

**PRIESTLY MEN AND INVISIBLE WOMEN:
MALE APPROPRIATION OF THE FEMININE
AND THE EXEMPTION OF WOMEN FROM
POSITIVE TIME-BOUND COMMANDMENTS**

by

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I

In this paper I will examine the rabbinic exemption of women from the obligation to perform any “positive time-bound commandment” (מצות עשה שהזמן גרמה), as it appears in M. Kiddushin 1:7. This rule states that women are exempt from the obligation to perform those commandments, such as, for example, sitting in a Sukkah on the Feast of Tabernacles, or saying the *kri’at shem’a*, the declaration of God’s Oneness, morning and evening, in which the requirement for the mandated action comes about with the arrival of a specific time. I offer this analysis of a particular rabbinic ruling, in its literary context in the Mishnah, as a case study in what I claim to be a major component of the rabbinic discourse of gender: the male appropriation of the “feminine” into their own identities, and the resultant exclusion of women from those areas of appropriation. In this paper I will employ a literary/anthropological approach to reading the Mishnah, which I believe is very useful in uncovering such underlying cultural patterns within its succinct, legal writing style.¹

1. A literary approach to rabbinic texts has become increasingly important in recent years and an important body of work is being established in this area. Yonah Fraenkel’s work on rabbinic *aggadah* has been foundational for my work, especially in his emphasis on chiasmic structures (see, e.g., Yonah Fraenkel, *Darkhei ha-aggadah ve ha-midrash* [Tel Aviv: Yad L’Talmud, 1991]). Of course, my teacher, Daniel Boyarin, has been a major influence. His insistence on seeing the text as a part of an entire cultural discourse has helped me to connect the literary with the anthropological sides of my work. See especially his *Intertextuality and the Reading of Midrash* (Bloomington: Indiana University Press, 1990) and *Carnal Israel: Reading Sex in Talmudic Culture* (Berkeley: University of California Press, 1993). Excellent reviews of literary approaches to rabbinic writings, as well as important original contributions, may be found in Aryeh Cohen, *Rereading Talmud: Gender, Law and the Poetics of Sugyot* (Atlanta, GA: Scholars Press, 1998), and David Kraemer, *Reading the Rabbis: The Talmud as Literature* (Oxford: Oxford University Press, 1996), as well as in Jeffrey Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* (Baltimore: John Hopkins University Press, 1999). Jacob Neusner first suggested in the 1970s that anthropology may be the best lens through which to view the *Mishnah*, with its “religion of pots and pans” and emphasis on structural modes of organizing material, and this has been a fruitful insight indeed. See his *Method and Meaning in Ancient Ju-*

In suggesting that the male appropriation of the feminine and the resultant exclusion of women from those areas of appropriation is a major component of the rabbinic discourse of gender, the work of Daniel Boyarin has been a major influence. In an article entitled “Jewish Masochism: Couvade, Castration and Rabbis in Pain,” Boyarin discusses couvade, the male imitation of pregnancy, as an important factor in gender formation which has been much ignored. In discussing couvade he writes:

Although various explanations of these phenomena have been offered in the literature, the one that seems most plausible is that these rites reflect an underlying male anxiety about and envy of the female body and its overwhelming plenitude vis-à-vis the miserably lacking male body, which cannot menstruate, become pregnant, give birth, or lactate. The geographically widespread nature of couvade, along with other related practices, such as male imitation of menstruation, suggests the possibility that male envy of the female body is, in fact, a psychic universal, one, moreover, of enormous explanatory power.²

I wish to take up Boyarin’s suggestion that the idea of male envy of feminine reproductive capacities has enormous explanatory power, specifically in under-

daim, Brown Judaic Series Vol. 10 (Missoula, MT: Scholars Press, 1979), 34–35. See also William Scott Green, “Reading the Writing of Rabbinism: Toward an Interpretation of Rabbinic Literature,” *Journal of the American Academy of Religion* 51, no. 2 (1983): 191–206. I claim, however, that Neusner, by not engaging in close readings of the text, has not fully exploited his own insight into the anthropological modes of thought in the Mishnah (see Shaye J. D. Cohen, “Jacob Neusner, Mishnah and Counter-Rabbinics,” *Conservative Judaism* 37 (1983): 48–63, as well as Rubenstein, *Talmudic Stories*, 5, and A. Cohen, *Rereading Talmud*, 43–69, all of whom have discussed Neusner’s theoretical opposition to close literary readings of these texts). For a fuller discussion of my own approach to combining literary and anthropological analysis of the *Mishnah* see Natan Margalit, “Life Containing Texts: The Discourse of Gender in the Mishnah, a Literary/anthropological Analysis” (Ph.D. diss., University of California, Berkeley, 2000) and Natan Margalit, “Not by Her Mouth Do We Live: A Literary/anthropological Reading of Gender in Mishnah Ketubbot, Chapter 1,” *Prooftexts* 20, no. 1 (2000): 61–86. I would be remiss if I did not mention that I was first inspired to look more deeply into the meanings and modes of thought in the Mishnah outside of the purely academic framework, in what might be called the “nontraditional/traditional” *yeshivot* located in the Katamon and Baka sections of Jerusalem during the 1980s and early 1990s. These include the Pardes Institute, Beit Midrash Elul, and Yakar Learning Community. Dov Berkowitz was especially influential in these settings with his intuitive combination of traditional approaches and his acute literary sensitivity. Avraham Walfish, who was on the faculty of Pardes with Berkowitz in the 1980s, went on to study with Yonah Fraenkel at Hebrew University and wrote “Tofa’ot sifrutiot ba-mishnah u-mashma’utan ha-’arikhatit vaha-ra’ayonit” (Master’s Thesis, Hebrew University, 1994) as well as to publish articles in the journal of Mishnah study that he founded, *Netu’im*. See especially his master’s thesis, pages 35–60, for his analysis of the first chapter of M. Kiddushin. In yet another reading tradition, Moshe Kline’s highly formalistic approach to the Mishnah, which he traces to the Maharal and kabbalistic reading strategies, is also often useful and provocative. See Moshe Kline, *The Structured Mishnah (Mishnah ki-darkah)*, <http://www.chaver.com/Mishnah/TheMishnah.htm>.

2. Daniel Boyarin, “Jewish Masochism: Couvade, Castration and Rabbis in Pain,” *American Imago* 51, no. 1 (1994): 3.

standing the classic texts and institutions of Judaism. As the title of his articles indicates, Boyarin has concentrated on the theme of masochism, the pain of childbirth, and the feminized, nonaggressive rabbinic male. I wish to explore male envy of the feminine power of birth, not specifically focusing on the pain of birth, but, rather, on the powerful idea of generation, of bringing life into the world. This study of the exclusion of women from positive time-bound commandments is one example of this phenomenon, which I suggest runs through much of biblical and rabbinic cultures.

