

Mothers of Israel: Why the Rabbis Adopted a Matrilineal Principle

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[1] A child can be regarded as a Jew only if its mother is a Jew. The Encyclopaedia Judaica says that in one respect the Jewish law discriminates against men and vests women with an advantage: children take their national identity from their mother, with the result that children from mixed marriages will only be regarded as Jewish if their mother is Jewish, not their father.¹ The matrilineal principle is not attested in the Hebrew Bible or in any other literature of the Second Temple period. In the 1st century CE writers such as Josephus and the gospel writers are not familiar with the idea, although Maren R. Niehoff has shown in a recent article,² that Philo was at least considering the matrilineal principle, that a child takes its mother's identity. Niehoff claims that Philo defined Jewish identity by reference to maternal pedigree; accordingly, a child could only be regarded as Jewish if it had two Jewish parents who were legally married at the time of the child's birth. However, the Mishnah gives an explanation of the matrilineal principle, not only considering the status of a child born to a Jewish man and non-Jewish woman, but the status of a child born to a Jewish woman and non-Jewish man.³ The outcome is that the child takes its Jewish status from its mother, irrespective of the status of the father. The Mishnah provides no reason for this change, but according to rabbinic law, from the 2nd century CE onwards, this has been the rule.

[2] In his recent book, *The Beginnings of Jewishness*, Shaye J.D. Cohen rightly says:

[3] "*This is surprising within the context of ancient culture especially Jewish culture, where the important parent was always the father*".⁴ With only a few exceptions rabbinical family law is patrilineal, the status of kinship succession is determined through the father. "*The family of the father is considered family, the family of the mother is not considered family*".⁵

[4] So why did the Rabbis use the matrilineal principle for the offspring of mixed marriages?

The Matrilineal Principle

[5] The central rabbinic text concerning a matrilineal principle can be found in m.*Kiddushin* 3:12 and reads as follows:

- A. *Wherever there is potential for a valid marriage and the sexual union is not sinful, the offspring follows the male. And what is this? This is the daughter of a priest, Levite, or Israelite who was married to a priest, Levite or Israelite.*
- B. *Wherever there is potential for a valid marriage but the sexual union is sinful, the offspring follows the parent of the lower status. And what is this? This is a widow with a high priest, a divorcee or a related woman with a regular priest, a mamzeret⁶ or a natinah⁷ with an Israelite, an Israelite woman with a mamzer or a natin.*
- C. *And any woman who does not have the potential for a valid marriage with this man but has potential for valid marriage with other men, the offspring is a mamzer. And what is this? This is he who has intercourse with any of the relations prohibited by the Torah*
- D. *And any woman who does not have the potential for a valid marriage either with this man or with other men, the offspring is like her. And what is this? This is the offspring of a slave woman or a Gentile woman.*⁸

[6] These passages exemplify the four possibilities in determining status: A: the offspring follows the father, D: the mother, B: either parent, or C: neither parent. However, these passages only account for one half of the matrilineal principle, they do not account for the status of the offspring of a Jewish mother and a Gentile father. B.*Kiddushin* 73a says that Israelite women of good pedigree are not prohibited from men who are unfit. Similarly there are a few texts from the Second Temple period that deal with the status of such offspring. The most obvious one occurs in *Acts*:⁹ "*And he (Paul) came also to Derbe and to Lystra. A disciple was there named Timothy, the son of a Jewish woman who was a believer; but his father was a Greek. He was*

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well spoken of by the brethren at Lystra and Iconium. Paul wanted Timothy to accompany him; and he took him and he circumcised him because of the Jews that were in those places, for they all knew that his father was a Greek."

[7] Although there has been a considerable debate over Timothy's 'Jewishness,' it is accepted by most scholars that he was not previously considered Jewish but Greek like his father.¹⁰

[8] The status of such offspring is, however, accounted for elsewhere in the *Mishnah*. m.*Yevamot* 7:5 states that the offspring of a Jewish mother and a Gentile father is a *mamzer*: "*If the daughter of an Israelite was married to a priest, or if the daughter of a priest was married to an Israelite, and she bore him a daughter and if that daughter went and was married to a slave or to a gentile and bore him a son he is a mamzer.*"¹¹

[9] Most commentators assume that it is because the woman cannot enter into a valid marriage then her children are rendered fatherless; but there is also another explanation suggested by R. Simeon in the *Tosefta Kiddushin* 4:16, which paraphrases Simeon the Temanite in m.*Yevamot* 4:13: that a *mamzer* can only issue from a forbidden union that entails "extirpation" (*karet*):

Who is a mamzer?

