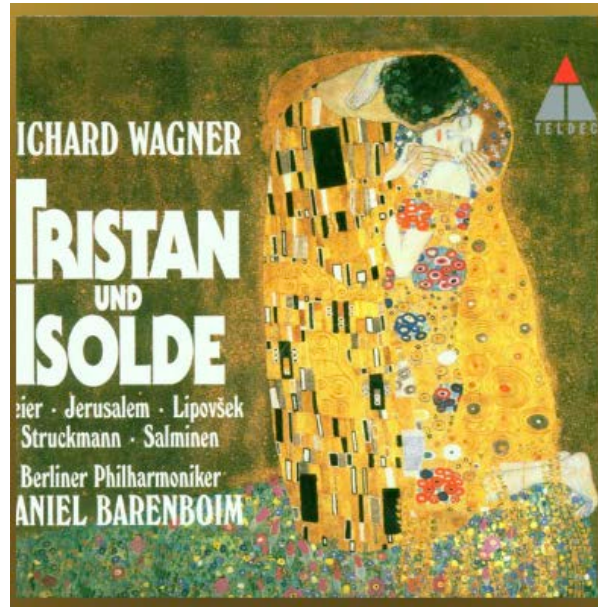


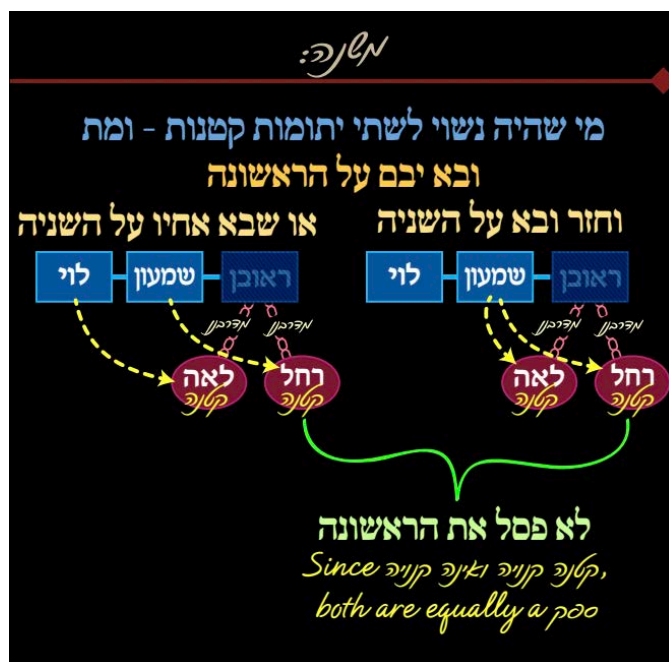
## Daf Ditty Yevamot 111: A Woman's Voice



[https://www.youtube.com/watch?v=IaZZVRd\\_WeU](https://www.youtube.com/watch?v=IaZZVRd_WeU)

דהיתירא לא תני תקנתא דאיסורא: **בְּרַחֲמֵי** מי שהיה נשוי לשתי יתומי קטנות ומת ובא יבם על הראשונה וחזר ובא על השניה או שבא אחיו על השניה

לא פסל את הראשונה וכן ב' הדרשת קטנה ודרשת בא יבם על הקטנה וחזר ובא על הדרשת או שבא אחיו על הדרשת \*פסל את הקטנה בא יבם על הדרשת וחזר ובא על הקטנה או שבא אחיו על הקטנה פסל את הדרשת פקדת ודרשת בא יבם על הפקדת וחזר ובא על הדרשת או שבא אחיו על הדרשת לא פסל את הפקדת בא יבם על הדרשת וחזר ובא על הפקדת או שבא אחיו על הפקדת פסל את הדרשת גדולה וקטנה בא יבם על הגדולה וחזר ובא על הקטנה או שבא אחיו על הקטנה לא פסל את הגדולה בא יבם על הקטנה וחזר ובא על הגדולה או שבא אחיו על הגדולה פסל את הקטנה \*ר' אלעזר אימר מלמדן הקטנה שתמאן בו: **גְּבוֹ**



יתומות קטנות, רחל ולאה who were both married to ראובן, a marriage, and he died childless.

ובא יבם על הראשונה  
And his brother שמעון was רחל's yavam  
וחזר ובא על השניה

או שבא אחיו על השניה  
And then שמעון, or another brother לוי, was מייבם לאה  
לא פסל את הראשונה  
רחל may remain with שמעון.

Since קטנה קנויה ואינה קנויה, ספק. Therefore, if קנויה, Rochel's was a valid Yibum, and Leah's was ספק, Leah indeed cannot stay, but Rochel does not become אסור because of it. If אינה קנויה, they are both strangers to Shimon and both may stay.

**מִתְנִי' מִי שֶׁהָיָה נָשׁוּי לְשֵׁתֵי יְתוּמוֹת קְטָנוֹת, וּמָת, וּבָא יָבָם עַל הָרֵאשׁוֹנָה, וְחָזַר וּבָא עַל הַשְּׁנִיָּה, אוֹ שָׁבָא אָחִיו עַל הַשְּׁנִיָּה —**

**MISHNA:** If a man was married to two minor orphans and he died, and a *yavam* engaged in intercourse with the first of them to consummate the levirate marriage, and then engaged in intercourse with the second, or if his brother who is also their *yavam* engaged in intercourse with the second,

לֹא פָסַל אֶת הָרֵאוּשׁוּנָה, וְכֵן שְׁתֵּי חֲרֻשׁוֹת.

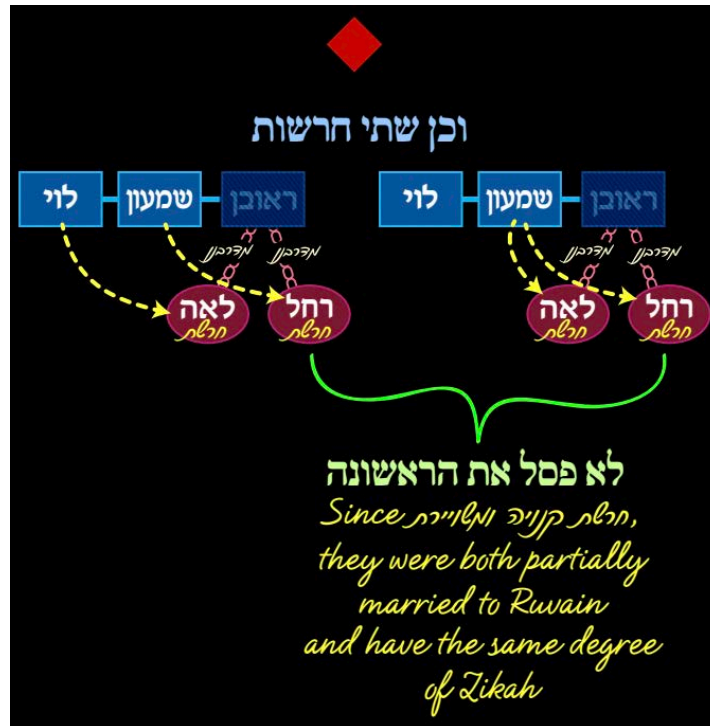
the *yavam* or his brother **did not disqualify the first** girl from staying married to him, as her levirate marriage was consummated. **Likewise**, if the two wives were **two female deaf-mutes**, the first wife may remain married to the *yavam*. Intercourse with the second wife, though prohibited, has no effect: If the marriage was of uncertain status, then either the levirate marriage was concluded when he engaged in intercourse with the first, or neither wife was really married to the first husband, and they are therefore not rival wives. If the initial marriage was partial, then since both wives have the same standing, the levirate marriage with the first wife fully realizes whatever degree of levirate marriage is available.

קִטְנָה וְחֲרֻשָּׁת. בָּא יָבָם עַל הַקִּטְנָה, וְחָזַר וּבָא עַל הַחֲרֻשָּׁת, אִו שָׁבָא  
אָחִיו עַל הַחֲרֻשָּׁת — פָּסַל אֶת הַקִּטְנָה.

If one wife was **a minor and** the other **a deaf-mute**, and **the *yavam* engaged in intercourse with the minor and then engaged in intercourse with the deaf-mute**, or **if his brother engaged in intercourse with the deaf-mute**, then the *yavam* or his brother **disqualified the minor** from staying married due to the Sages' decree, lest it be confused with a situation where the intercourse with the deaf-mute was first.

בָּא יָבָם עַל הַחֲרֻשָּׁת, וְחָזַר וּבָא עַל הַקִּטְנָה, אִו שָׁבָא אָחִיו עַל  
הַקִּטְנָה — פָּסַל אֶת הַחֲרֻשָּׁת.

If **the *yavam* engaged in intercourse with the deaf-mute and then engaged in intercourse with the minor**, or **if his brother engaged in intercourse with the minor**, then the *yavam* or his brother **disqualified the deaf-mute** from staying married. The marriage to the deaf-mute creates a partial acquisition that does not exempt the second wife from levirate marriage, as she, as a minor, has a different standing. Accordingly, intercourse with the second wife also creates a partial acquisition and thereby both women are prohibited to the *yavam*, as it is prohibited to consummate levirate marriage with more than one wife.



And the Halachah is the same if רחל ולאה were חרשות, but with a different explanation.

Since חרשת קנויה ומשווירת, they were both partially married to Ruwain and have the same degree of Zikah. Therefore, Rochel's was a valid Yibum, and Leah's was באיסור שני בתים, and Leah indeed cannot stay, but Rochel does not become אסור because of it.

בַּפְּקֻחַת וְחֵרְשֵׁת. בָּא יָבָם עַל הַפְּקֻחַת, וְחָזַר וּבָא עַל הַחֵרְשֵׁת, אוֹ שָׂבָא אָחִיו עַל הַחֵרְשֵׁת — לֹא פָּסַל אֶת הַפְּקֻחַת.

If one widow was halakhically **competent** and one widow was a **deaf-mute**, and the *yavam* **engaged in intercourse with the halakhically competent woman and then engaged in intercourse with the deaf-mute**, or if **his brother then engaged in intercourse with the deaf-mute**, the *yavam* or his brother **did not disqualify the halakhically competent woman** from staying married. Since the *yavam* consummated the levirate marriage with her first, the levirate bond was entirely dissolved and the intercourse with the deaf-mute, though forbidden, had no effect.

בָּא יָבָם עַל הַחֵרְשֵׁת וְחָזַר וּבָא עַל הַפְּקֻחַת, אוֹ שָׂבָא אָחִיו עַל הַפְּקֻחַת — פָּסַל אֶת הַחֵרְשֵׁת.

If the *yavam* engaged in intercourse with the deaf-mute and then engaged in intercourse with the halakhically competent woman, or if his brother engaged in intercourse with the halakhically competent woman, the *yavam* or his brother disqualified the deaf-mute from staying married. Consummation of the levirate marriage with the deaf-mute creates only a partial acquisition that does not fully dissolve the levirate bond.

גְּדוּלָה וְקִטְנָה. בָּא יָבָם עַל הַגְּדוּלָה, וְחָזַר וּבָא עַל הַקִּטְנָה, אוֹ שָׂבָא  
אָחִיו עַל הַקִּטְנָה — לֹא פָסַל אֶת הַגְּדוּלָה. בָּא יָבָם עַל הַקִּטְנָה,  
וְחָזַר וּבָא עַל הַגְּדוּלָה, אוֹ שָׂבָא אָחִיו עַל הַגְּדוּלָה — פָּסַל אֶת  
הַקִּטְנָה. רַבִּי אֶלְעָזָר אוֹמֵר: מִלְמַדִּין הַקִּטְנָה שְׂתַמְאֵן בּוֹ.

If the deceased brother had two wives, **an adult and a minor**, and the *yavam* engaged in sexual intercourse with the adult, then engaged in intercourse with the minor, or if his brother engaged in intercourse with the minor, the *yavam* or his brother **did not disqualify the adult** from staying married, as the consummation of the levirate marriage with the adult completely dissolves the levirate bond. If the *yavam* engaged in intercourse with the minor, and then engaged in intercourse with the adult, or if his brother engaged in intercourse with the adult, the *yavam* or his brother **disqualified the minor** from staying married. **Rabbi Elazar says:** The court **instructs the minor to refuse him** thereby annulling her marriage retroactively, and then the minor is permitted to marry any man.

## Summary

4) **MISHNAH:** The Mishnah discusses the case of two minors doing yibum and then presents cases where the *yavam* is compelled or asked to do chalitzah.

### 5) Minors doing yibum

The Mishnah that seems to recognize yibum performed by a minor is seemingly inconsistent with R' Meir who assigns no validity to yibum done by a minor.

An attempt is made to reconcile the Mishnah with R' Meir, but the attempt fails.

The Mishnah's ruling that yibum could be performed by a minor is challenged from the fact that a minor cannot establish his brother's name.

Abaye and Rava offer expositions that allow for a minor to do yibum.

## Introduction<sup>1</sup>

This mishnah deals with a case where a man has intercourse with both of his brother's widows, or he has intercourse with one and his brother has intercourse with the other.

**If a man who was married to two orphans who were minors died, and the yavam had intercourse with one, and then he also had intercourse with the other, or his [the yavam's] brother had intercourse with the other, he has not thereby disqualified the first [for him];**

In this case the man had intercourse with both minor wives, or he had intercourse with one and his brother had intercourse with the other. In any case, the first minor widow is still permitted to the first yavam. This is because there is a doubt whether or not yibbum is truly effective in "acquiring" a minor as a wife. If it is effective, then the first act of yibbum makes her fully his wife, and the second act of intercourse is illicit but does not affect the first wife's status. If it is ineffective, then he didn't need to have yibbum with either minor widow, because they were not biblically married to his brother. In either case, he may remain married to the first one. He cannot stay with the second lest intercourse is effective for acquiring a minor and he has already acquired her rival wife.

**And the same is true with regard to two deaf women.**

The same rule is true where both wives were deaf-mutes.

**[If one was] a minor and the other deaf, and the yavam had intercourse with the minor and then he had intercourse with the deaf widow, or a brother of his had intercourse with the deaf widow, he has not disqualified the minor [for him].**

In this case one widow was a deaf-mute and the other a minor. If the yavam had relations first with the minor and then with the deaf-mute, or the yavam's brother had relations with the deaf-mute, the minor may remain married to the first yavam. This is for the same reasons that we explained above: if yibbum is effective in acquiring the minor, then she is married to the yavam and the intercourse with the deaf-mute wife is licentious but does not affect the first wife's status. If it is ineffective, then she was never liable for yibbum with him, because she was not married to his brother.

**If the yavam had intercourse with the deaf widow and then he also had intercourse with the minor, or a brother of his had intercourse with the minor, he has disqualified the deaf widow [for him].**

In this case, the yavam first has relations with the deaf-mute and then he or his brother has relations with the minor widow. In this case the deaf-mute wife becomes forbidden to him. This is because the "acquisition" of the deaf-mute is certainly valid but is not a complete "acquisition". The "acquisition" of the minor is doubtful, as we explained above, but if it does acquire it does so fully.

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<sup>1</sup>[https://www.sefaria.org/Yevamot.111a.15?lang=bi&p2=Mishnah\\_Yevamot.13.9&lang2=bi&w2=English%20Explanation%20of%20Mishnah&lang3=en](https://www.sefaria.org/Yevamot.111a.15?lang=bi&p2=Mishnah_Yevamot.13.9&lang2=bi&w2=English%20Explanation%20of%20Mishnah&lang3=en)

If the acquisition of the minor was fully valid, then it disqualifies the deaf-mute, whose acquisition was only partially valid.

## **Mix and Match; Intercourse Imperative<sup>2</sup>**

Minor girls and women who are deaf and mute are compared. The rabbis introduce a number of different scenarios to help them discern which of them might have more rights than the other. Are they acquired or only partially acquired through sexual intercourse - or through consummation? If the yavam has intercourse with one (or both) of these women and that intercourse is invalid, she could be exempted from chalitza in the future. The technicalities of this very remote possibility seem to be endless.

A new Mishna walks right into the waters of who disqualifies whom from staying married to a yavam if that yavam has sexual intercourse with his yevama and then his rival wife. Depending on the status, standing, etc. of the women in question, the yavam's greediness might lead him to lose his partner(s). Minor girls, deaf-mute women, and halachically incompetent women are compared to each other. If a yavam marries each one of these first and then has intercourse with the second, who is exempted from yibum? Who is encouraged to refuse? Who is told that they should divorce? Who stays married?

Another Mishna teaches us about yevamin and minor yevamot - they are to grow up together. They are too young to divorce. Within thirty days of their marriage, if they have not had intercourse, they are to perform chalitza. After that time, they are advised to perform chalitza. If the yevama claims that there has been no intercourse but the yavam disagrees, they perform chalitza. If he agrees, they perform chalitza. And if he admits the truth, even after one year, they perform chalitza. So truly the rabbis are much more eager than in usual circumstances to find ways for children to annul their marriages through yibum.

The Mishna goes on to tell us that if a woman vows that she will never benefit from her yavam, the courts ask him to perform chalitza. The rabbis understand that chalitza forbids her from marrying him again in the future, yet they encourage chalitza.

Rabbi Meir seems to be opposed to the notion of yibum between a minor boy and a woman. The Mishna suggests that in this case she should "raise him". But Rabbi Meir is not convinced that they should be engaging in intercourse when the minor boy is not obligated to perform mitzvot. However, he agrees that once they have had intercourse, they should continue to live as a married couple.

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<sup>2</sup> <http://dafyomibeginner.blogspot.com/2015/01/yevamot-ii-111-mix-and-match.html>

So is Rabbi Meir's response a reaction to the notion of a boy having intercourse with a woman? Or is he interpreting the words of his Sages without bias or other motivation?

The rabbis partake in a fascinating conversation at the end of today's daf. How could a man possibly live with a woman for thirty days and not have sexual intercourse with her? Which tanna could have suggested such a bizarre reality? And it was Rabbi Meir, say his colleagues, who introduced this idea. Well, say the others, Rabbi Meir could not have been referring to one's betrothed, and without seclusion. Instead he must have been thinking of one's mother-in-law or one's brother's widow, with whom one would feel more inhibited and embarrassed. Intercourse might take more time in those cases.

It would seem that many of the rabbis believed that women and men would not be able to resist sexual urges if left alone with each other. Even forbidden relationships would be fostered through intercourse just given the opportunity. If their beliefs are such, the extreme, separatist recommendations regarding men and women begin to make sense. Even homosexual behaviour gains some clarity -- people will jump at any opportunity to have intercourse at any given time with just about anyone. So when they restrict sexual behaviors, they must restrict them with a fundamentalist's clarity.

What is wonderful about Talmud is that we learn Rabbi Meir's position, even though his is not position that informs halacha. And Rabbi Meir is a tremendously respected rabbi. Hebrew school would have been much more exciting if we as children learned Talmud: how the rabbis argue, disagree, debate - while continuing to respect each other.

\*which is also sexual intercourse but in the context of a wedding rather than simply an acquisition

## **WHEN DOES BEIS DIN INSTRUCT A KETANAH TO DO "MI'UN"**

**Rav Mordechai Kornfeld** writes:<sup>3</sup>

The Mishnah discusses several cases in which a Ketanah and her Tzarah fall together to Yibum, and the Yavam lives with both of them (or he and his brother each take one of them). The Mishnah concludes with the view of Rebbi Elazar who states that Beis Din instructs the Ketanah to do Mi'un, because by doing Mi'un she prevents her Tzarah from becoming forbidden to the Yavam.

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<sup>3</sup> <https://www.dafyomi.co.il/yevamos/insites/ye-dt-111.htm>



According to the Girsa of the Rif and other Rishonim, Rabbi Elazar says that "*in all of the cases* (b'Chulan) Beis Din instructs the Ketanah to do Mi'un." Does Rabbi Elazar actually argue that in *all* of the cases of the Mishnah the Ketanah should do Mi'un? The Mishnah discusses not only cases of a Ketanah and a Gedolah who are Tzaros, but also cases of a Ketanah and a Chareshes who are Tzaros. In the case of a Yavam who lived with both the Ketanah and the Chareshes, does Rabbi Elazar also maintain that Beis Din instructs the Ketanah to do Mi'un so that the Chareshes will not be forbidden to the Yavam?

(a) The **RA'AVAD** on the Rif and on the Rambam (Hilchos Yibum 5:24) writes that Beis Din does not instruct a Ketanah to do Mi'un when her Tzarah is a Chareshes. He explains that the reason why Beis Din would instruct a Ketanah to do Mi'un is "Gedolah Ramya Kamei" -- by doing Mi'un, the Ketanah enables the Gedolah to fulfill her Chiyuv d'Oraisa of Yibum. In contrast, a Chareshes has no Chiyuv d'Oraisa to do Yibum, and therefore there is no reason to instruct the Ketanah to do Mi'un.

(b) The **RAMBAN** and other Rishonim disagree with the Ra'avad. The Ramban writes that the only reason the Gemara (109b) gives for why a Ketanah should "distance herself from Mi'un" is that after the Ketanah reaches adulthood she may regret having done Mi'un and she will be left without a husband. In the case of the Mishnah, however, the Yavam lived with the Chareshes after he lived with the Ketanah, and thus the Ketanah becomes forbidden to the Yavam in any case (and she must do Chalitzah and receive a Get if she does not do Mi'un). Therefore, there is no point in discouraging her from Mi'un.

Why, then, does the Gemara state that one would have thought that Rabbi Elazar's ruling applies only in the cases of the earlier Mishnah (109a) and not in the cases of the Mishnah here, or that it applies only in the cases of the Mishnah here but not in the cases of the earlier Mishnah? It is unreasonable to suggest that his ruling applies only in the case of the Mishnah here and not in the previous Mishnah, in which the sister of the Ketanah who does Mi'un falls to Yibum to the Ketanah's husband. In all of the cases, if the Ketanah does not do Mi'un she will be sent away with a Get, and thus Beis Din certainly should instruct her to do Mi'un. Moreover, why does the Tana Kama argue with Rabbi Elazar in these cases?

