Women in Judaism

The Status of Women in Formative Judaism

by

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The Scarecrow Press, Inc.

Metuchen, N.J. 1976
Library Of Congress Cataloging in Publication Data

Swidler, Leonard J
Women in Judaism.

Includes index.
1. Women in Judaism.
I. Title.
BM729. W6S9
296
75-46561
ISBN 0-8108-0904-4

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Printed in the United States of America

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“He who has no wife dwells without good, without help, without joy, without blessing, and without atonement.”

--Genesis Rabbah 18, 2

A woman is “a pitcher full of filth with its mouth full of blood, yet all run after her.”

--Talmud, b. Shabbath 152a

“The difference in the relations of men and women to each other makes a constant difference between the Rabbis and ourselves. It is always cropping up. Modern apologists tend to ignore or evade it. They quote a few sentences such as ‘Who is rich? He who has a good wife’; or they tell of a few exceptional women such as Beruria. It is quite true that wife and mother played a very important part in Rabbinic life; it is true the Rabbis were almost always monogamists; it is true that they honored their mothers profoundly, and usually honored and cared for their wives. But that is only one side of the story.... Women were, on the whole, regarded as inferior to men in mind, in function and in status.”

C. G. Montefiore, *A Rabbinic Anthology*
(Philadelphia, 1960), pp. xviii-xix

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1. RATIONALE OF THE STUDY

This study attempts to answer the question: What was the status of women in the period of formative Judaism; that is, where did women stand in the social scale in comparison to others, namely, men? Were they thought of as having the same rights and responsibilities as men, and if not, how, and why, were they different, and with what results? By formative Judaism is meant the time span from about the second century before the Common Era (B. C. E.) to the fifth century of the Common Era (C. E.), and the geographical area first of all in Palestine and secondly in Babylonia. This was the time and locus of the formation of what emerged as mainline Judaism. Of the various Jewish "sects" teeming in the first decades of the Common Era, such as Pharisees, Sadducees, Essenes, Zealots, and Christians, only the first and the last persisted in an organized fashion, coming down to us as Judaism and Christianity. I hope also to study the status of women in formative Christianity, but that will be a subsequent volume, which of course could not be attempted until this study was completed.

The reason for undertaking such a study is not unlike the motive of the teller of the story of Adam and Eve, namely, how can we explain the contemporary relationships between men and women? Our attempt to answer the question, instead of using mythic means, will use the historical-critical method. Naturally all serious history attempts to be as “objective” as possible, i.e., to “tell it like it was” ("wie es eigentlich gewesen"), as much as that is possible within inevitable human limitations. Like most historiography, this study is prompted by a question that is important in contemporary life; in this case, the place of women in human society and their relationship to men. Surely this is a fundamental question and one worthy of being put to our past. Any attempt at responsible history will seek to avoid tendentiousness and hold the conclusions to what the evidence will bear. Concerning the present subject on the one hand the positive evaluations of women in formative Judaism will have to be sought out and recorded. But, given the subject matter, it will be particularly important to guard against the sort of apologetic that became especially prevalent since the Enlightenment and the rise of the subsequent feminist movements: the tendency to claim that Judaism, and Christianity, have really valued women very highly and even made them "equal" to men, a claim that an earlier day would have rejected. Josephus stated quite clearly that “The woman, says the Law, is in all things inferior to the man,” and his contemporary, Paul of Tarsus, echoed the same idea: “Let a woman learn in silence with all submissiveness. I permit no woman to teach or to have authority over men; she is to keep silent.”

A second tactic which embarrassed modern Jewish and Christian, scholars have adopted has been to grant, grudgingly, that women were treated “differently” from men, but to insist either that this did not mean that they were thereby any less valued, or that in any case it was “better” that they be thus “differently” treated. Of course, treating two groups of human beings differently does not automatically mean in logic that one group is valued more or less than the other, but empirically, when groups of mature human adults with millions upon millions of members and a highly systematized social differentiation of major proportions are in question, then there is more than ample prima facie evidence that a higher and lower valuation of the groups is involved. To argue oppositely merely on the grounds of logic or some references to structurally superficial evidence, without a thorough analysis of the structure of the society involved, and its presuppositions and inevitable results, is to argue speciously. This was the sort of argumentation that stated in America that it was a good thing for Black slaves to be treated “differently,” that they were in fact happier so, and referred to some statements and actions of “happy” Black slaves and the paternal attitude of some benign slave holders. The same approach led to the second line of defense after the abolishment of slavery; namely, that Blacks were to have “different” schools, etc. from Whites, but of course they would be equal! The United States Supreme Court finally dismissed that line of argument as the rationalization of the White group in power oppressing the Black group not in power. Such a manner of arguing was not honest; it did not seek to describe reality "wie es eigentlich gewesen." To so argue in the matter of the status of women would be similarly dishonest.
At the same time this study cannot be an attempt to argue that the past under scrutiny necessarily could, or should, have been different than it was, or that the values of contemporary society are necessarily better than those of the past. Rather, as initially stated, it can only be an attempt to answer as accurately as possible on the basis of evidence, the question proposed by the author—which naturally is prompted by a contemporary concern. As a historical study, this work can only stand or fall, in whole or in part, on the basis of the gathering and analysis of, and argumentation from, the evidence available. However, distinct from that study, but based on it, the author, not so much as historian but as a concerned human scholar, who is also committed to religion, institutional and otherwise, should also be able to offer an evaluation, indicating something of the study’s significance for contemporary society. That I expect to do in a concluding chapter.

The main documentary sources for this study are the following: the later books of the Hebrew Bible (mainly the Wisdom literature); the apocrypha, that is, the additional books found in the Jewish translation of the Scriptures into Greek (the Septuagint); the pseudopigrapha, i.e., Jewish writings around the beginning of the Common Era which were not taken into the scriptural canon; the Dead Sea scrolls; the works of Josephus, a Jewish historian of the first century C. E.; the writings of Philo, the great first century C. E. Jewish philosopher and religious thinker; and the rabbinic writings. These latter include primarily the Mishnah, a collection of the sayings, discussions and decisions of early rabbis, called Tannaim, on how to live according to the Torah (codified around 200 C. E.); the Babylonian Talmud, commentary of later rabbis, called Amoraim, on the Mishnah (codified in Babylonia in the fifth century C. E.); to a lesser extent the smaller Palestinian Talmud (codified in the fourth century C. E. in Palestine), the Tosephta, Mechlita, Sifre, and Sifra Scripture commentaries (mostly all additional materials from the Tannaim), and the early midrash—i.e., rabbinic stories, etc. illustrating the Torah—mainly the Genesis Rabbah (codified in the fourth century C. E.).

2 STATUS OF WOMEN IN THE ANCIENT FERTILE CRESCENT

AND THE GRECO-ROMAN WORLD

To understand any human event it must be seen in its historical context, for every human event is the product of the interplay of the forces of the past and the responses of the forces of the present. We can no more understand a human event outside of its historical context than we can grasp the concept of the sound of a single hand clapping—Zen Buddhism notwithstanding. The importance of the historical context is even further heightened when the human event being investigated is a person’s, or a society’s, attitude concerning the status of the most broadly distributed class of persons in a society, namely, the status of women in society. Hence, to approach properly the subject of this investigation—the status of women in formative Judaism—it is essential to seek to learn the attitude toward women prevalent in the surrounding milieux as this Jewish society developed.

a. Ancient Fertile Crescent

By way of remote background it should be noted that the status of women in the ancient Near Eastern world was generally that of an inferior. Of the perhaps most ancient of those civilizations, the Sumerian, it has been said that it was male-dominated: men ran the government, managed the economy, administered the courts and schools, manipulated the theology and ritual, and therefore women generally were treated as second-class citizens without power, prestige, or status. However, as the eminent Sumerologist Samuel Noah Kramer has pointed out, there are some indications that this was predominantly true only of later Sumerian society, i.e., from about 2000 B. C. E. on. In the earlier period the Sumerian woman may well have been man’s equal socially and economically, at least among the ruling class. Further, in the area of religion, the female deity was worshiped from earliest times to the very end of Sumer’s existence. In spite of some manipulative favoritism on the part of the male theologians, God in Sumer never became all-male.

Among other things, Kramer points out that polyandry apparently existed in Sumer previous to 2400 B. C. E., for one of the Urukagina “reform” documents of that period reads: “The women of former days used to take two husbands, (but) the women of today (if they attempted this) were Stoned with stones (upon which was inscribed their evil) intent.” Kramer pointed out that, judging from this rather strident boast, some women in pre-Urukagina days practiced polyandry, and got away with it—which hardly smacks of a male-dominated society. In this early period of the twenty-fourth century some women also owned and controlled vast amounts of property, enjoyed some laws which in effect enjoined something like equal pay for equal work, and were able to hold top rank among the literati of the land, and be spiritual leaders of paramount importance.

By the year 2000 B. C. E., and onward, the role of women deteriorated considerably and on the whole the male ruled. For example, marriage was then theoretically monogamous, but the husband was permitted one or more concubines, while the wife had to remain faithful to her one and only spouse. Continuing in this trend, the Babylonian Code of Hammurabi (1728-1636 B. C. E.) and similar laws legislated, for example, that men were free to repudiate their wives for any or no reason, though the woman was able to divorce the husband only for very serious cause, indeed, even if in such a case a wife e were “a gadabout,” her life was forfeit: “If she was not careful, but was a gadabout, thus neglecting her house (and) humiliating her husband, they shall throw that woman into the water.”
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Polygyny was accepted, but not polyandry; hence adultery was solely a crime against the husband. However, it should be noted that the oriental woman enjoyed, on the other hand, a very large legal capacity. In the presence of the man (father or husband) the oriental woman was silent and passive; but if the man disappeared—and not only by death or by absence in the technical sense, but even by a temporary absence—the woman became a fully capable person.

Such general disability of women was not uniformly the case in the other massively important cultural milieu in the ancient fertile crescent, including Palestine, i.e., in Egypt. In fact, during half the history of ancient Egypt, the age of the pyramids (2778 B.C.E. and following) to the end of the Hellenistic period (30 B.C.E.), women enjoyed a high status. For example, during the third, fourth, and into the fifth dynasties (2778-2423 B.C.E.), when the highest level of culture of the Old Kingdom was reached, daughters had the same inheritance rights as sons, marriages were strictly monogamous (with the exception of royalty) and tended to be love matches; in fact, it can be said that in the Old Kingdom the wife was the equal of the husband in rights, although her place in society was not identical with that of her husband. With the decline of the Old Kingdom (2270 B.C.E.), centralized control also waned and feudalism arose, which brought in its wake the decline of individual rights and the rise of corporate rights in private law; this meant that women lost their equality of rights and were subordinated to men, usually fathers or husbands. At any rate, this was true among the nobility (where polygyny then also became widespread) and on the land; in the cities, commerce continued to be based on individualism in private law (i.e., urban property remained free and alienable), and the equality of the sexes persisted as under the classic law of the Old Kingdom. In the cities the woman had an independent legal personality.

The situation was reversed again during the New Empire (1580-1085 B.C.E.—18th, 19th, and 20th dynasties) and women again generally enjoyed equality of status, particularly during the 18th dynasty (1580-1341 B.C.E.). Centralization was restored in the monarchy and individualism triumphed in private law, and consequently during the 18th dynasty women recovered their entire independence and their own legal personalities. They again took up the social role they had had, at the side of their husbands, in the Old Kingdom. (It was during this period that the Hebrew people traditionally are said to have lived in and left Egypt.) Once again in 1085 B.C.E. the Egyptian empire disintegrated into a feudal pattern, with its stress on corporate rights in private law and the consequent subordination of women to men.

With the beginning of the 26th dynasty (663-525 B.C.E.) and its centralized monarchy a definitive change in favor of equality for women in ancient Egypt took place. Women possessed a situation of legal independence and from then on disposed of themselves freely. Absolute equality of spouses was established in marriage. Strictly monogamous, the conjugal union was based on the mutual consent of the partners and imposed on the spouses identical obligations: the infidelity of the husband as well as that of the wife permitted the injured spouse to obtain a divorce at her or his own profit. Thus, as Jacques Pirenne put it, “we have arrived at the epoch of total legal emancipation of the woman. That absolute legal equality between the woman and the man continued to the arrival of the Ptolemies in Egypt.”

Pirenne provides a very precise overview of the history of the status of women in ancient Egypt from the beginning, excluding the Hellenistic and Roman periods. Women in ancient Egypt were considered legally the equal of men in the epochs of individualism. They were, on the contrary, treated as minors and placed under tutelage in feudal-seignorial epochs, during the course of which those social groups founded on the solidarity of authority and hierarchy were restored. Pirenne argued that although that conclusion could, in varying degrees, be extended and adapted to all civilizations, none, at least in antiquity, accorded to women an independence equal to that which they knew in Egypt. Greek civilization itself, which one nevertheless generally admits was the most individualistic in antiquity, was far from granting women the independence which they knew in Egypt during the periods of its apogee.

There is there a very important element which perhaps ought to stimulate historians of law as well as moralists to study, in comparison with Greek individualism, Egyptian individualism which, before our period, alone issued in the complete legal emancipation of the woman.

b. The Greek World

Let us now turn our attention to those cultural forces, Hellenism and Romanism, which largely formed the immediate context within which so much of formative Judaism developed.

Some scholars argue that the almost omnipresent patriarchy perceived from the beginning of humanity’s written records was preceded by a very long, beneficent period of matriarchy. This thesis, which is lent at least some support by the findings of the Sumerologist Kramer (discussed above) and the Etruscanologist Heurgon (discussed below), is, however, disputed. In any case, as a very careful historian, Vern L. Bullough, noted in general, scholars have argued that women in the Homeric poems, which probably were put into final form in the ninth century B.C.E., had a higher position and were better regarded than later in Greek society.
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However, by the time of Hesiod in the eighth century B. C. E., male dominance was no longer in doubt, and in Athens in the fifth and fourth centuries B. C. E. the “golden age” of Pericles, the status of women seemed to have reached some kind of nadir in Western history. 18

In this period of “classical” Greece there was also a large difference between the status of women in Athens and in Sparta. Of the two largest Greek city states, Sparta provided women with by far the greater freedom, i. e., scope for human development, and equality with men. In Sparta women wore clothes which did not restrict their movement (e. g., their robes were open on the side), and took part in sports (e. g., see the Vatican girl racer, a statue originally from the time of the Persian wars), in politics, and in the owning and running of businesses and farms; in fact, women owned almost forty per cent of all the real estate of Sparta, which in itself also tended to increase and sustain the high estimation of women in Sparta.

But the same thing also happened in the Hellenistic and Roman world, as we shall see in somewhat more detail later.

Though Athens was only a short distance away from Sparta and though the two spoke basically the same language, the styles of life of the two city states were dramatically different—and so was the status of women in each. In Athens women did not participate in politics; in fact they were largely shut out of social life as well. Among the works attributed to Demosthenes we find the statement of one fourth-century Athenian: “We have hetaerae for our pleasure (hedone), concubines for the daily needs of the body (therapeia), and wives so we may have legitimate children and a faithful steward of our houses.” 23 Only the hetaerae (“companions”) were educated and entered into male society. They were like courtesans who were to provide men with interesting conversation and entertainment as well as venereal pleasure—in short, social intercourse and sexual intercourse. Marriage was usually monogamous in that there was only one legitimate wife at a time. However, she normally did not mix with the husband’s male friends, but was largely the bearer and reaper of legitimate offspring and the administrator of the household—to which she was largely confined. In Athens the wife “lived entirely or almost entirely as in a harem.” 24

Leipoldt has some very enlightening remarks about how Athens developed the harem-like condition for its women:

Athens, especially through its export business and commerce, became a rich city. There were men who no longer worked (the rabbis have a very instructive definition: a settlement is to be designated a city when there are to be found in it at least ten men who do not pursue a profession Megilla 1, 3), and all necessity for the women to work outside the home disappears—why else have slaves? Whoever has such trains them to take over all toilsome work (ponos). Some wives will at first find that pleasant and a reason to carry their heads higher. But now there awakens the feeling among the men that the women are their personal possessions, useless, but ornamental pieces, which one can best preserve by keeping them at home (the notion of envy probably says too little here). Thus is the path to the harem entered upon. 25

An important point that is alluded to here is that within the same culture women tend to be more restricted in cities than in villages or in rural areas (distinct of course from the lot of women of the landed nobility in a feudal society, as in Egypt, where even women in cities tended to retain a certain legal liberty, as noted above). The present writer experienced this personally within the Arab Muslim culture in the fall of 1972 when visiting the Muslim city of Hebron (south of Jerusalem) and a number of Muslim villages nearby. In the villages the women always wore a head covering, but never veiled their faces; in Hebron, however, many of the women in the streets went about with face veils. Something of the same thing occurred in the movement of populations to urban areas in nineteenth and twentieth century America; pioneer and rural women had a whole range of indispensable roles to play in their families and societies, including a key economic one, and consequently led a human life relatively as full as their husbands’. But when it was no longer necessary to share in the fighting of Indians, or in working to help provide food, clothing, and other necessities, they tended to become the “ornamental pieces” mentioned above; the wives of most professional men did not take a job, and so there later developed the mysterious malaise among suburban women which Betty Friedan called the “feminine mystique.”

Thus, economical and technological progress gradually released more and more women from hard physical labor into being “ornamental pieces,” but this same progress also tended to equalize men and women in that the male’s physical strength became less and less important—a tiny woman with a machine-gun was as deadly as any muscular male with the same. More and more in a technologically advancing society, knowledge and experience became the important things—and women could gain these as well as men. Hence, although women are at first lowered in importance vis-a-vis men as a civilization “advances,” if this advance continues sufficiently it bears within it the seeds of a growing movement of women’s liberation. This can, of course, be seen in the development of the feminist and women’s liberation movements of nineteenth and twentieth century America and Europe. But the same thing also happened in the Hellenistic and Roman world, as we shall see in somewhat more detail later.

The phenomenon of ancient women—and modern women—becoming “ornamental pieces” was carefully analyzed by the twentieth-century sociologist Thorsten Veblen, who in the process coined the concepts “conspicuous leisure” and “conspicuous consumption.”

When men earned more than they really could use they would tend to use their superfluous wealth in a public way that would call attention to it—like lighting a cigar with a ten-dollar bill. The wives of these men, of course, became veritable clothes models, for by the extravagance of a woman’s attire people could see something of her man’s wealth—vicarious conspicuous consumption. Likewise, the
women of wealthy men, or men who had pretensions of wealth, usually did not work, again to show publicly that the husband had so much money that the wife need not work—vicarious conspicuous leisure. Thus, the woman contributed little to the family or society, became just an ornamental piece, a conspicuous consumer of commodities for the sake of showing the husband’s wealth.

As wealth massively increased in Athens it was no wonder that such women had no significant part in the world of decision-making, that men came to think of them as their possessions which they needed to protect from thieves—in a restricted, harem-like existence.

Shortly after the time of the great philosophers of classical Greece—that is, from the end of the fourth century B. C. E. on—an extraordinary change in the general societal feeling took place, at first in Greece and then elsewhere in the Hellenistic world; a sensitivity developed for other persons, particularly the previously overlooked, and for animate and inanimate reality all around. It was a cultural phenomenon something like the Romantic Movement which burst upon the Western world at the beginning of the nineteenth century. This change, which continued to develop with the passage of time and spread throughout the Mediterranean and Near East through Hellenistic military and cultural expansion, was expressed in many ways, including painting, poetry, the emotions, and concern for animals, slaves, children—and women.

An appreciation of landscapes is usually something that children do not possess; it comes only with the development of more intense human emotions. Just as such an appreciation was often reflected in the paintings of the Romantics and afterward, so too in Hellenistic and Roman paintings the beauty of the countryside was highlighted—which was not done in earlier Greek art—for example, in extraordinary wall paintings in Pompeii. This more highly developed emotion and sensitivity was also reflected in the much more frequent reports of expressions of joy or sorrow and of crying than was earlier the case.

There was also an increase in fondness for animals. For example, those in the Greek world who did not possess a dog were thought poor and yet domestic dogs were almost unknown in the East in pre-Hellenistic times; they were introduced through Greek influence, as can partly be seen in the stories of Tobit and the Syrophoenician woman whose daughter Jesus healed. This Hellenistic fondness for animals was also expressed in poems dedicated to pets that had died. It is perhaps significant that it was a woman, Anyte of Tegea in Arcadia (around 300 B. C. E.), who firmly set the custom in Greek culture. Couplet by her, some in the form of grave inscriptions, exist on a hunting dog, a locust, a dolphin, a war-horse, and a rooster. Leipoldt says of her work: “These are really works of art: brief texts in chosen language, without exaggeration, full of genuine love for the animals—and each of the little poems is differently constructed.” Another scholar has gathered together over fifty such examples from antiquity, including the Latin: Catullus’ poem on the dead sparrow of his daughter is perhaps the best known example.

Even more important is the fact that this new sensitivity was also extended to “inferior” human beings. Slaves were more often viewed as other humans with various talents, feelings, etc., and were consequently more humanly appreciated; e. g., they often were given grave stones. Children received a greater appreciation, especially small children. (Again one is reminded of similar developments in early nineteenth-century Europe under the leadership of children’s education pioneers like Pestalozzi.) This “discovery” of children can be seen in the Greek plastic arts: in the earlier period children were obviously not thought important enough to observe carefully; only after the time of Alexander the Great were the sculpted figures of children properly proportioned. The figure of Eros on the east frieze of the Parthenon and on vase paintings is that of a half adult; later it becomes a real infant.

The question naturally arises: Why the development of this new sensitivity toward the end of the fourth century B. C. E.? The causes of such a complex historical development can only be proportionately complex, but a few “causes” do lie close to the surface. The new sensitivity became apparent a generation after Alexander exploded the Greek world of city states into the vast imperial world of Hellenism. Energies that most Greek citizens had formerly devoted to politics could now be turned to themselves, persons, and things around them, all of which they had not had much time or energy to really observe or appreciate before. Also, most humans cannot live merely as a single unit in a massive impersonal organization; they must also have satisfying personal relations; they must live in a personal community, or communities. That was possible as a citizen in a city-state such as Athens or Corinth, but not in an empire. Hence, not only was there now time and energy available to devote to new relations, but there was also a need to find a more human community (witness the incredible popularity of the mystery religions at this time; indeed, the massive spread first of Judaism—perhaps ten per cent of the population of the Roman empire at the beginning of the Common Era—and then of Christianity are still further evidence). Whatever other “causes” of this historical event are put forth, these two will at least have to be reckoned in.

In ancient Greek society, as in many others, women were often categorized with the other “inferior” beings, slaves and children—usually to place some restrictions on them. Quite naturally, the development of the new sensitivity which raised the status of slaves and children also led to the raising of the status of women. In fact one can speak of a gradually developing women’s liberation movement in Hellenism. It did not move as rapidly or as dramatically as the one in the nineteenth century of Western civilization, but it was clearly there and made enormous advances from the time of Alexander to Constantine. In fact, already in the fifth century, in Periclean Athens, there were at least the beginnings of a movement, particularly in the areas of philosophy and politics, as is attested to by the plays...
In terms of “causes” of the spread of this women’s liberation movement in the Hellenistic world, one must calculate, in addition to what has been discussed above about the new sensitivity and about Egypt, the important influence of the queens, princesses, and other royal women of Hellenistic courts. The court of Philip II was not marked by great elegance and refinement, but to it belonged Olympics, and where such an imperious and self-willed woman reigned, her sex must have enjoyed a freedom and consideration not possible in Athens. It was, however, on the model of the Macedonian court that the officers of Alexander ordered their households, and when Eastern customs were considered, they were the customs of the Persian and Egyptian monarchies, where the queen and the queen-mother were always potent personages. Hence they could but strengthen Macedonian tendencies to accord women social and political importance. “The influence of a court is always far-reaching, and in this case it accelerated a movement, of which the Greek courtesans had been hitherto the leaders, for the emancipation of women.”

William Ferguson added a further insight into the spread of Hellenistic women’s liberation when he described how an Athenian girl installed in a new home in Elephantine or in Antioch was dependent upon her own resources to a much greater degree than one who remained at home surrounded by her kinsmen and within easy reach of her natural guardian. She had to be given freedom of access to the courts and personal right to hold property, without which she would have been entirely at the mercy of her husband. In other words, her parents were bound to see that privileges were guaranteed to her in the marriage contract which they would not think of demanding for their daughters if they wished their neighbors’ sons. The instability of life, the enormous increase of opportunity to move from one place to another, made new safeguards for the wife and mother advisable. The consequence was that everywhere in the Hellenistic world the old rules of society were being abandoned, and new ones, dealing with woman’s liberties, were being formed to take their place.

There had been no such occasion for the creation of a new social regime since the seventh century B. C. E. In Athens, as for that matter in the cities of old Greece generally, these causes of social change were not directly operative. A royal family did not exist there; the city was not dependent for its prosperity upon its attractiveness to immigrants; there was no new contact with foreign races. Hence it is the influence of the hetaerae upon the structure of Athenian society, and the reaction of the new world upon the old, that must be considered and, if possible, measured at this point...the emancipation of women made slow, if any, progress in Athens. It was, in fact, an unfriendly territory for the social innovations of Hellenism.

The above mentioned “cautions” having been noted, a rather impressive list of indications of a gradually developing women’s liberation movement in the Hellenistic world can be put forward. Even the form of address to a woman that grew up in this period is an indication of her increase in status: as it became customary in late Greek times to address men as “Lord” (kyrie), it became equally customary to address women as “Lady” (kyria); the custom split out of the Greek language area into Latin as well, where men and women tended more and more to be addressed as dominus and domina.

To this one can add the fact that in growing contrast to the earlier frequent social restriction of the Greek married woman, in Hellenistic times the wife was quite likely to turn up at social gatherings, at symposia, and women went on long journeys. Whereas earlier it was customary for Spartan women to participate in sports, including the Olympics, women’s involvement in this area advanced in late Hellenistic times to the point where there were women professional athletes, as, for example, the three daughters—Tryphosa, Hedia, and Dionysia—of Hermesianax of Tralles, who engaged in foot and chariot races in the years 47 to 41 B.C. E. Many women pursued music as a profession, but not many became actresses or dancers (at least not “socially acceptable” women), although we hear of women who traveled about Greece giving recitations, such as Aristodana of Smyrna who was accompanied by her brother as a manager. Asia Minor was known for its women physicians, though according to Pliny the Elder much of the information about these women physicians was deliberately suppressed. On the level of skilled artisans, women often pursued a craft similar to their husbands’, e. g., a woman goldsmith and a man armorer.

The position of women within marriage is, of course, an important key to the status of women in society in general. We have noted something of the atypical freedom and equality Spartan women enjoyed in classical times, and something of the extremely limited position of other Greek married women (being shut out of politics and social life and having to run competition with the hetaerae and the concubines—that is, mostly slave women who were always totally at the disposal of the husband, sexually and otherwise). The Greek wife of classical time did nevertheless retain her right over her dowry, even if a divorce occurred; and she as well as the husband could initiate a divorce—quite a different situation than existed in the Jewish world, where only the husband could initiate a divorce; but that will be discussed in detail later.
In the Hellenistic period the status of women in marriage advanced quite dramatically, allowing, of course, for wide variation according to the location and the dominant local legal tradition. Marriage was monogamous in classical Greek times and it continued to be so in an even more intense fashion in the Hellenistic period, e.g., the restriction on concubines-as reflected in a late fourth century (311 B. C. E.) marriage contract, presumably drawn up according to the Greek law dominant on the island of Cos (off the coast of Asia Minor). Part of it runs as follows:

Contract of marriage of Heracleides and Demetria. Heracleides takes for his legitimate wife Demetria of Cos. He receives her from her father Leptine of Cos and from her mother Philotis. He is free. She is free.... It is not permitted to Heracleides to take another woman, for that would be an injury to Demetria, nor may he have children by another woman, nor do anything injurious to Demetria under any pretext. If Heracleides be found performing any such deed, Demetria shall denounce him before three men they will both choose. Heracleides will return to Demetria, the dowry of 1000 drachmas, which she contributed, and he will pay an additional 1000 drachmas in Alexandrian silver as an additional fine.51

Here the husband is not only committed to monogamy and to marital fidelity (as is the wife, elsewhere in the contract) but is even subject to a double penalty if he violates that commitment. The contract also clearly assumes an equal right for both spouses to initiate a divorce on the grounds of infidelity. (It is also interesting that the bride is given away by the mother as well as the father.) It should be noted that this advance in the status of the married woman took place at a time and place where the forces at work were probably Greek. The later Egyptian influence could only further raise the status of women, which can be seen in, among other things, the fact that in Hellenistic Egypt the wife, as well as the husband, could initiate a divorce when and as she wished.52

Klaus Thraede speaks of Hellenism’s linking of the goal of women’s liberation with equality in marriage: “In a more progressive civilization equal rights for both women and men is a condition for married harmony (the Stoics formulate it the same way also). Hellenism discovered that because the value and individuality of the woman is fulfilled in marriage, monogamy is required.”53

Women in Hellenistic times also exercised extensive rights in the economic sphere. A woman could inherit a personal patrimony--equally along with sons!—buy, own, and sell property and goods, and will them to others.54 Indeed, in Hellenistic times there were wealthy Greek women, some of whom were greatly honored for their philanthropy.55 Thraede sums the matter up when he says:

The emancipation of the woman in private law was decisive for the development which began already in the classical period: the equalization in inheritance and property rights as well as the de facto independence in marriage and divorce.56

In classical Greek times a woman usually could undertake a public act--i.e., one involving property or marriage--only with the cooperation or approval of a kyrios (lord), who usually was the father, then the husband. This institution, reflective of ancient familial solidarity, continued into Hellenistic times.57 The custom, however, was resisted in Hellenistic Egypt, and was eventually eliminated.58 For some time then, the Hellenistic woman exercised her quite large public capacity with a kyrios under Greek law and without a kyrios under Egyptian law. However, even outside Egypt the institution of the kyrios declined to a mere formality59 and finally was eliminated in Roman times, i.e., after the Antonine constitution of 212 C. E.60 Nevertheless, even in the third century B. C. E. many women initiated a wide range of legal actions, civil, penal, and administrative--without a kyrios.61 Not only Egyptian women did so, but even Greek. “This capacity is without a doubt an innovation in regard to women living under Greek law when compared to the institutions of classical times.”62 It is also an “innovation” when compared to the situation in contemporary Judaism, where women were not able even to bear legal witness.63

From one perspective the dramatic difference in the status of women in classical Athenian society and Hellenistic society reflects the difference in the societal structures: the former was patriarchy collective and the latter was individualistic. Parenthetically, it should be noted that Jewish society was built only on the patriarchal collective model: “Talmudic family structure is based upon the biblical patriarchal system, which for its part is the continuation of the custom of the tribal age. Preference is given to males, within the family as well as in society. A person’s status is determined by his descent and for this purpose the paternal rather than the maternal relationship is decisive.”64 On the other hand, Hellenistic law of persons and family assumed a definitely individualistic shape.65 Furthermore, behind the legal, though not necessarily social independence of women, there was the fundamental fact that a new type of family, which rested entirely on blood relationship, had replaced the classical oikos. This new family was based purely on personal ties and, consequently, there was no patriarchal family organization at all. Various restrictive practices atrophied in a gradual change of custom that was inherent in the logic of a social development which had away with the concept of a family in which women were subject to the head of the “house.” “The husband had no conjugal power over his wife.”66
In an advanced civilization the key to advanced status is education; by itself it will not accomplish everything, but without it usually little will be possible. Whereas in classical Athens usually only the _hetaerae_ had any kind of an education, education for young girls became ever broader and more widespread throughout the Hellenistic period, and one result was that more and more wives as well as husbands were educated.\textsuperscript{67} In fact, in Hellenistic Egypt there were more women who could sign their names than men,\textsuperscript{68} "and thus Hellenistic literature, particularly the novel, was written for a feminine public."\textsuperscript{69} Another result of the broader Hellenistic education of women was the appearance of a flood of Hellenistic women poets.\textsuperscript{70}

It is perhaps most of all in that discipline of the spirit for which the Greeks are most renowned, philosophy, that one can see the striving for women's liberation. We hear from an ancient biographer of Pythagoras that already in the seventh century B. C. E. there were many women students of Pythagoras.\textsuperscript{71} The comedy writer Alexis even wrote a piece entitled "The Women Pythagorians" (_Pythagorizousa_).\textsuperscript{72} The comment on the "woman question" by one of the women philosophers of the Pythagorean school, Theano, who was either the wife or daughter of Pythagoras, is still extant. Within the context of the primitive assumption that sexual intercourse makes a person "unclean," she was asked: "In how many days after intercourse with a man will a woman be clean?" Her reply: "If it is her own husband, she is immediately clean; if it is with a stranger, never."\textsuperscript{73} Continuing this tradition, the sophists and Socrates (470-399 B. C. E.) raised criticisms of the subordinate position of women in society.\textsuperscript{74}

In his writing about the ideal state Plato (427-347 B. C. E.) made a rather extraordinary breakthrough concerning the status of women; he argued in favor of equality for women with men—indeed, equality was in the nature of things. He wrote:

Are we of the opinion that the female watchdogs must perform their guard duty just as the male watchdogs? Do they have to go on the hunt and do everything with the rest? Or do the female dogs remain at home, incapable because they must bring offspring into the world and nourish them, whereas the male dogs do all the work and take care of everything involved in shepherding?

Everything must be done together! Only we assign lighter tasks to the former and heavier ones to the latter. Is it possible, however, to assign to any beings the same kind of tasks if the same education and training are not available to all alike? Impossible. Therefore, if we wish to engage the women in the same work as the men, they must also be allowed to learn the same things. The men receive intellectual and physical education. Thus, the women must also learn and appropriately employ these two disciplines and the art of warfare.... They must take part in war and everything involved in guard duty.\textsuperscript{75}

However, although educated women thus were seen by Plato as equally a boon for the state as men, he nevertheless wished to curtail the development of too much freedom for women by legally limiting their lifestyles.\textsuperscript{76} (It should also be noted that we do know of at least two women philosophical disciples of Plato.)\textsuperscript{77}

Like his teacher Plato, Aristotle (384-322 B. C. E.) also paid lip service to the desirability of the freedom of women in a democracy,\textsuperscript{78} but at the same time he argued that too much freedom for women was a political evil\textsuperscript{79} and that women should take a subordinate position.\textsuperscript{80} However, we know that one of Aristotle’s followers, Theophrastus (d. 287 B. C. E.), had both a woman disciple, Pamphile (some of whose writing is extant), and a woman opponent, unfortunately anonymous. Thereafter to some extent the Cynics also spoke out in favor of equal rights for women, and women played a prominent role in the school of Epicurus (343-270 B. C. E.), not only as disciples but even as favorite teachers.\textsuperscript{81}

The philosophical school which did most to promote the improved status of women was that of the Stoics. These grassroots philosophers stressed the worth of the individual woman, the need for her education (consequently there were many women followers of Stoicism), strict monogamy and a notion of marriage as a spiritual community of two equals.\textsuperscript{82} "In the woman question the Stoics of later times are much more influential because they concern themselves above all with the proper living of everyday life."\textsuperscript{83} The Roman knight C. Musonius Rufus, a contemporary of the apostle Paul, discusses at length whether women should also pursue philosophy and whether daughters should be brought up the same as sons; he answers yes to both questions. The dependence on Plato’s _Republic_ is everywhere apparent in the essay. Even the male and female dogs are reported on in similar fashion. What is decisive is that both sexes have the same relationship to virtue and must be correspondingly educated. Indeed, both receive the same spiritual capabilities (the same _logos_) from the gods. Furthermore, it is specifically the profession of housewife that the woman can correctly fulfill only when she is a philosopher. These thoughts of Musonius have a great significance for intellectual history, for they influence later thinkers, as can be seen, for example, in Plutarch and Clement of Alexander. In fact, we know of a third century C. E. Syrian princess with the Arabian name of Zenobia who lived according to the precepts of Musonius.\textsuperscript{84}

What makes the teachings of the Stoics especially important in the spread of the liberation of women in the centuries just before and
after the beginning of the Common Era is not only that they keenly stressed woman’s personal value and equality with men, but also that they were so widely spread abroad even on the grass-roots level. Many educated people were counted among the adherents of Stoicism, but so too were many others who had never heard a professional Stoic teacher, for many of their ideas and sayings became standard elements of traditional education. However, there were many Stoic popular speakers who went about like circuit preachers, speaking in homely language about their ideas of life. They thus penetrated all classes, even that of the slaves.65 “But all this was not only the result of stoical stumping; the masses were especially prepared to receive the teachings of the Stoa because they helped the oppressed to preserve at least the feeling of inner freedom.”66

Not every aspect of every teacher, let alone adherent, of Stoicism reached the full height of complete equality between men and women in its expression,67 nor, doubtless, did every professed disciple always practice fully what he preached. Still, Stoicism and the other forces discussed above surely spread ideas of women’s liberation far and wide throughout the Hellenistic world and massively influenced many people to live by them.

In religion and cult, women in classical Greece experienced restrictions that were broad, but by no means absolute. There were a number of religious activities or places that they could not enter upon, as, for example, the very important oracle of Delphi, the cult of Hercules; and only maidens, not married women, usually could watch the sacred games at Olympia. Women were also almost entirely absent from, or were kept in the background of, state religion activities. Still, in some cults, such as those of Artemis and Dionysius, women did play a significant role.68 The restrictions, however, along with a lesser education, encouraged the popularity of superstition and magic among women; their normal human need for religious expression naturally moved in the direction of the occult when the more “legitimate” outlets were restricted. Strabo (63 B.C. E.-24 C. E.), e.g., unknowingly pointed toward this when he complained that women were the originators of superstition (deisidaimonias archegoi).69 The rabbi Hillel (70 B. C. E.-10 C. E.) also unknowingly pointed to the same outcome of the religious restriction of women when he said: “Many women, much magic.”70

It was doubtless the same kind of pressure, plus the burgeoning liberation of women in the Hellenistic period, that led to the extraordinary popularity at that time of the Eastern cults and mystery religions, particularly among women.91 Women not only took part in these religious cults, but often did so in great numbers and often in leading and even priestly roles, as, for example, in the Eleusian, the Dionysian and the Andanian mysteries (indeed, it would seem it was just such placing of women on a level with men in religion and cult that provoked a Christian polemic against the equality of women by Cyril of Alexandria—376-444 C. E.).92 The cult of the goddess Isis, which came from Egypt but spread all over the Hellenistic and Roman world, was at the beginning of its popularity exclusively a women’s cult, and even after men were admitted it still provided women with leading religious roles and justly had the reputation of being a vigorous promoter of women’s equality and liberation.94 The extraordinary appeal to women of the Hellenistic world of Judaism (reflected, for example, in Josephus’ remark that almost all of the women of Damascus embraced Judaism!)95 and then Christianity (e.g., the first European convert to Christianity was a woman, Lydia of Philippi)96 also must be at least partly traced back to the same forces of restriction, reaction and liberation discussed above—the latter was also doubtless responsible for the fact that the status of women in diaspora Judaism and Pauline Christianity was higher than it otherwise would have been.97

c. The Roman World

Although it was the Hellenistic cultural world that exercised the greatest outside influence on Palestinian Judaism, the influence of Rome was also present in its own way, i.e., mostly political, legal, and military, from the time of Pompey’s conquest in 63 B.C. E. Hence, it is proper to note briefly the condition of women among Romans.

Behind the culture of Rome there stood the extraordinarily developed culture of the Etruscans, stretching in space from Rome up to Pisa, and in time from before the seventh into the third centuries B.C.E. Whether one agrees with Jacques Heurgon or not when he says that “one must imagine, at the outset, in Italy, as also in Minoan Crete, a civilization dominated by the importance of Chthonian cults and by the pre-eminence of women,”98 it must be granted that he offers ample documentation that the Etruscan women “went out” a great deal. Everywhere women were at the forefront of the scene, playing a considerable role and never blushing from shame, as Livy says of one of them, when exposing themselves to masculine company. In Etruria it was a recognized privilege for ladies of the most respectable kind, and not just for courtesans as in Greece of the contemporary classical period, to take part with men in banquets, where they reclined as the men did. They attended dances, concerts, sports events, and even presided, as a painting in Orvieto shows, perched on a platform, over boxing matches, chariot races and acrobatic displays.99

Heurgon notes that in addition to the documentary evidence of the high status of women in Etruscan society, there is also decisive evidence from archaeology, not just in paintings where we see Etruscan women participating with men in numerous aspects of social life, not only in the epitaphs where the matronymic often is given a prominent place, “but in certain evidences, not sufficiently noted before, which are provided by the contents and the disposition of the tombs.”100 A large number of the Etruscan tombs clearly set women in the pre-eminent position: “It is as if, between 650 and 450, the Etruscans, or at least those of Caere, had considered...
All the evidence taken together allows Heurgon to attribute a privileged position to the Etruscan woman in a society where "we see her mingling with such brilliance in the business and the pleasures of men, her character torn to pieces by envious outsiders but invested in her country with an authority that was almost sovereign; artistic, cultivated, interested in Hellenic refinements and the bringer of civilization to her home; finally venerated in the tomb as an emanation of divine power."\textsuperscript{102}

However, we do not find in Etruscan society either a theoretical Mutterrecht or an ideal gynaecocracy, but rather a stage in a long development, an unstable equilibrium of antagonistic forces in evolution which is given its full significance only if compared with Greece and Rome. Furthermore, "Etruscan civilization was an archaic civilization. Its feminism, strange as it may seem to us, is not so much a recent conquest as a distant survival threatened by Graeco-Roman pressures; it recalls in many respects the Crete of Ariadne and the paintings of Cnossos more than the Athens of Solon and Pericles."\textsuperscript{103}

Women, of course, did not enjoy such a high status in contemporary Greece, nor did they in early Rome. But by the third century B. C. E. Rome moved to improve the property rights of women. Somewhat later in the republic, doubtless due to the influence of Etruscan culture and the growing pressure of the women's liberation movement in Hellenism, the condition of women improved to the point where a woman could in general marry and divorce on her own initiative and even choose her own name.\textsuperscript{104} In speaking of the improvement of women's legal position in the late republic, Thraede wrote: "Toward the end of the republican period the goal was to some extent attained"; he then referred to the capability of women to bear legal witness.\textsuperscript{105} During the same period the image of leading women appeared on coins—for the first time.\textsuperscript{106}

The Roman Cornelius Nepos (d. 32 B.C. E.) even felt that the advanced status of Roman women was something to boast about (in doing so he perhaps painted the situation of the Greek women as too uniformly bleak—so as to enhance the contrast with that of Roman women):

What Roman would find it annoying to be accompanied by his wife to a banquet? Or what housewife does not take the first place in her house or go about in public? Quite different in Greece. There the wife is not brought to a banquet, except when relatives are involved; and she occupies only the inner part of the house, the so-called Gynaikonitis, where only close relatives can enter.\textsuperscript{107}

The status of women continued to improve dramatically under the empire. Indeed, the political activity of women of the senatorial class developed so vigorously that we find on the walls of Pompeii the names of women running for office, a definite advance over Egyptian and Greek women, who had few political rights; women were sent on imperial missions to pro-consuls; the possibility of a woman consul was even discussed.\textsuperscript{108} Women were everywhere involved in business and in social life—i.e., theaters, sport events, concerts, parties, traveling—with or without their husbands. They took part in a whole range of athletics, and even bore arms and went into battle: "A still more marked sign of the advanced emancipation is the conquest of the world of professions by the women of the empire."\textsuperscript{109}

In family affairs one would have to speak of "a veritable equality of the sexes in daily life."\textsuperscript{110} The woman's consent was necessary for marriage.\textsuperscript{111} "The woman had no obligation to obey; the husband had no right to correct her.... legally the husband had no right of power over his wife ... from the point of view of money, the regime was one of equality and of separation."\textsuperscript{112} "The equality of the spouses was in effect total, whether concerning the full liberty of divorce in classical law, the limiting causes of that liberty in the late empire, or the sanctions of an unjustified divorce."\textsuperscript{113}

Republican Rome, acting originally under the influence of Etruscan culture, took up the impulse of women's liberation from Hellenism and carried it forward to where the empire also made it its own and continued to promote it ever further throughout the first several centuries of the Common Era.

In sum: The status of women in the ancient world of the fertile crescent after the early Sumerian period was quite uniformly low except in Egypt, where it was early and often quite high. In the classical Greco-Roman world the condition of women was varied, but often quite restricted, with the clear exception of Etruscan culture. It nevertheless improved particularly during the Hellenistic period, so vigorously and continually that one must speak of a women's liberation movement which had a massive and manifold liberating impact on the lot of women—not everywhere and in every class and at every period equally effective, of course. This improving impulse was picked up and carried forward by Rome. In fact, I believe we can accept as a general rule the statement of Oepke\textsuperscript{114} that "the general rule in this matter is that the further west we go the greater is the freedom of woman. In detail, however, there are the greatest possible variations," and add to it that in general there is also a progression in the freedom for women according to time as well. Thus,
Thus in Genesis 2 the Yahwist pictured the state of woman as it was in the beginning, before the Fall. But he knew from experience that woman, it is woman who brings perfection.

A man is a complement to another man, reaching consciousness as humankind with the disclosure of woman. For woman also is humankind. She is not other than a dam; rather, she is dam as bringing to perfection what had first been imperfect. She is humankind as fully aware of its status, as the goal and perfection of man. Thus, woman is not made to be Adam’s helpmate just because he is lonely; she is created as the perfecting element, to the revelation of which he aspired when he refused companionship with the animal world. In one way, Israh was made for mankind, as she was to bring it perfection, to be its perfection. In another, mankind was made for Israh, the less perfect, the uncompleted, the undifferentiated being preparatory of the more perfect, the fullness, the being-in-relation. In the oneness of man and woman, it is woman who brings perfection.

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George Tavard spells out this understanding of the Yahwist’s description of the prelapsarian state of woman as humanity’s (i.e., Adam, man in the generic sense) perfection: as far as humankind as a whole is concerned, there is only one creation, that of Adam. The next step is not a second process of creation, but rather a step within the total process, a further development of what began with Adam and proceeded on a descending scale to that of Eden, plants, rivers, animals, and, finally, woman, we should view it as a creation that evolved from Adam to woman, with the intermediate creations serving to establish the stage for the higher creation that was attained with the modeling of woman.

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These two traditions about women depict her first, i.e., before the Fall—as the equal of man, if indeed not the perfection of humanity, and secondly-after the Fall—as subject to man, under the curse. This bifurcation is clearly seen in the Yahwist story of creation in Genesis 2, which is the older scriptural tradition. Contrary to much later, and often superficial, interpretation of this story, a careful analysis reveals that the Yahwist writer did not think of woman as lesser because she was created after Adam. Quite the contrary: The pertinent passage reads:

Yahweh God said, ‘It is not good that the man [h3 adam, “the earthling,” from adam, “earth”] should be alone. I will make him a helpmate.’ So from the soil [h3 adam] Yahweh God fashioned all the wild beasts and all the birds of heaven. These he brought to the man to see what he would call them; each one was to bear the name the man would give it. The man gave names to all the animals, all the birds of heaven and all the wild beasts. But no helpmate suitable for man was found for him. So Yahweh God made the man fall into a deep sleep. And while he slept, he took one of his ribs and enclosed it in flesh. Yahweh God built the rib he had taken from the man into a woman, and brought her to the man. The man exclaimed: ‘This at last is bone from my bones, and flesh from my flesh! This is to be called woman, for this was taken from man.’ This is why a man leaves his father and mother and joins himself to his wife, and they become one body. Now both of them were naked, the man and his wife, but they felt no shame in front of each other. (Genesis 2: 18-25)

Here, first of all, the creation of woman was set in contrast to that of the animals, which preceded. The latter were to have been understood by, and placed under, the authority of the man—they were not to have been worshipped, even symbolically, as they were in Canaanite and Egyptian cults. But the main point of the text was man’s relationship to woman. Clearly woman’s creation was also essentially related to man, since his solitude was the occasion for her creation. But was she to be seen as simply an afterthought, a companion slightly higher than the animals? Such an understanding would hardly square with the tone of the story wherein Yahweh was depicted as knowing well what he was doing and as having done everything purposefully. Yahweh was not a hesitant potter who tried one thing after another in hopes of final success; rather, he was the Almighty, whose actions carried lessons of major importance. Rather than seeing woman’s creation as the lowest in a series of creation attempts that started on a triumphant note with the forming of Adam and proceeded on a descending scale to that of Eden, plants, rivers, animals, and, finally, woman, we should view it as a creation that evolved from Adam to woman, with the intermediate creations serving to establish the stage for the higher creation that was attained with the modeling of woman.

It is in this context and under this surrounding and pervading influence of the Greco-Roman (Egyptian) world that Judaism developed.

3. ANCIENT HEBREW BACKGROUND

Although it would be very helpful to a study of the status of women in formative Judaism to first do a thorough study of the status of women in pre-exilic Hebrew society, it is, fortunately, not essential. Nevertheless, it is very important to highlight at least one significant fact from that earlier period that will shed a good deal of light on the status of women in the post-exilic, formative period of Judaism: namely, that there are in the Bible two traditions about women.
that that was not the state of woman in contemporary society. Present reality was the opposite of that in Eden. The curse of woman evoked a reversal of the order of the universe attained in Eden. While woman in innocence was creation’s acme, woman in experience, following her initiation to sexuality, would be dominated by her sexual “desire for her husband,” indeed, by her husband himself, and by pregnancy’s pains. “The higher aspect of mankind becomes enslaved, and the ruder aspect, the man, takes over leadership.”

