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Jews and Gender

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Jews and Gender

Studies in Jewish Civilization

Volume 32

Proceedings of the Thirty-Second Annual Symposium
of the Klutznick Chair in Jewish Civilization, the Harris
Center for Judaic Studies, and the Schwalb Center
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Jews and Gender

Studies in Jewish Civilization

Volume 32

Editor:

Leonard J. Greenspoon

The Klutznick Chair in Jewish Civilization

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Contents

Acknowledgments	vii
Editor's Introduction	ix
Contributors	xv
The Heroines of Everyday Life: Ancient Israelite Women in Context CYNTHIA SHAFER-ELLIOTT	1
An Ironic/Satirical, Subversively Proto-Feminist Reading of the Daughters of Zelophehad in Numbers 27 and 36 JAY CABALLERO	15
Constructing Gender Bride by Bride: Rabbinic Ideas of Citizenship in Light of Gender SUSAN MARKS	29
Gendering Emotion in Genesis Rabbah JOEL GEREBOFF	41
The Legalization of Modesty: Sources and Significance EMMANUEL BLOCH	63
Marriage, Motherhood, and the Matriarchs in the <i>Zohar</i> MARGARET GUREWITZ SMITH	77
Chasidism and Gender through a New Reading of a Feminist Story of R. Nachman of Breslov RONI BAR LEV	101

Jewish Homesteader Memoir: A Woman's Story MARA W. COHEN IOANNIDES	123
"He Wanted to Make Them into Educated, Enlightened People": Jewish Immigrants, Acculturation, and Gender Stereotypes in A. D. Oguz's <i>Di fraydenker</i> MATTHEW H. BRITTINGHAM	135
Locking Up Al Levy: Jewish Masculinity in the Early Civil Rights Movement JEANNETTE GABRIEL	157
Golda Meir, Sarojini Naidu, and the Rise of Female Political Leaders in British India and British Mandate Palestine JOSEPH R. HODES	179
Jewish Feminism as a Model for Judaism as a Choice HANNAH KEHAT	197
The Pioneering American Jewish Women Directors: From Elaine May to Claudia Weill LAWRENCE BARON	217
"When You're a Funny Girl": Confirming and Complicating Accepted Cultural Images of Jewish Femininity in the Films of Barbra Streisand SAMANTHA PICKETTE	245
"Schlemiel Feminism": Jewish Humor and Activism on <i>Broad City</i> DAVID GILLOTA	271
<i>Poskot</i> in the Palace of Torah: A Preliminary Study of Orthodox Feminism and Halachic Process GAIL LABOVITZ	283

Acknowledgments

THE THIRTY-SECOND ANNUAL SYMPOSIUM ON JEWISH CIVILIZATION TOOK place on Sunday, October 27, and Monday, October 28, 2019, in Omaha, Nebraska. The title of the symposium, from which this volume also takes its title, was “Jews and Gender: Tradition and Change.”

Presentations took place at three venues: University of Nebraska Omaha (on Sunday morning), the Jewish Community Center of Omaha Staenberg Kooper Fellman Campus (on Sunday afternoon and evening), and Creighton University (on Monday morning and afternoon). All of the essays collected here are based on presentations at the symposium itself.

The academic sponsors of this symposium represent three major institutions of higher learning in Nebraska: Creighton University (the Klutznick Chair in Jewish Civilization, the Kripke Center for the Study of Religion and Society), the University of Nebraska–Lincoln (the Harris Center for Judaic Studies), and the University of Nebraska Omaha (the Schwalb Center for Israel and Jewish Studies).

In large measure, the symposium owes its success to two groups of dedicated and talented individuals. First are my academic colleagues: Dr. Ronald Simkins (Creighton University), Dr. Jean Cahan (University of Nebraska–Lincoln), and Dr. Jeannette Gabriel (University of Nebraska Omaha). This was Jeannette’s first year of involvement in our symposium as director of the Schwalb Center.

The other group consists of three people with infinite amounts of energy and patience. From Creighton, there is Colleen Hastings; from UNO, Kendall Panas; and from the Omaha Jewish Federation, Jennie Gates Beckman. Their unexcelled excellence ensured that every symposium-related activity ran smoothly and with enhanced value.

The publication schedule we devised with Purdue University Press results in a period of two years between each symposium and its volume. This is possible only because of the high level of dedication and professionalism displayed by the staff at Purdue University Press, with whom we have had an excellent relationship for well over a decade.

In addition to the organizations mentioned above, this symposium is also generously supported by

Creighton University Lectures, Films, and Concerts
Creighton College of Arts and Sciences
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Editor's Introduction

WHEN WE FIRST ANNOUNCED THE TOPIC FOR THE THIRTY-SECOND annual symposium, “Jews and Gender,” a few people, possessed of excellent memories, asked questions to this effect: “Hadn’t we already held a symposium on this topic?” They were recalling our fourteenth annual symposium, “Women and Judaism,” which took place at the end of October in 2001.

But in choosing our topic for 2019, we were not merely repeating ourselves (something we have in fact assiduously avoided). Gender studies had substantially advanced over the almost two decades between these two symposia, both in general and with specific reference to Jewish studies. This is not to say that what we discussed in 2001 lacks relevance to 2019. Rather, there are connections and commonalities, in both method and substance, between pre-twenty-first century conversations and those during the past two decades.

In my view, all of this can be substantiated by comparing the table of contents from the 2001 symposium volume (published in 2003) with that of the present volume, based on the 2019 symposium (being published now in 2021). For the present volume, the table of contents is readily available in the volume’s front matter. Here is the parallel listing for volume 14, including the names of authors along with the titles of their essays. I invite readers to compare and contrast this material:

Susan A. Brayford: “The Domestication of Sarah: From Jewish Matriarch to Hellenistic Matron”

Charles David Isbell: “Nice Jewish Girls: Liquor, Sex, and Power in Antiquity”

Sidnie White Crawford: “Traditions about Miriam in the Qumran Scrolls”

- Marjorie Lehman*: "Women and Passover Observance: Reconsidering Gender in the Study of Rabbinic Texts"
- Jayne K. Guberman*: "Weaving Women's Words: Gendered Oral Histories for the Study of American Jewish Women"
- S. Daniel Breslauer*: "Stories and Subversion"
- Henry Abramson*: "A Derivative Hatred: Images of Jewish Women in Modern Anti-Semitic Caricature"
- Dan W. Clanton Jr.*: "Judy in Disguise: D. W. Griffith's *Judith of Bethulia*"
- Reina Rutlinger-Reiner*: "Creative Expressions of Resistance: Original Theater of Orthodox Israeli Women"
- Ori Z. Soltes*: "Fixing It and Fitting In: Contemporary Jewish American Women Artists"
- Gail Twersky Reimer*: "Women on the Wall"
- Esther Fuchs*: "Jewish Feminist Scholarship: A Critical Perspective"
- Morris M. Faierstein*: "Women as Prophets and Visionaries in Medieval and Early Modern Judaism"
- Keren R. McGinity*: "Immigrant Jewish Women Who Married Out"
- Karla Goldman*: "Finding Women in the Story of American and Omaha Reform Judaism"

The first two essays in the current *Jews and Gender* volume consider the times and texts of the Hebrew Bible. The title of the essay by Cynthia Shafer-Elliott, William Jessup University, is "The Heroines of Everyday Life: Ancient Israelite Women in Context." Shafer-Elliott begins by observing that the Hebrew Bible often ignores the average ancient Israelite woman. Her essay illustrates how archaeology can provide a glimpse into the lives of such women. Moreover, she explores how learning about the physical reality of ancient Israelite women helps us to hear their voices within the biblical text.

The title of the essay by Jay Caballero, University of Texas at Austin, is "An Ironic/Satirical, Subversively Proto-Feminist Reading of the Daughters of Zelophehad in Numbers 27 and 36." The biblical book of Numbers, in chapters 27 and 36, recounts the request by Zelophehad's daughter to receive his inheritance, since he left no sons. In Caballero's view, the priestly author of this material intended these two accounts as an ironic commentary on male leadership. Such an interpretation constitutes a new feminist reading.

The next three essays feature the symposium's main topic, "Jews and Gender," from the perspective of the classical rabbis: Susan Marks, New College of Florida, on betrothals; Joel Gereboff, Arizona State University, on emotions; and Emmanuel Bloch, Hebrew University of Jerusalem, on modesty. The title of Marks's essay is "Constructing Gender Bride by Bride: Rabbinic Ideas of Citizenship in Light of Gender." While the

Mishnah on betrothals begins, "By three means is the woman acquired," Marks establishes the fact that the rabbis concerned themselves not with future acquiring but rather "was she acquired in the correct way?" Through her examination of parallels in Roman law, Marks concludes that the rabbis intended to present a vision of acceptable gender roles and of a holy Israel to which an unacceptable partner must not be joined.

Gereboff's presentation is titled "Gendering Emotion in Genesis Rabbah." Genesis Rabbah, a rabbinic midrash from the fifth century CE, is a commentary on the biblical book of Genesis, which it often augments by filling in background information about motivations and character traits. Among other issues in his analysis, Gereboff explores whether certain emotions are more commonly associated with female characters than with males. He also asks whether male characters are criticized for exhibiting certain emotions that are routinely identified with females.

Bloch looks at "The Legalization of Modesty: Sources and Significance." The talmudic rabbis addressed the concept of *tsniut* [modesty]. In contemporary Jewish religious discourse this has become a popular theme. For the first time, *tsniut* is being applied as a form of dress code for women, a process Bloch characterizes as the creation of a new halachic genre. To illuminate this development, he explores the considerable rabbinic creativity that provided some of the building blocks for these halachic dress codes.

Another two essays feature developments in mysticism and Chasidism. Margaret Gurewitz Smith is from Bellevue University. In her essay, titled "Marriage, Motherhood, and the Matriarchs in the *Zohar*," Smith focuses on the *Zohar* within the real-world thirteenth century communities that created and studied it. Seen from this perspective, both the *Zohar* and medieval Jewish society approved of sex and sexuality, while nevertheless constructing passive and minor roles for women in those relationships. Thus, the *Zohar*, in addition to being a mystical work, was also firmly rooted in its earthly environment.

Roni Bar Lev, Ono College, Israel, titles his essay "Chasidism and Gender through a New Reading of a Feminist Story of R. Nachman of Breslov." Bar Lev first describes the scholarly debate over whether or not a feminist thought, albeit hidden, took place within early Chasidism. In his understanding, "Chasidic feminism" does indeed represent an extraordinary religious phenomenon, integrating conservative religiosity side by side with a groundbreaking radical new philosophy.

American Jews and Judaism, especially in the Midwest, are the focus of the next three essays. The essay by Mara W. Cohen Ioannides, Missouri State University, is titled "Jewish Homesteader Memoir: A Woman's Story." In it, she explores three homesteading memoirs written by Jewish women in the Midwest. Cohen Ioannides explores what they teach us about how Jewish farmers, men and women, in the American hinterland both maintained and broke traditions about gender and gender roles. This in turn can inform us about the Americanization process of Jews in the Midwest.

Matthew H. Brittingham, Emory University, provides a close analysis of a significant work of literature in his essay "‘He Wanted to Make Them into Educated, Enlightened People’: Jewish Immigrants, Acculturation, and Gender Stereotypes in A. D. Oguz’s *Di fraydenker*." Oguz, a popular Yiddish writer, was among the immigrant male Jewish writers who projected their fears and dreams about assimilation, acculturation, and social change onto immigrant Jewish women. In this novel, Oguz focused on three immigrant families. As Brittingham demonstrates, Oguz used these family dramas to have a wider conversation about the future of Jewish identity in America.

In "Locking Up Al Levy: Jewish Masculinity in the Early Civil Rights Movement," Jeannette Gabriel, University of Nebraska Omaha, introduces us to Levy, a Jewish soldier in World War II. He was targeted after raising concerns about the treatment of African American soldiers at the Lincoln, Nebraska, airbase in 1943 and was court-martialed for his involvement in an entrapment case. Gabriel examines how this experience both challenged and strengthened concepts of Jewish masculinity.

Two other symposium speakers place emphasis on developments within the State of Israel. Joseph R. Hodes, Texas Tech University, titles his essay "Golda Meir, Sarojini Naidu, and the Rise of Female Political Leaders in British India and British Mandate Palestine." In his essay, Hodes examines aspects of the political lives of Golda Meir and Sarojini Naidu. He looks at their political careers, in Israel and India respectively, from the 1920s through the 1940s as female leaders involved in two of the most important nationalist struggles of the twentieth century and how they maneuvered those waters to achieve their vision of liberating not only women but an entire people. Hodes also analyzes how the nationalist movements were themselves vehicles for the liberation of women.

Hannah Kehat, Givat Washington Academic College and Kibbutzim College of Education, Technology and the Arts, Israel, titles her essay "Jewish Feminism as a Model for Judaism as a Choice." In 1998, Kehat founded Koleh, a leading Orthodox feminist movement in Israel. In this role, she sometimes faced the fierce opposition of the religious establishment. In response, Kehat envisions not the abandonment of the Jewish religion but rather a supreme effort to reintegrate into it and to reinterpret traditional and halachic Judaism, which will contain new identities and new halachic requirements.

Another three essays highlight the world of entertainment. The title of the essay by Lawrence Baron, San Diego State University, is "The Pioneering American Jewish Women Directors: From Elaine May to Claudia Weill." As an outgrowth of developments in the 1960s, significant Jewish women directors emerged in the 1970s, who imbued their films with a Jewish and/or feminist perspective. The three women Baron features had to overcome institutional sexism to direct films that challenged the gender stereotypes of Jewish women and men as they had been portrayed in mainstream American movies.

In her essay, Samantha Pickette, Boston University, explores “‘When You’re a Funny Girl’: Confirming and Complicating Accepted Cultural Images of Jewish Femininity in the Films of Barbra Streisand.” As Pickette observes, during the height of her film career, Streisand subverted the categorization of Jewish women as entitled, unattractive, and uninteresting. Her protagonists were the heroines of their own stories and proud of being Jewish. Yet her films were ultimately conservative: in Pickette’s analysis, each protagonist is punished for not conforming to expectations and subsequently loses “the love of her life.” In this sense, her films both challenged and upheld traditional cultural images of Jewish women.

David Gillota is from University of Wisconsin–Platteville. His essay is titled “‘Schlemiel Feminism’: Jewish Humor and Activism on *Broad City*.” Gillota observes that until recently nearly every famous schlemiel character was male. Female comedians are now utilizing this character to explore Jewish femininity. Gillota focuses on Abbi and Ilana, two women who identify as Jewish and feminists in the series *Broad City*. But as schlemiels, they often fail to live up to their feminist ideals. For Gillota, this results in “schlemiel feminism.”

The final essay in this volume is by Gail Labovitz, American Jewish University. It is titled “*Poskot* in the Palace of Torah: A Preliminary Study of Orthodox Feminism and Halachic Process.” This is also the title of her keynote presentation at the symposium. In this work, Labovitz continues her exploration of a dual commitment to traditional Jewish observance and to feminism and egalitarianism. Her goal is to see how Orthodox feminist legal thinkers are actually going about, methodologically, the work of (re)considering and (re)interpreting Jewish legal texts and sources. With this in mind, she poses such questions as What constraints on their interpretive methods do these women feel obliged to abide by? and What defines a process and/or outcome as feminist?

Leonard J. Greenspoon

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The Heroines of Everyday Life

Ancient Israelite Women in Context

CYNTHIA SHAFER-ELLIOTT

INTRODUCTION

I was always interested in the cultural context of ancient Israel and gender studies, but I wasn't introduced to how these topics intersected until as an MA student I read *Discovering Eve* by Carol Meyers.¹ That book rocked my world. You should see my copy of it—there are probably more parts of it highlighted or underlined than not. This book opened the door for me to other feminist biblical scholars who were interested in both text and artifact. With that said, I must say thank you to the amazing scholars who expanded the universe of biblical scholarship and gender studies for me.

However, in order for us to focus on gender in the biblical world, we must shift our attention from the monumental to the mundane. Historically, biblical scholars and archaeologists of the Southern Levant have focused primarily on monumental people, places, and performances, such as the priests and kings, temples and palaces, battles, and cultic ritual.² Of course, I am not the first to note this, nor am I the most eloquent.

Nor am I the first to point out that, like those who have historically studied it, the Hebrew Bible itself is primarily focused on the monumental. That is, most ancient texts, including the Hebrew Bible, provide accounts of monumental events such as military conquests, the anointing of a new king, the development of law codes, and cultic events—usually through the lens of that society's relationship with its deity.

Opposite of the monumental is the mundane, or the ordinary people, places, and performances of the everyday. The mundane is typically overlooked or ignored in the Hebrew Bible unless it plays a role in narrating the monumental. For instance, we don't get information on what people specifically cooked unless it has a part in a larger story.

For example, in the succession narrative in 2 Samuel 13 the narrator includes what Tamar is cooking, not because there was a particular interest in documenting cooking, but because of the role the meal plays in the narrative itself.

Many feminist scholars and some even not so feminist scholars rightly point out that the Hebrew Bible is an androcentric text that ignores the lives of biblical women. However, as a result of its focus on the monumental, this disregard, as Meyers has noted, is not just of the women in the Hebrew Bible, but also the ordinary women, men, and children.³

However, I am happy to say that the mundane is getting its time in the spotlight, so to speak. Biblical scholars and archaeologists of the Southern Levant have turned their attention to the everyday lives of the average ancient Israelite woman. Within the textual side, the irregular passages that highlight or mention women have received copious amounts of attention as of late and rightly so. Likewise, on the archaeology side of the matter, the interest in gender and household archaeology has advanced tremendously.

In this essay I will concentrate on the ordinary ancient Israelite woman and her world. In particular, I will focus on one specific period of an Israelite woman's life—that of the matriarch, and the authority and power that position possessed.

METHODOLOGIES

The methodologies used to help us see the lived experiences of women in ancient Israel are like tools in a toolbox. There are many tools, but some are more helpful than others. Besides the biblical text, the tools that are most helpful for us to better understand ancient Israelite women include household and gender archaeologies and ethnographic and ethnoarchaeological studies. A brief description of these tools is fitting to mention here.

The first tool in our toolbox is household archaeology. The stage where the ordinary is lived out day after day is the home; consequently, focusing on the home provides insight into the physical reality of the daily lives of ancient cultures. What constitutes a household has been the subject of much discussion resulting in distinctions between family, household, and dwelling. A family is defined by kinship, descent, and marriage; while a household is a social unit defined by those who live together and share domestic chores. Members of a household are often related, but not always.⁴

The dwelling is the space where members of the household live and work. In their landmark paper introducing household archaeology, R. Wilk and W. Rathje lay out the three basic characteristics of households: the material, social, and behavioral aspects.

The material aspect consists of the physical dwelling units, secondary buildings, features, areas where household activities took place, and the household's physical possessions. The social aspect includes the members of the household and their relationship to each other, while the behavioral aspect looks at the activities the household members performed.⁵ Household archaeology can thus be characterized as the study of the activities and facilities associated with ancient households or houses.

In order to narrow our focus on the women within those households, we must make use of our second tool, gender archaeology, which can be defined as research that considers the relationships of women and men to the social, economic, political, and ideological structures of particular societies. It is interested in the concepts of space, identity, and everyday time, which are concepts that cannot be physically seen; rather these concepts are connected through "habitus" or "performance."

Habitus is defined as the "practical logic and sense of order that is learned unconsciously through the enactment of everyday life."⁶ In other words, habitual or repeated activities can tell us a lot about what societies value and devalue. The everyday activities that household archaeology helps identify leave us clues about the household's values and attitudes, including those related to identity, class, and gender. The repetition of activities, postures, gestures, dress, language, and so forth make gender visible in the archaeological record, while the place these activities occurred, in our case the household, serves as the stage.⁷

Finally, the third tool in our toolbox is ethnography and ethnoarchaeology. Ethnography is the study of contemporary cultures through direct observation, while ethnoarchaeology is also the observation of contemporary cultures but in order to understand the behaviors and relationships that underlie the production and use of material culture. Ethnography and ethnoarchaeology provide insights into human behavior by observing societies that still use the traditional methods their ancestors used.⁸ For instance, Jennie Ebeling's ethnoarchaeological work in Jordan is a fantastic resource that observes and documents various aspects of traditional bread baking, including how the ovens were made, who made them, where were they located, how they were used, and by whom. Her work helps us better understand how ovens were made and how bread was baked in ancient Israel.⁹

SOCIAL STRUCTURE

Historically, we have viewed the social structure of ancient Israelite households on opposite ends of a spectrum: On one end, which has been the more traditional interpretation, we have assumed that it was a hierarchical and patriarchal system. On the

other end, which is a more recent phenomenon, we have anachronistically imposed our modern/postmodern, feminist, and egalitarian ideals on the ancient Israelites. However, as usual and if we are honest with ourselves, a more realistic view seems to lie somewhere in the middle.

The social science model heterarchy has somewhat recently been applied by C. Meyers, A. Baadsgaard,¹⁰ and others as a means to more accurately understand the social structure of ancient Israel. Heterarchy is made up of the Greek words *heteros*, meaning “the other,” and *archein*, meaning “to rule,”¹¹ and can be best described as

a form of management or rule in which any unit can govern or be governed by others, depending on circumstances, and, hence, no one unit dominates the rest. Authority within a heterarchy is distributed. A heterarchy possesses a flexible structure made up of interdependent units, and the relationships between those units are characterized by multiple intricate linkages that create circular paths rather than hierarchical ones. Heterarchies are best described as networks of actors—each of which may be made up of one or more hierarchies—that are variously ranked according to different metrics.¹²

The heterarchy model discourages us from oversimplifying, sanitizing, or romanticizing the social world of ancient Israel and allows us to see its various social units as involved in multiple vertical and lateral relationships.¹³ When we look closely at the form and function of an Israelite household, it is heterarchy that seems to best describe its social structure and its task of survival.

THE HOUSE AS A WORKPLACE

The ancient Israelite household is often referred to in the Hebrew Bible as the *beit 'av* [house of the father] and more rarely as *beit 'em* [house of the mother]. The main function of the actual house was to provide shelter for the household members, animals, and products. However, houses were much more than that. They were just as much of a workplace as a dwelling place.

Ancient Israel was predominantly a kinship-based society with a household-dominant mode of production. The household economy ranged in levels of subsistence but was always agrarian/pastoral in nature.¹⁴ Whether they lived in rural villages or farmsteads or urban fortified settlements, Israelites were agrarians concerned with living off the land. The excavation of Iron Age houses in Israel indicate that households were engaged in the expected domestic activities of production, preparation, distribution, and storage.

It's been argued that gender roles are a luxury rarely found in subsistence-level domestic economies. The survival of the household was so imperative that each member was expected to participate regardless of sex, age, or other differentials. However, it seems that the survival of the Israelite household was dependent upon three overlapping factors: protection, procreation, and production, which do suggest some sort of gender-based roles—even if only as a result of biological or reproductive factors.¹⁵

It is thought that the protection factor was managed by the household males, more often the patriarch of the household, whose role it was to protect the members of the household.¹⁶

The fertility of the household's members, land, and animals was of utmost concern. For the household members, the procreation factor fell under the female domain because it was predominated by their reproductive role and concerns relating to menstruation, conception, birth, lactation, and weaning. The nature of the reproductive role dictated that female daily household activities oftentimes occurred within or near the dwelling.¹⁷

However, what joined the household together was the production factor. All members of the household were required to participate in daily chores, which were dominated by industry related to agriculture, animal husbandry, and the making of various goods, such as pottery and fabric. Certain times of year, such as planting and harvest, required that all able members of the household contribute. During times of war, household women were required to bear the full burden of production.¹⁸

The household dwelling, its secondary buildings, agricultural installations, fields, and orchards were where daily activities occurred. The dwelling itself was the hub of household productivity, where various tasks occurred daily, weekly, monthly, and seasonally; thus the dwelling should be viewed as a work space that was essential to the household economy.

A heterarchy model allows us to see and appreciate the diversity of Israel's social world as it is reflected in the archaeological record and, to a certain extent, the biblical text. Since the daily concern of the ancient Israelites was survival, each member of the household was expected to participate—in particular the matriarch, who possessed more power and authority within the household than she is usually given credit for.

THE MATRIARCH

“A woman's place is in the home.” When we hear this phrase today, we interpret it as a rather antiquated view of where women are required to spend their time. Regardless of how it makes us as individuals feel in a postmodern, hopefully egalitarian culture, in ancient—and even in modern—traditional societies in the Middle East, this phrase

does seem to reflect some of their reality. Perhaps we can challenge the antiquated interpretation by examining what this could have meant for the ancient Israelite woman.

The important contributions of women within household economies in ancient Israel has, I am happy to say, been a subject of much research as of late. In her book *Women's Lives in Biblical Times*, J. Ebeling describes the life cycle events and daily life activities experienced by girls and women in ancient Israel as illustrated through the life of one fictional Israelite woman.¹⁹ In a similar fashion, I will highlight one particular role of an ancient Israelite woman during one possible phase of her life cycle—that of the matriarch, or the “woman who is the head of a family, household, or tribe,” and the authority and power she held as the manager of the household foodways.²⁰

How did one become a matriarch in ancient Israel? Israel was a patrilineal and patrilocal society, meaning that kinship and inheritance were through the male line and, as such, a married couple lived with or near the husband's family. When a female was eligible for marriage (usually soon after she hit puberty) her marriage was arranged and she left her *beit av* [father's house] and became a member of her husband's. As a young wife, she was expected to begin a family and, like everyone else in the household, participate in the daily chores; more specifically, she was expected to help her mother-in-law, who in all likelihood was the matriarch of the *beit av*, with whatever activities she required. As time moved on, the bride would move up in the female ranks of the household—assuming that she survived her pregnancies and births and that, if there were multiple wives or concubines, she was the primary wife.²¹ In a related manner, P. Bird notes:

Although there is no direct evidence for the way in which multiple wives shared responsibilities of household management,²² some form of seniority system may be assumed, especially where a second wife had the status of a concubine. Each woman, however, would have controlled her own children.²³ Normally a woman gained authority with age.²⁴

If her husband was the oldest surviving son of the household after the death of his father, then he would become the patriarch and she, the matriarch. But was this the only way? Tied to her husband? What about when her son became the patriarch? These are questions that need further exploration.

The matriarch within a household possessed much power and authority. To what extent that power and authority extended beyond the household is difficult to determine. However, within the household itself, the matriarch was in charge of the running and management of the household, including its members (especially over the other women, servants, and children), and the production, preparation, consumption,

distribution, and storage of household activities and goods. However, we will focus on one particular task the matriarch managed that may best illustrate her power and authority within the household: food preparation.

GASTRO-POLITICS

A major task in the survival of households is related to food; the importance of food and food-related activities cannot be overstated because of its significance at all levels of society. “Gastro-politics,” or the politics of food, is generally characterized as “the political discourse that encircles all things linked to eating and invokes the charged meanings underlying all culinary events.”²⁵ The ways in which we experience food are innumerable; however, what is certain is that there are diverse and powerful meanings interconnected with food. As such, food “is constantly used in the generation, maintenance, legitimation and deconstruction of authority and power.”²⁶

Many studies have focused on the gastro-politics of feasting mostly in elite contexts; however, more needs to be said about the gastro-politics of the household, both the preparation and consumption of extraordinary meals (i.e., feasts) and the ordinary, everyday meals. Archaeologist Y. Hamilakis writes that “all consumption events are meaningful” and that “even within the domestic context, [however,] food consumption is a meaningful embodied experience which is related to issues such as the construction of gender roles, the definition of the social unit, and the transmission of cultural norms (such as table manners) to children.”²⁷

I would go further than Hamilakis and state that it isn’t just the consumption events that are significant but that the preparation of those meals also holds considerable meaning. Simple questions such as Who is doing the tasks of the production, storage, cooking, and serving of the food? and Who is managing it?²⁸ can help us focus on the gastro-politics of the preparation of food, not just the consumption of it. Even though the daily meal is a humble event, it is still one that contains agency and politics, including who holds the power in the cooking and distribution of it.²⁹

In her study of the social life of food, C. Hastorf integrates multiple ethnographic and archaeological case studies in which she observes that women have been and still are responsible for most of the processing of food. She writes that “in cross-cultural studies of 185 societies, women completed most food preparation and cooking tasks, performing more than *80 percent* of these tasks in any one group”³⁰ and that “the only [food-related] tasks that men tended to dominate in were hunting, butchering, generating fire, and farming (plowing).”³¹ While in each society the importance and value of food preparation and cooking varies, Hastorf notes that it is “through these acts

[that] women acquire their own place and enablement, with their productive contributions being linked especially to familial prestige and position as well as training the next generations in these useful skills.”³²

GASTRO-POLITICS AND THE MATRIARCH

In their ethnographic study of Palestinian village peasants in the central highlands, S. Amiry and V. Tamari observed that the men would convene at the main plaza centrally located within the village. The men stated they met there because they could not meet in each other’s homes because the house was considered “female territory.” Indeed the home was in the province of women, as was the spring and the bread oven.³³

Both ethnoarchaeological studies and archaeological excavations find ovens centrally located within the household. In his work on family religion in the ancient Near East, K. van der Toorn notes that “the ‘fireplace’ [or oven] is the heart of the house and symbolizes the presence and continuity of the family.”³⁴ Thus, it shouldn’t be surprising to us that in houses excavated in ancient Israel, the remains of ovens are located both inside the house and in the courtyard, both of which served as seasonal “living rooms” and were centrally located with the majority of household activities being carried out there. As mentioned, the reproductive role of females determined that most of their daily tasks be conducted in or near the house. Consequently, the seasonal living rooms were dominated by the household women and controlled by the household matriarch.

The main tasks that monopolized the daily activities of the women in the household were those required in the production and preparation of food. C. Meyers figures that ancient Israelite women spent at minimum ten hours a day engaged in domestic labor, two of which were spent processing grain.³⁵ The ancient Israelite diet was severely dependent upon cereals. In order for grain to transform from an inedible to edible form, it must go through a multistep process of parching or soaking, milling or grinding, heating and/or leavening. The final product was either a porridge or gruel or, of course, bread. It’s been estimated that the ancient Israelites obtained 50 percent of their daily caloric intake from cereals.³⁶ Thus, the production, processing, and preparation of grain were imperative to the survival of the household, as were those who performed these activities—the women of the household.

Since women performed the activities that turned the household harvests into food, we can deduce that they were in charge of those tasks. As the senior woman of the household, it was the matriarch who had power and authority over the household foodways.

We have a few examples of the matriarch's authority over the household foodways from the Hebrew Bible.³⁷ Our first example comes from 1 Samuel 25. A woman named Abigail is described as clever and beautiful, but married to the foolish Nabal, who insults David via his messengers at the sheep shearing feast. In an effort to neutralize the situation, Abigail takes enough household food for a feast (200 loaves, 2 skins of wine, 5 sheep ready dressed, 5 measures of parched grain, 100 clusters of raisins, and 200 cakes of figs) and has it sent to David and his men. Abigail does not ask, she does.

A second example comes from 2 Kings 4:8–10, where the nameless woman of Shuman decides to provide the prophet Elijah with a meal whenever he passed through. Furthermore, she decides to have a small room built on the roof of their house and furnished so that Elijah could stay there whenever he came to them (v. 10). Again, the woman of Shuman does not ask, she does.

The woman of strength in Proverbs 31:10–31 is probably our best depiction of the matriarch as the household manager. Verses 14–15 state that “she is like the ships of a merchant, she brings her food from far away. She rises while it is still night and provides food for her household and tasks for her servant girl.” And in v. 27 “she looks well to the ways of her household, and does not eat the bread of idleness.” Indeed, we catch a glimpse into the essential nature of the matriarch's role as the household manager. Management of the household was essential to its survival and would have required exceptional skill, expertise, and diplomacy, resulting in a significant amount of household power and prestige.³⁸

These women are depicted as having control over the household provisions, and they alone decide what to do with them. Thus the matriarch's influence over and impact on the household economy is tremendous.

Some would argue that these examples illustrate the matriarch only within elite contexts and that matters of class should also be considered when drawing analogies with the biblical text. There are several instances where women are forced to make difficult decisions related to the gastro-politics of their household. For example, the widow of Zaraphath (1 Kgs 17:8–24) and the widow who was being forced to sell her two children into debt slavery (2 Kgs 4:1–7) are both matriarchs who were distressed because of the lack of food and thus concerned about the welfare of their children. Conversely, there are instances where the lack of food for the household is so dire that protecting the children is of little concern. For example, the narrative of the two mothers in 2 Kings 6:24–33. Things were so oppressive due to the siege of Samaria that these mothers were forced into cannibalism, agreeing to eat their sons (2 Kgs 6:24–33. Cf. Deut 28:53–57; Ezek 5:10; Lam 2:20, 4:10). As G. Yee writes, “Here household foodways meets the gruesome.”³⁹

SUMMARY

As the manager of the household foodways, the matriarch had significant influence on the gastro-politics of the household. Whether in good times or bad, cooking was an activity that was repeated on a daily basis. Repetition is deeply connected to the construction of habit, and habit is strongly connected to social and power relationships.⁴⁰ The repetition of the preparation, serving, and consumption of meals provides the location and setting of the day-to-day enactment of a variety of accepted norms within the group. These include but are not limited to social, political, economic, and religious rules and standards of the household—in particular to social norms, which include identity and membership, gender roles, and power relations (or the distribution of power by gender).⁴¹ Cultural anthropologist K. Twiss writes that food “is used to express who we are, who we wish to be, asserting our membership in certain groups, and distancing ourselves from others.”⁴²

Meals, then, are not simply about the food but also reflect how the group views itself. The ingredients and cooking methods used, how the food is served, and to whom—all of these construct and exhibit the identity and values of the group. Thus, the matriarch should be deemed one of the most important, powerful, and influential members of the household in regard to not only the household economy but also the household identity and practices.

The ancient Israelite matriarch was essential in managing the household’s economic and social functions. I daresay that the household and its economy would not have functioned as well without her expertise and influence. Perhaps now we can use this perspective to reclaim the phrase “a woman’s place is in the home.” For the ancient Israelite woman, in particular the matriarch, the home was her arena of power and authority.

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An Ironic/Satirical, Subversively Proto- Feminist Reading of the Daughters of Zelophehad in Numbers 27 and 36

JAY CABALLERO

THE TWO PERICOPES CONCERNING THE DAUGHTERS OF ZELOPHEHAD continue to be a place that scholars return to apply both historical-critical and feminist theories of interpretation. Historical critics tend to focus on two matters: (1) that the initial story in Numbers 27 is an etiological story whose purpose is to explain the existence of female names for large swaths of land in monarchic Manasseh and (2) the apparent disjunction between the two edicts by Moses. Feminist criticism tends to concentrate on Numbers 36, though chapter 27 is often set as a foil against chapter 36. These feminist scholars rightly note the patriarchal recalcitrance and resistance against the original edict from Yahweh. That edict set a precedent that allowed brotherless daughters to inherit their father's land rights. These scholars point to the fact that the daughters are not even present, much less allowed to speak, at the second hearing.¹

These dominant modes of approaching the text may conceal an alternative reading that the author may have intended, that of irony or satire. The structure of the narrative in Numbers 36 provides clues that the author may not intend for his text to be read simply for the surface meaning. The manner in which the meeting between the tribal chiefs and Moses takes place, the participants who are present, and the gratuitous naming of the daughters at the end of the narrative all work together in conjunction with the audience's preknowledge concerning the existence of female eponymously named Manassite clan districts to satirize and subvert the male authority structure

that sought to diminish the effects of the rights given to the daughters in Numbers 27. The Numbers 36 author is still a product of the patriarchal milieu in which he writes, though. Accordingly, one should not expect a fully orbed twenty-first century fourth wave, or even late twentieth century third wave, feminist perspective. However, it is also unfair not to recognize that the author may have been making a critique concerning how women were treated and valued in his day that was progressive for his time.

This essay will define and discuss irony and satire in narrative texts. Then, a brief review of how historical criticism and feminist criticism have treated Numbers 27 and 36 will be made. Finally, it will be argued that both of these approaches may miss the author's actual intent in Numbers 36. A number of narrative features will be examined that tend to subvert the standard interpretations that the Numbers 36 author intended to promote the subjection of the daughters and the limitation of their inheritance rights in favor of their male clan relatives. These narrative features will be coupled with the archaeological discoveries made in the Samaria Ostraca to argue that the author satirized the male Israelite leaders and their efforts to keep the daughters from the land, because the author knew that his audience was already aware of the female-named Manassite clan districts.

IRONY AND SATIRE

Carolyn Sharp defines irony as “a performance of misdirection that generates aporetic interactions between an unreliable ‘said’ and a truer ‘unsaid’ so as to persuade us of something that is subtler, more complex, or more profound than the apparent meaning.”² This definition claims that an ironic reading operates at two levels: what is stated by the author and what is unstated. Sharp goes on to say that “irony performs a complicated rhetorics of negation of the spoken and implicit affirmation of the unspoken, and the fluid relationship between those things—negation and affirmation—is essential to its meaning.”³ Accordingly, it appears that the ironist appears to state one thing on the surface, while, below the surface, that author is negating the surface meaning. Thus, one might detect irony in a courtier’s overflowing and effusive praise of his king, especially if the reader has reason to believe that the courtier is plotting against the king or has otherwise engaged in behavior that undermines him.

Consequently, that which is unstated is a critique or a criticism. Edwin Good, in his groundbreaking monograph on irony in the Hebrew Bible, states that irony “exposes falsehood and stupidity, recognizes foolishness and pretense. It mocks those who think they are something when they are actually nothing.”⁴ This of course makes sense. If the ironist were not mocking or ridiculing her subject, then she would not

need to hide her criticism within the surface meaning of the text. The very fact that she is exposing falsehood and pretense requires the author to be more subtle in presenting her views on her subject.

This, however, presents a potential disconnect between the author and her audience. The unstated criticism is necessarily obscure or oblique, and it requires an astute reader to pick up the author's cues that she, the author, is intending her text to be ironic. Indeed, Sharp states: "Ironic texts require a specific kind of reader competence in order for the communication to have taken place at all: the audience needs to perceive that the communication is unreliable in some crucial aspect."⁵ Thus, not all readers will interpret a text that was intended to be ironic as such. Conversely, some readers may find irony in a text that was not so intended by the author. To a large degree, then, irony is in the eye of the beholder. Thus, it is a distinct possibility that two readers of a text might come away with opposite understandings of that text, simply because one reader does not perceive the irony intended by the author or one reader injects irony into the text where it is not intended. As a result, this author is acutely aware that the reading of Numbers 27 and 36 presented herein may only be plausible to a portion of those reading this essay. A significant number of readers may reach the end of this essay and simply say, "I don't see it." This may be due to their inability to see the irony or to this author's attempt to inject irony where it was not intended.

Satire, on the other hand, is a "verbal caricature which distorts characteristic features of an individual or society by exaggeration and simplification."⁶ Arthur Koestler goes on to say that satire "focuses attention on abuses and deformities in society of which, blunted by habit, we were no longer aware; it makes us suddenly discover the absurdity of the familiar and the familiarity of the absurd."⁷ In *Political Satire in the Bible*, Ze'ev Weisman lists several elements that can typify political satire. These elements can include "sordid criticism" that "generally reveals a negative and hostile attitude" that is "aimed at historical and concrete personalities, institutions, political systems, and mainly tyrants and arrogant, villainous adversaries."⁸

Weisman also claims that "there is no clear cut division between irony and satire. . . . The difference is in mood and tone. . . . In humor and irony there is a mood of forgiveness, whereas in satire the dominant tone is that of animosity and the insult."⁹ As noted above, Good holds that irony "mocks." This seems to overlap Weisman's claim that the tone of satire is animosity and insult. Accordingly, Weisman's statement that there is no clear-cut division between irony and satire is well considered. Whether the reading presented herein is merely irony or rises to the level of satire will be left to the reader to decide. What is of immediate significance is that both irony and satire rely on an unspoken, or non-surface, reading that ultimately subverts and undermines the surface reading.

NUMBERS 27 AND THE ETIOLOGY OF LAND NAMES

Numbers 27 and 36 are both part of what has been traditionally termed the Priestly Document, or P. Thus, the two stories about the daughters of Zelophehad are not reflected in two different traditions within the Torah, but the same tradition. As noted above, most historical-critical scholars find the references to the daughters of Zelophehad in Numbers 26 and 27 to be etiological.¹⁰ That is, the story was written to explain a reality in the land of Israel. In this case, that reality is that several large sections of land associated with the tribe of Manasseh in the Cis-Jordan region were known by female names.

The Samaria Ostraca are 102 pieces of broken pottery that were found at Samaria in 1910 by expeditions led by George Andrew Reisner from the Harvard Semitic Museum (renamed in 2020 as the Harvard Museum of the Ancient Near East).¹¹ Each of the ostraca have writing on them. Unfortunately, only 63 ostraca have legible writing. These date from the early part of the eighth century BCE, approximately forty to sixty years prior to the Assyrian conquest of Samaria. The ostraca, written in paleo-Hebrew, appear to be temporary receipts that show the transportation of goods from places in the northern kingdom to the capital of Samaria. Each ostrakon lists the regnal year of the king, with one group coming from the ninth or tenth year of the king and the other group coming from the fifteenth year. The king himself is not named. The only kings from this time who reigned for at least fifteen years were Jehoash (Joash) and Jeroboam II.

The ostraca can be divided into two groups. One group lists the good or commodity being sent, either wine or oil, but does not list the clan district from which the good came. The other group lists the clan district but does not list the good received. The ostraca that are important for us are of the latter type: the clan district is listed but not the good transported. At least three of these ostraca list two clan districts that match the names of two of the daughters of Zelophehad. Ostraca 45 and 47 appear to be duplicate receipts, and each receipt states that the goods came from the district of Hōglah.¹² Ostrakon 50 states that the goods came from the clan district of Noah.¹³

As stated above, many of the ostraca are illegible, and it is probably safe to assume that these 102 receipts do not represent the full extent of goods that were transported from the districts in Manasseh to the capital. Again, these receipts come only from three regnal years. Thus, it is also reasonable to posit that many other receipts were written and that if those were discovered, the names of the other three daughters of Zelophehad, Mahlah, Milcah, and Tirzah, would be listed as clan districts in Manasseh as well.¹⁴

What is most important about the ostraca, for purposes of this essay, is that clan districts existed in Manasseh that had female eponyms, and that the authors of P composed a story about the daughters of Zelophehad receiving land to explain how those female eponyms came to be. Accordingly, one can surmise that the authors of P fully expected their audiences to know about the clan districts and to make the connection between the daughters of Zelophehad and those clan districts bearing the names of the daughters. This expectation of the authors will be important moving forward.

FEMINIST INTERPRETATIONS OF NUMBERS 27/36

Feminist scholars have a mixed relationship with the stories of the daughters of Zelophehad. On the one hand, they point to the portrayal of the daughters' resolve to question the word of Moses and Yahweh with respect to inheritance as a positive portrayal.¹⁵ Indeed, the last female who questioned Moses's authority was Miriam in Numbers 12, and she was turned into a leper. Within the narrative, then, another group of younger females daring to question Moses's and Yahweh's judgment with respect to land allocation is bold, to say the least. Thus, feminist scholars laud the depiction of young women standing up against a clear injustice.

Conversely, these same scholars are rightly critical of the legal system that would not have contemplated that a man might die having daughters but not sons.¹⁶ It might occur infrequently, but it would not be completely unknown. Thus, the legal system appears to be concerned only with the rights of males. It is also noteworthy that the initial ruling, even though the daughters of Zelophehad received what they requested, is predicated on a situation in which no sons are available to inherit. If Zelophehad had had just one son, then that son would have inherited everything and the daughters would have been completely dependent on him. Feminist scholars are justified in their critique of this incongruence.

As alluded to above, criticism must also be leveled at Zelophehad's relatives, who have apparently done little to support these young ladies, despite their obvious predicament. The daughters are likely of marriageable age, yet Zelophehad's relatives have made no attempt to get them married or to have had their sons marry them. It should not have been the case, but the fact is that unattached females in the Ancient Near East were especially vulnerable to violence and brutality. That Zelophehad's relatives are unmoved to action on behalf of the daughters should strike one as particularly callous.

Numbers 36 has also received its share of criticism. While the daughters approached Moses in front of all the congregation at the Tent of Meeting, Zelophehad's male

relatives approach Moses at an unspecified location and the only people present are male chieftains. The daughters are noticeably absent and unable to raise an objection, if they had one, to what their male relatives ask. They are depicted as being irrelevant to this deliberation and decision.¹⁷

Additionally, the ruling that Moses enumerates goes beyond the argument made by the relatives. The argument made is that if the daughters are allowed to marry outside their tribe, then Manassite land will become the land of other tribes. Several options would have been available to address this. Most simply, Moses could have ruled that the daughters must marry only Manassite men. Alternatively, he could have ruled that any man who marries one of the daughters must become part of Zelophehad's lineage, like the men who married the daughters of Barzillai and took their name in Ezra 2:61.

However, Moses does not take either of those options. Instead, he not only limits the daughters to marrying Manassite men, which would have solved the problem of land leaving the tribe, but he restricts the daughters to marrying men within Zelophehad's clan. Thus, it appears that the very people who refused assistance to the daughters would profit the most when the daughters receive their land. It feels as if Moses is taunting the daughters when he says that they can marry whomever they see fit, so long as it is one of the men who has already rejected them. As feminist scholars have noted: when the patriarchy is threatened, it responds with a vengeance.¹⁸ Having reviewed the historical-critical and the feminist approaches to the texts, it is now appropriate to consider an alternative approach, that the text should be understood as an irony or satire.

THE AUTHOR AS A (PROTO-) FEMINIST IRONIST/SATIRIST

As stated above, one of the purposes for the inclusion of the pericopes regarding the daughters of Zelophehad is indeed etiological. The Manassite territory had districts named after women, and the P authors sought to provide an explanation for this phenomenon. As a result, the stories were included in Numbers 27 and 36, as well as Joshua 17, to explain how this came to be. If this is correct, then one must conclude that the authors of these stories expected their audiences to be aware of these female-named clan districts. An etiological story has to explain a phenomenon that is well known. If no one knows about the alleged phenomenon, then there is no point in explaining the etiology. As a result, the P audiences must have been aware that Manassite clan districts had female eponyms, and the authors are playing off that.

One must also recall the original petition by the daughters in chapter 27 and the reasoning they give for their request. Their justification for why they should receive

the land is that the name of their father should not be removed from the clan simply because Zelophehad had no sons. Implicit in this request is a belief that it is detrimental to Zelophehad if his name is not perpetuated within the clan, even though he is dead, and that this perpetuation can be accomplished if his daughters are granted what would have been his portion of land within the tribe of Manasseh. It stands to reason, then, that this allocation of land should somehow carry Zelophehad's name or that his name would be associated with this allocation of land.

In Numbers 27, Yahweh gives every indication that he agrees with the daughters' proposal. The author states that Yahweh not only grants the daughters' petition but also lays down a bright line rule that will apply in all cases. Sons are the first to inherit. If a man has no sons, then the daughters may inherit. If the man has no daughters, then his brothers inherit, and so on. This is portrayed as solving the problem of men who have no sons, so that those sonless men do not lose whatever prestige/honor/value that is attached to having one of their descendants inherit and possess their land.

Again, it is fair to criticize the extent of this ruling. That a man must not have any sons before the daughters stand to inherit from an intestate father seems patently unfair. However, those who claim that this ruling is more restrictive than the rights of women in other Ancient Near Eastern societies are misguided in their criticism. It is true that daughters often inherited from their fathers; however, that inheritance was almost always accomplished through wills.¹⁹ That is, the father made an express, written wish that his daughters inherit. That is a different type of scenario from the one presented in Numbers.

The scenario at hand involves an issue of intestacy, a person dying without a will. With respect to intestacy, the only known laws from the Ancient Near East that provide that daughters shall inherit when their father has died intestate are the Laws of Gudea and Lipit-Ishtar, law codes promulgated well over a thousand years before P.²⁰ Furthermore, Lipit-Ishtar restricts the right to inheritance to unmarried daughters or daughters who have entered Temple service. In fact, if an unmarried daughter inherits, then marries, the inheritance passes to the next younger unmarried daughter. Consequently, the notion of a daughter inheriting from an intestate father as directed by Moses and Yahweh, while not novel in the Ancient Near East, is certainly out of the norm. While one may fairly criticize the lack of parity in this law, one must also acknowledge that the law does make a significant advance over many of the other Ancient Near Eastern legal systems.

In addition, as noted earlier, the portrayal of the daughters' standing up to the unjust decree made by Yahweh and Moses that would leave the daughters homeless and without means of providing for themselves is exceptional. This is especially so, of course, because of what happened to Miriam, Korah, Nabab and Abihu, and others. No one in the Torah except Moses, and no one in P at all, is able to back down Yahweh from a

decision like the daughters of Zelophehad do. In depicting the daughters this way, the narrator, to a certain degree, even elevates the daughters above Moses. These five young women are able to do what men cannot: force Yahweh to humble himself enough to say he was wrong. Within the patriarchal culture that the narrator depicts, such a portrayal was likely stunning and shocking to the audience in its audacity.

Again, this audacity leads to a new rule that is exceptional in the Ancient Near East. Thus, it must be concluded that the narrator, in crafting this etiological story, has positively pictured the namesakes of those clan districts as bold, defiant young ladies who had the *chutzpah* to stand up, not only against Moses, but also Yahweh, when they were treated unjustly.

The author of chapter 36 is not so obvious in his praise of the daughters, which has led to his being soundly, and, somewhat unfairly, criticized by feminist scholars for his patriarchalism. Chapter 36, the sequel to chapter 27 could reasonably be called “The Patriarchy Strikes Back.” While it is not detailed explicitly in Numbers, one can safely assume that, within the narrative, Zelophehad’s relatives were counting on his daughters’ not receiving any land. Certainly, they would have been more than a little upset when they learned that Zelophehad’s portion would go to his daughters rather than to them.

Many scholars take the ruling of chapter 36 to be prescriptive for the situation in postexilic Yehud.²¹ That is, they hold that the author of chapter 36 is responding to his environment in the Persian period. It is claimed that the women of the Persian period Yehud have stepped out of their “accepted” roles and that the male elites are fighting back. Accordingly, the first story explains why female eponyms were attached to Manassite land. The second one explains a marriage custom: endogamy when the wife comes into the marriage as a landowner. This interpretation is certainly plausible.

However, something that has not really been considered previously is whether Numbers 36 should be taken as ironic or satirical. This chapter exhibits some narrative cues that have been overlooked, or possibly misunderstood, that suggest that not only does the author not subscribe to the patriarchalism of which he has been accused but he is actually critiquing and subverting that patriarchalism. Those cues will be reviewed and considered below.

It is not insignificant that the author places the meeting between Moses and Zelophehad’s relatives in chapter 36 at a place other than the Tent of Meeting. In chapter 27, the daughters approached Moses and Eleazar at the Tent of Meeting. For Moses to interact with Yahweh, he must do so there. Thus, it makes perfect narrational sense for the daughters to make their request of Moses there and for Moses to walk inside the tent and consult with Yahweh. Additionally, the author portrays Yahweh’s direct speech to Moses in response to the daughters’ petition. Moses then relates this answer to the daughters and the rest of the assembly.

By contrast, the events in chapter 36 are not portrayed as having taken place in front of the Tent of Meeting. One could argue that the author assumes this to be the case; however, it is strange that this discussion takes place only in front of the chiefs of the tribes of Israel rather than the whole assembly. It is also suspicious that Eleazar is not present. In depicting the meeting in this way, the author may be intentionally contrasting it negatively with the manner and place in which the daughters made their petition. The daughters come to the place where one petitions Yahweh, and they did so openly and notoriously. Zelophehad's relatives come only to Moses and the tribal chiefs. Thus, the meeting in chapter 36 is "closed" to the rest of the Israelite assembly and is held at a place other than where one goes to petition Yahweh. As a result, one might conclude that the author is conveying that duplicity or intrigue is afoot.

When the daughters approach Yahweh in Numbers 27, the narrator explicitly names each of the daughters. The daughters are again named in chapter 36 when the author states that the daughters obeyed this second ruling and married their cousins. However, the men who come to Moses to limit the marriage options for the daughters are not named. They are merely referred to as "the heads of the fathers of the clan of the sons of Gilead, the son of Machir, the son of Manasseh." Their title implies that they are important men, but the narrator blunts this importance by omitting their names. It may not be quite as derogatory as when the author of Ruth refers to the redeemer who is closer than Boaz as "Pelsoni Almoni" [פֶּלְנִי אֶלְמוֹנִי], but it certainly seems to be a slight. This slight is magnified when the narrator specifically names each of the daughters later in chapter 36, when it is not necessary to do so. Accordingly, it appears that the narrator may be intentionally diminishing Zelophehad's male relatives, which correspondingly tends to elevate the daughters.

Additionally, the author diminishes the role of Yahweh in this chapter. In chapter 27, the author specifically states that Moses consults Yahweh, and Yahweh is pictured as issuing the edict in favor of the daughters. In chapter 36, however, the author says nothing about Moses's consulting Yahweh. In verse 5, the author does state that Moses spoke "according to Yahweh" [עַל־פִּי יְהוָה], and Moses says, "This is what Yahweh commands" [זֶה הַדְּבָר אֲשֶׁר־צִוָּה יְהוָה]. However, in contrast to how the author portrays Yahweh's clear affirmation of the daughters' claim, this feels anemic. If Yahweh had given this additional caveat when he propounded his initial ruling, then it seems as though the author should have included it in chapter 27. If Moses really did consult with Yahweh a second time in order to circumscribe his previous judgment, then making explicit that Moses did, in fact, return to Yahweh would seem to be vital. However, the author seems to have intentionally removed Yahweh's person from this scene.

Thus, it may be the case that the references to the chapter 36 edict's coming from Yahweh may not be sincere but rather tongue in cheek. Since Yahweh does not appear in the scene, perhaps the author expects the audience to take the comments, which he

and Moses make, that Yahweh has spoken as illegitimate. In a modern text, the author might signal that the reader should not take seriously that it was Yahweh who provided the ruling to Zelophehad's relatives by utilizing quotations marks, as in: Moses commanded the sons of Israel "according to Yahweh," saying, "The tribe of the sons of Joseph are speaking correctly." This device signals to the reader that she should not trust that Moses is actually speaking for Yahweh. The ancient authors do not have such a device; however, the setting that the author provides strongly suggests that Yahweh was never consulted.

Verses 10–12 state that the daughters complied with the second ruling and they married their cousins. One could argue that the narrator here exhorts the obedience of the daughters. The daughters have learned their place in the societal hierarchy, and the narrator commemorates that and, by extension, encourages other females to do the same. Such a reading is certainly possible. However, the author's unnecessary repetition of the daughters' names, especially when Zelophehad's relatives remain anonymous, suggests that the author is doing something more subtle. Verse 12 also states that the land that the daughters inherited remained in Manassite hands. Taken together, it seems that the author may be reminding his readers that they already know that the land, while remaining in Manassite hands and being transferred to the families of Zelophehad's relatives, eventually was named for the daughters.

The initial story in Numbers 27 concerning the daughters is an etiological one to explain how female eponyms came to be found among the Manassite clans. For the stories to work with the audience, the audience must be aware of these eponyms. Additionally, the petition by the daughters was that they receive land so that Zelophehad's name would not be lost from among his brothers. It was deduced that the Israelites found value of some kind in having a name perpetuated and that this could happen if the name were associated with land. Certainly, having the land named after a person is one facet of that value. The allegation by Zelophehad's brothers is that land taken into a marriage by the wife becomes the property of her husband's tribe or clan. By all accounts then, the land should never have been named after the daughters.

After the ruling in chapter 27, Zelophehad's relatives probably expected the land to be associated with, or named after, whomever the daughters married, whether inside or outside the tribe of Manasseh. After Moses's edict in chapter 36, those relatives expected the land to be named for them or for their sons who married the daughters. The irony, of course, is that the land ultimately came to be associated with the daughters. Good notes that "the irony in Greek tragedy is striking because, unlike modern drama, the spectators know the plot in advance."²² As noted above, the Samaria Ostraca confirm the existence of Manassite clan districts named after women in the early to mid-eighth century. If one assumes a fifth century CE date for P's composition, then

that means the memory of those clan district names persisted for at least three hundred years, even extending through the exile.

This, then, is the irony that the author of chapter 36 intends his readers to understand. Everything in these pericopes is set up against the known outcome of the daughters' names' attachment to the land. The daughters themselves requested that their father's name attach to it, while Zelophehad's relatives clearly would have liked to see their names, or their son's names, attach to it. Instead, the author assumes that the reader already knows that the daughters' names attached to the land. This reversal is also evidence that the author does not picture Yahweh as directly supportive of the chapter 36 ruling. In the long run, Yahweh could be seen as mitigating that second ruling by giving to the daughters the honor they had originally sought for their father.

This, then, is also the basis for understanding chapter 36 as satire, as described by Weisman. The author is subverting the authority of Moses, the Gileadite leaders, and the other tribal chiefs, all of whom are males. They appear to have conspired to deprive these young women of the full rights that Yahweh bestowed on them in chapter 27. The daughters are forced to marry men who have already rejected them, if they choose to marry. The land they will receive will pass on to their children, who will necessarily be members of a family other than Zelophehad's. The ruling in chapter 36, by the male leaders, indicates that these young women should have remained in obscurity. But they did not. Instead, they received the "name" they had originally petitioned for their father. No matter what the men try to do, the outcome is determined. The land will "belong" to the daughters.

CONCLUSION

The year 2020 marked the centennial of the passage of the Nineteenth Amendment to the United States Constitution. That amendment finally made explicit that women should have the right to vote in this country. Those are the kinds of battles that first-wave feminism had to fight. They were not primarily concerned with gender pay equality or microaggressions in the workplace. Had they been asked about such matters, they surely would have affirmed that those were long-term goals of their movement. However, logically, they had to deal with the fact that they were not even considered equal to men with respect to constitutional rights before they could argue about what equality means. Achieving acknowledgment of equality must precede debate over what equality means.

Similarly, one should remember the time and circumstance in which the P authors are writing. These authors composed these texts in a time of what is considered today

to be extreme patriarchy. Consequently, what is tame and commonplace today may be avant-garde for them. This would include the right of daughters to inherit over male family members if the father dies intestate. Intestacy laws are the default, absent a will. Thus, Numbers 27 makes it the default that daughters inherit absent sons. Again, this is not novel in the Ancient Near East, but it is exceptional, and the author should be recognized for his exceptional move.

In addition, the subtlety of the chapter 36 author should be acknowledged as well. His depiction of Zelophehad's relatives' maneuverings to take the land from the daughters is ironic bordering on mockery. It is as if he is saying, "You men can do whatever you want to try to get this land from these poor orphan girls, but, in the long run, they will own the land forever. They deserve it and it's theirs, regardless of what you do." By doing this, the author of chapter 36 ties his story to that of chapter 27 and the reality of the names of the clan districts about which the readers would have already known. The chapter 36 author, then, is like those first-wave feminists concerned with equality of basic human rights. These young ladies deserve to inherit land, and they deserve to have their names forever preserved in the clan lists, regardless of what the men try to do. That is what allows these stories to have an ironic, even satirical, subversively feminist reading.

NOTES

1. Chapter 36 suggests that the daughters were of marriageable age. A final issue that has not received as much interest as it should is the potential psychological injury to the daughters in being forced to marry men who had obviously already rejected them as prospective spouses. That their male relatives were not interested in them as potential spouses until they were in line to receive their father's land belies their stated claim that they are merely worried that Manassite tribal land might pass to another tribe through the daughters' marriages. This area ought to be better explored from a psychological perspective.
2. Carolyn Sharp, *Irony and Meaning in the Hebrew Bible* (Bloomington: Indiana University Press, 2009), 24.
3. Sharp, *Irony and Meaning*, 21.
4. Edwin Good, *Irony in the Old Testament* (2nd ed.; Sheffield: Almond Press, 1981), 17.
5. Sharp, *Irony and Meaning*, 1.
6. Arthur Koestler, *The Art of Creation* (New York: MacMillan, 1964), 72–73.
7. *Ibid.*, 92.
8. Ze'ev Weisman, *Political Satire in the Bible* (Atlanta: Scholars Press, 1998), 7.
9. *Ibid.*, 8.

10. For example, George Buchanan Gray, *Numbers* (ICC; Edinburgh: T & T Clark, 1903), 398; N. H. Snaith, "The Daughters of Zelophehad," *Vetus Testamentum* 16:1 (1966): 126; Horst Seebass, "Zur juristischen und sozialgeschichtlichen Bedeutung des Töchtererbrechts nach Num 27, 1–11 und 36, 1–12," *Biblische Notizen* 102 (2000): 26; Baruch Levine, *Numbers 21–36* (AYB; New Haven: Yale University Press, 2000), 320.
11. Shmuel Ahituv, *Echoes from the Past* (Jerusalem: Carta, 2008), 258.
12. *Ibid.*, 298, 300.
13. *Ibid.*, 302.
14. Tirzah is also the name of a city in the Ephraimite territory. It occurs in Joshua 12 as one of the cities defeated by the invading Israelites. Since it was in putatively Ephraimite land, it is unlikely that Tirzah, the daughter of Zelophehad, was understood to be the eponym for that city.
15. Elizabeth Cady Stanton, *The Woman's Bible* (New York: European Publishing House, 1895), I:107–8, 123–24. What Katherine Doob Sakenfeld calls the "literary approach" to feminist criticism would fall here. Katherine Doob Sakenfeld, "In the Wilderness Awaiting the Land: The Daughters of Zelophehad and Feminist Interpretation," *Princeton Seminary Bulletin* (1988): 181–82.
16. Juliana Claassens, "'Give Us a Portion among Our Father's Brothers': The Daughters of Zelophehad, Land, and the Quest for Human Dignity," *Journal for the Study of the Old Testament* 37:3 (2013): 325.
17. Katherine Doob Sakenfeld, "Zelophehad's Daughters," *Perspectives in Religious Studies* 15:4 (1988): 43.
18. Ankie Sterring, "The Will of the Daughters," in *A Feminist Companion to Exodus to Deuteronomy* (ed. Athalya Brenner; Sheffield: Sheffield Academic Press, 1994), 98.
19. This phenomenon is well established by Zafrira Ben-Barak in her monograph *Inheritance by Daughters in Israel and the Ancient Near East* (Jaffa: Archaeological Center Publications, 2006). While Ben-Barak and others often claim that it is common for daughters to inherit, her thorough review of the documentary evidence indicates that it is quite rare for daughters to inherit from an intestate father—that is, a father who died without a will. Almost all of the evidence suggests that daughters who did inherit did so primarily through testamentary decree.
20. Ben-Barak, *Inheritance by Daughters*, 115–16; Martha T. Roth, *Law Collections from Mesopotamia and Asia Minor* (Atlanta: Scholars Press, 1995), 26.
21. David H. Aaron, "The Ruse of Zelophehad's Daughters," *Hebrew Union College Annual* 80 (2009): 1–38.
22. Good, *Irony*, 18. Certainly, this is not a Greek tragedy, but this use of irony is hardly unique to the Greeks. For those who are writing a "history" of their people, the contrast between the direction in which the history seems to point and the reality that took place could be the subject of irony or satire.

Constructing Gender Bride by Bride

Rabbinic Ideas of Citizenship in Light of Gender

SUSAN MARKS

RULES ABOUT MARRIAGE CREATE WORLDS, THE FIRST OF WHICH EXISTS between spouses. Beyond that, the broader implications of marital rules can be seen as the concrete outworkings of a particular vision of a society. Those of us in the United States know this because we live in a time of fierce debates about whom marriage should include and exclude. Here, public discourse has all but set aside the question of the interpersonal world between spouses or would-be spouses and instead centers on who has access to the rights and privileges that society legislates through marriage law.¹ When studying the Mishnah's marriage rules, we might ask similar questions concerning what was at stake in the third century CE: what was the vision of society made manifest in those rules?

First, we observe that the Mishnah of the rabbis tracks with Roman law—both offer a vision of purity and suitability of marriage partners. And, like Roman law, the Mishnah culminates in a vision of a fit citizen body. Roman citizenship was initially created as part of the republic's governance of its expanding territory. This arrangement changed as governance changed in the period of the emperors, but citizenship continued to provide a legal status in this far-flung empire, and with it a sense of belonging to Rome.² As non-Romans, the rabbinic writers of the Mishnah would have encountered exclusions, but they would also have extrapolated that, like Rome, the people Israel was no longer defined by a discrete territory.

The rabbis support their own vision of citizenship by recognizing the need to examine those entering every marriage because each union potentially creates new citizens. This especially takes the form of examining women entering betrothals, bride by bride. In so doing, the rabbis construct gender, setting up a system that continues to

shape who women are, or can be, within this rabbinic construction of the people Israel, and concomitantly, who others become in relation to them. The project of envisioning the citizen body involved a particular understanding of women, with the rabbis arrogating to themselves the task of scrutinizing all entrants into marriage.

ROMAN AND JEWISH LAW AND CITIZENSHIP

In some respects, scholarship on similarities between rabbinic and Roman law goes back many decades.³ And in other ways, the subfield is just now breaking new ground. Recently, Yair Furstenberg has observed the legal similarity and has begun to consider a rabbinic vision of citizenship based upon a law of persons and “prevalent legal categories.”⁴ In order to bring these resonances to light, the present exploration first considers Roman laws before looking at the Mishnah’s rules for who may betroth and marry.

The Roman world prior to the third century saw two kinds of marriage, a dual-tiered system. We see in Ulpian’s Rules, or Tituli, “Concerning Those Who Are Under Control”:

3. Marriage is the legal capacity for marrying a wife.
4. Roman citizens can contract legal marriage with women who are Roman citizens; they can only do so, however, with Latins and aliens when the right has been especially granted them.
5. Legal marriage cannot be contracted with slaves.
6. Legal marriage cannot exist between blood relatives in the ascending or descending line. . . .
7. If anyone takes as a wife a woman whom he has no legal right to marry, he contracts an incestuous marriage; and hence his children are not subjected to his authority, but are illegitimate, as if conceived in promiscuous intercourse.
8. When legal marriage takes place, the children always follow the father, but if it does not take place, they follow the condition of the mother; except where the child is born of an alien father, and a mother who is a Roman citizen, as the *Lex Minica* directs that where a child is born of parents one of whom is an alien, it shall follow the condition of the inferior parent.⁵

For citizens, Roman law recognized one type of marriage: legal marriage, or *conubium*. Prevailing custom and practice also recognized a second, different type—*contubernium*—involving ineligible noncitizens who might wish to espouse their partner but “legal capacity was absent.” The sense that those without legal capacity nevertheless

formalized their relationship in some way can be seen in grave markers in which “*contubernales* [non-legal partners] commemorate each other on tombstones far more often than a man commemorates his concubine, which suggests that the duty to do so was more strongly felt.”⁶ Licit marriage was available across the Roman Empire, but not to everyone.

The rabbis also present a two-tiered vision of marriage, much elaborated from its biblical foundations:

- A. If the betrothal was valid and no transgression befell [by reason of the marriage] the standing of the offspring follows that of the male. Such [is the case] when a daughter of a priest, a Levite woman, or an Israelite woman is married to a priest, a Levite, or an Israelite.
- B. If the betrothal was valid but transgression befell [by reason of the marriage] the offspring follows that of the blemished party. Such is the case when a widow is married to a High Priest, or a divorced woman or one that had performed *halitzab*⁷ is married to a common priest, or a *mamzer* woman⁸ or a *netinah*⁹ to an Israelite, or the daughter of an Israelite to a *mamzer* or a *natin*.
- C. If her betrothal with this man was not valid, but her betrothal with others would be valid, the offspring is a *mamzer*. Such is the case when a man has sexual relations with any of the forbidden degrees prescribed in the law.
- D. [Regarding the woman who would betroth] if her betrothal with this man was not valid, and her betrothal with others would also not be valid, the offspring is of her standing. This is the case when the offspring is by an enslaved woman or a gentile woman.¹⁰

This rabbinic catalog presents a number of postbiblical exclusions to licit marriage. The first clause, recalling Ulpian’s *Tituli*, states that when “no transgression befell,” the offspring follows the father. Those more familiar with “matrilineal descent” determining Jewish identity may initially find it surprising that the offspring follows the father. In actuality this Mishnah does not contradict that principle: the fourth clause makes clear that when the betrothal is not valid, “the offspring is of her standing.” This fourth clause even features in Shaye Cohen’s consideration of the matrilineal principle.¹¹

These clauses have an additional impact—one that has been addressed only more recently. As Orit Malka and Yakir Paz explain, these exclusions in Mishnah *Qiddushin* concerning invalid betrothals meant that there was no longer an assumption that all in the ethnic group remain part of the people: “Roman law induced a paradigmatic change in the rabbinic norm itself.” Considering the case of the captive woman, they conclude that she, “an ethnic Jew[,] could potentially lose . . . her Jewish citizenship.”¹² Further, Furstenberg directs our attention to the fact that this type of separation from

the people does not arise from individual sin or breaking biblical law, but rather through an elaborate legal redefinition of “the conditions for membership in the Jewish peoplehood.”¹³ While these rabbinic regulations explicitly legislate betrothal, they simultaneously craft and perhaps reflect new understandings of identity.

Certainly, concerns with purity are not new to the study of marriage and the people Israel. The biblical figure Ezra springs to mind as one who dismissed certain partners of those coming up from Babylon. But whereas Ezra acted for his time in applying this new legal framework, the rabbis articulate a long-term vision.¹⁴ For Jewish law, as for its Roman parallel, the most prominent purpose of the legislation appears to be “prohibiting marriage between partners whose statuses were regarded as socially unequal.”¹⁵ This represents a new vision and expansion from the words and actions of Ezra and reflects who they are becoming in their new context.

One scholar describes “the near-paranoiac fixation of the first *princeps* on the purity and coherence of the body of Roman citizens.”¹⁶ The importance of pure and fit unions becomes even more clear in legislation that concerns leadership. The famous Augustan legislation *lex Iulia et Papia* shaped social policy through its attention to marriage by concerning itself with its impact on Roman officeholders, or actually on the status pool from which officeholders are drawn.¹⁷ One such provision states:

Whoever is (or shall be) a senator or whoever is or shall be a son of any of them or a grandson through a son or a great-grandson through (a grandson) born to a son, none of them, knowingly with wrongful deceit, is to have as fiancée or wife a freed-woman (or someone) who herself is or shall have been an actress or whose father or mother is or shall have been an actor or actress.¹⁸

Here Roman law creates the descendants of an officeholder who will be eligible to hold office, and it limits officeholding to those making acceptable marriages. By focusing on potential officeholders, Roman law supplies a vision of those who do and those who do not pass on their pure citizenship status to their offspring.

In a similar gesture, a later chapter of Mishnah Qiddushin demands that its leadership stock be scrutinized. It outlines status categories, describing the ten stocks that came up from Babylonia¹⁹ and examining which can intermarry:

If a man would marry a woman of priestly stock, he must trace her family back through four mothers. . . .

[If he would marry] a woman of Levitic or Israelite stock, he must trace back one additional generation.

They need not trace descent beyond the Altar or beyond the Platform or beyond the Sanhedrin; and all whose fathers are known to have held office, as public officers or almoners, may marry into the priestly stock and none need trace their descent.²⁰

As in the Roman version, those who lead the rabbinic Jews are understood to have descended from pure heritage. The assumption that a leader will have come from good stock permits one to “not trace descent”: the offspring of former officeholders would be assured to be fit to hold office. Like Roman Augustan legislation, this aspect of Mishnah Qiddushin speaks directly to creating a citizen body that will continue to produce itself as well as its paradigm for strong leaders. The text does not explicitly address rabbis, although they may be implied in the Sanhedrin’s inclusion in the list of those known to have held office and also in their gestures of leadership in these writings.

To sum up, the rules “concerning those who are under control” in both Roman and rabbinic expression deserve to go by the name “citizenship” because each creates enduring categories of persons. The Roman model creates rules that establish a polity wielding a great deal of power, thereby offering clues to the rabbis for how to function in the world in which they found themselves. Recent research suggests that the rabbis would have known of Roman rules of citizenship: “considering the unfortunate reality of slavery imposed upon the Jews, and the incidence of intermarriage . . . the rabbis, like others in the empire . . . [would have been] well aware of how the Roman classified these cases.”²¹ Those living under Rome interacted with Roman conceptions and learned them from the inside out.

GENDER IN MISHNAH QIDDUSHIN

This mishnaic vision of citizenship reflects the musing of a philosopher or leader. But how did such a visionary conceptualization come to life? Or did it? By some point during the seventh century CE, the rabbis appear to have had their authority supported, but how much earlier did that affirmation begin? This remains a question in historical research into rabbinic life and literature. Regardless of the extent of rabbinic reach at this particular point in the third century CE, regulations related to betrothal eventually did find their way into the traditions of generations of Jews. Moreover, on closer examination their immediate vision does not remain two dimensional, since they also include clues to how they will scrutinize each union. They present rules that focus on the women who enter these betrothals, and because they require examining betrothals of a whole list of women, this vision of citizenship assumes a certain vision of gender.

If we revisit Mishnah Qiddushin 3.12 with an eye to gender and the construction of women in rabbinic Israel, the centrality of women all but jumps out:

- A. If the betrothal was valid and no transgression befell [by reason of the marriage] the standing of the offspring follows that of the male. Such [is the case] when a **daughter of a priest, a Levite woman, or an Israelite woman** is married to a priest, a Levite, or an Israelite.

- B. If the betrothal was valid but transgression befell [by reason of the marriage] the offspring follows that of the blemished party. Such is the case when a **widow** is married to a High Priest, or a **divorced woman** or **one that had performed *halitzah*** is married to a common priest, or a ***mamzer* woman** or a ***netinah*** to an Israelite, or the **daughter of an Israelite** to a ***mamzer*** or a ***natin***.
- C. If **her** betrothal with this man was not valid, but **her** betrothal with others would be valid, the offspring is a ***mamzer***. Such is the case when a man has sexual relations with any of the forbidden degrees prescribed in the law.
- D. [Regarding the woman who would betroth] if **her** betrothal with this man was not valid, and **her** betrothal with others would also not be valid, the offspring is of **her** standing. This is the case when the offspring is by an **enslaved woman** or a **gentile woman**.²²

This is not just a list of licit and non-licit betrothals; it is also a list shaped around women specifically. The enumeration of women is markedly more extensive than that of men. The women listed in this passage include the *c'tonet*, the feminine counterpart to a priest—but of course female relatives of priests were not priests, so the term is translated here as priest's daughter. A widow, a divorced woman, an enslaved woman, or a gentile woman also make appearances in this catalog. The categories for women do not altogether map onto those of men, for there is no relevant category of a widower, or a divorced man. A man's ability to become betrothed is not impacted by a previous marriage in the same way that a woman's is.

Seen in an appropriately gendered light, this rabbinic project presents a myriad of women who are fit or not fit for any number of betrothals. It offers a vision of citizenship wherein each betrothed bride requires scrutiny to ascertain whether the union she entered is legitimate. Those scrutinizing a betrothal would employ these criteria *de facto*, after the fact, in the same manner as Roman law.²³ The Mishnah asks, was she acquired in the correct way? As this expanded project depends on scrutiny, the rabbis must scrutinize; in constructing these brides, the rabbis also construct themselves.

Recent scholarship has advanced excellent models for considering gender in rabbinic literature and for helping consider how this text constructs the women it scrutinizes, as well as the men doing the scrutinizing. One way to reflect upon how rabbinic literature understands women is to consider how rabbis present female bodies in discussions of communal identity. In thought-provoking contrast to our Mishnah's reliance on legal categories of lineage and marital status rather than physical bodies (even of free people versus enslaved people), other explorations pursue more embodied ways of thinking about belonging to the people Israel.

Discussion of Jewish identity often points particularly to the circumcised male body.²⁴ In answer, Charlotte E. Fonrobert launches a feminist critique, insisting also

upon “the constitutive role that women’s bodies play in the construction of ‘Israel.’”²⁵ Focusing on laws concerning the menstrual regulations that govern marital purity suggests that “the rabbinic struggle for Jewish difference in the Roman Empire was carried out on women’s bodies as well as men’s.”²⁶ While Mishnah Qiddushin is shaping citizenship through consideration of different categories of women, attention here focuses on all bodies that menstruate.

A focus on the importance of women’s bodies in defining identity also challenges the simplistic notion that men concern themselves with public spaces and women belong to private spaces. A vivid talmudic example describes a marketplace encounter wherein a Sadducee, in conversation with a High Priest, accidentally sprays spittle on him. This raises immediate concerns as to the purity practices followed by his wife, as these would determine whether the priest has just been contaminated with menstrual impurity or not.²⁷ A quick trip to the home of the Sadducee reveals that the Sadducean woman actually follows the sages in her menstrual practice, so the priest’s purity is preserved. In other words, concludes Fonrobert, “the rabbis are quite concerned with controlling what is going on in the bedroom,” and the woman’s supposedly private acts have “immediate consequences in the marketplace.”²⁸ The good wife of the Sadducee reveals herself as “good” because she relies on rabbinic scrutiny for knowing how many “clean days” must be observed following a menstrual period.

Especially in juxtaposition with our text from Qiddushin, the rabbis’ examination of purity and scrutiny appear to be related in some manner. After all, bedrooms loom not far away from rules governing betrothal and the offspring of marital unions. Nevertheless, even with a shared concern for purity and scrutiny, Qiddushin does not consider the bodies or menstruation of the licit brides. Some of what this particular parallel shows is that categories matter more to Qiddushin than bodies. In the laws of persons, laid out in Mishnah Qiddushin 3.12, sections B and C, neither circumcision nor menstrual purity can contribute to a licit betrothal. For all the disproportion in the number of women Mishnah Qiddushin presents, consideration of women’s bodies raises parallel issues of scrutiny but does not help us understand its categorical constructions of women.

By contrast, considering the way that rabbinic language and conceptual frameworks govern women and the way that they rest upon Roman colonial behaviors does reveal the important work done by these rabbinic categories. Cynthia Baker points out that the word “Jew,” so common later, only rarely appears in earliest rabbinic literature such as the Mishnah. According to this argument, “Jew” was not a term that those within the rabbinic community used to identify themselves. It applied only to those women who separated themselves from the community by “assertion of sexual autonomy” or transgression.²⁹ These autonomous acts caused a woman to stand, however briefly, as a subject.³⁰ The challenge of a woman taking this posture caused the rabbis to respond

by recasting her as object. This reaction begins to make sense against a backdrop of colonial governance: if the Roman world casts the rabbis as “Jews”—that is, as Jewish “objects” of Roman regard—then it becomes all the more important for the rabbis, within their own framing, to stand as subjects, as Israel. These rabbinic subjects, in turn, can most effectively cast themselves as subjects when they define women as objects of rabbinic rules.

When certain demanding women move to stand as subjects, they challenge the assignment of roles. For, as Baker explains, when “the sexual object is suddenly imagined as a sexual subject, that imagining takes the specific form of a transgression or renunciation that places the dangerous subject outside a rabbinically authorized culture that thereby forcefully reinscribes her object status through applying the outsider linguistic marker ‘Jew.’”³¹ This identification of these roles of subject and object, as well as the need to reinscribe her object status, provides the conceptual language to recognize that, within the text of Mishnah Qiddushin, the rabbis cast the daughters of Israel, widows, divorcees, and so on as “objects” to rabbinic male “subjects.” Mishnah Qiddushin constructs this moment of scrutiny in a larger project of establishing rabbinic men as subjects, who envision themselves as ideal citizens of Israel. In addition, rabbinic arrogation of the authority to scrutinize betrothals and brides rests upon this complex colonized understanding of identity.

The conceptual underpinnings of Jewish and Roman citizenship mirror one another because although the rabbis do not stand with the Romans, they do stand in relation to the Romans—and, whether consciously or not, in relationship to the assumptions that surround them. The rabbis construct a citizenship for themselves, like the citizenship in the world in which they live. Their presentation of citizenship includes a presentation of women “objects” of their scrutiny, involving the need for them to engage in acts of scrutiny, even as the Roman system scrutinizes them.

CONCLUSIONS AND IMPLICATIONS FOR FURTHER RESEARCH

In ascertaining the vision at stake in crafting the rules in Qiddushin, an answer emerges in three parts. First, with these rules, the rabbis could envision an enduring peoplehood, recrafted with the tools of its time. This is no small accomplishment, as modern Judaisms rest more or less on mishnaic foundations. Second, they created for themselves the satisfaction of existing not only as an object of colonial gaze but instead establishing a framework for their own subjectivity. And third, these rabbis’ enduring legacy must rest in part on them seeing themselves as subjects despite the challenges they encountered. Thus, they shaped ways to sustain and defend this vision through the ongoing scrutiny of women objects. These ways of sustaining and defending their vision were

revealed by a consideration of the Mishnah's construction of gender. In other words, this third, gender-related point unlocks the extent and importance of the first two points. That the rabbis made objects of women in order to bolster their own fitness as citizens is perhaps understandable, in that it is in keeping with the Roman world where women and slaves could not be citizens. It leaves a challenging legacy nevertheless.³²

It might seem that the comparison amounts to a question of how Roman rabbinic marriage is, but the recognition of how much this construction owes to colonial power structures recalls us to the larger challenge of the influence of power. Without attending to gender in Mishnah Qiddushin, we cannot see the robustness of the rabbinic vision of citizenship or how it works. If we flash forward to our own moment, we recognize the complexities of trying to see our vision of ourselves as separate from the way we have been constructed by our own historical moment and its webs of power.

The reach of these power structures raises further issues when we consider the current treatment of Jewish marriage as "religious" when it conflicts with state marriage laws. The vision of rabbinic legal identity as some kind of citizenship law affects our understanding of the intersection of Jewish religious law with other political spheres of influence. That insight alone suggests the need to consider what it means that this religious category has the same Roman bones as English law and the laws that develop from it. Twenty-first century discussions of citizenship could be of unexpected interest to the inheritors of Jewish rules crafted almost two millennia ago. Whether in Israel, where the state allows certain religious parties to maintain control of marriage, or in the United States, where religious weddings march beside state practices, the understanding of their early connection could inform future involvement.

