

“Women Are Like Cattle.” Some Remarks on Early Jewish Judicial Vocabulary on Women and Nature

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In the present chapter, I shall analyse the origin, semantics, and theological-political relevance of a Talmudic idea that postulates similarity between women and cattle. As I show, the Talmud never actually says: “Women are like cattle.” Nevertheless, this juxtaposition is implied in a number of Talmudic passages and is usually employed with a number of different purposes—ritual, juridical, and cultural. None of these are strictly independent from each other. On the contrary, they all concur in expressing some fundamental patterns of gender relationships in the Talmud. With respect to this, the implicit assumption that “women are like cattle” provides a sort of “flexible taxonomy” rather than a metaphysically founded “ontology.” Therefore, when used in a non-literal sense, the term “cattle” exhibits a rich semantics that I shall try to reconstruct with a short selection of passages from the rabbinic literature. In particular, I try to show that the function of this statement—“Women are like cattle”—has gradually evolved from designating a simple ritual precaution to providing a legal exemption, and finally to assessing a sort of cultural (and physical) distinction between men and women.

1. Gender Studies in Early Rabbinic Literature

Women’s and Gender Studies have only recently had an academically serious impact on Jewish Studies.² Scholars predominantly focusing on early rabbinic and Talmudic literature have raised gender-relevant issues with respect to sexuality, women’s lives, and other such topics.³ In the present context, the Talmudic juxtaposition of women to cattle will be treated as a specific metaphor, whose rationale reflects

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2. Greinman 1999.

3. Hauptman 1998; Boyarin 1999; Fornrobert 2000; Hauptman 2005; Ilan 2008; Valler 2009; Or 2010; Marx 2013; Dal Bo 2013; and Ilan 2017.

an “all-pervasive body politics.”⁴ I shall try to demonstrate that this metaphor originally has a juridical function, but it conveys a number of ethnic and gender presuppositions that cannot be neglected while reading these texts.

Early Jewish juridical vocabulary is well articulated in particular examples of early Rabbinic literature: the legal commentaries on Scripture (*midrashey halakhah*), the Sifra (an early commentary on the Book of Leviticus), the Sifre (an early commentary on the Books of Numbers and Deuteronomy) and especially the Mishnah (the most authoritative Hebrew law book). All these texts—that broadly belong to the so-called “Early Rabbinic Literature”—elaborate on a series of principles provided in the Hebrew Bible. They usually offer a clear perspective on sexuality and, by implication, gender relationships. Gender issues are frequently associated with a specific treatment of sexuality, which is usually evaluated positively with respect to the order of Creation. As this evaluation has to conform to “heteronormativity” because of specific legal, cultic, and cultural presuppositions, it offers several regulations of human sexual behavior with respect to specific religious expectations.⁵ “Heteronormativity” here designates not only the socially established requirements to which every individual has to conform vis-à-vis sexuality but also the belief system that underlies “institutionalized heterosexuality.”⁶ This complex implies that a gender hierarchy is then embedded in heteronormativity, as socially established roles are treated as reflecting the divine will of Creation. The fundamental assumption is that “heterosexuality” includes not only sexual intercourse between a married, heterosexual couple, and also the social institution that allows such intercourse to be legitimate—marriage. Moreover, heteronormativity is understood as the only correct criterion for determining both a just sexual life and a socially acceptable hierarchy between males and females. The complex of sexual taboos emerging from Biblical heteronormativity was well received by Rabbinic literature and can be tabulated as follows:

HETERONORMATIVITY	TABOOS
Jewish Marriage	Intercourse during menstruation (<i>niddah</i>)
	Incest
	Intermarriage with non-Jews
	Prostitution
Heterosexuality	Homosexuality
Vaginal Intercourse	Oral Sex
	Anal Sex

Accordingly, sexuality is seen to have a social dimension that must be “normed” from the outside—from external legislative corpora. These include many, historically diverse texts from Rabbinic literature: some early Rabbinic commentaries on Scripture (*midrashim*), a commentary on the legal portions from the Book of Exodus (Mekhilta), a commentary on the Book of Leviticus (Sifra), a Rabbinic commentaries

4. Burrell and Hearn 1989: 13.

5. For a brief treatment of sexuality in the Second Temple period, see: Dal Bo 2018 (forthcoming). For an investigation of sexuality in early Christianity, see the prominent, recently published Foucault 2018.