(The offspring of a union with) any of one's own flesh that is included in the (scriptural) prohibition of intercourse.

(These are) the words of R. Akiva.

Simeon the Temanite says,

(The offspring of a union with) any of those on account of whom they are liable to extirpation at the hands of heaven.

And the law is according to his words.

R. Joshua says,

(The offspring of a union with) any of those on account of whom they are liable to death (at the hands of) a court.

[10] However, the anonymous authority in the opening statement of the *Tosefta* declares that a *mamzer* issues from any prohibited union, not only an incestuous one: *A gentile or a slave who had intercourse with an Israelite woman and she gave birth to a child -- the offspring is a mamzer.*¹² As Cohen¹³ points out, if this is correct then the *Mishnah* does not consistently follow a single matrilineal principle.

[11] Both versions of the matrilineal principle are contained, however, in a Babylonian discussion of m.*Kiddushin* 3:12. In order to prove that the offspring of a Gentile mother takes her status the two Rabbis quote a statement of R. Yohanan in the name of R. Simeon b. Yohai: "*Learn from this (the exegesis of R. Simeon) that your daughter's son who is fathered by a gentile is also called your son.*" If this is correct then R. Simeon first connected the two halves of the matrilineal principle, circa middle 2nd century CE.

[12] Nevertheless, there continued to be great debate about the status of children born of a Jewish mother and non-Jewish father, some of the *amoraim* followed the *Mishnah* ruling, while others regarded the offspring of such unions as Jewish but blemished. Others followed R. Simeon and declared the offspring to be *kasher* (fit) and legitimate.¹⁴ However, despite the controversies, Cohen says that "*within rabbinic society the matrilineal principle commanded universal respect.*"¹⁵

[13] The same problem occurs when dealing with the offspring of converts. The idea of converting to Judaism was introduced in the Hasmonean period but it was initially an option open only to men who converted through ritual circumcision. A woman joined the community by marrying a Jewish man but gradually, through the ritual of immersion, conversion for women was introduced. As Cohen says this should signify that: "*the gentile woman who converted was now a person whose Jewishness could be determined without reference to her Jewish husband. If she converts to Judasim, the children she bears are Jewish, if she does not they are gentiles, despite the Jewishness of her husband.*"¹⁶

[14] This can be proven inasmuch as some converts suffer legal disability because of their non-Jewish lineage, however this disability disappears if "*their mother is of Israel.*"¹⁷ So, should we conclude that if their father is a gentile or a convert they are legally not Jewish but if their mother is they are because she is classed as being Jewish? The whole question of rabbinic and later interpretation of this text to be found in m.*Bikkurim* 1:4-5 and

the various arguments are discussed at length by Cohen.¹⁸ This text does seem to be explicitly confirming a matrilineal principle but even so does not fully answer the question posed: how can a convert have a Jewish mother? If they have a Jewish mother then surely by this argument they do not need to convert? Cohen concludes that the offspring referred to must be a second-generation offspring, who would have had a mother who had converted to Judaism after they were born. Therefore, she would be considered Jewish, but not her children, only those children born after conversion would be free of any legal disability, having a Jewish mother. Clearly motherhood was sufficiently powerful to remove the stigma of conversion and the barriers that it entailed to being considered Jewish.¹⁹ However, none of these texts give any clue to the *reason* for the change from the patrilineal to matrilineal system.

[15] Cohen favours the idea that Roman law influenced the matrilineal principle. He points out that the language of m.*Kiddushin* 3:12 echoes Roman legal terminology, and that if rabbinic law has an external source then this is the only real possibility. The child is the legal heir of the father only if the father and mother are joined in a legal marriage (*iustum matrimonium*). The capacity to contract a legal marriage (*conubium*) was possessed almost exclusively by Roman citizens. Marriage between a person with *conubium* and one without was valid but it was not an *iustum matrimonium* and without that the child followed the status of the mother. At sometime during the 1st century BCE the *Lex Minicia* was passed, which declared that a child of such a union follows the person of the lower status. Philo also wrestled with this problem. He defined a Jew as someone born to two Jewish parents, and assumed that the mother of a Jew was also free. To summarize Niehoff's findings, Philo constructed Jewish descent so as to meet Roman requirements and assert the upper class Jewish status of people like himself.