The **RAMBAN** explains that in the case of the Mishnah here, perhaps the Yavam should be penalized for living with the Chareshes (when he was prohibited to do so) after he lived with the Ketanah, and that is why the Ketanah should not be allowed to do Mi'un. In the case of the earlier Mishnah, it may be preferable *not* to instruct the Ketanah to do Mi'un so that her sister will not fall to Yibum after her Mi'un. If her sister falls to Yibum after her Mi'un, it will appear as though the

Yavam is marrying "Achos Ishto," the sister of his wife (since not everyone will realize that the Ketanah did Mi'un).

Therefore, when a Ketanah and Chareshes fall together to Yibum, and the Yavam does Yibum with the Ketanah and afterwards he lives with the Chareshes, the Ketanah should do Mi'un to retroactively remove her Zikah to Yibum and thereby permit the Chareshes to the Yavam.

(c) The **RAMBAM** (Hilchos Yibum v'Chalitzah 5:28) rules that if the Yavam lived with the Chareshes and then with the Ketanah, Beis Din does not instruct the Ketanah to do Mi'un and to uproot the Zikah of Yibum from herself, thus leaving the Chareshes as the only Yevamah, as the Ramban writes. However, the Rambam adds that even after the Ketanah does Mi'un, the Yavam should divorce the Chareshes with a Get.

The **RAMBAN, RASHBA**, and other Rishonim are perplexed with this ruling. If the Ketanah retroactively is not a Tzarah of the Chareshes (because of her Mi'un), why does the Yavam need to divorce the Chareshes with a Get?

One might answer that the Mi'un of the Ketanah does not help to permit the Chareshes to the Yavam because at the time she fell to Yibum it certainly *looked* like the Ketanah was also a Yevamah. Therefore, the Rabanan enacted that the Yavam's Bi'ah with the Ketanah renders the Chareshes Pesulah even after the Ketanah's Mi'un. This answer is untenable, however, because the Rambam himself (ibid. 5:30) writes that in a case in which the Yavam lived with a Ketanah and then with a Gedolah, the Ketanah should do Mi'un so that the Gedolah retroactively becomes the only Yevamah and becomes *permitted* to the Yavam! If Mi'un does not completely permit the other Yevamah (as in the case of the Chareshes), the Rambam should say that the Gedolah is *not* permitted, because she became Pesulah through the Yavam's Bi'ah with the Ketanah that preceded his Bi'ah with her.

The Rishonim reject the ruling of the Rambam because of this problem.

The **VILNA GA'ON** (EH 171:13) points out that the Rambam himself answers this question. The Rabanan indeed enacted that Bi'ah with the Ketanah before Mi'un renders the Chareshes Pesulah, as mentioned above. However, in the case of the Gedolah and Ketanah, where the Yavam lived with the Ketanah and then with the Gedolah, the Yavam may remain with the Gedolah because, as the Rambam writes, the Kinyan of the Gedolah is a "Kinyan Gamur" (a Kinyan d'Oraisa). The Rabanan did not enact that Bi'ah before Mi'un disqualifies a "Kinyan Gamur." It can disqualify only a Kinyan which is not complete (a Kinyan d'Rabanan), such as the Kinyan of a Chareshes.

**Steinsaltz (OBM)** writes:

According to the Mishnah on *our daf*, if a *yevamah* comes to court within 30 days after the *yibum* is to have taken place, claiming that the *yavam* never consummated the *yibum*, the *bet din* will obligate him to perform *chalitzah* with her. If the claim is made after 30 days then we request of him that he perform *chalitzah*, but we do not obligate him to do so. The Gemara explains that the case of the Mishnah is when he contradicts her claim, arguing that he had fulfilled the *mitzvah* of *yibum* and has now divorced her, so there is no need for *chalitzah*. When such a claim is made within 30 days we accept her version, but if they had been living together for more than 30 days we assume that they had certainly engaged in relations, and we accept his version.

One question raised by the *rishonim* is why we do not force him to participate in the *chalitzah* ceremony even in the case where her claim was made after 30 days? Since he has chosen to divorce her, he does not lose anything by performing *chalitzah* – so why should he object? In such a case we would anticipate that the principle *kofin al midat Sedom* should be applied. (The rule *kofin al midat Sedom* teaches that in an interaction between two people where one person benefits and the other suffers no loss, we obligate the one who will not lose out to accommodate the needs of the person who stands to benefit.)

Tosafot answer that that the *yavam* can claim that a court appearance is a burden for him, or even that the *chalitzah* ceremony is degrading towards him, so he is perceived as suffering a loss should he participate in it. According to the *Nimukei Yosef* he can also argue that if he simply divorces her, he reserves for himself the right to potentially remarry her at some point in the future. Performing *chalitzah*, on the other hand, would reinstate her status as his brother's wife and the option to remarry her in the future will be closed to him.

### *A minor is not excluded from eligibility*

אמר קרא כי ישבו אחים יחדו

The Mishnah discussed the consequences of a minor *yavam* who has relations with the *yevama* who an adult is.<sup>4</sup>

The Gemara challenges the validity of this case from the verse in the Torah which declares (Devarim 25:7) that the objective of *yibum* is “to establish a name for his brother,” and this cannot be achieved by a minor who cannot yet beget children.

The Gemara gives two answers to this challenge. Abaye explains that we also have a verse עליה (and his being a minor is not a critical factor. Rava points out that if we would consider a minor as being ineligible, then he would necessarily be disqualified forever, even upon attaining majority. The rule is that if we cannot apply the statement עליה יבא יבמה” the first moment when the brother dies, this woman would be prohibited forever, just as if she was a brother's wife who has children.

<sup>4</sup> <https://dafdigest.org/masechtos/Yevamos%20111.pdf>

However, we also know that the verse *אחי ישובו כי יחדו* specifically excludes “a brother who was not in the world” with the deceased, which implicitly teaches that if the surviving brother was even a day old when the married brother died, yibum must be done by the infant when he grows up. Therefore, we see, says Rava, that a minor is not a disqualified yavam.

Tosafos notes that the lesson of Rava is not derived from the word *יחדו* for if so, even a *סריס* would be included, as well as the minor. Rather, Rava’s point is derived from the fact that an infant brother is included, as opposed to a brother born after the first brother died.

### *Is Chalitza dangerous?*

לאחר שלשים יום מבקשים ממנו שיחלוץ לה

*After thirty days we request of him to do chalitza.*

Historically there has been a fear about doing chalitza due to its reputation as a dangerous activity. Rabbeinu Shlomo ben Aderes (1), the Rashba, addressed a case of a married yavam who was prepared to do chalitza but was told by kabbalists that it is dangerous for a man to do chalitza. This report scared the man and he refused to do chalitza until Rashba would respond.

Rashba wrote that although he is not a kabbalist, he does not think the report is accurate. The proof he cites for this assertion is the fact that the Torah allows for chalitza, and if it was dangerous the Torah would not instruct the yavam to do yibum.

Furthermore, Chazal (2) inferred from a verse that Beis Din is obligated to properly advise the yavam which course of action to take, yibum or chalitza, and if it seems to them that the relationship is inappropriate they should recommend chalitza. If it were true that performing chalitza is dangerous it would be better for a person to do yibum and marry a woman even if she was not a suitable match rather than engage in a dangerous activity.

Another proof is that the Gemara (3) earlier recognized the validity of deceiving the yavam into doing chalitza. If chalitza was dangerous it would not be permitted to deceive a person into participating in an activity that was dangerous. Rav Ovadiah Yosef (4) suggests that the mistaken belief that chalitza is dangerous may base on the position that even nowadays yibum is the primary mitzvah.

Accordingly, someone who does chalitza rather than yibum is not fulfilling a mitzvah and may be susceptible to punishment for passing the opportunity to establish his brother’s name. He proceeds to cite numerous sources that clearly assign mitzvah status to chalitza and thus since “all of her paths are pleasant,” it is not possible that the Torah would advise a dangerous activity.

Rav Tzvi Hirsh Eisenstadt (5), the Pischei Teshuvah, cites Tosafos<sup>6</sup> as proof that chalitza is not a dangerous activity. Tosafos mentions that the reason a yavam is not compelled to do chalitza is

because it is embarrassing to him. Since embarrassment rather than danger is the reason mentioned by Tosafos, it would seem that danger is not an issue.

1. שו"ת הרשב"א כ"י המובא בשו"ת יביע אומר ח"ד אה"ע סי' ט"ו אות ב'
2. גמ' לעיל מ"ד וק"א
3. גמ' לעיל קו
4. שו"ת יביע אומר הנ"ל
5. פת"ש סוף סדר חליצה אות צא
6. תוס' קי"א: ד"ה לאחר שלשים וע' בשו"ת יביע אומר הנ"ל אות ג' שחולק על הוכחה זו ■

### *Brother Eisav*

כל יבמה שאין אני קורה בה בשעת נפילה  
יבמה יבא עליה הרי היא כאשת אח שיש לה  
בנים ואסורה

A certain man died suddenly with no children, and it appeared as though the widow would require chalitzah from her deceased husband's only brother.

Unfortunately, the yavam was a מומר . Both Rav Nachshon Gaon, zt"l, and Rav Yehudai Gaon, zt"l, ruled that the wife was free to marry whomever she wants without chalitzah from the מומר . They reasoned that just as it is permitted to lend money with interest to a מומר because lending money with interest is only prohibited to one's spiritual brother, one's brother in observing Torah and mitzvos, the same is true regarding the mitzvah of yibum. This mitzvah is only with a spiritual brother who observes

Torah and mitzvos, not a מומר And even if the מומר subsequently does teshuva, he is still exempt from yibum and chalitzah. This is learned from the Gemara in Yevamos 111b which states that a yevama who may not do yibum is like the widow of a brother who had children and is thenceforth forbidden to do yibum.

Since the repentant מומר couldn't do yibum at the time that his brother died because he was not a spiritual brother to his own biological sibling, even if he repented later he cannot do yibum subsequently either.

The Terumas Hadeshen, zt"l, completely opposed this psak. "There is an essential difference between the word brother used in the context of the prohibition against lending with interest and the commandment to give charity, as opposed to the word brother used with regards to yibum. The word brother in connection with ribis and tzedakah is "אחי", which connotes brotherhood—any fellow Jew with whom one shares a spiritual bond of loving communion—since it certainly doesn't mean to apply these mitzvos only to one's biological brother.

Therefore, the word brother in these contexts alludes to a person who should be treated with cooperation and compassion. Namely, one who is your brother in observing Torah and mitzvos.

In the context of the mitzvah of yibum, however, the word brother does indeed refer to one's biological brother. Therefore, there is an obligation to perform yibum regardless of the brother's spiritual level. The Terumas Hadeshen concluded, "The proof of this is in Eisav.

Although he was thoroughly evil, the Torah still refers to him numerous times as the brother of Yaakov!"

**Rabbi Elliot Goldberg** writes:<sup>5</sup>

Levirate marriages are meant to be consummated. Without sex, they won't produce a child to take on the name of the deceased — which is the whole point. So what happens when a levirate couple doesn't have sex?

The mishnah teaches that if, during the first 30 days of their marriage, a woman approaches the court and claims that she and her husband did not engage in sexual relations (but he claims that they did), the court believes her and forces him to perform *halitzah*. After 30 days, the court merely asks him to perform halitzah, because his claim is taken more seriously once a month of marriage has passed. Why is it that we only believe the woman for the first 30 days?

The Gemara looks for a legal position that establishes that the maximum amount of time that a couple would wait before having sexual relations is 30 days. If it can, it can clarify the mishnah. We believe a woman's claim that she and her husband have not had sex if it is made during the first 30 days of marriage, but after 30 days his counter claim that they have is probable. In the former case we can require halitzah; in the latter we can only request.

Pursuing this line of thinking, Gemara cites the following *beraita* (early teaching):

**A man may come to court to make a claim concerning virginity (i.e., that the woman he married was not a virgin) for 30 days after the marriage ceremony — this is the statement of Rabbi Meir.**

Rabbi Meir assumes that a newlywed couple might not have sex for the first time until the 30th day of marriage, which is why a new husband has that long to bring a virginity suit. In the Gemara, Rabbi Yochanan suggests that just as a groom is allowed to make a virginity claim for the first 30 days of marriage, so too does a *yevama* have 30 days to claim that she and her husband have yet to have sex.

Rabbi Meir's opinion, however, is not the only one in the beraita, which continues:

**Rabbi Yosei says: If she was secluded with him after the wedding in a place suitable for sexual intercourse, a claim concerning virginity is only credible immediately. But if she was not secluded with him, they presumably did not engage in intercourse, and such a claim is credible even several years later.**

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<sup>5</sup> Myjewishlearning.com

While Rabbi Meir assumes sex is inevitable by the end of the first month, Rabbi Yosei bases the likelihood of sex on opportunity. If a couple has been alone, we assume that they must have had sex; if not, we don't — regardless of how long they have been married.

Applying this second half of the beraita to our case, one could assume that Rabbi Yosei would not apply a rigid 30-day window during which we believe the yevama's claim that her yavam has not consummated the relationship with her; rather, he would accept the woman's claim only if she and her husband have not yet been together alone. This opinion of Rabbi Yosei has now complicated the support this beraita offers the mishnah's ruling. Rather than exploring the merits of these two positions, however, the Gemara raises an objection, which brings such new clarity to the mishnah that you might wonder why it did not ask it first:

**Before he is forced to perform halitzah, let us force him to consummate the levirate marriage.**

If the goal is for the couple to produce a child, suggests the Gemara, then the court should compel him to have sex rather than to perform halitzah! So why doesn't it do so? Rav explains:

**The mishnah is referring to a case where her bill of divorce is already to be found in her hand.**

Rav explains that the court doesn't compel them to have sex because it is discussing a case where they are no longer married. In this very specific case, although the divorce ends the couple's marriage, it only severs the levirate connection between the couple if they have had sex. If they did not, halitzah is still required and the woman is not free to marry until the ritual is performed. This explains why she would petition the court in the first place.

If they were married for 30 days or less, the court believes her and forces her husband to perform halitzah. After 30 days, whether we follow Rabbi Meir or Rabbi Yosei, we have grounds to believe her ex-husband's claim that they had sex, so the court can only ask her ex-husband to perform halitzah, in the hopes that if he is lying, he will agree to perform the ritual and release her from the levirate bond.

**Johnny Solomon** writes:<sup>6</sup>

Oftentimes, instead of writing a commentary to the Mishna and Gemara, I simply just try and listen to the emotions that emerge from what has already been said in the Mishna and Gemara - and this is what I'd like to do in terms of the Mishna (Yevamot 13:12) found in **our daf** (Yevamot 111b).

We are taught: הַיְבָמָה שְׁאֵמְרָה בְּתוֹךְ שְׁלֹשִׁים יוֹם "לֹא נִבְעַלְתִּי" כּוֹפֵין אוֹתוֹ שֶׁיִּהְיוּ לָהּ – **'If a yevama said within thirty days of her marriage: [My Yavam] has not engaged in sexual intercourse with me, the court forces him to perform halitzah with her.'**

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<sup>6</sup> www.rabbijohnnysolomon.com

To understand the emotions of this Mishna, it is important to remember that the Yevama is a woman who was previously married to a man with whom she did not yet have children, and who – upon the death of her husband - has consented to fulfil the mitzvah of yibum with her brother-in-law for a variety of reasons including her interest in having a child with him. Beyond this, it may be presumed that she agreed to yibum because she was interested in the comfort and companionship afforded in a marriage.

Of course, as I have repeatedly explained in my commentary to Massechet Yevamot, the mitzvah of Yibum is fraught with moral and ethical challenges. Nevertheless, as this woman began her ‘Chapter 2’ with her Yavam, we imagine that this new relationship was filled with hopes that it would provide her with personal support, emotional comfort, and also the possibility of children.

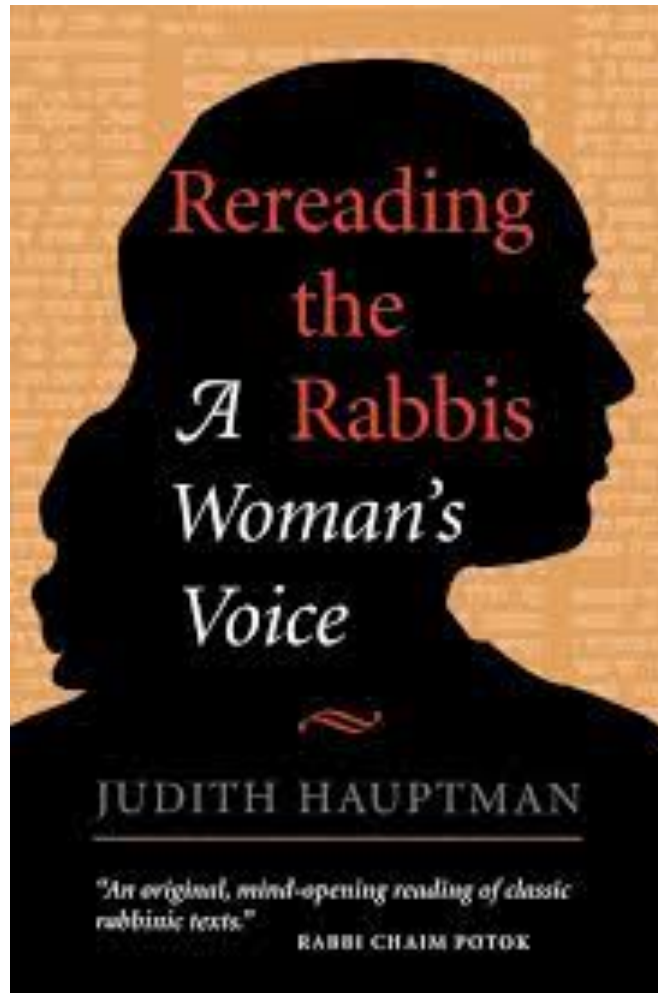
This now brings us back to our Mishna because, upon moving together, and notwithstanding her interest in intimacy, her Yavam chooses not to be sexually intimate with her. Of course, he may well be going through his own emotional trauma following the loss of his brother.

Nevertheless, after agreeing to realise this relationship and after expectantly waiting for intimacy, the woman makes it clear that she did not enter into this relationship for such an outcome.

On numerous occasions in my commentary on daf yomi I have repeatedly emphasised how efforts should be made, and support should be given, to couples looking for guidance and support about sexual intimacy. At the same time, what I haven’t mentioned is the cost of not doing so; and in cases such as the one addressed by our Mishna, the cost is the end of the relationship.

And this is why those teaching brides (kallot) and grooms (chattanim) need to be clear and explicit about how to negotiate physical expectations for the maintenance of a healthy physical relationship, while also being clear and explicit that couples, when experiencing mismatches in expectations, should seek professional guidance before it is too late.





## **Rereading The Rabbis: A Woman's Voice**

**Judith Hauptman** writes:<sup>7</sup>  
**Relations Between the Sexes**

THE PICTURE THAT EMERGES from many Talmudic passages is that society in the rabbinic period was both sex-segregated and patriarchal. Was it permissible, in such a society, for men and women to engage in social and intellectual exchange of ideas? The answer is no.

A close reading of the key texts on the subject of relations between the sexes will show that the reason for this ban was that men found themselves easily aroused in the presence of women and therefore did not trust themselves to be alone with them. It is hard to say whether such a low threshold of sexual arousal is the result of living in a society in which dealing with women was

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<sup>7</sup>[https://www.sefaria.org/Rereading\\_the\\_Rabbis%3B\\_A\\_Woman's\\_Voice%2C\\_2\\_Relations\\_Between\\_the\\_Sexes.63?lang=bi&with=all&lang2=en](https://www.sefaria.org/Rereading_the_Rabbis%3B_A_Woman's_Voice%2C_2_Relations_Between_the_Sexes.63?lang=bi&with=all&lang2=en)

sufficiently rare that it heightened their sexual attraction for men, or whether just the opposite obtained: Because of men's sexual nature, it was necessary for them to live their lives, not with women, but parallel to them.

As much as we will try to understand what these texts have to say on the subject, we must recognize that the conditions of life in the rabbinic period were so different from those of today, the lack of privacy being just one example, that we cannot be sure that we are properly understanding the nature of men's and women's relationships. Even today, relationships between the sexes differ so greatly in the West and East that it is hard for someone in one culture to understand properly human relations in another.

The theory proposed—that men recognized that their own sexual nature makes social interchange with women impossible—is at odds with much current thinking on gender relations in rabbinic culture. Jacob Neusner suggests that men view women as anomalous, dangerous, dirty, and polluting, and in possession of an unruly sexual potential that is lying there just below the surface.<sup>1</sup>*Jacob Neusner, Method and Meaning in Ancient Judaism, Brown Judaica Series, no. 10 (Missoula, Mont.: Scholars Press, 1979), 97.* Judith Wegner says that rabbis ascribe to women moral laxity.<sup>2</sup>*Wegner, Chattel or Person? (New York: Oxford University Press, 1988), 159–162.* David Biale writes that according to the rabbis, women are “incapable of willed sexual restraint.”<sup>3</sup>*David Biale, Eros and the Jews (New York: Basic Books, 1992), 57.* Leonie Archer claims that the rabbis consider women to be insatiable sexual aggressors.<sup>4</sup>*Leonie Archer, Her Price Is Beyond Rubies: The Jewish Woman in Graeco-Roman Palestine, Journal for the Study of the Old Testament Series, 60 (Sheffield: Sheffield Academic Press, 1990), 105.* Michael Satlow says that although men and women were both thought to be sexually desirous, only men were thought capable of controlling their desire.<sup>5</sup>*Michael Satlow, Tasting the Dish: Rabbinic Rhetoric of Sexuality (Atlanta, Ga.: Scholars Press, 1995), 158.* According to all of these authors, men, rather than accepting responsibility for their own sexual misbehavior, blame women for instigating it. These theories fit in with, or are the consequence of, these authors' general sense that men viewed women as Other.

