scriptural verse (A) and his response to the news of the arrival of the habārei to Babylonia (B). The application of the term, habār, literally “charmer” for Zoroastrian priests, the magi, in this and other sources is well known. The Babylonian Talmud conveys its concern with regard to the habārei and offers a reassuring response by a major third-century C.E. rabbinic figure from Palestine. In consideration of the geopolitical divide between Palestine and Babylonia on the one hand and the highly local theme that is being referred to, it is unnecessary to treat the attribution to R. Yoḥanan as historical, and therefore as indicating the date of this source, but there is no apparent reason for suspecting the other attributions in this tradition, which are all to Babylonian amoraim.

Next we have the enumeration of the three persecutory decrees (C). The rest of this source (D–E) is connected to the last of the decrees — concerning exhumation. A non-specific scriptural verse is identified as referring to exhumation on the basis of a different rabbinic tradition (D). Finally we have the resolution of a perceived contradiction between two adjacent scriptural verses (E). E is brought here due to the striking similarity of the verses discussed to the Zoroastrian exposure practice.

This source appears in its location within the talmudic tractate due to its exegesis of the scriptural verse, בָּגָיו נֶבֶל אֲקֻעִיסָם.

Immediately preceding our source, this verse is the subject of other interpretations. The גָּיו נֶבֶל is then identified by R. Yoḥanan as

73 See esp. the important studies by Beer, “Notes on Three Edicts”; and Kalmin, Jewish Babylonia, 132–37.

74 See, esp., E. S. Rosenthal, “For the Talmudic Dictionary — Talmudica Iranica,” Irano-Judaica, ed. S. Shaked (Jerusalem, 1982), 38–134 [Hebrew], 71–73, n23. In addition to the sources cited there, cf. y. Ter. 46c where the statement אֵלֶּה מַכְסֵי אֵל דֶּרֶךְ תִיּוּר אֵלֶּה בֹּהָרֵי תִיּוּר (אֵל מַכְסֵי אֵל דֶּרֶךְ תִיּוּר אֵלֶּה בֹּהָרֵי תִיּוּר) has been understood as habār; see S. Krauss, Monumenta Talmudica, vol. 5. Geschichte (Wien u. Leipzig, 1914), 78, but M. Sokoloff, A Dictionary of Jewish Palestinian Aramaic (Jerusalem, 2002), 185, understands the word as haver.

75 Cf. Kalmin, Jewish Babylonia, 132–33; 137.

76 However, one might already see a hint of things to come in the surprising homily brought shortly before on 63a: [הַמְּרָבָּךְ מִן לְכָּל מַשְׁפּוּת הָאָדָם] (164:8) אָמַל מַשְׁפּוּת הָדוֹרִים אַמְּרָם (אֶל בְּתוֹרָה) “and all the families of the earth shall be blessed through you” [Gen. 12:3] — even the families that reside in the earth are only blessed on account of Israel.” This formulation appears only here in the Babylonian Talmud.
the magi, but no explanation for this identification is supplied. A basis for associating the magi with a “foolish nation” does not come to mind. It might, however, be noted that this verse already is interpreted creatively in other rabbinic sources. In *Sifrei Deut.* (320) this “foolish nation” is identified with the minim (= heretics) and this and additional candidates are proposed within the talmudic sugya that immediately precedes our source.\(^77\) The correlation between גוי נבל and the babārei is presumably derived associatively from the meaning of the root נבל, that is behind the word כתוב, that is corpse/carrion.\(^78\) If this is so, then we can understand that the issue of exhumation is central to this source from beginning to end. We shall return to this later.

Interest in the Persians is not limited to the content of this tradition. The literary structure of R. Yohanan’s reflex response (B), which is quite unique to the Babylonian Talmud, appropriately mimics a format familiar from Pahlavi sources. In *Ayādgār-i Zarērān* (“The Memorial of Zarer”), a Sasanian epic narrative,\(^79\) King Wištāsp is informed by the sorcerer Jāmasp that victory in the upcoming battle will come at the price of the death of many of his brothers and sons. The king, “when he heard these words he fell to the earth from his blessed throne.”\(^80\) Promises by some of his bravest warriors to slaughter substantial numbers of the enemy would not convince him to return to his throne. To these entreaties he “did not stand up nor look up.”\(^81\) It is only after the devout oath of Spandyād to kill the entire enemy that “he rose up and sat back upon the Kayanid throne.”\(^82\) The *Bundahišn* (“Primal Creation”), a work viewed by many scholars as belonging, in essence, to the late Sasanian era\(^83\) also includes a comparable scene. It is related: “when the evil spirit saw his own impotence, and that of his fellow demons before the righteous man,\(^84\) he was stupefied.”\(^85\) He remained in

\(^77\) These include additional nations whose modesty falls below the standards of the exegete and a bad wife with a steep marital contract (making divorce difficult). With minor variations, these (with the exception of the wife) appear in *Sifrei Deut.* (Finkelstein ed., 367)—some set on the previous clause ואני אקניעם בלא עם.

