

Centrum judaistických studií Kurta a Ursuly Schubertových

Filozofická fakulta

Univerzita Palackého v Olomouci

Alena Lupton

**Misogyny in the Writings of Maimonides**

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Doc. Tamás Visi, Ph.D.



## **Prohlášení**

Prohlašuji, že jsem bakalářskou práci vypracovala samostatně a uvedla jsem v ní předepsaným způsobem všechny použité prameny a literaturu.

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## Contents

|  |    |
|--|----|
| 1. Introduction.....   | 1  |
| 2. Influences on Maimonides.....   | 3  |
| 2.1. Ancient Greek Medicine .....  | 3  |
| 2.1.1. Hippocrates .....   | 3  |
| 2.1.2. Galen.....  | 4  |
| 2.1.3. Perception of Hippocrates and Galen in the Medieval Islamic Society ..... | 5  |
| 2.1.4. Female body in Hippocratic and Galenic conception.....                    | 6  |
| 2.2. Aristotle.....  | 7  |
| 2.3. Al-Farabi .....   | 8  |
| 2.4. The Jewish law and women .....  | 9  |
| 3. Maimonides on women .....   | 17 |
| 3.1. Maimonides' interpretation of Women.....                                    | 17 |
| 3.2. Women and studying Torah .....  | 20 |
| 4. Intellect and women .....   | 26 |
| 5. Conclusion .....  | 33 |
| Bibliography.....  | 36 |
| Primary sources: .....   | 36 |
| Secondary sources:.....  | 36 |
| Online sources .....   | 38 |

## 1. Introduction

Rabbi Moshe ben Maimon, known also by the acronym Rambam, is without question one of the biggest intellectuals in Jewish history. He was born in the city Córdoba in 1138 during the twilight of a period of the Golden Age of Islamic philosophy.<sup>1</sup> He was later forced to leave Andalusia as Almohads from Africa conquered Iberian Peninsula. He settled in Fustat, Egypt. Many believe that he was even appointed the *rais-al-yahud*, or the *Nagid*, representing the Egyptian Jewish communities on the court,<sup>2</sup> but this is opposed by Jacob Levinger and Herbert Davidson because they miss a convincing proof.<sup>3</sup> Maimonides was taught by his father and became intellectual like him. However, his brother David, a merchant, who was providing for the family, died when his ship sunk in the Indian Ocean. Maimonides thus had to start sustaining the family himself, and as his main occupation he became a physician.<sup>4</sup> He even started to serve as the court physician of Grand Vizier and the royal family.

As a physician, he was schooled to follow the works of Galen and Hippocrates as most of the medieval medicine was based on these Greek figures. Little is known about his medical education, though it seems he studied medicine in Morocco.<sup>5</sup> A lot of information about his life can be extracted from wide collection of his preserved correspondence.<sup>6</sup>

In his thinking, Maimonides was largely influenced by prominent philosophers of the Islamic Golden Age like Avicenna and foremost Al Farabi. First major project he took up is the *Mishneh Torah* – the structured comprehensive accounting of oral law.

His attempt of reconciliation of the Greek wisdom with Torah in *Guide of the Perplexed* is an outstanding work that set the course for many of his followers in rationalistic thought.<sup>7</sup>

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<sup>1</sup> Joel L. Kraemer, *Maimonides: The Life and World of One of Civilization's Greatest Minds* (New York: Doubleday, 2008), Kindle edition.

<sup>2</sup> Kraemer, *Maimonides*.

<sup>3</sup> Jacob Levinger: "Was Maimonides Rais al-Yahud in Egypt?" in Isadore Twersky, ed., *Studies in Maimonides* (Cambridge, Ma and London: Harvard University Press, 1993), p. 83–93 and Herbert Davidson, *Moses Maimonides: The Man and His Works*, (Oxford: Oxford University Press, 2005), p. 54-6b4.

<sup>4</sup> Kraemer, *Maimonides*.

<sup>5</sup> Fred Rosner, *Sex Ethics in the Writings of Moses Maimonides* (New York: Jason Aronson Inc., 1994), p. 3.

<sup>6</sup> Daniel Boušek a Dita Rukriglová, ed. *Maimonides: Výběr z korespondence* (Academia, 2010).

<sup>7</sup> Secondary literature on the life of Maimonides: Joel L. Kraemer, *Maimonides: The Life and World of One of Civilization's Greatest Minds* (New York: Doubleday, 2008), Herbert Davidson, *Moses Maimonides: The Man and His Works*, (Oxford: Oxford University Press, 2005) or more recent work Dita

Maimonides believed that faith can be true only if people understand what they believe in which was his motivation to create a logical basis for faith, understandable sources for the basic Jewish learning and healthy communities. He saw the issue in people merely pronouncing religious ideas and prayers while not actually understanding them (which is also indirect criticism of the Islam where this was common practice). In *Guide of the Perplexed*, in the chapter on faith, he writes:

*When reading my present treatise, bear in mind that by "faith" we do not understand merely that which is uttered with the lips, but also that which is apprehended by the soul, the conviction that the object [of belief] is exactly as it is apprehended.*<sup>8</sup>

How did this master mind in the Jewish philosophy perceive the role of women? I will try to examine this view of Maimonides mainly in his famous *Guide of the Perplexed*, focusing on his thoughts on female soul and intellect. I would also like to consider the sociological factors of the period and how women were generally perceived in the Jewish medieval society. I will introduce the source of his philosophy in the Greek wisdom, that is Aristotle, Plato, Galen and Hippocrates. My main goal is to answer two questions: can we call Maimonides' stand on women misogynic and how does he understand the female soul compared to male's one?<sup>9</sup>

In attempts to answer these questions I will consult the little number of articles that tackle these issues. As for the historical background and the social status of women in medieval Jewish society, Avraham Grossmann's *Pious and Rebellious: Jewish Women in Medieval Europe* provides an up to date account. The collection of essays *Women and Gender in Jewish Philosophy* edited by Hava Tirosh-Samuelson includes some attempts at gendered readings of medieval Jewish philosophical texts. This topic was also approached in articles by Avraham Melamed, Warren Zev Harvey and Rahel Berkovits. Other secondary literature I am relying on include studies concerned with interpreting Aristotle's misogynic comments (for example Charlotte Witt) and with

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Rukriglová, Pavel Sládek a kol., Moše Ben Majmon – *Maimonides: Filosof, právník a lékař* (Academia, 2014).

<sup>8</sup> Moses Maimonides, *Guide for the Perplexed*, trans. M. Friedländer (Skokie: Varda Books, 2002), p. 67.

<sup>9</sup> It was not necessary to treat the methodological issues opened by Leo Strauss' famous essays on "Persecution and th Art of Writing" in this thesis. On these issues see: Leo Strauss, "The Literary Character of the Guide for the Perplexed," in idem, *Persecution and the Art of Writing* (Chicago and London: University of Chicago Press, 1980 [1952]), p. 38-94 and Herbert Davidson, *Moses Maimonides*, p. 387-402.

interpretation of Maimonides' concepts about intellect and mind (for example Donald McCallum).

It is worth remarking that gendered perspective is not topic which we would frequently find in the studies of Maimonides even though his philosophy is popular topic for research. Not to mention that there exists a considerable amount of literature on gendered perspectives on the Bible, rabbinical literature, Kabbalah and Haskalah. Jewish medieval philosophy, however, seems to hide from the attention of these topics. This is the reason I would like to attempt to shed some light on this understudied field by showing that gendered reading of Maimonides can bring us to interesting conclusions.

## **2. Influences on Maimonides**

### **2.1. Ancient Greek Medicine**

As many of the philosophers of early Middle Ages were also physicians, it is necessary to consider the teachings of Hippocrates and Galen as well, since they were the major authorities in medicine for medieval physicians and thus their thoughts on the differences between male and female shaped the perception of women by medieval physicians and philosophers.

#### **2.1.1. Hippocrates**

Hippocrates was a Greek physician, born probably around the year 460 BCE.<sup>10</sup> Very little is known about his life. Because of his important influence and contribution to the Greek medicine, there are many legends in which we might find only little truth about his life.<sup>11</sup> Several works were ascribed to him in order to reach higher authority and approval of their content. *The Hippocratic Corpus*, including about sixty works, was first published as late as in 1526, when it was published in Venice for the first time as one complete work.<sup>12</sup> Nevertheless, Hippocrates himself likely did not write any

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<sup>10</sup> Herbert Goldberg, *Hippocrates: Father of Medicine* (New York: Authors Choice Press, 2006), p. 1.

<sup>11</sup> Vivian Nutton, *Ancient Medicine* (New York: Taylor & Francis e-Library, 2004), p. 54 – 55.