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NOTES

1. For an exploration of modern Jewish marriage and wedding practice in light of these concerns, see Gail Labovitz, "By Any Other Name? Kiddushin, Same-Sex Relationships, and Halakhic Discourse in the Liberal Movements," *Jewish Law Association* 23 (2012):

2. Frederick Cooper, *Citizenship, Inequality, and Difference: Historical Perspectives* (Princeton: Princeton University Press, 2018), 28–36.
3. Boaz Cohen pioneered recognition of the relationship of many aspects of Jewish laws of persons to Roman law, but marriage law challenged him. He set forth a comparison of legal effects and consequences of Jewish betrothal and Roman sponsalia and observed “striking analogies”: *Jewish and Roman Law* (New York: Jewish Theological Seminary, 1966), 321–24, 326–28, 347. Nevertheless, he rejected his own findings, concluding that “there is a vast distinction between” them (293), due to his acknowledged reliance on the work of Edoardo Volterra, which imposed now-outdated ideas about the unique exemption of Roman law from the influence of religion: *La Conception Dur Mariage d’Après Les Juristes Romains* (Padova: La Garangola, 1940). See discussion in Susan Marks, *First Came Marriage: The Rabbinic Appropriation of Early Jewish Wedding Ritual* (Judaism in Context 13; Piscataway: Gorgias Press, 2013), 48–49. Shaye J. D. Cohen does not discuss Volterra but claims that B. Cohen “follows Epstein (without acknowledgement) in noting the striking parallels between the Roman law and the rabbinic law”: “The Matrilineal Principle,” in *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Berkeley: University of California Press, 1999), 293–94n97. In pursuing these parallels as they inform matrilineal descent, S. Cohen concludes “a full assessment [of the influence of the Roman legal system] must await a detailed study of other possible influence of Roman ideas and institutions upon ancient Judaism. If the matrilineal principle can be shown to be but one of the many legacies of Rome to Jerusalem, the suggestion will gain force” (297).
4. Yair Furstenberg, “The Rabbis and the Roman Citizenship Model: The Case of the Samaritans,” in *In the Crucible of Empire: The Impact of Roman Citizenship upon Greeks, Jews and Christians* (ed. K. Berthelot and J. Price; Leuven: Peeters, 2018), 182–83.
5. “Fragments of the Rules of Domitius Ulpianus,” 53–8, in *The Civil Law* (trans. S. P. Scott; Cincinnati: Central Trust, 1932), https://constitution.org/2-Authors/sps/sps01_3.htm. See also discussion in Furstenberg, “The Rabbis and the Roman Citizenship Model,” 183–86.
6. Susan Treggiari, *Roman Marriage: Iusti Coniuges from the Time of Cicero to the Time of Ulpian* (New York: Clarendon Press, 1991), 52. Z. W. Falk compares Jewish marriage to conubium but does not discuss contubernium: “Jewish Private Law,” in *The Jewish People in the First Century* (ed. S. Safrai and M. Stern; Compendia Rerum Judaicarum Ad Novum Testamentum, vol. 1; Amsterdam: Van Gorcum, Assen, 1974), 510.
7. *Halitzah* means to “draw off [a sandal].” It is the rite that terminates the obligation of the childless widow and the late husband’s brother to marry each other. See Deuteronomy 25:9.
8. A *mamzer* is the offspring conceived of an adulterous or incestuous relationship, or a later descendent of such an individual.

9. A *netinab* [female] and a *natin* [male] are Temple servants descended from Gibeonites, according to bYeb78b. See Joshua 9:27, “And Joshua gave them [Hebrew: from the same root as *natin*] as hewers of wood and drawers of water.” In 2 Samuel 21:2, “the Gibeonites were not of the children of Israel.” The Talmud thus understands the *natin/netinab* as a kind of non-Israelite, despite his or her association with the Temple. See also lists of *netinim* in Ezra 2:43, Nehemiah 3:26, and 4Q340, “4Q List of Netinim.”
10. mQidd 3.12. Translations of Mishnah adapted from Herbert Danby, *The Mishnah* (Oxford: Oxford University Press, 1933).
11. Cohen, *The Beginnings of Jewishness*, 273–80.
12. Orit Malka and Yakir Paz, “Ab hostibus captus et a latronibus captus: The Impact of the Roman Model of Citizenship on Rabbinic Law,” *Jewish Quarterly Review* 109:2 (2019): 167.
13. Furstenberg, “The Rabbis and the Roman Citizenship Model,” 182.
14. This might be challenged by observations, such as those made by S. Cohen (*The Beginnings of Jewishness*, 267–69) that Ezra acted in a context in which Pericles, in Athens, established citizenship. Cohen notes in addition, however, that Second Temple practice appears unaffected.
15. M. H. Crawford, ed., *Roman Statutes* (Bulletin of the Institute of Classical Studies Supplement; London: Institute of Classical Studies, University of London, 1996), 801.
16. Brent Shaw, review of *Prostitution, Sexuality, and the Law in Ancient Rome*, by Thomas A. J. McGinn, *Bryn Mawr Classical Review* (September 22, 1999), <https://bmcr.brynmawr.edu/1999/1999.09.22/>.
17. Brent Shaw, “Anatomy of the Vampire Bat,” *Economy and Society* 13 (1984): 208–49.
18. D23.2, 44pr., M. H. Crawford, *Roman Statutes*, 807.
19. mQidd 4.1.
20. mQidd 4.4–5.
21. Furstenberg, “The Rabbis and the Roman Citizenship Model,” 182. He concludes “that the rabbis diverged from previous attitudes . . . and created a novel system that was consistent with the Roman legal atmosphere, makes the possibility of external influence in this case highly plausible” (214).
22. mQidd 3.12.
23. Regarding scrutiny of betrothals as de facto rather than de jure, see discussion in Marks, *First Came Marriage*, 11–69.
24. Sacha Stern, *Jewish Identity in Early Rabbinic Writings* (Leiden: Brill, 1994).
25. Charlotte E. Fonrobert, “When Women Walk in the Way of Their Fathers: On Gendering the Rabbinic Claim for Authority,” *Journal of the History of Sexuality* 10:3/4 (2001): 401.
26. Fonrobert, “When Women Walk,” 400.
27. Tosefta Niddah 5.3, discussed in Fonrobert, “When Women Walk,” 404ff.
28. Fonrobert, “When Women Walk,” 409.

29. Cynthia Baker, "When Jews Were Women," *History of Religions* 45:2 (2005): 115. Similarly, Hayim Lapin, considering some of the same texts as Baker, concludes that followers of the rabbis "are provided lenses through which to view women. In this way, they may learn to identify spousal relations and the mutual evaluation of men as the subject of a 'traditional' Israelite discourse of which rabbis are the masters. That mastery can become the source of power among adherents." Hayim Labin, "The Law of Moses and the Jews: Rabbis, Ethnic Marking, and Romanization," in *Jews, Christians, and the Roman Empire: The Poetics of Power in Late Antiquity* (ed. N. B. Dohrmann and A. Y. Reed; Philadelphia: University of Pennsylvania Press, 2013), 91.
30. Baker, "When Jews Were Women," 120.
31. *Ibid.*, 131.
32. The Edict of Carcalla in 212 CE broadened the definition of Roman citizen considerably, and it would be interesting in the future to inquire into whether and how rabbinic conceptions of citizenship continued to evolve. Later rabbinic literatures developed in communities in Babylonia as well as the Land of Israel, and certain arguments suggest that the Babylonian Talmud pushed back against, or at least expressed their ambivalence about, some of the rabbinic control instituted with Mishnah Qiddushin; see Jonathan Boyarin, "Kinship and Qiddushin: Genealogy and Geography in b. Qiddushin IV," in *Talmudic Transgressions: Engaging the Work of Daniel Boyarin* (ed. C. E. Fonrobert, I. Rosen-Zvi, and A. Shemesh, M. Vidas, in collaboration with J. A. Redfield; Supplements to the Journal for the Study of Judaism 181; Boston: Brill, 2017), 398. Boyarin's argument rests to some extent on that of Moulie Vidas, who writes of the Babylonian Talmud's version of Qiddushin IV, arguing that it "blurs the distinction between" ascribed status and innate status: "The Bavli's Discussion of Genealogy in Qiddushin IV," in *Antiquity in Antiquity: Jewish and Christian Pasts in the Greco-Roman World* (ed. G. Gardner and K. L. Osterloh; Tübingen: Mohr Siebeck, 2008), 316. Vidas's focus is not on the Mishnah, but when discussing mishnaic texts he alludes to those examples of Tannaim who innovate change in legal conditions (315), thus contributing ascribed status, rather than those who might have contributed to the underlying construction of this "innate" status.

Gendering Emotion in Genesis Rabbah

JOEL GEREBOFF

INSIGHTS FROM RECENT SCHOLARSHIP ON THREE TOPICS THAT HAVE EXPERIENCED a surge of interest contribute to this essay. They are (1) the study of gender and sexual identity; (2) analyses of midrash, especially aggadic, non-halachic midrash, and in particular Genesis Rabbah (henceforward GR); and (3) interdisciplinary scholarship on the study of emotions, with particular attention to research on emotions and Judaism with a focus on biblical and early rabbinic texts.

Various scholars have produced important works that delineate how biblical and rabbinic texts disclose and at times explicitly comment on assumptions about sexual and gender identities. These include works on the way these documents comment on the body and other aspects of being a male or female, as well as on masculinity and femininity. Works by Gail Labovitz, Charlotte Fonrobert, Judith Baskin, Elizabeth Shanks Alexander, Mira Balberg, and Sarit Kattan Gribetz, for example, discuss the ways in which diverse rabbinic texts imagine the female and the feminine,¹ and similarly, those by Michael Satlow, Daniel Boyarin, and Ishay Rosen-Zvi focus on masculinity in rabbinic texts.² In an article from 2012, Rosen-Zvi reviews the trends in scholarship on gender, noting transformations in how what he calls the liberal study of women in rabbinic texts has moved from discussing various texts that describe the status of women or note certain roles that they are depicted as playing to analyses of notions of gender of women, from studies of women to reconstructions of notions of the feminine. He also comments that in terms of the study of masculinity much remains to be done. In my essay I will draw on this scholarship and focus on one aspect of how the rabbinic aggadic midrashic document, GR, represents gender in comments that speak of what we can take to be about emotions.

The second area of scholarship that contributes to my essay are works on midrash and aggadic midrash in particular. This field has also seen a great deal of interest in past years. The literary quality of midrash, the connections between midrash and biblical texts, the social and historical location of midrash and connections with how other Jewish and non-Jewish texts relate to scripture or interpret other texts have been a prominent feature of much recent work. In addition, considerable attention has been devoted to the formation of various documents and how these works ought to be understood. Here what is important to note is that as is true of scholarship on early rabbinic Judaism in general, scholars no longer speak of “the rabbinic view of x” by bringing together sayings found in documents whose dates of redaction span the period of the third through the tenth or later centuries CE. One needs to control for the date proposed for the editing of various documents, which is at times far from clear, and also their provenance, Palestinian or Babylonian. With regard to GR, a recent edited volume by Gribetz et al., *Genesis Rabbah in Text and Context*, provides evidence of recent work on this work.³ GR is accepted to be the earliest aggadic midrash, edited in Palestine in the early fifth century CE. Nearly all scholars also underscore that the work is an anthology containing a range of comments on many verses and phrases in Genesis organized according to the sequence of verses. The implication of this observation is that one should not presume there is consistency among all comments in the document, though there may be dominant trends.⁴ Often two or more comments offer divergent interpretations of biblical phrases. Furthermore, as an exegetical work most of the comments are brief and specific to verses. No sustained narratives appear in this work, though some comments are more detailed than others. Yet, one cannot expect sustained efforts at character development.⁵ Finally, while some parts of GR may have emerged in some form in popular settings such as the *bet knesset* [synagogue], most everyone sees the work as the product of rabbinic circles, often identified as the *bet midrash* [rabbinic house of study]. As such, the document may speak more to concerns of the rabbi rather than being an effort at shaping broader Jewish understanding of the biblical text or providing guidance for Jews in general regarding how to live.

The third type of scholarship informing this essay consists of works focused on the study of emotions. The past two decades have seen a continuing interdisciplinary interest in the study of emotions. Many studies in anthropological and historical work on the emotions adopt a social constructivist approach, a view that analyzes how various cultures understand what emotions are and how they depict and see as appropriate or inappropriate particular emotions. With regard to biblical and rabbinic texts, a number of recent works have identified a set of challenges related to the study of emotions in these works. Francoise Mirguet, David Lambert, and Ari Mermelstein have written a number of pieces on these matters as they relate to biblical and Second Temple Jewish writings, and I have recently published an essay on hate in early rabbinic Judaism.⁶ My essay opens with a long discussion of the theoretical and methodological

challenges related to studying emotions in rabbinic texts. Here I note that there is no specific concept of emotions in these works, no terms for a distinct human factor we label as emotions. In general, and as we shall see, the understanding of human psychology, differentiating features that shape and are expressed through human behavior, is not fleshed out in terms of a clear inner and outer self. As Lambert has recently written, we should not impose Cartesian and Victorian notions of the self on these works and presume that they draw clear distinctions between the body, emotions, reason, desire, and other aspects of the human. Yet there are terms in biblical and rabbinic texts that in some way correspond with what we take to be emotions such as fear, hate, pity, sadness, and joy.⁷

How to locate relevant passages in rabbinic texts related to emotions is not self-evident. I can think of three different approaches. One is to focus on texts that employ words that are seen as equivalent to what are generally considered emotion terms such as those just mentioned: fear, hate, pity, and so forth. A second approach is to identify texts that, while not explicitly describing a character as experiencing or expressing a particular emotion (e.g., the texts do not say, “X was fearful”), do lay out what are called “emotional scripts.” Emotional scripts are patterns of actions, such as a person finds him- or herself in a dangerous situation, is taken aback, then runs away.⁸ Another example would be a description of an inferior offending a superior person, with the latter then described as saying or doing something, such as screaming at the person, or making a put-down comment, all of which according to present-day views would be seen as showing the anger of a superior toward a subordinate. A final approach is to look at metaphors that correlate with various emotions. In a recent article, Ari Mermelstein analyzes how several rabbinic texts seek to describe a captive non-Jewish woman in ways that emphasize her disgusting qualities—features that should give rise to disgust by her captor, a male Israelite who now wishes to marry her.⁹ In this essay I will work with texts that explicitly employ words that are taken to be emotions, as they are the most overt examples of how GR employs emotion in relation to gender.

While one can study how GR uses emotion terms throughout that work, I focus on those texts that are relevant to the study of gender. I do so in part because for centuries Western thought has in fact frequently made gender-based claims about emotions.¹⁰ For example, a common claim is that men, and therefore those who exhibit masculine identity, ought to control their emotions by use of their reason and that they have the capacity to do so, but being a female—having feminine traits—means one is inherently emotional and unable to keep emotions under the domination of reason. This claim regarding men is of course overstated, for in fact much Western thought sees certain emotions as appropriate for males (e.g., courage, but not fear). In looking at GR I will seek to make evident how various comments in this document draw connections between particular emotions and males and females, thereby representing the specific emotions as an aspect of masculine or feminine gender identity. This type of

analysis highlights the evaluative and behavioral aspects of emotions as they correlate with assumptions about social relationships. For example, given presumptions about gendered and other bases of hierarchical relationship, only certain emotions are appropriate for the superior vis à vis the inferior party, such as anger, while the inferior is the only party who should experience other emotions, such as fear. Portrayals of characters in narratives or in statements then serve to convey to readers normative behavioral expectations and reinforce the gender-based hierarchical relationships.

DIFFICULTIES IN STUDYING EMOTIONS AND GENDER CONSTRUCTIONS IN RABBINIC LITERATURE

Sorting out rabbinic constructions of human psychology, of the factors that shape human behavior, is challenging because the texts are not explicit regarding which internal factors drive humans. The following text that speaks of the human heart underscores the challenges.

GR 34:10 (67:8)

“And the Lord said **to** his heart [*libo*], ‘I will never again curse the ground because of man, for the inclination [*yetser*] of man’s heart is evil from his youth” (Gen 8:21).

The wicked are under the control [*bereshbut*] of their heart. “The fool said **in** his heart” (Ps 14:1). “And Esau said **in** his heart” (Gen 27:41). “And Jeroboam said **in** his heart” (1 Kgs 12:25). “Now Haman said **in** his heart” (Est 6:6).

But the righteous have their heart under their control [*bereshbutan*]. “Now Hannah spoke **upon** her heart” (1 Sam 1:13). “And David said **to** his heart” (1 Sam 27:1). “But Daniel placed **upon** his heart” (Dan 1:8). “And the Lord said **to** his heart” (Gen 8:21).

This tradition appears twice in GR: once as a comment on Genesis 8:21, God’s remarks after Noah and his family have left the ark after the flood, and a second time as a comment on Genesis 27:41, “Esau hated [*vayistom*] Jacob.” This comment clearly assumes there are at least two faculties that may control a human—his *lev* [heart] and some unnamed component. But the nature of both of these elements is not clear. Is the *lev* the source of the *yetser*, as God in Genesis 8:21 speaks of the *yetser lev*, the *yetser* of a person’s heart? The nature of the *yetser* is itself far from self-evident. Rosen-Zvi has published a detailed study of the *yetser* and notes diverse understandings of it in different rabbinic documents, some seeing it as an internal factor within the human, something like desire, while others see it as an external daemon that takes control of

the human.¹¹ While the *yetser* of the heart, or desire, may be what needs to be controlled, the heart may also serve as the locus of emotions. Situating emotions in particular parts of the body through which they are experienced and exhibited is typical of the embodied nature of emotions in biblical and rabbinic texts. What is key here is that the *lev* is not clearly defined, nor does this text differentiate between desire, anxiety, pain, emotions, knowledge, and perhaps even will. David Lambert and Françoise Mirguet have noted the challenge of understanding the *lev* in biblical texts and the need to avoid imposing later Victorian views of the heart upon these texts. Rachel Neis has similarly spoken of these matters in regard to rabbinic texts.¹²

What controls the *yetser*? Does the text presume something like what Greek thought, Plato in particular, takes to be reason? This saying is quite similar to M. Avot 4:1—“Who is mighty—one who conquers his *yetser*.” This comment in GR makes abundantly clear the challenge of studying emotions in rabbinic texts given their lack of specificity of what we can call its psychology, the range of factors that shape human thought, speech, and behavior. Carol Newsom has traced developing notions of the interior self, the complex set of factors that contribute to human behavior. Like the above text, she locates these forces within the heart. She and Joshua Levinson in turn speak of an “executive self” whose locus and exact nature are not clearly defined, but which has the task of organizing and controlling these competing factors within the heart, resulting in proper behavior and ideally an alignment of behavior with the will, desires, and knowledge.¹³

One final aspect of this text needs to be mentioned here: its relationship to gender. The passage uses the masculine plural *tsadiqim* and *reshaim* [righteous and wicked]. These terms may at times refer to all humans, male and female, and in some circumstances only to men. In the case at hand, at least one of the biblical examples, 1 Samuel 27:1, pertains to a female character, Hannah. Thus, it appears that according to this passage females can have their hearts under their control.

We now turn to an examination of traditions in GR that are directly relevant to discerning how this work imagined the male and the female, the masculine and the feminine.

CONSTRUCTING GENDER IN GENESIS RABBAH: THE AMBIVALENT IDENTITY OF JOSEPH

The biblical account about Joseph contains many terms connected with emotions, crying, jealousy, and fear and also has much to say about his gender identity. Rabbinic texts expand each of these aspects of their representation of Joseph. Several scholars, most recently Robert Harris, and also Marjorie Lehman, Lori Lefkowitz, Joshua Levinson,

and Maren Niehoff, have analyzed these texts.¹⁴ They note the ambiguous sexual identity of Joseph as he has features often connected with women. These include his being “beautiful looking” and having a garment, a coat of colors, that elsewhere is connected with women. The scene with Potiphar’s wife is also built around matters of sexual and gender identity—the woman here portrayed as desirous of sex, while Joseph is resistant. Rabbinic midrashim have much to say about these texts, and they raise questions about Joseph’s sexual and gender orientations. Following are two of those comments.

GR 86:3

“Potiphar was a *saris* of Pharaoh.” (Gen 39:1)

[This indicates] that his body was emasculated [*nitsares*], thus teaching that he [Potiphar] purchased him [Joseph] for the purpose of [having] sexual relations with him. And the Holy One blessed be He castrated [Potiphar’s] body. [This can be compared] to a bear that brought havoc upon its master’s children, such that [the master] said, “Break its fangs.” In the same way we are taught that [Potiphar] only bought Joseph to have sexual relations with him, but the Holy One Blessed be He emasculated him.

GR 87:3

“His master’s wife cast her eyes upon Joseph” (Gen 39:7).

What is written [in the preceding verse] before this point [is raised]? “Now Joseph was of beautiful form and beautiful to look at” (Gen 39:6). [This is because Joseph is likened] to a strong man [*gibor*] who stood in the market, while penciling his eyes, fixing his hair and lifting his heel, and said, “I look nice, I look nice, nice like a strong man.” They said to him, “If you are a strong man, if you are nice looking, here is a she-bear before you [Potiphar’s wife], get up and attack her.”

GR 86:3 portrays Potiphar as having an interest in having sex with Joseph. While the text does not say anything about Joseph’s own interest in Potiphar, it may imply that Potiphar saw something in Joseph to suggest he was open to homoerotic interactions. The second passage, GR 87:3, is far clearer on the feminine nature of Joseph. Although the passage speaks of Joseph as a strong man, the comment appears to be facetious, for the behaviors associated with Joseph, penciling his eyes and fixing his hair, are generally seen as feminine traits. The text in fact ends with calling for Joseph to act like a strong man—to attack Potiphar’s wife. But here it is important to note that a she-bear is a very hairy animal. As Harris has noted, this may well be another case of confused sexual identity. Is Joseph in a way being told to be a man with a woman whose body is like that of a man?

A final passage in GR even more clearly questions Joseph's sexual identity and also his control of his sexual urges.

GR 87:7

"One such day, he [Joseph] came into the house **to do his work and there was no man** from the men of the household there in the house" (Gen 39:11).

R. Nahman said, "**To do his work**, of course [implying 'work' means sexual relations]. But **there was no man**, he checked, but he did not find himself to be a man."

R. Samuel said, "It had become hard, had the bow [been], but then it subsided. This is in accordance with what the Scripture wrote, 'Yet firm remained his bow'" (Gen 49:24). R. Isaac said, "His seed was scattered and exited by way of his fingernails, [as it is said,] 'And agile stayed his arms and hands'" (Gen 49:24). R. Huna in the name of R. Matana said, "An icon of his father did he see and his blood became cool."

The series of sayings about Genesis 39:11 comment about various aspects of Joseph. R. Nahman appears to say that Joseph lacked the traits of a male—he was not aroused at all by Potiphar. Whether this can be connected to the previously cited passages, which may describe Joseph as interested in homoerotic relationships, is not fully clear. The comments by the other three rabbis, Samuel, Isaac, and Huna in the name of Matana, speak more of Joseph's challenge to control his arousal. Isaac's remark in particular claims that Joseph in fact ejaculated but in a way that did not violate the restriction on having sex with his master's wife. Levinson and Harris draw connections to Greco-Roman ideas, observing that this passage makes clear that the true male, in this case Joseph, must exercise self-control, self-constraint. Joseph managed to do this, or largely managed to. Maren Niehoff similarly connects this passage with Greco-Roman ideas that were part of the cultural milieu of the sages in Palestine, and she explicitly notes that Joseph demonstrated his ability to control his passions. This perhaps may indicate that control of emotions, of the *lev*, is a key feature of being a real man, of being masculine in gender. But the collection of text regarding Joseph's interaction with Potiphar's wife convey a complicated, gender-ambiguous figure, one who displays only in some instances traits that are seen as culturally masculine.

GENDERING EMOTIONS IN GENESIS RABBAH

Several texts in GR explicitly speak of the traits of women and also of differences between men and women. As such they lay out what are essential gender features of each.¹⁵ What these texts also make clear is that what we take as emotions are an aspect

of the gender identity. But these passages do not differentiate emotions from other features of what it means to be a real man or woman. We begin with GR 18:2, which is a comment on Genesis 2:22 that describes the woman being made from the Adam's rib.

GR 18:2

"And the Lord fashioned [*vayiven*] the rib that He had taken from the man into a woman" (Gen 2:22).

R. Joshua of Sikhnin said in the name of R. Levi, "*Vayiven* [and he fashioned] is written [to indicate] He considered well [*bitbonen*] from what part to create her. He said, 'We should not create her from [Adam's] head, lest she become swell-headed [*meyaqeret rosh*]; nor from the eye, lest she be a starrer [looking at men] [*sogranit*]; nor from the ear, lest she be an eavesdropper; nor from the mouth, lest she be a gossip; nor from the heart, lest she be [prone to] jealousy [*qatanit*]; nor from the hand, lest she be light-fingered; nor from the foot, lest she be a gadabout; but from a covered [modest] [*tsannua*] place on man. For even when a man is standing naked, that spot is covered up.' As He created each limb, He said to her, 'Be a modest woman, be a modest woman.' Yet in spite of this, 'You spurned my advice, and would not hear my rebuke' (Prov 1:25). I did not create you from the head, yet she is swell-headed, as it is written, 'Because the daughters of Zion, are so vain, and walk with heads thrown back' (Isa 3:16); nor from the eye, yet she is a starrer, 'With roving eyes' (Isa 3:16); nor from the ear, yet she is an eavesdropper, 'Sarah was listening at the entrance to the tent' (Gen 18:10); nor from the heart, yet she is [prone to] jealousy, 'Rachel was jealous of her sister' (Gen 30:1); nor from the hand, yet she is light-fingered, 'And Rachel stole the *teraphim*' (Gen 31:9); nor from the foot, yet she is a gadabout, 'And Dinah went out'" (Gen 34:1).

This passage describes the failed divine efforts to create a female who is not prone to various sorts of deficiencies. These defects are primarily described as types of behavior—for example, being an eavesdropper or a gossip. Two of the tendencies among women, traits that one can assert are typically feminine, are perhaps emotions—being swell-headed and being jealous. The former uses a term found only in this passage, *meyaqeret rosh*, literally, one who makes their head appear important. As such, being swell-headed may well be more a matter of behavior than anything like an emotion. The cited illustration from Isaiah 3:16 contains a list of actions that the daughter of Zion display, including walking with heads thrown back, roving eyes, and a mincing gait. The reference to one who is prone to jealousy also used a participial construction and may perhaps refer to one who engages in jealous behavior. Whether we should see this as claiming she is emotionally jealous is not so clear, though if this is a description of an emotion, this passage focuses on behavioral aspects and not interior feelings.

GR 45:5 contains a tradition that mentions four of the above traits, using slightly different terms. It states:

The Rabbis say, “Four traits [*middot*] are stated regarding women. They are greedy [*gargraniyot*], eavesdroppers [*tsataniyot*], lazy and envious. Greedy, ‘And she took the fruit thereof and ate’ (Gen 3:6). Noisy, ‘Sarah was listening at the entrance to the tent’ (Gen 18:10). Lazy, ‘Make ready quickly three measures of fine meal’ (Gen 18:6). Envious, ‘Rachel envied her sister’” (Gen 30:1). R. Joshua b. Nehemiah said, “Also they are scratchers [*istatniyot*] and talkative. Scratch, ‘And Sarai said to Abram, “My scratch [*chamasi*] be upon you”’ (Gen 16:5). Talkative, ‘And Miriam spoke against Moses’” (Num 12:1). R. Levi said, “They are thieves and gadabouts. Thieves, ‘And Rachel stole the *teraphim*’ (Gen 31:19). Gadabouts, ‘And Dinah went out’” (Gen 34:1).

Envy (jealousy) again appears among a list of features of women, the other three clearly describing behavior. This passage uses the term *middot* to label these features. The term is also taken to speak of a “character trait.” But again one must determine how the rabbis understand character traits and whether they are behavioral or refer to some additional aspect of the human.

The above passages speak about typical features of women. As such, they can be seen as laying out what it is typically part of what it means to be feminine, even if those elements are not desirable. They are traits exhibited by women. The passage, however, does not claim that these traits are exclusive to women or that at least on some occasions men also act in these ways. Some passages in the Bible and in GR describe male figures also as jealous. This may indicate that there may be some shared features among men and women in behavior, but that one gender is characteristically of this nature. GR 17:8 explicitly contrasts the male and the female. It therefore may be considered as describing what ought to be the traits of each gender, what it means to exhibit masculine or feminine character. GR 17:8 does contrast men and women, the masculine and the feminine. What is most important about this text for the examination of connections between gender and emotion is that this passage contains only one comment about what we regard as emotions. Thus, being a man, having a masculine identity compared with what it is to be a woman and be feminine, is described in behavioral ways.

GR 17:8

“And the Lord God cast a deep sleep upon the man; and while he slept, He took one of his ribs and closed up the flesh at that spot” (Gen 2:21).

They asked R. Joshua, “Why does a man come forth [at birth] with his face downward, while a woman comes forth with her face turned upwards?” He said to them,

“The man looks towards the place of his creation [the earth], while the woman looks toward the place of her creation [the man’s rib].” “And why must a woman use perfume, while a man does not need perfume?” He said to them, “Man was created from earth, and the earth never putrefies, but Eve was created from bone. For example, if you leave meat three days unsalted, it immediately begins to stink.” “And why does a woman have a voice [that travels] and not a man?” He said to them, “I will give you an example. If you fill a pot with meat, it does not make any sound. But when you put a bone into it, the sound [of sizzling] immediately travels.” “Why is a man easily appeased, but not a woman?” He said to them, “Man was created from the earth, and when you put a drop of water on it, it immediately absorbs it. But Eve was created from a bone, which even if you soak it many days in water does not become saturated.” “And why does a man make [sexual] demands upon a woman, but the woman does not make demands upon the man?” He said to them, “This is comparable to a man who lost something, he seeks what he has lost, but the lost object does not seek him.” “And why does a man deposit sperm within a woman while a woman does not deposit sperm within a man?” He said to them, “It is like a man who has an article in his hand and seeks a trustworthy person with whom to deposit it.” “And why does a man go about bareheaded while a woman goes about with her head covered?” He said to them, “It is like one who has done wrong and is ashamed [*mitbayesh*] before people; therefore, she goes out [with her head] covered.” “And why do [women] walk in front of the corpse [at a funeral]?” He said to them, “Because they brought death into the world, they therefore walk in front of the corpse, [as it is written], ‘He is brought to the grave . . . and all the men follow him, innumerable are those [women] who precede him’” (Job 21:32–33). “And why was the commandment of menstruation given to her?” “Because she shed the blood of Adam [by causing him death], therefore, was the commandment of menstruation given to her.” “And why was the commandment [of separating] dough given to her?” He said to them, “Because she corrupted the first man who was the dough offering of the entire world; therefore, the commandment of dough was given to her.” “And why was the commandment of [kindling] the Sabbath lights given to her?” He said to them, “Because she extinguished the soul of the first man; therefore, she was given the commandment of Sabbath lights.”

What is most relevant in this passage to this essay is its near lack of terms associated with emotions. The only reference to emotions pertains to women being ashamed and as a result they cover their hair. In this case, however, as throughout this tradition, aspects of behavior are cited to differentiate males from females, the masculine from the feminine. And even the reference to shame does not identify anything in the respective emotional makeups or tendencies of males and females that distinguish them.

Having until now raised a number of issues that underscore the challenge of identifying emotions in rabbinic texts and also in presuming such aspects of humans may differentiate males from females, the masculine from the feminine, we now turn to examining texts that do employ such terms. In analyzing these texts we need to keep in mind that since GR is a commentary on Genesis, what it has to say in part is determined by what is contained in the biblical text itself. Thus it is relevant to note that the biblical text contains far more descriptions about male characters. It, therefore, is not surprising if there are far more comments in GR employing emotional terms that are about males. What is most important is to trace GR: whether it introduces emotional terms in passages lacking them or, on the other hand, has nothing to say about biblical passages that do employ such terms. In the latter case, it would appear that GR is not particularly interested in developing or explaining what these terms mean, what they describe about the human, or where they may be located within the human.

Two features regarding the introduction of emotional descriptions indicate how GR invokes emotions as part of its constructions of gender. These are (1) its distribution of emotions relative to the gender of characters—that is, whether some traits are assigned only to male characters or conversely only to female characters; and (2) whether there are differences in how the same broad emotional actions—for example, crying and weeping—are portrayed in the case of males and females. Some traits, such as love, fear, jealousy, experiencing embarrassment, and weeping, are exhibited by both male and female characters, though how they are expressed and in what setting varies.¹⁶ Other emotions are displayed only by males. These include anger, hate, joy, humility, and pity (mercy). This pattern is not surprising. These emotions are often associated with dominant figures.¹⁷

A brief examination of several of the passages in GR that describe characters as crying displays how emotions serve to differentiate genders in this document. As a behavior, crying or weeping can express several emotions, such as sadness, fear, or joy.¹⁸ Each of the texts from GR that follow add crying to a biblical passage that does not mention that behavior. The first set of passages focus on female characters.

GR 82:10 explains the burial of Rachel on the road to Ephrath by introducing a biblical reference to Rachel's crying, Jeremiah 31:15–17.

GR 82:10

“And Rachel died. She was buried on the road to Ephrath—now Bethlehem. Over her grave Jacob set up a pillar; it is the pillar at Rachel's grave to this day” (Gen 35:19–20).

What did Jacob see to bury Rachel on the road to Ephrath? He foresaw that the exiles would pass by there. Therefore, he buried her there so that she would seek mercy for them. Thus it is written, “Thus said the Lord, ‘A Voice is heard in Ramah,

wailing, bitter weeping, Rachel weeping for her children,' etc. Thus says the Lord, 'Restrain your eyes from shedding tears; for there is a reward for your labor,' etc. 'And there is hope for your future,' etc." (Jer 31: 15–17).

The connection of Rachel and tears is well established by the time of the rabbis. As such there is nothing particularly revealing about how the rabbis thought about gender and types of crying. Rachel's wailing for her descendants is seen as an appropriate behavior.

GR 70:14 uses a reference to tears to explain the biblical comment that Rachel's sister, Leah's, eyes were weak.

GR 70:14; 71:2

"Now Laban had two daughters; the name of the older one was Leah, and the name of the younger was Rachel. Leah had weak eyes [*rakhot*]" (Gen 29:16–17).

What is the meaning of "weak?" They had been weakened on account of weeping, for such were [the conventional] conditions, that the older one [Esau] will be for the older one [daughter] and the younger [Jacob] for the younger one [Rachel]. So she wept, saying, "May it be God's will that I not fall into the domain of the wicked Esau."

Leah's tears are expressive of her sadness at the prospect of having to marry Esau. Her tears seem like a typical human response to facing serious disappointments in life. There is nothing negative in her crying. Her crying, in fact, may be virtuous and expressive of her desire to avoid marrying a wicked person. In contrast to this, GR 19:5 enriches the biblical description of the scene in the Garden of Eden, Genesis 3:6, according to which the woman eats the forbidden fruit and then simply gives it to her husband who immediately consumes it.

GR 19:5

"She [Eve] took of its fruit and ate. She also gave it to her husband and he ate" (Gen 3:6).

Said R. Aibu, "She squeezed some grapes and gave it to him."

R. Simlai said, "She approached him fully prepared [with strong arguments], saying to him, 'What do you think? Is it that I am going to die and another woman be created for you?' [That is not possible:] 'There is nothing new under the sun' (Eccl 1:9). Or perhaps you think that I shall die and you will be by yourself? 'He did not create the world as a waste, He formed it to be inhabited'" (Isa 45:18).

Rabbis says, "She began to moan and weep to him [*meyalelet alav beqolah*]."

The three comments on the verse provide different descriptions of the sequence of actions. R. Aibu seems to imply that the woman deceived the man by transforming

the fruit into juice. By contrast, R. Simlai portrays the woman as being able to formulate arguments that would convince the man to eat. As it were, she is knowledgeable of other biblical passages, a trait usually associated with rabbinic scholars. For the purposes of this essay it is the comment attributed to “rabbis” in GR 19:5 that is most relevant. Like the other comments it lengthens the time between the woman eating and the male taking the fruit and consuming it. According to the “rabbis,” in dramatic terms, the woman moans and cries to influence her husband. But it is not simply crying, usually conveyed by the term *bakbab*, that describes what the woman did. Rather, she influences her husband by moaning, what we might call kvetching, to get him to act. While this is only a singular comment in the vast document of GR, it is a unique use of the term and it associates it with a female. A larger study would be needed to determine whether there is any gendered pattern to the use of this term. In this case it is associated with an undesirable trait exhibited by the first woman. Is she in this regard a role model—though a negatively described woman—for typical feminine emotional makeup?

A contrast to this use of tears by rabbinic commentators on texts in Genesis appears in GR 65:15, a comment on a potentially emotionally fraught moment in the scene of Jacob stealing the blessing that Isaac had intended to give to Esau. This overall biblical scene contains a number of explicit emotional terms—for example, raising one’s voice and crying out—but most of the passage may only allude to emotions or says nothing of them explicitly. The biblical text does not explicitly say Jacob was afraid of being discovered by Isaac, but the fear would seem implicit in much of what he does, including expressing to Rachel his concern that Isaac may feel him and thereby determine the ruse. In addition, the biblical text attributes to Rebekah the entire plot of deceiving Isaac. But the biblical text does not make clear whether Jacob, who previously had managed cunningly to have Esau exchange his birthright for a bowl of lentils, was a willing participant in the deception regarding the father’s blessing. GR 65:15 addresses this aspect of Jacob’s behavior in the scene of receiving Isaac’s blessing.

GR 65:15

“Jacob answered his mother Rebekah, ‘But my brother Esau is a hairy man and I am smooth-skinned. If my father touches me, I shall appear to him as a trickster and bring upon myself a curse, not a blessing.’ But his mother said, ‘Your curse my son, be upon me. Just do as I say and go fetch them [two kids] for me’” (Gen 27:11–12).

[Jacob protested], “Even the blessing which he was planning to give me, in the end he will not bestow upon me.” [Commenting on Rachel’s reply], R. Abba bar Kahana said, “[What she said to him is this:] ‘When someone commits a sin, is his mother not cursed? Cursed is the ground for your sake’ (Gen 3:17). So too ‘Upon me be your curse.’”

“So he went, and took them [the kids], and brought them to his mother” (Gen 27:14).

He [went] under duress [*anus*], and bent over and crying.

The comment by R. Abba bar Kahana on Genesis 27:11–12 highlights that Rachel assuaged Jacob’s concern about being cursed by indicating that women are always blamed for the bad behavior of their children. The comment that follows on Genesis 27:14 underscores that Jacob was still reluctant to participate in stealing the blessing. He did so under duress, which probably means the pressure of his mother. Moreover, his physical body continued to display his lack of full agreement with what he was asked to do. He brought the two goats to his mother bent over and crying. Here crying expresses misgivings and perhaps fears. We are meant to see them as clearly positive responses, behaviors, and emotions a male understandably exhibited. The contrast between Jacob’s tear of reluctance and those of Eve, by means of which she manipulates, is striking. The rabbinic commentators presume their audiences would find these accounts plausible and in agreement with their assumptions about how women and men act.

One additional passage in GR also adds texture to the response of Jacob to approaching his father. Although no explicit emotional terms appear in this text, behaviors one may associate with emotions, in this case dreadful fear, are mentioned. This text is not about crying, but it does return our discussion to the way in which the *lev*, the heart, figures in the rabbinic saying. GR 65:19 comments on Genesis 27:11–12, which describes the moment when Jacob approaches his father to be felt by him.

GR 65:19

“So Isaac said to Jacob, ‘Come close that I may feel you my son—whether you are my son Esau or not.’ So Jacob drew close to his father Isaac” (Gen 27:21–22).

Said R. Hoshaiiah, “When Isaac said, ‘Come close that I may feel you,’ sweat [*mayim*; alternatively, urine] poured down Jacob’s thighs [variant reading: his knees] and his heart [*libo*] melted like wax [*rafah keshaavah*]. And the Holy One Blessed be He appointed two angels, one on his right and one on his left, and they held [him up] by his elbows. Thus it is written, ‘Do not be frightened [*tishtha*], for I am the Lord. I uphold you with my victorious right hand’ (Isa 41:10)—[which means, ‘do not melt’ (*tashva*).]”

R. Hoshaiiah dramatically enriches the biblical text by describing the bodily response of Jacob when approaching Isaac. He sweated profusely, or perhaps peed in his pants, and his heart melted like wax.¹⁹ One can well take this as an expression of fear and reluctance, although words for fear or trembling are not explicitly mentioned. Both words, *pachad* and *charad*, appear elsewhere in midrashic sayings in GR. It is also

worth noting that it is Jacob's heart that melts. But exactly what the heart stands for, contains, or is the location of is not laid out with care. Is it correct to claim that in this case emotions are located in the heart? If so, in this case, fear is an emotion that males also may understandably display. The challenge we face in analyzing this and many other rabbinic texts, as already noted, is that there is no clear concept of emotions in rabbinic sources nor a clearly developed psychology that distinguishes between desires, pain, will, and emotions and also their bodily locations.

CONCLUSIONS

The following concluding comments bring together the results of this study; note connections to broader scholarship on rabbinic views on sexual identity, sexual orientations, and notions of gender; and end with some observations on directions for future research. Recent scholarship examining a range of rabbinic texts makes clear that according to these sources a person's sex is determined by genitalia.²⁰ Anyone with a penis is male, and anyone with a vagina is female. Rabbinic texts, halachic and aggadic, also discuss the case of the androgynous and note that while the presence of a penis disallows the person from male homoerotic behavior, it does permit sexual relations with a male if the penetration is through the androgyne's vagina. The androgyne may also engage in sex with a woman via her vagina. Thus rabbinic sources do allow for complex forms of sexual identification. And although these sources disallow male homoerotic relationships, they can imagine males with such an attraction, as they do in the case of Joseph and Potiphar.

The examination in this essay of selected texts from GR also provides evidence of explicit articulations of traits that are seen as typical of males and females—that is, of conceptions of gender identities. In some cases the traits associated with males and females are seen as desirable, as what are positive features of masculinity and femininity. In other instances these traits are seen as typical of women, even if ideally not exhibited by them. In addition to the traits noted earlier in passages, such as GR 17:8 and 18:2, two additional characteristics of males and females are that the former, being a real man, means one needs to be dominant in relationship to a female. Males ought not defer to their wives in many cases. Males ought to be stronger than women. A particularly prominent feature of being a woman, of having a feminine gender identity, is the desire for and birthing of children.²¹ Biblical texts in Genesis already focus heavily on the negative implications for women if they are barren. Sayings dispersed throughout GR comment on the challenge of barrenness and the need to reproduce. For example, some report that a woman without children is as good as dead. A woman gains honor by having children. Women secure their place in their household by giving birth. These

features of being a woman do not say anything about their emotional characters. But our brief examination of GR does point to episodic comments that ascribe only certain emotions to one gender. Additionally, emotions shared by men and women differ in their specific expression. In this regard, as we have seen in the case of crying and tears, men and women do not cry in the same way. According to GR, both males and females may experience and express intense emotions, though what is typical or what is appropriate for each is not necessarily the same.

Several types of studies would extend the findings of this study. First, a more detailed study of GR that pulls together the various texts in that work relevant to the study of emotions would provide a fuller picture of how that document depicts and understands what are now seen as emotions. Here one should look not only at passages that explicitly use words we take to be emotions, such as fear, hate, or anger, but also at those that contain emotional scripts or metaphors connected with emotions. In turn, one could explore the ways in which passages in GR connect emotions with male and female characters. This would contribute to how this document conveys notions of gender identity. A second project would be to determine the exact understanding of human psychology, the forces that shape human responses to situations and behaviors. More work remains to be done to sort out rabbinic understanding of the heart, emotions, will, and various bodily reactions to circumstances that occasion what we regard as emotional responses.

Connecting the ways in which GR deploys emotions with other Jewish and non-Jewish works is another important direction for future research. Some research has been done on these matters. Studies have examined how biblical and Jewish texts from the Second Temple era imagine particular emotions or, more generally, specific biblical figures. A close examination of GR requires taking note of trends in these other works, as this would make evident developments in rabbinic views and their relationship to other Jewish positions. Some scholarship has also situated rabbinic views on gender and traits of masculinity and femininity with Greco-Roman and Christian sources. Such research would also contribute to explaining the features of GR, identifying the factors and concerns that may have contributed to its representations of males and females.

Comparing GR, with its episodic exegetical comments that do not allow for a sustained narrative, with rabbinic documents that do develop biblical texts in ways that flesh out biblical characters and plots would also contribute to discerning the ways in which rabbinic texts enrich the description of the "inner lives" of people. For example, aggadic documents dating from the seventh century and onward, such as *Pirke de Rabbi Eliezer* or *Tanhuma*, often embellish biblical texts and present more coherent narratives than do earlier midrashic works such as GR that contain only brief and multiple comments on a given biblical phrase or verse. Laura Lieber has already provided an example of comparing GR with a different genre of Jewish texts, liturgical texts,

the piyyutim of Yannai.²² She demonstrates that the piyyutim are far more crafted in their literary traits and convey a coherent narrative. She also makes clear how these liturgical works include many emotion terms that elaborate on the inner life of biblical figures. Furthermore, she underscores how each of these types of literature, midrashic and liturgical texts, engaged audiences in different ways. As she states, the rabbinic audience of midrashim, those in the bet midrash, remain in their seats when studying the range of diverse comments on a given passage. By contrast, synagogue attendees listening to a piyyut become more immersed in the biblical narrative. They were to be deeply moved by how characters are portrayed and to imbibe those traits that ideally define males and females. Lieber's work and that of other scholars working on piyyut and on rabbinic midrashim from later times point to the type of research that will enrich the understanding of how rabbinic texts represent gender identity as well as emotions. Bringing together three fields of scholarship, that dealing with gender, works focused on midrash and other genres of rabbinic culture, and finally research on rabbinic representations of emotions, can enrich our understanding of rabbinic Judaism.

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NOTES

1. Examples of the ever increasing study of gender in rabbinic Judaism include Elizabeth Shanks Alexander, "Ancient Jewish Gender," in *Early Judaism: New Insights and Scholarship* (ed. Frederick E. Greenspahn; New York: New York University Press, 2018), 174–98; Judith R. Baskin, *Midrashic Women: Formations of the Feminine in Rabbinic Literature* (Hanover: Brandeis University and University Press of New England, 2002); Charlotte Elisheva Fonrobert, *Menstrual Purity: Rabbinic and Christian Reconstructions of Biblical Gender* (Stanford: Stanford University Press, 2000); Sarit Kattan Gribetz, "Time, Gender and Ritual in Rabbinic Sources," in *Religious Studies and Rabbinics: A Conversation* (ed. Elizabeth Shanks Alexander and Beth Berkowitz; New York: Routledge, 2018), 139–57; Sarah Imhoff, "Women and Gender, Past and Present: A Jewish Studies Story," *Jewish Social Studies* 24 (2019): 74–81; Gail Susan Labovitz, *Marriage and Metaphor: Constructions of Gender in Rabbinic Literature* (Lanham: Lexington Books, 2009). There is also extensive scholarship on gender in biblical and Jewish texts from the Second Temple era.
2. Ishay Rosen-Zvi, "The Rise and Fall of Rabbinic Masculinity," *Jewish Studies, an Internet*

- Journal* 12 (2013), <https://jewish-faculty.biu.ac.il/files/jewish-faculty/shared/JSIJ12/rosen-zvi.pdf>; Michael Satlow, "'Try to be a Man': The Rabbinic Construction of Masculinity," *Harvard Theological Review* 89 (1996): 19–40. For the representation of masculinity in Dead Sea Scrolls, see Ari Mermelstein, "Conceptions of Masculinity in the Scrolls and the Gendered Emotion of Anger," *Dead Sea Discoveries* 26 (2019): 314–38.
3. Sarit Kattan Gribetz, et al., eds., *Genesis Rabbah in Text and Context* (Tubingen: Mohr Siebeck, 2016).
 4. On the anthological nature of GR, see Sarit Kattan Gribetz and David M. Grossberg, "Introduction: Genesis Rabbah, a Great Beginning," in *Genesis Rabbah in Text and Context*, 1–21; Chaim Milikowsky, "On the Formation and Transmission of Bereshit Rabba and the Yerushalmi: Questions of Redaction, Text-Criticism and Literary Relationships," *Jewish Quarterly Review* 92 (2002): 521–67; Chaim Milikowsky, "Why Did Cain Kill Abel? How Did Cain Kill Abel? Methodological Reflections on the Reading of the Cain and Abel Narrative in Bereshit Rabba," *Nordisk Judaistik* 24 (2003): 79–93.
 5. Laura Lieber contrasts the differences between midrashic documents and the liturgical poetry, piyyutim, in "Stage Mothers: Performing the Matriarchs in Genesis Rabbah and Yannai," in *Genesis Rabbah in Text and Context*, 155–73.
 6. Francoise Mirguet, "The Study of Emotions in Early Jewish Texts," *Journal for the Study of Judaism in the Persian, Hellenistic and Roman Period* 50 (2019): 557–603; Ari Mermelstein, "Beauty or Beast? The Pedagogical Function of Metaphor and Emotion in Midrashim on the Law of the Lovely Captive," *Journal of Ancient Judaism* 8 (2018): 388–409; David Lambert, "Refreshing Philology: James Barr, Supersessionism and the State of Biblical Words," *Biblical Interpretation* 24 (2016): 532–56; Joel Gereboff, "Hate in Early Rabbinic Judaism," in *To Fix Torah in Their Heart: Essays on Biblical Interpretation and Jewish Studies in Honor of B. Barry Levy* (ed. Jacqueline S. du Toit, et al.; Cincinnati: Hebrew Union College Press, 2018), 59–83. Additional studies of emotions in rabbinic texts include Jonathan K. Crane, "Shameful Ambivalences: Dimension of Rabbinic Shame," *AJS Review* 25 (2011): 61–84; Joshua Levinson, "The Divided Subject: Representing Modes of Consciousness in Rabbinic Midrash," in *Self, Self-Fashioning and Individuality in Late Antiquity* (ed. Maren R. Niehoff and Joshua Levinson; Tubingen: De Gruyter, 2018), 169–85; Maren R. Niehoff, "Biographical Sketches in Genesis Rabbah," in *Envisioning Judaism: Studies in Honor of Peter Schafer on the Occasion of his Seventieth Birthday* (ed. Ra'anan S. Boustán, et al.; Tubingen: Mohr Siebeck, 2013), 265–86; Ronit Nikolsky, "Parables in the Service of Emotional Translation," in *Parables in Changing Contexts: Essays in the Study of Parables in Christianity, Judaism, Islam and Buddhism* (ed. Marcel Poorthuis and Eric Ottenheim; Leiden: Brill, 2020), 37–56; Jeffrey Rubenstein, "The Role of Disgust in Rabbinic Ethics," in *Strength to Strength: Essays in Appreciation of Shaye J. D. Cohen* (ed.

- Michael L. Satlow; Providence: Brown Judaic Studies, 2018), 421–36; Shulamit Valler, *Sorrow and Distress in the Talmud: Judaism and Jewish Life* (Brookline: Academic Studies Press, 2011).
7. Phillip Lasater, in his book *Facets of Fear: The Fear of God in Exilic and Post-exilic Contexts* (Tubingen: Mohr Siebeck, 2019), makes evident how in biblical texts “fear” includes affective, intentional, normative-evaluative, and behavioral elements. He therefore argues that the term “emotions,” which emerged and was formulated in the modern period by people like Descartes and Hume, is not appropriate to use in analyzing texts from antiquity. He proposes using the classical Greek concept of “passions,” which he contends aligns very well with biblical understandings.
 8. For a discussion of emotional scripts, see Ellen Van Wolde, *Reframing Biblical Studies: When Language and Text Meet Culture* (Cambridge: Cambridge University Press, 2009).
 9. Ari Mermelstein, “Beauty or Beast? The Pedagogical Function of Metaphor and Emotion in Midrashim on the Law of the Lovely Captive,” *Journal of Ancient Judaism* 8 (2018): 388–409.
 10. Examples of scholarship on gender and emotion include Susan Broomhall, ed., *Authority, Gender and Emotions in Late Medieval and Early Modern Europe* (Cham: Palgrave Macmillan, 2015); Stavroula Constantino, ed., *Emotions and Gender in Byzantine Culture* (Cham: Palgrave Macmillan, 2019); Ari Mermelstein, “Emotions, Gender and Greco-Roman Virtue in Joseph and Aseneth,” *Journal for the Study of Judaism in the Persian, Hellenistic and Roman Period* 48 (2017): 331–62.
 11. Ishay Rosen-Zvi, *Demonic Desires: “Yetzer Hara” and the Problem of Evil in Late Antiquity* (Philadelphia: University of Pennsylvania Press, 2011).
 12. Rachel Neis, “Directing the Heart: Corporal Language and the Anatomy of Ritual Space,” in *Placing Ancient Texts: The Ritual and Rhetorical Use of Space* (ed. Mika Ahuvia and Alexander Kocar; Tubingen: Mohr Siebeck, 2018), 131–65, highlights the physical, locative dimensions of the heart along with those of affect, knowledge, and desire.
 13. Newsom analyzes these developing views in different texts from the Second Temple period in Carol Newsom, “Models of the Moral Self: Hebrew Bible and Second Temple Judaism,” *Journal of Biblical Literature* 131 (2012): 5–25; Carol Newsom, “Toward a Genealogy of the Introspective Self in Second Temple Judaism,” in *Function of Psalms and Prayers in the Late Second Temple Period* (ed. Mika S. Pajunen and Jeremy Penner; Berlin: De Gruyter, 2017), 63–79. Joshua Levinson and Maren Niehoff have both contrasted the complex rabbinic self with its diverse interior competing forces compared with the biblical self. See Levinson, “The Divided Subject” and Niehoff, “Biographical Sketches,” 265–86, and essays in their coedited volume, *Self, Self-Fashioning and Individuality in Late Antiquity* (Tubingen: De Gruyter, 2018). Also see Ayelet Hoffman Libson, *Law and Self-Knowledge in the Talmud* (Cambridge: Cambridge University Press, 2018).

14. Robert A. Harris, "Sexual Orientation in the Presentation of Joseph's Character in Biblical and Rabbinic Literature," *AJS Review* 43 (2019): 67–104; Lori Lefkowitz, "Not a Man: Joseph and the Character of Masculinity in Judaism and Islam," in *Gender in Judaism and Islam: Common Lives, Uncommon Heritage* (ed. Firoozeh Kashani-Sabet and Beth S. Wenger; New York: New York University Press, 2014), 155–80; Marjorie Lehman, "Searching for Redemptive Readings: Grappling with Homophobia," *Journal of Textual Reasoning* 10 (2018): 1–12; Joshua Levinson, "An-other Woman: Joseph and Potiphar's Wife. Staging the Body Politics," *Jewish Quarterly Review* 87 (1997): 269–301; Joshua Levinson, "Cultural Androgyny in Rabbinic Literature," in *From Athens to Jerusalem: Medicine in Hellenized Jewish Lore and in Early Christian Literature* (ed. Samuel Kottek and Manfred Horstmanshoff; Rotterdam Erasmus, 2000), 119–40; Niehoff, "Biographical Sketches."
15. Numerous studies have appeared in the past several decades of the depiction in GR of various male and female individuals mentioned in Genesis. Due to space limitations I do not list here those publications.
16. Limitations on the length of this essay do not permit the citation and analysis of all the relevant passages from GR.
17. I previously analyzed rabbinic texts focused on anger in Joel Gereboff, "Talmudic Stories about Angry and Annoyed Rabbis," in *A Legacy of Learning: Essays in Honor of Jacob Neusner* (ed. Alan J. Avery Peck, et al.; Leiden: Brill Publishing, 2014), 82–109. In all these passages only a superior figure is portrayed as getting angry with an inferior. While in some cases the emotional response and display is portrayed as inappropriate, in other cases it is seen as a legitimate emotion for the offended, dominant character to exhibit. Also see Mermelstein, "The Construction of Masculinity." The patterns with regard to anger also hold true for hate, as I discuss in my essay "Hate in Early Rabbinic Judaism."
18. Studies of crying and tears in biblical and rabbinic texts include David A. Bosworth, *House of Tears: The Motif of Tears in Akkadian and Hebrew Prayers* (Atlanta: SBL Press, 2019); David A. Bosworth, "Weeping in Recognition Scenes in Genesis and the Odyssey," *Catholic Biblical Quarterly* 77 (2015): 619–39; L. Julian M. Claassens, "Laughter and Tears: Carnivalistic Overtones in the Stories of Sarah and Hagar," *Journal of Constructive Theology* 12 (2006): 89–110; Milena Kirova, "When Real Men Cry: The Symbolism of Weeping in the Torah and the Deuteronomistic History," in *Biblical Masculinities Foregrounded* (ed. Ovidium Creagna and Peter-Ben Smit; Sheffield: Sheffield Phoenix Press, 2014), 35–50; Moshe Bernstein, "Angels at the Aqedah: A Study in the Development of a Midrashic Motif," *Dead Sea Discoveries* 7 (2000): 263–91; Kristen Lindbeck, "Weeping at the Aqedah," in *From Creation to Redemption: Progressive Approaches to Midrash, Proceedings of the Midrash Section SBL 2017* (ed. W. David Nelson and Rivka Ulmer; Piscataway: Gorgias, 2017), 29–38; Herbert W.

- Basser, "A Love for All Seasons: Weeping in Jewish Sources," in *Holy Tears: Weeping in the Religious Imagination* (ed. Kimberly Christine Patton and John Stratton Hawley; Princeton: Princeton University Press, 2018), 178–200.
19. Several passages in the Hebrew Bible (Isa 13:7–8 and Jer 49:23–24) describe females with melting organs. I thank Francoise Mirguet for this observation.
 20. Charlotte Fonrobert, "Regulating the Human Body: Rabbinic Legal Discourse and the Making of Jewish Gender," in *The Cambridge Companion to the Talmud and Rabbinic Literature* (ed. Charlotte Elisheva Fonrobert and Martin S. Jaffee; Cambridge: Cambridge University Press, 2007), 270–94; Sarra Lev, "They Treat Him as a Man and See Him as a Woman: The Tannaitic Understanding of Congenital Eunuch," *Jewish Quarterly Review* 17 (2010): 213–43.
 21. For a detailed examination of this feature, see Katie J. Woolstenhulme, "The Role and Status of the Biblical Matriarchs in Genesis Rabbah" (Ph.D. diss., University of Durham, 2017).
 22. Laura Lieber, "Strange Mothers." Also see Ophir Munz-Manor, "All about Sarah: Questions of Gender in the Yannai Poems on Sarah's (and Abraham's) Barrenness," *Prooftexts* 26 (2008): 344–74.

The Legalization of Modesty

Sources and Significance

EMMANUEL BLOCH

WITHOUT A DOUBT, *TSNIUT* [FEMALE MODESTY] IS A TIME-HALLOWED Jewish value that traces its origins back to the midrashic and talmudic literatures. But, if the pun may be allowed, *tsniut* was then much more modest. Whether one measures this evolution by the perceived significance of the subject for identity definition, by the sheer number of the publications dedicated to its related cluster of subtopics or the comprehensiveness of their treatment, or in fact by any other conceivable criterion, the focus on *tsniut* appears to have been notably less significant in the past than it is now.

In this essay I will interrogate one key aspect that is often overlooked in the evolution of contemporary *tsniut*: its legalization. Initially I will provide a general perspective on the evolution that has transformed traditional female modesty, once a mimetic, unselfconscious way of life, into a fully fleshed out subfield of the Jewish law. Next I will examine the most significant obstacle in the efforts to legalize *tsniut* and turn it into a set of norms—namely, the lack of appropriate legal sources—and present the essential hermeneutical strategy used by rabbinic authorities to overcome the problem. Finally, I will show how the legalization of female modesty represents one key mechanism used by the rabbis—some rabbis, at least—in the control of women’s bodies. In other words, I claim that understanding the switch from *tsniut* as way of life to *tsniut* as halachah provides us with some tools to understand the mechanics of gender subordination and the erasure of women as it is enforced today in certain parts of the Orthodox world.

FROM SOCIAL NORMS TO LAW: A GENERAL PERSPECTIVE

Dress codes are as old as humanity itself. Jewish communities (men and women alike) in all ages and in all cultures have often distinguished themselves from the neighboring populations based on their unique sartorial customs. Moreover, when dealing with older, traditional understandings of *tsniut* as they pertain specifically to women, it seems clear that the concept has always been constructed to include, among other things, what may be colloquially referred to as a “religious modest dress.” We have many historical witnesses that illustrate the ways Jewish women used to dress, across time, space, and culture.¹

However, there is one fundamental difference between these older modesty expectations of traditional Jewish communities and the extreme obsession with *tsniut* in vogue in most of the contemporary Orthodox world: today, for the first time, the norms of female modest attire are backed up by classical Jewish legal sources.

To realize how atypical this grounding of female modesty in legal texts really is, let us go back in time. In the Bible, passages regarding female clothing is remarkably scarce and is generally of a purely descriptive nature. Thus, we are informed that Adam and Eve, the first human couple, received what amounted to the first attire of mankind, but the text makes no mention of any kind of gender differentiation in their dress:² nor can we even minimally conclude that the divine leather garments came as a direct punishment for the sin recently committed, since the text presents them merely as a consequence of Adam and Eve’s acute self-awareness of their own nakedness, and not as a penalty. Other texts could claim our attention,³ but by and large it is fair to conclude that the Bible does not view female dress as worthy of specific attention or legislation.

To a large extent, this situation changes in talmudic times. As opposed to the biblical period, the material from talmudic times shows a significant increase in the attention paid by the rabbis to female clothing. Yet many of the sources are clearly more ethical than legal in nature,⁴ while others are so general as to provide very few practical guidelines for the little dilemmas of the everyday life.⁵ The few rules that still qualify in the end are far from negligible, but they clearly are few and far between and do not add up to a halachic *tsniut* worthy of the name.⁶

As is often the case in the history of halachah, the Middle Ages, and later the modern era, witnessed interesting legal developments, yet none of these changed the basic talmudic infrastructures described earlier. In other words, while the density of the halachic material did increase with the passing centuries, the Jewish law nevertheless retained all its limitations outlined above. Not surprisingly, the great medieval codes do not contain any section dealing specifically with female modesty in dress.⁷

A large number of halachic monographs were authored during post-talmudic times on a variety of topics: the laws of inheritance, the laws of forbidden interest, the laws

of oaths, the laws of kashrut, and many others.⁸ To the best of my knowledge, none was ever penned on the topic of laws of female dress.

Significantly, the most popular compendium of Jewish law written for lay people, R. Shlomo Ganzfried's *Kitzur Shulchan Aruch*, includes one section entitled "The Laws of Modesty,"⁹ but this expression is euphemistically used here to refer to marital relations, and the seventeen provisions detailed in the section dealt only with proper conduct during coitus.

To put it simply: if modesty is indeed a time-hallowed concept in Jewish lore, it appears that halachah never felt the need to regulate the dress of its female adherents. Until very recent times, female sartorial obligations were no topic for discussion in Jewish legal matters. No halachic authority found it necessary to pen a book describing in painstaking detail the exact rules to which a Jewish observant woman should steadfastly adhere if she wants to dress modestly. Never before our time has the modest dress code of Orthodox Jewish women been codified, in the form of a large body of detailed rules, in specialized halachic books.

This situation changed radically in the last decades of the twentieth century. All of a sudden, rabbis and legal decisors felt the need to determine, as precisely as possible, the exact parameters of the halachic way for Jewish women to be dressed. As of today, I have found more than forty such books, published mostly in Hebrew and English, but also in other languages such as French and Yiddish, and new books are published almost on a yearly basis, to the point where it becomes a challenge to maintain an accurate bibliographic tally of the output. Simultaneously, the topic became of great importance to observant female students and their educators, and a detailed treatment is now standard fare of the curriculum in many an Orthodox seminary for girls.

In my view, an important novelty lies in the sudden irruption of the concept of *tsniut* into the halachic realm. The questions raised by such a radical move are numerous and fascinating, but for our purpose in this essay, we now want to take a closer look at the sources of the laws of *tsniut*, especially as these intersect with serious gender questions.

FEMALE MODESTY AND THE SOURCES OF THE LAW

The one major obstacle in the efforts to legalize *tsniut* and turn it into a set of norms is the lack of appropriate legal sources. It is no secret that any halachic ruling is supposed to be grounded in sources taken from the Talmud or its commentators, the great codes of the Jewish law, the responsa literature, and so forth. It is on this exclusive basis that a legal decisor can determine the applicable norm.

However, as we have just noted, the Talmud does not contain any legal material justifying the expression of female *tsniut* as a set of bottom-line norms. For that matter,

neither do the later halachic medieval and modern compendia. Faced with a dramatic paucity of legal sources, what is a determined rabbi to do?

This basic conundrum has led the rabbis to articulate several hermeneutical strategies. However, due to the space limitations of this essay, we will limit ourselves, in the next paragraphs, to the examination of the quintessential strategy used to anchor modern norms of *tsniut* in apparently legitimate halachic reasoning.

The key expression in this fundamental scheme is *‘ervah*, which can be roughly rendered in English by the words “nudity” or “nakedness.” If an area of the female body is defined as *‘ervah*, so the argument goes, then it must halachically be covered. And since almost every part of the female body has been considered to be nakedness by some rabbinic authority, one quickly ends up with an extensive body of restrictive regulations. The obligation to cover the female nakedness is the main legal-hermeneutical strategy in the emergence of the laws of female modesty.

But the proposition that the Jewish law knows of an obligation to cover *‘ervah* (i.e., the female nakedness) can be problematized from a double perspective. First, from a historical perspective, we can evidence that this obligation did not exist originally but actually developed quite recently; second, from the perspective of gender dynamics, we can trace some of the nefarious implications of this development in the Jewish law.

History first: in a recently published article,¹⁰ I have used a diachronic analysis to show that the concept of *‘ervah*, upon which the wide-ranging prohibition against reciting “holy words in the presence of nakedness” is predicated, has been conceptualized in two distinct ways in talmudic sources. Those interested are invited to read the original article, but for our purposes we can start with the verses from Exodus 28:42–43, which state that the *Cobanim* [priests] are enjoined to wear linen breeches to cover their sex organs [*‘ervah*] when they approach the altar to officiate in the sanctuary.

This understanding of *‘ervah* as genitalia has subsisted, without much change, for close to a millennium. Thus, in tannaitic sources from the Mishnah and the Tosefta, the same vision of *‘ervah* explains why, for instance, one cannot recite the Shema or a blessing while completely naked.¹¹ According to these texts, no individual, female or male, when entirely unclothed, can pray or perform a holy activity.

This is the first “objective” paradigm of the prohibition against praying in the presence of nakedness: *‘ervah* is here understood anatomically as the genitals (male or female); only one ritual actor (female or male) is necessary; and the essential concern resides in the offensive encounter of the sacred and the naked, both present in the same physical space.

The history of *‘ervah* further unfolds in the teachings of the amoraim, the later sages from the Talmud. Their new vision is encapsulated in the talmudic dicta that affirm that “the voice of a woman is nakedness” [*Kol be-isha ‘ervah*], “the hair of a woman is nakedness” [*Se’ar be-isha ‘ervah*], “the leg of a woman is nakedness” [*shok*

be-isha 'ervab], and more.¹² In this group of sources, the prohibition against praying in the presence of nudity is understood in a radically different way: here a Jewish male is forbidden to pray when his senses are assailed by a sexual stimulus, and in particular a partially unclad woman.

The astute reader can observe that this alternative approach introduced in the later talmudic stratum is actually based on another definition of *'ervab*. This time, *'ervab* is understood in psychological terms and refers to any area of the female anatomy that a typical male observer finds erotically titillating. As a result, the second paradigm of the prohibition, based on this newly emerged sexual vision of *'ervab*, necessitates two ritual actors (one female and one male), and its essential concern resides in a man's disqualifying lewd thoughts, taken for the first time as a halachic impediment to the recitation of the Shema or a blessing.

The following table summarizes synoptically the differences between the two paradigms (some of which are fully fleshed out only in the above-quoted article).

	Objective (old) prohibition of <i>'ervab</i>	Subjective (new) prohibition of <i>'ervab</i>
Halachic norm	Prohibition against praying	Prohibition against praying
Number of ritual actors	One (female or male)	Two (one male observer, one observed female)
Description of the offense	Presence (problematic encounter of the naked and the sacred, together in an unseparated physical space)	Sexual stimulation (problematic sexual stimulation of the male, who is therefore forbidden to recite holy words)
Solutions	Separation/partition	Discontinuation of sexual stimulation
Ratio legis	Lack of fitness of the space	Lack of fitness of the reciter

The next step in the development of *'ervab* consists of a long historical development that takes place between the closing of the Talmud and the middle of the twentieth century. During this lengthy period, the exact contours of the prohibition against praying in the presence of *'ervab* are discussed, disputed, codified, and so forth in the spirit of the Jewish law. In particular, the question of "what constitutes sexual stimulation" leads to an expansionist definition of *'ervab*: an ever-increasing number of female body parts are understood as sexually titillating by the rabbinic authorities.¹³

And we finally come to the second half of the twentieth century, when the emergence of the laws of female modesty necessitates, as already noted, anchoring the new-found regulations in older legal sources. In many ways, this ultimate step represents the most radical evolution of *'ervab*: from the millennia-old prohibition against males

reciting the Shema in the presence of *'ervab*, the rabbis have created, in the middle of the twentieth century, an obligation for females to cover the areas of their body that qualify as *'ervab*.

Again, a synoptic table will allow us to measure the depth of the change in the Jewish law.

	Objective prohibition of <i>'ervab</i>	Subjective prohibition of <i>'ervab</i>	Female modesty norms
Halachic norm	Prohibition against praying	Prohibition against praying	Obligation to cover
Number of ritual actors	One (female or male)	Two (one male observer, one observed female)	One (female)
Description of the offense	Presence (problematic encounter of the naked and the sacred, together in an unseparated physical space)	Sexual stimulation (problematic sexual stimulation of the male, who is therefore forbidden to recite holy words)	Exposition (problematic exposition of a body area that a woman must cover)
Solutions	Separation/partition	Discontinuation of sexual stimulation	Coverage
<i>Ratio legis</i>	Lack of fitness of the space	Lack of fitness of the reciter	Various possibilities

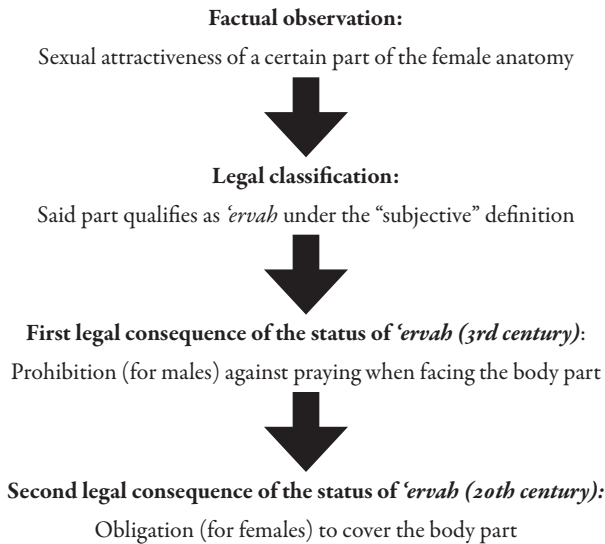
To summarize our findings thus far: one of the essential strategies used to create norms of female *tsniut* was employed for the first time in the middle of the twentieth century, when an age-old (negative) prohibition against praying was suddenly transformed into a (positive) obligation to cover the bodies of women. The burden of *'ervab* was taken away from the shoulders of men and put squarely onto those of women, who were now required to shield their body from the prying eyes of the male observers. From a historical perspective, no halachic obligation to cover the female nakedness [*'ervab*] ever existed before the 1960s.

FEMALE MODESTY AND GENDER STUDIES

It is now time to switch gears and adopt a gender studies perspective. For the remainder of this essay we will examine how the evolution of *tsniut* supports radical developments in the control of the bodies of Jewish women.

Until now I have implicitly suggested that the two sides of *ervah* (the negative prohibition against males praying and the positive obligation for a female to cover) are “twin sisters,” despite the seventeen centuries that separate their respective appearances in the halachic system. When understood as perfect mirror images of each other, the obligation to cover the female body represents a sort of decal of the former prohibition against praying: whatever zones of the female anatomy had been understood as sexual enough to prevent a male from reciting the Shema are now in need of being covered under the newfound laws of female modesty.

This initial reading may be represented by the following schematic diagram.



In this simple model in which the prohibition to pray provides the blueprint for the obligation to cover, the historical development of the Jewish law coincides with its abstract evolution: the second legal consequence of *ervah* derives directly, both temporally and conceptually, from the first one.

But the reality is never so simple, and the halachic system has its internal logic. Once a new obligation is added, the whole structure can be impacted due to the ripple effect. In my opinion, the insufficiency of this first model can be convincingly demonstrated by an examination of the halachic factor known as habituation [הוא רגיל בה ולא מיטריד], which the following paragraphs introduce briefly.

Habituation is a halachic consideration predicated on a rationale that is both simple and intuitive: as commonly observed, any sensory stimulation that is unceasing fails, after a short while, to register on the human brain. Pursuing this line of reasoning, rabbinic authorities have often stated that the areas of the female body to

which typical males are constantly exposed cease ipso facto to be considered sexually stimulating.

In a section of the Jewish law that is obsessively focused on sexual stimulation and the deleterious effects of the female body on the spiritual life of the male beholder, habituation is a welcome mitigating factor. By acting as a counterweight to the inherent expansiveness of the subjective definition of *'ervah*, habituation maintains some measure of reason in the halachic system. It does appear that there are, after all, limits to the sexual temptations of the female body.

Of course, if taken to the extreme, habituation could conversely represent a very disruptive factor for the Jewish law: conceivably, males can get used to the sight of any part of the female anatomy, as the example of certain tribal societies in South America and elsewhere, where women live almost totally naked, illustrates clearly. In theory, habituation possesses the power to render completely inoperative the subjective definition of *'ervah*.

Along the centuries, the topic has been a hotbed of legal debate by the leading halachists. An exhaustive treatment of habituation as a factor in halachic decision-making exceeds the framework of this essay, but the sources insist, for instance, that a woman's upper arms and legs always keep their status of *'ervah*, even in places where the social custom is not to cover them.¹⁴ Habituation, clearly, has its limits, even as its exact parameters have often been disputed by the rabbinic authorities.¹⁵ Changing social circumstances, too, have sometimes tilted the lines of the halachic consensus.¹⁶

To conclude this brief survey of habituation, it is fair to say that despite its arguably important function as a safeguard against the excesses of subjective *'ervah*, the overall impact of habituation in the halachic system has remained relatively muted, and yet not entirely insignificant: because of habituation, the Jewish law posits that several areas of the female anatomy do not prevent the recitation of a blessing or the Shema, since men are constantly exposed to their view. Those areas include the hands, the hair that grows on the temples, the soles of the feet, and above all: the face.

Halachic sources have never challenged that the female face is entirely unproblematic.¹⁷ Accordingly, in classical halachic sources, the female face has always been considered to represent a zone that does not impede a man from reciting the Shema. This position rests upon a quintessential habituation-based reasoning: women's faces are constantly exposed, men are completely used to their sight, and as a result the face of a woman does not represent a source of sexual stimulation.¹⁸ And yet, the emergence of the laws of female modesty, around the middle of the twentieth century, has started to upset this traditional picture.

To illustrate this surprising (and frightening) evolution, let us now examine the following passage, written in thick halachic jargon and authored by a rabbinic authority

who was considered, until his recent demise, to be one of the most prominent experts in the laws of female dress—Rabbi Pesach Eliyahu Falk (1942–2020).

אי לאו דדרכיה דרכי נועם ראוי כל גוף האשה להיות מכוסה מעיני הרואים . . . יש לומר דמאחר דכל גוף האשה גורם הרהור אצל הרואה פחות או יותר, ראוי היה (אילו היה אפשר) שכולו יהא מכוסה, וכמו שהולכות הרבה נשים ערביות עד היום, ורק מחמת דדרכיה דרכי נועם לא נתחייבו נשים בכך, אבל ראוי לכיסוי הוי . . . ולכן אם הפנים היה גורם טירדה ביותר וראוי היה לכסותו היה שם ערוה חל עליו הגם דתמיד הוא בגלוי . . .

If it was not for the idea that the ways of Torah are pleasant, it would be fitting for the entire body of a woman to be shielded from the eyes of the beholders . . . since the entire female body (more or less) causes sexual excitement for the [male] observer, it would be fitting (if it was feasible) to cover it entirely, in the manner of many Arab women until today. It is only because the ways of Torah are pleasant that the [Jewish] women are not obligated to do so, but a full coverage would only be normal. . . . Therefore, since the face of a woman may cause extreme temptation, it would be fitting to have it covered, and the status of *'ervah* applies to it, even though it is constantly exposed.¹⁹

This paragraph is most puzzling: the face of a woman needs to be covered? Her entire body, without exception, is so sexually tempting that it should be covered as well? What happened to the (admittedly small) list of accepted “uncovered areas”—did they just disappear from the halachic literature? Why is the factor of habituation not even discussed by Rabbi Falk? What just happened in these few unusual lines?

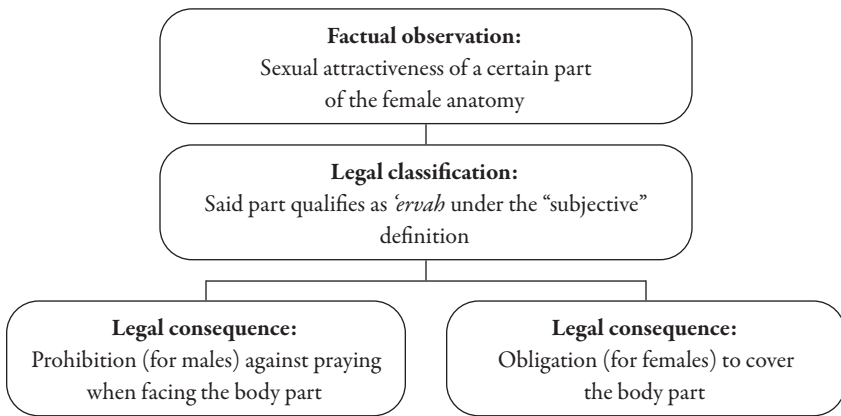
Worse, R. Falk’s interest in the face of women does not stop there: most of the chapter consists of a lengthy discussion of the temptations of the female face,²⁰ and elsewhere he openly praises Arab women for their head veiling practices.²¹ This systematic stance, measured against the backdrop of classical halachic sources that have always perceived the female face to be entirely unproblematic,²² raises the obvious question: how is it possible to account for R. Falk’s seemingly radical departure from the traditional position?

Now, halachic positions are often overdetermined, and a number of possible factors come to mind: first, Rabbi Falk’s personal extremism (in another passage, R. Falk suggested for instance that the extreme dedication to modesty by Arab women results in a celestial accusation [*Kitrug*] against the Jewish people, possibly explaining the wave of terror attacks in Israel);²³ second, the rise of the so-called ultra-Orthodox burqa sect, also known as the Jewish Women of the Veil, in certain Israeli towns with a strong ultra-Orthodox population (like Beit Shemesh)²⁴ may have given some measure of

legitimacy to female face-covering, even in Ashkenazi circles; third, the general spirit of social competition—“more modest” equals “more religious”—that impacts modesty practices in the Orthodox Jewish world. This brief list of sociocultural considerations is not exhaustive, and the various factors are not mutually exclusive.

All of this may well be true, but another, this time inner-halachic, explanation comes to mind: in my opinion, the internal logic of the recently emerged laws of female modest dress contributes largely to the rise of an obligation to veil the faces of women. In fact, I would like to advance the idea that the emergence of a halachic obligation to cover the female body has been structured in a manner that calls to mind the eastern European concept of two laws [*Tsvei Dinim*].²⁵ In other words, with the rise of the laws of female modesty, sexual attractiveness in a woman has become a two-pronged legal reality: it prevents a male from reciting the Shema while at the same time obligating a woman to cover herself.²⁶

This is no artificial legal hairsplitting. Rather, the introduction of this distinction changes our entire understanding of the phenomenon. Up until now, we have suggested that the prohibition against praying and the obligation to cover were twin sisters. But our alternative reading of the situation suggests that the reality may be different, as represented by the following diagram.



Note that this second model divorces the conceptual development of the Jewish law from its historical underpinnings: from a structural point of view, both norms (the prohibition against praying and the obligation to cover) proceed directly and concomitantly from *ervah*, even though their respective births are separated by close to two millennia.

Critically, under this ahistorical picture of the halachic system, the prohibition against praying and the obligation to cover no longer need to be aligned: individual factors, specific to either males or females, can ultimately shape differently how the Jewish law is expressed in each of the two branches of the fork.

And one of these differentiated factors is—precisely—habituation: looking at the left branch of our diagram, it makes perfect sense for habituation to justify that there is an exception to the regular prohibition against men praying in the presence of *’ervab*. But consider now the right branch of the diagram: under what logic should habituation, a subjective disposition of the male mind, affect a woman’s eminently personal obligation to cover herself, as recently emerged in the laws of female dress?

Presumably, the newly minted obligation to cover the female body is indifferent to the subjective state of mind of the male observers. In a halachic system where the obligation to cover the female body is not structured as a decal of the prohibition against a male praying in the presence of *’ervab*, but rather as an independent obligation incumbent upon all Jewish women, traditional factors like habituation become entirely irrelevant and fail to shape the trajectory of the recently emerged laws of female modesty.

As a point of fact, Rabbi Falk obviously did not believe that habituation was a factor justifying a woman’s right to leave her face uncovered. To justify the near universal practice of Orthodox women to leave their faces uncovered, he had no other choice but to half-heartedly invoke the informal halachic principle of “the pleasantness of the ways of Torah” [דרכיה דרכי נועם]. Even so, R. Falk clearly let transpire that in his ideal world, every observant Jewish woman would indeed be expected to cover her face, and preferably her entire body.²⁷

Beyond the female face, similar developments are discernible regarding the legal status of other zones of the female body that have been traditionally defined as “exposed areas,” like the hands²⁸ and the hair growing on the temples.²⁹ In these two latter instances, the evolution is admittedly less clear-cut: the rulings to cover these two areas are not simply predicated on their sexual attractiveness, but on other traditional sources as well, which are all enlisted by R. Falk to support a strict position.³⁰ Still, the general trend seems rather clear.

Whether one likes it or not, the truth is that Rabbi Falk may well be logically correct to wish for the face and other zones of the female body to be entirely covered—provided one adopts, as he did, the perspective of the laws of female dress. The emergence of an obligation to cover the parts of the female body now obeys its own internal logic—one that is entirely and frighteningly divorced from the usual mitigating factors like habituation, respect of traditional customs held by previous generations [שלא להוציא לעז על הראשונים], professional engrossment [בעבידתיה טריד], and so forth.