\(^78\) This is a common root in Hebrew and Aramaic and refers to both human corpse and animal carrass. See, e.g., *The New Brown-Driver-Briggs-Gesenius Hebrew and English Lexicon*, s.v. נבל; Sokoloff, *A Dictionary of Jewish Babylonian Aramaic*, s.v. נבל.

\(^79\) On the date of this composition, see my article “Iranian Epic Motifs in Josephus’ Antiquities (XVIII, 314–370),” *JJS* 57, no. 2 (autumn 2006): 258n57.


\(^81\) Sentences 54, 56, 58: nē āxēzēd nē abāz nigerēd.

\(^82\) Sentence 62: wištāsp-šā abar āxēzēd ud abāz ō kay-gāh nišinēd.

\(^83\) See *Encyclopaedia Iranica*, s.v. “Bundahišn” for a survey on the question of dating.

\(^84\) Probably Gāyōmard — the first man.

\(^85\) *Indian Bundahišn*, 3, 1. Additional examples of this structure can be found in the *Shahnameh*. See, e.g., Kaiomart, I, 40.
this manner for 3,000 years\textsuperscript{86} despite the entreaties of the demons to “rise up” until the wicked Jēh promised to torment the righteous man, the good creatures, water, the plants, and fire. All this greatly pleased the evil spirit who now recovered.

What can this literary parallel tell us? Both specific and more general conclusions might be suggested. It may be seen as (further) evidence of contact between the authors of this scene and the literary milieu from which these Persian sources have been drawn.\textsuperscript{87} If this formula is viewed as a literary \textit{topos} in the literature of the region, then we are reminded that the Babylonian Talmud, too, reflects this literature.\textsuperscript{88} It is interesting that the correlation between the Persian usage of this \textit{topos} and its appearance here in the Babylonian Talmud is fairly precise, with both involving a confrontation with some evil force(s): the Zoroastrian examples have the devout Zoroastrians against the evil; in the Babylonian Talmud, ironically the \textit{habāret}, that is, “pious Zoroastrians” are themselves portrayed as wicked.

We now turn to the section on the three decrees (C) and its relationship to the preceding and subsequent sections. To appreciate how this source has been constructed, it is necessary to return to the scriptural citation and view it in context. The following is the scriptural verse:

\begin{quote}

They have moved me to jealousy with that which is not God;
They have vexed me with their vanities:
And I will move them to jealousy with that which is not a people;
I will vex them with a foolish nation.
\end{quote}

\textsuperscript{86} Sē hazār sāl pad stardīh nibast. The Pahlavi text cited here is based on the edition of \textit{Bundahišn Hindi}, ed. Raqi Behzādī, in the TITUS text database (titus.uni-frankfurt.de/texte/etc/iran/miran/mpers/bundahis/bunda.htm).


This verse depicts a scenario whereby God will punish his people in a manner suited to their sins. The close parallel language accentuates the measure for measure theme. This structure has carried over to the talmudic source and underlies the measure for measure format of the description of the three decrees (C). We can see, then, that the presentation of the decrees, in the form that we have them, are integral to the homily attributed to R. Yoḥanan.89

The decrees are presented as divine punishment90 for the sins enumerated, and as we have seen, they are linked to the scriptural verse cited in A. The connection to the verse may account for the choice of topics depicted in the decrees. The first decree, which relates to the consumption of meat, appears to be particularly suited to the sense of נבילה, but it is also the only one of the decrees concerning which there is uncertainty regarding its precise nature. Elsewhere I have suggested explaining it as connected to the differing practices of ritual animal slaughter between Jews (and eastern Christians) and Zoroastrians, a matter that crops up here and there in Christian martyrlogy texts.91 The second decree relates directly to purity and defilement, but particularly it is the third decree that makes the most sense as a homily on the words ובנילה. Although it differs from the other two in its language and terminology,92 it actually corresponds remarkably well with the theme of the scriptural verse in a way that the other two transgressions do not. In the verse, God’s jealousy is due to the idolatrous practices of the Israelites, and in the talmudic source, the sin is rejoicing on pagan festivals.

Richard Kalmin’s recent source-critical study of this tradition has examined the evolution of this tradition and asserted that Rabbah bar Shemuel’s statement (D) originally stood as an independent tradition. The basis for his argument is the discordance of the third decree with respect to the others — both its structure and language differ from the other two. This independent tradition (D) was then the source for

89 One of the questions that has engaged scholars dealing with this source is the relationship between sections B and C. For earlier scholars, who read this source as literal historical record, this question had repercussions for establishing the historical chronology of the historical events depicted here. See Kalmin, *Jewish Babylonia*, 132–33, 135–36, who discusses this point and provides the pertinent references.


91 Zoroastrians killed the animals they wished to eat by strangulation and/or stunning. The blood was not drained from the animal during the process of killing it. The Jews and eastern Christians slaughtered in a manner that removed the blood. In some Christian martyrdom narratives, the martyr is ordered to eat “blood.” This may be how these texts describe the command to consume meat from which blood has not been removed, i.e., animals slaughtered according to Zoroastrian prescriptions. On the Zoroastrian practice, cf. E. Benveniste, “La terminologie iranienne du sacrifice,” *Journal Asiatique* 252 (1964): 45–58; P. Gignoux, “Dietary Laws in Pre-Islamic and Post-Sasanian Iran: A Comparative Survey,” *Jerusalem Studies in Arabic and Islam* 17, 16–42. Further details and references appear in my master’s thesis, “Hakohanim bebavel bitkufat hatalmud” (MA thesis, Hebrew University, 1998), 147–51 [Hebrew]: Kalmin, *Jewish Babylonia*, 134.