Couvade, or as Boyarin points out, a general envy of the feminine capacity for birth, has not been often presented as an explanation for ancient Israelite or rabbinic phenomena. Bettelheim's *Symbolic Wounds* on couvade and circumcision has been provocative but has not generated a tradition of scholarship on Jewish sources in its wake.³ Exceptions to this rule include Alan Dundes, who has offered an explanation of the creation stories in Genesis in terms of couvade,⁴ Ilana Pardes, whose work has shed light on many of the feminine motifs in the male texts of the Bible,⁵ and Nancy Jay, in her book, *Throughout Your Generations Forever*, where she discusses a theory of biblical (among other) sacrifice as male cooptation of the feminine power of birth.⁶

Howard Eilberg-Schwartz's book, *God's Phallus*, discusses a theory of Israelite religion in which the males were placed in a feminine position vis-à-vis God, but he focuses almost exclusively on (hetero)sexuality, and thus on "the contradictions inherent in men's relationship with a God who is explicitly male."⁷ Thus, although Eilberg-Schwartz deals in depth with the feminization of Israelite and rabbinic Jewish males, he does not concentrate on the factor of male envy of women's reproductive capacities. I argue that this greatly weakens the explanatory power of his thesis. It does not take into account the centrality of fertility and birth as metaphors in Israelite culture, nor does it take into account the possibility of feminine aspects of God. Furthermore, anthropological evidence suggests, as Boyarin points out, that the male envy of feminine powers of birth is very widespread, perhaps universal.

In this regard the work of Sarah Caldwell on the cult of Kali in contemporary Kerala, India, has been extremely enlightening. The parallels of male feminization and female exclusion are all the more striking because Kali is a female deity, ruling out the theory of male feminization as a heterosexual gambit. In her 1999 book, *Oh Terrifying Mother: Sexuality, Violence and Worship of the Goddess*

3. Bruno Bettelheim, *Symbolic Wounds* (New York: Collier, 1962).

4. Alan Dundes, "Couvade in Genesis," in *Folklore Research Center Studies* (Jerusalem: Magnes Press, 1983), 35–54.

5. Ilana Pardes, *Countertraditions in the Bible: A Feminist Approach* (Cambridge, MA: Harvard University Press, 1992); Ilana Pardes, *The Biography of Ancient Israel* (Berkeley: University of California Press, 2000).

6. Nancy Jay, *Throughout Your Generations Forever: Sacrifice, Religion, and Paternity* (Chicago: University of Chicago Press, 1992).

7. Howard Eilberg-Schwartz, *God's Phallus and Other Problems for Men and Monotheism* (Boston: Beacon Press, 1994), 1.

Kali, Caldwell describes the *mutiyettu* ritual/performances of Kerala, in Southern India.⁸ The *mutiyettu* are rituals entirely performed by men, in which the prominent feature is the main male performer's impersonation of the female goddess Kali. Caldwell notes:

My interpretation here explores the juncture of psychoerotic and socio-political power under the guise of ritual power, and the ways that males mystify these to the detriment of women. The supernatural *śakti* of the goddess becomes the property of males, who thereby compensate for their envy and fear of the mother's sexual, procreative body. By coopting this power in transvestite possession performance, males reclaim the envied feminine procreative power within their own bodies, while denying actual social, sexual, and political power to women.⁹

Male appropriation of a feminine power of birth together with exclusion of women has been noted in many cultures.¹⁰ An interesting example of work in this area includes that of Froma Zeitlin. In Zeitlin's 1996 book, *Playing the Other*, and especially in the chapter bearing the same title, she studies this incorporation and exclusion as it is found in ancient Greek theater. She notes that this chapter "reviews the phenomenon of women's puzzling predominance in the theater and speculates on the uses that feminine intervention and characterization might serve in this all-male theater, in which male actors by convention are necessarily called upon to impersonate women."¹¹ As an ancient Mediterranean example, the Greek theater is relatively close to the biblical and rabbinic cultural worlds we are examining. There are interesting similarities in that both the rabbis and the playwrights are attempting to construct autonomous male identities, and at the same time both needed to incorporate the feminine within that male identity.¹²

8. Sarah Caldwell, *Oh, Terrifying Mother: Sexuality, Violence and the Worship of the Goddess Kali* (Oxford: Oxford University Press, 1999).

9. *Ibid.*, 189.

10. See, for example (out of many that could be cited): Rita Gross, "Menstruation and Childbirth as Ritual and Religious Experience Among Native Australians," in *Unspoken Worlds: Women's Religious Lives in Non-Western Cultures*, ed. Nancy Falk and Rita Gross (San Francisco: Harper and Row, 1980), 277–92; Gilbert H. Herdt, "Sambia Nosebleeding Rites and Male Proximity to Women," *Ethos* 10, no. 3 (1982): 263; Jean S. La Fontaine, *Initiation* (Manchester, UK: Manchester University Press, 1986); Ian Hogbin, *The Island of Menstruating Men: Religion in Wogeo, New Guinea* (Scranton, PA: Chandler, 1970).

11. Froma Zeitlin, *Playing the Other* (Chicago: University of Chicago Press, 1996), 14.

12. Her examples are rich and varied, and point especially to the way that theater initiated males into male identity paradoxically by expanding that identity to include aspects associated with the feminine. On the subject of women's role in the tragedies, she writes, "Woman comes equipped with a 'natural' awareness of the complexities that men would resist, if they could. Situated in her more restrictive and sedentary position in the world, she is permitted, even asked, to reflect more deeply, like Phaedra, on the paradoxes of herself. Through these she can come closer to understanding the paradoxes of the world that she, much better than men, seems to know is subject to irreconcilable conflict, subject as well to time, flux, and change (the very themes, I might add, of Ajax's great deceptive speech). Hence the final paradox may be that theater uses the feminine for the purposes of imagining a fuller model for the masculine self, and 'playing the other' opens that self to those often banned emotions of fear

II

The exemption of women from positive time-bound commandments appears in the Mishnah, M. Kiddushin 1:7.¹³ There are several reasons that it is important to explore this particular rule. First, this exemption has been very far-reaching in its effect on the religious lives of Jewish women and men. This is because, even though a woman may voluntarily choose to perform a ritual act, because she is not obligated as a man is she cannot fulfill the obligation on behalf of a man, therefore women have been excluded from leadership roles that involve doing an act on behalf of the community.

The rule also poses intriguing textual and religious questions. For example, Judith Hauptman has pointed out that the category “positive time-bound commandment” only comes into being for the purpose of excluding women. It is not a category of commandments that appears in any context other than that of gender. What was the reason for the creation of this category? Furthermore, as the Babylonian Talmud’s discussion of this issue (B. Kiddushin 34a–35a) makes clear, there are as many exceptions to this rule as there are cases that follow it.¹⁴ So, we may ask, what purpose does this rule serve? What good is it to the rabbis who wrote it into the Mishnah and invoked it throughout the centuries?