6. I take this expression from Ingraham 2006: 307.

on the legal portions from the Books of Numbers and Deuteronomy (Sifre), the Hebrew rulebook called Mishnah, and its Aramaic commentary Gemara—whose Palestinian and Babylonian versions respectively originated the Palestinian Talmud (also called: the Talmud from the Land of Israel) and the Babylonian Talmud.⁷ More specifically, the Talmud formally consists of the union of these two texts: the early 3rd-century Hebrew Mishnah and the later Aramaic Gemara (“completion”)—the latter existing both in a Palestinian (4th century) and Babylonian version (6th century). The Talmud consists then in the union of Mishnah and Gemara in a single textual corpus. In broader sense, the Gemara also designates a local commentary on the Mishnah.

Early Hebrew juridical and non-juridical texts chronologically belong to the Second Temple literature—traditionally covering the period from the edification of the second Temple of Jerusalem in 515 BCE to its destruction in 70 CE—but usually lack the specific traits of the coeval pseudo-epigraphical and apocalyptic texts, especially the latter’s interest in mythical and cosmological rationales for sexual conduct. On the contrary, this early Rabbinic literature developed specific tractates in juridical terms and refrained from narratives that were inserted later in the Talmud—both in the Babylonian Talmud and, to a lesser extent, in the Talmud of the Land of Israel. Most of the Rabbinic discussions on sexuality were formalized in a set of rules that would necessarily expand the original Biblical horizon, sharing Qumran’s concern to provide clarifications and specifications of Biblical rulings, such as purity laws and especially the norms concerning sexuality. These clarifications predominantly exhibit a legal-judicial nature in both language and content.⁸ Biblical rulings are usually discussed either explicitly (in the early Hebrew commentaries on the Bible) or rather implicitly (in the Mishnah) but usually involve a detailed engagement with Biblical phraseology. An exhaustive treatment of sexuality is to be found, for instance, in a series of texts, grouped in one collection on women—called Order *Nashim* (“Women”)—including rules on levirate marriage (*Yebamot*), marriage contract (*Ketubot*), women’s vows (*Nedarim*), women’s naziriteship (*Nazir*), women suspected of adultery (*Sotah*), divorce (*Gittin*), and betrothal (*Kiddushin*). Each of these texts offers a highly detailed account of the way the authors understood women’s lives.

The range of sexual issues examined in early Rabbinic literature usually overlaps with the pertinent Biblical prescriptions. Early Rabbinic literature covers almost all the cases discussed in the Hebrew Bible, due to the implicit adhesion to it: Biblical heteronormative principles are described as God-given rulings and are usually used to contrast every divergent expression of sexuality. As a result, sexual behaviors that might endanger the male-female binary distinction as well as a number of other related collateral issues are stigmatized and rejected. This is particularly clear when reading famous passages from Scripture that unequivocally condemn, for instance, homosexuality, while contrasting it with heterosexuality:

“You shall not lie with a *man* as you lie with a woman; it is an abomination” (Lev 18:22).

Early Rabbinic literature is somewhat tolerant with respect to specific Biblical institutions—such as polygamy—and also treats the issue of having intercourse with a menstruating woman more moderately,

7. For a general introduction to Rabbinic literature, see the reference work Stemberger 1996.

8. Scholarship on the legal nature of the Talmud and its language is immensely large and cannot be treated here. For a modern, philosophical introduction to the topic, see: Borowitz 2006 and Dolgopolski 2009.

