

# When Women Walk in the Way of Their Fathers: On Gendering the Rabbinic Claim for Authority

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One [unspecified] time the government decreed that they [the Jews] should not observe the Shabbat, and that they should not circumcise their sons, and that *they should have intercourse with their wives during their menstrual period.*

—*b. Meilah* 17a, emphasis added

LATE ANTIQUE RABBINIC literature makes repeated references to decrees that were ordained by a “government” (variously designated but rarely specified historically) and that prohibit the observance of a list of Jewish practices.<sup>1</sup> In their emphasis on bodily rituals, such decrees seem intended to undermine the continuity of the Jews as a corporeal community, which is exactly the light in which rabbinic texts cast them. Traditional historicists have expended considerable effort on dating and contextualizing these decrees.<sup>2</sup> However, precisely because the rabbinic texts omit specific historical references, such as the names of rulers or locales, these efforts have more often than not been inconclusive. My intention here is not to comb the lists for historical references either to suggest an alternative chronology or to establish a specific historical context for these decrees. Rather, I intend to read these lists as rabbinic self-reflections, as indicators of what the rabbis considered to be the “essence”

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<sup>1</sup>The references are too numerous to be listed here. For a complete list with references, see M. Herr, “Martyrdom and Its Historical Background in the Second Century,” in *Holy War and Martyrology* (Jerusalem, 1967), 77–79 (in Hebrew).

<sup>2</sup>See, for example, Gedaliah Alon, *The Jews in Their Land in the Talmudic Age* (Cambridge, 1984), 649–53.

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of Judaism. By projecting the prohibition of these practices onto a hostile government, a government that self-evidently had stigmatized the practices in order to destroy the Jewish community, the rabbis emphasized how essential they were. Therefore, in their literary (as opposed to historical) context, these lists of prohibited practices direct the reader's attention to what the rabbis considered to be the heart of Jewish life.

The prohibited practices listed vary from text to text, but among the items singled out, circumcision appears quite prominently in almost every list.<sup>3</sup> With respect to circumcision, the talmudic list cited above is a case in point, but at the same time that list is exceptional because it also includes a reference to the biblical prohibition against sexual intercourse between a married couple during the wife's menstrual period. The only other reference to this prohibition in a comparable list, albeit indirect, is found in a Palestinian midrashic text, most likely dating to the second half of the third century C.E., which underlines the centrality of the practices listed therein:<sup>4</sup> "you find that anything for which Israel gave their lives has been preserved by them. But anything for which the Israelites did not give their lives has not been preserved by them. Thus the Sabbath, circumcision, the study of the Torah, and *the ritual of immersion*, for which Israel gave their lives, have been preserved by them. But such [institutions] as the Temple, civil courts, and the sabbatical and jubilee years, to which Israel was not devoted, have not been preserved among them."<sup>5</sup>

In this text the reference to ritual immersion is attached to the three more conventional observances: Sabbath, circumcision, and Torah study. Ritual immersion, although possibly also involving men, was increasingly associated with women and with the biblical notion of menstrual impurity. In these two texts the rabbis elevated this particular biblical regulation of sexual behavior into the canon of essential Jewish (rabbinic) practices, practices

<sup>3</sup>For a complete list of the individual items supposedly outlawed at various times by the Roman government, see Herr, 77–79. These variations of course frustrate historicists in their attempt to construct a coherent narrative; this frustration is palpable in Alon's discussion (652–53).

<sup>4</sup>This is the general target date of the redaction of the text, which does not mean that the text may not contain earlier sources. For a historical-philological discussion of the text, see G. Stemmerger, *Introduction to the Talmud and Midrash* (Minneapolis, 1996), 255.

<sup>5</sup>*Mekhilta de Rabbi Ishmael*, "Tractate Shabbata," I, my emphasis. I am using the edition and translation of Jacob Z. Lauterbach (Philadelphia, 1976), 204, with slight emendations. The literal translation of the locution "gave their lives" would be "gave their souls." Lauterbach translates "[the commandments] to which they were devoted with their whole souls" but changes the formulation to "for which they laid down their lives" for one of the occurrences. Implied in this Hebrew is the notion of martyring themselves, which is clearly indicated by textual parallels in Louis Finkelstein, ed., *Sifrei ad Deuteronomy, pisqa 76* (New York, 1993), 140, and *b. Shabbat* 130b. The version in *Sifrei* adds "during the time of persecution," the Babylonian Talmud adds "at the time of a decree by the government."

against which the Romans could be imagined to rule in their perennial effort to eradicate Jewish particularity. Regulating the sexual behavior of a husband and wife was thus part of the rabbinic attempt to generate and sustain norms of Jewish identity. In other words, the rabbinic struggle for Jewish difference in the Roman Empire was carried out on women's bodies as well as men's.

I emphasize this point here because some recent studies of Jewish identity in late antiquity, though methodologically sophisticated, have continued to designate circumcision as the identity marker of primary importance.<sup>6</sup> I do not mean to say that this is unwarranted insofar as rabbinic literature is concerned. In fact, the textual "biography" of the decree quoted at the beginning of this essay illustrates this. In versions of the decree cited elsewhere in the Babylonian Talmud, the reference to the prohibition of menstrual sex does not even appear: "On the 28th of Adar the Jews received the good news that they were no longer kept from the Torah and should not mourn. Because the kings of wicked Edom had issued a decree against Israel that they should not circumcise their sons, nor observe the Sabbath, and that they should worship idols."<sup>7</sup> In this version of the "essence" of rabbinic Judaism, women are not simply marginalized but are rendered completely

<sup>6</sup>Sacha Stern, *Jewish Identity in Early Rabbinic Writing* (Leiden, 1994), writes that "the exclusion of the non-Jews [from the experience of 'being Israel'] is most articulately expressed in those commandments which are specifically related to Jewish identity—circumcision, Shabbat, and Torah learning" (206). For a more recent account, see S. J. D. Cohen, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Berkeley, 1999). Cohen is generally much more considerate in his account of the role of women and gender difference in the historical evolution of Jewish identity. On page 39 he at least prefaces his discussion of circumcision with "stating the obvious": "even if circumcision is an indication of Jewishness, it is a marker for only half the Jewish population. How you would know a Jewish woman when you saw one remains open." In one of the early studies of late antique culture influenced by Foucault's work, Daniel Boyarin wrote: "For the Jews of late antiquity, I claim, the rite of circumcision became the most contested site of the contention around the body, precisely because of the way that it concentrates in one moment representations of the significance of sexuality, genealogy, and ethnic specificity in bodily practice" (*Carnal Israel* [Berkeley, 1993], 7). This statement is certainly correct as far as the concerns of our mostly male authored rabbinic sources are concerned. However, the perspective of the sources needs to be critiqued and supplemented as to reading the historical-cultural situation of the emergence of rabbinic Judaism. For Boyarin's most recent argument, see "A Tale of Two Synods: Nicea, Yavneh, and Rabbinic Ecclesiology," *Exemplaria* 12 (2000): 21–62, in particular the section "Women's Bodies and the Rise of the Rabbis" (30–46), as well as his essay "Women's Bodies and the Rise of the Rabbis: The Case of Sotah," in *Jews and Gender: The Challenge to Hierarchy*, Studies in Contemporary Jewry Annual 16 (Oxford, 2000), 88–101.