I have no quarrel with the fact that men in ancient societies, and even today, view women as Other. But that does not necessarily imply that they impute evil or depravity to women. On the contrary, I find in the Talmudic sources three general principles or observations that recognize the complexity of sexuality: (1) as already noted, men are easily aroused sexually by being in the presence of women, looking at them, dressed or undressed, or even just thinking about them; (2) women, in general, do not actively try to entice men; (3) sexual attraction in and of itself is considered to be normal and natural but, because it demands resolution, can easily lead to violation of social and religious norms.<sup>6</sup>*It does seem to be the case, though, that over time, some rabbis began to display a negative attitude to the sexual urge, particularly in that it competed with the desire to study Torah. See further discussion.* I will try in the course of this chapter to show that these principles emerge when we read in entirety a rabbinic unit on sexual relations between men and women and compare the views of the Mishnah, Tosefta, Bavli, and Yerushalmi to each other. Only when these materials are examined out of context does it become possible to reach other conclusions. To their credit, the rabbis seem to be aware of some aspects of their own psychological makeup.

The subject not addressed in these passages is what women feel about sex. Although women are central to this material in that they are the source of sexual tension for men, their own opinions are not recorded. Nor do men have much to say about women's sexuality except to acknowledge that women, too, have a need for sexual satisfaction. The halakhic corollary is that since women are subordinate to their husbands and hence not free openly to seek satisfaction, the rabbis require men to meet their wives' sexual needs.

One other point to keep in mind as we read through this material is that just as the chapters in the Bible on forbidden sexual liaisons (Leviticus 18 and 20) place a man at the center and proceed to list the women with whom he may not enter into sexual contact, the Mishnah too, when discussing sexual matters, looks at the world with a man's eyes. Similarly, just as laws affecting women in the Bible are, for the most part, a derivative of laws affecting men, so too in the Mishnah rules affecting women must be derived from those affecting men.

## Men and Women Alone Together

The key set of statements on the topic of relations between the sexes appears in chapter 4 of Tractate Kiddushin. After dealing with lineage and with appropriate and inappropriate marital unions, the Mishnah moves on to another topic altogether, relationships between men and women who are not married to each other.

A man may not be alone with two women [neither of whom is married to him], but a woman may be alone with two men [neither of whom is married to her].

R. Simon says: A man may even be alone with two women, as long as his wife is with him, and he may sleep with them at an inn, because his wife watches over him [and will not allow him to engage either of the two women who are not married to him in sexual relations].<sup>7</sup> See Albeck (415) for a slightly different interpretation of this mishnah. See Tosafot, s.v. R. Simon.

He [i.e., any male] may be alone with his mother and his daughter and lie in bed with them in physical contact. Once they grow up [the boy who lies in bed with his mother or the girl who lies in bed with her father], she must sleep in her garment [כסותה] and he in his [but they may still lie in the same bed]. (M Kiddushin 4:12)

The first part of the *mishnah* states the well-known rule that men and women may not be alone together, but it distinguishes between prohibiting one man from being alone with several women and permitting one woman to be alone with several men. If we read this part of the *mishnah* independently of its context, at least two reasons for the distinction come to mind: Either men need to be protected from being seduced by women, or women need to be protected from being seduced by men. In order to find out which of these explanations is right, we need to read these rules in the context of those that follow.

The second clause of the *mishnah*, about relations between family members, makes the assumption that a father is not aroused sexually by sleeping naked in the same bed as his young daughter, with

their bodies touching, that a young boy is not aroused by sleeping together with his mother, nor, we may assume, is a mother aroused by her young son. That is, immature bodies do not bring about sexual arousal in others or experience it themselves. But once a man matures physically, he will experience involuntary sexual arousal if he is in close physical contact with either his mother or a physically mature daughter. Therefore, although they may still sleep in the same bed, they may not do so naked, but each wrapped in his or her own garment.

This second part of the *mishnah* sheds light on the first. In this second case, the father, mother, son, or daughter is not intent on enticing anyone to engage in a sexual act. The *mishnah* is dealing with a situation, in this case a family bed, in which a man will, *without intending to* find himself sexually aroused by sleeping in bodily contact with a naked woman, even his own mother or daughter. The *mishnah*'s law offers advice on how to avoid such arousal: Have each of them wrap themselves in his or her own blanket-like garment.

It follows that the first part of the *mishnah*, men and women finding themselves alone with each other, is also describing a situation in which men are not actively trying to entice women, nor are women actively trying to entice men. Even so, men will find themselves aroused sexually simply by being secluded with women. To guard a man from interacting sexually with an unattended woman, a likely outcome of their being alone together, the *mishnah* recommends that he make sure another man or else his own wife is present. The juxtaposition of these two sections within one *mishnah* makes it very unlikely that in the first part women are actively trying to seduce men whereas in the second men are trying to contend with involuntary sexual arousal. Since, in addition, the second part of the *mishnah* uses the same key term as the first part—“to be alone with” [להתייחד עם]—they constitute one literary unit on the topic of seclusion, involuntary sexual arousal and its routine consequence, illicit sexual activity.

Note that this *mishnah* is written with a man's concerns in view. It is he who will find himself unable to resist sexual temptation when in the presence of an unattended woman or women. For the *mishnah*, sexual arousal in these circumstances is natural, uncomplicated, involuntary, and perceived of as bad only if it leads a man into sexual transgression. To prevent him from engaging in a sexual act when alone with a woman, the *mishnah* forbids a man from allowing himself to be found in such a situation.<sup>8</sup> *Since the Mishnah allows no seclusion of men with any women at all, even unmarried, it is concerned not just about the violation of Jewish law by men with married or consanguineous women but also about promiscuous behavior of men with unmarried women.*

The reason that two men may be alone with one woman, but two women may not be alone with one man has to do with a man's controlling his instincts: In both cases a female presence excites a man, but in the first instance, the presence of someone else like himself will inhibit him from pursuing gratification, whereas in the second, in the presence of women only, he will not be embarrassed to carry out his sexual design. We will return to this subject later.

The next *mishnah* continues to deal with the subject of involuntary sexual arousal:

A bachelor may not train to become a Bible teacher for children nor may a woman train to become one. R. Eliezer says: Even a man who does not have a wife [living with him] may not train to

become such a teacher.<sup>9</sup> See Albeck (415) for an analysis of the phrase *yilmad soferim*. See also *Tosefta AZ 3:2* (and next note). (M Kiddushin 4:13)

No reason is given for why an unmarried man may not teach young children. The simple explanation, raised and then immediately rejected by both Talmuds (BT Kiddushin 82a; PT Kiddushin 4:11; 66c), is that an unmarried man's pent-up libido may lead him to molest the students sexually.<sup>10</sup> *T AZ 3:2 fears such sexual molestation if a gentile teacher is hired for a Jewish child. Kuthians are not suspected of such behavior (Tosefta AZ 3:1)*. As close to the meaning of the words as this explanation is—exploitation of schoolchildren is a problem to this very day—it would force us to say, in parallel fashion, that a woman, unmarried or *even married*, is similarly suspect. Since no statistics support the notion that women are *more* frequent sexual offenders of children than men, that is not likely to be the view of women's sexual nature that the rabbis are expressing in these texts.

The two Talmuds propose instead that unmarried men may not serve as teachers because of the mothers who accompany young students to school, and women, unmarried or even married, may not serve as teachers because of the fathers who accompany young students to school.<sup>11</sup> *BT Kiddushin 82a; PT Kiddushin 4:11; 66c. The Bavli offers symmetrical explanations for male and female teachers; the Yerushalmi only explains why men may not serve as teachers. This possibly means that the Yerushalmi discounted the notion of women not teaching children.* This means that an unmarried man may not be a teacher of young children because he will come into contact with a student's mother, become aroused by her, and commit a sexual violation. Overpowered by him, she will be unable to say no. The rule about women serving as teachers does not make reference to marital status because the rabbis think that any woman, married or unmarried, will arouse a man. They are not saying, therefore, that the female teacher will attempt to seduce the student's father but only that he will attempt to seduce her.

This alternate interpretation, which focuses on adults and not children, is reasonable in light of the topic of the entire section—a man's low threshold of arousal and lack of control in subduing it. If a man does not have a sexual outlet, the chances of involuntary arousal followed by sexual transgression are even higher. I think it possible that the *mishnah* at some point in time referred to child abuse, in at least the first clause about men. But from the time of the Talmud and on—and maybe even earlier—the interpreters saw it as referring only to the behavior of adults among themselves.<sup>12</sup> *Wegner (Chattel or Person? 160) cites BT Kiddushin 82a and says that the presence of a child will not discourage a woman or a man from fornicating with each other. Because women are viewed as morally lax, the mishnah does not distinguish between married and unmarried women. Ilan (Jewish Women in Greco-Roman Palestine [Tübingen: J.C.B. Mohr, 1995], 193) also interprets the mishnah according to the Talmud (PT Kiddushin 4:11; 66c).*

R. Judah says: A bachelor may not pasture cattle, nor may two bachelors sleep in one tallit [a blanket-like garment]; but the Sages allow [these activities]. (M Kiddushin 4:14)

In this next *mishnah*, R. Judah seems to be worried about involuntary sexual arousal or illicit sexual activity when an unmarried man is in close physical contact with another man or even, as offensive as this sounds to us today, with cattle. The rabbis disagree with him, apparently because they think

that such behavior is not prevalent among Jews, as they say explicitly in Tosefta Kiddushin 5:10 (לא נחשדו ישראל על כך), Jews are not suspected of that).

The *mishnah* continues:

Anyone whose business is with women should not let himself be alone with them [לא יתיחד עם] [הנשים]. And a man should not teach his son a trade that will make him go among women.

This passage again suggests that when a man spends time alone with women, he will be sexually aroused, leading him to engage in forbidden sexual acts. As noted above, she is likely to be overpowered by him and unable to resist. I do not see any suggestion here that the women are actively tempting him or that women are to be looked upon as evil and conniving or even morally lax. Rather, this *mishnah* is a straightforward and almost matter-of-fact presentation of the pitfalls of men's physical responses to being with women, and for some men to being with other men or even cattle, in the event that a man does not have a licit sexual outlet. By mentioning that he is a bachelor, the *mishnah* puts the onus on him. It is he who, because of his suppressed libido, finds himself more easily aroused involuntarily by close contact with women, other men, or even animals.

The *mishnah* here accepts what it perceives as men's sexual nature and tries to restrain it. Just as the rabbis tell people to avoid any actions that may lead them to violate the Sabbath,<sup>13</sup> *An example would be reading by the light of an oil lamp, which may lead someone inadvertently to tilt the lamp to get it to burn more brightly and thereby kindle a flame on the Sabbath. See Tosefta Shabbat 1:12, 13.* so too do they tell men to stay away from women because of the likelihood of attraction, arousal, and the likely result, sexual activity. There is no suggestion here that the women themselves are deliberately trying to entice men, as the Mishnah elsewhere suggests about women who bare their arms in the marketplace, engage men in conversation, and bathe publicly with them, all activities the Mishnah perceives to be clearly designed to lure men into sexual activity (M Ketubot 7:6 and Tosefta Sotah 5:9). Here it is the men who seem unable to control themselves in the presence of women and who need other men to inhibit them from unacceptable sexual activity.

It is remarkable that the Mishnah considers a wife to be an appropriate guardian of her husband's chastity, since, in most cases, she could not restrain him physically. But the assumption seems to be that she has a vested interest in keeping him away from sexual encounters with other women. Therefore, she will see to it, probably in subtle or morally admonishing ways, that he will not find himself aroused or, at least, not able to act on such arousal.

The parallel passages in the Tosefta sharpen our understanding of these *mishnahs*.

A woman may be alone with two men, even if both of them are Kutheans, even if both are slaves, even if one is a Kuthean and one is a slave, except [if one of the two is] a minor, because she is not embarrassed to engage in sexual relations in the presence [of a minor, שאינה בושה לשמש כנגדו].... But she may not be alone with pagans, even if one hundred of them are present. (Tosefta Kiddushin 5:9, 10b)

According to the beginning of this statement, even men who are not fully Jewish, such as Kutheans and pagan slaves,<sup>14</sup> *Pagan slaves are regarded by the rabbis as individuals who are on their way to becoming Jewish. The rabbis required the owners of slaves to circumcise the males and obligated all slaves to observe all mitzvot except for the time-bound positive ones. Upon manumission a slave attained not just freedom but also Jewish status. Kutheans are people whose Samaritan ancestors converted to Judaism not on principle but out of fear. See 2 Kings 17:24ff. They are regarded by the rabbis as neither fully Jewish nor fully pagan.* may be alone with a Jewish woman. From this we can conclude that the rabbis did not fear that women would seduce men, for if they did, why would they distinguish between one man, fully Jewish, and another, not fully Jewish—all would be equally vulnerable to her initiatives. On the contrary, this statement implies that as long as a man has some connection to Judaism, he can be trusted not to force himself on her in the presence of another man. As for mature pagan men, she cannot be alone even with one hundred. Why? I do not think the rabbis fear that she would seduce one after the other of these more seducible pagan men. More likely, the rabbis' concern is that no matter how many of them there are, they will shamelessly engage in sexual activity with her, even in the presence of ninety-nine others, without a single one of them interfering with the seduction or, more accurately, the rape.

The above passage also says that a woman may not be alone with one man and a minor because *she* would not be embarrassed to have sexual relations with the mature man in the presence of a minor. This can be understood as saying that it is not men who actively seduce women but women who actively seduce men.<sup>15</sup> *Wegner (Chattel or Person? 160) comments: "The sages' androcentric perspective blames the dangers of private encounters between the sexes on women's moral laxity rather than on men's greater susceptibility to arousal." I disagree.* But given the immediately preceding and following statements about men who either can or cannot restrain themselves from engaging an unattended woman in sexual activity, I think such an interpretation is not likely. What the passage may be saying is that a grown man will become sexually aroused when with a woman and that the presence of a minor will not deter him or *even her* the way the presence of an adult male would. Minors do not count. According to this interpretation, the passage assumes that she engages in sex consensually.

His sister, his mother-in-law, and *all* the other women forbidden on the basis of consanguinity, as mentioned in the Torah, he should not be alone with them except if two [i.e., at least one other] are present. (Tosefta Kiddushin 5:10a)

It goes without saying that a man may not be secluded with only one woman because of the opportunity they would have to engage in sexual relations, but one might still think that he could be alone with a female relative. However, the Tosefta says that seclusion with *any* female relative is not allowed. Another adult must be present. This law could be seen as a direct contradiction of the *mishnah* that says that he may be alone with his mother when he is young, or with his daughter when she is young, and even sleep with them in the same bed. But there is no necessary conflict. Either this rule already assumes and accepts the exceptions listed in the *mishnah* and talks about other female relations, not mentioned in the *mishnah*, or else this rule is older than the related *mishnah* and the *mishnah* comes to relax its restrictions somewhat. The *mishnah*'s rationale seems to be, as noted above, that it is hard to imagine sexual arousal between a father and a young daughter and a mother and a young son. Furthermore, it would be hard to prohibit parents and

children from being alone together, given that they live under the same roof.<sup>16</sup> *Samuel, as quoted later in the Gemara, does not make any exceptions to the rule of men not being alone with women, even relatives. He may derive his view from a literal understanding of this passage in the Tosefta.*

The Tosefta continues:

R. Judah says, a bachelor may not pasture small cattle [e.g., sheep, goats], nor may two bachelors sleep in one tallit.

But the Sages say, Jews are not suspected of that.

If we assume that these passages from the Tosefta were known to the redactor of the *mishnah* we looked at above (4:14), we can see that he changed these statements slightly. He simply said that the Sages allow such seclusion, thereby implying, without saying so explicitly, that, according to them, Jews do not engage in homosexual behavior or bestiality.<sup>17</sup> *M AZ 2:1 says, “One may not leave cattle in the inns of pagans because they are suspected of bestiality. Similarly, a woman may not be alone with non-Jews because they are suspected of sexual transgression.” See also Tosefta AZ 3:2.*

But note that what we are talking about here, it seems, is involuntary arousal. The *mishnah*'s statement that the Sages allow two unmarried men, those with no licit sexual outlet, to sleep together in one tallit implies that the Sages do not fear involuntary homosexual arousal and, its likely consequence, homosexual relations.<sup>18</sup> *The possibility of self-gratification by means of masturbation is not raised here or anywhere else. The rabbis banned such behavior. See M Niddah 2:1, BT Niddah 13a-b, and PT Niddah 2:1; 49d. See a full discussion of this matter by Michael L. Satlow, “‘Wasted Seed,’ The History of a Rabbinic Idea,” HUCA 65 (1994). R. Judah disagrees: Whether the two men chose to sleep this way for warmth or for sexual arousal, it is not allowed because of the possible outcome of sexual relations. The Tosefta's wording of the Sages' statement—that Jews are not suspected of “that,” of homosexual or even homoerotic behavior—means that according to the Tosefta the Sages recognize the possibility that the reason that two pagan men may choose to sleep in one tallit is to arouse themselves sexually; Jewish men, they feel, would not do so and hence may sleep in close physical contact.<sup>19</sup> See Satlow, *Tasting the Dish*, 208–209.*

The Tosefta's last statement on the subject of relations between the sexes upholds the points made above.

Whoever plies a trade among women should not be alone with them. Such as the net makers, the men who sell combed wool and flax, the weavers, the peddlers, the tailors, the barbers, the launderers, the mill repairmen. (T 5:14)

To stray from the subject for a moment, this passage of the Tosefta, which also appears in the Bavli (Kiddushin 82a), paints an interesting picture of a woman's life in Talmudic times, similar in many ways to that of the Roman matron. This passage presents a list of the kind of men who went from house to house to peddle their services or their wares.<sup>20</sup> *Susan Treggiari, in Roman Marriage:*



*Iusti Coniuges from the Time of Cicero to the Time of Ulpian* (Oxford: Oxford University Press, 1991), 421, says that the Roman *matrona* could receive visitors during the day in the atrium, where she sat in a chair and supervised the work of the household. These visitors included tradesmen to whom she had given commissions, peddlers who laid their wares at her feet, men and women asking for favors, her own servants, and so on. Were these men in a fixed place of business, one would not say that their business was with women; if they sold flax and wool in the marketplace, they would sell to all. Rather, it seems that many of these people performed their work at the home of the client or else made a series of visits to the home to check on the progress of their handiwork. For that reason, that they could find themselves in a woman's home alone with her, the Tosefta issues a warning that they should avoid doing so.

This source suggests that the concepts of private and public domains were blurred in those days.<sup>21</sup> See the comments on this issue by Miriam Peskowitz, in her forthcoming book *Spinning Fantasies*. See also my chapter "Feminist Perspectives on Rabbinic Texts," in *Feminist Perspectives on Jewish Studies*, ed. Lynn Davidman and Shelly Tanenbaum (New Haven: Yale University Press, 1994), 45.

The home was not a private place in which a woman was sequestered. There appears to have been a constant stream of people passing through.<sup>22</sup> Tal Ilan, in "A Window onto the Public Domain—Jewish Women in the Time of the Second Temple," in *Eshnav Lehayeihen Shel Nashim B'Hevrot Yehudiot*, ed. Yael Azmon (Jerusalem: Mercaz Shazar, 1995), 47–62, says that rabbinic literature prescribes absolute separation of the sexes but that the picture that emerges from historical texts is different and is class based. Upper-class women behaved according to their own set of more-secluding norms, and poor women according to more-relaxed norms. There is thus many variety in the lives of Jewish women in the land of Israel at that period of time. In addition, male and female servants worked in the home and were supervised by the mistress of the household. With respect to the public sphere, many sources indicate that women shopped in the market, went to the baths, visited friends and relatives,<sup>23</sup> Supporting this notion are the *mishnahs* in the sixth chapter of *Shabbat* that talk about jewelry and related items that a woman may and may not wear out into the street on the Sabbath. This implies that women dressed up and walked about in the public domain on the Sabbath. and showed up at court and public lectures.<sup>24</sup> Treggiari, *Roman Marriage* (423), says that the social activities of an upperclass *matron* included frequenting galleries, colonnades, temples, synagogues, theaters, the circus, the games, triumphs, and resorts outside Rome. Women played dice. Married women went out to visit their friends, met them at the baths, strolled with them in places of public resort, and so on. I am not suggesting that men and women engaged in the same kind of work—women were more domestic and men were engaged in agriculture or commerce, and, of course, there were significant differences resulting from social class—but that women's work, although at home, did not isolate them in the way a woman who works at home today is isolated. The distinction between public and private meant something different in Talmudic times than it does today. It is therefore incorrect to talk about women's private role as opposed to men's public one, a favorite theme of much recent literature on life in the Talmudic period.

To return to the topic at hand: What emerges from all of this material is a sense that men are easily aroused by women and that they will follow through with sexual activity, even engage in forbidden sexual liaisons, unless restrained by the presence of others. We can generalize and say that men

are not calm in women's presence; that there is always a degree of sexual tension. It is for this reason that the rabbis decided to legislate against their being alone together.

We will now turn to the Talmudic commentary on these tannaitic passages. Following the halakhic discussion, a string of anecdotes will draw connections between law and life, thus further supporting the conclusions we reached above.

==What is the reason [that according to the *mishnah* a man may not be alone with two women]? Tanna d'vei Elijah: Because women are light-minded [דעתן קלות עליהן הואיל ונשים]. (BT Kiddushin 80b)

The light-mindedness referred to here is not intellectual but sexual. This statement, ostensibly a tannaitic source,<sup>25</sup>*The collection Seder Elijah is actually post-Talmudic. Individual passages like this one were probably circulating in the Talmudic period.* is saying that each of the two women will allow herself to be seduced by the man with whom she finds herself, despite the presence of another woman. It does not mean that each of them will attempt to seduce him, as the later discussion makes clear. Unfortunately, this statement has been widely quoted as evidence that the rabbis disparaged a woman's intellectual capabilities. Although the words themselves may suggest that, and it would be hard to argue that this quote could not aptly be put to that use, for the record, one should note that in this context its meaning is sexual. "Light-mindedness" here means lacking a strong enough will to resist that which one is being pressed into doing.<sup>26</sup>*In its one other usage in the Bavli, this phrase makes reference to the belief that women, when tortured, will reveal secret information (BT Shabbat 33b). The phrase kalei da'at, with the two Hebrew words reversed, also appears in Sifrei Bemidbar, 103 (p. 102, Horowitz ed.), in association with the term hedyotot, simple people. It thus seems to have had two related but different meanings. Kalut rosh, also light-headedness, is a term that appears in BT Succah 51b, to describe the immodest behavior of women and men in the Temple on the holiday of Succot, during the feast of the water libation. Cf. Rashi (BT AZ 18b, s.v. v'ikka d'amrei), who says that Beruriah ridiculed the rabbis for saying that women were light-headed, in the sexually seducible sense. See also M Avot 3:13. She did not say no, in their opinion, because of her own shortcomings, not because of the hard-to-withstand pressure a man placed on her.*

Even if this passage does not mean that women actively entice men, as I argue, it does seem to represent a partial shifting of responsibility from men to women for sexual misadventure. That is possibly an expression of men's sentiment, or wishful thinking, that they would not have sinned had the women only resisted the advances.

