

WOMEN AND THEIR ROLES IN PALESTINE

Jesus' view of women has become in the last two decades a subject of increased discussion both inside and outside the Church community. The better part of this discussion has been purely on a non-technical level, and there still seems to be a need for a detailed exegetical treatment of the relevant Gospel material. This monograph attempts to meet that need.

It should be said at the outset that my discussion will be limited to the material dealing with Jesus' words and deeds during His earthly ministry. Thus, the material in the Birth and Resurrection narratives will not be treated. There will be some attempt, however, to deal with the Evangelists' perspectives on women as a secondary area of interest as it is reflected in the pericopes that will be examined.

Since our main focus is on Jesus' view of women, our discussion of the relevant background material will be limited to an examination of women and their roles in Palestine. Background material on other areas in the Mediterranean will be referred to in passing where it seems to bear on the Gospel material under examination (e.g., Mk 10). Finally, our investigation of background material must also be limited in scope to certain major issues or areas that shed light on the portion of NT material under discussion – (1) women and their roles in marriage and the family; (2) women and their roles in religion; and (3) women and their roles as witnesses, teachers and leaders. It will be assumed that general attitudes toward women and their roles in Palestine during the NT era have been sufficiently indicated by others.¹

In attempting to discuss first-century Palestinian Jewish women, the problem of dating the possibly relevant material immediately confronts us. A considerable amount of material in the rabbinic literature is of an unknown date, since it is not identified with a particular rabbi or school. Thus, this essay relies primarily on Mishnaic information which was certainly in existence before the Mishnah's codification around A.D. 200. Materials from the Talmuds and Midrashes are used when they seem to summarize attitudes that prevailed throughout the era of rabbinic Judaism.²

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The Mishnaic material must be handled with care, of course, but since in many instances it presents actual situations and issues (not merely hypothetical ones), and since even in the purely 'academic' debates it often reflects actual attitudes with which we are vitally concerned, it is not inappropriate to use such material. In any case, the material presented here has been selected as 'typical' of the way of thinking among Jewish leaders and rabbis from before Jesus' day through the Amoraic period. Thus, without glossing over crucial differences, we may expect our material, even if it originates from a period somewhat after the NT era, to give us a reasonably clear glimpse of attitudes about women in Jesus' day among His countrymen. That this is not an unreasonable expectation is shown time and again when the attitudes found in such texts as Lk. 24.11 and Jn 4.9, 27 are also found in Josephus, Philo and material from the Mishnah and Talmuds of various dates.³

A. Women and their Roles in Marriage and the Family

There can be little doubt that the family was almost the exclusive sphere of influence for Jewish women in the first century A.D. A glance at the titles of the subdivisions in the Mishnah under the heading *Nashim* (Yebamoth, Ketuboth, Nedarim, Nazir, Sotah, Gittin, Kiddushin) indicates that women were only of importance legally to the rabbis in the areas of marriage and divorce, inheritance and heredity, and the extremes of holiness (vows) and unholiness (Sotah). A woman's sphere of influence or importance in the legal sense was confined to her connection to her family, her faithfulness to her husband, and her domestic responsibilities.⁴ This limiting of a woman's sphere of influence is partly attributable to Jewish marital customs of that day. One must bear in mind the extraordinary *patria potestas* a father had over his daughter and a husband over his wife. The laws of inheritance, betrothal and divorce were heavily biased in the male's favour with only a few checks and balances (such as the wife's *ketubah* and a daughter's right of maintenance). A woman was passed from a father to her husband's sphere of authority usually without being consulted. Since a woman changed families when she married, she could not be expected to preserve the family name or keep property in the same family. For this reason, the laws stated that she was entitled to maintenance rather than inheritance in most cases.⁵ That R. Ishmael can bemoan the poverty of Israel's women is perhaps an indication of how hard and rare it was for a woman to inherit property.⁶

While a girl was under-age she had no right to her own possessions, and the fruit of her labour or anything she found belonged to her father.⁷ If

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she was violated, compensation money for the indignity was paid to the father.⁸ An under-age daughter could not refuse a marriage arrangement made by her father, though she could express her wish to stay in the home until puberty.⁹ She could, however, refuse any arrangement made by her mother or brothers after her father's death and before she was 12½.¹⁰ Once she was of age she could not be betrothed against her will.¹¹ A wife, like a Gentile slave, could be obtained by intercourse, money or writ.¹² Considering the early age of betrothals and marriages, it would be rare indeed for a woman to have acquired an inheritance prior to marriage or to have refused a marital arrangement made by her family.