<sup>12</sup> Vivian Nutton, *Ancient Medicine*, p. 60.



treatise,<sup>13</sup> although according to various sources, he did focus on teaching. Plato implies that Hippocrates was teaching medicine for money.<sup>14</sup>

What the contribution of Hippocrates to ancient medicine was is not easy to tell. However, the influence of the writings transmitted under his name was considerable. First of all, contribution of “Hippocrates” was acknowledged in his diversion from supernatural practices, freeing medicine of superstitions, and thus creating clinical approach to medicine. A Hippocratic writing vehemently denies that the so called *Sacred disease* (epilepsy) is caused by Supernatural causes or that certain magic, chanting or charms can have healing powers. On the other hand, this text sees true value of medicine in changing the diet of the ill person or prescribing drugs.<sup>15</sup>

### 2.1.2. Galen

Galen was Greek physician and philosopher born in the city of Pergamum in 129 CE.<sup>16</sup> Unlike in the case of Hippocrates, we have decent amount of information about his life, partially due to his numerous writings. He was born into a rich family, his father was an architect. He was schooled in philosophy and in medicine and for both he had great passion. He studied in his home town, Pergamum, and later in Alexandria. As a physician, he became well known during his own lifetime. He first became a physician in gladiatorial school, where he gained precious practice in surgery, but also glory for his great skills.<sup>17</sup> Because of his great reputation, he was later invited by Marcus Aurelius to become one of his personal physicians.

Galen followed the works of Aristotle, Plato and foremost the works of Hippocrates. Among his great contribution was the systematization of the medicine and numerous innovative thoughts of his own.<sup>18</sup>

Galen believed that a physician should be also skilled in logic and ethics, besides the precise knowledge of the anatomy of the body. At the same time, he did not perceive knowledge of metaphysics important for practicing medicine.<sup>19</sup>

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<sup>13</sup> Thomas Glick, Steven J. Livesey, Faith Wallis, ed., *Medieval Science, Technology, and Medicine: An Encyclopedia* (New York: Routledge, 2005), p. 224.

<sup>14</sup> Nutton, *Ancient Medicine*, p. 56.

<sup>15</sup> Nutton, *Ancient Medicine*, p. 64 – 65.

<sup>16</sup> R. J. Hankinson, ed., *The Cambridge Companion to Galen* (Cambridge: Cambridge University Press, 2008), p. 1.

<sup>17</sup> Hankinson, ed., *The Cambridge Companion to Galen*, p. 4.

<sup>18</sup> Hankinson, ed., *The Cambridge Companion to Galen*, p. XV.

<sup>19</sup> Hankinson, ed., *The Cambridge Companion to Galen*, p. 211.

### 2.1.3. Perception of Hippocrates and Galen in the Medieval Islamic Society

The transmission of the Greek wisdom into the Islamic world started in the 9<sup>th</sup> century. After the death of Muhammad, the Islamic world expanded in less than one hundred years to India in the east and as far as to Iberian Peninsula in the west. As the empire grew, the caliphs could not but adapt cultural traditions of earlier empires, especially that of the Romans and Sassanians. This is how the Arab imperial elite began to explore Greek scientific, medical, and philosophical texts. Soon, around the year 800 CE, the first translations of Greek philosophers to Arabic emerged in Baghdad, many of those being translated from Syriac.<sup>20</sup> This opened the Greek wisdom to the Arabic world and Muslim translators soon participated in spreading the texts.

Right in the beginning of the 9<sup>th</sup> century, main Galenic texts were translated to Arabic, including his commentary on Hippocrates' *Aphorisms*. Arabic translations differed from the Latin ones in their emphasis on theory and speculative treatises, Latin translations were more focused on the practical parts of medical writings.<sup>21</sup> It is interesting that two works about women from Hippocratic Corpus, *Diseases of Women* and *Nature of Women*, were not translated to Arabic. The medical studies of female body got to the Arab world through Ali ibn Rabban al-Tabari's encyclopedic work where he is referring to Hippocrates and Galen extensively.<sup>22</sup> Hellen King also makes an interesting observation that virgins become a large medical interest in Arabic writings, when many texts are concerned with Hippocrates' writings on virgins and when girl becomes fitting for marriage.<sup>23</sup>

Gynecology in this period existed as a branch of Medicine and to the Arabic culture was transmitted, as stated above, mainly through encyclopedic works but it is possible that Latin translations of Hippocrates' gynecological works were available in the Islamic civilization as well.<sup>24</sup> In the Latin culture in the middle ages circulated works of Soranus of Ephesus, physician from the 2<sup>nd</sup> century CE, that were specifically focused on gynecology, influenced by Hippocrates. Important sources were also texts

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<sup>20</sup> Arthur Hyman, James J. Walsh, Thomas Williams, ed., *Philosophy in the Middle Ages: The Christian, Islamic, and Jewish Traditions* (Indianapolis: Hackett Publishing Company, Inc., 2010), p. 215 – 216.

<sup>21</sup> Helen King, *Hippocrates' Women: Reading the Female Body in Ancient Greece* (Taylor & Francis e-Library, 2001), p. 237 – 238.

<sup>22</sup> Helen King, *Hippocrates' Women*, p. 238.

<sup>23</sup> Helen King, *Hippocrates' Women*, p. 240.

<sup>24</sup> Helen King, *Hippocrates' Women*, p. 238.

called the *Trotula* that are thought to be written by a woman healer, Trota, in Italy in the 12<sup>th</sup> century, based on both Hippocrates and Galen, concentrating on women's medicine. These texts, however, did not spread in the Arabic culture.

#### **2.1.4. Female body in Hippocratic and Galenic conception**

The female body in Hippocrates' Corpus is mostly discussed in medical terms and there is not much gendered perspective. Even so, in the Hippocratic thought, women are associated with wetness that is bigger in them than in men. Women have to get rid of this excessive wetness through menstruation, which, in Hippocratic concept, is a healthy process.<sup>25</sup> Another connection we can find in Hippocratic Corpus is connection between uterus and illnesses.<sup>26</sup> In some passages, the womb is perceived as the primary cause of diseases.

The gendered point of view on female body is much more found in Galen than in Hippocrates. Generally, Galen follows Hippocrates, and ascribes him the theory of four bodily humours, which he follows. So according to Galen, body contains four humours (blood, phlegm, black bile, yellow bile) which are derived from four elements (air, water, earth and fire). Each humour can therefore be connected with certain qualities, and these are hot, dry, cold and wet.<sup>27</sup>

Galen connects wetness with female body in similar terms Hippocrates does, and he perceives menstruation as a healthy process as well. Unlike Hippocrates, he specifically connects women with cold. Men were in their nature dry and hot while women moist and dry. This seems like he was influenced by Aristotle who makes similar connection. In Aristotle, however, these qualities were built in a hierarchy, where the nature of men, hot and dry, was placed higher than the nature of women, wet and cold.<sup>28</sup> Galen doesn't seem to adopt this hierarchical structure.

Another important point is that Galen sees the female body as active in procreation, just as the male body. He presumes that female bodies have a similar reproductive matter as male bodies, that is sperm, and therefore both of them participate in creation of an embryo.

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<sup>25</sup> Helen King, *Hippocrates' Women*, p. 28 – 29. Here, King also points out association of this wetness of female flesh with wool while men are associated with woven garment, which implies that women are the raw material while men are finished product.

<sup>26</sup> Helen King, *Hippocrates' Women*, p. 33.

<sup>27</sup> Glick, Livesey, Wallis, ed., *Medieval Science, Technology, and Medicine*, p. 179.

<sup>28</sup> Glick, Livesey, Wallis, ed., *Medieval Science, Technology, and Medicine*, p. 182.

## 2.2. Aristotle

*From Aristotle to Hume, from Plato to Sartre, reason is associated with maleness.*<sup>29</sup>

This is how Charlotte Witt complains in the book *Feminist Reflections on the History of Philosophy* and she is definitely right that classical philosophy associates reason with maleness. Studying philosophy and transmitting intellectual knowledge was the domain on man throughout the history. We will now examine whether Aristotle's thoughts on women indeed don't contradict this statement.

Similarly to Hippocratic thought, Aristotle connects female body with wetness. In addition to this, he also ascribes women with the cold nature. Man is connected with hot and dry qualities. However, he takes a step further with interpretation of nature. He sees hot and dry nature as more perfect one and cold and wet as the less perfect. From this point he concluded that there is a hierarchy in the nature, with male standing on the top. Women are imperfect and even dependent on men, their cold and wet nature desires the more perfect nature of men, which, according to Aristotle, explains women's desire for men.<sup>30</sup> But women are not only physically weaker, they are below men even when it comes to her non-corporeal qualities. In *Politics*, Aristotle writes:

*For the slave has no deliberative faculty at all; the woman has, but it is without authority, and the child has, but it is immature.*<sup>31</sup>

With this said, Aristotle again supports the hierarchy, which puts adult male on the top and generally, women cannot compete with them. They also have different virtues as well, as he writes:

*..the courage of a man is shown in commanding, of a woman in obeying.*<sup>32</sup>

Another important view on humans was from the point of procreation, for it is an act providing survival of the human race. Even here Aristotle sees male as better than female, for he is active during procreation (he puts the semen into female body) while

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<sup>29</sup> Lilli Alanen, Charlotte Witt, ed., *Feminist Reflections on the History of Philosophy* (Dordrecht: Kluwer Academic Publishers, 2004), p. 6

<sup>30</sup> Glick, Livesey, Wallis, ed., *Medieval Science, Technology, and Medicine: An Encyclopedia*, p. 183.