[16] However, further questions are raised by the notion that the Rabbis adopted Roman law. Did they actually study Roman law and if so why would they allow themselves to do so when hatred of Rome must have been fairly widespread? However, after 212 CE the Rabbis were Roman citizens like everyone else so this would be a reason in favour of 'Romanising' rabbinic law.

[17] Clearly it seems that at some point after the destruction of the Temple (70 CE), women were considered to play an important role in determining the Jewish status of a child born from a mixed marriage. The subsequent debates deal with, to my mind, the mechanisms involved in progressing the idea of a matrilineal principle and how it would work legally, and to this end Roman law could well have provided some solutions. As we have seen, there was no universal consent to the matrilineal principle and there were many anomalies to be resolved; in fact, the debates have continued for centuries, so once again we are left with the question posed by Cohen: "*What, if anything, compelled them (the Rabbis) to depart from biblical tradition and from the practices of the Second Temple period?*"

[18] Cohen has attempted to identify the reason for this sudden change, in the aftermath of the destruction of the Temple in Jerusalem in 70 CE, from patrilineality to matrilineality. However, many scholars believe that the shift was evolutionary and for which there are biblical precedents, as well as evidence in Josephus to support the argument.²⁰ Nevertheless, Cohen's evidence is substantive. He analyses seven possible reasons for this change, i.) the evidence from the Hebrew Bible²¹, ii) Ezra's laws, iii) the uncertainty of paternity, iv) the intimacy of motherhood, v) primitive matriarchy, vi) Roman law and vii) the forbidden mixed marriage. He concludes that no one of these hypotheses is determinative; but some are more plausible than others. The theory that has most often been accepted as correct is that Ezra introduced a matrilineal principle. However, as Cohen points out, there is no evidence that Ezra attempted this and even if he did there is abundant evidence to show that it was still unknown in the 1st century CE²².

[19] Cohen focuses upon the merits of two explanations in particular: the influence of Roman law and the forbidden mixed marriage, which is judged matrilineally.²³ This is a feature of Jewish custom commented on by Tacitus: "*They abstain from intercourse with foreign women (alienarum concubitu abstinent).*"²⁴

[20] While Cohen's arguments are positive, they only explain how the Rabbis might have come to a matrilineal principle but not why, and he has to conclude: "*Why then, did the Rabbis break with previous practice? I do not know.*"

Hesed ²⁵: A Reason for Change?

[21] There is one fairly notable change during the period in question, not commented on by Cohen, which may provide a rationale for the Rabbi's desire to evolve a matrilineal principle. Numerous Jewish scholars have argued that rabbinic law was determined in part by social and economic needs, and Cohen acknowledges this but only within the context of women being allowed to convert to Judaism²⁶. As Efraim E. Urbach says, "*the extent to which the Ordinances by the sages were liable to changes are due to social and political circumstances and is particularly manifest in their dicta concerning charity.*"²⁷

[22] It is with regard to charity that I believe women began to play an important role within Jewish society. The

doctrine of alms and charity began in the mishnaic period. After the destruction of the Temple, and with hope fading that it would be reinstated, the Rabbis had to look for a means of salvation for the Jewish nation, other than the daily sacrifice, so prayer took the place of sacrificial worship. There are several tractates from Jewish scholars from early times among which the following informs us that: *"By three things is the world sustained; by the Law, by the Temple (service) and by deeds of hesed"*²⁸

[23] This is regarded by many to be a brilliant summary of the essence of Jewish religion and demonstrates the new importance that was given to *hesed*. With the loss of the Temple, acts of *hesed* had an atoning function²⁹, with a promise of inheritance in the next world for all those performing acts of kindness³⁰.