The Talmudic sources do not offer any explicit explanation or reasoning behind this rule. The first recorded rationales are medieval, such as that of Jacob Anatoli (thirteenth century), who suggested that this would make it easier for the wife to attend to the husband’s needs,¹⁵ and the fourteenth-century scholar David b. Joshua ʿAbudarham, who explained that this rule was needed so that the woman would not be put in the position of having to fulfill the contradictory demands of two masters: God and her husband.¹⁶ The general idea that this rule frees the woman to her primary role as responsible for the domestic realm has remained a popular explanation to this day.¹⁷ Another contemporary explanation has it that women are excluded from positive time-bound commandments because women are on a higher spiritual plane than men, and therefore do not need these extra commandments.

In her book *Rereading the Rabbis*,¹⁸ Judith Hauptman has made a very use-

and pity.” Zeitlin, *Playing the Other*, 363. See also Margalit, “Life Containing Texts,” 79–80, for a fuller comparison of Zeitlin’s examples to the case of the rabbis of the Mishnah.

13. The other places within tannaitic literature where this rule appears are Mekhilta de-rabbi Shimon bar Yoḥai on Exodus 13:9, and Sifrei Beshallah 115, as well as in the Tosefta, Kiddushin 1:10 and Sukkah 2:5.

14. For an excellent, detailed analysis of the Talmudic *sugya* see Jay Rovner, “Rhetorical Strategy and Dialectical Necessity in the Babylonian Talmud: The Case of Kiddushin 34a–35a,” *HUCA* 65 (1994): 177–231. For an analysis that focuses on the problematic status of this rule even within the Talmud’s own system, see Kraemer, *Reading the Rabbis*, 95–108.

15. Jacob Anatoli, *Malmed ha-talmidim*, Parashat Lekh Lekha, Lik ed., no. 15; Talya Fishman, “A Kabbalistic Perspective on Gender Specific Commandments: On the Interplay of Symbols and Society” *AJS Review* 17, no. 2 (1992): 199–247, esp. 209 n. 44.

16. *Sefer ʿAbudarham*, 1340.

17. See, for example, Saul Berman, “The Status of Women in Halakhic Judaism,” in *The Jewish Woman*, ed. Elizabeth Kolton (New York: Schocken, 1976), 114–28.

18. Judith Hauptman, *Rereading the Rabbis: A Woman’s Voice* (Boulder, CO: Westview Press, 1998).

ful analysis of the questions surrounding this rule, and, though she reaches different conclusions, some of her observations are very suggestive for my argument. I will therefore start from her discussion. She takes the stand that one of the underlying reasons for the exemption of women from time-bound positive commandments is their lower social status.¹⁹ She points out that the two currently popular apologetic approaches to understanding this rule, mentioned previously, are not convincing. In regard to the line of argument that holds that women are exempt because of their heavier domestic burden, she notes that at the time of the Mishnah both men and women had very heavy workloads. If they were not wealthy, both the man and the woman in a household would have many essential chores to fulfill, and if they could afford servants, then both would have more free time. Also, she notes, at the time of the Mishnah, women lived with the husband's family, so there would have been other women around to help. Further, many mitzvot, such as hearing the shofar blast on Rosh Hashanah, take very little time. She concludes that "the most pointed critique of the domestic theory of exemption is that one of the most time-consuming of all mitzvot, prayer—the set of eighteen petitionary blessings that had to be recited twice or even three times daily—is obligatory not just upon men but also upon women (M. Berakhot 3:3)!"²⁰

Hauptman criticizes the other current theory—that women have a different nature, a higher level of spirituality which does not require them to perform these commandments—as not backed up by any textual evidence whatsoever. Further, she points out that this theory is contradicted by the many religious rituals (even time-bound, positive commandments such as grace after meals and daily prayer) that women were obligated to perform.

Rather, Hauptman puts forth the theory that social status is the primary underlying factor in this distinction. She writes:

The Talmud mentions the phrase "positive time-bound" or "non-time-bound" mitzvot only in connection to women. That is, this distinction was created solely for the purpose of distinguishing between women's ritual obligations and her exemptions. It was not a category that had any other use. For men, who are obligated to perform all positive mitzvot, there is no significance to this distinction . . . But since this distinction was devised only to create a category from which women are exempt, the reason for the exemption has to lie in the meaning of the phrase itself, namely, that these are the key mitzvot of marking Jewish time. It is not that they take time.

Women were exempted from the essential ritual acts of Judaism, those that year in and year out mark Jewish time, in order to restrict their performance to men, to heads of households; only people of the highest social standing, according to the rabbis, does God consider most fit to honor or worship

19. As opposed to the idea that women are not completely free to serve God because they are under legal obligation to serve their husbands. This clearly, of course, is related to the question of lower social status, but is not identical. I will not be dealing with this rationale in this paper, although it clearly needs to be approached. I do not believe that the existence of this rationale takes away from the explanation that I offer in the case of the question of lower social status.

20. Hauptman, *Rereading the Rabbis*, 225.

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Him in this important way. This hierarchical arrangement is reminiscent of Temple protocol. Only kohanim, the individuals of highest social standing, as evidenced by their more stringent rules for marriage, ritual purity, and physical fitness (Leviticus 21), could serve as Temple functionaries. The point is that those who serve God must themselves be especially worthy. In rabbinic society this meant that only males were fitting candidates for the time-bound positive commandments, the highest form of ritual act.²¹

Hauptman makes the important observation that it is the regular, ritual nature of these commandments that distinguishes them from other, non-time-bound commandments. I believe this is the key point, not because I accept her conclusion that social status is the underlying factor, but because it specifically indicates that it is the *priestly*, ritual commandments that men designated as exclusively male territory. I argue that the priestly role is the primary locus of male incorporation of the feminine. She is making the important point of how the rabbinic males followed in the priestly mold.

In the above quotation, Hauptman compares the situation of the regular ritual commandments to the Temple protocol and the greater obligations of the priests. However, I would argue that it is precisely here that her theory of higher social standing breaks down. The significance of the priesthood in considering gender configurations is not simply their high social status (and I am not arguing against that high status, or women's low status), but, rather, their emphasis on genealogy and on the body, and, ironically, their particular relationship to the feminine. It is precisely the priestly character of the rabbinic males, with its interesting, rich array of cultural associations and history, that engenders this culturally significant and anomalous prohibition—not the one-dimensional scale of social status.

An example of the complexity involved in the status of the priesthood is clearly seen in the last category that Hauptman mentions: the physical fitness required of the priests. Rather than proving that the priests had a high social status, this concern with the blemish-free body connects the priests with those of lower social status, even with the nonhuman members of the Israelite world: the sacrificial animals. The biblical text itself makes a point of this comparison. In Leviticus 21 it is stated that a priest must be physically unblemished, and twelve specific physical blemishes that disqualify a priest from service in the sanctuary are listed. In a clear literary parallel, Leviticus 22 lists twelve similar blemishes that disqualify sacrificial animals! Jacob Milgrom has cogently shown that this literary parallelism is an intentional part of the editing of Leviticus.²² While it might be argued that sacrificial animals indeed possess a high social status in a certain sense, this clearly is a different sense than the one Hauptman is discussing.