The Gemara continues with a scriptural derivation in support of sex segregation:

==From where in Scripture does this principle emerge?

—Said R. Yohanan in the name of R. Ishmael: A hint of the prohibition of being alone with a woman is found in the Torah. Where? "If your brother, the son of your mother, should entice you [to sin]" [Deuteronomy 13:7]—Does a brother on the mother's side entice, but not a brother on the father's side? [Since both are likely to do so in equal measure, this verse must have something

else in mind.] It comes to teach that a son may be alone with his mother but not with any of the other women who are forbidden to him.<sup>27</sup> *The Gemara itself recognizes that this is far from the simple meaning of the verse.*

This statement of R. Ishmael contradicts the *mishnah* that allows a man to be alone not just with his mother but also his daughter, and even to sleep together with them, in physical contact, until the time of physical maturation (of the boy who sleeps together his mother or the girl who sleeps together with her father). The existence of a tannaitic dispute on this subject suggests that it was undergoing debate and change.

Starting with the following text, the Gemara openly subscribes to the notion that men's ease of involuntary sexual arousal is the primary reason for the social separation of the sexes.

We learned in a *baraita*: For the first thirty days [after birth, if a child dies] it is carried out in its mother's bosom and buried by one woman and two men. But not with one man and two women. Abba Saul says: even with one man and two women.

==One can even say that the *mishnah* agrees with Abba Saul, for when a man is in deep mourning his sexual inclination is subdued....

“But a woman may be alone with two men.”

—Said R. Judah said Rav: They only spoke of fit men [that she may be alone with two of them]; as for promiscuous men, she may not be alone even with ten of them. [This same point has already been made in the Tosefta, if we understand that pagans are in the category of promiscuous men. R. Judah is here expanding the rule to include all promiscuous men, not just pagan ones.]

—There was an instance in which ten men carried out a woman on a bier [and then each had sexual relations with her].

—Said R. Joseph: One should note that ten [men] join to steal a beam and are not ashamed [to do so] in the presence of each other.

R. Joseph's remark about men as partners in crime suggests, yet again, that it is men's shame in the presence of each other that restrains them from having sexual relations with the women among them. For certain transgressions, such as stealing, the shame can be suppressed. “Fit” men, however, will refrain from engaging in sexual relations in the presence of another man. Note that it is not a man's sense of violation of Jewish law that stops him from committing the act, but his sense of shame in front of someone else. Were he totally alone with the woman, nothing, probably not even her saying no, would stop him. A social-status argument can be suggested even here: The reason for the difference in ruling in the two clauses of the *mishnah*—that one man may not be

alone with two women, but one woman may be alone with two men—is that a man is embarrassed to breach conventions of proper behavior in the presence of fit men, his social equals, but not in the presence of women, his social inferiors.

Let me point out once more that these observations could only be made if we read these sources in context. If we examine the first two clauses of the *mishnah* independently, we could conclude that the reason for the differential ruling is that women actively seek to entice men; it is only when another man is present that each can protect the other from her sexual advances. As absurd as I think such fear of women sounds in a patriarchal setting, nevertheless, one cannot properly refute the notion until one reviews the broad literary and legal context of this *mishnah*. Such a reading shows that the rabbis are not worried about active enticement on anyone's part; rather, they are worried about men's inability to control themselves once they are aroused involuntarily.

The Gemara continues with a series of anecdotes about rabbis and sexual arousal.

—Rav and R. Judah were walking on a road and there was a woman walking in front of them. Said Rav to R. Judah: Step lively before Gehenna, [i.e., let us pass her and not be sexually aroused—consumed by Gehenna—by looking at her body from behind]. Said R. Judah: But you are the very one who said that a woman alone with fit men [כשרים] is all right! Said Rav: I did not mean fit men like you and me.

==But like whom?

==Like R. Hanina bar Pappi and his colleagues [who withstood the sexual advances of a Roman matron (BT Kiddushin 39b)].<sup>28</sup>Rav could not have known about R. Hanina b. Pappi, who lived several generations later. This appears to be a later addition. See discussion of this kind of heroic behavior further on in the chapter. (81a)

This story, like the others that will follow, makes it abundantly clear that ordinary men and even rabbis, who are ordinary men but are assumed to be more in control of themselves because of their commitment to mitzvot, are not immune to visual stimulation. They, too, need to remove themselves from the situation in which they find themselves, *even if Jewish law allows it*. Despite the *mishnah*'s ruling, the presence of a second man seems to be no guarantee that the first will not attempt to pursue and seduce an unattended woman, even if he is an individual who takes the rules seriously, such as the very rabbi who formulated them. Sexual temptation and arousal overtake even men like that. The best advice, they say about themselves, is to avoid compromising circumstances. Note that the woman in this story is not paying them any attention but merely going on her way. It is they who inadvertently approach her from behind and find themselves vulnerable to sexual arousal.

After some discussion of related matters, the Gemara continues:

—There were a number of women captives who, upon being redeemed, came to Nehardea and were housed [in an upper chamber at the home of] R. Amram the Pious.<sup>29</sup>Note that his honorific

*was most likely conferred after, not before, this event. Cf. the story about (Rabbi) Elazar b. Durdaia, who lived his entire life dissolutely but repented at the end and was awarded the title Rabbi after he died (BT AZ 17a). They<sup>30</sup>It is not clear who did so—household attendants or the people who brought the women to R. Amram's home. removed the ladder [to deny access to the women. It happened that] when one of them passed by [the opening to the lower story], light fell from the opening [and R. Amram found himself sexually aroused]. He took the ladder, which was so heavy that ten men could not lift it and, all by himself, positioned it below the upper chamber and began climbing. When he was halfway up, he stopped himself and cried out: Fire at R. Amram's! The rabbis came [running but, upon realizing the sexual nature of the fire, chided him, saying] you have shamed us. He said to them, better that you are shamed by me in this world than in the world-to-come. He then adjured [Satan, the embodiment of the sexual urge] to leave him. And Satan issued forth in the shape of a pillar of fire. R. Amram said to him: You are fire, and I am flesh and yet I am stronger than you.*

In this story, as in the others, a rabbi who is loyal to Jewish law finds himself sexually aroused, burning with passion, simply by seeing the shadow of one of the women in his upper chamber. His desire is so overpowering that he is able to execute a superhuman feat in seeking to satisfy it. But in attempting to regain control of himself when halfway to his destination, he summons help. The presence of others stops him from sexual transgression. This point merits attention. As strong as sexual desire is, it is immediately extinguished, or at least suppressed, when others appear. It was not knowledge of the law, respect for it, or fear of punishment in the world-to-come that enabled him to accept frustration of desire. He required the presence of other men to do so.

Note that this story demonizes the sexual urge, portraying it as an independent being that has invaded the body of the rabbi and is later forced to leave. Rather than view his sexuality as a natural part of himself, to be satisfied in appropriate circumstances, he fears it and wants to be rid of it.<sup>31</sup>*Is this story a turning point in terms of how people view their innate sexual nature? Can we say that in the tannaitic period they accepted their sexual selves as a normal part of their being but that later, in the amoraic period, they were beginning to fight against and suppress their sexuality?*

Two stories about Tannaim follow. The issue in these is not the seclusion of men with women but the ease with which men are sexually stimulated and goaded into action. This unit of commentary opened with the statement that women are easily seduced, but the anecdotal material that follows ironically indicates just the opposite, that it is men who are easily aroused and single-minded in pursuing release.

R. Meir used to make fun of sinners. One day Satan appeared to him as a woman on the other side of the river. There was no ferry [at the time]. So he seized the rope and began to cross [on his own]. When he was halfway there, he [Satan] let him go, saying: Had they not announced in Heaven, beware of R. Meir and his Torah, I would have valued your life at [only] two ma'ahs [small coins; i.e., I would have allowed you to sin and thus made your life worthless].

R. Akiva used to make fun of sinners. One day Satan appeared to him as a woman at the top of a palm tree. He took hold of the palm and began to climb. When he was halfway up, Satan let him

go, saying: Had they not announced in Heaven, beware of R. Akiva and his Torah, I would have valued your life at two ma'ahs.

Written in Aramaic, these two stories are probably an amoraic retelling or reshaping of older, tannaitic material. As in the story about R. Amram, here, too, rabbis are easily aroused by the sight of a woman and unable to withstand temptation. But in these instances the rabbi is stayed, not by his own hand, but by Satan's. Once Satan shows them that they are like all men in their inability to resist, he does not let them break the rules but merely chastises them for having succumbed. He teaches the rabbis that rather than mock others for their inability to avoid sin, they should be sympathetic because they themselves are no different.

These anecdotes have far-reaching implications. That Satan stops tormenting the two men because of their amassed merit of Torah study implies that such study has cumulative protective power. This notion allows us to return to a *mishnah* treated in Chapter 1 and interpret it differently. M Sotah 3:5 says that if a woman who drank the bitter waters possessed accumulated "merit," then that merit would postpone the onset of punishment. We can now suggest that the merit in question is that of Torah study: Just as here it protected the two rabbis from sexual sin and punishment, so too, with respect to the *sotah*, the *mishnah* is saying that if she studied Torah, that fact would postpone the onset of the punishment (if she had, in fact, sinned). There does not seem to be any reason that the protective powers of Torah study would be limited to men.<sup>32</sup>*The Gemara (BT Sotah 21a) actually raises but then rejects this interpretation.*

Now we can understand Ben Azzai's statement that follows, obligating a father to teach his daughters Torah, so that they know that if they ever have to drink the bitter waters their "merit" will postpone punishment. Ben Azzai must mean that their accumulated merit of Torah study will protect them.<sup>33</sup>*Some say that Ben Azzai wants them to learn Torah, i.e., to learn that merit protects an unfaithful wife, so that should they sin and drink and not immediately suffer punishment, they will understand that it is not that the waters are not effective but that their own accumulated merits are giving them a period of grace. See Kiddushin 30b, where the study of Torah is the antidote to the evil inclination. Torah, here, is not just knowledge but knowing that knowledge protects.* In both of these cases—M Sotah and the anecdotes here—the (purported) sin is sexual and the protection from sin or from punishment comes from the study of Torah. For men such an opportunity exists, according to these anecdotes in tractate Kiddushin; for women, only according to Ben Azzai in tractate Sotah.<sup>34</sup>*See Daniel Boyarin's fascinating analysis of this mishnah and its associated interpretation in the Bavli and Yerushalmi, in Carnal Israel (Berkeley: University of California Press, 1993), 174–180.*

The next page of Talmud (81b) presents yet another story about men's complacency. It too mocks men who believe themselves to be above temptation.

—R. Hiyya bar Ashi made it a practice that when he fell down prostrate [at the end of the morning prayers], he would ask God to save him from his evil inclination [a reference to the sexual urge]. One day his wife overheard him and mused, but it is already several years that he has separated himself from me; why, then, does he find it necessary to keep making this supplication? Once, when he was studying in the garden, she disguised herself as a prostitute and paraded back and forth in front of him. He asked her: Who are you? She answered: I am Haruta and have returned

today. He propositioned her. She said to him: First bring me the pomegranate from the top of the tree. He jumped up and went and got it for her. When he came home [after his sexual encounter], his wife was lighting the oven. He went and sat inside [or on] it [in order to punish himself]. She said to him: What is this? He told her what had happened. She said to him: But it was I. He paid her no attention until she brought [him] proof [the pomegranate]. [But he refused to be comforted] because he said that his intent, nonetheless, had been to commit a prohibited act. He tormented himself and fasted regularly until he died.

This story, more than the others, drives home the point that even the most pious and learned of men are involuntarily aroused when they gaze upon a woman. It also shows that the Talmud strenuously objects to sexual asceticism. This particular sage, who seemed to think that sexual relations in and of themselves were bad, had ceased sexual activity with his wife. But when a prostitute showed an interest in him, he immediately succumbed, even, remarkably, abandoning the Torah that he was studying. That is, what distracts men from Torah study is sexual thoughts or fantasies. This association, again, helps us understand why the discussion of women and the study of Torah appears in the context of a discussion of women and sexual transgression (M Sotah 3:5).

We may now conclude that, according to most Tannaim, it is not knowledge of Torah that will lead a woman astray, as claimed by R. Eliezer—who says that teaching a woman Torah is teaching her lewdness—but rather the opposite: that Torah offers those who study it a refuge and respite from their consuming sexual drives.<sup>35</sup> See *BT Yoma 35b*. *The question addressed to an evil man, when he comes to judgment after death, is: Why didn't you spend time studying Torah? The Gemara answers that if he says, "Because I was handsome and had to attend to my sexual needs [נאה הייתי וטרוד ביצרי] [and this left me no time for Torah study], then say to him, "Were you more handsome than Joseph? ... "* And also, as noted above in the stories about R. Akiva and R. Meir, the very study of Torah will protect them in the future from contemplated sexual misadventure.

This story is different from the others in that a woman speaks up about her sexual desires and needs. R. Hiyya bar Ashi's wife says, apparently in a tone of regret and wistfulness, that he has not engaged in sexual activity with her for several years. She then devises a way to satisfy herself and also, at the same time, find out if he still possesses the sexual impulses from which he keeps asking God to protect him. In addition to saying that women want sex, this story also teaches that women are not, for the most part, evil temptresses, but devoted, long-suffering wives, and even wise, resolute, and appropriately assertive women. In the course of praising women, the Talmud, as is its wont, discredits a man, in particular, his renunciation of sexual activity. R. Hiyya is a hypocrite: He shuns sexual activity for a long period of time, thus ignoring his wife's needs and rights; he throws himself on the ground each day to ask for God's protection from sexual sin, implying that he was sexually active even though he was not; as soon as a woman shows interest in him, he falls prey to temptation. This story is thus about vanity just as much as it is about sexual desire.

Note also the biblical echoes of this episode. In Genesis 38, after Judah refuses to arrange a levirate marriage with his third son for Tamar, his twice widowed, childless daughter-in-law, he himself engages in sexual relations with her, thinking her a prostitute. She first secures from him several personal items for future use. When her resulting pregnancy becomes known, he orders her burnt at the stake. She then sends him back his seal and cord to show him that it was he who impregnated

her. This biblical narrative is possibly a sophisticated spoof of the biased sex laws of the Ancient Near East: Men may engage with impunity in sexual encounters with women to whom they are not married, but women may not do the same with men to whom they are (apparently) not married. Tamar has clearly outsmarted Judah tactically, and he praises her for her clever and resolute action. In the Talmud account, R. Hiyya bar Ashi's wife outsmarts him tactically,<sup>36</sup> *A standard Talmudic technique is to use a smart woman to shame a silly man. See my chapter, "Images of Women in the Talmud," in Religion and Sexism, ed. Rosemary Ruether (New York: Simon and Schuster, 1974), 202–203.* but he never regains equanimity after having his hypocrisy exposed. The fact that women test men in these two episodes does not suggest that women, in general, are temptresses. In each of these cases a woman chastises a man for unethical behavior: Judah, in that he let Tamar languish, and R. Hiyya, in that he denied his wife sexual satisfaction.

I also suspect an element of male fantasy. Many men are likely to dream that a sexually exciting woman will appear from nowhere, take a fancy to them, and satisfy them in ways that they have not been satisfied before. In this story, the shame at being caught in the realization of such a fantasy, even though, ironically, the prostitute was none other than his own wife, consumed this man to such an extent that he ultimately died. In another well-known Talmudic anecdote, a man who paid a prostitute her steep fee in advance, changes his mind about securing her services at the last moment, when already in bed with her. She is so impressed with his selfrestraint that she follows him back to the land of Israel, converts to Judaism, and marries him (BT Menahot 44a). It is hard to imagine a better example of male sexual wish fulfillment.

Having completed its discussion of the first part of M 4:12, the Gemara now cites the second part, on the subject of a man and his female relatives and proceeds to discuss it.

“A man may be alone with his mother.”

—Said R. Judah said R. Assi: A man may spend time alone [מתִּיחַד] with his sister but even live [alone] with his mother and his daughter [but not with his sister].

—When he recited this in the presence of Samuel, he said: It is forbidden for a man to be alone with *any* of the consanguineous women....

==But we learned in the Mishnah that a man may be alone with his mother and daughter and sleep with them in physical contact.

==This is a challenge to Samuel.... (BT Kiddushin 81b)

This section of Talmud bears out what we saw above: There is a wide range of views on the subject of being alone with one's female relatives. These are the women with whom a man was likely to find himself alone and, therefore, the women by whom he would be sexually aroused. The many



views on this topic and the plethora of anecdotes—not all cited here—lead me to believe, as stated above, that sexual arousal by female relatives was a controversial and real issue for the rabbis.

The Talmud then defines the *mishnah*'s statement that a child who matures physically may no longer sleep in bodily contact with a parent of the opposite sex.

==And at what age [does this prohibition take effect]?

—Said R. Adda b. R. Azza said R. Assi: a girl, nine years and a day; a boy, twelve years and a day. Some say: a girl, twelve years and a day; a boy, thirteen years and a day. For the following must be true: breasts have appeared and [pubic] hair has grown ... [Ezekiel 16:7]....

The discussion of sexual arousal by female relatives ends with an anecdote:

—R. Aha b. Abba visited his son-in-law R. Hisda and took his young granddaughter to bed with him. [Alternate version: put her on his lap.<sup>37</sup>*The expression in the Talmud is, he put her in his kanaf. In the Bible, this term has sexual connotations, e.g., in Deut. 23:1. The context of the story clearly dictates that the grandfather's action should be interpreted sexually, but the commentators, apparently unable to address that rather unpleasant possibility, suggest it means his bosom or lap. Rashi is silent. Tosafot R'Y Hazaken, ad locum, says: He slept with her in bodily contact, meaning he put her inside his bedclothes [שהניחה תחת בגדי מטתו]. See also BT BB 12b "R. Hisda put his daughter in his kanaf."*]

—He [R. Hisda] said to him [his father-in-law]: Does it not occur to you that she may be betrothed [and therefore taking her to bed is inappropriate]?

—He said: But then you have violated Rav's dictum, that one should not betroth a young girl until she is old enough to say, "He is the man I want."

—But, sir, you have violated Samuel's dictum, one may not make use of a woman.  
—I agree with Samuel's other dictum, all may be done for the sake of Heaven [Rashi, I have no sexual intentions; I only mean to show her affection].

We see here an amoraic move away from the permission the *mishnah* gives to sleep in the same bed as young female relatives. R. Aha b. Abba's action is permitted by the *mishnah*<sup>38</sup>*I am assuming that this permission extends to young granddaughters, too.* if we assume that his granddaughter had not yet matured physically, and yet it deeply disturbs her father, R. Hisda. R. Hisda, in fact, expresses this concern elsewhere, saying that a man is no longer allowed to sleep in physical contact with his daughter once she reaches three years and one day.<sup>39</sup>*R. Hisda's statement is in BT Berakhot 24a: "If his children were still small, it is permitted [to recite Shema in bed with them naked, without a tallit separating them].*

==“Until what age?”

—“Said R. Hisda: a girl, until three years and a day and a boy until nine years and a day.  
—“Some say: a girl, eleven years and a day and a boy, twelve years and a day.” See also the section “Sex with a Minor,” in Chapter 4. He politely criticizes his father-in-law but to no avail. The parallel discussion in the Yerushalmi (later in this chapter) similarly lowers the age of children sleeping with parents naked.

When read independently of context, this anecdote seems to say that someone accused of inappropriate behavior can gamely deflect all charges against him by finding a reasonably relevant tradition or text. The old rabbi has the last word, and also, it would seem, his granddaughter in bed with him. But when read in context, it makes the almost frightening point that the grandfather is sexually exploiting or abusing the little granddaughter, using her to “warm himself up,” as did Abishag the Shunamite for King David in his old age (1 Kings 1:1–4). R. Hisda—who says elsewhere that he prefers daughters to sons (BT BB 141a), and he had both—is agitated, it seems, and rightfully so. It is hard to say whether the narrator sides with R. Hisda or not. He appears to be portraying the grandfather in negative terms, but one cannot be sure. It would seem, however, that with the passage of time the need arose to restrict the *mishnah*, to lower the age of permitting children and parents to sleep in the same bed naked. Since the discussion of family sleeping habits ends with this anecdote, the narrator seems to endorse restricting the *mishnah*, which would mean he agrees with R. Hisda and disapproves of the father-in-law’s behavior.

The disagreement here and elsewhere about the age at which a young person’s body can create involuntary arousal, with a total of four different views expressed, again suggests that the rabbis were actively dealing with the subject. The *mishnah*, in its simple presentation, considers puberty to be the limit. But the rabbis in Babylonia and Palestine, with the exception of one anonymous view, lower it. This legal change probably reflects a shift in social standards, a move from a more relaxed attitude about nakedness and physical contact to a less relaxed one. This redefinition can also be seen, certainly in terms of results and maybe even in terms of intention, as an attempt to legislate protection for children—for girls from grown men and also for boys from grown women.

The Yerushalmi commentary on this *mishnah* is much more limited than that of the Bavli.

“A man should not be alone with two women....”

—Said R. Abun: To what does this refer? To fit men. As for promiscuous men, she should not be alone with even one hundred. (PT Kiddushin 4:11; 66c)

This same statement appeared in the Bavli in the name of R. Judah, who said it in the name of Rav. Although it is similar to the Tosefta’s statement that she may not be alone even with one hundred pagans, it is different in that it refers to Jewish men who, like the stereotypical pagan,<sup>40</sup> MAZ 2:1, 2. are promiscuous and know no shame.

