Not by Her Mouth Do We Live:
A Literary/Anthropological Reading of Gender in Mishnah Ketubbot, Chapter 1

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Although this paper will have a double focus, methodological and topical, the topic of gender cannot ultimately be separated from methodologies of reading. Because the approach I call literary/anthropological is somewhat of a departure from the norm in the present academic study of the Mishnah, I will spend the first part of this paper presenting a general case for it. In the second half, I offer an example of this methodology by exploring the discourse of gender in the first chapter of M. Ketubbot. My thesis is that a literary/anthropological approach can greatly aid us in our understanding of the Mishnah's discourse of gender by offering not simply another reading, but another type of reading.

The study of gender has not, until recently, played a major role in the academic study of the Mishnah. Jacob Neusner opened the door to gender analysis of the Mishnah with his assessment of the Mishnah's Order of Women as revolving around the Rabbis' need to control what they perceived as disruptive, anomalous women. This cleared the way for other pioneering works, such as Judith Romney-Wegner's *Chattel or Person?*[1] For many years, Romney-Wegner's book was almost a lone star on the horizon of gender studies of the Mishnah. In the more general area of rabbinic Judaism or Judaism of the Greco-Roman period, the work of scholars such as Ross Kraemer and Bernadette Brooten has served an essential groundbreaking function.[2] Based primarily in the historical and archaeological scholarly traditions, these works have been followed by Miriam Peskowitz's *Spinning*

Fantasies, which adds postmodern theories of reading and culture to the historical and archaeological toolbox.[3]

Within the tradition of the more textually focused academic study of rabbinic literature, Judith Hauptman has been the outstanding contributor to the study of gender in the Mishnah.[4] Her recent book, *Rereading the Rabbis: A Woman's Voice,* is a demonstration of the importance of a shift in perspective, even while staying within the traditional methodology of historical/philological research.[5]

In the recent work on gender in rabbinic texts, there is a move beyond the "inclusion of women" into an already existing frame of analysis. Miriam Peskowitz writes of the need for a basic shift in focus that places gender as a central category of analysis. She succinctly expresses this shift when she writes, "We cannot fully explain and account for the development of Judaism during its classical period without taking into account the presence and the constructedness of gender in all aspects of Jewish religion and history."[6] Peskowitz has been in the forefront of the call for critical awareness not only of the constructed, historically contingent character of the categories of thought found in rabbinic texts, but also in regard to the categories and assumptions of scholarship of these texts.[7] Awareness of the implications of the masculinist bias of the Enlightenment traditions that are central to the academic study of rabbinic literature will open the way for alternative approaches to reading.

It is with these observations that the double focus of this paper comes together. The methodological considerations I discuss may be seen as a critique of some of the assumptions of reading that prevail in the academic study of the Mishnah. Awareness of other options for our own reading can give us a chance to reexamine as well the construction of the categories of gender within the legal texts of the Mishnah itself. My approach will fall between those of Peskowitz and Hauptman in that I am more focused on the texts (as opposed to the social history) than is Peskowitz, but am more concerned with questioning the traditional strategies of reading than is Hauptman.

In his introduction to *The Literary Guide to the Bible,* Robert Alter writes:

> Let me propose that . . . the application of properly literary analysis to the Bible is a necessary precondition to a sounder textual scholarship.

> . . . The basic methodological issue is this: before you can decide whether a text is defective, composite, or redundant, you have to determine to the best of your ability the formal principles on which the text is organized. These are by no means the same for all times and places, as the nineteenth-century German founders of modern biblical scholarship often imagined.[8]

Alter's words are representative of a movement within biblical scholarship that has gained acceptance in the last generation. Jacob Milgrom has described this as an "open rebellion" against historicism in favor of an approach that "assumes that the preserved text is an organic unit and searches for the stylistic and structural devices that bind each literary unit into a cohesive and artistic whole."[9] I believe that these insights are relevant to rabbinic texts as well, especially the Mishnah. In other words, I am interested in exploring the "formal principles on which the text is organized." For a text created approximately eighteen hundred years ago, it would be surprising if these were identical with our own principles of organization.

Yet my approach is not only literary, but draws as well on anthropology. I agree with Neusner's insight that the discipline that is perhaps the most helpful in understanding the organization, and thus the meaning, of the Mishnah is anthropology.[10] The types of coherence and issues dealt with in the Mishnah exhibit an "uncanny fit" (to quote W. S. Green) with Durkheimian anthropology.[11] Specifically, Neusner and others link twentieth-century anthropology to the Rabbis of the Mishnah in the characteristics of holism and concreteness. Holism here may be defined as the tendency to link disparate components of a social world into patterns, structures, or systems. This social holism is associated, in both the Rabbis and the anthropologists, with a penchant for concreteness, a focus on the everyday, mundane material culture. I believe Neusner's insight connecting the Rabbi to anthropological thinking is invaluable. However, because in practice he applies his theory only to the very general outlines of the organization of the Mishnah and does not engage in close readings of the text, his insight remains vague and imprecise.[12]

It is here that I see the importance of combining the literary with the anthropological. Because of the kind of writing in the Mishnah, close readings may help reveal anthropological understandings. In a way, this is explainable by looking

at the Rabbis themselves as involved in a kind of anthropology. They mediate cultural contradictions and attempt to create coherence out of perceived chaos by juxtaposing elements of their social and cultural world. In so doing, the Rabbis carved out patterns of culture that are both holistic and concrete.

Of course, I am not claiming that these readings of the Mishnah reflect in any transparent way the "Jewish culture" of the time. The Rabbis were a small group in a specific culture, a group (not by any means unified, even among themselves) that created a fiction, a picture of a world that reflected their own views, interests, and so on.[13] Any claim of a match between the picture of the world found in the Mishnah and historical social realities must be treated with suspicion. Defining my method as anthropological and not simply literary criticism helps remind us of the broader context of the discussion. Although I am dealing here almost entirely with the evidence of a text, this is not meant to be an autonomous realm, separate from society and other parts of culture. At the same time that the Rabbis were making culture, they were also a part of it.[14]

On what basis do I claim that the principles of composition in the Mishnah are holistic and concrete? Besides evidence from the texts themselves, which I will present shortly, there are several areas of nontextual evidence that support this claim. Here, I mention three: the influence of orality; the evidence of scribal and other literary traditions of surrounding and historically related cultures; and the evidence of the priestly writers of the biblical texts.

It is universally accepted that the Mishnah's production, performance, and transmission took place in a context of mixed oral and written cultural forms. The influence of orality in the Mishnah is not in question; however, the meaning of that influence is not always clear. In scholarship of the Mishnah, orality has most often been invoked as a kind of fallback principle.[15] When the logical order breaks down, when words or phrases are repeated seemingly unnecessarily, these inconsistencies may be laid at the door of orality. There was a need for oral mnemonics—repetition and associative linking filled this need. While this is undoubtedly true, I argue that the oral component, far from contributing "merely mnemonic" devices, in fact provided important elements in the structural poetics of the Mishnah.

