

Chapter 4

***Rabbinic Resistance to Male Domination:
A Case Study in Talmudic Cultural Poetics******Daniel Boyarin*****Historicism as Resistance**

In short, genealogy as resistance involves using history to give voice to the marginal and submerged voices which lie "a little beneath history" the voices of the mad, the delinquent, the abnormal, the disempowered. It locates many discontinuous and regional struggles against power both in the past and present. These voices are the sources of resistance, the creative subjects of history. (Sawicki 1991, 28)

This essay seeks to answer two questions. The first is a theoretical, historical, and textual question, and the second, a practical one. The theoretical question is: Why does an ancient literature, in our case the literature of rabbinic Judaism, preserve within its canonical documents texts that stand in opposition to the dominant ideological orientation of the culture? The practical question is: What good can we do for a troubled world by studying ancient texts? I am going to try to show that the answers to the two questions can be related to each other. My immediate target in this essay is the marginalization of women in rabbinic Jewish culture.

I want to begin, however, by stating something of my personal/political commitments in this discourse, at least to the extent that I am conscious of them. I desire to empower a change of gender relations within the communities of Jews who are dedicated to maintaining a powerful connection with the Talmudic tradition. This

statement, unpacked, demonstrates two motivations: a progressive feminist motivation and a conservative religious and cultural one. I wish to change the practice of Judaism out of a moral, political commitment, but I wish to change Judaism because of another urgency: the need to have a Judaism to hold on to and pass on. Jews (or others) who simply find the memory of Talmudic Judaism irrelevant will not respond to the political force of this inquiry except perhaps vicariously.

My assumption is that we cannot change the actual past. We can only change the present and the future; yet this involves changing our understanding of the past. Unless the past is experienced merely as a burden to be thrown off (which indeed it might be by many), then constructing a monolithically negative perception of the past and cultivating anger at it seem to be counterproductive and disempowering for change. Finding only misogyny in the past reproduces misogyny; finding only a lack of female power, autonomy, and creativity reifies female passivity and victimhood. In contrast to this, recovery of those forces in the past that opposed the dominant androcentrism can help put us on a trajectory of empowerment for transformation. Jana Sawicki has made a similar point in a different context, arguing that some feminist scholars portray the power of reproductive technologies over women's bodies as such that "our only options appear to be either total rejection of them or collaboration in our own domination" (Sawicki 1991, 14). Instead of this, Sawicki suggests a strategy of paying "constant attention to the ruptures, discontinuities and cracks in the systems of power," such that "multiple strategies for resisting their dangerous implications" can be developed without either collaborating in domination or total rejection. Since I do not wish to collaborate in domination and certainly not to reject Judaism, the latter type of research can be a powerfully redemptive tool. Precisely and paradoxically, where the culture did not work then, that is where we can make it work for us now. That is the strategy of the current project.

There are two lines of inquiry to be pursued. The first delves for evidence of women's power, autonomy, and creativity that the dominant discourse wishes to suppress but cannot entirely expunge. This line of research has been very fruitful for study of Ancient Greece, the biblical period, and the Hellenistic period.¹ The second line of inquiry, however, promises to be more fruitful for the Talmud, namely the search for male opposition, within the Talmud itself, however rudimentary, to the dominant, androcentric discourse.

In the rest of this essay, I propose to read two very familiar texts of very different origins and genres with this inquiry in mind. Before, however, pursuing this agenda, I wish to lay out something of the actual theoretical assumptions and methodology of my critical approach: cultural poetics.

Cultural Poetics and Talmudic Culture

The question of the relation of the literary text to the rest of culture has always been a live one in the modern interpretation of rabbinic texts. In traditional positivistic historiographical approaches to the study of rabbinic literature, the biographical narratives of the rabbis were considered to be legendary elaborations of "true" stories, that is, stories that contained a kernel of biographical-historical truth, which could be discovered by careful literary archaeology.² The biographical stories about the rabbis were treated as the "historical background" for the study of both their halakhic (ritual law) views and midrashic interpretations of the Bible. In my work, in direct contrast to that approach, these will be treated as the least transparent of texts, that is, precisely as fictions requiring foregrounding to explain them. Many critics have realized that these texts are essentially literary (that is, fictional) accounts about men and (occasionally) women who probably lived but functioned primarily as signifiers of values within the culture, as exempla (Frankel 1981). They have been analyzed, accordingly, with the methods of literary criticism, and particularly with varieties of formalist techniques of analysis.³

Once, however, we read the individual narratives as "fictions," it becomes increasingly difficult not only to imagine any "outside" to the text but even to connect the different moments of the Talmud itself one to another, that is, to read the biographical legends and the legal-ritual discourse together. Since we no longer imagine that the stories reflect the "real" events of "real" lives of the "authors" of the legal discourse, the latter seems to come from no one and nowhere.⁴ Once the biographical narratives are bereft of referentiality, the legal texts have no authors and are disconnected from the stories.⁵ However, the notion that rabbinic literature of any genre is autonomous (in the New Critical sense) seems counter-intuitive in the extreme. If there was ever a literature whose very form declares its embeddedness in social practice and historical

reality, it is these texts. How may we, then, historicize our readings of these stories, given the historical skepticism that I have outlined above? I propose that the older insight that there is connection between the genres of rabbinic textuality and between them and a society can be preserved when we understand literature as discourse, that is, discourse in the Foucauldian sense best defined by Hodge:

When literature is seen as a contingent phenomenon produced in and by discourse, then a whole set of new objects and connections becomes immediately and directly available for study: social processes that flow through and irresistibly connect "literary" texts with many other kinds of texts, and social meanings that are produced in different ways from many social sites. This concept, following Foucault's influential usage, emphasizes literature as a process rather than simply a set of products; a process which is intrinsically social, connected at every point with mechanisms and institutions that mediate and control the flow of knowledge and power in a community. (Hodge 1990, viii)

This notion of literature as a process integrally connected with other social processes is a very powerful one for the study of Talmudic texts. It enables us to consider how the social meanings produced in the halakhic discussions and innovations that the documents preserve are reproduced in the stories (more properly literature) about the rabbis that the same documents tell. If we can no longer write biographies of rabbis that can then be used to explain (even partially) their halakhic interventions (as, for example, the classic biography of Rabbi Akiva by Louis Finkelstein [1964]), we can, it seems, use both halakhah and aggadah together to write the history of discursive processes and social sites, of communal mechanisms and institutions.

Having abandoned the notion that texts simply reflect the intentions of their authors or the extratextual reality of their referents, what alternative to a purely intratextual reading remains? The answer lies in an appropriate apprehension of the concept of intertextuality, and particularly the special form of intertextual reading pursued by a group of scholars called the "New Historicists."⁶

The research paradigm loosely known as the "New Historicism" is more a sensibility than a theory. Indeed, certain of its practitioners have defined themselves explicitly (if somewhat ironically) as being "against theory."⁷ Nevertheless, I believe that we can discover

one overriding principle that both constitutes the paradigm as a significant theoretical intervention and explains the convergence of sensibility between critics of otherwise very diverse interests and methods. This principle is rejection of the view that literature and art form an autonomous, timeless realm of transcendent value and significance and, concomitantly, the promulgation of the conviction that this view is itself the historical, ideological construction of a particular time and place in cultural history. Stated more positively, literature and art are one practice among many by which a culture organizes its production of meaning and values and structures itself. There follow from this hypothesis several postulates:

1. The study of a literary work cannot be pursued in isolation from other concurrent socio/cultural practices.
2. So-called "high" culture has no essential privilege over "popular" and "mass" culture. These very definitions are a cultural practice and an ideological intervention that must be examined.
3. Some kind of materialism must be assumed (not necessarily Marxian).
4. Much of the rigid barrier between the current humanities and social sciences must be dismantled.

These postulates require a radical restructuring of our understanding of critical practice and indeed of human culture altogether. Posing them as such and basing one's work upon them is an already transgressive practice vis-à-vis the ideology underlying the current division of scholarship into "humanities" and "social sciences."

Now, as a candidate for research in the narrower New Historicist mode, the Talmud provides little promise. For one thing, as already mentioned, we have almost no access to extraliterary written documents that could provide the raw material for the sort of thick description beloved of the Renaissance men and women of New Historicism.⁸ The question is, then: How can we pursue a cultural poetics under such conditions, a new historicism whose typical rhetorical and epistemological moment is emblemized by that flash of the apparent real, the anecdote?⁹ A founding assumption of that practice, rendered heavily problematic in theory, is nevertheless that the document, proclamation, deed, diary, private letter, provide access in some sense to a less processed, more transparent version of the discursive practices of the period and can thus serve as explana-

tory context for the "text."¹⁰ However, when we study the Talmud, this illusion must be abandoned once and for all. All of the texts available are of the same epistemological status. They are all literature or all documents in precisely the same degree; indeed, they all occur within the same texts, between the same covers. There is literally (virtually) nothing outside of the text. However, under the rubric of cultural poetics, the problem disappears entirely. Since no assumption is made of an essential difference between literature and other texts or between textual and other practice, we read what we have as a textual practice, co-reading many different subtexts in search of access to the discourse of the society in which they were produced. We shall be engaged, then, in a kind of close-reading that aspires to be thick description at the same time.

Another important way in which cultural poetics can provide methods applicable specifically to Talmudic texts is the tools it furnishes for a unitary explanation of *halakhah* (religious law) and *aggadah* (narrative)—especially biographical legends about the rabbis—as participating in the same discursive formations. A word of explanation may help here. Where previous generations of researchers in Jewish history have seen the biographical legends as preserving a "kernel" of historical truth, which may be then used as explanatory "background" to explain legal opinions and innovations, and a later generation of scholars insisted on the "autonomy" of the *aggadah* qua literature (Frankel 1981), the method of cultural poetics recombines them, but in a new fashion. I assume that both the *halakhah* and the *aggadah* represent attempts to work out the same cultural, political, social, ideological, and religious problems. They are, therefore, connected but not in the way that the older historicism wished to connect them. We cannot read the *aggadah* as background for the *halakhah*. If anything, the opposite is the case: the *halakhah* can be read as background and explanation for the way that the rabbinic biographies are constructed. Not, I hasten to add, because the *halakhah* represents "reality" that the *aggadah* "reflects," but only because the *halakhah* is, almost by definition, ideologically more explicit. The assumption that I make is that the very assignment of a story or a halakhic view to a named rabbi, whether or not this assignment is "historically" true, is of semiotic significance and can be interpreted as part of the history of rabbinic discourse. This is not to contest the possibility that there is a kernel of "historical truth" in some, any, or even all of the stories, only to argue that this kernel is insignificant compared to the amount of

history of discursive practice that can be written using these materials. Thus, for instance, in one of the examples below, I shall be studying, in detail, a romantic and clearly fictional story of the marriage of Rabbi Akiva. The story will be interpreted here as having very little to do with the life and times of Rabbi Akiva himself (Palestine, c. second century) and a great deal with Babylonian Jewish marriage and sexual practices in the fourth and fifth centuries. Nevertheless, the question of why the story is told about Rabbi Akiva is highly significant and interpreted here.¹¹