<sup>7</sup>*Megillat Ta'anit* (Scroll of fasting), ed. Hans Lichtenstein, *HUCA* 8 (1931): 350. See also *b. Taanit* 18a and *b. Rosh Hashanah* 19a. The *Megillat Ta'anit* is comprised of a list of thirty-six days from the period of the Second Temple on which it is forbidden to fast because of some joyful occasion. The Aramaic part of the scroll stems from the first and second centuries, whereas the Hebrew commentary is post-talmudic. For a discussion of the text, see Stemberger, *Introduction to the Talmud and Midrash*, 34. In this quotation, the first sentence is in Aramaic followed by the explanation in Hebrew, most likely a citation

invisible. However, I believe that the modern scholarly focus on circumcision is not just the replication of or acquiescence to the gender bias of rabbinic texts. Rather, it misrepresents the texts by ignoring the constitutive role that rabbinic literature, in particular the Mishnah, actually attributes to women in the construction of “Israel.”<sup>8</sup> The body that is inscribed with “Israel” and that constitutes the social, collective body of Torah is not just male gendered but is also female. The early rabbinic discussion of the intersection of women’s “ethnic” identity and gender-specific practices, that is, the discourse on menstrual impurity and its concurrent religious observance, supports this idea. This discussion, when read closely, reveals that the rabbis had strategies to establish their own authority over women, their bodies, and their religious observances.

The first point I wish to make is that the mishnaic attention to the constitutive role that women’s bodies play in the construction of “Israel” needs to be rendered visible in discussions of Jewish identity in late antiquity in order to produce more nuanced accounts of that identity. Amy Richlin’s critique of Foucault’s project is relevant here: “The absence of the female from *The History of Sexuality* is pervasive, going beyond a simple choice of subject matter. For one thing, at times the narrative itself erases the female; for another, at times the design of the whole, and the selection of genres and authors considered in the second and third volumes, combine with the narrative voice to form slippages, so that the text replicates the omissions of the history of the documents.”<sup>9</sup> Accordingly, in describing his sources, Foucault adopts rather than critiques their voices, and, in Richlin’s view, the gender bias of the ancient sources goes on to shape Foucault’s entire project.<sup>10</sup> A similar criticism can be made of studies of

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from the talmudic sources. Here the commentator in the *Megillat Ta’anit* specifies the government as wicked Edom, a signifier for Rome. See Gerson D. Cohen, “Esau as Symbol in Early Medieval Thought,” in *Jewish Medieval and Renaissance Studies*, ed. Alexander Altman (Cambridge, MA, 1967), 19–48.

<sup>8</sup>For a discussion of the contested deployment of this term in the early rabbinic period, see Graham Harvey, *The True Israel: Uses of the Names Jew, Hebrew and Israel in Ancient Jewish and Early Christian Literature* (Leiden, 1996) and Stern, 10–13. For the struggle over ownership of this referent between Jews and Christians, see Marcel Simon, *Verus Israel: A Study of Relations between Christians and Jews in the Roman Empire A.D. 135–425* (London, 1996).

<sup>9</sup>Amy Richlin, “Foucault’s *History of Sexuality*: A Useful Theory for Women?” in *Rethinking Sexuality: Foucault and Classical Antiquity*, ed. David H. J. Larmour, Paul Allen Miller, and Charles Platter (Princeton, 1998), 139. See also Lin Foxhall, “Pandora Unbound: A Feminist Critique of Foucault’s *History of Sexuality*,” in *ibid.*, 122–38.

<sup>10</sup>Richlin, 143. Richlin, therefore, concludes that feminist historians of sexuality should move beyond our “unnecessary and unproductive” preoccupation with Foucault (169). See, however, Page duBois’s critique of Richlin on this point in “The Subject in Antiquity after Foucault,” in *ibid.*, 89. Even though she equally finds her greatest problem with Foucault’s work in his gender blindness, she correctly insists that feminist historians depend on his notions of discourse and disciplinary genealogies (85) and that he keeps us from reifying the category “woman” (96).

late antique Jewish identity, studies like Sacha Stern's, which postulates: "In [Jewish] women's confinement, their very experience of ethnic difference loses much of its relevance, and thus fades into 'subsidiary awareness.' In the case of women the very experience of 'Israel' can be allowed, itself, to subside."<sup>11</sup> What does this statement mean? To whose experience does Stern refer here? And who or what allows it to subside? The text or the rabbis? But what would that mean for the actual experience of historical Jewish women? Is that "subsidiary awareness" something possessed by the women who lived in a culture that included the production of rabbinic texts? Is it really true that "Jewish women have no share in much of the distinctive praxis of Israel, which we have argued is an essential constituent of Jewish identity?"<sup>12</sup> Again, Amy Richlin's relentless question to Foucault applies to the rabbinic texts as well: "While male elite philosophy and its consumers built for themselves a 'use of pleasure,' a 'care of the self,' what did this mean for women?"<sup>13</sup> In our context, while the rabbis and their disciples built for themselves a religion of Torah based in study of Torah, while indeed they rewrote Torah, what did this mean for women?

This leads me to a second point. It is not enough simply to clarify what the rabbis thought about the constitutive role of women's bodies and women's sexuality in their overall construction of the utopian Israel. By rendering visible the rabbis' concern about the use of women's bodies, we cannot escape the androcentrism of this small class of learned men. Women and their practices remain largely the *objects* of rabbinic knowledge, instruments in the rabbinic struggle for hegemony in a diverse Jewish world that included Jews who became Christians. It is far from clear that Jewish women would have viewed themselves in the language that is deployed in the rabbinic texts or whether for Jewish women not being a gentile was as important as it was for the rabbis. In the final part of this essay, then, I will suggest that the rabbis regarded their struggle for hegemony over the religious practices of Jewish women as necessary because there may well have been women who did not accept rabbinical authority over all of those practices.

