

# Women's Bodies and the Rise of the Rabbis: The Case of Sotah

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In the very foundation legend of rabbinic Judaism, the legend of R. Yohanan ben-Zakai,<sup>1</sup> we are informed at one point that:

When adulterers multiplied, [the rite of] the bitter water [*sotah*] ceased, and R. Yohanan ben-Zakai brought it to an end, for it is written, "I will not punish your daughters when they fornicate and your daughters-in-law when they commit adultery, for they [the men] go off alone with harlots and sacrifice with sacred prostitutes" [Hosea 4:14].<sup>2</sup>

What we find here is a defining moment in the assertion of rabbinic power in the abrogation of a rite that is frequently associated with the most extreme misogyny—and precisely in the context of accounts of rabbinic misogyny. The abrogation, moreover, is engendered in the name of an attack on a version of the "double standard." The battle for power is between the men of the rabbinic party and the men of the traditional priestly circles for whom continuation of such biblical rituals was undoubtedly at the center of their religious lives and values. The new rabbinic regime of knowledge/power was epitomized (or perhaps, one might say, epistemized) via the concept of Torah, which is the rabbinic ideology of an oral tradition communicated and transmitted from Sinai and of which they were the sole possessors. Crucial to the success of this epistemic shift was the disenfranchisement of the previous holders of power/knowledge, the priests, as well, as we shall see, of other traditional sources of knowledge, including women.

The "feminism" of the abrogation of the sotah ritual is thus to be read as part of a larger struggle for power on the part of a new male elite. Ancient and contemporary analogies abound.<sup>3</sup> As Shahar Pinsker has recently written,

The internal logic of the abolition suggests that the laws of the sotah and the heifer were possible to enact only in a world in which there are harmonious relations between God and the People of Israel. In the new situation that was created in the historical arena, there are different ways of dealing with the social order, and the one that the Mishnah privileges is the textual/discursive activity of Torah study. In this sense, R. Yochanan abolished the physical ritual, but its function as means of control and power (in the Foucauldian sense) is preserved through the activity of Torah study. This is a powerful

way of understanding this seemingly contradictory move—the simultaneous abolition of ritual and the textual energy that is devoted to it.<sup>4</sup>

In this paper, I wish to explore the crucial role of "gender" in new approaches and methods for the study of rabbinic history and historiography. This text in Mishnah Sotah can function as an initial emblem for the problem I will treat here.

Many feminist discussions of the rabbis have charged them with particularly crude versions of misogyny and total disregard for women's subjectivity. These polemics have been mobilized from various vantage points, including Christian feminist apologetics that have sought to locate misogyny and patriarchal dominance within Christianity in its supposed, only partially superseded, Jewish antecedents,<sup>5</sup> as well as from Jewish feminists rightly angered at the oppression of women within traditional Jewish culture.<sup>6</sup> At the same time, other Jewish feminists have sought to understand rabbinic gender culture in more nuanced terms, seeing ways in which the rabbis sought to ameliorate the legal standing of women or ways in which the halakhic system itself produced spaces for female autonomy "against its will," as it were.<sup>7</sup>

Interesting for my purposes here are specifically the efforts of Judith Hauptman. In searching for a contemporary re-vision of Jewish traditional life that will answer the feminist demand for gender justice, Hauptman develops a unique methodology avoiding both polemics and apologetics. Rather than judging or defending the rabbis and their "attitudes" or practices with respect to gender, Hauptman seeks a dynamic model of description. What was the directionality of rabbinic thought on gender? Was it leading in what we would call a progressive direction vis-à-vis its authoritative text and past, the Torah, or was it tending toward the greater oppression and exclusion of women?

In the past, many have argued for the latter option. The great innovation of Hauptman's book is that it arduously argues for the former thesis, and largely convinces.

Hauptman, it is important to stress, is not arguing that the rabbis were feminists. Indeed, she makes it quite clear that the opposite is the case. She does characterize them, however, as antimisogynists by and large and as seeking to ameliorate the legal situation of women, as "helpful to women"—benevolent patriarchs and patrons of women. One could easily see that the halakhic innovation of R. Yohanan fits into this category. Sotah, a particularly obnoxious rite in which a woman is shamed, stripped bare, dirtied, and cursed in public, and all because her husband has suspected—merely suspected—her of adultery, has frequently been the site of the sharpest of feminist polemics, especially since the rabbis in the Mishnah elaborated at length and with their characteristic passion for detail precisely how this shaming and abuse was to be carried out. What has been overlooked is that all this elaboration came within the context of the explicit and total abrogation of the rite at the *arche* of the entire rabbinic enterprise, decidedly a patronizing amelioration but not, at any rate, a misogynist assault on women. My point is not, of course, to delegitimize the forceful feminist critique of the discourse of sotah, but rather to indicate the necessity for a deeper consideration of the role of gender (not gender roles) in the construction of rabbinic authority, both synchronic and diachronic. What we need when

we study early rabbinic Judaism is a mode of feminist critique that is capable of exposing the “sexist” strategies precisely of these rabbis who were by and large antimisogynist.<sup>8</sup>

