

## Kosher Olive Oil in Antiquity Reconsidered\*

**Jordan D. Rosenblum**

*University of Wisconsin-Madison, Department of Hebrew and Semitic Studies,  
1340 Van Hise Hall, 1220 Linden Drive, Madison, WI 53706-1558, USA*  
[jrosenblum@wisc.edu](mailto:jrosenblum@wisc.edu)

---

### Abstract

Josephus attests several times to a Jewish aversion to the use of Gentile olive oil. In *m. 'Abod. Zar.* 2:6, this practice is first advocated and then immediately reversed by Rabbi and his court. What is the rationale for this sudden leniency with regard to Gentile olive oil? In a well-known article entitled "Kosher Olive Oil in Antiquity," Martin Goodman argues that Rabbi's statement is the result of his inability to find a legal basis for the prohibition of Gentile olive oil. Goodman, however, accounts neither for the unique economic and dietary factors associated with olive oil, nor tannaitic legislation regarding other foodstuffs that may shed light on this case. In this article, I reconsider Jewish stances towards Gentile olive oil in antiquity from the time of Josephus to the Tannaitic period.

### Keywords

Josephus, Mishnah, olive, oil, olive oil, kosher

In many respects, the diet of Jews in antiquity appears to have mirrored that of their non-Jewish contemporaries. In Roman-period Palestine, this means that the Jewish plate, much like the Gentile plate, most often

---

\*) Unlike olive oil, of which the best quality is contained in its first press, scholarship improves with each subsequent "press." An earlier version of this article was presented at the 2008 SBL conference in Boston. I would like to thank the audience for their comments, especially Honora Chapman, David Freidenreich, and the respondent, Shaye Cohen. I would also like to acknowledge the support of the Center for Jewish Studies at Harvard University. This article was written while serving therein as a Starr Fellow. While many cooks have worked on this academic "broth," any spoiling that resulted is to be blamed on this cook alone.

contained the so-called Mediterranean triad: grains, wine, and olive oil.<sup>1</sup> While the food on both plates may have been similar, beginning in the latter half of the Second Temple period, Jewish texts evidence a dramatic expansion in the rules surrounding the preparation of those foodstuffs that appear on the Jewish plate. In sum, during a time when the boundaries between Jews and Gentiles begin to be viewed as religious rather than ethnic borderlines,<sup>2</sup> Jewish regulations relating to food become increasingly more elaborate and extensive.

While Second Temple texts problematize several previously permitted foodstuffs, early rabbinic (tannaitic) texts voluminously and systematically expand this legislation, developing a series of preparer-based prohibitions. Yet, when one examines the tannaitic evidence for prohibitions concerning the Mediterranean triad, a curiosity emerges: in contrast to wine and bread, the Tannaim take a more lenient stance on Gentile olive oil than their predecessors. Although Josephus attests on multiple occasions to the fact that Jews considered the use of Gentile olive oil legally transgressive,<sup>3</sup> the Mishnah repeals this prohibition. In this article, I attempt to account for these differing views on kosher olive oil in antiquity.

### **Kosher Olive Oil in Josephus**

Josephus mentions a Jewish avoidance of Gentile olive oil three times in his extant corpus. In *Ant.* 12.119-120, Josephus details how Seleucus Nicator allowed “those Jews who were unwilling to use foreign oil” to receive extra funds in order to procure their own.<sup>4</sup> Since Seleucus Nicator ruled from 312 to 281 B.C.E., this suggests an early *terminus a quo* for

---

<sup>1</sup> On the Mediterranean triad in antiquity, see Peter Garnsey, *Food and Society in Classical Antiquity* (New York: Cambridge University Press, 1999), 13-17. The “Mediterranean diet” has been trumpeted as part of a healthy lifestyle over the last few decades. For a brief history of this phenomenon, see John Dickie, *Delizia!: The Epic History of the Italians and Their Food* (London: Hodder & Stoughton, 2007), 302-5.

<sup>2</sup> In general, see Shaye J. D. Cohen, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Berkeley and Los Angeles: University of California Press, 2000), 109-39. For a recent critique of this approach, see Steve Mason, “Jews, Judaeans, Judaizing, Judaism: Problems of Categorization in Ancient History,” *JSJ* 38 (2007): 457-512 at 494-95, 505-10.