Scholars of orality from Parry and Lord to Walter Ong, Eric Havelock, and others have argued that the basis of oral memorization had much to do with such

techniques as "rhythm," "echoes," and other circular or structural formulations—in short, techniques that we associate with poetics.[16] Ong has emphasized the need in oral cultures for repetition, looping, and circular organization of material. In a written text, a linear organization is possible because information is stored in physical form. Oral discourse requires a constant circling and rhythmic repetition. We tend to think of memorization as rote, tiresome repetition of meaningless lines. However, the evidence of studies of orality has shown that memorization, on the contrary, involved something more like a grammar—rhythms or patterns that organized material into memorable form.

Oral discourse is also noted for its concreteness and closeness to the lived world, and it is not surprising that this would be organized organically, in spiraling repetitions, as opposed to abstract linear logic. Mary Catherine Bateson has written beautifully on the connection between concrete lived experience, cyclical organization, and memorization:

> Planning for the classroom, we sometimes present learning in linear sequences, which may be part of what makes classroom learning onerous: this concept must precede that, must be fully grasped before the next is presented.
>
> Learning outside the classroom is not like that. Lessons too complex to grasp in a single occurrence spiral past again and again, small examples gradually revealing greater and greater implications. The little boy staring wide-eyed at the sacrifice of a sheep may one day be a *ḥajji,* one who has completed the Meccan pilgrimage and seen the sacrifices and the Holy Cities and returned home looking at ordinary life differently. The effect of such partial repetition is to heighten contrasts, sharpen the differences created by context. . . .
>
> In the past, when memorization was a common form of learning, children committed long passages of poetry and scripture to memory without understanding them. Then, if the texts were well chosen, they had a lifetime in which to spiral back, exploring new layers of meaning.

> What was once barely intelligible may be deeply meaningful a second time. And a third.[17]

It is especially important to pay attention to the quality that she notes of returning to the same place or situation, after having been transformed by the intervening experience. This basic structure of lived (social and biological) experience, I suggest, becomes encoded through literary structures such as chiasmus, envelope, and ring structures into much of the oral/written literatures of the ancient world. Such encoding forms an important element in scribal conventions of writing. For example, Jonathan Z. Smith has written on how scribal traditions of writing and modes of thought can be seen in the emphasis on recurring paradigms in apocalyptic literature.[18]

Recent scholarship tends to show that, rather than any sharp break, or "Great Divide," as it has been called, between written and oral cultures, there is, in fact, a multiplicity of possible combinations and transitionary forms.[19] Whereas scholarship of the Mishnah tends to take certain aspects of orality, such as the need for mnemonics and repetition, and overlay these on a basic assumption of linear, logical organization of the Mishnah, I suggest that the evidence shows the opposite: in the long transition from primarily oral cultures to those that employed written technology to a greater extent, the tendency was to preserve the basic forms of organization from the oral context. Havelock writes about the Greek context: "The initial effect of the invention [literacy] had been to record orality itself on a scale never before attained."[20]

The previously mentioned work by Smith on scribal traditions provides an example of writing that functioned very significantly within an oral cultural economy. Scribal cultures, while by definition written, remain intimately connected to oral cultures of performance and transmission. A scroll is not a book that can be flipped through with ease. Scribal writing must be seen as, in most cases, providing a template for memorization. Scribal literary traditions in the ancient world greatly increased the sophistication and complexity of the literary conventions of orality, but they by and large maintained the inherited conventions of structural unity based on repetitions of paradigms. Evidence from the scribal literary cultures of the ancient world, such as ancient Sumerian law codes, Ugaritic poetry, Greek epic

poems, and talmudic aggadah, shows that nonlinear literary devices such as chiasmus were a common coin of literary convention.[21] As Smith has emphasized, the Rabbis were very much a part of this scribal culture in the ancient Mediterranean and Near East.[22]

Finally, I will point to the evidence of the priestly predecessors of the Rabbis. Neusner and several of his former students have argued that the Rabbis of the Mishnah were following closely in the footsteps of the priestly writers of the Bible.[23] They point to the common concern (if not obsession) with order. Both priests and Rabbis were involved in building a sense of coherence into a chaotic world fraught with external threats. Both concentrate on the concrete materials of life—the religion of pots and pans. Neusner, however, does not claim any *literary* connection between the priests and the Rabbis. His reluctance to find any literary connection between these groups may be partly attributed to his thesis that the Mishnah is starting anew. He emphasizes the Mishnah's strategy of creating a new language that was not dependent on the Scriptures.[24] Another reason, I believe, for Neusner's dismissal of any literary connection between the Rabbis and the priests, is his a priori commitment to a conventional linear reading strategy. As mentioned before, although Neusner pioneered the idea that the Rabbis must be understood in terms of their structural, holistic patterns, he does not apply this insight to the close readings of the texts.

I suggest that the commonality of interests and religious outlook between the priests and the Rabbis is reflected in their literary styles. Scholars of the priestly writers such as Meir Paran and Jacob Milgrom have suggested that these writers depended greatly on structural coherence through chiasmus, ring, and other structures. I want to make the case that the same is true of the Mishnah.[25]

Given the evidence from studies in orality in the general scribal literary traditions of the Ancient Near East and the priestly writers of the Bible, it would not be surprising to find that the Rabbis of the Mishnah also tended to use literary devices such as those discussed in order to achieve a structural, holistic unity in their texts.

I go on to the text I have chosen as an example, the first chapter of Mishnah Ketubbot. My thesis is that clues to the rabbinic constructions of gender are best discovered through attention to structural literary conventions.

Mishnah Ketubbot, Chapter 1

(according to the Kaufman Codex)[26]

משנה א: בתולה נשׂאת ביום הרביעי, ואלמנה ביום החמישי: שפעמים בשבת בתי דינין יושבין בעיירות, ביום השיני וביום החמישי, שאם היה לו טענת בתולים, היה משכים לבית דין.

משנה ב: בתולה, כתובתה מאתים, ואלמנה — מנה. בתולה אלמנה, גרושה וחלוצה מן הארוסין — כתובתם מאתים, ויש להן טענת בתולים. הגיורת, והשבויה, והשפחה שנפדו או ושנתגיירו, או ושנשתחררו פחותות מבנות שלש שנים ויום אחד — כתובתם מאתים, ויש להן טענת בתולים.