92 See below.
the inclusion of exhumation to a hypothesized separate source that contained only the first two decrees and perhaps the earlier part of this source (A–B). So whereas the Talmud presents Rabbah bar Shemuel’s statement as affirming the tradition on the three decrees, from the perspective of the redaction of the material, it may have preceded it.93 We must now inquire how his explanation can be reconciled with the centrality of the exhumation theme within the tradition as a whole.

Although it is possible that a tradition that included only the first two decrees stood independently, it is unlikely that such a tradition was linked to the exposition of the verse בֵּגוֹי נִבְּלָת אֲכֻסוּם.94 It appears more plausible that A and the third decree concerning exhumation came together in a singular redactional step. B might have been brought in at a later stage, or (hypothetically, at least) initially existed independently as a separate source. It is noteworthy that the comforting response that the habārei can be bribed — מַכְבָּלִים שָׁוָה — are the very words appearing elsewhere in the Babylonian Talmud as Abaye’s reason to doubt the finality of decisions rendered by Persian courts.95 The recurrence of an unusual phrase in two sources that relate to Persians is no coincidence. It could be the redactor at work, but it might alternatively be taken as a hint to the date when B (and the entire tradition?) was composed.

The fact that Rabbah bar Shemuel also belongs to the mid-fourth century96 is of particular interest as it corresponds with the other complaint of exhumation in the Jewish sources that involves Abaye (d. 337/8 C.E.) that we looked at above. This is also the period of some of the earliest Christian exhumation sources such as Aphrahat, as I suggested above, and the martyrdom of Miles.

Rabbah bar Shemuel sees the curse, בָּאָם וּבְאָבֶּרֶךְ וַהֲיָתָה יְהֹוָה יָד הָאָרְגָּן from the Book of Samuel as referring to exhumation, supported by an unattributed and otherwise unknown statement, בֵּאָם וּבָּאָמָר מָתָתִין (i.e., “for the sin of the living, the dead are exhumed”). This is surely based on a wordplay חטאת/חטאת, assuming the replacement of the synonyms חטא/חטאת with שון. The notion of exposure as a “measure for measure” punishment for “sin” is then intrinsic and ingrained in the very language. Therefore, its relationship to the third decree is readily appreciated. There immediately follows a homily on a biblical prooftext cited by Rava to Rava bar Mari, both contemporaries of Rabbah bar Shemuel. Underlying this homily, too, is the habārei wordplay. The point made is that the exposure of sinners in their death is preferable to their life of

94 It is true that the decree concerning meat offers a close connection to the key word נבל, but the meaning of this decree remains uncertain, and the third decree is obviously closer.
95 *Git.* 28b. See above, n67. It should be observed then how Rabbi Yoḥanan’s response to the arrival of the habārei here uses two separate uncommon phrases that appear elsewhere in the Babylonian Talmud with reference to the Persians.
96 See *b. Ber.* 22b.
97 This is the version in the MSS.
sin while alive. This biblical text from Jeremiah, foretelling the exhumation and denial of burial of the unworthy nobility of Judah, is associatively and aptly attached to the preceding dialogue. The appropriateness of this biblical verse is revealed not just in the image of exhumation it evokes, but also due to its explicit reference to exposure before the sun (among the other celestial bodies), which as we recalled above, is requisite in Zoroastrian custom and also mentioned explicitly in one of the Syriac martyrdom texts (St. Peroz from Bei Lapat). This verse recurs in another major Babylonian Talmud discussion of relevance.

In a discussion that begins on b. Sanh. 46b, set on a mishnah that describes the burial of people who have been executed by the rabbinic court, we find a quest for a biblical prooftext for burial in the earth that climaxes with a challenge by the Sasanian king Šāpūr II to Rav Hama: “Whence is burial mandated for you by the Torah?” (קברת מה התורה מתא לכו). The tone of this talmudic discussion is striking. Rav Hama has no answer for the king, and Rav Aḥa bar Yaakov calls him a fool for his inability to respond. The scriptural verse (Deut. 21:23) that earlier in this same discussion was viewed merely as a biblical allusion (רמז) for burial is now advanced as a proof. This suggestion is subsequently rejected, thereby vindicating Rav Hama and admitting to the lack of any scriptural prooftext for burial. For explicit examples of the practice of burial — in the case of Moses — and the curse of non-burial for which this Jeremiah verse is adduced, it is suggested that they could be understood as “tradition” (מנהגא) and thus not of the same valence as Scripture. The discussion moves to explore the essence of burial. The question is raised as to whether burial serves to avoid disgrace — that is, the disgrace of remaining unburied, or whether it serves as atonement for the deceased. If the latter is the case, the Talmud observes that it would be possible for someone to choose to forgo atonement and not be buried. A parallel discussion then follows with respect to the issue of the eulogy. This question is ultimately resolved with the citation of a tannaitic source in the name of Rabbi Nathan, as follows:

Contrast its exposition in Sifrei Num., Shelah, 112 (Horovitz ed., 122) and see below.