Furthermore, and more directly addressing my argument for parallels between priests and women, it states in the Mishnah itself (M. Ketubot 7:7) that “any blemish which disqualifies a priest (from service in the sanctuary) also disquali-

21. Ibid, 227.

22. Jacob Milgrom, *Anchor Bible Leviticus 17–22* (New York: Doubleday, 2000), 1836–40.

fies a women (from receiving a ketubah payment if her husband arbitrarily divorces her).” Both these examples make it clear that the requirement that the priests’ bodies be unblemished is not an indication of high (or low) social status. Rather, the common factor here is the religious importance accorded to the body.

I suggest elsewhere that the bodies of priests symbolically represent the wholeness and integrity of the Israelite nation, and in a parallel manner, married women’s bodies represent the wholeness and integrity of the family. Drawing on Mary Douglas’s theory of “natural symbols,” I claim that the bodies of women and priests are utilized as important cultural reminders of the importance placed on the wholeness and integrity of the social categories, the family, and the nation. Along these same lines I have explored the parallels in the biblical texts between married women and priests in terms of the symbolism and laws surrounding hair and clothing.²³ Both married women and priests are required to keep their hair covered (or at least bound). The operative word connecting them is *paruah* (פרועה)—wild or untamed—which is a forbidden state for the priestly head and a disgraceful state for the married woman’s. The power that is associated with both women and priests, especially the power of giving life, is also something that needed to be controlled. That this control and orderliness became associated with life and wildness and disorder with death is seen in the fact that the symbol of mourning is the tearing the clothes and letting one’s hair grow wild (again, the same word, פרוע). Priests are specifically prohibited from engaging in these acts of mourning, they must remain intact representations (embodiments) of the life of the community.

I claim that these parallels in body symbolism and control reflect an incorporation on the part of the male priests of symbols of the feminine as part of their priestly role. This may be traced to the priests’ role in the Temple, which itself is figured feminine as the receptacle of God’s (male) presence in earth and within the Israelite nation. As the protected central enclosure within the Temple, contained within the walls of Jerusalem, contained within the land of Israel (see M. Kelim 1:6–9), as the womb of the nation, fertility flowed from the Holy of Holies.²⁴ The Holy of Holies was the erotic center, as is hinted by Rabbi Akiva’s equating the erotic Song of Songs with the Holy of Holies. Rabbi Akiva is quoted as saying, “All the books of the Hebrew Scriptures are holy, but the Song of Songs is the Holy of Holies” (M. Yad`aim 3:5). On one level this simply means that it is more holy than the other books, but it also hints to the place known as the Holy of Holies, the inner chamber of the Temple. The implied meaning, then, is that the eroticism of the Song of Songs is to be equated with this place, the Holy of Holies; the meeting place of God and his beloved People. This eroticism is seen more graphically in the description in B. Yoma 54a of the cherubim on the ark in the Holy of Holies. There the Talmud describes how, on festival days, the cherubim were revealed to the public. If the Jewish people were doing God’s will the cherubim would be seen

23. Natan Margalit, “Hair in TaNaKh: The Symbolism of Gender and Control,” *Journal of the Association of Graduate Students in Near Eastern Studies* 5, no. 2 (Spring 1995): 43–52; Margalit, “Life Containing Texts,” 209, 290.

24. See e.g. B. Sota 48a., which states that when the Temple was destroyed not only was fertility lessened, but also the pleasure in sex left the world.

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in sexual embrace, if not, they were turned away from one another. The laws of modesty, specifically prohibitions on staring and on touch, which were applied later to women, closely parallel those that we find in the biblical text applied to the temple and the tabernacle.²⁵

On a more basic level, the priests were a genealogical clan. It is they who championed so strongly the principles of genealogy, which became central in biblical and then rabbinic Judaism. Infant circumcision, endogamy, pronatalism—all can be traced back to the priests and their concern for orderly reproduction. The role of physical reproduction was of paramount importance to this priestly clan, and it affected the deepest character of the Judaism that would follow it. This concern with reproduction on the part of a patrilineal clan, and the resulting incorporation by males of feminine traits, is clearly captured in the famous genealogies of the Genesis narratives, which are attributed to the priestly writers. According to these lists, all the “begetting” is done by males, without mentioning the part played by any females. Here, Nancy Jay’s above-mentioned theory is important: biblical sacrifice was a means of transferring the symbolism of blood and birth from the female to the male sphere and for the males to claim the genealogical links of filiation as their own.²⁶

Thus, I argue that it is not the higher or lower status of men and women that evokes the new category of “positive time-bound commandments” from which women are excluded. Rather, it is precisely in the much more specific category of males as “priestly” conveyers of the covenant. As priestly men, marking the sacred calendar of Jewish time, they participate in the incorporation of the feminine, and thus continue the exclusion of women from “priestly” roles, such as marking ritual time.

Hauptman correctly, I believe, places the emphasis not on the time it takes to perform the action, but on the fact that these are the ritual actions that define Jewish time. In the post-Temple, rabbinic era of Judaism, the sacred space of the Temple was replaced by the increased emphasis on sacred time. The priestly duties of honoring God shifted from the realm of priests in the Temple to the male householders in the field of time.

An example of this shift from space to time, and from priests to male householders, may be illustrated in the very first *mishnah* of the entire *mishnaic* corpus. It states there (M. Berakhot 1:1), “From what time may one say the *shem‘a* in the evening? From the time that the priests enter (the Temple) to eat their priests-offerings.” This passage looks innocent enough. However, the choice of “the priests entering the Temple to eat their priests-offerings” as a marker of time is not an expected one. The usual marker for nightfall would be simply “when the stars come out” (צאת הכוכבים). From a literary perspective, the choice of the priests entering the Temple as a marker of time serves to connect the recital of the *shem‘a* back to the Temple, and to facilitate the transition that this *mishnah* is recording/creating. The recital of the *shem‘a* is one of the central parts of the liturgy, which will come to replace the sacrificial system as the focus of Jewish worship. That the editor of

25. I thank Avraham Walfish for pointing this out to me

26. Jay, *Throughout Your Generations Forever*, 94–111.

the Mishnah chose to place the emphasis on its timing and to juxtapose this with the spatial description of the priests entering to eat their priests-due enacts an elegant shift in modalities. By invoking the earlier focus of religious life, the priests in the Temple, the editor facilitates a smooth transition from priestly Temple cult to the new religious pattern of householders marking sacred time through liturgy. While this *mishnah* does not emphasize the maleness of the householders, others make this assumption clear. A *mishnah* in the same tractate (M. Berakhot 3:3) explicitly exempts women from the time-bound recital of the *shem'a* (invoking, at least according to the Talmud's explanation, our rule of women's exemption from positive time-bound commandments). Thus, time has become the arena for priestly action, now taken on by the male householders.