משנה ג: הגדול שבא על הקטנה, והקטן שבא על הגדולה, ומוכת עץ — כתובתן מאתים: דברי רבי מאיר. וחכמים אומרים: מוכת עץ כתובתה מנה.

משנה ד: בתולה אלמנה, גרושה וחלוצה מן הנישׂואין — כתובתן מנה, ואין להן טענת בתולים. הגיורת והשבויה והשפחה שנפדו, או ושנתגיירו ,או ושנשתחררו יתרות על בנות שלש שנים ויום אחד — כתובתן מנה, ואין להן טענת בתולים.

משנה ה: האוכל אצל חמיו ביהודה שלא בעדים, אינו יכול לטעון טענת בתולים, מפני שמתיחד עמה. אחת אלמנות ישׂראל ואחת אלמנות כהן, כתובתן מנה. בית דין של כהנים היו גובין לבתולה ארבע מאות זוז, ולא מיחו בידם חכמים.

משנה ו: והנושׂא את האשה ולא מצא לה בתולים, היא אומרת: משארסתני נאנסתי, ונסתחפה שׂדך. והוא אומר: לא כי, אלא עד שלא ארסתיך, והיה מקחי מקח טעות — רבן גמליאל ורבי אליעזר אומרים: נאמנת. רבי יהושוע אומר: אינה נאמנת ולא מפיה אנו חיין, אלא הרי זו בחזקת בעולה עד שלא תתארס, הטעתו, עד שתביא ראייה לדבריה.

משנה ז: היא אומרת: מוכת עץ אני, והוא אומר: לא כי, אלא דרוסת איש את — רבן גמליאל ורבי אליעזר אומרים: נאמנת. רבי יהושוע אומר: לא מפיה אנו חיין, אלא הרי זו בחזקת דרוסת איש, עד שתביא ראייה לדבריה.

משנה ח: ראוה מדברת עם אחד (בשוק), אמרו לה: מה טיבו של זה? איש פלוני וכהן הוא — רבן גמליאל ורבי אליעזר אומרים: נאמנת. רבי יהושוע

אומר: לא מפיה אנו חיין, אלא הרי זו בחזקת בעולה לממזר ולנתין, עד שתביא ראיה לדבריה.

משנה ט: היתה מעוברת,(ואמרו לה): מה טיבו של עובר זה? מאיש פלוני וכהן הוא — רבן גמליאל ורבי אליעזר אומרים: נאמנת. רבי יהושוע אומר: לא מפיה אנו חיין, אלא הרי זו בחזקת מעוברת לנתין וממזר, עד שתביא ראיה לדבריה.

משנה י: אמר רבי יוסי: מעשה בתינוקת שירדה למלאת (מים) מן העין ונאנסה — אמר רבי יוחנן בן נורי: אם רב אנשי העיר משיאין לכהונה, הרי זו תנשא לכהונה.

Mishnah 1: A virgin is married on Wednesday and a widow on Thursday. Because twice a week the courts convene in the towns, on Mondays and on Thursdays, if he [the bridegroom] had a claim concerning her virginity, he would arise early to [go to] the court.

Mishnah 2: A virgin: her ketubbah is 200 [*zuz*] and a widow, *maneh* [100 *zuz*]. A virgin [who is a] widow, divorcée, or *ḥalutsah* [released from entering a levirate marriage] from [after] betrothal, their ketubbah is 200, and they have a claim of virginity [an assumption of virginity that the husband may make a claim or challenge upon]. A convert, a [former] captive, and a [former] maidservant, who were ransomed, converted, or released when under [the age of] three years and one day: their ketubbah is 200, and they have a claim of virginity.

Mishnah 3: An adult [male] who has sexual relations with a minor [female], a minor [male] who had sexual relations with an adult [female], one injured by a piece of wood: their ketubbah is 200. These are the words of Rabbi Meir. The Sages say, one injured by a piece of wood: her ketubbah is *maneh* [100 *zuz*].

Mishnah 4: A virgin [who is a] widow, divorcée, or *ḥalutsah,* from [after the time of] marriage: their ketubbah is *maneh,* and they do not have a claim of virginity. A convert, a [former] captive, and a [former] maidservant, who were ransomed, converted, or released when over [the age of]

three years and one day: their ketubbah is *maneh,* and they do not have a claim of virginity.

Mishnah 5: One who eats with his father-in-law in Judea without witnesses cannot make a claim against her virginity, because he was secluded with her. Whether an Israelite widow or a priestly widow, her ketubbah is *maneh.* The courts of the priests would collect for [the priestly] virgins 400 *zuz,* and the Sages did not rebuke them.

Mishnah 6: One who married a woman and did not find her [to have the] signs of virginity: She says, "After you betrothed me I was raped, and your field was flooded." And he says, "Not so, rather [it happened] before I betrothed you, and my acquisition was made under false pretenses." Rabban Gamliel and Rabbi Eliezer say, "She is believed." Rabbi Yehoshua says, "She is not believed, and not by her mouth do we live! Rather, she is assumed to have had sexual relations before she was betrothed, and to have deceived him, until she brings proof for her words."

Mishnah 7: She says, "I was injured by a piece of wood." He says, "Not so; rather, you are tread upon by a man." Rabban Gamliel and Rabbi Eliezer say, "She is believed." Rabbi Yehoshua says: "Not by her mouth do we live! Rather, she is assumed to be "tread upon" by a man, until she brings proof for her words."

Mishnah 8: They saw her speaking with a man in the marketplace. They said to her, "What type of man is he?" [She answered,] "So-and-so, and he is a priest." Rabban Gamliel and Rabbi Eliezer say, "She is believed." Rabbi Yehoshua says, "Not by her mouth do we live! Rather, she is assumed to have had sexual relations with a *mamzer* [illegitimate Jew] or a *netin* [a Gibbonite, non-Jew] until she brings proof for her words."

Mishnah 9: She was pregnant. [They said to her,] "What type of fetus is this?" [She answered,] "From so-and-so, and he is a priest." Rabban Gamliel and Rabbi Eliezer say, "She is believed." Rabbi Yehoshua says, "Not by her mouth do we live! Rather, she is assumed to be impregnated by a *netin* or a *mamzer,* until she brings proof for her words."

> Mishnah 10: Says Rabbi Yose, "An occurrence: [concerning] a young girl who went down to fill water from the spring and was raped." Says Rabbi Yohanan ben Nuri, "If [the sexual intercourse of] the majority of the men of the city [would still allow a woman to] marry into the priesthood, then she may marry into the priesthood."

This chapter is based on a series of interlocking chiastic structures, along with other literary patterns. The first half of the chapter, mishnayot 1–5, forms an A-B-C-B'-A' chiasmus.