[24] It was not just the individual who could be redeemed by acts of *hesed*: *"Israel will be redeemed only by merit of hesed as it is written, Zion shall be redeemed with justice and they that return of her with righteousness."*³¹

[25] Gordon R. Clark has demonstrated the uniqueness and complexity of the word *hesed* and its semantic field within the Hebrew Bible.³² Suffice it to say that his findings clearly indicate that *hesed* is an attribute of God, which He expects His people to emulate and which is the focus of every human interaction. It appears to be an attribute of God that is solely intended for His chosen people. While everyone can experience God's *tzedakah* (righteousness) only Jews can experience His *hesed*:

[26] *"God expects His people to emulate this quality that He frequently demonstrates towards His people even if this is only a pale reflection of it."*³³

[27] Charity is a development of almsgiving, which is borne out of *hesed*, but because charitable acts can and should be conducted to everyone, the Rabbis chose the term *tsedakah* (righteousness) to accommodate this. Almsgiving is instigated by God who reveals His *hesed* to the benefactor who in turn extends *rahamym* (mercy) towards the person in need. Almsgiving was a spontaneous act, always the individual free gift was of money, and the donor was under no obligation. Charity, however, was to be given either collectively or individually, the gift could be money, clothing, food, or accommodation, and, unlike almsgiving, the donor had an obligation to do so if asked.

[28] God requires almsgiving, according to Rabbi Eleazar, only in proportion to the amount of *hesed* in it and alms given in this spirit are more than all the sacrifices. However, deeds of *hesed* are more pleasing to God than almsgiving.³⁴ There is a story concerning Yohanan Ben Zakkai who was conversing with a disciple who was lamenting the loss of the Temple, the place where atonement was made for the sins of Israel. He said: *"My son, do not be grieved. We have one atonement that is equal to it. 'What is that?'- Deeds of loving kindness, as it is said, 'I desire hesed not sacrifice'."*³⁵

[29] The high estimation that was put on acts of *hesed* can be illustrated by many quotations, but the best example can be found in *Sifre*, where it sums up the whole of human's side of religion. On the words, *"If they were wise they would consider this"*³⁶ the commentary reads: *"If Israel would consider the words of the law that was given to them, no nation or kingdom would have dominion over them. And what does it say to them? Take upon (yourselves) the yoke of the kingdom of heaven and try to excel one another in fear of heaven and conduct yourselves to one another with hesed"*³⁷

[30] The first two clauses comprehend that part of religion that has to do with human's relationship to God. The second clause carries this into practice. Finally the *Midrash* condenses into one clause that states what religion requires of human beings in their relationship to one another. This part of *Sifre* is from the school of R. Akiva who found in *Lev.19: 18* (*"Thou shalt love thy neighbour as thyself"*), the most comprehensive principle of Jewish Law. This principle was applied to the property, reputation, and feelings of others. In Paul, however, this application is primarily negative: *"Love worketh no ill to his neighbour, therefore love is fulfilling of the Law."*³⁸

[31] The *Sifre* goes beyond the safeguarding of other's rights when it makes *gemilut hasadim* (to be a benefactor of kind deeds), in all the wealth of meaning that was put into the phrase, the principle of all human intercourse. It requires an active charity, and makes the measure of the duty not the rights but the needs of others. A case can be made for the importance of *hesed* as one of the three major pillars of Judaism and it is with regard to this that women play an important role, so much so, I believe, that it was necessary to review the status of their offspring.

Women and Hesed

[32] The Talmud constantly compares men and women. Usually the male takes supremacy over the female but there is one region where it appears that the Rabbis believe that the woman surpasses the man and that is in the realms of *hesed*. Women, we are told, are consistently more merciful and quicker to extend acts of charity and *hesed*.³⁹ The sages state that women are naturally compassionate.⁴⁰ It is not clear whether the sages mean all

women or only Jewish women, but it is possible that, as it is not specified, it is common to all women. The mercifulness of a woman is an integral part of her being and results in greater charity.⁴¹ The Rabbis refer to Solomon's paean to the 'woman of valour,' which focuses on the merits of her *hesed*.⁴² Clearly this is a quality possessed by woman that was always praised. There is a story concerning Rabbi Abba Hilkiya, the tannaitic sage who was asked why his wife's prayer for rain was answered before his prayer. He replied that when a man performs an act of *hesed* it is usually with money whereas a woman gives food, since she is usually approached in her home: "*Giving a hungry person a coin is not equal to giving the person food to eat.*"⁴³

[33] There is another story concerning Mar Ukba, a third century CE Talmudic sage said to be very charitable and sensitive to the needs of the poor. He and his wife ran into a furnace from which a fire had just been swept to avoid being discovered by recipients of their charity. The embers burned Mar Ukba's feet. His wife told him, "*Stand on my feet and be protected*", so he did, and the embers did not burn her feet. The Rabbis determined that her level of *hesed* was greater than his, and in her merit he was protected.⁴⁴