Cf. the further appearance in b. Sanh. 96b.

This is the version found in the MSS. The editio princeps reads: מין. Other noteworthy studies on this source include: M. Beer, The Babylonian Exilarchate in the Arsacid and Sassanian Period (Tel Aviv, 1976), 212–13 [Hebrew], who discusses the political background; and E. Ahdut, “Jewish Zoroastrian Polemics in the Babylonian Talmud,” Irano-Judaica, vol.4, ed. S. Shaked and A. Netzer (Jerusalem, 1999), 19–26 [Hebrew]); and M. Sabato, “Kevurah min hatorah minayin,” Netu’im 4 (Kislev, 1997): 60–66 [Hebrew]. Note Sabato’s reconstruction of the Persian word arzān within this sugya on the basis of early and better textual witnesses where less reliable textual witnesses had given the word ארון/ארגז. It seems that the sense of this word within the context of the sugya probably requires further elucidation.

Rav Aḥa bar Yaakov’s abrasiveness also features elsewhere in the Babylonian Talmud.

Cf. Kalmin, Jewish Babylonia, 97.
It is a good sign for the deceased if payment is exacted from him after his death. A corpse that is not eulogized, and not buried, or that a wild animal dragged him, or that rain fell upon his bier — this is a good sign for the deceased.

The sugya sees this statement as resolving the question. Because these actions atone the deceased, it is indeed the honor of the deceased at stake, and therefore an honor he would be entitled to forgo.

The very topic discussed in this sugya from Sanhedrin lacks a Palestinian parallel — which in itself suggests its particular significance for Babylonian Jews. A scriptural verse and baraita that evoke the Zoroastrian practice have been consciously brought into the discussion. The abrupt tone intimates that the topic was alive and not merely academic. Finally, the fact that the Rabbis cited here lived during the reign of Šāpūr II also situates this tradition, or at least significant parts of it, together with the two earlier Jewish sources we considered and Christian sources, in the same tense era that included war and intensive anti-Christian persecution.

103 Note the variant in Sifrei Num.: אכלהו (“consumed him”).

104 This baraita, it might be noted, also appears in Sifrei Num.:

רא׳ נתן אומ׳ סימן טוב לאדם שנפרעין ממנו לאחר מיתתו מת לא נספד ולא נקבר אכלהו חיה או שירדו עליו גשמים סימן טוב לו שנפרעין ממנו ממנה教室 מיתתו.

Rabbi Nathan said: It is a good sign for the deceased when he is punished after his death. A corpse that is not eulogized, and not buried, or that a wild animal consumed him, or that rain fell upon him — this is a good sign for him when he is punished after his death.

Note the minor variations in this text. However, it adds at the end, as follows (according to MS Vat. Ebr. 32 with punctuation added): וּאֵינוּ מִדְּמָם אֶלָּא יַעֲלֵהוּ שָׁם ("and even though there is no proof for the matter, there is an allusion, as it is said: At that time, says the Lord, they shall remove the bones of the king of Judah.") The wrong verse has surely been cited here, and Sifrei should have cited Jer. 16:4 — a verse that parallels three of the four good signs and is more than a mere “allusion.”

105 There has been contention over the date of this source. The Talmud MSS all agree regarding the names of the Rabbis in this tradition. The issue is that Rav Aḥa bar Yaakov’s floruit has been placed in the first half of the fourth century whereas Rav Hama (d. 377 C.E.) more rightly fits a slightly later period. Therefore, some have posited the existence of a second earlier Rav Hama; cf. Albeck, Introduction to the Talmud Babli and Yerushalmi (Tel Aviv, 1987), 409; Beer, “Notes on Three Edicts,” 35; and I. M. Gafni, The Jews of Babylonia in the Talmudic Era (Jerusalem, 1990), 254 [Hebrew]. Cf. also Ahдут’s proposal (“Jewish Zoroastrian Polemics,” 19–21) who places it in the reign of Šāpūr I. Kraemer (The Meanings of Death, 97) also seems to place it in the reign of Šāpūr I but without comment. However, the concern is a little unwarranted. The primary reason for placing Rav Aḥa bar Yaakov so much earlier is the tradition in b. Yev. 64b that he was present at the pirka (= public lecture) of Rav Huna (d. 297 C.E.). Whether this tradition is historically credible or not, it should be observed that he usually appears in the Babylonian Talmud as a contemporary of Abaye (d. 337/8 C.E.), Rava (d. 352 C.E.), and even Rav Naḥman bar Yitshak.
It would appear that the same concerns that stimulated the previous reflection on the status of burial, inspired the introduction of exhumation to places where we might not have expected to find it. Thus, awareness of the exhumation problem is reflected in the way in which the Babylonian Talmud reworks a Palestinian apocalyptic tradition. This tradition is found in the Palestinian midrashic collections, *Lamentations Rabbah* and *Canticles Rabbah*, as follows:106

Rabbi Shim’on, the son of Yoḥai taught: When you shall see a Persian horse tethered to the graves of the Land of Israel — expect the feet of the King Messiah.