In order to accomplish this purpose, what I propose to do is to look at several narratives concerning the rise of rabbinic power to see how gender is implicated in these founding legends (one could even call them myths of origin). Moshe Halbertal has written:

The idea that expertise in the text is a source of authority—an idea that gives rise to the centrality of the scholar in the Jewish hierarchy—defines an important feature of text-centeredness. Such expertise may become the main source of authority, and then priests and prophets are replaced by scholars. The leading role of the scholar constituted a revolutionary, postbiblical conception of religious authority within Judaism, challenging other conceptions.<sup>9</sup>

What Halbertal apparently misses is the extent to which the revolution was not only in the transfer of power from priests and prophets to scholars but also in the particular role that the concept of the Oral Torah played in locating all religious authority in the hands of one community of scholars, the rabbis, and one institutional locus, the house of study (*beit hamidrash*). The epistemic shift begins, to be sure, with the Mishnah at the end of the second century,<sup>10</sup> just as the process that Athanasius and his Nicaea were to bring to fruition began, in some sense, with Justin and Irenaeus at about the same time. Athanasius’s *ek Pateron eis Patera* (from Father to Father) is strongly reminiscent of the Mishnah’s succession list, which represents the oral Torah received by Moses on Sinai and codified at Yavneh by the “fathers” in the eponymous mishnaic tractate called *Avot*. But just as Christian orthodoxy received its definitive formation in the fourth century, so too the social form, that is, the heteroglossic, or multivocal, regime of power/knowledge of rabbinic orthodox Judaism was formulated much later than the Mishnah. The codified “dissensus,” the agreement to disagree, was as efficient a mode of power for the achievement of “consensual orthodoxy” for rabbinic Judaism as were the creeds and councils of orthodox Christianity. Yavneh and Nicaea can thus also be said to represent a twin-birth of orthodoxies.<sup>11</sup>

In some of its most central self-founding and self-fashioning legends, rabbinic texts focus crucially (and disturbingly) on gender. It is a virtual commonplace by now that the rabbis produce some kind of pluralism. While I would (and do elsewhere) argue that these commonplaces require serious historicization,<sup>12</sup> it nevertheless remains apparent that late rabbinic literature more than once offers self-descriptions in which the notion of irresolvable controversy over central issues is made an emblem of the pattern of Jewish truth. This is occasionally thematized within the texts in the form of divine approbation of the undecidability of a given point of interpretation or law. The following talmudic text, from tractate *Gittin*, dating from circa fourth-century Babylonia, is both scandalous and revealing. The text explores a biblical locus: “And his concubine went astray” (Judges 19:2). Two rabbis, in interpreting this story, try to discover what had caused the concubine’s husband in anger to drive her out of his house:

R. Evyatar said, He found a fly on her.

R. Yonatan said, He found a hair on her.

R. Evyatar met up with Elijah [the prophet], and said to him, What is the Holy Blessed One up to?

[Elijah] said, He is studying [the story of] the concubine of Gibeah.

[Evyatar]: And what does He say about it?

[Elijah] said to [Evyatar], He [God] says, Evyatar my son says thus, and Yonatan my son says thus.

[Evyatar] said to [Elijah], God forbid—is there doubt before Heaven?

[Elijah] said to him, These and these are the words of the Living God: [the husband] found a fly and did not get angry; [but] he found a hair and got angry.

R. Yehudah said, The fly was in the cup, and the hair was in that place [her vulva]. The fly is disgusting, but the hair is dangerous.<sup>18</sup>

R. Hisda said, A man should never produce fear within his household, for behold the concubine of Gibeah; her husband produced fear in the household, and there was a massacre of tens of thousands in Israel. (*Gittin* 6b)

This rabbinic narrative deals with one of the most horrifying of biblical stories, the so-called “concubine of Gibeah” in Judges 19–21. In this story, a wife (or concubine) leaves her husband and is eventually violated and murdered. The story is a savage narrative of the most appalling violence toward a woman. It results in civil war, but for the rabbis it conveys the domestic moral that a husband should not display anger toward his wife, for if he does, she may run away with devastating personal and public consequences. The rabbis debate what fault her husband found in her that made him so angry that the concubine grew afraid and ran off. According to one of the rabbis, he had found an unwanted fly; according to the other, he had found unwanted hair. The remarkable thing about the rabbinic text is that it seemingly encodes radical undecidability in the biblical narrative itself.

Let us follow this process with the text. In the first move, when Elijah, the mediator of divine knowledge, is asked what God Himself has to say on the question that the rabbis are debating, the text informs us that all He does is quote His “sons,” the rabbis: “Evyatar my son says thus, and Yonatan my son says thus.” According to the rabbis, even God, the author of the Book, can only say with certainty that there are various interpretive possibilities; He can only repeat the tradition of interpretation that is extant in the *beit midrash*. As if in panic at its own suggestion that the text is inhabited by such radical undecidability, that even God can only “teach the controversy” and not resolve it, the narrative then opts for harmonization of the two views: The husband found both fly and hair. However, we already note that the legitimate site of such radical undecidability, the parameters of undecidability, are to be set only by Evyatar, *My son* and Yonatan, *My son*.