<sup>31</sup> Aristotle, *Politics*, trans. Benjamin Jowett (Kitchener: Batoche Books, 1999), p. 21.

<sup>32</sup> Aristotle, *Politics*, p. 21.

female is passive (only accepts the semen and serves in a sense as mere incubator).<sup>33</sup> Also when he applies his theory of hylomorphism, he associates male with the form and female with the matter.<sup>34</sup>

Now we have to ask the question: was Aristotle misogynic? We have to ask it already here because Maimonides followed Aristotle strongly when writing Guide of the Perplexed and we need to examine whether he was following philosophy that was already misogynic. The society Aristotle lived in was certainly patriarchic but Aristotle's argumentation seems like a new way of explaining that women can never be leaders in the society. Plato already says that the best women can maybe equal the second best men in his Republic because of their physical weakness. Aristotle takes his explanation of female weakness even further by pushing the difference between man and woman to the level of the mind.

### **2.3. Al-Farabi**

Early medieval philosophy was largely influenced by Neoplatonism and Aristotelianism but both of these got eventually mixed up during the translation processes, so most of the scholars to a smaller or larger extend followed both.

The first big Aristotelian philosopher in the Islamic world was Al-Farabi although because of mixing the Aristotelian and Neoplatonic thoughts, we cannot say that he is exclusively Aristotelian. But from his own point of view this would not cause any confusions because he actually believed in certain balanced unity of the two thinkers, for they don't contradict one another.

Al-Farabi's significant contribution was in creating a theory on intellect and prophecy. Concerning the intellect he builds on Aristotelian thought but also on Neoplatonic emanation. The first emanation, intellect, comes from God directly, other separate intellects all belong to each celestial sphere. Finally there is the Agent Intellect in the sublunar sphere. The intellect can be acquired and perfected.<sup>35</sup>

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<sup>33</sup> The Nature of Women in Plato and Aristotle, *The Classic Network*, accessed August 12, 2016, URL = <http://www.classicsnetwork.com/essays/the-nature-of-women-in-plato-and/786>

<sup>34</sup> Charlotte Witt and Lisa Shapiro, "Feminist History of Philosophy", *The Stanford Encyclopedia of Philosophy* (Spring 2016 Edition), Edward N. Zalta (ed.), accessed August 10, 2016, URL = <http://plato.stanford.edu/archives/spr2016/entries/feminism-femhist/>.

<sup>35</sup> Arthur Hyman, James J. Walsh, Thomas Williams, ed., *Philosophy in the Middle Ages: The Christian, Islamic, and Jewish Traditions* (Indianapolis: Hackett Publishing Company, Inc., 2010), p. 221.

Maimonides viewed Al-Farabi as a great authority. He accepted Al-Farabi's view on the intellect and based on it his theory on prophecy.

## 2.4. The Jewish law and women

We went through various influences on Maimonides' thinking on women. The last but not least important influence is the Jewish law. What is the legal position of women in the Jewish society?

In order to establish this position we need to explore Mishnah and the standpoints of the sages on women in it. Mishnah is the written collection of the oral tradition, first redacted by Juda ha-Nasi in the early third century CE. It is concerned with everyday life in the Jewish life, from agriculture through marriage to cultic purity.<sup>36</sup> All the laws and rules in Mishnah are reflecting patriarchal Jewish society. How do women then fit into the system created by male figures, the tannaim, who contributed Mishnah?

To answer this question with a generalized statement is quite impossible, for Mishnah actually treats women differently according to their positions. Some general rules are proposed, for example in M. Qidd. 1:7, where it is written:

*All the obligations of a father towards his son enjoined in the Law are incumbent on men but not on women, and all obligations of a son towards his father enjoined in the Law are incumbent both on men and on women. 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 the positive ordinances that do not depend on the time of the year' is incumbent both on men and on women. The observance of all the negative ordinances, whether they depend on the time of year or not, is incumbent both on men and on women, excepting the ordinances Thou shall not mar [the corners of thy beard] and Ye shall not round [the corners of your heads] and, Thou shalt not become unclean because of the dead.<sup>37</sup>*

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<sup>36</sup> Mishnah is divided into six orders: *Zeraim* ("Seeds," dealing with agriculture), *Moed* ("Festival," dealing with festivals and holidays), *Nashim* ("Women," dealing with marriage and divorce), *Nezikin* ("Damages," dealing with civil law and criminal law), *Kodashim* ("Holy things," dealing with rules of sacrifices and the Temple) and *Tohorot* ("Purities," dealing with cultic purity). Orders are further divided to tractates. Most of the rules concerning women are in *Nashim*.

<sup>37</sup> Herbert Danby, trans., *The Mishnah*. (New York: Oxford University Press), p. 322.

This passage exempts women from all the positive time-bound commandments (*mitzvot aseh shehazeman gerama*), all the other positive (*mitzvot aseh*) and negative commandments (*mitzvot lo taaseh*) are to be kept both by men and women. Mishnah gives us no explanation for this rule, typical explanation, however, would be that it is because women take care of the household and children, therefore this rule might be perceived as freeing women from this obligation. But Judith Romney Wegner asks whether this exemption was really for the profit of women or more for the profit of men. She writes that sages put aside woman's personal desire for being part of the rituals for she has to provide care for family first while man is pursuing spiritual and intellectual enrichment in the synagogue. She also notes that women were assigned work at home, from which men profited, and so the exemption from time-bound mitzvot might have been from economic reason.<sup>38</sup>

However, even to these rule existed exceptions, for some obligations, for example lighting candles on Shabbat, where positive and time-bound commandments are still performed by women. Even Maimonides realizes this when writing his Commentary on Mishnah, where he writes:

*By all [positive precepts accruing at a set time], the Mishnah means most. But concerning positive precepts that do or do not bind women there is no general rule. Rather they have been [individually] transmitted in the oral law, and are well-known matters. For instance, we know that eating unleavened bread on the first night of Passover, and rejoicing on festivals, and participating in haqhel [the assembly of the Israelite people held every seven years to hear the Torah, Deut. 31:12], and praying the Tefillah prayer, and lighting the Hanukkah lamp and the Sabbath lamp, and reciting Qiddush on Sabbaths and festivals—all these are positive precepts to be performed at a set time, yet every one of them is incumbent on women. And conversely, the commandment to be fruitful and multiply, and to study Torah, and to redeem the firstborn male, and to wage war against Amalek—all these are positive precepts not tied to a set time, yet women are exempt from them."*<sup>39</sup>

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<sup>38</sup> Judith Romney Wegner, *Chattel or Person? The Status of Women in the Mishnah* (New York: Oxford University Press, 1992), p. 152.

<sup>39</sup> Translation from Wegner, *Chattel or Person?*, p. 164.

Maimonides states that there are exceptions that are generally known so this is why the sages did not include these in Mishnah. We can also see here interesting points on women studying Torah and the commandment to be fruitful and multiply, from which women are also exempt but we shall come to these later.

We can conclude by saying that the “time-bound positive commandment” formula is a secondary rationalization. It is a theoretical construct which does not necessarily reveal the real attitude of the rabbis towards women. The simple truth is that women were excluded from certain types of activities and at a certain point some rabbis tried to create a theoretical justification for this in halakha.

There is yet some serious impact of women’s exemption from some mitzvot. According to Mishnah, in the immediate danger, the man is first to be protected. In M. Hor. 3:7, the sages say:

*A man must be saved alive sooner than a woman, and his lost property must be restored sooner than here. A woman's nakedness must be covered sooner than a man's, and she must be brought out of captivity sooner than he. When both stand in danger of defilement, the man must be freed before the woman.*<sup>40</sup>

Shockingly from our modern point of view, we can see here that because the life of the man is more sanctified than the life of the woman, the man comes first in the situations that threaten life.<sup>41</sup> Woman comes first when she requires clothing. When there is the thread of sexual abuse and man is exposed to sexual abuse at the same time as woman, man is to be saved first. In case of no thread of sexual abuse, however, women go first. Maimonides comments on this passage as follows:

*You [the reader] already know that all the precepts [of Scripture] are incumbent on males, while females are bound only to perform some of them . . . so [the man at M. Hor. 3:7A] is more sanctified than [the woman]; therefore his life takes precedence [over hers]. And the sages ruled that "when both [a man and a woman] are exposed to sexual abuse," that is, when both are in captivity and may be forced to have intercourse [with male captors], one must rescue the man before the woman, because it is not a*

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<sup>40</sup> Herbert Danby, trans., *The Mishnah*. (New York: Oxford University Press), p. 466.

<sup>41</sup> Tirzah Meacham, “Legal-Religious Status of the Jewish Female”, *Jewish Women’s Archive*, accessed August 12, 2016, URL = <http://jwa.org/encyclopedia/article/legal-religious-status-of-jewish-female>.