<sup>3</sup> An avoidance of non-Jewish oil (among other foodstuffs) is also implied in *Jdt* 10:5; 12:1-4.

<sup>4</sup> All translations of Josephus are from the corresponding Loeb Classics edition.

this practice, unless, of course, Josephus attributes this event to an earlier time than its actual occurrence. However, I see no reason to doubt that this practice dates to the Hellenistic period. That being said, Josephus' remark is probably best read as referring to the fact that, at this time, only *some* Jews held to this stringent position, and not all.<sup>5</sup>

On two other occasions, Josephus recounts a tale about his political rival John of Gischala. In these stories, Josephus describes the financial windfall that John realized as a result of cornering the market on kosher olive oil. For the sake of clarity, I quote both texts:

He next contrived to play a very crafty trick: with the avowed object of protecting all the Jews of Syria from the use of oil not supplied by their countrymen, he sought and obtained permission to deliver it to them at the frontier. He then bought up that commodity, paying Tyrian coin of the value of four Attic drachms for four *amphorae* and proceeded to sell half an *amphora* at the same price. As Galilee is a special home of the olive and the crop had been plentiful, John, enjoying a monopoly, by sending large quantities to districts in want of it, amassed an immense sum of money, which he forthwith employed against the man who had brought him his gains. (*J.W.* 2.591-592)

This knavish trick [i.e., cornering the market on Galilean corn] John followed up with a second. He stated that the Jewish inhabitants of Caesarea Philippi, having, by the king's order, been shut up by Modius, his viceroy, and having no pure oil for their personal use, had sent a request to him to see that they were being supplied with this commodity, lest they should be driven to violate their legal ordinances by resort to Grecian oil. John's motives in making this assertion were not piety, but profiteering of the most barefaced description; for he knew that at Caesarea two pints were sold for one drachm, whereas at Gischala eighty pints could be had for four drachms. So he sent off all the oil in the place, having ostensibly obtained my authority to do so. My permission I gave reluctantly, from fear of being stoned by the mob if I withheld it. Thus, having gained my consent, John by this sharp practice made an enormous profit. (*Vita* 74-76)

In *Jewish War*, Josephus notes that John cloaks his devious intentions in the guise of "protecting all the Jews of Syria from the use of oil not

---

<sup>5</sup> See Martin Goodman, "Kosher Olive Oil in Antiquity," in *A Tribute to Geza Vermes: Essays on Jewish and Christian Literature and History* (ed. Philip R. Davies and Richard T. White; Sheffield: Sheffield Academic Press, 1990), 227-45 at 228-29.

supplied by their own countrymen,” while in *Vita*, Josephus goes even further, noting that a lack of pure olive oil might lead Jews “to violate their legal ordinances by resort to Grecian oil.” The precise nature and basis for this innovative preparer-based food prohibition is not offered. However, it is clear, especially from the text in *Vita*, that Jews at this time considered the use and ingestion of olive oil prepared by a Gentile to be legally transgressive.

### Kosher Olive Oil in the Mishnah

The Mishnah initially reflects the same prohibition of Gentile olive oil evidenced in Josephus, although it is immediately modified by an editorial insertion. According to *m. 'Abod. Zar. 2:6*: “These things belonging to Gentiles are forbidden, but it is not prohibited to derive benefit [from them]: milk that a Gentile milked without Jewish supervision, and their bread and their oil—Rabbi<sup>6</sup> and his court permitted [their] oil.”<sup>7</sup> Like most scholars, I read Rabbi’s comment as an editorial insertion.<sup>8</sup> I therefore understand *m. 'Abod. Zar. 2:6* to first espouse a similar ban on Gentile olive oil to the one found in Josephus. In fact, this Mishnah even

<sup>6</sup> *b. 'Abod. Zar. 37a* suggests that, in this instance, “Rabbi” refers to Rabbi Judah I’s grandson, Rabbi Judah Nesiah. On this identification issue, Goodman notes: “Since the Mishnah was compiled by R. Judah I, the lack of editing to incorporate the words into the surrounding texts fits well into the tradition that the reform took place two generations after his time. However, both Talmuds also referred the reform [*sic*] at other places to R. Judah I. Perhaps in the case of a controversial decision which elicited opposition (as the *gemara* attests...), both patriarchs felt impelled to issue decrees, just as Roman emperors sometimes reissued laws when they were not widely observed” (“Kosher Olive Oil,” 232). For the purposes of my argument, I do not necessarily need to take a stance on this issue. However, I find Goodman’s suggestion intriguing.