[34] The sages teach that women extend more *hesed* to others; they are more hospitable, more considerate of the stranger and more empathetic to the needs of others.⁴⁵ Women initiate and participate in communal charitable endeavours more than men. The Talmud tells of women conducting campaigns for the support of people confined to the Cities of Refuge⁴⁶ and of the noble women of Jerusalem who personally proffered medicines to the dying in order to ease their suffering.⁴⁷ We are also told about the worthy women of Jerusalem who were responsible for the maintenance of those women whose sons were raised to assist the High Priest and could not incur any ritual impurity by daily work.⁴⁸ There is a general agreement amongst scholars over the substantial role that women played within the community involving acts of *hesed*: "*An area where women could have been functionary is in the realms of Charity.*"⁴⁹

[35] Whether or not women held offices within the community has been long debated. Bernadette Brooten⁵⁰ has attempted to show that women held important offices in the synagogue, although she did not provide conclusive proof of this. However Ross Shepard Kraemer's⁵¹ fresh analysis of an inscription from Malta, recording a woman *presbytera*, seems to provide some compelling evidence in favour of Brooten's theory. A very interesting passage in the Talmud⁵² may go some way to resolving some aspect of this debate. There is a discussion between two Rabbis over the issue of wearing a signet ring in public. The rabbi answering the question gives as his example a woman who is a *gizbar* (charity overseer), literally a treasurer, who would need the ring not as an ornament but to impress her seal of orders for charity disbursements. The translator's note says it is unusual to find a woman holding this office. However, from the way in which the Rabbis discuss this case it would appear that they did not find this at all unusual. This is supported by another passage, which shows the important role that these functionaries were to play, for we are told that charity overseers are allowed to marry into the priesthood without any check on their ancestry.⁵³ This is indeed a significant break from previous practices, for Josephus tells us that in the 1st century CE, in order to marry into the priesthood, the paternal lineage of the bride was checked.⁵⁴ This could indicate that women (because it is women whom are referred to) held important offices within the realms of communal charitable works, and these offices were so highly regarded that the usual formalities concerning eligibility to marry into the priesthood were waived.

[36] Why were these offices so highly regarded? It seems that the answer must lie with the salvationist aspect inherent in *hesed*.

[37] This may also coincide with the fact that at some time in the late 1st-early 2nd century CE women could convert to Judaism in their own right. Prior to this, as already mentioned, the only way a woman 'converted' and was considered a Jew was by marriage. Indeed there were many women who became enamoured of Judaism and followed the Law, but were they considered Jewish? Or were they regarded as 'God-fearers' or sympathisers?⁵⁵ Indeed, why should it be important for women to be converted? If a gentile woman wished to marry a Jewish man then surely she would become Jewish. If a gentile woman wished to follow the Law or customs but did not marry a Jewish man, then why should the Rabbis have considered that her conversion was necessary or even welcome? What could a woman have that would be an asset to the future of Judaism? The one attribute that they appear to have is their natural inclination towards *hesed*, which gives then a special closeness to God, for she has the greater capacity to experience God's *hesed*.

[38] By a ceremony of immersion,⁵⁶ women were now entering into a covenant with God in a similar way to the male covenant of circumcision. Therefore, if *hesed* were a strong trait of women in general, surely it would be important that a female convert would require such a covenant with God to establish her spiritual identity? This is not unusual, for God had entered into a covenant with women in patriarchal times.⁵⁷ The most interesting occasion for the purpose of this article is His intervention on behalf of Abraham's wife, Sarah. God rejected Ishmael as Abraham's heir and supported Sarah when she cast out Hagar and her child and He told Abraham: "*Whatever Sarah says to you, hear her voice, for in Isaac shall your seed be called.*"⁵⁸

[39] It could be said that God was promoting a matrilineal principle because it was Sarah's son not Abraham's son that God wanted to inherit; it was the mother who was the important figure here. In fact this idea of having

the right mother can be further attested to when Isaac sends Jacob to Haran to take a wife from his mother's family (thus ensuring that he will take the right wife).⁵⁹ The contradiction that occurs within the narratives is how to affirm the importance of having the correct mother while ignoring the implications of such an affirmation for tracing descent. These biblical heroes, Sarah, Rebecca, Rachel, and Leah, believed that their most important task was to raise and nurture the next generation of the House of Israel; their role as mothers was therefore a substantive one. According to the *Midrash* it was Rachel's *hesed* that caused God to redeem the Israelites from Egyptian bondage.