as far as it is stigmatized but not as severely as, say, a case of incest. Most of the core legislation to be found in the Book of Leviticus, for instance, is devoted to limiting and punishing incest.⁹ Overall, sexuality is treated positively within the created order. It is, however, restricted to specific places and times in ways that generally conform to Biblical rulings, without exhibiting the type of radicalism manifested, for example, in Qumran literature. Early Rabbinic literature also agrees with most Biblical injunctions on human sexuality and specifically manifests a strong interest in legally elaborating on specific cases, mostly by commenting on lacking or implicit aspects of biblical legislations. See for instance, the case of father-daughter incest, the conflation of same-sex relations among males and pederasty, largely treated in the Book of Leviticus (Lev 18–20), with the notable exception of the treatment of same-sex relations among females that is only implied, according to Rabbinic hermeneutical principles.¹⁰ Nevertheless, these Rabbinic corpora exhibit some conceptual imprecision, especially since they tend not to distinguish between “person” and “act.” Different from the modern system of ranking offences in terms of their gravity with respect of the value of an individual, ancient legal corpora tend to offer an “ideological reading of legal infringement, failing to distinguish between social prominence and the moral nature of the offence itself. Consequently, they address the same kind of punishment both for an incest case and for intercourse during menstruation.”¹¹ It is also necessary to show that such an imprecise perception supports, if not encourages, a particular vision of sexuality and gender. Since the Rabbis assume that incest and intercourse during menstruation have to be punished in the same way, then intercourse during menstruation is implicitly equivalent, in gravity and social stigmatization, to incest. The act of equating intercourse during menstruation with incest obviously sustains a repressive vision of sexuality.¹²

On the other hand, polygyny was apparently not widespread in practice but accepted in theory. This is particularly evident from the non-stigmatized use of cases of polygyny in Rabbinic literature and the later reception of the famous ban exclusively in those lands where the spiritual leadership of the 10th-century Ashkenazi master Rabbi Gershom was later recognized.¹³ The practice of polygyny in Jewish society at the time of the early Rabbinic literature makes a strong distinction between what is considered sexually “immoral” for the husband and the wife. As long as polygamy and concubinage were deemed legitimate, a man was legally permitted to form connections with other women without legally injuring any of his wives. Conversely, a connection that a woman formed with any men other than her husband was always considered an offense to the latter’s rights and falls under the definition of adultery. This is particularly clear when examining the Biblical legislation against adultery:

“If a man commits adultery with another man’s wife—with the wife of his neighbor—the adulterer and the adulteress shall surely be put to death” (Lev 20:10).

9. Scholarship on the topic is immense. See for instance: Carmichael 1997.

10. For a detailed treatment of this topic, see: Dal Bo 2013: 183–184.

11. See: Dal Bo 2013: 37.

12. Ilan 2006: 100–101 and Dal Bo 2013: 117.

13. On the treatment of polygyny, see again Dal Bo 2013: 117–119. On the reception of Rabbi Gershom’s ban of polygyny, see for instance the recent Witte 2015: 60.

The allusion to “another man” is not only semantically redundant, as a “wife” obviously has to be married to somebody else, but especially qualifies who has really been offended in the present case. This obviously is the husband—whose “patrimonial” rights have been infringed upon. Conversely, Scripture tolerates a sexual transgression of a married man with a socially lesser woman—a young maidservant who is betrothed to none—exactly because this will be qualified as a “transgression” rather than a socially relevant crime.¹⁴ This imbalance—ideologically depending on the social role of the woman involved in the adultery case—helps to construct a gender-based hierarchy within heteronormativity, reflecting again the inability of distinguishing between “person” and “act,” as anticipated.

2. *The Juridical Category of “Cattle”*

In addressing some statements in which women are compared to cattle, one will immediately note there is no sentence actually stating that “women are like cattle” in Rabbinic literature. Yet this comparison is as consistent as it is subtle.

The Rabbis usually rely on a hierarchical value-scale, contrasting angels with humans as well as humans with beasts. A famous passage from the Talmud states these contrasts in plain terms:

“Our rabbis taught: [...] Six things were said of humans: In three [they are] like ministering angels and in three like beasts. Three like ministering angels: They have a mind, like ministering angels, and they walk upright, like ministering angels, and speak in the holy tongue, like ministering angels. Three like beasts: They eat and drink, like beasts, they multiply, like beasts, and they produce bodily refuse like beasts” (bHag 16a).¹⁵

The rationale of this famous passage is self-evident: humans are like angels in their spiritual faculties and humans are like beasts in their anatomy and biology. This famous passage allows us to draw a hierarchical chart that posits angels at the top, humans in the middle, and beasts at the bottom. Although this hierarchy seems almost self-evident and unproblematic, it actually hides a number of gender and theological-political issues.