#### MISHNAIC THEORIES ABOUT WOMEN'S ETHNIC IDENTITY

Crucial to the exploration of women's identity are texts found in the tractate of the Mishnah<sup>14</sup> that deals with menstrual impurity, *Tractate Niddah*. The first part of this tractate lays out in great detail the earliest rabbinic interpretations and expansions of biblical rules pertaining to menstruation (Lev. 15,

<sup>11</sup>Stern, 242.

<sup>12</sup>Ibid., 240.

<sup>13</sup>Richlin, 150.

<sup>14</sup>I capitalize Mishnah when referring to the text as a whole. When discussing an individual section, I employ the lower case.

18:20, and 20:19). The tractate focuses mostly on questions pertaining to the ritually impure status of a menstruating woman and her ability to transfer this status to other people and to things related to the Temple. It should be noted here that the legal aspect that is still applicable today, as it would have been at the time of the Mishnah, that is, the prohibition from having sexual intercourse during the wife's menstrual period, is hardly discussed in this mishnaic tractate.<sup>15</sup> Instead, the focus is on women's need to be in a status of ritual purity in order to handle items such as the heave offering that is consumed in priestly families. By the time the Mishnah was edited at the end of the second century, such issues were primarily theoretical.<sup>16</sup>

The Mishnah draws fine distinctions between those types of blood that constitute menstrual blood and hence bring about a status of ritual impurity and those that do not. I have argued elsewhere that one of the significant functions of these discussions is to institute the rabbis as the experts on menstruation and hence the new authority to whom women should submit themselves.<sup>17</sup> It is the distinction of types and colors of blood in particular, a radical innovation vis-à-vis biblical law, that characterizes early rabbinic law promulgated in the Mishnah as rabbinic. Menstruation, in other words, is one of the aspects of human life subsumed under rabbinic knowledge, and women's bodies are rendered legible in rabbinic terms, a form of Torah.

Subsequently, the Mishnah introduces a discussion of various groups of women who are "ethnically" distinguished from each other based on their supposed observance of menstrual laws.<sup>18</sup> It does not merely juxtapose "Jewish" women who observe the biblical laws concerning menstruation and non-Jewish women who do not. Rather, it focuses on various practices marked as "Samaritan" and "Sadducean," two liminal categories of Jewish identity beyond the rabbinic pale. All "Jewish" groups share the same territory: the biblical text. But the observance of menstrual laws becomes, in the rabbis' interpretation of it, a practice that establishes and defines identity to such a degree that "Samaritans" and "Sadducees" can be named together and in contrast to others. The rabbis of the Mishnah thus suggest that observance of the biblical laws on menstruation is not sufficient to function as an unambiguous identity marker of Jewish women, in opposition to all other women. Other Jewish groups also observe these biblical laws in some fashion. Their claim to the same textual territory is exactly what constitutes them as potential rival authorities. Hence, what is

<sup>15</sup>Judith Hauptman, *Rereading the Rabbis: A Woman's Voice* (Boulder, 1998), 147–77.

<sup>16</sup>For a more extensive discussion of this issue, see Charlotte Fonrobert, *Menstrual Purity: Rabbinic and Christian Reconstructions of Biblical Gender* (Stanford, 2000).

<sup>17</sup>*Ibid.*, chap. 4: "The Hermeneutics of Colors and Stains: The Rabbinic Science of Women's Blood," 103–28.

<sup>18</sup>I use this term for lack of a better one, even though it is imprecise.

at stake in distinguishing the Samaritans and Sadducees through reference to the observance of menstrual laws is rabbinic authority.

The daughters of the Samaritans [*benot kutim*] are regarded as menstruants from their cradle on, and the Samaritans [i.e., the husbands] impart impurity to the lower and the upper bedding,<sup>19</sup> since they have sex with menstruants *because their wives continue* [to count their days of impurity] *on account of any blood.* (*m. Niddah* 4:1, emphasis added; cf. *t. Niddah* 5:1)

The daughters of the Sadducees [*benot zadduqim*], as long as they resolve to walk in the ways of their fathers, are regarded as Samaritan women [*kutiyot*]. If they separate themselves [from these ways] in order to walk in the ways of “Israel,” they are considered like “Israel.” Rabbi Yossi says [in disagreement to the previous anonymous opinion]: They are always considered like “Israel,” unless they separate themselves in order to walk in the ways of their fathers. (*m. Niddah* 4:2; cf. *t. Niddah* 5:2)

The Tosefta, the compendium volume to the Mishnah from the mid-third century C.E., adds a case story before citing Rabbi Yossi’s statement differently:<sup>20</sup>

A case about a Sadducee who conversed with a High Priest. Some spittle escaped from his mouth and fell on the clothes of the High Priest, whereupon his face turned yellow. They went and asked his [the Sadducee’s] wife<sup>21</sup> and she said: “My good priest, even though we are Sadducean women [*nashei zaduqiot*] we all consult a sage [*bakham*].” Rabbi Yossi said: we are experts in Sadducean women more than anybody,<sup>22</sup> because they all consult a sage, except for one who was amongst them and died. (*t. Niddah* 5:3)<sup>23</sup>

<sup>19</sup>This is derived from the biblical statement that “everything she lies upon during her menstrual period shall become impure” (Lev. 15:20). The same applies biblically to the man who has a genital emission (Lev. 15:4). The rabbis understand this to mean that no matter how many mattresses he or she may lie upon, the lowest one, just like the upper one, becomes impure. The phrase has been variously interpreted to mean either that the sheet below a person and the cover will be rendered impure (*b. Niddah* 32b) or that if a person is lying on a stack of mattresses, the lowest one just as the uppermost one are rendered impure, even though one may not have touched the lowest one.

<sup>20</sup>This phenomenon is a common feature of the Tosefta and only corroborates the problem of reading these texts as historicists, that is, toward a reconstruction of history “wie es denn eigentlich gewesen ist.”

<sup>21</sup>Some manuscripts read: “He went and asked his wife,” with the referent presumably being the high priest. Lieberman dismisses the reading of the Maharsha based on this version, according to which the high priest asks his own wife; see S. Lieberman, *Tosefet Rishonim: Seder Tohorot* (New York, 1999), 268 (in Hebrew).