This tannaitic prediction connects messianic expectations with Persian conquest. It seems that the mention of the graves here refers to the expectancy for the revival of the dead, and this is associated with Persian victory. Indeed, it has been viewed by historians as articulating the hope of Palestinian Jews that redemption will come with the help of a Persian victory over the Roman Empire.107 However, comparison with its Babylonian adaptation is illuminating (*b. Sanh. 98b*):108

Rabbi Yosé the son of Kisma . . . when he lay dying he said to them:

Bury my coffin deep!

For there is not one palm tree in Babylonia to which a Persian horse will not be tethered;

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106 Lam. Rab. 1, 13 (Buber ed., 77); Cant. Rab., 8, 10.


108 According to MS Herzog.
Nor one coffin in the Land of Israel from which a Median horse will not eat straw.

The statement here is now in the name of a different second century rabbi, Rabbi Yosé the son of Kisma. As part of a series of apocalyptic statements that envision the extension of the Persian Empire to encompass Palestine, he conveys his anxiety that the Persians will exhume his tomb if he is not buried deep enough. In the process of reformulating this Palestinian tradition and giving it a more oracular and poetic style, the Babylonian Talmud has slipped in an explicit reference to Babylonia and has also adapted it in accordance with its own perspective. The Persian conquest, itself, then is not depicted in this Babylonian version, as the harbinger of salvation to the Jews, as has been assumed by some scholars, but as the extension of the Persian “persecution” to Palestine.

Conclusions

In this paper we have brought together thirty Christian sources that refer to the Zoroastrian exhumation of Christians. These have been drawn from diverse genres such as martyrology, exegesis, diplomacy, and historical chronicle. A smaller number of talmudic sources have been discussed, but what they lack in quantity they make up for in quality. Their true significance lies in their manner of grappling with the subject through penetrating reflection, exegesis, humor, and careful artistry. The totality of the Jewish and Christian sources indicates that the matter of exhumation was a troublesome factor for the non-Zoroastrians residing in the Sasanian empire, at least for certain periods of the Sasanian era. The dates of the sources produce some interesting results. The Jewish sources clearly cluster in the mid-fourth century. This is when we encounter the exhumation issue for the first time in the Babylonian Talmud in a dateable source. Similarly the Christian sources begin within this time frame, and so it is unlikely that the active exhumation of non-Zoroastrians occurred before then. It also suggests that the period of acute anti-Christian activity was paralleled in some way in the Jewish experience under the Sasanians. This is not to suggest that in general Jews suffered persecution in the same manner or extent as the Christians in this period. It does, however point to a synchronized common plight for both of these non-Zoroastrian communities. A probable explanation for this is that the shift in imperial policy that resulted in active persecution of Christians manifested itself broadly as encouraging a Zoroastrian activism. It thus legitimated the meddling in the practices of all non-Zoroastrians where these offended Zoroastrian sensibilities. This intrusion of common religious practice would, so the sources suggest, periodically

109 Mor, The Bar-Kochba Revolt, e.g., cites, the Babylonian Talmud and not the Palestinian version of the tradition.
cease to be a major factor in better times, such as periods of peace or dynastic stability. The Jewish and Christian sources, each with their own focus on the exhumation phenomenon, when examined together, have been mutually enriching. Notwithstanding the volume of Christian martyrdom narratives, the Jewish sources remind us that it was not just about martyrdom, nor was it uniquely anti-Christian. The Christians, with their agonistic ethos, integrated it into their tradition of persecution. The Jews, as they watched the periodic mass persecution of Christians and Manichaeans, could take the bitter with the sweet. Exhumation invited introspection on the importance and ritual status of burial and tested the limits of endurance. Ultimately, however, while a troubling interference in their religious practice, it affected Jews who had already died—but it would not become something to die for.

APPENDIX

וראיאנ דאיכא חיבר היישן

Whereas the other sources studied in the body of this article relate to the imposition of Zoroastrian burial practices on non-Zoroastrians, the following source from b. *Bets.* 6a, addresses more broadly the issue of having non-Jews handle the burial of a Jew and alludes to the complications involved when these non-Jews happen to be Zoroastrians.110

אמר רבא: מת ביום טוב ראשון יתעסקו בו עממים; מת ביום טוב שני יתעסקו בו ישראל.

אמרו ות芫א: לא אומן אלא דאיסטניה, אבל לא איסטניה — מש hepatים ויה.

רב אשי אמר: אף על גב דלא איסטניה, נמי לא מש hepatים ויה.

אמרו מר זוטרא: לא אומן אלא דאיסטניה, אבל לא איסטניה — רא פאה ליה אסא.

אמר רבינא: והאידנא דאיכא חיבר היישן.

Rava said: If someone dies on the first day of a festival, Gentiles should tend to it [= the burial]; on the second day of the festival, Jews should tend to it.

Mar Zutra said: He only said this where it [= the burial] had [already] been delayed [and the corpse was in danger of decomposing], but if it had not been delayed, we postpone [the burial].