Like the Bavli, the Yerushalmi cites the *baraita* in which Abba Saul and the Sages disagree about whether two women and one man may bury an infant, as well as the comment that one need not fear sexual arousal in a cemetery. It then talks about sexual arousal within the family unit.

A man may be alone with his mother and live with her. [He may be alone] with his daughter and live with her. [He may be alone] with his sister but may not live with her. “And he may sleep with them in physical contact.”

It was taught by Tannaim: R. Halafta b. Saul [said], a daughter may [sleep] with a father until three years and one day. A son may [sleep] with a mother until nine years and one day. “Once they grow up, each sleeps in his or her own garment.”

It was taught by Tannaim: If two were sleeping in one bed, each covers himself with his own garment and reads Shema. If his son and daughter were still small, it is all right [to be in bodily contact and even so to read Shema].

In this passage the Yerushalmi presents views like those in the Bavli but at variance with those in the Mishnah and Tosefta. The Mishnah stated that a man may be alone with his mother and daughter and, we may surmise, live with them. By implication, the *mishnah* forbids him to seclude himself with other female relatives. The Yerushalmi, however, comments that he *may* spend time alone with a sister, although he may not live with her. This rule is more lenient than the Mishnah and Tosefta, which explicitly forbade even being alone with a sister. The Yerushalmi then restricts a father to sleeping in physical contact with his daughter until she reaches the age of three, and a mother with her son until he is nine, even though the simple meaning of “*higdilu*,” as used in the Mishnah, is puberty. This is an example of an amoraic stringency, found in both the Bavli and Yerushalmi. As already noted several times, the appearance of this topic in both Talmuds, as well as in the Mishnah and Tosefta with variations in each of these major rabbinic works, creates the impression that it was very much a live issue at the time.

Before I summarize all these materials, it should be noted that throughout this entire discussion, beginning with the Mishnah and ending with the Yerushalmi, the matter of sexual arousal is looked at from a man’s perspective only. It is men who find themselves sexually aroused when seeing or being with women. Whether there is reciprocal arousal on the part of women is not openly considered.

The message of this extended Talmudic discussion is that men and women were not allowed, in contemporary parlance, to develop friendships, enter into social contact with each other, or engage in exchange of ideas because men are understood, first, to be sexually aroused just by the sight of a woman and, second, to be unable to hold themselves back from seeking release. The men most criticized are those who place themselves above others, claiming that they are able to withstand temptation. The only successful strategy is to avoid putting oneself at risk, and that means to avoid the company of women.

Note that this material does not imply that men fall prey to their sexual urges because women deliberately excite them. I find it important to dwell on this point because one can all too easily make the woman the culprit in these situations, in that she entices him to sin. That is precisely what many have written about the rabbinic perception of women, as we have noted.<sup>41</sup> See the views cited in the opening paragraphs of this chapter. But I think that this extensive commentary makes it clear beyond the shadow of a doubt that, according to the Gemara, women do not seek to snare men, but rather men, in the presence of women, lose control of themselves, even or especially if they are generally pious rabbis, and even if the women are close relatives. Taking the attitudes of someone like Ben Sira or Philo, who describe women as deliberately trying to entrap men, and reading their misogyny into this text would be incorrect.<sup>42</sup> See Amy-Jill Levine, *Introduction, "Women like This": New Perspectives on Jewish Women in the Greco-Roman World*, ed. Amy-Jill Levine (Atlanta, Ga.: Scholars Press, 1991), 22. Levine writes that Ben Sira's belief about the indiscriminate sexuality of women is typical of men in Mediterranean culture. See also Judith Wegner's "Philo's Portrayal of Women—Hebraic or Hellenic?" in the same volume. Rabbinic patriarchy had common features with the other patriarchal cultures of the times, but it was not necessarily identical to them.

I also do not think that these texts portray men as sexual predators. These passages reflect the rabbis' attitude toward human nature: It is good when restrained. It should also be noted that the outcome of separation is beneficial not only to men but also to women. To the extent that in the ancient patriarchal world women are socially and physically more vulnerable than men, they would, if these rules became normative, find themselves less harassed. Of course, separation from men also disadvantaged women by limiting their opportunities for active participation in so many matters that affected them.

We find earlier in Kiddushin, 39b–40a, a set of three anecdotes that portray men very differently from the way they are portrayed above. In all three stories, a woman called a *matrona*, suggesting perhaps that she is a non-Jewish woman of the aristocracy, summons a man to engage in sexual relations with her. In all three cases, the men successfully resist her advances, one preferring to attempt suicide rather than succumb. He is saved by Elijah.

The context of these stories is being rewarded, even with a miracle, for keeping the mitzvot of the Torah. Unlike the men in the other set of stories, who cannot resist temptation, these men actively attempt to extricate themselves from the sexual situation in which they find themselves, even at serious risk to their lives. As a reward, they are saved from the *matrona*'s overtures and, in the last case, also from the poverty that had initially placed the man at risk.

How can one reconcile these stories with the others? The *mishnah* in chapter 1 of Kiddushin talks about people who do good deeds and receive rewards for them, and the associated *gemara* brings the above set of stories in which men are portrayed as morally strong. The *mishnah* in chapter 4 of Kiddushin talks about men who should not be alone with women, implying that men cannot control their libido, and the *gemara* brings stories about men who succumbed to sexual temptation. Where, then, does the truth lie? Are men weak or strong in resisting sexual temptation? It seems to me that the *mishnah* that addresses the topic of relationships between the sexes, and its associated commentary, is the material to which we should turn for the rabbis' perception of men. The other set of passages describes unusual, heroic men. They are not to be confused with the majority.

## Attitudes to Sexual Sin

R. Simon bar Rebbe says: Behold it says, “Restrain yourselves and do not eat the blood because the blood is the life ...” (Deuteronomy 12:23). Just as in an instance of refraining from eating the blood, which a man finds repulsive, if he abstains he is rewarded, so too in an instance of appropriating the property of others and engaging in illicit sexual acts, *which a man is attracted to and lusts after* [מזמדתן], if he abstains—how much the more so should he merit [a reward] for generations to come! (M Makkot 3:15)

This source, which does not address relationships between men and women in a direct fashion, as does Kiddushin chapter 4, but is instead providing moral preaching at the end of a tractate, incidentally, reveals social and psychological truths. Misappropriating the property of others and having sexual relations with the women forbidden to a man by the Torah are tempting acts because they speak to his deepest instincts. These are the activities that a man craves. The term *meHaMDatan* reminds us of the last of the ten commandments: “Do not lust (*lo taHMoD*) after a woman ... or any [other] property belonging to someone else” (Exodus 20:17). Although rewards are usually given for actions that we take, in this case, simply not yielding to the ever-present desire to commit these illicit acts is grounds for reward, according to this rabbi. This moralistic *mishnah*, I think, sums up the rabbis’ attitudes to relations between the sexes: No social relations between men and women are possible because men are preoccupied with sex. A man who seeks the companionship of women will merely be putting himself in a trying situation.

This passage accords well with the statements in Pirkei Avot and BT Nedarim, quoted in the discussion of the *Sotah*, that men should not talk much with women because it leads, unavoidably, to forbidden sexual liaisons. *Sihah*, which means banter or friendly chitchat, will lead to friendly feelings, which will lead, ultimately, to sexual activity. It seems to me that women’s exclusion from the study of Torah with men is not linked to their intellectual level or their educational background or their penchant for sin. Rather, in a sex-segregated society, permitting women to interact freely with men would surely lead to sexual intimacy.<sup>43</sup> *As we see elsewhere (BT Ketubot 13a), speaking with a woman can serve as a euphemism for sexual relations with her. Still, in this case, the verb “to speak” seems to have been intended literally.*

Another telling text appears in the Tosefta.

... R. Yosseh said in the name of Rabban Gamliel: Any man who has a trade, to what may he be compared? To a woman who has a husband: Whether she dresses herself up or not, no one will gaze upon her; and if she does not dress herself up, she should be cursed. A man who does not have a trade, to what may he be compared? To a woman without a husband: Whether she dresses herself up or not, everyone will gaze upon her; and if she does dress herself up, she should be cursed.<sup>44</sup> *This is the reading of the text that Lieberman prefers (Tosefta Kiddushin, 280), as it appears in the Erfurt ms. (Tosefta Kiddushin 1:11)*

This statement, uttered incidentally in the context of a legal obligation, also gives us a sense of the social realities of the times. A woman was considered fair game if she did not have a man to protect her. Her behavior, modest or immodest, did not much matter. She would be gazed upon and would likely fall prey to sexual exploitation by men, regardless of her manner of dress, if she did not have

a husband. It is not what is right or wrong that matters to men but what is possible and what is not, according to the rabbis here. Theirs is a rather pessimistic evaluation of men's predispositions. Only the protective presence of another man, the woman's husband, will stop men from acting on their base instincts. Note, also, the touch of irony: Despite the possible pitfalls involved—drawing the attention of other men—a husband expects his wife to dress up, to make herself as attractive as possible in order to maintain his sexual interest in her. This theme repeats itself in so many rabbinic texts that its general acceptance in those days is beyond question.<sup>45</sup> See, for example, *BT Ta'anait 23b*, the statement by Abba Hilkiyah and the discussion between R. Mani and R. Yitzhak b. Elyashiv. See also "Self-examination and Sexual Relations" and "R. Akiva's Intentional Leniencies," in Chapter 7. It seems to be a standard feature of a patriarchal culture: Those who are dependent on the patriarch must seek to please and satisfy him. Note the underlying message that the rabbis view marital sexual activity positively.

### Men's Perception of Women's Sexuality

And the following women leave their husbands but are not given their marriage settlement: the ones who violate Mosaic or Jewish practice.

What constitutes [violation of] Mosaic practice? Feeding her husband untithed food, having sex with him while a *niddah* [a menstruant], not separating hallah, and taking a vow but not keeping her word.

What constitutes [violation of] Jewish practice? A woman who goes out to the market with her head uncovered, who spins in the marketplace, who engages in conversation with any man.... (M Ketubot 7:6)

The parallel passage in the Tosefta elaborates on this behavior:

If a husband took a vow that his wife give everyone a taste of the food [that she burnt],<sup>46</sup> *Lieberman, Tosefta Ketubot, 80*. or that she fill up and spill out on the dunghill [apparently a reference to nonprocreative sex], or that she speak to everyone of intimate matters between him and her, he must divorce her and pay the marriage settlement, because he has not treated her *according to Mosaic and Jewish practice*.

And similarly, if she goes out with her head uncovered, or goes out with her clothing baring [parts of her body], if she has no modesty in the presence of her male and female<sup>47</sup> *Lieberman prefers the Erfurt manuscript's version of this line that does not include "female servants" (ibid.)*. servants or her neighbors, if she goes and spins in the marketplace, or if she bathes herself and others<sup>48</sup> *The Erfurt ms. does not include the word "marhezet" (she bathes others)*. [רוחצת ומרחצת במרחץ עם כל אדם] in the baths, she must leave without a *ketubah* because she has not behaved toward him *according to Mosaic and Jewish practice*. (Tosefta Ketubot 7:6)

These passages accuse a woman of immodest, even sexually provocative behavior, of deliberately trying to entice men to become sexually involved with her. But such a woman is portrayed as one who strays from the right path, who is not like most others. Considering her behavior egregious and calling for divorce imply that most women, in the opinion of the rabbis, do not behave in this way, despite their need for sexual satisfaction.

The passage from the Tosefta is remarkable in that it creates a symmetry between men and women. Both of them can be accused of violating Jewish practice, “dat moshe v’yisrael,” although the *mishnah* calls it “dat moshe v’yehudit,” an older version of the same term. And each list of violations, for him and for her, involves sexual misbehavior. His is forcing her, by means of a vow, to share sexual intimacies with others, apparently in order to heighten his sexual pleasure or to deliberately avoid procreative sex.<sup>49</sup>*It seems to me that having others taste her food is also a sexual reference. The common thread of most violations in the Tosefta is sexual. Lieberman (Tosefta Ketubot, 80) holds otherwise.* Hers, as already mentioned, is immodest dress and behavior, bordering on deliberate enticement.<sup>50</sup>*The Tosefta makes it clear that men and women alike can behave immodestly.*

*When the Mishnah redacted this same halakhah, however, it did not call the men’s actions a violation of sexual norms, as it did women’s provocative behavior, but simply listed two out of three of these items, ruling that in such cases he must divorce her and pay the marriage settlement (M 7:5). That is, the Mishnah does not make the point that men, too, can violate “dat moshe v’yisrael” or “yehudit”: Even though it does not legally tolerate these same behaviors, it does not call them by the name that it calls women’s sexual immodesty. The Mishnah also redefines “dat moshe v’yehudit” for women, separating it into two types of behavior, with the first being a new category of unacceptable behavior: She deceives him regarding her performance of mitzvot that he relies on her to perform, when he has no way of knowing whether she did what was expected of her or not. The second is sexually provocative behavior, as already described by the Tosefta. This phrase is part of the ancient betrothal formula. It is appropriated by the Tannaim as a behavioral standard. See Chapter 5, note 23.*

Elsewhere the Mishnah talks about the sexual needs of the average woman:

If a husband takes a vow that he will not have sex with his wife: Bet Shammai says, two weeks; Bet Hillel says, one week. (M Ketubot 5:6)

This passage says that if a man vows to deny his wife sexual activity for one week, according to Bet Hillel, or two, according to Bet Shammai, he must divorce her. This clear statement that women have conjugal rights in marriage indicates that the rabbis recognized that women too, and not just men, are desirous of sex.

The mishnah goes on to prescribe conjugal frequency for men engaged in a variety of occupations.

Students may leave home without permission of their wives for up to thirty days. Workers may leave for up to one week.

The conjugal duties prescribed by the Torah are men of leisure, every day; workers, twice a week; donkey drivers, once a week; camel drivers, once in thirty days; and sailors, once in six months. This is the opinion of R. Eliezer.

This passage is hard to understand. Were it not for men's expending energy on the job, and sometimes having to leave home for a period of time, the *mishnah* suggests that they would be sexually obligated to their wives every single day. But the Bavli interprets part of this passage from the *mishnah* in a way that virtually empties it of meaning. Saying that this view is R. Eliezer's only, as the *mishnah* itself states, the Bavli goes on to present the view of the Sages that a Torah scholar may leave his wife, *without* permission, for up to two or three years. The stories that follow, however, suggest that he will be sorry if he takes advantage of this leniency.<sup>51</sup> See Shulamit Valler, *Women and Womanhood in the Babylonian Talmud* (Tel Aviv: Hakibbutz Hameuchad, 1993), 56–80, for an analysis of this entire section. See the rest of her book for other examples of the discrepancies between prescriptive law and rabbinic decisions in specific cases.

—Said Rava: Any scholar who makes use of this ruling takes his life in his hands. Like the case of R. Rehum, a student of Rava's in Mehoza, who used to come home [from a long stay away] on the eve of Yom Kippur. One such day, he found himself very engrossed in his studies. His wife, looking forward to his return, kept saying, "Now he is coming, now he is coming." But he did not come. She lost hope and began to cry. He was sitting at that moment on a balcony. It collapsed from under him, he fell down, and he died. (BT Ketubot 62b)

Although R. Rehum had permission to stay away for long periods of time, his absence was still considered by the rabbis to be abusive of his wife. When he reached the point of not even going home for a brief stay over the holidays, he gave up his right to life. This anecdote is perhaps more sympathetic to women than almost any other found in the Talmud: Even though the majority of rabbis give a scholar permission to favor the study of Torah over affording his wife (or even himself) sexual gratification, he will pay with his life if he chooses to ignore her human needs. Although not formally obligated to engage her sexually for years at a time, he is encouraged to do so as a decent and sensitive human being. He is in control of her: Although he can leave her to study and either come back or not, she has to stay at home. When in this dominant position, says Rava, he had better not forget about her or favor Torah study over her company.<sup>52</sup> See Boyarin's analysis of this episode, *Carnal Israel*, 146ff. See also Yonah Frankel, *Iyyunim Be-olamo Haruhani Shel Sippur Ha-aggadah* (Tel Aviv, 1981), pp. 99–115.

What is the difference, then, between men's and women's sexual nature and behavior in these rabbinic portrayals? The argument from silence is that women, in general, are *not* easily aroused by looking at men or being in their company; the sources indicate men *are* easily aroused by looking at women or being in their company. A woman will not, according to the rabbis, find herself involuntarily drawn to sexual transgression and fail to stop herself from seeking gratification. Women, as Samuel says (BT Ketubot 64b), keep their sexual urges within themselves, whereas men cannot contain them. All of the cited material indicates that only the unusual woman solicits a man for a sexual encounter. One should not assume that the rabbis thought that women lacked libido, however, simply because they did not imagine most women actively seeking sexual gratification. Women are, indeed, understood to possess libido, but given



their subordination to men, they are not allowed the freedom to exercise it. In a patriarchal society, men could satisfy themselves as they saw fit, but women, whom they controlled and over whom they had a sexual monopoly, could not. That is, what may in fact be biological differences between men and women are aggravated by men's control over women. Note that these are men's views about what women want and how they behave; they do not, necessarily, reflect rabbinic reality.

## Conclusions

The sources we have considered were written by men and for men. They make a very simple point: Seeing and being with women arouses men sexually. Often, the woman who arouses a man is forbidden to him. Since his arousal demands resolution, it is better for him not to put himself in circumstances in which arousal is likely. To that end, he should not spend time talking to women or being alone with them, even female members of his own family. This last category, which includes mothers, sisters, and daughters, leads the reader to believe that the Mishnah speaks of involuntary sexual arousal. It is hard to imagine, even in circumstances very different from our own, that a normal man would solicit his mother or daughter for sexual activity or that she would solicit him. We should also note that the effect of separation in a patriarchal social configuration was to protect women and children from sexual exploitation.

Nowhere have we seen a sense of women, in general, as responsible, through deliberate actions that they took, of tempting men to sin. It is only individual women about whom such reports appear. But note that it is men, in general, who succumb to sexual arousal with ease. This conclusion challenges those scholars who picture women as temptresses; they reach their conclusion by weaving together scattered aggadic passages, not by reading key halakhic passages in context.

Women's sexual arousal does not receive much commentary, although women's right to sexual gratification is dealt with extensively. The rabbis understood that women have sexual needs, dependent for satisfaction on the men who marry and control them. Recognizing the power that a husband has over his subordinate wife, the rabbis spell out in detail his obligations to her, above and beyond sex for the sake of procreation. There is no frequency of obligation on her part to him, most likely because initiating sexual activity was considered his prerogative. Even if she was also an initiator, his sexual rights did not need the same kind of protection that hers did.

Although we see here an accepting attitude toward sex, with the passage of time and possibly under the influence of foreign ideas, we can trace a less accepting attitude toward sex creeping into the rabbinic mind, as evidenced by some of the later stories. However, even when we look at the texts that view sex favorably, we find them demanding very modest public behavior. The rabbis expected women to cover themselves when they went out in public. A woman who bared her head or her arm was considered to be engaging in sexually provocative behavior, as was a woman who conversed freely with men, or who, in an even more extreme case, sported with them in the public baths.

And, finally, the linkage of sex and Torah came up once again: Sex is seen as a distracting force from Torah study, and conversely, Torah study is seen as a means of taking one's mind off sexual impulses. All these sources lead to the conclusion that the rabbis, like ordinary men, were engaged

in a continuous battle with their libido. They were hoping that the intellectual and spiritual side of them would triumph over the physical. The material above does not lead us to think that they fully accomplished this goal.



*Tristan and Isolde* by John Duncan (1912)

## Tristan and Iseult

**Tristan and Iseult** are a medieval chivalric romance based on a Celtic legend, told in numerous variations since the 12th century. Tristan is also written Tristram or Tristrem, and Isolde is also written Iseult, Isolt, or Yseult. The story has had a lasting impact on Western culture. The tale is a tragedy about the illicit love between the Cornish knight Tristan and the Irish princess Iseult. The story depicts Tristan's mission to escort Iseult from Ireland to Cornwall to marry his uncle, King Mark of Cornwall. On the journey, Tristan and Iseult ingest a love potion, which instigates a forbidden love affair between them.

Different versions of the legend have been recorded in many texts in various languages across medieval Europe. The earliest instances of the tale take two primary forms known as the courtly branch and the common branch, the former beginning with 12th-century poems of Thomas of Britain and Béroul, the latter reflecting a now lost original version. A subsequent version emerged in the 13th century in the wake of the greatly expanded Prose *Tristan*, merging the romance of Tristan with the legend of King Arthur. In the wake of revived interest in the medieval era under the influence of Romantic nationalism, the story has continued to be popular in the modern era, notably Wagner's operatic adaptation.

The story and character of Tristan vary between versions. The spelling of his name also varies, although "Tristan" is the most common modern spelling. There are two main traditions of the Tristan legend. The early tradition comprised the French romances of Thomas of

Britain and Bérout, two poets from the second half of the 12th century. Later traditions come from the vast Prose *Tristan* (c. 1240), which was markedly different from the earlier tales written by Thomas and Bérout.

After defeating the Irish knight Morholt, the young prince Tristan travels to Ireland to bring back the fair Iseult (Isolde, Isolt, or Yseult) for his uncle, King Mark of Cornwall, to marry. They ingest a love potion along the way, which causes the pair to fall madly in love.