[40] The significant role played by *hesed* can also be seen in the story of Ruth, a Moabite princess. She was urged by her mother in law, Naomi, to approach Boaz to redeem her in a levirate marriage. Because of her great *hesed* Boaz says to her "*Blessed of God my daughter that you have made your latest act of hesed greater than the first,*"⁶⁰ and subsequently takes her for his wife. The lineage connected to Ruth is significant for she will become the great grandmother of King David, from whom, according to tradition, the Messiah will issue. Some sages believe that her actions are greater than Abraham's.⁶¹

[41] In summary, the evidence suggests that *hesed* was an important factor in the continuation of Judaism after the destruction of the Temple. The evidence also indicates that the Rabbis believed women were naturally endowed with this quality, so much so that they fulfil one of the requirements that God asks of His people. At this time we see that women are allowed to convert to Judaism in their own right. Does this imply that once a Gentile woman enters into a covenant with God her natural inclination for *hesed* is now spiritually confirmed? Is this the quality she brings to ensure the salvation of the Jewish people? If so, it is logical then that women had to be given more consideration in the role they played as progenitors. Not only, as the Rabbis said, because it is: "*the women who send their children to school, watch over them to study the Torah, encourage them with kind words and watch them when they slacken their efforts in Torah, and teach them to fear sin while they are still young. Thus it is the righteous women who are responsible for the continuation of Torah and reverence of God.*"⁶² But also because they teach them other qualities, they allow their children to experience *hesed*, which is a direct experience of the greatest quality of God, which as already has been noted is something that He wishes His people to emulate above all else, and so because of this "*Greater is the reward promised to women than to men...*"⁶³

[42] The legal and national ramifications of a matrilineal principle became a major issue for debate and dissenting opinion. It is also not clear exactly when the principle was adopted, except to say that it occurred some time after the fall of the Second Temple. Perhaps, as time went by and the prospect of re-instating the Temple became less hopeful, the way to salvation perceived in *hesed* gradually took on a greater prominence. It could be argued that women supplied the **spiritual** or **religious** identity of a child.

[43] The lack of concrete evidence may not be too surprising. If *hesed* was universal to women it was something that would apply to matters concerning everyday life, crossing all boundaries, whether rich or poor. It would not necessarily raise the profile of women in the public arena and therefore not affect the *status quo* of the male dominated synagogue environment. The more wealthy women in the community, or Rabbis' wives, may have played a significant role in charitable works and donations for which they honoured by inscriptions, as evidenced by Broeten.

[44] It is significant to note that a funerary inscription from the catacombs of Beth She'arim (2nd-mid 4th centuries CE) records that Rabbi Hillel bore the surname Ation of the maternal side of his family.⁶⁴ Talmudic literature also testifies to this practice for example, Rabbi Mari bar Rachel⁶⁵ and Abba Shaul bar Miriam.⁶⁶ Therefore, *hesed* is a factor that deserves consideration and may supply a rationale for the sudden change to a matrilineal principle. The possibility is hinted at in the Dead Sea Scrolls, where discussing the duties a child has to its parents even when one is poor: "*Honour your father in your poverty and your mother in your ways.*"⁶⁷

[45] Perhaps the ways spoken of refer to *hesed*, which, as I have attempted to show, was the greatest benefit that a woman could bestow on her children. It brought them closer to God and allowed them to experience His *hesed* and as a consequence provided the continued salvation for the people of Israel.

Endnotes

¹ However, it should be noted that the Reform movement has attempted to change that discrimination against males.

² Maren. R. Niehoff, "Jewish Identity and Jewish Mothers: Who was a Jew according to Philo?" *Studia Philonica Annual* 11 (1999): 31-54.

³ m.*Kiddushin* 3:12

⁴ Shaye J.D Cohen, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Berkeley,

California: University of California Press, 1999): 283. See also his edited volume, *The Jewish Family in Antiquity*. Brown Judaic Studies, no. 289 (Atlanta, GA: Scholars Press, 1993).

[5](#) b.*Bava Batra* 109b

[6](#) A *mamzer*, *mamzeret* (f) is someone who because of the circumstances of their birth may not marry a native born Jew.

[7](#) *Natin*, *natinah* (f) is a Temple slave.

[8](#) m.*Kiddushin* 3:12

[9](#) *Acts* 16:1-3

[10](#) For a discussion of the various views held see Cohen, *The Beginnings of Jewishness*, 364 ff.