Though a woman usually had to be paid her *ketubah* even if the husband went into debt,¹³ this requirement was not as strict as it might have been since a woman could be put away without her *ketubah* on certain grounds.¹⁴ Further, we are told that a woman's *ketubah* is to be paid out of the poorest land one had.¹⁵ A woman's security in her husband's family was attenuated further by the fact that the husband could divorce her if she caused an 'impediment' to the marriage. This privilege was not extended to the wife.¹⁶ Unlike the case with a man,¹⁷ a woman could be divorced without her consent for reasons ranging from unchastity only (School of Shammai), to burning a meal (School of Hillel), to finding another fairer than one's own wife (R. Akiba).¹⁸

A wife's security was threatened in some cases by the fact that polygamy was permitted in Tannaitic times as it was in the OT.¹⁹ S. Lowy draws the following conclusions after an extensive survey:

(1) some sources presuppose a polygamist state of affairs, but this may be purely academic legislation as was common in the Mishnah;²⁰ (2) the Targum to Ruth 4.6 based on a Midrash says explicitly, 'I am not permitted to marry another', but this may reflect a minority opinion and may be late Amoraic material; (3) the polygamy of the royal families, such as Herod's, is not to be taken as typical; (4) Tosephta Yebamoth I.10, 13, says that the high priests in Jerusalem had rival wives, but this is probably an instance of Levirate marriage (which is a form of polygamy, though due to a relative's childlessness); (5) the brother of R. Gamaliel took a second wife because the first was barren; (6) The Babylonian Talmud reveals no significant source pointing to widespread polygamy and in fact much of the terminology used for marriage ('pairing', 'she of the house') intimates that monogamy was the normal practice; (7) possibly rabbis insisted on the legal rights of having more than one wife because various related religious groups (Christians and possibly Qumranites) insisted that monogamy was the only legitimate biblical practice; (8) thus, it is likely that

monogamy for economic and moral reasons was the ruling practice, but that polygamy did exist in both Tannaitic and Amoraic times as more than a technical possibility.²¹ In fact, the Mishnah records cases of and rules for a man betrothed to two women, and there is no dispute over the issue.²² Thus, the threat of lost security because of polygamy did exist for some Jewish women in rabbinic Judaism, however seldom it may have been realized. There were always some rabbis who for theological and moral reasons objected to polygamy.²³

In spite of these limitations, it would be wrong to assume that a Jewish woman had no respect or rights in Jesus' era. The rabbinic literature reiterates in various places the OT maxim that the mother is to be honoured equally with the father.²⁴ The command to honour father and mother was the epitome of filial piety, and since in Exod. 20.12 the father is mentioned first, while in Lev. 19.3 the mother comes first, it was deduced that they were to be revered equally, indeed revered as God is revered.²⁵ The Talmud instructs a man to love his wife as himself and to respect her more than himself.²⁶ While normally it was the man or the man's family who initiated the betrothal process, a woman is said to be able to betroth a man on her own initiative in some circumstances.²⁷

In the family, the wife's duties involved grinding flour, baking bread, washing clothes, breast-feeding the children for eighteen to twenty-four months, making the bed, working in wool,²⁸ preparing her husband's cup, and washing his face, hands and feet.²⁹ The extent of a wife's household duties depended on how many servants she brought with her. If she brought four bondwomen she could sit all day in her chair, though R. Eliezer said that no matter how many servants she brought she still had to work in wool.³⁰ R. Johanan b. Baroka said that the commandment to be fruitful and multiply was incumbent on the woman as well as the man, though this undoubtedly was not the majority opinion. Usually we read that this commandment was required of the man alone.³¹

The husband's duties were equally extensive. A man had an obligation to provide for his wife, whereas he had a choice as to whether or not he would provide for his slaves.³² Thus, a wife was not treated as property. The marriage contract bound the husband to provide food, clothing and material needs for his wife,³³ and a woman could demand these things before a court. A husband's responsibilities also included fulfilling his connubial duty, redeeming his wife from captivity, and providing shelter.³⁴ Unlike a man, a woman was said to have a *right* to sexual pleasure.³⁵ The School of Hillel said that a man had not fulfilled Gen. 1.28 until he had both a son and daughter – the School of Shammai said that two sons

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would fulfill one's duty.³⁶ It was rare for a father to prefer his daughters considering the importance of a son to a Jew who wished to preserve and pass on his name and heritage. Thus, it is significant that R. Hisda once said, 'Daughters are dearer to me than sons.'³⁷