<sup>7</sup> Ed. Albeck 4:331. The parallel toseftan text adds little, stating: “Rabbi Judah and his court permitted the oil of Gentiles by a vote” (*t. 'Abod. Zar. 4:11* [ed. Zuckerman 467]). Both Talmuds contain discussions about Rabbi’s regulatory reversal. For references and commentary, see Goodman, “Kosher Olive Oil,” 232-43; David Moshe Freidenreich, *Foreign Food: Restrictions on the Food of Members of Other Religions in Jewish, Christian, and Islamic Law* (Ph.D. dissertation, Columbia University, 2006), 185-88; Zvi Aryeh Steinfeld, “Concerning the Prohibition Against Gentile Oil,” *Tarbiz* 49 (1980): 264-77 [Hebrew].

<sup>8</sup> See Goodman, “Kosher Olive Oil,” 231-32; David Rosenthal, *Mishnah Avodah Zarah: Critical Edition Plus Introduction* (2 vols.; Jerusalem: Hebrew University, 1981), 1:167 [Hebrew].

advocates for more comprehensive preparer-based food prohibitions than evidenced in Josephus, extending their scope to include Gentile milk and bread. By inserting Rabbi's comment, however, the editor introduces dissonance where there was once harmony. Like oil and water, these two statements do not mix.

Several questions immediately spring to mind: why did Rabbi and his court overrule the status quo? On what basis? When the tendency in tannaitic literature is to add preparer-based prohibitions, why would Rabbi buck the trend here? It is to these questions that we now turn.

### Reconsidering Kosher Olive Oil in Antiquity

As I stated in the introduction, Jewish regulations relating to food become increasingly more elaborate and extensive during a time when the boundaries between Jews and Gentiles begin to be viewed as religious rather than ethnic borderlines. This broader point is often ignored in discussions that seek to account for the differing views on kosher olive oil in Josephus and the Mishnah. However, I argue that this is a classic case of missing the forest for the trees.

The first step in this argument is to account for the evidence from Josephus. While Sidney Hoenig connected this prohibition with the use of oil in pagan Temples, this reading is, at best, strained.<sup>9</sup> If this were the case, why is olive oil the only Temple-based foodstuff problematized in this manner here? Why not bread or wine or meat? Rather, I suggest that it makes more sense to view this preparer-based prohibition as part of a general trend at this time of problematizing both the dinner and the diner when Gentiles were involved.<sup>10</sup> Since olive oil was a dietary staple that was sometimes difficult or relatively expensive to procure—a fact that will be discussed more below—utilizing this foodstuff to index social and religious difference seems logical. Further, similar moves are amply attested by anthropologists in cross-cultural studies of foodways.<sup>11</sup> The foods that

---

<sup>9</sup> Sidney B. Hoenig, "Oil and Pagan Defilement," *JQR* 61 (1970): 63-75 at 66-69.

<sup>10</sup> Similarly, see Goodman, "Kosher Olive Oil," 240. In general, see Jordan D. Rosenblum, *"They Sit Apart at Meals": Early Rabbinic Commensality Regulations and Identity Construction* (Ph.D. dissertation, Brown University, 2008).

<sup>11</sup> E.g., Emiko Ohnuki-Tierney, *Rice as Self: Japanese Identities through Time* (Princeton: Princeton University Press, 1993), 99-136.

“We” most often eat are the ones that resonate most when seeking to differentiate “Us” from “Them” at the table.