III

M. Kiddushin 1:7, Feminized Priests, Priestly Men

In order to build my claim that the males imagined in the Mishnah were acting in the model of the priests, and that this priestly role was borrowed from the symbolism of the feminine, we will now turn to the Mishnah itself and to a bit of its context. The passage in which the exemption of women from positive time-bound commandments appears is the 7th *mishnah* in the first chapter of the M. Kiddushin (Betrothals) in the Mishnah's Order of Women. There is much to be said about the placement of this *mishnah* in this particular context. In fact, I consider it impossible to really understand the meaning of a *mishnah* outside of its literary context within a chapter and tractate of the Mishnah as a whole. Elsewhere, I have made a detailed study of the literary structure of this chapter of the Mishnah.²⁷ Here I will discuss it only briefly.

The chapter in which this *mishnah* appears may be divided into two halves. Scholars have shown that this chapter was crafted from two previously existing collections of *mishnayot*.²⁸ The first half has been called the "chapter of acquisitions" because it deals with the betrothal (acquisition) of a woman by a man. It then goes on to deal with other examples of acquisitions: slaves, animals, and land. Clearly this is a very problematic collection of laws from a feminist point of view. It can be shown that in the first half of the chapter, the *mishnayot* are arranged in a chiasmic structure, which focuses attention on a parallel between woman and land. This is not a surprising analogy, as the connection between women and land is a common one not only in the ancient Jewish context but also in the ancient Middle East and in other parts of the world.²⁹ The basic structure is best seen through a chart of the methods of acquisition:

27. Margalit, "Life Containing Texts," 125–216.

28. See J. N. Epstein, *Mav'o le-nusah ha-mishnah* (Tel Aviv: Dvir, 1964), 51–53; and Avraham Weiss, *Al Hamishnah* (Tel Aviv: Bar Ilan Press, 1956), 81.

29. See, e.g., Carol Delaney, *The Seed and the Soil: Gender and Cosmology in Turkish Village Society* (Berkeley: University of California Press, 1991).

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- A (m. 1) women money, document, sexual intercourse
- B (m. 2) Hebrew slave money, document
- C (m. 3) Canaanite slave money, document, usucaption
- B1 (m. 4) animals pulling, lifting, passing
- A1 (m. 5) land money, document, usucaption

This literary structure is as subtle and intriguing as its message is problematic (not to say offensive) from today's perspective. The first three *mishnayot* are clearly a subsection and a minichiasmus. They all deal with the acquisition of people, however, A and C (women and Canaanite slaves) list a method of acquisition not shared by the Hebrew slave. The analogy between sexual intercourse and usucaption (acquisition through paradigmatic usage) is clear, and clearly damning in terms of the rabbis' view of women and marriage. In the fourth *mishnah* we are moved from the human to the nonhuman, and "money, document, intercourse/usucaption" are replaced by "moving, lifting, etc." But the three familiar methods return in the fifth *mishnah*, drawing attention to the analogy between the beginning and the end. Several scholars have noted the descending order of this list and attempted to explain it in those terms.³⁰ The issue of autonomy or mobility certainly seems to go in descending order in these five *mishnayot*. However, the signs of chiasmus are clearly evident in the special status accorded to land, and thus we find a pattern which is very characteristic of the Mishnah's chiasmic structures: progression (or in this case digression) coupled with return. The ending is both like and unlike the beginning.

In simplest terms, I claim that this structure presents an ideology of acquisition that places the permanent and the fruitful above the transient and the casual. That women in marriage are the most autonomous in this list is not to be forgotten—this distinction was also important to the rabbis. However, in this structure the rabbis were emphasizing the value they placed on women in common with land—as partners in their most permanent, socially (religiously) sanctioned, intense, fruitful relationship.

An analysis of these methods of acquisition, and a survey of the general analogy between women and land, reveal a hierarchy of values in the types of acquisition. It is useful in this analysis to draw on the anthropological literature on gift exchange. The gift, as opposed to a commodity, carries an emotional charge. It is even erotic in the sense of its symbolism of drawing the partners in exchange closer together. The gift is tied to the identities of the giver and the receiver, and it is a public, communal fact, taking on the aura of the religious/communal ties of society.³¹ Commodities, on the other hand, are seen as representing unattached, private, egoistical interactions. The commodity is not closely associated with identity or reli-

30. Noam Zohar, "Women, Men and Religious Status: Deciphering a Chapter in Mishnah," in *Approaches to Ancient Judaism: New Series, Volume 5, Historical, Literary, and Religious Studies*, ed. Herbert Bassler and Simcha Fishbane (Atlanta, GA: Scholars Press, 1993), 33–54; Avraham Weiss, "Le-ḥeker ha sifrut ha mishnah," *Hebrew Union College Annual* 16 (1941): 1–33.

31. See Marcel Mauss, *The Gift: Forms and Functions of Exchange in Archaic Studies*, trans. Ian Cunnison (New York: W. W. Norton, 1967); Lewis Hyde, *The Gift: Imagination and the Erotic Life of Property* (New York: Vintage Books, 1979); and Annette B. Weiner, *Inalienable Possessions: The Paradox of Keeping While Giving* (Berkeley: University of California Press, 1992) as basic introductions to the large anthropological literature on gift exchange.

gious/social meanings. Those “acquisitions,” like women and land, which are seen to be permanent, to enhance the man’s identity, and to involve strong emotional ties, are valued above those, such as the Hebrew slaves (B) and animals, (B1) which are relatively impermanent and do not involve emotional attachment or religious, public significance. In other words, those that have the character of short-term commodity are devalued, while those with the character of gift are more highly valued according to this structure. Thus, the character of acquisition of women in marriage that is being advanced in this “chapter of acquisitions” is one of the gift, in which emotional, religious value is placed on permanence and an almost natural, inevitable relationship. For our purposes, this quality of relationship will be important as it sets the stage for the relationship that men wish to establish between themselves and God through the mitzvot.

Although the focus of those *mishnayot* seems to be on items (including women) that are acquired, an analysis of its gender implications shows that it serves to reinforce/create the gender role of men as autonomous subjects. Men are the free subjects, those who acquire, as opposed to those who are acquired.³² My abbreviated discussion of the first set of *mishnayot* provides a prelude to our primary focus, which is the second collection. It is important for us to note, however, this first collection’s establishment of the parallelism between women and land. This is an example of the ubiquitous symbolism in rabbinic texts of the importance of the feminine powers of fertility and its importance in the male identity. The male needs to acquire a woman and land in order to guarantee the continuity of his household, his name, and his legacy. This is one form of “incorporation” of the feminine: owning and controlling it.

The second half of the chapter has been labeled the “chapter of commandments” because it deals with differences in obligations in commandments; sometimes, as in our *mishnah*, the obligations vary according to one’s sex. The focus is still, not surprisingly, on the men (who, after all, are the main subjects, writers, editors, and audience of the Mishnah). More surprisingly, however, the focus on the commandments turns the tables such that the men, through their performance of the commandments, are the ones being acquired—by God. That is, they are in the feminine position vis-à-vis God. The implications of “acquisition” noted in the first half of the chapter, focusing on the aspects of permanence, emotional ties, public, religious meaning, and natural, inevitable connection are clearly desirable in the relationship to God. The male Jew’s relationship to God through the commandments is presented as the mirror image of that relationship between men and women. The emphasis in both cases is on the closeness, the permanence, the fruitfulness, and the natural/inevitable quality of the relationship. This analysis is in no way meant to be an apology for the inequalities from which Jewish women have suffered as a result of the framing of marriage as her “acquisition” by the man. It is an attempt to understand these *mishnayot* in terms of their particular gender discourse of male incorporation of the feminine.