Thus, seen in the light of the earlier analysis of the events in the Garden, this story of the curse provides the key to the entire meaning of the Yahwist tradition about the origins of humanity. The author, of course, belonged to post-lapsarian history, to the order of the curse. Yet he was convinced that it was not always thus. And the poet reconstructed a pre-lapsarian state which was the exact reversal of everyday life as he experienced it. When throughout centuries the Hebrews heard these stories and later read them, it was recalled to them that they were experiencing the ambiguity of living East of Eden, while they yet longed to return to Paradise. They were thus fed by two conflicting traditions, the post-lapsarian, which governed their daily lives and the structure of society, and the dream of the pre-lapsarian, which they hoped to return to at the end of their cycle in life—eventually to be called the messianic era.

These two traditions do indeed continue to run from Hebrew society to beyond the Exile into inchoative and maturely formed Judaism (and into Christianity as well), but, as the subsequent study will clearly show, the pre-lapsarian tradition will tend to fade, be distorted, and even be suppressed at times. But it recurs, as, for example, with the prophets, who see Israel as the espoused of the Lord; with the wisdom literature where Wisdom is pictured as the primordial woman antecedent to the creation of the world; with some poetry, like the Song of Songs, where the love depicted is humanist and egalitarian (this erotic humanism was later rejected by Ben Sira, e.g., 9: 8), and even when it was interpreted, beginning is humanist and egalitarian (this erotic humanism was later rejected by Ben Sira, e.g., 9: 8), and even when it was interpreted, beginning with Rabbi Akiba, first century C. E allegorically, whereby the union of love between man and woman became a symbol of the relationship between God and his bride Israel; indeed, with the understanding of Israel as humanity, humanity as loved by God., for here humanity itself is feminine vis-a-vis God. It continues to recur throughout later Jewish history, as with the medieval Kabbalah, where the feminine is projected into the divinity. But most important, this pre-lapsarian tradition of woman as man’s equal, indeed, his completion, is there at the source, waiting to renew the tradition.

CHAPTER II

ATTITUDE TOWARD WOMEN IN WISDOM

AND PSEUDEPIGRAPHICAL LITERATURE

1. WISDOM LITERATURE

Most of the Wisdom literature was written after the return of the Jewish people from the exile (587-537 B. C. E.); a small portion of it—the central section of the Book of Proverbs, e.g.—was pre-exilic. In the Wisdom literature we find the two traditions about women reflected. First, it must be noted that these books, which include some most disparaging remarks about women, also project the feminine into a personification of divine Wisdom. In the Book of Proverbs, Wisdom is described as the highest and first creature of God, identical with the Law, and this Wisdom (Hokmah) is a woman. In Ben Sira, Wisdom, Sophia, is also a feminine creature, though an eternal one, that is, identified as the spirit of the Lord and the glory of Yahweh. In the Book of the Wisdom of Solomon the personification of the feminine Sophia attains its acme; she is no longer a creature, but an eternal emanation from God: “She is a breath of the Power of God, pure emanation of the Glory of the Almighty” (7:25). Wisdom takes part in all the powers of God. She is divine, yet not God, who, as in all biblical texts, remains the Unknowable One. Wisdom is what humans can know of God’s glory, that of God which can be communicated to humans. Said differently, Wisdom is the “good and evil” which the Ishah of Genesis 2 desired to know but never learned. It is the image of Ishah as transformed by the true knowledge of benediction and malediction, the divine antitype of Ishah. It shows what Ishah would have been had she waited for God’s self-unveiling instead of attempting to grasp the secrets of God by herself.

It should also be noted that although it is doubtless accurate to see the persistence of the prelapsarian, more positive tradition about woman in this personification of Divine Wisdom as the feminine Hokmah or Sophia, such a projection can also often become a device to further shut a suppressed individual or group out of the path of power; it can serve as a sop of tokenism, a safety valve which drains off potential rebellion. Placing someone, or some group, on a pedestal clearly takes that person or group out of the real order of affairs where decisions are made; it is like “kicking someone upstairs” to get her out of the way. Thus, even the persistence of
Almost parenthetically, it would also be proper at this point to discuss in a little detail the image of woman and of female-male relations projected in the Song of Songs, since it is classified with the wisdom books in the Septuagint and the Vulgate, though not in the Massoretic Hebrew Bible.

The book as we have it probably comes from the third century B. C. E., though much of the material is considerably older. It is simply love poetry of a woman and a man for each other with no particular "religious" content. Perhaps it was attributed to Solomon, who obviously was not the true author, because he had the reputation of being a great lover. Perhaps the reason it was included in the canon of sacred Scriptures was because it was interpreted allegorically, that is, as reflecting the love of Yahweh for Israel, as some rabbis supposedly argued at Jamnia around 100 C. E., although that does not tell us why it was already included in the Septuagint (third-second century B. C. E.). In any case, it is love poetry, and it reflects an image of woman and female-male relations that fits in the more positive, pre-lapsarian Hebrew tradition.

To begin with, attention focuses immediately on the woman: the book begins and closes with the woman speaking. Furthermore, the woman initiates most of the action and has most of the dialogue; she is active in love-making (e. g., "On my bed, at night, I sought him whom my heart loves," 3:1). Mother is referred to seven times in the Song, whereas father is not referred to at all. The mothers of both the woman and the man are mentioned: she is called the "darling of her mother" (6:9); of the man reference is made to "where your mother conceived you" (8:5); King Solomon is said to wear the crown "with which his mother crowned him" (3:11); the woman's brothers are mentioned once as "my mother's sons" (1:6); in two places the woman takes the initiative by taking the man "into my mother's house" (3:4. 8:2) for love-making.

One scholar notes that in light of the stress on woman's role as wife and mother in Hebrew society, it is remarkable that the Song is not interested in these ways of identifying a woman. The Song does not tell us whether the lovers are married or not; marriage is not an issue here. Moreover, "the woman is not a mother, and there are no references to her procreative abilities or interest in childbearing."2

Some of the most interesting work on the meaning of the Song of Songs has been done by Phyllis Trible, who, among other things, sees the Song as, if not in intent, then at least in fact, a midrash on the Adam and Eve story, a sort of theme and variations. She concludes by saying:

In many ways, then, Song of Songs is a midrash on Genesis 2-3. By variations and reversals it creatively actualizes major motifs and themes of the primeval myth. Female and male are born to mutuality and love. They are naked without shame; they are equal without duplication. They live in gardens where nature joins in celebrating their oneness. Neither couple fits the rhetoric of a male-dominated culture. As equals they confront life and death. But the first couple lose their oneness through disobedience. Consequently, the woman's desire becomes the man's dominion. The second couple affirm their oneness through eroticism. Consequently, the man's desire becomes the woman's delight. Whatever else it may be, Canticles is a commentary on Genesis 2-3. Paradise Lost is Paradise Regained.3

Thus, we have in the Song of Songs an image of woman that is positive, egalitarian, pre-lapsarian. However, excepting the Song of Songs and the feminine personification of Hagia Sophia in general it is accurate to say the Wisdom literature exhibits an attitude that is quite antithetic towards women. Even the oldest of the material, the book of Proverbs (probably put in its present form in the third or fourth century B. C. E.), is filled with negative sentiments toward women.4

Perhaps part of the reason for this negative attitude toward women is that this literature was written by and for men, although this fact by itself surely would not necessitate the negative stance. Moreover, the negative fact that no such (extant) biblical literature was written by and for women (with the possible exception of the Song of Songs) also speaks loudly of the lesser status of women in the later biblical period. Even the books of Esther and Judith do not really offer a counterpoint to this dominant male theme. (See Chapter III-1, Pharisees.)

If there is a sexual transgression it is usually assumed that the woman was the cause of it, whether she was an alien woman or a neighbor's wife: "Keeping you also from the alien woman, from the stranger,5 with her wheedling words ... towards death her house is declining, down to the Shades her paths go. Of those who go to her not one returns, they never regain the paths of life" (Prov. 2: 1619). Shortly afterward the thought is repeated:
Take no notice of the loose-living woman, for the lips of this alien drip with honey, her words are smoother than oil, but their outcome is as bitter as wormwood, sharp as a two-edged sword. Her feet go down to death, her steps lead down to Sheol; far from following the path of life, her ways are undirected, irresponsible ... set your course as far from her as possible, go nowhere near the door of her house, or you will surrender your honour to others, your years to one who has no pity, and strangers will batten on your property, your labors going to some alien house, and, at your ending, when body and flesh are consumed, you will groan (Prov. 5:2-11).

Again it is presumed that the woman is the source of the evil, and especially the alien woman, who will alienate the innocent male’s honor, years, property, labors, and even consume his body and flesh.

Then follow a group of rather striking metaphors that first project the native woman (or lawful wife) not only as a more prudent choice but also clearly as the property of the male, existing for his “refreshment”: “Drink the water from your own cistern, fresh water from your own well. Do not let your fountains flow to waste elsewhere, nor your streams in the public streets. Let them be for yourself alone, not for strangers at the same time. And may your fountain head be blessed!” (Prov. 5: 15-18). The following chapter again warns against evil women: “Preserving you from the wicked woman, from the smooth tongue of the woman who is a stranger” ... and so on for the next eleven verses (Prov. 6: 24-35). But the author cannot yet leave the topic of the evil woman, particularly the alien woman (this is all in the post-exilic prologue, chapters 1-9), even repeating his earlier phrases: “To preserve you from the alien woman, from the stranger, with her wheedling words.” Then come twenty verses describing the ways of evil women vis-a-vis innocent men, ending with the familiar dire warning: “Her house is the way to Sheol, the descents to the courts of death” (Prov. 7: 5-27). Thus far this is the post-exilic material of the book of Proverbs.

The rest of the material of Proverbs (with the exception of the final poem, 31: 10-31, which cannot be dated) is most probably much older, surely pre-exilic, some going back perhaps to the time of Solomon (tenth century). Sexual transgression, particularly with the alien woman, was also warned against here, again in metaphors whose sexual symbolism is hardly veiled: “The mouth of the alien woman is a deep pit, into it falls the man whom Yahweh detests” (22:14). “A harlot is a deep pit, a narrow well, the woman who is a stranger. Yes, like a robber she is on the watch and many are the men she dupes” (23: 27-28). “This is how the adulteress behaves: when she has eaten, she wipes her mouth clean and says, ‘I have done nothing wrong’” (30:20). The rest of the ancient sayings of Proverbs-save the general remarks about indiscreet women: “A golden ring in the snout of a pig is a lovely woman who lacks discretion” (11: 22), and the enervating effect of all women, with language approaching a semen “cult”: “Do not spend all your energy on women, nor your loins on these destroyers of kings” (31: 3)-all refer to the non-virtuous wife, replete with repetitions and near-repetitions: “A gracious woman brings honour to her husband, she who has no love for justice is dishonour enthroned” (11: 16). “A good wife, her husband’s crown, a shameless wife, a cancer in his bones” (12: 3). “A woman’s scolding is like a dripping gutter” (19:13). “The steady dripping of a gutter on a rainy day and a scolding woman are alike. Whoever can restrain her, can restrain the wind, and with right hand grasp oil” (27: 15-16). “Better the corner of a loft to live in than a house shared with a scolding woman” (21: 9 and 25: 24). “Better to live in a desert land than with a scolding and irritable woman” (21: 19). The misery of living with a husband with comparable faults is not mentioned.

There are, however, several places where reference is made to honoring father and mother, or not dishonoring them (e.g., 15: 20; 17: 25; 19; 26; 23: 25; 30: 11, 17)—though in a number of places honoring the father alone is mentioned, but never the mother alone. Then finally comes the capstone, of an unknown date, the oft-quoted paean of praise of the perfect wife, in the form of an alphabetic poem, each verse beginning with the next letter of the Hebrew alphabet.

A perfect wife-who can find her?
She is far beyond the price of pearls.

Her husband’s heart has confidence in her,
from her he will derive no little profit.

Advantage and not hurt she brings him
all the days of her life.

She is always busy with wool and with flax,
she does her work with eager hands.
She is like a merchant vessel
bringing her food from far away.

She gets up while it is still dark
giving her household their food,
giving orders to her serving girls.

She sets her mind on a field, then she buys it;
with what her hands have earned she plants a vineyard.

She puts her back into her work
and shows how strong her arms can be.

She finds her labour well worth while;
her lamp does not go out at night.

She sets her hands to the distaff,
her fingers grasp the spindle.

She holds out her hand to the poor,
she opens her arms to the needy.

Snow may come, she has no fears for her household,
with all her servants warmly clothed.

She makes her own quilts,
she is dressed in fine linen and purple.

Her husband is respected at the city gates,
taking his seat among the elders of the land.

She weaves linen sheets and sells them,
she supplies the merchant with sashes.

She is clothed in strength and dignity,
she can laugh at the days to come.

When she opens her mouth, she does so wisely;
on her tongue is kindly instruction.

She keeps good watch on the conduct of her household,
no bread of idleness for her.

Her sons stand up and proclaim her blessed,
her husband, too, sings her praises:

'Many women have done admirable things,
but you surpass them all!'

Charm is deceitful., and beauty empty;
the woman who is wise is the one to praise.

Give her a share in what her hands have worked for,
and let her works tell her praises at the city gates.

(Proverbs 31: 10-31)

The "virtuous" wife described here is truly an extraordinary human being. However, the effectiveness of this poem as a testimony of post-exilic Hebrew appreciation of womanhood is somewhat weakened by the fact that the Hebrew gloss, incorporated and developed by the Greek into the final two verses, "seems to show that the scribes understood this whole passage allegorically as a description of Wisdom personified (cf. 8: 22 ff.). This would make it an apt conclusion to the book. In regard to the appreciation of womanhood it is much more important to note that, like the few scattered positive remarks about women earlier in the book (the references, for example, to the good wife being the husband's crown, honoring one's mother), they are really not about women as such, about women as human beings, but only about women in their relationship to men, i.e., as a man's wife or a son's mother. (Men are not similarly treated solely in relational terms.) The book of Proverbs knows almost nothing good about women except insofar as they are for the advantage or profit of men, this is especially true of the poem on the perfect wife, which is always referred to when an attempt is made to show that the Wisdom literature was not always depreciative, but sometimes even appreciative of womanhood. The husband "will derive no little profit from her. Advantage and not hurt she brings him all the days of her life" (31:11-12). She works uncommonly hard, exercising a great deal of business judgment and responsibility; the result is not that she is given some religious or civic responsibility or honorific title or position-rather her husband is: "Her husband is respected at the city gates, taking his seat among the elders of the land" (31:23). It is no wonder such a woman is appreciated; she is the best model for the perfect servant. Indeed., the impression given by this poem is that thanks to the diligence of the wife, the husband is a man of leisure. The model of the perfect wife held up by the rabbis is still seen today in Mea Shearim, an ultra-Orthodox sector of Jerusalem. In return for her complete self-sacrifice she is given praise by the men: "Her sons [children in RSV] stand up and proclaim her blessed., her husband, too, sings her praises" (31:28), and by those gathered at the city gates: "let her work tell her praises at the city gates" (31:31). She is allowed to share in the fruits of her labor: "Give her a share in what her hands have worked for" (31:31).

The rest of the biblical Wisdom literature is all postexilic, coming down to within a little more than a generation of the Common Era. Ecclesiastes was written around the middle of the third century B. C. E.; Ecclesiasticus, or Ben Sira, about the middle of the second century B. C. E.; and the Wisdom of Solomon, the middle of the first century B.C.E. Like Proverbs before them, all three of these books are addressed solely to men, apparently presuming that they alone needed to be instructed in wisdom. Time and again phrases like "happy the man who..." or "wretched the man who..." or "my son, do not..." occur throughout this literature, and it is really the man, the male, that is in the author's mind.

In the latest of the books, the Wisdom of Solomon, outside of the feminine personification of Wisdom discussed above, there is nothing at all of significance about women.

Ecclesiastes is an unusually short book, twelve brief chapters, and also has unusually little to say about women. Outside of a few metaphorical references to women and an exhortation to marital fidelity (9: 9), the only reference to women is an especially vitriolic...
Ben Sira’s opposition to expanding Hellenism by emphasizing Jewish particularity would automatically lead him to an anti-feminist position on two counts: one, since a growing freedom and equality for women was a part of Hellenism, 15 a rejection of Hellenism would tend to include a rejection of this more positive attitude toward women; two, the need to shelter Jewish women from the malign influences of Hellenism (especially its feminism), would tend to reinforce the restrictions on Jewish women-who could not be fortified by the study of the Law. Moreover, this exclusion of women from the study of Torah, 16 coupled with Ben Sira’s exaltation of its study, would also incline him toward an anti-woman attitude. In fact, in this regard, Ben Sira fits perfectly the women-denigrating and even, at times, misogynist patterns in other authors of Wisdom literature. The quality of woman-hating of the century older and brief Ecclesiastes is easily matched by Ben Sira. But in the quantity of misogyny the older author is far outstripped by the later one.

Ben Sira discusses women from various aspects: as mothers, daughters, wives, sexual sinners, and as women as such. Only in the first category and partly in the third are his statements in any way positive. There are two brief passages reinforcing the commandment, “Honor thy father and mother” (3:3-6; 7:27-28). But for Ben Sira the great value of mothers is to bear sons; daughters are obviously undesirable: “The birth of a daughter is a loss!” (22:3). The only concern for daughters, it would seem, is to maintain their physical virginity and get them married, the proper age for marriage for girls being twelve and half years old. “Have you daughters? Take care of their bodies, but do not be over-indulgent. Marry a daughter off, and your cares will vanish; but give her to a man of sense.... A sensible daughter will obtain her husband, but a shameless one is a grief to her father. An insolent daughter puts father and mother to shame and will be disowned by both” (7:24-25 ... 22:4-5). (In contrast to this is the care exhibited for sons: “A man who educates his son will be the envy of his enemy” 30:3.)

For Ben Sira daughters are, from one point of view, nothing but painful burdens; from another view they are totally creatures of sex:

A daughter is a deceptive treasure for her father, the worry she gives him drives away his sleep: in her youth, in case she never marries; married, in case she should be disliked; as a virgin, in case she should be defiled and found with child in her father’s house; having a husband, in case she goes astray; married, in case she should be barren. Your daughter is headstrong? Keep a sharp lookout that she does not make you the laughingstock of your enemies, the talk of the town, the object of common gossip, and put you to public shame. (42:9-11)

There does not seem to be overly much concern about the evils themselves or the bad effects they will have on the daughter. Almost the only worry is what will happen to the man, the father, as a result of the daughter’s evil deeds. Again, the female’s existence seems to be summed up in her relationship to a male.

Ben Sira goes even further in his rejection of any kind of independence in a female offspring, describing her as “headstrong,” heaping abuse on her for her putative future behavior, again in language that has a very transparent sex symbolism—and given the extraordinary restrictions in girls’ and women’s contact with men and the very early non-love match marriages, it was doubtless at times a self-fulfilling prophecy: “Keep a headstrong daughter under firm control, or she will abuse any indulgence she receives. Keep a strict watch on her shameless eye, do not be surprised if she disgraces you. Like a thirsty traveler she will open her mouth and drink any water she comes across; she will sit in front of every peg, and open her quiver to any arrow” (26:10-12).17
Ben Sira has a number of positive things to say about good wives, albeit such goodness is often enough expressed clearly in terms of advantage or profit to the husband: “Happy the man who keeps house with a sensible wife” (25:8). “Happy the husband of a really good wife; the number of his days will be doubled. A perfect wife is the joy of her husband, he will live out the years of his life in peace. A good wife is the best of portions, reserved for those who fear the Lord” (26:1-3). The “feminine” qualities of submissiveness are then praised highly: “The grace of a wife will charm her husband, her accomplishments will make him the stronger. A silent wife is a gift from the Lord, no price can be put on a well-trained character. A modest wife is a boon twice over, a chaste character cannot be weighed on scales. Like the sun rising over the mountains of the Lord is the beauty of a good wife in a well-kept house...” (26:13-16). Within this submissive context Ben Sira even knows to praise physical beauty:

Like the lamp shining on the sacred lamp-stand is a beautiful face on a well-proportioned body. Like golden pillars on a silver base are shapely legs on firm-set heels. A woman’s beauty delights the beholder, a man likes nothing better. If her tongue is kind and gentle, her husband has no equal among the sons of men. The man who takes a wife has the makings of a fortune, a helper that suits him, and a pillar to lean on. (26:17-18; 36:22-24)

Not all the remarks about wives, however, are positive. Some are vaguely ominous, as: “Do not turn against a wise and good wife.... Have you a wife to your liking? Do not turn her out; but if you dislike her, never trust her” (7:19, 26). Some are rather threatening comparisons: “A godless wife is assigned to a transgressor as his fortune, but a devout wife given to the man who fears the Lord. A shameless wife takes pleasure in disgracing herself, a modest wife is diffident even with her husband. A headstrong wife is a shameless bitch, but one with a sense of shame fears the Lord. A wife who respects her husband will be acknowledged wise by all, but one who proudly despises him will be known by all as wicked” (26:23-26).

In many instances pure vitriol is poured on the wife (reminiscent of Proverbs 21:9, 19; 25:24; 27:15):

I would sooner keep house with a lion or a dragon than keep house with a spiteful wife. A wife’s spite changes the appearance of her husband and makes him look like a bear. When her husband goes out to dinner with his neighbours, he cannot help heaving bitter sighs.... Low spirits, gloomy face, stricken heart: such the achievements of a spiteful wife. Slack hands and sagging knees indicate a wife who makes her husband wretched.... A bad wife is a badly fitting ox yoke, trying to master her is like grasping a scorpion. A drunken wife will goad anyone to fury, she makes no effort to hide her degradation. (25:16-18, 23; 26:7-8)

Sometimes the scorn comes in the form of "humor": “As climbing up a sandhill is for elderly feet, such is a garrulous wife for a quiet husband.... A loud-mouthed, gossiping wife is like a trumpet sounding a charge, and any man saddled with one spends his life in the turmoil of war” (25:20; 26:27). The wife as breadwinner is bitterly rejected: “Bad temper, insolence and shame hold sway where the wife supports the husband” (25:22).

Ben Sira, like Proverbs and other biblical writers before him, delivers admonitions for the would-be wise man to be on the lookout against women who will lead him astray sexually. Also like Proverbs (31:3) Ben Sira issues dire warnings against the alien women in language that uses very plain sexual metaphors and at times approaches a semen “cult”: “My son, preserve the bloom of your youth and do not waste your strength on strangers. Search the whole plain for a fertile field, sow your own seed there, trusting in your own good stock. Thus your offspring will survive, they will grow great, confident of their breeding. A woman for hire is not worth spitting at, but a lawful wife is as strong as a tower” (26:19-22). Moreover, every manner of woman is warned against: prostitutes, married women, singing women, handsome women, virgins, and just women:

Do not give your soul to a woman, for her to trample on your strength. Do not keep company with a harlot in case you get entangled in her snares. Do not dally with a singing girl, in case you get caught by her wiles. Do not stare at a virgin, in case you and she incur the same punishment. Do not give your soul to whores, or you will ruin your inheritance. Keep your eyes to yourself in the streets of a town, do not prowl about its unfrequented quarters. Turn your eyes away from a handsome woman, do not stare at the beauty that belongs to someone else. Woman’s beauty has led many astray; it kindles desire like a flame. Do not have much conversation with a married woman and do not conduct long discussions with her (9:2-9).

The beauty of any woman is seen as a danger: “Do not be taken in by a woman’s beauty, never lose your head over a woman!” (25:21).

Ben Sira does seem to move in the direction of placing a moral onus on the man not to commit adultery, or indeed fornication or masturbation (23:16-17). However, a comparison between the warning against the adulterer and against the adulteress is...
Instructive. Though Ben Sira goes beyond most of his biblical predecessors in demanding “moral uprightness” in sexual matters from husbands, there still is clearly a double standard involved. Only a general threat of punishment “in view of the whole town” is leveled against the man (actually only if the woman involved was married could the man be punished legally, and that because he had violated the rights of the other husband over his property, his wife). The threat against the adulteress is overwhelming-adulteresses apparently were still to be put to death regardless of the marital state of the man they consorted with; even her children and her memory were to be punished and forever stained (23:21-26).

It is not just prostitutes, adulteresses, daughters in general and all but submissive wives that receive invective from Ben Sira. Women in general are bitterly abused by him with an intensity that surpasses previous biblical misogyny. It would also seem that for Ben Sira all women are nymphomaniacs at least in a passive sense: “A woman will accept any husband, but some daughters are better than others” (36:21). For Ben Sira it also seems that all women were spiteful by nature: “Do not let water find a leak, do not allow a spiteful woman free rein for her tongue. If she will not do as you tell her, get rid of her.... For a moth comes out of clothes, and woman’s spite out of woman” (25:25-26). He pushes the matter further: “Any spite rather than the spite of a woman!” (25:13). And still further: “A man’s spite is preferable to a woman’s kindness; women give rise to shame and reproach” (42:13-14); indeed, to Ben Sira women are the greatest evil in the world by far! “No wickedness comes anywhere near the wickedness of a woman, may a sinner’s lot be hers!” (25:19). Woman is not only the greatest of evils, but in fact the cause of all evil: “Sin began with a woman, and thanks to her we all must die” (25:24).

Note should also be taken here of the attitude toward women reflected in other Near Eastern wisdom literature. Such literature was widespread in the ancient Near East, including especially Egypt. Since there was a considerable mutual awareness of this wisdom literature, a great deal of similarity can be expected. It appears that the Egyptian wisdom literature was, like the Hebrew, written by and for men; the image of women in it consequently is likewise that of a relationship to men. The pertinent passages are as follows:

If thou desirest to make friendship last in a home to which thou hast access as master, as a brother, or as a friend, into any place where thou mightest enter, beware of approaching the women. It does not go well with the place where that is done. The face has no alertness by splitting. A thousand men may be distracted from their [own] advantage. One is made a fool by limbs of fayence, as she stands [there], become [all] carnelian. A mere trifle, the likeness of a dream—and one attains death through knowing her.... Do not do it—it is really an abomination—and thou shalt be free from sickness of heart every day.

If thou art a man of standing, thou shouldst found thy household and love thy wife at home as is fitting. Fill her belly; clothe her back. Ointment is the prescription for her body. Make her heart glad as long as thou livest. She is a profitable field for her lord. Thou shouldst not contend with her at law, and keep her far from gaining control.... Her eye is her stormwind. Let her heart be soothed through what may accrue to thee; it means keeping her long in thy house.

Take to thyself a wife while thou art (still) a youth, that she may produce a son for thee. Beget [him] for thyself while thou art (still) young. Teach him to be a man.

Be on thy guard against a woman from abroad, who is not known in her (own) town. Do not stare at her when she passes by. Do not know her carnally; a deep water, whose windings one knows not, a woman who is far away from her husband. ‘I am sleek,’ she says to thee every day. She has no witnesses when she waits to ensnare thee. It is a great crime (worthy) of death, when one hears of it.

Thou shouldst not supervise (too closely) thy wife in her (own) house, when thou knowest that she is efficient. Do not say to her: ‘Where is it? Fetch (it) for us!’ when she has put (it) in the (most) useful place. Let thy eye have regard, while thou art silent that thou mayest recognize her abilities. How happy it is when thy hand is with her! Many are here who do not know what a man should do to stop dissension in his house.... Every man who is settled in a house should hold the hasty heart firm. Thou shouldst not pursue after a woman; do not let her steal away thy heart.

The image of woman in this Egyptian wisdom literature is that of a wife or mother or harlot, i. e., she is always seen in relationship to a man. As in the parallel Hebrew wisdom literature, men are warned to avoid adultery and particularly to avoid the alien woman, and urged to take a good wife who will produce sons, taking care to deal with their wives with care and concern. But nothing like the outpouring of anger and misogyny on bad wives and all manner of women which appears in the Hebrew wisdom literature is to be found in this parallel Egyptian wisdom literature. This is doubtless a reflection of the relatively high status women enjoyed at various times in Egyptian history discussed above; at the same time this literature likewise reflects the fact that women in Egypt also experienced a relatively lower status for long periods of time, and even in the “higher” periods never attained complete equality with men in all areas of life.
In the area of Babylon where, after the ancient Sumerian period, the status of women was quite uniformly low, it is not surprising that we find a warning both against harlots, very like that found in Proverbs 7:6-27:

Do not marry a harlot whose husbands are six thousand.

An Ishtar-woman vowed to a god,
A sacred prostitute whose favors are unlimited,
Will not lift you out of your trouble:
In your quarrel she will slander you.
Reverence and submissiveness are not with her.
Truly, if she takes possession of the house, lead her out.
Toward the path of a stranger she turns her mind.
Or the house which she enters will be destroyed, her husband will not prosper. 26

Also the one reference found in Pritchard’s Ancient Near Eastern Texts which focuses on woman as such rather than on woman as wife, mother, or harlot, and which expresses a deep misogynism:

‘Servant, obey me.’ ‘Yes, my lord, yes. ‘A woman will I love.’ ‘Yes, love, my lord, love. The man who loves a woman forgets pain and trouble. ‘No servant, a woman I shall not love.’ [Do not love, ] my lord, do not [love]. Woman is a well, woman is a iron dagger—a sharp one—which cuts a man’s neck. 27

It appears that with the passage of time there was a clear movement in the attitude of the authors of the Hebrew Wisdom literature toward women. In the earlier materials from Proverbs the attitude was androcentric, exploitative, often set in a broader framework of anti-foreign racism. In the later literature, Ecclesiastes and Ben Sira, the attitude of the authors, without necessarily abandoning those earlier qualities, shifts toward an explicit misogyny, a hatred of women as such. Whether or not this progressively more repressive stance vis-à-vis women in the post-exilic biblical period was continued in the pseudepigraphical and rabbinic literature will be investigated in the following pages. (Whether the late post-exilic materials also represent a degeneration of the Hebrew attitude toward women when compared with all the rest of the pre-exilic biblical materials—as at first blush they would seem to do—is a judgment that will have to await a careful analysis of the earlier materials.)

It is clear, however, that the two traditions about women, the pre-lapsarian, positive one, and the post-lapsarian, negative one, are expressed in the Wisdom literature: there is the humanistic, egalitarian male-female love of the Song of Songs, the feminine personification of divine Wisdom (despite its pedestal-pusher problematic), and the positive sayings about women in relation to men—e.g., good daughters, good wives, good mothers. Nevertheless, under the force of evidence, it must be concluded that the pre-lapsarian tradition tends to fade and the post-lapsarian to come to the fore, and that the attitude toward women expressed in the biblical Wisdom literature is very strongly, even overwhelmingly, negative, reaching at times the peaks of hatred. Such evidence cannot, of course, automatically be taken by itself as absolute proof that the general attitude of the Jewish population toward women was also so strongly negative. But in conjunction with other evidence to be discussed below it must at least be said that it tends in that direction. At the same time it should be noted that aside from the question of whether the Wisdom literature’s misogyny was reflective of the population’s attitude toward women or not, because this literature was widely read, studied, commented on, and quoted, it had a great influence which consequently tended to make its misogyny in fact reflective of reality.28

2. PSEUDEPIGRAPHA

Judaism did not cease producing religious literature after the last canonical book of the Bible was written (whether in the Hebrew or Septuagint canon). In the period from the end of the second century B. C. E. to the end of the first century C. E. a large number of religious writings welled forth from Jewish pens; they are usually referred to as pseudepigraphal (or apocryphal in Catholic tradition) writings, because they were often attributed to an earlier writer to lend them a greater authoritative quality.29 They were all written in about a century or so just before or after the beginning of the Common Era and provide us with continuing evidence on the status of women in the formative period of Judaism.30
The Letter of Aristeas was composed between 130 and 70 B.C.E. by an Alexandrian Jew. In only one place does the author speak about women, and there in the traditional deprecatory manner: “Womankind are by nature headstrong and energetic in the pursuit of their own desires, and subject to sudden changes of opinion through fallacious reasoning, and their nature is essentially weak” (vs. 25). Here another small, but very solid, link in the chain of misogynism is forged.

Aristeas makes another remark which, although it is not directly about women, nevertheless provides a psychological insight helpful in understanding how, side by side with the already broadly evidenced deep-seated misogynism in ancient Jewish culture, there could also exist customs and sayings praising the good wife as the husband’s crown, etc. Aristeas states: “for it is a recognized principle that ... the human race loves those who are willing to be in subjection to them” (vs. 257).

Another pertinent work, The Book of Adam and Eve, was probably composed in the first century C.E. by a diaspora Jew, perhaps an Alexandrian. The already prevalent idea that sexual sin was the “mother of all evils,” was continued in this work: “Lust is the beginning and root of every sin.” In speaking of the action of the serpent in tempting Eve, the Book of Adam and Eve said that the serpent “poured upon the fruit the poison of his wickedness, which is lust, the root and beginning of every sin, and he bent the branch on the earth and I took of the fruit and I ate.” (It is interesting to note that a rabbi of the first century C.E., Johanan ben Zackai, apparently expressed a similar idea so forcefully that it was recalled at least three different times in the Babylonian Talmud. He made the first woman, the symbol of all women, guilty of bestiality—the devil did not pour his semen of lust, but on the fruit, but rather injected it directly into Eve via sexual intercourse: “For Rabbi Johanan stated: When the serpent copulated with Eve, he infused her with lust. “Rabbi Johanan said: When the serpent came unto Eve he infused filthy lust into her.” For when the serpent came upon Eve he injected a lust into her.” Modern psychologists were not the first to see the serpent as a phallic symbol.)

But here a new dimension is added; in retelling the story of Adam and Eve, the author makes it very clear that Eve, not Adam, was the primary sinner in the garden of Eden: “And Eve said to Adam: Live thou, my lord, to thee life is granted, since thou hast committed neither the first nor the second error. But I have erred and been led astray for I have not kept the commandment of God; and now banish me from the light of thy life and I will go to the sunsetting, and there will I be, until I die.” In another place Eve again confesses, rather magnanimously, to being the primary cause of suffering and pain in the world: “And Eve wept and said: ‘My lord Adam, rise up and give me half of thy trouble and I will endure it; for it is on my account that this hath happened to thee, on my account thou art beset with toils and troubles.” A variant version has it: “And when Eve had seen him weeping, she also began to weep herself, and said: ‘O Lord my God, hand over to me his pain, for it is I who sinned.’ And Eve said to Adam: ‘My lord, give me a part of thy pains, for this hath come to thee from fault of mine.” Adam was less magnanimous; he made it very clear that he thought that Eve was the cause of all his—and our—sin and suffering: “And Adam saith to Eve: ‘Eve, what hast thou wrought in us? Thou hast brought upon us great wrath which is death, (lording it over all our face).” A variant version is even more explicit in Adam’s condemnation of Eve: “And Adam said to Eve: ‘What hast thou done? A great plague hast thou brought upon us, transgression and sin for all our generations; and this which thou hast done, tell thy children after my death, (for those who rise from us shall toil and fail but they shall be wanting and curse us and say, ‘All evil have our parents brought upon us, who were at the beginning.’). When Eve heard these words, she began to weep and moan.

If it were not already clear that Eve was thought of as the source of death, the author has Adam state the claim again quite bluntly. “And Adam said to him [his son Seth]: ‘When God made us, me and your mother, through whom also I die ...” The same notion of Eve as the cause of death occurs even more blatantly in another pseudepigraphal diaspora Jewish work, probably of the first century C.E., The Book of the Secrets of Enoch: “And I put sleep into him and he fell asleep. And I took from him a rib, and created him a wife, the first woman, the symbol of all women, guilty of bestiality—the devil did not pour his semen of sin, lust, on the fruit, but rather injected it directly into Eve via sexual intercourse: "For when the serpent came upon Eve he infused filthy lust into her.” For when the serpent came upon Eve he injected a lust into her.” Modern psychologists were not the first to see the serpent as a phallic symbol.)

According to the author of the Book of Adam and Eve it is not only the sin, suffering, and death of humanity that is to be laid at the feet of woman, Eve, but also the whole revolt of the animal kingdom against man:

And Eve saw her son, and a wild beast assailing him, and Eve wept and said: ’Woe is me; if I come to the day of the Resurrection, all those who have sinned will curse me saying: Eve hath not kept the commandment of God.’ And she spake to the beast: ‘Thou wicked beast, fearest thou not to fight with the image of God? How was thy mouth opened? How were thy teeth made strong? How didst thou not call to mind thy subjection? For long ago wast thou made subject to the image of God.’ Then the beast cried out and said: ‘It is not beast , fearest thou not to fight with the image of God? How was thy mouth opened? How were thy teeth made strong? How didst thou those who have sinned will curse me saying: Eve hath not kept the commandment of God.’ And she spake to the beast: ‘Thou wicked beast, fearest thou not to fight with the image of God? How was thy mouth opened? How were thy teeth made strong? How didst thou

Two of the most important and influential of the pseudepigraphal books were probably written by Pharisees. These same two documents also dealt in some detail with relations to women, and hence help set the tone for the Pharisees’ attitude toward women that persisted to the end of the Second Temple period (70 C.E.) and afterward through the “successors” of the Pharisees, the rabbis...
The Book of Jubilees was written between 109 and 105 B. C. E.\textsuperscript{48} and in certain limited aspects is extremely important for the student of religion. Without it we could of course have inferred from Ezra and Nehemiah, the Priests' Code, and the later chapters of Zechariah the supreme position that the Torah had achieved in Judaism, but without Jubilees we could hardly have imagined such an absolute supremacy of the Law as is expressed there. \textit{Jubilees} represents the triumph of the movement, which had been at work for the past three centuries or more.\textsuperscript{49} For the author of Jubilees the Torah was of eternal validity. It was not the expression of the religious consciousness of one or a number of sages, but the revelation in time of what was valid from the beginning and for always. "The ideal of the faithful Jew was to be realized in the fulfillment of the moral and ritual precepts of this law: the latter were of no less importance than the former."\textsuperscript{50} Hence what is portrayed here as part of the Torah or the background to it is of the first importance, insofar as this book was read and had an influence-which was widespread.\textsuperscript{51}

The matter that seemed to be uppermost in the mind of the author(s) of Jubilees-and also the Testament of the Twelve Patriarchs-in their dealings with women was the avoidance of fornication, particularly with foreign women. In their symbolic representation as the Canaanite wives of Esau (The Book of Jubilees is cast in the form of a retelling of the story of Genesis), such women are described as evil and lustful-a combination of the extremely negative attitude toward foreign women and the notion that every woman is a nymphomaniac: "For all their deeds are fornication and lust, and there is no righteousness with them, for (their deeds) are evil" (25:1)."

But this attack on any kind of sexual contact, even, or rather, especially in legal marriage with foreign women, reached an extraordinarily extreme point later in the book. There it was stated, and repeatedly re-stated, that it was a shameful sin for Jews and non-Jews to inter-marry; all involved were to be killed, including the Jewish father who gave his daughter in (mixed) marriage: "And if there is any man who wishes in Israel to give his daughter or his sister to any man who is of the seed of the Gentiles he shall surely die, and they shall stone him with stones; for he hath wrought shame in Israel; and they shall burn the woman with fire, because she has dishonoured the name of the house of her father, and she shall be rooted out of Israel" (30:7). (That it would be almost impossible for a thirteen year old girl to resist the decision of her all-powerful father was apparently not considered important by the author.) The author continued:

For Israel is holy unto the Lord, and every man who has defiled (it) shall surely die: they shall stone him with stones ... regarding all the seed of Israel: for he who defileth (it) shall surely die., and he shall be stoned with stones.... And do thou, Moses, command the children of Israel and exhort them not to give their daughters to the Gentiles, and not to take for their sons any of the daughters of the Gentiles, for this is abominable before the Lord.... And it is a reproach to Israel, to those who give, and to those that take the daughters of the Gentiles; for this is unclean and abominable to Israel. And Israel will not be free from this uncleanness if it has a wife of the Gentiles, for this is abominable before the Lord.... And it is a reproach to Israel, to those who give, and to those that take the daughters of the Gentiles; for this is unclean and abominable to Israel. And Israel will not be free from this uncleanness if it has a wife of the Gentiles, or has given any of its daughters to a man who is of any of the Gentiles. For there will be plague upon plague, and curse upon curse, and every judgment and plague and curse will come upon him: if he do this thing, or hide his eyes from those who commit uncleanness (30:8-15).

Here the effort to maintain the Israelite "seed" undefiled resulted in demands of punishment far in excess of those recorded in Ezra, Nehemiah and the Wisdom literature.\textsuperscript{52}

It was not just with foreign women that the observant Jew was to avoid sexual intercourse, but all women (other than his wife). Through the figure of Abraham it is advised that "we should keep ourselves from all fornication and uncleanness (and renounce from amongst us all fornication and uncleanness)" (20:3). In the immediate context the charge is repeated again: "And guard yourselves from all fornication and uncleanness" (20:6). It is also there recalled that the giants and Sodomites "died on account of their fornication, and uncleanness, and mutual corruption through fornication" (20:5). If there was any question concerning the seriousness and fundamental quality of sexual intercourse outside of wedlock (even "spiritual" fornication was forbidden: "Let them not commit fornication with her after their eyes and their hearts")-20:4), it was laid to rest a little later when it was stated unambiguously that "there is no greater sin than the fornication which they commit on earth" (33:20). The one who was to suffer most of all from such sins was the woman: "And if any woman or maid commit fornication amongst you, burn her with fire" (20:4). (There is no mention here of any punishment whatsoever to be meted out to the man involved.)\textsuperscript{53} Such a fundamental grounding of evil in sex and meting out of punishment to women tended to imply and further a misogynist attitude in males-and in females by way of self-hatred.

The second important pseudopigraphal book perhaps written by a Pharisee, The Testaments of the Twelve Patriarchs., was composed at almost the same time as the Book of Jubilees, that is, between 109 and 106 B. C. E.\textsuperscript{54} It too was greatly concerned with fornication as the "mother of all evils" (5:3), but it exhibited a much more generous attitude toward the Gentiles than did Jubilees; the author of the Testaments of the Twelve Patriarchs held a basically universalistic view of salvation: "And the twelve tribes shall be gathered together there, and all the Gentiles, until the Most High shall send forth His salvation."\textsuperscript{55} As a consequence there is none of the diatribe of Jubilees against sexual contact with foreign women, though there is a slight residue of the feminine xenophobic attitude in the Testament of Judah (14:7).
However, as noted, fornication was viewed with such a repeatedly expressed horror that the author’s attitude approached that of an
idée fixe: “For a pit unto the soul is the sin of fornication, separating it from God, and bringing it near to idols, because it deceiveth the
mind and understanding, and leadeth down young men into Hades before their time” (Testament of Reuben 4:6). Here fornication
was seen as a fundamental sin, leading to death. The next verse says much the same: “For many hath fornication destroyed; because,
though a man be old or noble, or rich or poor, he bringeth reproach upon himself with the sons of men and derision with Beliar”
(Testament of Reuben 4:7). Again the author said: “Beware, therefore, of fornication” (Testament of Reuben 6:1). And still further:
“For in fornication there is neither understanding nor godliness, and all jealousy dwelleth in the lust thereof,” (Testament of Reuben 6:4).

In the author’s “rule of truth” the avoidance of fornication was primary. “And now my son I will show the rule of the truth... First, take
heed to thyself my son against all lust and uncleanness, and against all fornication.” The author added elsewhere that fornication has
grave, massive consequences: “He that committeth fornication is not aware where he suffers loss, and is not ashamed when put to
dishonor. For even though a man be a king and commit fornication” (Testament of Judah 15:1-2). This description of the
consequences of fornication still did not satisfy the author. He found it necessary a short while later to spell out in great detail the
effects he saw flowing from fornication-and there seemed to be little missing:

Beware, therefore, my children, of fornication...(for they) withdraw you from the law of God, and blind the inclination of the soul, and
teach arrogance, and suffer not a man to have compassion upon his neighbor. They rob his soul of all goodness, and oppress him
with toils and troubles, and drive away sleep from him, and devour his flesh. And he hinders the sacrifices of God; and he remembers
when he speaks, and resents the words of godliness. For being a slave to the passions contrary to the commandments of God and
because they have blinded his soul, he walketh in the day as in the night. (Testament of Judah 18:2-6).

Still later the author again took up the specific question of fornication and bluntly labeled it the fountainhead of all evil-sex is the source
of sin: “Beware, therefore, of fornication: for fornication is the mother of all evils, separating from God, and bringing near to Beliar”
(Testament of Simeon 5:3). Indeed, as in the Wisdom literature there was even a strong hint of a sort of “sacred semen”: “Defile
not thy seed with harlots; for thou art a holy seed, and holy is thy seed like the holy place” (Testament of Simeon 5:17).

The author moved a step further and urged not only the avoidance of illicit sexual intercourse, but also “spiritual” fornication, that is,
with the eyes or mind. Do you, therefore, my children, flee evil-doing and cleave to goodness. For he that hath it looketh not on a
woman with view to fornication and he beholdeth no defilement” (Testament of Benjamin 8:1-2). In the Testament of Issachar the
author claimed, “I never committed fornication by the uplifting of my eyes” (7:2). This step of urging the avoidance of sexual fantasy is,
of course, psychologically understandable, but the matter did not remain there. The conclusion of the author was to see in the beauty
of women a source of evil which at all costs should be avoided: “And now, I command you, my children, not to ... gaze upon the beauty of
women” (Testament of Judah 17:1). “Pay no heed to the face of a woman, nor associate with another man’s wife, nor meddle with the
affairs of womankind” (Testament of Reuben 3:10). Again: “Pay no heed, therefore, my children, to the beauty of women, nor set your
mind on their affairs” (Testament of Reuben 4:1). And still again: “And the spirits of deceit have no power against him, for he looketh
not on the beauty of women, lest he should pollute his mind with corruption” (Testament of Issachar 4:4).

From this attitude of the need to avoid women out of fear, it is but a brief step to outright misogynism, of seeing women as such as
evil; every woman leads the essentially “good” man down to evil. The author takes that step: “For women are evil, my children; and
since they have no power or strength over man, they use wiles by outward attractions, that they may draw him to themselves. And
whom they cannot bewitch by outward attractions, him they overcome by craft” (Testament of Reuben 5:1-2). Somewhat as in Ben
Sira, the author proceeded to describe how women in general went about spreading their evil: “By means of their adornment they instil
the poison, and then through the accomplished act they take them captive. For a woman cannot force a man openly, but by a harlot’s
bearing she beguiles him” (Testament of Reuben 5:3-4). The “logical” conclusion is then drawn by the author, namely, that all women
should reject attractive clothing, jewelry and cosmetics: “Command your wives and daughters, that they adorn not their heads and
faces,” and woe to the woman who nevertheless does, “because every woman who useth these wiles hath been reserved for eternal
punishment” (Testament of Reuben 5:5). (At this point the author described how the women allured the angels to their fall, that is, to
fornication; they did so by with outward adornments and cosmetics.) In the end the principle, which was already seen in Ben Sira, was put forth,
namely, that every woman is a nymphomaniac. It was expressed in the Testament of Reuben in the strongest possible form: “Moreover, concerning them (women), the angel of the Lord told me, and taught me, that women are overcome by the spirit of
fornication more than men, and in their heart they plot against men” (Testament of Reuben 5:3).

Conclusion? “Guard your senses from every woman. And command the women likewise not to associate with men” (Testament of
Reuben 6:1-2). Contact between men and women, “even though the ungodly deed be not wrought,” was seen as “an irremediable
disease” for the women and as a “destruction of Beliar and an eternal reproach” for the men (Testament of Reuben 6:3-4).
The misogyny of the (Pharisee?) author of the Testaments of the Twelve Patriarchs seems rather complete. 62

This then is basically all the pertinent material about women to be found in the pseudepigraphical, or apocalyptic, literature-other than the Dead Sea materials, which will be treated separately later. As can be seen, it is all quite negative in its estimate of women (other than the neutral) purely narrative portions); it does not even contain the few positive evaluations of "good" wives found in some of the Wisdom literature. The pre-apsarian, positive, tradition seems to be nowhere in evidence. Thus, the developing misogyny was sustained, and even intensified.

The question needs to be asked at this point why the status of women in post-exilic Judaism, at least as far as this is reflected in the literature of the period, appears to have declined, especially when women in Hellenistic culture appeared to be improving their status throughout a similar period. Perhaps what was suggested above (p. 38) concerning Ben Sira’s anti-woman attitude is at the basis of the increasingly repressive attitude taken toward women by Jewish writers throughout the post-exilic period. Positively, there was the need to stress the identity, the unity of the Jewish people; negatively, it was important to ward off outside influences which could confuse and dilute that identity and unity.