This requires a look at a second famous passage from the Mishnah that specifies who can be excluded from the obligation of pilgrimage.¹⁶ These individuals are pitilessly listed as follows:

“The deaf, the imbecile, the minor, an individual of uncertain sex (*tumtum*), an androgyne, and women and slaves that have not been manumitted, and the amputated and the blind, and the sick and the elderly” (bHag 1:1)¹⁷

14. Dal Bo 2013: 412–413.

15. I follow the translation from Ilan 2017: 12.

16. I am freely elaborating from Ilan 2017: 13–15.

17. I follow the translation from Ilan 2017: 13.

The list opens tractate *Hagigah* but clearly establishes a socially, sexually, and ethnically embedded hierarchy. The counterpoint of these detailed exclusions obviously is an individual who is neither deaf, imbecile, minor, of uncertain sex, androgyne, female, slave, amputee, blind, sick, or elderly. In few words: a healthy male Jewish individual is the best candidate to leave on pilgrimage. Although this list might have expressed practical purposes—such as exempting less fortunate individuals from this ritual duty—recent scholarship has shown that the immanent function of this list is to provide a discriminatory lineage of the people of Israel. In particular, “this list makes the (even Jewish) woman that much closer to a beast than the regular male Jew, even one of impaired birth, even a proselyte, even a manumitted slave.”¹⁸

These Talmudic passages thus imply that the category of “human,” especially with respect to its juridical relevance, refers exclusively to a Jew: mostly to a male Jewish individual and, to a lesser extent, to a female Jewish individual. This ethnic and gender discrimination is based on a theological presupposition: given that angels speak the Holy Tongue, only Jews can spiritually be assimilated to them because it is unlikely that Gentiles would be doing so. Interestingly enough, an obvious argument—also Jewish women speak Hebrew—has no impact on the assumption that there is a specific, almost epistemological hierarchy between men and women.

In this context, it should be emphasized that it is unclear whether this hierarchy is actually meant to be derogatory or, better put, whether its intention is in principle to humiliate women in favor of men. Modern sensibility suggests that every instance of hierarchy is by implication derogatory regarding those who have less power or impaired. Yet the lack of this sensibility in pieces of legislation so distant in time from the present context should be judged carefully. These texts are ambiguous and usually frustrate our sense for equality without really implying inequality, as far as this statement might sound paradoxical. This complex, convoluted treatment of gender and power in Rabbinic literature can be clarified by examining the case of women and Gentiles. Indeed, we face contradicting assumptions. On the one hand, Talmudic literature usually ascribes to women the same intellectual abilities of men. On the other hand, derogatory assumptions are usually introduced because of women’s allegedly fragile emotive nature, without implying, strictly speaking, that they would be intellectually inferior to men. One should recall the case of Beruriah—who probably is the most famous female character in the Talmud. The probably literary nature of this character does not disqualify the importance of her figure, since Beruriah is both a rare, if not unique female scholar and a wife who is married to the prominent Rabbi Meir: she excelled in her study but was humiliated by her husband, who wanted to prove her voluble nature and caused her to be seduced by a student of his. Humiliated by this event, she killed herself. This story well proves how the Rabbis acknowledged both her unparalleled brightness and her sexually seducible nature.¹⁹

More complex is the issue whether Gentiles are considered intellectually inferior to Jews. Some passages from Talmudic literature explicitly compare Gentile to “donkeys,” for two simultaneous reasons: their inability to partake of the requirements of Jewish Law and their intellectual inability to do so.²⁰

18. Ilan 2017: 13.

19. I have treated this famous Talmudic figure and its gender implication in Dal Bo 2017.

20. For brevity’s sake I cannot treat here the assumption that Gentiles are like donkeys, as maintained for instance in bBK 49a. This assumption is usually sustained by a particular reading of Gen 22 and specifically of the expression “with the donkey”

Despite its theological evidence, this hierarchy has a specific juridical function: designating primary and secondary legal subjects with respect to Jewish Law. It is then unsurprising that other passages from early Rabbinic literature suggest a more subtle distinction between “Jews,” arguing that Jewish priests are superior to Jewish Levites, who are superior to Israelites, who are superior to groups of illegitimate Jewish children, who are superior to proselytes, who are superior to slaves, etc. While combining these assumptions, and referring to the aforementioned Talmudic passages, it is possible to tabulate this ethnic and gender hierarchy as follows:²¹