32. For an example of this dynamic from ancient Greek theater, see Virginia Wohl, *Intimate Commerce: Exchange, Gender, and Subjectivity in Greek Tragedy* (Austin: University of Texas Press, 1998).

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As in the first collection, there is a clear chiastic structure to the second collection of *mishnayot* as well. This is best seen in the first words of each *mishnah*:

- A m. 6 *kol ha-na'aseh*
- B m. 7 *kol mizvah*
- C m. 8 *ha-semikhot*
- B1 m. 9 *kol mizvah*
- A1 m. 10 *kol ha-oseh*

On the level of the words themselves, there is a chiastic structure in the framing of B and B1 with identical opening phrase *kol mizvah* (every commandment). The outer frame, A, A1, is likewise identical except that there is an elegant reversal of the verb from passive to active, suggesting closure of the literary unit, “every(thing) that is done [or made] . . . every(one) that does.”³³ An analysis of the content of this group of *mishnayot* would reveal that there is a progressive movement towards the end of the chapter in which the commandments have more of the character of an emotional attachment, and a natural, inevitable connection. The final *mishnah* in the chapter is the mitzvah of learning Torah. This is a commandment that, in the rabbis’ eyes, is in a category by itself. It is the basis for a close and sometimes even erotic attachment between the male Jew and God (through the Torah).³⁴ The themes of fruitfulness and permanence are emphasized by weaving the idea of land once again into the text. (The artful editing of this chapter is again revealed by the parallels between the structure of the first and second collections: A, B, C = human; B1, A1 = land, in both.) I will return to some of the structures of the chapter, but in order to progress in my argument, we will need to focus on the 7th *mishnah*, and the exemption of women from positive time-bound commandments.

Mishnah 7

Any commandment incumbent on the father concerning the son: men are obligated and women are exempt. Any commandment incumbent on the children concerning parents: both males and females are obligated. Any positive time-bound commandment: men are obligated and women are exempt. Any positive commandment which is not time-bound: both men and women are obligated. Any negative commandment, whether time-bound or not time-bound: both men and women are obligated, except (that men are obligated in) not cutting the beard, not cutting the corners of one’s head hair, and (in the case of priests) not becoming impure with death impurity.

As is clearly seen, this *mishnah* deals with the differences in obligations in commandments between men and women. The first part of the *mishnah* deals with

33. Meir Paran, *Darkhei ha-signon ha-kohani ba-torah* (Jerusalem: Magnes, 1989) uses the term “closing deviations” in relation to the biblical priestly writings.

34. See the chapter “Lusting after Learning” in Boyarin, *Carnal Israel*, 134–66.

commandments concerning parents and children, the second part deals with the categories of positive and negative commandments, with the additional criteria of time-bound or non time-bound.

Miriam Peskowitz has pointed out that it is important that the work of gender role creation, performance, and reiteration is done in a concealed way.³⁵ The goal is to make the gender distinctions, (including the inequalities) seem natural and unremarkable. This raises a question about this *mishnah*. There must be another kind of work being done here, one in which the Rabbis felt the need to explicitly discuss the male/female dichotomy.

I suggest that the first statement of the *mishnah* gives us the hint as to why the rabbis are explicit here in their gender distinctions. “Any commandment incumbent on the father concerning the son: men are obligated and women are exempt.” This is, on first brush, a surprising statement: In those obligations of parents to children, men are obligated and women are not. Is child rearing an exclusively male duty in the eyes of the Mishnah? Clearly not. However, I would claim that the subject of the first half of this *mishnah* touches one of those areas, which is so feminine in its connotations for the rabbis that they have to explicitly say that it is not. The raising of children, in other words, is an area where the males were specifically drawing on a feminine imagery and claiming it for themselves.

The Tosefta (a parallel rabbinic source from approximately the same period as the Mishnah, often seen as commenting on or filling gaps in the Mishnah) specifically poses the questions that naturally arise from the first statement of our *mishnah*: What does it mean that the obligations of the parents to child are incumbent on the father and not the mother? The answer of the Tosefta is that the father is obligated in circumcising (the male), redeeming him (from the priest), teaching him Torah and a craft, finding him a wife, and some say, teaching him to swim.³⁶ Thus, the Mishnah is not interested in the day-to-day nurturing, the feeding and clothing of the child, but, rather, it is concerned with what Lawrence Hoffman has labeled the “covenantal obligations.”³⁷ These covenantal obligations are those that the father must undertake in order to continue his line. What is interesting about these obligations is that they are not only personal but religious as well. They are covenantal in that these are the obligations that directly help to carry the covenant between God and the Jewish people into the next generation—through the male line. Thus, it is important to understand, it is not only in the domestic area of raising children, but also in the deeper sense of reproduction in general that the first half of this *mishnah* is “feminine.” In order to continue the male line, the men need to appropriate the symbols of birth. Following the priestly genealogists who

35. Miriam Peskowitz, *Spinning Fantasies* (Berkeley: University of California Press, 1997). She writes: “This book is about how the early rabbis used fantasies about spinning and the spinning of fantasy to make gender into sense . . . In understanding and producing their cultural world through these things—and of course in combination with many other things—social meanings of gender were naturalized, made to seem familiar, commonplace, natural, expected, and very, very ordinary” (24).

36. Saul Lieberman, *Tosefta Nashim* (New York: Jewish Theological Seminary, 1995), 279.

37. Lawrence Hoffman, *Covenant of Blood* (Chicago: University of Chicago Press, 1996),

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created miraculously male-only lines of reproduction, the rabbis have the symbols of continuity exclusively in the province of the males.

Here we can begin to make a connection between the Rabbinic males, the feminine symbolism of birth, and the patrilineal caste which made up the priesthood. While the later two (or three, if one counts swimming) on the list may be seen in a practical sense as facilitating the young males' continuing his life and line into another generation, the first three—circumcision, redeeming the firstborn, and teaching the male child Torah—are intimately connected to the priestly ritual. The biblical texts where these appear tie them together and, like our *mishnah*, explicitly highlight exclusive maleness while drawing on underlying feminine symbolism.