The need to develop such in-group/out-group defenses in the early post-Exile centuries, in view of the return of such a relatively small group of Jews, is patent. The traditional stress within a patriarchal society, like that of the Hebrews, on continuing the male line in general leads to the sexual restriction of women far beyond that of men (e. g., polygyny but not polyandry being allowed). But the condition of the embattled remnant obviously forced the Jews to take even more drastic measures to retain group identity and unity, as is evidenced by the radical negative actions of Ezra & Nehemiah. After the conquest of the area by Alexander the Great toward the end of the 4th century B.C.E. and the subsequent spread of Hellenistic culture, the repressive Jewish attitude intensified even more, as can be seen in Ben Sira, the Book of Jubilees, and the Testament of the Twelve Patriarchs. The Hellenistic culture proved increasingly attractive and pervasive, and those Jews who saw it as a threat to Jewish identity felt that they had to insulate the Jewish community from its enervating influences. By increasing restrictions half the population, the female half, was thereby more surely removed from Hellenism’s baleful blandishments; such moves also tended to lessen the Hellenizing influence non-Jewish women had on the male half of the Jewish community. Such an approach was also reinforced by the knowledge that a significant element in the to-be-rejected Hellenistic culture was the relatively much higher status of women in religion and society.

CHAPTER III

ATTITUDE OF MAJOR JEWISH GROUPS TOWARD WOMEN

1. PHARISEES

As noted, of the last two pseudepigraphal books just analyzed, one most probably, and the other perhaps, was written by early Pharisees. Outside of the teachings of the Pharisees reflected in the rabbinic documents (and to some extent the New Testament), they are, along with Josephus, our best sources of information concerning their attitude toward women. Since the rabbinic writings will be treated at length later and since the pertinent material in Josephus is brief, it would be helpful to present Josephus’ material here so as to provide, along with the completed analyses of the Book of Jubilees and the Testaments of the Twelve Patriarchs (realizing that the latter’s relevance here is quite tentative), a basis for an initial evaluation of the attitude of the Pharisees toward women: Josephus described himself as having been a Pharisee entrusted with considerable leadership. Concerning women he said: “The woman, says the Law, is in all things inferior to the man.” He drew the consequence from this position: “Let her accordingly be submissive,” and added a slightly ameliorative phrase-which changed nothing: “not for her humiliation, but that she may be directed; for the authority has been given by God to the man.”

The evidence of these sources indicates that the Pharisees thought of women as “in all things inferior to the man,” as “evil,” as “overcome by the spirit of fornication more than men,” as ones who “in their heart plot against men,” and that every man should “guard (his) senses from every woman.” Such an attitude could hardly be without wide social effects in the areas which came under the influence of the Pharisees.

Joseph Klausner2 would seem to argue that the opposite is the case, not only for the early Pharisees, but also for the whole Hasmonean period., i. e. the first and second centuries before the Common Era:
The social position of women in any land is evidence of the country's cultural state. In general, the status of women in Judaism was improved under the Hasmonaean rule. The legend about the mother and her seven sons, during Antiochus' persecution, shows that the nation knew how to appreciate the dignified and patriotic stand taken by the Jewish woman. Mention should also be made of the fine relationship depicted in the Book of Tobit (the father) and his wife Anna, between Tobiah (the son) and Sarah, and between Raguel and Edna, whom he calls 'my sister,' just as the 'beloved' calls his love in the Song of Songs. All this is reliable evidence that the general attitude towards women took a turn for the better in Hasmonaean Judea. The position of Queen Salome constitutes further proof of this. Also worthy of note is the fact that not a single Hasmonaean king had more than one wife, in contrast to Herod, for example, who took many. The regulations which Simeon ben Shetah introduced regarding the woman's kethubah (wedding contract) simply lent religious and juridical sanction to this satisfactory situation which already prevailed in fact.

Klausner said the same thing, using almost identical words, over forty years earlier in his Jesus von Nazareth; he also added a reference to the book of Judith, and ended with the statement: "This position of the Jewish woman in the centuries before Jesus is a witness therefore to the high level of the Hebrew culture of that time."

The evidence offered by Klausner unfortunately appears to be quite incommensurate with the conclusion drawn, especially in view of all the counter evidence already put forth.

First, the story about the "mother and her seven sons" is extremely moving, but when one asks what the image of the woman in this story is, the answer is rather stereotypical: she was a mother (of sons!), and suffered; hardly "reliable evidence" that the "general attitude toward women took a turn for the better" (which language would indicate that it had been even worse previously). The evidence of the Book of Tobit seems even weaker. The events of the story, which can hardly be true, were supposed to have taken place in the seventh century B.C.E., and in this sense evidence nothing concerning the Hasmonaean period; moreover, the book was written before 200 B.C.E., hence considerably before the Hasmonaean period; in this sense it likewise can have no bearing on that latter period. Further, it is quite likely that the book was composed in Egypt, or Syria, and hence it could hardly reflect Hasmonaean Palestinian Judaism. The fact that all three wives were addressed by their husbands as "sister" (which was an Egyptian custom at the time the book was written) does not seem to prove much. Likewise, the fact that a real human affection appeared to exist between the husbands and wives in the story shows that marriages with affection existed (where or when?) within Judaism; but doubtless there have been many such instances everywhere and at all times.

The message of the Book of Judith is that God will protect his People; it is hardly that of high esteem for women. When it is asked what the image of woman is, this time in the Book of Judith, the answer, again, is stereotypical: woman accomplishes her end by adorning her physical beauty and seducing men, and, in this instance, killing men. As in the Wisdom literature and elsewhere, the implicit message to men is to beware of beautiful women-they will un-man you and lead you to death. The redeeming factor here of course is that Judith puts her evil womanly wiles at the service of her nation. But Judith was hardly held up as a model of the typical Jewish woman; though she was a widow from her youth and was extremely beautiful, she did not take another husband either before her killing of Holofernes or afterwards; perhaps placing her seductive sexual powers at the service of her nation, and God, demanded, in this obviously fictional story, both that she not be "defiled" by Holofernes, or by any other man subsequently. The moral of the book is not that women are good creatures of God, but that God is so great that He can bring good out of evil; the moral is not that women are to be valued greatly, but that God is so great that He can humble Israel's enemies even through the lowest of instruments, women. "And the Lord struck him down by the hand of a woman!" (13:16).

A brief discussion of the Book of Esther might well be parenthetically inserted here, for although Klausner does not refer to it, it is nevertheless often pointed to, along with Judith, as evidence of a high evaluation of women in the late biblical period. Actually it also provides evidence of the opposite thesis. After a seven-day-long celebration King Ahasuerras was drunk and ordered his eunuchs to fetch Queen Vashti, "in order to display her beauty to the people and the officers" (1:11). She declined to come, an understandable decision given the probably riotous condition of what by then must have been a somewhat sodden drinking bout. This infuriated the king and disturbed his advisers, for they thought that when word got abroad among the other wives in the kingdom, "there will be endless disrespect and insolence!" Hence, Queen Vashti had to be deposed, so that "all the women will henceforth bow to the king and disturbed his advisers, for they thought that when word got abroad among the other wives in the kingdom, "there will be endless disrespect and insolence!" Hence, Queen Vashti had to be deposed, so that "all the women will henceforth bow to the authority of their husbands ... ensuring that each man might be master in his own house" (1:20-21).

One contemporary Jewish woman writes that,

Further, in order to insure that we really have no shred of sympathy left for Vashti, several sources credit her with responsibility for preventing the king from giving his consent to the rebuilding of the Temple. These legends are very significant, for they reflect popular and rabbinic feeling. And it is very clear that in no way was Vashti's refusal to be debased herself seen by succeeding Jews as noble or courageous.
The later chosen queen, Esther, a Jew, saved her people by a certain bravery, but basically through her physical beauty, the result being that tens of thousands of people were killed at her behest. Again the image of women in the Wisdom literature was substantiated: "good" women are beautiful and submissive; but the beauty of women is dangerous and leads to the death of many. Here again, as with Judith, the redeeming factor was that Esther put this death-dealing female power at the service of her people. The point of this whole, fictional, story concerns the Providence of God which preserves his people from annihilation and by the most unlikely means, a woman, just as happened with Judith. The fact that in both these stories the "heroines" were women indicates not that women were often heroines or highly thought of in Jewish society at that time, but just the opposite, that women were not heroines or highly thought of in that society; otherwise the stories would not have been interesting or worth recording. They were of interest exactly because they displayed God's Providence for his people by having them saved by the most unlikely and despised means available—women.

In comparing Vashti and Esther, Mary Gendler wrote:

Ahasuerus can be seen not only as an Ultimate Authority who holds vast power over everyone, but more generally as male, patriarchal authority in relation to females. As such, Vashti and Esther serve as models of how to deal with such authority. And the message comes through loud and clear: women who are bold, direct, aggressive and disobedient are not acceptable; the praiseworthy women are those who are unassuming, quietly persistent, and who gain their power through the love they inspire in men. These women live almost vicariously, subordinating their needs and desires to those of others. We have only to look at the stereotyped Jewish Mother to attest the still-pervasive influence of the Esther-behavior-model.... What I am interested in here, however, is pointing up typical male and female models of behavior and, at that level, it is clear that society rewards men for being direct and aggressive while it condemns women, like Vashi, for equivalent behavior. For, in a sense, Mordecai and Vashi have behaved identically: both refuse to debase themselves by submitting to illegitimate demands. For this Mordecai is praised and Vashi is condemned.

The reigning of Queen Salome (did the Hellenist example of reigning queens have an influence here?) and the "monogamy" of the Hasmonean kings (remember of course also the multiple concubines some of them had) and the small reforms in the marriage contract by Rabbi Simeon ben Shetah are perhaps items favoring the position of women. But in the face of the flood of opposite evidence, they hardly warrant the conclusion that "The position of woman ... was from the time of the Hasmoneans onward one of thoroughgoing esteem," nor could any similar claim be made for the position of women in the view of the early Pharisees.

2. SADDUCEES

Besides the Pharisees there were three other groups of men who had an important influence on the customs and everyday life of Palestinian Judaism: the priests, the Essenes, and the scribes or rabbis. Each of these groups will have to be analyzed somewhat further, but the last is overwhelmingly more important than the first two. As can be seen in the cultic restrictions placed on women by the priestly writers in Leviticus, and elsewhere, the priestly party tended throughout the biblical period to be restrictive of the role women were allowed to play in religion and society. In the late biblical times this was reinforced by the strongly negative attitude toward women expressed by Ben Sira (second century B. C. E.) who was at least vigorously supportive of the priestly party. Hence, it has been suggested that he was a forerunner of the Hellenized upperclass priestly party, the Sadducees.

The Sadducees gathered their support not only from the aristocratic priestly families but also from the merchants and middle-class Jews who would benefit from association with the ruling, or at least powerful, class. They were adherents of the written Torah, but recognized no oral Torah, and hence were in opposition to the Pharisees. Unfortunately, almost nothing about their attitude toward women is known; it can only be speculated that perhaps Hellenist influence led them to give women more freedom than was otherwise customary, but on the other hand, the priestly tradition would have bent them in the opposite direction. In any case, their influence, at least insofar as they deviated from tradition, was relatively meager among the masses, who cared little for "foreign," ways, which were associated with the hated foreign rulers—earlier the Seleucid Greeks and later the Romans. Since these upper classes often joined in oppressing their own people, they were also often hated—which is reflected in the fact that they were frequently attacked and looted by their own people during the disastrous Jewish rebellion, 66-70 C. E.

3. ESSENES—QUMRAN

Until recently what we knew of the Essenes came from three contemporary sources: the Roman writer Pliny, the Alexandrian Jew Philo, and the Palestinian Jew Josephus. Then at the end of the nineteenth century the Damascus Document was discovered; it is a
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The Essenes were in many ways closely related to the Pharisees, and came into existence about the same time in Palestine, namely, the second century B.C.E. In fact, Schuerer says “Essenism is first of all only Phariseeism in the superlative.” In the matter of their relation with women, they went considerably farther than the Pharisees, however: the central group were male celibates. Pliny stated the matter bluntly: “The solitary tribe of the Essenes is remarkable beyond all the other tribes in the whole world, as it has no women and has renounced all sexual desire.” This description of the Essenes’ celibacy is neutral enough in regard to women, but the more detailed information from Josephus, who claimed he was an Essene novice for a number of months, is not so neutral. To begin with, women are considered a source of dissension: “They neither bring wives into the community nor do they own slaves, since they believe that the latter practice contributes to injustice and that the former opens the way to a source of dissension.” The almost ubiquitous concern in this period with sexual immorality as a-if not the—primary sin is also reflected in the Damascus Document, which states: “Meanwhile, however, Belial will be rampant in Israel, the son of Amoz: ‘Terror and the pit and the trap shall be upon thee, 0 inhabitant of the land! (Isa. 24:17). The reference is to those three snares, viz. whoredom. ...” In another place Josephus noted that the Essenes “Disdain marriage, but they adopt other men’s children, while yet pliable and docile, and regard them as their kin and mould them in accordance with their own principles.”

Philo also attributed to the Essenes much the same derogatory attitude toward women, but spelled it out in much greater detail, and misogyny again rang through clearly:

They eschew marriage because they clearly discern it to be the sole or the principal danger to the maintenance of the communal life, as well as because they particularly practice continence. For no Essene takes a wife, because a woman (gynē) is a selfish creature, excessively jealous and an adept at beguiling the morals of her husband and seducing him by her continued impostures. For by the fawning talk which she practices and the other ways in which she plays her part like an actress on the stage she first ensnares the sight and hearing, and when these subjects as it were have been duped she coaxes the sovereign mind. And if the children come, filled with the spirit of arrogance and bold speaking she gives utterance with more audacious hardihood to things which before she hinted covertly and under disguise, and casting off all shame she compels him to commit actions which are all hostile to the life of fellowship. For he who is either fast bound in the love lures of his wife or under the stress of nature makes his children his first care ceases to be the same to the others and unconsciously has become a different man and passed from freedom into slavery.

Some scholars argue that this opinion concerning women is not really that of the Essenes, but rather Philo’s own. However, Colson is most likely right when he says, “This diatribe must not, I think, be taken as Philo’s definite opinion, but rather as what might be plausibly argued by the Essenes.” What the Essenes, through Philo, say about women is more detailed than what is found in Josephus, but it surely is in line with it. Moreover, it is very similar to the lengthy descriptions of the wily ways of women depicted in the Wisdom and pseudepigraphal literature quoted above, and a similar diatribe found among the Qumran literature, quoted below, this factor is especially significant when it is realized that all this literature was kept, copied, and studied at Qumran. “The association of women with trouble-making belongs quite naturally to the Wisdom of the OT. At Qumran, not only the OT Wisdom literature, but also Ben Sira and even properly Essene Wisdom texts were copied; and one of the unpublished texts from Cave IV attests, among other things, that the sapiential depreciation of women was not forgotten but developed startlingly.” It should also be noted that what Philo’s Essenes have to say here about the sinful seductiveness of women is not predicated of the wanton woman or the prostitute, but rather of women as such, or at least of wives!

The text from Cave IV referred to by Strugnell is doubtless the lengthy description of the wayward ways of the harlot. The previous descriptions of the ways of prostitutes from Proverbs and elsewhere, or indeed any description of the seductive ways of women from ancient Jewish literature, is far outstripped by this Essene diatribe. There is obviously a fascination here with that forbidden thing, sex, and its personification, woman; but since it is forbidden, there is also expressed a deep hatred of the unattainable, woman, here in the form of a harlot. Here is the fountainhead of misogyny.

(The harlot) utters vanities, and errors;
She seeks continually [to] sharpen [her] words,
[...] she mockingly flatters
and with emptiness to bring together into derision.

Her heart's perversion prepares wantonness,

and her emotions ...

In perversion they seized the fouled (organs) of passion,

they descended the pit of her legs to act wickedly, and behave with the guilt of [transgression... ] the foundations of darkness, the sins in her skirts are many.

Her [...] is the depths of the night,

and her clothes [...] 

Her garments are the shades of twilight,

and her adornments are touched with corruption.

Her beds are couches of corruption,

[...] depths of the Pit.

Her lodgings are beds of darkness,

and in the depths of the night are her [do]minions.

From the foundations of darkness she takes her dwelling,

and she resides in the tents of the underworld,

in the midst of everlasting fire,

and she has no inheritance (in the midst of)
among all who gird themselves with light.

She is the foremost of all the ways of iniquity;

Alas! ruin shall be to all who possess her,

And desolation to all who take hold of her.

For her ways are the ways of death,

and her path[s] are the roads to sin;
her tracks lead astray to iniquity,

and her paths are the guilt of transgression.

Her gates are the gates of death,

in the opening of her house it stalks.

To Sheol [... ] will return,

and all who possess her will go down to the Pit.

She lies in wait in secret places,

[...] all [...].

In the city's broad places she displays herself,

and in the town gates she sets herself,

and there is none to disturb her from

Her eyes glance keenly hither and thither,

and she wantonly raises her eyelids
to seek out a righteous man and lead him astray,

and a perfect man to make him stumble;
upright men to divert (their) path,
and those chosen for righteousness from keeping
the commandment;
those sustained with [...] to make fools of them with wantonness,
and those who walk uprightly to change the statute
to make the humble rebel from God,
and to turn their steps from the ways of righteousness;
to bring presumptuousness
those not arraigned in the tracks of uprightness;
to lead mankind astray in the ways of the Pit,
and to seduce by flatteries the sons of men.

However, apparently not all who wished to follow the Essene principles were able or willing to give up married life. Josephus said:

There is yet another order of Essenes, which while at one with the rest in its mode of life, customs, and regulations, differs from them in its views on marriage. They think that those who decline to marry cut off the chief function of life, the propagation of the race, and, what is more, that, were all to adopt the same view, the whole race would very quickly die out. They give their wives, however, a three years' probation, and only marry them after they have by three periods of purification given proof of fecundity. They have no intercourse with them during pregnancy, then showing that their motive in marrying is not self-indulgence but the procreation of children.

In sum it must be said that there is no significant evidence of a positive attitude among the Essenes toward women as such; at most there seems to be a tolerance among some for marriage for the sake of offspring. But there is a great deal of evidence of an extremely negative attitude on the part of the Essenes toward women; the misogynist tradition was continued here vigorously. The celibate way of life apparently did not continue beyond the destruction of the temple in 70 C. E., but the Essenes did have a significant impact on the Palestinian Judaism of their time. Pliny's remarks in this regard are dramatic: "Day by day the throng of refugees is recruited to an equal number by numerous accessions of persons tired of life and driven thither by the waves of fortune to adopt their manners. Thus through thousands of ages (incredible to relate) a race in which no one is born lives on for ever; so prolific for their advantage is the other men's weariness of life."

Something so basic and pervasive as their misogynism could not help but be spread with their influence in general.

4. THERAPEUTAE

 Mention should be made at this point of the Therapeutae, a group of Egyptian, Essene-like Jewish ascetics who shared a common life. They provide an interesting study in similarity and contrast with the customs of their contemporaries, the Essenes, in Palestine. What is known about them is from Philo; therefore they were in existence in the first century C. E. The Therapeutae community lived near Alexandria and had both men and women members, though for the most part they were separate, each having his or her own cell. They came together every Sabbath in their synagogue, which was divided into two sections:

being separated partly into the apartment of the men, and partly into a chamber for the women; for the women also, in accordance with the usual fashion there, form a part of the audience, having the same feelings of ardor as the men, and having adopted the same sect with equal deliberation and decision; and the wall which is between the houses rises from the ground three or four cubits upward, like a battlement, while the space above up to the roof is left open ... on two accounts: first of all, in order that the modesty which is so becoming to the female sex may be preserved; and secondly, that the women may be easily able to comprehend what is said, being seated within earshot.

Here is exhibited a mingling of Jewish and Hellenist influences—which one would expect in the then perhaps most flourishing of Hellenist cities (founded by Alexander the Great) which was at the same time perhaps the then most flourishing Jewish city in the world. The men and women were separated in the synagogue, according to the Jewish custom; even today one can see in the synagogue in the very orthodox section of Jerusalem, Mea Shearim, the same kind of wall (though higher) between the room for men and the room for women, with a separate entrance for each room; a somewhat similar division exists at the Western, or "Wailing" wall.
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That meant, of course, that the women could only listen, but not speak in the services. However, it was untraditional that the women would have committed themselves with a devotion equal to that of the men to the life of this sect, for that meant devoting the greatest part of their lives to being in their cells studying allegorical interpretations of the Scriptures; women traditionally did not devote themselves, like men, to a study of the Scriptures, whereas in Hellenist Mystery religions and the Egyptian Isis cult women did take prominent and even priestly roles.

There was, however, one regular occasion when the female Therapeutaev did take an active part in a religious service. Every seventh week there was a sacred feast day with a meal. The men would recline at one side of the table and women on the other; with the meal there were readings, prayers and hymn-singing-and the women participated in the latter. Afterwards the men and women grouped themselves in two separate choirs and sang in alternating fashion, accompanied with various hand and body movements, like a sacred dance. At the end the men and women mixed to form a single choir. Philo said: "Then, when each choir has separately done its own part in the feast, having drunk as in Bacchic rites of the strong wine of God’s love they mix and both together become a single choir, a copy of the choir set up of old beside the Red Sea in honor of the wonders there wrought ... the men led by the prophet Moses and the women by the prophetess Miriam." Thus they prayed, sang and danced, filled with pious enthusiasm, until morning, when they returned to their cells. Leipoldt noted that the Therapeutaev were “outsiders of Judaism,” that their general asceticism, their eremitical life-style (which one finds in Greek thinkers), their philosophical critique of slavery, and especially their night feast every seven weeks, which had all the characteristics of a Greek Mystery religion feast, clearly reflected the influences of Hellenism. Concerning the last matter Leipoldt continued: "When the Greeks reflected a past fateful event by imitation, men and women participated equally in Mystery religions something accepted as obvious. When the Therapeutaev take this over they may not exclude the women Therapeutaev, so much more so may they not since in the Old Testament model the prophetess Miriam steps forward so decisively. Hence, one may not view the participation of the women Therapeutaev in the worship service as indicative of the Jewish manner," but rather the Greek manner. It should be noted that if, despite all the massive Hellenistic influences present in Alexandria and among the Therapeutaev, the women were still so strictly separated in the weekly synagogue service and relegated to listening, then the force of the Jewish custom must have been very strong.

Thus we find a blending of Jewish and Greek traditions in the Therapeutaev, and, as far as women are concerned, the stronger influence of Greek customs-in contrast to the apparently relatively weaker Greek influence among the Essenes-worked to their advantage: they were full-fledged members, “having adopted the same sect with equal (to the men) deliberation and decision”; they spent their time studying the Scriptures; they took an active part in the sacred banquet, vigil, and dance every seven weeks. None of these things was true of the position of women in the Essenes. Nevertheless, all women Therapeutaev were segregated in the Sabbath synagogue, did not have the right to speak there, and in other ways appeared subordinate to men, which was not the case with women in many contemporary Greek Mystery religions. The misogyny of much of contemporary Palestinian Judaism seemed to have been greatly modified by Greek influence in the Therapeutaev, though we know from other evidence that this modifying influence on the restrictions in the lives of married Jewish women in Egypt was not so effective.

5. ELEPHANTINE WOMEN

At some point in this study a brief description of the status of women in the fifth century B. C. E. Jewish colony at a Persian military outpost at Elephantine, far up the Nile near Aswan, should be given. In time this material falls beyond the main confines of the study; likewise, this distant outpost apparently remained isolated and without influence on the rest of Judaism. Nevertheless, as a Jewish community with an extraordinarily different attitude toward the status of women from what was prevalent elsewhere in Judaism in either the biblical or rabbinic periods, it deserves to be mentioned here, however briefly.

Perhaps the best guide in this matter is Reuven Yaron. Introduction to the Law of the Aramaic Papyri (Oxford, 1961). He states that the position of women in the Elephantine compared favorably with that in other parts of the ancient Near East and that one ought to look to Egyptian law for an explanation. In the law of procedure he noted that women at Elephantine did not attest documents, but that they could be parties to litigation, and were capable of taking an oath. In the field of the law of property and obligations women enjoyed full equality; they went about their transactions in the same manner as men, no trace of inferiority or male supervision of any kind being discernible, although in the field of succession women may have been in an inferior position. Outside the sphere of private law, women were apparently enlisted in the military units which made up the population of the Elephantine. Equality of property rights also involved the duty to share in the burden of taxation. In C 22 women are conspicuous among the contributors to the temple fund, paying two shekels each, just like the men. The most interesting feature of divorce at Elephantine is the equal capacity of the spouses, as far as the power of dissolution of the marriage is concerned. “This is in striking contrast to the situation which on the whole obtains in the ancient East, and also in Talmudic law, where the husband alone is entitled to dissolve the marriage... The equality at Elephantine is probably due to the Egyptian environment.”

In most of these matters Jewish women elsewhere in both late biblical and rabbinic times labored under grossly contrasting disabilities, perhaps most dramatically so in the essential area of marriage and divorce; outside of Elephantine it was the Jewish man who acquired the woman, and he alone could effect a divorce. However, the privileges enjoyed by Jewish women at Elephantine did not affect mainstream Judaism.
6. THE RABBIS

The scribes, as their name partially indicates, were those men who were responsible for the copying, protection, understanding, and explanation of the sacred books, the Scriptures. By the beginning of the Common Era they commanded tremendous respect from the masses of the people, who were over the years convinced that they were first of all Jews and that to be a Jew meant to live according to the Torah, the Scriptures; but it was only the scribes, those learned in the Law, the Torah, who could properly explain what that meant. Beyond this dependence of the masses on the scribes for instruction and explanation of what the Law was and how it was to be lived, was the tendency to see in the scribes the bearers of a secret knowledge, of an esoteric tradition. The replete apocalyptic literature of the time is evidence of such an esoteric tradition, as also is the fact that for hundreds of years the knowledge of the scribes, the rabbis, was handed down orally-committed to writing in the Mishnah, which was produced in the second century C. E.-in an archaic, holy language, Hebrew, that was not understood by the masses (it was only in the first century of the Common Era that the leading rabbis promoted the translation of the Bible into vernacular versions, called Targums).

It should be noted that the scribes of the first century C. E. were not all of one religious party. There were scribes who belonged to the Sadducees, but the majority belonged to the party of the Pharisees. It should also be observed that not all priests were necessarily members of the Sadducees. Many were adherents of the Pharisees (both the Pharisees and Sadducees, as well as the Essenes, were closed brotherhoods; not just everyone who claimed to live according to their principles could claim the name of and membership in the fraternity-a period of probation had to be passed before acceptance or rejection was decided upon), which is not at all strange when it is recalled that the Pharisees in effect wished to raise the biblically required stipulations for priests on Temple duty concerning purity and food regulations to the norm for the everyday life of the priest and the entire people. (Rabbi Meir-about 150 C. E.-once defined a non-Pharisee as someone who “did not eat his profane food in levitical purity.” At the same time, not all Pharisees (there were perhaps something over 6,000 in Palestine in the first century, as compared to 7,000-9,000 priests) were priests or scribes. They came from all parts of society, though in the main they were lower middle class laymen who were also not scribes.

Succinctly put, the Pharisees were a sect of men who lived according to certain levitical rules of ritual purity, etc. that were derived from the written Torah and the Oral Law as handed down from the time of Moses by the scribes. (The term “Rabbi” was originally a form of address meaning “my master,” but by the first century it had become a title for one learned in the Law; in other words, the scribes, or as the Germans more descriptively put it, the “learned in the Scriptures,” Schriftgelehrten, came to be called not scribes but rabbis.) The scribes were those who studied and taught what this correct way of living was. As a consequence, many Pharisees became scribes and were doubtless as a consequence the most important and influential members of their brotherhood.

It is important to recall that in the first century C. E. the party of the Pharisees completely attained the upper hand in Palestine and after the destruction of the Temple in 70 C. E. the Sadducees as a party disappeared. Particularly interesting for the question concerning the status of women in the early formative period of Judaism is the Tannaitic tradition which recalls that the wives of the Sadducees followed the ritual purity regulations of the Pharisees, “since otherwise in the eyes of the Pharisees they would have been considered tainted with the impurity of a menstruant and their husbands would then, in their eyes, have been constantly impure.” Josephus confirmed this overwhelming influence of the Pharisees when he wrote: “They are, as a matter of fact, extremely influential among the townspeople; and all prayers and sacred rites of divine worship are performed according to their exposition. This is the great tribute that the inhabitants of the cities, by practising the highest ideals both in their way of living and in their discourse, have paid to the excellence of the Pharisees.”

Of the Sadducees Josephus said: “Whenever they come to officiate they follow the prescriptions of the Pharisees, even if it be in an involuntary and forced manner; the masses would not tolerate its being otherwise.” As a consequence, very little of the thought of the Sadducees or their scribes has been recorded. The work of the rabbis of the Mishnah and Talmud, and subsequent work, has been overwhelmingly influenced and dominated by the Pharisaeic tradition. Moreover, most scribes were Pharisees. Therefore it is very important to learn the attitude of the Pharisees, particularly the Pharisaeic scribes, the rabbis, toward women, since they handed on and developed traditions that not only often went back hundreds of years, but also exercised a wide influence at that time and subsequently.

As noted above, there is a wealth of material to document this attitude, particularly as found in the Mishnah and Talmud. Since the scope of the influence of the rabbis covered every aspect of life, methodologically it would seem best to deal with the rabbinic material in each area as it is treated systematically below. However, it would be helpful to quote and analyze a number of rabbinic statements which reflect the general attitudes of the ancient rabbis toward women, keeping in mind that the body of rabbis of course did not present a homogeneous attitude toward women.
In the rabbinic writings there are a number of positive evaluations of women. For example, “It was taught: He who has no wife dwells without good, without help, without joy, without blessing, and without atonement.” There is a series of sayings gathered together in one place in the Talmud, mostly concerning the sadness caused by the death, or divorce, of one’s wife: “Rabbi Alexandri said: The world is darkened for him whose wife has died in his days (i.e., predeceased him).... Rabbi Jose ben Hanina said: His steps grow short.... Rabbi Johanan also said: He whose first wife has died, (is grieved as much) as if the destruction of the Temple had taken place in his days.... Rabbi Samuel ben Nahman said: For him who divorces the first wife, the very altar sheds tears.”

In modern discussions of the status of women in rabbinic Judaism, lists of such positive rabbinic sayings about women will frequently be put forward to prove that women were very highly valued by the rabbis, or at least that this positive evaluation balanced, or even outweighed, the negative statements found in rabbinic literature. A judgment about whether the positive or negative attitudes of the ancient rabbis predominated can wait until the evidence on both sides has been presented and analyzed. But two things should be kept in mind in evaluating the positive statements. First, as with the Wisdom literature noted above, almost all the positive things said about women by the rabbis are not about women as such, but rather about women as they are related to men, namely, as wives. In fact, at the same place in the Talmud as the above appreciative statements about the loss of one’s wife it is also stated: “Rabbi Samuel ben Unya said in the name of Rab: A woman (before marriage) is a shapeless lump, and concludes a covenant only with him who transforms her (into) a (useful) vessel.” Secondly, although a good wife is highly valued and receives deep affection, this appreciation very frequently is expressed, as in the Wisdom literature, in terms of what the wife does for the husband and family.

This attitude was expressed well by a modern rabbi writing on the subject of the Jewish woman: “Only the life of the woman contains even more renunciation. Her whole life is a self-denying devotion to the welfare of others, especially of her husband and children. The true woman is the performance of duty personified.... renunciation, sacrifice for the joy of her husband and children becomes her joy.” On the next page is a further comment about the subordination of wives to their husbands: “This will-subordination of the wife to the husband is a necessary condition of the unity which man and wife should form together. The subordination cannot be the other way about, since the man... has to carry forward the divine and human messages.”

This essay on Jewish women, written by Rabbi Samson Hirsch in German in the latter part of the nineteenth century and translated and published in English in the middle of the twentieth century, contains about as thorough a listing of the positive rabbinic statements about women as might be found and hence will serve as a convenient check-list for analysis here. Rabbi Hirsch claims “full equality of status” for women in Judaism and speaks of placing “the woman forthwith on a footing of equality with the man.” The last portion of this rather lengthy essay is devoted to “The Jewish Woman in the Talmudic Tradition,” and here the list of rabbinic statements is brought forward.

In addition to the laudatory statements already mentioned, the ancient rabbinic literature also contains the following rabbinic teachings which are likewise in praise of women, or rather, of wives and marriage. “Rabbi Eleazar said: Any man who has no wife is no proper man,” that is, as Rabbi Eilezer is recorded in the same place as having taught: “Anyone who does not engage in the propagation of the race is as though he sheds blood.” Also in the same place Rabbi Hiyya taught about wives that, “It is sufficient for us that they rear up our children and deliver us from sin,” i.e., satisfy the male’s sexual drive. “Our Rabbis taught: Concerning a man who loves his wife as himself, who honors her more than himself....” “Rabbi Hama ben Hanina stated: As soon as a man takes a wife his sins are stopped up,” that is, his concupiscence is allayed. A man was advised to “be quick in buying land, but deliberate in taking a wife. Come down a step in choosing your wife”; since the wife was to be in the subordinate position it was thought important that she come from a lower social position. In the same place in the Talmud there is also the appreciative saying: “Happy is the husband of a beautiful wife; the number of his days shall be doubled,” which is immediately followed by a warning against all other beautiful women: “Turn away thy eyes from (thy neighbor’s) charming wife lest thou be caught in her net. Do not turn in to her husband to mingle with him.”

If a good wife was appreciated by the rabbis, a bad wife was equally unappreciated: “Raba said: (If one has a) bad wife it is a meritorious act to divorce her.” “Raba further stated: A bad wife... (should be given) a rival at her side”; that is, a second wife should be taken. “Raba further stated: A bad wife is as troublesome as a very rainy day; for it is said, A continual dropping on a very rainy day and a contentious woman are alike.” “How baneful is a bad wife with whom Gehenna is compared.” “Behold I will bring evil upon them, which is likewise in praise of women, or rather, of wives and marriage. “Rabbi Eleazar said: Any man who has no wife is no proper man,” that is, as Rabbi Eilezer is recorded in the same place as having taught: “Anyone who does not engage in the propagation of the race is as though he sheds blood.” Also in the same place Rabbi Hiyya taught about wives that, “It is sufficient for us that they rear up our children and deliver us from sin,” i.e., satisfy the male’s sexual drive. “Our Rabbis taught: Concerning a man who loves his wife as himself, who honors her more than himself....” “Rabbi Hama ben Hanina stated: As soon as a man takes a wife his sins are stopped up,” that is, his concupiscence is allayed. A man was advised to “be quick in buying land, but deliberate in taking a wife. Come down a step in choosing your wife”; since the wife was to be in the subordinate position it was thought important that she come from a lower social position. In the same place in the Talmud there is also the appreciative saying: “Happy is the husband of a beautiful wife; the number of his days shall be doubled,” which is immediately followed by a warning against all other beautiful women: “Turn away thy eyes from (thy neighbor’s) charming wife lest thou be caught in her net. Do not turn in to her husband to mingle with him.”

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In demonstrating the high estimation of women held by the ancient rabbis, Rabbi Hirsch referred to the rabbinic teaching about the beneficent or maleficient influence a wife has on a husband: “It once happened that a pious man was married to a pious woman, and they did not produce children. Said they, ‘We are of no use to the Holy One, blessed be He, I whereupon they arose and divorced each other. The former went and married a wicked woman, and she made him wicked, while the latter went and married a wicked man, and...”
made him righteous. This proves that all depends on the woman." However, the fact that this truly appreciative story about a pious wife is immediately followed by a whole series of rather deprecatory statements about women in general somewhat modifies the force of that story as evidence of high appreciation of women by the rabbis as a group (although clearly individual rabbis at least at times expressed themselves more positively about women):

And why must a woman use perfume, while a man does not need perfume? ... And why has a woman a shrill voice but not a man? ... And why does a man go out bareheaded while a woman goes out with her head covered? She is like one who has done wrong and is ashamed of people; therefore she goes out with her head covered. Why do they (the women) walk in front of the corpse (at a funeral)? Because they brought death into the world, they therefore walk in front of the corpse.... And why was the precept of menstruation given to her? Because she shed the blood of Adam (by causing death), therefore was the precept of menstruation given to her. And why was the precept of the 'dough' given to her? Because she corrupted Adam, who was the dough of the world, therefore was the precept of dough given to her. And why was the precept of the Sabbath lights given to her? Because she extinguished the soul of Adam, therefore was the precept of the Sabbath lights given to her.

Similarly weakened, or at least put in an ambivalent light as evidence concerning the rabbis as a group, are several sets of rabbinic teachings quoted by Rabbi Hirsch: "Rabbi Helbo said: One must always observe the honor due to his wife, because blessings rest on a man's home only on account of his wife," and "Thus did Raba say to the townspeople of Mahuza, Honor your wives, that ye may be enriched," and again, "Rab said: One should always be heedful of wronging his wife for since her tears are frequent she is quickly hurt." These are all truly sensitive sentiments, but in the same place the same "Rab also said: He who follows his wife's counsel will descend into Gehenna." At this the Talmud adds the part which Rabbi Hirsch only partially quoted as proof of the rabbis' high estimation of women: "Rabbi Papa objected to Abaye: But people say, If your wife is short, bend down and hear her whisper!" He did not include the following resolution of what the rabbis saw as a contradiction between the teachings of Rab and Papa just quoted: "There is no difficulty: the one refers to general matters; the other to household affairs. Another version: the one refers to religious matters, the other to secular questions." Apparently the translator of the English Soncino edition was somewhat embarrassed by this teaching for he noted: "A man should certainly consult his wife on the latter, but not on the former-not a disparagement of woman; her activities lying mainly in the home," which means that rabbinic "high estimation of women" was here limited to a valuing of women as housekeepers.

The noble statement: "Who is wealthy?... He who has a wife comely in deeds," takes on a somewhat intimidating quality when it is realized that it was made by Rabbi Akiba, who allegedly allowed his wife to spend twenty-four years in living widowhood while he studied Torah, who was "the founder of the peculiar institution of married 'monasticism'... After marriage they would devote themselves completely to their studies while their wives supported them" (not unlike what happens in the Mea Shearim section of Jerusalem today), and who also taught that a man may divorce his wife merely on the grounds that "he finds another woman more beautiful than she is."

It also says in the Talmud: "The Holy One ... endowed the woman with more understanding than the man." However, since this statement comes in the midst of a discussion about the age at which vows can be made and is used as an argument that girls can make vows a year earlier than boys because they mature sooner, its intended meaning seems to be limited to this particular case. This is clearly confirmed in an early midrash where the very same discussion is taken up and carried further as follows: "Some reverse it, because a woman generally stays home, whereas a man goes out into the streets and learns understanding from people."

The evidence presented by Rabbi Hirsch from the early rabbinic writing, Sifra commentary on Leviticus 26:13, is at best of doubtful value. He writes: "Like the men, so the women are through the deliverance and election of Israel called to the highest spiritual and moral elevation of which mankind is capable (Sifra on Leviticus 26:13)." The commentary referred to reads: "And I make you to walk tall." Rabbi Schimon says: two hundred cubits. Rabbi Jehuda says: one hundred cubits, as Adam, the first, I have only men. Whence women? Because it says: "our daughters as corner columns, hewn according to the pattern of the Temple." (Ps. 144, 12) And how high is the temple pattern? One hundred cubits. This quotation would not seem to indicate a "high" estimate of women by the rabbis-at least not in the usual sense.

Rabbi Hirsch also notes that the Talmud says that women are promised greater bliss-after death-but he does not note what it then says about how women are to merit this bliss. The following first sentence Rabbi Hirsch refers to; the rest he does not: "(Our Rabbis taught): Greater is the promise made by the Holy One, blessed be He, to the women than to the men; for it says, 'Rise up, ye women that are at ease; ye confident daughters, give ear unto my speech. Rab said to Rabbi Hyya: Whereby do women earn merit? By making their children go to the synagogue to learn Scripture and their husbands to the Beth Hamidrash to learn Mishnah, and waiting for their husbands till they return from the Beth Hamidrash." The latter half of this passage would seem to at least dilute somewhat the strength of the former half as evidence of the rabbis' high estimation of women.
Also brought forth as evidence is the talmudic statement\textsuperscript{71} that “only if the husband has preserved his own fidelity to his wife and has allowed himself no excesses does the water test the fidelity of his wife.”\textsuperscript{72} According to this rabbinic teaching, if the husband has been faithful, the wife will either miscarry as a result of the ordeal if she is guilty of adultery, or not miscarry if she is not guilty; whereas, if the husband has not been faithful, she would presumably not miscarry in either case. But no matter what, the woman must go through the humiliating ordeal merely on the demand of her husband, that is, she must be brought before the priest in the temple, in public, have her head dress and hair disheveled and her clothes ripped off her to the waist, and be forced to drink water mixed with dirt from the floor. In no case does the husband suffer any disabilities.\textsuperscript{73} The need of the husband to be faithful so as to make his wife’s ordeal effective on the one side, and the obligation of a wife suspected even by a groundlessly jealous husband to go through the ordeal on the other would not seem to bespeak an especially high estimation of womanhood by the rabbis.

Rabbi Hirsch likewise maintained that “the Sages expect from the husband the most tender consideration and the most loving and respectful treatment for his wife,”\textsuperscript{74} and offered as one piece of evidence of this the statement that “if a man goads his wife to insult him by refusing her ornaments and finery, he becomes poor (Shabbath 62b).” The statement referred to is as follows: “Three things bring man to poverty, viz., urinating in front of one’s bed naked, treating the washing of the hands with disrespect, and being cursed by one’s wife in his presence.... Raba said (that is when she curses him) on account of her adornments. But that is only when he has the means but does not provide them.” Hirsch further added as proof that, “even if a man has to deny his wife something or reprove her, his right hand should draw her near him while his left hand repels (Sota 47a).”\textsuperscript{75} The pertinent quotation is: “It has been taught: Rabbi Simeon ben Eleazar says: Also human nature should a child and woman thrust aside with the left hand and draw near with the right hand.” The English Sorcino edition notes: “One must not be too severe in chiding a child or reproving a wife lest they be driven to despair.” As still further evidence Rabbi Hirsch stated that “reminders of duty should also be given by the husband softly and gently (bGitten 6b)” The talmud passage reads: “Rabbi Hisdai said: A man should never terrorize his household ... the three things which a man has to say to his household just before Sabbath commences ... should be said by him gently, so that they should obey him readily.” Since these statements are all very much like advice to treat servants well so that they will obey properly, they are not very effective testimony of the high value the rabbis placed on women.

Here Hirsch also added the quotation from bB. M. 59a about bending down to consult one’s wife if she is short, already discussed above, and the differing treatment of wives by various types of men, including those who lock them up whenever they leave the house, discussed below (see chapter V-4, “Women Appearing in Public”),\textsuperscript{76} and also the reference to the fidelity of the husband and the trial by ordeal for his wife. He then wrote: “Nowhere do we meet among Jews such a seclusion and isolation of women as is usually assumed on the analogy of oriental custom,” which is a less than accurate statement if one simply recalls, as one example, Philo’s description of the harem-like existence of Jewish women in first century C. E. Alexandria (see chapter V-4, “Women Appearing in Public,” for a detailed discussion of the seclusion of Jewish women). As still further evidence of the “most tender consideration and the most loving and respectful treatment” of the wife by the husband, Rabbi Hirsch wrote: “If women are not allowed to move about much in public, this is from fear of misbehaviour not on their part but on the part of the men (Genesis Rabbah 8, 12).”\textsuperscript{77} The teaching alluded to is as follows: “Wekibshah” (and subdue her) is written: the man must master his wife, that she go not out into the market place, for every woman who goes out into the market place will eventually come to grief.” This would appear to be a rather domineering “most tender consideration.” Moreover, women were often seen as lustful, grasping creatures of sex by many of the Pharisees and other writers of apocryphal and pseudepigraphal literature of the first century before the Common Era and by Philo, as already discussed above.

From these quotations from Rabbi Hirsch and elsewhere it can be concluded that there are a number of ancient rabbinic statements which are appreciative of women, but that they are almost inevitably about women as wives rather than as individual persons; and not a few of the frequently quoted statements do not reflect as much appreciation of women, i. e., wives, as they are often claimed to.

b) Negative Evaluations of Women

The following is a brief list of rabbinical sayings about women which do not particularly fit into the various categories of Jewish life that will be analyzed below; they give some indication of the widespread negative, and even, misogynist, attitude toward women among the rabbis.

The great rabbi of the first century before the Common Era, Hillel, who had a reputation of generosity and openness, said, “Many women, much witchcraft.”\textsuperscript{78} In the first century C. E. Rabbi Joshua said: “A woman would rather have a single measure (of food) with wantonness than nine measures with continence.”\textsuperscript{79} The notion that women by nature tend toward nymphomania was, of course, already familiar from the Wisdom and pseudepigraphal literature.\textsuperscript{80} It was continued by the rabbis in the following teaching: “One glass is good for a woman; two are a disgrace; with three she opens her mouth (in lewdness); with four she solicits in complete abandon even an ass on the street.”\textsuperscript{81}

The in-a-way opposite notion, that woman is an irresistible sexual temptation for man, was also taught, in terms that were not only very
slightly veiled sexual symbols—reminiscent of the Wisdom literature—but were also brimming with hatred of women: a woman is “a pitcher full of filth with its mouth full of blood, yet all run after her.”

Rabbi Simon ben Jochai taught: “The most virtuous of women is a witch.” He also taught that, “Women are light-headed.”

A teaching reiterated by the school of Eliaqim. Also doubly taught and recorded in this early period is this teaching: “The world cannot exist without male and female children. It is well for those whose children are male, but ill for those who are female.”

A similar thought was expressed by Rabbi Simon ben Jochai: “At the birth of a boy all are joyful . . . at the birth of a girl all are sorrowful.”

In the same place like thoughts of a rabbi from the following century, i.e., toward the end of the third century, are also recorded: “Rabbi Jicchaq said that Rabbi Ammi said: When a boy comes into the world, peace comes into the world. . . . When a girl comes, nothing comes.”

A list of “characteristically female” vices was also provided, and added to by various rabbis: “The Rabbis said: Women are said to possess four traits: they are greedy, eavesdroppers, slothful and envious. Greedy, as it says . . . Rabbi Judah ben Nahman." said: she is also a scratcher and talkative . . . Rabbi Levi said: She is also prone to steal and is a gadabout.” This last teaching is also doubly taught.

Perhaps the most widely known rabbinic saying from this early, mishnaic period which reflects the inferior position of women starkly is the three-fold daily prayer, still found in many Jewish prayer books: “Praised be God that he has not created me a gentile! Praised be God that he has not created me a woman! Praised be God that he has not created me an ignoramus!”

Praised that he has not created me an ignoramus for the ignorant man does not avoid sin.

Because of the blunt attitude of male superiority expressed in this prayer one might be somewhat tempted to discount it as a single hyperbolic statement of an obscure rabbi. Such is not the case. No less than three separate direct quotations of this prayer occur in three of the most ancient rabbinic collections and at least one paraphrase in another later collection, and Paul paraphrases it in his Letter to the Galatians.

The ancient collections are the Tosephta—a collection of Tannaitic teaching, i.e., from rabbis from two hundred before the Common Era to two hundred afterwards; the Jerusalem or Palestinian Talmud; and the Babylonian Talmud. In the first two the order is different: gentile, woman, ignoramus in the Tosephta; and gentile, ignoramus, woman in the Palestinian Talmud—but the wording is basically the same, including the three bases for the prayer. The Babylonian Talmud keeps the order of the Tosephta, but substitutes “slave” for “ignoramus,” and also does not repeat the three “justifications” for the prayer.

The somewhat later paraphrase stems from a fourth century rabbi: “I call on heaven and earth as witness: whether Jew or non-Jew, whether man or woman, whether slave or slave woman—each one has according to his actions the holy spirit within him. The quotation has no context in the text and is hence difficult to interpret completely, but it is apparently based on the earlier formulated prayer.

Paul in his Letter to the Galatians forms his statement in verse 28 of chapter 3 on this prayer: “There is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female; for you are all one in Christ Jesus.” At that time the rabbinic teaching was not yet written down, or at least not in any codified, authoritative fashion; hence there is some variation from each of the later edited forms. In Paul’s letter, Greek is used rather than gentile in the contrast with Jew; slave is used in contrast to free, paralleling the text of the Babylonian Talmud; the order he uses—gentile, slave, woman—is the same as that which appears in both the Tosephta and the Palestinian Talmud.

The fact this statement is not simply a teaching, but rather a prayer, increases its significance considerably. Moreover, it was not recommended as a once-a-year or occasional prayer, but rather as a daily prayer—and it has been used by some as such ever since. In the Tosephta Rabbi Judah recommended that this prayer be said daily. In the Babylonian Talmud the prayer is attributed to Rabbi Judah’s contemporary, Rabbi Meir, who lived in the first part of the second century C. E. and claimed he faithfully passed on what he learned from Rabbi Akiba.

There are many more rabbinic statements about women which reflect a negative, if not a misogynist, attitude on the part of many rabbis toward women; but they will be dealt with, as indicated, within the context of the systematic analysis of the life of Jewish women. However, on the basis of the evidence of both the positive and negative rabbinic statements about women thus far analyzed, and proleptically considering the mass of essentially negative evidence to be discussed below, it would be correct to conclude that quantitatively and qualitatively the negative attitude vastly outweighs the positive. It can be said, therefore, that the attitude of the ancient rabbis toward women was a continuance of the negative attitude toward women that evolved from the return from the Exile through the later Wisdom, apocryphal, and pseudepigraphical literature.

In fact, it was in a way an intensification of it, in that the rabbis, through their great influence on the masses of Judaism, projected it most forcefully into the everyday life of the observant Jew, for example, by the promotion of the three-fold prayer.