*man's way [to have intercourse with males], so they are demanding of him something against his nature.*<sup>42</sup>

For Maimonides the unnatural sexual abuse is worse than the natural abuse, which is the reason to save the man from male captors first, for sexual intercourse between males is unnatural. He also agrees with the fact that male lives are more valuable than female lives because they are more sanctified. Here, Romney Wegner points out that women in Mishnah are victims of double discrimination.<sup>43</sup> The woman is exempt from all time-bound mitzvot which causes her to be less sanctified than man and it results in her life having lesser value.

I would like to include one more point and that is the view on menstruating woman. Mishnah (following the Torah) sees menstruating woman as impure and the cause of impurity in the cultic sense.<sup>44</sup> Menstruation is a taboo in Jewish society connected with impurity, pollution and imperfection.

Above stated is one of the general principles in the Mishnaic thinking about women. But according to Romney Wegner, we can differentiate between three different statuses of Jewish women in Mishnah. The minor daughter, the wife, the levirate widow – all three under a male authority. The legally emancipated daughter, the divorcée and the widow (freed from the levirate law) are all women who somehow achieved the autonomous status.<sup>45</sup>

Romney Wegner in her book *Chattel or Person?* discovers that the sages treat women ambiguously. When it comes to matters concerning female sexuality, the woman is treated as a chattel.

When the female is in the status of minor daughter, she belongs to the father. He takes care of her and also has the right to betroth her without her consent. In matters concerning her sexuality she becomes a commodity, object of a trade. A good example is the case when a man seduces a virgin, he must compensate her father for the damage by paying penalty (M. Ket. 3:1).

When a woman becomes a wife, she moves under the authority of her husband. One of the most significant rule that Mishnah exempts the wife from the mitzvah on procreation. In M. Yeb. 6:6 there is written that only man is commanded to be fruitful,

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<sup>42</sup> Translation from Wegner, *Chattel or Person?*, p. 167.

<sup>43</sup> Wegner, *Chattel or Person?*, p. 167.

<sup>44</sup> Wegner, *Chattel or Person?*, p. 162.

<sup>45</sup> Wegner, *Chattel or Person?*, p. 14.

but not the woman. This seems quite striking but it would be in line of Aristotle's thinking, that is that women are not actively participating in procreation and it implies that women have less significance in the whole procreation matter, though it is true that also takes the weight of the commandment to get married off women's shoulders. The rules concerning divorce are also in the favor of man. Although there are rules trying to protect both the husband and the wife, the final act of divorce can never happen without man's consent, whereas the woman can be divorced even without her consent (M. Yeb. 14:1).

When it comes to reliability of woman, Mishnah speaks about two things: the oath of a woman (M. Ned. 11:1) and the testimony about woman's marital status (M. Git. 9:9). Concerning the oath, the husband can annul vows of his wife that are self-denying. Which vows are those is a matter of interpretation and discussion but it is important that wife cannot annul any of her husband's vows. The sages in the Mishnah presume only situation where the woman's vows are damaging either herself or herself and her husband while a different case where it might be the husband's vow that could be damaging, and wife would need to annul it, is not an option. When it comes to testifying whether the woman is married, divorced or widowed, nobody even asks the woman herself. What matters in this case is her public reputation; not her own testimony but what is being said about her. All this implies that the reliability of woman is much lower than reliability of man in the theory of the sages.

The levirate widow is the third status of dependent woman that we find in Mishnah. If the husband dies without an heir, his brother is bound by levirate law to take his wife and produce an heir for his brother posthumously. It is difficult to make statements about the position of the woman with respect to the position of man here, because the situation can be challenging for both of them. It is true that in the argumentation of the sages makes women look like the mere object that has to be manipulated right. If the levir fulfils the law, the widow is transferred under his authority. When the widow doesn't want to enter the marriage, the sages say that she should formally ask the court to compel the levir to release her. However, the levir is obligated to take care of his deceased brother's wife and the pressure on him to take her is considerable. If he decides to release the widow, so called *halisah* ritual must be performed. During the ceremony, the widow takes the active part, when she shames the

man publically. This is an interesting twist in roles, where the woman takes the leading role in the act that is humiliating for the man.

When the woman achieves freedom either by growing up unmarried and reaching the adult age, or by divorce, or by becoming a widow (or being freed from levirate), the issue of no authority arises. Women are still under the Jewish law that is generally applied but they become responsible for themselves. This is also the reason Mishnah has to recognize women as human beings capable of making judgements.

So far, it was clear that women are not considered as reliable and at many places their personhood is, least to say, overlooked. To a certain degree, however, even the sages must rely on their own accountability and therefore view her as a person. For example in the case of menstruating woman, the sages are relying solely on healthy judgement of the woman. Menstruating woman is thought to be impure and actually causing impurity in men as well. Her ritual cleaning process is solely upon her and her own observation of her body.<sup>46</sup>

We can conclude by saying that the status of women in Mishnah cannot be perceived one-dimensionally because it is not. Mishnaic law is not consistent in approach to women. At several places, usually when the ownership of her sexuality is being in question, sages treat her as mere trading object. At other places women's personhood seems quite evident to them. They provide laws that are to protect women just as there are some that diminish her value. The exemption from certain laws gives women more freedom than men have for they are bound to keep them.

In many cases, sages do not have unified opinion. In an important passage where they cope with the question whether women can study the Torah, we can see more opinions. In M. Sot. 3:4, we read:

*... hence Ben Azzai says: A man ought to give his daughter\* a knowledge of the Law so that if she must drink [the bitter water] she may know that the merit [that she had acquired] will hold her punishment in suspense.*

*R. Eliezer says: If any man gives his daughter a knowledge of the Law it is as though he taught her lechery.*

*R. Joshua says: A woman has more pleasure in one kab" with lechery than in nine kabs with modesty. He used to say: A foolish saint and a cunning*

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<sup>46</sup> Wegner, *Chattel or Person?*, p. 164.

*knave and a woman that is a hypocrite and the wounds of the Pharisees, these wear out the world.*<sup>47</sup>

Ben Azzai's point is that women should know the law for they can profit from it just as men do. Eliezer, however, worries that the lascivious women will interpret the Torah to their own benefit and twist the interpretation, their morals are questioned here. There is another place where women can be connected with lax morals and lechery.<sup>48</sup> In M. Qidd. 4:12, we read:

*A man may not remain alone with two women, but a woman may remain alone with two men. R. Simeon says: Even one man may remain alone with two women when his wife is with him, and he may sleep with them in an inn, because his wife watches over him. A man may remain alone with his mother or with his daughter; and he may sleep with them with body touching. But if they are become of age, she must sleep in her clothes and he in his.*<sup>49</sup>

The first sentence, according to Romney Wegner, is interpreted the way that two women are a danger for man because of their lax morals and lack of shame in front of each other (unless the second woman is the man's wife), while a woman can be alone with two men who support each other morally. However we can see here that men need to be protected here in their weakness because they would not be able to resist the temptation and the accepted law makes move to precaution by accepting that not only two women and one man, but neither two men and one woman can be in a room alone<sup>50</sup>.

We could see that that Mishnaic law on women is inconsistent with some contradicting opinions. At some places women are treated as sole objects with respect to male ownership of them, at other places, especially autonomous women have very similar position to men and are hold responsible for fulfilling commandments. Women are also excluded from a number of mitzvot which has twofold implication. On the one hand, they are freed from some responsibilities that men have. On the other hand, as the result of this exclusion, they are less sanctified than men because they do not perform a number of rituals that men do. This goes as far as the sages claiming that life of women has lesser value than the life of man. The sages also raise questions about teaching

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<sup>47</sup> Herbert Danby, trans., *The Mishnah*, p. 296.

<sup>48</sup> Wegner, *Chattel or Person?*, p. 159.

<sup>49</sup> Herbert Danby, trans., *The Mishnah*, p. 329.

<sup>50</sup> See Ovadya ben Avraham Bartenuira's commentary ad loc. in the traditional editions of Mishnah, for example, Mishnayot "Tiferet Yisrael." *Seder Nashim* (Jerusalem: Pardes, 1953).

women Torah, since they are connected with bad morals, and they worry that they could use this knowledge to pursue their own agenda and thus abuse it. Nevertheless, though there are comments about women being clever but somewhat mischievous, there is a contradictory believe that women should study the Law as well. Overall, the source of misogynic comments in Mishnah is mostly the fact that were, according to Bible, put under the command of man, especially in the story of Adam and Eve. It also seems that the stigma of Eve's sin continues to influence the view of women being more prone to sinful behavior.

We also already had a chance to look into some of the Maimonides' commentaries on important matters concerning women in Mishnah, once in the case of positive time-bound commandments and their exceptions and for the second time in the matter of life danger and priority of man's life. So far, it seemed that Maimonides merely accepted the opinion of the sages as it was. Now we will explore his philosophical opinions concerning women in the Guide of the Perplexed and we will see that in his philosophical thought, he interprets Mishnah on a new level.