[A] (Mishnah 1): husband, location (city), courts *betulah-almanah*
[B] (Mishnah 2): women who receive full ketubbah
[C] (Mishnah 3): transition
[B'] (Mishnah 4): women who do not receive full ketubbah
[A'] (Mishnah 5): husband, location (region), Sages, *almanah-betulah*

There is also a parallelism between the beginning and the end of the chapter, creating an envelope that gives overall structure to the chapter as a whole. The clearest linguistic evidence of this parallelism is in the word "city," which appears in the first and the last mishnayot and nowhere else in the chapter.

Mishnah 1: *ʿiyarot*
Mishnah 10: *ʿir*

However, I will suggest other evidence as well for a parallelism between the beginning and the end of this chapter. Within these structures, there will be both parallelism and progression.

Several issues in the editorial history of the text are made more understandable through a focus on these structural units. First, the beginning of the Mishnah is rather puzzling. Clearly, a thematic description of this chapter would conclude that the central issue is the amount of the ketubbah payments to specific classes of women. Why, then, does the chapter (and the tractate, for that matter) begin with the days Wednesday and Thursday, which are appropriate for marriage? In terms of a linear exposition of the halakhah, this chapter could have begun with mishnah 2. This problem would be lessened if one could interpret, as some scholars have done,

that this narrative of the marriage day followed by the husband running to court to collect his money were an introduction to the general concept of ketubbah payments. However, upon closer examination, the first mishnah does not even deal directly with the halakhah of ketubbah!

The Mishnah informs us that virgins are married on Wednesdays so that the husband, if he finds his bride not a virgin, can go immediately to court. But this still begs the question, why all the concern for the husband going off directly the next morning? If it were simply a question of his collecting his ketubbah money, what difference would it make if he went to court the next day, or the next week? Both Talmuds give the same answer, namely, that the issue is not the ketubbah at all, but the religious prohibition on the husband cohabiting with a woman whom he has begun to suspect of adultery. The legal issue here is more closely related to sotah, the suspected adulteress, than to ketubbah payments.[27] Wednesday marriages are mandated so that the husband can go to court the next day to ensure that he will not "cool down" and cohabit with the wife whom he intended to bring to court for adultery.

If it is easy to miss this point, it is probably because the Mishnah seems to be actually hiding the change in the halakhic topic that takes place between the first mishnah and the other mishnayot in the first half of the chapter. The first half of the chapter is clearly written to be a literary unit. בתולה—אלמנה, "virgin–widow" and יש/אין לה טענת בתולים, "she does/does not have a claim to virginity" appear as refrains throughout the first five mishnayot. The first mishnah is clearly written to fit this pattern, yet all these mishnayot deal with the monetary question (ממון) of the ketubbah while the first mishnah deals with an entirely separate area of halakhah: the religious prohibition (איסור) of suspected adultery.

All this seems anomalous until it becomes clear that the ending of the chapter makes the exact same move! The mishnayot of the second half of the chapter (6–10) again clearly follow a literary pattern. The case is brought before a court: Rabban Gamliel and Rabbi Eliezer declare the woman's testimony to be to נאמנת, believed, while Rabbi Yehoshua proclaims לא מפיה אנו חיין, אלא, "Not by her mouth do we live, rather." The form is identical throughout mishnayot 6, 7, 8, and 9. However, beginning at mishnah 8, there is a radical change in the halakhic subject matter. Whereas mishnayot 6 and 7 had followed on the heels of mishnayot 2 through 5 in

dealing with the monetary question of ketubbah, mishnayot 8, 9, and 10 switch to the *religious prohibition* known as יוחסין, the marriage restrictions of the priests. The linguistic parallels between the first mishnah and the last, such as the word עיר, "city," appearing in both, are only hints to a very sophisticated and conceptually interesting structure by which the beginning and the end of the chapter mirror each other in their strategy of masking a change from religious prohibition to monetary laws and vice versa. This parallelism maps out a progression as well—from the level of the individual family unit in the beginning to the national level of the priesthood in the ending.

We will return to this parallelism and progression, but first I want to look at some of the other indications of structure in this chapter. I start from points that have attracted attention for the seemingly sloppy editing. Mishnah 3 may seem out of place between mishnayot 2 and 4. These two mishnayot deal with nearly identical subject matter. However, the placement of mishnah 3 becomes clear when we consider that mishnayot 2 and 4 are mirror images of each other: one discusses women who receive the full 200 *zuz* ketubbah, and the other discusses women who do not. Mishnah 3 forms a bridge between them (describing the ambiguous cases) and stands at the center of a chiastic structure. Halakhically, mishnah 4 adds nothing to our knowledge. What it does do is help create a chiastic structure of a-b-c-b'-a', with mishnah 3 in the center and mishnayot 1 and 5 on the ends of the chiasmus of the first half of the chapter.

Scholars have noted the apparent sloppiness of mishnah 5 in that there is a reversal of the order of the phrases אלמנה—בתולה.[28] However, when it is seen that mishnah 5 is the final point in the chiasmus of the first half of the chapter, this reversal or inversion makes good literary sense as a "closing deviation."[29] The dramatic priestly demand for 400 *zuz,* which, according to the halakhic exposition, should have appeared in mishnah 2, seals the first unit while it foreshadows the central role to be played by the priests in the ending of the chapter.

I will now discuss some of the more conceptual points that undergird this structural analysis. In my reading, one of the central issues in this chapter is that of the relation between speech and sexuality. It is important to note here that I intend to look at a male text that imagines, enacts, and also reflects a male-dominated social and religious system. My goal is neither to condemn, nor engage in apologetics, but

rather to examine this text to better understand the Mishnah's discourse of gender. I follow my teacher Daniel Boyarin in viewing words like "patriarchy" with suspicion. There are many "patriarchies," and it behooves us to examine the specific shapes, fault lines, and tensions in the Mishnah's particular configuration of gender.

There is a movement in the first mishnah that may be described as going from the bedroom to the courtroom. The sexuality between the man and woman—specifically, the body of the woman, whether she is determined a virgin or not—is a matter that the husband must take from the privacy of the bedroom to the authoritative forum of the court. The Mishnah represents and enacts the interpenetration of the body with language, the fusing of the sexual/reproductive realm with the social, and, more specifically, the control of the female body by the male religious/judicial system. The husband, as is made more clear in the talmudic discussion of this mishnah, is given enormous power to act as the conduit of the male power into the bedroom.[30] It is appropriate to speak here of the creation of a discourse of gender and sexuality in the Foucauldian sense of the interaction of power and linguistic knowledge in the very definition of, in this case, the female body.[31]

The curious intrusion of religious prohibitions into a chapter that is ostensibly about monetary issues speaks of the moral and emotional power that is invested in this nexus of the sexual with the social and linguistic. As a halakhic category, איסור, religious prohibition, may be described as dealing with the charged areas of relationship between the human and the divine. For example, the laws of Niddah, which might seem to be about the sexual relationship between two people, is in the category of ritual religious law. It is concerned with the man's relation to the מקור דם, "source of blood," of the woman's body, and is placed within the realm of religious prohibition. As blood was associated with life, this "source of blood" seems directly related to the מקור חיים, the source of life, which points toward the Source of Life (God). I suggest here and elsewhere that a woman's sexuality and her association with birth and the creation of new life were seen as power points in the cosmic/social universe of the Rabbis. It may be appropriate to use the biblical language of מקור חיים, source or spring of life, to describe this role, which implies a raw power that is both essential and dangerous.[32] The first mishnah focuses on the integration of that feminine power into male social, legal discourse.