CONCLUSIONS

This essay has shed some light on the surprising phenomenon that has made traditional female modesty into an object of law and analyzed the main strategy employed by rabbinic authorities to anchor the new norms in canonized legal sources.

As demonstrated, the very switch from *tsniut* as way of life to *tsniut* as halachah has provided critical tools to enforce an even farther-reaching gender subordination and a deeper erasure of women. Thankfully, not every Orthodox rabbi avails himself of this possibility. But the legalization of female modesty has upset the traditional balance of the Jewish law and opened a new halachic way toward greater inequality where none had ever existed.

I must stress that the impact of this legal change, taken by itself, should probably not be overrated. Unaided, it is doubtful that its impact would be truly significant. However, as hinted in the previous pages, there exist several other factors, both external and internal, that contribute to push the laws of female dress toward an unusual degree of stringency in their normative expression.

Changes in the fabric of the halachic system are often overdetermined by a combination of several developments, operating both within the system and outside of it. As these conditions are met in the rise of modern-day laws of female dress, the side-stepping of male habituation and other traditional mitigating factors that result from the emergence of the obligation to cover as a direct consequence of *ervah* can provide an easy path for this trend toward accrued extremism to be translated into halachic language.

NOTES

1. See Esther Juhasz, ed., *The Jewish Wardrobe: From the Collection of the Israel Museum, Jerusalem* (Jerusalem: 5 Continent Editions, 2012); Alfred Rubens, *A History of Jewish Costume* (New York: Crown Publishers, 1973).
2. Genesis 3:21.
3. For descriptions of women's garments and accessories, see Isaiah 3:16–26; if anything, the verses attest to the variety of female attire and do not let themselves be interpreted as evidencing any kind of formal restriction in the way ancient Hebrew women used to dress. However, from Genesis 38:14 one can learn that widowed women used to wear special garments reflecting their marital status. See also Ezekiel 16:9 and Exodus 32:2, 35:22c.
On the general question of clothing in the Bible, see *Encyclopedia Mikrait* [Hebrew], vol. 4, entries “*malbushim*” and “*malbushei kehuna*,” columns 1032–49, and the references cited there.
4. See for instance Bavli Ketubot 46a, Avoda Zara 20a, Nedarim 20a, and Berachot 61a.
5. Berachot 24a.
6. According to the Mishnah (Ketubot 72a–b), a man may divorce his wife without granting her any of the benefits mentioned in her *ketubah* if she committed one of the specific infractions defined in one of two lists: first, if she violated one of the Torah

commandments for which a man usually relies on his wife's scrupulous observance [*Dat Moshe*]; and second, if she transgressed an unwritten norm of social conduct usually upheld by modest Jewish women [*Dat Yehudit*]. Included in the second category is the legal obligation for a woman to cover her hair and her arms, which amounts to the first, extremely embryonic *tsniut* regulations known in halachic history.

7. See Maimonides's *Mishneh Torah* (Hilchot Kri'at Shema 3:16, and Hilchot Ishut 24:9–11); and R. Joseph Karo's *Shulchan Aruch* (Orach Chayim, chapters 74 and 75; and Even Ha-'Ezer, chapter 115).
8. See Menachem Elon, *Jewish Law* [Hebrew] (Jerusalem: Magnes Press, 1997), vol. 2, 957–64, 1023ff, 1203ff, for presentations of the main halachic monographs.
9. Shlomo Ganzfried, *Kitzur Shulchan Aruch*, chapter 150.
10. Emmanuel Bloch, "When the Naked Encounters the Sacred: The Two Paradigms of the Prohibition to Recite Holy Words in the Presence of 'Ervah," *Diné Israel* 34 (2020): 141–72.
11. In the Mishnah, see Terumah 1:6, Demai 1:4, Berachot 3:5, and Challah 2:3; in the Tosefta, see Berachot 2:14–15 and Terumah 3:1.
12. All of these teachings may be found in Bavli Berachot 24a.
13. A few illustrations will suffice here. The midrashic text "Pitron Torah," probably written in the late ninth or early tenth century, takes note of the seductive potential of women's eyes and faces and considers them to be nakedness; see Ephraim Elimelech Urbach, *Pitron Torah* (Jerusalem, 1978), Parashat Kedoshim, 72.
 Similarly, for R. Elazar or Worms (early thirteenth century), a male should not recite the Shema when facing a woman's exposed upper arms [*zero'a*], which are 'ervah (*Sefer ha-Rokeah*, Hilchot Tefilah 324 and Hilchot Berachot 345).
14. In the twentieth century, R. Menashe Klein even rules that a woman's neck, teeth, and "everything else mentioned in the *Canticle of Canticles*" are considered 'ervah (see his *Mishne Halachot* 7:244).
14. See for instance the twentieth century halachic compendium *Mishna Berurah*, chapter 75, paragraph 2.
15. For example, the Baghdadi sage called Ben Ish Chai (*Halachot*, Parashat Bo, 86, letter tet) rules that a woman's breasts are not considered 'ervah during breastfeeding—that is, when it is socially acceptable for a woman to uncover her chest; *Mishna Berurah* 75:3, on the other hand, rules stringently on the same question.
16. This line of argumentation was also used in the nineteenth century by the Lithuanian authority R. Yechezkel Meshel Epstein, who permitted the recitation of the Shema when facing the exposed hair of a married woman, since hair covering had become so uncommon in his day that the sight of hair would not cause any sexual stimulation (see his *Aruch ha-Shulchan*, Orach Chaim 75:7).
17. This is true, at least in Ashkenazi sources, but Sephardi authorities have noted the custom of Jewish women living in Muslim lands to cover their face.

18. This position is shared by many medieval authorities; see for instance the Meiri's commentary in *Beit ha-Bechira*, Berachot 24a, and *Rashba's novella* on Berachot 24a.
19. Pesach Eliyahu Falk, *Levusha Shel Torah* (Jerusalem, 1997), vol. 1, 154.
20. *Ibid.*, 154–61.
21. *Ibid.*, 282.
22. As even R. Falk noted, somewhat reluctantly, at the bottom of 152.
23. *Levusha Shel Torah*, vol. 1, 289–90.
24. See for instance Akiva Novick, "'Taliban Women': A Cover Story," *Jewish World* (2 June 2011), <https://www.ynetnews.com/articles/0,7340,L-4021877,00.html>. This phenomenon, which to my knowledge has no equivalent in ultra-Orthodox enclaves outside of Israel, may itself reflect an influence of the surrounding Muslim society in the Middle East.
25. This conceptual parlance is more specifically associated with the Lithuanian Brisker school of talmudic analysis.
26. In this context, it is noteworthy that at least one work dealing with the laws of female modesty (*Sefer Torah le-Nashim*, 14) presents the obligation to cover as the first consequence of female sexual attractiveness and the prohibition against praying as its second outcome only.
27. *Levusha Shel Torah*, vol. 1, 154.
28. *Ibid.*, 458.
29. *Ibid.*, chapter 22, esp. 243.
30. And Rabbi Falk (*Levusha Shel Torah*, vol. 1, 493–94) stops short of ruling an obligation of covering the soles of the feet, another traditionally exposed area of the female body, even though he clearly entertains this possibility.

Marriage, Motherhood, and the Matriarchs in the *Zohar*

MARGARET GUREWITZ SMITH

INTRODUCTION

Admirers of the *Zohar* have long revered it for its mystery and otherworldliness, even praising it as a “sacred fantasy”¹ and a work of “fantastic imagination.”² While the *Zohar* is indeed a mystical work that describes a complex and sometimes slippery cosmogony, the tendency to focus on it exclusively as an elusive mystery obscures the reality that it was written by and for living, breathing humans who shaped and were shaped by their own customs. The *Zohar* is a twenty-section mystical exegesis of the Torah written in late thirteenth century Castile by Moses de Leon and a group of his followers.³ These exclusively male authors reveal in their treatment of women their firm anchoring in the religious, legal, and cultural values of their own time and place. Analysis of the matriarchs’ portrayal in the *Zohar* suggests that, as radically creative as its authors were in their cosmogony, they nevertheless remained bound to their society, bringing their own experiences directly into the *Zohar*’s otherworldly landscape.

Research on gender in the *Zohar* has focused on its innovative and sometimes bizarre approach to sex and sexuality. Scholars have explored autoerotic male androgyny in the *Zohar*;⁴ homoeroticism in its approaches to the divine phallus;⁵ metaphors of the Torah as penetrated maiden;⁶ demonic sexuality as manifested in the character of Lilith;⁷ an ethnoeroticism that discouraged interfaith liaisons;⁸ and of course the nearly constant stream of ejaculatory, orgasmic, and otherwise sexual imagery swirling around the shekinah and *sefirot* [emanations].⁹ Images of the feminine pervade the *Zohar* in many forms: the shekinah, the female *sefirot binah* and *malkhut*,

unidentified maidens in various stories, the Song of Songs' beloved, Lilith, feminized symbolism for the Torah, the symbolically feminized community of Israel, and even the construction of feminized men studying Torah.

In so closely examining these abstractions of femininity, however, scholars have largely neglected the *Zohar's* depictions of real women. With that oversight, researchers have failed to explore the ways in which the *Zohar's* approach to women stood firmly in the traditions of medieval Judaism.¹⁰ Scholars have acknowledged the *Zohar's* broad halachic fidelity, but this awareness has not led to a study of halachic approaches to specific, embodied women in the *Zohar*.¹¹

Human women received little attention from the *Zohar's* authors, especially in comparison with abstractions of femininity and in comparison with human men. Embodied men (including but not limited to Adam, Noah, Abraham, Isaac, Jacob, Joseph, Moses, Aaron, Joshua, David, Solomon, and Samuel) fill the *Zohar*, as do the abstracted femininities mentioned above. In stark contrast, one of the rare groups of women to appear in the *Zohar* is the matriarchs.¹² The *Zohar's* treatment of these human women provides a corrective lens for the exploration of gender in the *Zohar*. As vigorously as the *Zohar's* authors experimented with abstracted images of the feminine, their treatment of Sarah, Rebekah, Leah, and Rachel remained firmly rooted in the traditional gender norms of high medieval Jewry.

The *Zohar* was produced by men who traveled in elite circles.¹³ These well-situated men received excellent educations, allowing them to produce this complicated, erudite text. As elites, they would have focused in their schools on rabbinic literature, and evidence suggests that they considered the *Zohar* another contribution in a long line of rabbinic thinking.¹⁴ Accordingly, a comparison of the *Zohar* with halachah illuminates how these authors related to their foundational texts and, through these texts, their world.¹⁵

Modern scholarship has reached broad consensus that medieval halachah created an androcentric system that privileged men over women, an orientation starkly refracted in the *Zohar's* approach to the matriarchs.¹⁶ Although medieval halachah considered women in all phases of life inferior to men,¹⁷ minor daughters and wives of childbearing age faced the most severe restrictions on their freedom and self-determination. Rabbinic law granted significantly more autonomy to infertile women (who were often divorcees) and postmenopausal women (who were often widows).¹⁸ Essentially, as long as women were fertile or potentially fertile, men controlled their sexuality.¹⁹

This distinction between procreative and non-procreative women in halachah becomes critical for understanding how the *Zohar's* authors portrayed Sarah, Rebekah, Leah, and Rachel. The stories of Rebekah, Leah, and Rachel in the *Zohar* diverge little from their portrayal in the Torah, and when they do, these characters often find diminished roles and voices in the *Zohar*. In stark contrast, Sarah's portrayal in

the *Zohar* diverges from that in the Torah in ways that grant her more honor and autonomy, particularly in stories that depict her before the birth of her son Isaac. Unlike Rebekah, Leah, and Rachel, Sarah spent most of her life infertile; she became pregnant with Isaac at age ninety. The *Zohar*'s Sarah exercises more agency than her childbearing matriarchal counterparts whose pregnancies arrived at more typical ages. By depicting a childless Sarah who acts with insight on her own behalf—in contrast to the maternal Rebekah, Leah, and Rachel, who remain largely voiceless—the *Zohar*'s authors cleaved to the ideals of their own world, revealing not the radically fluid gender landscape of the *sefirot* but a traditional, conservative management of real women.

REBEKAH, LEAH, AND RACHEL: VOICELESS MOTHERS

The *Zohar*'s authors granted Rebekah, Leah, and Rachel little autonomy, reshaping them from women in the Torah who sometimes advocate for themselves into women who more closely mirror the expectations of the high medieval world the *Zohar*'s authors inhabited. Rebekah, Leah, and Rachel all spend their lives as minor daughters and wives, and their behaviors in the *Zohar* align closely with halachic ideals for Jewish wives and daughters.

Rabbinic writings argued that motherhood was the highest achievement for women, and the emphasis that the *Zohar*'s authors placed on Rebekah, Rachel, and Leah's fertility suggests that they adhered strongly to this halachic value.²⁰ For example, Rebekah speaks directly to God about her reproductive issues in the Torah but finds herself voiceless in the *Zohar*. The Torah's Rebekah senses during her pregnancy that her twins are fighting inside her. She not only asks God, "Then why me?" but also receives an answer, with God explaining to her that each twin represents a nation.²¹ She is a woman who uses her voice to extract answers from God about her pregnancy. The *Zohar*, by contrast, recounts in significant detail the intrauterine strife between Jacob and Esau but omits Rebekah's discussion of it with God entirely.²² That conversation would make little sense to an audience that believed a woman's reproductive capabilities belonged to her husband.

Rachel struggles with her fertility in both the Torah and the *Zohar*, but the *Zohar*'s authors changed the story in ways that dramatically diminished her role in conception and underscored the medieval notion that men should control reproduction. The Torah's Rachel actively advocates for her fertility.²³ Genesis 30 recounts that Rachel complained to Jacob about her lack of children, and shortly thereafter her slave Bilhah conceived two sons with Jacob on Rachel's behalf.²⁴ Rachel then credits her own voice

with convincing God to grant her children through Bilhah, saying, “God granted my cause. Yes, He heard my voice and He gave me a son.”²⁵ When Rachel herself later conceives Joseph, the Torah explains, “And God remembered Rachel and *God heard her* and He opened her womb.”²⁶ Rachel asserts her own verbal potency, and the Torah’s compiler later reaffirmed it. She is a woman demanding her own fertility, and a woman to whom God listens.

The *Zohar*’s Rachel, in contrast, does not advocate for herself. The *Zohar* elides the story of Rachel bemoaning her infertility and thereby securing her conception. She does not speak of her body either to Jacob or to God. Her agency is further neutered when the *Zohar*’s authors several times quote selectively from Genesis 30:22, “And God remembered Rachel,” omitting the subsequent clause, “and God heard her.”²⁷ In editing this verse, the *Zohar*’s authors reframed Rachel’s fertility entirely as an allegory for the covenant, centered around the kernel of God’s remembering. Her fertility still governs her, but she has no agency in the process and becomes an allegory in her own story. Thus, the Torah’s powerful portrayal of a woman successfully petitioning God about her body became in the *Zohar* a moment in which that woman is not only voiceless but becomes little more than a symbol for man’s covenant with God.

Unlike the other matriarchs, Leah conceives easily and faces little trouble with her pregnancies, and while both texts praise her fertility, the *Zohar* creates an additional vignette about it. The Torah describes Jacob burying Leah with Abraham, Sarah, Isaac, and Rebekah, whereas he had earlier buried Rachel by the side of the road.²⁸ The *Zohar*’s authors examined the divergent burials and attributed them not to the changing locations and circumstances of Jacob’s family, as implied in the Torah, but rather to issues of fertility. The *Zohar*’s authors explicitly asked of the cave, “Why not Rachel?” then answered their own question, “Rachel was barren. . . . However, Leah proved worthy of [Jacob], engendering more—six tribes of holy stock in the world—so she was placed with him for coupling in the cave.”²⁹ In their postmortem reflection on the matriarchs’ relative worth, the *Zohar*’s authors, formed by their own social expectations, judged the women most summarily on their reproductive successes and failures.

One additional zoharic exegesis of Rachel’s and Leah’s deaths illustrates its approach to wives and mothers. When Rachel’s death first appears, the *Zohar*’s authors asked, “Why didn’t Leah die at the same time?” They answered the question by explaining that the women’s different sefirotic functions necessitate different approaches to their deaths.³⁰ Whereas a modern reader might understand their separate deaths as a result of each being a unique person, the *Zohar*’s authors understood them as women with interchangeable human functions, and therefore interchangeable lives and deaths. They do not die separately because they are independent humans with varying life spans. Instead, the authors imply, as Jacob’s wives and as the mothers of his children,

they carried such a (temporal) equivalency with one another that the separate timing of their deaths is cause for questioning. Because their most important human functions are the same, it is a surprise to find that they are not wholly interchangeable.

Not only do Rebekah, Leah, and Rachel exercise less reproductive agency in the *Zohar* than in the Torah, but they also exercise less domestic agency. Rebekah's orchestration of Jacob's marriage in the Torah suggests significant control over household and marital decisions, but the episode is notably absent from the *Zohar*. Distraught at Esau's marriages to foreign wives, the Torah's Rebekah says to Isaac, "I loathe my life because of the Hittite women! If Jacob takes a wife from Hittite women like these, from the native girls, what good to me is life?"³¹ Isaac responds by sending Jacob to Rebekah's brother Laban, whose daughters Jacob eventually marries. In contrast, when Jacob leaves for Haran in the *Zohar*, the authors described it in many ways—an escape from Esau, an act of independence, a metaphor for exile—but made no mention of Rebekah.³² Just as halachah did not encourage mothers to arrange marriages, neither did the *Zohar's* authors find a place for Rebekah's influence over Jacob's marriages.

Like Rebekah, Leah and Rachel also find less domestic agency in the *Zohar* than in the Torah. Their story is one of the few places in the Torah that depicts women in prolonged interactions with other women. Tension and competition pervade Leah and Rachel's relationship in the Torah, each grasping for Jacob's attention.³³ They even negotiate directly with one another for the opportunity to sleep with him, Leah giving Rachel her mandrakes in exchange for a night with Jacob.³⁴ The *Zohar*, by contrast, eliminated much of the tension between Leah and Rachel, focusing mainly on the episode of the mandrakes. Rather than analyze the women's dialogue, the *Zohar's* authors instead focused on the symbolism of the mandrakes, assuring the audience that it was God rather than the mandrakes that induced Rachel's pregnancy.³⁵ The only speech from that episode that the *Zohar* examines is Leah's explanation to Jacob that she has hired him for the night, and the goal of the analysis is to convince the reader that Leah is not as impudent as her speech makes her seem.³⁶ By eschewing Leah and Rachel's sororal struggles and their woman-to-woman dialogue and by portraying instead only Leah's voice to her husband, the *Zohar's* authors took pains to portray appropriately subordinate wives. The *Zohar's* authors thereby reveal a disinterest in women beyond their marital roles.

One final episode, Rachel's theft of her father's household gods, illustrates the perils that the *Zohar's* authors associated with a daughter or wife who pursued independent action. The Torah's Rachel surreptitiously steals her father's household gods as the family prepares to leave his camp, and she hides them by pretending to Laban that she cannot rise to show him her tent on account of her menstruation.³⁷ Rachel faces no consequence for this action in the Torah; in fact, she goes largely unremarked on until she dies giving birth to Benjamin.³⁸ In an unusual turn of events, the Rachel of

this episode receives more attention in the *Zohar* than she does in the Torah, but it is, perhaps unsurprisingly, negative attention. Although the *Zohar's* authors acknowledged her noble goals in taking the idols, they ultimately viewed her behavior as an act of intolerable filial defiance, the punishment for which was her death in labor: “Now Rachel, even though she acted to uproot her father from idolatry, was punished; for she never raised Benjamin or existed with him for even an hour—all on account of her father’s suffering, despite her good intentions.”³⁹ Because a woman’s context is her family rather than her religion, her religious altruism wilts as reasoning in the face of her familial disobedience.⁴⁰

The *Zohar's* authors later provided an additional justification for Rachel’s death, one that again illustrates how her familial role dominated the imagination of the *Zohar's* authors. Jacob vows that if God protects him from Esau, Jacob will tithe everything to God, but he procrastinates fulfilling this vow. According to the *Zohar*, God punishes Jacob by killing Rachel, implying that she exists in large part to reward or punish her husband, that she functions more as an expendable wife than an independent person.⁴¹ Rachel’s physically and emotionally devastating death figures in the *Zohar* not as a lens for understanding or exploring her humanity, but as an illustration of the perils that women face in defying men and that men face in defying God.

The *Zohar's* Rebekah, Leah, and Rachel all face judgment primarily in their roles as wives and mothers. In silencing and distorting their voices, the *Zohar's* authors created women who fit the halachic ideals of their society. Like medieval Jewish women, the matriarchs are not afforded interaction with the divine, and the men in their lives determine their fertility, their children’s marriages, their interactions with one another, and even their deaths. The contrast between the constructions of Rebekah, Leah, and Rachel in the Torah and *Zohar* reveals how profoundly the *Zohar's* authors were affected by concerns rooted in their own time and place.

SARAH: A WOMAN EMPOWERED

Unlike Rebekah, Leah, and Rachel, the *Zohar's* authors allowed Sarah significant agency in her own life, a disparity that on the surface makes little sense. After all, Sarah is a wife and mother just as Rebekah, Leah, and Rachel are wives and mothers. Unlike the others, however, whose entire stories revolve around their marriages and children, Sarah spends the bulk of her life as a childless adult woman: she is sixty-five in her first major story, and ninety when she conceives and gives birth to Isaac.⁴² As such, it seems that the *Zohar's* authors treated her in many regards as they would treat a woman whose reproductive capabilities were not her defining feature, a woman who therefore did not necessitate shepherding from her father or husband.⁴³

The Abraham and Sarah of the *Zohar* often act as partners, in stark contrast to the other patriarchs and their wives. When three heavenly visitors come to Abraham's tent in the Torah, Sarah remains hidden, eavesdropping behind a tent flap.⁴⁴ The *Zohar*, however, expands her role dramatically. The *Zohar's* authors used Abraham's meal with the heavenly guests as an opportunity to explore the importance of purity laws and explain by way of praise, "As [Abraham] purified the men, Sarah purified the women; so all who approached them were entirely pure."⁴⁵ This explanation is completely absent from the Torah. Although the story itself remains largely focused on Abraham and his experiences, this exegetical digression suggests a greater parity between Abraham and Sarah than the *Zohar's* other matriarchs found with their husbands. Indeed, the *Zohar's* authors even hinted that Abraham's and Sarah's good reputations bolstered one another when explaining that the tests they faced were designed "to enhance Abraham and Sarah's name in the world."⁴⁶ Unlike the other matriarchs, who mainly prove a liability to their husbands' reputations (see Rachel in particular), the *Zohar's* authors did not perceive the same risks with Sarah.

The *Zohar's* Sarah operates with agency not only in the earthly realm but also in the divine. Unlike Rebekah, Leah, and Rachel, who complain of their difficulties to their husbands and to one another, Sarah speaks directly to God. The Torah tells that Sarah finds out about her impending pregnancy with Isaac by eavesdropping on Abraham and God, scoffs inwardly at the absurdity of pregnancy at age ninety, then lies to God when reprimanded for laughing.⁴⁷ The *Zohar's* authors made a small but critical change, portraying a Sarah who exclaimed her skepticism boldly and aloud to God, "My husband is old—he isn't fit to engender a child: he's an old man!"⁴⁸ She speaks directly to God without dissembling or apologizing and receives no punishment, a feat none of the other matriarchs accomplish.

One additional interaction with God illustrates the difference in Sarah's relationship with the divine from that of the other matriarchs. When a pharaoh takes Sarah in Egypt, the Torah and *Zohar* both note that God punishes him with plagues. Both texts mention the plagues only briefly, but whereas the Torah explains the plagues as a result of what was done to "Sarai the wife of Abram," the *Zohar's* authors ascribed the plagues more directly to God's relationship with Sarah as an independently worthy individual, writing, "Just as the blessed Holy One performed miracles and mighty deeds for Israel by night, so here He performed miracles and mighty deeds for Sarah by night."⁴⁹ The shift in phrasing suggests that the *Zohar's* authors viewed Sarah as a person in her own right, rather than as an accessory to Abraham, a leap that Sarah's status as a nonreproductive woman allowed them to make without violating halachic assumptions about gender.

As long as Sarah cannot reproduce, the *Zohar* grants her more autonomy than the Torah does, reflecting the different cultural contexts in which their authors operated;

however, when Sarah becomes a childbearing woman, the *Zohar's* authors neutered some of her autonomy, in keeping with halachic approaches to women. The *Zohar's* announcement of Sarah's conception illustrates this shift most clearly: in spite of Sarah's earlier, more direct interactions with God, God declares her pregnancy only to Abraham. She learns of her own fertility and pregnancy only as an eavesdropper.⁵⁰ Although the *Zohar's* authors comfortably modified previous vignettes about Sarah, they left this one unchanged, perhaps because male control of women's reproduction accorded neatly with the halachic ideals they imbibed and promoted.

Although Sarah faces the most diminishment when she conceives, she nevertheless remains more autonomous than her fellow matriarchs, perhaps because the *Zohar's* authors still ultimately imagined her in the category of older, more independent women. As noted earlier, the *Zohar's* Sarah quickly reasserts some agency when she questions God about Abraham's age, and she later transcends the expectations of her gender again when assessing Ishmael. Whereas the Torah's Sarah approaches Hagar, Abraham's concubine and mother of his other son, with jealousy and rage, the *Zohar's* Sarah approaches Hagar with a calm discernment.⁵¹ Sarah exiles Hagar in both, but the traits she reveals in each suggest that the *Zohar's* authors esteemed her capacity for reason, something more often associated with older, nonreproductive women than with younger wives who were known for their pettiness and hostility.⁵² The *Zohar's* exegesis of these passages focuses on Sarah's discernment rather than her fickle emotions, actively working to diminish their relevance. The *Zohar's* authors write, "Rabbi Shim'on said, 'This verse speaks in praise of Sarah . . . because she saw [Ishmael] engaging in idolatry and because his mother taught him idolatrous customs.'" ⁵³ Sarah exiles Hagar and Ishmael not in a fit of feminine rage but as an act of religious commitment. It is Abraham who proves the weaker in this zoharic episode, unable to see Hagar and Ishmael for who they are, forced by God to listen to his wife, and comforted by God when he is not strong enough to bear their exile.⁵⁴ The *Zohar's* Sarah proves herself an adept decision-maker, a quality her medieval interpreters more readily associated with older, nonreproductive women.⁵⁵

The *Zohar's* overarching approach to Sarah treats her with respect. The Torah addresses Sarah's death briefly and with a focus on Abraham's efforts at burying her.⁵⁶ The *Zohar* elaborates that Sarah was the only woman in the Torah who "cleaved to life . . . whose entire life was supernal,"⁵⁷ and that "over [Sarah] [the sinuous serpent] had no dominion, as he does over other inhabitants of the world, who have died by his hand ever since Adam inflicted this upon them."⁵⁸ The *Zohar's* authors treated Sarah as a woman apart from the Torah's other women, a woman more honorable than her matriarchal counterparts whose main divergence from her lay in their childbearing. Sarah's late motherhood allows her a freedom and a humanity that the *Zohar's* authors, men bound to their own social mores, could not conceive of for the average wife and mother.

OF SEX, BEAUTY, AND CONSENT: MATRIARCHS AS WIVES

Although the *Zohar's* authors generally granted Sarah more agency and humanity than they did Rebekah, Leah, and Rachel, all four matriarchs received a similar characterization in their roles as wives. Their treatment overlaps most strikingly when the *Zohar's* authors discussed their sexuality, a dominant halachic concern about wives, regardless of reproductive capabilities. The *Zohar's* authors explored the matriarchs' sexuality through the lenses of their beauty, consent, arousal, and sex with their husbands—and in each instance, the authors hewed closely to established halachic frameworks.

The *Zohar's* authors followed the Torah's lead by focusing on Sarah, Rebekah, and Rachel's beauty.⁵⁹ The Torah's compiler wrote that Sarah was "a beautiful woman,"⁶⁰ "Rebekah . . . [was] comely to look at,"⁶¹ "Rachel was comely in features and comely to look at,"⁶² and the *Zohar's* authors expanded on those depictions. When the *Zohar's* Abraham and Sarah prepare to leave for Egypt, Abraham gazes closely at Sarah's features for the first time, realizing how beautiful she is, and when they arrived in Egypt, Sarah "shone like the radiance of the sun."⁶³ The *Zohar's* authors later grappled with the challenge of Rachel's beauty, a beauty so intense they took pains to explain that Jacob's motivations extended beyond the overwhelming lust it provoked.⁶⁴ That the *Zohar's* authors chose to expand on the Torah's descriptions of the matriarchs' beauty suggests the power of their own social context. Medieval approaches to marriageable women frequently discussed their appearance, with the goal of a beautiful wife.⁶⁵ The *Zohar's* authors wrote firmly rooted in that mentality.

The *Zohar's* authors also adhered to medieval expectations on issues of spousal consent, an area in which they treated Sarah no differently from the other matriarchs. Departing from the Torah's society, rabbinic mores required consent from a woman for sexual activity.⁶⁶ The *Zohar's* authors reflected their society's consent-based mentality when they departed from the Torah—in which Jacob kisses Rachel the first time he sees her without asking permission—by creating an account of Rachel's betrothal to Jacob that culminated in his seeking her consent.⁶⁷ They explained that after Laban gave Rachel to Jacob, "[Jacob] should come to her, for the entire house is hers and he must obtain her permission. . . . One who joins his wife should entreat her and sweeten her with words, or otherwise not spend the night with her, so that their desire be as one, with no coercion."⁶⁸ This additional explanation shifts the portrayal of Rachel and Jacob's betrothal and marriage, suggesting how highly the *Zohar's* authors valued the halachic requirement of a woman's consent for sex and marriage.

As medieval men needed to obtain their wives' consent for sex and marriage, so too did they need it for travel, another issue that features in the *Zohar* without mention in the Torah. The Torah's Abraham not only takes Sarah abroad without asking

her permission but twice sends her to bed with foreign kings without seeking any consent.⁶⁹ The *Zohar's* Abraham, by contrast, “coaxed her with fine words, for a man is not allowed to take his wife to another country without her consent.”⁷⁰ In both sexual and nonsexual situations, the *Zohar's* authors took pains to gloss the Torah in ways that forced it into accordance with their medieval understandings of marital relations.

Finally, the *Zohar* portrays sex itself in far greater detail than the Torah does, reflecting again not just the innovative approach to sexuality some scholars see when examining the shekinah and *sefirot*, but also a firm rootedness in the legal and social mores of high medieval Jewish society. Whereas the Torah approaches sex euphemistically with words and phrases such as “take,” “go to bed with,” and “lie with,”⁷¹ the *Zohar's* authors describe sex more zestily. Zoharic descriptions of sex with the matriarchs are fewer than descriptions of sefirotic sexual activity, but striking in their variety. For example, the *Zohar* portrays Isaac “fondling Rebekah his wife,” “dwelling with her,” “uniting” with her, and writes elsewhere that he “grasped” Rebekah, “embraced and coupled” with her, “held her tight,” and “[drew] her in love.”⁷² The authors noted in the same section that all the patriarchs performed admirably in bed with their wives because all good men must arouse their wives.⁷³ This zoharic mentality corresponds neatly with the halachic expectation of *onah*, the idea that men are obligated to satisfy their wives sexually, regardless of whether or not their wives can bear children.⁷⁴ In their approach to the matriarch's sex lives, the *Zohar's* authors once again reveal themselves as strong supporters of medieval Jewry's gender norms.⁷⁵

CONCLUSIONS

Scholarly focus on abstractions of femininity rather than real women has created a perception of gender in the *Zohar* as perhaps more radical than the text itself warrants. While the *Zohar's* authors pioneered new constructions of femininity through their abstractions of the feminine—for example, *binah*, *malkhut*, the shekinah, the community of Israel, and the Torah—they cleaved much more closely to traditional, halachic models of femininity when examining the flesh-and-blood characters of the matriarchs. In spite of the focus of this essay, Sarah, Rebekah, Leah, and Rachel receive relatively scant attention in the *Zohar*, which perhaps suggests as much about its authors' sense of women and gender as does their portrayal itself. The matriarchs are dwarfed by their male counterparts, by other biblical men, and by supernatural figures both male and female. In fact, *binah*, *malkhut*, and the shekinah each handily overshadow on their own all the matriarchs combined, both in ink spilled and respect accorded.

The *Zohar's* matriarchs model halachically appropriate women's behavior by ceding the spotlight and the action to their husbands and fathers, diverging only when

appropriate to their stage and station in life. Distracted by the *Zohar's* sparkling and creative sefirotic eroticism, the *Zohar's* modern readers glide over its real women, the women who reveal their authors' staid, traditional views on gender relations. For all the sexuality and creativity the *Zohar* grants to abstractions of femininity, the *Zohar's* authors remained firmly rooted in their own earthly notions of gender, as evidenced by the matriarchs they kept firmly tethered to those roles.

When the *Zohar's* authors molded the matriarchs to the gender roles promoted by medieval halachah, they not only created models for their own society but also affected subsequent kabbalistic views of women. As a cornerstone of kabbalah, the *Zohar* has proved overwhelmingly influential not only in the Middle Ages but throughout the early modern period, the rise of Chasidism, and even in our own world. Accordingly, the *Zohar's* portrayal of women has shaped women's treatment throughout the history of kabbalah. When modern readers look to the *Zohar* and its offspring for spiritual and practical guidance, they would do well to remember that it remains a document firmly rooted in its historical moment, a moment that left Jewish women on the margins. Only when readers recognize the influence of historical accident on their texts can they leave the bonds of bygone eras in the past.

NOTES

1. Arthur Green, *Guide to the Zohar* (Stanford: Stanford University Press, 2004), 3.
2. Arthur Green, *Keter: The Crown of God in Early Jewish Mysticism* (Princeton: Princeton University Press, 1997), 159.
3. For the *Zohar's* manuscript history, see Daniel C. Matt, "Introduction," in *The Zohar* (ed. Daniel C. Matt; Stanford: Stanford University Press, 2004). Matt's edition and translation of the *Zohar* is the most current and sophisticated, and as such, it is the text I rely on for this essay. For the dominant assessment on the *Zohar's* authorship and composition, see Yehudah Liebes, *Studies in the Zohar* (Albany: State University of New York Press, 1993). For reception history of the *Zohar*, see Boaz Huss, "Sefer ha-Zohar as a Canonical, Sacred, and Holy Text: Changing Perspectives of the Book of Splendor between the Thirteenth and Eighteenth Centuries," *The Journal of Jewish Thought and Philosophy* 7:2 (1997): 257–307; and Boaz Huss, *The Zohar: Reception and Impact* (Oxford: Oxford University Press, 2016). Gershom Scholem's work on the *Zohar*, especially its kabbalistic context, was seminal and continues to loom large in the historiography. See especially Gershom Scholem, *On the Kabbalah and Its Symbolism* (New York: Schocken Books, 1965); and Gershom Scholem, *Major Trends in Jewish Mysticism* (New York: Schocken Books, 1954).
4. See Moshe Idel, *Kabbalah and Eros* (New Haven: Yale University Press, 2005); Moshe

- Idel, *Kabbalah: New Perspectives* (New Haven: Yale University Press, 1990); Elliot Wolfson, *Circle in the Square: Studies in the Use of Gender in Kabbalistic Symbolism* (Albany: State University of New York Press, 1995); Elliot Wolfson, *Language, Eros and Being: Kabbalistic Hermeneutics and Poetic Imagination* (New York: Fordham University Press, 2005); and Elliot Wolfson, *Luminal Darkness: Imaginal Gleanings from Zoharic Literature* (Oxford: Oneworld Publications, 2007).
5. See Wolfson, *Circle in the Square*; Wolfson, *Language, Eros and Being*; and Elliot Wolfson, *Through the Speculum That Shines: Vision and Imagination in Medieval Jewish Mysticism* (Princeton: Princeton University Press, 1994), 339.
 6. See Daniel Abrams, "Knowing the Maiden without Eyes: Reading Sexual Reconstruction of the Jewish Mystic in a Zoharic Parable," *Daat* 50–52 (2003): lix–lxxxiii; Idel, *New Perspectives*; Liebes, *Studies in the Zohar*; and Wolfson, especially *Circle in the Square*.
 7. See David Biale, *Eros and the Jews: From Biblical Israel to Contemporary America* (New York: Basic Books, 1992), especially chapter 5, "Sexuality and Spirituality in the Kabbalah," 101–20; Joseph Dan, "Samael, Lilith, and the Concept of Evil," *Association for Jewish Studies Review* 5 (1980): 17–40; and Idel, *Kabbalah and Eros and New Perspectives*.
 8. See Idel, *Kabbalah and Eros*; and Elliot Wolfson, *Venturing Beyond: Law and Morality in Kabbalistic Mysticism* (New York: Oxford University Press, 2006).
 9. See Pinchas Giller, "Love and Upheaval in the Zohar's Sabba de'Mishpatim," *Jewish Thought and Philosophy* 7:1 (1998): 31–60; Green, *Guide*; Arthur Green, *The Heart of the Matter: Studies in Jewish Mysticism and Theology* (Philadelphia: Jewish Publication Society, 2015); Arthur Green, "Introduction," in *The Zohar* (ed. Daniel C. Matt; Stanford: Stanford University Press, 2004); Green, *Keter*; and Arthur Green, "Shekhinah, the Virgin Mary, and the Song of Songs: Reflections on a Kabbalistic Symbol in Its Historical Context," *AJS Review* 26:1 (2002): 1–52; Moshe Hallamish, *An Introduction to Kabbalah* (trans. Ruth Bar Ilan and Ora Wiskind-Elper; Albany: State University of New York Press, 1999); Idel, *Kabbalah and Eros*; Idel, *New Perspectives*; Moshe Idel, "Sexual Metaphors and Praxis in the Kabbalah," in *The Jewish Family: Metaphor and Memory* (ed. David Charles Kraemer; New York: Oxford University Press, 1989), 197–224; Liebes, *Studies*; Scholem, *Kabbalah and Its Symbolism and Major Trends*; Hava Tirosh-Samuelson, "Jewish Mysticism," in *The Cambridge Guide to Jewish History, Religion, and Culture* (ed. Judith Baskin and Kenneth Seeskin; New York: Cambridge University Press, 2010), 399–423; Isaiah Tishby, ed., *The Wisdom of the Zohar: An Anthology of Texts* (Oxford: Oxford University Press, 1989); Wolfson, *Circle in the Square*, *Language, Eros and Being*, *Luminal Darkness*, and *Through a Speculum*.
 10. Giller does not explore human women in the Torah, but he does argue that the *Zohar's* Sabba de-Mishpatim may not be "about" the soul at all. The work is focused on the dynamics of human relationships and the social politics of men and women in the

upheavals of love” (32). His argument that we can benefit from recognizing the social realities that drove the *Zohar*’s authors is one that can illuminate analysis of the matriarchs, too.

11. Scholem first noted that the kabbalists worked on a “transformation of the Halakhah into a sacrament” (*Major Trends*, 29). Talya Fishman observes the *Zohar*’s “penchant for halakhic stringency” in “A Kabbalistic Perspective on Gender-Specific Commandments: On the Interplay of Symbols and Society,” *AJS Review* 17:2 (1992): 204, and Green notes its loyalty to halachah (“Introduction,” xxxv). Wolfson is unusual in noting its embrace of talmudic rules for sex and sexuality (*Language, Eros and Being*, 314).
12. Aside from the matriarchs, other human women examined in the *Zohar* include Eve, mostly as an object of the serpent/Samael’s insemination (see for example, 1:36b, 1:137a, 1:54a, 1:122b, 1:126a); Miriam, a woman notably uncontrolled by the serpent/Samael (1:125a); and Deborah, who inspired and renewed Israel’s commitment to circumcision (see for example 1:32b, 1:93b). Deborah in particular would be a fascinating avenue for additional research.
13. As Idel notes in *Kabbalah and Eros*, the kabbalists read “elite literatures and reflect elite views” (3).
14. Scholem first argued, “Right from the beginning and with growing determination, [kabbalists] sought to master the world of the Halakhah as a whole and in every detail. From the outset, an ideology of the Halakhah is one of their aims” (*Major Trends*, 29). Tirosch-Samuelsion explains, “Kabbalah understood itself as Oral Torah par excellence” (400). Green elaborates, “[Halakhah was] the main curriculum upon which most kabbalists themselves were educated. The early kabbalists lived fully within the bounds of halakhah and created a meaning system that justified its existence. While later Kabbalah (beginning in the early fourteenth century) contains some elements that are quite critical of halakhah, little of this trend is evident in the period before the Zohar” (“Introduction,” xxxv). See also Idel, who notes that there was “authority invested in some of the early Kabbalists by their vast halakhic erudition” (*New Perspectives*, 252).
15. Other sources for comparison and context include medieval Jewish literature, geniza documents, ketubot, and aggadic literature. The study must limit itself to a contextualization in halachah due to space constraints.

For further reading on women in medieval Jewish literature, see Judith Dishon, “Images of Women in Medieval Hebrew Literature,” in *Women of the Word: Jewish Women and Jewish Writing* (ed. Judith Baskin; Detroit: Wayne State University Press, 1994), 35–49; Tova Rosen, “On Tongues Being Bound and Let Loose: Women in Medieval Hebrew Literature,” *Prooftexts* 8:1 (1988): 67–87; and Tova Rosen, *Unveiling Eve: Reading Gender in Medieval Hebrew Literature* (Philadelphia: University of Pennsylvania Press, 2003).

For further reading on women in geniza documents, see Judith Baskin, "Jewish Women in the Middle Ages," in *Jewish Women in Historical Perspective* (ed. Judith Baskin; Detroit: Wayne State University Press, 1998), 101–27; Mordechai Friedman, "Marriage as an Institution: Jewry Under Islam," in *The Jewish Family: Metaphor and Memory* (ed. David Charles Kraemer; New York: Oxford University Press, 1989), 31–46; Mordechai Friedman, "On Marital Age, Violence, and Mutuality in the Genizah Documents," in *The Cambridge Genizah Collections: Their Contents and Significance* (ed. Stefan Reif; Cambridge: Cambridge University Press, 2002), 160–77; Schlomo Dov Goitein, ed., *A Mediterranean Society: The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Genizah* (Berkeley: University of California Press, 2000), vol. 3; Ross Kraemer, "Jewish Women in the Diaspora World of Late Antiquity," in *Jewish Women in Historical Perspective* (ed. Judith Baskin; Detroit: Wayne State University Press, 1998), 46–72; Ross Kraemer, "Women Speak for Themselves," in *The Cambridge Genizah Collections: Their Contents and Significance* (ed. Stefan Reif; Cambridge: Cambridge University Press, 2002), 178–216; Renee Levine Melammed, "He Said, She Said: A Woman Teacher in Twelfth-Century Cairo," *AJS Review* 22:1 (1997): 19–35; Renee Levine Melammed, "Femmes juives en pays musulman au Moyen Âge: deux documents de la Genizah du Caire

For further reading on women in medieval ketubot, see Baskin, "Jewish Women in the Middle Ages"; Judith Baskin, "Medieval Jewish Models of Marriage," in *The Medieval Marriage Scene: Prudence, Passion, Policy* (ed. Cristelle Baskins and Sherry Roush; Tempe: Arizona Center for Medieval and Renaissance Studies, 2005), 1–22; Rachel Biale, *Women and Jewish Law: An Exploration of Women's Issues in Halakhic Sources* (New York: Schocken Books, 1984); Aryeh Cohen, *Rereading Talmud: Gender, Law, and the Poetics of Sugyot* (Atlanta: Scholars Press, 1998); Judith Hauptman, *Rereading the Rabbis: A Woman's Voice* (Boulder: Westview Press, 1998); and Judith Wegner, *Chattel or Person? The Status of Women in the Mishnah* (New York: Oxford University Press, 1988).

Finally, aggadic sources provide particularly rich material for comparison with the *Zohar*. While aggadic depictions of the matriarchs undoubtedly influenced the *Zohar*'s authors, the overlaps and divergences between the two are often unpredictable. An examination of the two in dialogue could provide an exciting avenue for additional research. For further reading on women and the matriarchs in medieval aggadic literature, see Judith Baskin, *Midrashic Women: Formations of the Feminine in Rabbinic Literature* (Hannover: Brandeis University Press, 2002); Daniel Boyarin, *Carnal Israel: Reading Sex in Talmudic Culture* (Berkeley: University of California Press, 1995); Leila Leah Bronner, *From Eve to Esther: Rabbinic Reconstructions of Biblical Women* (Louisville: Westminster John Knox Press, 1994); Mary Callaway, *Sing O Barren One: A Study in Comparative Midrash* (Atlanta: Scholars Press, 1986); Samuel H.

- Dresner, "Barren Rachel," *Judaism* 40 (1991): 442–51; Samuel Dresner, *Rachel* (Minneapolis: Fortress Press, 1994); Galit Hasan-Rokem, *Web of Life: Folklore and Midrash in Rabbinic Literature* (Stanford: Stanford University Press, 2000); Judith Hauptman, "The Talmud's Women in Law and Narrative," *Nashim: A Journal of Jewish Women's Studies & Gender Issues* 28 (2015): 30–50; Tal Ilan, "The Quest for the Historical Beruriah, Rachel, and Imma Shalom," *AJS Review* 22:1 (1997): 1–17; Linda Kuzmack, "Aggadic Approaches to Biblical Women," in *The Jewish Woman* (ed. Elizabeth Koltun; New York: Schocken Books, 1976), 248–57; Laura Lieber, "Stage Mothers: Performing the Matriarchs in Genesis Rabbah and Yannai," in *Genesis Rabbah in Text and Context* (eds. David M. Grossberg, Martha Himmelfarb, Sarit Kattan Gribetz, and Peter Schäfer; Tübingen: Mohr Siebeck, 2016), 155–73; Jerry Rabow, *The Lost Matriarch: Finding Leah in the Bible and Midrash* (Lincoln: University of Nebraska Press, 2014); Norma Rosen, *Biblical Women Unbound* (Philadelphia: Jewish Publication Society, 1996); Jeffrey Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* (Baltimore: Johns Hopkins University Press, 1999); D. Steinmetz, "A Portrait of Miriam in Rabbinic Midrash," *Prooftexts* 8 (1988): 35–65; Dvora Weisberg, "Desirable but Dangerous: Rabbis' Daughters in the Bavli," *Hebrew Union College Annual* 75 (2004): 121–61; Dvora Weisberg, "Men Imagining Women Imagining God: Gender Issues in Classic Midrash," in *Agendas for the Study of Midrash in the Twenty-First Century* (ed. Marc Raphael; Williamsburg: College of William and Mary, 1999), 63–83; and Dvora Weisberg, "Women and Torah Study in Aggadah," in *Women and Judaism: New Insights and Scholarship* (ed. Frederick E. Greenspahn; New York: New York University Press, 2009), 41–63.
16. For further examination of women in halachah, see Israel Abrahams, *Jewish Life in the Middle Ages* (Philadelphia: Jewish Publication Society, 1932); Judith Baskin, "Four Approaches to Women and the Jewish Experience," in *Women and Judaism: New Insights and Scholarship* (ed. Frederick E. Greenspahn; New York: New York University Press, 2009), 1–24; Judith Baskin, "From Separation to Displacement: The Problem of Women in Sefer Hasidim," *Association for Jewish Studies Review* 19:1 (1994): 1–18; Judith Baskin, "Jewish Teachings about Women and Gender Roles: From Rabbinic Teachings to Medieval Practice," in *The Oxford Handbook of Women and Gender in Medieval Europe* (ed. Judith M. Bennett and Ruth Mazo Karras; Oxford: Oxford University Press, 2013), 36–51; Baskin, "Medieval Jewish Models"; Judith Baskin, "Rabbinic Judaism and the Creation of Woman," in *Judaism Since Gender* (ed. Laura Levitt and Miriam Peskowitz; London: Routledge, 1997), 125–30; Judith Baskin, "'She Extinguished the Light of the World': Justifications for Women's Disabilities in Abot de-Rabbi Nathan B.," in *Current Trends in the Study of Midrash* (ed. C. Bakhos; Leiden: Brill, 2005), 277–98; Saul Berman, "The Status of Women in Halakhic Judaism," in *The Jewish Woman* (ed. Elizabeth Koltun; New York: Schocken Books,

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(New York: Oxford University Press, 1996); Leonard Swidler, *Women in Judaism: The Status of Women in Formative Judaism* (Metuchen: Scarecrow Press, 1976); Shulamit Valler, "Business Women in the Mishnaic and Talmudic Period," *Women in Judaism: A Multidisciplinary Journal* 2:2 (2001); Wasserfall, *Women and Water*; Wegner, *Chattel or Person?*; Judith Wegner, "The Image and Status of Women in Classical Rabbinic Judaism," in *Jewish Women in Historical Perspective* (ed. Judith Baskin; Detroit: Wayne State University Press, 1998), 73–100; Weisberg, "Desirable but Dangerous"; and Weisberg, "Women and Torah Study."

17. One of the most common points of evidence for those arguing the medieval dismissal of Jewish women is their exemption from positive time-bound commandments (M. Qidd. 1:7; also BT Ber. 20a–b, BT Qidd. 33b), as well as their exclusion from more specific rites and rituals, such as communal food blessing (M. Ber. 7:1), the rite of sukkah (M. Sukkah 2:8), pilgrimage (M. Hag. 1:1), reading from the Torah (BT Meg. 23a), reciting the shema (M. Berk. 3:3, BT Ber. 20a–b), standing as one in a minyan (BT Meg. 23a), and learning Torah (M. Sotah 3:4, M. Qidd. 29b). In this regard, women fell into the same legal category as children and slaves. The compounding rule that those not bound by a precept cannot perform it for those who are (M. Rosh Hash. 3:8) effectively barred women from religious and leadership roles, especially public ones. A woman instead was to facilitate her husband's and sons' study (BT Ber. 17a).

In addition to religious prohibitions, rabbinic thought also imposed sexual subordination on women, particularly with BT Nid. 31b, which argues women should lie underneath men during sex, looking up toward the man from whose body she was created, while the man looks down on her to remember his origins in the earth. Medieval thinkers also worried about women's purportedly more unbridled and dangerous sexuality (M. Sotah 3:4, BT Qidd. 80b).

Finally, women faced significant social restrictions. Speaking with a woman in public was seen to threaten a man's reputation (BT Ber. 43b), and women in public even faced accusations of witchcraft (BT Pesah. 111a). Women were not to go to the market with uncovered heads, spin in the marketplace, or converse there with men (M. Ketub. 7:6). Maimonides added that a husband should prevent his wife from leaving the house more than necessary, ideally no more than a few times per month (MT Ishut 13:11).

In fact, Maimonides usually reified talmudic restrictions on women, arguing in particular that men should not teach women Torah because women's minds lead them to twisted interpretations (MT Talmud Torah 1:13). Hannah Kasher explores Maimonides's parallel treatment of women and gentiles, groups that carry significant religious defects, in "Maimonides on the Intellects of Women and Gentiles," in *Interpreting Maimonides: Critical Essays* (ed. Charles H. Manekin and Daniel Davies; Cambridge: Cambridge University Press, 2019), 46–64. For an alternative approach to Maimonides's views of women and Torah, see W. Z. Harvey, "The Obligation of Talmud

on Women According to Maimonides,” *Tradition* 19:2 (1981): 122–30. Abraham Melamed also tries to temper the idea of a fully sexist Maimonides, arguing in “Maimonides on Women: Formless Matter or Potential Prophet,” in *Perspectives on Jewish Thought and Mysticism* (ed. Elliot Wolfson, Alfred Ivry, and Alan Arkush; Amsterdam: Harwood Academic Publishers, 1998), 99–134, that Maimonides’s legal classification of women with children does not diminish them but instead suggests that he viewed both groups as physically limited creatures with limitless intellectual potential.

For editions of the *Mishnah*, *Tosefta*, and *Babylonian Talmud*, see *The Mishnah: A New Translation* (ed. Jacob Neusner; New Haven: Yale University Press, 1988); *The Tosefta* (ed. Jacob Neusner; Peabody: Hendrickson Publishers, 2002); and *The Babylonian Talmud: A Translation and Commentary* (ed. Jacob Neusner; Peabody: Hendrickson Publishers, 2005), respectively. For Maimonides’s *Mishneh Torah*, see *The Code of Maimonides* (ed. Isaac Klein; New Haven: Yale University Press, 1972).

18. See Wegner, *Chattel or Person?*, “[In Mishnah], the minor daughter is completely under her father’s authority” (38), and “When the Israelite daughter leaves her father’s house for that of her husband, she exchanges subjection to one man for subservience to another. . . . The wife never enjoys equality with her husband but always remains his subordinate. Her prescribed duties confine her largely to the home, setting bounds to her personal freedom” (39). For an exploration of women in Talmud and Midrash alongside women in Mishnah, see Wegner’s “Women in Classical Rabbinic Judaism.” Wegner’s argument is that minor daughters and wives faced such subjugation because the men creating the rules of rabbinic Judaism wanted to control their sexuality and thereby their reproduction. Because divorcees and widows were unlikely to bear children, their sexuality and personhood was unconnected with reproduction and therefore did not necessitate male oversight. Other researchers have disputed the severity of Wegner’s characterization, but prevailing views acknowledge the validity of her general insight about the distinction between reproducing and nonreproducing women.
19. For example, M. Ketub. 4:5 explains that a woman lives under her father’s authority until she marries, at which point she lives under her husband’s authority. Maimonides expands on a husband’s authority by deeming it permissible for a husband to compel an obstinate wife to complete her chores with physical force (MT Ishut 21:10).
20. T. Yevam. 8:4 states that a man may not marry a woman who cannot bear children. A man must divorce a woman who in ten years does not bear him children (T. Yevam. 8:5), and she must remarry in case the problem was her ex-husband (T. Yevam. 8:6). Maimonides advises that a man should marry a procreative woman. If he marries a barren woman and does not divorce her after ten years, he should be beaten with a stick until he does (MT Ishut 15:7). It is worth noting that the imperative to procreate falls more directly on men than on women in both Mishnah and Maimonides. See for more Biale, *Women and Jewish Law*; Feldman, *Marital Relations*; and Ronit

- Ir-Shay, "Family Planning: A Halakhic-Gender Perspective," *Nashim: A Journal of Jewish Women's Studies and Gender Issues* 12 (2006): 95–128.
21. Genesis 25:22–23.
 22. *Zohar* 1:138a–1:139a.
 23. In both texts, Rebekah conceives not through her own prayer but through Isaac's, suggesting that male agency was more critical to conception than female agency (*Zohar* 1:137b and Genesis 24). Because Rebekah's original story already accords with medieval values, the *Zohar's* authors are able to retell the story without modification.
 24. Genesis 30:1–8.
 25. *Ibid.*, 30:6.
 26. *Ibid.*, 30:22.
 27. *Zohar* 1:159a–1:160a. The verse is quoted fully only in 1:160b.
 28. Genesis 49:31 and Genesis 35:19–20.
 29. *Zohar* 1:223a.
 30. *Ibid.*, 1:158a. Leah represents *binah* and the upper realm, and Rachel *malkhut* and the lower realm. Rachel's death is revealed because the lower realm is visible to humans, whereas Leah's is not because the upper realm is opaque to humans. The authors again pursue this reasoning in 1:175a–1:175b.
 31. Genesis 27:46.
 32. *Zohar* 1:147b, 1:148b.
 33. Genesis 30:1–24.
 34. *Ibid.*, 30:14–16.
 35. *Zohar* 1:156b–1:157a.
 36. *Ibid.*, 1:157a.
 37. Genesis 31:19, 31:33–35.
 38. *Ibid.*, 35:16–20.
 39. *Zohar* 1:164b. Maimonides discusses the importance of honoring one's parents in MT Mamrim 6:10–11.
 40. Baskin frequently explores the phenomenon of rabbis rooting women in their families rather than in their religion. See especially "Introduction" in *Jewish Women in Historical Perspective*; "Jewish Teachings about Women," *Midrashic Women*; and "Jewish Private Life: Gender, Marriage, and the Lives of Women," in *The Cambridge Guide to Jewish History, Religion, and Culture* (ed. Judith Baskin and Kenneth Seeskin; New York: Cambridge University Press, 2010), 357–80.
 41. *Zohar* 1:175a.
 42. The *Zohar's* Rebekah, in starkest contrast, was betrothed to Isaac at age three (*Zohar* 1:136b).
 43. Wegner observes that minor daughters, wives, and levirate widows fall under the dominion of their husbands, especially as concerns their sexuality and reproduction.

Emancipated daughters, divorcees, and widows, however, govern themselves more fully. For autonomous women, the category that seems most relevant to this discussion of Sarah, see especially chapter 5 of Wegner's *Chattel or Person?*

44. Genesis 18:9–10.

45. *Zohar* 1:102b. In that same section, “Abraham and Sarah arranged immersion for everyone: he for men, she for women.” This exegesis also reflects the strong preoccupation with menstrual purity in medieval halachah, another way in which the *Zohar*'s authors reveal themselves as thinkers grounded firmly in their historical moment. For more on medieval ideas of menstrual purity, see Baskin, “Jewish Private Life” and “She Extinguished”; Biale, especially chapter 6 of *Women and Jewish Law*; Shaye Cohen, “Menstruants and the Sacred in Judaism and Christianity,” in *Women's History and Ancient History* (ed. Sarah Pomeroy; Chapel Hill: University of North Carolina Press, 1991), 273–99; Shaye Cohen, “Purity, Piety, and Polemic: Medieval Rabbinic Denunciations of ‘Incorrect’ Purification Practices,” in *Women and Water: Menstruation in Jewish Life and Law* (ed. Rahel R. Wasserfall; Hanover: Brandeis University Press, 1999), 82–100; Cook, “Body Language”; Fonrobert, *Menstrual Purity and Women and Water*; Hauptman, especially chapter 7 of *Rereading the Rabbis*; Sharon Koren, “Mystical Rationales for the Laws of Niddah,” in *Women and Water: Menstruation in Jewish Life and Law* (ed. Rahel R. Wasserfall; Hanover: Brandeis University Press, 1999), 101–21; Tirzah Meacham, “An Abbreviated History of the Development of the Jewish Menstrual Laws,” in *Women and Water: Menstruation in Jewish Life and Law* (ed. Rahel R. Wasserfall; Hanover: Brandeis University Press, 1999), 23–39; Swidler, *Women in Judaism*; and Rahel Wasserfall, “Introduction,” in *Women and Water: Menstruation in Jewish Life and Law* (ed. Rahel R. Wasserfall; Hanover: Brandeis University Press, 1999), 1–20. For another interesting perspective, see Joshua Trachtenberg, *Jewish Magic and Superstition: A Study in Folk Religion* (New York: Behrman's Jewish Book House, 1939), which explores the belief in high medieval Ashkenaz that menstrual impurity made women especially susceptible to otherworldly forces.

46. *Zohar* 1:83a. The authors here explain that Abraham and Sarah's time in Egypt served in part to bolster their reputations.

47. Genesis 18:12–15.

48. *Zohar* 1:103a.

49. Genesis 12:17; *Zohar* 1:82a.

50. Genesis 18:10; *Zohar* 1:101b–1:102a, 1:103b.

51. The Torah's Sarah harasses Hagar into fleeing, after regretting her own decision that Abraham should conceive with Hagar. God protects Hagar and sends her back, only for Sarah to exile her again, this time so that Ishmael could not pose a threat to her son Isaac's inheritance (Gen 16:1–12, 21:9–10). Sarah acts with jealousy, pettiness, greed, and rage, tempered only by Abraham's and God's compassion.

52. Women are characterized as gossipers with one another (BT Qidd. 49b) and quarrelsome with their husbands (BT Yevam. 63a–b). See Baskin, “She Extinguished,” for more.
53. *Zohar* 1:118b.
54. *Ibid.*
55. One illustration of implicit respect for (nonreproductive) women’s decision-making comes from the striking commercial autonomy afforded to widows. For examples, see M. B. Metz. 1:5, which allows an autonomous woman to keep property she finds; M. Ketub. 9:4, which allows a woman to swear certain business-related oaths; and M. Ketub. 11:2–3, which allows a widow to manage her deceased husband’s property transactions. For more on rabbinic approaches to women’s commercial autonomy, see Wegner, “Women in Classical Rabbinic Judaism,” 79–81, and *Chattel or Person?*, especially 138–43. For discussion of widows’ financial independence in responsa literature and ketubot, see Grossman, *Pious and Rebellious*, 112–13, 259–62, and Melammed, “Women in Medieval Jewish Societies,” 97–98, on Wusha, a wealthy widow who features in more Cairo genizah documents than any other woman.
56. Genesis 23.
57. *Zohar* 1:122a–1:123a.
58. *Ibid.*, 1:125a.
59. The Torah describes Rachel as more attractive than Leah, source material that gives the *Zohar*’s authors little wiggle room for including Leah among her beautiful counterparts (Gen 29:17).
60. Genesis 12:11, and again Genesis 12:14.
61. *Ibid.*, 26:7.
62. *Ibid.*, 29:17.
63. *Zohar* 1:81b–1:82a.
64. *Ibid.*, 1:153b.
65. In fact, M. Ketub. 7:7 argued that women could be divorced without their ketubot if they were unattractive. Beit Hillel and Beit Shammai’s argument over what to say to an unattractive bride demonstrates the overwhelming importance of a woman’s appearance to her marriageability (BT Ketub. 17a).
66. BT Eruv. 100b. A woman’s consent is also required for marriage (T. Qidd. 2:8, T. 2:9, Qidd. 2a–b, T. Ketub. 3:7). Maimonides further states in MT Deot 5:4 that both parties must be awake, sober, and of sound mind to consent to sex. For more on Maimonides, see Warren Z. Harvey, “Sex and Health in Maimonides,” in *Moses Maimonides: Physician, Scientist and Philosopher* (ed. Fred Rosner and Samuel S. Kottek; London: Jason Aronson, 1993), 33–39.
67. The Torah’s Jacob kisses Rachel the first time he sees her without asking permission (Gen 29:11), and neither Rachel nor Leah participate in determining their marriages (Gen 29).

68. *Zohar* 1:139a. This approach aligns with BT Ned. 20a, which states that a man may speak to his wife in order to arouse her.
69. Genesis 12:10–20 and Genesis 20.
70. *Zohar* 1:79a–1:79b, reflecting M. Ketub. 13:10. See also BT Ketub. 110b. Evidence in ketubahs reflects this expectation, as seen in Goiten 3:152. Genizah documents indicate that real-life implementation was much slipperier, with “consent” often extracted from minors at their betrothals, as Baskin explores in “Mobility and Marriage.”
71. These and similar phrases are used throughout the Torah, but Genesis 29 and 30 make good examples because they are particularly sex-heavy chapters in which the language appears more frequently than in other parts.
72. *Zohar* 1:133b, 1:136a, 1:140b.
73. *Ibid.*, 1:133a–1:133b. See also 1:49b again on the importance of men arousing their wives.
74. Beit Shammai declared that men were required to satisfy their wives sexually at least every two weeks, whereas Beit Hillel declared the requirement a weekly one. Some wiggle room was accorded for men with unusual occupations, with the frequency of sex inversely proportional to how much their jobs tired and/or occupied them (M. Ketub. 5:6, BT Ketub. 61b). See also MT Deot 5:4 again, on the idea that wives should enjoy sex. For more on Maimonides’s approach to sex, see Harvey, “Sex and Health.” Melammed echoes this argument in “Maimonides on Women.” Biale also discusses Maimonides in *Eros in the Jews*, in which he takes a somewhat more negative view than Harvey’s and Melammed’s, focusing on Maimonides’s inclination to put restrictions on sex (that it be within marriage and that it be done in proper ways at proper times). Susan E. Shapiro, “A Matter of Discipline: Reading for Gender in Jewish Philosophy,” in *Judaism Since Gender* (ed. Laura Levitt and Miriam Peskowitz; London: Routledge, 1997), 158–73, takes a darker view yet, arguing that Maimonides’s Aristotelian division of men into form and women into matter led him to the problematic idea that women were inherently lascivious, requiring men’s domination because they inexorably desired male form for their female matter.
- See for further exploration Baskin, “Jewish Private Life”; Biale, especially chapter 5 of *Women and Jewish Law*; Feldman, *Marital Relations*; and Satlow, *Tasting the Dish*. Hyman in “The Other Half” provides an important minority perspective on *onah*, arguing that it is a distraction for those who study women in medieval Judaism, making the medieval approach seem more progressive (by modern standards) than it actually was. She argues that medieval laws on infidelity—by which a wife who sleeps with anyone outside of her marriage qualifies as unfaithful, whereas a husband only qualifies as unfaithful if he sleeps with another man’s wife—provide a better lens for the all-encompassing asymmetry that characterized medieval Jewish sexual relations.
75. One additional piece of evidence comes from the *Zohar*’s focus on the time of sex. Whereas the Torah’s authors seem uninterested in when sex occurs, the *Zohar*’s authors

go out of their way to make clear that the matriarchs only have sex at night, in accordance with laws that forbid daytime sex. See *Zohar* 1:141a and 1:49b, following BT Nid. 17a and BT Shabb. 86a. The zoharic impulse to cleave to sexual halachah runs deep. Wolfson discusses the importance of properly timed sex (and study) for medieval kabbalists. See especially his *Language, Eros, and Being*, 318–22, and *Luminal Darkness*, 129–32.

Chasidism and Gender through a New Reading of a Feminist Story of R. Nachman of Breslov

RONI BAR LEV

CHASIDISM AND GENDER

Chasidism, a movement of religious revival possessing a distinct social nature, originated in the second quarter of the eighteenth century and continues today. Its appearance, rapid diffusion, and massive acceptance among new adherents—*notwithstanding* relentless pushback from detractors—turned it into a central phenomenon of Jewish history in modern times and one of the most prominent factors in the religious, social, and inner life of East European Jewry. This movement contains diverse streams of thought, in each of which one discerns elements of both the reigning zeitgeist and the theological and philosophical influence of neighboring and remote cultures. Some scholars view the phenomenon of Chasidism as a movement of modernization within Judaism, among many other movements that have employed alternative strategies and philosophies of modernization. Throughout the twentieth century, and particularly toward its conclusion, the academic study of Chasidism examined the movement and its ideas, as well as its social, political, economic, and geographic dimensions. These scholarly trends have continued in the twenty-first century, in which it is an active and vibrant field of study.¹

One of the most fascinating subjects in the academic study of Chasidism is the inquiry into the intersection of Chasidism and gender, which began with a brief article by the author Samuel Abba Horodezky in which he discussed the status of women in Chasidism. This precipitated an entire subfield of interest regarding the place of women within Chasidism from a socio-historical perspective and from the perspective of Chasidic thought from the very beginnings of the movement until today.²

Horodezky's far-reaching claim was that Chasidism wrought a huge change in terms of its attitude toward women, including that "in Beshtian Hasidism women attained complete equality in religious life, a life which included religious emotions and mysticism."³

This claim was celebrated in the popular historical and literary works of the time, but later it became the target of criticism and controversy in scholarship on Chasidism. Ada Rapoport-Albert is one critic of this claim. It is her contention that the status of women did not improve under Chasidism; as far we can discern, quite the contrary occurred. According to Rapoport-Albert, there is no historical basis for the claim of women's equality under Chasidism. Horodezky's supposed proofs for new vistas and equality for women in Chasidism, such as the appearance of the Maiden of Ludmir, who acted as a sort of tzaddik, are fiercely rejected by Rapoport-Albert, who views this story as actually an example of suppression of women under a regime of religious fear under a male hegemony, in this case: Chasidism.

An opposing view is that of Nathaniel Deutsch, who in his book *The Maiden of Ludmir* endeavors to prove that she held true religious influence.⁴ In the middle is Nechemia Polen, who agrees in general with the consensus criticism on Horodezky, though he provides additional examples of female leadership in Chasidism. His main claim is that the question of the status of women in Chasidism has to be analyzed not merely within the framework of the specific socio-historical facts that transpired, but also through the spiritual life of Chasidism and its direction at the hands of leadership. He presents a Chasidic homily authored by R. Kalonymus Kalman Epstein (author of the Chasidic work *Maor VaShemesh*), which carries, in his mind, a clear message of "radical equality" between men and women, setting aside all of the usually associated distinctions and roles between the genders. In his view, these sorts of ideas have a tendency to trickle down and can bring new horizons to the actual lives of their audiences.⁵

It would seem that the majority of discussions regarding the status of women in Chasidism center on the question of equality or lack thereof. For example, it is the prism of equality that lies behind the attempts of scholars such as Polen and others to overemphasize and focus on women who received some modicum of leadership within Chasidism, as it lies behind the counter-attempts to reject or marginalize these episodes.⁶ The scholarly trend of exposing or negating women's equality in Chasidism is deficient, even problematic, as a tool for proper appraisal of Chasidic history and thought. Indeed, Moshe Rosman criticizes this trend, which is guided singularly by the considerations of masculine history, thereby overlooking those domains (i.e., so-called feminine areas of conduct) for which we have a full account of women's history, domains from which men are almost entirely absent.⁷

The attempts to unearth a female Chasidic leader or to subscribe spiritual roles to women within the hierarchy of the Chasidic court, and the attempts to deny or

discredit these attempts, limit a fuller account of the status of women and femininity within Chasidism from both the social and doctrinal perspectives.

Jeffrey Chajes shows that Jewish women partook in mystical, ecstatic, and visionary Chasidism in diverse and differing ways from men, thus challenging the traditional view of Gershom Scholem that women were excluded from Jewish mysticism.⁸ We can bolster Chajes's claim further if we expand our view to include female expressions of Chasidism that do not fall into the categories of mysticism, ecstasy, or visions. In other words, in contrast with quietist conceptions of Chasidism that deny the world, which are emphasized in the writings of Rivka Schatz Uffenheimer among others, consideration of alternative, world-affirming dimensions of Chasidism (as in the work of Buber, Margolin, and others⁹) will open Chasidic research to acknowledging entirely different avenues of Chasidic expression among women. The current literature tends to define the Chasidic act, expression, or identity by the standards of masculine religiosity and mysticism rather than by standards that emerge from the lives of Chasidic women themselves.

The masculine mysticism we refer to is based on an a priori top-down conception of the divine, a uniformity of ideological and behavioral religious identity, hierarchal authority, and the bifurcation of spirit and matter with all its attendant consequences. Retreat from these theological suppositions enables one to reexamine the status and function of women in the Chasidic movement. It would seem that Ada Rapoport-Albert, a critic of Horodezky vis-à-vis the status of women, regrettably roots her arguments in the same basic masculine-oriented assumptions. Though she did succeed in refuting those assertions of Horodezky's that she chose to tackle, she still left the contours of the discussion in his hands. It would seem that though Horodezky did not properly articulate it, and though some of his conclusions are even factually wrong, his argument is based on a general intuition about a greater social overhaul in Jewish life precipitated by Chasidism, the general thrust of which is in fact true and which affected also the status of women among other social circles.

In a process of enfranchisement of many circles, various strands of Chasidism emphasized the lower social classes of the Jewish community, religious activity such as prayer that is equally accessible to all, and religious, more "vulgar" experiences such as joy and simple awe in a way that allowed for much broader sections of the Jewish community to take part in intensive religious life and to count themselves as legitimate members in this enthusiastic new trend.

Fittingly, some Chasidic leaders were not known to be great scholars, and religious leadership often based itself on spiritual and charismatic abilities rather than on textual mastery, which had been the accepted prerequisite for religious Jewish leadership up until that point.

As detailed above, Chasidism brought with it radical changes in behavior and theology. These changes begot a counterreaction that took the form of bitter opposition

to Chasidism. The members of the Chasidic movement, aware of their status as a persecuted minority, were now in the position to rethink the structures of society.

Chasidism restructured the prevalent theological preferences, often emphasizing the proximity of God and humanity and more immanent conceptions of the divine over his remoteness and transcendence. The relationship between humanity and God was now described with overtones of equality, and humanity was accorded a larger space of legitimacy and focus within the spiritual discourse. Chasidic practices granted greater weight to corporeality and to material aspects of humanity. Previous religious conceptions that had sharply separated spirit and matter lost their prestige and hegemony. It is against this backdrop of social and theological upheaval that one must examine the expressions and stances on women in Chasidic thought, which at times surpass even contemporary humanistic Western revolutions in their uniqueness and innovation. Given the far-reaching social implications of the Chasidic movement, it would be strange to argue that this great social overhaul left women unaffected.

Of course, this change was gradual and incomplete. Men remained at the top of the hierarchy. Still, given the transformation of society from a strict top-down pyramid to a more complex dynamic of hierarchy, the place of women was more multivarious as pertains to religious life.

Similar to the voices in Chasidic research like Rapoport-Albert that deny Chasidism wrought any positive transformations to the status of women, a common stance in kabbalistic research, represented by Elliot Wolfson and others, is that the symbolic discourse of kabbalistic literature is phallogocentric and patriarchal at its core. On this point, Daniel Abrams offers an alternative position to that of Wolfson. He presents examples from central works of kabbalah in which female otherness is recognized as an independent entity. These works also describe images of the divine that are culled from the female body. The female aspect is not portrayed necessarily in contrast to that of the male or as its projection. On the contrary, through the unique movements of the female aspect, its characteristic and unique subjectivity is revealed.¹⁰

In this essay I take a tale that is of distinctly Chasidic provenance, authored by a prominent Chasidic figure (even if a controversial one), and interpret it as an example of feminist literature par excellence. This story recounts the journey of a female hero who grapples with various men in strictly patriarchal, misogynistic settings, yet still manages to prevail and accomplish her objectives. Though she prevails on men's turf, at the same time she succeeds in establishing her own domain. Furthermore, at many junctures, the story presents and symbolizes the world of men, which it ridicules in turn. At the same time, the story celebrates feminine attributes and stances, granting them independent value, choosing not to follow prevailing phallogocentric views that had been in vogue from time immemorial. This is not the story of a gentle and wise woman who answers to the expectations of a culture determined to delineate

proper limits to women in order to prevent its own disintegration at the hands of rebellious women. Rather, this is the story of a woman active in several spheres of life, who is more than willing to rebel against mores and assumptions that she tests and toys with. Above all, she is loyal to herself. The narrative makes a point of siding with this sequence of events and its heroine. It decidedly values these traits of hers and this turn of events as positive and ultimately pursuant of justice. Its presentation of the heroine and her escapades shows how a woman's leadership of herself and others is possible and positive. The story uproots the status quo and directs us to conceive that this imaginative reality may in fact be better than the current situation.

The narrative we are about to explore is subversive. It subverts formal patriarchal convention as well as conventional morality, norms, and daily life. Its purpose is not to establish equality according to some abstract rationale or principle (a strategy that would run into the danger of collapsing into the prevailing Western phallogocentrism).¹¹ Rather, it narrates and subverts various elements in order to open new realms and possibilities.

The story offers us an unconventional route to female victory, not in the way of seduction or traditional weaponry. Rather we see the initial underdog of the story using "the master's tools" against him, not necessarily to "dismantle the master's house" but to parody his whole domain, his whole realm. The result of this playful tease is that the female laughter ends up filling the couple's mutual common home. The feminist attitude expressed in this story belongs to the general domain of liberal feminism. It presents the possibility of a woman operating equally to men and even defeating them on their turf. Though this liberal reading does touch on a true aspect of the story, some of its deeper layers can be understood using ideas and models from radical feminist theory. In addition to showing women's capabilities in the masculine realm, the story portrays female stances and performative acts that constitute the female attempt to grapple with the reality of coercion and suppression.

RABBI NACHMAN: THE AUTHOR AND HIS STORIES

Rabbi Nachman of Breslov (1772–1810) was one of the most fascinating leaders in the history of Chasidism. During his surprisingly short life, he succeeded in establishing a Chasidic court, exceptional and unusual in many regards, that has remained leaderless since his premature death. In recent years his writings have undergone something of a revival among Jews of many stripes, and the ceremonial pilgrimage to his grave has turned into a mass gathering drawing tens of thousands of believers from across the globe every year. As the great grandson of the putative founder of Chasidism, Israel

ben Eliezer, more commonly known as the Baal Shem Tov (1698–1760), on the one hand, and at the same time a colorful character who integrates deep wisdom with innovation in his own right, R. Nachman's character and thought seem to be always vacillating between several poles: at once traditional and modern in many ways; at once offering scathing criticism of trends and leaders in his own Chasidic world and the broader Jewish world, and brave original attempts to innovate and reinvigorate them.¹²

R. Nachman is a prime example of Chasidic existentialism, and his ideas have been a rich springboard for diverse commentary of different stripes.¹³ In his final years, in addition to his more philosophical and homiletical teachings, he also composed and told stories that grew to merit much analysis and discussion. Martin Buber has translated these stories, which is how they came to the attention of German readership at the beginning of the twentieth century. These stories, deemed sacred tales by his followers, have evolved into canonized cultural treasures of modern Israeli society. Some have gone as far as labeling him the greatest Jewish storyteller at the turn of the nineteenth century. One such commentator, Professor Dan Miron, an expert on Hebrew literature currently at Columbia University, regards R. Nachman to be a modern figure at his very core, more erotic than any author of the Haskalah [the Jewish Enlightenment movement] and of international stature. In his words, R. Nachman should be esteemed to be "simply a giant European author of his age; indeed, of any age."¹⁴

Both Chasidic and academic scholars have had numerous occasions to comment on R. Nachman's stories.¹⁵ Both of these factions tend to explain these stories allegorically and attempt to fit the stories to kabbalistic symbols and structures (traditionalists having influenced academics in this matter). Both academics and traditionalists understand the stories as metaphors for the spiritual processes the Jewish people are undergoing, the vicissitudes of the Jewish people's relationship with the divine, the interrelationship between the divine spheres, and so forth. It is assumed that since R. Nachman is a religious leader deeply immersed in Jewish and kabbalistic literature and he lived his life according to these traditions, surely he must be referencing them in these stories. In the analysis that follows I argue that in addition to the allegorical and kabbalistic messages of the story, which indeed play a role in understanding the stories, other layers of meaning come to the fore not by way of allegory but through the surface narrative. In other words, while no one would dispute the layer of kabbalistic terminology and narrative embedded in the story, I will show that there are several other important layers to the story we will analyze and we would be remiss to ignore.

R. Nachman's own opinion on how to glean the meaning of his tales has been preserved in a tradition passed down through Breslov Chasidim: "I heard [R. Nachman's] sacred pronouncement, from his own mouth, that he wishes that we strive to seek whatever [meaning] can be found [in the stories], and he added that whoever is versed

in sacred literature can uncover many of the meanings conveyed in his tales. On the other hand, regarding the tale itself: who what, and when—this, [he said], no one can understand, etc.” In other words, proficiency in sacred literature—here a reference to kabbalistic literature—can indeed assist one in deciphering various elements and ideas intimated in the tales, which originate from kabbalah and are not apparent in the overt narrative to the uninitiated. But there are additional matters to be uncovered: “the tale itself” and its details. The ability to understand these matters depends on other factors, which are censored by the writer through the ellipsis “etc.”¹⁶ It is precisely some of these other matters that I hope to discuss here.

I claim that the existence of one layer of legitimate and accessible interpretation such as kabbalistic interpretation does not negate the existence of further avenues of meaning that might digress from the first layer. The multilayered nature of R. Nachman’s oeuvre should not surprise us when we remember that we are discussing such a unique and multifaceted figure, who was bold enough to attest of himself, “There has never been an innovation like me before”; thus, his self-assessment as a novelty aligns with his way of thinking out of the box. My claim directly counters that of those who associate R. Nachman with misogynistic and phallogocentric discourse, a label they assign to traditional discourse in general and kabbalistic discourse in particular.

At this point I bring a summary of the story, such that we have it before us in full view. Certain details of the story do not appear in this summary and will be supplemented and analyzed at length later in this essay.

THE STORY AND ITS INTERPRETATIONS

An emperor decides to travel across the world to find a solution to his childlessness. A king suffers from childlessness as well and decides to do the same. By chance they meet and vow that if one should beget a boy and the other a girl, the marriage of these children should be arranged for. After they return home the emperor begets a daughter, while the king begets a son; but both fathers forget about the vow. Later on, the emperor’s daughter and the king’s son meet, fall in love, and marry secretly. The king’s son gives the emperor’s daughter a ring as a token of their secret marriage. However, the fathers send for the children. At home both children suffer from the separation. Due to his concern for his son, the king finds out about the secret marriage, recalls that he had already agreed with the emperor to this match, and informs the emperor. The emperor, though unwilling to the match, writes to the king that he should send his son to him to see if he will be able to lead countries; in that case the emperor would give his daughter to the king’s son. One day the king’s son and

the emperor's daughter meet and decide to flee. During the flight, inside a forest, they lose the ring. While searching for the ring, they get lost from one another. The king's son becomes a servant in a settled place, while the emperor's daughter settles by the sea hoping to find some people who either pass by or return to this place. An industrious and successful merchant's son, who is sailing in his own ship, passes by the shore where the emperor's daughter has settled. The emperor's daughter makes the merchant's son expect a marriage between them. When they reach his hometown, she persuades him to make all his sailors drunk, and when he goes to inform his family about the upcoming wedding, she steals the ship and sails away. The old merchant punishes his son for losing the ship by expelling him. As she sails, the emperor's daughter comes across an unmarried king, who forces her to come to his palace. She also makes him expect a marriage between them. Among many gestures of the unmarried king the emperor's daughter is given eleven noble daughters. She invites these noble daughters on board her ship, makes them drunk, then abducts them, and sails away. The twelve women then meet, on an island, twelve pirates who threaten to kill the women. But they avoid death when the pirates, pacified and joyous also by the prospect of marriage, are made drunk, after which the emperor's daughter orders the noble daughters to slaughter the pirates. After the slaughter, the twelve women steal the riches of the pirates and decide to dress like men. They then sail off. The women in men's clothes come upon a bald, frivolous king, who is playing on board his ship with his queen and ministers. When this bald king, half naked, reaches the top of the mast, the emperor's daughter decides to burn his brain with a glass lens and thereby kill him. The crew of this king approaches the ship of the emperor's daughter, hoping to find a doctor. The emperor's daughter checks his pulse and predicts that his brain is burned. Once they have torn his brain open, they find out that the prediction is true. The emperor's daughter, who senses that the queen and the ministers are interested in having "him" as their new king, makes everybody drunk to have them reveal their wishes. When everybody has sobered up, the emperor's daughter agrees to marry the queen, upon which they all sail to the country of the late bald king. The emperor's daughter is made king. As part of the preparations for the wedding, "the new king" invites every living human being in the world to participate and to receive presents. "He" orders fountains with "his" image to be drawn upon them and orders guards to arrest anyone who frowns at this image. In this way, the emperor's daughter hopes to be able to gather her intended along with the merchant's son and the unmarried king who suffered unjustly from her behavior. All three of them arrive, frown, and are arrested. When the three of them stand before her without recognizing her, she gives back the ship and its riches to the merchant's son and the noble daughters to the unmarried king. Finally, having her intended in front of her, she suggests that they should go. And they returned home.¹⁷

As mentioned earlier, many commentaries have been written on R. Nachman's classic tales, though the quantity of commentary varies greatly from story to story.¹⁸ The traditional Breslov commentary to the tales entitled *Rimzei HaMaasiyot* [Intimations/Secrets of the Tales], authored by R. Nachman of Tcherin (1825–1894), generally succeeds in adding much interpretation to the stories and cites many references in Breslov and Jewish literature for further inquiry. However, in this case of the story we are examining, instead of commenting on the story, R. Nachman of Tcherin rather extraordinarily admits to the impossibility of interpreting the story: “The secret of this tale has not yet been deciphered. What can actually be said of it? Particularly since we have no knowledge of deeper secrets. . . . The details surrounding the wondrous secrets which are contained in each and every word and in each and every matter of this tale and in fact from all the tales—these are so deep, who can uncover them?”