### 3. Maimonides on women

#### 3.1. Maimonides' interpretation of Women

For Maimonides, it is not hard to follow both Aristotle and the Jewish law when it comes to women, as we have seen above. Interesting is that he does not agree with Aristotle in the matter of procreation, for Maimonides, unlike many other philosophers, follows Galenic hypothesis that women and their semen take active part in the creation of a new life.<sup>51</sup> But generally, Maimonides follows Aristotle in identifying man with the form and women with the matter, and he also follows him with respect to hierarchy among the two. He writes:

*Thus Plato and his predecessors called Substance the female, and Form the male. (You are aware that the principia of all existing transient things are three, viz., Substance, Form, and Absence of a particular form; the last-named principle is always inherent in the substance, for otherwise the substance would be incapable of receiving a new form; and it is from this point of view that absence [of a particular form] is included among the principia.*<sup>52</sup>

Now already in the beginning of the Guide of the Perplexed, Maimonides clearly writes that man is associated with the better principle which is the form. That the matter is indeed much lower than form is nicely shown in the parable of faithless wife which Maimonides uses to explain the deprivation connected to matter, and in which he uses the women as metaphor for matter:

*How wonderfully wise is the simile of King Solomon, in which he compares matter to a faithless wife; for matter is never found without form, and is therefore always like such a wife who is never without a husband, never single; and yet, though being wedded, constantly seeks another man in the place of her husband; she entices and attracts him in every possible manner till he obtains from her what her husband has obtained. The same is the case with matter.*<sup>53</sup>

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<sup>51</sup> Abraham Melamed, "Maimonides on Women: Formless Matter or Potential Prophet?" *Perspectives on Jewish Thought and Mysticism*, ed. Alfred L. Ivry, Allan Arkush, Elliot L. Wolfson (Amsterdam: Harwood Academic Publishers, 1998), p. 109.

<sup>52</sup> Moses Maimonides, *Guide for the Perplexed*, trans. M. Friedländer (Skokie: Varda Books, 2002), p. 27.

<sup>53</sup> Maimonides, *Guide for the Perplexed*, p. 261.

The inferiority of the feminine principle is visible also when Maimonides talks about sacrifices:

*The greater the sin which a person had committed, the lower was the species from which the sin-offering was brought. The offering for worshipping idols in ignorance was only a she-goat, whilst for other sins an ordinary person brought either a ewe-lamb or a she-goat (Lev. iv. 27–35), the females bring, as a rule, in every species, inferior to the males. There is no greater sin than idolatry, and also no inferior species than a she-goat.*<sup>54</sup>

The female is inferior to males in every species, according to Maimonides. It is the female principle that is inferior because it is connected with the principle of matter itself, always lower than the form. Similarly to Aristotle, he chooses the male as the better form in all of the species, while the female counterpart is something deviant from the male prototype.<sup>55</sup>

Now Maimonides does not only follow Aristotle that women are lower in the principle. At several places, he states explicitly that women are weaker in their minds, implying that their intellect is not as good as the one of the man. This moves the misogynic theory in the Jewish thinking to a deeper level of argumentation. Maimonides does not only follow the Mishnaic connections between female and bad morals or weak body, he introduces the Aristotelean concept of intellect here, making the differences between men and women an intellectual issue. In the following passage, Maimonides explains the need of male supervision on female exactly because of the weakness of their mind.

*As women are easily provoked to anger, owing to their greater excitability and the weakness of their mind, their oaths, if entirely under their own control, would cause great grief, quarrel, and disorder in the family; one kind of food would be allowed for the husband, and forbidden for the wife; another kind forbidden for the daughter, and allowed for the mother. Therefore the Law gives the father of the family control over the vows of those dependent on him. A woman that is independent, and not under the authority of a chief of the family, is, as regards vows, subject to the same*

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<sup>54</sup> Maimonides, *Guide for the Perplexed*, p. 363.

<sup>55</sup> Deborah K. W. Modrak, "Aristotle's Theory of Knowledge and Feminist Epistemology", in *Feminist Interpretations of Aristotle*, ed. Cynthia A. Freeland (University Park: The Pennsylvania State University Press, 1998), p. 100.

*laws as men; I mean a woman that has no husband, or that has no father, or that is of age, i.e., twelve years and six months.*<sup>56</sup>

Maimonides explains that the fact that according to Jewish religious Law man has the power annul woman's oath is a precaution because of women's temperament and weak mind. For an independent woman apply the same laws as for man, her vows are left in her own hands, on her own judgment but it seems certainly better to put the woman under the authority of man because, as we see in Maimonides' example, the woman's temper cannot be controlled by her own reason.<sup>57</sup> We find similar reasoning when Maimonides talks about idolatry:

*It being well known that people are naturally most in fear and dread of the loss of their property and their children, the worshippers of fire spread the tale, that if any one did not pass his son and daughter through the fire, he will lose his children by death. There is no doubt that on account of this absurd menace every one at once obeyed, out of pity and sympathy for the child; especially as it was a trifling and a light thing that was demanded, in passing the child over the fire. We must further take into account that the care of young children is intrusted to women, who are generally weak-minded, and ready to believe everything, as is well known.*<sup>58</sup>

In the paragraph cited above, Maimonides is taking a stand against idolatry, specifically against passing children through fire. He doesn't underestimate the people's fear of losing their children that worshippers of fire are using in their tales. Another problem he sees is that children are in care of women, who, because of weakness of their minds, tend to believe such stories. Later, he also accuses midwives of practicing idolatry when they swing a child over fire in the smoke. The weakness of women's mind is a real issue for him, especially because after child is birth, only the women are present and there is no male figure that could stop them from this idolatrous behavior. The term Maimonides uses in the original<sup>59</sup> for mind is 'uqūl, plural of 'aql. This term is used by

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<sup>56</sup> Maimonides, *Guide for the Perplexed*, p. 372.

<sup>57</sup> Prudence Allen, *The Concept of Woman: The Aristotelian Revolution, 750 BC-AD 1250, Volume 1* (Grand Rapids: William B. Eerdmans Publishing Company, 1997), p. 360.

<sup>58</sup> Maimonides, *Guide for the Perplexed*, p. 336.

<sup>59</sup> Original text: מסלמא ללנסא ומעלום סרעה" אנפעאלהן וצ'ערף עקולהן עלי אלעמום from *Dalalat al-ha'irin* (*Sefer More nevukhim*) le-rabbenu Moshe ben Maymon, ed. Yissachar Yoel [Joel] (Jerusalem: Azriel, 1931) p. 400.



Arabic philosophers to denote intellect in Aristotelean conception<sup>60</sup> and is completely alien to Mishnaic vocabulary.

Maimonides is very much concerned with what women believe. He believed that one's faith can be true only if he understands basic principles about God and thus, in his eyes, fulfill the first commandment about knowing that God is one. It was a complex issue for Maimonides because he believed that to keep the basic commandments about God was important for every Jew regardless of his intelligence. This understanding of God did not leave space for idolatry or wrong worship, superstitious beliefs or ill visualizations of the God himself.

*That God is incorporeal, that He cannot be compared with His creatures, that He is not subject to external influence; these are things which must be explained to every one according to his capacity, and they must be taught by way of tradition to children and women, to the stupid and ignorant, as they are taught that God is One, that He is eternal, and that He alone is to be worshipped.<sup>61</sup>*

Maimonides does not presume that women would easily understand God, he puts them in the category of those, whose mind is less capable of embracing this doctrine – children, stupid, and ignorant. This grouping can be found often in his work and is, again, similar to Aristotle's approach, where he groups those, who have lesser capacities, together. However, we see that for Maimonides, it is important that even those with weaker mind understand God correctly, he is truly concerned with their faith being true and compassionately encourages men to try hard and teach them the right concept of God.

### **3.2. Women and studying Torah**

From what we have learnt so far, Maimonides did not think much of the female mind but the question whether women can study Torah is more complicated.

It seems clear that Maimonides did not believe women could have a capacity to be skilled and learned in Torah, at least not most of them. According to what we have seen in the Guide of the Perplexed, he viewed female mind as prone to mistakes,

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<sup>60</sup> *Aql* is used for example by Al-Farabi.

<sup>61</sup> Maimonides, *Guide for the Perplexed*, p. 50.

believing every tale and generally very weak. In some regards, however, Maimonides seems to be less strict than others when, for example, believing the judgement of a woman. In *Mishneh Torah, Hamez u-Mazzah 2:17*, he writes that women are to be believed when it comes to searching for hamez.<sup>62</sup> We also have to keep in mind that the laws concerning menstruation were also completely in the hands of women. Michael Baris in his article *Maimonides on Testimony in Agunah and Divorce: Epistemic Implications* emphasizes that Maimonides believed that the woman would not be careless enough to remarry on the basis of false divorce document (*get*) and she can be trusted in these matters.<sup>63</sup> Maimonides obviously to an extent believes in the judgement of women and the capability of their minds in making reasonable decisions. Nevertheless, in the *Mishneh Torah, Hilkhot Talmud Torah 1:13*, Maimonides writes:

*A woman who studies Torah will receive reward. However, that reward will not be [as great] as a man's, since she was not commanded [in this mitzvah]. Whoever performs a deed which he is not commanded to do, does not receive as great a reward as one who performs a mitzvah that he is commanded to do. Even though she will receive a reward, the Sages commanded that a person should not teach his daughter Torah, because most women cannot concentrate their attention on study, and thus transform the words of Torah into idle matters because of their lack of understanding.*

*[Thus,] our Sages declared: "Whoever teaches his daughter Torah is like one who teaches her tales and parables." This applies to the Oral Law. [With regard to] the Written Law: at the outset, one should not teach one's daughter. However, if one teaches her, it is not considered as if she was taught idle things.<sup>64</sup>*

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<sup>62</sup> Rahel Berkovits, "Maimonides", *Jewish Women's Archive*, accessed August 12, 2016, URL = <http://jwa.org/encyclopedia/article/maimonides>.