We thus escape the stultifying paradigm of "rabbinic thought," as if rabbinic literature were a sort of philosophy manqué and, instead, study culture as a set of complexly related practices both textual and embodied. We can see then that halakhic discussions and decisions as well as stories about the rabbis, and even the reading of the Bible, are all ways in which this culture expresses its concerns and unresolved tensions and attempts to work them out. We can accordingly learn quite a bit about the culture and its problems, and even about the differences between different branches of it, from studying these discursive practices together. In the rest of this chapter, I will summarize various analyses of narratives of tannaitic lives that I have carried out in detail in other venues, with a view to exemplifying more concretely and fully the theoretical points that I have been making here.¹² In particular, I am interested here in seeing how the methods of cultural poetics and the assumptions of a Foucauldian analysis of texts can help us to construct usable resources for a feminist transformation of rabbinic Judaism for our own time.

Rereading Beruria

The story of Beruria, the female Torah sage, has been interpreted many times; however, I think it has not yet been completely accounted for. Let me briefly recount the textual facts. In the Tosefta (third century, Palestine), we find two incidents reported in which a woman, once called Beruria and once the daughter of Rabbi Hananya ben Tradyon, states a halakhic opinion on a rather abstruse topic that is validated by an important tannaitic authority vis-à-vis a male who disagrees with her. Now the question is: Why does the Tosefta tell us these stories and report these halakhic decisions in the name of a woman? Just to point up the contrast, I

will remark that the Mishnah reports the same points, without giving them a female genealogy. Recently Rachel Adler has attempted to answer this question in an article in *Tikkun* (1988, 28 ff.). In an insightful comparison of this narrative with halakhic texts that portray unrealistic situations as test cases for legal theory, Adler writes:

What do these surrealistic situations represent if not a passionate attempt to capture some elusive truth by smashing context? Imagining Beruriah must be regarded as just such an effort a straining for a more encompassing context, an outrageous test case proposed as a challenge to all contextually reasonable assumptions: What if there were a woman who was just like us? (1988, 29)

Adler's interpretation is, then, that the stories of Beruria present a hypothetical, a "what if" scenario, which attempts to capture some truth that cannot otherwise be captured than by the construction of a legend. She never details, however, what that truth is. Indeed, by conflating the earliest tannaitic traditions of Beruria with later Babylonian and even medieval European ones, her only answer to this question can be: G-d forbid that there ever be a woman just like us. After all, in another kind of margin, Rashi's glosses to the Talmud (eleventh-century Europe), Beruria committed suicide in the end. Only catastrophe can result from a woman who does not know her place in the scheme of things. That is undoubtedly a fair representation of the ideology of women studying Torah as it developed in medieval and later Judaism. It is, moreover, a pretty fair account of the hegemonic practice of the Talmudic rabbis themselves. There are, after all, precious few accounts of women learned in the Torah, suggesting that, normatively, women were not encouraged and were probably prevented from studying Torah. They were, rather, confined to the reproductive and nurturing bodily sphere.

However, if we do not conflate the earliest texts with any later ones, then the question is sharpened. The earliest texts, the ones that I have just described, neither prescribe nor describe a horrible end for the woman learned in Torah. Not at all. There is not the slightest ambiguity about her status. She is approved of within the text, and that is all. It seems to me that the only way we can account for the presence in the Tosefta of these stories is by assuming that some man or men involved in the production of that text

were uncomfortable with the exclusion of women from the study of Torah. Although, to be sure, he or they could not overturn society and culture and materially change the situation; what they could do was leave a record of their opposition, a record which constitutes a crack in the monolith of Talmudic androcentrism, a fissure into which we can creep. The later tradition in both the Talmuds and particularly in Rashi's story have made mighty efforts to replaster the crack, to foreclose once more the option it opened up, but a critical, historicized reading can uncover the plaster once more. In the next section I will take up a somewhat more complex example of this practice.

The Speaking of Female Desire

The second case with which I will deal has also to do with women and speaking, but in this case, not with the speaking of Torah but with the speaking of desire. Once more, the dominant ideological position within the Talmud is that women may not speak of their desire:

Rav Avdimi said that Eve was cursed with ten curses, for it says, And to the woman He said: Greatly I will multiply [Gen. 3:16]: These are the two flows of blood, the blood of menstruation and the blood of virginity. your pain: this is the effort of rearing children. and your conception: this the effort of pregnancy. in pain shall you bear children: as it sounds. and to your man will be your desire: teaches that the wife desires her husband when he goes on a journey. and he will rule over you: that the woman bids [for sex] in her heart, while the man with his mouth. (Eruvin 100b)

To be sure, in contrast to certain Protestant interpretations, which held that the "curses of Eve" are normative and must be enhanced and enforced in human society, the rabbis understood them as natural descriptions of women's state and enforced their alleviation. So, in this case, the fact that a woman only asks for sex in her heart means that her husband must be particularly attentive to any signs or signals of her desire and respond. Nevertheless, this text, which became normative within rabbinic literature, reinforces gender asymmetry in such a way that the male is dominant and the female dominated with respect to the expression of desire. However, there

is another tradition, as well: Rav Shmuel, the son of Nahmani, said in the name of Rabbi Yohanan:¹³