That being said, Aryeh Kaplan, a traditionalist author who translated and commented on the original collection of thirteen stories, did comment on this story.¹⁹ Among academic works, Marianne Schleicher²⁰ translated and offered a broad theological commentary to all thirteen tales. As part of this project, she also analyzed previous traditional and academic commentary. Additional commentary can be found in the translation and commentary of Arnold J. Band.²¹ On top of these, I will reference the interpretations of Judith Kook,²² Arthur Green,²³ Ora Wiskind-Elper,²⁴ and Justin Jaron Lewis²⁵ (like this essay, the latter is also sensitive to issues of gender).

As stated earlier, the usual commentaries to R. Nachman's stories—both academic and traditional—tend to focus on the stories' allegorical meanings and their consequences. The story we are examining, however, does not allow for straightforward allegorical interpretation. As Band has already commented, in contrast with the first of the thirteen stories, “The Lost Princess,” our story contains “a tension between the narrative line and the putative allegorical system.” Schleicher continues this insight, asserting that not only is the heroine of the story—the emperor's daughter—difficult to map onto an allegorical system, but other characters as well.

Green's assessment of the story includes that it “has a certain comic-opera quality about it.”²⁶ It is critical to understand the comic element in this and other stories of R. Nachman to properly understand their context. Dan Miron juxtaposes the comic aspect of R. Nachman's stories with their allegorical interpretations, claiming that the latter hinder one from understanding the comical, secular, and universal dimensions of the stories. Schleicher also discusses the comic elements of the story, which she understands against the backdrop of Mikhail Bakhtin in that the comic “destroys any hierarchical distance, thus clearing the ground for a free investigation of whatever is portrayed.”²⁷ The destruction of hierarchical differences is an important motif affecting the story's atmosphere throughout the narrative. Hierarchies restructured and re-ordered in the story include those of fathers and children, kings and princesses, and

above all the hierarchy between men and women. Here is where we arrive at the crux of our discussion.

The gendered element is one of the central axes, perhaps the central axis that the story operates. Above I had the occasion to point out some distinctly feminist characteristics of this story. As Wiskind-Elper claims, the story presents serious disruptions of gender relations. In this story the woman's voice is heard and in fact dominant. The story of the emperor's daughter is in Wiskind-Elper's mind a prime example of a woman's self-liberation by means of her own initiative and method.²⁸ In contrast to Wiskind-Elper, the kabbalah scholar Elliot Wolfson rejects the idea that R. Nachman's attitude toward women is any different than the usual phallogocentric kabbalistic attitude that has always dominated the discourse.²⁹ Above, I contested Wolfson's portrait of kabbalistic literature as a whole, using the approach and research of Daniel Abrams, who has himself used texts of R. Nachman to make his case.³⁰ Taking perhaps a middling view, Justin Lewis claims that although R. Nachman's attitude toward women is usually in line with the typical androcentric view of kabbalists, the specific story we are examining by contrast does disrupt this misogynistic hierarchy, just as the exceptional citations brought by Abrams do.³¹ In this essay I generally follow Wiskind-Elper's view of a divergent approach toward women on the part of R. Nachman, even if my claims surrounding this argument are different from hers.

My interpretation of this story is on the whole quite different from that of these commentators. Their attempts to project the story onto the allegorical kabbalistic system seem to be inappropriate for both the system and the story. Furthermore, these attempts ignore the main import of the story and confine and limit its meaning. Instead, I choose to follow the advice of the above-mentioned Chasidic commentator, who suggested that we examine "the [very] details surrounding the wondrous secrets which are contained in each and every word and in each and every matter of this tale." That is, our goal is to find meaning in the details of the narrative rather than its general ideas; we are sacralizing the text's hermeneutics, so to speak. Therefore, my claims about the gendered aspects of the story do not rest on a priori, abstract insights into the expected activity of the shekinah, but rather on the actual actions of the emperor's daughter as a daughter, as a woman, and as a subject in the real world with no recourse to allegory. My claim has no bearing on the status of the abstract feminine spirit, but only with regard to the way R. Nachman understands the relation between the sexes in the real world, without breaking the laws of nature or the strictures of traditional Judaism. For example, I will bring a teaching from his book *Likutei Moharan* in which he speaks about his understanding of what a woman's place in the world is based on the Jewish laws of testimony. My interpretation pertains less to R. Nachman's mystical side and more to his philosophical-existential side.

In this context I must assess Wolfson's rejection of Wiskind-Elper's claim. Wolfson views R. Nachman as an inevitable agent of the kabbalistic system and its supposedly phallogocentric outlook. His criticism does not relate to the stories that Wiskind-Elper explores to make the opposite claim. He thus silences these stories under the umbrella of his own conception of kabbalah. It would seem that Wolfson is forever searching for phallogocentrism and so that is all he ends up finding. The only place Wolfson is willing to situate R. Nachman is that of a kabbalistic man, fashioned according to Wolfson's own stereotype. But the story is not so easily cast into such a neat mold; neither is the portrait of R. Nachman so easily assimilated to this mold as he has come down to us through statements and teachings. R. Nachman's thought does not concur with Wolfson's approach that a woman garners her own value only through adoption of male values, but precisely the reverse.

Among Rabbi Nachman's teachings are precise directives whose effect is to feminize men and to design divine worship after mores and features that are considered feminine in popular folklore and imagination. It is within this framework that we must understand R. Nachman's advice (given equally if not primarily to men) to pray like a birthing mother, together with all the nuances and intricacies of the birth situation.³² Furthermore, he also encouraged verbalism and urged his followers to transmute intellectual forms of speaking with outpouring devotion, which goes hand in hand with his well-known directive that one turn teachings into prayers.³³ R. Nachman extols women through his independent depictions of them, not through his evaluating them based on masculine values. Ironically, Wolfson's fixation on reading every literary artifact through the lens of kabbalistic symbols is exactly a form of the phallogocentric viewpoint that never tires until it projects itself in its object of inquiry.³⁴ This is precisely the reason one should adopt the humility of the above-mentioned Chasidic interpreter, who admitted that he simply does not understand the story. That sort of humility and distance embody true acknowledgement and respect of the other. In light of the possibility of otherness in this text of R. Nachman as in his many other teachings, one must reevaluate his use of language and kabbalistic symbolism (this reevaluation is warranted as well for other Jewish thinkers).

In the following paragraphs I seek to probe several challenging aspects of the story and understand their simple meaning, their context within their story, and the cultural meanings they impart. It is my contention that understanding these challenging aspects is the key to shedding light on the meaning of the story as a whole. In what follows I discuss two cardinal aspects of the story: the protagonist's violence and her cross-dressing. Additionally, I discuss a seemingly secondary element in the story: the motif of the inability to view the emperor's daughter, whose significance for a gendered understanding of the story will be made apparent. I make use of critical theory

to make sense of these elements.³⁵ As we will see, though at first glance the writings of a contemporary radical like Luce Irigaray may seem unfit for explicating the ideas of a traditional Chasidic leader of the nineteenth century, I will attempt to show how R. Nachman's ideas in fact necessitate the use of such radicalism to be properly and fully understood. Since we are engaging in an interpretive project, by the very nature of the project we cannot presume to assert the absolute truth of the text before us but merely propose an option by which the text might be illuminated and present itself, or at least by which significant meanings of the text might become apparent.

Allow me to illustrate, by way of example, the possibility of utilizing Irigaray's radicalism in order to read an entirely different traditional Jewish text in an alternative, perhaps more careful manner than its usual designation as misogynistic. The Talmud's declaration that "[even the uncovering] of a handbreadth of a woman[']s body] is licentious" can be understood as an act of objectification of women's bodies, a view of women that is purely sexual, that is incapable of grasping them as independent multidimensional subjective beings in their own right, and that constitutes male coercion of women into shame, self-concealment, and exclusion. However, if we employ Irigaray's insights on the possibilities of female sexuality and its consequences, the demand for women's liberation, and the displacement of phallogocentric male conceptions, as embodied in her statement, "Woman has sex organs more or less everywhere,"³⁶ we might reexamine the talmudic statement as a proper assessment and full accounting of the power of a woman's radiating sexuality, where even a handbreadth of her body screams sexuality.

By this I mean to say that using the perspective offered by Irigaray, the Talmud's statement is an attempt to eliminate the typical prejudice that concentrates sexuality only in particular regions of the body and particular realms of life, a state of affairs that can be the source of comfort or discomfort for the male gaze. Irigaray's readiness to deal with femininity in this manner grants further avenues in interpreting traditional texts.

With this new openness and mode of reading in mind, let us analyze some important details of the story.

ANALYSIS OF DETAILS

The first aspect of the story I want to analyze relates to a familiar theme in twentieth century theory and discourse, that of the gaze. This theme had originally been tackled in philosophical discussions since the days of Plato and through Descartes. The sense of sight has long been regarded as the supreme sense and the basis for metaphors of understanding and holding a point of view. Feminist thinkers, attempting to understand

the relation between the sexes, delved deeply into the idea of the gaze, particularly the male gaze and how the latter precipitates a condition of female inferiority.

As is often pointed out, John Berger made the important claim that women in culture are “to be looked at”: “Men act and women appear. Men look at women. Women watch themselves being looked at. This determines not only most relations between men and women but also the relation of women to themselves. The surveyor of woman in herself is male: the surveyed female. Thus she turns herself into an object—and most particularly an object of vision: a sight.”³⁷

According to this view, more than any other sense, the gaze objectifies and subjugates. It establishes and perpetuates the distance and detachment between the viewer and the object of his gaze. The primacy of sight over all other senses in our current culture has impoverished our bodily relations.³⁸ Central figures in French post-structural feminism such as Julia Kristeva, Hélène Cixous, and Catherine Clément, to name just a few, have discussed the relationship between ocularcentrism and phallogocentrism in culture. Most prominent among these, however, is Luce Irigaray in the degree of thematic weight she grants this relationship.³⁹

According to Irigaray, the male gaze implements and generates a phallogocentric stance in human relations. To her mind the foundational, even “anatomic,” difference between men and women is that of unity versus plurality. She criticizes Sigmund Freud for explaining female sexuality through deficiency (in that women lack a penis), a frame of mind that led to the formation of the Oedipal castration complex. According to Irigaray, Freud’s understanding of sexuality and culture passes through the filter of focusing and unifying all human activity and phenomena, including intellect, emotion, and sexuality. This unification forms the dual categories of the existent and the non-existent through its focus on the male organ and exclusion of those who lack it. The result is a conception of women as lacking by their very nature, as inherently deficient, whose sexuality is a “dark continent.” The gaze thus has the effect of propagating the focus and unification of something; by the same token, it is driven by the appearance and appreciation of that which we truly want to see: the thing itself. Thus she who lacks that object of focus becomes invisible and ipso facto nonexistent; she exists solely for the man and in relation to him, as an object of his desires, from which she derives her assignment as an object of his pleasure. His gaze thus objectifies her and impedes her development as a subjective female being.

The only way in which the woman captures the man’s field of vision and attention is through his own self-understanding and self-perception as perceived in her. He absorbs and submerges her own gaze in his own; when he does allow her to be seen, she only exists as a deceptive appearance.⁴⁰ In her typical poetic manner, Irigaray in her book *Elemental Passions* depicts the male gaze over the woman using the metaphor of

a flower. A woman's body is understood to be a plant, and her sexuality and vibrancy are depicted as a flower. She asks there: "Do you want the flower to open only once?" This question is meant to imply that female sexuality is not like male sexuality, which revolves around the principle of unity. Female sexuality should not be understood as subject to, existing in relation to, or awakened necessarily in relation to men. Rather, like the blossoming of a flower, it opens itself: "And if the flower's blossoming came to an end, would growth have been its only movement? Vertical again. The erection of the flower, and the dissemination of its petals? The projection of your history? The flower would grow and blossom simply to let you gaze at yourself and find your double in it? Simply to let you swoon in ecstasy as you contemplate this extrapolated reflection of yourself."⁴¹

In her description, the male gaze grasps the flower solely through its male momentary possibilities.⁴² This comprehension of the feminine is fashioned after the man's own world. Thus a woman's life and flow are understood by the man through his own history and activity. To his mind, the woman exists for him. The blossoming serves as a metaphor for the woman's subjectivity, her will, and her own self-knowledge regarding her body. The petals represent an embodiedness that is fully in touch with itself. The man, however, views the flower as an instrument to be used for his own benefit, used to document his own history, and a mirror by which to view and understand himself. The woman, acting as a mirror for the male gaze, assists him in extracting his own inner image. This constitutes the act of the woman generating and begetting his inner world. In this manner she creates the subjectivity of the male gazing at her. It is at this moment that the spirit of the ecstatic gazer collapses, and he becomes faint.

The process of the petals opening and connecting to each other represents for Irigaray the process of a woman's vibrant emergence and existence. This feminine existence is in constant movement, not restricted to a single event or bounded by a limit or fixity. The blossoming of the flower represents its receptivity to multiple options. The petals represent an alternative mode of being, one of variety, variability, and constant and continuous flux. Through the flower metaphor, Irigaray points to a deeper difference between the way one is seen, grasped, and thus understood by the phallogocentrically directed male gaze and the way in which the flower/woman understands and experiences herself. One discerns this contrast also in the distinction between sight and its corollaries versus touch and the attendant deepening and diffusive sensations of those being touched. The sense of touch figures prominently in Irigaray's thought relative to the sense of sight, which is the sense normally lionized in Western culture.⁴³

In the following discussion I seek to utilize our understanding of the gaze to examine how this theme plays out in R. Nachman's story. The motif of seeing (and the inability to see) the emperor's daughter appears several times throughout the story and

seems to be a central characteristic. She seems to be unseeable. The king's son, her lover, longs to see her but is unable to fulfill this wish. When he does eventually see her, he grows faint. The merchant's son also does not perceive her, nor does the sea king. Only at the conclusion of the story are these characters able to see her, but she is only perceptible because she is now dressed as a man. In the following paragraphs I aim to analyze the various phenomena related to this motif in light of Irigaray's insights (or perhaps "touching" upon them).

The King's son dearly longed to see her, but he was unable to do so. One day, while he was strolling by a wall with a mirror, he [suddenly] saw her and grew faint. She came to him and shook him [back to consciousness], and told him that she is unwilling to [submit to] any [other] arranged match [for herself], given her connection to him.

Already at the outset, this story betrays some gender role swapping, an element that will prove to be central as the narrative unfolds. In contradistinction with the biblical Rebecca, who fell off the camel when she first saw Isaac,⁴⁴ here it is the man who beholds the woman and falls faint. And in contrast with the frequent biblical sexual phrase "and he came to her" [ויבוא אליה], here the story specifies that "she came to him" [באתה היא אליי]. This dominance and gender swapping pave the path for her later dominance in the story and her insistence on actualizing this relationship despite her father's refusal.

It should be recalled that the king's son was sent to the emperor's court in order to establish his fitness as a ruler should he marry the emperor's daughter. To that end, he was placed in a room filled with official documents of the kingdom, and thus the two young lovers were prevented from meeting. At this point the text changes the way it describes the king's son's longing: whereas at first this was described as longing "for her" [אחריה], the story now describes his longing "to see her" [לראות אותה]. Given the importance of the theme of sight in the story, let us examine its occurrences closely. The change in the description of the longing represents a change in his attitude toward her. Under the emperor's oppression—in the form of confinement to a room with official documents that are in fact abstract representations of the tangible state—the king's son's mode of thinking is directed from now on toward the abstract. He enters the male discourse, now a full-fledged member among the male signifiers. He attempts to grasp certain things without truly coming into contact with them. Indeed, even the modalities of love and longing shift, and at this point he yearns to see the emperor's daughter. One can understand the emperor's preventing the king's son from seeing her as an extension of the subplot of the emperor's confinement and obstruction of the encounter. Interestingly, we will later see how no intentional obstruction is necessarily taking place.

However we might see it, the narrator is conveying that the emperor's daughter is truly unseeable. She in any case cannot be seen in the masculine, focus-directed manner attempted (if at all). It follows from the narrator's presentation that the longing to see, to grasp, and to obtain her as a nicely encapsulated package is a desire that is unattainable. This means that the woman cannot be locked in the objectifying gaze. However, a visual event does transpire when he perceives her through the mirror. Let us compare this with the myth of Perseus's beheading of Medusa, which he accomplished using a mirror to avoid direct contact with her deadly gaze. Why is it that in that story the use of the mirror brought full triumph over Medusa, whereas in our story seeing through a mirror incapacitates the king's son, causing him to collapse? In our case, the king's son perceives the emperor's daughter and is overcome with weakness and febleness. Using a Freudian model, we might say that the king's son "saw" or "longed to see" that which is absent; that is why he collapsed. It is possible that his attempt to grasp her backfired and neutralized him. Looking in the mirror held the promise of the king's son seeing himself with the emperor's daughter, thus granting her a place in her life and in his image. This possibility fails, however, as the narrator rejects it. Unlike the story of Perseus and Medusa, in which Perseus carries out the stunt with the mirror to completion, the narrator of our story rejects this device. In his opinion, the loving encounter through the mirror foils the king's son's attempt at a male gaze.

The appearance of the theme of the mirror in R. Nachman's other teachings can assist us in better understanding the situation described in the story under examination. One of R. Nachman's teachings describes the possibility of polishing one's own face like a mirror so that one's companions may look into that face and discover their own problems.⁴⁵ It follows that the king's son's gaze at the emperor's daughter revealed his own weaknesses in a harrowing act of self-realization.⁴⁶ The gaze as a cause of downfall represents the deep-seated cultural and psychological fear of man from the woman's appearance. However, the way in which this theme is introduced in our story—as the beginning of a major plot twist that results in liberation—softens and sweetens this anxiety in favor of a liberating experiment that holds the potential of freeing the parties from this dour situation.

Following his downfall, the emperor's daughter approaches the king's son and nudges him. A similar occurrence transpires in a more famous story of R. Nachman, that of the lost princess, in which the princess approaches the viceroy who has come to rescue her and touches him. So too in our story the emperor's daughter touches her beloved. We must be mindful of the fact that such contact would have been seen as quite extraordinary in the eyes of the story's intended Chasidic audience. Beyond such touch being forbidden by Jewish law, it also simply falls out of the bounds of their cultural expectations and comprehension. While it is true that in general R. Nachman's stories are not depictions of the traditional Jewish reality of that time, this anomaly is exceptional against the backdrop of Chasidic culture and begs explanation. The

contrast between the senses of sight and touch allows us to appreciate more this emphasis of R. Nachman. The emperor's daughter is distinguished from her male counterparts in two ways: (1) her touch (as opposed to sight) and (2) her approach toward him, toward intimacy (again in contrast to the male gaze).

In contradistinction with his attempt to grasp her with his sight—an attempt that of course failed—the emperor's daughter “approaches him” [באתה היא אליו]. She approaches him not only physically but also using her entire being and totality, using her intelligence and her abilities.⁴⁷

The sense of touch is inevitably a partial way of grasping the world, though in this case the sense has the advantage of including her too, not merely as an object of attention as in sight, but mutual touch where they both serve as partners in their shared contact. Her ability, rather than merely her appearance, is the ability to nudge her male counterpart and shake him from the masculine paradigm to which he was indicted by her father the emperor. It should be recalled that at this point she “tells him” [ספרה לו], an expression that I will later explain carries intimate connotations. What she tells him here goes beyond mere information. She tells him her story, her mystery—indeed divulges her love and loyalty for him. This is a loyalty that does not try to encapsulate the king's son, but rather entails a deep affirmation of him.

In this encounter, the sense of touch signifies female eroticism in another way. The narrator uses the interesting and seemingly out of context phrase she “told him” [ספרה לו] in the sense of narrating or reporting, rather than the more appropriate in context “said to him” [אמרה לו]. In talmudic sources, the word “to tell” [לספר] serves as a euphemism for sexual relations, as in the source that states that at the culmination of the night hours, “women tell with their husbands.”⁴⁸

The use of images reminiscent of lips such as narration, speech, or eating as a metaphor for sex relates to an implicit analogy between the mouth's lips and those of the female anatomy.⁴⁹ According to the Talmud, the source for this analogy is a verse from Proverbs: “Such is the way of an adulteress: She eats, wipes her mouth, and says, ‘I have done no wrong.’”⁵⁰

Still, the talmudic usage of “telling” is somewhat strange. Shouldn't the phrase be “women telling their husbands” [“מספרת לבעלה”], rather than telling “with their husbands” [“מספרת עם בעלה”] as the phrase stands? What is the meaning of this strange construction? Additionally, in our story, if her goal is to express her devotion to him, shouldn't she just say it? What, then, does she mean to “tell” us? What's her story?

An insight of Irigaray's can once again assist us in this matter. Irigaray describes female sexuality not as a lone event, but as a constant possibility through the untamable nature of the woman's vagina—two lips locked in a perpetual kiss.⁵¹ The woman's story is thus one of constant intrigue and agitation. She is always touching and in touch with herself, constantly in dialogue, in the throes of plot, always poised to pivot. At certain times, she “tells with” her husband, and he thereby becomes a partner in her story.

The emperor's daughter shares her story with the king's son, whom she loves, as she divulges her loyalty to their connection. Her sexuality, which recurs again and again as a theme throughout this whole story, can exist even without his presence. But this independent sexuality does not mitigate a deep connection between them; her connection with him makes him a partner in her personal story/sexuality.

CONCLUSION

R. Nachman's story about the emperor's daughter is no less than a feminist story. It contains elements of liberal feminism, elements that challenge inequality between men and women and countenance female adoption of male roles. On the other hand, this story also has elements of radical feminism that highlight the being of femininity in the world as an expression of culture and as a legitimate subjective stance in itself. The interpretation offered here makes use of hermeneutical and critical theories attempting to extract its cultural meaning—that is, the human expression situated in its frameworks of meaning and its activity. R. Nachman's tales have suffered condemnation in the world of modernist literature, such as those of Micha Josef Berdyczewski: "The language used [in these stories] is broken and vulgar, and full of problems. These descriptions lack even a single complete sentence which has been properly crafted, and the stories lack all order or discipline. They have no punctuation. There is no vision in them being introduced or frustrated. The insignificant is made central, and the central is cast to the side. Amid much side discussions the story is narrated and its plot advances."⁵²

Today we would evaluate R. Nachman's style differently, viewing these characteristics as evidence of a different style, breaking conventions, and toying with them.

The story discussed is one of redemption, offering but one instance of redemption among many possibilities. R. Nachman, aware of the possibility of gender interchange, chooses not to ignore its many possible liabilities, hurdles, and dangers, but at the same time he does not dismiss its possibilities. He sees in it the potential for redemption, of holy unification between the two genders, and of building and returning to a mutual home.

NOTES

1. For a general overview on Chasidism, see David Biale, et al., *Hasidism: A New History* (Princeton: Princeton University Press, 2017). For Chasidism as a modernizing movement, see Moshe Rosman, "Hasidism—Traditional Modernization," *Simon Dubnow Institute Yearbook* 6 (2007).

2. A selective, incomplete bibliography of these issues can be found in Shmuel Abba Horodetsky, *Habasidut vehabasidim* (Tel Aviv, 1953), 4:65–71; Ada Rapoport-Albert, “On Women in Hasidism: S. A. Horodecky and the Maid of Ludmir Tradition,” in *Jewish History: Essays in Honour of Chimen Abramsky* (ed. Ada Rapoport-Albert and Steven J. Zipperstein; London: P. Halban, 1988), 495–525; Ada Rapoport-Albert, “The Emergence of a Female Constituency in Twentieth Century Habad Hasidism,” in *Yashan mipenei hadash: mehkharim betoledot yehudei mizrah eiropah uvetarbutam. shai le’imanu’el etkes* (ed. Ada Rapoport-Albert and David Assaf; Jerusalem, 2009), English section: 7^{*}–68^{*}; Nehemia Polen, “Miriam’s Dance: Radical Egalitarianism in Hasidic Thought,” *Modern Judaism* 12:1 (1992): 1–21; Naftali Loewenthal, “‘Daughter/Wife of Hasid’ or ‘Hasidic Woman?’,” *Mada’ei hayahadut* 40 (2000), English section: 21^{*}–28^{*}; Naftali Loewenthal, “Women and the Dialectic of Spirituality in Hasidism,” in *Bema’agelei hasidim: Kovets mehkharim lezikhro shel profesor mordekhai vilensky* (ed. Immanuel Etkes, et al.; Jerusalem, 2000), English section: 7^{*}–65^{*}; Gedaliah Nigal, *Nashim besifrut habasidut* (Jerusalem, 2005); Moshe Rosman, “Al nashim vehasidut: He’arot lediyun,” in *Yashan mipenei hadash: mehkharim betoledot yehudei mizrah eiropah uvetarbutam. shai le’imanu’el etkes* (ed. Ada Rapoport-Albert and David Assaf; Jerusalem, 2009), 1:151–64; Moshe Rosman, “The History of Jewish Women in Early Modern Poland: An Assessment,” *Polin* 18 (2005); Tsippi Kauffman, “Two Tsadikim, Two Women in Labor, and One Salvation: Reading Gender in a Hasidic Story,” *Jewish Quarterly Review* 101 (2011): 420–38; Tsippi Kauffman, “The Hasidic Story: A Call for Narrative Religiosity,” *Journal of Jewish Thought & Philosophy* 22 (2014): 101–26; Marcin Wodzinski, “Women and Hasidism: A ‘Non-Sectarian’ Perspective,” *Jewish History* 27:2/4 (December 2013, Special Issue: *Toward a New History of Chasidism*): 399–434.
3. Horodetsky, *Habasidut vehabasidim*, 68.
4. Nathaniel Deutsch, *The Maiden of Ludmir: A Jewish Holy Woman and Her World* (Berkeley: University of California Press, 2003).
5. *Ibid.*, 13. See Rapoport-Albert’s response to Polen’s paper in her article “On Women in Hasidism,” n. 80.
6. See Wodzinski’s discussion in “Women and Hasidism,” 401.
7. Rosman, “History of Jewish Women,” 29–30.
8. J. H. Chajes, “In a Different Voice: The Non-Kabbalistic Women’s Mysticism of Early Modern Jewish Culture,” *Zion* 67 (2002): 139–62.
9. See Ron Margolin, *The Human Temple: Religious Interiorization and the Structuring of Inner Life in Early Hasidism* [Hebrew] (Jerusalem: Magnes, 2006).
10. Daniel Abrams, *Female Body of God in Kabbalistic Literature* [Hebrew] (Jerusalem: Magnes, 2004), 7–8.
11. Jacques Derrida, “Women in the Beehive: A Seminar with Jacques Derrida,” in *Men in Feminism* (ed. Alice Jardine and Paul Smith; New York: Methuen, 1987), 193.

12. A vast scholarly literature has been written about R. Nachman. See for example Joseph Weiss, *Mechkarim BeHasidut Breslev* (Jerusalem: Bialik, 1974); Arthur Green, *Tormented Master: The Life and Spiritual Quest of Rabbi Nachman of Bratslav* (Woodstock: Jewish Lights, 1992); Zvi Mark, *Mysticism and Madness: The Religious Thought of Rabbi Nachman of Bratslav* (London: Continuum, 2009); Roni Bar Lev, *Radical Faith: The Avant-Garde Faith of Rabbi Nachman of Breslov* [Hebrew] (Ramat Gan: Bar-Ilan University Press, 2017).
13. Joseph Weiss and Arthur Green portrayed R. Nachman as an existentialist. Zvi Mark and Ron Margolin also presented the possibility of viewing him on both the existentialist and mystical poles. In my own book I situated R. Nachman's thought in more realms, including that of a cultural critic.
14. Dan Miron, "Rabbi Nachman Speaks to Our Generation," YouTube video, posted January 29, 2015, <https://www.youtube.com/watch?v=PPJn2ni39MI>.
15. See Aryeh Kaplan, ed., *Rabbi Nachman of Breslov: Rabbi Nachman's Stories* (Jerusalem: Breslov Research Institute, 1983); Arnold J. Band, *Nahman of Bratslav: The Tales* (New York: Paulist Press, 1978); Green, *Tormented Master*; Marianne Schleicher, *Intertextuality in the Tales of Rabbi Nahman of Bratslav: A Close Reading of Sippurey Ma'asiyot* (Leiden: Brill, 2007). Some stories have merited much attention like that of "The Lost Princess," while others have gone almost untouched, such as the one under discussion in this article: "The King and the Emperor."
16. About censorship in Breslov writings, see Jonatan Meir, "Revelation, Concealment, and Censorship in Bratslav Hasidism Literature" [Hebrew], *Jewish Thought: Journal of the Goldstein-Goren International Center for Jewish Thought* 2 (2020): 439–68.
17. This translated abridgement is taken from Schleicher's book, though with a few adaptations for correctness.
18. See Marianne Schleicher's introduction to *Intertextuality*.
19. Kaplan, *Rabbi Nachman*.
20. Schleicher, *Intertextuality*.
21. Band, *Nahman of Bratslav*.
22. Yehudit Kook, *Rabbi Nachman-Iyunim Be-Sipurav* (Jerusalem, 1977).
23. Green, *Tormented Master*, 350–55.
24. Ora Wiskind-Elper, *Tradition and Fantasy in the Tales of Reb Nahman of Bratslav* (Albany: State University of New York Press, 1998).
25. Justin Jaron Lewis, "Divine Gender Transformations in Rebbe Nahman of Bratslav," *Nordisk Judaistik, Scandinavian Jewish Studies* 26:1–2 (2008): 29–47.
26. Green, *Tormented Master*, 353. For the importance of laughter in R. Nachman's thought, see Mark, *Mysticism and Madness*, 247–80.
27. Schleicher, *Intertextuality*, 169.
28. Wiskind-Elper, *Tradition and Fantasy*, 111–12.

29. Elliot R. Wolfson, "The Cut That Binds: Time, Memory, and the Ascetic Impulse," in *God's Voice from the Void: Old and New Studies in Bratslav Hasidism* (ed. S. Magid; Albany: State University of New York Press, 2002), 103–54.
30. See Abrams, *Female Body of God*, 44.
31. Lewis, "Divine Gender."
32. See *Likutei Moharan* #36.
33. See *Likutei Moharan* #25.
34. Wolfson's critique of Wiskind-Elper is laden with charges of things that are missing, such as "inability" and "lack," regarding her ability to understand "correctly." Might this not in itself be a Freudian slip?
35. In my book I discuss R. Nachman's conception of faith at length using philosophical and critical theories. See Barlev, *Radical Faith*.
36. Luce Irigaray, *This Sex Which Is Not One* (trans. Katherine Porter; Ithaca: Cornell University Press, 1985), 28.
37. John Berger, *Ways of Seeing* (London: BBC and Penguin Books, 1972), 47.
38. Luce Irigaray, "Interview," in *Les femmes, la pornographie et l'erotisme* (ed. Marie Françoise Hans and Gilles Lapouge; Paris, 1978), 50: "Investment in the look is not as privileged in women as in men. More than any other sense, the eye objectifies and it masters. It sets at a distance, and maintains a distance. In our culture the predominance of the look over smell, taste, touch and hearing has brought about an impoverishment of bodily relations."
39. On this see Martin Jay, *Downcast Eyes: The Denigration of Vision in Twentieth-Century French Thought* (Berkeley: University of California Press, 1993.)
40. Luce Irigaray, *Elemental Passions* (trans. Joanne Collie and Judith Still; New York: Routledge, 1992), 50: "You have swallowed my gaze. You see, helped inwardly by my gaze. Within you, my light illuminates your present. You make me into an object bathed in my light, deprived of sight. And when you make me thus appear before you, I no longer exist except as a deceptive appearance."
41. *Ibid.*, 32.
42. The image of the flower is used by Abrams as a powerful example of a positive kabbalistic image of a woman, her body, and her vision. See Abrams *Female Body of God*, 17–18.
43. See for example, Hanneke Canters and Grace M. Jantzen, *Forever Fluid: A Reading of Luce Irigaray's Elemental Passions* (Manchester: Manchester University Press, 2005), 54.

An in-depth examination of the relationship between sight and touch in Irigaray's thought, compared with that of Merleau-Ponty and Levinas, can be found in Cathryn Vasseleu, *Textures of Light Vision and Touch in Irigaray, Levinas and Merleau-Ponty* (London: Routledge, 1998).
44. See Genesis 24:64.

45. Likutei Moharan #19. See Green's interpretation on this matter (*Tormented Master*, 157). Green mistakenly intertwines the "friend" [חבר] with the *tzaddik*, who each receive R. Nachman's attention in different contexts.
46. A similar thrust can be discerned in a Breslov tradition tied to the famous Chasidic leader R. Levi Yitzchak of Berdichev (1740–1810): "His entire pride tumbles via his wife, who knows him intimately and so teaches him a lesson in pride, putting him in his proper place." *Siah sarfei kodesh* (Jerusalem, 2000); this work, published anonymously, is based primarily on Breslov traditions transmitted by R. Levi Isaac Bender (1897–1989).
47. The erotic connotation of the Hebrew word "ביאה" should not be considered here, as the story was told originally in Yiddish where this connotation would be lacking. However, her very movement of entering toward him does in my mind carry greater meaning than its dictionary definition.
48. Babylonian Talmud, Brachot 3a.
49. For interpretation of kabbalistic passages that discuss lips in this manner, see Abrams, *Female Body of God*, 53–56.
50. Proverbs 30:20.
51. Irigaray, *This Sex*, 24. See also Irigaray, *Elemental Passions*, 63.
52. Micha Josef Berdyczewski, *Mikhab Yosef Bin-Gorion Complete Writings* (Tel Aviv, 1952), 298.

Jewish Homesteader Memoir

A Woman's Story

MARA W. COHEN IOANNIDES

INTRODUCTION

Homesteading has traditionally been written about from the male perspective. These men turned the women into secondary characters in the western expansion experience. Thus, women became “the passive, reluctant wife,” and this persisted despite complaints by various women historians¹ until the 1984 publication of *We Lived There Too* by Kenneth Libo and Irving Howe and the 1987 publication of *The Women's West*, edited by Susan Armitage and Elizabeth Jameson, where women were returned to the western experience. Then Glenda Riley's *The Female Frontier* was published in 1988, Linda Mack Schloff's *“And Prairie Dogs Weren't Kosher”*: *Jewish Women in the Upper Midwest Since 1855* in 1996, and, finally, Jeanne E. Abrams's *Jewish Women Pioneering* in 2006, although this book did not include homesteaders. Richard Edwards, Jacob K. Friefeld, and Rebecca S. Wingo in the 2017 *Homesteading on the Plains* finally tie the male and female experiences together.²

The number of Jewish homesteaders was a small percentage of the American experience of the Russian Jewish immigrant. The Jewish Agricultural Industrial Aid Society of New York reported 5,000 Jewish farmers in the United States in 1911,³ while the 1910 U.S. census reported near 6.5 million farms in the country.⁴ These immigrants had a far different experience in practicing Judaism than their urban coreligionists. The small size of this population makes studying them problematic. That coupled with the poverty most lived in left little money for paper and pencils and time to write memoirs or diaries. Unlike other immigrant women who came alone, Jewish women came as part of a family or to join family.⁵ Nor were these Jewish homesteads a long-term endeavor. If they lasted more than a few years, then the children of the homesteaders

went off to high school and college or to cities where they could get a better paying job, and their parents quickly followed.⁶ On the other hand, Christian homesteaders, who succeeded, passed the family farm down for many generations. By the late 1970s Norton B. Stern and William M. Kramer, who together collected materials about pioneering Jews of the Midwest and West,⁷ remarked that “little [material] survives in terms of Jewish agricultural continuity in North Dakota.”⁸

Jewish homesteaders were by far a minority among the Jewish community. Thus, scholars like Jonathan Sarna, Irving Howe, Sydney Stahl Weinberg, Charlotte Baum, Paula Hyman, Sonya Michel, and Pamela S. Nadell in their “comprehensive” studies of American Jewry do not include examinations of the midwestern rural experience.⁹ Jews in the Plains States were estimated in 1900 to be no more than 45,500 persons, making them only 0.57 percent of the region’s population.¹⁰ Elizabeth Hampston of the University of North Dakota remarks that the immigrants who homesteaded the region were either Scandinavian or from northern Europe,¹¹ ignoring the Jews. Those who did choose to farm did so because they, like Zalman Phillips, “felt that land ownership was the only way the Jew had a chance to succeed. He felt that when you grew your own . . . you don’t have to be beholden to anyone.”¹² Harry Turnoy saw his land as “a legacy to his children. In the Old Country he could not own even one acre because he was a Jew. Here he was not only a Jew; he was a man, and could live in dignity”¹³—a statement reminiscent of Matthew J. C. Cella’s, professor of English at Shippensburg University: “Place shapes ethnic identity and . . . the ethnicity . . . shapes one’s perspective toward the land.”¹⁴

Rabbi Moseh Meiselman in his book *Jewish Woman in Jewish Law* remarks that “the Jewish woman is the creator, molder, and guardian of the Jewish home. . . . The woman has been its soul.”¹⁵ It is her job to ensure that the basics of Jewish practice are passed onto her children. This is what Barbara Myerhoff in her 1978 book *Number Our Days* dubbed “domestic religion.”¹⁶ Weinberg remarks that for immigrants, “women’s domestic practices became major rather than peripheral components in transmitting a sense of Jewish identification to children.”¹⁷ Rachel Calof believed her “function was to raise them to a point in time when they could take charge of their own destiny. . . . There was no time or resources for anything more.”¹⁸ How this is done in wilderness with little contact with anyone is explained in these memoirs.

MEMOIRS

Pioneer women’s autobiographical writing provides material about their experiences. What they choose not to write about is just as crucial as what they choose to write about. The difference between what is published and what remains private is valuable to understand. Women in the last two centuries were hesitant to expose their private

space to public scrutiny by publishing their memoirs.¹⁹ Nonetheless, autobiography has long been accepted as a form of American literature, partially because the theme of personal dislocation is common.²⁰

There are four published memoirs of Jewish homesteading. The use of published memoirs is important because those are the ones readily available to the public and so influence the public's understanding of the past. Three of these are by women, and the fourth is coauthored by a husband-and-wife team. Three of the four memoirs are set in North Dakota, where 45 percent of the land was claimed by homesteaders²¹ and an estimated eight hundred Jews filed claims.²² The fourth one is set in Arkansas. This begins our understanding of gender roles among Jewish homesteaders. Traditionally, women are the storytellers of a community. Part of informal education is the sharing of community or family history. Thus, after their families had been established, they felt the need to impart their family histories to their descendants. Men did write memoirs for their descendants as well, like Joe Bender's *This is Your Life* written in the mid-1900s.²³

Sophie Turnoy Trupin arrived in the United States as a child; she came with her mother and siblings to the home her father had created. Harry Turnoy had come earlier, in 1904, and built a house twenty-five miles from Wilton, North Dakota.²⁴ The house was necessary to ensure they could keep their homesteading claim. As an adult, Trupin wrote her memoir, *Dakota Diaspora: Memoirs of a Jewish Homesteader*, purposely to remind people that not all Jewish immigrants to America lived in cities.²⁵

Rachel Calof came alone as a young woman to the New World in 1894. She was a mail order bride who met her betrothed in New York City. He then escorted her to the Devils Lake area of North Dakota and the lands his family had claimed. This was a Jewish community of homesteaders. Before they married, she too filed a claim. In 1936 she bought a notebook and wrote her memoir in Yiddish. In 1980 the text was translated into English by a cousin for the family. Rachel's son Jacob then "adjusted the translation's grammar and punctuation, relying on his familiarity with his mother's narrative style to maintain the faithfulness of the text to his mother's voice."²⁶ These both were submitted to the American Jewish Archives, and in 1985 J. Sanford Rikoon discovered them and convinced the family to publish the manuscript as *Rachel Calof's Story*.²⁷ The story that is published by Rikoon has since been discovered by Kris Peleg of Century College to be far different than what was written. She explains "that a first-generation American son (Jacob) made [changes] to his immigrant mother's tale about 'the West,' their family and their religion."²⁸ Here, the son imposed his own restrictions on what part of his mother's private sphere could be presented to the public. He also made the text more palatable to Christians by dropping the description of the boss from gentile to boss and changing "the Sabbath" to Saturday.²⁹ He also deleted much of his mother's grief about leaving her family behind and her despair of one daughter marrying a Christian.³⁰ While this does make Calof's memoir questionable

as a memoir, it does not negate the importance of this memoir to the public understanding of the homesteading experience.

Kate Herder was a child when her family immigrated from Russia to New York City and finally to Newport, Arkansas.³¹ This is not the only difference between this memoir and the others under discussion here. Her father, Moses Herder, was a founder of Am Olam, a group that wanted to create a collective farm in the New World.³² They also bought their land rather than “claiming” it. Kate wrote this memoir when she was in her seventies, and the part about the community in Arkansas is a miniscule part of her work. She did not intend to publish her story. It really was for her family;³³ however, her descendants gave permission for only this portion of the memoir to be published in an anthology about Jews in the Ozarks.

The final memoir, “North Dakota Memories,” is coauthored by Henry and Lea Fine. Henry’s grandfather homesteaded in the late 1870s through 1880s outside Moorhead, Minnesota, and then at a farm twenty miles outside of Fargo, North Dakota. He then deeded the farm to his son-in-law.³⁴ Henry Fine’s remembering of his mother’s experiences on the homestead is certainly secondhand. However, what he does share is important because it tells the reader much about what is important to him, and there are no other published memoirs by Jewish men about homesteading.

HOMESTEADING CONDITIONS

None of these Jewish women were prepared for life in America and even less so for life on a homestead. These women were trained to keep a home and raise children. While many lived in rural towns in the Old Country, they had not lived on farms far from communities and this is significant to their adjustment to the homestead. They struggled to keep kosher homes, instill Jewish values, and ensure their children were educated while living far from Jewish communities.

Henry Fine’s grandmother, Hannah, gave birth to six children in a sod house. She did not enjoy living on the farm. When her youngest was about to be born, two Native American men “appeared in the house. They looked at [his] grandmother, saw the condition she was in, and without saying a word turned and walked out. Within ten minutes two squaws were in the house, and they delivered . . . Sarah. . . . After that [his] grandmother insisted on moving off the farm.”³⁵ Even though the family moved to town, Zalman Phillips kept the farm until 1903. He would plant and harvest, unable to let the dream go.³⁶

Hannah was not the only wife who was disappointed by her homestead experience. Rachel Herder traveled with Moses Herder and their three children from Odessa,

Russia, to Newport, Arkansas. She never felt comfortable in the wilds of Arkansas. Shortly after moving into their cabin “built the same way they tell us Abraham Lincoln’s cabin was built,” Rachel

lifted up the pillows[;] there came a heart-rending scream. . . . A big snake [was] running through one of the lower legs. Well that must have been the last straw that broke the camel’s back. [She] cried and worried day after day. . . . And she [wouldn’t] stay in a place where there is so much danger. Something must be done and very quickly.³⁷

Gittel Turnoy arrived on the homestead in 1908, four years after Harry Turnoy had settled it.³⁸ The home he had built did little to impress her:

She was dismayed and horrified at what she found. She saw a sod house with a tough splintered floor, a crude homemade table with two benches which my father had fashioned from planks, iron bedsteads with sagging springs, and a blackened kitchen range. The well was in the valley at the foot of the hill upon which our house stood. . . . She felt trapped, betrayed, helpless. My mother wept.³⁹

Harry “could not understand her reaction. He took such pride in his cleared fields and house and barn. He had thought his wife would be so proud of him.”⁴⁰

Rachel Calof was also not impressed with the conditions homesteaders lived in. After seeing her home that was not complete, she met her in-laws’ home for the first time:

I could not believe my eyes. A pit had been scooped out in the center of the dirt floor. This was the private space which we had been promised. Looking about at the people and the space provided for our living, I knew that I was very close to the living level of an animal. . . . The single bed was made of rough boards. It had two legs on one side. The other side was hammered to the wall. The table was similarly attached to a wall. The bed had neither spring nor mattress, only a spread of straw covered with a sheet. The floor was earthen.⁴¹

Gittel Turnoy realized that “here there were no towns, no *shuls*, no *Talmud Torahs* where her sons might continue to learn, no *kashruth*, no *Yiddishkeit*.”⁴² Critics of such groups as the Jewish Agriculturalist Aid Society of America, which funded many farmers, warned “that the need for community was a dominating element in Jewish psychology, and that the scattered and isolated farmers . . . would not indefinitely be willing to live apart from the survival institutions of their people.”⁴³

FEEDING THE FAMILY

Keeping their families fed was surely their first priority. Herder explains how her mother “used to make some sort of a flat bread from the yellow corn meal and . . . water.”⁴⁴ Trupin, a daughter, makes numerous references to their mothers gathering and cooking food. Trupin devotes an entire section of her book to “Food,” where she explains how her mother stored eggs in salt, sauerkraut, pickles, and pickled watermelon, and other foods they grew on the farm.⁴⁵ Calof writes about wandering the plains tasting plants to see if they are safe to eat: “I found what appeared to be wild garlic. I was delighted and ate a kernel. It tasted wonderful and didn’t seem to harm me, so I gathered quite a number of bunches. . . . I came across plants which unquestionably were wild mushrooms. . . . I bit into one and held it in my mouth. It didn’t burn or taste bad, so I swallowed it. I waited a while for something to happen. Nothing did.”⁴⁶

Gittel Turnoy kept a kosher home. She was so insistent that Harry learned how to ritually slaughter fowl to ensure their meat was kosher. She would also toss a small portion of the challah dough into the fire, as was tradition to remember the animal sacrifices at the ancient Temple.⁴⁷ Calof notes: “I don’t believe it ever occurred to anyone to kill and eat an animal that had not been ritually slaughtered.”⁴⁸ When the Calof family finally had money, the shochet would come each winter and slaughter the animals to store in the freezing barn.⁴⁹

In contrast, while the women of Am Olam insisted there be a Passover Seder, they most likely did not keep kosher. This was not a common practice among Jewish agricultural colonies.⁵⁰ However, these women were still the keepers of the food. When the community’s supply of flour was tainted by kerosene, the flour was still used: “Every bit of that flour and . . . not a crumb was wasted.”⁵¹

RITUAL PRACTICES

In the New World, women became the strict adherents to Jewish practice and men tended to forgo them. Women knew that it was through them that ritual practice was maintained and so felt an added push to continue the traditions in the New World.⁵² While Harry Turnoy continued to strictly observe the Sabbath, his daughter remembered that “most of the Jewish farmers asked God’s indulgence and continued working feverishly seven days a week.”⁵³ Of the three women only Gittel Turnoy insisted upon having a mikvah.⁵⁴ It was the only part of the homestead that survived after the family left.⁵⁵ In preparation for Passover, she also “whitewashed all the walls and scoured the floors. She made the utensils kosher.”⁵⁶

The Calof home became the religious center of the Devils Lake community, with some people “traveling for days by horse and buggy and by horseback” and tents being

raised for children to sleep in during holidays.⁵⁷ The Turnoy family would gather with other Jewish farming families at a neighbor's home for Yom Kippur. The wagons were piled with provisions and bedding and Harry would lead everyone in prayer.⁵⁸

Rachel Calof writes about having her first son and the cost of hiring a mohel.⁵⁹ They had to buy his train ticket to Devils Lake and pay him his fee. Neither Rachel nor Abe could imagine not having their son circumcised.⁶⁰

Fine remembers that his "grandfather was not a religious man at all"; he was a socialist.⁶¹ However, Fine's grandmother before she died made her son-in-law "promise that he would take care of her younger children and bring them up as Jews," which he did.⁶²

Despite their general nonobservance of Jewish custom, the Am Olam commune did have a Passover Seder. They used what they could find as substitutes for the required ritual foods, including coffee rather than wine.⁶³

ECONOMIC POWER

While Paula Hyman, professor of modern Jewish history at Yale University, claims that women, mothers, became the purchasers of materials for the family in the New World,⁶⁴ this did not hold true for farm wives. Harry Turnoy would order the Passover food to be shipped via train.⁶⁵ He controlled the money and gave Gittel an allowance.⁶⁶ Trupin remarked that "there were no stores where [they] lived" so they had no understanding of money.⁶⁷ The only time Rachel Calof notes going into town is to give birth;⁶⁸ it was Abe, her husband, who would take items into town to sell and then purchase what was needed.⁶⁹ Going into town provided not only provisions, but also socialization. Thus, the men had opportunities to visit with others, but the women did not. In the Old World, market day offered the women a chance to travel to the nearest town and interact with each other. The Herders, of course, had a different experience as they belonged to a communal farm and the group pooled their meager savings to buy necessities.⁷⁰ However, they rarely had money. These women also had each other to interact with.

EDUCATION

Jewish girls traditionally were educated in an informal way, through learning by following their mother's example. Sophie Trupin remembered being around eight years old and taking care of the house because her mother was away; she "had helped [her] mother since [she] could remember."⁷¹ She remarked: "Everybody worked from the time we awoke until we went to sleep, except on the Sabbath and holidays. Work was simply a fact of everyday life."⁷² Her mother "cooked and baked and washed and

scrubbed and sewed. She prayed and observed the fast days and holidays⁷³ and her daughters helped. Never did her brothers help with the housework;⁷⁴ that remained women's work.

One of the reasons for coming to the New World was so that children could attend school. Trupin started school shortly after arriving in North Dakota. Girls and young boys attended school in the spring and summer when they weren't needed in the fields and the weather was less severe. Older boys attended in the winter, when they weren't needed on the farm.⁷⁵ Trupin loved school.⁷⁶ She was a bright student, so much so that her teacher from kindergarten through eighth grade approached Harry Turnoy and suggested his daughters attend high school. As there was no high school in town, they would have to go to Minneapolis and board with a family. Despite her father's Old Country traditions about education, where boys received all the education and girls very little, he paid for his daughters to attend high school.⁷⁷ Phillips also made sure his daughter graduated from high school.⁷⁸ She became an avid reader and her home "was lined with books."⁷⁹ In fact, Jews were more likely than other immigrants to send their daughters to high school.⁸⁰

Abe Calof became a powerhouse on the local educational scene. He organized the first school board and pushed to create a school system better than the one-room schoolhouse that existed. Their children did attend that one-room school,⁸¹ though it is unclear whether the Calof children received more than an eighth-grade education. Rachel wrote little about her children and much about her experiences.

Jewish education was also important. Sophie Turnoy's mother was the one who insisted that the scattered Jewish community hire a rabbi to teach Hebrew. The visiting rabbi would stay at various community members' houses while he was in the area teaching.⁸² On Shabbat, Harry Turnoy sat with his sons and studied Torah.⁸³

BREAKING THE LABOR BARRIERS

It was not unusual among homesteaders for girls to work in the fields under their father's supervision, but as they grew older they did not usually do field work unless their fathers, brothers, or husband were away⁸⁴ or there was a shortage of laborers.⁸⁵

Sophie Turnoy milked the cows and went into the hayfields during haying to drive the wagon. It was during haying that she bonded with her older brother. The milking and care of the cows were not considered women's work, but Sophie enjoyed it and became skilled at rounding up the cows from the field to be put in the barn at night. However, during World War I she was hired to do the men's work of wheat shocking because all the young men were at war. Her mother refused to work in the fields, though her husband often pointed out that other homesteading wives did so. She did not feel it was appropriate for a proper Jewish wife.⁸⁶

CONCLUSION

Just as our understating of homesteaders as a homogeneous community of white Christians must be revised, our concept of Russian Jewish immigrants must change. Scholars of Jewish American history and culture, like Nadell and Sarna, have traditionally focused on the urban male and female experience. Those scholars who look at the smaller towns examine the men's experience. Except for Schloff's *"And Prairie Dogs Weren't Kosher,"* women are ignored. The supposition that Jewish women had a universal homogeneous experience is clearly wrong.

Scholars like Nadell and Hyman must add defining words to their research to show that they are examining the urban Jewish woman's experience or the non-rural Jewish woman's experience. Small town and rural Jewish women did not have the community support that their urban counterparts did. Rural Jewish women not only rarely had fellow women, Jewish or not, to rely on, they could not obtain kosher food. There were no stores, no trains, even no towns. For a group whose entire existence relies on community, the rural American experience was overwhelming. Calof, Trupin, and Herder present a curious adventure that dashes our understanding of the normal Jewish woman's American experience. *"In some ways Jewish women were agents of assimilation; in others, buffers against the disruptive influences of the new society."*⁸⁷

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“He Wanted to Make Them into Educated, Enlightened People”

Jewish Immigrants, Acculturation, and Gender Stereotypes in A. D. Oguz’s *Di fraydenker*

MATTHEW H. BRITTINGHAM

INTRODUCTION

In this chapter I analyze gendered depictions of Jewish immigrants and their children appearing in *Di fraydenker* [The Freethinkers], a family drama by A. D. Oguz (1865–1943, also spelled Ogus) serialized in the Orthodox Yiddish newspaper *Der Morgn zhnurnal* [Jewish Morning Journal] from May 8, 1922, to August 29, 1922.¹ The novel, set right before and extending through World War I, focuses on three interconnected middle-class or middle-class-aspiring families who reside in the same suburban New York neighborhood: a family of German immigrant antisemites (the Hochbargs), a religiously observant Jewish family (the Goldins), and a family of freethinking, radical assimilationists of Jewish background (the Johnsons).² Though their immigration experiences differed, the Goldin family and the Johnson parents were part of the nearly 2.5 million Jews who left Eastern Europe for the United States from the early 1880s to the early 1920s. The drama of *Di fraydenker* begins when the children in each ideologically distinct family become friends with or fall in love with a child from one of the other families. Thus, the parents become forcibly intertwined. While an interethnic romance drives the novel’s sensational action, the most important character development occurs without secret schemes and expressions of romantic love. By novel’s end, a variety of push and pull factors (e.g., personal relationships, war, antisemitism) lead the male members of the freethinking Johnson family to embrace strict religious observance. The Johnsons and Goldins were less a reflection of reality than a useful

canvas for addressing broader issues about Jewish life during an anxious moment in American Jewish history.³

In *Di fraydenker*, Oguz reimagined and reinscribed gender stereotypes about Jewish immigrants and their children, all in order to probe the limits of assimilation as native-born Americans' attitudes toward Jews seemed in flux. Oguz constructed his characters and narrative in light of these seemingly shifting attitudes, connected to the promise and problems of socioeconomic mobility. This chapter adds to scholarship on Jewish gender stereotypes employed by Jews as they navigated the strains and stresses of an ever-evolving America.⁴ By addressing Oguz's *Di fraydenker*, one can observe the elasticity of gender stereotypes as Jews assessed and reassessed their connections to the wider American society and each other.⁵

JEWISH GENDER STEREOTYPES AND *DI FRAYDENKER* IN CONTEXT

In her study of Jewish gender stereotypes, particularly in the American Jewish press, Riv-Ellen Prell argues that Jews used gender stereotypes to map "their anxieties about Americanization and mobility onto the terrain of one another's lives."⁶ When Jews depicted each other,

each group of Jews differentiated by social class, gender, region of origin, and religious practice, and condemned one another's bodies and styles to demonstrate their own respectability in a world that questioned their suitability for the middle class and citizenship in the nation. The tasks of acculturation, involving either rapid or gradual change, turned Jews against one another.⁷

Gender stereotypes deployed by Jews and applied to other Jews were not confined to distinctions between so-called German Jews and Russian Jews. Jewish immigrants from Eastern Europe—whether men or women, religious or nonreligious, wealthy or impoverished, and so forth—used such gender stereotypes.⁸

Oguz wrote *Di fraydenker* during a tense moment in American Jewish history, which impacted his use of gender stereotypes. Historian Gil Ribak recently noted that percolating antisemitism in the late 1910s and early 1920s spurred certain Jewish immigrant writers, Oguz among them, to revisit previous notions about antisemitism in America.⁹ Before the growth of post-World War I antisemitism, Jewish immigrants in America wrote often about how native-born, non-Jewish Americans, or "Yankees," seemed almost incapable of antisemitism. By contrast, they reasoned that other immigrant ethnic

groups from Europe brought antisemitism with them when they arrived on American shores. The situation changed, however, in the latter years of World War I and in the war's aftermath. As Ribak writes: “The amplified clamor for ‘100 percent Americanism’ in those years by a spectrum of ultra-patriotic organizations, city and state officials, and the federal government reinforced the impression that Americans were changing—and not for the best.”¹⁰ Particular Jewish immigrant writers responded to these social trends by informing readers of an underlying anti-Jewish antipathy among other immigrant groups *and* Yankees. Yiddish journalist D. M. Hermalin, for example, wrote: “You ought to know that even here in America the Gentiles are not strongly enamored with Jews. Naturally, the local Gentiles are simply angels in comparison to the ‘noble’ Russians and the ‘progressive’ Poles. But still they do not love us very much.”¹¹ While, as this quote shows, Hermalin suggested particular immigrant ethnic groups held a greater disdain for Jews than native-born, non-Jewish Americans, he also asserted that Jews should not simply assume Yankees are incapable of antisemitism. Instead, Yankees may be as susceptible to antisemitic sentiments as Europeans, an idea almost unthinkable just a decade prior.

Written in light of anti-immigrant and antisemitic rhetoric in the United States, *Di fraydenker* reveals Oguz's ambivalence regarding the Jewish position in American society. His most right-minded characters, at least as he portrayed them, embrace New World opportunities and American cultural norms. However, Oguz tempers any notion that the embrace is without reservation or is mutual. For example, the Jewish characters live in an environment where they have some contact with native-born non-Jews, whom Oguz simply calls “Christians,” but these “Christians” largely keep their distance from the Jewish characters.¹² Or, as another example, one character rhetorically asks another in the novel, “Don't you realize people don't love us Jews all that much, even here in this blessed land?”¹³ In this quote, America appears as a “blessed land” even though Jews are not so “loved.” Oguz elsewhere provides similar proclamations of cautious distance on the part of both Jews and non-Jews.

Oguz's idealized Jewish family, the Goldins, appear to follow the idea that “by learning good manners, immigrant Jews would become good Americans and would earn the respect of Gentile society,”¹⁴ what I here simply call middle-class respectability.¹⁵ Despite some uncertainty about Jewish acceptance in American society, the Goldins are indeed respectable, good Americans and earn the respect of gentile society, but they are also observant, feeling little need to radically modify their observance, or even Old World appearance, in acculturating to American society. In terms of the coming together of anxieties and acculturation, Prell aptly summarized: “Jews maintained dense ethnic neighborhoods and family ties, but neither these associations nor their growing anxiety for their own safety in America or for their families in Europe divorced

them from their participation in American culture.”¹⁶ For writers like Oguz, the cultural moment heightened the stakes of gender performance and made gender stereotypes more potent. Again, Prell: “Gender has served to symbolize Jews’ relationships to nation, family, and work because both Americanization and mobility place specific yet different demands on men and women. These expectations were critical to Jews’ creation of gender identities that became powerful emblems of their Americanness.”¹⁷

THINKING THROUGH *DI FRAYDENKER*

This section considers specific characters in *Di fraydenker* where resonances with prominent Jewish gender stereotypes appear, sometimes resonating more explicitly and sometimes less. While the interethnic romance between the freethinking daughter, Helena Johnson, and the son of German immigrant antisemites, Fritz Hochbarg, drives the daily drama of *Di fraydenker*, other characters and scenes much more clearly exhibit Oguz’s views on Jewish life in America. Generally speaking, the male members of the freethinking Johnson family become ever more connected to their religiously observant neighbors, the Goldins. On multiple occasions, Adolph Johnson and Nachman Goldin sit together and rather goodheartedly debate religion and freethought. Adolph’s older son Albert overhears these debates, and Nachman’s arguments persuade him, despite his father remaining unconvinced.¹⁸ Albert strikes up a friendship with Simeon Goldin (or Shimen/Shimon) and soon becomes an ardent Zionist and observant Jew. Adolph’s youngest son, Alfred, also spends time with Rivke Goldin. Drawn to her piety and Jewish knowledge, the more Alfred spends time with her the more he becomes observant and knowledgeable in Jewish matters. Below, I focus on the observant characters Nachman Goldin, Hannah Leah Goldin, and Rivke Goldin and the freethinking characters Adolph Johnson, Matilda Johnson, Alfred Johnson, and Albert Johnson.

A. Gender, Family, and Respectability

The first chapters of *Di fraydenker* introduce the main characters, describing their personalities, experiences, and position within the broader family dynamics. Most notably, the serial opens with a conversation between an upset Nachman Goldin and his wife, Hannah Leah. Nachman is angry because his daughter Rivke, often referred to as Rivkele, is spending time with Alfred Johnson, a boy Nachman deems a “loafer” and “antisemite.”¹⁹ Nachman calls Alfred an antisemite not simply because Alfred comes from a freethinking, assimilationist family but because he publicly mocks bearded Jews and throws rocks at them. More importantly, Nachman fears that Alfred, and the rest of the freethinking family, will lead the pious, goodhearted Rivke astray.²⁰ Nachman

describes how he will punish their daughter for spending time with Alfred: “I will finally give [Rivke] the smack of a lifetime.”²¹ Hannah Leah, a much calmer personality, tries to ease Nachman’s fears, informing him she has already told Rivke not to eat anything at the *treyf* [nonkosher] Johnson home. Hannah Leah gently criticizes Nachman’s disciplinary approach, telling him their daughter can be “better persuaded with compliments than threats.”²² After all, “a kiss and an embrace always accomplish more than scolding.”²³ Nachman disagrees with Hannah Leah’s interpretation of the threat Alfred poses, but on the other hand appears willing to try different disciplinary action. Further, in hearing her critique, Nachman suspects Hannah Leah might be talking about his treatment of her. He tells her, “God willing, I’ll try to do the same.” That is, he will try to approach his wife with greater sensitivity.²⁴

In Russia, Nachman was a well-respected merchant known for his observance and decency. Hannah Leah herself had “a reputation as a pious, goodhearted woman.”²⁵ They fled Russia during a pogrom, leaving their oldest daughter, Shifra, behind with extended family. (After arriving in America, they lose contact with Shifra. She reappears at the end of the novel.²⁶) Despite arriving destitute, maybe five to ten years ago at the novel’s start, matters go fairly well for them on this side of the Atlantic. People take pity on them and help Nachman get on his feet. He eventually becomes a grocer. The family is not rich, but Nachman makes a respectable living, and they are able to live in a nice suburban New York neighborhood. The family also maintains, or tries to maintain, the same level of piety and observance they had in Eastern Europe while taking advantage of New World opportunities. For example, they attend synagogue and maintain a kosher home to the same degree they did in the Old World, and Rivke receives of some form of formal religious education. The most notable feature of Nachman and Hannah Leah’s life is their physical appearance. Oguz writes that “Hannah Leah wore a wig, though it would cause her much unpleasantness” and “Nachman didn’t touch a hair on his chin, though he would often have to conceal his sizable beard from little rascals or older hooligans.”²⁷

Nachman and Hannah Leah, at first glance, seem to reflect common tropes about “green” immigrant parents existing somewhere between the Old World and the New World. This first chapter, entitled “The Strict Father,” appears to introduce Nachman as a severe, not yet acculturated immigrant father. He is certainly controlling, “a bit capricious,”²⁸ and shows some anxiety about the heterosocial contact America offers children and young adults. His beard also marks him as an object of derision for other Jewish immigrants, just as Hannah Leah’s wig marks her as potentially unacculturated to American norms. Oguz, however, does not provide a simplistic depiction of backward, “green” Jewish immigrants. Despite being strict, Nachman is “beloved by his children and never brought shame on them.”²⁹ He is not an immigrant father whose children regard him with embarrassment.³⁰ Similarly, Nachman later informs Rivke

regarding her play with Alfred: “My darling child, you can always play with and spend time with your kind and goyim. Just stay away from Jewish goyim.”³¹ The central problem then is not heterosociality itself but the fact that Alfred is of Jewish background and “doesn’t know a thing about Jewishness.”³² To Nachman, Alfred and his family pose a specific threat to a Jewish child such as Rivke. In sum, Nachman is no “defeated patriarch . . . caught between the world of the past and future.”³³

Hannah Leah likewise does not fit the stereotypes of a Jewish immigrant mother stuck in the past. The freethinking Matilda, who lives across the street, certainly calls Hannah Leah a *yidene*—a pejorative usually reserved for an older Jewish woman who is perceived as petty and talkative, among other negative associations.³⁴ Despite the *yidene* label from Matilda, Oguz does not actually depict Hannah Leah with the negative traits associated with the *yidene* caricature. Wig aside, she represents, in virtues and values, the motherly ideal of respectability. She expresses loving affection for her children, allows them some sense of New World freedom, educates them in respectability, and provides a Jewish education in terms of home life and formal Jewish schooling. In this way, Hannah Leah reflects a positive gender stereotype appearing in the immigrant generation, which is, as noted by Joyce Antler, a nurturing mother who offers her children love and support. She is not an overbearing Jewish mother (a stereotype of the Jewish mother with resonances in the immigrant period but evolving more fully later).³⁵

Like Nachman and Hannah Leah, the Goldin children are the ideal of respectability with their “truly Jewish upbringing.”³⁶ Rivke and Simeon are intelligent, successful, obedient, and decent. According to Oguz’s depiction of Rivke, “the only exception where she didn’t please her strict father was keeping company with Alfred Johnson.”³⁷ In sum, the Goldin family is golden. They are a symbol of domestic tranquility. It is notable that nowhere in *Di fraydenker* does Oguz ever depict the Goldins’ level of observance or family life as at odds with the standards of respectability. Interestingly, the members of the Goldin family also do not appear to have undergone any fitful acculturation process in terms of respectability. The subtext is that their Judaism acts as a kind of transatlantic bridge. Oguz notes the strains and stresses of religious adjustment for immigrants, but the Goldins arrived already respectable and almost seamlessly acculturated to middle-class respectability in the United States.³⁸

The idealized Goldin family shines brightest when compared to the freethinking Johnsons. Chapter 2 introduces the Johnson family as the near opposite of the Goldins. The Johnson house, across the street from the Goldins, is opulent and modern, a testament to their economic rise. Adolph has been in the United States far longer than Nachman, almost thirty years, and has become an established manufacturer. Born to a shochet who was also “a Talmud scholar, a Hasid, and a distinguished

man,"³⁹ Adolph studied in various yeshivot in Eastern Europe and struggled to adapt to American life when he first arrived. He zealously devoted himself to studying English, rarely enjoying the Yiddish theater or "similar pleasures."⁴⁰ Somewhere along the way, he discovered writing on freethought and was soon "scorning every religious believer, Christian as well as Jew."⁴¹ Already having become so "greatly enlightened," he "devoted himself almost exclusively to the pursuit of money" and married Matilda. He even changed "his provincial name," from Aaron Jacobson to Adolph Johnson.⁴² He remains a freethinker, but the headlong pursuit of money effectively ends Adolph's exploration of freethought any further. Adolph refuses to give any money to anything religious or anything that smells of particularity, Jewish or otherwise. Adolph's refusal to give money to such causes leads those around him to consider him heartless, though, as Oguz informs readers, Adolph is actually "*not* a bad person by nature and [is] also no miser."⁴³ Generally, most onlookers in the novel, Jews and non-Jews, call Adolph an "alrightnik" (alt. sp. "alrightnik"). In *Di fraydenker*, alrightnik pejoratively signifies a successful Jewish immigrant, especially male, who assimilates to American norms while shedding Jewishness. Several non-Jews in the novel express a hatred for the fact that Adolph and his family try to shed Jewishness. In Oguz's constructed America, the gentile world values maintaining an ethos of one's religio-cultural heritage, even if religious practice is absent. His depiction of America is one that actually rejects the melting pot for nascent cultural pluralism, though this does not mean minority groups receive a full embrace.

Matilda is "a different sort of freethinker" than her husband.⁴⁴ That is, she has no real opinions on religion. Born to a poor family in a backwater town in Russia, Matilda's mother only taught her the most basic prayers and rituals, all of which she promptly relinquished in America.⁴⁵ In the United States, she became a domestic and, unlike Adolph, "didn't care to take time to study and learn more."⁴⁶ So, Oguz writes, "She remained . . . a vulgar kind of woman who didn't know a word of English."⁴⁷ As Matilda rises in status after marrying Adolph, she begins to feel ashamed of her Jewish background. Oguz describes Matilda as a "coarse" woman urgently seeking the approval of Christian neighbors and hoping someone would consider her a "real American lady."⁴⁸ There is a problem, however. Matilda's desire for acceptance cannot be fully realized because of her "gibberish English," for which Christian neighbors deride her behind her back.⁴⁹ Even worse, "her own children would even laugh at her English and not-so-American grasp of things."⁵⁰ Unlike Adolph and Nachman, Matilda and Hannah Leah have no relationship. Matilda does not consider it dignified to socialize with a *yidene*, or any other Jew for that matter. Matilda stands as the ultimate outsider in *Di fraydenker*: Christians rejects her, she is unwilling to associate with Jews, and her own children mock her. Matilda instead lives vicariously through her second-generation

children, who she hopes will assimilate into the majority culture through intermarriage. Intermarriage, as a way for immigrants to “[cut] themselves off from their unique, Old World cultures,” was a common theme in American 1920s popular culture.⁵¹

Though Matilda has symbolically acculturated to middle-class life in terms of the signs and symbols of status—neighborhood, home, general wealth, and so forth—she is far from respectability. Her initial error, at least as Oguz depicts it, is her lack of self-cultivation. She fails to study English and remains beholden to an immigrant “tell,” her bastardized English. With her failed assimilation, especially her coarseness, Matilda resembles a stereotype Prell calls the “vulgar Jewish woman.”⁵² Employed by Jews and non-Jews, the vulgar Jewish woman was closely related to the “Ghetto Girl.” Jews and non-Jews envisioned the Ghetto Girl as a young, unmarried, working-class immigrant female. The threat of the Ghetto Girl was that she believed she had Americanized but actually had failed. The Ghetto Girl was excessive, using consumption as the sign of her Americanization and middle-class aspirations.⁵³ Unlike the Ghetto Girl, the “vulgar” or “coarse” Matilda is not young, unmarried, or working-class, at least not when the story takes place. She did come from this background, however. Matilda symbolizes the potential mobility of the Ghetto Girl—that is, the Ghetto Girl placed in a middle-class context. Matilda has risen in status, but she only has the façade of a cultured American middle-class woman. As one example, Matilda regularly falls into “hysterics,” which Oguz clearly portrays as a far cry from respectable norms of restraint.⁵⁴

The second-generation Johnson children are not respectable either, rather unlike the Goldin children. Oguz connects their lack of respectability to the freethinking parents. Adolph spares no expense for his children’s education, “want[ing] to make them into educated, enlightened people.”⁵⁵ But, Adolph gives Matilda total oversight of the children’s education. Adolph never considers how Matilda is educating the children. Just as Matilda shows a lack of self-cultivation, it becomes apparent that she cannot properly perform the role of middle-class motherhood, or, in Oguz’s words, “the children didn’t get the motherly guidance their father wanted.” As a result, the children had “free rein and didn’t behave like a rich and enlightened father needs his children to behave.”⁵⁶ Alfred is “a rascal of the lowliest sort,” while his brother Albert is a bit of a libertine.⁵⁷ Like her mother, Helena is prone to “hysterics.”⁵⁸ The Goldin girls—Hannah Leah and Rivke—by contrast, never fall into hysterics.

As I interpret Oguz’s depiction of Matilda, there is another way she does not fit the norms of respectability. In alienating herself from Hannah Leah, Matilda fails to exhibit neighborly tolerance. In a study of how Jewish freethinkers and their religious counterparts shared tenements, workplaces, and streets, historian Annie Polland notes that while freethinkers long debated the limits of their tolerance for religious immigrant brethren, many Jewish freethinkers considered tolerance a key American virtue. In engaging the pious Nachman, Adolph shows greater tolerance than his wife

and children. A similar, even more notable example can be seen in how the Johnsons act toward Dovid Jacobson. Dovid is Adolph's relative, an observant Jew, and a relatively recent immigrant. When Adolph would invite Dovid to his house to "converse a little about the old country and other things," it was simply the case that "Matilda and Helena (Albert and Alfred too) couldn't stand the new immigrant greenhorn and would crack jokes at his expense, even mock him to his face."⁵⁹ Again, Adolph shows a greater level of tolerance for the pious, "green" immigrant than does the rest of the family. Later in the novel, after Alfred and Albert embrace Judaism, their attitudes toward Nachman and Dovid change. Unchanged and unchanging, Matilda remains bitter throughout about Adolph's time spent with Nachman, considering this observant Jew beneath herself and her husband.

Though Matilda is the ultimate figure Oguz blames for the Johnson children's lack of respectability, he places some blame on Adolph. In terms of constructing the respectable Jewish immigrant home in light of the so-called cult of domesticity, as Paula Hyman suggested, Jewish immigrant writers generally did not let men off the hook. Jewish immigrant writers who upheld American middle-class ideals feared the impact of a lack of fatherly presence in domestic life. In his 1918 book *Di heym un di froy* [The Home and the Woman], the religious Yiddish journalist Chaim Malitz included a chapter entitled "Fathers and Children."⁶⁰ Malitz opened the chapter by saying, "When we look at Jewish family life in America, we see something striking—children's education is thrown completely on the mother." The failed result of a mother's daunting task, however, disturbs domestic peace: "When fathers eventually notice their children haven't turned out like they should, they end up blaming their wives. The mother is to blame for everything. She taught them after all."⁶¹ Jewish fathers in America, according to Malitz, feel that making money is their only obligation to the family. Malitz suggested a division of parental duties as the antidote. The father, who "is to take care of the children's future," should devote at least an hour a day to "familiar, friendly conversations" with his children to "draw attention to the ideals he seeks to find in them."⁶² In sum, a father has domestic responsibilities and should be present as an affectionate advice-giver.

In various ways, Adolph resembles the problematic Jewish father figure Malitz described. Adolph is successful and provides for the family, but he only offers his money, not his affections or advice. Oguz writes that Adolph's "mind was always preoccupied with business," to the point that he ignores Matilda's domestic failures.⁶³ When he realizes his children do not fit standards of middle-class respectability, he intervenes by coaching Albert in business management. Albert's wanton personality and laziness leads Adolph to give up educating his eldest son. Adolph deems himself too busy to devote greater energy to his children's domestic education. In fact, in Oguz's words, "he didn't devote much effort, whether by kindness or discipline, to leading Albert

on a better path.”⁶⁴ Adolph resembles a successful, but neglectful, Jewish father stereotype. Again, this father type was a growing concern as Jews in America gained increasing economic success. The Jewish absentee father had a non-Jewish counterpart. Jews and non-Jews fitfully wrestled with economic mobility and the cult of domesticity’s implications (both its successes and failures). In both cases, a “proper” display of one’s American masculinity centered, as Malitz points to above, on tireless personal drive ostensibly for the family unit, household consumption, and ultimately a bourgeoisie division of family labor into public (mainly male) and private (mainly female). That is, in the case of the neglectful Jewish father’s successful masculine performance, it required the wife to construct and oversee a respectable domestic sphere that translated into public display. A wife’s failure, as Malitz and Oguz indicate, could be seen as a threat to the successful performance of American masculinity.

As I have presently described the various characters in novel, Oguz’s depictions both align and do not align with many gender stereotypes applied to Jewish immigrants. Hannah Leah is observant in appearance, but is not a *yidene*, despite Matilda’s insistence. Also observant, and a bit strict, Nachman is not exactly the backward Old World father who wars with members of the family because he struggles to accept New World norms. Adolph and Matilda, however, despite their economic rise, actually fail to establish a proper middle-class domestic sphere. Matilda has so-called Ghetto Girl traits that mark her as an outsider in the very world she physically inhabits. Though successful and, at least as Oguz writes him, not nearly as detestable as Matilda, Adolph has perhaps assimilated too much, consumed by the drive for success such that he fails as a father. The results in both cases are written into the pious or impious actions of the children. Oguz is, I suggest, playing with stereotypical depictions of Jewish men and Jewish women. He presents readers with a pious couple and an impious couple, one seemingly Old World and one seemingly New World, probing which set was properly acculturated to middle-class American life. Oguz was not asking readers, who were most likely women, to don a wig. In Oguz’s constructed New York suburb, he wanted to present readers with a case where the most observant family mirrored middle-class values in ways a freethinking, radically assimilationist family did not.⁶⁵

B. “Motherhood” and Respectability

Rivke is eventually commanded by her father to disassociate with Alfred. At this early juncture in the novel, Oguz describes the connection between these two children as a strong friendship that hints at a possible deeper connection down the line.⁶⁶ Despite the fact that Rivke is somewhat repulsed by Alfred’s *treyf* lifestyle, he is surprisingly respectable—“like a good, obedient schoolboy taking instruction from his teacher”⁶⁷—when he is with Rivke, for reasons he cannot articulate. Rivke clearly

knows of Alfred’s misdeeds, but she ponders why he is morally unmoored and devoid of anything Jewish. While reflecting on her father’s command to disassociate, she reasons, “If a person would educate him like her parents had educated her, he wouldn’t be the boy he is.”⁶⁸ The budding friendship and Alfred’s apparent need for instruction, moral and Jewish, leads Rivke to toss aside her father’s wishes. Instead, she takes on a role resembling, to some degree, an ideal Jewish mother.

The education of Alfred begins at a fairly early point in the novel. One day Alfred notices Rivke reading a Hebrew book by a tree. After he directly asks her what she is doing, Rivke is faced with the dilemma of obeying her father or telling Alfred about her Hebrew book. She decides “she wouldn’t dismiss him this time.” After some back and forth, he asks Rivke to read him something from the book. It just so happens that Rivke reads a story about respecting one’s elders, which provides an opportunity to personally scold Alfred for throwing rocks at older Jewish men. Thoroughly ashamed, Alfred confesses he still wants to continue reading with Rivke. The two have a long discussion about Jewish matters Alfred knows nothing about. Rivke educates Alfred about God, Shabbat, Rosh Hashanah, Yom Kippur, tefillin, the Hebrew alphabet, and other subjects.⁶⁹ Alfred and Rivke secretly continue studying Hebrew. Through reading stories together, which, as above, center on Jewish history and morality tales, Rivke instructs Alfred in both respectability and Judaism. He begins to change, and the change is noticed by all in the neighborhood. By the time a change is noticed in Alfred, his older brother, Albert, who has become friends with Simeon Goldin, has undergone a similar transformation.

In a poignant scene, Nachman and Hannah Leah discuss the change seen in the Johnson boys; Rivke is present as well. When Nachman and Hannah Leah start talking about Alfred, Hannah Leah remarks, “He no longer badgers Jewish peddlers and no longer participates when other boys make fun of a bearded Jew. And, I swear, when you make *kiddush* on Friday nights, a couple times I’ve seen him standing under the window.”⁷⁰ Rivke eventually confesses she has been teaching Alfred against her father’s direct command. Nachman does not strike his daughter as he had once promised. Both Nachman and Hannah Leah do chastise Rivke for her disobedience, however. On the other hand, Hannah Leah takes pride in the fact that Rivke proved Nachman wrong. She states: “Your father feared Alfred would, God forbid, lead you astray from the path. In the end, you led him to the path.”⁷¹ Though Rivke disobeyed, the results are clear; everyone around recognizes Alfred’s transformation. Nachman has his doubts about whether Alfred’s piety will last, but he and Hannah Leah allow Rivke to continue meeting with him. The Goldin family as a whole, in fact, begins to welcome Alfred and Albert into their home, offering a kosher space for the boys. Rivke remains Alfred’s main tutor, but he starts to stretch his own legs in Jewish matters as he spends more time with the Goldins.⁷²

Midway through *Di fraydenker*, Matilda realizes both her sons are becoming more religiously observant and that they openly detest their parents' freethought. Regarding Alfred, Matilda becomes incensed at Rivke's influence in his life:

[Alfred] became so influenced by Rivkele's teachings that he repeatedly refused to eat certain foods because they're *treyf*. He also told his mother several times that when he gets older he'll leave the house and live like true Jewish kids do.

Little Alfred would often talk about Jewish laws and Jewish customs that she, Matilda, had long forgotten. He knew every Jewish holiday and its significance, and he already knew Hebrew. Young Rivke Goldin had taught him everything. Matilda knew where all this knowledge came from and was enraged that the Goldins were "corrupting" her child.⁷³

Oguz places his own quotation marks around the word "corrupting," a sign of his personal commentary on Matilda's feelings. Underlying Matilda's anger is the fact that her son has not followed her maternal example in embracing total assimilation. It is also clear, however, that in terms of respectability, Rivke has not actually corrupted Alfred; his supposed corruption emerges only from the perspective of his mother. Rivke has been transforming Alfred into a respectable young man, which Matilda apparently could not do.⁷⁴

If there was familial strain in the Goldin household over Rivke's association with Alfred, his transformation relocates the strain. After Rivke receives permission to meet with Alfred, Matilda forbids him to visit her. Alfred defies his mother and continues visiting the Goldin home. Alfred's disobedience raises an interesting conundrum, of which Oguz seemed aware: can a parent's command be defied? Considering how Nachman and Hannah Leah chastised Rivke for meeting Alfred behind their backs, one might be tempted to consider the answer to be no. Oguz provides a scene in which the violation of a parent's command is argued and, ultimately, permitted. Nachman expresses concern over Alfred's disobedience, asking, "You know, it says in the *chumash* that a mother should be obeyed?" Alfred affirms knowledge of the command, leading Nachman to inquire, "So then why don't you obey her?" Nachman's open-ended question offers Alfred the opportunity to argue his case, in turn revealing how his religious reasoning has advanced. Alfred initially counters with a question, "Is it better to follow God or one's mother?" which he subsequently answers:

I still go to your beloved daughter Rivke to learn Jewish things. God wants me to because it's a mitzvah. I don't need to obey the kind of mother who doesn't allow me to do a mitzvah. What if my mother commands me to be a goy and go to church, do I need to obey her then?⁷⁵

By framing his study with Rivke as a mitzvah, Alfred can claim that performing the mitzvah is more important than following the command of a mother with no concern for religious observance.