In the spaces opened up by this controversy, at the level of the narrative of God’s doubt, and then at the level of the retraction of that narrative, we can read a little historical allegory of the history of rabbinic Judaism. At the first stage of the talmudic story, there is controversy; at the second stage, undecidability; at the third, harmonization. Stories such as these have been taken up in much contemporary writing on rabbinic Judaism as encoding either radical undecidability in the theoretical sense or radical pluralism in the social sense. No one, scholars suggest, can exercise control over interpretation according to the rabbinic system of *midrash*, for the rabbis allegedly understood that no textual interpretation is ever definitive, even that of the

Author himself.<sup>14</sup> Somewhat less lyrically, but still idyllically, we sometimes find this structure described as one of a radical democratization of interpretation within rabbinic polity.<sup>15</sup> Neither of these two constructions, however, pays attention to the fact that interpretative authority is located exclusively in the rabbinic study house. Far from representing a utopian moment of ludic interpretative freedom,<sup>16</sup> the project of a hermeneutic parable like this one is rather, in my view, to advance the rabbinic program of exclusive control over the religious lives of Jews and to secure the interpretation of the Torah for their institution, the house of study, in whose controversies all truth and authority lie.<sup>17</sup>

Rabbinic Judaism, so it can be conjectured, is the end-product of an extended struggle for hegemony by a particular version of religious authority that locates it exclusively in the hands of a male elite devoted primarily to the study of Torah, that is, to the preservation and development of their particular traditions and modes of interpretation. Paying close attention to these narratives will help us uncover the “significance[s]” of Yavneh. This history can be read, as it were, between the lines of various talmudic narratives. It is no accident that this struggle is enacted in no small measure as a contest for control over sexuality—and, at that, a struggle between the rabbis, a.k.a. the Torah, and women. Consider the following passage from tractate Nedarim:

Rabbi Yohanan ben-Dahavai said, The ministering angels told me, Why are there lame children? Because they [their fathers] turn over the tables [have intercourse with their wives on top]. Why are there dumb children? Because they kiss that place. Why are there deaf children? Because they talk during intercourse. Why are there blind children? Because they look at that place.

Rabbi Yohanan—not the same as R. Yohanan ben-Dahavai—dissents from the halakhah that the angels communicated through that former Yohanan:

Rabbi Yohanan said, These are the words of Rabbi Yohanan ben-Dahavai, but the sages say, Anything that a man wishes to do [together] with his wife, he may do, analogously to meat that comes from the shop. If he wishes to eat it with salt, he may; roasted, he may; boiled, he may; braised, he may. And similarly fish from the store of the fisherman.

And next:

Amemar said, Who are the ministering angels? The rabbis, for if you say literally, *ministering angels*, then how did R. Yohanan say that the law is not like R. Yohanan ben-Dahavai? After all, angels certainly know embryology!

Through his reinterpretation of the “angel” as a metaphorical representation of “our rabbis,” Amemar transforms the conflict in this text from a contest over power between different forms of authority, different modes of power/knowledge, into a normal rabbinic controversy within the same kind of episteme, the realm of Torah, the rabbis themselves. He does this by converting the “angels” of the earlier text into ordinary rabbis. The use of “the sages” (*hakhamim*) and “the rabbis” (*rabanan*) here marks this subtle shift, since both designate the same group. It should be emphasized, however, that Amemar only renders explicit what was implicit in R. Yohanan’s dissent, wherein the latter already transformed the angelic knowledge into an ordinary rabbinic opinion of Yohanan ben-Dahavai.

The narrative continues with “actual cases,” precedents that both illustrate and buttress the point made in the preceding section:

A certain woman came before Rabbi [R. Yehudah Hanasi], and said to him; Rabbi: I set him a table, and he turned it over. He said to her, My daughter, the Torah has permitted you; and I, what can I do for you?

A certain woman came before Rav. She said to him, Rabbi, I set him a table, and he turned it over. He said, How is the case different from fish? (Nedarim: 20a–b)

Quite understandably, this passage has usually been read by scholars as a sort of rudimentary rabbinic *scientia sexualis*, or at least, as an *ars erotica*, one, moreover, that is particularly obnoxious in its disregard for women’s sexual rights over their own bodies. At first glance, it seems as if a wife is being compared to a fish. I shall not be disregarding this element if, at the same time, I suggest that there are even more compelling political forces at work here: that the text represents part of a rabbinic project of takeover and disenfranchisement of *all* sources of traditional religious authority among Jews, including the authority of women’s traditions. It is thus not an accident that so many of these crucial narratives of struggles over power and authority are connected with sexuality, because these struggles are implicated in strife against sites of women’s traditional power/knowledge. The struggle for rabbinic authority is, in part, a campaign for control of women’s bodies and sexuality.