Mishnah 1 brings female sexuality under the control of the male legal discourse, into the world of male language. Mishnayot 2 through 4 may be seen as denoting the grammar of that language. These are the social norms that will map out the ground rules of the discourse on female sexuality and the parameters of the female body. Which women will fit into the category of virgin and receive the higher amount of ketubbah payment, and which will not? Issues are raised as to the interplay between social and physical definitions of "virginity." The debate between Rabbi Meir and the Sages in mishnah 3 revolves around the question of whether virginity is purely a physical state, or whether human relationships are determinative. Does sexual intercourse with a man bring about loss of virginity, or does a simple physical injury? Mishnah 4 seems to go so far as to imply that the act of standing under a wedding canopy with a man is enough to disqualify the woman from the status of virgin—pushing the definition of virginity far into the social, as opposed to the purely physical, realm.

Mishnah 5 ends the first half of the chapter by bringing the husband and the courts back into the picture:

> משנה ה: האוכל אצל חמיו ביהודה שלא בעדים, אינו יכול לטעון טענת בתולים, מפני שמתיחד עמה. אחת אלמנות ישׂראל ואחת אלמנות כהן, כתובתן מנה. בית דין של כהנים היו גובין לבתולה ארבע מאות זוז, ולא מיחו בידם חכמים.
>
> Mishnah 5: One who eats with his father-in-law in Judea without witnesses cannot make a claim against her virginity, because he was secluded with her. Whether she is an Israelite widow or a priestly widow, her ketubbah is a *maneh.* The courts of the priests would collect for (the priestly) virgins 400 *zuz,* and the Sages did not rebuke them.

As in mishnah 1, there is mention of place, moving the locale from town to region. The husband reappears as an acting subject and is joined by the priests. The bridegroom in the region of Judah loses the right to make a claim against her virginity because of his local custom of "eating in his father-in-law's house" before the marriage. Here, we encounter the rules set up by men limiting the action of the

individual man. In contrast, the priests are allowed to go beyond the rules. In this mishnah, we are given a tantalizing glimpse into the complex relations between the Rabbis and the priests. The Rabbis give a privileged position to the priests, but they present themselves as ultimately in control. They give voice to the priests, but the Rabbis have the last word.

The second half of the chapter, beginning with mishnah 6, could be said to move the reader from *langue* to *parole,* from the description of the grammar of gender to the representation of actual speech. In narrative terms, this mishnah is the natural continuation of the first mishnah. The scene that suggested the marriage night and the morning after is here brought into actuality. Now we are in the courtroom with the bride and groom, and all the issues of money, anger, reputation, sexuality, and speech that were hinted at there come into play.

The Mishnah uses evocative language here and throughout the second half of the chapter. The phrase נסתחפה שדך, literally, "your field has been flooded," clearly points to the analogy of women to fields. This analogy is an important one for the Mishnah.[33] "Flooded" suggests both the negative result of illicit sex and the fluid that was involved. The terrestrial imagery is continued and modified in the next mishnah to דרוסת איש את, "you are tread upon by a man," this time emphasizing the factor of domination and humiliation as well as ruination. Rabbi Yehoshua's statement לא מפיה אנו חיין, "not by her mouth do we live," strikes the reader as a bit extreme for a simple monetary dispute. Clearly, even though the ostensible subject is ממון, a monetary matter, there is a lot more going on. Marriage in the Mishnah may involve money, but it is not a dry business transaction. The field analogy points to the expectation of fertility, of security through the coming generations, of forming one's very identity. Rabbi Yehoshua's evocation of "our life" suggests that more is at stake than 200 *zuz.*

Seeing the complex issues involving monetary matters and issues of identity, fertility, and what Rabbi Yehoshua labels "life," I turn the focus to the debate between Rabban Gamliel and Rabbi Yehoshua.[34] Rabban Gamliel represents in the Mishnah the dynastic, traditional patriarchate. He is of the line of Hillel and in general is shown arguing for traditional authority and the importance of the unity of the Jewish people. Rabbi Yehoshua represents what is known as the rabbinic party

and generally argues for the autonomy of the Torah and the central place of human intellect in deciding law. This debate then, is one between two distinct worldviews, two streams of thought within the Mishnah. Here, these two streams of thought argue over the status of the woman's voice in this legal system.

In this context, Rabbi Yehoshua's statement לא מפיה אנו חיין, "Not by her mouth do we live," calls out for interpretation. This is the only appearance of this phrase in the Mishnah, and its possible connotations go beyond the simple meaning "we don't believe her."

The word פיה, "her mouth," may hint to the woman's genitals. This is attested in rabbinic literature, and this kind of displacement is known in many cultures.[35] In our chapter itself, the substitution of speech for sex is invoked in mishnah 8 with the expression ראוה מדברת עם אחד בשוק, "they saw her 'speaking' to someone in the market," which is understood in the PT as euphemistic language for sex.[36] It is especially likely to find such displacement here because of the main subject of the chapter: virginity. The issue of the connection between speech and sexuality or reproduction, which is so central to this chapter, is caught in the ambiguity of this term.

One interpretation of this phrase is to read it ironically: "not by her [upper] mouth do we live, [but rather by her lower mouth]." On this reading, Rabbi Yehoshua is expressing the tendency in rabbinic culture to suspect women's speech, and to relegate their role to physical reproduction. He is making the dualistic separation that we find in other places in the Mishnah and rabbinic literature, that a woman's place is not in the courtroom, or in the study hall where male speech, speech that creates concrete social realities, takes place, but rather at home, making babies.

Another interpretation would read it to say, "Not by *her* mouth [upper or lower] do we live" [but rather by *our* mouths, i.e., male words of Torah]. According to this interpretation, the argument between Rabban Gamliel and Rabbi Yehoshua takes on the central ideological importance that one would expect in a debate between these two figures. Rabbi Yehoshua is arguing that not only is there to be a separation between the words of Torah (authoritative, legal, powerful speech) and women (who, nevertheless, are important in their procreative role), but that the

source of חיים, "life," is not with her mouth *or* her reproductive organs, but rather with the Torah itself. Not by her mouth (in both its meanings) do we live, but rather by the words of Torah issuing from our (male) mouths.