Rav Ashi responded: Even if it had not been delayed, we still do not postpone it. What is the reason for this? The second day of the festival

110 According to the Vilna edition. Relevant textual variants are discussed below.

111 The source until here appears also in b. *Bets.* 22a–b and *Shab.* 139a–b.
has been regarded by the Rabbis as [having the labor prohibitions of] a weekday with respect to [the activities needed for tending to] a corpse— even for [such as] cutting a garment and cutting myrtle.

Ravina said: but now that there are habārei we are concerned.

The fourth-century amora Rava rules on the laws governing burial of a Jewish corpse on a two-day festival — as observed in the Diaspora. Three later amoraim: Mar Zutra, Rav Ashi, and Ravina then discuss his ruling.

The issue of burial on the festival also appears elsewhere in the Babylonian Talmud. In Sanb. 26b, we hear of a case where Jewish gravediggers buried someone on the first day of the Festival of Weeks. They were declared invalid as witnesses by Rav Papa (d. 376 C.E.), but rehabilitated by Rav Huna, the son of Rav Yehoshua. This source involves rabbis from Naresh whose floruit was in the mid-fourth century C.E.

A source of more immediate relevance appears in Shab. 139a–b. There, we hear of a series of questions submitted by the Jews of Kashkar, one of which relates to burial on a festival day. The answer sent by Rav Menashya prohibited burial by Jew or Gentile on either of the two days. This is challenged by reference to both Rava’s ruling above and an incident that occurred in the synagogue of Maon — a village in Palestine, regarding one who died on a Sabbath day that was adjacent to a festival day. Burial on the Sabbath was not possible, and a two-day delay in the burial was to be avoided. We are told that Rabbi Yoḥanan ruled in that case that the deceased be buried by Gentiles on the festival day, itself. The Talmud rejects Rav Menashya’s response to the Kashkarites in favor of the superior authority of R. Yohanan and Rava, and reasons that such stringency had only been applied because the Kashkarites were not knowledgeable in Torah, and unable to handle legal subtleties, so leniency in this area would lead to unjustifiable leniency in other aspects of the observance of the festivals.

The debate between Mar Zutra and Rav Ashi could be understood, in a sense, as evaluating the relationship between the Maon precedent and Rava’s ruling. The question only arose in Palestine on account of the festival occurring adjacent to the

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112 I thank Aharon Amit for reminding me of this source.

113 For discussion on the location of Naresh, see A. Oppenheimer (in collaboration with B. Isaac and M. Lecker), Babylonia Judaica in the Talmudic Period (Wiesbaden, 1983), 262–64.

114 This is the source:
Sabbath day, and were it not for such an occurrence, burial would have been delayed until after the festival or Sabbath. It seems reasonable to enquire whether Rava’s ruling should be applicable only in a case of delay. The question is particularly applicable with respect to the first festival day, this being the case dealt with in the Palestinian precedent. Where there is no calendrical uncertainty, and the first day of the festival is known to be the correct date for the festival, the first day essentially possesses greater sanctity. This would seem to be the underlying assumption here—evidenced from both Rava’s distinction between the two days and Rav Ashi’s statement of leniency with respect to burial on the second day.

The medieval commentaries on the Talmud hotly debated how to understand the disagreement between Mar Zutra and Rav Ashi. They disputed whether they were discussing both festival days or only one of them, or whether they were both discussing the same day(s). It also was debated whether the permission for a Jew to deal with the burial on the second day was ab initio or only where no Gentile option presented itself. All medieval commentaries concurred that Ravina’s remark, “but now that there are habārei, we are concerned” related to the issue of burial on the second day of the festival by Jews, which it prohibited. Therefore, the concern about the habārei was explained as pertaining to Rav Ashi’s leniency on the second day of the festival. Already in a geonic responsum, apparently written by Rav Natronay Gaon (ninth century C.E.), we find the remark that if one would allow Jews to bury their dead on the second festival day, the habārei might say: “deal with our dead just as you deal with your own dead.” This argument is repeated by the eleventh century talmudic commentator, Rabbeinu Hananel and in slightly modified form by Rashi and subsequent commentators. Discussion among medieval legists related to whether the concern on account of the habārei, as they understood it, still applied in their own times. The question of Jews performing a burial on the second festival day indeed aroused intense disagreement among the medieval Rabbis, and an incident in the

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117 This is cited anonymously in the Arukh, s.v. חרב.
118 שאמורין יושב עלינו כיון שאמור חרב השלו חלקו חקון שלא יירש שלום ויהיו שלמים ומשעונים למחר.
119 אומרים שה לתיה נכל פרסים. מוכנים אומר את שלא עשו מעדים, רוכב והי אף מעדים ויי שאמורין לעם, אומרים אומרים מוכנים מעשים ימי ע mpl לאחר. Rashi’s understanding of the habārs as a separate nation (also at b. Shab. 10a: and b. Shab. 45a) probably is influenced by the exegetical context of b. Yev. 63b.
French town of Melun, where the permissive opinion was followed, evoked a harsh response from Rabbeinu Tam and became quite a cause celebre.\footnote{See E. E. Urbach, *The Tosaphists: Their History, Writings and Methods* (Jerusalem, 1968) 3, 70 [Hebrew]. My thanks to Judah Galinsky for guidance on this topic.}