Now we must engage in some lexicography. The term “turning the tables” can most likely be identified as vaginal intercourse with the woman on top.<sup>18</sup> Most interpretations of the narratives of the two women who come to the rabbis complaining of having “set the table,” which the husband overturned, and the rabbis’ refusal to intervene understand this as rabbinically sanctioned marital sexual abuse.<sup>19</sup> The full context, however, suggests another interpretation. This is, I suggest, a text primarily about the acquisition of rabbinic power and the rabbis’ struggle with other forms of Jewish authority, and not principally “about” sexuality at all.

According to R. Yohanan ben-Dahavai, one of the sexual practices proscribed by the “angels” is precisely the activity that the two women claim their husbands desired. Moreover, according to this “angelic” eugenics, intercourse in this position produces damaged children. My assumption is that this nascent embryology represents a form of popular Jewish pietistic practice of sexual hygiene, one that would have been the province of women as well as men. The complaint of these wives is not that their husbands wish to engage in a painful or distasteful form of sex but that they wish to engage in intercourse that the old mores of the Jews considered improper and dangerous to the fetus. The responses of Rabbi and Rav do not, therefore, counsel submission to abuse, which would indeed indicate that the wife is either the husband’s sexual property or a “consumable,”<sup>20</sup> but rather assert the sole authority of “Torah” over any other kind of religious leadership, whether angelic or traditional, including the traditional power/knowledge of women.<sup>21</sup> If the Torah does not prohibit an activity, no other source of authority has any jurisdiction over Jewish behavior, according to the rabbis; neither angelic nor popular, including women’s culture.

The metaphor of the fish does not refer to the wife’s body but to intercourse itself since the Torah permits sex in general and does not prohibit any specific form of it just as a kosher fish may be cooked in any fashion desired, therefore, women’s and

ther popular traditions of interdiction are immaterial. You may have intercourse on top, says the male rabbi to the woman, because the Torah—that is, the rabbis—say that it is permitted, your women’s customs notwithstanding. The irony is, of course, palpable, and the cloaking of control as license conjures up Foucault: Women on top and intercourse, but not in discourse.<sup>22</sup>

The interpretation of “Torah” in this context as referring to rabbinic power is supported and specified by another puzzling talmudic text having to do in part with sexuality:

We have learned in a *baraita* that R. Akiva said, Once I followed R. Yehoshua into the privy and I learned from him three things. I learned that one does not eliminate standing up but sitting; I learned that one does not eliminate facing east to west but north to south, and I learned that one does not wipe with the right hand but with the left.

Ben-Azai said to him, Were you indeed so brazen-faced with your teacher!?

[Akiva] said to him, It is Torah and I must learn it.

We have learned in a *baraita* that ben-Azai said, Once I followed Rabbi Akiva into the privy and I learned from him three things. I learned that one does not eliminate facing east to west but north to south, I learned that one does not eliminate standing but sitting; and I learned that one does not wipe with the right hand but with the left.

R. Yehudah said to him, Were you indeed so brazen-faced with your teacher!?

He said to him, It is Torah and I must learn it.

... R. Kahana entered and lay down beneath the bed of Rav. He heard that he was talking and laughing and having sexual intercourse. He said, The mouth of Abba [Rav’s name] appears as if it has never tasted this dish [that is, he has never had intercourse].<sup>23</sup>

He [Rav] said to him, Kahana, get out; this is not proper behavior! He [Kahana] said to him, *It is Torah, and I must learn it* (Berakhot: 62a).

In my mind, the crucial moment in this story is the three rabbis’ “defense” of their range behavior in the statement that there is nothing that escapes from the purview of Torah. Torah here is not the written word, not Scripture, but the behavior of the rabbi/master. The rabbinic project is to subsume everything under the control of Torah, that is, under the lineage of spiritual fathers and sons of which the rabbinic tradition and its *paradosis* consists, a “married” version of the celibate paternal relations of bishop to bishop in the contemporaneous Christian polity.<sup>24</sup> This interpretation is significantly strengthened by the doubling of the first sequence. Surely ben-Azai could have learned what he had to learn from his teacher Akiva’s report on his observation of Yehoshua’s practice. Why, then, does the text insist that ben-Azai embarrassed his teacher in the same way? By this means, the text inculcates the message that Torah involves directly observing the behavior of the master as well, and therefore can only be acquired within the confines of the rabbinic institution. The very contradictions between such an idolized homosociality and heterosexual relations are dramatized in this story as well.

This interpretation, however, does not render the text any less “sexist”; if anything, it is more male-dominant in its implications, precisely because of the power/knowledge nexus that it institutes, one in which all control is arrogated to the “Torah”—that is, to the community of rabbinic scholars. Even though we do not have here a tale of possible sexual abuse of wives by husbands, we have an even more powerful grab, by a male elite, of control of all traditional and religious knowledge and power.