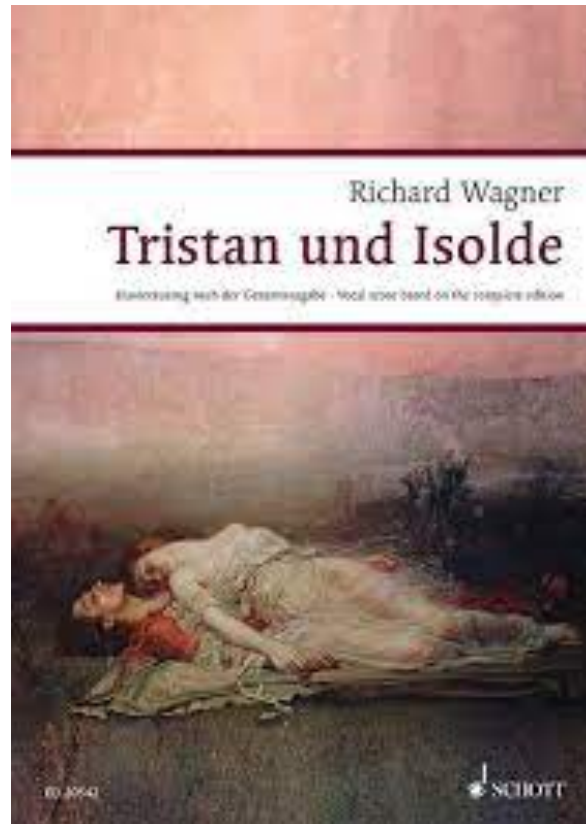
In the legend's courtly branch, the potion's effects last a lifetime, but in the common branch the potion's effects wane after three years. In some versions they ingest the potion accidentally. In others, the potion's maker gives it to Iseult to share with Mark, but she deliberately gives it to Tristan instead. Although Iseult marries Mark, the spell forces her and Tristan to seek each other as lovers. The king's advisors repeatedly endeavour to try the pair for adultery, but they use trickery to preserve their façade of innocence. In Bérout's version, the love potion eventually wears off, and the two lovers make their own choice to continue their adulterous relationship.

Like the Arthur–Lancelot–Guinevere love triangle in the medieval courtly love motif, Tristan, King Mark, and Iseult all love one another. Tristan honours and respects his uncle King Mark as his mentor and adopted father; Iseult is grateful for Mark's kindness to her; Mark loves Tristan as his son and Iseult as a wife. But every night, each has horrible dreams about the future. Mark eventually learns of the affair and seeks to entrap his nephew and wife. Simultaneously, the endangerment of a fragile kingdom and the cessation of war between Ireland and Cornwall (Dumnonia) is taking place. Mark acquires what seems to be proof of their guilt and resolves to punish them — Tristan by hanging and Iseult by burning at the stake. He changes his mind about Iseult and lodges her in a leper colony.

Tristan however escapes on his way to the gallows, makes a miraculous leap from a chapel, and rescues Iseult. The lovers escape into the forest of Morrois and take shelter there until they are later discovered by Mark. They make peace with Mark after Tristan agrees to return Iseult to Mark and leave the country. Tristan then travels to Brittany, where he marries (for her name and beauty) Iseult of the White Hands, daughter of Hoel of Brittany and sister of Kahedin. In some versions (including Bérout and *Folie Tristan d'Oxford*), Tristan returns in disguise to woo Iseult of Ireland, but the behaviour of their dog, Husdent, betrays his identity.

### **Association with King Arthur and demise**

The earliest surviving Tristan poems include references to King Arthur and his court, with mentions of Tristan and Iseult also found in some early Arthurian texts. The connection between the story and the Arthurian legend was expanded over time. Shortly after the completion of the Vulgate Cycle (the *Lancelot-Grail*) in the first half of the 13th century, two authors created the Prose *Tristan*, which fully establishes Tristan as a Knight of the Round Table. Here he is characterized as one of the greatest members of the Round Table, a former enemy turned friend of Lancelot, and a participant in the Quest for the Holy Grail. The Prose *Tristan* then became the common medieval tale of Tristan and Iseult, incorporated into the Post-Vulgate Cycle. Two centuries later it would be the main source for Thomas Malory's seminal Arthurian compilation *Le Morte d'Arthur*.



*Tristan und Isolde* (*Tristan and Isolde*), WWV 90, is an opera in three acts by Richard Wagner to a German libretto by the composer, based largely on the 12th-century romance Tristan and Iseult by Gottfried von Strassburg. It was composed between 1857 and 1859 and premiered at the Königliches Hoftheater und Nationaltheater in Munich on 10 June 1865 with Hans von Bülow conducting. Wagner referred to the work not as an opera but called it "*eine Handlung*" (literally *a drama, a plot, or an action*).

Wagner's composition of *Tristan und Isolde* was inspired by the philosophy of Arthur Schopenhauer (particularly *The World as Will and Representation*), as well as by Wagner's affair with Mathilde Wesendonck. Widely acknowledged as a pinnacle of the operatic repertoire, *Tristan* was notable for Wagner's unprecedented use of chromaticism, tonal ambiguity, orchestral colour, and harmonic suspension.

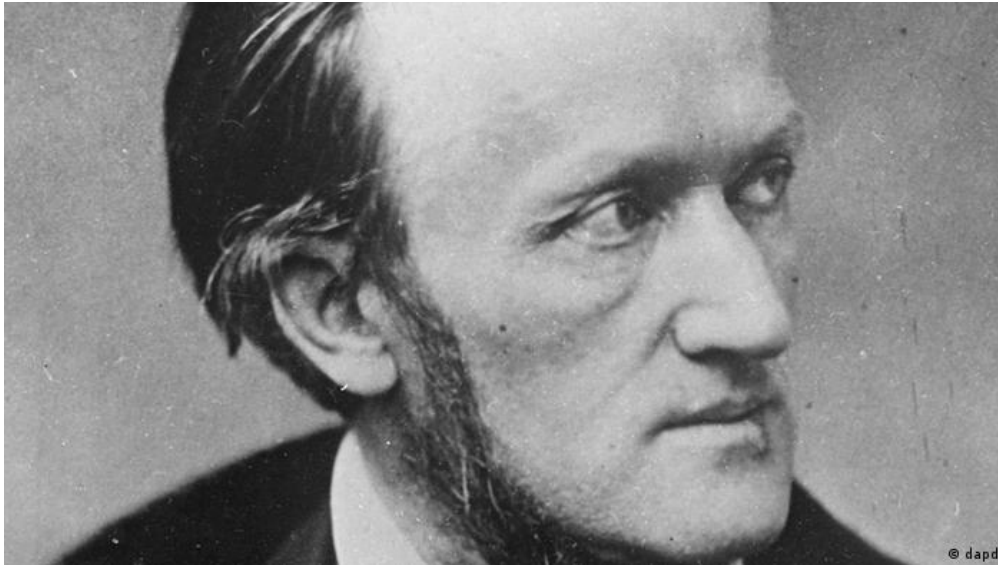
The opera was enormously influential among Western classical composers and provided direct inspiration to composers such as Gustav Mahler, Richard Strauss, Alban Berg, Arnold Schoenberg, and Benjamin Britten. Other composers like Claude Debussy, Maurice Ravel, and Igor Stravinsky formulated their styles in contrast to Wagner's musical legacy.<sup>[citation needed]</sup> Many see *Tristan* as a milestone on the move away from common practice harmony and tonality and consider that it lays the groundwork for the direction of classical music in the 20th century.<sup>[1]</sup> Both Wagner's libretto style and music were also profoundly influential on the symbolist poets of the late 19th century and early 20th century.

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## Richard Wagner and the Jews

**Gaby Reucher** writes:<sup>8</sup>

The composer wrote antisemitic essays, but some Jewish artists played a special role in his life. Wagner's relationship with Jews remains a topic of debate.



**Richard Wagner**

Every year in summer, over 60,000 Wagner fans from within and outside Germany visit the Bayreuth Music Festival. Anybody who wanders in the park on the festival premises is bound to stumble upon the Nazi history of the place.

On one side stands the big bronze Wagner bust by Nazi sculptor Arno Breker, on the other, commemorative plaques for all artists who were persecuted during the Third Reich. Most of them were Jewish.

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<sup>8</sup> <https://www.dw.com/en/jews-and-richard-wagner/a-58646578>



**The Wagner Museum is located in the composer's former residence,**

### **Villa Wahnfried**

"Nobody debates the fact that Wagner was vehemently antisemitic," says Sven Friedrich, director of the Richard Wagner Museum in Bayreuth. He has dedicated a whole floor of the museum to the composer's ideological history.

Adolf Hitler was not even born when Richard Wagner died on February 13, 1883, but the ideological connection between the two remains a subject of academic research. It is well documented that Hitler was fascinated by Wagner's music and that he instrumentalized it for his ideological purposes. The Nazi leader was also a welcome guest at Wagner's son Siegfried and his wife Winifred's home.

### **Critical research on Wagner**

But whether Wagner's antisemitism had an influence on his music and whether there are figures caricaturing Jews in his operas is ongoing topic of debate. "There are no clues in either Wagner's writings or the diaries of his wife Cosima about Wagner having such an intention," says Wagner expert Sven Friedrich.

Whether figures on stage reflect prevailing stereotypes or physical features used to represent Jews is a question of interpretation, Friedrich points out.

Was for example the character Beckmesser in Wagner's *Die Meistersinger von Nürnberg* designed as a caricature of a Jew?

At the Bayreuth Festival 2017, Barrie Kosky — the first Jewish director to stage a work at the festival — played on this idea, exaggerating the stereotypical features of the character.



**Kosky's staging of 'Meistersinger von Nürnberg' played on the controversial question of how Jewish characters are depicted**

Current research further analyzes the era and the social context of Wagner's antisemitic views. For example, a symposium called "Marx and Wagner - Capitalism and German feeling" held at the Deutsches Historisches Museum in Berlin in April compared the composer's views with those of the philosopher Karl Marx. In their youth, both spoke against capitalism and against the "Geldjuden" (literally, "Money Jews"), a disparaging name for affluent Jews.

**Wagner and antisemitism in the 19th century**

In the course of history, Jews' rights were often restricted; they were allowed to practice only certain professions and prohibited from settling down in many places.

In the spirit of the French revolution's rallying call, "Liberty, Equality, Fraternity," Napoleon passed a law in the beginning of the 19th century that accorded Jews equal rights as French citizens. In Germany however, there were no uniform regulations until 1871, when the constitution of the German Reich specified the rights of Jews. Richard Wagner was angered by the changes.

Two decades earlier, Wagner had written the essay *Das Judentum in der Musik* (Jewishness in music) under a pseudonym.

In this piece first published in 1850, he attacked Jewish artists. He said that Jews had never had their own art and therefore, never a life of artistically viable content. Jews could only "repeat like parrots" and imitate other artists. In that, they were however very successful, he said.



### **Best friends with Hitler? Wagner's grandson and daughter-in-law with the Führer**

Wagner also warned against the so-called "assimilated" Jews, who inserted themselves in the society of a nation. This, he felt, caused fear among nationalist and conservative citizens.

"This was an important impulse for the myth that in the background, there was a Jewish power that wanted to take control," says Sven Friedrich. Wagner advocated that Jews be driven out of Germany. In Judaism, which for him personified the unity of industry and capital, he saw the reason for the downfall of culture and politics.

### **An ambivalent relationship**

However, there were many people of Jewish faith who were supported by Richard Wagner and his musical projects. Some of them, like the Jewish poet friend Heinrich Heine, were even revered by the composer. He justified his fascination saying that Heine understood how to caricature the Germans.



German operettist Giacomo Meyerbeer was a Jew who was one of Wagner's early supporters and who had introduced him into Parisian society. But Wagner later destroyed his reputation, claiming that as a Jew, Meyerbeer could not write real music. One could assume personal spite also played a role in his attacks against Jewish composers.



### **Heinrich Heine: Admired by Wagner**

Wagner developed fatherly feelings for the young Jewish piano virtuoso and student of Franz Liszt, Carl Tausig, and invited him to live at his place. Later, Tausig helped realize the cycle of Ring des Nibelungen for the Bayreuth Festival. Many Wagner associations were created to finance the project and Tausig also sold patronage certificates to collect money.

The new festival theater also featured the Bayreuth orchestra and Hermann Levi, the conductor of the royal court opera of Ludwig II of Bavaria. He was greatly respected by the Wagners, but the son of a Rabbi and refused to get baptized as a Christian, leading to disputes with Wagner. Jewish pianist Joseph Rubinstein, who worked as an arranger for the composer, was similarly affected by Wagner's antisemitism.



### **Hermann Levi's Jewish heritage made him an outcaste**

#### **The Wagners and Hitler**

Wagner's children grew up with his antisemitic legacy. Some of his family members critically engaged with the subject, while others followed Wagner's sentiments. His daughter Eva married the English publicist Houston Stewart Chamberlain, whose nationalist writings fed the ideologies of the Nazis.

His son married an Englishwoman, Winifred Williams, who admired and supported Adolf Hitler. The latter, on his part, ensured that the Bayreuth festival could be held in even during the first years of World War II.

It is believed the Hitler did not know Richard Wagner's antisemitic writings, but that he was compelled by Wagner's famous idea of the Gesamtkunstwerk, or complete work of art, in which text, music, theater and architecture came together under his direction.

However, that is only one aspect, says museum director Sven Friedrich. "Wagner's idea also encompassed the great aesthetic community of creators and viewers," as well as the merging of all societal discourses — politics, economics and religion — in art, he explains. In his 1849 essay, *Das Kunstwerk der Zukunft* (The work of art of the future), Wagner wrote, "In the work of art, we will all be one."

An overarching design was also the idea of the Nazis, Sven Friedrich says: uniformity and homogeneous masses, with the Führer at the top.

### **A polarizing figure**

"At that moment, when antisemitism — and later also racial antisemitism, which Wagner also adopted — becomes an integral part of a cultural theory, it also becomes one of the basic questions of German national identity," Friedrich explains.

"And that is actually the scandalous connection between art and theory of art and antisemitism. This is how antisemitism in Germany got its particular driving force, up to the Shoa," he adds.

These are complex correlations, which Sven Friedrich wants to demonstrate in the Wagner Museum. "We also owe it to the victims of the Shoa that we don't stay fixed in a superficial mode of confession, but that we engage with this ideological history seriously and in suitable measure."



*Tristan and Isolde* by Herbert Draper (1901)

## Chastity versus Courtly Love in "The Poor Bachelor and His Rich Maiden Cousin"

Rella Kushelevsky writes:<sup>9</sup>

*Sefer ha-Ma'asim* (Book of Tales) from northern France is one of the most impressive and largest collections of Hebrew stories from the Middle Ages.<sup>1</sup> Its sixty-six stories were copied into a magnificent Ashkenazi manuscript, dated to the thirteenth century, which is the only evidence of the compendium that remains.<sup>2</sup> The stories are presented continuously, without any transitions or commentary between them, and the book has no centrally unifying theme to underscore the intention of the collection of tales, unlike a collection of homilies or stories organized around a single theme.<sup>3</sup> Each story begins with the word *ma'aseh* ("tale") stylized with a drop cap, which further lends the collection its typographic character as a compendium of tales.<sup>4</sup> Its sources are varied, ranging from the literature of the Talmud and Midrash to collections of stories from eastern and northern Africa, and also include influences from its non-Jewish Western European environment. The collection's diverse genres, which include legends, novellas, romance-like tales and humorous accounts, also contribute to making it an especially interesting book.

Eli Yassif already pointed out thirty years ago, in his pioneering study, that *Sefer ha-Ma'asim* is a product of the European Renaissance in the Middle Ages. As he put it:

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<sup>1</sup> I would like to thank Tovi Bibring and Elisheva Baumgarten for reading the article and for their helpful comments. This research was supported by the Israel Science Foundation (grant No.693/08).

<sup>2</sup> For the time and place of the manuscript, see Malachi Beit-Arié, "Ms. Oxford, Bodleian Library, BodL. Or. 135," *Tarbiz* 54 (1985) 631–634.

<sup>3</sup> See Eli Yassif, *Ke-margalit be-mishbetset: kovets ha-sipurim ha-Ivri bi-Yeme ha-benayim* (Tel Aviv: Hakibbutz Hameuchad, 2004) 139–140.

<sup>4</sup> On the magnificent design of the collection, see Eli Yassif, "'Leisure' and 'Generosity': Theory and Practice in the Creation of Hebrew Narratives in the Late Middle Ages," *Kiriat Sepher* 62 (1990) 887–905.

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<sup>9</sup> *Jewish Studies Quarterly*, 2013, Vol. 20, No. 1, Special Issue: The Hebrew Story in the Middle Ages I (2013), pp. 61-82

The growing place of the story in the Jewish art and life of the period should be viewed as one of the characteristics of the cultural and psychological changes that occurred in Jewish society too, as part of the cultural 'Renaissance' of the 12th century. The fact that such a magnificent codex as the Oxford manuscript from the mid-13th century is entirely devoted to stories is a quintessential sign of these cultural changes.<sup>5</sup>

The broad application of this statement becomes ever clearer as the study of *Sefer ha-Ma'asim* expands and deepens in comparative and literary-historical directions, against the background of the twelfth-century Renaissance in France and its literary writings. The initial tendency is to identify *Sefer ha-Ma'asim* in accordance with earlier expectations as an albeit large collection of stories that is redacted based on a well-known and conventional format: a selection of mostly well-known stories from earlier sources in the Talmud, midrash and story compilations from the east that lend the collection a familiar air. However, it is the atypical stories in *Sefer ha-Ma'asim*, the ones that are most difficult to decipher – such as “The Poor Bachelor and His Rich Maiden Cousin” – that provide the researcher with the tools to explore the collection on the backdrop of its cultural context in northern France. As the investigation of the stories develops *Sefer ha-Ma'asim* is increasingly revealed as being deeply rooted in the culture of Western Europe, in addition to its self-evident roots in Jewish culture. The way in which values that are alien to Jewish storytelling contribute to informing these stories and influencing their meaning makes the study of this collection a challenge that has yet to be exhausted.

A relatively large number of stories in *Sefer ha-Ma'asim* deal with love, marriage and family, not necessarily from the explicit thematic aspect, but rather on the level of a discourse that represents values and a philosophy of life. Eighteen of the sixty-six stories, or 27 percent, contain both explicit and implicit erotic themes, which also represent the values of marriage and faithfulness in the family (what the text calls “cleanness”), as well as solidarity among its members.<sup>6</sup> Four of them

<sup>5</sup> Yassif, *Ke-margalit*, 163–164. He dates the collection, distinct from the date of the manuscript, to the second half of the twelfth century or the first half of the thirteenth century. (137–139)

<sup>6</sup> The stories are: “The Man who Never Swore an Oath” (305a–306b); “Ukva” (307a–307b); “Which Was the Noblest Act / The Thief who Has Given Himself Away” (307b–308b); “One of Ten” (308b); “The Tzitzit Commandment” (308b); “The Slandered Woman” (310b–311b); “Johanan and the Scorpion” (313b–317b); “Slander Kills Three” (318a); “Rabbi Akiva’s Daughter” (318b); “Mattiah Ben Heresh” (318b); “The Rat and the Pit” (320b–321a); “Solomon and the Treacherous Woman” (325b–326b); “The Poor Bachelor and His Rich Maiden Cousin” (327a–329a); “Ukva – A Second Version” (330b–331b); “The Son Who Gave His Money to

are presented in proximity to one another as a cluster, in such a way as to underscore this thematic choice.<sup>7</sup> In two of the stories, the value of faithfulness is explicitly noted in the epilogues.<sup>8</sup> The other stories are scattered throughout the collection. Five of them are particularly long in comparison to the other ones in the collection (as already noted by Yassif), and consequently they carry considerable weight in characterizing the way the romance influenced the Jewish Story.<sup>9</sup> Certain expressions and idioms in the epilogue and in the mouths of the characters function as code words that are repeated throughout the collection: “A woman who denies her husband is denying her Creator,”<sup>10</sup> as well as the expression “cleanness,” the source of which is an aphorism cited in the ancient Jewish sources in the name of R. Pinhas ben Yair.<sup>11</sup> Three additional stories glorify the value of abstinence, which is the other side of the coin that we are discussing here.<sup>12</sup> While a didactic lesson against adultery is not uncommon in Jewish fiction, especially in the homiletic writings on the Ten Commandments, in *Sefer ha-Ma’asim*, despite its strong affinity to *Midrash Aseret ha-Dibberot*, it is related to the value of the family, its integrity and continuity. The importance of the value of the family is evident in the case of the stories that are borrowed from the non-Jewish environment and reworked in *Sefer ha-Ma’asim*, as well as in

Charity” (332a–332b); “The Raven’s Prophecy” (= “The Prodigal’s Return”) (333b–336b); “Solomon and Hiram” (336b–337a); “A Woman in Hell” (338b–339b); and “The Mother and Sons” (305a) (in which family solidarity is paradoxically expressed in the mother’s willingness to sacrifice her children to sanctify God’s name in order to assure them eternal life). It should be noted that the above titles are not integral to the collection itself.

<sup>7</sup> The cluster contains the following stories: “Ukva,” “Which Was the Noblest Act / The Thief who Has Given Himself Away,” “One of Ten,” and “The Tzitzit Commandment” (307a–309b).

<sup>8</sup> In the epilogue of “One of Ten,” we find: “And forever take care that your children be born in cleanness and that you marry a clean woman who will not be unfaithful to you so that your sons will be quick to fulfill the commandments, your honor”; and in “The Tzitzit Commandment”: “Come and see this verse: ‘The eye of the adulterer waits for twilight, saying, “No eye shall see me,” and he keeps his face concealed.’ [...] Thus, your children should live in cleanness.”

<sup>9</sup> These are: “The Slandered Woman,” “Johanah and the Scorpion,” “The Poor Bachelor and His Rich Maiden Cousin,” “The Son Who Gave Away His Money to Charity” and “The Raven’s Prophecy.” See Yassif, *Ke-margalit*, 146.

<sup>10</sup> The expression appears in the stories “Ukva” (307a–307b) and “The Slandered Woman” (310b–311b).

<sup>11</sup> “One of Ten” (308b), “The Tzitzit Commandment” (308b–309a). See the aphorism of R. Pinhas ben Yair in the *baraita* as cited in Mishna, *Sotah* 9:15: “Zeal leads to cleanness. And cleanness leads to purity, and purity leads to abstinence, and abstinence leads to holiness.” And see BT *Avodah Zarah* 20b, and other places, too.

