

JEWISH LAW AND EARLY CHRISTIAN IDENTITY

Ephrem, one of the earliest Syriac Christian writers, lived on the eastern outskirts of the Roman Empire during the fourth century. Although he wrote polemical works against Jews and pagans, and identified with post-Nicene Christianity, his writings are also replete with parallels with Jewish traditions and he is the leading figure in an ongoing debate about the Jewish character of Syriac Christianity. This book focuses on early ideas about betrothal, marriage, and sexual relations, including their theological and legal implications, and positions Ephrem at a precise intersection between his Semitic origin and his Christian commitment. Alongside his adoption of customs and legal stances drawn from his Greco-Roman and Christian surroundings, Ephrem sometimes reveals unique legal concepts that are closer to early Palestinian, sectarian positions than to the Roman or Jewish worlds. The book therefore explains naturalistic legal thought in Christian literature and sheds light on the rise of Syriac Christianity.

YIFAT MONNICKENDAM is a senior lecturer in the Department of Jewish History at Tel Aviv University. Her work focuses on the rise of the Christian legal tradition in its Roman and Jewish context and she has published widely in leading journals.

Cambridge University Press
978-1-108-48032-1 — Jewish Law and Early Christian Identity
Yifat Monnickendam
Frontmatter
[More Information](#)

JEWISH LAW AND EARLY
CHRISTIAN IDENTITY

*Betrothal, Marriage, and Infidelity in the Writings of
Ephrem the Syrian*

YIFAT MONNICKENDAM

Tel Aviv University



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press
 978-1-108-48032-1 — Jewish Law and Early Christian Identity
 Yifat Monnickendam
 Frontmatter
[More Information](#)

CAMBRIDGE
 UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom
 One Liberty Plaza, 20th Floor, New York, NY 10006, USA
 477 Williamstown Road, Port Melbourne, VIC 3207, Australia
 314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre,
 New Delhi – 110025, India
 79 Anson Road, #06–04/06, Singapore 079906

Cambridge University Press is part of the University of Cambridge.
 It furthers the University's mission by disseminating knowledge in the pursuit of
 education, learning, and research at the highest international levels of excellence.

www.cambridge.org
 Information on this title: www.cambridge.org/9781108480321
 DOI: 10.1017/9781108648431
 © Yifat Monnickendam 2020

This publication is in copyright. Subject to statutory exception
 and to the provisions of relevant collective licensing agreements,
 no reproduction of any part may take place without the written
 permission of Cambridge University Press.

First published 2020

Printed in the United Kingdom by TJ International Ltd, Padstow Cornwall
A catalogue record for this publication is available from the British Library.

Library of Congress Cataloging-in-Publication Data

NAMES: Monnickendam, Yifat, 1978– author.
 TITLE: Jewish law and early Christian identity : betrothal, marriage, and infidelity in the
 writings of Ephrem the Syrian / Yifat Monnickendam, Tel Aviv University.
 DESCRIPTION: New York : Cambridge University Press, 2019. | Based on author's thesis
 (doctoral – Universitat Bar-Ilan, 2011) issued under title: Halakhic issues in the
 writings of the Syriac Church fathers Ephrem and Aphrahat. | Includes bibliographical
 references and index.
 IDENTIFIERS: LCCN 2019038158 (print) | LCCN 2019038159 (ebook) |
 ISBN 9781108480321 (hardback) | ISBN 9781108727280 (paperback) |
 ISBN 9781108648431 (epub)
 SUBJECTS: LCSH: Marriage (Canon law)—History—To 1500. | Ephraem, Syrus, Saint, 303–373. |
 Canon law—Jewish influences.
 CLASSIFICATION: LCC KB542 .M66 2019 (print) | LCC KB542 (ebook) | DDC 262.92/2—dc23
 LC record available at <https://lccn.loc.gov/2019038158>
 LC ebook record available at <https://lccn.loc.gov/2019038159>

ISBN 978-1-108-48032-1 Hardback

Cambridge University Press has no responsibility for the persistence or accuracy
 of URLs for external or third-party internet websites referred to in this publication
 and does not guarantee that any content on such websites is, or will remain,
 accurate or appropriate.

Cambridge University Press
978-1-108-48032-1 — Jewish Law and Early Christian Identity
Yifat Monnickendam
Frontmatter
[More Information](#)

לִאמֵן

Cambridge University Press
978-1-108-48032-1 — Jewish Law and Early Christian Identity
Yifat Monnickendam
Frontmatter
[More Information](#)

Contents

<i>Acknowledgments</i>	<i>page</i> ix
Introduction	I
Ephrem: His Life, Time, and Home	3
State of the Research	8
Literary Sources	16
Methodology	22
Law and Halakha	27
Jewish and Roman Matrimonial Law	30
1 Creating a Primary Bond: What Is Betrothal?	45
What to Call a Betrothed Woman?	46
A Man's Betrothed Is His Wife	52
Future Sons-in-Law	60
The Name of a Betrothed Woman	67
Discussion and Conclusions	83
2 During Betrothal: Is Premarital Cohabitation an Option?	87
Premarital Cohabitation according to Ephrem	88
Premarital Cohabitation according to Roman Law and Early Christian Writings	92
Premarital Cohabitation according to Halakha and Practice	97
Discussion and Conclusions	106
3 Creating a Marital Bond: Can Rape Determine Marital Status?	109
Creating a Bond	110
Rape according to Ephrem	118
Rape according to Roman Law and Early Christian Writings	129
Rape and Sexual Relations according to the Rabbis	136
Discussion and Conclusions	146

4	Breaking a Marital Bond: What Do Fornication and Adultery Do?	153
	Divorce and Its Reasons	154
	Adultery and Its Penalty	174
	Fornication and Its Penalty	185
	Discussion and Conclusions	198
5	Discussion and Conclusions	202
	Ephrem's Legal Concepts	208
	Further Questions	214
	<i>Bibliography</i>	219
	<i>Index Locorum</i>	307
	<i>Index</i>	322

Acknowledgments

This book began as a doctoral thesis at Bar-Ilan University, underwent revisions during my postdoctoral periods at Johns Hopkins University and the Hebrew University of Jerusalem, and was accepted for publication after I joined Tel Aviv University. Throughout its journey – which was also my journey – it was molded in the shape of new ideas, new thoughts, and new friendships.