Angels

		Priests
		Levites
		Israelites
		Illegitimate children
Humans	Jews	Proselytes
		Manumitted Slaves
		Women
		Hebrew/ Canaanite Slaves

Gentiles

Cattle

This chart clearly illustrates the ethnic and gender implications of the angel-human-beast hierarchy established by Rabbinic literature. While heavily relying on ritual presuppositions, Rabbinic literature puts Jewish priests at the top and Gentiles at the bottom, due to their proportionally decreasing commitment to Jewish Law.²² Whereas Jewish priests are expected to observe all the requirements of Jewish Law, Gentiles are mostly exempted from doing so, while animals are obviously exempted entirely. With respect to this, this ethnic and gender hierarchy also has the function of describing different grades of juridical obligations: Jewish Law is fully mandatory for Jews, partially mandatory to Gentiles, not mandatory at all to beasts. Accordingly, the category of “beast” also serves the function of describing a

(*‘im ha-hamor*) (Gen 22:5) that is vocalized as “people of the donkey” (*‘am ha-hamor*) and then expanded into “people similar to a donkey” (*‘am domeh le-hamor*) in Rabbinic literature.

21. For a similar tabulation, see: Dal Bo 2013: 201 then elaborated further in Ilan 2017: 15. The present version of the chart is considerably simplified.

22. See again Ilan 2017: 13–15.

full exemption from a juridical obligation. Nevertheless, the use of this category in a juridical context is never pure or ideologically neutral. On the contrary, it involves a number of ethnic and gender implications. One may use the category of “cattle” as a metaphor to designate someone exempted from juridical obligation. Yet the category itself clearly involves a number of derogatory assumptions, since humans are degraded to animals.

While treating this ethnic and gender hierarchy with respect to women, Tal Ilan has recently drawn attention to a passage from Tractate *Hullin* (on slaughter of animals for sacrifice and consumption) that explicitly juxtaposes humans—especially women—to beasts. The passage—that apparently shows the Rabbis’ lack of expertise in zoology—clearly states that this juxtaposition is educational:²³

“And if you say: I learn this for humans and this teaches us with regard to beasts, [I say:] one does not deduce from beasts with regard to humans, because the beast has no birth canal, and one does not deduce from human with regard to beast, because the former has a unique face” (bHul 68a).²⁴

This passage clearly states that humans and animals share common anatomical traits but also significant differences. For instance, if a beast does not have a birth canal but women do, one should raise the question how one can extrapolate from a beast to a woman. The argument is not zoological but juridical. It implies that the category of “beast” can be used to describe someone’s commitment with Jewish Law, as anticipated. Yet the Rabbis are not only concerned with the practical use of this category in a juridical context but also with the implications that this kind of hierarchy conveys. While recalling the previous list exempting specific individuals from the duty of pilgrimage, it appears that the Rabbis clearly agree with the implications that a male Jewish individual shall be regarded as ethnically, juridically, and theologically superior to Gentiles as well as with the implication that Jewish males are then superior to Jewish females. This gender hierarchy resonates with the assumption that males and females eminently interact in ways that are well reflected in “heteronormativity”—intended again as a form of institutionalized sexuality and therefore as a paradigm for any relationship between different genders. This implication is obviously contextual with heteronormativity that posits a clear difference in Jewish males’ and Jewish females’ obligations.

Statements such as the one examined in the present paper—“women are like cattle”—are often used in early Jewish literature with a specific juridical purpose: establishing a hierarchical classification among potential juridical subjects based on some natural presuppositions. My main assumption is that such statements have a specific epistemological genesis: nature is not considered to be a separate realm with respect to the human one—rather to be in continuity with it. Because of this, human juridical categories can trespass into the natural ones and vice versa—creating a tight conceptual complex.²⁵

If one intends to provide a possible genesis for this statement—“women are like cattle”—one might assume that “cattle” serves as a real juridical category especially when put into continuity with the other six fundamental classes in early Jewish juridical vocabulary, as mentioned above. This human-animal