The conversation between Nachman and Alfred continues for several more lines as Nachman grows increasingly impressed with the young man. Alfred’s reasoning shows the sophistication of Rivke’s tutelage. But, rather than congratulating Alfred on his educational gains and piety, Nachman responds by immediately directing his attention to his daughter. The following interaction occurs:

“You, my child, are a good teacher.” Nachman turned to Rivke, “You’ve taught him well. If only all teachers taught their students so well.” He squeezed her with loving affection and kissed her forehead. Two tears like pebbles trickled from his eyes and fell on little Rivke’s face. Hannah Leah followed Nachman’s lead and also gave Rivke a heartfelt kiss, but with more tears, as is the custom of women, who are more apt to cry than men.⁷⁶

In this sentimental scene, bursting with paternal and material pride, Nachman affirms the role Rivke has played in Alfred’s transformation. Once a doubter, Nachman is proven wrong. There is an underlying sense in which Nachman recognizes he erred in distrusting Rivke. Nachman seems to realize he should have trusted the moral foundation set by Hannah Leah. The scene hints at a parental apology, whereby Nachman could be critiquing himself. Is he, in fact, a teacher with shortcomings when he says, “If only all teachers taught their students so well”? The answer to this question is unclear. Regardless, Nachman is a proud father once he recognizes Rivke’s effect on Alfred.

In conclusion, Rivke is a character much like her mother. She resembles a positive stereotype of the Jewish immigrant mother as a nurturer offering love and support.⁷⁷ Playing a sort of motherly role in Alfred’s life, she teaches him about Judaism and provides him with a proper moral education. In the end, she makes a respectable young man out of Alfred, who later begins to spread his wings. Rivke’s role here is domestic, on a small scale at least—Rivke “trains” Alfred, who then begins to flex his own religious reasoning and religious fervor. He also receives further instruction from the rest of the Goldin family. A similar theme can be seen in how Rivke neglects following her father’s command. She does so only to lead Alfred to “the path” of observant Judaism. As Oguz presents her insolence, it is worthy of gentle chastisement by Nachman and Hannah Leah, but, as far as insolence goes, it is also praiseworthy. Rivke performs what could be considered a domestically conservative transgression. She makes her own choice about associating with Alfred, but it still resides squarely within boundaries that, ultimately, do not upset her family’s domestic world.

C. Return and Transformation?

Nachman Goldin and Adolph Johnson are friends and debate partners on issues of religion, and the novel is rife with intricate discussions between the two. In this way, I suggested Adolph shows a tolerance for his religious neighbor, Nachman, far more than does Adolph's wife, Matilda. With these points in mind, as his sons begin to change from freethinkers to observant Jews, Adolph expresses some anguish, derision, and exasperation. He also consistently refuses to give his children a religious education, contrary to their desires. However, his philosophy toward his children's religiosity, unlike that of Matilda, is a live and let live approach (i.e., "I'll let nature take its course"⁷⁸); he will not support religious education, but, as he says, "If my children entertain other ideas, then so be it." He takes this relaxed position in part because he believes when his sons grow up they will leave religion behind. Regardless, Adolph's sons, alongside Nachman and the aforementioned relative Dovid Jacobson, begin to diminish Adolph's confidence in freethought.

The outbreak of world war and corresponding violence against Jews in Eastern Europe is the first pull factor initiating Adolph's return to the Jewish community. At first, support by Jews for Jews is too particularistic for Adolph. Nachman and Dovid argue with Adolph over why he remains so distant from his landsleit when they are suffering. Dovid makes an argument that hits Adolph personally. Dovid paints a picture of a pogrom for Adolph, wherein his father is subject to violence:

Do you remember Mr. Johnson, his nice, long beard that gave him such a patriarchal appearance? Imagine that wild beasts came and cut his beard, tearing the hair out by the root. When that became tiresome, they took a match or candle and burned up the remaining hair and scorched his face! Can anything be more brutal and tragic than this?

There are other aspects to Dovid's argument, but the vivid picture of violence against his father pushes Adolph "to think differently."⁷⁹

In the very next scene, America declares war on Germany, and Albert Johnson, now an observant Jew attending West Point, will be sent to the front, along with Simeon Goldin (an example of the family's patriotism despite their anxieties). Before Albert leaves for Europe, he visits his parents. Adolph witnesses Albert packing "a little *siddur*, a little Tanakh, and even a pair of tefillin." Here, Adolph exposes how he "wasn't the same 'enlightened' man he was"—he, Oguz explicitly states, does not laugh at his son's religious paraphernalia, but weeps.⁸⁰ Given how Oguz depicted Adolph earlier in the novel, as a largely failed father, he now appears more emotionally invested in his children. Albert's imminent departure for the battlefield certainly plays a role, but Oguz

specifically notes how Adolph's affections are connected to a transformation, from assimilationist freethinker and "enlightened" allrightnik to a firmly Jewish father (with all its positive associations in this novel). His now Jewishly inflected American masculinity has a tenderness marking his transition into Oguz's ideal, respectable father.⁸¹

Adolph's turn to religious observance begins with a conversation between Nachman, Dovid, and himself. Nachman argues, "If, Mr. Johnson, you actually love the Jewish people, you need to draw closer to Jewish beliefs."⁸² Dovid adds that if Adolph's son is fighting in the war, then he should consider returning to religiosity. Nachman and Dovid encourage Adolph to attend shul on Rosh Hashanah and Yom Kippur, which he does—the first time stepping into a synagogue in thirty years. The davening on Rosh Hashanah "left a major impression on him."⁸³ Much like how Dovid invoked the image of violence against Adolph's father, the connection between a father and a son, past and present, dead and alive, frames Adolph's shul experience. As Adolph watches, he vividly recalls his father leading prayers in the Old World; he "imagined a scene where his father stood reverently at the lectern, his coat and *tallis* becoming soaked with sweat and tears as he said the prayers with vigor and intention. It was like he saw the scene with his very own eyes." Adolph cannot help but "let his tears loose."⁸⁴ Further, upon remembering his son at war, "he cried all the more."⁸⁵ Hereafter, Adolph begins embracing religious observance, even following Alfred's lead in such matters. As mentioned above, Oguz's non-Jewish characters originally despised Adolph and his family because they are radical assimilationist "allrightniks." Once again, in Oguz's vision of American social norms, it is important to maintain an ethos of religio-cultural heritage, even if religious practice is absent. Adolph's return to Judaism indicates a surprising, maybe counterintuitive acculturation to American norms, as least as Oguz envisioned them.⁸⁶

Around the same time, Adolph's transformation toward Jewishness and Judaism begins to impact masculine performance related to his fatherly duties. Fritz, the German Christian and Helena's husband (they eloped), has recently been murdered, for reasons ancillary to the main point of this essay. Helena left Fritz prior to his demise and returned to her immediate family, as Fritz's hidden antisemitism bubbled to the surface, to the point that he became physically violent. Helena returns to her immediate family. After Fritz dies, she decides she wants to remarry. Her scandalous relationship with Fritz has tainted her in the eyes of other young men and young women. Eventually, however, she finds a potential match with a Christian. Adolph, who now embraces *Klal Yisrael* [the Jewish people as a whole], opposes the marriage, and threatens to ostracize Helena if she marries the Christian.⁸⁷ Helena does not marry him. Later, after Adolph has become more religiously observant, he forces Helena to marry Dovid. Dovid would only take her if she promised to "oversee a kosher Jewish home." Matilda and Helena both object, but to no avail: "Helena protested the match for quite some time. Matilda conspired with her, but Adolph held fast—it has to happen and so it will happen."⁸⁸

Adolph has become his family's policeman regarding the boundaries of assimilation. As Oguz paints him, Adolph has not become an unreasonably strict father. Like Nachman, Adolph appears to show some flexibility. But, when it comes to radical assimilation and intermarriage, Oguz's Adolph has drawn a new line in the sand. In fact, according to the novel's main themes, Adolph's line in the sand is entirely reasonable. The Johnson family lives in a wider America that may not completely embrace the Jew. Oguz never truly offers substantial pushback to Adolph's flexing of his transformed masculinity, a performance of fatherly authority (and respectability) inflected by an embrace of *Klal Yisrael* and recognition of the reality of antisemitism.

What becomes of Matilda? By novel's end, Matilda still resists everything Jewish. Her circumstances have changed, however. She is now married to an observant, transformed Adolph. All her children, who previously signaled her hope for total assimilation, have married Jews and live in observant homes. Even worse for Matilda, their spouses are all "greener" than her children. Adolph relocates Matilda (by force, presumably) and the family home to "a real Jewish quarter of the city, where they created a Jewish home."⁸⁹ Now, Matilda cannot dream of acquiring the "Christian" approval she desires. Nothing more is heard from Matilda, as she remains the ultimate, unchanging character in the novel. As Oguz presents Matilda, the character is a cautionary tale. She lacks middle-class sensibilities and fails at her main domestic task, the moral formation of her children.

CONCLUSION

As I have shown, *Di fraydenker* exhibits how Oguz played with gender roles, gender expectations, and gender stereotypes commonly applied to Jewish immigrants in the American context. Oguz's idealized characters defy certain tropes; to reiterate, those maintaining seemingly passé Old World traditions are more respectable than their polar opposites, the radical assimilationist freethinkers. Despite anxieties about the non-Jewish perception of Jews, idealized characters are thoroughly American, not only in respectability, but also embracing Oguz's understanding of broader American attitudes on religion and ethnic group ties. The principal problem for Oguz is the desire to shed one's Jewishness and blend into an American society in which socioeconomic mobility signals acceptance; in his view, this type of blending is impossible. Oguz's *Di fraydenker* contains both changeable and static characters. His ultimate outsider, Matilda, remains an outsider at the end, a failed assimilationist and a failed mother. His idealized Goldins stand as a consistent image of domestic peace. Adolph and the Johnson boys, on the other hand, undergo a sort of conversion (a return for Adolph) from freethought to observant Judaism, from a lack of respectability to respectability,

an idealized middle-class American Jewish masculinity. Thus, within the novel, Oguz reserves changeability for males. Oguz’s idealized mothers certainly have the most desirable qualities in many respects, but, at the same time, the unchanging assimilationist women—Helena and Matilda—never shed their undesirable qualities. In this way, there was a conservative thrust to his depictions—“Undesirable qualities, whether they were ‘excessively American’ or ‘excessively Jewish,’ were most often attributed to females.”⁹⁰

NOTES

1. Women were most likely the primary target audience. On May 8, 1922, the editors placed the novel in a section aimed mainly at women, titled “*Far di heym un familye*” [For the Home and Family]. On June 7, 1922, *Di fraydenker* migrated to a page devoted more specifically to long-running serials, where it remained until its final installment. Oguz continued to include his own stereotypes of women, such as an inability to keep secrets, an aptness to tears, and so-called hysteria. Oguz seemed to feel he was helping correct women’s supposedly negative gender traits.
2. The word “freethinker” was often transliterated directly into Yiddish. Freethinkers were also described in Yiddish as *apikorsim* [pl., “heretics” or “unbelievers,” *apikoyres* in the singular, alternate English spelling: *apikores*]. *Comprehensive Yiddish-English Dictionary* (ed. Solon Beinfeld and Harry Bochner; Bloomington: Indiana University Press, 2013), 113.
3. On stereotypes and reality, see Riv-Ellen Prell, *Fighting to Become Americans: Assimilation and the Trouble between Jewish Women and Jewish Men* (Boston: Beacon Press, 1999), 4.

By 1922, many Jewish freethinkers embraced some form of Jewish particularity, whether in terms of language, secularized Jewish traditions, or politics. See Gennady Estraiikh, “American Yiddish Socialists at the Wartime Crossroads: Patriotism and Nationalism versus Proletarian Internationalism,” in *World War I and the Jews: Conflict and Transformation in Europe, the Middle East, and America* (ed. Marsha L. Rozenblit and Jonathan Karp; New York: Berghahn, 2017), 279–302; Gennady Estraiikh, “A Mid-Twentieth-Century Quest for Jewish Authenticity: The Yiddish Daily *Forverts*’ Warming to Religion,” in *Reconstructing the Old Country: American Jewry in the Post-Holocaust Decades* (ed. Eliyana R. Adler and Sheila E. Jelen; Detroit: Wayne State University Press, 2017), 111–12; Tony Michels, *A Fire in Their Hearts: Yiddish Socialists in New York* (Cambridge: Harvard University Press, 2005), 140; Bernard Gorin, “Tolerants oyf der idisher gas,” *Morgn zburnal* [hereafter, *MZ*] (23 March 1915): 4; Ab. Cahan, “Apikorsim,” *Forverts* (13 May 1911): 4, 10; Ab. Cahan, “Apikorsim,” *Forverts*

(17 May 1911): 4, 10.

The changing views of Jewish freethinkers led some Jewish immigrant writers to declare that Jews previously alien to Judaism were returning to religion. Oguz himself believed that there were far fewer actual freethinkers than those who said they were freethinkers. See Oguz, "Khevre Berihmers [Barimers]: Apikorsim," *MZ* (16 June 1914): 4. See also Oguz, "Tsurik tsu Idishkeit," *MZ* (3 October 1910): 5; Anne M. Polland, "'The Sacredness of the Family': New York's Immigrant Jews and Their Religion, 1890–1930" (PhD diss., Columbia University, 2004), 150, 156.

4. For select, fairly notable scholarly work on Jews, gender, and the American context, see Ayelet Rose Brinn, "*Miss Amerike*: The Yiddish Press's Encounter with the United States, 1885–1924" (Ph.D. diss., University of Pennsylvania, 2019); Jessica Kirzane, "The Melting Pot: Interethnic Romance in Jewish American Fiction in the Early Twentieth Century" (Ph.D. diss., Columbia University, 2017); Sarah Imhoff, *Masculinity and the Making of American Judaism* (Bloomington: Indiana University Press, 2017); Naomi Seidman, *The Marriage Plot: Or, How Jews Fell in Love with Love, and with Literature* (Stanford: Stanford University Press, 2016); Shelby Alan Shapiro, "Words to the Wives: The Jewish Press, Immigrant Women, and Identity Construction, 1895–1925" (Ph.D. diss., University of Maryland, College Park, 2009); Joyce Antler, *You Never Call! You Never Write! A History of the Jewish Mother* (Oxford: Oxford University Press, 2007); Polland, "The Sacredness of the Family"; Pamela Nadell and Jonathan Sarna, eds. *Women and American Judaism: Historical Perspectives* (Hanover: University Press of New England, 2001); Prell, *Fighting to Become Americans*; Paula E. Hyman, *Gender and Assimilation in Modern Jewish History: The Roles and Representations of Women* (Seattle: University of Washington Press, 1995).
5. On the elasticity of depictions of non-Jews by Jewish immigrants from Eastern Europe, see Gil Ribak, *Gentile New York: The Images of Non-Jews among Jewish Immigrants* (New Brunswick: Rutgers University Press, 2012), 189.
6. Prell, *Fighting to Become Americans*, 10. During the Progressive Era, the wider American culture's depiction of Jews, as Eric Goldstein has shown, was ambivalent. Jews could be both the example par excellence of modernity's benefits and its disruptions. See Goldstein, "The Unstable Other: Locating the Jew in Progressive-Era American Racial Discourse," *American Jewish History* 89:4 (2001): 383–409.
7. Prell, *Fighting to Become Americans*, 52.
8. On the similarities and differences between "German" Jews and "Russian" Jews, see Eric L. Goldstein, "The Great Wave: Eastern European Jewish Immigration to the United States, 1880–1924," in *The Columbia History of Jews and Judaism in America* (ed. Marc Lee Raphael; New York: Columbia University Press, 2008), 71–73.
9. Gil Ribak, "'You Can't Recognize America': American Jewish Perceptions of Anti-Semitism as a Transnational Phenomenon after the First World War," in *American Jewry: Transcending the European Experience?* (ed. Christian Wiese and Cornelia

- Wilhelm; New York: Bloomsbury, 2016), 281–304. See also Prell, *Fighting to Become Americans*, 4.
10. Ribak, "You Can't Recognize America," 291. See also "Di fraydenker," *MZ* (28 June 1922): 3.
 11. Quoted in Ribak, "You Can't Recognize America," 288.
 12. "Di fraydenker," *MZ* (26 May 1922): 5. See also "Di fraydenker," *MZ* (22 August 1922): 3.
 13. "Di fraydenker," *MZ* (28 June 1922): 3.
 14. Hyman, *Gender and Assimilation*, 115.
 15. This depiction stands in strong juxtaposition to other immigrants in the novel. Oguz's German immigrants, for example, were "hot-blooded" and almost inherently antisemitic. See Ribak, *Gentile New York*, 189. For portrayals of non-Jewish immigrants in the novel, see "Di fraydenker," *MZ* (23 May 1922): 5; "Di fraydenker," *MZ* (13 August 1922): 3; "Di fraydenker," *MZ* (14 August 1922): 3; "Di fraydenker," *MZ* (20 August 1922): 3.
 16. Prell, *Fighting to Become Americans*, 126. Here, Prell is specifically talking about American Jewish life from the 1930s to the mid-1940s. The quote still has resonances with American Jewish life in the interwar years before the 1930s. It resonates particularly well with the setting of *Di fraydenker*.
 17. *Ibid.*, 4.
 18. "Di fraydenker," *MZ* (26 May 1922): 5.
 19. "Di fraydenker," *MZ* (8 May 1922): 5.
 20. *Ibid.*
 21. *Ibid.*
 22. *Ibid.*
 23. *Ibid.*
 24. *Ibid.*
 25. *Ibid.* "Di fraydenker," *MZ* (27 August 1922): 3; "Di fraydenker," *MZ* (28 August 1922): 3.
 26. "Di fraydenker," *MZ* (27 August 1922): 3.
 27. "Di fraydenker," *MZ* (8 May 1922): 5.
 28. *Ibid.*
 29. *Ibid.*
 30. Hyman, *Gender and Assimilation*, 132; Prell, *Fighting to Become Americans*, 58–61.
 31. "Di fraydenker," *MZ* (12 May 1922): 5.
 32. *Ibid.*
 33. Antler, *You Never Call! You Never Write!*, 25. See also Hyman, *Gender and Assimilation*, 131; Prell, *Fighting to Become Americans*, 4–5.
 34. Prell, *Fighting to Become Americans*, 86.
 35. Antler, *You Never Call! You Never Write!*, 25.
 36. "Di fraydenker," *MZ* (8 May 1922): 5.
 37. *Ibid.*

38. By contrast, see Eli Lederhendler on Tashrak and the “acquisition of culture,” “Guides for the Perplexed: Sex, Manners, and Mores for the Yiddish Reader in America,” *Modern Judaism* 11:3 (1991): 331.
39. “Di fraydenker,” *MZ* (8 May 1922): 5.
40. “Di fraydenker,” *MZ* (9 May 1922): 5.
41. Ibid.
42. Ibid.
43. Ibid.
44. Ibid.
45. Ibid.
46. Ibid.
47. Ibid.
48. Ibid.
49. Ibid.
50. Ibid.
51. Prell, *Fighting to Become Americans*, 60.
52. Ibid., 51.
53. Ibid., 43.
54. Ibid., 32.
55. “Di fraydenker,” *MZ* (9 May 1922): 5.
56. Ibid.
57. Ibid.
58. “Di fraydenker,” *MZ* (23 May 1922): 5; “Di fraydenker,” *MZ* (26 May 1922): 5; “Di fraydenker,” *MZ* (19 June 1922): 3; “Di fraydenker,” *MZ* (8 August 1922): 3.
59. “Di fraydenker,” *MZ* (2 August 1922): 3.
60. Chaim Malitz, *Di heym un di froy* (New York, 1918), 58–62.
61. Ibid., 58–59.
62. Ibid., 61–62.
63. “Di fraydenker,” *MZ* (9 May 1922): 5.
64. “Di fraydenker,” *MZ* (23 May 1922): 3.
65. Annie Polland has shown Oguz did not see America as a *treyfene medina* [impure land]. For Oguz, Jews in America felt deep religious fervor. Like other religious writers in the Yiddish press, however, Oguz also nostalgically depicted Jewish life in Eastern Europe as more seamless in promoting religious expression. The urban American setting, by contrast, had “conditions inhospitable to true piety.” See Polland, “The Sacredness of the Family,” 155.
66. “Di fraydenker,” *MZ* (21 May 1922): 7.
67. “Di fraydenker,” *MZ* (12 May 1922): 5.
68. “Di fraydenker,” *MZ* (19 May 1922): 5.

69. “Di fraydenker,” *MZ* (21 May 1922): 7; “Di fraydenker,” *MZ* (22 May 1922): 5. This is similar to an earlier conversation between the two; see “Di fraydenker,” *MZ* (12 May 1922): 5.
70. “Di fraydenker,” *MZ* (29 May 1922): 5.
71. *Ibid.*
72. For examples, see “Di fraydenker,” *MZ* (9 August 1922): 3; “Di fraydenker,” *MZ* (21 July 1922): 3.
73. “Di fraydenker,” *MZ* (9 June 1922): 3.
74. See also “Di fraydenker,” *MZ* (10 August 1922): 3; “Di fraydenker,” *MZ* (25 August 1922): 3.
75. “Di fraydenker,” *MZ* (10 August 1922): 3.
76. *Ibid.*
77. Antler, *You Never Call! You Never Write!*, 25.
78. “Di fraydenker,” *MZ* (16 August 1922): 3.
79. “Di fraydenker,” *MZ* (23 August 1922): 3.
80. “Di fraydenker,” *MZ* (24 August 1922): 3.
81. This is a far cry from, for example, the masculinity of Abraham Cahan’s famous Jake/Yekl character. See Clay Motley, “‘Dot’sh a’Kin’ A Man I Am!’: Abraham Cahan, Masculinity, and Jewish Assimilation in Nineteenth-Century America,” *Studies in American Jewish Literature* 30 (2011): 3–15.
82. “Di fraydenker,” *MZ* (24 August 1922): 3.
83. *Ibid.*
84. *Ibid.*
85. “Di fraydenker,” *MZ* (25 August 1922): 3.
86. A similar example can be seen in Mary Antin’s autobiography, *The Promised Land* (1912). When Antin was a young girl attending an American public school, her peers put her on the defensive when they found out that she did not believe in God. Antin recognized that many of her peers were not very religiously observant, and she believed she had an American right to not have her atheism questioned. However, the fact that she was put on the defensive for her atheism shows the general expectations her peers had regarding religious inclinations, despite their personal lack of observance.
87. “Di fraydenker,” *MZ* (21 August 1922): 3; “Di fraydenker,” *MZ* (22 August 1922): 3.
88. “Di fraydenker,” *MZ* (29 August 1922): 3.
89. *Ibid.*
90. Prell, *Fighting to Become Americans*, 13.

Locking Up Al Levy

Jewish Masculinity in the Early Civil Rights Movement

JEANNETTE GABRIEL

THE HEYDAY OF AFRICAN AMERICAN AND JEWISH RELATIONS IS OFTEN identified as the civil rights movement that began in the mid-1950s.¹ From the mid-1950s through the late 1960s, Jewish communities contributed significant funding, and boots-on-the-ground activists helped strengthen the African American community's demand for equal rights. There has been a great deal of scholarship about why this relationship fell apart, but much less consideration of how that relationship began. Civil rights movement historiography has been reconceptualized as a "long civil rights movement" to include social justice movements in the 1930s and '40s that contributed to an outburst of mass activism by the 1950s. A question then is whether African American and Jewish relations should also be reconsidered in a longer trajectory that includes the earlier activism based largely in labor movement and community-based organizing.²

An incident within the military during World War II identifies a nascent relationship between African American and Jewish communities with potential to leverage greater power against segregated institutions. While most activism around equality in the military during the war years was centered within the African American community, a single episode involving a Jewish soldier at the Lincoln Air Base in Lincoln, Nebraska, resulted in national activism in support of eliminating discrimination within the military. Alton Levy's court-martial for protesting the mistreatment of African American soldiers on the Lincoln Air Base led to a nationwide campaign that mobilized white labor and religious communities together with African American civil rights organizations.

Levy's actions assume greater complexity when considered from the perspective of gender theory. Levy was identified by military officials as a troublemaker, and testimony was brought forward to discredit him and other Jewish soldiers on the base as seeking to undermine the military. However, the manner in which this testimony was collected created consternation among the other soldiers on base and fostered support and solidarity on the basis of a shared heteronormative masculine identity. There are then two dimensions to the significance of Levy's actions and subsequent court-martial. The first is the national significance of the case for building broad support for equality within the military, and the second is the failed attempt of the military to stigmatize Jewish soldiers by pitting them against white women. Thus, adopting a critical lens examining gender raises a new perspective on how Jewish masculinity interacted with antisemitism and affected the development of alliances for African American and Jewish communities. This study, as an examination of Jewish masculine identity within the context of the long civil rights movement, expands the study of Jewish masculinity to consider how Jewish men both benefitted from assimilation while at the same time employing their newfound privileges to demand equality for all.

Civil rights historiography has adopted gender as a critical lens of analysis to provide a more complex view of how the demands of civil rights movements were understood and over time broadly accepted.³ In the 1980s and 1990s, African American feminists examined African American masculinity within the broader context of a racist society and considered how manhood was directly linked to demands for reform and revolution within the civil rights movement.⁴ This built on Evelyn Nakano Glenn's premise that links between independence and masculinity lie at the core of the definition and expression of American citizenship.⁵

The theoretical development of masculinity studies can be traced to Robert Staples's work on internalized colonialism that identified "marginalized masculinity" that is both framed by the hegemonic discourse of masculinity and also imposed by one marginalized group against another.⁶ Robert Connell built on Staples's work and identified four types of masculinity: hegemonic, complicit, subordinated, and marginalized. Hegemonic masculinity is defined by Connell as white, heterosexual maleness that upholds the patriarchal structure. Racial and ethnic men fall within Connell's category of "marginalized masculinity"; these groups have been stripped of their masculinity and seek to reclaim it by making demands for full equality.⁷

A small body of work has emerged examining the relationship between African American men's claims for manhood within the broader context of the civil rights movement.⁸ Steve Estes's work studying the protest strategies of African American men within the Student Nonviolent Coordinating Committee (SNCC), the Nation of Islam (NOI), and the Black Panther Party (BPP) in comparison to that of their white male opponents found that both sides "framed their actions in terms of claiming

or defending manhood” and used this rhetoric to mobilize followers and supporters.⁹ Simon Wendt adopted Connell’s view of marginalized masculinities to examine how the self-defense faction of the civil rights movement linked the strategy of nonviolence to effeminate behavior as a justification for rejecting it in favor of what was constructed as a more masculine approach.¹⁰

Herman Graham analyzed the strategies of Black GIs during the Vietnam War as they created new forms of assertive masculinity to overcome discrimination in the late 1960s. Graham argued that during the Black Power movement a new conception of Black manhood emerged from opposition to racial discrimination and the development of Black nationalist consciousness.¹¹ M. W. Hughey extended Graham’s argument through a textual analysis of hundreds of articles from the BPP’s newspaper to contend that masculinity arguments were made to create both a self-determined image and also a counter-hegemonic image. The self-determined masculine image was linked to a culturally based Afrocentric aestheticism grounded in the popular slogan “Black is Beautiful.” Hughey found that BPP also sought to develop a complex, counter-hegemonic masculine image that merged the thoughtful intellectual with the armed activist threatening violence against the police as a strategy of self-defense.¹²

Both African American and Jewish men fall within Connell’s definition of marginalized masculinities, and there are commonalities in how both groups of men have identified themselves in response to hegemonic masculinity. Jewish men subverted Christian interpretations of Jewish maleness as meek and feminine within the positive framework of the *mensch*. With the advent of Zionism, the muscular Jew redefined Jewish masculinity within a model of self-determination and self-defense. African American and Jewish men responded to marginalized masculinity by both adopting and subverting aspects of hegemonic masculinity.

The historic basis of the *mensch* is rooted in complex concepts of masculinity grounded in Jewish traditions that valued academic and religious study over physical aggression. Daniel Boyarin identified *edelkayt* as an alternative form of male identity that has been translated from Yiddish to mean delicacy and gentleness, and the ideal religious man as the *yeshiva bokhur* who dedicated his life to religious study and his secular counterpart, the *mensch*. European Christian interpretations of Jewish men were that they were feminized and emasculated because they prioritized the study of the Torah and rejected violence. Boyarin asserts that within Ashkenazi Jewish culture “the soft man was the central and dominant cultural ideal, not a marginalized alternative . . . not as the desperate product of an abnormal situation but as one possible realization of Talmudic culture.” Therefore, Jewish men did not view the *mensch* as effeminate, but a masculine model in opposition to Christian assimilation.¹³

The notion of the “muscular Jew” is based on Max Nordau’s *muskeljudentum* [Muscular Judaism] that he developed at the turn of the twentieth century.¹⁴ Nordau, a

professional psychiatrist grounded in eugenics, rejected *edlekkayt* and focused on a new model of Jewish masculinity that openly embraced a Jewish manhood that was muscular, sexually virile, and morally upstanding. This rebirth of Jewish masculinity was posed by Nordau as a strategic response to growing antisemitism in Western Europe and violent pogroms in Eastern Europe. Nordau's muscular Jew was adopted by Theodor Herzl and other early Zionists as they linked personal physical strength to the need for Jewish strength through nationalism. Thus the muscular Jew became a representation not just of individual men but also the entire Zionist project. The popularity of the image of the assertive, muscular Jew became tied to a rise in Israeli nationalism after the victory of the Six Day War.¹⁵

These models of Jewish masculinity provide a basis for examining how Jewish men have been viewed and defined themselves in the context of American society. Sarah Imhoff's scholarship analyzing Leo Frank's trial highlights ways in which both his supporters and detractors employed models of masculinity. Leo Frank, a Jewish factory manager in Atlanta, was put on trial and convicted in 1913 for murdering a thirteen-year-old girl. After the Georgia governor commuted Frank's death sentence to life in prison, he was dragged out of jail and lynched by a local mob. During Frank's trial he had been accused of multiple acts of sexual deviance, including oral sex, homosexuality, philandering, and rape, directly linking sexual deviance to his Jewish maleness.¹⁶ His supporters defended him by highlighting what they viewed as the positive aspects of his gentle disposition: "His voice had a velvet softness, yet strong and manly in tone. He was not strong or aggressive, but a different kind of manly."¹⁷ Imhoff shows that Frank's supporters also highlighted the normalcy of his marriage, thus invoking the *mensch* model to reject sexual deviance.¹⁸

There are thirty years between the Frank lynching and Levy's court-martial at the Lincoln Air Base. During that period antisemitism intensified and spiked during the years of World War II. Popular polls indicated that between February 1941 and May 1944, the percentage of people who affirmatively responded that Jews had too much power in the United States rose from 41 percent to 56 percent.¹⁹ But how did these statistics translate into Jewish experiences, especially experiences outside traditional Jewish enclaves? Levy's case highlights the complexity of experience of a New York Jewish man located in Nebraska who stood up for civil rights. The military argued that Levy's Jewish identity had nothing to do with this court-martial, but this claim was undermined by the construction of the military prosecutor's case against him.

Scholarship on Jewish men in the military during World War II finds general agreement that Jewish men benefitted from their wartime experience because they became more accepted and integrated into American society.²⁰ Levy's case highlights the complexity of a situation where a Jewish man faced retribution for standing up for other marginalized groups. This study, as an examination of Jewish masculine identity within the context of the long civil rights movement, expands the study of Jewish masculinity

to consider how Jewish men both benefitted from assimilation while at the same time employing their newfound privileges to demand equality for all.

THE ALTON LEVY STORY

In the summer of 1943, amid rising national racial tensions, Alton Levy, a twenty-nine-year-old man from Brooklyn, arrived at the Lincoln Air Base in Lincoln, Nebraska. When he was drafted, Levy was sent first to Miami Beach, Florida, and then briefly to the Greenfield Army Airfield in Greenfield, Mississippi, before arriving at Lincoln Air Base. When he arrived at Lincoln he was in the rank of staff sergeant and was attached to the 420 Task Group—Basic Training Command in the Army Air Forces Technical Training Command.²¹ Over the year and a half that he had been in the military, Levy supported the war effort and had positive experiences mixing with the other troops.

Lincoln Air Base was established as one of eleven U.S. Army airfields to train airmen in Nebraska during World War II. It became an active military base in 1941, and by 1943 there were twenty thousand men stationed there. Three hundred African American soldiers were stationed at Lincoln Air Base, where they lived in heavily segregated conditions, both in terms of housing and access to leisure activities.

This segregation of African American troops on the Lincoln Air Base was in alignment with the Army's national policies and similar to treatment at other military air bases throughout Nebraska. African American troops faced segregated housing and recreation spaces at the Fairmount, Bruning, and Harvard Army Airfields. African American soldiers were extended limited leave privileges on military bases throughout the United States. In Nebraska, residents in the nearby cities of Kearney and Hastings objected to African American soldiers coming into their communities and insisted the Army impose restrictive leave quotas. African American soldiers at the Bruning Airfield were allowed to go only to Lincoln (three hours round trip) or Omaha (five hours round trip) for their weekly leave.²²

Soon after arriving at the base, in late July, Levy raised concerns with his commanding officer about the mistreatment of African Americans. His commanding officer's response was to ask him if he wanted to be charge of training about three hundred African American soldiers who were housed two miles away from the white soldiers on base. All the white drill instructors and teachers walked four miles round trip every day to reach the segregated barracks. Levy readily agreed and moved in with the African American soldiers. This put him at odds with the white soldiers on base, who could not understand why he would choose to live with the African American troops.

At the same time that Levy was making his complaints about the mistreatment of African American soldiers, he was also documenting his experiences in a series of letters sent to a close friend in New York City, Rosalina Peck. In a letter sent on July 28 he

said, "Most of the whites in charge of them (the Negroes) are Southerners. Naturally, as a result, they are treated like dogs. They are kept in camp while the others are allowed out. They are hounded and harassed and yelled at and cursed and insulted and generally treated abominably."²³ The African American soldiers were denied equal housing and access to the white soldiers' service club, and there was systemic denial of passes.²⁴

Soon after Levy moved in with the African American troops in late July, he was approached by a Women's Army Corps (WAC) corporal, Helen Perkins, who expressed interest in dating. Levy and Perkins went on a few dates and exchanged a series of personal notes that suggested a developing personal relationship. Soon after that, while out with a friend, Levy met another local woman at a hotel, Dorothea R. Armstrong, who was a civilian working in the Adjutant's Office on base. The two men called Armstrong the following day, and she invited them over to her house.²⁵

THE COURT-MARTIAL

Just as it seemed Levy's relationship with Perkins was flowering, he was called into a meeting at base headquarters on August 9, where he was told he was being charged with a very serious offense based on statements made by witnesses. A lieutenant colonel, major, and captain questioned him about his background working for the International Ladies' Garment Workers' Union (ILGWU) and his attendance at City College. They told him that based on remarks he had made about the general and his wife tied to corruption with local Lincoln politics as well as comments he had made about African Americans, he was considered guilty of a "carefully planned, scurrilous campaign to undermine morale and discredit the base and the Commanding General and his wife."²⁶

On August 13, Levy was called into special court-martial hearing with seven officers. The main testimony against him was provided by WAC corporal Helen Perkins.²⁷ There were three specifications of the court-martial charge, and all three argued that Sergeant Alton Levy made willful and maliciously false statements with the intent to discredit the military, and in the case of the first and third specifications to bring discredit upon military service. The first specification was that Levy made the following statements on August 2, 1943, to Corporal Helen H. Perkins in the Air Base Service Club: "That the Base is run by Mrs. Duncan for her sole benefit, with the approval of her political friends; that Mrs. Duncan is the owner of the bus line and that is the reason cabs are not permitted on the Air Base. General Duncan gets a rake-off from all off-limit establishments and the General will not let them reopen until he is paid."

The second specification was that on the same date and location, Sgt. Levy also told Corporal Perkins on August 3: "The colored soldiers on the Base are being mistreated. There are approximately 290 colored soldiers on the Base and only 40 are allowed to

go to town at night because Mrs. Duncan does not want her friends shocked by the sight of a drunken Negro on the streets of Lincoln.”

The third specification was that five days later at a bar in Lincoln, Sgt. Levy made further comments to Dorothea Armstrong, on August 4: “General Duncan was at Pearl Harbor on 7 December 1941 and will be court martialed for his conduct there after the war.”²⁸

A trial judge advocate met with Levy and gave him a copy of the charges, allowed him to see all the statements made against him, and introduced him to the defense counsel. The defense counsel informed Levy that the prosecution would not be able to prove malicious intent, but since the Court did not want to offend military authorities, Levy would be convicted. In response to this assessment from the assigned defense counsel, Levy decided that “he was not quite the type of person I would like to have ‘defend’ me,” and that he would represent himself.

During the trial, Levy insisted that all the charges were false except that he had discussed the mistreatment of African American soldiers on the base. He pointed out that the other issues had been brought up by Corporal Perkins and Dorothea Armstrong as rumors that were rampant throughout the base well before Levy arrived. He was particularly concerned about the role of the key witnesses, Corporal Perkins and Dorothea Armstrong. In a letter to his attorney later he shared:

To explain the sudden entrance of these Mata Hari's in my life . . . the gist of all this, if you haven't already gotten it, is that both the WAC and the other girl turned us in for alleged statements. The WAC in fact, had a field day. She had dates with five of the men in my outfit and we were all turned in by her. Watch the perculair [*sic*] connection though. The men were Rothman, Greenbaum, Josephson, Levy and Bolton. Bolton, the only Aryan to be turned in, was the guy who visited with me at the home of the girl we met at the bar. As it develops it was a good thing that he was there because it was his testimony which definitely clear [*sic*] me of the charge she made against me—that I had deliberately made the positive statement that Mrs. Duncan owned the bus line and that the General was a drunkard. He was so indignant about this and genuinely so, that he made a wonderful impression on the court.²⁹

Testimony was provided by the other Jewish soldiers who had been targeted by Perkins. Levy reported that the prosecuting intelligence officers tried to show that the Jewish soldiers had known each other prior to their time in the service based on the fact that two of the other soldiers had been at City College.³⁰ Greenbaum testified that Levy had raised concerns over the insufficient recreational facilities, that African American soldiers were not being granted passes, and that they had to walk a long distance to the mess hall.³¹

By the end of the trial Levy was convinced that he would be found innocent. During the trial he asked Perkins why she continued to date him after he made remarks that she found shocking and unpatriotic, and she was unable to answer the question. Since Perkins was the main witness against him, Levy felt assured that she had been discredited. The trial judge advocate told Levy's lawyer that he thought the two female witnesses were "complete witnesses and that they may have been plants" and that he was pretty sure Levy would be acquitted.

However, Levy was not acquitted, but rather found guilty on all charges. Levy was charged by special court-martial order No. 308 with violation of the 96th Article of War on August 23, 1943.³² His sentence was that his rank was reduced from sergeant to private, and he was sentenced to four months in the guardhouse on hard labor and would forfeit \$18 per month of pay. From the guardhouse he was allowed to send out only one letter a week, but those communications would be enough to let his support community in New York City know what had transpired.

THE SENSATIONAL NEW YORK NEWS COVERAGE

As soon as the word got out about Levy's court-martial, the Socialist Party's civil rights organization, Workers Defense League (WDL), swung into action. It began reaching out to sympathetic newspapers in New York City. Levy's case was picked up by two liberal newspapers, the *PM* and the *New York Post*.

Levy's story first emerged in the pages of *PM*, a small liberal newspaper that had a base among soldiers and their families. While the paper never had a circulation of more than 150,000, its coverage of the Levy launched it into national prominence.³³ *PM* was a tabloid newspaper full of pictures of war bond rallies, military events, soldiers and their families, and even the occasional pinup girl. The paper's reporters were overwhelmingly Jewish, and the paper featured articles on labor struggles and racial inequality. The Levy case was a perfect opportunity for *PM* to go beyond traditional journalism of reporting the news and take on a more activist role of building a campaign to demand Levy's release.³⁴

During his time at Lincoln Air Base, Levy wrote a series of letters to a close friend in New York City, Rosalina Peck, that she passed along to *PM*.³⁵ A few weeks before Levy was brought in for questioning that led to his court-martial, he documented, "I have been protesting against the treatment they (African American soldiers) have been getting ever since I arrived here. At staff meetings and in sessions with the officers I have made my criticism clear. . . . Already, I am called, 'Nigger Lover,'—etc. They can't understand me (the whites, I mean). 'How can you live with them and use the

same toilet?' That sort of stuff."³⁶ The next week Levy reported on a knife fight between Mexican and African American soldiers over tensions related to limited USO space that Levy claimed took five officers and fifteen MPs with machine guns to break up. Levy's analysis of the incident was that "those who can do something either don't know what to do—or is more generally the case—don't want to do anything to better the lot of the Negro. Bad as the problem has been and now—it will loom as one of the greatest and most ticklish of all post-war nuts to crack."³⁷

PM began to aggressively advocate for Levy's case when it issued a demand to the military to provide the report justifying Levy's court-martial. The campaign within *PM* was led by James A. Wechsler, the national editor, who was considered to be a moderate within the ranks of the *PM* journalists.³⁸ When the military refused to provide the documentation, *PM* accused the War Department of covering up the case. Shortly after this, due to growing public pressure, the Army provided *PM* with its official defense of Levy's court-martial, where it claimed Levy was not punished for raising complaints about treatment of African American soldiers. In response *PM* issued a series of formal questions to the War Department and printed correspondence between the department and Levy's attorney.³⁹ At the same time, soldiers from military bases all over the country sent in letters to *PM* supporting Levy and raising their own concerns about lack of democratic process within the military and the unjust treatment of African Americans.⁴⁰

The publicity that *PM* brought to the case was compounded by the *New York Post* coverage. The *New York Post* had just been acquired by Dorothy Schiff, who became New York's first woman newspaper publisher. Schiff, who came from a prominent German Jewish banking family, used the paper to bring attention to labor and social welfare issues, featuring high-profile editorials from leading liberals. Schiff was attracted to the Levy case and sent a reporter out to the Lincoln Air Base to meet with Levy and bring back his story. This step created consternation among military officials, who were concerned about the high-profile publicity this would give the case. The *Evening Post* also took up the broader issue of segregation and mistreatment at the Lincoln Air Base, and conducted interviews with African American soldiers and community members in Lincoln. Most significantly, *Post* reporters featured interviews with Levy's father and sister, providing personal vignettes about Levy in order to portray him in a sympathetic light.

The *Evening Post's* presentation of Levy invoked complex views of Jewish masculinity. He was identified as having been working for the ILGWU on unionization campaigns in New York, Pennsylvania, and throughout New England before he was drafted into the military.⁴¹ On the one hand, he was portrayed as a typical Jewish boy growing up in Brooklyn during the Great Depression, getting bar mitzvahed at the age of thirteen and regularly attending Temple and attending public schools, where he was

an excellent student, and going on to City College of New York (CCNY), where he studied journalism. On the other hand, the *New York Post* focused on Levy's physical characteristics that were in contradiction to stereotypical views of Jewish masculinity. Levy was quite tall, standing 6'2", was an all-around athlete, and while he dated many girls he had never been married. The *New York Post* sought to distance Levy from the model of the mensch and instead highlight attributes that connected more closely to hegemonic masculinity.

To further establish Levy's connections to mainstream masculine culture, the *New York Post* talked about his all around likable personality and fun-loving attitude. The paper printed a verse from a song Levy had written, *G.I. Love You*:

*I got G.I. soap and G.I. towels—
I "hut-hup-hip" with G.I. towels—
I've got G.I. bedding—
How about a G.I. wedding?—
'Cause, Gee, I love you.⁴²*

The song had been published in an Army song book and was popular among enlisted men.⁴³

Thus, there was an attempt to both embrace Levy's Jewish identity and also develop an image of him that went beyond the traditional Jewish model of masculinity to show that he had assimilated into mainstream society and could not be easily dismissed.

NATIONAL MOVEMENT BUILDS DEMANDING LEVY'S RELEASE

The national movement for Levy was initiated and organized by Morris Milgram, the executive secretary of the WDL. When the WDL learned that the Army Service Command at Denver, Colorado, had upheld the court-martial and was maintaining that race had not been brought up at the trial, they realized this was an explosive political issue. The organization contacted Leon M. Despres, a well-known Chicago civil rights lawyer, to ask him to conduct a preliminary investigation.

Despres began his own law firm in the depths of the Great Depression at the age of twenty-six to take on labor and civil rights cases. During the late 1930s, Despres assisted in the formation of the International Brotherhood of Red Caps, which represented 1,100 white and African American workers across the nation.⁴⁴ He also represented James Hickman, a Black steelworker. After complaining to his landlord, David Coleman, about poor living conditions, Coleman set his apartment on fire and

Hickman's four children died. Hickman sought legal help but was unable to get anyone to represent his case. In a fit of rage six months later, he shot and killed Coleman and was brought up on death penalty charges. Despres successfully defended Hickman, who was eventually released. With this reputation under his belt, Despres's involvement in the Levy case gave WDL greater legitimacy and increased the pressure on the military.

Despres traveled to Lincoln Air Base in mid-September 1943 to meet with Levy and witness the conditions at the base firsthand.⁴⁵ He met with Brigadier General Early E. W. Duncan, who seemed very nervous about the case and specifically about the publicity from *PM*. Duncan threatened that the letters Levy was sending were divulging military secrets and as a result he could face a second court-martial.⁴⁶ Rather than give into this type of pressure, WDL sent out a press statement that Army officials were planning a new trial against Levy. They went on the attack against General Duncan, reporting that he stated, "Levy made 'subversive statements' and he didn't want people to think Levy's being a Jew had anything to do with it." Rather than give in to this intimidation, WDL responded, "If it is a crime to reveal army violations of the selective act provisions which call for 'no discrimination against any person on account of race or color' in the selection and training of draftees, then we plead guilty and it is against us that the government should act."⁴⁷

These statements from WDL made it clear they were no longer just defending a single soldier who was a member of the Socialist Party. By keeping Levy's Jewish identity in the forefront, WDL was making a direct link between African American and Jewish discrimination. On this basis, WDL was joining forces with a broader coalition of African American organizations fighting for racial equality in the military. An array of civil rights, labor, and African American organizations began to get involved, including the American Civil Liberties Union (ACLU) and A. Philip Randolph, leader of the March on Washington Movement.

Fifty thousand letters were sent by WDL to liberal and progressive groups asking them to protest Levy's court-martial. In September 1943 an open letter to President Roosevelt detailing concerns with Levy's court-martial and treatment was issued by hundreds of leaders of national organizations. It called for President Roosevelt's direct intervention on the case and a restoration of Levy's former rank so there would not be any negative impacts on his military record.⁴⁸ The open letter sent to President Roosevelt directly linked Levy's case to the enforcement of the antidiscrimination section 4 (a) of the Selective Service Act of 1940. This act, passed due to tremendous pressure from African American civil rights organizations, stated, "In the selection and training of men under this Act there shall be no discrimination against any person on account of race or color."⁴⁹ By identifying this as the crucial issue in the case, the signatories supported the position that Levy had been demoted and punished "because of his outspoken opposition to illegal discrimination against Negro soldiers." Specifically,

Levy's supporters cited the language within the court-martial charges that Levy had "falsely stated 'that the colored soldiers on the base are being mistreated.'"⁵⁰

Issues of Levy's identity were highlighted by his supporters as a reason that he had been targeted for punishment by the military. The first was his labor background as an organizer for the ILGWU, which Levy was questioned about during his trial. The second was that he was targeted by the key witness in the case, WAC corporal Helen Perkins, because he was Jewish. The open letter to President Roosevelt pointed out that Perkins also turned in four other men at the same time as she reported Levy, three of whom were Jewish. During the trial, Levy was questioned about the City College in New York City, which he and several of the other Jewish soldiers targeted by Perkins had attended. A large number of students at City College were Jewish, so to bring this up during the trial was viewed by supporters as a way of highlighting his Jewish identity.

It is interesting to note that while 1943 is viewed as part of a peak period of antisemitic sentiment in the United States, Levy's supporters were highlighting his Jewishness as a key reason he had been targeted and discriminated against. Rather than seeking to obscure his Jewish identity out of concern it would result in negative repercussions, his supporters did just the opposite. They employed his Jewish identity to claim that Levy had been discriminated against and deserved equal treatment within the military.

The most articulate argument for being outspoken about Levy's Jewish identity in the midst of World War II came from his father. At the same time that the national open letter was sent to President Roosevelt, Morris M. Levy sent a personal letter to the president appealing to him to conduct a review of his son's case:

My son, Mr. President is suffering all of this because he dared to speak up for the rights of other American citizens who were being abused because they were black or because they were of the Negro race.

My son did the same as I would have done, because I have taught him that America is the home of the free regardless of race or color. If this were Hitler's Germany, I know there would be no need to write to you—because I would be ignored. But this is America—and my son is in the Army to fight to destroy the brutal racial theorists of the fascist war monsters, and yet my son is being punished for fighting the same type of theorist here at home.

My son spoke the truth—has the truth no virtue? Is the truth not to be given justice? He said nothing in secret. He made his complaints concerning the treatment of Negroes at every staff meeting.

Mr. President: In the name of democratic justice; in the name of the sacred honor of our Constitution; in the defense of your announced principles for which my son and millions of others are giving their lives, and in honor of the great God whom

this Christian Nation purports to serve, please order an immediate review of my son, Alton Levy's, case, and let justice be done. Let it not be said that the U.S. Army is no different than the Nazi hordes which we fight.⁵¹

Morris Levy condemned the Nazis' theories of racial superiority and juxtaposed the United States' promise of democracy and freedom against Germany's fascism. In a sharp critique of military policy, Levy contended that his son was being punished for challenging racial superiority within the boundaries of the United States. No stronger argument could have been made for solidarity between the Jewish and African American communities at this time.

Influential national African American organizations also pledged support for Levy. The National Association for the Advancement of Colored People (NAACP) began investigating the case and by mid-October had agreed to work with the WDL to publicize the case and defend that President Roosevelt intervene.⁵² The NAACP national office reached out to its Lincoln chapter and asked it to conduct an investigation and submit a report. The local chapter, led by Reverend Melvin Shakespeare, investigated and sent back a report that concluded conditions for African American soldiers at the Lincoln Air Base were quite dire. The chapter reported that African American members of the 74th Squadron were taken to the wheat fields of North Dakota to help with the harvests and forced to sleep in pup tents and given Army food and did not receive any additional pay. In comparison, white soldiers who helped harvest wheat fields in Nebraska were provided room and board with farmers and paid an additional \$8 per day. The soldiers reported to the Lincoln NAACP chapter that they had not received any training and instead were expected to "act as a worker and slave for the white man." The local chapter found that the soldiers on base believed Levy was court-martialed because he protested the treatment of African American soldiers based on the recommendation of General Duncan's wife.⁵³

After thoroughly considering the Lincoln chapter's report, the NAACP concluded that Levy had not received a fair trial, there was insufficient evidence to convict him, and he had been attacked because he was Jewish, a member of the Socialist Party, and a former labor organizer. The NAACP sent a letter to President Roosevelt saying the court-martial unfavorably impacted democratic morale within the Army and civilian population. Roy Wilkins, the editor of *Crisis*, the publication of the NAACP, raised public concerns that Levy's court-martial was discriminatory based on his background as a labor organizer and "the fact that he is a Jew."⁵⁴

The significance of a Jewish man speaking out about racial injustice was not lost upon the African American community. A leading African American sociologist, Horace R. Cayton, argued that before Levy's action many within the Jewish community

had chosen to distance themselves from “Negros for fear that they would have the additional burden of anti-Negro prejudices to bear along with anti-Semitism.” He contended that the Levy case provided an opportunity by highlighting that African Americans, Jews, and labor were “inextricably . . . bound together by the forces of reaction” and Levy had provided the three groups an opportunity to develop a common response.⁵⁵

RELEASE AND AFTERMATH

Local and national pressure mounted through October, and the Army’s attempt to silence by threatening to bring him up on additional charges had failed. In late October, the military implemented a new policy against Levy, blocking him from receiving any mail and refusing him visitors. WDL used this development to compare his treatment to that of European concentration camps.⁵⁶ Every day, beginning on October 31, *PM* printed a small column marking how many days Levy had been held in the guard house to keep public attention on the case.⁵⁷ In the first week of November, the CIO took up the Levy case at its national convention within the context of the broader issue of African American discrimination.⁵⁸ It seemed that Levy’s case would not go away. Finally, in mid-November the military decided to quietly release Levy early under the guise of “good behavior” and transfer him to the Gila Bend Gunnery Base located in the desert between Phoenix and Tucson, Arizona.⁵⁹

The WDL shared the claim of victory of Levy’s release with *PM*. A telegram WDL sent to James Wechsler at *PM* stated that Levy’s early release “can be attributed to the magnificent series of articles by you in *PM* which exposed the prejudice behind Al Levy’s conviction. On behalf of the entire board of the League, warmest thanks to the Newspaper *PM* for this splendid contribution to the history of journalism.”⁶⁰ The fight for his rank to be reinstated continued. The military did not officially change Levy’s status, but right before he left the military in 1946, he officially reached the rank of sergeant.⁶¹

After the war a political struggle took place between the military and African American leaders over the segregation of the military. A. Philip Randolph had threatened a mass march on Washington during the war, which put pressure on President Roosevelt to pass Executive Order 8802 that established the Fair Employment Practices Committee. Randolph again employed pressure tactics by setting up the League for Nonviolent Civil Disobedience Against Military Segregation and the Committee Against Jim Crow in Military Service and Training. In response to political pressures, President Truman issued Executive Order 9981, which banned discrimination in the armed forces.

To keep up the pressure to eliminate segregation as well, the Committee Against Jim Crow in Military Service and Training held a series of public hearings in Washington, DC, St. Louis, New Orleans, Los Angeles, and New York City, where veterans testified about segregated military conditions to panels of leading labor, religious, civic, and education leaders. In early 1949, Levy testified at one of the hearings about the racial discrimination that he witnessed during his time in service.⁶² Truman established the interracial Committee on Equality of Treatment and Opportunity in the Armed Services, also known as the Fahy Committee, to develop a plan to eliminate segregation in the military. The Fahy Committee considerably influenced military policy, and full integration was achieved by October 1953.⁶³

ROLE OF JEWISH MASCULINITY IN THE LEVY CASE

From a national perspective the Levy case appears to be much more about budding solidarity between African American and Jewish communities during the war years. However, from a local perspective on the Lincoln Air Base, the case involved much greater complexity that interweaves issues of race and masculinity. When Levy first arrived at the Lincoln Air Base and began raising concerns about the treatment of African American soldiers, he reported that soldiers on base responded to him with hostility. He pointed out that they couldn't understand the choices he made and attacked him with racial slurs. When Levy identified these soldiers as white, he was positioning himself in a category of otherness, somewhere between the African American and white soldiers. However, after Levy was court-martialed, the soldiers on base viewed him much more sympathetically.

The soldiers on base faced a media blackout from the military and as a result were unaware that Levy's court-martial was being interpreted by national organizations and politicians as a result of his support for African American soldiers. They knew only about the charges Levy had been brought up on that focused primarily on the slanderous remarks he was accused of making against the general and his wife. From the soldiers' perspectives, it didn't make sense to bring Levy up on charges related to rumors that had been widely circulating throughout the base for months about the general and his wife. *PM* sent a journalist to Lincoln, Nebraska, to talk with soldiers who were on leave from the base about their impressions of the Levy case. The soldiers expressed "mingled astonishment and disbelief" as well as "resentment and bewilderment over Levy's court martial." They reported that many of the soldiers on base had repeated these rumors and could not understand why Levy had been punished.⁶⁴ Thus

the impression of Levy transitioned from being an outsider to being unfairly targeted for presumably engaging in the same behavior as all the other soldiers on base.

The critical aspect of the Levy case that turned the tide in favor of Levy among the soldiers on base was the use of WAC corporal Perkins in collecting and providing testimony against him. In one of his trips to the base to investigate conditions there, Despres reported that the soldiers had turned against the WACs on base as a result of Perkins's action. The soldiers believed that Perkins had seduced Levy for the purpose of collecting information and in fact had been working for intelligence. In the months following the Levy court-martial when soldiers would come into contact with the WACs, Despres reported they would hiss and shout, "Don't pull a Perkins."⁶⁵ It's not surprising that the soldiers reached this conclusion, as it was also a conclusion reached by a prosecution official in Levy's court-martial hearing. When the transcripts of the court-martial hearing were publicized, this aspect of the case was picked up by the *Baltimore Afro-American*, which expressed concerns about the use of WACs in this case as plants secretly collecting information from soldiers.⁶⁶

The idea that a soldier going out on a date could be brought up on court-martial charges for engaging in banter over rumors on base was too much for the white soldiers at Lincoln Air Base to accept. Political and even racial differences dissipated when the soldiers confronted a potential attack on their masculinity. Ultimately, the impression Levy made on the soldiers at the Lincoln Air Base was that he had been unfairly victimized, both by the WAC who testified against him and the military system that court-martialed him purportedly for repeating rumors. Rather than being marginalized as a criminal with outlying views of racial identity that might have been compounded by highlighting the otherness of his Jewish masculinity, he was embraced within the hegemonic, heteronormative masculinity that soldiers used to form tight personal bonds during the war years. Thus, the process of assimilation that Jewish soldiers experienced, in some circumstances, may have impacted both the way they defined themselves as men and how they were defined as men by their comrades in arms.

The war years represent a period of transition for Jewish male identity, in which a dense interplay of race, gender, and religion impacted the extent to which they could be accepted within both mainstream society and marginalized movements. Levy's case was taken up by the African American community as an injustice that highlighted segregation within the military. But within the base, Levy was ultimately accepted by the white soldiers as a man who had been wronged by a system that manipulated him through his masculinity. This acceptance was contingent upon Levy being accepted as white enough to acceptably date white women. Levy was precariously straddling an in-between space, where he both benefitted from his apparent whiteness while maintaining his Jewish identity, which set him apart from the other white soldiers and led him to speak out about segregation and oppression.

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Golda Meir, Sarojini Naidu, and the Rise of Female Political Leaders in British India and British Mandate Palestine

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HISTORIANS HAVE JUDGED GOLDA MEIR HARSHLY, THOUGH NOT WITHOUT WARRANT. As Israel's prime minister from 1969 to 1974, Meir implemented disastrous policies toward the Palestinians and was at the helm during the 1973 Yom Kippur War, where Israel came close to falling when caught off guard in a surprise attack. Recently, however, scholar Pnina Lahav has released sections of her forthcoming biography on Golda Meir, titled *Golda Meir: Through the Gender Lens*. Her work frames Meir in a different light. Lahav argues that, viewed through a gender lens, Meir was a remarkable woman who broke glass ceiling after glass ceiling to achieve positions no other woman had ever held, including becoming prime minister of Israel in 1969. This framing is accurate and begs the question, what were other female political leaders around the globe doing when Meir assumed leadership? This essay examines aspects of the political lives of Golda Meir and Sarojini Naidu, who became the president of the Indian National Congress party in 1925. It examines their political careers from the 1920s through the 1940s as female leaders involved in two of the most important nationalist struggles of the twentieth century and how they each maneuvered those waters to achieve their vision of liberating not only women but an entire people. This essay examines their roles as orators and their fierce loyalty to the leader of their respective movements and looks at how the nationalist movements were themselves vehicles for the liberation of women.

Sarojini Naidu was a leader of the Quit India movement that sought to expel the British colonial presence from the subcontinent. Born in 1879 and raised in India, she traveled to England, where she was educated at Cambridge.¹ She was a principal aide and supporter of Gandhi and, over the course of her life, became the most well-known Indian woman of her time. In 1925, Naidu became the first female president of the Indian National Congress party. She went on to become the first female governor of an Indian state, Uttar Pradesh, from August 15, 1947, to March 2, 1949.² During India's struggle for independence, she was imprisoned four times, including a six-month stint from May 5, 1930, to January 31, 1931, and an additional twenty-one months with Gandhi between 1942 and 1943. She was also an award-winning author, poet, and outspoken champion of India's independence as well as women's rights.

Golda Meir was the first female prime minister of Israel, serving from 1969 to 1974. Born in Kiev, she moved to British Mandate Palestine in 1921, where she was actively involved in the Zionist struggle to create a Jewish homeland. She was instrumental in gaining support for the Zionist cause from American Jews through speaking tours she held across the United States. In 1934, she was appointed to the executive committee of the Histadrut, the labor union of pre-state Israel, which was one of, if not the most important, Jewish political bodies in British Mandate Palestine. When Israel became a state in 1948, she served as minister of labor until 1956, and then assumed the role of minister of foreign affairs, the first female to hold the position anywhere in the Western world. From the executive council of the Histadrut, to the minister of labor to the minister of foreign affairs and later prime minister, Golda Meir broke glass ceiling after glass ceiling for women in her fight for the emancipation of the Jewish people.

Before examining Golda Meir and Sarojini Naidu, let us first put their careers in a more global context and reflect on where other nations have stood with regard to women as political leaders. In the United States, Jeannette Rankin, a Republican from Montana, became the first woman ever elected to Congress in 1916. In 1920, the Nineteenth Amendment was added to the United States Constitution, granting women the right to vote. In 1925, Nellie Tayloe Ross, a Wyoming Democrat, became the nation's first female governor. Yet as of 2021 America still has not had a female president but has elected Kamala Harris as vice president. In 1928, Great Britain granted women the right to vote. This was secured on the same terms as men. Women in Britain had been allowed to vote as early as 1918, but only as a reward for services rendered during the First World War. It would be another fifty years before Margaret Thatcher would become the first female prime minister in Europe, in 1979.³ In France, women have been able to vote and serve in office only since 1944. In 1945, women represented just 5 percent of National Assembly deputies. In Germany, women were granted the right to vote in 1918. However, during the Nazi era (1933–1945), women were largely excluded from entering politics, and until 1977, married women in Germany could not

even work without permission from their husbands. In 2005, Angela Merkel became the first female chancellor of Germany.⁴

Ruth Dreifuss became the first female head of state in Switzerland as president of the confederation in 1999.⁵ She was also the first Jew to hold that position. Women gained the right to vote in China in 1949 when the People's Republic of China became a nation, with Song Qingling becoming honorary president in 1981 (not head of state, which would be the chairperson of the Communist Party of China).⁶ Brazil granted women the right to vote in 1934. Dilma Rouseff became the first female president in January 2011 and served until August 2016.⁷ Vatican City in Rome, as of 2021, still prohibits women from voting and is the last place on earth to do so after Saudi Arabia finally granted women the right to vote in 2015.

In 1995, the Fourth World Conference for Women was held in Beijing. The conference called for at least 30 percent representation by women in national governments. In September 2000, the UN Millennium Summit in New York sought to "promote gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable."⁸ Presented in this light, we see both Golda Meir and Sarojini Naidu as pioneering female political figures who created platforms of equality for women not only in their own nations but globally. The fact that they were both involved in nationalist struggles may have played a part in this creation.

Because both women were involved in nationalist struggles, their political achievements as women are often overshadowed by the achievements made for the nation as a whole. Both the Jewish and Indian nationalist movements followed similar timelines. From 1917 to 1948, the Jewish people strove to create a national homeland. Indians attempted to do the same from 1917 to 1947. Let us examine these struggles individually before exploring the roles of Meir and Naidu within those struggles.

Although India had been rebelling against the British colonial presence on the subcontinent since 1857, it was not until 1917 that the British declared there was to be a "gradual development of self-governing institutions with a view to the progressive realization of responsible government in India."⁹ While the British had noted that they would depart, after having a colonial presence since 1600 (first unofficially and later officially), many Indians doubted they would ever leave. By 1919, those doubts were substantiated by both a government act and the resulting actions of the British, which led military to back up that act.

On March 10, 1919, the British government in London passed the Rowlatt Act, which extended emergency powers in colonial India. As an extension of the act, on April 13, 1919, Brigadier General Dyer prohibited public meetings in India's north-west Punjab province.¹⁰ The Punjab is home to India's Sikh community and to the holiest Sikh religious site: the Golden Temple. The Sikhs, many of whom unaware of

the prohibition, defied this order and attended a public gathering on the same day to celebrate the Sikh festival of Baisakhi in a park named Jallianwala Bagh, a short walking distance from the Golden Temple. In retaliation, Dyer had his troops march into the park and open fire on the unarmed crowd, killing hundreds.¹¹ While we may never know the exact number of the dead (estimates suggest 379 people killed and 1,137 wounded¹²), we do know that 1,650 rounds were fired. This massacre has been called the darkest day of British colonial rule in India.¹³

The aftermath of the massacre saw the emergence of Gandhi into the political theater of the Indian struggle for independence. Gandhi had recently returned from a twenty-one-year stay in South Africa, where he had developed his civil disobedience campaign, which he called satyagraha. This can be translated as “truth force,” but it can also be understood as large-scale nonviolent resistance. From 1919 to 1947, Gandhi led the subcontinent on a campaign to rid itself of the British through nonviolent resistance. He, with the help of Sarojini Naidu and others, gained the support of a large portion of the Indian population to combat colonial rule. Some of his most successful campaigns included the Salt March—which Sarojini Naidu was actively involved in—and the inclusion of women in the nationalist struggle. Sarojini Naidu’s role as president of the Congress party speaks to an honest and sincere attempt to have women not only be integral parts of the process but also take on key leadership positions as well.

By 1939, with the outbreak of the Second World War, Britain felt it had to maintain a good relationship with India to keep her on the side of the Allies. When Burma fell in 1944, Britain was shocked and strengthened its efforts to keep India within the allied fold, promising it independence after the war. The British finally left India on August 15, 1947.

Golda Meir was also part of a nationalist endeavor that, while incorporating women, overshadowed women’s struggle for liberation by attempting to liberate an entire people. The Jewish struggle also began in 1917. While the modern idea of creating a Jewish national homeland can be traced back as early as 1881, it was in 1917 that the British issued the Balfour Declaration. The declaration stated, “His Majesty’s government view with favor the establishment in Palestine of a national home for the Jewish people, and will use their best endeavors to facilitate the achievement of this object.”¹⁴ This document, while problematic in that it did not specify exactly where, how large or small, or when a Jewish national homeland would be established, did allow for unlimited Jewish immigration to British-controlled Palestine.

The Jews had suffered horrific violence in Eastern Europe: it is estimated that over two hundred pogroms occurred in 1881 alone. These pogroms were followed by hostile Russian legislation against the Jews, including prohibitions on settling outside the shtetls and towns. Even those who had permanent residence in urban areas were

forced to move back to the shtetls. Jews were also prohibited from conducting business on Sundays and Christian holidays. As most Jews did not do business on the Jewish Sabbath or Jewish holidays, this limited their working days and crippled their economy.

In 1891, on the eve of Passover, Jews were expelled from Moscow. That same year, the Grand Synagogue in Moscow was prohibited from conducting prayer services. The violence only continued: in the aftermath of the Balfour Declaration, between 1918 and 1921, more than two thousand pogroms occurred in Eastern Europe, killing over 150,000 and leaving more than 500,000 Jews homeless and many orphaned. Jews began leaving Eastern Europe in large numbers, heading for Western Europe, America, and, after the Balfour Declaration, Palestine. One of the people who grew up in the violence of Eastern Europe and who made their way to Palestine via America was Golda Meir.

It did not take the Muslim Arabs in Palestine long to become alarmed at the increasing numbers of white European Jews who were arriving in large numbers after 1917. While there were Arab leaders on the ground, such as Jerusalem's mayor Rageb Nashashibi, who preached peace, there were also powerful Arab leaders, such as Haj Amin Husseini, who preached hatred. By 1929, violence between the Jews and Arabs in Palestine erupted in a three-day killing spree known as the Hebron massacres, which left 133 Jews dead and 399 wounded; 87 Arabs died, and 178 were wounded.¹⁵ Violence escalated from there with dividing lines between the Jews and Arabs becoming more rigid.

By 1939, on the eve of the Second World War, the British had neither the time nor the energy to focus on Palestine. It was, to them, a sideshow to a sideshow, with Europe being their primary concern as Hitler's power grew. Their second concern was the crown jewel: India, a very profitable colony. Jews and Muslims in the former Ottoman Levant were in no way their priority. So, in 1939, in an attempt to stop the violence and appease the oil-producing Arab nations, the British repudiated the Balfour Declaration. The British issued the White Paper of 1939, limiting new Jewish immigration to Palestine to seventy-five thousand over a period of five years, after which the Jews could enter only with the permission of the Arab Muslims—which is to say, they would not be able to enter at all. The Jewish leadership under David Ben-Gurion maintained, "We shall fight side by side with the British in our war against Hitler as if there were no White Paper, and we shall fight the White Paper as if there were no war."¹⁶ The Jews stayed loyal to the British throughout the war, and, in the aftermath of the war, their loyalty was rewarded.

After the Second World War, the British were not in a financial position to maintain their colonies and sought to abandon them. Attempting to leave British Mandate Palestine, they partitioned the land into two nations: one for the Arabs and one for the Jews. This plan was not accepted by the Arabs and, in February 1946, the British handed the problem off to the newly formed United Nations (UN). The UN came up

with its own partition plan, and, on August 14, 1948, Great Britain left British Mandate Palestine, and the state of Israel was declared. Golda Meir had been an integral part of this struggle for the creation of a Jewish homeland.

RHETORIC ABOUT THE ROLE OF WOMEN IN THE NATIONALIST STRUGGLE

In pre-state India, the women's movement hesitated to use the word "feminist" even though it recognized its priorities were distinct. Women aligned with the nationalist movement to argue for their own rights as much as to achieve political independence.¹⁷ In doing so, the 1920s proved a powerful decade for women in India. Nationwide strikes, nonviolent resistance, and breaking of government laws were organized by multiple women serving in leadership positions at various organizations across the subcontinent.¹⁸

Sarojini Naidu was a particularly strong social and political leader in that she had extraordinary oratory and writing skills. She had a profound command of language and linked women to the struggle for independence from British rule. In 1926, in a speech given in Uttar Pradesh, she told women that it was they who were the custodians of destiny and they who must begin to exercise their rights.¹⁹ Although Naidu was also hesitant to use the word "feminism," her speeches indicated that she saw the Indian women's struggle for liberation as part of a global struggle. In a speech made on October 31, 1931, she said to women everywhere:

I am an Indian warrior who is fighting for the freedom of my motherland. All of you are fighting for the protections of your own motherlands. In other words, our cause is the same. Consequently, we belong to the same family.²⁰

In making her struggle part of a larger struggle, she is finding strength in numbers but also changing the Indian narrative from political struggle as the role of men to political struggle as the role of women and showing Indian women that women globally were struggling in the same fight.

Highlighting this idea, Naidu wrote in a pamphlet handed to women in 1930:

Till now we have been spectators, but now we have to do something. What your duties are you all know. You have to displace the throne of Britain. Do you think of yourselves as small girls? You are powerful Durgas [classical female Hindu goddess of war]. You shall sing the nationalist songs wherever you go. You shall cut the chain of bondage and free your country. Forget about the earth. You shall move the skies.²¹

This was an effective way of bringing women into the political struggle. It combined what was new—the idea of women as powerful agents of modern political change—with traditional Hindu religious symbolism, something millions of Indians could relate to. Even someone with only a basic understanding of the nationalist struggle could understand the religious and cultural significance of Durga, the fiery, powerful female goddess of war.

Naidu often used this type of rhetoric to connect a traditional past to the nationalist struggle. As early as 1918, she addressed a large group of students, saying:

Narrow-minded people say that the education of women is to be condemned, because it makes them bold. Brothers, have you forgotten the heroic stories and scriptures of your own Motherland? It was the privilege of India to possess women who were bolder and braver than men. Yes, even today the need is that we the women of India should be bold and go to Yama Savitri—like and beg of him a new life for Mother India. I say, if you condemn boldness, the lack of dependence, and manliness in women what do your homages to Ohand Bibi and Ahalya Bai signify? Read the Mahabharata and Ramayana, and read of those brave Indian women who accompanied their husbands in the wars and the wilderness of the jungles.²²

The power of Naidu's oratory skills did not go unnoticed. Her ability not only to reach people but also to advance a nationalist struggle, a women's struggle, and to incorporate what was both traditional and modern in the same speech made her a powerful politician as well as a very useful player in India's struggle for independence.

Golda Meir was also a powerful orator whose skill made her a powerful tool for the Zionist movement in its struggle for statehood. The Jews and the Hindus, although both in a nationalist struggle for independence during the same period, were in many ways polar opposites. The Jews were a tiny population scattered across the globe that had been without a homeland for over 1,800 years (from 70 CE to 1948 AD), and between 1939 and 1945 they were subject to the largest genocide in recorded history. The Hindus were the third-largest religious population in the world after Christianity and Islam and had lived in India with no threat of being expelled since the dawn of human civilization. Yet despite these differences, the modern struggle for self-rule saw them using similar tactics. This is highlighted in Golda Meir's speeches.

In May of 1940, at a speech encouraging Jews in British Mandate Palestine to join the struggle against the British, she said:

We must do all in our power to help illegal immigrants. Britain is trying to prevent the growth and expansion of the Jewish community in Palestine, but it should remember that Jews were here two thousand years before the British came.²³

In this speech, Meir uses rhetoric very familiar to the Zionist project, attaching the ancient Jewish presence to the land to highlight the modern nationalist struggle. In fact, one of the reasons the former Ottoman Levant was chosen to be the national homeland of the Jewish people is because it was agreed that it was the only place in the world where a legal and historical claim could be made for the Jewish people and their relationship with the land itself.

Meir's and Naidu's use of the traditional past and the modern struggle is not the only parallel in their rhetoric. Both women, while championing women's rights, were hesitant to use the word "feminist." Golda Meir wrote of women's struggles, and in 1922, soon after arriving in British Mandate Palestine, she participated as a delegate in the second convention of the Women Workers' Movement in Haifa and was elected to the Council of Women Workers [*Mō'ezet ha-pā'a lot*].²⁴

Unlike Naidu, Meir did not have a massive population to pull support from, but a much smaller population that was wrestling with how to uphold the traditional role of mother, which many women wanted to maintain, while also participating in a complete existence outside of the home and immersed in the Zionist struggle. This struggle would be central if women were to enter the Zionist endeavor in any substantial number. On this subject, Meir proved her leadership skills, writing in 1930:

Taken as a whole, the inner struggles and despairs of a mother who goes to work have few parallels. But within that there are many shades and variations. . . . There is a type of woman who cannot remain at home for other reasons. In spite of the place which her children and family take up in her life, her nature and being demand something more; she cannot divorce herself from a larger social life. She cannot let her children narrow her horizon. And for such a woman there is no rest. . . . Yet working mothers suffer even in their chosen activity. She always has the feeling that her work is not as productive as that of a man or even an unmarried woman. And she always responds to her children's natural demands, in health and even more in sickness. The internal inner division, this double pull, this alternating feeling of unfilled duty—today toward her family, the next day toward her work—this is the burden of the working mother.²⁵

This sentiment was surely coming from experience and the feeling of being pulled in multiple directions: between the traditional role of a woman in the home and that of a modern woman involved in a modern struggle. Considering that the speeches above were written between 1918 and 1930, both of these women were writing revolutionary material on how to reconcile the traditional role of women and the struggle for women's liberation and national liberation.

Of feminism specifically, Golda Meir wrote her in autobiography, *My Life*, that she was "not a great admirer of the kind of feminism that gives rise to bra burning, hatred

of men or a campaign against motherhood.”²⁶ These illustrate that, while she herself was a feminist, Meir did not harbor negative feelings toward men, and specifically not toward one man in particular: David Ben-Gurion.

LOYALTY TO REVOLUTION AND TO THE REVOLUTIONARY LEADERS

Both Sarojini Naidu and Golda Meir, while breaking glass ceilings, were extremely loyal to men in leadership positions: Mahatma Gandhi and Ben-Gurion, respectively—two of the most important and influential men of the twentieth century. David Ben-Gurion (1886–1973) was the leader of the Jewish community [the *Yishuv*] in British Mandate Palestine and served as both the first and third prime minister of Israel. He served from 1948 to 1954 and then again from 1955 to 1963.²⁷ More than anyone else, it was Ben-Gurion who made the Jewish dream of creating a national homeland in Israel a reality. Of him, Meir wrote in her autobiography:

There were of course, many people whose judgement, opinions and personalities affected these decisions including, to a very small extent my own but there was one man, above all others on whose remarkable qualities of leadership and stunning political intuition we all relied and were to continue to rely in the years that lay ahead. That man was David Ben-Gurion, the only one among us, whose name, I profoundly believe, will be known to Jews and non-Jews alike even in a hundred years.²⁸

Meir worked with Ben-Gurion in the British Mandate period. When Israel became a nation in 1948, she served in his government as the minister of labor. She would go on to write, “I very much doubt that the Jewish people will ever produce a greater leader or a more astute and courageous statesman.”²⁹ Meir seems so adoring of him that one wonders if their relationship was more than platonic, but she clearly sets the record straight by saying, “He was not a man to whom one could be close. Not only to whom I was never close but to whom I don’t think anyone was ever close.”³⁰ Meir may not have felt close to Ben-Gurion, but she followed him for years with a strength and loyalty that was at the very core of her political career.

Meir’s dream was about liberation for the Jewish people, and, for her, Ben-Gurion was an enormous part of that dream. The Jewish women were to become free but as part of a larger nationalist struggle led by Ben-Gurion. Meir wrote a letter to him on one of her missions abroad, noting this:

Dear Ben-Gurion: We have had many arguments in the past and doubtless will have many more, but no one, regardless of what the future may hold will ever be able to

take away from me my sense of the enormous privilege I have had in working side by side, for tens of years, with the one man who, more than any other single person, was responsible for the establishment of the Jewish state.³¹

So, too, Ben-Gurion was fond of Golda Meir, referring to her as “the only man” in his cabinet.³² While certainly a compliment, this statement helps us to understand the political and social environment Meir was working in. Wanting to say something nice to her, he does not compliment her intelligence, strength, or oratory skills; he combines all of these things and declares that in having them she is a “man.” At the same moment, he is insulting everyone else in his cabinet by saying they are not men, and if they are not men, they are women, something that carries negative connotations. It is too easy to judge Meir’s struggle on a 2021 platform of women’s equality. Only through understanding the connotations of the feminine in the time she lived can we begin to understand how groundbreaking she and Sarojini Naidu truly were.

While Meir did not feel close to Ben-Gurion, Naidu had a different dynamic with Gandhi. The two were very close, and it was Gandhi who appointed her president of the Indian National Congress party in 1925.³³ She would fight alongside Gandhi throughout his career and was with him during his most well-known and lesser-known struggles. Perhaps Gandhi’s most well-known act of civil disobedience was his Salt March, a protest against a British salt tax imposed on the Indian people. The British Salt Act prohibited Indians from collecting or selling salt and added a tax to its purchase. This affected all Indians as salt was an essential part of everyone’s diet, but it affected the poor most significantly. In an act of satyagraha (civil disobedience), Gandhi marched 240 miles to the sea to collect his own salt, sending a message to the British that salt was an Indian commodity. As he marched the 240 miles from March 5 to April 12, 1930, thousands joined him. A mass movement arrived at the beach, collecting salt from the sea, which went against the British prohibition. Naidu was one of the thousands who marched with him and was one of the sixty thousand people arrested by the British for this campaign.³⁴

What is less well-known is that Sarojini Naidu as one of Gandhi’s principal supporters led the raid on the Dharasana salt depot. Upon marching to the beach, Gandhi had a group march on the salt refinery at Dharasana.³⁵ He appointed Naidu as one of the leaders of this protest. She led a large group in a peaceful protest against British salt production. The British met this nonviolent resistance with brutal displays of violence.³⁶ A security force was waiting for Naidu and her followers. They attacked the marchers with clubs and steel-tipped lathis (five-foot clubs tipped with steel). One eyewitness report described the beatings: “Bodies toppled over in threes and fours, bleeding from great gashes on their scalps. Group after group walked forward, sat down, and submitted to being beaten into insensibility without raising an arm to fend off the

blows.³⁷ Thus, Naidu marched with Gandhi, was imprisoned with him, and allowed herself to experience violence under his direction. She understood Gandhi as being essential to the struggle for freedom. She described him as follows:

Like Gautama Buddha, he was a lord of infinite compassion; he exemplified in his daily life Christ's Sermon from the Mount of Olives; by both precept and practice he realized the prophet Mahomet's beautiful message of democratic brotherhood and equality of all mankind. He was—though it sounds obsolete and almost paradoxical to use such a phrase—literally a man of God, in all the depth, fullness and richness of its implications, who, especially in the later years of his own life, was regarded by millions of his fellow men as himself a living symbol of Godhead. But while this man of God inspired in us awe and veneration because of his supreme greatness, he endeared himself to us and evoked our warmest love by the very faults and follies which he shared with our frail humanity. I love to recall the picture of him at his evening prayers, facing a multitude of worshippers, with the full moon slowly rising above the silver sea, the very spirit of immemorial India; and, with but a brief interval, to find him seated with bent brows, giving counsel to statesmen responsible for the policies and programs of political India, the very spirit of renascent India demanding her equal place among the world nations.³⁸

What is fascinating about the feminism of both Golda Meir and Sarojini Naidu is that they rallied around a male figure on whom they laid their hopes. Neither of them was incorrect. It would be Gandhi and Ben-Gurion who, more than any others, would lead them to freedom. It is also fascinating to note how their feminism was very much part of their people's struggle and not something to be fought for independently.

FEMINIST STRUGGLE AS A NATIONALIST STRUGGLE

In the United States of America, when the colonists fought the American Revolution against the British from 1775 to 1783, they fought a nationalist struggle, but women's rights, or women's equality, was not part of the struggle.³⁹ The struggle for women's rights in America would not come for many decades. For both Sarojini Naidu and Golda Meir, their nationalist revolutions sought to embody gender equality. They could immerse themselves fully in the nationalist struggle itself, as part of its endeavor was to bring about gender equality.