Accordingly, this is one of the founding moments of rabbinic Judaism, defined as Judaism in which a group called rabbis are the only religious virtuosi.

One could read Amemar’s later intervention (interpreting the angels as rabbis) as a further step in the same process of denial of all power/knowledge outside of the rabbinic collective. The ultimate issue is not what kind of sex Jews will engage in but who gets to decide: angelic (i.e., mantic) authorities, women’s tradition, or the “Torah” (the rabbis). This seems to me a plausible construal of the text in that it renders the actual “cases” into illustrations of the principle articulated by R. Yohanan, who, together with Rabbi and Rav are surely central figures in the narrative of the rabbinic rise to domination. Deploying in this text precisely these three crucial culture heroes in the struggle against alternative sources of authority indicates the centrality of the encoded narrative in telling the story of the rise of the rabbinic episteme. Nothing that I am arguing here, of course, diminishes the salience of the fact that here, as so often, the battle between men for power is being carried out across the discursive bodies of women.<sup>25</sup> Thus, the story of the concubine of Gibeah is, perhaps, not so inapt a figure in this struggle, since that biblical story itself is also a narrative of shifting modes of authority played out across the body of a woman.<sup>26</sup>

With this point made, we can return to the seeming paradox of the abrogation of the ritual of sotah, precisely in the context of its elaborate discursive expansion in the talmudic tractate. It can now be seen that these two seemingly contradictory moments are in fact in perfect consonance with each other. The rabbis are engaged in a struggle for hegemony over the religious lives of the Jewish people. As is well known, the Pharasaic Creed includes three reservations in its definition of who is a legitimate Jew.<sup>27</sup> The first mishnah of the tenth chapter of tractate Sanhedrin reads: “All Israel have a place in the next world, and these are they who have no place in the next world: one who denies that the resurrection of the dead is a dogma of the Torah; one who denies that the [oral] Torah is from heaven; and [Jewish] Epicureans.” Since Torah here clearly means the oral Torah, that is, the Mishnah, to which this text was arguably an introductory passage,<sup>28</sup> we see that wresting control over the religious lives of Jews from prophets and priests was a central theme of the establishment of rabbinic orthodoxy. Substituting for a priest-centered ritual, a Torah-centered discourse would have provided one powerful and explicit tool in this epistemic shift within the Jewish world. Without denying, then, the ethical (perhaps even profeminist) impulses of the rabbis, we can nevertheless engage a hermeneutics of suspicion that unmasks the very processes by which those rabbis, through their very ameliorating praxis, are nevertheless engaged in a political enterprise, the function of which, *inter alia*, was to remove all legitimacy from female religious power.

It now makes perfect sense that it is precisely in this tractate of the Mishnah that we find the main locus of the controversy over women studying the Torah. The Mishnah, in accordance with the practice I highlighted in this essay, goes into great and very specific detail in prescribing the conditions under which the sotah ritual is to be performed, and its effects. Immediately after indicating what happens to the guilty woman upon her imbibing of the water, the text says:

If she had merit, her merit will mitigate [the punishment] for her. On this basis ben-Azai said, A man is obligated to teach his daughter Torah, so that if she drinks [the bitter wa-

ter], she will know—for merit mitigates. R. Eliezer says, Anyone who teaches his daughter Torah, teaches her lasciviousness (*tiflut*) [Mishnah Sotah 3:4].<sup>29</sup>

The two Talmuds have very different interpretations of this text. The Palestinian reading is that the merit that mitigates the punishment is the merit of having studied Torah; therefore, a father who wishes to protect his daughter should teach her Torah. The Babylonian Talmud, however, although not directly interpreting ben-Azai, manages to imply that according to him, all that the father is intended to teach his daughter is the very fact that merit mitigates.<sup>30</sup>

The reason that such teaching should be important, and indeed why ben-Azai would phrase such a limited teaching as “teaching Torah,” is left unexplained. Moreover, according to that reading, the merit that mitigates is *not the merit of knowing Torah*, but some other merit entirely. According to the Palestinian reading, in contrast, the knowledge that the daughter should have of Torah is in no way restricted to issues having to do with the ritual of the errant wife, and it is the very merit of having studied Torah that stands in her favor. In theory, this view should have led to a practice in which women would have studied Torah no less than men, for in a situation in which merit is required, the more the better. Since the rabbinic discourse had enormous normative force in Jewish culture, such an interpretation would have had quite radical implications for the status of women in a society in which the study of Torah was the most valued of all practices. It would have led to a construction of gender in which the roles of the sexes in symbolic life are not nearly as sharply differentiated as they have been in all traditional West Asian societies, including that of the Jews.