Any man whose wife asks for sex will have children such as were unknown even in the generation of Moses, for in the generation of Moses it is written, Get yourself intelligent, wise and renowned men (Deuteronomy 1:14), and then it is written, And I took as the heads of the tribes renowned and intelligent men (Deuteronomy 1:16), but he could not find "wise men," but with regard to Leah it says, And Leah went out to him, and said 'You shall sleep with me tonight, for I have hired you' (Genesis 30:16) and it says, The children of Yissachar were acquainted with wisdom (I Chronicles 12:34). (Eruvin 100b)

Rav Shmuel's tradition praises the woman who requests sex openly in as vivid and strong terms as the rabbinic tradition knows by claiming that such a woman would have better children than even the children of that paragon generation, the generation of Moses. This principle is derived from a typically clever midrashic reading. Moses is sent by God to search for certain kinds of persons to be the tribal leaders, but when the results of that search are reported, one of the qualifications is absent. The midrash, with its usual literalness, assumes this to mean that he could not find people who had that quality: wisdom. On the other hand, the Bible tells us explicitly that Leah requested sex openly of Jacob, when she had paid her sister for the right to have him that night, and, with regard to her children, we are informed in another place in the Bible that they possessed exactly that characteristic found lacking in the generation of Moses. The inference is drawn that it was the open expression of their mother's desire to their father that produced that wisdom. Once again, the Talmud itself marginalizes this antithetical and oppositional position by harmonizing it with the repressive one. Rav Shmuel does not really mean that a woman may approach her husband sexually openly, but only that she may send him signals of her desire. The tradition of Shmuel represents a recognition that women and men are not as different from each other as the dominant tradition proposes, that Eve has not been accursed with silence. Here is another margin waiting for our redemption.

A closely related issue involves the practice of married men separating themselves sexually from their wives for the purpose of total devotion to the study of Torah, without reference to the wives' desires. This practice was heavily promoted, in particular, by the Babylonian Talmud. It will be seen that it is closely related to both

of the previous issues of the subjectivity of women within the culture. The most famous example of such promotion is the story of Rabbi Akiva's marriage to Rachel, who voluntarily and cheerfully lived as a grass widow for twenty-four years, the best years of her life, so that her husband could fully devote himself to the study of Torah. It should be emphasized that this version of Rabbi Akiva's life-story is only told in the Babylonian Talmud, where we find also serious propaganda for just such a lifestyle, if in somewhat attenuated form. However, such a pattern, which runs roughshod over the notion that women have their own subjectivity and desires, even within the realm which is, at it were, assigned to them in this culture, namely the body, was clearly disturbing to other male rabbinic authorities of the time.

The opposition occurs, interestingly enough, within the very halakhic context in the Talmud that supports very extended absence from home on the part of scholarly husbands, and, moreover, it smuggles itself in as if it were support for the practice:

[The students may go away from their homes for study of Torah without permission for thirty days . . .]; these are the words of Rabbi Eliezer: Rav Bruna said that Rav said: The halakha is in accordance with the view of Rabbi Eliezer. Rav Ada the son of Ahva said that Rav said: Those are [only] the words of Rabbi Eliezer, but the Sages hold that the students may go away for the study of Torah for two or three years without permission. Rava said that our Rabbis have relied upon Rav Ada the son of Ahva and indeed practice in accordance with his view.

We find here a relatively late Babylonian tradition, which, in contrast to all earlier authorities, reverses the ruling of Rabbi Eliezer that the married scholar may not absent himself for more than thirty days from his wife and permits absences of several years.¹⁴

The Babylonian Talmud's report of Rava's declaration that "our Rabbis have relied upon Rav Ada, the son of Ahva and indeed practice according to his view" constitutes evidence for a change in social practice that is associated by the tradition with Rava, that is, with the leading Babylonian rabbinic authority of the fourth century, although, to be sure, such attribution is not necessarily to be taken literally. It would seem, however, that the attempt to institute this change in marriage practice met with substantial opposition in spite of Rava's hegemonic prestige. The Talmudic text, at the same time that it is ostensibly recording the support for this

innovation, reveals sharp dissension from it. These oppositional voices encoded within the text, I suggest, are intimations of the social conflict outside the text.

The Talmud proceeds to cite a story, which while overtly claiming to be a precedent for the practice of the "rabbis" who stay away from their wives for two or three years, is plausibly read as an index of ambivalence and opposition to this practice:

Rava said that our Rabbis have relied upon Rav Ada the son of Ahva and indeed practice in accordance with his view. As in the case of Rav Rehume who was a disciple of Rava's in Mahoza. He would regularly visit his wife every year on the Eve of Yom Kippur. One day, his studies absorbed him. His wife was waiting for him, "Now he will come. Now he will come." He did not come. She became upset, and a tear fell from her eye. He was sitting on the roof. The roof collapsed under him and he died.

As I have said, on the overt level of the structure of the Talmud's argument, this text is cited as a support for Rava's contention that the rabbis depend legitimately on Rav Ada's tradition and practice accordingly. However, it does not take a very suspicious hermeneut to read it against the grain. The story, in fact, encodes a very sharp critique of the practice of married rabbis being away from home for extended periods. First of all, let us note that it is clear from this story that the rabbi did not study at any great distance from his home; for had he done so, one day of slightly extended study would not have made such a difference and prevented him from getting home for Yom Kippur. This consideration only enhances the irony that Yonah Frankel has pointed to in the phrase "would regularly visit his wife on the Eve of Yom Kippur" (Frankel 1981, 101). Further, the fact that he is portrayed as being so unmindful that he even forgets the one time of the year that he goes to visit his wife can only be read as an extremely critical and ironic representation of this rabbi's behavior.