The Indian national movement was undoubtedly one of the biggest mass movements modern society has ever seen. It galvanized millions of people of all classes and

ideologies into political action because it promised so much.⁴⁰ It promised a democratic, secular, pro-poor, equalitarian social order.⁴¹ Gandhi's views on women and the oppression of women represented a clear break from the traditional views on women in India and even a break from the views of the Indian revolutionaries that came before him. Gandhi saw women and the involvement of women in the struggle as crucial to a non-oppressive society. When discussing this break from a more traditional understanding of the role of women in India, he said, "It is good to swim in the waters of tradition, but to sink in them is suicide!"⁴²

Gandhi wrote about women and their central role in the struggle for freedom, even noting that their struggle had to be part of or even be placed before the nationalist struggle. He felt the liberation of women was the fundamental task of Congress (to which he appointed Naidu president in 1925). Of Congress, he said:

Let Congressmen begin with their own homes. They should begin by imparting education to their own wives, mothers and daughters. If they believed that freedom is the birth-right of every nation and individual and if they were determined to achieve it, then they should first liberate their women from the evil customs and conventions that restrict their all-round healthy growth.⁴³

Gandhi and the Indian nationalist struggle, at least on an official level, wanted women to play a role that went far beyond what was traditionally thought of as women's affairs. The struggle demanded that the India born after the struggle would need women as leaders in every field. He wrote:

The few educated women we have in India will have to descend from their western heights and come down to India's plains. . . . This question of liberation of women, liberation of India, removal of untouchability, amelioration of the economic condition of the masses and the like resolve themselves into penetration, into the villages, reconstruction or rather reformation of the village life.⁴⁴

India, then and now, is a land of villages. While there are many enormous cities in India, vast populations live in the villages, and it was in the villages that Gandhi wanted to focus on reform. This was more challenging than reform in the cities as rural villages tend to be more traditional. The illiteracy numbers in the villages were horrific and even worse among women. The country was almost completely illiterate. In 1921, the *Interim Report on Education* noted that, of the population of 247,333,423 in 1917, only 4.85 percent of males had been educated at a recognized institution. For women, the figure was 0.97 percent.⁴⁵ Thus, the revolution was not just a nationalist struggle for

freedom but a complete revolutionization of the society itself with a total reorganization of what had been traditional norms. Naidu, who championed women and broke many glass ceilings, did not need to take on the struggle of women as something separate: the mass movement itself was one that sought to liberate women.

For Meir, the Zionist struggle also held gender equality as one of its core features. While India's struggle for emancipation was based on a land where the people already existed, Jewish emancipation in the form of Zionism was created on a completely different model. Jewish emancipation and Zionism prior to the birth of the Jewish nation in 1948 were based on a piece of land where the Jews largely did not exist. Zionism sought to create a nation that the Jews could come to, and come they did. By 1948, approximately 680,000 Jews were living in what was about to become the State of Israel. Once the state was established and opened its doors to Jewish immigration, another 684,000 immigrated between May 1948 and 1951.

Because Zionism began as an emancipation theory without land, the theory of emancipation was able to encompass a vast array of ideas, and gender equality was an integral part of that idea. The Declaration of the Establishment of the State of Israel states:

The state of Israel will be open for Jewish immigration and for the Ingathering of the Exiles; it will foster the development of the country for the benefit of all its inhabitants; it will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex.⁴⁶

Based on fundamental principles of equality, democracy, and socialist progress, even the earliest political parties in the pre-state period (as early as 1919) included women's rights as a central part of their platform. Even the religious parties, which held traditional views of women, had to contend with women's rights. Rabbi Maimon, a representative of the *ba poel ha tzair* party, had to deal with none other than his own sister, Ada Maimon, a prominent member of the party and main spokesperson for women's rights.⁴⁷

From 1919 onward, the position of women's equality in the Zionist movement was never sidetracked, though it did face opposition from the religious population (and still does). In 1919 the Histadrut established the Women Workers' Committee (WWC) as the female arm of the federation. Unhappy that there had to be a separate body for female workers, Ben-Gurion, in a speech given to the second convention of the Histadrut, said, "The very existence and need for the existence of a special institution in the form of the WWC to protect the interest of the women workers does not add to our honor."⁴⁸ He went on to say, in the same address:

There is no special Histadrut for women workers nor is there a need for such a Histadrut, but we cannot ignore the bitter truth that the matter of equality for women, which we accept as a first principle, is only formal. . . . There is still a need for a special institution for the women workers which will stand guard and concern itself with the social and economic position of the female worker so that she not be discriminated against within the community of workers.⁴⁹

While Ben-Gurion championed women and women's equality, he also clearly misunderstood the organization. This was not an organization to defend women; it was an organization that put women on the offensive. It would be through this organization that women would recreate the image of the female in society, moving from a society that would see women only in a traditional role to one that would see them at every level of power, from farmer to politician and everything in between. By 1922, Golda Meir was the secretary (the equivalent of chairperson) of the WWC. In 1923, she and Ada Maimon were elected to the Histadrut council, and by 1925 Maimon was, through the WWC, fighting for 50 percent representation for women among the allocated immigration permits to Palestine.⁵⁰ The feminist movement via the WWC became the largest voluntary social service and, later, welfare organization in the Jewish community in British Mandate Palestine.

Women's equality was so entrenched in the Zionist platform that, even if the religious parties were against it, Meir could focus on the Zionist struggle for Jewish emancipation, knowing that all boats would rise with the tide. The struggle to emancipate women did not need to be something separate, something distinct. It is possible that this is the reason the empowerment of women saw such enormous gains. In Israel it did not need feminist rhetoric or a separate platform.

CONCLUSION

There is still much work to do. India and Israel have not yet reached a state of gender equality (nor has anywhere in the world). However, enormous progress was made in the struggle for rights through the work of Golda Meir and Sarojini Naidu. These advancements were achieved as a result of a multitude of factors, but certainly the leadership and oratory skills of Meir and Naidu, their loyalty to the leaders of their struggles, and the nationalist promise of gender equality were significant factors.

If these advancements for women in Israel and India were made, in some cases, decades before other nations and civilizations achieved the same, is there something inherent in the civilization of the Jews and Hindus that favored equality for women? At first, one might say absolutely not, that in fact these ancient civilizations were horrifically

misogynist, but a second glance suggests otherwise. In both cases, these women were a part of a nationalist struggle that played out alongside a Muslim nationalist struggle. In the case of Israel, the Palestinians were also trying to achieve their dream of statehood, and in India, the Muslims were working toward the creation of Pakistan (which was established one day before India, on August 14, 1947).

While the Palestinians have had no female political leadership thus far, Pakistan did elect Benazir Bhutto, who served as prime minister of Pakistan from 1988 to 1990 and again from 1993 to 1996. She was the first woman to head a democratic government in a Muslim majority nation. Due to her election, one cannot claim that Islam is any more misogynist than Judaism or Hinduism. Is the Christian civilization more misogynist? It took Europe many more decades to advance women's rights, and the United States, often seen as a leader of human rights, is also guilty of political deficit in this arena. One can dismiss the claim that Christian civilization is any more misogynistic. Separation between church and state, the very premise for modern democracies, is the great gift of the Christian civilization to the world. The French Revolution brings this into being and the U.S. Constitution shortly thereafter. No, one can understand that it was not so much the civilization of Judaism nor Hinduism that lent itself to the advancement of women, but that Golda Meir and Sarojini Naidu themselves, with the support of millions of others, broke glass ceiling after glass ceiling to advance freedom for their people and for women everywhere.

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Jewish Feminism as a Model for Judaism as a Choice

HANNAH KEHAT

A. BETWEEN TRADITION AND MODERNITY: IN THE VISE OF CONFLICT AND DIALOGUE

Religious tradition is characterized by an opposite trend to that of modern Western development. Its face is turned to the past, affixed to its roots. Its vigor is invested in a battle for survival against winds of change and renewal that threaten to uproot and sweep away established mainstays, while leaving others untouched like immovable stone monuments. Yesterday's ethos and myth stand emptied of their content. This phenomenon, common to many traditions, is especially prevalent in the world of religious tradition, where adherents to the religion frequently perceive themselves as the "planters of the vineyard," a perception that becomes an essential part of their identity and their life's mission. The terms "Haredim" and "Neturei Karta" [lit. guards of the city] are examples of this phenomenon. The convergence of these contradictory trends creates powerful clashes within the system—on social and public levels, in the world of education, and in the private sphere of each individual.

The theological challenges arising from clashes between modernity and religion have theological, moral, and educational ramifications. I detail several of these below.

RATIONAL AND CRITICAL SCIENTIFIC THINKING

In contrast to the common image of religion as being based on pure faith, the modern world has adopted rational scientific thinking as the seminal foundation of its way of life. Religion is perceived as a primitive tradition that relies on pillars of unsullied faith and lacks any logical foundation. Indeed, at times, religious laws appear devoid of reason and logic.

PERSONAL FREEDOM AND CHOICE

Optionality is today almost endless. It characterizes multimedia and the worlds of communication, consumption, and knowledge. Every field is replete with numerous possibilities. In contrast, religious education is portrayed as a compulsive system devoid of choice or liberty. The norms are clear, unequivocal. In the past, the possibility of institutionalized communal coercion created a genuinely coercive framework whereas today, democracy and legally enshrined individual rights ultimately enable individual freedom. A contradiction seems to exist between being a person of choice, freedom, and the commitment to the religious truth.

PERSONAL AUTHENTICITY

Personal authenticity is another value that would seem to clash with religious life. The authenticity regarded as sacrosanct in contemporary Western culture expresses honesty, truth, and integrity. In contrast, religiosity is frequently perceived as institutionalized, normative, and alienated. Today, increasingly more groups design themselves a renewed religiosity infused with the authenticity, personal meaning, and sometimes even mysticism of the new era.

AUTONOMY

The West ushered in the modern era only after much revolution and struggle. Citizens in Western countries gained freedoms and an autonomous existence as part of the process during which they freed themselves from the church and the monarchy. People rebelled against the heteronomous authorities and fought to assume self-control over their lives. In contrast, religious tradition is based on heteronomy, which requires obedience to divine command, a reality that clearly clashes with people's desire to realize their rights and control their own destiny.

DEMOCRATIC EQUALITY

Today democratic equality is considered a basic value and, in a democratic reality, is the fundamental equality between all humans. In contrast, the traditional and religious community is based on a hierarchical structure, from the difference between the Jewish people and the gentiles to the fact that all traditional societies are patriarchal and have a clear hierarchical structure. Men enjoy sweeping preference vis-à-vis women in issues related to personal, family, and religious status.

INDIVIDUAL RIGHTS

Modern Western education consistently promotes individual rights. The main beneficiaries of this are members of minority groups not included in the dominant social group. Among these minorities are children, women, the different and disabled,

members of other races, and others. To a certain extent, Jewish tradition emphasizes the national singularity and views the Jewish people as *segula* [chosen or a treasure] from among all the nations. Halachah is perceived as infringing on individual rights of weaker social groups such as women, people who are different, and those with different sexual orientation, who specifically it also defines as abominations and outrightly rejects their existence. Other modern Western values that appear to clash with religious life include pluralism and tolerance, simplicity and naturalness, liberty and permissiveness, and others.

THESE THEN HAVE BEEN THE PUBLIC AND EDUCATIONAL CHALLENGES OF RELIGIOUS society and its leadership since the second half of the nineteenth century. There is naturally always the ultra-Orthodox option of social seclusion, which rejects any of the above values by virtue of their being human and transient and views them as merely another passing chapter of history.¹ Their approach espouses an absolute, transcendental, super historical truth totally free of the need for any modern humanistic values. Haredi society contends with the challenges detailed above by insulating its ideological environment via rigorous censoring of the knowledge, culture, and media it consumes. Its bookcase of literary sources is extremely selective and is conspicuously devoid of critical academic literature or that which represents an alternative worldview to the Haredi outlook. One will not even find such classics of Jewish philosophy as Maimonides's *The Guide for the Perplexed* or books by Rav Kook. This censorship is also applied to ideological principles and, even, to thought itself.

This is done in two ways: First, by negating the right to independent thought by imposing the example of *da'at Torah* [the Torah opinion] and *emunat chachamim* [belief in the authority of the rabbis] that obligate followers to adopt the rabbis' views. Second, by elevating many values to the level of irrefutable dogmas, a phenomenon that presents many new beliefs as ancient and obvious, thereby transforming them into undeniable axioms. This approach substantively negates the possibility of critical reflex or thinking. One such typical example is the phenomenon whereby all males must engage in full-time Torah study, the ramifications of which include the decision not to learn a profession, thus leaving the obligation to earn a livelihood squarely on the wife's shoulders.

The Haredi community is characterized by an intense struggle for survival, one that creates subconscious defense mechanisms in the form of existential constraints such as the new norm of a *chevrat lomdim* [society of scholars]. Since the second half of the twentieth century, male members of this society are routed to full-time Torah study. This norm can be explained sociologically—it is clear to the leadership of the Haredi sector that, from an educational perspective, a Haredi youngster growing up

in a closed, sheltered, and sterile cultural environment simply cannot be sent to an integrative framework such as the Israel Defense Forces (IDF). The solution reached over the years, whereby full-time yeshiva studies grant an IDF exemption, could no longer be justified only as an educational constraint and is therefore now presented as an age-old ideal. The Haredi adolescent is required to forgo self-fulfillment, learning a profession, and general education and must instead be satisfied with a low standard of living. The woman is obligated to leave the home to earn a livelihood, in apparent contradiction to the accepted value of “modesty” according to which a woman’s honor, like that of a queen’s daughter, is in her home. The value of Torah study is presented as supreme, total, and absolute. This ideal supports the call to rehabilitate the Torah world destroyed in the Shoah.

In contrast, in the modern and open religious society, there is no all-out war against values that permeate it due to zeitgeist, and when these clash with traditional values, such societies are required to address the challenge. Nevertheless, modern and open religious society also contains groups that simply deny conflicts and try to grasp both ends of the stick without any attempt at in-depth integration.

These phenomena typify a large section of the religious Zionist establishment. In many of its educational institutions, conflicts that arise are generally resolved pragmatically and with apologetics rather than on a philosophical principle level. Questions about the Torah and human equality or halachah and individual rights, for example, are not discussed in an in-depth, satisfactory manner. Easier to contend with are questions related to challenges that modern technology poses for halachah such as public shabbat observance and medical ethics, while social questions such as gender equality and the relation to non-Jews and foreign workers and the right to marry are not addressed seriously. In my opinion, this disregard contributes significantly to secularization and the decision to abandon the religious way of life when people torn between these values favor humanistic values, failing to see how they can be reconciled with religion.

Another common approach within the religious community is that which from the outset adopts a stance of self-defense and apologetics. This approach involves presenting claims that attempt to prove the supremacy and verity of religious values, even in relation to the latest humanistic values. For example, it denies discrimination against women in Jewish tradition. On the contrary, the claim is put forward that women are in fact superior to men. This approach is similarly adopted in relation to other issues that are subject to the critique of modern values. Naturally, this is not a novel approach in Jewish tradition, as can be seen for example in Rabbi Yehuda HaLevi’s work *Sefer HaKuzari*, in which he attempts to prove that Judaism is more rational and consistent than philosophy. In more modern times, in his book *Chorev*, Rabbi Shimshon Raphael

Hirsch used apologetics to explain the reasons for the mitzvot. This is but one example of a common literary theme.

I must point out that this approach generally gains success among people in many widespread sectors of the religious community, who are satisfied with this general rationale without feeling a need to investigate further. Those who do broaden their knowledge and horizons are usually not satisfied by partial apologetic answers, simply because Judaism's historical, halachic, and philosophical truth is vastly greater than the option of simply fulfilling one's obligation with an apologetic explanation.

The question of the status of women in religion is a characteristic example. The systemic discrimination against women in Jewish tradition cannot be resolved by Rabbi Hirsch's innovative explanation of the blessing recited by women thanking God for "creating me according to His will." On this basis, he suggests that women are closer to God's will. Knowledge of this blessing's origin and evolution, of the world of halachah, of the worlds of the Bible and Talmud all expose this explanation as an unsubstantial attempt to salvage the honor of women. The sources and facts of this blessing contradict Rabbi Hirsch's proposition and thwart attempts to contrive a simple and neat resolution of this conflict.

The more complex option is to create a real dialogue with the world of external values, as opposed to the apologetic approach that views the mitzvot and Judaism as total perfection and that invests great effort in explaining them to others. This course embodies a positive, even equal, attitude toward culture and wisdom from outside the Torah. It contains an inherent underlying presumption about the historical aspect of the Torah and Jewish tradition. While understanding this adopted course within its historical context, we can also identify in it elements of what Rav Kook terms "the loftiness of man's spirit that stems from the depth of his morals and the pinnacle of his wisdom."² Such an approach views the development of human spirit and human creative interpretation as also being a divine revelation and a fitting way to follow the Torah and its halachah through life's evolving and ever-changing developments.

In the past, Maimonides advocated this approach in *The Guide for the Perplexed*, where he adopted Aristotelian rationality as the foundation of his philosophy and urged against an approach that suggests that the words of the Torah contradict logic. He wrote that even if this occasionally appears to be the case, "it is not impossible or difficult to find a suitable interpretation."³ Maimonides used this principle to explain that the entire system of Jewish ritual in the Temple was directed at countering the idolatry of the accepted rituals of the time. The Gaon of Vilna (Rabbi Eliyahu ben Shlomo, 1720–1798) also filtered customs and traditions that he viewed as mistaken. The rabbis of the religious Zionist movement similarly instituted a "sacred rebellion," vociferously criticizing the ultra-Orthodox religious tradition as it had evolved in

Eastern Europe. Genuine dialogue between values of Torah tradition and universal values represents a willingness to hear criticism, to engage in a process of religious renewal, and to integrate the two worlds. Rav Kook expressed this idea in a well-known saying: “The old will be renewed and the new will be sanctified.”

Educational Challenges

The contrasts between yesterday’s world and the contemporary spirit of the times described above create many educational problems and challenges. I wish to focus on three of these: the problem of identity, the source of authority, and the problem of boundaries.

IDENTITY

The formation of an individual’s identity is a lengthy process during which the nucleus of the identity crystallizes gradually at each stage of a person’s development. Each stage adds another level of identity, and the integration of these levels creates the “self,”⁴ the independent personality that is in constant interaction with its immediate and more distant surroundings and that crystallizes into what is known as identity. Today’s surroundings include the peers and culture in which an individual grows up. A child can today also belong to a virtual community. In a rebellious culture such as today’s, individualism and the formation of identity that stem from this culture of rebellion have been intensely magnified, as has the fact that a child today receives encouraging and appreciative feedback to the development of the “significant me,” the development of creativity, the personal experience, and the sense of connection.

Contrasting starkly to this culture is that of the Haredi community, in which the consciousness of religious survival lies at the base of the existential infrastructure. The way to realize this ideal is to harness the entire collective to the mission of observing the mitzvot of the Torah. Even in the Chasidic community, where more emphasis was historically placed on religious and personal fulfillment, the ascetic Lithuanian (anti-Chasidic) ideology, which is built on an exclusivist collective and which opposes any independent opinion or search for personal or creative meaning, has gained in ascendancy. This results in a one-dimensional equation for a Haredi adolescent: personal and religious identity is solely a functional aspect of the individual’s collective identification. There is almost total social control over the sources of inspiration for models of identity and no legitimacy for the formation of an individual identity.

Religious Zionism embodies a dichotomy. Its education system stands in the middle ground, bound in the vise of contradiction. On the one hand, its doors are open to the influence of Western values that advocate individualism, liberty, creative autonomy, and so forth. On the other, its source of inspiration is the Haredi collective. It has yet

to crystallize its own model of authentic, different self-identity that creates the correct synthesis in a world of conflicting values. Youngsters ingest their identity from contradictory sources and frequently have difficulty existing in the middle ground, which can lead them to feeling that they must choose between a Haredi and a secular lifestyle. If the truth be known, this educational challenge is also relevant to the secular Zionist education system, albeit at a lower level of tension. While Zionism certainly features elements of striving for the benefit of the collective, this comes at the cost of personal sacrifice demanded in the face of today's Western individualistic values, especially in the new, post-Zionist age. I believe that here, too, the question of identity and identification will become increasingly acute.

SOURCE OF AUTHORITY

As mentioned above, religious education sounds almost like a synonym for obedient, heteronomous education. Principles such as "the authority of halachah," *poskei hador* [the halachic adjudicators of the generation], *Da'at Torah* [lit. "knowledge of Torah," but used as a broad concept according to which Jews should seek the input of rabbinic scholars not just on matters of Jewish law, but on all important life matters, including health and marital issues, and even political issues that affect the Haredi community], *emunat bachamim* [having faith in the rabbis] and others. This constituted the ongoing foundation on which Jewish tradition was built.

The Jewish emancipation, which liberated the Jew from the confines of the Jewish ghetto, breached the bounds of social discipline that had preserved the rabbis' control. The Haredi community recreated this system of control in two ways: First, via an all-out war against the emancipation and liaison with modernity. This prevents confrontation with the notion of rebelling against the rabbis and tradition and is achieved by barricading the walls and blocking the pervasion of contemporary culture and its associated values such as humanism, autonomy, criticism, and rationalism. Second, as mentioned above, via an ongoing fashioning of an extreme heteronomous ideology that enhances the influence of *Da'at Torah* in a manner unprecedented in Jewish history. This trend naturally negates the right of individuals to determine their own life decisions and views. Such a reality is inappropriate for the religious Zionist community that incorporates varying levels of autonomy and freedom of opinion, that is home to open and critical dialogue and that is highly influenced by the rebellious contemporary spirit of its youth.

Religious authority has largely collapsed in today's religious Zionist community, no longer possessing the power to direct the lives of its youth. The religious Zionist rabbis, who find themselves unable to initiate or lead broad ideological processes, are increasingly becoming mere providers of religious services and personal mentors for those who approach them individually, serving as a source of authority solely for their

own specific flock. This situation occasionally leads to a sense of educational anarchy in the religious Zionist community—a pluralistic multifaceted reality that typifies the secular youth and is sometimes perceived as chaotic by the religious education system, in which a uniform picture of behavioral norms is expected, both in the religious sphere and in other areas of life.

In practice, this picture no longer exists. The current reality has in recent years resulted in an undermined self-confidence of religious education and educators to address and attempt to curb these developments. It is, in my opinion, pointless to oppose the prevailing spirit of the times and to attempt to create artificial authority when a child is born into a world of equality. The only way for such an authority to succeed is to adopt the Haredi approach and block oneself off from the influence of the surrounding cultural atmosphere. All that remains for modern religious rabbis and teachers is to redesign the channels of their influence without adopting a stance of clear authority, but rather perhaps by assuming a position of supportive and friendly comradeship. It seems to me that general society is devoid of such presumption to act from a position of authority and views it as anachronistic as both younger and older generations strive for a more equal and reciprocal existence.

BOUNDARIES

This may currently be contemporary society's most acute question of all. How and when to impose demands and limitations without coercion or upsetting the apple cart? The most prominent characteristic among youngsters today, both secular and religious, is the examination of boundaries, stretching them to their limit, and attempting to independently redesign them. Life in the postmodern era embodies an inherent questioning of yesterday's norms. The values and consensuses that delineated frameworks and created matrices of specific ways of life are becoming increasingly weaker, and young people are willing to examine all boundaries, in any way possible, whatever the risk.

Here, too, it would appear as if the educational atmosphere in the conservative Haredi world is sheltered from these currents, and should these exist, it is only in minor proportions and in the margins of society. The warning, "He who breaches a fence will be bitten by a snake" (Eccl 10:8) is one of the most central values of Haredi education. In contrast, in both general and modern religious societies, educators encounter a younger generation that breaches every possible boundary. Martin Buber describes this situation in his well-known essay on the philosophy of education:

The educator, especially, was a representative of the historical world, of what had evolved. He was an emissary of history for the rebel called a child. . . . When the tremendous magical force of legacy assets increasingly wanes, and the moment

approaches at which the teacher is no longer considered an emissary, but rather an individual standing before the student. Attached by only a single molecule and not a molecule in a vortex.⁵

The solution Buber proposes is not to strive for a Platonic educational model that is characterized by eros and love, but rather an educational model of dialogical inclusion: Creating a frank dialogue with the student, person to person, “I” to “you,” out of supportive and protective inclusion that exemplifies the main role of the adult educator. Education as a dialogue between a supportive adult and an assisted child. I also believe that this is the only way to truly touch a child’s soul and that no other alternative can ease the acceptance of imposed boundaries while increasingly more of our children are willfully and unhesitatingly engaged in breaching them.

Religion and Politics

The development of Zionism and the political maneuverings prior to the establishment of the State of Israel posed a renewed political challenge for traditional Judaism. Religious Haredi Judaism decided to adopt the new political “party” framework and to become a political faction fighting to safeguard its interests. Other religious parties followed in its wake. This decision, possibly inevitable in light of the changing reality, caused a revolutionary change in the source of inspiration, power, and authority of religious Judaism over which the political model now essentially gained total control. Spiritual authority was vanquished by belligerent political authority. This eventuality had already been foreseen eighty years ago by Rabbi Avrohom Eliyahu Kaplan, head of the Hildesheimer Rabbinical Seminary in Berlin, who predicted the danger of the politicization of religion with the establishment of the Haredi party Agudat Israel:

And why have we succeeded thus far? Because we have been enclosed in the party framework. . . . No-one can come and say to our Haredi brethren that they too are filled with mimicry. As they come to introduce the influence of Judaism into the spheres of national life by party and party “propaganda” and quarrels and disputes of a party . . . in keeping with all the rules of the parties of the other nations to which are added Jewish acumen and negotiation. This will not succeed. The party framework is too narrow to encompass the eternity of Judaism. . . . The time has come to perceive the truth that not only are the existing Haredi parties not serving Judaism, but that no Haredi party, whatever it may be, can succeed in doing so. No “center,” no executive committee, council of Torah Sages, or even the “Great Assembly” (of Agudat Israel) itself can gain the same importance and esteem in the eyes of the

people as that accorded to a *talmid hacham* [Jewish religious scholar]. Not as the representative of a party teaching politics to the masses but rather, as a modest man studying Torah alone in the Beit Midrash.⁶

Rabbi Kaplan warned that the establishment of the Council of Torah Sages would give rise to “a kind of ‘elders’ committee”:

We must provide our Torah sages with a council that sits on the side and to which all public questions can be referred for it to approve or reject and not, as existed in ancient Israel, where the elders actively led the People and instructed them “the path and action for them to take.” And all the go-getters and lobbyists, the community leaders and gabbaim would merely practically implement their decisions made according to Torah law.⁷

Summary

This survey has attempted to delineate the developments at the intersection of conflicts between traditional society and modern culture with its diverse influences, primarily on conservative society. Alongside processes of seclusion and aggressive political struggle, I have also pointed to processes of commingling and integration and to their educational costs.

I believe that the choice facing us today is between the approach of Beit Shammai and that of Beit Hillel. On the one hand, Beit Shammai strove for aggressive coercion of their halachic interpretations over those of Beit Hillel, as is told in the Talmud Yerushalmi (Shabbat 1):

That day (when the Sages gathered in the upper story of Hananya ben Hizkiya ben Garon) was as difficult for Israel as the day the Golden Calf was made. . . . The pupils of Beit Shammai stood downstairs and killed the pupils of Bet Hillel.

On the other hand, Beit Shammai would separate and isolate themselves from any differing opinion, as described in the Talmud Bavli (Eruvin 13):

Rabbi Abba said that Shmuel said: For three years Beit Shammai and Beit Hillel disagreed. These said: The halakha is in accordance with our opinion, and these said: The halakha is in accordance with our opinion. Ultimately, a Divine Voice emerged and proclaimed: Both these and those are the words of the living God. However, the halakha is in accordance with the opinion of Beit Hillel. The Gemara asks: Since both these and those are the words of the living God, why were Beit Hillel privileged

to have the halakha established in accordance with their opinion? The reason is that they were agreeable and forbearing, showing restraint when affronted and, when they taught the halakha, they would teach both their own statements and the statements of Beit Shammai. Moreover, they prioritized the statements of Beit Shammai to their own statements. . . . This is to teach you that anyone who humbles himself, the Holy One, Blessed be He, exalts him, and anyone who exalts himself, the Holy One, Blessed be He, humbles him. Anyone who seeks greatness, greatness flees from him, and conversely, anyone who flees from greatness, greatness seeks him. And anyone who attempts to force the moment and expends great effort to achieve an objective precisely when he desires to do so, the moment forces him too, and he is unsuccessful. And conversely, anyone who is patient and yields to the moment, the moment stands by his side, and he will ultimately be successful.

Beit Hillel, in contrast to Beit Shammai, learned and repeated their opponents' teachings in their *beit midrash* and discussed them. This leads to two conclusions: First, that the pluralistic principle whereby "both these and those are the words of the living God" was adopted by Beit Hillel but not by Beit Shammai. Second, that an opinion that grows out of listening to and dialogue with other views, which challenge but also enrich it, will be closer to the truth and ultimately determine reality. We have also learned that the sages identified intellectual openness and tolerance for the views of others as positive attributes and the political pursuit of honor and greatness, intolerance, and entrenched ideological zeal as negative attributes. The Talmud directs us to adopt the path of Beit Hillel, to be "lovers of peace and pursuers of peace" (Avot Chap. 1).

B. FEMINISM AND RELIGION: ARE THEY COMPATIBLE?

Introduction

Feminism is one of the greatest challenges facing religious tradition. Until the 1970s, feminism and religion were customarily viewed as two contradictory beliefs—feminism being perceived as antireligious and religion as adopting an abhorrence for, and fear of, the feminist movement.

The first to draw attention to the contradiction between feminism and religion was Elizabeth Cady Stanton, one of the leaders of the American suffragists, whose book *The Woman's Bible* (first published at the end of the nineteenth century)⁸ exposed the patriarchal attitudes that exclude women in the Bible. The book aroused a scandal, and the religious establishment defined it as "a work of the devil." The exposure of patriarchal attitudes continued in the twentieth century. The two main representatives of

this trend were Simone de Beauvoir, a French philosopher and writer and the author of the book *The Second Sex*,⁹ and Kate Millett, a radical American feminist who wrote the famous study *Sexual Politics*¹⁰ and who coined the term “gender.” Millett was the first to write that the Abrahamic religions perpetuate the patriarchy and masculinity of religion by presenting women as dangerous and stemming from impure origin. In her words, “patriarchy has God on its side.”¹¹ In her book, de Beauvoir mentions the rejection of women’s transcendence in the religious beliefs that excluded women and accorded them the inferior status of an object. Even worse than their physical subjugation was the fact that, for the most, they also enslaved their spirit and failed to achieve spiritual fullness. They experienced an immanent (i.e., a natural, instinctive) life, without the lofty spiritual desire worthy of everyone created in God’s image.

The gender bias and discrimination underlying biblical tradition can be seen from its very beginning. Genesis 1 is exceptional in this regard and in relation to the patriarchal heritage of the ancient world, with the Bible describing the equality in the creation of humankind: “And God created man in His image, in the image of God He created him; male and female He created them” (Gen 1:27). However, from the following chapter, the principle of equality disappears, and the second account of creation describes how the woman was created after the man as a “helper for him” and punished with the patriarchal curse “and your urge shall be for your husband, And he shall rule over you” (Gen 3:16).

Moreover, in biblical history, the men even gave birth. The genealogical chapters, Genesis 5 and 11, tell of fathers who gave birth to sons:

These are the generations of Shem. Shem was a hundred years old when he begot Arpachshad two years after the flood. And Shem lived five hundred years after he begot Arpachshad and begot sons and daughters. And Arpachshad lived five and thirty years, and begot Shelach. And Arpachshad lived four hundred and three years after he begot Shelach and begot sons and daughters. And Shelach lived thirty years and begot Ever. And Shelah lived four hundred and thirty years after he begot Ever and begot sons and daughters. . . . (Gen 11:10–15)

No mothers gave birth in these chapters. They were considered solely as tools for the propagation of the forefathers. Another interesting phenomenon characterizes these chapters: although the Torah generally describes the birth of many sons and daughters, only the elder son is mentioned specifically by name.

This is a faithful representation of the ancient world’s patriarchal tradition whereby the heir, the eldest son, continues his father’s path. He also inherits the father as head of the family and its spiritual leader. In Parshat *Lekh-Lekha*, God commands Abraham to disengage totally from his father’s house to embark upon the new path of monotheism.

Other stories in the Bible also reflect bloody inheritance struggles. Cain killed Abel for fear of his status (Gen 4:8), Sarah demanded that Abraham expel Hagar and Ishmael to prevent the possibility that Ishmael would be “the heir” (Gen 21:9–21), and Rebecca takes great risks to convince a reluctant Jacob to obey her initiative, the family eventually being torn asunder over the question of the rightful heir (Gen 27). A similar scenario is repeated with the struggle between Joseph and his brothers, who feared that he would gain ascendancy over them, a fear that almost caused them to kill him (Gen 37:18–28).

Why? Why is it so fundamental? Is it just a matter of inheriting land? What is this concept of “controlling your brother”?

The social structure of the ancient world was based on fatherhood, and the head of the family was the patriarch—the father. The Bible features numerous references to “houses of fathers.” All household members were under the father’s authority (except married girls), and the biblical stories tell us that the eldest son won the status of the father with all the associated rights. Until the beginning of the Roman period, the father’s authority included selling family members into slavery and even execution. Throughout history, the father’s legal power was gradually limited to control over property.

In his book *Two Treatises of Government* (1690), the seventeenth century philosopher John Locke, one of the key thinkers of the Age of Enlightenment and the person who coined the concept of “natural rights,” sharply criticized the traditional patriarchal structure, claiming that merely being first did not grant the right to absolute rule. Locke’s criticism was the basis for the modern approach to children’s rights and contributed to the view of a child as an autonomous self as opposed to merely being part of the family property.

In today’s modern societies, we use the term “patriarchal” to describe various elements of the authority structure that still dominate traditional social institutions where the status of women remains inferior. Feminism fights the patriarchal order in society, and women’s organizations strive to change the situation from the ground up through an ongoing struggle to promote women’s rights.

For our purposes, the Bible presents a patriarchal world order in which the father heads the family and is succeeded by his eldest son, who receives and controls all. The individual belongs and commits to the collective. The Jewish nation was also based on a tribal and family framework whereby in the Land of Israel and even in exile the community structure maintained its patriarchal form.

Throughout its history, Jewish identity was enslaved to the collective, the individual being insignificant in relation to the community. In keeping with the reality of the premodern age in general, the individual lacked autonomy and right of choice. The human rights revolution of the nineteenth and twentieth centuries changed this

reality, as individual freedoms and freedom of choice gradually took the place of heteronomous coercion and religion lost its sway of control over community members.

This was a dramatic upheaval. Judaism became an identity inextricably based on autonomous free choice, with a future tied to identification with a way and a world of highly demanding values. In a free world such as our own, the retention of individuals as members of the Jewish people via coercion and social pressure is simply unsustainable in the long term. Religious leadership must internalize this development that, in my view, transforms the Torah's command "and choose" (Deut 30:19) into a real and meaningful Jewish imperative.

The case of the Jewish woman is an accurate reflection of this upheaval. Women occupied a low place in the social hierarchy in Jewish tradition. A woman was recognized as an object rather than a subject, leaving her to focus on being a good wife, a good mother—a humble, obedient, and religiously and spiritually passive person. Though marginalized in the social fringes in which she found herself, it was there that she actually began to nurture her freedom and personality, a process that the surrounding environment initially failed to notice.

In the Eastern Europe of the late nineteenth and early twentieth centuries, Jewish women led the exodus from Judaism, as, lacking a significant Jewish identity, they chose to abandon tradition and to assimilate, taking with them many of the younger generation who followed in their wake. When Sarah Schenirer witnessed this phenomenon in the early twentieth century, she realized that unless Jewish women consciously recognized the need to study Torah and chose to do so and empower their Jewish identity, more of them would continue abandoning Judaism, thereby constituting a danger to the people's existence.

While Schneerer led the revolution, the rabbis had trouble digesting it. She received only a general acknowledgement from the Belzer Rebbe, and the Chafetz Chaim understood and supported this trend belatedly. Another rabbi to comprehend the challenge was Zalman Sorotzkin. He likened the Jewish woman in the early stages of Torah study to a person who begins a completely new way of life, similar to converting to Judaism. From his words, we can see that he perceived women's Jewish identity to be on the wane and an understanding that ancient Jewish heritage alone was no longer sufficient to sustain them in forming this identity:

And educating the girls in the spirit of the Torah by the studying of Torah by women arouses worry and fear in the innocent heart only because of its renewal, because they did not see their ancestors do so. However, the present is not like the past when the Shulchan Arukh governed the houses of Israel, all the Torah could be learned from the experience, and the daughters of Israel did not have to be taught in school. Now, it is not possible to study the Torah in the houses of Israel, because many of these

Jewish homes house no mention of the many mitzvot and laws of Torah. And for a daughter of Israel grown in these homes could not attend a religious school, it would be almost like a foreigner who came to convert. It is essential to teach our young women Torah, so that they may know the way towards enriching the Jewish identity.¹²

I would like to stress that I fully understand the concerns of those who oppose this step. The change reflected in the process of feminizing Judaism is a fundamental one and reflects the collapse of the patriarchal hierarchy and a flattening of society. The hierarchy has lost its governing power, and individuals are entitled to choose their own identity and self-determination.

Today's world, in which every Jew chooses how to live and express his or her Jewishness, is also influencing Jewish women. Attempts to limit religious feminism to a specific form are proving unsuccessful, as its only genuine form is free choice enabling each woman to pave her own unique path. These women do not seek to breach the boundaries, but rather to simply enrich Judaism and halachah with religious creativity, thus causing the old boundaries to become increasingly transparent in the face of the newly emerging spiritual wealth.

Judaism has much to gain from the religious feminist revolution. Ideas, methods, and halachic tools created by Jewish feminists can, and indeed must, be used as Judaism faces this significant change, from a religion forced on its believers to one where they choose their own lifestyle. I wish to briefly address several of these.

Two of the guiding principles of the Jewish feminist approach are that (1) Jewish heritage is neither essentialist (i.e., a fixed essence of gender identity) nor racist—gentiles can convert, and women can change their Jewish way of life—and (2) there is a paradigm of circumvention. In fact, halachah actually constitutes a solid basis for the feminist challenge—that of creating the new Jew. Halachah does not embody a defined feminine essence but rather a historical reality, and historiographical analysis shows that circumstances changed the law in order to conform to an evolving reality. Following are examples that testify to this.

1. *The changing status of time-bound mitzvot from which women are exempt.* A woman is no longer enslaved to her husband. In the words of Rabbi David Abudarham (fourteenth century, Seville) in his interpretation of the blessings and prayers,

the reason that women are not committed to time-bound commandments is because she is enslaved to her husband in order to fulfill his needs. And if she does a mitzva instead of fulfilling her husband's request, she will get into trouble from her husband. And if she does as her husband wishes and neglects the commandments of God, she incurs the wrath of her creator.

Therefore, God exempted her from His commandments so that she could have peace with her husband.¹³

2. *The issue of the congregation's honor that precluded women from taking part in religious services.* In the Babylonian Talmud, we find the following halachah: "All people count toward the quorum of seven readers [from the Torah], even a minor and even a woman. However, the Sages said that a woman should not read from the Torah, out of respect for the congregation."¹⁴ It is clear in large sections of today's religious community that women constitute a part of the congregation, and it is considered a mark of respect for the congregation to give them space and even a part in the public spiritual sphere:
 - a. *Study of Torah.* According to Maimonides, women are forbidden to learn Torah because of their fickle opinion. As Maimonides wrote: "The Sages commanded that no man should teach his daughter Torah, because most women do not intend to study and, in their ignorance, they make Torah words into foolishness."¹⁵ There is no doubt that today's women are more educated and certainly not ignorant as most were a thousand years ago in the time of Maimonides.
 - b. *Women in roles of leadership, politicians, judges, professors, and so forth.* Unlike the past, women today serve as halachic adjudicators and in religious leadership roles, officiate at ceremonies, and so on.

This all sounds rather optimistic. Nevertheless, we must remember that many problems persist in Orthodoxy and especially in Israel, primarily the sensitive issue of divorce. Despite the prevalence of modern-day democratic principles, marriage in Orthodox Judaism is, to some extent, considered a property transaction that is not easily canceled, leading to a serious problem of divorce refusal and *agunot* [chained wives]. A woman is still dependent on the husband's free will for a divorce, a reality that is often exploited for the purpose of extortion. In my opinion, this is made possible due to the power granted to the official state rabbinical courts and the lack of public pressure to change the law. The claim that the current situation stems from a Torah commandment holds no water, partly because of the many other commandments from the Torah that have been amended due to historical constraint. A paradigm of circumvention leaves certain mitzvot as purely symbolic acts, thereby rendering the halachah, effectively, a dead letter:

- The Prozbul, a writ allowing lenders and borrowers not to fulfill the Torah commandment to relinquish any outstanding financial debt in the sabbatical *shem-ita* year.

- A business permit that effectively circumvents the Torah prohibition of charging interest to other Jews.
- A shabbat *eruv* [a ritual halachic enclosure made for the purpose of allowing activities that are normally prohibited on shabbat], which completely changes the concept of a private yard, thereby avoiding the restrictions of transferring objects between private and public domains.

In a similar vein, Jewish feminism also offers a new meta-halachic methodology. Rachel Adler, for example, proposes a meta-halachic theory that could bring about a revival of Jewish law, enabling it to meet the needs of a changing and renewing Judaism.

Renewing Judaism through Critical Dialogue

Adler proposed several methods and approaches to facilitate the necessary process of rejuvenating Judaism and renewing halachah.¹⁶

1. *The eclectic method* (Adler calls it “Grandma’s Cooking Method”). In order to circumvent the halachic barriers created by the traditional and unidirectional study of halachah, Adler offers an interdisciplinary study of the halachic discussion, which will encompass all relevant aspects of the issue in question, especially those related to women and their changing status. In Yiddish, Adler calls this method: “*Shit arain*” or “Pour in” (throw whatever you find into the pot); in other words, “Grandma’s cooking method.” This method of study is best suited to changing situations and addresses the rich diversity of the sources. As the sages said, “Torah words are poor in their place and rich elsewhere.”¹⁷
2. *Feminist-critical interpretation*. A feminist interpretation of sources has two main motifs:
 - a. It constitutes a revolution in conventional power relations.
 - b. It reveals biases in the existing interpretation, which tends to preserve male power.
3. *Reading the text as a story (a narrative) while exposing its inherent gender bias and severe discrimination*. Adler’s proposed approach is a restorative one. This concept, which usually relates to restoration and renovation of broken and damaged archaeological findings, receives new meaning in Adler’s feminist reading. After critically deconstructing the text and revealing its gender flaws, a feminist overhaul and restoration of the original context are then undertaken, while retaining allegiance to the original.
4. *Building a bridge*. Another way for women to study Torah, according to Adler, is to build a bridge between feminist values and those of Torah and Judaism, thus

creating an interactive meeting between the two worlds in an effort to integrate them into contemporary Jewish life. The feminist approach can contribute tools in the building of this bridge.

- a. Understanding and using the narrative.
- b. Maintaining a vigilance for context.
- c. Expanding the language. In the words of Jean Bethke Elshtain: “The Jewish world we create will be shaped by the understanding of what is included in being ‘human.’”
- d. Speaking in our way. The task, in Adler’s opinion, is to tell our religious stories in the female interpretive way.

CONCLUSION

Halachah has two dimensions: the dimension of power and the dimension of meaning. Meaning affects power, but in order to create meaning it is necessary to hear women’s stories. Laws—as laws—should reflect moral values and must therefore be flexible and critical.

Jewish feminism has succeeded in combining tradition with modern and liberal values: the individual voice of Jewish feminism together with the preservation of Jewish and traditional identity, all according to each person’s religious belief.

In contrast to the dichotomous path that characterized the radical changes in Jewish history during the nineteenth century, the new approach of Jewish women paves the way for an integrated religious identity, achieved through dialogue and a critical look at tradition. It is possible that women’s choice of a middle road that embraces both sides of the issue and avoids a dichotomous decision has aided this endeavor. Many groups within Judaism, currently experiencing a conflict with Jewish tradition, choose to follow this path—for example the LGBT community, young people seeking to choose their own way of life, and others. Social change should not therefore be viewed as intimidating, but rather as a challenge, one offering a new path—one of choice.

NOTES

1. Rabbi Abraham Isaac Kook, *Shmonah Kvatzim*, vol. 1 [Hebrew] (1873).
2. Ibid.
3. Maimonides, *The Guide for the Perplexed*, Book 2 (ca. 1190), 25, 30.
4. Erik Erikson, *Identity: Youth and Crisis* (Tel Aviv, 1968), 116–76.
5. Martin Buber, *Besod Siach* [Hebrew] (Jerusalem, 1973), 250.

6. Avrohom Eliyahu Kaplan, *B'Ykvot HaYir'a* [Hebrew] (Jerusalem, 1960), 109.
7. Ibid.
8. Published by Polygon Books in 1985.
9. Published by Gallimard in 1949.
10. Published by Doubleday in 1969.
11. Kate Millett, *Sexual Politics* (Garden City: Doubleday & Company, 1970), 51.
12. *Moznaim Lamishpat* [Hebrew] (Jerusalem, 1955), Part A, 42.
13. *Sefer Abudarham* (Prague, 1788), 14a.
14. BT, Megillah 23a.
15. *Mishneh Torah*, Hilkhot Talmud Torah, 1, 13.
16. See my book *When Torah Became a Talmud Torah* (Jerusalem), 2016, 700–705.
17. JT, Rosh Hashanna 3, 5.

The Pioneering American Jewish Women Directors

From Elaine May to Claudia Weill

LAWRENCE BARON

INTRODUCTION

For most of the silent movie era American studios employed a considerable number of women directors. Initially churning out low-budget shorts, the studios emulated the egalitarian practices of live theatre, where the positions men and women filled were fluid. Popular actresses like Mary Pickford and directors like Alice Guy-Blaché and Lois Weber even founded their own production companies. As the Hollywood movie industry evolved into a profitable big business dependent on the profits from star-studded feature films, it consolidated around a handful of major studios that were managed like corporations and required external investment. Their owners gradually removed women from the ranks of directors out of concern that having women in such a key role would scare off financiers.¹ The gender criteria for various filmmaking jobs negotiated by the craft unions thereafter further limited the opportunities for women to direct.²

From the 1930s until the 1960s, Dorothy Arzner and Ida Lupino were the only women directing studio feature films.³ During this period, women directors gravitated to New York, where documentary, experimental, and independent filmmaking was centered. In New York film circles there were two notable Jewish women precursors of the directors discussed in this essay. Maya Deren created avant-garde motion pictures that eventually earned her the title of being “the mother of underground film.”⁴ Shirley Clarke specialized in documentaries and gritty realistic feature films about urban drug and gang subcultures. Her *Robert Frost: A Lover’s Quarrel with the World* (1963) won an Oscar for best documentary feature.⁵ Neither Deren nor Clarke directly addressed Jewish themes in their works.

Postwar changes in American society in general, and the film industry in particular, paved the way for the increased entry of women directors into Hollywood moviemaking during the 1970s. The passage of the Civil Rights Act of 1964 and establishment of the Equal Opportunity Employment Commission in 1965 promoted gender equality in hiring. The cultural and social turmoil of the 1960s fostered the development of progressive ethnic, feminist, and youth audiences who sought less formulaic cinematic fare. The decline in movie viewership resulting from competition primarily from television and secondarily from foreign films spurred Hollywood to fund films more attuned to the tastes of those emerging audiences. The Production Code of 1930 that prescribed the morally acceptable ways female characters could be portrayed on screen was replaced by a more permissive rating system in 1968, facilitating the subsequent production of films covering a broader spectrum of female experiences. The major studios pledged to uphold federal demands for eliminating gender bias in employment as mandated by federal law but relied more on tokenism than a systematic plan for doing so.⁶ Nevertheless, between 1967 and 1980, the number of women directors of American feature films rose to seventeen.⁷

The emergence of what has been variously termed the “American New Wave,” “New Hollywood Cinema,” or the “Hollywood Renaissance” from those years converged with the burgeoning assertiveness of Jewish Americans to identify openly with their immigrant origins, the Holocaust, Israel, or Judaism.⁸ Within the world of entertainment, this phenomenon manifested itself with the rise of a generation of Jewish celebrities like Barbra Streisand, Dustin Hoffman, Woody Allen, and Lenny Bruce, who neither downplayed nor masked their ethnic or religious backgrounds as had been common practice in Hollywood. In turn Jewish Americans took pride in the fame of these coreligionists.⁹ Film historian Vincent Brook has contended that Jewish filmmakers like Woody Allen, Stanley Kubrick, Sidney Lumet, Mike Nichols, and many others were so overrepresented among the directors associated with the “New Hollywood” that their contributions to this body of films could be dubbed the “Jew Wave.”¹⁰

Although the vast majority of the directors Brook mentions are men, three women appear on the list of Jewish directors he compiled: Elaine May (née Berlin), Joan Micklin Silver, and Claudia Weill.¹¹ Feminist scholars usually include this triumvirate in their discussions of significant American women directors.¹² Patricia Erens recognizes their early films in her survey of American Jewish cinema,¹³ whereas Lester Friedman omits Weill from his book on the same topic. His study of Jewish American directors, coauthored with David Desser, devotes one paragraph to May and two sentences to Micklin Silver.¹⁴ The cohort of Jewish women directors between 1967 and 1980, however, extends beyond May, Micklin Silver, and Weill to encompass Joan Darling (née Kugell), Lee Grant (née Rosenthal), Joan Rivers (née Molinsky), Stephanie Rothman,

and Linda Yellen. Jewish women comprised eight of the seventeen women directing American feature films during this period.

Furthermore, May, Micklin Silver, and Weill made films that explored women's issues in the context of narratives about Jewish characters. This essay analyzes their different approaches to addressing feminist and Jewish concerns in their movies from the 1970s. It will briefly examine the continuity in their later works and how being a woman affected the trajectories of their careers. Finally, it will assess their impact on American cinema.

ELAINE MAY

In 1971 Elaine May directed *A New Leaf*, becoming the first woman to direct a feature film for Paramount Pictures since Dorothy Arzner in 1931 and the first to helm a Hollywood studio film since Ida Lupino in 1966.¹⁵ She directed three more studio films in the 1970s and 1980s, surpassing Barbara Loden, whose critically acclaimed independent film *Wanda* (1970) is regarded as the first significant woman's movie of the New Hollywood era, but who never directed another feature film.¹⁶ Both went from being successful entertainers, a stage and screen actor in Loden's case, and actor and improvisational comedian in May's. Their pathway to directing had historical precedents in the careers of Lois Weber and Ida Lupino, both of whom transitioned from being actors to directors. It would become a common career progression for the Jewish women directors who followed May like Lee Grant, Barbra Streisand, and Goldie Hawn in the 1980s. Possessing connections and fame helped but did not guarantee that these female performers would overcome the reservations male studio executives and their financial backers harbored about the ability of women to oversee the production of a profitable product. The American Film Institute tacitly acknowledged this gender bias by populating the majority of its first Directing Workshop for Women in 1975 with prominent actors, comedians, producers, and writers. Only three of its nineteen participants had prior directing experience.¹⁷

Born in 1932, May grew up in the Yiddish theatre where her father directed and both her parents acted. Her father cast her in productions starting at a young age. When her father died, her mother moved to Los Angeles. May dropped out of school when she was fourteen, married two years later, and gave birth to her daughter Jeannie the following year. She soon divorced her husband, trained as a method actor, and audited courses at the University of Chicago. She met Mike Nichols in 1954 as an ensemble member of the city's Compass Players, where both honed their improvisational comedy skills. They became a celebrated comedy team on television variety programs, the

concert circuit, and eventually on Broadway but split up in 1962. During the remainder of the 1960s, May concentrated on acting in movies and writing film and stage scripts. After adapting the short story "The Green Heart" by Jack Ritchie into the screenplay for *A New Leaf*, she persuaded Walter Matthau to play the male lead in it if she could secure funding for the movie. May enlisted Arthur Penn, who had directed her Broadway show, to assist her in selling the script to Paramount and soliciting producers to fund it. Attempting to preempt studio interference in the casting and editing of *A New Leaf*, she agreed to act, direct, and write the film for \$50,000 even though Matthau received \$375,000 as his salary. This disparity illustrated the inequalities women faced even when they were elevated to the position of director.¹⁸

Matthau played Henry, a scion of a wealthy family who has squandered his inheritance. He hatches a scheme to marry a rich woman and then murder her to inherit her money. Henrietta, played by May, is both affluent and single. Despite being repulsed by her klutziness, sloppiness, and social ineptitude, he proposes and they wed. Henrietta, a famous botanist, epitomizes the absentminded professor who is brilliant in her field, but naïve about romance. May mines the incongruities of the couple for laughs. For example, Henry tries to impress her with his taste in fine wines, but she insists they drink tropical coolers mixed with Manischewitz Malaga. Her naming of a new species of fern after him and fawning dependence lead to his change of heart when he has the opportunity to let her drown during a camping trip and instead rescues her.¹⁹

A New Leaf previewed the way May depicts female characters, which initially elicited consternation from feminist movie critics but subsequently has engendered a reappraisal that her portrayals of men are more negative than of women. While cognizant of how hateful Henry appears, film historian Barbara Koenig Quart castigated May for portraying Henrietta as clumsy, incompetent, insecure, and stupid. She interprets Henrietta's fondness for Manischewitz as code that she is Jewish and lacking refinement, overlooking that there is nothing else in the film suggesting that she is Jewish.²⁰ Notwithstanding the humorous characterization of Henrietta's traits, she evokes sympathy as a trusting and vulnerable soul, contrasting sharply with Henry's lethal duplicity.²¹ As Melissa Anderson astutely observes, "With *A New Leaf*, May established a theme that runs through the quartet of films she's directed: the derangements of coupledness, whether sexual or platonic, with a breezy but still biting focus on the pitiful vanities and obtuseness of men."²²

Moreover, the way May originally envisioned Henry was far darker than that of a cad who merits forgiveness when he saves Henrietta. A subplot in the rough cut of the film has Henry poisoning two people whom he discovered were blackmailing Henrietta. May's version of the film ran 3 hours, a prohibitive length for a comedy. The studio reduced it to 102 minutes, eliminating the storyline about Henry's unpardonable crimes.irate over the bowdlerization of her film, May sued in vain to remove her

name from the film and prevent its release. The abridgement *A New Leaf* underwent and the omission of Henry's homicidal acts probably rendered it funnier and more watchable. In spite of going over budget and not reflecting May's bleaker intention, it recouped its production costs and earned Golden Globe nominations for best motion picture comedy or musical and best actress for May's performance.²³

May's second movie, *The Heartbreak Kid* (1972), features two Jewish lead characters,²⁴ Lenny played by Charles Grodin and Lila played by her daughter, Jeannie Berlin. Lenny projects an aura of being a playboy whose dapper clothes, sports car, and pipe smoking belie his job as a store-to-store sports equipment salesman. Lila, a sweet curly haired woman who is a bit zaftig and plain looking, expects Lenny to wait to have intercourse until they are married. Their Jewish wedding is a *haimish* [unpretentious] affair held in her parents' living room, where there is barely enough space to seat the guests. Lenny comfortably schmoozes with her family and their friends, with whom he dances the obligatory hora to the tune of "Hava Nagila." During the drive to Miami for their honeymoon, Lenny quickly finds Lila's emotional neediness, sexual inexperience, sloppy eating habits, and voice irritating. In Miami Lila gets badly sunburned on the couple's first day, requiring her to remain in the hotel room until the blistering and pain subside. Lenny exploits her absence to court a beautiful blond named Kelly Corcoran whom he meets on the beach. Played by Cybill Shepherd, Kelly's cool demeanor, lithe figure, and sexy innuendos mark her as the polar opposite of Lila. To be with Kelly, he lies to Lila about why he frequently leaves her alone in the hotel room. Lenny rashly decides to divorce Lila and marry Kelly. After Lenny shares his intention with her parents over dinner, Mr. Corcoran vehemently opposes the idea. His motive may stem from antisemitism too, given that he moved his family out of the hotel where Lenny and Lila were staying because he didn't like "the element" there.

Several days later when Lila feels better, Lenny takes her to a fancy restaurant to break the bad news. He eases into it by obliquely philosophizing about the inevitability of all things ending, which Lila misconstrues as intimating that he is dying from a terminal disease. He loses his patience and blurts out that he wants out of the marriage. Crestfallen and shocked, Lila moans, sobs, and tries to go to the bathroom to vomit. Lenny insensitively tries to placate and silence her by offering water to drink, promising she can keep his car and the wedding gifts, and remarking it is better that their breakup happened before they had children. Having jettisoned Lila, he embarks on a quest to Minneapolis to win over Kelly and her father. He scares off Kelly's boyfriend by posing as an undercover narcotics agent who threatens to bust him and his friends for smoking marijuana, while he wears down Mr. Corcoran with his relentless refusal to accept a \$25,000 dollar bribe to stop pursuing Kelly. The antiseptic coolness of the church ceremony and fancy reception for Lenny and Kelly constitute the antithesis of the small wedding Lila and he had. Lenny's platitudinous banter

with two children attending the event results in both walking away and leaving him alone on a couch. The isolation he experiences inverts the traditional message of “love conquers all” conveyed by Hollywood romantic comedies about couples from different ethnic or religious backgrounds—often emblemized by Irish and Jewish pairings like Lenny and Kelly—and resembles *The Way We Were* (1973) and *Annie Hall* (1977), where such couples fail to overcome these differences.²⁵ Lawrence Epstein has contended that “*The Heartbreak Kid* is an argument against romantic assimilation.”²⁶

Although *The Heartbreak Kid* was a commercial and critical hit, the criticism leveled at it came mostly from feminists who expected women directors to portray female characters more sympathetically.²⁷ Barbara Quart considered Lila “one of the most negative images of a Jewish woman on film—created by a Jewish woman, with her own daughter in the role of the offensive woman.”²⁸ Blame for this can be partially ascribed to Bruce Jay Friedman, who wrote the short story that inspired the screenplay by Neil Simon, which Friedman dedicated “to any man who has ever, for one fleeting moment or more, harbored the thought that his wife was not absolutely the most wonderful woman he has met.”²⁹ Simon bears some responsibility too, since he typically exaggerates the idiosyncrasies of characters for laughs. Parenthetically, he had preferred casting Diane Keaton in the role of Lila to clarify that Lenny’s decision was based on Lila’s annoying quirks and not on her appearance.³⁰

Yet the unflattering similarities between Henrietta and Lila point to May’s role in creating women leads whose affectionate blind trust renders them perfect foils for deceitful men. May’s comedy routines about Jewish women often relied on popular stereotypes. The famous skit of her playing a domineering Jewish mother phoning her scientist son performed by Mike Nichols captures, in Joyce Antler’s opinion, “the mixture of guilt, dependency, and rebelliousness that came to represent the fault lines of the Jewish mother-son relationship.”³¹ On the other hand, May’s detractors ignore how she subverts the treatment of Jewish men, women, and values in contemporaneous movies like *Goodbye, Columbus* (1969).³² To be sure, Lila may be passive and not classically attractive or poised, but she remains a decent person who cannot fathom why Lenny would dump her. She evinces none of the cunning, entitlement, flirtatiousness, and materialism that became the hallmarks of the Jewish American princess stereotype exemplified by Brenda Patimkin.³³ Compared to Lenny, Lila is a saint. Ethan Warren has opined that “by allowing Lila to stay grounded as a recognizable and sympathetic presence who’s just slightly tough to take, May makes Lenny’s own awfulness so transparent that he has no choice but to recognize it himself, an effect that paradoxically humanizes him even while heightening his cruelty.”³⁴

The scene where Lenny tells Lila he wants a divorce demonstrates how detestable he is. Clem Bastow describes it succinctly: “Unable to cope with her response, Lenny forces her to drink water, chastising her for making a fuss (oblivious to the fact that

every woman in the restaurant has been critiquing him with her gaze all night), even as she begs him to help her to the ladies' room so she can throw up."³⁵ The pathos Jeannie Berlin's performance evoked earned her an Oscar nomination for best supporting actress. Even Quart concedes that *The Heartbreak Kid* can be seen as "a scathing portrait of those late 1950s/1960s ethnic young men on the make, who dominated the literary scene in those years."³⁶

May's next film, *Mikey and Nicky* (1976), dealt with a man betraying his best friend.³⁷ Mikey, played by Peter Falk, was a childhood buddy of Nicky, played by John Cassavetes. Both work for a Jewish mob boss named Resnick, who has put a contract out on Nicky's head for embezzling some of his gang's money. Terrified to leave his hotel room, Nicky summons his old pal to help him evade the assassination. What he doesn't know but begins to suspect is that Mikey has been assigned by Resnick to report on Nicky's whereabouts so the gang's hit man can kill him. While Mikey is purportedly shepherding Nicky to safety, the two share childhood memories and festering resentments that culminate in the argument that leads Mikey to stop tailing Nicky. As the assassin closes in, a desperate Nicky seeks sanctuary at Mikey's house, but Mikey barricades the door to his house allowing the gunman to kill Nicky.

Richard Brody of the *New Yorker* praised *Mikey and Nicky* as a "welcome correction to *The Godfather*" and May for presenting a "feminist angle on the gangster film."³⁸ Rather than idealize the personal solidarity within a crime syndicate, she exposes the internecine battles that turn Mikey against Nicky and the repressed grievances between the two that facilitate Mikey's transformation from Nicky's best friend to an accomplice in his murder. The deceptions that sever their bond seep into their relationships with women. Nicky's wife has separated from him and kept custody of their daughter because he has cheated on her. He is physically and verbally abusive of his mistress, whose sexual services he offers to his colleagues. She resists Mikey's advances, which provokes him to attack her. Critic Nathan Rabin sums up the gender relationships in the film accordingly: "If you're a woman in this milieu, you are hated and abused for putting out too easily but punished for not putting out at all."³⁹ Mikey lives a staid suburban life by concealing his underworld ties from his wife, but the shooting of Nicky outside their home is bound to end that charade. Peter Sobczynski perceptively describes the film as "a dark and penetrating drama about friendship, loyalty, self-preservation, and the kind of empty machismo that would one day be referred to as 'toxic masculinity.'"⁴⁰

The Jewish component of *Mikey and Nicky* merits some attention as well. Despite the tendency in American movies to portray Jewish men as more intellectual, moral, and sensitive than Gentile men, there is no shortage of feature films about Jewish gangsters, like *Murder Inc.* (1960), which incidentally cast Peter Falk in his breakout role, and *Lepke* (1975).⁴¹ In Resnick's gang, Jews are the insiders and Nicky the Italian is an

outsider. What distinguishes May's take on this genre is a remarkable scene in which Nicky brings Mikey to a cemetery to visit the grave of Nicky's mother. Nicky is not religious and does not know what to say when he finds it. Although Mikey is a nonbeliever too, he respectfully avoids stepping on gravesites and recites the Kaddish [Jewish mourning prayer] to honor the memory of Nicky's mom.⁴²

The production of *Mikey and Nicky* was fraught with conflicts between May and Paramount Pictures over May's exceeding the budget, shooting too much footage, protracted editing of it, and legal battles to prevent the release of the studio's final cut that diverged significantly from the version she envisaged. Paramount prevailed and limited the markets where the film was released. *Mikey and Nicky* received mixed reviews. Two years later former Paramount producer Julian Schlossberg purchased the rights to it, restored May's final version, and rereleased the film to theatres in 1985, when it garnered critical acclaim.⁴³

May's clashes with Paramount over *A New Leaf* and *Mikey and Nicky* damaged her prospects for directing again. Todd McCarthy, her assistant on the latter film, speculates that she "set back the cause of women directors in Hollywood by ten years."⁴⁴ Maya Montañez Smukler counters his claim by opining that Hollywood executives already harbored sexist reservations about hiring women directors before and after May.⁴⁵ For the next ten years May enjoyed success as a screenwriter and script doctor, earning an Oscar nomination for best screenplay for Warren Beatty's *Heaven Can Wait* (1978). Though uncredited, she revised the scripts for Beatty's *Reds* (1981) and Dustin Hoffman's hit *Tootsie* (1982). Beatty's appreciation of her contributions to his films prompted him to sign her as the director for *Ishtar* (1987), which starred Hoffman and him.⁴⁶ Even before *Ishtar*'s release, negative stories about its runaway budget, May's overweening perfectionism, and the film becoming a vanity project for its two leads soured audiences and critics on it. Reviewers savaged it and reduced it to one of Hollywood's most legendary flops, losing nearly \$40,000,000. Elaine May has not directed a film since *Ishtar*, in contrast to several male directors who have gone on to make other movies despite the colossal financial losses incurred by one of their previous pictures.⁴⁷

Elaine May intended *Ishtar* to be a parody of the old Crosby and Hope road movies and a satire about American foreign policy in the Middle East. Echoes of her prior treatment of male characters and inclusion of Jewish moments reoccur in it too. Beatty as Lyle and Hoffman as Clarke play a singer-songwriter duo oblivious to their lack of talent. A Jewish agent books them to perform in a backwater lounge in the fictional Arab country of Ishtar. Clarke's Jewishness is on display when he repeatedly corrects Lyle's pronunciation of the Yiddish word "schmuck" and when a rabbi is summoned to dissuade him from committing suicide. The CIA and an alluring female revolutionary recruit each man as a spy on opposite sides of a local civil war. This temporarily

reintroduces the theme of betrayal since each man suspects the other of working for the enemy of their respective ally. By the end Clarke and Lyle renew their friendship, and the CIA negotiates a peace deal between the rebels and the Emir to avoid its covert operation in the country from being exposed. The pact includes a provision for producing an album by the hapless pair. As the bad publicity *Ishtar* received has receded into the past, critics have reevaluated the censure initially heaped upon it.⁴⁸

Following the debacle of *Ishtar*, May returned to acting and screenwriting with much success. She authored the scripts for *The Birdcage* (1996) and *Primary Colors* (1998), with both earning nominations for best adapted screenplay from the Writers Guild of America. Her performance in *Small Time Crooks* (2000) won the National Society of Film Critics' award for best supporting actress. At the age of eighty-seven she recently won the Tony award for best leading actress in a Broadway drama for her role in *The Waverly Gallery*.⁴⁹ Soon thereafter, it was announced that she had been signed to direct a new movie starring Dakota Johnson.⁵⁰

Ally Acker ascribes May's focus on the foibles of male characters rather to the dominant masculine culture in which she was raised a generation before second-wave feminism.⁵¹ Alexandra Heller-Nicholas warns against defining feminism too narrowly when judging May, whose "professional practice as a director at least was strongly governed by a strength of will to act against what was expected of her as a woman." She cites how May "critiques institutions such as marriage (*A New Leaf*, *The Heartbreak Kid*) and undermines for both comic (*Ishtar*) and tragic effects (*Mikey and Nicky*) clichés surrounding male friendship."⁵² May became only the third woman director after Arzner and Lupino to be inducted into the Academy of Motion Picture Arts and Sciences.⁵³

While May did not stress the Jewish aspects of her characters, neither does she efface them to appeal to general audiences. Eric Goldstein maintains that "Jewishness has often provided the material for her comedy, as well as being a source for some of the identity conflicts of her characters."⁵⁴ By making most of her protagonists identifiably Jewish, she, along with the string of roles Streisand played in the 1960s and 1970s, set a precedent for Micklin Silver and Weill, who would place more emphasis on the Jewishness of the leads in their movies.

JOAN MICKLIN SILVER

Joan Micklin Silver's and Claudia Weill's routes to directing Hollywood movies parallel each other. Both started by directing educational television programs and documentaries in New York. They independently financed their first feature films. Those films generated positive publicity at European and American film festivals, eventually landing their directors studio contracts at a propitious time when American studios

had started to cater to the changing tastes of female audiences by producing a cycle of popular films directed by men about strong women characters, like Martin Scorsese's *Alice Doesn't Live Here Anymore* (1974), Fred Zinnemann's *Julia* (1977), Herbert Ross's *The Turning Point* (1977), and Paul Mazurksy's *An Unmarried Woman* (1978). As had happened with May, male producers substantially reedited the first studio films made by Micklin Silver and Weill, expressing distrust in their box office viability.⁵⁵ Though Micklin Silver continued to shoot studio films into the 1990s, both she and Weill gravitated toward directing episodes of TV series and movies for television and premium cable networks.

Born in 1936 and raised in Omaha, Micklin Silver married Raphael Silver and moved to his hometown of Cleveland in 1956, where she wrote plays for local theatre groups. In 1967 the couple moved to New York, where she scripted and directed educational films, including *The Immigrant Experience: The Long Long Journey* (1972), a dramatization of a story about a Polish immigrant boy and his family in the United States at the turn of the century. Since she was descended from Russian Jews and her father, grandparents, and other relatives regularly reminisced about their lives in the Old Country and about becoming Americanized, she requested to change the ethnicity of the characters to Jewish, but this was denied because the director felt that Jews were too "atypical." Around the same time, Universal Pictures optioned the rights to her screenplay *Limbo* (1972), based on interviews she had conducted with wives of American POWs and MIAs in the Vietnam War for a series published in *McCall's* magazine.⁵⁶ The film's director, Mark Robson, dropped her from the production when she questioned alterations he had made in the shooting script to soften the assertiveness of its lead character. Nevertheless, he allowed her to observe the making of *Limbo*, which she regarded as a filmmaking education.⁵⁷

To pay homage to the immigrant heritage of her parents, she shopped the idea of adapting Abraham Cahan's *Yekl: A Tale of the New York Ghetto* for the screen. She recalls one producer frankly telling her that "feature films are expensive to make and expensive to market and women directors are one more problem we don't need." One person whose support she solicited cautioned her that the audience for the film would be limited because Jews were only "two percent of the population," which seems like a weak argument except for Micklin Silver's choice of keeping much of the dialogue in Yiddish. Angry over his wife being denied the chance to direct, her husband, Raphael, responded by forming the production company Midwest Films and raising \$350,000 to fund *Hester Street* (1975).⁵⁸ Once the film was made, it couldn't find a distributor and faced the prospect of being screened only in synagogues. After it was shown at Cannes and other European film festivals, it opened in the United States at a theatre in New York that Raphael rented. Word of mouth enabled it to receive more bookings. Wherever it played, it received glowing reviews. Yet it did not secure broader

distribution until Carol Kane was nominated for an Oscar as best supporting actress for her role as Gitl. *Hester Street* eventually grossed \$5,000,000 in ticket revenues and won Micklin Silver a nomination for best comedy screenplay from the Writers Guild of America.⁵⁹ Released at the height of the ethnic roots and feminist movements, it was, as Hasia Diner has remarked, “the right film at the right time.”⁶⁰

Cahan’s story focused primarily on the unbridled Americanization of Jake, a Russian Jewish immigrant, and how it drives him to divorce his embarrassingly “greenhorn” wife, Gitl, in favor of Mamie, a more assimilated immigrant woman whom he had been courting before Gitl and his son joined him in New York.⁶¹ Micklin Silver shifted the emphasis to Gitl’s “amazing journey in terms of where she started, how she came over, and what happened to her from there.”⁶² From the moment Gitl and their son, Yossele, arrive at Ellis Island, Jake forces them to Americanize by cutting Yossele’s *pey-ess* [sidelocks], renaming him Joey, and teaching him how to play baseball. He berates Gitl for wearing plain long dresses and a sheitel or babushka to cover her hair and for speaking Yiddish. Jake’s landlady, Mrs. Kavarsky, mentors Gitl on how to look like an “American lady” by discarding her sheitel and modest clothes for more fashionable garments and hairdo. When Jake glimpses Gitl’s new appearance, he assumes she has purchased a stylish wig and tries to rip it off her head. In the course of their ensuing argument, Gitl blurts out that she knows about Mamie, whom she calls a “Polish whore.” Mrs. Kavarsky attempts to reconcile the couple, but Jake stalks out of the room. Kavarsky assures Gitl, “Don’t worry, this one will come back,” but Gitl replies, “I don’t want him back. Genug—enough!”

Micklin Silver endows Gitl with more agency than she possesses in Cahan’s story. Deeply wounded by Jake’s infidelity, Cahan’s Gitl possessively holds onto Joey to ensure he will remain with her but never announces her decision to leave Jake. Instead, Jake raises the prospect of divorce and tries to purchase Gitl’s acquiescence with money from Mamie’s savings. The movie fabricates a scene with Mamie’s lawyer trying to bribe Gitl to grant Jake a divorce. Gitl remains taciturn as he incrementally raises the offer to the point where it depletes Mamie’s entire nest egg. Although both versions monitor Gitl’s growing fondness for the kindly and pious Bernstein, who teaches Joey Hebrew, the film reverses the gender roles by having Gitl propose to him. Micklin Silver’s re-enactment of the Jewish ritual where the wife accepts the *gett* [writ of divorce] from the husband exposes the unequal treatment of divorced women, who have to wait ninety-one days to remarry, whereas divorced men can remarry immediately. In the closing scene, a confident and stylishly dressed Gitl, who now insists her son be called Joey, strolls with Bernstein, discussing the store they plan to buy. At the end of *Yekl*, Cahan’s Gitl still feels grief-stricken over the dissolution of her marriage.⁶³ Gitl is a Jewish heroine who resists the wholesale assimilation embodied by Jake for an acculturation that preserves her faith as she adopts the external trappings of looking and

speaking like an American. Micklin Silver's empowerment of Gitl undermines Lester Friedman's judgment that Gitl "fails to accomplish anything" beyond replicating "the *shtetl* [predominantly Jewish village in Russia] tradition of supporting the scholar."⁶⁴

The success of *Hester Street* brought Micklin Silver to the attention of Hollywood studios. She met with one studio executive and pitched Fred Barron's script for *Between the Lines*.⁶⁵ It revolved around the personal and professional relations among the staff members of a Boston countercultural newspaper called the *Back Bay Mainline* that had enjoyed popularity at the beginning of the 1970s but faced declining revenues as the idealistic radicalism of that decade waned. To save it from financial ruin, a corporate media company purchases it with the aim of making it more commercially viable. When no studio offered to produce the screenplay, Raphael Silver's Midwest Films entered the breach and marshalled the profits from *Hester Street* to fund it.⁶⁶ Since theatres were trying to book big budget blockbusters in the post-*Jaws* (1975) era, the distribution prospects for an indie film like *Between the Lines* were limited. Micklin Silver's direction, the casting of a talented ensemble of up-and-coming actors like John Heard, Lindsey Crouse, Jeff Goldblum, Jill Eikenberry, and Bruno Kirby, and witty dialogue picked up awards from the Berlin Film Festival and the Los Angeles Critics Association.⁶⁷

As an ensemble piece with a spectrum of characters, *Between the Lines* was not designed to highlight feminist or Jewish issues. Yet strands of both are easily detectable in it. Micklin Silver pairs the women characters with men on the staff with varying outcomes. Photographer Abbie, played by Lindsey Crouse, has an on-off relationship with Harry, played by John Heard. She retains her enthusiasm for the newspaper's muckraking mission, whereas Harry has lost faith in the transformative impact of his investigative reporting. When they jointly interview a stripper, Abbie establishes greater rapport with her, angering Harry because he resents Abbie encroaching on his domain. Abbie surpasses him in eliciting thoughtful answers from the stripper as well as getting striking pictures of her. Laura, played by Gwen Welles, lives with Michael, played by Stephen Collins. She still writes for the paper while he is working on a novel. When he lands a contract for his book, he selfishly assumes she will quit her job and join him in New York. Though she prevaricates, she eventually yields to his demands. Finally, the receptionist, Lynn, played by Jill Eikenberry, resists the sexual harassment of the paper's officious advertising director and exhibits courage and integrity when she becomes the first staff member to quit rather than work under the new corporate regime that has taken over.⁶⁸ Quart lauds Micklin Silver as a "feminist director" who excels at observing the gender dynamics in such male-female encounters without becoming polemical.⁶⁹

Jeff Goldblum's character, Max Arloft, the *Back Bay Mainline's* rock critic, spices up the film with a Jewish flavor. His brashness, swarthy appearance, and wisecracking code him as a Jew, but Micklin Silver supplies him some dialogue that is explicitly

Jewish. Asking his boss for a raise, he grounds his request in his need to help his parents afford to visit him on the major Jewish holidays. He contends this is particularly important for Pesach because it would sadden him to be alone when looking for the *afikoman* [a piece of matzah hidden during the Seder that children hunt for to win a prize]. In a subsequent scene, Max delivers a pretentious lecture to a class of college coeds about the parallels between the Beatles' song "Blackbird" and Wallace Stevens's poem "Thirteen Ways of Looking at a Blackbird." To impress them and possibly attract a groupie, he mentions the Latin root of the word "act." As he elaborates on its Latin origins, he gratuitously throws in several Yiddish terms. Micklin Silver's inclusion of such distinctly Jewish material belongs to a trend Nathan Abrams discerns in contemporary Jewish films of inserting in-jokes that only Jewish audiences would understand in films that otherwise do not expressly target them.⁷⁰

Micklin Silver's first experience directing a Hollywood film underlines the problems the first cohort of modern women directors confronted when dealing with studios more invested in the marketability of their films rather than their cinematic quality. Signed by 20th Century Fox to make two movies, she planned to obtain the rights to adapt Ann Beattie's novel *Chilly Scenes of Winter* for the screen but discovered that Triple Play Productions, an independent company founded by three actors, already had acquired the property for a minimal cost after the major studios balked at producing it. Micklin Silver convinced a sympathetic Fox executive to let her direct and write the film with Triple Play producing it. After Fox dropped the project, the executive moved to United Artists to be a vice president and revived the endeavor. The story concerns a single man, Charles, obsessed with Laura, a married woman separated from her husband. When she returns to him, Charles doggedly stalks her. In the novel and original version of the film, Charles and Laura reunite in the end. In today's parlance the film would be called a dramedy interspersing funny banter with the disturbing compulsiveness of Charles's love. Worried about the foreboding implications the title *Chilly Scenes of Winter* conveyed, United Artists changed it to *Head over Heels* (1979), much to Micklin Silver's chagrin. Beattie quipped that the new title "sounded as if Fred Astaire should be dancing across the credits."⁷¹

Head over Heels received mixed reviews and did poorly at the box office. Yet the film developed a cult following due to its humorous dialogue, quirky premise, and stellar performances by John Heard as Charles and Mary Beth Hurt as Laura. United Artists Classics, a new studio division founded in 1980 to reissue its quality films, expressed interest in rereleasing the movie as *Chilly Scenes of Winter* if it were reedited with a less upbeat conclusion consistent with its overall melancholic tone. Micklin Silver eliminated the closing scene where Laura shows up in Charles's kitchen after he had accepted the finality of their breakup. This lent the film a narrative coherence the first version lacked and elevated it into a critical and commercial hit.⁷²

During the 1980s, Micklin Silver directed the children's story *How to Be a Wonderful Person in Just Three Days* (1983) for the PBS series *Wonderworks* and *Finnegan Begin Again* (1985) for HBO.⁷³ Although directing for television relieved her of the responsibilities of casting, pitching movie scripts to studios, and raising funding, she returned to the world of studio feature films in 1988 when she made *Crossing Delancey*,⁷⁴ based on an off-Broadway play by Susan Sandler, who wrote the screenplay as well. Micklin Silver and her husband tried in vain to convince a Hollywood studio to produce it. What turned the tide was casting Amy Irving for the role of Izzy. She was married to Steven Spielberg, who liked the script and provided an entrée to Warner Brothers, which negotiated a negative pickup contract with Midwest Films. This stipulated that the studio financed the film but left its production in the hands of Midwest Films. When Warner Brothers screened *Crossing Delancey*, it requested many changes that Micklin Silver was not obligated to do, since her contract granted her rights over the final cut. She refused, and the positive responses by preview audiences vindicated her judgment.⁷⁵

Crossing Delancey has been called the "ultimate Jewish rom-com."⁷⁶ When a love story involves Jewish characters in Hollywood films, their paramours are usually Gentiles because the star-crossed plotline engenders comical incongruities or tragic conflicts.⁷⁷ *Crossing Delancey* achieves the same effect by matching Izzy, a secularized modern Jewish woman who works in a trendy bookstore on New York's Upper West Side, with Sam, a Jewish man played by Peter Riegert, a traditionalist who has remained on the city's Lower East Side to run his father's pickle business. Izzy is enthralled by the famous author Anton, played by Jeroen Krabbé, after he reads from his novel at the bookstore where she works. Bubbie, Izzy's grandmother, endearingly performed by Yiddish theatre veteran Reizl Bozyk, worries that Izzy will not find a nice Jewish man to marry. Consequently, she hires a matchmaker who, in turn, arranges for Izzy to meet Sam. Izzy resents this meddling and assumes there can be no chemistry between her and someone like Sam, but Sam proves to be more intriguing than she expected. He's handsome and modern even though he, as Stephen Silver puts it, "owns a strong and customized Jewish identity."⁷⁸ Drawn by the allure of Anton's celebrity, Izzy quickly learns that he is really looking for a mistress and secretary. Despite repeated efforts to discourage Sam's interest in her, it finally dawns on Izzy that he possesses endearing qualities that merit her romantic attention.

Micklin Silver exudes an affectionate Jewish sensibility in *Crossing Delancey*. Whether evoking the ambiance of the Lower East Side, having Sam mention that he said "a special *bracha*" [blessing] before he gave Izzy a new hat, depicting Izzy's attendance at the bris of a baby boy born to one of her girlfriends, or peppering the dialogue of Bubbie and the matchmaker with Yiddish words and phrases, she instills the movie with almost as much Jewish content as appeared in *Hester Street*. In a way *Crossing Delancey* could be interpreted as a sequel to *Hester Street*, with Bubbie as an elderly Gitl striving

to maintain Jewish continuity by preventing the intermarriage of her granddaughter. Izzy's escape from the old Jewish neighborhood resembles Jake's distancing himself from his immigrant roots. Sam's attachment to Judaism parallels that of Mr. Bernstein, the boarder in *Hester Street* whose kindness and piety gradually render him in Gitl's eyes a desirable spouse to replace Jake.