When Rabban Gamliel says נאמנת, "she is believed," he is representing the opinion that the source of life is indeed related to women. I am suggesting that Rabban Gamliel privileges her claim to be assumed a virgin because he imputes religious, even cosmic and mythical, value to the sexual/reproductive lives of the man and woman within marriage. In other words, the more traditional stream of thought represented by Rabban Gamliel gives religious value not only to the abstract words of Torah, but to the concrete creation of life through sex and reproduction, and women play the central role in this creation of life.

Evidence that this dispute between Rabban Gamliel and Rabbi Yehoshua revolves around these issues may be garnered from other cases in the Mishnah where they are brought together. Some of the most famous incidents in the Mishnah and Talmud involve disputes between these two Rabbis. Most relevant for our discussion are those instances where issues of gender become manifest within the two opposing ideologies. This is seen most clearly in a case that is directly adjacent to this chapter: the last mishnah in tractate Yevamot (16:7). There, Rabban Gamliel holds the opinion that an exception may be made in the normal laws of testimony to allow the testimony of a single witness, a slave, or a woman, in a case where this would allow the woman to remarry. Rabbi Yehoshua disagrees and maintains that the "normal" rules of testimony apply. The elements of this dispute have much in common with our mishnah. Rabban Gamliel rules in favor of the woman in a case that supports the privileged place of marriage and fertility in Jewish life, and does so by accepting testimony that might otherwise be questionable. Rabbi Yehoshua does not want to grant this exception.

Another case that includes similar elements, but that relates to gender more on the metaphoric than the practical plane is M. Rosh Hashanah 2:8–9. There, Rabban Gamliel clearly gives a privileged status to the mitzvah of sanctifying the new moon. He accepts testimony that would not be accepted in a normal courtroom situation. Rabbi Yehoshua again appears as the representative of rational rabbinic decision making and does not accept the testimony. If the inherent symbolism of the

moon as feminine, and the language used for the mitzvah לקדש, "to sanctify," (the same word used for betrothal) were not enough to suggest an important gender component to this story, the Mishnah includes the explicit comparison of the moon to a woman giving birth: האך מעידים על האישה שילדה, ולמחר כרסה בין שניה, "How can one testify that a woman has given birth when the next day her belly is between her teeth?" This phrase does not explicitly appear in our mishnah, but it does appear in the parallel Tosefta (Ket. 1:6) in the context of mishnah 8, concerning the single woman who is found pregnant.[37]

Thus, the position of Rabban Gamliel as representative of traditional authority, as opposed to the more rationalized autonomy of Torah, includes a gender component. The symbolism of מקור חיים, the "source of life," is still associated with women. I suggest that, ironically, this representative of the patriarchate holds a position that, at least in certain situations, was more favorable to women. Because of the central value given to the woman's part in reproduction, her speech was also given greater weight in the legal system. The ambiguity that was noted in the term "mouth" is important: rather than being at the expense of her verbal expression, her physical, reproductive powers are closely associated with her powers of speech. The important implication here is that, according to this strand of thought within the tannaitic world, women's speech is given weight, not in spite of their procreative role, but because of it. The tendency toward dualistically separating speech and body, to make words of the Torah the single "source of Life" is resisted by the older ideology.

The central argument between Rabban Gamliel and Rabbi Yehoshua is between the value given to the mythical status of the woman, her power of reproduction and speech, and the power that is given to the words of Torah. Which one of these is the true source of life?

In the context of this paper, I cannot go into all the details of the second half of this chapter. With mishnayot 6 and 7, we have come to a place where individual speech about sexuality is possible. The original scene of mishnah 1 is played out here in the central organ of the social, legal world of discourse, the courtroom. It is in this middle point of the chapter, in mishnayot 6 and 7, that the debate over women's speech can occur. However, we have seen that this chapter of the Mishnah moves

slowly up the levels of social organization. Starting with the local town and its courts meeting on market days, we moved to the region of Judah and the debates between the Sages and the priests.

In the second half of the chapter, this movement continues. As mentioned earlier, there is a masked transition beginning in mishnah 8 from questions of monetary ketubbah payments to the religious issue of whether the woman can marry into the priestly tribe. This moves the social level to that of the Jewish nation. Most striking in the last three mishnayot is that the voice of the woman is gradually erased as the social, and national bodies take on, as it were, voices of their own. I claim that this occurs here because in the gendered discourse of the Mishnah, the priests parallel woman as embodying מקור חיים, the source of life. The marriage laws and strict purity rules that apply to the priests function in the Mishnah as markers of their role as symbols of the unity of the nation. This national unity centered on the image of the Temple as the source of divine blessing.

In chapter 7 of this tractate, there is an explicit comparison between the priests and married women. כל המומין הפוסלים בכוהנים פוסלים בנשים, "all the physical defects that disqualify priests [from serving in the Temple] disqualify women [from claiming ketubbah payments upon divorce]." I suggest that just as women in their sexual and reproductive role were seen by the Rabbis as both dangerous and holy "power sources" who needed caution and control, so the Temple and its representatives, the priests, were the power source for the nation and therefore needed similar controls and precautions.

Whereas the quotation from M. Ketubbot 7:7 explicitly compared women with priests, it is the *structure* of this chapter that points toward a parallel between women and priests. This parallel is based on the modulation between monetary laws and those involving the more emotionally charged religious prohibitions. The beginning of the chapter speaks of society's stake in the unity and integrity of the husband-and-wife unit; the end of the chapter deals with the unity and integrity of the nation as represented by the marriage laws of the priests.

When this national מקור חיים, "source of life," becomes the focus, the voice of woman is erased. In mishnayot 8 and 9, the "voice of society," in the form of the bystanders in the marketplace, testifies against her. The woman has less and less of a voice, until in the last, very disturbing, mishnah, she is transformed into a child who

is raped—who is given no voice whatsoever. It is as if the males have come up with their own surrogate women—the priests, to whom the actual women are subordinated. The priests are males acting in the feminine role of guardians over the national source of life. But even here, the issue of voice is not resolved. The last mishnah is presented as a story told by a specific rabbi (says Rabbi Yose, "An occurrence: . . ."). This is the first time in the chapter that this literary form is used. As in mishnah 5, precisely when the Mishnah gives a place of privilege to the priests, they are careful to make sure that it is they, the Rabbis, whose voice is heard.