23. Ilan 2017: 17.

24. I follow the translation from Ilan 2017: 16.

25. Dal Bo 2013: 152–153.

mixed classification shall then explain/rationalize decreasing obligation with respect to the Jewish Law—rather than as a derogatory system. Accordingly, the Jewish Law manifests its strongest mandatory force with respect to a number of subjects: Jewish male individuals (who are obliged to fulfill every commandment in Scripture); Jewish female individuals (who are exempted from some specific time-bound commandments in Scripture); Jewish children (who are virtually exempted from most of the commandments in Scripture); Gentiles (who are exempted from most of the ethnically specific commandments in Scripture); and finally cattle (which is not a legal subject as such). As it is evident, “cattle” here represents a sort of circumlocution for “nature” and designates the natural realm that is fundamentally exempted from obeying the Jewish Law. For now, we shall maintain the assumption that this hierarchy actually exhibits a neutral character and we shall neglect its more problematic aspect: that is, that this hierarchy somehow induces a subtle discrimination against minor legal subjects, such as women, children, slaves, and Gentiles. I intend to show how the juxtaposition of women to “cattle” is used in both a juridical and a ritual context with a specific juridical purpose: exempting women from some Jewish-specific commandments. This kind of exclusion is eminently of juridical nature and is not necessarily derogative. The assimilation of “women” to “cattle”—that is to “nature”—shall rather be seen as a search for “neutrality.”

In other terms, “women” should occasionally be considered as a neutral category, in this very sense: they pertain neither the category of those Jewish individuals who are commended a specific *mitzvah* nor the category of those Jewish individuals who are *temporarily* exempted from a specific commandment under specific conditions of uncleanness—during a menstrual period, for instance. Because they are somehow temporarily “non-Jewish,” women might occasionally be considered “neutral” in the etymological sense of the expression: “neither / nor” with respect to the aforementioned Jewish categories. Therefore, they are designated as “cattle”—or strictly belonging to “nature.” In other terms, Jewish women are exempted from specific commandments, in particular occasions, to the extent that they are fictionally treated not only as non-Jewish individuals but, even more radically, as “beasts,” in the sense that they are fully exempted from commandments; therefore, they, like cattle, are not legal subjects in that instance.

3. *The Application of “Cattle” as a Juridically Neutral Category*

The following small portion from a longer discussion is about the obligations of a pregnant woman who may or may not follow specific dietary prescriptions due to her condition. The text pertinent to us is extracted from a very long and complex discussion that we cannot examine in detail here for brevity’s sake. The discussion takes place in tractate *Keritot* about the dietary prescriptions of a pregnant woman.²⁶ It employs a number of pre-Talmudic sources in order to answer the question about the amount of food to be consumed within a given period of time, in which two different meals may be considered a single meal. After reporting the discussion between several Rabbis about what “a whole portion” (mKer 3:3) is, the discussion moves towards a related issue: what makes food and drinks unclean. Specifically, the question is treated in detail while examining the case of a lactating woman who feeds her baby. The

26. For a comprehensive analysis of this passage, see: Dal Bo 2013: 336–346.

question that arises is the following: if she is unclean—due to a number of reasons such as touching a dead body or while menstruating—at the same time she is lactating, is her baby clean or not? The text runs as follows:

“It is taught: [They] permit a [woman] who touched an unclean dead [person] to nurse her son and her son is clean. How is he clean? Since he sucks milk, he should be unclean from the milk. And [should you] say that he was not rendered fit [to receive uncleanness by contact with liquid], he is made fit [to receive uncleanness] from an unclean drop [of milk] on the nipple. Rav Nahman said [in name of] Rabbah bar Abbuha [who] said: He sucked in a single pull, so no unclean drop was formed on the nipple. Rava said: [I have] two answers to the issue: One, that we see that the mouth of the boy is full of milk. And more, the place of milk is a spring. Indeed [it is taught]: The milk of a woman renders unclean whether [it was drawn] willingly or unwillingly, [whereas the milk of a] beast does not render unclean unless [it was drawn] unwillingly does not [the expression] unwillingly [mean] that [the baby] does not enjoy it? And it is taught: “[The milk of a woman] renders unclean” (mMakh 6:8). Rather, Rava said: The meaning for [the expression]: Her son is clean, is that it is doubtful whether he sucked a [standard] amount and it is doubtful whether he did not suck [it]. And if you wish to say that [her son] sucked [a standard amount], it is [still] doubtful whether he sucked [the standard amount] in [the time prescribed for] eating a whole portion, or whether he sucked more [than the standard amount] in [the time prescribed for] eating a whole portion. And as to Rava, [the expression]: The place for milk is a spring, and does not need to be made fit [to receive uncleanness by contact with liquid](...) The place of milk of a woman is not a spring. If so, this mishnah is difficult. Has not Rava said: [Milk of a woman] renders unclean whether [it was drawn] willingly or unwillingly? Do you assume that [Rava] said that [the expression] unwillingly means that [the son] does not enjoy it? No. What does [the expression] unwillingly [mean]? [Rava] said that [it means] that the mind of the baby is on the milk but [Rava] said: Because he does not enjoy it, he is clean.” (bKer 13a).