[11](#) m.*Yevamot* 7:5

[12](#) t.*Kiddushin* 4:16

[13](#) Cohen, *The Beginnings of Jewishness*, 278

[14](#) *Ibid.*, 280 features a full discussion of this aspect.

[15](#) *Ibid.*, 282.

[16](#) *Ibid.*, 306.

[17](#) m.*Bikkurim* 1:4-5

[18](#) *Ibid.*, Chapter 10.

[19](#) *Ibid.*

[20](#) See Lawrence H. Schiffman, *Who was a Jew? Rabbinic and Halakhic Perspectives on the Jewish Christian Schism*. Hoboken NJ: Ktav, 1985.

[21](#) *Deut.* 7:34

[22](#) *Ibid.*, 268ff.

[23](#) Based on *Deut.* 7:3-4, *Deut.* 22:9-11, *Lev.* 19:19

[24](#) Tacitus. *Histories* 5:5

[25](#) Grace, kindness, love, charity according to Marcus Jastrow, *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature* (New York: Judaica Press, 1992), 486.

[26](#) *Ibid.*, 307.

[27](#) Efraim Elimelech Urbach. *The Sages: Their Concepts and Beliefs*, trans. Israel Abraham (Jerusalem: Magness Press, 1975), 348.

[28](#) Words of Simon the Righteous. m. *Avot* 1:2

[29](#) b.*Bava Batra* 9a

[30](#) m.*Pe'ah* 1:1

[31](#) Maimonides *Yad* 10:1

[32](#) Gordon R. Clark, *The word Heseq in the Hebrew Bible*, JSOT Supplement Series no. 157 (Sheffield: JSOT Press, 1993).

[33](#) *Ibid.*, 267.

[34](#) *Hosea* 10:12. this is also to be found in *Hosea* 6:6

[35](#) *Avot d'Rabbi Nathan* 4:5 based on *Hosea* 6:6.

[36](#) *Deut.* 32:39

[37](#) *Sifre Kiddushin Perek* 4

[38](#) *Romans* 13:10

[39](#) *Rashi 2Kings* 22:14

[40](#) *b.Megillah* 14b

[41](#) *b.Ta'anit* 23a

[42](#) *Proverbs* 31:20

[43](#) *b.Ta'anit* 23b

[44](#) *b.Ketubbot* 67b

[45](#) *b.Berakhot* 10b

[46](#) *m.Makkot* 2:6

[47](#) *b.Sanhedrin* 43a

[48](#) *b.Ketubbot* 106a

[49](#) Samuel Krauss, *Synagogale Altertumer* (Berlin: B. Harz, 1922), 166.

[50](#) Bernadette J. Brotten, *Women Leaders in the Ancient Synagogue: Inscriptional Evidence and Background Issues*, *Brown Judaic Studies* no 36 (Atlanta: GA: Scholars Press, 1982).

[51](#) Ross Shepard Kraemer, "New Inscription from Malta and the Question of Women Leaders in Diaspora Jewish Communities," *Harvard Theological Review* (1985): 78.

[52](#) *b.Shekalim* 62a

[53](#) *b.Kiddushin* 76a

[54](#) *CA.1:33*

[55](#) Josephus tells us quite a lot about such women as Helena of Adiabene (*AJ* 20:17-53) and Fulvia (*AJ* 18:81-4) amongst others. Indeed, these were instances where Roman women converted *not* for marriage but out of love for Judaism. [Editor's note]

[56](#) *b.Yevamot* 47a-b

[57](#) See also the stories concerning Rebecca and Rachel.

[58](#) *Gen.21:12*

[59](#) *Gen.* 28:4

[60](#) *Ruth* 3:10.

[61](#) See *Igret Shmuel*.

[62](#) *Reshit Hokhmah*, (*Rabbi Schlomo Gardfield 1804-1886*) *Lublin 1888, Perek Derech Eretz*

[63](#) *b.Berakhot* 17a

[64](#) Nahman Avigad, *Beth She'arim*. Report on Excavations 1953-58, Vol. II, Catacombs 12-23. (Jerusalem, 1976). See also his "The Necropolis of Beth She'arim," *Archaeological Discoveries in the Holy Land* (1967): 175-186.

[65](#) b.*Shabbat* 154a.

[66](#) b.*Ketubbot*.7a

[67](#) 4Q416 Frag.2 Col 3 15-16

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