Micklin Silver has demonstrated a commitment to portray her Jewish heritage in film and other media throughout her career. She directed the thirteen-part anthology *Great Jewish Stories from Eastern Europe and Beyond* (1995) for National Public Radio, Showtime's remake of Rod Serling's *In the Presence of Mine Enemies* (1997) about a rabbi in the Warsaw Ghetto, and her last independent feature film, *A Fish in the Bathtub* (1998), about a bickering Jewish couple.⁷⁹ Marlene Booth rightfully credits Micklin Silver with "showing not only that women can direct films but that films about Jewish topics can succeed with Jews and non-Jews alike."⁸⁰ In 1995 the National Foundation for Jewish Culture bestowed its Jewish Cultural Achievement Award in the media arts on her.⁸¹

Micklin Silver has been equally prolific in depicting issues relevant to women. Along with Julianne Boyd she cowrote *A . . . My Name Is Alice* (1983), a feminist musical review that became an off-Broadway hit.⁸² While she exercised less creative control over the cable television movies she directed than over her feature films, she has repeatedly selected projects highlighting feminist concerns like HBO's *A Private Matter* (1992) about a pre-*Roe v. Wade* abortion case, Showtime's *Charms for the Easy Life* (2002) about the assertiveness of three generations of North Carolina women, and Lifetime's *Hunger Point* (2003) about an adolescent girl suffering from anorexia.⁸³ Montañez Smukler credits her with being the only woman director "able to build a body of work during the 1970s and then into the 1980s that was hers without any studio or producer interference" except for the interference with *Chilly Scenes of Winter* that ultimately was rectified.⁸⁴

CLAUDIA WEILL

Born in 1946, Claudia Weill is the only baby boomer among the trio of women directors who combined feminist and Jewish themes in their films. In 1967 she spent a summer interning on the production of a documentary about the counterculture of Haight-Ashbury, which piqued her interest in filmmaking. Like Micklin Silver, she began her vocation in educational television, directing episodes of *Sesame Street* and WNET's *The 51st State*, which covered stories about current events in New York. Along with pioneering Jewish woman director Joyce Chopra and two other filmmakers, she cofounded a feminist filmmaking collective in 1971. Weill cowrote and

served as a cinematographer for Chopra's *Joyce at 34* (1972) about the impact pregnancy was having on her career as a documentarian.⁸⁵ This brought Weill to the attention of Shirley MacLaine, who employed her as a cinematographer and codirector of the Oscar-nominated documentary *The Other Half of the Sky: A China Memoir* (1975) about the status of women in the communist country.⁸⁶

Codirecting and filming other people's documentaries nurtured a desire in Weill to direct a feature film. It took nearly three years to complete her first film, from conceiving its plotline, hiring a screenwriter, applying for grants, and soliciting donations to augment her own investment in it. She shot *Girlfriends* (1978) in fits and starts as she accumulated sufficient money to do so.⁸⁷ She submitted it to the Rotterdam and Cannes Film Festivals, where it was warmly received. Returning to New York, she couldn't find a distributor so she traveled to Los Angeles to procure one. Warner Brothers embraced the film to capitalize on the buzz *Girlfriends* generated abroad and the recent success of the wave of women's films directed by men.⁸⁸ This paid off, as its box office take exceeded its modest budget. The National Board of Review ranked *Girlfriends* as one of the top ten films of 1978, and the Academy of Italian Cinema conferred its Donatello award on Weill for the best directing debut of the year.⁸⁹

The story revolves around Susan Weinblatt, played by Melanie Mayron. Devastated when her best friend and roommate, Anne, played by Anita Skinner, announces that she is moving out to get married, Susan must cope with being alone and struggling to carve a niche for herself as a photographer in the city's competitive art scene. In the meantime, she ekes out a living photographing bar mitzvahs and Jewish weddings for a synagogue. Film scholar Marsha Kinder describes Susan "as an intense Jewish girl with a great sense of humor, who can look homely and dumpy one minute and beautiful and voluptuous the next, but whose intelligence, talent and spirit are never in question."⁹⁰ Erens counts Susan among the Jewish "ugly ducklings" who appeared in several movies from the 1970s and served as the antithesis of the Jewish American princess. As Kinder indicates, Susan's charm and demeanor transform her into a swan during the course of the film.⁹¹ Weill recalls that she grew up watching movies and television programs with gorgeous female leads whose sidekicks were "a little more ethnic, maybe Jewish, usually a little more overweight or underweight, and not as conventionally pretty" and who possessed great personalities and wit. She admits, "I guess I wanted that person to be the protagonist."⁹²

Susan epitomizes some feminists who deferred getting married to pursue their careers. She feels abandoned when Anne becomes betrothed and worries that she is sacrificing her literary ambitions to become a wife and subsequently a mother. Conversely, Anne envies Susan's independence and undergoes an abortion out of concern that having a second baby will leave her with no free time to write. Their friendship survives. Contending with loneliness and professional rejection, Susan invites a young homeless

woman, Ceil, to temporarily reside with her but gently spurns her sexual overtures in a tender scene that some feminist critics misconstrued as homophobic. Susan eventually strikes up a relationship with an understanding boyfriend named Eric, played by Christopher Guest, but refuses to relinquish her autonomy when he suggests she move out of her apartment and into his to save money.⁹³

The film's Jewish moments consist of scenes where Susan is photographing synagogue events and conversing afterward with Rabbi Gold, played by the veteran actor Eli Wallach, whom Weill cold-called to offer him the part. Following a bar mitzvah reception, Susan confides in him how she once eavesdropped on her grandfather while he was wearing his tefillin and fervently davening. Sensing that he was communing with God, she entered the room, and he brusquely shouted at her to get out. Yearning to dialogue with God like her grandfather, as a girl Susan had entertained the ambition of becoming a rabbi. Gold believes she would have been a great rabbi. Susan rehearses that possibility by donning his clerical robe. A palpable mutual attraction blossoms during this exchange, with Gold kissing Susan goodnight and asking her out on a date. Their relationship ends a few days later when Susan learns that Gold is married. Although Sally Priesand became the first American woman rabbi in 1972, *Girlfriends* features the first time in an American feature film where the idea that a woman could be a rabbi was broached, five years before Barbra Streisand's *Yentl* (1983).⁹⁴

Girlfriends, however, is primarily remembered as a landmark feminist film. Victoria Myers recently commented, "*Girlfriends* was a precursor to the female friendship narratives of the '90s. At the time of its release, it not only put a female story front and center, but also touched on normalizing abortion and had an overtly Jewish female protagonist (a taboo which had only been broken by Barbra Streisand a decade prior)."⁹⁵ Katie Goh credits *Girlfriends* with establishing the template for movies like *Frances Ha* (2012) and television series like *Sex and the City* (1998–2004) and *Girls* (2012–2017), featuring circles of single women pursuing careers and love in New York. Goh detects many parallels between *Frances Ha* and *Girlfriends*.⁹⁶ Greta Gerwig, the star of *Frances Ha* and a successful director herself, recalls, "When I saw *Girlfriends* it felt like the film had been made just for me."⁹⁷ Lena Dunham, creator of *Girls*, similarly felt that *Girlfriends* anticipated her program: "From the first shot, I was transfixed. By the complex relationships, the subtlety, the odd comedy that was awkward long before awkward was cool. I almost thought, 'Have I seen this and been gently ripping it off for the last five years?'"⁹⁸ Dunham acknowledged her debt to Weill by choosing her to direct an episode of *Girls* in 2013.⁹⁹

The recurring theme of women balancing their professions with their private lives informs Weill's first studio venture, *It's My Turn* (1980).¹⁰⁰ The casting of Jill Clayburgh as Kate Gunzinger signified that the character was a modern woman since Clayburgh was associated with such roles from her two previous films, *An Unmarried Woman*

and *Starting Over* (1979).¹⁰¹ On the one hand, Kate relishes her teaching and research as a University of Chicago mathematics professor whom Columbia University is considering for an administrative position. On the other, she settles for a comfortable, albeit unsatisfying, relationship with Homer, played by Charles Grodin. He makes her laugh while eschewing any deeper commitment. Kate travels to New York to interview at Columbia and attend her father's second wedding. There she meets his new son-in-law, Ben Lewin, a baseball player who retired early due to an injury. Hewing to the "opposites attract" formula, the ostensible mismatch between the clumsy scholar and the coordinated athlete, played by Michael Douglas, evolves into a romantic coupling. Captivated by the intimacy she achieves with Ben, Kate decides to take the job at Columbia even though it will derail her career as a mathematician. For the sake of his daughter, Ben is not ready to leave his unhappy marriage. He counsels Kate to predicate her choice between administration and teaching on which she enjoys more rather than on whether it would allow her to reside in the same city as him. Kate decides to stay at the University of Chicago, assuring her best student that she will be there awhile, and breaks up with Homer, revealing that she yearns for someone more emotionally available to her. In the closing scene she receives a gift of a signed baseball from Ben, indicating their relationship is not over.

Weill tackled the proverbial topic of career versus love because "she wanted to get into something that I think is happening to a lot of people, and that's that they're making significant progress in terms of their work, but they're finding themselves emotionally impoverished."¹⁰² In an interview conducted by Roger Ebert she admitted, "As far as the women's movement goes, the new film may actually be reactionary. Here's a woman who has too much 'space,' too much freedom. She finds that she wants a messy relationship."¹⁰³ Some critics, however, chided Clayburgh's performance for rendering Kate so genial and unassertive that she hardly seemed like an independent woman, let alone a feminist.¹⁰⁴

Although Jewishness does not loom as large in *It's My Turn* as it does in *Girlfriends*, the protagonists and the occasion that brings their families together leave no doubt that this is a movie about Jews. Both the Gunzingers and the Lewins are Jewish. Though brief, the marriage ceremony shows men wearing yarmulkes and concludes with the ritual breaking of a glass by the groom. A rabbi naturally officiates it. Weill avoids the stereotypical caricatures films often rely on when portraying Jewish men or women in her depictions of Kate and Ben. Kate may be a bit uncoordinated, but she is positively graceful compared to Lila in *The Heartbreak Kid*. Her intelligence and occupation differentiate her from the domineering Jewish mothers and materialistic Jewish princesses appearing in many films of this era.¹⁰⁵ Ben's sporting career contrasts with his brother, who is a psychiatrist. Neither Ben nor Kate possesses the

curly hair, dark complexion, or crooked nose that often mark characters as Jews in Hollywood movies.¹⁰⁶

As was the case with May's and Micklin Silver's first studio releases, the producer for *It's My Turn*, Ray Stark, allegedly sabotaged the original vision of the story. Frustrated over disagreements he had with Weill, he may have been the source of reports leaked to the press about how Clayburgh and Douglas took advantage of her inexperience. Another rumor circulated that Douglas was so upset with how Weill had botched the film that he didn't want to be involved in publicizing it. Douglas denied that he was unhappy with the film. According to Douglas's biographer, John Parker, Stark reedited Weill's cut of the film but ran into opposition from other Columbia executives, who preferred her version. Weill diplomatically admitted that there had been creative disagreements between Stark and her but added that this was to be expected as part of the collaborative process of filmmaking. Grodin believed Weill had been mistreated by Stark because she was a woman. Weill subsequently divulged that she had been subjected to sexual harassment by Stark: "Stark would come on set and literally run his hand down my back to see if was wearing a bra or not. That was acceptable at that time. The notion of a woman director was really alien." Montañez Smukler surmises that Stark may have allocated fewer studio resources to promote *It's My Turn* as retribution, contributing to its commercial failure.¹⁰⁷

Weill left Hollywood at the beginning of the 1980s to direct plays in New York and then returned to direct television movies and program episodes. According to her, she shifted to television because "it was much easier, also just to go to work. By then, I had gotten married and had two small boys, so I was much less interested in having an albatross around my neck for several years."¹⁰⁸ The transition to directing for television could be perceived as a demotion, since in this period the made-for-TV movie was deemed "the bastard stepchild of its silver screen counterparts."¹⁰⁹ Weill's involvement in television predated the rise of its "platinum age," when cable premium and streaming channels have produced outstanding films and shows, upping the game for network fare.¹¹⁰ Weill directed multiple episodes of acclaimed programs like *thirtysomething* (1987–1991) and *Once and Again* (1999–2001).¹¹¹ The former often highlighted conflicts arising from the Jewish-Christian intermarriage of its main characters.¹¹² Weill's television movies addressed women's issues, like a widowed wife learning she is destitute due to her husband's gambling habit in CBS's *The Face of a Stranger* (1991) and the legislative erosion of abortion rights in Showtime's *Critical Choices* (1996).¹¹³

Despite her relatively brief stint making studio feature films, Claudia Weill's contribution to cinematic history has not gone unnoticed. She became the fourth woman director to be admitted to the Academy of Motion Picture Arts and Sciences. In 2019 the Library of Congress's National Film Preservation Board named *Girlfriends* to its

National Film Registry, along with May's *A New Leaf*. *Hester Street* received that honor in 2011.¹¹⁴ Film doyen Stanley Kubrick applauded *Girlfriends* as one of the few American productions he would "compare to the serious, intelligent, sensitive writing, and film-making that you find in the best directors in Europe."¹¹⁵

CONCLUSION

After a nearly total absence of women directors from Hollywood movies and the decline of the studio system in the 1960s, studio receptivity to more innovative film-making converged with government pressure to eliminate gender discrimination in employment and the rise of the feminist and ethnic identities movements. This fortuitous combination of factors acted as a catalyst for the hiring of more women directors by the major studios in the 1970s. Jewish women were overrepresented in that first cohort of women directors.

Among their ranks, Elaine May, Joan Micklin Silver, and Claudia Weill interjected Jewish characters, rituals, or settings in tandem with feminist themes into their films. Scholarship about women directors has recognized their contributions to the emergence of feminist cinema but has devoted less attention to the Jewish dimension of their films. Scholarship about Jewish cinema has not always acknowledged May and Weill for the Jewish aspects of their films.

This neglect may partly stem from how their careers making theatrical releases were abbreviated and channeled into screenwriting in May's case and directing in television in Weill's. The specter of sexism lurks in the background as a possible cause for their shortened stints as studio directors. It is difficult to ascertain how much of a role it played in May's squabbles with producers and the demise of her directing career after *Ishtar* or from the highly publicized acrimony surrounding the production and distribution of Weill's *It's My Turn*. Statistics indicate that women directors are afforded fewer opportunities by studios to make additional motion pictures if they develop a reputation for being "headstrong" or make a film that fails financially.¹¹⁶ When accessing their studio careers, it is worth recalling how Barbra Streisand once characterized the differential standards applied to male and female directors:

A man is commanding—a woman is demanding. A man is forceful—a woman is pushy. A man is uncompromising—a woman is a ballbreaker. A man is a perfectionist—a woman's a pain in the ass. He's assertive—she's aggressive. He strategizes—she manipulates.

He shows leadership—she's controlling. He's committed—she's obsessed. He's persevering—she's relentless. He sticks to his guns—she's stubborn. If a man wants

to get it right, he's looked up to and respected. If a woman wants to get it right, she's difficult and impossible."¹⁷

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“When You’re a Funny Girl”

Confirming and Complicating Accepted Cultural Images of Jewish Femininity in the Films of Barbra Streisand

SAMANTHA PICKETTE

MORE THAN LIKELY, BARBRA STREISAND WOULD NOT HAVE BEEN ABLE to achieve the meteoric level of mainstream success she did if the beginning of her film career in the 1960s and 1970s had not coincided with the Jewish New Wave, a period in the history of Hollywood cinema marked by an influx of openly Jewish actors and films that explicitly explored Jewish content in a way that had not occurred in American film since the 1920s.¹ Even as she benefitted from the platform allotted to her by the Jewish New Wave, Streisand also became one of its most influential and important architects, carving a new space for Jewish women in mainstream American cinema that challenged both the hegemonic power of the WASP majority and the male-driven conceptions of Jewish femininity that had dominated American mainstream media up until that point.

Rather than hiding her Jewishness or assimilating into the white mainstream to the point where her Jewishness was invisible, Streisand’s persona—both in her music career and especially in her film career—fused her dual Jewish and American identities, demonstrating that being an “American” star was not necessarily predicated on the erasure of one’s ethnic background. Moreover, by not subscribing to the well-established archetypes of the spoiled Jewish American Princess or the lackluster Jewish Ugly Duckling, Streisand subverted the categorization of Jewish women as entitled, unattractive, and uninteresting. Her protagonists are unmistakably the heroines of their own stories, flagrantly Jewish, outspoken about their desires, and determined to accomplish their goals. In this way, Streisand’s most famous characters—Fanny Brice from *Funny Girl* (1968), Katie Morosky from *The Way We Were* (1973), Esther Hoffman

from *A Star Is Born* (1976), and Yentl from Streisand's directorial debut of the same name (1983)²—each articulate a more nuanced archetype of Jewish femininity, one that adheres more closely to a combination of what Kathleen Rowe Karlyn refers to as the “Unruly Woman” and what Letty Cottin Pogrebin calls the “Jewish Big Mouth.”

Karlyn defines the Unruly Woman in terms of her transgressive grab for power through the subversion of classical archetypes of feminine behavior:

The figure of the unruly woman contains much potential . . . for rethinking how women are constructed as gendered subjects in the language of spectacle and the visual. The parodic excesses of the unruly woman and the comedic conventions surrounding her provide a space to “act out” the “dilemmas of femininity” . . . to make not only “fantastic” and “incredible” but also laughable those tropes of femininity valorized by melodrama. . . . Women can produce and make spectacles of themselves *for* themselves. The unruly woman points to new ways of thinking about visibility as power. Masquerade concerns itself not only with a woman's ability to look, after all, but also with her ability to affect the terms on which she is seen.³

Vincent Brook builds on Karlyn's conception of the Unruly Woman, speaking specifically to the ways in which Barbra Streisand's characters invert conventions of beauty, gender, and femininity, saying that Fanny, Katie, Esther, and Yentl are all “too much,” both physically and in terms of their personalities, and that Streisand's films celebrate this excess by upholding each Jewish female protagonist as an “appealing and sexually desirable” ideal to which the audience (both Jewish and non-Jewish) should aspire.⁴

Pogrebin classifies the Jewish Big Mouth as an intellectual, more well-rounded alternative to the vapid Jewish American Princess, saying:

While the Princess demands her privileges, the Big Mouth demands her rights. Often an Ugly Duckling, she is so bright, funny, accomplished, and confident that people forget her looks. But she has one major problem: she acts like a person. She lets everyone, especially the men in her life, know who she is and what she thinks. If she wants something, she goes for it. A nonconformist, she won't play her assigned role—either as a Jew or as a Woman.⁵

In other words, the Jewish Big Mouth takes the transgressive nature of the Unruly Woman and applies it to a specifically Jewish context that empowers Jewish women who “look” and “act” Jewish in ways that defy the WASP ideal, while representing Jewish femininity as unconventional but inherently desirable. And, while Jewish American Princesses are more often the products of male-driven narratives, Jewish Big

Mouths have the power to shape and define their own stories. However, as Pogrebin goes on to explain, the archetype of the Jewish Big Mouth often fails romantically because of her strength, and the conditional nature of her ultimate romantic happiness reveals a common framework that unites all of Streisand's films: in their collective romantic failures, Streisand's protagonists are almost always penalized for the aspects of their unruly, big-mouthed personalities that render them strong, interesting, and multifaceted. This phenomenon speaks to the fact that, despite the transgressive nature of Streisand's female protagonists and the ways in which her films undermine reductive stereotypes of Jewish femininity in American popular culture, her films simultaneously uphold conservative social norms since each protagonist is ultimately punished for her inability to conform to expectations and subsequently loses "the love of her life."

This essay explores four of Streisand's films—*Funny Girl*, *The Way We Were*, *A Star Is Born*, and *Yentl*—and analyzes each in terms of this dichotomy between articulating transgressive images of Jewish femininity and undercutting the power of these Jewish women by upholding classical romantic genre conventions. The interplay between transgression and convention allows for these representations of Jewish women to explore feminist themes, gender role reversals, and Jewish identity in a way that pushed against the social mores of the 1960s, 1970s, and early 1980s while still appealing to mainstream audiences. Thus, Streisand's films both challenge and uphold traditional cultural images of Jewish women and reflect the ambivalence of female-driven narratives of this time period that sought to fit within the very paradigm they were attempting to deconstruct.

At the same time, however, there is a distinct difference between the ultimate message of Streisand's film debut in *Funny Girl* (1968) and her directorial debut in *Yentl* (1983). While Fanny, Katie, Esther, and Yentl all do end their respective stories alone, each film from 1968 to 1983 is gradually more progressive in its representation of its respective Jewish female protagonist and increasingly more comfortable with its heroine's unconventionality. Each of these films shares the same four thematic elements—a clear articulation of Streisand's Jewishness and how that identity marks the protagonist as an outsider, an exploration of Streisand's beauty (or lack thereof) and how her physicality affects her psyche, the push-and-pull between Streisand's professional successes and her romantic relationships and the subsequent reversal of traditional gender roles, and the breakdown of the romantic relationship leading to Streisand ending each film on her own. However, each film approaches this four-part framework in increasingly more progressive ways that betray a growing comfort with overt displays of Jewish identity and feminist messages over time. Together, Streisand's films from 1968 to 1983—arguably the most important period in her film career—claimed a new space

for “unruly” Jewish women in American cinema and in doing so formed a bridge between the reductive, stereotypical portrayals of Jewish women that characterized the 1950s and 1960s and the more nuanced, diverse iterations of Jewish women that are found in more contemporary American films.

“A BAGEL ON A PLATE FULL OF ONION ROLLS”: JEWISH IDENTITY AND DIFFERENCE

While not all of Barbra Streisand’s films are about Jewish religious traditions or rituals, Jewish identity lies at the heart of each film. In 1977, Streisand told *Playboy*, “I am deeply Jewish, but in a place I don’t even know where it is,” and this sense of Streisand’s Jewishness as an inherent and almost involuntary part of herself is something that is communicated in *Funny Girl*, *The Way We Were*, *A Star Is Born*, and *Yentl*.⁶ Neal Gabler classifies Streisand’s film career as a “*Jewish American success story*,” saying that her films contain an unmistakable “Jewish sensibility”: “Streisand seemed to understand that it was her look and her flaunting of her Jewishness that made her so distinctive and that connected her to the audience. It has been said of her that she was the first star who succeeded because of her Jewishness and not in spite of it.”⁷ Rather than hide her Jewish distinctiveness, Streisand’s films celebrate Jewishness as part of what makes each of her protagonists special and, more importantly, worthy of both the male protagonist’s love and the audience’s attention.

It is important to note, however, that the way that Streisand communicates her Jewish identity is most often through clear displays of cultural Jewishness rather than religious Judaism (with *Yentl* being an obvious exception).⁸ Streisand’s version of Jewishness is also unmistakably positive and almost exclusively defined through the actions and talents of her protagonists. Jewishness, according to Streisand’s films, is not a fixed set of characteristics that reflect the full extent of the Jewish American experience but rather is more amorphous and more difficult to define. Streisand’s characters are Jewish because she is openly Jewish, and the elements that make them Jewish—talent, humor, resiliency, morality, liberalism, generosity, confidence—are traits that also make them different from (and often superior to) the people around them. This version of Jewish difference may be reductive in the sense that these characteristics are only tangentially connected to Judaism, but Streisand’s positive conception of Jewish identity is a far cry from contemporaneous representations of Jewishness seen in films like *Goodbye, Columbus* (1969) or *The Heartbreak Kid* (1972), most of which represent Jewish men, and especially Jewish women, in largely negative stereotypical terms. And so, as a result of Streisand’s films being infused with a distinctively Jewish sensibility that celebrates, rather than mocks, Jewish identity, Streisand introduced and helped to

normalize a different kind of Jewishness and a different kind of Jewish woman within American popular culture.

FROM "IF A GIRL ISN'T PRETTY" TO "HELLO, GORGEOUS": THE IMPORTANCE OF "LOOKING" JEWISH

In Streisand's films, the heroine's "Jewish" qualities are initially what attracts the romantic hero. For example, in *Funny Girl*, Nick Arnstein (Omar Sharif) visits Fanny Brice backstage after seeing her perform because he wants to tell her how much he admires her talent. In *The Way We Were*, Hubbell Gardiner (Robert Redford) is drawn to Katie's work ethic, passion, and intelligence, marveling at the way she "never [quits]" even as the other people in his friend group mock her serious nature and political zeal. John Norman Howard (Kris Kristofferson) sees Esther perform in a café in *A Star Is Born* and is immediately attracted not only to her voice but to the fact that she is not fazed by his fame and holds him accountable for starting a fight during her performance, thereby "blowing [her] act." And, even when she is dressed as a man, Yentl's study partner and friend Avigdor (Mandy Patinkin) finds himself so attracted to the way that Yentl's mind works that he considers them "brothers" almost immediately upon meeting her.

However, even as these films celebrate the positive qualities of Jewish femininity, they contain an underlying ambivalence about physical markers of Jewishness and how "looking Jewish" impacts the heroine's quest for both professional and personal success. This ambivalence, of course, mirrors the way that much of Streisand's own career has been impacted by pressure to have her stereotypically "Jewish" nose "fixed" so that she could meet more conventional standards of Hollywood beauty. The concept of the "Jewish nose" has its roots in centuries of European antisemitism and is a manifestation of the antisemitic idea that Jews are physically different than their non-Jewish counterparts and that difference is not only part of what Neal Gabler calls a "tradition of unattractiveness" but also a physical sign of the "degeneracy and disease" of the Jewish mind and body.⁹

Sander Gilman discusses anxieties surrounding the difference of the "Jewish" nose in the context of Freud's theory of the "narcissism of minor differences," which was partially developed as a mode of mitigating Aryan claims of Jewish racial inferiority and therefore aims to undercut the meaning of ethnic and religious difference by saying that those differences have no inherent value.¹⁰ Gilman disputes the idea that these differences are actually "minor," arguing that centuries-old conceptions of the Jewish nose and the Jewish body as abnormal or unattractive are internalized by Jews

and that, rather than attempting to erase Jewish difference, Jews should acknowledge and challenge these negative images of themselves:

This is more than the evocation of difference; it is the realization that one lives in a world in which such images are present whether one wants them or not and that they must be dealt with. And whether they are images of Jewish difference or of difference associated with Jews on the basis of sexual orientation, color, or politics, these images must be dealt with not through repression but through confrontation.¹¹

Streisand's films are a prime example of the kind of creative confrontation that Gilman is referring to; Streisand acknowledges the fact that her stereotypically "Jewish" looks carry a certain connotation, and she subverts that connotation with increasing levels of confidence over time by reframing conventions of beauty so that audiences are forced to accept her as an ideal instead of as an "other."

Funny Girl, a fictionalized account of the life of Fanny Brice (who in real life had a nose job but in the film version of her life did not), is the most concerned with manifestations of Jewish physical difference and the ways which "looking Jewish" act as potential obstacles for Fanny's career and personal life. The first song of the film is "If a Girl Isn't Pretty," sung by Fanny's mother and other older women from the neighborhood, who lament that Fanny's "golden talents" are overshadowed by her unimpressive looks. Her first boss, Mr. Keeney, tries to fire Fanny, telling her that, with her "skinny legs," she doesn't "look like other girls." Unlike the Streisand heroines that come after her, Fanny herself shares the opinion that she is not beautiful, and while she has faith in her talent, she knows that marketing herself as a potential star will be, as she says, like convincing someone to choose "a bagel on a plate full of onion rolls"—in other words, she knows that her looks are a disadvantage to her ambitions, and she struggles with her self-image even as she gains success first in Mr. Keeney's dance hall on the Lower East Side and then eventually as the star of the Ziegfeld Follies.

Humor becomes her coping mechanism for her insecurity, as is made obvious when the only way she will dress as a bride and sing the lyrics of "His Love Makes Me Beautiful" on Ziegfeld's stage—"I am the beautiful reflection of my love's affection"—is by putting a pillow under her dress and singing from the perspective of a pregnant bride to get a laugh out of the audience. "I couldn't do it straight like those girls. They would have laughed," she explains to Mr. Ziegfeld after her performance. When Ziegfeld points out that the audience did laugh, Fanny tells him, "Yes, but it was my joke. You see? They laughed with me, not at me. Because I wanted them to laugh." Fanny's ability to be a "funny girl" is what gives her power over her appearance.

Fanny's "funniness" is also what wins her the love of Nick Arnstein, the "gorgeous" gambler she pursues throughout the film. For Fanny, the appeal of Nick is not only his

good looks—after their wedding, Fanny muses, “To tell the truth, it hurt my pride, the groom was prettier than the bride”—but also the fact that Nick finds Fanny physically attractive enough to choose her over any of the other, more conventionally attractive women who pursue him. Nick’s love, then, makes Fanny beautiful. And, his approval of her makes her endure his mistreatment of her, his inability to support her career, his untrustworthiness, and his refusal to give up gambling, because he is the only person who ever made her feel beautiful, and for Fanny, that feeling is precious. *Funny Girl* does not really attempt to undermine the idea that Fanny’s Jewish looks are inherently unattractive; she becomes more glamorous as she becomes more famous, but even with Nick’s assertions that Fanny is beautiful and even with Fanny half-jokingly saying “Hello, Gorgeous” as she looks at herself in the mirror, the film makes the case that, as Pauline Kael wrote in her review of the film, “talent is beauty.”¹² Fanny is beautiful because she is the “greatest star,” and her voice and her sense of humor transcend her Jewish nose and her skinny legs.

The Way We Were exhibits more confidence in Katie’s looks than *Funny Girl* does in Fanny’s. Katie’s stereotypically “Jewish” features are not a source of insecurity for her—her nose is a nonissue that is never specifically mentioned, and while she does straighten her kinky hair during the period in her life when she is trying to fit in with Hubbell and his friends, the film ends with her reverting to her original look as a symbol of her return to her original values. As such, her hair is a physical manifestation of where she is in her life; it is curly when she is in her most natural state (politically engaged, confident, and more overtly Jewish) and straightened when she is trying to fit in with the WASP elite. Like Nick Arnstein with Fanny, Hubbell—Katie’s “gorgeous, *goyisher* guy”—finds Katie beautiful (he even compliments her unironed hair when they run into each other after their divorce). But Katie displays more confidence in herself than Fanny ever does and sees enough value in the issues she cares about to ignore what others say about her.

The one time that Katie directly displays self-doubt related to her physical appearance is when her relationship with Hubbell is in jeopardy. The first time he tries to break up with her, she asks him: “Is it because I’m not attractive enough? I’m not fishing, really. I’m not. I know I’m attractive. Sort of. But . . . I’m not attractive in the right way. Am I? I mean, I don’t have the right style for you. Do I?” And then, during their marriage when Hubbell cheats on Katie with his college sweetheart, she asks him: “Why did you have to go with her? Tell me I’m not good enough. Tell me I talk too much, you don’t like my perfume, my family, my pot roast. But you didn’t have to go back to Beekman Place, did you?” In both cases, Katie’s self-doubt about not being the “right” kind of person for Hubbell is directly tied to her fear that she is less attractive to him than a non-Jewish woman would be, not necessarily because of her physical features, but because being with a non-Jewish woman with a non-Jewish sensibility

would be easier for Hubbell than being with the strong-willed Katie. In this sense, her hair is a metaphor for her “Jewish” difference; she can straighten it so that she looks like the other women in Hubbell’s social circle, but she will always be different than they are—more complicated, more politically engaged, and more concerned with her impact on the world around her. The film ending with her “Jewish” hair intact suggests that *The Way We Were* makes the assertion that Katie’s Jewish difference—both in terms of her looks and her personality—is more worthwhile than her failed relationship with Hubbell, who wanted her to be a less interesting version of her true self.

Unlike *Funny Girl* or *The Way We Were*, *A Star Is Born* contains no real references to Esther’s “Jewish” looks; Esther has the same body, face, and curly hair as Katie Morosky, but the film never presents her as anything but beautiful and confident. John Norman Howard is explicit in his admiration of her music and her strength, but also in his physical attraction to her body and face—his desire to “take another look” at her is a recurring theme throughout the movie, and the song he writes for her, “With One More Look at You,” describes the power and inspiration that he gleans simply from seeing her face. Moreover, Esther lacks any of the self-doubt that Fanny Brice had or that Katie Morosky displays in her weaker moments. Esther does not need John Norman’s approval; she knows she is beautiful, and her sense of style, her assertiveness in her physical relationship with John Norman, and her confidence all speak to the fact that *A Star Is Born* does not need to apologize for Esther’s Jewish looks because the film considers her just as physically attractive as she is musically talented.

Yentl, of course, is an outlier because it does not take place in an American setting or in a secular environment where Streisand’s character is one of only a few Jews on-screen. However, even though the comparison could be made between Yentl’s stereotypical “Jewish” looks and the relatively nonethnic appearance of Hadass (Amy Irving), the young woman that Avigdor loves and that Yentl (as a man) is forced to marry in order to keep her secret and stay close to Avigdor, *Yentl* instead explores the differences between Yentl and Hadass in terms of how they both represent diverging modes of Jewish femininity. Yentl is a “failure” as a woman, not only because she wants to study Talmud, but because she cannot cook or clean, and she has no desire to get married so that she can “bear children and darn [her] husband’s socks.” When Yentl first meets Hadass, Yentl judges her, both because she is jealous that Avigdor is in love with Hadass and, more importantly, because Yentl sees the feminine tasks that make up Hadass’s daily life as trivial. As Yentl reflects:

No wonder she’s pretty, what else should she be?

She hasn’t a worry, and why should she worry?

When she gets up the biggest decision is figuring out what to wear.

To pick a blouse, a skirt, and then there’s the problem of what should she do with her hair?

*And later as she stands and studies a chicken,
The question's to roast or to not roast?
Or better yet, maybe a pot roast?*

Her criticism of Hadass is borne out of Yentl's initial unwillingness to recognize that there is inherent value in traditionally feminine work, and it is not until Yentl is married to Hadass and sees the effort that goes into homemaking that she begins to appreciate Hadass and see her full potential. Yentl teaches Hadass Talmud, and by the film's end, Yentl describes Hadass as "the wonder of wonders" and recognizes the fact that they are more alike than Yentl originally wanted to admit: "She's loving, she's tender. She's woman. So am I." Like *A Star Is Born*, *Yentl* is not interested in exploring the aesthetic value (or lack thereof) of stereotypically Jewish physical traits; instead, the film transcends Jewish physicality in order to consider deeper questions of the impact that gender roles have on how women interact with men and with one another.

Clearly, from *Funny Girl* to *Yentl*, a change occurs: Streisand goes from asking the audience's permission to be considered beautiful to declaring herself beautiful and expecting the audience to accept that declaration as truth. This progression speaks to the way that Streisand's films in this era become more transgressive over time and also speaks to the way that societal standards of beauty expanded during the 1970s to include more stereotypically "ethnic" characteristics. Henry Bial discusses this progression in terms of how the public interpretation of Barbra Streisand's looks—and particularly of her nose—transformed from 1962, where reviews of her performance on Broadway as Miss Marmelstein in *I Can Get It for You Wholesale* described her as an "anteater," to 1977, where she appeared on the cover of *Playboy*:

The story of Streisand's transition from "anteater" to (Playboy) "bunny" is not a saga of personal transformation; in fact, photos of Miss Marmelstein from 1962 reveal a physiognomy and physicality remarkably similar to those of Streisand in 1977. Her *Playboy* cover represents the apotheosis of an evolution in the way the Jewish body is perceived by an American audience. That is, the very characteristics of Streisand's stage and screen persona that marked her as a "homely frump" in 1962 mark her as a cover girl in 1977.¹³

As Bial claims, Streisand obviously benefitted from this cultural shift in the sense that by the time she made *The Way We Were* and especially *A Star Is Born*, her characters no longer had to display the same sense of self-consciousness that defined Fanny's relationship with her looks in *Funny Girl*; conventions of beauty had changed enough that Katie Morosky and Esther Hoffman could be confident in their kinky hair and large noses without having to make the case for their unconventional appeal, whereas

Fanny Brice still had to lament her lack of an “American beauty nose.” But, Streisand also contributed significantly to this shift in beauty conventions, both in her refusal to “fix” her own nose and in her insistence on making films that increasingly emphasized her physical appeal and therefore introduced to mainstream audiences the idea that Jewish women could be beautiful without nose jobs, without hair irons, and without comparisons to more conventional, non-Jewish women. In this way, each of Streisand’s major films from 1968 to 1983 act as stepping-stones between the mid-century archetypes of the Jewish American Princess who buys her beauty through rhinoplasty and the Ugly Duckling who is too undesirable to deserve love and the more contemporary notion of Jewish women as physically attractive and not bound by reductive ideas of what it means to “look” Jewish.

“THE STRONGEST WOMAN IN THE WHOLE WORLD, THAT’S WHAT YOU ARE”: FEMININE STRENGTH AS A PRECURSOR TO ROMANTIC FAILURE

The one characteristic that unites Fanny, Katie, Esther, and Yentl is their power. As Jewish Big Mouths, each woman is outspoken and unwilling to compromise on her ideals; as *Unruly Women*, each defies traditional gender norms and is able to find strength and happiness independent of her romantic relationships with men. This power, of course, is an asset to each character. For Fanny, her nerve is part of what leads to her professional success in the Ziegfeld Follies. For Katie, her principles are what give her the strength to make speeches and protest on behalf of the Young Communist League in college and the Hollywood Ten during her marriage. Esther’s strength helps her to maintain control over her burgeoning career, while Yentl uses the freedom provided by her male disguise to challenge her fellow students and become the most accomplished scholar in her yeshiva. Within the Streisand framework, femininity is a source of power; each Jewish woman contains a blend of stereotypically “feminine” and “masculine” traits, and each establishes her own image of how she wants to exercise her feminine power. In this sense, Streisand’s films are constructed around an inherently Jewish feminist sensibility that simultaneously aims to challenge archetypes of Jewish women as selfish and dependent on men and to undermine the idea that strength is unfeminine.

However, feminine power is also ultimately what leads to the breakdown of each romantic relationship in Streisand’s films. The fact that Streisand’s films all revolve around romantic relationships undercuts the impact that Streisand’s powerful female characters make and speaks to the progressive/conservative dichotomy that defines Streisand’s

body of work during this time: even as Streisand's characters articulate more nuanced, multidimensional images of Jewish women within American popular culture, the films still ultimately reflect the ideals of a hierarchical society governed by hegemonic gender norms. As such, power is both a strength and a weakness for Streisand's female characters.

In *Funny Girl*, Fanny Brice compartmentalizes her power. In her personal life, she is insecure and afraid of the disapproval of others; on stage, she is authoritative, confident, and assertive in getting what she wants. To Fanny, the stage is where she feels most alive, and it is the place where she can overcome her natural inclination toward self-doubt. Nick Arnstein is supportive of Fanny's career during the beginning of their relationship, but his enthusiasm for Fanny after he first meets her lies in the fact that she is innocent and unworldly and that he has the power to teach her about everything from horse racing to lobster to French food to sex. In the earliest phase of their relationship he dominates her, dictating when they see each other and what their connection should look like; as Nick explains to Fanny when they first consummate their relationship, "You are woman, I am man." His love for her is predicated on her acceptance of the clear roles that are defined by his masculinity and her femininity, and as a result, Nick acts not as her partner but as her teacher. Even when Fanny tries to assert herself in their relationship to get what she wants—like when she leaves the Follies to join Nick on a gambling trip to Europe or when she proposes to Nick on the ship—Nick still has the upper hand because the situation is always framed so that Fanny is asking Nick for permission to be loved by him.

It is only when Nick's luck as a gambler turns—when he "[loses] his ruffled shirt"—that Fanny's career begins to jeopardize their relationship. Fanny wants to be a stereotypically passive, obedient wife; she wants to be Nick's "Sadie," the term she uses to describe what a "married lady" lives like, and when they are first married, she revels in the domestic bliss that comes with this new identity. When Nick is financially successful, Fanny manages to maintain both sides of herself. She is still Fanny Brice, the Ziegfeld star who chooses her own songs and maintains active control over her career, but she is also Mrs. Arnstein, Nick's submissive wife and the mother of their child, Frances. But when Nick's gambling debts force her to become the family's sole breadwinner, her attempts to try to help him reorganize his finances only serve to emasculate him. He sees Fanny as his "meal ticket," and this role reversal in their marriage leads to his eventually divorcing her because, as he asks her, "What did I ever give you that you couldn't have gotten for yourself?" Fanny's marriage fails because Nick cannot handle his perceived failure as a man, but he instead blames Fanny, telling her that her confidence on stage, her humor, and the fact that she is "the strongest woman in the whole world" mean that she does not need him. Fanny, in turn, blames herself and internalizes Nick's implication that her personality, her career, her self-confidence—in other

words, the displays of feminine power that drew Nick to Fanny in the first place—are negative traits that have led to her failure as a Sadie, and as a woman.

In *The Way We Were*, Katie is much more comfortable with her assertive nature than Fanny Brice ever is. The film plays off the opposite nature of Katie and Hubbell's personalities, and their relationship dynamic reverses traditional gender roles in the sense that Katie is the stronger, more assertive partner and Hubbell is weaker and more passive. However, despite being naturally more timid than Katie, Hubbell still wants to take the stereotypically "male" role in their relationship and control Katie's actions and values so that they align more closely with his own. As a result, their marriage is a constant power struggle, and their fight over Katie's desire to protest the imprisonment of the Hollywood Ten is emblematic of the nature of their entire relationship. Hubbell wants Katie to stop protesting not only because he worries about his own career as a screenwriter in Hollywood during the 1950s, but also because he sees no philosophical value in trying to fight against the Witch Hunts:

I'm telling you it's a waste. And that those men are only gonna get hurt. And that nothing is gonna change. And after jail, after years of bad blood, when it's practical for a fascist producer to hire a communist writer because his movie's in trouble, he'll do it. They'll make movies, have dinner, they'll play tennis, make passes at each other's wives. What did anybody go to jail for? For what? A political spat? . . . I'm telling you that people are more important than a goddamn witch hunt. You and me. Not causes. Not principles.

Katie's answer—"Hubbell, people are their principles"—speaks to the fundamental difference between Katie and Hubbell, and the reason their relationship cannot work.

Katie tells Hubbell, "I want us to love each other," but that is ultimately impossible because neither loves the other for who they truly are. Hubbell loves Katie's idealistic nature but wants to repress the assertiveness and power that comes with her desire to change the world. Katie loves what Hubbell could be but wants to improve him by raising him to her moral level. Both struggle for dominance in their relationship, and Katie lets Hubbell walk away when it is clear that he no longer has the strength to fight her. Felicia Herman describes the end of their relationship, saying:

Katie and Hubbell's relationship fails not because Katie is a Jew and Hubbell is not but rather because Katie represses her idealism in order to stay with him; and when she finally decides to stand up for what she believes in, Hubbell cannot accept her autonomy. The divorce occurs more for reasons of gender than of religion or ethnicity. As *Funny Girl* does, *The Way We Were* presents a negative view of the success

that independent, intelligent, and idealistic women like Katie will have in romantic relationships.¹⁴

While Herman is correct in her assertion that gender roles lie at the heart of the breakdown of Katie and Hubbell's relationship, her claim that *The Way We Were* presents feminine power and independence just as negatively as *Funny Girl* does is shortsighted. It is true that Katie and Fanny are both "punished" for their respective forms of power through romantic failures, but Katie is decidedly more comfortable in her assertiveness and confident in the fact that her commitment to politics and ethics is well-founded. Letty Cottin Pogrebin's view of the Katie/Hubbell relationship recognizes this nuance more closely:

In *The Way We Were* . . . girl loses boy, *willingly*. To me, [the movie is] warning Jews not to sell our souls for a piece of the American dream . . . not as anti-assimilation stories but as subtle films of Jewish pride in which the ethical standard is upheld by a female. . . . [Katie] in her way is too Jewish to compromise . . . [and] is a cut above her man—and in this culture, that's not allowed; the masculine rules of hegemony hold fast.¹⁵

Unlike *Funny Girl*, which allows its female protagonist to wallow in the failure that her power caused, *The Way We Were* features a strong Jewish heroine who proudly maintains her convictions and refuses to succumb to the easy way of doing things, despite her husband's demands.

A Star Is Born builds upon the unapologetic power of Katie Morosky through its depiction of Esther Hoffman's relationship with John Norman Howard. Esther's relationship dynamic with John Norman is multifaceted in the sense that they both assert power over one another and yet never struggle over gender-normative issues about who is "in charge." This dynamic is a far cry from Fanny and Nick or even from Katie and Hubbell. Initially, Esther subverts traditional gender norms in their relationship in the way that she, as Streisand herself told *Playboy* in 1977, "[takes] what she wants," both sexually in her relationship with John Norman and professionally in terms of the messages of female empowerment that permeate her music.¹⁶ Yet, as their relationship progresses and John Norman descends further into the depths of his alcoholism and drug dependency, Esther's role shifts away from this more subversive take on heteronormative relationships, and the film undercuts her nonconformity as she becomes more maternal toward John Norman, taking care of him as his life falls apart.

It is important to note, however, that Esther's relationship with John Norman does not fail because of her assertive nature or her ambition, but rather because she refuses

to see just how broken he is. She clings to the idea that if she helps him enough, she can save him from his demons, and this belief in the power of her love for him blinds her to the point where she is willing to give up her career for him: "Either you do this tour with me," she tells John Norman during a conversation about him accompanying her on her upcoming solo tour, "or, God damn it, I won't do it. I'll stay home and bake bread. We'll get fat and our teeth will fall out." But, unlike Fanny Brice or even Katie Morosky, Esther is less willing to tolerate John Norman's abusive behavior or his infidelity, and her assertion to him that "you can trash your life, but you're not gonna trash mine" is a manifestation of her independence and her willingness to value herself over John Norman's needs. And, unlike either Nick or Hubbell, John Norman respects Esther's criticism of him: "Remember that thing you told me just the other night? About how you weren't gonna let me trash your life? I liked the way you said it. You were right. What I liked about it was that it sounded like you knew who you were." More than Fanny or even Katie, Esther knows who she is, and *A Star Is Born* ultimately celebrates her strength and independence, even as it glorifies her troubled relationship with John Norman Howard.

Because *Yentl* portrays a woman who must pass for a man in order to participate in the male milieu of Jewish study, it is the most complex of Streisand's major films in terms of the way it explores gender, gender norms, and power dynamics between men and women in romantic relationships. The film plays with the standard romantic genre convention of the love triangle through its depiction of the gender-fluid romantic dynamic between Yentl, Avigdor, Yentl's male study partner, and Hadass, the woman Yentl marries while disguised as a man. As a woman, Yentl is attracted to Avigdor. In fact, Avigdor is responsible for Yentl's sexual awakening, and meeting Avigdor changes her understanding of the possibilities that come with interactions between men and women: "What are all these new sensations? / What's the secret they reveal? I'm not sure I understand, / But I like the way I feel." Yentl is also attracted to Hadass, or at least drawn to her as a model of what femininity should look like, and Yentl is consequently confused by the feelings brought on during their "marriage": "Look at how she looks at me / But I can never look at her that way . . . In all the words, in all the books / I wish there were a way to say / what she's taught me isn't written anywhere / And I'm supposed to be the one who's wise / One thing is certain / I can never be what she expects of me." Hadass is attracted to both Avigdor and to Yentl, who she believes is a man. Avigdor is, of course, attracted to Hadass—who he sees as "beautiful"—and he considers women to be a "miraculous" gift from God. Yet, once Yentl has revealed that she actually is a woman, Avigdor admits to being attracted to her when she was dressed as a man: "My God, no wonder. All the times I looked at you and touched you and I couldn't understand why. I thought something was wrong with me." The film stops short of overtly implying any sexual fluidity on the part of Yentl,

Avigdor, or Hadass, but the complexity of this love triangle and the way that gender fluidity plays into the romantic dynamic between all of these couples speaks to how forward-looking *Yentl* really is.

Henry Bial likens the complicated "love triangle" between Yentl, Avigdor, and Hadass to a "disruption of conventional identities."¹⁷ In other words, by centering the film on a woman who is able to pass as a man to the point where she even marries a woman without suspicion challenges the notion that identity is a fixed concept. Yentl manages to subvert traditional notions of both masculinity and femininity through her interweaving of characteristics from both genders and her dismantling of the idea that there are distinct masculine and feminine spheres that are closed to the opposite sex. And, while Bial argues that the film plays with "the *idea* of passing" but "ultimately [rejects] the *practice* of passing in favor of a grounded and fixed identity," it is important to note that the identity that Yentl has by the end of the film is neither purely feminine nor purely masculine, at least according to the gender-normative definitions that her society upholds.¹⁸

Once Avigdor knows her secret, he offers to marry Yentl on the condition that she gives up studying Talmud—"You don't need to anymore," he tells her. "I'll do the thinking, I'll handle everything. . . . I want you to be a real woman." As much as she loves him, Yentl rejects Avigdor and his limited definition of what being a "real" woman looks like, answering his pleas to know what more she could want from him by saying, simply, "More." In this moment, Yentl has created her own identity, fixed in the sense that she no longer needs to hide who she is in order to get what she wants, but dynamic in the sense that she is free to pursue her "masculine" love for Torah study in her "feminine" body, with a newfound appreciation for what being a "real" woman can mean for her. In this way, Yentl's freedom is her power, and her connection to or separation from Avigdor is irrelevant by comparison.

Because these films privilege romantic genre conventions, it is easy to read the subsequent breakdown of each romantic relationship as a failure that consequently condemns the female protagonist for the strength and unconventionality that make her so appealing in the first place. Yet, from 1968, when Fanny passively allows for Nick to choose whether or not to leave her, to 1983, when Yentl refuses to live the gender-normative life that Avigdor is offering her, there is a clear progression in the way that these romantic relationships are presented. The framework of the films remains the same, but whether or not the failure of these relationships should be looked at as punishments or rewards for the female protagonists shifts over time. Streisand's later films manage to operate within the paradigm of romantic convention and heteronormative conceptions of gender while still communicating messages that subvert that very paradigm. This dichotomy, of course, becomes even more obvious when considering the tone of each film's ending and how tragic or triumphant the heroine is in her independence.

“WITH ALL THERE IS, WHY SETTLE FOR JUST A PIECE OF SKY?” FINDING POWER IN FAILED ROMANCE

Within the scope of mainstream Hollywood cinema, “happy endings” in which romantic heroes and heroines are united and the value of their romantic love is affirmed for the audience are a standard convention of the romantic melodrama and the romantic musical genres. Streisand’s films, all of which end with the heroine on her own, separated from her romantic partner either through death or divorce, consequently defy this definition of the “happy ending” convention. Felicia Herman argues that these “uniform romantic failures” constitute a “punishment” for what she calls Streisand’s “feisty Jews and feisty women” and that the transgressive nature of Streisand’s female characters is canceled out by their unhappy endings; in other words, their romantic failures act as warnings to the audience to not live their lives like Fanny, Katie, Esther, or Yentl.¹⁹ However, this viewpoint depends on a definition of the “happy ending” that revolves entirely around the success of the romantic couple.

James MacDowell questions this homogenous conception of the “happy ending,” defining three major factors that define whether a film’s ending can be designated as “happy”: the status of the “final couple” and whether their unification or separation aligns with what they need to be happy, whether the final couple share the same set of moral and personal values, and whether the final couple’s relationship confirms or conflicts with the principles that the film upholds.²⁰ In this way, MacDowell’s “happy ending” relates more closely to what filmmaker Fritz Lang coined as the “affirmative ending”: an ending in which “virtue triumphs through struggle” that depends less on the perceived success of the final couple (with “success” being defined as a romantic union) and more on the idea that the film’s ending endorses the ideological choices made by the characters throughout the film.²¹ Considering the tone of the final musical numbers or scenes in each of Streisand’s films, it is clear that while her earlier films do align more closely to the “punishment” framework that Herman describes, her later films destabilize that framework and adhere more closely to MacDowell’s comprehensive definition of what a “happy ending” entails.

As Streisand’s first film, *Funny Girl’s* final number is the most conservative of the four films in the sense that it upholds Fanny’s relationship with Nick as an ideal and makes it clear that the dissolution of their relationship is, indeed, a failure rather than an opportunity for Fanny to find someone who can better cope with her success. Fanny takes the stage after Nick comes to tell her he wants a divorce, and she sings “My Man,” the lyrics of which declare her undying love for Nick despite the part he played in derailing their relationship and their family:

*Oh, my man I love him so.
 He'll never know.
 All my life is just despair,
 But I don't care.
 When he takes me in his arms,
 The world is bright, all right.
 What's the difference if I say,
 I'll go away,
 When I know I'll come back on my knees some day?
 For whatever my man is,
 I am his, forevermore.*

The lyrics of the song paint Fanny as a victim and emphasize the one-sided nature of her feelings for Nick; they also demonstrate the extent to which her dedication to him undermines her strength of character to the point that she cares about nothing other than being Nick's wife. Her separation from Nick is a punishment for what she perceives as her own failures, and the film does little to contradict this idea.

However, it is worth noting that Streisand takes this Fanny Brice staple and makes it her own. She begins the song softly, almost speaking the lyrics, before the music swells and she sings the final verse in her full voice. This version of the song also omits the middle verse of the original, which emphasizes the man's poor treatment of the singer—"It's cost me a lot / But there's one thing that I've got / It's my man / Cold and wet, tired you bet / But all that I soon forget / with my man / He's not much for looks / And no hero out of books / Is my man / Two or three girls has he / That he likes as well as me / But I love him!" During her 1994 concert in Madison Square Garden, Streisand herself called "My Man" a "classic victim song," but the version she performs at the end of *Funny Girl* deemphasizes its "victim" quality and instead suggests that while the dissolution of Fanny and Nick's relationship at the ending of the film is tragic, Fanny does have the strength to overcome her personal unhappiness and continue her triumphant life on the stage.²² It is an affirmative ending in the sense that Fanny still has her career even though she has lost the man who resented her success, and a conservative ending in the sense that the film makes it clear that Fanny's devotion to her "man" has not waned and that her happiness depends on his love for her.

In the final scene of *The Way We Were*, Katie and Hubbell run into each other in front of the Plaza Hotel years after their divorce. Katie pushes back Hubbell's hair in the same way she did when they were together, and they go their separate ways, knowing they will not see each other again. This ending is affirmative according to James MacDowell's definition; while the final couple do not reunite at the end of the film,

both Katie and Hubbell end the film with their personal values and senses of morality intact. Katie is leading a “Ban the Bomb” protest in favor of nuclear disarmament and is married to a Jewish man who presumably shares her same political beliefs that the film implies are “Jewish” in nature. Hubbell is writing for television and is involved with a nameless woman who presumably fits the “easy” lifestyle he was looking for during his marriage to Katie.

Still, the scene is steeped in nostalgia for the happiness they felt in the beginning stages of their relationship and a sense of longing for what once was. The film’s eponymous theme song, which plays as the credits roll, captures this glorification of the past:

*Memories light the corners of my mind,
Misty water-colored memories of the way we were.
Scattered pictures of the smiles we left behind,
Smiles we gave to one another for the way we were.
Can it be that it was all so simple then,
Or has time rewritten every line?
If we had the chance to do it all again,
Tell me, would we?
Could we?*

The answer to the question of whether Katie and Hubbell would do it again if given the chance is most likely a resounding “yes.” The song undermines the fact that the film’s ending, while tragic, is also necessary because it places both protagonists where they need to be in order to feel fulfilled. The film’s ending, therefore, is affirmative, but reluctantly so.

In this sense, the ending of *The Way We Were* is the most ambivalent of all of Streisand’s films because while it is clear that Katie and Hubbell do not belong together, the film also seems to make the case that they are “meant for each other” in a way that indicates that Katie’s unseen second husband or Hubbell’s unnamed “girl” are not meant for them. The film itself is so invested in the Katie/Hubbell pairing that it cannot transcend its own nostalgic glorification of this failed final couple. The theme song self-reflexively acknowledges this weakness—“Memories may be beautiful and yet / What’s too painful to remember / We simply choose to forget”—but *The Way We Were* ultimately plays into Felicia Herman’s “punishment” framework even as the ending places both Katie and Hubbell exactly where they should be.

A Star Is Born brings about a shift away from the ambivalence that characterized the endings of *Funny Girl* and *The Way We Were*. Similarly to the two earlier iterations of *A Star Is Born* that came before Streisand’s version, John Norman commits suicide after becoming convinced that he is beyond help and will inevitably ruin Esther’s life

and career. The film ends with Esther on stage, performing "With One More Look at You," the love song that John Norman had written for her, in a scene that mirrors Fanny Brice's performance of "My Man" at the end of *Funny Girl*. Neal Gabler draws off of the obvious parallels between the final numbers of *A Star Is Born* and *Funny Girl*, saying:

In short, the film is about finding gender equivalence both within oneself but also between two people. Both *Funny Girl* and *A Star is Born* end similarly, with the triumphant woman singing her devotion to the man who left her—"My Man" versus "With One More Look at You." In doing so, Fanny/Esther is attempting to temper and thus reconcile her male self with her female self.³³

But this analysis overlooks the fact that, unlike *Funny Girl*, which depicts Fanny as a woman who cannot "temper" herself, *A Star Is Born* never tries to make the case that Esther needs to soften her assertive, more stereotypically "masculine" qualities. Instead, Esther's performance of "With One More Look at You," as well as her use of the name Esther Hoffman Howard, is equal parts a tribute to John Norman and a celebration of her own success, both in terms of her career and in terms of having been loved as deeply as John Norman loved her. In fact, the lyrics of "With One More Look at You" confirm the fact that John Norman loved Esther as much as she loves him:

*Your gentle touch has made me strong again,
And I belong again.
For when you look or me,
I'm everything and more that I had dreamed I'd be.
My spirit feels a promise,
I won't be alone.
We'll love and live more, love and live forever.*

While "My Man" acts as a proclamation of an unrequited love that renders Fanny pathetic, "With One More Look at You" is a confirmation that Esther's relationship with John Norman had meaning and that she can take comfort in the fact that her love for him did help him become a better version of himself. While the words that she is singing are John Norman's, the style, staging, clothing, and presentation are all hers, and she beckons the audience to watch her as she ascends into the heights of her stardom. When the song ends, the camera freezes on Esther, arms outstretched, face toward the sky; she stands alone, not as a victim or even as a widow, but as a star who has control over her career and herself independent of the sadness she feels over John Norman's untimely death. The ending is not "happy," but it does affirm that Esther knows who she is and is doing what she is supposed to be doing.

The final number in *Yentl* acts as a natural conclusion to Streisand's body of work from 1968 to 1983. Having rejected Avigdor's offer to marry her as long as she agrees to live like a "real" woman and only study in secret, Yentl leaves, and the film ends with Yentl on a ship, singing the triumphant final number, "A Piece of Sky," which acts as both a reprise and reworking of "Where Is It Written?" and "Papa, Can You Hear Me?"—two songs that originally epitomize Yentl's struggle with the male and female aspects of her identity—and as a new song that embodies her excitement that her journey of self-discovery is taking her on and that celebrates her newfound freedom to pursue "more."

Some critics took issue with this ending. Isaac Bashevis Singer, who wrote the short story upon which *Yentl* is based, criticized Streisand for ending the film with Yentl on her way to the United States, where, rather than having the freedom to study as the film implies, she would have had to "work in a sweatshop twelve hours a day where there is no time for learning."²⁴ Felicia Herman, in addition to saying that the film punishes Yentl through the dissolving of her relationship with Avigdor, also argues that Yentl's journey to America is actually a "selfish" act because she should have stayed in her shtetl and reformed her own society's rules rather than seeking what she was looking for elsewhere:

To counter misogyny in the Jewish tradition, Yentl *evades* it. She does not consider ways of changing the system for others; she simply makes it work for herself. . . . Her protestation of the treatment of women in Judaism is safe because it does not *do* anything: Yentl does not challenge or change her own society but simply escapes to America, which, she believes (or hopes), already boasts the liberal society she refuses to build herself.²⁵

It is true that the ending of *Yentl* steps outside of historical reality in the sense that Eastern European Jewish immigrants coming to the United States in 1904 would likely not have been able to find time to support themselves financially and dedicate themselves to Torah study; and even though American society at that time was relatively more liberal than that of Orthodox Jewish European society, gender norms still would have restrained Yentl's study of the Talmud. But the film is not meant to be realistic—the central conceit of the film (and the original story, for that matter) is contingent on a suspension of disbelief that no one would question Yentl's disguise and that the Shakespearean comedy of errors that occurs with the Avigdor-Yentl-Hadass love triangle would have progressed as far as it did without someone first discovering Yentl's secret.

Moreover, Yentl staying in Europe in an attempt to change her society from within would have actually been more selfish than her journeying to America to see if she

could find a place where she could live openly without judgment. As Allison Fernley and Paula Maloof point out:

Having experienced before our eyes the pain of being forced to deny her essential self, Yentl refuses to ask either her community or Avigdor to deny their souls and she refuses to indict their failure. Instead, she lovingly allows them their blindness, sends the man she loves back to Hadass, and chooses her own exile from a community she has transcended. And so, the only way the film can proceed with any emotional authenticity is to send Yentl on to a "new place."²⁶

And, as Fernley and Maloof go on to say, Yentl's decision to leave for America is not only a sensible choice within the context of her own story, but it is actually one that affirms *Yentl's* status as a film that upholds female strength and independence as an ideal to which a modern audience should strive:

Yentl is not a typical Streisand romance in which a strong, glamorous woman is abandoned by a less successful male. While such heroines have always evoked our pity, the message has been clear: strong women are punished with man-less futures. Yentl is too "strong" for Avigdor, but for once we are not encouraged to see female strength as a liability. . . . And so for the first time Streisand plays a woman who chooses to leave her love interest so she might be free to realize all her "sweet imagined possibilities." Her "more" is thus presented as an alluring alternative to marriage with a man who would forever fix her within static categories . . . we are not being asked to pity Yentl, but to align ourselves with a quest far too dependent on the overthrow of traditional male/female organization to be comfortable.²⁷

As she sings her final notes, and asks her final question of the film—"With all there is, why settle for just a piece of sky?"—Yentl stands at the end of the boat triumphantly, singing aloud, her thoughts and feelings no longer relegated to the musical inner monologue that she used throughout the film to grapple with her situation. She is not Fanny Brice or Katie Morosky, wistfully wishing for her lover to come back to her. She is not even Esther Hoffman, singing words that were written for her by her lost love. She is alone, and she has chosen to be that way because it is more important to her that she be able to live openly as herself than submit to social convention; her love for her father and for Torah study and for the future "someone who will turn to look at me / and want to share my every sweet-imagined possibility" is greater than her love for Avigdor ever could have been because they embody all of the fundamental aspects that make up her identity. *Yentl*, then, ends not on a note of punishment

for the heroine, but in a self-affirming celebration of the opportunities that wait for her as she attempts to “fly.”

CONCLUSION: THE FEMINISM OF BARBRA STREISAND

In 1977, in the wake of the release of *A Star Is Born*, Barbra Streisand put out the album *Superman*, a Double Platinum success that featured two songs that had been written for the *A Star Is Born* soundtrack but that ultimately did not make the final cut. Streisand described one of those songs, “Lullaby for Myself,” in detail in the liner notes of the album:

I had asked Rupert Holmes to write a song for *A Star is Born* that would tell you something about the character of Esther Hoffman the first time you see her. I wanted it to be a defensive, prideful song that would tell you she had been with a man but now she’s really enjoying living alone. Well . . . for a while anyway. I wanted the song to express ideas like—it’s o.k. to want things for yourself; or how it’s nice to be able to use up all the hot water, not having to save any for someone else. In “Lullaby For Myself,” he was able to capture the modern woman’s feelings in some extraordinary lines like “Your aim becomes to please yourself and not to aim to please,” and “self-aware with self-esteem, is selfishness a crime.” We decided to use “Everything,” also by Rupert, in the movie. But I really love this song and I’m pleased you have the chance to hear it now.²⁸

The song, which describes a woman who is “self-contained and self-content, [with] no promises to keep,” and who, for the first time in her life, is finding that “it’s really lovely to discover that you like to be alone / not to owe your man an answer when he gets you on the phone,” is about celebrating the independence of a woman who learns that she does not need a man to be happy. However, despite the feminist-inspired message that permeates the majority of the song, the final verse backpedals on the idea that a woman truly can find happiness without a companion to share it with: “Time to spare and time to share, / And grateful I would be, / If just one damn man would share the need / To be alone with me.” Within the course of this verse, Streisand contradicts everything that “Lullaby for Myself” seemed to be conveying; it is “lovely” to be alone, but it would be lovelier to have a man to enjoy that alone time with her.

The paradoxical message of “Lullaby for Myself,” of course, is indicative of the same paradox that characterizes Streisand’s films from 1968 to 1983. *Funny Girl*, *The Way We Were*, *A Star Is Born*, and *Yentl* all revolve around the stories of transgressive,

unconventional women who are louder, stronger, and more assertive than traditional gender norms dictate they should be; and at the same time, each of these transgressive women is placed within the context of a conservative relationship that stifles her personality but that is also upheld as an ideal romantic pairing. The Streisand character is then left with the choice of compromising herself or ending the relationship, and in the case of all four of her most famous heroines, she chooses the latter.

Felicia Herman sees the romantic failures of each of Streisand's protagonists as an indictment of the heroine's unconventionality: "Streisand's characters are almost uniformly punished for their strong-willed behavior and/or for the success that has been the result of that behavior. Rather than celebrating feminism, these films first dilute it and then condemn it."²⁹ But this viewpoint devalues the work that Streisand's films did in presenting a new image of the Jewish American woman during and after the Jewish New Wave that was not dependent on the Jewish American Princess or the Jewish Ugly Duckling stereotypes and that placed the Jewish woman at the center of her own story. Streisand may have been working within a more conservative social structure, but her characters and the journeys they underwent helped to shift the way that Jews and women existed within that structure. In this sense, Streisand's films during this time period echo the work of many liberal feminists during the 1960s and 1970s who sought to challenge gender discrimination by working to change social structures from within rather than by radically dismantling those structures in an attempt to change the social order. It makes sense, then, that Letty Cottin Pogrebin views Streisand's films more favorably than Herman does, since, as she claims, the romantic failures of Streisand's "Jewish Big Mouths" are less a reflection of the characters' unconventionality, but rather a reflection of a society that is too closed-minded to accept any deviance from the norm:

Compared to other romantic losses in traditional American films, these girl-loses-boy deprivations are oddly, gratefully unhumiliating. That is because all [the] women are deeply loved in the leaving. It is the *situation* not the woman that is judged to be impossible. It is patriarchy, Orthodoxy, or classism that causes the impasse, each a condition that is not immutable, a condition we can hope to change. . . . Besides being well-loved, all [the] female protagonists share another positive quality. When her guy is gone, each woman has something left . . . when things don't work out each woman still knows who *she* is.³⁰

Ultimately, the work of Barbra Streisand during this time period falls under the realm of what Henry Bial defines as "double coding," a term he uses to describe the phenomenon of the way a work speaks to multiple audiences who glean different messages from it based on their own backgrounds and experiences.³¹ Streisand's films are

not only double coded because they communicate different messages to Jewish and gentile audiences, but also because, within the time period they were released, they needed to navigate the dominant archetypes of Jewish femininity and challenge them in a way that would still make each film relatable and acceptable to a mass audience. As such, Streisand's films worked within the framework of the popularly accepted view of Jewish women while still challenging that view and asserting a new image of Jewish femininity that was more nuanced and more powerful. Moreover, her films from 1968 to 1983 became increasingly more brazen over time in their articulation of progressive viewpoints about the place that Jewish women hold in society. Beginning with *Funny Girl* and culminating with *Yentl*, Streisand's films gradually fostered a new paradigm of Jewish female representation within popular culture that, for the first time, allowed for Jewish women to be openly Jewish, confident in their beauty, untethered by gender norms, and, most importantly, comfortable in their independence.

NOTES

1. J. Hoberman, "Flaunting It: The Rise and Fall Hollywood's 'Nice' Jewish (Bad) Boys," in *Entertaining America: Jews, Movies, and Broadcasting* (ed. J. Hoberman and Jeffrey Shandler; New York: Jewish Museum, under the Auspices of the Jewish Theological Seminary of America, 2003), 220.
2. *Funny Girl*, directed by William Wyler (1968; Culver City, CA: Columbia TriStar Home Video, 2003), DVD; *The Way We Were*, directed by Sydney Pollack (1973; Culver City, CA: Columbia TriStar Home Video, 1999), DVD; *A Star Is Born*, directed by Frank Pierson (1976; Burbank, CA: Warner Home Video, 2005), DVD; *Yentl*, directed by Barbra Streisand (1983; Beverly Hills, CA: Twentieth Century Fox Home Entertainment, 2008), DVD.
3. Kathleen Rowe Karlyn, *The Unruly Woman: Gender and the Genres of Laughter* (Austin: University of Texas Press, 1995), 11.
4. Vincent Brook, "Chameleon Man and Unruly Woman: Dustin Hoffman and Barbra Streisand," *Shofar* 33:1 (Fall 2014): 40-42.
5. Letty Cottin Pogrebin, *Deborah, Golda, and Me: Being Female and Jewish in America* (New York: Doubleday, 1991), 260.
6. Quoted in Neal Gabler, *Barbra Streisand: Redefining Beauty, Femininity, and Power* (New Haven: Yale University Press, 2016), 4-5.
7. Gabler, *Barbra Streisand*, 4-5.
8. See Henry Bial, *Acting Jewish: Negotiating Ethnicity on the American Stage and Screen* (Ann Arbor: University of Michigan Press, 2005), and Felicia Herman, "The Way She Really Is: Images of Jews and Women in the Films of Barbra Streisand," in *Talking*

Back: Images of Jewish Women in American Popular Culture (ed. Joyce Antler; Hanover: Brandeis University Press, 1998) for an in-depth analysis of the distinction between representations of religious Judaism and cultural Jewishness in American film and popular culture.

9. Gabler, *Barbra Streisand*, 115.
10. Sander L. Gilman, "The Jew's Body: Thoughts on Physical Jewish Difference," in *Too Jewish? Challenging Traditional Identities* (ed. Norman L. Kleeblatt; New York: Jewish Museum, under the Auspices of the Jewish Theological Seminary of America, 1996), 71.
11. *Ibid.*, 71.
12. Quoted in Gabler, *Barbra Streisand*, 108–9.
13. Henry Bial, *Acting Jewish: Negotiating Ethnicity on the American Stage and Screen* (Ann Arbor: University of Michigan Press, 2005), 102.
14. Herman, "The Way She Really Is," 179.
15. Pogrebin, *Deborah, Golda, and Me*, 270.
16. Quoted in Gabler, *Barbra Streisand*, 174–75.
17. Bial, *Acting Jewish*, 104–5. Note Bial's analysis of Elaine K. Ginsberg's work about the ways "passing" between genders challenge what she calls the "essentialism that is often the foundation of identity politics."
18. *Ibid.*, 104–5.
19. Herman, "The Way She Really Is," 190.
20. James MacDowell, *Happy Endings in Hollywood Cinema: Cliché, Convention, and the Final Couple* (Edinburgh University Press, 2014), 26.
21. *Ibid.*, 5.
22. Barbra Streisand, Concert, June 1994, Madison Square Garden, New York City.
23. Gabler, *Barbra Streisand*, 180.
24. Quoted in Brook, "Chameleon Man and Unruly Woman," 45.
25. Herman, "The Way She Really Is," 189.
26. Allison Fernley and Paula Maloof, "Review: *Yentl* by Barbra Streisand," *Film Quarterly* 38:3 (Spring 1985): 39–40.
27. *Ibid.*, 40.
28. Barbra Streisand, Liner notes to "Lullaby for Myself," *Superman* (Barbra Streisand, Columbia, 1977).
29. Herman, "The Way She Really Is," 173.
30. Pogrebin, *Deborah, Golda, and Me*, 269.
31. Bial, *Acting Jewish*, 16.

“Schlemiel Feminism”

Jewish Humor and Activism on *Broad City*

DAVID GILLOTA

JEWISH HUMOR HAS PROVEN TO BE REMARKABLY FLEXIBLE: IT THRIVES IN diverse settings and adapts to different cultural situations, yet it still retains a traditional core. Most importantly, Jewish humor represents and speaks directly to the experiences of Jewish people and can thus serve as an avenue for understanding Jewish life throughout history and all over the world.¹ One of the most resilient and theoretically useful figures in traditional Jewish humor is the stock character of the luckless schlemiel, discussed in more detail below. This essay considers a recent manifestation and revision of the schlemiel figure in the Comedy Central television series *Broad City* (2014–2019). *Broad City* offers an overt exploration of both contemporary Jewish American identity and contemporary American politics. These two aspects (Jewishness and politics) overlap on the show in fascinating and humorous ways, and they converge through the figure of the schlemiel. I argue that *Broad City* adapts the traditional schlemiel figure for the context of contemporary American feminism. In doing so, the series embraces a progressive, feminist ideology even as it satirizes its main characters for their comic failures and their inability to always live up to their feminist ideals. The resulting blend of Jewish humor and feminist activism can be deemed a “schlemiel feminism.”

Broad City takes place in New York City, and it follows the comic misadventures of two young Jewish women (or two broads, as the title suggests) named Abbi Abrams and Ilana Wexler. The two stars of *Broad City*—Abbi Jacobson and Ilana Glazer—also created it, and each has written or directed several episodes. The series features very awkward and raunchy humor, frequent drug use, and frank discussions of sex and sexuality. On the surface, it could be seen as a female-centered version of stoner buddy

comedies like the *Cheech and Chong* or *Harold and Kumar* franchises. Or, we could view it as the millennial generation's take on classic women comedy duos, like Lucy and Ethel or Laverne and Shirley. Yet the show distinguishes itself from its precursors in its overtly progressive and feminist ideology and in its explicit exploration of Jewish identity and its use of Jewish humor. On *Broad City*, millennial stoner hijinks converge with its progressive political affiliation and its use of traditional Jewish humor to create a unique schlemiel feminism.

TRACKING THE SCHLEMIEL

The most basic definition of the Yiddish term *schlemiel* is one whose actions inevitably cause his own failure. In contrast, the schlemiel's cousin, the *schlimazel*, fails through no fault of his own. Schlemiel characters can be found in the Yiddish language literature of Sholem Aleichem, S. Y. Abramovich, and Isaac Bashevis Singer. Singer's schlemiel story "Gimpel the Fool," translated into English by Saul Bellow in 1953, is perhaps his most famous articulation of the schlemiel, but Singer also wrote a series of children's stories about a gullible man named Schlemiel who comes from the mythical village of Chelm. Like many Jewish people, the schlemiel figure eventually immigrated to the United States, and schlemiel characters can be found throughout twentieth and twenty-first century Jewish American literature and popular culture. Schlemiel characters, for example, populate the novels of Bernard Malamud, Philip Roth, and Saul Bellow. Perhaps more famously we can see the schlemiel in the nervous or neurotic comic personas of many Jewish American comedians, most notably Woody Allen and Larry David.²

The significance of the schlemiel figure is twofold. First, the schlemiel's comic failure can serve as an avenue through which to understand the Jewish people as a whole. Sanford Pinsker explores this aspect in his book *The Schlemiel as Metaphor*. Here, Pinsker asserts that Eastern European shtetl Jews "saw the schlemiel's ineptitude as an extended metaphor for their own socioeconomic plight."³ Second, the schlemiel can be seen as an important figure of resistance, and his comic failure can serve to challenge the dominant cultural framework. Since throughout European and American history Jewish people have been in the minority, the schlemiel figure can satirize the values of the gentile majority. This interpretation of the schlemiel is most famously espoused by Ruth Wisse in her classic study *The Schlemiel as Modern Hero*. Wisse argues that despite his comic failures, the Jewish schlemiel is "simply rational within the context of ideal humanism. He is a fool, seriously—maybe even fatally—out of step with the actual march of events. Yet . . . the impulse of schlemiel literature . . . is to use this comical stance as a stage from which to challenge the political and philosophic status quo."⁴

The status quo, of course, can look very different in diverse situations. In the Eastern European schlemiel stories made famous by Aliechem and Singer, the schlemiel figure speaks to issues of antisemitism, political marginalization, and poverty. In the United States, these issues remain relevant, but the contemporary American schlemiel speaks more directly to problems like sexual anxiety, interfaith marriage, and Jewish ethnic identity in an American context.

Due in part to the lack of overt oppression of American Jews in the late twentieth and early twenty-first century, schlemiel characters in the United States have become much more mainstream, and watered-down schlemiels can be found in the onscreen personas of actors like Jessie Eisenberg, Ben Stiller, Adam Sandler, Jason Schwarzman, and others. Most of these schlemiels, however, are lacking in both transgressive potential and Jewish specificity. As Daniel Iskovitz points out, these less subversive schlemiels "do not challenge the status quo, they *embody* it."⁵ These characters share their DNA with the classic schlemiels listed earlier, but they are really more generic comic fools and less genuine schlemiels. True schlemiel characters, in my mind, should stay rooted in a specific Jewish context. Additionally, in order to retain relevance, schlemiel characters should ideally provide some sort of commentary on their contemporary environment. *Broad City's* feminist schlemiels do just that: Abbi and Ilana both emerge as contemporary schlemiels, and their comic failure serves as a direct commentary on both the American political situation and the lives of contemporary Jewish women.

As you might have noticed, all of the schlemiel characters and creators mentioned so far have been male, and most of the critical definitions of the schlemiel (including my own) have used gender-specific, masculine pronouns. Indeed, the schlemiel is predominantly and historically viewed as a man, and nearly all schlemiel-based texts use this male figure as an avenue through which to critique or explore Jewish masculinity and to contrast ideas of Jewish masculinity to traditional ideals of strong, heroic Western masculinity. David Biale speaks briefly of the possibility of female schlemiels in works such as Philip Roth's *Portnoy's Complaint* (1969) or Woody Allen's *Annie Hall* (1977). Biale suggests that in these texts, the "Jew's sexual ambivalence infects the gentile women and turns them into mirror images of himself: even gentile Americans become 'Jewish.'"⁶ However, this reading still depends heavily on Jewish masculinity for setting the terms of the schlemiel, and it presents the woman as essentially a passive (and gentile) recipient of Jewish schlemiel traits. My goal here, in contrast, is to articulate a genuine female schlemiel who explores contemporary Jewish female identity. Thus, Biale's articulation of a female schlemiel does not work for the current context.

While the schlemiel is most traditionally configured as male, female characters and performers are certainly not absent from the tradition of Jewish humor, as you can see from other essays in this volume. The common stock characters for Jewish women, however, tend to adhere to broad stereotypes, such as the stereotypically overbearing

Jewish mother (for an example of this, see Roth's *Portnoy's Complaint*) or, in the United States, a spoiled and sexually repressed Jewish American Princess (for an example of this, see Roth's *Goodbye, Columbus* [1959]). In contrast to these stereotypical figures, there are several important Jewish comedians who explicitly challenge ideas of both Jewish and mainstream femininity. For example, prominent Jewish female humorists like Sophie Tucker, Belle Barth, Joan Rivers, or Sarah Silverman tend to adhere to Sarah Blacher Cohen's conception of "unkosher comediennes" whose "behavior violates the Torah's conception of *tzniut* or feminine modesty."⁷ Some of these unkosher comics, especially Joan Rivers, play with schlemiel elements, but their humor is characterized more by their aggressive personas and frank discussions of sex and sexuality.

BROAD CITY AND SCHLEMIEL FEMINISM

Broad City's Abbi and Ilana can also be characterized as "unkosher comediennes." Both characters frequently and directly proclaim their Jewishness, and the show often references Jewish rituals. In one episode, for example, they sit Shiva for Ilana's grandma. *Broad City* also points to the show's Jewish identity through its frequent casting of other well-known Jewish female performers, like Sandra Bernhard, Susie Essman, and Fran Drescher. Despite the emphasis on Jewish identity, however, both Abbi and Ilana are (like Joan Rivers or Sophie Tucker) far from modest. In fact, both characters are explicitly unkosher. Their favorite breakfast, for example, is a bacon, egg, and cheese sandwich from the local bodega; in the season one finale—comically titled "The Last Supper"—most of the episode details Abbi and Ilana eating a multicourse meal of shellfish. It turns out, however, that Ilana is allergic, and the episode ends with her being rushed to the emergency room. The broads' unkosher affinities also carry over into their sex lives. Both Abbi and Ilana are bisexual and are seemingly uninterested in dating Jewish people. At one point, Ilana even proclaims that she will only have sex with uncircumcised men. These unkosher elements are important in establishing the show as a space that proclaims Jewishness yet also distances itself from strict definitions of what a Jewish life looks like. This aspect can be visualized when Ilana sports a blue sweatshirt with "jew-ish" imprinted on it. The lowercase "j" and the hyphen both point to Ilana distancing herself from traditional conceptions of Jewishness, yet the fact that she is wearing the shirt in the first place signifies that Jewishness is still an important aspect of her self-conception. This sort of simultaneous embracing and distancing also informs the show's attitude toward both the schlemiel tradition and to feminism. *Broad City* both works within and revises the schlemiel tradition, and the broads both embrace feminism and activist causes yet distance themselves from a full-on activist commitment. Much of the show's humor is generated by these various tensions.

Of the two women, the aspiring artist Abbi is the more traditional schlemiel. She repeatedly finds herself in awkward or embarrassing situations, and she tends to comically fail in most of her professional and romantic endeavors. In the early seasons, she works as a cleaner at a fancy gym, but she continually hopes to become a trainer. There is a recurring joke of people throwing towels at her after their workout or of her having to clean up excrement or vomit from the bathroom. Over the course of the series, she is also the frequent butt of slapstick pratfalls: in the episode "The Matrix," she falls into a large hole in the park and injures her foot. Similarly, in the episode "Shenanigans," Abbi falls down an elevator shaft (during the intermission of a play about Anne Frank!). While some of these antics verge closer to the chronic bad luck of the schlimazel, Abbi is most often the cause of her own failures. A particularly cringe-worthy example occurs in the episode "Mushrooms," when Abbi, who is desperate to impress her new boss, played by Wanda Sykes, ends up getting high on mushrooms and then accidentally kills her boss's cat. In what feels like it could be leftover material from Larry David's *Curb Your Enthusiasm* (2000–), the episode ends not only with Abbi getting fired, but also in a moment where her boss and a group of her boss's friends all look upon her in horror. Abbi's status as a schlemiel is thus clear and overt.

On the surface, Ilana's schlemiel position is less clear or obvious. In most episodes, she exudes an uncanny sense of confidence in herself and her sexuality. When it comes to Ilana's work life, she does not seem to care enough about any of her jobs to mind when she gets fired or fails at a particular task. While Abbi is an aspiring artist throughout the entire series, it is not until midway through the fifth and final season that Ilana expresses any future goals and goes to graduate school to study psychology. As a slacker/stoner type, her main goal in life throughout most of the series seems to be the pursuit of hedonistic pleasure. However, as we saw in the above-mentioned shellfish allergy episode, Ilana does in fact go through some traditional schlemiel shenanigans. In the episode "Lost and Found," for example, she learns that she is a distant cousin to a Holocaust survivor. She decides to take the man out on the town, but promptly loses him. The rest of the episode is spent with her and Abbi trying to track him down. Along the way, though, they are repeatedly distracted from their quest and forget about him. Usually, though, Ilana's schlemiel-dom tends to be more internal and thus less overtly comic. For example, she frequently asserts her status as an independent woman and expresses her desire for open, nonmonogamous relationships. In practice, though, she often fails to live up to her free love ideals, or she finds that they do not make her as happy as she hopes. She is devastated, for example, when her long-term love interest Lincoln stops seeing her because of his desire to be in a committed relationship. And in the above-mentioned episode "Mushrooms," Ilana eagerly seeks out a threesome with a very attractive couple, but when the time comes, she is unable to go through with it.