<sup>22</sup>This statement is somewhat confusing; see below. I believe that this is how the confusion in the transmission of the text can be explained (see *ibid.*, 268).

<sup>23</sup>This story is cited, with slight but not insignificant changes, in the Babylonian Talmud, *b. Niddah* 33b.

The crucial question about these texts is their referentiality. Are they to be read as rabbinic “ethnography” of women’s practices? Who, then, are the Samaritans and the Sadduceans? Or are they to be read as theoretical texts, in which the categories of the “others” are constructs that function as counterparts to what the Mishnah attempts to construct as “Israel” to bolster its own claim to *Verus Israel*? I believe that the truth lies somewhere in between, but let me first expand on the historicist approach that takes the texts to refer to historical Samaritans and Sadduceans, since the question of dating rabbinic texts is notorious.

The first mishnah discusses the halakhic status of Samaritan women. For the purposes of this essay, we do not need to trace the complicated history of the historical Samaritans in Palestine.<sup>24</sup> It is important to note, however, that the Samaritans as a self-identified group that drew on biblical law maintained a historical presence in Palestine throughout the first few centuries C.E. Potentially, therefore, there is a historical referent to the term, even one contemporaneous with the Mishnah. Regardless, discussions of the Samaritans’ halakhic status and identity relative to “Israel” pervade the whole of rabbinic literature. Rabbinic ambivalence about the Samaritans is perhaps best captured in a statement in the Tosefta that parallels *m. Niddah* 4:1 in its definitional attempt: “A Samaritan is like a non-Jew, according to the opinion of Rabbi [Yehudah ha-Nassi]. [But] Rabban Shimeon ben Gamliel [his father] says: A Samaritan is like ‘Israel’ in all respects” (*t. Terumah* 4:12). Hence, whatever their historical character, the Samaritans are primarily a theoretical problem in tannaitic texts. They represent a type of “interstitial category.”<sup>25</sup> This is the case in *m. Niddah* 4:1 as well, especially once we realize the logical problem in the text: on the one hand, Samaritan women are assigned a status of permanent menstrual impurity from their birth on, regardless of their actual practice;<sup>26</sup> on the other hand, Samaritan husbands have sex with permanent menstruants because of a specific practice (“their wives continue [to count their days of impurity] on account of any blood”) that differs significantly from the mishnaic distinction of different types of blood. To put it differently, the

<sup>24</sup>Roots of the mishnaic term *kutim* can be found in 2 Kings 17:24–41, where the Assyrians deport the ten northern tribes of Israel from Samaria, replacing them with people from Babylon and from Kuta. For a more extensive discussion, see Lawrence Schiffman, “The Samaritans in Tannaitic Halakhah,” *Jewish Quarterly Review* 75 (1985): 323–50; Stern, 99–105; and Ferdinand Dexinger and Reinhard Pummer, eds., *Die Samaritaner* (Darmstadt, 1992).

<sup>25</sup>Thus Stern, 100. However, he ignores *m. Niddah* 4:1.

<sup>26</sup>The Babylonian Talmud is quite puzzled by this halakhically problematic use of the category of menstrual impurity: “how is this to be imagined? If [the mishnah refers only to the case when] they do indeed observe a blood flow—then this should apply to *our* [women] also. But if the mishnah refers [even] to those [Samaritan girls] who do not observe a blood-flow—should *theirs* [Samaritan girls] not also be considered accordingly [like ours]” (*b. Niddah* 31b). This puzzlement engenders a fascinating discussion that cannot be dealt with in the framework of this essay.



Samaritans do not accept the mishnaic innovation. The text leaves open whether it is the mishnaic innovation of differentiation of blood types that they do not accept or whether they even have a choice. Ultimately, the tension between a constructionist and an essentialist identification of the Samaritans as “other” remains unresolved in the Mishnah.

The Sadducean women present an even more complex issue for a historicist reading. The Sadducees as a group are well attested in first-century sources, even though no sources produced by a Sadducean survive.<sup>27</sup> Generally, the Sadducees are considered to have gradually disappeared during the years following the Roman-Jewish war and the destruction of the Temple.<sup>28</sup> The question of their ongoing existence as a historical group into the second century C.E. hinges on exactly the texts under discussion.

Most commonly, these texts have been used by historians of first-century Jewish sectarianism, in particular, those historians who are interested in the historical character of the Sadducees.<sup>29</sup> More recently, they have also been used for the history of Jewish women.<sup>30</sup> There are generally two historical approaches. In the first, the texts are read for their “historical” content and therefore as sources for the history of first-century sectarianism, since supposedly there could not have been any Sadducees in the second century, that is, after the destruction of the Temple.<sup>31</sup> This approach ignores both their appearance in the Mishnah, a second-century text, and the fact that the one rabbi mentioned by name, Rabbi Yossi, is a second-century figure.

<sup>27</sup>For a careful historical assessment of the sources, see G. Stemberger, *Pharisäer, Sadduzäer, Essener* (Stuttgart, 1991). I am leaving aside the complicated question of identifying some texts among the Dead Sea Scrolls to Sadducean views as we know them from rabbinic writings. For this question, see Lawrence H. Schiffman, “Pharisaic and Sadducean Halakhah in Light of the Dead Sea Scrolls: The Case of Tevul Yom,” *Dead Sea Discoveries* 1, no. 3 (1994): 285–99.

<sup>28</sup>Stemberger, 129. Stemberger here refers to S. J. D. Cohen’s famous thesis that “Jewish society from the end of the first century until the rise of the Karaites, was not torn by sectarianism,” which he articulated in his now famous essay “The Significance of Yavneh: Pharisees, Rabbis and the End of Jewish Sectarianism,” *Hebrew Union College Annual* 55 (1984): 36. The supposedly historical picture of rabbinic Judaism as “a society which tolerates disputes without producing sects” (29) has been challenged more recently, notably by Boyarin (“A Tale of Two Synods,” see n. 6). Noting the existence of parallels between early medieval Karaite and supposed first-century Sadducean ideas, Stemberger raises the interesting albeit somewhat speculative question of whether such parallels do not indeed disturb the harmonious image: “Can such parallels be explained without positing any historical dependence, or are they at least in part textually transmitted (by early findings of Qumran texts), or do they indicate a resistance against rabbinic views that continued to smolder for centuries and only found more explicit articulation in the Islamic world?” (*Pharisäer*, 130).