With rare exceptions, a woman could not divorce her husband,³⁸ while a husband could divorce his wife practically at will so long as he could afford to pay the *ketubah*. There were, however, situations and ways in which she could precipitate a divorce. If a husband refused to consummate the marriage, was impotent, had an unpleasant occupation, had leprosy, was unable to provide support, or if he was to be separated from her for a long time, then she could sue for divorce in the courts.³⁹ A woman could leave her husband and return to her parents' home, thus precipitating a divorce in most cases.⁴⁰ Though a woman normally could not pronounce the formula of divorce which finalized the act, she was able to write her own bill of divorce and its validity depended on her.⁴¹ Thus, while technically only a husband could initiate a divorce, and a bill was only valid if written specifically for the woman,⁴² a woman had means of legally precipitating the dissolution of a marriage. It should be added that divorce was frowned upon by many, if not most, rabbis. R. Johanan interpreted Mal. 2.16 to mean that the man who divorces his wife is hateful to God. R. Eliezer said that the altar sheds tears over one who divorces his first wife.⁴³ M. Nedarim 9.9 makes clear that for a man to divorce was to dishonour his wife and children, and to disgrace his own character.⁴⁴ There were legal impediments that prevented a husband from extricating himself from certain difficult situations. A man whose wife had lost her mental capacity after they had been married was not allowed to divorce her, for it was feared she could not ward off illicit advances.⁴⁵ A woman who could not guard her *Get* could not be divorced.⁴⁶ Finally, in Jewish law, unlike early Greek and Roman law, a husband was never allowed to take the life of his wife if she was an adulteress.⁴⁷

In regard to property rights, an Israelite woman was allowed to hold property in her own right, as discoveries at the Dead Sea have shown.⁴⁸ She was allowed to inherit property, though male heirs had precedence over her. Further, a married woman of age who lost her husband either through divorce or death (but not her misconduct) was allowed to keep her *ketubah*.⁴⁹ If she remarries then her property remains her own, though her husband has a right to the usufruct of it. This was especially true of a wife's slaves.⁵⁰ Both the Schools of Shammai and Hillel agreed that a woman may sell or give away any of her inherited property prior to her betrothal. Shammai adds that she could sell it after betrothal as well.⁵¹ R. Gamaliel says he is at a loss to see why a husband should gain any right

to property a woman inherits either prior to or after her marriage. In addition to rights of inheritance, a woman also had a right to 'maintenance' from her father's or husband's resources. Indeed, if a man died leaving only a little property, his daughters had a right to maintenance before his sons could inherit, even if this meant that the sons had to go without.⁵² This was also true of widows who remained with their former husband's household.⁵³

A certain spiritual significance was assigned to a woman's presence or role in the home. For instance, R. Jacob says, 'One who has no wife remains without good, and without a helper, and without joy, and without blessing, and without atonement.'⁵⁴ Even more dramatic is the comment by R. Phineas b. Hannah that a woman has an atoning force not inferior to the altar if as a wife she remains within the domestic seclusion of her family.⁵⁵ Of a similar nature is the saying attributed to R. Joseph when he heard his mother's footsteps coming: 'Let me arise before the approach of the Shekinah (Divine presence).'⁵⁶ The spiritual influence of the mother in the home is perhaps indicated by the fact that a child was considered a Jew by the rabbis only if his mother was a Jewess and regardless of his father's religious predilections.⁵⁷ Another indication of the rabbis' appreciation of a woman's potential spiritual influence is indicated by a midrash which points out that if a pious man married a wicked woman he will become wicked, but if a wicked man marries a pious woman, she will make him pious. 'This proves that all depends on the woman.'⁵⁸

B. Women and their Roles in Religion

The training which equipped Jews for participation in the synagogue or Temple services and, in the case of men, for religious leadership whether as a scribe, rabbi or priest, began in the home. It was debated whether and how much a woman should teach or be taught Torah even in the home.