<sup>63</sup> Michael Baris, "Maimonides On Testimony In Agunah And Divorce: Epistemic Implication", *Academia.edu*, accessed August 16, URL = [https://www.academia.edu/18540152/\\_Maimonides\\_on\\_Testimony\\_in\\_Agunah\\_and\\_Divorce\\_Epistemic\\_Implications\\_JEWISH\\_LAW\\_ASSOCIATION\\_STUDIES\\_THE\\_FORDHAM\\_CONFERENCE\\_VOLU\\_ME\\_XXIII\\_2012\\_13-26\\_14\\_pages\\_](https://www.academia.edu/18540152/_Maimonides_on_Testimony_in_Agunah_and_Divorce_Epistemic_Implications_JEWISH_LAW_ASSOCIATION_STUDIES_THE_FORDHAM_CONFERENCE_VOLU_ME_XXIII_2012_13-26_14_pages_), p. 19.

<sup>64</sup> Since I couldn't access the standard English translation of the *Mishneh Torah*, I am using the translation of Eliyahu Touger from [www.chabad.org](http://www.chabad.org).

Many have been trying to interpret this argumentation of Maimonides.<sup>65</sup> He doesn't go as far as Rabbi Eliezer, who says that who teaches his daughter Torah teaches her lasciviousness. Neither is he saying that it is good to teach women the law. He chooses to go the middle way, saying that women who study Torah will have a certain reward but it will not be the same as the reward men will get.

A dilemma that emerges when we try to interpret this passage is nicely reflected by Warren Zev Harvey in the article *The Obligation of Talmud on Women According to Maimonides*, where he tries to interpret what Maimonides means by Torah and why he excludes women from study Torah when he seem to allow them studying *Pardes*<sup>66</sup>.

*Our question, therefore, remains unanswered. How can Maimonides' prohibitive rulings concerning the teaching of Written Torah and Oral Torah to women be squared with his opinion that women are obligated with the gemara of the Pardes? What appears to me as the only way to resolve this (apparent) contradiction is to suppose that, according to Maimonides, women are in one sense required to study the Written Torah and the Oral Torah, but in another sense they are not required to study them. What these two different senses are, I am not certain. In order to determine them, a careful analysis would have to be made of Maimonides' use of the terms "Written Torah," "Oral Torah," and "gemara." In addition, full and precise definitions would have to be given to the five commandments of the Pardes.<sup>67</sup>*

Warren Zev Harvey wonders how Maimonides could say that the women are obligated to know *Pardes* (which according to Maimonides is to be found in Talmud<sup>68</sup>) while forbidding the study of Torah. I think that the answer to this question could be that Maimonides does not think that *Pardes* presents metaphysical secrets as Torah does. I also do not think that we can perceive the obligation of the study of *Pardes* as assertion

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<sup>65</sup> See for example Isaac Sassoon, *The Status of Women in Jewish Tradition* (New York: Cambridge University Press, 2011), p. 100 – 104; Ilan Fuchs, *Jewish Women's Torah Study: Orthodox Religious Education and Modernity* (New York: Routledge, 2014), p. 18 – 21; or Avraham Weiss, *Women at Prayer: A Halakhic Analysis of Women's Prayer Groups* (Hoboken: KTAV Publishing House, Inc., 2001), p. 59 – 61.

<sup>66</sup> By “*Pardes*” he means the basics of Jewish faith (cf. *Mishneh Torah*, H. Yesode ha-Torah 4:13 and H. *Talmud Torah* 1:12; cf. also GP I, 32 and II, 30).

<sup>67</sup> Warren Zev Harvey, “The Obligation of Talmud on Women According to Maimonides,” in *Women and the Study of Torah: Essays from the Pages of Tradition*, ed. Joel B. Wolowelsky, (Hoboken: Ktav Publishing House, Inc, 2001), p. 43 – 44.

<sup>68</sup> Cf. Maimonides, *Mishneh Torah*, H. *Talmud Torah* 1:12 and Menachem Kellner, “Maimonides’ Disputed Legacy” in *Traditions of Maimonideanism*, ed. Carlos Fraenkel (Leiden: Brill, 2009), p. 260 – 261.

of good mental capacity of women, for in Mishneh Torah, Maimonides writes about Pardes:

*Also, they are the great good which the Holy One, blessed be He, has granted, [to allow for] stable [living] within this world and the acquisition of the life of the world to come. They can be known in their totality by the great and the small, man or woman, whether [granted] expansive knowledge or limited knowledge.<sup>69</sup>*

This doesn't compliment women on their mental capacity to learn at all; rather, Maimonides uses contrastive examples: those with expansive knowledge and with limited knowledge is used in the same way man or woman is used, so the men are obviously more capable than women here. I would rather say that Maimonides obligates women to study Pardes for the reasons stated above; he wants even the feeble-minded to have basic and correct understanding of God.

With this being said, my opinion is that in Hilkhot Talmud Torah Maimonides simply means what he wrote. He does not view women as intellectually equal to men and what is more important, he agrees that they are not as sanctified as their male counterparts. It seems only reasonable to me that Maimonides says that the reward of a woman studying Torah will not be the same as the reward man will get, and that he expresses worries that women are not generally capable of understanding the Torah, which is why it is better not to teach it to them.

Maimonides is here also changing the Mishnaic argument about women studying Torah. The sages are precautionary because women are "lascivious" and could abuse the Torah to promote their own agenda, whereas Maimonides worries about the "lack of understanding" that women have and thus he again makes the problem, again, about intellectual capacity. He explicitly doubts female intellect also in Mishneh Torah, Avodah Zarah, in the passage about superstitious belief in black magic:

*Whoever believes in [occult arts] of this nature and, in his heart, thinks that they are true and words of wisdom, but are forbidden by the Torah, is foolish and feeble-minded. He is considered like women and children who have underdeveloped intellects.<sup>70</sup>*

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<sup>69</sup> Eliyahu Touger, trans., *Mishneh Torah*, Yesodei haTorah 4:13 (accessed online on [www.chabad.org](http://www.chabad.org))

<sup>70</sup> Eliyahu Touger, trans., *Mishneh Torah*, Avodah Zarah 11: 16 (accessed online on [www.chabad.org](http://www.chabad.org)).

In this comment he emphasizes what he already said in Guide of the Perplexed, and that is that because of their weaker minds, women are ready to believe everything.

Nevertheless, it is not always women whose mental capacity is questioned. According to Maimonides, Torah also covers metaphysics that are difficult to learn even for learned men. When he writes about these metaphysical secrets in the Guide of the Perplexed, he writes:

*You learn from this that, in addition to the above-named good qualities, a certain age is also required. How, then, could any person speak on these metaphysical themes in the presence of ordinary people, of children, and of women!*<sup>71</sup>

We can see that Maimonides is not persuaded that metaphysics could be taught to women, that is certain. But emphasizing the difficulty of the metaphysical matters, Maimonides implies that this knowledge is quite exclusive even among men.

Another example that shows that women cannot achieve equal position to men is Maimonides' conviction that women cannot become public leaders in the Jewish community<sup>72</sup> that can be found in Mishneh Torah, Melakhim 1:5:

*We may not appoint a woman as king. When describing the monarchy, the Torah employs the male form of the word king and not the female. This principle also applies to all other positions of authority within Israel. Only men should be appointed to fill them.*<sup>73</sup>

To me, it seems clear that Maimonides adapts Aristotle's point of view on women in this, and that is that their virtue is to obey the rule of men (see above, the section on Aristotle).

All the examples above showed how great influence had Aristotle on Maimonides' perception of women. Maimonides goes as far as implementing these thoughts to the Mishnaic argumentation about women. The sages viewed women problematic because of their connection with evil inclination due to their bad morality. Maimonides reinterprets various passages in Mishnah in line with Aristotelean concept and intellectualizes the misogynic problems. In his philosophy in Guide of the

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<sup>71</sup> Maimonides, *Guide for the Perplexed*, p. 48.

<sup>72</sup> Rahel Berkovits, "Maimonides".

<sup>73</sup> Eliyahu Touger, trans., *Mishneh Torah*, Melachim uMilchamot 1:5 (accessed online on [www.chabad.org](http://www.chabad.org)).