The Palestinian Talmud comments directly on ben-Azai, seeming to understand him in a straightforward way to mean that the merit of studying Torah is what will stand in good stead for the woman should she undergo the sotah test. It then seeks with some vigor to undermine this possible practical conclusion:

R. Elazar ben-Azaryah's opinion contradicts ben-Azai, for it is taught that there was an incident in which R. Yohanan ben-Broka and R. Elazar Hasma were on their way from Yavneh to Lydda, and they went to visit R. Yehoshua in Peki'in. He asked them, What was innovated in the House of Study today? They answered, We are all your disciples and we drink *your* water. He said to them, For all that, it is impossible that there was nothing new said in the house of study. Who gave the discourse today?

—Rav Elazar ben-Azaryah.

—And what was his text?

—*Convoke the nation, the men the women and the children* [Deut. 31:12].

—And what did he say about it?

—Since the men come to study and the women to hear, for what do the children come? Indeed to provide reward for those that carry them.

Said R. Yehoshua: The generation that has R. Elazar ben-Azaryah in it is no orphan! (PT Sotah 3:4)

ben-Azai's view is contradicted here by showing that a counterview has been expressed. R. Elazar ben-Azaryah had stated that the only reason that women are obligated to come to the grand convocation for reading the Torah, which takes place once in seven years, is merely to hear the Torah being read and not to study it, as do

their husbands. It is clear, therefore, that his opinion is opposite to that of ben-Azai, and no merit accrues to women for the study of Torah.

From here, I infer that ben-Azai indeed was understood to mean that the merit that would protect the wife is precisely the merit of having studied Torah. This is consistent with rabbinic theological notions in general, whereby sinners are protected from punishment for their sins if they have studied much Torah. On the interpretation that I have suggested in this essay, it is not coincidence that this talmudic discussion is placed precisely in the context of tractate Sotah, for it is there that the drama of the rabbinic, and thus male, takeover of all Jewish power/knowledge is being played out at the center of the stage. If the sotah ritual has been abolished at Yavneh at one level of society, thus improving the actual situation of women, a reaction that leads to the total exclusion of women from any possible direct contact with Torah—the epistemic regime of rabbinic Judaism—is put into place at the very same moment. An adequate feminist historicist interpretation of rabbinic Judaism will have to contend with both moments at one and the same time.

## Notes

Various forms of this argument, with different emphases, are being published in other forums. All will be combined, deo volente, into a chapter (or more than one) of my work-in-progress on the rise of the rabbinic episteme.

1. For the latest study of this legend, see Israel Jacob Yuval, “Jews and Christians in the Middle Ages: Shared Myths, Common Language,” in *Demonizing the Other: Antisemitism, Racism, and Xenophobia*, ed. Robert S. Wistrich (Amsterdam: 1999), 88–107.

2. Mishnah Sotah 9:9.

3. See Kate Cooper, “Insinuations of Womanly Influence: An Aspect of the Christianization of the Roman Aristocracy,” *Journal of Roman Studies* 82 (1992), 150–164.

4. Shahar Pinsker, “Essay on Sotah” (unpublished paper, Berkeley, 1999).

5. On this issue, see Katharina von Kellenbach, *Anti-Judaism in Feminist Religious Writings* (Atlanta: 1994).

6. A particularly sophisticated version of this issue is found in Miriam Peskowitz, “Engendering Jewish Religious History,” *Shofar* 14, no. 1 (Fall 1995), 8–34.

7. See, for example, Judith Hauptman, *Rereading the Rabbis: A Woman's Voice* (Boulder: 1998); and Charlotte Fonrobert, *Menstrual Purity: The Reconstruction of Biblical Gender in Christianity and Rabbinic Judaism* (Stanford: 2000).

8. For an assessment of misogyny in rabbinic and other cultures, see Daniel Boyarin, *Carnal Israel: Reading Sex in Talmudic Culture* (Berkeley: 1993), 77–106.

9. Moshe Halbertal, *People of the Book: Canon, Meaning, and Authority* (Cambridge, Mass.: 1997), 27.

10. See Daniel Boyarin, “Hersiology, Dialogue, and the Production of Jewish-Christian Difference: Justin Martyr and the Rabbis,” *Church History* (forthcoming).

11. Regarding this “twinning,” Esau (Nicaea) is slightly the elder; see Alan F. Segal, *Rebecca's Children: Judaism and Christianity in the Roman World* (Cambridge, Mass.: 1986).

12. See Daniel Boyarin, “Hersiology”; idem, “A Tale of Two Synods: Nicaea, Yavneh and the Making of Orthodox Judaism,” *Exemplaria* 12, no. 1 (Spring 2000), 21–62.

13. An interesting bit of sexual lore is alluded to here. Women were apparently expected to shave their pudendas, and even one hair was understood to represent a danger of castration during the act of intercourse (see Rashi on this passage, referring to Deut. 23:2).

14. See Susan Handelman, “Fragments of the Rock: Contemporary Literary Theory and the Study of Rabbinic Texts—A Response to David Stern,” *Prooftexts* 5 (1985), 73–95.