As C. G. Montefiore summed up the matter:
The Rabbirnic literature is written by men and for men. The difference in the relations of men and women to each other makes a constant difference between the Rabbis and ourselves. It is always cropping up. Modern apologists tend to ignore or evade it. They quote a few sentences such as ‘Who is rich? He who has a good wife’; or they tell of a few exceptional women such as Beruria. It is quite true that wife and mother played a very important part in Rabbinic life; it is true the Rabbis were almost always monogamists; it is true that they honoured their mothers profoundly, and usually honoured and cared for their wives. But that is only one side of the story. ‘Women, children and slaves’: that familiar and frequent collocation means and reveals a great deal. Women were, on the whole, regarded as inferior to men in mind, in function and status.

CHAPTER IV

WOMEN IN RELATION TO CULT AND TORAH

1. WOMEN FULFILLING TORAH

The heart of Judaism is Torah, the Law, and the differing status of men and women is reflected here right at the heart, even quite explicitly. There are at least two places in the Mishnah which take up the different standings and obligations men and women have before the Law. The question is asked, "Wherein does a man differ from a woman?" and eight responses are given, of which three are of more interest than the others for they indicate both the greater power of the father compared to the mother and the inferior status of the daughter vis-a-vis the son (only the daughter can be sold by the father, not the son; only the daughter can be betrothed without her consent if done before she is twelve and a half years old): "The man may place his son under the nazirite vow, but the woman may not impose the nazirite vow upon her son ... the man may sell his daughter, but the woman may not sell her daughter; the man may betroth his daughter, but the woman may not betroth her daughter."

In a second place distinctions are made between positive and negative ordinances, and between those which are bound up with a stated time and those which are not. In effect, women are supposedly obliged to all ordinances other than time-bound, positive ones: "All positive ordinances that are bound up with a stated time are incumbent upon men but women are exempted, but all positive ordinances which are not bound up with a stated time are incumbent upon both men and women; and all negative commandments ... must be observed by men and women alike." except for three specific ritual laws, like trimming a beard. Either the Mishnah elsewhere or the Talmud spelled out specifically to some extent which time-bound religious obligations women were freed from: women did not have to live in the "sukka," or temporary dwelling (the essential action for the week-long feast of Succoth) or carry the festival bouquet; be present at the sounding of the ram’s horn, the shofar, on the New Year’s feast, or put on the cicith or tephillin; read the Book of Esther on the feast of Purim, or recite each morning and evening the great prayer of Judaism, the Shema: “Hear, 0 Israel, the Lord is our God, the Lord is One” (Dt. 6:7). It is difficult to see how in most of these instances the duties of a housewife or daughter would be any more inhibiting than those of a householder or son: since everyone, woman or man, has to get up and go to bed ("when you lie down and when you rise up"—Dt. 6:8), the recitation of the Shema at those times would cause no problem; nor should the living in the sukkah, since the men’s meals would have to be served in there anyhow; and the attendance at one New Year’s feast per year should cause no more difficulty for women than for men.

One midrash stated that the reason women-and slaves and children-were not obliged to fulfill all the Law was: “Because she has a single heart (for her husband); likewise, the heart of the slave is directed to his master.... Women and slaves still have a human master over them and the service of him makes such a claim on their heart that the time and energy for the service of God is lacking. Therefore, is a lesser claim in regard to the fulfillment of commandments made on women and slaves than on men and freeman.”

Much subsequent explanation, however, including that of most contemporary Jewish commentators, points out that the reason for the differing obligations to fulfill the Law was that women would at times find it impossible to fulfill the time-bound commandments because of their household obligations and limitations connected with their sex, i. e., menstruation, pregnancy, nursing, etc. But, in the same paragraph of the Mishnah this rule is contradicted when rules which are not time-bound are said not to oblige women: “All obligations which devolve upon a father concerning his son must be observed by men but women are exempt; and all obligations which devolve upon a son regarding his father are incumbent on both men and women.” The Babylonian Talmud observes that these obligations of the father include: circumcision, redemption of first born son, teaching Torah, teaching an occupation, marriage, swimming—and except for circumcision, none of these tasks were bound to a specific time. That means that women, mothers, had no obligation to perform these tasks for their sons; in fact, in all these instances women also had either no obligation or, in some instances, no possibility to fulfill these tasks for themselves, i. e., no obligation to learn a trade, no absolute obligation (as a man has) to marry, or no possibility for circumcision or redemption.

The Talmud itself made a somewhat similar observation: “Women are exempt from the study of Torah , the obligation of producing
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Learning was seen as the key to survival—obviously the only way Jews could remain Jews in exile was by learning what it meant to be a Jew and passing this knowledge on from generation to generation. This learning role, however, was open only to men. Women were also excluded from religious or communal activity that was associated with learning or the communal observance of rituals. There were certain mitzvot from which women were exempted. In essence, all the important ways in which Judaism defined what it meant to be a Jew were (and still are) either partially or completely closed to women.

There are several reasons for this. First, there is always a division of labor in patriarchy: men get the status roles and women get the role of doing everything that men don’t want to do, and anything else that enables men to do what they want to do. In addition, the Jews were in exile, and involved in a struggle for survival. Therefore, the people who were considered most capable got the most important role. Men, seen (by men) as being most capable of intellectual labor, allocated that role to themselves. Men were also more actively involved in confronting daily overt oppression and hostility as they went out into the world to earn a living. They needed some sort of compensation to offset their being treated as inferiors. They had to have someone to whom they were superior. Women had a definite role to play.

The question of obligation concerning meal prayers is a good example of rabbinic legal distinctions which perhaps obligate women in some instances, perhaps not in others, and forbid them in still others. Women (along with slaves and children again) are not exempt from saying the prayers after meals, but it is disputed whether or not they can say it for someone else who for some reason cannot say it himself. Some say women, along with children and slaves, may, but the Talmud says: “A curse light on the man whose wife or children have to say grace for him”; and with regard to a different prayer reference, the Talmud repeated the curse: “May a curse come upon that man whose wife and (minor) sons have to recite the benediction for him.” Furthermore, the ancient Mishnah stated that, “Women or slaves or minors may not be included (to make up the number needed) for the recitation of Common Grace.” And still further, women (and children and slaves) may not even extend the ceremonial, and officially obliged, invitation to say grace (when three or more are together at meal), the zimmun; in this connection, “a hundred women are no better than two men.” In this connection a baby boy was considered, at least by some talmudic rabbis, as more significant than a grown woman, for the Talmud stated: “An infant in the cradle may be counted for the zimmun, but women, of course, could not.”

It should also be noted here that there are three commands directed specifically at women, the disregarding of which, according to the Mishnah, has dire results: “For three transgressions do women die in childbirth: for heedlessness of the laws concerning their menstruation, all lead back to the charge that Eve caused the death of Adam:

Concerning menstruation: The first man was the blood and life of the world ... and Eve was the cause of his death; therefore has she been given the menstruation precept. The same is true concerning Hallah (leaven); Adam was the pure Hallah for the world.... And Eve was the cause of his death; therefore has she been given the Hallah precept. And concerning the lighting of the (Sabbath) lamp. Adam was the light of the world.... And Eve was the cause of his death; therefore has she been given the precept about lighting the (Sabbath) lamp. Rabbi Jose (early second century) said: there are three causes of death and they were transmitted to women, namely, the menstruation precept, the Hallah precept, and the precept about lighting the (Sabbath) lamp.

Though the precept concerning menstruation could be seen as degrading for women, and the precept concerning Hallah might be seen as bothersome, the lighting of the Sabbath lamp at the Friday evening home service would normally be viewed as an honor; hence, it is somewhat of a surprise to learn that the ancient rabbinic reason for it is that it is a punishment for Eve’s having caused Adam’s death.

It might at first blush seem that this double-standard in men’s and women’s obligations toward fulfilling the Law was not really a restricting thing for the women, but rather a lightening of a burden. However, one result was that when a woman performed an act that she was exempt from, it had a lesser value than the same act performed by a man, who was obliged to perform it. The Talmud makes this point quite baldly; it discusses, and rejects, the opinion that a heathen would not receive any merit for his good actions—that is, for fulfilling the Torah—but goes on to make the point that the performance of a good act which is not obligatory has less merit than if it is obligatory.
Women in Judaism

Sukenik then notes that the Palestinian Talmud (fourth century C. E.) described a scene in 116 C. E. when Trajan destroyed one of the annexed chambers.

Staircases leading up to the gallery are always situated outside the basilica proper, leaning against either the outer or inner walls of the Temple of Herod (started in 19 B. C. E.), but which did not exist in the earlier temples. In Herod’s Temple, by far the most grand and imposing of Jewish temples, women were permitted to enter only the first court, the “court of heathens,” and the court inside that, the “women’s court.” The women’s court was five steps above that of the heathens, but also fifteen steps below that of Jewish men, the “Israelite’s court,” which women were not permitted to enter. The Mishnah even described the women’s court as being enclosed by a gallery: “Beforetime (the Court of the Women) was free of buildings, and (afterwards) they surrounded it with a gallery so that the women should observe from above and the men from below and that they should not mingle together.” Moreover, the women were allowed to enter their own court only by certain gates, and indeed this, as well as the entrance to the court of the heathens, was denied to them if they were within seven days of the end of their menstruation, or forty days of the birth of a boy, or eighty days of the birth of a girl. It should be remembered, of course, that this separation of men and women was not only part of a broader set of distinctions between men and women, but a part also of another pattern of distinctions, for “separation was the principle upon which Temple worship was founded; it emphasized the distinction between man and God, Jew and Gentile, men and women, priests and people. These various separations were symbolized by the different courts of the Temple—the Priests’ court, and beyond that the Holy Place and the Holy of Holies).

Each Jewish community in Palestine and throughout the Diaspora usually had at least one synagogue, an institution whose origins go back to the time of Ezra, and possibly to the Exile. As a building, the synagogue was a meeting place for prayer and for the study of the Law; at least by the time of the Roman emperor Augustus the synagogues tended to have two separate areas: the “sabbateion.” for worship services, and the “andron,” for lectures on and discussion of the Law by the scribes and their students. The latter room, as the name makes clear, was exclusively for males. But even in the prayer hall the sexes were separated either by some sort of barrier or grillwork, or moderately high wall, as with the Therapeutae discussed above, or in a separate adjoining room, as in the synagogue of Delos (from the first century B.C. E.), or later, in a gallery around the two sides and the rear, complete with a separate entrance, as can be seen from the oldest extant ruins in Palestine, those at Capernaum. The latter stem from the third century C. E.; presumably all earlier synagogues were destroyed by the Romans after the 70 C. E. and 135 C. E. rebellions.

For a rather thorough discussion and documentation of the existence of a separate women’s section in ancient synagogues see the work of Eliezer L. Sukenik. Among other things, he says:

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Given the fact that fulfillment of the Law had more and more become the way par excellence of the righteous Jewish life from the time of Ezra on, such a result was natural—the threefold benediction concerning women expressed this vividly.

The double-standard Torah obligation often had even greater effect: with the passage of time many non-obligations for women became outright restrictions. One modern Jewish scholar makes the point bluntly: “A logical consequence of female exemption from the time-gearred features of the liturgical round is the ineligibility of women to take an active role in them, for example, as leaders in prayer for congregations including men.” In referring to the exercising of ministerial functions by Lily Montagu in a Liberal Synagogue in England (20th century), the same author chides his countrymen: “The appointment was an exceptional one and probably not often, if indeed ever, paralleled within Reform Judaism even in its most radical manifestations. In so far as it was possible at all, it reflects the weakness of the sense of history within Liberal Judaism and a consequent tendency towards a loss of organic cohesion with the main stream of Jewish life.”

2. SEGREGATION IN TEMPLE AND SYNAGOGUE

One clear development of an exemption into a prohibition can be seen in the physical separation of men and women that prevailed in the Temple of Herod (started in 19 B. C. E.), but which did not exist in the earlier temples. In Herod’s Temple, by far the most grand and imposing of Jewish temples, women were permitted to enter only the first court, the “court of heathens,” and the court inside that, the “women’s court.” The women’s court was five steps above that of the heathens, but also fifteen steps below that of Jewish men, the “Israelite’s court,” which women were not permitted to enter. The Mishnah even described the women’s court as being enclosed by a gallery: “Beforetime (the Court of the Women) was free of buildings, and (afterwards) they surrounded it with a gallery so that the women should observe from above and the men from below and that they should not mingle together.” Moreover, the women were allowed to enter their own court only by certain gates, and indeed this, as well as the entrance to the court of the heathens, was denied to them if they were within seven days of the end of their menstruation, or forty days of the birth of a boy, or eighty days of the birth of a girl. (It should be remembered, of course, that this separation of men and women was not only part of a broader set of distinctions between men and women, but a part also of another pattern of distinctions, for “separation was the principle upon which Temple worship was founded; it emphasized the distinction between man and God, Jew and Gentile, men and women, priests and people. These various separations were symbolized by the different courts of the Temple—the Priests’ court, and beyond that the Holy Place and the Holy of Holies).
famous Diplostoeon synagogue in Alexandria which proved that the women occupied the gallery above the men, after having killed the men Trajan offered mercy to the women at the price of their honor—they replied: “Do to those above as you have done to those below.”

In the same place there appears the following even more explicit and detailed rabbinic statement, probably about the temple primarily, but also doubtless influencing synagogue customs:

In what does the ‘disposition of a large display at a feast’ consist? In a separation between the men’s area and the gallery reserved for women. That is therefore something which has been taught elsewhere. Originally the court had been undivided: then a balcony was erected; the women viewed the ceremony from above and the men remained below so that there was no mixing of the sexes. That virtuous act was taught in the words of the Law, saying (Zechariah 12:12): The country will be in mourning, each family separate, etc., the women apart. There are two different ways of explaining this verse. According to the one the prophet deplores the future death of the messiah; according to the other the matter concerns the destruction of the evil inclination (from henceforth overcome). The former justifies itself thus: if during the mourning the Law prescribes the separation of the men and the women, how much more therefore would this be so at a moment of rejoicing. Those who take the other way justify it as follows: if for those who no longer have the evil inclination the men must be separated from the women, how much more is that separation necessary for those who have not overcome the evil inclination at all.

Slightly later than the time of the codification of the Palestinian Talmud, the fact that Miriam took out the women to sing the Song (of the Sea) separately was taken as the authority for the segregation of the sexes in prayer in the synagogue.

I

A somewhat similar picture is offered by the archaeological data. Although the remains of the ancient basilical synagogues of Galilee, with a distinctive Hellenistic stamp, show unmistakable indications of the existence of galleries, which probably were the place assigned women, no traces of a women’s gallery have been found in the well-preserved remains of the non-basilical, more oriental synagogue of Dura-Europos in Hellenized Mesopotamia. Scholars differ in interpreting these facts. According to one school, the silence of earlier rabbinic sources and the absence of a women’s gallery in Dura reflect an earlier, more liberal attitude toward women, which allowed them to sit in the main hall, though in a special part, together with the men. The other school argues that the silence of earlier rabbinic authorities implies that in those circles no provisions were made at all for women in the synagogue, because they were excluded from active participation in public worship. For a few special occasions, in which women might have access to the synagogue, a temporary, removable screen would have been sufficient.

Isaiah Sonne maintains that:

Only the latter interpretation seems to fit the evidence that provisions for separation of sexes appear mainly in synagogues with a Hellenistic tinge.... Another consideration should be borne in mind. It is probable that the basilical type of synagogue, which adopted architectural features of the temple, followed the example of the ‘woman’s hall’ in separating the sexes—i.e., by erecting galleries. The communities with a non-basilical type of synagogue might have taken stricter measures of separation, confining the women to a separate, adjoining room, as seems to have been the case in the earlier building of the Dura-Europos synagogue.

3. NO MEN, NO MINYAN

Given the physical separation of women in the synagogue, it is not surprising that they were also “precluded even from constituting units of the necessary quorum of ten (minyan) to form a congregation to worship communally, boys under thirteen being likewise precluded (and also, in antiquity, slaves).”

Basically what Loewe says is accurate; already in the Mishnah it is clearly indicated that ten men constitute a minyan, but it is not totally precise to say that boys under thirteen or slaves were never counted toward a minyan: the Encyclopaedia Judaica article on Minyan states that “the accepted custom in emergency cases is nine adults and a boy,” and gives rabbinic references. Already in the Babylonian Talmud it was noted that an infant boy “can be counted to make up ten,” and that “nine and a slave maybe joined (to make up ten).” In a reference to the Mishnah and Talmud references, Meg. 1, 3 and bMeg. 5a, the above Encyclopaedia Judaica article notes: “In talmudic times a community was regarded as a ‘city’ if there were at least ‘ten idle men ... who could come to each synagogue service to make up the minyan ... in traditional congregations, especially in Eastern Europe, when it was customary to pay a few old or idle men to be present twice a day at the services. These people were called ‘minyan men. In the Reform ritual women
are counted in the minimum quorum of ten persons to constitute a public prayer service since they have full religious equality with men." Since late 1973 counting women toward a minyan is to be allowed in Conservative American synagogues, but this has not been done in Orthodox synagogues.

4. WOMEN READING TORAH

It is also not surprising to read in the ancient Tosephta: “Everyone is reckoned among the seven persons (who are called forward to read from the Torah in the Sabbath synagogue service), even a child and even a woman. But a woman is not to come forward to publicly read (from the Torah).” A talmudic quotation of the same teaching added, “out of respect for the community.” I. Elbogen argues that women were originally called to Torah, but then were later forbidden in practice from carrying out the reading; Billerbeck, on the other hand, insists that women were called to the Torah merely in appearance in order honor them, but in keeping with the general custom they always had to forego actually carrying out the reading.

A similar explanation is often given to the somewhat anomalous facts that a three-year old child was once named the president of the synagogue in Venosa, and the same happened to a woman in Smyrna and once in Myndos, and that a woman proselyte was called the mother of two synagogues. These events took place in the Diaspora where foreign pressures were strong and it was sometimes important to adapt to the Hellenist environment (with its women’s liberation movement) at least in language; hence, these honorary titles, with no real powers, were handed out to important personages-including patronesses.

Thus, at the beginning of the Common Era, and subsequently, women were not only not individually active participants in the synagogue services; they could also often not be spectators-only listeners, who might also join in the congregationally recited prayers.

5. WOMEN STUDYING TORAH

In the time after the destruction of the temple (70 C. E.) there is no question but that the central element in Jewish life was the study of Torah, the Law, oral and written. But even in the immediately preceding centuries the study of the Law was at least a close second to temple worship. Indeed, with the ever-increasing significance of the scribes after the return from the Exile in the sixth century B. C. E., and especially with the appearance of the Pharisees in the second century B. C. E., the study of the Law became as important as temple worship, and at times more important, as with the Essenes and some Pharisees, like the author of the Book of Jubilees (second century B. C. E.). Given, then, the extraordinary prominence in Jewish life held by the study of the Law, it is important to see what relationship women had to it.

The fact is that Jewish women of ancient rabbinic days, i. e., the formative centuries just before and after the beginning of the Common Era, did not study Torah, the Law. There was no outright command forbidding women to study Torah, but there were statements that came very close to it, and in fact went considerably beyond a simple negative command. In the first century C. E., Rabbi Eliezer, who claimed he taught only what he learned from his teachers, said: “If any man teach his daughter Torah it is as though he taught her lechery.” The opposing opinion of a contemporary scholar, Ben Azzai, was also given in the same place, but his opinion was clearly neither the traditional nor the accepted one. Ben Azzai, though a widely reputed scholar, was not an ordained rabbi and hence his opinion did not carry as much weight as an Eliezer, who was an ordained rabbi and who hence belonged to the “chain of tradition.” Moreover, Ben Azzai wanted to teach daughters enough Torah merely so that they would know that if they had performed some meritorious deeds, this would result in postponing the deadly effects of the drinking the “Waters of Bitterness” by wives suspected of adultery: “Hardly has she finished drinking before her face turns yellow and her eyes bulge and her veins swell, and they say ‘Take her away! take her away! that the temple court not be made unclean!’ But if she had any merit this holds her punishment in suspense ... Hence Ben Azzai says: ‘The commentary of the Babylonian Talmud completely ignored Ben Azzai’s opinion and provided a reason for Eliezer’s position, adding the tiny suggestion that instead of saying that the teaching of Torah to women actually taught them lechery, Eliezer, rather, had taught that it was as though she were taught lechery. The Palestinian Talmud, in the discussion of this portion of the Mishnah, provided an additional story about Rabbi Eliezer that bore on the same subject: Eliezer said: “The wisdom of women is only in her distaff.... May the words of the Torah be burned rather than be given to women.” These are amazingly strong words for one whose entire life was devoted to the preservation and study of the Torah.
Farbstein knows all this perfectly well, but apologetical grounds prevented him from presenting us with the true state of affairs. With his (partial) Talmud citation he makes us believe that the opinions on the matter were in fact fundamentally divided. In reality, however, only once in a special situation and in a very special connection was a contrary voice raised, and it sank on the same day in the broad stream of legal tradition. The Torah remained an affair of men.

Another talmudic passage has pertinence here. When commenting on the statement in the Mishnah that if an adulteress had any merit the effectiveness of the waters would be postponed, the Talmud asked what kind of merit could bring about the postponement of the effects for three years: "And another for three years, etc.: What sort of merit? If I answer merit of (studying) Torah, it is (in the category) of one who is not commanded and fulfills! Rather must it be merit of (performing) a commandment. Rabina said: It is certainly merit of (the study of) Torah (which causes the water to suspend its effect); and when you argue that she is in the category of one who is not commanded and fulfills, (it can be answered and granted) that women are not so commanded, still when they have their sons taught Scripture and Mishnah and wait for their husbands until they return from the Schools, should they not share (the merit) with them? It is clear from this teaching that the rabbis did not expect any women to be studying Torah; the only connection with the study of Torah that women could be expected to have was to send their sons to learn and to wait for them.

Although it was not absolutely forbidden to teach women Torah (if Rabbi Eliezer’s dictum and its widespread echo is not seen as an absolute negative), there also was no obligation to do so either, as there was for sons: "The father is obliged to teach his son Torah." When it is recalled how important the obligation to fulfill a command was, and how the mere lack of obligation led to positive restrictions in other instances, such as women not being counted in a minyan, it will be apparent that this lack of obligation to teach women Torah, or for women to study Torah, was likely to have a very negative effect. This likelihood was confirmed by the fact that this obligation-or lack of it-was specifically discussed at length in the Talmud, with the result that it was clearly stated that women were not obliged to study Torah: "and how do we know that she (mother) has no duty (to teach her children)?... Because it is written ‘And ye shall teach them your sons’-but not your daughters."

Still another story about Rabbi Eliezer corroborated the presumption that women did not study Torah: "Rabbi Eliezer was asked, ‘Is it permissible to drink from the hand of the bride so long as her husband is sitting with her at the festive table?’ He replied, ‘Whoever drinks from the hand of a bride is as though he drinks from the hand of a harlot.’ (His colleagues) said to him, ‘Are not all the daughters of Israel possessed of good manners?’ He answered, ‘God forbid! who is not familiar with the Torah cannot be possessed of good manners.'"

The assumption that men are to learn Torah, but not women, was further mirrored in the “difference in formulation, according to sex, of a prayer for the prosperity of a new-born infant. In the case of a boy, the conclusion asked that his parents may be granted to bring him up to ‘Torah, marriage, and good works’. for girls, a current modification of the formula runs ‘to reverence, marriage, and good works.’... Reference to the Torah is conspicuously absent.” It should be added that in the recitation of the Shema, Deuteronomy 6:7, is quoted: “You shall repeat them to your sons.” That this very ancient precept, with its sole focus on men, persisted through much later times is seen by the fact that it was listed as the eleventh commandment (of the total of 613) to which Maimonides remarked: “Women are not obliged thereto.”

Thus, if no women were obliged to study Torah, and if no one was obliged to teach them, there was not much possibility that they would in fact study Torah. For who taught Torah? The rabbis, and their attitude toward women would have made it impossible for them to have women students. As the modern Jewish scholar C. G. Montefiore notes:

Very few women were students of the Law: it was not intended that they should be. Yet the highest and most adorable thing in the world was to study the Law. The greatest and purest joy in the world was to fulfil all the commandments and ordinances of the Pentateuch and Rabbinic codes. But women need not, and could not, observe them all. It was not for nothing that the daily blessing was said (the blessing which the modern orthodox Jews have not had the courage and good sense to remove from their prayer books): ‘Blessed art thou, O Lord our God, who hast not made me a woman.’ This blessing was as sincerely said as the two previous ones: ‘Blessed art thou, O Lord our God who hast not made me a gentile or a slave.”

a) Beruria: The Exception that Proves the Rule
Montefiore said, "they tell of a few exceptional women such as Beruria," who apparently had some knowledge of Torah. In fact, whenever some kind of evidence is put forth which is counter to the above documentation, that women in reality did not study Torah, Beruria is always mentioned. When one finds in this connection a reference to Beruria everywhere, and very often only to Beruria, one is tempted to see this as a classical case of the exception proving the rule.

Because Beruria was such an exceptional woman in early Jewish history, she is deserving of a more detailed discussion. The Encyclopaedia Judaica (vol. 4, col. 701) emphasizes that "she is famous as the only woman in talmudic literature whose views on halachic matters are seriously reckoned with by the scholars of her time." Beruria was the daughter of a rabbi and the wife of the very important Rabbi Meir (early and middle second century). There are various spellings of her name, the usual alternates being Valeria, or possibly Valuria. In his 1921 book, Jesus und die Frauen, Johannes Leipoldt referred to these alternate spellings and described her as the daughter of Rabbi Chanina ben Teradion (p. 120). Twenty years later in Jesu Verhaeltnis zu Griechen und Juden., he referred to her as a proselyte: "The proselyte Veluria is probably the same woman as Meir's wife Veluria because of the rarity of the name" (p. 20). However, in 1954, in Die Frau in der antiken Welt und im Urchristentum Leipoldt again simply referred to Beruria as the daughter of Rabbi Chanina ben Teradion (p. 100). Since the Talmud itself identifies Beruria as the daughter of Rabbi Chanina ben Teradion, it is not likely the identification between her and the proselyte Valeria can be made.

Beruria became an avid student of Torah, although we do not know who taught her to read or with what rabbi she studied; she may have studied with her father, but perhaps also with other rabbis. Apparently she went through the intensive three-year course of study customary for disciples of rabbis at the time:

Rabbi Simlai came before Rabbi Johanan and requested him: Let the master teach me the Book of Genealogies.... Let us learn it in three months, he proposed. Thereupon he (Rabbi Johanan) took a clod and threw it at him, saying: If Beruria, wife of Rabbi Meir and daughter of Rabbi Hananya ben Teradyon who studied three hundred laws from three hundred teachers in one day could nevertheless not do her duty in three years, yet you propose to do it in three months!

Beruria not only put in the canonical three-year program of study, but also did it in such an exemplary manner that she was held up as an example of how to study Torah. Indeed, her reputation as an avid student was so great that it spawned legends about her studiousness, as in the clearly hyperbolic reference to the three hundred laws studied from three hundred teachers every day for three years. Such a legend was quite a compliment to her reputation, and triply so when it is also recalled that Beruria was being held up to be emulated by Rabbi Simlai who himself was a very renowned rabbi, and that Rabbi Simlai lived over a hundred years after Beruria.

Beruria also took part in the discussions and debates among the rabbis and their more able followers. In one such a debate over a very technical matter of ritual purity she opposed, and bested, her brother: in referring to Beruria, Rabbi Judah ben Baba said, "His daughter has answered more correctly than his son." Another debate was recorded in which two rabbinical schools were ranged on opposite sides, whereupon Beruria gave her solution. "When these words were said before Rabbi Judah, he commented 'Beruria has spoken rightly.' The striking thing about these reports, and others elsewhere in the Talmud, is that a woman's opinion on Torah became law, halacha. At least one woman penetrated to the heart of Judaism, Torah, and not only as an absorbent student, but also as a rabbinical disputant and a decisive maker of law.

Beyond these accomplishments Beruria also followed the path of all other really able students of Torah and became a teacher of Torah: "Beruria once discovered a student who was learning in an undertone. Rebuking him, she exclaimed: Is it not written, 'ordered spoken rightly.'" The then common halachic matters are seriously reckoned with by the scholars of her time. Beruria was the daughter of a rabbi and the wife of the very important Rabbi Meir (early and middle second century). There are various spellings of her name, the usual alternates being Valeria, or possibly Valuria. In his 1921 book, Johannes Leipoldt referred to these alternate spellings and described her as the daughter of Rabbi Chanina ben Teradion (p. 120). Twenty years later in Jesu Verhaeltnis zu Griechen und Juden., he referred to her as a proselyte: "The proselyte Veluria is probably the same woman as Meir's wife Veluria because of the rarity of the name" (p. 20). However, in 1954, in Die Frau in der antiken Welt und im Urchristentum Leipoldt again simply referred to Beruria as the daughter of Rabbi Chanina ben Teradion (p. 100). Since the Talmud itself identifies Beruria as the daughter of Rabbi Chanina ben Teradion, it is not likely the identification between her and the proselyte Valeria can be made.

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Still another story recorded in the Talmud portrays Beruria teaching Torah in the customary rabbinical manner-quotating, explaining, and applying Scripture:
Beruria clearly did not suffer fools gladly, as this story and the one about Rabbi Jose the Galilean, related below, indicate. She could also be extremely sympathetic and sensitive to those she felt were sincere, but here she faced a man she thought was helping to destroy true Judaism (min is to be understood here either as a Sadducee opponent of the Pharisees/rabbis or as a Jewish-Christian) and who apparently was expounding Scripture in an ignorant way. If there was anything Beruria could not tolerate, it was a man being pretentious about Torah.

Beruria likewise had an intense moral fervor and sensitive concern for persons, as illustrated by the following story about her and her famous husband, Rabbi Meir:

Certain highwaymen living in the neighborhood of Rabbi Meir annoyed him greatly, and Rabbi Meir prayed for them to die. His wife Beruria said to him: What is your view? Is it because it is written: ‘Let the sinners be consumed’? Is ‘sinners’ written? ‘Sins’ is written. Moreover, look at the end of the verse: ‘and let the wicked be no more.’ Since the sins will cease, the wicked will be no more. He prayed for them and they repented.76

This is clearly high moral advice, presented with the usual scriptural quotation, analysis and application of its meaning. Beruria here showed herself the superior of the best male rabbinical mind and moral spirit; the hard proof of that is that Rabbi Meir took her advice, with success. A modern male Jewish scholar has commented on this passage: “Students sufficiently familiar with Hebrew would profit greatly by following Beruria’s argument in the Talmud’s original text, also looking up the Hebrew of the verse ....”77

If Beruria was a brilliant student and teacher of Torah, a decider of halacha, and one who lived and taught an intensely moral life, did she not have all the qualities of a rabbi? Rabbi, after all, simply meant master or teacher; it was a term of respect given to the teachers of Torah who were expected to decide the law and live morally. She clearly did, but in the documents as we have them she is never referred to as rabbi. Presumably she never received the “ordination” (semikhah) to the rabbinate that promising young men normally received at the completion of their studies. (At least one man, as noted above, Ben Azzaï, of the first century, was also learned in the Law, taught Law, decided Law, and was of high moral character, and was also not “ordained,” and hence not referred to as rabbi.) There was no legal reason why she could not have been “ordained”; rather, the generally very low rabbinic estimate of women is the most likely reason, though from the documents which are available we cannot know that for certain.

Beruria, as she appears in the pages of rabbinic writings, is a person who lived a very full human life with perhaps more than her measure of suffering. Hers was the time of the final destruction of the Jewish homeland in Palestine by the Romans in 135 C. E., until it was reestablished in the twentieth century. She lost her father Rabbi Hananya ben Teradyon in these same Hadrianic persecutions. Her brother, whom she had bested in a Torah dispute, disgraced the family by turning to banditry and subsequently was murdered by his gang for trying to inform on them. Her sister was forced into a brothel by the conquering Roman authorities, although Beruria contrived to have her husband Rabbi Meir rescue her. But perhaps the most tragic suffering of her life was the death of two of her sons. Her endurance and response to their sudden deaths is recalled in the following rabbinic story:

When two of their sons died on Sabbath, Beruria did not inform Meir of their children’s death upon his return from the academy in order not to grieve him on the Sabbath! Only after the Havdalah prayer did she broach the matter, saying: Some time ago a certain man came and left something in my trust; now he has called for it. Shall I return it to him or not? Naturally Meir replied in the affirmative, whereupon Beruria showed him their dead children. When Meir began to weep, she asked: Did you not tell me that we must give back what is given on trust? ‘The Lord gave, and the Lord has taken away.’ Rather, what is the meaning of ‘O barren, thou didst not bear’?–Sing O community of Israel, who resembles a barren woman, for not having borne children like you, who are damned to hell.78

In the midst of extraordinary suffering we see her rabbinic style coming to the fore once more, as she tells a story and applies it to the present situation with a Scripture quotation. Likewise, the stereotypical sex roles are reversed as the strong Beruria takes the more intellectual approach and Rabbi Meir weeps.

In all the stories recorded about Beruria, she is always set over against a man; the only story involving another woman is really not a tale about Beruria but about her husband, who was asked by Beruria to rescue her sister from the brothel.79 In the rabbinic writings Beruria is seen only as a rabbinic student, disputant, halachic decision-maker, and above all a teacher-always with men. Moreover, she is always superior to the men, whether as a model of studiousness, a teacher, or as a superior and even at times triumphant...
Beruria had to be an unusual—rabbinical—woman to make a broad mark on that massive male work, the Talmud. Clearly she did not fit the female stereotype of her day. But she was more than that. She very keenly felt the oppressed, subordinate position women held in the Jewish society around her, and struck out against it. Her consciousness was extremely sensitized: “Rabbi Jose the Galilean was once on a journey when he met Beruria. ‘By what road,’ he asked her, ‘do we go to Lydda?’ Foolish Galilean,” she replied, ‘did not the Sages say this: Engage not in much talk with women? You should have asked: By which to Lydda?” What is irritating Beruria is woman’s second class status, here reflected in the rabbinic law that a man should not speak much with women,. who are too “lightheaded” to waste time on, and sexually tempting besides. Here was a chance to throw verbal acid in the face of one of her “oppressors.” A student she treated gently; the rabbi she called a fool. But with her keen wit she did not simply vituperate the rabbi (one wonders if he had earlier delivered himself of some pompous sage quotation on the frivolity and inferiority of women to have earned this breathtaking attack); instead, she carefully followed the traditional rabbinic pattern of disputation by rebutting a statement with a quotation from the written or oral Law. Always she remained the intellectual.

What a weight Beruria’s reputation must have had in talmudic times for this vitriolic putdown of a rabbi to be noted, remembered for hundreds of years, and finally made permanent in the final redaction of the Talmud. That there was obviously also a counter-feeling among the early rabbis is reflected only in a shadowy fashion in the last line of the talmud story about Rabbi Meir’s rescue of Beruria’s sister from a brothel. There was a backlash to his rescue efforts and “He then arose and ran away and came to Babylon; others say because of the incident about Beruria.” No further information about the “incident” is given in the Talmud. There is merely this dark reference, sheer innuendo.

A thousand years later, we find a full-blown legend about the incident in the commentary on this passage by the famous Jewish medieval talmudic scholar Rashi:

Beruria once again made fun of the saying of the Sages that women are lightheaded. Then Meir said to her: With your life you will have to take back your words. Then he sent one of his students to test her to see if she would allow herself to be seduced. He sat by her the whole day until she surrendered herself to him. When she realized (what she had done) she strangled herself. Thereupon Rabbi Meir ran away (to Babylonia) on account of the scandal.

There is nothing at all in the intelligence, perceptiveness and moral character of Beruria to make this in any way credible. Would she not have perceived that her husband had set a trap for her? Is it not incomprehensible that the great Rabbi Meir could have commissioned his rabbinic student to commit one of the three deadly sins in its most serious form: sexual immorality with a married Jewish woman? Finally, why would it take a thousand years for this story, so out of character with all of the previously known documentation, to surface? It clearly was invented simply to morally annihilate Beruria, the one woman of superior stature in the Talmud, Beruria the feminist—for it was exactly on that point that she was attacked. Because she took an overtly feminist stance of rejecting the rabbinic stereotyping of women as intellectually inferior, she was told she would have to give up her life. Feminism was a capital crime! In male chauvinist fashion the moral destruction planned for her would reduce her to the female stereotype, a weak sexual creature who could not resist a determined Don Juan.

Despite the historical bankruptcy of this late legend, it does underline Beruria’s towering reputation in her lifetime and for centuries afterwards. The very attempt to destroy it is evidence of its power. Although the opposition was already there in talmudic times, as is seen in the innuendo about the “incident,” the later hatchet job suggests that the enemies of what she stood for grew stronger in time. Fortunately, the character assassination attempt was far from completely successful, for the clearly historically based evidence of the earlier talmudic stories remains today. Less fortunately, the fact that the talmudic evidence was not erased bears witness not only to the vigorous reputation of Beruria, but also to the faithful honesty of the generations of rabbis who memorized, handed on, and finally wrote down, collected, and edited the stories about Beruria. This latter means that there were no other women who entered and advanced in the heartland of Judaism, the study of the Torah, otherwise we would have talmudic stories of them as well. Beruria was the “exception that proves the rule” that in talmudic days women did not study Torah.

b) Imma Shalom: No Exception

The one other woman of the early Rabbinic period who, along with Beruria, is at times mentioned by name as one who knew Torah, if not exactly as an example of “many women recorded as being Torah scholars in the fullest Sense,” is Imma Shalom. She was the sister of Rabbi Gamaliel II and the wife of Rabbi Eliezer ben Hycanus—both famous first century C. E. rabbis, the latter being the only who, among other things, said “Whoever teaches his daughter Torah, it is as though he taught her lechany.” Imma Shalom could not
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There are several references to her in rabbinical writings, but only two have importance for us here. One story is about a dispute she was involved in with her brother (whether the recorded dispute is real or fictitious is difficult to determine definitely, but that has no bearing on its significance or lack of significance here), during which she bribed the (Christian?) judge, but lost anyhow because her brother put up a larger bribe. No scriptural or rabbinic argumentation was presented by Imma Shalom, nor was an ethical principle propounded or exemplified.

The second story about Imma Shalom also hardly proves that women were learned in Torah or were highly esteemed by the rabbis. It relates that when she once heard a sceptic mocking her brother, saying, "Your God is not strictly honest, or He would not have stolen a rib from sleeping Adam," she asked him to fetch a police official whereupon he asked her why. "We were robbed last night of a silver cruets and the thief left in its place a golden one," he responded. "If that is all I wish that thief would visit me every day!" Imma retorted, "and yet you object to the removal of the rib from sleeping Adam! Did he not receive in exchange a woman to wait on him?"

Perhaps the last line helps explain why the story was recorded.

c) Other Non-exceptions

The article on "Woman" in the Universal Jewish Encyclopedia refers to the ubiquitous Beruria, then to the wife (no name given—a revealing fact) of Jacob ben Judah Mizrahi, who "continued to direct his Yeshiva after his death," and to the "daughter (again no name) of the exilarch Samuel ben Eli of Baghdad, and Miriam Sapira (who) both taught Torah to male students from whom they were separated by a curtain"—also a "revealing" fact. Again, outside of Beruria, none of these cases has any bearing on the topic at hand, the status of women in the period of formative Judaism, i.e., 200 B.C.E.-500 C.E.; the latter two women lived during the High Middle Ages and the wife of Mizrahi lived in the sixteenth century.

A different list of "learned women" of this early period is given by Shalom Ben-Chorin. He grants that such women were the exception, but insists that there were some. Again none of them, with the exception of Beruria, can in any way be said to be learned in Torah, and in fact there is some difficulty with the general term "learnedness" (Gelehrsamkeit) used in reference to some of them. Ben-Chorin does not include Imma Shalom in his list of learned women because he has just referred to her in a somewhat derogatory fashion as a bluestocking. He begins his list with Beruria and then mentions "Homa the daughter of Rabbi Chisda from Kaphri."

It is puzzling why Homa the daughter of Rabbi Chisda should be listed as learned in Torah. In the Babylonian Talmud she does not even have a name, but is constantly referred to simply as the daughter of Rabbi Chisda. As a child she was once taken upon her father's lap and was asked which of his two prize pupils she wanted for a husband; she said, both. This was recorded because she did eventually marry one, Rami, and after his death, the second, Raba. It is also recorded that she had a hole made in the wall of the "court" so that she could stick her hand through above the head of her husband, presumably to ward off maleficent spirits, and that once she burst into the courtroom to denounce a woman as a liar.

The last story about her in the Talmud is largely about another woman whom the Talmud names Homa. In the story this other Homa, who was reputed to be very beautiful but who also had the ill-fortune of having three husbands die one after the other, went to the rabbinical court, and in the course of her visit her beauty apparently "became visible" to the court:

As she was shewing it to him her arm was uncovered and a light shone upon the court. Raba arose, went home and solicited Rabbi Chisda's daughter [his own wife]. "Who has been to-day at the court?" enquired Rabbi Chisda's daughter. "Homa the wife of Abaye," he replied. Thereupon she followed him, striking her with the straps of a chest until she chased her out of all Mahuza. "You have," she said to her, "already killed three (men), and now you come to kill another (man)!

Here Rabbi Chisda's daughter (Homa) appears either as a very jealous woman or one superstitiously fearful of the evil power of a thrice-widowed woman—or both. From all of the evidence, Homa (Rabbi Chisda’s daughter) can in no way be said to exhibit learnedness in Torah, or anything else.

A third learned woman, according to Ben-Chorin, is Yalta, the wife of Rabbi Nahman, a fourth century C.E. Babylonian rabbi. Although there are a number of references to Yalta in the early rabbinical writings, none of them indicate that she was in any way learned. She exhibited a sharp temper when a guest refused to send her a glass of wine with a blessing over it—women were not present when guests were at meals. She also once said to her husband: "The Torah has permitted something of a similar taste for everything it has forbidden; I would like to eat meat in milk"; whereupon she listed a number of things that were forbidden and other things somewhat similar which were allowed. The list, however, shows no more "Gelehrsamkeit" than any Jewish wife would have if...
she tried to keep a kosher home; that is, if she followed the rules her "learned" husband laid down.

Two other women are also referred to by Ben-Chorin. One is the foster mother of Rabbi Abaye, mentioned above, who possessed medical knowledge and is credited with some pedagogical statements—but this of course does not qualify her as one learned in Torah. The last reference is more interesting: "Also a maid of Rabbi Judah (second century C. E.) is described as learned; she commented on Bible verses which were difficult to understand." Perhaps the first thing to notice about this maidservant of Rabbi Judah (the codifier of the Mishnah) is that she is nameless; in the five, or possibly six, places in the Babylonian Talmud where she is mentioned she is always referred to only as Rabbi Judah’s maidservant or domestic. Our evidence concerning her is very meager. We do know that she had learned at least some Hebrew, something of the symbolic style of speaking current among rabbis and their students, and was an imposing and responsible enough member of Rabbi Judah’s household to be able to levy an excommunication and exercise a powerful prayer at the death of the Rabbi—no mean accomplishments for a woman servant. However, given the slimness of the documentation one must be careful to neither unduly expand nor contract its significance. It is necessary to look at each portion separately before attempting an over-all evaluation.

If the reference in bShab. 152a, about a ninety-two year old domestic of Rabbi Judah’s household serving as a food taster, refers to the female domestic in question, as seems reasonably likely, and if it is coupled with the stories of her exercising significant household responsibilities, one gets the picture of an intelligent, perceptive woman servant who for many decades must have heard the great Rabbi Judah, and perhaps even his father, Rabbi Simon III, teaching his students and discussing halachic matters with his colleagues.

She even had charge of the tables reserved by the patriarch for the numerous pupils who received free board at his house; and as circumstances or her whims dictated, she would either immediately dismiss the students after the meals were over or invite them to remain a while longer. In such company she adopted the technical language known only to the initiated, and employed exclusively by the Rabbis, who scarcely ever expressed the principal idea literally, but nearly always resorted to symbols and figures of speech:

That such a woman in that setting would have learned some Hebrew is not at all surprising, especially those terms dealing with kitchen and domestic matters. However, when looking at the passage in bMeg. 18a it is a little difficult to conclude with Ben-Chorin that she “commented on Bible verses which were difficult to understand.” The passage reads as follows:

The Rabbis did not know what was meant by serugin, until one day they heard the maidservant of Rabbi’s household, on seeing the Rabbis enter at intervals, say to them, How long are you going to come in by serugin?

The Rabbis did not know what was meant by halugelugoth, til one day they heard the handmaid of the household of Rabbi, on seeing a man peeling portulaks, say to him, How long will you be peeling your portulaks? (halugelugoth).

The Rabbis did not know what was meant by, salseleah (and it shall exalt). One day they heard the handmaid of the house of Rabbi say to a man who was curling his hair, How long will you be mesalsel with your hair?... [Then comes a similar example which does not involve Rabbi Judah’s maidservant.]

The Rabbis did not know what was meant by we-tetethia bematate (of destruction), til one day they heard the handmaid of the household of Rabbi say to her companion, Take the tatitha (broom) and tati (sweep) the house.

To be sure, Ben-Chorin is not alone in making the sort of claim he does: "She used to help the great scholar and his students to interpret difficult biblical passages by Muttering clues to their interpretations as she cleaned the room." Likewise: "In almost one breath this sensible woman once explained the meaning of four separate rabbinical expressions in the presence of the learned. The ingenious, roundabout way in which this was done, and her half playful manner of concealing the act, are matters not without interest."

There are difficulties with these explanations of this passage. First, those who were aided by the maidservant’s Hebrew utterances

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did not include Rabbi Judah himself. Secondly, that these word difficulties all occurred and were solved “in almost one breath” is quite unlikely. What is likely is that several different occasions were involved and that these four at any rate were remembered and (almost) brought together in this one passage—after all, they were also recorded singly elsewhere in the Talmud.107 The Talmud simply records that a group of rabbis who gathered around the household of Rabbi Judah the Prince were inadvertently assisted in understanding some unusual Hebrew words when they overheard the maidservant on different occasions using a form of these words—which concerned household matters that a maidservant would deal with. It is just possible that the maid was circumspectly passing on some of her household Hebrew to perhaps relatively newly arrived rabbis, but there is nothing in the text that positively indicates that this was the case; rather, the contrary is true. If she was “commenting on Bible verses which were difficult to understand,” then neither the rabbis who overheard her utterances nor those who recorded them in the Talmud were aware that she was doing so. Still, it is possible.

This same maidservant also wielded an extraordinary degree of responsibility, as the following story of her banishing a malefactor from the company of the Rabbi’s household indicates:

Then R. Samuel b. Nahmani got up on his feet and said: Why, even a ‘separation’ imposed by one of the domestics in Rabbi’s house was not treated lightly by the Rabbis for three years; how much more so one imposed by our colleague, Rab Judah! ... What was the incident of the domestic in Rabbi’s house? It was one of the maidservants in Rabbi’s house that had noticed a man beating his grown-up son and said, Let that fellow be under a shammetha! because he sinned against the words (of Holy Writ): Put not a stumbling-block before the blind. For it is taught: and not put a stumbling-block before the blind, that text applies to one who beats his grown-up son (and this caused him to rebel).108

Obviously not only rabbis could “exclude” wrongdoers at that time, but obviously, too, the maidservant’s reputation must have carried some weight. It should also be noted that she also knew the rabbinic style of backing things up with a Scripture quotation—she doubtless had heard many such bannings issued over the decades.

The final story about Rabbi Judah’s maidservant reveals again her strength of character in a most dramatic manner.

On the day when Rabbi died the Rabbis decreed a public fast and offered prayers for heavenly mercy. They, furthermore, announced that whoever said that Rabbi was dead would be stabbed with a sword.

Rabbi’s handmaid ascended the roof and prayed: The immortals desire Rabbi (to join them) and the mortals desire Rabbi (to remain with them); may it be the will (of God) that the mortals may overpower the immortals. When, however, she saw how often he resorted to the privy, painfully taking off his tefillin and putting them on again, she prayed: May it be the will (of the Almighty) that the immortals may overpower the mortals. As the Rabbis incessantly continued their prayers for (heavenly) mercy she took up a jar and threw it down from the roof to the ground. (For a moment) they ceased praying and soul of the Rabbi departed to its eternal rest.109

In sum, it is likely that the same maidservant is spoken of in all the passages quoted, although one cannot be absolutely certain since no name is ever given—a fact in itself which reveals a good deal about the inferior status of women, even those of strong character. This maidservant was a strong character who learned at least some Hebrew, could banter with rabbinic students in the “in” language, and at least once wielded effectively the “separation” in the approved manner. Nevertheless, for all of her strength of character, she is not evidence that women studied Torah. In fact she is evidence that they did not, for if such a servant had been male, he would doubtless have eventually been pulled into the ranks of the rabbinic students and then the rabbis, and would not have been nameless, or known simply as a man’s servant.