<sup>12</sup> “Mattiah Ben Heresh” (318b–319a); “The Torah Delays the Death of a Righteous Man” (322b–323a); “A Slave for Seven Years” (325a–325b).

the stories from rabbinic literature (Talmud and Midrash) that were adapted in the new collection. It is very clear that the selection of love stories and stories about married life and faithfulness is especially striking in *Sefer ha-Ma'asim*.<sup>13</sup>

I will explore the impact of the romance on the Jewish compilation based on one of its stories as a case study, “The Poor Bachelor and His Rich Maiden Cousin,” in the context of the ethos of courtly love and its expression in the vernacular literature in France of the twelfth century. The Champagne district – where *Sefer ha-Ma'asim* was copied, and where it was apparently also written and compiled – was one of the most important centers of literary activity and theories of “love” as reflected in the works of Bérout, Thomas, Marie de France, Andreas Capellanus and Chrétien de Troyes. All lived in the twelfth century, and two of them, Andreas and Chrétien, wrote in the Champagne district. The Jews were well acquainted with the conventions that underlay these writings and the oral traditions upon which they were based, as well as the courtly world of chivalry in which they were written, even if they may not necessarily have been familiar with these particular works.<sup>14</sup>

If we examine the stories in *Sefer ha-Ma'asim* in the context of the ethos of courtly love, it appears self-evident that they should reject love that involves adultery, whether in practice or as the object of desire. Beyond the general hypothesis that is based on the statistical findings presented above, there appear to be further directions for exploration: Can we point to an intertextual connection between *Sefer ha-Ma'asim* and the literature of the period? Does *Sefer ha-Ma'asim* suggest that feelings of passionate love between men and women are acceptable, an

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<sup>13</sup> For detailed discussion of the “family” theme in *Sefer ha-Ma'asim*, see Rella Kushelevsky, “Family Images and Identities in Medieval Jewish Versions of ‘Shooting at Father’s Corpse’ (Tubach 1272), a Comparative Study,” *Fabula* 52 (2011) 228–240; and Ayala Friedman, “Ha-zahir be-mitzvot tzizit vaha-zona: Teshuva, nekiyut ve-zugiyut” (MA thesis, Bar-Ilan University, 2011).

<sup>14</sup> For evidence of familiarity with the knightly norms and their influence on the Jewish self-image, and with literary conventions of the romance expressing cultural interests, see Susan Einbinder, “Signs of Romance: Hebrew Prose and the Twelfth-Century Renaissance”, in *Jews and Christians in Twelfth-Century Europe*, ed. Michael A. Signer and John Van Engen (Notre Dame: University of Notre Dame Press, 2001) 221–233; and recently, Ivan G. Marcus, “Why Is This Knight Different? A Jewish Self-Representation in Medieval Europe,” in *Tov Elem: Memory, Community and Gender in Medieval and Early Modern Jewish Societies, Essays in Honor of Robert Bonfil*, ed. Elisheva Baumgarten et al. (Jerusalem: Hebrew University, 2011) 139–152. For the beginning of this direction over fifty years ago, done in order to gain an understanding of the reality (in contrast to current studies, which focus on matters of discourse and self-image), see Manford Harris, “The Concept of Love in Sepher Hassidim,” *JQR* 50 (1959) 13–44.

approach that may be ascribed to the courtly love discourse? What is the connection in *Sefer ha-Ma'asim* between a love marriage and a marriage arranged by parents due to economic and social considerations? While these questions of the perception of love in *Sefer ha-Ma'asim* offer a very broad research horizon, the current discussion will focus on a single story.

### *"The Poor Bachelor and His Rich Maiden Cousin"*

Once there were two brothers: one poor, who had many sons and daughters, and the other rich, who had but one daughter. Isaac, a son of the poor brother, was a paragon of all virtues, "a good fellow, very handsome and a good scholar," and his uncle loved him greatly.

At this point we anticipate that the daughter will be wed to the son of the poor brother, despite the miserly nature of the uncle, the girl's father. The beginning of the story leads us to expect that the future love between them will overcome all the obstacles along the way.

This expectation is eventually fulfilled, but only after many twists and turns. The differences in class, social standing and gender seem to pose a seemingly insurmountable obstacle. The poverty-stricken brother is in need of a loan to tide him over, but the rich brother demands that he produce collateral for the loan: he must give him Isaac, his favorite son, in return. ("Bring me your son Isaac, the one you love more than all your other children," he says.<sup>15</sup>) The uncle also loves his nephew, but his love is selfish and instrumental, as the nephew is turned into an object of barter. The possibility of wedding his daughter to his poor brother's son has not yet occurred to him, because he is focused on his own pleasure and economic and social interests, and these leave no room for a match with a destitute family. This also becomes evident later on in the contest between the prospective grooms that the uncle forces on his daughter in consultation with his wife: Isaac and the mother's brother are required to prove their business skills over the period of a year, with the victor winning the daughter's hand. Only after Isaac has proven his prowess as a merchant does he win his bride, and only at the very last moment, just before she is about to marry his rival.<sup>16</sup>

<sup>15</sup> Compare Gen 22:2: "Take now your son, your only son, whom you love, Isaac, and go to the land of Moriah, and offer him there as a burnt offering on one of the mountains of which I will tell you."

<sup>16</sup> For more on this tale-type in Europe, involving competitions between prospective grooms over the hand of a girl, see F. C. Tubach, *Index Exemplorum: A Handbook of*



Nevertheless, the expectation of a “happy ending” continues to prevail by virtue of the impact of the opening sentence, which carries considerable weight in channeling the readers’ or listeners’ expectations, and also the allusion to the story of the Binding of Isaac, which ended well. The reader is curious to follow the process that will eventually result in the father recognizing his daughter and Isaac as subjects that have feelings and desires of their own.

The expectation of resolving the complication that impedes the marriage of the two young lovers arises also against the background of a homily in Midrash Tanhuma, which begins similarly: “It is told of a man, very rich and respected, who had one daughter, who was very beautiful and righteous ... And that rich man had a very poor brother in another country with ten children.”<sup>17</sup> The destitute brother’s situation becomes especially dire, and his son travels all the way to the home of the uncle to ask for his help. After a week’s stay with the uncle, he asks for his daughter’s hand in marriage. Here the uncle’s refusal to allow the marriage is not due to stinginess or class differences, but is rather the result of concern for his nephew’s welfare. He fears that his nephew might share the fate of his daughter’s previous three bridegrooms, who all died on their wedding night. His daughter has sadly become a “lethal woman.”<sup>18</sup> The nephew, however, insists on marrying her, and he is saved from his predecessors’ fate thanks to charity and prayer (which are noted in Jewish tradition as a means to cancel the decree of death).

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*Medieval Religious Tales* (Helsinki: Suomalainen Tiedeakatemia, 1969) 1444. This tale type, in its more developed and later manifestations in Yiddish literature, was explored in depth by Sarah Zfatman, *Between Ashkenaz and Sepharad: The History of the Jewish Story in the Middle Ages* (Jerusalem: Magnes, 2003). Zfatman pointed to the connection between this tale type and “Agadat Nisu’ei Kesi’ah” in *Megillat Ahimaaz* and *The Legend of R. Meshulam*, both written in Italy of the tenth and eleventh centuries; to the cultural function of these sources, especially *The Legend of R. Meshulam*, as a founding legend; and to their literary adaptation in a later novella-like tale in Yiddish, in a manuscript from the sixteenth century, and in a *Mayseh Bukh* printed in Basel in 1602. On “The Poor Bachelor and His Rich Maiden Cousin” as a source for a Yiddish tale, see Eli Yassif, “Between Ashkenaz and Sepharad in the Mirror of the Jewish Story,” *Jewish Studies* 34 (2004) 113.

<sup>17</sup> *Tanhuma, Haazinu*, 8, starting with the words “Guard me as the apple of your eye.” The story’s source is the Book of Tobit of the Apocrypha, and this appears to point to a renewed interest in the Apocrypha in the Middle Ages, contrary to the reservations expressed in the Talmud and Midrash. In this context, about the story discussed here according to the Tanhuma printed editions, see Eli Yassif, “Traces of Folk-Traditions of the Second Temple Period in Rabbinic Literature,” *Journal of Jewish Studies* 39 (1988) 229–231.

<sup>18</sup> A “lethal woman” is a woman who has twice been widowed and who may not marry a third time, lest her third husband also die. See *Shulhan Aruch, Even Ha’ezer, Dinei Ishut* 9.

Despite the anxiety and tension along the way, the poor nephew's marriage to his wealthy cousin is a success.

Unlike the *Tanhuma* story, the development of the story in *Sefer ha-Ma'asim* up until its happy ending is completely non-normative and unexpected. Isaac, the outstanding student and scholar, is instructed by his rabbi to take a series of steps intended to encourage the girl's father to quickly marry his daughter to Isaac, to relinquish his personal interests regarding his daughter's match, and to accept that he should no longer stand in the way of their love and desire. While Isaac fights to conquer his desire, to continue his studies day and night and ignore the girl sending him messages of love and yearning every evening when he returns from the Torah academy, his teacher and mentor enjoins him to confess his feelings and respond to her advances. Following his rabbi's explicit instructions and his demand that Isaac swear an oath to carry them out, the student embraces and kisses his cousin for nine nights one after another, and on the tenth night even lies down beside her in her bed. On the assumption that the truth will come to light when the time is ripe, the rabbi stages a scene for the father that will force him to allow the two to marry.

Despite the rabbi's rationale in giving these instructions to his student, there is a disparity between his official position as a rabbi and the Torah prohibition to approach a woman who is in a state of menstruation, which is interpreted to refer to a prohibition on physical contact of any kind. *Tanhuma Metzora* says:

May a menstruating woman sleep with her husband in the same bed, he in his clothes and she in hers, one beside the other? Thus have our rabbis taught us (they may not lie together even if each is clothed, he in his clothes and she in hers) because one should not place a temptation before the pure, and certainly not before a thief, and the sages compared this to fire in a pile of flax, and it says: *You shall not approach a woman who is niddah* (Lev 18:19) [who is menstruating or has menstruated and has not yet immersed in a ritual bath], to teach you that the Lord is warning Israel regarding sanctity and purity, that they must not copy the actions of the idol worshippers [the Cuthites] and must not defile their wives when they are in the separation, for whoever has sexual relations with his wife when she *niddah* is punished with *karet* [death at the hands of God], as it says: *If a man has sexual relations with a woman during her monthly period [...] both of them are to be cut off from their people* (Lev 20:18).<sup>19</sup>

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<sup>19</sup> *Tanhuma* (Buber), *Metzora* 13. The pointed brackets denote the *Yalkut Shimoni* version (Portion *Metzora* no.567), redacted in Ashkenaz.

The Talmud (Shabbat 13b) relates that a “scholar who studied and read a great deal and did much service for Torah scholars died at a young age” because he was not strict enough in the laws of distancing himself from his wife during the seven clean days following the days of menstruation. As his wife put it: “He ate and drank with me and slept close to me and never had any thoughts of something else.”<sup>20</sup> To this the Talmud adds the views of two sages on the true-to-life situation in this story. According to one, it involves a husband who slept in the same bed as his wife while she was *niddah* but did not have sexual relations with her. According to the other, an “apron” separated them, i. e., they were wearing clothes. In *Yalkut Shimoni (Aharei Mot, no.592)* the story is presented as a homily on the verse in Lev 18:6: “None of you shall approach anyone who is near kin to him to uncover their nakedness,” and in “The Poor Bachelor” the young man and woman are indeed related, they are cousins: “Tonight, when you come back to your uncle’s house and find your cousin, take her in your arms and embrace and kiss her.”

According to the model of the talmudic story about the husband and his wife who is *niddah*, the story in *Sefer ha-Ma’asim* reconstructs a situation that embodies maximum tension between passion and restraint in the relationship between the unmarried lovers, between whom all physical contact is forbidden: “The boy went and slept with her in her bed and took a sword and placed it between them, and they lay together and slept until morning.”<sup>21</sup>

The figure of the rabbi is also common to both stories. In the first he is himself a sinner, and in the second he instructs his student to sin.

The disparity in the Talmud between the figure of the rabbi and the expectation of commensurate behavioral norms, on the one hand, and his prohibited behavior with his wife during the days when she was forbidden to him, on the other – whether due to inattention on his part or overconfidence – is resolved by his presentation as a sinner punished by an untimely death. The narrator unequivocally identifies the punishment that was meted out. This is not the case in “The Poor Bachelor,” which remains ambivalent, due to the narrator’s empathy for the figure of the rabbi, despite his instructions to his student to commit a transgression.<sup>22</sup>

<sup>20</sup> Meaning that he never considered having sexual relations with her.

<sup>21</sup> Compare to Sanhedrin 19b about Palti, who was given this name because he escaped sin. Though Michal was taken from David and given to him by her father Saul (1 Sam 25:44), he still considered her to be another man’s wife, and therefore placed a sword between them.

<sup>22</sup> The sexual taboo is joined by the prohibition against swearing an oath in the Ten Commandments: “Thou shalt not take God’s name in vain” (Exod 20:6).

After all is said and done, the rabbi took this course of action in order to force the father to allow them to marry, and the plan eventually succeeded. His gambit regarding his student paid off, because the line was not completely crossed, due to the sword separating the lovers.

The most striking difference between the talmudic story and the story in *Sefer ha-Ma'asim* lies in the perspective. In the Talmud passion is an obstacle that must be suppressed, while in *Sefer ha-Ma'asim* it is the motivation for promoting a happy marriage and preventing an unwanted arranged match. Moreover, passion is so strong an impulse in this story that it needs to be recognized rather than denied; in this way it can be controlled and boundaries set (the sword as a concrete boundary, and self-restraint as a metaphorical one).<sup>23</sup> Material from the talmudic story is adapted in *Sefer ha-Ma'asim* as a narrative on a marriage based on love and passion, which are realized thanks to a creative but sinful step taken by a figure of great authority. The background to this step, which creates dissonance due to the narrator's support, as well as a disparity that is inconsistent with an exclusively internal cultural reading, can be explained by the ideal of courtly love, as will be expounded upon here.

### *Courtly love: The Convention and Its Literary Expressions*

The concept of "courtly love" (whether as a literary convention that represents reality or not) has its roots in the ideals that prevailed in the feudal courts – loyalty, bravery, valor and honesty; and the virtues based on education – eloquence, wisdom, social skills, politeness and good manners; as well as physical beauty.<sup>24</sup> The cultural facet of the adjective "courtly" expresses one's belonging to a particular class, that of the *seigneur*: the lord of the court; the lady, the wife, widow or daughter of the lord; the knight; and the court poet.

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<sup>23</sup> See Sanhedrin 64a on the importance of the sexual urge for the existence of the world, but also on the need to set boundaries so as not to be aroused by one's forbidden female relatives.

<sup>24</sup> These comments are based on the enlightening survey by Tovi Bibring in the introduction to the Marie de France stories that she translated. See the introduction and references to current research literature in Tovi Bibring, "Ha'ahava hi petza amok ...," *Ahavah veSimbolika beSippurei Marie de France* (Jerusalem: Carmel, forthcoming) 12–32. I would like to thank the author for allowing me to peruse the manuscript of the introduction and for her considerable help in translating select passages from Old French.

The term “courtly love,” first popularized by Gaston Paris in 1883, includes four elements: the beloved lady is always married to the *seigneur*; the lover is always of a class inferior to that of the lady; the lady subjects him to a series of ordeals to prove that he is worthy of her, and he tries to pass the tests to prove that he is; and finally: “Love is an art, science, virtue that has rules of its own.”<sup>25</sup> The poem by Chrétien de Troyes, *The Knight of the Cart*, which tells the story of the love affair between the knight Lancelot and Queen Guinevere and their betrayal of King Arthur, is a prototypical example of this convention.

But courtly love is far from monolithic, although the structure of the love triangle and the element of danger in forbidden love are a fixed element. In light of the observations by Moshé Lazar, we understand that there are variations according to different traditions and sources.<sup>26</sup> Three principal types are relevant to this discussion: *fin’amor* (“fine love”), fatal love, and the love that aspires to a union in marriage. *Fin’amor*, as it figures in the songs of the troubadours in the south and its various expressions in the north, is an anguished, unrequited love for a married woman of high class, who can raise the beloved to perfection. It requires self-restraint because of the constant danger of being discovered, because the object of the love is married, and because the lover is completely dependent on the response, any response, on the part of the lady. Furthermore, there is a class disparity between the lover and the object of his love, the wife of his *seigneur*. *The Knight of the Cart* represents this type of courtly love. Fatal love is suffused with violent passion that runs against every social, moral and philosophical prohibition, and when consummated it culminates in the tragic death of the lovers. *Tristan and Iseult* is a typical example of this type of love: The potion that the lovers drink drives an uncontrollable passion, until they are ultimately united in a shared grave. The third type, love that aspires to a union in marriage, is the type that figures in Chrétien’s *Erec and Enide*. This love culminates in marriage despite the father’s opposition (he, instead of the husband, represents the third side of the triangle). A

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<sup>25</sup> See the reference to Gaston in Bibring, “Ha’ahava,” n. 36.

<sup>26</sup> Lazar says: “If courtly love is art, a certain way of life or style of poetry about the experience of love, it is not the same for the poets of the south, for Marie de France or Chrétien de Troyes [...] In addition, to speak as until now, about courtly love in the Middle Ages, without distinguishing between circles or periods, means to give a single name to diametrically opposed concepts of love, both in essence as well as in importance.” See this citation in Bibring, “Ha’ahava,” n. 55 and the reference to M. Lazar, *Amour courtois et “fin’amors” dans la littérature du XIIe siècle* (Paris: Klincksieck, 1964) 23.

variant of this type is love for a married woman whose marriage was never consummated, as in Chrétien's *Cligès*.

Thus, courtly love in the second half of the twelfth century covers a wide range of types from anguished love and erotic longing that cannot be fulfilled to sensual love that is consummated physically and sustained by insatiable passion.

The discourse on courtly love and its justification of betrayal and adultery are related to the social and political criticism of forced marriage aimed at furthering political and financial interests. This criticism is accentuated in Béroul's version of *Tristan and Iseult*, in comparison to the one by Thomas. Iseult, daughter of the Queen of Ireland, is married to King Mark of Cornwall as part of a treaty intended to bring peace to the warring countries. King Mark was much older than her and had donkey ears! Béroul shows that he identifies with the lovers who repeatedly evade King Mark's revenge, as well as with their tricks to fool him.

Courtly love is always intertwined with adventure and is itself an adventure that is embodied in the overwhelming love story. The adventure also lies in the knight's apprenticeship process, during which he acquires life experience.

On the background of these different and sometimes contradictory facets of courtly love, let us now compare "The Poor Bachelor" to *Tristan and Iseult* in order to demonstrate its perception of love and its place within the range of love, marriage, relationship and family stories in *Sefer ha-Ma'asim*, which characterize the collection of stories as a product of its time in Western Europe of the Middle Ages.

### Tristan and Iseult and "The Poor Bachelor"

Although the beginning of *Tristan and Iseult* is missing, a cautious reconstruction that follows parallel versions of the story gives the following sequence of events.<sup>27</sup> Tristan is a young knight who excels in the court of his uncle, King Mark, by killing the vicious Irish giant Morholt. Later, Mark sends Tristan on a mission to find him a wife, and when he arrives in Ireland, he slays a dragon but is poisoned by the dragon's

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<sup>27</sup> See Lacy's reconstruction of the Béroul version, xviii–xix, in *The Romance of Tristan/Béroul*, ed. and trans. from the old French, Norris J. Lacy (New York: Garland, 1989). I based this reconstruction mainly on Béroul's version, which is more suited to the story under discussion here from the point of view of its details. (The distinction in the research between Béroul's more "primitive" version and Thomas's more subtle version is not the subject of our discussion here.)

venom. Morholt's niece Iseult heals him, but when she notices that his sword matches a piece of metal she found embedded in her uncle's skull, she identifies Tristan as the man who killed her uncle and wants to kill him. However, in view of her parents' plans to marry her to an undesirable groom, she decides not to kill Tristan but sets sail with him to marry King Mark. On the way Tristan and Iseult unwittingly drink a love potion that was intended for her and the king, and they fall passionately in love. Nevertheless, Iseult marries the king and is forced to conceal her love for Tristan. Her handmaiden sacrifices her own virginity in the bridal bed in order to preserve her mistress's honor. As Tristan and Iseult continue to meet, the king's advisors plant suspicions in his heart. One day, based on advance information, the king waylays the lovers at their rendezvous point, but they see his reflection in the water of a nearby stream in time and hold a conversation that allays his suspicions.

Bérout's manuscript begins at this point. He tells of the lovers' exploits and secret trysts, how the king's ministers plot against them, the king's decision to burn them at the stake, Tristan's successful escape, Iseult's incarceration in a leper colony, her rescue by Tristan, their escape to the forest and their life there, and their encounter with a priest who rebukes them for the sin of adultery. Though they are reconciled with King Mark, his suspicions are again provoked, and Iseult is eventually tried in King Arthur's court. Using various ruses, she manages to deceive the king and pass the test successfully. The end of the story is missing.

One of the scenes in the forest is especially relevant to discussion of "The Poor Bachelor and His Rich Maiden Cousin." The king discovers the lovers' secret location in the forest and watches them embrace under a canopy of branches they have made for themselves. Tristan's sword separates them:

When he saw that she was wearing her chemise  
and saw that there was a space between them  
and that their mouths were not touching,  
and when he saw the naked sword  
which was separating them  
and saw the trousers that Tristran wore ...<sup>28</sup>

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<sup>28</sup> Cols. 1995–2000, Lacy ed. pp. 94–95. The sword scene does not appear in the reconstructed Thomas version; see Thomas, "Le Roman de Tristan," in *Tristan et Iseult, Les poèmes français, la saga norroise (textes originaux et intégraux présentés, traduits et commentés par Daniel Lacroix et Philippe Walter)* (Lettres gothiques; Paris: Librairie Générale Française, 1989).

The king becomes convinced of their loyalty and says:

It is reasonable to conclude that,  
if they loved each other sinfully,  
they would not be dressed,  
and there would not be a sword between them.  
They would be together in quite a different way!  
I wanted to kill them,  
but I will not touch them.<sup>29</sup>

King Mark removes a ring he gave to Iseult from her finger and places his own ring on her finger instead. He also covers her face with his gloves to protect it from the sun and replaces Tristan's sword with his own. He then leaves them as he found them, sleeping. When the lovers awaken and discover the signs of the king's visit, Tristan is convinced that he plans to return and kill them, and they flee for their lives.