<sup>29</sup>See Stemberger, *Pharisäer*; and A. Saldarini, *Pharisees, Scribes and Sadducees: A Sociological Approach* (Edinburgh, 1989). The first mishnah is usually ignored, even though both mishnayot appear to function as a pair. But see Cohen, “The Significance of Yavneh,” 32, n. 10.

<sup>30</sup>Tal Ilan, *Jewish Women in Greco-Roman Palestine* (Peabody, MA, 1996), 100–105.

<sup>31</sup>So, for instance, Tal Ilan, who claims the Rabbi Yossi certainly had never seen a Sadducee in his life (*ibid.*, 104–5). See also Stemberger’s assessment (*Pharisäer*, 129).

The latter point has been taken into consideration by Shaye Cohen, who has suggested a second approach. Cohen has proposed that Rabbi Yossi, at least in the Tosefta, is indeed referring to contemporary Sadducean women; however, he qualifies his idea by commenting: “If this is correct, Rabbi Yossi’s statement shows that some Sadducees still existed in the mid-second century but that their power declined to the extent that the rabbis could assume that most Sadducees follow rabbinic norms.”<sup>32</sup> While Cohen also reads this text for its “historical” content, he contextualizes it in Rabbi Yossi’s generation in the middle of the second century. In his view, the two versions of Rabbi Yossi taken together leave a trace of a group that is already on the verge of disappearance and no longer presents any particular challenge to rabbinic hegemony, certainly by the time the Mishnah is edited. The overall historical picture that the Mishnah, together with the Tosefta, supposedly provides is that “in tannaitic tradition, named sects virtually disappear after 70. The lone passage which refers to Sadducees in the second century presumes their complete subjugation to rabbinic authority.”<sup>33</sup>

Without discounting entirely the historical possibilities that Shaye Cohen and others discuss, I suggest that we must push further and ask the question, Why do the Mishnah and the Tosefta codify these statements at all? Even if there are historical referents for them, and even if the compilers of the Mishnah and Tosefta had historiographical interests, why, in particular, is the incident of the high priest and the Sadducee included? Therefore, it may be fruitful to shift our investigation away from the historicity of the Sadducees or Samaritans represented in rabbinic texts and toward discerning what these texts tell us about the attempt to construct rabbinic authority, particularly over women’s religious practice. Much more can be learned from the Mishnah and Tosefta if we pay closer attention to their rhetorical strategies.

The case story in the Tosefta demonstrates most clearly that it is rabbinic authority that is at stake. The Sadducean wife allays the priest’s anxiety about having been rendered ritually impure and hence incapacitated for Temple service<sup>34</sup> by stating that “even though we are Sadducean wives

<sup>32</sup>Cohen, “The Significance of Yavneh,” 33.

<sup>33</sup>Ibid., 33–34, with reference to *t. Niddah* 5:3.

<sup>34</sup>The relevance of this pertains to the Temple only, meaning the priest would have had to undergo ritual purification before being able to perform any functions in the Temple or before eating any priestly food. This is corroborated by the numerous parallels of the story motif (*y. Megillah* 1:12, 72a; *y. Horayot* 3:5, 47d; *Leviticus Rabbah* 20:11, M.470, etc.) in which the high priest is rendered impure by the spittle of an Arabian king right before Yom Kippur and therefore cannot perform the service. See Stemberger (*Pharisäer*, 59, n. 56), who suggests that perhaps the shift of the story motif to a Sadducean in our case story is only secondary. This seems somewhat contrived to me considering that the Tosefta provides most likely an earlier version. The narrative motif, however, and the interchangeability of the non-Jew and the Sadducean only underline the difficulty of reading these stories as sources for the historical character of the Sadducees. Cynthia Baker, *A Well-Ordered House: The Architecture of Gender in Jewish Antiquity* (Stanford, forthcoming) will provide a detailed discussion of the parallel versions of this story.

we all consult<sup>35</sup> a sage.” She is not alone; all Sadducean wives run to a sage.<sup>36</sup> The formulation (“even though”) indicates that what was to be expected is that, as a Sadducean wife, she would not have subjected herself to the authority of a *hakham*, a sage trained in rabbinic distinctions between types of blood. However, consulting the sage means that her menstrual calendar is synchronized with the complicated menstrual calendar established by the Mishnah. Further, Rabbi Yossi’s curious statement draws a sharp comparative distinction between “us” and “them”: “We are experts *more than anybody* concerning Sadducean women, because *they all* [*kulan*] consult a sage.” In contrast to the Mishnah’s hypothetical statement, he claims that the sages already do have control over the Sadducean women, except for the token woman who conveniently dies.<sup>37</sup> Rabbi Yossi’s statement is curious in that the proverbial rabbinic expertise is doubled. Not only are we, the sages, experts in matters of menstrual impurity because of our expertise in distinguishing types of blood; but we, the sages, are experts in Sadducean women, and we, the sages, understand their observance. Therefore, “we” know for a fact that the Sadducean wife of the case story is not lying.

Finally, the spatial staging of the story is instructive, particularly with the additions to the story in the Babylonian Talmud’s version. The two men have a conversation in the marketplace (*shuq*, *b. Niddah* 33b),<sup>38</sup> but the wife is not present. The men first have to go to her, but the text leaves the precise location open: perhaps somewhere else in the marketplace, perhaps in her home. If they are running to the Sadducean home, their actions would seem to support a conventional juxtaposition between public space inscribed as male territory and private space inscribed as female, as Stern also suggests:

<sup>35</sup>Ilan translates “we are all examined by a sage” (*Jewish Women*, 104), which produces a different nuance not implied in the Hebrew.

<sup>36</sup>The version of the story in the Babylonian Talmud adds the phrase “even though they are Sadducean wives *they fear the Pharisees* and show their blood to the sages” (*b. Niddah* 33b).

<sup>37</sup>It is incomprehensible to me how anybody can take this latter statement at face value. Stemmerger attributes the woman’s death to rabbinic wishful thinking (*Pharisäer*, 59). Cohen, however, seems to read Rabbi Yossi’s claim as a factual statement, since he writes: “This *baraita* clearly implies that R. Yosi is referring to contemporary Sadducean women. If this is correct, R. Yosi’s statement shows that some Sadducees still existed in the mid-second century” (“The Significance of Yavneh,” 33). Even though the version of this story in the Babylonian Talmud “personalizes” Rabbi Yossi’s account by adding “[except for one woman] *who was in our neighborhood*” (*b. Niddah* 33b), the rhetoric of it all seems so overdrawn to me that I find it next to impossible to read this historically.