Perplexed he also interprets the female mind as weaker than the mind of male. But the issue of female intellect is much more complex and it is appropriate to explore it a little bit more.

## 4. Intellect and women

In order to better understand the issue that Maimonides describes when he talks about weaker mind of women we will look at his interpretation of the story of Adam and Eve and the connection of Eve with imaginative faculty. As we have seen in the beginning of previous chapter, women, in Maimonides' concept, are associated with matter while men are connected with form. Maimonides also accepts the Aristotelean point that form is better than matter which essentially means that in principle, men are better than women. Matter is also connected closely to imagination which makes imagination gendered:

*Nor can imagination in any way obtain a purely immaterial image of an object, however abstract the form of the image may be.*<sup>74</sup>

Imagination is connected to the matter, the imperfect matter is connected to female and body. Intellect is transcendent, associated with form and the male principle. This source of misogynic thinking is a deep issue, confirming Charlotte Witt's statement that the idea of reason in philosophy is masculine (see chapter on Aristotle above). It is not only her who realizes this matter. Simone de Beauvoir analyses the masculine intellectual rule over female in her *Second Sex*. When trying to elaborate on Simone de Beauvoir's thinking, Judith Butler writes:

*For Beauvoir, the "subject" within the existential analytic of misogyny is always already masculine, conflated with the universal, differentiating itself from a feminine "Other" outside the universalizing norms of personhood, hopelessly "particular," embodied, condemned to immanence. Although Beauvoir is often understood to be calling for the right of women, in effect, to become existential subjects and, hence, for inclusion within the terms of abstract universality, her position also implies a fundamental critique of the very disembodiment of the abstract masculine epistemological subject.*<sup>75</sup>

Simone de Beauvoir explains that men gradually gained intellectual self-consciousness and accepted rationalistic thoughts about nature when they realized that they can rule over it by cultivation of the land and reap the work of their own hands. Women,

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<sup>74</sup> Maimonides, *Guide for the Perplexed*, p. 130.

<sup>75</sup> Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York and London: Routledge, 1999), p. 16.

restricted to the household domain and being bound with child care, were still mystically associated with nature.<sup>76</sup> Butler emphasizes this as the central argument in Beauvoir's criticism of patriarchal society. It is not only the matter of rights and laws, the issue is deeply philosophical. Butler continues:

*That subject is abstract to the extent that it disavows its socially marked embodiment and, further, projects that disavowed and disparaged embodiment on to the feminine sphere, effectively renaming the body as female. This association of the body with the female works along magical relations of reciprocity whereby the female sex becomes restricted to its body, and the male body, fully disavowed, becomes, paradoxically, the incorporeal instrument of an ostensibly radical freedom.<sup>77</sup>*

What Butler means is that men rejected his connection to the body and made it a distinctive feature of woman. Male reason therefore rises over the body and is no longer ruled by this embodiment. This seems very familiar to the concept of intellect Maimonides describes, because in his thinking, as we will see, the intellect has to gain the rule over the body, the imagination.

One would expect the relationship between imagination and intellect hierarchical in Maimonidean conception but it is more complicated than this. Ruth Birnbaum in her article *Imagination and Its Gender in Maimonides' Guide* proposes three kinds of relations:

*The first is an antithetical relationship, as seen in the Garden of Eden. Here the female faculty of imagination acts in opposition to the male form of intellect, resulting in a diminishment of man's intellectual essence.*

*The second is a hierarchical relationship in which values of superior and inferior operate in a stratification of Form over Matter. Maimonides exhorts the rule of the masculine form of intellect over the female constituent of matter. He introduces the passages "And women rule over them" (Isaiah 3: 12) as being contrary to what man was told at the beginning of Creation: "And for thy husband shall thy desire be and he shall rule over thee." (Gen. 3:16).*

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<sup>76</sup> Simone de Beauvoir, *Second Sex* (New York: Vintage Books, 2011), p. 101 – 115.

<sup>77</sup> Judith Butler, *Gender Trouble*, p. 16.



*The third is a relationship of instrumentality in which the masculine form of intellect uses the feminine form of imagination to invest abstract ideas with sensual images to disseminate the teachings of the prophets to the multitude.*<sup>78</sup>

What she highlights is that although imagination and intellect, just like matter and form, are gendered, they are not solely belonging each to one gender but both are distributed in both male and female. This is important to realize especially to understand well the relationship of instrumentality. Concerning the hierarchical relationship, Maimonides states the imperative that intellect should rule over the imagination because this is the command of God.

But let us now focus on the antithetical relationship. The antagonism of the intellect and imagination is in the center of the story of Adam and Eve. Here, Adam embodies the intellect whereas Eve the imagination. Adam did not impose the rule over Eve in this story and therefore the first rebellion of imagination takes place and results in sin. Ever since this moment, the intellect has to struggle to gain control over the imagination again. This results in hierarchical relationship where intellect controls the imagination and manages to prevent it from mistakes. Maimonides writes in *Guide of the Perplexed* that intellect is capable of deep critical analysis of subjects.

*For the intellect analyses and divides the component parts of things, it forms abstract ideas of them, represents them in their true form as well as in their causal relations, derives from one object a great many facts, which—for the intellect—totally differ from each other, just as two human individuals appear different to the imagination; it distinguishes that which is the property of the genus from that which is peculiar to the individual,—and no proof is correct, unless founded on the former; the intellect further determines whether certain qualities of a thing are essential or non-essential. Imagination has none of these functions.*<sup>79</sup>

Imagination, on the other hand, perceives objects as wholes and cannot analyse them. It can only put more wholes together, which may result in false associations. In the Rabbinical literature, the interpretation of Adam and Eve story is somewhat different.

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<sup>78</sup> Ruth Birnbaum, “Imagination and Its Gender in Maimonides’ *Guide*,” *Shofar: An Interdisciplinary Journal of Jewish Studies*, Volume 16 (1997): p. 14 – 15.

<sup>79</sup> Maimonides, *Guide for the Perplexed*, p. 130.

The emphasis here is put on the tempter, Satan, connected with Eve through the fact that she became Adam's tempter. We have to keep in mind that the terms Maimonides uses are alien for the rabbinical literature, their view on the problem is theological. In Maimonides' interpretation, the emphasis is put on the imaginative faculty being the tempter for intellect, the issue is philosophical. Birnbaum stresses out that interestingly, in the rabbinical interpretation, the evil impulse is the Satan whereas Maimonides connects this evil impulse with the imagination and Satan is mere metaphor for the desire.<sup>80</sup>

Imagination is not always for the worse. Maimonides associates it also with very good qualities:

*There is no difference in this case between the pain of man and the pain of other living beings, since the love and tenderness of the mother for her young ones is not produced by reasoning, but by imagination, and this faculty exists not only in man but in most living beings.*<sup>81</sup>

Love and tenderness are very feminine attributes associated with imagination. What Maimonides says is that imagination also has benefits for the intellect. However, intellect has to be the ruling faculty over imagination, restricting it in its negativity. Then imagination can become precious instrument for intellect. Maimonides proposes that the passage in Proverbs 31 about virtuous woman is an allegory to this relationship between intellect and imagination.<sup>82</sup>

*As regards the portion beginning, "Who can find a virtuous woman?" it is clear what is meant by the figurative expression, "a virtuous woman." When man possesses a good sound body that does not overpower him nor disturb the equilibrium in him, he possesses a divine gift.*<sup>83</sup>

Another important point made here is that the man has to first gain control over his body and learn how to use the imaginative faculty. How can one achieve this control? The key is the perfection of the intellect.

According to Maimonides, the perfection of the intellect is achieved only through intellectual focus on God, for God himself emanates intellect, this intellect is

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<sup>80</sup> Birnbaum, "Imagination and Its Gender in Maimonides' Guide," p. 20.

<sup>81</sup> Maimonides, *Guide for the Perplexed*, p. 371.

<sup>82</sup> Ruth Birnbaum, "Imagination and Its Gender in Maimonides' Guide," p. 14.

<sup>83</sup> Maimonides, *Guide for the Perplexed*, p. 262.

our connection with him, and through our active intellect, we can draw near to him. During this process the person must turn away from the bodily desires and pursue intellectual achievements. This conception of intellectual growth shows the Neoplatonic influence on Maimonides; Neoplatonics also believed that the material body stands in the way of incorporeal perfection.<sup>84</sup>

The path of the perfection consists of deep study of God and is a long process. Maimonides says that achieving true knowledge of God leads to the presence of God himself.

*But those who have succeeded in finding a proof for everything that can be proved, who have a true knowledge of God, so far as a true knowledge can be attained, and are near the truth, wherever an approach to the truth is possible, they have reached the goal, and are in the palace in which the king lives.<sup>85</sup>*

In order to reach this knowledge, one must master the physics, the natural philosophy and finally metaphysics. With gaining this knowledge comes bigger and bigger love for the object of the knowledge, and the person perfected in his perception of God knows the genuine worship which consists of silent intellectual meditation and enjoyment of the bliss that this cognition of God brings.