Initially, it seems, the Mishnah agrees with this opinion regarding Gentile olive oil. However, Rabbi and his court reverse this specific preparer-based prohibition. How can we account for this, given the model that I have just suggested? In his classic study on this subject, Martin Goodman’s answer was to suggest that Rabbi was unable to find a valid, logical support for this prohibition; he thus reversed it.<sup>12</sup> However, several preparer-based prohibitions encountered for the first time in tannaitic literature also lack logical support. One compelling example is encountered in *m. ‘Abod. Zar. 2:5*,<sup>13</sup> which discusses the curious case of the status of cheese prepared by a Gentile:

Rabbi Yehudah said: “Rabbi Yishmael asked [the following question] to Rabbi Yehoshua when they were walking along the road: He said to him, ‘For what reason did they prohibit [the consumption of] Gentile cheese?’ He replied, ‘Because they curdle it with rennet of carrion.’ [Rabbi Yishmael] said to him: ‘But is not the rennet of the burnt offering subject to a more stringent restriction than the rennet of carrion, and yet, they said: “A priest who is not squeamish may suck it out raw”?’ (But they did not concur with him, but rather said: ‘One may not derive benefit, but one [who does] is not [obligated with regard to transgressing the] laws of sacrilege.’) [Rabbi Yehoshua] returned [to Rabbi Yishmael’s initial question] and said to him: ‘Because they curdle it with the rennet of calves sacrificed to idols.’ [Rabbi Yishmael] said to him: ‘If so, why did they not prohibit it [i.e., Gentile cheese] with a [prohibition against deriving] benefit?’<sup>14</sup> [Rabbi Yehoshua] changed the subject. He said to him: ‘Yishmael, my brother, how do you read [this following verse from Song 1:2]: “For your [masculine] love is better than wine” or “For your [feminine] love is better [than wine]”?’ He said to him: ‘For your [feminine] love is better [than wine].’ [Rabbi Yehoshua] said to him: “The matter is not so. For behold, its neighbor [Song 1:3] teaches concerning it: “Your [masculine] ointments have a pleasing aroma.””

Like Song 1:3, this passage is the neighbor to our text—the mishnah in which Rabbi permits Gentile olive oil. Here, Rabbi Yehoshua attempts to explain to Rabbi Yishmael why the consumption of Gentile cheese is

<sup>12</sup> “Kosher Olive Oil,” 241-43.

<sup>13</sup> Ed. Albeck 4:330-31.

<sup>14</sup> Rabbi Yishmael correctly notes that tannaitic law allows Jews to derive benefit from the cheese of non-Jews. See *t. Šeb. 5:9* (ed. Lieberman 1:187).

prohibited. Rabbi Yishmael easily parries every suggestion offered by Rabbi Yehoshua and, thus, unable to justify this preparer-based prohibition, Rabbi Yehoshua changes the subject!<sup>15</sup> All of Rabbi Yehoshua's unsustainable explanations rely upon ingredient-based prohibitions, namely carrion and the products of idolatry. As Rabbi Yishmael points out, these prohibitions represent inconsistencies in the early rabbinic culinary regulations. Yet, while these inconsistencies are tacitly acknowledged, they are not overturned.

What clarity does this example provide? In this case, the justificatory rationale is deemed insufficient. Yet, the prohibition against consuming Gentile cheese here is not repealed. Returning to the model that I suggested earlier in this article, olive oil is a dietary staple; cheese is not. There is therefore a greater need for leniency in regard to olive oil than there is for cheese. And further, olive oil is a unique case within the so-called Mediterranean triad. Unlike wine, olive oil did not make the Tannaim fret about idolatry.<sup>16</sup> Thus, it would seem that a complete ban on Gentile olive oil did not appear to be a necessity. And, compared to bread, olive oil is not as easily made at home, in a courtyard with neighbors, or purchased on a daily basis.<sup>17</sup> This statement, of course, assumes an economic argument, one that Hoenig and Goodman too easily dismiss.<sup>18</sup> Remember that the "knave" and "crafty" trick of John of Gischala was

<sup>15</sup> Similarly, see Freidenreich, *Foreign Food*, 171. Interestingly, *t. Parah* 10:3 (ed. Zuckerman 638-39) attests to another conversation between these two rabbis in which Rabbi Yehoshua changes the subject using a text-critical discussion of Song 1:2.