<sup>38</sup>On the *shuq*, or marketplace, as a problematic space in terms of gender, see Cynthia Baker, “Bodies, Boundaries, and Domestic Politics in a Late Ancient Marketplace,” *Journal of Medieval and Early Modern Studies* 26 (1996): 391–418.

It may be suggested that although the “daughters of Israel” are theoretically fully Jewish, their confinement to the domesticity of the home and their limited exposure to the non-Jewish, outside world means that they are less in need of “identity markers” (such as circumcision and Torah learning) to distinguish themselves from the non-Jews. Thus they can be “Israel” without them. In women’s confinement, their very experience of ethnic difference loses much of its relevance, and thus fades into “subsidiary awareness.” In the case of women the very experience of “Israel” can be allowed, itself, to subside.<sup>39</sup>

In light of this assessment, the men would be negotiating their identity in the marketplace, being exposed to the non-Jewish or, more precisely, differently Jewish world, while the wife sits at home. However, even if we were to read this narrative staging as evidence of a general cultural arrangement,<sup>40</sup> our story also beautifully indicates the problem with the conventional and somewhat simplistic distinction between the public space where men negotiate their identities and the private/domestic space to which women are confined. The story clearly shows that the rabbis are quite concerned with controlling what is going on in the bedroom. Women’s menstrual observances and their sex lives with their husbands have immediate consequences in the marketplace, and the male negotiation of identity is transported back into the bedroom. The story, therefore, undermines a strict division between domestic and public space, as if a wall separated the two.<sup>41</sup>

The case story ultimately functions as an illustration of the preceding mishnah.<sup>42</sup> The mishnah’s hypothetical statement allows for ambiguity

<sup>39</sup>Stern, 242.

<sup>40</sup>This scholarly mapping of the juxtaposition of private versus public onto the gender distinction of male and female has been widely contested in recent feminist work in rabbinic literature. A number of recent studies have collected rabbinic textual evidence to the contrary and have thus shown that the claim that rabbinic texts completely confine women to the domestic scene is wrong. See Judith Hauptman, “Feminist Perspectives on Rabbinic Texts,” in *Feminist Perspectives on Jewish Studies*, ed. Lynn Davidman and Shelly Tennenbaum (New Haven, 1994), 40–62, and Tal Ilan, *Mine and Yours Are Hers: Retrieving Women’s History from Rabbinic Literature* (Leiden, 1997), 171–74. Further, Baker critiques this approach in archaeological scholarship in her forthcoming *A Well-Ordered House*.

<sup>41</sup>See also Virginia Burrus, *The Making of a Heretic: Gender, Authority, and the Priscillianist Controversy* (Berkeley, 1995), 6–12. Burrus reminds us in her discussion of “The Shifting Boundaries of Public and Private Spheres”: “The public-private distinction remains useful as an analytical tool that resonates not only with our own habits of thought but also with the self-understanding of the late-ancient cultures with which we are concerned. But at the same time it is itself a cultural construct, which must be contextualized and interpreted in its particularity” (7).

<sup>42</sup>The Babylonian Talmud cites it as such (*b. Niddah* 33b), and the Tosefta’s sequencing seems to suggest as much.

concerning the Sadducean women's inclusion in "Israel" depending on their choice of paths. The contrast between "the ways of *their fathers*" and "the ways of Israel" is notable. It is not "their" fathers and "our" fathers, a pair that would have indicated the equality of the two groups. It is the abstract category of universal Israel that is contrasted with the ways of "their fathers," a contrast that sounds almost tribal, and deliberately so. The women's inclusion depends entirely on their decision concerning whose authority they will follow, whether they will walk in the ways of their fathers or in the ways of "Israel." In this, the mishnah leaves unexplained how the act of self-distinction (separation from the paths they are used to walking) is to be imagined and what exactly "the ways of their fathers" are in contrast to "the ways of Israel." The story of the high priest addresses precisely this gap. In an almost banal way, following the paths of "Israel" according to the case story means to consult with the sages, to submit to their authority in matters of menstrual impurity.

My reading of this story provides an illustration of the mishnaic theory of women's Jewish identities. What is at stake here is the drawing of boundaries between different paths of Judaism. The women whom the Mishnah and Tosefta mark as "Sadducean" engage in some kind of "traditional," that is, prerabbinic, observance of menstrual practices. The Mishnah marks those observances as "the paths of their fathers." Subsequently, the mishnaic text can be read as a trace of the attempt to bring those "traditional" practices inside the rabbinic regime of knowledge.<sup>43</sup> Menstrual observances are, after all, a key cultural site of women's control, a point I will elaborate upon at the conclusion of this essay.

Finally, I believe we can tease out one more layer of meaning from this mishnah that pertains to the gendering not merely of rabbinic knowledge but of cultural practice and particularly of the women's practice. According to the mishnah, specifically, its first anonymous view, "the *daughters* of the Sadducees, as long as they resolve to walk in the ways of *their fathers*, are regarded as Samaritan women" (*m. Niddah* 4:2).<sup>44</sup> The choice of the kinship metaphors to designate the women's cultural origin, especially in terms of their menstrual observance, is not an arbitrary one. Even though the expression "daughters of . . ." appears frequently in rabbinic literature,<sup>45</sup> the

<sup>43</sup>A similar argument has been advanced by Boyarin in his reading of a different talmudic text concerning sexual practices during intercourse (*b. Nedarim* 20a–b). See also Boyarin, "A Tale of Two Synods" and "Women's Bodies."

<sup>44</sup>The contrast between the term *benot kutim* (daughters of the Samaritans) in *m. Niddah* 4:1 and *kutiot* (Samaritan) in *m. Niddah* 4:2 is notable. Cohen only briefly remarks that the two *mishnayot* differ in style and that this raises the question whether, indeed, they should be examined as a unit ("The Significance of Yahneh," 32, n. 10). I am not sure whether he means by this that the two texts stem from different literary sources. The fact remains that the editors of the Mishnah decided to maintain the contrast in language as they merged both texts into a unified text.