In a further remark Ben-Chorin writes: “When a pharisee can even issue a warning about a pharisaical woman (Sotah 3, 4), that shows that women had already entered into the theological discussion, if perhaps even only on the periphery.”110 The pertinent reference in the Mishnah is as follows: “A foolish pious man and a cunning wicked man and a sanctimonious woman and the self-inflicted wounds of the Pharisees—these ruin the world.”111 Neither this text itself, however, nor the comment on it in the Babylonian Talmud give any indication of women being involved in theological discussion.112

In the end, of course, Shalom Ben-Chorin also is not attempting to maintain that women studied Torah in ancient rabbinic days. As noted, he remarks: “learned women were the exception.”113 In fact he goes beyond that, saying: “We must envision the religious life of a Jewish woman in this time as extremely introverted.... We have rather indiscriminately chosen several examples here out of a relatively large time span, but this is legitimate, for in this time span, from the time of Christ to the later talmudic period, no real emancipation of the woman took place. Her status within Judaism did not change.”114 It does seem that every time a list of women from ancient rabbinic days purportedly learned in Torah is put forth, they all seem to be chimerical—with the exception of Beruria. One can conclude that in mishnaic and talmudic times women did not study, nor were they taught, Torah.
6. WOMEN DISTRACT FROM TORAH STUDY

A corollary point might well be added here: for the sake of prayer and the study of Torah, men did well to avoid contact with women, including their wives. The second century B. C. E. Testament of Naphthali stated: “There is a season for a man to embrace his wife, and a season to abstain therefrom for his prayer.” The idea is further developed in the Mishnah, where it states: “If a man vowed to have no intercourse with his wife…. Disciples (of the Rabbis) may continue absent for thirty days against the will (of their wives) while they occupy themselves in the study of Torah.” This period is especially noteworthy, for by contrast the Mishnah adds: “laborers-only for-one week.”

The Talmud expands the opposition between women and the study of Torah when it states: “Students may go away to study Torah without the permission (of their wives even for) two or three-years. But it does not stop there, for a number of stories are added which indicate that it was often customary for a man to go off without his wife for twelve years! (This was apparently the usual period of Torah study in the academy.) This is true not only for the later rabbinic times but perhaps even for the first century C. E., for such a story is also told of Rabbi Akiba. If the question is “for how long (may they-disciples-go away) with the permission (of their wives)?” the response is: “For as long as they desire.” In fact, the life of Rabbi Akiba illustrates this dictum well, for after allegedly spending twelve years away from his wife he returned to his home town where he overheard an old man saying to his wife: “How long will you lead the life of a living widowhood?” If he would listen to me,” she replied, “he would spend (in study) another twelve years.” Said (Rabbi Akiba): ‘It is then with her consent that I am acting,’ and he departed again and spent another twelve years at the academy.

However, Louis Finkelstein says: “The time of separation from his wife, which in reality could hardly have exceeded three years, is extended [according to the Talmud] over the full thirteen years…. Incredible as this is, the Babylonian teachers thought it insufficient, and they created a legend, according to which, when Akiba came home at the end of the twelve years, he heard a neighbor…” Nevertheless, even if Finkelstein is accurate, that the rabbis thought expanding Akiba’s three years’ absence from his wife to study Torah to twenty-four years would enhance his reputation, says almost as much about what the rabbis thought about women and their compatibility with the study of Torah as does the actual three-year absence or the perhaps legendary twenty-four year absence.

Finkelstein also commented:

Akiba may thus be regarded as the founder of the peculiar institution of married ‘monasticism’ which, while it never became very popular in Judaism, has exerted an influence throughout the centuries. Many of Akiba’s pupils followed his example, and hardly more than a generation ago there were groups of people in the small Lithuanian communities, called perushim, separatists, who resurrected the ancient custom. [For a record of the institution during the Middle Ages, see Moritz Guedemann, Geschichte des Erziehungsens und der Cultur der abendlaendischen Juden, Amsterdam, 1960, vol. I, pp. 266 ff.-who refers to the thirteenth century “almost monastic foundation. After marriage, they would devote themselves completely to their studies while their wives supported them. Rightly or wrongly, the talmudists believed that as married men, students were less open to temptation than as celibates. ‘He who has bread in his basket,’ they said in a rather coarse metaphor, ‘is safer than he who lacks it.’

Indeed, elsewhere the Talmud teaches it is good to neglect one’s family and let them go hungry so as to devote one’s time to the study of Torah. The haggadic En Jacob even records an instance when a man sold his daughter to gain the means needed to study Torah.

Thus, holding to the observance of the scriptural command for every man to produce progeny, and adhering to the need for men to allay their sexual drive (as exhibited by some rabbis in their refusal to instruct an unmarried young man on the grounds that his entire day was filled with sin, that is, filled with sinful thoughts of sex) it was thought best to remove women from Torah, or at least to subordinate them as much as possible to the study of Torah. The perfect wife and mother was one who lived so as to allow her husband to go away to study without hindrance. One “rabbi,” Ben Azzai, even went so far as not to marry at all; he was, he said, in love with the study of Torah. Though strictly speaking not an ordained rabbi, Ben Azzai was probably the only known ancient “rabbi” not to marry. Concerning the obligation for all Jewish men to marry to produce progeny and Ben Azzai’s delinquency in the matter, the Babylonian Talmud recorded: They said to Ben Azzai: Some preach well and act well, others act well but do not preach well; you, however, preach well but do not act well! Ben Azzai replied: But what shall I do, seeing that my soul is in love with the Torah; the world can be carried on by others."
In the end, it was not the brilliant Torah scholar and ethical thinker Beruria who was held up as the ideal wife, but rather the wife of Rabbi Akiba, who spent perhaps twenty-four years in living widowhood while Akiba studied Torah. 

CHAPTER V

WOMEN IN SOCIETY

1. WOMEN’S EDUCATION

If women did not study Torah, it must also be concluded that they normally received no formal education, since formal study in ancient Judaism was largely limited to the study of Torah. Concerning more ancient times it was said that,

her protected status was based on a religious and moral outlook, sharply contrasting local Canaanite custom, as well as in economic and social interests that predated the Settlement. These generally limited her activity to that of the home and kindred occupations and provided the goals and limitations of her education, contingent upon her father’s position in society. The mother was naturally the girl’s primary teacher and model...the young girl learned the domestic chores and special skills of her mother through observation and imitation in the informal atmosphere of the home.

Raphael Loewe also noted: “Marriage, as far as concerns the women, took place regularly at the age of twelve.... Opportunities for the development of maturity of personality, let alone the acquisition of formal education, were consequently limited.” However, some daughters of upper class families may have learned Greek, “as a social accomplishment.” But even those who had managed to learn something were normally forbidden to teach even children; the reason given by the Talmud was “on account of their (the children’s) fathers—that is, there was a danger of sexual immorality between the woman teacher and the children’s fathers who brought them to school.

2. BEARING WITNESS

Another crucial matter which was somewhat dependent upon the education women had—or did not have—and which was related both to religious and civil life, was that of bearing witness. Basically women were not allowed to bear witness in the Jewish society of the rabbinic period. The ancient Mishnah stated the matter rather clearly: “The law about an oath of testimony applies to men but not to women.” There were a very few specific situations when a woman’s testimony did carry weight; they were always the same circumstances when the testimony of a gentile slave would also be accepted—for example, a woman could remarry on the strength of the testimony of another woman that her husband was indeed dead. There can be no doubt but that women were disqualified from bearing witness, as is borne out by much discussion in the later Talmud, where, among other places, it says: “For that he (a slave) is disqualified from giving evidence can be learnt by means of an a fortiori from the law in the case of woman: for if woman who is eligible to enter (by marriage) into the congregation (of Israel) is yet ineligible to give evidence....” There is still further evidence from the first century C. E. that women were disqualified from bearing witness. Josephus wrote: “The testimony of women is not accepted as valid,” and then added as a reason, “because of the light-headedness and brashness of the female sex.” On the other hand the midrash compilation Jalqut Schimoni says women were disallowed because they were given to lying.

The midrash Pirke REL 14 (7d, 7) lists women’s not being able to bear witness as one of the nine curses visited upon women as a result of the Fall:

To the woman he gave nine curses and death: the burden of the blood of menstruation and the blood of virginity; the burden of pregnancy; the burden of childbirth; the burden of bringing up the children; her head is covered as one in mourning; she pierces her ear like a permanent slave or slave girl who serves her master; she is not to be believed as a witness; and after everything-death.

In the same place there is also an interesting exegesis put forward to explain on the basis of Scripture why women are not allowed to bear witness. It concerns Gen. 18:9-16, where Sara is told by Abraham that she would bear a child in her old age-at which she laughed. The rabbis said: “And then Sara denied it: I did not laugh. It is from this place that it is taught that women are unqualified to

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It is interesting to note that in the middle of the twentieth century Rabbi Raphael Loewe, consciously or unconsciously, opted for Josephus’ reason rather than that in the Jalut Schimoni:

No reflection on their veracity is hereby intended, but merely (to cite an operative phrase) ‘because they have light, i. e., flighty minds.’ (bShab. 33b; bKid. 80b) The solemnity of oathtaking was deemed to be a matter beyond the range of normal female appreciation (Shab. 4, 1; bShab. 30a, Maimonides, Hilkhoth Eduth 9, 1-2; Shulhan Arukh, Hoshen Mishpat 35, 14); and in cases where a woman’s testimony was indispensable for the pursuance of justice, as affecting her personal status, evidence was generally taken from her informally and not in open court. The analogy afforded by certain informalities of procedure introduced into juvenile courts today, out of considerations of child psychology, is of relevance here.  

It is possible that this disability of women was not always so stringent in an earlier, biblical time. At least, so argues one Jewish legal scholar, Boaz Cohen. In speaking of a statement concerning giving testimony from the Mishnah, B. K. 1, 3, he states: “The quaint formulation of this hoary halachah seems to suggest the admission of women as witnesses.... Needless to say that our baraita is merely the reminiscence of an earlier rule that was later abandoned.... According to the prevalent Tannaitic view, women were excluded from testimony.” Cohen also notes that in contrast, in the Hellenistic world “women were accepted as witnesses in Greco-Egyptian Law,” although “in Athenian Law, women were competent witnesses only in cases of homicide.” Whereas the legal position of women in this regard, and others improved with the passage of time from the Greek, to the Hellenis tic, to the Roman worlds, if Cohen is correct it apparently deteriorated in the Jewish world.

3. WOMEN, CHILDREN, AND SLAVES

In the ancient rabbinic writings, the Mishnah, and later the Talmud also, there is an extraordinary linking of women along with slaves and children; they all more or less suffered the same disabilities in these instances; they were all less than full Jewish citizens. The grouping of these three occurs numerous times; the following is a sampling: “Women and slaves and minors are exempt from reciting the Shema and from wearing phylacteries.” “Women, slaves, and minors are exempt from (the law of) the Sukkah.” These first two examples at least apparently relieve women, slaves, and minors of certain burdens—though it is a mixed blessing. The following can hardly make even that claim.

“What is found by a man’s son or daughter that are minors, what is found by his Canaanitish bondman or bondwoman, and what is found by his wife, belong to him.” The following two teachings expand the list of disqualified beyond that of women, slaves and minors; it is an extraordinary grouping: “All are subject to the command to appear (before the Lord) excepting a deaf-mute, an imbecile, a child, one of doubtful sex, one of couple sex, women, slaves that have not been freed, a man that is lame or blind or sick or aged and one that cannot go up (to Jerusalem) on his feet.” “These are they that are ineligible (to bear witness concerning the new moon): a dice-player, a usurer, pigeon-flyers, traffickers in Seventh Year produce, and slaves. This is the general rule: any evidence that a woman is not eligible to bring, these are not eligible to bring.” At least one midrash provides a reason why women, slaves and children are grouped together in exempting them from fulfilling all the Law: they are all subordinate to a master.

In the first five articles of the Mishnah tractate Kiddushin women are grouped together, not with slaves and children, but with slaves, beasts and property. What they all have in common is very revealing in regard to the relative status of women; namely, how each of these “items” is acquired by a man: “The woman is acquired by three means.... She is acquired by money, or document, or by sexual usucaption.” The next “item” again varies in the manner of acquisition: “A Hebrew bondman is acquired by money or by document”; but the parallel is fully restored with the non-Jewish slave: “A Canaanite bondman is acquired by money or by a document or by usucaption.” The next “item” again varies in the manner of acquisition: “A big beast is acquired by the act of delivery and a small animal by lifting up.” But the parallel of three is again restored in regard to the next “item”: “Property that carries security can be acquired by money, or by document, or by usucaption.”

In going from the mishnaic to the talmudic period, the relative position of women among slaves and children slips to last place. Whereas the Mishnah says simply: “Women or slaves or minors may not be included (to make up the number needed) for the Common Grace,” the Talmud commentary on that mishnah carries the matter further in such a way that both an infant and a slave take precedence over women in certain important religious circumstances: “Women, slaves and children are not counted (in the three).” Rabbi Jose said: An infant in the cradle may be counted for zimmun. But we have learnt: women, slaves and children may not be counted? He adopts the view of Rabbi Joshua b. Levi. For Rabbi Joshua b. Levi said: Although it was laid down that an infant in a cradle cannot be counted for zimmun, yet he can be counted to make up ten. Rabbi Joshua b. Levi also said: Nine and a slave
can be counted toward a minyan (and the former perhaps for a zimmun), but a woman may not.\textsuperscript{32}

There can be no doubt that the repeated grouping of women together with slaves and children, and even other types of “inferior” persons and animals and property, reflect very clearly the inferior status of women. As quoted above, C. G. Montifiore notes: “‘Women, children and slaves’: that familiar and frequent collocation means and reveals a great deal. Women were, on the whole, regarded as inferior to men in mind, in function and in status.”\textsuperscript{33}

4. WOMEN APPEARING IN PUBLIC

The degree to which Jewish women appeared in public in the first centuries just before and after the beginning of the Common Era was apparently not only considerably less than is the case today in Israel, but also less than in the then contemporary Hellenistic civilization. Here again, however, we should recall the important differences in the strength of some customs as practiced on the land and in small villages as compared to the towns and cities, as well as the distinction between the upper and lower classes. In the country the women went about more freely than in the towns and cities; they had to draw the water at the well;\textsuperscript{34} they worked in the fields,\textsuperscript{35} albeit never alone;\textsuperscript{36} they sold olives at their doors,\textsuperscript{37} and they were shopkeepers.\textsuperscript{38} At the feast of Succoth there used to be such a tumult and mixing of men and women in the temple court of the women’s quarters that galleries were erected for the women to keep themselves separate.\textsuperscript{39}

In the wealthier families such contacts between men and women were apparently not at all customary.\textsuperscript{40} There is evidence to indicate that both the ideal and, to a large extent, at least in the towns and cities, the reality as well was that unmarried women were very secluded. A telling bit of evidence to this effect was recorded in II Maccabees 1:18-19, where, when Ptolemy IV (217 B.C.E.) was about to desecrate the Holy of Holies by entering it, it was related: “The virgins who had been shut up in their chambers rushed forth with their mothers, and covering their hair with dust and ashes, filled the streets with groanings and lamentations.” A similar event took place several decades later (176 B.C.E.) when Heliodorus, the chancellor of Seleucid IV, attempted to rob the treasury of the Temple: “Unmarried girls who were kept in seclusion ran to the gates or walls of their houses, while others leaned out from the windows; all with outstretched hand made solemn entreaty to Heaven” (II Mac. 3:19-20). Around the same time Ben Sira also gave advice about keeping unmarried daughters out of sight: “Keep a close watch over a headstrong daughter.... Do not let her display her beauty to any man, or gossip in the women’s quarters.”\textsuperscript{41}

Now these are the words that the mother of the seven sons, the righteous woman, spake to her children: ‘I was a pure maiden, and I stayed not from my father’s house, and I kept guard over the rib that was builded into Eve. No seducer of the desert, no deceiver in the field, corrupted me; nor did the false, beguiling Serpent sully the purity of my maidenhood.’\textsuperscript{42}

The picture drawn by Philo in Egypt depicts the physical restriction of Jewish women as even more severe—at least in Egypt at that time: “Their women are kept in seclusion, never even approaching the outer doors, and their maidens are confined to the inner chambers, who for modesty’s sake avoided the sight of men, even of their closest relations.”\textsuperscript{43} In another place Philo confirms this restriction of women as much as possible to the household, with the unmarried limited even further: “The women are best suited to the indoor life which never strays from the house, within which the middle door is taken by the maidens as their boundary, and the outer door by those who have reached full womanhood.”\textsuperscript{44} Women were to stay off the streets, except to go to pray, and they were only to do that when everyone else had gone home: “A woman, then, should not show herself off like a vagrant in the streets before the eyes of other men, except when she has to go to the temple, and even then she should take pains to go, not when the market is full, but when most people have gone home.”\textsuperscript{45}

The evidence given just above from the apocrypha and the pseudepigrapha refers to unmarried women in Palestine, and Philo’s testimony reflects the restrictive customs concerning both married and unmarried women in Jewish Egypt. The following mishnaic and tannaitic evidence indicates that restrictive tendencies concerning married women were also present in Palestine at the beginning of the Common Era.

One mishnah states: “These are they that are put away without their Ketubah: a wife that transgresses the Law of Moses and Jewish custom.... And what (conduct is such that transgresses) Jewish custom? If she goes out with her hair unbound, or spins in the street, or speaks with any man.”\textsuperscript{46} In another discussion of divorce Rabbi Meir is recorded as saying:
As men differ in their treatment of their food, so they differ in their treatment of their wives. Some men, if a fly falls into their cup, will put it aside and not drink it. This corresponds to the way of Papus b. Judah 47 who used, when he went out, to lock his wife indoors. Another man, if a fly falls into his cup, will throw away the fly and then drink the cup. This corresponds to the way of most men who do not mind their wives talking with their brothers and relatives. Another man, again if a fly falls into his soup, will squash it and eat it. This corresponds to the way of a bad man who sees his wife go out with her hair unfastened and spin cloth in the street.... Such a one it is a religious duty to divorce. 48

Hence, in Palestinian Judaism of the 1st century C. E. some men even locked their wives in their houses, but "most men" did not object to their wives talking to their brothers and relatives, although whether within or outside their own households is not stated.

With the passage of time the restrictions on married women leaving their households in Palestinian Judaism became even more severe. In the rather early Genesis Rabbah 49 there is a very clear statement of this development; how much it may also precisely reflect the state of affairs in the first and second centuries is difficult to judge, though it surely fits in naturally with the other earlier evidence of Palestinian restrictiveness and the even more rigid Alexandrian limitations: "The man must master his wife, that she not go out into the market place, for every woman who goes out into the market place will eventually come to grief."

In sum, it is clear that in Palestinian Judaism at the beginning of the Common Era unmarried women were kept indoors; married women were often limited in their appearances in public although apparently many nevertheless did at times leave their households. 50 In view of these restrictions and those within the household and the head and face covering of women, both to be discussed below, it would seem appropriate to speak of a quasi-harem existence in Palestinian Judaism of the 1st century C. E.; 51 in Alexandrian Judaism the harem existence was full-blown.

5. WOMEN’S HEAD AND FACE COVERING

When a Jewish woman did go out in public, she always went out with a head covering which also covered the whole face, 52 leaving one eye free. 54 Going out without a head covering was considered so shameful that it was grounds not only for divorce by the husband, 55 but divorce without the obligation to pay the ketubah: "These are they that are put away without their Ketubah ... if she goes out with her head uncovered." 56 In fact, Rabbi Meir is quoted as saying as that it is a duty for a husband to divorce a woman who goes out without her head covered. 57 On the other hand, if a man uncovered the head of a woman in public he was obliged to pay the large sum of 100 zuz. 58 Apparently, when in their own house or own courtyard some women covered their head only minimally, or not at all. 59 But apparently many women kept their heads covered even when in their own house or courtyard, for during the early rabbinic period (17 B. C. E.) the rabbis have asked the mother of the highpriest Ishaan ben Kimith what she had done to merit so much glory (the source of her glory being that two of her sons had served as highpriest in one day). She answered: "Throughout the days of my life the beams of my house have not seen the plaits of my hair." Such a statement alone would lead to the conclusion that such behavior was unusual, but the rabbis' immediate response confirms the opposite: "They said to her: There were many who did likewise and yet did not succeed." 60 In the still earlier story of Susanna in the Book of Daniel (written after 160 B. C. E.) there is clear evidence that it was customary for women to cover their heads and faces in public. When Susanna was brought to trial by the two lecherous Elders, it was said of her: "Now Susanna was a woman of great beauty and delicate feeling. She was closely veiled, but those scoundrels ordered her to be unveiled so that they might feast their eyes on her beauty." (Dan. 13:31-32). Of course, the passage in Numbers 5:11-31 about the trial of the wife suspected of adultery provides even considerably earlier evidence (at least fifth century B. C. E., if not earlier) that women covered their heads in public and that uncovering them was a great disgrace: "The priest shall bring her forward.... He shall set her before the Lord, uncover her head..." (Num. 5:16-18).

The head and face covering probably consisted of a plaited hair-do combined with two kerchiefs, a forehead band with ribbons hanging down to the chin, and a hairnet with ribbons and bows on it. 61 Just how thoroughly this covering hid the features of the women is documented by many biblical and rabbinic passages 62 including the following rather dramatic one: "Once there was a highpriest to whose lot it fell to administer the water of bitterness (the test for a suspected adulteress of Num. 5:11-31). The woman was brought to him and he uncovered her head and took her hair down. Then he took the vessel to give her to drink; he looked at her and saw that it was his mother." 63 Billerbeck comments on this passage: "Here one can see clearly that the covering and veiling of the woman consisted of her coiffure. As long as her head-dress was in order the priest did not know who was standing before him, for her hair-do covered her face. Only as her head-dress was uncovered by the undoing of her hair-do did he recognize his mother." 64

Jewish women in Palestine before and after the Common Era, and probably also later in Babylonia, then, always appeared in public with their head and face largely covered, and very often even maintained this covering, or at least a somewhat lesser one, within the confines of their own home and courtyard so that even their own relatives might in some cases never see their faces. These customs
6. CONVERSATION WITH WOMEN

Jewish women were not only to be seen as little as possible; they were also to be heard and spoken to as little as possible. A general prohibition against superfluous talk with any women was stated clearly a hundred years before the Common Era, and was repeated, specified, and extended subsequently. The Mishnah recorded that, "Jose b. Johanan (150 B.C. E.) said ... talk not much with womankind." Following tannaotic rabbis developed the text rather dramatically: "This they said of a man's own wife: how much more of his fellow's wife! Hence the Sages have said: He that talks much with womankind brings evil upon himself and neglects the study of the Law and at the last will inherit Gehenna." The opposition between women and the study of Torah existed not only in the sense that women did not study Torah, as discussed above, but also in the sense that women distracted men from the study of Torah.

The prohibition was studied in the 2nd century C.E. as confirmed in Beruria's quoting it to Rabbi Jose the Galilean. It is repeated in the Talmud: "Do not converse much with women, as this will ultimately lead you to unchastity." In another place it is repeated, paralleling the mishnaic statement concerning not speaking with one's own wife, but adding other women relatives as well. Here, too, the prohibition is not against "much talk," but apparently against any speaking with women on the street:

There is an interesting corollary to the restrictions on conversing with women within the household, which, among other things, limited their role as a "serving being," albeit with a somewhat demeaning motivation. First, women did not eat with the men whenever there was a guest. This is made clear in two stories about Rabbi Nahman (third century C.E.), who, when at meal with a guest, asked him to send greetings to his (Nahman's) wife Yaltha. One story is quoted just above; the other is as follows: "Ulla was once at the house of Rabbi Nahman. They had a meal and he said grace, and he handed the cup of benediction to Rabbi Nahman. Rabbi Nahman said to him: Please send the cup of benediction to Yaltha," E. Rabbi Eliezer ben Hyrcanus quoted the story to Rabbi Jose the Galilean. What is significant is the double meaning given to the word "converse" (SPR); here it obviously means both vocal and sexual intercourse: "Imma Shalom ... replied: He (my husband) 'converses' with me neither at the beginning nor at the end of the night, but (only) at midnight; and when he 'converses,' he uncovers a handbreadth and covers a handbreadth, and is as though he were compelled by a demon."

It can be concluded that in ancient Palestinian Judaism men were normally not to speak with women, especially in public (not even one's own wife or relatives, let alone other women); in private, conversation with one's wife or female relatives was to be kept to a minimum concerning necessary items, although to "procure the wife's (sexual) favor" this prohibition was relaxed. In this regard women seem to have been seen solely as serving and sexual beings.

7. WOMEN'S ABSENCE FROM MEALS

There is an interesting corollary to the restrictions on conversing with women within the household, which, among other things, limited their role as a "serving being," albeit with a somewhat demeaning motivation. First, women did not eat with the men whenever there was a guest. This is made clear in two stories about Rabbi Nahman (third century C.E.), who, when at meal with a guest, asked him to send greetings to his (Nahman's) wife Yaltha. One story is quoted just above; the other is as follows: "Ulla was once at the house of Rabbi Nahman. They had a meal and he said grace, and he handed the cup of benediction to Rabbi Nahman. Rabbi Nahman said to him: Please send the cup of benediction to Yaltha," but Ulla refused to do so. At this point Billerbeck comments: "women normally did not partake at a meal for guests; in order to honor them, the cup of benediction with some left over wine was sent to them." The same custom persists in the villages of Palestine today. While in Israel in 1972 1 was in a number of houses of Arabs, Christian, Druze and Muslim, for meals, and never met the wives, or any other women; my friends had many similar experiences.

[8/8/2012]

http://www.spl.org/sites/default/files/doc/2012.03.01_Women_in_Judaism.pdf
The separation of women, or rather, females, from the meals of the men was carried even further; the men were not even to be served by women. When the same Rabbi Nahman wanted to have his daughter, who was only a child, serve him and his guest a drink, he was rebuked with the clear quotation of the earlier Rabbi Samuel: “One must not be served by a woman.” When Nahman argued that she was only a child, he was told: “Samuel said distinctly, that one must not be served by a woman at all, whether adult or child.”

Again, a similar custom persists among contemporary Palestinians; at all the meals I was at, we were never served by girls or women. The women did all the work of preparing the food and usually brought it as far as the door of the dining area, whether it was a room or house roof or whatever, and there it was taken by the youngest males and brought to the guests.

CHAPTER VI

WOMEN AND SEX

1. WOMAN AS SEX OBJECT

Although much of the evidence already discussed indicates that the early rabbis often thought of women as mainly sexual creatures, there is still further rabbinical documentation which projects an image of women as almost totally sex objects. To begin, on the negative side (that is, a woman who was not sexually, physically, attractive was judged negatively), in a discussion in the Mishnah about the kinds of women who are to be divorced without their kethubah, it was stated that all defects which disqualify priests also disqualify women (and hence they are to be divorced). At this point Blackman in his translation notes: “To these are added, in the case of women, unpleasant perspiration, obnoxious breath, unbearable odor, ugly unusual hair, horrid voice, unsightly scar, ungainly breasts.”

But the rabbis’ remarks about women as sex objects were usually on the “positive” side, i.e., as stimulating sexual desire in the male. The concern for avoiding this latter was the cause of some unusual prohibitions: “A man should not walk behind a woman on the road.” The editor of the English Soncino edition here notes: “To avoid unchaste thoughts.” The prohibition was strengthened: “Rabbi Johanan said: Better go behind a lion than behind a woman. And specified: ‘Even if his wife happens to be in front of him on a bridge he should let her pass on one side.’ And strengthened still further: ‘whoever crosses a river behind a woman will have no portion in the future world.’” The English Soncino edition notes: “Because the woman in crossing will naturally lift up her dress.”

Several biblical women were remembered by the rabbis in particularly sexual terms:

Our Rabbis taught: Rahab inspired lust by her name; Jael by her voice; Abigail by her memory; Mical daughter of Saul by her appearance. Rabbi Isaac said: Whoever says, ‘Rahab, Rahab,’ at once has an issue. Said Rabbi Nahman to him: I say Rahab, Rahab, and nothing happens to me! He replied: I was speaking of one who knows her and is intimate with her.

However, it was not just these women who were thought by the rabbis to stimulate lust, for after admonishing men not to “converse much with women, as this will ultimately lead you to unchastity,” they added: “Rabbi Aha of the school of Rabbi Josiah said: He who gazes at a woman eventually comes to sin.” And further: “One should not look intently at a beautiful woman, even if she be unmarried, or at a married woman even if she be ugly, nor at a woman’s gaudy garments . . . even when these are spread on a wall.” It would seem that every part of a woman’s body was an incitement to lust: “Rabbi Isaac said: A handbreadth (exposed) in a (married) woman constitutes sexual incitement.” This general statement was then specified: “Rabbi Hisda said: A woman’s leg is a sexual incitement.” And yet further: “A woman’s voice is a sexual incitement.” But perhaps the crowning sexualizing statement about the body of a woman is the following: “If one gazes at the little finger of a woman, it is as if he gazed at her secret place!”

Such looking was thought to have an effect on the offspring when sexual intercourse did actually take place afterwards: “Rabbi Josiah said . . . he who looks even at a woman’s heel will beget degenerate children. Rabbi Joseph said: This applies even to one’s own wife when she is a niddah.” Rabbi Simeon ben Lakish said: ‘Heel’ that is stated means the unclean part, which is directly opposite the heel. A little later in the same passage a number of specific birth defects were explained in terms of “deviations” in sexual practice. Save for the one about conversation, they all seem to focus on the woman: “Rabbi Johanan ben Dhabbai said: The Ministering Angels told me four things: People are born lame because they (their parents) overturned their table.” The English Soncino edition comments here: “i.e., practiced unnatural cohabitation.” What is obviously meant here is that during sexual intercourse the woman rather than the man took the superior position, which is what the editor of the German edition says. The sperm had to be deposited in the vagina.
since conception took place. It is interesting to note, however, that the English editor apparently still thinks that the woman's having the superior position is "unnatural."

It is perhaps of sufficient interest to note here parenthetically that the mythical Lilith of early medieval midrash (the Alphabet of Ben Sira), Adam's first mate, was, like him, made from the dust of the earth, wanted equality with him and also wished at times to have the superior position in sexual intercourse; things did not work out and so the more docile Eve was made from Adam's rib. To the medieval author, the things Lilith wanted were clearly "unnatural." The pertinent portion of the story is as follows: "Adam and Lilith never found peace together; for when he wished to lie with her, she took offense at the recumbent posture he demanded. 'Why must I lie beneath you?' she asked. 'I also was made from dust, and am therefore your equal.' Because Adam tried to compel her obedience by force, Lilith, in a rage, uttered the magic name of God, rose into the air and left him." The editors commented:

It is characteristic of civilizations where women are treated as chattels that they must adopt the recumbent posture during intercourse, which Lilith refused. That Greek witches who worshiped Hecate favoured the superior posture, we know from Apuleius; and it occurs in early Sumerian representations of the sexual act, though not in the Hittite. Malinowski writes that Melanesian girls ridicule what they call 'the missionary position,' which demands that they should lie passive and recumbent.

Rabbi Johanan ben Dahabai, in the passage quoted above, went on to say that children are born 'dumb, because they kiss 'that place'; deaf, because they converse during cohabitation; blind, because they look at 'that place';' Such prudishness did not go undisputed. In fact, the resultant decision firmly reestablished the more primitive condition whereby the woman was totally at the disposal of the man:

Rabbi Johanan said: The above is the view of Rabbi Johanan ben Dahabai; but our Sages said: The halachah is not as Rabbi Johanan ben Dahabai, but a man may do whatever he pleases with his wife (at intercourse). A woman once came before Rabbi and said, 'Rabbis! I set a table before my husband, but he overturned it.' Rabbi replied: 'My daughter! the Torah hath permitted thee to him; what then can I do for thee?' A woman once came before Rab and complained, 'Rabbis! I set a table before my husband, but he overturned it."

The answer was the same: the woman belonged to the man and he could do with her what he would.

Thus, the tradition of woman as a sex object, already firmly founded in the Wisdom literature and the pseudepigraphal writings, was vigorously continued in the rabbinic literature. C. G. Montefiore noted that social intercourse with women was usually taboo. They were the source of moral danger. They were the incitement to depravity and lust. The evil impulse the Yetzer ha-Ra is especially and mainly the impulse which leads to sexual impurity. "The result was not entirely healthy.... The lack of healthy, simple companionship and friendship caused a constant dwelling upon sexual relations and details. " For example, concerning levirite marriage the following discussion was held:

But when he slept? Surely Rab Judah ruled that one in sleep cannot acquire his sister-in-law! But when accidental insertion occurred? [The English Soncino edition comments at this point: "When in a state of erection the levirite fell from a raised bench upon his sister-in-law who happened to be below" (v. Rashi)] Surely Rabbah stated: One who fell from a roof and his fall resulted in accidental insertion, is liable to pay an indemnity for four things, and if the woman was his sister-in-law no kinyan ['acquisition'] is thereby constituted! It is when, for instance, his intention was intercourse with his wife and he seized her and he cohabited with her.... Raba said: If a levir's intention was to shoot against a wall and he accidentally shot at his sister-in-law, no kinyan is thereby constituted; if he intended, however, to shoot at a beast and he accidentally shot at his sister-in-law, kinyan is thereby constituted, since some sort of intercourse had been intended.

As Montefiore stated, "in the Rabbinic literature sexual allusions are very frequent. Immense are the Halachic discussions about the details of sex life, and sexual phenomena." There are six tractates in the Mishnah devoted specifically to women: Yabamoth (Sister-in-law), Ketuboth (Marriage Deeds), Sotah (The Suspected Adulteress), Gittin (Bills of Divorce), Kiddushin (Betrothals), and Niddah (The Menstruant). (In the Herbert Danby translation of the Mishnah into English this amounts to about one hundred pages.) The corresponding tractates in the Babylonian Talmud in the English Soncino edition run to eight volumes.

'Repel nature, and it recurs.' Repress it, and it grows up again, and not always in a healthy form. Where we should not dream of thinking that any sexual desire could be evoked, the Rabbis were always on the watch for it, dwelling on it, suggesting it. Though they were almost invariably married men, they yet seem to have often been oddly tormented by sexual desires; perhaps, too, the very absence of natural and healthy social intercourse between men and women drove them to dwell theoretically with double frequency.
upon every sort of sexual details and minutiae.\textsuperscript{15}

2.

**IMPURE MENSTRUOUS WOMEN**

As the *Encyclopaedia Judaica* points out, the state of ritual impurity “is considered hateful to God, and man is to take care in order not to find himself thus excluded from his divine presence.”\textsuperscript{16} The same author also notes that it is certain that the rabbis did not regard impurities as infectious diseases or the laws of purification as quasi-hygienic principles; rather, they saw ritual purity as a religious ideal. It was one of the steps on the way to the spirit of holiness.\textsuperscript{17} Thus, though at times the incurring of uncleanness is involuntary, one of the main results is to somehow separate oneself from God, to be displeasing to God. The consequences of ritual impurity can be dire in the extreme. “A polluted person is always in the wrong. He has developed some wrong condition or simply crossed some line which should not have been crossed and this displacement unleashes danger for someone.”\textsuperscript{18}

While the temple in Jerusalem yet existed, the concern of the priestly class about ritual purity became so overriding that it was said of them, “to render a knife impure was more serious to them than bloodshed.”\textsuperscript{19} In fact, the Mishnah notes that “if a priest served (at the Altar) in a state of uncleanness his brethren priests did not bring him to the court, but the young men among the priests took him outside the Temple Court and split open his brain with clubs.”\textsuperscript{20} At the same time it must be remembered that by the beginning of the Common Era, “the prohibition against contracting impurity and the obligation of purity extend also to all Jews and to all localities.”\textsuperscript{21}

There were three main causes of impurity: leprosy, dead bodies of certain animals, and particularly human corpses, and issue from sexual organs (these laws were based mainly on Leviticus 11-17, composed by priestly writers in the fifth century B. C. E.). Of the three, the last is the most important and frequent, and clearly it is the woman that is mostly involved. If a man has an emission of semen outside of intercourse he is unclean; but if a man has intercourse with a woman, both are unclean-in both instances, however, only until the evening of the day of the emission.

The Levitical laws concerning the impurity of women are much more restrictive. When a woman has a menstrual discharge of blood, she is unclean for seven days, or as long as it lasts, whichever is longer. In addition, whoever she touches becomes unclean for a day, as does any thing she touches. Further, whoever touches anything on which she sits shall wash his clothes, bathe in water and remain unclean till evening. If he is on the bed or seat where she is sitting, by touching it he shall become unclean till evening. If a man goes so far as to have intercourse with her and any of her discharge gets on to him, then he shall be unclean for seven days, and every bed on which he lies down shall be unclean (Lev. 15:23-34).

In the latter case a further, more severe punishment is specified: “If a man lies with a woman during her monthly period and brings shame upon her, he has exposed her discharge and she has uncovered the source of her discharge; they shall both be cut off from their people” (Lev. 20:18). In the end, the biblical threat against disregarding these laws concerning ritual purity was dire: “In this way you shall warn the Israelites against uncleanness, in order that they may not bring uncleanness upon the Tabernacle where I dwell among them, and so die” (Lev. 15:31). The young priests referred to above apparently took it upon themselves to be God’s executioners.

After giving birth a woman was also considered unclean for a period of time and in need of still further “purification” for an even longer period. What is especially interesting is that both periods of “impurity” were twice as long if a girl was born than if a boy was—which would seem to indicate that a girl was considered twice as defiling as a boy:

When a woman conceives and bears a male child, she shall be unclean for seven days, as in the period of her impurity through menstruation... The woman shall wait for thirty-three days because her blood requires purification; she shall touch nothing that is holy, and shall not enter the sanctuary till her days of purification are completed. If she bears a female child, she shall be unclean for fourteen days as for her menstruation and shall wait for sixty-six days... (Lev. 12:2-5).

Originally, in biblical times, intercourse was forbidden only during the seven- or fourteen-day period, but by rabbinic times there were many attempts to expand that restriction to the entire forty- and eighty-day periods with substantial success.\textsuperscript{22}

In the rabbinic period, which began, of course, already in the late Second Temple period, i. e., first and second centuries B. C. E.,
The laws relating to the menstruous woman comprise some of the most fundamental principles of the halachic system, while a scrupulous observance of their minutiae has been one of the distinguishing signs of an exemplary traditional Jewish family life. Already in the early part of the second century C. E. the rules concerning menstruation were said to be "essential laws" (gufei Torah). Judging from the quantity of writing produced, the ancient rabbis obviously thought the regulation of the niddah, the menstruant, to be of extreme importance. The Mishnah devoted ten chapters to the tractate Niddah, while the contemporary Tossefta had another nine chapters; at least four chapters of additional commentary are still extant in the Palestinian Talmud, while the full text of ten chapters of commentary by the Babylonian Talmud is extant. It is interesting to note that Niddah is the only tractate out of the twelve in the more generic "order" of Tohoroth (concerning cleanliness and uncleanness) that has a gemara (that is, has a commentary on the Mishnah teachings) in the Babylonian Talmud. The English Soncino edition of Niddah is over 500 pages long.

In connection with a similar point a Jewish woman editor wrote:

The laws of niddah raise several issues of concern to women.... Perhaps the most vexing is: Why were the restrictions imposed upon the menstruating woman retained after the destruction of the Temple, while all other forms of tum'ah were allowed to lapse? Women of childbearing age are thus the only Jews regularly tamar 50% of the time. It is difficult to avoid the implication that we are dealing here with the potent residue of an ancient taboo based on a mixture of male fear, awe, and repugnance toward woman's creative biological cycle. Furthermore, is there really no stigma attached to the concept of tumah, especially as practiced in the isolation of the niddah? She is treated, after all, as though bearing a rather unpleasant contagious disease. The prolongation of her period of tumah for seven days after the cessation of her menstrual flow reinforces the impression that the menstrual blood itself has powerful contaminating properties which must be guarded against.

The rabbis fixed the menstrual cycle at 18 days; during the first seven after blood first appeared the woman was unclean; for the next eleven she was clean, unless blood appeared. The restriction was greatly expanded, however, as early as the end of the tannaic period when Jewish women were accustomed to observe seven "clean" days; "if even a spot of blood as large as a mustard seed appeared, they would be considered unclean for the next seven days. This practice, of course, could make many women unclean a majority of the time.

One of the comments of the English Soncino edition editor, Isidore Epstein, is of special interest:

Graver in its consequences and in full force to the present day [1948] is the law of Niddah. The reasons for the Niddah ordinances are many and varied. They promote sexual hygiene, physical health, marital continence, respect for womanhood, consecration of married life, and family happiness. But over and above these weighty reasons, they concern the very being of the soul of the Jew. They safeguard the purity of the Jewish soul, without which no true religious, moral and spiritual life-individual or corporate-as Judaism conceives it, is attainable.

That the niddah regulations would promote marital continence is apparent; that they necessarily would foster consecration of the married life and family happiness, or, indeed, sexual hygiene and physical health, is not. But to claim that they promote respect for womanhood is puzzling. It is difficult to see how declaring a person unclean and contaminating of everyone and everything within touch would encourage self-respect or respect from others. To go beyond this and say that the essence of the Jewish soul and the developing of a true religious, moral and spiritual Jewish life is absolutely dependent upon the "banishment" (as the word niddah means in its root) of all women for forty per cent of every year during thirty years or more of their adult lives is even more confounding; it would seem to project misogyny into "the very being of the soul of the Jew."

Perhaps the question of uncleanness resulting from a discharge from the female sexual organs was fairly straight forward in biblical times, but by the rabbinic period the deciding of such questions had become extremely complex and often of great moment. Only a rabbi, who of course was always a male, could make the decisions. Page after page of the talmudic tractate Niddah is devoted to stories of how cloths with blood stains would be brought or sent by women to the rabbis to judge their "purity," normally by color and smell. To decide a law relating to a menstruous woman demands, besides a profound knowledge of the halakhah, experience in various medical matters, and at times also the ability to assume the grave responsibility of disqualifying a woman from pursuing a normal married life and of-at times--separating her forever from her husband.

Whereas nowadays whether the discharge was "unclean" menstrual blood or not can be easily resolved, previously this problem was often one of paramount human significance and an obstacle to married life for many women. Consequently, the works of the codifiers in all periods contain hundreds of responsa dealing with the subject out of a manifest desire to alleviate this hardship, "though with a very scant possibility of doing so."

It cannot be said that persons or things connected with menstruation were considered indifferently in ancient Palestinian Judaism. According to the Mishnah, "heedlessness of the laws of the menstruant" was one of the three transgressions for which women died in
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century, C. E., a student of Rabbi Meir] said: Come and see how far purity has spread in Israel! For we did not learn, a clean man really was "banished," at least already in mishnaic times. No food was to be eaten with her: "Rabbi Simeon ben Eleazar [second

Since a menstruous woman was unclean and contaminated everything and everybody she came into contact with, even indirectly, she resembled blood would appear on it; she polluted the air around her and was regarded as sick and even as afflicted with the plague.

It was believed that her breath caused harm, that her glance was "disreputable and created a bad impression," and that menstruous blood was deadly if drunk. If a menstruous woman looked for a long time at a mirror it was thought that red drops of menstruation would appear on it.

One woman Jewish scholar wrote the following about the relationship between tum'ah (impurity) in general and niddah impurity:

The point at which tum'at niddah was isolated from the general category of tum'ah and made a special case was the point at which pathology entered halacha. At that point, tum'at niddah became divorced from the symbolism of death and resurrection and acquired a new significance related to its accompanying sexual prohibitions. Whereas tum'at niddah had been a way for women to experience death and rebirth through the cycle of their own bodies, it became distorted into a method of controlling the fearsome power of sexual desire, of disciplining a mistrusted physical drive.

One time she encountered Elijah, of blessed memory. My child, he asked her, why art thou weeping and crying? Master, she replied, I ate with him and drank with him and in my clothes slept with him in bed, his flesh touched mine but he had no thought of anything. On the contrary, this is how he spoke to me: Touch nothing lest it become of doubtful purity. During the last days of thine impurity, how did he conduct himself in thy company? Master, she replied, I ate with him and drank with him and in my clothes slept with him in bed, his flesh touched mine but he had no thought of anything. Blessed be God who killed him, Elijah exclaimed, for thus it is written in the Torah, Also thou shalt not approach unto a woman as long as she is impure by her uncleanness.

There was once a certain man who had studied much Scripture and had studied much Mishnah and attended upon many scholars, who died in middle age. His wife kept asking the rabbis, why did he die in middle age? There was not a person who could answer her. One time she encountered Elijah, of blessed memory. My child, he asked her, why art thou weeping and crying? Master, she answered him, my husband studied much Scripture and attended upon many scholars, yet he died in middle age. Said Elijah to her, During the first three days of thine impurity, how did he conduct himself in thy company? Master, she replied, he did not touch me, God forbid! even with his little finger. On the contrary, this is how he spoke to me: Touch nothing lest it become of doubtful purity. During the last days of thine impurity, how did he conduct himself in thy company? Master, she replied, I ate with him and drank with him and in my clothes slept with him in bed, his flesh touched mine but he had no thought of anything. Blessed be God who killed him, Elijah exclaimed, for thus it is written in the Torah, Also thou shalt not approach unto a woman as long as she is impure by her uncleanness.

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According to the Talmud a menstruous woman did not even have to come into contact with a man to have a fatal, physical or spiritual, effect on him: "Our Rabbis taught: ... if a menstruant woman passes between two (men), if it is at the beginning of her menses she will slay one of them, and if it is at the end of her menses she will cause strife between them.... When one meets a woman coming up from childbirth, she is the first to have intercourse, a spirit of immorality will infect him; while if she is the first to have intercourse, a spirit of immorality will infect her." All this must be understood against the background of various superstitions then current among the Jews concerning menstruating women (similar beliefs, of course, were present elsewhere in the ancient world). It was believed that her breath caused harm, that her glance was "disreputable and created a bad impression," and that menstrual blood was deadly if drunk. If a menstruous woman looked for a long time at a mirror it was thought that red drops resembling blood would appear on it; she polluted the air around her and was regarded as sick and even as afflicted with the plague.

Since a menstruous woman was unclean and contaminated everything and everybody she came into contact with, even indirectly, she really was "banished," at least already in mishnics times. No food was to be eaten with her: "Rabbi Simeon ben Eleazar [second

Israel M. Ta-Shma notes that "this idea was prevalent already in the Bible, where the uncleanness of the menstruous woman occurs as a noun and as a metaphor for the height of defilement (Ezek. 2:19-20; Ezra 9:11; Lam. 1:17; II Chron. 29:5). In each of these citations the noun niddah occurs and is usually translated as "impurity" or a synonym of it. It is clear from the Mishnah text Sha b. 9, 1, quoted above, and others that the early rabbis understood the word niddah to refer primarily to the uncleanness of a menstruous woman, and in a transferred sense to impure things more generally. It is not apparent that in the earlier biblical texts the primary meaning was not basically that which was banished or impure generally; it was also applied in some instances to menstruous women, so that by rabbinic times there occurred a narrowing of the meaning of the word niddah to the uncleanness of a menstruous woman. Whenever the rabbis saw a form of the word niddah in the Bible, they apparently understood it to mean not simply impure, but impure as a menstruous woman is impure. If this analysis bears up under further careful investigation, it would provide an additional bit of evidence that the status of women, at least in some ways, worsened in Judaism from the earlier biblical period to the rabbinic period.

The evil of having intercourse with, or even simply touching, an unclean, menstrual, woman was apparently thought so great that this effect could be fatal for the man as well. The following story makes that clear and also give a picture of how "segregated" the Niddah, the menstruating wife, was:

Since a menstruous woman was unclean and contaminated everything and everybody she came into contact with, even indirectly, she really was "banished," at least already in mishnics times. No food was to be eaten with her: "Rabbi Simeon ben Eleazar [second century, C. E., a student of Rabbi Meir] said: Come and see how far purity has spread in Israel! For we did not learn, a clean man
must not eat with an unclean woman." At this point the English Soncino edition notes: "But there was no need to interdict the first [eating with an unclean woman], because even Israelites ... would not dine together with an unclean woman." In fact she was excluded from her home and stayed in a special house, known as "a house of uncleanness," and remained there "all the days of her impurity." The tannaitic text of The Fathers According to Rabbi Nathan again makes this, and other restrictions, quite clear:

What is the hedge which the Torah made about its words? Lo, it says, Also thou shalt not approach unto a woman ... as long as she is impure by her uncleanness (Lev. 18:19). May her husband perhaps embrace her or kiss her or engage her in idle chatter? The verse says, thou shalt not approach. May she perhaps sleep with him in her clothes on the couch? The verse says, thou shalt not approach. May she wash her face perhaps and paint her eyes? The verse says, And of her that is sick with her impurity (Lev. 15:33): all the days of her impurity let her be in isolation. Hence it was said: She that neglects herself in the days of her impurity, with her the Sages are pleased; but she that adorns herself in the days of her impurity, with her the Sages are displeased.

Also Rabbi Akiba in the first century noted that, "when I went to Galila, they used to call a niddah 'galmudah. How galmudah? (As much as to say), gemaulah da (this one from her husband." is isolated)

The restrictions on menstrual women continued to expand even after the early rabbinic, tannaitic, period, particularly in the religious sphere. These increasing limitations were brought together in a small work entitled, Baraita de-Niddah, which was probably composed during the latter part of the geonic period, i.e., circa tenth century C. E. The menstrual woman was forbidden to enter a synagogue, as was her husband also if he had been made unclean by her in any way, i.e., by her spittle, the dust under her feet, etc. She was also forbidden to enkindle the Sabbath lights, and no one could inquire after her welfare or recite a benediction in her presence. A priest whose wife, mother or daughter was menstruating was not allowed to recite the priestly benediction in the synagogue, nor could any benefit at all be derived from the work of a menstruating woman, whose very utterances defiled people. The appearance of the Baraita de-Niddah tended to strengthen greatly the application of its more stringent measures; this was especially true with regard to the prohibition against a menstruating woman entering synagogue.