The introduction of gender-relevant issues in this Gemara functions to explain the rhetorical arrangement of the discussion. The cases of a pregnant and a lactating woman are introduced in order to object to a Rabbi’s position regarding the consumption of a whole portion.

On the one hand, the Rabbis admit that a pregnant woman is allowed to eat as much as she wants. With respect to the issue at hand, this means that she is allowed to eat less or more than a whole portion and in either case she is permitted to make herself clean. The reason why a pregnant woman is not subject to the rules pertaining to a whole portion is because of “the seriousness [of her condition]” (*sakanah*). The female body is assimilated to a “vessel” with the Aramaic term *gewiyyah* (“corpse”) with which the present Gemara designates a woman’s body. This term, probably derives from *gaw* (גו, “the inner”) and is notably different from the juridical Hebrew term *guf* (גוף), which denotes both a “body” and a “legal entity.” It rather designates a body from a strictly material point of view, as a corporeal existence, either as a material body or even as a corpse.²⁷

27. See again: Dal Bo 2013: 342.

On the other hand, while treating the case of a lactating woman, the Rabbis compare her either to a beast, for a non-conclusive opinion, or to a spring, for a conclusive opinion. In the present case, we shall treat only the comparison of a woman to “cattle,” as anticipated.

4. *Gender Observations*

The most notable gendered observation pertains to the comparison made between a woman and a beast. The text distinguishes between this formal juxtaposition, and the actual status of the two: “The milk of a woman renders unclean whether [it was drawn] willingly or unwillingly, [whereas the milk of a] beast does not render unclean unless [it was drawn] unwillingly” (bKer 13a).

Yet the comparison is formally justified as it presupposes a (formal) reduction of a woman to other mammals. This “abstract” evaluation of a “woman” as a “mammal” is consistent with the comparison of a woman’s nipple to an (artificial or natural) source. In both cases, the body of a woman is subject to a rigid juridical system and is formally reduced to its functionality of providing milk. Thus, she can be compared both to a mammal which lactates, and to a spring, as source of fluids. Both these interpretations are founded on the general assumption that the body of a woman is not a unique entity that requires a special, distinct treatment and can therefore be compared to other entities. This hermeneutical principle is not gender-discriminatory as such, since it can also be applied to the body of a man. The act of comparing the human body to animals and artificial entities corresponds to a necessity of explaining inexplicable bodily functions. Although the *practical* function of lactating, for instance, is a truism—providing a baby with the necessary nourishment—its *biological* function or mechanism is absolutely inexplicable, at least to the intellectual class of the Rabbinic elite in ancient Babylon. This inability of describing the intrinsic nature of bodily functions would posit an epistemological difficulty to the ancient Jewish mind that tried to offer a comprehensive catalogue of beings in the world, possibly reflecting the inherent laws of purity. The necessity of bypassing this epistemological impasse would probably justify the Rabbis’ frequent use of metaphors from the animal and natural world, probably under the assumption that their respective functions were better-known. The ideological orientation of these explanations is also revealed from the circumstance that the Rabbis much more frequently refer to the female than to the male body. Whereas the female body represents the “other” if not “otherness” in general, the male body can be described in mythical and theological terms as “image of God” (Gen 1:26) and therefore is not such a mystery, after all.

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