<sup>45</sup>Partially inherited from biblical usage, as in *benot yerushalayim* (daughters of Jerusalem, *m. Taanit* 4:8) and *benot zivon* (daughters of Zion, *m. Taanit* 4:8), the Mishnah uses

Mishnah had alternatives.<sup>46</sup> The alternatives available even in the immediate context of the mishnah under discussion underline the insistence on the kinship metaphor. “Fathers” are ideologically the source of cultural origin. In a context of women’s practice, the insistence on the locution of fathers as originators doubly displaces the mothers as possible sources of cultural origin. Not only are women not teachers and therefore not producers of Torah, the archetypal rabbinic form of knowledge, but the rabbis transform women’s bodies into Torah, a totalizing form of new knowledge of which women can only be the consumers, not the producers. Women are designated as “daughters of Israel,” not because they are to be treated perpetually as daughters (as Judith Romney Wegner has claimed) but because this designation undergirds the conceptual place of “fathers” as the source of cultural origin, even in a context of women’s practice.<sup>47</sup>

This mishnah echoes perhaps another famous passage in which the Mishnah itself as well as the Tosefta designate Hillel and Shammai as the “fathers” not just of the rabbinic movement but of the world—*’avot ha-olam* (*m. Eduyot* 1:4, *t. Eduyot* 1:3).<sup>48</sup> Here the two mythical originators of the rabbinic movement are designated as the fathers whom the “daughters of Israel” follow. Halakhic-mishnaic knowledge is constructed as paternal

*benot yisrael* (daughters of Israel) elsewhere (see *m. Nedarim* 9:10, *m. Yevamot* 13:1, *m. Niddah* 2:1). Both *benot kutim* and *benot ha-zaduqin* are *hapax legomenoi* in the Mishnah as well as in the Tosefta. The Tosefta uses *benot yisrael* even more frequently (see *t. Terumot* 10:14, *t. Eruvin* 2:11, *t. Ketubbot* 7:2, *t. Gittin* 3:5, etc.). See also the expression *benot kefarim* (daughters of villages) for village women (*t. Niddah* 6:9).

<sup>46</sup>Further, the Sadducean woman in the Toseftan case story uses *nasbei zaduqiot* (Sadducean wives or women, *t. Niddah* 5:3), which is somewhat ungrammatical and which is cleaned up in the Babylonian Talmud’s version to appear as *nasbei zaduqim* (wives of the Sadduceans, *b. Niddah* 33b). This is replicated in the statement of Rabbi Yossi, who uses *zaduqiot* (Sadducean women, *t. Niddah* 5:3), as in “we are experts in *zaduqiot*.”

<sup>47</sup>J. R. Wegner, *Chattel or Person? The Status of Women in the Mishnah* (Oxford, 1988). Wegner argues that this term demeans a woman’s personhood because it implies that she is to be treated as a daughter, that is, as a minor: “the demeaning effect of being defined always and only as someone else’s daughter is self-evident” (167). This claim is repeatedly cited (see, e.g., Stern, 237, n. 241).

<sup>48</sup>On an analysis of these texts, see Charlotte Fonrobert, “The Beginnings of Rabbinic Textuality: Women’s Bodies and Paternal Knowledge,” in *Beginning a Reading/Reading Beginnings: Towards a Hermeneutic of Jewish Texts*, ed. Aryeh Cohen and Shaul Magid (New York, forthcoming). In her study of Clement’s use of the kinship metaphors, Denise Kimber Buell has called particularly the construction of the Law of the Father a “naturalizing rhetoric,” employed toward the goal of creating an “authentic lineage,” which allows Clement “to bound his version of Christian identity” (*Making Christians: Clement of Alexandria and the Rhetoric of Legitimacy* [Princeton, 1999], 181). According to Buell, this strategy masks the actual “organizational, behavioral, and doctrinal diversity among Christians” (181). Analogously, one might argue that a parallel rhetoric masks Jewish behavioral and hermeneutic diversity in the mishnaic case. In both cases, the point is to construct proper lineage of knowledge and behavior rather than to reflect such a lineage. Buell’s analysis corroborates my line of reasoning here, even though I think that it is necessary to make the gender politics of the mishnaic claim to hegemony over women’s menstrual and sexual practice more explicit.

knowledge. In the beginning were the fathers. The mishnaic phrase has, of course, a resonance in the biblical *'avot*, the “patriarchs,” that further strengthens the rhetorical claim to authority of the Mishnah.<sup>49</sup> Women’s bodies are made an instrument in rabbinic self-fashioning.

#### WOMEN’S BODIES AND RABBINIC TORAH

What I have proposed thus far is that women were at the center of early rabbinic claims to represent exclusively the universal Israel against other potential rivals in hermeneutic authority over biblical law. The term “Israel,” in fact, was mobilized in the Mishnah to establish rabbinical control over women’s bodies and sexuality. Any account of the construction of Jewish identity in rabbinic texts must acknowledge this strategic move.

But would women have seen themselves in the language that the rabbinic texts employ to make their bodies legible? One must ask what it would have meant for women to live in the world in which these texts were assembled. After all, in the new regime of knowledge that the rabbis set up, women remained as objects or instruments. The Mishnah recognizes women’s heterogeneous practice only in terms of their following their fathers’ path, a path to which the rabbis lay claim.

Foregrounding the mechanisms for instituting rabbinical authority does not help us understand the status of women’s piety or women’s relation to the new male authorities that arose from the ashes of Jerusalem. In fact, insofar as it has highlighted the struggle of these new male authorities for hegemony, this analysis may have strengthened the image of rabbinic Judaism articulated by Daniel Boyarin, one dominated by males “precisely because of the power/knowledge nexus that it institutes, one in which all control is arrogated to the ‘Torah,’ i.e., to the community of rabbinic scholars. . . . We have an even more powerful grab by a male elite of control of all traditional and religious knowledge and power.”<sup>50</sup>

In most instances this is the only tale we can tell, because we have little or no access to what Jewish women thought about the extension of the

<sup>49</sup>Already Ben Sira includes a hymn to the *'avot olam* (Sirach 44:1) with reference to a line of great biblical men from Enoch via Noah, Abraham, Isaac, and Jacob to Moses and beyond. Here Abraham is “the great father of a multitude of nations” (Sirach 44:19). Rabbinic literature and liturgy later focus biblical memory on the three patriarchs, as prominently expressed in the first blessing of the *Shmoneh Esreh*, the central rabbinic prayer: “Blessed are You, Lord, our God and the God of our fathers, God of Abraham, God of Isaac, and God of Jacob.” See also *b. Berakhot* 16b, where the Babylonian Talmud cites a *baraita*, according to which “we call only three [men] the fathers and four [women] the mothers.” The mishnaic *'avot ha-olam* are “new” fathers whose memory is superimposed onto the biblical *'avot*.