The laws of niddah, which were written first by the (male) priestly writers of Leviticus and continually expanded by the (male) rabbis, must have contributed in the extreme to a sense of female inferiority and male superiority, at least on the unconscious level but probably most often on the conscious level. Rachel Adler makes the point clearly:

The state of niddah became a monthly exile from the human race, a punitive shunning of the menstruant. Women were taught disgust and shame for their bodies and for the fluid which came out of them, that good, rich, red stuff which nourished ungrateful men through nine fetal months. The mikveh, instead of being the primal sea in which all were made new, became the pool at which women were cleansed of their filth and thus became acceptable sexual partners once more. Nor did it help when rabbis informed offended women that their filth was spiritual rather than physical.

3. MARRIED WOMEN

The ancient rabbis urged in the strongest terms that everyone, men and women, marry. Those men who did not marry spent all their time "in sinful thoughts" as soon as a man takes a wife his sins are stopped up, in fact, "any man who has no wife is no proper man." A girl who was not married when she reached puberty ran the serious risk that she would "become a whore." Indeed, it is said that a woman will endure a bad marriage rather than be unmarried, but this was not meant only, perhaps not even mainly, because of women's strong sexual drive, but rather because they might well then be without a means of support.

Of course, from the point of view of the race the basic purpose of sex is the propagation of the race. This is reflected in Judaism all the way back to the beginning of the book of Genesis: "Male and female he created them. God blessed them and said to them, 'Be fruitful and increase'" (Gen. 1:28). However, from around the last two hundred years before the beginning of the Common Era onward there developed a tradition within Judaism of viewing the proper purpose of sex to be not only exclusively restricted to within marriage, but even there to be restricted to the procreation of children. In this tradition the exercising of sex for the sake of pleasure, to say nothing of expressing affection, etc., was improper, indeed, sinful. In the book of Tobit (ca. 200 B.C. E.) we read: "I take not this my sister for lust, but in truth." This line was continued in the Testaments of the Twelve Patriarchs. For he knew that for the sake of children she wished to company with Jacob, and not for lust of pleasure. The married Essenes maintained the same idea: They have no intercourse with them [their wives] during pregnancy, thus showing that their motive in marrying is not self-indulgence but the procreation of children. In the same era we find Philo continuing the tradition: in condemning infanticide he stated that those who commit it are "pleasure-lovers when they mate with their wives, not to procreate children and perpetuate the race, but like pigs and..."
goats in quest of the enjoyment which such intercourse gives."66 The first century Palestinian Jew, Josephus, also insisted that the restriction of sexual intercourse was part of the Torah: "The Law (nomos) recognizes no sexual connections, except the natural union of man and wife, and that only for the procreation of children."66

A similar idea seems imbedded in the statement of the Mishnah forbidding a priest to marry a sterile woman: "Rabbi Judah says: Although he already had a wife or children he may not marry a sterile woman, for such is the harlot spoken of in the Law."67 It cannot be simply that the priest had to fulfill the law about producing children that he is forbidden to marry the sterile woman, for the negative applies even if he has produced children; rather, sex for the sake of pleasure was seen here as harlotry. The talmudic commentary made this understanding emphatically clear when it traced back a chain of approving rabbinic judgments which were "also of the same opinion as Rabbi Judah," who holds that a woman incapable of procreation is regarded as a harlot," and added: "Said Rabbi Huna ... any cohabitation which results in no increase is nothing but meretricious intercourse."68

The tradition among the rabbis of the obligation to produce offspring (which was strictly binding only on men)69 was so strong that it was said: "A man shall not abstain from the performance of the duty of the propagation of the race;"70 and "Rabbi Eliezer stated, He who does not engage in propagation of the race is as though he sheds blood."71 Indeed, if a man did not have any children by his wife within ten years, he was obliged to divorce her: "Our Rabbis taught: If a man took a wife and lived with her for ten years and she bore no child, he shall divorce her."72 At the same time there was a clear preference for male children over female children: "It is well for those whose children are male, but ill for those who are female."73 At the birth of a boy all are joyful . . . at the birth of a girl all are sorrowful."74 When a boy comes into the world, peace comes into the world.... When a girl comes, nothing comes."75

It was noted above that according to the Mishnah, women were "acquired" in three ways, "by money, document, or sexual intercourse.76 As Raphael Loewe points out, "It would be surprising if wives thought of themselves as the 'equals' of their husbands ... the nature of the relationship of rabbinic spouses is fairly well illustrated by the circumstance that whereas the talmudic Aramaic corresponding to 'Mrs.' means literally (she) of the house of; in recorded or contrived conversations the wife addresses her husband as 'rabbi'-a form used by slaves, but also by disciples, meaning 'my master'-whereas the husband addresses his wife as 'my daughter.'77 When it is recalled that in Hellenistic Greek and the Latin of first century Rome women were addressed as "Lady," or "mistress" (kyria, domina), the Judaic appellation appears even more reflective of male superiority.78

Betrothals and marriages were normally arranged by the parents, the girl having no voice in the matter unless she had reached the age of 12 ½, but it was customary to betroth a daughter between the ages of 12 and 12 ½ (the girl is a minor to age 12 years and 1 day, a maiden from 12 to 12 ½, and a woman from 12 ½ on). As a maiden she could express the wish to remain in the parental home until she became a "woman," and from then on she had the right to refuse a proposed husband, though from a psychological point of view this could not have been very frequent. It apparently even happened in mishnaic times that a man came to the rabbis and said: "I gave my daughter in betrothal but I do not know to whom I gave her."79 Agrippa I (first century C. E.) betrothed his two daughters at ages six and ten.80 It is even stated that "A girl aged three years and a day may be acquired in marriage by coition, and if her deceased husband’s brother cohabited with her, she becomes his."81 "The husband (if it were his first marriage) would generally be in his late teens or early twenties,82 though some would suggest that for economic reasons the lower class man was often in his thirties when he first married.

Before marriage a daughter was pretty totally under the control of her father, as is indicated by the following mishnah: "The man may sell his daughter, but the woman may not sell her daughter; the man may betroth his daughter, but the woman may not betroth her daughter.83 There are many statements throughout the control of her husband, or, as Blackman put it: "betrothal, making a woman the sacrosanct possession-the inviolable property-of the daughter."84 The following are examples of such statements taken only from writings from mishnaic times. "The husband can not annul (vows made by his wife) until she passes under his control (at marriage).85 "Since he has acquired the woman (by marriage) should he not acquire also her property?86 Since one has come into the possession of the woman does it not follow that he should come into the possession of her property too?"87 "If she has already entered into the control of the husband. . . .88 She is under the control of her husband. She is under the control of another (primarily her husband).89 She continues within the control of the father until she enters into the control of the husband at marriage.90 Indeed, as already indicated, the father, and then the husband, can annul any vow the daughter or wife may have taken without the approval of the father or husband respectively.91 As noted above, Josephus wrote: "The woman, says the Law, is in all things inferior to the man. Let her accordingly be submissive, not for her humiliation, but that she may be directed; for the authority has been given by God to the man."92 The portion of the Torah referred to here of course is Gen. 3:16: "To the woman he said ... You shall be eager for your husband, and he shall be your master."

Both the unmarried and the married woman were expected to work, but if any profit resulted from her work it went not to her but to her father or husband, in return for her maintenance (an economic situation not unlike that of a slave, and one that almost all women in Western civilization suffered until very recently). The Mishnah was very clear; a woman passed legally from one economic bondage to
A father has authority over his daughter in respect of her betrothal (whether it was effected) by money, deed or intercourse; he is entitled to anything she finds and to her handiwork; (he has the right) of annulling her vows and he receives her bill of divorce; but he has no usufruct during her lifetime. When she marries, the husband surpasses him (in his rights) in that he has usufruct during her lifetime, but he is also under the obligation of maintaining and ransoming her and to provide for her burial. Rabbi Judah ruled: even the poorest man in Israel must provide no less than two flutes and one lamenting woman.

In one way, however, a woman's economic position legally improved when she married, for "the father is not liable for his daughter's maintenance," whereas the husband is "under the obligation of maintaining and ransoming her."

In another regard a woman's legal economic lot declined when she married, that is, in connection with things she found. The Mishnah stated: "What is found by a man's son or daughter that are minors, what is found by his Canaanitish bondman or bondwoman, and what is found by his wife, belong to him; but what is found by his son or daughter that are of age, what is found by his Hebrew bondman or bondwoman, and what is found by his wife whom he has divorced ... belong to them." The minor daughter need only wait until she becomes 13, the Hebrew bondwoman need not wait at all, the Gentile bondwoman need wait until she was freed (which happened in a variety of ways), whereas the married woman could only await the death of her husband or a divorce by him before this restriction was lifted from her. A somewhat unessential matter is involved here, but it is perhaps indicative of the relative status of the married woman.

The husband was obliged by the Mishnah to provide his wife with food, shelter, clothing, ransom if necessary, medical care, and burial; he also had to provide a "kethubah," a sort of insurance policy against death and divorce in return, "These are works which the wife must perform for her husband: grinding flour and baking bread and washing clothes and cooking food and giving suck to her child and making his bed and working in wool." In commenting on this mishnah, the Talmud added: "fill his cup for him ... wash his face, hands and feet."

One must also recall the sayings from Proverbs on through the rabbinic quotations in praise of the good wife as the husband's crown, joy, etc., and the many stories from the beginning of the Bible onward about happy marriages and deep affection between men and women. These doubtless reflect historical reality in many individual instances. Doubtless also there were many instances when the wife was de facto the dominant personality in the family. Nevertheless, the structure of the institution of marriage placed the woman in a position that was clearly inferior and subordinate to her husband. As C. G. Montefiore was already noted as saying, many modern apologists feel compelled to claim that women in ancient Judaism were not placed in a position inferior to men, that their function was different, but not inferior. The ancient Jewish writers, not having experienced the pressure of the feminist movement of the 19th and 20th centuries, felt no such compulsion. The rabbis stated clearly that the wife was "under the control of the husband," and Josephus proclaimed bluntly that "the woman, says the Law, is in all things inferior to the man." It would seem that the rabbis and their contemporaries not only were closer to the facts (indeed they lived them) but also stated them more accurately.

4. POLYGYNY

"That there is a tradition of polygamy among the Jews no one can deny." Polyandry, one woman having several husbands simultaneously, was forbidden: "A woman is not eligible to two (men); but is not a man eligible to two (women)?" As opposite, polygyny, one man having several wives, was not: "If four brothers married four women and then died, and the eldest (of the brothers that remained) was minded to contract levirite marriage with all the widows, it is his right." Even clearer is the following mishnah: "If a man was married to four wives and he died ... If they were all put away on the same day, whosoever preceded her fellow even by an hour acquires (first) right. Thus in Jerusalem they used to declare in writing the hour (of the divorce)."

Epstein noted that the Bible generally assumed a patronymic family organization among the early Hebrews and that consequently marriage represented acquisition, ownership on the part of the husband. Such a marriage was called ba'al marriage, where the husband was the owner of his wife in the same sense as he owned his slaves. "Polygamy is the logical corollary of ba'al marriage, for as one may own many slaves so he may espouse many wives." He further stated that though upon their return to the land of Canaan from Egypt the Hebrews did not at first take up polygamy (monogamy being the custom in Babylonia where Abraham and Sarah came from, as well as in Egypt), with better times, however, even the masses indulged in polygamy, and it is so reported especially of the tribe of Issachar. In that...
Formative period, it seems, bigamy became common among the Hebrews. Noble and wealthy families had full polygamy and larger or smaller harems, but the common folk were satisfied with two wives.... We find the teachings of the Pharisees a continuation of the biblical attitude to polygamy, and the teaching of the rabbis thereafter an extension of the pharisaic tradition. This tradition accepted polygamy as legally permissible and did not even imply a policy of monogamy as did the Church; for while the Church shifted its center to the West, where monogamy was the rule, the Synagogue continued in its oriental setting, where polygamy was native. Any resistance to polygamy in talmudic times as in biblical days was created by life itself and was not formulated into law.... The Jewish family during that period was very like its counterpart in the biblical period. Rulers permitted themselves plural wives; bigamy was not infrequent, but the people as a rule practiced monogamy.\textsuperscript{112}

Rabbinic writings frequently attest to the legality of polygyny. There is, of course, the entire tractate in the Mishnah, Yebamoth (and a correspondingly long one in the Talmud-two large volumes in the English Soncino edition of the Babylonian Talmud), on levirate marriage, i. e., a brother’s marriage to the childless widow of his brother (based on the obligations outlined in Deut. 25:9 ff.); polygyny is very frequently presumed in its discussions.\textsuperscript{113} It is also presumed in a number of other places in the Mishnah-and their attendant commentaries in the Talmud.\textsuperscript{114} Nevertheless, in early rabbinic times polygamy must have been practiced only by a minority of the men since most of the literature of the period seems to refer to persons involved in monogamous marriages. The serious interpersonal difficulties likely to arise in a polygamous family were doubtless one of the main reasons for its relatively infrequent practice.\textsuperscript{115}

Still, polygyny was a clear, legal possibility that was practiced by not a few. Louis Finkelstein, in discussing the disagreements between the plebeian and patrician elements in Palestinian Judaism, reflected among other places in the patrician school of Shammai and the plebeian school of Hillel, wrote: “The monogamous plebeians were less inclined to tolerate such abstinence in their wives than the provincials and patricians, among whom plural marriage was not unusual”\textsuperscript{116} (emphasis added). There are also a number of documentary references to men around the beginning of the Common Era who engaged in polygyny. Joseph the Tobiad (ca. 200 B.C. E.) took two wives,\textsuperscript{117} and the Jewish king Alexander Janneus (76 B. C. E.) “feasted with his concubines in a conspicuous place.”\textsuperscript{118} King Herod the Great, of course, had ten wives, many of them at the same time.\textsuperscript{119} In explaining this to a Hellenic and Roman world, where the custom of monogamy was prevalent, Josephus stated: “His wives were numerous, since polygamy was permitted by Jewish custom and the king gladly availed himself of the privilege.”\textsuperscript{120} and “it is an ancestral custom of ours to have several wives at the same time.”\textsuperscript{121} Josephus also told of Izates, a first century C. E. king of Adiabene, who was a convert to Judaism and who had several wives.\textsuperscript{122} Archelaus and Herod Antipas were polygamous,\textsuperscript{123} as was also an epitropos to Agrippa.\textsuperscript{124} Josephus, himself from a priestly family and who claimed he was a Pharisee, had four wives, two of them and possibly three at the same time. Shortly after his capture by the Romans he “married one of the women taken captive at Caesarea, a virgin and a native of that place. She did not, however, remain long with me, for she left me on my obtaining my release and accompanying Vespasian to Alexandria. There I married again.”\textsuperscript{125} There is no evidence that his first wife, who was in besieged Jerusalem, was dead at this time. Later, he noted, he “divorced my wife, being displeased at her behaviour. She had borne me three children.... Aftewards I married a woman of Jewish extraction who had settled in Crete.”\textsuperscript{126} Rabbi Joshua ben Hananyah (1st century C. E.) recorded the polygyny of various specific high priestly families: “I may testify to you, however, concerning two great families who flourished in Jerusalem, namely, the family of Beth Mekoshesh, that they were descendants of rivals and yet some of them were High Priests who ministered upon the altar.”\textsuperscript{127}

In talmudic times there developed a certain opposition to the idea of the desirability of polygamy: “If the husband states that he intends taking another wife to bless his home whenever he would stay there.” But does one “establish a home,” or “bless his home” by securing a wife; provided only that he possesses the means to maintain them.” The same “Raba said: (If one has) a bad wife it is a meritorious practice. A further and even stranger exception was apparently that of two Babylonian rabbis who seem to have engaged in a series of one-day marriages: “Rab, whenever he happened to visit Dardeshir, used to announce, ‘Who would be mine for the day!’” So also Rabbi Nahman, whenever he happened to visit Shekunzib, used to announce, ‘Who would be mine for the day!’”\textsuperscript{130}

It should be noted that apparently the rabbis themselves were almost always monogamist. Some exceptions were Abba, son of Rabban Simeon ben Gamaliel I, who was a member of the Sanhedron and who had two wives at once,\textsuperscript{131} and the unusual exception of Rabbi Tarfon, a Tanna who married 300 women during a period of famine so he could use his right as a priest to distribute food to them that they otherwise would not have received.\textsuperscript{132} A further and even stranger exception was apparently that of two Babylonian rabbis who seem to have engaged in a series of one-day marriages: “Rab, whenever he happened to visit Dardeshir, used to announce, ‘Who would be mine for the day!’” So also Rabbi Nahman, whenever he happened to visit Shekunzib, used to announce, ‘Who would be mine for the day!’”\textsuperscript{133}

Israel Slotki’s explanation seems even stranger than the quotation itself. In his footnote in the English Soncino edition of Yebamoth, p. 235, he writes: “He was anxious to establish a home in Shekunzib which he often visited on business affairs and consequently wished to secure a wife to bless his home whenever he would stay there.” But does one “establish a home,” or “bless his home” by securing a
new wife for a day at each visit? Leo Jung's explanation in the footnotes of the English Soncino edition of Yoma is at least plausible, if not exactly documented. He suggested that these women were taken as wives in appearance only, so that the rabbis could avoid having a woman presented to them for the right by the local Persian prince. Perhaps, perhaps not. The strange thing is that the quotation is recorded in two places in the Talmud merely as an argument against maintaining that the rabbis were opposed to marrying women in different countries. The procedure was surely legal. Was it therefore concluded by all the Amoraim that it was also moral? One would have thought with the prevalence of monogamy among the rabbis there would have been some discussion of this procedure as a problem, but there is none. We are left with the fact of the quotations, and their problematic pointing to the historical reality beyond them.  

Referring to the statement by Rabbi Ammi opposing polygamy, Moses David Herr notes: “Such statements possibly reflect the influence of Roman custom which prohibited polygamy, especially since all the Jews of the empire became Roman citizens after 212 C. E. The Roman emperor Theodosius issued a prohibition against the practice of bigamy and polygamy among Jews, but it did not disappear completely... The Jews of Babylonia also practiced bigamy and polygamy, despite the Persian monogonistic background.” In another place the Talmud advised a maximum of four wives: “Sound advice was given: Only four but no more so that each may receive one marital visit a month.”

The public practice of polygyny and the forbidding of polyandry is usually reflective of a severely inferior status of women in a culture. In turn, its practice, and even just its legal possibility, is bound to reinforce the sense of inferiority in women and superiority in men. This doubtless was the case in ancient rabbinic Judaism, even though polygyny was apparently not practiced in the majority of cases. 

5. ADULTERY

"The extramarital intercourse of a married man is not per se a crime in biblical or later Jewish law. This distinction stems from the economic aspect of Israelite marriage: the wife was the husband’s possession ... and adultery constituted a violation of the husband’s exclusive right to her; the wife, as the husband’s possession, had no such right to him.” The decalogue reinforces this d ual moral standard, that is, it states “you shall not covet your neighbor’s wife,” but says nothing about not coveting a neighbor’s husband. Apparently in patriarchal days it was the husband’s right, or at least the head of the family’s right, to punish the adulterous woman. "It was only when adultery was elevated to the rank of a grave offense against God as well that the husband was required to resort to the priests or to the court.” Adultery was considered one of the three capital sins. Idolatry and murder being the other two, and hence merited the most severe punishment, death-at least as far as the woman was concerned.

In a metaphorical description of wayward Jerusalem as an adulterous woman by the prophet Ezekiel, which may or may not have any historical referent, stripping and exposure is seen as one form of punishment: "I will gather all those lovers to whom you made advances.... I will put you on trial for adultery.... Then I will hand you over to them.... They will strip your clothes off, take away your splendid ornaments, and leave you naked and exposed. They will bring up the mob against you and stone you, they will hack you to pieces with their swords ... and many women shall see it." Hosea said of his adulterous wife Gomer: "I will strip her and expose her naked as the day she was born; I will make her bare as the desert, and leave her to die of thirst.”

Other means of execution were stoning, burning and strangulation. The Mishnah lists these means of execution in descending degrees of severity as follows: burning, stoning, and strangling. It also specifies the various modes of execution thus:

When he was four cubits from the place of stoning they stripped off his clothes. A man is kept covered in front and a woman both in front and behind. So Rabbi Judah. But the Sages say: A man is stoned naked but a woman is not stoned naked. The place of stoning was twice the height of a man. One of the witnesses knocked him down on his loins; if he turned over on his heart the witness turned him over again on his loins. If he straightway died, that sufficed; but if not, the second (witness) took the stone and dropped it on his heart. If he straightway died, that sufficed; but if not, he was stoned by all Israel.  

The ordinance of them that are to be burnt (is this): they set him in dung up to his knees and put a towel of coarse stuff within one of soft stuff and wrap it around his neck; one (witness) pulled one end towards him and the other pulled one end towards him until he opened his mouth; a wick was kindled and thrown into his mouth, and it went down to his stomach and burned his entrails.

That women were burned for adultery, as was required in the case of a priest’s daughter (Lev. 21:9) in the early rabbinic period, is attested to in the same mishnah when it states: “Rabbi Elezer ben Zadok said: It happened once that a priest’s daughter committed adultery and they encompassed her with bundles of branches and burnt her.” The Talmud explicates that recollection thus: “Rabbi
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Eleazar ben Zadok said, "I remember when I was a child riding on my father's shoulder that a priest's adulterous daughter was brought (to the place of execution) surrounded by faggots, and burnt." H. Freedman, in the English Soncino edition, notes that, based on J. Derenbourg, the event "took place during the short interval between the death of Festus, the Roman procurator (in 62 C. E.), and the coming of Albinus (63 C. E.)." Thus, apparently women were executed for adultery in the latter half of the first century. Still later, in late third century Babylon, a similar execution was reported: "Imarta the daughter of Tali, a priest, committed adultery. Therefore Rabbi Hama ben Tobias had her surrounded by faggots and burnt."

The "lightest" mode of execution was as follows: "The ordinance of them that are to be strangled (is this) they set him in dung up to his knees and put a towel of coarse stuff within one of soft stuff and wrap it around his neck; one (witness) pulled one end towards him and the other pulled one end towards him, until his life departed." If the woman involved was married, then both the adulterer and adulteress were to be executed. The same was also the case even with a girl who was simply betrothed, if the intercourse took place in town, for it was presumed that she could have screamed for help if she had been forced. But if it took place in the country, only the man was executed, for it was presumed she could have screamed without receiving any help. However, no such presumptive distinction is made in this passage regarding the married woman: she and her lover must die in any case (Deut. 22:22; unlike The Hittite Laws, 197, in: Pritchard, Texts, 196 which makes this very distinction for married women). Togay also remarks that "other ancient Near Eastern law collections also prescribe the death penalty for adulterers, but, treating adultery as an offense against the husband alone, permit the aggrieved husband to waive or mitigate the punishment." although "biblical law allows no such mitigation."

The book of Proverbs indicated that at least for the adulterer it was possible to "compound" his offense, that is, pay the wronged husband a sum of money in lieu of undergoing the death penalty. Since this portion of the book of Proverbs was probably composed only in the third or fourth century B. C. E., this may be an indication of the lessening of the rigor of the earlier biblical injunctions. According to the available evidence, this lessening of the death penalty was apparently applied only to the man; the woman, who was often not likely to have any money available anyhow, was presumably still put to death. In addition, there were doubtless situations where an adulterous relationship resulted in a pregnancy that betrayed the relationship. Here again, the woman alone would have been subject to punishment. There must al so have been times when the physically more able male could make good his escape but the woman could not, as is recorded in the gospel according to John 8:1 ff.

Another instance in the ancient biblical law concerning sexual immorality where the woman was again the victim of a double moral standard is found in Deut. 22:13-21. There, if a man claimed that his new wife was not a virgin the father of the bride was expected to bring out a garment with blood stains resulting from the breaking of the hymen during the first marital intercourse and "spread the garment before the elders of the town." If the elders were satisfied, they fined the husband one hundred pieces of silver-payable to the father!-and he would not be allowed to divorce the girl ever. However, if the elders were not satisfied with the evidence-the obtaining of which must have presented no little difficulty at times-"They shall bring her out of the door of her father's house and the men of her town shall stone her to death." The young bride, often less than a teenager, was in a no-win situation: if she lost her case she was put to death; if she won she had to live forever with-under-a husband who was furious enough with her to try to have her killed, but was frustrated and had to pay a huge fine on her account. On the other hand, no man suffered a penalty for a lack of virginity.

All these punishments only took place if there was hard evidence that adultery had occurred, usually including the testimony of two witnesses. However, even simply on the basis of a suspicion, or only as the result of a fit of jealousy, a husband could force his wife to submit to an extremely humiliating and terrorizing trial by ordeal. The priestly portion of the book of Numbers (fifth century B. C. E.), i. e., 5:11-31, is the only specific account in the Bible of trial by ordeal. The essential prescriptions there are as follows: When in such a case a fit of jealousy comes over the husband which causes him to suspect his wife, she being in fact defiled; or when, on the other hand, a fit of jealousy comes over a husband which causes him to suspect his wife, when she is not in fact defiled; then in either case, the husband shall bring his wife to the priest.... The priest shall bring her forward and set her before the Lord. He shall take clean water in an earthenware vessel, and shall take dust from the floor of the Tabernacle and add it to the water. He shall set the water of contention; he shall make the woman drink the water that brings out the truth, and the water shall enter body.... if she has let herself become defiled and has been unfaithful to her husband, then when the priest makes her drink the water that brings out the truth and the water has entered her body, she will suffer a miscarriage or untimely birth, and her name will become an example in adoration among her kin. But if the woman has not let herself become defiled and is pure, then her innocence is established and she will bear her child.
Either way, the experience is horrible for the woman, but "no guilt will attach to the husband, but the woman shall bear the penalty of her guilt."

The variations on this teaching in the Mishnah are several, some few protecting the woman somewhat with additional specifications, but many of them making the ordeal even more severe. On the positive side, the Mishnah made it necessary that the wife be warned about her unbecoming conduct in front of two witnesses; that is, for example, she is told she should not speak with a particular man, and if she disregarded this warning she could be made to undergo the ordeal. Rabbi Eliezer said that the husband's testimony that she disregarded his warning was sufficient, but Rabbi Joshua, whose opinion was ultimately accepted, maintained that the testimony of two witnesses was necessary. She was then brought up to the Great Court in Jerusalem, where great pains were taken to get her to confess to adultery. If she did, she did not have to undergo the trial by ordeal, but apparently was also not subject to the death penalty; she was divorced by her husband with the forfeiture of her kethubah. But if after forcing her to walk and climb a great deal and carry heavy things and after talking at her, she still refused to confess to being guilty, the priests took her up to the Eastern Gate of the temple and a priest takes hold of her garments—if they be torn they be torn, if they be rent to tatters they be rent to tatters—so that he bares her bosom and he loosens her hair. Rabbi Judah says: if her bosom were beautiful he did not uncover it; if her hair were comely he did not dishevel it. Blackman notes: "Lest, if she is proved blameless, the younger priests should lust for her. All her ornaments were then taken away from her and she was covered with a black, ugly garment, "and after that he brings a common rope and ties it above her breasts. And everyone who wishes to behold comes to behold ... and all women are permitted to behold her."

Then the various adjurations, writings and the giving to drink the "bitter water," which has wormwood in it, take place as described in Deuteronomy, with the following supplementary details: if she refuses to drink, "they must force her mouth open and oblige her to drink against her will. She has hardly finished to drink when her face turns yellow and her eyes protrude and she is covered with swollen veins. And they say, Take her out! Take her out! That she does not defile the temple court."

Later in the Mishnah it was said that because of the prevalence of adultery, Rabbi Jochanan ben Zakkai, after the destruction of the Temple in 70 C. E., abolished this trial by ordeal: "When adulterers increased in number, the application of the waters of jealousy ceased; and Rabbi Jochanan ben Zakkai abolished them, as it is said, 'I will not punish your daughters when they commit harlotry nor your daughters-in-law when they commit adultery; for they themselves....'" Queen Helena of Adiabene—a proselyte to Judaism in the first century C. E.—sought to restore the practice (Yoma 3, 10; Tos. Yoma 2, 3). Later, when it was presumably a merely academic question, Rabbi Akiba (late 1st, early 2nd century C. E.) stated that the bitter waters would also be ineffective if the husband "was not free of guilt."

In sum, the severe penalties attached to adultery and the flagrant double standard applied to men and women, plus the extraordinarily humiliating and terrifying trial by ordeal for the merely suspected wife, made the whole issue of adultery an extreme expression of misogyny, which at times veered toward the sadistic. Fortunately mitigations did develop: the death penalty and the trial by ordeal were eventually eliminated, but the double moral standard, because of the legal possibility of polygyny and general social mores, lingered on. However, in the days before the destruction of the Temple, misogyny in the matter of adultery was present in full force.

6. DIVORCE

"The woman is acquired by three means and she regains her freedom by two methods. She is acquired by money, or by document, or by sexual connection.... And she recovers her freedom by a letter of divorce or on the death of the husband. " Ze'ev Falk notes that in ancient Israelite days divorce was "an arbitrary, unilateral, private act on the part of the husband and consisted of the wife's expulsion from the husband's house; the very term usually used to refer to a divorced wife being gerushah, "expelled." At a later stage (but before Deut. 24:1; Is. 50:1 and Jer. 3:8) the husband was required to deliver a bill of divorce to his wife at her expulsion. The whole ceremony of the man handing the wife a writ of divorce was done privately, before two witnesses, down through the early rabbinic period."

Already a number of decades before the beginning of the rabbinic period, and down through the time of the rabbinic writings, it was even considered obligatory to divorce a "bad wife," though of course the opposite, the divorce of a bad husband, was not possible. In the midst of vitriolic misogyny Ben Sira stated the obligation clearly and forcefully: "A bad wife brings humiliation, downcast looks, and a wounded heart. Slack of hand and weak of knee is the man whose wife fails to make him happy. Woman is the origin of sin, and it is through her that we all die. Do not leave a leaky cistern to drip or allow a bad wife to say what she likes. If she does not accept your control, divorce her and send her away."

http://www.uic.edu/classes/soci/110/homework2.html
There was apparently some objection to the vigor of this misogyny among some of the rabbis, but the talmudic decision was in favor of making the misogyny of Ben Sira its own: “Rabbi Joseph (late 3rd century Babylonian Amora) said: It is also forbidden to read the book of Ben Sira. Abaye (student of Rabbi Joseph) said to him: Why so?... But if you take exception to the passage: ‘A daughter is a vain treasure to her father... But the Rabbis have said the same: The world cannot exist without males and females; happy is he whose children are males, and woe to him whose children are females.” Apparently even Rabbi Joseph was convinced of the value of Ben Sira’s attitude toward women, for a few lines later he also referred to the misogynist passage quoted above as being especially suitable for teaching to the masses: “Rabbi Joseph said: (Yet) we may expound to them.186 the good things it contains. E. g., ‘a good woman is a precious gift, who shall be given to the God-fearing man. An evil woman is a plague to her husband: how shall he mend matters? Let him divorce her: so shall he be healed of his plague.”187 The same passage is quoted again in Yeb. 63b, and in the same place one finds this clear statement about the obligation to divorce a “bad wife”: “Raba said: it is a commandment to divorce a bad wife.

Elsewhere in the Talmud it is recorded that in the first century or early second century C. E. several specific kinds of actions by wives obliged their husbands to divorce them. Of course there was adultery, proved either by witnesses, or by admission, or by the trial by ordeal, all discussed previously.187 Also: “if she ate in the street, if she drank greedily in the street, if she suckled in the street, in every case Rabbi Meir says that she must leave her husband.” But then Rabbi Akiba carried the matter much farther: “Rabbi Akiba says she must do so as soon as gossip who spin in the moon light begin to talk about her.” But an older contemporary felt he carried the matter too far: “Rabbi Johanan ben Nuri thereupon said to the men. If you go so far, you will not leave our father Abraham a single daughter who can stay with her husband.”188 And again, “Rabbi Meir used to say: ... a wife goes out with her hair unfastened and spins cloth in the street with her amputs uncovered and bathes with the men. Bathes with the men, you say?—It should be, bathes in the same place as the men. Such a one it is a religious duty to divorce.”189 Even childlessness for a ten-year period was grounds for a mandatory divorce, according to the Talmud, although according to the earlier Mishnah the barren wife need not be divorced, but then another wife also had to be taken. “If a man took a wife and lived with her for ten years and she bore no child, he may not abstain (any longer from the duty of propagation).”190 is the way the Mishnah stated the charge. However, the talmudic commentary makes the divorce of the unfruitful wife de rigueur: “Our Rabbis taught: If a man took a wife and lived with her for ten years and she bore no child, he shall divorce her and give her her kethubah.”191

There is also listed in the Mishnah a rather strange long list of vows, on account of which, if a husband enforces them on the wife, she must automatically be divorced.192 For example, that the wife should not eat a certain kind of fruit, or wear ornaments, or that she not go to a house of mourning or of feasting, or “that you shall fill and put out on the rubbish heap ... (because the meaning of his request is) that she shall allow herself to be filled and then scatter it.”193 Of this list Billerbeck remarks, probably with some justification: “The whole thing gives the general impression that the entire business is really only a shady excuse to provide the males with a convenient means for divorce.”194

The same idea, that is, the duty to divorce a “bad wife,” came to expression in another teaching, where it was also stated clearly that living with a “bad wife” is a hell on earth: “Three kinds of persons do not see the face of gehenna, namely, (one who suffers from) oppressive poverty, one who is afflicted with bo wel diseases, and (one who is in the hands of) the (Roman) government; and some say: Also he who has a bad wife. And the other?194 It is a duty to divorce a bad wife.197 And the other?198 It may sometimes happen that her kethubah amounts to a large sum.”199 No provision is made for the divorce of a “bad husband” by the wife.

There were, however, some limitations on the husband’s power to divorce his wife. Two were biblical restrictions, both of them involving a considerable humiliation of the woman. One occurred when a man raped a virgin-and was caught! “When a man comes upon a virgin who is not pledged in marriage and forces her to lie with him, and they are discovered, then the man who lies with her shall give the girl’s father fifty pieces of silver, and she shall be his wife because he has dishonoured her. He is not free to divorce her all his life long.”200 (Because the girl was like the father’s property which was damaged, it was the father, not the girl, who received the fifty pieces of silver.) The second took effect when a husband wrongly accused his bride of not being a virgin, with the necessary counter proof of her nuptial defloration being given publicly.201

The Mishnah added at least two further restrictions. One was that, “if she became insane he must not divorce her.”202 The second restriction took effect when she was taken captive, for according to Kethubhah 4, 4, the husband was liable for her ransom, as he was also liable for her medical care if she was ill.203 The same mishnah which forbade the husband to divorce the unransomed wife also allowed the husband to renege on his obligation to provide medical care for his sick wife by divorcing her: “If she were taken captive, he must ransom her; and if he said, ‘Here is her bill of divorce and her kethubah, let her cure herself,’ he has no such power. If she came to harm, he must heal her. If he said ‘Here is her bill of divorce and her kethubah, let her cure herself,’ he is entitled to do so.”204

A further inhibition to divorce was the kethubah. One of the constant concerns of the Hebrew prophets was the welfare of widows. In early rabbinic times this concern found expression in the development of the “kethubah.” This was a written agreement entered into by...
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The bridegroom whereby he pledged a certain amount of money to go to the wife in the event of his death or a divorce under certain conditions. Its beginnings go back to the bride price which the prospective husband paid to the father of the bride, which developed into a sum of money set aside in some fashion to care for the wife if she were separated from her husband. The book of Tobit (200 B. C. E.) speaks of a written marriage contract (7:13), and Simeon ben Shetah (1st century B. C. E.) is referred to as the originator of the kethubah, but it is more likely that it already existed in his time and that he inaugurated, rather, the custom of making the kethubah a lien on the husband's property. Thus the kethubah became not only an insurance policy for the separated wife, but also an obstacle to an arbitrary divorce by the husband; the husband was more likely to think twice before giving his wife a bill of divorce if it also entailed paying out a substantial sum.

Even a large kethubah, of course, did not prevent all divorces as can be seen from the story about the Tannaitte Rabbi Jose the Galilean, who had a contrary wife whom he wished to divorce, but could not because “her dowry is too great for me and I cannot divorce.” Thereupon his students said “We will apportion her dowry among ourselves, so you can divorce her.” And they did so for him; they apportioned her and had her divorced from him, and made him marry another and better wife. The problem of a dissatisfactory wife with a large kethubah was also solved in another way: “Raba said: It is a commandment to divorce a bad wife ... Raba further stated: A bad wife, the amount of whose kethubah is large, (should be given) a rival at her side. In the same place there were several other complaints by various rabbis about dissatisfactory wives with large kethubas: “Behold I will bring evil upon them, which they shall not be able to escape.’ Rabbi Nahman said in the name of Rabbah ben Abbuha: This refers to a bad wife, the amount of whose kethubah is large.” “The Lord has delivered me into their hands against whom I am not able to stand.” “Rabbi Hisda said in the name of Mar Ukba ben Hiyya: This refers to a bad wife, the amount of whose kethubah is large.” “I will provoke them with a vile nation.”

This dissatisfaction with having to pay a large kethubah for divorcing a wife was not limited to complaining, but also took rather concrete form in mishnaic legislation which provided a rather large number of circumstances under which wives could be divorced without having to pay them their kethubah. The first two were somewhat global categories, which then, however, were specified:

And these are they that are divorced without their kethubah: she who transgresses the Law of Moses and Jewish custom. And what is here meant by the Law of Moses? If she give him food that had not been tithed, or if she have sexual intercourse with him when she is a menstruant, or if she do not separate the priest’s share of the dough, or if she make a vow and does not fulfill it. And what is here meant by Jewish custom? If she go forth with her head uncovered, or if she spin in the street, or if she hold converse with all men. Abba Saul says, Also if she curse his parents in his presence. Rabbi Tarfon says, Also if she be a loud-voiced woman. What is here meant by a loud-voiced woman? Such a one who speaks in her house so that her neighbours hear her voice. This dissatisfaction with having to pay a large kethubah for divorcing a wife was not limited to complaining, but also took rather concrete form in mishnaic legislation which provided a rather large number of circumstances under which wives could be divorced without having to pay them their kethubah. The first two were somewhat global categories, which then, however, were specified:

Here Blackman comments: “She unashamedly demands in loud tones sexual intercourse with her husband or disputes with him over intimate sexual matters so that others may overhear their talk. According to some authorities in all such cases she must first have been admonished not to repeat such conduct before she can be made to forfeit her kethubah.” (There is no similar sanction on a man’s ribaldry.) The talmudic commentary corroborates such an understanding partly by rejecting a second possible interpretation: “Rabbi Tarfon said: Also one who screams. What is meant by a screamer? Rab Judah replied in the name of Samuel: One who speaks aloud on marital matters. In a Baraitha it was taught: (By screams was meant a wife) whose voice [and here the English listener would have been admonished not to repeat such conduct before she can be made to forfeit her kethubah] during intercourse in one court can be heard in another court. But should not this, then, have been taught in the Mishnah among defects? Clearly we must revert to the original explanation,” i.e., that given in the name of Samuel.

Two still further possibilities of the husband divorcing a wife without paying her her kethubah were provided for. One was that if the husband found out that his wife had taken some vows he did not know about, “she is divorced without her kethubah,” because he could plead, “I do not want a wife that is in the habit of making vows.” Examples of such disqualifying vows include vows not to eat meat, or not to drink wine, or not to wear bright colored clothes, or “if she vowed that she shall neither borrow nor lend a winnow, a sieve, a mill or an oven, or that she shall not weave beautiful garments for his children, she may be divorced without a kethubah, because (by acting on her wishes) she gives him a bad name among his neighbours.” A second and even more far-reaching possibility was if a man found bodily defects in the woman upon divorce, included all those which disqualified priests from serving in the temple: “No man with a defect shall come, whether a blind man, a lame man, a man stunted or overgrown, a man deformed in foot or hand, or with mis-shapen brows or a film over his eye or a discharge from it, a man who has a scab or eruption.” The talmudic commentary also specified several more: “A Tanna taught: To these were added perspiration., a mole and offensive breath. If a dog bit her and the spot of the bite turned into a scar (such a scar) is considered a bodily defect. Rabbi Hisda further stated: A harsh voice in a woman is a bodily defect.” Indeed, even a deviation in the “normal” size or cleavage of a woman’s breasts were grounds for divorce without kethubah:
Rabbi Nathan of Bira learnt: (The space) of one handbreadth between a woman’s breasts. Rabbi Aha the son of Raba intended to explain in the presence of Rabbi Ashi that this statement meant that '(the space of) a handbreadth' is to (a woman’s) advantage, but Rabbi Ashi said to him: This was taught in connection with bodily defects. And what space (is deemed normal)? Abaye replied: (A space of) three fingers. It was taught: Rabbi Nathan said, It is a bodily defect if a woman’s breasts are bigger than those of others. 220

Not every unwanted wife would have been divorcible without her kethubah under these provisions, but very many would have been. The man suffered no such disabilities.

Except for the relatively infrequent exceptions mentioned above, 221 even if a man’s wife did not fit into one of the enumerated categories whereby she could be divorced without her kethubah being paid, in mishnaic and talmudic times the husband could always divorce his wife, regardless of her wishes. Early in mishnaic times there was a dispute between those rabbis following Shammai and those following Hillel. Both lived in the first century B. C. E. The Shammaites were of patrician background and tended to be more conservative in their judgments, whereas the Hillelites tended to be of plebeian stock and more liberal. In the dispute over the grounds for divorce the former were more restrictive and the latter quite unlimited in their interpretations of those grounds. The basic biblical text about which the dispute raged was: “When a man has married a wife, but she does not win his favour because he finds something shameful in her, and he writes a note of divorce, gives it to her and dismisses her ...” 222 The Mishnah comment on this text is as follows:

The School of Shammai say: A man may not divorce his wife unless he has found something unseemly in her, for it is written, Because he hath found in her indecency in anything. And the School of Hillel say (He may divorce her) even if she spoiled a dish for him, for it is written, Because he hath found in her indecency in anything. Rabbi Akiba says: Even if he found another more beautiful than she, for it is written, And it shall be if she find no favour in his eyes. 223

Akiba was very consistent in this matter for it was also he who taught, against the earlier teachers who were Shammaites, that a menstruous wife could continue to adorn herself, so as not to give her husband a reason for finding another woman more beautiful than her and hence divorce her: “The early Sages ruled: That means that she must not rouge nor paint nor adorn herself in dyed garments; until Rabbi Akiba came and taught: If so, you make her repulsive to her husband, with the result that he will divorce her.” 224

That the more permissive view, the Hillelite view, soon prevailed was borne out by remarks by at least two first century C. E. Jews, who not only espoused the Hillelite view, but also seemed to know of no other view. 225 Josephus stated the Jewish law on divorce thus: “He who desired to be divorced from the wife who is living with him for whatsoever cause—and with mortals many such may arise—must certify in writing. 226 That he practiced this doctrine was borne out by his remark about divorcing one of his four wives: “At this period I divorced my wife, being displeased at her behaviour.” 227 Philo also spoke of “parting from her husband for any cause whatever.” 228 The triumph of the permissive view was also attested to by the discussion of the dispute in the Babylonian Talmud, where it is clear that even a non-reason, a whim, is sufficient to make a divorce valid: “Rabbi Papa asked Raba: If he has found in her neither unseemliness nor any (lesser) thing, (and still divorces her), what are we to do (according to Beth Hillel)? He replied ... what is done is done.” 229

Thus, outside of the rare exceptions referred to, and the possibility of the penalty of having to pay the kethubah, a man could always divorce his wife for any reason whatsoever, or even on a whim. The reverse was not possible. The Mishnah itself stated this point quite clearly: “The man who divorces is not like to the woman who is divorced, because the woman goes forth with her consent or against her will, whereas the man divorces her only with his own free will.” 230

Although it was impossible for a wife to divorce a husband, there were circumstances when a wife could claim the right to a divorce before a Jewish court—this was clearly an advance in the rights of the wife from earlier biblical times to rabbinical times. Abrahams described the power of the court as follows: “The Court could scourge, fine, imprison, and excommunicate him, and had practically unlimited power to force him to deliver the necessary document freeing his wife.... But in case of his determined contumely, there would be no redress, as the Court could not of its own motion dissolve a marriage.” 231

The Mishnah provided very few grounds for a wife to make a claim for a divorce: “And these are they for which they compel him to give divorce: one afflicted with a skin disease, or one who has a polypus, or one that collects, or one who mines copper-ore, or a tanner.” 232 In later, Amoraic, times, an additional ground was also granted by some rabbis, namely, if the marriage was childless, it being demonstrable that the fault might be the husband’s and the wife wanted to have children to support her in her old age. 233 At the same time it had to be made certain that the divorce was not sought by the woman either because of money or “because she set her eyes on another.” 234 Again, no such limitations were set on the desires of the man. Furthermore, “in all such cases where the wife was...
According to Josephus there were a number of instances in Herod’s family when the wife divorced the husband. 232 However, in the following passage Josephus makes it clear that such actions were clearly against Jewish law—they were possible only in the very strongly Hellenistic-influenced circles, for in Hellenistic custom the woman could initiate divorce as well as the man:

Some time afterwards Salome had occasion to quarrel with Costobarus and soon sent him a document dissolving their marriage, which was not in accordance with Jewish law. For it is (only) the man who is permitted by us to do this, and not even a divorced woman may marry again on her own initiative unless her former husband consents. Salome, however did not choose to follow her country’s law. 233

Because, as Rabbi Abrahams put it, “in case of his determined contumely, there would be no redress, as the Court could not of its own motion dissolve a marriage,” 234 at least two very tragic problems would occasionally arise. The Mishnah stated that if a husband “became a deaf-mute or if he went out of his mind he may never set her free.” 235 The same Mishnah also stated that the husband may not divorce an insane wife, though he could divorce her if she became a deaf-mute. The difference is that in the former case the wife, though normal, could never again hope to lead a normal married life and would be hard put to provide for herself in a male dominated economic world. In the latter case, when the husband is normal, the man could always take another wife, and so lead a normal married life.

The second problem perhaps occurred more often: “in case of desertion, the wife could not obtain a divorce ... the Court could not grant a divorce to the wife if the husband had merely vanished and left no trace, unless they saw valid grounds for presuming death.” 236 Both of these tragic cases still plague Orthodox Judaism today.

There were of course a few who decried divorce, the earliest of whom was probably the minor prophet Malachi (fifth century B.C. E.), who said:

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You weep and moan, and you drown the altar of the Lord with tears, but he still refuses to look at the offering or receive an acceptable gift from you. You ask why. It is because the Lord has borne witness against you on behalf of the wife of your youth. You have been unfaithful to her, though she is your partner and your wife by solemn covenant. Did not the one God make her, both flesh and spirit? And what does the one God require but godly children? Keep watch on your spirit, and do not be unfaithful to the wife of your youth. If a man divorces or puts away his spouse, he overpowers her with cruelty, says the Lord of Hosts the God of Israel. Keep watch on your spirit, and do not be unfaithful. (Mal. 2:13-16)

These are very moving and powerful words against divorce. At the same time, at least three things ought to be noticed about them. For one, the prophet repeatedly decries divorcing the wife of one’s youth, perhaps implying that the taking of a second wife without divorcing the first one would not be so objectionable. Secondly, what might be more important, these lines follow immediately upon several others which condemn the marrying of foreign wives, who might lead the men away from the worship of Yaweh. If these verses were not interpolated later, as some few scholars believe, then the inveighing against the divorce of the wife of one’s youth, presumably Jewish (a body of Jews had just returned from exile at about this time), was perhaps strongly motivated as a defense against an invasion of idolatry by way of newly taken, Canaanite, etc., wives. Shortly afterwards Ezra and Nehemiah even insisted on the divorce and driving out of all foreign wives and children for that very reason: “Now, therefore, let us pledge ourselves to our God to dismiss all these women and their brood, according to your advice, my lord” (Ez. 10-3). In any case, the words of Malachi were not understood in subsequent Jewish law as forbidding either polygamy or divorce. Indeed, one talmudic interpretation was as follows: “In Israel God has granted the possibility of divorce, but not among the Gentiles; there he hates divorce.” 237

There was also the objection to polygamy in the Damascus document which some scholars construe to be an objection to divorce and remarriage as well. 238 There were likewise a few rabbinic voices objecting to divorce, the first one perhaps being Rabbi Eleazar (270 C. E.) who, while he misquoted the above cited words of Malachi, nevertheless decried divorce: “Rabbi Eleazar said: If a man divorces his first wife, even the altar sheds tears, as it says, ‘And this further ye do, ye cover the altar of the Lord with tears....’” 244 The next objector was Rabbi Johanan (279 C. E.): “For a hateful one put away’ Rabbi Judah (150 C. E.) said: (This means that) if you hate her you should put her away. Rabbi Johanan says: It means, He that sends his wife away is hated.” 245 There was one further talmudic objection: “Rabbi Shaman ben Abba said: Come and see with what great reluctance is divorce granted; King David was permitted yihud (with Abishag), yet not divorce (of one of his wives).” 246

It should be noted that the rabbinic objections to divorce began only in the middle of the third century C. E., and were extremely rare. Montefiore comments: “There are a few stock passages which Strack-Billerbeck are fair enough to quote (p. 320) against divorce, especially against divorcing a first wife, the wife of one’s youth... But it would not appear that such passages are numerous, though it
is rather nice that Tractate Gittin (on Divorce) ends with this saying of Rabbi Eleazar and the quotation from Malachi 2:13-14."