The empathetic depiction of the eagerly waiting wife is calculated by the narrator to lead the reader/hearer of this story to a position of identification with her, a moral judgment that is confirmed on the explicit level when the rabbi is punished by death. To be sure, there is nothing in the overt narrative that condemns the practice of being away from home per se. The implication is that had he fulfilled, at least, his habit of visiting once a year, there would have been no stain on his behavior. Nevertheless, I would

claim that the way that the entire story is presented provides rather a strong condemnation of the practice at the very same time that it is overtly supporting it.

Even sharper internal opposition to the practice is encoded in the following aggadic narrative:

Rav Yosef the son of Rava was sent by his father to the House of Study to study with Rabbi Joseph. They set for him six years of study [i.e. he had been married and it was decided that he would be away from home for six years]. After three years, on the Eve of Yom Kippur, he said, "I will go and visit my wife." His father heard and went out to meet him with weapon. He said to him, "You remembered your whore?" And some say, he said, "You remembered your dove?"¹⁵ They fought, and neither of them got to eat the final meal before the fast.

This shocking tale, with near-unique violence of language and more than a hint of violent behavior between a father and a son, testifies eloquently to the extent of the conflict that the Babylonian innovation associated with Rava's name aroused in his own community of Babylonia. Representing the strife as between Rava and his own son makes that conflict vividly real.

Further support for the claim of internal opposition to the practice of marital celibacy can be found in the tannaitic midrash on Miriam's complaint against her brother Moses (Numbers 12 and Sifre ad loc.). This narrative tells of a complaint that Miriam lodged with and against her brother Moses and the strong rebuke and punishment that she received from God for this insolent behavior. By diverting the interpretation of this complaint from one against the wife of Moses (as the biblical text seems to imply) to one on her behalf, the midrash produces strong opposition to celibate marriage.

The biblical story opens with the statement that Miriam and Aaron spoke against Moses regarding the Ethiopian woman (Tzipporah, according to the midrash)¹⁶ he had married:

And Miriam and Aaron spoke against Moses [Num. 12:1]: This teaches that both of them spoke against him but Miriam initiated it, for Miriam was not accustomed to speaking in the presence of Aaron, except for an immediate need.

The midrashic text is a response to an anomaly in the biblical text, namely that while the verb has two subjects, one male and one fe-

male, the verb-form is feminine singular.¹⁷ The midrash interprets this to mean that it was on Miriam's initiative that the slander or complaint against Moses took place. The midrash continues to explicate the story:

And Miriam and Aaron spoke with regard to the Ethiopian woman: And indeed, how did Miriam know that Moses had withdrawn from sexual intercourse?¹⁸ She saw that Tzipporah no longer adorned herself with women's ornaments. She said to her, "What is the matter with you? Why do you not adorn yourself with women's ornaments?" She said, "Your brother does not care about the matter." And this is how Miriam knew. And she spoke to her brother [Aaron], and the two of them spoke against him.

Rabbi Nathan said Miriam was at the side of Tzipporah, at the time, when it says "And the youth ran . . . and said Eldad and Medad are prophesying in the camp" (Num. 11:28). When Tzipporah heard, she said, "Woe to the wives of these!"¹⁹ And this is how Miriam knew. And she spoke to Aaron, and the two of them spoke against him.

In contrast to other early interpretative traditions that understand that Miriam and Aaron were complaining against the wife of Moses, the midrash understands it to be a complaint on her behalf. The midrashic rewriting of the story is, as is usually the case at least in these early midrashim, a response to a gap in the biblical text that demands interpretation. The story begins with Miriam complaining "with regard to the Ethiopian woman," but in the elaboration, the complaint of Miriam and Aaron is entirely different: "Did God only speak with Moses; He indeed spoke with us as well?" Rather than being a charge having to do with whom Moses had married, it seems to be a challenge to some power or privilege of his. Moreover, God's defense of Moses cum punishment of Miriam seemingly has nothing to do with his wife, being merely a statement of Moses' special holiness. There is accordingly an inner contradiction in the story: Was the complaint because Moses had married inappropriately or because Miriam was jealous of his status? The midrashic story fills this gap by connecting the two complaints as one; she complained on behalf of the wife, arguing that he had behaved toward her in a way that was arrogant and overbearing. Did she and her elder brother not share his status and yet they do not behave so toward their spouses? The midrash, moreover, knows precisely what the complaint of the wife was, and as plausible a

resolution of the contradiction as this is, it is not straightforwardly accounted for as the "meaning" of the biblical text. As is typical for midrash, we seem to have a synergy of two factors in creating the interpretation; on the one hand, a genuine interpretative difficulty that is addressed by the interpretation, and, on the other hand, an ideological investment which is served by the interpretation.²⁰ Accordingly, the midrash doubly ventriloquizes the voice of the woman and her complaint, first because it is Miriam who is the initiator of the action and speaker here, and second, because the midrash reports, in her name, what she had heard from Tziporah that had made her aware of the wife's distress.²¹ The text communicates two forms of the woman's complaint against her husband. The first is more subtle in that only by indirection does it imply an indictment of Moses for not having intercourse with her, while in the second case, the grievance is sharp, direct, and clear. "Woe to the wives of these!" Woe to the wife of him who becomes overly holy, and owing to his holiness ignores the needs of his wife for sex. At the same time that Miriam is being condemned by the biblical text and by the midrash for her untoward accusation against Moses, the text ventriloquizes the voice of the woman whose husband devotes himself excessively to the study of Torah and refrains from intercourse. The midrash goes on to emphasize the good intentions of Miriam, while still recognizing that the Torah narrates her punishment for this act:

Behold, the matter is suitable for an argument from the mild case to the severe: Since Miriam did not complain to her brother for blame but for praise, and not to decrease procreation but to increase it and only in private, and thus was punished, all the more so one who speaks against his fellow for blame and not for praise, to decrease procreation and not to increase it, in public and not in private.