The common scriptural context for these commandments is the exodus from Egypt. This is not the place to go into a detailed explication of the gender symbolism of the exodus, but the symbolism of birth is quite evident: the blood of the Passover on the doorposts of the house, like the birth passageway, symbolic of the blood of birth; God's saving the Israelites, giving them life, taking them out through the birth canal of the sea; and many other examples—all point to the underlying mythic symbolism of birth surrounding the exodus story.³⁸

The connection of these covenantal commandments to the exodus is most clearly seen in the redemption of the firstborn, which appears in Exodus 13:11–16 and is linked with the slaying of the first born Egyptians.³⁹ The place of circumcision in this nexus is seen most clearly in the puzzling passage in Exodus 4:24–26 in which God attacks Moses, who is saved by Zipporah, who circumcises their son and throws the bloody foreskin at Moses' feet. It should be noted that immediately before this passage (in verses 22, 23) is the first time that God names Israel “my first-born son.” Thus, the parallel is established between God's firstborn son who is saved, and Egypt's firstborn sons, who are killed. Moses' danger in the face of a destroying God and the apotropaic rite of circumcision is set up as a microcosm of the nation of Israel's danger from the Destroyer (God) and the saving power of the blood of the Passover on the doorposts in the national exodus. The life-giving power of women, seen in Zipporah here, and in the midwives, Miriam, and Pharaoh's daughter in the national exodus, is also quite clearly an underlying theme of the exodus.

The covenantal commandment of teaching one's son Torah may at first seem out of place among classic priestly commandments such as circumcision and re-

38. For an excellent discussion of this symbolism see the chapter “Imagining the Birth of a Nation” in Pardes, *Biography of Ancient Israel*, 16–39.

39. “And when the Lord has brought you into the land of the Canaanites, as He swore to you and to your fathers, and has given it to you, you shall set apart for the Lord every first issue of the womb: every male firstling that your cattle drop shall be the Lord's. But every firstling ass you shall redeem with a sheep; if you do not redeem it, you must break its neck. And you must redeem every first-born male among your children. And when, in time to come, your son asks you, saying, ‘What does this mean?’ you shall say to him, ‘It was with a mighty hand that the Lord brought us out of Egypt, the house of bondage. When Pharaoh stubbornly refused to let us go, the Lord slew every first-born in the land of Egypt, the first-born of both man and beast. Therefore I sacrifice to the Lord every first male issue of the womb, but redeem every first-born among my sons.’”

demption of the firstborn. However, teaching is an integral part of the memorialization of the exodus as described in Exodus 13:13–14:

and you must redeem every first-born male among your children. And when, in time to come, your son asks you, saying, ‘What does this mean?’ you shall say to him, ‘It was with a mighty hand . . . the Lord slew every first-born in the land of Egypt, the first-born of both man and beast. Therefore I sacrifice to the Lord every first male issue of the womb, but redeem every first-born among my sons.’”

Even though we may think of the intellectual activity of teaching Torah as the polar opposite of priestly ritual, here it is revealed to be part of the male/priestly rites of continuity.⁴⁰ In a mythical, only partially concealed birth, the male God gives life to the line of Israel, and the rites of redemption of the firstborn male, circumcision, and teaching Torah all commemorate that male birth and set the tone for the priesthood, which coopts the feminine power of birth. The rabbinic males will follow in the footsteps of their priestly predecessors.

To return now to the structure of the chapter, looking at the next *mishnah*, 1:8, we see a clear continuation of the theme of priestly obligations.

Mishnah 8

Laying the hands (on a sacrificial animal), waving (a portion of the animal), presenting (the animal to the altar), picking out (meal to offer on altar) offering incense, killing a sacrificial bird, collecting (blood from a slaughtered sacrificial animal) sprinkling (blood on the altar) are practiced by men and are not practiced by women. Except for the Suspected Adulteress (with her) meal offering and the (female) Nazirite, who wave (a portion of the animal).

Here there are obviously priestly duties, and it is interesting to note that here there is not simply an exemption from obligation; the phrase “are practiced by” implies that there is a *prohibition* of women performing these duties. This is the center of the chiasmus and the apex of the distinctions between men and women in terms of commandments. The fact that the focus is directly on the priestly duties strengthens my point that the previous *mishnah* was also dealing with males as quasipriests. In fact, there is a literary transition (as is common in the *Mishnah*) between *mishnah 7* and *mishnah 8*. The ending of *mishnah 7* lists the exceptions to the rule that in negative commandments both men and women are obligated. These are the prohibitions against shaving the beard, cutting the side of the head, and coming in contact with a corpse. These are listed as “male” commandments, but in fact there are relevant only to the priests in the last case, and in the former two cases, shaving the beard and the sides of the head, are clear cases

40. For an excellent discussion of the connection between circumcision and teaching see Harvey Goldberg, “Cambridge in the Land of Canaan: Descent, Alliance, Circumcision and Instruction in the Bible,” *JANES* 24 (1996): 9–34.

of biblical priestly obligations which then were later interpreted as binding on the male householders.

As noted earlier, the second collection parallels the structure of the first collection in that the first three *mishnayot* deal with human relations, while the last two deal with land or objects connected to land. Thus, the comparisons between men and women end in *mishnah* 8, and we move to *mishnah* 9, which deals with the comparison between obligations inside the land of Israel and outside. The phrase *noheg* (“is practiced”) is continued from the previous *mishnah*. I would argue that this term implies a more natural, almost inevitable connection than does the word *oseh* (“he does”), which is more volunteeristic.

The last *mishnah* combines this theme of land with the introduction of the study of Torah.

Mishnah 10

Whoever performs one *mitzvah*: good is done for him and he is given length of days and he inherits the land. And whoever does not perform one *mitzvah*: good is not done for him, and his days are not lengthened, and he does not inherit the land. And whoever (studies) neither Scriptures nor Mishnah, nor a craft: this person is not within civil society. About the one who grasps all of these, Scriptures says, “The threefold rope is not quickly broken.”

This *mishnah* departs from the rest of the chapter in discussing not the details of the commandments themselves, but, rather, the rewards for performing them. Many of the themes of the chapter are woven into this last *mishnah* and I will not be able here to discuss them all. Clearly, the theme of land is important, not simply as a locus for doing commandments (as in *mishnah* 9), but as the reward, the place where one may happily live out one’s life and achieve fulfillment. The first part of the *mishnah* lists three rewards for doing “one *mitzvah*”: well-being, length of days, and inheriting the land. These are very plausibly connected to the original topic of this chapter—marriage and family—and thus returns to and reinforces the theme of the first half of the chapter: marriage, fertility, and land. The reward of “inherit the land” would be practically achieved by having children who continue the family’s presence on the land. The first reward, “well-being” (מְטִיבֵין לוֹ), literally “good is done to him”) may be related to the statement in B. Yevamot 62b that a man who has no wife has no goodness (“טוֹבָה”). “Length of days” may be seen as a bridge between the goodness, which the man finds in his own lifetime, and the third item, “inherit the land,” which has the implication of passing it on to one’s progeny.

Literarily, *mishnah* 10 refers us back to marriage and the first *mishnah* of the chapter in its emphasis on the number three. The three ways in which a woman is acquired mentioned in the first *mishnah* of the chapter are here paralleled not only by the direct mention of “The threefold rope,” but also by the three rewards (goodness, length of days, land) and the three obligations (Scriptures, Mishnah, craft). The argument that this is a purposeful device is strengthened by the absence of the number three in the body of the chapter. It appears only at the beginning and the end.