Despite the potential realm of interpretation available for this short sugya, it would seem that the importance of preserving the sanctity of the second day of the festival, already from the earliest stages of talmudic commentary,\footnote{The approach of *She'ilot* (*She'ilot Derav Ahai Ga'on*, Mirsky ed., vol. 4, 159) that increased severity with regard to the second day — considering the dispensation for a Jew to bury on the second day of the festival as limited to a situation where no Gentile option is available, may well have been spurred by Aha me-Shabha’s strictness about the second day festival and calendrical uncertainty in the early geonic era. See Sacha Stern, *Calendar and Community* (Oxford, 2001), 186–87.} determined the path followed by the commentators and lead them to disregard the connection between the question of burial by a Gentile, “concern” (!) for the habārei, and the talmudic evidence of exhumation — that even explicitly refers to habārei!\footnote{b. *Yev.* 63b. See discussion above.} It was left to *Wissenschaft* scholars to connect this tradition with Zoroastrian exhumation customs. Nahum Zvi Gezau, writing in 1887, proposed that in the days of Ravina, the influence of the Zoroastrian priests grew and therefore Ravina’s statement relates directly to the first part of Rava’s meimra — “If someone dies on the first day of a festival, Gentiles should tend to it” — and not to the subsequent dispute between Mar Zutra and Rav Ashi to which it follows. Ravina, he argued, was concerned lest the Gentiles show disrespect towards the deceased — and so stated that it is better to postpone the burial to the second day of the festival and have Jews handle the burial.\footnote{N. Z. Gezau, *Al Naharot Bavel* (Warsaw, 1887) 39n8:}

Alexander Kohut, too, sensed that the two issues should be connected. He, however, remaining within the interpretative parameters of the medieval commentators and assuming that Ravina’s comment related to the dispute between Mar Zutra and Rav Ashi about burial on the second day of the festival, suggested that since the Zoroastrians would at any rate remove the corpse from the grave, it was improper to profane the festival day for no purpose.\footnote{Arukh Completum, *s.v* דבורי:} However, this approach was rejected...
early on — first by Louis Ginzberg. Ginzberg basically adopted Rashi’s explanation mentioned above for Ravina’s concern and added his own contribution. He sought to link it to a later period — to the era of the latter Ravina, and to the disturbances connected to the revolutionary figure in Sasanian history called Mazdak. Although Ginzberg’s hypothesis is not supported by any sources, it nevertheless appears to have impacted upon others. This Betsah tradition is not to be found in the discussions of later scholars such as Moshe Beer or Eliezer Shimshon Rosenthal, who devoted detailed studies to the subject of Persian persecution of Jews in the Sasanian era. Only Robert Brody, en passant, while discussing this geonic responsum, briefly reaffirmed the relevance of Persian funerary customs to the sugya, although he did not decide between the proposals of Gezau and Kohut.

The need to connect this source with the exhumation issue seems self-evident, but determining its precise meaning is less clear. One possibility assumes that Ravina’s remark responds directly to Mar Zutra and Rav Ashi’s comments. He might be suggesting a change that has occurred recently (i.e., נאדוים). It is interesting that one of the Christian sources refers to the specific circumstances close to the period of the death of Rav Ashi in 427 C.E. The Syriac work on St. Peroz from Bei Lapat, which we mentioned above, describes a systematic policy of exhumation in the year 422 C.E. Other martyrology texts also confirm the renewal of anti-Christian persecution at the end of the reign of Yazdgird I and in the beginning of the reign of Warahrān V. Theodoret, too, writing in the era of Warahrān V appears to confirm this state of affairs. This would, then, supply a fairly precise chronological context for Ravina’s statement, not the arrival of the ḫabarei, but their return to a position of influence over the crown, following a more tolerant era under Yazdgdird I, who reigned from

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126 Cf., too, S. Funk, *Die Juden in Babylonien 200–500*, vol. 2 (Berlin, 1908), 116, published one year earlier.
130 Cf. Brody, *Teshuvot*, 283n6. Cf., too, Kraemer, *The Meanings of Death*, 96, who writes as follows: “A statement attributed to Ravina at Bezah 6a, declaring that “now that there are fellows [sic] we are concerned,” is very ambiguous. This statement says something about burial on the second day of the festival, but it is not clear what. It may mean that Jews had to bury their dead as soon as possible out of fear that “fellows” of the Zoroastrian faith would interfere, but other interpretations are equally reasonable.”
131 E.g., Mar Jacob the intercisus; see van Rompay, “Impetuous Martyrs.”
132 See above.
399 to 420 C.E. and was known for his toleration of the religious minorities of the empire.

Although this proposal is tempting, it should be recalled that the other — explicit — talmudic references to exhumation all date to the period of Šāpūr II. In addition, there is evidence that Ravina died before Rav Ashi, but this evidence has recently been reinterpreted and this assumption brought into question. In view of the prevalence of the issue in the course of the fourth century, including the period of Rava, the possibility of difficulties with the date of Ravina, and some additional considerations to be noted below, one is inclined to prefer the solution offered 120 years ago by Gezau with some minor alterations. He proposed that Ravina is relating directly to the first part of Rava’s statement and addressing the possibility that Gentiles handle the burial. Although other Babylonian Talmud sources have automatically linked the term habārei with the Zoroastrian clergy, who actively interfered in the lives of non-Zoroastrians, it might be possible to assume that here habārei refers more broadly to members of the Zoroastrian faith. Ravina would then be implying that where the Gentile population is Zoroastrian, it would be impossible or unwise to seek their help in Jewish burials.