The climax of this process of perfecting intellect and drawing closer to God is death, the final separation of the intellect from the body and joining the king in his palace forever, to use Maimonides' poetic parable. This detachment of the intellect from the body is caused by the "kiss of God", mysterious death which Maimonides interprets on a basis of a midrash that says that the angel of death had no dominion over Moses, Aaron and Miriam because they died by a kiss from God.

*When this perfect man is stricken in age and is near death, his knowledge mightily increases, his joy in that knowledge grows greater, and his love for the object of his knowledge more intense, and it is in this great delight that the soul separates from the body. To this state our Sages referred, when in reference to the death of Moses, Aaron, and Miriam, they said that death was in these three cases nothing but a kiss.*

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<sup>84</sup> T. M. Rudavsky, "To Know What Is" in *Women and Gender in Jewish Philosophy*, ed. Hava Tirosh-Samuels (Bloomington: Indiana University Press, 2004), p. 195.

<sup>85</sup> Maimonides, *Guide for the Perplexed*, p. 385.

Only to these three people is ascribed the death by the kiss of God. How striking is, then, that woman, Miriam, is among them. Maimonides does not comment on this fact at all, unfortunately. He simply accepts that Miriam reached the bliss of complete knowledge of God. The only comment he makes is actually about accepting the rhetoric of the midrash where it is not written that Miriam died “by the mouth of the Lord” as in the cases of Moses and Aaron. The sage themselves claim that it would inappropriate to use the phrase “by the mouth of the Lord” in the case on woman, which Maimonides agrees with and moves forward. It might seem strange that there should be some problem with the “mouth of the Lord” with respect to Miriam because it is in the phase when intellect is leaving her body, so one would expect her body doesn’t matter anymore.<sup>86</sup> But the image of God kissing a woman on mouth is too erotic for Maimonides to accept it. Maybe even her intellect possessed feminine qualities for Maimonides but that is problematic to say.

The real question here is, however, how did a woman manage to reach this intellectual quality if Maimonides connects them with matter and imagination and significantly questions their mental capacity and sanctification throughout *Guide of the Perplexed* and *Mishneh Torah*? Especially in the light of Maimonides’ statement that imagination can never be disconnected entirely from the matter. And why does Maimonides ignore these obvious questions when he comes to this passage and continues writing without commenting on this exceptional female achievement? Shouldn’t women study metaphysics as well in order to reach this sweet intellectual climax? We can only make presumption about these questions. Perhaps Maimonides was so confused by Miriam being mentioned among Moses and Aaron that he rather didn’t dare to doubt this. On the other hand, Maimonides had always tried to achieve reasonable and logical explanations, therefore this seems very suspicious.

We can close this last chapter by saying that most of Maimonides’ interpretations present women as intellectually unequal to men. Women are associated with matter and imagination while men with form and intellect. However, then we see the exception of Miriam and it makes one wonder how much Maimonides contradicts himself here. He implies that women shouldn’t study metaphysics and connects them with imagination, inseparable from matter. Then he explains the difficult, long-term

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<sup>86</sup> Rudavsky, “To Know What Is,” p. 195.

process of perfection of intellect and achieving complete knowledge about God that only three people reached but shockingly, one woman was among them. And Maimonides is silent.

## 5. Conclusion

The aim of this thesis was to collect material to answer two main questions. What is Maimonides' view on differences between the male and female soul? Can he be labelled as misogynic? We saw that answering these questions is more than problematic.

In order to establish the background of the issue, I started this thesis with an excursion to the Greek thought, focusing on medical writings of Hippocrates and Galen and their conception of female body and transmission of these thoughts to Arabic culture. Since Maimonides' profession was a physician he was very likely familiar with these views. Hippocratic and Galenic medicine, however, mostly examines female bodies from clinical point of view and there is little misogynic comments.

Aristotle, on the other hand, establishes hierarchy not only between male and female bodies but also between their virtues and mental capacities. He claims that female bodies are deficient and deviant from the male bodies that more perfect. Concerning the soul of the woman, he saw her reason as lower than the one of the man and that her virtue is in obeying the male ruler. He typically groups women with children and slaves contrary to superiority of men.

I also needed to mention Al-Farabi who was the biggest influence on Maimonides' concept of intellect and prophecy. Al-Farabi believed in unity of Aristotelean and Neoplatonic thought and formed his teaching on intellect on both of these. Intellect, for him, is emanated directly from God through spheres. The active intellect of men can be acquired and perfected.

Then we moved to the conception of women in the Jewish law. We could see that Mishnah is in the argumentation inconsistent and misogynic comments are quickly changing in protection of women or releasing them from duties men could not choose to disobey. Generally, we can establish that misogynic comments in the Mishnah are usually stated against the morality of the female, that is said to be more prone to sin and connected with evil inclinations ever since the story of the Garden of Eden.

Finally we get to the conception of women in Maimonides' thinking. I examined especially his thoughts on women in the Guide of the Perplexed and to an extent in Mishneh Torah. Comparing these reflections with Mishnaic thinking, I proposed that Maimonides introduces a new level of argumentation about women, and that is about

their intellectual weakness under the influence of Greek thought. By providing examples where Maimonides elaborates on Mishnah, I emphasized the influences of Aristotle and the focus on intellectual abilities of women. We could also see that Maimonides doesn't follow the idea that men mentally superordinate in everything. Concerning metaphysics, for example, only few enlightened are able to learn it and understand while other ordinary man don't have the intellectual equipment for it.

When it comes to studying Torah, Maimonides is explicitly misogynic. He doesn't believe that women could be even present when some talks about metaphysics. He is not that strict and doesn't forbid the Torah study by women literally. Women will have some reward for studying Torah, however, it will not the reward men will get. After explaining this, he remarks that the sages prohibited to teach Torah to women and he thinks it is a good precaution, since women could, due to their weak minds, misinterpret it. At the same time, he obligates women to study *pardes* so that they can have correct assumptions about their faith and God.

To show how deeply intellectual was Maimonides' argumentation on women I mentioned his interpretation of the story of Adam and Eve, where Adam is associated with form and intellect while woman with imagination and matter. Imagination is being blamed for the evil inclination in Maimonides concept while argument in Mishnah is built around Satan as the cause of evil. We also mentioned that the relationship between intellect and imagination can have more characteristics.

After this I moved to the issue of perfection of the intellect where I pointed out surprising contradictory ideas. Maimonides describes the difficult process of overcoming imagination and reaching a status where the intellect has it under control by this perfecting the intellect as well as by contemplating about God while relying on intellect. The goal of this perfection is separation of intellect from the body and being in the presence of God forever, during mysterious death by the kiss of God. Maimonides and the sages agree that there were only three people that achieved this state of perfection and complete knowledge, and these were Moses, Aaron and Miriam. Shockingly, after all that Maimonides establishes he simply accepts that among three people that perfected their intellects to this extent appears female. Unfortunately, he doesn't comment on this issue so we are left with confusion: can a women develop an intellect in this extent?

My conclusion is that Maimonides introduced new level of misogynic interpretation of women into the Jewish thinking, based mainly on Aristotle's comments on the weaker mind of women. In many contexts, Maimonides is misogynic. However, when facing the option of woman being intellectually equal to Moses and Aaron, he doesn't reflect on it and merely accepts it as a fact, which makes labelling him as misogynic problematic.

It also complicates the second question about his perception of female soul. We saw that the interpretation was mostly that the soul of female is inferior to the one of male. On the other hand, it seems that Maimonides leaves space for surprises like Miriam. His view seems to be systematically connecting women with inferiority, bad morals and weak minds throughout the Guide of the Perplexed. But at the end of the Guide, we meet the intellectually perfect Miriam, and just as Maimonides has nothing to say about that, we lack material to reflect on his position about the situation.



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## **Annotation**

This work attempts to explore Maimonides' misogynic thinking, especially in his Guide of the Perplexed and Mishneh Torah and compares it to the rabbinical concept of woman. I attempted to characterize the philosophical influence on Maimonides, mainly Greek philosophy, and emphasize how Maimonides applies it to the Jewish law. In the end, I explain Maimonidean concept of intellect, which is influenced by Aristotle's thinking, and the impact on the image of women. I also point out the exceptional case of Miriam who surpasses this stereotypical image.

**Key words:** Maimonides, misogyny, medieval Jewish philosophy, intellect

Tato práce se pokouší prozkoumat Maimonidovo misogynické přemýšlení, převážně v jeho díle Průvodce zbloudilých a Mišne Tora, a porovnává ho s rabínským konceptem ženy. Pokusila jsem se charakterizovat vliv na Maimonidovu filozofii, převážně Řeckou filozofii, a zdůraznit jak Maimonides tuto filozofii aplikuje na Židovský zákon. Na konci vysvětluji Maimonidovský koncept intelektu, který je ovlivněn Aristotelem, a dopad na obraz ženy. Také zdůrazňuji výjimečný případ Miriam, která se tomuto stereotypickému obrazu vymyká.

**Klíčová slova:** Maimonides, sexismus, středověká židovská filozofie, intelekt