Although R. Eliezer says that teaching one's daughter Torah is teaching her lechery (or extravagance), his opinion is said to be a minority one by Jewish scholars.⁵⁹ Support for this verdict can be found in several places. R. b. Azzai says, 'A man ought to give his daughter a knowledge of the Law.'⁶⁰ So too, M. Nedarim 4.3 reads, 'he may teach Scripture to his sons and daughters'.⁶¹ On the other hand, negative remarks about wives cannot be ignored. In one place we are told that a wife is not to teach her children.⁶² This is perhaps a result of the fact that women were exempt from studying Torah.⁶³ Nevertheless, women are said to be expected to know the holy language.⁶⁴ It was inferred from Exod. 19.3 that women accepted Torah before men.⁶⁵ There are even cases of women being taught the oral

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law and being consulted on its fine points. R. Meir's wife, Beruriah, is especially well-known in this regard.⁶⁶ Possibly the maid servants of R. Judah the Prince received similar training, for there are instances where they gave some scholars enlightenment on rare Hebrew words in the *Tanak*.⁶⁷ Imma-Shalom, sister of R. Gamaliel II and the wife of R. Eliezer, was prominent enough to have some of her sayings recorded in Talmudic literature.⁶⁸ Finally, R. Nahman's wife was said to vex him continually because of her expertise in Halakic matters.⁶⁹ Though these examples are exceptional, they do show that even when Judaism was beset with the problems of foreign occupation and influences, and there was a tendency to protect and confine Jewish women and children to preserve important traditions, some women were able to become learned in both oral and written law and tradition.

According to various texts in the Mishnah, a woman may not be deprived of her right to eat the Heave offering even if her husband is a seducer, uncircumcised, or unclean.⁷⁰ Thus, she is not treated as a sub-heading under her husband as far as this cultic practice is concerned. Women took Naziritic vows in Tannaitic times, as the example of Queen Helena shows.⁷¹ We are informed that women could and did bring sacrifices; Miriam of Palmyra is mentioned as an example.⁷² Even a suspected adulteress' offering is not refused.⁷³ M. Zebahim 3.1 says that women could legally slaughter the animals used for sacrifice, even those animals used for the 'Most Holy Things'.⁷⁴ There are cases recorded where women were allowed to lay hands on their sacrifice, despite the fact that M. Menahoth 9.8 says they cannot.⁷⁵ Even more significant is that some women were able, with the priest's aid, to wave their own meal offering.⁷⁶ A woman of priestly stock had certain priestly rights and privileges in regard to the offerings.⁷⁷ Women were obligated to light the candles at the Feast of Dedication because they too benefited from the ending of the Seleucid persecution.⁷⁸ Though women were limited to their own court in the Jerusalem Temple, it is not certain when the practice of having special galleries for women in the synagogues began, though apparently they existed in Trajan's time.⁷⁹ We know that such popular feasts as the Feast of Tabernacles took place in the women's court.⁸⁰

B. T. Megillah 23a tells us that women were qualified to be among the seven who read Torah in the synagogue, though it appears that by Amoraic times and perhaps before that they were expected to refuse.⁸¹ Further, there are no known examples of women reading in the synagogues during Jesus' time.⁸² In the domestic observance of the Sabbath, women were responsible for preparing the dough offering and lighting the Sabbath lamp.⁸³ Women were required to say the *Tefillah*, the eighteen benedictions,

the table blessings, and to maintain the *Mezuzah* on the doors of the houses.⁸⁴

From the above evidence we may conclude that at least in theory a woman's position and privileges in regard to the Jewish cult during the Tannaitic and Amoraic periods differed little from their status and rights in OT times with two important exceptions — a separation of women and men in the Temple and synagogue was introduced after OT times, and perhaps women were not allowed to read Torah in the assembly by Tannaitic times. The OT's high regard for women's religious rights seems to have been preserved legally in the rabbinic literature with notable exceptions.⁸⁵

In order to understand why a woman was restricted in regard to place and function in the Temple one must bear in mind the restrictions of Leviticus 15. Whatever one may think of the precepts found in Leviticus 15, it should be clear that a woman could not be a priestess in the cult because of the ordinance about her uncleanness during her monthly menstrual period, and not because of rabbinic prejudices. A priest must be clean and holy at all times in order to offer the sacrifice (Lev. 21, 22). Further, it is because of the ordinances about a woman's uncleanness during her period that women were excused from those positive ordinances of the Law which were periodic in nature (certain feasts, daily appearance in the synagogue to make a quorum, periodic prayer). A woman could not be depended upon to be ritually clean on every occasion when these ordinances were to be observed, and thus she could not be depended upon to fulfill them. This is probably why we read in M. Kiddushin 1.7, 'The observance of all the positive ordinances that depend on the time of year is incumbent on men but not on women, and the observance of all positive ordinances that do not depend on the time of year is incumbent both on men and women.'⁸⁶ Thus, one should not argue or imply that it was due to rabbinic prejudices that women were not allowed to be among those who made up the quorum, recited the daily *Shema*, or made pilgrimages to Jerusalem at the feasts of Passover, Pentecost and Tabernacles.⁸⁷

The evidence concerning Jewish women's roles in religion indicates that by and large the religious privileges and functions they had were those they could participate in in the home. The biblical injunctions in Leviticus 15 and its rabbinic interpretations restricted their participation in the Temple cults, and certain views about propriety appear to have taken away a woman's theoretical right to read the Scriptures in the synagogue even in Jesus' day.