Many who commit the sin of slander do so in order to decrease procreation, either by preventing marriages from taking place or by promoting disharmony between husband and wife. Miriam did the opposite. Her intention was to promote the good by restoring harmony between Moses and Tziporah, and the proof of this is that she made her charge in private. The midrash here goes out of its way to reduce the culpability of Miriam, in spite of the severe punishment which she is given in the Torah narrative, temporary

leprosy (following conventional, if inaccurate translations), precisely the normal punishment for slander in the rabbinic moral system. Her sin was only in being overly and inappropriately zealous for the performance of the commandment. By thus minimizing the disapproval of Miriam's speech against Moses and making its intentions entirely praiseworthy, the midrash is already expressing a negative attitude toward married celibacy, within the confines of a possible reading of the biblical text.

The midrash goes on to explain the rest of the story. Miriam and Aaron's complaint had to do with the way that Moses was holding himself above them—holier than thou—in his celibate behavior:

And they said, "Did God speak only to Moses?": did He not speak with the Fathers, and they did not withdraw [from sex]? Did the Holiness not speak also with us, yet we did not withdraw?

To which comes God's reply to them:

If there will be for you a prophet: Perhaps just as I speak with the prophets in dreams and visions, so I speak with Moses, therefore Scripture tells us, "Not so is my servant Moses" except for the ministering angels. Rabbi Yose says, even than the ministering angels.

Mouth to mouth do I speak with him: Mouth to mouth I told him to withdraw from his wife.

At first blush, this midrash seems to be an approbation of the holiness of celibacy and even of celibate marriage, a practice well known in certain early Christian circles (Brown 1988). After all, Moses is the very highest model of what a human being can achieve in religious life. He chose to be celibate at a certain point in his life and is approbated for this very strongly by God Himself. This would seemingly then be an exemplum, as it were, to the rabbis themselves. And so, indeed, Finkelstein interprets it (Finkelstein 1964, 80; as does Biale 1989), arguing that the midrash is a support for the practice of extended postmarital separations.

In fact, I would claim that not only does this text not promote the ideal of celibacy or celibate marriage for the rabbis, it constitutes a very strong polemic against such a practice or ideal. To see why this is so, we shall need to read the text a little more closely. First of all, we must realize that the midrash is explicitly and formally

citing the received tradition of Moses' celibacy. Note that it does not ask how we know that Moses had withdrawn from his wife after Sinai, only how Miriam came to know. The midrash thus conveys (and we know for a fact) that the motif of Moses' marriage blanc was current in earlier Jewish tradition. In Philo, for example, Moses is the very type of the highly regarded Therapeutae who renounce sex entirely (Fraade 1986, 264). My thesis is that the midrash cites this authoritative and widespread tradition here in order to counter it. By introducing this traditional theme precisely at this point in the midrashic text and not, for example, in the context of accounts of Moses' piety, the midrash has found a means of neutralizing and opposing the ideology of the tradition, without, however, denying its validity entirely (something that they apparently could not have accomplished given its widespread authority).

God's condemnation of Miriam and Aaron is explicitly put into terms that emphasize the exceptional nature of the relationship between Moses and God. Miriam and Aaron seem to be proposing that since they have the same status as Moses, having also spoken with God, either they should be refraining from sex also or he shouldn't be. God's rebuke to them consists of a very strong statement that Moses is special, indeed, unique. There will be other prophets, just like Miriam and Aaron, but to them God will speak in dreams and visions. They, accordingly, are not required to refrain from sexual intercourse. Even the patriarchs, Abraham, Isaac, and Jacob, were not expected or allowed to be celibate. Only Moses, with whom God spoke "mouth to mouth" (in itself a highly erotic attribute), was required to withdraw from marital life. He is either only slightly below the angels or even more spiritual than they, and no other human being was ever like him.

It would follow, of course, a fortiori, that all lesser mortals than the patriarchs, prophets, and Moses' siblings, whatever the degree of holiness to which they aspire, are not expected to be celibate. I read the midrashic text, then, as a form of opposition to the received tradition that Moses was a celibate husband. In order to neutralize the force of this authoritative motif, the midrash cites it and contests it at the same time by marginalizing it as the practice expected of and permitted only to Moses. Thus the midrash manages both to remain faithful to a powerful received tradition and at the same time to counter it. When this point is combined with the vivid expression of empathy with the neglected wife of the "prophet" who opts for celibacy, we have a robust polemical statement against

the sort of practice that the Babylonian rabbis engaged in (or at any rate, say they engaged in) of leaving their wives for years on end without sexual companionship—a practice which they supported by referring to the example of Rabbi Akiva and Rachel.²²

Once more, comparing the Talmudic version of this tradition with the midrashic text just read will reinforce this point. In the Babylonian Talmud, the story is cited thus:

Moses separated himself from his wife. What did he reason? He reasoned for himself by a syllogism (Qal wehomer). He said: If Israel, with whom the Shekina only spoke for a short time, and only for a set time, the Torah said, "For three days do not approach woman," I with whom the Shekina speaks at every moment and without a set time, a fortiori. And how do we know that God agreed with him, for it says, "Go tell them, return to your tents" and right after that, "But you stay here with me." And there are those who say [that we learn it] from "Mouth to mouth will I speak with him." [Shabbat 67a]

This Talmudic retelling of the story is conspicuous for its absences and by its absences makes the presences of the midrashic version all the more prominent. There is no representation here, whatsoever, of the feelings of the wife, indeed no recognition that she is, in any way, an interested party in the decision. Moreover, although the difference between Moses and the ordinary people is adduced here as well, it is not done in such a way that we clearly understand that for all others renunciation of marital sex is excluded and regarded as arrogance and wrong, as it is in the midrash. One could easily read this text as a further authorization for the apparent Babylonian practice of long postmarital separations for the study of Torah, while the Palestinian version above strongly opposes the practice. Although the version that promotes the practice of extended sexual deprivation became dominant within Ashkenazi Jewish culture, up until and including the early twentieth century, the oppositional voice was allowed to remain in the traditional texts as well, and it is in that oppositional voice that we can find our allies.

"A Rigorously Unsentimental Nostalgia"²³

I want, at this point, to point to a difference between the critical operation in which I am engaged and some other discursive practices

with which it might be confused. I am not arguing that, because there was a Beruria, women were not excluded from studying Torah. I am also not arguing that because there is an aggadic passage which stands in opposition to disturbing gender practices or because there is a single voice in the Talmud which recognizes women's parity with men in the expression of sexual desire that there is not a problem with Talmudic gender practice. Undoubtedly women did not often study Torah in the Talmudic period, and this manifests a set of role definitions that reinforce gender asymmetry and hierarchy. Many husbands then, and even more later, did, indeed, leave their wives for years on end to pursue intellectual and religious aims, and women were trained to be modest and silent about their sexuality. The exceptions, as it were, only prove the rule. But—and this is the crux of my argument—on the margins of that dominant and hegemonic discourse, something else was happening. There were some women who were breaking the mold, and also some men who were uncomfortable with and who even opposed the dominant ideology. Those, perhaps, marginal men and women can become for us prototypes in a reformation of traditional Jewish gender practices that nevertheless find themselves rooted firmly in the Talmudic text and tradition.

The "payoff" of this research seems to me to be the discovery that even the androcentrism of rabbinic culture was not entirely successful or monolithic. (I suspect that this is true for virtually any culture.) I have argued that there were significant oppositional practices to the very hegemony of the dominant discourse preserved in the canonical texts. At least at the margins of social practice, and maybe even more than that, there were important ways in which women were autonomous or participated in highly valued cultural activities, such as studying Torah. Since such participation would have been threatening to the dominant male ideology, there was a determined attempt to suppress its memory. This brings my analysis in line with the conclusions of the late John Winkler, who, in his work on classical Greece, has constructed a happier situation for women than the male texts would have us believe:

The more we learn about comparable gender-segregated, pre-industrial societies, particularly in the Mediterranean area, the more it seems that most of men's observations and moral judgments about women and sex and so forth have minimal descriptive validity and are best understood as coffeehouse talk, addressed to

men themselves. Women, we should emphasize, in all their separate groupings by age, neighborhood, and class, may differ widely from each other and from community to community in the degree to which they obey, resist, or even notice the existence of such palaver as men indulge in when going through their bonding rituals. To know when any such male law-givers—medical, moral, or marital, whether smart or stupid—are (to put it bluntly) bluffing or spinning fantasies or justifying their 'druthers is so hard that most historians of ideas—Foucault, for all that he is exceptional is no exception here—never try. (Winkler 1989, 6)

The interests of the masculinist hegemony were not served by preserving records of female autonomy. Discovery, or rather, reconstruction, of such female autonomy constitutes a point of resistance to the dominant, present hegemonies as well, in this case the ones of many segments of rabbinic orthodoxy (not all) that still wish to exclude women from full cultural participation. However, another point needs to be made as well. The very discordant or antithetical memories were also produced and preserved in the androcentric, male-authored texts. They represent, therefore, a voice of male struggle (however nascent and inadequate from our perspective) against the ideology of gender asymmetry, "a breaking of [cultural] context," to use Rachel Adler's evocative terms (1988). It is this very rudimentary oppositional practice in the early culture that gives us the power now to redeem and reclaim a usable past. I have tried to show that there was significant male opposition to the institution of a practice that erases recognition of female subjectivity and desire almost entirely, and that this opposition was grounded in an empathetic thinking beyond male cultural power or even rigid gender-based hierarchy. The opposition did not succeed in dislodging the hierarchy, nor, realistically, did it even truly imagine an alternative, but it did suggest internal sub-versions.²⁴ Once more, the dominant hegemony seeks to strike such cracks and fissures, to erase the sub-versions from the cultural record, but is unsuccessful, leaving us a place to creep back into.²⁵

NOTES

1. This has been realized generally by many feminist critics and historians who have begun searching out in the Bible and in other ancient literature and cultural remains for whatever evidence there is or might