First and foremost, I am honored to express my deep gratitude to my two PhD supervisors, Aharon Shemesh (ז"ל) of the Naftal-Yaffe Department of Talmud and Oral Law and James Kugel of the Zalman Shamir Bible Department at Bar-Ilan University. Their close reading, incisive comments, and patient support accompanied my first steps in research and writing processes, teaching me how to read, how to write, and how to erase.

The interdisciplinary nature of this work led me to consult with scholars from different fields throughout my studies. I had the privilege of sharing my work with leading scholars, who offered their comments on different aspects of the book. Berachyahu Lifshitz commented on issues of rabbinic law and terminology. Kristian Heal generously searched the database of the BYU-Oxford Syriac Corpus project for me and commented on issues regarding Syriac Christianity. Serge Ruzer, Arye Kofsky, Oded Irshai, Steven Muir, and Timothy Hegedus lent generously of their respective fields of expertise to comment on early Christian sources. Moshe Morgenstern added comments on Semitic linguistics. Michael Sokoloff guided my reading of Syriac, and Gabriel Danzig guided my reading of Greek. Ayelet Segal directed me to bibliography on rabbinic matrimonial law and Shuri Hazan served as my private delivery service for books from Haifa University.

I enjoyed the support of some generous dissertation-writing fellowships: the Rotenstreich Fellowship for outstanding doctoral students in the humanities from the Council for Higher Education, the President's

Fellowship of Bar-Ilan University, the Women's Talmud Study Program of Bar-Ilan University, and grants from the Memorial Foundation for Jewish Culture Doctoral Scholarship. In revising the work for publication, I enjoyed the support of the Crane Foundation Post-Doctoral Fellowship in Jewish Studies at Johns Hopkins University and the Martin Buber Society of Fellows at the Hebrew University of Jerusalem, two inspiring intellectual environments that enabled me to develop and deepen my research, with the encouragement and guidance of Kenneth Moss and Theodore Lewis of Johns Hopkins University and of David Shulman and Ruth HaCohen (Pinczower) of the Hebrew University of Jerusalem. The publication of this book was supported by the Marie Curie Integration Grant of the European Commission.

Research on Syriac Christianity requires access to rare collections of Syriac literature, in particular, and early Christian literature, in general. I had the opportunity to visit in two leading research institutes in the field – Leiden University and the Catholic University of America – where I enjoyed access to their vast collections and leading scholars. A travel grant from the Center for the Study of Women in Judaism, Bar-Ilan University, and the generous hospitality of Jan J. van Ginkel and Bas ter Haar Romeny enabled me to do research at Leiden University. The Lea Goldberg Travel Grant of the Hebrew University of Jerusalem and the generous hospitality of Philip Rousseau, Sidney Griffith, and Monica Blanchard enabled me to use the rich library of the Catholic University of America, specifically the library of the Department of Semitic and Egyptian Languages and Literatures and Institute of Christian Oriental Research.

During the final stages of preparing this book for press, I was exposed to the stimulating and vibrant environment of Tel Aviv University, where I received the guidance and support of Ron Harris of the Buchmann Faculty of Law and Motti Golani of the Department of Jewish History. Also at Tel Aviv University, Arye Edrei reviewed some of the issues dealing with the philosophy of law and taught me how to think about law, not only in this book but also throughout my academic career. Vered Noam, who read and commented on chapters from this book, has accompanied my studies ever since my entry into the academic world, providing encouragement and support as well as practical help with a kind smile and insightful comments.

In bringing this project to completion, Jonathan Preis and Uri Yiftach of Tel Aviv University, Moshe Sluhovsky of the Hebrew University of Jerusalem, Bernadette Brooten of Brandeis University, Robin Darling-Young of the Catholic University of America, Suzanne Last-Stone of

Acknowledgments

xi

Yeshiva University, Eve Krakowski of Princeton University, Paul du Plessis of Edinburgh University, and Caroline Humfress of the University of St. Andrews all read this manuscript, commenting on their respective fields of Syriac Christianity, Greek and Roman law, Jewish law, and legal theory.

Writing in English was not an easy task for a native Hebrew speaker. I would like to thank my friends, Clare Elana Wilde, Sara Tova Brody, Shmuel Brody, and Malcah Effron, for their patient reading and editing in various stages of the writing process and my aunt Inez Mureinik and my editor Amanda Dale for their thorough language editing in the final stages of this book. Above all, I would like to thank my mother, Gila Monnickendam (z"l), who read this manuscript from its earliest versions thoughtfully and thoroughly, commenting on both language and content, lovingly supporting this project, lovingly supporting my journey. Her signature is on every word of this book, and it is dedicated to her, תנצב"א.

Cambridge University Press
978-1-108-48032-1 — Jewish Law and Early Christian Identity
Yifat Monnickendam
Frontmatter
[More Information](#)