Whether or not "The Poor Bachelor" is directly based on Béroul's story, and whether or not the sword scene entered the Jewish story based on the same popular traditions as Béroul, the resemblance between the sword scenes in the two sources from the same period is striking. The situation is similar, although it has been adapted to a Jewish context of an unmarried girl, as is the reaction of the uncle. He believes in their innocence, covers them with his robe and decides to marry them – "May it be the will of the God of Israel that your bed be complete and that no fault be found with you," he says – and when he reports what he saw to his wife, he maintains, like King Mark: "If he had intended to spoil her, there would be no sword between them. But he did not, because of their love for one another." As in Béroul's story, the lovers wake up in terror, and Isaac, convinced that his uncle plans to return with his sword and kill him, flees. The scenes closely parallel one another, even in their details.

Following are further parallels between the two stories:

(1) The relationships among the uncle, his beloved nephew (in *Tristan and Iseult*, the feelings of King Mark towards his nephew Tristan swing between love and jealousy), and the desired girl (the cousin in the Jewish story, and the uncle's wife in *Tristan and Iseult*)

(2) The differences in social standing between the lovers (the poor bachelor and the rich cousin in *Sefer ha-Ma'asim*, a knight and a lady in *Tristan and Iseult*)

(3) A forbidden passion between the couple and the involvement of authority figures in their relationship (the rabbi in "The Poor Bachelor,"

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<sup>29</sup> Cols. 2006–2001, Lacy ed. pp. 94–95.



and Iseult's mother, who, although she prepared the potion for her daughter's marriage with King Mark, ultimately caused the love affair)

(4) The active character of the woman, as opposed to the man (in the Jewish story the girl is the first to initiate the wooing and embraces and kisses the young man, and Iseult is more proactive than Tristan in her trickery aimed at concealing their secret love);

The unmistakable sword scene creates a clear intertextuality between the "The Poor Bachelor" and *Tristan and Iseult*.

The most striking parallel is the position taken by the storyteller in regard to the forbidden love. The empathy of the narrator for the rabbi and the lovers in the Jewish story parallels the empathy for the lovers in the different versions of *Tristan and Iseult*. However, from the moralistic Judeo-Christian perspective, the position of the storyteller is ambivalent. In the Jewish story, this ambivalence is expressed first of all in the mitigation of the love triangle as it is drawn in *Tristan and Iseult*. There the uncle of the beloved is also her husband, and consequently Iseult's betrayal is twofold, of both her husband and her uncle. In the Jewish story, a distinction is drawn between the uncle, who is the girl's father, and the young man, her cousin, who later becomes her husband. In this case, similar to what we know from courtly love stories in the general literature of the same period, the triangle is drawn between the young man, the young woman and the father, who opposes their marriage; the father is positioned in the story as one of the sides of the love triangle. The moral dilemma is also expressed in the young man's apprehensions and indecision, his weeping and suffering because of his conflict between his hidden desire, which his rabbi endorsed, and his conscience, which he expresses by placing the sword between himself and the girl. In the French romance, Tristan and Iseult confess their sin to a priest after the effects of the potion wear off, but they have an ulterior motive for doing so and are not truly driven by a bad conscience.<sup>30</sup> There is ambivalence in both stories, which represents the conflict that lies at the heart of the ethos of courtly love, although the nature of the conflict changes in accordance with the cultural environment in which the story is created.

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<sup>30</sup> For more on the ironic mood in Béroul, who qualifies the nature of their regret, see Lacy ed. xv-xvi.

*Love, Magic and Freedom:  
The Features of the Genre of the Romance*

The second part of “The Poor Bachelor and His Rich Cousin” describes the adventures of Isaac abroad until he returns to marry his beloved as a bridegroom more suited to her than his rival. Upon first reading, it appears as if the episode of the “contest of suitors” has been artificially appended to the first part of the story, in which the uncle hints of his intention to allow the couple to marry. But when we compare it to the typical structure of the romance, we see that in fact it embodies the quest to conquer the beloved’s heart.

Isaac sets sail for distant countries with one hundred gold dinars in his pocket, which he must invest wisely in order to prove that he is worthy of his bride. On the way, a terrible storm strikes, and the ship sinks. Isaac, the only survivor, floats on a plank of wood to the shores of a nearby island. Starving and exhausted, he gathers herbs, but becomes a leper upon eating them: his body swells, his fingernails and toenails fall out, as does his hair.<sup>31</sup> He raises his voice and cries out, and when he lifts his eyes he miraculously discovers a magical herb growing nearby. He eats of this herb and is immediately cured. He is nourished by the plant for two weeks until another ship arrives at the island. Isaac takes a large supply of herbs with him on the ship and sets sail until he reaches a city whose king and most of its inhabitants are lepers. He cures them, and in return the king offers him half his kingdom and considerable treasure. Instead, Isaac asks to be appointed ruler of a city in his brother’s kingdom, which is the city where his beloved lives. This is done, and Isaac arrives in the city as its new ruler. His aunt, mother of his beloved, comes to him as the new ruler of the city to ask for permission to hold the marriage ceremony between his beloved and the rival groom. Isaac agrees on condition that he is invited to observe the wedding ceremony. He arrives on the scene just moments before the ceremony is over, identifies himself and marries his beloved instead of his rival. The story ends on a happy note: “And he lived a long time and was a greatly righteous man all the days of his life, and sons and daughters were born to him, and as happened to him, may it happen to us, Amen.”

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<sup>31</sup> The assumption that leprosy is involved is implied from the way he is healed: “As soon as he ate from it his flesh was restored like that of a young child, and he was healed.” Compare with 2 Ki 5:14 about Naaman, commander of the King Aram’s army in the waters of the Jordan River: “And his flesh was restored like that of a young boy, and he was clean.”

The motifs of a quest, adventure, magical herbal cures, the wondrous, strange territory of the island where the protagonist is washed up, love and erotica are all features of the romance genre,<sup>32</sup> in particular, the motif of the quest, which is also the hero's rite of passage as he overcomes obstacles and develops awareness.<sup>33</sup> Isaac, the hero of the story, is presented as a paragon of perfection, one whose qualities include erudition, diligence, virtue and external beauty, in analogy to the ideal knight who embodies the ethos of knightly *virtu*, which is the sum total of all the fine qualities demanded of a knight. He must prove himself worthy of his love and overcome all the obstacles on his dangerous voyage across the sea.<sup>34</sup> On the island where he finds himself after being shipwrecked by a storm, he acquires a magical ability to cure illness with a medicinal herb.<sup>35</sup> The tempo of the events in this expanse is rapid and unexplained, following the rules of the dream. An herb of one kind gives the hero leprosy, while another located nearby cures him in an instant.<sup>36</sup> The world that the story represents is not an ideal one, and we can hear implicit criticism of the social injustice expressed in the social gaps and decisions made for reasons of self-interest. Especially salient in the story are the motif of love, the erotic dimension and the violations of taboos as typical features of romances of this kind. The parallel with the sword scene in *Tristan and Iseult* is not then anecdotal and local, but rather is very much part of a much broader trend in the romantic design of the love story between the poor nephew and his rich maiden cousin.<sup>37</sup>

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<sup>32</sup> Yassif, *Ke-margalit*, identified the story as a folk-novella. I prefer to approach the story from its comparative-literary aspects and depict its romance-like features.

<sup>33</sup> On the quest as a rite of passage, see Alex Preminger and T. V. F. Brogen, eds., "Medieval Romance," *New Princeton Encyclopedia of Poetry and Poetics* (New Jersey: Princeton University Press, 1993) 752.

<sup>34</sup> Compare to the motif of a sea voyage in *Tristan and Iseult*.

<sup>35</sup> Compare this to a similar scene in the story "The Slandered Woman" (310b–311b) (Tubach 1898). The character of the heroine is saved from a storm and ends up on an island, where she discovers the powers of medicinal herbs and acquires a reputation as a healer who manages to reunite with her husband after a long separation.

<sup>36</sup> Compare to the motifs of leprosy in *Tristan and Iseult* (cols. 3626–3948, Lacy ed., pp. 171–185; cols. 4228–4229, Lacy ed., p. 199); and of the magical herbs (col. 53).

<sup>37</sup> Thurston-Taylor enumerates seven principles for the definition of the structure of the French romance in the Middle Ages: "the individual adventure of certain elected knight, forest and water boundaries to the Other World, the conquering of supernatural figures, objects and worlds during the quest-adventure, *fin'amor* and all its conventions, a dream structure, a problematic world of universe and an overall mythical structure." See Ruth Elizabeth Thurston-Taylor, "A Medieval Romance Model: Studies in French Fiction of the Twelfth and Thirteenth Centuries" (PhD diss., University of Oregon, 1982) 140–144.

The narrator took narrative materials and functions found in the inner cultural reservoir, added familiar episodes and tale types, especially the contest between suitors over the hand of the girl, and adapted them in his own particular way. "The Poor Bachelor and His Rich Maiden Cousin" does not involve a monumental narrative filled with elliptical twists and turns that repeat themselves from one adventure to the next about star-crossed lovers who agonize in their love until their untimely deaths. It contains no long monologues about love, and it is not written in the lyrical and stylized language of the romances. The general framework of *Sefer ha-Ma'asim* as a collection of stories demands brevity. The language is prosaic and straightforward in the manner of the popular tale. At the same time, the deviations in the story from these conventions under the influence of the French romance are obvious and challenging and could be instructive in regard to the perception of love in the story and its connection to the ethos of courtly love.

### *The Perception of Love in "The Poor Bachelor"*

The context of the courtly ethos, with necessary adaptations to the Jewish cultural expanse, is deeply embedded in "The Poor Bachelor" and contributes to its meaning. The literary conventions of courtly love clearly inform the story's "love" theme and its explicitness; they are evident in the motif of forbidden, secret love due to the objections of the girl's parents to the match; in the amalgam created in the story between love and erotic passion, especially in the sword scene; in the suffering embodied in the conflict between passion and restraint; and in the hero's ordeal and adventures as a condition for winning the hand of his love. The proposed resolution to the agony of love is the marriage between the lovers, as opposed to the forced marriage arranged by the parents.

When reexamining *Sefer ha-Ma'asim*, and especially "The Poor Bachelor and his Rich Maiden Cousin" and its dialogue with the ethos of courtly love in *Tristan and Iseult*, we find that the special emphasis placed on the values of marriage and family may be viewed as an antithesis to courtly love and the adultery it condones. At the same time, *Sefer ha-Ma'asim* shares with the French romance the preference for marriage based on love and passion. In the perception of love presented by the story, marriage is the optimal means to consummate the passionate love between a man and a woman, precisely because of the moral restrictions outside it. And the converse is true too: love and passion are

a necessary condition for the success of a marriage. This is a new emphasis based on existing cultural models within the context of the narrating society in the Middle Ages.

### *Appendix*

“The Poor Bachelor and his Rich Maiden Cousin”  
in MS Bodl. Or. 135 (Neubauer Catalog 1466),  
Bodleian Libraries, University of Oxford

(327a) Once upon a time there were two brothers, one rich and the other poor. The poor man had sons and daughters, and the rich brother had but one daughter. And the rich brother begrudged the poor brother the little he had and refused to do anything at all in the world to benefit him.

And the poor brother had a son named Isaac, who was a pleasant and handsome fellow, a good scholar, and the rich brother loved him very much, more than all the other children of his brother. Passover was approaching, and the poor man had no money with which to buy wheat for Passover to make matzot for his children. He approached his rich brother and said to him: “Sir, in your kindness, please do me a great favor, and do it for the love of God our Lord, and lend me a measure of wheat to feed myself and my family on this holiday.” The rich man told him: “If you bring me a guarantee, I will lend you what you seek.” Said the poor man: “What guarantee can I bring you? I have nothing.” Said the rich man: “Bring me your son Isaac, the one you love more than all your other children, and he will be a guarantee that you will repay what I lend you.” The poor man went home and brought his son Isaac to his brother, and the rich man lent him a measure of wheat.

And every day Isaac would go to the study hall and study Torah with the rabbi day and night. And every night the daughter of that rich uncle would tarry and wait for him until he came home. And she did the same thing (327b) every night. One day the rabbi called Isaac and said to him: “My son, listen to what I tell you to do, and God will be with you. Tonight, when you go back to your uncle’s house and find your cousin, take her in your arms and embrace and kiss her.” Isaac said to him: “How can I do such a terrible thing, to submit to the evil inclination, if I have escaped it so far?” The rabbi said: “I swear that I will not let you be until you swear an oath that you will do this.” The boy swore an oath to him.

When Isaac came home, his cousin was waiting for him and opened the door. And they went to sit by the fire, and she prepared food for him as was her wont. And he said to her: “I will neither eat nor drink,” and he sat and wept. And she said to him: “My beloved, my cousin, what is the matter with you? Tell me what is wrong, if you are in need of something, and why you are weeping.” And he didn’t want to tell her, because he was ashamed. And she insisted on knowing, and he told her what he had sworn to his rabbi, and did as he was commanded. She said to him: “My beloved, my heart’s desire,

don't cry because of that." And she embraced and kissed him again and again on the mouth and said: "Don't be ashamed, my love, because I love you very much, with a mighty love, because you are my flesh and blood, and my father loves you, and you are the apple of his eye." And she tried to persuade him and succeeded in consoling him with her words. And she gave him food and drink, and he went to bed until morning.

And the next day he came to his rabbi. His rabbi said: "Did you do as I commanded you?" He said: "Yes," and told him everything that had happened. The rabbi said: "Make sure to do the same for nine nights." And he did. And after nine nights, his rabbi said to him: "Go now and sleep in her bed." He said: "How can I do that? If my uncle hears, he will kill me." His rabbi said: "Do what I command you and don't desist." The boy went home and slept with her in her bed and took a sword and placed it between them, and they lay together and slept until morning.

And in the morning the uncle arose and crossed the courtyard to relieve himself, and he found them sleeping together with the sword between them as they slept. He took his robe and covered them and said: "May it be the will of the God of Israel that your bed be complete and that no fault be found with you." He went to the courtyard and returned to his room and told his wife. And she was resentful of Isaac, because she did not like him. And she said: "Will he make a harlot of our daughter?" He said: "If he intended to spoil her, he would not have placed a sword between them. But he did not because they love each other." His wife, however, had thought to give their daughter to her brother, but he was ignorant and was not a scholar.

When they awoke, Isaac saw his uncle's robe spread out over them, and he cried out and said: "What shall I do? Because my uncle was here and saw us." And he said: "Woe is me! I shall have to flee from him, for he will kill me. Better I should drown myself in the river and not wait for my uncle to come, because he must have gone to bring a sword to kill me, because he didn't see the sword."

What (328a) did he do? He arose and dressed, and when he was dressed, he started to go down to the river to drown himself. And while he was running to the river, he encountered his mother. She said: "My son, where are you running to?" He said: "Mother, please leave me be." She said: "I will not leave you be until you tell me where you are going." He told her everything that had happened. She said: "My son, be not sad or troubled, because with God's help I will save you. I will hide you until I know what your uncle is plotting and until his anger is spent and he has forgotten what he wished to do to you." He went with his mother and did everything she told him, and she hid him.

She then went to the house of the uncle, where she found the uncle sitting. She said: "Sir, where is Isaac my son?" He said: "May all that know him be blessed and safeguard him from all evil. I don't know where he is." He asked her: "Why have you come today of all days to ask after him? If you know anything about him, tell me." She said: "No." The woman immediately understood that he was not plotting against her son. She returned home

and told her son everything that had happened to her and that his uncle was not planning to harm him and that he loved him. She took him out, and he went to the home of his uncle, and he heard no anger in his voice and spoke gently.

What did his mother do? She went to the rabbi and told him everything that had happened. And he said: "My daughter, I was the cause of this, and my intentions were to honor the heavens. Wait and I will speak to the uncle, and perhaps he will give Isaac his daughter's hand."

She returned home, and he went to speak to the uncle and said to him: "Why do you not marry off your daughter? She is old enough and has reached a marriageable age." He said: "I know she is marriageable, but I did not know to whom to give her." The rabbi said: "Whom do you want to give her to? Why don't you give her to your nephew Isaac, who is handsome and pleasant and a scholar and humble and modest and clever and wise, and better you should give her to him than to any other." He said: "I know all these things, that they are true and correct and that he indeed has all the qualities as you say, and he is indeed pleasant and agreeable, and I love him very much. But my wife does not want to give our daughter to him; she wants to give her to her brother." The rabbi said: "Her brother is ignorant and knows nothing of scholarship, and Isaac is a Torah scholar, and there is none wiser than him in the entire yeshiva." He said: "If you so wish, send for my wife, and we will see what she plans to do about this matter."

He sent for her, and she came to the rabbi and asked after his health. And the rabbi said: "May you be blessed to God, my daughter." And he talked to her about the matter, and she said that she wanted only to give her daughter to her brother. The rabbi said: "Your brother is an ignoramus, and he knows nothing of learning, and this one is exceedingly wise in the Torah. And it would be better to give her to Isaac your nephew than to any other." She said: "If so, then let us see how he is in business. I will give each of them, Isaac and my brother, one hundred dinars, and whoever earns more in a year's time, to him will I give my daughter." And the rabbi and her husband agreed to do what (328b) she said. They departed from the rabbi and went to their house and gave each one of them one hundred dinars and each went on his own way.

Isaac travelled far and boarded a ship to cross the sea. And while he was at sea a great storm wind struck, strong enough to break up mountains and crush rocks, and the ship broke into pieces and all the people on the ship drowned, and a miracle was performed for Isaac. He found a plank of wood from the ship and floated on it until he came to an island in the sea, where he remained. And he was exceedingly hungry, for three days had passed, and he had neither eaten nor drunk anything, and there was nothing to eat. What did he do? He gathered herbs and ate them. Because he ate them, his stomach hurt him, and his arms and legs and head and all his body swelled up, and his fingernails and toenails and hair fell out. He wept bitterly, and when he raised his eyes, he saw a plant. And the Almighty guided him to eat from that plant, and he stretched out his hand to eat from it, and as soon as he ate from it, his flesh was restored like that of a young child,

and he was healed. And he was nourished by that plant the entire time he was there.

After two weeks he saw a ship sailing. And he approached the captain of the ship and said to him: "Allow me to board your ship, and I will go wherever you are going. And I will pay you, because I am a good doctor and can heal every wound and disease." He said: "Blessed be you to God. What are you doing here, and how did you get here?" He told the captain what had happened to him, and he took with him as much of the plant as he could carry and also loaded up two donkeys and boarded the ship. He went with it, and the wind took them to a city where most of the inhabitants were lepers and even the king was a leper.

He came to the king and bowed down to the ground. And the king asked: "Who are you?" He said: "Your majesty, I am a doctor, and I can cure you of your leprosy." The king said: "If you can cure me, I will give you half my kingdom." He gave the king to eat of the first plant that had caused the stomach pains, and his stomach hurt and his body swelled up. And then he gave him of the second plant, and his flesh was all healed, and he had not even one wound or lesion on his body or any blemish at all, and his flesh became like that of a young child, and he was healthy and easy of movement and very strong.

The king stood and fell before Isaac's feet and said to him: "You have brought me back to life. Here is my kingdom before you. Take half as a gift, and from all my treasures take whatever you like, because it is all yours, and you may live in my palace, and my people will follow your every command, and only my throne will be greater than yours." And Isaac answered: "I want nothing from your kingdom except one city that is in the country of your brother. And he will give you that city in return for another city in your kingdom, and I shall be the ruler and governor of that city, and the people there will pay me taxes and work for me." The king said: "It shall be done as you say."

(329a) And the king commanded and wrote letters to his brother to do the will of this man, to let him choose a city in his kingdom, and he would receive in return any city he liked in his kingdom in exchange for that city. And he wrote and sealed it with the king's signet ring, and Isaac healed all the lepers in the city. And the king gave him silver and gold and precious stones and pearls and slaves and handmaidens and mules and camels laden heavily with money, and he sent him to his brother to do his bidding.

And Isaac came to the king's brother and said: "Sir, this is what your brother the king sent to you, and here are the letters sealed with his ring." And when the king heard that his brother had been healed of his leprosy, he was overjoyed and made a great feast and gave Isaac much silver and gold and made him ruler over the city where his mother and father and uncle lived. And he was made the ruler of that city, and he arrived in the city in a great litter with much cattle and silver and gold. And he went to live in a tower with all his treasures and slaves and cavalry and soldiers.

And that day was the last day of the year. And they prepared all that was needed for the wedding canopy to give the girl to her mother's brother.



When they saw that Isaac had not returned, they wanted to give the girl in marriage, and they prepared everything for the wedding ceremony to take her in marriage. And because the Jews saw that they had a new ruler, they were afraid and trembled greatly before him and did not want to allow her to marry without first receiving permission from the ruler.

The girl's mother went to the ruler, and Isaac recognized her, but she did not recognize him. And she spoke to him and prostrated herself before him and said to him: "Your majesty, welcome. May your kingdom grow larger and your days as king be long. Behold, I have a one grownup daughter, and the time has come for her to marry, and everything is ready for the marriage feast. Give me permission to allow her to marry." And she did all this in order to hasten the wedding ceremony, because she feared lest Isaac come home.

The ruler answered and said: "I want to be there when the man marries your daughter, because I want to see how you marry your daughters." She said: "As you wish." She went home and beautified and made up her daughter and brought her to the marriage house. And all the Jews came as it was the custom to honor the bride and groom. And the ruler was invited to come there.

And when the man wanted to marry the girl, the ruler rebuked him and said: "You have no right to marry the girl, because it is my right by law. I am Isaac. And this is my mother and my father. And this is my uncle, and this was the condition between us." And he repeated all the conditions as they had agreed among themselves, and they all said: "Yes, it is all true and correct. You have the right to marry her, and go marry her. You have won the wager."

And he married her under the wedding canopy. And all rejoiced, his mother and father and all the community with a great joy, and he told his mother and father and uncle everything that had happened to him. And he was exceedingly rich and was the ruler over all the land. And he lived a long time and was greatly righteous all the days of his life, and sons and daughters were born to him.

And all that happened to him, may it happen to us too. Amen.