These examples all point to the ways in which *Broad City* adapts the basic features of the schlemiel—one who brings about his own failure—for the context of contemporary women. Male schlemiels of the past have tended to be physically frail, sexually insecure, and prone to anxiety, all of which are features that undermine the vision of a classical “manly” man. In a similar manner, Abbi and Ilana do not adhere to ideal conceptions of womanhood: they are neither traditional family women nor strong career women (although the final season points to them both establishing careers); also, while both performers are physically attractive by traditional standards, their fictional counterparts often appear schlubby and unkempt. Nonetheless, both characters are presented as funny, likable, and compassionate, and their close friendship is the heart of the show. Week after week, viewers are invited to relate to and root for them. In this manner, echoing Ruth Wisse’s conception of the schlemiel as hero, both women “question the status quo” through their behavior and lifestyle. In fact, their very presence serves to challenge ideals related to femininity, whether they be traditional American ideals, traditional Jewish ideals, or even, to a certain extent, contemporary and progressive feminist ideals.

It is in this last aspect, feminism, that *Broad City*’s take on the female schlemiel is the most fascinating and innovative. Like many New York Jewish women before them, both Abbi and Ilana identify as feminists and participate in activist causes. In this sense, they exist in a tradition of Jewish feminism in the United States. Joyce Antler explores this tradition and identifies two distinct branches of Jewish feminism that she traces back to the second wave feminist movements of the 1960s. Women in the first branch see Jewishness, particularly religion, as an integral part of their lives and, through their activism, “called for immediate redress of inequalities in religious and Jewish life.”⁸ The second branch, which Antler refers to as “secular Jewish feminists,” asserted the need to “proclaim their distinctiveness as Jews” and in doing so “linked their struggle as Jewish women fighting patriarchal institutions to larger efforts to eradicate capitalism, racism, and sexism.”⁹ Abbi and Ilana are most clearly descendants of the second branch. They are unapologetically Jewish, but they are also secular and frequently form bonds with people of color or other members of LGBTQ+ communities. Their goal is not to reform Jewishness; instead, Jewishness helps to distance them from mainstream, generic whiteness. Historian Eric L. Goldstein points out that “many Jews at the turn of the twenty-first century seem particularly conscious of the way that being seen as white delegitimizes their claim to difference as Jews.”¹⁰ Abbi and Ilana are very much part of this group of twenty-first century Jews, and in their case, Jewish difference opens the way for them to be part of a broader-based activist coalition based on race or sexuality. Of course, as schlemiels, Abbi and Ilana’s true contributions as activists are also questionable.

During the entire run of the series, Abbi and Ilana frequently express both their Jewish identity and their affiliation with progressive and feminist causes. However, it is in the show's second half—particularly beginning with season four—that both of these aspects become more overt and occur more often. The reason for the increased attention to both issues is likely a result of Donald Trump's election to the presidency and the resulting anxiety it created for many Jewish people, people of color, women, and members of LGBTQ+ communities. The 2016 election occurred in between seasons three and four, and in an interview with *Variety* prior to season four's premiere, Abbi Jacobson explained that she and Ilana Glazer explicitly wanted to take Trump's presidency into account in the upcoming season. In fact, Jacobson sees the show's humor itself as a form of activism, as she explains "that there are things that we just didn't feel are okay. We have an opportunity where we have a platform and we're going to use our voices to comment on it."¹¹ Seasons four and five thus contain a much higher degree of politically inflected content.

There is surely no easy way to work an explicit political message into a comedy series about two comic losers. The resulting schlemiel feminism makes it clear where the political allegiance of both the characters and creators lie, but it also stays true to Abbi and Ilana's schlemiel roots by repeatedly showing them failing to live up to their political and activist aspirations. We see an early example of this midway through season three, well before the November 2016 election. In the episode "2016," Ilana proudly begins working for the Hillary Clinton campaign by making calls to prospective voters. Ilana takes to her campaign work and soon asserts that she has found her calling. After only a day on the job, however, she learns that she has taken an unpaid volunteer position, so she immediately quits. The moment is a great example of schlemiel feminism. The scenario at the Clinton campaign office highlights Ilana's progressive political affiliation, but it also satirizes her and suggests that her commitment is contingent upon personal gain. Furthermore, the episode also suggests that political activism is a privilege for those who can afford to give over large chunks of their time to unpaid work. And finally, the episode itself participates in political activism more successfully than the characters themselves. At the end of the episode, Clinton herself makes a cameo, and she shares a brief moment with the broads, who look up to her in awe. The cameo suggests an explicit endorsement of Clinton from Jacobson and Glazer.

Throughout the last two seasons, we see many other similar moments in which the broads either attempt and fail to adhere to their ideological standards or in which they adopt the persona of radical activists but do so for selfish reasons. In the opening of the season four episode "Twaining Day," Abbi and Ilana volunteer to escort women into an abortion clinic, shielding them from a mob of angry protestors. However, even as they escort the clearly troubled women, they stay comically focused on themselves.

Throughout the scene, they gossip about their own personal lives and smoke marijuana, paying little direct attention to the women whom they are there to protect. Activism is literally turned into a bathroom joke in the season five episode “SheWork and S... Bucket.” In this episode, Abbi organizes a protest in her apartment building to try to get the plumbing fixed. Since the building’s old pipes cannot handle toilet paper, tenants are told to dispose of toilet paper in a separate bucket, which Abbi sees as a great injustice. In organizing a protest to repair the plumbing, Abbi fancies herself a political activist and compares herself to both Alexandria Ocasio-Cortez and Rosa Parks. The show comically suggests that her activism is primarily posturing when, after taking a selfie, she asks “what is activism without posting it on Instagram?”¹² These examples again satirize Abbi and Ilana for their failure to live up to the progressive ideals they espouse. Even their failure, however, questions the political and gendered status quo.

In addition to increased activism in the show’s later seasons, *Broad City* also suggests the ways in which the postelection political climate affects the broads’ personal lives, often for comic effect. In “Twaining Day,” Abbi fears that reproductive rights may soon be taken away, so she responds to Trump’s presidency by stocking up on a four-year supply of Plan B. In keeping with her schlemiel identity, though, the supply ends up being delivered to the gym where Abbi used to work, which in turn causes her awkward embarrassment. In the hilarious season four episode “Witches,” it is revealed that the hedonist Ilana has not been able to have an orgasm since Trump became president. In order to remedy this, she visits a sex therapist who coaches her through a masturbation session. Ultimately, Ilana is able to bring herself to climax only after visualizing the works and deeds of strong, female political leaders, like Ruth Bader Ginsberg or Ocasio-Cortez. The humor here is generated first and foremost by the irreverence of linking political ideology to personal, sexual pleasure. Even as it gently satirizes Ilana’s selfishness, the episode also points to very real ways in which political climate can affect the lives of individuals.

These and other moments all point to the show’s schlemiel feminism. On the one hand, the broads show a real willingness to support feminist and progressive causes. But on the other, it becomes clear that for both women, self-interest will ultimately trump (excuse my word choice) their dedication to larger issues. The show satirizes Abbi and Ilana’s self-centered behavior, but it also suggests that there are real and material difficulties involved in always adhering to an ethical ideology. We see this very clearly in the season five episode “Bitcoin and the Missing Girl.” In this episode, Ilana is very excited because she cashes in a Bitcoin, given to her by an ex-boyfriend, for eight thousand dollars. Soon, though, her material self-interest clashes with her ideals. Upon leaving the office where she cashed in the Bitcoin, Ilana encounters a group of protestors. Always seeing herself as a progressive, Ilana identifies with the protestors and wants

to share in their solidarity. The lead protestor, however, informs Ilana that they are, in fact, protesting Bitcoin itself. The protestor goes on to enumerate Bitcoin's offenses: "Bitcoin has to be mined by thousands of computers 24/7 . . . it's the pedophiles' currency of choice, fueling the child sex trade industry and dominating the illegal arms world." After providing this list, the protestor screams, "Bitcoin is killing the earth!" Throughout the protestor's explanation, Ilana makes a series of pained moans as she learns all of the Bitcoin-related crimes. At the end of the scene, she simply mumbles, "Good luck on your protest," and walks away with her head down.¹³

Ilana feels immediate guilt about her complicity in the damage done by Bitcoin, but she also really wants her eight thousand dollars. In the next scene, in a conversation with Abbi, it becomes clear that Ilana is looking for a way to rationalize her complicity so that she can keep the money without feeling too much guilt. "I know Bitcoin is evil," Ilana says, "but it is no more evil than paper money." Abbi immediately jumps in to help Ilana in her rationalization: "What about eating meat? I mean, the meat industry is the biggest contributor to climate change, way more than Bitcoin." After this, the conversation drifts even further away from the topic at hand as Ilana singles out the fashion industry's practice of burning clothes and then turns her attention to recycling. "You know recycling's a fucking hoax," she declares, and then launches into a comic rant about the topic: "Are you really scrubbing out my udon containers and peeling the labels off and melting the plastic down to reform them into new udon containers?" Once again, Abbi is quick to enable Ilana: "Oh dude, garbage island is real!" By the time the conversation is over (and the broads have also discussed the evils of social media), Abbi and Ilana have moved so far afield that it seems they have forgotten all about the alleged topic of Bitcoin. This seems to be the point, though, because Ilana's last words on the topic are "I feel so much better. Thank you so much." The implication, of course, is that Ilana will both keep her eight thousand dollars and maintain a clear conscience.¹⁴

This exchange is funny primarily because of the blatant ways in which Ilana rationalizes her decision to keep money that she knows was generated by unethical means. The show mocks Abbi and Ilana for their self-centeredness, but it also shows real affection for them despite their comic failures. Finally, the scenario provides real commentary about the difficulty of living an ethical life in our current corporate-driven and globalized world. Many viewers could likely relate to Abbi and Ilana in their guilty feelings of complicity, in their tendency to rationalize their compromises, and in their feelings of powerlessness to bring about actual change. Like the *shtetl schlemiels* of Eastern Europe, Abbi and Ilana struggle to live in a world that is out of step with their values. And like the emasculated *schlemiels* of the twentieth century United States, the broads are not really able or interested in meeting the standards of gendered behavior

that their culture sets for them. Their failure, however, does more than just make us laugh; it reflects the struggles of living—as a woman, as a Jew, as a politically conscious individual—in our contemporary environment.

CONCLUSION

There is some evidence that *Broad City's* gendered revision of the schlemiel figure is part of a larger trend in contemporary Jewish humor. For example, the raunchy comedian Amy Schumer fits more easily into the “unkosher comediennes” tradition of Belle Barth, Joan Rivers, and Sarah Silverman, but her character in the 2015 film *Trainwreck* certainly has some schlemiel elements. Lena Dunham’s character Hannah Horvath on the HBO series *Girls* (2012–2017) and Gaby Hoffman’s portrayal of Ali Pfefferman on Amazon’s *Transparent* (2014–2019) also share some similarities with the schlemiel feminism outlined here. *Broad City*, however, is the purest iteration of the trend, both in its articulation of Jewish identity and in its adherence to schlemiel elements. The show’s schlemiel feminism is a testament to the malleability and enduring relevance of Jewish humor. In adapting a recognizably male figure from Jewish culture and folklore, Jacobson and Glazer confront and revise the often-implicit sexism of traditional Jewish humor. Even as it challenges the tradition of Jewish humor, *Broad City* also uses that humor to provide commentary on the contemporary environment. By using the tropes of the schlemiel’s failure, Jacobson and Glazer explore the challenges of feminist activism and political commitment and gently satirize those of us who cannot always adhere to our highest ideals. Even more important, the show is very funny. I am looking forward to seeing where the schlemiel pops up next.

NOTES

1. The amount of scholarship about Jewish humor is massive. For an introduction to the topic, see Jeremy Dauber, *Jewish Comedy: A Serious History* (New York: W. W. Norton, 2017). For a history of specifically Jewish American humor, see Lawrence Epstein, *The Haunted Smile: The Story of Jewish Comedians in America* (New York: Public Affairs, 2001). For a broad collection of essays on the topic, see volume 22 of the Studies in Jewish Civilization series: Leonard J. Greenspoon, ed., *Jews and Humor* (West Lafayette: Purdue University Press, 2011).
2. For a discussion of Larry David’s use of the schlemiel, see my article “Negotiating Jewishness: *Curb Your Enthusiasm* and the Schlemiel Tradition,” *Journal of Popular Film and Television* 38:4 (2010): 152–61.

3. Sanford Pinsker, *The Schlemiel as Metaphor: Studies in Yiddish and American Jewish Fiction* (Carbondale: Southern Illinois University Press, 1991), 13.
4. Ruth Wisse, *The Schlemiel as Modern Hero* (Chicago: University of Chicago Press, 1971), 3.
5. Daniel Iskovitz, "They Are All Jews," in *You Should See Yourself: Jewish Identity in Postmodern Culture* (ed. Vincent Brook; New Brunswick: Rutgers University Press, 2006), 230–52, 245, original emphasis.
6. David Biale, *Eros and the Jews: From Biblical Israel to Contemporary America* (Berkeley: University of California Press, 1997), 207.
7. Sarah Blacher Cohen, "The Unkosher Comediennes: From Sophie Tucker to Joan Rivers," in *Jewish Wry: Essays on Jewish Humor* (ed. Sarah Blacher Cohen; Detroit: Wayne State University Press, 1990): 105–24; 105.
8. Joyce Antler, *Jewish Radical Feminism: Voices from the Women's Liberation Movement* (New York: New York University Press, 2018), 8.
9. *Ibid.*, 9
10. Eric L. Goldstein, *The Price of Whiteness: Jews, Race, and American Identity* (Princeton: Princeton University Press, 2006), 236.
11. Brent Lang, "Abbi Jacobson on How 'Broad City' Changed After Trump's Election, Her New Sundance Comedy," *Variety* (19 January 2017): <https://variety.com/2017/film/news/abbi-jacobson-broad-city-trump-sundance-person-to-person-1201964321/>.
12. "SheWork and S... Bucket," *Broad City*, Television. First aired on Comedy Central, 31 January 2019.
13. "Bitcoin and the Missing Girl," *Broad City*, Television. First aired on Comedy Central, 7 February 2019.
14. *Ibid.*

Poskot in the Palace of Torah

A Preliminary Study of Orthodox Feminism and Halachic Process

GAIL LABOVITZ

INTRODUCTION

Sometimes, the exact right book comes into one's hands at the exact right time. Not right for all time or for any other reader necessarily, but the exact book one needs to read at the exact moment one is experiencing. I want to begin then by naming the book that once most deeply affected me in this way and by (briefly!) describing the circumstances under which it could have that effect on me. That book is *On Women and Judaism* by Blu Greenberg,¹ who was then and continues to be a leading voice of Orthodox Jewish feminism. Then was about 1984 or '85—Greenberg's book was published in 1981—and I was an undergraduate student at New York University. I was newly returned from a gap year in Israel and newly turned on to living a Jewish life in accordance with halachah, traditional Jewish law and practice. But I was also still the daughter of a proud second wave feminist mother, raised on “Stories for Free Children” from *Ms.* magazine and “Free to Be You and Me.” Being halachically observant seemed to me at that moment to mean being Orthodox, but being Orthodox meant being part of a community and system in which roles were significantly gender segregated, with women—women like me—kept at the margins of all the parts of Jewish life that seemed most appealing and meaningful, such as intensive Torah study and active participation in communal prayer and ritual.

Greenberg offered the possibility that there could be room for change in halachic practice. She is widely credited with the aphorism “Where's there's a halakhic will, there's a halakhic way.”² This remains one of the most impactful, but also most challenged, statements of Orthodox feminism. At the time, though, my reaction was much

like that later expressed by Tova Hartman, another prominent Orthodox feminist activist and writer: “In one breathtaking phrase, Blu lifted the veil off the mystique of halachic change. She identified and uncovered the problem for what it was—not an absence of sufficient halachic precedents and possibilities, but a stagnation caused by indifference.”³ Change was possible! Or, if it didn’t happen, clearly this was the result of the inattention, cowardice, recalcitrance, or even misogyny of the authorities and interpreters of Jewish law, known as *poskim* [singular: *posek*; feminine: *poseket*, *poskot*].

I do not identify as an Orthodox Jew today and indeed instead enrolled in 1987 at the Jewish Theological Seminary, a flagship institution of the Conservative Movement, first for rabbinic ordination and then a doctorate in Talmud and rabbinics. Even if I had wanted to stay in Orthodoxy then, there would have been few places outside of academia, in either North America or Israel,⁴ for me to engage in the high-level rabbinic learning that I sought—though this has changed significantly, a point I will return to below, and indeed it is that very fact that makes my topic here feasible. Yet I have remained interested in a Judaism that is halachic and halachically observant, though I may define this a bit differently, and with more education and understanding, than I once did.

During the years of my academic career, there has been a different book that has come to take the place of Greenberg’s for me: Rachel Adler’s *Engendering Judaism*.⁵ It should be noted that Jewish feminists and feminist theologians have consistently, since the beginnings of the current feminist movement, debated not only the specifics of women’s position in Jewish law, such as exemptions from many aspects of ritual life and communal prayer, or inequities in marriage and divorce, but also the underlying premises of law/halachah as a uniquely Jewish expression. Adler, however, may be the primary non-Orthodox feminist and theologian who has embraced halachah as crucial to any modern expression of Judaism: “If Judaism cannot be engendered without solving the problem of women, it is equally true that it cannot be engendered without solving the problem of halachah. . . . Without concrete, sensuous, substantial experiences that bind us to live out our Judaisms together, there is nothing real to engender.”⁶ A key question that follows, however, is what Adler means (and similarly what I mean) by the term “halachah,” and how her usage of the term is similar or different from its most common usages.

Adler, although she once identified as Orthodox, now considers herself a Reform Jew. Not surprisingly, then, she is clear that she intends to free the term from being solely in the domain of Orthodoxy: “The difficulty about proposing a halakhah to progressive Jews is their presumption that the term, its definition, and its practice belong to Orthodoxy. We urgently need to *reclaim* this term because it is the authentic Jewish language for articulating the system of obligations that constitute the content of the covenant.”⁷ The difference between “traditional” halachah and what Adler hopes to

engender encompasses elements of both content and form. From her non-Orthodox standpoint, she can readily state that “we cannot simply resurrect the old premodern praxis, because it no longer fits with the world we now inhabit. . . . The old praxis can be preserved intact only if we schizophrenically split off our religious lives from our secular lives and live two separate existences with two different sets of values and commitments.”⁸ There are a number of ideological, methodological, and theological implications that Adler goes on to raise explicitly and implicitly, but I want to first highlight one point in particular:

The crucial difference between traditional halakhists and modernists is that modernists accept the premises of modern historiography: that societies are human constructions that exist in time and change over time, that ideas and institutions inhabit specific historical and cultural contexts, and that they cannot be adequately understood without reference to context. These premises are incompatible with the belief that halakhah was divinely revealed in a single event and reflects an eternal and immutable divine will.⁹

That is, Adler here rejects the approach to law and legal adjudication that is commonly referred to as a “formalism” or “positivism,” particularly as it tends to manifest among (male) Orthodox scholars of Jewish law.

In brief, and of course therefore rather oversimplified, legal formalism is a theory that law consists of a series of rules and principles that exist independent of external considerations such as politics or personal preference and that by faithfully applying these rules and principles to the facts at hand, a judge will, almost of necessity, come to a correct ruling on the law. According to the online encyclopedia of the Legal Information Institute at Cornell University, for example, legal formalism is “a theory that legal rules stand separate from other social and political institutions . . . once lawmakers produce rules, judges apply them to the facts of a case without regard to social interests and public policy.”¹⁰ It is surely nearly universally accepted within Orthodox thought (though not necessarily limited to Orthodox thinkers), moreover, that the original Lawmaker and source of all Jewish law is God. As I myself have written elsewhere in an earlier work on a related topic, at its most fundamental(ist) understanding, this leads to the conclusion that “if the Written Law of Scripture is an exact record of direct communication between the Divine and man . . . and the Oral Law of rabbinic tradition is no more than the development of what was already implicit in it, then there is little if anything to discuss.”¹¹

I had little way of knowing in 1985, or 1987, that within the next decade or so there would be a flourishing of opportunities within Orthodox institutions for Orthodox women to engage in sustained and high-level learning of traditional Jewish

sources—including rabbinic literature, Talmud, and Jewish legal texts, all of which had for centuries been the purview of men alone. This, then, sets the central question of this new area of research to which this essay is, as in my title, a preliminary study. To wit, what might be the emerging effects and contributions of women who have remained in, or embraced, Orthodoxy—as Adler and I could not—yet who also consider themselves feminist, or have been influenced by feminism, or who are disturbed by one or more of the areas of inequity faced by women in the halachic system, whether framed through feminism or not? The resistance among Orthodox authorities toward a historicizing approach regarding the origins and development of Jewish law is also in keeping with a larger Orthodox worldview that is socially conservative and skeptical of the “metanarratives” of modernity such as secularism, individualism, or the valorization of the “new” and “progressive” over the traditional. Feminism, identified as a modernist project based on modernist assumptions about personal autonomy, egalitarianism, and the like, can readily be seen as inherently “outside” of Orthodoxy. If and when women who identify as Orthodox raise their concerns, how might they do so and how might they expect to be received? How might they open a process toward a more equitable (if not necessarily egalitarian) halachic system? We begin with laying some theoretical foundations.

ORTHODOX FEMINIST LEGAL THOUGHT

Two of the most influential and productive women working in the theoretical area considering halachah and halachic theory and process from a self-identified Orthodox perspective and feminist perspective¹² are Tamar Ross and Ronit Irshai. Both have written extensively on the issues of concern in this work, in both Hebrew and English, and I can only begin to touch on the complexities of their thoughts and works here.¹³ The reason I turn particularly to these two is that both have addressed the central challenge identified by Adler: the need for an approach that can remain compatible with Orthodox conceptions of the divine origins of the halachic system while also allowing for and explaining the underpinnings (if not the specific mechanisms, a point I will return to shortly) of halachic contingency, fluidity, and responsiveness to changing social, intellectual, and historical trends. Both have also considered the challenge of bringing feminism, or at least feminist perspectives, “in” to Orthodoxy from its perceived place as marginal, entirely other, and outside.

What is most notable about Ross’s writings is her theological approach to the central question of the malleability of the Jewish legal system and its decisions and rules. That is, in her thinking the first, most basic question that an Orthodox feminist must ask is not about the particulars of Jewish law and practice, in the sense of whether and

which specific halachot may be perceived to discriminate against women or about the methodology of making specific halachic changes.¹⁴ Here, in fact, is one of the most dramatic and central—and controversial—aspects of Ross’s work. This would be presented in its most extended form in her 2004 book *Expanding the Palace of Torah: Orthodoxy and Feminism*¹⁵ (which lends its name in part to my title here) but can already be seen developing in a 1993 article, “Can the Demand for Change in the Status of Women Be Halakhically Legitimated?”¹⁶ Indeed, she suggests that there is confusion regarding two issues:

1. The theological question: what room is there in halachah for change altogether?
2. The practical question: if there is room at all for change, how it is to be effected?¹⁷

In her view, if one recognizes parts of Jewish law and practice as problematic regarding women’s well-being and dignity, then prior to working out how to change it, one must first have the theoretical and theological underpinnings that make it possible to create change at all—that is, a theory of halachah that can be open to development and change. Yet at the same time, the religious commitments of Orthodoxy must also accommodate an understanding of Jewish law as divine in its origins and hence binding on the Orthodox Jew as a fulfillment of divine intent.

Thus, from her earliest works, Ross had begun developing her concept of a halachah and halachic practice that is not static or fixed and that is not impermeable to “outside” influences, and yet still retains its status as a representation of divine will. Her book presents the full flowering of her argument for a stance she names “cumulative revelation.” Stated in its most basic form, this line of thought asserts that “revelation is a cumulative process: a dynamic unfolding of the original Torah *transmitted at Sinai* that reveals *in time* its ultimate significance.”¹⁸ And as she elaborates a bit further on:

The fluid notion of Torah . . . presents the Sinai revelation of God’s word as the initiator of a series of revelations in the form of inspired interpretations throughout the ages. The ideal meaning of the Sinaitic revelation is eked out only with these accumulated interpretations. . . . All of this together forms one integral unity that represents the true intent of Torah.¹⁹

Feminism, then, is or could be a manifestation of ongoing revelation that will lead to new and inspired interpretations.

Irshai’s approach, on the other hand, is more straightforwardly “historical,” in the sense of history as an academic discipline; that is, we might say her approach and her work fall into the study of the history of ideas. Or, in more recent, postmodern terms, Irshai’s project is first and foremost “genealogical,” a term she herself adopts for her

work, as we shall see. On both the level of underlying theory and in her studies of specific areas of and ruling in Jewish law, her approach is to begin by engaging in a close and deep reading and analysis of the halachic decision-making process undertaken by authorities in the field [*poskim*] on a given question.²⁰ What she proposes is, in fact, a two-stepped process, with the goal of creating what she calls an “alternative halachic story.” Although I will return to the second step below, I will concentrate for the moment, as does she, on the first. This first step comprises “creating a halakhic genealogy with the goal of uncovering the hidden values or moral paradigms on which halakhic rulings related to women rely and the exegetical tactics and the rhetoric that have been used to generate the prevailing hegemonic story.”²¹ The intended significance and power of creating this halachic genealogy is that it “unfolds the legal background of the hegemonic halakhic story and provides examples of how certain links in the chain have been forgotten, how the genealogical continuity presented by the hegemonic story is not necessarily the only one possible.”²²

Before taking up my next point, then, I’d like to suggest that there is a subtle, but significant, difference between Ross and Irshai’s approaches to understanding halachah as historically contingent and (hence) capable of ongoing development. Both understand that to demonstrate this contingency is a powerful tactic toward creating a renewed ability to employ such flexibility going forward. But each subtly puts her emphasis on a different side of this fulcrum. Irshai’s focus leans toward the past, toward the history of halachic development and genealogy, though of course it is precisely by uncovering this genealogy and its underlying “halachic story” that grounds for a new story are now opened. Ross, on the other hand, is subtly more forward-looking. Being committed to a traditionalist outlook, yet also desirous to see change in the future, she makes it a primary goal of her work to spell out a theology that can account for the permissibility and viability of such change. “Cumulative revelation” is a claim about the past, but all the more so a means for validating new trends in our own moment by recognizing them as the latest addition to that ongoing revelatory process. That said, both are somewhat more challenged when it comes to defining what the content of the next step might be and how it might happen, even if neither is completely reticent on the topic either.

Irshai, for example, explicitly distinguishes her method from the more particular task of changing halachah and practice in any particular case. That is, while she calls for “alternative halachic stories,” she also states: “By that I do not mean the proposing of local halakhic solutions to one or another problem that women face. *I am not seeking the halakhic tools that can be used to effectuate desired change in a specific halakhic manner* (though I of course do not deny the importance of such local solutions).”²³ That said, having performed the genealogical work of uncovering a particular (masculinist) halachic story, one then reaches Irshai’s second (if less fully developed) step.

She defines this step as “proposing a preference for halakhic principles that can overcome halakhic rules that fail to produce gender justice for women.”²⁴ Put another way, her hope is that “uncovering the problematic moral consciousness on which many halakhic rules rely will likely force the Modern Orthodox community to confront the question of why it continues to cooperate with that consciousness, even though it has managed, in certain areas, to find halakhic solutions that enable it to overcome similar problematic situations.”²⁵ The end goal, then, is that

in the second stage of the process, efforts will be made to create a new halakhic story in the area under consideration. The story will make use of all the sources of *existing halakhic mechanisms* . . . but because its perspective will be one that is interested in gender justice, it will lend itself to construction and interpretation in a way that is consistent with egalitarian insights. To the extent halakhic rules do not permit that, recourse can be had to more general principles—principles that hegemonic halakhah knows how to use when doing so serves the interests that are regarded as “desirable” or “legitimate.”²⁶

This, I must note, begins to look not unlike Blu Greenberg’s halachic will (a “perspective . . . that is interested in gender justice”) that inspires the working out of a halachic way (“construction and interpretation . . . consistent with egalitarian insights”).

Ross, on the other hand, rejects what she calls the “instrumentalist” approach represented by Greenberg’s “where there’s a halakhic will there’s a halakhic way”; despite conceding its appeal and even that it may embody at least a “half-truth,” Ross ultimately finds it “overstated” and “facile,” especially as regards “its facile reliance on ‘rabbinic will.’ It seems to indicate that there are no limits at all other than a rabbinic intransigence that refuses to will in the required way.”²⁷ Indeed, I am not the first to note Ross’s “concern with religious authority” and “need to seek approval from established halakhic authorities,” in the words of David Ellenson and Claire Sufrin, respectively.²⁸ As Ross herself states, “irrespective of more specific and substantive considerations of content,” certain elements cannot be overlooked, including “appeal to the consensus of experts” and “solidarity with the larger community in which the transformative narrative is to be played out.”²⁹ That said, in 1993, she offered this possible way forward:

But given the Halakhic reluctance *vis-a-vis* premeditated, deliberate reform, it would seem that the path open to would-be Orthodox feminists either way lies not in pressuring for, but in genuinely *being* a new type of woman who [is] so inextricably entrenched in the change that this becomes a factor to be taken into account in determining Halakhic decisions, yet is so firmly and palpably committed to Jewish tradition that the Halakhist is forced to take her and her problems into account.”³⁰

Note, however, even here the echoes of the discourse of what is “inside” and what is beyond the boundaries that often confront Orthodox women who identify as feminists or with feminist aims. When feminism itself is portrayed as a modern, secular Other alien to Orthodoxy, women are expected to (repeatedly) demonstrate the “purity” of their motives (they must not be perceived as advocating for personal—i.e., “selfish” or “self-aggrandizing”—desires) and their commitment to the existing community and establishment, to even have a chance of being heard and their concerns considered.

Ross has since expressed increased awareness of the political and rhetorical trap—or perhaps even the impossible demand—this may entail:

The argument in all such considerations of motivation is that women’s increased ritual participation must flow from the realities of halakhah, and not vice versa. What complicates matters, however, is that the lines between the two options are not always clear-cut. One might question whether, in practice, such distinctions between religious and feminist motivations can readily be drawn.³¹

That said, the possibility that women might advance their cause by “being a new type of woman” resurfaces in her more recent work in reference to the women’s “learning revolution” within Orthodoxy that I have already referenced briefly before. More than once, she refers to the burgeoning of women’s learning in recent years as a “time bomb,” such that the leaders and institutions of Orthodoxy will be unable “to keep the lid down on what must eventually erupt in the form of agitation for greater participation on the part of women in the halakhic process.”³² And, she predicted, as that process began to take hold,

women’s gradual entry into the interpretive arena of halakhic process could also have important repercussions on the content of halakhic decision-making. This does not suggest that any given issue would necessarily be decided differently by a woman. But it is probable that an active female presence in halakhic discussions would encourage special focus upon issues of female concern and perhaps give added weight to previously neglected avenues of response.³³

Moreover, as she herself admits, even though she has not directly engaged in this sort of learning herself (having concentrated her work within the discipline of philosophy instead—and perhaps as a matter of age and opportunity as well), she has already experienced its impact personally:

Largely as a result of research that has been done in recent years by some of the concerned women themselves and by their male sympathizers, I am now much more

aware of the variety of halakhic precedents and possibilities. . . . In this connection, I am now also more conscious of the vast gray area between what is permitted (*mutar*) and what is prohibited (*asur*) and more sensitized to the degree to which optional decisions of public policy regarding women's issues have often been presented misleadingly as clear-cut halakhic responses.³⁴

Let us now therefore turn to explore that learning revolution and its latest manifestations in slightly more depth.

ORTHODOX WOMEN ENTERING HALACHIC DISCOURSE

Much has changed in time since I was an undergraduate in Greenwich Village in terms of women's access to high-level Jewish learning within Orthodox contexts. This has also started to create change in terms of women's access to leadership and authority, especially within Modern Orthodox communities. This is particularly so in Israel,³⁵ and the more I went looking during my research for this essay, the more I found. Gap year programs to study Torah for a year between high school and college have become nearly as common for young Orthodox women as for their brothers, for example. And although curricula vary widely from institution to institution, the young woman who wants to study rabbinic literature in a *beit midrash* atmosphere (that is, a study hall in which rabbinic texts, particularly the Babylonian Talmud, are learned, often in study pairs known as *hevrutot*), as men traditionally have, will find opportunities at institutions such as Midreshet Lindenbaum and other programs at Ohr Torah Stone, Matan, and Nishmat.³⁶

Moreover, beginning in the 1990s, Orthodox women took first steps, not yet into the rabbinate but into professionalized positions that entail halachic knowledge and competency. A critical early breakthrough was the entrance of women as *to'annot rabbini'ot*, advocates for litigants in the Israeli religious court system. In short, the religious aspects of family law—marriage and divorce, and personal status—are overseen in Israel by the State Rabbinical Court [*Beit ha-Din ha-Rabbani ha-Mamlakhti*]. Persons with cases in these courts, most typically couples seeking divorce, may be represented by a *to'en rabbini* (plural: *to'anim*), a religious court advocate. Such advocates are officially licensed after passing a series of exams in the relevant areas of Jewish law and hence were typically men with backgrounds in traditional yeshivah studies. As recounted by Rachel Levmore, herself a *to'enet*, the idea of a creating a training program for women to serve in this role was initiated by Rabbi Shlomo Riskin at the Ohr Torah Stone institution.³⁷ Though the matter had to be litigated and ordered to

proceed in the Israeli Supreme Court first, women were admitted to the profession in 1993, and there are now programs and institutions in Israel offering the necessary training and certification.³⁸

Women in the field are now known particularly for their advocacy on behalf of *agunot*, women trapped in dead marriages because of the refusal of recalcitrant husbands or husbands unable to grant a divorce. As Levmore writes: “For the first time in Jewish history, women’s roles changed from being a problem in need of a solution to being part of the solution. A combination of scholarship—rabbinic, as well as academic—activism, and dedication, brought about this remarkable change.”³⁹ It is also worth citing, though, how Levmore describes Riskin’s motivation and the case he made to court authorities in favor of this development:

R. Riskin posited that 50% of the litigants in the divorce cases . . . were not having their stories properly heard by the dayyanim [judges] due to the fact that women could not express shameful family secrets to male rabbinic to’anim. Those to’anim, through no fault of their own, could not present the entire story to the dayyanim. The dayyanim, in turn, would issue rulings without all of the facts laid out before them.⁴⁰

Note, that is, the echoes of the rhetoric of motivation and the need to prove “pure” religious rather than feminist motivations, as identified by Ross and others.

A very similar dynamic can be seen in the work of Rabbanit [“Rabbanit” meaning, in this context, wife of a rabbi] Chana Henkin at Nishmat. In the mid-1990s, this institution began a program to train women as *yo’atzot halachah*, halachic advisors.⁴¹ More specifically, “halachah” in this context means the laws relating to women’s reproductive health and most particularly the intricate details of *tabarat hamishpachah*, “family purity,” the practices of sexual separation during and immersion in the mikveh after a woman’s menstrual cycle. As Henkin has written, she initiated the program after “years of work in *tabarat hamishpachah* and communal leadership made” her “aware that many observant women will simply not consult a rabbi with an intimate question”⁴²—with the result that women were often not observing the law properly. That is, Henkin too frames her idea and her motivations as centered on women’s commitment to proper and exacting halachic observance, rather than women’s halachic empowerment. Thus, although women who wish to become *yo’atzot* must commit to several years of intensive study and pass an oral exam administered by four (male) rabbinic experts and once certified answer questions by telephone hotline and online,⁴³ there is much about the rhetoric used by the program to distinguish *yo’atzot* from rabbis or *poskim*. Again, Henkin states: “Our *Yoatzot Halachah* are not replacing rabbis nor do they aspire to be rabbis. They can, however, determine which questions require a ruling by a qualified posek.”⁴⁴

Also, all pages of questions and answers on the English website carry this disclaimer:

This internet service does not preclude, override or replace the psak of any rabbinical authority. It is the responsibility of the questioner to inform us of any previous consultation or ruling. As even slight variation in circumstances may have Halachic consequences, views expressed concerning one case may not be applied to other, seemingly similar cases. All health and health-related information contained within Nishmat's Women's Health & Halacha Web site is intended to be general in nature and should not be used as a substitute for consulting with your health care professional. The advice is intended to offer a basis for individuals to discuss their medical condition with their health care provider but not individual advice. Although every effort is made to ensure that the material within Nishmat's Women's Health & Halacha Web site is accurate and timely, it is provided for the convenience of the Web site user but should not be considered official. Advice for actual medical practice should be obtained from a licensed health care professional.

But where Nishmat continues to sidestep the question of titling or of presenting women as autonomous decision-makers even in this specific area of law, measures to create models of "ordination" for women are now emerging in Orthodoxy. I should note that issues of titling and the legitimacy of such programs are the subject of great controversy still, but I am going jump over that topic and limit myself just to mentioning a few programs and trends. Yeshivat Maharat in New York, for example, is described on its institutional website thus: "Maharat was founded in 2009 as the first yeshiva to ordain women to serve as Orthodox clergy, after the ordination of Rabba Sara Hurwitz by Rabbi Avi Weiss and Rabbi Daniel Sperber."⁴⁵ In response to concerns from elsewhere in the Orthodox world about the title "Rabba," the acronym "Maharat" was created, "which represents the core values of Maharat as an institution and of our graduates"—these being "Manhigut/Leadership," "Halakhah/Jewish Law," "Ruchaniyut/Spirituality," and "Torah." Again according to the site, "Maharat ordains women with semikha so they may serve Jewish communities as fully credentialed spiritual and halakhic leaders. Ordination is granted after a rigorous course of study and demonstrated command of Jewish law, Talmud, Torah, Jewish thought, leadership and pastoral counseling. Graduates of Maharat are conferred with 'toreh toreh'—a decisor of Jewish law, giving psak halakha."⁴⁶

More recently, in the last few years, at least two rabbinic figures in Israel have ordained women as rabbis: Rabbi Herzl Hefter at the Har'el Beit Midrash and Rabbi Daniel Landes by private ordination.⁴⁷ Most interestingly, several institutions in Israel are now offering programs that explicitly train women in Jewish law, with the intent that these women will be qualified to answer halachic questions independently—that

is, to take on the role of *poseket*, interpreter and decisor of Jewish law, without restriction as to subject. The Susi Bradfield Women's Institute of Halakhic Leadership at Ohr Torah Stone, for example, states that "graduates of the five-year WIHL program are certified as spiritual leaders and Morot Hora'ah."⁴⁸ Websites now exist for women (and men) to pose questions to, and get answers from, female halachic experts, including "Shayla—Matan Women's Online Responsa" at Matan, and Beit Hillel/Meshivat Nafesh.⁴⁹ Many of the women who have graduated from one of these programs or who have been ordained by a male rabbi have adapted the title *rabbanit*; that is, rather than referring to the wife of a rabbi (such as Rabbanit Henken), there seems to be an ongoing process whereby the title is being adapted to describe a woman who herself has training in rabbinic and halachic texts and who functions more or less professionally as a teacher and interpreter of those texts in an educational or other religious context.

HALACHIC ANALYSES BY ORTHODOX WOMEN

Finally, what I propose to do for the last part of this essay is to analyze and compare some halachic works of Orthodox women. The three women whose work I will review here represent several of the major (Israeli) avenues and venues of women's learning I have just discussed—one is Rabbanit Chana Henkin, already mentioned as founder of the *yo'atzot halakhab* program at Nishmat, one is a certified *to'enet rabbanit*, and one is a *rabbanit* trained and certified by the Susi Bradfield Women's Institute of Halakhic Leadership at Midreshet Lindenbaum. Moreover, I have chosen to analyze writings on a somewhat paradoxical topic: women writing halachic investigations of the question of whether women may serve as judges and issue halachic rulings.⁵⁰

There are several core themes and texts that are relevant to this question, that therefore recur (though with different emphases and suggested interrelationships), and that must therefore be presented here at the outset. These include

- a. the story of Deborah, who appears in the book of Judges, chapters 4 and 5. Of particular concern for this topic is the way in which Deborah is first introduced, in chapter 4:4–5:
 4. Deborah, wife of Lappidot, was a prophetess; she judged [*shafiah*] Israel at that time.
 5. She used to sit under the Palm of Deborah, between Ramah and Beth El on the mountain of Efraim, and the Israelites would come up to her for judgment.

An important point here is the use of the Hebrew root *sh,f,t* to describe Deborah's role for the Israelite community. The most widely used lexicon of biblical Hebrew offers a series of definitions related to judging and adjudicating disputes: "act as a law-giver, judge . . . decide controversy . . . execute judgement."³¹ If it is presumed that the term is used in this common meaning, then we have a clear example of a biblical woman serving in precisely this role. If Deborah may do so, does this mean that all women may (at least under some circumstances)? If women may not act in this role, then how could Deborah do so?

- b. Mishnah Niddah 6:4 (b. Niddah 49b), which includes this statement of a general principle about participation in court processes:

All who are fit to judge are fit to serve as witnesses.

Although the logic of this statement seems to flow from judging to witnessing, it can also be turned in the other direction. In a variety of other locations, the rabbis rule that women are not able to serve as witnesses. From this flows the following argument: If women were permitted to judge, then it would follow that they would be permitted to serve as witnesses. Since, however, they are not permitted to serve as witnesses, it must be that they also cannot serve as judges. It is important to note, however, that while this point is potentially implicit, it is not explicit, and as we shall see, other readings of the mishnah in Niddah are possible. The *Yerushalmi* [Palestinian Talmud], in a different context (y. San. 3:8, 21c; and similarly y. Yoma 6:1, 43b), does explicitly connect witnessing and judging so as to prohibit women from serving in either role. The *Bavli* [Babylonian Talmud] (which is typically considered more authoritative in the later legal tradition), however, in its commentary to this mishnah, does not address the issue of women at all, nor does it draw out a clear inference on the topic elsewhere.

- c. Maimonides [Rambam], *Hilkhot Melakhim*, 1:5:

We do not establish a woman in sovereignty, as it is said (Deut 17:15) "A king"—and not "a queen." And so too for all appointed positions [*mesimot*] in Israel, we only designate men to them.

If judging is to be considered an appointed position and/or a position of authority, then it would seemingly be forbidden according to Maimonides for a woman to fill it. A critical issue here is determining on what basis he came to this conclusion. A number of supercommentaries identify his source as a passage in an early rabbinic midrashic work, Sifre to Deuteronomy 17:15, regarding appointing an Israelite king. But there are differing manuscript variants, and it is not known for certain which Maimonides

might have used—that is, to what extent he might have been extrapolating his own view, versus quoting a prior text.

Chana Henkin's article, "Women and the Issuing of Halakhic Rulings," appeared in English in the collection *Jewish Legal Writings by Women*.⁵² It is the shortest and most succinct of the three. Henkin puts discussion of Deborah's judging at its center, although she also presents Maimonides's ruling in the context of a challenge to it precisely from the example of Deborah. The sources Henkin cites are largely from among the *rishonim*—that is, the medieval talmudic commentators and halachic *poskim* of about the eleventh to fifteenth centuries,⁵³ and her selections serve as a sample rather than a more complete overview of even just writings from this period on this topic. Among the primary points she derives from the commentaries she does cite, however, are two possible resolutions to the problem of the seeming contradiction between Deborah's described role in Judges and either the ruling of Maimonides or the classical rabbinic sources that hint (*m. Niddah*) or even state outright (*Yerushalmi*) that women may not serve in appointed positions of authority, or at least not as judges. First is a distinction that may be drawn between serving as a courtroom judge (that is, serving in an official and appointed capacity) versus serving as an arbiter and teacher of the law or, in other words, as a *poseket*. Secondly, and alternatively, while a woman may not be appointed over others by imposition, it may be that the Israelites voluntarily accepted Deborah, and by this understanding, she may even have served as a "courtroom" judge. Although some (such as the talmudic commentators *Tosafot*) also mention the possibility that this acceptance was due to her status as a prophet, others make no particular mention of this point, allowing therefore for the further deduction that this mechanism of voluntary acceptance is possible for other women as well. This leads Henkin to assert that "among the *Rishonim*, *Rambam* alone speaks of a general stricture against appointing a woman to a position of public authority" and that "none of the *Rishonim* has any problem with Deborah's having engaged in the act of judging, so long as she was not appointed."⁵⁴ She goes further, moreover, to claim that "this position, I want to stress, is *non-controversial*. Nowhere . . . is there an opinion that the Halakha prohibits in principle the issuing of a halakhic ruling by a woman."⁵⁵

Yet Henkin also proves to be the most "conservative" among the three women, even, as it were, backtracking from her own original conclusion. First, she raises a new concern that "issuing halakhic rulings requires wide knowledge of Halakha, in addition to which there are many and detailed . . . rules for issuing a halakhic decision," and cites a talmudic passage to the effect that it is dangerous to the people both for someone who is not qualified to rule to do so anyway and for someone who is qualified to withhold from ruling. She therefore asks: "So what of women? Will they remain in the category of . . . unqualified candidates for *hora'a* who might fell many, or will women

reach the level of . . . those scholars who *should* issue rulings?”⁵⁶ It would seem that although she is certain women may serve as decisors of Jewish law and practice, she does not see this as reason alone why women should be accepted as such, and indeed appears wary of seeing her analysis to its probable conclusion: “First of all . . . we should stop using the term *poskot*. . . . It is not accurate, not constructive and it will not result in *poskot*.”⁵⁷ Moreover, much as Ross notes the political and rhetorical power of questioning women’s motives,⁵⁸ Henkin feels obliged to answer to this move: “Second, our major concern must be the Halakha. Not for the purpose of empowering women, but enabling women to observe *mitzvot* meticulously.”⁵⁹ One can, not surprisingly, see how this rhetoric fits neatly with the self-justifications and disclaimers found on the website for asking questions of *yo’atzot halakhah*—although I would also suggest that the apparent success of the site in gaining acceptance among its target audience (as evidenced by the number of questions that have been asked and answered there), while largely avoiding resistance from other forces, may well attest to the advantages that can be derived from this seemingly restrained strategy.

Aliza Bazak’s work appeared in print in 2005 in the proceedings of the third bi-annual conference (in July 2003) of Kolech, which identifies itself on its website as “the first Orthodox Jewish feminist organization in Israel.”⁶⁰ Bazak is identified in the volume as a *to’enit rabbinit*. The title of the article does not translate poetically into English, but literally it means something like “Women Serving as Judges: An Analysis of the Sources of the Law and Their Examination in Light of the History of Legal Interpretation Regarding Judgeship and Authority.”⁶¹ First, it is important to note that her title frames the issue at hand as one of a woman serving as a judge—that is, in a formal position—and hence its concern is not just women’s ability to make rulings but also, contra Henkin, with the settings in which women might make such decisions and the titles they might hold. She too introduces Deborah and the book of Judges from the outset and presents the guiding question that follows clearly and bluntly: “Is it possible to learn from this regarding the possibility that a woman may serve as a judge?”⁶² Bazak’s style is highly organized and proceeds in something of an outline format: subdivided by chronological period, with arguments in favor followed by arguments against, and listings of possible explanations for textual and logical challenges. Yet her format is not that of a responsum—that is, considering an open question and expressing the author’s reasoning and definitive answer. Rather, her work functions very much like the kind of genealogical investigation advocated by Irshai. Bazak’s central claim is that over time, approaches to this question have been quite diverse, including both those that lean toward permitting and those that lean against, and that broadly the approaches may be divided into four historical stages. There are sometimes variations of opinion within a time period, but even more significantly, noticeable and zig-zagging changes from period to period.

The first of these is the rabbinic period. As already discussed, there is a clear statement against women serving as judges in the *Yerushalmi*, but the record is otherwise murky, and the *Bavli* does not address the topic directly—leaving an open question for subsequent interpreters. Bazak demonstrates (with far more complexity and nuance than in Henkin's essay) that therefore in the medieval, *rishonic*, period that followed, considerations of the question are quite diverse and that "approaches permitting women to judge are found here for the first time, alongside approaches that forbid this." In her view, the two primary sources that underlie much or most of the medieval debate are the mishnah in Niddah and the case of Deborah.⁶⁵ In essence, "the opinions that forbid are based on the words of the mishnah and propose explanations of the words of the Scripture in Judges in such a way that it does not teach permissibility for a woman to judge, while those who permit are based on Deborah's judging and seek to explain the mishnah in Niddah in such a way that it does not teach about a prohibition on her to judge."⁶⁴ Moreover, as she documents, in this period an individual authority (or collectives as in the case of Tosafot) can present arguments toward both permissive and prohibitive positions as he (or they) openly considers multiple interpretive possibilities. Their thinking is flexible and exploratory and does not coalesce around a single stance. Nor does this change immediately with the introduction of Maimonides's ruling in the twelfth century. Rather, other *rishonim* and commentators to Maimonides's code not only continue to raise the known counterarguments (such as accounting for Deborah's activities) but also question whether Maimonides is drawing on an earlier (and authoritative) source, or expressing his own opinion, and what the implications would be for the power of his ruling to set precedent.

It is not until the late medieval/early modern codifiers (particularly Jacob ben Asher in the *Tur* and Yosef Karo/Moshe Isserles in the *Shulhan Arukh*) and the commentators to their works that there is a distinct prohibitive turn; authorities in this period (commonly known as *ahronim*, "later" authorities) are nearly unanimous in their opposition. Here Bazak observes: "The fact that the poskim ruled in an unambiguous manner is not an unusual occurrence, yet the fact that the contradictory opinion, which permits a woman to serve as a judge, is not cited at all . . . is highly surprising."⁶⁵ Thus, for example, these sources regularly cite the Tosafot in opposition to women judging, even though the Tosafot (as Bazak has already amply demonstrated) actually present multiple arguments, in multiple locations, on both sides of the question.⁶⁶ Yet a similarly sharp turn occurs again in the transition to the most recent rabbinic authorities to consider this question and related matters in the modern era: "The legal interpretation of the latest of the late authorities that deal with women's service as judges is revealed as utterly different from what preceded it in the period of the *ahronim*, and as very similar to its counterpart in the period of the *rishonim*."⁶⁷

The question of women in positions of authority, not limited to judging, became significant due to the rise of democratic governance and in particular when the question

of women's suffrage and women serving as elected officials arose in the Jewish Yishuv in British Palestine, in 1919. Bazak gives particular attention to the ways in which those who favored full civic participation for women resolved their positions in light of the ruling of Maimonides. Here, the question of his source is significant, in that many accepted that his was an individual opinion and hence somewhat compromised in terms of its claim to authority. Others found ways to argue that modern positions of authority would nonetheless be permissible even under Maimonides's ruling, due to differences of circumstances, how authority is delegated (for example, for term-limited periods of time or with the backing of civil or communal rather than religious/rabbinic sources), and even appeal to facts on the ground. Similarly in considering those who address the question of women serving as judges directly, Bazak focuses most of her attention on those who find reasons and means to permit, noting that they both call on earlier arguments already present especially among medieval sources but also create and develop new lines of thought and reasoning toward a permissive stance.

One last point to note, as it will arise in our final example just below, is that she makes only brief mention of less source-centered arguments: "Women serving in authority has also been considered from the side of additional aspects. It has been weighed whether it matches woman's spiritual make-up, her functions and her destiny, and if it is possible from the side of the boundaries of modesty. Implications for marital partnerships and for the family have been considered."⁶⁸ But Bazak neither cites examples of such discussions nor (therefore) attempts by others to counter them, ultimately leaving the point and the debate open. In this, she does, at the end of the day, elide an important piece of gender analysis—for example, consideration of what Irshai cites as the underlying potentially "problematic moral consciousness on which many halakhic rules rely." Nonetheless, this article is an excellent example of how a historic focus such as Irshai promotes becomes significant when addressing current halachic concerns. That is, instead of just relating decisions and final outcomes that are more or less advantageous to women, the researcher can (as Bazak does) demonstrate how decisors may selectively draw on the sources that preceded them, and that therefore their decisions cannot represent the only possible "halachic story" that could be told. And thus, although Bazak presents her work as a historical survey (and it is quite successful as such) and not as a question in need of an answer or a call for a practical application—and though she does not offer personal arguments for or against women's ability to serve in this capacity, choosing instead to give her summaries and interpretations of the arguments of male rabbis—it should not be overlooked that she nonetheless includes this one hint of a personal stance at nearly the end of her many pages: "It does not seem that we would err, if we were to assess that within ten or twenty years a woman will serve in this role on the strength of communal acceptance."⁶⁹

Lastly, in 2014 Ohr Torah Stone published a volume of writings explicitly identified as "Halakhic Responsa" by two women, Idit Bartov and Anat Novoselski; both are

graduates of the Susi Bradfield Women's Institute of Halakhic Leadership at Midreshet Lindenbaum, and Bartov now regularly produces works of *p'sak*.⁷⁰ The title of Bartov's piece is a question: "May a Woman Serve as a Judge?"⁷¹—and yet, unlike the other items in the collection in which it appears, it is not framed as a responsum. All the other pieces begin with a *sheilah*—a question posed by someone to the rabbi as a personal concern or problem—to which the rabbi, or in this case *rabbanit*, provides a *teshuvah* consisting of analysis of prior sources leading to an answer/ruling. That said, Bartov makes rather clear at the outset that she has a point of view on the question that will guide her presentation in the course of the piece: "In the opening of my remarks I will bring the arguments that deny women serving in this role, and afterwards I will address them and bring contrary opinions"⁷²—and indeed, for every authority who suggests prohibitive arguments, she will prove herself able to locate and present the views of another authority who provides counterarguments. Contrary to Bazak's historical approach, Bartov's work is therefore organized thematically; moreover, the bulk of Bartov's focus is on the most modern sources and responsa.⁷³

Bartov begins by asserting that prohibitory views fall into two broad categories: "Some of them belong to pure [*t'horim*] halachic categories, whereas others deal with 'the spirit of halachah' and include social or psychological considerations, influenced by the character of the society in which they are expressed."⁷⁴ This distinction is significant, and I will return to it shortly. However, for the moment let me first note that Bartov further divides the first category into two key lines of argument: (1) the (possible) prohibition on women serving in any position of authority (that is, arguments based on the ruling of Maimonides); and (2) the restriction on women serving as witnesses from which a prohibition on judging might flow (m. Niddah and the talmudic tradition, particularly that of the *Yerushalmi*).

What follows is first an extensive tracing of various interpretations of Maimonides's ruling, including theorizing about its sources or underlying reasoning, objections and challenges raised to it, questions about its level of authority, and readings that limit its scope. She thus identifies some of the same means of allowing for women's judging as Bazak (and Henkin) discussed regarding medieval and modern sources: community acceptance and/or acceptance by virtue of the Torah a woman knows, term-limited appointments, and distinctions between appointment by a religious body versus civil authority. As for the linkage between witnessing and judging, Bartov begins much as Bazak does, by noting that the Mishnah and also the Babylonian talmudic tradition do not include "an unambiguous statement that includes a prohibition."⁷⁵ She takes a different tack, however, in also addressing the scope of women's apparent exclusion from serving as witnesses, noting numerous instances in talmudic and later cases in which women could and did avail themselves of the court system or even were summoned to appear, concluding that "in practice, social changes dictated halakhic changes."⁷⁶

She also describes “work-arounds” that might be arranged whereby a woman could be interviewed in her home or send an emissary, if she so preferred; again, “we are not speaking here of a prohibition or disqualification, but rather simply of a description of an existing cultural reality.” Moreover, this must mean that “their exemption is not essential to them and does not flow from a lack of credibility.”⁷⁷ Note that although her overall approach is not strictly historical, she feels quite justified in calling on “social change” and “existing cultural reality” to explain developments and changes over time regarding women’s participation in courtroom processes. The obvious implication would be that more recent social changes may also have bearing on legal outcomes. From here she takes up the case of Deborah, noting that it stands as a challenge to either approach to limiting women’s ability to judge, and then summarizes several major avenues for answering. She concludes this section, moreover, with a statement that would have seemed quite out of place in Bazak’s more academic exposition: “I will observe one personal note, that it is difficult to read such diverse exegesis the entire task of which is the distortion of explicit verses in Judges, for the need of finding support of a ruling that contradicts the plain meaning of Scripture.”⁷⁸

Finally Bartov turns to considerations “besides the *halachic arguments* we have brought,” calling them instead “*additional* reasonings regarding the integration of women into the public space”⁷⁹—what she calls, as already cited above, “the spirit of halachah”—that is, “social or psychological considerations, influenced by the character of the society in which they are expressed.”⁸⁰ These are the arguments that, as noted above, Bazak hints at but chose not to address. It is important to recognize, though, that both strongly distinguish arguments of this sort from “pure” halachah. Into this category Bartov puts concerns such as modesty and social interaction between the genders, threats to family life, and domestic relations between husband and wife.⁸¹ Most particularly, in a long paragraph she recites an extensive list of stereotypes about women’s “natural” and inherent roles and qualities that make them constitutionally unfit to judge, including contradictory images: women are (and this is a partial citation of Bartov’s list) “weak-nerved, jealous and hateful without limit, temperamental [or ‘fickle’], soft-hearted, stubborn, quick to anger and difficult to appease, too merciless and too merciful, easily swayed . . . chatterboxes, pursuers of high status, arrogant . . . spreaders of divisiveness, lazy.”⁸²

I find this perhaps the most intriguing element of any of the three essays. While Bartov is not directly engaging in gender analysis in quite the way an academic scholar such as Irshai would, for example—that is, not through means of feminist theory or theories of the constructedness of gender—nonetheless there is something about her presentation itself that directly enacts a very similar point. Here, I would even venture, is where the female voice becomes critical, crucial. What difference must it make when the one reciting this litany of stereotypes is ostensibly the one to whom they

should apply? Is the *poseket*, the *rabbanit*, describing herself? Can claims such as these really describe the author if for many pages prior to this moment we have been learning from her scholarship and mastery of her sources and subject? And if not, what does that imply about the validity, and all the more so the applicability, of these claims to decide real-life practices?⁸³

In sum, then, Bartov is also able to come to the most definitive conclusion of the three. Where Henkin resists the full implications that could flow from her survey and Bazak imagines that changes may come in time, Bartov takes this stance:

In conclusion it is possible to say, that the essence of the reasoning to forbid women from testifying and judging flows from social conventions, and because of this so too formalistic halachic reasons. . . . Over the course of time, with change in accepted societal norms Jewish laws changed too according to necessity, something which opens doorways also today, to reconsider anew the prohibition, and as in any case of [lifting a prior] exemption—to permit it to those who want this.⁸⁴

I WILL CONCLUDE BOTH THIS SECTION AND THIS ESSAY QUITE BRIEFLY. AS I said to open this last portion of my work, I deliberately chose to analyze writings on a topic—may a woman serve as a judge, meaning as an interpreter of Jewish law?—that is paradoxical, or a paradox when a woman writes about it. The paradox is this: what does it mean for a woman to be effectively (in every sense of that word) already doing precisely that which she is ostensibly asking if it is permitted for her to do? The very writing itself has to be understood as a kind of preordained answer to the question. Women are becoming interpreters of Jewish law in the Orthodox world. And that is why this is ultimately a “preliminary study.” How women’s interpretations and rulings will change, modify, renew, or otherwise affect the future of halachic decision-making and Jewish practice is a new frontier only just opening up for scholarship. It is my profound hope that I, and other colleagues, will be able to continue studying this new halachic literature and its impact for a long time to come.

NOTES

1. Blu Greenberg, *On Women and Judaism: A View from Tradition* (Philadelphia: Jewish Publication Society of America, 1981), 44.
2. Although in the original, it appeared in the past tense, as a description of the workings of the halachic system already: “Where there was a rabbinic will, there was a halakhic way.” Greenberg, *On Women and Judaism*, 44. In fairness, she also qualified the statement

just a bit, in keeping with the broad tendencies of Orthodox theology as to the divine origins of Torah and halachah: “This is not to say that talmudic and post-talmudic literature is not ‘the law of Moses at Sinai.’ It is that, but it is also the substance of rabbinic will finding a halakhic way.”

3. Tova Hartman, “Whim or Will: Revisiting Blu Greenberg’s Classic Orthodox Feminist Statement,” in *You Arose, a Mother in Israel: A Festschrift in Honor of Blu Greenberg* (ed. Devorah Zlochower; New York: Jewish Orthodox Feminist Alliance, 2017), 21.
4. Michlelet Bruria (affiliated with Yeshivat Hamivtar), also sometimes known as “Brovender’s” after its founder, Rabbi Chaim Brovender, opened in Jerusalem in 1976 and was one of the first Orthodox institutions to offer women religious studies similar in style and content to what was available to men in yeshivot, including a *beit midrash* setting and the study of talmudic texts. The program merged with Ohr Torah Stone in 1986 and was renamed Midreshet Lindenbaum; this iteration of the institution will be discussed further below. Also in Jerusalem, the formally nondenominational Pardes Institute of Jewish Studies began offering a mixed gender program in Jerusalem in 1972.

In the United States, the one significant option would have been the Drisha Institute for Jewish Studies in New York City, a women’s program founded by Rabbi David Silber in 1979.

5. Rachel Adler, *Engendering Judaism: An Inclusive Theology and Ethics* (Philadelphia: Jewish Publication Society, 1998).
6. *Ibid.*, 25. Ronit Irshai, one of the Orthodox feminist theorists whose work will feature prominently below, also addresses this issue with a plea for (re)centering halachah in Jewish feminist thought, in contrast to what she sees as a privileging of theology: “I do not question the importance of theological discussion, but I am surprised at the prominent place it occupies in Jewish feminist thought, especially since theological questions have never been the core area of Jewish interest. . . . Is there no place within Judaism, given its legalistic character, for a deeper inquiry into distinctively halakhic problems?” Ronit Irshai, “Toward a Gender Critical Approach to the Philosophy of Jewish Law (Halakhah),” *Journal of Feminist Studies in Religion* 26:2 (2010): 58, and see the surrounding discussion.
7. Adler, *Engendering Judaism*, 25; emphasis added.
8. *Ibid.*, 26.
9. *Ibid.*, 27.
10. “Legal Formalism,” Cornell School of Law Legal Information Institute, https://www.law.cornell.edu/wex/legal_formalism. All online items referenced in this chapter were accessible as of June 9, 2021.
11. Gail Labovitz, “Engendering Halakhah: Rachel Adler’s Berit Ahuvim and the Quest to Create a Feminist Halakhic Praxis,” in *Revisioning Ritual: Jewish Traditions in Transition*

- (ed. Simon J. Bronner; Oxford: The Littman Library of Jewish Civilization, 2011), 166. On formalism in halachic adjudication and theory—and a feminist rejection thereof—see also Ronit Irshai, *Fertility and Jewish Law: Feminist Perspectives on Orthodox Responsa Literature* (Waltham: Brandeis University Press, 2012), 12–14.
12. If slightly more ambivalently—especially in Ross’s case, as she opens her book with this statement: “I never used to think of myself as a feminist. Even today I am not totally comfortable with this label. . . . Nonetheless, I believe that it is a revolutionary movement of tremendous importance and that it has much of value to teach us.” Tamar Ross, *Expanding the Palace of Torah: Orthodoxy and Feminism* (Waltham: Brandeis University Press, 2004), ix. See also her response to Yoel Finkelman’s review of her book, in which she further states, “My grounding in Jewish tradition has conditioned me to certain ways of thinking that definitely do mute my feminist proclivities and often lead me to opt for policies that cannot be justified from a strictly feminist point of view.” “Tamar Ross Responds,” *The Edah Journal*, Kislev 5765:11.
 13. I should also add that both have engaged seriously with the work of Rachel Adler, sometimes critically and sometimes as a building block in their own work—as noted by David Ellenson, “To Reshape the World: Interpretation, Renewal, and Feminist Approaches to Jewish Law and Legal Ruling in America and Israel,” *Journal of Jewish Ethics* 2:2 (2016): 42: “Ross and Irshai are in active dialogue with Adler and build upon her arguments, even as they, as Orthodox women, feel they depart from her positions in significant ways.”
 14. Though Ross is not the only Orthodox feminist to take an approach of this sort. See, for example, Tova Hartman, *Feminism Encounters Traditional Judaism: Resistance and Accommodation* (Hanover: Brandeis University Press/University Press of New England, 2007), 16: “The challenge of feminism to Modern Orthodoxy is far deeper than a challenge to specific aspects of halakha, or even to the halakhic process as a whole. . . . What I propose, then, is not a halakhic debate. I do not offer a phenomenological structure of how to join feminism and Orthodoxy or advocate any particular solutions for halakhic change.”
 15. Ross, *Expanding the Palace of Torah*.
 16. Tamar Ross, “Can the Demand for Change in the Status of Women Be Halakhically Legitimated?,” *Judaism* 42 (1993): 478–91.
 17. *Ibid.*, 479.
 18. Ross, *Expanding the Palace of Torah*, 197; emphasis added.
 19. *Ibid.*, 201.
 20. As in as her work *Fertility and Jewish Law*, a book length study of how Jewish legal sources have been interpreted and developed to address modern questions regarding the use of various forms of birth control, reproductive technologies, and abortion.
 21. Irshai, “Toward a Gender Critical Approach,” 68.

22. *Ibid.*, 69.
23. *Ibid.*, 67, emphasis added. And see the nearly identical statement in Irshai, *Fertility and Jewish Law*, 2 (emphasis in the original): “I will not adopt the standard approach of seeking the halakhic tools needed to effectuate change (though I believe this endeavor is important and I do not intend to work against it); rather, I will strive to tell *a different halakhic story*, one that accounts for the female narrative and its missing perspective.”
24. Irshai, “Toward a Gender Critical Approach,” 67–68.
25. *Ibid.*, 75, and see also 76.
26. *Ibid.*, 76–77; emphasis in the original.
27. Ross, “Modern Orthodoxy,” 9; see also 7. Similarly Ross, “Demand for Change,” 479, in which she suggests Greenberg’s aphorism entails several problematic assumptions: “(a) that Halakhah, in its entirety, is determined by humanly conceived considerations of social well-being and popular concern (b) that given sufficient motivation there are virtually no limits within Halakhah for accommodation to these considerations (c) that all Halakhic argumentation and rationalization is just so much window dressing after the fact.” And see also Ross, *Expanding the Palace of Torah*, xi: “I felt her attitude toward *halakhah* was too instrumentalist; she seemed to regard the halakhic process as a flexible means to achieve any goal one might choose. An insufficient appreciation for the fine points of halakhic deliberation from an *insider’s* point of view meant that she had little chance of winning over the halakhic authorities she hoped to influence.” Note also (both in this citation and the sentence that follows it in the book) the not entirely subtle way in which Ross reads Greenberg’s form of feminism, and even Greenberg herself, as “outside” of Ross’s own boundaries of Orthodoxy. For a defense of Greenberg’s approach, see Yitz Greenberg, “Where There is a Rabbinic Will—and You Want to Use Rabbinic Power—There Is a *Halakhic* Way: Blu Greenberg’s Philosophy of *Halakhah*,” in *You Arose, a Mother in Israel: A Festschrift in Honor of Blu Greenberg* (ed. Devorah Zlochower; New York: Jewish Orthodox Feminist Alliance, 2017), 7–19.
28. Ellenson, “To Reshape the World,” 48, and Claire E. Sufrin, “Telling Stories: The Legal Turn in Jewish Feminist Thought,” in *Gender and Jewish History* (ed. Marion A. Kaplan and Deborah Dash Moore; Bloomington: Indiana University Press, 2011), 245 (and similarly 243). See also Sufrin’s summation: “Ross’s account ends without outlining the particular steps such Orthodox feminists might take to bring the values they have gained through their unique perspective into praxis” (245).
- It should be noted, however, that Ross has also raised questions about the challenges arising to traditional (male) rabbinic authority when women become participants in halachic learning and/or when they are increasingly perceived as insufficiently responsive to concerns of gender justice; see further discussion below.
29. Ross, *Expanding the Palace of Torah*, 156–57. Note that this appears in a subsection

of the chapter addressing “the Halakhic System’s Constraints.” See also her assertions further down 157 and on 158 (respectively) that “irrespective of our opinion on any given question of law, in order for a ruling to be legally viable it must be formulated in accordance with accepted procedural rules and conventions of the legal tradition,” and “simply denigrating the intransigence of the halakhic establishment . . . or writing it off altogether . . . negates the possibility of willingness within the system to engage with the dissidents.”

30. Ross, “Demand for Change,” 487; emphasis in the original.
31. Ross, “Modern Orthodoxy,” 15. And see also Irshai’s caution: “Resorting to the rules of the game usually cloaks opposition to matters of content. Accordingly, it is possible that any suggested intellectual-halakhic framework that incorporates feminist insights will immediately be seen as non-Orthodox. . . . It may be best, therefore, to reformulate the question: we should inquire not only about Orthodox halakhic rules or principles that might incorporate feminist insights but also about the conditions under which a feminist halakhic framework could be acceptable within the Modern Orthodox community.” Irshai, “Toward a Gender Critical Approach,” 62. Similarly, Rachel Gordin writes: “As part of this same attempt towards the building of hard boundaries between Orthodoxy and its surroundings, the women who are active in the field of religious discourse are asked to heed this meta-narrative, and to prove that they have no connection to secular feminism, and that all their activities are ‘for the sake of Heaven’ and for the sake of Torah and those who observe it.” Rachel Gordin, “The Effect of Gendered Transformations in the Religious Field on Halakhic Discourse,” in *Halakhah, Meta-Halakhah and Philosophy* [Hebrew] (ed. Avinoam Rosenak; Jerusalem: Magnes Press/Van Leer Institute, 2011), 69 (and see also 74). (All translations of Hebrew sources herein are by this author.)
32. Ross, “Modern Orthodoxy,” 21. Quite similarly, Ross, *Expanding the Palace of Torah*, 231.
33. Ross, “Modern Orthodoxy,” 21. She similarly writes elsewhere: “The concentration of women now opening the books on their own . . . without having these texts necessarily mediated by male authority figures, provides them for the first time with the opportunity to express specifically feminine concerns and to develop their own responses to a tradition of learning that has always been based on the assumption that women are not active partners in the discussion.” Tamar Ross, “A Bet-Midrash of Her Own: Women’s Contribution to the Study and Knowledge of Torah,” in *Study and Knowledge in Jewish Thought* (ed. Howard Kreisel; Beer Sheva: Ben Gurion University of the Negev Press, 2006), 332. Indeed, at the time she was writing this, she herself saw the process as being already underway through the activities of *to’anot rabbin’ot* and *yo’atzot halakhah*, to be described below.

This is also not to say that Ross sees (or at least saw at the time) no risks in these developments. Rather, she expressed some significant concerns about the impact women’s

entry into halachic discourse might have on traditional (male) rabbinic leadership and perceptions of its authority, as for example: “To the extent that the halakhic establishment continues to ignore this burgeoning political force, preferring instead to work exclusively with the conservative elements of Jewish society, rabbinic authority is in danger of losing much of its power and practical relevancy. When leading poskim cannot arrive at satisfactory solutions that alleviate human suffering and sense of spiritual diminishment and moral outrage involved in many women’s issues, female consciousness in our time is led to dwell on the ineffectualness of the existing halakhic establishment, its lack of religious viability, and the inadequacy of its tools.” Ross, “Modern Orthodoxy,” 22 (and see the following paragraph as well). Similarly Ross, *Expanding the Palace of Torah*, 230–31.

34. Ross, “Modern Orthodoxy,” 5.

35. I have no doubt there is more to say here about the differences between what is happening in North America and in Israel. It seems reasonable to surmise that sociological differences between the two Jewish communities (such as a much stronger focus on synagogues as centers of Jewish life in Diaspora communities) affect the different trends in how women are being trained, attaining titles, and taking on differing roles as religious leaders within Modern Orthodox communities. Indeed, I suspect there is existing research to be tapped in this area, but I have not yet reached this stage in my own work on this topic. See, however, Rachel Levmore, “A View from the Other Side,” *Tradition* 49:1 (2016): 54, who asks, “While controversy rages in religious circles on the American side of the ocean . . . why in Israel does the issue of women functioning in the various rabbinic roles not raise such fierce ongoing discussion?” And see also her concluding observations on 57.

36. Ohr Torah Stone: <https://ots.org.il/ots-programs/>. Matan: <https://www.matan.org.il/en/learn-en/beit-midrash-programs/>. Nishmat (and see also below): <https://www.nishmat.net/programs/nishmat-has-a-range-of-programs-catering-to-women-of-all-ages-backgrounds-and-nationalities/>.

Note also the Moshe Green Beit Midrash for Women’s Leadership at Beit Morasha: <https://bmj.org.il/en/research/>.

37. See Rachel Levmore, “Personal Reflections of a *To’enet Rabbanit*,” in *You Arose, a Mother in Israel: A Festschrift in Honor of Blu Greenberg* (ed. Devorah Zlochower; New York: Jewish Orthodox Feminist Alliance, 2017), 79–84, and Levmore, “A View from the Other Side.”

38. See, for example, the program certifying women as *to’annot rabbini’ot* at the Y.N.R. Center in Jerusalem: <https://www.ynrcollege.org/Pages/Studies/ProgramCourse.aspx?programid=46>.

39. Levmore, “Personal Reflections,” 79. And see also Levmore, “A View from the Other Side,” 49–58.

40. Levmore, "A View from the Other Side," 50.
41. "About Us," Nishmat's Women's Health and Halacha, <https://www.yoatzot.org/about-us/602/>.
42. Chana Henkin, "Yoatzot Halachah: Fortifying Tradition Through Innovation," *Jewish Action* (Winter 1999), accessible at <http://ou.org.s3.amazonaws.com/publications/ja/5760winter/yoatzot%20halachah.pdf>.
43. See Nishmat's Women's Health and Halacha, <https://www.yoatzot.org/home/>.
44. Henkin, "Yoatzot Halachah." Note that "qualified" here means rabbinically ordained within Orthodoxy, and hence (for Henkin) by definition male.
45. "History," Maharat, <https://www.yeshivatmaharat.org/mission-and-p2>.
46. Note that "toreh toreh" here indicates a woman's qualifications to give "*hora'ah*" — a term that has a very particular meaning in rabbinic discourse: the issuing of halachic teachings and rulings.
47. See, for example, the reporting of these ordinations in Amanda Borschel-Dan, "At Orthodox Women's Ordination, Preaching a Halacha of Compassion," *Times of Israel* (11 June 2015), <https://www.timesofisrael.com/at-orthodox-womens-ordination-preaching-a-halacha-of-compassion/>, and Amanda Borschel-Dan, "'Post-denominational' Orthodoxy Gains New Leadership in Historic Ordination," *Times of Israel* (9 June 2016), <https://www.timesofisrael.com/post-denominational-orthodoxy-gains-new-leadership-in-historic-ordination/>.
48. "Susi Bradfield Women's Institute of Halakhic Leadership," Ohr Torah Stone, <https://ots.org.il/program/susi-bradfield-wihl/>. On "hora'ah," see n. 46 above.
49. Matan: <https://www.matan.org.il/en/matan-blog/sheelot-tshuvot/>. Beit Hillel/Meshivat Nafesh: <https://www.meshivat-nefesh.org.il/questions/>. As of the most recent viewing of the sites, Matan lists seven women regularly writing *teshuvot* (halachic responsa) for the site (<https://www.matan.org.il/en/matan-blog/about/>), and Beit Hillel/Meshivat Nafesh twenty-three (plus guest contributors; <https://www.meshivat-nefesh.org.il/team/>); at both sites contributors have generally written multiple *teshuvot* each.
50. I should note that as this is explicitly a "preliminary study." I have for the moment chosen not to (yet) take on an investigation of the already surprisingly vast—and ever growing—body of women's actual *p'sak*, so as to seek trends and emerging methodologies. What, if anything, might separate Orthodox women's/feminist work and methods from what has come before is a question I do hope will become part of a later, larger project that might grow from this work. In the meantime, see Ross, "A Bet-Midrash of Her Own," 336.
51. Though they also briefly acknowledge a meaning of "govern." Francis Brown, S. R. Driver, and Charles A. Briggs, *The Brown-Driver-Briggs Hebrew and English Lex-*

icon: *With an Appendix Containing the Biblical Aramaic* (new ed.; Peabody, MA: Hendrickson Publishers, 2000), 1047.

52. Chana Henkin, "Women and the Issuing of Halakhic Rulings," in *Jewish Legal Writings by Women* (ed. Micah D. Halpern and Chana Safrai; Jerusalem: Urim Publications, 1998), 278–87.
53. That said, one interesting element of her article is to be found in the footnotes. Although the article is written in English, as already mentioned, there are several footnotes citing relatively modern responsa (one each from the eighteenth, nineteenth, and twentieth centuries) only in Hebrew, without accompanying translation, as if they are intended only for trained readers.
54. Henkin, "Women and the Issuing of Halakhic Rulings," 282–83.
55. *Ibid.*, 284; emphasis in the original.
56. *Ibid.*, 285.
57. And see also her n. 8: "This applies with even greater force to talk of *semikha* [ordination] of women as 'rabbis,' with its unwanted implications of competition with men for pulpits and other community positions."

I find highly relevant here, then, Gordin's observations on this point. She suggests that "it is the field that inscribes what is possible and what is impossible to say," and that the placement of an actor on the field—such as a woman in the field of halachic discourse—may make it strategic for that actor to engage in a kind of euphemism or "self-censorship." Therefore, "women who see fit to establish new interpretation in halachic matters, may not be able to say that they are writing halachic decisions (*p'sak*), because they need to be able to 'get home in peace.'" Gordin, "The Effect of Gendered Transformations," 72.

58. And so too Irshai; see n. 31 above.
59. She also adds a third point in a similar vein: "We are living in challenging times, when gender roles are changing and family structures are weakening. We must weigh carefully the results of the changes we are making on our families. As we assume new roles uplifting to our spirits and enabling us to apply our new scholarship for the benefit of *Am Yisrael*, we must make certain that we are not falling short of the proper nurture of our children or abandoning the joys of a large family." Henkin, "Women and the Issuing of Halakhic Rulings," 287.
60. "About Kolech," Kolech, <https://www.kolech.org.il/en/about-us-en.html>.
61. Aliza Bazak, "Women Serving as Judges: An Analysis of the Sources of the Law and Their Examination in Light of the History of Legal Interpretation Regarding Judgeship and Authority," in *To Be a Jewish Woman: Proceedings of the Third Biennial Conference 'A Woman and Her Judaism'* [Hebrew] (ed. Tova Cohen and Aliza Lavie; Jerusalem, 2005), 77–122.

62. *Ibid.*, 77.

63. This itself, she notes, is an extraordinary and possibly unique phenomenon, in that the Mishnah is most certainly a legally canonical source while biblical books other than those of the Torah (Genesis through Deuteronomy) typically have little or no halachic bearing, yet here the two are often given equal consideration.

64. Bazak, “Women Serving as Judges,” 80. From the permissive side, the general principle of the mishnah might be explained as either pertaining only to men (i.e., the linkage between judging and giving testimony applies only to the case of men) or that the statement is not binding, in that there is a (paradoxical!) general principle in halachah that rabbinic general principles are often not dispositive.

She also notes additional talmudic sources from which additional bases to permit women as judges might be derived, such as b. Gittin 88b and Bava Kamma 15a, in which the gemara derives the equality and equal liability of men and women before the law and from which some *rishonim* extrapolate equal fitness therefore to judge the law.

It may be similarly argued that the *Yerushalmi* does not take precedence over the *Bavli*, even in a case like this where there is not a direct contradiction of opinion between them—that is, where the *Yerushalmi* provides a definitive ruling and the *Bavli* is, as already noted, highly ambiguous.

65. Bazak, “Women Serving as Judges,” 99.

66. Also notable is that these later sources do not typically rely on Maimonides for their prohibitive position.

67. Bazak, “Women Serving as Judges,” 101.

68. *Ibid.*, 106.

69. *Ibid.*, 115.

70. As, for example, for the Beit Hillel/Meshivat Nafesh website; see n. 49 above.

71. Idit Bartov, “May a Woman Serve as a Judge?,” in *Ma She’eilateikh Ester v’Tei’as* [Hebrew] (Jerusalem: Midrashet Lindenbaum/Ohr Torah Stone, 2014), 37–65. This work is also accessible as an online pdf, posted at <https://ots.org.il/wp-content/uploads/2014/10/-----pdf>.

72. Bartov, “May a Woman Serve as a Judge?,” 37.

73. Which also means that she largely skips over the prohibitive stance of the *abronim*, detailed by Bazak.

74. Bartov, “May a Woman Serve as a Judge?,” 37.

75. *Ibid.*, 45.

76. *Ibid.*, 48. She even notes that a total ban on involving women in court proceedings could (and sometimes did) become a means of subterfuge—for example, by transferring disputed or ill-gained assets to a wife or other woman who could not then be summoned as part of a hearing on the matter.

77. *Ibid.*, 49; see similarly on 50 and 51. See also the extended appendix that further details instances in which women might provide testimony, 60–65.
78. *Ibid.*, 54.
79. *Ibid.*, 54; emphasis added.
80. *Ibid.*, 37.
81. One might, by the way, note the heteronormative assumptions of the authorities Bartov cites and perhaps even to an extent of Bartov herself (and certainly of Henkin).
82. Bartov, “May a Woman Serve as a Judge?,” 56.
83. Note also Ross’s refusal of this sort of gender essentialism: “I, along with the feminists, have little sympathy with those views which equate descriptive statements as to the nature of women with Absolute Truth, even when these have been expressed by great Jewish authorities. . . . Empirically, a specific form of role stratification between the sexes is not a necessary or permanent feature of ‘normal’ society; Jewish traditional opinions are not totally divorced from the concrete context in which they were formulated.” Ross, “Demand for Change,” 480–81.
- Finally, Bartov concludes this section (56–58) with a discussion of claims that women’s participation in roles such as judging must be invalid because the demand for and from women to serve in such capacities comes from outside and imitates and incorporates values and assumptions about gender roles that are inimical to “Torah” Judaism and Jewish values. This line of discourse has, of course, already been discussed and exemplified several times above in this chapter.
84. Bartov, “May a Woman Serve as a Judge?,” 59.