<sup>50</sup>Boyarin, “A Tale of Two Synods,” 45.

battlefield of the rabbinic struggle for authority into their bedrooms and onto their bodies. However, there is one source of information about what Jewish women believed and about how they interpreted their own bodies, a source that may require us to reevaluate the historical context of the mishnaic discussion of the Sadducean women. I am referring here to the *Didascalía Apostolorum*, a text from the third century C.E.,<sup>51</sup> approximately contemporaneous with the Tosefta. In the *Didascalía* the anonymous author polemicizes against the women in his community who came from a Jewish background to be baptized as followers of Christ but insisted on observing some form of menstrual laws. By their own choice, much to the chagrin of the author, they refused to pray, to study Scripture, or to participate in the Eucharist during the “seven days of their menstrual period.”<sup>52</sup>

The seven days are in accordance with both biblical law (Lev. 15:19–25) and mishnaic law.<sup>53</sup> However, it is possible that the latter law may not yet have dominated the Jewish community from which these women came, for the Tosefta explicitly rules that women who menstruate could read in the Torah and study mishnaic traditions (*t. Berakhot* 2:13), where, as converts to a Christian community, they now refuse to study Scripture while menstruating. An alternative possibility is even more intriguing: that the women had previously resisted the rabbinic authority that allowed them to approach the sancta while menstruating. The rabbinic authority could simply have been more permissive than the women’s own more “conservative” or pietistic sensibilities, which they carried over into the new community envisioned by the *Didascalía*. This possibility would, indeed, cohere with *m. Niddah* 4:1 discussed above. There, the Mishnah attributes to the Samaritan women a menstrual observance that does not make distinction

<sup>51</sup>According to Vööbus, “it emanates from the third century and as has been suggested perhaps even from the first part of that time period. Connolly suggested the time before the persecution of Decius” (*The Didascalía Apostolorum in Syriac*, 2 vols., Corpus Scriptorum Christianorum Orientalium 401–2 [Louvain, 1979], 2:23). I have dealt with this text extensively for a different purpose in Charlotte Fonrobert, “The *Didascalía Apostolorum*: A Mishnah for the Disciples of Christ,” *Journal of Early Christian Studies* (forthcoming); see also Fonrobert, *Menstrual Purity*, 160–211. Also worthy of mention in connection with the *Didascalía* is S. J. D. Cohen, “Menstruants and the Sacred in Judaism and Christianity,” in *Women’s History, Ancient History*, ed. Sarah B. Pomeroy (Chapel Hill, 1991), 273–99, and more recently, “Purity, Piety, and Polemic: Medieval Rabbinic Denunciations of ‘Incorrect’ Purification Practices,” in *Women and Water*, ed. Rachel R. Wasserfall (Hanover, NH, 1999), 82–101.

<sup>52</sup>Vööbus, 2:329.

<sup>53</sup>As opposed to the later change in talmudic law, about which see Tirzah Z. Meacham, “Mishnah Tractate Niddah with Introduction: A Critical Edition with Notes on Variants, Commentary, Redaction and Chapters in Legal History and Realia” (Ph.D. diss., Hebrew University of Jerusalem, 1989), 154–70 (in Hebrew).



between different types of blood: “their wives continue [to count their days of impurity] *on account of any blood*.” They consider every kind of blood to be menstrual and count their menstrual calendar accordingly. The Mishnah, on the other hand, which does make such distinctions, would appear to be more “liberal,” more permissive, that is, because not every type of blood is necessarily menstrual.<sup>54</sup>

There is, then, a structural similarity between the Mishnah/ Tosefta and the *Didascalía*'s struggle for authority. In both cases, the women are more pietistic or conservative than the authors, who propose a more liberal model. The Tosefta allows women to study during their menstrual period, while the *Didascalía* demands that they do so. The author of the *Didascalía* regards the women's practice as an inappropriate attachment to their former community or behavior and as an indicator of their insufficient identification with the new community. Again, the structural parallel is striking. If we apply the Mishnah's language to the *Didascalía*, it would read in the following way: the author is angered by the fact that the women follow “the ways of their fathers” rather than the ways of the “universal church,”<sup>55</sup> that is, the ways of universal “Israel.”

I do not want to suggest that all or even most Jewish women tended to be more conservative or pietistic in their observance of the biblical laws that applied to their own bodies and sexuality. The case of the *Didascalía* is unique. But the coincidence of the various moments in rabbinic literature and the *Didascalía* allows us to read the discussion in the Mishnah differently. The Mishnah cites the discussion about heterogeneity of the Samaritan and Sadducean women's praxis not merely for antiquarian (historicist) purposes and not merely to establish rabbinic hegemony. It cites conflict where we have evidence of ongoing conflict elsewhere, possibly contemporaneously. That does not mean that the Samaritan women are simply a code for those historical women with whom the *Didascalía* also struggles, but it does mean that Jewish women could have their own interpretations and observations of the biblical laws—interpretations and concomitant praxis that did not necessarily cohere with the male authorities who claimed hegemony over them, be they rabbinic or apostolic. “Jewish women” here could be taken in the widest sense, to include women who do not follow one particular, coherent, nameable school of thought or interpretation—whose practice could be understood as widely heterogeneous at the time of the rise of the Mishnah. The Mishnah then under-

<sup>54</sup>Further, Boyarin's analysis of *b. Nedarim* 20a–b provides a similar instance, in that the rabbis allow couples to engage in sexual practices that are popularly or traditionally feared to produce malformed children (“A Tale of Two Synods,” 41).

<sup>55</sup>A self-descriptive term that has led Georg Strecker to wonder about the disparity between Catholicism as he knows it and the *Didascalía*'s claim to it. See Georg Strecker, “On the Problem of Jewish Christianity,” appendix to Walter Bauer, *Orthodoxy and Heresy in Earliest Christianity* (Philadelphia, 1971), 241–85.

takes to gather them all under one umbrella term called “Israel,” as constituted by Torah, rabbinically defined.

This does, in the end, raise the larger theoretical question of how the history of women’s religiosity or piety in the first three centuries can be written without always assigning to them either a specifically rabbinic or Christian identity. The *Didascalia* provides a case, albeit a rare one, in which women carry a certain sensibility across the border between the Jewish and the Christian communities—not exactly to the liking of the authorities on either side. It is this sensibility and the rabbinic and Christian attempts to colonize it that we need to account for in our historiographies.