C. Women and their Roles as Witnesses, Teachers and Leaders

In regard to a woman's word of witness, her vows, or oaths, there was no unified opinion among the rabbis.⁸⁸ For instance, a woman may be paid her *ketubah* after swearing to her claim on oath, even if she has 'impaired' her *ketubah* or if a witness testifies she already has received it.⁸⁹ Thus her oath carries more weight in this legal matter than the testimony of the witness, presumably even if the witness is a man. A woman's testimony about a death or her virginity normally is to be believed.⁹⁰ A woman's vow is binding on her husband's brother in regard to the duty of the *Levir*.⁹¹ M. Nedarim 11.10 gives nine cases where a woman's vow is valid and binding.⁹² This tells us that women's vows were as valid as men's if the women were not under the control of father or husband, or if the father or husband did not revoke or controvert such an oath. M. Nazir 9.1 reveals that women are not in the same category as Gentiles or slaves in regard to Naziritic vows (a Gentile cannot make this vow; a slave's vow cannot be revoked; a wife cannot be compelled to break the vow).⁹³ If a woman is independent (over 12½ and unmarried), neither her father nor her future husband can revoke her vow.⁹⁴ A woman's witness is counted equal to a man's witness in a number of cases, and though sometimes she is differentiated from a set group called 'witnesses', she nonetheless can give valid testimony.⁹⁵ Cases where a woman's uncorroborated testimony about herself is said to be unacceptable do not militate against a woman's right to bear witness, since it is true of both men and women that usually a second party is required to verify a statement.⁹⁶ In view of the above evidence, and admitting that some rabbis did not accept women as valid witnesses,⁹⁷ it is going beyond the evidence to say that most rabbis considered women to be liars by nature. The evidence suggests that a woman's vow or oath generally was accepted, and that her word carried more weight than that of Gentiles or slaves in some cases. Thus, J. Jeremias is probably wrong in saying that a woman's word was accepted only in rare cases.⁹⁸ In practice her word was accepted even in some doubtful cases.⁹⁹

Apart from the role of the woman in the home in giving her children some basic religious instruction (and even this was disputed), a woman had no educational functions except in very rare cases (for instance, Beruriah). There was an OT precedent for women to be prophetesses (Jdg. 4.4, 2 Kgs 22.14, 2 Chron. 34.22) and such roles may have been assumed by a very few Jewish women in Jesus' day (cf. Lk. 2.36–8), but the actual examples that can be produced are too few to lead us to assume that this role was a realistic possibility for the majority.

There were no 'official' leadership roles that Jewish women could

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assume, though on occasion women had roles that gave them *de facto* positions of authority. M. Ketuboth 9.4 reveals that women were entrusted with maintaining their husband's shops or being guardians, or even creditors.¹⁰⁰ The practice which became common among the rabbis was for their wives to maintain the family and business while the husband and possibly the older son studied the Law. R. Akiba credited his wife for his wisdom because she supported him for years while he studied.¹⁰¹ This was long seen as an ideal of Jewish social practice.¹⁰²

In conclusion, it is fair to say that a low view of women was common, perhaps even predominant before, during and after Jesus' era.¹⁰³ Since many of the positive statements about women to which we have referred come from later Tannaitic and early Amoraic times, it is conceivable that a woman's lot in Judaism improved in some ways after the destruction of the Temple made impossible full observance of various precepts of the Law. On the whole, we cannot agree with R. Loewe's overly favourable assessment of rabbinic Judaism's views of women. G.F. Moore's evaluation that women's legal status in Judaism compares favourably with other contemporary civilizations is also questionable, as we shall see.¹⁰⁴ On the other hand, the numerous positive statements made about women by the rabbis reveal that many Jews had a higher view of women than Jeremias and J. Bonsirven seem to indicate in their books.¹⁰⁵ We will close this section by pointing out that there was no monolithic entity, rabbinic Judaism, in Tannaitic times and that various opinions were held about women and their roles, though it appears that by the first century of the Christian era a negative assessment was predominant among the rabbis. It is into this environment that Jesus came and, as we shall see, he not only countered the negative evaluations of women, but also endorsed and extended women's rights beyond the positive evaluations we have mentioned.