- be found or reread for women's creativity and cultural power. Some feminist scholars have been pursuing this line of research with regard to late antique Judaism, notably Bernadette Broton, Ross Kraemer, and Amy-Jill Levine. This kind of work can be and has to be pursued for the Talmud as well, although, to be sure, with regard to the Talmudic literature and period the evidence will be sparse indeed.
2. One still finds such methods being employed occasionally, as in, e.g., McArthur 1987.
 3. In the American sense. Itamar Even-Zohar has shown that "Russian formalism" hardly remained "formalist" in this sense (Even-Zohar 1990). The greatest practitioner of this practice of reading is certainly Yonah Frankel (Frankel 1981) of the Hebrew University, to whose work I shall have occasion to refer below.
 4. Jacob Neusner's solution of regarding all texts as the products of their final redactors does not solve this problem either, simply because we know equally as little about the redactors as we do about the rabbis quoted.
 5. Thus even Weller (1989), who attempts to read the whole series of stories in Ketubboth as an ideological production (and does so with a fair degree of success), effectively ignores the halakhic context, seeing the stories as placed here only by "association" and not as an effort to work out the same cultural dynamic and problem that the halakhic text encodes.
 6. Below, however, I will propose that this appellation be abandoned.
 7. Specifically, of course, I am referring to Walter Benn Michaels, one of the authors of the original "Against Theory" essay. For more information, see Thomas 1991.
 8. Both the English and American Renaissances are particularly rich in that sort of documentation, and it is hardly surprising, therefore, that they have been the privileged sites of "New Historicism."
 9. Fineman 1989 is an important and serious investigation of the status of the anecdote in "New Historicist" writing.
 10. In that sense, "New Historicism" has sometimes appeared to be only a much more sophisticated version of the old historical type of literary criticism that reduced the text to being an expression of the "reality" in which it was produced.
 11. I have discussed a similar example at length in a paper specifically on the martyrdom stories about Rabbi Akiva (Boyarin 1989).
 12. For fuller documentation, see Boyarin 1991a and 1991b.
 13. Variant: Yonathan.
 14. "Two or three" is a conventional Semitic expression for "several."
 15. The difference in Hebrew is but one letter. Not surprisingly, the glossator could not stand to leave the text as it was.
 16. The word "Ethiopian" is explained as a metaphor:

The Ethiopian woman: But was she indeed Ethiopian, she was Midianite, as it says, "And the Priest of Midian had seven daughters" (Exod. 2:16). So why does Scripture say, "Ethiopian," but to teach us that just as the Ethiopian is unusual for his skin, so was Tziporah unusual for her beauty more than all the other women. . . . For he had married an Ethiopian woman: Why is it said again, hasn't he already said, "with regard to the Ethiopian woman," why does Scripture say, "for he had married an Ethiopian woman"? There are women who are comely in their beauty but not in their deeds, in their deeds but not in their beauty, as it says, "like a gold ring in the nose of a pig is a beautiful woman without wisdom" (Prov. 11:22). But this one was comely in her beauty and in her deeds, therefore it says, "for he had married an Ethiopian woman."

Since it is impossible to suppose that Tziporah fits the normal denotative meaning of "Ethiopian," the term is taken as a metaphor for distinctiveness, for being somehow unusual, a fairly common midrashic move. The midrash goes out of its way to read the attribution as positive, praising Tziporah as both attractive and righteous, thus emphasizing all the more the injustice done to her by Moses' overzealous piety. As the Talmud remarks in another context, "Rabbi Yehoshua ben Levi said, 'Anyone whose wife is a fearer of Heaven and he does not sleep with her is called a sinner, as it says, And you shall know that your tent is at peace' (Job 5:25)" (Yevamoth 62b).

17. To be sure, modern grammatical analysis of Hebrew does not recognize this as an anomaly, arguing that in Hebrew, as in other Semitic languages, when a verb appears before two coordinated subjects, it agrees with the first of them. However, as I have argued in my book (Boyarin 1990), midrashic exegesis must be understood on the basis of the rabbis' perceptions of Hebrew grammar and not ours, and the fact is that wherever this construction appears, it is treated as having special meaning by the midrash. Furthermore, the continuation of the story suggests strongly that the rabbinic reading that Miriam was the instigator of this event is not over-reading.
18. The literal translation would be from "procreation"; however, as this text indicates and others as well, this is a rabbinic term for sexual intercourse, whether or not it results in pregnancy and indeed whether or not this is its primary aim.
19. I.e., upon hearing they were prophesying she commiserated with their wives, thinking that now they would stop sleeping with them, as Moses had stopped sleeping with her.
20. I am aware, of course, that my statement here of the hermeneutics of midrash is highly oversimplified. It is dependent on my theory of midrash, as worked out in Boyarin 1990.
21. The use of the term "ventriloquy" indicates that one should not understand that there is an expression here of women's subjectivity; there is, however, a representation of an imagined women's subjectivity, an effort at empathy with women and one, moreover, with at least potential

effect in actual marriage practices. Women are often represented in rabbinic texts as subjects. Their subjectivity is, however, as here, only represented as an object of rabbinic discourse.

22. The dating of the midrash is contested. I, paradoxically, am among those who are inclined to regard it as earlier than the Babylonian Talmud, in which case it could hardly be a polemic against the practice that I am claiming was instituted by the Talmudic rabbis, but, rather, it would be against other well-attested practices of marriage blanc among Jews and non-Jews at least as early as the first century. It becomes then a polemic against the Babylonian institution *avant le lettre*.
23. This phrase is Robert Alter's (1991, xiii), used with reference to Benjamin, Kafka, and Scholem. Benjamin's notion of a redemptive critique, at least, does lie at the bottom of much of my sensibility, as I will make clear later on.
24. I owe this coinage to Chana Kronfeld.
25. The wonderful image of cultural change as a "creeping back" into history is Mieke Bal's.

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