The ending of the chapter refers to land in the mention of someone being *בן הישוב*, translated here as “part of civil society” but having the implication of a society settled on the land. The wording here is perhaps reminiscent of the verse in Isaiah 45:18, “The Creator of heaven who alone is God, who formed the earth and made it, who alone established it, He did not create it a waste, but formed it for habitation (לשבת בראה),” which is the rabbinic source text for the commandment of “be fruitful and multiply.”⁴¹ The verb *lashevet* (“for habitation”) is reflected in its noun form, *ha-yishuv* (“settlement”). The “one mitzvah” mentioned may itself be hinting to this very commandment. The term “one mitzvah” is by no means clear. It has been interpreted to refer to the one commandment that a man does over and above the amount of his sins, thus resulting in a reward. But in the context of this chapter, with its focus on marriage and the creation of family, it is plausible that “one mitzvah” refers to the first mitzvah mentioned in the Torah: be fruitful and multiply.⁴²

The commandment to study Torah is here not seen so much as an obligation, but, rather, as something that brings rewards, much as the first statement of this *mishnah* describes rewards for doing “one commandment.” It is a commandment that results in one being part of society or a contributing member of the settling of the land. The language used is similar to that used in the previous *mishnah* in that it does not describe the study of Torah as a commandment or even as an action to be performed, but, rather, as a state to be “in.” “Whoever *has* Scriptures, Mishnah, a craft” would perhaps be a better translation. This again reinforces the idea that these commandments are not incidental performances; rather, they are more akin to states of being, permanent attributes. The value, as in marriage, is not in the quick enjoyment of a reward, but in the stable, long lasting connection created by being “in” Torah.

Thus, in the last *mishnah*, the two halves of the chapter come together. The male’s performance of the commandments, his fulfilling his obligations, creates a connection between him and God; he becomes God’s acquisition, and the result is that the rewards of the first half—continuing in the land, children, and all fulfillments of marriage—are achieved. The man who fulfills commandments is fruitful, rewarded with goodness, and is planted in the land. The acquisition of a wife described in the first half of the chapter is part of the reward for the male being in the feminine position *vis-à-vis* God in the second half of the chapter.

CONCLUSION

I have examined the rule that women are exempt from positive time-bound commandments as it appears in the Mishnah, M. Kiddushin 1:7. I have argued that

41. See M. Gittin 4:5, M. Eduyot 1:13, Bereshit 19:5, 20:8, and Bamidbar 12:4 for the use of this verse as a proof text for the commandment to be fruitful and multiply. It is interesting that this verse, which includes the context of settling the land, is more often used than the seemingly more obvious command in Genesis 1. This strengthens the connection between human fertility and the whole context of human society settling on fertile land.

42. See Yehuda Shaviv, “Kiddushin perek rishon: seder ve-tavnit,” *Netuim* 3 (May 1996): 54–55, who also makes this point, and Avraham Weiss, “Seder mishnah kiddushin,” *Kovetz torah she b’al pe* (1968): 16–23, who notes the general comparison between this *mishnah* and the first *mishnah* of the chapter.

the basis for this rule can be found in the idea that males, especially in the priestly role, are incorporating the feminine into themselves and therefore feel a need to exclude actual women from those rituals and performances which most closely embody the feminine for the males. In examining this *mishnah* it has been useful to explore some of the biblical texts that stand in the background of this idea. I examined the dependence of the biblical priests on the symbolism of the feminine in their emphasis on genealogy and circumcision as a kind of male birth. This was played out in the story of the exodus and in the commandments that stem from it such as redeeming the firstborn. These depend on a similar incorporation of the symbolism of birth by the male priesthood. I argued that rabbinic males continued this priestly role in many ways, and with that continued in the cooptation of the feminine.

It has also been important to examine the literary context of the *mishnah* itself. This context suggests a structure in which males acquire feminine power—specifically of birth, life, and continuity in the land through acquiring a wife—in the first half of the chapter, but, more importantly for my argument, perform commandments that put the males themselves in the feminine position as being the “possession” of God, permanently and naturally connected to God, in the second half of the chapter. This connection through the performance of commandments, we learn in the end, results in the reward of all those gifts of the “feminine”: goodness, length of days, and permanence in the land through children.

The rule that states that women are exempt from positive time-bound commandments, then, must be seen in the context of a wider phenomenon of men excluding women precisely when the men are attempting to incorporate into themselves those qualities that they perceive as feminine.

The implications of these findings are potentially wide-ranging. I would venture to propose that the recognition of the envy and the desire to incorporate the feminine on the part of the males makes for a more subtle understanding of the exclusion of women throughout much of Jewish history.

Studies of the extreme exclusion of women from aspects of Judaism, such as Lawrence Hoffman’s study of circumcision (which has been noted here), or those of Elliot Wolfson in Kabbalah,⁴³ in which there is a clear, scholarly determination to look at gender inequality in Judaism straight on, without flinching or apologetics, are indeed important, but they may tell only part of the story. My research and the work of Sara Caldwell and others would put such exclusions in perspective, reminding us of the feminine which is very much present in the very exclusion itself.

I am quick to emphasize that I do not agree with apologists who downplay the exclusion of women, claiming that Judaism has always celebrated the feminine and so forth. We cannot pretend that the exclusion did not (and does not) exist, even if we find that there is more to say about it. Rather, noting the hidden feminine behind the exclusion may open some doors to understanding that reappearance of the feminine in Judaism. An example of this reappearance of the feminine

43. See, for example, Elliot Wolfson, *Circle in the Square: Studies in the Use of Gender in Kabbalistic Symbolism* (Albany: State University of New York Press, 1995).

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may be found in the work of Chava Weissler in her study of women's spirituality in the sixteenth to eighteenth centuries, and especially in her investigation of women's Sabbath candle lighting on the model of the High Priest.⁴⁴ She explicates women's *tekhines*, Yiddish petitionary prayers, based on kabbalistic texts that place women lighting candles before the Sabbath in the model of the High Priest lighting the menorah in the Temple. Kabbalistically, just as the High Priest unites upper and lower worlds by his act in the Temple, so does the women in her home. The fact that the analogy between women and the High Priest reemerges in later Jewish culture (this time, however, with women reclaiming the role of "high priestess," as it were) lends support to my claim that the role of the priest (especially the High Priest) drew from the beginning on feminine imagery. I suggest that the connection between women and high priests is not a chance textual connection, but has deep roots. This example may lead us in the direction of uncovering more of the underlying feminine in Judaism, not to claim apologetically that there was never exclusion, but to uncover what has been hidden, but is still not lost.

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44. Chava Weissler, "Woman As High Priest: A Kabbalistic Prayer in Yiddish for Lighting Sabbath Candles," in *Essential Papers on Kabbalah*, ed. Lawrence Fine (New York: New York University Press, 1995), 525–46.