The version of this talmudic source that is preserved in two Genizah fragments might be seen as supporting such an interpretation because the reference to habārei appears to be less dramatic. One of the fragments, Cambridge TS FI(2) 62, has for Ravina’s remark the following: אֶלָּמֶר רְבִּיעַתָּא דָּאִיכְאָה חַבַּרְיָא משָּׁהִינְּא לְיה “Ravina said: but now that there are habārei we postpone it.” The other fragment is St. Petersburg. See A. Cohen, Ravina and Contemporary Sages: Studies in the Chronology of Late Babylonian Amoraim (Ramat Gan, 2001), 109–40. The problem of establishing a viable chronological explanation for all the Babylonian Talmud sources on Rabbis by the name of Ravina is one of the major challenges in talmudic prosopography. A. Cohen’s book is the most recent detailed study on the subject. Cf. R. Kalmin, The Redaction of the Babylonian Talmud: Amoraic or Saboraic? (Cincinnati, 1989), 23–24, 32–34.

The use of magi to refer to Zoroastrians in general is widespread in the ancient literature. One might wonder whether this is not simply a scribal error because this phrase is prominent immediately beforehand in the sugya. The fact that this reading appears in more than one witness reduces this possibility. It also provides a straightforward understanding of the sugya (see below). Finally, it may be noted that although the term mishinneh is prominent in this sugya, it is considerably less common than hayishin in the Babylonian Talmud as a whole. The graphic likeness, aided by the memory of the reputation of the habārei in other Babylonian Talmud sources might have facilitated a move from original mishinneh to hayishin. Although an assessment of the quality of this fragment as a whole is beyond the limited objectives of this paper, it should be noted that it does suffer from a case of homoioteleuton in our source: It has the following reading: מָשָּׁהִינְּא לְהָיָה אָלָּמֶר אָלָּמֶר וּנְגָּדָא לְהָאי אָלָּמֶר וּיְשָׁהִינְּא לְהָיָה מָשָּׁהִינְּא לְהָיָה אָלָּמֶר אָלָּמֶר.
Anton. 891. Here although much of the text is unclear, the word "we postpone" ("we postpone") in Ravina’s statement is visible. In light of these textual witnesses, we should take a closer look at Rabbeinu Hananel’s commentary. His commentary ends by saying that due to the habārei: "so we are concerned and we postpone to the morrow." This might be seen now as a composite version, implying that the version attested in these Genizah fragments — “we postpone” — was also available to him. The salient point here is that the reading of the Genizah fragments exchanges a declaration of apprehension with a more neutral recommendation to postpone the funeral.

Upon removing the “concern” from the discussion, Ravina’s statement need no longer be seen as relating to active Zoroastrian interference in Jewish life — or death. Apart from the antiquity and importance of these Talmud versions, one can add in their favor that the situation before us is indeed one where Jews are soliciting the help of Gentiles. The application of the key phrase, הָאֵידָנָא ("but now") here would then not be temporal, but to assert, in a dignified manner, Ravina’s divergence from the legal opinion of his colleagues and elders. It distinguishes between the theoretical law — as formulated in Palestine by R. Yohanan and in Babylonia by Rava, on the one hand, and the practical law as determined by the particular circumstance of Babylonian Jewry, on the other.

However, it is not necessary to assume that Ravina is referring directly to Rava’s statement as Gezau had proposed. He may have been responding directly to the dispute between Mar Zutra and Rav Ashi. The reading חישינן agrees with such an understanding. It is necessary, however, to assume that Mar Zutra is addressing either the issue of the first day of the festival, or both days — but not exclusively the second day. Rav Ashi, taking the more lenient position, only sees it necessary to justify permitting Jewish labor on the second day, perhaps leniency with respect to Gentile labor on the festival being self-evident. Here Ravina requires postponing the burial from the first day to the second. Since he has mentioned habārei, it would have been manifestly clear in his own times that he was addressing the issue of burial on the first day by Gentiles, and because Rav Ashi had provided the justification for Jewish labor on the second day of the festival in any event, there is no reason to assume that Ravina was urging the postponement of the burial until after both days of the festival, as some commentators have assumed.


139 Compare the use of הָאֵידָנָא in the following cases where it may be understood as functioning in a similar manner: b. Avod. Zar. 16a; Shab. 10b [= Bets. 16a]; (הָאֵידָנָא דְּהַזְיַיתָא לְעָפֵסָיו); Shab. 95a (הָאֵידָנָא דְּהַזְיַיתָא לְעָפֵסָיו); Eruv. 100b; Meg. 31a (הָאֵידָנָא דְּהַזְיַיתָא לְעָפֵסָיו); Kid. 71b [= B. Kam. 113a].