<sup>16</sup> This statement also applies to other food items (e.g., fish). Since fish is unsuitable for Greek or Roman sacrifice, the fear of idolatry is not attached to it, unlike in the case of meat. To summarize the tannaitic view on fish: Jews can consume fish prepared by a non-Jew so long as it is a recognizably kosher fish. For example, a Jew can eat unminced fish and brine with fish floating in it (*m. 'Abod. Zar.* 2:7 [ed. Albeck 4:331]). On the prohibition of eating minced fish or brine without fish floating in it, see *m. 'Abod. Zar.* 2:6 (ed. Albeck 4:331). For a discussion, see Freidenreich, *Foreign Food*, 155.

<sup>17</sup> On the comparative difficulty of producing oil from olives, including references and a brief summary of the process itself, see Rosenblum, "They Sit Apart at Meals," 33-34.

<sup>18</sup> Goodman, "Kosher Olive Oil," 241; idem, *State and Society in Roman Galilee, A.D. 132-212* (Totowa, NJ: Rowman & Allanheld, 1983), 276-77 n. 33; Hoenig, "Oil and Pagan," 75. An economic basis for this abrogation is also suggested, albeit very briefly and without the supporting evidence offered in this article, by Michael Avi-Yonah, *The Jews of Palestine: A Political History from the Bar Kokhba War to the Arab Conquest* (New York: Schocken Books, 1976), 109; and Aharon Oppenheimer, *The 'am Ha-arets: A Study in the Social History of the Jewish People in the Hellenistic-Roman Periods* (Leiden: Brill, 1977), 65-66.

to corner the market on kosher olive oil and thus to establish a monopoly and, in the process, to make a fortune. When one considers this fact in concert with other evidence for economic monopolies on olive oil in the Roman empire,<sup>19</sup> the economic argument becomes even more compelling. The fact that Jews might have had little choice but to purchase olive oil from a select group of sources at an inflated price seems a viable reason for this policy of accommodation. While some sources of olive oil could come from Jewish homes or Jewish vendors (who sometimes operated storefronts located in or around synagogues),<sup>20</sup> one could not always count on this. In the case of olive oil, then, the Tannaim balance the desire for a food deemed to be a dietary staple against the desire to construct a distinct identity via food practices.<sup>21</sup>

Underlying an economic argument, of course, is the presupposition that (at least some) Tannaim considered the ramifications for price when making *halakic* pronouncements. Fortunately, there are other tannaitic examples that support this presupposition. To quote perhaps the most well-known instance of this phenomenon:

It once occurred that [the price of] a pair of birds in Jerusalem increased to one gold *denar*. Rabban Shimon ben Gamaliel said: "By the Temple! I shall not rest tonight until they are [priced at silver] *denarii*." He entered the court and taught [the following law]: "Concerning the woman who has had five confirmed miscarriages or five confirmed fluxes, she brings a single offering, and she eats animal sacrifices.<sup>22</sup> And the rest [of the offerings] do not remain as an obligation to her." And pairs of birds fell<sup>23</sup> [in price] on that very day to two-quarters [of a silver *denar*].<sup>24</sup>

<sup>19</sup> On ancient monopolies, see Ben-Zion Rosenfeld and Joseph Menirav, *Markets and Marketing in Roman Palestine* (Leiden: Brill, 2005), 110-16 (on olive oil monopolies, see 112-13).

<sup>20</sup> Olive oil presses are found near at least four Palestinian synagogues. See Rosenfeld and Menirav, *Markets and Marketing*, 227-29.

<sup>21</sup> On the concept of a "staple" food in anthropological studies, see Ohnuki-Tierney, *Rice as Self*, 4, 30.

<sup>22</sup> According to Albeck, because she is now pure, she can now consume animal sacrifices.

<sup>23</sup> While the Hebrew word for both "increased" (at the beginning of the story) and "fell" is literally "stood" (*'amdu*), the context suggests that the price had, in fact, just increased and then sharply decreased.