I have dealt with the understanding of a text. But clearly, there are implications that go beyond the text. In complex ways, this text is a part of, a representation of, a fantasy or plan for the society of people around it. The Rabbis were asking, on one level: How is sexuality in marriage to be understood, regulated, and integrated into the overall structure of civil life? We have seen how this question was related to the more general question of whether to look to an ideology of Torah as the source of life, or to look to women and Temple—more concrete and physical foci of this divine life energy. These questions surely affected the lives of men and women in many ways, which are not easy for us to know. Did women benefit from the school of thought represented by Rabban Gamliel, which values the feminine life force, even in the courtroom? Did the parallelism between women and priests represent a co-opting of feminine symbolism, which added to the women's oppression (as seen in the last mishnah), or did it represent as well a general valuation of "the feminine"? I do not have answers to these questions, though I suspect that both sides have some truth.

The questions asked and the perspectives taken here regarding the Mishnah's discourse of gender reflect a shift in reading strategies away from more logical, atomistic, linear reading strategies (which could fall under the category that Peskowitz has called "masculinist") that are the norm in the scholarship of rabbinic literature and toward a more holistic, structural, or literary perspective. This latter perspective allows us to more subtly and skillfully place gender as a central cultural category.

The types of issues that have been discussed—parallelisms between women and priests, between the social level of family and the nation, the relation between speech and sexuality, between money and emotions, between the Rabbis and the

priests, between males and females—are the types of cultural linkages and patterns that are the stuff of anthropology. They are the type of holistic and concrete issues that abound in the literature of Durkheimian anthropology, bearing out the parallel that Neusner has suggested between the two. By taking seriously this parallel on the level of close literary readings, it is possible to access these anthropological issues as they appear in the Mishnah in a more accurate and nuanced manner. Alternative methods of reading such as those suggested in this paper allow us to gain new perspectives on the modes of thought and gender configurations found in rabbinic literature.

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NOTES

1 Judith Romney-Wegner, *Chattel or Person?* (Oxford: Oxford University Press, 1988).

2 See, for example: Bernadette Brooten, *Women Leaders in the Ancient Synagogue: Inscriptural Evidence and Background Issues* (Atlanta: Scholars Press, 1982); *Maenads, Martyrs, Matrons, Monastics: A Sourcebook on Women's Religion in the Ancient World,* ed. Ross Kraemer (Philadelphia: Fortress Press, 1988).

3 Miriam B. Peskowitz, *Spinning Fantasies: Rabbis, Gender and History* (Berkeley: University of California Press, 1997).

4 Of course, I do not mean to slight other scholars who have worked in this area, but I am focusing here on sustained work specifically on the Mishnah. My teacher Daniel Boyarin has been very important in the advancement of recent scholarship of gender in rabbinic literature in general, as have Tal Ilan, Shulamit Valer, Judith Baskin, and others.

5 Judith Hauptman, *Rereading the Rabbis: A Woman's Voice* (Boulder, Colo.: Westview Press, 1998).

6 Miriam Peskowitz and Laura Levitt, eds., *Judaism Since Gender* (New York: Routledge, 1997), p. 21.

7 "I see, and attempt to make visible, the categories of traditional scholarship. 'Traditional scholarship' refers to the overlapping discourses of domination that organize

knowledge in ways that hide the basic categories by which that knowledge is produced: to name just a few, these discourses include masculinism, colonialism, the European Enlightenment inheritance that veils a specific Christian-ness behind its claims to the universal." "Engendering Jewish Religious History," in ibid., pp. 18–19.

8 Robert Alter and Frank Kermode, *The Literary Guide to the Bible* (Cambridge, Mass.: Harvard University Press, 1987), pp. 26–27.

9 Jacob Milgrom, *The J.P.S. Torah Commentary: Numbers* (Philadelphia: Jewish Publication Society, 1990), p. xii.

10 See Jacob Neusner, *Method and Meaning in Ancient Judaism* (Missoula, Mont.: Scholars Press, 1979), pp. 34–35.

11 See William S. Green, "Reading the Texts of Rabbinism: Toward an Interpretation of Rabbinic Literature," *Journal of the American Acadamy of Religion* 51 (1983): 195; see also Ivan Strenski, *Durkheim and the Jews of France* (Chicago: University of Chicago Press, 1997), for a discussion of the origins of holism and concreteness in Durkheim's thought.

12 See Shaye Cohen's critical review of Neusner's major statement *Judaism: The Evidence of the Mishnah.* "Jacob Neusner, Mishnah and Counter-Rabbinics," *Conservative Judaism* 37 (1983): 48–63.

13 On the position of the Rabbis in the larger picture of Jewish society in Roman Palestine, see Lee Levine, *The Rabbinic Class of Roman Palestine in Late Antiquity* (New York: Jewish Theological Seminary of America, 1989).

14 Jack Lightstone has made use of Durkheimian anthropology to connect the Rabbis of the Mishnah to their social setting. He argues that the texts that a culture produces will reflect, as will any part of culture, the basic patterns of the social structure. Cultures are reinforced at many levels; texts are only one of these levels. Thus, the Mishnah will reflect what he claims was the bounded, inward-looking, embattled community of Palestinian Jewry of the first and second centuries with its emphasis on coherence and static order. Jack Lightstone, "Sociological Study of Ancient Judaic Groups and Their Texts: A Prolegomena," in *Essays in the Social Scientific Study of Judaism and Jewish Society,* vol. 2 (Hoboken, N.J.: Ktav, 1992), pp. 32–37.

15 In recent years, there has been a much more sophisticated utilization of the scholarship of orality in the study of the Mishnah than in previous work. This has been exemplified especially in the work of scholars such as Martin Jaffe, Yaacov Elman, and Steven Fraade. See Martin Jaffe, "How Much Orality in Oral Torah? New

Perspectives on the Composition and Transmission of Early Rabbinic Literature," *Shofar* 10 (1992): 53–72; "Writing and Rabbinic Oral Tradition: On Mishnaic Narratives, Lists, and Mnemonics," *Journal of Jewish Thought and Philosophy* 4 (1994): 123–46; "A Rabbinic Ontology of the Written and Spoken Word: On Discipleship, Transformative Knowledge, and the Living Texts of Oral Torah," *Journal of the American Academy of Religion* 65 (1997): 525–49); Yaacov Elman, *Authority and Tradition: Toseftan Baraitot in Talmudic Babylonia* (Hoboken, N.J.: Yeshiva University Press, 1994); Steven Fraade, *From Tradition to Commentary: Torah and Its Interpretation in the Midrash Sifre to Deuteronomy* (Albany: State University of New York Press, 1991).

16 Classic statements of this view include Walter Ong's *Orality and Literacy: The Technologizing of the Word* (New York and London: Methuen, 1982) and Eric A. Havelock's *The Muses Learn to Write* (New Haven: Yale University Press, 1986). For a useful overview, see Matei Calinescu, "Orality in Literacy: Some Historical Paradoxes of Reading," *Yale Journal of Criticism* 6, no. 2 (1993): 175–90.