Perhaps this analysis of divorce as far as it reflected the status of women in the formative period of Judaism, the centuries just before and after the beginning of the Common Era, can best be summed up in the words of one Orthodox and one Liberal Jewish scholar. Ze'ev Falk, an Orthodox Jew, in the following passage evaluated in the first place the status of women in the context of biblical divorce laws, but his statement basically applies to the rabbinic period as well, as the final sentence of the passage—and his following pages—indicate:

Two characteristics of the biblical law of divorce set it apart from present-day family law. There was no consideration for the woman’s wishes, as far as the future of the marriage was concerned, nor was there public supervision of divorce. The husband alone had the power to decide whether the union should be severed, and if he disliked his wife there was nothing to prevent him from expelling her from the home. The wife, however, was unable to eject her husband, since she had been purchased by him, and not he by her; it was he who had taken her to wife, and he who put her out. Such a restriction of the rights of woman was a feature characteristic of biblical law, and may perhaps not have existed to such an extent among other Semitic peoples. The Jewish attitude did, however, change with the passage of time, so that in certain circumstances the wife was allowed to demand a divorce from her husband. Nevertheless, the original law still stood firm and unshaken, and laid down that the husband was free to divorce his wife arbitrarily without taking her opinion into consideration."

It is interesting to note the author’s self-critical stance toward his own tradition here, which also specifically included an unfavorable comparison of the Jewish divorce customs with those of the surrounding Semitic peoples. The same judgment would also have to be made in a comparison with the divorce customs of the Egyptian, Hellenistic and Roman neighbors.

The Liberal Jew, C. G. Montefiore, is similarly critical in his evaluation:

Rabbinic divorce, however, mitigated in practice and in theory, rested upon two fundamental improprieties. (a) Divorce was the act of the man. Though the woman in certain circumstances could claim it, her claim, if the man was obstinately contumacious, could not be enforced. In the last resort, the man could divorce his wife; the woman could not divorce her husband. Thus Rabbinic divorce rests upon inequality. The man has a power which the woman has not. Whether Jesus felt and attacked this inequality, this inferiority of the woman to the man is not entirely certain. (b) But what did obviously arouse the antagonism of Jesus was the second impropriety. A man could divorce his wife, according to Rabbinic law, for many reasons over and above infidelity... According to Jewish law, the woman could not divorce the man. It is this disparity which is the second great blot in the Jewish law of divorce. The woman, in true accordance with Oriental conceptions, is the subordinate of the man. The Jewish law—to its credit be it said—made some improvements in her insecure and unequal position; but she remained, and remains, religiously and legally, the inferior."

CHAPTER VII

CONCLUSION

Although the two traditions on women—the pre-lapsarian, positive one, and the post-lapsarian, negative one—continued throughout formative Judaism, the former grew weaker and the latter stronger during the period. Simply stated, the clear conclusion from the analysis of the foregoing evidence is that in the formative period of Judaism the status of women was not one of equality with men, but rather, severe inferiority, and that even intense misogyny was not infrequently present. Since the sacred and secular spheres of that society were so intertwined, this inferiority and subordination of women was consequently present in both the religious and civil areas of Jewish life.

In drawing this conclusion, it must also be recalled that Judaism was not simply following the pattern of the societies and cultures around it. On the contrary, it appeared to be running quite counter to the trends of at least the surrounding (Egyptian), Hellenistic, and Roman cultures. Not infrequently Jewish and Christian writers have attempted to argue that women’s lot in Judaism or Christianity was not any worse, or indeed, was even better, than in Greek and/or Roman society. However, the “evidence” then presented is usually something dealing with ancient classical Greece or the early Roman republic, whereas the appropriate evidence to be looked at should have been from the Hellenistic and imperial Roman periods, i.e., 300 B. C. E. to 300 C. E. In those societies, for all of the disabilities many women suffered, the status of women not only was significantly higher than in the then contemporary Judaism, but it also generally improved throughout the period.

The question can be asked whether the inferior status of women in the formative period of Judaism was simply a continuation of feminine inferiority already present in pre-exilic Hebrew religion and society, or whether it represented a decline from a higher status.
of women in antique pre-exilic times through post-exilic to rabbinic times. Though the status of the wives of the patriarchs and of a judge like Deborah appears to be much higher than that of the Jewish women of the time and society of Ben Sira and Rabbi Eliezer, the scholarly answer to that question awaits further thorough analysis of the ancient period.

Whatever the facts are concerning the relationship between the status of women in ancient Hebraic society and in the period here under analysis, on the basis of evidence at least it can be stated that the inferior status of women, and even misogyny, appear to have intensified and broadened from the return from exile in the sixth century B. C. E. through late biblical times and into rabbinic, talmudic times. The developments that worked in women's favor, e. g., the gradual elimination of the execution of adulteresses, and the doing away with the trial by ordeal of the suspected adulteress, were relatively few and were at least counter-balanced by further negative developments, e. g., the increasing restrictions of women in the temple and the synagogue, the introduction of harem-like customs in Alexandrian Judaism and to a somewhat lesser extent in the cities of Palestine, the misogyny of the Essenes, the teaching to the masses by the rabbis of the violent misogyny of Ben Sira, and their own.

This conclusion, of the dominance of a severely inferior status of women and even an intense misogyny in the formative period of Judaism, is in no way weakened or deflected by evidence that there existed at the same time sincere human affection toward wives (and toward children and others too, for that matter) or that there were some domineering Jewish women. Human history on a one-by-one basis defies any absolute categorization. But the evidence still staggeringly indicates that formative Judaism's societal and religious structures placed women in a position decidedly inferior and subordinate to men.

Since the development of Judaism in this formative period has had an overwhelmingly determinative influence on the subsequent history of Jewish life, and since the subordinate position of women, and even misogyny, was so profoundly and intimately bound up with Judaism in this formative period, the inferiority of women and misogyny have also tended to have an overwhelming influence in the subsequent history of Judaism. It would be necessary to research carefully and unapologetically the history of the condition of women in Judaism following talmudic times to see in detail the influence the inferior status and the misogyny of the earlier period had, and the play of reinforcing and countervailing forces, plus the reforming efforts, particularly in modern times.

These reforming efforts, of course, have a long history (e. g., the Ashkenazi efforts to eliminate polygamy, starting in the Middle Ages), but they became particularly strong with the rise of Reform Judaism in the nineteenth century. Pretty well following the rising and falling of the general feminist movement in modern Western civilization, the movement for equality and justice for women within Judaism also had limited success, and only in the 1970s is it beginning to receive popular support. Nor are these reform efforts limited to the Reform branch of Judaism; rather, they spill over into Conservative Judaism, and even-though to a much more limited extent-into Orthodox Judaism.

Though the tendency of Orthodox Judaism in recent centuries has been to resist changes in general, and concerning the status of women in particular, the Orthodox tradition really goes beyond tolerating change and adaptation. The whole point of rabbinism is to make the word of God, the Torah, apply in a realistic, effective way to contemporary Life; “change and adaptation” in that sense is its raison d’être. Hence, even though formative Judaism in the past severely subordinated women, it is quite possible under new circumstances that Orthodox Judaism could change its interpretation and application of Torah so as to eradicate all practices and understandings that assume the inferiority of women.

Indeed, just this sort of thing happened in the critically important mishnaic period: for example, Rabbi Jochkanan ben Zakkai eliminated the use of the trial by ordeal of the suspected adulteress (Sotah), even though this practice was not simply a rabbinic extension or application of a more general biblical command, but rather was a very explicit biblical command. He felt circumstances had changed sufficiently to warrant eliminating the practice; he merely was careful, in good rabbinic fashion, to provide a corroborating biblical quotation to support his radical decision.

If there were sufficient will, the same sort of authentic rabbinic reinterpretation and adaptation—even very radical reinterpretation and adaptation, judging from the past-could eliminate all misogyny and subordination of women even in Orthodox Judaism today. This, in fact, is exactly what the Orthodox rabbi Zeev Falk, Professor of Matrimonial Law at the Hebrew University, Jerusalem, calls for in his courageous, scholarly article on "The Position of Woman in the Halacha," in which he begins to outline how it should be accomplished within the authentic tradition of Halacha. The article itself must be read for the development of the specific examples Falk uses to illustrate his point; but the statement of his basic principles, usually cast in the form of questions, deserves to be quoted here:

Therefore it is to be asked whether agreement can be reached between the Halacha and the new framework of values, or whether the Halacha can exist only within the ancient societal norms. Clearly the Halacha cannot maintain itself unchanged indefinitely since many of its presuppositions have been overturned and loyalty to it hardly can be expected from a woman who claims personal happiness.
and equality before the law. In my book on marriage and divorce I outlined the transition from the Oriental Jewish society to the European, as it took place at the time of Rabbenu Gershom (965-1028 C. E.). Now in our generation as well a similar transition has become apparent, from the traditional to an urban-industrial order of society. We must ask again whether those learned in Halacha will succeed in constructing the form demanded by the new structure and whether they possess the creative power and freshness to be signposts despite the vagaries of the times.

Falk focuses the question still more sharply: “Does the possibility exist today to correct the position of the woman in the Halacha so as to adapt it to her position in the modern family, in contemporary society and in the state, which have made the equality of women their goal?” The answer, he says, is clear: “It is sufficient to point out that the Halacha in the Mishnah is explained within the context of the sociological givens; the conclusion is therefore near at hand: the Halacha would be different if and when these givens in the meantime were to change.”

Falk frames the question even more precisely in the “religious” sphere:

To be sure, ‘women have no pleasure’ when they do not participate in the community prayer or when they have no opportunity to attend the prayer and the reading.... Where a woman has a knowledge of Torah that is superior to men’s we must not forego her capabilities, but we must find a way to have her take part in the worship service. When we have gone so far as to have women as active participants in the various areas of life, it is particularly senseless to forego their contribution specifically in religious things.

Fortunately, Jewish women themselves who treasure much of the Jewish tradition have begun to become aware of their inferior status and have begun to work to change it.

The ‘Jewish Women’s Movement’-if you can call those women who have been thinking, talking, and meeting together throughout the country over the past year or two a movement-is still young.... Ezrat Nashim, perhaps the first group publicly committed to equality for women within Judaism, began as a study group within the New York Havurah in September, 1971. Seeking to determine what position women have held in traditional Judaism, why, and what possibilities there were for change, a number of women began studying Talmud and other sources. Within a few months-after discovering that the concern for equality within a traditional Jewish framework was widespread-the group decided to ‘go public,’ and in March, 1972, appeared at the annual convention of the Rabbinical Assembly of America to confront the rabbis of the Conservative Movement.

The call for equality for women was so well received that already in 1973 the Conservative Movement decided to allow women to be counted in a minyan in the United States.

In February, 1973, over 500 women from the United States and Canada met in New York for the first Jewish women’s conference. "As a result of the conference, many new groups have been formed, a number of regional and local conferences have been held, a national newsletter has been started, and Network is organizing a National Women’s Speakers Bureau." At the conference Judith Plaskow Goldenberg spoke of the tension within the sensitized Jewish woman: "Can we-how can we-assure ourselves in advance that if we are true to our own experiences we can remain in continuity with tradition." At the conference Judith Plaskow Goldenberg spoke of the tension within the sensitized Jewish woman: "Can we-how can we-assure ourselves in advance that if we are true to our own experiences we can remain in continuity with tradition." At the conference Judith Plaskow Goldenberg spoke of the tension within the sensitized Jewish woman: "Can we-how can we-assure ourselves in advance that if we are true to our own experiences we can remain in continuity with tradition.”

To begin to answer that question, and others, a special anthology on the Jewish woman was published in 1973. A key portion dealt with the problem of retaining the Jewish tradition in its best sense and eliminating its subordination Of women and its misogyny:

The dynamic character of the halacha-the legal code-has made it not only possible, but mandatory, for Jews in every age and culture to create an appropriate balance between the traditions of the past and Jewish ideals for the future. One such ideal is tselem elohim-the image of God-in which human beings were created. The Talmud (Sanhedrin 37a) describes the image of God in terms of the absolute equality, absolute value, and uniqueness of every person. The many laws and customs denying women independent legal status and equal participation in prayer, study, and ritual prevent the evolution of halacha toward its own ideals. The authors of the following articles, while pursuing different methods of change, nevertheless recognize the centrality of halacha and the need to couple the mechanisms of change with the sensitivities and values of Judaism in order to achieve equality of rights and obligations for women.

This rising consciousness among Jewish women, and some men, is even reflected on the political level in Israel. On January 8, 1974, a headline in the New York Times read: “Israel Feminist Wins Big Electoral Upset.” The story was about Shulamit Aloni, a lawyer and former member of the Knesset, who was elected, along with another feminist, to the Knesset. Ms. Aloni had already exhibited a...
serious interest not only in the feminist cause, but also in how to deal with problems of marriage and divorce within the halacha.

It is this author’s hope that the attainment of full equality for women within Judaism will proceed as rapidly and creatively as possible and that this study will have contributed a small bit toward that goal by presenting as carefully as possible one of the main sources of the contemporary status of women in Judaism, namely, the status of women as developed in the formative period of Judaism. There are many things of great value from the Jewish tradition, particularly from this formative period, which should be treasured, applied, adapted and expanded today. But the subordination of women and misogyny are not among them. These latter should be seen clearly in their starkness and be judged as something to be outgrown, as was slavery. Any attempt to gloss over these grim facts will produce revulsion in the sensitive, and hypocrisy in the not-so-sensitive. The sensitive will “drop out” of religious Judaism and the not-so-sensitive will become more and more like the Christian caricature of the Pharisee. The state of the second is even less human and less Jewish than the first; but both are serious losses to humanity and Judaism.

On the other hand, it is hoped that this study will not be the source of morbid breast-beating (though plenty of healthy self-criticism is surely in order) or become a sort of club with which to beat the “establishment,” without at the same time taking appropriate positive and creative action to change that “establishment.” One such positive, creative action already taken is the creation of “feminist seders” and other “feminist” communal worship services. It is hoped that this study may be a true catharsis—and that the reader would then move on positively to change her or his own life and the surrounding societal patterns and structures.

The few bright spots from the past, e. g., the extraordinary Beruria (surely she should be the heroine for the Jewish feminist, and indeed a model for all Jewish women-and men too!), should be treasured—for the exceptions that they were. But it is to the broader principles of the value of the human person, justice, and love of one’s neighbor that contemporary Judaism will have to return to develop most of its Jewish feminism, i. e., justice and equality for women.

Footnotes

1 Apion, II, 201.
2 1 Tim. 2:11 ff.
4 Paper entitled “The Goddesses and the Theologians: Reflections on Women’s Rights in Ancient Sumer,” read by Samuel Noah Kramer at the XXII Recontre Assyriologique Internationale held in Rome, July, 1974. (Cf. also “Scholars Told Sexism is Divine,” Philadelphia Inquirer, September 3, 1974, where the paper was reported on in some detail.)
5 ibid.
9 ibid., 143, p. 172.
13 Cf. ibid., p. 70.
14 Cf. ibid., p. 73.
15 Cf. ibid., p. 75.
16 ibid. I p. 76. He also goes on to say: “In Greece the status of women was far from being as developed as in Egypt. One knows how the Ptolemies attempted to restrict the Egyptian woman as were Greek women, i. e., placed under marital authority.” However, as will be seen below, that attempt was largely unsuccessful. Rather, the reverse tended to happen.
17 ibid., p. 77.
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Plutarch, Numa 3, 5 f.

Plutarch, Moralia, p. 240d (Gorgo).

Aristotle, Politics II, 6, 9, 11.

Quoted in Johannes Leipoldt, Die Frau in der antiken Welt und im Urchristentum (Leipzig, 1954), p. 34.

Ibid., p. 29.

Ibid., p. 33.

The recent extensive article on “Frau” in the Reallexikon für Antike und Christentum by Klaus Thraede often takes a somewhat revisionist approach toward earlier scholarship which described the status of women in the ancient world as quite restricted. Thraede, for example, argues that Greek women were not nearly so restricted to household affairs as previously portrayed, partly by referring to counter-evidence and partly by stating that various instances of evidence put forward by his opponents were either overvalued (e.g., the quotation from the works of Demosthenes concerning hetaerae, concubines, and wives—col. 201) or were to be dismissed as not reflecting reality (e.g., the references to late wisdom literature in the Bible and to the Talmud that men ought not converse much with women—col. 225). However, Thraede himself offers no reason why he finds such evidence overvalued or not reflective of reality; he simply states his claim flatly—a not very convincing procedure. Also, in his counter-claim that Greek women—contrary to previous scholars, mostly unnamed by him—did indeed participate significantly in Greek society, Thraede unfortunately largely fails to adhere carefully to the all-important distinctions in place and time he usually does in his otherwise excellent article, thereby making this aspect of his revisionist claim of ambiguous and confused value.

Leipoldt, op. cit pp. 62 ff. It was Leipoldt who called my attention to this phenomenon of heightened sensitivity in the ancient world.

How much more often do we find such expressions of joy in the Greek Luke’s gospel than in the gospels of the other two, non-Greek, synoptics, Matthew and Mark. Cf. John L. McKenzie, Dictionary of the Bible (Milwaukee, 1965), p. 526: “The coming of salvation creates an atmosphere of joy, mentioned much more frequently in Lk than in Mt-Mk (1:4, 28, 58; 2:10; 10:17, 20f.; 13:17; 19:6, 37; 24:41, 52). There is joy even in heaven at the repentance of sinners (15:7, 10, 32). Joy breaks out in expressions of praise, again more frequent in Lk than in Mt-Mk (Benedictus; Magnificat).” And it is only the New Testament writers who are strongly influenced by Hellenism who report that Jesus cried: “As he drew near and came in sight of the city he shed tears over it” (Luke 19:41); “At the sight of her tears, and those of the Jews who followed her, Jesus said in great distress, with a sigh that came straight from the heart. ‘Where have you put him?’ They said, ‘Lord, come and see. I Jesus wept’ (John 11:33-35); “During his life on earth, he offered up prayer and entreaty, aloud and in silent tears” (Letter to the Hebrews 5:7).

Leipoldt, op. cit., p. 64.

The book of Tobit was written during the Hellenistic period, probably about 200 B. C. E. when all Palestine was under Greek rule: “The boy left with the angel, and the dog followed behind” (Tobit 6:1). In Mark it was reported: “Now the woman was a pagan, by birth a Gentile, a native of the city of Dardanus in Crete, and a hetaera. Her name was Mary, a bad girl, ‘dog’ (Mark 8:26-28). But McKenzie, op. cit., p. 202, comments: “In the ancient Jewish gospel, Jesus is reported as saying: ‘At the sight of her tears, and those of the Jews who followed her, Jesus said in great distress, with a sigh that came straight from the heart. ‘Where have you put him?’ They said, ‘Lord, come and see. I Jesus wept’ (John 11:33-35); “During his life on earth, he offered up prayer and entreaty, aloud and in silent tears” (Letter to the Hebrews 5:7).”

Leipoldt, op. cit., pp. 64 ff.

Gerhard Herrlinger, Totenklage um Tiere in der antiken Dichtung, in Tübinger Beiträge zur Altertumswissen- schaft, VIII (19-3-0), pp. 30 f., 75 ff.


Klaus Thraede, “Frau,” Reallexikon für Antike und Christentum, vol. VIII (Regensburg, 1970), col. 208, rejects the likelihood of I. Bruns’ (Frauenemanzipation in Athen, Kiel, 1900) claim that there was a full-fledged women’s movement led by Aspasia in Pericles’ Athens.

Ibid., col. 198.


See Grace Macurdy, Hellenistic Queens (Baltimore, 1932).

Ibid., pp. 72, 85.

40 Ludwig Friedlaender, *Darstellungen aus der Sittengeschichte Roms* Vol. I (8th, 1910), 449 ff. Already by 79 C. E., as one can see from the graffiti in Pompeii, the "domina" was shortened to "domna." In English we still have the honorary title "Dame," and its variant, Madam, but normally a Germanic equivalent is used, namely, Mrs. or Miss, or Ms. as abbreviations of "Mistress."


42 Preaux, op. cit., p. 173.


46 Dittenberger, *op. cit.,* vol. 1, p. 532.

47 Thraede, *op. cit.,* cols. 204, 222 f.


50 Leipoldt, *op. cit.,* pp. 37 ff.


53 Thraede, *op. cit.,* col. 206. At this point Thraede adds the remark that "on the contrary in the orient the wife, on the basis of a legal contract, could be loaned out ... a procedure that would have been impossible in Greece and which glaringly illuminates the differences of the cultural levels."


56 Thraede, *op. cit.,* col. 199.


63 See Chapter V, pp. 115-117.


66 ibid., pp. 540.


69 Preaux, *op. cit.,* p. 172.
Cf. Thraede, *op. cit.*, col. 202, who lists a number of women poets whose work is extant; he describes them briefly—and the variety is quite broad, from the lyric and epigrammatic writing of Anyte of Tegea mentioned earlier (some of her writing was even done on paid commissions) to erotic verse—and gives references for further information.

Cf. Leipoldt, *op. cit.*, p. 53, where he also refers to Deubner, who lists seventeen by name.

Athenaios, III, 95, pp. 122 f.; IV, 52, p. 161 cd. See also the Pythagorian prayer which reveals something of their attitude toward women: "Honor be to the woman on earth as in Heaven, and may she be sanctified, and help us to mount to the Great Soul of the world who gives birth, preserves, and renews—the divine Goddess who bears along all souls in her mantle of light." Quoted in Edouard Schure, *The Great Initiates* (New York, 1913), p. 92.

Quoted in Leipoldt, *op. cit.*, p. 53. Cf. also Vatin, *op. cit.* P. 37: "A une date incertaine, mais probablement postérieure, ce problème posé par l'existence de femmes dotées de pouvoirs politiques est évoqué dans les textes pythagoriciens: ‘Ces qualités (réflexion et sagesse) rendent la femme capable de belles actions vis à vis d’elle-même, de son mari, de ses enfants, de sa famille; souvent aussi pour une cité, si une telle femme gouverne des cités ou des peuples, comme on le voit dans la monarchie." The reference is to Perictyonè, in Stobée, LXXXV, 19.


Laws, 805c.

Dialogues, L, 3, 46. es

Politics, 13131), 32; 1319b, 30 f.

Ibid., 1269b, 12/1271b, 19.


See, e.g., Plutarch (46-120 C.E.).

Leipoldt, *op. cit.*, pp. 57.

Ibid., p. 61.

Cf. Leipoldt, *ibid.*, pp. 56 f., states that the thought patterns of the rabbis were strongly influenced by the Stoics, as for example, the custom of making a teaching more vivid and attention-grabbing by casting it in the form of a conversation; but the Stoics’ attitude toward women are not similarly assimilated.

Ibid., p. 57.


Leipoldt, *op. cit.*, p. 44.

Mishnah, Abot 2, 2.


Cyrillus Alex. in Is. 2, 2, in *Patrologia Graeca*, 70, col. 441.


Ibid., p. 172.


Cf. U. Türkck, *Zeitschrift für die alttestamentlichen Wissenschaft*, vol. 46 (1928), pp. 166 f. The influence of the Hellenistic women’s liberation movement on Christianity can be seen in the writing of the gospels: “Cerfaux calls Luke’s universalism as it stands the fruit of...
The union of the primitive traditions with the Hellenistic Christianity of Antioch and the preaching of Paul. Of a piece with Luke’s universalism is the prominence given to women; more women appear in Lk than in the other Gospels. In the Hellenistic world the social and legal position of woman was higher than it was in Judaism” (McKenzie, op. cit., p. 526).

100 Ibid., p. 89.
101 Ibid., p. 95.
102 Ibid., p. 96.
103 Ibid., p. 86.
105 Thraede, *op. cit.*, col. 212; cf. also col. 207 where it is noted that women also bore witness within the widely popular mystery religions of Hellenism. This ability of a woman to bear witness at that time in at least significant portions of the Hellenistic and Roman worlds takes on a special importance in view of the radical inability of women to bear witness in the Judaism of the same time. See below, pp. 150-152.
108 Cf. Thraede, *op. cit.*, cols. 213f. The evidence here applies only to aristocratic women—for the rest there is silence. Jean Gaudemet, “Le statut de la femme dans l’Empire romain,” *Le Femme. Op. cit.*, pp. 191-222, did not seem to be aware of the positive evidence Thraede alluded to, for he wrote: “From the beginning of the empire the woman acquired an independence of action and a legal capacity which went way beyond ancient Roman customs. On the other hand, during the entire empire she had no more official part in political and administrative life than during the republic” (p. 191).
109 Ibid., *op. cit.*, col. 223.
111 Ibid., p. 201.
112 Ibid., pp. 202, 204.
113 Ibid., p. 208.
115 Although many authors have alluded to the ambiguous attitude toward women expressed in the Bible, I am particularly indebted to George Tavard, *Woman in Christian Tradition* (Notre Dame, Indiana, 1973), for his insightful explanation.
116 Cf. *ibid.*, p. 5. Cf. also Anne McGrew Bennett, “Overcoming the Biblical and Traditional Subordination of Women,” *Radical Religion*, vol. 1, no. 2 (Spring, 1974), p. 283 where when speaking of the Adam and Eve story she writes: “But it cannot be maintained that woman is inferior even if she was created after man without admitting that man is inferior to the creeping things because he was created after them. Neither man nor woman in this story is said to be made ‘in God’s image. I Furthermore, the word translated as ‘help meet’ or ‘helper’ is the Hebrew word used of divine, or superior, help. The word never refers to inferior help in the Bible.”
117 Cf. Tavard, *op. cit.*, pp. 7 f. From a different perspective, Phyllis Trible makes the same point: “The serpent speaks to the woman. Why to the woman and not to the man? The simplest answer is that we do not know.... ‘But the silence of the text stimulates speculations, many of which only confirm the patriarchal mentality that conceived them. Let a female speculate. If the serpent is ‘more subtle’ than its fellow creatures, the woman is more appealing than her husband. Throughout the myth she is the more intelligent one, the more aggressive one and the one with greater sensibilities.... The initiative and the decision are hers alone. She seeks neither her husband’s advice nor his permission. She acts independently. By contrast the man is a silent and blunt recipient: ‘She also gave some to her husband and he ate,’ ... His one act is belly-oriented, and it is an act of quiescence, not of initiative. The man is not dominant; he is not aggressive; he is not a decision-maker.... He follows his wife without question or comment, thereby denying his own individuality. If the woman be intelligent, sensitive and ingenious, the man is passive brutish and inept” (“Depatriarchalizing in Biblical Interpretation,” *Journal of the American Academy of Religion*, vol. 41, no. 1 (March, 1973, p. 40).
118 Tavard, *op. cit.*, p. 17.
119 Ibid.


At this point the Jerusalem Bible suggests that this refers to another man’s wife, but since this section is post-exilic, it could well refer to foreign women, for there was a fear of them as the corrupters of the people of Yahweh by the followers of Ezra and Nehemiah. Indeed, their fear of alien women was almost pathological, for they saw the Jewish men as the fountains of Yahweh worship and goodness, but the alien women as the sources of idolatry and evil; despite human affection or years of marriage, the Jewish men were expected to drive away these “evil” wives and children: “We have committed an offence against our God in marrying foreign wives, daughters of the foreign population. Now, therefore, let us pledge ourselves to our God to dismiss all these women and their brood.” (Ez. 10:3) Cf. also Nehemiah’s action: “In those days also I saw that some Jews had married women from Ashdod, Ammon, and Moab.... I argued with them and reviled them, I beat them and tore their hair out.... Are we then to follow your example and commit this grave offense, breaking faith with our God by marrying foreign women? Now one of the sons of Jehoiada, son of Eliashib the high priest, had married a daughter of Sanballat the Horonite; therefore I drove him out of my presence,” (Neh. 13:23-28).

The full text reads:

“Preserving you from the woman subject to a husband,
from the smooth tongue of the woman who is a stranger.
Do not covet her beauty in your heart
or let her captivate you with the play of her eyes;
a harlot can be bought for a hunk of bread,
but the adulteress is aiming to catch a precious life.
Can a man hug fire to his breast
without setting his clothes alight?
Can a man walk on red-hot coals
without burning his feet?
So it is the man who consorts with his neighbour’s wife:
no one who touches her will go unpunished.

The full text reads:

“Call Perception your dearest friend,
to preserve you from the alien woman,
from the stranger, with her wheedling words.
From the window of her house she looked out on the street,
to see if among the men, young and callow,
there was one young man who had no sense at all.
And now he passes down the lane, and comes near her corner,
reaching the path to her house
at twilight when day is declining,
at dead of night and in the dark.
But look, the woman comes to meet him,
dressed like a harlot, wrapped in a veil.
She is loud and brazen;
her feet cannot rest at home.
Now in the street, now in the square,
She is on the look-out at every corner.
She catches hold of him, she kisses him,
the bold-faced creature says to him,
'I had to offer sacrifices:
I discharged my vows today,
that is why I came out to meet you,
to look for you, and now I have found you.
I have made my bed gay with quilts,
spread the best Egyptian sheets,
I have sprinkled my bed with myrrh,
with aloes and with cinnamon.
Come, let us drink deep of love until the morning,
and abandon ourselves to delight.
For my husband is not at home,
he has gone on a very long journey,
taking his moneybags with him;
he will not be back until the moon is full.
With her persistent coaxing she entices him,
draws him on with her seductive patter.
Bemused, he follows her
like an ox being led to the slaughter,
like a stag caught in a noose,
il he is pierced to the liver by an arrow,
like a bird darting into a snare
not knowing its life is at stake.
And now, my son, listen to me,
pay attention to the words I have to say:
do not let your heart stray into her ways.,
or wander into her paths;
she has done so many to death,
and the strongest have all been her victims.
Her house is the way to Sheol,
the descent to the courts of death.”

8Cf. Jerusalem Bible, p. 977, note h.

9Roland Murphey, Seven Books of Wisdom (Milwaukee, 1960), p. 122, says: “But in almost every discussion of wifely virtue the primary consideration is the happiness that a good wife brings to the man. The man of a different background, such as that of today, might with reason say that little value is placed on woman as a person in the Old Testament; in short, this is a man’s world.”

10E.g., Oepke’s article on gyne in G. Kittel’s Theologisches Wörterbuch zum Neuen Testament. The Encyclopaedia Judaica (Jerusalem, 1971), vol. 16, col. 626, notes: “The oft quoted last section of Proverbs (31:10-31) in praise of the virtuous woman is somewhat ambiguous in that it still depicts a situation in which the wife is definitely a subordinate.”
Cf. e.g., bBer. 17a: “Rab asked Rabbi Hiyya (both late Tannaitic rabbis): Wherewith do women acquire merit? By sending their children to learn (Torah) in the Synagogue, and husbands to study in the schools of the Rabbis, and by waiting for their husbands until they return from the school of the Rabbis.”

Somewhat later the rabbis stated clearly the custom of the husband appropriating the results of the wife’s labor: “The finds of a woman and the work of her hands belong to her husband, and he enjoys the usufruct of whatever she inherits during her lifetime. Compensation for indignity or damages for injury to her belongs to her. Rabbi Judah ben Bathyra says, When in an unexposed part (in her body), two parts go to her and one part falls to him; but when in an exposed part, two parts are his and one part is hers. His must be given straightaway; but with hers land must be purchased and he enjoys the usufruct thereof” (Keth. 6, 1).

The book was originally written in 175-200 B. C. E. by Ben Sira and translated into Greek by his grandson sometime after 132 B. C. E.; until the end of the 19th century only the latter text was known. Since then about two-thirds of the book has been found in Hebrew mss.


See chapter IV, pp. 94ff.

This is the *Jerusalem Bible* translation; the RSV is similar. But the *New American Bible*, 1970, probably drawing on Syriac mss. refers to an unruy wife rather than a headstrong daughter.

Unlike the growing custom in Hellenistic and Roman society, Jewish women did not usually mix with male society or eat with men—see below for further discussion.

Cf. the Syriac translation—quoted in Johannes Leipoldt, *Die Frau in der antiken Welt und im Urchristentum* (Leipzig, 1954) 9 p. 87. The earliest rabbincial documentation takes off from here and sharpens the point even further by applying the prohibition to one’s own wife. Rabbi Jose ben Jochanan, probably from the second century B. C. E. said: “Speak not much with the married woman”; later rabbis added: “this was said of one’s own wife, therefore how much more is it true of the wife of one’s neighbor” (Aboth 1, 5). This will be discussed in detail below.

If such an understanding is accurate (see Jerusalem Bible, it would stand in contradistinction with earlier Hebrew tradition which saw fornication only as an offense against the father of the unmarried girl (cf. Dt. 22:28 ff.). Such a sexual asceticism might have been influenced positively in that direction from the Stoic philosophy in the Hellenism then spreading in Palestine—as was apparently the case among the Jewish sect of the Therapeuteae in first century Alexandria—or negatively as a reaction against the greater sexual freedom displayed in much of Hellenistic culture. The dualisms of the East which saw matter as the principle of evil, and sex and woman as the most material of material things, and hence to be rejected, may have played a role in this development. Also, the traditional notions of the defiling character of sex (including nocturnal emission) and women needed only to be further developed to arrive at the idea of avoiding them both as much as possible.


Cf. *ibid.*, p. 935, notes: “Both in Greece and in the Near East there are numerous allusions to the popular belief that woman is by instinct a nymphomaniac.


E. g., see bSan. 100b, where the rabbis urge the use of Ben Sira’s misogynist teaching to instruct the multitudes.

They are also referred to as apocalyptic literature; see below, note 51.

The following long passage from 1 Esdras 4:13-32 should also be noted here. The setting of the story is at the court of Darius, King of Persia, where the Jews were in exile (6th century B. C. E.). Three pages dispute before the king as to what is the strongest. The first argues for wine, the great leveler; the second for the king; the third, Zerubbabel, the future leader of the Jews, for women:

“Then the third, that is Zerubbabel, who had spoken of women and truth, began to speak: ‘Gentlemen, is not the king great, and are not men many, and is not wine strong? Who then is their master, or who is their lord? Is it not women? Women gave birth to the king and to every people that rules over sea and land. From women they came; and women brought up the very men who plant the vineyards from which comes wine. Women make men’s clothes; they bring men glory; men cannot exist without women. If men gather gold and..."
silver or any other beautiful thing, and then see a woman lovely in appearance and beauty, they let all those things go, and gape at her, and with open mouths stare at her, and all prefer her to gold or silver or any other beautiful thing. A man leaves his own father, who brought him up, and his own country, and cleaves to his wife. With his wife he ends his days, with no thought of his father or his mother or his country. Hence you must realize that women rule over you!

"Do you not labor and toil, and bring everything and give it to women? A man takes his sword, and goes out to travel and rob and steal to sail the sea and rivers; he faces lions, and he walks in darkness, and when he steals and robs and plunders, he brings it back to the woman he loves. A man loves his wife more than his father or his mother. Many men have lost their minds because of women, and have become slaves because of them. Many have perished, or stumbled, because of women. And now do you not believe me?

"Is not the king great in his power? Do not all lands fear to touch him? Yet I have seen him with Apame, the king's concubine, the daughter of the illustrious Bartacus; she would sit at the king's right hand and take the crown from the king's head and put it on her own, and slap the king with her left hand. At this king would gaze at her with mouth agape. If she smiles at him, he laughs; if she loses her temper with him, he flatters her, that she may be reconciled to him. Gentlemen, why are not women strong, since they do such things?" Zerubbabel then goes on to argue that the truth is nevertheless the victor over all.

This would seem to be an early version of the notion that behind every great man is a great woman; it does not indicate that women had a high status. On the contrary, women seem to have been relegated to bearing men—who then did all the important things in the world—and being the object of men's sexual desires. Women's humanity and their sexuality were co-extensive. Not so with men.

The book is part of the apocrypha, not the pseudepigrapha. It is found in the Septuagint Greek Bible, but not in the Massoretic Hebrew text. Jerome included it in his Latin Vulgate translation, but since the Council of Trent in the 16th century the Catholic Church has not included it in the regular part of the Bible.

First Esdras is largely the story of the return of the Jews from exile and the subsequent events, mostly all found in the canonical book Ezra-Nehemiah. Hence, it is largely either derived from Ezra-Nehemiah, or vice versa, or both are from a common or parallel sources. It is judged to have been composed in the 2nd century B. C. E. (cf. The Oxford Annotated Bible with the Apocrypha, New York, 1965, p. and quite likely in Egypt (cf.-John L. McKenzie, Dictionary of the Bible, Milwaukee, 1965, p. 42). Since this story is missing from the Ezra-Nehemiah account, it probably was added from non-Jewish sources, e. g., Egyptian: "The story probably originated outside the Jewish community as a popular tale praising the relative strength of wine, kings, and women (the original order was perhaps kings, wine, and women). The praise of the strength of truth (4:33-41; compare 3:12) was added later in the transmission of the story, perhaps by a Greekspeaking editor (this part of the story has close parallels to Greek thought and literature)" (Oxford Bible, pp. 5 f.).

The alternate theory is that this story was earlier in the Ezra-Nehemiah account, but then excised: "Although our O. T. has lost the story of Zerubbabel and the Praise of Truth, there is no doubt that there is something 'unbiblical' in the orations. In the course of the growth of the O. T., compilers and revisers have not unfrequently obscured or omitted that to which they took exception, and some light is thus often thrown upon other phases of contemporary Palestinian or Jewish thought" (R. H. Charles (ed.), The Apocrypha and Pseudepigrapha of the Old Testament, Oxford, 1913, vol. I, p. 19).

In either case, if the story could be said to reflect a high status for women, the reflected reality was not in Palestinian Judaism, and in the second theory, even that reflection was removed by the redactor of the canonical Ezra-Nehemiah.

33 Testament of Simeon 5:3. For this and the texts and commentary on the other pseudepigrapha see ibid.
34 Ibid., p. 146.
35 bYeb. 103b.
36 bAZ. 22b.
37 bShab. 146a.
38 Note the title of address. It is also interesting that the author develops the Genesis quotation in this connection ("and your desire shall be for your husband and he shall be your master"—Gen. 3:16) even further in the direction of making the woman still more inferior to the man: "and thy wife shall tremble when she looketh upon thee.... I did not create thy wife to command thee, but to obey" (Charles, op. cit., p. 134).
39 Ibid. p. 137.
40 Ibid., pp. 142 f.
41 Ibid. p. 142.
42 Ibid. p. 145.
43 Ibid.
Could this partly be a psychological revenge for the obvious fact that women are the apparent source of new human life, a sort of uterus envy, in Freudian terms?

Ibid., p. 141.

30:17-18. Text in ibid., p. 450. Paul in II Cor. 11:3 and I Tim. 2:14 follows the same tradition. IV Ezra, a pseudepigraphal Jewish work composed around the end of the first century C. E., lays the blame simply at Adam’s feet: “For the first Adam, clothing himself with the evil heart, transgressed and was overcome; and likewise also all who were born of him” (3:21, text in ibid., p. 563). The rabbis repeatedly said that Eve caused the death of Adam, that she brought death into the world, for which she was manifoldly punished, including the curse of menstruation. See chapter IV, pp. 87ff.

Ibid., p. 143. The variant version is as follows: “And while they were walking, lo! suddenly there came a beast (a serpent) and attacked and bit Seth. And as soon as Eve saw it, she wept and said: ‘Alas, wretched woman that I am. I am accursed since I have not kept the commandment of God. And Eve said to the serpent in a loud voice: ‘Accursed beast! how (is it that) thou hast not feared to let thyself loose against the image of God, but hast dared to fight with it? I The beast answered in the language of men: ‘Is it not against you, Eve, that our malice (is directed)? Are not ye the objects of our rage? Tell me, Eve, how was thy mouth opened to eat of the fruit?”

Cf. ibid., p. 8. Leonhard Rost, *Einleitung in die alttestamentlichen Apokryphen und Pseudepigraphen einschliesslich der grossen Qumran-Handschriften* (Heidelberg, 1971), p. 100, suggests the author was probably an Essene. John L. McKenzie, op. cit., agrees with Charles that the author was a Pharisee.


Ibid., p. 9.

For a detailed discussion of this influence see R. H. Charles, *The Book of Jubilees* (1902), pp. lxxiii-lxxxv; also D. S. Russell, *The Method and Message of Jewish Apocalyptic* (London, 1964), pp. 28ff.: “The evidence points rather to the fact that Apocalyptic was a fairly strong current in the mainstream of Judaism in the years immediately before and after the beginning of the Christian era.... Even though the writing of these books might have been confined to relatively restricted circles within Judaism and the initial reading and study of them to certain defined strata of Jewish society, their influence would make itself felt from an early time on in the life of the Jewish people as a whole.”

See above, note 31.

Later in the book in connection with the story of Tamar and Judah it was stated by the author that if a man had sexual intercourse with his mother-in-law or daughter-in-law, both the man and the woman should be burned (41:25-27), but nothing was said about punishing the man in other cases; there is merely a commendation of Judah for having attempted to follow the charge of Abraham by burning Tamar (41:28). Likewise, the severe condemnation and punishment, including the man, described in chapter 30-see above, chapter I, pp. 20ff.-was directed only at intermarriage with non-Jews.


Testament of Benjamin, 9:2. See the note in Charles, ibid., p. 358, for further references to the salvation of the Gentiles as taught in the Testament of the Twelve Patriarchs.


Fragment of Testament of Levi (vss. 16, 17), found in Charles, op. cit., p. 364.

Cf. Proverbs 31:3; Ben Sira 26:19-22.

Cf. also Jubilees 20:4; see above, p. 51.

Another ms. tradition has the following reading: “He that hath a pure mind in love, looketh not after a woman with a view to fornication; for he hath no defilement in his heart.”

See Charles, op. cit., pp. 209, 192, for further references to where and how the use of these allurement techniques by women brought about the fall of angels and men.


Apion, 11, 201.

The highly respected Jewish scholar Solomon Zeitlin corroborated this point when he paraphrased the Talmud (Ab. Zarah 25b): “Judith had no army. She had charm and beauty and with this she was sure she could conquer the enemy by beguiling Holofernes. The Talmud well said that a woman had an army with her, that is sex. This is her main armor” (In an introduction to Morton S. Enslin, The Book of Judith, E. J. Brill, Leiden, 1972, p. 14).

Jerome’s Vulgate version adds (15:11), in a rather mixed up metaphor, that in acting so contenantly Judith “behaved like a man” (qua facciat virilitatem).


Aviva Cantor-Zuckoff, “The Oppression of the Jewish Woman,” ibid., p. 49, made a similar point when she wrote of Esther: “In doing so she must act aggressively toward her own husband. She must engage in the same type of behavior that was condemned in Vashti-assertiveness, willingness to risk her life for her values, aggressiveness. But since she’s doing this not for herself but for her people, and with Mordechai’s approval and on his orders, it is condoned. Esther’s aggressiveness is praised and she becomes a role model for Jewish women.

“Esther’s aggressiveness is approved because it is altruistic, as were the actions of Deborah, who judged the people, and Judith, who cut off the head of the Syrian Greek general besieging her city. What it all adds up to is that it’s good for Jewish women to be strong and aggressive when the Jews are in danger and she’s acting in the people’s interest, in other words, when it’s ‘good for the Jews. If we go through the Bible and legends carefully, we see that whenever Jewish survival is at stake, the Jewish woman is called upon to be strong and aggressive. When the crisis is over, it’s back to patriarchy.”

Esther is difficult to date, but probably was written in the second-century B.C.E.

Gendler, op. cit., p. 158. She added an interesting proposal at the end of her articles: “I propose, then, that Vashti be reinstated on the throne along with her sister Esther, together to rule and guide the psyches and actions of women. Women, combining the attributes of those two remarkable females-beauty softened by grace; pride tempered by humility; independence checked by heartfelt loyalties; courage; dignify; such women will be much more whole and complete than are those who simply seek to emulate Esther. The Lillith, the Vashti in us is valuable. It is time that we recognize, cultivate and embrace her!"

See chapter VI, pp. 197ff. and note 153 for chapter VI. It was also the same Rabbi Simeon who had eighty women hanged for witchcraft.

Klausner, Jesus p. 261. Essenes—Qumran

Emil Schürer, Geschichte des jüdischen Volkes im Zeitalter Jesu Christi (Leipzig, 4th ed., 1907). vol. II, p. 673. After a full discussion of all the suggested and possible influences on the Essenes, Schürer stated: “Two things nevertheless can as a result of our investigation be affirmed: 1) Esseneism is first and foremost a Jewish configuration, and 2) its non-Jewish characteristics are mostly from contact with the Pythagorean-oriented tradition of the Greeks” (p. 680). Apparently, however, Pythagorian feminism (see Thraede, op. cit., col. 208 f.) did not influence Esseneism.

There have been some attempts to argue that the Essenes did not live a celibate life (e.g., Hans Hübner, “Zölibat in Qumran?” New Testament Studies, vol. 17, 1970-71, pp. 153-157), but the weight of scholarly opinion still agrees with the traditional evidence which stated clearly that the central group did lead a celibate life. Schürer suggests that one should not attempt to reject the evidence for the celibate life of the Essenes merely on the a priori grounds that it was foreign to Judaism: “The rejection of marriage is of course something heterogeneous to genuine Judaism. But even this can be explained on Jewish premises: Since the marriage act as such makes man unclean and necessitates a levitical purification bath, the effort to attain the highest possible degree of purity and holiness could very well lead to the complete rejection of marriage” (Schürer, op. cit., p. 674). For a similar opinion see, William Hugh Brownlee, The Meaning of the Qumran Scrolls for the Bible (New York, 1964), p. 80.


Life, 11.

Antiquities, XVIII, 21.

The criterion that both works (viz., ‘pit’ and ‘trap’) are used to describe the net in which they will be caught alludes to the whorish practice of taking two wives at the same time, the true basis of nature being the pairing of one male with one female, even as it is said (of Adam and Eve), ‘A man and a female created He them’ (Gen. 1:27), and of those that went into the ark, ‘In pairs they entered’ (Gen. 7-9). Similarly, too, it is said concerning a prince: ‘He shall not take more than one wife’ (Deut. 17:17). Here we see that, apparently for all Jews, the normally a priori grounds that it was foreign to Judaism: “The rejection of marriage is of course something heterogeneous to genuine Judaism. But even this can be explained on Jewish premises: Since the marriage act as such makes man unclean and necessitates a levitical purification bath, the effort to attain the highest possible degree of purity and holiness could very well lead to the complete rejection of marriage” (Schürer, op. cit., p. 674). For a similar opinion see, William Hugh Brownlee, The Meaning of the Qumran Scrolls for the Bible (New York, 1964), p. 80.

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Life, 11.

Antiquities, XVIII, 21.

Theodot H. Gaster, The Scriptures of the Dead Sea Sect (London, 1957), p. 75. A little later Gaster continued: “The fact that two words (viz., ‘pit’ and ‘trap’) are used to describe the net in which they will be caught alludes to the whorish practice of taking two wives at the same time, the true basis of nature being the pairing of one male with one female, even as it is said (of Adam and Eve), ‘A man and a female created He them’ (Gen. 1:27), and of those that went into the ark, ‘In pairs they entered’ (Gen. 7:9). Similarly, too, it is said concerning a prince: ‘He shall not take more than one wife’ (Deut. 17:17). Here we see that, apparently for all Jews, the normally permitted polygamy was to be rejected, perhaps even divorce and remarriage while the first wife was still alive; cf. also Andre Dupont-Sommer, Die esseniischen Schriften vom Toten Meer (Tübingen, 1960), and Brownlee, op. cit., p. 87. Gaster also added: “This
principle is totally new in Judaism; it is found again in the gospel (Mt. 19:3-9; Mk. 10:2-12).”

21 Jewish War, 11, 120.

22 Hypothetical 11, 14-17.


26 See, e.g., Proverbs 7:5-27 (see above, pp. 33, 184 note 7), Testament of Reuben 5:3ff. (p. 67).


29 Jewish War, II, 160-161. The existence of this “third order” of married Essenes is confirmed by references in some of the Dead Sea documents, e.g., the “Manual of Discipline for the Future Congregation of Israel,” (QSa), where it says: “All that present themselves are to be assembled together, women and children included. Then all the provisions of the Covenant are to be read out loud to them, and they are to be instructed about all its injunctions” (Gaster, op. cit., p. 285). At this point Lohse commented: “Here the married members of the community and their families are spoken of. According to Josephus there were married Essenes. Also in the Damascus Document several references to members who were married and had children are made” (Eduard Lohse, Die Texte aus Qumran Darmstadt, 1971, p. 286). There were also remains of women and children found in what is presumed to be a somewhat outer graveyard of the Qumran community. Cf. Dupont-Sommer, op. cit., pp. 71 ff.