<sup>24</sup> *m. Ker.* 1:7 (ed. Albeck 5:250). For this translation, I have consulted Jacob Neusner, *The Mishnah: A New Translation* (New Haven: Yale University Press, 1988), 838. This viewpoint is presented without the economic "backstory" in *t. Ker.* 1:10 (ed. Zuckerman-del 561).



One need not be an economist in order to comprehend how Rabban Shimon ben Gamaliel manipulates the laws of supply and demand in order to lower the price of a commodity. In this case, *halakah* is altered to accommodate contemporary economic constraints.<sup>25</sup> While a full survey of economic theory in rabbinic literature is well beyond the scope of this article, it is clear that—at least in some instances—economic considerations affected rabbinic rulings on *halakah*.<sup>26</sup> If, as I have argued, Rabbi predicates his reversal on economic grounds, it would therefore not be without precedent.<sup>27</sup>

## Conclusion

In this article, I have offered a new model for explaining the differences between Josephus and the Mishnah on kosher olive oil. The innovative ban encountered in Josephus should be read in line with a broader trend, in which the Jewish regulations relating to food become increasingly more elaborate and extensive beginning in the latter half of the Second Temple period, during a time when the boundaries between Jews and Gentiles begin to be viewed as religious rather than ethnic borderlines. As Josephus' economically-savvy rival John of Gischala adroitly recognizes, however, there are very real financial consequences for this innovative food

<sup>25</sup> For similar analyses, see Jacob Neusner, *The Economics of the Mishnah* (Chicago: University of Chicago Press, 1990), 30; Roman A. Ohrenstein, *Economic Analysis in Talmudic Literature: Rabbinic Thought in Light of Modern Economics* (2d ed.; New York: Vantage Press, 2003), 100; Rosenfeld and Menirav, *Markets and Marketing*, 162.

In fact, several traditions attributed to Rabban Shimon ben Gamaliel suggest that he often took economic considerations into account, resulting in more lenient *halakic* rulings. For examples, see *m. B. Meṣi'a* 8:6 (ed. Albeck 4:98-99; = *t. B. Meṣi'a* 8:27 [ed. Lieberman 4:108-9]); *m. B. Bat.* 5:10, 11 (ed. Albeck 4:137-38); and even specifically in regard to purchasing olive oil: *t. B. Qam.* 11:7 (ed. Lieberman 4:59).

<sup>26</sup> For further discussion, please see the references cited in the previous note.

<sup>27</sup> Elsewhere, in *m. B. Meṣi'a* 4:12 (ed. Albeck 4:83), Rabbi supports a *halakic* argument on economics grounds. For economic interpretations of this text, see Ephraim Kleiman, "Just Price' in Talmudic Literature," *History of Political Economy* 19 (1987): 23-45 at 34-35; Ohrenstein, *Economic Analysis*, 96-97. Further, in *t. 'Abod. Zar.* 4(5):2 (ed. Zuckerman 465-66), Rabbi offers a dissenting opinion that is more lenient vis-à-vis the exportation of major food commodities (specifically wine, but olive oil is perhaps implied in this decree). See Ze'ev Safrai, *The Economy of Roman Palestine* (New York: Routledge, 1994), 311. On the tendency towards economic leniency in the rulings of Rabbi Judah (and the patriarchate in general), see Avi-Yonah, *Jews of Palestine*, 108-10.

regulation. Long before sub-prime mortgages, some Jews recognized the need for a form of governmental bailout. It is this role that Rabbi plays.

Given the complex economic situation surrounding an unpredictable dietary staple, further restricting olive oil may have proven too financially onerous for Jews in antiquity. In recognizing this, Rabbi and his court repealed the prohibition. Goodman was correct to suggest that there was no logical basis for this within the realm of Scriptural interpretation. As the example of tannaitic regulations regarding Gentile cheese indicated, however, the rabbis extended preparer-based prohibitions even in cases where the justificatory rationale was clearly lacking. In permitting the use of Gentile olive oil, Rabbi created an accommodation that allowed rabbinic Jews in antiquity to afford to continue a traditional foodway. Further, the lack of explicit scriptural basis for the prohibition of Gentile olive oil permitted Rabbi to repeal the ban without comment. With no Scripture to contradict him, Rabbi's argument required no justification.