17 Mary Catherine Bateson, *Peripheral Visions* (New York: HarperCollins, 1994), pp. 30–31.

18 See Jonathan Z. Smith, *The Map Is Not Territory* (Leiden: Brill, 1978), pp. 70–71.

19 Ruth Finnegan first used the term "the Great Divide" to criticize earlier scholarship. See her works "Literacy Versus Non-Literacy: The Great Divide?" in *Modes of Thought,* ed. Robin Horton and Ruth Finnegan (London: Faber and Faber, 1973), pp. 112–44, and *Literacy and Orality* (New York: Basil Blackwell, 1988).

20 Havelock, *The Muses Learn to Write,* p. 110.

21 See John Welch, ed., *Chiasmus in Antiquity* (Hildesheim: Gerstenberg Verlag, 1981). The work of Gary Porten is especially revelant to the Mishnah because it involves legal (as opposed to strictly "literary") texts. He studies examples from Aramaic contracts and letters from the Elephantine archives of Egypt, demonstrating that the writing of contracts and letters in the ancient world, whether in the Egyptian or Babylonian contexts, was a scribal skill that included the use of chiasmus as a basic literary form. An example among the many he cites uses clear chiastic form in a contract for the transfer of a house.

A 1. *I gave* you the house

B 2. which *Meshullam gave* me and about which he wrote a document.

C 3. *I gave* it to Miptahiah in exchange for her GOODS

D 4. which *she gave* me when I was on duty

C' 5. *I gave* you this house in exchange for GOODS worth 5 karsh

B' 6. and *I gave* you the document that *Meshullam* wrote for me

A' 7. *I gave* you the house and withdrew from it.

He points out the main features of the chiasmus: "A relates the gift of the house and A' withdrawal from it; B, B'—the document given by Meshullam; C, C'—the goods of Miptahiah, which she gave (D). The central item is unmatched; it is the reason for the present gift" (in Welch, p. 172).

22 "Their basic faith was in the relevance of a limited number of paradigms to every new situation. Their goal—whether the scribe be called *dubshar, sofer,* Chaldean or *rabbi*—was nothing less than absolute perfection, the inclusion of everything within their categories. In the quest of this perfection, they developed complex hermeneutic and exegetical techniques to bridge the gap between paradigm and particular instance, between past and present." Ibid.

23 See Neusner, *Method and Meaning in the Mishnah,* vol. 2, "Mishnah is surely the most profoundly priestly document we could imagine," p. 147. Also Jack Lightstone, *Society, the Sacred and Scriptures in Ancient Judaism: A Sociology of Knowledge* (Waterloo, Ont.: Canadian Corporation for Studies in Religion, 1988).

24 For example, "in ignoring the syntax and morphology of biblical Hebrew in favor of a new language of Hebrew, the framers of the Mishnah engage in a stunningly daring and creative act. They revise the very foundations of mind and intellect, starting fresh. So they say old things in a wholly renewed language, while describing an archaic world in a spirit I have called reactionary." Neusner, *Method and Meaning in Ancient Judaism,* p. 32.

25 See, for example, Jacob Milgrom, *The JPS Torah Commentary: Numbers* and his *The Anchor Bible: Leviticus, 1–16* (New York: Doubleday, 1991), and Meir Paran, *Darkhei hasignon hakohani batorah* (Jerusalem: Magnes, 1989). Milgrom writes, for example, "The main structural device, to judge by its attestation in nearly every chapter of Numbers, is chiasm and introversion" (*The JPS Torah Commentary: Numbers,* p. xxii). The priestly writers were not the only ones in the biblical corpus to use these techniques; Paran suggests that the "tendency to poetic structures (while) not unique to P, is strongly characteristic of it" (Paran, p. 22).

26 See Haim Bentov, *Mishnat Tractate Ketubbot: According to the Kaufman Manuscripts* (Jerusalem, 1982, diss.), pp. 1, 92, where he concludes that this is the best existing version.

27 BT 9b and PT 1b. The PT uses the expression ספק סוטה, which literally means "possibly a suspected adulteress."

28 See Jacob N. Epstein, *Mavo lenusaḥ hamishnah* (Jerusalem: Magnes Press, 1964), p. 954.

29 Meir Paran specifically noted that this device was very common in the texts of the priestly writers (Paran, p. xiii).

30 See Shulamit Valer, *Nashim venashiyut besipurei hatalmud* (Tel Aviv: Hakibbutz Hameuchad, 1993), pp. 35–39.

31 See especially Foucault's *History of Sexuality, Vol. 1: An Introduction,* trans. Robert Hurley (New York: Random House, 1978), and *Power/Knowledge: Selected Interviews and Other Writings 1972–1977* (New York: Pantheon, 1980).

32 See my article "Hair in Tanakh: Symbolism of Gender and Control," *Journal of the Association of Graduates in Near Eastern Studies* 5, no. 2 (1993): 39–52.

33 See H. Albeck, *Mavo lemishna* (Jerusalem: Bialik Institute, 1959), p. 345 for examples in rabbinic literature.

34 I say Rabban Gamliel and Rabbi Yehoshua as a shorthand, leaving out Rabbi Eliezer because he is by far the most common interlocutor to Rabbi Yehoshua in the Mishnah. His appearance here is no surprise. However, when Rabban Gamliel appears opposite Rabbi Yehoshua in the Mishnah, it is a signal to perk up our ears. I am operating with the assumption that the attributions in the Mishnah do not necessarily reflect historical reality. We simply do not know whether Rabban Gamliel ever had this debate with Rabbi Yehoshua, but the texts do provide us with information about what these attributions mean in the symbolic lexicon of the Mishnah.

35 See, e.g., BT Yoma 75a, Ketubbot 13a, Shabbat 152a, Sotah 4a.

36 מהו מדברת? נבעלת. ולמה תנינן מדברת? לשון נקי, "What does 'speaking' mean? Sexual intercourse. And why do they use the term 'speaking'? It is a euphemism" (PT 1:8).

37 These are the only two instances of this phrase in the Mishnah and Tosefta. Saul Lieberman makes an interesting comment on this phrase in the Tosefta. The expression "between her teeth," he explains, is appropriate here in that it illustrates the idea that she cannot refute with her mouth the evidence of her body—"her belly gets between her teeth!" Saul Lieberman, *Tosefta kifshutah, nashim* (New York: Jewish Theological Seminary of America, 1955–88), p. 197 n. 39. This understanding again emphasizes the relationship between high and low, between verbal and physical expression, which is central to this chapter.