30 See above, note 17.

31 Four and a half to over six feet.


33 See chapter IV, 2, “Segregation in Temple and Synagogue.”

34 See chapter IV, 4, “Women Studying Torah.”


36 De Vita Contemplativa, vss. 85-87.

37 They believed “the acquiring of slaves was contrary to nature, which indeed has brought all humans into the world as free men” (Leipoldt, Die Frau, p. 86). In this they were also similar to the Essenes who also rejected slavery.

38 Ibid.

39 See below, pp. 120f.

40 Cf. pp. 42, 52, 53.

41 See below, pp. 161-163.

42 For detailed documentation see the chapter on “Die Schriftgelehrten,” in Joachim Jeremias, Jerusalem zur Zeit Jesu (Gottingen, 1958), pp. 101-114.


44 Cf. ibid., p. 122.


46 Antiquities XVIII, 15. Cf. also XVI, 41: “There was also a group of Jews ... called Pharisees by whom the women (of Herod’s court) were ruled.”

47 Ibid., XVIII, 17.

48 This quotation is from Genesis Rabbah 18:2; the text continues by giving proof-texts for each of the characteristics for a wife. A somewhat parallel passage is found in the Babylonian Talmud, bYeb. 62b, where to the characteristics of goodness, joy and blessing are added Torah, a protecting wall, and peace; proof-texts are also provided.
Except for the first two statements listed here, all these reflections refer to “first” wives, or the wife of one’s youth, which would not only seem to show an appreciation of a first love, but would also seem to presuppose the possibility, or perhaps even the likelihood, of at least “successive” if not simultaneous polygyny.

See above, p. 36.

See above, pp. 40f.


See above, pp. 49-96.

Cf. George Foot Moore, Judaism vol. II (New York, 1971), p. 126, where the famous Presbyterian scholar makes the following strikingly inaccurate statement in an overly apologetic spirit: “The legal status of woman under Jewish law compares to its advantage with that of contemporary civilizations, and represents a development of the biblical legislation consistently favorable to woman.”

The latter by buying her more clothes and ornaments than he does for himself (cf. bShab. 62b and Rashi’s comment on bSan. 76b; there is a possibility that here the motivation of vicarious conspicuous consumption as analyzed by Thorsten Veblen may play a role).

All these quotations are from bYeb. 63a-b.

If divorced, the kethubah, pledged by the man, would have to be repaid, and the husband could not manage it financially. See below, pp. 157ff.

Genesis Rabbah 17, 7.

Ibid., 17, 8.

bB. M. 59a.

Ibid.

bShab. 25b.

Hirsch, op. cit., p. 95.

Cf. Jakob Winter (trans.), Sifra Halaehischer Midrasch zu Leviticus (Breslau, 1872), 17a.

bSotah 47b.

Hirsch, op. cit., p. 94.

Ibid., p. 94.

Git. 9, 10. See below, pp. 161ff.

bNid. 45b.

GenR. 18, 1.

Hirsch, op. cit., p. 95.

Cf. Aboth 2, 7. It was doubtless true that there was a goodly amount of superstition and appeal to magic and the occult among women of ancient Judaism, but clearly the men were not exempt from such practices, quite common among uneducated peoples of all times and places. However, the additional restriction on women’s education, particularly religious education, in Judaism and their almost total exclusion from any significant active participation in the orthodox religious cult (both to be discussed in detail below, pp. 83ff.), enhanced the tendency of women to engage in such unorthodox religious practices.
Women in Judaism

Women in Judaism


In contemporary prayer books women are often also invited to recite the prayer, usually with the following substitute for the phrase about praising God for not having made the one praying a woman: Praised be God who has created me according to his own good pleasure. (Cf. S. Singer, Authorised Daily Prayer Book, p. xvi.) Many Jewish communities (Reform and some Conservative) have, of course, done away with the prayer in modern times, i.e., since the Enlightenment. The English Jewish scholar, C. G. Montefiore comments: "No amount of modern Jewish apologetic, endlessly poured forth, can alter the fact that the Rabbinic attitude towards women was very different from our own. No one can look on the u'biqah with the unclouded eye of the historian. A study of the language and of the attitude of mind of these ancient Jews is the only way in which one can understand their world."

In the two talmudic passages are patently of the interpretation that Rabbi Meir (or Judah) was insisting on the authenticity of the threefold prayer and Paul's statement in Gal. 3:28

Perhaps something of the sort was known to Paul, who controverted it; and this ancient midrash material was collected between the editing of the Palestinian and the Babylonian Talmuds, i.e., around 400 C.E., by Amoraim rabbis, but the rabbis quoted in it are almost all Tannaim, i.e., 200 C.E. and earlier.

The fact that the massively authoritative commentary on the New Testament from talmudic and midrashic sources written by the Christian scholar Paul Billerbeck does not allude to the relationship between the threefold prayer and Paul's statement in Gal. 3:28 might suggest some doubt concerning the validity of maintaining the relationship. But the evidence, internal and external, is so strongly in favor of a clear connection that Billerbeck's omission can only be attributed to oversight. Both a Christian scholar and a Jewish scholar have made comments to this effect. The Christian Hans Kosmala wrote: "Billerbeck unfortunately did not recognize the connection between Gal. 3:28 and the Jewish benediction formula and likewise did not refer to it (Kommentar 111, 557 f.)" (Hans Kosmala, "Gedanken zur Kontroverse Farbstein-Hoch," Judaica, IV, 3 (1948), p. 229). The Jewish scholar Raphael Loewe wrote: "All three are controverted by St. Paul (Gal. 3:28) in his famous, neither Jew nor Greek, bond nor free, male nor female...The formulations in the two talmudic passages are patient of the interpretation that Rabbi Meir (or Judah) was insisting on the authenticity of the liturgical use of an already current benedictional formula. Possibly something of the sort was known to Paul, who controverted it; and the insistence of Meir (or Judah) may thus itself be apologetically aimed at Christianity through recontroversion of St. Paul. Strangely..." (Raphael Loewe, The Position of Women in Judaism, London, 1966, p. 24).

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In contemporary prayer books women are often also invited to recite the prayer, usually with the following substitute for the phrase about praising God for not having made the one praying a woman: Praised be God who has created me according to his own good pleasure. (Cf. S. Singer, Authorised Daily Prayer Book, p. xvi.) Many Jewish communities (Reform and some Conservative) have, of course, done away with the prayer in modern times, i.e., since the Enlightenment. The English Jewish scholar, C. G. Montefiore comments: "No amount of modern Jewish apologetic, endlessly poured forth, can alter the fact that the Rabbinic attitude towards women was very different from our own. No amount of apologetics can get over the implications of the daily blessing, which orthodox Judaism has still lacked the courage to remove from its official Prayer Book. "Blessed art thou, 0 Lord our God, who hast not made me a woman." (A Rabbinic Anthology, Philadelphia, 1958, p. 507).

E.g., see bSan. 100b where the Talmud defends vigorously the use of Ben Sira's misogynist passages in teaching the masses.

Montefiore, Rabbinic Anthology, p. viii.
Sotah 3, 8.
Kid. 1, 7.
Sukka, 2, 8: "Women and slaves and children are exempt from Succoth": a revealing grouping of persons, which will be discussed below, pp. 117 ff.
Tassels and prayer straps specified for the recitation of certain daily prayers.
Tos. Kid. 2, 7, 224, 1, which one would have thought would be the one thing women should read.
Sukka, 2, 8: "Women and slaves and children are exempt from Succoth": a revealing grouping of persons, which will be discussed below, pp. 117 ff.
Jalq Shim on Sm 78. It might be noted that this teaching is extraordinarily similar to Paul's in I Cor. 7:32-34: "An unmarried man can devote himself to the Lord's affairs, all he need worry about is pleasing the Lord; but a married man has to bother about the world's affairs and devote himself to pleasing his wife: he is torn two ways. In the same way an unmarried woman, like a young girl, can devote herself to the Lord's affairs; all she need worry about is being holy in body and spirit. The married woman, on the other hand, has to worry about the world's affairs and devote herself to pleasing her husband." One main difference, of course, is that here Paul makes no distinction between the husband and the wife.
For just one example cf. R. Loewe, op. cit., pp. 41 ff. It is, however, not clear why, especially in light of the significantly better work attendance record women often have, men were not also thought to be liable to occasional prohibitive physical disabilities, or why they would not also have similarly onerous householder's or worker's obligations—unless the wife was expected to work so the husband could have the leisure to study—as apparently was the case with the "perfect wife" of the Book of Proverbs (31:10-31), or the "model" wife of Rabbi Akiba, or hundreds of thousands of Orthodox wives over the centuries and at present at Mea Shearim—see above, pp. 36 ff.
Kid. 1, 7.
Cf. bKid. 29a.
Ber. 3, 3.
Tos. Ber. 53:17; cf. bBer. 20b.
bBer. 20b.
bSuk. 38a. The reference is to the recitation of the Hallel psalms during the feast of Succoth. On the same page of the English translation (p. 172) the editor explains the reference to women or children as making "use in divine service of inferior or second rate deputies." Ber. 7, 2. This is similar to the principle that women, and children, and slaves, are not counted toward a minyan; see below, p. 92.
bBer. 45a-47b. If a group of women are at meal they may invite each other; the same with a group of slaves; but slaves may not invite women or vice versa—because it might lead to immorality.
bBer. 4, 7b; cf. also below, pp. 118 f.
Women were ritually unclean during and after menstruation, etc.
Shah. 2, 6.
Tos. Shah. 2, 10 (112); bShab. 2, 5b, 34; bShab. 31b, 32a; GnR. 17, 8.
bShab. 2, 5b, 34. See above, pp. 47 ff. for other traditions, some earlier, also maintaining that Eve caused the death of Adam.
A not dissimilar discussion was held by Christians for a long time about whether non-Christians can merit by their good acts—some still maintain the negative.
bA-Z. 3a.
Loewe, op. cit., p. 44.
Ibid. 3 p. 45. Actually Regina Jonas was ordained a Reform rabbi in Germany in the 1930s; she was killed by the Nazis in 1972 and 1974 Sally Preisand and Sandy Eisenberg Sasso were ordained, respectively, in the U. S. This pattern of logic, the non-obligation of
women vis à vis certain prescriptions of the Law equals the non-allowance of the same, would, if applied elsewhere, have drastic results, for example: Americans are not, as in many communist countries, obliged to vote; therefore, they are not allowed to vote.

29 Josephus, Antiquities, XV, 418 ff.

30 Middoth 2, 5.

31 Josephus, Jewish War, V, 1, par. 198 f.

32 Josephus, Apion, II, 103; cf. Lv. 12: 2 ff.


34 Middoth 2, 5.

35 Josephus, Antiquities, XVI, 164.


38 pSuk. 55b.

39 In the French translation Le Talmud de Jérusalem by Moise Schwab (Paris, 1883), vol. VI, pp. 43 f.

40 Cf. Mekh. Shirah 10, 44a, Midrash Lekah Tov to Ex. 15:30, quoted in an article on “Song of the Sea,” Encyclopaedia Judaica (Jerusalem, 1971), vol. IV, col. 1072.

41 cf. Aboth 3, 6.

42 bBer. 47b. Cf. also below, pp. 117 ff.

43 The order used, i.e., first a child and second a woman, and the word “even” are by themselves revelatory of the relative status of women in the synagogue.

44 Tos. Meg. 4, 11, 226, 4.

45 bMeg. 23a.


49 The ancient Mishnah put it this way: “He who is not versed in Scripture and in Mishnah and in good conduct is of no benefit to the public weal” (Kid. 1, 10).

50 The Encyclopaedia Judaica article on “Woman” states: “There was general agreement that a woman was not obliged to study Torah. As a result few women were learned…”

51 Sotah 3, 4. Shalom Ben-Chorin, Mutter Mirjam (Munich, 1971), p. 98, explains Rabbi Eliezer’s angry statement as follows: “He speaks from sad experience with his famous wife Ima-Shalom….. This Ima-Shalom appeared to have been what elsewhere is called a bluestocking.” It is difficult to see how on the basis of what is known about Ima Shalom she can be either called a bluestocking or that she could therefore have caused the outburst. See below, pp. 104 ff.

52 bSotah 21b.

53 pSotah 3, 4. Cf. also bYoma 66b.

Here the English Soncino edition comments: "The duty of Torah study is not obligatory upon a woman; therefore she cannot acquire so much merit even if she does so" that is, to warrant a three year postponement. See above, p. 119.

How do we know that she (the mother) has no duty (to teach her children)? Because it is written, we-limaddetem (and ye shall teach), which also reads, u-lemadetem (and ye shall study). (hence) whoever is commanded to study, is commanded to teach; whoever is not commanded to study, is not commanded to teach. And how do we know that she is not bound to teach herself? Because it is written, we-limaddetem (and ye shall teach) u-lemadetem (and ye shall learn). The one whom others are commanded to teach is commanded to teach oneself; and the one whom others are not commanded to teach, is not commanded to teach oneself. How then do we know that others are not commanded to teach her? Because it is written, 'And ye shall teach them your sons': but not your daughters."

It should also be noted that in the Mishnah’s discussion about what a man who has taken a vow not “to derive any benefit from his fellow” (Ned. 4, 2) may nevertheless do for his fellow it is stated that the vow-maker may teach the sons and daughters of his fellow Scripture (Ned. 4, 3). However, the word daughter is missing in many editions; secondly, it is Scripture, not the full Torah that is mentioned; thirdly, and most importantly, it is merely said that he may teach Scripture—again the lack of obligation.


Leewe, op. cit., p. 30.

Cf., e.g., Hans Bietenhard, "Die Mishnah" (Berlin, 1965), vol. III, p. 71.

In the latter place she is referred to as Queen Valeria, but the story is the same as in the other references. There are basically seven references to Beruria in the Babylonian Talmud, none in the Palestinian Talmud, and one reference in the Tosephta.

bPes. 62b and bA. Z. 18a.

It is keeping with his suggestion that Beruria is a proselyte Leipoldt stated that, “this woman would be more readily understandable if she were a Greek.” "Jesu Verhällnis zu Griechen und Juden," p. 21.

bPes. 62b.

bA. Z. 17b.

Ad loc. Translated into German in Kosmala, op. cit., pp. 231 f.
Beruria is in every way an extraordinary woman; but she has not become the rabbi's ideal of a Jewish wife. Specifically because of her self-awareness and her superiority she was for them unbearable. It is therefore not at all surprising that a scandalous story was told about her so as finally to morally annihilate her. She is supposed to have ended her life in an ignominious fashion. We find the legend about her handed on exactly a thousand years later by Rashi (in his commentary on A. Z. 18b. The Talmud itself of course deftly refers to an ‘incident about Beruria,’ from which probably we can conclude that already at that time a dark story was told about her.) The story is to my knowledge nowhere translated, and in more recent Jewish writing is only infrequently referred to. In a footnote to the English Soncino translation of the Babylonian Talmud (Abodah Zarah, London, 1935, p. 94) the editor gives the gist of the scandalous legend and says, “the incident as related in Kid. 80b is to the effect . . . ” but Kid. 80b makes no reference to it all, nor does any of the rest of the Talmud.

83 San 74a; idol worship, sexual immorality, and murder.
84 For a similar opinion, see the modern Jewish scholar Henry Zirndorf, Some Jewish Women (Philadelphia, 1892), p. 173: “Now, in the light of all that we positively know to be true concerning Rabbi Meir and his distinguished wife, the improbability of this occurrence is too obvious for demonstration. Without attempting any critical elucidation, therefore, I shall conclude by simply recording my conviction that this calumny ought no longer to be permitted to tarnish the memory of the pure and noble-minded Beruria.
85 The Universal Jewish Encyclopedia article on “Woman”; see below, p. 140. See also Raphael Loewe, op. cit., p. 30, who along with Beruria mentioned Imma Shalom, “who if they were not exactly rabbinical scholars knew enough of the academic aspect of Jewish scholarship for their sayings to have been recorded in the talmudical literature.
86 See above, p. 94.
87 Cf. bShab 116a.
89 The other references to Imma Shalom in the Talmud are bB. M. 59b; bEr. 63a; bNed. 20b.
92 See note 53.
93 Cf. Zirndorf, op. cit., pp. 243-252, where she is referred to as Homa, apparently from later source.
94 Cf. bBaba batra 12b and bYeb. 34b.
95 bBer. 62a.
96 bKet. 85a.
97 bKeth. 65a; cf. also bYeb. 64b.
98 bBer. 51b. See below, pp. 124 f.
99 bHul. 109b.
100 See above, p. 106.
101 Ben-Chorin, op. cit., p. 99.
102 Zirndorf, op. cit., p. 200.
103 bEr. 53b.
104 bMeg. 18a. Parts of these reports are also recorded in bNazir 3a (concerning “curling hair”) and bRosh Hashanah 26b (concerning “at intervals”). Cf. also pShebiit 9, 1 and pMeg. 2, 2.
106 Zirndorf, op. cit., p. 198.
107 See above, note 104.
108 bMoed katan l7a.
109 bKeth. 104a. Henry Zirndorf, op. cit., pp. 203 f., explained the passage thusly: “According to a prevailing belief of the times, so long as the sick man heard these impassioned prayers and as he lay in the upper chamber he could scarcely help hearing them it was impossible for him to draw his last breath. This belief is no conclusive proof of faith in miracles; the prolongation of life through intense
momentary excitement is readily explained on psychological, and perhaps also on physiological grounds. But, however the may be, on the roof stood the maid-servant—lying in vain to make her voice heard below. Then, seizing a jug all of a sudden, she threw it in the midst of the earnest crowd of suppliants. A dreadful pause ensued and, in the inimitable language of the Talmud, “the soul of Rabbi Judah the Patriarch espoused:

110Ben-Chorin, op. cit., p. 99.

111Blackman, op. cit., vol. III, p. 348. Herbert Danby, *The Mishnah* (Oxford, 1964), p. 296, translates the word *perushah* “a woman who is a hypocrite.” Louis Finkelstein, *The Pharisees* (Philadelphia, 1962), vol. II, p. 837 confirms this understanding when he says: “Rabbi Joshua ben Hananya, one of the leading pharisaic scholars of his day (i.e., from about 80-118 C.E.), used to say, ‘A pious fool, a clever knave, an ascetic woman, and the sufferings of the Pharisees destroy the world’ (Mishnah Sohad 3:4). It is interesting to notice that in this statement the Hebrew word rendered by “sanctimorous” is *perushah*, meaning literally a “Pharisaic woman.” Since Rabbi Joshua himself was a leading Pharisee, however, it is clear that what he was objecting to was, in reality, the wife whose piety expressed itself in a reluctance to normal marital life as degrading or impure. The monogamous phariseans were less inclined to tolerate such abstinence in their wives than the provincials and patricians, among whom plural marriage was not unusual (cf. further the views of the Hillelites in Mishnah Ketubot 5:6; Niddah 10:1; and see also ibid. 2:4). The word *perushah* occurs in passages where it cannot possibly have any other meaning than “ascetics;” see, e.g., Baba Batra 60b.” Following Finkelstein, the quotation in question would have a misogynist rather than pro-feminist meaning.

112It is interesting to note that just before the remark about the pharisaical woman Ben-Chorin writes: “Christian theologians have gladly seen here a turning-point and have spoken of a religious liberation of the woman by Christianity. This interpretation however is not tenable, for we are moving here entirely on Jewish ground in a pre-Christian time.” (He is referring to the various women mentioned in the gospels and their relationship to Jesus.) There is surely a strong element of truth in this charge as far as Christianity is concerned; as far as Jesus, the Jew, is concerned another Jewish scholar, C. G. Montefiore, has the following pertinent remarks: “It would seem indubitable that in his relations with, and in his effect upon, women Jesus was highly original” (*The Synoptic Gospels*, New York, 1968, vol. II, p. 438). “The implied attack upon the inferiority of women in Oriental society, and upon the unjust power of divorce given to men, was of the highest importance and value. Thus, upon the whole, we have to recognize that his (Jesus’) words have definitely broken with orientalism in this particular…. But certainly the relations of Jesus towards women, and of theirs towards him, seem to strike a new note, and a higher note, and to be off the line of Rabbinic tradition” (*Rabbinic Literature and Gospel Teachings*, London, 1930, pp. 247 f.). In commenting on the gospel according to Matthew 5:31 f., on the theme of divorce: “In these verses the originality of Jesus is made manifest. So far, in the Sermon on the Mount, we have found nothing which goes beyond Rabbinic religion and Rabbinic morality, or which greatly differs from them. Here we do. The attitude of Jesus towards women is very striking. He breaks through oriental limitations in more directions than one. For (1) he associates with, and is much looked after by, women in a manner which was unusual; (2) he is more strict about divorce; (3) he is also more merciful and compassionate. He is a great champion of womanhood. And in this combination of fidelity and pity, as well as in his strict attitude to divorce, he makes a new departure of enormous significance and importance. If he had done no more than this, he might justly be regarded as one of the great teachers of the world. Mr. H. Loew, generously anxious to champion the Rabbis, and to weaken any difference between their teaching and that of Jesus, if the teaching of Jesus appears superior to theirs….“ (*ibid.*, pp. 46 f.). The accuracy of Montefiore’s judgement will be the task of further study.


114Ibid., pp. 98 f.

115b.

116Keth. 5:6.

117bKeth. 62b.

118ibid.

119bKeth. 61b.

120bKeth. 63a. Parallel in bNed. 50a.


122Ibid., p. 80.

123bEr. 22a. For that matter, in bMeg. 16b it says: “The study of the Torah is superior to the honoring of father and mother,” and even: “The study of the Torah is superior to the saving of life!”


125Or as was apparently also exhibited by the story about Rabbi Eliezer ben Hyrcanus: Imma Shalom, his wife, said: “He (my husband) ‘converses’ with me neither at the beginning nor at the end of the night, but (only) at midnight, and when he ‘converses,’ he uncoveres a handbreath and covers a handbreath, and is as though he were compelled by a demon. And when I asked him, what is the
reason for this (for choosing midnight), he replied, So that I may not think of another woman, lest my children be as bastards” (bNed. 20b).

126bBer. 17a. In bSotah 21a it says: “they have their sons taught Scripture.” See above, p. 96.

127See above, pp. 94 ff. There is also a legend that Ben Azzai married one of the daughters of Rabbi Akiba, but shortly afterward divorced her and remained unmarried thereafter.

128bYeb. 63b.

129For example, Marcus Lehman, Akiba (New York, 1956), and Finkelstein, op. cit., e. g., p. 23: “She must be recognized as one the most remarkable women in the whole of Jewish tradition.”

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130Education,” in *Encyclopaedia Judaica*, vol. 6, col. 397.

131Leeve, op. cit., pp. 224.

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See above, p. 96.

136See the footnote on p. 422 of the Soncino English translation.

137Shab. 4, 1; see also Sifre Dt. 190 on 19:17 (46d 52).

138Yeb. 16, 7. See also R. H. 1, 8, where it states: “These are they that are ineligible (to bear witness concerning the new moon): a dice player, a usurer, pigeon-flyers, traffickers in Seventh Year produce, and slaves. This is the general rule: any evidence that a woman is not eligible to bring, these are not eligible to bring.” In the medieval period Maimonides also provided a list of types of persons who could not testify: women, slaves, minors, lunatics, deaf, blind, wicked, contemptible, relatives and interested parties. (Yad, Edut 9:1).

139bB. K. 88a.


141, 82 (ed. Wilna 1898, 49a).

142Cf. bEr. 100b where ten curses are listed, differing somewhat from the above, including not listing the curse on bearing witness. The midrash NuR 10 (157c) refers to there being seven curses, but does not list them.

143Leeve, op. cit., p. 24.

144Cf. also bB. K. 14b where it states: “… on the evidence of witnesses who are free and persons under the jurisdiction of the Law (bnai brith).” “Free man” excludes slaves; “persons under the jurisdiction of the Law,” excludes heathens.”


Cohen, op. cit., pp. 128 f. See above, pp. 6 f., 17, 22.

147Ber. 3, 3. See bB. K. 20a for a development on this Mishnah teaching.

148Suk. 2, 7.

149See above, pp. 87 ff.

150bB. M. 4, 5.

151Hag. 1, 1.

152R. H. 1, 8.

153See above, p. 84.

154Kid. 1, 1. Danby, in his English translation of the Mishnah notes here that according to the twelfth century commentary of Maimonides and the fifteenth century commentary of Bertinoro, the sexual intercourse must be “in the presence of witnesses” but that according to the nineteenth century commentary, Tiferet Yisrael, by Israel Lipschutz, “not literally, but that there must be witnesses to their being alone together, and to his saying, Thou art betrothed to me by this intercourse.”
The example of Queen Alexandra (76-67 B.C.E.) does not seem to have had much effect on the pious upper class or the rest of the population. Perhaps that was because being ruled by a queen was thought of as not Jewish but Hellenistic, since there were Seleucid and Ptolemaic queens; it was ironic, of course, that Queen Alexandra was supportive of the Pharisees.

Ecclesiasticus 42:11-12; cf. also 26:10.

IV Maccabees 8:6-8. The commentary in Charles op. cit. vol II, p. 684, notes: "No seducer of the desert. This is a curious instance of the Jewish belief that evil spirits haunted the waste, to which we have the references in the New Testament. It seems hardly credible to us, but the Jews did actually believe that out in the desert there were demons who would lie in wait for women and lead them astray. The Australian Arunta similarly hold that certain rocky places in their deserts are the habitation of wanton spirits, and that women venturing near them may become mothers, apparently without knowing it."

Ibid., 171.

A contemporary of Akiba, hence, latter first century C.E.

A Rabbinic Anthology, p. xxviii.

Kid. 1, 2.

Kid. 1, 3.

Kid. 1, 4.

Kid. 1, 5.

Ber. 7, 2.

See above, p. 24.

Kid. 1, 10.

B. M. 1, 6.

bBer. 3b.

bB. Q. 119a.

Keth. 9, 4.

Tos. Suk. 4, 1 (198,6); see above, pp. 89 ff.

Tos. B. M. 1, 6.

bBer. 47a.

A Rabbinic Anthology, p. xxviii.

Ber. 7, 2.

Kid. 1, 2.

Kid. 1, 3.

Kid. 1, 4.

Kid. 1, 5.

See above, pp. 145.

Minyan. See above, p. 92.

Kid. 1, 4.

A Rabbinic Anthology, p. xviii.

Keth. 1, 10.

B. M. 1, 6.

bBer. 3b.

bB. Q. 119a.

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De specialibus legibus, 111, 169. At this point Philo added another indication of the lower estimate of women's abilities:

"Organized communities are of two sorts, the greater which we call cities and the smaller which we call households. Both of these have their governors; the government of the greater is assigned to men under the name of statesmanship, that of the lesser, known as household management, to women" (ibid., 170).

Ibid., 171.

Keth. 6, 6.

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Ibid., 171.

Keth. 9, 4.
By woman here is meant a married woman; it is possible that a woman did not cover her head before she was married. But since the usual marriage age for a girl was 13, and marriagable virgins were usually restricted to their homes, this distinction is not terribly significant here.

For an extremely thorough discussion of the whole question of the head covering of Jewish women, complete with very detailed references and documentation from various rabbinic sources see Billerbeck, *op. cit.*, vol. III, pp. 427-436.

In commenting on the words of the Mishnah (Shab. 8. 3) concerning the painting of one eye, Rab Huna (d. 297 C. E.) said: “Because modest women paint (only) one eye” (bShab. 80a). The editor of the English translation of the Soncino Press notes here: “They go veiled, leaving only one eye visible.” The Talmud then proceeds to speak of the “adornment of two eyes” and how this was taught in reference to small towners. Again the editor of the English translation notes here: “Or, villagers...” Temptation not being so great there, it is safe even for modest women to paint both eyes. This comment is probably based on the medieval commentator Rashi, who said: “Modest women who enter covered, uncover only one eye so they can see, and they adorn it...” The women living in the villages do not need to be so withdrawn, for there is not so much banter and levity there...” (quoted in Billerbeck, *op. cit.*, vol. III, p. 430).

Indeed, the Babylonian Talmud says, “A woman’s hair is an immoral thing” (bBer. 24a).

Keth. 7, 6.

Tos. Soṭah 5. 10 (302); cf. bGit. 90a-b (see above, pp. 120 f.).

B. K. 8, 6.

See Keth. 72a. Since, however, this Babylonian talmudic discussion stems from the early fourth century C. E. in Babylonia it is quite possible that a certain laxness in this regard developed since the time of more stringent custom in Palestine during the period before the destruction of the Temple in 70 C. E.


For example, the Talmud tells a story about Tamar that would indicate it was quite believable in rabbinic times that a woman would live at home with her face so constantly covered that it would not even be seen by her own relatives living there: “Every bride who is modest in the house of her father-in-law is rewarded by having kings and prophets among her descendants. How do we prove this? From Tamar, as it is written...” (bMeg. 10b). See Billerbeck, *ibid.*, p. 431 for further examples.

PesiqR 26 (129b).


Aboth 1, 5.

ibid.

See pp. 94 ff.

See above, pp. 112 ff.

bEr. 53b. See above, p. 72.

bNed. 20a. At this point the editor of the English Soncino edition adds a note that, in view of the evidence gathered above, is rather ironic, though it was not intended to be, but was probably written out of embarrassment: “The present statement is not meant to be derogatory to women, who were held in high esteem” (p. 57).

bBer. 43b.

bKid. 70a-b.

bHag. 6b.

At this point the editor of the English Soncino edition notes: “I.e., he was ravenous in his desires like a newly-wed.”

bNed. 20b. However, apparently the conversation was to be somewhat limited on the side of the wife since in the Mishnah, when listing women who may be divorced without their kethubah, it is stated: “Rabbi Tarfon (a first century C. E. rabbi) says: Also if she be a loud-voiced woman. What is here meant by a loud-voiced woman? Such a one who speaks in her house so that her neighbors hear her voice” (Keth. 7. 6). In commenting on that passage the Talmud asks what is meant by a loud-voiced woman and responds: “In a Baraitha it was taught: one whose voice during her intercourse in one court can be heard in another court” (bKeth. 72b).
All these statements are from bBer. 24a. The latter has a parallel in bShab. 64b: “Whoever looks upon a woman’s little finger is as though he gazed upon the pudenda.”

A woman during her period of menstruation and seven days following.


*ibid.*, p. 68 f.

*bNed.* 20a.

*ibid.*

*bYeb.* 64a.


Article on “Purity” in vol. 13, col. 1405. In Leviticus 11:43-44 purity and holiness are clearly linked together: “You shall not contaminate yourselves through any teeming creature. You shall not defile yourselves with them and make yourselves unclean by them. For I am the Lord your God; you shall make yourselves holy and keep yourselves holy, because I am holy.”

Cf. bA. Z. 20b.


Tos. Yoma 1, 12.

San. 9, 6.

*Purity,* *op. cit.*, col. 1411.


*ibid.*, col. 1141.

Abodh 3, 19.


Cf. bShab. 13a.

*bNid.* 66a.

P. xii.

“Niddah,” *Encyclopaedia Judaica*, vol. 12, cols. 1141 f. In the same place it is also noted that, “the halakhah as at present is that sexual intercourse (and any other intimacies which may lead to it) is forbidden from the time the woman expects her menses until...
seven clean days ... have elapsed.... Thus the minimum period of separation is 12 days."

30Ibid., col. 1144.

31Shab. 2, 6. See above, pp. 76, 87 f., and below, note 51.

32Niddah," op. cit., col. 1147.

33Shab. 9, 1. The same teaching is repeated elsewhere in the Mishnah: A. Z. 3, 6.

34Niddah," op. cit., col. 1147.

35Adler, op. cit., p. 126.

36The bShab. 13b version says simply: "in the days of thy menstruation."

37When she was not menstruating, but was going through the seven "unclean" days afterwards. See bShab. 13b.

38ARN 1, 5. This translation is taken from Judah Goldin, trans., The Fathers According to Rabbi Nathan (New Haven, 1955), pp. 16 f. Almost the identical story is repeated in the Babylonian Talmud, bShab. 13b; the former work reports only tannaitic teachings and is earlier than the Talmud.

39After her period of menstruation.

40bPee., 111a.


42Cf. "Niddah," op. cit., col. 1146. Perhaps a contemporary echo of this is the current slang reference by women to menstruation as "the curse."

43bShab. 13a. Cf. also Tos. Shab. 1, 14.

44Nid. 7, 4.

45On "conversing" with one's wife for the sake of cajoling her into sexual intercourse see above, p. 124.

46Emphasis added.

47ARN 1, 4. It should be noticed that this text is probably quite early since it does not yet allow the woman to adorn herself during her menstrual period, whereas she was allowed to do so by Rabbi Akiba in the first century C. E. (Sifra, Mezora 9. 12).

48Segregated.

49bR. H. 26a.

50Edited in 1890 by C. M. Horowitz.

51It is perhaps ironic that a menstruating woman should here be forbidden to light the Sabbath light since the one rabbinical explanation given (in several ancient sources) for the woman's obligation to enkindle the light is that she "put out" the light of the world, i. e., caused the death of Adam; but in the same rabbinic passage the menstruation regulations are said to be the woman's punishment for having caused the death of Adam, the blood of the world. See above, pp. 76, 87 f.

52Cf. Baraita de Niddah, pp. 3 ff. and 17 ff.

53Cf. "Niddah," op. cit., col. 1146

54Adler, op. cit., p. 126.

55bKid. 29b.

56bYeb. 63b.

57bYeb. 63a.

58bSan. 76a.

59bKid. 7a.
Many Christian Fathers and broad strands of Christian theology also carried the same notion forward to the present.

The Greek text reads: ἐπὶ ἀληθείας, in truth; the Vulgate reads: Isola posteritatis dilectione, "only for the love of posterity (8:7)."

Probably the first century before or after the beginning of the Common Era. See above, pp. 51 f.

Testament of Issaachar 2:3.

Josephus, Jewish War, 11, 161.

Philo, De Specialibus Legibus, III, 113.


Yeb. 6, 5.

bYeb. 61b.

bYeb. 65b.

Yeb. 6, 6.

bYeb. 63b.

bYeb. 64a. This is a commentary on the earlier Mishnah: "If a man took a wife and lived with her for ten years and she bore no child, he may not abstain (any longer from the duty of propagation)" (Yeb 6, 6). See also bYeb. 66a: "Our Rabbis taught: A woman who had been married to one husband and had no children and to a second husband and again had no children, may marry a third man only if he has children. If she married one who has had no children she must be divorced without receiving her kethubah.

bKid. 82b.

bNid. 31b.

bSan 69a.

Loewe, op. cit., p. 23. Leipoldt noted that in the Hebrew Bible and among the rabbis the husband was referred to as the "lord of the woman (ba‘al)," and that in Jewish Greek the married woman was called "the one under the man (hypandros)" giving the Testament of Reuben as a reference. Cf. Leipoldt, Jesus und die Frauen, p. 43.

See the discussion above on pp. 118 ff. In this connection it is interesting to note what Raphael Posner has to say: "Although the act of marriage can be effected in different ways (see below, Legal Aspects) it has become the universal Jewish practice to use a ring, except in a very few oriental communities where a coin is used...... In some Reform and Conservative congregations in the U.S. the 'double ring' ceremony is practiced in which the bride also gives a ring to the groom and recites a marriage formula. Since, according to the halakah it is the groom who is acquiring the bride, this innovation raises serious halakhic doubts which, according to some authorities, even affect the validity of the marriage." (Marriage, Encyclopaedia Judaica, vol. 11, cols. 1041 f.)

See Leipoldt, Die Frau in der antiken Welt, pp. 65 f., where he comments: "This polite phraseology found it more difficult to gain entrance into the Semitic Orient."

Kid. 3–7.

Josephus, Antiquities, XIX, 364.

bSan 69a.

Loewe, op. cit., p. 23.

Sotah 3, 8.


Ned. 10, 5.
Keth. 8, 1.

Ibid.

Keth. 7, 8.

Tos. Kid. 1, 11 (336).

Sifre Lev. 10, 343.

Keth. 4, 5.

Ned. 10, 1 ff.


Keth. 4, 4.

Keth. 4, 6. The Talmud nuanced this rather bald mishnaic teaching by stating: “Since he is only exempt from legal obligation he is, obviously, still subject to a moral duty” (bKeth. 49a). It is interesting to note that the same Gemara teaches that “(since it has been said that) he is under no obligation to maintain his daughter only, it follows that he is under an obligation to maintain his son.... For it was taught: It is a moral duty to feed one’s daughters, and much more so one’s sons, since the latter are engaged in the study of Torah; so taught Rabbi Meir.” However, the reverse was also argued: “Rabbi Judah ruled: It is a moral duty to feed one’s sons, and much more so one’s daughter, in order to (prevent their) degradation.”

Keth. 4, 4.

B.M. 13 5. Women, slaves and minors are here again treated jointly; see above, pp. 117 ff.

Keth. 5, 8.

Keth. 4, 4.

Keth. 4, 9. However, Keth. 4, 9, also states: “If she received injury he is liable for her healing; but if he said, ‘Lo, here is her bill of divorce and her Kethubah: let her heal herself,’ he has the right (to do so).”

Keth. 4, 4.

See below, pp. 167 ff.

It is interesting that this is seen as a work the wife must do for the husband.

Keth. 5, 5.

bKeth. 64a.

See above, pp. 34-36, 40f., 73 ff.


bKid. 7a.

Yeb. 4, 11.

Keth. 10, 5. The reference in this quotation would seem to indicate at least a sufficient incidence of multiple divorce on the same day some time during the early rabbinic period in Jerusalem to warrant the instituting of the procedure of putting the hour of the divorce in the written document. In commenting in another place on the number of wives a king should be allowed (18) the mishnaic Rabbi Judah limited the number, but in an open-ended way: “Nor shall he multiply wives to himself—eighteen only. Rabbi Judah says: He may multiply them to himself provided that they do not turn away his heart.” Rabbi Simeon adds: “If there was but one and she would turn away his heart he may not marry her” (San. 2, 4). Cf. also Kid. 2, 7, where a man betroths himself to three women at once.


Ibid., pp. 12-17.

The school of Shammai was in favor of the fulfillment of levirite marriage, whereas the school of Hillel was opposed to it.

E.g., Keth. 10, 1-6; Git. 2, 7; Git. 3, 1; Kid. 2, 6-7; Sotah 6, 2; Ber. 8, 4.

In 1927 in the small village, Artas, near Bethlehem, of the 112 men in the village, twelve, i.e., about 10%, had more than one wife—eleven had two and one had three. (H. Granqvist, *Marriage Conditions in a Palestinian Village*, Helsinki, 1935, vol. II, p. 205.) When
visiting Israel in October, 1972, I was in the village of Deir Samit, a Muslim Arab village of about 1,000 inhabitants west of Hebron. I met and had dinner with seven married men of the village, two of whom had several wives—one had three and the other was about to marry his sixth, though he had divorced two of them so as to stay within the Muslim restriction of four wives at once (which tradition probably stems from an amoraic rabbinic recommendation). These last figures, of course, cannot be extrapolated to yield a percentage for the entire village, nor can either of the references be automatically transferred back to the Palestine of 1900 years ago. However, it is somewhat amazing how much of that 1972 village life was like what it must have been two millennia ago; many of the customs, costumes, techniques (e.g., a very primitive pottery technique), instruments (e.g., a stone age-like wooden plow), etc., go back that far and even much farther. Hence, because the situation is somewhat similar to, but at the same time different from, anthropologists working with contemporary primitive tribes, these modern observations of primitive Palestine can at least suggest possibilities for what it must have been like in Palestine before the Roman destruction 1900 years ago.

117 Ibid., 33 XIII, 380.
118 Ibid., XIV, 300, XV, 319.
119 Josephus, Jewish War XVI, 477.
120 Josephus, Antiquities XVII, 11. Cf. also Jewish War I, 511, where it is related how Herod presented to Archelaus, the father of his daughter-in-law, “a concubine, named Pantychis.”
121 Cf. Josephus, Antiquities, XX, 85, where a reference is made to his wives. In ibid., XX, 89, reference is made to his wife or wives; the manuscript tradition is mixed.
122 Ibid., XVII, 341.
123 Ibid., Life of Josephus, 414.
124 Ibid., 426.
125 Term referring to the two or more simultaneous wives of the same husband.
126 Yeb. 15b. The names in the parallel passages, Tos. Yeb. 1, 10 and p.Yeb. 1, 3a, 18, differ in part. The Palestinian Talmud also records a story about Rabbi Judah (late second, early third centuries) who advised a brother to take all twelve childless widows of his dead brothers in levirite marriages, which he did, and fathered 36 children, who Rabbi Judah then helped support (p.Yeb. 4, 6b, 35).
127 Yeb. 65a. There was, of course, also the earlier opposition of the Essenes, discussed above, p. 194 note 20.
128 Yeb. 63b.
129 Pes. 113a.
130 Yeb. 15a.
131 Yeb. 65a. Herer also notes that “this would appear to be the source of the Muslim law which permits only four wives. (“Monogamy,” Encyclopaedia Judaica, vol. 12, col. 269.) He likewise adds: “In Germany and northern France polygamy was rare, mainly due to the economic conditions and to the influence of the Christian environment. it seems that at the beginning of the 12th century, the Jewish communities issued a regulation which forbade polygamy (among Ashkenasic, but not Sephardic, Jews). Later this regulation became a herem (ban), attributed to R. Gershom b. Judah of the 10th century ... in the State of Israel it (polygamy) is prohibited by law (the 1951 law on equal rights for women).” Raphael Loewe, op. cit., p. 22, notes: “Jewry has never formally repudiated polygamy and indeed amongst polygamous non-Jewish environments it has sometimes been maintained (or readopted).
133 Ex. 20:13; Dt. 5:17.
134 See G. Montefiore, Rabbinic Literature and Gospel Teachings (London, 1930), pp. 44-46, for a discussion of the passage that is favorable to the rabbis.
136 Yeb. 44a. Herer also notes that “this would appear to be the source of the Muslim law which permits only four wives. (“Monogamy,” op. cit., col. 259.) He likewise adds: “In Germany and northern France polygamy was rare, mainly due to the economic conditions and to the influence of the Christian environment. it seems that at the beginning of the 12th century, the Jewish communities issued a regulation which forbade polygamy (among Ashkenasic, but not Sephardic, Jews). Later this regulation became a herem (ban), attributed to R. Gershom b. Judah of the 10th century ... in the State of Israel it (polygamy) is prohibited by law (the 1951 law on equal rights for women).” Raphael Loewe, op. cit., p. 22, notes: “Jewry has never formally repudiated polygamy and indeed amongst polygamous non-Jewish environments it has sometimes been maintained (or readopted).
137 See Gen. 38:24, where Judah ordered Tamar burnt.

Cf. *bSan. 74a*.

The book was probably composed in the late sixth century B.C.E.

**Ezk. 16:37-41.**

**Hos. 2:3.** The book dates from the eighth century B.C.E.

**San. 7, 1.** Beheading was listed as a fourth, but it was not used in cases of adultery.

**San. 6, 3-4.** Although during the Roman procuratorship the death penalty was legally reserved to the Romans, stoning by an official Jewish body apparently did occur at least once: the Acts of the Apostles relates how Stephen was brought before the Council, "then they made one rush at him, and flinging him out of the city, set about stoning him" (Acts 7:57 f.).

According to the *Gemara* *bSan.* 52a molten lead was used.

**San. 7, 2.**

**San. 7, 3.**

**bSan. 52b.**

**P. 353.** Parallel passages are *pSan.* 8, 24b and *Tose. San.* 9.


**bSan. 52b.**

**San. 7, 3.**

**Dt. 22:23-27.**

**Togay, op. cit., col. 314.**

**ibid., col. 313.**


It is interesting to note that according to the gospel of Matthew Joseph, the betrothed spouse of Mary, mother of Jesus, wished to avoid this: "Being a man of principle, and at the same time wanting to save her from exposure, Joseph desired to have the marriage contract set aside quietly" (1:19).

In general an adulteress was subject to the death penalty from age 12 years and 1 day old, and adulterers at age 13 plus 1 day.


This is the translation of the New English Bible. Literally the Hebrew means something like, "make your belly swell and thigh waste away.

**Sotah 1, 1.**

One German Jewish scholar argued that she need not be divorced, since it was feared she might have planned this as a device to obtain a divorce so as to marry another—something that of course was allowed to a man but not to a woman. Cf. "Ehebruch," *op. cit.,* col. 256.

Cf. Sotah 1, 4-5.

Blackman says: "His opinion is rejected."

How he would know it was beautiful if he did not see it is not explained.

Sotah 1, 5. See above, p. 123 for a description of the dishewelling of the hair and how one priest administered this ordeal to his
Sotah 1, 6. Blackman comments here that, “this is really obligatory upon women, whereas it is only voluntary for men.”


Sotah 3, 3-4. For a description of the ensuing discussion at this point in the Mishnah about whether a woman should receive enough instruction in Torah to learn that earlier meritorious living might postpone the effect of the bitter waters—decided in the negative—see above, pp. 94 ff.

Sotah 9, 9.


Sotah 47b.

The extent to which the death penalty was actually inflicted is difficult to determine, as is also the determination of exactly when it ceased being imposed under Jewish law, for the Roman reservation of capital punishment etc. did not prevent the two executions described above.

Kid. 1, 1.

Falk, op. cit., p. 154.

Cf. Lev. 21:7, 14; Num. 30:10; Ez. 44:22.

Falk, op. cit., p. 154.


The English Soncino edition notes here: “i.e., to the masses, in the public lectures.

bSan 100b.

See above, pp. 149 ff.

Git. 89a.

Git. 90a-b. Parallel passages in Tos. Sotah 5, 9 (302) and pSotah 1, 17a, 32.

Yeb. 6, 6.

Yeb. 64a. Parallel passages in Tos. Yeb. 8, 4 (249) and GnR 46 (28b).

 Cf. Keth. 7, 1-5.

English Soncino edition note: “Euphemism for vigorous exercise after intercourse in order to prevent conception” (bKeth. 72a).

Note: There is no footnote 194 in the present book.


The English Soncino edition comments: “Sc. who has not a bad wife mentioned in the first version.”

Note ibid.: “Consequently one would not be suffering very long from such a woman.”

Note ibid. “The second version.”

Note ibid.: “Which the man cannot afford to pay. He cannot divorce her unless he is in a position to meet his obligation”, (bEr. 41b).

Dt. 22:28-29.


Yeb. 14, 1.

Keth. 4, 9.

See below for explanation of term.
Keth. 8, 8; bKeth. 82b. Falk, op. cit., p. 156, notes that, “Biblical law, moreover, did not include any provision for the payment of a sum to the divorcee.... Only in the post-exilic Aramaic (Elephantine colony) papyri was a provision for payment of ‘divorce money’ included.” Yaron, op. cit., p. 53, states that this was due to Egyptian influence; it should be recalled that this distant Jewish military outpost on the upper reaches of the Nile in the fifth century B.C.E. remained isolated and without apparent influence on mainstream Judaism.

Cf. e.g., bGit. 58a.

GnR 17, 3.

bYeb. 63b.

Blackman notes here: “His father or grandfather, but not his mother because a woman and her daughter-in-law are often enemies.

Keth. 7, 6. See also the partly parallel Tos. Keth. 7, 6 f.

bKeth. 72b.

Keth. 7, 7.

bKeth. 73b.

Tos. Keth. 7, 8 f. (269).

bKeth. 72a.

Lev. 21:18-20. See also bBek. 43b.

bKeth. 75a.

bid. Blackman, in his commentary on Keth. 7, 7, also mentions unbearable odor and ugly unusual hair. See also Tos. Keth. 7, 8 f. (269) and pKid. 26, 62d, 18. If the matter came to a legal dispute, the wife and father of the wife were not without legal defenses, as provided in Keth. 7, 8, and the talmudic gemara on it; however, the weight of the law leaned heavily on the side of the husband—see bKeth. 75b-76a and the notes on p. 475 of the English Soncino edition.

See pp. 157 f.

DT. 24:1.

Git. 9, 10.

bShab. 64b. See also Sifra on Lev. 15:33.

However, the dispute between the two schools was reflected in the gospel according to Matthew 19:3, where Jesus was asked, “is it lawful to put away one’s wife for every cause?”


Josephus, Life, 426. See above, pp. 146 f.

Philo, De Specialibus Legibus, 111, 30.

bGit. 90b.

bYeb. 14, 1. This eventually was changed in Western Europe during the Middle Ages when the wife’s consent to the divorce was required when legally acceptable grounds for the divorce were missing, although “if a man chose to ignore the law and divorce according to his lights his act was irreversible. The wife could not demand that her husband reinstate her, merely because he had divorced in contravention of the ban.” Ze’ev Falk, Jewish Matrimonial Law in the Middle Ages (Oxford, 1966), p. 142.

Abrahams, op. cit., p. 75.

Excrement of dogs.

Keth. 7, 10.

bYeb. 65b.

2. Already scholars like Ze'ev Falk, *Jewish Matrimonial Law in the Middle Ages* (London, 1966), have begun to do this sort of thing. Of course a great deal of Jewish history still awaits careful, unapologetic research.

3. Originally appearing in Hebrew, the article is translated into German: "Die Stellung der Frau in der Halacha," *Freiburger Rundbrief*, XXV (1973).


10. See, e.g., Arlene Swidler, *Sistercelebrations* (Philadelphia, 1974), where both a feminist seder and a ceremony for the naming of a girl are printed along with an explanation by their authors.