15. See Moshe Halbertal, *People of the Book*, 7. In fact, this is no more a democratization than is the "medicalization of childbirth," on the assumption that "everyone" can become a gynecologist. Halbertal explicitly refers to the fact that all men (!) had theoretical access to the beit midrash as proof of its democratic nature, not noticing that the stringent controls that the institution placed on interpretation, legitimate and illegitimate, represented an even more general set of exclusions (that is, of all those who did not accept the rabbinic program) rather than simply the exclusion of women, which Halbertal duly and fully remarks.

16. Cf. Susan Handelman, *The Slayers of Moses* (Albany: 1982); as a major corrective, see David Stern, "Midrash and Indeterminacy," *Critical Inquiry* 15, no. 1 (Fall 1988), 132–162. Also see Halbertal, as discussed in the previous note.

17. I mean by this to ascribe nothing sinister to the rabbis, although the effects on some Jews (especially women) might well have been very deleterious, as the subject matter chosen for this hermeneutic parable might hint. It is not inapposite for me to mention that I am one of the scholars whose (former) opinions I am here revising—cf. my *Intertextuality and the Reading of Midrash* (Bloomington, Ind.: 1999), esp. 33–37.

18. In the past scholars, including me, have wavered between this interpretation and identifying it as anal or dorsal vaginal intercourse. The standard lexica understand it as anal intercourse, although traditional commentaries do not. There is no philological or contextual support for that interpretation, however, and in the context of our text, where it is understood to lead to conception, anal intercourse can hardly be comprehended. There is, moreover, another very common term for the latter. While it is possible to see why "turning the tables" could metaphorically suggest anal penetration, that is, turning the woman who has "set the table" over, an image of the "bottom" player becoming "top," also makes great sense. Indeed, in English we use this very metaphor to refer to a reversal of dominance, although not in sexual contexts. See also Michael L. Satlow, *Tasting the Dish: Rabbinic Rhetorics of Sexuality* (Atlanta: 1995), 239 and especially Rachel Biale, *Women and Jewish Law: An Exploration of Women's Issues in Halakhic Sources* (New York: 1984), 137–139, who also compares this text with Gittin: 70a, where it is stated that "she above and he below is the way of brazenness."

19. Typical, if judicious in his formulation, is Satlow, who writes: "From this passage, it is again not clear what activity is being performed. Clearly, though, these women do not like it" (*Tasting the Dish*, 240).

20. The alimentary metaphors are perhaps less unsavoury when they are read against the semantic field of the Song of Songs.

21. This interpretation is supported by the continuation of the text:

*And I will remove from you the rebellious ones and the criminals* [Ez. 20:39]. Said R. Levi, These are nine categories: children of fright; children of rape; children of a despised woman; children of excommunication; children of exchange; children of strife; children of drunkenness; children of one whom he has divorced in his heart; children of mixture; children of an audacious wife.

—Indeed? But did not Shmuel ben-Nahmani say that R. Yohanan said, Any man whose wife approaches him sexually will have children such as were unknown in the generation of Moses.

—This refers to a case where she arouses him [but does not explicitly and verbally request sex].

It is hard to credit an interpretation of the text that leads us at one moment to assume that the rabbis are saying that a wife has no control over sexual practice, and a few lines later indicates, using the same language of eugenics, that unless there is love and harmony between the couple, their progeny will be rebellious criminals.

Furthermore, as indicated by my translation, the phraseology in Hebrew "anything a man wishes to do [together] with his wife (*beishto*)," does not necessarily suggest objectification of the wife's body. As in English, "do with" is ambiguous. Finally, as Lisa Lampert has suggested to me, part of the point is that women are responsible for cooking in that culture. Just as the "Torah" would disregard women's customs and taboos with respect to food that are not enshrined in the rabbinic high religious law, so too with respect to sex. Given the control that

women had over the preparation of food, the rabbis' statement to the wives is most plausibly read as: "you have the fish, you are permitted to cook it in any fashion by the Torah," and not "you are the fish; your husband is permitted to cook it in any fashion according to the Torah." Lampert remarks:

The talmudic discussion of the level of intimacy implied by wives serving food and drink and Bynum's arguments about food preparation as a key site of control for women seem to come into play here. The erotic and food could be linked or at the very least, they are both, to some degree, under women's control. I think just remembering that these rabbis probably were not cooking for themselves helps me to see your point much more clearly, since I do think one's first impulse, given the feminist focus on the objectification of women's bodies, is to want to see a parallel between the wife and the meat, which leaves out the importance of what women quite often do control in a culture—the food (personal correspondence, March 1999).

My point here is surely not to "defend" the rabbis in any sense but to arrive at a more exact interpretation of the regime of power/knowledge that they are setting up; it does not, I remain convinced, operate by ceding power over women's bodies to individual nonrabbinic men, but rather by retaining all such power in the hands of the rabbis themselves [the "Torah"], thus maintaining control over the nonrabbinic husbands as well as the wives and abrogating the authority of traditional sexual mores of both men and women.

22. This interpretation is a revision, if not quite a *retractatio*, of my reading in *Carnal Israel*, 109–120.

23. This is Rashi's commentary on the phrase.

24. See Burrus, "Fathering the Word"; for the rabbinic version, see Boyarin, *Carnal Israel*, 205.

25. On this point, see Burrus, "The Heretical Woman as Symbol in Alexander, Epiphanius, and Jerome," *Harvard Theological Review* 84 (1991), 229–248; and Cooper, "Insinuations of Womanly Influence."

26. See Mieke Bal, *Death and Dissymmetry: The Politics of Coherence in the Book of Judges* (Chicago: 1988). In a later chapter of the present research, I plan to make a more thoroughgoing analysis of the role of gender and sexuality in the production of rabbinic authority per se and thus explain why so many narratives of the construction of authority and power involve sexuality in their thematic matter. Indeed, the story of R. Evyatar is cited in the Talmud in order to buttress his opinion on a matter of divorce law. It strains credulity to imagine that this is mere coincidence.

27. See Louis Finkelstein, *Mavo lemasekhtot avot ve avot derabi Natan* (New York: 1950), 226.

28. See *ibid.*

29. For this as the correct reading, see Jacob Nahum Halevy Epstein, *Introduction to the Text of the Mishna* (Jerusalem: 1964), 536. The word *tiflut* means literally "childish things" or "foolishness," as we find in the midrashic collection Bamidbar Rabah 4:20, where we are told of a child who speaks "tiflut" during prayer, to which his father answers, "What shall I do? He is a child and he plays!" However, it is also a frequent euphemism for lasciviousness, as we can see clearly from the following text:

*To bring Vashti the queen before the king in her royal crown* [Esther 1:12]. Rabbi Aibo said, It is the atonement of Israel that when they eat and drink and are merry, they bless and sing the praises of God; when the nations of the world eat and drink, they deal in matters of *tiflut*: one says Medean women are beautiful, and the other says Persian women are beautiful. That fool [Ahashuerosh] said to them, The vessel that I use is neither Medean nor Persian but Chaldean! Do you wish to see her? They said, Yes, on condition that she is naked [Esther Rabah 3:13].

In this misogynistic context (actually one quite hostile to the king's misogyny), it is quite clear that "tiflut" has the sense of lasciviousness. See also Tanhuma Exodus 28, which declares that "all kisses are of tiflut, except for the kiss of parting, the kiss of honoring and the kiss of meet-

ing." Finally, the very context of our mishnah supports this interpretation, for the continuation is R. Yehoshua's claim that a woman "prefers one measure of food with tiftut to nine measures with sexual abstinence," that is, a poor but lusty husband is preferable to one who is better off but more abstemious. Incidentally, the context of R. Yehoshua's statement suggests that the term is not even being used pejoratively by him. This, however, needs further investigation. Epstein deals with this passage in *ibid.*, 670.

30. In all candor, it must be admitted that this is the simplest translation of the text as well, for it most easily is read as, "she will know *that* merit mitigates." However, as I claim in the text, this makes the statement practically incoherent, and the Hebrew must be read as I have translated it, which certainly seems to be the Palestinian understanding.

## The Impact of Feminism on Rabbinic Studies: The Impossible Paradox of Reading Women into Rabbinic Literature

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The rabbinic corpus that was written and compiled between 70 and 600 C.E., consisting of the Mishnah, the Tosefta, the two Talmuds, and the collections of midrash forms the cornerstone of postbiblical Judaism. While scholars are increasingly coming to the consensus that in its historical context the rabbinic movement held minimal sway over the Jewish populations in Palestine and Babylonia<sup>1</sup> (and even less in the Greco-Roman diaspora), the literature produced by the rabbinic movement has had enduring influence. These documents not only set the norms for Jewish behaviors and rituals, but they also convey the primary myths that form the basis for postbiblical theology and belief systems. How are we to explain the paradox of a canon that holds so much power in the imagination of later generations, yet was not definitive in its own day? The key lies in the ability of these texts to project a vision into the future, and in the willingness of future generations of Jews to accept this program as inevitable. A unique feature of rabbinic literature, then, is the dialectic it proposes between itself and future generations: its influential power lies somewhere between past, present, and future.

Jewish feminists in the past 25 years have identified what they see as a tragic flaw in the world and identity promulgated by this body of literature: it denies women a voice in its creation. The role imagined for women in rabbinic literature is riddled with serious legal limitations and debilitating, negative stereotypes. Jewish feminists readers of rabbinic literature face an irreconcilable paradox: they, like other Jews, turn toward this corpus as a wellspring for identity and yet find it incapable of reflecting back a vision of who they would like to be. This essay will explore various possibilities for mediating between the two contradictory impulses that this body of literature inspires: embrace of its compelling authority and rejection of its deprecating exclusion.

I begin with a short analysis of a group of rabbinic texts on the topic of Torah study as a form of oral transmission. These texts display two features relevant to this essay. First, they demonstrate the rabbinic capacity to project into the future a world that does not yet exist, but which is an authentic amplification of who the rabbis are. This

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